

MCO P1900.16

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(MARCORSEPMAN)



U.S. MARINE CORPS

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HEADQUARTERS UNITED STATES MARINE CORPS
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From: Commandant of the Marine Corps
To: Distribution List

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

Encl: (1) LOCATOR SHEET

1. Purpose. To update regulations and policies on separations and retirements.
2. Cancellation. MCO P1900.16C.
3. Summary of Revision. This revision contains a substantial number of changes and should be completely reviewed, particularly chapters 1, 6, and 8. Also, the index has been revised and expanded. Most of the changes in chapter 1 concern the general criteria for separation, especially paragraphs 1004 and 1006. Chapter 6 has many minor changes that clarify procedures for separations. Paragraphs 6107, 6205, 6207, 6208, 6209, 6211, 6405, 6406, 6411, 6418, and 6421 have significant new information. The major change in chapter 8 is to Section 1, Disability Evaluation System (DES). Throughout this Manual arrows in the left margin indicate new additions or revisions of previous material.
4. Recommendation. Changes to this Manual are invited and should be submitted to the CMC (MMSR) via the appropriate chain of command for evaluation.
5. Reserve Applicability. This Manual is applicable to the Marine Corps Reserve.
6. Certification. Reviewed and approved this date.


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ENCLOSURE (1)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Received	Date Entered	Signature of Person Entering Change

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

INTRODUCTION

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

0002. STATUS

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

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

0003. SCOPE

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

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

0004. RESPONSIBILITY

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

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

0005. ORGANIZATION

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

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

Example.

Chapter 6

Paragraph

Subparagraph 3a(2)

6012.3a(2)

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

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

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0006. CHANGES

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

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

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

1. Correspondence and messages;

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

2. Directives;

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

3. Personnel records and forms only;

MARCORSEPMAN, par. 6012.3a(2)

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

1001. GENERAL

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

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

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

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

1002. DEFINITIONS

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

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

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

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

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

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

1003. TYPES OF SEPARATIONS. There are seven types of separations which are listed below. The first five are administrative and may be awarded in accordance with the provisions of this Manual. The last two are punitive and may only be awarded as a result of an approved sentence of the appropriate level court-martial. Note that in certain cases, service upon separation may not be characterized.

<u>Types of Separation</u>	<u>Character of Separation</u>	<u>Given by</u>
Honorable discharge	Honorable	Administrative action
◆ General discharge	Under honorable conditions (General)	Administrative Action

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

1004. CHARACTERIZATION OF SERVICE

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

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

2. General Considerations for Characterizing Service

- a. The importance of proper characterization:

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

(2) Most Marines serve honorably and well and therefore earn honorable discharges. In fairness to those Marines, commanders and separation authorities should ensure that undeserving Marines receive no higher characterization than is due.

- b. Guidelines for determining characterization:

(1) Standards of performance and conduct as determined by the Performance Evaluation System (MCO P1610.7) form the primary basis for determining the character of service. Acceptable conduct and performance of duty markings during an enlistment is 4.0 and above conduct and 3.0 and above proficiency. Failure of a Marine to achieve these standards is evidence of significant negative aspects that outweigh all but the most meritorious aspects of a military record. Marines who do not achieve these standards should not receive an honorable discharge. Other methods of evaluation include; the UCMJ; regulations, including but not limited to the Marine Corps Manual and MCO P1070.12 (IRAM); and time-honored customs and traditions of the Marine Corps and naval service.

- (2) The reason for separation.

(3) The type of behavior which is the basis for discharge. Generally, characterization will be based on a pattern of behavior rather than an isolated

characterization will be based on a pattern of behavior rather than an isolated incident, although a single instance of misconduct or poor performance may be the basis for characterization.

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

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

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

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

3. Types of Characterization

a. Honorable. An honorable characterization is appropriate when the quality of the member's service has met the standards of accepted conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate. Marines with an in service conduct mark of 4.0 or higher and an in service proficiency mark of 3.0 or higher must receive an honorable discharge.

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

c. Under Other Than Honorable Conditions

(1) This characterization may be issued when the reason for separation is based upon behavior or omission that constitutes a significant departure from the conduct expected of a Marine. (Examples of factors that may be considered include, but are not limited to, the use of force or violence to produce serious bodily injury or death, abuse of special positions of trust, disregard of customary superior-subordinate relationships, acts or omissions that endanger the security of the Marine Corps, deliberate acts or omissions that seriously endanger the health and safety of others, and drug abuse.)

(2) This characterization is authorized only if the member has been afforded the opportunity to request an administrative board, except in cases of separation in lieu of trial by courts-martial. (See paragraphs 4106 and 6419.)

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

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

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

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

c. When the sole basis for separation is a special or general court-martial conviction that did not impose a punitive discharge, the member's service may not be characterized under other than honorable conditions unless approved by the Secretary of the Navy. If any of the charges for which the accused was found guilty involved drug abuse, a character of service higher than under other than honorable conditions can be approved only by the CMC under the guidelines in subparagraph 1004.4g. When a record of NJP or other court-martial conviction is admitted into evidence in findings or sentencing of a court-martial, it shall be considered part of that trial proceeding for purposes of this provision.

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

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

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

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

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

g. In cases of drug abuse, a character of service higher than under other than honorable conditions can only be approved by the CMC, except when awarded by an administrative separation board. An administrative separation board is allowed to characterize service for drug abuse as either under other than honorable conditions, under honorable conditions (general), or honorable. No separation authority may lower the board's recommended characterization of service, therefore;

(1) If a board recommends an under other than honorable characterization, the separation authority may agree and take final action or recommend a higher characterization of service to the CMC (MMSR-3) for final approval.

(2) If the board recommends a general characterization of service the separation authority may agree and take final action or recommend an honorable characterization to the CMC (MMSR-3) for final action.

(3) If the board recommends an honorable characterization of service, the separation authority should take final action.

(4) Regardless of the board's recommended characterization of service, if the separation authority recommends retention, the case must be forwarded to the CMC (MMSR-3) for final action.

5. Uncharacterized Separations

◆ a. Uncharacterized

(1) A separation initiated while a member is in entry level status will be described as uncharacterized, except in the following circumstances:

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

(b) When separation in lieu of court-martial is authorized and when characterization under other than honorable conditions is warranted by the circumstances of the case; or

(c) When characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of military duty, and is approved on a case-by-case basis by the Secretary of the Navy. Honorable characterization will be considered when the member is separated, by reason of selected changes in service obligation, convenience of the Government, disability, or secretarial plenary authority.

(2) With respect to administrative matters outside this Manual that require a characterization as honorable or under honorable conditions (general), an uncharacterized shall be treated as the required characterization.

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

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

◆ b. Void Enlistments or Induction. A member whose enlistment or induction is void shall not receive a discharge certificate. Characterization of service shall be uncharacterized. The separation shall be described as an order of release from custody or control of the service concerned. When a constructive enlistment arises, characterization is required in paragraph 6107.5b(3).

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

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

(b) If the person is under 17 years of age.

(c) If the person is a deserter from another military service.

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

(2) Although an enlistment may be void at its inception, a constructive enlistment arises in the case of a person serving with the Marine Corps who:

(a) Submitted voluntarily to military authority;

(b) Met the mental competency and minimum age qualifications in paragraph 6107.5b(1) at the time of voluntary submission to military authority;

(c) Received military pay or allowances; and

(d) Performed military duties.

(3) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service, or description of separation shall be per paragraph 6107.2 or 6107.5, as appropriate. If the enlistment was void by reason of desertion from another service, the member shall be separated by an order of release from the custody and control of the Marine Corps, regardless of any subsequent constructive enlistment, unless the Secretary of the Navy determines that retention is appropriate.

(4) The occurrence of such a constructive enlistment does not preclude the CMC, in an appropriate case, from either retaining or separating the Marine on any basis for separation provided in this chapter.

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

1. Commanders are authorized to discharge enlisted Marines upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction. Refer to paragraph 1007.7c for additional guidance regarding the date of separation should this date fall on a Saturday, Sunday, or holiday.

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

3. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted Marines who have not completed the military service obligation prescribed in 10 U.S.C., Section 651, will not be discharged upon expiration of enlistment. They will be transferred to the IRR. Marines separated prior to their expiration of enlistment will be transferred to the IRR subject to the guidance in paragraphs 6311.3 and 6401.5.

1006. TIME AND PLACE OF SEPARATION

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

a. When the unit is located outside the CONUS. See paragraph 1006.7 as it pertains to discharging Marines in Hawaii and Alaska.

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

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

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

2. Marines will be separated in CONUS unless other provisions in this Manual allow separation outside CONUS. Commanding officers of units overseas must transfer

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

a. Criteria for Early Separation Upon Return to CONUS

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

(2) Marine consents in writing as outlined in paragraph 1006.2e

(3) Marine is not indebted to the Government.

(4) Marine does not intend to reenlist.

(5) Marines transferring to the Fleet Marine Corps Reserve are not eligible for early separation under the provisions of this program.

(6) The provisions of this paragraph will not apply for special early release programs promulgated by Headquarters Marine Corps.

b. Military Service Obligation. Separation should be consistent with the military service obligations of the Marine. In this connection, enlisted Marines whose total obligated service as defined in MCO P1001R.1, MCRAMM, paragraph 3000.1, will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Marines desiring to reenlist immediately will not be separated under this authority.

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

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

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

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

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

"I consent to be (discharged) (released) on (date) in lieu of my normal or established date of discharge or release on (date). My enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of my arrival in CONUS. I am not indebted to the U.S. Government. I do not intend to reenlist. I am not transferring to the Fleet Marine Corps Reserve. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

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

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

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

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

h. Good Conduct Medal. Marines consenting to early discharge or release to inactive duty per this paragraph shall be granted a waiver not to exceed the actual number of days that the early release is effected, provided they are otherwise eligible for this award.

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

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

MCCDC QUANTICO VA	012	MATSG 90 MFS	G79
HQ FMFLANT NORVA	111	MCAS NEW RIVER NC	024
CAMP H. M. SMITH HI	1CD	MCAS YUMA AZ	027
MCB CAMPEN CA	014	MCAS KANEOHE BAY HI	091
MCB CAMLEJ NC	013	MCAS BEAUFORT SC	026
MCLB ALBANY GA	063	MCFC KSC	047
MCLB BARSTOW CA	019	HQ 1ST MCD GCTY	902
MCRD PISC	016	HQ 4TH MCD PHILA	904
MCRD SDIEGO	017	HQ 6TH MCD ATLA	908
MCAS CHERPT	022	HQ 8TH MCD NRLNS	910
MCAGCC TWENTYNINE PALMS CA	015	HQ 9TH MCD SHAWNEE MISSION KS	912
MCAS EL TORO CA	023	HQ 12TH MCD SAN FRAN	914

The commanding officer of the old duty station shall:

- a. Counsel the member on the Survivor Benefit Program (SBP) per MCO P1741.11.
- b. Ensure that the OQR/SRB/HR/DR accompany the member to the separation activity.
- c. Submit to the separation activity 30 days prior to separation biographical information on the member suitable for reading at the retirement ceremony.

4. Exceptions. All Marines, not covered in paragraph 1006.2b, stationed outside the continental United States who become eligible for separation and desire to separate at a Marine Corps activity not listed in paragraph 1006.3, will request from the CMC (MMOA for officers and MMEA for enlisted) orders for separation at that activity.

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

b. Required Paragraph in Orders. Orders authorizing Marines to proceed to a station not listed in paragraph 1006.3 for separation processing will include the following paragraph:

"At your request you are authorized to report to (name and location of activity) instead of (the separation activity in the United States to which ordered) for temporary duty in connection with separation processing, with the understanding that you are not entitled to reimbursement for mileage or expenses in excess of that allowed for travel to (activity to which directed to report in the United States) and hence to your home of record, place from which ordered to active duty, or home of selection, as applicable. Travel time in excess of that authorized for the direct travel will be charged as leave. If you do not desire to bear this expense, this authorization is revoked and you will report as directed in your basic orders. JFTR, paragraphs U5125 or U5130, as applicable, and MCO P4650.37 apply."

5. Marines returning from overseas assignments who desire to retire/transfer to the FMCR will do so within 60 days of returning to CONUS or will be required to serve a minimum of 1-year at a new duty station. Marines pending mandatory retirement are not required to serve 1-year at a new duty station. These 60 days are designed to allow Marines to take terminal leave after completion of all out-processing at a separations center. Marines will not be assigned temporary additional duty (TAD) at the separation center awaiting out-processing. For example: Marines who have no accrued leave or are selling back leave will check into a separations center as close to, but not less than 10 working days prior to their retirement/transfer to the FMCR date. Marines desiring to take terminal leave will check into a separations center as close to, but not less than 10 working days, plus the number of days for leave (not to exceed a total of 60 days) prior to the retirement/transfer to the FMCR date.

6. Separation Outside CONUS

a. Marines serving overseas whose permanent residence is outside the continental United States may request separation at the Marine Corps activity nearest their home rather than returning to the United States. A Marine stationed in Hawaii or Alaska, who is eligible for an honorable discharge, may request separation at that duty station. Regardless of the characterization of service, separate Marines who are residents of, and serving in, Hawaii or Alaska at their duty station. Commanding officers must ensure the Marine is properly counseled about travel allowances and shipment of personal property/household goods to which the Marine is entitled and the time limitations on exercising those entitlements.

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

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

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

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

1007. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect upon delivery of a valid discharge or separation document, except as indicated in paragraph 1002.5. For members of the Regular Marine Corps who are transferred to the Marine Corps Reserve and are concurrently released from active duty, separation is effected upon delivery of the separation document. Members of the Marine Corps Reserve who are separated under other than honorable, bad conduct, or dishonorable conditions should receive a locally reproduced copy of the letter in figure 1-4.

2. In cases where discharge has been authorized or directed and the Marine is unavailable due to confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective on the date shown on the discharge certificate. If the Marine is unavailable due to unauthorized absence, a discharge in absentia will not be effected without the approval of the CMC (MMSR).

3. Title 38, U.S. Code, Section 106(c) provides that, for the purpose of entitlement benefits administered by the Veterans Administration, a Marine discharged or released from a period of active duty shall be deemed to have continued on active duty during that period of time immediately following the date of such discharge or release from such duty determined in accordance with regulations to be required to proceed to home by the most direct route, and in any event, until midnight of the date of such discharge or release. If a discharged member is injured while returning home and requires hospitalization, the Marine may be eligible for benefits from the Veterans Administration and should be advised to file an appropriate claim to that agency.

4. If discharge is being effected as a result of immediate entry or re-entry into any component of the Armed Forces, the discharge certificate will be dated as of the day immediately preceding such entry or re-entry.

5. When the date of discharge is not indicated, an approved administrative discharge will be effected at the earliest practicable date and normally not later than 5 working days from the time of receipt of the discharge order by the command concerned. Independent units which do not have an organic disbursing office will effect an approved administrative discharge not later than 20 working days from the time of receipt of the discharge order.

6. The release 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.

7. Discharge certificates or other separation documents and final pay or a substantial portion of final pay 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 reenlistment contracts or extension of enlistment on or before the date their current enlistment contract expires. Also, the reenlistment contract or extension must be effective on the day after the date of discharge or expiration of enlistment. Delivery of the discharge certificate must be accomplished on a date before the date of discharge.

c. Consistent with the Marine's military obligation (military obligation is terminated upon discharge), commanders are authorized to effect discharge (Regular or Reserve), or to order release from active duty (Regular or Reserve) on the last working day preceding a Saturday, Sunday, or holiday when the normal separation date, or separation date established by higher authority falls on one of those days, providing the Marine concerned consents in writing. Marines desiring to reenlist immediately will not be discharged early under this subparagraph. The following statement of consent will be entered on page 11 of the service record book and signed by the Marine concerned:

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

The following instructions are applicable to Marines discharged or released early under authority contained in this paragraph:

(1) Marines shall be considered eligible for the Good Conduct Award in all instances where eligibility would have been established through normal expiration of obligated active service.

(2) Recoupment of reenlistment bonus will not be made.

(3) If recalled, Marines will be considered in the same status as those who have completed their enlistments or periods of extended active duty.

1008. RETENTION BEYOND DATE DUE FOR SEPARATION

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

a. Hospitalized, Undergoing Medical Treatment, or Not Physically Qualified for Release. A Marine on active duty who is hospitalized, undergoing medical treatment, or who is found not physically qualified for release will, with written consent, be retained on active duty until disposition of the case is made by medical authorities except in the case of an officer subject to mandatory separation. In such cases, only the Secretary of the Navy, acting within specific limited guidelines may authorize deferral of a mandatory separation for medical reasons.

b. Disciplinary Status

(1) Those personnel to whom jurisdiction has attached by commencement of action with a view to trial, as by apprehension, arrest, confinement, or filing of charges, prior to release from active duty, may be retained on active duty. Once jurisdiction has so attached, it continues for purposes of trial, sentence, and punishment.

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

(3) Personnel retained beyond EAS due to serving a sentence or awaiting appellate review of a court-martial may be discharged under the provision of, and upon compliance with, section 0157 of JAG Manual and/or SECNAV instructions in the 5815 series. Confinees who have completed the appellate review process and have had the opportunity to submit one clemency request to the Naval Clemency and Parole Board may be discharged while in confinement. Discharged Marines will be provided their discharge certificate and DD Form 214 at the time of their release from confinement at expiration of their sentence, or upon their parole or transfer to a Federal institution.

2. Do not retain Marines beyond their separation date in the following instances:

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

b. Administrative Discharge. Personnel undergoing administrative discharge processing will not be retained on active duty past their normal release date.

c. Indebtedness to the Government. Indebtedness to the Government will not be a bar to release from active duty.

d. Marines awaiting disposition of criminal proceedings by a foreign jurisdiction are afforded statutory and regulatory protections and benefits attendant to their status as members of the Armed Forces. The policy of the Marine Corps is to ensure both that the member is afforded the fullest possible protection and that the Marine Corps meets its international obligations. In implementing this policy, the following procedures will be applied in all cases where foreign criminal jurisdiction is being, or may be, exercised over a member of the naval service by action such as apprehension, arrest, investigation, or a filing of charges that may result in trial

and where the foreign criminal proceedings are not likely to be completed prior to the date of the member's release from service because of the expiration of the Marine's term of service.

(1) At least 1 month before EAS, Marines will be offered the opportunity to extend their enlistment voluntarily for the duration of legal proceedings and any subsequent punishment. Inform Marines of the protections and benefits they will receive as members of the Marine Corps during the foreign criminal proceedings. For example: counsel may be provided at Marine Corps' expense, court costs (but not fines) paid, and an interpreter made available; in most countries, the member will remain in the U.S., vice foreign custody at least during the trial proceedings. Also, inform Marines that they will remain subject to the UCMJ, and may be subject to processing for administrative discharge. In some situations advice of Article 27b, UCMJ, counsel will be provided when exposure to military criminal charges is possible. Additionally, the member will be advised that an election not to extend voluntarily their enlistment shall result in the following:

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

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

(c) Assuming custody is accepted by foreign authorities, the member will be discharged from the naval service as soon as practicable, terminating any special considerations that the member would be entitled to if they were still a member of the Armed Forces. After such transfer of custody, the member's commanding officer will, at EAS, discharge the member and so notify Navy JAG, the CMC (MMSR) and the U.S. Embassy or Consul.

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

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

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

1009. TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of Marines upon separation from the service or release from active duty are contained in the Joint Federal Travel Regulations (JFTR) and MCO P4650.37.

2. When discharged or released from active duty, the Marine will be furnished the necessary forms and instructions to enable the Marine to file timely claims for personal and/or dependent's travel, as applicable, upon completion of the travel. The member will be:

a. Furnished a DD Form 1351-2 Travel Voucher or Subvoucher,

b. Furnished a self-addressed return envelope and told where to submit the claim after completion of travel,

c. Informed of the time limitations for completion of travel as provided in JFTR, paragraph U5125-D,

d. Furnished a DD Form 1351-4; Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance, if entitled to dependents transportation,

e. Issued a certificate, in triplicate, described in figure 1-1, if the Marine is discharged without orders and is entitled to dependents transportation. This certificate may be issued by the commanding officer up to a maximum of 45 days in advance of the effective date of the Marine's discharge/release from active duty and must be viewed by the disbursing officer to ensure that the entries are correct. If the Marine elects to take leave while awaiting separation, the certificate may be issued 45 days, plus the number of days leave authorized, in advance of the effective date of separation,

f. If entitled to select their home and receive travel allowances to it from the last duty station per JFTR, paragraphs U5130 and U5230 require that the member be;

(1) Informed of the time limitations covering completion of travel,

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

(3) Furnished an information and instruction sheet similar to the illustration in this part but modified, as necessary, to cover travel to a home of selection,

g. If returned from an overseas permanent duty station for separation in the CONUS at an activity elected under paragraph 1006.3; informed of entitlement to travel allowances as specified in JFTR, paragraph U5130-A3.

1010. ACCRUED LEAVE

1. Leave in conjunction with separation may be authorized under the provisions of of MCO P1050.3. The provisions which apply to the granting of annual leave apply equally to leave in conjunction with separation. Consequently, the commander authorized to grant leave is not bound to grant leave to a Marine who is separating, retiring, or transferring to the Fleet Marine Corps Reserve.

2. The following policies will apply in granting/requesting leave in conjunction with separation:

a. Leave will continue to be granted by the commander authorized to grant leave.

b. No replacement will be provided for a Marine in a separation leave status until otherwise normally due.

c. Up to 90 days leave may be authorized if an individual is at a CONUS command, and up to 60 days leave may be authorized if the individual is at an overseas command.

d. If leave is in conjunction with a request for resignation, retirement, or transfer to the FMCR, the appropriate separation request must be submitted at least 120 days, plus the amount of leave to be taken, prior to the effective date of separation.

e. Leave should not be approved in excess of the number of days which the member can accrue prior to ECC. Leave taken in excess of that which can be earned is excess leave and results in nonentitlement to pay and allowances. For officers anticipating separation leave in conjunction with resignation, the CMC (MMOA and MMSR) must be informed of the date and duration of the desired leave at least 30 days in advance of the date leave is to be effective. This will ensure that the officer is in receipt of orders for transfer to CONUS prior to leave, for the purpose of arranging

transportation of household effects. The officer will subsequently be transferred by service record to the CONUS command responsible for separation to receive original orders and to execute NAVMC 763 for those officers obligated or desiring to accept a Reserve commission.

f. Separation leave for a Marine who has accepted employment with the Federal Government or the District of Columbia is subject to the above criteria, command concurrence, and approval of the CMC (MMSR). Any such requests must include proof of acceptance of employment.

g. Marines returning from overseas may be authorized leave in conjunction with discharge/release from active duty upon return to CONUS. In these cases, the commanding officer at the separation location may authorize leave, not to exceed 60 days, upon completion of all check-out processing. Marines desiring to take terminal leave, will check into a separations center as close to, but not less than, 10 working days plus the number of days for leave (not to exceed 60 days) prior to the discharge/release from active duty date. Marines who have no accrued leave or are selling back leave, will check into a separations center as close to, but not less than 10 working days prior to their discharge/release from active duty date. Marines will not be assigned temporary additional duty (TAD) while awaiting out-processing at a separations center.

3. Marines who desire cash settlement for accrued leave may find information concerning entitlements to lump-sum payment in the Department of Defense Military Pay and Allowances Entitlements Manual (DODPM), part 4, section A.

1011. PHYSICAL EXAMINATION, TREATMENT, AND PROCEEDINGS

1. A complete examination shall be given to all Marines prior to retirement, discharge, transfer to the Fleet Marine Corps Reserve, or release from active duty. Examinations, in the cases of Marines being discharged or retired upon the approved report of a medical board or a physical evaluation board are not required per the Manual of the Medical Department.

2. Discharge or release from active duty normally will not be effected when any of the following actions are being taken or contemplated (for further instructions see chapter 8 of this Manual):

a. Physical Evaluation Board Processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the CMC has promulgated such action;

b. Medical board hearing; or

c. Necessary medical or dental treatment.

3. An enlisted Marine on active duty whose term of enlistment expires while suffering from disease or injury incident to service and not due to own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with the Marine's consent, until recovered to the extent that the Marine is able to meet the physical requirements for reenlistment or until it is determined that recovery to that extent is impossible. (See paragraph 8001 of this Manual.)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 1: ADMINISTRATIVE MATTERS RELATIVE TO SEPARATION

1101. ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

1. General. This section covers a variety of administrative procedures and requirements relative to separating Marines. Due to volume, instructions on the DD Form 214 are covered separately in section 2.

2. Separating Documents

a. DD Form 214. Upon release from active duty all Marines, except those whose enlistments or appointments are terminated under paragraph 1202.3, will be issued a Certificate of Release or Discharge from Active Duty (DD Form 214 (MC)) prepared per the instructions contained in section 2 of this chapter.

b. Reserved for Future Use

c. Discharge Certificates (DD 256 MC, DD 257 MC, and DD 794 MC)

(1) Custody

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

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

(2) Preparation

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

(b) The character of discharge will be under paragraph 1004.

(c) Regular and Reserve Marines separated under honorable conditions will receive the appropriate discharge certificate. Regular Marines separated under other than honorable, bad conduct, and dishonorable conditions will not be issued a discharge certificate. Reserve Marines separated under other than honorable, bad conduct, or dishonorable conditions will be issued a letter in the format of figure 1-4. Place a copy of the letter on the document side of the service record prior to forwarding per MCO P1070.12, IRAM.

(3) Front Entries

(a) Name. Grade, full name in capital letters (beginning with the first name), followed by the social security number. In the case of reservists, no additional statement will be placed on the discharge certificate. Additionally, the requirement for listing the middle name is waived for the Director, Marine Corps Reserve Support Center, though a middle initial, if applicable, must be included. Discharge forms appropriate to the status under which the Marine is discharged will be issued to all Marines without designation of component.

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

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

(4) Delivery

(a) Honorable and general discharge certificates will always be delivered in person by an officer and the delivery should be made by the commanding officer, if practicable. If not, delivery should be accompanied by an expression of good wishes.

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

1 The commanding officer will mail the discharge certificate to the person concerned using first class mail with a return address on the envelope as follows:

Commandant of the Marine Corps (MMRB-20)
Headquarters, U.S. Marine Corps
Quantico, VA 22134-0001

2 Marine at Home Awaiting Results of a Physical Evaluation Board.
Commanders will mail the discharge certificate to the Marine concerned using first class mail. Returned undelivered certificates will be forwarded to the CMC (MMRB-20).

(c) The discharge certificate will not be delivered to the Marine until a Security Termination Statement (OPNAV 5511-14) is completed, if such statement is required.

(5) Replacement of Lost or Destroyed Discharge Certificate, Enlisted or Officer

(a) Upon request, replacement discharge certificates for former enlisted Marines will be issued by CMC (MMRB-10), except as provided in paragraph 1101.2c(2)(c).

(b) Upon request, replacement discharge certificates for former officers will be issued by CMC (MMSR-3).

d. In addition to the discharge certificate and DD Form 214, Marines being discharged honorably or under honorable conditions who are not reenlisting, will be presented the following items at the time of separation:

(1) Honorable Discharge Button (may only be worn with civilian attire).

(a) Members of the Marine Corps Reserve who have served on continuous active duty for 30 days or more should be presented one of these buttons upon discharge provided the character of service is at least under honorable conditions and the Marine is not reenlisting.

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

(2) Benefits Pamphlet. Each Marine separated honorably will be given a copy of DD Pamphlet "Once a Marine" (NAVMC 2537).

3. National Service Life Insurance and Insurance under the Insurance Act of 1951

a. In case a Marine held National Service Life Insurance, the Marine should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 29-1546.

b. Each Marine carrying National Service Life Insurance should receive explicit notice that the Marine may pay premiums direct to the Veterans Administration, District Office, P.O. Box 7787, Philadelphia, Pennsylvania 19101, if the Marine wishes to continue this insurance.

c. Each Marine covered by the Insurance Act of 1951 should be carefully counseled regarding the postservice insurance available. The time limitation on applying for this insurance should be emphasized.

4. Counseling/Advice Prior to Separation. Prior to separation each Marine will be counseled on administrative matters pertinent to separation. Figure 1-3 contains a listing of these matters which may be used as a guide for preseparation counseling.

a. Career Advisory Interviews

(1) Prior to discharge each Marine will be interviewed by the career planning personnel, who will, if the Marine is considered desirable for reenlistment, point out the benefits of continued service in the Marine Corps. If the Marine has definitely decided not to reenlist, interest should be aroused in the Marine Corps Reserve by pointing out the benefits to be derived.

(2) Marines should also be instructed to apply to the nearest recruiting station, should they desire to reenlist at some subsequent date. Recruiting personnel have all the necessary information and can answer questions in much less time than if inquiry is made directly to the CMC. Recruiting personnel may refer individual cases to the CMC (MRRE) per MCO 1130.58, when necessary.

b. Address of Director, Marine Corps Reserve Support Center. Each Marine discharged and not reenlisted in the Regular Marine Corps will be informed that the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211-1408 may be consulted on questions relative to Marine Corps Reserve service. In this regard, attention is directed to MCO 1001.39.

c. Marines Not Recommended or Not Eligible for Reenlistment

(1) Marines who are not recommended or recommended but not eligible for reenlistment per MCO P1040.31, Career Planning and Development Guide, will be so informed by their commanding officer. Record the following entry on page 11 of the Marine's service record book when any RE-3 or RE-4 reenlistment code is assigned.

"(Grade and Name of Marine) has been interviewed by the undersigned and is (not recommended or recommended but not eligible) for reenlistment because (state reason) and has been assigned a reenlistment code of (RE-4 or RE-3). The Marine has been informed by me of this action.

(Signature of Marine)

(Date)

(Signature of Commanding Officer)"

NOTE: Also use this entry when the CMC assigns a reenlistment code of RE-1B. The specific reason for assigning RE-1B will be provided in the assignment notification.

d. Warning to Marines not Eligible for Reenlistment

(1) Every Marine discharged who is not eligible for reenlistment will be informed that:

(a) Fraudulent enlistment in any branch of the service will undoubtedly be detected; and

(b) If concealment of Marine's previous service and discharge results in the Marine's reenlistment, the Marine will be subject to disciplinary action.

e. VA Dental Treatment Eligibility. Public Law 97-35, the Omnibus Budget Reconciliation Act of 1982, limits the eligibility for outpatient dental treatment of service members being discharged or released from active duty to that provided by the Veterans Administration. The law further requires that a written explanation of the new eligibility criteria to be provided to service members discharged or released from active duty. The following provisions apply:

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

(2) Application for VA dental treatment must be made within 90 days of discharge or release from active duty.

(3) The veteran will not be eligible for dental treatment if the Certificate of Release or Discharge From Active Duty (DD Form 214) contains a statement that the veteran was provided a complete dental examination and all appropriate dental services and treatment within 90 days prior to discharge or release from active duty.

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

"I (Marine's Name), have been counseled concerning the VA dental treatment eligibility requirements. I understand that application for VA dental outpatient treatment must be made within 90 days of discharge/separation from active duty. I further understand that if a complete dental examination and all appropriate dental services and treatment were completed within 90 days of discharge/separation from active duty, I will not be eligible for VA dental outpatient treatment.

Marine's Signature Date"

(5) The statement pertaining to member's dental examination and treatment within 90 days prior to discharge or release from active duty will be made in item 18 (Remarks Section) of the DD Form 214 as prescribed in section 2 of this chapter.

f. BCNR/NDRB Advisory. Explain in writing (see figure 1-2) the purpose and authority of the Naval Discharge Review Board (NDRB) and the Board for Correction of Naval Records (BCNR) to all Marines during separation processing, except when the separation is due to an immediate reenlistment. Include an explanation that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the Naval Discharge Review Board. These requirements are a command responsibility and not a procedural requirement. Failure on the part of a member to receive and to understand the explanation required by this paragraph does not create a bar for separation or characterization.

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

h. Selective Service Registration. All separating male Marines (officer and enlisted) born in 1960 or later, who are 18 years or older, are required to register with the Selective Service upon separation from active duty, notwithstanding intentions to join Reserve or National Guard units or by service in the IRR. Registration will be completed with the Selective Service System Separatees Registration Status Form (SSS 1 (MC) (SRS) stock number 0110-LF-100-0020). For Marines who have previously registered, use this form to update any information on previous Selective Service forms. Advise separating male Marines that registration does not mean that they will be automatically drafted if there was a future mobilization. A Marine who has served 12 months or more on active duty could be drafted only after a congressional declaration of war or national emergency. A Marine with less than 12 months active duty would be eligible for the draft dependent upon the circumstances if discharged and the regulations and induction standards in effect at the time a draft was ordered. Failure to register may be a violation of the Military Selective Service Act which provides a penalty of imprisonment for not more than 5 years and/or a fine of not more than \$10,000.

i. New G.I. Bill - Active Duty. Marines who entered active duty after 30 June 1985 and enrolled in the New G.I. Bill while in the service may be eligible for benefits. For additional information see figure 1-1. Marines should write to the following address for further information:

VA Regional Office
P.O. Box 66830
St. Louis, MO 63166-6830

j. Permanent Mailing Address

(1) Advise each Marine that failure to provide a valid permanent mailing address (PMA) upon separation will result in IRS Form W-2's and safekeeping bonds being returned to the MCFC as undeliverable. A valid PMA is:

(a) the permanent address of the Marine after separation or

(b) an address where mail can be delivered to, picked up by, or forwarded to the Marine.

(2) Instruct Marines to inform the Marine Corps Finance Center (SS2-R), Kansas City, MO 64197-0001, of any address changes within 1 year of their separation date.

5. Government Property, Uniforms, and Clothing

a. Recover prior to discharge all Government property in possession of Marines or on charge to them. In the case of shortage, commanders will take appropriate action to determine responsibility per current instructions.

b. Uniforms and Clothing

(1) The instructions relating to uniform clothing of Marines being discharged are contained in MCO P10120.28, Individual Clothing Regulations. Particular emphasis shall be placed on those individuals who are being separated and still have obligated service (IRR personnel). These individuals must be counseled as to their responsibility to maintain their uniforms so long as they have a Ready Reserve agreement in effect.

(2) Individual uniform clothing, less worn underclothing, gloves, and footwear, will be recovered from individuals discharged from the Marine Corps for reasons of unsatisfactory performance, homosexuality, misconduct, good of the service, security, or sentence of courts-martial. Clothing to be recovered includes all uniform coats, raincoats, overcoats, liners, trousers, utility uniforms, caps and covers in the Marine's possession, together with all grade and service insignia, service stripes and uniform buttons. In addition to the preceding, the following items will be recovered from women Marines: Duffel bag, rain cap, cover, hood for raincoat, necktie, and scarfs.

(3) Civilian clothing, supplemented by certain articles of uniform clothing, may be issued, when necessary, when the reason for separation requires recovery of clothing. Funding and allowances are contained in MCO P10120.28.

c. Wearing of Uniform After Discharge. Marines whose character of discharge is honorable or under honorable conditions, except when discharge is for unsatisfactory performance, homosexuality, misconduct, good of the service, or security may retain and wear their uniforms from the place of discharge to their homes, within 3 months after the date of such discharge. The phrase "from the place of discharge to their homes, within 3 months after the date of such discharge," refers to the period between the date of discharge and the date of the persons' arrival at their homes and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. If such personnel served during war, they shall, when not on active service, be entitled upon occasion of ceremony, to wear the uniform of the highest grade held by them during their war service.

6. Pay Accounts

a. The disbursing officer maintaining the Marine's account will be provided with a properly executed NAVMC Form 11060, Separation/Enlistment Voucher, at least 10 working days prior to the date of separation from active duty. (See MCO P7220.31.)

b. All separating Marines must report to the disbursing officer not less than 5 working days prior to separation with a completed Separation Travel Allowances Election Certificate. At that time the Marine will receive an explanation of travel and travel allowance entitlements, receive claim submission instructions, and be provided the required forms for claim submission (MCO P4650.37 refers).

c. An enlisted Marine who is discharged for any reason with a dishonorable or bad conduct discharge, or a discharge under other than honorable conditions and who would be otherwise without funds to meet immediate needs, upon discharge shall be paid a sum not to exceed \$25 or such portion thereof as, together with other funds available to the Marine concerned, will total \$25. For detailed instructions regarding this cash allowance see DoD Military Pay and Allowances Entitlements Manual (DODPM).

7. Closing Out the Service Record Book (SRB)

a. Close out and forward the SRB and health record of each person separated per the instructions in MCO P1070.12, IRAM.

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

1102. AUTOMATION. Reserved for future use.

1103. NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE. Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The commanding officer shall forward immediately to the CMC (JA) a report of such a case so that the required certification may be prepared and transmitted to the Immigration and Naturalization Service upon the Marine's discharge. This report will include the fact of discharge and the date. The report will also include whatever information is shown on the Marine's service records with respect to naturalization. The Immigration and Naturalization Service, Department of Justice, is responsible for the institution of proceedings for the revocation of citizenship in any such case.

1104. SEPARATION OF ALIENS

1. Commanders are authorized to discharge an alien upon completion of obligated active service or active Reserve service, upon the written request of the Marine concerned, provided the Marine indicates that immediately subsequent to discharge the member will establish permanent residence in their native country or country other than the United States.

2. Aliens who have fulfilled their active duty obligation and who signify their intent to establish a permanent residency outside the United States may be retained in an obligatory status at their request.

3. When Marines who are not citizens of the United States are to be separated within the United States or its territories or possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notified of such pending separation and the prospective date. Submit such notification in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the Marine is to be separated.

4. Title 8 U.S. Code, Section 1439 provides for expeditious naturalization of a permanent resident alien upon completion of 3 full years' service in the Armed Forces of the United States provided the alien:

- a. Has been lawfully admitted to the United States for permanent residence.
- b. Was separated from the military service under honorable conditions.
- c. Files a petition while still in the military service or within 6 months after the termination of such service, and
- d. Can comply in all other respects with the provisions of 8 U.S.C., Section 1439, except that:

(1) No period of residence or specified period of physical presence in the United States or in the State in which the petition for naturalization is filed is required, and

(2) Residence within the jurisdiction of the court is not required.

5. In order to not jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged solely for the convenience of the Government under the provisions of any early release program until completion of 3-years service. Further, the above provisions will be explained to any alien who applies for discharge for hardship prior to completion of 3 years of service. The prescribed 3-year period may be satisfied by a combination of active duty and inactive duty in a Reserve status. Notwithstanding the foregoing an alien desiring discharge for the above reason; i.e., hardship or for the convenience of the Government under the provisions of an early release program, must include the following statement in the request for discharge.

"I understand that my requesting discharge prior to completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under Title 8 U.S. Code, Section 1439. However, understanding the above, I request early discharge."

6. The above policy should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military records. Adequate provisions are contained in this Manual for the separation of Marines whose performance of duty or conduct does not justify their continued retention in the service.

1105. DISCHARGE ADJUDGED BY SENTENCE OF COURTS-MARTIAL

1. The words "discharge" or "discharges" as used in this paragraph refer to punitive (dishonorable and bad conduct) discharges adjudged by sentence of courts-martial.
2. It has been and continues to be the Navy Department's policy that convening and reviewing authorities should approve discharges only in those cases where a Marine's records and conduct show conclusively that they are not fit for retention, and where retention is clearly not in the Government's interest.
3. The appropriateness of a punitive discharge as the sentence, or as part of the sentence, of a court-martial is discussed in the MCM 1984, RCM 1003 (b)(10).
4. Personnel retained beyond EAS due to serving a sentence or awaiting appellate review of a court-martial may be discharged under the provision of, and upon compliance with, section 0157 of JAG Manual and/or SECNAV instructions in the 5815 series. Confinees who have completed the appellate review process and have had the opportunity to submit one clemency request to the Naval Clemency and Parole Board may be discharged while in confinement. Discharged Marines will be provided their DD Form 214 at the time of their release from confinement, expiration of their sentence, or upon their parole or transfer to a Federal institution.
5. Except when the discharge has been suspended and not vacated, the transfer of Marines sentenced to discharge who are serving outside the continental limits of the United States will be governed by the following instructions:

a. When an enlisted Marine sentenced to discharge is serving outside the continental limits of the United States, whether it is ashore or onboard 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 per current directives. Marines who are permanent residents of Alaska or Hawaii and serving in their respective state should not be returned to CONUS.

b. Unless appellate leave has been granted and the action required by MCO P1050.3 completed, a Marine sentenced to a punitive discharge will not be transferred to the continental limits of the United States until review has been completed by the officer exercising general court-martial jurisdiction, the promulgating order issued, and service record entries made reflecting the action by the officer exercising general court-martial jurisdiction.

c. Transfer Marines to the continental limits of the United States after appropriate entries have been made in the service record book to show the action taken by the convening authority when, pursuant to the Manual of the Judge Advocate General of the Navy, the record of trial is submitted directly to the Office of the Judge Advocate General of the Navy without review by an officer exercising general court-martial jurisdiction.

d. When transfer to the United States is directed, forward a report to the Judge Advocate General of the Navy per the MCM, 1984, with a copy to the CMC (JA). Indicate the type of court-martial, sentence as approved at the time of transfer, the name of the activity to which the Marine is transferred, and the estimated day of reporting to the new activity. Upon the Marine's arrival at the new activity, the commander of that activity will immediately advise by message or NAVGRAM the Judge Advocate General of the Navy with a copy to the CMC (JA). When a different activity or disciplinary command is redesignated as the place of temporary custody or confinement, this 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 per instructions of the Secretary of the Navy or the CMC.

6. When an enlisted person serving at a station within the continental limits of the United States has been sentenced to discharge, and the discharge has not been suspended for a stated number of months to permit the Marine to continue in the service after satisfactorily serving during a probationary period, the Marine will be retained at the place of trial or transferred to another activity or a disciplinary command, per regulations governing designation of places of confinement. When a Marine is transferred to another station or to a disciplinary command, forward a report of the transfer to the Judge Advocate General of the Navy, with copy to the CMC (JA). (See MCM, 1984.)

7. When an enlisted Marine serving within the United States attached to a vessel or organization destined for a transfer to foreign duty has been sentenced to discharge and the discharge has not been suspended for a stated number of months to permit the Marine to continue in serving satisfactorily during a probationary period, the Marine shall be transferred to a disciplinary command if the established criteria for transfer to such a command is met; otherwise, transfer the Marine to the Marine Corps activity nearest to the port of departure prior to sailing. In such cases, report the transfer as set forth in paragraph 1104.6.

8. Where the execution of a portion of a sentence which adjudged a discharge is suspended subject to a probationary period, the suspension may be vacated pursuant to the procedures in MCM, 1984. Commanders must give careful consideration to reports of offenses committed by Marines serving in such status, and to undertake proceedings for the vacation of suspension of the sentence only where it is established by the record that such action is appropriate and in the best interest of the Marine Corps.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

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

1201. GENERAL

1. The DD Form 214WS (WORKSHEET) is a single sheet standard form to aid the separating activity's preparation of the DD Form 214. Use of the worksheet is not mandatory; if used, it may be destroyed after completion of the DD Form 214 or retained for not more than 6 months at the discretion of the separating activity. It is recommended, however, that the worksheet be used to implement followup procedures on any incomplete DD Form 214 issued by the separating activity as required in paragraph 1202.4i.

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

a. The Marine Corps and other divisions/departments within the Department of Defense (DoD) with a source of information relating to a Marine or former Marine, for administrative purposes and determining eligibility for enlistment/reenlistment or for appointment/reappointment.

b. The recipients with a brief, clear-cut record of their term of active duty with the Marine Corps at the time of transfer, release or discharge, and changes in status or component while remaining on active duty.

c. Appropriate governmental agencies with an authoritative source of information which is required in the administration of Federal and State laws applying to Marines who have been discharged, otherwise released, or transferred to a Reserve component of the Marine Corps.

3. The DD Form 215 is a multicopy standard form intended for:

a. Use by the separating activity to furnish information to the separating Marine on items which were not available at the time the DD Form 214 was prepared and delivered. Please note that the separating activity is responsible for furnishing the separated Marine with a DD Form 215 on items of the DD Form 214 which were not completed at the time of separation. Such action is to be accomplished without a request being initiated by the separated Marine. (See paragraph 1203.2.)

b. Use by the CMC; Director, Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas; and Marine Corps Liaison Officer, General Services Administration (GSA), National Personnel Records Center (NPRC), St. Louis, Missouri to correct a completed DD Form 214 after the Marine has received the DD Form 214 and departed from the separation point and/or the copies of the form have been distributed. (See paragraph 1203.)

1202. MARINE CORPS POLICY AND GUIDANCE ON THE ISSUE, PREPARATION, AND DISTRIBUTION OF DD FORM 214 SERIES

1. The Marine Corps activity which effects separation of the Marine will ensure that every Marine, excluding those listed in paragraph 1202.3, being separated from a period of active duty is given a completed DD Form 214 describing relevant data regarding their service and the circumstances of termination.

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

a. Release from Active Service. Except as provided in paragraph 1202.3, a DD Form 214 will be furnished to each Marine at the time of separation from a period of

active duty. 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.

Personnel being separated for physical disability, those serving on an initial or subsequent period of active duty under the Reserve Incremental Initial Active Duty for Training (IADT) Program and those serving in the Reserve Full-Time Support (FTS) Program will be furnished a DD Form 214 regardless of the length of time actually served on active duty. (See paragraph 1202.5, item 18e.)

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

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

(2) Termination of enlisted status to accept a permanent appointment to warrant or commissioned officer grade.

(3) Termination of Reserve component status to integrate into a Regular component of the Armed Forces.

(4) Termination of temporary appointment to accept a permanent warrant or commissioned status in the Marine Corps or Marine Corps Reserve.

(5) Termination of an officer appointment in the Marine Corps to accept appointment in one of the other Armed Forces.

d. The DD Form 214, once issued, will not be reissued except:

(1) When directed by appropriate appellate authority, executive order, or by direction of the Secretary of the Navy.

(2) When it has been determined by the CMC that the original DD Form 214 cannot be properly corrected by issuance of a DD Form 215 or if the correction would require issuance of more than two DD Forms 215.

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

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

3. DD Form 214 will not be furnished to:

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

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

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

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

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

f. Marines who have temporary officer status terminated and remain on active duty (these Marines will receive a DD Form 214 upon separation from enlisted status for the purpose of transferring to the FMCR effective on the same date of reversion).

g. Personnel being removed from the TDRL.

4. General Instructions

a. The original of the DD Form 214 showing separation from a period of active service, including release from a status that is legally determined to be void, will be physically delivered to the Marine prior to departure from the separation activity on the effective date of separation or on the date authorized travel time commences. Copy 4 of the DD Form 214 containing the statutory or regulatory authority, re-entry code, SPD code, and narrative reason for separation also will be physically delivered to the Marine prior to departure, if the member so requested by initialing block 30. As an exception to the above, when emergency conditions preclude physical delivery or when the Marine departs well in advance of normal departure time (e.g., leave in conjunction with retirement; or at home awaiting separation for disability), the original and copy 4 of the DD Form 214 will be mailed to the Marine on the effective date of separation or transfer. The commander must ensure that the remainder of the DD Form 214, copies 2, 3, and 5 through 8, are distributed the day following the effective date of separation; and, each copy is forwarded to the appropriate unit/organization as prescribed in paragraph 1202.6. Failure on the part of separating activities to make prompt and correct distribution of each copy of the DD Form 214 creates the following types of problems: it generates queries from separation employment services and lending institutions; it impedes the servicing of eligible and deserving former Marines who seek employment, financial assistance, or various veterans benefits authorized by State and Federal laws; and it prevents accomplishment of other required Marine Corps tasks in a timely and responsible manner. In this respect, the Veterans Administration (VA) has requested that the veteran be advised that to preclude delays and possible financial hardship in applying for and receiving veteran's benefits, particularly education benefits, copy number 4 of the DD Form 214 is required and should be submitted with the application for such benefits. The decision to release this information rests with the veteran; however, providing this information will expedite the VA processes of verification and eligibility determination, and approval of benefits. Other actions required include, but are not limited to: removal of officers from lineal records; ensuring that Marines who are released from active duty, discharged, or have resigned are not considered for promotion; and, retirement of the official military personnel files (OMPF) to the NPRC.

b. Modification of completion instructions in two particular cases are as follows:

(1) In the case of a Marine who has appeared before a Physical Evaluation Board (PEB) and has been placed in "awaiting orders status" pending final action by the Secretary of the Navy on retention, retirement, or discharge for physical disability, take the following action:

(a) The activity responsible for administering the Marine's record will complete items 1 through 11, 13 through 16, 18 through 21, and item 30, if applicable, per the instructions in paragraph 1202.5, prior to the departure of the Marine from the activity.

(b) When retirement or discharge is directed by the CMC, the remaining items will be completed and the forms distributed. The original and copy 4, if applicable, shall be mailed to the Marine to arrive on the effective date of separation.

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

(2) In the case of Marines who are transferred to a VA hospital for further treatment pending final action on the report of a PEB, take the following action:

(a) The activity administering the Marine's records will complete items 1 through 11, 13 through 16, 18 through 21, and item 30, if applicable, prior to

transfer from the naval hospital in which the Marine is hospitalized and will forward the form to the Marine Corps activity responsible for maintenance of service records while the Marine is a patient at the VA hospital.

(b) When retirement or discharge is directed by the CMC, the remaining items will be completed and the forms distributed. The original and copy 4, if applicable, shall be mailed to the Marine to arrive on the effective date of separation.

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

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

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

f. The form contains spaces for all items deemed appropriate; therefore, no additional entries will be made unless specifically authorized by the CMC (MPI-56).

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

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

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

(2) The Marine to whom the DD Form 214 is issued will be cautioned not to make any changes or alterations to the form; to do so will render the form void. If an error is discovered by the Marine after receipt of the form and after departure from the separation activity, or distribution of copies of the form have been made, correction or change will be made by the CMC on a DD Form 215. Requests for corrections to the form will be addressed to the Commandant of the Marine Corps (MMRB-10), Headquarters, U.S. Marine Corps, Quantico, VA 22134-0001, and should include the Marine's full name, grade and pay grade, social security number (SSN), and effective date of separation. By specific instructions of the CMC, the Director, MCRSC has been granted permission to issue the DD Form 215 when certain errors are detected on the DD Form 214 contained in service records forwarded to the MCRSC for retention. Requests from the Marine for correction to the form will be addressed only to the CMC even though the service record is being retained by the MCRSC.

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

i. Special Followup Procedures. DoD instructions require that each item of the DD Form 214 be completed prior to delivery to the Marine. In cases where an item(s) cannot be completed at the time of delivery, the separating activity must establish

followup procedures to obtain the missing data and issue a DD Form 215 to the Marine at the earliest possible date. The importance of establishing these procedures can not be overstressed. DoD policy requires the Marine Corps separating activity to issue a DD Form 215 to complete an item(s) not available at time of separation without any request being generated by the separated Marine.

j. Forms Control. See paragraph 1204.

5. Detailed Preparation Instructions for DD Form 214 and DD Form 214WS

ITEM

1. LAST NAME - FIRST NAME - MIDDLE NAME. Enter full name in order indicated without punctuation, except as indicated below. Also include, when applicable, "Jr.," "Sr.," "II," etc., following the middle name. Where there is no middle name or initial, nothing will be entered. If the Marine uses initials in lieu of first and/or middle name, indicate by enclosing the initial(s) in quotation marks. Type last name in UPPERCASE letters. Example: ANGLE William Earl, WILSON Jerry "L" Sr., OBRIEN Anthony Jerome, etc.

2. DEPARTMENT, COMPONENT AND BRANCH. Enter the component in which the Marine was a member while on active duty followed by a hyphen and the component code as published in MCO P1080.20. Example: USMC-11, FMCR-AL, USMCR(K4)-CC, etc.

3. SOCIAL SECURITY NUMBER. Enter the SSN in the same sequence as shown on the Marine's social security card, less hyphens, in the blocks provided. For example: 888 88 8888.

4a. GRADE, RATE OR RANK. Enter the abbreviation for the grade in which separated. (Refer to chapter 6 of MCO P1070.12E.)

4b. PAY GRADE. Self-explanatory.

5. DATE OF BIRTH. Enter the date in year, month, and day sequence. Each element of the date will consist of two digits. Single digits will be prefixed by a zero. For example: 7 November 1952 would be entered 521107. This procedure for citing dates shall be used as a guide for recording all dates required elsewhere on the DD Form 214 and the DD Form 215.

6. RESERVE OBLIGATION TERMINATION DATE. Enter the year, month, and day the Marines' reserve obligation ends (see instructions for block 5).

7a. PLACE OF ENTRY INTO ACTIVE SERVICE. Enter city, state, and ZIP code where Marine entered active service.

7b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known). Self-explanatory.

8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND. Enter the last unit or similar element to which assigned for duty rather than the element of which a Marine was a part of while moving to a separation point. The title of the organization will be recorded precisely as indicated in the service record. For this purpose, Marines who are joined by an organization for record or administrative purposes; i.e., hospitalization or medical reasons, administration of discipline, awaiting transportation or in transit from overseas units to the United States for separation are all considered as being in movement to a separation point. Therefore, a Marine could have been accounted for by a separating activity for an extended period of time while awaiting final disposition; however, if the Marine is never officially assigned to a T/O billet in the separating activity, the time spent at the separating activity could not be reflected as the last duty assignment.

8b. STATION WHERE SEPARATED. Enter reporting unit title and the reporting unit code (RUC).

9. COMMAND TO WHICH TRANSFERRED. When a Marine resigns, is discharged, or retires and there is no further obligated service to the Marine Corps or Marine Corps Reserve enter "N/A." For Marines who are released from active duty, transferred to

the Marine Corps Reserve or the FMCR enter the title and RUC of the Reserve organization transferred to; i.e., "Marine Corps Reserve Support Center (MCRSC), Overland Park, Kansas (RUC 36005)."

10. SGLI COVERAGE. Enter the amount or place an "X" in the box indicating no SGLI coverage.

11. PRIMARY SPECIALTY NUMBER (List number, title, and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.). Enter the Marine's military occupational specialty (MOS) followed by the English description and the number of years and months the Marine has held the MOS. For example: 0131, Unit Diary Clerk, 3 years 11 months. If the Marine has been assigned an additional MOS and has held the additional MOS for 1 year or more, the additional MOS information will be entered below the primary MOS data.

12. RECORD OF SERVICE

a. DATE ENTERED ACTIVE DUTY THIS PERIOD. The date entered will be in six-digit numerical form by year, month, and day. The date entered shall be the date of enlistment for the earliest period of continuous active service for which a DD Form 214 was not previously issued.

b. SEPARATION DATE THIS PERIOD. The date entered will be in six-digit numerical form by year, month, and day.

c. NET ACTIVE SERVICE THIS PERIOD. Enter in years, months, and days the net active service during the current continuous active service period. These figures represent total active service less time lost as defined in current directives.

d. TOTAL PRIOR ACTIVE SERVICE. Enter in years, months, and days, all prior active service reflected on previously issued DD Forms 214. If the Marine has no prior active service enter zeros: "00 00 00".

e. TOTAL PRIOR INACTIVE SERVICE. Enter in years, months, and days, the total prior inactive service. If the Marine has no prior inactive service enter zeros: "00 00 00".

f. FOREIGN SERVICE. Enter in years, months, and days, the time spent on foreign service during current continuous active service period. Foreign duty areas are defined in the Department of Defense Military Pay and Allowances Entitlements Manual (DODPM). If the Marine has no foreign service enter zeros: "00 00 00".

g. SEA SERVICE. Enter in years, months, and days, the time spent on sea service (Career Sea Pay Data) during the current continuous active service period. Sea service entitlement criteria and computation instructions are contained in MCO P1080.35, PRIM. If the Marine has no sea service enter zeros: "00 00 00".

(1) When separating Marines on the first enlistment, the Career Sea Pay Data on the latest Leave and Earnings Statement (LES) may be used for this block provided there has been no accumulation of sea service time since publication of the LES.

(2) When separating Marines on second or subsequent enlistment, the data on the LES cannot be transcribed, as the information of the LES represents a total career history of sea pay data; whereas the DD Form 214 reflects the sea service accumulated only during the current period of continuous active service.

h. EFFECTIVE DATE OF PAY GRADE. Enter the year, month, and day of effective date of promotion to the present pay grade.

13. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED. Enter all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized during the current continuous period of active duty, omitting authorities therefore. For campaign or expeditionary medals, include the area of operation. (Example: Armed Forces Expeditionary Medal, Dominican Republic). If no decorations were awarded or authorized during the current continuous period of active service, enter "None". In the case of a final discharge

or retirement, all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized during the entire length of service, including service in other branches of the Armed Forces, will be included.

14. MILITARY EDUCATION. To assist the separated Marine in employment placement and job counseling, formal service training courses successfully completed during the period covered by the form will be listed in this item. For example, aircraft maintenance, electronics, supply, administration, heavy equipment operations, etc. Training courses for combat skills will not be recorded.

15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM. Self-explanatory.

15b. HIGH SCHOOL GRADUATE OR EQUIVALENT. Self-explanatory.

16. DAYS ACCRUED LEAVE PAID. Leave days paid will be obtained from the Disbursing Officer's Certification (Part IX) of the Separation/Enlistment Voucher (NAVMC 11060), or by other means of positive verification of the actual number of days lump-sum leave (LSL) settlement was paid by the disbursing officer. Entries for this item will be made as follows:

a. If LSL settlement is paid for a certain number of days, enter the number of days showing regular leave balance (RLB) and saved leave balance (SLB); i.e., "RLB 21 SLB 10" or "RLB 43 SLB 00."

b. If no LSL settlement is due, enter the word "None".

c. If an LSL settlement is due but has not yet been paid enter the word "Due". A DD Form 215 will be issued by the separation activity when the number of days is verified and settlement is made. (See paragraph 1202.4i.)

17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION. Self-explanatory.

18. REMARKS. Continue in this space items that cannot be completed within the space provided. In such cases, cross-reference must be used to indicate the item being continued (example: 14 continued). If additional space is required, enter the words "Continued on Continuation Sheet" in the last line of this space and complete the entries on a continuation sheet of bond paper. The continuation sheet must reference: the DD Form 214 being continued; the information from blocks 1 through 4; the appropriate block(s) being continued; the Marine's signature and date; and the authorizing official's signature. No entries may be made on the reverse of the form.

a. For the purpose of reemployment rights, all extensions of service, except extensions to make good time lost (10 U.S.C. 972), are considered to be at the request and for the convenience of the Government. In cases where extensions have been executed and served, item 18 will be annotated as follows: "Extension of service was at the request and for the convenience of the Government."

b. If information for any item(s) is not available when the form is prepared and delivered to the separating Marine, a remark will be entered in this item as follows: "Information for item(s) not available at time of completion, a DD Form 215 will be issued when missing information becomes available." (See paragraph 1202.4i.)

c. Comply with MCO P7220.31 (JFPM) for the recording of readjustment pay, contract cancellation pay and allowances, disability severance pay and severance pay.

d. Enter the following remarks as appropriate:

(1) For Marines who have previously reenlisted without being issued a DD Form 214, and who are being separated with any discharge characterization except honorable, the following statement shall appear as the first entry in block 18: "CONTINUOUS HONORABLE ACTIVE SERVICE FROM (applicable date) TO (applicable date)." The "from" date shall be the date of initial entry into active duty, or the first day of service for which a DD Form 214 was not previously issued, as applicable. The "until" date shall be the date before commencement of the current enlistment.

(2) Accepted Regular commission/warrant.

(3) Not available for signature.

(4) Separating Marine refused to sign form.

(5) Good Conduct Medal period commences (six-digit numerical date).

Certain Marine Corps orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

(6) For Marine's retiring from active duty, enter: "Subject to active duty recall by Service Secretary."

(7) For Marine's being transferred to the Individual Ready Reserve, enter: "Subject to active duty recall and or annual screening."

(8) Certain Marine Corps orders require entries to be made under "Remarks." Ensure that those appropriate entries are made.

e. The following notations will be made for Marines who are released or separated from active duty training under 10 U.S.C. 511(d), formerly "Reserve Forces Act of 1955," a special Reserve enlistment program.

(1) Reserve Special Enlistment Program.

(2) Not a final discharge.

f. When a discharge has been upgraded, the DD Form 214 will be annotated on copies 2 through 8 in block 18 to indicate the character of service has been upgraded; the date the application for upgrade was made; and the effective date of the corrective action.

g. When a reservist is released from active duty and is entitled to travel time, enter the actual date the reservist was detached from the separation activity and the number of days travel time added to determine the effective date of release from active duty entered in block 12b. For example: "Date detached separation activity: YYMMDD ____ days travel time."

h. If the Marine is released from active duty or is discharged and enlists/reenlists in the Marine Corps Reserve, insert the following statement:

"While a member of the Marine Corps Reserve, you will keep the Director, MCRSC (Toll free 1-800-255-5082, or if within the State of Kansas call commercial (913) 236-3108; if AUTOVON is available, call 465-3110) informed of any change of address, marital status, number of dependents, civilian employment, or physical standards."

19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code). Information for this block shall be obtained by interview with the Marine being separated. Complete home address, that is, the place where the Marine intends to reside permanently following separation, shall be entered in this block.

19b. NEAREST RELATIVE (Name and address, including Zip code). Information for this block shall be obtained by interview with the Marine being separated. Indicate Name, relationship, and complete mailing address of the relative residing nearest to the Marine's mailing address indicated in block 19a.

20. MEMBER REQUESTS COPY 6 BE SENT TO THE STATE DIRECTOR OF VETERANS AFFAIRS. Complete by entering an "X" in the "YES" or "NO" block of this item. If "Xed" in the "YES" block, complete by entering the State name or two-letter abbreviation of the State name in the space provided.

21. SIGNATURE OF PERSON BEING SEPARATED. The Marine being separated will sign the original in black ink (ball-point pen) ensuring that the signature is legible on all carbon copies. If not, additional signatures may be necessary on the carbon copies. In the event a continuation sheet is used, the Marine's signature, and date are also required on the continuation sheet. If not available for signature or if

the Marine refuses to sign, enter "See Remarks". In item 18, a brief statement will be inserted indicating the Marine was unavailable or refused to sign the form.

22. TYPE NAME, GRADE, TITLE AND SIGNATURE OF OFFICER AUTHORIZED TO SIGN. The authorizing official (E-7, GS-7, or above) will sign the original in black ink (ball-point pen) ensuring that the signature is legible on all carbon copies. If not, additional signature may be necessary on the carbon copies. Typographical strikeouts on the original and copies of the form make it unreadable by the recipient and must be avoided. Any unavoidable corrections and changes made in the unshaded areas of the form during preparation shall be neat, legible, and initialed on all copies by the authorizing official. In the event a continuation sheet is used, the issuing agent's signature is also required on the continuation sheet.

23. TYPE OF SEPARATION. Enter one of the following:

- a. Discharged.
- b. Transferred to the Marine Corps Reserve.
- c. Transferred to the FMCR.
- d. Temporarily retired.
- e. Retired.
- f. Released from active duty.
- g. Released from IADT (in the case of a reservist assigned to a special Reserve enlistment program).
- h. Entry level separation.

24. CHARACTER OF SERVICE. Enter in capital letters the appropriate entry which represents the character of service. For Marine officers and enlisted personnel in the grades of sergeant through sergeant major/master gunnery sergeant, the "Character of Service" will be HONORABLE unless otherwise indicated by the CMC (MMSR or MMOA) in orders directing the discharge, retirement, or release from active duty. The "Character of Service" for enlisted Marines (corporal and below) may be:

- a. HONORABLE.
- b. UNDER HONORABLE CONDITIONS (GENERAL).
- c. UNDER OTHER THAN HONORABLE CONDITIONS.
- d. UNCHARACTERIZED.
- e. BAD CONDUCT DISCHARGE.
- f. DISHONORABLE DISCHARGE.

The "Character of Service" for enlisted Marines in the grade of corporal and below will be determined by the time in service average conduct and duty proficiency markings shown on the Record of Service (ROS) page in the SRB. Enlisted Marines in the grade of corporal and below, retired, discharged, or released from active duty, will be appropriately characterized per paragraph 1004. This instruction also applies to corporals and below released from IADT on a special Reserve enlistment program with the Selected Marine Corps Reserve (SMCR). In any case where doubt exists as to the correct "Character of Service" to be recorded, instructions shall be requested from the CMC (MMSR). When a discharge has been upgraded, a new DD Form 214 will be issued and a remark will be made in block 18 of copies 2 through 8 indicating that the "Character of Service" has been upgraded.

25. SEPARATION AUTHORITY. The separation authority is the specific authority paragraph cited from the appropriate chapter(s) of this Manual which by law or agreement permits the Marine Corps to separate an individual from a term of service with the Marine Corps or Marine Corps Reserve. Enter the abbreviation "MARCORSEPMAN"

and the specific authority paragraph for the type of separation being accomplished and referred to in the combination table 1-2 for item 28.

26. SEPARATION CODE. The separation code (Separation Program Designator (SPD)) is a four position alphanumeric code which reflects the specific authority for the type of separation being accomplished. The CMC (MMSR or MMOA) will provide the code to be used for officer separations. The combination table 1-2 will be used to obtain the code for enlisted separations.

27. REENLISTMENT CODE. The below-listed codes are to provide specific information concerning eligibility for reenlistment in the Marine Corps. A reenlistment eligibility code of RE-3__ is by definition considered recommended for reenlistment but not eligible for reenlistment for the reason indicated by the designated letter. For Marine officers, IADT's and Reserve Special Enlistment Program personnel, complete by entering "N/A," for all other enlisted Marines, enter the appropriate code as shown below:

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-1A	Recommended and eligible	No restriction to reenlistment. Meets all prerequisites, to include women Marines discharged at EAS while pregnant who would otherwise be eligible.
RE-1B	To corporals/sergeants with satisfactory performance records. Released at EAS due to needs of the Marine Corps. May only be assigned by the CMC.	Recommended and eligible for reenlistment. Assigned due to non-promotable record, service limitation for grade, or career force management requirement. SRB entry required stating reason for assignment. Individual Marine must sign the SRB entry. CMC authority required for reenlistment.
RE-2A	Transferred to the FMCR prior to reaching maximum limitation for grade.	Recommended and eligible for reenlistment at time of transfer to the FMCR.
RE-2B	Retired.	Not eligible for reenlistment. For disability or transfer to the TDRL assign RE-3P.
RE-2C	Transferred to the FMCR at maximum service limitation for grade.	Not eligible for reenlistment at time of transfer to the FMCR.
RE-3A	Failure to meet general technical score prerequisite. Assign when single disqualifying factor only.	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3B	Assign when there is a military or civil record of in-service drug involvement and there is potential for further service.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3C	When directed by CMC or when not eligible and disqualifying factor is not covered by any other code.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3E	Failure to meet educational standards. Assign when single disqualifying factor only.	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. CMC authority required for reenlistment.

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REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-3F	Failure to complete recruit training.	SRB entry required stating reason for assignment, to include women Marines discharged due to pregnancy prior to completion of recruit training. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3H	Hardship discharge.	Assign when discharged pursuant to MCO P1900.16D, paragraph 6407. Individual Marine must sign SRB entry. CMC authority required for reenlistment.
RE-3N	Pregnancy, single parenthood.	A woman Marine discharged <u>prior to their EAS</u> for pregnancy and any Marine separated while in a sole parent status. Individual Marine stating reason for assignment. must sign SRB entry. CMC authority required for reenlistment.
RE-3O	Refused orders assigned without sufficient obligated service remaining.	SRB entry required stating reason for assignment. Individual Marine must sign SRB entry. Refer to MCO 1300.8. This code may only be assigned when directed by CMC and is not to be assigned to first-term Marines. CMC authority required for reenlistment.
RE-3P	Failure to meet physical (medical) standards (includes pseudo-folliculitis and weight standards).	Recommended by CO upon removal of disqualifying factor. SRB entry required stating reason for assignment. SRB entry must be signed by individual Marine. CMC authority required for reenlistment.
RE-4	Not recommended for reenlistment.	SRB entry required stating reason for assignment. SRB entry must be signed by the individual Marine. This code may be assigned in lieu of any RE-3 code (except RE-3B and RE-3F) if the Marine's performance warrants and the reason can be documented.
RE-4B	Assign when there is a military or civil record of in-service drug involvement and there is <u>no</u> potential for further service.	SRB entry required stating reason for assignment. SRB entry must be signed by the individual Marine.

NOTE: A reenlistment eligibility code of RE-3 is by definition considered recommended but not eligible for reenlistment for the reason indicated by the designated letter.

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

29. TIME LOST. This item applies only to the current continuous period of active duty. Complete by recording for each period of lost time, the number of days within parentheses followed by the inclusive dates; i.e., "(12) 790201-790212." This item will not be left blank. If there is no time lost period to record, enter "None".

30. MEMBER REQUESTED COPY 4. If the Marine desires the statutory or regulatory authority for separation, reenlistment eligibility code, SPD code, and the narrative reason for separation, the member will so indicate by initialing block 30.

6. Distribution Instructions. Distribution of the DD Form 214 will be made as indicated below. To provide for immediate distribution of copy number 6, the mailing addresses of the State Directors of Veterans Affairs are provided in table 1-4.

a. DD Form 214

(1) Copy No. 1 (Original). Will be physically delivered to the Marine upon separation. If unavailable at time of separation, the form will be mailed to the Marine to arrive on the effective date of separation/transfer. For discharged alien deserters, enter place of birth in item 18 and provide one reproduced copy to:

U.S. DEPARTMENT OF STATE, Visa Office - SCA/VO
State Annex No. 2
Washington, DC 20520-0001

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

(a) Marines Discharged or Retired. Place in closed-out service record prior to forwarding per MCO P1070.12E, table 4-1.

(b) Marines Released or Transferred to the Marine Corps Reserve. Forward this copy to the CMC (MMRB-20), Quantico, VA 22134-0001.

(3) Copy No. 3

(a) This copy is to be forwarded to the Veterans' Administration, Data Processing Center (214), 1615 East Woodward Street, Austin, Texas 78772-0001.

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

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

(d) When the Marine is enlisting or reenlisting in an active duty status or otherwise continuing on active duty in another status, copy 3 will not be forwarded to the VA. In this instance, copy 3 may be given to the Marine.

(4) Copy No. 4

(a) This copy will be physically delivered to the Marine upon separation if the Marine has so requested by initialing block 30 of the form.

(b) If the Marine has not requested this copy, it will be inserted on the document side of the service record prior to forwarding.

(5) Copy No. 5. Forward this copy to the U.S. Department of Labor, Louisiana Claimant Control Center (LCCC), P.O. Box 94246, Capital Station, Baton Rouge, Louisiana 70804-9246.

(6) Copy No. 6. If the Marine has marked the yes block in item 20 and indicated the appropriate State, then this copy will be forwarded to the Director of Veterans Affairs for the State stipulated. Mailing addresses for the Veterans Affairs offices are provided in table 1-4. If this copy is not utilized for the above purpose, it should be destroyed.

(7) Copy No. 7

(a) For a Marine discharged while in an appellate leave status, forward this copy, within 10 days of discharge, to the Commanding Officer, Marine Corps Finance Center (CCP/APPELLANT LEAVE), Kansas City, Missouri 64197-0001.

(b) In all other cases, forward this copy to the Director, Marine Corps Reserve Support Center (RSC-4F), 10950 El Monte, Overland Park, Kansas 66211-1408.

(8) Copy No. 8

(a) Marines Being Transferred to Inactive Duty Whose Records will be Forwarded to the Director, MCRSC. Insert this copy on the document side of the service record for concurrent forwarding.

(b) For reservists who are being released from active duty and will further report to the commanding officer of an SMCR unit, insert this copy on the document side of the service record for concurrent forwarding.

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

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

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

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

<u>ITEM</u>	<u>CORRECTED TO READ</u>
4B	E5
17	21

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

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

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

1204. SAFEGUARDING SEPARATION INFORMATION

1. The DD Forms 214 and 215 are sources of significant and authoritative information used by the civilian and governmental agencies for a variety of purposes such as VA benefits, reemployment rights, unemployment insurance, etc. As such, they are valuable forms, and therefore, vulnerable to fraudulent use. To preclude fraudulent use, certain features have been designed into the DD Forms 214 and 215. Blocks 1, 3, 4, 12, and 18 through 30 of the DD Form 214, as well as blocks 1, 3, and 5, of the DD Form 215 have been surprinted with security ink to make alterations readily discernible. No corrections will be permitted in the shaded areas.

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

- a. Appoint, in writing, a commissioned officer, warrant officer, staff noncommissioned officer in the grade of gunnery sergeant or above, or civilian employee (GS-7 or above) to act as the agent who is responsible for the requisition, control, and/or issue of the DD Form 214, and where appropriate, the DD Form 215.
- b. The agent will approve the requisition of blank forms.
- c. Verify total number of forms received against the requisition.
- d. Furnish adequate storage to provide strict security of blank forms at all times.
- e. Establish procedures for accountability of forms held and/or issued. There is no requirement for the forms to be serialized (although they may be) for accountability purposes. A log book or other means may be used for accountability purposes.
- f. All forms will be secured after duty hours.
- g. Ensure that all obsolete forms are destroyed.
- h. Ensure that all forms discarded, including those which are blank or partially completed, and reproduced copies of the DD Form 214, are destroyed. No forms will be discarded intact.
- i. Ensure that blank forms used for educational or instructional purposes, and forms maintained for such use, are clearly voided in an unalterable manner; i.e., over stamped "FOR INSTRUCTIONAL PURPOSES ONLY."
- j. Ensure that the DD Form 214WS (WORKSHEET) receives the same safeguards, controls, accountability, discard and destruction procedures as the DD Form 214 and DD Form 215.
- k. The commander will monitor and periodically review the above procedures to ensure compliance. In addition, the above procedures may be subject to review and evaluation for compliance by members of the Inspector General of the Marine Corps (IGMC) field administrative staff.

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

1206. RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD). The standard codes for officer and enlisted personnel were developed under the direction of DoD and are published in MCO P1080.20. The Departments of the Air Force and Army have been assigned responsibility for assignment and maintenance of uniform lists and definitions of SPD's for officer and enlisted members, respectively, and with providing copies of such lists to all services. Requests for additions, deletions, or modifications to SPD's shall be addressed to the CMC (MPI-50).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CERTIFICATE IN LIEU OF ORDERS (1900)

NAVMC 11062 (REV. 7-82) (1-80 EDITION WILL BE USED.)

SN. 0000-00-006-7821 U/I PADS OF 50

NAME (Last, First, Middle Initial)		GRADE	SSN	DATE				
PART I	<input type="checkbox"/> SEPARATION WITHOUT ORDERS CERTIFICATE: IN CONNECTION WITH TRAVEL CLAIM, I CERTIFY THAT THE RECORD OF THE ABOVE NAMED MARINE SHOWS THE FOLLOWING:							
	HONORABLY DISCHARGED AT (Name and location of activity)							
	DETACHED (Time and date)		PEBD					
	LAST PERMANENT DUTY STATION							
	PLACE OF ENLISTMENT FOR MEMBER'S TRAVEL							
	REGULAR		RESERVE					
	HOME OF RECORD AT LAST ENLISTMENT (City and State)		HOME OF RECORD AT TIME OF LAST ASSIGNMENT TO ACTIVE DUTY (City and State)					
PART II	PLACE OF ACCEPTANCE AT LAST ENLISTMENT (City and State)		PLACE FROM WHICH ORDERED TO ACTIVE DUTY (City and State)					
	<input type="checkbox"/> ALERT UNIT CERTIFICATE: IN CONNECTION WITH TRANSPORTATION OF HOUSEHOLD EFFECTS, I CERTIFY THAT THE COMMANDANT OF THE MARINE CORPS HAS ALERTED THIS UNIT THAT IT WILL BE TRANSFERRED TO A RESTRICTED PERMANENT DUTY STATION OUTSIDE THE UNITED STATES WITHIN 90 DAYS.							
PART III	UNIT DESIGNATION		PERMANENT DUTY STATION	DATE ALERTED				
	<input type="checkbox"/> CHANGE OF HOME PORT/PERMANENT STATION OF MOBILE UNIT CERTIFICATE: IN CONNECTION WITH TRANSPORTATION OF DEPENDENTS AND SHIPMENT OF HOUSEHOLD EFFECTS, I CERTIFY THAT THE COMMANDANT OF THE MARINE CORPS OR CHIEF OF NAVAL OPERATIONS HAS DIRECTED THE CHANGE OF HOME PORT/PERMANENT STATION OF THIS VESSEL/UNIT.							
PART IV	OLD STATION/PORT		NEW STATION/PORT	EFFECTIVE DATE				
	<input type="checkbox"/> DEPENDENTS TRAVEL UNDER UNUSUAL OR EMERGENCY CONDITIONS: TRANSPORTATION OF DEPENDENTS HAS BEEN APPROVED AS THE RESULT OF CONDITIONS SPECIFICALLY PROVIDED FOR BY JTR, PAR, M7102 OR M7103.							
PART V	LOCATION OF OVERSEAS STATION		DESIGNATED DESTINATION	EFFECTIVE DATE				
	<input type="checkbox"/> DESIGNATED SHIP OR STAFF CERTIFICATE: IN CONNECTION WITH TRANSPORTATION OF DEPENDENTS AND SHIPMENT OF HOUSEHOLD EFFECTS, I CERTIFY THAT THE COMMANDANT OF THE MARINE CORPS HAS DESIGNATED THIS UNIT TO OPERATE IN AN OVERSEAS AREA FOR A CONTEMPLATED CONTINUOUS PERIOD OF ONE YEAR OR MORE.							
PART VI	UNIT DESIGNATION		PERMANENT DUTY STATION	DATE DESIGNATED				
	TO BE USED IN CONJUNCTION WITH ANY OF THE ABOVE PARTS, AS APPLICABLE:							
PART VII	<input type="checkbox"/> FAVORABLE DEPENDENCY DETERMINATION FOR THE FOLLOWING PERSON(S) HAS BEEN MADE AS EVIDENCED BY THE CURRENT COPY OF THE DEPENDENCY APPLICATION (NAVMC 10922) DATED _____ AND CONTAINED IN THE MARINE'S SERVICE RECORD.							
	NAME (Last, First, Middle Initial)		RELATIONSHIP	DATE OF BIRTH				
PART VIII	<input type="checkbox"/> LAST PLACE MEMBER WAS REIMBURSED FOR DEPENDENTS TRAVEL OR PLACE TO WHICH TRANSPORTATION REQUEST(S) WERE FURNISHED AND USED FOR DEPENDENT TRANSPORTATION (City and State):							
	ACCOUNTING AND APPROPRIATION DATA -- ACCOUNTING CLASSIFICATION							
PART IX	APPROPRIATION SYMBOL AND SUBHEAD	OBJECT CLASS	BUREAU CONT. NO.	SUB. ALLOT	AUTH'N ACCT'G ACTY.	TRANS. TYPE	PROPERTY ACCT'G ACTY.	COST CODE
	DATE	TYPED NAME AND SIGNATURE OF CERTIFYING OFFICER			ISSUING ACTIVITY			

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

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

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

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

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

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

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

Applications for review and explanatory matter may be obtained by writing the Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370-5100.

Figure 1-2.--Information Concerning the Regulations and Procedures of the Board for Correction of Naval Records (BCNR) and the Naval Discharge Review Board (NDRB).

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

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

NDRB has no authority to revoke any discharge; nor to reinstate any person in the military service subsequent to discharge; nor to recall any person to active duty; nor to waive prior disqualifying discharges to permit enlistment in the naval service or any other branch of the Armed Forces; nor to cancel enlistment contracts; nor to change the reason for discharge from or to physical disability; nor to determine eligibility for veterans' benefits.

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

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

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

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

Figure 1-2.--Information concerning the Regulation and Procedures of the Board for Correction of Naval Records (BCNR) and the naval Discharge Review Board (NDRB)--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Applications for review and general information may be obtained by writing to the Naval Discharge Review Board, Department of the Navy, Washington, DC 20370-1989.

STATEMENT OF THE INDIVIDUAL

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

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

Witness

Signature

Figure 1-2.--Information Concerning the Regulation and Procedures of the Board for Correction of Naval Records (BCNR) and the Naval Discharge Review Board (NDRB)--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

I. PRESEPARATION INTERVIEW

SUBJECT	REFERENCE	DISCHARGED	WHEN APPLICABLE RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Career Planning Interview	MCO P1900.16D par. 1101.4a MCO P1040.31	YES*	YES	NO
Reenlistment Benefits	MCO P1040.31	YES*	YES	NO
Marine Corps Reserve Affiliation	MCO 1001.39	YES*	YES	NO
Inform Member of Address of Marine Corps District Director	MCO P1900.16D par. 1101.4b	YES*	NO	NO
Selective Service Registration	MCO P1900.16D par. 1101.4h	YES	YES	YES
Separation Physical	MCO P1900.16D par. 1008, 1011	YES*	YES	YES
VA Dental Treatment Eligibility	MCO P1900.16D par. 1101.4e	YES	YES	YES
Conversion of SGLI	MCO P1741.8 MCO P1760.8	YES	YES	YES
Maternity Care	MCO 5000.12	YES	YES	NO
Health Care Insurance	MCO P1760.8	YES	YES	NO
BCNR/NDRB Advice	MCO P1900.16D par. 1101.4f	YES	NO	NO
Unemployment Benefits	MCO P1900.16D par. 1101.4g	YES	YES	NO
Civil Readjustment/Veterans Rights and Benefits	MCO P1760.8	YES	YES	YES
VA Claim (VA Form 21-526e)	MCO P1760.8B chap. 1	YES	YES	YES
Audit Service Record	MCO P1760.8B chap. 5	YES	YES	YES
Wearing of Uniform after Separation	MCO P1900.16D MCO P1020.34 MCO P10120.28	YES	YES	YES
Travel	MCO P1900.16D par. 1009 JFTR, Vol I chaps. 4 and 7 MCO P4650.37B chap. 21	YES	YES	YES

Figure 1-3.--Checklist for Separations.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

SUBJECT	REFERENCE	DISCHARGED	WHEN APPLICABLE RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Transportation in-kind (if applicable)	JFTR, par. 5300	YES	YES	YES
Separation/Severance and Contract Cancellation Payment (when applicable)	DODPM Part 4	YES	NO	NO
Shipment of Household Effects (if applicable)	JFTR, Vol I chap. 5, Part D	YES	YES	YES
Allotment Stoppage	MCO P7220.31	NO	NO	YES
Bonds in Safekeeping	Must request from MCFC within 60 days after separation **	YES	YES	YES
Recoupment	DODPM, Part 1, chap. 9, MCO P1900.16D par. 6108	YES/NO	NO	NO
Uniform Retention	MCO P10120.28	YES (3 Mos)	YES (for IRR)	YES (3 Mos)
▶ New G.I. Bill		YES	YES	YES
▶ Permanent Mailing Address	MCO P1900.16D par. 1101.4j MCO P7220.45A par. 20505.2e	YES	YES	YES

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

** Bonds in Safekeeping - ensure the Marine provides an address to be recorded in Part V - Permanent mailing address of the NAVMC Form 11060: Separation/Enlistment Voucher, when safekeeping bonds are not claimed within 60 days after separation, bonds are automatically mailed to the POE address by the Marine Corps Finance Center (CPM).

Figure 1-3.--Checklist for Separations--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

II. FORMS, ORDERS AND ADMINISTRATIVE MATTERS (ENLISTED)

SUBJECT	REFERENCE	DISCHARGED	WHEN APPLICABLE	
			RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Selective Service Registration (SSS 1 (MC) (SRS) Stock Number 0110-LF-1))-0020)	MCO P1900.16D par. 1101.4h	YES	YES	NO
Security Termination Statement	MCO 5521.3	YES	YES	YES
DD 214 (used only in terminating active duty status)	MCO P1900.16D par. 1101.2a	YES	YES	YES
DD Form 2 (Ret)	MCO P5512.11	NO	NO	YES
DD Form 2 MC (Res)	MCO P5512.11	NO	YES	NO
Notification to Immigration & Naturalization Service	MCO P1900.16D par. 1103	YES	NO	NO
One copy of "Once a Veteran" - NAVMC 2537	MCO P1900.16D par. 1101.2d(2)	YES	YES	YES
Discharge Certificate	MCO P1900.16D par. 1101.2c	YES	NO	NO
Honorable Discharge Button/Pin	MCO P1900.16D par. 1101.2d(1)	YES	NO	NO
Fitness Report (sergeants and above)	MCO P1610.7	YES	YES	YES
Issue of Dependent ID Cards and Medical Care DD Form 1172 and 1173	MCO P5512.11	NO	NO	YES
Recover Dependent ID Card	MCO P5512.11	YES	YES	YES
Dependent Medical Care and 1173 Statement (DD 1407)	SECNAVINST 6320.8 sect. II, par. 7	YES	YES	YES
Survivor Benefits Plan (SBP)	MCO P1741.11A	NO	NO	YES
Release from Active Duty Orders (Reserve)	MCO P1001R.1	NO	YES	YES
Unit Diary Entry	MCO P1080.35	YES	YES	YES
Temporary Disability Retired List Orders	MCO P1900.16D par. 8302 fig. 8-6	NO	NO	YES (TDRL ONLY)
Retirement by Reason of Permanent Physical Disability Orders	MCO P1900.16D par. 8202 fig. 8-4	NO	NO	YES (PDRL ONLY)

Figure 1-3.--Checklist for Separations--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

SUBJECT	REFERENCE	DISCHARGED	WHEN APPLICABLE	
			RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Message Report of Physical Disability Discharge	MCO P1900.16D fig. 8-6	YES	NO	NO
Message Report of Physical Disability Retirement of Transfer to TDRL	MCO P1900.16D par. 8202.2c or 8303.2c (fig. 8-3)	NO	NO	YES
Closing out Service Record and Transfer of SRB, Health and Dental Records	MCO P1900.16D par. 1101.7 MCO P1070.12E par. 4001	YES	YES	YES

Figure 1-3.--Checklist for Separations--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

III. FORMS, ORDERS, AND ADMINISTRATIVE MATTERS (OFFICERS).

SUBJECT	REFERENCE	DISCHARGED	WHEN APPLICABLE RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Selective Service Registration Form (SSS 1 (MC) (SRS) Stock Number 0110-LF-100-0020	MCO P1900.16D par. 1101.4h	YES	YES	NO
Security Termination Statement	MCO 5521.3	YES	YES	YES
DD 2 (Ret)	MCO P1070.12	NO	NO	YES
DD 2 MC (Res)	MCO P1070.12	NO	YES	NO
DD 114	NAVSO P3050	YES	YES	YES
Recover Dependent ID Card	MCO P5512.11	YES	YES	NO
Issue Dependent ID Card and Medical Care DD Form 1172 and 1173	MCO P5512.11	NO	NO	YES
Survivor Benefit Plan (SBP)	MCO P1741.11	NO	NO	YES
Release from Active Duty Orders (Reserve Officers)	MCO P1900.1	NO	YES	NO
DD 214 (used only in terminating an active duty status)	MCO P1900.16D par. 1102.2a	YES	YES	YES
Temporary Disability Retired List Orders	MCO P1900.16D par. 8302 fig. 8-5	NO	NO	YES (TDRL ONLY)
Fitness Report	MCO P1610.7	YES	YES	YES
Unit Diary Entry	MCO P1080.35	YES	YES	YES
Closing out the Service Record Transfer of OQR, Health and Records	MCO P1070.12E par. 4001 MCO P1900.16D par. 1101.7	YES	YES	YES
DD 1787 (major and above)	SECNAVINST 5314.5	YES	YES	YES

Figure 1-3.--Checklist for Separations--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: DISCHARGE FROM THE UNITED STATES MARINE CORPS RESERVE

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

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

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

3. Any inquiries that you may have concerning your military service should be addressed to the Commandant of the Marine Corps (MMRB-10), Headquarters, U.S. Marine Corps, Quantico, VA 22134-0001, who will have custody of your record for a period of 12 months from the date of your discharge. After the 12-month period has elapsed, please address your inquiries to the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63131. All written inquiries should include your full name, social security number, and date of discharge.

Figure 1-4.--Discharge Letter in Lieu of Discharge Certificate.



Veterans Administration

CHAPTER 30 INFORMATION SHEET

(Chapter 30, Title 38, U.S.C.)

WHAT

THE NEW G. I. BILL - ACTIVE DUTY
(Montgomery G. I. Bill)

WHO

EVERYONE WHO ENTERS ACTIVE DUTY AFTER JUNE 30, 1985
AND ENROLLS IN THE NEW G. I. BILL WHILE IN SERVICE
HAS POTENTIAL ELIGIBILITY FOR BENEFITS.

WHERE

AT THE APPROVED SCHOOL OF YOUR CHOICE

HOW TO APPLY

- (1) COMPLETE AN APPLICATION (VA FORM 22-1990)
- (2) NOTIFY SCHOOL YOU ARE ELIGIBLE
- (3) SCHOOL SENDS APPLICATION AND ENROLLMENT DOCUMENTS TO:

VA REGIONAL OFFICE
P.O. BOX 66830
ST. LOUIS, MO. 63166-6830

COUNSELING

VA PROVIDES EDUCATIONAL AND
VOCATIONAL COUNSELING UPON
REQUEST.

OTHER INFORMATION

FOR OTHER INFORMATION OR ASSISTANCE, CALL
THE LOCAL VA OFFICE USING THE TOLL FREE
NUMBER IN YOUR PHONE BOOK.

**REMEMBER--FOR THIS BENEFIT
MAIL YOUR APPLICATION TO THE ST. LOUIS OFFICE**

VA FORM 22-0507
AUG 1987

U.S. GPO: 1987-181-822/63306

Figure 1-5.--Chapter 30 Information Sheet.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-1.--Characterization Of Service.

R U L E	If upon discharge (not a release from active duty) the separating Marine:	the characterization of service is:	the separating activity will issue:
1	is under 17 years of age	uncharacterized	an order of release from custody and control of the Marine Corps.
2	is between 17 and 18 and has served less than 180 days	uncharacterized	a DD Form 214 only.
3	is over 18 years of age and has served less than 180 days	uncharacterized (See note 1.)	a DD Form 214 only.
4	is over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct and proficiency markings of 4.0/3.0 or better	honorable (See notes 1 and 2.)	an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge pin.
5	is over 18 years of age and has served more than 180 days, is a corporal or below and has average conduct and proficiency markings below 4.0/3.0	under honorable conditions (general) (See notes 1 and 2.)	a General Discharge Certificate (DD Form 257 MC and DD Form 214.
6	is a sergeant or above	honorable (See note 1.)	an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge pin.
7	has requested separation in lieu of trial by court-martial	under other than honorable conditions (See note 1.)	a DD Form 214 only.
8	is being separated under a provision of chapter 6	as directed by the separation authority	an appropriate certificate based upon discharge authority's decision, DD Form 214 and honorable discharge pin, if appropriate.

- NOTE:
1. Unless unusual circumstances warrant other characterization and the other characterization is approved by GCM authority or higher.
 2. When manually computing the final averages of conduct and duty proficiency markings for separation, the resulting averages should be rounded up to the nearest tenth (i.e., if the average hundredth figure is 5 or more round up to the nearest tenth. For example, 3.96 would round up to 4.0; whereas 3.94 would remain at 3.9.).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-2.--Separation Program Designators (SPD). (See Note 1.)

<u>Separation Authority</u>	<u>Narrative Reasons</u>	<u>Separation Codes</u>
MARCORSEPMAN par. 1005	Completion of Required Active Service (USMC) EAS	MBK1
	Expiration of Enlistment (USMC) EOS	MBK1
	Completion of Required Active Service (USMCR) IADT	MBK2
	Expiration of Enlistment (USMCR) EOS	MBK3
	Completion of Required Active Service (USMCR-FTS) EAS	MBK4
MARCORSEPMAN par. 1105	As a Result of a Court-Martial (GCM)-Desertion	JJC1
	As a Result of a Court-Martial (GCM)-Other	JJD1
	As a Result of a Court-Martial (SPCM)-Desertion	JJC2
	As a Result of a Court-Martial (SPCM)-Other	JJD2
MARCORSEPMAN par. 6202	General demobilization or reduction in authorized strength	JCC1
MARCORSEPMAN par. 6203.1	Parenthood (without administrative discharge board)	JDG1
	Parenthood (with administrative discharge board)	GDG1
MARCORSEPMAN par. 6203.2a(1)	Convenience of the Government, Medical Board determination of obesity (without administrative discharge board)	JFV5
	Convenience of the Government, Medical Board determination of obesity (with administrative discharge board)	GFV5
MARCORSEPMAN par. 6203.2a(2) par. 6203.2a(3) par. 6203.2a(8) par. 6203.2a(9)	Convenience of the Government, Condition not a physical disability which interferes with the performance of duty (without administrative discharge board)	JFV1
	Convenience of the Government, Condition not a physical disability which interferes with the performance of duty (with administrative discharge board)	GFV1
MARCORSEPMAN par. 6203.2a(4) par. 6203.2a(5)	Convenience of the Government, Condition not a physical disability, Motion/Travel Sickness (without administrative discharge board)	JFV3
	Convenience of the Government, Condition not a physical disability, Motion/Travel Sickness (with administrative discharge board)	GFV3
MARCORSEPMAN par. 6203.2a(6)	Convenience of the Government, Condition not a physical disability, Pseudo-folliculitis-Barbae (without administrative discharge board)	JFV6
	Convenience of the Government, Condition not a physical disability, Pseudo-folliculitis-Barbae (with administrative discharge board)	GFV6
MARCORSEPMAN par. 6203.2a(7)	Convenience of the Government, Condition not a physical disability, Allergy (without administrative discharge board)	JFV2
	Convenience of the Government, Condition not a physical disability, Allergy (with admin discharge board)	GFV2
MARCORSEPMAN par. 6203.3	Convenience of the Government, Condition not a physical disability, Personality Disorder (without administrative discharge board)	JFV7
	Convenience of the Government, Condition not a physical disability, Personality Disorder (with administrative discharge board)	GFV7
	Convenience of the Government, Condition not a physical disability, Personality Disorder determined by a medical board	GFX7

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-2.--Separation Program Designators (SPD)--Continued. (See Note 1.)

<u>Separation Authority</u>	<u>Narrative Reasons</u>	<u>Separation Codes</u>
MARCORSEPMAN par. 6203.4	Convenience of the Government, Review Action, Punitive discharge set aside, suspended, remitted or disapproved (without administrative discharge board)	JNF1
MARCORSEPMAN par. 6203.5	Convenience of the Government, Disenrolled from Officer Candidate Program (without administrative discharge board)	JNF3
MARCORSEPMAN par. 6204.1a	Minority, under 17 years of age	YFB1
MARCORSEPMAN par. 6204.1b	Minority	JFB1
MARCORSEPMAN par. 6204.2	Erroneous Enlistment-Medical board determined that a Marine failed to meet regular physical standards for enlistment. Marine was not aware of defect and defect not detected or waived by MEPS.	JFC1
	Erroneous Enlistment-Excessive number of dependents	JFC2
	Erroneous Enlistment-Preservice juvenile record	JFC3
	Erroneous Enlistment-Failure to meet educational standards necessary for enlistment	JFC4
	Erroneous Enlistment-Preservice drug use	JFC5
	Erroneous Enlistment-When it is determined a women Marine was pregnant at the time of enlistment and she did not know she was pregnant	JFC6
	Erroneous Enlistment-When it is established a Marine did not receive a program/option/grade on enlistment/reenlistment or for any reason not falling within the purview of JFC1 through JFC6 (without administrative discharge board)	JFC7
	Erroneous Enlistment-for any reason not falling within the purview of JFC1 through JFC6 (with administrative discharge board)	GFC7
MARCORSEPMAN par. 6204.3	Fraudulent entry into the Marine Corps (administrative discharge board not required)	JDA1
	Fraudulent entry into the Marine Corps (with administrative discharge board)	GDA1
	Fraudulent entry into the Marine Corps (administrative discharge board required but waived)	HDA1
	Fraudulent entry into the Marine Corps-Preservice drug use (without administrative discharge board)	JDA2
	Fraudulent entry into the Marine Corps-Preservice drug use (with administrative discharge board)	GDA2
MARCORSEPMAN par. 6205	Entry Level Performance and Conduct	JGA1
	Entry Level Performance	JGA2
	Entry Level Conduct	JGA3
MARCORSEPMAN par. 6206.1	Unsatisfactory Performance-Failure to conform to weight standards (administrative discharge board not required)	JHJ1
	Unsatisfactory Performance-Failure to conform to weight standards (with administrative discharge board)	GHJ1
	Unsatisfactory Performance-Failure to conform to weight standards (administrative discharge board required but waived)	HHJ1

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-2.--Separation Program Designators (SPD)--Continued. (See Note 1.)

<u>Separation Authority</u>	<u>Narrative Reasons</u>	<u>Separation Codes</u>
MARCORSEPMAN par. 6206.2	Unsatisfactory Performance-Unsanitary habits (administrative discharge board not required)	JHJ3
	Unsatisfactory Performance-Unsanitary habits (with administrative discharge board)	GHJ3
	Unsatisfactory Performance-Unsanitary habits (administrative discharge board required but waived)	HHJ3
MARCORSEPMAN par. 6206.3	Unsatisfactory Performance-Unsatisfactory performance of duties (administrative discharge board not required)	JHJ4
	Unsatisfactory Performance-Unsatisfactory performance of duties (with administrative discharge board)	GHJ4
	Unsatisfactory Performance-Unsatisfactory performance of duties (administrative discharge board required but waived)	HHJ4
MARCORSEPMAN par. 6207.3b(1)	Discharge involuntarily-Homosexuality-Act (with adminis- trative discharge board)	GRA1
	Discharge involuntarily-Homosexuality-Act (administrative discharge board required but waived)	HRA1
MARCORSEPMAN par. 6207.3b(2)	Discharge involuntarily-Homosexuality-Admission (with administrative discharge board)	GRB1
	Discharge involuntarily-Homosexuality-Admission (admin- istrative discharge board required but waived)	HRB1
MARCORSEPMAN par. 6207.3b(3)	Discharge involuntarily-Homosexuality-Marriage (with administrative discharge board)	GRC1
	Discharge involuntarily-Homosexuality-Marriage (adminis- trative discharge board required but waived)	HRC1
MARCORSEPMAN par. 6208	Drug Abuse Rehabilitation Failure (administrative discharge board not required)	JPC1
	Drug Abuse Rehabilitation Failure (with administrative discharge board)	GPC1
	Drug Abuse Rehabilitation Failure (administrative discharge board required but waived)	HPC1
MARCORSEPMAN par. 6209	Alcohol Abuse Rehabilitation Failure (administrative discharge board not required)	JPD1
	Alcohol Abuse Rehabilitation Failure (with administrative discharge board)	GPD1
	Alcohol Abuse Rehabilitation Failure (administrative discharge board required but waived)	HPD1
MARCORSEPMAN par. 6210.2	Misconduct-Minor disciplinary infractions (with adminis- trative discharge board)	GKN1
	Misconduct-Minor disciplinary infractions (administrative discharge board required but waived)	HKN1
MARCORSEPMAN par. 6210.3	Misconduct-Pattern of misconduct (with administrative discharge board)	GKA1
	Misconduct-Pattern of misconduct (administrative discharge board required but waived)	HKA1
MARCORSEPMAN par. 6210.5	Misconduct-Drug abuse (with administrative discharge board)	GKK1
	Misconduct-Drug abuse (administrative discharge board required but waived)	HKK1

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-2.--Separation Program Designators (SPD)--Continued. (See Note 1.)

<u>Separation Authority</u>	<u>Narrative Reasons</u>	<u>Separation Codes</u>
MARCORSEPMAN par. 6210.6	Misconduct-Absent without leave (with administrative discharge board)	GKD1
	Misconduct-Absent without leave (administrative discharge board required but waived)	HKD1
	Misconduct-Commission of a serious offense (all other) (with administrative discharge board)	GKQ1
	Misconduct-Commission of a serious offense (all other) (administrative discharge board required but waived)	HKQ1
MARCORSEPMAN par. 6210.7	Misconduct-Civilian Conviction (with administrative discharge board)	GKB1
	Misconduct-Civilian Conviction (administrative discharge board required but waived)	HKB1
▶ MARCORSEPMAN par. 6210.8	Determination of Service Secretary - Upgrade of misconduct discharge due to board action.	JFF4
▶ MARCORSEPMAN par. 6211	New Entrant Drug and Alcohol Test	JFC7
MARCORSEPMAN par. 6212	Military Personnel Security Program	JDK1
MARCORSEPMAN par. 6213	Failure to Participate (Reserve not on active duty) (administrative discharge board not required)	JSK1
	Failure to Participate (Reserve not on active duty) (with administrative discharge board)	GSK1
	Failure to Participate (Reserve not on active duty) (administrative discharge board required but waived)	HSK1
MARCORSEPMAN par. 6214	Determination of Service Secretary - Secretary of the Navy Plenary Authority	JFF1
MARCORSEPMAN par. 6402	Defective Enlistment	KDS1
MARCORSEPMAN par. 6404.1	Accept commission or warrant in same branch of service (accept appointment USMC)	KGM1
	Accept commission or warrant in same branch of service (accept appointment USMCR)	KGM2
	Accept commission or warrant in another branch of service	KGNI
	Enter service academy	MGU1
MARCORSEPMAN par. 6404.2	Immediately enlist or reenlist (to enlist in USMC)	KHC1
	Immediately enlist or reenlist (less than 2 years active obligated service remaining)	KHC2
	Immediately enlist or reenlist (NESEP)	KHC3
	Immediately enlist or reenlist (MECEP)	KHC4
▶	Immediately enlist or reenlist (to enlist in USMCR)	KHC7
MARCORSEPMAN par. 6405	Attend School (early separation-discharge)	KCF1
	Attend School (early separation-release from active duty)	MCF2
MARCORSEPMAN par. 6406	Accept Civil Office (discharge)	KCK1
	Accept Civil Office (release from active duty)	MCK1
MARCORSEPMAN par. 6407	Hardship (discharge)	KDB1
	Hardship (release from active duty)	MDB1

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-2.--Separation Program Designators (SPD)--Continued. (See Note 1.)

<u>Separation Authority</u>	<u>Narrative Reasons</u>	<u>Separation Codes</u>
MARCORSEPMAN par. 6408	Pregnancy (discharge) Pregnancy (release from active duty)	KDF1 MDF1
▶ MARCORSEPMAN par. 6409 MCO 1306.16	Conscientious Objector	KCM1
MARCORSEPMAN par. 6410	Surviving Family Member (discharge) Surviving Family Member (release from active duty)	KCQ1 MCQ1
MARCORSEPMAN par. 6411	Officer Candidate Disenrollment	KHE1
MARCORSEPMAN par. 6412	Twice failed selection for promotion to Staff Sergeant-voluntary	KND1
MARCORSEPMAN par. 6413	Reduction in grade from Staff Sergeant to Sergeant or below-voluntary	KND2
MARCORSEPMAN par. 6414	Ordained a minister (Reserve not on active duty)	KCL1
MARCORSEPMAN par. 6415	Transfer to the Navy Hospital Corps	KBJ2
MARCORSEPMAN par. 6416	Marriage (discharge) Marriage (release from active duty)	KDC1 MDC1
MARCORSEPMAN par. 6417	Transfer to the Navy as a Religious Program Specialist	KBJ1
MARCORSEPMAN par. 6419	Conduct triable by courts-martial (request for discharge for the good of the service)	KFS1
MARCORSEPMAN pars. 6420, 6404.5, 6404.6	Completion of Required Active Service (for members of ships detachment, mobile units, or returning from overseas and members returning from treatment status to full-duty status with less than 90 days to EAS)	KBM1
▶ MARCORSEPMAN par. 6421	Determination of the Service Secretary - Secretary of the Navy Plenary Authority	KFF1
MARCORSEPMAN par. 7003	Retired Retired from the FMCR	RBD1 SBD1
MARCORSEPMAN par. 7007	Transfer to the FMCR Transfer to the FMCR (retained EAD) Officer reverts to enlisted and transfers to the FMCR Released from EAD and reverted to the FMCR	NBD1 NBD2 NBD3 NBD4
▶ MARCORSEPMAN par. 8201	Permanently retired by reason of physical disability	SFJ1
MARCORSEPMAN par. 8301	Placed on TDRL	SFK1

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-2.--Separation Program Designators (SPD)--Continued. (See Note 1.)

<u>Separation Authority</u>	<u>Narrative Reasons</u>	<u>Separation Codes</u>
MARCORSEPMAN par. 8401	Physical disability, with severance pay	JFL1
	Physical disability, with entitlement to severance pay, severance pay not paid, less than 6 months active duty	JFL2
	Physical disability, with severance pay, existed prior to entry but aggravated by service	JFQ1
	Physical disability, with entitlement to severance pay, existed prior to entry but aggravated by service, severance pay not paid, less than 6 months active duty	JFQ2
MARCORSEPMAN par. 8402 and 8407	Physical disability, without severance pay (not in the line of duty)	JFP1
MARCORSEPMAN par. 8404	Physical disability, existing prior to entry (determined by a medical board)	JFM1
	Physical disability, existing prior to entry (determined by a medical board) (entry-level separation)	JFM2
	Physical disability, existing prior to entry (determined by a Physical Evaluation Board (PEB))	JFN1
	Physical disability, existing prior to entry (determined by a PEB) (entry-level separation)	JFN2
MARCORSEPMAN par. 8406	Not physically qualified to be commissioned	JFR1

NOTE 1: This table only contains a partial list of separation program designators (SPD). The complete listing of codes is in MCO P1080.20 (JUMPS/MMS CODESMAN).

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-3.--Jurisdiction and Addresses of VA Regional Offices.

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
ALABAMA All cities and counties:	VA Regional Office (322) Aronov Building 474 South Court Street Montgomery, Alabama 36104-4135
ALASKA All cities and counties:	VA Regional Office (363) 235 East 8th Avenue Anchorage, Alaska 99501-3615
ARIZONA All cities and counties:	VA Regional Office (345) AZ Veteran's Service Commission 3225 North Central Avenue Phoenix, Arizona 85012-2408
ARKANSAS All cities and counties:	VA Regional Office (350) 1200 West 3rd Street Little Rock, Arkansas 72201-1904
CALIFORNIA Counties:	VA Regional Office (344) Federal Building 11000 Wilshire Boulevard Los Angeles, California 90024-3602
Inyo San Bernardino	
Kern San Luis Obispo	
Los Angeles Ventura	
Orange Santa Barbara	
Alpine Lassen	VA Regional Office
Mono Modoc	245 East Liberry Reno, Nevada 89520-2207
Imperial Riverside	VA Regional Office (377) 2022 Camino Del Rio North San Diego, California 92108-1508
San Diego	
All other counties:	VA Regional Office (343) 211 Main Street San Francisco, CA 94105-1905
CANAL ZONE Entire zone:	Office of Veterans Affairs 941 N. Capitol Street, N.E. Washington, DC 20421-2825
COLORADO All cities and counties:	VA Regional Office (339) Denver Federal Building 44 Union Boulevard, P.O. Box 25126 Denver, Colorado 80225-0001
CONNECTICUT All cities and counties:	VA Regional Office (308) 450 Main Street Hartford, Connecticut 06103-3002
DELAWARE All cities and counties:	VA Medical & Regional Office Center (460) 1601 Kirkwood Highway Wilmington, Delaware 19805
DISTRICT OF COLUMBIA Entire district:	VA Regional Office (372) 941 N. Capitol Street, N.E. Washington, DC 20421-2825
FLORIDA All cities and counties:	VA Regional Office (317) P.O. Box 1437 144 1st Avenue South St. Petersburg, Florida 33701-4304

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-3.--Jurisdiction and Addresses of VA Regional Offices--Continued.

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
GEORGIA All cities and counties:	VA Regional Office (316) 730 Peachtree Street N.E. Atlanta, Georgia 30308-6701
GUAM Entire island:	VA Office U.S. Naval Regional Medical Center P.O. Box 7613 FPO San Francisco, California 96630
HAWAII All islands:	VA Regional Office (359) PJKK Federal Building 300 Ala Moana Boulevard Honolulu, Hawaii 96813-0001
IDAHO All cities and counties:	VA Regional Office (347) Federal Building & U.S. Courthouse 550 West Fort Street, P.O. Box 044 Boise, Idaho 83724-0001
ILLINOIS All cities and counties:	VA Regional Office (328) 536 South Clark Street Chicago, Illinois 60605
INDIANA All cities and counties:	VA Regional Office (326) 707 State Office Building 100 North Senate Avenue Indianapolis, Indiana 46204-2270
IOWA All cities and counties:	VA Regional Office 210 Walnut Street Des Moines, Iowa 50309-3150
KANSAS All cities and counties:	VA Regional Office Boulevard Office Park 901 George Washington Boulevard Wichita, Kansas 67211
KENTUCKY All cities and counties:	VA Regional Office (327) 600 Federal Place Louisville, Kentucky 40202-1101
LOUISIANA All cities and counties:	VA Regional Office (321) 701 Loyola Avenue New Orleans, Louisiana 70113
MAINE All cities and counties:	VA Medical & Regional Office (402) Route 17 East Togus, Maine 04330-4234
MARYLAND Counties: Montgomery	Office of Veterans Affairs 941 N. Capitol Street, N.E. Washington, DC 20421-2825
Prince Georges	
All other counties:	VA Regional Office (313) Federal Building 31 Hopkins Plaza Baltimore, Maryland 21201-2910

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-3.--Jurisdiction and Addresses of VA Regional Offices--Continued.

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
MASSACHUSETTS Towns of Fall River and New Bedford and counties of: Barnstable Dukes Nantucket Plymouth Bristol	VA Regional Office (304) 380 Westminster Mall Providence, Rhode Island 02903-0001
All other cities and counties:	VA Regional Office (301) John F. Kennedy Federal Building Government Center Boston, Massachusetts 02203-2572
MICHIGAN All cities and counties:	VA Regional Office (329) Patrick V. McNamara Federal Building 477 Michigan Avenue Detroit, Michigan 48226
MINNESOTA Counties of: Becker Beltrami Clay Clearwater Kittson Lake of the Woods Mahnomen Marshall Norman Otter Tail Pennington Polk Red Lake Roseau Wilkin	VA Regional Office 655 First Avenue, North Fargo, North Dakota 58102
All other cities and counties:	VA Regional Office and Insurance Center (335) Federal Building Fort Snelling St. Paul, Minnesota 55111-1423
MISSOURI All cities and counties:	VA Regional Office (331) Federal Building 1520 Market Street St. Louis, Missouri 63103
MISSISSIPPI All cities and counties:	VA Regional Office (323) 100 West Capitol Street Jackson, Mississippi 39269
MONTANA All cities and counties:	VA Medical and Regional Office Center (436) William Street, Highway 12 West Fort Harrison, Montana 59636
NEBRASKA All cities and counties:	VA Regional Office (334) Federal Building 100 Centennial Mall North Lincoln, Nebraska 68508
NEVADA All cities and counties:	VA Regional Office (354) 245 East Liberty Street Reno, Nevada 89520
NEW HAMPSHIRE All cities and counties:	VA Regional Office (373) Norris Cotton Federal Building 275 Chestnut Street Manchester, New Hampshire 03101

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-3.--Jurisdiction and Addresses of VA Regional Offices--Continued.

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
NEW JERSEY All cities and counties:	VA Regional Office (309) 20 Washington Place Newark, New Jersey 07102
NEW MEXICO All cities and counties:	VA Regional Office (304) Dennis Chavez Federal Building U.S. Courthouse 500 Gold Avenue S.W. Albuquerque, New Mexico 87102
NEW YORK Cities and counties of: Binghamton Rochester Utica All other cities and counties:	VA Regional Office (307) Federal Building 111 West Huron Street Buffalo, New York 14202 VA Regional Office (306) 252 Seventh Avenue at 24th Street New York, New York 10001
NORTH CAROLINA All cities and counties:	VA Regional Office (318) Federal Building 251 North Main Street Winston-Salem, North Carolina 27102
NORTH DAKOTA All cities and counties:	VA Regional Office (437) 655 First Avenue North Fargo, North Dakota 58102
OHIO All cities and counties:	VA Regional Office (325) Anthony J. Celebrezze Federal Building 1240 East 9th Street Cleveland, Ohio 44199
OKLAHOMA All cities and counties:	VA Regional Office (351) Federal Building 125 South Main Street Muskogee, Oklahoma 74401
OREGON All cities and counties:	VA Regional Office (351) Federal Building 1220 S.W. 3rd Avenue Portland, Oregon 97204
PENNSYLVANIA Cities and counties of: Altoona Pittsburgh All other cities and counties:	VA Regional Office (311) 1000 Liberty Avenue Pittsburgh, Pennsylvania 15222 VA Regional Office and Insurance Center (310) P.O. Box 8079 5000 Wissahickon Avenue Philadelphia, Pennsylvania 19101
PHILIPPINES All islands:	VA Regional Office 1131 Roxas Boulevard (Manila) APO San Francisco, California 96528

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-3.--Jurisdiction and Addresses of VA Regional Offices--Continued.

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
PUERTO RICO Commonwealth of Puerto Rico, including Hato Rey and Virgin Islands	VA Regional Office (455) U.S. Courthouse and Federal Building Carlos E. Chardon Street San Juan, Puerto Rico 00918
RHODE ISLAND All cities and counties:	VA Regional Office (304) 380 Westminster Mall Providence, Rhode Island 02903
SOUTH CAROLINA All cities and counties:	VA Regional Office (319) 1801 Assembly Street Columbia, South Carolina 29201
SOUTH DAKOTA All cities and counties:	VA Medical and Regional Office Center (438) 2501 West 22nd Street P.O. Box 5046 Sioux Falls, South Dakota 57117
TENNESSEE All cities and counties:	VA Regional Office (320) 110 9th Avenue, South Nashville, Tennessee 37203
TEXAS Cities and counties of: Abilene Austin El Paso Killeen Midland Terminal Wichita Falls	VA Regional Office (349) 1400 N. Valley Mills Drive Waco, Texas 76799
Bowie	VA Regional Office (350) 1200 West 3rd Street Little Rock, Arkansas 72201-1904
All other cities and counties:	VA Regional Office (362) 2515 Murworth Drive Houston, Texas 77054
UTAH All cities and counties:	VA Regional Office (341) Federal Building P.O. Box 11500 125 South State Street Salt Lake City, Utah 84147
VERMONT All cities and counties:	VA Medical and Regional Office Center (405) North Hartland Road White River Junction, Vermont 05001
VIRGINIA Cities and counties of: Arlington Alexandria	Office of Veterans Affairs 941 N. Capitol Street, N.E. Washington, DC 20421-0001
All other cities and counties:	VA Regional Office (315) 210 Franklin Road S.W. Roanoke, Virginia 24011

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 1-3.--Jurisdiction and Addresses of VA Regional Offices--Continued.

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
WASHINGTON All cities and counties:	VA Regional Office (346) Federal Building 915 2nd Avenue Seattle, Washington 98174
WEST VIRGINIA Cities and Counties of: Brooke Marshall Hancock Ohio	VA Regional Office (311) 1000 Liberty Avenue Pittsburgh, Pennsylvania 15222
All other cities and counties:	VA Regional Office (350) 640 Fourth Avenue Huntington, West Virginia 25701
WISCONSIN All cities and counties:	VA Regional Office 5000 West National Avenue Building 6 Milwaukee, Wisconsin 53295
WYOMING All cities and counties:	VA Medical and Regional Office Center (442) 2360 East Pershing Boulevard Cheyenne, Wyoming 82001

Table 1-4.--State Directors of Veterans Affairs.

ALABAMA (AL)
 Director
 Department of Veteran Affairs
 P.O. Box 1509
 Montgomery, AL 36192-3701

ALASKA (AK)
 Director
 Division of Veterans Affairs
 Department of Military &
 Veterans Affairs
 3601 C Street, Suite 620
 Anchorage, AK 99503

AMERICAN SAMOA (AS)
 Veterans Affairs Officer
 Office of Veterans Affairs
 American Samoa Government
 P.O. Box 2586
 Pago Pago, AS 96799

ARIZONA (AZ)
 Director of Veterans Affairs
 Arizona Veterans Service Commission
 3225 N. Central Avenue, Suite 910
 Phoenix, AZ 85012

ARKANSAS (AR)
 Director
 Department of Veterans Affairs
 1200 West 3rd, Room 105
 Little Rock, AR 72201

CALIFORNIA (CA)
 Director
 Department of Veterans Affairs
 1227 O Street, Room 200A
 Sacramento, CA 95814

COLORADO (CO)
 Director
 Division of Veterans Affairs
 Department of Social Services
 1575 Sherman Street, Room 122
 Denver, CO 80203

CONNECTICUT (CT)
 Commandant
 Veterans Home and Hospital
 287 West Street
 Rocky Hill, CT 06067

DELAWARE (DE)
 Chairman
 Commission of Veterans Affairs
 P.O. Box 1401
 Dover, DE 19901

DISTRICT OF COLUMBIA (DC)
 Chief
 Office of Veterans Affairs
 941 N. Capitol Street, N.E.
 Room 1211-F
 Washington, DC 20421

FLORIDA (FL)
 Director
 Division of Veterans Affairs
 P.O. Box 1437
 St. Petersburg, FL 33731

GEORGIA (GA)
 Commissioner
 Department of Veterans Service
 Floyd Veterans Memorial Building
 Suite E-970
 Atlanta, GA 30334

GUAM
 Office of Veteran Affairs
 P.O. Box 3279
 Agana, Guam 96910

HAWAII (HI)
 Director
 Department of Social Services
 & Housing
 Veterans Affairs Section
 P.O. Box 339
 Honolulu, HI 96809-0339

IDAHO (ID)
 Administrator
 Division of Veterans Services
 P.O. Box 7765
 Boise, ID 83707

ILLINOIS (IL)
 Director
 Department of Veterans Affairs
 208 West Cook Street
 Springfield, IL 62705

INDIANA (IN)
 Director
 Department of Veterans Affairs
 707 State Office Building
 100 North Senate Avenue
 Indianapolis, IN 46204-2270

IOWA (IA)
 Administrator
 Veterans Affairs Division
 7700 N.W. Beaver Drive
 Camp Dodge
 Johnston, IA 50131-1902

KANSAS (KS)
 Executive Director
 Kansas Veterans Commission
 Jayhawk Tower, Suite 701
 700 S.W. Jackson Street
 Topeka, KS 66603-3150

KENTUCKY (KY)
 Director
 Kentucky Center for Veterans Affairs
 600 Federal Place, Room 1365
 Louisville, KY 40202

CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

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CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

2001. GENERAL

1. This chapter sets forth the policies and procedures governing retirement of officers on active duty. Retirement of Reserve officers not on active duty and disability retirements are covered in chapters 3 and 8, respectively.

2. The statutory authority for retirements rests in 10 U.S.C. as amended by Public Law 96-513, Defense Officer Personnel Management Act (DOPMA), which took effect 15 September 1981. Due to certain grandfathering provisions of DOPMA, retirements may be effected under either statute depending on the individual case. It is critical that officers contemplating voluntary retirement and those subject to mandatory retirement understand which provisions will apply.

a. Retirement Under Prior Law. Officers who were serving in or selected for the grade which they presently hold prior to 15 September 1981 will be retired under former law unless continued on active duty under such regulations as the Commandant of the Marine Corps may prescribe.

b. Retirement Under DOPMA. Officers who have been selected, promoted, or continued since 15 September 1981 will be retired per DOPMA.

2002. DEFINITIONS

1. Advancement on the Retired List. Per 10 U.S.C., Section 6151, officers who have previously served in a higher grade upon retirement shall be advanced on the retired list to the highest grade satisfactorily held as determined by the Secretary of the Navy. Retired pay will be based upon the grade held at retirement or to which advanced whichever results in higher pay.

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

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

4. Active Commissioned Service. Service performed by an officer on active duty computed from the date of acceptance of commission. Officers, except warrant officers, must have completed at least 10 years active commissioned service to be eligible to retire.

5. Active Naval Service. Service on active duty less active duty for training. For limited duty officers used as a determining factor in establishing initial eligibility for appointment (10 years) and for mandatory retirement (30 Years).

6. Effective Date of Retirement. All retirements except those by reason of physical disability are effective on the 1st of a month. In the case of mandatory retirements, retirements will be effected on the 1st of the month following the month in which the officer meets the statutory limit.

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

8. Involuntary Retirement. Retirement required by law, or in the case of certain officers, as a result of actions by a selective early retirement board.

9. Officer. A commissioned, chief warrant officer, or warrant officer.

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

- a. Commissioned officers - 20 years and 1 day active service of which 10 years must be active commissioned service.
- b. Warrant officers - 20 years active service.
- c. All officers - 30 years active service.

11. Safety Zone. The term used to identify those officers who are subject to involuntary separation but by virtue of being within 2 years of attaining retirement eligibility are allowed to continue until retirement.

12. Service Creditable for the Retired Pay Multiplier. To determine the number of years and months of service to be used as a multiplier in computing retired pay, every month is prorated. In computing the retired pay multiplier, an officer may be credited with:

- a. All service prior to 31 May 1958.
- b. Active duty after that date, NROTC cruises as a regular student up to 12 October 1964, active duty for training, and inactive duty points not to exceed 60 points per year.

13. Total Commissioned Service. Commissioned service measured from 30 June of the fiscal year in which an officer was appointed to the grade of second lieutenant. Use this when determining involuntary retirement of officers covered under former law. (See paragraph 2001.2a.)

14. Voluntary Retirement. Retirement effected as a result of a request from an officer who is eligible for retirement.

2003. VOLUNTARY RETIREMENT

1. Criteria. Officers who have qualifying service may request retirement subject to the following criteria:

a. Service in Grade. All officers must meet the applicable service in grade requirements below:

(1) Two years in grade - officers in grades CW02, CW03, CW04, and lieutenant colonels and above who are eligible for retirement under the prior law. (See paragraph 2001.2.)

(2) The following service in grade requirements apply to those officers in the grade of second lieutenant or above who are subject to DOPMA (Time/Service spent in a frocked status does not apply.):

<u>GRADE</u>	<u>REQUIREMENT</u>
CW02 - CW04	2 Years
2ndLt, 1stLt	6 Months
Capt, Maj	2 Years
LtCol - MajGen	3 Years

(3) For grades major and below, the Secretary of the Navy may, in individual cases involving hardship or exceptional or unusual circumstances, waive any portion except a minimum period of 6 months of the service in grade requirement. For officers above the grade of major, the President of the United States may waive any portion, except a minimum period of 6 months, when the President determines that the individual's case involves extreme hardship or exceptional or unusual circumstances.

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

(1) Service Schools

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

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

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

(2) Education Programs

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

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

c. Tour Length/Minimum Time on Station

(1) CONUS - must have completed 2 years time on station, except for officers returning from overseas which require 1-year time on station, based upon the geo-location date the current tour began (GEO DCTB) as established within the Manpower Management System (MMS). In the case of officers reassigned within the same geographical area, the geo-location DCTB will be used.

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

d. PCS Orders

(1) Officers who have been issued or notified they will receive PCS orders may request cancellation of the pending assignment provided a request for retirement is submitted as follows:

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

(b) Officers not presently eligible, but will be eligible for retirement within 12 months, may request a retirement date equal to the first of the month after attaining initial eligibility to retire.

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

(3) Requests involving cancellation of PCS orders must be forwarded via the most expeditious means available. The request must be submitted at least 120 days prior to the date of execution of the PCS orders.

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

2. Waiver of Criteria

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

b. Requests for retirement will normally receive favorable consideration if an officer:

(1) Has completed at least 30 years active service or has satisfied the applicable service-in-grade requirements of paragraph 2003.1 and any other service obligations;

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

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

(4) Has been identified by the CMC as being of limited assignability, such as those whose general health has deteriorated, or due to a condition beyond their control whose continued service is not clearly in the interest of national security consistent with SECNAVINST's 1920.6 and 5510.30; or

(5) Has a genuine dependency or undue hardship of a long term nature whose retirement would definitely alleviate the condition under the criteria of paragraph 6407.

3. Voluntary Retirement in a Lower Grade. Officers requesting retirement who have not satisfied the minimum active duty service in grade requirements for retirement in that grade, as specified in paragraph 2003.1a(2), will not normally be approved. The Secretary of the Navy may suspend the service in grade requirements when required to manage grade structure, imbalances, strength overages, hardship, or other exceptions specified in SECNAVINST 1811.3.

2004. ADMINISTRATIVE PROCEDURES

1. Submission of Requests. Requests for voluntary retirement will be submitted by the reporting command via the unit diary per MCO P1080.35 (PRIM). In addition, the officer requesting retirement will be required to sign the following entry on the administrative remarks page of the OQR, "I request to transfer to the retired list effective (date)." Requests for retirement will be submitted not more than 14 months and not less than 4 months prior to the requested retirement date. Requests submitted beyond that timeframe will not be accepted in the MMS and therefore must be submitted with justification by separate correspondence/message to the CMC (MMSR-2). Officers requesting retirement are cautioned not to make significant personal commitments (such as buying or selling a house or business) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as basis for later expedient or preferential processing of an officer's request.

2. Any officer who is requesting waiver of any criteria per paragraph 2003.2 must submit a letter requesting a waiver via the chain of command in addition to the unit diary submission. Officers contemplating leave in conjunction with retirement should read paragraph 1010 of this Manual.

3. Officers serving overseas may request retirement to be effective the 1st day of the month and no more than 60 days following their RTD. (See paragraph 1006.5.)

Officers stationed overseas, who desire retirement upon their RTD, may select retirement at one of the specified MCC's in paragraph 1006.3 at the time of the unit diary request.

4. Prior to entering the appropriate unit diary entry via the JUMPS/MMS, the commanding officer or designated representative will:

a. Ensure the request is submitted between the 4th and 14th month of the effective date.

b. Ensure the requested retirement date is per the criteria in paragraph 2003.1.

c. Counsel applicant concerning options under the Survivor Benefits Plan (SBP). An election not to participate in SBP, election for coverage of spouse only, or children only, or election for coverage on a reduced base amount, must be submitted to the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197, 30 days prior to the effective date of retirement. Such elections should be made on DD Form 1883.

d. Ensure that any exceptions or requested exceptions are fully explained by the officer concerned and amplified as necessary by the command.

5. Once the request has been forwarded, notify the CMC (MMSR) by message when any of the following occur:

a. The officer is found not physically qualified (include medical doctor's diagnosis and estimated period of hospitalization). Such a report will not terminate processing action by the CMC (MMSR-2); however, the issuing of retirement orders and other documents will be held in abeyance if not already issued. If already issued, the command will hold the retirement orders and documents pending instructions from the CMC (MMSR-2). Should the officer be subsequently found physically fit for duty, the command will immediately notify the CMC (MMSR-2). If the officer is referred to the Naval Disability Evaluation System, the CMC (MMSR-2) will be notified and all retirement orders and documents previously issued will be returned. See chapter 8 for disability retirements.

b. Death.

c. Reassignment to a command other than the one previously reported in the original request.

d. Officer is promoted.

6. Receipt/Processing at HQMC

a. Acceptance of the unit diary request should be indicated on the Advisory Report (ADR) or Transaction File (TRF). The officer concerned should maintain liaison with appropriate administrative personnel until acceptance of the request via ADR is confirmed.

b. ADR confirmation does not indicate receipt at this Headquarters. Requests are received normally 3 to 5 weeks after submission and are acknowledged by the mailing from this Headquarters of the pre-retirement package to the officer concerned via the parent unit.

c. Staffing of requests within Headquarters is routinely accomplished within 2 weeks of receipt provided all criteria have been met and no assignment problem is apparent. Subsequent referral to the Secretary of the Navy for official approval normally is a 2- to 3-week process. A request for retirement on an effective date later than that requested may be specified when, in the best interest of the Marine Corps, a delay is necessary to provide time for orderly relief or, in some cases, completion of the current tour or an ordered tour of duty. Final approval of requests for retirement rests with the Secretary of the Navy; however, authority to disapprove retirement requests which do not meet the criteria outlined in paragraph 2004 has been delegated to the CMC.

d. Approval of a request will be posted in the JUMPS/MMS at this Headquarters and will reflect in the ADR. Any request not approved or deferred for

whatever reason will be answered by separate correspondence via the chain of command to the officer concerned.

7. Modification/Withdrawal of Requests

a. Requests for cancellation/modification of a retirement date must be submitted no later than 45 days prior to the effective retirement date via letter or naval message. They cannot be submitted by unit diary. Approval of such requests will be based upon the needs of the Marine Corps. Requests for modification/cancellation from officers whose request for retirement resulted either in cancellation or not issuing of orders, or in being slated to retire on the annual officer slates will not be favorably considered.

b. Modification of any duration may be requested; however, as a general rule, the effective date of the requested modification should not exceed 14 months from the date of submission of the initial request. If so, cancellation vice modification is the appropriate course of action.

c. Modifications or cancellations requested after an officer has commenced separation leave or after replacement action by this Headquarters has been initiated (i.e., issuance of orders) will only be considered in bona fide humanitarian or hardship circumstances.

8. Retirement Orders

a. Retirement orders or authority to issue retirement orders will be issued upon approval of an officer's request. Colonels and above will be issued letter orders from this Headquarters. Authority to issue retirement orders to lieutenant colonels and below will be issued via the Automated Order Writing Process (AOWP), message, or letter. Upon receipt of this Headquarters' authority, commands may issue orders per figure 2-1.

b. Once a request has been approved, an effective date of retirement established, and orders or authority to issue orders from this Headquarters released, only the CMC (MMSR) can authorize revocation or modification. Regardless of the circumstances, such action must take place prior to the effective date of retirement. Once the effective date of retirement has passed, by operation of law, the retirement is effective.

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

2005. INVOLUNTARY RETIREMENT

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

2. By statute, and in some cases Marine Corps policy, officers must be retired as indicated in table 2-1 and the following:

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

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

c. Officers Selectively Continued. The continuation of officers subject to discharge or involuntary retirement was included in DOPMA as a discretionary provision to permit the services to meet manpower requirements in specific skills

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

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

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

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

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

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

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

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

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

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

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

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

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

2007. PHYSICAL EXAMINATIONS

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

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

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

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

2008. RETIREMENT CEREMONY

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

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

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

2009. RETIRED GRADE

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

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

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

2010. RETIRED PAY

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

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

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

2. For the purpose of the calculation in paragraph 2010.1, 1 day of credit (with a maximum of 60 days of credit for any 1 year) is awarded for each retirement point earned as a member of a Reserve component subsequent to 31 May 1958; through authorized attendance at drills, completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the Commandant of the Marine Corps, the Commanding General, 4th Marine Division/Commanding General, 4th Marine Aircraft Wing/Marine Air Reserve Training Command, or the Director, Marine Corps Reserve Support Center; and 15 points per year gratuitous credit for Reserve membership.

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

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

2011. PAY ACCOUNTS. Pay accounts of retired personnel are maintained at the Marine Corps Finance Center, Kansas City, Missouri 64197. Any inquiries pertaining to retired pay matters should be addressed to the Commanding Officer (CPR), Marine Corps Finance Center. Unless the Marine being retired requests otherwise, all allotments will automatically continue after retirement except; allotments in amounts greater than the anticipated amount of retired pay and, allotments to charitable organizations other than the Navy Relief Society. MCO P7220.45 refers.

2012. CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS

1. Each retired officer will keep the Commanding Officer, Marine Corps Finance Center, (CPR), Kansas City, Missouri 64197, informed at all times of current check mailing address and current home mailing address where mail and messages will be received. A request to change address must specify whether the change is for check, home mailing address, or both. The request must be submitted over the Marine's signature and should contain the Social Security Number (SSN) for identification purposes.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

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

Ref: (a) Title 10, U.S. Code
(b) JFTR, pars. U5130, U5230, and U5345-H
(c) MCO P5512.11
(d) MCO P1080.35F, PRIM, par. 5303
(e) MARCORSEPMAN, par. 2008

Encl: (1) Retired Pay Data Form (enclosures (1) through (4) will be provided by HQMC)
(2) Retirement Button
(3) Certificate of Retirement
(4) CMC Ltr MMSR-2/js of date w/enclosures (issued to Regular officers)

1. On _____ you will be placed on the Marine Corps Officers Retired List per reference (a). Accordingly, at 2400 (date) you will be detached from your present duty station and released from active duty. You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (b). Active duty pay and allowances terminate _____.
2. As of (input to this paragraph will be provided by the CMC (MMSR-2)).
3. Your commanding officer will issue an application for an identification card pursuant to reference (c), issue a DD Form 214, and report your retirement per reference (d).
4. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony per reference (e).
5. You have stated that your future address for mailing purposes is: _____.
6. Enclosure (1), to include a current mailing address, should be completed and forwarded to the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197. You cannot be paid until this form is received by the center. Enclosures (2) and (3) are furnished for your retention.
7. The Statement of Employment (DD Form 1357), attached to enclosure (4) must be completed within 30 days after date of retirement and forwarded to the Marine Corps Finance Center (CPR).
8. Furnish the disbursing officer maintaining your active duty pay accounts two copies of these orders for settlement of your pay account.
9. You may select a home and receive travel allowance for the travel performed there from this command per reference (b), provided that the travel is completed within 1 year from the date of your release and transfer to the Retired List.
10. You may wear your uniform from this command to your home if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate under the Marine Corps Uniform Regulations.
11. If you are not physically qualified at time of retirement, these orders are canceled. (Delete this paragraph from orders issued to officers who are being retired involuntarily.)

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

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12. Expenditures under these orders are chargeable to (input to this paragraph will be provided by CMC (MMSR-2)).

13. Your presence will be missed by your fellow Marines who continue to serve on active duty. We request that you continue to support them in their undertakings. We express the appreciation of the Marine Corps for your service, and wish you health, happiness, and every success in the future.

By direction

Copy to:

CMC (MMSR-2)
(MMPR-1)
(MMPR-3)
(LA)
(FD)
(MMOA-4)
(MMOS-4)
MCFC, (CPR), KSC
Officer Concerned
OQR

HOME OF SELECTION ENDORSEMENT

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

(Signature)

(Date)

NOTES:

1. The following will be inserted as paragraph 3 to the orders of officers who are advanced on the Retired List. "The Secretary of the Navy has determined that you are entitled to be advanced on the Retired List, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____. As a retired officer of the Regular Marine Corps, in time of war or national emergency declared by the President, the Secretary of the Navy may order you to active duty at sea or on shore.

2. In the case of officers reverting to permanent grade for the purpose of retirement, the CMC (MMSR-2) will provide additional documents as necessary.

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

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Table 2-1.--Service Tenure Under Applicable Retirement Laws.

	Former Law*	DOPMA*
Effective date	30 June of FY which officer attains	1st of the month following the month the officer completes:
MajGen	5 years in grade 35 years TCS	5 years in grade 35 years ACS
BGen	Second failure of selection	5 years in grade 30 years ACS
Colonel	30 years TCS	30 years ACS
LtCol	26 years TCS	28 years ACS
Major	20 Years TCS	20.5 years ACS

Key: TCS - Total Commissioned Service (subparagraph 2002.14 refers)

ACS - Active Commissioned Service (subparagraph 2002.4 refers)

Note: * See paragraph 2001.2 for applicable laws.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 3

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

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 3

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

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

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

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

3. Qualifying Service

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

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

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

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

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

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

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

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

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

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

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

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

3002. RESIGNATION OF OFFICERS

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

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

3. Expunging Resignation-Related Material

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

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

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

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

a. "I have been advised fully on the regulations and provisions of law relative to trial by court-martial and actions taken by a Board of Inquiry, and the applicability of such laws and regulations in my case. I have weighed the benefits which might result from such action and considering I would not suffer greater prejudice as a result of such action; I hereby waive any court-martial action under

the Uniform Code of Military Justice, also I further waive any consideration of my case by any Board of Inquiry and findings and recommendations by any such Board of Inquiry. This waiver is made in the interest of expediting ultimate disposition of my case, as I feel that my position in 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 Inquiry for findings and recommendations."

3003. INVOLUNTARY DISCHARGES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The President or the Secretary of the Navy may drop from the rolls any member of the Reserve component who has been in an unauthorized absence status for a period of 3 months or more, or who is sentenced to confinement in a Federal or State penitentiary or other correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

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

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

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

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

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

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

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

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

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

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

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

(a) Approves the transfer; or

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

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

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

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

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

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

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

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

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

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

b. A reservist who has no remaining military service obligations under law, but who has served on active duty for training for more than 30 consecutive days during the current enlistment or during the current time in grade in the case of an officer,

must honor the service obligation incurred by such training in full, unless the losing component concurs in the transfer as being in the best interest of national defense.

c. An interservice transfer must constitute movement to a Reserve category of equal or greater mobilization potential. For example, transfer is permissible if the reservist moves from the Selected Marine Corps Reserve to the Selected Reserve of another military service. As an exception, this requirement may be waived when the Secretary of the military department or Secretaries of the military departments concerned, or their designees, concur in the action as being in the best interest of national defense.

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

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

a. An enlisted member desiring transfer to another Reserve component shall submit an application to the CMC (MMEA-65) providing the information contained in the format shown in figure 3-1.

b. An officer desiring transfer to another Reserve component shall submit an application to the CMC (MMSR-5) providing the information contained in the format shown in figure 3-2.

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

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

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

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

6. Request by Authorities of the Gaining Reserve Component

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

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

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

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

3005. RETIREMENT OR SEPARATION FOR AGE AND SERVICE

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

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

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

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

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

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

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

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

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

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

2. Age-In-Grade Restrictions

a. Upon attaining the following ages-in-grade, a Reserve officer (except a limited assignment officer) not on active duty and not on a promotion list will be transferred to the Inactive Status List of the Standby Reserve; or upon request be transferred to a retired status, if qualified; or request resignation if they have completed a period of obligated service required under law or contractual agreement (see paragraph 3010 for exceptions):

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

b. The CMC (MMSR) may grant or deny waivers for age-in-grade restrictions in grades second lieutenant through major for Marine Corps Reserve officers.

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

d. Requests for waivers will be submitted to the CMC (MMSR) via the appropriate chain of command.

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

3006. RETIREMENT OR SEPARATION OF MALE OFFICERS AFTER TWICE FAILING OF SELECTION FOR PROMOTION

1. Warrant Officers. Subject to the exceptions outlined in paragraph 3010, a Reserve officer in an active status in the permanent grade of warrant officer (WO1) or chief warrant officer (CWO2 or CWO3) who is considered as having twice failed selection for promotion to the next higher grade, shall be removed from active status on 30 June of the fiscal year in which the second failure of selection occurs. An officer who is to be removed from an active status under this paragraph, if qualified, shall be given an opportunity to request transfer to the appropriate Retired Reserve. If the officer is not transferred, the officer shall be discharged from the Marine Corps Reserve.

2. Captains/Lieutenants. Subject to the exceptions outlined in paragraph 4103.6, 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 may, in the discretion of the Secretary of the Navy, be removed from an active status not later than the first day of the 7th month following the month the board results are approved by the Secretary. An officer who is to be removed from an active status under this paragraph shall, if qualified, be given the opportunity to request transfer to the appropriate Retired Reserve. If not so transferred, the reservist shall be transferred to the Standby Reserve, Inactive Status List or be discharged from the Marine Corps Reserve.

3. Colonels/Lieutenant Colonels/Majors. Subject to the exceptions outlined in paragraph 3010, 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 the Marine is not transferred, the Marine shall be discharged from the Marine Corps Reserve, if the Marine has completed a period of total commissioned service equal to that specified below for the permanent grade in which the Marine is serving:

Colonels -----	30 years
Lieutenant Colonels-----	26 years
Majors -----	20 years

4. Total Commissioned Service. As defined in 10 U.S.C. 6389(d), the total commissioned service of an officer who has served continuously in the Marine Corps Reserve following appointment in the permanent grade of second lieutenant is computed from 30 June of the fiscal year in which the Marine accepted appointment. Each other officer (initially appointed in a permanent grade above second lieutenant) is considered to have 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 the Marine has served in commissioned officer status above the grade of chief warrant officer (CWO4). Notwithstanding, the first two sentences of this paragraph, 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 their 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.

3007. RETIREMENT OR SEPARATION OF WOMEN RESERVISTS FOR AGE. A woman reservist not on active duty is subject to the age regulations prescribed for male reservists in paragraph 3005.

3008. RETIREMENT OR SEPARATION OF WOMEN RESERVE OFFICERS FOR LENGTH OF SERVICE

1. Subject to the exception outlined in paragraph 3010, a woman Reserve officer not on a promotion list shall be removed from active status on 30 June of the fiscal year in which she completes a period of total Navy and/or Marine Corps commissioned service equal to that specified below for the permanent grade in which serving:

First Lieutenants -----	7 years
Captains -----	13 years
Majors -----	20 years
Lieutenant Colonels -----	26 years

2. Subject to the exceptions outlined in paragraph 3010, a woman Reserve officer in the grade of colonel shall be removed from active status on the 1st day of the month following the month she completes 30 years total commissioned service in the Navy or the Marine Corps.

3. An officer who is to be removed from active status under the previous paragraph shall, if qualified, be given an opportunity to request transfer to the Retired Reserve. If she is not so transferred, she shall be discharged from the Marine Corps Reserve.

4. No woman Reserve officer shall be involuntary removed 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 time as the Secretary may direct.

3009. RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION

1. Per 10 U.S.C. 1002 and the Secretary of Defense, Reserve officers who have completed their obligated service and are credited at the end of their anniversary year with less than the required 27 retirement points (including membership points) to maintain an active status will be subject to the following actions:

a. Be transferred to the Retired Reserve if the reservist is qualified and applies for retirement;

b. If the Reserve member is not qualified or does not apply for transfer to the Retired Reserve, be transferred to the Inactive Status List, Standby Reserve;

c. Marine Corps Reserve officers are not removed from an active status for failure to earn 27 Reserve Retirement Credit points per anniversary year if the following occurs:

(1) If a request for active duty for training during the anniversary year is denied by reason of lack of funds or facilities to provide appropriate training.

(2) If there is a mobilization requirement for their military or civilian skills and a sufficient number of reservists in an active status are not available to meet the requirement.

d. The Commanding General, 4th Marine Division; Commanding General, 4th Marine Aircraft Wing; Commanding General, 4th Force Service Support Group; or the Director, Marine Corps Reserve Support Center; as appropriate, will inform by letter (certified mail, return receipt requested) each nonobligor Reserve officer who has not met

prescribed satisfactory Reserve participation requirements of the options provided under existing law, as outlined above, in regard to their status in the Marine Corps Reserve.

e. An officer, who is not qualified for or does not request transfer to the Retired Reserve, and does not meet the exceptions listed in paragraphs 3009.1c(1) and (2), will be transferred to the Inactive Status List. Upon completion of a 3 year period each officer on the Inactive Status List will be referred to the Standby Reserve Inactive Status List Screening Board described in paragraph 3003.4 which is convened by the CMC (MMOA). This board will review available records of each individual reservist in this status and make one of the following recommendations:

(1) Return to an active status in the Ready Reserve if the reservist is physically and otherwise qualified.

(2) Transfer to the Retired Reserve, if qualified.

(3) Discharge per this Manual and SECNAVINST 1920.6.

f. In the event a Reserve officer fails to participate satisfactorily in the Marine Corps Reserve during that member's period of obligated service, their commanding officer will recommend involuntary discharge from the Marine Corps Reserve. This recommendation will be submitted to the CMC (MMSR-5) via the appropriate chain of command.

2. Reserve officers who are qualified for retirement under the provisions of 10 U.S.C. 1331 and 1332, except for having reached 60 years of age are required to attain 50 retirement points annually to be retained in the Ready Reserve or Active Status List, Standby Reserve. Waiver of this requirement on a one-time basis may be made under exceptional circumstances by the Secretary of the Navy. A request for waiver must be submitted to the Secretary of the Navy via the CMC (MMSR-5) and the appropriate chain of command.

a. In the event a Reserve officer fails to earn the minimum points required under this paragraph, the Commanding General, 4th Marine Division; Commanding General, 4th Marine Aircraft Wing; Commanding General, 4th Force Service Support Group; or the Director, Marine Corps Reserve Support Center, as appropriate, will inform the officer by letter (certified mail, return receipt requested) of failure to meet prescribed satisfactory Reserve participation requirements and advise the officer of the options provided under existing law as follows:

(1) The Reserve member may, under exceptional circumstances, request a one-time waiver from the Secretary of the Navy per paragraph 3009.2.

(2) The Reserve member shall be transferred to the Retired Reserve, if qualified and application is made.

(3) If the reservist is not qualified or does not apply for transfer to the Retired Reserve, be transferred to an inactive status.

b. An officer who has been notified of the options above, who (1) fails to obtain a one-time waiver from the Secretary of the Navy; (2) is not qualified for or does not request transfer to the Retired Reserve; and (3) does not possess a critical military or civilian skill to warrant retention in an active status shall be transferred to the Inactive Status List. Upon completion of a 3-year period each officer on the Inactive Status List will be referred to the Standby Reserve Inactive Status List Screening Board described in paragraph 3003.4 of this Manual and are subject to the options listed.

3010. RESERVE OFFICER MANDATORY RETIREMENT OR SEPARATION EXCEPTIONS

1. The retirement or separation of certain Reserve officers required by paragraphs 3005 through 3008, shall not apply to an officer who has completed 18 but less than 19 years of qualifying service until the third anniversary of the date on which the officer would otherwise be transferred from an active status or discharged, or upon completion of 20 years qualifying service, whichever is earlier; nor shall the above

referenced requirements apply to an officer who has completed 19 but less than 20 years of qualifying service until the second anniversary of the date on which the officer would otherwise be transferred from an active status or discharged, or upon completion of 20 years of qualifying service, whichever is earlier.

2. The exception explained in paragraph 3009.1, will not be extended to an officer who would not be able to complete 20 years of qualifying service prior to reaching the age at which retirement is mandatory under paragraph 3005.

3. After 1 June 1984, each male who initially becomes a member of an Armed Force before his 26th birthday shall serve for a total of 8 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 because of personal hardship under regulations prescribed by the Secretary of Defense.

4. Notwithstanding paragraphs 3006 and 3008, a Reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until the officer becomes 60 years of age (10 U.S.C. 1007). Retention under this provision is subject to the needs of the Selective Service System.

3011. RETIRED RESERVE

1. The Retired Reserve consists of reservists transferred or assigned to the Reserve under the provisions of 10 U.S.C. 274.

2. Enlisted members must be serving within the unexpired term of an enlistment or valid extension on the effective date of transfer to the Retired Reserve. Discharge by reason of expiration of enlistment, effected before the transfer to the Retired Reserve is effected, separates a Marine from membership in the Marine Corps Reserve and such person becomes a former member. Former members are not entitled to transfer to the Retired Reserve or any retirement benefits except as may be provided by law.

3012. RETIREMENT WITH PAY BASED ON ACTIVE SERVICE

1. Reserve commissioned officers on active duty who have completed 20 or more years of active service of which at least 10 years was service as a commissioned officer, may request retirement under the provisions of chapter 2 of this Manual.

2. Enlisted reservists on active duty who have completed 20 or more years of active service may request retirement under the provisions of chapter 7 of this Manual.

3013. TRANSFER TO THE MARINE CORPS RESERVE RETIRED LIST WITH PAY

1. A reservist who has completed 20 years of qualifying service is eligible upon application to transfer to the Retired Reserve List and to receive retired pay and benefits upon or after reaching age 60, subject to the following requirements:

a. The member performed the last 8 years of qualifying service while a member of a Reserve component.

b. The member is not entitled under any other provision of law to retired pay from an Armed Force or retainer pay as a member of the Fleet Marine Corps Reserve.

2. For the purpose of paragraph 3013.1a the last 8 years of qualifying service does not have to be continuous. In the event a period of service in a Regular component intervenes between periods of Reserve service aggregating the required 8 years, then that particular period of Regular service must be excluded in determining whether the requirement that the person performed the last 8 years of qualifying service as a member of a Reserve component has been met. 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 qualifying service be as a member of a Reserve component. While this person has completed 20 years of qualifying service, only 2 of the last 8 years of service was as a member of a Reserve component. In the second example, even though this person has completed over 20 years of qualifying service, this person 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 be as a member of a Reserve component (10 U.S.C. 1331).

3. As provided by 10 U.S.C. 1331(d), each person who has completed the years of service required for eligibility for retired pay under this paragraph will be notified in writing within 1 year after this person has completed that service. Such notification will be issued by the CMC (MMSR-5) only. Individual requests are not desired unless a qualified member has not received notification within the prescribed 1-year period.

3014. QUALIFYING SERVICE

1. For the purpose of determining whether a member has completed the required 20 years of qualifying service for retired pay purposes, the member's years of service (less time lost) performed in the status of a commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member are creditable as follows:

a. Service Before 1 July 1949. Add the member's years of service before 1 July 1949 in:

(1) Armed Forces,

(2) Naval Reserve Force,

(3) Naval Militia that conformed to the standards prescribed by the Secretary of the Navy,

(4) National Naval Volunteers,

(5) Army Nurse Corps, Navy Nurse Corps, Nurse Corps of Army or Navy, as it existed at any time after 2 February 1901,

(6) Army under an appointment under the Act of 22 December 1942.

b. Service After 1 July 1949. Add the member's years of service for each 1-year (anniversary year) period in which the member has been credited with at least 50 points on the following basis:

(1) One point for each day of active service, including annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned or 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.

(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 (gratuitous) at the rate of 15 for each anniversary year of the Army or in the Air Force without component.

2. Noncreditable Service. The following service may not be credited as qualifying service:

a. Service other than active service, in an inactive section of the Organized Reserve Corps 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 Lists of either the Naval Reserve or the Marine Corps Reserve.

c. Service in the inactive National Guard.

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 as a commissioned officer, warrant officer, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member.

3. Retirement Point Credit Limitations. For retired pay purposes, total points credited since 30 June 1949 may not exceed 365 days in a normal year or 366 days in a leap year. Total retirement points credited for inactive duty participation may not exceed 60 in any anniversary year. Retirement points earned during any anniversary year may not be credited to any anniversary year other than that in which the points are earned.

4. Partial Anniversary Year

a. If a member was in an active status for only a portion of an anniversary year, that year will not be credited as a full year of qualifying service for retirement purposes irrespective of the number of retirement points earned while in an active status during that particular year. The time the member was in an active status will be considered as qualifying service provided the member earned the required points, on a pro rata basis, during that particular period. Figure 3-3 shows minimum points required to establish a partial year as qualifying service. Figure 3-4 shows membership points awarded for less than a full anniversary year.

b. In order to pro rate, the member must be removed from an active status at the end of the period to be pro rated by discharge, transfer to the Inactive Status List, or transfer to the Retired Reserve. Retention in an active status after a member ceases to earn points may result in part of a year which is otherwise satisfactory becoming not creditable as qualifying service.

5. Time Not Creditable. The following service will not be counted in computation of years of service under this paragraph or years of service for the computation or retired pay under paragraph 3015:

a. Service in an inactive status on the Inactive Status List.

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

6. Members of the Reserve are not eligible to earn retirement credits while on the Inactive Status List or in the Retired Reserve, and are not entitled to gratuitous credits for membership during such periods (10 U.S.C. 1334).

7. See Department of Defense Military Pay and Allowances Entitlement Manual (DODPM) for other service not creditable for purposes of computation of retired pay in the case of officers.

3015. COMPUTATION OF RETIRED PAY

1. For the purpose of computing the retired pay of a person entitled to retired pay under paragraph 3013, 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 for each inactive duty point credited under paragraphs 3014.1b(2) and 3014.1b(3), but not more than 60 days in any 1 year.

d. Fifty days for 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 paragraph 3013.1a.

2. The monthly retired pay of a person entitled under paragraph 3013, is computed by this formula:

Monthly basic pay at rates applicable on date when retired pay is granted for highest grade held satisfactorily at any time in the Armed Forces.	Multiplied by 2 1/2 percent of the sum of years of service credited to the member under paragraph 3015.1.	Subtract excess over 75 percent of pay upon which computation is based. (10 U.S.C. 1333 and 1401).
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In simpler terms the formula for computing retired pay is:

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

P equals total number of retirement points and B equals monthly basic pay at rates applicable on the date when retire pay is granted. Years of service for basic pay purposes are computed from pay entry base date (PEBD) to date of first eligibility for retired pay (date of separation if a former member).

3016. TRANSFER TO THE RETIRED RESERVE WITHOUT PAY

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

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 the member's own misconduct.

2. A reservist, officer or enlisted, who has attained the age of 37 years may request transfer to the Retired Reserve provided the member:

a. Has completed a minimum of 8 years qualifying service by having been credited with at least 50 retirement points each year; or

b. Has completed a minimum of 8 years service, including at least 6 months of honorable service on active duty in time of war or national emergency; or

c. 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 the member has completed 10 or more years of active commissioned service in the Armed Forces.

4. Members shall be transferred to the Retired Reserve in the grade in which serving at the time of transfer except that:

a. Officers in the grade of second lieutenant or above who served satisfactorily in the Navy or Marine Corps in a higher grade shall be transferred to the Retired Reserve in the higher grade.

b. Warrant officers shall be transferred to the Retired Reserve in the permanent Reserve warrant officer grade, if any, held on the day before the date of transfer or in any higher warrant officer grade in which served on active duty satisfactorily under orders which did not specify a period of 30 days or less.

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

3017. PHYSICAL DISABILITY RETIREMENT

1. Reservists are eligible for physical disability retirement under the conditions of chapter 8 of this Manual. Reservists retired for physical disability under the provisions of 10 U.S.C. chapter 61, are entitled to the same pay, rights, benefits, and privileges provided by law or regulation for retired members of the Regular Marine Corps.

2. Reservists not on active duty who are found not physically qualified for retention in the Marine Corps Reserve will be processed under paragraph 8407 of this Manual.

3018. APPLICATION FOR TRANSFER TO THE RETIRED RESERVE (WITHOUT PAY)

1. A qualified member who desires transfer to the Retired Reserve will request such transfer in writing to the CMC (MMSR-5) and shall include the following information:

a. Name, grade, social security number, and date of birth.

b. Current mailing address.

c. Desired date of transfer. (Per 5 U.S.C. 8301, the effective date of retirement must be the first day of the month.)

2. Forward applications via the commanding officer and the command holding the service record 60 days prior to the requested transfer date. When forwarding a request for transfer to the Retired Reserve, the commanding officer of the Reserve activity on whose rolls the member is carried will provide the following documents and information within the endorsement:

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

b. A copy to the Officer Chronological Record of Duty Assignments or Enlisted Chronological Record of Service, whichever is applicable.

c. A copy of all Reserve Retirement Credit Reports contained in the member's record.

d. A statement indicating if the member has ever been assigned to the inactive status list and inclusive dates of such assignments, if applicable.

e. For enlisted personnel, the date of expiration of enlistment or extension.

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

3019. APPLICATION FOR RETIRED PAY BENEFITS AT AGE 60

1. Retired pay benefits must be requested; the process is not automatic. Members of the Retired Reserve and former members of the Reserve who are eligible under paragraph 3013 may apply for retired pay by use of DD Form 108 (Application for Retired Pay Benefits). The form should be sent soon enough to ensure arrival at the CMC (MMSR-5) not less than 2 months and no more than 4 months prior to the attainment of age 60.

2. It is the policy of this Headquarters to provide a DD Form 108 to eligible personnel approximately 4 months prior to attainment of age 60. This form will contain a verified summary of creditable service and points to be confirmed or refused by the member. Should an eligible person not receive the form within the foregoing time, it is imperative that the CMC (MMSR-5) be notified.

3. A reservist not retired and/or currently on the inactive status list should submit their DD Form 108 concurrently with a request for transfer to the Retired Reserve and must request retirement no later than the 1st day of the month following the member's 60th birthday.

3020. STATUS IN THE RETIRED RESERVE

1. Title 10 U.S. Code, Section 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. No member of the Retired Reserve may be ordered to active duty without the member's consent unless the Secretary of the Navy, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members of the Ready and Standby Reserve in an active status are not readily available.

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

a. Members are not eligible to earn retirement credits or accrue additional qualifying service unless ordered to active duty as indicated in paragraph 3020.1.

b. Members are not required to participate in any training program, and 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 qualifications questionnaires or obtain periodic physical examinations.

3. Members of the Retired Reserve without pay are entitled to the following privileges:

a. Retain their grade as members of the Marine Corps Reserve.

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

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

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

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

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

- a. Retired pay.
- b. Medical care on a space available basis.
- c. Exchange and commissary privileges.
- d. Space available transportation via Military Airlift Command.

3021. STATUS OF FORMER MEMBERS

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

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

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

3023. DELIVERY OF RETIREMENT DOCUMENTS AT APPROPRIATE CEREMONY

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

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

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

3024. COMPUTATION OF RESERVE RETIREMENT CREDIT REPORT

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

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

3. The term unit commander as used within this paragraph, refers to the Commanding General, 4th Marine Division; the Commanding General, 4th Marine Aircraft Wing; Commanding General, 4th Force Service Support Group; the Director, Marine Corps Reserve Support Center; the commanding officer of the Selected Marine Corps Reserve unit on whose rolls the reservist is carried; or the commanding officer of any Regular Marine Corps unit on whose rolls FTS personnel are carried.

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

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

a. End of the anniversary year.

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

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

b. Detachment or transfer including assignment to and from EAD (Code 3).

c. Upon unit mobilization (Code 3).

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

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

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

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

8. 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 798 to Commandant of the Marine Corps (MMSR-5).

(3) Triplicate NAVMC 798 to Marine 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 appointment to officer grade, the original report will be transferred to the officer's qualification record. No entry to reflect discharge and reenlistment or appointment is required. No NAVMC 798 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 paragraph 3024.8i.

c. For subsequent reports, the original NAVMC 798 will be removed from the SRB or OQR and inserted in the typewriter with 2 blank copies of the NAVMC 798. An entry for the period to be covered will be made on the line immediately following the last entry on the original. The duplicate and triplicate copies will only reflect credits for the specific period. Distribution will be made as indicated in paragraphs 3024.8a(2) and (3).

d. When all spaces on the original report have been filled, it should be numbered "1"; additional pages inserted and numbered "2," "3," etc.

e. Entries will be made per the instructions on the form, except in cases where entry is not required under any column, the space will be checked "X" to indicate that it was not overlooked.

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 the 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 CMC (MMSR-5) for approval.

g. A unit commander may delegate the authority to certify records of Reserve retirement credits to appropriate officers of the command.

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 the occasion for the 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 the inclusive dates of all such duty to include travel time.

9. 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 instructions or duty for drills (EIOD), a report of performance must be made by the reservist to the unit commander on NAVMC 799, Equivalent Instruction Report, as follows:

(1) Members of Mobilization 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 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.

b. Credits for correspondence courses will be taken from reports furnished by the Marine Corps Institute (MCI).

(1) Reports to Reserve unit commanders by the Marine Corps Institute 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 (MCI is responsible for obtaining anniversary date upon enrollment), and/or on other appropriate occasions; i.e., 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 Marine for the satisfactory completion of a lesson shall be the date of receipt of the completed lesson by MCI. 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 MCI cannot determine whether the Marine is serving on extended active duty, a report will be submitted.

(2) Unit commanders will retain the report provided by MCI 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 MCI informed of the identity of the student's 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 the member's 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 extend active duty with all endorsements will be placed in the member's SRB and retained until the member rejoins a Reserve organization.

(a) If the reservist is discharged while on extended active duty and reenlisted in the Regular Marine Corps, the orders will be forwarded with the original DD Form 4 and reproduced copies of standard pages required by MCO P1070.12, IRAM.

(b) Should the situation stated in paragraph 3024.9c(1)(a) occur and the Marine later reenlists in the Marine Corps Reserve, the unit which joins the Marine will commence Reserve retirement credit reporting from the 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 the CMC (MMRB-20).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Individual or Appropriate Authority
To: Commandant of the Marine Corps (MMEA-65), Headquarters,
U.S. Marine Corps, Washington, DC 20380-0001
Via: (1) CO of current unit
(2) CG, 4th MarDiv/CG, 4th MAW/CG, 4th FSSG/or Dir, MCRSC, as appropriate

Subj: REQUEST FOR INTERSERVICE TRANSFER

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

1. Per the reference, I request an interservice transfer to (name of military service).

2. The following information is provided:

- a. Applicant's last, first, and middle name.
- b. Social security number.
- c. Grade, pay grade, date of rank, and military specialty.
- d. Component.
- e. Organization to which assigned.
- f. Years, months, and days of total service.
- g. Summary of other intercomponent transfers, if any.
- h. Date and place of birth.
- i. Citizenship and how acquired.
- j. Summary of military duties performed.
- k. Brief description of educational credentials and military and civilian professional qualifications.
 1. Reason for requesting transfer.
 - m. Statement by member that, in the event of approval, the member will accept assignment to and participate in the accredited training program of the component to which transferred.

Figure 3-1.--Request for Interservice Transfer for an Enlisted Marine.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Individual or Appropriate Authority
To: Commandant of the Marine Corps (MMSR-5), Headquarters,
U.S. Marine Corps, Washington, DC 20380-0001
Via: (1) CO of current unit
(2) CG, 4th MarDiv/CG, 4th MAW/CG, 4th FSSG/or Dir, MCRSC, as appropriate

Subj: REQUEST FOR INTERSERVICE TRANSFER

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

1. Per the reference, I request an interservice transfer to (name of military service).

2. The following information is provided:

- a. Applicant's last, first, and middle name.
- b. Social security number.
- c. Grade, pay grade, date of rank, and military specialty.
- d. Component.
- e. Organization which assigned.
- f. Years, months, and days of Federal commissioned service, active and Reserve.
- g. Summary of other intercomponent transfers, if any.
- h. Date and place of birth.
- i. Citizenship and how acquired.
- j. Summary of military duties performed.
- k. Brief description of educational credentials and military and civilian professional qualifications.
 1. Reason for requesting transfer.
 - m. Contingent resignation, include the following statement: "I hereby tender my resignation from the (specify component) and request it be accepted contingent upon final approval of my application for transfer to the (specify component), and be effective the day preceding the date of my acceptance of appointment in the (specify component)."

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

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

FOR LESS THAN A FULL ANNIVERSARY YEAR IN AN ACTIVE STATUS							
Number of Days in an Active Status		Membership Points be credited	Number of Days in an Active Status		Membership Points to be credited		
FROM	THROUGH		FROM	THROUGH			
1	12	0	183	206	8		
13	36	1	207	231	9		
37	60	2	232	255	10		
61	85	3	256	279	11		
86	109	4	280	304	12		
110	133	5	305	328	13		
134	158	6	329	352	14		
159	182	7	353	365	15		

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

RESERVE RETIREMENT CREDIT REPORT (7810)
NAVMC 798 (REV. 7-78) (Supersedes all previous editions of NAVMC 798 and 798a which will not be used)
SN: 0000-00-001-0203 U/I: PD (Pads of 100 Sheets)

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

GENERAL

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

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

4003. GUIDANCE TO COMMANDERS ON SEPARATION PROCESSING

1. If a commanding officer recommends an officer for separation by use of the notification procedure in section 2, forward the case file to the Secretary of the Navy (via the CMC (MMSR-3)) once the necessary administrative procedures have been completed.
2. If a commanding officer determines that an officer's record should be reviewed to determine whether that officer's separation may be warranted by use of the administrative board procedures in section 3, then the commanding officer must report the reasons for separation to the CMC (JAS) for initiation of processing for separation action. (See paragraph 4101.) SECNAVINST 1920.6 contains Department of Navy policies regarding the administrative separation of officers for cause. Notwithstanding any provision in this chapter, the policies, standards, and procedures contained in SECNAVINST 1920.6 control administrative separation of officers.

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

1. Active Commissioned Service. Service on active duty as a commissioned officer or commissioned warrant officer.
2. Board of Inquiry. A board convened pursuant to paragraph 4302 to receive evidence and make findings and recommendations as to whether an officer who is required to show cause for retention on active duty should be retained on active duty.
3. Board of Officers. A board convened pursuant to paragraph 4301 to determine whether a Regular officer (other than limited duty or warrant officers) should be required to show cause for retention.
4. Board of Review. A board convened pursuant to paragraph 4303 to review the cases of Regular officers (other than limited duty or warrant officers) who have failed to establish before Boards of Inquiry that they should be retained on active duty.
5. Characterization of Service. Classification of the quality of military service rendered.
6. Commissioned Officer. Officers and warrant officers, W-2 and above, who hold a grade and office under a commission signed by the President.

7. Commissioned Service. All periods of service as a commissioned officer or a warrant officer in the Army, Navy, Air Force, or Marine Corps in a grade above warrant officer, W-1, while on active duty or in an active, inactive, or retired status.
8. Convening Authority. The Secretary of the Navy or those individuals authorized to appoint boards under this chapter.
9. Continuous Service. Military service, unbroken by any period in excess of 24 hours.
10. Counsel. A lawyer certified per Article 27b(1) of the Uniform Code of Military Justice or a nonlawyer, assigned to a respondent for separation processing or a civilian lawyer retained at the officer's expense.
11. Discharge. The termination of an officer's obligation to render service and complete severance from all military status.
12. Dismissal. Separation of a commissioned officer, effected by a sentence of a general court-martial, or in a commutation of such a sentence, or, in time of war, by order of the President, or separation of a warrant officer, W-1, who is dismissed by order of the President in time of war. A complete severance from all military status.
13. Drop from the Rolls. A complete severance of military status pursuant to specific statutory authority, without characterization of service.
14. Homosexual. A person, regardless of sex, who engages in, desires to engage in, or intends to engage in sexual acts with another person of the same gender.
15. Homosexual Act. Bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.
16. Illegal Drug Involvement. Wrongful, or improper use, possession, manufacture, sale, or transfer of any psychoactive substance to include: Alcohol; amphetamine or similarly acting sympathomimetics; cannabis; cocaine; hallucinogens; inhalants; opiates; phencyclidine (PCP) or similarly acting arylcyclohexylamines; and sedatives, hypnotics or anxiolytics or other controlled substances. The term "Controlled Substances" means a drug or other substance included in schedule I, II, III, IV, or V of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) as updated and published under the provisions of that Act.
17. Legal Advisor. A lawyer certified per Article 27b(1) UCMJ, appointed to assist boards convened to consider the separation of officers for cause under this notice.
18. Nonprobationary Officers. Regular commissioned officers (other than commissioned warrant officers or retired officers) with 5 or more years of active commissioned service.
19. Obligated Service. All service prescribed in the officer program through which an officer was accessed which was incurred by the officer in consideration of being tendered an initial appointment, or any additional obligation incurred.
20. Officer. A member of the naval service serving in a commissioned or warrant officer grade, either temporary or permanent. The term "officer" does not include any midshipman at the Naval Academy; midshipman, U.S. Navy; midshipman, U.S. Naval Reserve; officer candidate; aviation cadet; or other person in an officer candidate status similar to any one or more of the foregoing.
21. Probationary Officer. A Regular commissioned officer (other than commissioned warrant officers or retired officers) with less than 5 years of active commissioned service.
22. Qualified Resignation. A resignation which allows for a characterization of service as under honorable conditions (general) or under other than honorable conditions.

23. Respondent. An officer who is to be processed for separation for cause either by the notification procedure or the administrative board procedure specified in this chapter.
24. Release from Active Duty. The release of an individual in an active duty status as a commissioned or warrant officer (of the Regular Marine Corps or the Marine Corps Reserve), to an inactive duty status.
25. Resignation. The request by an officer to be divested of his or her commission or warrant. May be classified as unqualified, qualified, or for the Good of the Service. Upon acceptance by the Secretary and completion of all administrative procedures, it represents a complete severance from all military status.
26. Resignation for the Good of the Service. A resignation which allows for an other than honorable characterization of service.
27. Retention on Active Duty. The continuation of an individual in an active duty status as a commissioned or warrant officer (of the Regular Marine Corps or the Marine Corps Reserve).
28. Revocation of Appointment, Revocation of Commission, or Termination of Appointment. A complete termination of the military status as an officer.
29. The Secretary. The Secretary of the Navy. Includes the Under Secretary of the Navy, or an Assistant Secretary of the Navy.
30. Separation. A general term which includes discharge, dismissal, dropping from the rolls, release from active duty, revocation of an appointment or commission, or termination of an appointment.
31. Sexual Perversion. Includes:
- a. Lewd and lascivious acts.
 - b. Sodomy.
 - c. Indecent exposure.
 - d. Indecent act(s) with, or assault on, a person below the age of 16.
 - e. Transvestism or other abnormal sexual behavior.
 - f. Other indecent act(s) or offense(s).
32. Unqualified Resignation. A resignation which allows for an honorable characterization of service.

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

SECTION 1: PROCESSING FOR SEPARATION

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

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

1. Cases referred under paragraph 4101 when considered appropriate under this chapter.
2. Officers whose performance or conduct is such that processing for separation is considered appropriate under this chapter.
3. Every officer reported to the Secretary of the Navy by a selection board.

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

1. Substandard Performance of Duty. Inability of an officer to maintain adequate levels of performance or conduct as evidenced by one or more of the following reasons:
 - a. Failure to demonstrate acceptable qualities of leadership required of an officer in the member's grade.
 - b. Failure to achieve or maintain acceptable standards of proficiency required of an officer in the member's grade.
 - c. Failure to properly discharge duties expected of officers of the member's grade and experience.
 - d. Failure to satisfactorily complete any course of training, instruction, or indoctrination which the officer has been ordered to undergo.
 - e. Record of marginal service over an extended time as reflected in fitness reports covering two or more positions and signed by at least two different reporting seniors.
 - f. Personality (character and behavior) disorders, when such disorders interfere with the officer's performance of duty and have been diagnosed by a physician or clinical psychologist.
 - g. An officer who has been referred to a program of rehabilitation for personal abuse of drugs will be separated for failure through inability or refusal, to participate in or successfully complete such a program. Nothing in this provision precludes separation of an officer who has been referred to such a program under any other provision of this chapter.
 - h. An officer who has been referred to a program of rehabilitation for alcohol abuse (see paragraph 6209.3 for specific guidelines and procedures) or alcohol dependence (see paragraph 6209.4 for specific guidelines and procedures) will be separated for failure, through inability or refusal, to participate in or

successfully complete such a program. Nothing in this provision precludes separation of an officer who has been referred to such a program under any other provision of this chapter.

i. Failure to conform to prescribed standards of dress, weight, personal appearance or military deportment, or to comply with minimum standards of physical readiness.

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

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

a. Illegal Drug Involvement. Processing for separation is mandatory per the procedures of paragraph 6304 or chapter 4, section 2 or 3. An officer will be recommended for separation if an approved finding of unlawful drug involvement is made. Officers are not eligible for the Voluntary Drug Exemption Program. Exceptions to mandatory separation may be made on a case-by-case basis by the Secretary when the officer's involvement is limited to personal use of drugs and the officer is judged to have potential for future useful service as an officer and is entered into a formal program of drug rehabilitation. The procedures contained in paragraph 6304 shall be used for discharge under other than honorable conditions. Drug dependent Marines will be offered the opportunity to receive treatment at a Veterans Administration Medical Facility in conjunction with discharge per MCO P5300.12.

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

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

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

c. Sexual perversion.

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

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

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

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

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

- i. Intentional mismanagement or discreditable management of personal affairs, including financial affairs.
- j. Misconduct or dereliction resulting in loss of professional status, including withdrawal, suspension, or abandonment of license, endorsement or certification necessary to perform military duties in the officer's occupational field.
- k. A pattern of discreditable involvement with military or civilian authorities notwithstanding the fact that such misconduct has not resulted in judicial or nonjudicial punishment under the Uniform Code of Military Justice (UCMJ).
- l. Commission of a military or civilian offense which, if prosecuted under the UCMJ, could be punished by confinement of 6 months or more, and any other misconduct which, if prosecuted under the UCMJ, would require specific intent for conviction.
- m. Conviction by civilian authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty, which, if service connected, would amount to an offense under the UCMJ.

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

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

5. Parenthood. An officer may be separated by reason of parenthood if it is determined that the officer is unable to perform duties satisfactorily or is unavailable for worldwide assignment or deployment. (See MCO 5000.12.)

6. Dropping from the Rolls

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

- (1) Has been absent without authority for at least 3 months; or
- (2) Has been sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

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

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

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

c. Neither a hearing nor a board is required in order to drop an officer from the rolls. However, the officer so considered shall be notified of such prospective adverse action (or reasonable efforts shall be made to provide such notification) and provided the opportunity to respond within 30 days of receipt of notification. Upon completion of the dropping from the rolls action, notification will be addressed to the officer concerned. No certificate of discharge is issued upon separation by dropping from the rolls since such service is not characterized. For the purpose of any Federal benefit based upon characterization of service, dropping from the rolls

shall be considered as a discharge under other than honorable conditions. Except for members who are absent without authority, members who are entitled to retired pay may not be dropped from the rolls unless they are ineligible to receive their retired pay under authority of subchapter II, chapter 83, 5 U.S.C.

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

4104. SEPARATION PROCEDURES FOR REGULAR OFFICERS

1. Probationary Officers

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

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

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

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

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

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

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

1. Reserve Officers

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

b. Reserve officers with more than 3 years of commissioned service and Reserve warrant officers with more than 3 years of service as a warrant officer may be separated for any reason discussed under paragraph 4103.1 (Substandard Performance) or paragraph 4103.5 (Parenthood) only upon recommendation of a Board of Inquiry.

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

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

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

3. Permanent Regular Warrant Officers

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

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

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

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

1. Address requests for resignation to the Secretary via the CMC (MMSR-3). If a resignation is submitted in lieu of a recommendation for administrative separation, the resignation shall contain the appropriate statement below corresponding to the type of discharge recommended. If the resignation is submitted to escape trial by court-martial, the resignation shall contain the statement in paragraph 4106.1c, and follow the procedures in paragraph 4106.2.

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

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

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

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

2. Separation in Lieu of Trial by Court-Martial. An officer may be separated in lieu of trial by court-martial upon the officer's request if charges have been preferred with respect to an offense for which a punitive discharge is authorized. This provision may not be used as a basis for separation when R.C.M. 1003(d) of the Manual for Courts-Martial provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial authorized to adjudge a punitive discharge.

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

b. The following procedures apply for submission of the request to the Secretary via the CMC (MMSR-3).

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

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

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

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

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

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

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

(5) The request shall also include:

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

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

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

3. The CMC shall, unless the request is denied, submit the request to the Secretary with the case file and recommendation.

4. Resignations will normally be denied if the requested characterization of service is not consistent with the guidelines contained in this chapter.

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

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

4107. CHARACTERIZATION OF SERVICE

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

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

2. The foregoing discharges will be issued by the Secretary and sent to the CMC for delivery. Under no circumstances will any other organization issue a discharge certificate to an officer. Officers receiving an under other than honorable conditions characterization of service will not be issued a discharge certificate.

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

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

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

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

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

(2) Using appropriated funds to influence legislation.

(3) Accepting bribes.

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

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

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

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

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

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

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

8. Exceptions

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

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

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

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

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

a. By using force, coercion, or intimidation;

b. With a person under 16 years of age;

- c. With a subordinate in circumstances that violate customary military superior-subordinate relationships;
- d. Openly in public view;
- e. For compensation;
- f. Aboard a military vessel or aircraft; or
- g. In another location subject to military control, under aggravating circumstances noted in the findings, that have an adverse impact on discipline, good order or morale comparable to the impact of such activity aboard a vessel or aircraft.

10. Once issued, the Commandant of the Marine Corps does not have the authority to change, modify, or correct the character or type of discharge awarded either administratively or by the sentence of a court-martial. Within the Department of the Navy only the Secretary has this authority. Further, two boards, the Naval Discharge Review Board and the Board for Correction of Naval Records, have been established by statute to review applications for relief and to make recommendations to the Secretary of the Navy regarding the appropriate corrections or changes if any, that should be made to the petitioner's official records. Specific information about the Naval Discharge Review Board and Board for Correction of Naval Records may be found in paragraph 1101.4e of this Manual. Applications for review and explanatory matter may be obtained by writing the Naval Discharge Review Board, Suite 905, 801 N. Randolph Street, Arlington, VA 22203-1989 or Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370-0001, as appropriate.

4108. LIMITATIONS

1. Subject to paragraph 4108.3, an officer who is processed for separation because of substandard performance of duty or parenthood (paragraphs 4103.1 and 4103.5), and who is determined to have established that the officer should be retained on active duty may not again be processed for separation for the same reasons within the 1 year period beginning on the date of that determination.
2. Subject to paragraph 4108.3, an officer who is processed for separation for misconduct, moral, or professional dereliction, or in the interests of national security (paragraphs 4103.2 and 4103.3), and who is determined to have established that the officer should be retained on active duty may again be required to show cause for retention at any time.
3. An officer may not again be processed for separation under paragraph 4108.1 or 4108.2 solely because of conduct which was the subject of previous proceedings, unless the findings and recommendations of the board that considered the case are determined to have been obtained by fraud or collusion.
4. Whenever evidence of pre-service misconduct is presented to a board, the board may consider it only for the purpose of deciding whether to recommend separation or retention of the respondent. Such evidence shall not be used in determining the recommendation for characterization of service. The board shall affirmatively state in its report that such evidence was considered only for purposes of determining whether it should recommend retention or separation of the officer.

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

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

2. Retirement. An officer who is being considered for removal from active duty under this chapter who is eligible for voluntary retirement under any provision of law on the date of such removal may, upon approval of the Secretary, be retired in the highest grade in which the officer served satisfactorily as determined by the Secretary. Such a retirement is considered voluntary for purposes of determination of the officer's retirement.

4110. SEPARATION PAY FOR INVOLUNTARY SEPARATIONS FOR CAUSE

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

2. Separation Pay

a. The amount of separation pay which may be authorized is 10 percent of the product of (a) the member's years of active service, and (b) 12 times the monthly basic pay to which the member was entitled at the time of discharge or release from active duty or \$30,000, whichever is less.

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

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

3. Involuntary Discharges which Entitle Members to Separation Pay

a. Officers involuntarily discharged, who have completed 5 or more, but less than 20 years of active service immediately before that discharge or release from active duty are entitled to separation pay in the amount computed under paragraph 4110.2a but not to exceed \$15,000.

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

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

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

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

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

(2) Dropped from the rolls.

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

(4) Release from active duty for training.

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

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

SECTION 2: NOTIFICATION PROCEDURE CONCERNING PROBATIONARY OFFICERS

4201. GENERAL. The following notification procedure shall be used when required by the provisions of section 1 of this chapter.

4202. NOTIFICATION BY COMMANDING OFFICER. The commanding officer shall notify the officer in writing of the following:

1. Each reason specified under paragraph 4103 (Reason for Separation for Cause) of this chapter for which the action was initiated, including the specific factual basis supporting the reason.
2. The recommended characterization of service is honorable (or general if such a recommendation originated with a Board of Officers per paragraph 4104.1d).
3. The officer may submit a rebuttal or decline to make a statement.
4. The officer may tender a resignation in lieu of separation per paragraph 4106 (Voluntary Retirement or Resignation.)
5. The officer has the right to confer with appointed counsel as provided in paragraph 4203.
6. Upon request the officer will be provided copies of the papers sent to the Secretary supporting the proposed separation. Classified documents may be summarized.
7. The officer has the right to waive paragraphs 4202.3, 4, 5, and 6 above, and that failure to respond shall constitute waiver of the rights in these subparagraphs.
8. The officer has a specified period of time to respond to the notification as provided in paragraph 4204.

4203. RIGHT TO COUNSEL. The respondent will be provided with appointed counsel. Nonlawyer counsel may be provided when the respondent is deployed aboard a vessel or in similar circumstances of separation from available judge advocate resources.

4204. RESPONSE

1. The respondent shall be provided a reasonable period of time, normally 5 working days, to act on the notice. An extension may be granted by the commanding officer upon a timely showing of good cause by the officer.
2. If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made in the case file. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate notification statement, the selection of rights will be noted and notation as to the failure to sign will be made.

4205. SUBMISSION TO THE SECRETARY

1. The commanding officer shall forward the case file to the Secretary via the CMC (JAS). The case file shall contain a copy to the written notification to the respondent, documentation substantiating the substandard performance, and any written statement which the respondent desires to make. If the respondent tenders a resignation, it shall accompany the case file.

2. The Commandant of the Marine Corps shall forward the case file to the Secretary with recommendations on each reason for separation and the facts supporting it, the recommendation for separation, and a resignation, if tendered.
3. The Commandant of the Marine Corps may disapprove the separation of probationary officers when the reasons for separation are only in the category of substandard performance of duty (paragraph 4103.1) and there is not sufficient evidence to support one or more of those reasons.

4206. ACTION OF THE SECRETARY

1. The Secretary shall determine whether there is sufficient evidence supporting the allegations set forth in the notification for each reason for separation.
2. If there is sufficient factual basis for separation, the Secretary may order the officer separated. If the officer tenders a resignation, the Secretary may accept it.
3. If the Secretary determines that an honorable characterization is not appropriate, the Secretary may direct the case be reviewed by a Board of Officers per 4301.2. If the case had originally been initiated by a Board of Officers under paragraph 4104.1d, the Secretary may then refer it directly to a Board of Inquiry.
4. The Secretary may direct that the case be closed.

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

SECTION 3: ADMINISTRATIVE BOARD PROCEDURES

4301. BOARD OF OFFICERS

1. Purpose. The purpose of a Board of Officers is to review the record of any Regular officer (other than limited duty or warrant officers) to determine whether the officer should be required because of substandard performance of duty, misconduct, professional or moral dereliction, or because retention is not clearly consistent with the interests of national security, to show cause for the officer's retention on active duty.

2. Convening Authority. The CMC (MM) shall convene Boards of Officers at Headquarters, U.S. Marine Corps for officers when referred under paragraphs 4102 and 4103 of this chapter, when referred by the Secretary, or upon receipt of information involving an officer whose performance or conduct is such that processing for separation is appropriate or required. The CMC will provide the Board of Officers with the specific reasons for which separation is to be considered, the respondents record, and all other available information relevant to the reasons for separation.

3. Record Review. The Board of Officers shall consider all record information available prior to making a determination. The board may not hear testimony or depositions from witnesses or from the respondent. It has no independent investigative function.

4. Decisions of the Board of Officers

a. The Board of Officers after deliberations shall determine by majority vote one of the following:

(1) That there is sufficient evidence of record to show that the respondent should be required to show cause for retention for one or more of the reasons specified, or

(2) That none of the reasons specified are supported by sufficient evidence of record to warrant referral to a Board of Inquiry and that the case is, therefore, closed. If the reasons for separation include either homosexual conduct or unlawful drug involvement it shall report those reasons for separation for referral to a Board of Inquiry.

b. When in the case of a probationary officer the board judges that the record supports separation of the respondent and that the circumstances warrant a characterization of honorable or general consistent with paragraph 4107 (Characterization of Service) it may supplement its findings under paragraph 4301.4a(1) with a nonbinding recommendation for separation for stated reasons(s) and an honorable or general characterization, as appropriate.

5. Action on Report of a Board of Officers

a. If the Board of Officers closes the case, the Commandant of the Marine Corps shall terminate all proceedings under this chapter.

b. If the Board of Officers finds that there is sufficient evidence to require the respondent to show cause for retention, the Commandant of the Marine Corps shall convene a Board of Inquiry pursuant to paragraph 4302 to consider the case.

c. If the Board of Officers recommends that the Secretary directly separate a probationary officer with an honorable or general characterization of service, the Commandant of the Marine Corps shall initiate the notification procedure in Section 2 of this Chapter and forward the report, with the respondent's rebuttal, if any, and their recommendations concerning the case to the Secretary for decision.

d. If a case is referred to the Secretary under paragraph 4301.5c, the Secretary may:

(1) Approve the separation and the recommended or a more favorable characterization, or

(2) Disapprove the recommended separation and characterization of service and return the case to the CMC for referral to a Board of Inquiry, or

(3) Close the case.

4302. BOARD OF INQUIRY

1. Purpose. The purpose of a Board of Inquiry is to give the officer a full and impartial hearing at which the officer may respond to and rebut the allegations which form the basis for separation for cause and present matters favorable to the officer's case on the issues of separation and characterization of service.

2. Convening Authority. The CMC, or an officer exercising general court-martial convening authority when directed by the CMC, shall convene a Board of Inquiry.

3. Membership, Recorder, Legal Advisor. Boards of Inquiry shall consist of not less than three Marine officers.

a. Members shall be highly qualified and experienced officers.

(1) In the case of a Regular officer (other than limited duty or warrant officers), the members shall be Regular officers on the active duty list in the pay grade of O-6 or above, and senior to the respondent.

(2) In the case of Reserve or limited duty officers, the members shall be senior to the respondent and at least one member shall be a Reserve or limited duty officer, respectively. In the case of warrant officers, the members shall be senior to the respondent; the convening authority should consider appointing at least one member who is a warrant officer.

b. The convening authority is not limited to officers under the convening authority's direct command in selecting qualified officers to sit on a Board of Inquiry.

c. When sufficient highly qualified and experienced officers on the active duty list are not available, the convening authority shall complete board membership with available qualified retired officers.

d. Officers with personal knowledge pertaining to the particular case shall not be appointed to the board considering the case. No officer may be a member of more than one board convened under this chapter to consider the same officer.

e. The senior member shall be the Presiding Officer, and rule on all matters of procedure and evidence, but may be overruled by a majority of the Board.

f. The convening authority shall appoint a nonvoting Recorder, and may appoint a nonvoting Legal Advisor when considered appropriate, to perform such duties as the board desires. They have no vote and shall not participate in closed sessions of the board.

4. Notice to Officer. The respondent shall be notified in writing at least 30 days before the hearing of the case by a Board of Inquiry, of each of the reasons for which the respondent is being required to show cause for retention on active duty, the least favorable characterization of service which may be recommended by the Board of Inquiry, and of the rights of a respondent.

5. Rights of a Respondent, Appearing Before a Board of Inquiry. The respondent shall be given the following rights, which may be exercised or waived:

- a. To reasonable additional time, as determined necessary by the Board of Inquiry, to prepare their case. (In addition to the 30 days provided in paragraph 4302.4, the respondent may further petition the convening authority for a continuance.)
- b. To representation by counsel, as defined in paragraph 4302.6.
- c. To present matters in their behalf.
- d. Full access to, and copies of records relevant to the case.
- e. To notification of the names of all witnesses in advance of Board of Inquiry proceedings.
- f. To challenge any member for cause. The respondent may submit to the convening authority for appropriate action, any relevant matter which, in their view, indicates that a particular member or members should not consider the case.
- g. To request from the convening authority or the Board of Inquiry the appearance before the board of any witness whose testimony is considered to be pertinent to the case, as provided in paragraph 4302.8.
- h. To submit any matter from the respondent's service record, letter answers, depositions sworn or unsworn statements, affidavits, certificates or stipulations at any time before the board convenes or during the proceedings. This includes, but is not limited to, depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.
- i. To question any witness who appears before the Board of Inquiry. Testimony of witnesses shall be under oath or affirmation.
- j. To give sworn or unsworn testimony and to be warned against self-incrimination as required by Article 31, UCMJ. The respondent may only be examined on sworn testimony.
- k. To present argument on the matter to the board.
- l. To receive a copy to the record of the proceedings in the case and a copy of the findings and recommendations of the board.
- m. Upon completion of the board's proceedings, to submit a statement in rebuttal to the findings and recommendations of the Board of Inquiry for consideration by the Board of Review, or the Secretary, as appropriate, (should the Board of Inquiry not close your case).
- n. To appear in person, with or without counsel, at all open proceedings of the board.
- o. Failure of the respondent to invoke any of these rights shall not be considered as a bar to the Board of Inquiry proceedings, findings, or recommendation.

6. Counsel

- a. A judge advocate shall be assigned by the convening authority to represent the respondent.
- b. The respondent may request appointment of a judge advocate of the respondent's own choice, if reasonably available, as follows:
 - (1) The respondent may request a judge advocate who is assigned duties as defense counsel and attached to the servicing command, or a judge advocate who is assigned duties as defense counsel on board the Navy or Marine Corps installation at or nearest to the site of the administrative board provided such installation is within 100 miles of the proceeding (using the official table of distances). The determination of reasonable availability is within the sole discretion of the requested judge advocate's commanding officer (for Navy judge advocates) or reporting senior (for Marine Corps judge advocates). The decision of that officer is final.

(2) Unless otherwise directed, appointment of a judge advocate of the respondent's own choice relieves the judge advocate previously assigned. If the respondent so requests in writing and if the interests of fair procedure so require, the convening authority may permit the previously assigned judge advocate to continue representing the respondent. Approval is within the sole discretion of the convening authority and that decision is final.

c. The respondent shall not normally be represented by both appointed military counsel, and requested military counsel.

d. The respondent also may engage civilian counsel at no expense to the government, in addition to, or in lieu of, military counsel.

7. Waiver. The respondent may waive any of the above rights before the Board of Inquiry convenes or during the proceedings. Failure to appear, without good cause, at a hearing constitutes waiver of the right to be present at the hearing.

8. Witnesses

a. Witnesses whose testimony will add materially to the respondent's case shall be invited to appear to offer testimony before the Board of Inquiry if such witnesses are reasonably available.

b. Witnesses not within the immediate geographical area of the board, or not under the command of the convening authority are considered not being reasonably available.

c. Statements or depositions shall be admitted and considered by Boards of Inquiry from witnesses not reasonably available to testify during board proceedings.

d. The convening authority shall request that a commanding officer make available for personal appearance before a board, active duty or civilian witnesses under the convening authority's jurisdiction whose personal appearance is essential to a fair determination, but who:

(1) Are not reasonably available to testify, or;

(2) Decline an invitation to testify before a board.

e. Respondent will specify in the respondent's request for witnesses to the convening authority or, once proceedings have commenced, to the Board of Inquiry, the type of information the witness is expected to provide. Such a request shall contain the following matter:

(1) A synopsis of the testimony that the witness is expected to give.

(2) An explanation of the relevance of such testimony to the issues of separation or characterization.

(3) An explanation as to why written or recorded testimony would be insufficient to provide for a fair determination.

f. Requests for witnesses may be denied if not requested in a timely manner.

g. Witnesses not on active duty must appear voluntarily and at no expense to the Government, except as provided for by subparagraph i.

h. All final decisions on the appearance of witnesses shall be made by the convening authority.

i. The convening authority shall authorize expenditure of funds for production of witnesses only if the presiding officer (after consultation with a judge advocate) or the legal advisor (if appointed) determines that:

(1) The testimony of a witness is not cumulative.

(2) The personal appearance of the witness is essential to a fair determination on the issues of separation or characterization.

(3) Written or recorded testimony will not accomplish adequately the same objective.

(4) The need for live testimony is substantial, material, and necessary for a proper disposition of the case; and the significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness, the timing of the request for production of the witness, the potential delay in the proceeding that may be caused by producing the witness, or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

j. If it is determined that the personal testimony of a witness is required, the hearing will be postponed or continued to provide the respondent with a reasonable opportunity to obtain a written statement from the witness if a witness requested by the respondent is unavailable in the following circumstances:

(1) When the presiding officer determines that the personal testimony of the witness is not required;

(2) When the commanding officer of a military witness determines that military necessity precludes the witness' attendance at the hearing; or

(3) When a civilian witness declines to attend the hearing.

9. Hearing. Hearings by Boards of Inquiry must be conducted in a fair and impartial manner to ensure that the respondent has the opportunity to present a case.

a. Boards of Inquiry are not courts-martial and the rules of evidence do not apply.

b. Oral or written matter not admissible in a court of law may be accepted by a Board of Inquiry.

c. Oral or written matters presented may be subject to reasonable restrictions as to authenticity, relevance (materiality) and competency by Boards of Inquiry.

10. Decision of Board of Inquiry. The board will make the following determination, by majority vote, based on the evidence presented at the hearing.

a. A finding on each of the reasons for separation specified, based on a preponderance of the evidence.

b. One of the following:

(1) The respondent is recommended for separation from the naval service for the specific reason or reasons, provided in paragraph 4103, supported by a preponderance of the evidence, and the case is referred to the Board of Review, or the Secretary, as appropriate. Based on those reasons and the evidence presented, and consistent with paragraph 4107, a certain characterization of service is recommended.

(2) None of the reasons specified are supported by sufficient evidence presented to warrant separation for cause and the case is, therefore, closed.

c. The board shall recommend separation for misconduct by reason of unlawful drug involvement if it finds that a preponderance of the evidence supports that finding under paragraph 4103.2a of the Manual.

d. The board shall recommend separation for misconduct by reason of homosexual conduct if it finds that one or more of the circumstance requiring separation under paragraph 4103.2b of this Manual is supported by a preponderance of the evidence.

11. Board of Inquiry Report. The board shall make a separate report for each respondent.

a. Each report shall include a transcript of the board's proceedings. The transcript shall be verbatim in the case of a Regular officer (other than limited duty or warrant officers), unless the Board's recommendation is to close the case. In all other cases the transcript may be summarized. The transcript shall show the basis for the board's determinations and recommendations, and shall be provided to the respondent or counsel for examination prior to signature by the board members. The respondent or counsel shall provide, for inclusion in the record, a statement that the transcript has been reviewed. Any deficiencies noted by respondent or counsel in the verbatim transcript shall be appended, as an enclosure, to the board's report.

b. In addition to the hearing transcript the board report shall include:

(1) The individual officer's service and background.

(2) Each of the acts, omissions, or traits alleged and the findings on each of the reasons for separation specified.

(3) The position taken by the respondent with respect to the allegations, reports, or other circumstances in question and the acts, omissions, or traits alleged.

(4) The recommendations of the board that the respondent be separated and receive a specific characterization of service, or

(5) The finding of the board that separation for cause is not warranted and the case is closed.

c. The report of a Board of Inquiry shall be signed by all members.

d. Nonconcurring member(s) shall sign the report and submit a separate minority report(s) which will include the extent of nonconcurrence with respect to each finding and recommendation and the reason(s) for nonconcurrence.

e. The respondent shall be provided a copy of the report of proceedings with the findings and recommendations of the board and be given the opportunity to submit written comments for consideration by the Board of Review.

12. Action on the Report of Board of Inquiry. The report of the Board of Inquiry shall be submitted to the CMC (JAS), along with any minority report and rebuttal or statement of the respondent, for termination of proceedings or further action. In the case of a Regular officer (other than limited duty or warrant officers), a majority recommendation for separation shall be forwarded to a Board of Review. In the case of Reserve, limited duty, or warrant officers, the report of the Board of Inquiry which recommends separation shall be forwarded to the Secretary of the Navy, with any desired recommendation of the CMC for final determination.

4303. BOARD OF REVIEW

1. Purpose. The purpose of a Board of Review is to review the reports of Boards of Inquiry of Regular officers (other than limited duty or warrant officers) which recommend separation for cause and make recommendations to the Secretary.

2. Convening Authority. Boards of Review shall be convened by the Commandant of the Marine Corps at Headquarters, U.S. Marine Corps.

3. Respondents Rights. The respondent does not have the right to appear before a Board of Review or present any statement to the board, except the statement or rebuttal to the findings and recommendations of the Board of Inquiry.

4. Review and Report. The Board of Review shall review the record, the findings and recommendations of the Board of Inquiry, and any minority reports or rebuttal.

▶ 5. Action Report of the Board of Review

a. The report of a Board of Review which recommends separation shall be delivered to the Secretary, with any desired recommendations of the Commandant of the Marine Corps, for final determination.

b. If the Board of Review closes the case, all proceedings will be ended.

▶ 4304. ACTION BY THE SECRETARY

1. The Secretary of the Navy may:

a. Direct retention, or

b. Direct separation of the respondent for specified reasons, and

c. Direct a characterization of service not less favorable than that recommended by the Board of Inquiry or Board of Review, as applicable.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 5

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION

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CHAPTER 5

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF
A SECOND FAILURE OF SELECTION FOR PROMOTION

5001. GENERAL

1. This chapter pertains to resignations submitted by officers of the Regular component and involuntary discharges of officers on active duty as a result of a second failure of selection for promotion. No officer will be discharged without specific authority from the Commandant of the Marine Corps (CMC).
2. The Secretary of the Navy determines the characterization of separation for officers. General guidance may be found in paragraph 4107. An honorable discharge is normally issued for unqualified resignations and discharges due to a second failure of selection for promotion. Discharge certificates will be issued by the Secretary of the Navy and sent to the CMC. Under no circumstances will any other unit prepare a discharge certificate on an officer.
3. Submit resignations in lieu of administrative separation for cause or in lieu of trial by court-martial per paragraph 4106.

5002. RESIGNATION ELIGIBILITY

1. Officers serve at the pleasure of the President and no terminal dates are established for their commissions. The Secretary of the Navy, acting on behalf of the President, may accept an officer's resignation. The CMC will recommend approval of only those requests for resignation and subsequent requests for withdrawal which meet the criteria set forth in this Manual. When a request is disapproved, the CMC will reply by letter stating the reasons for disapproval.
2. The resignation of a commission is a voluntary act and must be without condition. Officers who submit resignations may expect favorable action provided they fulfill the requirements set forth below; however, the criteria may be modified as necessary to meet existing needs of the service. Specifically, the acceptance of an officer's resignation may be deferred or disapproved in order to maintain officer personnel strength at the necessary level. The CMC will ensure such action occurs only when critical conditions exist. The acceptance of an officer's resignation will be judged on the following:
 - a. Needs of the service.
 - b. Completion of the period of active commissioned service, chief warrant officer service, or warrant officer service, as specified in the officer's service agreement. Officers augmenting into the Regular Marine Corps retain their original active duty obligation. In some cases, this obligation may be extended as per paragraph 5002.3f. All active service, exclusive of active duty for training in the grade of warrant officer or above, will be counted.
 - c. Completion of the period of service specified in the officer's flight training agreement.
 - d. Completing 24 months of service after attending a service school when the prescribed course of instruction is 20 or more weeks duration and attendance is in compliance with official orders. The 24-month service requirement also applies to an officer who does not complete a prescribed course of 20 or more weeks duration. In this case the service requirement commences on the officer's date of transfer from the course. Officers serving their initial obligated active duty tour who are involuntarily ordered to attend such a school are excluded from the above provisions. Additionally, the resignation of officers who successfully complete a military or funded civilian course of 19 weeks or less will not normally be approved prior to the completion of 12 months active duty following completion of the course.

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

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

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

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

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

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

b. The officer assigned (joined or attached) to a unit located within the continental United States is scheduled to deploy outside its immediate geographical location in excess of 90 days, submits a resignation within 4 months, or in the case of a carrier deployment, within 9 months of the date the deployment is scheduled to commence.

c. The officer is serving overseas and desires separation prior to completion of the minimum tour length prescribed by MCO 1300.8 (for this purpose, Alaska and Hawaii are considered to be overseas locations). Officers who voluntarily extend their overseas tour will not be eligible to resign prior to fulfillment of that extension.

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

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

f. The officer requests to resign prior to completion of 2 years from the date of augmentation. Officers selected for augmentation incur a 2-year active duty obligation in the Marine Corps from the date they accept an appointment as a Regular officer. This obligation will run concurrently with any other obligation(s) and will not serve to decrease any other legal obligation.

4. Officers serving on an overseas tour, or those officers whose orders specify a specific tour length, will normally not be allowed to resign prior to completion of that tour defined in MCO 1300.8. Officers desiring to request resignation from an overseas duty station, or officers who are serving in a billet where tour length is specified in the PCSO, and who are eligible may elect one of the following options:

a. Request resignation coincident with rotation tour date.

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

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

d. Accept orders from a specified tour length billet and serve a minimum of 1 year at the next duty station before resigning. Officers who are ineligible to resign at RTD, or at the end of their specified tour length, but who will become eligible in less than a year, and who desire to resign when first eligible, may either extend their tour to coincide with the requested date of resignation or elect the option in paragraph 5002.4c. Officers resigning per this paragraph will return

to CONUS (W95) not later than 10 days prior to the requested date of resignation unless they have notified the CMC (MMSR-3) that separation overseas is desired.

5. When an officer requests a waiver of any of the criteria set forth above, the officer must justify it on the grounds of undue hardship. Such requests must include the information required by paragraph 6407 and must clearly establish that a situation exists which is not of a temporary nature, not susceptible to relief by other means, and where approval of the resignation is the only means readily available to alleviate the hardship.

6. An officer may be released from active duty, permitted to resign, or discharged as appropriate, for the purpose of performing the duties of: the President of the United States, the Vice President of the United States, a Presidential appointee to a statutory office, a member of either of the legislative bodies of the United States, a Governor, any other State official chosen by the voters of the entire State or several States, and a judge of courts of record of the United States or of several States, and the District of Columbia. In the case of a reservist who is eligible for the Retired Reserve List or the individual's name is already on the Retired Reserve List, the officer will be released from active duty.

5003. SUBMISSION OF RESIGNATION REQUESTS

1. Submit requests for resignation via the unit diary per MCO P1080.35, paragraph 8101.9 (PRIM). The entry must be made not earlier than 14 months nor less than 4 months prior to the requested date of resignation. The minimum leadtime is necessary for processing requests and issuing orders to the officers concerned. In those cases where the resignation is received less than 4 months prior to the requested date, the CMC will reestablish the effective date to allow time for complete processing. Officers requesting resignation are cautioned not to make significant personal commitments (such as buying or selling a house or business, enrolling in graduate school, etc.) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for subsequent expeditious or preferential processing of an officer's request.

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

3. Submit a letter requesting resignation (figure 5-1) via the chain of command to the CMC (MMSR-3) when:

- a. A waiver of the eligibility criteria of paragraph 5002 is required.
- b. An officer is not obligated to accept a Reserve commission and does not desire to be considered for one; or
- c. An officer requests a Reserve commission but is not recommended for one by the commanding officer; or
- d. An officer requests resignation in lieu of a recommendation or processing for administrative separation for cause or in lieu of trial by court-martial.

4. Upon submission of a request for resignation, make the following OQR entry:

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

(Signature of resigning officer and date)"

5004. ADDITIONAL INSTRUCTIONS1. Reserve Commissions

a. All officers are obligated for at least 6 years but not more than 8 years of commissioned service, as provided in regulations prescribed by the Secretary of Defense, whether in an active or inactive status. Unless otherwise mandated by the CMC, an officer with obligated service who submits an unqualified resignation will not be separated if they decline a Reserve commission.

b. Officers who complete their initial statutory period of commissioned service will be automatically considered for appointment in the Reserve component unless the officer does not desire a Reserve commission per paragraph 5003.3.

2. Withdrawal of Resignation Requests. When an officer's resignation has been accepted by the Secretary of the Navy, the officer shall be separated from the service at a date specified by the CMC. A request for withdrawal of a resignation may be made any time prior to 45 days from the effective date of the resignation or commencement of separation leave. If an officer desires to withdraw a resignation, a written request must be submitted to the Secretary of the Navy via the CMC (MMSR-3) and the chain of command, and must contain the reason(s) why the officer desires to remain on active duty. The officer's immediate commanding officer will include in the forwarding endorsement a specific recommendation concerning the withdrawal of resignation and, if retention is recommended, explain why the officer's services are needed.

3. Expunging Resignation-Related Material

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

(1) For officers on active duty includes: resignation requests, disapproved resignation requests, and related correspondence in its entirety.

(2) For officers who resign and subsequently return to active duty in the naval service, includes: portions of resignation correspondence which contains reasons for resigning which might prejudice success on active duty and/or selection for promotion.

b. Other resignation-related material such as separation orders, fitness reports, and Certificates of Release or Discharge (DD 214) will not be expunged.

c. Send requests for removal of resignation letters and related correspondence to the CMC (MMSR).

4. Separation Leave. Commanding officers may authorize separation leave in conjunction with a resignation pursuant to MCO P1050.3 and paragraph 1010 of this Manual. Should an officer desire separation leave, the request for resignation must be submitted in advance of the minimum 4-month submission time for at least a period of time equal to the amount of leave desired.

5005. SEPARATION ORDERS

1. The CMC (MMSR-3) will normally direct by message the separation of officers who resign their Regular commission and are not tendered a Reserve commission or who are discharged for failure of selection. Local commanders will prepare and issue orders in the appropriate format as prescribed in figures 5-2 and 5-3.

2. The CMC (MMSR-3) will issue separation orders for officers who are separated for other than the foregoing reasons.

3. In all cases the CMC will issue officer discharge certificates and, when officers accept a commission in the U.S. Marine Corps Reserve, an Appointment Acceptance and

Record (NAVMC 763) and a Reserve commission. Discharge certificates will not be locally prepared.

5006. INVOLUNTARY DISCHARGE AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION

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

2. Approximately 1 to 2 months after publication of the board results, officers covered under this provision will receive a status letter from the CMC (MMSR-3). This letter will inform such officers of their options concerning entitlement to severance or separation pay and the latest date which they may elect discharge. Included with this letter is an enclosure which the officer will complete and return to the CMC (MMSR-3) making known the officer's pay and separation date choices.

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

a. Retention beyond an involuntary separation date may only be authorized by the Secretary of the Navy if an officer is confined to a hospital as an in-patient, or the officer's medical board has been received by the Physical Evaluation Board for a determination of physical disability entitlement. Title 10, U.S. Code, Section 640 governs deferment of retirement or separation for medical reasons.

b. When any action is started against an officer with a view to trying the officer by court-martial and the officer is to be separated or retired under this chapter, the Secretary of the Navy may delay the separation or retirement of the officer, without prejudice to such action, until completion of the action. Title 10 U.S. Code, Section 639 pertains.

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

5. Continuation Boards. Captains and majors subject to DOPMA, who have twice failed selection to the next higher grade are subject to the provisions of 10 U.S.C. 632. See table 5-1. However, twice failed majors will normally be considered by continuation boards established by the Secretary of the Navy. These boards will be authorized to select all twice passed over majors, without exception for continuation to 20 years 6 months active commissioned service on a noncompetitive basis. Unless further continued on active duty, majors will be required to retire not later than the 1st day of the month after the month in which the officer completed 20 years 6 months active commissioned service. (See paragraph 2005.2c for retirement guidelines.)

6. Eligibility for Severance and Separation Pay. Officers involuntarily discharged as a result of a second failure of selection may be entitled to either severance or separation pay, but not both. The formula yielding the more favorable amount to the officer will be paid to entitled officers. The Department of Defense Military Pay and Allowances Entitlements Manual prescribes actual entitlements and methods of computation. The CMC (MMSR) will complete a statement of service to include a statement of qualifying service which will be included in their separation orders, however, the following is a general guide:

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

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

◆ 5007. RESERVE OFFICERS ON ACTIVE DUTY. The CMC (MMAA) is responsible for issuing release from active duty orders for all Reserve officers on active duty. Further information about releasing Reserve officers from active duty is found in MCO 1900.1.

◆ 5008. INTERSERVICE TRANSFER. Procedures for requesting an interservice transfer and concurrently resigning are found in SECNAVINST 1000.7.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: REQUEST FOR RESIGNATION

Ref: (a) MCO P1900.16D, MARCORSEPMAN, PAR. 5002

1. I tender my resignation of commission in the United States Marine Corps per the reference, and request an effective date of _____.
2. I (do) (do not) desire to accept a commission in the U.S. Marine Corps Reserve. (Use this sentence for officers with no remaining obligation as defined in paragraph 5004.1.)

OR

2. I will accept a commission in the U.S. Marine Corps Reserve, if tendered. (This sentence must be used when officers have not completed their statutory obligation as defined in paragraph 5004.1.)
3. My (reason/justification) for submitting my letter of resignation/termination of permanent appointment is _____. (This paragraph is optional if no waiver of current regulations is involved.)

(Signature)

FIRST ENDORSEMENT

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

1. Forwarded recommending _____ *Note 1 _____.

(Signature)

*Note 1: The reporting senior must recommend and justify either offering or not offering a Reserve commission to the officer submitting the resignation regardless of whether or not they are obligated by law to accept a Reserve commission.

Figure 5-1.--Request for Resignation.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

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

Ref: (a) Your ltr of
(b) CMC msg
(c) JFTR, par. U5125

1. Your request to resign your Regular commission contained in reference (a) is accepted. As directed by reference (b), your discharge from the U.S. Marine Corps is effective 2400 (date).
2. Entitlement to pay and allowances terminates on the effective date of your separation from the U.S. Marine Corps. You are entitled to travel and transportation allowances as are authorized by reference (c).
3. By endorsement to these orders you must state the point of election for travel allowances per reference (c). Furnish two certified copies of these orders, with endorsements, to the disbursing officer having custody of your pay records.
4. TravChar appn _____.

(Signature)

ELECTION ENDORSEMENT

I elect travel allowances incident to release from active duty to my (check one):

Home of Record _____

Place of Commission _____

(Signature) (Date)

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: DISCHARGE FROM THE U.S. MARINE CORPS

Ref: (a) CMC msg
(b) JFTR, par. U5125 or 5130 (See Note 1 below)

1. As directed by reference (a), your discharge from the U.S. Marine Corps is effective 2400 (date).
2. You are entitled to those travel allowances authorized by reference (b). By endorsement to these orders, you must state the point of election for mileage allowances. Furnish two certified copies of these orders, with endorsements, to the disbursing officer having custody of your pay records.
3. Entitlement to all pay and allowances terminates on the effective date of your separation.
4. TravChar appn _____.

(Signature)

*Note 1: Use paragraph U5125 for those officers discharged with severance/separation pay who have less than 8 years continuous active duty. Use paragraph U5130 for those officers discharged with severance/separation pay who have more than 8 years continuous active duty with no single break of more than 90 days.

ELECTION ENDORSEMENT

I elect travel allowances incident to release from active duty to my (check one):

Home of Record _____

Place of Commission _____

(Signature) (date)

Figure 5-3.--Letter of Discharge from U.S. Marine Corps.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

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

NOTE:

1. Unless eligible to retire, an officer will be honorably discharged not later than the 1st of the 7th month following the month the board results were approved.
2. Unless eligible to retire, an officer will be honorably discharged not later than 60 days from the day the board results were approved.
3. Women officers twice failing selection for promotion will be discharged under the provisions of paragraph 5006. However, a grandfather clause exists for women first lieutenants and captains on active duty on 14 September 1981 who twice fail selection. Instead of being discharged (per paragraph 5006), these officers may elect to remain on active duty until 30 June of the fiscal year in which they complete 7 and 13 years of active commissioned service, respectively. Please note that severance or separation pay will only be paid if the officer completes this period of service (i.e., the 7 or 13 years) or elects discharge per paragraph 5006. A request for discharge between these periods is considered a voluntary separation and the officer will not be paid severance or separation pay.
4. If within 2 years of retirement eligibility from the last date an officer would otherwise be discharged, the officer will be continued on active duty until eligible for retirement.
5. In lieu of discharge an officer may request reenlistment in an enlisted status or revert to their underlying permanent grade in the case of LDO's.
6. Grandfathering provisions in DOPMA provide that all majors (including major selectees on active duty on 14 Sept 1981) are subject to the discharge laws in effect prior to 15 September 1981. If selected to major after 14 September 1981, DOPMA applies.
7. An officer may be selected for continuation until eligible for retirement.
8. Unless serving on active duty in the Career Reserve or Extended Duty Reservist Program on 15 September 1981, an officer will be released from active duty upon expiration of active service as specified in their current contract and may serve in the Ready Reserve until eligible for retirement.

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CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

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CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

6001. GENERAL

1. The procedures and instructions in this chapter pertain to the administrative separation of Marines prior to completion of active or obligated service. Unless specifically authorized by separate order, only the reasons contained in this chapter may form the basis for a Marine's separation, whether voluntary or involuntary.
2. Procedures and instructions for separating Marines at expiration of active service or upon completion of obligated service are contained in chapter 1. Those related to disability processing are in chapter 8.

6002. DEFINITIONS

1. Broken Service. The enlistment of a former member of the U.S. Armed Forces, discharged for more than 24 hours who completed a minimum of 12 consecutive weeks of active duty or active duty for training. The only exception is continuous service as defined below.
2. Continuous Service. Service in the Regular Marine Corps or Marine Corps Reserve which is continued by reenlistment within 3 months following discharge or release from active duty. A member who is reenlisted on the same day of the month 3 calendar months from date of discharge or release from active duty is reenlisted "within 3 months."
3. Convening Authority. The separation authority or the commanding officer who is empowered to convene a special court-martial.
4. Discharge. Complete severance from all military status gained by the enlistment or induction concerned.
5. Entry Level Status. Upon enlistment, a member qualifies for entry level status during (1) the first 180 days of continuous active military service or (2) the first 180 days of continuous active service after a break of more than 92 days of active service. A member of a Reserve component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry level status upon enlistment in a Reserve component. Entry level status for such a member of a Reserve component terminates as follows: (a) 180 days after beginning training if the member is ordered to active duty for training for one continuous period of 180 days or more; or (b) 90 days after the beginning of the second period of active duty training if the member is ordered to active duty for training under a program that splits the training into two or more separate periods.
6. General Courts-Martial Convening Authority (GCMCA). Article 22 of the Uniform Code of Military Justice (UCMJ) and paragraph 0103(a) of the Manual of the Judge Advocate General defines the general courts-martial convening authority.
7. Legal Advisor. A lawyer, uniformed or civilian, under the professional supervision of either the Judge Advocate General or General Counsel of the Navy, certified under, or otherwise meeting the professional requirements, of Article 27(b), UCMJ.
8. Member. An enlisted Marine.
9. Military Record. An individual's overall performance while a member of the military service, including personal conduct and performance of duty.
10. Qualified Counsel. Counsel certified per Article 27(b), UCMJ.
11. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty, including transfer to the Individual Ready Reserve (IRR).

12. Respondent. The Marine who is the subject of separation proceedings.
13. Separation. A general term which includes discharge, release from active duty, release from custody and control of the Armed Forces, transfer to the IRR, and similar changes in active or Reserve status.
14. Separation Authority. An official authorized to convene and take final action on administrative discharge proceedings.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 1: POLICY AND GUIDANCE

6101. POLICY

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

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

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

c. Achieve authorized force levels and grade distributions.

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

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

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

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

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

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

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

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

6102. PROCESSING TIME GOALS. Once separation action has begun, the best interest of all concerned are served by prompt forwarding, review, and decision in each case. Proceedings are considered to be initiated on the date a command receives a written

request for separation from a member or on the date a command delivers to a member a notice of separation proceedings per section 3 of this chapter. With this in mind, the following time goals are established for the administrative separations authorized by this chapter. The goals are measured from the date of notification or initiation of a voluntary request until the actual date of separation. Failure to complete an action within the prescribed time in no way bars separation or affects characterization. Every effort should be made, however, to meet the established goals.

1. Discharges without Board Action. When board action is not required, or is waived, separation action should be completed in 15 working days. When the initiating command and the separation authority are not located in the same geographical region, processing should be completed within 30 working days.
2. Separations with Board Action. Separations which require an administrative board should be completed in 50 working days. When action is required by the Secretary of the Navy, processing should be completed in 55 days.

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

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

6105. COUNSELING AND REHABILITATION

1. There is a substantial investment in the training of Marines. As a matter of policy, reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.
2. Unless processing for separation is mandatory, the potential for rehabilitation and further useful military service shall be considered by the separation authority and, where applicable, the administrative board. If separation is warranted, despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.
3. In some cases separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. No certain amount of time can be used to define "reasonable opportunity" for all situations. It must be determined by the commanding officer on a case-by-case basis. Rehabilitation efforts must include the following and be documented in the Marine's service record:
 - a. Written notification concerning deficiencies or impairments;

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

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

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

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

"(Date). Counseled this date concerning deficiencies (list deficiencies); specific recommendations for corrective action (list recommendations); assistance available; and advised that failure to take corrective action may result in administrative separation or judicial proceedings.

(Signature of Marine)

(Signature of Commanding Officer"

6106. LIMITATIONS ON SEPARATION ACTION

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

a. Conduct that has been the subject of military or civilian judicial proceedings resulting in an acquittal or action having the effect of an acquittal unless:

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

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

(3) The acquittal was solely by reason of lack of mental responsibility. Members in this category normally will be processed for separation for disability. When a disability separation is not appropriate, such members shall be processed for separation in the best interest of the service per paragraph 6214.

b. Conduct that has been the subject of a prior administrative board proceeding in which the separation authority approved the board's finding that the evidence did not sustain the factual allegations. Such conduct may form the basis for separation, however, if the separation authority determines that the finding was materially influenced by fraud or collusion on the part of the respondent or some other person acting on the respondent's behalf.

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

(1) Subsequent conduct or performance forms the basis, in whole or in part, for a new proceeding;

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

(3) The finding has been determined by the separation authority to have been materially influenced by fraud or collusion on the part of the respondent or some other person acting on the respondent's behalf, and an administrative board, in a rehearing, recommends separation.

2. A member being processed for separation who is Fleet Marine Corps Reserve/Retired List eligible will, upon request, be allowed to transfer to the Fleet Marine Corps Reserve/Retired List.

a. Requests for transfer to the Fleet Marine Corps Reserve/Retired List may be made at any time after initiation of separation proceedings. If such a request is made before final action on the proposed separation, the request shall be acted upon before action on the separation. Marines eligible for transfer to the Fleet Marine Corps Reserve/Retired List who do not request transfer initially, may also request transfer after notification that separation has been directed. Such requests must be submitted to the CMC (MMSR) within 5 working days of notification that separation has been directed and must request transfer within 30 days of the date separation was directed.

b. If the respondent is being transferred to the Fleet Marine Corps Reserve/Retired List by reason of misconduct, homosexuality, or security, then the CMC may direct reduction to the next inferior grade to that in which the respondent is currently serving before transfer. The CMC will determine whether the member should be transferred in the pay grade currently held or first be reduced to the next inferior grade based on unsatisfactory performance in the current grade. If the CMC determines that the member's service in the current pay grade was satisfactory, the member will be transferred to the Fleet Marine Corps Reserve/Retired List in the current pay grade. If the CMC determines that the member did not serve satisfactorily before being transferred to the Fleet Marine Corps Reserve/Retired List, the member will be reduced one grade. The following criteria will be applied in making this determination.

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

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

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

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

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

6107. CHARACTERIZATION OF SERVICE. The separation authority must determine the appropriate character of service once the separation is approved. Commanders initiating separation action must make specific recommendations based upon the circumstances of the particular case and the guidelines in paragraph 1004.

6108. RECOUPMENT OF ENLISTMENT/REENLISTMENT BONUSES. Recoupment of unearned portions of enlistment/reenlistment bonuses is directed when an active duty Marine is separated under any reason contained in this chapter with the exception of the following: involuntary separations under paragraphs 6202 (general demobilization), 6203.2, and 6203.3 (convenience of the Government); voluntary separations under paragraph 6404.2 (immediate reenlistment), 6407 (dependency/hardship), 6415 (transfer to the Navy Hospital Corps), 6417 (transfer to the Navy as a Religious Program Specialist), and 6420 (early release from overseas unit).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 2: INVOLUNTARY ADMINISTRATIVE SEPARATIONS

6201. GENERAL. This section lists the reasons a commander may recommend involuntary separation of a Marine prior to the Marine's expiration of service and sets up the necessary administrative rules for separating a Marine under any of the reasons given. Refer to section 4 for details on reasons for voluntary separation.

6202. CHANGE IN SERVICE OBLIGATION. Commanding officers may separate Marines when the Commandant of the Marine Corps directs separation as part of a general demobilization or reduction in force. Characterize service as honorable, general, or uncharacterized under the rules in table 6-1.

6203. CONVENIENCE OF THE GOVERNMENT. A Marine may be separated for the convenience of the Government for the reasons set forth below. Characterize service as honorable, general, or uncharacterized under the rules in table 6-1. Before involuntary separation under this provision, the notification procedure under paragraph 6303 or 6304, as appropriate, shall be used. Characterization is honorable unless an entry level separation is required under paragraph 6107; or characterization as under honorable conditions (general) is warranted per paragraph 6107.

1. Parenthood

a. Marines are Marines 24 hours a day, 7 days a week. Specific duties, assignments, or circumstances, not to mention the fundamental mission of the Marine Corps, require all Marines, regardless of marital status, to be responsive to command and Marine Corps needs. When a Marine's parental responsibilities result in repeated absenteeism, interfere with a Marine's effectively performing duty, or preclude present or future availability for worldwide assignment, separation is required unless the Marine can resolve the conflict to the commanding officer's satisfaction. Prior to initiating separation action, however, commanding officers must formally counsel the Marine per paragraph 6105 concerning specific deficiencies and give the Marine an opportunity to overcome the noted deficiencies. When the required performance does not result, follow the procedures in section 3.

b. Characterize service as honorable, general, or uncharacterized in accordance with table 6-1. The separation authority is the General Court-Martial Convening Authority (GCMCA).

2. Physical Condition Not a Disability

a. Whenever a Marine's performance deteriorates or has an adverse effect on others in the unit, commanding officers and subordinate leaders shall try to find the cause. When the command suspects a physical condition interferes with the Marine's effective performance of duty, the Marine should be referred to the appropriate medical authority. If examination by a medical officer confirms that the Marine is suffering from a physical condition apparently beyond the individual's control and indicates that the condition is not a disability, initiate separation proceedings per paragraph 6303. Such conditions may include the following:

(1) Obesity. Obesity is a specific reason for discharge, when as a result of the weight control or military appearance program contained in the current edition of MCO 6100.10 respectively, a medical board certifies that a Marine's overweight condition is due to pathological factors or similar causes.

(2) Bed Wetting (Enuresis).

(3) Sleep Walking.

(4) Chronic Air Sickness.

(5) Chronic Motion Sickness.

(6) Pseudofolliculitis Barbae. Refer to MCO 6310.1 for details or treatment required prior to initiation of separation action.

(7) Allergy. This includes, but is not limited to: allergy to clothing, boots, bedding, and bee stings or illness such as asthma and hay fever.

(8) Disqualifying Height. Separation on this basis is appropriate when, after a proper enlistment, a Marine cannot be assigned duties appropriate to grade and MOS due to increased height. Prior to separation the commander should investigate reassignment options for the Marine.

(9) Any additional physical condition which interferes with duty, as determined by the commanding officer and medical officer, that is not considered a physical disability.

b. Characterize service as honorable, general, or uncharacterized per table 6-1.

c. The separation authority is the GCMCA.

d. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105.

3. Personality Disorder. Separation under this paragraph is authorized only if a diagnosis by a psychiatrist or psychologist concludes that the disorder is so severe that the Marine's ability to function effectively in the military environment is significantly impaired. In addition to the medical diagnosis there must be nonmedical evidence showing specific examples of how the Marine is unable to function in the Marine Corps. Separation processing may not be initiated until the Marine has been counseled in accordance with paragraph 6105. If the deficiencies are not overcome, follow the notification procedures in paragraph 6303 or 6304, as appropriate. Characterize service as honorable, general, or uncharacterized under the rules in table 6-1. Separation under this paragraph is not appropriate when separation is warranted under any other paragraph in this chapter. For example, if a separation is warranted on the basis of unsatisfactory performance or misconduct, the Marine should not be separated under this paragraph regardless of the existence of a personality disorder. The separation authority is the GCMCA.

4. Review Action. A member may be separated if the member is placed on appellate leave pursuant to 10 U.S.C. 706 and whose punitive discharge is set aside, suspended, remitted, or disapproved during the review process.

5. Disenrolled Involuntarily from Officer Candidate Program. The member may be separated after being involuntarily disenrolled from an officer candidate program under conditions which did not result in a service obligation on the part of the member or when the member did not have enlisted service prior to entering the program. (For voluntary disenrollment, see paragraph 6411.)

6204. DEFECTIVE ENLISTMENT AND INDUCTION. Marines may be separated for the specific reasons below.

1. Minority

a. If a Marine is under the age of 17, the enlistment is void, and the Marine shall be released. The notification procedures in paragraph 6303 below shall be used and the Marine shall receive an order of release from the custody and control of the Marine Corps. There is no characterization or description of service. The separation authority is the GCMCA.

b. A Marine who is age 17 shall be separated under the following circumstances unless the Marine is retained for the purpose of trial by court-martial:

(1) There is evidence that the Marine is under 18 years of age; and

(2) The Marine enlisted without the written consent of the Marine's parent or guardian; and

(3) An application for the Marine's separation is submitted to the CMC by the parent or guardian within 90 days of the Marine's enlistment.

(4) The Marine will be given an entry level separation.

2. Erroneous Enlistment/Reenlistment. A Marine may be separated on the basis of an erroneous enlistment, induction, reenlistment, or extension of enlistment in the following circumstances, if:

a. The action would not have occurred had the relevant facts been known by the Marine Corps or had appropriate directives been followed;

b. The action was not the result of fraudulent conduct on the part of the Marine; and

c. The defect is unchanged in material respects. Any case coming to a commander's attention which purports to be of this nature shall be investigated and a complete report shall be made promptly to the CMC (MMSR) or (MRRE for reservists not on active duty).

d. Service is characterized as honorable, general, or uncharacterized per table 6-1. Notification procedures in paragraph 6303 shall be initiated prior to separation. The separation authority is the CMC (MMSR) or (MRRE for reservists not on active duty) or the general court-martial convening authorities of the Marine Corps recruit depots for recruits only.

e. For individuals in the Delayed Entry Program being separated because of ineligibility for enlistment, the member shall be notified of the proposed separation and the reasons. The member shall be given the opportunity to submit to the separation authority a statement in rebuttal by a specified date (not less than 30 days from the date of delivery). The notice should be delivered personally or sent by certified mail, return receipt requested (or by an equivalent form of notice if such service is not available by the U.S. Mail at an address outside the United States). If the person fails to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail that shall be inserted in the file along with Postal Service Form 3800. A member is ineligible for enlistment when:

(1) No longer meets dependency criteria;

(2) No longer meets physical or mental qualifications;

(3) Unfavorable ENTNAC/NAC investigation or unfavorable police record completed subsequent to entry into DEP;

(4) Adverse security screening occurs;

(5) Identified as a drug abuser.

3. Fraudulent Entry into the Marine Corps

a. Marines who procure a fraudulent enlistment, reenlistment, induction, or period of active service may be separated. An enlistment, induction, or period of service is fraudulent when deliberate material misrepresentation, including the omission or concealment of facts which, if known at the time would have reasonably been expected to have precluded, postponed, or otherwise affected the Marine's eligibility for enlistment or induction.

b. The separation authority (GCMCA) may waive the Marine's fraud and authorize retention provided the existing defect could have been waived by the commanding general of a Marine Corps recruit depot, or lower authority, during the initial enlistment processing. If the defect could not have been waived by a commanding general of a Marine Corps recruit depot, the case must be sent to the CMC (MRRE) if

the separation authority desires that the Marine be retained. Refer to MCO P1100.72 (MPPM, ENLPROC) to identify those cases where only the CMC may authorize retention.

▶ c. Refer to MCO P1100.72 (MPPM, ENLPROC) regarding the retention authority which may be exercised by commanding generals of the Marine Corps recruit depots. When a fraudulent enlistment waiver is granted, an appropriate administrative entry, citing the waiver letter, will be made in block 37 of the DD Form 1966 (Application for Enlistment). Recruits whose waiver requests are disapproved will be discharged per this chapter.

▶ d. The Standard Form 93 shall not be used as a basis for processing a recruit for discharge due to fraudulent enlistment. Characterization of service shall be honorable, under honorable conditions (general), under other than honorable, or uncharacterized per table 6-1. However, if the fraud involves concealment of a prior separation from the service in which the character of service was not honorable, characterization normally shall be under other than honorable conditions. A Marine processed for separation under other than honorable conditions must be afforded the administrative board procedures contained in paragraph 6304 of this chapter. If the material misrepresentation included preservice homosexuality, the procedures of paragraph 6207 shall be applied in processing a separation under this section. (Also see table 6-1 for characterization limitations).

▶ 6205. ENTRY LEVEL PERFORMANCE AND CONDUCT

1. A member may be separated while in an entry level status if the member is unqualified for further service by reason of entry level performance or conduct or both, as evidenced by incapability, lack of reasonable effort, failure to adapt to the Marine Corps environment, or minor disciplinary infractions.

2. When a separation of a Marine in an entry level status is warranted by unsatisfactory performance or minor disciplinary infractions or both, the member normally should be separated under this section. Nothing in this provision precludes separation under another provision of this Manual.

3. A member with broken service may be separated while in indoctrination training for failure to satisfactorily complete such training as determined using the guidance set forth in paragraph 6101. When separation of a member for failure to satisfactorily complete indoctrination training is warranted, the member should normally be separated under this provision. Nothing in this provision, however, precludes separation for another reason listed in this Manual.

▶ 4. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105 concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. This requirement is particularly important because military service is a calling different from any civilian occupation; a Marine should not be separated when this is the sole reason unless there have been efforts at rehabilitation. Such efforts must include the following and be documented in the Marine's service record:

a. Written notification concerning deficiencies or impairments.

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

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

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

5. The GCMCA is the separation authority.

▶ 6. The discharge shall be uncharacterized.

▶ 7. Follow the procedures of paragraph 6303 or 6304 as appropriate.

8. District directors may discharge reservists who are members of the Delayed Enlistment Program or members of the Selected Marine Corps Reserve awaiting initial active duty for training under this provision. Separation will be uncharacterized.

9. All personnel administratively separated from recruit training will usually be processed under this reason except in those limited cases where processing under a more serious basis is appropriate and where discharge characterization under other than honorable conditions is warranted.

6206. UNSATISFACTORY PERFORMANCE. A Marine may be separated if the Marine is unqualified for further service by reason of unsatisfactory performance. Unsatisfactory performance is characterized by performance of assigned tasks and duties that are not contributory to unit readiness and/or mission accomplishment as documented in the service record, or failure to maintain required proficiency in grade as demonstrated by below average numerical scores accumulated in the Enlisted Performance Evaluation System. This reason for separation shall not be used for separation of a member in entry level status. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. Do not make arbitrary or capricious use of this authority to force the separation of Marines who possess the potential to be rehabilitated under the guidelines of paragraph 6105. In addition do not use this authority when other administrative or disciplinary actions are more appropriate. Characterization will be honorable or general per table 6-1. The separation authority is the GCMCA. A Marine may be separated for unsatisfactory performance as exemplified by the following:

1. Failure to Conform to Weight Standards. A Marine may be separated when persistent failure to meet weight standard is determined to be the result of lack of self-discipline, apathy or the excessive voluntary intake of food and/or drink. In this case an appropriately credentialed health care provider must certify that the overweight condition is not a result of a pathological or organic condition. See MCO 6100.9 and MCO 6100.10. Before separation processing may begin Marines must be counseled either under enclosure (4) of MCO 6100.10A or per paragraph 6105 of this Manual. Follow the notification procedures at paragraphs 6303 or 6304 as appropriate. Characterization will be general or honorable under the rules in table 6-1. The separation authority is the GCMCA.

2. Unsanitary Habits. The term unsanitary habits includes, but is not limited to the repeated occurrence of venereal disease infections during the Marine's current enlistment or period of service. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. If the Marine does not respond to counseling, commanders may initiate separation following the procedures in paragraphs 6303 or 6304 as appropriate. Characterization will be general or honorable under the rules in table 6-1. The separation authority is the GCMCA.

3. Unsatisfactory Performance of Duties. A Marine may be separated when it is determined the Marine is unqualified for further service by reason of unsatisfactory performance. Unsatisfactory performance is characterized by performance of assigned tasks and duties that is not contributory to unit readiness and/or mission accomplishment as documented in the service record, or failure to maintain required proficiency in grade as demonstrated by below average numerical scores or marginal or adverse fitness report markings or comments accumulated in the Enlisted Performance Evaluation System. This reason for separation shall not be used for separation of a member in an entry level status.

6207. HOMOSEXUALITY

1. Policy. Homosexuality is incompatible with service in the Marine Corps. The presence in the Marine Corps environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission by adversely affecting the ability of the Marine Corps to maintain discipline, good order, and morale; to foster mutual trust and confidence among Marines; to ensure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the Marine Corps; to maintain

public acceptability of military service; and to prevent breaches of security. As used in this section:

- a. Homosexual means a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts;
- b. Bisexual means a person who engages in, desires to engage in, or intends to engage in homosexual and heterosexual acts; and
- c. A homosexual act means bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.

2. Procedure. The provisions for administrative discharge for homosexuality do not preclude disciplinary action per the Uniform Code of Military Justice when such action is determined by proper authority to be appropriate. In this connection, there is no right on the part of any individual to demand trial by court-martial in lieu of administrative processing.

a. Inquiry. A commanding officer or officer in charge, who receives apparently reliable information that separation of a member is warranted under paragraph 6207 shall inquire thoroughly into the matter to determine all the facts and circumstances of the case. Great care and objectivity must be exercised to lawfully develop and document all pertinent facts. All persons involved should be thoroughly questioned and the relevant facts fully recorded. The nearest Naval Investigative Service office will render professional investigative assistance and advice in the appropriate cases. If the assistance of the Naval Investigative Service cannot be obtained in a reasonable time, however, the commanding officer should proceed with the inquiry without delay.

b. Disposition

(1) The commanding officer must determine based on the inquiry described above, whether probable cause (a reasonable belief) exists to believe that the Marine committed the conduct in paragraph 6207.3b (i.e., committed a homosexual act, made an admission regarding homosexuality, or attempted to enter into a homosexual marriage. Also see paragraph 6207.6 concerning administrative discharge boards.) All records concerning administrative separation proceedings per this paragraph will be forwarded separately to the CMC (MMRB-20) not later than 5 working days after final action is completed.

(2) If probable cause does not exist, the commanding officer or officer in charge should terminate the inquiry and any administrative discharge proceedings which had been initiated.

c. The CMC or the appropriate GCMCA may authorize separation by reason of homosexuality or direct retention in the Marine Corps.

3. Bases for Administrative Separations

a. A Marine may be administratively separated from the Marine Corps on the basis of preservice, prior service, or current service conduct or statements. In case of undisclosed preservice homosexuality that constituted a fraudulent enlistment, the member shall be discharged by reason of fraudulent enlistment and processed per paragraph 6204.

b. The following are the bases for separation:

(1) Homosexual Acts. The Marine has engaged in, attempted to engage in or solicited another to engage in a homosexual act or acts unless there are approved further findings that:

(a) Such conduct is a departure from the Marine's usual and customary behavior; and

(b) Such conduct under all the circumstances is unlikely to recur; and

(c) Such conduct was not accomplished by use of force, coercion, or intimidation by the Marine during a period of military service; and

(d) Under the particular circumstances of the case, the Marine's continued presence in the service is consistent with the interest of the service in proper discipline, good order, and morale; and

(e) The Marine does not desire to engage in or intend to engage in homosexual acts.

(2) Homosexual Admission. The Marine has admitted to being a homosexual or bisexual, unless there is further finding that the member is not homosexual or bisexual or,

(3) Homosexual Marriage. The member has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved) unless there are further findings that the member is not a homosexual or bisexual and the purpose of the marriage or attempt to marry was the avoidance of termination of military service.

4. Characterization

a. In all cases, except as otherwise provided in this Manual, discharge of a member separated under this paragraph shall be by reason of homosexuality and the characterization of the member's discharge shall be honorable, general, or uncharacterized under the rules of table 6-1.

b. When the sole basis for separation is homosexuality, separation may not be characterized as under other than honorable conditions unless:

(1) under other than honorable characterization is warranted under paragraph 6107; and

(2) there is also a finding that during the current term of service, the Marine attempted, solicited, or committed a homosexual act under any of the following circumstances:

(a) By using force, coercion, or intimidation;

(b) With a person under 16 years of age;

(c) With a subordinate in circumstances that violate customary Marine superior-subordinate relationships;

(d) Openly in public view;

(e) For compensation;

(f) Aboard a naval vessel or aircraft; or

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

5. For the purpose of interpreting other Marine Corps regulations (for example, to determine whether a reenlistment bonus should be recouped or whether separation for medical reasons should take precedence over separation for homosexuality) all separations under this paragraph shall be treated as similar to discharge for misconduct.

6. Additionally, a member being processed for separation by reason of homosexuality will be advised of their rights per paragraph 6304. If a member elects an administrative discharge board, the board shall follow procedures outlined in section 3 of this Manual except:

a. If the board finds that one or more of the circumstances authorizing separation under paragraph 6207.3 is supported by the evidence, the board shall recommend separation unless the board finds that retention is warranted under the limited circumstances described in that paragraph.

b. If the board finds insufficient evidence that one or more of the circumstance authorizing separation under paragraph 6207.3 has occurred, the board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

6208. DRUG REHABILITATION FAILURE

1. Marines identified and referred to a Level II or III treatment rehabilitation/aftercare program for personal drug abuse per MCO P5300.12, will be processed for separation for failure through inability or refusal to participate in, cooperate in, or successfully complete a Level II or III treatment/aftercare program.

2. A Marine who relapses into the use of illegal drugs, following successful completion of Level II or III treatment will be processed for separation. The Marine Corps will not authorize second or subsequent Level III treatment/rehabilitation for drug use.

3. Evidence obtained from an involuntary urinalysis directed at an individual to determine whether the Marine requires treatment or rehabilitation; or when directed in conjunction with participation in a Level III drug treatment and rehabilitation program, may not be used to characterize the discharge. Urinalysis evidence obtained in connection with participation in the Voluntary Drug Exemption Program (see MCO P5300.12) may not be used to characterize the discharge. See also paragraphs 6107.4e and f.

4. Voluntary Drug Exemption Program. The subject program provides in MCO P5300.12, a means by which an enlisted Marine with a drug problem can obtain treatment/rehabilitation without fear of disciplinary or adverse administrative action. Any enlisted Marine with a sincere desire to overcome a drug problem may participate in this program. The Marine will be put into the Level III treatment/rehabilitation program expeditiously.

5. Follow the procedures contained in paragraph 6303 or 6304, as appropriate.

6. Characterization is honorable, general, or uncharacterized.

7. The separation authority is the GCMCA.

6209. ALCOHOL REHABILITATION FAILURE

1. Per MCO P5300.12, a Marine diagnosed as alcohol dependent must be afforded treatment and rehabilitation. The decision regarding the potential for continued service for Marines diagnosed as alcohol dependent will be made after the Marine has been treated and returned to the command for duty and it can be ascertained whether or not treatment/rehabilitation/aftercare was successful. This rule does not apply to an alcohol dependent Marine who refuses to attend rehabilitation or who attends but does not successfully complete the rehabilitation program.

2. General Requirements for Separation. Any Marine offered Level III treatment will be processed for separation if they refuse to attend Level III treatment or do not successfully complete the Level III treatment.

3. Separation of Marines who are alcohol abusers (Not Dependent)

a. A Marine diagnosed as an alcohol abuser (no dependency exists) and who is considered not to have potential for further useful military service by the commanding officer may be processed for separation under paragraph 6206 (unsatisfactory performance) or paragraph 6210 (misconduct), as appropriate.

b. A Marine diagnosed as a chronic alcohol abuser (no dependency exists) and who is considered to have potential for further useful military service will be ordered to a Level II treatment program as set forth in MCO P5300.12. If the Marine refuses to participate in the treatment/aftercare program and/or fails to successfully complete the Level II treatment program, the Marine will be processed for discharge under this paragraph. If this nondependent Marine completes Level II treatment program and subsequently fails to follow the prescribed aftercare program by returning to a pattern of alcohol abuse, that Marine will be reevaluated by a substance abuse counselor (MOS 8538), diagnosed by the appropriate medical personnel, and if the second diagnosis substantiates the original diagnosis of nondependent abuse, the Marine will be processed for separation under this paragraph.

4. Separation of Marines who are Alcohol Dependent. Marines diagnosed as alcohol dependent will be ordered to a Navy Alcohol Rehabilitation Facility for treatment/rehabilitation per MCO P5300.12, Substance Abuse Manual. Any Marine who refuses to attend treatment, fails to participate in treatment, or does not successfully complete treatment will be processed for separation under this paragraph. Likewise, any Marine who successfully completes treatment and subsequently returns to uncontrolled alcoholic drinking, or whose standard of performance and/or conduct remains below Marine Corps standards, and who is not considered amenable to, or qualified for additional treatment will be processed for separation per paragraph 6206 or 6210, as appropriate.

5. Any Marine diagnosed as an alcohol abuser (no dependency exists) who is considered not to have potential for continued useful military service, by the commander, may be processed for separation under paragraph 6210 (Misconduct) or 6206 (Unsatisfactory Performance).

6. Notification procedures in paragraph 6303 shall be used when processing a Marine for separation.

7. Characterization is honorable, general, or uncharacterized.

8. Separation authority is GCMCA.

9. Nothing in this paragraph precludes separation under other provisions in this Manual.

6210. MISCONDUCT

1. Whenever a Marine is involved in misconduct, as described in the following paragraphs, commanders shall process the Marine for separation unless rehabilitation and retention are warranted under the guidelines in paragraphs 6105. Characterization of service normally shall be under other than honorable conditions, but characterization as under honorable conditions (general) may be warranted in some circumstances. For Marines who have completed entry level status, characterization of service as honorable is not authorized unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate and the separation is approved by the GCMCA. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status, the separation shall be uncharacterized. Separation processing for a series of minor disciplinary infractions or a pattern of misconduct may not be initiated until the member has been counseled per the guidelines for counseling in paragraph 6105. Counseling per paragraph 6105 and rehabilitation are not required if the basis of separation is commission of a serious offense, a civilian conviction, or a similar juvenile adjudication, or drug abuse. The separation authority for misconduct discharges is the GCMCA. Process per provisions of paragraphs 6303 or 6304, as appropriate. Actions on related misconduct separations:

a. Misconduct involving homosexuality shall be processed under paragraph 6207.

b. Misconduct involving a fraudulent entry shall be processed under paragraph 6204.3.

c. Offenses involving drug abuse shall be processed for separation by reason of the appropriate drug abuse offense in paragraph 6210.5 as well as other applicable reasons in this Manual.

2. Minor Disciplinary Infractions. A Marine may be separated when there is a documented series of at least three minor disciplinary infractions, during the current enlistment, of a nature which have been or would have been appropriately disciplined under Article 15, UCMJ, commanding officer's nonjudicial punishment. If separation of a member in entry level status is warranted solely by reason of minor disciplinary infractions, the processing should be under Entry Level Performance and Conduct. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. The procedures contained in paragraph 6304 shall be used if the Marine is processed for discharge under other than honorable conditions.

3. A Pattern of Misconduct. A Marine may be separated where there is a pattern of more serious infractions than in paragraph 6210.2 which include two or more discreditable involvements with civil and/or military authorities or two or more instances of conduct prejudicial to good order and discipline within one enlistment. Such a pattern may include both minor and more serious infractions. An established pattern of dishonorable failure to pay just debts and/or to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents may be processed under this paragraph. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. The procedures contained in paragraph 6304 shall be used if the Marine is processed for discharge under other than honorable conditions.

4. Sexual Perversion. Sexual perversion is not a specific basis for discharge. Marines involved in the commission of lewd and lascivious acts, sodomy, indecent exposure, indecent act(s) with or assault upon a child, or acts for compensation shall be processed under paragraph 6210.6 or 6210.7, as appropriate.

5. Drug Abuse. For specific guidance see MCO P5300.12, since only a cursory overview is provided below.

a. Commanders may process Marines for illegal, wrongful, or improper use, possession, sale, transfer, distribution, or introduction on a military installation of any controlled substance, marijuana, or other dangerous or illicit drug or the possession, sale, or transfer of drug paraphernalia as defined in SECNAVINST 5300.28. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rule of Evidence 313, MCM 1984, or from a search and seizure under Military Rules of Evidence 311-317, MCM 1984, or incident to an exam conducted for a valid medical reason may be used to characterize a member's discharge as under other than honorable conditions. The procedures contained in paragraph 6304 shall be used when separating a Marine under these provisions, unless a characterization of service more favorable than other than honorable is required.

b. Characterization of service for drug-related offenses more favorable than under other honorable conditions may only be approved by the CMC or an administrative discharge board. See paragraph 1004.4g for additional guidance.

6. Commission of a Serious Offense

a. A Marine may be separated for commission of a serious military or civilian offense under the following circumstances:

(1) The specific circumstances of the offense warrant separation; and

(2) A punitive discharge would be authorized for the same or a closely related offense under the UCMJ.

b. A military or civilian conviction is not required for discharge under this provision.

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

7. Civilian Conviction

a. Commanders may process Marines for separation who are convicted by civilian authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty, including similar adjudications in juvenile proceedings, when:

- (1) the specific circumstances of the offense warrant separation, and
- (2) a punitive discharge would be authorized for the same or a closely related offense under the UCMJ; or
- (3) the sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation.

b. Separation processing may be initiated whether or not a Marine has filed an appeal of a civilian conviction or has stated an intention to do so. However, execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, unless the Marine has requested separation or the member's separation has been requested by the Commandant of the Marine Corps. Such requests must be approved by the Secretary of the Navy who may direct that the member be separated prior to final action on the appeal.

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

6211. NEW ENTRANT DRUG AND ALCOHOL TESTING

1. The enlistment of any person determined to have been dependent on drugs or alcohol at the time of such enlistment shall be voided; and shall normally be given an uncharacterized separation. The following guidelines apply:

a. The basis of separation for members found dependent on drugs or alcohol shall be a void enlistment (10 U.S.C. 978).

b. Dependency will be determined by a medical officer using appropriate medical/psychiatric criteria.

c. Prepare a DD Form 214 for all individuals separated under this paragraph per section 2 of chapter 1 with the following exceptions:

(1) Enter zero's in all blocks of item 12 for nonprior service individuals. For individuals with prior service, enter zero's in blocks a, b, c, and i and complete the remaining portion as appropriate.

(2) Enter "VOID ENLISTMENT" in blocks 23 and 24.

(3) Enter "10 U.S.C. 978" in block 25.

(4) Assign separation code, JFC7.

(4) Assign reenlistment code, RE-3C.

d. A person whose enlistment is voided due to alcohol or drug dependency shall be referred to a civilian treatment facility.

e. This paragraph applies to officer candidates undergoing initial training in an enlisted status.

2. Members who test positive, but are not found dependent, for drugs or alcohol during an initial entry drug or alcohol test may be separated under the basis of paragraph 6204.2, erroneous enlistment. The counseling requirement under paragraph 6105 is waived in this instance. Commanding officers are not precluded in appropriate cases from taking disciplinary action against a member or processing a member for discharge, with or without a characterization, under an alternative basis for separation.

a. Personnel who refuse to consent to testing or evaluation during initial entry on active duty (IEAD) or who are confirmed positive for cocaine shall be processed for separation.

b. Personnel confirmed positive for marijuana use alone shall be processed for separation unless the GCMCA's of the recruit depots or their delegated authorities waive this provision on a case-by-case basis. In the case of officer candidates confirmed drug abuse may not be waived.

c. Personnel confirmed positive at a 0.05 blood alcohol level or greater shall be processed for separation unless the GCMCA's of the recruit depots and OCS (in the case of officer candidates) or their delegated authorities waive this provision on a case-by-case basis.

6212. SECURITY. When retention is clearly inconsistent with the interests of national security, a Marine may be separated by reason of security and under conditions and procedures established by the Secretary of Defense. Characterization will be honorable, under honorable conditions (general), other than honorable, or uncharacterized under the rules in table 6-1. The separation authority is the CMC (MMSR); however, the CMC may refer any particular case to the Secretary of the Navy.

6213. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE. A Marine may be separated for unsatisfactory participation in the Ready Reserve under criteria established in MCO P1001R.1. The separation authority is the GCMCA. Characterization of service will conform with the rules of table 6-1.

6214. SEPARATION IN THE BEST INTEREST OF THE SERVICE

1. The Secretary of the Navy, in his discretion, may direct the separation of any Marine prior to the expiration of that Marine's term of service after determining that such separation is in the best interest of the Marine Corps. For example, the Secretary may use secretarial plenary authority to separate a Marine whose personal conduct reflects discredit upon the service, adversely affects the good order and discipline of the unit, or adversely affects the Marine's performance of duty. Requests for this type of discharge should only be made in unusual cases where such action is essential in the interest of justice, discipline, and proper administration in the naval service.

2. Requests for separation under this paragraph shall be forwarded to the Secretary of the Navy via the Commandant of the Marine Corps. The Commandant shall review all such requests for appropriate disposition.

3. Separation under this provision should only be made in unusual cases not covered by any other provisions of this chapter, or when a Marine has been processed for separation under any other basis of this chapter and the separation authority, pursuant to paragraph 6309.2, disagrees with the administrative board's recommendation for retention. In those cases in which the Secretary approves separation notwithstanding a board's recommendation for retention, the basis for discharge will be that for which the member was originally processed (for example: misconduct, drug abuse). In all other cases, the basis will be the secretarial plenary authority.

4. Separation under this paragraph will be characterized as honorable or general unless an uncharacterized separation is required. Prior to separation follow the notification procedures in paragraph 6303. The notification shall state why no other reason for separation under this Manual is consider appropriate. Also, the notice shall explain why separation of the Marine is in the best interest of the Marine Corps. The procedure for requesting an administrative board, including a Marine with 6 or more years of total active and Reserve service, is not applicable.

5. See paragraph 6421 regarding voluntary requests for separation under the secretarial plenary authority.

6. All separations in the best interest of the service shall be submitted to the Secretary or the Secretary's delegated representative for decision.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

	HON	GEN	OTH	UNCHARACTERIZED
Par. 6202 Change in Service Obligation	X 1,5	X 1,5		X
Par. 6203 Convenience of the Government	X 1,5	X 1,5		X
Par. 6204.1a Minor under 17	Order of release from the custody and control of the Marine Corps			
Par. 6204.1b Minor 17 years old				X
Par. 6204.2 Erroneous Enlistment/ Reenlistment	X 1,5	X 1,5		X
Par. 6204.3 Fraudulent Enlistment	X 2	X 1,3	X 6	X 3
Par. 6205 Entry Level Performance and conduct				X
Par. 6206 Unsatisfactory Performance	X 5	X 5		
Par. 6207 Homosexuality	X 1,5	X 1,5	X 4	X
Par. 6208 Drug Rehab Failure	X 1,5	X 1,5		X
Par. 6209 Alcohol Rehab Failure	X 1,5	X 1,5		X
Par. 6210 Misconduct	X 2	X 1,3	X	X 3
Par. 6211 New Entrant Drug/Alcohol Testing				X
Par. 6212 Security	X 1,5	X 1,5	X	X 3
Par. 6213 Unsat Part in Ready Reserve	X 2	X 1,5	X	X
Par. 6214 Secretarial Plenary Authority	X 1,5	X 1,5		X

NOTES:

1. Authorized unless Marine is in an entry level status.
2. Not authorized unless Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate.
3. Authorized only if OTH is not warranted.
4. Authorized only under the limited circumstances described in paragraph 6207.4.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

5. Authorized as determined by the Marine's service record.
- ◆ 6. Not authorized for homosexuality unless criteria of 6207.4b(2) is met.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

Specific Reason for Separation	Specific Authority	Note 1	Note 2	Note 3	Note 4	Note 5	Note 6	Note 7	Note 8	Note 9	Note 10	Separation Authority
<u>CONVENIENCE OF THE GOVERNMENT</u>												
Parenthood	Par. 6203.1	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Physical Condition Not a Disability	Par. 6203.2	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Personality Disorder	Par. 6203.3	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Involuntary disenroll from OCS	Par. 6203.5	Y	Y	Y		X	X	X	X	Y		CMC (MRRO) or GCM
All other COG	As Specified	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
<u>DEFECTIVE ENLISTMENT</u>												
Minority	Par. 6204.1	Y	Y	Y		Y	Y			Y		CMC or GCM Authority
Erroneous Enlistment/ Reenlistment	Par. 6204.2	Y	Y	Y		Y	Y	X	X	Y		CMC
Fraudulent Enlistment	Par. 6204.3	Y	Y	Y		Y	Y	XX	XX	Y		CMC or GCM Authority
<u>ENTRY LEVEL</u>												
Entry Level Performance or Conduct	Par. 6205	Y	Y	Y	Y	Y	Y			Y		CMC or GCM Authority
<u>UNSATISFACTORY PERFORMANCE</u>												
Weight Std Failure	Par. 6206.1	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Unsanitary Habits	Par. 6206.2	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
Unsat Perform of Duties	Par. 6206.3	Y	Y	Y	Y	Y	Y	X	X	Y		CMC or GCM Authority
<u>HOMOSEXUALITY</u>												
Homosexuality	Par. 6207	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
<u>DRUG ABUSE</u>												
Drug Rehab Failure	Par. 6208	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

Specific Reason for Separation	Specific Authority	Note 1	Note 2	Note 3	Note 4	Note 5	Note 6	Note 7	Note 8	Note 9	Note 10	Separation Authority
<u>ALCOHOL ABUSE</u>												
Alcohol Rehab Failure	Par. 6209	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
<u>MISCONDUCT</u>												
Minor Discp Infractions	Par. 6210.2	Y	Y	Y	Y	Y	Y	XX	XX	Y	Y	CMC or GCM Authority
Pattern of Misconduct	Par. 6210.3	Y	Y	Y	Y	Y	Y	XX	XX	Y	Y	CMC or GCM Authority
Drug Abuse	Par. 6210.5	Y	Y	Y		Y	Y	XX	XX	Y	Y	CMC or GCM Authority
Commission of Serious Off.	Par. 6210.6	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
Civilian Conviction	Par. 6210.7	Y	Y	Y		Y	Y	Y	Y	Y	Y	CMC or GCM Authority
<u>NEW ENTRANT DRUG AND ALCOHOL TESTING</u>												
New Entrant Drug and Alcohol Testing	Par. 6211	Y	Y	Y		Y	Y	X	X	Y		CMC or GCM Authority
<u>UNSATISFACTORY PARTICIPATION IN THE READY RESERVE</u>												
Unsat Participation in Ready Res	Par. 6213	Y	Y	Y		Y	Y	XX	XX	Y	Y	CMC or GCM Authority
<u>SECRETARIAL PLENARY AUTHORITY</u>												
Secretarial Plenary Authority	Par 6214	Y	Y	Y		Y	Y			Y	Y	SecNav

LEGEND

Y - Yes.

X - Only if Marine has 6 or more years of active and inactive service.

XX - Only if Marine has 6 or more years of active and inactive service or an other than honorable discharge is the least favorable characterization that can be received.

NOTES:

1. Marine must be notified of the proposed discharge action, the general and specific basis, factual circumstances, and the type of discharge certificate that may be issued. (MARCORSEPMAN, par. 6303)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

2. Marine must be given the opportunity either to submit a statement in rebuttal to the proposed discharge action or decline to make a statement. (MARCORSEPMAN, par. 6303)
3. Marine must be notified of and explained to their understanding the purpose and scope of the Naval Discharge Review Board and the Board for Correction of Naval Records. (MARCORSEPMAN, par. 6104)
4. Marine must be afforded a reasonable opportunity to overcome their deficiencies after being notified and counseled. SRB, page 11 entry must summarize counseling conducted. (MARCORSEPMAN, par. 6105)
5. Marine must be advised that it is in their best interest to consult with a judge advocate prior to waiving any of their rights. (MARCORSEPMAN, par. 6303 or 6304)
6. Marine must be advised that it is in their best interest to consult with a judge advocate prior to waiving any of their rights. (MARCORSEPMAN, par. 6303 or 6304)
7. Marine must be afforded the right to present their case before an administrative discharge board with the advice and assistance of counsel. (MARCORSEPMAN, par. 6303 or 6304)
8. Marine must be afforded and explained the rights of the respondent concerning administrative discharge board proceedings. (MARCORSEPMAN, par. 6303 or 6304)
9. Commander must refer Marine's case, together with their recommendations and all evidence, to the separation authority.
10. Discharge package must be reviewed by the discharge authority's staff judge advocate prior to final action (MARCORSEPMAN, par. 6308.1c). Additionally, all cases where an administrative discharge board is convened must be reviewed by the staff judge advocate.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART A: INITIATING COMMAND ACTION

6301. GENERAL. This section establishes the administrative procedures for separation and provides detailed procedures for administrative discharge boards.

6302. INITIATION OF SEPARATION PROCESSING. When a Marine's performance or conduct falls within any of the reasons within section 2 and all required command attempts at leadership and rehabilitation of the Marine have been without success, the commanding officer should initiate separation processing, subject to the specific requirements found in this chapter. At the command level, the process involves identification of a particular case, notification to the Marine, and preparation of a recommendation to the separation authority with evidence supporting the recommendation.

6303. NOTIFICATION PROCEDURES

1. The procedures in this part are applicable under any specific reason for separation contained in section 2 and are subject to the requirements set forth in that section with respect to specific reasons for separation.

2. When a member is processed on the basis of multiple reasons for separation, the following guidelines apply to procedural requirements (including procedural limitations on characterization of service or description of separations):

a. The requirements for each reason will be applied to the extent practicable.

b. If a reason for separation, set forth in the notice of proposed action, requires processing under the Administrative Board procedure, the entire matter shall be processed per paragraph 6304.

c. If more than one reason for separation is approved, the guidance on characterization that provides the greatest latitude may be applied.

d. When there is any conflict between a specific requirement applicable to one reason and a general requirement applicable to another reason, the specific requirement shall be applied.

e. If a conflict in procedures cannot be resolved on the basis of the foregoing principles, the procedures most favorable to the respondent shall be used.

f. If the separation authority approves two or more bases for separation, the authority shall further indicate the primary single basis to appear on the member's DD Form 214.

3. Notification Requirements. If there is evidence of alcohol or drug dependence the respondent must be evaluated by a qualified drug and alcohol counselor and a medical officer prior to being referred to a board. If the medical diagnosis is dependence or abuse, the respondent must be afforded treatment at the nearest place of residence or home of record at a Veterans Administration medical facility in conjunction with discharge. If the respondent refuses treatment, a counseling entry will be made on page 11 of the service record book stating that the respondent refused formal rehabilitation in conjunction with discharge (deficiencies and recommended corrective action). Refer to MCO P5300.12 for additional instructions.

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

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

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

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

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

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

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

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

(8) A statement of the right to request an administrative board if the Marine has 6 or more years of total active and inactive service or an other than honorable discharge is the least favorable characterization that can be received.

(9) A statement of the right to waive the rights afforded in paragraphs 6303.3a(4) and (8) above, after being afforded a reasonable opportunity to consult with counsel, and that failure to respond shall constitute a waiver of these rights;

(10) If the respondent is in civil confinement, absent without authority, in a Reserve component not on active duty, or upon transfer to the IRR, the relevant notification procedures in paragraph 6303.4 apply; and

(11) The notification requirements set forth in this paragraph do not apply when the Marine is processed for separation by reason of the Convenience of the Government for disability and the character of service is based upon average conduct and proficiency markings.

b. Counsel

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

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

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

(c) The commanding officer does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next 5 days (if qualified counsel is assigned and present on another naval vessel, unit, or activity located in the same geographic area where the Marine's vessel, unit, or activity is located, or will be located within the next 5 days, it is considered that, for purposes of this Manual, the commanding officer has access to qualified counsel unless that counsel is currently absent from duty station; i.e. leave, or TAD, outside the immediate geographic area); and

(d) The commanding officer determines that the requirements or needs of the Marine Corps warrant processing before qualified counsel will be available.

(2) Nonlawyer counsel shall be appointed whenever qualified counsel is not available. An appointed nonlawyer counsel shall be a commissioned officer with no prior involvement in the circumstances leading to the basis of the proposed separation, and no involvement in the separation process itself. The nonlawyer counsel shall be encouraged to consult by telephone or by any other means with any available judge advocate regarding any legal issues relevant to the case. When a nonlawyer counsel is appointed, the appointing letter shall contain an explanation by the commanding officer setting out in detail why qualified counsel is unavailable and why the requirements or needs of the Marine Corps warrant processing before qualified counsel will be available. A copy of the appointing letter will be attached to each copy of the written notice of separation processing.

(3) The Marine may also consult with a civilian counsel retained at the respondent's own expense. The fact that a respondent indicates to the commanding officer that the respondent will be consulting, or has consulted, with a civilian counsel does not relieve the obligation of the commanding officer to furnish military counsel.

c. Response. The respondent shall be provided a reasonable period of time, not less than 2 working days to respond to the notice. An extension may be granted upon a timely showing of good cause by the respondent. The respondent's selection as to each of the rights in paragraph 6303, shall be recorded and signed by the respondent and respondent's counsel, if counsel is not waived, subject to the following limitations:

(1) If notice by mail is authorized and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

(2) If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

(3) The respondent's commanding officer shall forward a copy of the notice and the respondent's reply to the separation authority. Where appropriate, the commanding officer should also make recommendations to the separation authority, pursuant to paragraph 6106.2, as to the pay grade in which a respondent eligible for transfer to the Fleet Marine Corps Reserve/Retired List should be allowed to transfer.

4. Additional Notification Requirements

a. Marine Confined by Civil Authorities

(1) If separation proceedings under section 2 have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. When a board is appropriate or required, there is no requirement that the respondent be present at the board hearing. Rights of the respondent before the board can be exercised by counsel on behalf of the respondent.

(2) The following additional requirements apply:

(a) The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate. The notice shall be delivered personally to the respondent or sent by certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. mail at an address outside the United States). If the member refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail which will be inserted on the document side of the member's service record together with PS Form 3800.

(b) If delivered personally, receipt shall be acknowledge in writing by the respondent. If the respondent does not acknowledge receipt, or refuses to accept delivery, the person attempting delivery shall make an appropriate note on the form.

(c) The notice shall state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) to give the respondent the opportunity to exercise the rights in the notice. If the respondent does not reply by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action.

(d) The name and address of the military counsel appointed for consultation shall be specified in the notice.

(e) If the case involves entitlement to an administrative board, the respondent shall be notified that the board will proceed in the respondent's absence and that the case may be presented on respondent's behalf by counsel for the respondent.

b. Certain Members of Reserve Components

(1) Members of Reserve components not on active duty:

(a) If separation proceedings under section 2 have been initiated against a member of a Reserve component not on active duty, the case may be processed in the absence of the member in the following circumstances:

1 At the request of the member;

2 If the member does not respond to the notice of proceedings on or before the suspense date provided therein; or

3 If the member fails to appear at a hearing without good cause.

(b) The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate.

(c) If the action involves a transfer to the Individual Ready Reserve (IRR), the member will be notified that the characterization of service upon transfer to the IRR will constitute the characterization of service upon discharge after completing the military service obligation unless the following conditions are met:

1 The member takes affirmative action to affiliate with a drilling unit of the Selected Marine Corps Reserve, and

2 The member satisfactorily participates as a drilling member of the Selected Marine Corps Reserve for a period of time which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service.

(2) Upon transfer to the IRR, the member will be notified of the following:

(a) The characterization of service upon transfer from active duty or the Selected Marine Corps Reserve to the IRR, and that the characterization of service upon completion of the military service obligation in the IRR will be the same.

(b) The date upon which the military service obligation will expire.

(c) The date by which the member must submit evidence of satisfactory completion of the conditions set for in paragraph 6303.4b(1)(c).

(3) If the member submits evidence of completion of the conditions specified in paragraph 6303.4b(1)(c) but the separation authority proposes to discharge the member with a characterization of service as general, the notification procedure at paragraph 6303 shall be used. An administrative board is not required at this point notwithstanding the member's years of service.

(4) If the member does not submit such information on or before the date specified in the notice, no further proceedings are required. The characterization of service is the same as the characterization of service upon transfer from active duty or the Selected Marine Corps Reserve to the IRR.

▶ (5) The following requirements apply to the notice required in paragraphs 6303.4b(1) and 6311.3a:

(a) Reasonable effort should be made to furnish copies of the notice to the member through personal contact by a representative of the command. In such a case, a written acknowledgment of the notice shall be obtained.

(b) If the member cannot be contacted or refuses to acknowledge receipt of the notice, the notice shall be sent by certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. Mail at an address outside the United States) to the most recent address furnished by the member as an address for receipt or forwarding of official mail. If the member refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail to be inserted on the document side of the member's service record together with PS Form 3800.

▶ (6) Per 10 U.S.C. 1163(c), no member of a Reserve component may be discharged under other than honorable conditions unless that member is separated under the approved findings of a board of commissioned officers. If a member of a Reserve component, as a respondent, is separated under the approved findings of an administrative board which had one or more members who were not commissioned officers, the respondent will be discharged under honorable conditions. Characterization may be under other than honorable conditions if the member consents to or waives administrative discharge proceedings or a court-martial or a board.

▶ **6304. ADMINISTRATIVE BOARD PROCEDURES**

1. **Notice.** If an administrative board is required, the member shall be notified in writing along the lines of the example in figure 6-3 by the member's commanding officer of the following matters:

a. The basis of the proposed separation, including the circumstances upon which the action is based and reference to the applicable reason for separation.

b. Whether the proposed separation could result in discharge, release from active duty to a Reserve component, transfer from the Selected Marine Corps Reserve to the IRR, release from the custody and control of the Marine Corps, or other form of separation.

c. The least favorable characterization of service or description of separation authorized for the proposed separation.

d. The respondent's right to consult with counsel per paragraph 6304.3, and that it is in the Marine's best interest to consult with counsel prior to waiving any rights.

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

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

g. The respondent's right to present written statements to the separation authority in lieu of a hearing.

h. The respondent's right to representation at the administrative board by counsel as in paragraph 6304.3.

i. The right to representation at the administrative board by civilian counsel at the respondent's own expense.

j. The right to appear in person before such board.

▶ k. The right to make a sworn or unsworn statement before the board subject to the rights accorded under Article 31, UCMJ.

1. The right to challenge voting members of the board or the legal advisor for cause.
- m. The right to examine evidence presented by the board, cross-examine witnesses appearing before the board, to submit evidence before the board, and to make a final argument before the board.
- n. The right to waive the rights in paragraphs 6304.1d through 6304.1m.
- o. That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in paragraphs 6304.1d through 6304.1m, and
- p. Failure to appear without good cause at a hearing constitutes waiver of the right to be present at the hearing.
- q. If the respondent is eligible for transfer to the Fleet Marine Corps Reserve/Retired List and is being processed for misconduct, security, or homosexuality, the respondent has the right to request transfer to the Fleet Marine Corps Reserve/Retired List within 30 days of the date separation would otherwise be directed and may be reduced to the next inferior grade to that in which the respondent is currently serving before such transfer. The respondent shall notify the CMC (MMSR) regarding transfer to the Fleet Marine Corps Reserve/Retired List within 5 working days of notification that separation has been directed.

2. Additional Notice Requirements

- a. If separation processing is initiated on the basis of more than one reason in section 2, the requirements of paragraph 6304.11a apply to all proposed reasons for separation.
- b. If the respondent is in civil confinement, absent without authority, in a Reserve component not on active duty, or upon transfer to the IRR, the relevant notification procedures in paragraphs 6303.4, 6311.3a, and 6312 apply.
- c. The notification requirements in paragraph 6303 shall be used when characterization of service as general is authorized and the member is processed for separation by reason of Convenience of the Government or disability and the characterization is not based on proficiency and conduct markings.

3. Counsel

- a. A respondent has the right to consult with counsel as prescribed in paragraph 6303.3b, prior to electing or waiving any rights under paragraphs 6304.1d through 6304.1m.
- b. If a hearing is requested, the respondent shall be represented by qualified counsel appointed by the convening authority, or by individual counsel of the respondent's own choice if that counsel is determined to be reasonably available.
 - (1) The Marine may request a qualified counsel who is assigned duties as defense counsel at the servicing command, or as defense counsel at the Navy or Marine Corps command at or nearest to the site of the Administrative Board, and is within 100 miles of the board proceeding (using the Official Table of Distances). The determination of reasonable availability is within the discretion of the requested counsel's commanding officer, and that decision is final.
 - (2) Unless otherwise directed, appointment of a qualified counsel of a Marine's own choice relieves the previously assigned counsel. If respondent so requests in writing and if the interests of fair procedure so require, the convening authority may authorize the previously assigned counsel to continue to represent the Marine. Approval is within the discretion of the convening authority and that decision is final.
- c. The respondent shall have the right to consult with civilian counsel of the respondent's own choice and may be represented at the hearing by that or any other civilian counsel, all at the respondent's own expense. Exercise by the respondent of

this right shall not waive any of the respondent's other rights to counsel. Consultation with civilian counsel shall not unduly delay administrative discharge board proceedings. If undue delay appears likely, the convening authority may require the respondent to proceed without the desired civilian counsel. In this event, the convening authority will set forth the full circumstances in the record; and will appoint available military counsel for the respondent or will permit the respondent to be represented by reasonably available military counsel of the respondent's choice.

4. Response to Notice. The respondent shall be given a reasonable period of time, but not less than 2 working days, to respond to the notice. An extension may be granted upon a timely showing of good cause. The selection of the respondent as to each of the rights in paragraphs 6304.1d through 6304.1m, and applicable provisions referenced in paragraph 6304.2, shall be recorded and signed by the respondent and respondent's counsel, subject to the following limitations:

a. If notice by mail is authorized and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and a notation shall be recorded on a retained copy of the appropriate form.

b. If the respondent declines to respond as to the selection of rights, such refusal shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, a notation as to the failure to sign will be made.

5. Waiver. A respondent entitled to an administrative board may request a conditional waiver after a reasonable opportunity to consult with counsel per paragraph 6304.3a. A conditional waiver is a statement initiated by a respondent waiving the right to a hearing contingent upon receiving a favorable characterization of service, but normally no higher than general. Conditional waivers for characterization better than other than honorable, when the basis for separation is drug abuse, must be approved by the CMC (MMSR).

6305. COMMAND RECOMMENDATION

1. Once the notification requirements contained in paragraphs 6303 and 6304 have been met, the commanding officer must forward the recommendation with copies of the appropriate notification, the Marine's acknowledgment and necessary supporting documentation to the separation authority. Great weight is attached to the commanding officer's recommendation provided the requirements of this chapter and separate Marine Corps directives when applicable, have been observed. Such recommendation must include a specific recommendation regarding discharge or retention and the character of service/type discharge recommended. In the case of Marines eligible for transfer to the Fleet Marine Corps Reserve/Retired List, the commanding officer will make a recommendation, consistent with guidelines of paragraph 6106.2, regarding the pay grade in which the transfer should be effected. The commanding officer need not restate what is evident within enclosed documentation, but should strive to present a concise "snapshot" of the case amplifying unique aspects when necessary. Though such recommendations will lend themselves to a general format, commanding officers must ensure that the specific content accurately reflects the circumstances of the case being considered.

2. Supporting documentation may take the form of existing official records or written statements from personnel familiar with some aspect of the case. This includes, but is not limited to:

a. SRB Pages. Pages 3, 11, 12, 13 (if applicable), 23 (Reserves only) and Record of Service often are valuable supporting documents, but should be submitted only if germane. When administratively more practical, data within the SRB can be incorporated into the commanding officer's recommendation. For example, average duty proficiency and conduct marks may be submitted vice page 23 or Record of Service.

b. Training Records/Related Documents. Separations which relate to performance or remedial programs such as weight control or personal appearance by an implementing

directive require specific actions and administrative procedures. Documentation in this regard must demonstrate substantial compliance with the intent of any such program.

c. Supporting Statements. In most cases prior to initiation of separation processing, Marines have been involved in leading, counseling, and assisting the Marine concerned. Statements from these NCO's, SNCO's, and officers are, in many cases, extremely helpful to the separation authority in deciding a Marine's case.

d. Information Directly Supporting Reason for Separation. Investigation reports, police reports, or any other documentation directly relating to the primary reason for separation must be forwarded as part of any recommendation. If a recommendation includes a report of investigation or statements gathered by the Naval Investigative Service (NIS), and the CMC or the Secretary is the separation authority, include the report as an enclosure. If the separation authority is other than the CMC, do not include NIS reports or statements, since these documents cannot be filed in OMPF's. Identification of the report or statement as a reference to the commanding officer's letter of recommending separation will suffice.

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART B: SEPARATION AUTHORITY ACTION

6306. GENERAL. To properly examine the case of a Marine being recommended for discharge, the separation authority has several basic concerns. First, the proceedings must be thoroughly reviewed to ensure procedural and legal completeness with paramount concern directed towards ensuring that the Marine has been afforded the opportunity to exercise all rights due a respondent. Along the same line, the discharge package should be processed expeditiously in accordance with the time processing goals. Next, the separation authority will review the circumstances involved in the proposed discharge to determine whether the facts meet the criteria for discharge contained within this chapter. Should separation be warranted, the separation authority will ascertain the appropriate characterization of service per the facts and other guidance provided in this chapter.

6307. SEPARATION AUTHORITIES

1. The separation authority for any reason in this chapter is the Marine officer having general court-martial authority or that officer's temporary successor in command, or as designated in figure 6-1 except:

a. When the authority is specifically limited in section 2 to the Commandant of the Marine Corps or the Secretary of the Navy; or

b. When a specific provision of this chapter or separate Marine Corps order or directive authorizes another separation authority; or

c. When the member is being involuntarily separated and has 18 years or more service, the separation authority is the Commandant of the Marine Corps; or

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

e. When a separation authority specifically delegates authority for certain separations, subject to the limitations set forth in paragraph 6307.2. Tables 6-2 and 6-3 identify the separation authorities for involuntary and voluntary separation, respectively.

2. Commanding generals may, at their discretion, delegate to any general officer within their command the authority to take action subject to guidance in this Manual, on any recommendation or request submitted under this chapter in which retention, separation under honorable conditions, or entry level separation is recommended. Commanding generals electing to exercise subordinate separation authority under this paragraph will appoint such authority by letter and include the extent and limitation to authority being delegated and any additional guidelines relative to such delegation.

a. The commanding general at either Marine Corps recruit depot may further extend their delegation to the Commanding Officer, Recruit Training Regiment, for recruits only.

b. The CMC (MRR) may delegate separation authority to the Commanding General, Marine Corps Combat Development Command (MCCDC), for voluntarily or involuntarily disenrolled officer candidates. The Commanding General, MCCDC, may delegate that authority to a general officer directly over Officer Candidates School. That general officer may in turn delegate the authority to the Commanding Officer, Officer Candidates School.

3. The Commanding Generals, Fleet Marine Force, Pacific and Fleet Marine Force, Atlantic, are separation authorities for any matter under this chapter involving Marines of Marine Corps Security Forces, Pacific Ocean Area, and the Marine Corps Security Forces, Atlantic Ocean Areas, respectively, for any case normally acted upon by an officer having general court-martial authority, except for requests for separation in lieu of court-martial. Requests for separation in lieu of court-martial by members of the Marine Corps Security Forces shall be acted upon by the officer having general court-martial convening authority over the Marine's court-martial.

4. When an administrative board recommends retention and the convening authority (who is the normal separation authority) does not agree, the sole separation authority is the Secretary of the Navy. Paragraph 6309.2 provides more specific guidance.

6308. SEPARATION AUTHORITY REVIEW

1. The initial review of any recommendation or request for separation under this chapter is normally conducted by specified personnel on the separation authority's staff. It is essential that personnel assigned such responsibilities be well-versed on all separation procedures. Upon receipt of any case, screen them as follows:

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

b. Administrative Board Required. Upon completion of the screening for completeness in paragraph 6308.1a and when a board is required, follow the detailed procedures in part C of this section. When a Marine conditionally waives the right to a board subject to receipt of no less than a general discharge, paragraph 6304.5 refers, the separation authority is not bound to approve the request. If the circumstances of the case are such that the least favorable characterization authorized is clearly not warranted, it should be accepted; however, see paragraph 6304.5. If not, the request should be disapproved, the case referred to a board, and the Marine given the opportunity to exercise rights under paragraph 6304. The conditional waiver in this regard is intended as an administratively expeditious procedure for the former case. It is not to be used as a plea bargaining device used by Marines to obtain a characterization of service higher than truly deserved.

c. Judge Advocate Review

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

(a) In any case in which the Marine has been recommended for discharge for misconduct, homosexuality, security, or for the good of the service.

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

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

(3) The original or a signed copy of the judge advocate's review will be attached as a permanent part of the record of proceedings. The form and content of the review will be as required by the separation authority. Normally a typed, stamped, or printed statement that the proceedings have been reviewed and found sufficient in law and fact will constitute an adequate judge advocate's review. If the respondent raises specific legal, factual, or procedural issues, the judge advocate will comment on the merits of the issues raised. If the judge advocate does not find the administrative discharge proceedings to be correct in law and fact, the review should set forth the facts and reasoning leading to such determination and recommend corrective action, if appropriate.

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

6309. SEPARATION AUTHORITY FINAL ACTION

1. Without Administrative Board

a. The separation authority shall determine whether the allegations in the notification of the basis for separation are substantiated by a preponderance of the evidence. If not, the Marine will be retained.

b. If the separation authority determines that there is sufficient factual basis for separation, the separation authority may direct:

(1) Retention;

(2) Separation for a specific reason in section 2; or

(3) Suspended separation per the guidance in paragraph 6310.

(4) If a respondent is eligible for transfer to the Fleet Marine Corps Reserve (FMCR) or Retired List and being processed for misconduct, security, or homosexuality, and has waived the right to appear before a Board, the CMC shall make a determination, consistent with the guidelines in paragraph 6319.4e as to whether the respondent should, if transfer to the FMCR/Retired List is requested, be allowed to transfer in the grade currently held or in the next inferior pay grade.

c. The following factors may be considered on the issue of retention or separation, depending on the circumstances of this case:

(1) The seriousness of the circumstances forming the basis for initiation of separation proceedings, and the effect of the member's continued retention on military discipline, good order, and morale.

(2) The likelihood of continuation or recurrence of the circumstances forming the basis for initiation of separation proceedings.

(3) The likelihood that the member will be a disruptive or undesirable influence in present or future duty assignments.

(4) The ability of the member to perform duties effectively in the present and in the future, including potential for advancement or leadership.

(5) The Marine's rehabilitative potential.

(6) The Marine's entire military record, including:

(a) Past contributions to the Marine Corps, assignments, awards and decorations, evaluation ratings, and letters of commendation;

(b) Letters of reprimand or admonition, counseling records, records of nonjudicial punishment, records of conviction by court-martial, and records of involvement with civilian authorities;

(c) Any other matter deemed relevant based upon the specialized training, duties, and experience of persons entrusted by this chapter with recommendations and decisions on the issue of separation or retention.

d. Adverse matter from a prior enlistment or period of military service, such as records of nonjudicial punishment and convictions by court-martial, may be considered only when such records have a direct and strong probative value in determining whether separation is appropriate. The use of such records shall normally be limited to those cases involving patterns of conduct manifested over a period of time. isolated incidents and events that are remote in time normally have little value in determining whether administrative separation is appropriate.

(1) Adverse matter from a prior enlistment or period of military service shall not be used to characterize the service of a Marine who is administratively separated.

(2) If adverse matter from a prior enlistment or period of military service is considered on the issue of retention or separation, the record shall include a statement that such matter was not considered by either the board or the separation authority on the issue of characterization.

2. Action by the Separation Authority With an Administrative Discharge Board

a. If the board finds that a preponderance of the evidence supports one or more of the reasons for separation alleged and recommends separation, the separation authority may take one of the following actions:

(1) Approve the board's findings and recommendation; or

(2) Approve the board's findings, but modify the recommendation by one or more of the following actions, when appropriate:

(a) Approve the separation, but suspend execution as provided in paragraph 6310;

(b) Approve the separation, but disapprove suspension of the separation;

(c) Change the recommended characterization of service to one more favorable, or to an appropriate uncharacterized description of separation;

(d) Change the recommended uncharacterized description of separation to a more appropriate description of separation following the guidelines in paragraph 6107, or to an honorable discharge, with supporting rationale, following the guidelines in paragraph 6107; or

(e) Change the board's recommendation concerning transfer to the IRR.

(3) Approve the board's findings but disapprove the board's recommendation and retain the Marine.

b. If the board finds that a preponderance of the evidence supports one or more of the reasons for separation alleged but then recommends retention, the separation authority may:

(1) Approve the board's findings and recommendations; or

(2) Submit the case to the Secretary recommending separation for one of the specific reasons which the board found supported by the preponderance of the evidence. The separation authority must specify the evidence of record relied upon in reaching the conclusion; or

(3) If the Marine is eligible for voluntary transfer to the FMCR/Retired List, recommend a retirement pay grade per paragraph 6106.2

c. If the board finds that a preponderance of the evidence does not support one or more of the reasons for separation alleged and recommends retention, the separation authority may:

(1) Approve the board's findings and recommendations; or

(2) If the findings of the board are clearly contrary to the substantial weight of the evidence in the record, submit the case to the Secretary recommending separation. The separation authority must specify the evidence of record relied upon in reaching the conclusion that a preponderance of the evidence of record supports the reasons for separation alleged; or

(3) If the Marine is eligible for transfer to the FMCR/Retired List, recommend a retirement pay grade per paragraph 6106.2.

6310. SUSPENSION OF SEPARATION

1. Suspension

a. Except for discharge by reason of fraudulent enlistment, homosexuality, or when characterization is under other than honorable conditions, a separation may be suspended for a specified period of not more than 12 months by the separation authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation. Only the separation authority who directs discharge in a case (or a higher authority) may suspend an approved separation. The following general guidance shall pertain to suspension of separation:

(1) Retaining individuals in the Marine Corps who will not or cannot conform to acceptable standards of conduct, discipline, and performance creates a high cost in terms of pay, administrative efforts, degradation of morale, and substandard mission performance.

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

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

(4) A prior court-martial conviction for a serious offense is not a bar to administrative separation processing based on that offense.

b. During the period of suspension, the member shall be afforded an opportunity to meet appropriate standards of conduct and duty performance.

c. Unless sooner vacated or remitted, execution of the approved separation shall be remitted upon completion of the probationary period, upon termination of the member's enlistment or period of obligated service, or upon decision of the separation authority that the goal of rehabilitation has been achieved.

2. During the period of suspension if further grounds for separation under this chapter arise or the Marine fails to meet appropriate standards of conduct and performance, one or more of the following actions may be taken:

a. Disciplinary action;

b. New administrative action; or

c. Vacation of the suspension and execution of the separation.

3. Prior to vacation of a suspension, the Marine shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel and to submit a statement in writing to the separation authority. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the separation authority, the matter shall be reviewed by a judge advocate prior to final action by the separation authority.

6311. ADMINISTRATIVE ACTION AFTER DECISION

1. If the separation authority directs separation on the basis of more than one reason, the separation authority shall designate the most appropriate basis as the primary reason for reporting purposes.

2. If separation or suspension is directed, the separation authority shall assign a characterization or description of service in accordance with the guidance in section 1 and under the specific reason for separation in section 2.

3. The separation authority shall make a determination as to whether the respondent should be retained in the IRR as a mobilization asset to fulfill the respondent's total military obligation, except when characterization under other than honorable conditions is directed or the Marine is separated on the basis of homosexuality, misconduct, drug trafficking, defective enlistment, or when there are medical reasons why the respondent would not be available to meet mobilization requirements. This determination applies in cases involving separation from active duty or from the Selected Marine Corps Reserve. The following is applicable when the separation authority determines that a respondent should be retained in the IRR.

a. Upon transfer to the IRR, the member will be notified of the following:

(1) The characterization of service upon transfer from active duty or the Selected Marine Corps Reserve to the IRR, and that the characterization of service upon completion of the military service obligation in the IRR will be the same.

(2) The date upon which the military service obligations will expire.

(3) The date by which the member must submit evidence of satisfactory completion of the conditions set forth in paragraph 6303.4b(1)(c).

b. If the Marine submits evidence of completion of the specified conditions but the separation authority proposes to discharge the Marine with a characterization of service other than honorable, use the notification procedures in paragraph 6303. An administrative board is not required at this point regardless of the Marine's years of service.

c. If the member does not submit such information on or before the date specified in the notice, no further proceedings are required. The characterization of service is the same as the characterization of service upon transfer from active duty or the Selected Marine Corps Reserve to the IRR.

4. If a respondent eligible for transfer to the FMCR/Retired List is being processed for misconduct, security, or homosexuality and waives the right to appear before a board, the Commandant of the Marine Corps shall make a determination, consistent with the guideline in paragraph 6319.4e as to whether the respondent should, if transfer to the FMCR/Retired List is requested, be allowed to transfer in the grade currently held or in the next inferior pay grade. The Commandant of the Marine Corps may transfer a respondent to the FMCR/Retired List, when eligible, if such respondent waives the right to appear before a board.

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

6. Final action of the separation authority must be recorded. After final action in cases where a Marine receives an approved unsuspended separation, all papers shall be forwarded to the CMC (MMRB) for inclusion in their OMPF. In cases where an approved separation is suspended, forward all papers to the CMC (MMRB) for inclusion in the OMPF if the suspension is later vacated. There is no requirement to forward papers in cases where the separation in lieu of trial by court-martial is disapproved.

7. If final action results in the member's retention, the record of the administrative discharge proceedings will not be included in the service record book or OMPF. The prejudicial effect of such a record outweighs its limited usefulness to future commanders or selection boards.

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

6312. SEPARATION OF MARINES BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE

1. Determination of Applicability. If the general court-martial convening authority or higher authority determines that separation is otherwise appropriate under this chapter, a member may be separated without return to military control in one or more of the following circumstances:

a. Absent without authority after receiving notice of initiation of separation processing;

b. When prosecution of a member who is absent without authority appears to be barred by the Statute of Limitations, article 43, UCMJ and the statute has not been tolled by any of the conditions set out in article 43(d), UCMJ;

c. When a member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the member under a treaty or other agreement.

2. Notice. Prior to execution of the separation under paragraph 6312.1b or 6312.1c, the Marine will be notified of the imminent action by certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the member's last known address or to the next of kin under regulations prescribed by the Department of the Navy. The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action.

3. Members of Reserve Component. See 10 U.S.C. 1163, Reserve Components: Members; Limitations on Separation; with respect to limitations on separation of members of Reserve components.

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

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 3: ADMINISTRATIVE PROCEDURES

PART C: ADMINISTRATIVE DISCHARGE BOARD

6314. CONVENING AUTHORITIES. An administrative discharge board as required by this chapter shall be convened in writing by any commander having special court-martial convening authority or when specifically authorized to do so by a superior authority who is a Marine commander having general court-martial jurisdiction. When a board is convened under delegated authority, the order appointing the board will contain specific reference to the source of such delegated authority. Additionally, authority to convene administrative discharge boards is specifically delegated to those units delineated in figure 6-1 provided they exercise special court-martial convening authority. Not all convening authorities are separation authorities. See paragraph 6307 for the definition of a separation authority.

6315. COMPOSITION1. Members

a. The convening authority shall appoint to the administrative board at least three commissioned/warrant or staff noncommissioned officers who are well-qualified by reason of grade, leadership experience, and judicious temperament. Enlisted personnel appointed to the board shall be in the pay grade of E-7 or above, and be senior to the respondent. At least one member of the board shall be in the pay grade of O-4 or above, and a majority shall be commissioned/warrant officers. When the respondent is an active duty member, the senior member must be on the active duty list of the service. When the respondent is a member of a Reserve component, all members of the board must be commissioned officers if characterization of service as other than honorable is warranted. When no active duty-list officer is reasonably available, the convening authority may substitute a Reserve officer designated for duty in the Full-Time Support (FTS) program who has served on continuous active duty for more than 12 months immediately prior to appointment to the board.

b. If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the board shall include at least one Reserve commissioned officer as a voting member. Voting members shall be senior to the respondent's Reserve grade. If the respondent is a member of a Reserve component and an other than honorable discharge is authorized by this Manual, all board members shall be commissioned officers.

c. The convening authority shall ensure that the opportunity to serve on administrative boards is given to women and minorities. The mere appointment or failure to appoint a member of such a group to the board, however, does not provide a basis for challenging the proceeding.

d. Unless at least three voting members of the board are present, no business other than declaring a recess or adjournment shall be transacted by the board. If a voting member will be absent for more than a short period of time and the member's absence reduces the voting membership present to fewer than three members, the convening authority will be advised and will appoint (an) additional member(s) to ensure that at least three voting members of the board are present during the conduct of all business by the board.

e. The board, in the absence of a voting member, may proceed if at least three voting members are present and the senior member present is a major or higher. Where a new member of the board has been appointed (i.e., following a successful challenge against a former member), or where a member of the board who has been temporarily absent returns, that part of the proceedings conducted may be orally summarized in open session by the recorder, or the summarized record of that part of the proceedings conducted in absence shall be examined by that member and that examination noted in the record. The appointment of a new member, or the temporary

absence of a member, does not preclude that member's full participation in the deliberations of the board relating to its findings of fact, opinions, and recommendations.

f. Attendance at the proceedings of an administrative discharge board becomes the primary duty of a member. No member shall fail to attend at the appointed time unless prevented by illness, ordered away, or excused by convening authority.

g. If any of the above prescribed mandatory requirements for the composition of a board cannot be met in a particular case from the officer personnel locally available, the convening authority will notify the CMC (MMSR-3) and request appropriate instructions.

h. The convening authority may delegate the power to excuse members prior to the convening of the board's initial session to the cognizant staff judge advocate, officer in charge, or law center director. The convening authority's delegate may not excuse more than one-third of the total number appointed.

2. Presiding Officer

a. The president shall preserve order and decide upon matters relating to the routine business of the board. (Members frocked to pay grade of O-4 cannot serve as senior member/presiding officer of administrative discharge boards). The president may grant a continuance, recess, and adjourn the board to meet at a time and a place most convenient and proper. The president shall preside and rule finally on all matters of procedure, evidence, and challenges, but the rulings of the president may be overruled by a majority of the board. If appointed, the legal adviser shall rule finally on all matters of procedure, evidence, and challenges, except challenges to the legal advisor. The president's rulings are subject to objection by any voting member of the board. Should a voting member object to the president's ruling on any matter, a vote shall be taken in closed session and the question shall be decided by a majority vote.

b. Motions or objections pertaining to any matter other than to continuances, recesses, or adjournments do not require ruling by the president of the board. Such motions or objections should be heard and merely noted in the record for resolution by the separation authority.

3. Recorder. A nonvoting recorder will be appointed by the convening authority to each administrative discharge board. An assistant recorder may be appointed. The convening authority may delegate the authority to appoint the nonvoting recorder or assistant recorder to the cognizant staff judge advocate, officer in charge, or law center director. A recorder or assistant recorder may be changed at any time by the convening authority or their delegate. The assistant recorder, at the direction of the recorder, may perform any duty or function which the recorder is required or empowered to perform. The recorder's primary responsibility is to exploit all practical sources of information and to bring out all the facts in a manner to permit the board to make fully informed findings and recommendations concerning the respondent. The recorder and assistant recorder should be experienced officers and may be warrant or commissioned officers. The recorder and/or the assistant recorder may be a lawyer within the meaning of UCMJ, article 27b(1). Neither the recorder, nor the assistant recorder will possess any greater legal qualifications than those possessed by the respondent's counsel. The recorder is responsible for ensuring that the board is presented only such materials and documents which may properly be considered by it. The recorder is also responsible for ensuring that the board is presented all testimony, materials, and documents which may properly be considered by it, which are necessary to arrive at such findings, opinions, and recommendations, as will permit the discharge authority to make a proper disposition of the case. The recorder will conduct a preliminary review of all available evidence, screen out improper matter, and obtain such additional evidence as appears necessary. The recorder will arrange for the time, date, and place of the hearing after consulting with the president of the board and the counsel for the respondent. The recorder will also arrange for the attendance of all material witnesses authorized to appear at the hearing pursuant to paragraph 6317, except those witnesses whose attendance is arranged by the respondent. At the hearing, the recorder will conduct the direct examination of all witnesses, except those requested or called by the respondent. The recorder will not participate in the closed sessions of the board or in the

determination of the board's findings, opinions (if any), and recommendations. Under the direction of the president of the board, the recorder will prepare or cause to be prepared a record of the board's proceedings. The convening authority of the board may appoint a reporter to provide other clerical assistance for the purpose of assisting the recorder in preparing the record.

4. Legal Advisor. At the discretion of the convening authority, a nonvoting legal advisor, who is a judge advocate certified in accordance with Article 27b(1), UCMJ, may be appointed to the board. If appointed, the legal advisor shall rule finally on all matters of procedure, evidence and challenges, except challenges to the legal advisor. A legal advisor shall not be junior to and in the same chain of command as any voting member of the board. If the convening authority desires to appoint a legal advisor but does not have a judge advocate readily available, the convening authority should contact the CMC (MMSR-3) for assistance.

6316. PROCEDURE. The following rules shall govern the procedures to be employed by an administrative discharge board. Where questions arise as to matters of procedure not covered in this Manual, such questions will be resolved at the discretion of the board or the convening authority.

1. Rules of Evidence. An administrative discharge board functions as an administrative rather than a judicial body. Accordingly, in the board's proceedings, the strict rules of evidence governing trials by court-martial are not applicable. The admissibility of evidence is a matter within the discretion of the president of the board. There is a sharp and distinct delineation between the administrative process which has as its purpose the administrative elimination of unsuitable, unfit, or unqualified Marines, and the judicial process, the purpose of which is to establish the guilt or innocence of a member accused of a crime and to administer punishment when appropriate. No evidence will be rejected from consideration solely on the grounds that it would be inadmissible in court-martial proceedings. The board may impose reasonable restrictions as to the relevance, competency, cumulativeness, and materiality of all matters to be considered by the board so as to promote orderly procedure and ensure a full and impartial hearing. Within the discretion of the president of the board, the respondent may present the results of a polygraph and testimony or information about the polygraph procedure. If the results are presented to the board, the recorder may present evidence to rebut that evidence or to rebut the validity of polygraph evidence in general.

2. Explanation of Respondent's Rights. At the onset of the proceedings, the board will ascertain whether or not the respondent has been fully advised of and understands their rights under paragraph 6304. The assurance of the respondent's counsel in this regard will normally suffice. If the board is not satisfied that the respondent has been so advised, or the respondent does not fully understand any explanation previously given, the board will clearly explain those rights to the respondent.

3. Exercise and Waiver of Respondent's Rights. The respondent will be given a reasonable opportunity to exercise any and all rights before the board. The failure of the respondent to exercise or invoke any of the specified rights, after having been apprised of the same, will not be considered as a bar to the board proceedings, findings, opinions, and recommendations. Such rights will be conclusively presumed to be waived.

4. Eliciting Further Information. Whenever it appears desirable to the members of the board to elicit or develop additional information for a proper hearing of the matters before the board, the president will advise the recorder and may direct the calling of a witness, pursue further lines of questioning, or present any other evidence.

5. Security Matters. If any matter to be heard by the board requires a security clearance and individual counsel for the respondent or other participants in the board's proceedings have not been granted such clearance, consult the convening authority for further guidance (see OPNAVINST 5510.1 and JAG Manual, section 0140).

6. Sessions. The proceedings of the board will be open to the public unless the convening authority directs otherwise. At the direction of the president of the

board, the hearing room may be cleared at any time for deliberations by the board members. At such times, all persons except voting members will withdraw from the hearing room.

7. Challenges

a. The respondent may challenge any voting member or legal advisor for cause only. The basis for such challenge is that the challenged person cannot approach the case with impartiality and an open mind. A challenged person will be given the right to make a statement with respect to the challenge. The board will not receive a challenge to more than one person at a time. After disclosing the grounds for challenge, the respondent may examine the challenged person as to matters relating to their competency to sit in that particular case. This examination may or may not be under oath at the discretion of the respondent. The recorder and other members of the board may also examine the challenged person. Other evidence relevant to the challenged person's competency to sit on the board may also be heard.

b. The burden of persuasion in establishing a challenge is on the respondent.

c. The hearing room will be cleared for voting on any challenge. Challenged members will not be present during deliberation or voting on their challenge. A challenge shall be decided by a preponderance of the evidence and shall be sustained by a majority or tie vote.

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

e. If a sustained challenge reduces the number of members below three or leaves the board without a member in the grade of major or higher, the convening authority shall be notified immediately. The board will stand adjourned until the convening authority appoints such additional voting members as required under paragraph 6315.1.

8. Order of Presenting Evidence

a. The testimony of witnesses and the presentation of other evidence will normally be in the following order:

- (1) Witnesses called and evidence presented by the recorder;
- (2) Witnesses called and evidence presented by the respondent;
- (3) Witnesses called and evidence presented by the recorder in rebuttal;
- (4) Witnesses called and evidence presented by the respondent in rebuttal;
- (5) Witnesses called and evidence presented at the request of the board.

b. The order of examining each witness is:

- (1) Direct examination.
- (2) Cross-examination.
- (3) Redirect examination.
- (4) Recross examination, and
- (5) Examination by the board.

c. The foregoing order of presentation and examination of witnesses need not be followed when the board determines that a different order will secure a more effective presentation of evidence.

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

10. Burden of Proof. The burden of proof before administrative discharge boards rests upon the Government. This burden never shifts. After the presentation of the Government's case, certain justifiable inferences which are adverse to the respondent may be drawn from the evidence by the board, the convening authority, and the separation authority. In this latter instance, the burden of going forward with evidence to avoid the adverse effect of these justifiable inferences may then shift to the respondent.

11. Standard of Proof. The standard of proof is a preponderance of the evidence as to all matters before an administrative discharge board.

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

6317. WITNESSES. Testimonial evidence may be presented to the administrative board through the personal appearance of the witness, through the use of oral or written depositions, unsworn written statements, affidavits, testimonial stipulations, or any other accurate and reliable means for presenting testimonial evidence. The testimony of a witness may be excluded if the legal advisor or president of the board determines that its probative value is substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

1. Attendance. Within a reasonable period of time before the date set for the administrative board hearing, the respondent or the respondent's counsel will submit a written request to the convening authority via the president of the board for all witnesses requested to testify on behalf of the respondent. Failure to submit a request for witnesses in a timely fashion shall not automatically result in denial of the request, but if it would be necessary to delay the hearing in order to obtain a requested witness, lack of timeliness in submitting the witness request may be considered along with other factors in deciding whether to provide the witness. If the requested witness is not physically located at the command, the respondent may request TAD or invitational travel orders. Civilian witnesses whose attendance is required shall be issued invitational travel orders.

a. If TAD or invitational travel orders are requested the witness request shall contain the following matter;

(1) A synopsis of the testimony that the witness is expected to give.

(2) An explanation of the relevance of such testimony to the issues of separation or characterization.

(3) An explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination.

b. The convening authority may authorize expenditure of funds for production of witnesses only if the presiding officer (after consultation with a judge advocate) or the legal advisor (if appointed) determines that:

(1) The testimony of a witness is not cumulative;

(2) The personal appearance of the witness is essential to a fair determination on the issues of separation or characterization;

(3) Written or recorded testimony will not accomplish adequately the same objectives;

(4) The need for live testimony is substantial, material, and necessary for proper disposition of the case; and

(5) The significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness, the timing of the request for production of the witness, the potential delay in the preceding that may be caused by

producing the witness, or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

c. If the convening authority determines that the personal testimony of a witness is required, the hearing will be postponed or continued if necessary to permit the attendance of the witness.

d. The hearing shall be continued or postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness if a witness requested by the respondent is unavailable in the following circumstances:

(1) When the presiding officer determines that the testimony of the witness is not required;

(2) When the commanding officer of a military witness determines that the military necessity precludes the witness' attendance at the hearing; or

(3) When a civilian witness declines to attend the hearing.

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

f. Paragraph 6317.1d(3), does not authorized a Federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.

2. Testimony. The respondent, the respondent's counsel, and the recorder shall be afforded a reasonable opportunity to interview a witness prior to calling the witness to testify before the administrative board.

a. The testimony of all witnesses appearing in person before the board, at the discretion of the president may be taken under oath or affirmation, except that the respondent may make an unsworn statement. A respondent's unsworn statement may include matters concerning the acts or omissions which form the basis for discharge, matters in extenuation or mitigation, or any other relevant matter. The respondent may not be cross-examined on such an unsworn statement. Evidence may be introduced by the recorder to rebut any statements of fact contained in it. The respondent's unsworn statement may be oral, in writing, or both and may be made by the respondent or the counsel, or by both of them. The respondent's statement should be factual and not argumentative in nature.

b. No witness, including the respondent, appearing before the board shall be compelled to incriminate themselves or to answer any questions the answer to which may tend to incriminate them. Nor shall they be compelled to make any statement or produce evidence if the statement or evidence is not material to any matter under investigation and may tend to degrade them. Other than the respondent, any person, may be called as a witness before the board, whether or not they request to be a witness. If a witness including the respondent, is accused of, suspected of, or charged with an offense under the UCMJ, the witness shall be informed of the nature of the offense and shall be advised of their rights under Article 31, UCMJ. If the witness is not subject to the UCMJ, the witness should be provided an appropriate, lawful advisement of rights. If a witness exercises the right to refrain from testifying regarding matters related to an offense of which they are accused, suspected, or charged, the witness may be questioned on other matters. The question of whether a witness is suspected of an offense is one for decision by the board and will depend upon the nature of the matter being considered by the board, the reasonable probability that the witness admitted an offense. The board shall resolve all reasonable doubt in favor of the witness. Each witness appearing before the board should be advised of the subject matter of the administrative discharge board.

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

d. The board, at its discretion, may direct a witness not to discuss their testimony with, other witness or persons who have no official interest in the matter

until the board's proceedings are completed. This warning is given to ensure that the matters before the board can be fairly heard and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence the testimony of a witness still to be heard.

6318. OATHS. The oath or affirmation to be given pursuant to this chapter will be under JAG Manual, section 0415, and will be administered by the recorder.

6319. FINDINGS AND RECOMMENDATIONS

1. The board shall determine its findings and recommendations in closed session. Only voting members of the board shall be present during these sessions.

2. The board shall determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence.

3. If the board finds that one or more of the allegations are supported by the evidence, it shall then determine whether the findings warrant separation for the reason(s) for separation stated in the notice. If more than one reason was stated in the notice, there shall be a separate determination for each reason.

4. Findings. The board shall state:

a. The specific evidence it considered relating to each act, omission, or circumstance alleged in the notice;

b. Its determination for each alleged act, omission, or circumstance, that the preponderance of evidence does or does not support that act, omission, or circumstance, or;

c. The specific reason for separation defined in the notification letter and chapter 6 of this Manual to which each act, omission, or circumstance supported by a preponderance of the evidence applies.

5. The board shall make recommendations on the following:

a. Retention or Separation. The board shall recommend retention or separation.

b. Suspension of Separation. If the board recommends separation, it may recommend that the separation be suspended under paragraph 6310.

c. Characterization of Service or Description of Separation. If separation or suspended separation is recommended, the board shall recommend a characterization of service or description of separation as authorized per paragraph 6107.

d. Transfer to the Individual Ready Reserve. The board shall make a recommendation as to whether the respondent should be retained in the IRR as a mobilization asset to fulfill the respondent's total service obligation except when the board has recommended separation on the basis of homosexuality, misconduct, drug trafficking, defective enlistment or induction, when there are medical reasons why the respondent would not be available to meet mobilization requirements, or where the board has recommended characterization of service under other than honorable conditions. In making a recommendation for retention in the IRR, the board should consider how the respondent's performance, training, and availability affects the respondent's potential for useful service under conditions of full mobilization. The option of transfer to the IRR applies to cases involving separation from active duty or from the Selected Marine Corps Reserve.

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

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

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

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

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

6320. RECORD OF HEARING AND REPORT OF THE BOARD. The record of the hearing shall be kept in summarized form, however, the convening authorities, upon their own initiative, or upon the request of the respondent or counsel, may authorize a verbatim record. In all cases, the findings and recommendations of the board shall be in verbatim form. The record of proceedings shall otherwise be prepared as directed by the convening authority and shall be authenticated by the signatures of the president and the recorder or, in the absence of either or both, by a member in lieu of the president or by a member in lieu of the recorder. 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. Acknowledgment that the respondent was advised of and fully understands all of the rights of the respondent before the board.
5. The identity of the counsel for the respondent and the nonvoting recorder, and their respective legal qualifications.
6. Copies of the letter of notification to the respondent, advisement of rights, and acknowledgment of rights.
7. If a discharge is recommended, a complete statement of the facts and circumstances, accompanied by appropriate supporting documents, upon which the recommendation is based.
8. A summary of any unsworn statements submitted by the respondent or their counsel.
9. Any minority report shall also be included.

6321. SUBSEQUENT ADMINISTRATIVE DISCHARGE BOARD PROCEEDINGS

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

2. Conduct is considered to have previously been the subject of administrative discharge board proceedings when the previous board has submitted the record of its proceedings to the discharge authority and when the board's record include one of the recommendations prescribed in paragraph 6319.

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

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

5. When a separation authority sets aside the findings and recommendations of a previous board and appoints a subsequent board to hear the respondent's case, no further action is required prior to the subsequent board's hearing of the respondent's case other than the appointment of the subsequent board. The respondent and their counsel shall be notified of the findings and recommendations of the previous board and timely notice of the time and place of the subsequent board hearing, the witnesses to be heard, and the evidence to be considered before the subsequent board.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Separate Commands and Detachments where HQMC has delegated Discharge Authority to Other Commands

CG, MCCDC

MATSG, Lakehurst, NJ
MarBks, Annapolis, MD
MarBks, Washington, DC
MarCorAdminDet, Ft. Leavenworth, KS
MarCorAdminDet, Patuxent River, MD
MarCorAdminDet, Newport, RI
MarCorAdminDet, Indian Head, MD
MarCorAdminDet, Aberdeen, MD
MarCorAdminDet, Ft. Devens, MA
MarCorAdminDet, Ft. Lee, VA
MSGBN, Quantico, VA
HQBN, HQMC

CG, MCRD/ERR, Parris Island

MATSG, Pensacola, FL
MATSG, Cecil Field, FL
MATSG, Meridian, MS
MarCorAdminDet, Ft. Knox, KY
MarCorAdminDet, Ft. McClellan, AL

CG, MCRD/WRR, San Diego

LFTCPAC, Coronado, CA
MATSG, Oak Harbor, WA
MarCorAdminDet, Chanute, AFB, IL
MarCorAdminDet, Ft. Goodfellow, AFB, TX
MarCorAdminDet, Ft. B. Harrison, IN
MarCorAdminDet, Ft. Sill, OK
MarCorAdminDet, Lackland, AFB, TX
MarCorAdminDet, Monterey, CA

CG, FMFPac

MCSF Co, Alameda, CA
MCSF Co, Bangor, WA
MCSF Co, Concord, CA
MCSF Co, North Island, CA
MCSF Bn Pac

CG, LFTCLant

MarCorAdminDet, Dam Neck, VA

CG, MCB, Camp Lejeune

MATSG, Corpus Christi, TX
MATSG, Millington, TN

CG, MCB, Camp Pendleton

MATSG, Lemoore, CA
MarCorAdminDet, Point Mugu, CA

CG, MCLB, Albany, GA

MarCorAdminDet, Ft. Gordon, GA
MarCorAdminDet, Redstone, AL
MarCorAdminDet, McDill, AFB, FL

CG, MCLB, Barstow, CA

MarCorAdminDet, Lowry, AFB, CO
MarAvnDet, NWC, China Lake, CA

COMCABWEST

MarCorAdminDet, Ft. Huachuca, AZ
MarCorAdminDet, Ft. Bliss, TX

CG, 4th MarDiv

MarCorAdminDet, Ft. Leonard Wood, MO

CG, FMFLant

MCSF Co, Brunswick, ME
MCSF Co, Cecil Field, FL
MCSF Co, Charleston, SC
MCSF Co, Earle, NJ
MCSF Co, Kings Bay, GA
MCSF Co, Norfolk, VA
MCSF Co, Yorktown, VA
MCSF Bn Lant

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16D (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the NDRB and BCNR
(2) Acknowledgment of Respondent's Rights

1. You are hereby notified that I intend to recommend to the (Separation Authority; e.g., Commanding General) that you be discharged from the U.S. Marine Corps/released from active duty to a Reserve component per paragraph ____ of the reference by reason of (state the general and specific bases for discharge contained in the reference).
2. The basis (bases if multiple reasons) for this recommendation is (describe the circumstances supporting the CO's recommendation. Be specific because both the respondent and the Separation Authority need to know precisely why this Marine is being recommended for separation).
3. The least favorable characterization which you may receive is under honorable conditions (general). Although the (Separation Authority) will make the determination of characterization if you are separated, I am recommending you receive a(n) Honorable/General characterization of service.
4. As a result of these separation proceedings, you have the following rights:
 - a. You have the right to consult with qualified counsel. It is in your best interests to do so prior to waiving any of your rights.
 - b. You have the right to submit written statements to the (Separation Authority) in rebuttal to this proposed separation.
 - c. You have the right to obtain copies of documents that will be forwarded to the (Separation Authority) supporting the basis of this proposed separation. Classified documents shall be summarized.
 - d. You may waive any of these rights after being afforded a reasonable opportunity to consult with counsel and that failure to respond shall constitute a waiver of these rights.
5. Information on the Purpose and Scope of the NDRB and the BCNR is provided to you as enclosure (1).
6. You are directed to respond in writing to this notice not later than (time and date) (e.g., 0900, 4Jun82. Must allow at least 2 complete working days) by completing and returning enclosure (2). Failure to respond by the prescribed time constitutes a waiver of your rights.

Signature

Figure 6-2.--Sample Format for Notification Without an Administrative Separation Board.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

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

Ref: (a) CO's ltr

1. _____ I acknowledge receipt of the reference notifying me of proceedings to (discharge me) (release me from active duty) by reason of (general and specific basis as found in MARCORSEPMAN).

2. _____ I understand that I am being recommended for separation with (an honorable or a under honorable conditions (general)) characterization of service and that the least favorable characterization which I may receive is under honorable conditions (general).

3. In view of the above, I chose to execute to following rights:

a. _____ I (have) (have not) included statements in rebuttal to this proposed separation.

b. _____ I (have) (have not) consulted with counsel. I realize it is in my best interests to so prior to exercising or waiving any of my rights. My counselor's name is: _____.

c. _____ I (do) (do not) desired to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed separation.

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

Witness Date

Respondent Date

Figure 6-2.--Sample Format for Notification Without an Administrative
Separation Board--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16D (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the NDRB and BCNR
(2) Acknowledgment of Respondent's Rights

1. You are hereby notified that I intend to recommend to the (Separation Authority; e.g., Commanding General) that you be discharged from the U.S. Marine Corps/released from active duty to a Reserve component from the USMC per paragraph _____ of the reference by reason of (state the general and specific bases for discharge contained in the reference).
2. The basis (bases if multiple reasons) for this recommendation is (describe the circumstances supporting the commanding officer's recommendation. Be specific because both the respondent and the separation authority need to know precisely why this Marine is being recommended for separation).
3. The least favorable characterization of service which you may receive is (honorable/general/under other than honorable conditions). Although the (Separation Authority) will make the determination of characterization if you are separated, I am recommending you receive a(n) honorable/general/under other than honorable discharge.
4. As a result of these separation proceedings, you have the following rights:
 - a. You have the right to consult with qualified counsel prior to electing or waiving any of your rights. It is in your best interest to do so prior to waiving any of your rights.
 - b. You have the right to request a hearing before an Administrative Discharge Board per paragraph _____ of the reference.
 - c. You have the right to present written statements to the (Separation Authority) in rebuttal to this proposed separation and in lieu of having a hearing.
 - d. You have the right to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed separation. Classified documents shall be summarized.
 - e. You have the right to waive any of these rights after being afforded an opportunity to consult with counsel.
5. Should you request a hearing before an Administrative Discharge Board, you would be afforded the following rights:
 - a. To appear in person before such a board or be represented by counsel if you are confined by civil authorities.
 - b. To be represented by military counsel. Appointed, or of your choice, if available.
 - c. To be represented by civilian counsel if you desire and at your own expense.
 - d. To challenge voting members of the board or the legal advisor, if any, for cause only.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

e. To testify in your own behalf, subject to the provisions of Article 31, UCMJ (Compulsory Self-Incrimination Prohibited).

f. At any time during the proceedings you or your counsel may submit written or recorded matter for consideration by the board.

g. You or your counsel may call witnesses on your behalf.

h. You or your counsel may question any witness who appears before the board.

i. You or your counsel may present argument prior to the board's closing the hearing for deliberation on findings and recommendations.

j. Upon written request to the (Convening Authority), to be provided with a copy of the report of the board and the endorsement.

k. Failure to appear without good cause at a hearing constitutes waiver of your right to be present at the hearing.

l. You have the right to make a sworn or unsworn statement.

m. You have the right to examine evidence presented by the board, to cross-examine witnesses appearing before the board, to submit evidence before the board, and to present final argument before the board.

n. Failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes waiver of the rights in paragraphs 6304.1d to 1m of the reference.

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

7. You are directed to respond in writing to this notice no later than (time and date; e.g., 0900, 4Jun82. Must allow at least 2 complete working days) by completing and returning enclosure (2). Failure to respond by the prescribed time constitutes a waiver of your rights.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

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

Ref: (a) CO's ltr

1. _____ I acknowledge receipt of the reference notifying me of proceedings to (discharge me) (release me from active duty) by reason of (general and specific basis as found in MARCORSEPMAN).

2. _____ I understand that I am being recommended for separation with a(n) Honorable/General/Other Than Honorable Conditions characterization of service and that the least favorable characterization which I may receive is Under Other Than Honorable Conditions.

3. In view of the above, I choose to execute the following, rights:

a. _____ I (have) (have not) consulted with counsel. I realize it is in my best interests to do so prior to exercising or waiving any of my rights. My counselor's name is: _____.

b. _____ I (do) (do not) request a hearing before an Administrative Discharge Board.

c. _____ In lieu of a hearing, I (have) (have not) included written statements in rebuttal to this proposed separation.

d. _____ I (do) (do not) desire to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed discharge.

4. If I requested a hearing before an Administrative Discharge Board, I realize I have the following rights:

a. _____ To be present or represented by counsel if I am confined by civil authorities.

b. _____ To be represented by appointed military counsel, or of my choice, if available.

c. _____ To be represented by civilian counsel if I desire and at my own expense.

d. _____ To challenge voting members of the board or the legal advisor, if any, for cause only.

e. _____ To testify in my own behalf, subject to the provisions of article 31, UCMJ (Compulsory Self-Incrimination Prohibited).

f. _____ At any time during the proceedings I or my counsel may submit recorded matter for consideration by the board.

g. _____ I or my counsel may call witnesses on my behalf.

h. _____ I or my counsel may question any witness who appears before the board.

i. _____ I or my counsel may present argument prior to the board's closing the hearing for deliberations on findings and recommendations.

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

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

j. _____ Upon written request to the (Convening Authority), to be provided
with a copy of the report of the board and the endorsement.

k. _____ Failure to appear without good cause at a hearing constitutes waiver
of my right to be present at the hearing.

5. _____ I have read and fully understand the Purpose and Scope of the NDRB and
BCNR.

Witness _____ Date _____

Respondent _____ Date _____

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

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 4: VOLUNTARY ADMINISTRATIVE SEPARATIONS

6401. GUIDELINES. An enlisted Marine may request voluntarily separation from the Marine Corps subject to the procedures and criteria established within this chapter.

1. General Basis. The general basis for separation for all reasons listed in this chapter is the convenience of the Government except as follows:

a. Paragraph 6402. The general basis for separation is defective enlistment.

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

2. Separation Authority. The separation authorities for voluntary separations are listed in table 6-3. The separation authority will receive the Marine's request after it has been forwarded and endorsed via the chain of command. The separation authority will then direct the discharge or release from active duty of the Marine, if either is warranted, or will disapprove the Marine's request and direct retention.

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

a. Defective Enlistment/Reenlistment. Honorable, unless an uncharacterized entry level separation or an order of release from the custody and control of the Marine Corps (by reason of void enlistment) is required under paragraph 6107.5.

b. Convenience of the Government. Honorable, or general, unless an uncharacterized entry level separation is required under paragraph 6107.5.

4. Notification. Use the notification procedures in paragraph 6303 if the characterization of service is under honorable conditions (general) and the Marine is:

a. A sergeant or above; or

b. A Corporal or below, when the characterization of service is not based on the average duty proficiency/conduct marks.

5. Transfer to the Individual Ready Reserve (IRR). In considering any Marine's request for separation, the separation authority must consider the Marine's potential for future service in the Marine Corps Reserve. To preclude the loss of potential mobilization assets, the separation authority will screen all Marines eligible for an honorable discharge and separating for the reasons contained in this paragraph prior to EAS/EOS. The separation authority will direct discharge only in those cases which clearly demonstrate a Marine has no mobilization potential. Transfer is prohibited if the Marine is separated by reason of homosexuality, drug trafficking, defective enlistment, or if the characterization of discharge is other than honorable. Transfer all others to the IRR using the procedures in chapter 1. Transfer to the IRR vice discharge is appropriate for convenience of the Government separation by reason of:

a. Early release to further education (paragraph 6405).

b. Dependency or hardship (paragraph 6407).

c. Pregnancy (paragraph 6408).

d. Surviving family member (paragraph 6416).

e. Marines married to other service members (paragraph 6416).

6. Unique Requirements. Each request for voluntary separation has its own procedures and criteria which should be followed for a proper determination to be made. These unique requirements are fully explained under the appropriate paragraph within this section.

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

6402. DEFECTIVE ENLISTMENT/REENLISTMENT AGREEMENTS

1. General. A defective enlistment/reenlistment agreement exists in the following circumstances.

a. As a result of a material misrepresentation by recruiting/career planning personnel upon which the Marine reasonably relied, the Marine was induced to enlist/reenlist with a commitment for which the Marine was not qualified;

b. The Marine received a written enlistment/reenlistment commitment from recruiting/career planning personnel for which the Marine was qualified but which cannot be fulfilled by the Marine Corps; or

c. The enlistment/reenlistment was involuntary; i.e., one that is induced by fraud, duress, or undue influence and not the product of a free and unconstrained choice as exemplified by:

(1) Enlistment of an individual who lacks the capacity to understand the significance of enlisting in the armed service; or

(2) Enlistment of individual whose enlistment is involuntary by reason of coercion resulting from being presented with the option of either enlisting or being subjected to a sentence to confinement by a court of competent jurisdiction.

2. Criteria. This provision does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect was raised. Separation is appropriate under this provision only in the following circumstances:

a. The Marine did not knowingly participate in creation of the defective enlistment/reenlistment agreement.

b. The Marine brings the defect to the attention of appropriate authorities within 30 days after the defect is discovered or reasonably should have been discovered by the Marine; and

c. The Marine brings the defect to the attention of appropriate authority.

3. Application. The Marine's request for separation should be a written statement addressing all pertinent issues. To be thorough, the Marine should explain:

a. What the actual defect is;

b. The circumstances of how the defect occurred; and

c. How and when the defect was discovered; and

d. Any other information considered appropriate to make a proper determination.

4. Commander's Action. Marines requesting separation as a result of a defective enlistment/reenlistment agreement will submit their request via the chain of command. The Marine's immediate commanding officer will ensure that all criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

a. Any additional information considered appropriate, including clarifying statements and copies of pertinent portions of the Marine's service record.

b. The Marine's status regarding any pending disciplinary action.

5. Characterization and Separation Authority. The separation will be honorable unless an uncharacterized entry level separation or an order of release from the custody and control of the Marine Corps is required. The separation authority for all separations under this paragraph is the CMC (MMSR-3).

6403. CHANGES IN SERVICE OBLIGATION FOR RESERVISTS ON INACTIVE DUTY

1. Discharge for Enlistment or Appointment in the Regular Marine Corps or for Appointment in the Marine Corps Reserve. The enlistment of a reservist is deemed to be automatically terminated upon enlistment in the Regular Marine Corps or upon acceptance of appointment as an officer in the Marine Corps Reserve. Upon receipt of official notification of such enlistment or appointment, commanders will close out the service record of the reservist concerned showing the date of discharge as of the day prior to enlistment in the Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to the Marine.

2. Discharge for Enlistment in the Regular Army, Air Force, Coast Guard. Upon receipt of official notification of the enlistment of a reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the reservist as of the day prior to such enlistment, and forward the discharge certificate to the member's new organization, if known, otherwise to the CMC (MMRB-10) with a statement as to the reason for nondelivery.

3. Discharge for Enlistment in Another Reserve Component of the Armed Forces. Reservists not on active duty and having a military obligation under law who desire to enlist or accept appointment in another Reserve component of the Armed Forces may be discharged subject to the following:

a. The reservist requests the transfer or consents to the transfer after applying to the gaining Armed Force.

b. The reservist's commander ensures:

(1) The gaining Armed Force unit has a specific vacancy within a reasonable distance of the reservist's home or place of business and there is no Selected Marine Corps Reserve unit similarly available; or

(2) The gaining Armed Force unit has a specific vacancy within a reasonable distance of the reservist's home or place of business and the reservist has special experience of a professional, educational, or technical background which is clearly of greater use to the gaining Armed Force and outweighs the value of the reservist's previous training in the Marine Corps; or

(3) The reservist will be enrolled in an officer training program of the gaining Armed Force. Where membership in the officer training program does not confer military status, discharge from the Marine Corps Reserve will be for the purpose of immediate enlistment in a Reserve component of the gaining Armed Force.

c. When a request is approved, the commander will furnish a conditional release to the requesting authority which shall contain the following elements: Applicant's last, first, and middle name; social security number; grade (including pay grade), date of rank, and military occupational specialty; component; organization to which assigned; years, months, and days of total service; summary of other intercomponent transfers (if any); date and place of birth; citizenship and how acquired; summary of military duties performed; brief statement of reason for requesting transfer; statement by member that, in the event of approval, the member will accept assignment to and participate in the accredited training program of the component to which transferred.

d. Upon receipt by the approving authority of evidence that the applicant has been enlisted or has accepted appointment in the gaining Armed Force, discharge will be effected as of the day prior to the date of such enlistment or acceptance of appointment. Forward the discharge certificate to the gaining Armed Force for delivery to the reservist.

4. Discharge of reservists who do not have a military obligation, to enlist or accept appointment in a Reserve component of another Armed Force will be per the criteria and procedures stated in paragraph 6403.3, unless the reservist is eligible for discharge upon request. The conditional release in such cases will state that the reservist has no obligated service under law.

6404. CHANGES IN SERVICE OBLIGATION FOR ACTIVE DUTY MARINES

1. To Accept a Commission or Appointment. An active duty Marine may be separated for acceptance of an active duty commission, appointment, or acceptance into a program leading to a commission or appointment in any branch of the Armed Forces. Applications for commission in a service other than the naval service must be submitted via the CMC (MMSR) and include a statement acknowledging that, should the Marine be accepted in the applied for program, the Marine agrees to separation from the Marine Corps. Only the CMC may direct separation after receipt of certification from the gaining service that the Marine has been accepted for a commission or an appointment, or acceptance into a program leading to such.
2. Commanding officers may separate an active duty Marine for immediate reenlistment when the Marine has less than 3 months remaining to serve on the enlistment (see MCO P1040.31).
3. Active duty Marines may be separated under the provisions of an announced early release program authorized by the CMC.
4. The GCMCA may separate an active duty Marine if the Marine is in a temporary duty under full treatment status or has been found physically qualified to resume full duty, regardless of duty status, with 3 months or less active obligated service remaining and who does not desire to reenlist.
5. The GCMCA may separate an active duty Marine assigned to sea duty who is within 90 days of the date of expiration of active obligated service under the following conditions:
 - a. When the member's ship is about to deploy with the possibility of not returning to the United States before the expiration of the member's active obligated service, the member may be separated within 5 days of the deployment date, when there would be insufficient time to complete separation processing prior to member's expiration of active obligated service if the member returned to the continental United States from the first overseas port-of-call.
 - b. When the home port of a member's ship or command changes, the member may be separated within 5 days of the ship's/command's departure for the new home port when there would be insufficient time to return the member to the old home port for separation processing, or to complete separation processing at the new home port prior to member's expiration of active obligated service.

6405. EARLY RELEASE TO FURTHER EDUCATION

1. General. The Commandant of the Marine Corps may authorize particularly deserving enlisted Marines to be released from active duty prior to expiration of active service for the purpose of pursuing their education via college or a vocational/technical school. A vocational school is to include any State or local police department, fire department, or State, city, or county service agency that would require the Marine to attend a full-time course of instruction lasting 3 months or more. This program is applicable to all enlisted personnel except:
 - a. Six-month trainees.
 - b. Reservists ordered to active duty due to unsatisfactory participation as provided in 10 U.S.C. 673(a). However, all other reservists who are "set back" in training at a recruit depot and cannot meet the last date for entrance to college may be separated (MCO 1001.54 refers). The commanding generals of the recruit depots may effect this separation.

c. Aliens seeking to qualify for citizenship by completing of 3 years active duty unless they are to be transferred to inactive duty in a Reserve component.

d. Marines who acquired additional obligated service due to advanced training.

2. Criteria. The following criteria applies:

a. The Marine must be eligible for an honorable discharge;

b. The Marine's services must not be essential to the command's mission;

c. Marines serving under a 2-year obligated active service contract or agreement and who will have a Reserve obligation upon separation will not be released until they have completed a minimum of 21 months of active duty on their current term of service; and

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

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

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

(2) Completed advance technical training; or

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

(4) A military occupational specialty which due to military exigencies requires retention; or

(5) Become indebted to the Government as result of unearned leave (advance and excess leave), advance pay, reduction in grade, and fines and forfeitures.

f. An individual Marine may be considered eligible for early separation provided the individual makes a cash remittance prior to initiation of separation processing.

3. Application. An application format is provided at figure 6-5.

a. In their applications, all Marines must:

(1) Clearly establish why the specific school term for which release is sought is academically the most opportune time to begin or resume education and why delay of enrollment until normal expiration of service would cause undue hardship;

(2) State in the application, "I understand I am subject to possible recall to active duty and/or prosecution for fraudulent separation if I do not attend the school for which I am granted early release"; and

(3) Provide evidence that full tuition for the first school term has been paid or will be paid.

b. In addition to the requirements in paragraph 6405.3a, Marines applying for separation to attend college must present documentary evidence which establishes:

(1) That the Marine has been accepted without qualification to a recognized institution of higher learning.

(2) The school's accreditation status.

(3) That the Marine will be in a full-time course of instruction leading to an associate, baccalaureate, or higher degree; and

(4) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

c. In addition to the requirements in paragraph 6405.3a, Marines applying for separation to attend a vocational/technical school must present documentary evidence which establishes:

(1) The school's specific accreditation status, the date such status was acquired, and the name of the accrediting agency or association. A recognized school is one which is approved by a State Board of Vocational Education or is accredited by a nationally recognized accreditation agency or association listed by the U.S. Commissioner of Education.

(2) That the Marine has been accepted without qualifications to a full-time course of instruction lasting 3 months or more; and

(3) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

d. The term "acceptance without qualification" means that the Marine must be accepted for admission without being subject to any further approval prior to entrance. A statement that the Marine is admissible, subject to a review of the Marine's records, or subject to passing an entrance exam, qualifies the acceptance and prohibits the Marine's early release. On the other hand, a Marine who is accepted on probation meets the requirements for early release.

e. The term "full-time resident course of instruction" means the Marine must take the minimum number of credit hours for the semester, quarter, or term considered by the school to be full-time (excluding night school).

4. Commander's Action. Marines who meet the criteria above and who have obtained the required substantiating documentation may submit an application via the chain of command to the CMC (MMSR-3).

a. The Marine's immediate commanding officer will ensure that all the criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

(1) A definite recommendation for approval or disapproval.

(2) The applicant's normal EAS, PEBD, and current leave balance;

(3) Certification that the Marine is eligible for an honorable discharge.

(4) Certification that the Marine is not requesting early separation to avoid service; and,

(5) Any other information deemed appropriate, such as information submitted in support of a Marine's request for a waiver of any of the criteria.

b. The effective date of separation must be within 3 months of the Marine's normal release date (i.e., EAS, EOS, and extension). It is not the "advanced" separation date established by any other early separation program which might be in effect.

c. Applications should be submitted to the CMC (MMSR-3) at least 4 weeks prior to the requested date of separation. Marines applying from overseas should apply 6 weeks prior to the requested date of separation.

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

(1) Commanders may grant leave while awaiting separation in conjunction with this program as authorized by MCO P1050.3, however, it may not be used in combination with the 90-day maximum period to meet a class convening date not falling in the basic criteria. In no event will an effective date of release from active duty be authorized for a date earlier than 90 days in advance of the normal expiration of active service.

(2) Marines returning from overseas who are required to move their families to the school location may be released up to 30 days prior to the class convening date. Their applications must include specific rationale for the earlier date. Approval or disapproval will be on a case-by-case basis.

5. Exceptions and Waivers. The requirement for an applicant to be eligible for an honorable separation and the maximum permissible early release of 90 days will not be waived. Leave must not be authorized to exceed this 90-day limit. Address any other exceptions to the CMC (MMSR-3) for a final determination.

6406. EARLY RELEASE TO ACCEPT PUBLIC OFFICE. A Marine may be released from active duty, permitted to resign, or discharged as appropriate, for the purpose of performing the duties of the President or Vice-President of the United States, a Presidential appointee to a statutory office, a member of either of the legislative bodies of the U.S.; a governor, any other State official chosen by the voters of the entire State or States; and a judge of courts of record of the U.S., the States and the District of Columbia. In the case of a reservist who is eligible for the Retired Reserve List or is already on the Retired Reserve List, the reservist will be relieved from active duty. Applications will normally be denied if the Marine has:

1. Received fully funded education, or education for which the Marine incurred obligated service; or
2. Completed advance technical training; or
3. Received special compensation during the current enlistment (e.g., reenlistment bonus); or
4. A military occupational specialty which due to military exigencies requires retention.
5. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance prior to the initiation of separation processing.

6407. DEPENDENCY OR HARDSHIP

1. General. The CMC and the GCMCA may direct the separation of enlisted Marines for dependency or hardship. Application from Marines who have been granted temporary additional duty with a unit for the purpose of applying for this type of separation will be forwarded to the CMC (MMSR-3) for consideration.

2. Criteria. Separation may be directed when genuine dependency or undue hardship exists under the following circumstances:

- a. The hardship or dependency is not temporary,
- b. Conditions have arisen, or have aggravated, to an excessive degree since entry into the Marine Corps and the Marine has made every effort to remedy the situation;
- c. The administrative separation will eliminate or materially alleviate the condition; and
- d. There are no other means of alleviation reasonably available.

3. Undue hardship does not necessarily exist because of altered present or expected income, family separation, or other inconveniences normally incident to military service.

a. Separation will not be authorized for personal convenience alone, when the Marine requires medical treatment, or solely by reason of the Marine's wife being pregnant.

b. Separation will not be disapproved solely because the Marine's services are needed in the unit or because the Marine is indebted to the Government or to an individual.

4. Application. The Marine's request consists of two parts, a statement and a substantiating documentation. These are explained below.

a. The Marine should submit a statement containing the following:

(1) Reason for Request. The clearer the "picture" of the situation the Marine provides, the greater the likelihood a proper decision will be made. It would be helpful to address the criteria in paragraph 6407.2;

(2) Complete home address of the dependent and the Marine;

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

(4) Names and addresses of persons familiar with the situation;

(5) Names, ages, occupations of family members and the reason why they cannot provide the necessary help; and

(6) If the request is based on the financial difficulties of a Marine's family member(s), provide statements of both income and expenses, and assets and liabilities of that (those) family member(s). Assets will include a listing of all property, securities, and funds owned except clothing and household furnishings. For this type of request, also provide a statement of the Marine's own financial obligations including specific amounts and methods of past and current contributions/allotments to the dependent(s).

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

(1) At Least Two Affidavits Should be Submitted. Where practicable, one should be from the dependent or family member concerned. Often, valuable information may be obtained from statements by knowledgeable and respectable sources such as family members, doctors, psychologists, clergyman, Red Cross representatives, and long-time neighbors. The intent is on quality of information provided, not quantity.

(2) If dependency or hardship is the result of a family member's death, provide a certificate or other proof.

(3) If dependency or hardship is the result of a family member's disability, provide a doctors statement showing when the disability occurred, the nature of it, and probable duration.

5. Commander's Action. Marines who meet the criteria above, have completed a statement, and gathered the substantiating documentation may submit an application via the chain of command, or, if on temporary additional duty for the purpose of applying for separation, may submit the application to the CMC (MMSR-3). The Marine's immediate commanding officer will ensure that all the criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

a. A definite recommendation for approval or disapproval;

b. The Marine's normal EAS, EOS, and date the Marine's current enlistment began;

c. Status of any disciplinary action pending. Disciplinary action must be resolved prior to separation.

d. Effective date, amount, and purpose of all allotments (only if the hardship/dependency is because of financial difficulties). If the applicant claims to be making cash contributions, substantiating evidence should be furnished (e.g., money order receipts, copies of canceled checks); and

e. Any other information deemed appropriate.

6. Dependency or Hardship Board. In most cases, the separation authority will approve or disapprove a Marine's request based solely upon the documentation provided by the Marine. However, in the event the separation authority determines the circumstances of a particular case warrant its referral to a board, the Marine commander exercising special court-martial jurisdiction over the Marine will appoint a board, consisting of not less than three members before whom the Marine will appear. This board shall consist entirely of military personnel. It will be the responsibility of the board to study and evaluate all available information, interview the Marine, and make recommendations concerning the ultimate disposition of the case. The report of the board will include a brief summary of any factors considered in arriving at its recommendations which are not apparent in the application. The authority to appoint a board may be limited by higher authority when such action is deemed desirable (e.g., when one board may conveniently consider all cases in a larger command). Marines who have been granted temporary additional duty with a unit for the purpose of applying for a hardship discharge will not be provided the opportunity to appear before a hardship board due to the time constraints in which the request must be resolved.

7. Separation Authority. Upon receipt of the Marine's request, the separation authority will take the following action:

- a. Carefully and sympathetically review the request.
- b. Request supplemental information if needed to make a proper determination.
- c. If the case has not been considered by a board and one is considered vital, appoint a board to consider the case as outlined in paragraph 6404.6.
- d. If the Marine's discharge is warranted, take final action regardless of the board's recommendation. If the Marine is discharged, place the hardship request and supporting papers on the document side of the service record, and forward it with the health and dental records per MCO P1070.12.
- e. If the Marine's discharge is not warranted, forward the application for discharge with all supporting documents together with a synopsis of the proceedings and recommendation of the local review board to the CMC (MMRB-20). The separation authority will officially inform the member in writing and include the specific reason or reasons for disapproval. Some statement expressing sympathy and/or providing advice for the Marine to help alleviate the problem should be included.
- f. At any time prior to final action the Marine may submit a statement withdrawing the request for discharge.

8. Separation. If warranted, follow these procedures for separating the Marine.

- a. If the Marine to be separated has a home of record in the CONUS, then
 - (1) Commands located in the CONUS will effect the separation locally; or
 - (2) Commands located outside the United States will transfer the Marine concerned to the Marine Corps activity nearest the point to which transportation is authorized.
- b. If the Marine to be separated has a home or record outside the CONUS and is entitled to and elects transportation to a point outside the United States upon separation, the Marine will be transferred to the Marine Corps activity nearest the point to which transportation is authorized. (See paragraph 1006.7.)

6408. PREGNANCY

1. An enlisted woman whose pregnancy has been certified by a medical officer must notify her commanding officer in writing of her desire for either separation or continuation of active duty under MCO 5000.12. If the woman Marine neither requests separation nor applies for continuation, her commanding officer will submit a detailed report to the CMC (MMSR-3) enclosing substantiating documentation and requesting disposition.

2. A woman Marine will normally be separated by reason of pregnancy upon her request unless retention is in the best interests of the service. The request will normally be denied when the woman Marine has:

- a. Executed orders in the known pregnancy status; or
- b. Received fully funded education; or education for which she incurred obligated service; or
- c. Completed advanced technical training; or
- d. Received special compensation, during the current enlistment (e.g., reenlistment bonus); or
- e. A military occupational speciality which due to military exigencies requires retention.

3. Regardless of the limitations in paragraph 6408.2, a request for separation may be approved by the CMC, on a case-by-case basis, when the request demonstrates overriding and compelling factors of personal need which justify separation for pregnancy.

4. The forms in figure 6-4 will be used for informing women Marines of their eligibility for maternity care.

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

6410. SURVIVING FAMILY MEMBER. Process Marines per MCO 1300.8.

6411. OFFICER CANDIDATE DISENROLLMENT. Officer candidates may submit a written request to the CMC (MRRO) for voluntary disenrollment from any of the Marine Corps Officer Candidate Programs. Discharge is authorized only under conditions in which the candidate did not incur, or does not have, any service obligation.

6412. NOT SELECTED FOR PROMOTION TO STAFF SERGEANT

1. Marines may request discharge after their commander verifies they have twice failed of selection for promotion to staff sergeant. The Marine must acknowledge in the request that the unearned portion of any reenlistment bonuses will be recouped.

2. Approval or disapproval of the request will be based on the needs of the service. Marines serving in an area where dependents are not authorized may not be discharged under this provision.

3. Assign an RE-3C reenlistment code to Marines discharged under this provision unless RE-3B is appropriate.

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

- a. Received fully funded education, or education for which the Marine incurred obligated service; or
- b. Completed advanced technical training; or
- c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or
- d. A military occupational specialty which due to military exigencies requires retention.

6413. REDUCTION FROM SNCO TO SERGEANT OR BELOW

1. Marines may request discharge after the commanding officer verifies they have been reduced in grade from a staff noncommissioned officer to sergeant or below. The Marine must acknowledge in the request that all unearned portions of any reenlistment bonuses will be recouped.
2. Approval or disapproval of the request will be based on the needs of the service.
3. Assign an RE-3C reenlistment code to Marines discharged under this provision unless RE-3B is appropriate.
4. Requests will normally be denied if the Marine has:
 - a. Received fully funded education, or education for which the Marine incurred obligated service; or
 - b. Completed advanced technical training; or
 - c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or
 - d. A military occupational specialty which due to military exigencies requires retention.

6414. RESERVIST BECOMES A MINISTER

1. A Reserve Marine not on active duty who has become a regular or duly ordained minister of religion or who desires to take final vows in a religious order may submit a request for discharge via the chain of command to the CMC (MMSR). The following definitions apply:
 - a. Regular minister of religion, is a person whose customary vocation is teaching and preaching the religious principles of the person's church or religious organization without having been formally ordained as a minister of religion but who is recognized by such church, sect, or organization as a regular minister.
 - b. Duly ordained minister of religion, is a person who has been ordained in accordance with the ceremonial ritual or discipline of a church, religious sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies in public worship, and who as a regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed of principles of such church, sect, or organization.
 - c. The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or religious organization even though the person may have been duly ordained a minister in accordance with the ceremonial ritual or discipline of a religious group.
2. If the reservist is a regular or duly ordained minister of religion as defined above, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order attesting to that fact.
3. If the reservist desires to take final vows in a religious order, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with the reservist's acceptance into the religious order, it is required that the reservist be discharged from the Marine Corps.

6415. TRANSFER TO THE NAVY HOSPITAL CORPS. A Marine may submit a request for transfer in an active duty status to the Navy Hospital Corps. A copy of the Marine's Armed Service Vocational Aptitude Battery (ASVAB) will accompany the request. Approval or disapproval will be based on the needs of the service. Requests will normally be denied if the Marine has:

1. Received fully funded education, or education for which the Marine incurred obligated service; or
2. Completed advanced technical training; or
3. Received special compensation during the current enlistment (e.g., reenlistment bonus); or
4. A military occupational specialty which due to military exigencies requires retention.

6416. MARINES MARRIED TO OTHER SERVICE MEMBERS

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

- a. Not stationed near enough to their spouse to permit the maintenance of a joint residence;
- b. A transfer request to the same or nearby duty station has been submitted by the Marine to the CMC (MMEA) and the request has been denied. If both individuals are Marines, both must have requested and been denied transfer to the same or nearby duty station.
- c. The spouse's separation has exceeded 18 months or, if one is serving overseas, the shortest "all others" tour as specified in MCO 1300.8;
- d. The Marine is not serving on an extension of service entered into after the marriage; and
- e. The Marine has completed 24 months service following completion of a service school if the length of the course was in excess of 20 weeks.

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

- a. Received fully funded education, or education for which the Marine incurred obligated service; or
- b. Completed advanced technical training; or
- c. Received special compensation during the current enlistment (e.g., reenlistment bonus); or
- d. A military occupational specialty which due to military exigencies requires retention.

3. Only one of the individuals may be separated under this provision.

6417. TRANSFER TO THE NAVY AS A RELIGIOUS PROGRAM SPECIALIST

1. General. A Marine may request transfer to serve on active duty in the U.S. Navy as a Religious Program Specialist for the purpose of supporting a chaplain serving with either the Navy or the Marine Corps. The request will be submitted via the chain of command to the CMC (MMSR-3).

2. Criteria. The Marine must meet the following criteria:

- a. Possess a high school diploma or GED equivalent.

- b. Be eligible for access to classified information.
- c. Must not have been convicted by a civilian or military court within the past 3 years.
- d. Must have no speech impediments and be able to write effectively.
- e. Have a minimum of 2 years active obligated service remaining as of the date of selection or be willing to extend or reenlist for that amount of time. The Marine must agree to serve this time as a Religious Program Specialist.
- f. Must not be serving on an enlistment for which a bonus was paid or authorized.
- g. Requests will normally be denied if the Marine has;
 - (1) Received fully funded education, or education for which the Marine incurred obligated service; or
 - (2) Completed advanced technical training; or
 - (3) Received special compensation during the current enlistment (e.g., reenlistment bonus); or
 - (4) A military occupational speciality which due to military exigencies requires retention.

3. Application. The Marine must include the following statement in the transfer request;

a. "I volunteer for the Religious Program Specialist rating with the understanding that I will be required to be supportive of clergy and people of all faiths and will be assigned duties as an assistant to the chaplain serving with units of either the Navy or Marine Corps. I realize I may be required to undergo combat training."

b. The Marine will include one of the following statements, as appropriate:

(1) "I will have a minimum of 2 years active obligated service remaining as of the date I am selected as a Religious Program Specialist. I agree to serve in the Navy as a Religious Program Specialist until my EAS. My EAS is (date)"; or

(2) "At present, I do not meet the criteria of having 2 years minimum active obligated service in order to serve as a Religious Program Specialist. However, if I am selected for the program, I agree to extend my reenlist for the minimum time required to meet the criteria. My EAS is (date)."

c. Marines should submit a statement and may submit as enclosures any supplemental information that will assist in the evaluation of the request. Such information may include but is not limited to attendance at a related service school, civilian training, or civilian work experience.

4. Chaplain's Recommendation. The local chaplain will interview the Marine and provide a formal written recommendation to be included with the Marine's request. The recommendation will provide appropriate comments regarding:

- a. The Marine's suitability for assignment to this rating.
- b. The Marine's moral character and ability to function in harmony with others.
- c. The Marine must have the ability to perform such duties as:
 - (1) Custodian of chapel funds;
 - (2) Maintaining records of chapel funds, appropriated funds, and property accounts in support of religious programs;

- (3) Training personnel involved in support of religious programs;
- (4) Maintaining liaison with ecclesiastical and community agencies; and
- (5) Performing administrative, clerical, and secretarial duties.

5. Commander's Action. The Marine's immediate commanding officer will:

- a. Ensure that the Marine is interviewed by a Navy chaplain and that the chaplain's formal written recommendation is submitted with the Marine's request.
- b. Certify in the forwarding endorsement, that the Marine meets all the criteria for transfer.
- c. Forward a copy of the Marines duty proficiency/conduct marks (Record of Service on page 23 (Reserves only)) if the Marine is a corporal or below or has been a sergeant for less than 18 months.
- d. Forward a copy of the Marine's Armed Forces Services Vocational Aptitude Battery (ASVAB).
- e. Forward a copy of page 8A from the Marine's service record.
- f. Counsel the Marine that approval or disapproval of the request is based upon the needs of the Marine Corps. Submission of a request is no assurance that the transfer will be authorized.

6418. SEPARATION OF SELECTED MARINE CORPS RESERVISTS IN THE DELAYED ENTRY PROGRAM

- 1. Selected Marine Corps reservists in the Delayed Entry Program may be voluntarily discharged if:
 - a. The discharge is requested by the member;
 - b. None of the provisions for entry level separations contained in section 2 of this chapter apply;
 - c. The reason for the requested discharge is:
 - (1) to permit return/or retention in school,
 - (2) that the member moves to a location where participation in the Selected Marine Corps Reserve would be impractical, or
 - (3) a cogent personal reason determined to be legitimate by the district director.
- 2. Discharge under this provision may be effected by the district director and will be uncharacterized. The district director will notify the inspector-instructor or active site commanding officer of the Reserve unit to which the enlistee is, or would have been, assigned of the discharge and cite this paragraph as authority for the separation.

6419. SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

- 1. Marines may be separated upon their request in lieu of trial by special or general courts-martial if charges have been preferred with respect to an offense for which a punitive discharge is authorized and it is determined that the Marines are unqualified for further military service. This provision may not be used as a basis for separation when R.C.M. 1003.D of the Manual for Courts Martial, 1984, provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial authorized to adjudge a punitive discharge.
- 2. Characterization of service normally shall be under other than honorable conditions, but characterization as under honorable conditions (general) may be

warranted in some circumstances. Characterization as honorable is not authorized for a Marine who has completed entry level status unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status, the separation shall be described as uncharacterized.

3. Procedure

a. The request for discharge shall be submitted in writing and signed by the Marine.

b. The Marine shall be afforded an opportunity to consult with qualified counsel. If the member refuses to do so, the commanding officer shall prepare a statement to this effect which shall be attached to the file, and the member shall acknowledge the waiver of the right to consult with counsel.

c. Unless the Marine has waived the right to counsel, the request shall also be signed by counsel.

d. In the written request, the Marine shall state that they understand the following:

(1) The elements of the offense(s) charged;

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

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

e. The request shall also include:

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

(2) A summary of the evidence or list of documents (or copies) provided to the Marine pertaining to the offenses for which a punitive discharge is authorized; and

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

f. The separation authority is the GCMCA.

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

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

6421. SEPARATION IN THE BEST INTEREST OF THE SERVICE

1. The Secretary of the Navy, by use of secretarial plenary authority, may approve the voluntary separation of any Marine prior to the expiration of that Marine's term of service after determining that a separation is in the best interest of the Marine Corps.

2. Use this reason of separation for unusual cases not covered by any other provisions of this chapter.

3. The procedures set forth in paragraph 6214 apply.

4. Forward requests for separation under this paragraph to the Secretary of the Navy via the CMC (MMSR-3). Include a statement explaining the circumstance of the case and why no other reason for separation under this Manual is consider appropriate.
5. Separation under this paragraph will be characterized as honorable or general unless an uncharacterized entry level separation is required.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: ELIGIBILITY FOR MATERNITY CARE

1. In view of the fact that you are being separated from the Marine Corps for pregnancy you are eligible for medical care and surgical care incident to pregnancy. This care includes prenatal, delivery, and postnatal care at Armed Forces medical facilities subject to the availability of space and facilities. CIVILIAN MEDICAL CARE AND HOSPITALIZATION IS NOT AUTHORIZED AT GOVERNMENT EXPENSE.
2. In making an application for maternity care you should present your original discharge certificate or a photostat of it and a copy of your DD Form 214. You should register at a military medical activity where suitable facilities are available at least 30 days prior to the anticipated date of delivery. In areas where more than one military facility providing maternity care is available you must apply to the Naval Medical Facility.
3. The Navy Department assumes responsibility for care of the child only during your hospitalization. Further arrangements for the care of your child must be made by you. If you contemplate release of your child for adoption all arrangements must be made by you with local authorities in advance of hospitalization. Local Red Cross and public welfare activities are available to advise you in such matters.
4. The provisions of this document do not apply to dependents.

(Signature)

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

Subj: ELIGIBILITY FOR MATERNITY CARE

1. I understand that medical care after my discharge is available only at Armed Forces medical facilities and that civilian medical care will not be paid for by the Government for my pregnancy unless I am otherwise eligible.

(Signature)

Figure 6-4.--Notification of Eligibility for Maternity Care.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: (Marine's Grade, Name, SSN, and MOS)
To: Commandant of the Marine Corps (MMSR-3)
Via: (Chain of Command)

Subj: EARLY RELEASE TO FURTHER EDUCATION

Ref: (a) MCO P1900.16D

Encl: (1) Unqualified acceptance notification
(2) Proof of necessary tuition funds

1. Per the reference, I request an early release to further my education and provide the following information:

a. Enclosure (1) is my unqualified acceptance at _____. (List school's name and complete mailing address. Include telephone number if known).

b. Tuition will be paid by _____ (list one of the following: VEAP; New GI Bill; self; parents; student loan; other) as indicated in enclosure (2). (Examples of proof may be: LES; scholarship letter; savings statement; etc.).

c. Type of degree being sought is a(n) _____. (List one of the following: associate's; bachelor's; master's; technical/vocational; police/fireman certification.)

d. Latest possible date to register this term is _____.

e. Class convening date this term is _____.

f. Class convening date next term is _____.

g. Full-time status at this school is _____. (List the school's minimum number of credit hours per semester, quarter or term considered to be a full-time student, excluding evening classes. In the case of police/fire training academies, list the course length).

h. (List marital status).

i. I desire release on _____. This is the most academically opportune time for me to attend school because _____ (list reason(s)).

2. I understand that if I am granted an early release, failure to attend school may result in my recall to active duty and/or prosecution for fraudulent separation.

(Marine's Signature)

Figure 6-5.--Sample Request for Early Release to Further Education.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

FIRST ENDORSEMENT ON (SNM'S LETTER/AA FORM) OF (DATE)

From: (Unit)

To: Commandant of the Marine Corps (MMSR-3)

Via: (Chain of Command)

Subj: EARLY RELEASE TO FURTHER EDUCATION OF (SNM)

Ref: (a) MCO P1900.16D, par. 6405

1. Per the reference the following is submitted:

a. SNM's EAS is _____.

b. SNM's PEBD is _____.

c. SNM's in service Pro/Con marks are ____/____.

d. SNM (is)(is not) command essential.

e. SNM does not have any obligation to the Marine Corps per paragraph 6405.2e.
(If SNM is obligated, list obligation(s) recommending approval or disapproval.)

f. SNM's leave balance: current _____; anticipated at time of release _____.

2. POC at this unit is _____ at AUTOVON # _____.

3. I (do)(do not) recommend SNM for early release on (See note).

(Signature)

Note: The CO may request a preferred date of release due to operational commitments and present any other information concerning SNM's request.

► Figure 6-5.--Sample Request for Early Release to Further Education--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

SEPARATION AUTHORITY FOR VOLUNTARY SEPARATIONS

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

If the Marine is:	And the General Basis for Separation is:	And for the Specific Basis for Separation is:	Then the Separation Authority is:
On Active Duty	Defective Enlistment/Reenlistment	Defective Enlistment/Reenlistment	CMC (MMSR-3)
	Convenience of the Government	Early release to further education; early release to accept public office; not selected for promotion to SSgt; reduction from SNCO to Sgt or below; transfer to the Navy Hospital Corps; transfer to the Navy as a Religious Program Spec; Marine married to other service members; Change in service obligation (paragraph 6404.1)	CMC (MMSR-3)
		Dependency/Hardship	CMC (MMSR) and CG's with general court-martial authority
		Conscientious objector; Surviving Family Member	CMC (MMEA)
		Pregnancy	Pregnancy CMC (MMSR-3); CG's with general court-martial authority; district directors; commanding officers of separate commands who have special courts-martial convening authority.
A Reservist on Inactive Duty	Defective Enlistment/Reenlistment	Defective Enlistment/Reenlistment	CMC (MMSR)
	Convenience of the Government	Not selected for promotion to SSGT, Reduction from SNCO to Sgt or below, Reservists becomes a minister, Transfer to the Navy Hospital Corps, Marine married to other service members	CMC (MMSR)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

SEPARATION AUTHORITY FOR VOLUNTARY SEPARATIONS

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

If the Marine is:	And the General Basis for separation is:	And for the Specific Basis for Separation is:	Then the Separation Authority is:
A Reservist on Inactive Duty		Dependency/Hardship	CMC (MMSR); CG 4th MAW/MARTC; CG 4th MarDiv
		Pregnancy	CMC (MMSR); CG's with general court-martial authority; district directors; commanding officers of separate commands who have special courts- martial convening authority.
		Change in Service Obligation	CG 4th MAW/MARTC; CG 4th MarDiv; district directors; MCRSC; commanders of SMCR units.
An Officer Candidate	Convenience of the Government	Officer Candidate Disenrolls	CMC (MRRO)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 7

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

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 7

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

7001. GENERAL

1. The provisions of this chapter are applicable to the retirement and transfer to the Fleet Marine Corps Reserve (FMCR) of enlisted Marines on active duty. This chapter also contains administrative instructions including retirement procedures applicable to Marines while members of the FMCR.
2. Chapter 3 contains instructions for the retirement of enlisted reservists not on active duty.

7002. CREDITABLE SERVICE

1. The information contained in this paragraph pertains to that service creditable in determining eligibility for retirement and transfer to the FMCR.
2. 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. Service creditable for retirement/transfer to the FMCR includes active service (and active duty for training performed on or after 10 August 1956) in the Army, Navy, Air Force, Marine Corps, Coast Guard, and their Reserve components. Any service which is otherwise creditable may be counted even if the service was performed before a member attained the statutory age for enlistment. Such service may not be counted if it is determined to be fraudulent and is voided for that reason. Constructive service is defined as full credit for an enlistment or extension between 2 January 1968 to 31 December 1977 that is terminated within 3 months of the expiration of enlistment or extension. Constructive service may be used to compute service eligibility for transfer to the FMCR or increase the multiplier. Constructive service is not creditable for basic pay purposes. (See paragraph 7016.3.)
3. In computing active service for retirement of enlisted Marines and for transfer to the FMCR, the following periods of time lost as defined and computed per the Department of Defense 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 due to misconduct.
 - e. Also deducted from active service for transfer to the FMCR/retirement of enlisted Marines is:
 - (1) Time served under an enlistment from which discharged on the basis of fraudulent enlistment.
 - (2) Time served under an enlistment which was determined to be void.
 - (3) Time held beyond expiration of enlistment or obligated active service while awaiting or undergoing trial by court-martial or awaiting completion of appellate review of such trial, unless:
 - (a) The trial resulted in acquittal of all charges involved.
 - (b) No findings of guilty were upheld upon appellate review, or
 - (c) The member was placed in a full duty status.

(4) Time served under a sentence which included forfeiture of all pay and allowances, unless:

- (a) The sentence was disapproved or set aside upon appellate review, or
- (b) The member was placed in a full duty status.

(5) Periods of leave without pay granted per the current instructions to await completion of appellate review of court-martial sentences which include punitive discharges.

7003. ELIGIBILITY FOR RETIREMENT OF ENLISTED MARINES

1. An enlisted Marine serving in the Regular Marine Corps who applies for retirement after completing 30 or more years of active service in the Armed Forces shall be retired. Such retirements are normally approved by the Secretary of the Navy.
2. For this purpose, an enlisted Marine includes a Marine of the Regular Marine Corps or Marine Corps Reserve who holds a permanent enlisted grade. Unless otherwise entitled to a higher grade in an officer status, each Marine shall be retired in the grade in which serving at the time of retirement.
3. Upon retirement, an enlisted Marine, unless otherwise entitled to a higher pay by having served satisfactorily as an officer, is entitled to retired pay at the rate of 75 percent of the basic pay of the pay grade in which the Marine was serving on the day before retirement.

7004. ELIGIBILITY FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

1. An enlisted member of the Regular Marine Corps or Marine Corps Reserve who has completed 20 or more years of active service in the Armed Forces, may request transfer to Class I(d) of the FMCR. The approval or disapproval of such requests will be based on the needs of the service and the criteria in effect at the time the request is received. For Marines serving in a critical MOS, transfer to the FMCR will be delayed until their EAS or the earliest possible date consistent with the needs of the Marine Corps. Deferment of transfer to the FMCR will be on an individual basis.
2. Marines serving an overseas tour will not normally be approved for transfer to the FMCR prior to completion of their tour as prescribed in MCO 1300.8. The following is applicable in cases of Marines submitting requests for transfer to the FMCR from overseas commands:
 - a. If a Marine serving at an overseas duty station desires to transfer to the FMCR and will be fully eligible for such transfer at Rotation Tour Date (RTD) or within 60 days after RTD, the Marine will be required to transfer at RTD or the last day of the month in which the Marine becomes fully eligible. Marines who accept orders to CONUS will be required to complete 1 year at the CONUS duty station regardless of eligibility or expiration of active service (EAS). Otherwise, Marines with less than 1 year until attaining eligibility or until EAS may request to extend their overseas tour until the desired effective date of transfer to the FMCR.
 - b. Qualified Marines who desire transfer to the FMCR at their completed RTD will return to the CONUS (MCC W95) pending transfer to the FMCR. See paragraph 1006.5 for separation leave requirements. See paragraph 1006.3 for duty stations a Marine may request when transferring to the FMCR upon RTD. A duty station must be requested at time of submission of FMCR transfer request via unit diary.
 - c. For all Marines (not serving a dependents-restricted tour) assigned to an overseas location not indicated by a double asterisk in MCO 1300.8, the following applies:
 - (1) If, at normal RTD, the Marine is within 6 months of transfer to the FMCR, the Marines tour will be involuntarily extended to transfer to the FMCR.

(2) Tour lengths will not be involuntarily extended if the Marine extends/reenlists for a period of time sufficient to enable the Marine to serve 12 months or more upon arrival at a new duty station.

3. A noncommissioned officer of any grade, requesting to transfer to the FMCR will not receive favorable consideration if the request is submitted on or after the date PCS orders are issued. The following exceptions apply:

a. Marines eligible for transfer to the FMCR who have been issued PCS orders may refuse orders and request transfer to the FMCR. The date requested for transfer to the FMCR must be effective not later than the last day of the month they would have arrived (EDA) at the next assignment.

b. Marines within 12 months of eligibility for transfer to the FMCR may refuse PCS orders and request transfer to the FMCR. The date requested for transfer to the FMCR must be on the date of initial eligibility. Initial eligibility for transfer to the FMCR includes all the requirements stated in laws, DoDInst's, SECNAVINST's, and MCO's. Marines in this situation will not be granted additional service beyond their initial eligibility, after refusing orders.

c. Marines having over 12 months before initial eligibility for transfer request may receive PCS orders. Marines in this situation have two options:

(1) Accept the PCS orders to the next assignment, or

(2) Serve an unaccompanied overseas tour returning to CONUS at RTD. The effective date of transfer to the FMCR may be modified to allow up to 60 days leave at a CONUS separation station.

d. Requests to withdraw an application for transfer to the FMCR will not normally be given favorable consideration when PCS orders have been canceled or not issued as a result of the above exceptions.

e. Eligible Marines, serving at an overseas duty station and requesting transfer to the FMCR on or after their RTD, will be transferred to the FMCR the last day of the month. The effective date of the transfer will be less than 60 days following their RTD. Marines will serve at least 1 year at the new CONUS duty station if not fully eligible to transfer to the FMCR within 60 days of their completed RTD.

4. Marines who are assigned to a CONUS unit (joined or attached) which is scheduled to deploy outside CONUS for a period in excess of 90 days may make application for transfer to the FMCR; however, their request will not be approved unless the scheduled deployment date is more than 6 months from the date they were assigned to such unit. To be eligible, personnel making such application must have completed 2 years on station within the same geographical location as the unit scheduled to deploy outside CONUS. For purposes of definition as pertains to transfer to the FMCR, scheduled unit rotation to CONUS and the applicant's RTD will be considered the same. Requests for transfer to the FMCR must be submitted not later than 4 months prior to the deployment date. In cases of assignment to or in direct support of a carrier deployment, requests must be submitted 9 months prior to deployment.

5. Marines in the grade of gunnery sergeant or above, except those who have served satisfactorily as an officer, must serve 2 years in their current grade prior to transfer to the FMCR. Waiver of this requirement will be approved only in instances of humanitarian or hardship situations. Approval of such requests for transfer to the FMCR will be based on the needs of the Marine Corps.

6. Marines must complete 2 years at the CONUS geographical duty station at which serving prior to transfer to the FMCR, regardless of EAS.

7. Marines who have attended a military or civilian course lasting 20 weeks or more will not normally be approved for transfer to the FMCR prior to the completion of 24 months active duty following completion of the course or after they were terminated from the course if attendance was in compliance with official orders. Additionally, Marines who have successfully completed a military or civilian course of a duration of 19 weeks or less will not normally be approved for transfer to the FMCR prior to the completion of 12 months active duty following completion of the course.

8. Exceptions to the above management policies will be made only when one of the following conditions exists:

a. A substantial hardship of a compassionate or unusual financial nature exists which can be alleviated only by separation from active duty. A request for exception to policy based upon the above will be documented under P1000.6E, paragraph 1301 or paragraph 6407 of this Manual.

b. The Marine has limited assignability by reason of health or national security.

c. It has been determined by the CMC that continued active service by the Marine is inconsistent with the best interests of the Marine Corps.

9. Waivers of the eligibility requirements to transfer to the FMCR will not be granted based upon a Marine's unsatisfactory or substandard performance or conduct. To do so would be unfair to other Marines who maintain acceptable standards and are required to meet fully the established eligibility requirements for transfer to the FMCR. Only after all efforts to correct such a problem through administrative and/or disciplinary action have failed is it appropriate to request early transfer to the FMCR as a solution. To do otherwise would not be in the best interest of the Marine Corps since, in effect, it would be rewarding poor performance or conduct. Requests for transfer to the FMCR submitted under the provision of this policy requiring waiver of the eligibility requirements for transfer to the FMCR shall include a full report of the facts and the action taken by the commanding officer to rectify the situation.

10. A request for transfer to the FMCR on an effective date later than that requested may be specified when, in the best interest of the Marine Corps, a delay is necessary to provide time for an orderly relief or, in some cases, completion of the current tour or orders.

11. A Marine must be serving on a valid contract of enlistment or extension to be eligible for transfer to the FMCR. There is no existing authority for automatic retention beyond the expiration date of an enlistment contract solely for transfer to the FMCR. If retained beyond the expiration of enlistment for medical reasons and returned to duty status as fit for duty, the Marine must immediately extend or reenlist. In this situation, should a Marine pending transfer to the FMCR or retirement be found fit as a result of an examination by a medical officer or properly convened medical board subsequent to the expiration of enlistment, the Marine's enlistment may be extended on the date found fit for a period not to exceed 1 month. The Marine's commanding officer after effecting the extension of enlistment will notify the CMC (MMSR) by message including the following information:

a. The Marine is physically qualified.

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

c. The date on which the Marine desires transfer to the FMCR must be the last day of the month or the date the enlistment expires.

7005. PHYSICAL EXAMINATIONS

1. Marines contemplating retirement or transfer to the FMCR should complete a physical examination not more than 6 months and not less than 4 months prior to the effective date of retirement or transfer. This physical examination should be accomplished far enough in advance of the prospective retirement or transfer date to permit correction of any minor physical defects, or if major defects are found, to permit completion of physical disability retirement proceedings prior to the scheduled retirement date. The time required for physical disability proceedings varies greatly, depending on the circumstances in each case. However, it may be expected that from 3 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy. Longer periods may be required in exceptional cases. (See chapter 8.)

2. If a Marine has submitted a request for retirement or transfer to the FMCR and disease or injury requiring medical treatment or hospitalization intervenes, immediately notify the CMC (MMSR) by message and if circumstances indicate treatment will extend beyond the effective date of separation, return the orders and related documents. In the latter instance, upon the Marine being found fit, ensure the Marine is on a valid enlistment/extension as provided for in paragraph 7004.11, and then immediately notify the CMC (MMSR-2) concerning both fitness for duty and nature of contract in effect. Marines in this category will be transferred to the FMCR on the last day of the month found fit, at EAS if earlier, or the first day of the following month if retiring.

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

7006. APPLICATION FOR RETIREMENT OR TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

1. Requests for retirement and transfer to the FMCR will be submitted by the reporting command via the unit diary per MCO P1080.35F, paragraph 8101. In addition to the unit diary entry the Marine requesting retirement/transfer to the FMCR will be required to sign the following entry on the administrative remarks page of the service record book (SRB). "I request (retirement) (transfer to the FMCR) effective date," (retirement must be the 1st day of the month). Effective date of transfer to the FMCR may be the Marine's expiration of active service (EAS) or the last day of the month. Requests for retirement and transfer to the FMCR will be submitted not more than 14 months and not less than 4 months prior to the requested date. Requests submitted beyond the timeframe will not be accepted in the JUMPS/MMS and therefore must be submitted, with justification, by separate correspondence/message to the CMC (MMSR-2). Marines returning to CONUS may elect separation at one of the duty stations identified in paragraph 1006.3. Marines requesting transfer to the FMCR/retirement are cautioned not to make significant personal commitments (such as buying or selling a house or business) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for preferential processing of a Marine's request.

2. Upon signing the retirement or transfer to the FMCR entry in the SRB, the Marine requesting retirement/transfer to the FMCR is also certifying having been informed of and understanding the provisions of SECNAVINST 1850.4, which states that in order to qualify for physical disability retirement benefits outlined in 10 U.S.C. 61, a member must be on active duty at the time the Secretary of the Navy approves any proceedings of a Physical Evaluation Board.

3. Prior to entering the appropriate unit diary entry via the JUMPS/MMS the commanding officer or designated representative will:

a. Ensure the request is submitted within the timeframe established in paragraph 7006.1.

b. Counsel applicants concerning the Survivor Benefit Plan (SBP). An election not to participate in SBP, election for coverage of spouse only, or election for coverage on a reduced base amount must be submitted to the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197, 30 days prior to effective date of retirement. Make such elections on DD Form 1883. (See MCO 1741.11 for details.)

4. Once the request for retirement/transfer to the FMCR has been submitted via unit diary, notify the CMC (MMSR-2) by message when the following occurs:

a. Promotion;

b. The Marine is found not physically qualified. (See paragraph 7005.) Notify the CMC (MMSR-2) when disease or injury requiring medical treatments or hospitalization intervenes;

c. Death;

d. Reassignment to a command other than that one previously reported in the original request;

e. The Marine becomes the subject of disciplinary action;

f. The Marine acquires lost time (include number of days and reason).

5. Modification/Cancellation of Requests

a. Submit requests to modify or cancel transfer to the FMCR/retirement via letter or message to the CMC (MMSR) no later than 45 days prior to the effective date of transfer to the FMCR/Retired List. They cannot be submitted by unit diary. Approval of such requests will be based on the needs of the Marine Corps.

b. Short term modifications up to 6 months may be authorized upon request when based upon valid military requirements and provided the initial request did not result in cancellation/nonissuing of PCSO and the new effective date of retirement/transfer to the FMCR is still within the 14-month period from the date of the original request. Only one such modification, if approved, will be given per individual.

c. Requests for cancellation are without condition and must include in the text of the request the Marine's agreement not to submit a request for transfer to the FMCR for a period of 2 years from the date of cancellation except for reasons of hardship. If approved, and if the Marine's EAS is prior to the expiration of the 2-year period, the Marine will be required to execute an agreement to extend the enlistment for the period needed to complete 2 years. A copy of any agreement must be forwarded to the CMC (MMEA) upon execution.

d. Modifications or cancellations requested after a Marine has commenced terminal leave or after replacement by this Headquarters has been started will be favorably considered only in the event of bona fide humanitarian or hardship circumstances.

7007. RECEIPT OF REQUEST FOR RETIREMENT OR TRANSFER TO THE FLEET MARINE CORPS RESERVE (FMCR)

1. Upon receipt of a request for retirement or transfer to the FMCR the CMC will acknowledge receipt of the request and will issue a preretirement package directly to the Marine. Additionally, acceptance of a Marine's request will be acknowledged on the reporting unit's Advisory Report (ADR).

2. Should the CMC disapprove a request for transfer to the FMCR, notification of disapproval will be sent via NAVGRAM or message, as appropriate, as well as by ADR.

3. The approval will be noted via ADR and issuing of orders and appropriate documents from the CMC (MMSR-2).

7008. TRANSFER ORDERS TO THE FLEET MARINE CORPS RESERVE (FMCR) AND RELEASE FROM ACTIVE DUTY

1. Authority for release from active duty and transfer to the FMCR will normally be issued by the CMC via the automated order writing process (AOWP) or NAVGRAM. All authority to issue FMCR orders via AOWP will appear on the permanent change of station orders (PCSO) report received by the command reporting unit code (CRUC) and will contain all information necessary to issue orders. Transfer to the FMCR shall be effected on the last day of the month and personnel will assume their status as members of the FMCR on the first day of the following month. Exceptions to this will be made only in those cases where transfers have 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 FMCR on the following date.

2. Authority to release from active duty and transfer to the FMCR can be issued up to 12 months in advance of the FMCR transfer date provided the request for transfer to the FMCR has been approved and appropriation data is available.
3. Transfer to the FMCR shall not be made on a date other than as contained in the authority for release unless specifically authorized by the CMC (MMSR). When such a change is authorized, modification to original orders may be made.
4. Once authority for transfer to the FMCR has been received, notify the CMC (MMSR) by message when any of the conditions outlined in paragraphs 7006.4a through 7006.4e, occur.
5. Commands effecting the Marine's transfer to the FMCR and release to inactive status shall:
 - a. Issue orders per the format contained in figure 7-1.
 - b. Comply with the Manual of the Medical Department, art. 16-14 and MCO P1070.12E, IRAM, paragraph 4001.5, table 4-1.
 - c. Forward the service record and health record to the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211-1408.

7009. RETIREMENT ORDERS

1. Authorization for retirement will be issued by the CMC via the automated order writing process (AOWP) or NAVGRAM. Release from active duty on the occasion of retirement is normally effected on the date preceding the effective date of retirement and retired pay commences on the effective date of retirement. (See figure 7-2 for retirement order format.)
2. Authority to release from active duty can be issued up to 12 months in advance of the retirement date provided the request for retirement has been approved and appropriation data is available.
3. Marines 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 after the effective date of retirement.

7010. RETIREMENT AND FLEET MARINE CORPS RESERVE (FMCR) CERTIFICATES AND BUTTONS.

The enclosures to the release authority: appropriate certificate, personal letter, button, and pay data form will be forwarded to the reporting command with a copy of AOWP or NAVGRAM release authority. The enclosures will be assembled with individual orders by the reporting command for delivery to the Marine. Should the enclosures be received in unsatisfactory condition, immediately notify the CMC (MMSR).

7011. RETIREMENT CEREMONY. An appropriate retirement ceremony will be held within the capabilities of the command for all Marines retiring or transferring to the FMCR, unless the Marine specifically desires otherwise. While the capabilities of commands will vary, each command will ensure the preference of the Marine is fulfilled to the extent feasible.

7012. ACCRUED LEAVE

1. Accrued leave creditable at the date of retirement or transfer to the FMCR may be liquidated by lump sum readjustment subject to the provisions of Department of Defense Military Pay and Allowance Entitlements Manual (DODPM), part 4, chapter 4, section A. Marines separating, particularly those who have received prior leave

settlement, should determine the extent of their eligibility, if any, as preliminary step to requesting transfer to FMCR or retirement.

2. Annual leave, incident to retirement/transfer to the FMCR may be granted by the commander authorized to grant such leave in accordance with MCO P1050.3 and paragraph 1010 of this Manual.

7013. RETIRED GRADE. As a general rule, a Marine is retired in the grade in which serving at the time of retirement. However, in the event the Marine concerned had previously served as an officer, the Secretary of the Navy may advance the Marine to the highest officer grade served satisfactorily. The Comptroller General has ruled that military personnel may be advanced to the highest officer grade held in any Armed Forces in which they served satisfactorily.

7014. GRADE WHILE A MEMBER OF THE FLEET MARINE CORPS RESERVE (FMCR). A Marine who transfers to the FMCR does so in the grade held on the day released from active duty and transferred to the FMCR. There are no provisions for advancement to a higher enlisted grade. Advancement to any officer grade is explained in paragraph 7019.

7015. 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 under the provisions of this Manual.

2. A Marine who retires under the 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 of the grade in which retired or the grade to which advanced on the Retired List.

7016. FLEET MARINE CORPS RESERVE (FMCR) RETAINER PAY

1. Each member who is transferred to Class I(d) of the FMCR is entitled, when not on active duty, to retainer pay at the rate of 2 1/2 percent of the basic pay received at the time of transfer multiplied by the number of years of active service in the Armed Forces.

2. If the Marine has been credited with extraordinary heroism in the line of duty by the Secretary of the Navy, whose determination is final and conclusive for all purposes, retainer pay shall be increased by 10 percent. In no case may retainer pay be more than 75 percent of the pay upon which the computation of retainer pay is based. If a determination to entitlement to extraordinary heroism pay has not been made by the time normal processing for transfer to the FMCR has been completed, the member will be transferred on the date prescribed by the CMC and the decision of the Secretary of the Navy shall be the subject of separate correspondence.

3. All active service, as defined in paragraph 7002.2, is included in computing service for transfer to Class I(d). A completed minority enlistment in the Regular Navy is counted as active service for the full term. For the purpose of determining the number of years and months of service to be used as a multiplier in computing retainer pay, every month is prorated. For example, at 20 years, 7 months and 16 days, active/active constructive service the multiplier would be based on 20 years and 7 months.

7017. PAY ACCOUNTS. Pay accounts of retired Marines and members of the FMCR are maintained at Marine Corps Finance Center (CPR), Kansas City, Missouri 64197-0001. Any inquiries pertaining to retired or FMCR retainer pay should be addressed to the Commanding Officer (CPR), Marine Corps Finance Center or call toll free 1-800-645-2024, Missouri residents 1-800-892-3009. Unless the Marine being retired or transferred requests otherwise, all allotments except those for charitable organizations or in amounts greater than the anticipated amount of retired or retainer pay will be automatically continued when retirement is effected.

7018. CURRENT ADDRESS AND RESIDENCE OF RETIRED ENLISTED MARINES

1. Retired Marines and members of the FMCR shall keep the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197-0001 informed at all times of current home and check mailing address where mail and messages will be received. The request must specify whether the change is for the check mailing address, home address, or both.
2. Any request must be submitted over the Marine's signature and should contain the social security number for identification purposes.
3. Subject to the above requirement, a retired Marine or member of the FMCR may reside abroad.

7019. RETIREMENT OF MEMBERS OF THE FLEET MARINE CORPS RESERVE (FMCR)

1. When a member of the FMCR completes 30 years of combined active and inactive service or when found not physically qualified, the Marine shall, without application, transfer to:
 - a. The Retired List of the Regular Marine Corps if a member of the Regular Marine Corps at the time of transfer to the FMCR.
 - b. The Retired Reserve of the Marine Corps Reserve if a member of the Marine Corps Reserve at the time of transfer to the FMCR.
2. For the purpose of retirement, a member's years of service are computed by adding:
 - a. The years of service credited upon transfer to the FMCR.
 - b. The years of active and inactive service in the Armed Forces before transfer to the FMCR not credited upon that transfer.
 - c. The years of service, active and inactive, in the FMCR.
3. Unless otherwise entitled to higher pay as set forth in paragraph 7019.4, 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 entitled at the time of transfer to the Retired List or the Retired Reserve.
4. Upon transfer to the Retired List, Marines who formerly served as officers will be advanced to the highest officer grade in which the Marine served satisfactorily as determined by the Secretary of the Navy.
 - a. Marines transferring directly to the Retired List upon completion of 30 years active service who are so eligible will be entitled to retired pay at the rate of 75 percent of the basic pay of either the highest officer grade or enlisted grade held on the date of retirement if such will result in greater pay.
 - b. Members of the FMCR transferring to the Retired List who are eligible will be entitled to retired pay based upon the grade to which advanced. Such retired pay shall be at the rate of 2 1/2 percent of the basic pay of the grade to which advanced determined by the same period of service upon which retired pay was computed. It may not, however, exceed 75 percent of the pay upon which it is based. If advancement to an officer grade will result in entitlement to lesser retired pay, a Marine who applies to the Secretary of the Navy within 3 months after advancement shall, subject to the Secretary's approval, be restored to the former grade.
5. Upon a Marine's retirement from the FMCR, appropriate entries shall be made in the SRB by the Director, Marine Corps Reserve Support Center. The SRB will then be closed out and forwarded with health records to the CMC (MMRB-20) per MCO P1070.12, IRAM.

7020. ENLISTED MARINES ON THE RETIRED LIST

1. An enlisted Marine on the Retired List may be ordered to active duty in time of war or national emergency. A retired Marine serving on active duty shall receive full pay and allowances for their respective grade.
2. A retired enlisted Marine serving on active duty in the time of war or national emergency will be released from active duty only per such instructions as may be issued by the CMC.
3. Retired enlisted Marines not on active duty shall receive retired pay as may be provided by law and shall be paid monthly by the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197-0001.
4. Retired enlisted Marines not on active duty are entitled to medical treatment and hospitalization. When hospitalized in a naval hospital, they are entitled to a daily ration.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

Subj: TRANSFER TO THE FLEET MARINE CORPS RESERVE

Ref: (a) AOWP Orig by RUC 54808 dtd _____ (or CMC NAVGRAM/message)
(b) MCO P1900.16D, MARCORSEPMAN
(c) JFTR, pars. U5130, U5230 and U5345-H

Encl: (1) Retired Pay Data Form
(2) FMCR Certificate
(3) FMCR Button
(4) Application for Uniformed Services Identification Card/DEERS Enrollment (DD Form 1172)
(5) Travel Voucher (DD Form 1351-2) in Triplicate
(6) Voucher for Dependent Travel (DD Form 1351-4) in Triplicate

1. These orders are issued per reference (a) and paragraph 7008 of reference (b).
2. You are transferred to the Fleet Marine Corps Reserve (FMCR), Class I(d), effective _____. You are released from active duty at 2400 on the effective date of your transfer and will assume your status in the FMCR on the following day.
3. Your active duty pay accounts will be settled to include (date of transfer). On that date, your service is as follows: _____. (Insert statement of service from reference (a).)
4. Upon receipt of these orders, notify your commanding officer of your desires regarding a retirement ceremony per paragraph 7011 of reference (b).
5. Furnish the disbursing officer maintaining your active duty pay accounts two copies of these orders for settlement of your pay accounts.
6. You (are) (are not) entitled to extraordinary heroism pay.
7. Your service records will be forwarded to and maintained by the Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211-1408.
8. You must indicate a home of selection to receive travel allowance for the travel performed from this command, provided that the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (c). You must complete the home of selection endorsement prior to submission of these orders for settlement of travel.
9. The dependency application, NAVMC 10922, on file in your SRB shows the following-named persons reside in your household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Date Approved</u>
-------------	---------------------	----------------------	----------------------

10. Entitlement to travel allowances for you and your dependents' travel and for storage and shipment of household goods, is stated in reference (c). Please read the provisions of that reference prior to detaching from this command.
11. Complete enclosure (1) and promptly mail it to the Marine Corps Finance Center (CPR), 1500 E. 95th Street, Kansas City, Missouri 64197-0001. Payment of your retainer pay will not begin until the Finance Center receives this.

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve (FMCR).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

12. Enclosures (2) and (3) recognize your transfer to the FMCR. Enclosure (4) is an application for identification cards for you and your eligible dependents. Enclosures (5) and (6) are for your use in claiming travel allowances for yourself and your dependents. Following travel to your home of selection, complete and submit these enclosures to the disbursing officer of the station where released from active duty together with the original and two copies of these orders.

13. You will notify your commanding officer immediately should you incur any disease or injury on or before the effective date of transfer to the FMCR.

14. You will keep yourself in readiness for active service for war or national emergency and will inform the Director, Marine Corps Reserve Support Center, of any change in your health that might prevent service at sea or in the field in time of war.

15. You have given your future address as _____. Report changes of address to the Marine Corps Finance Center (CPR), 1500 E. 95th Street, Kansas City, Missouri 64197-0001 and to the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211-1408. Address changes must be signed by you and contain your social security number (SSN) for identification purposes.

16. Please answer promptly all letters addressed to you from proper authority.

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

18. Your unused leave to include (date of release) is _____ days. Settlement for your leave will be included in your final active duty pay.

19. Your retirement from the FMCR will be effective without request on ("can retire" date from CMC authority) after the completion of 30 years accumulative service.

20. Expenditures under these orders are chargeable to (input to this paragraph will be provided by the CMC (MMSR-2)).

21. Your presence will be missed by your fellow Marines. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your service and wish you health, happiness, and every success in the future.

By direction

Copy to:

DISBO

MCFC (CPR), KSC

MCRSC, KSC

CMC (MMEA)

(MMSR-2)

(MMRB-10)

UD

SRB

File

(Other as required)

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve (FMCR)--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

HOME OF SELECTION ENDORSEMENT

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

(signature) (date)

NOTE 1. In the case of an officer who is reverting to enlisted grade for transfer to FMCR, add enclosure (1) (SecNav letter) and renumber enclosures in sequence in heading and body of orders. Add the following sentence to the first paragraph of orders: "Enclosure (1) is forwarded as evidence of the termination of your officer appointment effective upon the date of your transfer to the FMCR."

NOTE 2. When a Marine has been recalled to active duty for the purpose of transfer to the FMCR, delete enclosure (6), paragraphs 3, 4, 7, 8, 9, 11, 17, 20, and the home of selection endorsement. Add new enclosure (6), Encl: (6) Survivor Benefit Plan Election Certificate (DD Form 1883) in triplicate. Renumber paragraphs 5, 6, and 10, as 3, 4, and 5. Add the following as paragraph 6:

"Enclosures (2) and (3) are for your retention. Enclosure (4) is an application for identification cards for you and your eligible dependents. Enclosure (5) is for your use in claiming travel allowances for yourself under the orders issued by the CMC incident to your current active duty. Send your claim for travel, and basic pay and allowances promptly to the Marine Corps Finance Center (SEC), Kansas City, Missouri 64197-0001. Enclosure (6) is for your use in making an election under the Survivor Benefit Plan. Prior to making an election, you should read the current edition of MCO P1741.11. Complete and forward promptly enclosure (6) and your original orders with enclosure (1)."

Renumber paragraphs 13, 14, 15, 16, 18, 19, and 21, as 7, 8, 9, 10, 11, 12, and 13.

Figure 7-1.--Format for Orders to Transfer to the Fleet Marine Corps Reserve (FMCR)--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

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

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

Ref: (a) AOWP Orig. by RUC 54808 dtd _____ (or CMC navgram/message)
(b) Title 10 U.S. Code
(c) JFTR, pars. U5130, U5230, and U5345-H
(d) MCO P5512.11
(e) MCO P1900.16D, MARCORSEPMAN, par. 7011

Encl: (1) Retired Pay Data Form
(2) Retirement Button
(3) Certificate of Retirement
(4) Application for Uniformed Services Identification Card/DEERS Enrollment (DD Form 1172)
(5) Travel Voucher (DD Form 1351-2) in Triplicate
(6) Voucher for Dependent Travel (DD Form 1351-4) in Triplicate

1. On _____ you will be placed on the enlisted Retired List under references (a) and (b) as a _____. At 2400 _____ you will be detached from your present duty station and released from active duty. You will proceed to your home and complete all travel within the time specified in reference (c).
2. Your active duty pay accounts will be settled to include (day before retirement). On that date, your service is as follows: (Insert statement of service from reference (a).)
3. Your commanding officer will issue you an application for identification card(s) pursuant to the provisions of reference (d) and a DD Form 214.
4. Upon receipt of these orders, notify your commanding officer of your desires regarding a retirement ceremony per reference (e).
5. Furnish the disbursing officer maintaining your active duty pay account two copies of these orders for settlement of your pay account.
6. You have given your future address as _____. Report changes of address to the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197-0001. Address changes must be signed and should contain your social security number (SSN) for identification purposes.
7. You must make a home selection to receive travel allowances for the travel performed there from this command, provided the travel is completed within 1 year from the date of your release from active duty. The conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (c). Complete the home of selection endorsement prior to submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable.
8. The dependency application, NAVMC 10922, on file in your SRB shows the following persons reside in your household as approved dependents.

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Date Approved</u>
-------------	---------------------	----------------------	----------------------

9. Entitlement to travel allowances for you and your dependents' travel and for storage and shipment of household goods, is stated in reference (c). Please read that reference prior to detaching from this command.

Figure 7-2.--Format for Orders for Release from Active Duty and Transfer to the Retired List.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

10. Complete enclosure (1) and promptly mail it to the Marine Corps Finance Center (CPR), 1500 E. 95th Street, Kansas City, Missouri 64197-0001. Payment of your retired pay will not begin until the Finance Center receives this. You must keep the Marine Corps Finance Center (CPR) informed of any change to your mailing address.

11. Enclosures (2) and (3) recognize your retirement. Enclosure (4) is an application for ID cards for your eligible dependents. Enclosures (5) and (6) are for your use in claiming travel allowances for yourself and your dependents. After performing travel to your home of selection, complete and submit those enclosures to the disbursing officer of the station where released from active duty together with your original and two copies of these orders.

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

13. You will notify your commanding officer immediately should you incur any disease or injury on or before the effective date of retirement. As a retired enlisted Marine of the Regular Marine Corps in time of national emergency, the Secretary of the Navy may order you to active duty.

14. Expenditures under these orders are chargeable to _____.

15. Through the years your performance of duty has always been in keeping with the traditions we so highly revere. I wish to personally express to you in my sincere appreciation for a job well done. Along with your many friends in the Marine Corps, I extend every good wish for the future.

By direction

Copy:
DISBO
MCFC (CPR), KSC
MCRSC, KSC
CMC (MMEA)
 (MMSR-2)
 (MMRB-10)
UD
SRB
File
(Other as required)

Figure 7-2.--Format for Orders for Release from Active Duty and
Transfer to the Retired List--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

HOME OF SELECTION ENDORSEMENT

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

(Signature) (Date)

NOTE 1. If a Marine is being advanced to an officer grade upon retiring, add the Secretary of the Navy's letter of advancement as enclosure (1), renumber the other enclosures, insert the following as paragraph 3 of the orders, and renumber the other paragraphs:

"The Secretary of the Navy has determined that you are entitled to be advanced to the grade of _____ on the Retired List. The retired pay will be computed on the basis of _____. I congratulate you and take pleasure in transmitting your letter of advancement as contained in enclosure (1). As a retired enlisted Marine advanced to officer status, in time of national emergency the Secretary of the Navy may order you to active duty."

NOTE 2. When a Marine has been recalled to extended active duty (EAD) and then reverts to their previous status on the Retired List delete enclosures (2), (3), and (6), paragraphs 2, 3, 4, 5, 6, 7, 9, 11, and 12, and the home of selection endorsement. Add new enclosure (4), "Encl: (4) Survivor Benefit Plan Election Certificate (DD Form 1883) in triplicate". Renumber enclosures (4) and (5) as (2) and (3). Renumber paragraph 8 as 3. Add the following as paragraph 4:

"Enclosure (2) is an application for ID cards for you and your eligible dependents. Enclosure (3) is for your use in claiming travel allowance for yourself, under the orders issued by the Commandant of the Marine Corps, incident to your current active duty. Promptly submit your claim for travel and basic pay and allowances to the Marine Corps Finance Center (Code SEC), Kansas City, Missouri 64197. Enclosure (4) is for your use in making an election under the Survivor Benefit Plan (SBP). Please read MCO 1741.11 before making a selection. Complete enclosure (4) and forward it with the original of these orders and with enclosure (1)."

Renumber paragraphs 10, 12, 13, and 15 as 5, 6, 7, and 8.

Figure 7-2.--Format for Orders for Release from Active Duty and Transfer the Retired List--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

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CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

8001. AUTHORITY AND RESPONSIBILITY FOR DISABILITY EVALUATION

1. The provisions of this chapter are applicable to all Marines undergoing disability evaluation to determine physical fitness for continued active service or continued service in the Marine Corps Reserve.
2. Title 10, U.S. Code is the statutory authority for all disability processing. The Secretary of the Navy has the statutory responsibility to prescribe regulations to carry out disability processing within the naval service and exercises all powers, functions, and duties incident to the determination of:
 - a. The fitness for active duty of any member under the Secretary's jurisdiction;
 - b. The percentage of disability of any member at the time of separation from active duty;
 - c. The entitlement to, and payment of, disability severance pay;
 - d. The suitability of any member for reappointment, reenlistment, or re-entry into active duty.

8002. GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, fairly, equitably, and with due regard for the interest of both the Marine and the Government.
2. Disability retirement pay and severance pay authorized by 10 U.S.C., chapter 61 are benefits provided to Marines who become unfit to perform duty because of physical disability incurred while on active duty or inactive duty training.
3. Marines who incur disabilities during active service which impair their earning capacity for civil occupations but do not preclude performance of full military duties, may be eligible for compensation under laws administered by the Veterans Administration even though they do not qualify for disability retirement or severance pay through the military disability system.
4. The fact that a Marine is determined to be unfit for duty while on active duty is not sufficient, in itself, to establish entitlement to disability benefits. There must be a determination that this unfitness was incurred while entitled to receive basic pay. The phrase, "While entitled to receive basic pay," encompasses all types of duty which entitled a Marine to receive active duty pay as well as any duty without pay which by law may be counted as duty with pay.
5. The fact that a Marine was accepted as being physically qualified for active duty is not conclusive that the disability was incurred after acceptance. It is one piece of evidence to be considered with all of the medical evidence. An increase in the severity of a pre-existing disease or injury may be considered as evidence of service aggravation.
6. All Marines are entitled to the same consideration under disability laws regardless of length of service or other retirement eligibility. However, when a Marine continues to perform the normal duties of grade and military occupational specialty until commencing processing for nondisability retirement or separation, it shall be presumed that the member is fit for duty. This presumption can be overcome only if a Marine, in fact, was physically unable to adequately perform assigned duties even though improperly retained in that position for a period of time; or if an acute, grave illness or injury, or other deterioration of physical condition occurs immediately prior to or coincidentally with nondisability retirement or separation processing and renders the member unfit for further duty.

7. When it has been determined that a member will not return to duty and that it would be advantageous to the member to draw Veterans Administration disability compensation (vice active duty pay from the Armed Forces) the Secretary of Defense has directed that, the member be immediately processed for transfer to the Temporary Disability Retired List or be permanently retired for physical disability prior to attaining maximum service hospital benefits. The Veterans Administration makes every effort to provide service members with prompt service, including awards of disability compensation which often exceed Armed Forces monetary benefits. Whenever a Marine is admitted to a naval hospital with a condition such as severe injury to the nervous system, including quadriplegics, hemiplegics, and paraplegics; blindness and deafness requiring definitive rehabilitation; major amputees and such other diseases or injuries which make it obvious that the Marine will not return to duty, preparation for termination of active duty status because of physical disability shall begin immediately. The Marine shall be counseled that, with the members approval, the case shall be given special processing which will result in transfer to the Retired List or the Temporary Disability Retired List by reason of physical disability within a very short time period (approximately 2 weeks). Normally these types of cases will be processed under the separation instructions contained in paragraph 8202 or 8303 below, except the processing time will be greatly reduced.

8. Except in cases of bona fide emergency, members being processed through the disability evaluation system will not be granted leave until the findings of a Physical Evaluation Board (PEB) are accepted.

9. Enlisted members being processed for separation because of physical disability who are otherwise eligible may be promoted per MCO P1400.32.

10. A Marine being retired for physical disability will be advanced to the highest temporary or permanent grade or rank in which the member served satisfactorily in any branch of the Armed Forces as determined by the Secretary of the Navy. In cases where the Secretary's determination has not been made prior to the Marine's retirement date, the notification of the determination will be forwarded to the Marine's retirement address and to the Marine Corps Finance Center (CPR), Kansas City, Missouri by the CMC (MMSR-4).

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

8003. DEFINITIONS

1. Purpose. For the purpose of this chapter, the definitions set forth below apply.

2. Physical Disability. Any manifest or latent impairment of function, regardless of the degree, due to disease or injury which reduces or precludes a Marine's actual or presumed ability to engage in gainful or normal activity. The term "physical disability" includes mental disease but not inherent defects such as behavior disorders, personality disorders, and primary mental deficiency.

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

4. Unfit Because of Physical Disability. A Marine is unfit because of physical disability when the member is unable because of disease or injury to perform the duties of office, grade, rank, or military occupational specialty in such a manner as to reasonably fulfill the purpose of employment on active duty.

5. Optimum Hospital Improvement (for Disposition Purpose). The point during hospitalization when the patient's medical fitness for further active service can be determined, and it is considered probable that further treatment for a reasonable period in a military hospital will not result in material change in the patient's condition which would alter the ultimate disposition or the amount of benefits in the case.

6. Line of Duty. In absence of clear and convincing evidence to the contrary, disease or injury suffered by Marines shall be considered to have been incurred in

the line of duty. Disease or injury suffered by Marines shall not be considered to have been incurred in the line of duty when found under any one of the following circumstances.

- a. As a result of the Marine's misconduct or willful neglect; or
 - b. While avoiding duty by desertion or unauthorized absence, or
 - c. While confined under sentence of court-martial which includes an unremitted dishonorable discharge; or
 - d. While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.
7. Aggravation by Service. Disease or injury noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence including medical facts and principles, to have been due to the natural progress of the disease.

8. Released from Active Duty. Released from active duty includes:

- a. Transferred to the Temporary Disability Retired List (TDRL).
- b. Retired by reason of permanent physical disability.
- c. Discharged by reason of physical disability with or without entitlement to severance pay.

8004. COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by a Disability Evaluation System Counselor (DESC) or judge advocate 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 or physical evaluation board, and the benefits to which the member may become entitled as a result of physical disability.

2. The DESC is an experienced officer, senior enlisted member of the naval service (GySgt or above), or civilian employee at the hospital level, trained to perform the duty of counseling Marines who are undergoing physical disability evaluation. The DESC provides those Marines with authoritative and timely answers to their questions and aids them in understanding their rights and entitlements.

3. Counseling is initially the responsibility of the DESC of the medical treatment facility which conducts the medical board on the Marine. If, upon being told of the PEB's findings and recommendations, the Marine demands a formal hearing, the DESC will immediately notify the recorder of the PEB. The recorder of the PEB will arrange for the Marine's appearance at a formal hearing. The counsel for the Marine at the formal hearing will assume the counseling responsibility.

4. Counseling is provided at the following stage of the physical disability evaluation process:

- a. When the findings and recommendations of the medical board are made known to the Marine.
- b. When a Marine appears eligible for discharge for disabilities existing prior to service.
- c. When the findings and recommendations of the PEB are made known to the Marine. (See paragraph 8103.)

- d. When a Marine's case is considered at a formal hearing. (See paragraph 8104.)
 - e. When the findings and recommendations of a formal hearing are announced.
5. Additionally, commanding officers must ensure that no Marine is discharged, retired, or released from active duty until:
- a. The Marine has been counseled concerning veteran's benefits; and
 - b. The Marine has submitted or refused to submit a Veteran's Application for Compensation or Pension at Separation from Service, VA Form 21-526; and
 - c. An appropriate entry has been entered in the officer qualification record or service record book concerning receipt of counseling and desires to submit or not submit an application for benefits from the Veterans Administration. Sample entries are located in paragraph 8505 and MCO P1070.12E (IRAM), paragraphs 3010.3 and 4014.3.
6. Ensure that each Marine retired by reason of physical disability is counseled concerning options under the Survivor Benefit Plan (SBP). An election not to participate in SBP, election for coverage of spouse only or child only, or election for coverage on a reduced base amount, must be submitted to the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197, prior to the effective date of retirement. Such elections are made on DD Form 1883. Spousal concurrence is required for any election less than the maximum coverage. (See MCO P1741.11.)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 1: DISABILITY EVALUATION SYSTEM (DES)

8101. GENERAL

1. The naval disability evaluation system is composed of the Physical Evaluation Board (PEB) and the Director, Naval Council of Personnel Boards. The system provides for a single disability determination with a single nonautomatic opportunity for review. The Physical Evaluation Board (PEB) is composed of a Records Review Panel and three Hearing Panels to conduct formal hearings. Their purpose, composition, responsibilities, policies, and procedures are described in the succeeding paragraphs. Medical boards, although not an element of the disability evaluation system, play an important part within the system in that an approved medical board report is generally the basis for entry of a Marine into the disability evaluation system.

2. A Marine found unfit to perform the duties of office, grade, rank, or military occupational specialty because of physical disability is processed through the DES. Disposition of such cases is as follows:

a. For determination of eligibility for processing see Table 8-1, Eligibility Index Table.

b. For disposition of physically unfit Regular Marines and Marine reservists ordered to active duty for more than 30 days refer to Table 8-2, Eligibility Index Table for Regulars and Reservist on Active Duty for More than 30 Days.

c. For disposition of physically unfit Marine reservists on active duty for 30 days or less refer to Table 8-3, Eligibility Index Table for Reservist on Active Duty for 30 Days or Less; Inactive Duty Training or Compulsory 45-day Active Involuntary Training.

8102. MEDICAL BOARDS

1. General. Manual of the Medical Department, chapter 18, section III and Disability Evaluation Manual, part V, contain full instructions relevant to medical boards. The following paragraphs contain only that information applicable to medical boards and pertaining to the DES with which the commanding officer should be conversant.

a. Issuing orders to the Marine's home for the purpose of awaiting final disposition of a medical board is not authorized. A Marine may be ordered home to await final disposition only under paragraph 8504.

b. Provided the medical board recommends discharge and the convening authority of the medical board concurs, commanding generals and commanding officers, to include officers in charge of Marine administrative units and inspectors-instructors of Marine Corps activities within the United States, are authorized to discharge Marines on active duty, including active duty for training, by reason of physical disability for a condition which existed prior to entry into active service (EPTE). (See paragraph 8404.)

c. Provided the medical board recommends discharge and the convening authority of the medical board concurs, GCMCA's of Marine Corps activities within the United States are authorized to discharge Marines for character and behavior disorders of intelligence. (See paragraphs 8405.)

2. Purpose. A medical board is convened to report upon a Marine when doubt exists concerning the Marine's state of health. A medical board reports a diagnostic summary of the Marine's physical condition and will recommend one of the following dispositions to the convening authority:

a. Return to duty.

- b. Return to limited duty pending further examination at a later date.
- c. Discharge by reason of physical disability upon determination that such disability existed prior to entry and was not service aggravated.
- d. Discharge by reason of unsuitability, erroneous enlistment, or convenience of the Government.
- e. Referral of the case to the PEB when the member's ability to meet the requirements of active service is questionable.

3. Convening Authority. A medical board may be ordered (or convened) by the Commandant of the Marine Corps or the commanding officer of the naval hospital at which the Marine is a patient.

4. Composition. A medical board, whenever practicable, consists of medical officers of the Navy. However, the board may consist in whole or in part of medical officers of the Army, Navy, Air Force, or of the Public Health Service.

5. Procedure. The board considers and reports upon the case of a Marine who is referred to it by competent authority. There are no specific statutes or administrative holdings prescribing the procedure to be followed by medical boards. 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 the standards of admissibility of evidence of a judicial proceeding.

6. Rebuttals. Unless it is determined that the information, findings, opinions, and recommendations in the medical board report might have an adverse effect on the Marine's physical or mental health the member will be:

- a. Allowed to read the board report or be furnished a copy.
- b. Afforded an opportunity to submit a statement in rebuttal to any portions of the board report.
- c. Furnished a NAVMED Form 6100/2 concerning the findings and recommendations of the board for signature, which must be witnessed.

7. Action by the Convening Authority

a. If the indicated disposition is for the medical board to be referred to the PEB and the convening authority concurs and is the commanding officer of a naval hospital, the medical board report will be endorsed and forwarded to the PEB.

b. When the convening authority of the medical board is other than the above and appearance before the PEB is the indicated disposition, the board report should be forwarded to the CMC (MMSR-4) via the Commander, Naval Medical Command (Code 25) for appropriate action.

c. When the indicated disposition is appearance before the PEB and the convening authority of the medical board does not concur, the Marine concerned will be advised and afforded an opportunity to submit a statement in rebuttal. The convening authority will then forward the medical board report with statements to the CMC (MMSR-4) via the Commander, Naval Medical Command for determination.

8. Marines Declared Mentally Incompetent While in Hands of Civil Authorities. Occasionally, Marines in hands of civil authorities will be declared not responsible for their acts because of mental incompetence by those civil authorities. These Marines, may or may not be referred to a civil mental institution for confinement or treatment. These cases must be referred to the CMC (MMSR-4) for determination of disposition. Normally, the CMC will refer these cases to the PEB for a hearing on the record without the benefit of a medical board report. Any information obtained from the civil authorities which is pertinent to the Marine's present state of health should be included in the report to the CMC (MMSR-4).

8103. RECORDS REVIEW PANEL

1. General. SECNAVINST 1850.4, Disability Evaluation Manual, chapter 9, contains full instructions relative to the Records Review Panel. The Records Review Panel is an informal board located at Headquarters, Naval Council of Personnel Boards, Arlington, Virginia, and functions as the initial level of evaluation within the naval disability evaluation system.
2. Purpose. The Records Review Panel is the initial level of evaluation of Marines to determine their physical capability to reasonably perform the duties of their office, grade or rank on active duty; to investigate the nature, cause, degree, and probable permanency of disabilities and to make appropriate recommended findings.
3. Composition. The Records Review Panel is composed of senior commissioned officers as appointed by the Secretary of the Navy.
4. Procedures. The Records Review Panel is conducted as an informal review, without the personal appearance of the Marine. Evaluations and recommendations are based on medical records, medical board reports, line of duty/misconduct reports and any other records which may have a bearing on the case.
5. Recommended Findings. The recommended findings are forwarded to the Disability Evaluation System Counselor (DESC) at the medical facility where the Marine was a patient. The DESC will counsel Marines and advise them that the recommended findings are advisory only and are not final or conclusive until approved by the Secretary of the Navy. The recommended findings may be:
 - a. Fit for duty.
 - b. Physically unfit to perform duty, and if so;
 - (1) Conditions rendering the Marine unfit and constituting the physical disability.
 - (2) If disability was incurred while the Marine was entitled to basic pay.
 - (3) If disability is or is not due to intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence.
 - (4) If the disability is the proximate result of active duty.
 - (5) The percentage of disability.
 - (6) If disability either is permanent or may be permanent.
6. Marine's Action on Recommended Findings. After counseling by the DESC, the Marine will have the following options concerning the recommended findings:
 - a. Accept the recommended findings. If the Marine accepts the recommended findings, the case will be returned to the PEB for final action by Secretary of the Navy. The Marine must be advised that failure to submit a written statement in response to the proposed action or failure to demand a formal hearing constitutes waiver of the same.
 - b. Submit a statement in rebuttal. If the Marine submits a statement in rebuttal, the case will be returned to the PEB for further review.
 - c. Demand a formal hearing. If the Marine demands a formal hearing, the case will be returned to the PEB. Orders will be issued via the appropriate hearing panel directing the Marine to appear before one of the three regional hearing panels. The panel will specify the date that the Marine's hearing will be scheduled. Members of the Marine Corps Reserve are scheduled for a formal hearing per paragraph 8407.
 - d. No Marine shall be separated or retired because of physical disability without a formal hearing, if the Marine demands such hearing. (See 10 U.S.C. 1214.)

8104. HEARING PANELS

1. General. SECNAVINST 1850.4, Disability Evaluation Manual, chapter 10, contains full instructions relevant to hearing panels. The following paragraphs contain information applicable to the administrative responsibilities of commanding officers in the cases of Marines appearing before formal hearings.

2. Purpose. Hearing panels are constituted to afford a full and fair hearing (formal hearing) incident to evaluation of the physical fitness of 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 appropriate recommended findings.

3. Convening Authority. The Secretary of the Navy has convened the following Hearing Panels:

- a. National Naval Medical Center, Bethesda, Maryland 20014;
- b. Naval Training Center, Great Lakes, Illinois 60088;
- c. U.S. Naval Hospital, San Diego, California 92134.

4. Composition. A hearing panel is composed of senior commissioned officers as directed by the Secretary of the Navy.

5. Counsel. A Marine appearing before a hearing panel will be represented by counsel. The counsel for the Marine will be an officer of the Judge Advocate General Corps with substantial experience as a military attorney.

6. Proceedings. Hearings are conducted per SECNAVINST 1850.4, Disability Evaluation Manual and the Judge Advocate General Manual as far as practicable.

7. Personal Appearance. The Marine shall appear in person before the panel unless there is an opinion by medical authorities that to do so would be detrimental to 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 panel unless it is reasonably shown that such failure was through no fault of the Marine. The panel may at its discretion, however, waive the appearance of the Marine, if requested by the Marine.

8. Recommended Findings. The hearing panel will make recommended findings. The Marine will be told that recommended findings are advisory only and are not final or conclusive until the case has been acted upon by the Secretary of the Navy. The recommended findings may be:

- a. Fit for duty.
- b. Physically unfit to perform duty, and if so;

(1) Conditions rendering the Marine unfit and constituting the physical disability.

(2) If disability was incurred while entitled to basic pay.

(3) If disability is or is not due to intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence.

(4) If the disability is the proximate result of active duty, or in the cases of Marines with less than 8 years service, if it was incurred in the line of duty in time of war or national emergency.

(5) The percentage of disability.

(6) If disability either is permanent or may be permanent.

9. Rebuttal. The Marine will be afforded 15 days in which to file a rebuttal. Failure to file a rebuttal within the 15-day period will result in a presumed acceptance of the hearing panel recommendation and the case will be returned to the President of the PEB for review and final action.

10. Forwarding Record of Proceedings. The complete record of proceedings of the formal hearing, with all documents which were before the hearing will be sent to the President of the Physical Evaluation Board.

11. Pending Disciplinary Action. Personnel who have disciplinary or administrative action pending or who are being investigated for possible misconduct must not be ordered before a formal hearing without specific approval of the CMC (MMSR-4).

12. Reservists on Inactive Duty. Reservists on inactive duty found physically unfit because of injury or disease which is determined not to be the proximate result of the performance of active duty may demand that their case be referred to a formal hearing for consideration if the member disagrees with the findings of unfit and desires an opportunity to prove fitness for retention in the Marine Corps Reserve.

► 8105. RESERVED FOR FUTURE USE

► 8106. OFFICER DISABILITY REVIEW BOARD (ODRB)

1. The ODRB is not a component of the Disability Evaluation System but is an ad hoc board convened at the call of the Director, Naval Council of Personnel Boards to review, at the request of an officer retired or released from active duty without pay for physical disability, the findings and decisions of the PEB.

8107. 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 Director, Naval Council of Personnel Boards or President, Physical Evaluation Board may approve for the Secretary 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. The effective date of retirement is specified by the Commandant of the Marine Corps, and will be no later than 20 days following the final action taken on the case by the Secretary.

3. Relief from the executed final disposition may be granted by the Secretary of the Navy. Petitions for relief shall be filed per SECNAVINST 1850.4, Disability Evaluation Manual. Filing of a petition must be accomplished within 15 days of notification of the final determination of the PEB, and shall not stay the proceedings unless the Secretary so directs.

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 2: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

8201. AUTHORITY. Title 10, U.S. Code, Chapter 61, 1201 and 1204, allows the Secretary of the Navy to retire certain members who are considered unfit to perform the duties of their office, grade, rank, or rating because of a permanent physical disability. (See table 8-2 for eligibility determination.)

8202. DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures attendant with the separation or retirement of disabled Marines is an integral part of the Marine Corps policy. It is incumbent upon each commander to exercise such policy with utmost consideration for any Marines separated for this reason.

b. To avoid inadvertently depriving Marines of maximum benefits, we must complete all actions to effect retirement at the earliest practicable date since 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. This authorization is based upon the provision that the Marine must be on active duty at time of admission. Premature retirement may preclude hospitalization.

d. The CMC (MMSR-4) will direct the cognizant command and the Marine Corps Finance Center (CPR) to effect disability separation. This notification/message will contain the Marine's social security number, date of release from active duty, date of retirement or transfer, date active duty pay and allowances terminate, percentage of disability, and travel appropriation data.

2. Specific. To retire Marines for permanent physical disability, commanding officers will take action as outlined below:

a. If the Marine has been transferred to a new duty station, the local command must immediately readdress the notification message to the Marine's current command for appropriate action. An information copy must be provided to the CMC (MMSR-4) and the Marine Corps Finance Center (CPR).

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 8202.2a, and readdress the retirement message from the CMC to the Marine's new administrative command for action. List of administrative activities responsible for hospitalized Marines is contained in MCO 6320.2.

(2) Should transfer to a Veterans Administration hospital be authorized and the effective date of transfer is after the date of retirement, immediately advise the CMC (MMSR-4) of the effective date of transfer to the Veterans Administration hospital.

c. Upon completion of separation processing, but not later than the date of retirement, provide the Marine Corps Finance Center (CPR), with the CMC (MMSR-4) as an information addressee, with required personnel data of the Marine, using the appropriate message format contained in figure 8-3. Items of information required:

(1) Full name (first, middle, and last).

(2) Grade and date of rank.

(3) Social security number and MOS (SSN/MOS).

(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.

(9) Dates of birth of Marine, spouse, and all dependent children.

d. Issue retirement orders using the format in figure 8-4. Furnish the local disbursing officer settling the pay account a copy to the Commandant of the Marine Corps' notification message and two copies of the retirement orders immediately upon issuing. Additionally, furnish any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed is not authorized.

e. Notify by message those Marines who were ordered home (by CMC) to await disposition of physical evaluation proceedings of the effective date of retirement on or before the effective date, and immediately mail the retirement orders directly to the Marine.

f. If the service record is not available, request the required disability separation information from the CMC (MMSR-4) per MCO P1070.12E, IRAM, paragraph 4002, using the format in figure 8-3. Only disability separation information will be requested from the CMC (MMSR-4). All other separation information will be requested from the CMC (MMRB-10).

g. Comply with paragraph 8004.6 and MCO P1741.11 in regard to the Survivor Benefit Plan (SBP).

8203. RETIRED PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center (CPR), administers retired pay.

2. To end 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 CMC by the cognizant commanding officer.

b. On or before the effective date of retirement, be furnished two copies of the retirement order by the cognizant commanding officer.

c. Contact the Marine retiree, in person or by mail, to arrange for termination or continuation of allotments, as may be authorized.

d. Effect final settlement of all active duty pay and allowances.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center (CPR) will:

a. Be an information addressee for all messages of notification of retirements from the CMC to the cognizant commanding officer.

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 officer.

d. Based on information provided by messages pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7220/114) (4-77) for each disability retirement. Forward the form directly to the retiree for completion.

4. A very basic computation of retired pay is presented in Table 8-4, Computing Disability Retired Pay.

8204. RETIREMENT DOCUMENTS

1. The CMC will prepare and forward retirement documents as soon as possible.

2. In the event the Marine is physically present at a post or station and requests a retirement ceremony the commander will so inform the CMC (MMSR-4) using the format shown in figure 8-3 requesting retirement documents to be forwarded to the post or station for delivery at an appropriate ceremony.

8205. RETIREMENT HONORS

1. Appropriate retirement honors will be extended to Marines retired for physical disability, particularly those with more than 20 years active service.

2. The commander will personally interview and advise each Marine as to what types of ceremonies are available and/or planned, based on the conditions that exist at the command. The Marine will be allowed to state desires regarding ceremony. Should no ceremony be desired, the Marine's wish will be accepted.

8206. CURRENT ADDRESS AND RESIDENCE

1. Retired Marines shall keep the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197 informed at all times of current check mailing address and current home mailing address where mail and messages will be received. A change of address report must specify whether the change is for retired pay, home mailing, or both.

2. Subject to the above requirement, a retired Marine may change residence in the United States or may reside abroad, except in belligerent countries.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 3: TEMPORARY DISABILITY RETIRED LIST (TDRL)

8301. AUTHORITY. Title 10, U.S. Code, Chapter 61, 1376, 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 the Title 10 U.S. Code, 1202 and 1205.

8302. COMPOSITION. The CMC (MMSR-4) is responsible for administering the TDRL. The list consists of Marines found 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.

8303. TRANSFER TO THE TDRL

1. General

a. Expeditious administrative processing of disabled Marines to the TDRL is essential.

b. To avoid inadvertently depriving Marines from receiving maximum benefits, it is necessary to effect retirement at the earliest practicable date since 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 TDRL a Marine may be authorized hospitalization at a Veterans Administration hospital. This authorization is based upon the provision that the Marine must be on active duty at time of admission. Premature transfer to the TDRL may preclude this hospitalization. The transfer to the TDRL of Marines eligible for VA hospitalization will be held in abeyance and the CMC (MMSR-4) immediately notified.

d. The CMC (MMSR-4) will direct the cognizant command and the Marine Corps Finance Center (CPR) to effect disability separation. This notification will contain the Marine's social security number, date of release from active duty, date of retirement, date active duty pay and allowances end, percent of disability, and travel appropriation data.

2. Specific. To transfer a Marine to the TDRL, commanding officers will take the actions outlined below:

a. If the Marine is not attached to the local command, immediately readdress the message to the Marine's current command for action. Provide a copy to the CMC (MMSR-4) and the Marine Corps Finance Center (CPR).

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 transfer to the TDRL, provide data required by paragraph 8303.2a, and readdress the retirement message from the CMC to the Marine's new administrative activity for action. List of administrative activities responsible for hospitalized Marines is contained in MCO 6320.2.

(2) Should transfer to a Veterans Administration hospital be authorized and the effective date of transfer is after the date of transfer to the TDRL, immediately notify the CMC (MMSR-4) of the effective date of transfer to the Veterans Administration hospital.

c. Upon completing separation processing, but not later than the date of transfer to the TDRL, provide the Marine Corps Finance Center (CPR) (with the CMC (MMSR-4) as an information addressee) with required personnel data of the Marine,

using the appropriate message format contained in figure 8-3. Items of information required are:

- (1) Full name (first, middle, and last).
- (2) Grade and date of rank.
- (3) Social security number and MOS (SSN/MOS).
- (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.
- (9) Dates of birth, of Marine, spouse, and all dependent children.

d. Issue orders using the format in figure 8-5. 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 transfer orders immediately upon issuing. Additionally furnish 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 by message those Marines who were ordered home to wait disposition of physical evaluation proceedings of the effective date of retirement on or before the effective date and immediately mail the retirement orders directly to the Marine.

f. If the service record is not available, request the required disability separation information from the CMC (MMSR-4) per MCO P1070.12E, IRAM, using the format in figure 8-3. Only disability separation information will be requested from the CMC (MMSR-4). All other separation information will be requested from the CMC (MMRB-10).

g. Comply with paragraph 8004.6 and MCO P1741.11 in regard to the Survivor Benefit Plan (SBP).

8304. TDRL PAY PROCEDURES

1. The Commanding Officer, Marine Corps Finance Center (CPR), administers the pay of all Marines placed on the TDRL.

2. To end 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 by the cognizant commanding officer.

c. Contact the Marine, either in person or by mail, to arrange for termination or continuation of allotments, as may be authorized. Unless the Marine being retired requests otherwise, all allotments except allotments for charitable contributions and allotments in amounts greater than the anticipated amount of retired pay will be automatically continued when retirement is effected.

d. Effect final settlement of all active duty pay and allowances.

3. To establish the Marine's retired pay account, the Marine Corps Finance Center (CPR) will:

- a. Be an information addressee for all messages of notification of retirements from the Commandant of the Marine Corps to the cognizant commanding officer.
- b. Be an action addressee for all messages from the cognizant commanding officer furnishing personal data on the retiree.
- c. Be furnished two copies of all retirement orders issued by the cognizant commanding officer.
- d. Based on information provided by message pertaining to retirements, prepare a Retired Pay Data Form (MCFC RP 7220/114) (4-77) for each disability retirement. Forward the form directly to the retiree for completion.

4. A very basic computation of retired pay is presented in Table 8-4, Computing Disability Retired Pay.

8305. PERIODIC PHYSICAL EXAMINATIONS

1. The law requires a Marine placed on the TDRL to undergo a physical examination at least once every 18 months to determine whether there has been a change in the disability for which the member was temporarily retired.
2. If a Marine on the TDRL fails to report as ordered for the required periodic physical examination, entitlement to disability retired pay may be terminated. Should just cause for failure to report be established, payments may be reinstated and may be made retroactive for a period not to exceed 1 year.
3. Marines who waive retirement pay 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 CMC.
4. Marines who are ordered to submit to a physical examination are entitled to travel and transportation allowances. (See paragraph U-7251, Joint Federal Travel Regulations.)
5. The CMC notifies each member on the TDRL of a scheduled physical examination 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 home of record and the nearest military activity at which periodic examinations are conducted.

8306. DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES. Whenever a Marine is confined by civil authorities or is hospitalized in an institution under state or local control, the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the periodic physical examination. For detailed provisions, see SECNAVINST 1850.4, Disability Evaluation Manual, part IV.

8307. CURRENT ADDRESS AND RESIDENCE

1. Marines on the TDRL shall keep the CMC (MMSR-4) and the Marine Corps Finance Center (CPR), Kansas City, Missouri 64197 informed at all times of their current check mailing address and current home mailing address where mail and messages will be received. A change of address report must specify whether the change is for retired pay, home mailing address, or both.
2. Subject to the above requirement, a Marine on the TDRL may change residence in the United States or may reside abroad, except in belligerent countries.

8308. 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 TDRL.
- b. Permanent retirement.
- c. Discharge with entitlement to receive severance pay.
- d. Fit for return to duty.

2. Should the Marine be retained on the TDRL, reevaluation at 18 months intervals will continue. However, final reevaluation must take place before the end of the 5-year period when final disposition must be made.

3. A Marine whose condition has improved to a degree to be considered by proper authority as fit for duty may, subject to the member's consent, be reappointed to the active list or reenlisted, if otherwise qualified per MCO P1040.31. If a Marine does not consent to reappointment/reenlistment, the member's status on the TDRL shall end and they will be discharged.

4. A member of the Marine Corps Reserve found fit for duty may, subject to the member's consent, be reappointed or reenlisted, as appropriate, in the Marine Corps Reserve. Reappointment or reenlistment in the Marine Corps Reserve does not guarantee assignment to active duty.

5. A member's failure to report for a periodic physical examination, give just cause for failure to report, or furnish current medical information for use in lieu of a final periodic physical may result in administrative removal from the TDRL upon completion of 5 years on that list, with the loss of all benefits offered by 10 U.S.C., chapter 61.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 4: DISCHARGE OF MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

8401. DISABILITY DISCHARGE WITH SEVERANCE PAY. Title 10 U.S. Code, chapter 61, paragraphs 1203 and 1206, provide that certain Marines not eligible for retirement by reason of physical disability, but who are found unfit for duty by reason of physical disability, may be discharged from the Marine Corps with severance pay. Eligibility requirements are contained in tables 8-2 and 8-3.

8402. DISABILITY DISCHARGE WITHOUT SEVERANCE PAY. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders the member unfit to perform the duties of office, grade, rank, or military occupational specialty and which results from the member's intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence shall be separated from the Marine Corps without entitlement to benefits under the law. Additionally, Marines unfit for retention on active duty because of physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay shall be discharged without severance pay.

8403. SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. The CMC will direct the discharge of Marines by reason of physical disability with or without severance pay. Upon receipt of the message directing discharge of a Marine, with or without severance pay, if the Marine cannot be discharged within the timeframe specified by the CMC discharge directive, the cognizant commanding officer will advise the CMC (MMSR-4) of the actual date of discharge and the reason for delay, using the format in figure 8-6. No message report is required if the Marine is discharged without delay.
2. In the case of transferred personnel, messages will be readdressed to the new command for appropriate action, providing an information copy to the CMC (MMSR-4).

8404. DISCHARGES FOR DISABILITIES EXISTING PRIOR TO SERVICE

1. SECNAVINST 1805.4, Disability Evaluation Manual, and BUMEDINST 1910.2, provide information relative to medical boards convened for the purpose of discharging enlisted Marines for physical disability not incurred in or aggravated by service. Commanding generals and commanding officers, to include officers in charge of Marine administrative units, and inspector-instructors of Marine activities within the United States are authorized to discharge enlisted or inducted members of the United States Marine Corps and the Marine Corps Reserve on active duty, including active duty for training, because of physical disability provided:

a. The Marine has appeared before a medical board and the board has stated affirmatively and specifically the opinion that the Marine is unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service. No Marine shall be discharged because of physical disability who does, in fact, meet the minimum standards for enlistment or induction. Refer to the Manual of the Medical Department, article 15-77b(1) for instructions pertaining to members of the Marine Corps Reserve who have been ordered to involuntary active duty for unsatisfactory participation;

b. The convening authority of the medical board concurs in the opinions of the board;

c. The Marine has been fully advised, by the convening authority of the medical board, of the right to demand a full and fair hearing before a PEB prior to discharge;

d. The Marine, after having been advised of the right to a full and fair hearing prior to discharge, waives that right, in writing, on form NAVMED 6100/3.

e. There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge;

f. There is no administrative discharge pending;

g. There is no indication of drug addiction, alcoholism, homosexuality, or criminal activity;

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 8 years continuous active service. In the case of a Marine with over 8 years continuous service, any increase in the severity of a pre-existing disease or injury will be considered as aggravated by service if the increase in severity was not due to intentional misconduct or willful neglect. In these cases the Marine's medical board will be forwarded for departmental review.

2. When the commander believes that an enlisted Marine qualified for discharge by reason of physical disability, under this paragraph, should be discharged by reason of unsuitability, misconduct, or for other reasons, the medical board report shall be forwarded to the CMC (MMSR-4) via the Commander, Naval Medical Command (Code 25) for final action after the Marine has been processed under the administrative discharge provisions contained in chapter 6.

3. The authority for discharge is paragraph 8404 of this Manual and BUMEDINST 1910.2.

4. Paragraph 8404 of this Manual is not applicable to officers. Officers will be discharged only when authorized by the CMC.

5. The Manual of the Medical Department requires that when a report of a medical board results in the local discharge of Marines, and the conditions reported on have been determined to have existed prior to entry into the military service, and the pre-entry physical examination was performed at a Military Entrance and Processing Station, a copy of the medical board report with a copy of the pre-entry SF 88 and 93 shall be forwarded to Commander, U.S. Army Recruiting Command, Fort Sheridan, Illinois 60037. The terminated health record will be inserted inside the service record and forwarded per the Manual of the Medical Department, article 16-9, and MCO P1070.12E, IRAM, paragraph 4001.5, table 4-1.

8405. DISCHARGE FOR PERSONALITY DISORDERS AS DETERMINED BY A MEDICAL BOARD

1. SECNAVINST 1850.4, Disability Evaluation Manual and BUMEDINST 1910.2, provide information relative to medical boards convened for the purpose of discharging enlisted Marines for personality disorders.

2. Process for separation per paragraph 6203.3 any Marine who appeared before a medical board and the board stated affirmatively and specifically the opinion that the Marine's functional usefulness is impaired to such an extent as to cause military unsuitability due to personality disorder, if the convening authority of the medical board concurs in the opinion of the board.

8406. DISCHARGE OF MEMBER OF AN OFFICER TRAINING PROGRAM FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, Marine Corps Combat Development Command (MCCDC), Quantico, Virginia, is authorized to discharge members of officer training programs upon notification by the Commander, Naval Medical Command 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 is not physically qualified for retention, the commander concerned will forward the Report of Medical Examination (SF 88) to the Commander, Naval Medical Command (Code 25) 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 Commander, Naval Medical Command will notify the Commanding General, MCCDC of recommendations 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 CMC (MRRE-3) via the Commander, Naval Medical Command (Code 25) with a recommendation as to retention.

d. Authority for discharge is paragraph 8406 of this Manual.

2. In cases where the officer candidate is found physically qualified for retention as an enlisted member but is not physically qualified for appointment as an officer in the Marine Corps, the commander concerned will forward the Report of Medical Examination (SF 88) to the CMC (MRRE-3) via Commander, Naval Medical Command (Code 25).

3. Cases where the officer candidate is on active duty and is found not physically qualified at a time after the initial "reporting in" physical examination, the candidate will be processed per SECNAVINST 1850.4, and BUMEDINST 1910.2.

8407. DISCHARGE OF RESERVISTS NOT ON ACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION IN THE MARINE CORPS RESERVE

1. Title 37, U.S. Code, 204(g), (h), and 206(a), provide that reservists ordered to perform active duty for training, inactive duty for training for any period of time, and incur an injury, illness, or disease, en route to or from such duty, or during that duty, in the line of duty, and not due to their own misconduct are entitled to medical care and disability pay as provided by law or regulation.

a. Only reservists authorized Notice of Eligibility (NOE) benefits for an injury, illness, or disease, shall be referred to the Physical Evaluation Board, for a disability evaluation per SECNAVINST 1850.4.

b. Reservists not in receipt of NOE benefits, and determined not physically qualified by a medical board, the Commander, Naval Medical Command, or the CMC (MMSR), will be referred to the Physical Evaluation Board for a physical disability evaluation only if the reservist demanded such a hearing.

c. If the member disagrees with the findings of the Records Review Panel of the PEB and demands a formal hearing, the case will be referred by the PEB to a hearing panel for evaluation. Members of the Marine Corps Reserve, not on active duty, who request such an action, and desire to appear in person before a formal hearing, must agree to appear at no expense to the Government. The formal hearing will normally be conducted by the hearing panel nearest the member's residence.

2. The Commanding General, 4th Marine Division; the Commanding General, 4th Marine Aircraft Wing; the Commanding General, 4th Force Service Support Group; and the Director, Marine Corps Reserve Support Center are authorized to discharge an enlisted reservist not on active duty upon notification by the Commander, Naval Medical

Command that the reservist is not physically qualified for retention in the Marine Corps Reserve subject to the following provisions:

a. Upon receipt of a report from a medical officer that an enlisted reservist has been determined to be not physically qualified, the commander concerned will forward all medical records and any other additional correspondence that may be relevant to the Commander, Naval Medical Command (Code 25).

b. Upon endorsement by the Commander, Naval Medical Command that the reservist is not physically qualified for retention in the Marine Corps Reserve, the Commanding General, 4th Marine Division; the Commanding General, 4th Marine Aircraft Wing; the Commanding General, 4th Force Service Support Group; or Director, Marine Corps Reserve Support Center will inform the reservist and provide the following information, with an appropriate form letter for reply, which will include:

(1) Medical description of physical defect.

(2) That laws governing the Marine Corps require 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, the Marine 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.

(c) Request a hearing before the PEB. If this option is elected, the member will be advised that disability benefits are payable only if the member is entitled to active duty pay and allowances and has been issued a Notice of Eligibility (NOE) to receive such allowances. If an NOE has not been issued, the PEB findings will be either fit or unfit for duty and retention in the Marine Corps Reserve. If the member's case is considered by the PEB, and the member does not agree with the recommendation of the Records Review Panel and demands a formal hearing, the case will be referred, by the PEB, to a hearing panel for evaluation. A member of the Marine Corps Reserve, not on active duty, who desires to appear in person before a formal hearing, must agree to appear before the board at no expense to the Government. The formal hearing will normally be conducted by the hearing panel nearest the member's residence. (See paragraph 8104.3.)

(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 action will occur to discharge the Marine involuntarily by reason of physical disqualification.

c. Upon completion of the foregoing, take such administrative action as may be indicated per the following instructions.

(1) Discharge the reservist upon receipt of the Marine's written request under authority contained in this Manual.

(2) In the event the reservist requests a hearing before the PEB, refer the Marine's case to the CMC (MMSR-4). Include all medical records and a copy of each piece of pertinent correspondence in the referral. Cases received without sufficient medical evidence will be returned for resubmission.

3. Reserve officers found not physically qualified will be processed in a similar fashion as enlisted reservists with the following exceptions:

a. Upon receipt of a report from a medical officer that a Reserve officer is not physically qualified, the commander concerned will forward the Report of Medical Examination (SF 88), Report of Medical History (SF 93), and any other additional correspondence that may be relevant, to the CMC (MMSR-5) via Commander, Naval Medical Command (Code 252).

b. Upon endorsement by the Commander, Naval Medical Command that the Reserve officer is not qualified for retention in the Marine Corps Reserve, the CMC (MMSR-5) will inform the Reserve officer of the information listed in paragraph 8407.2b, and furnish the Reserve officer an appropriate form letter of reply.

c. Upon completion of the foregoing, the Commandant of the Marine Corps will take administrative action, as may be indicated by:

(1) Discharging the Reserve officer upon receipt of their written request.

(2) Transferring the Reserve officer to the Retired List, if eligible.

(3) If the Reserve officer requests a hearing before the PEB, the case will be referred to the PEB for determination as to the officer's physical fitness for further service in the Marine Corps Reserve.

8408. DISCHARGE OF RESERVISTS ORDERED TO INVOLUNTARY ACTIVE DUTY FOR UNSATISFACTORY PARTICIPATION FOUND NOT PHYSICALLY QUALIFIED. Enlisted Marines ordered to involuntary active duty for unsatisfactory participation will be ordered to undergo a physical examination prior to reporting for such duty if not physically examined during the preceding 12 months.

1. If physically qualified the Marine shall carry out the remainder of orders.

2. If found physically unqualified, the orders will be terminated per the instructions found within those orders. Forward the Report of Medical Examination (SF 88) and the Report of Medical History (SF 93), with appropriate consultations to the Commander, Naval Medical Command (Code 252) via the Commanding General, 4th Marine Division or Commanding General, 4th Marine Aircraft Wing; or the Commanding General, 4th Force Service Support Group, as appropriate.

CHAPTER 8

SEPARATION/RETIREMENT FOR PHYSICAL DISABILITY

SECTION 5: GENERAL ADMINISTRATIVE PROCEDURES AND POLICIES

8501. GENERAL. This section contains general administrative procedures and policies for processing Marines through the disability evaluation system.

8502. MARINES WHO HAVE REQUESTED VOLUNTARY RETIREMENT. The commanding officer of a Marine who requests voluntary retirement or who is retiring under other provisions of law, shall immediately notify the CMC (MMSR) in the event a physical condition is discovered which may result in that Marine entering the disability evaluation system. If the physical defect results in an approved finding of unfit, the Marine will be retired per the provisions of this chapter.

1. An officer whose retirement has been approved by the Secretary of the Navy, who enters the disability evaluation system and is subsequently found fit for duty, will be retired on the 1st day of the month following the month in which the officer is found fit for duty.

2. A request for retirement or transfer to the FMCR in the case of an enlisted Marine will be held in abeyance until the disability evaluation is completed. If the Marine is found fit for duty and the original retirement/FMCR date has passed, the Marine will be retired on the 1st day of the following month or transferred to the FMCR on the last day of the month in which found fit.

8503. PHYSICAL EXAMINATION FOR SEPARATION FROM ACTIVE DUTY. Article 15-56 of the Manual of the Medical Department, U.S. Navy, requires a member being separated from active duty (e.g., voluntary or statutory retirement, discharge, expiration of enlistment, transfer to the FMCR, etc.) receive a thorough physical examination. A member evaluated by a medical board incident to separation need not undergo further physical examination at the time of separation.

8504. DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY

1. A Marine on active duty whom the PEB finds unfit for duty and whose continued treatment is not warranted may, subject to the member's consent, be ordered home to await final disposition of proceedings. Commanders should use the services of any Marine who does not desire orders home to await disposition in a manner consistent with the member's physical capabilities.

2. Commanders of Marines stationed in the United States may issue orders directing an enlisted Marine to proceed home to await final disposition of proceedings, provided:

a. The Marine consents.

b. The PEB (not a medical board) recommends a Marine be found unfit for duty and the member has signed a statement accepting the prima facie findings and does not demand a full and fair hearing or has already appeared in person at a full and fair hearing. A Marine being held for convenience of the Government may be ordered home irrespective of the recommended findings. If the recommended findings are fit for duty, and the Marine has retirement eligibility under other provisions of law, or has indicated an intent to reenlist, the Marine will not be ordered home.

c. Further hospitalization and treatment are not required.

d. A Marine ordered home agrees to liquidation of accrued leave while awaiting final disposition. For further information see DoD Pay Entitlements Manual, Table 1-3-1.

3. Request by message from the CMC (MMSR-4) orders for officers desiring orders home to await final action.

4. Enlisted Marines will be issued orders in the format in figure 8-2 and per the provisions of MCO P1000.6 (Assignment, Classification, and Travel System Manual). Use this paragraph as the authority. Request orders by message from the CMC (MMSR-4) for travel outside the United States.

5. Enlisted Marines ordered home or to a point of selection to await final disposition shall be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active duty. Marines with dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive travel via the shortest usually traveled route, using the mode which requires the least travel time. For more comprehensive information, consult the DoD Military Pay and Allowances Entitlements Manual.

6. The unused leave balance of a Marine's record will be reduced for time spent at home awaiting final disposition commencing the day after the date of actual arrival home or the date following the constructive rail travel via the shortest usually traveled route, using the one which requires the least travel time. For more comprehensive information consult the DoD Military Pay and Allowances Entitlements Manual.

7. Transportation of dependents and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for travel to the member's home or a designated place. Advise Marines that since entitlements to transportation of dependents and household effects will not accrue unless and until the Marine is retired either permanently or temporarily or otherwise separated, that transportation allowance for dependents and cost of the shipment of household effects may be at the expense of the member should the Secretary of the Navy ultimately find the member fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects, are settled or adjusted upon actual separation or retirement, permanent or temporary per the provisions of Joint Federal Travel Regulations and MCO P4650.37.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record at the time of separation. A claim for reimbursement for travel performed by dependents incident to the Marine's retirement (permanent or temporary), or separation will be submitted to the disbursing officer maintaining the Marine's pay record at the time of separation, and will be supported by original and two copies of the change of station orders, plus the original and two copies of:

a. The retirement orders, and

b. The Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowances (DD Form 1351-4). When a Marine who has dependents is transferred under orders issued pursuant to this authority, the disbursing officer will advise the member of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-4.

9. Commanders will collect and destroy the Marine's identification card (DD Form 2 MC) and issue in lieu of an identification card (DD Form 2 MC) valid for no more than 180 days. If appropriate, a retired identification card (DD Form 2 (Retired)) will be issued per MCO 5512.11.

8505. VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS

1. Do not discharge or release upon expiration of active duty, Regular or Reserve Marines ordered to active duty for more than 30 days (except those Marines ordered to active duty for training duty) if medical treatment or disability proceedings have not been completed, unless the Marine specifically requests such discharge or release from active duty. If a Marine requests separation prior to final action by the Secretary of the Navy, the Marine will be instructed that the law (10 U.S.C., Chapter 61) requires that to be eligible for physical disability retirement or discharge with severance pay, a member must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical determination, and that separation prior to that time may prejudice any future claim for disability benefits. If after this explanation the Marine still demands separation, make the following entry in the service record book on page 11:

"I request discharge (release from active duty) despite the explanation which has been given me that in order to be eligible for physical disability retirement or severance pay I must be entitled to receive basic pay at the time the Secretary of the Navy makes a determination in my case. Understanding this may prejudice in my case, I still desire separation. I have been advised of my right to file a claim with the Veterans Administration for compensation, pension or hospitalization. I (do) (do not) desire to file a claim with the VA for compensation, pension, or hospitalization.

(Signature of Marine) (Date)

(Signature of Marine Officer (Date)
effecting separation)"

a. This entry must be dated and signed by the Marine and witnessed by an officer prior to actual separation. In all cases a certified true copy of the Marine's statement will be forwarded to the CMC (MMSR-4) immediately upon separation.

b. Any Marine contemplating a waiver of rights pursuant to this paragraph should be counseled by a judge advocate.

2. Marines eligible for to retire or transfer to the FMCR, or who have already submitted their application to retire or transfer to the FMCR, and who are involved in some aspect of physical disability proceedings shall be advised that authorization to retire or transfer to the FMCR will not be issued pending final disposition of physical disability proceedings. Applications for retirement or transfer to the FMCR should not be submitted, and if submitted, will not be processed unless the member desires to waive the rights and benefits to which the member is entitled under 10 U.S.C., chapter 61. If the member desires to retire or transfer to the FMCR rather than continue with disability processing, the commanding officer shall advise the member that the action may prejudice the Marine's case since the law requires that the Secretary of the Navy make the determination on the disability case while the member is entitled to receive basic pay. If the Marine still desires to retire or transfer to the FMCR after this explanation, make the following entry on the administrative remarks page of the OQR/SRB:

"I certify that it has been explained to me that I may be suffering from a physical disability and that I am entitled to a full and fair hearing before a PEB under Title 10, U.S.C., 1214. With full knowledge of my rights in this matter I request to retire or transfer to the FMCR on (date) despite the fact that in order to be eligible for physical disability retirement I must be entitled to basic pay at the time the Secretary of the Navy makes a determination in my case. I have been advised of my rights to file a claim with the Veterans Administration for compensation, pension, or hospitalization. I (do) (do not) desire to file a claim with the VA for compensation, pension, or hospitalization.

(Signature of Marine) (Date)

(Signature of officer (Date)
effecting separation)"

a. This entry must be dated and signed by the Marine and witnessed by an officer. Additionally, any Marine contemplating a waiver of rights pursuant to this paragraph should be counseled by a judge advocate.

b. When a Marine executes the above waiver the CMC (MMSR-4) shall be notified by message with an information copy sent to the Naval Council of Personnel Boards.

8506. ACTIVE DUTY FOR PHYSICALLY RESTRICTED PERSONNEL

1. The Commandant of the Marine Corps may recommend to the Secretary of the Navy that a Marine, particularly one with over 18 but less than 20 years of active service, be permitted to continue on active duty in an appropriate limited assignment. A Marine so continued on active duty must be unfit because of physical disability with a basically stabilized condition, or one in which accepted medical principles indicate a slow progression of the disabling condition. The Marine must be able to function in a normal military environment, without adverse affect on personal health or the health of other Marines, or requiring an inordinate amount of medical care. Additionally, the Marine must request retention in writing.

2. Retention of physically restricted Marines is completed as the result of action by the Secretary of the Navy on physical disability proceedings provided through the PEB.

a. Marines with over 18 but less than 20 years of active service may be retained on active duty at the direction of the Secretary of the Navy based upon a favorable recommendation by the Commandant of the Marine Corps.

b. Marines who have in excess of 16 years but less than 18 years of active service and where the proposed action of the PEB would result in the Marine being discharged with severance pay may be considered for retention on active duty in a limited duty status to complete 20 years active service.

3. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued unless their employment will contribute to the effectiveness of the Marine Corps.

4. A Marine continued on active duty under these provisions shall be closely observed to assure that further continuance on active duty, or conversely, separation, is consonant with the best interests of the Marine and Marine Corps. When a Marine becomes unable to perform effectively in a limited duty assignment, admit the Marine to a naval hospital for observation, treatment, and appropriate disposition.

5. Marines retained on limited duty are expected to maintain proper military appearance and weight control per MCO 6100.10. Duty assignment will be consistent with the physical limitations of the Marine. Assignment to limited duty under this paragraph is not intended to be an excuse from duty and each Marine assigned to limited duty is expected to contribute to the effectiveness of the Marine Corps.

6. A Marine retained on limited duty remains subject to reassignment per the needs of the Marine Corps and the physical capabilities of the Marine. In assigning a Marine in a limited duty status, the availability and capability of medical facilities will be considered.

7. Marines retained on active duty in a physical limited status retain eligibility for consideration and selection for promotion. If selected, an officer who is otherwise eligible, but is determined to be not physically qualified for promotion, may be promoted when it is determined by the Commander, Naval Medical Command that the officer's physical disqualification was by reason of wounds received in the line of duty and that such wounds do not incapacitate the officer for the performance of useful service in the higher grade. In the case of enlisted personnel, see paragraph 1203.3 of MCO P1400.32.

8507. CERTIFICATE IN LIEU OF ORDERS. Do not issue a certificate in lieu of orders for a disability retirement prior to the Marine's acceptance of the findings of the PEB. Requests for the issuing of a certificate in lieu of orders should be addressed to the CMC (MMSR-4).

8508. CONCURRENT DISCIPLINARY/ADMINISTRATIVE ACTION AND PHYSICAL DISABILITY PROCEEDINGS

1. Marines who have been recommended for an administrative discharge, or have a punitive discharge pending should not be afforded medical board action as these discharges take precedence over medical disability separations or limited duty considerations. If a physical condition is identified on the separation physical which would normally result in disability processing, the physical defect is noted on the SF 88 or SF 93 and made a permanent part of the Marine's Health Record per Article 18-13, Manual of the Medical Department, U.S. Navy.

2. If a Marine enters a disciplinary status, or is recommended for administrative discharge after a medical board report is submitted for disability evaluation, the CMC (MMSR-4) will be notified of the pending action. In such instances, disability processing will normally be suspended until completion of disciplinary or administrative action or, filed without action if the Marine is subsequently discharged as a result of the administrative or disciplinary action. If a determination is made that disability processing should be continued, the Marine's parent command will be notified by the CMC (MMSR-4).

8509. PROMOTION. Marines being processed for separation due to physical disability, and are otherwise eligible, may be promoted per MCO P1400.31 and MCO P1400.32.

8510. ADVANCEMENT ON THE RETIRED LIST. A Marine being retired for physical disability will be advanced to the highest temporary or permanent grade in which the member served satisfactorily in any branch of the Armed Forces as determined by the Secretary of the Navy. In cases where the Secretary's determination has not been made prior to the Marine's retirement date, the notification of the determination will be sent by CMC (MMSR-4) to the Marine's retirement address and to the Marine Corps Finance Center (CPR), Kansas City, MO 64197-0001 by the CMC (MMSR-4).

8511. LEAVE. A Marine whose medical board report has been referred for evaluation by the PEB, if otherwise physically and administratively eligible, may be granted annual leave. The command authorizing leave will ensure that the DESC at the hospital where the Marine's medical board report was prepared, is notified of the inclusive dates of the leave period and the Marine's leave address and phone number. Leave will be granted subject to recall of the Marine if necessary. Encourage Marines anticipating separation by reason of physical disability to reduce their accrued leave balance as much as possible since separation leave may only be granted per paragraph 8504. There is no guarantee that the accrued leave balance may be used in excess of that which the Marine may receive as a cash settlement.

8512. DISABILITY TAX LIABILITY EXCLUSION

1. The Tax Reform Act of 1976 ended tax liability exclusion of pensions, annuities, or similar allowances for personal injuries or sickness resulting from active service in the Armed Forces for those members who entered active service after 24 September 1975. Consequently, to qualify for disability retired or severance pay tax exclusion, those personnel must show that they were disabled by reason of a "combat-related" injury. Combat-related injury is defined as personal injury or sickness which is incurred as direct result of armed conflict, while engaged in extra hazardous service, or under conditions simulating war; or which is caused by an instrumentality of war.

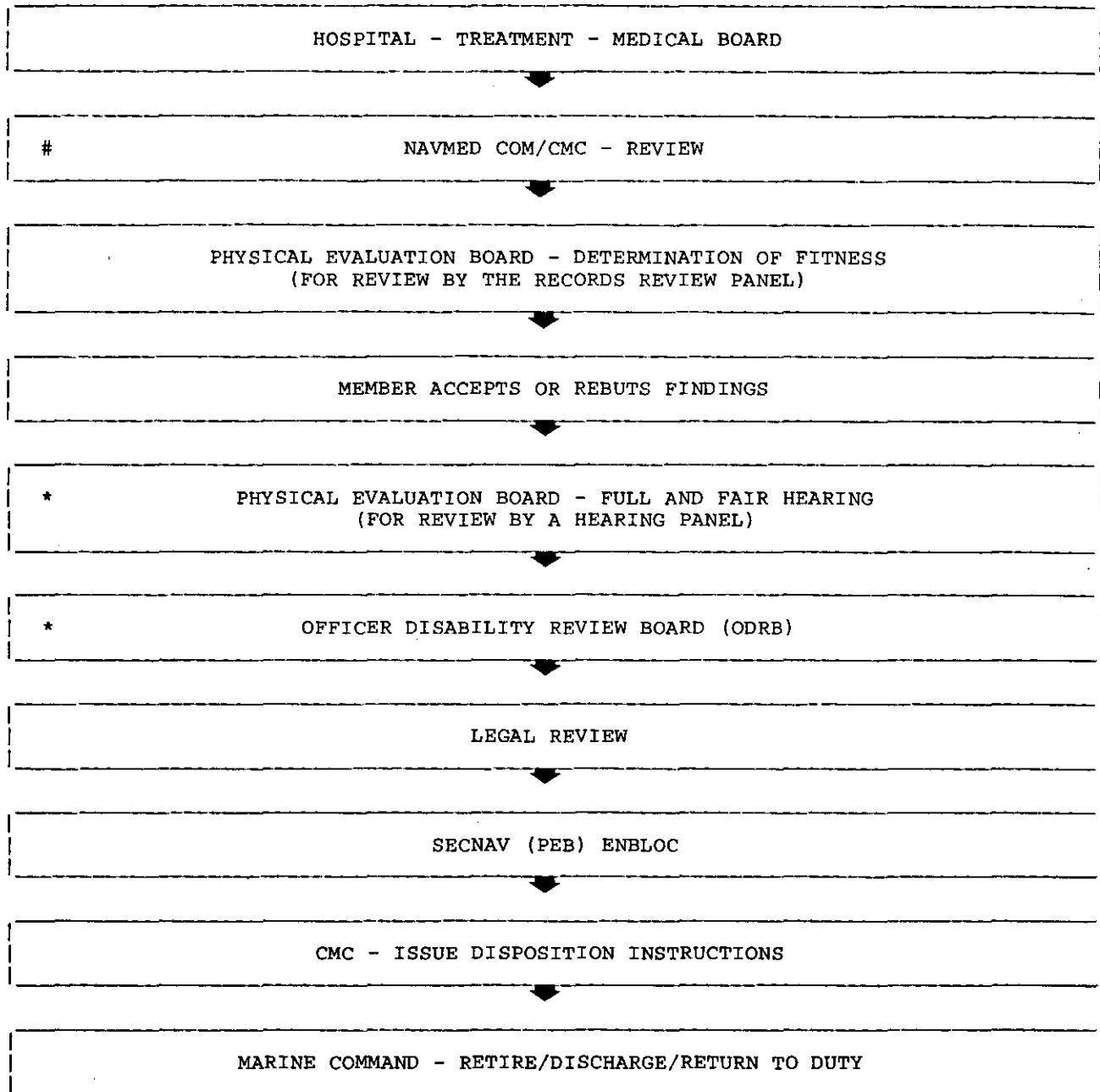
2. When a Marine, who entered active service after 24 September 1975, is to be separated for physical disability with entitlement to benefits under 10 U.S.C., Chapter 61, the commanding officer will screen the Marine's service records to

ascertain the origin of the disability. If that screening indicates that the disability was incurred under conditions that may be considered combat-related, a request for determination will be made by message to the CMC (MMSR-4).

3. If the Commandant of the Marine Corps retirement/discharge direction contains a definitive statement on the combat-related question, that statement will be conclusive and further screening of records will not be necessary.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

NAVAL DISABILITY EVALUATION SYSTEM



IN SPECIFIED CASES

* APPEALS AND SPECIAL CASES

Figure 8-1.--Naval Disability Evaluation System.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: ORDERS TO PROCEED HOME PENDING FINAL DISPOSITION OF PHYSICAL EVALUATION BOARD
(PEB) PROCEEDINGS

Ref: (a) MCO P1900.16D

Encl: (1) Form for Reporting Itinerary of Travel (DD Form 1351-2) (For travel home)
(2) Form for Reporting Itinerary of Travel (DD Form 1351-2) (For return travel)

1. Under authority contained in reference (a), and upon discharge from treatment at (), you will stand detached from your present station and duties; will proceed to (Insert home or designated place - city and state) (MCC W95) and await orders pending final disposition on the PEB proceedings in your case. Your home of record is shown as (Note 1). 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.

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 records and make reimbursement for travel performed, you will, upon arrival at destination, complete enclosure (1) and return the original and two copies to the disbursing officer maintaining your pay account and the third copy to the commanding officer. 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. 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. If you have not received final separation papers or other instructions within 60 days of departure from the command, you will notify your parent command or telegram the CMC (MMSR) for instructions. Your failure to comply with these orders will result in disciplinary action.

5. Upon completion of return travel, if required to return, you will complete enclosure (2) submitting it with the original and two certified copies of these orders to the disbursing officer maintaining your pay record.

6. The dependency application, NAVMC 10922, on file in your service record shows the following-named persons reside in your household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Date Approved</u>
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7. (Note 2) TravChar appn 1721105.2754, MPMC-82, BCN 45690, AAA 27, CC 74123 enl tvl, 74160 depns tvl (enl entl), 74162 trans HHE (enl entl.)

By direction

Figure 8-2.--Format for Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board Proceedings.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

RECEIVING ENDORSEMENT

(date)

1. I have read and understand the instructions in these orders. I will notify my parent command or CMC (MMSR) (telephone number 202-694-2651) within 60 days, if I have not received final separation papers by 2400 _____.

(Signature)

MEMORANDUM ENDORSEMENT

Departed (duty station) at (hour) via (mode of transportation).

Arrival (destination) at (hour) on (date).

(Signature)

NOTE 1: When a Marine elects to proceed to a place other than home of record, modify the second sentence of paragraph to read: "Your home of record is shown as _____, and you have elected to proceed to _____."

NOTE 2: See Marine Corps Order 7301 series for accounting data for current fiscal year.

Figure 8-2.--Format for Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board Proceedings--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

FROM: (ORGANIZATION)

TO: MCFC KANSAS CITY MO//CPR//

INFO: CMC WASHINGTON DC//MMSR-4//

UNCLAS //N //

SUBJ: PHYSICAL DISABILITY RETIREMENT OF

1. CMC WASHINGTON DC (date time group) REFERS

2. A. FULL NAME (first, middle, and last)

B. GRADE AND DATE OF RANK

C. SSN/MOS

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.)

H. DATES OF BIRTH (Marine, spouse, and all dependent children.)

OR

2. (Name SSN/MOS) 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 TDRL) AS DIR ON (date, the last day of active duty).

OR

3. PLEASE FORWARD RETIREMENT PACKAGE TO THIS COMMAND ASAP FOR PERSONAL DELIVERY AT APPROPRIATE RETIREMENT CEREMONY ON (date, last day of active duty).

Figure 8-3.--Format for Acknowledging CMC Messages Directing Retirement by Reason of Physical Disability.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

(Letterhead)

From: Appropriate Authority
To: (Marine Concerned)

Subj: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

Ref: (a) Title 10 U.S. Code
(b) CMC msg _____
(c) MCO P5512.11
(d) JFTR pars. U5120, U5230, and U5345-H

1. The Secretary of the Navy has determined you are physically unfit to perform the duties of your grade and directs you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2400 on _____*, and transferred to the Retired List by reason of physical disability effective _____. Your active duty pay accounts will be settled to include, _____. Your pay entry base date is _____. On (last day of active duty) you will have completed _____ years, _____ months and _____ days of active service.

2. Your disability is rated at _____ percentum in accordance with the Schedule for Rating Disabilities in current use by Veterans' Administration, VA Code (S) ____*_____.

3. Your home of record is: _____ and the address you have furnished for the purpose of receiving your retired pay is: _____.

4. Please keep the Commanding Officer (CPR), Marine Corps Finance Center, Kansas City, Missouri 64197, informed of any change in your mailing address so that you will be able to receive your retired pay. Any change of address must be submitted over the Marine's signature and should contain the social security number (SSN) for identification purposes. Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the CMC (MMSR-4).

5. An identification card has been issued per reference (c).

6. You may select a home and receive travel allowance for the travel performed to it from this command, provided that the travel is completed within 1 year of your release from active duty. Reference (d) lists the conditions under which you may be paid travel allowance for travel completed to your home of selection after that date. Complete the home of selection endorsement prior to submission of these orders for settlement of travel.

7. The dependency application, NAVMC 10922, on file in your service records shows the following-named persons who reside in your household as approved dependents:

Name	Relationship	Date of Birth	Date Approved
------	--------------	---------------	---------------

8. Two copies of these orders will be furnished to the disbursing officer maintaining your active duty pay account.

9. You are advised to keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to the CMC (MPH-81).

10. Expenditures under these orders are chargeable to appropriation _____*_____.

By Direction

Copy to:
MCFC (Code CPR) KSC
DISBO (2)

Figure 8-4.---Format for Orders Transferring Personnel to the Retired List and Home of Selection Endorsement.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

HOME OF SELECTION ENDORSEMENT

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

(signature) (date)

*NOTE: All items indicated by an asterisk are contained in reference (b).

Figure 8-4.--Format for Orders Transferring Personnel to the Retired List and Home of Selection Endorsement.--Continued.

(Letterhead)

Subj: TRANSFER TO THE TEMPORARY DISABILITY RETIRED LIST

Ref: (a) Title 10 U.S. Code
(b) CMC msg
(c) MCO P5512.11
(d) JFTR pars. U5130, U5230, and U5345-H

1. The Secretary of the Navy has determined you are physically unfit to perform the duties of your grade and directs you be temporarily retired by reason of physical disability 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 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 per the Schedule for Rating Disabilities in current use by the Veterans' Administration, VA Codes(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 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 CMC (MMSR-4).
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 CMC (MMSR-4), Headquarters, U.S. Marine Corps, Washington, DC 20380-0001, informed of any changes in your mailing address so that information concerning periodic physical examination may reach you and also keep the Commanding Officer (CPR), Marine Corps Finance Center, Kansas City, Missouri 64197-0001, informed of any changes in your mailing address in order that your retired pay is not interrupted. Any change of address must be submitted over your signature and should contain your social security number (SSN) for identification purposes.
6. A Retired Identification Card (DD Form 2 Ret) has been issued to you under reference (c). The expiration date of this ID card is 5 years from the date of your release from active duty specified in paragraph 1.
7. You may select a home and receive travel allowance for the travel performed thereto from this command, provided that the travel is completed within 1 year from the date of your release from active duty. Reference (d) lists the conditions under which you may be paid travel allowance for travel completed to your home of selection after that date are stated in reference (d). Complete the home of selection endorsement prior to submission of these orders for settlement of travel.
8. The dependency application, NAVMC 10922, on file in your service record shows the following-named persons reside in your household as approved dependents:
- | Name | Relationship | Date of Birth | Date Approved |
|------|--------------|---------------|---------------|
| | | | |
9. Two copies of these orders will be furnished to the disbursing officer maintaining your active duty pay account. Your records indicate unused (excess) leave in the amount of _____ days on date of separation.
10. You are advised to keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to the CMC (MHP-10).

Figure 8-5.--Format for Orders Transferring Personnel to the Temporary Disability Retired List.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

11. You are required to notify the CMC (MMSR-4) if you do not receive an advance copy of orders to report for a physical examination at least every 18 months from the date you are placed on the Temporary Disability Retired List.

12. Expenditures under these orders are chargeable to appropriation ____*__.

By direction

HOME OF SELECTION ENDORSEMENT

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

(signature) (date)

Copy to:
MCFC (CPR) KSC
DISBO (2)

NOTE: All items indicated by an asterisk will be provided by the CMC message which should be listed as reference (b) in these orders.

Figure 8-5.--Format for Orders Transferring Personnel to the Temporary Disability Retired List.--Continued.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

FROM: (ORGANIZATION)

TO: CMC WASHINGTON DC//MMSR-4//

UNCLAS //N //

SUBJ: PHYSICAL DISABILITY DISCHARGE

1. CMC WASHINGTON DC (date time group) REFERS

2. A. NAME

B. GRADE

C. SSN/MOS

D. (WILL BE) (HAS BEEN) DIS ON (DATE)

E. DISCHARGE OF THIS MARINE WAS DELAYED DUE TO (specific reason).

F. PERMANENT MAILING ADDRESS AFTER SEPARATION

OR

2. SEPARATION INFORMATION REQUIRED ON FOLLOWING PERS. NO SRB AVAIL.

OR

2. A. NAME

B. SSN/MOS

C. NOT A MBR THIS COMMAND. YOUR (date time group) READDRESSED TO (organization).

Figure 8-6.--Format for Replying to CMC Discharge Directives Pursuant to Physical Disability.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 8-1.--Eligibility Index Table

<u>A</u>	<u>B</u>
R U L E If the member is physically unfit by reason of physical disability and;	the action is;
1 The disability was the result of intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence,	discharge without benefits. (10 U.S.C. 1207) (See paragraph 8402.)
2 Marine is a member of the Regular Marine Corps,	(See table 8-2 and paragraph 8401.)
3 Marine is a Marine reservist on active duty for more than 30 days except compulsory 45-day involuntary training,	(See table 8-2 and paragraph 8401.)
4 Marine is a reservist on active duty for 30 days or less, inactive duty training or is on active duty for compulsory 45-day involuntary training,	(See table 8-3 and paragraph 8401 or 8408.)
5 The disability was determined not to have been incurred during, or aggravated by active duty, and the member waives the right to a formal hearing,	discharge by reason of EPTE. (See paragraph 8404.)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

TABLE 8-2.--Eligibility Index Table for Regulars And Reservists
on Active Duty for More Than 30 Days.
(Not to Include 45-Day Involuntary Training for Active Duty)

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
R U L E	If the Marine is entitled to basic pay, and disability was incurred while entitled to basic pay	and if member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
1	NO				discharge for physical disability without benefits. (See par. 8402.)
2	YES	YES	0-100	perm	permanent retirement. (10 U.S.C. 1201) (See paragraph 8201.1.)
3	YES	YES	0-100	may be perm	transfer to the TDRL. (10 U.S.C.) (See par. 8301.)
4	YES	NO	30-100	perm	permanent retirement. (10 U.S.C. 1201) (See par. 8301.1.)
5	YES	NO	30-100	may be perm	transfer to the TDRL. (10 U.S.C.) (See par. 8301.)
6	YES	NO	less than 30	perm or may be perm	discharge with disability severance pay. (10 U.S.C. 1203) (See par. 8401.) (notes 1 and 2)

NOTE 1: A Marine who has less than 6 months active service at separation is not entitled to disability severance pay. (See DoD Military Pay and Entitlements Manual, paragraph 40433.)

NOTE 2: A reservist eligible under 10 U.S.C. 1209 (has more than 20 years of qualifying Federal service) may elect to transfer to the Retired Reserve, to receive retired pay at age 60, instead of discharge with disability severance pay.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 8-3.--Eligibility Index Table for Reservists on Active Duty for 30 Days or Less; Inactive Duty Training or 45-Day Involuntary Active Duty Involuntary Training.

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
R U L E	If the disability was due to an injury or illness	and was proximate result of performing active duty	and the member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
1	NO					discharge other than for physical disability. (See par. 8407 or 8408.)
2	YES	NO				
3	YES	YES	YES	0-100	perm	permanent retirement. (10 U.S.C. 1204) (See par. 8201.)
4	YES	YES	YES	0-100	may be perm	transfer to TDRL. (10 U.S.C. 1205) (See Par. 8301.)
5	YES	YES	NO	30-100	perm	permanent retirement. (10 U.S.C. 1204) (See par. 8201.)
6	YES	YES	NO	30-100	may be perm	transfer to TDRL. (10 U.S.C. 1205) (See par. 8301.)
7	YES	YES	NO	less than 30		discharge with severance pay. (10 U.S.C. 1206) (See par. 8401.) (notes 1 and 2)

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 8-3.--Eligibility Index Table for Reservists on Active Duty for 30 Days or Less; Inactive Duty Training or 45-Day Involuntary Active Duty Involuntary Training--Continued.

- NOTE 1. A Marine who has less than 6 months active service at separation is not entitled to disability severance pay. (See DoD Military Pay and Entitlements Manual, paragraph 40433.)
- NOTE 2. A member eligible under 10 U.S.C. 1029 (has more than 20 years qualifying Federal service), may elect to be transferred to the Retired Reserve to receive retired pay at age 60, instead of discharge with severance pay.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 8-4.--Computing Disability Retired Pay

R U L E A If the Marine is being	B take the higher monthly basic pay (note 1)	C and multiply by
1 Permanently retired (10 U.S.C. 1201 or 1204)	(1) of the highest temporary or perma- nent grade satis- factorily held or	2 1/2 percent times the years of active service credited to the member or the percentage of disability on the date of retirement or transfer to the TDRL.
2 transferred to the TDRL (10 U.S.C. 1202 or 1205) (note 2)	(2) of the grade held on the day before retirement or trans- fer to the TDRL	
3 removed from the TDRL permanently retired (10 U.S.C. 1210)		2 1/2 percent times the years of active service credited to the member or the percentage of dis- ability at the time the member's name is removed from the TDRL.

NOTE 1. The monthly basic pay of a Marine who first became a member of the uniformed service after 7 September 1980, is subject to the computation in 10 U.S.C. 1407. Monthly basic pay for these Marines is computed as one thirty-sixth of the total amount of monthly basic pay which the member received (or would have received if on active duty) for any 36 months (whether or not consecutive) of active service. In the case of a Marine who has less than 36 months service, the basic pay is the total amount of basic pay received, divided by the number of months served.

NOTE 2. For as long as the Marine is carried on the TDRL, retired pay will not be less than 50 percent of the monthly basic pay on which the computation is made.

A member of the Marine Corps or Marine Corps Reserve who is retired from active duty by reason of physical disability may be eligible to elect either compensation from the Veterans Administration or retired pay from the Marine Corps, or both. In no instance may the total compensation received exceed maximum granted by either the Marine Corps or the Veterans Administration. A retiree must waive that portion of retired pay equal to that amount received from the Veterans Administration.

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CMC WASHINGTON DC//MMSR-3//

ALMAR

ACCT NA-CNRF

UNCLAS //NO1900//

ALMAR 177/89

SUBJ: MCO P1900.16D CH 1. MARINE CORPS SEPARATION AND
RETIREMENT MANUAL {MARCORSEPMAN}

1. THIS CHANGE IS APPLICABLE TO MARINE CORPS ACTIVITIES ON
DISTRIBUTION CODE DY. THE CHANGE BECOMES EFFECTIVE IMMEDIATELY.
2. PARAGRAPH 1004.3A: DELETE LAST SENTENCE.
3. PARAGRAPH 1004.5B: DELETE "IN PARAGRAPH 6107.5B{3}" FROM THE
LAST SENTENCE.
4. PARAGRAPH 1007.7B: DELETE LAST SENTENCE THAT READS AS
FOLLOWS: "DELIVERY OF THE DISCHARGE CERTIFICATE MUST BE
ACCOMPLISHED ON A DATE BEFORE THE DATE OF DISCHARGE."
5. PARAGRAPH 1009.2E: PEN CHANGE SECOND SENTENCE TO READ "180
DAYS" VICE "45 DAYS."
6. TABLE 1-2, PAGE 1-53, AS FOLLOWS: PEN CHANGE SEPARATION CODE
UNDER MARCORSEPMAN PAR. 1005 EXPIRATION OF ENLISTMENT {USMC} EOS
TO "KBK1" VICE "MBK1."

MM, GENDIST

M L BREWER/MMSR-3/41288

J.J. SHEEHAN, BGEN, MM, 42441

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7. PEN CHANGE TABLE 6-1, PAGE 6-54, AS FOLLOWS "CG, MCB, QUANTICO" VICE "CG, MCCDC." UNDER CG, MCB, QUANTICO DELETE "MARCORADMINDET, INDIAN HEAD, MD". UNDER "CG, MCB, CAMP PENDLETON," PEN CHANGE "MARCORADMINDET, POINT MUGU, CA" TO "MARAVNDET, POINT MUGU, CA." UNDER "CG, MCLB, ALBANY, GA" PEN CHANGE "MARCORADMINDET, MCDILL, AFB, FL" TO "MARCORADMINDET, MACDILL, AFB, FL."

8. PARAGRAPH 6401.5D PEN CHANGE "{PARAGRAPH 6416}." TO "{PARAGRAPH 6410}."

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01 06 271954Z FEB 90 PP UUUU

ADMIN

CMC WASHINGTON DC//MM/MMSR//

ALMAR

ACCT NA-CRARHQ

UNCLAS //NO1900//

ALMAR 044/90

SUBJ: MCO P1900.1ED CH 2. MARINE CORPS SEPARATION AND
RETIREMENT MANUAL (MARCORSEPMAN)

1. THIS CHANGE IS APPLICABLE TO MARINE CORPS ACTIVITIES ON
PCN 10202730000 (FORMERLY DISTRIBUTION CODE DY). THIS CHANGE IS
EFFECTIVE IMMEDIATELY.

2. PARAGRAPH 1004.2B(3): DELETE THE PHRASE "CHARACTERIZATION
WILL BE BASED ON A PATTERN OF BEHAVIOR RATHER THAN AN ISOLATED"
(THE TOP LINE ON PAGE 1-5).

3. PARAGRAPH 1004.4C: REPLACE ENTIRE PARAGRAPH WITH NEW
PARAGRAPH 1004.4.C BELOW:

"C. WHEN THE SOLE BASIS FOR SEPARATION IS A SERIOUS OFFENSE
WHICH RESULTED IN A CONVICTION BY A SPECIAL OR GENERAL COURTMARTIAL
THAT DID NOT IMPOSE A PUNITIVE DISCHARGE, AND CHARACTERIZATION
OF SERVICE AS UNDER OTHER THAN HONORABLE CONDITIONS IS WARRANTED
UNDER THE GUIDANCE IN SECTIONS 1 AND 2 OF CHAPTER 6, CHARACTERIZATION
MM, GENDIST

PCN 10202730002

M. L. BREWER/MMSR/41735

J. J. SHEEHAN, BGEN, MM, 42441



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OF SERVICE AS UNDER OTHER THAN HONORABLE CONDITIONS MUST BE APPROVED BY THE SECRETARY OF THE NAVY ON A CASE-BY-CASE BASIS. IF ANY OF THE CHARGES FOR WHICH THE ACCUSED WAS FOUND GUILTY INVOLVED DRUG ABUSE, A CHARACTER OF SERVICE HIGHER THAN UNDER OTHER THAN HONORABLE CONDITIONS CAN BE APPROVED ONLY BY THE CMC UNDER THE GUIDELINES IN SUBPARAGRAPH 1004.46."

4. PARAGRAPH 1006.1A: IN THE SECOND SENTENCE, PEN CHANGE "1006.7" TO "1006.6".

5. PARAGRAPH 1101.4H: PEN CHANGE THE FIRST SENTENCE TO READ:

"ALL SEPARATING MALE MARINES {OFFICER AND ENLISTED} WHO ARE 18 TO 26 YEARS OLD ARE REQUIRED TO REGISTER...."

6. PARAGRAPH 1202.6A{7}{A}: PEN CHANGE "{CPP/APPELLANT LEAVE}" TO "{SEP/APPELLATE LEAVE}".

7. PARAGRAPH 1206: IN THE LAST LINE, CHANGE "{MPI-50}" TO "{MMSR-3}".

8. PARAGRAPH 2003.1b{1}: ADD NEW PARAGRAPH 2003.1b{1}{D} AS FOLLOWS:

"{D} TWO YEARS FROM THE DATE OF COMPLETION OF THE MAWTS-1 WEAPONS AND TACTICS INSTRUCTOR {WTI} COURSE."

9. PEN CHANGE TABLE 2-1 ON PAGE 2-14 UNDER THE COLUMN DOPMA*, NEXT TO THE GRADE MAJOR, TO READ "20.5 YEARS ACTIVE SERVICE".

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10. PARAGRAPH 3018.2: IN THE FIRST SENTENCE, PEN CHANGE TO READ "120 DAYS" VICE "60 DAYS".

11. PARAGRAPH 4110.2B: REPLACE WITH NEW SUBPARAGRAPH BELOW:

"B. FOR THE PURPOSE OF DETERMINING YEARS OF ACTIVE SERVICE TO BE USED IN COMPUTING THE SEPARATION PAYMENT, A PART OF A YEAR WILL BE BASED ON ADDITIONAL FULL MONTHS OF ACTIVE SERVICE.

12. PARAGRAPH 5002.2D: ADD TO THE LAST SENTENCE: "OR 24 MONTHS AFTER COMPLETION OF THE MAWTS-1 WEAPONS AND TACTICS INSTRUCTOR {WTI} COURSE".

13. PARAGRAPH 5003: DELETE OLD SUBPARAGRAPH 5003.4, INSERT NEW SUBPARAGRAPH 5003.1 BELOW, RENUMBER PRESENT PARAGRAPHS 1 THROUGH 3 AS 2 THROUGH 4:

"1. THE REPORTING SENIOR OF THE OFFICER REQUESTING RESIGNATION WILL COUNSEL THE OFFICER PRIOR TO SUBMISSION OF THE RESIGNATION REQUEST. FOLLOWING COMPLETION OF COUNSELING, THE FOLLOWING ENTRY WILL BE MADE ON PAGE 11 OF THE OFFICER'S OOR:

"{DATE} I REQUEST TO RESIGN MY COMMISSION IN THE MARINE CORPS EFFECTIVE {DATE} AND {DO} {DO NOT} DESIRE A RESERVE COMMISSION. I HAVE BEEN COUNSELED PER PARAGRAPH 5003 OF MCO P1900.16D.

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{RESIGNING OFFICER'S SIGNATURE}"

14. PARAGRAPH 5006.6: PEN CHANGE "ELIGIBILITY FOR SEVERANCE AND SEPARATON PAY." TO "ELIGIBILITY FOR READJUSTMENT PAY AND SEPARATION PAY."

15. PARAGRAPH 6208.3: IN THE LAST SENTENCE, PEN CHANGE "6107.4E AND F" TO "1004.4E AND F".

16. IN TABLE 6-2 PAGE 6-27, REPLACE NOTE 5 WITH NOTE 5 BELOW:

"5. MARINES MUST BE GIVEN THE OPPORTUNITY TO CONSULT WITH A JUDGE ADVOCATE PRIOR TO EXERCISING OR WAIVING ANY OF THEIR RIGHTS.

{MARCORSEPMAN, PAR. 6303 OR 6304.}"

17. IN TABLE 6-2 PAGE 6-27, NOTE 10, DELETE THE WORD "STAFF" IN THE FIRST SENTENCE SO THE PHRASE READS "DISCHARGE AUTHORITY'S JUDGE ADVOCATE" VICE "DISCHARGE AUTHORITY'S STAFF JUDGE ADVOCATE". IN THE SECOND SENTENCE PEN CHANGE THE PHRASE TO READ "A JUDGE ADVOCATE" VICE "THE STAFF JUDGE ADVOCATE".

18. PARAGRAPH 6303.3A: INSERT NEW SUBPARAGRAPH 6303.3A {4} BELOW AND RENUMBER SUBPARAGRAPHS {4} THROUGH {11} AS {5} THROUGH {12}:

"{4} FOR THOSE MARINES AFFECTED BY PARAGRAPH 6311.8, THAT THE PROPOSED SEPARATION COULD LEAD TO REDUCTION IN GRADE."

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19. PARAGRAPH 6304.5: REPLACE WITH NEW PARAGRAPH BELOW:

"5. WAIVER. A RESPONDENT ENTITLED TO AN ADMINISTRATIVE BOARD MAY REQUEST A CONDITIONAL WAIVER AFTER A REASONABLE OPPORTUNITY TO CONSULT WITH COUNSEL PER PARAGRAPH 6304.3A. A CONDITIONAL WAIVER IS A STATEMENT INITIATED BY THE RESPONDENT WAIVING THE RIGHT TO A HEARING CONTINGENT UPON RECEIVING A FAVORABLE CHARACTERIZATION OF SERVICE, BUT NORMALLY NO HIGHER THAN GENERAL.

"A. CONDITIONAL WAIVERS MAY BE GRANTED ON A CASE-BY-CASE BASIS IN ACCORDANCE WITH THE CRITERIA OF PARAGRAPH 6308.1B. CONDITIONAL WAIVERS FOR CHARACTERIZATION BETTER THAN UNDER OTHER THAN HONORABLE CONDITIONS, WHEN THE BASIS FOR SEPARATION IS DRUG ABUSE, MUST BE APPROVED BY CMC {MMSR}."

"B. SEPARATION AUTHORITIES MAY DISAPPROVE REQUESTS FOR CONDITIONAL WAIVERS IN CASES BASED ON DRUG ABUSE PER PARAGRAPH 6308.1B. THE SEPARATION AUTHORITY MAY ALSO DELEGATE AUTHORITY TO DISAPPROVE REQUESTS FOR CONDITIONAL WAIVERS, REGARDLESS OF BASIS, TO THE CONVENING AUTHORITY. THOSE UNITS WHICH REPORT TO HQMC FOR DISCHARGE AUTHORITY ARE HEREBY DELEGATED THE AUTHORITY TO DISAPPROVE REQUESTS FOR CONDITIONAL WAIVERS, REGARDLESS OF THE BASIS."

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20. IN FIGURE 6-3 ON PAGE 6-57, ADD THE FOLLOWING SENTENCE TO THE END OF PARAGRAPH 3: "IF YOU ARE ADMINISTRATIVELY SEPARATED WITH A CHARACTERIZATION OF SERVICE AS UNDER OTHER THAN HONORABLE CONDITIONS, YOU WILL BE ADMINISTRATIVELY REDUCED TO LANCE CORPORAL, SUCH REDUCTION TO BECOME EFFECTIVE UPON SEPARATION."

21. IN FIGURE 6-3 ON PAGE 6-59, ADD THE FOLLOWING SENTENCE TO THE END OF PARAGRAPH 2: "I UNDERSTAND THAT IF I AM ADMINISTRATIVELY SEPARATED WITH A CHARACTERIZATION OF SERVICE AS UNDER OTHER THAN HONORABLE CONDITIONS, I WILL BE ADMINISTRATIVELY REDUCED TO LANCE CORPORAL, SUCH REDUCTION TO BECOME EFFECTIVE UPON SEPARATION."

22. PARAGRAPH 6410: PEN CHANGE "PROCESS MARINES PER MCO 1300.8" TO "PROCESS MARINES PER DOD DIRECTIVE 1315.15" FOR "SURVIVORSHIP".

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ADMIN

CMC WASHINGTON DC//MM//MMSR//

ALMAR

XMT MSG DET AMCONGEN JEDDAH SA

MSG DET AMEMB MONROVIA LI

MSG DET AMEMB AMMAN JO

MSG DET AMEMB KUWAIT KU

MSG DET AMEMB RIYADU SA

THIRTEENTH MEU

ACCT NA-CRARHQ

UNCLAS //NO1900//

ALMAR 260/90

SUBJ: MCO P1900.1ED CH 3. MARINE CORPS SEPARATION AND RETIREMENT
MANUAL {MARCORSEPMAN}

MSGID/GENADMIN/CMC MMSR//

RMKS/

1. THIS CHANGE IS APPLICABLE TO MARINE CORPS ACTIVITIES ON PCN
10202730000 {FORMERLY DISTRIBUTION CODE DY}. THIS CHANGE IS
EFFECTIVE IMMEDIATELY.

✓ 2. PARAGRAPH 1202.3, ADD THE FOLLOWING SUBPARAGRAPH:

H. RESERVISTS WHO ARE DISCHARGED FROM ~~THE~~ RESERVE SPECIAL
MM, GENDIST

PCN 10202730003

W. L. MAUPIN/MMSR/41735/DL

J. J. SHEEHAN, MGEN, MM, 42441



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ENLISTMENT PROGRAM {VOLUNTARY}. ALTHOUGH THEY DO NOT RECEIVE A DD-214, THE REENLISTMENT CODES IN PARAGRAPH 5, ITEM 27 {BELOW}, MAY BE ASSIGNED FOR RECORD PURPOSES; E. G., PAGE 11 ENTRIES OR DISCHARGE LETTERS.

- ✓3. PARAGRAPH 1202.4A. FIRST SENTENCE DELETE THE WORDS: OR ON THE DATE AUTHORIZED TRAVEL TIME COMMENCES.
- ✓4. PARAGRAPH 1202.5, ITEM 25. ADD THE FOLLOWING SENTENCE TO THE END OF THE ITEM: THE CMC {MMSR OR MMOA} WILL PROVIDE THE SEPARATION AUTHORITY TO BE USED FOR OFFICER SEPARATIONS.
- ✓5. PARAGRAPH 1202.5, ITEM 28. ADD THE FOLLOWING SENTENCE TO THE END OF THE ITEM: THE NARRATIVE REASON FOR SEPARATION FOR INVOLUNTARY OFFICER RETIREMENTS SHALL READ: RETIRED.
- ✓6. FIGURE 1-3, PAGE 1-45: UNDER THE REFERENCE COLUMN AFTER AUDIT SERVICE RECORD, CHANGE THE REFERENCE TO READ:
MCO P107D.12F.
- ✓7. FIGURE 1-3, PAGE 1-49: UNDER THE SUBJECT COLUMN, CHANGE RECORDS TO DENTAL RECORDS.
- ✓8. PARAGRAPH 2005.2C(4). DELETE THE FIRST SENTENCE.
- ✓9. TABLE 2-1, PAGE 2-14. UNDER THE DOPMA COLUMN AND IN THE MAJOR ROW, CHANGE 20.5 YEARS ACS TO 20 YEARS ACTIVE SERVICE.

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ADD ASTERISK UNDER NOTE. ADD: TITLE 10, U. S. CODE, SECTION 632 PROVIDES THAT A MAJOR {EXCEPT FOR AN LDO} WHO FAILS SELECTION FOR THE SECOND TIME AND WHO IS NOT ON A SELECTION LIST TO THE NEXT HIGHER GRADE, SHALL, EXCEPT AS PROVIDED UNDER SECTION 637 {A} OF TITLE 10:

{1} BE DISCHARGED ON THE DATE REQUESTED BY SUCH OFFICER AND APPROVED BY THE SECRETARY CONCERNED, BUT THAT THE DISCHARGE DATE SHALL BE NOT LATER THAN THE 1ST DAY OF THE 7TH CALENDAR MONTH BEGINNING AFTER THE MONTH IN WHICH THE PRESIDENT APPROVES THE REPORT OF THE BOARD WHICH CONSIDERED THE OFFICER FOR THE SECOND TIME.

{2} IF SUCH OFFICER IS ELIGIBLE UNDER ANY PROVISION OF LAW, BE RETIRED ON THE DATE REQUESTED BY THE OFFICER AND APPROVED BY THE SECRETARY CONCERNED, BUT THAT THE RETIREMENT DATE SHALL BE NOT LATER THAN THE 1ST DAY OF THE 7TH CALENDAR MONTH BEGINNING AFTER THE MONTH IN WHICH THE PRESIDENT APPROVES THE REPORT OF THE BOARD WHICH CONSIDERED THE OFFICER FOR THE SECOND TIME, OR

{3} IF ON THE DATE WHICH THE OFFICER IS TO BE DISCHARGED UNDER CLAUSE {1}, SUCH OFFICER IS WITHIN 2 YEARS OF QUALIFYING FOR RETIREMENT UPON COMPLETION OF 20 YEARS ACTIVE SERVICE UNDER SECTION 6323 OF TITLE 10, IN WHICH CASE SUCH OFFICER SHALL BE RETIRED UNDER

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THAT SECTION UNLESS SOONER RETIRED OR DISCHARGED UNDER ANOTHE
PROVISION OF LAW.

SECTION 637(A) OF TITLE 10 PROVIDES THAT AN OFFICER SUBJECT TO
DISCHARGE OR RETIREMENT IN ACCORDANCE WITH SECTION 632, MAY, SUBJECT
TO THE NEEDS OF THE SERVICE, BE CONTINUED ON ACTIVE DUTY BY A
SELECTION BOARD.

SECTION 6323 OF TITLE 10, PROVIDES IN PART, THAT OFFICERS WHO
APPLY FOR RETIREMENT AFTER COMPLETING MORE THAN 20 YEARS OF ACTIVE
SERVICE, 10 YEARS OF WHICH WAS SERVICE AS A COMMISSIONED OFFICER
ABOVE THE GRADE OF W-1, MAY BE RETIRED ON THE 1ST DAY OF ANY MONTH
DESIGNATED BY THE PRESIDENT.

✓ 10. PARAGRAPH 3001.5 ADD THE FOLLOWING SUBPARAGRAPH:

✓ E. WHEN A MEMBER BELIEVES THAT AN ASSIGNED ANNIVERSARY DATE IS
INCORRECT, SUCH MEMBER MAY REQUEST CORRECTION BY SUBMITTING A . E
WITH APPROPRIATE JUSTIFICATION, THROUGH THE CHAIN OF COMMAND TO THE
COMMANDANT OF THE MARINE CORPS (MMSR-5).

✓ 11. PARAGRAPH 5006.5. DELETE EVERYTHING AFTER THE SECOND SENTENCE

✓ 12. TABLE 5-1, PAGE 5-12. DELETE ALL OF NOTE 3 AND RENUMBER NOTES
4 TO 8 ACCORDINGLY.

✓ 13. PARAGRAPH 6208.4 IN THE LAST SENTENCE, DELETE THE LEVEL III

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AND REPLACE WITH AN APPROPRIATE LEVEL.

- ✓14. PARAGRAPH 6209.4. INSERT THE WORD NORMALLY BETWEEN THE WORDS WILL AND BE IN THE SECOND AND THIRD SENTENCES.
- ✓15. FIGURE 6.5, PAGE 6-79. ADD THE FOLLOWING UNDER 1.
 - G. SNM IS ELIGIBLE FOR AN HONORABLE DISCHARGE
 - H. SNM IS NOT SEEKING EARLY RELEASE TO AVOID SERVICE
- ✓16. PARAGRAPH 6407.3B. ADD THE FOLLOWING AS THE NEW LAST SENTENCE
ALL ATTEMPTS SHOULD BE MADE TO COLLECT THE DEBT BEFORE SEPARATION,
IF THIS WILL NOT PLACE FURTHER HARDSHIP ON THE MARINE.
- ✓17. PARAGRAPH 6407.7E. DELETE THE REMAINDER OF THE FIRST SENTENCE
FOLLOWING WARRANTED AND CHANGE THE T IN THE FIRST WORD OF THE
SECOND SENTENCE TO LOWER CASE.
- ✓18. ADD THE FOLLOWING AS NEW SUBPARAGRAPHS 6408.2F, 6412.4E, 6413.
AND 6416.2E: BECOME INDEBTED TO THE GOVERNMENT AS A RESULT OF UN-
EARNED LEAVE {ADVANCE AND EXCESS LEAVE}, ADVANCE PAY, REDUCTIONS IN
GRADE, AND FINES AND FORFEITURES. HOWEVER, AN INDIVIDUAL MARINE MA
BE CONSIDERED ELIGIBLE FOR EARLY SEPARATION PROVIDED THE INDIVIDUAL
MAKES A CASH REMITTANCE PRIOR TO THE INITIATION OF SEPARATION PRO-
CESSING.
- ✓19. TABLE 6-3, PAGE 6-80. INSERT A SOLID HORIZONTAL LINE BETWEEN

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THE 1ST ITEM ENDING WITH THE WORD {PARAGRAPH 6404.1} AND THE 2D ITEM BEGINNING WITH THE WORDS DEPENDENCY/HARDSHIP.

- ✓2D. PARAGRAPH 8407.2A. ADD THE FOLLOWING TO THE END OF THE PARAGRAPH: FURNISH SEPARATION ORDERS COMPLETE WITH ALL ENDORSEMENTS TO THE COMMANDING OFFICER, MARINE CORPS FINANCE CENTER {CPS}, KANSAS CITY, MO 64197-0001. THE ORDERS SHALL CONTAIN THE FOLLOWING: MARINES LAST NAME, FIRST NAME, AND MIDDLE INTIAL, SOCIAL SECURITY NUMBER, GRADE, DATE OF DISCHARGE, YEARS, MONTHS, DAYS OF ACTIVE SERVICE, LESS PERIODS COVERED BY A NOTICE OF ELIGIBILITY AND A BRIEF STATEMENT EXPLAINING ENTITLEMENT TO DISABILITY SEVERANCE PAY.//

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