

## SEPARATION AND RETIREMENT

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## SEPARATION AND RETIREMENT

PART A: GENERAL INFORMATION PERTAINING TO RETIREMENTS OF  
REGULAR COMMISSIONED OFFICERS AND WARRANT OFFICERS

## 13000 GENERAL INFORMATION

1. The provisions of this part are applicable to retirements of commissioned officers and warrant officers of the Regular Marine Corps who are retired in accordance with the provisions of parts B and C of this chapter.

2. Retirements are effected pursuant to specific provisions of law, and in each case the retirement must be approved or directed by the President of the United States or the Secretary of the Navy.

## 13001 DEFINITIONS

1. A voluntary retirement is effected as the result of a voluntary request from a member who is eligible for retirement. An involuntary retirement is mandatory under law and may not be deferred beyond the date required to be effected by law or regulations.

2. "Active service" means service on active duty. "Active duty" means full-time duty in the active military service of the United States. Unless otherwise qualified, as used in this chapter these terms include full-time training duty, annual training duty, and active duty for training (10 U.S.C. 101).

## 13002 SERVICE NOT CREDITABLE

1. The period of service under an enlistment or period of obligated service while also serving as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as midshipman at the United States Naval Academy or in the Naval Reserve, under an appointment accepted after 25 June 1956, may not be counted in computing, for any purpose, the length of service of an officer of an Armed Force (10 U.S.C. 971).

2. In computing length of service for any purpose, no officer of the Navy or the Marine Corps may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, if he was appointed as a midshipman or cadet after 4 March 1913 (10 U.S.C. 6116).

13003 EFFECTIVE DATE OF  
RETIREMENT

1. Notwithstanding other provisions of law, the Uniform Retirement Date Act requires that all retirements, except by reason of physical disability, shall become effective on the first day of a month (5 U.S.C. 47a, 10 U.S.C. 1404 and 1221).

## 13004 PHYSICAL EXAMINATIONS

1. Officers contemplating voluntary retirement, and those subject to involuntary retirement, shall obtain a complete preretirement physical examination not more than 4 months and not less than 2 months prior to the effective date of retirement. This physical examination should be obtained sufficiently far in advance of the prospective date of retirement to permit correction of any minor physical defects or, if major defects are found, to permit completion of physical retirement proceedings prior to the date otherwise scheduled for retirement. The time required for physical disability proceedings varies greatly depending on the circumstances in each case. However, it may be expected that from 2 to 4 months will be required from the date of initial physical examination to the date of final action by the Secretary of the Navy; and in exceptional cases, longer periods may be required.

2. The retirement of officers who are subject to involuntary retirement cannot be delayed due to physical disability

proceedings, except in the case of warrant officers as provided in paragraph 13107. Accordingly, it is possible that an officer who would otherwise be eligible for disability retirement would be forced into nondisability retirement while disability proceedings are in progress. The law requires that a Regular member must be in receipt of basic (active duty) pay at the time the Secretary of the Navy makes the final determination in order to be eligible for disability retirement.

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

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

the Commandant of the Marine Corps as appropriate.

5. Orders are not normally required in connection with retirement physical 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.

### 13005 RETIREMENT ORDERS

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

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

### 13006 ACCRUED LEAVE

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

**13007 RETIRED GRADE**

1. As a general rule, an officer is retired in the grade in which serving at the time of retirement. However, in the event the officer concerned had previously served in a higher grade than that held at the time of retirement, he may be eligible for advancement on the retired list. Each officer shall be advanced on the retired list to the highest officer grade in which he served satisfactorily under a temporary appointment as determined by the Secretary of the Navy. However, if an officer is voluntarily retired under the provisions of subparagraph 13054.3, he will be advanced on the retired list to the highest officer grade in which he served satisfactorily under either a permanent or temporary appointment as determined by the Secretary of the Navy. The determination by the Secretary of the Navy is made in connection with processing the retirement, and individual requests for this purpose are not required (10 USC 6151 and 6323).

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

**13008 RETIRED PAY**

1. Retired pay is computed in conformity with specific provisions of law. The general information in this paragraph applies only to nondisability retirements effected in accordance with the provisions of law outlined in parts B and C of this chapter.

2. An officer who is voluntarily retired under any law requiring 30 or more

years of active service for retirement, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired, or the grade to which advanced on the retired list.

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

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

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

c. One day of credit (with a maximum of 60 days of credit for any 1 year) for each retirement point credited in accordance with current regulations, as a member of a Reserve component subsequent to 31 May 1958, through authorized attendance at drills, completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the Commandant of the Marine Corps; Commanding General, Marine Air Reserve Training Command; or appropriate District Director and the Commanding Officer, Marine Corps Reserve Data Services Center; and 15 points per year gratuitous credit for Reserve membership.

d. A part of a year that is 6 months or more which may be obtained by adding the total service outlined in subparagraphs 3a through 3c, above, will be credited as a whole year for multiplier purposes, and a part of a year that is less than 6 months will be disregarded.

e. The retired pay of any warrant officer who is retired under any law cited in parts B and C of this chapter will be based upon the applicable monthly basic pay of the grade in which retired, or to which advanced on the retired list. However, if the applicable basic pay of the grade to which advanced is less than that of any warrant grade satisfactorily held by him on active duty, his retired pay will be based on the higher applicable basic pay.

4. In no case may retired pay exceed 75 percent of the basic pay on which subject pay is based (10 USC 1401, 1405, 6151, 6322, 6325 and 6381).

#### 13009 PAY ACCOUNTS

1. Pay accounts of retired personnel are carried at Headquarters Marine Corps. Any inquiries pertaining to retired pay matters should be addressed to the Commandant of the Marine Corps

(Code CDH). Unless the member being retired requests otherwise, all insurance allotments and allotments for liquidation of indebtedness to the Government will be automatically continued when retirement is effected. All other allotments will be stopped.

#### 13010 CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS

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

2. Subject to the requirements of subparagraph 1, above, a retired officer may change his residence in the United States or may reside abroad except in belligerent countries.

PART B: SEPARATION AND RETIREMENT OF REGULAR COMMISSIONED OFFICERS

SECTION 1: MALE OFFICERS

13050 RESIGNATIONS

1. Letters of resignation will be addressed to the Secretary of the Navy via official channels and must be in accordance with the instructions contained herein. With the exception of requests from the officer subject to the provisions of paragraph 13051, requests for resignations shall be submitted so as to arrive at Headquarters Marine Corps not more than 6 months and not later than 3 months prior to the requested effective date of separation. When an officer submits his resignation and it is accepted by the President, or the Secretary of the Navy acting for him, he shall be separated from the service. A resignation may be withdrawn prior to its acceptance by the President, or the Secretary of the Navy acting for him, but once it has been duly accepted, it cannot be withdrawn. Resignation is a voluntary act on the part of the officer concerned and must be without condition; however, if an officer has not completed his obligated service under law, the acceptance of his resignation normally will be contingent upon his acceptance of a Reserve commission, a statement that he will accept such commission should be included in his letter of resignation. Paragraph 13204 should be consulted in cases of resignation which result from a recommendation that an officer be administratively separated from the Marine Corps.

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

a. The Commandant of the Marine Corps will not recommend acceptance of resignations unless the officer concerned has completed 4 years active commissioned, commissioned warrant, or warrant service, as appropriate. For the purpose of computing the 4 years

active service, all active service, exclusive of active duty for training, in the grade of warrant officer or above, will be counted.

b. The needs of the service will govern final action on all requests for resignation submitted by officers.

c. Resignations submitted by officers who have completed flight training will normally not be accepted until a minimum of 36 months shall have elapsed since completion of flight training, except for those officers who entered flight training under a contract which specified a shorter period of obligated time.

d. Resignations submitted by officers who have completed service or civilian schools of from 5 months to 24 months duration, inclusive, in compliance with official orders, normally will not be accepted until a minimum of 24 months shall have elapsed since completion of such schooling. Officers serving on their initial obligated active duty tour who are involuntarily ordered to attend such school, will be excluded from the provisions of this subparagraph.

e. Resignations submitted by officers who have completed service or civilian schools of more than 24 months duration in compliance with official orders, normally will not be accepted until a minimum of an equal period of time shall have elapsed since completion of such schooling.

f. The provisions contained in subparagraphs c, d, and e, above, will not apply in cases where applicants for certain training or schooling voluntarily agree in their applications to a longer period of service, following completion of the training or schooling, before submitting their resignations.

g. Resignations normally will not be recommended for approval if:

(1) An officer has been issued orders overseas where dependents are not authorized.

(2) An officer is scheduled for an operation or maneuvers outside the United States.

(3) An officer is serving overseas. (The tour will be completed prior to acceptance of resignation.)

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

3. NROTC graduates are obligated to serve as commissioned officers as provided by the signed agreements into which they have entered in connection with their participation in the program. Normally, such officers are required to serve a minimum of 3 consecutive years on active duty unless this period is extended under provisions of subparagraph 2, above. (Regular NROTC students appointed Midshipmen, Naval Reserve, are at present required to serve upon graduation on active duty for 4 years as commissioned officers unless sooner released by the Secretary of the Navy.) Following the period of obligated active duty, they may have their Regular commissions terminated and be appointed in the Marine Corps Reserve.

4. An officer submitting his resignation or request for termination of his permanent appointment will obtain from the disbursing officer carrying his accounts a statement as to whether he is, or is not, indebted to the United States as shown by his records, and no resignation will be considered unless such statement is attached. He will also include a complete statement as to (1) outstanding financial obligations contracted by him while in the naval service, and (2) data as to outstanding notes upon which others of the naval service are co-signers, giving, if any, the names of the latter.

5. An officer submitting his letter of resignation or request for termination of his permanent appointment will include therein the reason for its submission. A desire to attend school, enter business, or accept a position in civil life is frequently given as the reason. If, however, an officer desires

separation because he considers his opportunity for promotion poor, the pay inadequate, or the deprivation of home-life excessive, these reasons should be given in addition to any others. While the Marine Corps does not desire to pry into the personal affairs of an officer, for its own information and for the information of Congress, it is desirable to know why officers separate themselves from the Marine Corps and give up a service career.

6. An officer may be released from active duty, permitted to resign, or discharged, as may be appropriate, for the purpose of performing the duties of: the President of the United States; the Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the legislative bodies of the United States; a Governor; any other state official chosen by the voters of the entire State or the several states; a member of the legislative bodies of the several states; and a judge of courts of record of the United States and of the several states, and the District of Columbia. In the case of a reservist who is eligible for the Retired Reserve list, the individual's name will be placed thereon and he will be relieved from active duty; or if his name is already on the Retired Reserve list, he will be relieved from active duty.

13051 SEPARATION OR RETENTION OF OFFICERS COMMISSIONED UNDER TITLE 10 U.S. CODE, SECTION 6909

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

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

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

4. After an officer appointed from the NROTC Contract Program has applied for retention as a Regular officer and his retention is approved by the Secretary of the Navy, he becomes subject to the separation policy as stated in paragraph 13050.

### 13052 INVOLUNTARY DISCHARGE OF PERMANENT REGULAR OFFICERS

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

2. Except as otherwise provided for second lieutenants in subparagraph 3, below, any officer discharged under subparagraphs 1, 3, or 5 is entitled to severance pay equal to 2 months' basic pay at the time of discharge multiplied by the number of years of total commissioned service as computed under paragraph 13055, not to exceed a total of 2 years' basic pay. However, no person discharged under subparagraphs 1, 3, or 5 is entitled to a lump-sum payment that is more than \$15,000. In determining the total num-

ber of years of service to be used as a multiplier for severance pay purposes, a part of a year that is 6 months or more is counted as a whole year, and a part of a year that is less than 6 months is disregarded (10 U.S.C. 6382, 6383 and 6384, as amended by Act of June 28, 1962, P.L. 87-509, Sec. 4(b)), and 6404.

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

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

a. An officer, who, at the time of his permanent appointment as commissioned officer in a grade above

chief warrant officer, W-4, was a permanent chief warrant or warrant officer, was a temporary officer with permanent enlisted status, or was a former temporary officer with permanent enlisted status will be appointed or reappointed to pay grade E-7 upon enlistment or reenlistment.

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

5. Each officer on the active list with less than 20 years total commissioned service whose record, in the opinion of a selection board, indicates unsatisfactory performance of duty in his grade, and, in the opinion of the board, indicates that he would not satisfactorily perform the duties of a higher grade shall be honorably discharged on 30 June of the fiscal year in which he is so reported, or, in the discretion of the Secretary of the Navy, on any earlier date, if the officer so requests. Upon discharge he is entitled to severance pay computed under subparagraph 2, above. He is not eligible for enlistment or reenlistment (10 U.S.C. 6384, as amended, by Act of 12 July 1960, P.L. 86-616, 74 Stat. 390).

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

instead been appointed a warrant officer, W-1. In any computation to determine the grade and status to which an officer may revert, all active service as an officer designated for limited duty or as a temporary or Reserve officer is included. Application for such reversion will be forwarded to the Commandant of the Marine Corps (Code DMA) via official channels (10 U.S.C. 6383).

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

#### 13053 REVOCATION OF COMMISSIONS

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

2. Detailed instructions and procedures relative to revocation of commissions are contained in Navy Department General Order No. 16 which should be consulted in every case in which those procedures are contemplated.

#### 13054 VOLUNTARY RETIREMENTS

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

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

b. A signed or certified true copy of Standard Form 88, Report of Medical Examination, indicating that the officer is physically fit for retirement. However, this enclosure will not be required in those cases where the officer has appeared before a physical evaluation board within a period of 6 months prior to the requested date of retirement, and has been found fit to perform the duties of his grade by the Secretary of the Navy as a result of the disability proceedings. See paragraph 13004 for instructions regarding physical examinations.

c. If retirement is requested as an exception to current policy, complete and detailed justification should be included.

2. An officer who is subject to involuntary retirement may request voluntary retirement to be effective on or prior to the date of involuntary retirement, provided he is eligible for voluntary retirement. If such a request is submitted it will be processed and voluntary retirement effected in lieu of involuntary retirement.

3. An officer who applies for retirement after completing more than 20 years of active service in the Army, Navy, Marine Corps, Air Force, or Coast Guard, or Reserve components thereof, of which at least 10 years was service as a commissioned officer in the grade of chief warrant officer, W-2, or above, may, in the discretion of the President, be retired. This subparagraph is applicable to all grades of officers, including warrant officers and temporary officers whose permanent status is warrant or enlisted. In order to be eligible for retirement under this provision of law, an officer must complete at least 1 day more than 20 years of active service (10 U.S.C. 6323).

4. A chief warrant officer or warrant officer, W-1, who applies for retirement after completing 20 or more

years of active service may, in the discretion of the Secretary of the Navy, be retired (10 U.S.C. 1293).

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

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

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

#### 13055 TOTAL COMMISSIONED SERVICE FOR THE PURPOSE OF INVOLUNTARY RETIREMENT

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

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

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

(1) Has not lost numbers or precedence; and

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

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

d. Title 10 U.S. Code 6904, 6906, and 6909 cited in subparagraph 1a, above, are based on Public Law 729, 79th Congress, the Act of 13 August 1946, commonly known as the Holloway Act. These sections include officers initially appointed in the Regular Marine Corps from the NROTC Program. Public Law 729 was initially codified in Title 34 U.S. Code and authority for such appointments was contained in Section 1020e thereof. The law was subsequently codified in 10 U.S. Code by the Act of 10 August 1956.

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

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

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

h. Total commissioned service as defined herein has no bearing on computation of active service to determine eligibility for voluntary retirement (10 U.S.C. 6387, as amended, by Act of 30 June 1960, P.L. 86-558).

### 13056 INVOLUNTARY RETIREMENT OF MAJOR GENERALS

1. Each major general, who is not recommended for retention on the active list in the approved report of a board convened for this purpose, shall be retired on 1 July immediately following the fiscal year in which he first completes 5 years of service in the grade of major general and 35 years of total commissioned service as defined in paragraph 13055.

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

3. Each year the Secretary of the Navy may convene a board to recommend officers serving in the grade of major general for retention on the active list. However, he shall convene such a board in any year when three or more such officers will be subject to retirement in accordance with subparagraphs 1 and 2, above. The number of officers that may be recommended by a board for retention on the active list may not exceed the number that the Secretary of the Navy determines to be necessary to meet the requirements of the Marine Corps. In any year in which the number of officers subject to retirement is 3 or more, the Secretary shall fix the

maximum number that may be recommended for retention at not less than the number of officers subject to such retirement minus two. An officer is not subject to retirement under the foregoing provisions of this paragraph while serving as Commandant of the Marine Corps (10 U.S.C. 6373 and 5709).

4. For the purposes of subparagraphs 1, 2, and 3, above, an officer serving in the grade of lieutenant general under an appointment pursuant to 10 U.S. Code, 5232, or serving under a temporary appointment pursuant to 10 U.S. Code, 5787, is considered as serving in the grade he would hold if he had not been so appointed (10 U.S.C. 6385).

5. A major general who is recommended for retirement in the report of a board to consider officers for retirement shall, if the recommendation is approved by the President, be retired on the first day of any month set by the Secretary of the Navy, but not later than the first day of the seventh month after the date of approval by the President (10 U.S.C. 6394).

### 13057 INVOLUNTARY RETIREMENT OF BRIGADIER GENERALS

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

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

◆13058 INVOLUNTARY RETIREMENT  
OF COLONELS

1. Each colonel on the active list, not retired under the provisions of paragraph 13062, shall be retired on 1 July immediately following the fiscal year in which he completes 30 years total commissioned service as defined in paragraph 13055 if his name is not on a promotion list and he is considered as having twice failed of selection to the grade of brigadier general, or when he completes 31 years of total commissioned service if he is not on a promotion list.

2. A colonel who has lost numbers or precedence may not be retired because of completing 31 years total commissioned service until 1 July immediately following the fiscal year in which he completes 5 years service in the grade of colonel (10 U.S.C. 6376).

◆13059 INVOLUNTARY RETIREMENT  
OF UNRESTRICTED LIEU-  
TENANT COLONELS

1. Each lieutenant colonel on the active list not retired under the provisions of paragraph 13062 and not designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he completes 26 years total commissioned service as defined in paragraph 13055 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of colonel (10 U.S.C. 6379).

◆13060 INVOLUNTARY RETIREMENT  
OF UNRESTRICTED MAJORS

1. Each major on the active list not designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he completes 20 years total commissioned service as defined in paragraph 13055 if his name is not on a promotion list and he is considered as having twice failed of selection for promotion to the grade of lieutenant colonel (10 U.S.C. 6380).

13061 INVOLUNTARY RETIREMENT  
OF OFFICERS DESIGNATED  
FOR LIMITED DUTY

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

2. Each major designated for limited duty shall be retired on 1 July immediately following the fiscal year in which he is considered as having failed of selection for promotion to the grade of lieutenant colonel for the second time. However, if any such officer had the permanent status of chief warrant officer or warrant officer, W-1, when first appointed as a limited duty officer, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed. If any such officer had a permanent grade below the grade of warrant officer, W-1, when first so appointed, he has the option, instead of being retired, of reverting to the grade and status he would hold if he had not been so appointed but had instead been appointed a warrant officer, W-1. In any computation to determine the grade and status to which such an officer may revert under this subparagraph, all active service as an officer designated for limited duty or as a temporary or Reserve officer is included. An officer exercising the option of reverting shall, if not otherwise retired, be involuntarily retired in accordance with subparagraph 13105.3, if he is holding a warrant grade at the time of retirement (10 U.S.C. 6383 and 1305).

◆13062 INVOLUNTARY RETIREMENT  
OF COLONELS AND LIEU-  
TENANT COLONELS NOT  
SELECTED FOR CONTINUA-  
TION

1. Notwithstanding any other provisions of law, the officers described in this paragraph are also subject to retirement under the provisions of Public

Law 86-155 as amended (10 U.S.C. 5701 Note). This law provides for the convening of selection boards to consider and recommend for continuation on the active list officers of the Regular Marine Corps as described below:

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

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

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

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

3. Unless sooner selected for promotion to the next higher grade, each officer who is considered for continuation on the active list by a board convened under the foregoing provisions of this law and who is not recommended for continuation in the approved report of the board, shall, notwithstanding any other provisions of law, except as provided in the last sentence of this subparagraph, be placed on the retired list on 1 July immediately following the fiscal year in which the report of the board is approved or in which the officer completes 20 years of total commissioned service, as computed under paragraph 13055, whichever is later. However, if the report of a board that considers officers for continuation on the active list under the provisions of this law is approved less than 6 months before the end of the fiscal year, the retirement of officers who were considered but not recommended for continuation by that board shall be deferred until the first day of the seventh month following the month in which the report of the board is approved.

4. An officer who is retired under the foregoing provisions of law is entitled to retired pay computed in accordance with the provisions of paragraph 13008. However, the retired pay of such an officer may not be less than 50 percent of the basic pay upon which the computation of retired pay is based.

5. Except as otherwise provided in subparagraph 2, above, each officer retired under the foregoing provisions of law who on 11 August 1959 was serving in the grade of colonel or lieutenant colonel in the Regular Marine Corps or was on a promotion list for promotion to one of those grades shall be paid, in addition to retired pay, a lump-sum payment of \$2,000, effective on the date of his retirement. The lump-sum payment shall be paid if the officer retires voluntarily prior to the date specified for his retirement in subparagraph 3, above, provided the report of the continuation board is approved by the President prior to the date the Secretary of the Navy approves the

request for voluntary retirement. An officer who is retired under other provisions of law by reason of physical disability is not entitled to the lump-sum payment.

6. An officer who is recommended for continuation on the active list in the approved report of a board convened under Public Law 86-155 shall become subject to involuntary retirement in accordance with other provisions of law outlined in paragraph 13058 or 13059.

#### **13063 INVOLUNTARY RETIREMENT OF MALE COMMISSIONED OFFICERS FOR AGE**

1. Each officer above the grade of chief warrant officer, W-4, shall be retired by the President on the first day of the month following that in which he becomes 62 years of age. The

President may, in his discretion, defer retirement of any such officer for the length of time he considers advisable but not later than the first day of the month following that in which such officer becomes 64 years of age. Not more than ten such officers, including naval officers whose retirement is so deferred, shall be on active duty at any one time (10 U.S.C. 6390, Executive Order 10621).

#### **13064 INVOLUNTARY RETIREMENT FOR FAILURE ON PROFES- SIONAL REEXAMINATION**

1. The foregoing provisions relating to the retirement of officers above the grade of captain who have twice failed of selection for promotion shall be applicable to such officers who fail on professional reexamination for promotion in the same manner as if such officers had twice failed of selection for promotion; see chapter 6.

## SECTION 2: WOMEN OFFICERS

## 13075 RESIGNATIONS

1. The provisions of paragraph 13050 concerning the general conditions under which resignations of male officers are tendered and accepted are equally applicable to Regular women officers. Resignations normally will be accepted from women officers under the following conditions:

a. After 4 years of active commissioned service, except in the case of an officer who has additional active service obligations under law, agreement, or policy.

b. By reason of marriage provided she has completed 3 years of active commissioned service.

c. For the same reasons which would result in termination of commission or warrant as outlined in subparagraph 13076.3.

## 13076 INVOLUNTARY DISCHARGES AND TERMINATIONS

1. Each woman officer serving in the permanent grade of captain or first lieutenant in the Regular Marine Corps, whose name, on 30 June of the fiscal year in which she completes 13 or 7 years of active commissioned service, respectively, in the Marine Corps, is not then on a promotion list for promotion to the next higher grade, shall be honorably discharged from the Marine Corps on that date. However, if she so requests, she may be honorably discharged at any time during that fiscal year. A captain is entitled to a lump-sum payment equal to 24 times the monthly basic pay to which she is entitled at the time of discharge, and a first lieutenant is entitled to a lump-sum payment equal to 2 months' basic pay at the time of discharge multiplied by the number of years of her active commissioned service in the Regular Marine Corps or the Marine Corps Reserve, except that no captain subject to discharge under this subparagraph is entitled to a lump-sum payment

that is more than \$15,000. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay (10 U.S.C. 6401, as amended by Act of June 28, 1962, P.L. 87-509, Sec. 4(b)), 6402 and 6404.

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

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

a. Is the parent, by birth or adoption, of a child under the age of 18 years; or

b. Has personal custody of a child under the age of 18 years; or

c. Is the stepparent of a child under the age of 18 years who is within the household of the woman for a consecutive period of more than 30 days a year; or

d. Is pregnant; however, if pregnancy is terminated as a result of a spontaneous or therapeutic abortion or a stillbirth prior to separation from the service, a woman officer may be considered for retention if she so desires; or

e. Has, while serving under her current appointment to warrant or com-

missioned grade in the naval service, given birth to a living child (10 U.S.C. 6393).

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

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

#### 13077 VOLUNTARY RETIREMENT

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

#### 13078 INVOLUNTARY RETIREMENT

1. Each woman officer of the Regular Marine Corps who holds a permanent appointment in the grade of lieutenant colonel, or a woman officer serving as Director of Women Marines with the grade of colonel, shall be retired by the President on the first day of the month following that in which she becomes 55 years of age or completes 30 years of active commissioned service in the Regular Marine Corps and the Marine Corps Reserve, whichever is earlier. However, a woman lieutenant colonel or major who serves as Director of Women Marines with the grade of colonel and

who becomes 50 years of age while so serving, may be retired by the President on the first day of the month following that in which she ceases to serve as Director of Women Marines.

2. A woman officer detailed as Director of Women Marines, who has served at least  $2\frac{1}{2}$  years as such Director, and who is retired for any reason, either while so serving or after completion of that service while serving in a lower grade, may, in the discretion of the President, be retired in the grade of colonel and with retired pay based on that grade (10 U.S.C. 5206, 6398 and Executive Order 10621).

3. Each woman officer of the Regular Marine Corps who holds an appointment in the grade of major or below shall be retired by the President on the first day of the month following the date on which she becomes 50 years of age. However, the foregoing shall not apply to an officer of the grade of major who is on a promotion list for promotion to the grade of lieutenant colonel or to one while serving as Director of Women Marines with the grade of colonel (10 U.S.C. 6399).

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

**PART C: SEPARATION AND RETIREMENT OF REGULAR CHIEF WARRANT  
AND WARRANT OFFICERS**

**13100 GENERAL**

1. Unless otherwise indicated, the term "warrant officer" as used herein means any chief warrant officer or warrant officer, W-1.

2. Unless otherwise indicated, the provisions of part C are applicable to women warrant officers.

**13101 RESIGNATIONS**

1. The provisions of paragraph 13050 concerning conditions under which resignations are tendered and accepted are applicable to warrant officers.

**13102 TERMINATION OF  
APPOINTMENT**

1. The Secretary of the Navy may in his discretion, terminate the appointment of a permanent warrant officer in the Regular service at any time within 3 years after the date of acceptance of his initial permanent appointment in the Regular service. An officer whose appointment is thus terminated, shall not be entitled to severance pay, but may apply for and be enlisted in the grade, and with the date of rank in that grade, held on the day before he accepted his appointment as a warrant officer. The application for enlistment of a person whose appointment as a warrant officer has been terminated in accordance with this paragraph must be approved by the Secretary of the Navy prior to enlistment. A temporary appointment in a warrant grade may be terminated at any time.

2. When a selection board is convened by the Secretary of the Navy to consider permanent warrant officers for promotion to the next higher grade, the board shall report the names of those warrant officers considered by it whose records and reports establish, in its opinion, their unfitness or unsatisfactory performance of duty in their present grades. A warrant officer whose name is so reported shall be retired, enlisted, or separated in accordance with subparagraph 4, below.

3. The Secretary of the Navy may convene a board of officers similar in composition to a selection board which will consider the records of all warrant officers submitted to it by the Secretary of the Navy. The records will be those of warrant officers not eligible for consideration by a selection board and among those records there are records or reports which indicate unfitness or unsatisfactory performance of duty in their present grade. The board shall submit a report in writing to the Secretary of the Navy via the Commandant of the Marine Corps and shall certify that:

"The board has carefully considered the records furnished to it and the chief warrant officers or warrant officers, W-1, whose names, if any, are reported have reports and records which establish their unfitness or unsatisfactory performance of duty in their present grade."

4. Each warrant officer whose name is reported in the approved report of a selection board or a board of officers pursuant to subparagraph 2 or 3, above, shall, if eligible for retirement under any provision of law, be placed on the retired list on the first of the month following the 60th day after the date on which the Secretary of the Navy approves the report of the board. If not eligible for retirement, and if he has completed at least 3 years active service from the date he accepted his original permanent appointment as a Regular warrant officer, such officer shall be separated with severance pay not later than 60 days after the date on which the Secretary of the Navy approves the report of the board. Such warrant officer's severance pay is computed by multiplying his years of active service, but not more than 12, by the monthly basic pay to which he is entitled at time of separation. A part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded in the computation of such severance pay. However, no person is entitled to severance pay in an

amount that is more than \$15,000. Each warrant officer, in lieu of separation with severance pay, shall be accorded the enlistment privilege as provided in subparagraph 1, above. If any such warrant officer has less than 3 years of active service his appointment shall be terminated in accordance with subparagraph 1, above (10 U.S.C. 1165, 1166, 560, and 1167 as amended by Act of June 28, 1962, P.L. 87-509, Sec. 4(a)).

### 13103 VOLUNTARY RETIREMENT

1. Any warrant officer who has completed not less than 20 years active service may, upon application, and in discretion of the Secretary of the Navy, be placed on the retired list. Subparagraph 13054.1 is applicable.

2. Warrant officers who are eligible may request retirement in accordance with the appropriate provisions of paragraph 13054.

### 13104 INVOLUNTARY SEPARATION OR RETIREMENT

1. Unless separated or retired under other provisions of law, a permanent Regular warrant officer shall be separated or retired in accordance with this paragraph.

2. For the purposes of this paragraph the decisive date may be any one of the following; whichever is applicable:

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

b. The date on which the Secretary of the Navy, the President, or the United States Senate, for the second time, removes the name of any warrant officer from a promotion list, or the date on which the Secretary of the Navy approves the report of a selection board which does not recommend any

warrant officer for promotion after he has been once removed from a promotion list as indicated above.

c. The date on which the Secretary of the Navy approves the report of a board which reported the name of any warrant officer as having failed to meet the moral qualifications, or upon reexamination, the professional qualifications prescribed by the Secretary of the Navy for such promotion.

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

4. If on the decisive date applicable to his case any warrant officer has completed at least 18 years but not more than 20 years of active service, he may be retained until he has completed 20 years of active service and shall be placed on the retired list on the first of the month following the 60th day after the date he completes

that service, unless he is selected for promotion to the next higher permanent Regular grade before that date.

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

#### **13105 INVOLUNTARY RETIREMENT FOR AGE OR SERVICE**

1. A permanent Regular male warrant officer, who has completed at least 20 years of active service in the Armed Forces, shall be retired on the first of the month following the 60th day after the date he becomes 62 years of age (10 U.S.C. 1263).

2. A permanent Regular woman warrant officer, who has completed at least 20 years of active service in the Armed Forces, shall be retired on the first of the month following the 60th day after the date she becomes 55 years of age (10 U.S.C. 1255).

3. Any permanent Regular warrant officer who has at least 30 years of active service in the Armed Forces

shall be retired on the first day of the month following the 60th day after the date that he completes that period of active service (10 U.S.C. 1305).

#### **13106 TERMINATION OF TEMPORARY APPOINTMENT IN HIGHER GRADES**

1. The temporary appointment in a higher grade of any warrant officer shall be terminated on the date the officer is subject to separation or retirement in accordance with paragraphs 13102, 13104 or 13105.

#### **13107 DEFERMENT FOR DISABILITY**

1. The Secretary of the Navy in his discretion may defer, for not more than 4 months, the involuntary retirement or separation of any warrant officer if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when he would otherwise be required to be retired or separated under provisions of part C, except subparagraph 13102.1.

**PART D: SEPARATION AND RETIREMENT OF RESERVE OFFICERS:  
RETIREMENT OF ENLISTED RESERVISTS**

**13150 DEFINITION OF TERMS**

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

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

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

c. A "year of satisfactory Federal service" is a year in which a reservist is credited with a minimum of 50 Reserve retirement credits unless the year is declared unsatisfactory by the Commandant of the Marine Corps. See paragraph 13162 for service prior to 1 July 1949.

(1) For persons who were members of the Marine Corps Reserve on 1 July 1949, their anniversary year begins on 1 July of each year as long as active Reserve status is maintained.

(2) For persons who enter or re-enter the Marine Corps Reserve after 1 July 1949, their 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 active Reserve status is maintained.

(3) For persons who are discharged from another Reserve component and enlisted or appointed in the Marine Corps Reserve, their anniversary year begins on the date of entry into the Marine Corps Reserve, regardless of the anniversary date they may have had in the other Reserve component.

(4) For persons who are separated from active Reserve status without completing the current anniversary year of service, they will be given credit for the portion of the year for which credit has been earned.

**13151 RESIGNATION OF OFFICERS**

1. The President, or the Secretary of the Navy acting for him, may accept the resignation of an officer of the Marine Corps Reserve, including chief warrant officers and warrant officers, W-1. Officers will include in their letter of resignation the reason therefor. The provisions of paragraph 13050 pertaining to tendering and acceptance of resignations of Regular officers are applicable except that periods of obligated service acquired under law or contractual agreement must be completed before a resignation will be accepted. Exceptions may be made when the separation of an officer is considered to be in the best interests of the service. Subject to the foregoing, a woman officer may tender her resignation at any time after completion of 3 years of active commissioned service, unless a previous service agreement specified 2 years of active duty, or 4 years of total commissioned service. Reserve officers may tender their resignations for any of the reasons which would result in involuntary discharge.

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

a. "I have been fully advised concerning provisions of statutes and regulations relative to court-martial trials and action by boards of officers, and concerning the application of such statutes and regulations to the factual situation obtaining in my case. After fully weighing the benefits which might inure to me as a result of such action, and although considering that I would suffer no greater prejudice as a result

of such action, I hereby waive any and all court-martial action under the Uniform Code of Military Justice, and I further waive any consideration of my case by any board of officers and findings and recommendations by any such board of officers. This waiver is made in the interest of expediting ultimate disposition of my case, as I feel that my position in the matter has been made clear, and I have full confidence in the ability and fairness of the officers in higher authority who will act upon my case," or

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

### 13152 INVOLUNTARY DISCHARGES

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

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

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

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

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

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

3. Except as otherwise provided in paragraphs 13154-13157 a Reserve officer who has completed 3 years of commissioned service shall not be involuntarily discharged except pursuant to the approved recommendation of a board of officers convened by one of the following: The Commandant of the Marine Corps; commands authorized to convene general courts-martial; the Commanding General, Marine Air Reserve Training Command; Directors, Marine Corps Districts; and the Commanding Officer, Marine Corps Reserve Data Services Center. Class III Standby reservists who express a desire to appear before a board in person shall be transferred from the Marine Corps Reserve Data Services Center, on a nonchargeable basis, to the CG, MARTC or the nearest Marine Corps District, as appropriate, for board action. However, in the case of officers serving on active duty, commands authorized to convene a board of officers will do so only after they have reported all pertinent facts and recommended

to the Commandant of the Marine Corps that such action be taken and the Commandant of the Marine Corps has directed the convening of a board of officers. The board shall consist of not less than three members who shall be senior in grade to the individual under consideration and the majority shall be officers of the Marine Corps Reserve on extended or temporary active duty. This board may recommend discharge for any of the following reasons:

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

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

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

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

e. Civilian occupation incompatible with Marine Corps Reserve status.

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

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

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

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

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

b. The officer consents to discharge under conditions other than honorable with waiver of court-martial or board proceedings.

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

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

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

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

b. Discharged or dismissed as provided in subparagraph 7 or 8, above, or paragraph 13157.

### 13153 TRANSFER TO ANOTHER RESERVE

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

a. Apply to the Secretary of the Navy via the unit of the Armed Force

in which entry is sought, his commander and/or District Director or Commanding General, Marine Air Reserve Training Command, or the Commanding Officer, Marine Corps Reserve Data Services Center, as appropriate, and the Commandant of the Marine Corps (Code DMA).

b. Include in his application evidence of fulfillment of one of the conditions in subparagraph 13355.1a as applies to enlisted reservists.

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

2. Upon approval of the application, the Commandant of the Marine Corps will furnish the officer concerned a conditional release. This release will contain the elements set forth in subparagraph 13355.1c.

#### 13154 RETIREMENT OR SEPARATION FOR AGE AND SERVICE

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

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

retirement after being afforded an opportunity, they shall be discharged.

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

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

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

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

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

d. Enlisted members of the Reserve, who, upon reaching age 60, are then qualified for retirement with pay, shall be transferred to the Retired Reserve upon their own request, effective on the first of the month following their 60th birthday. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged by the command concerned for convenience of the Government, citing subparagraph 13261.1f as authority.

e. Enlisted members who have attained age 60, but have not yet completed 20 years of satisfactory Federal

in which entry is sought, his commander and/or District Director or Commanding General, Marine Air Reserve Training Command, or the Commanding Officer, Marine Corps Reserve Data Services Center, as appropriate, and the Commandant of the Marine Corps (Code DMA).

b. Include in his application evidence of fulfillment of one of the conditions in subparagraph 13355.1a as applies to enlisted reservists.

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

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

retirement after being afforded an opportunity, they shall be discharged.

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

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

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

d. Enlisted members of the Reserve, who, upon reaching age 60, are then qualified for retirement with pay, shall be transferred to the Retired Reserve upon their own request, effective on the first of the month following their 60th birthday. However, if they fail to request retirement after being afforded an opportunity, they shall be discharged by the command concerned for convenience of the Government, citing subparagraph 13261.1f as authority.

e. Enlisted members who have attained age 60, but have not yet completed 20 years of satisfactory Federal

service, shall be transferred to the Retired Reserve or discharged as indicated above as of the first of the month following the date on which they first complete 20 years satisfactory Federal service and become qualified for retirement with pay.

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

Second and first lieutenants - 40 years  
 Captains - - - - - 46 years  
 Majors - - - - - 52 years  
 Lieutenant colonels - - - - - 58 years

See paragraph 13159 for exceptions.

**13155 RETIREMENT OR SEPARATION AFTER TWICE FAILING OF SELECTION FOR PROMOTION; MALE OFFICERS**

1. Subject to the exceptions outlined in paragraph 13159, 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 eliminated from an active status. An officer who is to be eliminated from an active status under this subparagraph shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if he requests it, shall be so transferred. If he is not so transferred, he shall, in the discretion of the Secretary, be transferred to the appropriate Inactive Status List or be discharged from the Marine Corps Reserve.

2. An officer in an active status in the Marine Corps Reserve in the permanent grade of major or above, who is considered as having twice failed of selection for promotion to the next

higher grade shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not so transferred, he shall be discharged from the Marine Corps Reserve if he has completed a period of total commissioned service equal to that specified below for the permanent grade in which he is serving:

Colonel - - - - - 30 years  
 Lieutenant colonel - - - - - 26 years  
 Major - - - - - 20 years

3. For the purposes of this paragraph, the total commissioned service of an officer who shall have served continuously in the Marine Corps Reserve following appointment therein in the grade of second lieutenant shall be computed from 30 June of the fiscal year in which he accepted appointment. Each other officer shall be deemed to have for these purposes as much total commissioned service as any officer of the Regular Marine Corps not restricted in the performance of duty who has served continuously since original appointment as a second lieutenant in the Regular Marine Corps and has not lost numbers or precedence and who is or has been after 6 September 1947 junior to such other officer, except that the total commissioned service of such other officer may not be less than the actual number of years he has served in commissioned officer status above the grade of chief warrant, W-4. Notwithstanding the first two sentences of this subparagraph, the Secretary of the Navy may defer the retirement or discharge under this paragraph of an officer serving in the permanent grade of major or above for a period of time which does not exceed the amount of constructive service in an active status which was credited to the officer at the time of his original appointment or thereafter under any provision of law, if the officer can complete at least 20 years of satisfactory Federal service during the period of such deferment (10 U.S.C. 6389, as amended, by Act of 30 June 1960, P.L. 86-559, 74 Stat. 274).

**13156 REVOCATION OF LIMITED ASSIGNMENT STATUS AND SUBSEQUENT RETIREMENT OR SEPARATION**

1. A Reserve officer who has been designated for limited assignment will have this designation revoked for one of the following reasons: (a) failure to be selected for continued limited assignment on annual review, (b) failure of selection for promotion to next higher grade a second time, (c) failure to maintain an active status, and (d) for other good and sufficient reasons when determined by the Commandant of the Marine Corps. Following the revocation of an officer's limited assignment status he will be discharged, allowed to resign, or transferred to the Retired Reserve under the provisions of paragraph 13154 or 13155.

**13157 RETIREMENT OR SEPARATION FOR AGE AND SERVICE; WOMEN OFFICERS**

1. A woman Reserve officer shall be afforded an opportunity to transfer, if qualified, to the Retired Reserve, but if not transferred, be allowed to resign or be discharged upon attainment of age or length of commissioned service as follows:

a. Majors and below pursuant to the regulations prescribed for male Reserve officers in subparagraph 13154.2.

b. Lieutenant colonels who attain age 55 or complete 20 years of satisfactory Federal service, whichever is earlier, except they may be retained beyond age 55 until they complete 20 years of satisfactory Federal service provided that this service can be completed by age 62.

c. If initially appointed after 12 June 1948:

(1) Captains and first lieutenants whose names on 30 June of the fiscal year in which they complete 13 and 7 years commissioned service, respectively, are not on a promotion list for

promotion to the next higher grade. Women officers in this category may be retained until 30 June of the fiscal year in which they have been considered for promotion for the second time and are not on a promotion list.

(2) Majors and below who attain age 50 and are not on a promotion list.

(3) Majors who complete 20 years of commissioned service and are not on a promotion list.

(4) Lieutenant colonels who attain age 55 or complete 30 years of commissioned service, whichever is earlier.

2. No woman Reserve officer shall be involuntarily eliminated from an active status pursuant to this paragraph except upon the recommendation of a board which shall be appointed by the Secretary of the Navy and convened at such times as the Secretary of the Navy may direct (10 U.S.C. 6403).

3. See paragraph 13159 for exceptions to this paragraph.

**13158 RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION**

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

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

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

b. Each officer subject to separation or retirement who does not elect one of the options afforded him under subparagraph 1, above, will be referred to a board convened in accordance with subparagraph 13152.3, and a recommendation submitted relative to his retention or discharge. Each officer who is to be considered by a board will be properly notified in advance that his case is to be considered by a board for separation and afforded an opportunity either to appear for a hearing or to submit a statement as he may elect. Further, each such officer will be informed that if he desires to appear in person or be represented before a board, no expense to the Government is authorized. The current SecNav Instruction pertaining to this matter should be consulted for detailed procedures.

2. See paragraph 13159 for exceptions to this paragraph.

#### 13159 EXCEPTIONS TO MANDATORY RETIREMENT OR SEPARATION OF CERTAIN RESERVE OFFICERS

1. The retirement or separation of certain Reserve officers required by paragraphs 13154.2, 13155, 13156, 13157, and 13158 shall not apply to an officer who has completed 18 but less than 19 years of satisfactory Federal service until the third anniversary of the date on which he would otherwise

be transferred from an active status or discharged, or upon completion of 20 years of satisfactory Federal service, whichever is earlier; nor shall the above referenced requirements apply to an officer who has completed 19 but less than 20 years of satisfactory Federal service until the second anniversary of the date on which he would otherwise be transferred from an active status or discharged, or upon completion of 20 years of satisfactory Federal service, whichever is earlier.

2. The exception explained in subparagraph 1, above, will not be extended to an officer who would not be able to complete 20 years of satisfactory Federal service prior to reaching the age at which retirement is mandatory under subparagraph 13154.1 (10 U.S.C. 1006).

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

#### 13160 RETIRED RESERVE

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

**13161 RETIREMENT WITH PAY  
BASED ON ACTIVE SERVICE**

1. Reserve officers who have completed 20 or more years of active service may request retirement under the provisions applicable to Regular officers in paragraph 13054.

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

a. 30 years of active service other than active duty for training, or

b. 20 years of active service other than active duty for training, the last 10 years of which he served in the 11-year period immediately preceding retirement. Retired pay will be 50 percent of the basic pay to which he would be entitled if on active duty. This retirement provision applies only to persons who were members of the Naval Reserve or the Marine Corps Reserve on 1 January 1953, and it shall terminate on 1 January 1973 (10 U.S.C. 6327).

c. A reservist who is eligible for retirement under this paragraph, and who is also eligible for retirement under another provision of law or for transfer to the Fleet Marine Corps Reserve under paragraph 13404, is entitled to elect the type of retirement for which he is eligible.

**13162 RETIREMENT WITH PAY  
BASED ON 20 YEARS SATIS-  
FACTORY FEDERAL SERV-  
ICE AT AGE 60**

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

a. Years of service, before 1 July 1949 in the following:

(1) The Armed Forces.

(2) The federally recognized National Guard before 15 June 1933.

(3) A federally recognized status in the National Guard before 15 June 1933.

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

(5) The Naval Reserve Force.

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

(7) The National Naval Volunteers.

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

(1) One point for each day of --

(a) Active service; or

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

If that service conformed to required standards and qualifications.

(2) One point for each attendance at a 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

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

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

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

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

4. The last 8 years of satisfactory Federal service need not be the last 8 years of military service, nor do they have to be continuous. For example, an individual who served 14 years as a reservist and then 6 years in the Regular Marine Corps must serve an additional 6 years in a Reserve status to qualify for retired pay; and an individual who served 13 years in the Regular Marine Corps, then 7 years as a reservist, followed by 4 years in the Regular Marine Corps must serve an additional year in a Reserve status to qualify for retired pay. In the first example, an additional 6 years service in a Reserve status is necessary in order that the requirement that the last 8 years of satisfactory Federal service as a member of a Reserve component will be met. While this person has completed 20 years of satisfactory Federal service, the last 8 years of such service was not as a member of a Reserve component, as

only 2 of the last 8 were served as a member of a Reserve component. In the second example, even though this person has completed over 20 years of satisfactory Federal service he must serve one more year as a member of a Reserve component in order to meet the requirement that the last 8 years of such service was as a member of a Reserve component.

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

6. Members of the Retired Reserve and former members of the Marine Corps Reserve who are fully qualified for retired pay in accordance with this paragraph may apply therefor. See paragraph 13167 for procedures (10 U.S.C. 1331 and 1332).

#### 13163 COMPUTATION OF RETIRED PAY

1. For the purpose of computing the retired pay of a person entitled to retired pay under paragraph 13162, 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 point credited under subparagraphs 13162.1b(2) and 1b(3), above, but not more than 60 days in any one 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 covered by subparagraph 13162.1a except a Regular component.

2. The monthly retired pay of a person entitled thereto under paragraph 13162 is computed according to the following formula:

Monthly basic pay at rates applicable on date when retired pay is granted of highest grade held satisfactorily at any time in the Armed Forces	Multiplied by $2\frac{1}{2}\%$ of years of service credited to him under subparagraph 1, above	Subtract excess over 75% of pay upon which computation is based (10 USC 1333 and 1401)
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### 13164 TIME NOT CREDITABLE TOWARD YEARS OF SERVICE

1. The following service will not be counted in any computation of years of satisfactory Federal service under paragraph 13162 or years of service for the computation of retired pay under paragraph 13163:

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

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

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

3. See paragraph 13002 for other service not creditable in the case of officers.

### 13165 RETIREMENT WITHOUT PAY

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

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 regardless of total years of service completed; or

c. Has been found physically disqualified for active duty, not as a result of his own misconduct, regardless of total years of service completed.

2. A reservist, officer or enlisted, who has attained the age of 37 years may request transfer to the Retired Reserve provided he:

a. Has completed a minimum of 8 years satisfactory Federal service by having been credited with at least 50 retirement points each year; or

b. Has completed a minimum of 8 years Federal service, including at least 6 months of honorable service on active duty in time of war or national emergency; or

c. Has consistently supported the Armed Forces in an outstanding manner as determined by the Secretary of the Navy.

3. A reservist, officer or enlisted, may request transfer to the Retired Reserve provided he has completed 10 or more years of active commissioned service in the Armed Forces.

4. Upon assignment or transfer to the Retired Reserve, a member shall be placed on the retired list in the highest grade in which he has satisfactorily served, as determined by the Secretary of the Navy, or in the highest grade for which eligible according to law.

### 13166 PHYSICAL DISABILITY RETIREMENT

1. Reservists are eligible for physical disability retirement under the

conditions of part J of this chapter. Reservists retired for physical disability under the provisions of chapter 61, 10 U.S.C., are entitled to the same pay, rights, benefits, and privileges provided by law or regulation for retired members of the Regular Marine Corps.

### 13167 RETIREMENT PROCEDURES

1. Reservists shall submit requests for transfer to the Retired Reserve with or without pay to the Commandant of the Marine Corps via official channels. Transfers to the Retired Reserve are required by law to become effective on the first day of a month. In those cases where the member will attain the age 60 and become fully qualified for retired pay within a period of 4 months, a DD Form 108, Application for Retired Pay, will be completed in accordance with subparagraph 2, below, and enclosed with the request for retirement.

2. Members of the Retired Reserve and former members of the Reserve who are eligible under paragraph 13162 may apply for retired pay by use of DD Form 108 in accordance with instructions thereon. The form will be completed as accurately as possible from data readily available to the applicant. Only one copy of DD Form 108 will be required. The form should be forwarded so as to arrive at Headquarters Marine Corps not less than 2 months nor more than 4 months prior to the date the member elects to have his retired pay commence. Statements of service are not necessary to document these applications and will not be requested for the purpose of completing an application. However, the applicant should list any service in other branches of the Armed Forces other than the Marine Corps, indicating approximate dates when exact dates are not known. All service will be verified from official records when the application is processed. An individual may elect to have his retired pay commence as of the first day of the month following the month in which he becomes fully qualified for retired pay, or the first of any month subsequent to that date.

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

### 13168 STATUS IN THE RETIRED RESERVE

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

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

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

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

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

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

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

**13169 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 13167, if qualified. Such former members may receive retired pay, but are not carried on the retired list and are ineligible for any privileges or rights of the Retired Reserve. They retain their civilian status. However, such former members who are in receipt of retired pay and who have served on active duty, other than active duty for training, for 8 or more years are entitled to certain

medical care at facilities of the Armed Forces, subject to the availability of facilities.

**13170 CURRENT ADDRESS OF  
RETIRED RESERVISTS**

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

## PART E: TYPES OF DISCHARGES AND SEPARATIONS OF OFFICERS

### 13200 GENERAL

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

### 13201 TYPES OF DISCHARGES

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

Type of Discharge	Character of Separation
Honorable Discharge..	Honorable
General Discharge.....	Under honorable conditions
Discharge .....	Under conditions other than honorable

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

3. Ultimate determination as to the type and character of a total separation of any officer shall be made by the Secretary of the Navy. The type of discharge and character of separation is based on the officer's military record, as defined in subparagraph 13251.3. The following will be used as a guide in determining the type of discharge to be recommended:

a. An honorable discharge is a separation from the service with honor. It is issued for proper military behavior, and proficient and industrious performance of duty with due regard to the grade held and the capabilities of the individual concerned. An honorable discharge may be issued for the following reasons:

(1) Unqualified resignations.

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

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

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

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

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

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

b. A general discharge is a separation from the service under honorable conditions of an individual whose

military record is not sufficiently meritorious to warrant an honorable discharge. It may be issued for the following reasons:

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

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

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

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

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

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

(1) Resignation to escape dismissal.

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

(3) Resignation for the good of the service.

(4) Separations of officers by reason of record of conviction by civil authority upon criminal charges. Note exception in paragraph 13202 for officers "dropped from the rolls," to whom no certificate of discharge is awarded.

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(5) Homosexuality.

(6) Drug addiction.

(7) Habitual drunkenness.

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

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

#### 13202 SEPARATIONS NOT RE-QUIRING DISCHARGE CERTIFICATES

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

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

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

c. Separation of an officer through dismissal, removal from office, or other separation procedure required by statutes existing or hereinafter enacted prohibiting certain activities by officers. Examples of the class of statutory prohibitions referred to, whether or not specifically applicable to Marine officers, are (1) carrying on of trade or business by fiscal officers in funds, debts, or public property of Federal or State Governments; (2) using appropriated funds to influence legislation; and (3) accepting bribes.

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

**13203 DISCHARGES FOR OFFICERS SEPARATED BY REASON OF PHYSICAL DISABILITY**

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

**13204 RECOMMENDATIONS FOR DISCHARGE**

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

a. "I have been informed and understand that if my resignation herein submitted be 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 herein submitted be accepted, I shall subsequently receive a certificate of general discharge from the Marine Corps; that such a separation, although considered by the Navy Department to be under honorable 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 veterans' rights and benefits presently authorized for former officers whose service has been similar to my own, should any present or future statutes specifically require honorable discharge as a condition precedent to the granting of rights

and benefits thereunder, my eligibility for any such rights and benefits may be at least doubtful."

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

**13205 PREPARATION OF DISCHARGE CERTIFICATES AND RELATED DOCUMENTS**

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

**PART F: TYPES OF DISCHARGES OF ENLISTED PERSONNEL**

13250 GENERAL *See Manual 1910 of 66 for E 22 Sep 66* d. Administrative Separation. Discharge or release from active duty upon expiration of appointment or enlistment, or prior to expiration of appointment or enlistment in the manner prescribed by law or the Secretary of the Navy, but specifically excluding separation by sentence of a general or special court-martial.

1. All discharges and separations of enlisted personnel will be governed by and made in accordance with the provisions of this part, which is applicable to all enlisted and inducted personnel.

2. As used in parts F and G of this chapter, the term continental United States means the United States except Alaska and Hawaii unless otherwise indicated.

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

a. Discharge. Complete severance from all military status.

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

c. Separation. A general term which includes discharge or release from active duty.

e. Military Record. Includes an individual's behavior while a member of a military establishment, including general comportment and performance of duty, and reflects the character of the service he has rendered while a member of an armed service.

f. Prior Enlistment or Period of Service. Service in any component of an Armed Force, including the Coast Guard, which culminated in the award of a separation certificate or report attesting to the type and character of service rendered during that period.

**13251 TYPES AND REASONS FOR DISCHARGE; SPECIAL CONSIDERATIONS**

1. There are five types of discharges, with corresponding characters as follows:

Type of discharge	Character of separation	Given by--
Honorable discharge	Honorable	Administrative action
General discharge	Under honorable conditions	-do-
Undesirable discharge	Conditions other than honorable	-do-
Bad conduct discharge	-do-	General or special court-martial
Dishonorable discharge	Dishonorable	General court-martial

2. There are twelve formal reasons for discharge which are as follows:

a. Expiration of enlistment or fulfillment of service obligation, as applicable.

b. Convenience of the Government.

c. Own convenience.

d. Dependency or hardship.

e. Minority.

f. Disability.

g. Unsuitability.

h. Unfitness.

i. Misconduct.

j. Sentence of court-martial.

k. Security.

1. When directed by the Secretary of the Navy.

3. The character of separation or type of discharge awarded upon administrative separation from the current enlistment or period of service will be determined solely by the member's military record during that enlistment

including any extensions thereof. Records of nonjudicial punishment imposed during a prior enlistment or period of service may not be considered. (See subpar. 4, below.)

a. Military record as used herein includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the service. The military record is not limited to entries in the service record, but includes all information pertaining to the military record.

b. Military behavior as used herein refers to the conduct of the individual while a member of the service.

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

d. A general discharge is a separation from the service under honorable conditions of an individual whose military record is not sufficiently meritorious to warrant an honorable discharge.

4. Except for misrepresentations, including omissions, made in connection with an enlistment or induction, any activities that a member of the service engaged in before he acquired status in the service may not be considered in determining the type and character of discharge or separation to be issued. The type and character of the discharge will be determined solely by the member's military record.

a. In determining whether a member should retain his current military status or be administratively separated, the member's entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service and any other factors which are material and relevant, shall be evaluated. Commanders, investigating officers, duly constituted boards and other agencies charged with making such determinations will consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records

of punishment would, under the particular circumstances of the case, have a direct and strong probative value in determining whether retention or administrative separation should be effected.

(1) Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which would become manifest only over an extended period of time.

(2) When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

(3) If a determination is made that a member should be administratively separated, the provisions of subparagraph 3 and of this paragraph apply.

5. An honorable or general discharge will be issued, as warranted by the individual's military record, when discharge is for one of the following reasons: expiration of enlistment, convenience of the Government, own convenience, dependency or hardship, minority, disability, and unsuitability. When the discharge of an individual for one of the foregoing reasons is directed by higher authority, and such authority does not specify the type of discharge or character of separation, the commander effecting the discharge will determine the type of discharge as honorable or general, based on the military record of the individual in accordance with instructions herein.

6. In those cases where an individual may be issued either an honorable or general discharge, and the commander or higher authority is of the opinion that the individual concerned should be issued a type of discharge different from that indicated by conduct and duty proficiency markings as set forth herein,

a full report of the circumstances with recommendations shall be forwarded to the Commandant of the Marine Corps (Code DMB) for decision. These exceptional cases are limited to those wherein an honorable discharge is recommended in lieu of a general discharge, or a general discharge is recommended in lieu of an honorable discharge. When an individual is to be transferred for discharge, the recommendation should be made prior to the transfer and a copy will be forwarded to the activity to which the person is to be transferred.

7. Commanding Generals of Marine Corps Recruit Depots will determine the type of discharge to be issued to a recruit who is discharged prior to completion of recruit training for one of the reasons listed in subparagraph 5, above, unless otherwise directed by higher authority. The determination of type of discharge in such cases will not be delegated to commanding officers. An honorable or general discharge will be issued, as warranted by the individual's military record in accordance with instructions herein. The recommendations of boards convened in connection with separation of recruits may be considered in making the determination in each case.

8. An honorable, general, or undesirable discharge may be issued when discharge is for security reasons. Discharge for security reasons will be effected only when directed by the Commandant of the Marine Corps or the Secretary of the Navy after appropriate proceedings in accordance with separate directives which deal explicitly with this matter.

9. An undesirable discharge will be issued when an individual is discharged by reason of unfitness or misconduct, unless otherwise directed by the Commandant of the Marine Corps.

10. When a commander is considering recommending an individual of the grade of sergeant (E-5) or above for discharge by reason of unsuitability, unfitness or misconduct, he may, where considered appropriate, request from

the Commandant of the Marine Corps (Code DGK) copies of fitness reports and any other pertinent information which may be related to the reason for discharge, or type of discharge to be issued.

### 13252 HONORABLE DISCHARGE

1. An honorable discharge is a separation from the service with honor. Issuance of an honorable discharge is conditioned upon:

a. Proper military behavior. In the case of personnel of the grade of corporal (E-4) and below, proper military behavior will be evidenced by the possession of a minimum final average conduct mark of 4.0.

b. Proficient and industrious performance of duty commensurate with the grade held and the capabilities of the individual concerned. In the case of personnel of the grade of corporal (E-4) and below, such performance of duty will be evidenced by the possession of a minimum final average duty proficiency mark of 3.0.

c. Eligibility for discharge by virtue of one of the following reasons:

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

(2) Convenience of the Government.

(3) Own convenience.

(4) Dependency or hardship.

(5) Minority.

(6) Disability.

(7) Unsuitability.

(8) Security.

(9) When directed by the Commandant of the Marine Corps or Secretary of the Navy.

2. An honorable discharge will not be issued if an individual has been convicted of an offense by general court-martial or has been convicted by more than one special court-martial in the current enlistment, period of obligated service, or any extensions thereof, except as provided in subparagraphs 3 and 4, below. In other instances, where a commander or higher authority considers that, in view of particular circumstances, an enlisted or inducted person should receive an honorable discharge as an exception to the foregoing, he should so recommend to the Commandant of the Marine Corps (Code DMB), forwarding a full report of the circumstances.

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

4. An individual, who is discharged by reason of physical disability incurred in line of duty may, where otherwise ineligible, be given an honorable discharge. Each case will be determined on the basis of the individual's military record.

### 13255 GENERAL DISCHARGE

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

a. A military record not sufficiently meritorious to warrant an honorable discharge.

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b. Eligibility for discharge by virtue of one of the reasons listed in subparagraph 13252.1c.

2. When it is considered that a general discharge may be warranted in lieu of an honorable discharge in the case of a noncommissioned officer of the grade of sergeant (E-5) or above, a report of the circumstances with recommendations may be forwarded to the Commandant of the Marine Corps (Code DMB) for determination. Such procedure is not appropriate when a general discharge is clearly warranted based on information pertaining to the military record of the individual which is available to the commander effecting discharge.

### 13254 UNDESIRABLE DISCHARGE

1. An undesirable discharge is an administrative separation from the service under conditions other than honorable. It is issued for unfitness, misconduct, or for security reasons. However, whenever the particular circumstances in a given case so warrant, a recommendation for an administrative discharge other than undesirable may be made to the Commandant of the Marine Corps (Code DMB). Such a recommendation will include the alternate reason for discharge and the type of discharge deemed most appropriate, since an honorable or general type discharge may not be based upon reasons of unfitness or misconduct. An undesirable discharge will not be issued in lieu of trial by court-martial except upon the determination of a general officer exercising general court-martial jurisdiction, or by higher authority, that the interests of the service as well as the individual will best be served by administrative discharge. This does not preclude recommendation for an undesirable discharge when an individual is in a disciplinary status or disciplinary action is pending.

### 13255 BAD CONDUCT DISCHARGE

1. A bad conduct discharge is separation from the service under conditions other than honorable. A bad conduct

discharge may be given only by approved sentences of general or special courts-martial and is appropriate for offenses that warrant separation as included punishment but are not of sufficiently grave a nature as to warrant dishonorable separation.

#### 13256 DISHONORABLE DISCHARGE

1. A dishonorable discharge, as its title denotes, is a separation from service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of general courts-martial and are appropriate for

serious offenses warranting dishonorable separations as included punishment.

#### 13257 TABLE OF MATTERS RELATING TO DISCHARGES OR RELEASES FROM ACTIVE DUTY

1. The following table of matters relating to discharges or releases from active duty is furnished as a ready reference. The entries in the table are to be considered as a guide only. Pertinent references should be consulted for detailed instructions and exceptions under certain conditions.

## CHAPTER 13--SEPARATION AND RETIREMENT

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TABLE OF MATTERS RELATING TO DISCHARGES

Reason for Discharge	Authority	Conditions Affecting the Type and Character of Discharges	Character of Discharge	DD Form	Mileage (a)	Transportation in Kind (a)	Issue Civilian Clothing (b)	Cash Allowance (c)	Retain and Wear Uniform Home (d)	Reenlistment Bonus Recoupment (e)
Expiration of Enlistment or Fulfillment of Service Obligation as applicable	Par. 13258 or 13351	Par. 13251 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No
Convenience of the Government	Par. 13261	Par. 13251 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No (f)
Own Convenience	Par. 13262	Par. 13251 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	Yes
Dependency or Hardship	Par. 13263	Par. 13251 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No
Minority	Par. 13264	Par. 13251 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No
Disability	Par. 13260	Par. 13251 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	No	No	Yes	No (g)
Unsuitability	Par. 13265	Par. 13251 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	Yes	No	No	No
Security	Par. 13269	Par. 13251.8 13252 13253	Honorable	DD 256-MC						
			Under Honorable Conditions	DD 257-MC	Yes	No	Yes	No	No	Yes (h)
		Undesirable	DD 258-MC	No	Yes	Yes	Yes	No	Yes (h)	
Unfitness	Par. 13266	Par. 13251.9 13254	Undesirable	DD 258-MC	No	Yes	Yes	Yes	No	Yes
Misconduct	Par. 13267	Par. 13251.9 13254	Undesirable	DD 258-MC	No	Yes	Yes	Yes	No	Yes
Sentence of Court-martial	Par. 13268	Par. 13255 13256	Bad Conduct	DD 259-MC	No	Yes	Yes	Yes	No	Yes
			Dishonorable	DD 260-MC						

(a) See paragraph 13303; Joint Travel Regulations; and Navy Travel Instructions, paragraph 7150-3d.

(b) See paragraph 13307.

(c) See paragraph 13309 and Navy Comptroller Manual, paragraph 044180.

(d) See paragraph 13317.

(e) See paragraph 14001 and Navy Comptroller Manual, paragraphs 044070-4 and 044075-4.

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

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

(h) When directed by CMC.

**13258 DISCHARGE FOR REASON OF EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION**

1. Commanders are authorized to discharge enlisted personnel upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction.

2. Discharge of enlisted personnel for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of part H of this chapter. Paragraph 13351 will be cited as the authority for discharge.

**13259 DISCHARGES AT SEA**

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

**13260 DISCHARGE FOR PHYSICAL DISABILITY**

1. The Commandant of the Marine Corps, and commanders, when specifically authorized by separate directive, may direct or effect discharge for physical disability when as a result of medical findings, an individual has been found physically unfit to perform the duties of his grade. Discharge for reasons of physical disability is given only as the result of an individual's appearance before a physical evaluation board or a board of medical survey. For further instructions, see paragraph 13305 and part J of this chapter.

**13261 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR CONVENIENCE OF THE GOVERNMENT**

1. The Commandant of the Marine Corps may authorize or direct the

discharge or release from active duty of enlisted personnel for the convenience of the Government for any one of the following reasons:

a. General demobilization or by an order applicable to all members of a class of personnel specified in the order.

b. To accept appointment as an officer in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces for active duty only.

c. Upon certification by a medical officer that an enlisted woman is pregnant, the commander shall discharge the woman for the convenience of the Government, or in the case of overseas commands will transfer the enlisted woman to the continental United States for discharge. The type of discharge certificate issued will be as warranted by her service record, regardless of her marital status. In the case of discharge for reason of pregnancy of an unmarried minor (under 21 years), the commander will notify the parents or guardian of the woman concerned. If as a result of a spontaneous or therapeutic abortion or a stillbirth, the pregnancy is terminated prior to separation from the service, the woman will be discharged unless she requests in writing that she be retained in the service. In such case, the woman may, at the discretion of the commander be retained in the service, if found physically qualified.

d. For reasons of national health, safety, or interest, only when recommended by a government agency authorized to make such determination and recommendation. It is not expected that cases of this nature will come to the attention of individual commanders. However, should such be the case, a prompt report containing all available information should be made to the Commandant of the Marine Corps (Code DMB).

e. By reason of erroneous induction, when so stated by the Office of

the Director of Selective Service, or by reason of erroneous enlistment. Any case coming to a commander's attention which purports to be of this nature shall be investigated as fully as possible and a complete report, including such certified statements as appear necessary, made promptly to the Commandant of the Marine Corps (Code DMB).

f. Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

g. For the purpose of holding public office as set forth in subparagraph 13050.6.

2. Commanding generals of Marine Corps recruit depots may authorize or direct discharge of recruits for the convenience of the Government citing the authority in subparagraph 1e, above (erroneous enlistment or erroneous induction) if it is determined in accordance with existing regulations that the recruit failed to meet the required physical standards when accepted for enlistment or induction.

3. The commander shall discharge for the convenience of the Government or, in the case of overseas commands will transfer to the continental limits of the United States for discharge:

◆ a. A married enlisted woman, at her written request, provided she is not stationed at or sufficiently close to the duty station or residence of her husband to permit the maintenance of a joint residence and provided she meets all applicable conditions set forth below.

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

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

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

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

b. An enlisted woman when it is established that such woman:

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

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

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

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

#### 13262 DISCHARGE OR RELEASE FROM ACTIVE DUTY FOR OWN CONVENIENCE

1. The Commandant of the Marine Corps may authorize or direct the discharge or release from active duty of Marines for their own convenience. Requests for discharge will, as a policy, not be granted when submitted solely for the purpose of (1) entering another branch of the Armed Forces in an enlisted status, (2) accepting civil employment, or (3) accepting employment with other government agencies in a civilian capacity.

2. It is not desired to prevent personnel from applying for discharge for personal reasons; however, when it is evident after interview with the person concerned that his desire for separation is based on personal benefit, such

as for one of the reasons stated above, he should be informed of the general policy and discouraged from submitting an official request for discharge for such reasons. If he still wishes to submit a request for discharge, he should be allowed to do so, in which case substantiating documents bearing on his particular case should be required of the applicant to accompany his request. In the case of aliens, the provisions of paragraph 13326 are applicable.

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

**13263 DISCHARGE OR RELEASE  
FROM ACTIVE DUTY FOR  
REASON OF DEPENDENCY  
OR HARDSHIP**

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

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

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

a. For personal convenience alone.

b. When the Marine is in a disciplinary status. This does not preclude submission of application while in a disciplinary status.

c. When the Marine requires medical treatment.

d. Solely by reason of the pregnancy of the Marine's wife.

4. Discharge or release from active duty will not be disapproved under the provisions of this paragraph solely because:

a. The enlisted person's services are needed in his organization.

b. He is indebted to the Government or to an individual.

5. Discharge or release from active duty for hardship or dependency will be warranted and may be authorized and directed when the following conditions are met:

a. Undue and genuine dependency or hardship exists.

b. Dependency or hardship is not of a temporary nature.

c. The Marine has made every reasonable effort to relieve the hardship by means of application for dependents allowance and voluntary contributions which have proven inadequate.

d. Conditions have arisen or have been aggravated to an excessive degree since entry into the Marine Corps or entry on current tour of extended active duty. An example of a meritorious case is one in which the evidence shows that as a result of the death or disability of a member of the Marine's family, his discharge or release from active duty is necessary for the support or care of a member or members of the family.

e. Discharge or release from active duty will result in the elimination of, or will materially alleviate the condition, and there are no means of alleviation readily available other than by such discharge.

6. After explaining the regulations to an applicant, he will be permitted to

submit a written application for discharge or release from active duty for dependency or hardship. Consideration and assistance will be given in the preparation of request. Requests must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one such affidavit should be from the dependent concerned. The request should contain the following additional information:

- a. Reason in full for request.
- b. Complete home address of dependent and applicant.
- c. Names and addresses of persons familiar with the situation.
- d. Statement as to marital status and date of marriage.

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

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

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

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

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

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

8. The commander who has authority to convene special courts-martial 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 applicant, and make recommendations to the command concerning ultimate disposition of the case, including a recommendation as to whether an individual who has a remaining service obligation should be discharged or released from active duty. 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 contained herein to appoint a board may be limited by higher authority when such action is deemed desirable; e.g., when one board may conveniently consider all cases in a larger command.

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

a. Review carefully the basis on which the request is made.

b. Commands exercising discharge authority may request supplemental information from the American Red Cross pertaining to the application for discharge or release from active duty of individuals for hardship. These requests will be restricted to specific information in those cases only where additional information is needed to make a determination. If the case is disapproved after receipt of the American Red Cross report, the command will include the report when forwarding the case to the Commandant of the Marine Corps (Code DMB).

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

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

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

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

10. Commands authorized to direct discharge or release from active duty in accordance with this authority are further authorized to make the final determination, when the Marine concerned has a military obligation, as to

whether the conditions of hardship or dependency for which the individual is being considered may be expected to continue throughout the period of obligated service. If it is considered that the hardship or dependency will continue throughout the period of obligated service, the Marine may be discharged, in which case the period of obligated service is terminated. In case of doubt, the Marine will be transferred to or retained in the Marine Corps Reserve to complete his obligated service.

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

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

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

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

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

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

#### 13264 DISCHARGE FOR REASON OF MINORITY

1. Subject to the restrictions contained in subparagraph 4, below, the Commandant of the Marine Corps may authorize or direct the discharge of enlisted personnel for minority when it is considered to be in the best interests of the Government.

2. Subject to the restrictions set forth in subparagraph 4, below, all Marine

general officers in command are authorized to effect the discharge of enlisted or inducted personnel for reason of minority. Overseas commands will transfer personnel to the United States for such discharge.

3. Organizations not in the jurisdiction of one of the commands listed above will forward a report of the case to the Commandant of the Marine Corps (Code DMB), including the evidence prescribed in subparagraph 6a, below; a definite recommendation as to desirability for retention, and a statement from the subject person. If the person is not considered desirable for retention, he shall be retained at, or transferred to a continental shore station and the Commandant of the Marine Corps will be so advised.

4. Discharge for minority may be effected subject to the following restrictions:

a. Regular Marine Corps and Marine Corps Reserve

(1) If under a verified age of 17 years, the individual will be discharged regardless of whether or not he enlisted with proper consent.

(2) If it has been verified that the individual has passed his 17th birthday but not his 18th, he will be discharged, provided: (a) enlistment was made without proper consent and application of parent or guardian for release has been received by the command concerned or the Department of the Navy within 90 days from the date of enlistment; or (b) if in the opinion of the commander the individual is not sufficiently mature for retention. A negative opinion in this respect should be supported, if practicable, by a qualified psychiatric evaluation.

(3) When it has been verified that the individual has passed his 18th birthday he will be retained.

b. Inductee

(1) If the individual is under 18 years and 6 months of age, when verified, he will be discharged unless, pursuant to Selective Service regulations, the minor, after attaining age 17, vol-

unteered for induction with the written consent of his custodial parent or legal guardian.

c. Women

(1) If enlisted and under 18 years of age she will be discharged.

(2) If enlisted without proper consent and has passed her 18th birthday but not her 21st birthday, when verified, discharge upon application of parent or legal guardian provided that such application has been received by the command concerned or the Department of the Navy within 90 days after the enlistment.

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

	Statutory	Administrative
Regular Marine Corps		
Men	14	17
Women	18	18
Marine Corps Reserve		
Men	14	17
Women	18	18

a. The discharge of any enlisted person who is determined to be under the statutory minimum age is mandatory, and request of parent or guardian is not required. This provision is not applicable to a minor who is enlisted while under the minimum statutory age limit and remains in the service after reaching the statutory age. Such a request will be processed in accordance with subparagraph 4, above, where appropriate.

6. In any case where it becomes apparent or it is alleged that there is a discrepancy of age or name in the enlistment contract, or when the validity of custodian's consent is questioned, prompt action shall be taken to ascertain the true facts, and whether or not such facts provide a basis for discharge, local records will be corrected and a complete report made to the Commandant of the Marine Corps (Code DMB).

a. The evidence described below will be acceptable for establishing proof of age and for correction of records:

(1) A certified copy of birth certificate showing date of birth and date birth was recorded. To be acceptable, it must be recorded previous to enlistment.

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

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

(4) A certified hospital record of birth.

(5) A certified census enumeration extract.

b. Any difference in the name contained in the evidence and the name under which the individual enlisted must be clarified by public record or affidavits of two disinterested persons testifying from their own knowledge as to the identity of the person concerned.

7. The Commandant of the Marine Corps requires that written consent be obtained from the custodial parent or legal guardian in cases of all male minors under 18 years of age, and all women under 21 years of age.

8. The enlistment of a minor with false representation as to age, or without consent, will not alone be considered a fraudulent enlistment. (See par. 13267.)

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

10. A person whose enlistment or induction is terminated by reason of minority shall not, as a result of such enlistment or induction, be considered to have acquired a period of obligated

service under law, nor is a service under any enlistment or induction which was so terminated creditable toward the fulfillment of any subsequently acquired obligation.

### 13265 DISCHARGE FOR REASON OF UNSUITABILITY

1. The Commandant of the Marine Corps, and Marine general officers in command, may authorize or direct discharge by reason of unsuitability, except that all cases involving sexual perversion or homosexual tendencies will be referred to the Commandant of the Marine Corps (Code DK) for decision. Such discharge will be effected when it has been determined that an individual is unsuitable for further military service because of:

a. Inaptitude. Applicable to those persons who are best described as inapt, due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

b. Enuresis.

c. Character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress as listed in "Department of Defense Disease and Injury Codes" (TB Med 15/NAVMED P-5082/AFM 160-24) and revisions thereof.

d. Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

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

f. Alcoholism; chronic, or addiction to alcohol.

g. Homosexual tendencies.

2. Commanding generals of recruit depots may authorize or direct discharge of recruits by reason of unsuitability, citing the authority in subparagraph 1d, above (other good and sufficient reasons as determined by the Commandant of the Marine Corps or Secretary of the Navy) under the following conditions:

- a. Upon enlistment the recruit concealed the fact that he was married, or
- b. Upon enlistment the recruit concealed a juvenile or youthful offender record, and
- c. A general discharge is appropriate.

3. In cases where a commander considers an enlisted person unsuitable for further military service, he will refer the case to the appropriate commanding general, or the Commandant of the Marine Corps (Code DMB) for decision. Prior to recommending the discharge of an enlisted person for unsuitability, the commander will investigate or cause the case to be investigated. The person concerned shall be informed of the contemplated action and the reason therefor, and after the Uniform Code of Military Justice, article 31 is read and explained to him, he shall be given an opportunity to make a statement in his own behalf. In every case of discharge for reason of unsuitability recommended by a commander, a complete report giving all the circumstances of the case, together with a signed statement from the person concerned or a certification that he does not desire to make a statement, shall be forwarded.

4. A recommendation for discharge by reason of unsuitability should be submitted in appropriate cases notwithstanding any pending disciplinary action or status as the result of disciplinary action.

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

6. When final action is taken on a recommendation for discharge by reason of unsuitability, all papers shall be forwarded to the Commandant of the Marine Corps (Code DGH) for file in the individual's official record.

#### 13266 DISCHARGE FOR REASON OF UNFITNESS

1. The Commandant of the Marine Corps and all Marine general officers exercising general court-martial jurisdiction, may direct the discharge or

retention in the service of enlisted or inducted persons recommended for discharge by reason of unfitness, except that cases involving sexual perversion will be referred to the Commandant of the Marine Corps (Code DK) for decision.

2. The commander will recommend an individual for discharge for reason of unfitness when it is determined that his military record is characterized by one or more of the following:

a. Sexual perversion including but not limited to:

(1) Lewd and lascivious acts.

(2) Homosexual acts.

(3) Sodomy.

(4) Indecent exposure.

(5) Indecent acts with or assault upon a child.

(6) Other indecent acts or offenses.

b. Frequent involvement of a discreditable nature with civil or military authorities.

c. An established pattern for shirking.

d. Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

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

f. For other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

3. Before recommending a discharge for unfitness, the commander shall investigate or cause each case to be investigated. The circumstances, facts, and offenses shall be substantiated by

service record entries and/or other pertinent information and copies thereof shall be enclosed with the recommendation. All recommendations indicating the existence of a physical disability will be supported by a report of a medical board, or a psychiatric report in cases of character and behavior disorders or other mental infirmities, if practicable. The individual recommended for such discharge will, if his whereabouts is known, be properly advised of the basis for the contemplated action and afforded an opportunity to request or waive, in writing, each of the following privileges:

a. To have his case heard by a board of not less than three officers.

b. To appear in person before such board, subject to his availability; e. g., not in civil confinement.

c. To be represented by counsel, who, if reasonably available, should be a lawyer. Military counsel of his choice will be provided if reasonably available, otherwise, military counsel deemed reasonably available will be appointed. He may retain civilian counsel at no expense to the Government.

d. To submit statements in his own behalf. Prior to receiving any statement, the provisions of Uniform Code of Military Justice, article 31, shall be read and explained to the individual.

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

5. A board consisting of not less than three officers shall be convened by each general officer exercising general court-martial jurisdiction, or by such subordinate commanding officers or officers in charge as the officer exer-

cising general court-martial jurisdiction may direct, for the purpose of considering recommendations for undesirable discharge in all cases where the individual concerned has not waived in writing the right to have his case heard by a board of officers, and to make recommendations to the convening authority as to the final disposition in each case. When a board is convened under delegated authority as authorized in this paragraph, the recommendations of the commanding officer or officer in charge, and the report of the board with the convening authority's recommendation thereon, will be forwarded to the general officer exercising general court-martial jurisdiction for appropriate action.

a. The membership of a board shall include at least one woman officer when a case of an enlisted woman is under consideration.

b. If the individual under consideration is a member of the Reserve component, the membership of the board shall include:

(1) A majority of Reserve officers if available locally,

(2) If a majority of Reserve officers is not available locally, at least one Reserve officer.

c. If the requirement set forth in subparagraph b(1), above, cannot be met, the record shall include a certificate of the convening authority to that effect. If any other requirement cannot be met from officer personnel available locally, instructions will be requested from the Commandant of the Marine Corps (Code DK).

6. The recommendation for discharge, and the report of the board in each case considered by a board, will be submitted to the convening authority for approval or disapproval. Based on the

convening authority's decision, the following will apply:

a. Should the recommendation of the board be approved, the convening authority may immediately direct discharge or retention of the individual concerned.

b. Should the board of officers recommend discharge and the conven-

ing authority disapprove such recommendation, he may direct retention of the individual concerned.

c. Should the board of officers recommend retention and the convening authority not approve the recommendation, the entire proceedings will be referred to the Commandant of the Marine Corps (Code DK) for decision.

d. Should the commander, board of officers, or convening authority recommend an administrative discharge other than an undesirable discharge, in accordance with paragraph 13254, the case will be referred to the Commandant of the Marine Corps (Code DMB) for decision. (See subpar. g, below, for exception.) Any other case in which the convening authority regards an undesirable discharge as warranted while the board of officers recommended an honorable or general discharge will be referred to the Commandant of the Marine Corps (Code DMB) for decision.

e. In cases where the individual concerned has waived the right to have his case heard by a board of officers, the general officer exercising general court-martial jurisdiction may direct discharge or retention of the individual.

f. In any case where the convening authority considers that there is a question as to proper disposition, the matter will be referred to the Commandant of the Marine Corps (Code DK) for instructions.

g. In cases involving fraudulent enlistments when a board of officers recommends discharge of a Marine under 21 years of age for any reason set forth in subparagraph 13267.2b, Marine Corps general officers exercising general court-martial jurisdiction may direct a discharge of the type recommended by the board or discharge as unsuitable without referral to the Commandant of the Marine Corps for decision. In such cases the paragraph of this manual corresponding to the discharge awarded will be cited; e.g., paragraph 13265.1d.

h. In cases involving fraudulent enlistment for any reason set forth in subparagraph 13267.2b(2) the following will be accomplished:

(1) Ascertain all the facts by inquiry to civil authorities to determine actual offenses committed, circumstances in the case, disposition by

juvenile or youth offender courts, actual confinement served and whether civil probation exists.

(2) Any other information deemed relevant to an evaluation of the case.

(3) Evaluate the facts obtained, man's statement, and military service rendered to determine whether discharge or retention should be directed.

(4) If discharge is deemed proper, it should be for unsuitability under honorable conditions unless circumstances warrant a lower type discharge.

i. When final action is taken on any report or recommendation, all papers shall be forwarded to the Commandant of the Marine Corps (Code DK) for review.

7. Commanding officers and officers in charge, not under the command of a Marine general officer exercising general court-martial jurisdiction, will comply with the procedures as set forth in subparagraphs 3, 4, and 5, above. Such officers will convene a board of officers and refer recommendations for discharge to the board in cases where the individual concerned does not waive in writing his right to have his case heard by a board of officers. The recommendation of the commanding officer or officer in charge, and the report of the board in each case considered by a board, with the convening authority's recommendation thereon, will be forwarded to the Commandant of the Marine Corps (Code DK) for final action.

8. Personnel serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the United States by the general officer who directs or recommends the discharge. Authority for discharge will be included in the orders transferring the individual to the United States.

9. Commanders of activities outside the continental United States, not under command of a Marine general officer authorized to direct discharge, will transfer to the nearest Marine Corps activity in the United States those individuals who have been recommended for discharge by a board convened under the provisions of subparagraph 5, above, or who have been recommended for discharge by their commander and have waived in writing, the right to have their case heard by a board of officers. Commanders in their endorsement of the proceedings of the board or their recommendation for discharge will indicate the activity in the United States to which the individual is being transferred.

10. For notification to parents, spouses, or guardian of enlisted persons who are discharged prior to the expiration of enlistment, see paragraph 7006.

### 13267 DISCHARGE FOR REASON OF MISCONDUCT

1. General instructions relating to discharge by reason of misconduct are as follows:

a. The Commandant of the Marine Corps and Marine general officers exercising general court-martial jurisdiction, may direct the discharge or retention in service of enlisted or inducted personnel recommended for discharge by reason of misconduct.

b. When an individual is to be retained in the service and civil restraint (including probationary reporting) exists, civil authorities will be requested to terminate or suspend such restraint for the duration of the enlistment. (This action should be taken by the commanding general making the final determination or by the Commandant of the Marine Corps in cases where the Commandant of the Marine Corps makes final determination as to retention in the service.)

2. The commander or officer in charge shall make a report of suspected or

apparent misconduct of enlisted or inducted persons for any of the following reasons and shall include in the report a recommendation for discharge or retention in the service of the person concerned:

a. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established by official records, but punitive discharge has not been authorized by competent authority.

b. Procurement of a fraudulent enlistment, induction or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection. (See subpar. 13266.6g.) This includes, but is not limited to the following:

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

(2) A record as a juvenile delinquent, wayward minor, or youthful offender. (See subpar. 13266.6h.)

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

(4) Physical defects.

(5) Marriage or dependents.

(6) Pre-service homosexual act(s) or tendencies.

c. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of 1 year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts-Martial Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishments authorized by the U. S.

Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

3. The enlistment of a minor with false representation as to age will not alone be considered a fraudulent enlistment. (See par. 13264.)

4. In forwarding cases of apparent fraudulent enlistment or induction, commanding officers or officers in charge shall include documentary evidence with regard to the alleged fraud.

5. In cases of conviction by civil authorities or by consular court subsequent to enlistment, a copy of the court order or order of commitment, or the certificate of the Judge or the Clerk of the Court, advising as to the charge on which convicted, and the sentence adjudged, will be enclosed with the report and recommendation. After verification, the commanding officer or officer in charge will include in his recommendation the maximum sentence provided for the offense.

6. The instructions and procedures set forth in subparagraphs 13266.3 through 13266.9, shall govern in disposing of cases of individuals considered for discharge by reason of misconduct.

7. For notification to parents, spouses, or guardian of enlisted persons who are to be discharged prior to expiration of their enlistment, see paragraph 7006.

#### 13268 DISCHARGE ADJUDGED BY SENTENCE OF COURT-MARTIAL

1. The words "discharge" and "discharges" hereinafter used in this paragraph will refer to dishonorable discharges and bad conduct discharges adjudged by sentences of courts-martial.

2. It has been, and continues to be, the Navy Department's policy that con-

vening and reviewing authorities should approve discharges only in those cases where enlisted persons' records and conduct show conclusively that they are not fit for retention, and where retention is clearly not in the Government's interest. Great care and judgment should be exercised in cases of theft. (See subpar. 5810.3, Marine Corps Manual.)

3. Under the provisions of the Manual for Courts-Martial, United States, 1951, a dishonorable discharge should be reserved for those who should be separated from the services under conditions of dishonor. Bad conduct discharges are appropriate for one who has been convicted repeatedly of minor offenses and those whose punitive separation from the service appears to be necessary.

4. A convening authority, in those cases where he approves a punitive discharge, will include in his action a brief synopsis of the disciplinary features as well as favorable matters of the service of the accused during his current enlistment or current extension of enlistment as reflected in the individual's service record book.

5. Prior to taking his action, however, a copy of the synopsis will be furnished the accused or his counsel as appropriate for such statement in rebuttal or explanation as the accused may desire to make.

6. Discharges as a result of sentences of courts-martial will be effected only after appellate review of the proceedings and clemency action in accordance with current directives have been completed. In those cases where confinement is adjudged in addition to a discharge, the discharge shall not be effected until the completion of appellate review or completion of the sentence of confinement, whichever is later. An exception to the foregoing may be made where the period of confinement is to be served in a Federal penal institution. In such cases the discharge may be effected upon the completion of appellate review without waiting until the sentence of confinement is completed.

7. Except when the discharge has been suspended for a stated number of months to permit the person to continue in the service after serving satisfactorily during a probationary period, the transfer of personnel sentenced to discharge (including those to be discharged on account of vacation of suspended sentence) who are serving outside the continental limits of the United States will be governed by the following instructions:

a. When an enlisted person who has been sentenced to discharge, is serving outside the continental limits of the United States, whether it is ashore or on board ship, transfer will be made to the Marine Corps activity within the continental limits of the United States nearest the port of debarkation, for retention or redesignation of a place of temporary custody or confinement in accordance with current directives.

b. Transfer to the continental limits of the United States in case of a person sentenced to discharge will not be effected until review has been completed by the officer exercising general court-martial jurisdiction, the promulgating order issued, and appropriate entries made in the service record book to show the action taken by the officer exercising general court-martial jurisdiction.

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

d. When transfer to the United States is directed, report of same shall be made to the Judge Advocate General of the Navy in accordance with the Manual for Courts-Martial, United States, 1951, paragraph 96, with copy to the Commandant of the Marine Corps

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

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

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

9. When an enlisted person serving within the United States, attached to a vessel or organization destined for transfer to foreign duty has been sentenced to discharge and the discharge

has not been suspended for a stated number of months to permit the person to continue in the service after serving satisfactorily during a probationary period, he shall be transferred to a Naval Disciplinary Command if he meets the established criteria for transfer to such a command; otherwise he shall be transferred to the Marine Corps activity nearest to the port of departure prior to sailing. In such cases report of transfer will be made as set forth in subparagraph 8, above.

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

11. Where execution of a portion of a sentence which adjudges a discharge is suspended subject to a probationary period, the suspension may be vacated pursuant to the procedure set forth in paragraph 97.b, Manual for Courts-Martial, United States, 1951. Commanders are directed to give careful consideration to reports of offenses committed by personnel serving in such status, and to undertake proceedings for the vacation of suspension of the sentence only where it is established by the record that such action is appropriate and in the best interest of the Marine Corps. For a new offense the commander may, (a) award nonjudicial punishment, or recommend or direct trial by court-martial, (b) initiate procedure for vacation of suspension, or (c) both.

12. A chief warrant officer may be dismissed from the service and a war-

rant officer may be dishonorably discharged from the service pursuant to the sentence of a general court-martial. In time of war, the President may order the dismissal of such officers.

#### 13269 DISCHARGE FOR REASON OF SECURITY

1. The Commandant of the Marine Corps or the Secretary of the Navy may direct discharge for reasons of security with the character of discharge and under conditions stipulated in directives that deal explicitly with this matter when retention is not clearly consistent with the interest of national security.

#### 13270 DISCHARGE WHEN DIRECTED BY THE SECRETARY OF THE NAVY

1. The Secretary of the Navy may authorize or direct discharges in individual cases.

#### 13271 DISCHARGE OF SECURITY FORCE PERSONNEL, PACIFIC OCEAN AREA

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

## PART G: GENERAL INSTRUCTIONS RELATING TO DISCHARGES

### 13300 TIME AND PLACE OF DISCHARGE

1. A regular or reservist stationed within the continental limits of the United States will be discharged from the Marine Corps at the duty station to which assigned at the time he becomes eligible for such discharge.

2. Prior to expiration of enlistment or expiration of any extension of enlistment or when separation from active duty for any other reason is authorized, Marines serving on foreign shore and at sea, including such times as a ship may be in a United States port, who do not desire or are not eligible to reenlist or extend their enlistment will be transferred by the field commander concerned or commander of Marine Detachment Afloat to the Marine Corps activity nearest a port of entry within the continental United States except as provided in subparagraph 3, below. Transfer will be effected to ensure arrival not later than 10 days prior to the effective date of discharge or release. Attention is invited to the provisions of paragraph 4110.

3. Enlisted personnel who are eligible for separation, and who are entitled to elect transportation to a destination outside the continental United States, shall be transferred to the Marine Corps activity nearest their destination. Such transfer will be made in accordance with current directives and in sufficient time to allow those persons to arrive not later than 10 days prior to the effective date of separation.

4. Enlisted personnel becoming eligible to be separated under honorable conditions while serving outside the United States or its territories or possessions, in other than belligerent countries may, at their own request, be separated at their duty stations. Personnel shall indicate their election by executing on page 11 of the service record a request to be so separated. Such separation in the case of enlisted women becoming eligible to be separated by reason of pregnancy is contin-

gent upon the individual having established residence in the area in which the duty station is located or being married to a person who has such a residence.

a. Individuals desiring separation in a foreign country whether for the purpose of traveling or residing in a foreign area after separation from the service shall, at a time substantially prior to the normal date of separation, make application for a passport in accordance with current directives and for permission to remain in the foreign country or its possessions. These applications should be accompanied by statements from the commander relative to the date the person will be eligible for separation under honorable conditions.

b. In the case of enlisted personnel, the commander shall, prior to separation of the individual ascertain that he will be issued a passport and has been or will be granted permission to remain in the foreign area. In this connection, the commander may accept a written statement from the appropriate consular or diplomatic representative to the effect that the individual concerned has applied for a passport and that it appears that he is eligible to receive a passport upon his separation from the service. In general, a consular or diplomatic representative will be in a position to make this latter statement upon receipt of proper proof of the individual's claim to United States citizenship or nationality. Permission to travel or reside in a foreign country may be substantiated by a written statement from the foreign government concerned that the individual has been granted or it is anticipated that he will be granted permission to remain in the foreign area in question.

c. Officer personnel will submit requests to be separated on foreign station to the Commandant of the Marine Corps (Code DF). Contained in their request shall be a statement that application has been made for a passport and indications are that such passport will be granted upon separation. In addition, the request shall include

a statement that permission to remain in the foreign area has been or will be obtained.

### 13301 EFFECTIVE TIME OF SEPARATION

1. A discharge takes effect upon delivery of the discharge certificate. The release to inactive duty of members of the Regular Marine Corps who are transferred to the Marine Corps Reserve and concurrently released to inactive duty, takes effect upon delivery of the separation document.
2. In cases where discharge has been authorized or directed and the individual is unavailable due to his unauthorized absence or confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective on the date shown on the discharge certificate.
3. Title 38 U.S. Code, 106(c) provides that, for the purpose of entitlement to benefits administered by the Veterans' Administration, an individual discharged or released from a period of active duty shall be deemed to have continued on active duty during that period of time immediately following the date of such discharge or release from such duty determined in accordance with current regulations to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release. If a discharged member is injured while returning home and requires hospitalization, he may be eligible for benefits from the Veterans' Administration and should be advised to file an appropriate claim to that agency.
4. If discharge is being effected as a result of immediate entry or reentry into any component of the Armed Forces, the discharge will be dated as of the date preceding such entry or reentry.
5. The release from active duty of a reservist who was assigned to active duty as a reservist is effective at the expiration of authorized travel time.

The discharge of a reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

6. When the date of discharge is not indicated, administrative discharges will be effected at the earliest practicable date and normally not later than 5 working days from the time of receipt of the discharge order by the command concerned.

7. Discharge certificates and final pay or a substantial portion thereof will be prepared and ready for delivery to the Marine concerned upon the date of discharge or release from active duty.

a. Delivery of discharge certificates will be made on the date of discharge to those Marines who have indicated that they do not desire to extend or reenlist.

b. Marines who desire to extend or reenlist will be required to execute their enlistment contracts or extensions of enlistment on the dates their current enlistment contracts expire, or prior thereto, to be effective on the date next succeeding the date of discharge or expiration of enlistment. Delivery of the discharge certificate will be accomplished on a date subsequent to the date of discharge.

c. Commanders are authorized to effect discharge, or to order a reservist home for release from active duty, as appropriate on the last working day preceding a Saturday, Sunday, or holiday when the normal expiration of enlistment or date of detachment from the command in the case of a reservist falls on one of those days providing the individual Marine concerned consents in writing. The reason for discharge will be for convenience of the Government. Subparagraph 13261.1a and this subparagraph will be cited as authority. Personnel desiring to reenlist immediately will not be discharged early under this subparagraph. The following statement of consent will be entered on page 11 of the service record and signed by the Marine concerned:

"I hereby consent to be (discharged) (detached from my command) on \_\_\_\_\_ in lieu of my normal date of (expiration of enlistment) (detachment) on \_\_\_\_\_. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

(1) The following instructions are applicable to personnel discharged or released early under authority contained in this subparagraph.

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

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

(c) In the event of future recall, personnel will be considered in the same status as those who have completed their enlistments or periods of extended active duty.

#### 13302 CATEGORIES FOR DISCHARGE AT DUTY STATIONS WITHIN THE UNITED STATES

1. Commanders will process and discharge, at their present stations, all enlisted personnel eligible for discharge who fall within one of the following categories: For personnel arriving in the United States from sea or foreign duty, the commander referred to is that of the post or station at or nearest the port or aerial port of entry.

a. Those who have no obligated service under law and who will be discharged for reason of expiration of enlistment.

b. Those who will be discharged for enlistment or reenlistment.

c. Those whose discharge is directed by proper authority prior to expiration of enlistment.

2. Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted personnel who have not completed their obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Marine Corps Reserve in accordance with current directives.

#### 13303 TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of personnel upon separation from the service or release from active duty are contained in Joint Travel Regulations and in the U. S. Navy Travel Instructions.

2. If it is impossible to verify the place elected for the purpose of mileage from local records, the commander will accept a certificate from the individual as substantiation which will state the place elected for purpose of mileage and identify such place as the home of record, place from which ordered to active duty, the place of induction, or the place of entry into the service as he may elect. This certificate will be inserted in the service record book or officer's qualification record.

#### 13304 RETENTION IN SERVICE TO LIQUIDATE INDEBTEDNESS

1. Neither Regular nor Reserve personnel will be retained on active duty for the purpose of liquidating indebtedness to the Government.

#### 13305 PHYSICAL EXAMINATIONS TREATMENT, AND PROCEEDINGS

1. A complete physical examination shall be given to all enlisted personnel prior to discharge, transfer to Reserve, or release from active duty. Examination in the cases of personnel being discharged or retired upon the approved report of a medical board, or a physical evaluation board shall be given only if requested by the person being discharged or retired. Physical examinations shall be given in accordance with the Manual of the

Medical Department and current directives. If as a result of such examination the enlisted person is found unfit for the performance of duty, his case shall be referred to an appropriate medical board.

2. Discharge or release from active duty normally will not be effected when any of the following actions are being taken or contemplated:

a. Physical evaluation board processing until the Secretary of the Navy has taken final action on the board proceedings and the Commandant of the Marine Corps has promulgated such action.

b. Medical board hearing, or;

c. Necessary medical or dental treatment.

d. For further instructions see part J of this chapter.

3. An enlisted Marine on active duty whose term of enlistment expires while he is suffering from disease or injury incident to service and not due to his own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with his consent, until he recovers to the extent that he is able to meet the physical requirements for reenlistment or until it is determined that recovery to that extent is impossible. (See par. 13451.)

### 13306 GOVERNMENT PROPERTY

1. Government property in possession of enlisted personnel or on charge to them will be recovered prior to discharge. In case of shortages, commanders will take appropriate action to determine responsibility in accordance with current instructions.

### 13307 UNIFORMS AND CLOTHING

1. The instructions relating to uniform clothing of personnel being discharged are contained in Individual Clothing Regulations.

2. A person discharged with a dishonorable, bad conduct or undesirable discharge or for reason of unsuitability or security shall have all uniform coats, overcoats, raincoats, liners, trousers, utility uniforms, caps and hats in his possession, together with all grade and branch of service insignia, service stripes, and brass or bronze buttons pertaining thereto, recovered by his commander prior to discharge, and if necessary, an outfit of civilian outer clothing will be issued to him in accordance with current instructions.

3. Uniforms recovered from women Marines discharged as stated in subparagraph 2, above, shall be interpreted to mean all uniform coats, overcoats, skirts, dresses, utility uniforms, duffel bag, boots, handbag cover and strap, rain cap cover, hood for raincoat, neckties, scarfs, gloves, caps and hats, together with all grade and branch of service insignia, service stripes, and uniform buttons thereto. They will be permitted to retain the raincoat, handbag, and other items not specified above. If they do not possess an olive drab overcoat, the allowance of civilian clothing furnished shall include a civilian topcoat when weather conditions require.

### 13308 ACCRUED LEAVE

1. Prior to discharge the leave account will be balanced to the date of discharge to determine the total amount of leave accrued. For instructions relative to settlements for leave upon separation see paragraph 15119.

### 13309 PAY ACCOUNTS

1. The disbursing officer carrying the individual's account will be notified at least 3 working days prior to date of discharge.

2. An enlisted person who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge and who would be otherwise without funds to meet his immediate needs shall, upon discharge, be paid a sum not to exceed \$25 or such portion

thereof as will, together with other funds available to the individual concerned, total \$25. For detailed instructions regarding this cash allowance see Navy Comptroller Manual, paragraph 044180.

### 13310 INTERVIEW BY RECRUITING OFFICERS

1. Prior to discharge each individual will be interviewed by post or organization recruiting officer, who will, if the individual is considered desirable for reenlistment, point out the benefits of continued service in the Marine Corps. If the individual has definitely decided not to reenlist, interest should be aroused in the Marine Corps Reserve, pointing out the benefits to be obtained.

2. Personnel should also be instructed to apply to the nearest recruiting officer, and not direct to the Commandant of the Marine Corps, should they desire to reenlist at some subsequent date. Recruiting officers have all the necessary information and can answer questions in much less time than if inquiry is made direct to the Commandant of the Marine Corps. Individual cases will be referred to the Commandant of the Marine Corps (Code DP) when necessary, by the recruiting officers.

### 13311 ADDRESS OF MARINE CORPS DISTRICT DIRECTOR

1. Each individual discharged and not reenlisted in the Regular Marine Corps will be informed of the address of the Director of the Marine Corps District nearest his prospective home address, and that on questions relative to Marine Corps service the Director may be consulted.

### 13312 PREPARATION OF THE DISCHARGE CERTIFICATE

1. All enlisted discharge certificates will be prepared by the organization having custody of the service record

book. The instructions contained in paragraph 15074 will govern custody and preparation of the discharge certificates.

### 13313 DELIVERY OF DISCHARGE CERTIFICATE

1. The delivery of the honorable discharge certificate invariably will be made in person by an officer; in the case of a person who has completed his enlistment honorably or under honorable conditions, the delivery should be made by the post or regimental commander, or if that is impracticable, by the company commander, accompanied by the expression of a hope that the individual will reenlist or good wishes for a successful career.

### 13314 ARMED FORCES OF THE UNITED STATES REPORT OF TRANSFER OR DISCHARGE (DD FORM 214)

1. The Armed Forces of the United States Report of Transfer or Discharge, DD Form 214, will be prepared and delivered to each person at the time of his separation from active service for reasons other than death.

2. Instructions contained in paragraph 15072 shall govern preparation and disposition of the Armed Forces of the United States Report of Transfer or Discharge.

### 13315 DELETED (Ch. 10)

### 13316 HONORABLE DISCHARGE BUTTON AND HONORABLE DISCHARGE PIN

1. For eligibility for the honorable discharge button and honorable discharge pin, see paragraph 8100.

### 13317 WEARING OF UNIFORM AFTER DISCHARGE

1. Marines whose character of discharge is honorable or under honorable

conditions, except when discharge is for unsuitability or for reason of security, may retain and wear their uniforms from the place of discharge to their homes, within 3 months after date of discharge. The phrase "from the place of discharge to his home, within 3 months after the date of such discharge," refers to the period between the date of discharge and the date of the person's arrival at his home and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. If such personnel served during war they shall, when not on active service, be entitled, upon occasion of ceremony, to wear the uniform of the highest grade held by them during their war service.

**13318 NATIONAL SERVICE LIFE INSURANCE AND INSURANCE UNDER THE INSURANCE ACT OF 1951**

1. In case an individual held National Service Life Insurance he should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 365.

2. Each individual carrying National Service Life Insurance should receive explicit notice that he may pay premiums direct to the Veterans' Administration, District Office, P. O. Box 8079, Philadelphia, Pennsylvania, if he wishes to continue his insurance.

3. Each individual covered by the Insurance Act of 1951 should be carefully counseled regarding the post-service insurance available to him. The time limitation on applying for this insurance should be emphasized (38 U.S.C. 701-724, 781-784). (See par. 11100.)

**13319 BENEFIT PAMPHLET**

1. Each individual separated will be given a copy of the DD pamphlet "Going Back to Civilian Life," (NAVMC-2537). (See par. 11350.)

**13320 WARNING TO INDIVIDUALS NOT ELIGIBLE FOR RE-ENLISTMENT**

1. Every person discharged who is not eligible for reenlistment will be informed that: (a) fraudulent enlistment in any branch of the service will undoubtedly be detected by fingerprints, and (b) if concealment of his previous service and discharge results in his reenlistment, he will be subject to disciplinary action.

**13321 CLOSING OUT OF SERVICE RECORD BOOK**

1. The service record book of each person separated will be completed in accordance with the instructions contained in paragraph 15100.

**13322 FORWARDING OF SERVICE RECORD BOOKS**

1. In all cases where individuals have been discharged, the service record books will be forwarded in accordance with instructions contained in paragraph 15100.

2. In order to avoid confusion and delay in final settlement, no transfers will be made or authorized after an individual's accounts have been closed preliminary to discharge.

**13323 DELIVERY OF BAGGAGE AND PERSONAL EFFECTS**

1. The individual's baggage and personal effects, upon discharge, will be delivered to the railroad station or other point of departure by the command concerned.

**13324 VOID ENLISTMENTS**

1. The law prohibits the enlistment in the Marine Corps of a person who is:

- a. A male and under 14 years of age;
- b. A female and under 18 years of age;

c. Insane;

d. Intoxicated; or

e. Has deserted in time of war from any of the Armed Forces unless, in time of war, his enlistment is permitted by such authority as the Secretary of the Navy designates. (10 USC. 5532)

2. An enlistment entered into by a person of one of the categories listed in subparagraph 1 is void.

3. All cases of enlistments apparently entered into in violation of the prohibition in 10 USC. 5532 shall be reported to the Commandant of the Marine Corps (Code DGK) immediately. After investigation of the facts and subject to any provision of law pertinent thereto, the Commandant of the Marine Corps will direct the action to be taken and the disposition of the person concerned. The foregoing reporting requirement applies, in addition to cases falling under subparagraph 1, to the following illegal enlistments:

a. Unauthorized execution of a contract of enlistment into the Marine Corps or Marine Corps Reserve while already a member of any component of any Armed Force of the United States or execution of such contract while on a retired list of any component of any Armed Force of the United States.

4. For pay status of persons under above illegal enlistments, see 39 Comp. Gen. 742 and 860 in conjunction with paragraph 044204.8, Navy Comptroller Manual.

#### 13325 NOTIFICATION OF NATURALIZED PERSONNEL BEING SEPARATED UNDER OTHER THAN HONORABLE CONDITIONS

1. Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The Immigration and Naturalization Service, Department of Justice is responsible for the institution of

proceedings for the revocation of citizenship in any such cases.

2. In the event any naturalized citizen who is a member of the Marine Corps is being discharged either dishonorably or under other than honorable conditions, the commander of the discharge shall forward immediately to the Commandant of the Marine Corps (Code DK), a report of such case in order that the required certification may be prepared and transmitted to the Immigration and Naturalization Service upon the person's discharge for determination as to the propriety of revocation of citizenship. This report will include the fact of discharge and the date thereof. The report will also include whatever information is shown on the dischargee's service records with respect to naturalization.

#### 13326 SEPARATION OF ALIENS

1. In any case where personnel who are not citizens of the United States are to be separated within the United States or its Territories or Possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notified of such pending separation and prospective date thereof. Such notification shall be submitted in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the individual is to be separated.

2. Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) provides for expeditious naturalization of permanent resident aliens upon completion of 3 full years service in the Armed Forces of the United States provided certain other qualifications are met. In order not to jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged until completion of 3 full years service, solely for the convenience of the Government under the provisions of any early release program. Further, the above provisions will be explained to any alien

who makes application for discharge by reason of own convenience or hardship prior to completion of 3 years service. Notwithstanding the foregoing, if any alien desires discharge for one of the above reasons, he may be discharged provided he makes the following signed statement on page 11 of the service record:

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

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 record. Adequate provisions are contained in this manual for the separation of personnel whose performance of duty or conduct does not justify their continued retention in the service.

3. Section 315 of the Immigration and Nationality Act (8 U.S.C. 1426) provides for permanent denial of eligibility to become a citizen of the United States to any alien who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such grounds. The above provisions will be explained to any alien who makes application for discharge by reason of own convenience on the grounds that he is an alien. Aliens accepting discharge solely on grounds of being an alien shall be required to make the following signed statement of understanding on page 11 of the service record:

"I understand that 8 U.S.C. 1426 provides that any alien who applies for discharge from the service of the United States on the ground that he is an alien, and is discharged from such service on such ground, shall be permanently ineligible to become a citizen of the United States."

Aliens separated under the foregoing conditions are not eligible and shall not be recommended for reenlistment.

#### 13327 DISCHARGE OF ALIENS

1. Title 10 U.S. Code 651 provides that each male person who enlists in the Armed Forces prior to his 26th birthday incurs a military service obligation. Aliens accepted for enlistment are not exempt by law from the military service obligation, and upon separation from active service are normally transferred to or retained in an appropriate Reserve component to complete any remaining period of obligated service.

2. Commanders are authorized to discharge an alien upon completion of a term of active service or from an inactive duty Reserve status, upon the written request of the individual concerned, provided the applicant indicates that immediately subsequent to discharge, he will establish permanent residence in his native country or other country foreign to the United States.

3. Aliens who declare their intention to establish a permanent residence in the United States will not be relieved of their military service obligation.

4. Aliens who declare their intention to establish permanent residence outside the United States may be retained in an obligor status upon request.

## PART H: PROCEDURES FOR DISCHARGE OF RESERVISTS ON INACTIVE DUTY

### 13350 GENERAL

1. The Commanding General, Marine Air Reserve Training Command; Directors, Marine Corps District; Commanding Officer, Marine Corps Reserve Data Services Center and commanders of Organized Marine Corps Reserve Units (hereafter termed commanders, where appropriate) are authorized to discharge enlisted reservists, on inactive duty under their command in accordance with regulations promulgated for discharge of Marines from the Regular Marine Corps, and for reasons set forth below as amplified by instructions contained in the succeeding subparagraphs:

a. For fulfillment of service obligation.

b. For own request.

c. For enlistment or appointment in the Regular Marine Corps or for appointment in the Marine Corps Reserve.

d. For enlistment in the Regular Army, Navy, Air Force or Coast Guard.

e. For enlistment in another Reserve component of the Armed Forces.

f. For failure to complete basic military training.

g. For reason of erroneous assignment of military obligation.

h. Lack of interest (the Commanding General, Marine Air Reserve Training Command; and Directors only are authorized to discharge for this reason).

i. When classified in either a IV-F or I-Y status by the Selective Service System.

### 13351 DISCHARGE FOR FULFILLMENT OF SERVICE OBLIGATION

1. Commanders, shall discharge reservists upon completion of the 6-or

8-year term of service required for fulfillment of service obligation under 10 U.S. Code 651 and 50 Appendix, U.S. Code, 454d(3), Universal Military Training and Service Act, except those serving on a definite term enlistment contract or extension which has not expired.

### 13352 DISCHARGE FOR OWN REQUEST

1. Commanders are authorized to discharge reservists on inactive duty under their command upon the reservist's written request under the following conditions:

a. When the reservist is an alien resident of a foreign country. (See par. 13327.)

b. When a married enlisted woman has completed a minimum of 1 year of service and has served 6 months following any period of active duty for training. Requests for discharge under this subparagraph will be accompanied by documentary proof of marital status. (See par. 13363.)

### 13353 DISCHARGE FOR ENLISTMENT, INDUCTION OR APPOINTMENT IN THE REGULAR MARINE CORPS OR FOR APPOINTMENT IN THE MARINE CORPS RESERVE

1. The enlistment of a reservist is deemed to be automatically terminated upon his enlistment or induction in the Regular Marine Corps or upon his acceptance of appointment as an officer in the Marine Corps or Marine Corps Reserve. Upon receipt of official notification of such enlistment, induction or appointment, commanders will close out the service record of the reservist concerned, showing the date of discharge as of the day prior to enlistment or induction in the Regular Marine Corps or of acceptance of appointment. The discharge certificate

will be prepared and forwarded to, or retained by the commander of the organization to which the individual will be assigned in his new status for delivery to the individual.

**13354 DISCHARGE FOR ENLISTMENT OR INDUCTION IN THE REGULAR ARMY, NAVY, AIR FORCE, OR COAST GUARD**

1. Upon receipt of official notification of the enlistment or induction of a reservist in the Regular Army, Navy, Air Force or Coast Guard, commanders will effect the discharge of the reservist as of the day prior to such enlistment or induction, and forward the discharge certificate to his new organization, if known, otherwise to the Commandant of the Marine Corps (Code DGK) with a statement as to reason for nondelivery.

**13355 DISCHARGE FOR ENLISTMENT IN ANOTHER RESERVE COMPONENT OF THE ARMED FORCES**

1. Reservists not on active duty and having a military obligation under law who desire to enlist or accept appointment in another Reserve component of the Armed Forces of the United States, may, upon their application, or with their consent upon application of the Armed Force in which enlistment or appointment is desired, be discharged by the commander concerned, subject to the following conditions and procedures:

a. Request may be approved and a conditional release granted if:

(1) The gaining Armed Force has a specific vacancy for the reservists in an Organized unit within a reasonable distance of his home or place of business, and there is no Organized Marine Corps Reserve unit similarly available to him; or

(2) The gaining Armed Force has a specific vacancy for the reservist in

an Organized unit within a reasonable distance of his home or place of business, and the reservist has special experience or professional, educational, or technical background which is clearly of greater use to the gaining Armed Force, and which use outweighs the value of the reservist's previous training in the Marine Corps; or

(3) The reservist will be enrolled in an officer training program of the gaining Armed Force. Where membership in the officer training program does not confer military status, discharge from the Marine Corps Reserve will be for the purpose of immediate enlistment in a Reserve component of the gaining Armed Force.

b. Determination as to whether the foregoing conditions are met will be made by the commander of the reservist concerned.

c. When a request is approved, the commander will furnish a conditional release to the originator of the request which shall contain the following elements:

(1) Statement that the request for discharge is approved, subject to the applicant's enlistment or acceptance of appointment in the gaining Armed Force, and will be effected upon notification to the approving authority of such enlistment or acceptance of appointment;

(2) Request that approving authority be notified by the gaining Armed Force of the effective date of such enlistment or acceptance of appointment;

(3) Date the reservist acquired his period of obligated service;

(4) Term of military obligation.

d. Upon receipt by the approving authority of evidence that the applicant has been enlisted or has accepted appointment in the gaining Armed Force,

discharge will be effected as of the day prior to the date of such enlistment or acceptance of appointment. Discharge certificate will be forwarded to the gaining Armed Force for delivery to the reservist.

2. Discharge of reservists, who do not have a military obligation, to enlist or accept appointment in a Reserve component of another Armed Force will be in accordance with the criteria and procedures stated in subparagraph 1, above, unless the reservist is eligible for discharge at his own request. Conditional release in such cases will state that the reservist has no obligated service under law.

#### 13356 DISCHARGE FOR FAILURE TO COMPLETE BASIC MILITARY TRAINING

1. Commanders will discharge reservists who have completed their obligated service, upon failure to complete the minimum military training requirements prescribed in the current Reserve Training SOP, unless waiver and retention is authorized pursuant to such instructions as may be issued by the Commandant of the Marine Corps.

#### 13357 DISCHARGE FOR REASON OF ERRONEOUS ASSIGNMENT OF MILITARY OBLIGATION

1. The commanders are authorized to discharge enlisted Marines erroneously assigned a military obligation. The following is applicable to the discharge so effected:

a. Authority for discharge will be this paragraph.

b. Character of discharge will be in accordance with the table shown in paragraph 13257 and the type which the Marine would have received if discharge had been effected upon expiration of enlistment inductee service.

c. Discharge will not be predated nor will a new DD Form 214 be issued.

d. Do not effect discharge without affording the Marine an opportunity to reenlist in the U. S. Marine Corps Reserve provided he is qualified.

#### 13358 DISCHARGE FOR LACK OF INTEREST

1. The Commanding General, Marine Air Reserve Training Command; District Directors; and the Commanding Officer, Marine Corps Reserve Data Services Center are authorized to discharge for lack of interest, reservists on inactive duty under their command, provided the reservist concerned does not have a military obligation under existing law.

2. Lack of interest is defined as, and limited to one of the following:

a. Failure to answer official correspondence or to comply with the directives contained therein.

b. Failure to undergo a quadrennial physical examination when ordered.

#### 13359 DISCHARGE OF RESERVISTS CLASSIFIED IV-F AND I-Y

1. Commanders will discharge those reservists assigned to their commands who are classified in either a IV-F or I-Y status by the Selective Service System.

#### 13360 RECOMMENDATIONS FOR DISCHARGE

1. Commanders may recommend to the Commandant of the Marine Corps (Code DMB) that reservists be discharged for the following reasons: Convenience of the Government; own convenience; hardship; minority; unsuitability; unfitness; or misconduct. Recommendations will be prepared and processed in accordance with part F of this chapter. When an inactive duty reservist is informed of his right to appear in person before a board in connection with discharge for unfitness or misconduct, he should also be informed that such appearance will be at no expense to the Government. If he does not waive his right to appear in person, and he fails to appear after having been notified of the time

and place of meeting of the board, it will be considered that he is not reasonably available. The report of the board should clearly state the circumstances.

### 13361 NOT PHYSICALLY QUALIFIED

1. Upon receipt of a report from a medical officer that an enlisted reservist who is not on active duty, has been determined to be physically unqualified the commander concerned, will forward the Report of Medical Examination (SF 88) to the Commandant of the Marine Corps (Code DMB) via the Chief, Bureau of Medicine and Surgery, with recommendation as to retention, waiver, discharge, or transfer to another class.

2. The Commanding General, Marine Air Reserve Training Command; Directors; and the Commanding Officer, Marine Corps Reserve Data Services Center are authorized to take the action described below upon being notified by the Commandant of the Marine Corps that an enlisted reservist not on active duty has been found by the Chief, Bureau of Medicine and Surgery, to be physically unqualified for retention in the Marine Corps Reserve.

*on assignment as a reservist*  
a. If the reservist is a member of Class II Reserve, transfer to Class III Reserve.

b. Inform the reservist of his status providing the following information and an appropriate form letter for reply:

(1) Medical description of physical defect.

(2) That laws governing the Armed Forces require that any person, who is not physically qualified for assignment to active duty, be discharged or retired from the Marine Corps Reserve.

(3) That in view of the foregoing he is requested to take one of the following courses of action:

(a) Submit a written request for discharge by reason of being physically unqualified.

(b) Request transfer to the Retired Reserve if eligible under existing regulations.

(c) Request a hearing before a physical evaluation board. Further, that expenses incurred incident to this hearing must be borne by the reservist concerned and that he would not be eligible to receive retired pay, severance pay or any other benefits as a result thereof. Additionally, that such hearings are expensive and that the physical evaluation board would be limited in its recommended findings only as to whether the Marine is physically qualified for active duty in the U. S. Marine Corps Reserve as set forth in the Disability Separation Manual, paragraph 0428.

(d) That if no reply is received within 30 days from the date of the letter of notification, it will be considered that the reservist does not desire a hearing and that action will be taken to discharge him involuntarily by reason of physical disqualification.

c. Upon completion of the foregoing, take such administrative action as may be indicated in accordance with the following instructions:

(1) Discharge the reservist upon receipt of his or her written request under authority contained in paragraph 13260.

(2) In the event the reservist requests a hearing, authorize his appearance before the nearest physical evaluation board at no expense to the Government in accordance with instructions contained in the Disability Separation Manual. Such authorization will be prepared in accordance with the format contained in figure 13-1. The addresses of the physical evaluation boards are shown in figure 13-2.

### 13362 DISCHARGE CERTIFICATE

1. A reservist whether discharged in accordance with the instructions contained in part H or pursuant to the provisions of part F will be awarded a

certificate of discharge of such type and character as is prescribed for his type of case. The discharge of reservists serving on active duty is governed by the provisions of part F.

2. For instructions governing preparation of discharge certificates see paragraph 15074.

3. Upon transmittal of discharge certificates, inform each Marine that it is his responsibility to report his change of status to his local board of the Selective Service System.

#### 13363 DISCHARGE OF WOMEN WHO BECOME A PARENT OR CUSTODIAN OF A CHILD

1. Commanders shall discharge an enlisted woman in accordance with subparagraph 13261.3b when it is established that such woman comes within its purview.

#### 13364 DISCHARGE OF RESERVISTS ON INACTIVE DUTY WHO HAVE BECOME REGULAR OR DULY ORDAINED MINISTERS OF RELIGION OR WHO DESIRE TO TAKE FINAL VOWS IN A RELIGIOUS ORDER

1. Members of the Marine Corps Reserve on inactive duty who have become regular or duly ordained ministers of religion or who desire to take final vows in a religious order may request separation as follows:

a. Officers will submit resignation of commission to the Secretary of the Navy through official channels via the Commandant of the Marine Corps (Code DMA).

b. Enlisted personnel will submit requests for discharge via official channels to the Commandant of the Marine Corps (Code DMB).

2. The following definitions apply for the purposes of this paragraph:

a. "Regular minister of religion," is defined as a person who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect or organization as a regular minister.

b. "Duly ordained minister of religion" is defined as a person who has been ordained in accordance with the ceremonial ritual, or discipline of a church, religious sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

c. The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect or religious organization or who may have been duly ordained a minister in accordance with the ceremonial rite, or discipline of a church, religious sect or religious organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

3. Resignation of a commission or application for discharge must be accompanied by a statement or certificate from an appropriate official of

the church, religious sect, or religious organization attesting that the reservist is a regular or duly ordained minister of religion as defined in the foregoing paragraph, or if the reservist desires to take final vows in a religious order, his resignation or application for discharge must be accom-

panied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with his acceptance into the religious order, it is required that the reservist be separated from any military status he may have.

**PART I: RETIREMENT OF ENLISTED PERSONNEL AND TRANSFERS TO THE FLEET MARINE CORPS RESERVE**

**13400 RETIREMENT OF ENLISTED PERSONNEL AFTER THIRTY YEARS ACTIVE SERVICE**

1. An enlisted member serving in the Regular Marine Corps who applies for retirement after completing 30 or more years of active service in the Armed Forces shall be retired. Such retirements are normally approved by the Secretary of the Navy acting for the President. For this purpose, an "enlisted member" includes a member of the Regular Marine Corps who holds a permanent enlisted grade and a temporary appointment in a commissioned or warrant officer grade. Unless otherwise entitled to a higher grade, each member shall be retired in the grade in which serving at the time of retirement. Upon retirement, an enlisted member, unless otherwise entitled to a higher pay by reason of being advanced to a higher grade in which he served satisfactorily as an officer under temporary appointment, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the pay grade in which he was serving on the day before retirement (10 U.S.C. 6326 and 6151).

2. Service creditable for retirement includes active service, except active duty for training, in the Army, Navy, Air Force, Marine Corps, Coast Guard, and Reserve components thereof, performed prior to 10 August 1956; and such active service, including active duty for training, performed on and after 10 August 1956. For the purpose of this paragraph "active service" is defined as "active duty" and means full-time duty in the active military service of the United States.

3. In computing active service for retirement of enlisted members and for transfer to the Fleet Marine Corps Reserve, the following periods of time lost as defined and computed in accordance with paragraph 044019, Navy Comptroller Manual, must be deducted

from Regular Marine Corps enlistments or other periods of active service:

- a. Unauthorized absence.
- b. Confinement.
- c. Nonperformance of duty.
- d. Sickness misconduct.

e. There shall also be deducted from active service for retirement of enlisted members and for transfer to the Fleet Marine Corps Reserve:

(1) Time served under an enlistment which was voided by discharge on the ground that the member had perpetrated a fraudulent enlistment.

(2) Time held beyond expiration of enlistment or obligated active service while awaiting or undergoing trial by court-martial or awaiting completion of appellate review of such trial, unless (a) the trial resulted in acquittal of all charges involved, (b) no finding of guilty was upheld upon appellate review, or (c) the member was placed in a full duty status.

(3) Time served under a sentence which included unsuspended, forfeiture of all pay and allowances, unless (a) the sentence was disapproved or set aside upon appellate review, or (b) the member was placed in a full duty status.

(4) Periods of leave without pay granted in accordance with current instructions (see SecNav Instruction 1050 series) to await completion of appellate review of court-martial sentences which included punitive discharge.

(5) Service performed while under the minimum statutory age for enlistment, 10 U.S. Code 3254, 3256, 5533, 8254, 8256; 32 U.S. Code 313, regardless of whether the enlistment is terminated by reason of minority.

**13401 PROCEDURE FOR EFFECT-  
ING VOLUNTARY RETIRE-  
MENT**

1. Application for retirement shall be addressed to the Secretary of the Navy via official channels and the Commandant of the Marine Corps. The application shall be submitted so as to arrive at Headquarters Marine Corps not more than 3 months and not less than 2 months in advance of the desired retirement date and will have attached a Report of Medical Examination, SF 88, in duplicate indicating the individual is physically qualified for retirement.

2. Upon approval of the Secretary of the Navy, an authorization for transfer to the retired list will be forwarded to the commander by the Commandant of the Marine Corps. Transfer to the retired list will specify a date upon which transfer is to be effective. Transfer to the retired list must, by law be effective on the date specified unless the Secretary of the Navy approves a change prior to the effective date. The law, 5 U.S. Code 47a, requires that such retirements shall take effect on the first day of a month.

3. In time of peace an individual will be released from active duty on the date preceding the effective date of retirement. Release from active duty takes effect at midnight on last of month immediately preceding date of retirement.

4. Discharge certificates will not be issued regardless of the reason for retirement.

5. Enlisted Marines contemplating voluntary retirement shall obtain a preretirement physical examination not more than 4 months and not less than 2 months prior to the desired retirement date in order to determine their fitness for voluntary retirement. If a disability is disclosed, the Marine may be subject to physical disability retirement in accordance with part J of this chapter. A request for retirement should not be submitted until the

individual is found to be physically qualified for retirement. If, after a member has submitted a request for voluntary retirement, disease or injury intervenes and such disease or injury may warrant consideration for physical disability retirement or medical treatment beyond the requested date of retirement, the cognizant commandant will immediately notify the Commandant of the Marine Corps by message and the individual will be advised to withdraw his application for retirement pending determination of his case.

6. An individual being released from active duty upon retirement shall be directed to inform the Commandant of the Marine Corps (Code CDH) for pay purposes of any change in address, and of the necessity in all communications of giving full name, grade, and service number. He shall be further directed to keep the Commandant of the Marine Corps (Code DGH) informed at all times of current home mailing address where he will receive mail and messages addressed to him. This report of current address is in addition to that submitted for pay purposes. He shall also be informed that he may wear his uniform from place of release to home, if travel is performed within 3 months after the date of his release, and on other occasions when the wearing of the uniform is appropriate; see Marine Corps Uniform Regulations.

7. Upon retirement, the individual's service records will be closed out and forwarded to the Commandant of the Marine Corps (Code DGH) and the disbursing officer who is carrying the pay records of the member will be notified. Prior to forwarding the service records, the commander will include in the member's record a home mailing address.

8. When an enlisted member of the Marine Corps is to be placed on the retired list after 30 years service, the presentation of his retirement papers will be made an occasion of ceremony the scope of the ceremony and the number of troops participating being

left to the discretion of the commander of the post or station.

9. When an enlisted member of the Marine Corps is placed on the disability retired list or the temporary disability retired list as directed by the Commandant of the Marine Corps, the service record book will be closed out and forwarded to the Commandant of the Marine Corps (Code DGK). No discharge certificate will be issued.

#### 13402 RETIREMENT OF MEMBERS OF THE FLEET MARINE CORPS RESERVE

1. When a member of the Fleet Marine Corps Reserve has completed 30 years of combined active and inactive service, or when he is found not physically qualified, he shall without application be transferred to:

a. The retired list of the Regular Marine Corps if he was a member of the Regular Marine Corps at the time of his transfer to the Fleet Marine Corps Reserve.

b. The Retired Reserve of the Marine Corps Reserve if he was a member of the Marine Corps Reserve at the time of his transfer to the Fleet Marine Corps Reserve.

2. For the purpose of retirement, a member's years of service are computed by adding:

a. The years of service credited to him upon his transfer to the Fleet Marine Corps Reserve;

b. His years of active and inactive service in the Armed Forces before his transfer to the Fleet Marine Corps Reserve not credited to him upon that transfer;

c. His years of service, active and inactive, in the Fleet Marine Corps Reserve.

3. Unless otherwise entitled to higher pay as set forth in paragraph 13403, each member transferred to the retired

list or the Retired Reserve as provided in this paragraph is entitled to retired pay at the same rate as the retainer pay to which he was entitled at the time of his transfer to the retired list or the Retired Reserve (10 USC 6331).

4. Upon an individual's retirement from the Fleet Marine Corps Reserve, appropriate entries shall be made in his service record book by the Director of the Marine Corps District to which he is attached. The service record book will then be forwarded to the Commandant of the Marine Corps (Code DGH).

#### 13403 ENLISTED PERSONNEL ON THE RETIRED LIST

1. An individual on the retired list may be ordered to active duty in time of war or national emergency. A retired person serving on active duty shall receive full pay and allowances of his grade.

2. A retired individual serving on active duty in time of war or national emergency will be released from active duty only in accordance with such instructions as may be issued by the Commandant of the Marine Corps.

3. Retired enlisted personnel not on active duty shall receive such retired pay as may be provided by law, and shall be paid monthly by the Commandant of the Marine Corps (Code CDH).

4. Retired enlisted personnel not on active duty are entitled to medical treatment and hospitalization on space available basis; see Manual of the Medical Department, United States Navy. When hospitalized in a naval hospital, they are entitled to a daily ration.

5. Upon transfer to the retired list, enlisted members who formerly served as officers, will be advanced on the retired list to the highest officer grade in which they served satisfactorily under a temporary appointment as determined by the Secretary of the

Navy. A warrant officer, W-1, or enlisted member so advanced to a commissioned grade on the retired list who applies to the Secretary of the Navy within 3 months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted grade, as the case may be, and shall thereafter be considered for all purposes as a warrant officer, W-1, or an enlisted member as the case may be.

a. Each enlisted member other than a former member of the Fleet Marine Corps Reserve, who is advanced on the retired list under the provisions of subparagraph 5, above, upon retirement after completion of 30 years of active service, is entitled to retired pay at the rate of 75 percent of the basic pay to which he would be entitled if serving on active duty in the grade to which advanced on the day before retirement.

b. Each former member of the Fleet Marine Corps Reserve who is advanced on the retired list under the provisions of subparagraph 5, above, is 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 used to determine the basic pay of the grade upon which his retainer pay is based, multiplied by the number of years of service creditable for his retainer pay at the time of retirement, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based (10 USC 6151).

#### 13404 ELIGIBILITY FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. An enlisted member of the Regular Marine Corps or Marine Corps Reserve who has completed 19 years and 6 months or more of active service in the Armed Forces may, at his request, be transferred to Class I(d) of the Fleet Marine Corps Reserve. The approval or disapproval of a request for such transfer will be based on the needs of the service and the criteria in effect at the time the request is received (10 USC 6330).

a. Each member who is transferred to Class I(d) of the Fleet Marine Corps Reserve is entitled, when not on active duty, to retainer pay at the rate of 2-1/2 percent of the basic pay that he received at the time of transfer multiplied by the number of years of active service in the Armed Forces. Retainer pay may be recomputed to include any active duty performed after transfer.

b. If the member has been credited by the Secretary of the Navy with extraordinary heroism in the line of duty, which determination by the Secretary is final and conclusive for all purposes, his retainer pay shall be increased by 10 percent. However, in no case may a member's retainer pay be more than 75 percent of the basic pay upon which the computation of retainer pay is based.

c. All active service as defined in subparagraph 13400.2 is included in computing service for transfer to Class I(d). A completed minority enlistment in the Regular Navy is counted as 4 years of active service and an enlistment in the Regular Navy terminated within 3 months before the end of the term of enlistment is counted as active service for the full term. For the purpose of determining the number of years of service to be used as a multiplier in computing retainer pay, a part of a year that is 6 months or more is counted as a whole year and a part of a year that is less than 6 months is disregarded.

d. Deductions will be made for time lost in accordance with subparagraph 13400.3.

e. A member must be serving on a valid contract of enlistment or extension thereof to be eligible for transfer to the Fleet Marine Corps Reserve. There is no existing authority for automatic retention beyond the expiration date of an enlistment contract solely for such purposes. If a member is retained beyond the expiration of his enlistment for medical purposes, and is returned to a duty status as fit for duty, he must immediately extend his contract or reenlist, notwithstanding his expressed intention to transfer to the Fleet Marine Corps Reserve in the near future.

2. Members of the Regular Marine Corps who were in the naval service on or before 1 July 1925, may be transferred to Class I(b) of the Fleet Marine Corps Reserve upon completion of 16 but less than 20 years of active naval service; or to Class I(c) with 20 or more years of active naval service. (34 USC 1952 ed 854b and 854c.) Pay may be increased 10 percent for all men who may be credited with extraordinary heroism in the line of duty or whose average conduct mark for 20 or more years is not less than 95 percent of the maximum. Regulations pertaining to these classes are not set forth in detail because they relate to small closed classes and are therefore of limited interest. Qualified personnel who were in the Navy or Marine Corps on or before 1 July 1925, may obtain detailed information from the Commandant of the Marine Corps (Code DMB).

#### 13405 APPLICATION FOR TRANSFER TO THE FLEET MARINE CORPS RESERVE

1. Requests for transfer to the Fleet Marine Corps Reserve shall be submitted to the Commandant of the Marine Corps (Code DMB), via official channels in sufficient time to arrive at Headquarters, U.S. Marine Corps, not earlier than 90 days, and no later than 60 days prior to the requested effective date of transfer. Applications submitted requesting exception to the foregoing policy, will be favorably considered only in cases involving genuine hardship or where necessary to meet the requirements of paragraph 4110. The requested effective date should be the last day of a month except when the requested date is the date of expiration of enlistment.

2. Requests for transfer should reference this paragraph and shall be submitted in the following form:

"1. In accordance with reference (a), it is requested that I be transferred to the Fleet Marine Corps Reserve on or about \_\_\_\_\_."

"2. I am eligible for assignment to Class I \_\_\_\_\_."

3. A Marine whose case is being considered or has been processed by a

physical evaluation board, and who desires to apply for transfer to the Fleet Marine Corps Reserve prior to final action of the Secretary of the Navy, will be advised that in order to be eligible for physical disability benefits he must be entitled to receive basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that any untimely separation may be prejudicial to his case. If he does not desire to withdraw his request for transfer to the Fleet Marine Corps Reserve, his application should also include the following paragraph:

"Having been informed of my rights under Chapter 61, 10 U.S. Code, I agree to forego any disability benefits to which I may be entitled thereunder and I request transfer to the Fleet Marine Corps Reserve on \_\_\_\_\_." (See part J.)

4. When forwarding a request for transfer to the Fleet Marine Corps Reserve the commander will provide the following document and information with his endorsement:

a. Any extraordinary heroism which occurred during the current enlistment.

b. Future home mailing address.

c. Standard Form 88, Report of Medical Examination, in duplicate; see subparagraph 5.

d. Time lost during current enlistment.

e. Report of courts-martial awarded during current enlistment. (Example: Summary Court approved CA 16 Sep 60.)

f. In the case of a Marine who applies for transfer to Class I(c) with 20 or more years service, the average of any semiannual markings during current enlistment. Applies only to members who were in the naval service on or before 1 July 1925.

g. If enlistment contract has recently been extended or reenlistment effected, include date of execution and period for which extended or reenlisted.

5. Enlisted personnel who desire to request transfer to the Fleet Marine Corps Reserve shall be given a complete physical examination to determine if they are physically qualified for such transfer. Such examinations shall be given in accordance with the Manual of the Medical Department, U. S. Navy, and shall be completed not more than 4 months prior to the requested date of transfer. This examination will permit correction of minor physical defects, and if a disability is disclosed the individual may be subject to disability retirement in accordance with part J of this chapter. A request for transfer to the Fleet Marine Corps Reserve should not be submitted until such time as the individual is found to be physically qualified for such transfer.

6. Applications, once submitted in the proper manner, will not normally be cancelled. However, when a request for cancellation is made by an enlisted person, due to unforeseen meritorious conditions, the case shall be referred to the Commandant of the Marine Corps with all pertinent facts, together with affidavits or other supporting documentary evidence showing changed conditions that could not be foreseen.

7. Applicants for transfer to the Fleet Marine Corps Reserve will be retained on active duty pending receipt of instructions from the Commandant of the Marine Corps in the following circumstances. A detailed message report of conditions involved will immediately be made to the Commandant of the Marine Corps (Code DMB).

a. When the Marine loses time due to nonperformance of duty because of reasons listed in Navy Comptroller Manual, volume 4, in the interim period between date of submission of request and authorized date of transfer.

b. When the individual is awaiting disciplinary action, serving sentence of a court-martial, to include a Marine serving in a probationary status as a result of an approved suspended sentence awarded by court-martial.

c. Where the applicant has applied to the Commandant of the Marine Corps for remission of indebtedness to the Government and is awaiting action on his case.

8. If, after submission of an application for transfer to the Fleet Marine Corps Reserve, an individual's duty station is changed prior to receipt of the Commandant of the Marine Corps' action on his application, the Commandant of the Marine Corps shall be informed immediately by message making reference to this paragraph. In the event the authorization for transfer is subsequently received in the command from which the application was submitted, the authorization shall be forwarded promptly to the individual's new duty station by endorsement, with identifying data, and a copy of the endorsement sent to the Commandant of the Marine Corps.

#### 13406 TRANSFER TO THE FLEET MARINE CORPS RESERVE AND RELEASE FROM ACTIVE DUTY

1. Enlisted personnel shall be transferred to the Fleet Marine Corps Reserve only upon authority of the Commandant of the Marine Corps. Transfers shall be effected on the last day of the month and personnel will assume their status as members of the Fleet Marine Corps Reserve on the first day of the following month. Exceptions to the foregoing will be made only in those cases where transfer has been requested upon expiration of enlistment. In such cases transfers will be effected on the date the enlistment expires and the Marine concerned will assume status as a member of the Fleet Marine Corps Reserve on the following date. Except in time of war or national emergency, personnel transferred to the Fleet Marine Corps Reserve shall be released from active duty on date of such transfer, unless an order to the contrary has been received.

2. Transfer to the Fleet Marine Corps Reserve shall not be made on a date other than as contained in the authorization, unless the Commandant of the Marine Corps' authority for a change

in the date is first obtained. When such a change is authorized by the Commandant of the Marine Corps, it will be attached to the original authorization for transfer. Any change must be authorized by the Commandant of the Marine Corps prior to the effective date of transfer.

3. If disease or injury occurs after the individual has submitted his request for transfer to the Fleet Marine Corps Reserve and it appears that he may be subject to retirement by reason of physical disability or he may require medical treatment beyond the requested date of transfer, the circumstances will be reported to the Commandant of the Marine Corps (Code DMB). If the authorization for transfer has been received, it should be returned with the report. If the authorization is subsequently received it should be returned by referencing the report. See part J of this chapter for information regarding physical disability retirement.

4. Commands effecting an individual's transfer to the Fleet Marine Corps Reserve and release to inactive status shall see that the following procedure is complied with:

▶ a. Forward two copies of the commander's order to the individual transferring him to the Fleet Marine Corps Reserve to the Commandant of the Marine Corps (Codes DGH and CDH), and one copy to the Director of the Marine Corps District in which he will reside, and one copy to the Commanding Officer, Marine Corps Reserve Data Services Center.

b. A new health record will be prepared for the enlisted person and the old health record shall be disposed of in accordance with current instructions from the Bureau of Medicine and Surgery.

▶ c. Forward the service record and new health record to the Commanding Officer, Marine Corps Reserve Data Services Center.

▶ d. Fleet Marine Corps reservists will be instructed in writing by the commander that they must keep themselves in readiness for active service in the event of war or national emergency; that they must keep the Commandant of the Marine Corps (Code DGH), the Director of the Marine Corps District in which they reside and the Commanding Officer, Marine Corps Reserve Data Services Center informed of their current home mailing address in addition to any address they report for purposes of pay; that they must answer promptly all letters addressed to them by the proper authority; and that they must inform the director of any change in health which might prevent service at sea or in the field in time of war. They shall also be informed that they may wear their uniform from place of release to home if travel is performed within 3 months after the date of release, and on such other occasions when the wearing of the uniform is appropriate; see MCO P1020.34B, Marine Corps Uniform Regulations.

e. Fleet Marine Corps reservists on inactive duty are entitled to medical treatment and hospitalization; see the Manual of the Medical Department, United States Navy. When hospitalized in a naval hospital they are entitled to a daily ration.

#### 13407 RETIREMENT OF ENLISTED RESERVISTS

1. Additional provisions for retirement of enlisted reservists are set forth in part D of this chapter.

## PART J: PHYSICAL DISABILITY RETIREMENTS AND SEPARATIONS OF OFFICERS AND ENLISTED PERSONNEL

### 13450 GENERAL

1. Regulations promulgated by the Secretary of the Navy for administration of the provisions of law which pertain to physical disability separation and retirement of members of the naval service are contained in the Disability Separation Manual, NAVEXOS P-1990, which should be consulted in each case. These regulations provide that no member of the naval service shall be separated or retired by reason of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the member concerned. Further, that no member of the naval service shall be separated or retired by reason of physical disability from an inactive duty status without a hearing before a physical evaluation board if such member shall demand it.

2. When doubt exists as to the present state of health of any member of the Marine Corps or as to the ability of the member to perform the duties of his rank, an appropriate medical board may be convened to examine him. The medical board shall make recommendations regarding the disposition of the member.

3. If the promotion of an enlisted member is effected on or after the date that the signature of the Secretary of the Navy has been affixed to the order directing retirement for physical disability, the promotion is without effect.

4. Final disposition of any case of a member of the Marine Corps whose case has been referred to a physical evaluation board shall be made only as directed by the Commandant of the Marine Corps, based on the final determination of the Secretary of the Navy.

5. Personnel who have disciplinary action pending, or who are being investigated for possible misconduct will

not be ordered before a physical evaluation board without specific approval of the Commandant of the Marine Corps. See the Disability Separation Manual for detailed instructions.

6. In accordance with 10 USC 1218, a member of the Marine Corps may not be discharged or released from active duty because of physical disability until he (1) has made a claim for compensation, pension, or hospitalization, to be filed with the Veterans' Administration, or has refused to make such a claim; or (2) has signed a statement that his right to make such a claim has been explained to him, or has refused to sign such a statement. All commanding officers connected with activities designated to separate personnel will ensure that no person shall be discharged, retired, or released from active service, by reason of physical disability, until he has had explained to him his right to file a claim for compensation, pension, or hospitalization. It should also be explained to each individual that any hospitalization or benefits which may be required or desired from the Veterans' Administration, at a later date, are generally contingent upon the filing of such claim. A delay in filing a claim may result in the eventual loss of monetary benefits or deprivation of hospitalization at a critical time. To eliminate this delay the following procedure will be followed:

a. Where the individual submits a claim for compensation, pension, or hospitalization. The pension claim shall be forwarded to the Veterans' Administration regional office having jurisdiction over the locality in which the individual intends to reside, accompanied by a photostatic or typewritten copy of the entire Health Record (except cover) and a certified copy of such of the following records as may have been completed:

(1) Standard Form 88, with dental section completed, reporting the separation physical examination.

(2) NavMed--M.

(3) Clinical Board Report.

(4) Final orders in the case of persons discharged or released from active service in accordance with the provisions of Title IV of the Career Compensation Act.

b. Where the individual does not desire to file a claim. A right that a member may assert after failing or refusing to sign a claim, as provided in subparagraph a, above, is not affected by that failure or refusal. In these cases the individual shall be requested to sign a statement on a page of his medical record as follows:

"I have been told that I am to be (discharged) (retired) or (released) from active duty in the naval service, by reason of physical disability and have been advised of my right to file a claim with the Veterans' Administration for compensation, pension, or hospitalization. I have decided not to submit a claim for any of those benefits at this time. I understand that my failure to file a claim at this time does not prejudice any right to submit a claim which I may assert in the future. I understand, however, that a delay in filing a claim may result in the eventual loss of monetary benefits or deprivation of hospitalization at a critical time."

This statement does not constitute a waiver of any rights and should not be referred to as a waiver. The signed statement should be attached to, and forwarded to the Bureau of Medicine and Surgery with, the terminated Health Record for filing. If at a later date the veteran decides to submit a claim for benefits, the statement will be forwarded to the Veterans' Administration with a copy of his medical record.

c. Where the individual does not desire to file a claim and refuses to sign a statement as set forth in subparagraph b, above. In these cases an appropriate entry shall be made in the medical record of the individual, signed by the cognizant

officer, reading substantially as follows:

"\_\_\_\_\_ has had explained to him his right to file a claim for compensation, pension, or hospitalization with the Veterans' Administration. He did not desire to file such a claim at this time and refused to sign a statement acknowledging the explanation of his right and his decision not to submit a claim at this time. \_\_\_\_\_ was advised that a right that he may assert after failing or refusing to sign a claim at this time is not affected by his failure or refusal.

(Signature of cognizant officer)"

d. The foregoing does not preclude the immediate transfer of any person to a Veterans' Administration facility for necessary hospital care.

e. Claims shall be submitted in accordance with paragraph 11350.

7. A member of the Marine Corps or Marine Corps Reserve who is separated or retired from the service by reason of physical disability may be eligible to elect either compensation from the Veterans' Administration or retired pay from the Marine Corps, or both, based on that disability. In no case may the total compensation received exceed the maximum granted by either the Marine Corps or the Veterans' Administration.

8. Additional instructions regarding separation by reason of disability are contained in current BUMED Instructions.

#### 13451 VOLUNTARY SEPARATION PRIOR TO COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS

1. A member of the Regular Marine Corps entitled to basic pay, or a member of the Marine Corps Reserve entitled to basic pay who has been ordered to active duty for a period of more than 30 days, other than involuntary active duty for training for not more than 45 days pursuant to 10 U.S. Code, 270(b), should not be discharged or released upon expiration of active

service if medical treatment or disability proceedings have not been completed. If such a member requests separation despite these circumstances, or prior to final action by the Secretary of the Navy, he will be instructed that the law, 10 U.S. Code, Chapter 61, requires that in order to be eligible for physical disability retirement or severance pay, such a member must be in receipt of basic pay at the time the Secretary of the Navy makes the necessary physical disability determination and that separation prior to such time may prejudice his case. If, after the explanation, an enlisted member does not withdraw his request for separation or release, the following entry will be made in the service record:

"I request that I be discharged (released from active duty) despite the explanation which has been given me, that in order to be eligible for physical disability retirement or severance pay I must be entitled to receive basic pay at the time the Secretary of the Navy makes his determination in my case. Notwithstanding possible prejudice in my case, I still desire separation."

Such entry shall be signed by the individual and witnessed by an officer prior to effecting separation. If the Marine refuses to sign such a statement, an entry of such refusal shall be made, his separation effected and the Commandant of the Marine Corps (Code DMB) informed. In all cases involving transfer to the Marine Corps Reserve and/or release from active duty a certified true copy of the Marine's statement will be forwarded to the Commandant of the Marine Corps (Code DMB) immediately upon separation.

2. In the case of officers, if orders for release from active duty, separation, or voluntary retirement have been received, the Commandant of the Marine Corps (Code DM) will be informed of the circumstances by message. However, involuntary separation or involuntary retirement which is mandatory

under law cannot be deferred beyond the date specified by law, and a report is not required in such cases.

*modified per MCB 1900 11 4 1966*  
**13452 DISPOSITION OF MARINE CORPS PERSONNEL AWAITING FINAL ACTION OF PHYSICAL EVALUATION BOARD PROCEEDINGS**

1. A member of the Marine Corps or Marine Corps Reserve on active duty in excess of 30 days who has been considered by a physical evaluation board which finds that the member is unfit for duty and that continued treatment is not indicated may, subject to his consent, be ordered home to await orders pending action on the physical evaluation board proceedings. Commanding officers of naval hospitals will, after appearance of a Marine before a physical evaluation board, discharge such member to the organization to which administratively attached when his condition does not warrant continued treatment. Commanders will utilize the services of any member who does not desire to be ordered home to await action of physical evaluation board proceedings and whose condition does not warrant continued treatment.

2. Commanders will issue permanent change of station orders directing a member to proceed to his home to await orders pending final action on physical evaluation board proceedings when the following conditions exist:

a. A physical evaluation board has arrived at a recommended finding that the member is unfit to perform the duties of his grade, and the member has signed a statement that he accepts the prima facie findings and does not demand a full and fair hearing or he has appeared in person and received a full and fair hearing before the board.

b. The commanding officer of the naval hospital considers that further hospitalization and treatment are not required.

c. The services of the member may not be utilized to advantage.

d. The member so ordered has agreed to permit any accumulated unused leave to be charged off while in such status.

3. Orders for officers coming within the purview of this paragraph will be requested by message addressed to the Commandant of the Marine Corps (Code DFA).

4. Enlisted members will be issued orders in accordance with the format contained in chapter 5. If the orders would involve travel in Alaska, Hawaii or outside the United States, instructions will be requested by message addressed to the Commandant of the Marine Corps (Code DMB).

5. Enlisted members ordered home or to point of selection to await action on physical evaluation board proceedings will be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home to include the date of separation from active service. Members without dependents will be entitled to basic allowances for quarters from and including the date of arrival home to include the date of separation from active service. Members with dependents will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active service. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the member's itinerary or constructive rail travel via the shortest usually traveled route, whichever is earlier.

6. The unused leave balance of a member will be reduced for time spent at home awaiting orders, commencing the day following the date of actual arrival home or the date following the constructive date of arrival home or the date following the constructive date of arrival based on the shortest usually traveled route, whichever is earlier.

7. Transportation of dependents and household effects is authorized under change of station orders issued, in accordance with authority contained herein, for the distance not to exceed that from the old station to the home of record only. However, members will be advised that, since entitlement to transportation of dependents and household effects will not accrue unless and until the member's name is ultimately placed on the retired list or he is otherwise separated from the service, there is a possibility that claims for transportation for dependents and cost of the shipment of household effects paid prior to actual entitlement may be for checkage against the individual's account. Upon being placed on the permanent retired list, temporary disability retired list, or separated from the service, mileage and other transportation allowances, including transportation of dependents and household effects, will be settled or adjusted in accordance with the provisions of Joint Travel Regulations and Navy Travel Instructions.

8. A claim for reimbursement for travel performed by dependents incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record. A claim for reimbursement for travel performed by dependents incident to the member's retirement, placement on the temporary disability retired list, or discharge will be submitted to the Commandant of the Marine Corps (Code CD), and will be supported by the original and two certified copies of the change of station orders, plus the original and two certified copies of (1) the retirement orders, or (2) the "Transportation of Dependents and Household Effects" certificate which will be furnished him by the commander in the event of his discharge. At the time a member who has dependents is detached from his permanent duty station by orders issued under this authority, the disbursing officer will furnish him with sufficient copies of DD Form 766 for his use in submitting claims for transportation of

dependents, and will advise him of the procedure for submitting such claims.

**13453 CURRENT ADDRESS OF  
PERSONNEL RETIRED  
FOR DISABILITY**

1. An officer or enlisted man who is retired by reason of physical disability

shall keep the Commandant of the Marine Corps (Code DGH) informed at all times of his current home mailing address where mail and messages addressed to him will be received. This report of current address is in addition to the report submitted to the Commandant of the Marine Corps (Code CDH) or Veterans' Administration for pay purposes.

From: Commanding General, Marine Air Reserve Training Command  
To:  
Via: Senior Member, Physical Evaluation Board (insert appropriate mailing address shown in Figure 13-2)  
Subj: Authorization to appear before a Physical Evaluation Board  
Ref: (a) Disability Separation Manual (NAVEXOS P-1990)  
Encl: (1) Statement of Rights in triplicate (NAVEXOS-3332)

1. When notified by the via addressee that the necessary records are available for presentation of your case, you are authorized to report to that officer for an evaluation of your present physical condition.
2. In the evaluation of your physical condition, the Physical Evaluation Board is directed to conduct the proceedings in all respects as provided for hearings in the case of active duty members except that it will make only the recommended finding that you are or are not physically qualified for active duty in the U. S. Marine Corps Reserve. The Board's attention is invited to paragraph 0428 of reference (a).
3. The above is authorized with the understanding that you will not be entitled to reimbursement for mileage or expense in connection therewith. In case you do not desire to bear this expense or if for any reason you fail to report to the Physical Evaluation Board on the date specified, you will regard paragraph 1 of this authorization as revoked.
4. You are advised that if for any reason you are unable to report in person to the Physical Evaluation Board on the date specified, you may waive your right to appear in person. If you waive your right to appear in person, your case will be submitted to the Physical Evaluation Board for an examination on the record. It is requested that you execute the enclosed Statement of Rights and return it to the via addressee prior to the date set for your examination.
5. Whether you appear in person or waive your right to appear in person, you may be represented by counsel if you so desire. You are advised that if you desire counsel to assist or represent you in presenting your case before the Physical Evaluation Board, competent legal assistance is available without expense to you. Should you desire to avail yourself of this service, you may apply to the Senior Member of the Physical Evaluation Board.
6. By endorsement hereon the via addressee is requested to notify you of the date and place you are to appear.

(Signature of Commander)

Copy to:  
BuMed (Code 3351)  
CMC (Code DMB)  
Individual concerned - 4

Figure 13-1

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Ch. 5

## MAILING LIST OF PHYSICAL EVALUATION BOARDS

First Naval District  
U. S. Naval Hospital  
Chelsea 50, Massachusetts

Third Naval District  
U. S. Naval Hospital  
St. Albans, L. I., 12, New York

Fourth Naval District  
U. S. Naval Hospital  
17th St. and Pattison Avenue  
Philadelphia 45, Pennsylvania

Fifth Naval District  
U. S. Naval Hospital  
Portsmouth, Virginia

Sixth Naval District  
U. S. Naval Hospital  
U. S. Naval Base  
Charleston, South Carolina

Ninth Naval District  
Building 1,  
Great Lakes, Illinois

Eleventh Naval District  
U. S. Naval Hospital  
San Diego 34, California

Twelfth Naval District  
U. S. Naval Hospital  
Oakland 14, California

Headquarters Marine Corps  
Henderson Hall, Building #3  
Washington 25, D. C.

U. S. Naval Hospital  
Camp Lejeune, North Carolina

U. S. Naval Hospital  
Camp Pendleton, California

Note:

Address all correspondence to Senior Member.

EXAMPLE: Senior Member  
Physical Evaluation Board  
Headquarters, Ninth Naval District  
Great Lakes, Illinois

Figure 13-2