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may ensure that such matter is not permitted to be injected into the subsequent proceedings. While the subsequent board may consider the report of the previous board, it shall not be bound in any manner to return any finding, opinion, or recommendation consistent with any finding, opinion, or recommendation rendered by the previous board, except as provided in paragraph 6321.2. The subsequent board shall submit its findings, opinions, and recommendations, de novo (as new). The subsequent board, in an appropriate case, may base its findings of fact, opinions, and recommendations solely upon the evidence properly considered by the previous board.

6. When a separation authority sets aside the findings and recommendations of a previous board and appoints a subsequent board to hear the respondent's case, no further action is required before the subsequent board's hearing of the respondent's case other than the appointment of the subsequent board. The respondent and their counsel shall be notified of the findings and recommendations of the previous board and timely notice of the time and place of the subsequent board hearing, the witnesses to be heard, and the evidence to be considered before the subsequent board.

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

*Figure 6-1.--Commands Designated by the CMC as Separation Authority
For Other Commands

Commander, MCB Quantico

HQBN, HQMC
MarBks Washington, DC
MarCryptoSptBn Fort Meade, MD
MCIA
HMX-1
WWRgt
MCESG
MCIOC
MCNOSC

CG MCI-East-MCB CLNC

DPC East, Camp Lejeune, NC (includes RSU)

CG MCI-WEST-MCB CamPen

MCTSSA MCB Camp Pendleton, CA
DPC West, MCB Camp Pendleton, CA (includes RSU CAMPEN and MCAS Miramar)
MCAS Camp Pendleton, CA
MarAvnDet NWC China Lake, CA

CG, MAGTFTC (29 Palms)

MCMWTC, Bridgeport, CA
MAWTS-1, Yuma, AZ

CG I/II/III MEF

MEU Command Element
Chem Bio Incident Response Force (II MEF)
MCSF Rgt (II MEF)

CG, 1st/2d/3d MARDIV

MEU Ground Combat Element

CG, 1st/2d/3d MAW

MEU Aviation Combat Element

CG, 1st/2d/3d MLG

MEU Combat Service Support Element

TRNGCMD

EWTGLant
EWTGPac

*Figure 6-1.--Commands Designated by the CMC as Separation Authority
For Other Commands

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*Figure 6-2.--Sample Format for Notification Without an Administrative Separation Board

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO P1900.16G (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the Naval Discharge Review Board (NDRB) and Board for Correction Naval Records (BCNR)
(2) Acknowledgment of Respondent's Rights

1. You are hereby notified that I intend to recommend to the (Separation Authority; e.g., Commanding General) that you be discharged from the U.S. Marine Corps/released from active duty to a Reserve component per paragraph (insert paragraph number) of the reference by reason of (state the general and specific bases for discharge contained in the reference).

*2. The basis (bases if multiple reasons) for this recommendation is (are if multiple reasons) (describe the circumstances supporting the CO's recommendation. Be specific because both the respondent and the Separation Authority need to know precisely why this Marine is being recommended for separation).

3. The least favorable characterization which you may receive is general (under honorable conditions). Although the (Separation Authority) will make the determination of characterization if you are separated, I am recommending you receive a(n) Honorable/General (under honorable conditions) characterization of service.

*4. As a result of these separation proceedings, you have the following rights:

a. You have the right to consult with qualified counsel. It is in your best interests to do so before waiving any of your rights.

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

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

d. You may waive any of these rights after being afforded a reasonable opportunity to consult with counsel and that failure to respond shall constitute a waiver of these rights.

*e. (Use if applicable for convenience of the government bases). The basis for which you are being recommended for separation, (identify basis name and paragraph number here) _____, does not qualify as a naval service disability.

*Figure 6-2.--Sample Format for Notification Without an Administrative Separation Board--Continued

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FOR OFFICIAL USE ONLY

*Figure 6-2.--Sample Format for Notification Without an Administrative
Separation Board--Continued

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

5. If you are separated before you complete an active duty service requirement incurred because you received advanced education assistance, bonuses, or special pays, you may be required to reimburse the U.S. government on a pro rata basis for the unserved portion of the active service requirement.

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

7. You are directed to respond in writing to this notice not later than (time and date) (e.g., 0900, 4 May 2013. Must allow at least 2 working days) by completing and returning enclosure (2), citing time and date completed. Failure to respond by the prescribed time constitutes a waiver of your rights.

Signature

*Figure 6-2.--Sample Format for Notification Without an Administrative
Separation Board

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*Figure 6-2a.--Sample Format for Acknowledgement of Notification Without
an Administrative Separation Board

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

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

Ref: (a) CO's ltr

1. _____ I acknowledge receipt of the reference notifying me of proceedings to (discharge me) (release me from active duty) by reason of (general and specific basis as found in MARCORSEPMAN).

2. _____ I understand that I am being recommended for separation with (an honorable or a general (under honorable conditions) characterization of service and that the least favorable characterization which I may receive is general (under honorable conditions).

3. In view of the above, I choose to execute the following rights:

a. _____ I (have) (have not) included statements in rebuttal to this proposed separation.

b. _____ I (have) (have not) consulted with counsel. I realize it is in my best interests to do so before exercising or waiving any of my rights. My counsel's name is: _____.

c. _____ I (do) (do not) desire to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed separation.

4. _____ I understand that if I am separated before I complete an active duty service requirement incurred because I received advance education assistance, bonuses, or special pays, I may be required to reimburse the U.S. government on a pro rata basis for the unserved portion of the active service requirement.

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

*6. _____ (Use if applicable for convenience of the government bases). I understand the basis for which I am being recommended for separation, (identify basis name and paragraph number here) _____, does not qualify as a naval service disability.

Witness

Date

Respondent

Date

*Figure 6-2a.--Sample Format for Acknowledgement of Notification Without
an Administrative Separation Board

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*Figure 6-3.--Sample Format for Notification With an Administrative
Separation Board

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16G (MARCORSEPMAN)

Encl: (1) Purpose and Scope of the Naval Discharge Review Board (NDRB) and
Board for Correction Naval Records (BCNR)
(2) Acknowledgment of Respondent's Rights

1. You are hereby notified that I intend to recommend to the (Separation Authority; e.g., Commanding General) that you be discharged from the U.S. Marine Corps/released from active duty to a Reserve component of the USMC per paragraph _____ of the reference by reason of (state the general and specific bases for separation contained in the reference).

2. The basis (bases if multiple reasons) for this recommendation is (describe the circumstances supporting the commanding officer's recommendation. Be specific because both the respondent and the separation authority need to know precisely why this Marine is being recommended for separation).

3. The least favorable characterization of service which you may receive is (honorable/general (under honorable conditions)/under other than honorable conditions). Although the (Separation Authority) will make the determination of characterization if you are separated, I am recommending you receive a(n) honorable/general (under honorable conditions)/under other than honorable characterization of service. (Include the following language if applicable: Although you are FMCR/Retired List eligible, you have refused to request transfer to the FMCR/Retired List as provided in paragraph 6106.4 of the reference. If separation is approved, you may lose all retainer/retired pay and benefits).

4. As a result of these separation proceedings, you have the following rights:

a. You have the right to consult with qualified counsel before electing or waiving any of your rights. It is in your best interest to do so before waiving any of your rights.

b. You have the right to request a hearing before an Administrative Separation Board per paragraph _____ of the reference.

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

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

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

c. You have the right to present written statements to the (Separation Authority) in rebuttal to this proposed separation and in lieu of having a hearing.

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

e. You have the right to waive any of these rights after being afforded an opportunity to consult with counsel.

*f. (Use if applicable for convenience of the government bases). The basis for which you are being recommended for separation, (identify basis name and paragraph number here) _____, does not qualify as a naval service disability.

5. Should you request a hearing before an Administrative Separation Board, you would be afforded the following rights:

a. To appear in person before such a board or be represented by counsel if you are confined by civil authorities.

b. To be represented by military counsel. Appointed, or of your choice, if available.

c. To be represented by civilian counsel if you desire and at your own expense.

d. To challenge voting members of the board or the legal advisor, if any, for cause only.

e. To testify on your own behalf, subject to the provisions of Article 31, UCMJ (Compulsory Self-Incrimination Prohibited).

f. At any time during the proceedings you or your counsel may submit written or recorded matter for consideration by the board.

g. You or your counsel may call witnesses on your behalf.

h. You or your counsel may question any witness who appears before the board.

i. You or your counsel may present argument before the board's closing the hearing for deliberation on findings and recommendations.

j. Upon written request to the (Convening Authority), to be provided with a copy of the report of the board and the endorsement.

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

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FOR OFFICIAL USE ONLY

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

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

k. Failure to appear without good cause at a hearing constitutes waiver of your right to be present at the hearing.

l. You have the right to make a sworn or unsworn statement.

m. You have the right to examine evidence presented by the board, to cross-examine witnesses appearing before the board, to submit evidence before the board, and to present final argument before the board.

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

6. If you are separated before you complete an active duty service requirement incurred because you received advanced education assistance, bonuses, or special pays, you may be required to reimburse the U.S. Government on a pro rata basis for the unserved portion of the active service requirement.

7. If you are serving in the pay grade of E-4 or above and are administratively separated with an other than honorable characterization of service, you will be administratively reduced to pay grade E-3, such reduction to become effective upon separation.

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

9. You are directed to respond in writing to this notice no later than (time and date; e.g., 0900, 4 May 12; must allow at least 2 working days) by completing and returning enclosure (2), citing time and date completed. Failure to respond by the prescribed time constitutes a waiver of your rights.

Signature

*Figure 6-3.--Sample Format for Notification With an Administrative
Separation Board

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FOR OFFICIAL USE ONLY

*Figure 6-3a.--Sample Format for Acknowledgement of Notification With an
Administrative Separation Board

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

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

Ref: (a) CO's ltr

1. _____ I acknowledge receipt of the reference notifying me of proceedings to (discharge me) (release me from active duty) by reason of (general and specific basis as found in MARCORSEPMAN).
2. _____ I understand that I am being recommended for separation with a(n) honorable/general (under honorable conditions)/under other than honorable conditions characterization of service and that the least favorable characterization which I may receive is general (under honorable conditions)/under other than honorable conditions. (Include the following language if applicable: Although I am FMCR/Retired List eligible, I have refused to request transfer to the FMCR/Retired List. I understand that, if separation is approved, I may lose all retainer/retired pay and benefits).
3. In view of the above, I choose to execute the following rights:
 - a. _____ I (have) (have not) consulted with counsel. I realize it is in my best interests to do so before exercising or waiving any of my rights. My counsel's name is: _____.
 - b. _____ I (do) (do not) request a hearing before an Administrative Separation Board.
 - c. _____ In lieu of a hearing, I (have) (have not) included written statements in rebuttal to this proposed separation.
 - d. _____ I (do) (do not) desire to obtain copies of documents that will be forwarded to the (Separation Authority) supporting this proposed discharge.
4. If I requested a hearing before an Administrative Separation Board, I realize I have the following rights:
 - a. _____ To be present or represented by counsel if I am confined by civil authorities.
 - b. _____ To be represented by appointed military counsel, or counsel of my choice, if available.

*Figure 6-3a.--Sample Format for Acknowledgement of Notification With an
Administrative Separation Board--Continued

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FOR OFFICIAL USE ONLY

*Figure 6-3a.--Sample Format for Acknowledgement of Notification With an
Administrative Separation Board--Continued

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

c. _____ To be represented by civilian counsel if I desire and at my
own expense.

d. _____ To challenge voting members of the board or the legal
advisor, if any, for cause only.

e. _____ To testify on your own behalf, subject to the provisions of
article 31, UCMJ (Compulsory Self-Incrimination Prohibited).

f. _____ At any time during the proceedings I or my counsel may
submit
recorded matter for consideration by the board.

g. _____ I or my counsel may call witnesses on my behalf.

h. _____ I or my counsel may question any witness who appears before
the board.

i. _____ I or my counsel may present argument before the board's
closing the hearing for deliberations on findings and recommendations.

j. _____ Upon written request to the (Convening Authority), to be
provided with a copy of the report of the board and the endorsement.

k. _____ Failure to appear without good cause at a hearing
constitutes waiver of my right to be present at the hearing.

*l. _____ I have the right to make a sworn or unsworn statement.

*m. _____ I have the right to examine evidence presented by the board
and to submit evidence before the board .

*n. _____ That failure to respond after being afforded a reasonable
opportunity to consult with counsel constitutes waiver of the rights in
paragraph 6304.1d to 6304.1m of the reference.

5. _____ I understand that if I am separated before I complete an active
duty service requirement incurred because I received advance education
assistance, bonuses, or special pays, I may be required to reimburse the U.S.
government on a pro rata basis for the unserved portion of the active service
requirement.

*6. _____ (Use if applicable for convenience of the government bases) I
understand the basis for which I am being recommended for separation,
(identify basis name and paragraph number here) _____, does not
qualify as a naval service disability.

*Figure 6-3a.--Sample Format for Acknowledgement of Notification With an
Administrative Separation Board--Continued

FOR OFFICIAL USE ONLY

*Figure 6-3a.--Sample Format for Acknowledgement of Notification With an
Administrative Separation Board--Continued

7. I understand that if I am serving in the pay grade of E-4 or above and I am administratively separated with an other than honorable characterization of service, I will be administratively reduced to pay grade E-3, such reduction to become effective upon separation.

8. _____ I have read and fully understand the Purpose and Scope of the NDRB and BCNR.

*9. _____ I understand that separation on the basis of convenience of the government does not qualify as a naval service disability.

Witness

Date

Respondent

Date

*Figure 6-3a.--Sample Format for Acknowledgement of Notification With an
Administrative Separation Board

CHAPTER 6

ENLISTED ADMINISTRATIVE SEPARATIONS

SECTION 4: VOLUNTARY ADMINISTRATIVE SEPARATIONS

6401. GUIDELINES. An enlisted Marine may request voluntarily separation from the Marine Corps subject to the procedures and criteria established within this chapter.

1. General Basis. The general basis for separation for all reasons listed in this chapter is the Convenience of the Government except as follows:

a. Paragraph 6402. The general basis for separation is defective enlistment.

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

2. Separation Authority. The separation authorities for voluntary separations are listed in Table 6-3. The separation authority receives the Marine's request after it has been forwarded and endorsed via the chain of command. The separation authority then directs the discharge or release from active duty of the Marine, if either is warranted, or disapproves the Marine's request and directs retention.

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

a. Defective Enlistment/Reenlistment. Honorable, unless an uncharacterized entry level separation or an order of release from the custody and control of the Marine Corps (by reason of void enlistment) is required under 6204.1.

b. Convenience of the Government. Honorable, or general (under honorable conditions), unless an uncharacterized entry level separation is required under paragraph 6204.1.

4. Notification. Use the notification procedures in paragraph 6303 if the characterization of service is general (under honorable conditions) and the Marine is:

a. A sergeant or above; or

b. A corporal or below, when the characterization of service is not based on the average duty proficiency/conduct marks.

5. Transfer to the Individual Ready Reserve (IRR). In considering any Marine's request for separation, the separation authority must consider the Marine's potential for future service in the Marine Corps Reserve. To preclude the loss of potential mobilization assets, the separation authority will screen all Marines eligible for an honorable discharge and separating for the reasons contained in this paragraph before EAS/EOS. The separation authority will direct discharge in those cases which clearly demonstrate a Marine has no mobilization potential. The separation authority also directs discharge if the condition which resulted in the Marine's separation from

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active duty would preclude the Marine from worldwide assignability/ deployability as a member of the Reserves. Use the procedures in chapter 1 when transferring Marines to the IRR.

a. Transfer to the IRR is prohibited if:

- (1) Separated by reason of drug use, defective enlistment;
- (2) Characterization of discharge is under other than honorable;
- (3) Diagnosed as HIV-1 positive; or,
- (4) Assigned a reenlistment code of RE-4 or RE-4B.

b. Transfer to the IRR vice discharge is appropriate for Convenience of the Government separation by reason of:

- (1) Early release to further education (paragraph 6405);
- (2) Pregnancy (paragraph 6408);
- (3) Surviving family member (paragraph 6410); or,
- (4) Married to other service members (paragraph 6416).

6. Unique Requirements. Each request for voluntary separation has its own procedures and criteria which should be followed for a proper determination. These unique requirements are fully explained under the appropriate paragraph in this section.

7. Submission of Request. All requests for voluntary early release requiring either CMC or Secretary of the Navy discharge authority must be received by CMC not less than 6 weeks before the requested separation date. Submissions received at CMC less than six weeks before the requested separation date will not receive favorable consideration.

8. Withdrawals. Requests for voluntary separation may be withdrawn by the Marine at any time before action on the request by the separation authority. Requests must be made in writing to the separation authority and endorsed by the chain of command.

9. Reimbursement Requirement. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the Marine must be advised of such requirement before submitting a request for voluntary separation. Failure to provide such advisement, however, shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation.

6402. DEFECTIVE ENLISTMENT/REENLISTMENT AGREEMENTS

1. General. A defective enlistment/reenlistment agreement exists in the following circumstances.

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a. As a result of a material misrepresentation by recruiting/career planning personnel upon which the Marine reasonably relied, the Marine was induced to enlist/reenlist with a commitment for which the Marine was not qualified;

b. The Marine received a written enlistment/reenlistment commitment from recruiting/career planning personnel for which the Marine was qualified, but which cannot be fulfilled by the Marine Corps; or

c. The enlistment/reenlistment was involuntary; i.e., one that is induced by fraud, duress, or undue influence and not the product of a free and unconstrained choice, for example:

(1) Enlistment of an individual who lacks the capacity to understand the significance of enlisting in the military services; or

(2) Enlistment of an individual whose enlistment is involuntary by reason of coercion resulting from being presented with the option of either enlisting or being subjected to a sentence to confinement by a court of competent jurisdiction.

2. Criteria. This provision does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect was raised. Separation is appropriate under this provision only in the following circumstances:

a. The Marine did not knowingly participate in creation of the defective enlistment/reenlistment agreement.

b. The Marine brings the defect to the attention of appropriate authorities within 30 days after the defect is discovered, or as soon as practical; and

c. The Marine requests separation instead of other authorized corrective action.

3. Application. The Marine's request for separation should be a written statement addressing all pertinent issues. To be thorough, the Marine should explain:

a. What the actual defect is;

b. The circumstances of how the defect occurred;

c. How and when the defect was discovered; and

d. Any other information considered appropriate to make a proper determination.

4. Commander's Action. Marines requesting separation as a result of a defective enlistment/reenlistment agreement will submit their request via the chain of command. The Marine's immediate commanding officer will ensure that all criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

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a. The Marine's status regarding any pending disciplinary action.

b. Any additional information considered appropriate, including clarifying statements and copies of pertinent portions of the Marine's service record.

5. Characterization and Separation Authority. The separation will be honorable unless an uncharacterized entry level separation or an order of release from the custody and control of the Marine Corps is required. The separation authority for all separations under this paragraph is the GCMCA.

6403. CHANGES IN SERVICE OBLIGATION FOR RESERVISTS ON INACTIVE DUTY

1. Discharge for Enlistment or Appointment in the Regular Marine Corps or for Appointment in the Marine Corps Reserve. The enlistment of a Reservist is deemed to be automatically terminated upon enlistment in the Regular Marine Corps or upon acceptance of appointment as an officer in the Marine Corps Reserve. Upon receipt of official notification of such enlistment or appointment, commanders will close out the service record of the Reservist concerned showing the date of discharge as of the day before enlistment in the Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to the Marine.

2. Discharge for Enlistment in the Regular Army, Air Force, or Coast Guard. Upon receipt of official notification of the enlistment of a Reservist in the Regular Army, Navy, Air Force, or Coast Guard, commanders will effect the discharge of the Reservist as of the day before such enlistment, and forward the discharge certificate to the member's new organization, if known, or to the CMC (MMRP-10) with a statement as to the reason for nondelivery.

3. Discharge for Enlistment in Another Reserve Component of the Armed Forces. See paragraph 3004.

4. Reservists who do not have a military obligation who enlist or accept appointment in a Reserve component of another Armed Force will be discharged per the criteria and procedures stated in paragraph 6403.3, unless the Reservist is eligible for discharge upon request. The conditional release in such cases will state that the Reservist has no obligated service under law.

*6404. CHANGES IN SERVICE OBLIGATION FOR ACTIVE DUTY MARINES

1. To Accept a Commission or Appointment. An active duty Marine may be separated for acceptance of an active duty commission, appointment, or acceptance into an active duty program leading to a commission or appointment in any branch of the Armed Forces. All applications for commission, appointment, or acceptance into a program leading to such must be submitted via the CMC (MMSR) with the exception of Marines selected for the Naval Reserve Officer Training Corps (NROTC) Scholarship Program or Marines appointed midshipmen or cadets in federal service academies or NROTC units (see reference (b1) MCO 1306.17F for guidance in these cases). Applications shall include a statement acknowledging that, should the Marine be accepted in the applied for program, the Marine agrees to separation from the Marine Corps. Only the CMC may direct separation after receipt of certification

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from the gaining service that the Marine has been selected to accept a commission or an appointment, or has been accepted into a program leading to a commission or an appointment.

2. Commanding officers may separate an active duty Marine for immediate reenlistment when the Marine has less than 3 months remaining to serve on the enlistment (see reference (ae) MCO 1040.31, Enlisted Career Planning and Retention Manual).

*3. Active duty Marines may be separated under the provisions of an announced early release program authorized by the CMC or for miscellaneous or general reasons when no other specific reason, which would qualify a Marine for separation is available.

4. The GCMCA may separate an active duty Marine if the Marine is in a temporary duty under full treatment status or has been found physically qualified to resume full duty, regardless of duty status, with 3 months or less active obligated service remaining and who does not desire to reenlist.

5. The GCMCA may separate an active duty Marine assigned to sea duty who is within 90 days of the date of expiration of active obligated service under the following conditions:

a. When the Marine's ship is about to deploy with the possibility of not returning to the United States before the expiration of the member's active obligated service. The Marine may be separated within 5 days of the deployment date, when there would be insufficient time to complete separation processing before the Marine's expiration of active obligated service if the member returned to the CONUS from the first overseas port-of-call; or

b. When the home port of a Marine's ship or command changes, the Marine may be separated within 5 days of the ship's/command's departure for the new home port when there would be insufficient time to return the member to the old home port for separation processing, or to complete separation processing at the new home port before the member's expiration of active obligated service.

6. EARLY RELEASE FROM OVERSEAS UNITS. Marines scheduled to return from permanent overseas duty stations who are within 90 days of completing their active service obligation may request separation upon their return to CONUS or request separation overseas pursuant to guidelines set forth in paragraph 1006.4.

*6405. EARLY RELEASE TO FURTHER EDUCATION

1. General. GCMCA's may authorize particularly deserving enlisted Marines to be released from active duty before expiration of active service for the purpose of pursuing their education via college or a vocational/technical school. A vocational school is to include any state or local police department, fire department, or state, city, or county service agency that would require the Marine to attend a full-time course of instruction lasting 3 months or more. The educational institution must be accredited as specified in par 6405.3. Marines who request early release for education will be considered for promotion. This program is applicable to all enlisted personnel except:

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a. Six-month trainees.

b. Reservists ordered to active duty due to unsatisfactory participation as provided in reference (a) Title 10 U.S.C. 12303. However, all other Reservists who are "setback" in training at a recruit depot and cannot meet the last date for entrance to college may be separated (reference (e) MCO 1001R.1K) refers.

c. Aliens seeking to qualify for citizenship by completing 3 years of active duty unless they are to be transferred to inactive duty in a Reserve component.

d. Marines who acquired additional obligated service due to advanced training.

2. Criteria. The following criteria applies:

a. The Marine must be eligible for an honorable discharge;

b. The Marine's services must not be essential to the command's mission;

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

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

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

(2) Completed advanced technical training;

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

(4) A military occupational specialty which requires retention; or

(5) Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reduction in grade, and fines and forfeitures.

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

3. Application. An application format is provided in Figure 6-5.

a. In their applications, all Marines must:

(1) Clearly establish why the specific school term for which release is sought is academically the most opportune time to begin or resume education and why delay of enrollment until normal expiration of service would cause undue hardship;

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(2) State in the application, "I understand I am subject to possible recall to active duty and/or prosecution for fraudulent separation if I do not attend the school for which I am granted early release." and

(3) Provide evidence that full tuition for the first school term has been paid or will be paid.

b. In addition to the requirements in paragraph 6405.3a, Marines applying for separation to attend college must present documentary evidence which establishes:

(1) That the Marine has been accepted without qualification to a recognized institution of higher learning.

* (2) The school is accredited in the U. S. Department of Education Database of Accredited Postsecondary Institutions and Programs published online by the Department of Education or has been determined by the U. S. Department of Education to be eligible for such listing.

(3) That the Marine will be in a full-time course of instruction leading to an associate, baccalaureate, or higher degree; and

(4) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

c. In addition to the requirements in paragraph 6405.3a, Marines applying for separation to attend a vocational/technical school must present documentary evidence which establishes:

(1) The school's specific accreditation status, the date such status was acquired, and the name of the accrediting agency or association. A recognized school is one which is approved by a State Board of Vocational Education or is accredited by a nationally recognized accreditation agency or association listed by the U.S. Commissioner of Education.

(2) That the Marine has been accepted without qualification to a full-time course of instruction lasting 3 months or more; and

(3) The latest date of registration and the class starting date for the specified school term and the next succeeding term.

d. The term "acceptance without qualification" means that the Marine must be accepted for admission without being subject to any further approval before entrance. A statement that the Marine is admissible, subject to a review of the Marine's records, or subject to passing an entrance exam, qualifies the acceptance and prohibits the Marine's early release. A Marine who is accepted on probation meets the requirements for early release.

e. The term "full-time resident course of instruction" means the Marine must take the minimum number of credit hours for the semester, quarter, or the term considered by the school to be full-time (excluding night school).

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4. Commander's Action. Marines who meet the criteria above and who have obtained the required substantiating documentation may submit an application via the chain of command to the GCMCA.

a. The Marine's immediate commanding officer will ensure that all the criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

- (1) A definite recommendation for approval or disapproval;
- (2) The applicant's normal EAS, PEBD, and current leave balance;
- (3) Certification that the Marine is eligible for an honorable discharge;
- (4) Certification that the Marine is not requesting early separation to avoid service; and
- (5) Any other information deemed appropriate.

b. The effective date of separation must be within 3 months of the Marine's normal release date (i.e., EAS, EOS, and extension). It is not the "advanced" separation date established by any other early separation program which might be in effect.

c. Applications should be submitted to the GCMCA at least 4 weeks before the requested date of separation. Marines assigned to OCONUS commands should apply 6 weeks before the requested date of separation.

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

e. Commanders may grant leave while awaiting separation in conjunction with this program as authorized by reference (v) MCO P1050.3J; however, it may not be used in combination with the 90-day maximum period to meet a class convening date not falling in the basic criteria. In no event will an effective date of release from active duty be authorized for a date earlier than 90 days in advance of the normal expiration of active service.

5. Exceptions and Waivers

a. The requirement for an applicant to be eligible for an honorable separation and the maximum permissible early release of 90 days will not be waived.

b. Leave must not be authorized to exceed this 90-day limit.

c. Address any other exceptions to the CMC (MMSR-3) for a final determination.

d. Cases that fail to meet the above requirements may, in exceptional circumstances, be submitted to the Secretary of the Navy under Secretarial Plenary Authority/Best Interest of the Service (paragraph 6421) via the CMC

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(MMSR-3). These cases should be coordinated with the CMC (MMSR-3) before submission. This authority will be reserved exclusively for superior Marines faced with a "once in a lifetime" opportunity.

6406. EARLY RELEASE TO ACCEPT PUBLIC OFFICE. A Marine may be released from active duty, permitted to resign, or discharged as appropriate, for the purpose of performing the duties of the President or Vice-President of the United States, a Presidential appointee to a statutory office, a member of either of the legislative bodies of the U.S.; a governor, any other state official chosen by the voters of the entire state or states; and a judge of courts of record of the U.S., the States, and the District of Columbia.

1. In the case of a Reservist who is eligible for the Reserve Retired List or is already on the Reserve Retired List, the Reservist will be relieved from active duty.

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

a. Received fully funded education or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

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

d. A military occupational specialty which due to military exigencies requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

6407. DEPENDENCY OR HARDSHIP

1. General. The CMC and the GCMCA may direct the separation of enlisted Marines for dependency or hardship. Applications from Marines who have been granted temporary additional duty with a unit for the purpose of applying for this type of separation will be forwarded to the CMC (MMSR-3) via the CMC (MMEA-86) for consideration. Marines granted Permissive Temporary Additional Duty (PTAD) to a unit for humanitarian reasons and subsequently request a hardship discharge will continue to submit this request to the CMC (MMEA-86) for consideration per paragraph 1301 of reference (bm) MCO P1000.6G (ACTSMAN). The CMC (MMEA-86 and MMSR-3) will determine if the request meets humanitarian/hardship discharge criteria. The GCMCA will consider applications from Marines at their parent command; these applications are not reviewed or considered by CMC.

2. Criteria. Separation may be directed when genuine dependency or undue hardship exists under the following circumstances:

a. The hardship or dependency is not temporary;

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b. Conditions have arisen, or have aggravated, to an excessive degree since entry into the Marine Corps and the Marine has made every effort to remedy the situation;

c. The administrative separation will eliminate or materially alleviate the condition; and

d. There are no other means of alleviation reasonably available.

3. Undue hardship does not necessarily exist because of altered present or expected income, family separation, or other inconveniences normally incident to military service.

a. Separation will not be authorized for personal convenience alone; when the Marine requires medical treatment; or solely by reason of the Marine's wife being pregnant.

b. Separation will not be disapproved solely because the Marine's services are needed in the unit or because the Marine is indebted to the Government or to an individual. All attempts should be made to collect the debt before separation, if this will not place further hardship on the Marine. Refer to paragraph 6108 for more information.

4. Application. The Marine's request consists of two parts, a statement of the circumstances and substantiating documentation, as explained below.

a. The Marine must submit a statement containing the following:

(1) Reason for Request. The clearer the "picture" of the situation the Marine provides, the greater the likelihood a proper decision will be made. It would be helpful to address the criteria in paragraph 6407.2;

(2) Complete home address of the family member and the Marine;

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

(4) Names and addresses of persons familiar with the situation;

(5) Names, ages, addresses, and occupations of all immediate family members and reasons why they cannot provide the necessary help (if deceased indicate date of death); and

(6) If the request is based on the financial difficulties of a Marine's family member(s), provide statements of both income and expenses, and assets and liabilities of that (those) family member(s). Assets will include a listing of all property, securities, and funds owned except clothing and household furnishings. For this type of request, also provide a statement of the Marine's own financial obligations including specific amounts and methods of past and current contributions/allotments to the family member(s).

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

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(1) Where practicable, statements must be submitted from the family members concerned. If applicable, indicate the status of parents (unmarried, divorced or widowed). The intent is on quality of information provided, not quantity.

(2) If dependency or hardship is the result of a family member's death, provide a certificate or other proof.

(3) If dependency or hardship is the result of a family member's disability, provide a doctor's statement showing when the disability occurred, the nature of the disability, probable duration, and the requirement for the Marine to medically assist the family member.

*5. Commander's Action. Marines who meet the criteria above, have completed a statement, and gathered the substantiating documentation may submit an application to their GCMCA via the chain of command, or, if on temporary additional duty for the purpose of applying for separation, may submit the application to the CMC (MMSR-3) via the CMC (MMEA-86). The Marine's immediate commanding officer will ensure that all the criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

a. A definite recommendation for approval or disapproval with justification. If a Marine is requesting either an extension, PTAD, humanitarian transfer, or hardship discharge, the command will make a definite recommendation with justification;

b. Status of any disciplinary action pending. Disciplinary action must be resolved before separation;

c. Effective date, amount, and purpose of all allotments (only if the hardship/dependency is because of financial difficulties). If the applicant claims to be making cash contributions, substantiating evidence should be furnished (e.g., money order receipts, copies of canceled checks);

d. Command endorsements will include a command point of contact with telephone number; and

e. Any other information deemed appropriate.

6. Dependency or Hardship Board. In most cases, the separation authority will approve or disapprove a Marine's request based solely upon the documentation provided by the Marine. However, in the event the separation authority determines the circumstances of a particular case warrant its referral to a board, the Marine commander exercising special court-martial jurisdiction over the Marine will appoint a board, consisting of not less than three members that are senior to the applicant before whom the Marine will appear. This board shall consist entirely of military personnel. It will be the responsibility of the board to study and evaluate all available information, interview the Marine, and make recommendations concerning the ultimate disposition of the case. The report of the board will include a brief summary of any factors considered in arriving at its recommendations which are not apparent in the application. The authority to appoint a board

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may be limited by higher authority when such action is deemed desirable (e.g., when one board may conveniently consider all cases in a larger command). Marines who have been granted temporary additional duty with a unit for the purpose of applying for a hardship discharge will not be provided the opportunity to appear before a hardship board due to the time constraints in which the request must be resolved.

7. Separation Authority. Upon receipt of the Marine's request, the separation authority will take the following action:

*a. Carefully review the request.

b. Request supplemental information if needed to make a proper determination.

c. If the case has not been considered by a board and one is considered vital, appoint a board to consider the case as outlined in paragraph 6407.6.

d. If the Marine's discharge is warranted, take final action regardless of the board's recommendation. If the Marine is discharged, place the hardship request and supporting papers on the document side of the service record, and forward it with the health and dental records per reference (i) MCO P1070.12K.

e. If the Marine's discharge is not warranted, the separation authority will officially inform the member in writing and include the specific reason or reasons for disapproval. Some statement expressing sympathy and/or providing advice for the Marine to help alleviate the problem should be included.

f. At any time before final action, the Marine may submit a statement withdrawing the request for discharge.

8. Separation. If warranted, follow these procedures for separating the Marine.

a. If the Marine to be separated has a home of record in the CONUS, then

(1) Commands located in the CONUS will effect the separation locally;

or

(2) Commands located outside the United States will transfer the Marine concerned to the Marine Corps activity nearest the point to which transportation is authorized.

b. If the Marine to be separated has a home of record outside the CONUS and is entitled to and elects transportation to a point outside the United States upon separation, the Marine will be transferred to the Marine Corps activity nearest the point to which transportation is authorized. See paragraph 1006.

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6408. PREGNANCY

1. An enlisted woman whose pregnancy has been certified by a medical officer must notify her commanding officer in writing if she desires separation.

2. Requests for separation will not receive favorable consideration unless there are extenuating circumstances or the request otherwise complies with criteria in paragraph 6407 of this Manual.

3. The following criteria will dictate retention except in the most extraordinary of circumstances:

- a. Executed orders in the known pregnancy status;
- b. Received fully funded education; or education for which she incurred obligated service;
- c. Completed advanced technical training;
- d. Received special compensation, during the current enlistment (e.g., reenlistment bonus);
- e. Holds a military occupational specialty which requires retention; or
- f. Indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

4. Regardless of the limitations in paragraph 6408.3, a request for separation may be approved by the separation authority, on a case-by-case basis, when the request demonstrates overriding and compelling factors of personal need which justify separation for pregnancy, i.e., continuation on active duty would jeopardize the health of the Marine and/or the child.

5. The forms in Figure 6-4 will be used for informing female Marines of their eligibility for maternity care.

6. Female Marines should be notified that single or dual service parents are required to complete a family care plan per reference (bn) MCO 1740.13B.

7. The prohibition of pregnancy discharges within 4 weeks of delivery, as mandated in reference (bo) MCO 5000.12E, does not apply to voluntary requests for separation. However, the Marine requesting voluntary separation must be advised of her rights and medical benefits available after discharge. A page 11 entry relating these facts must be made in the SRB/ESR and signed by the Marine.

6409. CONSCIENTIOUS OBJECTION. Process per reference (bp) MCO 1306.16F.

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*6410. SURVIVING FAMILY MEMBER AND SOLE SURVIVING FAMILY MEMBER

1. General. Per the reference (bq), DoDI 1315.15. The CMC may direct the separation of Marines for survivorship or sole survivorship. Applications from Marines will be forwarded to the CMC (MMSR-3) via the chain of command for consideration.

2. Definitions

*a. Sole Surviving Son or Daughter. Defined as being the only surviving child in a family in which the father or mother or one or more siblings meet at least one of the following criteria:

* (1) Have been killed in action or have died when serving in the U.S. Armed Forces from wounds, accident, or disease;

* (2) Are in a captured or missing-in-action status; or

* (3) Have a permanent 100 percent Service-related disability (including 100 percent mental disability), as determined by the Department of Veterans Affairs or one of the Military Services, and are not gainfully employed because of the disability.

*b. Surviving Son or Daughter. Defined as being a child in a family in which the father or mother or one or more siblings meet at least one of the three criteria list in paragraph a above.

3. Eligibility

a. Only sole Surviving Sons and Daughters, both Enlisted Marines and Officers, are eligible for benefits from the Hubbard Act, (Public Law 100-317-29 Aug 2008 122 stat 3529).

b. Marines who become surviving sons or daughters or sole surviving sons or daughters may apply for and shall be promptly discharged or separated except:

(1) When the Marine is under criminal investigation or has court-martial charges pending, has been convicted by court-martial with appellate review in process, or is serving a sentence of confinement (or is otherwise undergoing punishment) imposed by court-martial.

(2) When the Marine is pending involuntary separation for cause.

(3) When the death, captured or missing-in-action status, or disability resulted from the intentional misconduct or willful neglect of the parent or sibling or was incurred during a period of unauthorized absence.

*4. Waivers to Eligibility

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*a. A Marine who has been advised of the provisions of this paragraph enlists, reenlists, or voluntarily extends his or her active duty period after having been notified of the family casualty, captured or mission-in-action status, or disability on which the surviving status is based shall be considered as having waived his or her rights for separation as a surviving son or daughter or sole surviving son or daughter.

*b. A Marine who has waived his rights to a separation as a surviving son or daughter or sole surviving son or daughter may request reinstatement of that status at any time. However, a request for reinstatement shall not be granted automatically, but shall be considered on the merits of the individual case.

5. Application. The Marine's request must contain a statement of the circumstances and substantiating documentation, as explained below. The Marine must submit a written request containing the following:

a. An affirmative statement that he/she is a sole surviving son or daughter or a surviving son or daughter per definitions detailed in 6410.2. If the son or daughter is a sole survivor, provisions in the Hubbard Act (Public Law 100-317-Aug 29, 2008 122 stat 3529) would apply.

*b. Full name, grade/rating, branch of service, EDIPI, date of birth of each member of the Marine's family killed, captured, missing in action, or permanently disabled as a result of hazards incident to service in the Armed Forces together with documentation as to the date of such occurrence. In the cases of persons other than those killed, the person's present status, e.g., where captured, VA hospital locations, etc., and in cases of natural death, a photostatic copy of proof of death will be required. Commanders must provide statements confirming documentation provided has been verified.

6. Commander's Action. Marines who meet the criteria above, have completed a statement, and gathered the substantiating documentation may submit an application via the chain of command to the CMC (MMSR-3). The Marine's immediate commanding officer will ensure that all the criteria have been clearly met, that the information contained in the request is accurate, and by endorsement will provide:

a. A definite recommendation for approval or disapproval with justification;

b. Status of any disciplinary action pending. Disciplinary action must be resolved before separation;

c. Command endorsements will include a command point of contact with telephone number; and

d. Any other information deemed appropriate.

*7. The separation authority will approve or disapprove a Marine's request based solely upon the documentation provided by the Marine. Refer to Appendix A for specific Separation Designator Codes for Surviving Family Member and Surviving Family Member-Sole Survivorship.

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8. At any time before final action, the Marine may submit a statement withdrawing the request for discharge.

*9. Characterization and Separation Authority. The separation will be characterized according to standard procedures. The Reenlistment code assigned will normally be RE-3C, "Directed by CMC", and a Service Record Book entry will be made stating the reason for assignment. CMC authority is required for reenlistment. The separation authority is the CMC (MMSR-3). Per Public Law 110-317 of 29 August 2008, the Hubbard Act, discharges for sole survivorship with less than 6 years of active service are eligible for separation pay and other transitional VA benefits.

*10. Marines in the Individual Ready Reserve may request to be transferred to the Inactive Status List by submitting a written request to the CMC, MMSR-5, 3280 Russell Road, Quantico, VA 22134-5103 via the Commander, Marine Forces Reserve (COMMARFORRES), 2000 Opelousos Avenue, New Orleans, LA 70146.

6411. OFFICER CANDIDATE DISENROLLMENT. Officer candidates may submit a written request to the CG, MCRC (MRO) for voluntary disenrollment from any of the Marine Corps Officer Candidate Programs. Discharge is authorized only if the candidate did not incur, or does not have, any service obligation.

6412. NOT SELECTED FOR PROMOTION TO STAFF SERGEANT

1. Sergeants may request discharge before their EAS after their commander verifies they have twice failed selection for promotion. The Marine must acknowledge in the request that the unearned portion of any reenlistment bonuses will be recouped. Commanders should advise Marines electing this option that separation pay entitlements may be affected. Separation pay authority and entitlement resides with the CMC (MMEA-6). Sergeants deleted from the selection list for any reason, including misconduct, are considered passed for promotion.

2. Approval or disapproval of the request will be based on the needs of the Marine Corps. Marines serving a dependents restricted tour may not be discharged under this provision.

3. Assign an RE-1B reenlistment code to Marines discharged under this provision unless another reenlistment code is directed by the CMC.

4. Requests will not receive favorable consideration if the Marine has:

a. Received fully funded education, or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

c. Received special compensation during the current enlistment;

d. A military occupational specialty which, due to military exigencies, requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for

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early separation provided the individual makes a cash remittance before the initiation of separation processing.

5. Authority to grant separation pay (full, half, not entitled) and eligibility to transfer to the IRR will be issued via a unit diary history statement when the separation is approved.

6413. REDUCTION FROM SNCO TO SERGEANT OR BELOW

1. A Marine may request discharge after the commanding officer verifies he or she has been reduced in grade from a staff noncommissioned officer to sergeant or below. The Marine must acknowledge in the request that all unearned portions of any reenlistment bonuses will be recouped.

2. Approval or disapproval of the request will be based on the needs of the Marine Corps.

3. Assign an RE-3C reenlistment code to a Marine discharged under this provision unless another reenlistment code is directed by the CMC (MMSR).

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

a. Received fully funded education, or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

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

d. A military occupational specialty which due to military exigencies requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

6414. RESERVIST BECOMES A MINISTER

1. A Reserve Marine not on active duty who has become a regular or duly ordained minister of religion or who desires to take final vows in a religious order may submit a request for discharge via the chain of command to the CMC (MMSR). The following definitions apply.

a. Regular minister of religion. A person whose customary vocation is teaching and preaching the religious principles of the person's church or religious organization without having been formally ordained as a minister of religion, but who is recognized by such church, sect, or organization as a regular minister.

b. Duly ordained minister of religion. A person who has been ordained in accordance with the ceremonial ritual or discipline of a church, religious

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sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies in public worship, and who as a regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed of principles of such church, sect, or organization.

c. The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or religious organization even though the person may have been duly ordained a minister in accordance with the ceremonial ritual or discipline of a religious group.

2. If the Reservist is a regular or duly ordained minister of religion as defined above, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order attesting to that fact.

3. If the Reservist desires to take final vows in a religious order, the request for discharge must be accompanied by a statement or certificate from an appropriate official of the religious order showing that in order to proceed further with the Reservist's acceptance into the religious order, separation under this basis requires that the Reservist be discharged from the Marine Corps.

6415. TRANSFER TO THE NAVY HOSPITAL CORPS. A Marine may request transfer to the Navy Hospital Corps. This program requires prior experience in the medical field. Applications should include proof of education and training.

6416. MARINES MARRIED TO OTHER SERVICE MEMBERS

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

a. Not stationed near enough to their service member spouse to permit the maintenance of a joint residence;

b. A transfer request to the same or nearby duty station has been submitted by the Marine to the CMC (MMEA) and the request has been denied. If both individuals are Marines, both must have requested and been denied transfer to the same or nearby duty station;

c. The spouse's separation has exceeded 18 months or, if one is serving overseas, is assigned there on the shortest "all others" tour as specified in reference (aj) MCO P1300.8R;

d. The Marine is not serving on an extension of service entered into after the marriage; and

e. The Marine has completed 24 months service following completion of a service school if the length of the course was in excess of 20 weeks.

2. Requests will not receive favorable consideration if the Marine has:

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a. Received fully funded education, or education for which the Marine incurred obligated service;

b. Completed advanced technical training;

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

d. A military occupational specialty which due to military exigencies requires retention; or

e. Become indebted to the Government as a result of unearned leave (advance and excess leave), advance pay, reductions in grade, and fines and forfeitures. However, an individual Marine may be considered eligible for early separation provided the individual makes a cash remittance before the initiation of separation processing.

3. Only one of the service members may be separated under this provision.

6417. TRANSFER TO THE NAVY AS A RELIGIOUS PROGRAM SPECIALIST. A Marine may request transfer to the Navy as a religious program specialist. This program requires prior experience as a chaplain's assistant and recommendations from a chaplain submitted directly to the Chief of Naval Personnel.

6418. SEPARATION OF SELECTED MARINE CORPS RESERVISTS IN THE DELAYED ENTRY PROGRAM (DEP)

1. Selected Marine Corps Reservists in the DEP may be voluntarily discharged if:

a. The discharge is requested by the member;

b. None of the provisions for entry level separation contained in section 2 of this chapter apply;

c. The reason for the requested discharge is:

(1) Permit return/or retention in school;

(2) Member moves to a location where participation in the Selected Marine Corps Reserve would be impractical; or

(3) Personal reason determined to be legitimate by the district director.

2. Discharge under this provision may be effected by the district director and will be uncharacterized. The district director will notify the inspector-instructor or site commanding officer of the Reserve unit to which the enlistee is, or would have been, assigned of the discharge and cite this paragraph as authority for the separation.

*6419. SEPARATION IN LIEU OF TRIAL BY COURT-MARTIAL

1. A Marine may be separated upon his or her request in lieu of trial by special or general court martial if charges have been preferred with respect

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to an offense for which a punitive discharge is authorized and it is determined that the Marine is unqualified for further military service. This provision may not be used as a basis for separation when the current version of the Manual for Courts Martial, rule for court-martial 1003(d), provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial empowered to adjudge a punitive discharge.

2. Characterization of service normally shall be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. Characterization as honorable is not authorized for a Marine who has completed entry level status unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status, the separation shall be described as uncharacterized.

3. Procedures

a. The request for discharge shall be submitted in writing and signed by the Marine.

b. The Marine shall be afforded an opportunity to consult with qualified counsel. If the member refuses to do so, the commanding officer shall prepare a statement to this effect which shall be attached to the file, and the member shall acknowledge the waiver of the right to consult with counsel.

c. Unless the Marine has waived the right to counsel, the request shall also be signed by counsel.

d. In the written request, the Marine shall state that the following is understood:

(1) The elements of the offense(s) charged;

(2) That characterization of service under other than honorable conditions is authorized; and

(3) The adverse nature of such characterization and possible consequences.

e. The request shall also include:

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

(2) A summary of the evidence or list of documents (or copies) provided to the Marine pertaining to the offenses for which a punitive discharge is authorized; and

*f. The separation authority is the GCMCA. This basis supercedes the sanctuary provisions of 6307.1.c.

g. Statements by the Marine or the Marine's counsel submitted in connection with a request under this subsection are not admissible against

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the member in a court-martial except as provided by Military Rule of Evidence 410.

h. In cases where the separation in lieu of trial by court-martial is disapproved, there is no requirement to forward the request and supporting documents to the CMC (MMRP-20) for inclusion in the Marine's OMPF.

i. Conditional requests are not authorized. While a Marine may request the separation authority to consider a higher characterization than "under other than honorable conditions" no request will be conditioned upon receipt of a higher characterization. See paragraph 6419.3d(2).

6420. RESERVED FOR FUTURE USE

6421. SEPARATION VIA SECRETARIAL AUTHORITY ("BEST INTEREST OF THE SERVICE")

1. The Secretary of the Navy, by use of secretarial plenary authority, may approve the voluntary separation of any Marine before the expiration of that Marine's term of service after determining that a separation is in the best interest of the Marine Corps.

2. Use this paragraph for unusual cases not covered by any other provisions of this chapter.

3. The procedures set forth in paragraph 6214 apply.

4. Forward requests for separation under this paragraph to the Secretary of the Navy via the CMC (MMSR-3). Include a statement explaining the circumstances of the case and why no other reason for separation under this Manual is considered appropriate.

5. HIV-1. For voluntary separation for service members who test positive for the HIV-1 virus, refer to reference (be) SECNAVINST 5300.30E.

6. Separation under this paragraph will be characterized as honorable or general (under honorable conditions) unless an uncharacterized entry level separation is required.

Figure 6-4.--Notification of Eligibility for Maternity Care

(Letterhead)

From: Commanding Officer
To: (Individual Marine)
Subj: ELIGIBILITY FOR MATERNITY CARE

1. In view of the fact that you are being separated from the Marine Corps for pregnancy, you are eligible for medical care and surgical care incident to pregnancy. This care includes prenatal, delivery, and postnatal care at Armed Forces medical facilities subject to the availability of space and facilities. CIVILIAN MEDICAL CARE AND HOSPITALIZATION IS NOT AUTHORIZED AT GOVERNMENT EXPENSE.

2. In making an application for maternity care, you should present your original discharge certificate or a photostat of it and a copy of your DD Form 214. You should register at a military medical activity where suitable facilities are available at least 30 days before the anticipated date of delivery. In areas where more than one military facility providing maternity care is available, you must apply to the Naval Medical Facility.

3. The Department of the Navy assumes responsibility for care of the child only during your hospitalization. Further arrangements for the care of your child must be made by you. If you contemplate release of your child for adoption, all arrangements must be made by you with local authorities in advance of hospitalization. Local Red Cross and public welfare activities are available to advise you in such matters.

4. The provisions of this document do not apply to family members.

(Signature)

(Letterhead)

From: (Individual Marine)
To: Commanding Officer
Subj: ELIGIBILITY FOR MATERNITY CARE

1. I understand that medical care after my discharge is available only at Armed Forces medical facilities and that civilian medical care will not be paid for by the Government for my pregnancy unless I am otherwise eligible.

(Signature)

Figure 6-4.--Notification of Eligibility for Maternity Care

FOR OFFICIAL USE ONLY

Figure 6-5.--Sample Request for Early Release to Further Education

(Letterhead)

From: (Marine's Grade, Name, EDIPI, and MOS)
To: General Court-Martial Convening Authority
Via: (Chain of Command)

Subj: EARLY RELEASE TO FURTHER EDUCATION

Ref: (a) MCO P1900.16G, par. 6405

Encl: (1) Unqualified acceptance notification
(2) Proof of necessary tuition funds

1. Per the reference, I request an early release to further my education and provide the following information:

a. Enclosure (1) is my unqualified acceptance at _____. (List school's name and complete mailing address. Include telephone number if known.)

b. Tuition will be paid by _____ (list one of the following: VEAP; New GI Bill; self; parents; student loan; other) as indicated in enclosure (2). (Examples of proof may be: LES; scholarship letter; savings statement; etc.)

c. Type of degree being sought is a(n) _____. (List one of the following: associate's; bachelor's; master's; technical/vocational; police/fireman certification.)

d. Latest possible date to register this term is _____.

e. Class convening date this term is _____.

f. Class convening date next term is _____.

g. Full-time status at this school is _____. (List the school's minimum number of credit hours per semester, quarter or term considered to be a full-time student, excluding evening classes. In the case of police/fire training academies, list the course length.)

h. (List marital status.)

i. I desire release on _____. This is the most academically opportune time for me to attend school because _____ (list reason(s)).

2. I understand that if I am granted an early release, failure to attend school may result in my recall to active duty and/or prosecution for fraudulent separation.

(Marine's signature)

Figure 6-5.--Sample Request for Early Release to Further Education--Continued

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Figure 6-5.--Sample Request for Early Release to Further Education--Continued

(Letterhead)

FIRST ENDORSEMENT ON (SNM'S LETTER/AA FORM) OF (DATE)

From: (Unit)
To: General Court-Martial Convening Authority
Via: (Chain of Command)

Subj: EARLY RELEASE TO FURTHER EDUCATION OF (SNM)

Ref: (a) MCO P1900.16G, par. 6405

1. Per the reference, the following is submitted:
 - a. SNM's EAS is _____.
 - b. SNM's PEBD is _____.
 - c. SNM's in service Pro/Con marks are ___/___.
 - d. SNM (is) (is not) command essential.
 - e. SNM does not have any obligation to the Marine Corps per paragraph 6405.2e. (If SNM is obligated, list obligation(s) recommending approval or disapproval.)
 - f. SNM's leave balance: current _____; anticipated at time of release.
 - g. SNM is eligible for an honorable discharge.
 - h. SNM is not seeking early release to avoid service.
2. POC at this unit is _____ at DSN # _____.
3. I (do) (do not) recommend SNM for early release on (See note).
4. SNM is currently assigned to UDP. (Give estimated date of return to CONUS.)

(Signature)

Note: The CO may request a preferred date of release due to operational commitments and present any other information concerning SNM's request.

Figure 6-5.--Sample Request for Early Release to Further Education

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*Figure 6-6.--Sample Notification Letter for Vacating Suspension of
Administrative Discharge

(Letterhead)

From: Commanding Officer
To: Respondent's Information
Subj: VACATION OF ADMINISTRATIVE SEPARATION
Ref: (a) MCO P1900.16G (MARCORSEPMAN)
(b) Separation Authority's Suspension ltr

- *1. You are hereby notified that I intend to recommend to the (Separation Authority) that your suspended discharge by reason of (basis description), be vacated per paragraph 6310 of the reference.
2. The basis for this recommendation to vacate your suspended discharge is (describe the grounds that Marine fails to meet appropriate standards of conduct and performance).
3. You are advised that you have the right to consult with counsel and to submit a statement in writing to the (Separation Authority). You must respond no later than two (2) working days from receipt of this notice.

Commanding Officer

* Figure 6-6.--Sample Notification Letter for Vacating Suspension of
Administrative Discharge

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*Table 6-3.--Separation Authority for Voluntary Separations - Active Duty

If the Marine is:	And the General Basis for Separation is:	And the Specific Basis for Separation is:	Then the Separation Authority is:	
On Active Duty	Defective Enlistment/Reenlistment	Defective Enlistment/Reenlistment	GCMCA	
	Convenience of the Government	Early release to further education	GCMCA	
			Early release to accept public office; not selected for promotion to SSgt; reduction from SNCO to Sgt or below; Marine married to other service member; Change in service obligation (par. 6404)	CMC (MMSR)
			Dependency/Hardship	CMC (MMSR) and GCMCA
			Conscientious Objector	CMC (MM)
			Surviving Family Member	CMC (MMSR)
			Pregnancy	CMC (MMSR); GCMCA; recruiting district commanding officers; commanding officers of separate commands who have special court martial convening authority

* Note: GCMCA may delegate separation authority to SPCMCA only for cases of honorable or general under honorable conditions characterization.

*Table 6-3.--Separation Authority for Voluntary Separations - Active Duty--
Continued

Table 6-3.--Separation Authority for Voluntary Separations -
Reservist on Inactive Duty--Continued

If the Marine is:	And the General Basis for Separation is:	And the Specific Basis for Separation is:	Then the Separation Authority is:
A Reservist; on Inactive Duty	Defective Enlistment/Reenlistment	Defective Enlistment/ Reenlistment	CMC (MMSR)
	Convenience of the Government	Not selected for promotion to SSgt, reduction from SNCO to Sgt or below, Reservists becomes a minister, Marine married to other service member	CMC (MMSR)
		Dependency/Hardship	CMC (MMSR); COMMARFORRES
		Pregnancy	CMC (MMSR); GCMCA; recruiting district commanding officers; commanding officers of separate commands who have special court martial convening authority
		Change in Service Obligation	COMMARFORRES; recruiting district commanding officers; CG MARFORRES; commanders of SMCR units
An Officer Candidate	Convenience of the Government	Officer Candidate Disenrolls	CG, MCRC (MRO)

Table 6-3.--Separation Authority for Voluntary Separations -
Reservist on Inactive Duty

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CHAPTER 7

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

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CHAPTER 7

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

7001. GENERAL

1. This chapter outlines policies and procedures governing retirement and transfer of active duty enlisted Marines to the Fleet Marine Corps Reserve (FMCR). This chapter also contains administrative instructions including retirement procedures for Marines while members of the FMCR. Retirement of Reserve enlisted Marines not on active duty and disability retirements are covered in chapters 3 and 8, respectively.

2. The purpose of the FMCR is to maintain a ready manpower pool of trained Marines for recall and mobilization.

*3. Age. Enlisted Marines must transfer to the FMCR or retired list not later than the last day of the month in which they reach age 55.

*4. Final approval of requests for transfer to the retired list rests with the DC, M&RA. The DC, M&RA has delegated approval authority for requests to transfer to the FMCR to the Director, Manpower Management.

*5. See Chapter 1, Section 4 on creditable service for retirement/FMCR, retired/retainer pay, the Survivor Benefit Plan (SBP) and other retired/FMCR benefits.

*7002. RESERVED FOR FUTURE USE

7003. ELIGIBILITY FOR RETIREMENT OF ENLISTED MARINES

1. An enlisted Marine serving in the Regular Marine Corps who applies for retirement after completing 30 or more years of active service in the Armed Forces shall be retired.

2. An enlisted Marine includes a Marine of the Regular Marine Corps or Marine Corps Reserve who holds a permanent enlisted grade. Each Marine will be retired in the grade in which the Marine was serving at the time of retirement, unless otherwise entitled to a higher grade.

7004. ELIGIBILITY FOR TRANSFER TO THE FMCR

*1. An enlisted Marine of the Regular Marine Corps or Marine Corps Reserve who completes 20 or more years of active duty service in the Armed Forces may request transfer to the FMCR. Marines will not be authorized service beyond Enlisted Career Force Controls (ECFC) service limits. Waivers, approval, disapproval, and effective date of these requests is based on the needs of the service.

2. OCONUS Marines

*a. Marines serving on an overseas tour will not be approved for transfer to the FMCR before completion of their tour as prescribed in reference (aj) MCO P1300.8R, Marine Corps Personnel Assignment Policy, unless subject to ECFC.

b. Qualified Marines desiring transfer to the FMCR at their completed RTD may return to the CONUS (MCC W95) to effect the transfer at any one of the specified locations in paragraph 1006.5, and must indicate their selection (MCC) in the request. See paragraphs 1006.7 and 1010 for separation and leave requirements.

3. PCS Orders

a. Marines who have been issued, or notified they will receive, PCS orders may request cancellation of the pending assignment provided a request for transfer to the FMCR is submitted. Requests will be approved based upon the needs of the Marine Corps.

(1) Marines eligible to transfer to the FMCR must request an FMCR date on or before the last day of the month after the effective date of their expected arrival at the new duty station.

(2) Marines eligible for transfer to the FMCR within 12 months of the date of arrival at the new duty station must request an FMCR date on the last day of the month after initial eligibility.

b. Marines not eligible for transfer to the FMCR within 12 months of the date of arrival at the new duty station will be required to execute PCS orders and complete the required minimum tour at the new duty station.

*c. Requests involving cancellation of PCS orders and transfer to the FMCR must be forwarded to the CMC (MMSR-2), with the CMC (MMEA or RAM) as an information addressee. Submit the request no later than 10 working days after receipt of orders. Requests that do not comply with this criteria will not normally be given favorable consideration.

d. Marines requesting transfer to the FMCR in lieu of PCS orders will not normally be granted additional service beyond the date established in paragraph 7004.3a.

e. Requests to withdraw a transfer to the FMCR are not given favorable consideration when PCS orders have been canceled or not issued.

4. Marines Assigned to Deploying Units. Marines assigned to a CONUS unit (joined or attached) which is scheduled to deploy outside the CONUS for a period in excess of 90 days may request transfer to the FMCR; however, their request will not be approved unless the scheduled deployment date is more than 6 months from the date they were assigned to the unit. To be eligible, Marines applying must have completed 2 years TOS within the same geographical

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location as the unit scheduled to deploy outside the CONUS. For transfer to the FMCR requests, scheduled unit rotation to the CONUS and RTD will be considered the same. Submit requests for transfer to the FMCR at least 4 months before the deployment date and before the unit's official lock on date. When assigned to, or in direct support of, a carrier (CV) deployment, submit requests at least 9 months before deployment.

*5. Service-in-Grade (SIG)

a. Also referred to as time-in-grade (TIG). Unless entitled by law to a higher retired grade upon retirement, Marines in the grade of gunnery sergeant or above must serve 2 years in their current grade before transfer to the FMCR. Waiver of this requirement may only be approved by the DC, M&RA.

b. Marines in the grade of gunnery sergeant and above are required to extend or reenlist to have sufficient obligated service to serve the minimum time-in-grade of two years before promotion to the new grade is effected. Except as indicated in paragraph 7005.8, Marines requesting FMCR or retirement who have not served the time in grade specified in this paragraph will not be approved. For purposes of this instruction, active duty service-in-grade will be computed from the date of rank as such grade and active duty service in that grade.

*6. Time On Station (TOS). Whenever PCS orders are issued (no cost, low cost, or fully funded) and those orders result in a change of geo-location, the Marine incurs the requisite obligated TOS requirement per reference (aj) MCO P1300.8R, unless the Marine is subject to ECFC.

7. Education Programs. Marines who have attended a military or civilian course lasting 20 weeks or more will not be approved for transfer to the FMCR before the completion of 24 months of active duty following completion of the course, or after they were terminated from the course, if attendance was in compliance with official orders. Marines who have successfully completed a military or civilian course less than 20 weeks in length will not be approved for transfer to the FMCR before the completion of 12 months active duty following completion of the course.

8. Waivers. Waivers of the policies in paragraph 7004 will be considered only when one of the following conditions exists:

a. A Marine requesting waiver of any criteria must submit a written request via the chain of command with justification and endorsements to the CMC (MMSR-2). Requests for waivers via unit diary will be disapproved.

b. Waiver requests will only be considered when one of the following conditions exist.

(1) A substantial hardship of a compassionate or unusual financial nature must exist which is not of a temporary nature and is not susceptible to relief by other means and can be alleviated only by separation from active

duty. Justify waiver requests per criteria in paragraph 6407. Opportunity for civilian employment does not warrant waiver of the criteria.

(2) The Marine has limited assignability by reason of health or national security.

(3) The CMC determines that the Marine's continued active service is inconsistent with the best interests of the Marine Corps.

*c. Waivers of minimum TIG requirements must be approved by the DC, M&RA; they will not normally be given favorable consideration.

9. Waivers of the eligibility criteria for transfer to the FMCR will not be granted based on a Marine's unsatisfactory or substandard performance or conduct. Early transfer to the FMCR becomes an option only after all efforts to correct the problem through administrative and/or disciplinary action are exhausted. Requests for transfer to the FMCR requiring waiver of the eligibility criteria will include a full report of the facts and action taken by the commanding officer to rectify the situation.

10. Transfer to the FMCR effective later than requested may be directed when, in the best interest of the Marine Corps, a delay is necessary for orderly relief, additional administrative processing, or completion of the current tour/orders.

11. A Marine must be serving on a valid contract of enlistment or extension to be eligible to retire or transfer to the FMCR.

12. A Marine awarded a punitive discharge will not be eligible for transfer to the FMCR unless that part of the sentence is remitted.

7005. APPLICATION FOR RETIREMENT OR TRANSFER TO THE FMCR

*1. Reporting units must submit requests for retirement/transfer to the FMCR via the unit diary per reference (ax) Online MCTFSPRIUM. The Marine requesting action is required to sign a copy of Appendix J from this Manual. Retirement must be on the first day of the month. Effective date of transfer to the FMCR will be the last day of the month. Marines at service limits will be authorized transfer to the FMCR at the end of the month in which their EAS falls, unless they are sooner eligible and specifically request an earlier date. Submit requests for retirement/transfer to the FMCR not more than 14 months and not less than 4 months before the requested date. Requests submitted outside this time frame are not accepted in the MCTFS and must be submitted, with justification and endorsements, by separate correspondence or message to the CMC (MMSR-2). Marines returning to the CONUS may elect separation at one of the duty stations identified in paragraph 1006.5.

2. Marines requesting retirement/transfer to the FMCR are cautioned not to make significant personal commitments (such as buying or selling a house or business) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for expeditious

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processing of a Marine's request; nor will they be considered as a hardship justification to warrant waiver of the eligibility criteria. Marines approaching ECFC limits must carefully manage their leave and PTAD. ECFC waivers solely to use leave or PTAD are not favorably considered.

*3. By signing Appendix J, requesting retirement/transfer to the FMCR the Marine certifies understanding the provisions of reference (bb) SECNAVINST 1850.4E, which states that in order to qualify for physical disability retirement benefits outlined in 10 U.S.C. chapter 61, a Marine must be on active duty at the time the Secretary of the Navy approves any proceedings of a physical evaluation board (PEB).

4. Commanding Officer Responsibilities

a. Submission of Request

(1) Ensure the request is submitted 4 to 14 months from the effective date of retirement/transfer to the FMCR. The request must allow at least 4 months of lead time for the processing of the application and issuance of orders for a replacement. Unit diary entries outside this window will not process. Terminal leave and PTAD are granted at the discretion of the commanding officer and a replacement will not be provided to the unit during terminal leave or PTAD.

(2) Ensure the requested date meets the eligibility criteria in paragraphs 7003 and 7004.

(3) Sign the pre-application checklist to certify that the Marine has been advised of the ramifications of retirement/transfer to the FMCR before the request is submitted.

b. Counsel the Marine concerning his or her potential for recall to active duty and/or mobilization.

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

*d. Do not change EAS/ECC while a Marine's retirement request is being processed at HQMC. Any extension required will be effected by the CMC (MMSR-2). The unit career planner must ensure completion of all actions required at the unit level.

*e. Submit requests for FMCR/ Retirement eligible Marines in the hands of civilian authorities with endorsement by the Marine's chain of command through the general court martial convening authority confirming that a trial by court martial will not be pursued.

*5. Requests for transfer to the FMCR and promotion consideration by Marines denied further service as a result of being twice failed of selection for promotion, or for Marines who are approaching service limits, and whose EAS is after the scheduled adjournment date of the board, must be submitted via

message or separate correspondence to the CMC (MMSR-2 and MMPR-2). The Marine must address:

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

b. That the Marine desires to be considered for promotion; and,

c. That, if selected, the Marine will accept promotion and serve 2 years of active duty from the date the promotion is effected.

*6. Once the request for retirement/transfer to the FMCR has been submitted, immediately notify the CMC (MMSR-2) if the Marine is:

a. Found not physically qualified (see paragraph 1011). This will not terminate processing action by the CMC (MMSR-2); however, retirement/transfer orders and other documents will be held in abeyance, if not issued. If issued, the command will hold the orders and documents pending instructions from the CMC (MMSR-2). If the Marine is subsequently found fit, immediately notify the CMC (MMSR-2). If the Marine is referred to the Integrated Disability Evaluation System, notify the CMC (MMSR-2) with pertinent details and request disposition instructions. See chapter 8 for disability retirement processing;

b. Deceased;

c. Reassigned;

d. Promoted or selected for promotion (also notify MMPR-2);

e. Processed for disciplinary action; or

f. Subject of lost time (include number of days and reason).

*7. MEDICAL EVALUATIONS. See paragraph 1011.

8. Modification or Cancellation of Requests

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

(1) Bona fide humanitarian, hardship circumstance, or circumstances that would substantially benefit the Marine or family members;

(2) A critical need exists for the Marine's grade and MOS which cannot be reasonably filled through the normal assignment/promotion process;

(3) Needs of the Service;

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(4) ECFC considerations; and

* (5) Medical reasons. See paragraph 1011.

(6) Requests for cancellation require the CMC to consider the relative strength of the Marine's MOS and the effect that cancellation may have on projected promotion opportunities for other Marines in that MOS.

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

c. The effective date of any modification should not exceed 14 months from the date of the original request, otherwise request cancellation.

d. Modifications requested after a Marine has started separation leave, or after replacement action by this Headquarters has been initiated, will only be considered if a bona fide humanitarian or hardship circumstance exists.

e. Cancellation requests are unconditional and must include a statement from the Marine agreeing to extend the enlistment for an appropriate service obligation, of no less than two years from the date the request for cancellation is approved. The Marine must also agree to not submit a request for transfer to the FMCR during that period, except for reasons of hardship or approaching service limits. A Marine will not be authorized service beyond ECFC service limits to meet a cancellation obligation.

*f. Requests to change FMCR/retirement requests submitted after the Marine has been transferred to the retired list or the FMCR must be requested through the Board of Correction of Naval Records (BCNR). The BCNR website is: <http://www.hq.navy.mil/bcnr/bcnr>.

7006. RECEIPT OF REQUEST FOR RETIREMENT/TRANSFER TO THE FMCR. See Appendix E for detailed instructions on the use of the unit diary system in MCTFS for retirement processing.

*1. Request Submission. Acceptance of the unit diary request will be indicated on the reporting unit's Diary Feedback Report (DFR) and the Transaction Research File (TRF). A "request" "5" or "6" reenlistment-extension-retirement (RER) flag will post in MCTFS indicating a request submission. Additionally, a planned reenlistment-enlistment-retirement (PRR) date will post reflecting the requested retirement date. The Marine should maintain liaison with the appropriate unit administrative personnel until request acceptance is confirmed via the DFR.

*2. Acknowledgment. A "request" RER flag does not indicate receipt at Headquarters Marine Corps (HQMC). The the CMC (MMSR-2) acknowledges receipt of the request by entering a "pending" "A" or "B" RER flag in the unit diary. The pending flag will reflect on the unit's DFR.

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*3. Approval Authority. Staffing may require 60 days to obtain approval, prepare necessary letters and certificates, and to complete a statement of service documenting the Marine's service for retainer/retired pay determination. The CMC (MMSR-2) posts approvals in MCTFS which reflect on the unit's DFR with an "approved" RER flag. Written authority for release or issuance of orders is not provided. The "approved" "7" or "8" RER flag is the authority to release. MMSR will effect any necessary extension to meet the approved date for retirement/transfer to the FMCR if required and will provide a unit diary history statement at the time of approval. The responsible order writing unit will issue orders and provide any required documents.

4. Effective Date. The effective date may be changed when, in the best interest of the Marine Corps, a delay is necessary to provide time for orderly relief, or for completion of the current tour or an ordered tour of duty.

*5. Disapprovals. Should a retirement request be disapproved, notification of the disapproval will be reflected on the unit's DFR by a (0) RER flag. Requests submitted via separate correspondence will be disapproved via MCTFS.

7007. RETIREMENT/TRANSFER TO THE FMCR ORDERS AND RELEASE FROM ACTIVE DUTY

1. Authority for release from active duty and transfer to the FMCR or Retired List will be issued by the CMC (MMSR-2).

*a. Retirement. The first day of the month is the effective date of retirement and the last day of active duty is the preceeding day.

b. Transfer FMCR. Transfer to the FMCR is effected on the last day of the month and Marines assume a status in the FMCR on the first day of the following month.

c. See figure 7-1 for transfer to the FMCR orders format.

d. See figure 7-2 for transfer to the Retired List orders format.

*2. Release from active duty will not be made on a date other than directed for by the CMC (MMSR-2), unless a modification to the approved date is granted by the CMC (MMSR-2). Marines detached after the approved date are considered to be in a retired status as of the approved date, unless the Marine is in receipt of orders continuing him or her on active duty in a retired and retained status before the effective date of retirement.

3. Once the CMC approval authority is received, immediately notify the CMC (MMSR-2) by message when any of the conditions outlined in paragraph 7005.6 occur.

4. Commanding Officer Responsibilities

a. Issue orders per the format contained in figure 7-1 or 7-2.

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*b. Refer to reference (i) MCO P1070.12K (IRAM) for disposition instructions of service records, health and dental records.

*c. Maintain accountability of retirement documents mailed to the unit by the CMC (MMSR-2).

d. Provide an appropriate retirement ceremony.

7008. RETIREMENT/FMCR CERTIFICATES AND LAPEL PIN. Certificates and a lapel pin will be provided by the CMC (MMSR-2) for delivery by the reporting command to the Marine; if received in unsatisfactory condition immediately notify the CMC (MMSR-2) for replacement.

*7009. MODIFICATION OF FMCR/RETIRED LIST DATES FOR CONVENIENCE OF THE GOVERNMENT. Only the CMC (MMSR-2) may modify an approved retirement/transfer to the FMCR. When such situations occur contact the CMC (MMSR-2) immediately for disposition instructions. **Convenience of the Government MCTFS entries made by the unit will not process and the Marine will be dropped from the active duty rolls without CMC intervention.**

*1. See paragraph 1011.3 for requirements to modify a retirement for medical reasons.

2. Convenience of the Government - Legal (CofGL). If a pending transfer FMCR/retirement requires modification for legal processing the following pertains:

*a. A Marine pending punitive discharge proceedings may be retained as CofGL beyond EAS/ECC. The chain of command and the CMC (MMSR-2) will determine a new retirement date and an appropriate extension of contract.

b. Marines to whom jurisdiction has attached by commencement of action with a view to trial (by apprehension, arrest, confinement, or filing of charges) before release from active duty, may be retained on active duty. Once jurisdiction has so attached, it continues for purposes of trial, sentence, and punishment. Additionally, personnel may be retained if subject to the initiation of a preliminary inquiry, subject to information of a discreditory nature that may lead to a preliminary inquiry or the assumption of jurisdiction, to include, but not limited to, a restraining order against their person.

7010. RETIREMENT CEREMONY. See paragraph 1012.

7011. ACCRUED LEAVE. See paragraph 1010.

*7012. RETIRED GRADE

*1. In general, an enlisted Marine is transferred to the FMCR/Retired List in the grade in which he or she served satisfactorily at the time of that transfer. However, if the Marine previously served as an officer, the Secretary of the Navy may advance the Marine to the highest officer grade served satisfactorily upon retirement at 30 years of total service. The

Comptroller General has ruled that military personnel may be advanced to the highest officer grade held in any Armed Force in which they served satisfactorily. See paragraph 7018 for advancement in grade on the retired list.

*2. If an enlisted Marine requests transfer to the FMCR/Retired List and CMC(MM) determines that the Marine's service in the current pay grade was satisfactory and approves the request, per the authority identified in paragraph 7006.3, then the request shall be processed per the guidelines contained in this chapter.

*3. If an enlisted Marine requests transfer to the FMCR/Retired List and CMC(MM) determines that adverse information contained in the official military personnel file/service records of the Marine or adverse information forwarded by the Marine's chain of command with the request for transfer to the FMCR/Retired List forms the basis for one of the reasons for separation in Chapter 6 of this manual, the CMC(MM) shall disapprove the request and direct administrative separation processing per the guidelines contained in Chapter 6 of this manual.

*4. A determination that an enlisted Marine did not serve satisfactorily in their current grade may only be made prior to the enlisted Marine being transferred to the FMCR/Retired List and only after the enlisted Marine has been afforded the procedural rights of a respondent under paragraph 6304 (Administrative Board Procedures) of this manual.

*a. Eligible FMCR/Retired List enlisted Marines shall be evaluated for satisfactory performance in grade and have an FMCR/Retired List grade and characterization of service recommendation made by an administrative separation board; or

*b. If the board is waived at the time the Marine acknowledges his/her rights or later waived per Figure 7-3 and accepted by CMC(MM), a final grade and characterization of service determination will be made by DC, M&RA. See paragraph 6106.4b(3) for the criteria DC M&RA will follow when making a final determination regarding reducing a Marine one inferior grade before transfer and paragraph 1004 for the guidelines on characterization of service.

*5. Waiver

*a. At Notification: A Marine that has requested transfer to the FMCR/Retired List prior to the initiation of administrative separation proceedings, but CMC(MM) has disapproved the request and directed administrative separation processing, may waive their right to an administrative separation board at the time they are notified of separation proceedings and have a grade and characterization of service determination made by DC, M&RA. Use of Figure 7-3 is not required. Ensure the separation package is endorsed and forwarded, via the chain of command to the CMC (MMSR-2) for a final grade and characterization determination and issuance of an effective date of transfer by DC, M&RA. See paragraph 6106.4b(3) for the criteria DC, M&RA will follow when making a final determination regarding

7018

reducing a Marine one inferior grade before transfer and paragraph 1004 for the guidelines on characterization of service.

*b. Post Notification: An enlisted Marine that has requested transfer to the FMCR/Retired List prior to the initiation of administrative separation proceedings, but CMC has disapproved the request and directed administrative separation processing, that did not originally waive their right to an administrative separation board at the time they were notified of the initiation of separation proceedings, may, at anytime prior to final action by the DC, M&RA, waive their right to an administrative separation board or continued administrative processing using Figure 7-3.

*(1) Signed copies of Figures 7-3, 7-4 and 7-5 shall be forwarded via the Marine's chain-of-command to CMC (MMSR-2).

*(2) If the Marine's waiver is accepted and approved, DC (M&RA) will make a final grade and characterization of service determination and direct an effective date of transfer to the FMCR/Retired List. In these cases, the final determination of FMCR/retirement grade and characterization of service rests exclusively with the DC, M&RA. See paragraph 6106.4b(3) for the criteria DC, M&RA will follow when making a final determination regarding reducing a Marine one inferior grade before transfer.

*6. Final Action. Prior to DC, M&RA taking final action on any involuntary administrative separation involving a grade and characterization of service determination at transfer to the FMCR/Retired list, the record of proceedings shall be reviewed by a judge advocate, or civilian attorney employed by the Navy or Marine Corps.

*7. See reference (t) SECNAVINST 1920.6C and Chapter 4 of this manual for guidance related to officer separations.

7013. GRADE WHILE A MEMBER OF THE FMCR. A Marine who transfers to the FMCR does so in the grade held on the day released from active duty and transferred to the FMCR. Advancement to any officer grade upon retirement is explained in paragraph 7018.

7014. RETIRED PAY. See paragraph 1402.

7015. FMCR RETAINER PAY. See paragraph 1402.

*7016. PAY ACCOUNTS. See paragraph 1404.

7017. CURRENT ADDRESS AND RESIDENCE OF RETIRED AND FMCR ENLISTED MARINES. See paragraph 1405.

7018. RETIREMENT OF MEMBERS OF THE FMCR AND ADVANCEMENT ON THE RETIRED LIST

*1. When a Marine in the FMCR completes 30 years of combined active, inactive and constructive service, or when found not physically qualified, the Marine shall, without application, transfer to the Retired List.

2. For the purpose of retirement, a Marine's years of service are computed by adding:

a. The years of service credited upon transfer to the FMCR; and

b. The years of service, active and inactive, while a member of the FMCR.

3. Unless otherwise entitled to higher pay per paragraph 7018.4, each Marine transferred to the Retired List is entitled to retired pay at the same rate as retainer pay.

*4. Upon transfer to the Retired List, Marines will be advanced to the highest grade in which the Marine served satisfactorily as determined by the Secretary of the Navy or the CMC. The Comptroller General has ruled that military personnel may be advanced to the highest officer grade held in any Armed Force in which they served satisfactorily.

a. Eligible Marines transferring to the Retired List upon completion of 30 years of total service will be entitled to retired pay at the rate of the basic pay of either the highest officer grade or enlisted grade held on the date of retirement, whichever is most favorable.

b. If advancement to an officer grade will result in entitlement to lesser retired pay, a Marine who applies to the Secretary of the Navy within 3 months after advancement will, subject to the Secretary's approval, be restored to the former grade for pay purposes.

*c. An enlisted Marine who previously served on active duty in pay grade O-1 or above must satisfy the applicable service-in-grade requirements to be retired in that officer grade (pay grade O-1 or above) unless temporarily appointed to the pay grade O-1 or above in time of war or national emergency, and had his or her appointment terminated as a result of a reduction in force or a similar management action. These provisions apply to an enlisted Marine:

* (1) Who has previously served on active duty in pay grade O-1 or above and was reverted to an enlisted or warrant officer grade before 15 September 1981.

* (2) Who has not served in pay grade O-1 or above after 14 September 1981.

* (3) Whose service-in-grade does not satisfy the applicable service-in-grade requirements of this paragraph, the Secretary of the Navy, upon recommendation from the Director, Manpower Management or DC, M&RA, may make a determination to retire and advance the Marine on the retired list to the highest officer grade in which satisfactorily served, if is entitled to retirement under reference (a).

7019

*5. The CMC (MMSR-7) will issue notification to each Marine transferred from the FMCR to the Retired List advising him or her of their change in status.

*7019. REQUESTS TO CHANGE FMCR/RETIREMENT REQUESTS

*a. Requests to change FMCR/retirement requests submitted prior to transferring to the retired list or FMCR must be requested through the CMC (MMSR-2).

*b. The DC, M&RA or the final approval authority for the request, when determined to be in the best interest of the service to not transfer the member on the date established for the member's transfer to the retired list or FMCR, may change or cancel the approved request.

*c. Requests to change FMCR/retirement requests submitted after the member has been transferred to the retired list or Fleet Marine Corps Reserve (FMCR) must be requested through the Board for Correction of Naval Records (BCNR). The BCNR website can be reached at <http://www.hq.navy.mil/bcncr/bcncr>.

FOR OFFICIAL USE ONLY

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

***ADDITIONAL PARAGRAPHS MAY BE ADDED AS DIRECTED BY THE COMMAND**

(Letterhead)

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

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

Ref: (a) Title 10, U.S. Code 6330
* (b) MCO P1900.16G (MARCORSEPMAN)
(c) JFTR, par. U5130, U5230, and U5345-H
* (d) MCO P5512.11C (ID CARDS)
* (e) Online MCTFSPRIUM
* (f) MCO P1070.12K (IRAM)

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel Voucher (DD Form 1351-2)
(3) Certificate of Transfer to the FMCR

*1. On (PRR) you will be placed in the Fleet Marine Corps Reserve (FMCR) per references (a) and (b). Accordingly, at 2359 (PRR (Example 31 August 2011)) you will be detached from your present duty station and released from active duty. You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate (PRR).

*2. As of (PRR), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active/active constructive service. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier. Your retirement from the FMCR will be effective without request on (ADV GRADE ED) at the completion of 30 years cumulative service.

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

4. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

5. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

*6. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative.

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

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

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

Your commanding officer is responsible for its forwarding 30 days before the date of your approved transfer to the Fleet Marine Corps Reserve to the Defense Finance and Accounting Service at: DFAS, U.S. Military Retirement Pay, P.O. Box 7130, London, KY 40742-7130. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retainer pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding.

7. You have stated that your future address for mailing purposes is: Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 6. You may also telefax your address changes by calling 1-800-469-6559. Additional information can be found at <http://www.dfas.mil/dfas.mil>. Ensure you include your signature over your EDIPI.

*8. You may select a home of record and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to family members travel and to storage and shipment of household goods. Ensure you understand its contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the FMCR. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. Upon completion of travel, forward enclosure (2), along with a copy of your retirement orders and all other supporting documentation, to the servicing Finance/Disbursing Office that supports your last active duty station. Submit claims for DITY move reimbursement to the Commanding Officer, TVCD, 814 Radford Blvd, Marine Corps Logistics Base, Albany, GA 31704-1128.

9. The officer having custody of your service record and health (medical and dental) record will forward the originals per reference (f) and ensure a copy of these orders are filed in your Official Military Personnel File (OMPF). You should make and retain a personal copy of these records for safekeeping.

10. Enclosure (3) recognizes your transfer to the FMCR.

11. You (are/are not) entitled to extraordinary heroism pay.

12. Advise your commanding officer immediately should you be found not physically qualified for transfer to the FMCR. The CMC (MMSR-2) should be notified without delay with pertinent information and requesting disposition instructions.

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

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

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

*13. You may wear your uniform from this command to your home, if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate, under the Marine Corps Uniform Regulations (MCO P1020.34G, paragraph 8003 and 11002).

*14. Expenditures for active component Marines under these orders are chargeable to appropriation data contained within the Marine Corps Total Force System (MCTFS) D860 screen. Advance travel payment is authorized. Mobilized Marines will charge appropriation data contained within mobilization orders.

*15. As a member of the FMCR, in time of war or national emergency declared by the President, the Secretary of the Navy may order you to active duty at sea or on shore. Keep your Record of Emergency Data current. Ensure you include your signature over your EDIPI. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to:

Headquarters United States Marine Corps (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

16. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
OMPF

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

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

HOME OF SELECTION ENDORSEMENT

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

(Signature)

(Date)

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

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Figure 7-2.--Format for Orders for Transfer to the Retired List

***ADDITIONAL PARAGRAPHS MAY BE ADDED AS DIRECTED BY THE COMMAND**

(Letterhead)

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

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

Ref: (a) Title 10, U.S. Code 6330
* (b) MCO P1900.16G (MARCORSEPMAN)
(c) JFTR, par. U5130, U5230, and U5345-H
* (d) MCO P5512.11D (ID CARDS)
* (e) Online MCTFSPRIUM
* (f) MCO P1070.12K (IRAM)

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel Voucher (DD Form 1351-2)
(3) Certificate of Retirement

*1. On (PRR) (Example 1 September 2011) you will be placed on the Marine Corps Retired List per references (a) and (b). Accordingly, at 2359 (PRR minus 1 day (Example 31 August 2011)) you will be detached from your present duty station and released from active duty. You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate (PRR minus 1 day (Example 31 August 2011)).

*2. As of (PRR minus 1 day), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR minus 1 day (Example 31 August 2011)), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier.

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

(The following will be inserted as paragraph 3 to the orders of Marines who are advanced in grade on the retired list: "3. The Secretary of the Navy has determined that you are entitled to be advanced on the retired list, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____.")

4. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

Figure 7-2.--Format for Orders for Transfer to the Retired List--Continued

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FOR OFFICIAL USE ONLY

Figure 7-2.--Format for Orders for Transfer to the Retired List--Continued

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

5. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

*6. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days before your approved retirement date to the Defense Finance and Accounting Service at: DFAS, U.S. Military Retirement Pay, P.O. Box 7130, London, KY 40742-7130. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding.

*7. You have stated that your future address for mailing purposes is: Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 6. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your EDIPI. Additional information can be found at <http://www.dfas.mil/dfas.html>.

*8. You may select a home and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to family members travel and to storage and shipment of household goods. Ensure you understand its contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the Retired List. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. Upon completion of travel, forward enclosure (2), along with a copy of your retirement orders and all other supporting documentation, to the servicing Finance/Disbursing Office that supports your last active duty station. Submit claims for DITY move reimbursement to the Commanding Officer, TVCD, 814 Radford Blvd, Marine Corps Logistics Base, Albany, GA 31704-1128.

9. The officer having custody of your service record and health (medical and dental) record will forward the originals per reference (f) and ensure a copy of these orders are filed in your Official Military Personnel File (OMPF). You should make and retain a personal copy of these records for safekeeping.

10. Enclosure (3) recognizes your retirement.

11. Advise your commanding officer immediately should you be found not physically qualified for retirement. The CMC (MMSR-2) should be notified without delay with pertinent information and requesting disposition instructions.

12. You may wear your uniform from this command to your home, if travel is performed within 3 months after your release from active duty, and on such

Figure 7-2.--Format for Orders for Transfer to the Retired List--Continued

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Figure 7-2.--Format for Orders for Transfer to the Retired List--Continued

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

occasions as the wearing of the uniform is appropriate, under the Marine Corps Uniform Regulations per (MCO P1020.34G, paragraph 8003 and 11002).

*13. Expenditures for active component Marines under these orders are chargeable to appropriation data contained within the Marine Corps Total Force System (MCTFS) D860 screen. Advance travel payment is authorized. Mobilized Marines will charge appropriation data contained within mobilization orders.

14. As a retired Marine, in time of war or national emergency declared by the President, the Secretary of the Navy may order you to active duty at sea or on shore. Keep your Record of Emergency Data (NAVMC 10526) current. Ensure you include your signature over your EDIPI. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to:

Headquarters United States Marine Corps (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

15. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
OMPF

Figure 7-2.--Format for Orders for Transfer to the Retired List--Continued

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26 Nov 2013

Figure 7-2.--Format for Orders for Transfer to the Retired List--Continued

HOME OF SELECTION ENDORSEMENT

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

(Signature)

(Date)

Figure 7-2.--Format for Orders for Transfer to the Retired List

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*Figure 7-3.--Request for Waiver of Administrative Separation
Board Processing to Transfer to the FMCR/Retired List

(Date)

From: Rank/name/EDIPI/MOS
To: Commandant of the Marine Corps/MMSR-2
Via: Chain of Command

Subj: REQUEST FOR WAIVER OF CMC DIRECTED ADMINISTRATIVE SEPARATION
BOARD PROCESSING AND TO TRANSFER TO THE FMCR/RETIRED LIST

Ref: (a) MCO 1900.16G_

Encl: (1) [Written statement of Marine]

1. Per the reference, I request waiver of [my Administrative Separation Board (ADSep Board)] [Administrative processing] and to transfer to the FMCR/Retired List in my current grade with a [honorable] OR [general (under honorable conditions) characterization of service].

2. I understand that my request to transfer in my current grade and receive a characterization of service more favorable than the least favorable characterization of service authorized is not a condition to this request. I understand that this request may be accepted or that the Deputy Commandant, Manpower and Reserve Affairs (DC, M&RA) may direct transfer in the next inferior grade with an appropriate and authorized characterization of service at transfer. I understand that I may submit a statement to DC, M&RA for consideration. [My statement is attached/I have not submitted a statement for consideration]. I understand that if I am being processed for misconduct, I may receive and under other than honorable conditions characterization of service at transfer and that the automatic reduction at separation, for Marines serving in the pay grade E-4 or above to E-3, is not applicable. I understand that I will be required to transfer to the FMCR/Retired List with an effective date directed by the DC, M&RA.

3. I acknowledge that I have the right to present my case before an administrative separation board that has the prerogative of recommending to the DC, M&RA that I retire in my current grade and receive a more favorable characterization of service than the least favorable authorized. After consultation with counsel and having been afforded the rights of a respondent per paragraph 6304 of the reference, I knowingly waive my right to an administrative separation board with the understanding that DC, M&RA will make a characterization of service and pay grade determination, after giving due consideration to my service, conduct, performance, and [my attached statement (if applicable)].

OR

*Figure 7-3.--Request for Waiver of Administrative Separation
Board Processing to Transfer to the FMCR/Retired
List--Continued

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*Figure 7-3.--Request for Waiver of Administrative Separation
Board Processing to Transfer to the FMCR/Retired
List--Continued

Subj: REQUEST FOR WAIVER OF CMC DIRECTED ADMINISTRATIVE SEPARATION
BOARD/CONTINUED PROCESSING AND TO TRANSFER TO THE FMCR/RETIRED LIST

4. I acknowledge that I am making this request following the conduct of an administrative separation board and that the recommendations of the board may be considered at the discretion of the DC, M&RA. I understand that the DC, M&RA may choose to take immediate action or disapprove my waiver pending receipt of the complete administrative separation package from my command. If the DC, M&RA chooses to take immediate action, I understand that the DC, M&RA will make a final pay grade and characterization of service determination and issue me an effective date of transfer. After consultation with counsel and having been afforded the rights of a respondent per paragraph 6304 of the reference, I knowingly waive continued administrative separation processing and request that the DC, M&RA make an immediate characterization of service and pay grade determination and transfer me to the FMCR/Retired List at a date to be determined by the DC, M&RA.

5. Finally, I understand that submission of this request does not preclude or suspend further command disciplinary action, if warranted.

SIGNATURE OF MARINE

*Figure 7-3.--Request for Waiver of Administrative Separation
Board Processing to Transfer to the FMCR/Retired
List

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*Figure 7-4.--Command Endorsement for Waiver of Administrative
Separation Board Processing to Transfer to the
FMCR/Retired List

(Date)

ENDORSEMENT on Rank/Name/EDIPI/MOS Request of (date of request)

From: Commanding Officer/Commanding General
To: Commandant of the Marine Corps/MMSR-2
Via: Chain of Command (as applicable)

Subj: REQUEST FOR WAIVER OF CMC DIRECTED ADMINISTRATIVE SEPARATION
BOARD PROCESSING AND TO TRANSFER TO THE FMCR/RETIRED LIST

Ref: (a) MCO 1900.16G_

1. Per the reference, forwarded, recommending approval/disapproval.
2. Basic record:
 - a. Date of current enlistment:
 - b. Expiration of current contract/ECC:
 - c. Armed Forces Active Duty Base Date
 - d. Total active federal military service as of (date):
 - e. Total satisfactory service creditable towards reserve retirement (Inactive Duty Reserve personnel only):
3. Involvement with civilian authorities: (if none, so state, otherwise, provide details of events, circumstances, and facts surrounding offense(s). Include citation of civil statute(s) violated, charge(s) on which arraigned and/or plead guilty or tried and/or convicted, and sentence of court (if any).
4. Summary of military offense(s): (If none, so state: otherwise, list chronological date of nonjudicial punishment/court-martial (CM), reason/offense, including article(s) and specification(s); for CM indicate convening authority's final action and date.
5. Commanding Officer's comments to include a recommendation whether the Marine should be allowed to transfer in current, or one inferior pay grade and the characterization of service at transfer to the FMCR/Retired List. [Guidelines for characterization of service are contained in paragraph 1004 of the reference. Must be consistent with that which is authorized for the basis]

SIGNATURE OF CO/CG (OR ACTING)

*Figure 7-4.--Command Endorsement for Waiver of Administrative
Separation Board Processing to Transfer to the
FMCR/Retired List

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*Figure 7-5.--Sample Service Record Entry for Approval of Request to Waive
Involuntary Administrative Separation Board Processing and to
Transfer to the FMCR/Retired List

If Waiver is Approved. If authority is granted to allow the Marine, pursuant
to a waiver of involuntary administrative separation board processing and to
transfer to FMCR/Retired List, prepare the following Page 11 entry for
inclusion in Marine's record:

(Date)

"I understand that I have been afforded the opportunity to transfer to the
FMCR/Retired List. I further understand that the DC, M&RA will determine
whether I transfer in my current grade or at the next inferior grade. I also
understand that, in cases involving misconduct, an under other than honorable
conditions characterization of service may be assigned with due consideration
of my service record in my current enlistment and that the DC, M&RA will make
the final determination of characterization of service at transfer, the date
of transfer to the FMCR/Retired List, and that I will be assigned a
reenlistment code of RE-4 and that I am not eligible to be recalled without
express written permission of CMC/MMSR.

AUTHORITY: (CMC/MMSR-2 Message DTG).

MARINE'S SIGNATURE/DATE

WITNESS SIGNATURE/DATE

*Figure 7-5.--Sample Service Record Entry for Approval of Request to Waive
Involuntary Administrative Separation Board Processing and to
Transfer to the FMCR/Retired List

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MCO 1900.16
26 Nov 2013

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CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

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CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

8001. AUTHORITY AND RESPONSIBILITY FOR DISABILITY EVALUATION

*1. The provisions of this chapter are applicable to all Marines who are being evaluated within the Naval Disability Evaluation System (DES) to determine fitness for continued naval service, active duty or continued service in the Marine Corps Reserve.

2. The statutory authority for all disability processing is reference (a) Title 10, U.S.C. chapter 61. The Secretary of the Navy has the statutory responsibility to prescribe regulations to carry out disability processing within the naval service and exercises all powers, functions, and duties incident to the determination of:

*a. Fitness for continued naval service of any Marine under the Secretary's jurisdiction;

b. Percentage of disability of any Marine at the time of separation from active duty;

c. Entitlement to, and payment of, disability severance pay; and

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

*3. General court martial convening authorities shall determine the precedence of administrative, punitive or disability separation processing and notify CMC(MMSR-4) when a CMC directed disability separation should be held in abeyance for legal or administrative reasons.

8002. GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, equitably, and with due regard for the interests of both the Marine and the Government. Fit, Unfit, and Presumed Fit (PFit) signify specific and unique conditions that describe the physical evaluation of Marines within the DES. For the purposes of this chapter these terms are capitalized to highlight their importance in describing the physical condition of a Marine in the evaluation process.

2. Disability retirement pay and severance pay authorized by reference (a) Title 10, U.S.C. chapter 61 are benefits provided to Marines who become Unfit to perform duty because of a physical disability incurred or aggravated while on active duty or inactive duty training.

3. Marines who incur or aggravate a disease or injury during active service which impairs their earning capacity for civil occupations, but does not preclude performance of full military duties, may be eligible for compensation under laws administered by the Department of Veterans Affairs

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(VA) even though they do not qualify for disability retirement or severance pay through the military disability system.

4. The fact that a Marine is found Unfit for duty due to a physical disability while on active duty is not sufficient, in itself, to establish entitlement to disability benefits. There must be a determination that this Unfitness was incurred or aggravated while entitled to receive basic pay. The phrase "while entitled to receive basic pay" encompasses all duty which entitles a Marine to receive active duty pay, as well as, any duty without pay which by law must be considered.

8003. DEFINITIONS. Definitions that apply to physical evaluation and disability determination.

*1. CMC (MMSR-4). Disability Section, Separation and Retirement Branch, Manpower Management Division, Manpower and Reserve Affairs Department, Headquarters United States Marine Corps (HQMC), which acts on behalf of the Secretary of the Navy and the CMC for the disposition of Marines as directed by the Department of the Navy Physical Evaluation Board (PEB).

2. Combat-Related Injury or Disease. Physical disability is combat-related if it makes the Marine Unfit, and it was incurred as a direct result of armed conflict, while engaged in extra hazardous service, under conditions simulating war, or caused by an instrumentality of war and are specified by the PEB.

3. Compensable Disability. A medical condition that leads to a determination that a Marine is Unfit by reason of physical disability. This determination meets the statutory criteria under reference (a) Title 10, U.S.C. chapter 61 for entitlement to disability retired or severance pay.

*4. Conditions Not Constituting a Physical Disability. Conditions not constituting a physical disability and not ratable in the absence of an underlying ratable causative disorder. See paragraph 6203.2.

*5. Disability Evaluation System (DES). The Department of the Navy's system of evaluation of fitness for duty and disposition of physical disabilities in accordance with reference (a) Title 10, U.S.C. chapter 61 and DoD directives. When combined with the Veterans Administration Disability System, referred to as the Integrated Disability Evaluation System (IDES).

6. Disposition. Physical Evaluation Board (PEB) directed action performed by CMC (MMSR-4) affecting a Marine's status within the Marine Corps, specifically:

a. Fit to continue naval service, resulting in return to duty, separation under other provisions of law, or removal from the Temporary Disability Retired List (TDRL).

b. Unfit to continue naval service, resulting in discharge with or without severance pay, transfer to the TDRL, continuance on the TDRL, or transfer to the Permanent Disability Retired List (PDRL).

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*7. Duty Limitation Codes. Defined in reference (w) OnLine MCTFS Codes Manual to identify restrictions to types of duty and reported via UD/MIPS transaction TTC 157-000. Displayed in MCTFS RT01 and TOUR screens. As used in this chapter the definition signifies restrictions based on medical condition(s) and fitness for duty.

*a. Duty Limitation Code "Q", (DUTY LIMIT LD MED BOARD)/(NOT PHYS QUAL). A Marine assigned to Temporary Limited Duty (TLD) by an approved Medical Evaluation Board (MEB). This code is entered in MCTFS by the Marine's command when a Marine is placed on TLD as the result of an MEB by competent medical authority. The code is removed from MCTFS by the Marine's command when the Marine has been returned to full duty by a competent medical authority or found fit by the PEB. The duty limitation "Q" code is not to be confused with the duty limitation "D" code or the duty status "Q" code.

*b. Duty Limitation Code "X", (EXPIRED TLD/MED BOARD). This code will be MCTFS generated to signify that a Marine's six month period of TLD (DUTY LIMITATION CODE "Q") has expired. Units will not have the ability to report "X". Limited duty "X" codes not promptly resolved will be the subject of CMC non-compliance correspondence.

*c. Duty Limitation Code "V", (IDES REFERRAL). This code will be reported to signify Integrated Disability Evaluation System (IDES) referral by a MEB for PEB determination. The Joint DoD/VA Disability Evaluation Form is the required documentation needed for unit diary reporting purposes. Marines will remain in a TLD status during PEB referral and a TLD reevaluation is not required.

*d. Duty Limitation Code "Y", (IDES CASE ACCEPTED). This code will be reported only by CMC (MMSR-4) to signify that a Marine's medical evaluation board report has been accepted by the PEB and is now pending their action. Marines will remain in a TLD status pending IDES/PEB final disposition and a TLD reevaluation is not required.

*e. Duty Limitation Code "1", (PERM LD (PLD) SHORT TERM NOT PAST EAS). This code will be reported for Marines assigned to permanent limited duty (PLD) to complete service obligations, current tour, needs of the Marine Corps and hardship. This code is only authorized, entered and removed from MCTFS by the CMC (MMSR-4).

*f. Duty Limitation Code "2", (PERM LD (PLD) TO RETIREMENT). This code will be reported for Marines assigned to PLD with less than 20 years to reach regular retirement eligibility. This code is only authorized, entered and removed from MCTFS by the CMC (MMSR-4).

*g. Duty Limitation Code "3", (EXPD PLD (EPLD) COMBAT INJURY). This code will be reported for Marines approved for retention on Expanded Permanent Limited Duty (EPLD). This code is only authorized, entered and removed from MCTFS by the CMC (MMAA) and (MMEA-6).

*h. Duty Limitation Code "4", (EXPD PLD (EPLD) CBT INJ CMC DIR NODEPLOY). This code will be reported for Marines approved for retention on EPLD who are

non-deployable. This code is only authorized, entered and removed from MCTFS by the CMC (MMOA) and (MMEA-6).

*i. Duty Limitation Code "S", (RETN LD STAT). No longer utilized to report PLD status in MCTFS.

*j. Duty Limitation Code "D" (MED NON DEP). Judged medically nondeployable by competent authority. Implies the Marine will enter the medical treatment and reporting system.

*8. Expanded Permanent Limited Duty (EPLD). MARADMIN 228/06 provides guidance for Marines who have been wounded/injured in combat, found unfit by the PEB and desire to continue serving in the Marine Corps. The Marine will be assigned to EPLD until EAS by CMC (MMOA) or (MMEA-6). When eligible for reenlistment, Marines will submit a reenlistment, extension, lateral move (RELM) request to the CMC (MMEA-6)/Reserve Continuation Team (RCT) via the Total Force Retention System (TFRS)/Automated Career Retention System (ACRS) and attach appropriate chain-of-command endorsements requesting retention in an EPLD status. Officers send a similar package to MMOA-3.

9. Existed Prior to Service (EPTS). A PEB finding that establishes a Marine is Unfit to continue naval service due to a physical disability which manifested or existed prior to military service, and which has not been aggravated permanently by military service. Although symptoms may not have revealed themselves prior to the Marine's entry on active duty, the condition may still be determined to have existed prior to service. It may also be determined that the pre-existing condition was not aggravated by the Marine's service because the current condition of the Marine is the result of the natural progression of the pre-existing condition; i.e., the Marine's current condition is the same as it would have been had the Marine never come on active duty. A Marine found Unfit-EPTS is not eligible for disability severance pay or disability retirement, but may be eligible for severance pay or retirement under other provisions of law.

*10. Fit. A finding by the Physical Evaluation Board (PEB) that a Marine is Fit to continue naval service based on evidence that the Marine is able to reasonably perform the duties of his or her office, grade, rank or rating, to include duties during a remaining period of Reserve obligation. Marines found Fit by the PEB are eligible for appropriate assignment. A finding of Fit by the PEB does not preclude subsequent determinations of unsuitability for deployment, PFT participation, disqualification for special duties, temporary limited duty, or administrative action (to include possible separation) resulting from such determinations. Therefore, fit to continue naval service is a distinction different than fit for full duty which is determined by the Commanding Officer and/or Commandant of the Marine Corps/Manpower Management. Marines found Fit by the PEB **may not** be subsequently involuntarily administratively separated for the **same** condition(s) without approval of SECDEF. These restrictions do not apply to other bases for administrative separation, separation at end of active service obligation or prioritization at re-enlistment.

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*11. Light Duty. Status a Marine may be placed in for a maximum of 90 days, when a competent medical authority (physician) determines that a medical condition exists and interferes with the performance of duty. A physician may recommend up to 2 periods of 30 days of light duty when the Marine is expected to be returned to full duty within those 60 days. A Marine who is not returned to full duty after 60 days must have a medical evaluation board (MEB) initiated and completed within the following 30 days to evaluate the condition. Light duty is not authorized for Reservists on inactive duty.

12. Line of Duty. In absence of clear and convincing evidence to the contrary, disease or injury suffered by a Marine will be considered to have been incurred in the line of duty. Disease or injury suffered by a Marine will not be considered to have been incurred in the line of duty when found under any one of the following circumstances:

a. As a result of the Marine's intentional misconduct or willful neglect with a reckless disregard for the consequences;

b. While avoiding duty by desertion or unauthorized absence;

c. While confined under sentence of court-martial which includes an unremitted dishonorable discharge; or

d. While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.

*13. Line of Duty (LoD) Benefits. A document issued when an injury or disease was incurred or aggravated by Reserve service and may authorize benefits to include medical care, travel to and from medical treatment, incapacitation pay and/or drill pay, and processing through the Disability Evaluation System (DES). See reference (q) SECNAVINST 1770.3D and refence (br) MCO 1770.2A.

*14. Medical Board Online Tri-Service Tracking System (MEDBOLTT). MEDBOLTT is a DON web-based system that captures and shares data globally, allowing research of any patient referred to an MEB for both current board activity and historical referrals to any previous MEB. The system allows tracking of all board action from MTF to the PEB. Most Battalion Aid Stations (BAS) have access. View access can be authorized by any MTF with MEB convening authority.

*15. Medical Extension. Extension of active duty service for a maximum of 60 days to evaluate and document a Marine's condition upon the completion of active service or determine if a Marine should be retained on limited duty for possible future processing through the disability evaluation system. This places a Marine in Convenience of the Government Medical Status (CofGM).

16. Medical Evaluation Board (MEB). Evaluation convened at a military treatment facility (MTF) to identify a Marine whose physical/mental qualification to continue on full duty is in doubt or whose physical/mental limitations preclude the Marine's return to full duty within a reasonable

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period of time or at all. MEBs are convened to evaluate and report on the diagnosis, prognosis for return to full duty, plan for further treatment, and medical recommendation for disposition of Marines. An MEB may return a Marine to full duty, recommend a period of limited duty, be forwarded to the CMC (MMSR-4) for departmental review, or be forwarded to the Physical Evaluation Board for determination of fitness to continue naval service.

*17. Medical Evaluation Board Report MEB(R). There are two types of MEBs.

a. Abbreviated Medical Evaluation Board Report AMEB(R) (NAVMED 6100/5). A brief summary of the Marine's medical condition, limitations, and expected return to duty date used to place a Marine on temporary limited duty (TLD). An AMEB(R) may return a Marine to full duty, recommend a period of limited duty or be forwarded to the CMC (MMSR-4) for departmental review.

b. An MEB(R) is a detailed clinical report, narrative summary and Commander's Non Medical Assessment of a Marine's medical condition(s) and abilities dictated by a physician and used to request additional limited duty in excess of 12 months for departmental review by the CMC (MMSR-4) or for a referral to the PEB for disability determination.

*18. Medical Hold. The medical status of a Marine to remain on active duty 60 or more days beyond EAS to receive medical treatment for service connected injuries, illnesses and/or diseases. Retention 60 days beyond EAS requires the commander's approval of TLD based upon an AMEB(R), which clearly indicates medical conditions, limitations and prognosis for recovery or referral of the Marine into the Disability Evaluation System (DES) via the PEB and that status reported in the MCTFS. Marines held 60 or more days beyond EAS in a convenience of the government medical hold status (CofGM) not in a valid TLD status in the MCTFS will have an EAS established by CMC (MMSR-4). Retention beyond original EAS for a second period of TLD requires CMC (MMSR-4) approval of an MEB(R) with commander's non medical assessment or referral of the Marine into the IDES and that status reported in the MCTFS.

*19. Non-Medical Assessment (NMA). When a Marine is referred for physical evaluation (i.e., medical evaluation board - MEB), the commanding officer's assessment of the Marine's performance of duty may provide better evidence of the Marine's ability to perform duties than a clinical estimate by a physician. Commanding officers perform a vital role in assisting the PEB to make the proper Fit or Unfit determination. Particularly in cases of chronic injury/illness and cases where objective evidence is minimal or lacking altogether, documents such as letters from the chain of command, annual performance evaluations, credential reports, or personal testimony may more accurately reflect a Marine's capacity to perform. The commander should pay special attention to highlight the Marine's ability to execute duties as required of their rank, MOS, duty, and the reality of their contribution (**i.e., satisfactory comments in those duties/no limitations will most likely result in the Marine being found Fit**). Reference (bb) SECNAVINST 1850.4E, The Department of the Navy Disability Evaluation Manual (DEM) requires NMAs from the Marine's commanding officer on all MEB(R). Commanders will ensure that NMAs are submitted to the requesting medical facility within 5 calendar

days from the date of receipt of such request. NMAs must also be submitted to the CMC (MMSR-4) for approval of third and subsequent periods of TLD. See figure 8-6 for the NMA questionnaire form and a sample of a well-written narrative summary.

20. Permanent Limited Duty (PLD). A specified continuation on active duty in a limited duty status after a Marine is determined Unfit by the Physical Evaluation Board (PEB) as a result of a physical disability. PLD is requested by the Marine, endorsed by the command, and authorized by the CMC (MMSR-4), based on the best interests of the Marine Corps and the Marine.

21. Physical Disability. Any impairment due to disease or injury, regardless of degree, that reduces or prevents a Marine's actual or presumed ability to engage in gainful employment or normal activity.

22. Physical Evaluation Board (PEB). The PEB acts on behalf of the Secretary of the Navy to make determinations of fitness to continue naval service, entitlement to benefits, disability ratings, and disposition of referred Marines.

*23. Presumption of Fitness (PFit). A Physical Evaluation Board (PEB) finding applied to officers and enlisted Marines referred to the PEB within 12 months of mandatory retirement or after the approval of voluntary retirement, who, therefore, are evaluated under a Presumption of Fitness. PFit means evidence establishes that the Marine's functional impairment has not caused a premature termination of a career and eligibility for retired pay. Marines found PFit are afforded the same rights within the DES as those found Fit to continue naval service. Marines found PFit are not eligible for disability retirement, but are eligible for retirement under other provisions of law, and for evaluation by the VA for disability compensation. The PFit ruling may rarely be overcome when it can be established by a preponderance of evidence that the illness/injury meets the strict guidelines of reference (ba) SECNAVINST 1850.4E (Disability Evaluation Manual), paragraph 3305, and that the medical condition in question may warrant a permanent disability rating of approximately 60 percent. These guidelines allow for evaluation of acute and grave illnesses and injuries that occur within the presumptive period or conditions that would prevent a Marine from performing further duty if not retiring.

*24. Temporary Limited Duty (TLD). Specified condition and period of limited duty from an MEB convened at a MTF. The cumulative period of TLD shall not normally exceed 12 months. TLD is not authorized for reservists on inactive duty.

*a. TLD for enlisted Marines may be approved at the local MTF for up to two initial periods of 6 months. Any additional periods past 12 months requires departmental review and approval from the CMC (MMSR-4) via submission of an AMEB(R) NAVMED 6100/5, which clearly indicates medical conditions, limitations, prognosis for recovery and continued active service and includes the commander's non medical assessment.

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*b. Any period of TLD for officers requires submission of an AMEB(R) NAVMC 6100/5 and approval from the CMC (MMSR-4). Third and greater periods of officer limited duty require submission of an AMEB(R) NAVMED 6100/5, which clearly indicates medical conditions, limitations, prognosis for recovery and continued active service and includes the commander's non medical assessment.

*c. Upon the CMC (MMSR-4) review, TLD may be approved, disapproved or the case may be directed for referral into the IDES for a PEB determination of fitness. A reevaluation of the Marine must be initiated 2 months before the completion of any period of TLD.

*d. Retention on TLD 60 days beyond EAS requires the commander's approval of an AMEB(R) which clearly indicates medical conditions, limitations and prognosis for recovery or referral into the Disability Evaluation System (DES) via the PEB and that limited duty status status reported in the MCTFS. Ensure a contract extension is executed reflecting the new EAS. A second consecutive period of TLD beyond a Marine's original EAS/ECC requires referral into the IDES or CMC (MMSR-4) approval of TLD. For second consecutive periods of TLD only, forward the AMEB(R) NAVMED 6100/5 and command endorsement for approval/disapproval with non-medical assessment (Figure 8-6) and a recommended separation (EAS) date to CMC (MMSR-4). Commanders must use discretion in recommending TLD beyond EAS/ECC as Marines are not necessarily required to be fit for full duty beyond that date. See reference (p), NAVMED P-117 (MANMED) Article 18-25. TLD is rarely appropriate or approved for Marines with a pending approved or mandatory retirement date, see paragraph 1011.

25. Unfit

a. A finding by the PEB that a Marine is Unfit to continue naval service based on evidence which establishes that the Marine is unable to reasonably perform the duties of his or her office, grade, rank or rating, to include duties during a remaining period of Reserve obligation. The PEB authorizes that the CMC (MMSR-4) to separate or retire Marines found Unfit to continue naval service.

*b. Unfit for continued naval service. The PEB does not consider the sole inability to pass a PFT/CFT or to deploy as being unfitting for continued naval service, as these requirements are Service and often unit and MOS specific, and in the absence of documented medical limitations do not necessarily constitute a disability. Therefore, the PEB determines fitness (unfitness) for continued naval service as it pertains to disability and the CMC and commanding officers, supported by medical staff, make determinations of whether or not Marines are fit for full duty in the Marine Corps.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 1: LIMITED DUTY PROCESSING PROCEDURES AND POLICIES

*8101. GENERAL. This section contains general administrative procedures and policies concerning the limited duty process. These policies and procedures apply to all Marines, officers and enlisted, serving on active duty for more than 30 days. For those Reservists requiring medical treatment as a result of inactive duty training or periods of active duty for 30 days or less, refer to reference (q) SECNAVINST 1770.3D, Line of Duty (LOD) benefits. Pregnancy, because it is not normally a precursor to medical evaluation board (MEB) processing, is not addressed. Pregnancy does make a Marine temporarily nondeployable and must be reported as such in reference (bz) MCO 3000.13, Marine Corps Readiness Reporting. Refer to reference (bo) MCO 5000.12E, Policy and Procedures for Pregnant Marines, for specific instructions and duty limitations.

8102. PURPOSE. The purpose of this section is to help maximize readiness by educating and integrating commanders into the Disability Evaluation System (DES), to streamline the system, and to ensure proper documentation of disability processing. The goal is to maintain a worldwide assignable, deployable, physically ready, combat force. Marines with a physical defect are granted appropriate periods of light or limited duty to return to full duty. If a Marine is unlikely to return to full duty within a reasonable period of time, usually up to a cumulative total of 12 months, an MEB will be completed and forwarded to the Physical Evaluation Board (PEB) for a determination of fitness to continue naval service.

*8103. LIGHT DUTY

1. Light duty is a medical recommendation to the Marine's command.
2. Marines may be placed on light duty for a maximum of 90 days when competent medical authority determines that a medical condition exists and interferes with the performance of duty; documented on the SF 600 in the Marine's medical record and on a NAVMED 6310/1. A physician may recommend up to 2 periods of 30 days of light duty when the Marine is expected to be returned to full duty within those 60 days. A Marine who is not returned to full duty after 60 days must have a MEB and report completed within the following 30 days to evaluate and document the condition. Light duty is not authorized for reservists on inactive duty.
3. Under no circumstances will light duty exceed 90 days.
- *4. A Marine placed on light duty for the same condition two consecutive times, or repeatedly over a period of time, will have their case referred to the local MTF for dictation of an MEB, if warranted.

*5. Medically non-deployable; duty limitation code "D" identifies a Marine who has been judged medically non-deployable by a competent authority and implies that the Marine will return to duty or enter the limited duty medical process and reporting system within 90 days.

*8104. LIMITED DUTY OVERVIEW

1. When a Marine becomes sick, is injured, or develops a medical defect and reports to the local Military Treatment Facility (MTF) for screening, the physician has three options:

a. Return the Marine to full duty upon initial examination;

b. Recommend assignment to light duty for up to 60 days, in 30 day increments, if the physician expects that the Marine will return to full Duty within those 60 days; or

*c. Determine that the Marine will not be able to return to full duty within 60 days and initiate an MEB for assignment of temporary limited duty (TLD) and/or referral into the IDES and the PEB for disposition.

2. If the physician recommends assignment to light duty and the command concurs, the physician may subsequently:

a. Return the Marine to full duty at any time while assigned light duty; or

b. Determine that the situation has not improved, or has been aggravated, and that an MEB is required for either TLD or referral to the PEB for fitness for duty determination.

3. Medical Evaluation Board (MEB)

a. If, at any time during the process, the physician determines that an MEB is required, one will be initiated. Outcomes of the MEB process are listed below.

(1) Return the Marine to full duty.

* (2) Recommend a period of TLD. The MTF is authorized to approve up to 12 months of TLD in 6 month increments for enlisted Marines without approval from the CMC (MMSR-4). See paragraph 8105.3 for requirements beyond EAS.

* (3) All officer MEB(R) recommending periods of TLD must be forwarded to the CMC (MMSR-4) for departmental review. See paragraph 8105.6.

* (4) Second and greater periods of TLD exceeding EAS/ECC must be forwarded to the CMC (MMSR-4) for approval. See paragraph 8105.3.

* (5) Third or greater periods of enlisted TLD must be referred to the PEB for disability evaluation or the MEB(R), and the commander's NMA provided

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to the CMC (MMSR-4) for approval of additional limited duty. See paragraph 8105.7.

* (6) Forward the MEB(R) to the CMC (MMSR-4) for departmental review if directed by the CMC (MMSR-4).

* (7) If the Marine is assigned overseas forward the MEB(R) directly to the PEB for a determination of fitness for continued naval service, if likely that the Marine will not be returned to full duty.

* (8) Refer the Marine into the IDES for disability determination.

*b. Under no circumstances will a Marine be removed from a full duty status in excess of 90 days without an MEB being completed. These 90 days include light duty for 60 days and 30 days for the MTF to complete an MEB.

*4. Reevaluation. Re-evaluation must be scheduled 60 days before the termination of TLD at which time the MTF may:

a. Return the Marine to full duty;

*b. Determine that an additional period of TLD is required to return the Marine to full duty. Forward a complete MEB to the CMC (MMSR-4) for departmental review as required.

*c. Forward the MEB(R) to the PEB if assigned overseas, for a determination of fitness for continued naval service.

*d. Refer the Marine into the IDES for disability determination.

*5. Departmental Review. Upon review of an MEB(R), or commander's endorsement and NMA, the CMC (MMSR-4) may:

a. Approve or disapprove a period of TLD, or

*b. Endorse and direct referral into the IDES for a determination of fitness for continued naval service.

*6. When an MEB(R) is forwarded to the PEB, the PEB will either find that the Marine is:

a. Fit for continued naval service (see 8003.10) or

*b. Unfit for continued Naval Service with a ratable disability. Less than 30 percent disability rating with less than 20 years active service rates a medical discharge with disability severance pay. A disability rating of 30 percent or more rates a medical retirement (temporary or permanent). See 8003.25 and Tables 8-2, or 8-3.

c. Unfit for duty, but not ratable with a disability percentage rating because the physical disability was found to be the result of intentional

misconduct, willful neglect, incurred during an unauthorized absence, or was a condition that existed prior to service (EPTS).

7. Once the disability process and any authorized hearing and petitions for relief are complete, the Marine is:

- a. Returned to full duty;
- b. Separated/retired; or
- c. Authorized a period of permanent limited duty (PLD), provided the criteria are met.

*8105. LIMITED DUTY POLICY

1. Marines on TLD must be reevaluated before the expiration of the period of limited duty.

*2. Marines on light or TLD must maintain proper military appearance and weight control per current edition of reference (bt) MCO 6110.3. The mere fact that a Marine is on light or TLD does not remove the Marine's responsibility to comply with Marine Corps standards. If a Marine on light or TLD fails to maintain military appearance and weight control standards, that Marine may be subject to administrative action (to include separation). See paragraphs 8001.3 and 8308.

*3. For Marines found medically unqualified for voluntary separation at EAS/ECC, the appropriately privileged medical provider will request that the Marine's command retain the Marine in a CofG Medical status for further medical processing. When CMC is the separation authority, the command will immediately notify the CMC (MMSR) for disposition. A command may not retain a Marine in excess of 60 days beyond EAS/ECC in a CofG Medical status without (1) a valid AMEB(R) for TLD which clearly indicates medical conditions, limitations, and prognosis for recovery and approval by the commanding officer or (2) a medical determination for referral into the IDES via the PEB. That limited duty status must be accurately reported in the MCTFS. Marines retained beyond EAS for TLD or the IDES must execute a valid contract extension reflecting the end of the TLD or IDES period and that new EAS entered into MCTFS. Further retention of Marines beyond this initial medical extension for TLD requires CMC (MMSR-4) receipt and approval of a valid MEB(R) indicating diagnosis, limitations and prognosis with command endorsements and non-medical assessment (Figure 8-6). Physicians and commanders must use discretion in medical retention beyond EAS, as Marines are not necessarily required to be fit for full duty beyond that date. The Marine's health and well being, determination of deferrable or elective medical treatment, prognosis for recovery, possible processing for disability through the PEB and medical treatment available after separation through the Department of Veterans Affairs are factors for consideration. See reference (p) NAVMED P-117 (MANMED) Article 18-25.

*4. Concurrent legal or administrative and disability separation proceedings. See paragraphs 8001.3 and 8308.

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*5. Conscientious objectors and disability evaluation proceedings are run concurrently, neither process takes precedence. Both should proceed normally unless and until a discharge is authorized under either process.

6. Officers may only be assigned TLD with the CMC (MMSR-4) approval.

7. For enlisted Marines, the CMC (MMSR-4) is required to approve any period of TLD beyond 12 months and all subsequent periods of TLD.

8. Marines cannot be removed from full duty for more than 90 days without MEB completion.

9. An MTF shall convene an MEB under the following circumstances.

*a. A Marine has a condition which may permanently interfere with ability to fulfill active duty obligations/requirements and is not restricted by reference (p) NAVMED P-117 MANMED Article 18-5.

b. A Marine is temporarily unable to perform full duty, return to full duty is anticipated, and it will be necessary to follow the patient for more than 30 days.

c. A Marine's continued military service would probably result in extended hospitalization, close medical supervision, or an aggravation of existing condition.

*d. A Marine refuses medical, dental, or surgical treatment for a condition or defect which interferes with performance of duty. See paragraph 6203.7 regarding administrative separation in these cases.

e. A command requests that the CMC (MMSR-4) direct an MEB, and the CMC (MMSR-4) concurs.

f. Other reasons set forth in reference (p) NAVMED P-117 (MANMED) article 18-4.

g. The CMC (MMSR-4) so directs.

*8106. AUTHORIZATION FOR PARTIAL/NO PFT. Per reference (bt) MCO 6110.3, Physical Fitness, failure to take all or part of the PFT/CFT is authorized only when a Marine is in a bona fide light duty, TLD, or PLD status. An SF-600 without appropriate documentation by a physician assigning light duty or directing MEB action does not, in itself, excuse a Marine from taking all or part of the PFT/CFT.

1. A Marine who is unable to take or pass the PFT/CFT because of a permanent medical defect or a repeated temporary condition must have an MEB conducted to determine the Marine's medical qualification for continued active service. A Marine may not be repeatedly excused from participation in the PFT/CFT without MEB action being taken. Based on the MEB, the Marine may either be returned to full duty, placed on TLD, have the MEB forwarded to the PEB for a determination of fitness or be administratively separated.

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*2. If a Marine is found Fit for continued Naval Service by the PEB and is still unable to take or pass the PFT/CFT because of a different medical condition than those evaluated by the PEB, the Marine may be subject to administrative separation per paragraph 6203 of this Manual. Contact CMC (MMSR-4) for guidance.

*3. Marines who have been found Fit by the PEB may not later be involuntarily administratively separated for the same medical condition(s) for which they were found fit without approval of the SECDEF. Disability re-evaluation may be warranted. See paragraph 6106.1.d and contact the CMC (MMSR-4) for guidance.

8107. DEPLOYABILITY/PCS

1. For Marines who are on TLD, deployability is left to the discretion of the Marine's commanding officer, who should take into consideration the recommendations of the medical officer that dictated the MEB which placed the Marine on limited duty. TLD is intended to allow a Marine to recover from an illness/injury and return to full duty. Commanding officers should consider whether or not deploying the Marine will aggravate and worsen the illness/injury, and whether or not the Marine will be afforded adequate medical treatment where the unit is deployed, thus allowing the Marine the best opportunity to recover and return to full duty.

2. Marines on TLD should not execute PCS orders unless it can be assured that:

a. The Marine can receive the same level of medical treatment at the new MTF as is being received at the current MTF; and

b. Re-locating the Marine will not, in any way, aggravate or worsen the illness/injury.

*c. The Marine will most likely return to full duty within no more than 2 periods of TLD.

*3. Once a Marine has entered the DES/IDES the Marine shall not be deployed or execute PCS orders, unless approved by the CMC (MMSR-4).

8108. PERMANENT LIMITED DUTY (PLD)

*1. PLD is designed to retain a Marine on active duty until a specified date. The CMC (MMSR-4) may retain Marines found unfit on active duty in a PLD status to continue naval service in a limited assignment. Marines with 16 years, but less than 20 years of active service, and facing discharge with severance pay by the action of the PEB may be considered for retention on active duty in a PLD status to complete 20 years active service and retirement. The Marine's disabling condition must be determined to have stabilized, or is progressing at a slow rate. The Marine must be able to function in a normal military environment without adverse effect on personal health or the health of other Marines, maintain standards of appearance and conduct, and not require an inordinate amount of medical care.

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*2. Unfit Marines who desire PLD must submit a written request in the form of a brief signed statement appended to or typed on the PEB Election of Options form or via separate correspondence. All PLD requests must be endorsed via the Marine's chain of command and forwarded to the CMC (MMSR-4). PLD requests recommending 4 months or less require battalion/squadron commanding officer endorsement. PLD requests greater than 4 months require Commanding General endorsement.

*3. Criteria to remain on active duty in a PLD status:

*a. To complete a current tour of duty based on hardship, extraordinary circumstances, needs of the Service, or desire of the Marine;

b. To provide continuity in a key, mission-essential billet pending relief; or

c. To complete active service obligation for education and training;

*4. A Marine continued on active duty under these provisions will be closely observed to assure that further continuance on active duty, or conversely, separation, is consonant with the best interests of the Marine and the Marine Corps. When a Marine becomes unable to perform effectively in a PLD assignment, notify the CMC (MMSR-4). The Marine may be referred to an MTF for evaluation and appropriate disposition.

*5. Marines retained on PLD are expected to maintain proper military appearance and weight control per current edition of reference (bt) MCO 6110.3. Duty assignment will be consistent with the physical limitations of the Marine. Assignment to limited duty under this paragraph is not intended to be an excuse from duty. Each Marine assigned to PLD is expected to contribute to the effectiveness of the Marine Corps.

*6. A Marine retained on PLD remains subject to reassignment based on the needs of the Marine Corps and the physical capabilities of the Marine. In assigning a Marine who is in a PLD status, the availability and capability of medical facilities must be considered.

*7. Contact the CMC (MMPR) for all promotion issues while on PLD.

*8. Marines assigned to PLD for a period greater than 12 months must be reevaluated and have a complete MEB sent to the PEB not later than 4 months before the PLD expiration date. Provide a copy to the CMC (MMSR-4). When a Marine assigned to PLD becomes retirement or FMCR eligible, do not submit a request for retirement or transfer to the FMCR unless the PEB determines upon reevaluation that the Marine has been found Fit for continued naval service. Those found Unfit upon reevaluation shall be retired by reason of physical disability.

*9. If retained in a PLD status, the Marine will be granted disability benefits upon retirement or separation, if eligible, if the disability is

still present to a disabling degree as determined by the PEB in final adjudication of the Marine's case.

*10. PLD is not authorized for inactive-duty reservists, to include those serving in a "mobilized" or "ADOS" status. Inactive-duty reservists who have been found Not Physically Qualified for continued naval service and who have 18 but less than 20 satisfactory years for retirement may be retained in the Individual Ready Reserve (IRR). Contact CMC (MMSR-5 and RA) for requirements and additional information.

*8109. EXPANDED PERMANENT LIMITED DUTY (EPLD)

*1. EPLD is afforded to combat wounded/injured Marines desiring retention on active duty or reserve status provided that the Marine can still contribute to the Marine Corps' mission. Per reference (ba) SECNAVINST 1850.4E (DON Disability Evaluation System), the CMC maintains the authority to retain Marines found unfit for continued Naval Service by the PEB and will approve or disapprove all retention requests on a case-by-case basis.

*2. Specific CMC guidance in MARADMIN 228/06 states:

*a. Injury/disability must be combat-related, post 11 September 2001, and meet Purple Heart criteria. The Deputy Commandant, Manpower and Reserve Affairs (DC, M&RA), on a case-by-case basis, may waive the Purple Heart criteria for unique cases of Marines injured in combat operations. An example may include a Marine injured when a vehicle crashes after taking evasive action to avoid enemy fire.

*b. Marines being retained must be capable of performing a mission in an MOS, although they may be trained in a new MOS via a lateral move.

*c. Passing all or part of the physical fitness test (PFT) or combat fitness test (CFT) is not a requirement for retention.

*d. Marines must continue to meet height, weight, and body fat standards per reference (bt) MCO 6110.3.

*e. World-wide deployability is not a prerequisite for retention.

*f. A Marine's condition cannot adversely impact other Marines assigned to the unit or the unit's mission.

*g. Enlisted Marines meeting EPLD criteria should submit for reenlistment per reference (ae) MCO 1040.31, (Enlisted Retention and Career Development Manual) or reference (bv) MCO 1040R.35, (Reserve Career Retention and Development Manual).

*h. Officers found unfit for continued military service by the PEB that meet the EPLD criteria should submit an AA Form requesting retention to the CMC (MMOA-3) for Active Component or CMC RA-CMT for Reserve Component.

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*i. Marines approved for EPLD will be assigned a draw case code (DCC) of "CW" and duty limitation codes "3" or "4" by CMC MMEA-6 (Enlisted), CMC MMOA-3 (Officer), for manpower designation and duty status verification.

*8110. LIMITED DUTY RESPONSIBILITIES

*1. Commanding Officer

*a. Responsible for the proper administration of all light duty and TLD Marines, and for tracking MEB processing through final disposition.

*b. Appoint a Limited Duty Coordinator (SNCO or above) in writing to:

*(1) Assist the Commanding Officer with all responsibilities pertaining to the limited duty and the DES/IDES process;

*(2) Identify, track and ensure proper administrative reporting of all personnel on light duty, TLD, PLD or processing through the DES/IDES. An advisory will be generated and sent to the Marine's command via electronic diary feedback report(s) (EDFR) and a Marine-On-Line (MOL) notification to the Marine and the unit's MOL manager when a Marine's TLD status is scheduled to expire within 60 days and will direct medical reevaluation;

*(3) Monitor and reconcile duty limitation code "X" on a monthly basis. This code will be system generated to signify that a Marine's six month period of TLD has expired. This code will also be monitored on a monthly basis by CMC (MMSR-4) for manpower staffing efficiency and will remain in MCTFS until the Marine's duty limitation code has been updated to full duty status or authorized a new period of TLD. Units will not have the ability to report or modify duty limitation code "X". Advisories will be generated and sent to the Marine's command via electronic diary feedback report(s) (EDFR) and a Marine-on-Line (MOL) notification to the Marine and the unit's MOL manager when a Marine's TLD, duty limitation code "Q", exceeds 180 days;

*(4) Ensure Marines not in a full duty status in excess of 60 days for medical reasons are scheduled for a MEB, placed on TLD and properly reported in the Medical Board Online Tri-service Tracking System (MEDBOLTTS), Medical Readiness and Reporting System (MRRS), and the Marine Corps Total Force System (MCTFS);

*(5) Monitor the status of all Marines in the command who are on Convenience of the Government medical hold;

*(6) Maintain a case file on all limited duty personnel, which at a minimum includes the AMEB(R) NAVMEB 6100/5 that directs TLD, any Commander's NMA's, extensions on limited duty, NAVMED 6100/6 directing removal from TLD and all communication with the CMC (MMSR-4). The file must be maintained for 2 years; and

*(7) Coordinate with personnel at the MTF, IPAC, Higher Headquarters Limited Duty Coordinators and the CMC (MMSR-4) in the performance of these duties. See paragraph 8003.7 and reference (aw) Online MCTFSPRIUM regarding limited duty codes in the MCTFS.

*c. Ensures that Marines of the command who are sick, injured, or have a medical defect are in a bona fide light duty or TLD status, as appropriate.

*d. Assigns duty limitation code "Q" in MCTFS for all Marines in a bona fide TLD status (requires medical board action and appropriate documentation), and removes the duty limitation code "Q" for Marines not in a bona fide TLD status.

*e. Returns a Marine to full duty in the MCTFS upon an MTF determination that the Marine is Fit for duty.

*f. Assigns/removes duty limitation code "D" in MCTFS.

*g. Coordinates with the MTF to ensure re-evaluation is initiated 60 days before expiration of TLD.

*h. Assigns duty limitation code "V" in MCTFS when a Marine has been referred by a MEB into the IDES. The Joint DoD/VA Disability Evaluation Pilot Referral Form or VA Form 21-0819 VA/DoD Joint Disability Evaluation Board Claim is the required documentation needed for UD/MIPS reporting purposes. The Marine will remain in a TLD status pending IDES/PEB referral and a TLD reevaluation is not required.

*i. Ensures a Marine undergoing IDES processing reports for all appointments and that the Marine informs their command Limited Duty Coordinator of results.

*j. Makes an appropriate statement in the request for reenlistment or extension pertaining to the medical duty status of a Marine; i.e., Fit for full duty, on light duty, TLD (start/stop date, first/second period), or PLD (start/stop date). Marines on light or limited duty will not be granted reenlistment while in this status. If a Marine has been granted authority by the CMC (MMEA-6/RCT), and is assigned a TLD status, the Marine should be medically retained and the CMC (MMEA-6) must be immediately notified via naval message or the Total Force Retention System (TFRS).

*k. Ensures appropriate comments are made in section A and section I of a Marine's fitness report, if a Marine takes a partial PFT/CFT or fails to take the annual PFT/CFT because of a medical condition (i.e., appropriate assignment to light duty or TLD).

*l. Ensures Marine-On-Line (MOL) reports, the MCTFS, Defense Readiness Reporting System (DRRS), MEDBOLTTS, and the Medical Readiness Reporting System (MRRS) uniformly reflect medically non-deployable, light duty, limited duty, and IDES status of the unit's Marines.

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*m. For Marines found medically unqualified for voluntary separation at EAS/ECC, the appropriately privileged medical provider will request that the Marine's command retain the Marine in a CofGM status for further medical processing. When CMC is the separation authority, the command will immediately notify the CMC (MMSR) for disposition. See paragraph 8105.3 for medical retention requirements beyond EAS/ECC.

*n. Complete all requests for a Commander's Non-Medical Assessment (Figure 8-6) within 5 calendar days of notification from an MTF or the CMC (MMSR-4). See Figure 8-6.

*o. Ensures that a Marine assigned to PLD for greater than 12 months is reevaluated by the IDES prior to the end of the PLD period and that the evaluations are forwarded to the PEB for disposition. Inform the CMC (MMSR-4) via naval message when the reevaluation is complete.

*2. Military Treatment Facility (MTF). MTF Commanders, with the support of their respective MEB departments and physicians, are responsible for the following medical and administrative functions:

*a. Recommends assignment to a period of TLD.

*b. Schedules re-evaluation 60 days before the termination of TLD;

*c. For enlisted periods of TLD greater than 12 months, forward a copy of the AMEB(R) NAVMED 6100/5 to the CMC (MMSR-4), which clearly indicates medical conditions, limitations, prognosis for recovery and continued active duty and includes the Commander's NMA.

*d. For officers first and second periods of TLD, forward only a copy of an AMEB(R) NAVMED 6100/5 to the CMC (MMSR-4) for approval. For officers third and greater periods, forward a copy of the AMEB(R) NAVMED 6100/5 to the CMC (MMSR-4), which clearly indicates medical conditions, limitations, prognosis for recovery and continued active service and includes the Commander's NMA.

*e. Ensures assignments to light duty do not exceed 90 days.

*3. CMC (MMSR-4)

*a. Monitors duty limitation codes "Q", "D", "X", "V", "Y", "1", "2" and reserves authority to enter and remove all duty limitation codes pertaining to the DES/IDES process. When necessary, will remove duty limitation codes "X", "V", and "Y", remove duty limitation "D" codes greater than 90 days (except for pregnancy post partum) and duty limitation "X" codes greater than 12 months absent an AMEB(R) approved by the CMC (MMSR-4).

*b. Directs action on Marines retained for CofGM past their EAS without any MEB action.

*c. Directs MEBs for departmental review or fitness for duty determination.

*d. Conducts departmental review of all officer MEBs, enlisted MEBs recommending third and subsequent periods of limited duty, and enlisted MEBs recommending initial periods of limited duty longer than 12 months. Upon review, limited duty may be approved, or the Marine may be directed for referral into the IDES for determination of fitness. MMSR-4 will report duty limitation code "Q" for all approved periods of limited duty that undergo departmental review.

*e. Only the CMC (MMSR-4) has the authority to enter or remove permanent limited duty (PLD) codes from MCTFS.

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 2: DISABILITY EVALUATION SYSTEMS

8201. GENERAL. The information in this Section is a summary of relevant DoD and DON Directives. Resolution of any disparities will follow the DoD and DON guidance in effect at that time.

*1. A Marine whose ability to perform the duties of office, grade, or MOS is questioned because of the presence of a medical impairment shall be referred into the disability evaluation system at the direction of a military treatment facility (MTF) convening authority or the CMC (MMSR-4) for a determination of continued naval service by the Secretary of the Navy. There are currently two disability evaluation systems being utilized.

*a. Legacy. This system is composed of the MTF, the DON Physical Evaluation Board Board (PEB) and the CMC (MMSR-4). In this system the DoD conducts all medical examinations, the PEB makes determinations of fitness for continued naval service and assigns disability rating percentages and CMC/MMSR-4 directs action on those PEB decisions. This disability evaluation system is commonly called the DES and is generally used only for recruits and Marines on the Temporary Disability Retired List (TDRL). See Figure 8-1.

*b. Integrated Disability Evaluation System (IDES)

*(1) The IDES is a new DoD and VA disability system (since 2008), and is still undergoing changes and improvements. The IDES is designed to eliminate the duplicative, time-consuming, and often confusing disability processes of the two Departments.

*(2) A key feature of the IDES are VA medical examinations appropriate for determining both fitness and disability as well as a single-source VA disability rating. All Marines in the IDES will have a VA general medical examination worksheet completed plus any other applicable examination worksheets based on Service specific medically disqualifying conditions and the Marine's claimed service connected condition(s). These examinations provide information the Department of the Navy's PEB uses to determine a Marine's fitness for continued naval service and meet the needs of the VA Disability Rating Activity Site (D-RAS) to determine the disability rating percentage for Service unfitting and other claimed medical conditions incurred or aggravated as the result of naval service.

*(3) The disability rating awarded by the D-RAS, specifically for the naval unfitting medical condition(s), will serve as the basis in determining an IDES final disposition for naval service (fit for continued service, separation with or without disability severance pay or disability retirement). The D-RAS's combined disability award, for all medical conditions rated, shall be the basis for determining disability compensation payments and benefits administered by the VA, which should be provided within 30-60 days after separation from the Marine Corps. See Figure 8-2.

* (4) Marine recruits will not be processed through the IDES and instead are directed to be processed through the Legacy Disability Evaluation System. Recruits must be enrolled in the Veterans Administration Benefits Delivery at Discharge/Quick Start Programs prior to separation/retirement for physical disability.

*c. Overseas IDES Policy

* (1) Permanent Change of Station (PCS) Orders. All Marines assigned overseas who require referral into the IDES, after initial screening by the Department of the Navy PEB will receive PCS orders to a continental United States (CONUS) location where they can be entered into and processed through the IDES.

* (2) CONUS Location Determination. PCS Orders will be issued to provide CONUS based medical services to the Marine while they are processed through the IDES. The orders will direct the Marine to an appropriate MTF for each individual case. If there are multiple appropriate MTFs the geo-location desires of the Marine will be considered.

*2. The PEB is one of three boards within the Naval Council of Review Boards (CORB), a component of the Office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN, M&RA). The PEB is composed of an Informal PEB and a Formal PEB at the Navy Yard, Washington, D.C. PEB disposition instructions are provided in the tables at the end of this chapter as indicated below:

a. For determination of eligibility for processing see Table 8-1, Eligibility Index Table.

b. For disposition of physically Unfit Regular Marines and Reservists ordered to active duty for more than 30 days refer to Table 8-2, Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty).

c. For disposition of physically Unfit Reservists on active duty for 30 days or less refer to Table 8-3, Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Active Duty for Training.

3. Overview

*a. Referral of an MEB to the PEB can come from 2 sources: MEBs referred by the CMC (MMSR-4) to the PEB for determination of fitness, and MEBs submitted directly to the PEB by a MTF. The Informal PEB conducts a record review of the case, determines military unfitting conditions and receives disability rating percentages from the VA. Military unfitting conditions determined by the PEB are the sole basis for a determination of fitness, retention or separation and DoD disability compensation. Claimed conditions accepted by the VA receive VA compensation after separation from

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the Marine Corps. The Marine is notified of the preliminary findings and given 10 calendar days in which to accept or reject the findings. If the Marine accepts the preliminary findings, the case is finalized and the CMC (MMSR-4) is authorized to make an appropriate disposition (i.e., separate, retire, or return to duty.)

*b. If the Marine does not agree with the preliminary findings, the Marine may request appeal of that decision by the PEB and VA, and request a personal appearance before a Formal PEB. If the Formal PEB hears a case, it makes findings and subsequent to legal review and quality assurance review, findings are sent to the Marine via certified mail (return receipt requested). If the Marine accepts the findings, the case is finalized and appropriate disposition by the CMC (MMSR-4) is directed. If a Marine disagrees with the findings/results of the Formal PEB, the Marine is given 10 calendar days from the date of receipt of the findings letter to petition the Director, Naval Council of Review Boards (CORB). The Marine has the right to petition the Board for Correction of Naval Records (BCNR) at any time after final action on their case.

8202. MEDICAL EVALUATION BOARDS (MEBs)

1. General. Navy Medical Publication P-117, reference (p) The Manual of the Medical Department (MANMED), chapter 18 and reference (ba) SECNAVINST 1850.4E, Disability Evaluation Manual (DEM), chapters 1, 3, 8, and 11 contain instructions on MEBs. The following paragraphs contain specific information on MEBs as they apply to the DES/IDES.

*a. Issuing a Marine orders home for the purpose of awaiting final disposition of an MEB is not authorized, except per paragraph 8304.

*b. Only commanding generals at the recruit depots, provided a MEB recommends discharge and the convening authority of the MEB concurs, are authorized to discharge Marines on active duty, including active duty for training, by reason of physical disability for a condition which existed prior to service (EPTS). This authority only applies to entry level recruits/Marines in their first 180 days of duty. See paragraph 8604.

*c. A General Court Martial Convening Authority (GCMCA) within the United States is authorized to discharge Marines for conditions not constituting a disability, per reference (ba) SECNAVINST 1850.4E, paragraph 2016 and paragraph 6203.2 of this Manual. Contact HQMC (MMEA/MMOA/RAM) for disposition of Marines stationed overseas.

*2. Purpose. An MEB is convened to evaluate a Marine when doubt exists concerning the Marine's state of health. An MEB reports a diagnostic summary of the Marine's physical condition and recommends one of the following dispositions to the convening authority:

- a. Return to full duty;
 - b. Assignment to temporary limited duty (TLD) pending further examination at a later date;
 - *c. Discharge by reason of physical disability upon determination that a disability EPTS and was not service aggravated (Note: EPTS MEBs must, nevertheless, be referred to the PEB, except as specified in paragraph 8202.1c and 8604);
 - d. Discharge by reason of unsuitability, erroneous enlistment, or Convenience of the Government condition not a disability, or physical standards or
 - e. Refer the MEB to the PEB when the Marine's ability to meet the requirements of active service is questionable.
3. Convening Authority. An MEB may be ordered (or convened) by the CMC (MMSR-4) or the commanding officer of the MTF at which the Marine is a patient.
4. Composition. An MEB, whenever practicable, consists of medical officers of the Navy. However, the board may consist, in whole or in part, of medical officers of the Army, Navy, Air Force, or Public Health Service.
- *5. Procedures. The policy and procedures followed by an MEB are prescribed by the MANMED and DEM.
6. Rebuttals. Unless it is determined that the information, findings, opinions, and recommendations in the MEB might have an adverse effect on the Marine's physical or mental health, the Marine is:
- a. Allowed to read the MEB or furnished a copy;
 - b. Afforded an opportunity to submit a statement in rebuttal to any portion of the MEB; and
 - c. Furnished a NAVMED Form 6100/2 concerning the findings and recommendations of the board for signature, which must be witnessed.
7. Action by the Convening Authority
- a. If the indicated disposition is to refer the MEB to the PEB, and the convening authority concurs, the MEB is endorsed and forwarded to the PEB.
 - b. When the CMC is the convening authority of the MEB, and referral to the PEB is the indicated disposition, the MEB may be forwarded to the CMC (MMSR-4) for appropriate action.

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c. When the indicated disposition is referral to the PEB, and the convening authority of the MEB does not concur, the Marine concerned will be advised and afforded an opportunity to submit a statement in rebuttal. The convening authority forwards the MEB report with statements to the CMC (MMSR-4) for determination.

8. Marines Declared Mentally Incompetent While in the Hands of Civil Authorities. Occasionally, Marines in the hands of civil authorities are declared not responsible for their acts because of mental incompetence as determined by those civil authorities. These Marines may or may not be referred to a civil mental institution for confinement or treatment. Such cases must be referred to the CMC (MMSR-4) for determination and disposition. The CMC refers these cases to the PEB without the benefit of an MEB. Any information obtained from the civil authorities pertinent to the Marine's present state of health is included in the report to the CMC (MMSR-4).

9. Marines Found Mentally Incompetent by Military Authorities. Marines found mentally incompetent by a competency board will be processed by the PEB for determination of fitness to continue active service. In such cases, however, only the next of kin (as identified by the Record of Emergency Data), court-appointed guardian, or trustee accepted by the Judge Advocate General of the Navy will be permitted to make the election of options required after the PEB findings are issued.

8203. INFORMAL PEB

1. General. The DEM, chapter 4 contains the policies and procedures of the Informal PEB. It is a board of three officers located at the Navy Yard, Washington, D.C., and functions as the initial level of evaluation within the DES.

2. Purpose. The Informal PEB is the initial level of evaluation of Marines to determine their continued ability to reasonably perform the duties of office, grade, or MOS on active duty; to investigate the nature, cause, degree, and probable permanency of disabilities; and, to make appropriate findings.

3. Composition. The Informal PEB is composed of three senior commissioned officers of the Navy and Marine Corps (two line officers and a medical officer) as appointed by the Secretary of the Navy.

4. Procedures. The Informal PEB is conducted as an informal documentary review, without the personal appearance of the Marine. The board's evaluations and determinations are based on medical records and examinations, MEBs, line of duty/misconduct investigations, and any other non-medical documentation which may have a bearing on the case.

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5. Preliminary Findings. The preliminary findings are forwarded to the Physical Evaluation Board Liaison Officer (PEBLO) at the MTF that referred the Marine's MEB to the PEB for review. The PEBLO will then counsel the Marine about the preliminary findings and the options available, to include the opportunity to consult with government legal counsel prior to making an election. The preliminary findings may be:

*a. Fit to continue naval service. Marines found fit may not be later involuntarily administratively separated for that same condition(s). See paragraph 6106.1d. Reenlistment requests for Marines found fit will be forwarded to the CMC (MMEA-6) for departmental review and decision.

b. Unfit to continue naval service, with the unfitting conditions constituting the physical disability identified and appropriate VA Codes and disability percentage ratings assigned;

*c. Unfit to continue naval service, but not ratable because the physical disability was not incurred or aggravated while the Marine was entitled to basic pay (generally involves EPTS determinations);

d. Unfit to continue naval service, but not ratable because the physical disability was incurred as the result of intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence;

*e. Unfit to continue naval service (for Reserve Marines), because the physical disability is the proximate result of performance of active duty (and a Line of Duty Benefit was granted by the CMC);

f. Physically Qualified (for Reserve Marines not granted an LOD benefits); or

g. Not Physically Qualified (for Reserve Marines not granted an LOD benefits).

h. If the findings are Unfit and the condition is a ratable condition, and the percentage of disability assigned is 30% or more, a determination of whether the physical disability is stable and whether it is either permanent or may be permanent is made to determine whether the Marine is to be placed on the Temporary Disability Retired List (TDRL) or the Permanent Disability Retired List (PDRL). The findings also record the PEB's opinion as to whether the physical disability is combat-related and/or was incurred in a designated combat zone.

*6. Marine's Action on Preliminary Findings. After counseling by the PEBLO, the Marine is granted 10 calendar days from the date of notification of the preliminary findings to execute one of the following options:

a. Accept the Preliminary Findings. If the Marine accepts the preliminary findings, the PEB will take final action by issuing a Notification of Decision for the Secretary of the Navy. The Marine must be advised that failure to submit a written statement in response to the

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notification of the preliminary findings letter constitutes acceptance of the preliminary findings and waiver of a formal hearing and petition for relief from final action.

b. Conditionally Accept the Preliminary Findings. The Marine may accept the preliminary findings under specified conditions, e.g., "I accept the preliminary findings on condition that I not be separated until (date)." The PEB refers the conditions to the CMC (MMSR-4) for final recommendations and concurrence. If the condition is approved, the PEB finalizes the case by issuing a Notification of Decision. If the condition is disapproved, the PEB considers the preliminary findings not acceptable and the Marine is referred to a formal hearing, if desired.

c. Submit a Request for Reconsideration of Fit Findings. If found Fit to continue naval service, the Marine may request reconsideration of the case by the Informal PEB. The reconsideration will include new medical information not previously available or considered supporting the Marine's argument and indicates whether the Marine desires a formal PEB if he is subsequently found Unfit to continue naval service. However, if the Fit to continue naval service finding is confirmed upon reconsideration, there is no right to a hearing.

d. Demand a Formal Hearing in Unfit for Duty Findings. If the preliminary findings involve an Unfit for duty determination, the Marine may demand a formal hearing. Orders will be issued for a formal hearing directing the Marine to appear before a Formal PEB on a specified date.

(Note. No Marine shall be separated or retired for physical disability without a formal hearing, if such is requested by the Marine per 10 U.S.C. Section 1214.)

8204. FORMAL PEB

1. General. The DEM chapter 4, contains instructions on formal PEB hearing panels. Commanding officer responsibilities for Marines appearing before formal hearings follow.

2. Purpose. Formal PEB Hearing Panels afford a full and fair hearing (formal hearing) to evaluate the fitness of a Marine to perform the duties of office, grade, or MOS; to investigate the nature, cause, degree, and probable permanency of disabilities presented by the Marine; and, to make appropriate recommended findings.

*3. Convening Authority. The Director, CORB, acting for the Secretary of the Navy, convenes the Formal PEB Hearing Panel at the Navy Yard, Washington, DC 20374.

*4. Composition. A hearing panel is composed of 3 senior commissioned officers of the Navy and Marine Corps as appointed by the Director, CORB.

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5. Counsel. A Marine appearing before a hearing panel will be represented by a military lawyer or civilian attorney retained at the Marine's own expense.

6. Proceedings. Hearings are conducted per the DEM.

7. Personal Appearance. The Marine will appear in person before the panel unless there is an opinion by medical authority that to do so would be detrimental to the health of the Marine. Failure to appear when so directed or authorized shall be considered as a waiver of the Marine's right to appear before the panel unless it is reasonably shown that such failure was through no fault of the Marine. Failure to appear may be subject to administrative action under the UCMJ. However, the hearing panel, at its discretion, may waive the appearance of the Marine, if requested by the Marine, and hold an "in absentia" hearing. In the case of a Reservist, personal appearance is at the Marine's own expense.

8. Recommended Findings. The hearing panel will make recommended findings. The Marine will be counseled that recommended findings are advisory only and not final or conclusive until acted upon by the President of the PEB. The findings issued by the President are the same as those set forth in paragraph 8203.5.

9. Final Findings. The recommended findings of the hearing panels are forwarded to the President, PEB for quality assurance, legal review, and concurrence by the President. The President issues a "findings" letter notifying the Marine of the final findings of the PEB.

*10. Rebuttal. The Marine shall be afforded 10 calendar days to file a rebuttal to the final PEB findings. Failure to file a rebuttal within a 10 calendar day period results in a presumed acceptance of the hearing panel recommendation. The case will be returned to the PEB for review and final action.

*11. Petition for Relief from Final Action (PFR). Upon receipt of the findings letter issued by the President of the PEB, the Marine is granted 10 calendar days to file a PFR. Failure to file a PFR within the 10 calendar days results in a presumed acceptance of the findings of the PEB. The PEB will take final action by issuing a Notification of Decision.

*12. Pending Disciplinary or Adverse Administrative Action. Marines pending disciplinary proceedings that could result in an unsuspended punitive separation or administrative discharge may have their PEB proceedings held in abeyance pending the results of those proceedings. The GCMCA will ensure continued medical treatment of the Marine during this process. Notify the CMC (MMSR-4) of these situations. See paragraph 8308.

13. Reservists on Inactive Duty. A Reservist on inactive duty found Not Physically Qualified (NPQ) because of physical disability involving an injury or disease determined not to be the proximate result of the performance of active duty may request to appear before a formal hearing for an opportunity

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to demonstrate that he or she is physically qualified for retention in the Marine Corps Reserve.

*8205. OFFICER DISABILITY REVIEW BOARD (ODRB). The ODRB is not a component of the DES, but is an ad hoc board convened by the Director, CORB to review, at the request of an officer retired or released from active duty without pay for physical disability, the findings and decisions of the PEB.

*8206. PHYSICAL DISABILITY BOARD OF REVIEW (PDBR). The purpose of the PDBR is to reassess the accuracy and fairness of disability ratings assigned to Marines who were discharged as unfit for continued naval service by the PEB with a combined disability rating of 20 percent or less and were not found to be eligible for retirement beginning on 11 September 2001. The PDBR reviews combined disability ratings assigned to eligible Marines by the provisions contained in reference (bw) DoDI 6040.44 upon request or upon its own motion and where appropriate, recommends SECNAV correct discrepancies and errors in such ratings.

*8207. ACTION BY THE SECRETARY OF THE NAVY

1. The findings and recommendations through the DES/IDES pursuant to statutory authority have no legal effect until approved by the Secretary of the Navy. The Director, CORB and the President, PEB have been given authority to act for the Secretary. This authority does not prevent the referral of any case to the Secretary.

2. The effective date of retirement or discharge is specified by the CMC (MMSR-4), and is usually within 4 to 6 weeks after the issuance of the Notification of Decision by the President, PEB to allow for final outprocessing and use of PTAD and terminal leave.

*8208. COUNSELING

*1. Each Marine will be counseled throughout the course of disability evaluation processing by a Physical Evaluation Board Liaison Officer (PEBLO). Marines in the Integrated Disability Evaluation System (IDES) will also be periodically counselled by the VA military service coordinator (MSC) on VA actions. The objective of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the MEB, PEB, VA and the benefits to which the Marine may become entitled as a result of physical disability.

*2. The PEBLO is an experienced senior enlisted member of the naval service (E-7 or above), or civilian hospital employee, trained to counsel Marines undergoing physical disability evaluation. The PEBLO provides authoritative and timely answers to questions and assists Marines in understanding their rights and entitlements.

*3. Counseling is initially the responsibility of the PEBLO who is assigned to an MTF which conducts the MEB on the Marine. The PEBLO counsels the

Marine on the policies and procedures of the DES and notifies the Marine of the preliminary findings of the PEB and the options available to the Marine. The PEBLO also advises the Marine of the opportunity to consult with government legal counsel prior to making an election. Upon notification of the PEB's findings, the Marine has 10 calendar days to make an election of options, either accepting or disagreeing with the findings. The PEBLO forwards the election of options to the PEB which takes action consistent with the Marine's selection. If the Marine demands and is entitled to a formal hearing, the PEB arranges for the Marine's appearance at a formal hearing. A judge advocate is assigned to represent the Marine at the formal hearing.

*4. Counseling is provided at the following stages of the physical disability evaluation process:

*a. Upon notification of the findings and recommendations of the MEB, the Marine will be counseled by the PEBLO and the Command Limited Duty Coordinator;

*b. When it appears that a Marine may be eligible for discharge for a disability which existed prior to service (EPTS);

*c. Upon notification of any findings from the PEB or CORB; and,

*d. At a formal PEB or CORB hearing (see paragraph 8204).

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SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 3: DES/IDES ADMINISTRATIVE PROCEDURES AND POLICIES

8301. GENERAL. This section contains general administrative procedures and policies for processing Marines through the DES. For the purposes of this section, and when referring to non-disability retirements, the term "retirement" will include transfers to the FMCR, unless otherwise specified.

8302. MARINES PENDING RETIREMENT OR DISCHARGE

1. The commanding officer of a Marine with a CMC directed date for separation or retirement or who has a specified retirement date under other provisions of law, will immediately notify the CMC (MMSR-2 and MMSR-4) and seek guidance if a physical condition is discovered which may result in that Marine being retained beyond the retirement date for medical reasons. Notify the CMC (MMSR-3) of Marines with directed discharge dates if similar medical circumstances exist.

*2. Marines facing mandatory separation or retirement or with an approved retirement date, may only be deferred for medical reasons if a MEB(R) is referred for disability evaluation prior to the separation or retirement date, or for a serious medical condition likely to lead to disability such as a serious car accident, or cancer. See paragraph 1011. If a Marine is subsequently found Unfit by reason of physical disability, the Marine may be retired per the provisions of this chapter.

a. Officers. If an officer, whose approved retirement has been held in abeyance due to a medical condition, is subsequently found Fit for duty by the PEB, see chapter 2 of this Manual. For discharges refer to chapter 4 or 5.

b. Enlisted Marines. If an enlisted Marine, whose approved retirement has been held in abeyance due to a medical condition, is subsequently found Fit for duty by the PEB, see chapter 7 of this Manual.

*c. Reserve Officers and Enlisted Marines. See chapter 3 of this Manual.

8303. MEDICAL EVALUATION FOR SEPARATION FROM ACTIVE DUTY. See paragraph 1011.

8304. DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY (HOME AWAITING ORDERS)

*1. Only the CMC (MMSR-4) may authorize sending Marines "home awaiting orders" for final disability determination. As this practice frequently creates problems with pay, leave and delivery of the VA benefits, only cases of unusual hardship should be forwarded to the CMC (MMSR-4) for consideration. See Figure 8-3.

*2. Commanding Generals of Recruit Depots are authorized to send recruits home awaiting orders who have unconditionally accepted their PEB findings.

*8305. VOLUNTARY SEPARATION AT EAS BEFORE COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS

*1. Do not discharge or release upon expiration of active duty Regular Marines or Reserve Marines ordered to active duty for more than 30 days (except those Marines ordered to active duty for training), if medical treatment or disability proceedings have not been completed, unless the Marine specifically requests such discharge or release from active duty. Marines approved for separation under any program that incur a Reserve obligation and who have conditions which are cause for referral into the DES are prohibited from waiving physical disability evaluation. If a Marine requests separation before final action by the Secretary of the Navy, the Marine will be instructed that separation before that time may prejudice any future claim for disability benefits. No page 11 entry is required if the Marine requests separation. The Marine will draft a letter requesting discharge with an acknowledgement of the consequences of this request. This letter must be dated and signed by the Marine and witnessed by a judge advocate before actual separation. This letter shall be forwarded to the CMC (MMSR-4) with command endorsement for approval and inclusion into the Marine's Physical Evaluation Board package.

*2. Marines eligible to retire, or with a request to retire approved or pending, and who are also pending physical disability proceedings will be advised that authorization to retire will not be issued until final disposition of physical disability proceedings. If a Marine is pending physical disability proceedings, applications for retirement should not be submitted and, if submitted, will not be processed unless the Marine opts to waive the rights and benefits to which entitled under reference (a) 10 U.S.C. chapter 61. No page 11 entry is required if the Marine requests retirement under this circumstance. If the Marine still desires to retire after subject counseling, the Marine will draft a letter requesting discharge with an acknowledgement of the consequences of this request. This letter must be dated and signed by the Marine and witnessed by a judge advocate before actual separation. This letter shall be forwarded with command endorsement to CMC (MMSR-4) for approval and inclusion into the Marine's Physical Evaluation Board package.

*8306. DES/IDES RESPONSIBILITIES

1. Commanding Officer

*a. Responsible for the proper administration, identifying, and tracking all Marines going through the DES/IDES process through final disposition.

*b. Ensures a Marine undergoing DES/IDES processing reports for all medical appointments.

*c. Ensures that no Marine referred or pending before the PEB is discharged, retired or sent home awaiting orders without CMC approval.

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*d. Upon receipt of a request from the military treatment facility (MTF), provides a complete non-medical assessment (NMA) to the MTF within 5 calendar days.

*e. Ensures that all medically nondeployable Marines are properly identified in the MCTFS and per current Defense Readiness Reporting System requirements.

*f. Monitors the status of any recruits or Marines sent home awaiting final disposition by the PEB or CMC (MMSR-4).

*g. Conducts line of duty/misconduct investigation (LODI), as required, which are forwarded with the medical evaluation board report to the PEB. Section 0222 of JAGINST 5800.7E (reference (r) JAGMAN 5800.7F, Change 2) details circumstances, which require such determinations.

*h. Notifies the CMC (MMSR-4) and the Convening Authority, Medical Boards Section of the MTF if a Marine pending PEB action is facing administrative (misconduct) or legal (punitive) separation proceedings;

*i. Separates a Marine upon completion of disability processing, as directed by the CMC (MMSR-4), within required time frames.

*j. Notifies the CMC when a Marine found Fit by the PEB is the subject of a CMC directed separation; (MMSR-2 for retirements and MMSR-3 for separations).

*k. Ensures that a Marine assigned to PLD for greater than 12 months is referred back into the IDES 6 months prior to the end of the PLD period and that the evaluations are forwarded to the PEB for disposition. Inform the CMC (MMSR-4) when the reevaluation is complete.

*l. Ensures appropriate comments are made in section A and section I of a Marine's fitness report, if a Marine takes a partial PFT/CFT or fails to take the annual PFT/CFT because of a medical condition (i.e., undergoing disability evaluation by the PEB).

*m. Ensures compliance with all administrative requirements in Chapter 1 of this Manual for disability discharged or retired Marines, with particular attention paid to DD Form 214, DD Form 2656, SBP issues and VA benefits counseling.

*n. Commanding Officers will ensure compliance with all required medical evaluations and related IDES requirements. They will ensure Marines immediately report to the MTF Patient Administration Office, are entered into the IDES, are properly reported in the MCTFS and are assigned a Physical Evaluation Board Liaison Officer (PEBLO). Commanding Officers will report Marines in a Duty Limitation Code "V" upon referral into the IDES and assign duties appropriate to their medical condition.

*2. Military Treatment Facility (MTF). MTF Commanders with the support of their respective MEB departments and physicians are responsible for the following medical and administrative functions.

*a. Notifies the Marine's command, and the servicing IPAC when a recruit or Marine is referred to the DES/IDES and when the MEB(R) is forwarded to the PEB.

*b. Processes MEB referrals to the PEB for fitness for duty determinations.

*c. Requests LODIs, as required.

*d. Ensures PEBLO responsibilities and counseling are properly executed.

*3. Wounded Warrior Regiment (WWR). WWR provides and facilitates assistance to wounded, ill, and injured (WII) Marines and Sailors and performs the following functions:

*a. Oversees daily operations for Wounded Warrior Battalions/Detachments, Recovery Care Coordinators (RCC), District Injured Support Cells (DISC), Non-medical Care Managers, the Wounded Warrior Call Center, and Inter-agency/Service coordination to include medical support.

*b. Provides administrative support to ensure benefits, entitlements, and awards pertaining to WII Marines are reported and delivered in a timely manner.

*c. Provides transition support, job transition, coordination with the VA and Department of Labor and education assistance.

*d. Serves as the Marine Corps principal advocate for IDES functioning and improvement.

*4. CMC (MMSR-4)

*a. Monitors processing of all Marines through the DES.

*b. Evaluates MEB(R)s for departmental review or fitness for duty determination.

*c. Conducts departmental review of all officer MEBs, enlisted MEBs recommending third and subsequent periods of limited duty, and enlisted MEBs recommending initial periods of limited duty longer than 12 months. Upon review, limited duty may be approved, disapproved or the Marine may be directed for referral into the IDES for determination of fitness.

*d. Conducts CMC administrative actions once a fitness for duty determination is finalized by the PEB and issues orders that:

* (1) Return the Marine to full duty;

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- * (2) Approve a period of PLD;
- * (3) Discharge the Marine with or without severance pay; or
- * (4) Transfer the Marine to either the TDRL or PDRL.

*e. Approves assignment to and removal from PLD.

8307. CERTIFICATE IN LIEU OF ORDERS. A certificate for any type of transfer or discharge in lieu of orders is not authorized.

*8308. CONCURRENT LEGAL/ADMINISTRATIVE ACTION INVOLVING MISCONDUCT AND PHYSICAL DISABILITY PROCEEDINGS. In cases combining medical and administrative or legal separation issues, the General Court Martial Convening Authority (GCMCA) shall determine the precedence of administrative, punitive or disability separation processing, balancing good order and discipline with the well being of the Marine, and notify the CMC (MMSR-4) of the relevant information and final disposition if disability processing or separation is terminated.

*8309. LEAVE. A Marine whose Medical Evaluation Board (MEB) has been referred for evaluation by the PEB, if otherwise physically and administratively eligible, may be granted annual leave. The command authorizing leave will ensure that the Physical Evaluation Board Liaison Officer (PEBLO) at the MTF where the Marine's MEB was prepared, is notified of the inclusive dates of the leave period and the Marine's leave address and phone number. Leave will be granted subject to recall of the Marine, if necessary. Encourage Marines anticipating separation by reason of physical disability to reduce their accrued leave balance as much as possible, since home awaiting orders/PEB determination may only be granted per paragraph 8504. There is no guarantee that the accrued leave balance may be used in excess of that which the Marine may receive as a cash settlement. Ensure that the Marine exhausts all leave accrued. An excess leave balance upon separation will prevent discharge-drop from Marine Corps rolls and delay receipt of severance or retired pay. See paragraph 1010.

*8310. PROMOTION

- *1. Enlisted Marines, see reference (be) MCO P1400.32D. Contact CMC (MMPR).
- *2. Officers, see reference (b) MCO P1400.31. Contact CMC (MMPR).

*8311. DISABILITY TAX LIABILITY EXCLUSION

*1. The Tax Reform Act of 1976 ended tax liability exclusion of pensions, annuities, or similar allowances for personal injuries or sickness resulting from active service in the Armed Forces for those Marines who entered active service after 24 September 1975. Consequently, to qualify for the disability retired or severance pay tax exclusion, those Marines must show that they were disabled by reason of a "combat-related" condition. Combat-related condition is defined as personal injury or sickness which is incurred as the

direct result of armed conflict; while engaged in extra hazardous service; under conditions simulating war; or which is caused by an instrumentality of war.

2. When a Marine, who entered active service after 24 September 1975, is separated for physical disability with entitlement to benefits under reference (a) Title 10 U.S.C. chapter 61, the PEB will render an opinion as to whether the physical disability was incurred under conditions that may be considered combat-related. If the PEB opines that it is not a combat-related disability, the Marine may appeal that opinion to the Judge Advocate General of the Navy who will make the final determination.

*3. DFAS makes final determinations regarding disability severance and retired pay and tax withholding per laws and regulations.

*8312. DEATH IMMINENT (DI) PROCESSING. The Physical Evaluation Board (PEB) does not process death imminent cases. Entitlements for eligible survivors are covered under the Survivor Benefit Plan (SBP) and other federal programs.

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SECTION 4: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

8401. AUTHORITY. Per reference (a), Title 10 U.S.C. Sections 1201 and 1204, the Secretary of the Navy may retire certain Marines considered Unfit to perform the duties of office, grade, or MOS because of a permanent physical disability. See Table 8-2 for eligibility determination.

8402. DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures in the separation or retirement of disabled Marines is critical. Commanders must carefully execute their authority so as to ensure each Marine receives their full entitlement.

*b. To avoid inadvertently depriving a Marine of maximum benefits, all actions must be completed to effect retirement at the earliest practicable date since the VA compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

*c. Before retirement, a Marine may be authorized hospitalization at a VA hospital, provided the Marine is on active duty at time of admission. To prevent premature retirement which may preclude VA hospitalization, immediately request that the CMC (MMSR-4) hold the retirement in abeyance. Only the Secretary of the Navy may defer an officer statutory retirement.

d. The CMC (MMSR-4) authorizes the parent command to effect disability retirement. The approval authority is transmitted electronically via the unit diary system in MCTFS to the parent and command reporting unit. Upon receipt, the responsible order writing unit issues orders. The authority to retire contains all necessary data to generate orders per figure 8-4.

e. Within 2 weeks of issuing the authority to retire, the CMC (MMSR-4) prepares and forwards retirement documents to the command.

2. Specific. To retire a Marine for permanent physical disability, commanding officers will comply with the following:

a. Commence separation processing immediately.

* (1) If transfer to a VA hospital is authorized and the effective date of transfer is before the date of retirement, immediately notify the CMC (MMSR-4). A list of administrative activities responsible for hospitalized Marines is contained in reference (bx) MCO 6320.2E, Administration and Processing of Injured/Ill/Hospitalized Marines.

* (2) If transfer to a VA hospital is authorized and the effective date of transfer is after the date of retirement, immediately advise the CMC (MMSR-4) of the effective date of transfer to the VA hospital.

*b. Counsel the Marine and spouse regarding the Survivor Benefit Plan (SBP). See paragraph 1406.

*c. Ensure proper designation of the SBP election in DD Form 2656. Upon completion of separation processing, but not later than the date of retirement, forward the Marine's completed DD Form 2656, Retired Pay Data Form to:

DFAS
U.S. Military Retirement Pay
P.O. Box 7130
London, KY 40742-7130
(Fax) 1-800-469-6559

Note: Ensure that an appropriate unit diary drop entry is made reflecting the retirement of the Marine per the CMC (MMSR-4) instructions.

*d. Issue retirement orders using Figure 8-4. Furnish the local disbursing officer settling the pay account a copy of the retirement orders immediately upon issuance. Additionally, furnish any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed by the CMC is not authorized.

*e. No Marine shall be sent home awaiting orders without approval of the CMC (MMSR-4).

f. If the Marine has been transferred to a new duty station, immediately notify the CMC (MMSR-4).

*g. Ensure proper distribution of DD Form 214. See paragraph 1202.

*8403. RETIRED PAY PROCEDURES. See section 4 of chapter 1.

8404. RETIREMENT CEREMONY. See paragraph 1012.

*8405. CURRENT ADDRESS AND RESIDENCE. Keep the CMC (MMSR-7) informed at all times of current home mailing address. See paragraph 1405.

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SECTION 5: TEMPORARY DISABILITY RETIRED LIST (TDRL)

8501. AUTHORITY. Per reference (a) Title 10, U.S.C. section 1376, the Secretary of the Navy is required to maintain a TDRL containing the names of Marines transferred to the TDRL per reference (a) Title 10, U.S.C. sections 1202 and 1205. The CMC (MMSR-4) manages the TDRL for the Marine Corps. The list consists of Marines who would be qualified for permanent disability retirement, but for the fact that the Marine's disability is not determined to be of a permanent nature and stable. See Table 8-2 for eligibility determination.

8502. TRANSFER TO THE TDRL

1. General. See paragraph 8402 for administrative requirements.

*2. Specific. Follow instructions contained in paragraph 8402.2, except use the format in Figure 8-5 vice figure 8-4 to issue orders. Upon transfer to the TDRL, the Marine's command will forward the Marine's complete Service Record/Electronic Service Record (ESR) and health record to the CMC (MMRP-16) for maintenance while the Marine is on the TDRL.

8503. TDRL PAY PROCEDURES. See section 4 of chapter 1. A very basic computation of retired pay is presented in Table 8-4. Reference (a) Title 10, U.S.C. chapter 61 provides that the maximum time that a Marine's name can be carried on the TDRL in a pay status is 5 years.

8504. PERIODIC PHYSICAL EXAMINATIONS (PPE)

*1. The law requires that Marines placed on the TDRL undergo periodic physical examinations (PPEs) at least once every 18 months to determine whether there has been a change in the physical disability for which the Marine was temporarily retired. This includes Marines who have waived retired pay in order to receive compensation from the VA, as they are still members of the naval service. Additionally, when the PEB finds a Marine unfit to continue naval service and assigns a disability rating of 50 percent or greater because of a mental disorder due to traumatic stress (i.e. Post Traumatic Stress Disorder (PTSD)) in accordance with reference (a) Title 10, U.S.C. 1216a and 38 CFR 4.129, a PPE will be scheduled within the 6 month period following discharge to determine whether a change in the rating and disposition is warranted.

*2. The CMC (MMSR-4) issues orders to Marines on the TDRL to proceed and report for PPEs, normally via the commanding officer of the designated MTF. The examining facility will endorse the orders and specify the date, time, and place to which the Marine is to report. TDRL PPEs shall be furnished on the same priority as those given to active duty Marines. Voluntary selection of an examination place may be permitted.

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*3. If a Marine on the TDRL fails to report as ordered for the required PPE, entitlement to disability retired pay will be terminated, and the Marine may be administratively removed from the TDRL. Should just cause for failure to report be established, payments may be reinstated.

*4. To ensure an accurate and complete PPE, the Marine shall provide the examining physician, for submission to the PEB, copies of all medical records (civilian, VA, and all military medical records) documenting treatment.

5. A Marine on the TDRL is entitled to travel and transportation allowances authorized for a Marine in his or her grade traveling in connection with orders for a PPE and any appearances before the PEB, per the reference (u) Joint Federal Travel Regulations (JFTR). Marines are required to liquidate travel claims within 5 days of completion of execution of official orders.

*8505. DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES. Whenever a Marine is confined by civil authorities or is hospitalized in an institution under State or local control, the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the PPE. For detailed provisions, see reference (ba) SECNAVINST 1850.4E (DEM), enclosure (3).

8506. CURRENT ADDRESS AND RESIDENCE. It is imperative that all Marines on the TDRL keep the CMC (MMSR-4), and DFAS Cleveland aware of their current address at all times. Failure to respond to correspondence or orders issued to the address on file with the CMC (MMSR-4) and DFAS Cleveland, either willfully or through neglect, may result in the suspension of disability retired pay and is considered as showing intent to abandon benefits.

8507. REMOVAL FROM THE TDRL

1. Upon acceptance and evaluation of a PPE, the PEB shall make one of the following dispositions:

- a. Retention on the TDRL;
- b. Transfer to the PDRL;
- c. Discharge with or without entitlement to receive severance pay; or
- *d. Fit to continue naval service. See paragraph 8507.3.

2. If the Marine is retained on the TDRL, PPEs will continue at 18-month intervals. However, final reevaluation must take place before the end of five years, when by law, final disposition must be made.

*3. A Marine whose condition has improved to such a degree that the PEB issues a finding of Fit to continue naval service, may, subject to the Marine's consent, be reappointed to the active duty list or reenlisted, if otherwise qualified for reenlistment/re-appointment. If a Marine does not

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consent to reappointment or reenlistment, the Marine shall be removed from the TDRL and discharged.

4. A member of the Marine Corps Reserve found Fit to continue naval service may, subject to the Marine's consent, be reappointed or reenlisted, as appropriate, in the Marine Corps Reserve. Reappointment or reenlistment in the Marine Corps Reserve does not guarantee assignment to active duty.

5. A Marine's failure to report for a PPE, to give just cause for failure to report, or to furnish current medical information for use in lieu of a final PPE may result in administrative removal from the TDRL upon completion of 5 years on that list, with the loss of all benefits to which the Marine may be entitled under reference (a) Title 10, U.S.C. chapter 61.

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SECTION 6: DISCHARGE OF MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

8601. DISABILITY DISCHARGE WITH SEVERANCE PAY

*1. Per reference (a) Title 10, U.S.C. sections 1203 and 1206, certain Marines not eligible for retirement by reason of physical disability, but found Unfit for duty by reason of physical disability, may be discharged from the Marine Corps with severance pay. Disability severance pay is computed by multiplying twice the monthly base pay by the number of years of active service, not to exceed 19 years. There is no minimum amount of performed service time required to be eligible for disability severance pay. The minimum number of years for computation purposes shall be:

*a. Six years in the case of a Marine separated from the Marine Corps for a disability incurred in the line of duty as designated by the Secretary of Defense.

*b. Three years in the case of any other Marine.

2. Further eligibility requirements are contained in Tables 8-2 and 8-3 of this Manual and reference (f) the current edition of DoD Financial Management Regulation, Volume 7A, Chapter 35, paragraph 3504.

8602. DISABILITY DISCHARGE WITHOUT SEVERANCE PAY. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders the Marine Unfit to perform the duties of office, grade, or MOS and which results from the Marine's intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence, shall be separated from the Marine Corps without entitlement to benefits per reference (a) Title 10, U.S.C. chapter 61, section 1207. Additionally, a Marine who is found Unfit for duty because of a physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay (i.e., existed prior to service), shall be discharged without severance pay per reference (a) Title 10, U.S.C. chapter 61.

8603. SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. Upon receipt of the PEB Notification of Decision, the CMC (MMSR-4) will direct the discharge of a Marine by reason of physical disability with or without severance pay. Refer to Appendix E for MCTFS procedures. Ensure the Marine is separated on the date directed by the CMC (MMSR-4).

*2. For discharge with severance pay, issue orders per Figure 8-7 for discharge from active duty or Figure 8-8 for discharge of a reservist from inactive duty as appropriate.

3. If the Marine has been transferred, immediately notify the CMC (MMSR-4).

8604. DISCHARGE FOR DISABILITY EXISTING PRIOR TO SERVICE (EPTS)

*1. General. Reference (ba) SECNAVINST 1850.4E (DEM) provides information on a medical evaluation board (MEB) convened to discharge an enlisted Marine for physical disability not incurred in or aggravated by service.

*a. Only commanding generals at the recruit depots and MOS training instillations are authorized to discharge Marines on active duty, including active duty for training, by reason of physical disability for a condition which existed prior to service (EPTS), provided:

(1) The Marine is in the first 180 days of active duty;

(2) The Marine has appeared before an MEB, and the board has stated affirmatively and specifically the opinion that the Marine is Unfit for further service because of physical disability and that the physical disability was neither incurred in nor aggravated by a period of active military service;

(3) The MEB recommends discharge;

(4) The convening authority of the MEB concurs with the opinions of the board;

(5) The Marine has been fully advised, by the convening authority of the MEB, of the right to demand a full and fair hearing before the PEB before discharge;

(6) The Marine, after being advised of the right to a full and fair hearing before discharge, waives that right, in writing, on form NAVMED 6100/3;

(7) There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge;

(8) There are no pending administrative discharge proceedings for misconduct or disciplinary proceedings which could result in a punitive discharge; and

(9) There is no evidence that the Marine is under investigation or is being processed as a security risk.

b. All other cases, where it is determined by an MEB that the disability EPTS, must be referred to the PEB for determination.

c. Physical conditions of Marines with less than 180 days active duty are evaluated per the minimum standards for enlistment, appointment, or induction. Physical conditions of Marines with 180 days or more active duty are evaluated by the PEB per the minimum standards set forth in enclosure (3)

8604

of the DEM. Marines who exceed the minimum standards are not separated for physical disability.

*2. When the commander determines that an enlisted Marine, directed by CMC for discharge by reason of physical disability under this paragraph, should be discharged by reason of administrative separation for misconduct, or as the result of disciplinary proceedings leading to a punitive discharge, the GCMCA shall immediately notify the CMC (MMSR-4). Administrative separation for misconduct no longer necessarily supersedes disability determination and separation. See paragraphs 8001.3 and 8308.

*3. Prior to approving any administrative and/or punitive separation initiated for Marines with more than 180 days of active duty, the separation authority must ensure that a medical evaluation of the Marine is performed and must review the results of that evaluation. See paragraph 6110.

*4. The authority for discharge is this paragraph 8604.

*5. This paragraph is not applicable to officers. Officers will be discharged only when authorized by the CMC.

*6. Erroneous Enlistment for Disqualifying Medical Conditions

a. Separate Marines with medical conditions which disqualify them from serving on active duty by reason of erroneous enlistment on the basis of not meeting the physical standards for enlistment. If an MEB is convened, the convening authority must ensure the MEB states the Marine is not qualified under physical standards for enlistment or induction. All of the following additional criteria must be met.

(1) The condition was present at the time of enlistment and has not been service aggravated.

(2) The condition, had it been known, would have disqualified the Marine from enlistment.

(3) The condition is not the result of fraudulent conduct on the part of the Marine.

(4) The Marine must voluntarily waive his or her right to be considered for disability by the PEB.

*b. In addition to active duty Marines, this paragraph applies to members of the Marine Corps Reserve on active duty for more than 30 days, or on active duty for less than 30 days who have been approved for LOD benefits.

*c. A Marine with a medical condition (either physical or mental), determined not to be a physical disability by a medical officer, which EPTS and precludes the Marine from serving on active duty may be separated under this paragraph. For these cases only, use this paragraph as the authority for separation.

- d. The separation authority is the GCMCA.
- e. Forward all other erroneous enlistments to the CMC (MMSR-3).

f. Only the Secretary of the Navy has authority to discharge a Marine on the basis of physical disability. Process MEB cases identifying a physical disability EPTS per the DEM, to include submitting the MEB's recommendations and findings to the PEB.

7. Reference (p), NAVMED P-117 (MANMED) requires that when an MEB results in the discharge of a Marine, and it is determined that the conditions reported EPTS, and the pre-entry physical examination was performed at a Military Entrance and Processing Station (MEPS), a copy of the MEB with a copy of the pre-entry SF 88 and SF 93 will be forwarded to Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064. Insert the terminated health record inside the service record and forward per the MANMED article 16-9, and reference (i) MCO P1070.12K (IRAM), paragraph 4001.5, Table 4-1.

8605. DISCHARGE FOR PERSONALITY DISORDERS AS DETERMINED BY A MEDICAL EVALUATION BOARD (MEB). MEBs reporting a diagnosis of personality disorder and recommending the Marine's separation due to unsuitability should be processed for separation per paragraph 6203.3, if the convening authority of the MEB concurs with the opinion of the board.

8606. DISCHARGE OF MEMBER OF AN OFFICER TRAINING PROGRAM FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, MCCDC, is authorized to discharge members of officer training programs upon notification by the Chief, Bureau of Medicine and Surgery (BUMED) that the member is not physically qualified for retention on active duty as an enlisted Marine subject to the following provisions:

a. Upon a medical officer's report that an officer candidate is not physically qualified for retention, the commander will forward the SF 88 to the Chief, BUMED (Code 25) provided the candidate:

(1) Is not on active duty; or

(2) Is on active duty, but the medical officer's determination is the result of the initial physical examination administered upon the candidate's reporting to an officer training course and it is established that the disqualification is not the result of an injury incurred while performing travel incident to reporting to the officer training course; and

(3) Submits a request for discharge by reason of being found not physically qualified for retention on active duty.

b. If the officer candidate desires to enter or remain on active duty, the commander will forward the SF 88 to the CG, MCRC (MRRE-3) via the Chief, BUMED (Code 25) with a recommendation on retention.

8607

*c. Authority for discharge is paragraph 8604.

2. When the officer candidate is found physically qualified for retention as an enlisted Marine, but is not physically qualified for appointment as an officer in the Marine Corps, the commander will forward the SF 88 to the CG, MCRC (MRRE-3) via Chief, BUMED (Code 25).

3. When the officer candidate is on active duty and is found not physically qualified due to incurring or aggravating an injury or disease after the initial "reporting-in" physical examination, the candidate will be processed per the DEM.

8607. DISCHARGE OF RESERVISTS NOT ON ACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION IN THE MARINE CORPS RESERVE

1. Per Title 37 U.S.C. sections 204(g), 204(h), and 206(a), Reservists ordered to perform active duty for training or inactive duty for training for any period of time, who incur an injury, illness, or disease en route to or from such duty or during that duty, in the line of duty and not due to their own intentional misconduct or willful neglect, are entitled to medical care and disability pay as provided by law or regulation.

*a. Only Reservists authorized LOD benefits for an injury, illness, or disease, will be referred to the PEB for a disability evaluation per the DEM.

*b. Reservists not in receipt of LOD benefits and determined not physically qualified (by an MEB, the Chief, BUMED, or the CMC (RMED)), are referred to the PEB for a physical disability evaluation only if the Reservist requests a review by the PEB.

*c. If the Marine disagrees with the findings of the Informal PEB and requests a formal hearing, the case will be referred by the PEB to a Formal PEB for evaluation. Members of the Marine Corps Reserve not on active duty, who request to appear in person before a formal hearing, must agree to do so at no expense to the Government. See paragraph 8204.

2. The Commander, Marine Forces Reserve (COMMARFORRES) is authorized to discharge an enlisted Reservist not on active duty upon notification by the Chief, BUMED that the Reservist is not physically qualified for retention in the Marine Corps Reserve subject to the following provisions:

*a. Upon receipt of a medical officer's report that an enlisted Reservist has been determined to be not physically qualified, the commander will forward all medical records and any other additional correspondence that may be relevant to the Chief, BUMED (Code 25).

b. Upon endorsement by the Chief, BUMED that the Reservist is not physically qualified for retention in the Marine Corps Reserve, the COMMARFORRES will inform the Reservist with an appropriate letter for reply and provide the following information:

(1) Medical description of the physical defect;

(2) Laws mandating the Marine Corps require any person not physically qualified for assignment to active duty to be discharged or retired from the Marine Corps Reserve;

*(3) Notification that the member has 10 calendar days, from the date of the letter, to respond and request discharge due to not being physically qualified, request transfer to the retired list from the CMC (MMSR-5), or request review by the PEB. If no response is received, action will be taken to involuntarily discharge the member by reason of physical disqualification.

*c. When requesting a hearing before the PEB, the Marine will be advised that disability benefits are payable only if the Marine is entitled to active duty pay and allowances and has been issued a LOD to receive such allowances. If LOD benefits have not been issued, the PEB findings will be either Physically Qualified or Not Physically Qualified for duty and a corresponding determination on retention. If the Marine's case is considered by the PEB, and the Marine does not agree with the recommendation of the Informal PEB and requests a formal hearing, the case will be referred by the PEB to a Formal PEB for evaluation. A member of the Marine Corps Reserve, not on active duty, who desires to appear in person before a formal hearing, must agree to do so at no expense to the Government. See paragraph 8204.

d. When the above actions are completed, take appropriate administrative action per the following instructions.

(1) Discharge the Reservist upon receipt of the Marine's written request under authority contained in this Manual.

(2) If the Reservist requests a hearing before the PEB, refer the Marine's case to the CMC (MMSR-4). Include all medical records and pertinent correspondence. Cases received without sufficient medical evidence will be returned for resubmission.

3. Reserve officers found not physically qualified will be processed in a fashion similar to enlisted Reservists with the following exceptions:

a. When a medical officer's report is received stating that a Reserve officer is not physically qualified, the commander will forward the SF 88, Report of Medical History (SF 93), and other relevant correspondence to the CMC (MMSR-5) via Chief, BUMED (Code 252).

*b. When the Chief, BUMED endorses that the Reserve officer is not qualified for retention in the Marine Corps Reserve, the CMC (MMSR-5) will inform the Reserve officer per paragraph 8607.2b, and furnish the officer an appropriate form letter to reply.

c. When the above actions are completed, the CMC will:

8608

(1) Discharge the Reserve officer upon receipt of their written request;

(2) Transfer the Reserve officer to the Retired List, if eligible; or

(3) Refer the case to the PEB for a determination on the officer's fitness for further service in the Marine Corps Reserve, if a Reserve officer requests a hearing before the PEB.

8608. DISCHARGE OF RESERVISTS ORDERED TO INVOLUNTARY ACTIVE DUTY FOR UNSATISFACTORY PARTICIPATION FOUND NOT PHYSICALLY QUALIFIED

*1. Enlisted Marines ordered to involuntary active duty for unsatisfactory participation will be ordered to undergo a medical evaluation before reporting for such duty, if not medically evaluated during the preceding 12 months.

2. If physically qualified, the Marine will carry out the remainder of orders.

3. If found physically unqualified, the orders will be terminated per the instructions found within those orders. Forward the SF 88 and SF 93, with appropriate consultations to the Chief, BUMED (Code 252) via the COMMARFORRES.

*Figure 8-1.--Legacy Naval Disability Evaluation System Sequential Process

HOSPITAL - TREATMENT - MEDICAL EVALUATION BOARD (MEB)

CMC (MMSR-4) - DEPARTMENTAL REVIEW #

PHYSICAL EVALUATION BOARD (PEB)- DETERMINATION OF FITNESS
(FOR REVIEW BY THE INFORMAL PEB)

QUALITY ASSURANCE AND LEGAL REVIEW #

*MARINE ACCEPTS, REQUESTS RECONSIDERATION
OR DEMANDS FORMAL HEARING ON FINDINGS #

PHYSICAL EVALUATION BOARD - FULL AND FAIR HEARING *
(REVIEW BY A FORMAL PEB)

LEGAL REVIEW

ACTION BY THE PRESIDENT, PEB

PETITION FOR RELIEF FROM FINAL ACTION (DIRECTOR, CORB)

SECNAV (PEB) NOTIFICATION OF DECISION

CMC (MMSR-4) - ISSUE DISPOSITION INSTRUCTIONS

MARINE'S COMMAND - RETIRE/DISCHARGE/RETURN TO DUTY

IN SPECIFIED CASES

* APPEALS AND SPECIAL CASES

*Figure 8-1.--Legacy Naval Disability Evaluation System Sequential Process

*Figure 8-2.--DoD and VA Disability Evaluation System or
Intergrated Disability Evaluation System (IDES)

*HOSPITAL - TREATMENT - MEDICAL EVALUATION BOARD (MEB) DIRECTS REFERRAL TO
THE PEB

*VA CLAIM DEVELOPMENT

*VA PHYSICAL EXAMINATIONS

MEB(R) SUBMITTED TO PEB AND VA DRAS

PHYSICAL EVALUATION BOARD (PEB)- DETERMINATION OF NAVAL FITNESS
(FOR REVIEW BY THE INFORMAL PEB)

DEPARTMENT OF VETERAN AFFAIRS (VA) - DISABILITY PERCENTAGE RATING, PROPOSED
RATING, RATING RECONSIDERATION

*PEB APPLIES VA RATINGS TO NAVAL UNFITTING CONDITION

MARINE ACCEPTS, REQUESTS RECONSIDERATION OF,
OR DEMANDS FORMAL HEARING ON FINDINGS #

PHYSICAL EVALUATION BOARD - ACCEPTANCE/ADJUDICATION OF RATING, FULL AND FAIR
HEARING (REVIEW BY A FORMAL PEB) *

LEGAL REVIEW

ACTION BY THE PRESIDENT, PEB

SECNAV (PEB) NOTIFICATION OF DECISION

CMC (MMSR-4) - ISSUE DISPOSITION INSTRUCTIONS

MARINE'S COMMAND - RETIRE/DISCHARGE/RETURN TO DUTY

*AFTER SEPARATION VA BENEFITS APPLIED

IN SPECIFIED CASES

* APPEALS AND SPECIAL CASES

Note: Marines permanently assigned outside of the United States (50 states)
will receive PCS orders to CONUS if a PEB initial review determines they are
eligible for disability processing.

*Figure 8-2.--DoD and VA Disability Evaluation System or
Intergrated Disability Evaluation System (IDES)

FOR OFFICIAL USE ONLY

*Figure 8-3.--Format for Orders Home Pending Final Disposition of Physical
Evaluation Board Proceedings

MUST RECEIVE CMC MMSR-4 APPROVAL. SEE PARA. 8304

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: ORDERS HOME PENDING FINAL DISPOSITION OF PHYSICAL EVALUATION
BOARD (PEB) PROCEEDINGS

Ref: *(a) MCO P1900.16G (MARCORSEPMAN)
*(b) MCO P7301.104

Encl: (1) Travel/Dependent Travel Voucher (DD Form 1351-2/1351/2C)
(2 copies)

1. Under authority contained in the reference and upon your unconditional acceptance of the Preliminary Findings of the Informal PEB, you will stand detached from your present duty station. You will proceed to (City and State of Home of Selection) (MCC W95) to await orders pending final disposition on the PEB proceedings in your case. You will continue to be carried on the rolls of this organization. You will immediately notify your commander and the CMC (MMSR-4), if you have not received separation orders within 60 days of your detachment from your command.

2. When placed on the Retired List, your leave record will be balanced as of the day before the date you are placed on the Retired List. If you are discharged, your leave record will be balanced to include the date of your discharge. Time spent awaiting orders will be debited to your leave record. You will be entitled to cash settlement of any balance of unused leave remaining to your credit after deduction for the time spent awaiting orders, within the stipulation that only 60 days of leave may be sold back in a career.

3. Your pay record will be retained by the Disbursing Officer (DO mailing address) while you are at home awaiting final action on your case. Upon completion of travel home, submit the original and two copies of one of the DD Forms 1351-2 provided, so that your pay records may be properly adjusted and reimbursement made for travel performed. Provide a third copy to your commanding officer.

4. If your commander notifies you to return to your duty station, these orders will remain in effect for your return travel. Upon completion of return travel, complete and submit the original and two copies of the second DD Form 1351-2 provided to the disbursing officer maintaining your pay record.

*Figure 8-3.--Format for Orders Home Pending Final Disposition of Physical
Evaluation Board Proceedings--Continued

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*Figure 8-3.--Format for Orders Home Pending Final Disposition of Physical
Evaluation Board Proceedings--Continued

5. The dependency application, NAVMC 10922, on file in your service record shows the following-named persons reside in your household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Date Approved</u>
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*6. Per reference (b), expenditures under these orders are chargeable to appropriation data contained within the Marine Corps Total Force System (MCTFS) D860 remark screen.

7. Your failure to comply with any portion of these orders will result in disciplinary action per the Uniform Code of Military Justice (UCMJ).

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

*Figure 8-3.--Format for Orders Home Pending Final Disposition of Physical
Evaluation Board Proceedings--Continued

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*Figure 8-3.--Format for Orders Home Pending Final Disposition of Physical
Evaluation Board Proceedings--Continued

(Letterhead)

RECEIVING ENDORSEMENT

(Date)

1. I have read and understand the instructions in these orders. I will notify (parent command - include phone number) and the CMC (MMSR-4) at telephone number (703) 784-9308/9309 or 1-800-336-4649 within 60 days, if I have not received final separation papers by 2400 (detach date plus 60 days).

2. I am subject to disciplinary action per the UCMJ should I fail to execute the instructions in these orders.

(Signature)

MEMORANDUM ENDORSEMENT

Departed (duty station) at (hour) via (mode of transportation).
Arrival (destination) at (hour) on (date).

(Signature)

*Figure 8-3.--Format for Orders Home Pending Final Disposition of Physical
Evaluation Board Proceedings

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FOR OFFICIAL USE ONLY

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement

***ADDITIONAL PARAGRAPHS MAY BE ADDED AS DIRECTED BY THE COMMAND**

(Letterhead)

From: (Command)

To: (Individual Marine)

Subj: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

Ref: (a) Title 10, U.S. Code

* (b) MCO P1900.16G (MARCORSEPMAN)

(c) JFTR par. U5120, U5230, and U5345-H

* (d) MCO P5512.11D (ID CARDS)

* (e) Online MCTFSPRIUM

* (f) MCO P1070.12K (IRAM)

Encl: (1) Retired Pay Data Form (DD Form 2656)

(2) Travel Voucher (DD Form 1351-2)

(3) Certificate of Retirement

*1. The Secretary of the Navy has determined you are physically Unfit to perform the duties of your grade and directs you be permanently retired by reason of physical disability under the provisions of references (a) and (b). You are released from all active duty at 2359 on (PRR) and transferred to the Permanent Disability Retired List (PDRL) effective (PRR plus 1 day). You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate on (PRR).

*2. As of (PRR), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active duty. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier.

*3. Your disability is rated at (PERCENT DSBL) percent per the Schedule for Rating Disabilities in current use by Department of Veterans Administration, VA Code(s) (VA CODES).

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

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement--Continued

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement--Continued

5. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

6. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

*7. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days before your approved retirement date to the Defense Finance and Accounting Service at: DFAS, U.S. Military Retirement Pay, P.O. Box 7130, London, KY 40742-7130. Retain a copy of this form for your files. **DD Form 2656 is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding.** Additionally, DFAS shall not, by law, issue retired pay absent a permanent mailing address, which you are required to provide in enclosure (1).

8. You have stated that your future address for mailing purposes is:_____. Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 7. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your EDIPI.

9. You may select a home of record and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to family members travel and to storage and shipment of household goods. Ensure you understand it's contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the PDRL. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. Upon completion of travel, forward enclosure (2), along with a copy of your retirement orders and all other supporting documentation, to the servicing Finance/Disbursing Office that supports your last active duty station.

*10. The officer having custody of your service record and health record (medical and dental) will forward the originals per reference (f) and ensure a copy of these orders are filed in your Official Military Personnel File (OMPF). You should make and retain a personal copy of these records for safekeeping.

11. Enclosure (3) recognizes your retirement.

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement--Continued

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement--Continued

12. You may wear your uniform from this command to your home, if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate, under the Marine Corps Uniform Regulations (MCO P1020.34G, paragraph 8003 and 11002).

*13. Expenditures under these orders are chargeable to appropriation data contained within the Marine Corps Total Force System (MCTFS) D860 remark screen.

*14. Provide a copy of these orders to your Physical Evaluation Board Officer (PEBLO) and a copy of these orders and a copy of your DD Form 214 to the VA.

15. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
OMPF

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement--Continued

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement--Continued

HOME OF SELECTION ENDORSEMENT

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

(Signature)

(Date)

NOTES:

1. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
2. The PRR/PRR plus 1 day date should be in "DD Month YYYY" format.
3. All other service data should be in "YYYY years, MM months, and DD days" format, as appropriate.
4. The following will be inserted as paragraph 3 to the orders of those Marines who are advanced on the retired list: "The Secretary of the Navy has determined that you are entitled to be advanced on the retired list, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____."

*Figure 8-4.--Format for Orders Transferring Marines to the
Permanent Retired Retired List and Home of Selection
Endorsement

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

*Figure 8-5.--Format for Orders Transferring Marines to the
Temporary Disability Retired List

***ADDITIONAL PARAGRAPHS MAY BE ADDED AS DIRECTED BY THE COMMAND**

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE TEMPORARY DISABILITY
RETIRE LIST (TDRL)

Ref: (a) Title 10, U.S. Code
* (b) MCO P1900.16G (MARCORSEPMAN)
(c) JFTR par. U5120, U5230, and U5345-H
* (d) MCO P5512.11D (ID CARDS)
* (e) Online MCTFSPRIUM
* (f) MCO P1070.12K (IRAM)

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel Voucher (DD Form 1351-2)
(3) Certificate of Retirement

*1. The Secretary of the Navy has determined you are physically Unfit to perform the duties of your grade and directs you be temporarily retired by reason of physical disability on under the provisions of references (a) and (b). You are released from all active duty at 2359 on (PRR) and transferred to the Temporary Disability Retired List (TDRL) effective (PRR plus 1 day). You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate on (PRR).

*2. As of (PRR), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active duty. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier.

*3. Your disability is rated at (PERCENT DSBL) percent per the Schedule for Rating Disabilities in current use by Department of Veterans Administration, VA Code(s) (VA CODES).

*4. You will receive orders from CMC (MMSR-4) to report to a military treatment facility for a periodic physical examination (PPE) at least once every 18 months to determine whether the disability for which you are temporarily retired has improved, stabilized or become permanent. **Your failure to report for any directed PPE may result in termination of your retired pay.** Detailed information based on provisions of law which are applicable in your case will be forwarded to your home address by the CMC

*Figure 8-5.--Format for Orders Transferring Marines to the
Temporary Disability Retired List--Continued

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