



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

MCO 1900.16 Admin Change
MMSR
30 Mar 2015

MARINE CORPS ORDER 1900.16 Administrative Change

From: Commandant of the Marine Corps
To: Distribution List

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

Ref: (a) MCO 5215.1K
(b) 5 U.S.C. 552a
(c) SECNAVINST 5211.5E
(d) SECNAV M-5210.1

Encl: (1) MCO 1900.16

1. Situation. It is the policy of the Commandant of the Marine Corps (CMC) to provide guidance on the administrative separation and retirement of Marines.

2. Mission. To notify all on the distribution list of the modified format of this order.

3. Execution. In accordance with the reference, administrative changes are as follows:

a. The format of the MARCORSEPMAN has been modified to incorporate the program advantages of Adobe Reader Bookmarks, facilitate a more user friendly search system and allow more rapid staffing and subsequent updates as changes in law and policy are directed.

b. Throughout this order, the only corrections made have been spelling, punctuation, standardization of abbreviations, and page headings and numbering associated with the Bookmarks format.

c. No changes (additions or deletions) have been made to policies or procedures.

4. Administration and Logistics

a. Distribution Statement A directives issued by the CMC are published electronically and can be accessed online via the Marine Corps Publications Electronic Library (MCPEL) at <http://www.marines.mil/News/Publications/ELECTRONICLIBRARY.aspx> and MCPEL CD-ROM.

b. The generation, collection or distribution of personally identifiable information (PII) and management of privacy sensitive information shall be in accordance with the Privacy Act of 1974, as amended, per references (b) and (c). Any unauthorized review, use, disclosure or distribution is prohibited.


c. Records created as a result of this order shall be managed according to National Archives and Records Administration approved dispositions per

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reference (d) to ensure proper maintenance, use, accessibility and preservation, regardless of format or medium.

5. Command and Signal

- a. Command. This order is applicable to the Marine Corps Total Force.
- b. Signal. This order is effective the date signed.


S. E. MURRAY
Deputy Commandant for Manpower
And Reserve Affairs
Acting

DISTRIBUTION: PCN 10202730000



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

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26 Nov 2013

MARINE CORPS ORDER 1900.16

From: Commandant of the Marine Corps
To: Distribution List

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

Ref: (a) Title 10, U.S.C.
(b) MCO P1400.31C W/CH 1
(c) Manual for Courts Martial (MCM)
(d) MCO 5300.17
(e) MCO 1001R.1K
(f) DoD 7000.14-R
(g) Federal Register Vol 73, No. 128, pp 38030-69
(h) MCO P1610.7F W/CH 1-2
(i) MCO P1070.12K W/CH 1
(j) SECNAVINST 5300.28E
(k) MCO 7220.24N
(l) SECNAVINST 5820.4G
(m) MCO 1741.110D
(n) MCTIMS (Online)
(o) Title 38, U.S.C.
(p) NAVMED P-117
(q) SECNAVINST 1770.3D
(r) JAGINST 5800.7F
(s) SECNAVINST 5815.3J
(t) SECNAVINST 1920.6C W/CH 4
(u) Joint Federal Travel Regulations (JFTR)
(v) MCO 1050.3J
(w) Online MCTFS Codes Manual
(x) Title 5, U.S.C.
(y) DoDI 1327.06
(z) MCO P5060.20 W/CH 1
(aa) National Defense Authorization Act of 1999
(ab) National Defense Authorization Act of 2000
(ac) MCO 1130.80A
(ad) MCO 1001.39K
(ae) MCO 1040.31
(af) MCO P10120.28G
(ag) MCO P1020.34G W/CH 1-5
(ah) DFAS APSM (Online)
(ai) DoDI 1332.29
(aj) MCO P1300.8R W/CH 1-8
(ak) Title 8, U.S.C.
(al) SECNAVINST M-5210.1
(am) SECNAVINST 5510.30B
(an) DoDI 1332.14
(ao) Title 14, U.S.C.
(ap) SECNAVINST 1920.7B
(aq) DoDD 1332.35

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(ar) DoDI 1332.36
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(at) DoDI 1205.05
(au) DoDI 1200.15
(av) DoDI 1215.07
(aw) MCTFSPRIUM (Online)
(ax) DoDI 1310.02
(ay) MCO 1001.45J
(az) SECNAVINST 1000.7F
(ba) SECNAVINST 1850.4E
(bb) SECNAVINST 6320.24A
(bc) DoDI 6490.04
(bd) SECNAVINST 5300.30E
(be) MCO P1400.32D W/CH 1&2
(bf) MCO P1100.72C W/ERRATUM
(bg) MCO 1752.5B
(bh) MCO 1000.9A
(bi) DoDI 1332.30
(bj) DoDI 1215.13
(bk) DoDI 6495.02
(bl) MCO 1306.17F
(bm) MCO 1000.6
(bn) MCO 1740.13C
(bo) MCO 5000.12E
(bp) MCO 1306.16F
(bq) DoDI 1315.15
(br) MCO 1770.2A W/CH 1
(bs) DoDI 1332.42
(bt) MCO 6110.3 W/CH 1
(bu) MCO P5800.16A W/CH 1-6
(bv) MCO 1040R.35
(bw) DoDI 6040.44
(bx) MCO 6320.2E
(by) MCO 1754.11
(bz) MCO 3000.13

Encl: (1) Marine Corps Separation and Retirement Manual (Short Title:
MARCORSEPMAN)

1. Situation. Changes in federal law (i.e., the repeal of Don't Ask, Don't Tell), Department of Defense and Department of the Navy regulations (i.e., administrative separations, the creation of the Integrated Disability Evaluation System) and other Marine Corps policy changes necessitated a revision of the Separation and Retirement Manual.

2. Cancellation. MCO P1900.16F W/ CH 1-2.

3. Mission. To notify all on the distribution list of the revision to this Order and to update regulations and policies on separations and retirements.

4. Execution. There have been substantial changes to this revision as indicated throughout the order by asterisks by those paragraphs.

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This Order is a revision to MCO 1900.16F Ch 2 and provides guidance on the administrative separation and retirement of Marines.

(2) Concept of Operations. This order provides the necessary direction to ensure that all Marines are separated or retired from the Marine Corps in accordance with law, regulation and uniform Marine Corps policy.

b. Subordinate Elements Missions. This revision shall be reviewed and applied by all commands in the separation or retirement of Marines.

5. Administration and Logistics

a. Distribution Statement A directives issued by CMC are published electronically and can be accessed online via the Marine Corps homepage at <http://www.usmc.mil> and MCPCL CD-ROM.

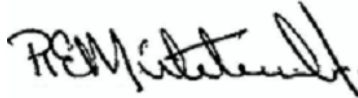
b. Access to an online medium will suffice for directives that can be obtained from the Internet, CD-ROM, or other sources.

c. Records created as a result of this Order shall be managed according to National Archives and Records Administration approved dispositions per reference (a1), to ensure proper maintenance, use, accessibility and preservation, regardless of format of medium.

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.



R. E. MILSTEAD JR
Deputy Commandant for
Manpower and Reserve Affairs

DISTRIBUTION: 10202730000

LOCATOR SHEET

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

Location: _____
(Indicate location(s) of copy(ies) of this manual.)

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change

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MARCORSEPMAN 1900.16-1001

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-1

Phone: Comm: (703) 784-9304/9305
DSN: 278-9304/9305

Reference: None

1001. GENERAL

1. This order provides procedures for separating Marines:

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

b. Before completion of service obligation by reason of administrative separation, both voluntary and involuntary; disciplinary action, disability; failure of selection for promotion; and resignation for cause in the case of certain officers.

2. This chapter provides definitions, information, rules of interpretation, and prescribes procedures and policies applicable throughout this manual, and where applicable to more than one chapter, unless otherwise noted.

3. For the purposes of this Manual, the term "separation" will include retirement and transfer to the FMCR and the term "retirement" will include transfer to the FMCR, except when otherwise specified.

MARCORSEPMAN 1900.16-1002

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-1

Phone: Comm: (703) 784-9304/9305
DSN: 278-9304/9305

References: (a) Title 10, U.S.C
(b) MCO P1400.31C W/CH 1
(c) Manual for Courts Martial (MCM)
(e) MCO 1001R.1K
(f) DoD Financial Management Regulation 7000.14-R
(g) Federal Register Vol 73, No 128, pp 38030-69
(by) MCO 1754.11

1002. DEFINITIONS

*1. Active Commissioned Service. Service on active duty as a commissioned officer in the grade of Chief Warrant Officer 2 or above.

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

3. Active Duty for Training. Active duty for reserve training with automatic reversion to inactive duty upon completion.

4. Active Duty List. Lists required to be maintained by the Secretary of the Navy of active duty officers per reference (a) Title 10, U.S.C. other than those excepted by section 641. Reference (a) Title 10, section 574 discusses warrant officers and section 620 all other officers. Additional information on active duty lists is contained in reference (b) MCO P1400.31, Officers Promotion Manual.

*5. Active Reserve Program (AR). Marines who are part of the Selected Reserve on full-time active duty under reference (a) Title 10, U.S.C., Section 12310 for the purpose of organizing, administering, recruiting, instructing, or training the reserve component.

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

7. Active Status. The status of a reservist who is a member of the Ready Reserve or the Active Status List of the Standby Reserve, including Reserve officers on the active-duty list.

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

9. Broken Service. Active duty or active duty for training in any branch of military service of the United States broken by any period greater than

24 hours and after completing a minimum of 12 consecutive weeks of active duty or active duty for training, unless such service results in continuous service as defined below.

10. Characterization of Service. Classification of the quality of service rendered.

11. Commander/Commanding Officer. A commissioned officer or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives, is recognized as a "command."

*12. Commissioned Officer. An officer in any of the military services who holds a grade and office under a commission signed by the President, and who is appointed as a regular or reserve officer in the grade of CWO-2 or above.

13. Commissioned Service. All periods of service as a commissioned officer or commissioned warrant officer, (CWO-2 and above), in the Army, Navy, Air Force, Marine Corps, or Coast Guard while on active duty or in an inactive status.

14. Continental United States (CONUS). United States territory, including the adjacent territorial waters, located within North America between Canada and Mexico.

15. Continuous Service

a. For Officers. Military service unbroken by any period greater than 24 hours.

b. For Enlisted Personnel

(1) Service in the regular Navy or Naval Reserve or the regular Marine Corps or Marine Corps Reserve which is continued by reenlistment "within 3 months" following discharge or release from active duty. A Marine who is reenlisted on the same day of the month, three calendar months from the date of discharge or release from active duty, is reenlisted "within three months."

(2) Reenlistment "within six months" following discharge or release from active duty provided the Marine is classified RE-1, recommended for preferred reenlistment, and holds an MOS listed as a "reenlistable" MOS. A Marine who reenlisted on the same day of the month, six calendar months from the date of discharge or release from active duty, is reenlisted "within six months."

16. Convening Authority. (1) The separation authority or (2) a commanding officer empowered to convene a special court martial, who has been authorized by the Secretary of the Navy to process a case for final action and who otherwise has the qualifications to act as a separation authority.

17. Counsel. A lawyer qualified and certified under Article 27(b), Uniform Code of Military Justice (UCMJ), assigned to represent a Marine during separation processing, or a civilian lawyer retained at the Marine's expense.

18. Discharge. Complete severance from all military status gained by appointment, enlistment, or induction.

*19. Domestic Abuse. Domestic abuse is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile. Refer to reference (by) MCO 1754.11.

20. Dismissal. Separation of a commissioned officer, effected by sentence of a general court-martial, or in commutation of such a sentence, or, in time of war, by order of the President, or separation of a warrant officer (WO-1) who is dismissed by order of the President in time of war. A complete severance from all military status.

21. Drop From the Rolls. A complete severance of military status pursuant to a specific statutory authority, without characterization of service.

22. Effective Date of Retirement. All retirements, except those by reason of physical disability and Reservists who are retiring with pay at age 60, are effective on the 1st day of the month. In the case of mandatory retirements, retirements will be effected on the 1st day of the month following the month in which the officer meets the statutory limit.

23. Entry-Level Status. Upon enlistment, a Marine qualifies for entry-level status during: (1) the first 180 days of continuous active military service; or, (2) the first 180 days of continuous active service after a service break following more than 92 days of active service. A Marine of a reserve component who was not on active duty or is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a Reserve component. Entry level status for a Marine of a reserve component terminates as follows: (1) 180 days after beginning training if the Marine is ordered to active duty for training for one continuous period of 180 days or more; or, (2) 90 days after the beginning of the second period of active duty training, if the Marine is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the Marine's status is determined by the date of notification as to the initiation of separation proceedings. The period of entry level status is not interrupted by unauthorized absence or desertion.

*24. Expiration of Active Service (EAS). The day active service terminates, including voluntary extensions of enlistment, convenience of the government legal (CofGL), or convenience of the government medical (CofGM) status, for Marines voluntarily retained on active duty.

25. Expiration of Current Contract (ECC). The date the current contract expires, excluding voluntary extensions of enlistment thereof that have not become effective.

26. Expiration of Obligated Service (EOS). The termination of the obligation under the terms of the Military Selective Service Act

*27. Foreign Service. Service performed outside the fifty United States or its territories (American Samoa, Northern Marianas Islands, Guam, Puerto Rico, and U.S. Virgin Islands). Permanent assignment to sea duty (sea service) is not counted as foreign service. (See "Overseas" and "OCONUS").

*28. Illegal Drug Involvement. Officers, see paragraph 4103.1. Enlisted, see paragraph 6210.5.

*29. Inactive Duty Service. Duty authorized for reserve Marines by appropriate authority and performed on a voluntary basis in connection with prescribed training or maintenance activities of assigned units. Inactive Duty Service may be creditable for pay purposes. For additional guidance see reference (e) MCO 1001R.1K and reference (f) DoDFMR 7000.14-R Chapter 1.

30. Legal Advisor. A lawyer, uniformed or civilian, under the professional supervision of either the Judge Advocate General or General Counsel of the Navy, certified under, or otherwise meeting the professional requirements of Article 27(b), UCMJ.

31. Mandatory/Involuntary Retirement. Retirement required by law or enlisted regulations or as a result of actions by a selective early retirement board.

32. Mandatory Separation Processing. A general term used to ensure the commander initiates the involuntary separation process to the separation authority. This term does not mean that a board hearing is mandatory or that the separation of the respondent is mandatory.

33. Marine. Officer or enlisted member of the regular or reserve establishment of the Marine Corps.

*34. Member (also Service member). A term used in law and regulation to describe persons in the regular or reserve components of the armed forces.

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

36. Nonprobationary Officers. A commissioned officer other than a probationary commissioned officer.

37. Obligated Service. All service prescribed in the officer program through which an officer was accessed and all service incurred by the officer in consideration of being tendered an initial appointment, or any additional obligation incurred.

38. Officer. A member of the naval service serving in a commissioned or warrant officer grade, either temporary or permanent. The term "officer" does not include any midshipman at the Naval Academy; midshipman, U.S. Navy; midshipman, U.S. Naval Reserve; aviation cadet; or other person in an officer candidate status similar to any one or more of the foregoing.

*39. Other Than Active Reserve. Reserve warrant officers on the Reserve Active-Status List (RASL), but not in the AR program.

40. Outside the Continental United States (OCONUS). Any area of the world other than the CONUS to include Alaska and Hawaii.

41. Overseas. All locations, including Alaska and Hawaii, outside the continental United States.

42. Prior Enlistment or Period of Service

a. Service in the regular or reserve component of the armed forces, including the Coast Guard, under a DD Form 4 (enlistment contract) or an extension of an enlistment contract and which was terminated by issuance of a DD Form 214, discharge certificate, certificate of service, or report attesting to the type and character of service rendered during that period.

b. In determining characterization for separation from the reserve component, "Prior Enlistment or Period of Service" does not include service, pursuant to orders or an agreement by a Marine of the reserve component on active duty for training or active duty for special work, even if the end of that service is memorialized by a DD Form 214 indicating release from active duty.

43. Probationary Commissioned Officer

a. A commissioned officer on the Active Duty List with less than six years of active commissioned service; or,

b. A reserve commissioned officer with less than six years of commissioned service. However, a reserve commissioned officer serving in an active status before 1 October 1996 who was in a probationary status before that date, is a probationary commissioned officer for a period of three years from the date of his or her appointment as a reserve commissioned officer.

44. Qualified Resignation. A resignation for which the least favorable characterization of service allowed is general (under honorable conditions).

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

46. Resignation. The request, by an officer, to be divested of his or her commission or warrant. Such requests may be classified as "Unqualified," "Qualified," or "For the Good of the Service" as defined in this chapter. Upon acceptance by the Secretary and completion of all administrative procedures, it represents a complete severance from all military status.

47. Resignation for the Good of the Service. A resignation for which the least favorable characterization of service allowed is under other than honorable conditions.

48. Respondent. A Marine who is the subject of separation proceedings.

49. Retention on Active Duty. The continuation of an individual in an active duty status in the regular Marine Corps or Marine Corps Reserve.

50. Revocation of Appointment/Revocation of Commission/Termination of Appointment. A complete termination of the military service status of an officer.

51. Separation. A general term which includes discharge, dismissal, dropping from the rolls, revocation of an appointment or commission, termination of an appointment, release from active duty, release from custody and control of the Marine Corps, or transfer from active duty to the: IRR, Fleet Marine Corps Reserve, Retired List, Temporary or Permanent Disability

Retired List, or Retired Reserve and similar changes in an active or reserve status.

52. Separation Authority. The Secretary of the Navy or an official authorized by the Secretary of the Navy to take final action with respect to a specified type of separation.

53. Separation Processing. Processing is initiated on the date a command receives a written request for separation from a Marine, or on the date a Command delivers a Marine notice of separation proceedings per section 3 of chapter 6. Processing is not completed until the appropriate separation authority takes final action.

*54. Sexual Assault Initial Disposition Authority (SA-IDA). An O-6 Special Court-Martial Convening Authority who has the non-delegable responsibility for initial disposition under R.C.M. 306, per reference (c) Manual for Courts Martial (MC), for certain sexual assault offenses.

*55. Sex Offense. A criminal conviction for an offense that requires registration as a sexual offender per the National Guidelines for Sex Offender Registration and Notification reference (g) (73 Federal Register 38030-69).

*56. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

*a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or;

*b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or;

*c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Abusive work environment harassment need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive.

*57. Sex Offender. A person having been convicted of a criminal offense according to guidelines in The National Guidelines for Sex Offender Registration and Notification July 2, 2008. (Reference (g) 73 Federal Register 38030-69).

58. The Secretary. The Secretary of the Navy; includes the Under Secretary of the Navy or an Assistant Secretary of the Navy.

59. Unqualified Resignation. A resignation for which the only characterization of service allowed is honorable.

60. Voluntary Retirement. Retirement effected as a result of a request from a Marine.

MARCORSEPMAN 1900.16-1003

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

1003. TYPES OF SEPARATION. The most common types of separations are listed below. The first six are administrative separations and may be awarded per this manual. The last two are punitive and may only be awarded as a result of an approved sentence of the appropriate level court-martial. In certain cases, service upon separation may be uncharacterized.

<u>Types of Separation</u>	<u>Character of Separation</u>	<u>Action</u>
Release from active duty	Honorable, General (under honorable conditions), Uncharacterized	Administrative
Honorable discharge	Honorable	Administrative
General discharge	General (under honorable conditions)	Administrative
Discharge under other than honorable conditions	Under other than honorable conditions	Administrative
Entry level separation	Uncharacterized	Administrative (entry level status)
Order of release from custody or control of the Marine Corps	Uncharacterized	Administrative
Bad conduct discharge	Bad conduct	General CM Special CM
Dishonorable discharge	Dishonorable	General CM

MARCORSEPMAN 1900.16-1004

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (h) MCO P1610.7F W/CH 1-2
(i) MCO P1070.12K W/CH 1
(j) SECNAVINST 5300.28E
(by) MCO 1754.11

1004. CHARACTERIZATION OF SERVICE

*1. Importance of Proper Characterization. Per applicable regulations, separation authorities and the DC, M&RA determine characterization of service for enlisted Marines, and the DC, M&RA and the Secretary of the Navy determine the characterization of service for officers.

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

b. Most Marines serve honorably. In fairness to those Marines, commanders and separation authorities should ensure that undeserving Marines receive no higher characterization than is due.

2. Types of Characterization or Description. In addition to information provided in table 1-1, characterization of service or description of separation based upon administrative action is authorized as follows:

a. Honorable. This is the highest quality of characterization.

*(1) Honorable upon EAS separation. Honorable characterization is appropriate when the quality of the Marine's service has met the standards of accepted conduct and performance of duty for military personnel. Characterization will normally be honorable for Marines with both average proficiency marks of 3.0 or higher and average conduct marks of 4.0 or higher. Marines with proficiency marks below 3.0 and conduct marks below 4.0 may receive an honorable characterization at the separation authority's discretion. The separation authority may determine an honorable characterization of service is warranted in cases where a Marine's service is otherwise so meritorious that any other characterization would clearly be inappropriate.

(2) Honorable upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. If a Marine is being separated as a result of adverse conduct, unsatisfactory performance, or is requesting separation in lieu of court-martial, an honorable characterization is appropriate only if the Marine's service is otherwise so meritorious that any other characterization would clearly be inappropriate.

*b. General (Under Honorable Conditions). This is the second highest quality of characterization and is appropriate if the Marine's service has been honest and faithful, but significant negative aspects of the Marine's conduct or performance outweigh positive aspects of the Marine's military record.

*(1) General upon EAS separation. A separation authority may assign a general (under honorable conditions) characterization of service to an enlisted Marine regardless of the Marine's rank.

*(a) Corporals and below with average proficiency marks below 3.0 and conduct marks below 4.0. Characterization of service for Marines in this category should be general (under honorable conditions). No additional documentation or justification is required to assign a general (under honorable conditions) characterization of service in these cases.

*(b) In all other enlisted cases, the conduct at issue must meet a basis that could result in involuntary separation per paragraphs 6210, 6213, or 6215 of this manual. The Marine must be notified in writing and be afforded a reasonable opportunity to submit matters for consideration. If a separation authority then concludes that a general (under honorable conditions) characterization of service is still warranted, the reasons for that determination must be documented on page 11 of the Service Record Book/Electronic Service Record (SRB/ESR). All supporting documents shall be forwarded to CMC (MMRP-20) for inclusion in the Marine's Official Military Personnel File (OMPF). If the Marine chooses not to submit matters for consideration, no further page 11 entries are required. The following page 11 entry will be used to document a separation authority's intent to characterize a Marine's service as general (under honorable conditions):

*(DATE): I have been informed by my separation authority that I may receive a general (under honorable conditions) characterization of service upon release from active duty based on (describe incident(s), e.g. DUI, NJP(s), act(s) of misconduct). This behavior is a significant departure from the conduct expected of a Marine and could be the basis for involuntary separation in accordance with MCO 1900.16 paragraph (6210,6213,6215). I was advised of my right to seek legal advice and to submit matters for my separation authority's consideration and that such matters may be submitted within 5 working days after acknowledgement of this notification. I wish (to)/(not to) submit matters for consideration."

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This entry must be certified by the Marine and the separation authority. The following page 11 entry will be used to document a separation authority's decision after consideration of any matters submitted by the Marine:

*(DATE): After careful consideration of (Marine's Rank, Name) (conduct and matters submitted for consideration), I have concluded that a general (under honorable conditions) characterization of service (is)/(is not) warranted. My decision is based on the incident cited on (date of the page 11 above) (and or any additional incidents or circumstances)." CO

*(2) General upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. If a Marine is requesting separation in lieu of court-martial, a general (under honorable conditions) characterization is appropriate only if the Marine's service is otherwise so meritorious that any other characterization would clearly be inappropriate.

c. Under Other Than Honorable Conditions (OTH). This is the least favorable administrative characterization.

(1) OTH upon EAS separation. Not authorized.

(2) OTH upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. OTH is appropriate when the basis for separation is commission or omission of an act that constitutes a significant departure from the conduct expected of a Marine. Examples of factors that may be considered include, but are not limited to: the use of force or violence to produce serious bodily injury or death, abuse of special positions of trust, disregard of customary senior-subordinate relationships, acts or omissions endangering the security of the Marine Corps, deliberate acts or omissions seriously endangering the health and safety of others, and drug abuse. OTH characterization is authorized only if (1) the Marine has been afforded the opportunity to request an administrative board, or (2) the Marine requests separation in lieu of trial by court-martial under paragraph 6419 of this order.

*(3) When an enlisted Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3, with such reduction to become effective upon separation. The automatic reduction to pay grade E-3 does not apply for Marines transferred to the FMCR. See paragraph 6106.4.

d. Uncharacterized. See paragraph 1004.5.

3. Guidelines for Determining Characterization for Involuntary Separations Under chapter 6. A board or separation authority may consider the following factors and any other relevant information in determining characterization:

a. Standards of performance and conduct as determined by reference (h) MCO P1610.7F, Performance Evaluation System, reference (i) MCO P1070.12K, Individual Records Administration Manual (IRAM), and customs of the service form the primary basis for determining characterization of service. Minimum acceptable average proficiency and conduct markings during an enlistment are 3.0 and 4.0 respectively. Failure of a Marine to achieve either of these standards is evidence of significant negative aspects, outweighing all but the most meritorious military records. Marines who do not achieve these standards should not receive an honorable discharge.

b. The reason for separation.

c. The type of behavior which is the basis for separation. Generally, characterization will be based on a pattern of behavior rather than an isolated incident, although a single instance of misconduct or poor performance may be the basis for characterization.

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

e. The Marine's age, length of service, grade, aptitude, and physical and mental condition.

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

4. Limitations on Characterization

a. Prior enlistment or period of service

(1) Characterization. Characterization of the current enlistment or period of service is determined by conduct, actions, or performance during that enlistment or service plus any extensions prescribed by law or regulations or effected with the consent of the Marine. Thus, positive or negative conduct, acts, or performance during a period of prior military service--including court-martial, nonjudicial punishment, absence without leave, misconduct for which a reenlistment waiver was granted, or commission of other offenses for which punishment was not imposed or adjudged--cannot be considered in determining the characterization to be recommended for the current enlistment. (Note: 6105 counseling entries from previous enlistments carry over and remain valid in current enlistment.) The issuance of a DD Form 214 to a Marine of the Selected Marine Corps Reserve (SMCR) or Individual Ready Reserve (IRR) after any period of active duty is used in determining characterization of separation from the reserve component.

(2) Retention. Prior conduct, acts, or performance can be considered in determining whether the board or separation authority will recommend or decide retention or separation. If such matter is considered on the issue of retention or separation, the record shall include a statement that the separation authority did not consider such matter on the issue of characterization.

*b. Pre-service activities. Pre-service activities, including misconduct for which an enlistment waiver was granted, may not be considered in determining characterization except in a proceeding concerning fraudulent entry into the Marine Corps. Evidence of pre-service misrepresentations about matters that would have precluded, postponed, or otherwise affected the Marine's eligibility for enlistment or induction may be considered.

c. Serious offense. When separation is based solely upon a serious offense or serious offenses (including a violation of Article 112a, UCMJ) which resulted in a conviction by a special or general court-martial that did not adjudge a punitive discharge, and the general court martial convening authority (GCMCA) recommends a characterization of service as under other than honorable conditions under the guidance in sections 1 and 2 of chapter 6, separation and characterization must be approved by the DC, M&RA on a case-by-case basis. However, referral to the DC, M&RA is not required if the special or general court-martial was not authorized to adjudge a punitive discharge. For the purpose of this paragraph, summary court-martial, nonjudicial punishments, and other misconduct considered at a special or general court-martial do not, thereby, become part of the serious offense(s) resulting in conviction. Referral to the DC, M&RA is not required when the Marine is notified of processing based upon misconduct in addition to the serious offense(s) of which convicted at special or general court-martial, when the additional misconduct would form the basis, in whole or in part, for an other than honorable characterization of service.

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

e. Drug Abuse. Confirmed illegal drug use requires mandatory administrative separation processing. If processing is based solely upon evidence that may not be considered in determining characterization of service, the separation authority may direct retention or approve an honorable or general (under honorable conditions) characterization of service as warranted by the respondent's service record. In all other administrative separation proceedings based on drug abuse, the GCMCA may act as the separation authority and take final action in accordance with paragraph 6309 of this order (except in cases that must be forwarded to the Secretary of the Navy or the CMC/DC M&RA under subparagraph 1004.4c or paragraph 6307). See reference (j) SECNAVINST 5300.28E for a detailed discussion.

(1) Using urinalysis results. Evidence obtained from an involuntary urinalysis taken under Military Rules of Evidence 312-316 (bodily or medical examinations or intrusions, inspections, search, or seizure) may be used in determining characterization and can support OTH characterization. Urinalysis results obtained during fitness for duty examinations, if not based on probable cause or valid medical purpose, cannot be used as the basis for unfavorable characterization except when used for impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine.

(2) Rehabilitation. A Marine's voluntary submission to a DoD treatment and rehabilitation program, and evidence voluntarily disclosed by the Marine as part of the course of treatment in such a program, may not be used against the Marine on the issue of characterization of service. In such cases, the separation authority may only direct or approve an honorable or general (under honorable conditions) characterization of service as warranted by the respondent's service record if the separation authority does not direct retention. This limitation does not apply to:

(a) Introducing evidence for impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine; or

(b) The taking of action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program, information disclosed by the Marine to persons other than military substance abuse program personnel, or information disclosed in connection with investigation or disciplinary proceedings.

*f. Domestic Abuse Repeat Offenders. Separation authorities shall initiate administrative separation proceedings for Marines determined to have committed a "Substantiated" second domestic abuse offense as defined and required by reference (by) MCO 1754.11. When initiating an administrative separation as a result of domestic abuse involvement, the separation authority must include domestic abuse as part of the reason for separation so

the spouse and family may initiate the application process for financial compensation and retention of ID card benefits and privileges through the Transitional Compensation for Abused Family Members program.

*g. The separation authority for all enlisted Marines with 18 or more years of active/active constructive service is the DC, M&RA. The characterization of service for these Marines is normally honorable. Characterization of service for Marines in this category, who are separated as a result of misconduct, may be less than honorable. In cases which warrant such a characterization, the command must forward a recommendation to the CMC (MMSR-2), with supporting documentation; written notification to the Marine, the Marine's matters submitted for consideration and command endorsements for a determination by DC, M&RA.

5. Uncharacterized Separations

a. Uncharacterized. An uncharacterized description shall be used as follows: (Note: With respect to nonservice related administrative matters, i.e., Department of Veteran Affairs (VA) benefits, civilian employment, etc., an uncharacterized separation shall be considered as the equivalent of an honorable or general, [under honorable conditions] characterization.)

(1) When a separation is initiated while a Marine is in an entry level status (see par 1002.23), except in the following circumstances:

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

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

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

(2) When a Marine with broken service is separated while in indoctrination or MOS training and fails to satisfactorily complete such training; or;

(3) When a Marine is separated while in the Delayed Entry Program because of ineligibility for enlistment. Separation is effected per par 6204.

b. Void Enlistment or Induction. A Marine whose enlistment or induction is void shall not receive a discharge certificate. Characterization of service shall be uncharacterized. The separation shall be described as an order of release from custody or control of the service concerned. When a constructive enlistment arises, characterization is required.

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

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

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

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

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

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

(a) Submitted voluntarily to military authority;

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

(c) Received military pay or allowances; and

(d) Performed military duties.

(3) If an enlistment is void at its inception and is followed by a constructive enlistment within the same term of service, characterization of service, or description of separation, shall be per paragraphs 1003 and 1004. If the enlistment was void by reason of desertion from another service, the Marine shall be separated by an order of release from the custody and control of the Marine Corps, regardless of any subsequent constructive enlistment, unless the Secretary of the Navy determines that retention is appropriate.

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

MARCORSEPMAN 1900.16-1005

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
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References: (a) Title 10, U.S.C. Section 651
(k) MCO 7220.24N

1005. RELEASE FROM ACTIVE DUTY OR DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

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

2. Marines who elect to reenlist within 90 days before their expiration of active service are afforded the same benefits as though they were discharged at their EAS except as stated in reference (k) MCO 7220.24N, Selective Reenlistment Bonus (SRB/ESR) Program. The reason for discharge will be expiration of enlistment.

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

*4. When a Reservist is released from extended active duty vice initial active duty for training and transferred to the Reserve component vice discharged (e.g., recruiter's aide assigned to temporary active duty), use MBK4 as the separation program designator (SPD) code. See appendix A for instructions on accessing SPD codes.

MARCORSEPMAN 1900.16-1006

GENERAL INSTRUCTIONS ON SEPARATIONS

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References: (l) SECNAVINST 5820.4G
(m) MCO P1741.11D
(n) MCTIMS (Online)
(u) Joint Federal Travel Regulations (JFTR)

1006. TIME AND PLACE OF SEPARATION

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

a. When the unit is located outside the limits of the United States or in Alaska. (Marines stationed in Hawaii will be separated in Hawaii);

*b. When the CMC (MMEA/MMOA) or CMC (RAM) for AR Marines, directs transfer for separation elsewhere based upon humanitarian or hardship circumstances;

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

2. There may be occasions in which assignments and deployment schedules cause a unit to have an excess number of first term Marines, resulting in lack of billeting spaces and equipment that negatively impact the quality of life and morale of the command. In these instances, commanding generals, endorsed by the appropriate commander, Marine Forces, may request the separation of selected first term Marines within 90 days of their EAS. Such requests should be forwarded to the Director, Manpower Management Division (MM/MMEA) with an information copy to the Director, Manpower Plans and Policy Division (MP/MPE) and include the grade, name, EDIPI/MOS, and EAS of the affected Marines. If approved, these Marines should be separated from their unit location unless prior coordination and approval is received from a regional separations site.

*3. In no case will Marines be separated more than 90 days before their EAS without approval by the CMC (MMSR-2). Requests for separation more than 90 days before EAS require Secretary of the Navy approval under paragraph 6421.

*4. Marines will be separated in the United States unless other provisions in this manual allow separation outside of the United States. Commanding officers of units overseas must transfer Marines pending separation to a Marine Corps activity in the continental United States (CONUS) which has government messing, quarters, medical, and Marine Corps disbursing facilities. See paragraphs 1006.5 and 1006.6. Commanders will ensure Marines arrive at the separation location as close to, but not less than 10 days before the effective date of separation; coordinate with MMEA and MMOA as required. Marines returning from permanent overseas duty stations who are

within 90 days of completing their active service obligations may request separation upon return. Upon the Marine completing the administrative requirements of this paragraph, voluntary separation may be effected pursuant to paragraphs 6401 and 6420.

a. Criteria for Early Separation Upon Return to the United States

(1) The Marine's enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of arrival in the United States. The intent of this paragraph is to discharge Marines no earlier than 90 days from their established EAS. If no leave has accrued the EAS would be adjusted to the date of separation by up to 90 days. If the Marine had accrued leave and/or PTAD, EAS would be adjusted from the date of departure from the separation site to give the Marine credit/pay for those accrued days;

(2) Marine consents in writing as outlined in subparagraph 1006.4e;

(3) Marine is not indebted to the government;

(4) Marine does not intend to reenlist;

(5) Marines transferring to the Retired List/FMCR are not eligible for early separation under the provisions of this paragraph; and

(6) The provisions of this paragraph will not be used in conjunction with other special early release programs.

b. Military Service Obligation (MSO). Separation should be consistent with the MSO of the Marine. Enlisted Marines whose total obligated service will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Marines desiring to immediately reenlist will not be separated under this authority.

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

d. Early Separation Overseas. A Marine who is entitled to and elects early separation overseas may do so provided the Marine meets the criteria of paragraph 1006.4a, 1006.8 and the following:

(1) The Marine consents to such separation in writing as outlined in paragraph 1006.4e; and

(2) It is more economical to the government. Commanders will advise the the CMC (MMEA/MMOA) by message at least 10 days before separation so that appropriate orders may be issued.

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

"I hereby consent to be (discharged) or (released) on (date) in lieu of my normal or established date of discharge or release on (date). My enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of my arrival in the United

States. I am not indebted to the U.S. Government. I do not intend to reenlist. I am not transferring to the Retired list/Fleet Marine Corps Reserve. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

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

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

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

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

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

i. Separation of Marines Pending Foreign Criminal Jurisdiction Proceedings. Subject to the provisions of paragraph 1008.2d and the Secretary of the Navy Instruction (SECNAVINST) 5820.4G of reference (1), a Marine in custody or confinement in a foreign country may be separated from the naval service OCONUS while in custody or confinement.

5. Separation Locations

a. Marines returning to the United States for immediate retirement, transfer to the FMCR, or for separation (per the reference (u) Joint Federal Travel Regulations (JFTR) Chapters 1 and 5) may select one of the following CONUS locations for separation processing.

* Marine Corps Installation, West, CAMPEN CA 014

* Marine Corps Installation, East, CAMLEJ NC 013

b. The commanding officer at the old duty station shall:

*(1) Counsel the Marine on the Survivor Benefit Plan (SBP) per reference (m) MCO P1741.11D if retiring or transferring to the FMCR;

*(2) Ensure that the service record accompanies the Marine to the separation activity;

(3) Ensure a medical evaluation is completed;

*(4) Ensure that the DD Form 2648 is completed;

(5) Submit to the separation activity, before the Marine's detachment, travel and arrival information of the Marine and dependants in addition to biographical information on the Marine suitable for reading at a

retirement or separation ceremony, should the Marine desire one at the separation site;

(6) Advise the Marine that dislocation allowance (DLA) and proceed are not authorized in conjunction with travel to the home of selection (HOS), or in the execution of orders (MCC W95) to a CONUS based separation site; and

(7) Comply with instructions in paragraphs 1101; 2004 (retiring officers); and 7005 and 7007 (retiring enlisted).

6. Exceptions. Marines stationed overseas who are eligible for separation and who desire separation at a Marine Corps activity not listed in paragraph 1006.5, will request (MCC W95) orders via naval message to the CMC (MMIA) and info the CMC (MMEA/MMOA) for separation at that activity. Marines with family members in government quarters at a CONUS site must request separation at that site.

a. These requests will not normally be approved unless a humanitarian or hardship situation exists, or the Marine can demonstrate that the location requested is the closest location to where they are establishing a permanent post service residence. Documentation considered as acceptable in this case includes (but is not limited to): TMO documents that list a location near the proposed separation site as the final household goods destination, a bona fide employment offer in the proposed separation site vicinity or proof of legal permanent residence at the proposed separations site.

b. Required Paragraph in Orders. Orders issued by the CMC (MMOA/MMEA) authorizing Marines to proceed to a station not listed in paragraph 1006.5 for separation processing will include the following paragraph:

"At your request you are authorized to report to (name and location of activity) instead of (the separation activity in the United States to which ordered) for separation processing. Entitlement to reimbursement for mileage or expenses will be determined by reference (u) JFTR and reference (n) OnLine Marine Corps Travel Instructions Manual (MCTIM), as applicable. Travel time in excess of that authorized for the direct travel will be charged as leave. If you do not desire to bear additionally incurred expenses, this authorization is revoked and you will report as directed in your basic orders. Per reference (u), JFTR, chapter 5, paragraphs U5125 or U5130, as applicable, and reference (n) OnLine Marine Corps Travel Instructions Manual (MCTIM) apply."

7. Non-retirement eligible Marines stationed outside the continental United States (OCONUS) desiring to request voluntary separation, are required to request a date within 60 days after completion of their RTD, or they will be required to serve a minimum of 1 year at a new duty station. These 60 days are designed to allow Marines to take terminal leave after completion of all outprocessing at a separation center. Marines pending mandatory retirement are not required to serve 1 year at a new duty station. Marines will not be assigned temporary additional duty (TAD) at the separation center awaiting outprocessing. Marines who have no accrued leave or are selling back leave will check into a separation center as close to, but not less than 10 working days before their retirement/transfer FMCR date. Marines desiring to take terminal leave will check into a separation center as close to, but not less than 10 working days, plus the number of days for leave before the retirement/transfer FMCR date. Greater than 60 days requires approval of the

CMC (MMEA/MMOA). The preceding does not account for any permissive temporary additional duty (PTAD) to which the Marine may be authorized.

8. Separation OCONUS

a. Marines serving overseas whose permanent residence is OCONUS may request separation at the Marine Corps activity nearest their home rather than returning to the United States. A Marine stationed in Alaska may request separation at that duty station. Marines who are residents of, and stationed in, Hawaii or Alaska will separate at their duty station. Commanding officers must ensure the Marine is properly counseled about travel allowances and shipment of personal property/household goods and time limitations on exercising these entitlements.

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

- (1) The Marine is eligible for separation under honorable conditions;
- (2) The country in which the Marine is separating is nonbelligerent;
- (3) The Marine has a passport and permission to remain in the country; and

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

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GENERAL INSTRUCTIONS ON SEPARATIONS

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Reference: (o) Title 38, U.S.C. Section 106(c)

1007. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect at 2359 on the date of the discharge or separation. Members of the Marine Corps Reserve who are separated under other than honorable conditions, or with a bad conduct or dishonorable discharge, will be issued a copy of the letter in figure 1-1 by the command.

*2. In cases where discharge has been authorized or directed and the Marine is unavailable due to confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective at 2359 on the date shown on the discharge certificate. If the Marine is unavailable due to unauthorized absence, a discharge in absentia will not be effected without the approval of the CMC (MMSR) unless the Marine meets the criteria in paragraph 6312.

3. For the purpose of entitlement benefits administered by the Department of Veteran's Affairs, a Marine discharged or released from a period of active duty may be entitled to benefits after the date of discharge, during the period of time required to proceed home by the most direct route or, in any event, until 2359 of the date of such discharge or release. Per reference (o) Title 38 U.S.C. Section 106(c), if a discharged or released Marine is injured while returning home by the most direct route and requires hospitalization, the Marine will be deemed to have been on active duty regardless of the date of discharge or release.

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

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

6. The release of a Reservist from active duty is effective at the expiration of authorized travel time. The discharge of a Reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

*7. Final pay or a substantial portion of final pay will be prepared and delivered to the Marine on the date of discharge or release from active duty.

*8. Marines desiring to extend or reenlist will be required to execute a reenlistment contract or extension of enlistment on or before the date their current enlistment contract expires; they will not be discharged early under this paragraph. The reenlistment contract or extension must be effective on the day after the date of discharge or expiration of enlistment.

9. Consistent with the Marine's military service obligation, commanders are authorized to effect discharge (Regular or Reserve), or to order release from active duty (Regular or Reserve) on the last working day preceding a Saturday, Sunday, or holiday liberty period when the separation date falls on one of those days, provided the Marine concerned consents in writing per paragraph 1006.4e. If the Marine is not returning from overseas, omit the second sentence of the page 11 entry in its entirety.

MARCORSEPMAN 1900.16-1008

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (e) MCO 1001R.1K
(f) DoDFMR 7000.1-R
(l) SECNAVINST 5820.4G
(p) MANMED
(q) SECNAVINST 1770.3D
(r) JAGMAN 5800.7F
(s) SECNAVINST 5815.3J
(t) SECNAVINST 1920.6C

1008. RETENTION BEYOND DATE DUE FOR SEPARATION

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

a. Hospitalized, undergoing medical treatment, or not physically qualified for release (see paragraph 1011). A Marine on active duty who is hospitalized, undergoing medical treatment, or who is found not physically qualified for release will, with the Marine's written consent, be retained on active duty until disposition of the case is made by medical authorities except in the case of:

*(1) A Marine subject to mandatory separation or an approved retirement. In such cases, only the Secretary of the Navy or CMC, may authorize deferral for medical reasons.

*(2) A Marine subject to selective early retirement or service limits. In such cases, only the Secretary of the Navy or the CMC, acting within specific limited guidelines, may authorize deferral of a mandatory separation for medical reasons.

(3) Marines receiving either an unsuspended punitive or administrative separation upon a basis that may result in an other than honorable characterization of service. See reference (p) Manual of the Medical Department (MANMED), article 18-5.

*(4) Reserve component Marines on orders for a period of less than 30 consecutive days.

*b. See reference (q) SECNAVINST 1770.3D and reference (e) MCO 1001R.1K for further guidance for medical retention of reserve Marines.

c. Disciplinary Status

(1) Those personnel to whom jurisdiction has attached by commencement of action with a view to trial, as by apprehension, arrest, confinement, or filing of charges, before release from active duty, may be retained on active duty. Once jurisdiction has been 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.

(2) Entitlement to pay and allowances for personnel retained after expiration of term of service in a disciplinary status is prescribed in the Department of Defense Financial Management Regulations (DoDFMR 7000.1-R (reference (f))).

*(3) Personnel retained beyond EAS due to serving a confinement sentence or awaiting appellate review of a court-martial may be punitively discharged under the provision of, and upon compliance with, the Manual of the Judge Advocate General of the Navy reference (r) JAGMAN 5800.7F and/or reference (s) SECNAVINST 5815.3J. Confinees who have completed the appellate review process and have had the opportunity to submit one clemency request to the Naval Clemency and Parole Board may be discharged while in confinement. Discharged Marines will be provided a DD Form 214 at the time of their release from confinement at expiration of their sentence, or upon their parole or transfer to a federal institution.

2. Marines shall not be retained beyond their separation date in the following instances:

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

*b. Administrative Discharge. Marines undergoing administrative separation processing will not be involuntarily retained on active duty past their release date. However, Marines involuntarily retained on active duty pursuant to paragraph 1008.1.c.(1) above, may be administratively separated pursuant to their own request in lieu of trial by court-martial, or pursuant to a negotiated pretrial agreement at a court-martial. In either case, said request or agreement by the Marine must be made with the assistance of counsel. This provision does not apply to Officers. Reference (t) SECNAVINST 1920.6C controls the administrative separation of officers and takes precedence over any conflicting provisions of this manual.

*(1) If a Marine's EAS is extended due to time lost pursuant to 10 U.S.C. § 972 for unauthorized absence, desertion, confinement, or inability to perform duties because of intemperate use of drugs or alcohol, the Marine may be administratively separated during the extended period. Serving a punishment of restriction does not extend a Marine's EAS under Title 10 U.S.C. Section 972.

*(2) A Marine's EAS may be adjusted in the Marine Corps Total Force System (MCTFS) in a ministerial manner to complete the administrative requirements of discharging the Marine. This EAS adjustment is not an extension of the enlistment contract. The EAS adjustment is not a new basis or authority to involuntarily administratively separate a Marine.

c. Indebtedness to the Government. Indebtedness to the government will not bar release from active duty. However, every effort should be made to recoup all indebtedness to the government before separation.

d. Marines awaiting disposition of criminal proceedings by a foreign jurisdiction are afforded statutory and regulatory protection and benefits attendant to their status as a member of the Armed Forces. The policy of the Marine Corps is to ensure both that the Marine is afforded the fullest possible protection and that the Marine Corps meets its international obligations. In implementing this policy, the following procedures will be applied in all cases where foreign criminal jurisdiction is being, or may be, exercised over a Marine of the naval service by action such as apprehension, arrest, investigation, or filing of charges that may result in trial and where the foreign criminal proceedings are not likely to be completed before the date of the Marine's release from service because of the expiration of the Marine's term of service.

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

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

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

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

(2) If the Marine elects to voluntarily extend his/her enlistment, such requests will be approved, and an appropriate page 11 entry will be made in the Marine's service record and acknowledged by the Marine.

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

(4) The foregoing policy does not apply to a Marine who is in the custody/confinement of foreign authorities before the approach of EAS. In such situations the provisions of reference (1) SECNAVINST 5820.4G, Status of Forces Policies, Procedures, and Information, would continue to apply and, except under extraordinary circumstances and only with approval of the Secretary of the Navy, the Marine would not be discharged while in custody/confinement of foreign authorities.

*e. Alcohol or Drug Rehabilitation Treatment. A Marine on active duty who is found to be alcohol or drug dependent or is found to have an alcohol or drug abuse problem will not be involuntarily retained beyond the established separation date. The separating Marine will be advised to contact a VA facility for counseling and/or treatment after discharge.

MARCORSEPMAN 1900.16-1009

GENERAL INSTRUCTIONS ON SEPARATIONS

TRAVEL UPON SEPARATION

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (n) OnLine MCTIM
(u) JFTR

1009. TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of Marines upon separation from the service or release from active duty are contained in reference (u) JFTR and reference (n) OnLine MCTIM. Certificates in lieu of orders are not authorized.

2. When separated from active duty, Marines will be furnished the necessary forms and instructions, as follows, to enable them to file timely claims for personal/family travel, upon completion of the travel:

- a. Furnish the Marine a DD Form 1351-2, travel voucher or subvoucher;
- b. Furnish an envelope and provide instruction for the submission of claims after completion of travel;
- c. Inform the Marine of the time limitations for completion of travel as provided in the JFTR, per reference (u);
- d. Furnish a DD Form 1351-4, voucher or claim for dependent travel and dislocation or trailer allowance, if entitled to family Marine transportation;
- e. If entitled to travel and travel allowances to their home of selection from the last duty station, the JFTR requires that the Marine be:
 - (1) Informed of the time limitations covering completion of travel; and
 - (2) Informed that once a home is selected and travel allowances are received for travel to such home, such selection is irrevocable.
- f. If returned from an OCONUS permanent duty station for separation in CONUS at an activity elected under paragraph 1006.5, inform the Marine of entitlement to travel allowances as specified in reference (u) JFTR, paragraph U5130-A3.

3. Counsel the Marine that all final travel claims must be submitted as follows:

- a. Travel Completed Within 60 Days. Forward the final travel claim to Servicing Finance/Disbursing Office that supports the Marine's last active duty station.

b. Travel - All Other. Forward the final travel claim to Servicing Finance/Disbursing Office that supports the Marine's last active duty station.

c. At a minimum, two copies of the original orders, completed DD Form 1351-2, and DD Form 1351-4 (if appropriate) are required to settle the final travel claim.

d. To obtain an extension on filing a final travel claim and movement of household goods, forward a written request with appropriate justification, per current directives, to:

Headquarters, U.S. Marine Corps
I&L LPD
3000 Marine Corps Pentagon
Pentagon Room 2E227
Washington, DC 20350-3000

MARCORSEPMAN 1900.16-1010

GENERAL INSTRUCTIONS ON SEPARATIONS

ACCRUED LEAVE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (f) DoDFMR 7000.14-R
(v) MCO P1050.3J
(x) Title 5 U.S.C. Sections 5534 & 2635.705
(y) DoDI 1327.06

1010. ACCRUED LEAVE

*1. Leave in conjunction with separation may be authorized under the provisions of reference (v) MCO P1050.3J, Regulations for Leave, Liberty, and Administrative Absence. The provisions that apply to the granting of annual leave apply equally to leave in conjunction with separation. Consequently, the commander authorized to grant leave is not bound to grant leave to a Marine who is separating, retiring, or transferring to the FMCR. Refer to Figure 1-2: Sample Orders for Leave Awaiting Separation.

2. Terminal Leave. Terminal leave is accrued leave granted to both first-term and career Marines to ease the transition back to civilian life, but granted at the discretion of the commanding officer. Terminal leave is not an entitlement, it is a privilege. Terminal leave is not granted until all separation requirements both administrative and medical are complete. Terminal leave runs continuously from the first day of leave until the date of EAS or transfer to the Retired List/FMCR. The following policies apply in granting or requesting leave in conjunction with separation.

a. Leave is granted by the commander authorized to grant leave. Commanders will play an active role in ensuring that their Marines take adequate leave as a respite from the strenuous duties of military life and specifically warn Marines not to accrue large leave balances for the purpose of selling back leave upon separation.

*b. Reference (v) MCO P1050.3J allows the commander to approve up to 90 days terminal leave at a CONUS command and up to 60 days if at an OCONUS command. A greater period of terminal leave may be authorized by the CMC (MMEA/MMOA) or CMC (RAM) for AR Marines, on a case-by-case basis.

c. No replacement will be provided for a Marine in a separation leave status.

d. If leave is desired in conjunction with a request for separation, the appropriate separation request should be submitted at least 120 days plus the amount of desired leave (to include PTAD) before the effective date of separation. When the request is submitted via unit diary, enter the planned detachment date (PDD) as part of the unit diary request for separation. Departure on terminal leave will not be authorized until the request has been approved by the CMC and all required administrative and medical actions incident to separation have been completed; e.g., completion of medical

evaluation, transition classes, etc. Marines will be advised that should they subsequently incur a previously undiagnosed illness or injury, they may be directed to return to duty at their last permanent duty station for medical treatment and further processing.

e. Do not approve leave in excess of the number of days which the Marine can accrue before the end of current contract (ECC). Leave taken beyond that which can be earned is excess leave and results in nonentitlement to pay and allowances. Marines anticipating terminal leave in conjunction with separation must inform the CMC (MMSR) of the date and duration of the desired leave upon submission of the request. For separating officers, not career designated and not retirement eligible, provide this information to the CMC (MMOA-3). This ensures that the Marine is in receipt of orders before detachment. This is particularly critical when the Marine is OCONUS. The Marine will be transferred to the CONUS command responsible for separation.

*f. Dual pay is authorized per reference (x) Title 5 U.S.C. section 5534 during separation leave for a Marine who has accepted civilian employment or employment with the federal government or the District of Columbia. Civilian employment and/or compensation is prohibited during periods of PTAD per reference (x) Title 5 U.S.C. section 2635.705.

g. Marines returning from OCONUS may be authorized leave in conjunction with separation from active duty upon return to the CONUS. In these cases, the commanding officer at the separation location may authorize leave, not to exceed 60 days upon completion of all checkout processing.

*(1) Marines desiring to take terminal leave, will report to a separation center as close to, but not less than, 10 working days, plus the number of days for leave (greater than 60 days requires approval of the CMC (MMEA/MMOA)) or the CMC (RAM) for AR Marines, and PTAD, before the separation date.

(2) Marines who have no accrued leave or are selling back leave, will check into a separation center as close to, but not less than 10 working days, plus PTAD, before the separation date.

(3) Marines will not be assigned temporary additional duty (TAD) while awaiting outprocessing at a separation center.

*h. Post-Deployment Mobilization Respite Absence (PDMRA) and terminal leave may be taken in conjunction with PTAD per reference (v) MCO P1050.3J.

*3. Any Marine who is discharged under other than honorable conditions shall forfeit all accrued leave to his or her credit at the time of discharge according to reference (y) DoDI 1327.06, enclosure (2), paragraph 1.g.

*4. Reference (y) DoDI 1327.06, enclosure (2), paragraph 1.g also directs the forfeiture of all accrued leave of those Marines who are discharged before completing six months of active duty because of a failure to serve satisfactorily.

5. Accrued leave creditable upon separation may be liquidated by lump sum readjustment/payment subject to the provisions of reference (f) DoDFMR 7000.14-R. Marines separating, particularly those who have received prior-leave settlement, should determine the extent of their eligibility, if any, as a preliminary step to requesting terminal leave and a separation date.

MARCORSEPMAN 1900.16-1011

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308
DSN: 278-9308

References: (p) MANMED
(u) JFTR

***1011. MEDICAL QUALIFICATION FOR SEPARATION AND MEDICAL EVALUATIONS**

*1. Reference (p) Manual of the Medical Department (MANMED), Chapter 15 and Articles 15-20 and 15-21 describe the medical evaluation requirements for separation and retirement. MANMED article 18-25, further describes fitness to separate and is the controlling article of these three documents.

*2. A Marine being separated from active duty (i.e., statutory or voluntary retirement/transfer to FMCR, discharge, expiration of enlistment, etc.) must receive a medical evaluation. A Marine evaluated by a medical evaluation board (MEB) incident to separation need not undergo further medical evaluation at the time of separation. A Marine should schedule a medical evaluation not less than six months before the effective date of separation to allow time for necessary medical treatment or disability processing. Evaluations are not required for Marines being discharged or retired upon the approved report of a MEB or the Secretary of the Navy Physical Evaluation Board (PEB). While every reasonable attempt will be made to provide a separating Marine with a final medical evaluation, it is recognized that there will be rare situations when that will be difficult or impossible to provide.

a. The medical evaluation of Marines convicted by (and in the hands of) domestic civil authorities may be conducted and reported by any of the following: a medical officer of the armed forces or other federal government agency; credentialed civilian contract physicians; penal institution physician; or, in the absence of the foregoing, a certificate signed by the official in charge of the penitentiary reflecting an opinion about the present state of health of the Marine to be discharged.

b. When a Marine is otherwise beyond the control of the Marine Corps, (e.g., in the hands of foreign authorities) the separating command will contact the holding authority and request an evaluation be conducted. The request for medical evaluation must be in writing and sent via certified mail, if available. If, after a reasonable amount of time (approximately 45 days) has elapsed, there is no response or a negative answer is received, the separating command will make a page 11 entry in the Marine's service record book explaining the situation and why it was impossible to provide the evaluation. Page 11 will be similarly annotated for Marines separated under the conditions set forth in paragraph 6312. All documents and actions taken will be included in the service record book.

3. Deferral or Modification of Separation Date. Immediately notify the CMC (MMSR) if medical processing requires deferral of a CMC directed separation date. Include pertinent details. The Marine Corps Total Force System (MCTFS) will not allow commands to modify a CMC approved separation date.

Once a CMC approved separation date passes a Marine is dropped from the rolls without CMC (MMSR) intervention.

*a. Mandatory Separation and Approved Retirement. Mandatory separation (i.e., twice failed of selection, service limits, age limits, selection for early retirement) may only be deferred by the Secretary of the Navy for a commissioned officer. Only the CMC may defer other officer and mandatory enlisted separation or retirement dates. Medical modification of mandatory separation and approved retirement dates incur the following considerations:

*(1) The Marine's condition is so serious that disability determination by the PEB is warranted or separation without further medical treatment will jeopardize the health of the Marine and treatment is not deferrable or elective. Examples are stage 4 cancer or a serious vehicle accident. These cases require: (1) a medical board report for referral to the PEB or letter from a doctor describing diagnosis, prognosis and likelihood of disability and (2) chain of command endorsements; or

*(2) A MEB(R) directs referral to the disability system;

*(3) A request for deferral of a statutory officer separation must be approved by the Secretary of the Navy before the effective date; otherwise the separation shall, by law, remain in effect. For all other officers and enlisted Marines, the CMC must approve the deferral before the effective date, or the separation shall remain in effect; and

*(4) Marines within one year of mandatory retirement or with an approved retirement date incur a rebuttable presumption of fitness that a medical condition did not prevent completion of a military career. Medical modification of retirement will not be approved for completion of elective or deferrable treatment, temporary limited duty or for physical therapy, as the Marine's health is not in serious jeopardy, such procedures do not meet the above criteria and all medical treatment is readily available as a retired Marine.

*b. Marines not eligible for retirement or facing mandatory separation may be retained for 60 days beyond EAS for completion of a separation medical evaluation and/or minor medical treatment. Retention beyond 60 days from disease or injury incident to service, not due to their own misconduct, for further medical treatment requires the Marine's consent, referral to a MEB per the temporary limited duty (TLD) process and notification of the CMC (MMSR-4). See Chapter 8 of this manual. Commanders and medical providers should also consider the availability of post separation VA medical treatment.

*c. Separation will not be effected when a Marine is undergoing local medical evaluation board proceedings or disability determination by the PEB.

d. When a separation is held in abeyance, the command should employ the Marine to the fullest extent possible, as constrained by the injury or illness.

*4. MANMED article 18-5 provides for separation without the benefit of the disability evaluation system when separation proceedings may result in a characterization of service of other than honorable conditions. If a service related medical condition is sufficiently mitigating and amounts to a significant disability, the separation authority may direct disability

processing, vice administrative separation. See paragraph 8308 in this manual.

5. If a Marine is found unfit by the PEB, notify the CMC (MMSR-2) for retirements and the CMC (MMSR-2) for resignations. Disability separation or retirement orders will be directed by the CMC (MMSR-4) per chapter 8 of this manual.

6. Orders are not required for medical evaluations except when travel is required. Request TAD orders from the appropriate command per reference (u) JFTR. Travel costs are chargeable to the command issuing the orders.

*7. HIV Testing. In accordance with the Manual of the Medical Department, Article 15-20, HIV testing is no longer required at the time of separation.

*8. Marines held beyond their approved separation date due to medical treatment or evaluation will be separated when they are found qualified.

MARCORSEPMAN 1900.16-1012

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (z) MCO P5060.20
(aa) NDAA 1999
(ab) NDAA 2000

1012. RETIREMENT CEREMONY

*1. An appropriate retirement ceremony is to be held within the capabilities of the command for Marines retiring (includes transfer to the FMCR, TDRL, and PDRL).

*2. The commander will personally interview and discuss plans for the ceremony with the Marine.

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

4. Commanding officers should take appropriate steps to duly recognize the spouse of a retiring Marine (e.g., by the presentation of a spouse's letter of appreciation.)

5. Refer to chapter 18 of reference (z) MCO P5060.20, Marine Corps Drill and Ceremony Manual, for information on retirement parades.

6. A retirement certificate, letters, and USMC lapel pin are provided by the CMC (MMSR) for presentation upon retirement.

7. Reference (aa) National Defense Authorization Act of 1999 directed that commanders present a United States flag to active duty Marines upon their transfer to the Fleet Marine Corps/Navy Reserve or retired list on or after 1 October 1998. Reference (ab) National Defense Authorization Act of 2000 directed that commanders present a United States flag to reserve Marines upon their transfer to the retired list awaiting pay on or after 1 October 1999. Commanders are directed to use local operating funds to procure flags (NSN 8345-00-656-1435).

MARCORSEPMAN 1900.16-1101

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10 U.S.C. Section 1142
(f) DoDFMR 7000.14-R
(i) MCO P1070.12K
(n) Online MCTIM
(ac) MCO 1130.80A
(ad) MCO 1001.39K
(ae) MCO 1040.31
(af) MCO P10120.28G
(ag) MCO P1020.34G
(ah) Online DFAS APSM

1101. ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

1. General. This section covers administrative procedures and requirements for separating Marines. See appendix C for the Separations Checklist.

*a. Pre-separation Process. The transition process from active duty to civilian life is a complex undertaking. There are three transition assistance events that a separating/retiring Marine should complete before separation: (1) Attend a pre-separation interview, (2) Attend transition training, and (3) Completion of the Pre-separation Counseling Checklist (DD Form 2648 (active component) or 2648-1 (reserve component)). The installation transition program sponsors all pre-separation activities and transition classes.

b. Pre-separation Interview

*(1) This requirement shall be met either by individual or group counseling sessions with the Unit Transition Counselor (UTC) or a designated individual. This requirement shall be provided when the Marine is within 12 months of EAS or within 24 months of retirement, but no later than 90 days prior to separation/retirement, regardless of whether or not a request for reenlistment has been submitted.

(2) The pre-separation interview shall consist of an explanation of the transition requirements for separating/retiring Marines (see Appendix C of this manual); timeframes for attendance and information about mandatory transition training; procedures for obtaining a copy of the Verification of Military Education and Training (VMET) document (DD Form 2586); completion of DD Form 2648, section II, one through six; and a brief description of the Pre-separation Counseling Checklist (DD Form 2648) to include where a Marine may obtain additional information or resources, services and encouraging spouse attendance.

*c. Transition Training

*(1) Attendance is mandatory. Under reference (a) Title 10, U.S.C. 1142, all separating/retiring service members shall attend transition

training within 12 months of separation or within 24 months of retirement, but no later than 90 days prior to separation/retirement, regardless of whether or not a request for reenlistment has been submitted. This requirement shall be met by either individual or group training sessions. It is strongly recommended that Marines attend transition training at least 180 days before separation. See DD Form 2648/2648-1 for the Pre-separation Counseling Checklist.

(2) This counselling shall provide specific, detailed information on all items listed on the Pre-separation Counseling Checklist (DD Form 2648/2648-1). Family members' attendance is highly recommended.

(3) The completed DD Form 2648/2648-1, signed by the separating/retiring Marine and a designated transition official shall be forwarded to MMRP-20 for inclusion in the Marine's OMPF.

*(4) If a Marine is stationed at another service's installation or is on independent duty, the Marine shall attend pre-separation activities, and transition training at the nearest DoD transition assistance office. Marines shall attend training no later than 90 days before separation/retirement. Unit commanders of Marines scheduled to deploy during this period are encouraged to have Marines attend transition/training briefs prior to deployment.

*(5) Attendance is mandatory at the Disabled Transition Assistance Program (DTAP) for Marines referred to the Physical Evaluation Board (PEB). This briefing is designed specifically for service members who are awaiting a medical discharge. The main objective of the DTAP is to inform service members of disability entitlements and enroll in the appropriate VA vocational and educational programs. Attendance at DTAP does not eliminate the requirement for all Marines to attend regular transition training.

(6) Retiring Marines may attend specialized retirement transition assistance seminars (where available). The retirement seminars provide all of the same information as a regular seminar; however, a greater emphasis is placed on various topics that have a larger impact on retirees than those Marines who have completed one or two enlistments. These areas include, but are not limited to, financial planning, self assessment, medical briefings, and second career/job search assessments.

2. Separating Documents

*a. DD Form 214. The DD Form 214 will be prepared by the organization having administrative control of the Marine. In those cases where a DD Form 214 was not prepared for a previous period of Marine Corps active duty for which a DD Form 214 was warranted, the organization having administrative control of the Marine will reconstruct the DD Form 214. Contact MMRP-10 if assistance is necessary to reconstruct the missing DD Form 214. All Marines who have served 90 or more continuous days of active duty from either the active or reserve component must be given their signed DD Forms 214, copies 1 and 4, on the earlier date of (1) the effective date of separation or (2) the date PTAD, PDMRA, terminal leave and authorized departure commence and the Marine permanently departs the command. This is to facilitate enrollment in the VA and other government benefits programs and to apply for civilian employment. All other copies will be distributed no more than five days after the EAS by the administrative unit as outlined in appendix B. After

the delivery of the DD Form 214, should subsequent events occur that invalidate the EAS, separation code, or characterization of service, for example, death, misconduct, etc., commands must cancel the DD Form 214 by issuing a DD Form 215 and distributing the copies immediately. See Appendix B Par. B003.

b. Honorable Discharge Certificate (DD Form 256). A discharge certificate will not be issued unless the Marine is being discharged or reenlisted after completion of the service obligation or through involuntary administrative separation proceedings (NOTE: General Discharge Certificate, DD Form 257, was canceled by DoD in August 2003 and shall not be used).

(1) Custody

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

(b) When an organization is disbanded, unused discharge certificates shall be forwarded by registered mail to the Navy Cognizance I Supply System under instructions contained in the Introduction to NAVSUP Pub 2003.

(2) Preparation

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

(b) The character of discharge is determined per paragraph 1004.

(c) Regular and Reserve Marines separated under honorable conditions will receive the appropriate discharge certificate. Marines separated under general (under honorable conditions), other than honorable, bad conduct, and dishonorable conditions will not be issued a discharge certificate.

(3) Completion of the Discharge Certificate

(a) Name. Grade and full name in capital letters beginning with the first name. In the case of Reservists, no additional statement will be placed on the discharge certificate. The requirement for listing the middle name is waived for the Commander, Marine Forces Reserve (COMMARFORRES), a middle initial, if applicable, must be included. Do not indicate component (USMC or USMCR).

(b) Date. As shown in the following example: on the "10th" day of "June 2001."

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

(4) Delivery

(a) Every effort should be made to deliver honorable discharge certificates in person by an officer, preferably the commanding officer. Delivery should be accompanied by an expression of good wishes.

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

*1. The commanding officer will mail the discharge certificate to the person concerned using first class mail with the return address:

Commander
Marine Forces Reserve
2000 Opelousas Avenue
New Orleans, LA 70146-5400

2. Marines at Home Awaiting Results of a Physical Evaluation Board. Commanders will mail the discharge certificate to the Marine concerned using first class mail. Returned undelivered certificates will be forwarded to the Commander, Marine Forces Reserve as specified in the preceding paragraph.

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

(5) Replacement of Lost or Destroyed Discharge Certificate

(a) Enlisted Marines. Upon request, the CMC (MMRP-10) will issue a replacement honorable discharge certificate.

*Headquarters, U.S. Marine Corps (MMRP-10)
2008 Elliot Road
Quantico, VA 22134

(b) Officers. Upon request, the CMC (MMSR-2) will issue a replacement honorable discharge certificate.

*c. In addition to the discharge certificate and DD Form 214, Marines receiving an honorable characterization of service will be presented the following items at separation:

(1) Honorable Discharge Lapel Pin (only worn with civilian attire).

(a) Members of the Marine Corps Reserve who have served on continuous active duty for 30 days or more should be presented a lapel pin upon discharge.

(b) A supply of pins should be maintained locally and obtained through normal supply channels under NSN 8455-00-543-7096.

(2) Benefits Pamphlet. Each Marine separated honorably will be given a copy of "Federal Benefits for Veterans and Dependents."

*(3) CMC Separation Package. In recognition of their true and faithful service, as determined by their commanding officer, Marines honorably separated at the end of their active service requirement and being transferred to the Inactive Ready Reserve, will be presented a letter from the Commandant and a Certificate of Appreciation. An appropriate ceremony will be held within the capabilities of the command. Units may requisition the CMC separation package with the Commandant's letter through the Marine

Corps Publications Distribution System (MCPDS). The Publication Control Number is 50100565000.

3. Servicemember's Group Life Insurance (SGLI)

a. Marines on active duty entitled to full-time SGLI coverage can convert to Veteran's Group Life Insurance (VGLI) without proof of health by submitting the premium within 120 days following the date of separation from service. After 120 days, Marines have up to one year to apply for VGLI, but must complete and meet requirements for proof of health.

*b. The Marine normally receives an application and notification of terminating SGLI coverage from the VA following separation. If an application is not received, request information by contacting the local VA office or writing to:

*Office of Servicemember's Group Life Insurance
80 Livingston Avenue
Roseland, NJ 07068-1733

Or, call 1-800-419-1473.

4. Additional Counseling/Advice Before Separation. Before separation each Marine will be afforded pre-separation counseling. See appendix C.

a. Career Advisory Interviews. Before discharge each Marine will be interviewed by a career planner and advised of:

(1) The benefits of continued service in the Marine Corps, if the Marine is considered eligible.

(2) The benefits of affiliation with the Marine Corps Reserve, if the Marine does not desire to reenlist.

(3) Procedures for applying to the nearest recruiting station, should reenlistment become an option at a later date. Recruiters have the latest information on prior service opportunities. Recruiters may refer individual cases to the CMC (MMEA-6) per reference (ac) MCO 1130.80A, Prior Service and Reserve Augmentation Enlistments Into the Regular Marine Corps.

(4) Ensure completion of any Marine Corps Exit and Retention Survey if one is currently being conducted.

*b. Address of Commander, Marine Forces Reserve. Each Marine discharged and not reenlisted in the Regular Marine Corps will be informed that questions relating to Marine Corps Reserve service may be obtained from the address below. See reference (ad) MCO 1001.39K, Pre-Separation Counseling Concerning Marine Corps Reserve (MCR) Participation.

Commander
Marine Forces Reserve
2000 Opelousas Avenue
New Orleans, LA 70146-5400

Or, call 1-800-255-5082.

c. Marines Not Recommended or Recommended But Not Eligible for Reenlistment.

*(1) Marines not recommended, or recommended but not eligible, for reenlistment per reference (ae) MCO 1040.31, Enlisted Retention and Career Development Manual, will be counseled by their commanding officer. Record the following entry on page 11 of the service record when an RE-4 or RE-3 reenlistment code is assigned.

"I have been informed by my CO that I am (not recommended or recommended but not eligible) for reenlistment because (state reason) and will be/have been assigned a reenlistment code of (RE-4 or RE-3__)".

(Signature of Marine)	(Date)	(Signature of Commanding Officer)
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NOTE: Also use this entry when the CMC assigns a reenlistment code of RE-1B and RE-1C; the specific reason will be provided.

d. Warning to Marines Not Eligible for Reenlistment. Every Marine discharged who is not eligible for reenlistment will be informed that concealment of prior service and subsequent fraudulent enlistment in any branch of the Armed Forces is punishable under the UCMJ.

e. VA Dental Treatment Eligibility. Public Law 97-35, the Omnibus Budget Reconciliation Act of 1982, limits the eligibility for outpatient dental treatment of service members being discharged or released from active duty to that provided by the VA. The law further requires that a written explanation of the new eligibility criteria be provided to service members discharged or released from active duty. This paragraph, 1101.4e suffices for that written explanation.

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

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

(3) The veteran will not be eligible for dental treatment if the DD Form 214 contains a statement that the veteran was provided a complete dental examination and all appropriate dental services and treatment were completed within 90 days before separation from active duty.

(4) Marines who have completed at least 180 days of service at the time of separation must be provided a written explanation of eligibility requirements. The Marine will sign this document acknowledging receipt and a copy will be filed on the document side of the service record. If the Marine refuses to sign the statement, the commanding officer should so note that fact on the statement and file it in the service record. Additionally, on block 18 (remarks section) of the DD Form 214, indicate that the Marine was counseled, but refused to sign an acknowledgement.

"I (Marine's Name), have been counseled concerning the VA dental treatment eligibility requirements. I understand that application for VA dental outpatient treatment must be made within 90 days of separation from active duty. I further understand that if a complete dental examination and all appropriate dental services and treatment were completed within 90 days

of separation from active duty, I will not be eligible for VA dental outpatient treatment."

(Signature of Marine) (Date)

(5) The statement pertaining to a Marine's dental examination and treatment within 90 days before separation from active duty will be made in block 18 of the DD Form 214 as prescribed in appendix B.

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

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

h. Selective Service Registration. Marines are automatically registered upon enlistment or commissioning. No action is required at separation.

*i. G.I. Bill - Active Duty

(1) Marines who entered active duty after 30 June 1985 and enrolled in the new Montgomery G.I. Bill while in the service may be eligible for benefits.

*(2) The Post 9/11 G.I. Bill provides financial support for education and housing to individuals with at least 90 days of aggregate active duty service on or after 11 September 2001, or individuals discharged with a service-connected disability after 30 days. You must have received an honorable discharge to be eligible for the Post 9/11 G.I. Bill.

(3) For further information, review the "Contact Us" section at www.gibill.va.gov for a personalized response within 3-5 business days or contact a state VA office.

*j. Permanent Mailing Address (PMA). The PMA of the Marine after separation is an address where mail can be delivered to, picked up by, or forwarded to the Marine. It also serves for potential mobilization and is a prerequisite for initiation/receipt of retired pay.

(1) Advise each Marine that failure to provide a valid PMA upon separation will result in IRS Forms W-2 and safekeeping bonds being returned

to the Defense Finance and Accounting Service (DFAS) as undeliverable. To receive active duty W-2s, contact DFAS at 1-888-332-7411 or use the internet address www.dfas.mil. Follow the links to the Marine Corps site.

*(2) Retired Marines failing to maintain a current PMA with the DFAS risk termination of retired pay. Send address changes to the CMC (MMSR-6) at:

Headquarters United States Marine Corps
Manpower and Reserve Affairs (MMSR-6)
3280 Russell Road
Quantico, VA 22134-5103
Or, call (800) 715-0968. Fax (703) 784-9834

5. Government Property, Uniforms, and Clothing

a. Government Property. Recover before discharge all government property held by or charged to a Marine. If a shortage exists, commanders will take appropriate action to determine responsibility per current instructions.

b. Uniforms and Clothing

(1) Specific guidelines and instructions apply for the uniform clothing of separating Marines and are contained in reference (af) MCO P10120.28G, Individual Clothing Regulations (ICR). Marines separated with a remaining service obligation (IRR personnel) must be counseled to maintain their uniforms throughout their obligation.

(2) Individual uniform clothing, less worn underclothing, gloves, and footwear, will be recovered from individuals discharged from the Marine Corps for reasons of unsatisfactory performance, misconduct, good of the Service, security, or sentence of court-martial regardless of characterization (ICR, paragraph 1501). Clothing to be recovered includes all uniform coats, raincoats, overcoats, liners, trousers, utility uniforms, caps and covers, all grade and service insignia, service stripes, and uniform buttons in the Marine's possession. Additionally, the following items will be recovered from women Marines: rain cap, cover, hood for raincoat, necktie, and scarves.

(3) Civilian clothing, supplemented by certain articles of uniform clothing, may be issued, when necessary, when the reason for separation requires recovery of clothing. Per reference (af), MCO P10120.28G (ICR) addresses funding and allowances.

(4) Wearing of the Uniform After Separation. Wearing of the uniform requires maintaining the high standards of reference (ag) MCO P1020.34G, Marine Corps Uniform Regulations and meeting the provisions specified in those regulations regarding authorization and occasion of wear.

(a) After Discharge. Marines whose character of discharge is honorable or general (under honorable conditions), except when discharge is for unsatisfactory performance, misconduct, good of the Service, or security may retain and wear their uniforms from the place of discharge to their home, within three months after the date of such discharge. The phrase "from the place of discharge to their home, within three months after the date of such discharge" refers to the period between the date of discharge and the date of

arrival at their home and does not permit the wearing of the uniform after arrival home, even though the three-month period has not expired. Marines who served honorably during a declared or undeclared war shall, when not on active service, be entitled, upon occasion of ceremony, to wear the uniform of the highest grade held during their war service.

(b) FMCR and Retired Marines. These Marines are entitled to wear the prescribed uniform of the grade held on the retired list when wear of the uniform is appropriate under the provisions of reference (ag) MCO P1020.34G.

6. Pay Accounts

a. The disbursing officer maintaining the Marine's account will be provided with a properly completed NAVMC Form 11060, Separation/Enlistment Voucher within one working day of a properly reported Drop Entry OR TTC 378. See Defense Finance and Accounting Service, Kansas City Center Publication (DFAS-KC 7220.31R), Marine Corps Total Force System, Automated Pay Systems Manual DFAS-KC 7220.31R, MCTFS, reference (ah) OnLine DFAS APSM and the reference (n) OnLine MCTIM.

b. All separating Marines must request separations travel via their supporting Administrative Office. The disbursing officer maintaining the Marine's account will be provided with a properly completed NAVMC Form 11060, Separation/Enlistment Voucher via DTMS, requesting a separation travel advance within 10 working days before member's departure date. All approved payments shall be made via EFT to the member's active duty direct deposit account.

c. An enlisted Marine discharged from brig to parole, appellate leave, or expiration of sentence, discharged under other than honorable conditions, fraudulent or voids enlistment, and who would be otherwise without funds to meet immediate needs, upon discharge shall be paid discharge gratuity, a sum not to exceed \$25 or such portion thereof as, together with other funds available to the Marine concerned, totaling \$25. For detailed instructions refer to reference (f) DoDFMR 7000.14-R, Paragraph 350601, Table 35-11.

7. Closing Out the Service Record

a. Refer to reference (i) MCO P1070.12K (IRAM) for the close out of service and health records.

b. To avoid confusion and delay in the final pay settlement, no financial transfers or allotments will be made or authorized after a Marine's pay accounts have been closed immediately before separation.

MARCORSEPMAN 1900.16-1102

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9317/9318
DSN: 278-9317/9318

Reference: None

1102. AUTOMATION OF RETIRED PAY ACCOUNTS

1. Background. During July 1994, the Marine Corps implemented the Defense Retiree and Annuitant Pay System (DRAS). This is a DoD-mandated consolidation of all retiree and annuitant pay accounts to a single DOD system. To support this initiative, extensive modifications to the Marine Corps Total Force System (MCTFS) were necessary. Separation data is exchanged between the CMC, the parent command and DFAS by using the unit diary system in MCTFS.

2. Overview. Retired pay data to DFAS-CL is triggered by a command running a successful unit diary "drop" entry. The CMC approvals are generated to the parent command and responsible order writing unit exclusively via the unit diary. See appendix E for detailed procedures. Naval messages are not issued granting authority to release Marines for routine separation. A diary advisory is generated to the administrative reporting unit code (ARUC) with the responsibility to issue orders and an information copy is provided to the reporting unit code (RUC). Reporting units must coordinate with the higher headquarters ARUC to ensure timely issuance of orders. Compliance with established directives will minimize or eliminate late payment of retired pay. Proper and timely drops are critical to the success of the process.

3. Summary. A primary objective in the DRAS implementation and the MCTFS modifications was to decrease the administrative burden of field commands. Additionally, the modifications were developed to streamline processing and decentralize execution of separations once approved. See Appendix E for further details.

MARCORSEPMAN 1900.16-1103

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***1103. NOTIFICATION TO IMMIGRATION AND NATURALIZATION SERVICE.** Provisions are made by law to revoke the citizenship of naturalized citizens discharged under other than honorable, bad conduct, or dishonorable characterization. The commanding officer shall immediately forward to the CMC (SJA) a report of such a case so that the required certification may be prepared and transmitted to the Immigration and Naturalization Service (INS) and Department of Justice upon the Marine's discharge. This report will include the reason for discharge and the date. The report will also include any information in the Marine's service record with respect to naturalization. The INS is responsible for the institution of proceedings for the revocation of citizenship in these cases.

MARCORSEPMAN 1900.16-1104

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (ak) Title 8 U.S.C. Section 1439

1104. SEPARATION OF ALIENS

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

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

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

4. Reference (ak) Title 8 U.S.C. Section 1439 requires expeditious naturalization of a permanent resident alien upon completion of three continuous years of active service in the Armed Forces of the United States, provided the alien:

a. Has been lawfully admitted to the United States for permanent residence;

b. Was separated from the military service under honorable conditions;

c. Files a petition while still in the military service or within six months after the termination of such service; and

d. Can comply in all other respects with the provisions of reference (ak) Title 8 U.S.C. section 1439, except that:

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

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

*5. In order to not jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of three years or more will not be discharged solely for the convenience of the government under the provisions of any early release program until completion of three years of service. Further, the above provisions will be

explained to any alien who applies for discharge for hardship before completion of three years of service. The prescribed three-year period may be satisfied by a combination of active duty and inactive duty in a reserve status. Notwithstanding the foregoing, an alien desiring discharge for the preceding reason (i.e., hardship or for the convenience of the government under the provisions of an early release program) must include the following statement in the request for discharge:

"I understand that requesting discharge before completion of three full years of service may jeopardize my eligibility for expeditious naturalization under reference (ak) Title 8 U.S.C. Section 1439. However, understanding the above, I request early discharge."

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

MARCORSEPMAN 1900.16-1105

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (c) Manual for Courts Martial (MCM)
(r) JAGMAN 5800.7F
(v) MCO P1050.3J

1105. DISCHARGE ADJUDGED BY SENTENCE OF COURT-MARTIAL

1. The word "discharge" as used in this paragraph refers to punitive (dishonorable and bad conduct) discharges adjudged by sentence of a court-martial.

2. It has been, and continues to be, Department of the Navy's (DON) policy that convening and reviewing authorities should approve discharges only in those cases where a Marine's record and conduct show conclusively that he or she is not fit for retention and where retention is clearly not in the government's interest.

3. The appropriateness of a punitive discharge as the sentence or as part of the sentence of a court-martial is discussed in the reference (c) Manual for Courts Martial (MCM), Rules for Court Martial.

4. Personnel retained beyond EAS serving a sentence or awaiting appellate review of a court-martial may be discharged, see paragraph 1008.1c(3).

5. Except when the discharge has been suspended and not vacated, the transfer of Marines sentenced to discharge who are serving OCONUS will be governed by the following instructions:

a. When an enlisted Marine sentenced to discharge is serving OCONUS, whether it is ashore or aboard ship, transfer will be made to the Marine Corps activity within the CONUS nearest the port of debarkation for retention or redesignation of a place of temporary custody or confinement per current directives. Marines who are permanent residents of Alaska or Hawaii and serving in their respective state should not be returned to the CONUS.

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

c. Transfer Marines to the CONUS after appropriate entries have been made in the service record to show the action taken by the convening authority when, pursuant to the reference (r) JAGMAN 5800.7F, the record of trial is submitted directly to the Office of the Judge Advocate General of the Navy without review by an officer exercising general court-martial jurisdiction.

d. When transfer to the CONUS is directed, forward a report to the Judge Advocate General of the Navy per the latest version of the MCM, with a copy to the CMC (SJA). Indicate the type of court-martial, sentence as approved at the time of transfer, the name of the activity to which the Marine is transferred, and the estimated report date to the new activity. Upon the Marine's arrival at the new activity, the commander will immediately advise the Judge Advocate General of the Navy by naval message with a copy to the CMC (SJA). When a different activity or disciplinary command is redesignated as the place of temporary custody or confinement, this will be set forth in the report and the date of transfer will be stated.

e. No punitive discharge shall be effected OCONUS, except as directed by the Secretary of the Navy or the CMC.

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

7. When an enlisted Marine serving within the CONUS attached to a vessel or organization destined for a transfer to foreign duty has been sentenced to discharge and the discharge has not been suspended for a stated number of months to permit the Marine to continue serving satisfactorily during a probationary period, the Marine shall be transferred to a disciplinary command if the established criteria for transfer to such a command is met; otherwise, transfer the Marine to the Marine Corps activity nearest to the port of departure before sailing. Report the transfer per paragraph 1105.6.

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

MARCORSEPMAN 1900.16-1200

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***1200. Forms will be prepared using the Document Tracking and Management System (DTMS) in Marine OnLine (MOL).** Where DTMS is not available for more than 48 hours, forms may be prepared using the 8-part paper form e.g. DD Form 214, August 2009, or an approved electronic form software. When using DTMS, all accountability, control, formatting, and permissions will be accomplished within DTMS.

MARCORSEPMAN 1900.16-1201

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

1201. GENERAL

1. DD Form 214WS. This is a single sheet standard form to aid the separating activity in preparing the DD Form 214. Its use is not mandatory; if used, it may be retained for not more than six months at the discretion of the separating activity.

2. DD Form 214. This is a multi-copy standard form designed to provide:

a. The Marine Corps and other organizations within the DoD with information relating to a Marine or former Marine for administrative purposes.

b. The recipients with a record of their active service with the Marine Corps at the time of transfer, release or discharge, and changes in status or component while on active duty; and

c. Appropriate governmental agencies with official information required in administering federal and state laws applicable to Marines who have been discharged, otherwise released from active duty, transferred to a reserve component of the Marine Corps, or retired.

*3. DD Form 214C. This is a multi-copy standard form to be used as a continuation sheet, if required, and will reference information from blocks 1 through 3 and the appropriate block(s) being continued.

4. DD Form 215. This is a multi-copy standard form for use by:

a. The separating activity to provide the separating Marine information not available when the DD Form 214 was prepared and delivered. The separating activity will furnish the separated Marine with a DD Form 215 for items not completed on the DD Form 214 at the time of the Marine's departure from the separation site. A DD Form 215 will be provided without a request from the separated Marine. See appendix B.

*b. Once a Marine has received their DD Form 214 and has departed from the separation site, only the following entities may issue a DD Form 215: the separating activity, up until the Marine is separated (dropped from the rolls); COMMARFORRES, while the Marine is in the IRR; CMC (MMRP-10) or Marine Corps Liaison Officer at the National Personnel Records Center (NPRC) for all others.

*5. DoD has authorized use of computer-generated DD Forms 214 and 215 and, via the Headquarters Marine Corps Forms Manager, HQMC has disseminated Portable Document Format (PDF) versions to forms management officers throughout the Marine Corps with guidance for the use of these forms.

MARCORSEPMAN 1900.16-1202

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***1202. OCCASIONS, PREPARATION, DELIVERY, AND DISTRIBUTION**

1. The care in properly preparing this document cannot be overemphasized. This is the most important document of service a Marine possesses. Marine Corps activities effecting separations will ensure that every Marine, excluding those listed in paragraph 1202.4, separated from a period of active duty is issued a completed DD Form 214. See appendix B for detailed instructions on completion of DD Forms 214 and 215.

*2. Events requiring active duty eligibility and DD Form 214 issuance are calculated on a "day for day" basis to include the 31st day of those relevant months. Use a Julian calendar if necessary to determine eligibility. See paragraph 1401 for additional guidance on creditable service computation.

***3. DD Form 214 Occasions**

a. Release from Active Duty Service. A DD Form 214 will be issued to each Marine, except as directed in paragraph 1202.4, upon separation from a period of active duty. This includes:

(1) Separation from a period of actual (de facto) or apparent (de jure) service;

(2) Release from a voided minority enlistment;

(3) Separation for cause or for physical disability regardless of the length of time served on active duty; and

*(4) When service was required by the Secretary of the Navy for shorter periods.

*b. Release of Reservists from a Period of Active Duty Service. A DD Form 214 will be issued as soon as possible upon impending release from active duty in order to facilitate administrative processing in the following instances:

(1) Separation from an initial or subsequent period of Reserve Incremental Initial Active Duty for Training (IADT);

*(2) Separation from a period of active duty, active duty for training (ADT), full-time training duty, or Active Duty Operational Support of 90 days or more, calculated using a Julian (day-for-day) calendar per paragraph 1202.2 above;

*(3) When required by the Secretary of the Navy for shorter periods;

(4) Separation from active duty while in the Active Reserve (AR) Program; and

*(5) Separation when ordered to active duty for a contingency operation regardless of the number of days served on active duty.

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

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

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

(3) Termination of reserve component status to integrate into a regular component of the Armed Forces;

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

(5) Termination of an officer appointment in the Marine Corps to accept appointment in another branch of the Armed Forces;

*(6) Upon retirement or transfer to the FMCR and immediate commencement without any break in service for a period of retired-retained on active duty; or

*(7) When retained or recalled retirees are reverting to inactive status on the retired list regardless of the period of active duty served.

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

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

(2) When it is determined by the CMC that the original DD Form 214 cannot be properly corrected by issuing a DD Form 215 or when the correction would require issuing more than two DD Forms 215; or

(3) When 2 DD Forms 215 have been issued and additional correction is required.

e. When circumstances require the issue or reissue of the DD Form 214, an appropriate entry stating the fact and the date of such action will be recorded in item 18, Remarks, unless specifically denied by the authority referenced in subparagraph 1202.3.d.

4. DD Form 214 will not be issued to:

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

*b. Marines found disqualified upon reporting for active duty and who do not perform duties in accordance with orders;

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

d. Marines released from a period of less than 90 days active duty for training, except as specified in subparagraph 1202.3.b;

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

f. Marines who have temporary officer status terminated and remain on active duty as an enlisted Marine;

g. Personnel removed from the TDRL;

*h. Enlisted reservists released from a period of Active Duty Operational Support or active duty for training of less than 90 days or discharged from the reserve component status to integrate into an Active component unless otherwise directed under paragraph 1202.3.b. Although not issued a DD Form 214, such reservists will be assigned a reenlistment code from Appendix I for record purposes (e.g., page 11 entries, discharge letters, statements of service) and MCTFS entries per PRIUM;

i. Reserve officers released from a period of less than 90 days of active duty or active duty for training; or

*j. Marines separated or discharged who have been furnished a prior edition of the DD Form 214, unless the form is in need of reissuance for some other reason.

*5. Document Preparation

*a. The DD Form 214 is accepted as an official record of the Marine's military service by the VA and the other agencies to which copies are furnished. Care must be exercised in the preparation of the form to ensure each copy is completely legible.

*b. Avoid abbreviations. Civilians, who may not be familiar with military terms, will read the form and may fail to understand the meaning.

*c. If more space is required for entering information, entries may be continued using block 18 of the form or on DD Form 214C, the Continuation Sheet. Documents prepared using the DTMS in MOL will automatically create the DD Form 214C. If no detailed information is applicable for an entry, enter "None." When information for one or more of the items on the DD Form 214 is not available and the document is issued to the Marine, the applicable block(s) will be annotated "See Remarks." In such cases, block 18 will contain the entry "DD Form 215 will be issued to provide missing information." The same procedure applies for a release from a period of active duty for training of 90 days or more, or for Marines being separated from active duty for training under a Reserve Special Enlistment Program as specified in subparagraph 1202.3.b. DD Form 214C, the Continuation Sheet, if required, will reference: the DD Form 214 being continued, information from blocks 1 through 3, and the appropriate block(s) used. Enter "CONT" in block 18 and ensure a legible DD Form 214C with the Marine's signature, date, and the authorizing official's signature is placed with each copy of the DD Form 214.

*d. The form contains spaces for all items deemed appropriate; therefore, no additional entries will be made unless specifically authorized by the CMC (MMSR).

*e. All entries apply to the current continuous period of active duty service, except where specifically noted otherwise.

*f. In the event that a DD Form 214 is lost, destroyed, or requires alteration or correction, the following applies:

*(1) Any unavoidable corrections or changes made in the unshaded areas of the form during the preparation shall be neat and legible on all copies and initialed by the authenticating official. No corrections will be permitted in the shaded areas. Once copy 1 and copy 4, if applicable, have been delivered to the Marine, no corrections may be made to any other copies of the DD Form 214 by the separation activity. Corrections at this point will require issuance of a DD Form 215.

*(2) The Marine will be cautioned not to make changes or alterations to the form; to do so will render it void. If the Marine discovers an error after receipt of the form and after departure from the separation site, or distribution of copies has been made, corrections or changes to blocks 1 through 29 will be made by the activity having administrative control of the SRB/OQR/ESR. Changes will be made using the DD Form 215. However, in the event an administrative error is made in the characterization of a Marine's discharge, or a discharge upgrade has been approved through proper channels, the DD Form 214 shall be cancelled and a new one issued. Requests for correction to DD Form 214 will be addressed to:

Headquarters, U.S. Marine Corps (MMRP-10)
2008 Elliot Road
Quantico, VA 22134-5030

Requests should include the Marine's full name, grade, Electronic Data Interchange Personal Identifier (EDIPI), and effective date of separation.

*(3) Requests for replacing a lost or destroyed DD Form 214 will be handled by the activity having administrative control of the SRB/OQR/ESR.

*g. Special Follow-Up Procedures. DOD instructions require that each item of the DD Form 214 be completed before delivery to the Marine. In cases where any item cannot be completed at the time of delivery, the separating activity must establish follow-up procedures to obtain the missing data and issue a DD Form 215 to the Marine at the earliest possible date. DOD policy requires the Marine Corps separating activity to issue a DD Form 215 to complete any item not available at the time of separation without a request being generated by the separated Marine.

*6. Delivery and Distribution

*a. The original signed DD Form 214, copies 1 and 4, will be physically delivered to all Marines on the earlier date of (1) the effective date of separation or (2) the date PTAD, PDMRA, terminal leave and authorized departure commence and the Marine permanently departs the command. Early delivery facilitates enrollment in the VA and other government benefits programs and to apply for civilian employment. All copies must be distributed no later than 5 days from EAS. Copy 4 contains the statutory or

regulatory authority, reenlistment code, separation program designator (SPD) code, and narrative reason for separation.

*b. The Commander must ensure that copies 2, 3, and 5 through 8 of the DD Form 214 are distributed within 5 days of the effective date of separation and that each copy is forwarded to the appropriate unit or organization per Appendix B. After the delivery of the DD Form 214, should subsequent events occur that invalidate the Marine's EAS, separation code, or characterization of service, for example, death, misconduct, etc., commands must correct or cancel the DD Form 214 by issuing a DD Form 215 and distributing the copies immediately. See Appendix B paragraph B003.

*(1) Failure by the separating activity to make prompt and correct distribution of each copy of the DD Form 214 results in a delay of services for deserving Marines from the VA, potential employers, and financial institutions.

*(2) The VA may require that a certified true copy 4 of DD Form 214 must be submitted with any application requesting veteran benefits.

*(3) The decision to release this information to the VA rests with the Marine; however, providing this information will expedite the VA process of verification, eligibility determination, and approval of benefits.

*(4) Prior to Marines being issued their DD Form 214, a statement of service (SoS) may also be provided as an interim working document. The SoS allows Marines to document military service when seeking a loan or to provide information to various government and civilian agencies as needed. Ensure that the following statement is contained in the remarks section of the SoS: "The above information is current as of (insert date prepared). The addressee is not actually scheduled for release from active duty until (insert date of separation)."

*(5) Mailing of medical and dental records

(a) For Marines who are being transferred to the Temporary Disability Retired List (TDRL), the medical and dental records are sent to CMC (MMRP-16) at the following address:

Commandant of the Marine Corps (MMRP-16)
2008 Elliot Road
Quantico, VA 22134-5030

(b) For all other Marines who are discharged, retired, or separated, the medical and dental records are sent to the Veterans Affairs, Records Management Center at the following address:

Dept of Veterans Affairs
Records Management Center
P.O. Box 5020
St Louis, MO 63115-8950

MARCORSEPMAN 1900.16-1203

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (al) SECNAVINST M-5210.1

***1203. ACCOUNTABILITY AND SAFEGUARDING THE PHYSICAL COPIES OF DD FORMS 214 AND 215**

*1. DD Forms 214WS, 214, 214C, and 215 are official documents used by civilian and governmental agencies for determination of VA benefits, reemployment rights, unemployment insurance, etc.

*2. The following control and accounting features will be implemented by commanders or IPAC Directors of each unit or activity authorized to requisition, store, and issue DD Forms 214WS, 214, 214C, and 215.

*a. The commanding officer or officer in charge shall:

*(1) Establish written procedures and assign an E7/GS7 equivalent or above for accountability of forms held and/or issued. Document in writing the non-availability of a person in the required grade if assigning a lower grade individual who shall not be lower than an E5 or GS5 equivalent;

*(2) DTMS in MOL will assign, log and maintain the serial number when the DD Form 214/215 is produced in DTMS. When DTMS is not used, assign a serial number for the DD Form 214/215 and maintain these serial numbers in either an electronic or paper log. The serial number must consist of three elements: command UIC, four-digit calendar year, and at a minimum, a four-digit consecutive number, e.g. "SER: 54883-2002-0001." The log will consist of, at a minimum, the DD Form 214/215 serial number, the name of the Marine discharged/separated, effective date of discharge or separation, full name, EDIPI, and printed name of preparer. Per reference (al) SECNAVINST M-5210.1, the log will be maintained at the activity for two years. Commands are authorized to add additional elements as desired;

*(3) Ensure all obsolete forms are destroyed;

*(4) Ensure all blank or partially completed forms are destroyed;

*(5) Ensure reproduced copies of the DD Forms 214, 214C, 214Ws and 215 are destroyed;

*(6) Ensure blank forms used for educational or instructional purposes, and forms maintained for such use, are clearly voided in an unalterable manner (i.e., over stamped "FOR INSTRUCTIONAL PURPOSES ONLY");

*(7) Ensure effective permission management in DTMS and appropriate computer access and password protection for form creation software; and

*(8) Add additional security/accounting elements as deemed necessary.

*b. No forms will be discarded intact, but shall be properly destroyed;
and

*c. The commander or officer in charge will monitor and periodically review the above procedures to ensure compliance. Additionally, the above procedures are subject to review and evaluation for compliance by the Inspector General of the Marine Corps (IGMC).

MARCORSEPMAN 1900.16-1204

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

1204. SPONSORSHIP OF THE DD FORM 214/215 SERIES. The Under Secretary of Defense, Personnel and Readiness (USD (P&R)) sponsors DD Forms 214, 214WS, 214C, and 215. Each service is required to publish preparation and distribution instructions under the guidance of the DoD. Deviation in format or modification of content is not authorized without prior approval by the DoD. Requests to add or delete information will be coordinated with the other military services in writing, before submission to the USD (P&R). Submit requests to modify these forms to the CMC (MMSR-2).

MARCORSEPMAN 1900.16-1205

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***1205. RESPONSIBILITY FOR ASSIGNMENT AND SAFEGUARDING SEPARATION PROGRAM
DESIGNATOR (SPD), NARRATIVE REASON, AND EXPLANATION.**

*a. The standard separation codes for officer and enlisted personnel were developed under the direction of the DoD and are published in the Online Codes Manual. Forward requests for additions, deletions, or modifications to SPDs to the CMC (MMSR-2).

*b. With the exception of official government business, only the individual being separated or discharged is entitled access to his/her SPD code and narrative reason. Any list(s) of SPD code with narrative reason and/or explanation will be marked "For Official Use Only", will be provided appropriate security and limited access for official use only, and will not be provided to any organization or individual outside of the DoD.

MARCORSEPMAN 1900.16-1301

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (a) Title 10 U.S.C. Section 1174
(ai) DoDI 1332.29

1301. PURPOSE. To prescribe policy and procedures for award of separation pay upon involuntary separation, discharge, or release from active duty, as authorized by reference (a) Title 10 U.S.C. Section 1174 and reference (ai) DoDI 1332.29.

MARCORSEPMAN 1900.16-1302

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***1302. CANCELLATION.** This section supersedes SECNAVINST 1900.7G. The SECNAV Instruction was cancelled and those authorities delegated to DC, M&RA.

MARCORSEPMAN 1900.16-1303

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (a) Title 10 U.S.C. Section 1174

1303. APPLICABILITY. This instruction applies to Marines involuntarily separated from active duty on or after November 1990. Reserve Marines separated from inactive duty are not eligible for separation pay under reference (a) Title 10 U.S.C. Section 1174.

MARCORSEPMAN 1900.16-1304

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

1304. DEFINITIONS. The phrase "involuntarily separated, discharged, or released from active duty" includes separation under conditions wherein the Marine is released from active duty at any time prior to the completion of a stipulated period of active service or tour of active duty and not at the Marine's own request, or denied reenlistment or extension on active duty. Examples include release due to Reduction In Force (RIF) or a failure of selection for promotion, and release of reserve Marines not accepted for an additional tour of active duty for which they volunteered.

a. The phrase "not accepted for an additional tour of active duty for which they volunteered" refers to career Marines who, prior to completing a tour of active duty or a stipulated period of active service, or upon notification of the intent to separate them from active duty, volunteer to remain on active duty for an additional tour but are not accepted.

b. The phrase "involuntarily separated" does not apply to Marines (enlisted or officer) at the end of an initial period of obligation, even if the Marine requested re-enlistment (enlisted) or career designation (officer).

MARCORSEPMAN 1900.16-1305

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

1305. POLICY. Separation pay is intended to assist Marines who are involuntarily separated in returning to civilian life. It is intended to encourage the pursuit of a military career through the assurance that those unable to remain on active duty until eligible for retired or retainer pay receive compensation to ease their re-entry into civilian life. Separation pay will be paid to Marines involuntarily separated from active service and to those not accepted for an additional tour of active duty for which they volunteered.

MARCORSEPMAN 1900.16-1306

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

1306. RATES OF SEPARATION PAY. The amount of separation pay for an individual shall be calculated as follows:

a. Full separation pay is 10 percent of the product of (a) the Marine's years of active duty military service and (b) 12 times the monthly basic pay to which the Marine was entitled at the time of discharge or release from active duty. The formula is: Full Separation Pay = .1(a x b)

b. To determine years of active duty military service for use in computing separation pay, count each full year of creditable service as a year and count each full month of service of creditable service as 1/12 of a year. Disregard any remaining fractional part of a month.

c. Periods for which a Marine previously has received separation pay, severance pay, or readjustment pay may be counted for eligibility purposes (to ensure the Marine meets the minimum required years of active duty), but may not be used in the multiplier to determine the amount of separation pay for subsequent separation.

d. Do not count periods of unauthorized absence, confinement awaiting trial that resulted in conviction, time lost through disease or injury due to misconduct, or service as a midshipman or cadet at a service academy or in an NROTC program.

e. Half separation pay is 1/2 the amount computed under paragraph 1306a.

MARCORSEPMAN 1900.16-1307

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10 U.S.C. Section 1174
(ai) DoDI 1332.29

1307. MARINES ELIGIBLE FOR FULL SEPARATION PAY (NON-DISABILITY). Reference (a) Title 10 U.S.C. Section 1174 and reference (ai) DoDI 1332.29 govern separation pay. Marines involuntarily separated from active duty whose separation is characterized as honorable or general and who meet the criteria in a and b below, except those excluded in paragraphs 1308 and 1309, are entitled to the full rate of separation pay.

a. Minimum service

*(1) Officers on the active duty list must have completed at least six years of active duty service prior to separation. The qualifying years do not have to be continuous; however, the last phase of the qualifying term must end immediately before the separation, discharge, or release.

(2) Regular enlisted Marines must have completed at least six years of active duty service prior to separation. The qualifying years do not have to be continuous; however, the last phase of the qualifying term must end immediately before the separation, discharge, or release.

*(3) Reserve officers and reserve enlisted Marines not on the active duty list when separated must have completed at least six years of continuous active duty service immediately prior to separation. A period of active duty service is continuous if any break in service does not exceed 30 days.

b. Reserve obligation. The Marine must enter into a written agreement to serve in the Ready Reserve for a period of not less than three years following separation from active duty. A Marine who enters into this written agreement and who is not qualified for appointment or enlistment in the Ready Reserve need not be enlisted or appointed to be considered to have met this condition of eligibility for separation pay. If the Marine has a service obligation remaining at the time the Marine is separated from active duty, the three-year obligation will begin on the day after the date on which the Marine completes this obligation.

***c. Enlisted Marines fully qualified for retention, but denied reenlistment or continuation on active duty due to established promotion or high year tenure policies are eligible for full separation pay.** It must be understood that due to manpower constraints, an individual Marine with an otherwise competitive record, may be denied reenlistment due to lack of allocations in a particular skill or grade. These Marines will not be deprived of full separation pay. Likewise, Marines twice failed of selection for promotion to the next higher grade may be granted full separation pay.

***d. Only the DC, M&RA or his designated representatives may deny separation pay to Marines meeting the criteria in paragraphs 1307 or 1308.**

MARCORSEPMAN 1900.16-1308

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

1308. MARINES LIMITED TO HALF SEPARATION PAY (NON-DISABILITY)

a. Marines whose separation is characterized as honorable or general, and who are involuntarily separated from active duty through denial of reenlistment/continuation, or separation in lieu of board action, are eligible for half separation pay under the following specific conditions:

- (1) The Marine is not fully qualified for retention due to;
 - (a) Expiration of service obligation.
 - (b) Selected changes in service obligation.
 - (c) Drug abuse rehabilitation failure.
 - (d) Alcohol abuse rehabilitation failure.
 - (e) Retention not consistent with the interest of national security.
 - (f) Convenience of the government.
 - *(g) Physical Fitness Test, Combat Fitness Test and Weight Control failure, or for officers being separated for substandard performance of duty by reason of failure to conform to prescribed standards of weight. This applies to Marines separated from active duty on or after 10 March 1992.
- *(2) The Marine is being separated under a service-specific program established as a half-payment level by the Secretary; or
- *(3) The Marine accepts an earlier separation date from active duty after denial of reenlistment or continuation on active duty.

*b. The DC, M&RA may award full separation pay to individual Marines discharged under the conditions in paragraph 1308a. Such payments will be granted in extraordinary instances when the specific circumstances of the separation and overall quality of the Marine's service have been such that denial of such pay would be clearly unjust. As an example, a Marine with a congenital or hereditary disease who is involuntarily separated for convenience of the government, and who is not considered for full separation pay. Requests for full separation pay shall be submitted to the CMC (MMEA-6 for enlisted and MMSR-2 for officers) and the Marine's chain of command.

MARCORSEPMAN 1900.16-1309

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10 U.S.C. Section 1174
(t) SECNAVINST 1920.6C
(ai) DoDI 1332.29
(an) DoDI 1332.14

1309. PERSONNEL NOT ELIGIBLE FOR SEPARATION PAY. See reference (a) Title 10 U.S.C. Section 1174 and reference (ai) DoDI 1332.29 for further guidance.

a. Marines separated from active duty at their own request. A Marine who declines training to qualify for a new skill, as a precondition to reenlistment or continuation to reenlistment, or continuation on active duty will not be considered involuntarily separated. This limitation does not apply to officers discharged or released from active duty because of failure to be selected for promotion.

b. Marines released from active duty for training.

c. Marines who, upon discharge or release from active duty, are immediately eligible for retired or retainer pay.

*d. Warrant officers and Chief Warrant Officers (CWOs) whose appointments are terminated during the three-year probationary period and who elect to enlist.

e. CWOs who twice fail to be selected for promotion to the next higher permanent regular warrant officer grade, are serving on active duty and elect, with the consent of the SECNAV, to be retained on active duty in that status.

f. CWOs who twice fail to be selected for promotion to the next higher permanent regular warrant officer grade and elect to enlist.

g. Temporary or permanent Limited Duty Officers (LDOs) in a pay grade below O4 who twice fail to be selected for promotion to the next higher grade and elect to revert to warrant officer or enlisted status.

h. Reserve officers who decline a regular appointment offered at the O4 level or above in compliance with the all-regular career force objective.

i. Regular officers in pay grade O3 or O4 who twice fail to be selected for promotion to the next higher grade and whose discharge date is within two years of qualifying for retirement, under section 632 of reference (a) Title 10 U.S.C. Section 1174 and reference (t) SECNAVINST 1920.6C.

j. Marines who are released as part of the execution of a court-martial sentence, which includes discharge or dismissal.

k. Marines dropped from the rolls of the Marine Corps by the President or the SECNAV, under sections 1161 and 6408 of reference (a) Title 10 U.S.C., reference (an) DoDI 1332.14 or reference (t) SECNAVINST 1920.6C.

*l. Marines separated under other than honorable conditions or by reason of misconduct or unsatisfactory performance of duty are not eligible for separation pay.

m. Regular, reserve, and warrant officers who are involuntarily separated for cause by reason of substandard performance of duty, misconduct, or moral or professional dereliction; or who have been notified in writing to show cause for retention and subsequently request separation, for such reasons, except when half pay is allowed under paragraph 1308 above.

n. Marines separated during an initial enlistment or period of obligated service. The initial enlistment or period of obligated service is defined as the active service obligation incurred upon initial enlistment or enrollment in a commissioning program. This limitation also applies to Marines who request reenlistment or continuation at the end of such initial enlistment or period of obligated service who are denied reenlistment or continuation.

o. In extraordinary cases, when the DC, M&RA, determines the conditions under which the Marine is separated do not warrant separation pay. This discretionary authority to deny payment shall be used sparingly.

MARCORSEPMAN 1900.16-1310

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

1310. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR RESERVE PERSONNEL

a. To be eligible for separation pay a reservist must have been involuntarily separated from active duty or must have been denied a voluntary request for additional active duty after six years of continuous active duty. The request to remain on active duty must be unqualified and must specify that the Marine will accept any assignment commensurate with Marine's pay grade and Military Occupation Specialty. A reserve Marine on active duty may submit an Administrative Action (AA) form to the headquarters that approved their current set of orders via the chain of command. Should this request be denied, the command denying further service will examine the Marine's request and determine whether the request for further service is in accordance with the governing policies and directives. The AA form must be submitted at least two months prior to the Marine's release from active duty.

b. Submission of preference for duty or a service record administrative remark entry does not constitute an unqualified request to remain on active duty.

MARCORSEPMAN 1900.16-1311

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (a) Title 10 U.S.C. Section 1174

1311. REPAYMENT OF SEPARATION PAY, SEVERANCE PAY OR READJUSTMENT PAY

*a. Per reference (a) Title 10 U.S.C. Section 1174, Marines who have received separation pay, severance pay, or readjustment pay based on service in the Armed Forces, which includes service on or after 15 September 1981, and who subsequently qualify for retired or retainer pay shall have deducted an amount equal to the total amount of separation pay, severance pay, or readjustment pay. This amount will be recouped from each payment of this retired or retainer pay until the total amount deducted is equated to the total amount of separation pay, severance pay or readjustment pay received. DFAS determines the recoupment amount and schedule of payments.

*b. Marines who have received separation pay, severance pay, or readjustment pay based on service in the Armed Forces who become eligible for disability compensation administered by Veterans Affairs may have deducted from that disability compensation an amount equal to the total amount of separation pay, severance pay, or readjustment pay received as established by laws and regulations. Separation pay, severance pay, or readjustment pay received from an earlier period of active will not be recouped from disability compensation if that disability compensation was incurred or aggravated during a later period of active duty.

MARCORSEPMAN 1900.16-1312

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (aq) DoDD 1332.35
(ar) DoDI 1332.36

1312. TRANSITION BENEFITS. See reference (aq) DoDD 1332.35, reference (ar) DoDI 1332.36, and Appendix K.

MARCORSEPMAN 1900.16-1401

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (a) Title 10 U.S.C.
(f) DoDFMR 7000.14-R
(aw) MCTFS PRIUM (online)

***1401. CREDITABLE SERVICE FOR ACTIVE DUTY RETIREMENT/TRANSFER TO THE FMCR.**

Eligibility for active duty retirement/FMCR is based on reference (a) Title 10 U.S.C. and reference (f) DoDFMR 7000.14-R (Volumes 7A, 7B) and applies to the total force. Reference (aw) MCTFS PRIUM provides reporting instructions and further descriptions of the data affecting retirement/FMCR eligibility and retired/retainer pay.

***1. Key MCTFS Fields affecting Retirement/FMCR Eligibility and Retired Pay.**

*a. Armed Forces Active Duty Base Date (AFADB). A constructive date computed from full time active duty service in any branch of the Armed Forces, modified by time lost or periods not creditable as full time active duty. AFADB is the date on which eligibility for retirement/FMCR begins. Only full time active duty service is used to compute an AFADB. AFADB is credited for each day of active duty served, to include the 31st day of those months. AFADB and associated events requiring active duty eligibility, such as DD Form 214 issuance, retirement, etc., are calculated on a "day for day" basis.

*b. Date Original Entered Armed Forces (DOEAF). The date a Marine was initially enlisted, commissioned, inducted, or appointed in a regular or reserve component of any uniformed service as a commissioned officer, warrant officer, or enlisted member. This date is used to indicate which retirement plan a Marine is under.

*c. Pay Entry Base Date (PEBD). The actual or constructive date of original entry into the Armed Forces, which is creditable for pay purposes calculated according to a 30-day month, for all months, per reference (f) DDFMR 7000.14-R.

*2. Source Documents. The dates mentioned in the paragraph above are derived from official source documents including, but not limited to; an original service contract, leave and earning statements reflecting days of active duty paid, orders to active duty and a DD Form 214. The CMC (MMSR) shall verify creditable service toward retirement and the retired pay multiplier (RPM) prior to approval of transfer to the retired list/FMCR. The CMC (MMSR) shall correct AFADB, DOEAF, and PEBD for errors of creditable service that are not supported by source documents.

*3. Computation of Creditable Service toward Active Duty/FMCR. Creditable service toward an active duty retirement derives from a CMC (MMSR) certified AFADB and active duty in receipt of basic pay from that date.

*a. Officers. To be first eligible to receive an active duty retirement, all service obligations must be met and a Marine officer must have more than 20 years of active duty of which ten of those years must be as a commissioned officer, unless waived by other provisions of law and regulation. Officers retire (transfer to the retired list) on the first day of the month, unless retired under disability or other provisions of law.

Officer Example: A major has an AFADBD of 3 January 2001 written in year/month/day format: 20010103. To determine the first eligible date to retire, add 20 years 00 months and 01 day, written as 200001. Add AFADBD plus years/months/days of active duty to determine the first eligible date, 20210104.

This major's earliest retirement date would be 1 February 2021.

<u>YYYY MM DD</u>	
2001 01 03	AFADBD
+ 20 00 01	<u>More than 20 years of active duty</u>
2021 01 04	Date first eligible to retire
2021 02 01	Earliest retirement date

The day transferred to the Retired List is NOT a day of active duty.

This calculation would only be correct if the major continued to serve with no release from active duty during the years depicted.

*(1) NROTC Midshipman time. Active duty performed as a midshipman in a non-academy status (Bulldog, summer cruise, etc.) is not creditable toward officer active duty retirement, but is creditable toward the RPM, per reference (a) Title 10 U.S.C. Section 971 and 47 CompGen 221, B-158027 dtd November 1967. RPM credit for summer cruise(s) requires the active duty orders (source documents) for these periods. These orders must have an arriving and departing endorsement.

*(2) Academy status. Service as a cadet or midshipman in any Armed Forces Academy which directly results in a commission is not creditable for officer retirement eligibility or RPM per reference (a) Title 10 U.S.C. Section 971.

*b. Enlisted. To be eligible for FMCR/retirement, service obligations must be met and the Marine must have 20 or more years of active duty. Enlisted retirement requires at least 30 years of active duty.

*(1) Transfer to FMCR Example: A staff sergeant has an AFADBD of 3 January 2001 written in year/month/day format: 20010103. To determine the first eligible date to transfer to the FMCR, add 20 years 00 months and 00 days, written as 200000. Add AFADBD plus years/months/days of active duty to determine the first eligible date: 20210103. Enlisted Marines may only transfer to the FMCR on the last of day of the month. This staff sergeant's earliest FMCR date is 31 January 2021.

<u>YYYY MM DD</u>	
2001 01 03	AFADBD
+ 20 00 00	<u>20 years of active duty</u>
2021 01 03	Date first eligible to transfer to FMCR
2021 01 31	Earliest FMCR date

This calculation would only be correct if the staff sergeant continued to serve with no release from active duty during the years depicted.

*(2) Enlisted retirement Example: A sergeant major has an AFADBD of 3 January 1991 written in year/month/day format: 19910103. To determine the first eligible date to retire, add 30 years 00 months and 00 days written as 300000. Add AFADBD plus years/months/days of active duty to determine the first eligible date: 20210103. This sergeant major's earliest retirement date is 1 February 2021, however he could transfer to the FMCR between the 20th and 30th years of service.

YYYY MM DD
1991 01 03 AFADBD
+ 30 00 00 30 years active duty
2021 01 03 Date first eligible to retire
2021 02 01 Earliest retirement date

Enlisted Marines transfer directly to the retired list (no FMCR period) after completing at least 30 years of active duty.

The day transferred to the retired list is NOT a day of active duty.

This calculation would only be correct if the sergeant major continued to serve with no release from active duty during the years depicted.

*c. Enlisted Marines who transfer to the FMCR after 20 or more years of active duty are in a "retained" status until furthered transferred to the retired list when their active duty and FMCR service total 30 years.

*d. Previous academy status for an enlisted Marine. Service as a cadet or midshipman at any Armed Forces Academy is creditable service for an enlisted Marine, as long as that academy time did not directly result in a commission.

*4. Creditable Service toward a Reserve Awaiting Pay Retirement or Reserve with Pay Retirement. See chapter 3.

MARCORSEPMAN 1900.16-1402

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (a) Title 10 Chapter 71

***1402. RETIRED/RETAINER PAY AND RETIRED PAY MULTIPLIER**

*1. Nondisability retired pay is an entitlement per reference (a) Title 10 Chapter 71.

*2. For the purposes of this section the terms "retired pay" and "retainer pay" are used interchangeably, unless otherwise specified.

***3. Retired/Retainer Pay**

a. Retired pay is computed according to specific provisions of law and the DoD Financial Management Regulations. This paragraph applies only to nondisability retired pay. Retired pay is calculated by multiplying the rate of pay explained in paragraph 1403, by the retired pay multiplier (RPM). All active duty service and inactive retirement points earned as a member of a reserve component are included in computing retired pay.

*b. The retired pay of a warrant officer who is retired under any law cited within this manual will be based upon the higher applicable monthly basic pay of either the grade held at the time of retirement or the grade to which the officer is advanced on the retired list.

*c. Per Comptroller General Decision, extraordinary heroism pay only applies to enlisted Marines transferring to the FMCR or after completing 20 years of active duty are retired for disability. If the Marine has been credited by the Secretary of the Navy with extraordinary heroism, retainer pay will be increased by up to 10 percent. In no case may extraordinary heroism retired/retainer pay be more than 75 percent of the pay upon which the computation is based. If a determination of extraordinary heroism pay has not been made by the time processing has been completed, the Marine will be transferred on the date prescribed by the CMC. The decision of the Secretary of the Navy will be forwarded separately.

*d. Eligible Marines transferred to the retired list (officer retirement or enlisted with 30 years total service) shall be entitled to retired pay at the applicable rate of pay in the highest grade satisfactorily held as determined by the CMC (for enlisted grades) or by the Secretary of the Navy (for officer grades).

***4. Retired Pay Multiplier**

*a. The retired pay multiplier (RPM) is calculated based on years and months of creditable service in the Armed Forces. Every complete month is pro-rated to a creditable fractional year of service (29 days or less are not included in the computation, per Public Law 98-94 of 1 Oct 1983). For example, at 20 years, 7 months and 16 days active duty, the multiplier is

based on 20 years and 7 months. Credited at 2.5 percent per year of creditable service (unless a career status bonus was elected), retired pay may exceed 100 percent of the basic pay on which computed. See the table at the bottom of this paragraph for various rates of RPM based on creditable service and if the career status bonus (CSB) was elected.

Example: A Marine has 23 years and 8 months of active duty. The 8 months constitute a fractional year which must be converted to a decimal equivalent, rounded to two places and added to the 23 years. To convert a fractional year, divide the number of months by 12 (i.e., 8 months divided by 12 = .67). Accordingly, 23 years and 8 months = 23.67 for years and fractional year of active service.

Multiply this figure by 2.5 percent (.025) to determine the RPM: $23.67 \times .025 = .59175$ (rounded to 4 decimal places) = .5918.

*b. Inactive duty service (reserve points) creditable to an active duty RPM are calculated by adding total active duty service plus any creditable inactive service such as drill, correspondence courses and reserve membership. See Chapter 3 for computation of the reserve RPM.

Example: A Marine has 399 inactive duty points and 20 years 00 months 00 days active duty. Inactive duty points would be creditable for an additional 1 year, 1 month and 9 days; RPM = 21 years 1 month; $21.08 \times .025 = .5270$.

RETIRED/FMCR PAY MULTIPLIER (RPM) TABLE

Did NOT Accept CSB		Accepted CSB	
<u>Years of Service</u>	<u>RPM</u>	<u>Years of Service</u>	<u>RPM</u>
20	50.0%	20	40.0%
21	52.5%	21	43.5%
22	55.0%	22	47.0%
23	57.5%	23	50.5%
24	60.0%	24	54.0%
25	62.5%	25	57.5%
26	65.0%	26	61.0%
27	67.5%	27	64.5%
28	70.0%	28	68.0%
29	72.5%	29	71.5%
30	75.0%	30	75.0%
31	77.5%	31	77.5%
32	80.0%	32	80.0%
33	82.5%	33	82.5%
34	85.0%	34	85.0%
35	87.5%	35	87.5%
36	90.0%	36	90.0%
37	92.5%	37	92.5%
38	95.0%	38	95.0%
39	97.5%	39	97.5%
40	100.0%	40	100.0%

MARCORSEPMAN 1900.16-1403

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***1403. CALCULATING RETIRED/RETAINER PAY.** Computation of retired/retainer pay is based on the date of original entry into the armed forces (DOEAF - recorded in the MCFS RT01 screen), amount of retired basic pay and the retired pay multiplier (RPM). There are three methods of calculation based on DOEAF and whether or not a career status bonus was elected. For more retired pay information and calculators see the CMC (MMSR-2) and DFAS Web sites: www.dod.mil/dfas.

***1. MARINES WITH A DOEAF BEFORE 8 SEPTEMBER 1980.** To determine monthly gross retired pay for Marines in this category, multiply the RPM by the monthly basic pay in the grade the Marine is serving when transferred to the retired list/FMCR:

RPM X basic pay at retirement/FMCR date = retired/FMCR pay.

***2. MARINES WITH A DOEAF 8 SEPTEMBER 1980 THROUGH 31 JULY 1986 OR DOEAF ON OR AFTER 1 AUGUST 1986 AND DID NOT ELECT A 15 YEAR CAREER STATUS BONUS (CSB).**

This method computes retired/FMCR pay on the basis of the highest 36 months of basic pay received in a career and is commonly referred to as the "High-36" method. Multiply the RPM by the High-36 month average of basic pay received. High 36 average retired pay is automatically calculated in the MCTFS HI36 screen.

RPM X average of highest 36 months of basic pay at retirement/FMCR date = retired/FMCR pay.

***3. MARINES WITH A DOEAF ON OR AFTER 1 AUGUST 1986 AND ELECTED THE 15 YEAR CAREER STATUS BONUS (CSB).**

Note: Acceptance of the Career Status Bonus (\$30,000 - taxes), will result in the average Marine forfeiting almost \$400,000 in retired pay during the course of their life.

*a. The CSB is contingent upon the Marine serving 20 active duty years. Failure to serve 20 years may require reimbursement of any unserved portion of the bonus.

*b. This method computes retired/retainer pay using a 2-tier system. The first tier provides a reduced RPM for those who retire/transfer to the FMCR with less than 30 years of active service and reduced cost of living increases until age 62. The second tier recomputes retired/retainer pay for those with less than 30 years of active service when they reach the age of 62, but cost of living increases are again thereafter reduced for life.

*c. For those who retire with less than 30 active duty years, the RPM is reduced 3.5 percent (.035) for each year less than 30 years, thus 20 years of active duty = an RPM of 40 percent (.4). For Marines who retire under this system with 30 or more years of active duty, the RPM is no longer decremented and equates to years and months x 2.5 percent.

*4. Retired pay is subject to federal income tax. State income tax is not automatically withheld. Check with the respective state tax/revenue commissioner concerning withholding. FICA (Social Security Tax) is not withheld from retired/FMCR pay.

*5. Retired pay is normally increased on an annual basis by an amount based on the Consumer Price Index (CPI). These annual raises are called cost of living allowances (COLAs). Marines whose retired pay is calculated using methods 1 or 2 will normally receive a raise based directly on the CPI. Marines whose retired pay is calculated using method 3 will receive raises based on the CPI minus 1 percent.

MARCORSEPMAN 1900.16-1404

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***1404. PAY ACCOUNTS AND ALLOTMENTS**

*1. Pay accounts of retired Marines are maintained at the Defense Finance and Accounting Service.

Defense Finance and Accounting Service
U.S. Military Retired Pay
P.O. Box 7130
London, KY 40742-7130

*2. Unless requested otherwise, all active duty allotments will automatically continue after retirement, except allotments in amounts greater than the anticipated amount of retired pay and allotments to charitable organizations other than the Navy-Marine Corps Relief Society. Refer to DFAS-CL 7220.31R. Retired pay allotments and withholding can be adjusted online through a DFAS "MYPAY" account.

MARCORSEPMAN 1900.16-1405

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9317/9318
DSN: 278-9317/9318

Reference: None

***1405. CHANGE OF ADDRESS OF RETIRED/FMCR MARINES**

*1. Retired and FMCR Marines will:

a. Keep the Director, Defense Finance and Accounting Service informed at all times of their current check mailing address and current home mailing address using the address in paragraph 1404.1. All retired/FMCR Marines must be on direct deposit.

b. Keep the CMC (MMSR-6) informed at all times of their current home mailing address. Provide address changes and submit with signature over the EDIPI for identification purposes. Report address changes to:

United States Marine Corps
Manpower and Reserve Affairs (MMSR-6)
3280 Russell Road
Quantico, VA 22134-5103

Telephone: 1-800-715-0968.

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

MARCORSEPMAN 1900.16-1406

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9310/9311/9312
DSN: 278-9310/9311/9312

References: (m) MCO 1740.11D
(bs) DoDI 1332.42

***1406. Survivor Benefit Plan (SBP).** Commanders must ensure that they educate and counsel Marines and their spouses concerning options under the SBP. Refer to reference (m) MCO 1740.11D and reference (bs) DoDI 1332.42. Additional information can also be found on the MMSR-6/Retired Services and Pay Section website. Marines may enroll in the MarineNet SBP Counseling course at <http://www.tecom.usmc.mil/cdet/courseware.asp>.

*a. The commanding officer is responsible for ensuring that Marines are counseled on SBP prior to their retirement date. A completed election form (DD Form 2656) must be faxed and mailed to DFAS at least 30 days prior to retirement or transfer to FMCR:

Defense Finance and Accounting Service
U.S. Military Retirement Pay
P.O. Box 7130
London, KY 40742-7130

Customer Service 1-800-321-1080
Fax # RAPIDS 1-800-469-6559

*b. A retired/FMCR Marine is automatically enrolled in the SBP if the DD Form 2656 is incorrectly completed, not received by DFAS, or spousal concurrence is not notarized.

*c. SBP elections are made on the DD Form 2656 (follow instructions on the form).

*d. An election not to participate in the SBP must be marked in section IX, block 26g of the DD Form 2656.

*e. Elections other than full coverage require spousal concurrence and must be notarized.

*f. If no election is made prior to the effective date of the retirement, DFAS (by law) will automatically deduct full SBP coverage at the full gross salary rate. Contact MMSR-6 within the first year of retirement for correction of any administrative SBP pay issues.

MARCORSEPMAN 1900.16-1407

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9310/9311/9312
DSN: 278-9310/9311/9312

Reference: None

***1407. DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM (DEERS) - ID CARD AND BENEFITS**

*a. It is the Marine's responsibility to ensure that family members' information is current and accurate in DEERS.

*b. Failure to enroll and update eligible dependents in DEERS will result in denial of routine medical care at medical treatment facilities and TRICARE claims rejections.

*c. Failure to terminate ineligible dependents can result in being billed for any unauthorized medical care.

*d. In accordance with Department of Defense guidelines on fraud and abuse, Marines can be held responsible for any medical expenses which are incurred by unauthorized dependents.

*e. See the TRICARE website (www.tricare.mil) for an explanation of retired/FMCR medical benefits.

*f. See appendix K for a detailed description of benefits available after separation.

MARCORSEPMAN 1900.16-1501

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9317/9318
DSN: 278-9317/9318

Reference: None

***1501. RETIRE-RETAIN**

- *1. Marines in the grade of colonel and below approaching mandatory retirement may be concurrently retired and voluntarily retained on active duty in billets that cannot be filled with the active force.
- *2. The period of retention on active duty shall be of a fixed duration, determined on a case-by-case basis and shall not normally exceed 180 days.
- *3. Retention of retired Marines will be for the sole purpose of meeting requirements that cannot be met by the active force and not to personally benefit the retired Marine.
- *4. Submit requests to the CMC (MMSR-6) via the chain of command no later than 6 months prior to the retirement date.
- *5. It may be more appropriate to request a waiver of Enlisted Career Force Controls (ECFC) for an enlisted Marine, vice retire and retain. Contact the CMC (MMEA) for guidance.
- *6. If approved for Retire/Retain, retain orders will be issued by the CMC (MMSR-6). These orders are not a substitute for command issued retirement or transfer to the FMCR orders. At the conclusion of the retention period, commanders will issue a DD Form 214 covering the period of retention only. Further administrative guidance will be contained in the Retire/Retain orders.

MARCORSEPMAN 1900.16-1502

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9317/9318
DSN: 278-9317/9318

Reference: None

***1502. VOLUNTARY RECALL OF MARINES FROM THE RETIRED LIST OR FMCR**

*1. Marines may voluntarily request recall to active duty from the retired list or FMCR to fill valid billet requirements.

*2. Submit requests to the CMC (MMSR-6).

*3. Recalled Marines must meet and maintain all active duty standards and requirements and are subject to the UCMJ.

*4. If approved for recall, recall orders to active duty will be issued by the CMC (MMSR-6). Upon conclusion of recall service, commanders will issue a DD Form 214 covering the period of recall service. Further administrative guidance will be contained in the recall orders.

MARCORSEPMAN 1900.16-1503

GENERAL INSTRUCTIONS ON SEPARATIONS

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9317/9318
DSN: 278-9317/9318

Reference: None

***1503. RETIRED/RETAINER PAY.** Upon conclusion of active duty, the retired pay multiplier will be increased by the additional active duty months and years served while in a retained or recalled period. For additional information on computing retired/retainer pay, refer to paragraph 1402.

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

(Letterhead)

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

Subj: DISCHARGE FROM THE UNITED STATES MARINE CORPS RESERVE

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

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

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

3. Any inquiries you may have concerning your military service should be
addressed to the Commandant of the Marine Corps (MMRP-10), Headquarters, U.S.
Marine Corps, 2008 Elliot Road, Quantico, VA 22134-5030. All inquiries must
include your full name, social security number, and date of discharge.

Figure 1-2.--Sample Orders for Leave Awaiting Separation

(Letterhead)

From: Commanding Officer
To: Staff Sergeant Joe I. MARINE EDIPI/MOS USMC

Subj: LEAVE AWAITING SEPARATION

Ref: (a) MCO P1050.3J
(b) JFTR, par. U5125
(c) 10 U.S.C., Sect. 652 (NOTAL)

1. Per the provisions of reference (a), effective (Time), (Date), you will proceed on 28 days annual leave while awaiting release from active duty on (Date). You may proceed to your home of record or to any other place you elect. You were ordered to active duty from Yuma, AZ. Your home of record is Hot Springs, AR 67890.

2. You have elected mileage, via POV, to Hot Springs, Arkansas, your home of record. You have given your permanent mailing address as 782 Devil Dog Road, Benton, AR 12345. Per the provisions of reference (b), travel pay upon separation is authorized.

3. Your unused leave, computed to include (Date), is (unused leave total) days. Upon completion of authorized leave, your leave balance will be (leave balance) days due upon release.

4. On (Date), you will notify this command of your actual location. Such notification will be by the most expeditious means, either by phone or email to (Unit's Separation Department Contact Phone Number) or (Unit's Separation Department Email Addresses), in order to report the most current data via Unit Diary. With your retirement orders you will locate the nearest ID card processing location to obtain your retired identification card and the identification cards of your dependents.

5. Per reference (c), you are required while a member of the Marine Corps Reserve to keep the Commander, Marine Forces Reserve, 4400 Dauphine Street, New Orleans, LA 70146 (toll free 1-800-255-5082), informed of any change of address, marital status, number of dependents, civilian employment, or physical standards.

I. M. HARDCHARGER
By direction

*Table 1-1.--Characterization of Service

R U L E	If the separating Marine:	the characterization of service is:	the separating activity will issue:
1	is under 17 years of age	uncharacterized	an order of release from custody and control of the Marine Corps.
2	is between 17 and 18 and separation is w/in first 180 days	uncharacterized	a DD Form 214 only.
3	is over 18 years of age and separation is w/in first 180 days	uncharacterized	a DD Form 214 only.
4	is over 18 years of age and has served 180 days or more, is a corporal or below and has minimum average proficiency and conduct markings of at least 3.0/4.0, respectively	honorable *(See note 1,2, and 3)	an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge lapel pin, Letter of Appreciation (NAVMC 11352).
5	is over 18 years of age and has served 180 days or more, is a corporal or below and has average proficiency and conduct markings below 3.0/4.0.	general (under honorable conditions) *(See Note 1 and 3.)	DD Form 214.
*6	all other Marines	honorable or general (under honorable conditions) *(See Note 3)	Honorable Discharge Certificate (DD Form 256 MC), DD Form 214, an honorable discharge lapel pin, and a Letter of Appreciation for honorable discharges. DD form 214 for general (under honorable conditions)
7	has requested separation in lieu of trial by court-martial	under other than honorable conditions	a DD Form 214 only.
8	is being separated under a provision of chapter 6	as directed by the separation authority	an appropriate certi- ficate based upon discharge authority's decision, DD Form 214, an honorable discharge lapel pin, for an honorable characterization of service, and Letter of Appreciation, if appropriate.

NOTE 1. To compute final average proficiency and conduct markings for separation, round to the nearest tenth as follows: 5 if the average hundredth figure is 5 or more, round up to the nearest tenth; otherwise, round down. For example, 3.95 rounds up to 4.0; whereas 3.94 remains at 3.9).

NOTE 2. Honorable discharge certificates are only issued if the Marine has completed the 8 year service obligation.

*NOTE 3. If a Separation Authority determines that an enlisted Marine warrants a General (Under Honorable Conditions) character of service, see paragraph 1004. Other than for corporal and below with average proficiency marks below 3.0 and conduct marks below 4.0. at EAS, the Marine must be notified in writing and be afforded a reasonable opportunity to submit matters for consideration. If a Separation Authority then concludes that a General Characterization is still appropriate for significant negative aspects of conduct or performance, the reasons for that determination must be documented on page 11 of the SRB/ESR. Any supporting documents must be forwarded to CMC (MMRP-20) for inclusion in the Marine's OMPF.

CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

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FIGURE

FORMAT FOR ORDERS TO RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST	2-1
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MARCORSEPMAN 1900.16-2001

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (a) Title 10, U.S.C
(t) SECNAVINST 1920.6C W/ CH 4

2001. GENERAL

*1. This chapter outlines policies and procedures governing retirement of officers on active duty. To be eligible for an active duty retirement, officers must meet the requirements of this chapter. Retirement of reserve officers not on active duty and disability retirements are covered in chapters 3 and 8, respectively. For the purposes of this chapter the terms "statutory", "mandatory", and "involuntary" are used interchangeably.

2. The statutory authority for retirements rests in reference (a) Title 10, U.S.C. as amended by Public Law 96-513, Defense Officer Personnel Management Act (DOPMA), which took effect 15 September 1981, and Public Law 102-190, Warrant Officer Management Act (WOMA), which took effect 1 February 1992. Grandfathering provisions of DOPMA mandate retirement, in certain instances, under pre-DOPMA law based on the individual case. Officers requesting voluntary retirement and those subject to statutory retirement are retired under the provisions of law that apply.

a. Retirement Under Prior Law (Pre-DOPMA). Lieutenant colonels and above commissioned prior to 15 September 1981 will be retired under provisions contained in pre-DOPMA law, unless continued on active duty under such regulations as the Secretary of the Navy may prescribe.

b. Retirement Under DOPMA. First lieutenants to majors commissioned prior to 15 September 1981, and first lieutenants and above, commissioned since 15 September 1981, will be retired under DOPMA.

c. Retirement Under WOMA. All active duty Marine Corps warrant officers will be retired under WOMA.

3. Voluntary retirement of officers for cause is covered in reference (t) SECNAVINST 1920.6C.

*4. The DC, M&RA is the delegated approval authority for the voluntary retirement of Marine Corps officers in the rank of colonel and below.

*5. See chapter 1, section 4 on creditable service for retirement, retired pay, the Survivor Benefit Plan (SBP) and other retired benefits.

MARCORSEPMAN 1900.16-2002

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (a) Title 10 U.S.C.

2002. DEFINITIONS

1. Advancement on the Retired List. Per reference (a) Title 10, U.S.C. section 6151, officers who previously served satisfactorily under a temporary appointment to a higher grade, upon retirement, will be advanced on the retired list to the highest grade satisfactorily held, as determined by the Secretary of the Navy. Warrant officers will be advanced to the highest grade served satisfactorily under reference (a) Title, 10 U.S.C. section 6334, when active service plus service on the retired list totals 30 years. Retired pay will be based on the grade held at retirement, or to which advanced on the retired list, whichever results in higher pay.

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

a. Commissioned Officers. Must serve 20 years and 1 day of active service, 10 years of which must be active commissioned service, per reference (a) Title 10, U.S.C. section 6323. This applies to regular commissioned officers and limited duty officers (LDO).

b. Warrant Officers. Must serve 20 years active service, per reference (a) Title 10, U.S.C. 1293.

3. Total Commissioned Service

a. Pre-DOPMA. For lieutenant colonels and above, commissioned prior to 15 September 1981, commissioned service is measured from 30 June of the fiscal year in which an officer was appointed a commissioned officer. Per reference (a) Title 10, U.S.C. 611, part C, section 624, all commissioned service, both inactive and active, prior to 15 September 1981 counts for this computation and in determining years of service for mandatory retirement. This definition only applies when determining the mandatory retirement date of lieutenant colonels and above who were commissioned prior to 15 September 1981. See paragraph 2001.2a.

b. DOPMA. For lieutenant colonels and above commissioned after 15 September 1981, only active duty commissioned service is used to determine the mandatory retirement date. See paragraph 2001.2b.

MARCORSEPMAN 1900.16-2003

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (t) SECNAVINST 1920.6C W/ CH 4
(aj) MCO P1300.8R W/ CH 1-8
(am) SECNAVINST 5510.30B

***2003. VOLUNTARY RETIREMENT.** Voluntary retirement is subject to the following criteria in this paragraph.

*1. Criteria. Officers with more than 20 years of active duty may request retirement. Unless retirement in the next inferior grade is directed under reference (t) SECNAVINST 1920.6C, the DC, M&RA shall make determinations of satisfactory service.

*a. Service-in-Grade (SIG). Also referred to as time-in-grade (TIG). Officers must meet the applicable SIG requirements below. Officers selected for promotion who desire to retire prior to completion of the applicable minimum service-in-grade requirement must decline the appointment to the next higher grade. Except as indicated in paragraph 2003.2, officers requesting retirement who have not served the time specified in this paragraph will not be approved. For purposes of this instruction, active duty SIG will be computed from the date of rank of such grade and active duty service in that grade. Time/service spent in a frocked status does not count for that grade.

*(1) DOPMA/WOMA. Chief warrant officers, and commissioned officers must serve:

<u>GRADE</u>	<u>REQUIREMENT</u>
CW02 - CW05	2 Years
2ndLt, 1stLt	6 Months
Capt, Maj	2 Years
LtCol - Gen	3 Years

*(2) Waivers. The designated approval authority may waive any portion of the TIG requirement in individual cases involving extreme hardship or exceptional circumstances, except the minimum period for the grades specified as indicated below:

<u>Grade</u>	<u>Approval Authority</u>	<u>Minimum TIG</u>
CW02 - CW05	DC M&RA	6 months
2ndLt - Maj	DC M&RA	6 months
LtCol & above	Secretary of the Navy	2 years
	President	6 months

*(3) DC, M&RA may approve voluntary requests from officers to retire in the next lower grade.

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

(1) Service Schools

<u>School</u>	<u>Service Obligation</u>
20 weeks or more	2 years
Less than 20 weeks	1 year
MAWTS-1/WTI	2 years
Naval Fighter Weapons School	2 years
Operational support aircraft	2 years
Instructor (FRS, NATC)	2 years

Note: All service obligation begins upon completion of the school or training. The service requirement is applicable to any officer who fails to complete any such school and will start on the date of transfer from the course. For operational support aircraft the obligation is incurred at the commencement of any training toward initial qualification and begins upon completion of initial training; in the case of failure to complete training the obligation begins on the date of transfer from the course.

(2) Education Programs

(a) Additional service obligation incurred incident to education programs are as prescribed by the appropriate Marine Corps directive in effect at the time of selection for the College Degree Program, Special Education Program, Advanced Degree, Funded Law Education Program, Excess Leave Program (Law), or other full-time, funded schooling.

*(b) Tuition Assistance. Service requirement is two years from the date of completion of any course for which tuition assistance is provided. Commanders are responsible for identifying to the CMC (MMSR and MF) all officers having incurred a tuition assistance service obligation that voluntarily request retirement. Officers subject to mandatory retirement are not obligated to pay back the tuition assistance used. For further information contact the CMC (MF).

(3) Special Tours. A two-year service obligation is incurred upon completion of tour in an aviation or aviation ground exchange tour with a foreign military service or another branch of the US military service. These tours include but are not limited to USAF exchange tours, the Navy Flight Demonstration Team tour, Royal Navy exchange tours, Royal Australian Air Force exchange tours, Spanish Navy exchange tours, Italian Navy exchange tours, and Canadian Navy exchange tours.

c. Tour Length/Minimum Time on Station (TOS)

(1) CONUS. Officers must complete two years TOS, except for those returning from overseas which require 1 year TOS, based on the geographic location date the current tour began (GEODCTB) as established in MCTFS. Use the original GEODCTB in MCTFS for officers reassigned within the same geographical area. When 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.

(2) Overseas/Prescribed Tour Length. Officers serving overseas or on tours that are prescribed by reference (aj) MCO P1300.8R W/CH 1-8 must complete a full tour.

d. PCS Orders

(1) Officers who have been issued, or notified they will receive PCS orders may request cancellation of the pending assignment provided a request for retirement is submitted per the following paragraphs.

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

(b) Officers not eligible to retire, but who will be eligible within 12 months of their expected date of arrival at the new duty station, may request a retirement date on the first day of the month after initial eligibility.

*(c) Retirement requests involving cancellation of PCS orders must be forwarded to the CMC (MMSR-2) with the CMC (MMOA) 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.

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

e. Contact Relief/Critical Skill. Requests for retirement from officers serving in billets which require contact relief for special qualifications or who are considered to possess a critical skill may be deferred pending proper relief/assignment action.

2. Waiver of Criteria

a. An officer requesting waiver of any criteria must submit a written request with justification via the chain of command to the CMC (MMSR-2).

b. Except as noted in paragraph 2003.2d, requests must be based upon hardship or humanitarian considerations and should include the information required by paragraph 6407. Only cases that clearly establish that a situation exists which is not of a temporary nature and is not susceptible to relief by other means will be favorably considered. **Opportunity for civilian employment does not warrant waiver of the criteria.**

*c. Requests for waiver of the minimum TIG requirement must be submitted to CMC (MMSR-2) for approval or endorsement to the approval authority.

d. Requests for retirement requiring other waivers may receive favorable consideration if an officer:

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

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

(3) Has been identified by the CMC as being of limited assignability, such as those whose general health has deteriorated, or due to a condition beyond their control, or whose retention is clearly inconsistent with the interests of national security per reference (t) SECNAVINST 1920.6C and reference (am) SECNAVINST 5510.30B; or,

(4) Has an extreme hardship or exceptional circumstances of a long term nature and retirement would significantly alleviate the condition per the criteria of paragraph 6407.

*3. Requests for voluntary retirement in cases where court-martial charges have been preferred and not disposed of shall be denied except as provided in reference (t) SECNAVINST 1920.6C.

MARCORSEPMAN 1900.16-2004

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (aw) MCTFSPRIUM (Online)

2004. ADMINISTRATIVE PROCEDURES

*1. Submission of Requests. Submit requests for voluntary retirement, not requiring waivers, via the unit diary system in MCTFS per reference (aw) Online MCTFSPRIUM. The officer requesting retirement is required to sign a copy of appendix J from this manual for inclusion in the service record. Requests for retirement will be submitted not more than 14 months and not less than four months prior to the requested retirement date. Requests submitted outside this time frame are rejected by MCTFS and therefore must be submitted, with justification and appropriate endorsements, by separate correspondence or message to the CMC (MMSR-2).

2. Officers requesting retirement are cautioned not to make significant personal commitments (such as buying or selling a house or business, or accepting civilian employment) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for approving an officer's request, nor will they be considered a hardship.

3. An officer requesting waiver of criteria per paragraph 2003.2 must submit requests via separate correspondence or message with justification and endorsements via the chain of command. Retirement requests requiring a waiver and submitted by unit diary or without justification and command endorsement will be filed without action and the officer so notified.

4. Officers serving overseas may request retirement effective the first day of the month and no more than 60 days following their rotation tour date (RTD). See paragraph 1006.7. Officers stationed OCONUS, who desire retirement upon reaching their RTD, may return to CONUS to effect retirement at any one of the specified locations in paragraph 1006.5 and must indicate their selection (MCC) in the request. Return to CONUS orders (MCC W95) are issued by the CMC (MMOA).

5. Commanding Officer Responsibilities

a. Submission of Request

(1) Ensure the request is submitted 4 to 14 months from the effective date. Unit diary entries outside this window will not process.

(2) Ensure the requested retirement date meets the criteria in paragraph 2003.1.

(3) Sign the pre-application checklist (appendix J) to certify that the Marine has been advised of the ramifications of the request to retire prior to the request being submitted to Headquarters Marine Corps (HQMC).

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

*6. Once a retirement request is submitted, notify the CMC (MMSR-2) if the officer is:

*a. Found not physically qualified; once contacted the CMC (MMSR-2) will provide additional guidance. See paragraph 1011 regarding medical deferral or modification of a retirement and chapter 8 for disability retirements.

b. Deceased;

c. Reassigned; or

d. Promoted (or selected).

7. Receipt and Processing at HQMC. See Appendix E for detailed instructions on the use of the unit diary system in MCTFS for retirement processing.

a. Request Submission. Acceptance of the unit diary request will be indicated on the reporting unit's diary feedback report (DFR) and the transaction researcher file (TRF). A "request" reenlistment-extension-retirement (RER) flag will post in MCTFS indicating a request submission. Additionally, a planned reenlistment-retirement (PRR) date will post reflecting the requested retirement date. The officer should maintain liaison with the appropriate unit administrative personnel until the request is confirmed via the DFR.

b. Acknowledgment. A "request" RER flag does not indicate receipt at HQMC. The CMC (MMSR-2) acknowledges receipt of the request by entering a "pending" RER flag in the unit diary that reflects in the unit's DFR.

*c. Approval Authority. The DC, M&RA is the approval authority for colonel and below retirement requests. Staffing requires approximately 30 days to obtain approval, initiate billet replacement action, calculate a statement of service, and prepare necessary letters and certificates.

d. 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, for completion of the current tour or an ordered tour of duty, or if the officer is subject to mandatory retirement.

*e. Disapprovals. Should a retirement request be disapproved, notification of the disapproval will be reflected on the unit's DFR with an RER flag of (0).

*f. Approval Confirmation. The CMC (MMSR-2) posts approvals in MCTFS, which reflect on the unit's DFR with an "approved" RER flag of 7. See paragraph 2004.9 regarding retirement orders.

g. Mandatory Retirements. The CMC (MMSR-2) will issue authority to retire via unit diary for all mandatory retirements no later than 4 months prior to the effective date, when the officer concerned fails to otherwise request voluntary retirement.

8. Modification or Cancellation of Requests

a. Submit requests to modify or cancel a retirement, with justification and endorsements, via separate correspondence or message to the CMC (MMSR-2) not later than 45 days prior to the effective date of retirement. Requests for modification or cancellation can not be submitted by unit diary. Approval will be based on the following criteria:

- (1) Bona fide humanitarian or hardship circumstances.
- (2) A critical need exists for the officer's grade and MOS.
- (3) Needs of the service.
- (4) Selection for promotion.
- *(5) Medical reasons. See paragraph 1011.

b. Requests for modification or cancellation from officers whose request for retirement resulted in either cancellation or nonissuance of orders will not be favorably considered.

c. Modification of any duration may be requested; however, as a general rule, the effective date of the requested modification should not exceed 14 months from the date of submission of the original request. If the new date is outside this window, request cancellation vice modification.

*d. Modifications or cancellations requested after an officer has started separation leave, or after replacement action by HQMC has been initiated, will only be considered if a bona fide humanitarian or hardship circumstance exists. Contact the CMC (MMSR-2 and MMOA) immediately for further guidance.

*e. Requests to change retirement dates after the officer has been transferred to the retired list must be requested through the Board for Correction of Naval Records (BCNR). The BCNR website is:
<http://www.donhq.navy.mil/bcncr/bcncr.htm>.

9. Retirement Orders

a. Colonels and generals are issued orders from the CMC (MMSR-2 or MMSL). Lieutenant colonels and below receive orders from their command upon receipt of authority to retire via the unit diary approval entry from the CMC (MMSR-2). See figure 2-1 for an example of orders.

b. Once a request has been approved, only the CMC (MMSR) may authorize revocation or modification. Such action must take place prior to the effective date of retirement. Once the effective date of retirement has passed, the retirement is effective.

MARCORSEPMAN 1900.16-2005

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (a) Title 10, U.S.C.
(t) SECNAVINST 1920.6C W/ CH 4
(as) SECNAVINST 1412.9B

2005. MANDATORY RETIREMENT

*1. Since numerous statutes govern mandatory retirement, officers must understand which statutes apply in their case and the distinction between active duty commissioned service, active duty, reserve service and total commissioned service. Paragraphs 1002 and 2002.3 define these terms. This paragraph is organized according to unrestricted officers, limited duty officers, and warrant officers as different laws govern these officers' service and retirement.

2. Unrestricted Officers

*a. General officers. Per reference (a) Title 10, U.S.C. sections 635 and 636, generals, lieutenant generals, major generals, and brigadier generals shall, if not earlier retired, be retired on the first day of the month after their fifth anniversary of appointment to that grade, or upon completion of 40, 38, 35, or 30 years of commissioned service respectively, whichever is later. Subject to the needs of the service and reference (a) Title 10, U.S.C. sections 637 and 1251, the President may defer the retirement of major generals and above, but not later than the first day of the month following the month in which the general reaches age 64. General officers will be considered for voluntary retirement on the basis of service needs reflected in the annual promotion and continuation plans approved by the Secretary of the Navy and the merits of the individual case as required by section 1370 of reference (a).

*b. Colonels. Per reference (a) Title 10, U.S.C. section 634, colonels, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after the month in which they complete 30 years of active duty commissioned service. However, colonels subject to mandatory retirement who were commissioned prior to 15 September 1981, shall be retired no later than 1 July of the year following the month in which they reach 30 years of total commissioned service. See paragraph 2002.3.

*c. Lieutenant Colonels. Per reference (a) Title 10, U.S.C. section 633, lieutenant colonels, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after the month in which they complete 28 years of active duty commissioned service. However, lieutenant colonels subject to mandatory retirement who were commissioned prior to 15 September 1981, shall be retired no later than 1 July of the year following the month in which they reach 28 years of total commissioned service. See paragraph 2002.3.

*d. Majors, Captains, and First Lieutenants. Per reference (a) Title 10, U.S.C. sections 632 and 631, majors, captains, and first lieutenants who have twice failed selection for promotion to the next higher grade shall be discharged or retired not later than the first day of the seventh month after the month in which the President or delegated authority approves the report of the board on which they failed selection a second time.

*(1) If they are not eligible for retirement, but are within two years of qualifying for retirement, they will remain on active duty until retirement eligible, unless sooner discharged or retired under another provision of the law.

*(2) If they are not within two years of qualifying for retirement they will be involuntarily separated (see chapter 5), unless they are continued per reference (a) Title 10, U.S.C. section 637, as detailed in paragraph 2005.2(e).

*e. Continuation of Commissioned Officers. The continuation of officers subject to discharge or involuntary retirement is included in DOPMA as a discretionary provision to permit the Services to meet manpower requirements. DOPMA prescribes that continuation boards may be convened at the discretion of the Secretary of the Navy. Officers in the grade of captain and above, subject to discharge or involuntary retirement under pre-DOPMA or DOPMA, may be eligible. An officer not considered or selected will be discharged or retired as prescribed by law. Unless solicited by the CMC, individual requests for selective continuation will not be considered or forwarded. Absent a Marine Corps-wide program, individual requests are filed without further action. The maximum period a commissioned officer may be continued on active duty under DOPMA after the decision of a continuation board is:

*(1) Captains. A period not to extend beyond the last day of the month of 20 years active duty commissioned service.

*(2) Majors. A period not to extend beyond the last day of the month of 24 years active duty commissioned service.

(3) Brigadier Generals, Colonels, and Lieutenant Colonels. Per reference (a) Title 10, U.S.C. 1251, any deferral of retirement and continuation on active duty under section 637, for officers in the grades of lieutenant colonel to brigadier general, shall be for a period not to exceed 5 years, but such period may not extend beyond the first day of the month following the month in which the officer becomes 62 years of age.

*(4) Period of Continuation. The period(s) of continuation will be established by the Secretary of the Navy. The specific terms of continuation will be the subject of separate correspondence between the CMC (MMSR-2) and the officer continued. Continuation for one period does not guarantee a second period.

*f. Selective Early Retirement of Commissioned Officers. The Secretary of the Navy may convene a selection board under reference (a) Title 10, U.S.C. section 611(b) to recommend regular commissioned officers for early retirement as prescribed in reference (a) Title 10, U.S.C. section 638, whenever the needs of the Marine Corps require.

*g. Retirement for age. Unrestricted officers, colonel and below, unless retired earlier under some other provision of law shall be retired on the

first day of the month following the month in which they become 62 years of age. Mandatory retirement age for general officers is age 64, with waivers for lieutenant general and general.

3. Limited Duty Officers (LDO)

*a. Officers Designated for Permanent Limited Duty. Mandatory retirements and discharges of Permanent LDOs are stipulated under reference (a) Title 10, U.S.C. section 6383, as well as reference (t) SECNAVINST 1920.6C.

(1) Each regular officer of the Marine Corps designated for permanent limited duty shall be retired on the earlier of the following dates:

*(a) The last day of the month following the month in which the officer completes 30 years active duty naval service, exclusive of active duty for training in a reserve component; or,

(b) A date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh month after the month in which the President or delegated authority approves the report of a selection board in which the officer failed of selection for promotion a second time.

*(2) A permanent LDO who has twice failed selection, but is within two years of qualifying for retirement, will be retained until eligible for retirement unless sooner discharged or separated under another provision of the law.

(3) An officer designated a permanent LDO no longer carries the previously held warrant officer or enlisted grade. However, a permanent LDO who has twice failed selection and is subject to involuntary separation, may at the LDO's option, revert to the warrant officer status held when first appointed an LDO; or, if appointed from an enlisted grade, be reenlisted at the LDO's request, and at the discretion of the Secretary of the Navy.

(4) A permanent LDO may not be continued past age 62.

*b. Officers Designated for Temporary Limited Duty. Mandatory retirements and discharges of temporary LDOs are stipulated under reference (a) Title 10, U.S.C. sections 1370 and 580 if reverted to warrant officer, Enlisted Career Force Controls as shown in chapter 7 if reverted to enlisted grade, and reference (t) SECNAVINST 1920.6C if administratively separated.

*(1) The appointment of a temporary limited duty officer (LDO) not selectively continued on active duty per reference (as) SECNAVINST 1412.9B will be terminated on the earlier of the following dates:

*(a) The last day of the month after the month in which the officer completes 30 years of active duty naval service, other than active duty for training; or,

(b) A date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh month after the month in which the Secretary approves the report of a selection board in which the officer is considered as having failed of selection for promotion to the next higher temporary grade for the second time.

(2) A temporary LDO with a permanent regular warrant officer grade whose LDO appointment is terminated will be afforded the option, if otherwise eligible, of voluntary retirement in lieu of reversion to permanent warrant officer status. A temporary LDO who reverts to a permanent warrant officer status must do so prior to the first day of the seventh month after the second failure of selection for promotion as shown above, and is subject to involuntary retirement or separation as a warrant officer under the applicable statutes and directives.

(3) A temporary LDO with a permanent regular enlisted status whose appointment is terminated will be afforded the option, if otherwise eligible, of voluntary retirement in lieu of reversion to permanent enlisted status. A temporary LDO who reverts to a permanent enlisted status is subject to Marine Corps Enlisted Career Force Controls or separation by reason of expiration of enlistment, when applicable.

(4) A temporary LDO not eligible for retirement under reference (a) Title 10, U.S.C. section 6323 and who has twice failed of selection for promotion to the next higher temporary grade, may either be:

(a) Retained on active duty in the temporary grade held, if within two years of such retirement eligibility as of the date the Secretary approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the next higher temporary grade for the second time; or,

(b) Reverted to permanent warrant officer or enlisted status, as appropriate, if not within two years of attaining retirement eligibility.

4. Warrant Officers

*a. Unless separated or retired under other provisions of law, warrant officers will be retired on the first day of the month 60 days after the completion of 30 years active duty service unless continued on active duty under the provisions of reference (a) Title 10, U.S.C. sections 580 or 1305. In no case may a warrant officer be continued on active duty beyond 60 days after reaching age 62. Unless selected for continuation, warrant officers are separated or retired:

(1) Not later than the first day of the seventh month after the date on which the Secretary of the Navy approves the report of a selection board which the individual is considered as having twice failed of selection to the next higher warrant officer grade.

(2) Marine Corps policy directs that CWOs (CWO2, CWO3, and CWO4) who have twice failed selection and are not retirement eligible, if fully qualified, may be continued until they qualify for retirement. CWOs who twice fail selection for promotion to the next higher chief warrant officer grade will be involuntarily retired not later than the first day of the seventh month after the date on which the Secretary approves the report of the promotion board in which the officer receives the second failure of selection. CWOs who have twice failed selection may be selectively continued based on the needs of the Marine Corps.

b. A chief warrant officer who has twice failed selection and is subject to involuntary separation, may at the warrant officer's request and in the discretion of the Secretary of the Navy be enlisted in a grade prescribed by

the Secretary. WO1s not promoted will separate, reenlist, or retire as determined by the Secretary of the Navy and the CMC.

*c. Selective Early Retirement of Regular Warrant Officers. The Secretary of the Navy may convene a selection board under reference (a) Title 10, U.S.C. section 573(c) to recommend regular warrant officers for early retirement as prescribed in reference (a) Title 10, U.S.C. section 581, whenever the needs of the Marine Corps require.

5. Administration/Notification of Status. These administrative procedures shall not in any way jeopardize an officer's competitiveness for promotion. Upon final approval of any promotion board the CMC (MMSR) will:

a. Identify all officers potentially subject to involuntary retirement upon having once failed of selection;

b. Compute their projected mandatory retirement date should the officer incur a second failure of selection;

c. Notify those officers of their potential mandatory retirement date, should they incur a second failure of selection (failure to receive or acknowledge this notification will not in any way modify the mandatory retirement date); and,

d. Adjust the officer's mandatory separation retirement (MSR) date in MCTFS, upon a second failure of selection, for officers in the grade of lieutenant colonel and below.

e. It is each officer's responsibility to know his or her mandatory retirement date. Failure to receive the CMC (MMSR) courtesy notification does not invalidate or defer retirements mandated by law. Officers in doubt as to the effective date of a statutory separation should immediately contact the CMC (MMSR-2).

*6. Mandatory Retirements Held in Abeyance. Only the Secretary of the Navy has the authority to hold a mandatory retirement in abeyance. Strict adherence to procedures outlined in chapters 1 (medical) and 8 (disability) are crucial.

MARCORSEPMAN 1900.16-2006

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (v) MCO P1050.3J

2006. LEAVE. See paragraph 1010 and reference (v) MCO P1050.3J.

MARCORSEPMAN 1900.16-2007

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

2007. MEDICAL EVALUATIONS. See paragraph 1011.

MARCORSEPMAN 1900.16-2008

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

2008. RETIREMENT CEREMONY. See paragraph 1012.

MARCORSEPMAN 1900.16-2009

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-7

Phone: Comm: (703) 784-9317/9318
DSN: 278-9317/9318

Reference: None

***2009. ADVANCEMENT IN GRADE ON THE RETIRED LIST**

*1. An officer or warrant officer is retired in the grade in which he or she satisfactorily served at the time of retirement, as specified in paragraph 2003. However, if the officer previously served in a higher grade than that held at the time of retirement, the officer may be eligible for advancement on the retired list. An officer will be advanced on the retired list to the highest officer grade in which the officer served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy.

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

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

MARCORSEPMAN 1900.16-2010

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

2010. RETIRED PAY. See paragraph 1402.

MARCORSEPMAN 1900.16-2011

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

2011. **PAY ACCOUNTS**. See paragraph 1404.

MARCORSEPMAN 1900.16-2012

RETIREMENT OF OFFICERS ON ACTIVE DUTY

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9310/9311/9312
DSN: 278-9310/9311/9312

Reference: None

2012. CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS. See paragraph
1405.

Figure 2-1.--Format for Orders to Release from Active Duty and
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
*(b) MCO 1900.16 (MARCORSEPMAN)
(c) JFTR, par. U5130, U5230, and U5345-H
*(d) MCO P5512.11D (ID CARDS)
*(e) Online MCTFSPRIUM
*(f) MCO P1070.12K W/ CH 1 (IRAM)

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

1. On (PRR) you will be placed on the Marine Corps Retired List per references (a) and (b). Accordingly, at 2359 (PRR minus 1 day) 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).

*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), 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).

*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). You should take your supporting documentation (retirement order, DD Form 214, DD Form 215, etc.) to the nearest Real-time Automated Personnel Identification System (RAPIDS) site for issuance of an identification card, pursuant to reference (d).

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 prior to 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

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

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. Additional information can be found at <http://www.dfas.mil/>. Ensure you include your signature over your EDIPI.

8. You may select a home address and receive travel allowance for the travel performed there from this command per reference (c), which also addresses travel and storage and shipment of household goods. Ensure you understand its contents prior to detaching from this command. All travel must be completed within one year from the date of your release from active duty and transfer to the retired list. Complete the home of selection endorsement prior to submission of these orders for settlement of travel. Once a home address 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 three months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate, per the Marine Corps Uniform Regulations (reference (ag) MCO P1020.34G paragraph 8003 and 11002).

*13. Officers in an active duty component code, expenditures 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 officers should use the appropriation data contained within their mobilization orders.

14. As a retired officer of the Regular Marine Corps, in time of war or national emergency declared by the President, the Secretary of the Navy may order you to active duty at sea or on shore.

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

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

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 minus 1 day date should be in "DD Month YYYY" format.
3. All other service data should be in "YY years, MM months, and DD days" format, as appropriate.
4. The following will be inserted as paragraph 3 to these orders for officers who are advanced on the retired list: "The Secretary of the Navy has determined that you are entitled to be advanced on the retired list, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____."

CHAPTER 3

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

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MARCORSEPMAN 1900.16-3001

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (a) Title 10, U.S.C.

3001. DEFINITIONS. Certain terms have special definitions with reference to reserve retirements as outlined below.

1. Active Status. The status of a reservist who is not assigned to the Inactive Status List (ISL) of the Standby Reserve or to the Retired Reserve. A reservist on the Reserve Active Status List (RASL) may be on active or inactive duty, in the Selected Marine Corps Reserve (SMCR) or Individual Ready Reserve (IRR).

2. Reserve Retirement Credit and Points. Terms used interchangeably which refer to the method provided by law for awarding actual or constructive days of service. Points are used to determine qualifying service creditable toward retirement eligibility, and toward retired pay. They are also used, in part, to determine promotion eligibility and retention in the Ready Reserve.

3. Qualifying Service

a. Qualifying service is credited per reference (a) Title 10, U.S.C. 12732. After 30 June 1949, a year of qualifying service is credited when a minimum of 50 retirement points (including 15 gratuitous membership points) are earned and a full 365 days or 366 days during a leap year period is served during the Marine's anniversary year. See paragraph 3012.

b. In a given anniversary year, retirement point credit resulting in less than a 50 point total is added to a cumulative retirement point total, but that anniversary year is not a qualifying year.

*4. Anniversary Year. A period of 12 consecutive months 365/366 days during which a Marine must accrue a minimum of 50 points (including gratuitous points) for it to be credited as a qualifying year.

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

*a. For Marines of any reserve component prior to 1 July 1949, the anniversary year begins on 1 July of each year, when continuous active Marine Corps Reserve status is maintained.

*b. For Marines of any reserve component after 30 June 1949 but prior to 1 July 1965, the anniversary year begins on the date of entry or reentry. Each succeeding "year" will begin on the anniversary of that date, when continuous active reserve status is maintained. Any component change (e.g., regular to reserve or vice-versa) between 1 July 1949 and 1 July 1965 requires a change in the anniversary date.

*c. For Marines of any reserve component after 30 June 1965, the anniversary year begins on the date of entry or reentry. Each succeeding year will begin on the anniversary of that date, when the Marine does not have a break in military service of greater than 24 hours.

*(1) Marines of a reserve component of another branch of the Armed Forces on 1 July 1965, subsequently enlisted or appointed in the Marine Corps Reserve without a break in service of greater than 24 hours, retain the same anniversary date established by the former branch.

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

*d. Assignment to the ISL of the Standby Reserve or to the Temporary Disability Retired List (TDRL) constitutes a break in active reserve status. Consequently, the anniversary year for the Marine removed from the ISL or the TDRL starts on the date they are restored to an active status.

e. To correct an anniversary date, submit a letter with supporting documentation through the chain of command to the CMC (MMSR-5). Copies of all enlistment contracts, extensions, and appointment records are required.

United States Marine Corps
Manpower and Reserve Affairs (MMSR-5)
3280 Russell Road
Quantico, VA 22134-5103

MARCORSEPMAN 1900.16-3002

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (t) SECNAVINST 1920.6C W/CH 4

3002. RESIGNATION OF OFFICERS

*1. The DC, M&RA may accept the voluntary resignation of an officer of the Marine Corps Reserve for reasons established in reference (t) SECNAVINST 1920.6C. The DC, M&RA may deny requests that do not satisfy the criteria set forth in the above reference. Waiver of criteria will only be granted in cases of extreme hardship, extraordinary circumstances or in the best interest of the service. Officers must provide justification and command endorsements.

*2. Submit letters of resignation to the CMC (MMSR-5) via the Commander, Marine Forces Reserve (COMMARFORRES). Endorsements by the custodian of the officer's service record will contain a statement that the officer has completed all obligated service.

3. Expunging Resignation-Related Material

*a. Officers who have a resignation withdrawal request approved by the DC, M&RA, or whose resignation is withdrawn or disapproved, may have the resignation letter and related correspondence expunged from their official military personnel file (OMPF) on request.

b. Officers placed on the RASL after a voluntary resignation may, at their request, have any reason submitted in connection with the resignation expunged from their OMPF.

c. Submit requests for removal of a resignation letter and related correspondence or reasons for resignation to the CMC (MMSR-5).

*4. Separation for Cause. See paragraphs 4103 and 4104.

MARCORSEPMAN 1900.16-3003

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (t) SECNAVINST 1920.6C W/ CH 4

3003. INVOLUNTARY DISCHARGES

*1. Reserve commissioned officers may be discharged at the pleasure of the President. All reserve warrant officers may be discharged at the pleasure of the Secretary of the Navy. For additional provisions concerning the separation of reserve officers see chapter 4 and reference (t) SECNAVINST 1920.6C; see chapter 6 of this manual for separation of enlisted reservists.

*2. Probationary reserve officers and reserve warrant officers, as defined by reference (t) SECNAVINST 1920.6C, may be separated from the Marine Corps Reserve without the benefit of a hearing or board procedure for substandard performance of duty or for parenthood, per reference (t) SECNAVINST 1920.6C using the notification procedures contained therein.

*3. Non-probationary reserve officers and reserve warrant officers, as defined by reference (t) SECNAVINST 1920.6C, may be separated only upon recommendation of a Board of Inquiry unless separated for age restrictions or lack of mobilization potential.

*4. Reserve officers and reserve warrant officers, regardless of length of commissioned service or service as a warrant officer, respectively, may be separated from the Marine Corps Reserve without a hearing or board procedure per paragraph 3003.6 (Lack of Mobilization Potential) or paragraph 3005.2 (Age-In-Grade Restrictions). Use the notification procedures contained in reference (t) SECNAVINST 1920.6C.

5. Mobilization Potential Screening Board. The Secretary of the Navy may, when necessary, convene boards to screen reserve officers not on active duty, who have completed obligated service, for potential and availability for mobilization to active duty. Eligibility will include, but is not limited to, officers in the following categories:

a. On the ISL of the Standby Reserve for at least 3 years;

b. Found by the Chief, Bureau of Medicine and Surgery not physically qualified for active duty or retention in the Marine Corps Reserve. They will be afforded an opportunity to a full and fair hearing before the physical evaluation board (PEB) prior to final action on their case;

c. Found by the Chief, Bureau of Medicine and Surgery militarily unfit or unsuitable by a medical finding not constituting physical disability. These officers are not entitled to a hearing before the PEB;

- d. Do not undergo a physical examination as required by regulation;
- e. Do not keep their parent unit informed of a current mailing address;
- f. Do not respond to, or comply with, official correspondence within a reasonable period of time;
- g. Decline a permanent appointment to the next higher grade within 6 months of approval of the report of a promotion selection board that recommends the officer for promotion;
- h. Not in a critical grade and MOS, earning less than 27 retirement credit points (including membership points) per anniversary year. However, a reserve officer may not be separated solely for failure to meet this standard when participation is precluded by either of the following:
 - (1) Lack of funds resulting in nonavailability of training; or
 - (2) Circumstances of an unusual nature (as determined by the CMC on a case-by-case basis).
- i. An officer whose ecclesiastical endorsement has been withdrawn.

*6. Separation for Lack of Mobilization Potential. Prior to convening a mobilization screening board, each officer considered is notified per reference (t) SECNAVINST 1920.6C. Boards are convened under regulations prescribed by the CMC and approved by the Secretary of the Navy. Upon recommendation by a board to separate an officer for lack of mobilization potential, the CMC (RAP) will either:

- a. Transfer the officer to the ISL of the Standby Reserve, if the officer is not qualified for, or does not request, transfer to the retired reserve;
- b. Recommend to the Secretary of the Navy that the officer be transferred to the retired reserve, if the officer is qualified and so requests; or
- c. Recommend to the Secretary of the Navy that the officer be honorably discharged from the Marine Corps Reserve.

7. A reserve commissioned officer may be dismissed, and a reserve warrant officer may be discharged, as the result of an approved sentence of a general court-martial.

*8. The President or the Secretary of the Navy may drop from the rolls any Marine of the reserve component in an unauthorized absence status for a period of three months or more; or sentenced to confinement in a federal or state penitentiary or other correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

9. A reserve officer discharged or separated for cause, other than for lack of mobilization potential as specified in paragraph 3003.5, will be given an honorable or general (under honorable conditions) discharge unless:

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

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

MARCORSEPMAN 1900.16-3004

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (at) DoDI 1205.05

**3004. TRANSFER OF OFFICERS AND ENLISTED RESERVISTS TO ANOTHER
COMPONENT OR SERVICE**

*1. Reference (at) DoDI 1205.05 provides for service transfers to and from regular and reserve components of the military services. Service transfers of Marines shall be to a regular component or to a reserve category of equal or greater mobilization potential.

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

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

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

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

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

(a) Approves the transfer; or

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

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

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

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

*c. The reservist desires transfer to enroll in an officer candidate program (including college-level Reserve Officer Training Corps) and the prospective gaining component accepts the Marine.

(1) The losing component will approve the transfer if the reservist has no remaining service obligation under law.

*(2) If the reservist has remaining obligation under law, the losing component will approve the transfer, unless loss of the Marine results in serious degradation of unit readiness which cannot be offset by the recruitment of a replacement.

2. Interservice transfer will be accomplished by discharge from the reservist's current reserve component for immediate enlistment or appointment in the gaining reserve component. The following conditions apply:

*a. Discharge and reenlistment, appointment in another reserve component, or termination of current commission and reappointment in another component will be accomplished without interrupting the continuity of the reservist's total military service. Credit these Marines with the total amount of military service accrued as of the date of transfer.

b. Discharge for interservice transfer under this manual will not constitute release from, or fulfillment of, military service obligation established by law. However, additional service performed after such discharge will be counted towards fulfillment of that obligation.

3. Exceptions/Limitations. The policies in paragraphs 3004.1 and 3004.2 are subject to the following:

*a. A Marine, who initially becomes a member of an Armed Force, after 1 June 1984, will serve for a total of 8 years. Any part of such service that is not active duty or active duty for training will be performed in a reserve component. Unless pursuant to regulations prescribed by the Secretary of the Navy, when an officer is promoted to a higher reserve grade, the officer will be retained in an active status in his reserve grade for the remaining period of required service and may be only discharged because of personal hardship under regulations prescribed by the Secretary of the Defense. A reservist without remaining military service obligation under law, who received a bonus for the current term of enlistment, must honor the conditions of the bonus agreement in full, unless the losing component concurs that the transfer is in the best interest of national defense.

b. A reservist without remaining military service obligation under law, who served on active duty for training for more than 30 consecutive days during the current enlistment or during the current time in grade (in the case of an officer), must honor all service obligations, unless the losing component concurs that the transfer is in the best interest of national defense.

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

*4. Requests for transfer may be initiated by the reservist, or by appropriate authority in the gaining component with the individual's consent.

*a. An enlisted Marine desiring transfer will submit an application per figure 3-1.

*b. An officer desiring transfer will submit an application per figure 3-2.

5. Endorsements for transfer requests by a reservist with a remaining military service obligation must contain:

a. A statement from the losing component concurring in the requested action and affirming that the transfer is in the best interest of national defense and the reservist concerned. Justify any nonconcurrency.

b. A statement from the gaining component indicating that the reservist requesting transfer is acceptable and will be assigned to an approved training program. Justify any nonconcurrency.

6. Endorsements for transfer requests by reservists without military service obligation under law must contain a statement from the gaining component that the reservist requesting transfer is acceptable and will be assigned to an approved training program. Justify any nonconcurrency.

*7. Request by Authorities of the Gaining Component. The DD Form 368, REQUEST FOR CONDITIONAL RELEASE, shall be used in all cases involving inter-service transfers and may be used for intra-service transfers. Section I of DD Form 368 shall be completed by an appropriate authority of the requesting service or component and forwarded to the Marine's current service or component for action. DD Form 368 shall not be used to enroll a Marine of a reserve component into the delayed entry program of a regular component. The Marine's service or component shall respond to the requesting service or component within 30 days of receipt of DD Form 368. The requesting service or component shall not enlist or appoint the Marine without the approval of the losing service or component. DD Form 368 will not be signed prior to approval of inter-service transfer from the authority listed below and the Marine shall continue to perform all duties until that time. See reference (at) DoDI 1205.05.

a. Approval Authority

*(1) COMMARFORRES for non-AR enlisted personnel.

(2) The CMC (DC M&RA via MMSR-5) for officers.

*(3) The CMC (RAM) for AR enlisted Marines.

8. Requests for transfer, with complete documentation, will be forwarded through the gaining component to the losing component.

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

MARCORSEPMAN 1900.16-3005

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (a) Title 10, U.S.C.

3005. RETIREMENT OR SEPARATION FOR AGE AND SERVICE

*1. If an eligible Marine at age or service limits fails to request retirement, he/she will be involuntarily transferred to the Retired Reserve or discharged, unless retired or separated earlier.

*a. In accordance with reference (a) Title 10, U.S.C. section 14509, reserve officers below the grade of brigadier general shall be separated, or transferred to the Retired Reserve if eligible, on the last day of the month in which the officer becomes 62 years of age, unless recommended for promotion to the grade of brigadier general.

*b. In accordance with reference (a) Title 10, U.S.C. section 14510, reserve officers in the grade of brigadier general who have not been recommended for promotion to major general shall be separated on the last day of the month in which the officer becomes 62 years of age.

*c. In accordance with reference (a) Title 10, U.S.C. section 14511, reserve officers in the grade of major general or above shall be separated on the last day of the month in which the officer becomes 64 years of age. The retirement of a reserve officer in the grade of lieutenant general or general may be deferred by the President, not to exceed the first day of the month following the month in which the officer becomes 68 years of age. The Secretary of Defense may defer the retirement of a lieutenant general or general, not to exceed the first day of the month following the month in which the officer becomes 66 years of age.

*d. The Secretary of the Navy and the Secretary of Defense may defer the retirement of reserve colonels and above, not to exceed the first day of the month following the month in which the officer becomes age 66, in accordance with the restrictions established under reference (a) Title 10, U.S.C. section 14512.

*2. Enlisted Marines who meet the qualifications for retirement with pay will be transferred, at their request, to the Retired Reserve effective the first day of the month following their 60th birthday. Marines unable to satisfy the requirement for a reserve retirement with pay at age 60 will be discharged by their parent command.

*a. Reenlistments/extensions for enlisted Marines will not normally be approved for a period which will result in serving past the last day of the month in which the Marine becomes 60 years of age.

*b. Staff noncommissioned officers with more than 18 years of qualifying service may be authorized by DC, M&RA to remain in an active status until the first day of the month following the Marine's 62nd birthday.

*c. Reserve Marines may, with their consent and by order of the CMC, be retained on active service following mandatory retirement for maximum age and/or service, and receive credit towards their retired pay, see paragraph 1501.

MARCORSEPMAN 1900.16-3006

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

References: (as) SECNAVINST 1412.9B
(a) Title 10, U.S.C.

**3006. RETIREMENT OR SEPARATION OF OFFICERS TWICE FAILED OF SELECTION FOR
PROMOTION AND/OR THOSE OFFICERS AT SERVICE LIMITATION**

1. Warrant Officers. Except for those reserve warrant officers meeting the requirements of paragraph 3008, the provisions of this paragraph apply to reserve warrant officers of permanent grade in an active status.

*a. In accordance with reference (as) SECNAVINST 1412.9B, CW02s and CW03s considered as having twice failed of selection for promotion to the next higher grade will be removed from an active status on the first day of the seventh month following the second failure of selection unless continued under the provisions of paragraph 3008.

b. CW04s considered as having twice failed of selection for promotion to CW05 will be continued in an active status until completion of 30 years of qualifying service, unless earlier separated by other provisions of law due to age or failure to meet minimum participation requirements. Any chief warrant officer with 30 years of qualifying service eligible for a reserve retirement with pay at age 60, in the absence of a retirement request, will be involuntarily placed on the reserve retirement list awaiting pay effective the first day of the sixth month following completion of such service, unless selectively continued to meet the needs of the Ready Reserve as determined by the CMC.

*2. Lieutenants/Captains. Per paragraph 3008, a reserve officer in an active status in the permanent grade of first lieutenant or captain considered as having twice failed of selection for promotion to the next higher grade shall be removed from an active status not later than the first day of the seventh month following the month the board results are approved by the President. An officer to be removed from an active status under this paragraph will, if qualified, be given the opportunity to request transfer to the Retired Reserve. If not so transferred, the officer will be transferred to the ISL of the Standby Reserve or will be discharged from the Marine Corps Reserve. In accordance with reference (a) Title 10, U.S.C. section 14504, a first lieutenant twice failed for selection may be retained by the Secretary of the Navy in order to meet planned mobilization needs for a period not to exceed 24 months.

3. Majors/Lieutenant Colonels/Colonels

a. Majors. Reserve majors in an active status considered having twice failed of selection for promotion to the next higher grade shall be removed from the active status list (ASL), retired if eligible, or discharged on the first day of the month following completion of 20 years of commissioned

service unless retained in an active status under the provision of paragraph 3008.1 or continued under the provisions of paragraph 3008.4. If a reserve major has already completed 20 years of commissioned service when the second failure of selection occurs then the officer shall be separated on the first day of the seventh month following the month the board results are approved by the President.

b. Lieutenant Colonels/Colonels. Reserve lieutenant colonels and reserve colonels, unless retained in an active status under the provision of 3008.1 or continued under the provisions of paragraph 3008.4, shall be removed from an active status, retired, or discharged on the first day of the month following completion of 28 and 30 years of commissioned service respectively.

*4. Total Commissioned Service. Per reference (a) Title 10, U.S.C. section 14706, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer). Such service is calculated from the first date of appointment. For example, a reserve major who was first commissioned on 15 January 1979 would complete 20 years of commissioned service on 14 January 1999, as long as there is no break in service of 24 hours or more. Time spent on the ISL, although not creditable for retirement purposes, is creditable towards an officer's commissioned service.

MARCORSEPMAN 1900.16-3007

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306 /9307
DSN: 278-9306/9307

References: (a) Title 10, U.S.C.
(e) MCO 1001R.1K
(t) SECNAVINST 1920.6C W/ CH 4
(au) DoDI 1200.15

3007. RETIREMENT OR SEPARATION FOR UNSATISFACTORY PARTICIPATION

1. Per reference (a) Title 10, U.S.C. section 12642 and reference (t) SECNAVINST 1920.6C, reserve officers who complete their obligated service, but are not eligible for a reserve retirement and are credited at the end of their anniversary year with less than the 27 retirement points (including membership points) required to maintain an active status, will be transferred to the ISL of the Standby Reserve.

2. Reserve officers are not removed from an active status for failure to earn 27 reserve retirement credit points per anniversary year if:

a. A request for active duty for training during the anniversary year is denied by reason of lack of funds or facilities; or

b. There is a mobilization requirement for their military or civilian skills and a sufficient number of reservists in an active status are not available to meet the requirement.

*3. Per reference (au) DoDI 1200.15, reserve officers qualified for retirement under reference (a) Title 10, U.S.C. sections 12731 and 12732, are required to earn 50 retirement points annually to be retained in the Ready Reserve or on the ASL of the Standby Reserve. The Commander, MARFORRES will inform (by certified mail, return receipt requested) each non-obligor reserve officer who has not met prescribed reserve participation requirements of his or her immediate transfer to the ISL. The Marine may request a "one-time" waiver of the prescribed 50 point minimum requirement for the unsatisfactory anniversary year or the Marine may request to retire. If a "one-time" waiver is granted, the Marine will be reinstated to the RASL and will be assigned a new anniversary date. The waiver does not make the unsatisfactory year qualifying for retirement purposes and only allows the Marine to continue on the RASL. Requests for a "one-time" waiver are submitted to the CMC (MMSR-5).

4. Officers who have completed a three-year period on the ISL will be examined by the Reserve Officers Mobilization Potential Screening Board described in paragraph 3003.5. The board is convened by the Commander, MARFORRES per reference (e) MCO 1001R.1K and reviews the record of each eligible reserve officer recommending one of the following:

a. Return to an active status in the Ready Reserve, if physically and otherwise qualified;

- b. Transfer to the Retired Reserve, if qualified; or
- *c. Discharge, per this manual and reference (t) SECNAVINST 1920.6C.

MARCORSEPMAN 1900.16-3008

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306 /9307
DSN: 278-9306/9307

References: (a) Title 10, U.S.C.
(ap) SECNAVINST 1920.7B
(as) SECNAVINST 1412.9B

3008. EXCEPTIONS TO MANDATORY RETIREMENT OR SEPARATION

*1. Safety/Sanctuary Zone. In accordance with reference (a) Title 10, U.S.C. section 12646, paragraph 3006 does not apply to reserve officers who have completed at least 18 years of qualifying service.

*a. Reserve officers credited with at least 18 but less than 19 years of qualifying service on their mandatory removal date may not be involuntarily transferred to an inactive status before the *earlier* of the following dates: (1) the date they complete 20 years of qualifying service, or (2) the third anniversary following the mandatory removal date.

*b. Reserve officers credited with at least 19 but less than 20 years of qualifying service on their mandatory removal date may not be involuntarily transferred to an inactive status before the *earlier* of the following dates: (1) the date they complete 20 years of qualifying service, or (2) the second anniversary following the mandatory removal date.

2. The safety zones referred to above do not apply to a Marine who cannot meet all requirements for a reserve retirement with pay (see paragraph 3011) by the end of the safety zone period.

*3. Notwithstanding paragraph 3006, a reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until the officer becomes 62 years of age in accordance with reference (a) Title 10, U.S.C. section 12647. Retention under this provision is subject to the needs of the Selective Service System.

4. Continuation of Reserve Officers is based upon the following law and policy:

*a. Reference (a) Title 10, U.S.C. section 14701 provides the Secretary of the Navy with the option of continuing reserve officers in the grades of major through colonel beyond the maximum service limitations of 20 years commissioned service (YCS), 28 YCS, and 30 YCS respectively, to 24 YCS, 33 YCS, and 35 YCS respectively. In addition, reserve officers in the grade of captain with two failures for selection to promotion to the next higher grade may be continued to 20 YCS. Reference (ap) SECNAVINST 1920.7B and reference (as) SECNAVINST 1412.9B further delegate continuation of commissioned officers and chief warrant officers (respectively) to CMC (DC, M&RA).

b. Continuation opportunities are limited and based on the needs of the Marine Corps. Except in cases involving extraordinary circumstances and receiving approval of DC, M&RA, an officer will not be continued beyond retirement eligibility. Additionally, those officers whose service places them within the confines of reference (a) Title 10, U.S.C. sections 12646 or 12686 (active duty) are subject to sanctuary and shall not be considered for continuation. Current reserve policy provides for the continuation on the RASL of the following categories of reserve officers:

(1) Chief Warrant Officers

(a) Active Reserve (AR) CWO2, CWO3, and CWO4 who have twice failed for selection by an AR promotion board may be continued until twice failed for selection by an Other than Active Reserve (OTAR) board.

*(b) AR CWO2, CWO3, and CWO4 who have twice failed for selection by an AR promotion board and are within 6 years of qualifying for retirement with 20 years of active duty under reference (a) Title 10, U.S.C. section 6323, may be continued.

*(c) OTAR CWO2, CWO3 and CWO4, who have twice failed for selection by an OTAR promotion board and are within six years of qualifying for retirement with 20 years of qualifying service under reference (a) Title 10, U.S.C. 12731, may be continued.

(2) Captains

(a) AR officers who have twice failed for selection by an AR promotion board may be continued until twice failed for selection by an unrestricted reserve promotion board.

(b) Unrestricted reserve officers who have twice failed for selection by an unrestricted reserve promotion board and will qualify for retirement under reference (a) Title 10, U.S.C. section 12731 within six years of the date of such continuation may be continued.

(3) Majors

(a) AR officers who have twice failed for selection by an AR promotion board may be continued until twice failed for selection by an unrestricted reserve promotion board.

*(b) AR officers who have twice failed for selection by an AR promotion board and are within six years of qualifying for retirement with 20 years of active duty under reference (a) Title 10, U.S.C. section 6323 may be continued.

(c) Unrestricted reserve officers who have twice failed for selection by an unrestricted reserve promotion board and will qualify for retirement under reference (a) Title 10, U.S.C. section 12731 within six years of the date of such continuation may be continued.

c. Eligible officers who are selected for continuation must be fully qualified for continuation and their continuation must be in the best interests of the Marine Corps. "Fully Qualified" means that the officer's record clearly demonstrates performance in a satisfactory manner considering the grade and technical specialty held and that the officer continues to meet

the Marine Corps' standards of performance and conduct. Additionally, an accurate record of service as reflected in the Career Retirement Credit Record (CRCR) is a key determinant in continuation consideration. Continued officers are notified by the CMC (MMSR-5).

d. Officers not desiring to be continued are required to decline continuation in writing to the CMC (MMSR-5) prior to their original mandatory removal date (MRD).

*5. Continuation Process. Officers requiring continuation on the RASL will be automatically considered for continuation upon the release of the reserve officer promotion board results.

*a. The CMC (MMSR) will:

*(1) Identify which reserve officers require and are eligible for continuation upon the release of reserve officer promotion board results.

*(2) Forward a list of all officers eligible for continuation to CMC(RA) for approval or disapproval of continuation.

*(3) Upon the CMC (RA) determination, submit a continuation letter to officers notifying them of their continuation status. A copy of this letter will be provided to the CMC (MMRP) for placement in the OMPF and to the CMC (RAM).

*(4) Adjust the officers' mandatory removal date in MCTFS.

*(5) Maintain statistical data on the numbers, by grade, of reserve commissioned officers continued and not continued on the RASL.

*b. The CMC (RA) is the approval/disapproval authority for continuation and will:

*(1) Review each officer's entire military record and ensure the CMC (JA) screens all eligible officers for adverse material.

*(2) Approve eligible and fully qualified officers for continuation.

*(a) If an officer has no adverse material to be considered and is recommended for continuation, CMC (RAP) may approve continuation.

*(b) If an officer has any adverse fitness reports, has been named the subject of an investigation, or is currently listed in the officer disciplinary notebook, the approval/disapproval authority is the CMC (RA) and will not be delegated.

*(3) Provide determination to the CMC (MMSR) for each officer's continuation consideration.

MARCORSEPMAN 1900.16-3009

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (a) Title 10, U.S.C.

3009. RETIRED RESERVE

1. The Retired Reserve consists of reservists transferred or assigned to the Retired Reserve under the provisions of reference (a) Title 10, U.S.C. section 10154.

*2. Enlisted Marines must be serving within the unexpired term of an enlistment contract or on a valid extension to the enlistment contract on the effective date of transfer to the Retired Reserve. Discharge by reason of expiration of enlistment effected before transfer to the Retired Reserve separates a Marine from the Marine Corps Reserve. Discharged Marines must petition BCNR to request transfer to the Retired Reserve awaiting pay at age 60. Former Marines are not entitled to transfer to the Retired Reserve or any retirement benefits except as may be provided by law (see paragraph 3019).

MARCORSEPMAN 1900.16-3010

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

***3010. RETIREMENT WITH PAY BASED ON ACTIVE DUTY SERVICE**

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

*2. Enlisted reservists on active duty who have completed 20 years of active duty may request transfer to the Fleet Marine Corps Reserve (FMCR) or retirement under the provisions of chapter 7 of this manual.

MARCORSEPMAN 1900.16-3011

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (a) Title 10, U.S.C.

3011. TRANSFER TO THE RESERVE RETIRED LIST WITH PAY

1. A reservist who completes 20 qualifying years of service (not necessarily continuous) is eligible, upon application, to transfer to the reserve retired list and to receive retired pay and benefits per the following:

*a. Under the provisions of The National Defense Authorization Act for 2005, a reservist who completes 20 years of qualifying service on or after 25 April 2005 no longer needs to have the last six years in a reserve component.

*b. Marines who earned 20 years or more of qualifying service before 25 April 2005 must perform the last six years of qualifying service while in a reserve component. The last six years of qualifying service does not have to be continuous. However, per reference (a) Title 10, U.S.C. section 12731, if a period of service in a regular component intervenes between periods of reserve service totaling the required 6 years, then that period of regular service cannot be applied toward meeting the criteria of subparagraph 3011.1a. For example, a Marine served in the regular Marine Corps for 16 years. The Marine then enlisted in or was appointed to the Marine Corps Reserve and reached 20 years of qualifying service on or before 25 April 2005. The Marine's 17th through 20th years count for four years towards the six-year requirement in a reserve component. The Marine must serve an additional two qualifying years of reserve service.

c. The Marine must not be entitled to retired pay from an Armed Force under any provision of law besides reference (a) Title 10, U.S.C. section 12731.

*2. Per reference (a) Title 10, U.S.C. section 12731(d), a Marine who completes the years of service required for eligibility for retired pay under this paragraph will be notified in writing within 1 year after completing this service. This notification will be issued by the CMC (MMSR-5). Do not submit individual requests unless a qualified Marine does not receive notification within the prescribed one-year period. Only the CMC (MMSR-5) is authorized to issue an official statement of service to reservists. No summary of retirement credits/qualifying years (i.e., the automated Career Retirement Credit Record) is presented to a reservist as an official statement of service unless it has been audited and certified by the CMC (MMSR-5).

MARCORSEPMAN 1900.16-3012

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

References: (a) Title 10, U.S.C.
(e) MCO 1001R.1K
(f) DoDFMR 7000.14-R

3012. QUALIFYING SERVICE

*1. To determine whether a Marine has completed the required 20 years of qualifying service for retired pay purposes, the individual's years of service (less time lost) performed in the status of a commissioned officer, warrant officer, or enlisted Marine are creditable. Creditable service as a midshipman or cadet is governed by reference (f) DoDFMR 7000.14-R, Volume 7A, Ch 1.

a. Service Before 1 July 1949. Contact the CMC (MMSR-5).

*b. Service After 1 July 1949. Add the Marine's years of service for each anniversary year in which at least 50 points were credited as follows:

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

(2) One point for each period of inactive duty, instruction or period of equivalent instruction (including completion of an approved correspondence course) that was prescribed for that year by the Secretary of the military department concerned and conforming to the requirements prescribed by law, including attendance at National Guard training.

*(3) Points for membership at the rate of 15 per anniversary year of service in any reserve component of the Armed Forces, including the U.S. Coast Guard Reserve and the U.S. Army or Air National Guard. Membership points are not deducted or pro-rated for periods of active duty or active duty for training if the Marine belongs to a reserve component. If the Marine is on active duty all or most of the year, the limit on total retirement points in subparagraph 3012.1b(5) applies.

*(4) Table 3-1 shows the criteria for awarding retirement points for a variety of miscellaneous activities including associate duty and appropriate duty. See the current edition of reference (e) MCO 1001R.1K for further instructions on awarding retirement points.

(5) Retirement Point Credit Limitations. For retired pay purposes:

(a) Total points credited since 30 June 1949 may not exceed 365 days in a normal year or 366 days in a leap year.

(b) Total retirement points credited for inactive duty participation in any anniversary year may not exceed the following stipulations (excluding funeral honor points): 130 points for anniversary years closing on or after 30 October 2007, 90 points for anniversary years closing on or after 30 October 2000; 75 points for anniversary years closing between 23 September 1996 and 29 October 2000; and 60 points for anniversary years closing prior to 23 September 1996.

(c) Retirement points earned during one anniversary year may not be credited to another anniversary year.

*(6) Partial Anniversary Year. A period of service of less than 365 days in which the Marine earned the minimum points required to make that period of service qualifying for retirement purposes (see figure 3-3). Two or more partial years of service may be combined to complete a full year of qualifying service.

*(a) If a Marine was in an active status for only a portion of an anniversary year, that year will not be credited as a full year of qualifying service for retirement purposes, regardless of the number of retirement points earned while in an active status during that particular year. The time the Marine was in an active status will be considered as a partial year of qualifying service provided the Marine earned the required points, on a pro rata basis, during that particular period.

(b) Figure 3-4 shows partial year membership points awarded for less than a full anniversary year or for only those portions of an anniversary year spent in a reserve component.

*(c) To pro-rate qualifying service, the Marine must be removed from an active status before the end of the Marine's anniversary period by discharge, transfer to the ISL or TDRL, or transfer to the Retired Reserve. Additionally, the Marine must earn the minimum points required for the number of days served. Example: A reservist in an active status for 180 days is required to earn 25 points to make the period "qualifying." However, if the reservist remained in an active status for 190 days and only earned 26 points, the period would not be qualifying. During the pro-rated period, the Marine must earn the minimum number of points to qualify for that pro-rated period. If a Marine continues in an active status longer than the pro-rated period and fails to earn additional points, then that period may become non-qualifying. See figure 3-3 - Minimum Points Required to Establish a Partial Anniversary Year as Qualifying Service.

(7) Time Not Creditable

(a) The following service will not be counted in computation of years of service under this paragraph or for years of service for the computation or retired pay under paragraph 3013:

1. Service on the ISL of the Standby Reserve.
2. Time after retirement or transfer to the Retired Reserve.

*(b) Marines of the reserve are not eligible to earn retirement credits while on the ISL, TDRL, or in the Retired Reserve and are not entitled to gratuitous credits for membership during these periods per reference (a) Title 10, U.S.C. 12734.

c. Creditable service is defined per reference (f) DoDFMR 7000.14-R, and provides an all inclusive list for service that is not creditable for computation of retired pay.

2. Retired Grade Determination (Officers)

*a. A reserve commissioned officer may be retired in the highest grade held, if the Marine completed at least six months satisfactory service in that grade prior to transfer from an active status *solely* due to the following reasons:

*(1) Transfer/discharge for maximum age or years of service required by a *nondiscretionary* provision of law.

*(2) Transfer/discharge because of a physical disability, as determined by a medical evaluation board, for which the Marine no longer meets the qualifications for membership in the Ready Reserve.

b. Unless entitled to a higher grade under another provision of law, a reserve commissioned officer above the grade of chief warrant officer (CWO-5) who requests voluntary retirement will be retired in the highest grade satisfactorily held upon completion of the following minimum service-in-grade requirements:

Grade	Component	<u>Minimum Service-in-Grade</u>
O-1 - O-4	Inactive Duty	6 months
O-1 & O-2	AR	6 months
O-3 & O-4	AR	2 years
O-5 & above	ALL	3 years (2 years until 31 December 2001)

3. Retired Grade Determination (Warrant Officers). A warrant officer retires in the permanent reserve warrant officer grade that he/she held on the day before the date of retirement, or in any higher warrant officer grade in which he/she served on active duty satisfactorily, as determined by the Secretary of the Navy, for a period of not less than 30 days, per reference (a) Title 10, U.S.C. section 1371.

*4. Retired Grade Determination (Enlisted Personnel). Enlisted Marines upon transfer to the Retired Reserve will be placed on the reserve retired list in the highest grade in which they have served satisfactorily. Reservists in the grades of E-7 through E-9 must serve two satisfactory years from the date of promotion. The CMC (MMSR-5) will make the determination of satisfactory service. Factors used in making this determination are:

a. Time served in the current or higher grade or to service limits, whichever occurs first.

b. Any report of misconduct, moral or professional dereliction, conduct not in the best interest of national security, or conviction by court-martial.

c. The nature and severity of any misconduct.

5. Retired Grade Determination (Additional Factors)

*a. Inactive duty personnel are required to earn a minimum of 50 retirement points to satisfy each year of the service-in-grade requirement. A period less than a full year is made a qualifying year by earning the required number points shown in figure 3-3 for the actual number of days served in the period. Marines must keep in mind that the service-in-grade requirement begins on the date of promotion which in most cases does not coincide with the Marine's anniversary year, therefore requiring partial periods of service to meet time-in-grade requirements.

*b. If the CMC determines that a Marine's service is not satisfactory in the highest grade, the retired grade will be the grade in which satisfactory service was last performed.

MARCORSEPMAN 1900.16-3013

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

3013. COMPUTATION OF RETIRED PAY

*1. The monthly retired pay of a Marine entitled to reserve retired pay is computed by the following formula:

$$(P \text{ divided by } 360) \times .025 \times B = \$/\text{month}$$

P = total number of retirement points.

B = monthly base pay at rates applicable on the date when retired pay is granted for the highest grade held satisfactorily at any time in the Armed Forces and YOS.

YOS = years of service for basic pay purposes are computed from pay entry base date (PEBD) to date of first eligibility for retired pay (date of separation if a former member, who became a member after 7 September 1980).

*2. To determine the total number of retirement points earned after 1 July 1949, add the following items:

*a. Active duty points under subparagraph 3012.1b(1).

*b. Inactive duty points creditable towards retirement under subparagraphs 3012.1b(2) and 3012.1b(3), within the limits described in 3012.1b(5).

*c. To determine the total number of retirement points earned before 1 July 1949, contact the CMC (MMSR-5).

*3. Retired base pay is determined by date of first entry into the Armed Forces (DOEAF).

*a. Final Pay Retirement System. Final pay applies to those who entered the service before 8 September 1980. Each year of service is worth 2.5% toward the retirement multiplier. Years of service are computed from the pay entry base date (PEBD) to the date of first eligibility for retired pay. Hence, 2.5% x 20 years = 50% and 2.5% x 30 years = 75%. This multiplier is applied against the final basic pay of the Marine's career or to the base pay at the applicable rate when retired pay is granted.

*b. High-3 Year Average Retirement System. This system applies to Marines who first entered service after 7 September 1980. Monthly base pay is the average of the previous 36 months of base pay at rates applicable on the date when retired pay is granted for the highest grade held satisfactorily at any time in the Armed Forces and YOS.

*c. After 30 October 2000, the retired base pay for enlisted Marines reduced in grade, or Marine officers that do not meet the TIG requirement and are retired in a lesser grade are computed under the "pre-high-three" rules, or the final pay retirement system using their retired grade.

MARCORSEPMAN 1900.16-3014

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

***3014. RETIREMENT OF RESERVISTS NOT QUALIFIED FOR RETIRED PAY (HONORARY RETIREMENT).** The Armed Forces Reserve Act of 1952 repealed provisions relating to the honorary retired lists. The Act provided for retirement and retired pay for a period of 20 years from the date of enactment on 9 July 1952. Marines transferred to the Retired Reserve in an honorary status are accorded the privileges under paragraph 3018.3. The Uniformed Services Identification and Privilege Card and/or replacements are no longer issued to honorary retirees.

MARCORSEPMAN 1900.16-3015

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

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

3015. PHYSICAL DISABILITY RETIREMENT

*1. See chapter 8 concerning eligibility of reservists for physical disability retirement. Reservists retired for physical disability under reference (a) Title 10, U.S.C. chapter 61 are entitled to the same pay, rights, benefits and privileges provided by law or regulation for retired Marines of the regular Marine Corps.

2. Reservists not on active duty who are found not physically qualified for retention in the Marine Corps Reserve and who have completed a minimum of 15 years of qualifying service may be transferred to the Retired Reserve Awaiting Pay at Age 60 as long as such physical disability is not the result of:

*a. The Marine's intentional misconduct, willful neglect or willful failure to comply with the standards and qualifications for retention established by the Secretary of the Navy; or

b. Such disability was incurred during a period of unauthorized absence.

*3. Those reservists not on active duty who are found not physically qualified for retention in the Marine Corps Reserve with less than 15 years of qualifying service will be processed per paragraph 8607.

MARCORSEPMAN 1900.16-3016

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

References: (aw) Online MCTFSPRIUM
(x) Title 5, U.S.C.

3016. APPLICATION FOR TRANSFER TO THE RETIRED RESERVE AWAITING PAY AT AGE 60

*1. Submission of Requests. Requests for voluntary retirement will be submitted by the reporting command via the unit diary system per reference (aw) Online MCTFSPRIUM. Requests outside the 4 to 14 month submission timeframe must be submitted via separate correspondence to the CMC (MMSR-5) with justification and command endorsements. Requests will be submitted using the application contained in Figure 3-5.

a. Per reference (x) Title 5, U.S.C. section 8301, the effective date of retirement must be the first day of the month and cannot be later than the first day of the month following mandatory removal dates.

2. Approval/disapproval of all requests will be issued by the CMC (MMSR-5) via unit diary. See paragraph 3020 and Appendix E for additional instructions.

MARCORSEPMAN 1900.16-3017

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (au) DoDI 1200.15

3017. APPLICATION FOR RETIRED PAY BENEFITS AT AGE 60

*1. Retired pay benefits must be requested; the process is not automatic. Marines of the Retired Reserve and former members of the Reserve who are eligible under paragraph 3011 may apply for retired pay by the use of DD Form 108 (Application for Retired Pay Benefits).

*2. The CMC (MMSR-5) provides a DD Form 108 to Marines on the Reserve Retired List Awaiting Pay at Age 60, approximately 6 months prior to their 60th birthday or earlier if eligible per reference (au) DoDI 1200.15. DD Form 108 contains a summary of creditable service for the Marine's verification. Should an eligible Marine not receive the form within the above time frame, notify the CMC (MMSR-5).

*3. Marines must submit a DD Form 2656 to DFAS. Marines must also sign the DD Form 108 and return it to the CMC (MMSR-5) at least 3 months prior to their date eligible for retired pay.

MARCORSEPMAN 1900.16-3018

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

References: (a) Title 10, U.S.C.
(ag) MCO P1020.34G W/ CH 1-5
(av) DODI 1215.07

3018. STATUS IN THE RETIRED RESERVE

*1. Per reference (a) Title 10, U.S.C. section 12301, a member of the Retired Reserve may be ordered to active duty in time of war or national emergency declared by Congress; or when otherwise authorized by law. No member of the Retired Reserve may be ordered to active duty without the Marine's consent unless the Secretary of the Navy, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members of the Ready and Standby Reserve in an active status are not readily available.

2. The following applies to Marines of the Retired Reserve:

*a. Marines are not eligible to earn retirement credits or accrue additional qualifying service unless ordered to active duty per paragraph 3018.1.

*b. Marines are not required, or eligible to participate in any training or other programs of the Marine Corps Reserve in a pay status.

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

3. Retired reservists not qualified for retired pay (honorary retirement) are entitled to the following privileges:

a. Retain their grade as a member of the Marine Corps Reserve.

b. Wear the prescribed uniform upon appropriate occasion or ceremony, per reference (ag) MCO P1020.34G.

c. Use service club/open mess facilities when local space and staff capabilities permit, if authorized by membership rules.

4. Marines of the Retired Reserve awaiting pay at age 60 are entitled to the following additional privileges:

a. Unlimited access to military exchanges and morale, welfare and recreation facilities.

b. Unlimited use of military commissaries.

c. Space-available transportation within the CONUS on DoD aircraft, upon presentation of a notification of eligibility for retired pay at age 60.

*d. Identification card, DD Form 2 (Reserve Retired), for identification purposes only.

*e. Enrollment in TRICARE Retired Reserve (TRR) that qualified retired reserve Marines and survivors may purchase.

*5. Marines of the Retired Reserve with pay are further entitled to:

*a. Retired pay effective at age 60 or earlier per reference (av) DoDI 1215.07.

*b. Medical care at a medical treatment facility (MTF) on a space available basis and under TRICARE for those members who are age 60 or older and in receipt of pay.

*c. Identification card, DD Form 2 (Retired) authorizing appropriate benefits and privileges. In those instances where the retiree is eligible to receive retired pay prior to age 60, the medical benefits start date on the back of the card will be equal to the retiree's 60th birthday.

*d. Space-available transportation via Air Mobility Command.

MARCORSEPMAN 1900.16-3019

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

3019. STATUS OF FORMER MEMBERS

*1. Former members of the Marine Corps Reserve who have resigned or been discharged may apply for retired pay under paragraph 3017 above, if they otherwise were qualified (i.e., at least 20 years of qualifying service per paragraph 3011) and meet the reserve participation requirements in effect on the date of discharge. Such former members may receive retired pay, but are not carried on the retired list and are ineligible for certain privileges or rights of the Retired Reserve. These Marines retain their civilian status. Former Marines entitled to retired pay at age 60 who have not yet attained age 60 are entitled to a DD Form 2 (Reserve Retired) authorizing commissary, exchange, and morale, welfare and recreation privileges. Former members who are age 60 or over and in receipt of retired pay are issued the DD Form 2765 which, in addition to the aforementioned privileges, authorizes medical care at MTFs and under TRICARE.

*2. An enlisted Marine who requests discharge effective upon completion of 20 or more years of qualifying service, or whose enlistment expires after completion of that service, should petition BCNR to transfer to the Retired Reserve Awaiting Pay.

*3. Former members who became members after 7 September 1980 and apply for retired pay upon reaching age 60 will have their pay computed under the High-3 method at the rate in effect at the time of discharge without adjustment for cost of living allowances effected between the time of discharge and the start of retired pay. The reduction in pay is substantial. Former members who became members before 8 September 1980, and apply for retired pay upon reaching age 60, will have their pay computed under the Final Pay method, determined at the rates applicable on the date retired pay is granted.

4. Transfer to the Retired Reserve is not automatic; it must be requested.

MARCORSEPMAN 1900.16-3020

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

3020. AUTHORITY TO RELEASE AND SEPARATION ORDERS

*1. The CMC (MMSR-5) will issue separation approval/disapproval authority via the unit diary. Any actions taken by the CMC (MMSR-5) will be reflected on the Marine's unit diary feedback report. In addition, requests that are pending or approved will post an appropriate RER flag indicating such status on the RT01 screen in MCTFS. A disapproval will zero out the original entry reflected on the RT01 screen. RER Flags are defined in the On-line Manpower Codes Lookup Guide.

2. Upon receipt of the approval authority, the responsible reporting unit will submit the appropriate diary entries using data contained on the RT01 screen (Planned SPD, Planned CHAR).

3. The CMC (MMSR-5) will mail all separation letters, certificates, and documents within 10 working days of issuing the approval authority.

4. The CMC (MMSR-5) will issue all orders pertaining to the reserve retirement of a Marine. The CMC (MMSR-2) is the retirement authority for those reservists who qualify for an active duty retirement.

MARCORSEPMAN 1900.16-3021

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

3021. DELIVERY OF RETIREMENT DOCUMENTS AND APPROPRIATE CEREMONY. In no case should retirement documents be held beyond 30 days without contacting the Marine. If the retirement documents cannot be delivered due to the unit's inability to locate or contact the Marine, endorse with the reason for nondelivery and return these documents to the CMC (MMSR-5) within 30 days of receipt at the unit. See paragraph 1012 for additional information regarding retirement ceremonies.

MARCORSEPMAN 1900.16-3022

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: (aw) Online MCTFSPRIUM

3022. RESERVE RETIREMENT CREDIT REPORTING SYSTEM

1. The Automated Reserve Retirement Credit Reporting System (ARRCR) is the primary method for reporting retirement points earned by a Marine during an anniversary year. The ARRCR must be used by all units with OnLine MCTFS reporting capabilities. The ARRCR generates two reports: the Annual Retirement Credit Report (ARCR) and the Career Retirement Credit Report (CRCR). The ARCR is automatically generated the month following the anniversary month. Copies are provided to the CMC (MMRP-20). To report retirement data see reference (aw) Online MCTFSPRIUM and appendix E.

*2. Commander's Responsibilities. The term "commander" as used in this paragraph refers to the appropriate commanding officer (COMMARFORRES); the commanding officer of the SMCR unit; or the commanding officer of any regular Marine Corps unit on whose rolls reserve Marines are carried.

a. Ensure proper certification of unit diaries and maintenance of records that document retirement points.

*b. Provide a copy of the ARCR and CRCR to each Marine within 30 days of receipt. Copies are available on-line through Kansas City Menu "CICS-Production" using the Retirement/Separation Menu in the MCTFS.

*c. Ensure each Marine signs a copy of the ARCR and CRCR and file on the document side of the service record. (Note: A signed ARCR/CRCR signifies that the Marine agrees with the retirement point total shown. If the Marine disagrees with the retirement point total, the Marine must indicate where the discrepancies exist and provide documentation to support correction.)

d. Ensure the Marine signs a corrected ARCR/CRCR and file the corrected copy attached to the erroneous copy on the document side of the service record if corrections are warranted. A corrected ARCR and CRCR will automatically be generated to the CMC (MMRP-20) and (MMSR-5) if appropriate.

MARCORSEPMAN 1900.16-3023

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

Responsible Office: MMSR-5

Phone: Comm: (703) 784-9306/9307
DSN: 278-9306/9307

Reference: None

3023. CURRENT ADDRESS OF RETIRED RESERVISTS. See paragraph 1405.

Figure 3-1.--Request for Interservice Transfer for an Enlisted Marine
(Letterhead)

From: Individual or Appropriate Authority
To: CMC (RAM) (for AR enlisted Marines), COMMARFORRES (for non-AR enlisted Marines)
Via: CO of current unit
Subj: REQUEST FOR INTERSERVICE TRANSFER
Ref: (a) MCO 1900.16, par. 3004

1. Per the reference, I request an interservice transfer to (name of military service).
2. The following information is provided:
 - a. Applicant's last, first, and middle name.
 - b. Electronic Data Interchange Personal Identifier.
 - c. Rank, date of rank, and military specialty.
 - d. Component.
 - e. Organization to which assigned.
 - f. Years, months, and days of total service.
 - g. Summary of other intercomponent transfers, if any.
 - h. Date and place of birth.
 - i. Citizenship and how acquired.
 - j. Summary of military duties performed.
 - k. Brief description of educational credentials and military and civilian professional qualifications.
 - l. Reason for requesting transfer.
 - m. Statement by Marine that, in the event of approval, the Marine will accept assignment to and participate in the accredited training program of the component to which transferred.

Figure 3-2.--Request for Interservice Transfer for an Officer

(Letterhead)

From: Individual or Appropriate Authority
To: CMC (MMSR-5), 3280 Russell Road, Quantico, VA 22134-5103
Via: (1) CO of current unit
(2) COMMARFORRES

Subj: REQUEST FOR INTERSERVICE TRANSFER

Ref: (a) MCO 1900.16, par. 3004

1. Per the reference, I request an interservice transfer to (name of military service).

2. The following information is provided:

- a. Applicant's last, first, and middle name.
- b. Electronic Data Interchange Personal Identifier.
- c. Rank, date of rank, and military specialty.
- d. Component.
- e. Organization which assigned.
- f. Years, months, and days of Federal commissioned service, Active and Reserve.
- g. Summary of other intercomponent transfers, if any.
- h. Date and place of birth.
- i. Citizenship and how acquired.
- j. Summary of military duties performed.
- k. Brief description of educational credentials and military and civilian professional qualifications.
- l. Reason for requesting transfer.
- m. Contingent resignation, including the following statement: "I do hereby tender my resignation from the (specify component) and request it be accepted contingent upon final approval of my application for transfer to the (specify component), and to be effective the day preceding the date of my acceptance of appointment in the (specify component)."

Figure 3-3.--Minimum Points Required to Establish a Partial Anniversary

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

Figure 3-4.--Membership Points (Gratuitous)

Number of Days in an Active Status		Membership Points credited	Number of Days in an Active Status		Membership Points credited
FROM	THROUGH		FROM	THROUGH	
1	12	0	183	206	8
13	36	1	207	231	9
37	60	2	232	255	10
61	85	3	256	279	11
86	109	4	280	304	12
110	133	5	305	328	13
134	158	6	329	352	14
159	182	7	353	365	15

Figure 3-5.--Request Transfer to the Retired Reserve Awaiting Pay At Age 60

Date:

From: _____
(Grade) (First and Last Name) (EDIPI)

To: Commandant of the Marine Corps (MMSR-5)
Via: Commander, Marine Forces Reserve (*for IRR, ISL and IMA Marines only*)
Commanding Officer, (insert your SMCR Unit) (*for SMCR Unit Marines only*)

Subj: REQUEST TRANSFER TO THE RETIRED RESERVE AWAITING PAY AT AGE 60

Ref: (a) MCO 1900.16

1. Per paragraph 3016 of the reference, I request to be transferred to the Retired Reserve effective the first day of the month of _____ (Month/Year).

2. I believe I am eligible for retirement due to the completion of 20 or more qualifying federal years (with at least 50 retirement points per year) of honorable service in the Armed Forces.

3. Per the reference, I elect the following option (select one):

___a. I do not desire to have a retirement ceremony. Please mail the package directly to my home address as follows:_____.

___b. I desire to have a retirement ceremony. Details for my retirement ceremony are as follows (if known):

Date of ceremony: _____

Unit mailing address: _____

Grade Rank and full name of POC at unit: _____

Retiring Official (rank and full name): _____

4. I understand the following (please initial each block):

___a. I must retire on the first day of the month.

___b. (Enlisted only) I must retire while I am on a valid contract.

Therefore my requested retirement date must be prior to my Reserve End of Current Contract (RECC). If I fail to obtain an extension to my current contract, I understand that my retirement request will be denied if I do not currently have sufficient time remaining on my current Reserve contract.

___c. (Officer only) I must retire on or before my Mandatory Removal Date. I may not be placed on medical hold beyond my MRD unless approved by the Secretary of the Navy prior to my MRD.

___d. (Enlisted only) My request for retirement will cause my deletion from promotion eligibility. If I have twice failed selection and my RECC is after the adjournment date of the board, I may request via message to be considered for promotion while voluntarily processing for retirement. I understand that this request must be submitted to the CMC (MMSR-5 and MMPR-2) at the time I request retirement. I understand that if selected for promotion and my name is on a promotion selection list, my request for retirement will result in the removal of my name from that list.

___e. (Officer only). (1) If my requested retirement date is approved and occurs within 90 days of the convening date of a promotion board for which I am to be considered, I will no longer be eligible for consideration. This will cause my deletion from the eligibility zone and counts as a failure of selection even if I successfully withdraw my retirement at a later date. (2) If my requested retirement date is more than 90 days after the convening date of a promotion board for which I am to be considered, and if I am selected for promotion after having submitted my request to retire, I may request withdrawal of my retirement.

___f. I must EAS at least two weeks prior to my desired retirement date in order to allow sufficient time for administrative transactions to properly post in MCTFS.

___g. I may not request cancellation of my application for retirement or modify the effective date except for one of the following reasons: (1) For a fully documented humanitarian or hardship circumstance that has occurred since my application was submitted. (2) In the best interest/needs of the Marine Corps. I understand that this determination will ultimately be made by HQMC and not by my present command.

___h. I can expect to retire on the date approved by CMC unless I am placed on legal or on medical hold, as authorized only by the CMC (MMSR-5), prior to my actual retirement date. I understand that if I am at service limitations or otherwise pending mandatory retirement, a deferment for medical reasons may only be accomplished if I have a complete medical board accepted by the president of the Physical Evaluation Board or I am hospitalized on my actual retirement date as an in-patient.

___i. A request to modify a retirement date must be submitted with appropriate justification and command endorsements no less than 45 days prior to the approved retirement date.

___j. I understand that the Defense Finance and Accounting Service, Cleveland (DFAS-CL) computes retired pay under the applicable formula established by law, according to my grade, and total number of retirement points per para 3013 of the reference.

___k. I fully understand that I may not extend my retirement date, once a date has been requested, solely to increase my retired pay.

___l. I understand that if I have received separation, severance or readjustment pay under any provision of the law for service in the armed forces, and if I am now qualified for retired pay, DFAS-CL will reduce each payment of retired pay until the total amount deducted equals the amount of separation, severance or readjustment pay.

____m. I may be eligible to receive retired pay prior to Age 60 per reference (aw) DoDI 1215.07 and National Defense Authorization Act of 2008. My date first eligible to receive retired pay will be reduced from age 60 by three months for every 90 days of qualifying active duty service per fiscal year, after 28 January 2008. Upon submission of this retirement request, MMSR-5 will calculate my date first eligible which will be included in my "awaiting pay" orders.

5. I understand that my retirement, whether voluntary decision or due to service limitations is an important milestone in my career. Understanding the laws and policies that affect my retirement is an essential part of the transition process. I understand that MMSR is committed to assisting me in making my transition as smooth as possible. Additional information is available on the Separation and Retirement Branch web page.

ACKNOWLEDGMENT OF UNDERSTANDING:

I acknowledge that I have been advised of the effects of my application for transfer to the Reserve Retired List Awaiting Pay at Age 60, the consequences of its official submission, and I am satisfied that all topics in this checklist have been adequately covered.

Signature _____ Date _____

Table 3-1.--Inactive/Active Duty Points

MINIMUM TYPE DUTY	INACTIVE TIME REQUIRED	ACTIVE AUTHORITY REQUIRED	DUTY POINTS	MAXIMUM # PTS
TEMACDU, EAD or ADT	1 day	Orders	1	365,366 per yr
Associate	4 hrs	Orders	1	2/day
Appropriate	4 hrs	Orders	1	2/day
Seminars	2 hrs	Orders	1	1/day
Attendance at 1 Conference/MCROA Convention	2 hrs	Orders military	Max 1/day	1
Acquire 1 Enl/ Reenl or Ext of Enl in USMC/USMCR acceptable to HQMC	8 hrs equiva- lent	COMMARFORRES/ CG MCIRSA Certified	4	4
JROTC Unit Assistance	4 hrs	CO, MCD	1	2/day
Acquire 1 PS IRR who joins SMCR	6 hrs	COMMARFORRES	3	3
Acquire 1 referral who enlists in USMC or USMCR	8 hrs equiva- lent	CO, RS	4	4
Correspondence Studies	3 hrs	Certified by Competent Authority	1	No max
Membership	1 yr	USMCR Membership	15	15/ann yr
IDT Periods	4 hrs	SMCR Membership	1	2/day
AFTP/ATP/RMP	4 hrs	UMS	1	2/day
EDP	4 hrs	UMS	1	2/day
MTU meetings	4 hrs	MTU Membership	1	2/day
MTU Command Duty	4 hrs	CO, MTU	1	2/day
MTU Instruction Preparation	4 hrs	CO, MTU	1	2/day

FIRST ENDORSEMENT

Date_____

1. Forwarded recommending (approval / disapproval). I have been advised of this Marine's desire to request to retire and have discussed with this Marine his/her desire for a retirement ceremony.

(Signature of endorsing official)

(CO for SMCR; Opsponsor for IMA; MFR G1 for IRR/ISL/)

Copy to:
MMRP-20

CHAPTER 4

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

GENERAL

	<u>PARAGRAPH</u>
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SECTION 1: PROCESSING FOR SEPARATION

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MARCORSEPMAN 1900.16-4001

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

4001. PURPOSE. To supplement established policies, standards and procedures for the administrative separation of officers of the Marine Corps who do not maintain required standards of performance, professional, or personal conduct.

MARCORSEPMAN 1900.16-4002

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (t) SECNAVINST 1920.6C W/ CH 4

***4002. APPLICABILITY.** Reference (t) SECNAVINST 1920.6C contains Department of the Navy policies, standards and procedures regarding the administrative separation of officers for cause. Notwithstanding any provision in this chapter, the policies, standards and procedures contained in reference (t) SECNAVINST 1920.6C control administrative separations of officers. This chapter provides supplemental guidance for the revocation of commissions, discharge, termination of appointments, release from active duty, and dropping from the rolls of Marine Corps officers. The policies, reasons for separation for cause, and provisions for characterization of service apply to all officers and warrant officers of the regular and reserve components. This chapter does not apply to discharge or retirement for physical disability, or discharge or dismissal by reason of a sentence adjudged by court-martial. The separation of reserve officers on inactive duty is addressed in chapter 3 of this manual.

MARCORSEPMAN 1900.16-4003

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (t) SECNAVINST 1920.6C W/ CH 4

***4003. GUIDANCE TO COMMANDERS ON SEPARATION PROCESSING.** Reference (t)
SECNAVINST 1920.6C takes precedence if conflicts exist between this manual
and the SECNAVINST.

MARCORSEPMAN 1900.16-4101

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

4101. INITIATING SEPARATION OF AN OFFICER - NOTIFICATION. Every commanding officer shall report to the CMC (JAM) all incidents (including information received through any source e.g., Naval Investigative Service, civilian law enforcement, etc.) involving any officer whose performance or conduct is such that processing for separation may be appropriate and consistent with this chapter.

MARCORSEPMAN 1900.16-4102

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

4102. PROCESSING FOR SEPARATION. The CMC shall initiate processing for separation under the following circumstances:

1. Cases referred under paragraph 4101 when considered appropriate under this chapter.
2. When information is received involving officers whose performance or conduct is such that processing for separation is considered appropriate under this chapter.
3. Every officer reported to the Secretary of the Navy that has been identified for substandard performance or professional or personal misconduct by a selection board.

MARCORSEPMAN 1900.16-4103

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (c) Manual for Courts Martial (MCM)
(j) SECNAVINST 5300.28E
(t) SECNAVINST 1920.6C W/ CH 4
(bh) MCO 1000.9A
(bi) DoDI 1332.30

***4103. REASONS FOR SEPARATION FOR CAUSE.** The reasons for separation are described in the current version of reference (t) SECNAVINST 1920.6C. The following information supplements that guidance:

*1. Illegal Drug Involvement. Processing for separation is mandatory. An officer will be recommended for separation if an approved finding of unlawful drug involvement is made. Illegal drug involvement includes, but is not limited to, illegal, wrongful, or improper use, possession, sale, transfer, distribution, manufacture, importation into the customs territory of the United States, exportation from the United States, or introduction on a military installation, vessel, vehicle, or aircraft used by or under the control of the Armed Forces, of any substance that is listed on a schedule of controlled substances by the President or in Schedules I through V of section 202 of the Controlled Substances Act (Title 21 U.S.C. section 812), or opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, marijuana, steroids, any compound or derivative of any such substance, or any other dangerous or illicit drug or other forms of substance abuse (such as designer drugs, fungi, chemicals not intended for human consumption, spice, bath salts, etc.) as defined in reference (j) SECNAVINST 5300.28E paragraph 5.c), and/or the possession, sale, or transfer of drug paraphernalia as defined in reference (j) SECNAVINST 5300.28E. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rules of Evidence or from a search and seizure under Military Rules of Evidence in the current version of reference (c), the Manual for Courts Martial, or incident to an exam conducted for a valid medical reason, may be used to characterize a Marine's discharge as under other than honorable conditions. Upon discharge, drug dependent Marines will be referred to a Department of Veterans Affairs medical facility or other rehabilitation center. The discharge of an officer who is drug dependent will not be delayed for medical or rehabilitation treatment for drug dependency.

*2. Sexual Harassment

*a. Sexual harassment is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

*(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or;

*(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or;

*(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Abusive work environment harassment need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive. See reference (bh) MCO 1000.9A for additional information regarding sexual harassment.

*b. Sexual harassment may also meet the definition of sexual misconduct under paragraph 4103.3.

*c. Processing for separation is mandatory following the first substantiated incident of sexual harassment involving any of the following circumstances:

*(1) Threats or attempts to influence another's career or job for sexual favors;

*(2) Rewards in exchange for sexual favors; or,

*(3) Physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in a punitive discharge.

*d. An incident is considered substantiated when there has been a court-martial conviction, nonjudicial punishment, or the commander determines, based on a preponderance of the evidence, that sexual harassment has occurred. The limitations in paragraph 6106.1 on separation processing following acquittal at a court-martial do not apply to officers. See reference (bi) DoDI 1332.30, enclosure (3), paragraph 6.d.

*e. Only the Sexual Assault Initial Disposition Authority (SA-IDA) or higher may determine that processing under this paragraph is an appropriate disposition. This paragraph is not intended to preclude disciplinary action to include trial by court-martial, when appropriate.

*3. Sexual Misconduct

*a. Sexual Offender

*(1) Officers, whether active duty or in a reserve status, who are required to register as sex offenders or who have been convicted of a sexual offense as outlined in The Department of Justice, National Guidelines for Sex Offender Registration and Notification, whether in a civilian court or by court-martial, if not punitively discharged, shall be processed for administrative separation. Such processing will be in accordance with reference (t) SECNAVINST 1920.6c.

*(2) Officers who have been convicted of a sexual offense while on active duty and are separated shall have the sexual offense conviction recorded in their permanent record.

*(3) Sexual offenders shall not be subject to recall for any purpose unless approved by the Secretary of the Navy.

*b. Sexual misconduct includes conduct that could form the basis for a violation of the following Articles of the UCMJ:

*(1) Article 120 - Rape and sexual assault generally

- (a) Rape
- (b) Sexual assault
- (c) Aggravated sexual contact
- (d) Abusive sexual contact

*(2) Article 120b - Rape and sexual assault of a child

- (a) Rape of a child
- (b) Sexual assault of a child
- (c) Sexual abuse of a child

*(3) Article 120c - Other sexual misconduct

- (a) Indecent viewing, visual recording, or broadcasting
- (b) Forcible pandering
- (c) Indecent exposure

*(4) Article 125 - Forcible sodomy

*(5) Article 80 - Attempts (to commit any of the offenses listed in subparagraphs (1) through (4)).

*c. Processing for separation is mandatory following the first substantiated incident, or substantiated attempted incident of sexual misconduct.

*d. An incident, or attempted incident, is considered substantiated when there has been a court-martial conviction, civilian court conviction, nonjudicial punishment, or when a commander determines, based on a preponderance of the evidence, that an incident or attempted incident of sexual misconduct has occurred. The limitations in paragraph 6106.1 on separation processing following acquittal at a court-martial do not apply to officers. See reference (bi) DoDI 1332.30, enclosure (3), paragraph 6.d.

*e. Only the Sexual Assault Initial Disposition Authority (SA-IDA) or higher may determine that processing under this paragraph is an appropriate disposition. This paragraph is not intended to preclude disciplinary action to include trial by court-martial, when appropriate.

MARCORSEPMAN 1900.16-4104

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

4104. RETIREMENT OR RESIGNATION. An officer being processed for separation for cause may, at any time during proceedings, under this chapter, submit a qualified or unqualified resignation or a resignation for the good of the service, or, if eligible, request retirement under of this manual.

1. Resignations tendered under this paragraph shall not request an effective date. The retirement/resignation will be effective upon approval by the Secretary of the Navy. In addition, the resignation will not be input into the unit diary system unless approved by the Secretary of the Navy.

2. Normally, a reserve commission is not authorized for regular officers resigning under this paragraph.

3. Address requests for qualified or unqualified resignation to the Secretary of the Navy via the chain of command and the CMC (JAM). If a resignation is submitted in lieu of a recommendation for administrative separation, the resignation shall state that it is offered under this paragraph and shall contain the appropriate statement below corresponding to the type of discharge requested. If the resignation is submitted to avoid trial by court-martial, the resignation shall contain the statement in subparagraph 4104.3c and follow the procedures in paragraph 4104.4.

a. "I have been informed and understand that if my resignation in lieu of processing for administrative separation for cause is accepted, I shall subsequently receive a certificate of honorable discharge from the naval service."

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

c. "I have been informed and understand that if my resignation (in lieu of court-martial)/(in lieu of processing for administrative separation for cause) is accepted, I may subsequently receive a characterization of service from the Marine Corps which will state upon its face that it is under other than honorable conditions; that I may be deprived of substantial rights,

benefits, and bounties which federal or state legislation confers or may hereafter confer upon persons with honorable service in, or separated from, the Armed Forces, that I may expect to encounter substantial prejudice in civilian life in situations where the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing."

4. Separation in Lieu of Trial by Court-Martial. An officer may be separated in lieu of trial by court-martial upon the officer's request if charges have been preferred with respect to an offense for which a punitive discharge is authorized. This provision may not be used as a basis for separation when Rules for Courts-Martial 1003(d) of the Manual for Courts Martial (MCM) provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial authorized to adjudge a punitive discharge.

a. The following procedures apply for submission of the request to the Secretary of the Navy via the chain of command and the CMC (JAM).

(1) The request for discharge shall be submitted in writing and signed by the officer.

(2) In the written request, the officer shall indicate that the following is understood:

(a) The elements of the offense or offenses charged;

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

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

b. 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; and

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

MARCORSEPMAN 1900.16-4105

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

4105. CHARACTERIZATION OF SERVICE

1. A characterization of service or discharge will not be issued to officers separated by one of the following conditions:

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

b. Separation of an officer through dropping from the rolls of the service.

2. In addition to the federal law specifically concerning the separation of military officers, other federal statutes provide for the dismissal or removal from office of federal officials involved in misconduct or malfeasance. Examples of the class of statutory prohibitions referred to, whether or not specifically applicable to Marine officers are:

a. Carrying on of trade or business by fiscal officers in funds, debts, or public property of federal or state governments.

b. Using appropriated funds to influence legislation.

c. Accepting bribes.

*3. No characterization of service will be issued to any officer specifically removed, dismissed, or otherwise disqualified from further service pursuant to one of these types of statutes.

MARCORSEPMAN 1900.16-4106

ADMINISTRATIVE SEPARATION OF OFFICERS FOR CAUSE

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10, U.S.C.
(ai) DoDI 1332.29

4106. SEPARATION PAY FOR INVOLUNTARY SEPARATIONS FOR CAUSE. Reference (a) Title 10, U.S.C. section 1174, reference (ai) DoDI 1332.29 and paragraph 1303 of this manual govern entitlement to separation pay for officers who are administratively separated under the provisions of this chapter.

CHAPTER 5

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

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MARCORSEPMAN 1900.16-5001

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND
FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

5001. GENERAL

1. This chapter pertains to voluntary resignations submitted by officers of the regular component and involuntary discharges of officers on active duty as a result of a second failure of selection for promotion to the next higher grade. No officer will be discharged without specific authority from the Commandant of the Marine Corps.

2. The Secretary of the Navy determines the characterization of separation for officers. General guidance may be found in paragraphs 1004 and 4105. An honorable discharge is normally issued for unqualified resignations and discharges due to a second failure of selection for promotion. Honorable discharge certificates will be issued by the CMC (DC M&RA) on behalf of the Secretary of the Navy. Under no circumstances will any unit prepare a discharge certificate on an officer. General discharge certificates are no longer issued.

3. Submit resignations in lieu of administrative separation for cause or in lieu of trial by court-martial per paragraph 4104.

MARCORSEPMAN 1900.16-5002

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (aj) MCO P1300.8R W/CH 1-8

5002. RESIGNATION ELIGIBILITY

*1. Career designated officers serve at the pleasure of the President as determined by the Secretary of the Navy and no terminal dates are established for their commissions. The Secretary of the Navy has delegated to the CMC (DC M&RA), the authority to approve an officer's resignation on behalf of the President. The CMC will recommend approval of only those requests for resignation and subsequent requests for withdrawal which meet the criteria set forth in this manual. When a request is disapproved, the CMC will reply by letter stating the reason for disapproval.

2. The resignation of a commission is a voluntary act and must be unconditional. Officers who submit resignations may expect favorable action provided they fulfill the requirements of this paragraph; however, the criteria may be modified as necessary to meet the existing needs of the service. Specifically, the acceptance of an officer's resignation may be deferred or disapproved in order to maintain officer personnel strength at the necessary level. The CMC will ensure such action occurs only when critical conditions exist. The acceptance of an officer's resignation will be judged on the following:

a. Needs of the Service.

*b. Completion of the period of active commissioned service, chief warrant officer service, or warrant officer service, as specified in the officer's service agreement. Career designated officers retain their original active duty obligation. In some cases, this obligation may be extended per paragraph 5002.3f. All active service, exclusive of active duty for training in the grade of warrant officer or above, will be counted.

c. Completion of the period of service specified in the officer's flight training agreement.

d. Completing 24 months of service after attending a service school, fellowship, or service school equivalent when the prescribed course of instruction is 20 or more weeks of duration and attendance is in compliance with official orders. The 24-month service requirement also applies to an officer who enters but does not complete a prescribed course of 20 or more weeks duration. In this case, the service requirement commences on the officer's date of transfer from the course. Officers serving their initial obligated active duty tour who are involuntarily ordered to attend such a school are excluded from the above provisions. Additionally, the resignation of officers who successfully complete a military or funded civilian course of 19 weeks or less will not be approved before the completion of 12 months of active duty following completion of the course.

e. Completion of a minimum of 24 months active duty service after:

(1) Completion of training to be an instructor at a Fleet Readiness Squadron (FRS) or in the Naval Aviation Training Command (NATC).

(2) Completion of Marine Aviation Weapons and Tactics Squadron (MAWTS-1) Weapons and Tactics Instructor Course (WTI), or Naval Fighter Weapons School (Top Gun).

(3) Completion of a tour as a participant in the Marine Corps Foreign Personnel Exchange Program (MCFPEP), aviation, or aviation ground exchange tours with U.S. services or a foreign military service. These tours include, but are not limited to: USAF exchange tours, the Navy Flight Demonstration Team tour, Royal Navy exchange tours, Royal Australian Air Force exchange tours, Italian Navy exchange tours, Spanish Navy exchange tours, and Canadian Navy exchange tours.

(4) Completion of training to be a pilot for operational support aircraft, and this includes, but is not limited to, the UC-12, UC-35 and T-39 aircraft. For operational support aircraft, the obligation is incurred at the commencement of any training toward initial qualification and begins upon completion of initial training; in the case of failure to complete training, the obligation begins on the date of transfer from the course.

f. Completion of the service requirement prescribed in the applicable Marine Corps directive in effect at the time of the officer's selection for the College Degree Program, Excess Leave Program, or other full-time or funded schooling.

g. Completing 24 months on active duty after completing a course for which financial assistance was accepted through the Tuition Assistance (TA) Program. Based upon needs of the Marine Corps, the 24-month service payback requirement may be waived, if reimbursement corresponding to the unserved portion of the 24-month period is made to the U.S. Government. Officers involuntarily separated under mandatory provisions of law are exempt from a TA service payback or reimbursement.

h. Acceptance of a reserve commission (in the case of those officers who have not completed their initial period of obligated service as specified in their service agreement).

i. Completion of the period of service specified in the Aviation Officer Continuation Pay (AOCP) agreement.

3. Officer resignations will not be recommended for approval if:

a. The officer has been issued, or notified that he or she will be issued, Permanent Change of Station (PCS) orders before the date of the officer's request. However, officers issued or notified that they will be issued PCS orders, who would otherwise be eligible to resign before the estimated date of arrival at the new duty station may request cancellation of the pending assignment provided they request resignation.

(1) The requested effective date of resignation must be no later than the last day of the month of the estimated date of arrival at the new duty station.

(2) Resignation requests involving cancellation of PCS orders must be forwarded to the CMC (MMSR-2) via written request with command endorsements.

(3) Submit the request at least 120 days before the prescribed estimated date of arrival at the new duty station, but no later than 10 working days after receipt of orders.

(4) Should the notification of orders be less than 120 days from the estimated date of arrival at the new duty station, the effective date of resignation will not be earlier than 120 days from the date of notification, unless the Marine requests otherwise.

(5) Requests that do not comply with this criteria will not normally be given favorable consideration.

b. The officer assigned (joined or attached) to a unit located within the Continental United States (CONUS) scheduled to deploy outside its immediate geographical location in excess of 90 days submits a resignation within four months, or nine months in the case of a carrier (CV) deployment, of the date the deployment is scheduled to commence.

c. The officer is serving overseas and desires separation before completion of the minimum tour length prescribed by reference (aj) MCO P1300.8R, Marine Corps Personnel Assignment Policy (for this purpose, Alaska and Hawaii are considered to be overseas locations). Officers who voluntarily extend their overseas tour will not be eligible to resign before fulfillment of that extension.

d. The officer has not completed two years at a current CONUS duty station (except those officers who fall under paragraph 5002.4c).

e. The officer is serving in a billet requiring contact relief, submits a request less than 120 days before the resignation date and a replacement is not available within that time frame.

*f. The officer requests to resign before completion of two years from the date of career designation. Officers selected for career designation incur a 2-year active duty obligation in the Marine Corps. This obligation will run concurrently with any other obligation(s) and will not serve to decrease any other legal obligation.

4. Officers serving on an overseas tour, or those officers whose orders prescribe a specific tour length, will not be allowed to resign before completion of that tour as defined in reference (aj) MCO P1300.8R. Officers desiring to request resignation from an overseas duty station, or officers who are serving in a billet where tour length is specified in the PCS orders, and who are eligible, may elect one of the following options:

a. Request resignation coinciding with rotation tour date;

b. Request resignation coinciding with completion of a tour when the tour length has been specified in PCS orders;

c. Return to CONUS on rotation date and serve a minimum of one year at the next duty station before resigning;

d. Accept orders from a specified tour length billet and serve the minimum time on station required before resigning. Officers who are ineligible to resign at RTD, or at the end of their specified tour length, but who will become eligible in less than a year, and who desire to resign when first eligible, may either extend their tour to coincide with the requested date of resignation or elect the option in paragraph 5002.4c. Officers resigning per this paragraph will return to CONUS (MCC W95) no later than 10 days before the requested date of resignation unless they have notified the CMC (MMOA) that separation overseas is desired.

5. When an officer requests a waiver of any of the criteria in this paragraph, the officer must justify it on the grounds of undue hardship. Such requests must include the same information required by paragraph 6407 and must clearly establish that a situation exists which is not of a temporary nature, not susceptible to relief by other means, and where approval of the resignation is the only means readily available to alleviate the hardship. **Opportunity for civilian employment does not warrant waiver of the criteria.**

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

MARCORSEPMAN 1900.16-5003

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (t) SECNAVINST 1920.6C
(aw) MCTFSPRIUM (Online)

5003. SUBMISSION OF RESIGNATION REQUESTS

*1. The reporting senior of the officer requesting resignation will counsel the officer before submission of the resignation request. Following the completion of counseling, the following entry will be made on page 11 of the officer's OQR/ESR:

"(Date) I request to resign my commission in the Marine Corps active component effective (date) and (do) (do not) desire a reserve commission. I have been counseled per paragraph 5003 of MCO 1900.16. I understand, if I elect to be considered for a reserve commission, it is not automatic and will be granted at the discretion of the Secretary of Defense."

*2. Submit requests for resignation via the unit diary per reference (aw) Online MCTFSPRIUM paragraph 5137. The entry must be made not more than 14 months nor less than four months before the requested date of resignation. This is the minimum time necessary for processing requests and issuing orders to the officer concerned. The MCTFS will not accept resignation requests made via unit diary outside the 4 to 14 month window. The unit must run the appropriate type transaction code (TTC) request in the unit diary to indicate whether the officer does or does not desire a reserve commission. See procedures in appendix E. For officers who are not obligated and do not desire a reserve commission, include a history statement stating SNO does not desire a reserve commission. In those cases where the resignation request is submitted by separate correspondence and is received less than four months before the requested date, the CMC will reestablish the effective date to allow time for complete processing and billet replacement. Officers requesting resignation are cautioned not to make significant personal commitments (such as buying or selling a house or business, enrolling in graduate school, etc.) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for subsequent expeditious or preferential processing of an officer's request.

*3. The reporting unit will be advised of the receipt of an officer's request for resignation via the diary feedback report (DFR). Specifically, the CMC will post a "pending" planned reenlistment or retirement (RER) flag to the MCTFS. The CMC will also notify the unit via DFR once a request is approved.

4. Submit a letter requesting resignation (figure 5-1) via the chain of command to the CMC (MMSR-2) when:

a. A waiver of the eligibility criteria of paragraph 5002 is required,
or

b. An officer requests a reserve commission, but is not recommended for
one by the commanding officer.

5. Resignation for Cause. All requests for resignation in lieu of a
recommendation or processing for administrative separation for cause or in
lieu of trial by court-martial will be submitted to the CMC (JAM) according
to reference (t) SECNAVINST 1920.6C.

MARCORSEPMAN 1900.16-5004

**OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND
FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST**

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10 U.S.C.
(v) MCO P1050.3J
(ax) DoDI 1310.02

5004. ADDITIONAL INSTRUCTIONS

1. Reserve Commissions

a. Per reference (a), Title 10 U.S.C., Section 651, all officers are obligated for at least six years but not more than eight years of commissioned service, as provided in regulations prescribed by the Secretary of Defense, whether in an active or inactive status. Unless otherwise mandated by the CMC, an officer with obligated service who submits an unqualified resignation will not be separated if they decline a reserve commission.

*b. Officers who complete their initial statutory period of commissioned service will be automatically considered for appointment in the reserve component unless the officer is no longer obligated and does not desire a reserve commission and so states in a resignation letter per figure 5-1. Per reference (ax) DoDI 1310.02, reserve commissions are approved by the Secretary of Defense. This constitutional requirement includes regular officers transitioning to the reserve component (RC) with or without military service obligation (MSO) remaining (Transitional appointments); and former Marine officers with no current military affiliation seeking reappointment into the RC (original appointments or reappointments).

*(1) Nonadverse information process. Scrolls (list of officers to be appointed to the RC) are prepared once a month. All officers are screened by the Staff Judge Advocate to the Commandant of the Marine Corps and Inspector General of the Marine Corps for adverse information. Officers without adverse information in any department of the Navy system of record are then placed on the nonadverse scroll and routed from HQMC, RA Division via the Deputy Commandant for Manpower and Reserve Affairs to the Secretary of Defense (SecDef). The nonadverse transitional scrolling process may require a longer lead time than the minimum length of time required by the resignation process (four months per MARCORSEPMAN MCO 1900.16 para. 5003). The nonadverse transitional scrolling process does not begin until HQMC (RA Division) receives notice of an officer's commission request.

***(2) Notification**

*(a) If SECNAV denies an active component officer for an appointment to the RASL, the officer will be notified by letter from HQMC, Director, RA Division along with a copy of the memo signed by the CMC and the SECNAV. Both documents will be placed in the officer's official military personnel file. The CMC (MMSR-2) will then issue a discharge certificate for

the officer. If the officer is not career designated, the discharge certificate will be issued by CMC (MMOA-3).

*(b) An officer with remaining obligated service, who is not recommended for an appointment to the RASL by the SECNAV, will be given a final discharge indicating no further obligated service remaining. Officers involuntarily discharged as a result of a second failure of selection may be entitled to separation pay. Separation pay will only be authorized if the officer signs a written agreement to serve in the Ready Reserve for three years.

*(3) Adverse information process. Information on the adverse appointment process is provided in order to ensure all affected officers, and potential gaining and losing commanders understand the timelines associated with these nominations, and the impact on the determining separation dates, as well as availability for affiliation and mobilization.

*(a) For purposes of SecDef nominations "Adverse information" is defined as "any substantiated adverse finding or conclusion from an officially documented investigation or inquiry." "Alleged adverse information" is defined as "any allegation of conflict of interest, failure to adhere to required standards of conduct, abuse of authority, misconduct or information serving as the basis for an incomplete or unresolved official investigation or inquiry into a possible conflict of interest or failure to adhere to standards of conduct or misconduct." The officer need not have been subject to administrative or judicial processes as a result of these investigations or inquiries in order to require processing as an adverse nomination. Adverse nominations are routed via the Commandant of the Marine Corps (CMC) and the Secretary of the Navy (SECNAV) to the SecDef for decision. Adverse information or alleged adverse information relating to officer cases is identified through Judge Advocate Division/Inspector General Marine Corps screenings prior to preparing appointment nomination scrolls. If a Marine's adverse material has been previously vetted through SECNAV favorably, such as a promotion, then the officer's adverse information would not require re-vetting and the officer would be placed on the nonadverse scroll.

*(b) The adverse scrolling process may take up to 12 months before final determination is made by the SECNAV to recommend the officer for appointment. An officer appointment is a privilege and not a right; thus officers are not afforded an opportunity to provide additional information on their cases (to include letters of recommendation) or rebut final decisions). If a career designated officer, resigning and approaching their EAS, is still pending a decision by SECNAV/SecDef, the officer can request to either remain on active duty until the final determination is made or be given a separation code indicating a final discharge. The officer should contact both the CMC (MMSR-2) and their monitor to coordinate their request.

*(c) Officers with adverse information or alleged adverse information may not have their names forwarded for a RASL appointment if the service finds the officer unqualified, even if the officer has MSO remaining. A Marine may be discharged before fulfilling a MSO when the Secretary of the Navy has determined that the Marine has no potential for service under the conditions of full mobilization. An officer with obligated service remaining who is not recommended for an appointment to the RASL by the SECNAV will be given a final discharge indicating no further obligated service remaining.

*c. Officers are cautioned not to make personal commitments based upon mere submission of a request for resignation.

*2. Withdrawal or Modification of Resignation Requests. When an officer's resignation has been accepted, the officer shall be separated from the service at a date specified by the CMC. A request for withdrawal or modification of a resignation may be made any time before 45 days from the effective date of the resignation or commencement of separation leave. If an officer desires to withdraw or modify a resignation, a written request must be submitted to the CMC (MMSR-2), endorsed by the chain of command and must contain the reason(s) for modification of resignation date or retention on active duty. The officer's immediate commanding officer will include in the forwarding endorsement a specific recommendation concerning the modification or withdrawal of resignation and, if retention is recommended, must contain the reason(s) why the officer desires to modify the date.

3. Expunging Resignation-Related Material

a. Officers whose resignations are withdrawn or disapproved may have their resignation letters and related correspondence expunged from their official records upon their written request. Material for expunging:

(1) For officers on active duty: resignation requests and related correspondence in its entirety.

(2) For officers who resign and subsequently return to active duty in the naval service: portions of resignation correspondence which contain reasons for resigning which might prejudice success on active duty and/or selection for promotion.

b. Other resignation-related material such as separation orders, fitness reports, and Certificates of Release or Discharge (DD Form 214) will not be expunged.

*c. Send requests for removal of resignation related material to the CMC (MMRP-10).

4. Separation Leave. Commanding officers may authorize separation leave in conjunction with a resignation pursuant to reference (v) MCO P1050.3J, Regulations for Leave, Liberty, and Administrative Absence and paragraph 1010 of this manual. Should an officer desire separation leave, the request for resignation must be submitted in advance of the minimum four-month submission time for at least a period of time equal to the amount of leave desired.

MARCORSEPMAN 1900.16-5005

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND
FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

5005. SEPARATION ORDERS

*1. Approval/disapproval of a resignation request and authority to release is issued via the unit diary through the MCTFS. Units will be notified via DFR. Issue separation orders per figures 5-2 through 5-5. Written authority to release, or issuance of orders by the CMC is not provided except as specified in paragraphs 5005.2 and 5005.3.

2. The CMC (MMSR) will issue message orders and unit diary instructions granting authority to discharge active duty officers involuntarily separated except for those officers twice having failed of selection to the next higher grade. Separation authority for those officers twice having failed of selection is only issued via the unit diary. Commanders will prepare and issue orders in the appropriate format prescribed in figures 5-2 through 5-5. Under no circumstances will the commander change or hold in abeyance the separation of an officer without prior approval from the CMC (MMSR-2).

3. The CMC (MMSR) will issue separation orders for officers who are separated for other than the reasons in paragraph 5005.2.

4. In all cases, the CMC (MMSR) will issue officer discharge certificates. Commanding officers are required to issue an appointment acceptance and record (NAVMC 763) for officers accepting a commission in the U.S. Marine Corps Reserve.

MARCORSEPMAN 1900.16-5006

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (a) Title 10, U.S.C.
(f) DoDFMR 7000.14-R
(t) SECNAVINST 1920.6C W/CH 4
(ai) DoDI 1332.29

5006. INVOLUNTARY DISCHARGE AS A RESULT OF A SECOND FAILURE OF SELECTION FOR PROMOTION

1. Each officer on the active duty list serving in any grade of chief warrant officer, first lieutenant, captain, or major, who has twice failed selection for promotion to the next higher grade, will be discharged from the service unless: otherwise continued on active duty, in the sanctuary zone with between 18 and 20 years of active service and serving until retirement eligible, retired, or, if a permanent limited duty officer, reverted to a warrant officer or enlisted status. Guidance on actions taken in regard to officers incurring a second failure of promotion is contained in reference (t) SECNAVINST 1920.6C. General guidance is contained in table 5-1 of this manual.

2. Within 30 days after publication of the board's results, officers covered under this provision will receive a status letter from the CMC (MMSR) via the chain of command. This letter will inform such officers of their options concerning entitlement to severance or separation pay and the latest date which they may elect discharge. Included with this letter is an enclosure that the officer will complete and return to the CMC (MMSR) making known the officer's pay and separation date choices.

3. The discharge or retirement of an officer pursuant to this provision shall be considered to be an involuntary separation for the purpose of any other provision of law. Except as indicated below, under no circumstances will an officer directed to separate for twice failing selection to promotion be retained beyond the mandatory discharge date.

a. Retention beyond an involuntary separation date for a commissioned officer may only be authorized by the Secretary of the Navy if an officer's medical condition is so serious as to warrant disability determination by the Physical Evaluation Board or if separation without further medical treatment will seriously jeopardize the health of the Marine. Deferment of retirement or separation for medical reasons is governed by reference (a) Title 10, U.S.C. section 640. The CMC (MMSR) must be immediately notified by naval message of any officer in such situation(s).

b. The Secretary of the Navy may defer a warrant officer's mandatory separation, for not more than four months if, because of unavoidable circumstances, evaluation of the officer's physical condition and determination of his entitlement to retirement or separation for physical disability requires hospitalization or medical observation that cannot be

completed before the date of involuntary separation; reference (a) Title 10, U.S.C. section 580(6)(b).

c. When any action commences against an officer with a view to trying the officer by court-martial and the officer is scheduled to be separated or retired under this manual, reference (a) Title 10, U.S.C. section 639 allows the Secretary of the Navy to delay the separation or retirement of the officer, without prejudice to such action, until completion of the action. Additionally, personnel may be retained if determined by the commanding officer to be 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. Immediately notify the CMC (JAM and MMSR) of an officer in this situation.

4. The continued military service of officers who are not sufficiently qualified for promotion to the grade of first lieutenant is inconsistent with mission requirements and the productivity and efficiency of the Marine Corps. An officer found not qualified for promotion to the grade of first lieutenant shall be honorably discharged at the end of the 18 month period beginning on the date on which the officer is first found not qualified for promotion.

5. Continuation Boards. Captains and majors subject to DOPMA, who have twice failed selection to the next higher grade are subject to the provisions of reference (a) Title 10, U.S.C. section 637. Warrant officers who have twice failed selection to the next higher grade are subject to the provisions of reference (a) Title 10, U.S.C. section 580. See table 5-1.

*6. Eligibility for Separation Pay. Officers involuntarily discharged as a result of a second failure of selection may be entitled to separation pay. Separation pay will only be authorized if the officer signs a written agreement to serve in the Ready Reserve for three years. Per reference (f), DoDFMR 7000.14-R prescribes actual entitlements and methods of computation. The CMC (MMSR) will complete a statement of service to include a statement of qualifying service which will be included in the separation orders. An officer that contributed to his or her failure of selection through written communication to the board requesting/indicating not to be selected, or who declines continuation or promotion is not eligible for separation pay. For further information on separation pay eligibility refer to reference (a) Title 10, U.S.C. section 1174, reference (ai) DoDI 1332.29 and chapter 1, section 3 of this manual.

MARCORSEPMAN 1900.16-5007

**OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND
FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST**

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***5007. SEPARATION OF OFFICERS NOT CAREER DESIGNATED.** The CMC (MMOA-3) is responsible for issuing release from active duty orders for all officers on active duty who are not career designated. Non-career designated officers who have completed their statutory period of commissioned service must positively apply for a reserve commission. Since officers in this category are not resigning, the resignation provisions of para. 5004.1 do not apply. Prior service officers may verify if they fall into this category by checking their basic individual record to determine if their EAS date is later than their EOS date. If so, officers in this category are highly encouraged to request a reserve commission by contacting RA Division, Reserve Continuation and Transition Branch (RCT).

MARCORSEPMAN 1900.16-5008

OFFICER RESIGNATIONS AND INVOLUNTARY DISCHARGES AS A RESULT OF A SECOND
FAILURE OF SELECTION FOR PROMOTION WHILE ON THE ACTIVE DUTY LIST

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (az) SECNAVINST 1000.7F

5008. INTERSERVICE TRANSFER. Procedures for requesting an interservice transfer and concurrently resigning are found in reference (az) SECNAVINST 1000.7F.

Figure 5-1.--Request for Resignation

(Letterhead)

From: (Officer Concerned)
To: Commandant of the Marine Corps (MMSR-3)
Via: Chain of Command

Subj: REQUEST FOR RESIGNATION

*Ref: (a) MCO 1900.16 (MARCORSEPMAN) par. 5002

1. I tender my resignation of commission in the United States Marine Corps, per the reference, and request an effective date of _____.

*2. I (do) (do not) desire to accept a commission in the U.S. Marine Corps Reserve. I understand the Reserve Commission is not automatic and can only be granted at the discretion of the Secretary of Defense. I understand if I have adverse material on file, up to 12 months may be required to process my Reserve Commission. (Use this sentence for officers with no remaining obligation as defined in paragraph 5004.1.).

OR

*3. I will accept a commission in the U.S. Marine Corps Reserve, if tendered. I understand the Reserve Commission is not automatic and can only be granted at the discretion of the Secretary of Defense. I understand if I have adverse material on file, up to 12 months may be required to process my Reserve Commission. (This sentence must be used when officers have not completed their statutory obligation as defined in paragraph 5004.1.).

4. My (reason/justification) for submitting my letter of resignation/termination of permanent appointment is _____.

(Signature)

FIRST ENDORSEMENT

From: Commanding Officer
To: Commandant of the Marine Corps (MMSR-3)
Via: Chain of Command

1. Forwarded recommending _____ *Note 1 _____.

(Signature)

*Note 1: The reporting senior must recommend and justify either offering or not offering a Reserve commission to the officer submitting the resignation regardless of whether or not they are obligated by law to accept a Reserve commission.

Figure 5-2.--Acceptance of Resignation of Regular Commission in the U.S.
Marine Corps With Obligated Reserve Commission

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

(Letterhead)

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

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (OBLIGATED)

Ref: *(a) MCO 1900.16 (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
*(c) MCO P1070.12K (IRAM) par. 3003
*(d) Online MCTFSPRIUM
(e) JFTR par U5125-A

Encl: (1) Appointment Acceptance and Record Form (NAVMC 763)
(2) Honorable Discharge Certificate

1. Your request for resignation is approved, per reference (a), provided you accept a commission in the Marine Corps Reserve in order to fulfill your commissioned military service obligation stipulated in your service agreement. You are obligated to serve in the inactive Reserve until (EOS).

2. Effective 2359 on (PRR), you will be released from active duty and assigned to inactive duty in the Marine Corps Reserve.

3. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being separated from the Regular Marine Corps. As no active duty is authorized as a Reserve officer, you are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Regular Marine Corps.

4. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action authorized in paragraph 2 is not effected in the event you do not execute enclosure (1). Should you not execute the NAVMC 763, your commanding officer is directed to make a page 11 entry in your service record reporting this fact.

b. Ensure you obtain a medical evaluation before separation to determine your fitness for separation from the Regular Marine Corps and for your appointment in the Marine Corps Reserve. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).

c. Refer to subparagraph 3003.4 of the IRAM concerning the old and new NAVMC 763.

d. NAVMC 763: complete item 21d, administer the oath of office, and complete item 22 on the original and all copies of enclosure (1) per

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (OBLIGATED)

reference (c). Should separation leave be authorized, administer the oath of office before the leave period. To the left of item 22 insert the effective date. This date will be the date following the effective date of discharge.

e. Insert the following in the Officer Qualification Record:

- (1) The appropriate copy of the DD Form 214.
- (2) A copy of these orders with all endorsements and modifications.
- (3) Copy 1 of the NAVMC 763.

f. Deliver copy 3 of the NAVMC 763 to you.

g. Report discharge per reference (d) and appendix E of reference (a).

h. By endorsement:

* (1) Transfer you by service records to the Commanding General, Marine Corps Mobilization Command, 2000 Opelousas Ave., New Orleans, LA 70146.

(2) State the point you elect for mileage allowance per reference (e).

i. Transmit the HQMC copy of the DD Form 214 with a copy of these orders to HQMC, (MMRP-20), 2008 Elliot Road, Quantico, VA 22134 within three working days after effective date of discharge.

j. Forward the Officer Qualification Record to the Commanding General, Marine Corps Mobilization Command.

k. Provide your disbursing officer with the following information:

- (1) Separation authority: MARCORSEPMAN, paragraph (AUTH).
- (2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per appendix A MARCORSEPMAN).

5. You are directed to accomplish the following:

a. Immediately upon receipt of these orders, furnish two certified copies to the disbursing officer carrying your pay accounts.

b. Within 30 days following your separation, report by letter to the Commanding Officer, Marine Forces Reserve (COMMARFORRES), enclosing a copy of these orders with any modifications and endorsements.

c. Keep the Commander, Marine Forces Reserve (COMMARFORRES), informed at all times of your current mailing address.

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (OBLIGATED)

6. Expenditures under these orders are located on the Marine Corps Total
Force System (MCTFS) D860 remarks page.

7. Enclosure (2) recognizes your honorable discharge from the Regular Marine
Corps.

8. The Commandant appreciates the many contributions you have made to the
Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
OMPF

ELECTION ENDORSEMENT

I certify that I have selected my (Home of Record/Place of Commission (*)) for the purposes of travel allowances incident to my discharge. 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. Insert at the (*) either the Home of Record or Place of Commission based on the officer's desires.
2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
3. The PRR should be in "DD Month YYYY" format. Under no circumstances may a PRR be changed without prior approval from the CMC (MMSR).

Figure 5-3.--Acceptance of Resignation of Regular Commission in the U.S.
Marine Corps With Reserve Commission

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

(Letterhead)

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

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (NON-OBLIGOR)

Ref: *(a) MCO 1900.16 (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
*(c) MCO P1070.12K (IRAM) par. 3003
*(d) Online MCTFSPRIUM
(e) JFTR par U5125-A

Encl: (1) Appointment Acceptance and Record Form (NAVMC 763)
(2) Honorable Discharge Certificate

1. Your request for resignation is approved, per reference (a). You have been considered for and tendered a commission in the Marine Corps Reserve.

2. Effective 2359 on (PRR), you will be released from active duty and assigned to inactive duty in the Marine Corps Reserve.

3. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being separated from the Regular Marine Corps. As no active duty is authorized as a Reserve officer, you are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Regular Marine Corps.

4. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action authorized in paragraph 2 is not effected in the event you do not execute enclosure (1). Should you not desire the Reserve commission tendered, your commanding officer is directed to make a page 11 entry in your service record reporting this fact. These orders will be immediately canceled and new discharge orders issued.

b. Ensure you obtain a medical evaluation before separation to determine your fitness for separation from the Regular Marine Corps and for your appointment in the Marine Corps Reserve. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).

c. Refer to subparagraph 3003.4 of the IRAM concerning the old and new NAVMC 763.

d. NAVMC 763: complete item 21d, administer the oath of office, and complete item 22 on the original and all copies of enclosure (1) per reference (c). Should separation leave be authorized, administer the oath of

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (NON-OBLIGOR)

office before the leave period. To the left of item 22, insert the effective date. This date will be the date following the effective date of discharge.

e. Insert the following in the Officer Qualification Record:

- (1) The appropriate copy of the DD Form 214.
- (2) A copy of these orders with all endorsements and modifications.
- (3) Copy 1 of the enclosed NAVMC 763.

f. Deliver copy 3 of the NAVMC 763 to you.

g. Report discharge per reference (d) and appendix E of reference (a).

h. By endorsement:

* (1) Transfer you by service records to the Commanding General, Marine Corps Mobilization Command, 2000 Opelousas Ave, New Orleans, LA 70146.

(2) State the point you elect for mileage allowance per reference (e).

i. Transmit the HQMC copy of the DD Form 214 with a copy of these orders to HQMC, (MMRP-20), 2008 Elliot Road, Quantico, VA 22134 within three working days after effective date of discharge.

j. Forward the Officer Qualification Record to the Commanding General, Marine Corps Mobilization Command.

k. Provide your disbursing officer with the following information:

- (1) Separation authority: MARCORSEPMAN, paragraph (AUTH).
- (2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per Appendix A MARCORSEPMAN).

5. You are directed to accomplish the following:

a. Immediately upon receipt of these orders, furnish two certified copies to the disbursing officer carrying your pay accounts.

b. Within 30 days following your separation, report by letter to the Commander, Marine Forces Reserve (MARFORRES), enclosing a copy of these orders with any modifications and endorsements.

c. Keep the Commander, Marine Forces Reserve (MARFORRES), informed at all times of your current mailing address.

6. Expenditures under these orders are located on the Marine Corps Total Force System D860 Remarks page.

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS AND APPOINTMENT IN THE MARINE CORPS RESERVE (NON-OBLIGOR)

7. Enclosure (2) recognizes your honorable discharge from the Regular Marine Corps.

8. The Commandant appreciates the many contributions you have made to the Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
OMPF

ELECTION ENDORSEMENT

I certify that I have selected my (Home of Record/Place of Commission (*)) for the purposes of travel allowances incident to my discharge. 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. Insert at the (*) either the Home of Record or Place of Commission based on the officer's desires.
2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
3. The PRR should be in "DD Month YYYY" format. Under no circumstances may a PRR be changed without prior approval from the CMC (MMSR).

Figure 5-4.--Acceptance of Resignation of Regular Commission in the U.S.
Marine Corps Without a Reserve Commission

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

(Letterhead)

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

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS

Ref: *(a) MCO 1900.16 (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
*(c) Online MCTFSPRIUM
(d) JFTR par U5125
*(e) MCO P1070.12K (IRAM)

Encl: (1) Honorable Discharge Certificate

1. Your request to resign your Regular commission is approved, per reference (a). Effective 2359 on (PRR), you are discharged from the U.S. Marine Corps.

2. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being discharged from the Regular Marine Corps. You are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Marine Corps.

3. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action authorized in paragraph 1 is effected.

b. Ensure you obtain a medical evaluation before separation to determine your fitness for separation from the Regular Marine Corps. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).

c. Insert the following in the Officer Qualification Record:

(1) The appropriate copy of the DD Form 214.

(2) A copy of these orders with all endorsements and modifications.

d. Report discharge per reference (c) and Appendix E of reference (a).

e. By endorsement state the point you elect for mileage allowance per reference (d).

f. Transmit the HQMC copy of the DD Form 214 with a copy of these orders to the CMC (MMRP-20) within three working days after effective date of discharge.

g. Close out the service record and health (includes medical and dental) records per reference (e).

Subj: ACCEPTANCE OF RESIGNATION OF REGULAR COMMISSION IN THE U.S. MARINE
CORPS

h. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, paragraph (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per Appendix A
MARCORSEPMAN).

4. Immediately upon receipt of these orders, you are directed to furnish two certified copies to the disbursing officer carrying your pay accounts.

5. Expenditures under these orders are located on the Marine Corps Total Force System D860 Remarks page.

6. Enclosure (1) recognizes your honorable discharge from the Regular Marine Corps.

7. The Commandant appreciates the many contributions you have made to the Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
OMPF

ELECTION ENDORSEMENT

I certify that I have selected my (Home of Record/Place of Commission (*)) for the purposes of travel allowances incident to my discharge. 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. Insert at the (*) either the Home of Record or Place of Commission based on the officer's desires.
2. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
3. The PRR should be in "DD Month YYYY" format. Under no circumstances may a PRR be changed without prior approval from the CMC (MMSR).

Figure 5-5.--Letter of Discharge from the U.S. Marine Corps

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

(Letterhead)

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

Subj: DISCHARGE FROM THE U.S. MARINE CORPS

Ref: *(a) MCO 1900.16 (MARCORSEPMAN)
(b) NAVMED P-117 (MANMED) Chap 15
*(c) Online MCTFSPRIUM
(d) JFTR par U5125
*(e) MCO P1070.12K (IRAM)

Encl: (1) Discharge Certificate

1. Effective 2359 on (PRR), you are discharged from the U.S. Marine Corps.
2. Your entitlement to pay and allowances terminates on (PRR). You are entitled to mileage and such other allowances as are authorized in the case of an officer being discharged from the Marine Corps. You are not entitled to constructive travel time or pay and allowances while traveling to your home following your separation from the Marine Corps.
3. The officer having custody of your records is directed to accomplish the following:
 - a. Ensure the discharge action authorized in paragraph 1 is effected.
 - b. Ensure you obtain a medical evaluation before separation to determine your fitness for separation from the Marine Corps. The Standard Form 88, Report of Physical Examination, must include the certification required by reference (b).
 - c. Insert the following in the Officer Qualification Record:
 - (1) The appropriate copy of the DD Form 214.
 - (2) A copy of these orders with all endorsements and modifications.
 - d. Report discharge per reference (c) and Appendix E of reference (a).
 - e. By endorsement, state the point you elect for mileage allowance per reference (d).
 - f. Transmit the HQMC copy of the DD Form 214 with a copy of these orders to the CMC (MMRP-20) within three working days after effective date of discharge.
 - g. Close out the service record and health (includes medical and dental) records per reference (e).

Subj: DISCHARGE FROM THE U.S. MARINE CORPS

h. Provide your disbursing officer with the following information:

(1) Separation authority: MARCORSEPMAN, paragraph (AUTH).

(2) Character of separation: (PLANNED CHAR).

(3) SPD code: (PLANNED SPD). Narrative reason: (Per appendix A MARCORSEPMAN).

(4) Separation pay: (Per unit diary history statement, insert "FULL," "HALF," or "NOT ENTITLED," as appropriate).

4. Immediately upon receipt of these orders, you are directed to furnish two certified copies to the disbursing officer carrying your pay accounts.

5. Expenditures under these orders are located on the Marine Corps Total Force System D860 Remarks page.

6. Enclosure (1) recognizes your discharge from the Marine Corps.

7. The Commandant appreciates the many contributions you have made to the Marine Corps and wishes you every success in the future.

By direction

Copy to:
Disbursing Officer
OMPF

ELECTION ENDORSEMENT

I certify that I have selected my (Place of Commission or Home of Selection (*)) for the purposes of travel allowances incident to my discharge. 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. For reference (d), use paragraph U5125 for those officers discharged with separation pay who have less than 8 years continuous active duty; use U5130 for those officers discharged with separation pay who have more than 8 years continuous active duty with no single break of more than 90 days.
2. Insert at the (*) either the Home of Record, Place of Commission, or Home of Selection per the joint travel regulations.
3. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
4. The PRR should be in "DD Month YYYY" format. Under no circumstances may the PRR be changed without prior approval from the CMC (MMSR).

Table 5-1.--Separation and Service Options Available After
a Second Failure of Selection for Promotion

Component	Grade	Status	Note 1	Note 2	Note 3	Note 4	Note 5
Regular & Reserve	1STLT & CAPT	Unrestricted	X		X	X	X
Regular	MAJ	Unrestricted		X	X		X
Reserve	MAJ	Unrestricted			X		
Regular	1STLT & CAPT	LDO			X	X	X
Regular & Reserve	WO1 & CW02	Permanent	X		X	X	X
Regular & Reserve	CW03	Permanent		X	X		X

NOTES:

1. Unless eligible to retire or separated sooner under some other provision of law, an officer will be honorably discharged not later than the first day of the 7th month after the board results were approved.
2. A major and a CW03 may be selected for continuation to retirement eligibility.
3. If within 2 years of retirement eligibility from the last date a commissioned officer would otherwise be discharged, the officer will be retained on active duty until eligible for retirement.
4. In lieu of discharge, an officer may request reenlistment in an enlisted status; or, if a permanent LDO, revert to a warrant officer or enlisted status.
5. An officer may be selected for continuation until eligible for retirement. CW02s and captains with 15 or more years of service should contact HQMC (MMSR) regarding their continuation status.

CHAPTER 6

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MARCORSEPMAN 1900.16-6001

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6001. GENERAL

1. The procedures and instructions in this chapter pertain to the administrative separation of Marines before completion of active or obligated service. Unless specifically authorized by separate order, only the reasons contained in this chapter may form the basis for a Marine's separation, whether voluntary or involuntary.
2. Procedures and instructions for separating Marines at expiration of active service or upon completion of obligated service are contained in chapter 1. Disability separating processing is discussed in chapter 8.
3. Mandatory Separation Processing. Throughout this chapter, reference is made to a requirement to "process (a Marine) for separation." While discharge is one possible outcome resulting from separation processing, so are retention and suspension of the discharge. "Mandatory processing" means that the commander must initiate the involuntary separation process to the separation authority. This term does not mean that a board hearing is mandatory or that separation of the respondent is mandated.

MARCORSEPMAN 1900.16-6002

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (g) Federal Register Vol 73, No 128, pp 38030-69
(bh) MCO 1000.9A

6002. DEFINITIONS OF COMMON ADMINISTRATIVE SEPARATION TERMS. See paragraph 1002 for additional definitions.

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

*2. Broken Service. Active duty or active duty for training in any branch of military service of the United States broken by any period greater than 24 hours and after completing a minimum of 12 consecutive weeks of active duty or active duty for training, unless such service results in continuous service as defined below.

3. Continuous Service: Enlisted Personnel

*a. Service in the regular Marine Corps or Marine Corps Reserve which is continued by reenlistment "within three months" following discharge or release from active duty. A Marine who is reenlisted on the same day of the month, three calendar months from the date of discharge or release from active duty, is reenlisted "within three months."

b. Reenlistment "within six months" following discharge or release from active duty provided the member is classified RE-1, recommended for preferred reenlistment, and holds an MOS listed as a "reenlistable" MOS. A Marine who reenlisted on the same day of the month, six calendar months from the date of discharge or release from active duty, is reenlisted "within six months."

4. Convening Authority. (1) The separation authority or (2) a commanding officer empowered to convene a special court martial, who has been authorized by the Secretary of the Navy to process a case for final action and who otherwise has the qualifications to act as a separation authority.

5. Counsel. A lawyer qualified and certified under Article 27(b), Uniform Code of Military Justice (UCMJ), assigned to represent a Marine during separation processing, or a civilian lawyer retained at the Marine's expense.

6. Entry-Level Status. Upon enlistment, a Marine qualifies for entry-level status during: (1) the first 180 days of continuous active military service; or, (2) the first 180 days of continuous active service after a service break following more than 92 days of active service. A member of a reserve component who was not on active duty or is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a reserve component. Entry level status for such a member of a reserve

component terminates as follows: (1) 180 days after beginning training if the member is ordered to active duty for training for one continuous period of 180 days or more; or, (2) 90 days after the beginning of the second period of active duty training, if the member is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings. The period of entry level status is not interrupted by unauthorized absence or desertion.

7. General Courts-Martial Convening Authority (GCMCA). Article 22 of the Uniform Code of Military Justice (UCMJ) and paragraph 0120(a) of the Manual of the Judge Advocate General defines the GCMCA.

8. Illegal Drug Involvement. Wrongful or improper use, possession, manufacture, sale, transfer or distribution of any psychoactive substance to include: amphetamine or similarly acting sympathomimetics; cannabis; cocaine; hallucinogens; inhalants; opiates; phencyclidine (PCP) or similarly acting arylcyclohexylamines; and sedatives, steroids, hypnotics, anxiolytics, or other controlled substances or drug paraphernalia. The term "Controlled Substances" means a drug or other substance included in Schedules I, II, III, IV, or V of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) as updated and published under the provisions of that Act.

9. Respondent. A Marine who is the subject of separation proceedings.

*10. Separation. A general term which includes discharge, dismissal, dropping from the rolls, revocation of an appointment or commission, termination of an appointment, release from active duty, release from custody and control of the Marine Corps, or transfer from active duty to the: IRR, Fleet Marine Corps Reserve, Retired List, Temporary or Permanent Disability List, or Retired Reserve and similar changes in an active or reserve status.

11. Separation Authority. The Secretary of the Navy or an official authorized by the Secretary of the Navy to take final action with respect to a specified type of separation.

12. Separation Processing. Processing is initiated on the date a command receives a written request for separation for a Marine, or on the date a command delivers a Marine notice of separation proceedings per section 3 of this chapter. Processing is not completed until the appropriate separation authority takes final action.

*13. Sexual Assault Initial Disposition Authority (SA-IDA). An O-6 Special Court-Martial Convening Authority who has the non-delegable responsibility for initial disposition under R.C.M. 306, per reference (c), Manual for Courts Martial (MCM), for certain sexual assault offenses.

*14. Sex Offender. A person having been convicted of a criminal offense according to guidelines in the Sex Offender Registration and Notification Act of 2006 (Title 42, U.S.C., section 16912 and the National Guidelines for Sex Offender Registration and Notification July 2, 2008. Reference (g) 73 Federal Register 38030-69).

*15. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

*a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or;

*b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or;

*c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Abusive work environment harassment need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive. See reference (bh) MCO 1000.9A for additional information regarding sexual harassment.

*16. The Secretary. The Secretary of the Navy; includes the Under Secretary of the Navy or an Assistant Secretary of the Navy when acting under the authority delegated to them by the Secretary of the Navy.

MARCORSEPMAN 1900.16-6101

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6101. POLICY

1. The Marine Corps substantially invests in training every person who enters its ranks. Separation before completion of a period of obligated service represents a loss of investment while requiring increased accessions. Conversely, retaining individuals in the Marine Corps who will not or cannot conform to required standards of conduct, discipline, and performance creates high costs in terms of substandard mission performance, administrative efforts, pay and degradation of morale. Both situations represent an inefficient use of limited resources. Therefore, every reasonable effort must be made to identify, in a timely manner, Marines who exhibit a likelihood for early separation; and either:

a. Improve those Marines' chances of retention through counseling, retraining, and rehabilitation; or

b. Separate promptly those Marines who do not demonstrate potential for further useful naval service, and recoup (pro rata), as provided by applicable regulations, monies expended for bonuses paid and/or education/training dollars paid to a Marine in return for enlisting, reenlisting, or extending a service obligation when that service is administratively terminated before successful completion.

2. The standards and procedures established within this chapter are intended to achieve consistency of application throughout the Marine Corps based on command responsibility, accountability, and discretion.

3. Release from Active Duty. Commanders will ensure that Marines who meet the criteria for separation under this chapter are processed promptly rather than allowing them to continue on active duty until they reach their normal Expiration of Active Service (EAS) or Expiration of Current Contract (ECC).

4. Transfer to the Individual Ready Reserve (IRR). As a general rule, Marines on active duty who are not qualified to remain on active duty and who meet the criteria for separation under this chapter will be discharged (meaning their military status is completely severed) unless the reason for separation does not affect their eligibility for active duty or future mobilization. The criteria for retaining a Marine in the IRR are in paragraph 6311.3.

MARCORSEPMAN 1900.16-6102

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6102. PROCESSING TIME GOALS. Once separation action has begun, prompt forwarding, review and decision in each case is essential. Proceedings are initiated on the date a command receives a written request for separation from a Marine or on the date a command delivers a notice of separation proceedings per section 3 of this chapter. The following listed time goals are established for the administrative separations authorized by this chapter. The goals are measured from the date of notification or initiation of a voluntary request until the actual date of separation. Failure to complete an action within the prescribed time in no way bars separation or affects characterization. Every effort should be made, however, to meet the established goals.

1. Separation Without Board Action. If a board is not required or is waived, separation action should be completed within 15 working days after the Marine received notification of separation. When the initiating command and the separation authority are not located in the same geographical region, processing should be completed within 30 working days.

2. Separation With Board Action. If a board is required, action should be completed within 50 working days after the Marine received notification of separation. When the case is forwarded to the Secretary of the Navy, the case should be sent to the Secretary within 55 working days after the Marine received notification of separation.

MARCORSEPMAN 1900.16-6103

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6103. PERIODIC EXPLANATION. Each time the Uniform Code of Military Justice (UCMJ) is explained to enlisted Marines as required by Article 137 of the UCMJ, an explanation will be made of the types of administrative separation; the basis for their issuance; possible characterization of service; the possible effects of characterization upon reenlistment, civilian employment, veterans benefits and related matters; and the possible denial of certain benefits to Marines who fail to complete at least two years of an original enlistment. This explanation may be done by fact sheet or other document. A summarization of veteran benefits is contained in Appendix K. This requirement is a command responsibility, not a procedural entitlement. Failure by a Marine to receive or to understand such explanations does not create a bar to separation or characterization of service.

MARCORSEPMAN 1900.16-6104

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6104. PROVIDING INFORMATION DURING SEPARATION PROCESSING

1. During separation processing of all Marines (except those separated for immediate reenlistment), provide a copy of appendix D to the Marine, which informs the Marine about the Naval Discharge Review Board and the Board for Correction of Naval Records and advises that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the VA, notwithstanding any action by the Discharge Review Board. A summarization of service benefits is contained in appendix K.

2. Providing information about these boards is a command responsibility, not a procedural entitlement. Failure by a Marine to receive and understand the explanation required by this paragraph does not prevent separation or accurate characterization.

MARCORSEPMAN 1900.16-6105

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (i) MCO P1070.12K W/ CH 1

6105. COUNSELING AND REHABILITATION

1. Marine Corps policy is that reasonable efforts at rehabilitation should be made before initiation of separation proceedings.

2. Unless separation is mandatory, the potential for rehabilitation and further useful military service will be considered by the separation authority and, where applicable, the administrative board. If separation is warranted, despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.

3. In cases involving unsatisfactory performance, pattern of misconduct, minor disciplinary infractions, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. No certain amount of time can be used to define "reasonable opportunity." This must be determined by the commanding officer on a case-by-case basis. The commanding officer must sign adverse page 11 entries. Rehabilitation efforts must include the following and be documented in the Marine's service record:

- a. Written notification concerning deficiencies or impairments;
- b. Specific recommendations for corrective action, indicating any assistance available;
- c. Comprehensive explanation of the consequences of failure to successfully take the recommended corrective action; and,
- d. Reasonable opportunity for the Marine to undertake the recommended corrective action.
- *e. Make the following entry as appropriate on page 11 of the service record upon completion of counseling. The Marine will acknowledge by signing the entry. (See reference (i) MCO P1070.12K, paragraph 4006.3r concerning rebuttal and counter-entry requirements). The Marine's signature acknowledges that counseling has occurred, not that the Marine concurs with the content of the entry. These entries, once properly made, may not be removed by subsequent commanding officers based upon the passage of time or subsequent good performance. The date of the page 11 entry is the date that the Marine was counseled by the commanding officer. Forward a photocopy of the completed page 11 entry and written rebuttal statement, if any, to the CMC (MMRP-20) within 30 days.

*(1) Use this entry to warn a Marine who is NOT currently being processed for administrative or judicial action. The purpose of this format is to warn Marines about problems, consequences and to offer an opportunity for improvement.

" Date : Counseled this date concerning the following deficiencies: . Specific recommendations for corrective action are and to seek assistance, which is available through the chain of command and . Failure to take corrective action and any further violations of the UCMJ, disciplinary action, or incidents requiring formal counseling may result in judicial or adverse administrative action, including but not limited to administrative separation. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to /not to make such a statement.

Signature of Marine

Signature of Commanding Officer

*(2) Use this entry to document problems for a Marine who is currently being processed for administrative or judicial action. The purpose of this format is to document problems that are the bases for impending or current judicial or administrative processing when the Marine has previously been counseled and given an opportunity to overcome problems or when the basis for separation (such as commission of a serious offense) does not require that the Marine be given such an opportunity. It may also be used to document additional problems arising after judicial or administrative processing has already begun. This entry **is not** a prerequisite to civilian or military judicial action or to administrative separation.

" Date : Counseled this date concerning the following deficiencies: . Specific recommendations for corrective action are and to seek assistance, which is available through the chain of command and . I understand that I am being processed for the following judicial or adverse administrative action: . I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed on the document side of the service record. I choose to /not to make such a statement.

Signature of Marine

Signature of Commanding Officer

f. If the individual Marine annotates their desire "not to" make a statement, the entry is appropriately annotated as such and no further administrative action is required. When the individual Marine desires to make a statement, the following guidance applies:

(1) Complete the statement using white paper, preferably type written or printed and ensure the statement is dated and signed.

(2) The Marine's statement must conform to article 1122, U.S. Navy Regulations regarding temperate language, limited to pertinent facts concerning the deficiencies identified in the page 11 entry and shall not question or impugn the motives of another person.

(3) This is not the forum for surfacing issues more timely and appropriately handled at either request mast or through an Article 138 UCMJ, Complaints of Wrongs hearing.

4. The commanding officer must also determine, on a case-by-case basis, whether the Marine has effectively overcome the noted deficiencies after the counseling and page 11 entry have been made. There are no requirements for subsequent imposition of nonjudicial punishment or other administrative or judicial actions as a prerequisite for separation proceedings. There must be some evidence in the administrative separation proceedings, however, indicating the Marine has not overcome the noted deficiencies.

5. A Marine being processed for separation under one of the bases requiring counseling under paragraph 6105 may only be processed if the counseling entry reasonably relates to the specific basis for separation ultimately recommended.

MARCORSEPMAN 1900.16-6106

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6106. LIMITATIONS ON SEPARATION ACTION**

1. A Marine may not be separated on the basis of the following:

a. Conduct that has been the subject of military or civilian judicial proceedings (including summary court-martial) resulting in an acquittal or action having the effect of an acquittal **except:**

(1) When such action, having the effect of an acquittal, is based on a judicial determination not based on the issue of factual guilt of the respondent;

(2) When the judicial proceeding was conducted in a state or foreign court and separation is in the best interest of the Marine Corps as determined by the Secretary of the Navy on a case-by-case basis; or,

(3) When the acquittal was solely by reason of lack of mental responsibility. Marines in this category will be processed for disability separation. When disability separation is not appropriate, process the Marine for separation in the best interest of the service per paragraph 6214.

b. Conduct that has been the subject of a prior administrative board proceeding in which the separation authority approved the board's finding that the evidence did not sustain the factual allegations. Such conduct may form the basis for separation; however, if the separation authority determines that the finding was materially influenced by fraud or collusion on the part of the respondent or some other person acting on the respondent's behalf.

c. Conduct that has been the subject of a prior administrative separation proceeding resulting in a final determination by a separation authority that the Marine should be retained, unless:

(1) Subsequent conduct or performance forms the basis, in whole or in part, for a new proceeding;

(2) There is new or newly discovered evidence that was not reasonably available at the time of the prior proceedings; or

(3) The finding has been determined by the separation authority to have been materially influenced by fraud or collusion on the part of the respondent or some other person acting on the respondent's behalf and an administrative board, in a rehearing, recommends separation.

*d. Guidance for Marines Found Fit by the Physical Evaluation Board (PEB).

*(1) 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. Therefore, such separations would be expected to be the rare exception. Marines Found Fit should be retained in their current duties, re-assigned or their case reevaluated for disability separation by the ASN (M&RA). Only medical conditions that are potentially rateable by the PEB and limit assignability should be submitted for disability reevaluation. Contact CMC (MMSR-2) on Fit cases considered for either disability reevaluation or administrative separation for further guidance. The restrictions in this paragraph do not apply to other bases for administrative separation, separation at the end of active service obligation or any prioritization at reenlistment.

*(2) Administrative separation for condition not a disability and those separation program designator (SPD) codes must comply with the requirements in paragraph 6203.2.

2. A prior court-martial conviction for a serious offense is not a bar to administrative separation processing based on that offense. See subparagraph 1004.4 regarding characterization limitations.

*3. Time limitations. No "statute of limitations" exists for administrative separations. Accordingly, a Marine may be processed for separation based on conduct notwithstanding (1) the length of time between the conduct and the notification of separation or (2) the expiration of a statute of limitations for court-martial or nonjudicial punishment. However, Marines undergoing administrative separation processing will not be involuntarily retained on active duty or administratively separated past their release date (EAS) that was established by an enlistment/re-enlistment contract or a valid extension of such a contract (see paragraph 1008).

*4. FMCR/Retired List Eligible Marines. A Marine being considered for administrative separation processing who is otherwise eligible for transfer to the FMCR/retired list may, at his or her request, be considered for transfer to the FMCR/retired list before the command initiates administrative separation processing (see paragraph 1002.52 for the definition of Separation Processing). CMC (MM) may approve the request for transfer to the FMCR/retired list; or CMC (MM) may disapprove such a request and, based on adverse information submitted by the Marine's chain of command or adverse material contained in the Marine's official records, direct administrative separation processing to ensure a Marine is afforded the procedural rights of a respondent prior to making a separation, grade and characterization of service decision. CMC (MM) may only direct administrative processing if the information submitted by the Marine's chain of command or material contained in the Marine's official records forms one of the specific reasons for involuntary separation in this chapter. See paragraph 7012 for additional information regarding FMCR/retired list grade determinations.

*a. If the Marine does request, and is allowed to transfer to the FMCR/retired list prior to the command initiating administrative separation processing, he or she may not be recalled to active duty except with the review and approval of CMC (MM).

*b. If the Marine does request transfer to the FMCR/retired list, but CMC(MM) disapproves the request directing administrative separation processing, the convening authority shall proceed with administrative processing per the guidance in CMC (MM)'s correspondence, this chapter, and

paragraph 7012. Administrative Board procedures under paragraph 6304 shall be used.

*(1) The final report of the board and the findings and recommendation worksheet, in these cases, shall include recommendations to CMC (MM) on separation, characterization of service, and grade determination if transfer to the FMCR/retired list is recommended. FMCR/retired list eligible Marines who have had administrative separation processing directed by CMC (MM), after their request to transfer to the FMCR/retired list was disapproved by CMC (MM), may only be reduced one inferior pay grade and only after having been afforded the procedural rights of a respondent per paragraph 6304 (Administrative Board Procedures).

*(2) The DC, M&RA shall use the following criteria when making a final determination regarding reducing a Marine one inferior grade prior to transfer:

*(a) Nature and severity of the misconduct and its relationship to and effect upon the performance of military duties.

*(b) All performance evaluations and other portions of the service record bearing on performance in the current pay grade, and whether the misconduct was known by the reporting seniors, and if not, what effect, if any, it might have had on the respondent's records.

*(c) Time in current grade and its relationship to the time of the misconduct.

*(d) Other relevant matters presented by the record of the respondent.

*(3) The automatic reduction to pay grade E-3 for Marines serving in pay grade E-4 or above transferred to the FMCR/retired list with an under other than honorable conditions characterization of service does not apply when the Marine requests transfer to the FMCR/retired list but (CMC) MM disapproves the request and directs administrative separation processing.

*c. Pre-Board Waiver. A Marine subject to administrative separation processing initiated by their command, at the direction of CMC (MM), that did not originally waive their right to an administrative discharge board at notification, may choose to waive their right to an administrative separation board using figure 7-3, prior to the conduct of the board (See paragraph 7012 for additional information). In these cases, DC, M&RA will make the final determination as to whether or not the Marine shall be transferred in the grade currently held or reduced one inferior grade prior to transfer. The DC, M&RA will also determine the characterization of service at transfer. Submission of figure 7-3 through the chain of command does not constitute termination of administrative separation proceedings. Board proceedings will be held in abeyance pending DC, M&RA's acceptance, grade and characterization of service determination, and issuance of an effective date of transfer to the FMCR/retired list.

*d. Post-Board Waiver. A Marine subject to administrative separation processing initiated by their command, at the direction of CMC (MM), where the board has already been conducted may choose to waive continued administrative separation processing and request DC, M&RA make an immediate

grade and characterization of service determination, and issue an effective date of transfer to the FMCR/retired list. Figure 7-3 shall also be used. Submission of figure 7-3 through the chain of command does not constitute termination of administrative separation proceedings. DC, M&RA may choose to take immediate action or disapprove the waiver pending final submission of the complete administrative separation package through the chain of command.

*e. If a Marine does not request transfer to the FMCR/retired list prior to initiation of administrative separation processing, the convening authority shall proceed with administrative separation processing per the guidelines of this chapter. The following information pertains to a Marine, otherwise eligible, who does not request transfer to the FMCR/retired list prior to initiation of administrative separation processing:

*(1) Possible loss of all retainer/retired pay and benefits if separation is approved.

*(2) Possible separation with an under other than honorable conditions characterization of service if separation is approved subject to the guidelines contained and chapters 1 and 6, of this manual.

*(3) If separated with an under other than honorable conditions characterization of service and serving in paygrade E-4 or above, reduction to pay grade E-3, effective upon separation.

*(4) May request transfer to the FMCR/retired list after notification that separation has been directed by the appropriate separation authority. Submit FMCR/retired list requests within 30 days of the date of separation to CMC (MMSR-2). The final determination of retirement grade and characterization of service at transfer to the FMCR/retired list, in these cases, rests exclusively with DC, M&RA.

*(5) Not entitled to an administrative separation board if, upon notification that separation has been directed, the Marine requests transfer to the FMCR/retired list. The final determination of retirement grade and characterization of service at transfer to the FMCR/retired list, in these cases, rests exclusively with DC, M&RA.

*f. The waiver process under paragraph 6304.5 shall be followed for Marines, otherwise eligible, who do not request transfer to the FMCR/retired list prior to the command initiating administrative separation processing. [Note: Figure 7-3 may only be used by eligible Marines (20 or more years of active duty) whose request to transfer to the FMCR/retired list was disapproved and administrative separation processing was directed by CMC (MM).]

*g. The final determination of FMCR/retirement grade and characterization of service rests exclusively with DC, M&RA (see paragraph 6307.1d). Commanders are not authorized to enter into agreements, pre- or post-trial, express or implied, in which a retirement eligible Marine is to be retired at a particular pay grade.

MARCORSEPMAN 1900.16-6107

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6107. CHARACTERIZATION OF SERVICE. The separation authority must determine the appropriate character of service once the separation is approved. Commanders initiating separation action must make specific recommendations based upon the circumstances of the particular case and the guidelines in paragraph 1004 and table 6-1.

MARCORSEPMAN 1900.16-6108

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6108. RECOUPMENT OF ENLISTMENT/REENLISTMENT BONUSES.** Recoupment of unearned portions of enlistment/reenlistment/career status bonuses is associated with the corresponding Separation Program Designator (SPD) code.

1. Notice of Recoupment. A Marine who may be subject to recoupment must be so advised before submitting a request for voluntary separation. A recoupment notice is contained in figures 6-2 and 6-3.

MARCORSEPMAN 1900.16-6109

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6109. ELECTRONIC SIGNATURES AND ELECTRONIC RECORD OF PROCEEDINGS

1. The electronic signature of a separation authority is a valid and legally sufficient signature of the separation authority's final action in all involuntary administrative separation proceedings described in this chapter.
2. Electronic records of involuntary administrative separation proceedings described in this chapter are valid and legally sufficient for all purposes, to include processing, review, separation authority final action and record retention by the CMC (MMRP).

MARCORSEPMAN 1900.16-6110

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (n) MCTIMS (Online)
(p) NAVMED P-117

***6110. MEDICAL EVALUATIONS PRIOR TO ADMINISTRATIVE SEPARATIONS**

*1. Prior to approving any involuntary administrative 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. This evaluation must be reviewed and specifically addressed by the separation authority as to any medical condition affecting (or not affecting) the basis for separation. These medical evaluations shall be completed by appropriately privileged medical providers authorized to perform separation evaluations and shall be sufficient in scope and timing to meet separation medical requirements. The intent of performing these evaluations is to ensure that separation authorities have all pertinent information about any medical condition(s) that may have a material impact on a Marine's behavior, including Post-traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI). Inherent in any separation action is that authority's discretion to direct additional medical treatment and determine the date of separation or direct retention as appropriate.

*a. These medical evaluations are standard separation evaluations per chapter 15 of the Manual of the Medical Department. Minimum requirements are: (1) the Marine's completion of DD Form 2807-1 (Report of Medical History), (2) an interview and completion of DD Form 2808 by an appropriately privileged medical provider, and (3) the medical provider's completion and signature on these and any other required documents. The separation authority shall review this report and any post deployment health assessments for consideration of any medical issues affecting separation.

*b. Medical providers, the commanding officer or separation authority may direct further medical evaluation as warranted by the circumstances of each case.

*2. The separation authority for entry level Marines or reserve Marines not on active duty with no history of combat service or deployment will be exempt from reviewing the final medical evaluation; however, the commander initiating separation will be required to certify that these Marines had no combat service or deployment and were not diagnosed with PTSD or TBI. The final medical evaluation will also be exempted in instances where reserve Marines have a history of combat service or deployment, are undergoing administrative separation proceedings and do not respond to notification and other requirements for administrative separation.

*3. A Marine shall receive a medical evaluation to assess whether the effects of PTSD or TBI constitute matters in extenuation that relate to the basis for administrative separation if the Marine meets any of the following criteria:

*a. Is being administratively separated under a characterization under other than honorable conditions.

*b. Was deployed overseas to a contingency operation during the previous 24 months.

*c. Is diagnosed by an appropriately privileged medical provider such as a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse as experiencing PTSD or TBI, or reasonably alleges the influence of PTSD or TBI.

*(1) In a case involving PTSD, the medical evaluation will be performed by an appropriately privileged medical provider such as a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse.

*(2) In a case involving TBI, the medical evaluation will be performed by an appropriately privileged medical provider such as a physician, clinical psychologist, psychiatrist, or other health-care professional as appropriate.

*d. Is not being separated pursuant to a sentence of a court-martial or other UCMJ proceeding (appendix 2 of reference (n)).

*e. These medical evaluations are performed per paragraph 6110 and reference (p) Manual of the Medical Department, and these appropriately privileged medical providers determine medical evaluation requirements.

*f. A Marine receiving a medical evaluation in accordance with this paragraph will not be separated until the result of the medical evaluation has been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation.

*g. PTSD and TBI evaluations must specifically include comments on the presence or absence of these conditions and, if present, the extent to which they affected the Marine's judgment and may have been a contributing factor in the basis for separation. For those cases in which PTSD or TBI was determined by an appropriately privileged medical provider such as a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse to be a contributing factor to one or more of the bases for separation, the GCMCA's separation endorsement shall, in light of an identified PTSD or TBI contributing factor, explain the reasons for the respondent's separation and the characterization of service.

*4. If the medical evaluation results in a diagnosis of PTSD or TBI and the separation authority determines it is service related, sufficiently mitigating, and possibly a disability, the separation authority should consider processing for separation under chapter 8 of this manual for physical disability.

*5. Marines separated under these provisions shall be directed to consult with a representative from the VA regarding veteran benefits and services prior to separation with that counseling dated and signed in DD Form 2648, pre-separation counseling checklist.

*6. This policy does not provide an additional procedural basis of appeal or redress for respondents.

*7. See Paragraph 6307 of this manual for information regarding separation authority.

MARCORSEPMAN 1900.16-6201

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (an) DoDI 1332.14

6201. GENERAL. This section lists the reasons a commander may recommend involuntary separation of a Marine before the Marine's expiration of current contract and sets up the necessary administrative rules for separating a Marine under any of the reasons given.

*1. Reference. Reference (an) DoDI 1332.14.

2. Format. The general bases for separation are identified by the title at the beginning of major numbered paragraphs. For example, "Convenience of the Government" is a general basis for separation. Specific bases for separation are identified in paragraphs under the general bases for separation. For example, "Parenthood" is a specific basis for separation under the general basis "Convenience of the Government." For some general bases such as "Alcohol Abuse Rehabilitation Failure", there are no specific bases. Refer to section 4 for details on reasons for voluntary separation.

MARCORSEPMAN 1900.16-6202

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6202. CHANGE IN SERVICE OBLIGATION. Separation authorities may separate Marines when the CMC directs separation as part of a general demobilization or reduction in force. Characterize service as honorable, general (under honorable conditions), or uncharacterized under the rules in table 6-1.

MARCORSEPMAN 1900.16-6203

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10, U.S.C.
(p) NAVMED P-117
(ae) MCO 1040.31
(ba) SECNAVINST 1850.4E
(bb) SECNAVINST 6320.24A
(bc) DoDI 6490.04
(bd) SECNAVINST 5300.30E
(be) MCO P1400.32D W/CH 1&2

6203. CONVENIENCE OF THE GOVERNMENT. A Marine may be separated for the convenience of the government for the reasons set forth below. Characterize service as honorable, general (under honorable conditions), or uncharacterized under the rules in paragraph 1004 and table 6-1.

1. Parenthood. Marines are Marines 24 hours per day, 7 days per week. Specific duties, assignments, or circumstances, not to mention the fundamental mission of the Marine Corps, require all Marines, regardless of marital status, to be responsive to command and Marine Corps needs. When a Marine's parental responsibilities result in repeated absenteeism, interfere with a Marine's effective performance of duty, or preclude present or future availability for worldwide assignment, separation is required unless the Marine can resolve the conflict to the commanding officer's satisfaction. Before initiating separation action, commanding officers must formally counsel the Marine per paragraph 6105 concerning specific deficiencies and give the Marine an opportunity to overcome the noted deficiencies. When the performance of duty still does not conform to commonly acceptable standards, follow the procedures in section 3.

*2. Condition Not a Disability. See reference (ba) SECNAVINST 1850.4E.

*a. Whenever a Marine's performance deteriorates or has an adverse effect on others in the unit, commanding officers and subordinate leaders will try to determine the cause. When the command suspects a physical or mental condition interferes with the Marine's effective performance of duty, the Marine should be referred to the appropriate medical authority. Commanders must comply with reference (bb) SECNAVINST 6320.24A and reference (bc) DoDI 6490.04 when referring a Marine for a mental health evaluation. If examination by a medical officer confirms that the Marine is suffering from a physical or mental condition apparently beyond the individual's control and indicates that the condition is not a disability, initiate separation proceedings per paragraph 6303 or 6304 as appropriate. Condition(s) must be certified by an appropriately privileged medical provider as not ratable by the PEB.

*b. Certain conditions and defects of a developmental nature designated by the reference (ba) SECNAVINST 1850.4E do not constitute a physical disability and are not ratable in the absence of an underlying ratable

causative disorder. These conditions include, but are not limited to, those listed below.

- *(1) Enuresis
- *(2) Sleepwalking and/or Somnambulism
- *(3) Dyslexia and other learning disorders
- *(4) Attention Deficit Hyperactivity Disorder
- *(5) Stammering or stuttering
- *(6) Incapacitating fear of flying confirmed by a psychiatric evaluation
- *(7) airsickness, Motion, and/or Travel Sickness
- *(8) Phobic fear of air, sea and submarine modes of transportation
- *(9) Certain Mental Disorders including:
 - *(a) Uncomplicated Alcoholism or other Substance Use Disorder
 - *(b) Personality Disorders
 - *(c) Mental Retardation
 - *(d) Adjustment Disorders (except Chronic Adjustment Disorders which are a ratable disability effective 10 April 2013)
 - *(e) Impulse Control Disorders
 - *(f) Sexual Gender and Identity Disorders and Paraphilias
 - *(g) Sexual Dysfunction
 - *(h) Factitious Disorder
- *(10) Obesity
- *(11) Overheight
- *(12) Psuedofolliculitis barbae of the face and/or neck
- *(13) Medical contraindication to the administration of required immunizations
- *(14) Significant allergic reaction to stinging insect venom
- *(15) Unsanitary habits
- *(16) Certain Anemias (in the absence of unfitting sequelae) including Glucose-6-Phosphate Dehydrogenase Deficiency (G6PD), other inherited Anemia Trait, and Von Willebrand's Disease.
- *(17) Allergy to uniformed clothing or wool

*(18) Long sleeper syndrome

*(19) Hyperlipidemia

*c. Separation under this basis requires written notification per paragraph 6303 or 6304, as appropriate, and that the Marine's condition does not qualify as a naval service disability.

*d. 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 from the SECDEF.

*3. Personality Disorder

*a. Basis for processing. Separation under this paragraph is authorized only if, due to personality disorder (PD), the Marine's ability to function effectively in the military environment is significantly impaired and if no other basis for separation applies. For example, if separation can be based on another basis, including another basis under convenience of the government, misconduct, or unsatisfactory performance, use one of those bases. Initiate separation proceedings per paragraph 6303 or 6304 as appropriate.

*b. Counseling. Before initiating separation, the command must have counseled the Marine in accordance with paragraph 6105; given the Marine a reasonable opportunity to correct deficiencies; and have documentation of failure to correct those deficiencies. The opportunity to correct deficiencies need not extend for a protracted observation period. At any time after formal counseling, Marines repeating or continuing behaviors that interfere with the performance of their duties or disrupt the good order and discipline of their unit may be processed for administrative separation.

*c. Documentation. PD separation documentation requirements are as follows:

*(1) Commanders must comply with reference (bb) SECNAVINST 6320.24A and reference (bc) DoDI 6490.04 when referring a Marine to a mental health evaluation. Diagnosis must be made by a psychiatrist or Ph.D.-level psychologist.

*(2) Per reference (p), Article 15-23 of the MANMED, the diagnosis must include a statement from the psychiatrist or Ph.D.-level psychologist that the Marine's disorder is so severe that the Marine's ability to function effectively in the military environment is significantly impaired. Written nonmedical evidence must be submitted to show specific examples of how the Marine is unable to function in the Marine Corps. These can be counseling entries on page 11 of the SRB/ESR or statements from witnesses.

*(3) Separation under this basis requires written notification per paragraph 6303 or 6304, as appropriate, and that the Marine's condition does not qualify as a naval service disability.

*(4) Diagnosis must be corroborated by a peer psychiatrist or Ph.D.-level psychologist or higher level mental health professional.

*(5) Diagnosis must address PTSD, TBI, or other mental illness co-morbidity. Unless found Fit by the disability evaluation system, a

separation for personality disorder is not authorized if service-related PTSD is also diagnosed.

*(6) Diagnosis must be endorsed by the Regional Naval Medical Commander.

*(7) Separation solely for PD warrants a re-enlistment code of 3P.

*(8) Characterization of service is honorable unless the separation is an entry level separation or a general, under honorable conditions characterization of service is warranted.

*d. The separation authority's endorsement will include the following paragraph. "All requirements in MCO 1900.16, paragraph 6203.3, Personality Disorder Administrative Separation, have been completed and documented in the attached case file."

4. Action in lieu of approved punitive discharge. A Marine may be separated if placed on appellate leave pursuant to reference (a), Title 10, U.S.C. 706 and whose punitive discharge is set aside, suspended, remitted, or disapproved during the review process. In this case, separation processing must be based upon an applicable provision of this chapter and may proceed without the Marine being present. The Marine, however, must have been notified of the separation processing prior to beginning appellate leave, or be afforded the rights under paragraph 6303 or 6304, as appropriate, and either waive those rights or fail to respond within 30 days of receipt of notification of separation proceedings. Further, the characterization limitations of paragraph 6203 do not apply and characterization will be based upon the guidelines contained in paragraph 1004.

5. Disenrolled Involuntarily from Officer Candidate Program. A member may be separated after being involuntarily disenrolled from an officer candidate program under conditions in which the candidate did not incur, or does not have, any remaining service obligation. (For voluntary disenrollment, see paragraph 6411).

6. Failure or Disenrollment From Lateral School Seat Assignment. A Marine who reenlisted under reference (ae) MCO 1040.31, Lateral Move Program, may be separated for failure to comply with an express condition of enlistment/reenlistment; e.g., after failing, or being voluntarily or involuntarily disenrolled from, an MOS school/OJT under conditions not resulting in a service obligation to the Marine.

*7. Refusal of Medical Treatment

a. A Marine may be separated for refusing medical treatment and that refusal interferes with duty. The commander must determine if the refusal is "reasonable" or "unreasonable" and warrants separation based upon the situation and the following considerations.

*b. In accordance with reference (p), Navy Medical Publication P-117, The Manual of the Medical Department (MANMED), article 18-22, states that medical, dental, and surgical treatment will not be performed on a mentally competent Marine who does not consent to the recommended procedure. When a Marine refuses medical treatment, a medical evaluation board must be convened per the MANMED article and the results forwarded to the Physical Evaluation Board (PEB). See chapter 8 regarding the medical board and PEB process. The

PEB will make a determination of "reasonable" or "unreasonable" refusal of medical treatment according to reference (ba) SECNAVINST 1850.4E, paragraph 3413. A medical evaluation board and PEB action are necessary because a determination of unreasonable refusal and intentional misconduct/willful neglect will result in denial of VA and Social Security Administration medical treatment for the Marine in the future.

*c. If the refusal of medical treatment is determined to be reasonable, the Marine may still be separated at the commander's discretion per this manual. If unsatisfactory performance of duty or misconduct are not considerations, separation for physical condition not a disability may be appropriate with the assignment of reenlistment codes RE-3P or RE-3C.

*d. If the PEB determines that the refusal of medical treatment was "unreasonable" or provides a finding of intentional misconduct/willful neglect, the commander may consider the following:

*(1) Administrative separation for unsatisfactory performance per paragraph 6206 or misconduct per paragraph 6210.

*(2) Administrative reduction. See reference (be) MCO P1400.32D regarding nonpunitive reductions relating to professional incompetence and competency review boards.

*(3) Characterization of Service. If a finding of intentional misconduct/willful neglect or other negative aspects of a Marine's performance outweigh positive aspects of performance, to include proficiency and conduct average markings, and administrative separation is warranted, the least favorable characterization of service is general (under honorable conditions).

*e. Refusing inoculations. Marines are required to submit to required immunizations according to Navy Regulations, article 1144. The medical evaluation board and PEB procedures described in paragraph 6203.7b are not required for Marines refusing inoculations. Disciplinary action and separation for orders violations may be appropriate based upon the commander's decision.

*f. Separation processing may not be initiated until the Marine has been counseled and allowed an opportunity to correct the deficiency per paragraph 6105. If a Marine is separated for "unreasonable" refusal of medical treatment, the following items must be included as part of the written notification requirements of paragraph 6303 or 6304 as appropriate:

*(1) A reenlistment code of RE-4, not recommended for reenlistment, will be assigned and the Marine will be discharged and not transferred or eligible for service in the IRR.

*(2) A finding of intentional misconduct/willful neglect requires the following notifications:

(a) Assignment of separation code _____ (basis determined).

(b) The Marine is not disabled and the condition did not occur in the line of duty.

(c) The VA and the Social Security Administration may deny future medical benefits for this condition.

*(3) The Marine's condition does not qualify as a naval service disability.

*8. Physical Standards. Marines may be involuntarily administratively separated under the convenience of the government basis of additional grounds, for failure to meet or obtain minimum standards required for a military occupational specialty (MOS). Examples include failing to meet physical readiness requirements for MOS performance standards, combat fitness test, physical fitness test, etc. This basis may be used when failure to meet the standard results from personal limitations, lack of motivation, or lack of suitability caused by conditions or circumstances not ratable by the PEB and not covered by a more specific or appropriate discharge category. Use SPD code GFT, HFT, and JFT as appropriate and the narrative reason for separation shall be Physical Standards for these types of discharges. Prior to involuntary separation under this code, consideration must be given to the potential for conversion to a specialty that would enable the Marine to continue service vice administrative separation. This may be an appropriate basis when paragraph 6203.2, condition not a disability, is not warranted. *Separation under this basis requires written notification per paragraph 6303 or 6304, as appropriate, and that the Marine's condition does not qualify as a naval service disability. See paragraph 6106.1.d for limitations on administrative separation for the same medical condition(s) for which a Marine was found Fit by the PEB.

MARCORSEPMAN 1900.16-6204

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (bf) MCO P1100.72C W/ ERRATUM

6204. DEFECTIVE ENLISTMENT AND INDUCTION. Marines may be separated for the following specific reasons:

1. Minority

a. If a Marine is under age 17, the enlistment is void and the Marine shall be separated. The Marine shall receive an order of release from the custody and control of the Marine Corps. There is no characterization or description of service. The separation will be an entry level separation. The separation authority is the GCMCA.

b. A Marine who is age 17 shall be separated under the following circumstances unless retained for the purpose of trial by court-martial.

(1) There is evidence that the Marine is under age 18.

(2) The Marine enlisted without the written consent of the Marine's parent or guardian.

(3) An application for the Marine's separation is submitted to the CMC by the parent or guardian within 90 days of the Marine's enlistment.

c. The Marine will be given an entry level separation.

d. The notification procedures in paragraph 6303 shall be used.

2. Erroneous Enlistment/Reenlistment

a. A Marine may be separated on the basis of an erroneous enlistment, induction, reenlistment, or extension of enlistment in the following circumstances, if:

(1) The action would not have occurred had the relevant facts been known by the Marine Corps or had appropriate directives been followed;

(2) The action was not the result of fraudulent conduct on the part of the Marine; and

(3) The defect is unchanged in material respects.

b. Any case brought to a commander's attention which purports to be of this nature shall be investigated and a complete report included in the Marine's service record book.

c. Service is characterized as honorable, or uncharacterized per table 6-1. Initiate separation proceedings following the procedures in paragraph

6303 or 6304 as appropriate.

*d. The separation authority is the GCMCA. If an individual has already sworn in, but fails to ship, or is determined to be ineligible for enlistment and has not yet reported to a MCRD, the CG, MCRC is the discharge authority.

*e. For individuals in the Delayed Entry Program (DEP) being separated because of ineligibility for enlistment, the poolee shall be notified of the proposed separation and the reasons. The poolee shall be given the opportunity to submit to the separation authority a statement in rebuttal by a specified date (not less than 30 days from the date of delivery). The notice should be delivered personally or sent by certified mail, return receipt requested (or by an equivalent form of notice if such service is not available at an address outside the United States). If the poolee fails to acknowledge receipt of notice, the individual who mails the notification shall prepare a sworn affidavit of service by mail that shall be inserted in the poolee's residual record along with Postal Service Form 3800. An individual is ineligible for enlistment when he/she:

- *(1) No longer meets the number of dependents' criteria;
- (2) No longer meets physical or mental qualifications;
- (3) Unfavorable ENTNAC/NAC investigation or unfavorable police record is completed subsequent to entry into the DEP;
- (4) Adverse security screening occurs; or
- (5) Identified as a drug user or alcohol abuser.

3. Fraudulent Entry into the Marine Corps

a. Marines who procure a fraudulent enlistment, reenlistment, induction, or period of active service will be processed for separation unless the fraud is waived or the fraud no longer exists. An enlistment, induction, or period of service is fraudulent when there has been deliberate material misrepresentation, including the omission or concealment of facts which, if known at the time, would have reasonably been expected to preclude, postpone, or otherwise affect the Marine's eligibility for enlistment or induction.

*b. The separation authority may waive the Marine's fraud and authorize retention provided the existing defect could have been waived by the commanding general of a recruit depot, or lower authority, during the initial enlistment processing. If the defect could not have been waived by a commanding general of a recruit depot, the case must be sent to the CG, MCRC (ENLRCTG), if the separation authority desires to retain the Marine. See reference (bf) MCO P1100.72C (MPPM, ENLPROC) to identify cases where only the CMC may authorize retention.

c. Refer to reference (bf) MCO P1100.72C (MPPM, ENLPROC) for the retention authority the commanding generals of the recruit depots may exercise. When a fraudulent enlistment waiver is granted, an appropriate administrative entry, citing the waiver letter, will be made in block 37 of the DD Form 1966 (Application for Enlistment). Recruits whose waiver requests are disapproved will be discharged per this chapter.

*d. Characterization of service under other than honorable conditions may only be issued when the fraud involves concealment of a prior separation in which service was not characterized as honorable (the administrative board procedure of paragraph 6304 must be used if characterization under other than honorable conditions is desired). In all other cases, the notification procedure of 6303 will be used and service will be characterized as honorable, general (under honorable conditions), or uncharacterized. If the material misrepresentation included personality disorder, the GCMCA will weigh the evidence and determine the characterization of discharge. See table 6-1 for characterization limitations.

MARCORSEPMAN 1900.16-6205

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6205. ENTRY LEVEL PERFORMANCE AND CONDUCT**

*1. A member may be separated while in an entry level status if unqualified for further service by reason of entry level performance and/or conduct, as evidenced by incapability, lack of reasonable effort, failure to adapt to the Marine Corps environment, or minor disciplinary infractions.

*2. When separation in an entry level status is warranted by unsatisfactory performance and/or minor disciplinary infractions, the member normally should be separated under this paragraph; however, nothing cited in this paragraph precludes separation under another provision of this manual.

*3. A Marine with broken service may be separated while in indoctrination or MOS training for failure to satisfactorily complete such training. When separation of a recruit for failure to satisfactorily complete indoctrination training is warranted, the recruit should normally be separated under this paragraph. Nothing cited in this paragraph, however, precludes separation for another reason listed in this manual.

4. Separation processing may not be initiated until the member has been counseled per paragraph 6105 concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. This requirement is particularly important because military service is a calling different from any civilian occupation. A member should not be separated when this is the sole reason unless there have been efforts at rehabilitation. Such efforts must include the following and be documented in the member's service record:

- a. Written notification concerning deficiencies or impairments;
- b. Specific recommendations for corrective action, indicating any assistance available;
- c. Comprehensive explanation of the consequences of failure to successfully take the recommended corrective action; and,
- d. Reasonable opportunity for the Marine to take the recommended corrective action.

5. The discharge will be uncharacterized.

6. Follow the procedures of paragraph 6303.

7. Commanding officers of Marine Corps districts may discharge reservists who are members of the DEP or members of the Selected Marine Corps Reserve

awaiting initial active duty for training under this provision. Separation will be uncharacterized.

8. Within the parameters of "Entry Level Status" established in paragraph 6002, all personnel administratively separated from recruit training will be processed under this reason except in those limited cases where processing under a more serious basis is appropriate and where discharge characterization under other than honorable conditions is warranted.

MARCORSEPMAN 1900.16-6206

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6206. UNSATISFACTORY PERFORMANCE. A Marine may be separated if the Marine is unqualified for further service by reason of unsatisfactory performance.

1. Unsatisfactory performance is characterized by:

a. Performance of assigned tasks and duties in a manner that does not contribute to unit readiness and/or mission accomplishment, as documented in the service record; or,

b. Failure to maintain required proficiency in grade, as demonstrated by below average proficiency/conduct numerical marks or adverse fitness report markings or comments accumulated in the Performance Evaluation System.

2. This basis for separation will not be used for separation of a member in entry level status.

3. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. If the Marine does not respond to counseling, commanders may initiate separation following the procedures in paragraph 6303 or 6304 as appropriate. Do not make arbitrary or capricious use of this authority to force the separation of Marines who possess the potential to be rehabilitated under the guidelines of paragraph 6105.

4. Characterization will be honorable or general (under honorable conditions) per table 6-1.

5. A Marine may be separated for unsatisfactory performance as follows:

a. Unsanitary Habits. The term "unsanitary habits" includes, but is not limited to, the repeated occurrence of venereal disease infections during the Marine's current enlistment or period of service.

b. Unsatisfactory Performance of Duties. A Marine may be separated when it is determined the Marine is unqualified for further service by reason of unsatisfactory performance, as defined in paragraph 6206.1. A Marine may also be separated under this basis for failure to conform to weight and/or body composition standards as a result of apathy or a lack of self discipline.

MARCORSEPMAN 1900.16-6207

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

*6207. RESERVED FOR FUTURE USE.

MARCORSEPMAN 1900.16-6208

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

*6208. RESERVED FOR FUTURE USE.

MARCORSEPMAN 1900.16-6209

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (d) MCO 5300.17

***6209. ALCOHOL ABUSE REHABILITATION FAILURE.**

*1. Commanders shall process Marines for administrative separation in the following circumstances:

*a. Any Marine who demonstrates a lack of potential for continued naval service; or

*b. Any Marine who refuses, fails to participate in, or does not successfully complete a prescribed alcohol abuse or dependency treatment/aftercare program; or is deemed a treatment failure by a credentialed and privileged physician or psychologist.

*c. Any Marine who incurs a subsequent alcohol related incident after entering a prescribed alcohol abuse or dependency treatment/aftercare program precipitated by a prior alcohol related incident.

2. Initiate separation proceedings following the procedures in paragraph 6303 or 6304 as appropriate.

3. Characterization is honorable, general (under honorable conditions), or uncharacterized per table 6-1.

*4. Nothing in this paragraph precludes separation under other provisions in this manual. See reference (d) MCO 5300.17 for further information.

MARCORSEPMAN 1900.16-6210

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (c) Manual for Courts Martial (MCM)
(d) MCO 5300.17
(j) SECNAVINST 5300.28E
(r) JAGINST 5800.7f
(be) MCO P1400.32D W/ CH 1&2
(bg) MCO 1752.5B
(bh) MCO 1000.9A

6210. MISCONDUCT

1. Whenever a Marine is involved in misconduct, as described in the following paragraphs, commanders shall process the Marine for separation unless rehabilitation and retention are warranted under the guidelines in paragraph 6105. Characterization of service normally shall be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted in some circumstances. For Marines who have completed entry level status, characterization of service as honorable is not authorized unless the Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate and the separation is approved by the GCMCA. When characterization of service under other than honorable conditions is not warranted for a Marine in entry level status, the separation shall be uncharacterized. Separation processing for a series of minor disciplinary infractions or a pattern of misconduct may not be initiated until the Marine has been counseled per the guidelines for counseling in paragraph 6105. Counseling per paragraph 6105 and rehabilitation are not required if the basis of separation is commission of a serious offense, a civilian conviction, or a similar juvenile adjudication, or drug abuse. Process per provisions of paragraph 6303 or 6304 as appropriate. Actions on related misconduct separations:

*a. Misconduct involving a fraudulent entry shall be processed under paragraph 6204.3;

*b. Offenses involving drug abuse shall be processed for separation by reason of the appropriate drug abuse offense in paragraph 6210.5, as well as other applicable reasons in this manual;

*c. See reference (be) MCO P1400.32D, Enlisted Promotion Manual regarding nonpunitive reductions relating to professional incompetence and competency review boards; and

*d. Sexual Misconduct based discharges shall be processed under paragraphs 6210.6 or 6210.7.

2. Minor Disciplinary Infractions. A Marine may be separated when there is, in his or her service record book, a documented series of at least THREE minor disciplinary infractions, during the current enlistment, of a nature which have been or would have been appropriately disciplined under Article

15, UCMJ, nonjudicial punishment. When multiple offenses have been the subject of one nonjudicial punishment, they remain separate offenses for the purpose of determining eligibility for processing under this paragraph. If separation of a member in entry level status is warranted solely by reason of minor disciplinary infractions, the processing should be under Entry Level Performance and Conduct. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

3. A Pattern of Misconduct

a. A minimum of **TWO** incidents occurring within one enlistment is required. Misconduct occurring in an extension of an enlistment is considered to be within one enlistment. The infractions may be minor or more serious. There must be discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline. The misconduct need not have been the subject of NJP or military or civilian conviction. Such incidents include, but are not limited to, an established pattern of minor unauthorized absences; an established pattern of dishonorable failure to pay just debts; or an established pattern of dishonorable failure to contribute adequate support to family members or comply with orders, decrees, or judgments of a civil court concerning support of family members. The incidents of misconduct do not have to be of the same nature.

b. Separation processing may not be initiated until the Marine has been counseled per paragraph 6105. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted.

*4. Sexual Misconduct

*a. Sex Offender. "Sex Offense" is not a specific basis for discharge. Marines who are convicted of a sex offense under the guidelines of the Sex Offender Registration and Notification Act, whether in a civilian criminal court or court-martial, and in the case of a court-martial conviction, if not punitively discharged, shall be processed for separation under paragraph 6210.6 or 6210.7, as appropriate.

*b. Sexual misconduct includes conduct that could form the basis for a violation of the following Articles of the UCMJ:

*(1) Article 120 - Rape and sexual assault generally

- (a) Rape
- (b) Sexual Assault
- (c) Aggravated Sexual Contact
- (d) Abusive Sexual Contact

*(2) Article 120b - Rape and sexual assault of a child

- (a) Rape of a Child

(b) Sexual Assault of a Child

(c) Sexual Abuse of a Child

* (3) Article 120c - Other Sexual Misconduct

(a) Indecent Viewing, Visual Recording, or Broadcasting

(b) Forcible Pandering

(c) Indecent Exposure

* (4) Article 125 - Forcible Sodomy

* (5) Article 80 - Attempts (to commit any of the offenses listed in subparagraphs (1) through (4)).

*c. Processing for separation is mandatory following the first substantiated incident, or substantiated attempted incident, of sexual misconduct, as determined by the Sexual Assault-Initial Disposition Authority (SA-IDA) or higher. Only the SA-IDA or higher can decide that processing under this paragraph is an appropriate disposition. This authority may not be further delegated. The decision to initiate processing must be documented in accordance with reference (bg) MCO 1752.5B. This paragraph is not intended to preclude disciplinary action to include trial by court-martial, when appropriate.

*d. An incident, or attempted incident, is considered substantiated when there has been a court-martial conviction, civilian court conviction, nonjudicial punishment, or when a commander determines, based on a preponderance of the evidence, that an incident or attempted incident of sexual misconduct has occurred. See paragraph 6106 for limitations on separation action.

*e. Substantiated incidents of sexual misconduct or attempted sexual misconduct may constitute both a basis for administrative separation processing and a violation of the UCMJ. The SA-IDA should wait until the completion of all criminal investigations until determining the appropriate disposition.

*f. Investigation

* (1) Reporting Requirement. See enclosure (1), chapter 4 of reference (bh) MCO 1752.5B for reporting and Military Criminal Investigative Organization investigative requirements.

* (2) No preliminary inquiry pursuant to reference (c) the MCM or administrative investigation pursuant to reference (r) Chapter II, JAGMAN 5800.7F shall be conducted until the commander has contacted the staff judge advocate and the appropriate Military Criminal Investigative Organization.

*g. Procedures

* (1) The basis for separation shall be under paragraph 6210.6 (Commission of a Serious Offense) or 6210.7 (Civilian Conviction), as applicable. Counseling per paragraph 6105 is not required for processing a Marine for separation under this paragraph.

*(2) The procedures contained in paragraph 6304 shall be used when separating a Marine when any part of the basis for separation includes a substantiated incident of sexual misconduct.

*(3) The administrative separation board recorder, in all cases of substantiated incidents of sexual misconduct or attempted incidents of sexual misconduct, must be a judge advocate certified under Article 27(b), UCMJ.

*5. Drug Abuse

*a. Commanders shall process Marines for administrative separation for illegal, wrongful, or improper use, possession, sale, transfer, distribution, manufacture, importation into the customs territory of the United States, exportation from the United States, or introduction on a military installation, vessel, vehicle, or aircraft used by or under the control of the armed forces, of any substance that is listed on a schedule of controlled substances by the President or in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), or opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, marijuana, steroids, any compound or derivative of any such substance, or any other dangerous or illicit drug or other forms of substance abuse (such as designer drugs, fungi, chemicals not intended for human consumption, spice, bath salts, etc.) as defined in reference (j) SECNAVINST 5300.28E paragraph 5.c), and/or the possession, sale, or transfer of drug paraphernalia as defined in reference (j) SECNAVINST 5300.28E. Commanders shall also process Marines who attempt to engage in any of the aforementioned activities. Evidence obtained from an involuntary urinalysis administered pursuant to an inspection under Military Rules of Evidence in the current version of reference (c) the Manual for Courts Martial (MCM), or from a search and seizure under Military Rules of Evidence 311-317, or incident to an examination conducted for a valid medical reason may be used to characterize a Marine's discharge as under other than honorable conditions. The procedures contained in paragraph 6304 shall be used when separating a Marine under these provisions, unless a characterization of service more favorable than other than honorable is warranted.

b. Except as provided below, all Marines (regardless of pay grade) identified for mandatory processing under the criteria of paragraph 6210.5a will be processed for administrative separation by reason of misconduct, due to drug abuse, on the first offense. Processing is not required if:

(1) The offense has been adjudicated at a general or special court martial, for which the sentence approved by the convening authority includes a punitive discharge (suspended or unsuspended), or

(2) The limitations of paragraph 6106.1 apply.

c. Self-referral for drug use constitutes confirmation of illegal drug abuse and requires a Marine to be processed for administrative separation. The Voluntary Drug Exemption Program is no longer applicable. However, a Marine's voluntary submission to a DoD treatment and rehabilitation program, and evidence voluntarily disclosed by the Marine as part of the course of treatment in such a program may not be used against the Marine on the issue of characterization of service. This limitation does not apply to:

(1) The introduction of evidence for the purpose of impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine; or

(2) The taking of action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program.

*d. Marines separated for drug abuse, will be screened for drug dependency at a Substance Abuse Counseling Center (SACC) and, if found to be drug or alcohol dependent, provided treatment prior to separation. If the Marine is not within a reasonable commuting distance from a SACC, he/she may be screened by an appropriate credentialed health care provider, either civilian or military. Under special circumstances, Marines will be referred to the VA or other rehabilitation centers for counseling and/or treatment. Commanders must comply with reference (d) MCO 5300.17 for VA referral requirements.

*e. Reserve Marines not on active duty or inactive duty for training are not required to be screened for alcohol or drug dependency incident to processing for administrative discharge. Screening and treatment may be authorized at the discretion of the commander.

6. Commission of a Serious Offense

a. A Marine may be processed for separation for commission of a serious military or civilian offense under the following circumstances:

(1) The specific circumstances of the offense warrant separation; and

(2) A punitive discharge would be authorized for the same or a closely related offense under the UCMJ.

b. A military or civilian conviction is not required for discharge under this provision.

*c. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted except when the factual basis for separation is based on sexual misconduct under paragraph 6210.4.

7. Civilian Conviction

a. Commanders may process Marines for separation when civilian authorities (foreign or domestic) have convicted a Marine or taken action which is tantamount to a finding of guilty, including similar adjudication in juvenile proceedings, when:

(1) the specific circumstances of the offense warrant separation, and

(2) a punitive discharge would be authorized for the same or a closely related offense under the UCMJ; or

(3) the sentence by civilian authorities includes confinement for six months or more without regard to suspension or probation.

b. Separation processing may be initiated whether or not a Marine has filed an appeal of a civilian conviction or has stated an intention to do so. However, execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, unless the Marine has requested separation or the Marine's separation has been directed by the CMC. Such requests must be approved by the Secretary of the Navy who may direct that the member be separated before final action on the appeal.

c. For special provisions regarding characterization of discharge based upon civilian conviction in the case of a reservist, see paragraph 1004.4d.

*d. The notification procedure contained in paragraph 6303 may be used if characterization of service under other than honorable conditions is not warranted except when the factual basis for separation is based on sexual misconduct under paragraph 6210.4.

*8. Sexual Harassment

*a. Sexual harassment is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

*(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career, or;

*(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or;

*(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Abusive work environment harassment need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive. See reference (bh) MCO 1000.9A for additional information regarding sexual harassment.

*b. Sexual harassment may also meet the definition of sexual misconduct under paragraph 6210.4. The procedures contained in paragraph 6304 shall be used when separating a Marine when any part of the basis for separation includes a substantiated incident of sexual misconduct.

*c. Processing for separation is mandatory following the first substantiated incident of sexual harassment involving any of the following circumstances:

*(1) Threats or attempts to influence another's career or job for sexual favors;

*(2) Rewards in exchange for sexual favors; or,

*(3) Physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in a punitive discharge.

*d. Only the Sexual Assault Initial Disposition Authority (SA-IDA) or higher may determine that processing under this paragraph is an appropriate

disposition. This paragraph is not intended to preclude disciplinary action to include trial by court-martial, when appropriate.

*e. An incident is considered substantiated when there has been a court-martial conviction, a civilian court conviction, nonjudicial punishment, or the commander determines, based on a preponderance of the evidence, that sexual harassment has occurred.

*f. The basis for separation shall be under paragraph 6210.2 (minor disciplinary infractions); 6210.3 (pattern of misconduct); 6210.6 (commission of a serious offense); or 6210.7 (civilian conviction). Counseling per paragraph 6105 is not required for processing a Marine for separation under this paragraph, unless the Marine is processed under paragraph 6210.2 or 6210.3.

9. Participation in Supremacist or Extremist Organizations or Activities

a. Processing for separation is mandatory following the first substantiated incident of misconduct resulting from the Marine's participation in extremist or supremacist activities which, in the independent judgment of an administrative separation board convening authority, is more likely than not to undermine unit cohesion or be detrimental to the good order, discipline, or mission accomplishment of the command. Such misconduct must relate to:

(1) Illegal discrimination based on race, creed, color, sex, religion, or national origin; or

(2) Advocating the use of force or violence against any federal, state, or local government, or any unit or agency thereof, in contravention of federal, state, or local laws.

b. An incident is considered substantiated when there has been a court martial conviction, nonjudicial punishment, or an administrative separation board convening authority determines, based on a preponderance of the evidence, that the Marine has engaged in supremacist or extremist conduct.

c. The basis for separation shall be under paragraph 6210.2 (minor disciplinary infractions); 6210.3 (pattern of misconduct); 6210.6 (commission of a serious offense); or 6214 (separation in the best interest of the service). Note, however, that paragraph 6210.2 and 6210.3 may not be used unless the Marine has been previously counseled concerning misconduct per paragraph 6105.

d. The least favorable characterization is under other than honorable conditions, if an administrative board procedure (paragraph 6304) is used. Characterization is honorable, general (under honorable conditions), or uncharacterized (entry level separation), if the notification procedure (paragraph 6303) is used. Refer to paragraph 6210.2, 6210.3, 6210.6, and 6214 to determine the applicability of paragraphs 6303 and 6304.

*10. Driving Under the Influence

a. A Marine may be processed for separation for driving under the influence following a substantiated incident.

b. An incident is considered substantiated when there has been a court martial conviction, nonjudicial punishment, a civilian conviction, or an administrative separation board convening authority determines based on a preponderance of the evidence that the Marine has engaged in the act of driving under the influence.

c. The basis for separation shall be under paragraph 6210.3 (pattern of misconduct); 6210.6 (commission of a serious offense); 6210.7 (civilian conviction); or 6214 (separation in the best interest of the service). Note, however, that paragraph 6210.3 may not be used unless the Marine has been previously counseled concerning misconduct per paragraph 6105. The least favorable characterization is under other than honorable conditions, if an administrative board procedure (paragraph 6304) is used. Characterization is honorable, general (under honorable conditions), or uncharacterized (entry level separation), if the notification procedure (paragraph 6303) is used. Refer to paragraphs 6210.3, 6210.6, 6210.7, and 6214 to determine the applicability of paragraphs 6303 and 6304.

*e. Processing for separation for driving under the influence is mandatory following the second substantiated incident during a Marine's naval career. For the purposes of mandatory processing under this paragraph, a second substantiated incident is defined as a conviction at court-martial for operating a vehicle impaired or with a blood alcohol concentration that exceeds the limit proscribed in Article 111, UCMJ, a civilian conviction for driving under the influence that is substantially equivalent to a violation of Article 111, or nonjudicial punishment for driving under the influence in violation of Article 111. The first substantiated incident necessary to trigger mandatory processing need not have occurred during the Marine's current enlistment. The Marine's service record book must indicate that the Marine was counseled concerning the earlier substantiated incident per paragraph 6105. Preservice misconduct shall not be considered for determining whether mandatory processing is required.

MARCORSEPMAN 1900.16-6211

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6211. NEW ENTRANT DRUG AND ALCOHOL TESTING**

1. The enlistment of any person determined to have been dependent on drugs or alcohol at the time of such enlistment shall be voided, and the Marine shall normally be given an uncharacterized separation. The following guidelines apply:

a. The basis of separation for Marines found dependent on drugs or alcohol at the time of enlistment shall be a void enlistment (10 U.S.C. 978).

b. Dependency will be determined by a medical officer using appropriate medical/psychiatric criteria.

c. Prepare a DD Form 214 for all individuals separated under this paragraph per section 2 of chapter 1 with the following exceptions:

(1) Enter zeros in all blocks of item 12 for non-prior service individuals. For individuals with prior service, enter zero in blocks a, b, c, and i and complete the remaining portion as appropriate.

(2) Enter "VOID ENLISTMENT" in blocks 23 and 24.

(3) Enter "10 U.S.C. 978" in block 25.

(4) Assign separation code, JFU1.

(5) Assign reenlistment code, RE-3C.

d. A person whose enlistment is voided due to alcohol or drug dependency shall be referred to a civilian treatment facility.

e. This paragraph also applies to officer candidates undergoing initial training in an enlisted status.

2. Marines who test positive, but are not found dependent, for drugs or alcohol during an initial entry drug or alcohol test shall be processed for separation per the appropriate provision of paragraph 6204 (defective enlistment and induction). Commanding officers are not precluded in appropriate cases from taking disciplinary action against a Marine or processing a Marine for separation, with or without a characterization, under an alternative basis for separation.

*a. Separation of personnel who refuse to consent to testing or evaluation during initial entry on active duty (IEAD) or who are confirmed positive for illegal drug use (other than marijuana) may not be waived. The determination of a waiver for a confirmed positive for illegal marijuana use

during IEAD should be made at the recruit depots prior to the recruit's graduation and follow-on MOS school assignment. Thereafter, it should be presumed that a waiver was appropriate and granted. Conforming service record book entries should be made.

b. Personnel confirmed positive for marijuana use alone (except for officer candidates) will be processed for separation unless the GCMCA's of the recruit depots or their delegated authorities waive this provision on a case-by-case basis. Separation of officer candidates for confirmed marijuana use may not be waived.

c. Personnel confirmed positive at a 0.05 blood alcohol level or greater shall be processed for separation unless the GCMCA's of the recruit depots and OCS (in the case of officer candidates) or their delegated authorities waive this provision on a case-by-case basis.

MARCORSEPMAN 1900.16-6212

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6212. SECURITY. When retention is clearly inconsistent with the interests of national security, a Marine may be separated by reason of security and under conditions and procedures established by the Secretary of Defense. Characterization will be honorable, general (under honorable conditions), under other than honorable, or uncharacterized under the rules in table 6-1. The separation authority is the CMC (MMSR); however, the CMC may refer any particular case to the Secretary of the Navy.

MARCORSEPMAN 1900.16-6213

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (e) MCO 1001R.1K
(bj) DoDI 1215.13

6213. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE. A Marine may be separated for unsatisfactory participation in the Ready Reserve under criteria established in reference (bj) DoDI 1215.13, reference (e) MCO 1001R.1K (MCRAMM), and the Commander, Marine Forces Reserve (MARFORRES). The separation authority is the GCMCA. Characterization of service will conform to paragraph 1004 and the rules of table 6-1.

MARCORSEPMAN 1900.16-6214

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6214. SEPARATION IN THE BEST INTEREST OF THE SERVICE**

1. The Secretary of the Navy may direct the separation of any Marine before the expiration of that Marine's term of service after determining that such separation is in the best interest of the Marine Corps. For example, the Secretary may use secretarial plenary authority to separate a Marine whose personal conduct reflects discredit upon the service, adversely affects the good order and discipline of the unit, or adversely affects the Marine's performance of duty. Requests for this type of discharge should only be made in unusual cases where such action is essential in the interest of justice, discipline, and proper administration in the naval service.

2. Requests for separation under this paragraph shall be forwarded to the Secretary of the Navy via CMC (MMSR-2) for review.

*3. Separation under this provision should only be made in unusual cases not covered by any other provisions of this chapter or when a Marine has been processed for separation under any other basis of this chapter and the separation authority, pursuant to paragraph 6309.2c, disagrees with the administrative board's recommendation for retention. Renotification under paragraph 6303 is required prior to forwarding to CMC (MMSR) for review when a Marine has been processed for separation under another basis of this chapter and the separation authority, pursuant to paragraph 6309.2c, disagrees with the board's recommendation for retention. In all other cases initiated under this paragraph, the basis for discharge will be under separation in the best interest of the service.

4. Notification procedures under paragraph 6303 shall be used. The procedures for requesting an administrative separation board, including for a Marine with six or more years of service, do not apply. The notification shall state why no other reason for separation under this chapter is appropriate and why separating the Marine is in the best interest of the Marine Corps.

5. Characterization of service will be honorable or general (under honorable conditions).

6. See paragraph 6421 regarding voluntary requests for separation under the secretarial plenary authority.

7. All separations in the best interest of the service shall be submitted to the Secretary or the Secretary's delegated representative for decision.

8. Marines separated under this paragraph with an honorable or general (under honorable conditions) characterization of service normally rate full

separation pay. The Secretary of the Navy or the Secretary's delegated representatives will determine approval of half or no separation pay.

MARCORSEPMAN 1900.16-6215

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (an) DoDI 1332.14
(bt) MCO 6110.3 W/ CH 1

***6215. WEIGHT CONTROL/BODY COMPOSITION PROGRAM (BCP) FAILURE.** When the **sole** reason for separation is failure to meet height/weight and body composition standards, and the Marine's performance and conduct otherwise conform with established standards, if separation is warranted, the Marine will be separated under this paragraph.

1. Basis for processing

a. Medical problems: Obesity. Marines with a medically diagnosed condition that precludes or interferes with BCP adherence may be separated through appropriate medical channels.

b. No medical problems: BCP Failure. The following criteria must be met to meet this basis for separation:

(1) The Marine is unqualified for further service;

*(2) The Marine failed to meet height/weight and body composition standards under reference (bt) MCO 6110.3;

(3) The Marine has no medically diagnosed condition precluding or interfering with BCP compliance;

*(4) The Marine made a reasonable effort to conform to Marine Corps height/weight and body composition standards by adhering to the regimen prescribed by the appropriately credentialed health care provider (ACHCP) and the commander as prescribed in reference (bt) MCO 6110.3. A reasonable effort consists of adherence to a reasonable diet combined with a regular physical training regimen and a steady loss of weight/body fat. Processing of Marines who fail to make a reasonable effort will be under paragraph 6206 (unsatisfactory performance of duties), not this paragraph; and

(5) Body Composition Program failure is the only basis for separation and the Marine's performance and conduct otherwise conform with established standards. This basis will NOT be used if another basis (such as misconduct or unsatisfactory participation or performance) is appropriate.

2. Documentation. The following must be included to support separation:

*a. Completed BCP Evaluation Form (NAVMC 11621) for any assignment or extension. The BCP Evaluation form must be signed by a medical officer, ACHCP, commanding officer and the Marine.

*b. Periodic Weigh-in and Body Composition Evaluations (BCE) results as determined on the BCP Form.

*c. Counselings (6105). Before initiating separation, the command must counsel the Marine according to paragraph 6105, giving the Marine corrective guidance and a reasonable opportunity to correct deficiencies, and document any failure to correct those deficiencies. PROPER 6105 COUNSELING REGARDING THE BODY COMPOSITION ASSIGNMENT SHOULD BE RECORDED IN THE SRB/ESR ON THE SAME DAY THE MARINE IS ASSIGNED TO THE BCP. The 6105 counselings are required for administrative discharge (initial, 4th month evaluation and termination or extension), but a page 11 entry is not required to record assignment to the BCP for unit diary purposes. Ensure that command reevaluation is conducted 6 months after the initial assignment to the BCP.

3. Characterization. Honorable or general (under honorable conditions) as warranted under paragraph 1004 and table 6-1. Table 1-1, Rule 8, is not used for this separation.

4. This paragraph will not be used for entry level separation.

5. "Weight control failure" and "BCP failure" (as stated in reference (bt) MCO 6110.3) are synonymous. "Weight Control Failure" is used for paragraph 6215 in compliance with DoD standards and reference (an) DoDI 1332.14. In addition, "Weight Control Failure" will be used as the narrative reason in block 28 of the DD Form 214 for Marines separated under this paragraph.

MARCORSEPMAN 1900.16-6301

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6301. GENERAL. This section establishes the administrative procedures for separation and provides detailed procedures for administrative separation boards. In light of the unique nature and requirements of the reserve component and problems inherent in contacting Marines of the SMCR and IRR, the Commander, MARFORRES may supplement these procedures and figures with procedures and figures that facilitate the separation process yet ensures fairness to reserve Marines.

MARCORSEPMAN 1900.16-6302

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (d) MCO 5300.17

6302. INITIATION OF SEPARATION PROCESSING

*1. When a Marine's performance or conduct falls within any of the reasons within section 2 and all required command attempts at leadership and rehabilitation of the Marine have been unsuccessful, the commanding officer should initiate separation processing, subject to the specific requirements found in this chapter. At the command level, the process involves identification of a particular case, notification to the Marine, and preparation of a recommendation to the separation authority with evidence supporting the recommendation. Marines should be processed for all general bases for which minimum criteria for processing are met in chapter 6; however, separation authorities must choose the most appropriate single basis when actually effecting the separation.

2. A separation authority is not precluded from initiating separation processing for a Marine under his or her command. If a separation authority initiates separation processing, no recommendation from a subordinate commander is required; however, all other notification requirements shall be completed in compliance with this chapter.

3. Notification letters and command recommendations will be signed personally by the commanding officer. During the commanding officer's official absence, such correspondences will be signed "Acting" by the officer temporarily succeeding to command. By direction signatures are not authorized. However, inspector-instructors and site commanders are authorized to sign notification letters and command letters of recommendation for discharge on behalf of reserve commanding officers when the reserve commanding officer is not available for signature, but concurs with the action or recommendation.

*4. Before initiating separation processing the command should take the following steps as well as consult the checklist in figure 6-2.

a. Step One: Review limitations on separation. Review paragraph 6106 and determine if separation is precluded.

b. Step Two: Determine the Marine's status. Determine precisely the status of the Marine since status and basis for separation can determine the separation authority, the nature of separation, and the rights afforded to the Marine.

(1) Proximity to expiration of active service, current contract, obligated service, and eligibility for transfer to the FMCR or retirement.

*(a) Holding beyond release date. A Marine may not be held on active duty involuntarily beyond his or her release date for administrative

discharge. See paragraph 1008. Similarly, a Marine of the IRR or SMCR may not be held beyond RECC or EOS for administrative discharge.

(b) Marine eligible or within two years of eligibility for retirement or transfer to the FMCR. See paragraph 6106 and 6307.

(2) Amount of active and inactive service;

(3) Reservist (if Active Reserve, SMCR or IRR; if SMCR obligor or non-obligor);

(4) Eligibility of SMCR Marine to transfer to the IRR.

(a) Mandatory participants in the SMCR. An SMCR Marine with a mandatory participation requirement ("obligor") may be retained involuntarily in the SMCR for administrative discharge. See MCRAAM paragraph 3301. Do NOT transfer such a Marine to the IRR without MARFORRES approval.

(b) Non-mandatory participants in the SMCR. An SMCR Marine without a mandatory participation requirement ("non-obligor") and not subject to a separate written agreement to train (SWAT, MCRAAM paragraph 3102) CANNOT be retained involuntarily in the SMCR for administrative separation. See MCRAAM paragraph 3301.2b. If such a Marine facing administrative discharge requests transfer to the IRR, such transfer must be granted. The SMCR command must then contact MARFORRES (SJA Division) to initiate proceedings to separate the Marine from the IRR.

c. Step Three: Review limitations on characterization. Review paragraph 1004.4. Especially important are paragraphs 1004.4a and 1004.4b (prior service and pre-service activities) and 1004.4d (conduct in the civilian community by a reservist not in a duty status).

d. Step Four: Identify the separation authority. Review paragraph 6307.

*e. Step Five: Drug and alcohol dependency. Evidence of alcohol or drug abuse/dependence requires that an active duty respondent be screened at a SACC or an equivalent facility (i.e., military MTF, or other DoD counseling facility) and offered treatment before the case is referred to a board or forwarded to the separation authority. See reference (d) MCO 5300.17 for evaluation, counseling, and treatment requirements. For reservists, see paragraph 6210.5e.

MARCORSEPMAN 1900.16-6303

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10, U.S.C.
(d) MCO 5300.17

***6303. NOTIFICATION PROCEDURES**

1. The procedures and requirements outlined in this paragraph are applicable under any specific reason for separation contained in section 2.

2. When a Marine is processed on the basis of multiple reasons for separation, the following guidelines apply to procedural requirements, limitations on characterization of service, or description of separations:

a. The requirements for each reason will be applied to the extent practicable.

b. If a reason for separation, stated in the notice of proposed action, requires processing under the Administrative Board procedure, process per paragraph 6304. See table 6-2 for bases requiring administrative board procedures.

c. If more than one reason for separation is approved, the guidance on characterization that provides the greatest latitude may be applied.

d. When there is any conflict between a specific requirement applicable to one reason and a general requirement applicable to another reason, the specific requirement shall be applied.

e. If a conflict in procedures cannot be resolved, the procedures most favorable to the respondent shall be used.

f. If the separation authority approves two or more bases for separation, the authority shall further indicate the primary single basis to appear on the Marine's DD Form 214.

***3. Notification Requirements.** If there is evidence of alcohol or drug abuse/dependence, the respondent must be screened at a SACC or an equivalent facility (i.e., military MTF, or other DoD counseling facility) and offered treatment before the case is referred to a board or forwarded to the separation authority. Refer to reference (d) MCO 5300.17 for evaluation, counseling and treatment requirements. For reservists, see paragraph 6210.5e.

a. **Notice.** A commanding officer must provide written notice to any Marine being recommended for separation. Sample letters of notification and acknowledgment forms are provided in figure 6-2. Commands may develop their own procedures; however, such written notice shall include the following:

(1) Each of the specific reasons for separation in section 2 which forms the basis of the proposed separation, including the circumstances upon which each action is based and a reference to the applicable provisions of this chapter;

(2) Whether the proposed separation could result in discharge, release from active duty to a reserve component, transfer from the Selected Reserve to the IRR, release from custody or control of the naval services, or other form of separation;

(3) The least favorable characterization of service or description of separation authorized for the proposed separation, and the characterization recommended by the commanding officer;

(4) If the Marine is FMCR/retired list eligible and has refused to request transfer to the FMCR/retired list under paragraph 6106.4, the respondent's notification letter shall include a statement reflecting such refusal and acknowledging the respondent's understanding that, if separation is approved, he/she may lose all retainer/retired pay and benefits;

(5) A statement of the Marine's right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents shall be summarized;

(6) A statement of the Marine's right to submit statements;

(7) A statement of the Marine's right to consult with counsel per paragraph 6303.3b, and a statement that it is in the Marine's best interest to consult with counsel before waiving any rights;

*(8) A statement of the right to request an administrative board if the Marine has six or more years of total active and inactive service at the time of notification of separation proceedings or if the least favorable characterization of service is other than honorable;

(9) A statement of the right to waive the rights afforded in paragraph 6303.3a(6) through 6303.3a(9), after being afforded a reasonable opportunity to consult with counsel and that failure to respond shall constitute a waiver of these rights;

(10) If the respondent is in civil confinement, absent without authority, in a reserve component not on active duty, or upon transfer to the IRR, the relevant notification procedures in paragraph 6303.4 apply; and

(11) The notification requirements outlined in this paragraph do not apply when the Marine is processed for separation by reason of the convenience of the government for disability and the character of service is based upon average proficiency and conduct markings.

(12) Use if applicable for convenience of the government bases. The basis for which you are separated does not qualify as a naval service disability.

b. Counsel. A respondent has the right to consult with a lawyer qualified counsel, or non-lawyer counsel before returning the acknowledgement of rights. "Qualified Counsel" is a trial or defense counsel certified under Article 27b of the UCMJ, or a civilian attorney authorized to practice law.

(1) A respondent has the right to consult with qualified counsel when the notification procedure is initiated, except when all of the following conditions are met:

(a) The respondent is away from or deployed outside the United States, or attached to a vessel away from its overseas home port, or attached to a shore activity remote from judge advocate resources;

(b) No qualified counsel is assigned and present at the vessel, unit, or activity; and

(c) The commanding officer does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next five days if qualified counsel is assigned and present on another naval vessel, unit, or activity located in the same geographic area where the Marine's vessel, unit, or activity is located, or will be located within the next five days. It is considered that, for purposes of this manual, the commanding officer has access to qualified counsel unless that counsel is currently absent from duty station; i.e., leave, or TAD outside the immediate geographic area; and

(d) The commanding officer determines that the requirements or needs of the Marine Corps warrant processing before qualified counsel will be available.

(2) Non-lawyer counsel shall be appointed whenever qualified counsel is not available. An appointed non-lawyer counsel shall be a commissioned officer with no prior involvement in the circumstances leading to the basis of the proposed separation, and no involvement in the separation process itself. The non-lawyer counsel shall be encouraged to consult by telephone or by any other means with any available judge advocate regarding any legal issues relevant to the case. When a non-lawyer counsel is appointed, the appointing letter shall contain an explanation by the commanding officer setting out in detail why qualified counsel is unavailable and why the requirements or needs of the Marine Corps warrant processing before qualified counsel will be available. A copy of the appointing letter will be attached to each copy of the written notice of separation processing.

(3) The Marine may also consult with a civilian counsel retained at the respondent's own expense. The fact that a respondent indicates to the commanding officer that the respondent will be consulting, or has consulted with a civilian counsel does not relieve the obligation of the commanding officer to furnish military counsel. Consultation with civilian counsel shall not delay orderly processing in accordance with this manual.

c. Response. The respondent shall be provided a reasonable period of time, but not less than two working days to respond to the notice. An extension may be granted upon a timely showing of good cause by the respondent. The respondent's selection as to each of the rights in paragraph 6303 shall be recorded and signed by the respondent and respondent's counsel, if counsel is not waived, subject to the following limitations:

(1) If notice by mail is authorized and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

(2) If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

(3) The respondent's commanding officer shall forward a copy of the notice and the respondent's reply to the separation authority. Where appropriate, the commanding officer should also make recommendations to the separation authority, pursuant to paragraph 6106.4, as to the pay grade in which a respondent eligible for transfer to the Fleet Marine Corps Reserve/retired list should be allowed to transfer.

4. Additional Notification Requirements

a. Marine Confined by Civil Authorities

(1) If separation proceedings under section 2 have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. When a board is appropriate or required, there is no requirement that the respondent be present at the board hearing. Rights of the respondent before the board can be exercised by counsel on behalf of the respondent.

(2) The following additional requirements apply:

(a) The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate. The notice shall be delivered personally to the respondent or sent by certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. Mail at an address outside the United States). If the Marine refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a sworn affidavit of service by mail which will be inserted on the document side of the Marine's service record together with PS Form 3800.

(b) If delivered personally, receipt shall be acknowledged in writing by the respondent. If the respondent does not acknowledge receipt or refuses to accept delivery, the person attempting delivery shall make an appropriate note on the form.

(c) The notice shall state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) to give the respondent the opportunity to exercise the rights in the notice. If the respondent does not reply by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action. Once the respondent makes an election of rights, action need not remain suspended.

(d) The name and address of the military counsel appointed for consultation shall be specified in the notice.

(e) If the case involves entitlement to an administrative board, the respondent shall be notified that the board will proceed in the respondent's absence and that the case may be presented on respondent's behalf by counsel for the respondent.

b. Certain Members of Reserve Components

(1) Members of reserve components not on active duty:

(a) If separation proceedings under section 2 have been initiated against a member of a reserve component not on active duty, the case may be processed in the absence of the member in the following circumstances:

1 At the request of the Marine;

2 If the Marine does not respond to the notice of proceedings on or before the suspense date provided therein; or

3 If the Marine fails to appear at a hearing without good cause.

(b) The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate.

(c) If the action involves a transfer to the IRR, the Marine will be notified that the characterization of service upon transfer to the IRR will constitute the characterization of service upon discharge after completing the military service obligation unless the following conditions are met:

1 The Marine takes affirmative action to affiliate with the SMCR, and

2 The Marine satisfactorily participates as a member of the SMCR for a period of time which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service.

(2) Upon transfer to the IRR, the Marine will be notified of the following:

(a) The characterization of service upon transfer from active duty or the SMCR to the IRR and that the characterization of service upon completion of the military service obligation in the IRR will be the same.

(b) The date upon which the military service obligation will expire.

(c) The date by which the Marine must submit evidence of satisfactory completion of the conditions in paragraph 6303.4b(1)(c).

(3) If the Marine submits evidence of completion of the conditions specified in paragraph 6303.4b(1)(c), but the separation authority proposes to discharge the Marine with a characterization of service as general (under honorable conditions), the notification procedure in paragraph 6303 shall be used. An administrative board is not required at this point notwithstanding the Marine's years of service.

(4) If the Marine does not submit such information on or before the date specified in the notice, no further proceedings are required. The characterization of service is the same as the characterization of service upon transfer from active duty or the SMCR to the IRR.

(5) The following requirements apply to the notice required in paragraphs 6303.4b(1) and 6311.3a:

(a) Reasonable effort should be made to furnish copies of the notice to the Marine through personal contact by a representative of the command. A written acknowledgment of the notice shall be obtained.

(b) If the Marine cannot be contacted or refuses to acknowledge receipt of the notice, the notice shall be sent by certified mail, return receipt requested (or by an equivalent form of notice, if such service is not available for delivery by U.S. Mail at an address outside the United States) to the most recent address furnished by the Marine as an address for receipt or forwarding of official mail. If the Marine refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a sworn affidavit of service by mail to be inserted on the document side of the service record together with PS Form 3800.

(6) Per reference (a) Title 10, U.S.C. 12685, no Marine of a reserve component may be discharged under other than honorable conditions unless that Marine is separated under the approved findings of a board of commissioned officers. If a Marine of a reserve component, as a respondent, is separated under the approved findings of an administrative board which had one or more Marines who were not commissioned officers, the respondent will be discharged under honorable conditions. Characterization may be under other than honorable conditions if the Marine consents to or waives administrative discharge proceedings or a court-martial or a board.

c. 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 respondent must be advised of such requirement before making a decision on an involuntary separation resulting from alleged misconduct. Failure to provide such advisement, however, shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation.

d. Marines Recommended for Separation Under a Basis that does not Qualify as a Naval Service Disability. In those cases where a Marine is being processed for separation under paragraphs 6203.2, condition not a disability; 6203.3, personality disorder; 6203.7, refusal of medical treatment; and 6203.8, physical standards, the notice shall state that the specific diagnosis/condition does not qualify as a naval service disability (see paragraph 6203 and figures 6-2 and 6-2a for further guidance).

MARCORSEPMAN 1900.16-6304

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (r) JAGMAN 5800.7F
(bu) MCO P5800.16A W/ CH 1-6

***6304. ADMINISTRATIVE BOARD PROCEDURES**

*1. Notice. If an administrative board is required, the Marine shall be notified in writing per the example in figure 6-3 or by the forms provided by CMC (MM) (see paragraph 6106.4), as appropriate, by the Marine's commanding officer of the following matters:

a. The basis of the proposed separation, including the circumstances upon which the action is based and reference to the applicable reason for separation.

b. Whether the proposed separation could result in discharge, release from active duty to a reserve component, transfer from the SMCR to the IRR, release from the custody and control of the Marine Corps, or other form of separation.

c. The least favorable characterization of service or description of separation authorized for the proposed separation and the characterization recommended by the commanding officer.

d. The respondent's right to consult with counsel per paragraph 6304.3 and that it is in the Marine's best interest to consult with counsel before waiving any rights.

e. The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

f. The respondent's right to request a hearing before an administrative board.

g. The respondent's right to present written statements to the separation authority in lieu of a hearing.

h. The respondent's right to representation at the administrative board by counsel per paragraph 6304.3.

i. The right to representation at the administrative board by civilian counsel at the respondent's own expense.

j. The right to appear in person before the board.

k. The right to make a sworn or unsworn statement before the board subject to the rights accorded under Article 31, UCMJ.

l. The right to challenge voting members of the board or the legal advisor for cause.

m. The right to examine evidence presented by the board, cross-examine witnesses appearing before the board, submit evidence before the board, and make a final argument before the board.

n. The right to waive the rights in paragraph 6304.1d through 6304.1m.

o. That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in paragraph 6304.1d through 6304.1m, and

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

*2. Additional Notice Requirements

a. If separation processing is initiated on the basis of more than one reason in section 2 and at least one basis for separation entitles the respondent to a hearing before an administrative separation board, the requirements of paragraph 6304.1 apply to all proposed reasons for separation.

b. If the respondent is in civilian confinement, absent without authority, in a Reserve component not on active duty, or upon transfer to the IRR, the relevant notification procedures in paragraph 6303.4, 6311.3a, and 6312 apply.

c. The notification requirements in paragraph 6303 shall be used when characterization of service as general (under honorable conditions) is authorized, the Marine has less than six years of active service and inactive service at the time of notification, and the Marine is processed for separation by reason of convenience of the government, and the characterization is not based on proficiency and conduct markings. See paragraph 6303.4.d for notification requirements for separation by reason of convenience of the government for those bases that do not constitute a naval service disability.

d. In those cases that may be subject to a reimbursement requirement for recoupment of advance education assistance costs, bonuses, or special pays, the respondent must be advised of such requirement before making a decision on an involuntary separation resulting from alleged misconduct. Failure to provide such advisement, however shall not constitute grounds for avoiding a reimbursement requirement unless otherwise expressly provided by law or superior regulation.

*e. If the Marine is FMCR/retired list eligible and has refused to request transfer to the FMCR/retired list prior to initiation of administrative separation processing, the Marine must be notified that failure to request transfer may result in loss of all retainer/retired pay and benefits. In cases involving misconduct, the Marine must be notified that an under other than honorable conditions characterization of service and automatic reduction to pay grade E-3 for Marines serving in pay grade E-4 or above may be assigned at separation.

*f. If a Marine is FMCR/retired list eligible, has requested transfer to the FMCR/retired list, and CMC (MM) has denied the Marine's request and directed processing for administrative separation, the Marine must be notified that processing has been directed by CMC due to adverse information submitted by the Marine's chain of command or discovery of adverse material contained in the Marine's official records that forms one of the specific reasons for involuntary separation contained in chapter 6 of this manual, and that the procedural rights associated with an administrative separation board are being provided to afford the Marine the opportunity to argue grade and characterization of service determinations at transfer.

*g. If the respondent is serving in the pay grade of E-4 or above and is administratively separated with an under other than honorable conditions characterization of service, the respondent shall be administratively reduced to pay grade E-3 with such reduction to become effective upon separation. The provisions of paragraph 6106.4b(3) pertain to Marines who have requested transfer to the FMCR/retired list, but CMC directs administrative separation processing.

3. Counsel

a. A respondent has the right to consult with counsel per paragraph 6303.3b, before electing or waiving any rights under paragraph 6304.1d through 6304.1m.

b. If a hearing is requested, the respondent shall be represented by a qualified counsel appointed by the responsible detailing authority from the Marine Corps Defense Services Organization or a Navy Defense Service Office. The respondent may also request to be represented by a military counsel of his own selection, if that counsel is reasonably available following the procedures set forth in reference (bu), chapter 2, MCO P5800.16A w/ch-6 (LEGADMINMAN) or reference (r) paragraph 0131, JAGMAN 5800.7F.

c. The respondent shall have the right to consult with civilian counsel of the respondent's own choice and may be represented at the hearing by that or any other civilian counsel, all at the respondent's own expense. Exercise by the respondent of this right shall not waive any of the respondent's other rights to counsel. Consultation with civilian counsel shall not unduly delay administrative separation board proceedings. If undue delay appears likely, the convening authority may require the respondent to proceed without the desired civilian counsel. In this event, the convening authority will set forth the full circumstances in the record and will appoint available 6304 military counsel for the respondent or will permit the respondent to be represented by reasonably available military counsel of the respondent's choice.

d. Nonlawyer counsel may not represent a respondent before an administrative separation board unless:

(1) The respondent expressly declines appointment of counsel qualified under Article 27(b)(1) of the UCMJ and requests a specific nonlawyer counsel; or

(2) The separation authority assigns nonlawyer counsel as assistant counsel.

4. Response to Notice. The respondent shall be given a reasonable period of time, but not less than two working days, to respond to the notice. An extension may be granted upon a timely showing of good cause. The selection of the respondent as to each of the rights in paragraph 6304.1d through 6304.1m, and applicable provisions referenced in paragraph 6304.2, shall be recorded and signed by the respondent and respondent's counsel, subject to the following limitations:

a. If notice by mail is authorized and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and a notation shall be recorded on a retained copy of the appropriate form.

b. If the respondent declines to respond as to the selection of rights, such refusal shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, a notation as to the failure to sign will be made.

5. Waiver. A respondent entitled to an administrative board may request a conditional waiver after a reasonable opportunity to consult with counsel per paragraph 6304.3a. A conditional waiver is a statement initiated by the respondent waiving the right to a hearing contingent upon receiving a favorable characterization of service, but normally no higher than general (under honorable conditions).

a. Conditional waivers may be granted on a case-by-case basis per paragraph 6308.1b.

b. Separation authorities may disapprove requests for conditional waivers per paragraph 6308.1b. The separation authority may also delegate authority to disapprove requests for conditional waivers, regardless of basis, to the convening authority. Those units which report to HQMC for discharge authority are hereby delegated the authority to disapprove requests for conditional waivers, regardless of the basis.

*c. In cases which the separation authority is CMC or the Secretary of the Navy, and the Marine is not eligible for transfer to the FMCR/retired list, conditional waivers will be disapproved without referral to CMC unless the GCMCA (or convening authority for units which report to HQMC) specifically supports the requested waiver. For FMCR/retired list eligible Marines, who have requested transfer to the FMCR/retired list but CMC (MM) disapproved the request and directed administrative separation processing, figure 7-3 is the appropriate waiver request, and will be forwarded via the Marine's chain of command with comments per figures 7-4 and 7-5.

MARCORSEPMAN 1900.16-6305

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (i) MCO P1070.12K W/ CH 1
(be) MCO P1400.32D W/ CH 1&2

***6305. COMMAND RECOMMENDATION**

1. Once the notification requirements contained in paragraph 6303 and 6304 have been met, and provided the commanding officer desires to continue separation processing, the commanding officer must forward the recommendation for separation, copies of the appropriate notification, the Marine's acknowledgment and necessary supporting documentation to the separation authority via the normal chain of command. The commanding officer's recommendation will bear significant weight, provided the requirements of this chapter and separate Marine Corps directives (when applicable) have been observed. It must include a specific recommendation for:

- a. Discharge or retention; and
- b. The characterization of service and type of discharge.

*c. For FMCR/retired list eligible Marines who have had administrative processing directed by CMC (MM), recommendation as to whether the Marine should transfer in grade currently held or reduced one inferior pay grade and characterization of service at transfer.

The commanding officer need not restate what is evident within enclosed documentation, but should strive to present a concise "snapshot" of the case amplifying unique aspects when necessary. Though such recommendations will lend themselves to a general format, commanding officers must ensure that the specific content accurately reflects the circumstances of the case being considered.

2. Supporting documentation may take the form of existing official records or written statements from personnel familiar with some aspect of the case. This includes, but is not limited to:

*a. SRB/ESR Pages. Pages 3, 11, 12, 13 (if applicable), and Record of Service often are valuable supporting documents, but should be submitted only if germane. When administratively more practical, data within the SRB/ESR can be incorporated into the commanding officer's recommendation. For example, average duty proficiency and conduct marks may be submitted vice page 23 or Record of Service.

b. Training Records/Related Documents. Separations which relate to performance or remedial programs such as weight control/body composition or personal appearance require specific actions and administrative procedures. Refer to the MCO for the specific program. Documentation must demonstrate substantial compliance with the intent of any such program.

c. Supporting Statements. In most cases before initiation of separation processing, Marines have been involved in leading, counseling, and assisting the Marine concerned. Statements from these NCO's, SNCO's, and officers are typically very helpful to the separation authority in deciding a Marine's case.

d. Information Directly Supporting Reason for Separation. Investigation reports, police reports, or any other documentation directly relating to the primary reason for separation must be forwarded as part of any recommendation. If a recommendation includes a report of investigation or statements gathered by the Naval Criminal Investigative Service (NCIS), and the CMC or the Secretary of the Navy is the separation authority, include the report as an enclosure. If the separation authority is other than the CMC, do not include NCIS reports or statements, since these documents cannot be filed in OMPF's. Identification of the report or statement as a reference to the commanding officer's letter recommending separation will suffice.

*e. Administrative Separation Medical Evaluation. Based on the requirements of paragraph 6110, address relevant considerations from the medical evaluation, particularly PTSD and TBI if present, and specifically address any impact or mitigating circumstances effecting discharge, retention, or characterization of service and whether disability processing is appropriate.

*3. A copy of the separation endorsement, directing separation, must be provided to the S-1 and Personnel Administration Center for compliance with administrative reporting per reference (i) MCO P1070.12K (IRAM), promotion restrictions per reference (be) MCO P1400.32D and disbursing requirements.

MARCORSEPMAN 1900.16-6306

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6306. GENERAL. To properly examine the case of a Marine being recommended for discharge, the separation authority has several basic concerns. First, the proceedings must be thoroughly reviewed to ensure procedural and legal completeness with paramount focus directed towards ensuring that the Marine has been afforded the opportunity to exercise all rights due a respondent. Along the same line, the discharge package should be processed expeditiously in accordance with the time processing goals. Next, the separation authority will review the circumstances involved in the proposed discharge to determine whether the facts meet the criteria for discharge contained within this chapter. Should separation be warranted, the separation authority will ascertain the appropriate characterization of service per the facts and other guidance provided in this chapter.

MARCORSEPMAN 1900.16-6307

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
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References: (a) Title 10, U.S.C.
(x) Title 5, U.S.C.
(bk) DoDI 6495.02

***6307. SEPARATION AUTHORITIES**

1. The separation authority for separations under this chapter is the Marine officer having general court-martial convening authority (GCMCA) over the respondent, or that officer's temporary successor in command, or as designated in figure 6-1 except:

a. When the authority is specifically limited in section 2 to the DC, M&RA or the Secretary of the Navy;

b. When a specific provision of this chapter or separate Marine Corps order or directive authorizes another separation authority;

*c. When the Marine is being processed for involuntary separation and has 18 years or more total active military service (sanctuary period, i.e., within two years of becoming eligible for military retired or retainer pay), the separation authority is the DC, M&RA. Determinations of "No Further Service" will not be made for regular enlisted Marines who have entered the sanctuary period. However, the DC, M&RA may direct the Marine's command to convene an administrative separation board (providing the command a copy of the Marine's complete OMPF pursuant to paragraph 2800.5d and 2800.6b of the Marine Corps Manual and reference (x) Title 5, U.S.C. Section 552a(b)(1)), and process the Marine for administrative separation per chapter 6, section 3, of this manual in order to identify substandard performers or unqualified regular enlisted Marines ineligible for further service who are within the sanctuary period;

*d. When a Marine, eligible for transfer to the FMCR/retired list, does request transfer to the FMCR/retired list, but CMC (MM) disapproves the request directing administrative separation processing per the guidelines of this chapter; the authority to take final action regarding characterization of service and pay grade determination, at transfer to the FMCR/retired list, is the DC, M&RA.

e. The involuntary separation of reservists on active duty (other than for training) who are within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system must be approved by the Secretary of the Navy (reference (a) Title 10, U.S.C. Section 12686);

*f. When a separation authority specifically delegates authority for certain separations, subject to the limitations in paragraph 6307.2 and 6307.3. Tables 6-2 and 6-3 identify the separation authorities for involuntary and voluntary separation, respectively.

2. When the sole basis for separation is a serious offense that resulted in a conviction by a general or special court-martial that did not impose a punitive discharge, and an under other than honorable discharge is warranted, the DC, M&RA is the separation authority (refer to paragraph 1004.4.c for additional guidance).

*3. With the exception of those cases contained in paragraphs c, d, and e below, officers exercising GCMCA may, at their discretion, delegate to any officer exercising special court-martial convening authority (SPCMCA) within their command the authority to take action subject to guidance in this manual on recommendations or requests submitted under this chapter in which retention, separation under honorable conditions, general (under honorable conditions), or entry level separation is recommended. Commanding generals electing to exercise subordinate separation authority under this paragraph will appoint such authority by letter and include the extent and limitation to authority being delegated and any additional guidelines relative to such delegation. Except in the normal operation of succession of command, separation authority cannot be delegated to a subordinate who has no independent convening authority.

a. The Commanding General at either Marine Corps Recruit Depot may further extend their delegation to the Commanding Officer, Recruit Training Regiment, for recruits only.

b. The CMC may delegate separation authority to the Commanding General, Marine Corps Combat Development Command (MCCDC), for voluntarily or involuntarily disenrolled officer candidates. The Commanding General, MCCDC, may delegate that authority to a general officer directly supervising Officer Candidates School. That general officer may in turn delegate the authority to the Commanding Officer, Officer Candidates School.

*c. The separation authority for all administrative separation actions involving any Marine who made an unrestricted report of a sexual assault or any Marine who was the victim of sexual assault (whether or not an unrestricted report was made) that occur within one year of final disposition of his or her sexual assault case shall be a general officer exercising GCMCA and may not be delegated further. See reference (bk) DoDI 6495.02 and Section 578, H.R. 4310: Public Law No. 112-239, National Defense Authorization Act for Fiscal Year 2013.

*d. The separation authority for all administrative separation actions for Marines processed for separation per the procedural guidelines of paragraphs; 6203.3 (personality disorder) and 6210.4 (sexual misconduct) shall be an officer exercising general court-martial convening authority.

*e. The separation authority for Marines diagnosed with PTSD or TBI where a determination has been made by an appropriately privileged medical provider such as a physician, clinical psychologist, psychiatrist, licensed clinical social worker, psychiatric advanced practice registered nurse or other health-care professional as appropriate that PTSD or TBI was a contributing factor to one or more of the bases for separation shall be an officer exercising general court-martial convening authority. See paragraph 6110 of this manual for additional PTSD/TBI medical evaluation requirements.

4. When an administrative board finds that the preponderance of the evidence supports one or more of the bases for separation contained in the notification, but recommends retention and the convening authority (who is

the normal separation authority) does not agree, the sole separation authority is the Secretary of the Navy. Paragraph 6309.2 provides more specific guidance.

MARCORSEPMAN 1900.16-6308

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6308. SEPARATION AUTHORITY REVIEW**

1. The initial review of any recommendation or request for separation under this chapter is normally conducted by specified personnel on the separation authority's staff. It is essential that personnel assigned such responsibilities be well-versed on all separation procedures. Upon receipt, cases are screened per this paragraph.

a. Compliance with Prescribed Directives. This review should ensure that the package is physically and administratively complete (i.e., all enclosures are attached and all specific requirements of this chapter met). If not, initiate immediate corrective action. Table 6-2 is provided to assist in reviewing involuntary separations. For specific requirements, refer to the appropriate paragraph in section 2. If neither an administrative board nor judge advocate's review is required as indicated below, refer the case to the separation authority for decision.

*b. Administrative Board Required. Upon completion of the screening for completeness in paragraph 6308.1a and when a board is required, follow the detailed procedures in part C of this section. When a Marine conditionally waives the right to a board subject to receipt of no less than a general (under honorable conditions) discharge per paragraph 6304.5, the separation authority is not obligated to approve the request. If the circumstances of the case are such that the least favorable characterization authorized is clearly not warranted (a higher characterization is appropriate), the separation authority may approve the conditional waiver per paragraph 6304.5. If the least favorable characterization may be warranted, requests for conditional waivers should be disapproved, the case referred to a board, and the Marine given the opportunity to exercise rights under paragraph 6304. The conditional waiver is intended as an administratively expeditious procedure for those cases in which the least favorable characterization authorized is clearly not warranted. The conditional waiver is not to be used as a plea bargaining device by Marines to obtain a characterization of service higher than truly deserved or as a means to request retention or any other conditional benefits. See paragraphs 6304.5c and 7012 for additional guidance regarding the waiver process for Marines who have had processing directed by CMC (MM) after submission of a request to transfer to the FMCR/retired list.

*c. Legal Review

(1) In the following cases, the record of proceedings shall be reviewed by a judge advocate, or civilian attorney employed by the Navy or Marine Corps, before action by the separation authority:

*(a) When the separation authority is required by paragraph 6307 of this manual to be a GCMCA or above;

*(b) When an administrative board has been held or characterization of service under other than honorable conditions is recommended;

*(c) When an administrative board has been held and the respondent identifies specific legal issues for consideration by the separation authority;

*(d) When action is taken to vacate a previously suspended separation and the respondent identifies specific legal issues for consideration by the separation authority.

(2) The original or a signed copy of the review will be attached as a permanent part of the record of proceedings. The form and content will be as required by the separation authority. Normally a typed, stamped, or printed statement that the proceedings have been reviewed and found sufficient in law and fact is adequate. If the respondent has raised specific legal issues, the review will comment on the merits of the issues raised. If the proceedings are not found to be correct in law and fact, the review shall set forth the facts and reasoning leading to such a determination, and recommend corrective action, if appropriate.

MARCORSEPMAN 1900.16-6309

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6309. SEPARATION AUTHORITY FINAL ACTION. The final action of the separation authority shall be recorded in writing.

***1. Without Administrative Board**

a. The separation authority shall determine whether the allegations in the notification of the basis for separation are substantiated by a preponderance of the evidence. If not, the Marine will be retained.

b. If the separation authority determines that there is sufficient factual basis for separation, the separation authority may direct:

(1) Retention;

(2) Separation for a specific reason contained in the notice of separation proceedings and listed in section 2; or

(3) Suspended separation per the guidance in paragraph 6310.

*(4) At the discretion of the CMC, if the Marine is FMCR/retired list eligible, suspend separation to afford the respondent the opportunity to request transfer to the FMCR/retired list within 30 days. The final determination of transfer/retirement grade rests exclusively with DC, M&RA. See paragraph 6106.4.

c. The following factors may be considered on the issue of retention or separation, depending on the circumstances of the case:

(1) The seriousness of the circumstances forming the basis for initiation of separation proceedings, and the effect of the Marine's continued retention on military discipline, good order and morale.

(2) The likelihood of continuation or recurrence of the circumstances forming the basis for initiation of separation proceedings.

(3) The likelihood that the Marine will be a disruptive or undesirable influence in present or future duty assignments.

(4) The ability of the Marine to perform duties effectively in the present and in the future, including potential for advancement or leadership.

(5) The Marine's rehabilitative potential.

(6) The Marine's entire military record, including:

(a) Past contributions to the Marine Corps, assignments, awards and decorations, evaluation ratings, and letters of commendation;

(b) Letters of reprimand or admonition, counseling records, records of nonjudicial punishment, records of conviction by court-martial, and records of involvement with civilian authorities;

(c) Any other matter deemed relevant based upon the specialized training, duties, and experience of persons entrusted by this chapter with recommendations and decisions on the issue of separation or retention.

d. Adverse matter from a prior enlistment or period of military service, such as records of nonjudicial punishment and convictions by court-martial, may be considered only when such records have a direct and strong probative value in determining whether separation is appropriate. The use of such records shall normally be limited to those cases involving patterns of conduct manifested over a period of time. Isolated incidents and events that are remote in time normally have little value in determining whether administrative separation is appropriate.

(1) Adverse matter from a prior enlistment or period of military service shall not be used to characterize the service of a Marine who is administratively separated.

(2) If adverse matter from a prior enlistment or period of military service is considered on the issue of retention or separation, the record shall include a statement that such matter was not considered by the separation authority on the issue of characterization.

*2. Action by the Separation Authority With an Administrative Separation Board

a. If the board finds that a preponderance of the evidence supports one or more of the alleged reasons for separation and recommends separation, the separation authority may take one of the following actions:

(1) Approve the board's findings and recommendations; or

(2) Approve the board's findings, but modify the recommendation by one or more of the following actions, when appropriate:

(a) Approve the separation, but suspend execution as provided in paragraph 6310;

(b) Approve the separation, but disapprove suspension of the separation;

(c) Change the recommended characterization of service to one more favorable, or to an appropriate uncharacterized description of separation;

*(d) At the discretion of DC, M&RA, if the Marine is FMCR/retired list eligible, approve the separation, but suspend execution to afford the respondent the opportunity to request transfer to the FMCR/retired list within 30 days; or

(e) Change the board's recommendation concerning transfer to the IRR.

(3) Approve the board's findings but disapprove the board's recommendation and retain the Marine.

b. If the board finds that a preponderance of the evidence supports one or more of the alleged reasons for separation, but then recommends retention, the separation authority may:

(1) Approve the board's findings and recommendations; or

(2) Submit the case to the Secretary of the Navy recommending separation for one of the specific reasons which the board found supported by the preponderance of the evidence with a characterization of service as honorable or general (under honorable conditions). The specific reason(s) for separation will be those that the board found were supported by the preponderance of the evidence and approved by the convening authority; or

*(3) If the Marine is eligible and requests transfer to the FMCR/retired list, approve the transfer per paragraphs 6106 and chapter 7.

c. If the board finds that a preponderance of the evidence does not support one or more of the reasons for separation alleged and recommends retention, the separation authority may:

(1) Approve the board's findings and recommendations; or

(2) If the findings of the board are clearly contrary to the substantial weight of the evidence in the record, submit the case to the Secretary of the Navy recommending separation. The basis for separation will be paragraph 6214 of this manual, Secretarial Authority (also known as "Best Interest of the Service"). Follow the guidelines contained in paragraph 6214.4 of this manual. The separation authority must specify the evidence of record relied upon in reaching the conclusion that a preponderance of the evidence of record supports the reasons for separation alleged; or

*(3) If the Marine is eligible and requests transfer to the FMCR/retired list, approve the transfer per paragraphs 6106 and chapter 7.

MARCORSEPMAN 1900.16-6310

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6310. SUSPENSION OF SEPARATION**

1. Suspension

a. Except for discharge by reason of fraudulent enlistment, a separation may be suspended for a specified period of not more than 12 months by the separation authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation. Only the separation authority who directs discharge in a case (or a higher authority) may suspend an approved separation. The following general guidance shall pertain to suspension of separation:

(1) Retaining individuals in the Marine Corps who will not or cannot conform to acceptable standards of conduct, discipline and performance creates a high cost in terms of substandard mission performance, administrative efforts, pay and degradation of morale.

(2) Unless separation is mandatory, the potential for rehabilitation and further useful service shall be considered by the separation authority and, where applicable, the administrative board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized under the provisions of this manual.

(3) Counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings only insofar as expressly set forth under specific requirements for separation.

b. During the period of suspension, the Marine shall be afforded an opportunity to meet appropriate standards of conduct and duty performance.

c. Unless sooner vacated or remitted, execution of the approved separation shall be remitted upon completion of the probationary period, upon termination of the Marine's enlistment or period of obligated service, or upon decision of the separation authority that the goal of rehabilitation has been achieved.

2. During the period of suspension if further grounds for separation under this chapter arise or the Marine fails to meet appropriate standards of conduct and performance, one or more of the following actions may be taken:

- a. Disciplinary action;
- b. New administrative action; or
- c. Vacation of the suspension and execution of the separation.

*3. Before vacation of a suspension, the Marine shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel and to submit a statement in writing to the separation authority. The respondent shall be provided a reasonable period of time, but not less than two working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the separation authority, the matter shall be reviewed by a judge advocate before final action by the separation authority. Sample Notification Letters for Vacating Suspension and Acknowledgement of Rights by Respondent of Vacation can be found in figures 6-6 and 6-7.

MARCORSEPMAN 1900.16-6311

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (i) MCO P1070.12K W/ CH 1

6311. ADMINISTRATIVE ACTION AFTER DECISION

1. If the separation authority directs separation on the basis of more than one reason, the separation authority shall designate the most appropriate basis as the primary reason for reporting purposes.

2. If separation or suspension is directed, the separation authority shall assign a characterization or description of service in accordance with the guidance in section 1 and under the specific reason for separation in section 2.

3. The separation authority shall make a determination as to whether the respondent should be retained in the IRR as a mobilization asset to fulfill the respondent's total military obligation, except when characterization under other than honorable conditions is directed or the Marine is separated on the basis of misconduct, drug trafficking, defective enlistment, or when there are medical reasons why the respondent would not be available to meet mobilization requirements. This determination applies in cases involving separation from active duty or from the Selected Marine Corps Reserve. The following is applicable when the separation authority determines that a respondent should be retained in the IRR.

a. Upon transfer to the IRR, the Marine will be notified of the following:

(1) The characterization of service upon transfer from active duty or the Selected Marine Corps Reserve to the IRR, and that the characterization of service upon completion of the military service obligation in the IRR will be the same.

(2) The date upon which the military service obligations will expire.

(3) The date by which the Marine must submit evidence of satisfactory completion of the conditions set forth in paragraph 6303.4b(1)(c).

b. If the Marine submits evidence of completion of the specified conditions but the separation authority proposes to separate the Marine with a characterization of service less than honorable, use the notification procedures in paragraph 6303. An administrative board is not required at this point regardless of the Marine's years of service.

c. If the Marine does not submit such information on or before the date specified in the notice, no further proceedings are required. The characterization of service is the same as the characterization of service upon transfer from active duty or the Selected Marine Corps Reserve to the IRR.

4. Commanders who approve recommendations for separation should, whenever possible, designate a specific date for separation and direct the separating unit to immediately report the separation date as a new ECC via a unit diary entry.
5. Final action of the separation authority must be recorded. After final action in cases where a Marine receives an approved unsuspended separation, all papers shall be forwarded to CMC (MMRP-20) for inclusion in their OMPF. In cases where an approved separation is suspended, forward all papers to CMC (MMRP) for inclusion in the OMPF if the suspension is later vacated.
6. Refer to reference (i) MCO P1070.12K (IRAM) for permissible service record entries when an administrative separation has been suspended or a respondent has been retained despite board findings that one or more allegations are supported.
7. Recoupment. The separation authority should initiate recoupment of reenlistment bonuses, advance educational assistance, etc., by using the procedures in the DoD Financial Management Regulation, Volume 7A.
8. When a Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3 with such reduction to become effective upon separation.

MARCORSEPMAN 1900.16-6312

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6312. SEPARATION OF MARINES BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE

1. Determination of Applicability. If the GCMCA or higher authority determines that separation is otherwise appropriate under this chapter, a Marine may be separated without return to military control in one or more of the following circumstances:

a. Absent without authority after receiving notice of initiation of separation processing;

b. When prosecution of a Marine who is absent without authority appears to be barred by the Statute of Limitations, Article 43, UCMJ and the statute has not been tolled (exhausted) by any of the conditions set out in Article 43(d), UCMJ;

c. When a Marine, who is an alien, is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the Marine under a treaty or other agreement.

2. Notice. Before execution of the separation under paragraph 6312.1b or 1c, the Marine will be notified of the imminent action by certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the Marine's last known address or to the next of kin under regulations prescribed by the Department of the Navy. The notice shall contain the matter set forth in paragraph 6303 or 6304, as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall treat the failure to respond as a waiver of rights and take appropriate action.

MARCORSEPMAN 1900.16-6313

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6313. SEPARATION OF MARINES PENDING CONCURRENT DISCIPLINARY/ADMINISTRATIVE AND DISABILITY PROCEEDINGS.** See paragraph 8308.

MARCORSEPMAN 1900.16-6314

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6314. CONVENING AUTHORITIES**

***1. Convening Sexual Misconduct/Harassment Administrative Separation Boards**

a. An administrative separation board as required by this chapter in which the underlying misconduct falls within paragraph 6210.4, Sexual Misconduct, or 6210.8, Sexual Harassment, shall be convened in writing by an SA-IDA (O-6 SPCMCA) or GCMCA.

b. A SPCMCA who is not an SA-IDA cannot convene a board if the underlying misconduct falls within paragraph 6210.4, Sexual Misconduct, or 6210.8, Sexual Harassment, unless an SA-IDA or GCMCA has first decided administrative separation is appropriate and delegated authority to convene the board.

c. When a board is convened pursuant to delegated authority and the underlying misconduct falls within paragraph 6210.4 or 6210.8, the order appointing the board shall contain specific reference to the source of such delegated authority (i.e., the SA-IDA or GCMCA).

d. For administrative separation boards in which the underlying misconduct falls within paragraph 6210.4 or 6210.8, an SA-IDA may delegate authority to convene such boards only to an officer who already possesses SPCMCA. For example, a regimental O-6 SPCMCA SA-IDA may delegate authority to convene such a board to an O-5 battalion commander who has SPCMCA, but not an O-5 officer in charge who does not have SPCMCA.

***2. Convening Non-Sexual Misconduct/Harassment Administrative Separation Boards**

a. In all other cases not covered by paragraph 1, an administrative separation board as required by this chapter shall be convened in writing by any commander having SPCMCA, or by any other commanding officer or officer in charge when specifically authorized to do so by a superior authority who is a Marine commander having general court-martial jurisdiction.

b. When a board is convened under delegated authority, the order appointing the board shall contain specific reference to the source of such delegated authority (i.e., the GCMCA).

MARCORSEPMAN 1900.16-6315

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6315. COMPOSITION

1. Members

a. The convening authority shall appoint to the administrative board at least three commissioned/warrant or staff noncommissioned officers of the armed forces of the United States of America (or reserve components thereof). Enlisted personnel appointed to the board shall be in the pay grade of E-7 or above and be senior to the respondent. At least one member of the board will be in the pay grade of O-4 or above and a majority shall be commissioned or warrant officers. When the respondent is an active duty Marine, the senior member must be on the active duty list of the service. When no active duty-list officer is reasonably available, the convening authority may substitute a reserve officer designated for duty in the Active Reserve (AR) Program who has served on continuous active duty for more than 12 months immediately before appointment to the board.

b. If the respondent is an enlisted Marine of a reserve component or holds an appointment as a reserve commissioned or warrant officer, the board shall include at least one reserve commissioned officer as a voting member. Voting members shall be senior to the respondent's reserve grade. If the respondent is a member of a reserve component and an other than honorable discharge is authorized by this manual, all board members shall be commissioned officers.

c. The convening authority shall ensure that the opportunity to serve on administrative boards is given to women and minorities. The mere appointment or failure to appoint a member of such a group to the board, however, does not provide a basis for challenging the proceeding.

d. Unless at least three voting members of the board are present, no business other than declaring a recess or adjournment shall be transacted by the board. If a voting member will be absent for more than a short period of time and the member's absence reduces the voting membership present to fewer than three members, the convening authority will be advised and will appoint (an) additional member(s) to ensure that at least three voting members of the board are present during the conduct of all business by the board.

e. The board, in the absence of a voting member, may proceed if at least three voting members are present and the senior member present is a major or higher. Where a new member of the board has been appointed (i.e., following a successful challenge against a former member), or where a member of the board who has been temporarily absent returns, that part of the proceedings conducted may be orally summarized in open session by the recorder, or the summarized record of that part of the proceedings conducted in absence shall be examined by that member and that examination noted in the record. The

appointment of a new member, or the temporary absence of a member, does not preclude that member's full participation in the deliberations of the board relating to its findings of fact, opinions, and recommendations.

f. Attendance at the proceedings of an administrative separation board becomes the primary duty of a member. No member shall fail to attend at the appointed time unless prevented by illness, ordered away, or excused by the convening authority.

g. If any of the above prescribed mandatory requirements for the composition of a board cannot be met in a particular case from the officer personnel locally available, the convening authority will notify CMC (MMSR-2) and request appropriate instructions. Locally includes officers from higher headquarters in the chain of command of the convening authority and units of other services geographically co-located with the convening authority. Convening authorities should consult their command staff judge advocate before notifying CMC (MMSR-2).

h. The convening authority may delegate the power to excuse members before the convening of the board's initial session to the cognizant staff judge advocate, legal services support section officer in charge, or law center director. The convening authority's delegate may not excuse more than one-third of the total number appointed.

2. Presiding Officer

a. The senior member of the board in the grade of major or higher shall serve as president and shall preserve order and decide upon matters relating to the routine business of the board (Members frocked to pay grade of O-4 cannot serve as president of administrative separation boards). The president may grant a continuance, recess and adjourn the board to meet at a time and a place most convenient and proper. The president shall preside and rule finally on all matters of procedure and evidence, but the rulings of the president may be overruled by a majority of the board. If appointed, the legal adviser shall rule finally on all matters of procedure, evidence, and challenges, except challenges to the legal advisor. The president's rulings are subject to objection by any voting member of the board. Should a voting member object to the president's ruling on any matter, a vote shall be taken in closed session and the question shall be decided by a majority vote.

b. Motions or objections pertaining to any matter other than to continuances, recesses, or adjournments do not require ruling by the president of the board. Such motions or objections should be heard and merely noted in the record for resolution by the separation authority.

3. Recorder. A non-voting recorder will be appointed by the convening authority to each administrative separation board. An assistant recorder may be appointed. The convening authority may delegate the authority to appoint the nonvoting recorder or assistant recorder to the cognizant staff judge advocate, legal services support section officer in charge, or law center director. A recorder or assistant recorder may be changed at any time by the convening authority or their delegate. The assistant recorder, at the direction of the recorder, may perform any duty or function which the recorder is required or empowered to perform. The recorder's primary responsibility is to exploit all practical sources of information and to bring out all the facts in a manner to permit the board to make fully informed findings and recommendations concerning the respondent. The

recorder and assistant recorder should be experienced officers and shall be warrant or commissioned officers. Staff non-commissioned officers may be appointed to act as recorders upon approval by the convening authority's cognizant staff judge advocate. The recorder and/or the assistant recorder may be a lawyer within the meaning of UCMJ, Article 27b(1). The recorder is responsible for ensuring that the board is presented only such materials and documents which may properly be considered by it. The recorder is also responsible for ensuring that the board is presented all testimony, materials and documents which may properly be considered by it, which are necessary to arrive at such findings, opinions, and recommendations, as will permit the discharge authority to make a proper disposition of the case. The recorder will conduct a preliminary review of all available evidence, screen out improper matter, and obtain such additional evidence as appears necessary. The recorder will arrange for the time, date and place of the hearing after consulting with the president of the board and the counsel for the respondent. The recorder will also arrange for the attendance of all material witnesses authorized to appear at the hearing pursuant to paragraph 6317, except those witnesses whose attendance is arranged by the respondent. At the hearing, the recorder will conduct the direct examination of all witnesses, except those requested or called by the respondent. The recorder will not participate in the closed sessions of the board or in the determination of the boards findings, opinions (if any), and recommendations. Under the direction of the president of the board, the recorder will prepare or cause to be prepared a record of the board's proceedings. The convening authority of the board may appoint a reporter to provide other clerical assistance for the purpose of assisting the recorder in preparing the record.

4. Legal Advisor. At the discretion of the convening authority, a non-voting legal advisor, who is a judge advocate certified in accordance with Article 27b(1), UCMJ, may be appointed to the board. If appointed, the legal advisor shall rule finally on all matters of procedure, evidence and challenges, except challenges to the legal advisor. A legal advisor shall not be both junior to and in the same direct chain of command as any voting member of the board. If the convening authority desires to appoint a legal advisor but does not have a judge advocate readily available, the convening authority should contact CMC (MMSR-2) for assistance.

MARCORSEPMAN 1900.16-6316

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (r) JAGMAN 5800.7F

***6316. PROCEDURE.** The following rules shall govern the procedures to be employed by an administrative separation board. Where questions arise as to matters of procedure not covered in this manual, such questions will be resolved at the discretion of the board or the convening authority.

***1. Rules of Evidence.** An administrative separation board functions as an administrative rather than a judicial body. Accordingly, in the board's proceedings, the strict rules of evidence governing trials by court-martial are not applicable. The admissibility of evidence is a matter within the discretion of the president of the board. There is a sharp and distinct delineation between the administrative process which has as its purpose the administrative elimination of unsuitable, unfit, or unqualified Marines, and the judicial process, the purpose of which is to establish the guilt or innocence of a member accused of a crime and to administer punishment when appropriate. No evidence will be rejected from consideration solely on the grounds that it would be inadmissible in court-martial proceedings. Reasonable restrictions shall be observed, however, concerning relevancy and competency of evidence. The president of the board has full authority to decline to accept evidence whose probative value is outweighed by the prejudicial effect on the respondent, or which would cause unnecessary embarrassment to a witness or victim involved in the case (e.g., evidence offered to prove that any alleged victim engaged in other sexual behavior or offered to prove any alleged victim's sexual predisposition). Within the discretion of the president of the board, the respondent or recorder may present the results of a polygraph and testimony or information about the polygraph procedure. If the results are presented to the board, the respondent or recorder may present evidence to rebut that evidence or to rebut the validity of polygraph evidence in general.

2. Explanation of Respondent's Rights. At the onset of the proceedings, the board will ascertain whether or not the respondent has been fully advised of and understands their rights under paragraph 6304. The assurance of the respondent's counsel in this regard will normally suffice. If the board is not satisfied that the respondent has been so advised, or the respondent does not fully understand any explanation previously given, the board will clearly explain those rights to the respondent.

3. Exercise and Waiver of Respondent's Rights. The respondent will be given a reasonable opportunity to exercise any and all rights before the board. The failure of the respondent to exercise or invoke any of the specified rights, after having been apprised of the same, will not be considered as a bar to the board proceedings, findings, opinions and recommendations. Such rights will be conclusively presumed to be waived.

4. Eliciting Further Information. Whenever it appears desirable to the members of the board to elicit or develop additional information for a proper hearing of the matters before the board, the president will advise the recorder and may direct the calling of a witness, pursue further lines of questioning, or direct that other evidence be presented.

5. Security Matters. If any matter to be heard by the board requires a security clearance and individual counsel for the respondent or other participants in the board's proceedings have not been granted such clearance, consult the convening authority for further guidance (see OPNAVINST 5510.1 and reference (r) JAGMAN 5800.7F, section 0144).

6. Sessions. The proceedings of the board will be open to the public unless the convening authority directs otherwise. At the direction of the president of the board, the hearing room may be cleared at any time for deliberations by the board members. At such times, all persons except voting members will withdraw from the hearing room.

7. Challenges

a. The respondent may challenge any voting member or legal advisor for cause only. The basis for such challenge is that the challenged person cannot approach the case with impartiality and an open mind. A challenged person will be given the right to make a statement with respect to the challenge. The board will not receive a challenge to more than one person at a time. After disclosing the grounds for challenge, the respondent may examine the challenged person as to matters relating to their competency to sit in that particular case. This examination may or may not be under oath or affirmation at the discretion of the respondent. When the respondent desires oath or affirmation the election to swear or affirm resides with the challenged person. The recorder and other members of the board may also examine the challenged person. Other evidence relevant to the challenged person's competency to sit on the board may also be heard.

b. The burden of persuasion in establishing a challenge is on the respondent.

c. The convening authority shall rule finally on all challenges for cause of legal advisors, when appointed, and of board members when a legal advisor has not been appointed.

d. If a challenge is sustained as to any member or legal advisor, such person is excused from further participation in the case.

e. If a sustained challenge reduces the number of members below three or leaves the board without a member in the grade of major or higher, the convening authority shall be notified immediately. The board will stand adjourned until the convening authority appoints such additional voting members as required under paragraph 6315.1.

8. Order of Presenting Evidence

a. The testimony of witnesses and the presentation of other evidence will normally be in the following order:

- (1) Witnesses called and evidence presented by the recorder;

- (2) Witnesses called and evidence presented by the respondent;
- (3) Witnesses called and evidence presented by the recorder in rebuttal;
- (4) Witnesses called and evidence presented by the respondent in rebuttal;
- (5) Witnesses called and evidence presented at the request of the board.

b. The order of examining each witness is:

- (1) Direct examination.
- (2) Cross examination.
- (3) Redirect examination.
- (4) Recross examination.
- (5) Examination by the board.

c. The foregoing order of presentation and examination of witnesses need not be followed when the board determines that a different order will secure a more effective presentation of evidence.

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

10. Burden of Proof. The burden of proof before administrative separation boards rests upon the government. This burden never shifts. After the presentation of the government's case, certain justifiable inferences which are adverse to the respondent may be drawn from the evidence by the board, the convening authority, and the separation authority. In this latter instance, the burden of going forward with evidence to avoid the adverse effect of these justifiable inferences may then shift to the respondent.

11. Standard of Proof. The standard of proof is a preponderance of the evidence as to all matters before an administrative separation board.

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

MARCORSEPMAN 1900.16-6317

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6317. WITNESSES. Testimonial evidence may be presented to the administrative board through the personal appearance of the witness, through the use of oral or written depositions, unsworn written statements, affidavits, testimonial stipulations, or any other accurate and reliable means for presenting testimonial evidence. The testimony of a witness may be excluded if the legal advisor or president of the board determines that its probative value is substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

1. Attendance. Within a reasonable period of time before the date set for the administrative board hearing, the respondent or the respondent's counsel will submit a written request to the convening authority, via the president of the board, for all witnesses requested to testify on behalf of the respondent. Failure to submit a request for witnesses in a timely fashion shall not automatically result in denial of the request, but if it would be necessary to delay the hearing in order to obtain a requested witness, lack of timeliness in submitting the witness request may be considered along with other factors in deciding whether to provide the witness. If the requested witness is not physically located at the command, the respondent may request TAD or invitational travel orders. Civilian witnesses whose attendance is required shall be issued invitational travel orders.

a. If production of a witness will require expenditure of funds by the convening authority, the written request for attendance of the witness shall also contain the following:

- (1) A synopsis of the testimony that the witness is expected to give.
- (2) An explanation of the relevance of such testimony to the issues of separation or characterization.
- (3) An explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination.

b. The convening authority may authorize expenditure of funds for production of witnesses only if the president (after consultation with a judge advocate) or the legal advisor (if appointed) determines that:

- (1) The testimony of a witness is not cumulative;
- (2) The personal appearance of the witness is essential to a fair determination on the issues of separation or characterization;
- (3) Written or recorded testimony will not accomplish adequately the same objectives;

(4) The need for live testimony is substantial, material and necessary for proper disposition of the case; and

(5) The significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness, the timing of the request for production of the witness, the potential delay in the proceedings that may be caused by producing the witness, or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

c. If the convening authority determines that the personal testimony of a witness is required, the hearing will be postponed or continued if necessary to permit the attendance of the witness.

d. The hearing shall be continued or postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness if a witness requested by the respondent is unavailable in the following circumstances:

(1) When the president determines that the testimony of the witness is not required;

(2) When the commanding officer of a military witness determines that the military necessity precludes the witness' attendance at the hearing; or

(3) When a civilian witness declines to attend the hearing.

e. Any expense incident to the appearance of material witnesses on active duty with any of the armed forces before an administrative separation board will be charged to the operation and maintenance allotment of the convening authority of the board.

f. Paragraph 6317.1d(3) does not authorize a federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.

2. Testimony. The respondent, the respondent's counsel and the recorder shall be afforded a reasonable opportunity to interview a witness before calling the witness to testify before the administrative board.

a. The testimony of all witnesses appearing in person before the board, at the discretion of the president may be taken under oath or affirmation, except that the respondent may make an unsworn statement. A respondent's unsworn statement may include matters concerning the acts or omissions which form the basis for discharge, matters in extenuation or mitigation, or any other relevant matter. The respondent shall not be cross-examined by the recorder and/or board member on such an unsworn statement. Evidence may be introduced by the recorder to rebut any statements of fact contained in it. The respondent's unsworn statement may be oral, in writing, or both and may be made by the respondent or the counsel, or by both of them. The respondent's statement should be factual and not argumentative in nature.

b. No witness, including the respondent, appearing before the board shall be compelled to incriminate themselves or to answer any questions the answer to which may tend to incriminate them. Nor shall they be compelled to

make any statement or produce evidence if the statement or evidence is not material to any matter under investigation and may tend to degrade them. Other than the respondent, any person may be called as a witness before the board, whether or not they request to be a witness. If a witness, including the respondent, is accused of, suspected of, or charged with an offense under the UCMJ, the president shall inform the witness of the nature of the offense and the service member's Article 31, UCMJ, rights. If the witness is not subject to the UCMJ, the witness should be provided an appropriate, lawful advisement of rights. If a witness exercises the right to refrain from testifying regarding matters related to an offense of which they are accused, suspected, or charged, the witness may be questioned on other matters. The question of whether a witness is suspected of an offense is one for decision by the board and will depend upon the nature of the matter being considered by the board, the reasonable probability that an offense has been committed, and the reasonable probability that the witness committed the offense. The board shall resolve all reasonable doubt in favor of the witness. Each witness appearing before the board should be advised of the subject matter of the administrative separation board.

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

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

MARCORSEPMAN 1900.16-6318

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6318. OATHS. The oath or affirmation will be administered by the recorder. The following oath is recommended "Do you swear or affirm that the testimony you are about to provide in this proceeding will be truthful (so help you God)?"

MARCORSEPMAN 1900.16-6319

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6319. FINDINGS AND RECOMMENDATIONS

1. The board shall determine its findings and recommendations in closed session. Only voting members of the board shall be present. All findings and recommendations shall be determined by a majority of the voting board members. A tie vote shall be resolved in favor of the position more favorable to the respondent. All voting members shall sign the appropriate board report, majority or minority.

2. The board shall determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence.

3. If the board finds that one or more of the allegations are supported by the evidence, it shall then determine whether the findings warrant separation for the reason(s) stated in the notice. If more than one reason was stated in the notice, there shall be a separate determination for each reason.

4. Findings. The board shall state:

a. The specific evidence it considered relating to each act, omission, or circumstance alleged in the notice;

b. Its determination for each alleged act, omission, or circumstance, that the preponderance of evidence does or does not support that act, omission, or circumstance;

c. The specific reason for separation defined in the notification letter and chapter 6 of this manual to which each act, omission, or circumstance supported by a preponderance of the evidence applies.

5. The board shall make recommendations on the following:

a. Retention or Separation. The board shall recommend retention or separation.

b. Suspension of Separation. If the board recommends separation, it may recommend that the separation be suspended under paragraph 6310.

c. Characterization of Service or Description of Separation. If separation or suspended separation is recommended, the board shall recommend a characterization of service or description of separation as authorized per paragraph 6107.

d. Transfer to the Individual Ready Reserve. The board shall make a recommendation as to whether the respondent should be retained in the IRR as a mobilization asset to fulfill the respondent's total service obligation

except when the board has recommended separation on the basis of misconduct, drug trafficking, defective enlistment or induction, when there are medical reasons why the respondent would not be available to meet mobilization requirements, or where the board has recommended characterization of service under other than honorable conditions. In making a recommendation for retention in the IRR, the board should consider how the respondent's performance, training and availability affects the respondent's potential for useful service under conditions of full mobilization. The option of transfer to the IRR applies to cases involving separation from active duty or from the Selected Marine Corps Reserve.

*e. FMCR/Retired List Eligible Marines. When applicable (see paragraph 6106.4), the board shall make a recommendation as to whether or not the respondent should be transferred to the FMCR/retired list; a recommendation as to whether the respondent be transferred in the grade presently held or one inferior pay grade, and a recommendation as to characterization of service at transfer.

6. Minority Report. If a member does not concur in the findings, opinions, or recommendations of the majority of the board, the member shall prepare a minority report stating explicitly the reason(s) for disagreeing with the majority report. The minority report may also include additional findings of fact, opinions and recommendations. All members concurring in the minority report shall sign the report.

MARCORSEPMAN 1900.16-6320

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***6320. RECORD OF PROCEEDINGS AND REPORT OF THE BOARD.** In cases where the board recommends separation, the record of the proceedings shall normally be kept in summarized form unless a verbatim record is required by the separation authority or authorized by the convening authority. In cases where the board recommends retention, a record of the proceedings is optional unless required by the separation authority. However, a summarized or verbatim record shall be prepared in any case in which the CMC is the separation authority, and in any case in which the board recommends retention and the separation authority elects to forward the matter to the Secretary of the Navy under paragraph 6309.2. The board reporter shall retain all materials necessary to prepare a transcript should the separation authority elect to forward the case to the Secretary. The record of proceedings shall otherwise be prepared as directed by the convening authority and shall be authenticated by the signatures of the president and the recorder or, in the absence of either or both, by a member in lieu of the president or by a member in lieu of the recorder. Whether or not a written transcription is ultimately required, at a minimum, the proceedings shall be recorded using audio tapes, a digital audio recording device, or a court reporter if available. The recorder will determine the availability of court reporters after consulting with the the OIC of the supporting Legal Services Support Section (LSSS) or Legal Services Support Team (LSST).

1. When a record of proceedings is required, it shall contain, as a minimum:

a. An authenticated copy of the appointing order and any other communication from the convening authority.

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

c. A summary of the sworn or unsworn statements of all absent witnesses considered by the board.

d. Acknowledgment that the respondent was advised of and fully understands all of the rights of the respondent before the board.

e. The identity of the counsel for the respondent and the non-voting recorder, and their respective legal qualifications.

f. Copies of the letter of notification to the respondent, advisement of rights, and acknowledgment of rights.

g. If a discharge is recommended, a complete statement of the facts and circumstances, accompanied by appropriate supporting documents, upon which the recommendation is based.

h. A summary of any unsworn statements submitted by the respondent or their counsel.

i. All exhibits accepted by the board for consideration with recorder and respondent exhibits marked in such a manner to differentiate between them. Each exhibit will be clearly and individually identified within the record of proceedings, and each exhibit shall be clearly marked and sequentially numbered or lettered, e.g., "Govt Exhibit 1," "Respondent Exhibit A," "Board Exhibit I," etc.

j. A majority board report signed by all concurring voting members.

k. A minority board report, if applicable, signed by all concurring voting members.

2. In all cases, the findings and recommendations of the board shall be in verbatim form.

3. The convening authority shall forward to the separation authority, via the chain of command, the findings and recommendations of the board, the record of proceedings, and the recommendations of subordinate commanders, if applicable, and shall make a recommendation with specific rationale on each of the board's findings and recommendations.

MARCORSEPMAN 1900.16-6321

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6321. SUBSEQUENT ADMINISTRATIVE SEPARATION BOARD PROCEEDINGS

1. No Marine will be subjected to administrative separation board action based upon conduct which has previously been the subject of administrative discharge board proceedings when the evidence before the subsequent board would be the same as the evidence before the previous board, except in those cases where the findings of the previous board favorable to the respondent are determined by the discharge authority to have been obtained by fraud or collusion, or where the discharge authority finds legal prejudice to the substantial rights of the respondent, or where the previous administrative separation board recommended separation but the proceedings were determined to be null and void (i.e., the board was improperly convened or constituted). Evidence before a subsequent board is not the same as evidence before a previous board when subsequent conduct or performance forms the basis, in whole or in part, for a new proceeding, or when there is new or newly discovered evidence that was not reasonably available at the time of the prior proceeding.

2. Except when the previous board results were obtained by fraud or collusion, a subsequent board considering the same evidence may not return a recommendation less favorable to the respondent than that returned by the previous board.

3. Conduct is considered to have previously been the subject of administrative separation board proceedings when the previous board has submitted the record of its proceedings to the convening authority and when the board's record included one of the recommendations prescribed in paragraph 6319.

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

5. The record of the proceedings of the previous board may be furnished to the subsequent board; however, the subsequent board will not be furnished the findings, opinions, or recommendations of the previous board, nor the specific comments of the convening or separation authority concerning the previous board. Additionally, any evidence considered by the separation authority to have been prejudicial to the substantial rights of the respondent, or to have been obtained by fraud or collusion, will not be provided to the subsequent board. Such excluded matter, however, should be furnished to the recorder of the subsequent board in order that the member

may ensure that such matter is not permitted to be injected into the subsequent proceedings. While the subsequent board may consider the report of the previous board, it shall not be bound in any manner to return any finding, opinion, or recommendation consistent with any finding, opinion, or recommendation rendered by the previous board, 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.

MARCORSEPMAN 1900.16-6401

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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 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 six 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.

MARCORSEPMAN 1900.16-6402

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6402. DEFECTIVE ENLISTMENT/REENLISTMENT AGREEMENTS

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

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

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

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

MARCORSEPMAN 1900.16-6403

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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 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.

MARCORSEPMAN 1900.16-6404

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (ae) MCO 1040.31
(bl) MCO 1306.17F

***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 (bl) 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 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 three 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 three 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 five 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 five 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.

MARCORSEPMAN 1900.16-6405

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (a) Title 10, U.S.C.
(e) MCO 1001R.1K
(v) MCO 1050.3J

***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 three 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:

a. Six-month trainees.

b. Reservists ordered to active duty due to unsatisfactory participation as provided in reference (a) Title 10, U.S.C. Section 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).

c. Aliens seeking to qualify for citizenship by completing three 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 three 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;

(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 three 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).

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 three 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 four weeks before the requested date of separation. Marines assigned to OCONUS commands should apply six 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 CMC (MMSR-2) 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 CMC (MMSR-2). These cases should be coordinated with the CMC (MMSR-2) before submission. This authority will be reserved exclusively for superior Marines faced with a "once in a lifetime" opportunity.

MARCORSEPMAN 1900.16-6406

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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.

MARCORSEPMAN 1900.16-6407

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (i) MCO P1070.12K w/ CH 1
(bm) MCO P1000.6G

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 CMC (MMSR-2) via 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 CMC (MMEA-86) for consideration per paragraph 1301 of reference (bm) MCO P1000.6G (ACTSMAN). The CMC (MMEA-86 and MMSR-2) 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;
- 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.

(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 CMC (MMSR-2) via 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 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.

MARCORSEPMAN 1900.16-6408

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

References: (bn) MCO 1740.13C
(bo) MCO 5000.12E

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 1740.13C.

7. The prohibition of pregnancy discharges within four 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.

MARCORSEPMAN 1900.16-6409

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (bp) MCO 1306.16F

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

MARCORSEPMAN 1900.16-6410

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (bq) DoDI 1315.15

***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 CMC (MMSR-2) 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 VA 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 August 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

*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 missing-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 100-317-29 August 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 CMC (MMSR-2). 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.

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-2). 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.

MARCORSEPMAN 1900.16-6411

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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.

MARCORSEPMAN 1900.16-6412

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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 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 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.

MARCORSEPMAN 1900.16-6413

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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 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.

MARCORSEPMAN 1900.16-6414

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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 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 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.

MARCORSEPMAN 1900.16-6415

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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.

MARCORSEPMAN 1900.16-6416

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (aj) MCO P1300.8R W/CH 1-8

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 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:

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 Marines may be separated under this provision.

MARCORSEPMAN 1900.16-6417

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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.

MARCORSEPMAN 1900.16-6418

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

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.

MARCORSEPMAN 1900.16-6419

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

***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 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 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 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).

MARCORSEPMAN 1900.16-6420

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

6420. RESERVED FOR FUTURE USE

MARCORSEPMAN 1900.16-6421

ENLISTED ADMINISTRATIVE SEPARATIONS

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: (bd) SECNAVINST 5300.30E

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 CMC (MMSR-2). 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 (bd) 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 6-1.--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

EWGTGLant

EWTG Pac

*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 1900.16 (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.

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 two 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 6-2a.--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 6-3.--Sample Format for Notification With an Administrative
Separation Board

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16 (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.

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.

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

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.

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.

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

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 2012; must allow at least two 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 6-3a.--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.
 - 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.

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

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.

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 6-4.--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 6-5.--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 1900.16, 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)

(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 1900.16, 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 6-6.--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 1900.16 (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 6-7.--Sample Acknowledgement of Rights by Respondent of Vacation of
Suspension of Administrative Discharge

(Letterhead)

From: Respondent's Information
To: Separation Authority

Subj: ACKNOWLEDGEMENT OF RIGHTS OF THE VACATION OF ADMINISTRATIVE
SEPARATION PROCEEDINGS

Ref: (a) CO's ltr of

*1. _____ I acknowledge receipt of the reference notifying me that the
Commanding Officer, (Unit) intends to recommend to the (Separation
Authority), that my suspended discharge by reason of (basis description), be
vacated by reason of (describe the grounds that Marine fails to meet
appropriate standards of conduct and performance).

2. In view of the above I choose to exercise the following rights:

a. _____ I (have)(have not) consulted with counsel. I realize it is in
my best interest to do so prior to exercising or waiving any of my rights.
The counsel's name is:_____.

*b. _____ I (have)(have not) included written statements in rebuttal to
this proposed vacation proceeding. I realize that if I do not submit a
statement within two working days from receipt of the reference, I will have
waived the right to do so.

Respondent Date

Print Name

Witness Date

Table 6-1.--Guide for Characterization of Service

	HON	GEN	OTH	UNCHARACTERIZED
Par. 6202 Change in Service Obligation	X 1,4	X 1,4		X
Par. 6203 Convenience of the Government	X 1,4	X 1,4		X
Par. 6204.1a Minor under 17	Order of release from the custody and control of the Marine Corps			
Par. 6204.1b Minor 17 years old				X
Par. 6204.2 Erroneous Enlistment/ Reenlistment	X 1			X
Par. 6204.3 Fraudulent Entry Into the Marine Corps	X 1,4	X 1,4	X 5	X
Par. 6205 Entry Level Performance and Conduct				X
Par. 6206 Unsatisfactory Performance	X 4	X 4		
Par. 6209 Alcohol Abuse Rehab Failure	X 1,4	X 1,4		X
Par. 6210 Misconduct	X 2	X 1,3	X	X 3
Par. 6211 New Entrant Drug/Alcohol Testing				X
Par. 6212 Security	X 1,4	X 1,4	X	X 3
Par. 6213 Unsat Part in Ready Reserve	X 2	X 1,4	X	X
Par. 6214 Separation in the Best Interest of the Service	X 1,4	X 1,4		X
Par. 6215 Weight Control/Body Composition Failure	X 1,4			X 1,4

NOTES:

1. Authorized unless Marine is in an entry level status.
2. Not authorized unless Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate.
3. Authorized only if OTH is not warranted.
4. Authorized in accordance with the guidance in paragraph 1004.
5. Authorized only when the fraud involves concealment of a prior separation in which service was not characterized as honorable.

*Table 6-2.--Guide For the Review of Separation Packages

Specific Reason for Separation	Specific Authority Paragraph	NOTES											Separation Authority*
		1	2	3	4	5	6	7	8	9	10	11	
<u>CONVENIENCE OF THE GOVERNMENT</u>													
Parenthood	6203.1	Y	Y	Y	Y	Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA
*Condition Not a Disability	6203.2	Y	Y	Y	Y	Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA
Personality Disorder	6203.3	Y	Y	Y	Y	Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA
*The separation authority for the basis of personality disorder (6203.3) shall be an officer exercising general court martial convening authority.													
Involuntary Disenroll from Officer Candidate Program	6203.5	Y	Y	Y		X	X	X	X	Y	Y	Y	CG, MCRC or CG, MCCDC
Fail/Disenroll Lat School	6203.6	Y	Y	Y		X	X	X	X	Y	Y	Y	GCM Authority
Physical Standards GCMCA	6203.8	Y	Y	Y				Y	Y	Y	X	X	DC, Y Y MRA or GCMCA
All other CoG	As Specified	Y	Y	Y		Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA
<u>DEFECTIVE ENLISTMENT</u>													
Minority	6204.1	Y	Y	Y		Y	Y			Y		Y	DC, MRA or GCMCA
Erroneous Enlistment/ Reenlistment	6204.2	Y	Y	Y		Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA
Fraudulent Entry Into the Marine Corps	6204.3	Y	Y	Y		Y	Y	#	#	Y	Y	Y	DC, MRA or GCMCA

*Note: GCMCA may delegate separation authority to SPCMA only for cases of honorable or general under honorable conditions characterization. See paragraph 6307 for exceptions to this rule and those bases/cases that SEPARATION AUTHORITY SHALL NOT BE DELEGATED TO A SPCMA.

Specific Reason for Separation	Specific Authority Paragraph	NOTES										Separation Authority*
		1	2	3	4	5	6	7	8	9	10	11
		<u>ENTRY LEVEL</u>										
Entry Level Performance And Conduct	6205	Y	Y	Y	Y	Y	Y			Y		DC, Y MRA or GCMCA
		<u>UNSATISFACTORY PERFORMANCE</u>										
Unsanitary Habits	6206.5a	Y	Y	Y	Y	Y	Y	X	X	Y	Y	DC, Y MRA or GCMCA
Unsatisfactory Performance of Duty	6206.5b	Y	Y	Y	Y	Y	Y	X	X	Y	Y	DC, Y MRA or GCMCA
		<u>ALCOHOL ABUSE</u>										
Alcohol Abuse Rehab Failure	6209	Y	Y	Y		Y	Y	X	X	Y	Y	DC, Y MRA or GCMCA
		<u>MISCONDUCT</u>										
Minor Discp Infractions	6210.2	Y	Y	Y	Y	Y	Y	#	#	Y	Y	DC, Y MRA or GCMCA
Pattern of Misconduct	6210.3	Y	Y	Y	Y	Y	Y	#	#	Y	Y	DC, Y MRA or GCMCA
*Sexual Misconduct	6210.4	Y	Y	Y		Y	Y	Y	Y	Y	Y	DC, Y MRA or GCMCA
*The separation authority for the procedural guidelines of paragraph 6210.4 shall be an officer exercising general court-martial convening authority. The procedures contained in paragraph 6304 shall be used when separating a Marine when any part of the basis for separation includes a substantiated incident of sexual misconduct.												
Drug Abuse	6210.5	Y	Y	Y		Y	Y	#	#	Y	Y	DC, Y MRA or GCMCA
Commission of Serious Off.	6210.6	Y	Y	Y		Y	Y	#	#	Y	Y	DC, Y MRA or GCMCA
Civilian Conviction	6210.7	Y	Y	Y		Y	Y	#	#	Y	Y	DC, Y MRA or GCMCA

*Note: GCMCA may delegate separation authority to SPCMCA only for cases of honorable or general under honorable conditions characterization. See paragraph 6307 for exceptions to this rule and those bases/cases that SEPARATION AUTHORITY SHALL NOT BE DELEGATED TO A SPCMA.

Specific Reason for Separation	Specific Authority Paragraph	1	2	3	4	5	6	7	8	9	10	11	Separation Authority*
Sexual Harassment	6210.8	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	DC, MRA or GCMCA
Sexual harassment may also meet the definition of sexual misconduct under paragraph 6210.4. The procedures contained in paragraph 6304 shall be used when separating a Marine when any part of the basis for separation includes a substantiated incident of sexual misconduct.													
*Supremacist Organizations	6210.09	Y	Y	Y		Y	Y	#	#	Y	Y	Y	DC, MRA or GCMCA
*Driving Under Influence	6210.10	Y	Y	Y		Y	Y	#	#	Y	Y	Y	DC, MRA or GCMCA
<u>NEW ENTRANT DRUG AND ALCOHOL TESTING</u>													
New Entrant Drug and Alcohol Testing	6211	Y	Y	Y		Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA
<u>SECURITY</u>													
Security	6212	Y	Y	Y		Y	Y	#	#	Y	Y	Y	DC, MRA or SECNAV
<u>UNSATISFACTORY PARTICIPATION IN THE READY RESERVE</u>													
Unsat Participation in Ready Res	6213	Y	Y	Y		Y	Y	#	#	Y	Y	Y	DC, MRA or GCMCA
<u>SECRETARIAL PLENARY AUTHORITY</u>													
Separation in Best Interest of the Service	6214	Y	Y	Y		Y	Y			Y	Y	Y	SECNAV
<u>WEIGHT CONTROL FAILURE</u>													
Weight Control Failure	6215	Y	Y	Y	Y	Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA
Unsat Perform of Duties	6206.5b	Y	Y	Y	Y	Y	Y	X	X	Y	Y	Y	DC, MRA or GCMCA

*Note: GCMCA may delegate separation authority to SPCMCA only for cases of honorable or general under honorable conditions characterization. See paragraph 6307 for exceptions to this rule and those bases/cases that SEPARATION AUTHORITY SHALL NOT BE DELEGATED TO A SPCMA.

LEGEND

Y - Yes.

X - Only if Marine has 6 or more years of active and inactive service at the time of notification of separation proceedings.

- Only if Marine has 6 or more years of active and inactive service at the time of notification of separation proceedings, or the Marine is notified that an other than honorable discharge is the least favorable characterization that can be received.

NOTES:

1. Marine must be notified of the proposed discharge action, the general and specific basis, factual circumstances, and the type of discharge certificate that may be issued. (MARCORSEPMAN, paragraph 6303)
2. Marine must be given the opportunity either to submit a statement in rebuttal to the proposed discharge action or decline to make a statement. (MARCORSEPMAN, paragraph 6303)
3. Marine must be notified of and explained to his or her understanding the purpose and scope of the Naval Discharge Review Board and the Board for Correction of Naval Records. (MARCORSEPMAN, paragraph 6104)
4. Marine must be afforded a reasonable opportunity to overcome his or her deficiencies after being notified and counseled. SRB/ESR, page 11 entry must summarize counseling conducted. (MARCORSEPMAN, paragraph 6105)
5. Marine must be given the opportunity to consult with a judge advocate before exercising or waiving any of the Marine's rights. (MARCORSEPMAN, 6303 or 6304)
6. Marine must be advised that it is in their best interest to consult with a judge advocate before waiving any of his or her rights. (MARCORSEPMAN, paragraph 6303 or 6304)
7. Marine must be afforded the right to present his or her case before an administrative separation board with the advice and assistance of counsel. (MARCORSEPMAN, paragraph 6304)
8. Marine must be afforded and explained the rights of the respondent concerning administrative separation board proceedings. (MARCORSEPMAN, paragraph 6304)
9. Commander must refer Marine's case, together with his or her recommendations and all evidence, to the separation authority.

*Note: GCMCA may delegate separation authority to SPCMCA only for cases of honorable or general under honorable conditions characterization. See paragraph 6307 for exceptions to this rule and those bases/cases that SEPARATION AUTHORITY SHALL NOT BE DELEGATED TO A SPCMA.

NOTES: (continued)

10. Separation package must be reviewed per paragraph 6308.1c when an administrative board has been held or separation under other than honorable conditions has been recommended, when an administrative board has been held and the respondent identifies specific legal issues for consideration by the separation authority, and when the separation authority is required by paragraph 6307 to be a GCMCA. For Marines with 18 or more years of service, paragraph 6307.1c applies.

*11. Prior to approving any involuntary administrative separation initiated for Marines with more than 180 continuous 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. The separation authority for entry level Marines or Reserve Marines with no history of combat or combat deployment will be exempt from reviewing the final medical evaluation. Refer to paragraph 6110.

*Note: GCMCA may delegate separation authority to SPCMCA only for cases of honorable or general under honorable conditions characterization. See paragraph 6307 for exceptions to this rule and those bases/cases that SEPARATION AUTHORITY SHALL NOT BE DELEGATED TO A SPCMA.

*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.

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)

CHAPTER 7

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

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MARCORSEPMAN 1900.16-7001

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

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.

MARCORSEPMAN 1900.16-7002

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

*7002. RESERVED FOR FUTURE USE

MARCORSEPMAN 1900.16-7003

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

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.

MARCORSEPMAN 1900.16-7004

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (aj) MCO P1300.8R W/CH 1-8

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 CMC (MMSR-2), with 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 two years TOS within the same geographical 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 four 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 nine 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 two 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 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.

MARCORSEPMAN 1900.16-7005

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (aw) Online MCTFSPRIUM
(ba) SECNAVINST 1850.4E

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 (aw) 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 four 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 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 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 (ba) 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 four 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 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 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 two 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 CMC (MMSR-2) if the Marine is:

a. Found not physically qualified (see paragraph 1011). This will not terminate processing action by 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 CMC (MMSR-2). If the Marine is subsequently found fit, immediately notify CMC (MMSR-2). If the Marine is referred to the Integrated Disability Evaluation System, notify 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 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;

(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 2 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>.

MARCORSEPMAN 1900.16-7006

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

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). 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.

*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. 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 affect 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.

MARCORSEPMAN 1900.16-7007

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (i) MCO P1070.12K W/ CH 1

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 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 CMC (MMSR-2), unless a modification to the approved date is granted by 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 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.

*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 CMC (MMSR-2).

d. Provide an appropriate retirement ceremony.

MARCORSEPMAN 1900.16-7008

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

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

MARCORSEPMAN 1900.16-7009

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***7009. MODIFICATION OF FMCR/RETIRED LIST DATES FOR CONVENIENCE OF THE GOVERNMENT.**

Only CMC (MMSR-2) may modify an approved retirement/transfer to the FMCR. When such situations occur, contact 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 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.

MARCORSEPMAN 1900.16-7010

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

7010. RETIREMENT CEREMONY. See paragraph 1012.

MARCORSEPMAN 1900.16-7011

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

7011. ACCRUED LEAVE. See paragraph 1010.

MARCORSEPMAN 1900.16-7012

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: (t) SECNAVINST 1920.6C W/CH 4

***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, 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 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 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 any time 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.

MARCORSEPMAN 1900.16-7013

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

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.

MARCORSEPMAN 1900.16-7014

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

7014. RETIRED PAY. See paragraph 1402.

MARCORSEPMAN 1900.16-7015

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

7015. FMCR RETAINER PAY. See paragraph 1402.

MARCORSEPMAN 1900.16-7016

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***7016.** PAY ACCOUNTS. See paragraph 1404.

MARCORSEPMAN 1900.16-7017

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

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9317/9318
DSN: 278-9317/9318

Reference: None

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

MARCORSEPMAN 1900.16-7018

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

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 three 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).

*5. CMC (MMSR-6) will issue notification to each Marine transferred from the FMCR to the retired list advising him or her of their change in status.

MARCORSEPMAN 1900.16-7019

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

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

***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 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>.

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 1900.16 (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.

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

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

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 one 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.

*13. You may wear your uniform from this command to your home, if travel is performed within three 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.

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

*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

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)

***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 1900.16 (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.

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

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

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.

*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.

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

*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

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 7-2.--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 1900.16 (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 one 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 one 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).

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.

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

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 one 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 three 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 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.

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

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

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 7-3.--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 1900.16

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

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,

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

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 7-4.--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 1900.16_

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 7-5.--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

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

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MARCORSEPMAN 1900.16-8001

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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.

MARCORSEPMAN 1900.16-8002

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

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Reference: (a) Title 10, U.S.C.

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 (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.

MARCORSEPMAN 1900.16-8003

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

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References: (a) Title 10, U.S.C.
(p) NAVMED P-117
(q) SECNAVINST 1770.3D
(w) OnLine MCTFS Codes Manual
(ba) SECNAVINST 1850.4E
(br) MCO 1770.2A W/CH 1

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).

*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 a 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 IDDES/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 (MMAA) 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.

*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 reference (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 aa 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 medical 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 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. A 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. A 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 a 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 (ba) SECNAVINST 1850.4E, the Department of the Navy Disability Evaluation Manual (DEM) requires NMAs from the Marine's commanding officer on all MEB(R)s. Commanders will ensure that NMAs are submitted to the requesting medical facility within five 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 a 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 2 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.

*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 two 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 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.

MARCORSEPMAN 1900.16-8101

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

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References: (q) SECNAVINST 1770.3D
(bo) MCO 5000.12E
(bz) MCO 3000.13

***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.

MARCORSEPMAN 1900.16-8102

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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, a MEB will be completed and forwarded to the Physical Evaluation Board (PEB) for a determination of fitness to continue naval service.

MARCORSEPMAN 1900.16-8103

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***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 two 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 a 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.

MARCORSEPMAN 1900.16-8104

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***8104. LIMITED DUTY OVERVIEW**

1. When a Marine becomes sick, is injured, or develops a medical defect and reports to the local Medical 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 a 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 a 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 a 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 six-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 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 IDCS for disability determination.

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

*5. Departmental Review. Upon review of a 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 IDCS for a determination of fitness for continued naval service.

*6. When a 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.

MARCORSEPMAN 1900.16-8105

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

References: (p) NAVMED P-117
(bt) MCO 6110.3 W/CH 1

***8105. LIMITED DUTY POLICY**

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

*2. Marines on light duty 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 duty 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.

*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 a 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 a 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.

MARCORSEPMAN 1900.16-8106

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (bt) MCO 6110.3 W/CH 1

***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 a 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.

*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.

MARCORSEPMAN 1900.16-8107

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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 two 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).

MARCORSEPMAN 1900.16-8108

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (bt) MCO 6110.3 W/CH 1

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.

*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 four months or less require battalion/squadron commanding officer endorsement. PLD requests greater than four 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 a 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 four 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.

MARCORSEPMAN 1900.16-8109

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

References: (ae) MCO 1040.31
(ba) SECNAVINST 1850.4E
(bt) MCO 6110.3 W/CH 1
(bv) MCO 1040R.35

***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 naval 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.

*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.

MARCORSEPMAN 1900.16-8110

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (aw) MCTFSPRIUM (Online)

***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 two 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.

*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 five calendar days of notification from a 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. Medical 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.

MARCORSEPMAN 1900.16-8201

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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 medical 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 a MEB to the PEB can come from two 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 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.

MARCORSEPMAN 1900.16-8202

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

References: (p) NAVMED P-117
(ba) SECNAVINST 1850.4E

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 a 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. A MEB is convened to evaluate a Marine when doubt exists concerning the Marine's state of health. A 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, 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. A 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. A 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 a 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.

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 a 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.

MARCORSEPMAN 1900.16-8203

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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.

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 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.)

MARCORSEPMAN 1900.16-8204

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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.
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 to demonstrate that he or she is physically qualified for retention in the Marine Corps Reserve.

MARCORSEPMAN 1900.16-8205

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***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.

MARCORSEPMAN 1900.16-8206

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (bw) DoDI 6040.44

***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.

MARCORSEPMAN 1900.16-8207

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (bw) DoDI 6040.44

***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.

MARCORSEPMAN 1900.16-8208

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***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 a 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).

MARCORSEPMAN 1900.16-8301

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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.

MARCORSEPMAN 1900.16-8302

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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-2) 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.

MARCORSEPMAN 1900.16-8303

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

8303. MEDICAL EVALUATION FOR SEPARATION FROM ACTIVE DUTY. See paragraph 1011.

MARCORSEPMAN 1900.16-8304

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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.

MARCORSEPMAN 1900.16-8305

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

***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.

MARCORSEPMAN 1900.16-8306

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (r) JAGINST 5800.7E

***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.

*d. Upon receipt of a request from the medical 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 (MMSR-2) when a Marine found Fit by the PEB is the subject of a CMC directed separation.

*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. Medical 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;

*(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.

MARCORSEPMAN 1900.16-8307

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

8307. CERTIFICATE IN LIEU OF ORDERS. A certificate for any type of transfer or discharge in lieu of orders is not authorized.

MARCORSEPMAN 1900.16-8308

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***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.

MARCORSEPMAN 1900.16-8309

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***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.

MARCORSEPMAN 1900.16-8310

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

References: (b) MCO P1400.31 W/CH 1
(be) MCO P1400.32 W/CH 1&2

***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).

MARCORSEPMAN 1900.16-8311

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

***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.

MARCORSEPMAN 1900.16-8312

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***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.

MARCORSEPMAN 1900.16-8401

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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.

MARCORSEPMAN 1900.16-8402

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (bx) MCO 6320.2E

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 two 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.

MARCORSEPMAN 1900.16-8403

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***8403. RETIRED PAY PROCEDURES.** See section 4 of chapter 1.

MARCORSEPMAN 1900.16-8404

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

8404. RETIREMENT CEREMONY. See paragraph 1012.

MARCORSEPMAN 1900.16-8405

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

***8405. CURRENT ADDRESS AND RESIDENCE.** Keep the CMC (MMSR-6) informed at all times of current home mailing address. See paragraph 1405.

MARCORSEPMAN 1900.16-8501

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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.

MARCORSEPMAN 1900.16-8502

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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.

MARCORSEPMAN 1900.16-8503

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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 five years.

MARCORSEPMAN 1900.16-8504

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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.

*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 five days of completion of execution of official orders.

MARCORSEPMAN 1900.16-8505

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (ba) SECNAVINST 1850.4E

***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).

MARCORSEPMAN 1900.16-8506

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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.

MARCORSEPMAN 1900.16-8507

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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 5 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 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.

MARCORSEPMAN 1900.16-8601

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

References: (a) Title 10, U.S.C.
(f) DoD Financial Management Regulation 7000.14-R

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.

MARCORSEPMAN 1900.16-8602

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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.

MARCORSEPMAN 1900.16-8603

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: (a) Title 10, U.S.C.

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).

MARCORSEPMAN 1900.16-8604

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

References: (i) MCO P1070.12K W/CH 1
(p) NAVMED P-117
(ba) SECNAVINST 1850.4E

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 installations 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 a 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 a 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) 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 a 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-2).

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 a 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.

MARCORSEPMAN 1900.16-8605

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

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.

MARCORSEPMAN 1900.16-8606

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

**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.

*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.

MARCORSEPMAN 1900.16-8607

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

**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 a 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:

(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.

MARCORSEPMAN 1900.16-8608

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

Responsible Office: MMSR-4

Phone: Comm: (703) 784-9308/9309/9321
DSN: 278-9308/9309/9321

Reference: None

**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 8-2.--DoD and VA Disability Evaluation System or Integrated
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 8-3.--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 1900.16 (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.

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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Subj: ORDERS HOME PENDING FINAL DISPOSITION OF PHYSICAL EVALUATION
BOARD (PEB) PROCEEDINGS

*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

(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 8-4.--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 1900.16 (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 one 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).

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.

Subj: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

*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 one 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.

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.

Subj: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

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

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 one 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 8-5.--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
RETIRED LIST (TDRL)

Ref: (a) Title 10, U.S. Code
*(b) MCO 1900.16 (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 one 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 (MMSR-4). You are required to notify the CMC (MMSR-4) if you do not receive an advance copy of orders to report for a PPE at least every 18 months from the date you are placed on the TDRL. Ensure your PPE is complete and accurate, and that you take all medical records to your PPE, particularly any hospital and VA treatment records since your temporary retirement from the Marine Corps.

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE TEMPORARY DISABILITY
RETIREED LIST (TDRL)

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

6. 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).

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

*8. 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).

9. You have stated that your future address for mailing purposes is:_____. Keep the CMC (MMSR-4), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103, and the President, PEB, Naval Council of Personnel Boards, 720 Kennon St. SE, Rm 309, Washington Navy Yard, Washington DC 20374-5023, informed of any changes in your mailing address so that information concerning your PPE and the results of your PEB reevaluation may reach you. Additionally, report changes of address to the Defense Finance and Accounting Service, (Code ROA) at the address in paragraph 8. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your EDIPI. Failure to respond to correspondence or orders issued to the address on file with the CMC (MMSR-4) or DFAS Cleveland, either willfully or through neglect in keeping that address current, may result in the suspension of disability retired pay and will be considered as showing intent on your part to abandon benefits.

*Contact MMSR-4 at 1-800-336-4649 or (703) 784-9308/09.

10. You may select a home of selection 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 TDRL. 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.

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE TEMPORARY DISABILITY
RETIREED LIST (TDRL)

*11. The office having custody of your service record and health (medical and dental) record will forward the originals to the CMC (MMRP-16), 2008 Elliot Road, Quantico, VA 22134-5030 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.

12. Enclosure (3) recognizes your retirement.

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 under these orders are chargeable to appropriation data contained within the Marine Corps Total Force System (MCTFS) D860 remark screen.

*15. 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.

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

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 one 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 8-6.--Format for Non-Medical Assessment (NMA) Questionnaire and
Non-Medical Assessment (NMA) Narrative Summary

From: Commanding Officer
To: Medical Treatment Facility

Subj: NON-MEDICAL ASSESSMENT (NMA) IN THE CASE OF (Marine's full name,
rank/rate, EDIPI, service/component-regular, reserve, AR, FTS)

Ref: (a) SECNAVINST 1850.4E

1. Purpose. The Non-Medical Assessment (NMA) is a major component of the Physical Evaluation Board's (PEB) adjudication, and is vital to the timely, fair, and transparent determination of whether a Marine is Fit or Unfit for continued naval service. The NMA provides evidence of the Marine's ability to perform his/her duties independent of the physician's clinical estimate. Part I, the "Questionnaire," collects required data regarding the service Marine. Part II, the "Commanding Officer's Comments," requires the CO to be as specific as possible about the duties and responsibilities the Marine is capable of performing. We highly encourage supplementing your answers with any relevant information concerning the Marine's fitness for continued naval service.

2. Questionnaire

a. PART I:

(1) The Commanding Officer submits the following assessment to assist the PEB in their determination of Fitness/Unfitness in the case of SNM:

(a) Marine's MOS/Primary Specialty; Rate/NEC:

(Examples: 0311/Rifleman; 2111/Small Arms Repairer, etc.)

(b) Marine's current position or assignment:

(c) Is the Marine currently working out of his/her specialty because of the medical condition? (Yes/No). If the Marine is working out of his/her specialty could the Marine perform in his/her rating? (Yes/No).

(d) Date Marine passed the last "full" CFT/PFT: _____ (MM/YY).

(e) Did the Marine take the most recent CFT/PFT?

If "No," why didn't the Marine take the CFT/PFT?

If "Partial CFT/PFT," what events were waived and why?

(f) Marine height and weight: _____ (inches/lbs.). If not within weight standards, what is the Marine's body fat percentage?

(g) Is the Marine within weight and body fat standards? If "No," is the Marine on an official weight control program?

Subj: NON-MEDICAL ASSESSMENT (NMA) IN THE CASE OF (Marine's full name, rank/rate, EDIPI, service/component-regular, reserve, AR, FTS)

(h) To your knowledge, is the Marine fully attending all medical appointments and complying with all recommended treatments? Has the member complied in the past?

(i) If non-compliant, did the appropriate authority advise the Marine in writing of the medically proper course of treatment, therapy, medication, or restriction? If the Marine is non-compliant, please explain why.

(j) What is the average number of work hours per week that the Marine condition required the Marine to be away from his/her current duties for treatment, evaluation, and/or recuperation? (_____ hours).

(k) Is the Marine pending disciplinary action or involuntary administrative separation for misconduct? If "Yes," identify the administrative/disciplinary proceeding and the expected processing/completion date.

(l) What is the Marine current length of service and date of entry into active/reserve service?

LOS: _____ (years/months); ADSD/ADBD: _____ (mo/yr).
Active Duty Years: _____ (years/months).
Reserve Satisfactory Years: _____ (years/months).
Reserve Retirement Eligible (Yes/No).

(m) Considering the Marine's current physical and mental condition, is he/she worldwide assignable?

(n) Does the Marine have good potential for continued service in his/her present physical and mental condition? If "No," please explain why not.

(o) Does the Marine *expressly state* that he/she desires to continue his/her military service? (Please obtain the Marine's statement directly).

(p) Regarding Permanent Limited Duty (PLD) of active duty members, would you recommend that Naval Personnel Command/Headquarters Marine Corps authorize the Marine's retention on active duty in a Permanent Limited Duty (PLD) status, if found Unfit?

Do you recommend PLD unconditionally? or
Do you recommend PLD only to complete retirement eligibility? or
Do you recommend PLD only to EAS?
If "No" to any of the above, please explain why.

(q) Did the Marine's injury occur in a combat-zone tax exclusion area as defined in DoD Financial Management Regulation, Vol. 7A, Chapter 44, Section 440103(a) (Available at <http://www.defenselink.mil/comptroller/fmr/>)? If yes, date and location of injury.

Subj: NON-MEDICAL ASSESSMENT (NMA) IN THE CASE OF (Marine's full name,
rank/rate, EDIPI, service/component-regular, reserve, AR, FTS)

(r) Has the member ever forward deployed in support of:

Operation Enduring Freedom?
Operation Iraqi Freedom?

b. PART II. Commanding Officer's Comments

(1) The Commanding Officer Comments explain how the Marine's medical condition affects the Marine's ability to perform the duties of his/her MOS/Rate, and the resulting impact on the command. Although a non-medical assessment, the CO should review the Marine's Medical Board (MEB) and/or medical record to understand the Marine's medical condition before writing the NMA. Please note that the NMA is not a promotion evaluation, and remains in the Marine's medical record. Please use additional pages as necessary.

(2) The Commanding Officer submits the following comments to assist the PEB in their determination of Fitness/Unfitness in the case of SNM:

Example: The Marine can no longer be a (office, grade, rank, rate/MOS) because he/she can no longer do _____. Being able to do _____ is a requirement of his/her (office, grade, rank, rate/MOS, service).

(3) Include an explanation on what the Marine substantively can or cannot do regarding the primary duties of his/her MOS/Rate.

(4) Include an explanation on whether the Marine can perform his/her primary duties in garrison/shore and/or in a field/sea duty environment.

(5) If personally known, include date and description of the event (Who, What, Where, When, How) which caused the injury.

(6) Was a Purple Heart (PH) awarded for this injury?

(7) Was a Combat Action Ribbon (CAR) awarded for this injury?

(8) POC at this command is _____ (name/rank/position)
at (Commercial)
_____/ (DSN) _____ or (email) _____.

Commanding Officer Signature
Commanding Officer Name

*Figure 8-7.--Format for Disability Discharge Orders from Active Duty

ADDITIONAL PARAGRAPHS MAY BE ADDED AS DIRECTED BY THE COMMAND

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: PHYSICAL DISABILITY DISCHARGE WITH SEVERANCE PAY

Ref: (a) MCO 1900.16, MARCORSEPMAN, par. 8601
(b) JFTR, par. U5125
(c) MCO P5512.11D, ID CARDS
(d) MCO P7301.104
(e) MCTFS D860 Screen

1. Per reference (a), effective 2359 on (PRR/EAS/ECC) you are discharged from the United States Marine Corps by reason of Physical Disability with Severance Pay. Your entitlement to pay and allowances terminates on (PRR/EAS/ECC).

2. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action directed by CMC (MMSR-4) and reference (a) is effected.

b. Ensure a copy of these orders are filed in your Official Military Personnel File (OMPF).

c. Provide the Disbursing Officer with the following information:

(1) Separation Authority: MARCORSEPMAN, par. 8601.

(2) Character of Separation: HONORABLE.

(3) SPD Code: (____). NARRATIVE REASON: (____).

(4) Percent Disability: ()%. VA Code(s): (____).

(5) Combat Related Disability Condition: NONE or one of the following as directed by CMC (MMSR-4) - ARMED CONFLICT, SIMULATING WAR, INSTRUMENTALITY OF WAR, or HAZARDOUS SERVICE.

(6) Incurred in the line of duty in a combat zone: (YES or NO).

(7) Reenlistment Code: (____).

3. You have/have not elected advanced travel. You have elected mileage, via (MODE OF TRAVEL), to (CITY, STATE, ZIP). You have given your permanent mailing address as (STREET, CITY, STATE, ZIP). Per the provisions of reference (b), travel pay upon separation is authorized.

Subj: PHYSICAL DISABILITY DISCHARGE WITH SEVERANCE PAY

4. The dependency application, NAVMC 10922, on file in your service record shows the following named persons reside in your household as approved dependents and will require transportation:

<u>Name</u>	<u>Relationship</u>	<u>DOB</u>
(DEPN1 NAME1)	(DEPN1 RELATION1)	(DEPN1 DOB1)
(DEPN2 NAME2)	(DEPN2 RELATION2)	(DEPN2 DOB2)

5. Your unused leave balance computed to include (EAS), is () days. Upon completion of authorized leave, your leave balance will be () days due upon release.

6. You are directed to complete all required administrative action prior to your departure. Failure to do so may require your physical return to this command at your own expense.

7. Reimbursement for travel performed can be finalized only upon submission of the original and three copies of your orders with the completion of travel authorized herein. Submit your travel voucher DD 1351-2 "provided by the servicing Finance Office", to the (LOCAL BASE FINANCE OFFICE, STREET, CITY, STATE, ZIP). Questions regarding travel liquidation should be directed to the travel section (PHONE NUMBER). DD Form 1351-2 can also be found on <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd1351-2.pdf>.

8. Upon discharge, you and your dependents are eligible for 180-day TRICARE medical benefits and two years base privileges (e.g. commissary, exchange) in accordance with reference (c). Contact your local DEERS/RAPIDS Office to verify your eligibility and issuance of your ID card.

9. Per reference (d), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (d) and (e)).

10. 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.

By direction

RECEIVING ENDORSEMENT

1. I received these orders at (Command), PAC/IPAC at (time) on
(Date of Departure). I certify that I have completed all necessary
administrative actions prior to departure.

(Signature)

Copy to:
Disbursing Officer
OMPF

*Figure 8-8.--Format for Disability Discharge Orders for Reserve Marines NOT
on Active Duty

ADDITIONAL PARAGRAPHS MAY BE ADDED AS DIRECTED BY THE COMMAND

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: PHYSICAL DISABILITY DISCHARGE FROM THE U.S. MARINE CORPS RESERVE WITH
SEVERANCE PAY

Ref: (a) MCO 1900.16, MARCORSEPMAN, par. 8601
(b) DoDFMR Vol. 7A Chapt. 35

Encl: (1) Certified True Copy, Career Retirement Credit Report (CRCR)

1. Per reference (a), effective 2359 on (PRR/RECC) you are discharged from the Marine Corps Reserve by reason of Physical Disability with Severance Pay. Your entitlement to pay and allowances terminates on (PRR/RECC).

2. The officer having custody of your records is directed to accomplish the following:

a. Ensure the discharge action directed by CMC (MMSR-4) and reference (a) is effected.

b. Ensure a copy of these order's are filed in your Official Military Personnel File (OMPF).

c. Provide the Disbursing Officer with the following information:

(1) Separation Authority: MARCORSEPMAN, par. 8601.

(2) Character of Separation: HONORABLE.

(3) SPD Code: (____). NARRATIVE REASON: (____).

(4) Percent Disability: ()%. VA Code(s): (____).

(5) Combat Related Disability Condition: NONE or one of the following as directed by CMC (MMSR-4) - ARMED CONFLICT, SIMULATING WAR, INSTRUMENTALITY OF WAR, or HAZARDOUS SERVICE.

(6) Incurred in the line of duty in a combat zone: (YES or NO).

(7) Reenlistment Code: (____).

d. Provide you enclosure (1) which depicts your total service.

Subj: PHYSICAL DISABILITY DISCHARGE FROM THE U.S. MARINE CORPS RESERVE WITH
SEVERANCE PAY

3. Severance pay is computed per reference (b). Your severance pay computations are based on the below service and is \$_____(provide amount):

Total active service:	XX years XX months XX days
Total inactive service:	XX years XX months XX days
Total drills performed current FY:	XX
Period of NOE coverage:	YEAR-MONTH-DAY to YEAR-MONTH-DAY
Total inactive duty points earned:	XXX
Total inactive duty points paid:	XXX
Total inactive duty points not paid:	XXX

4. Provide a copy of these orders to your Physical Evaluation Board Officer (PEBLO) and a copy of these orders and enclosure (1, your CRCR) to the VA.

5. Your home of record and address you furnished for receipt of severance pay is (STREET, CITY, STATE, ZIP); (XXX) XXX-XXXX. On (PRR/RECC) you will surrender your military identification card DD Form 2MC.

By direction

RECEIVING ENDORSEMENT

1. I received these orders at (Command), PAC/IPAC or home address at (time) on (Date). I certify that I have completed all necessary administrative actions.

(Signature)

Copy to:
Disbursing Officer
OMPF

*Table 8-1.--Eligibility Index Table

<u>A</u>	<u>B</u>
R If the Marine is physically Unfit U by reason of physical disability L and; E	the action is;
1 The disability was the result of intentional misconduct or willful neglect, and/or was incurred during a period of unauthorized absence	discharge without benefits. (10 U.S.C. section 1207) (See par. 8602.)
*2 Marine is a member of the Active Component or Active Reserve Program	(See Table 8-2 and par. 8601.)
*3 Marine is a Marine reservist on active duty for more than 30 days except compulsory 45-day involuntary training,	(See Table 8-2 and par. 8601.)
*4 Marine is a reservist on active duty for 30 days or less, inactive duty training or active duty for compulsory 45-day involuntary training,	(See Table 8-3 and par. 8601 or 8608.)
*5 The disability was determined not to have been incurred during, or aggravated by, active duty and the member waives the right to a formal hearing,	discharge by reason of EPTS. (See par. 8604.)

*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)

	A	B	C	D	E
R U L E	If the Marine is entitled to basic pay, and disability was incurred while entitled to basic pay	and if member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
*1	NO				discharge for physical disability without benefits. (See par. 8602)
*2	YES	YES	0-100	permanent	permanent Retirement. (10 U.S.C. 1201) (See section 4)
*3	YES	YES	0-100	may be permanent	transfer to TDRL (10 U.S.C. 1202) (See section 5)
*4	YES	NO	30-100	permanent	permanent retirement (10 U.S.C. 1201) (See section 4)
5	YES	NO	30-100	may be permanent	transfer to the TDRL. (10 U.S.C.) (See section 5)_____

	A	B	C	D	E
R U L E	If the Marine is entitled to basic pay, and disability was incurred while entitled to basic pay	and if member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
6	YES	NO	less than 30	perm or may be permanent	discharge with disability severance pay. (10 U.S.C. 1203) (See par. 8601.) (Notes 1, 2, 3, & 4)

NOTE 1: A reservist eligible under reference (a) Title 10, U.S.C. section 1209 (has more than 20 years of qualifying Federal service) may elect to transfer to the Retired Reserve, to receive retired pay at age 60, instead of discharge with disability severance pay.

*NOTE 2: Per reference (a) Title 10, U.S.C. sections 1203 and 1206, the minimum number of years for computation purposes shall be:

(a) Six years in the case of a Marine separated 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.

NOTE 3: Pay equation formula:

(Basic pay x 2) x (Years of Service) = Severance Pay

*Table 8-3.--Eligibility Index Table for Reservists on Active Duty for
30 Days or Less, Inactive Duty Training, or 45-Days Involuntary
Training for Active Duty

	A	B	C	D	E	F
R U L E	If the disability was due to an injury or illness	and was proximate result of performing active duty	and the member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
1	NO					discharge other than for physical disability. (See par. 8607 or 8608.)
*2	YES	NO				permanent retirement. (10 U.S.C. 1204) (See sect. 4)
*3	YES	YES	YES	0-100	permanent	transfer to TDRL. U.S.C. 1205) (See sect. 5)
*4	YES	YES	YES	0-100	may be permanent	permanent retirement. (10 U.S.C. 1204) (See sect. 4)
*5	YES	YES	NO	30-100	permanent	transfer to TDRL. (10 U.S.C. 1205) (See sect. 5.)
*6	YES	YES	NO	30-100	may be permanent	

	A	B	C	D	E	F
R U L E	If the disability was due to an injury or illness	And was proximate result of performing active duty	and the member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
*7	YES	YES	NO	less than 30		discharge with Severance pay. (10 U.S.C. section 1206) See par. 8601. (Notes 1) and 2)

NOTE 1: A reservist eligible under reference (a) Title 10, U.S.C. section 1209 (has more than 20 years of qualifying Federal service) may elect to transfer to the Retired Reserve, to receive retired pay at age 60, instead of discharge with disability severance pay.

Table 8-4.--Computing Disability Retired Pay

R U L E	A	B	C
	If the Marine is being	take the higher monthly basic pay (note 1)	and multiply by the higher value of service or disability
	1 Permanently retired (10 U.S.C. 1201 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held	2 1/2 percent times the years of active service credited to the member or the percentage of disability on the date of retirement or transfer to the TDRL.
	2 transferred to the TDRL (10 U.S.C. 1202 or 1205) (note 2)	or (2) of the grade held on the day before retirement or transfer to the TDRL	
3	removed from the TDRL permanently retired (10 U.S.C. 1210)		2 1/2 percent times the years of active service credited to the member or the percentage of disability at the time the member's name is removed from the TDRL.

NOTE 1: The monthly basic pay of a Marine who first became a member of the uniformed service after 7 September 1980, is subject to the computation in reference (a) Title 10, U.S.C. section 1407. Monthly basic pay for these Marines is computed as one thirty-sixth of the total amount of monthly basic pay which the member received (or would have received if on active duty) for any 36 months (whether or not consecutive) of active service. In the case of a Marine who has less than 36 months service, the basic pay is the total amount of basic pay received, divided by the number of months served.

NOTE 2: While on the TDRL, retired pay will not be less than 50 percent of the monthly basic pay on which the computation is made.

NOTE 3: A Regular or Reserve Marine retired from active duty by reason of physical disability may be eligible to elect either compensation from the Veterans Administration, or retired pay from the Marine Corps, or both. The total compensation received may not exceed the maximum granted by either the Marine Corps or the Veterans Administration. A retiree must waive that portion of retired pay equal to that amount received from the Veterans Administration.

MARCORSEPMAN 1900.16-APPENDIX A

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

SEPARATION PROGRAM DESIGNATOR CODES

See the Online Codes Manual for SPD Codes.

MARCORSEPMAN 1900.16-*APPENDIX B

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: (a) Title 10, U.S.C.
(i) MCO P1070.12K w/CH 1
(al) SECNAVINST M-5210.1

DETAILED INSTRUCTIONS FOR DD FORMS 214, 214WS, 214C, AND 215

*NOTE: The Document Tracking and Management System (DTMS) in Marine OnLine (MOL) will assign, log and maintain the serial number when the DD Form 214/215 is produced in DTMS. For all others, assign a serial number for the DD Form 214 and maintain these serial numbers in either an electronic or paper log. The serial number must consist of three elements: command UIC, 4-digit calendar year, and at a minimum, a 4-digit consecutive number, e.g. "SER: 54883-2002-0001."

*The log will consist of, at a minimum, the DD Form 214 serial number, the name of the Marine being discharged/separated, effective date of discharge or separation, full name, Electronic Data Interchange Personal Identifier (EDIPI), and printed name of preparer. Per reference (al) SECNAVINST M-5210.1, the log will be maintained at the activity for two years. Commands are authorized to add additional elements as required.

B001. Detailed Preparation Instruction for DD Forms 214/214WS/214C. The paragraphs below reflect actual items/blocks on the DD Forms 214 and 215. Documents prepared in DTMS will be auto-populated using system-generated text, numbering, and dates; there is no requirement to change these formats. When using DTMS, all fields may be in UPPERCASE.

NOTE: It is the responsibility of the signing official to ensure all copies of the DD Form 214, DD Form 214C, and DD Form 215 are legible. No corrections or typeovers will be made. With the issuance of the Aug 2009 version of the DD Form 214, 214C, and 215 and the implementation of the electronic DD Form 214, 214C, and 215, the Feb 2000 version is no longer authorized for use.

*1. LAST NAME - FIRST NAME - MIDDLE NAME. Enter full name in order indicated without punctuation, except as indicated below. Also include, when applicable, "Jr.", "Sr.", "II", etc., following the middle name. Where there is no middle name or initial, nothing will be entered.

2. DEPARTMENT, COMPONENT AND BRANCH. Enter the last component in which the Marine was a member while on active duty followed by a hyphen and the component code as published in the Manpower Codes Lookup Guide. Example: USMC-11, FMCR-A1, USMCR-K4, etc.

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

*4a. GRADE, RATE OR RANK. Enter the abbreviation for the rank in which separated. Refer to chapter 6 of reference (i) MCO P1070.12K.

4b. PAY GRADE. Self-explanatory.

5. DATE OF BIRTH. Enter the date in year, month, and day (YYYYMMDD) sequence. Single digits will be prefixed by a zero. For example, enter "7 November 1952" as "19521107".

6. RESERVE OBLIGATION TERMINATION DATE. Enter the YYYYMMDD the Marine's reserve obligation ends. For Marines who would normally have a reserve obligation remaining, but who are being discharged under other than honorable conditions, enter the date of discharge. For Marines with no reserve obligation, enter "00000000".

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

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

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

*8b. STATION WHERE SEPARATED. Enter the Installation Personnel Admin Center (IPAC) or Personnel Admin Center (PAC) unit title and the Admin Reporting Unit Code (ARUC) or Reporting Unit Code (RUC). Use the RUC unit title and RUC only when the organization does not fall under an IPAC/PAC for reporting.

*9. COMMAND TO WHICH TRANSFERRED. When a Marine is discharged and there is no further obligated service to the Marine Corps or Marine Corps Reserve, enter "N/A". For Marines released from active duty with additional obligated service (IRR), enter the title and RUC of the reserve organization transferred to; i.e., "Commander, Marine Forces Reserve, 2000 Opelousas Ave., New Orleans, LA 70146-5400 RUC 36005". For Marines transferred to the FMCR, retired list, or PDRL retirement, enter "CMC (MMRP-20)". For TDRL retirement, enter "CMC (MMRP-16)".

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

*11. PRIMARY SPECIALTY NUMBER. Enter the Marine's military occupational specialty (MOS) followed by the English description and the number of years and months the Marine held the MOS, e.g., "0111, Administrative Specialist, 3 years 11 months". If the Marine is assigned an additional MOS and has held the additional MOS for one year or more, the additional MOS information will be entered below the primary MOS data.

*12. RECORD OF SERVICE. See paragraph 1202.

a. DATE ENTERED ACTIVE DUTY THIS PERIOD. The date entered (YYYYMMDD) will be the date of enlistment for the earliest period of continuous active service for which a DD Form 214 was not previously issued.

b. SEPARATION DATE THIS PERIOD. Self-explanatory (YYYYMMDD).

c. NET ACTIVE SERVICE THIS PERIOD. Enter the net active service in number of years, months, and days, e.g., 06 11 29 during the current continuous active service period. Computation will be based on a 30-day month; use of a julian date calendar is not authorized for computing net active service. These figures represent total active service less time lost as defined in current directives. Months and days should never exceed 11 and 29, respectively.

*d. TOTAL PRIOR ACTIVE SERVICE. Enter all prior active service in number of years, months, and days, e.g., 06 11 29. If the Marine has no prior active service, enter zeros, e.g., "00 00 00". Months and days should never exceed 11 and 29 respectively.

e. TOTAL PRIOR INACTIVE SERVICE. Enter the total prior inactive service in number of years, months, and days, e.g., 06 11 29. If the Marine has no creditable prior inactive service, enter "00 00 00". Months and days should never exceed 11 and 29 respectively. After 31 December 1984, service within the Marine Corps Delayed Entry Program (DEP) is not creditable service.

*f. FOREIGN SERVICE. Enter all time spent on foreign service during the continuous active service period. Foreign service is defined as service performed outside the fifty United States or its territories (American Samoa, Northern Marianas Islands, Guam, Puerto Rico, and U.S. Virgin islands). Service in a foreign country constitutes foreign service even if the service is part of a deployment including deployments in support of contingency operations. The Veteran's Administration may provide additional benefits based on foreign service. If the Marine has no foreign service, enter "00 00 00". Foreign service periods can be computed by utilizing MCTFS screens, D130 (chronological record), D179 (individual location), D128 (crisis code), D913 (hardship duty pay), D142 (operation history), and D977 (combat tax history).

*g. SEA SERVICE. Enter time spent on sea service (career sea pay data) during the current continuous active service period. Sea service entitlement criteria and computation instructions are contained in MCTFS Prium. If the Marine has no sea service, enter "00 00 00". A Marine cannot earn credit for sea service and foreign service simultaneously. For example, a Marine on deployment with a MEU would earn sea service credit for time spent afloat, and would earn foreign service credit for time spent ashore in Afghanistan. Sea service can be found on MCTFS screen D963 (career sea duty history).

*h. INITIAL ENTRY TRAINING. Enter the service time in Recruit Training, Marine Combat Training, or School of Infantry Training only. Do not include time spent at Officer Candidate School, The Basic School, or other MOS schools.

*i. EFFECTIVE DATE OF PAY GRADE. Enter the effective date (YYYYMMDD) of promotion to the present pay grade.

*13. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED. Enter decorations, medals, badges, citations, and campaign ribbons awarded or authorized for all periods of service (including those on previous DD Forms 214) for every issuance of a DD Form 214. If no decorations were awarded or authorized, enter "none". Awards can be found on MCTFS screen D143.

*14. MILITARY EDUCATION. To assist the separated Marine in employment placement and job counseling, formal service training courses successfully completed during the period covered by the form will be listed in this block. Include medical, electronics, supply, administration, personnel, heavy equipment operations, PMOS or AMOS producing courses and resident courses that are academically accredited such as, Command and Staff College, Top Level School, Defense Language Institute and post graduate-degree granting courses. Training courses for combat skills will not be listed. Recruit training, SNCO Academy courses, Officer Candidate School, Warrant Officer Basic Course, and The Basic School will not be listed. Nonresident PME courses will not be listed. MCI, correspondence, and distance learning courses will not be listed. See the current Guide to the Evaluation of Educational Experiences in the Armed Services for commonly accepted course titles and abbreviations. For all other proof of education, provide the Marine with a Verification of Military Experience and Training (VMET), DD Form 2586.

*15a. COMMISSIONED THROUGH SERVICE ACADEMY. Self-explanatory. Enter "No" for enlisted.

*15b. COMMISSIONED THROUGH ROTC SCHOLARSHIP. Self-explanatory. Enter "No" for enlisted.

*15c. ENLISTED UNDER LOAN REPAYMENT PROGRAM. Self-explanatory. Enter "No" for enlisted.

*16. DAYS ACCRUED LEAVE PAID. The separation authority will document the total amount of lump sum leave (LSL) paid during the period covered by the DD Form 214. Leave days paid will be the sum of LSL sold upon separation and any other LSL settlements which occurred during the period of the DD Form 214 (i.e., reenlistment) or by other means of positive verification of the actual number of days lump-sum leave (LSL) settlement paid by the disbursing officer. Entries for this item will be made as follows:

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

*b. If the amount of LSL actually paid at the time of discharge is different than the amount previously documented in block 16, the separation authority will issue a DD Form 215 to document the corrected amount paid. See subparagraph 1202.5g. The total LSL paid during the period covered by the DD Form 214 will be entered. (i.e., A Marine reenlists at the end of their first enlistment and sells 30.0 days LSL. No DD form 214 is issued due to continuous active service. At the end of their career they sell back the remaining 30.0 days of LSL for a total of 60.0 days. The amount of LSL to be entered in block 16 of the DD Form 214 is "60.0 days LSL"). Paragraph 1202.5e applies.

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

*18. REMARKS. Continue in this space items that cannot be completed within the space provided. For electronic versions other than DTMS, include the serial number of the DD Form 214. Cross-reference must be used to indicate the item being continued, e.g., "Item 14 CONT". If additional space is required, enter the words "Continued on DD Form 214C". The continuation sheet must reference: the DD Form 214 being continued; the information from blocks 1 through 4; the appropriate block(s) being continued; the Marine's signature and date; and the authorizing official's signature. No entries may be made on the back of the form. Include the following mandatory comments:

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

*b. Participation in contingency operations. Marines assigned Temporary Additional Duty (TAD) to a contingency operation area will also be credited with contingency operation participation on their DD Form 214. Contingency operation participation can be determined from MCTFS screens D128 and D142.

*(1) International contingency operations will be recorded in the following sequence: name of operation, country, from date - to date of participation. E.g., "Marine participated in Operation Enduring Freedom, Afghanistan, 20040301-20040901".

*(2) Domestic contingency operations will be recorded in the following sequence: name of operation, state, from date - to date of participation. E.g., "Marine participated in Joint Task Force Katrina, LA, 20050829-20051117".

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

*d. If information for any item is not available when the form is prepared and delivered to the separating Marine, a remark will be entered in this item as follows: "Information for item(s) (applicable item(s)) not available at time of completion. A DD Form 215 will be issued when missing information becomes available." See subparagraph 1201.4.a.

*e. Comply with DFAS-KC 7220.31, Marine Corps Total Force System Automated Pay Systems Manual, for the recording of: separation pay; readjustment pay; contract cancellation pay and allowances; disability severance pay; severance pay; and payment of Voluntary Separation Incentive/Special Separation Bonus/Voluntary Separation Pay.

*f. Enter the following remarks as appropriate:

(1) Accepted regular commission/warrant.

(2) Not available for signature.

(3) Separating Marine refused to sign form.

(4) Good Conduct Medal period commences (YYYYMMDD).

(5) For Marines retiring or transferring to the FMCR from active duty, enter: "Subject to active duty recall by Service Secretary."

*(6) For Marines being transferred to the Individual Ready Reserve, enter: "Subject to active duty recall and or annual screening. This is not a final discharge."

*(7) Certain Marine Corps orders require entries under "Remarks". Ensure they are made.

(8) Non-creditable Delayed Entry Program time (1 January 1985 and later).

*(9) For Marines who elect, an email address and telephone number to allow contact by agencies receiving copies of the DD Form 214 may be entered in Block 18.

*g. When a discharge is upgraded per BCNR or NDRB authority, the DD Form 214 will be annotated on copies 2 through 8 in item 18 to indicate the character of service has been upgraded; the date of the application for upgrade; and the effective date of the corrective action. Annotate item 18 as follows:

(1) "10 USC 1552" (for BCNR)

(2) "10 USC 1553" (for NDRB)

*h. When a reservist is released from active duty and is entitled to travel time, enter the actual date the reservist was detached from the separation activity and the number of days travel time added to determine the effective date of release from active duty entered in item 12b; e.g., "Date detached separation activity: YYYYMMDD; ____ days travel time."

*i. If the Marine is released from active duty or is discharged and enlists/reenlists in the Marine Corps Reserve, insert the following statement: "While a member of the Marine Corps Reserve, you will keep the Commander, Marine Forces Reserve (Toll free 1-800-255-5082) informed of any change of address, marital status, number of dependents, civilian employment, or physical standards."

*19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code). Information for this item shall be obtained by interview with the Marine being separated. Complete home address where the Marine intends to reside permanently following separation. If unsure of address, use the permanent mailing address shown on the DD Form 11060.

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

*20. MEMBER REQUESTS COPY 6 BE SENT TO (SPECIFY STATE) OFFICE OF VETERANS AFFAIRS. Complete by entering an "X" in the "YES" or "NO" block of this item. If "YES" block is marked, complete by entering the state name or two-letter abbreviation in the space provided. Appendix F lists the addresses of state offices for receipt of the DD Form 214. Appendix G contains the addresses of regional VA offices for receipt of the DD Form 214. Enter "NO" for Marines countinuing on active service immediately after separation.

*20a. MEMBER REQUESTS COPY 3 TO BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERAN'S AFFAIRS (WASHINGTON, DC). Send a duplicate of Copy 3 to the Central Office if requested. Enter "NO" for Marines countinuing on active service immediately after separation.

*21a. MEMBER SIGNATURE. The Marine being separated will sign all copies in black ink or with authorized electronic signature. In the event DD Form 214C is used, the Marine's signature and date are also required on all copies of the DD Form 214C. If not available for signature or if the Marine refuses to sign, enter "See Remarks" and enter in item 18 a brief statement to indicate such.

*21b. DATE. Enter the date the DD Form 214 was signed by Marine in (YYYYMMDD) format.

*22a. OFFICIAL AUTHORIZED TO SIGN. (Typed name, grade, title, signature) Commanders or IPAC directors shall appoint in writing an E7, GS7 equivalent or above as the "Official Authorized to Sign". Document in writing the non-availability of a person in the required grade if assigning a lower grade individual who shall not be lower than an E5 or GS5 equivalent. The authorizing official will, in black ink or electronically, sign the DD Form 214 ensuring that the signature is legible on all copies. Typographical strikeovers on the original and copies of the form make it unreadable by the recipient and must be avoided. Any unavoidable corrections and changes made in the unshaded areas of the form during preparation shall be neat, legible, and initialed on all copies by the authorizing official. In the event a DD Form 214C is used, the issuing agent's signature is also required on the DD Form 214C and all copies.

*22b. DATE. Enter the date the DD Form 214 was signed by the authorizing official in (YYYYMMDD) format.

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

- a. Discharged.
- b. Transferred to the FMCR.
- c. Temporarily retired.
- d. Retired.
- e. Released from active duty.
- *f. Released from Active Duty for Training (in the case of a reservist).
- g. Entry level separation.

24. CHARACTER OF SERVICE. Enter in CAPITAL LETTERS the appropriate character of service. If significant negative aspects of a Marine's conduct or performance outweigh positive aspects of the Marine's military record, a commander, who must be the separation authority, may assign a GENERAL (UNDER HONORABLE CONDITIONS) character of service, regardless of the Marine's rank. See paragraph 1004 for those requirements.

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

*When doubt exists as to the correct "Character of Service," request instructions from the CMC (MMSR-2). When a discharge is upgraded, a new DD Form 214 will be issued and a remark made in item 18 of copies 2 through 8 indicating that the "Character of Service" has been upgraded. In the event an administrative error is made in the characterization of a Marine's discharge, the DD Form 214 should be cancelled and a new one issued.

*NOTE: The Online Codes Manual provides and aligns separation authority, separation code and narrative reason.

*25. SEPARATION AUTHORITY. The separation authority is the specific paragraph cited from the appropriate chapter of this manual which by law or policy permits the Marine Corps to separate an individual from a term of service with the Marine Corps or Marine Corps Reserve. Enter the abbreviation "MARCORSEPMAN" and the specific authority paragraph for the type of separation. Refer to the Online Codes Manual.

*26. SEPARATION CODE. The separation program designator (SPD), or separation code, is a four position alphanumeric code which reflects the specific authority for the type of separation. The CMC (MMSR-2) will provide the code for career designated officer separations and CMC (MMOA-3) for non-career designated officer separations. Refer to the Online Codes Manual for enlisted separations, unless otherwise directed by the CMC.

*27. REENTRY CODE. The codes listed in appendix I provide information on eligibility for reenlistment in the Marine Corps or Marine Corps Reserve. For Marine officers and reservists released from Initial Active Duty for Training, complete by entering "NA". For all other enlisted Marines, both regular and reserve, enter the appropriate code as shown in appendix I, or as directed by CMC, MMEA.

*28. NARRATIVE REASON FOR SEPARATION. This is a brief statement describing the circumstances of the termination. The Online Codes Manual provides the narrative reason that must be used verbatim (**Do not use the English Description in MCTFS Table 5 for the entry in this block**).

*29. DATES OF TIME LOST DURING THIS PERIOD. This item applies only to the current continuous period of active duty. Complete by recording for each

period of lost time, the number of days computed on a day for day basis within parentheses followed by the inclusive dates; e.g., "(37) 20000329-20000504". This item will not be left blank. If there is no time lost period to record, enter "None".

*30. MEMBER REQUESTS COPY 4. If the Marine desires the statutory or regulatory authority for separation, reenlistment code, SPD code, and the narrative reason for separation, the member will so indicate by initialing item 30. Copy 4 will be provided to all Marines regardless of their signature in this block.

*B002. Distribution Instructions. Distribution of the DD Form 214 will be made as indicated below. To provide for immediate distribution of copy 6, the mailing addresses of the State Directors of Veterans Affairs are provided in appendix F. The command must ensure all copies of the DD Form 214 and DD Form 215 are distributed to their **designated** federal and state agencies within five working days following the effective date of separation.

*1. DD Form 214

*a. Copy No. 1 (Original). All separating active duty and demobilized Marines must be given their signed DD Forms 214, copies 1 and 4, on the earlier date of (1) the effective date of separation or (2) the date PTAD, terminal leave (including PDMRA if applicable), and authorized travel time commence and the Marine permanently departs the command. After the delivery of the DD Form 214, should subsequent events occur prior to the EAS that invalidate the EAS, separation code, or characterization of service, for example, death, misconduct, etc., commands must correct or cancel the DD Form 214 by issuing a DD Form 215 and distributing the copies immediately.

*b. Copy No. 2 (HQMC)

Forward this copy to:

Commandant of the Marine Corps (MMRP-20)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134-5030

If copy 2 is scanned to the ESR destroy upon verification of processing.

c. Copy No. 3

(1) Forward this copy to:

Department of Veterans Affairs
Austin Information Technology Center
1615 East Woodward Street
Austin, TX 78772-0001

(2) For Marines being separated and transferred to a VA hospital, a reproduced copy will accompany the copies of the clinical and treatment records forwarded to that hospital.

*(3) For Marines who complete VA Form 21-526, Veterans Application for Compensation or Pension at Separation from Service, a reproduced copy will accompany the copies of the health record (less cover) when they are

forwarded to the VA Regional Office with jurisdiction over the Marine's permanent address. However, in those cases where the Marine is being transferred to the Temporary Disability Retired List (TDRL), the original health record along with the SRB or OQR must be sent to the CMC (MMRP-16) per paragraph 8302.2 of this manual and a copy of the health record provided to the VA Regional Office with jurisdiction over the Marine's permanent address. Once the health record has been added to the Marine's Official Military Personnel File by CMC (MMRP-16), the original paper copy will be forwarded to the Department of Veterans Affairs. It should be stressed to the Marine who plans to apply for veterans compensation or pension that faster processing generally may be expected if the application is completed at the time of separation. See appendices F and G for jurisdiction and address.

*(4) When the Marine is enlisting or reenlisting in an active duty status or otherwise continuing on active duty in another status, copy 3 will not be forwarded to the VA; it may be given to the Marine or destroyed.

(5) A reproduced copy of the DD Form 214 (Copy 4) will also be placed in the closed out Health Record prior to forwarding per MCO P1070.12, table 4-1.

*d. Copy No. 4. All separating active duty and demobilized Marines must be given their signed DD Forms 214, copies 1 and 4, on the earlier date of (1) the effective date of separation or (2) the date PTAD, terminal leave (including PDMRA if applicable) and authorized travel time commence and the Marine permanently departs the command.

*e. Copy No. 5. Forward this copy to:

U.S. Department of Labor
Federal Claims Control Center
P.O. Box 785070
Orlando, FL 32878-5070

*f. Copy No. 6. If the Marine has marked the "YES" block in item 20 and indicated the appropriate state, this copy will be forwarded to the VA for the state stipulated. Otherwise, destroy this copy. Mailing addresses for the state, regional and the central VA offices are in Appendix G.

*g. Copy No. 7

*(1) If the Marine's service record has been converted to the ESR copy 7 must be destroyed.

(2) In all other cases, file copy 7 of the DD Form 214 to the document side of the service record.

*h. Copy No. 8

*(1) Marines being transferred to inactive duty whose records will be forwarded to the Commander, Marine Forces Reserve. Insert this copy on the document side of the service record for concurrent forwarding. If the Marine's service record has been converted to the ESR, copy 8 must be destroyed.

*(2) For reservists being released from active duty and who will report to the commanding officer of an SMCR unit, insert this copy on the

document side of the service record for concurrent forwarding. If the Marine's service record has been converted to the ESR, copy 8 must be destroyed.

*(3) In all cases, a photocopy of the completed document will be maintained at the activity for two years.

*NOTE: Form DD 214 for Marines while in an appellate leave status will be completed by the Navy and Marine Corps Appellate Leave Activity Command (NAMALA).

2. Additional Copy Requirements. Discharged Alien Deserters. For discharged alien deserters, enter place of birth in item 18 and provide one reproduced copy of Copy No. 1 to:

U.S. Department of State
Visa Office - SCA/VO
State Annex No. 2
Washington, DC 20520-0001

This will assist the Visa Office in precluding the unwarranted issuance of visas to discharged alien deserters in accordance with DoDI 1325.2.

*B003. PREPARATION OF DD FORM 215

*1. Except for the date (item 5) and items being corrected, all identification data, including name, department, component, branch, SSN, and mailing address on the DD Form 215 will be completed as they appear on the original DD Form 214. The separation date in item 12 of the original DD Form 214 being corrected must be entered into item 5 of the DD Form 215. Do not leave this item blank. Item 5 will also contain the individual serial number of the DD Form 215 being prepared. DTMS will assign the serial number when used, otherwise the serial number will consist of three elements: Reporting Unit Code (RUC), four-digit calendar year, and, at a minimum, a four-digit consecutive number, e.g. "SER: 54883-2002-001".

*2. Corrections. The separation date on the DD Form 214 being corrected is completed by entering the date (YYYYMMDD) recorded in item 12b of the original DD Form 214. Under "ITEM NO.", enter the block number of the item(s) which is/are to be corrected or which was/were omitted when the DD Form 214 was prepared and delivered to the Marine. Under "CORRECTED TO READ", insert the corrected or missing information required. Ensure the change is explicit enough not to be misinterpreted. See example below.

<u>ITEM</u>	<u>CORRECTED TO READ</u>
4B	E5
	-or-
13	Delete: Good Conduct Medal (2d Award) Add: Good Conduct Medal (3d Award)
	-or-
18	Add: CONTINUOUS HONORABLE ACTIVE SERVICE FROM 20020401 TO 20060331

3. Date. Enter the date (YYYYMMDD).

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

5. Distribution Instructions. The distribution of the DD Form 215 will be identical to the distribution of the DD Form 214 in paragraph B002.1. When distributing copies 3 and 5, every effort should be made to include a copy of the original DD Form 214. The original and copy 4, if applicable, will be forwarded to the Marine at the address shown in item 4 with instructions that the DD Form 215 should be attached to the original DD Form 214 and copy 4, if applicable.

MARCORSEPMAN 1900.16-*APPENDIX C

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

References: See table below

CHECKLIST FOR SEPARATIONS

***I. PRE-SEPARATIONS INTERVIEW**

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Career Planning Interview	MCO 1900.16 par. 1101.4a MCO 1040.31	YES*	YES	YES
Reenlistment Benefits	MCO 1040.31	YES*	YES	NO
Marine Corps Reserve Affiliation	MCO 1001.39K	YES*	YES	NO
Inform Member of Address of Marine Reserve Support Command	MCO 1900.16 par. 1101.4b	YES*	NO	NO
Selective Service Registration	MCO 1900.16 par. 1101.4h	No longer required. Marines are registered when enlisted or commissioned.		
Separation Medical Evaluation	MCO 1900.16 par. 1011	YES*	YES	YES
VA Dental Treatment Eligibility	MCO 1900.16 par. 1101.4e	YES	YES	YES
Conversion of SGLI	MCO P1741.11D	YES	YES	YES
Maternity Care	MCO 5000.12E	YES	YES	YES
Health Care Insurance	TRANSITION SEMINAR	YES	YES	YES
BCNR/NDRB Advice	MCO 1900.16 par. 1101.4f	YES	YES	YES
Unemployment Benefits	MCO 1900.16 par. 1101.4g	YES	YES	NO
Veterans Rights and Benefits	TRANSITION SEMINAR	YES	YES	YES
Audit Service Record	MCO P1070.12K chap. 5	YES	YES	YES

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Wearing of Uniform after Separation/Retirement	MCO 1900.16 par. 1101.5b MCO P1020.34G MCO P10120.28G	YES	YES	YES
Travel	MCO 1900.16 par. 1009 JFTR, Vol I chaps. 5 and 7 Online MCTIM	YES	YES	YES
Transportation	JFTR, par. 5300	YES	YES	YES
Separation/Severance and Contract Cancellation Payment (when applicable)	DoDFMR Part 4	YES	NO	NO
Shipment of Household Effects (if applicable)	JFTR, Vol I chap. 5, Part D	YES	YES	YES
Allotment Stoppage	OnLine APSM	NO	NO	YES
Bonds in Safekeeping	Online APSM Request from DFAS within 60 days after separation**	YES	YES	YES
Recoupment	DoDFMR, Part I, chap. 9, MCO 1900.16 par. 6108	YES/NO	NO	NO
Uniform Retention (Dependent on characterization)	MCO P10120.28F par. 1500-1501 MCO 1900.16G par. 1101.5b	YES	YES	YES
Montgomery G.I. Bill	MCO 1560.25	YES	YES	YES
Post 9/11 G. I. Bill	MCO 1900.16 par. 1101.4i(2)	YES	YES	YES
Permanent Mailing Address	MCO 1900.16 par. 1101.4j	YES	YES	YES

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

** Bonds in Safekeeping - ensure the Marine provides an address to be recorded in Part V - Permanent mailing address of the NAVMC Form 11060: Separation/Enlistment Voucher. When safekeeping bonds are not claimed within 60 days after separation, bonds are automatically mailed to the payment option election (POE) address by the Defense Finance and Accounting Service.

*II. FORMS, ORDERS AND ADMINISTRATIVE MATTERS (ENLISTED)

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Selective Service Registration (SSS 1 (MC) (SRS) Stock Number 0110-LF-1))-0020)	MCO 1900.16 par. 1101.4h	YES	YES	NO
Security Termination Statement	SECNAVINST 5510.30B	YES	YES	YES
DD 214 (used only in terminating active duty status) App B	MCO 1900.16 par. 1101.2a,	YES	YES	YES
DD Form 2 (Ret) ID Card	MCO P5512.11C	NO	NO	YES
DD Form 2 MC (Res) ID Card	MCO P5512.11C	NO	YES	NO
Notification to Immigration & par. 1103 Naturalization Service	MCO 1900.16	YES	NO	NO
One copy of "Federal Benefits for Veterans and Dependents " (2011 latest version)	MCO 1900.16 par. 1101.2c(2)	YES	YES	YES
Discharge Certificate par. 1101.2b	MCO 1900.16	YES	NO	NO
Honorable Discharge Lapel pin	MCO 1900.16 par. 1101.2c(1)	YES	NO	NO
Fitness Report MCO (sergeants and above)	P1610.7F	YES	YES	YES
Issue of Family Member ID Card, DD Form 1173	MCO P5512.11C	NO	NO	YES
Recover Family Member ID Card	MCO P5512.11C	YES	YES	YES
Family Medical Care	TRANSITION SEMINAR	YES	YES	YES
Survivor Benefits Plan (SBP)	MCO P1741.11D	NO	NO	YES
Release from Active Duty Orders (Reserve)	MCO P1001R.1K	NO	YES	YES

*II. FORMS, ORDERS AND ADMINISTRATIVE MATTERS (ENLISTED)

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Unit Diary Entry	OnLine MCTFS	PRIMUM YES	YES	YES
Retirement by Reason of Permanent Physical Disability Orders	MCO 1900.16 par. 8401	NO	NO	YES (PDRL ONLY)
Temporary Disability Retired List Orders	MCO 1900.16 par. 8501	NO	NO	YES (TDRL ONLY)
Closing out Service Record and Transfer of SRB/ESR, Health and Dental Records	MCO 1900.16 par. 1101.7 MCO P1070.12K par. 4001	YES	YES	YES

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

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Selective Service Registration Form (SSS 1 (MC) (SRS) Stock Number 0110-LF-100-0020	MCO 1900.16 par. 1101.4h	YES	YES	NO
Security Termination Statement	SECNAVINST 5510.30B	YES	YES	YES
DD 2 (Ret) ID Card	MCO P5512.11B	NO	NO	YES
DD 2 MC (Res) ID Card	MCO P5512.11B	NO	YES	YES
Recover Family Member ID Card	MCO P5512.11B	YES	YES	NO
Issue Family Member ID Card, DD Form 1173	MCO P5512.11B	NO	NO	YES
Survivor Benefit Plan (SBP)	MCO P1741.11D	NO	NO	YES
Release from Active Duty Orders (Reserve Officers)	MCO 1900.16 par. 5005	NO	YES	NO
DD 214 (used only in terminating an active duty status) App B	MCO 1900.16 par.1102.2a,	YES	YES	YES

SUBJECT	REFERENCE	DISCHARGED	RELEASED FROM ACTIVE DUTY	RETIRED/ TRANSFER TO THE FMCR
Permanent Disability Retired List Orders par.	MCO 1900.16 8401 (PDRL ONLY)	NO	NO	YES
Temporary Disability Retired List Orders	MCO 1900.16 par. 8501 (TDRL ONLY)	NO	NO	YES
Fitness Report	MCO P1610.7F	YES	YES	YES
Unit Diary Entry	OnLine MCTFSPRIUM	YES	YES	YES
Closing out the Service Record, Transfer of OQR/ ESR Health and Dental Records	MCO P1070.12K par. 3001 MCO 1900.16 par. 1101.7	YES	YES	YES

MARCORSEPMAN 1900.16-*APPENDIX D

Responsible Office: MMSR-1

Phone: Comm: (703) 784-9304/9305
DSN: 278-9324/9304/9305

Reference: (a) Title 10, U.S.C.

**INFORMATION CONCERNING THE REGULATIONS AND PROCEDURES
OF THE BOARD OF CORRECTION OF NAVAL RECORDS (BCNR)
AND THE NAVAL DISCHARGE REVIEW BOARD (NDRB)**

D001. The Board for Correction of Naval Records (BCNR), consisting of not less than three members, was established pursuant to reference (a) Title 10, U.S.C. 1552, and considers all applications properly before it for the purpose of determining the existence of an error or an injustice, and to make appropriate recommendations to the Secretary of the Navy. Petition may be made by the Marine or former Marine, or such other persons as the board determines to be competent for such purpose. The Board for Correction of Naval Records, unlike the Naval Discharge Review Board (NDRB), may review discharges awarded by a general court-martial. Other types of cases reviewed by the board include, but are not limited to: those involving requests for physical disability retirement; the cancellation of a physical disability discharge, and substituting, in lieu thereof, retirement for disability; an increase in the percentage of physical disability; the removal of derogatory material from an official record; the review of nonjudicial punishment; and the restoration of rank, grade, or rating. Also, this board will review the case of a person who is in a reserve component and who contends that the release from active duty should have been honorable, rather than general (under honorable conditions).

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

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

An application to the board for the correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved. The board will consider the applicant's case on the basis of all the material before it, including but not limited to: the application for correction filed by the applicant, any documentary evidence filed in support of such applications, any brief submitted by or in behalf of the applicant, and all available pertinent records in the Department of the Navy. The applicant's service record is but one of the records which may be considered by the board.

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

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

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

D002. The Naval Discharge Review Board (NDRB), consisting of five members, was established pursuant to 10 U.S.C. 1553, to review, on its own motion; or upon the request of any former member of the Navy or Marine Corps; or in the case of a deceased member of the Navy or Marine Corps, upon the request of the surviving spouse, next of kin, or legal representative, or if incompetent by the member's guardian; the type and nature of final discharge to determine whether or not, under reasonable standards of naval law and discipline, the type and nature of the discharge should be changed, corrected, or modified, and if so, to decide what modification should be made. The board may also issue a new discharge in accordance with the facts presented to it.

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

NDRB has no authority to revoke any discharge; nor to reinstate any person in the military service subsequent to discharge; nor to recall any person to active duty; nor to waive prior disqualifying discharges to permit enlistment in the naval service or any other branch of the armed forces; nor to cancel enlistment contracts; nor to change the reason for discharge from or to physical disability; nor to determine eligibility for veterans benefits. Relevant and material facts germane to the former Marine concerned found by a general or special court-martial, or by a court of inquiry or board of investigation where the former Marine was in the status of a defendant or an interested party, as approved by the reviewing authorities, shall be accepted by the board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion. Relevant and material facts stated in a specification to which the former Marine concerned pleaded guilty before a general or special court-martial, or where, upon being confronted by such a specification, the former Marine elected to request discharge for the good of the service, shall be accepted by the board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion, or unless the former member shall show to the board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against the member at the time,

which action was not apparent to the reviewing authority from the face of the record.

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

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

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

Applications for review and general information may be obtained by writing to the Naval Discharge Review Board, Washington Navy Yard, 720 Kennon Street, SE, Room 309, Washington, DC 20374-5023.

*D003. Statement of the Individual

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

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

Marine's Signature

Date

Witness Signature

Date

MARCORSEPMAN 1900.16-*APPENDIX E

Responsible Office: MMSR-1

Phone: Comm: (703) 784-9304/9305
DSN: 278-9304/9305

References: (a) Title 10, U.S.C.
(aw) MCTFSPRIUM (Online)

**AUTOMATED PROCESSING OF SEPARATION AND RETIREMENTS UNDER THE
MARINE CORPS TOTAL FORCE SYSTEM (MCTFS)**

E001. SCOPE. These procedures apply to all Marines, officer and enlisted, serving in the regular Marine Corps, and to members of the Marine Corps Reserve. It also applies to Marines on the retired list, on the Reserve Retired List Awaiting Pay at Age 60, in the Fleet Marine Corps Reserve (FMCR), and on the Temporary/Permanent Disability Retired List (TDRL/PDRL). For the purposes of this appendix, the term "separation" includes retirements and transfers to the FMCR, TDRL and PDRL, unless specified otherwise.

E002. PURPOSE. To provide procedures for effecting separations for Marines of the regular and reserve components and to support the Defense Retiree and Annuitant Pay System (DRAS). Noncompliance with these procedures can result in non-payment of retired pay to retired Marines. Additionally, procedures are provided for effecting separations and retirements for Marines of the regular and reserve components, per pertinent paragraphs of this manual. Accordingly, it is imperative that commanders fully understand the impact of the DRAS on the quality of life of retired Marines and their families.

E003. BACKGROUND

1. On 18 June 94, the Retired Pay and Personnel System (RPPS) resident at the Defense Finance and Accounting Service, Kansas City Center (DFAS-KC), Retired Pay Division (Code FJR) was frozen and all existing retired Marine and Survivor Benefit Plan (SBP) annuitant pay accounts underwent conversion to DRAS.

2. Effective 1 August 94, DFAS-KC (FJR) transferred responsibility for the processing and payment of retired Marines and SBP annuitants to DFAS, Cleveland Center (DFAS-CL) and DRAS, Denver Center (DFAS-DE), respectively.

*3. Retired Marine pay accounts will be maintained in the Retiree and Casualty Pay System (RCPS) at DFAS-CL and SBP annuitants in the Annuitant Pay System (APS) at DFAS-CL. Data on retired Marines and SBP annuitants will be transmitted electronically via an extract from the Marine Corps Total Force System (MCTFS). DRAS information will, in turn, be fed back to MCTFS and the two systems will be periodically reconciled.

4. During Software Release 2-94, MCTFS was modified to incorporate necessary separation and retirement information and screens were created in the MCTFS menu under option "RETM" in the KC menu. All the data necessary to establish a retired pay account at DFAS-CL will be resident in MCTFS.

5. Security Access. Personnel who require on-line access to DRAS should contact their local terminal area security officer (TASO) or CMC (MMSR-6) at

DSN 278-9317/9318 or 1-800-715-0968 for further information and access authorization.

6. Changes to MCTFS in support of DRAS were disseminated via MCTFS Test Cycle Notice 1-94.

E004. ADMINISTRATION. Below is a brief summary of the process.

1. General

a. All requests for separation for both regular and reserve Marines, which do not require waiver of eligibility criteria, will be submitted via unit diary 4 to 14 months from the desired date of separation. A request run on the unit diary does not ensure receipt by the CMC. Requests for waiver of the established criteria per pertinent chapters of this manual must be submitted via separate correspondence.

b. The CMC will "acknowledge receipt" by providing a unit diary advisory to the requesting unit, indicating a request has been received and is in staffing, i.e., pending. If this advisory is not received within 10 working days from the date of submission of the request, notify the CMC (MMSR).

c. Approval authority will be issued via the unit diary system by providing the responsible command/parent unit with an advisory in MCTFS indicating the separation has been approved. Upon receiving approval authority, issue orders using information available in MCTFS. Approval is not granted, nor is the information in MCTFS verified, until the unit diary approval advisory is received by the responsible command/parent order writing unit. All authority to release, all disapprovals, and all requests held in abeyance will be issued exclusively via the unit diary.

d. Disapprovals will be transmitted via unit diary except when the request is endorsed by a general officer. These will receive a response via separate correspondence.

e. Requests for withdrawal of a separation request, for both regular and reserve Marines, will continue to be submitted via separate correspondence with appropriate justification and command endorsements per pertinent paragraphs of this manual and will be considered on a case-by-case basis.

f. Letters, certificates, and other separation documents will be forwarded by the CMC (MMSR) via separate correspondence within 10 working days of unit diary approval.

g. Commanders shall separate the Marine on the approved date and shall effect the proper unit diary transaction (the drop) within three calendar days of the separation.

(1) Each month, 10 days before the end of the month, command and parent RUC's will receive a unit diary advisory alerting them to pending retirements (includes transfer to the FMCR, PDRL and TDRL) at the end of the current month or beginning of the following month.

(2) If the unit drop transaction rejects for any reason, the unit must research the error identified and rerun the drop correctly. Any problems the unit cannot resolve should be identified to the local MISSO, and

subsequently to the CMC (MMSR-6) if the problem remains unresolved.
(Note: The drop transaction triggers initiation of retired pay.)

h. The Retired Pay Data Form, DD Form 2656, must be completed by the Marine and spouse, if appropriate, and forwarded by the command to DFAS 30 days prior to the approved retirement date. Failure to do so will automatically enroll the Marine in SBP at full coverage.

i. Marines should be advised that once retired, they should contact the CMC (MMSR-6), Retired Services and Pay Section (1-800-336-4649) on any retiree matter of concern to them, or when they are unable to obtain necessary information/action from DFAS or any other government agency. Contact the Retired List Maintenance Section (MMSR-6 at 1-800-715-0968) for pay problems, updating address or family member information.

E005. RETM SCREENS. Eight screens are available in MCTFS containing all necessary information to issue separation and retirement orders once the approval authority is received via the unit diary from the CMC (MMSR). The information on the screens will be used in place of information formerly provided in the "authority to release" message.

1. Screen 1 (Option RT01 - Personal Information Screen). This screen provides general information on the Marine requesting action. It includes, along with other pertinent information, the appropriate:

a. Separation authority (AUTH) paragraph from this manual.

b. Planned separation program designator code (PLANNED SPD). (Note: Failure to use the planned SPD code provided by the CMC (MMSR) will result in a rejected unit diary drop transaction (TTC 378) and non-payment to the Marine.)

c. Planned characterization (PLANNED CHAR). (Note: See subparagraph E005.1b).

d. Mandatory separation/retirement (MSR) date, if applicable. This field, if populated, provides the statutory (required by reference (a) Title 10, U.S. Code) date, which is the latest possible date a Marine can lawfully retire/separate.

e. Planned reenlistment-extension-retirement date (PRR).

f. Reenlistment-extension-retirement (RER) shows the status of the request; either requested, pending, or approved.

g. Planned detachment date (PDD) indicates the date the Marine intends to depart the command.

2. Screen 2 (Option RT02 - Service Computation Data Screen). This screen provides the following service information.

a. A summary statement of service (SOS).

b. The appropriate separation or retirement law.

c. This screen will also contain the bulk of information for issuance of orders for regular Marine non-disability separations, retirements, and

transfers FMCR. Portions of this screen are also used for disability separations and retirements and reserve retirements.

3. Screen 3 (Option RT03 - Disability Data Screen). This screen provides the following disability data.

- a. Percent disability (PERCENT DSBL).
- b. Mental incompetency (MENTAL INCOMP).
- c. Combat disability (COMBAT DSBL).
- d. VA codes (VA CODES).

4. Screen 4 (Option RT04 - Reserve Data Screen). This screen provides information for issuing orders and effecting inactive reserve separations and retirements. It includes the following data.

a. Service computation information, e.g., anniversary date (ANNIV DATE), retirement points (TOTAL RET POINTS), total satisfactory years (TOT SAT YEARS), etc.

b. The mandatory removal date (MAND REMOVAL DATE)

c. Date first eligible to retire (DATE 1ST ELIG RET)

d. RCSBP election information (RCSBP DATE, RCSBP OPTION. RCSBP TYPE CVG, RCSBP LEVEL, RCSBP AMT CVG).

5. Screen 5 (Option RT05 - Location Data Screen). This screen provides the following.

- a. Unit address.
- b. Home address.
- c. Home and work phone numbers.
- d. Military service number and prior EDIPI.

6. There is no screen 6 (RT06) option.

7. Screen 7 (Option RT07 - Career Retirement Credit Record). This screen is self-explanatory. It is for reserve use only and is imported to the RETM screens for ease of use.

8. Screen 8 (Option RT08 - Annual Retirement Credit Record (Current Year)). Same as paragraph E005.7 above.

9. Screen 9 (Option RT09 - Annual Retirement Credit Record (Prior Year)). Same as paragraph E005.7 above.

E006. DETAILED PROCEDURES. The following paragraphs provide detailed procedures and are divided into three categories of separations and retirements: (1) Regular, (2) Reserve, and (3) Disability. See reference (aw) Online MCTFSPRIUM, paragraph 5138 for submission of MCTFS requests for transfer to the FMCR, retired list, or reserve retirements.

1. Regular Separations and Retirements. These procedures apply to regular officers and enlisted Marines, and those reservists in the Active Reserve (AR) program with 20 years of creditable active service. They also apply to requests for transfer FMCR.

a. Unit diary requests which are properly entered will generate the following:

(1) An appropriate RER flag showing that the request has been accepted in the MCTFS.

(2) Service computations based on what is resident in MCTFS. This computation is not validated until audited by the CMC (MMSR) and an approval transaction has posted.

(3) Units must be careful to enter the correct TTC to reflect the requested action, e.g., resignation requests can be submitted with or without a reserve commission. If an officer has obligated service remaining, a reserve commission must be executed to complete that obligation, unless needs of the service dictate otherwise.

b. Once the request is received by the CMC (MMSR), a "request pending" transaction will be enter by the CMC.

(1) This transaction will:

(a) Post an appropriate RER flag to the RER data field in MCTFS,

(b) Post a PRR date to the PRR data field in MCTFS (may be different from the date requested), and

(c) Issue feedback on the parent reporting unit code's (RUC's) DFR.

(2) The "pending" RER flag is the CMC's "acknowledge receipt" of the action requested.

(3) Once the unit sees that a request has posted to the diary, if a pending RER flag is not received back on the parent RUC's DFR within 10 working days, the unit should immediately contact the CMC (MMSR). A requested action posting on the parent unit's DFR does not implicitly indicate similar posting on the CMC's DFR. Accordingly, working the DFR for errors and follow-up action on requests is critical.

c. Approval Authority/Authority to Release. The "authority to release" is issued via unit diary. The data to be used to produce orders per appropriate figures in this manual can be found in the RETM screens. In some cases authority will be issued via naval message or separate correspondence.

(1) The approval authority granted by the CMC will:

(a) Be transmitted via unit diary approval transaction;

(b) Post an appropriate RER flag in MCTFS;

(c) Post the approved date to the PRR data field in MCTFS (may be different from the date requested);

(d) Validate all service information;

(e) Provide a flow-through history statement granting approval of an extension of enlistment, when required to reach the PRR date; and

(f) Send a skeleton record to the DFAS-CL advising them of the upcoming action (retirements and transfers FMCR only).

(2) For regular officer retirements and enlisted 30-year retirements, the PRR date is the first day on the retired list. The PRR minus one day is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

(3) For enlisted transfers to the FMCR, the PRR date is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

(4) For reserve (AR) retirements, the PRR date is the first day on the retired list. The PRR minus one day is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

(5) For all resignations, the PRR date is the last day of active duty and the day (at midnight) on which all active duty pay and allowances terminate.

d. Disapproved Requests (or Requests to Withdraw That Are Approved). This action is reported on the diary by the CMC (MMSR) and will zero all retirement related data fields in MCTFS. It will also restore the ECC date to the previous date. This transaction will also notify the DFAS-CL of the cancellation (retirements/transfers FMCR only).

e. Appropriate retirement/transfer FMCR certificates and letters will be sent via separate correspondence within 10 working days of the approval authority being issued.

2. Inactive Reserve Separations and Retirements. These procedures apply to reserve officers and enlisted Marines in the SMCR or IRR with 20 years of qualifying service, who meet the criteria to separate or retire.

a. The unit diary TTC numbers for requesting reserve separations and retirements have changed and are listed in the MCTFS Software Release Notice 1-94. Unit diary requests which are properly submitted will generate:

(1) An appropriate RER flag showing that the request has been accepted in the MCTFS.

(2) Service computations based on data resident in MCTFS. Proper certification of the CRCR by the Marine is critical to the success of this process. This computation is not validated until audited by the CMC (MMSR-5) and an approval transaction has posted.

(3) Units must be careful to enter the correct TTC to reflect the requested action. If an officer has obligated service remaining, a reserve commission will be required to complete that obligation, unless needs of the service dictate otherwise.

b. Once the request is received by the CMC (MMSR), a "request pending" transaction will be entered by the CMC.

(1) This transaction will:

- (a) Post an appropriate RER flag to the RER data field in MCTFS,
- (b) Post a PRR date to the PRR data field in MCTFS (may be different from the date requested), and
- (c) Issue feedback on the parent RUC's DFR.

(2) The "pending" RER flag is CMC's "acknowledge receipt" of the action requested.

(3) Once the unit sees that a request has posted to the diary, if a pending RER flag is not received back on the parent unit's DFR within 10 working days, the unit should immediately contact the CMC (MMSR-5). A requested action posting on the parent unit's DFR does not implicitly indicate similar posting on the CMC's DFR. Accordingly, working the DFR for errors and follow-up on requests is critical.

c. Approval Authority/Authority to Release. The "authority to release" is issued via unit diary. The data to be used to produce orders per appropriate figures in this manual can be found in the RETM screens. In some cases authority will be issued via naval message or separate correspondence.

(1) The approval authority granted by the CMC will:

- (a) Be transmitted via a unit diary approval transaction;
- (b) Post an appropriate RER flag in MCTFS;
- (c) Post the approved date to the PRR data field of MCTFS (may be different from the date requested); and
- (d) Unless a Marine is drilling up until the 60th birthday, a skeleton record will not be sent to the DFAS-CL advising them of the upcoming retirement until receipt of a request to retire with pay at age 60 is received from the Marine by the CMC (MMSR-5).

(2) The PRR date for retirement with pay is the 60th birthday which is the first day on the retired list.

(3) The PRR date for retirement awaiting pay at age 60 is the first day of the month, and is also the first day on the Retired List Awaiting Pay.

(4) For all inactive reserve resignations, the PRR date can be effected on any day the member is under valid contract or extension agreement.

d. Disapproved Requests (or Requests to Withdraw That Are Approved). This action is run on the diary by the CMC (MMSR) and will zero all retirement-related data fields in MCTFS. It will also restore the ECC date to the previous date. This transaction will also notify DFAS-CL of the cancellation (retirement with pay at age 60 only).

e. Appropriate retirement certificates and letters will be sent via separate correspondence within 10 working days of the approval authority being issued.

3. Disability Separations and Retirements. These procedures apply to all officers and enlisted Marines being retired or separated by reason of disability.

a. The unit diary TTC numbers for processing disability separations and retirements are new and are listed in the MCTFS Test Cycle Notice 1-94. Disability separation/retirement is the result of PEB processing, so no unit diary request TTC's are provided.

b. Approval Authority/Authority to Release. The "authority to release" is issued via unit diary. The data to be used to produce orders per appropriate figures in this manual can be found in the RETM screens. In some cases authority will be issued via naval message or separate correspondence.

(1) The approval authority granted by the CMC will:

(a) Be transmitted via unit diary approval transaction;

(b) Post an appropriate RER flag in MCTFS;

(c) Post an approved date to the PRR data field of MCTFS (This date may be different from the date requested.);

(d) Provide necessary disability information; and

(e) Send a skeleton record to the DFAS-CL advising them of the upcoming action (retirements only).

(2) For all disability separations and retirements for regular and reserve Marines, officers and enlisted, the PRR date is last day on active duty (midnight) on which all active duty pay and allowances terminate.

c. Appropriate retirement/separation certificates and letters will be sent via separate correspondence within 10 working days of the approval authority being issued.

E007. COMMANDING OFFICER RESPONSIBILITIES

1. Enter the proper unit diary drop transaction (TTC 378) within three calendar days of separation per reference (aw) (Online MCTFSPRIUM: paragraph 100506 for transfer to the retired list and paragraph 100501 for transfer to the FMCR). Ensure the transaction processes without error by reviewing and taking action on your diary feedback reports. Chapter 8 of the MCTFSPRIUM addresses the cycle feedback reports (DSR - DFR - advisories/PUREX).

2. Ensure that a permanent mailing address (PMA), action dated one day prior to the drop, is entered in MCTFS for these individuals. If not action dated, the address will not be picked up by the drop entry and transferred to DFAS-CL. DFAS-CL, by law, cannot issue retired pay without a valid PMA.

3. At least 60 days prior to retirement, adjust all allotments to reflect the allotments and quantities the Marine desires as a retiree. Ensure allotments do not exceed projected retired pay. The Retired Pay Data Form

(DD Form 2656) can no longer be used to change allotments when a Marine retires. Failure to do the preceding could result in negative net pay and allotments being stopped by the DFAS.

*4. Forward the DD Form 2656 to DFAS, US Military Retirement Pay, P.O. Box 7130, London, KY 40742-7130 not later than 30 days prior to the retirement date. Forwarding of this form is no longer the responsibility of the individual Marine; the commanding officer is responsible for forwarding the form to the DFAS. Without the DD Form 2656, the DFAS will maximize deductions for tax purposes and for the Survivor Benefit Plan (SBP) coverage.

5. Immediately, but not later than 30 days prior to the approved separation date, notify the CMC (MMSR) if a Marine who is approved to separate will not do so on the approved date. For retiring Marines, the Marine will be dropped by the CMC absent a naval message or request by the unit for modification. This could result in overpayment/underpayment of active duty and retired pay.

6. Prior to submitting a request for separation, ensure that all time lost and constructive service time is accurately reflected in MCTFS, per the MCTFSPRIUM.

MARCORSEPMAN 1900.16-APPENDIX F

Responsible Office: MMSR-4

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DSN: 278-9304/9308/9309/9321

Reference: None

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MARCORSEPMAN 1900.16-*APPENDIX G

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Reference: None

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(1-800-827-1000 NEAREST VA REGIONAL OFFICE)

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
ALABAMA State	VA Regional Office 345 Perry Hill Road Montgomery, AL 36109
ALASKA State	Anchorage Regional Office 1201 North Muldoon Road Anchorage, AK 99504
ARIZONA State	Phoenix Regional Office 3333 North Central Avenue Phoenix, AZ 85012
ARKANSAS State plus city of Texarkana, TX	North Little Rock Regional Office 2200 Fort Roots Drive, Bldg 65 North Little Rock, AR 72114-1756
CALIFORNIA Counties of Inyo, Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara and Ventura	Los Angeles Regional Office Federal Building 11000 Wilshire Boulevard Los Angeles, CA 90024
All other counties except Alpine, Lassen, Modoc and Mono which are under Reno, NV	Oakland Regional Office 1301 Clay Street Room 1300 North Oakland, CA 94612
Counties of Imperial, Orange, Riverside and San Diego	8810 Rio San Diego Drive San Diego, CA 92108
COLORADO State plus the state of Wyoming	Denver Regional Office 155 Van Gordon Street Lakewood, CO 80228
CONNECTICUT State	Hartford Regional Office P.O. Box 310909 Hartford, CT 06131
DELAWARE State	Wilmington Regional Office 1601 Kirkwood Highway Wilmington, DE 19805

TERRITORY ALLOTTED TO

MAILING ADDRESS

DISTRICT OF COLUMBIA
Entire district

Washington D.C. Regional Office
1722 I Street N.W.
Washington, DC 20421

FLORIDA
State

St. Petersburg Regional Office
9500 Bay Pines Boulevard
St. Petersburg, FL 33708

GEORGIA
State

Atlanta VA Regional Office
1700 Clairmont Road
Decatur, GA 30033

HAWAII
All islands plus the islands of
American Samoa, Guam, Wake, Midway,
And Trust Territories

Honolulu Regional Office
459 Patterson Road
Honolulu, HI 98619-1522

IDAHO
State

Boise Regional Office
444 W. Fort Street
Boise, ID 83702-4531

ILLINOIS
State

Chicago Regional Office
2122 W. Taylor Street
Chicago, IL 60612

INDIANA
State

Indianapolis Regional Office
575 N. Pennsylvania Street
Indianapolis, IN 46204

IOWA
State

Des Moines VA Regional Office
210 Walnut Street
Des Moines, IA 50309

KANSAS
State

Wichita Regional Office
5500 E. Kellogg
Wichita, KS 67218

KENTUCKY
State

Louisville Regional Office
321 W. Main Street, Suite 390
Louisville, KY 40202

LOUISIANA
State

New Orleans Regional Office
1250 Poydras Street
New Orleans, LA 70113

MAINE
State

Togus VA Medical/Regional Office
Center
1 VA Center
Augusta, ME 04330

MARYLAND
State

Baltimore Regional Office
31 Hopkins Plaza
Baltimore, MD 21201

TERRITORY ALLOTTED TO

MAILING ADDRESS

MASSACHUSETTS

All locations; except the counties of
Barnstable, Dukes, Nantucket; and
towns of Mansfield and Easton in
Bristol, Bristol County, and
Lakeville, Middleboro, Carver,
Rochester, Mattapoisett, Marion,
and Wareham in Plymouth County which
send to Providence, Rhode Island

John F. Kennedy Federal Building
15 New Sudbury Street
Boston, MA 02203-9928

MICHIGAN

State

Detroit Regional Office
Patrick V. McNamara Federal Building
477 Michigan Avenue
Detroit, MI 48226

MINNESOTA

State except counties:
Becker, Beltrami, Clay,
Clearwater, Kittson,
Lake of the Woods, Mahnomen,
Marshall, Norman, Otter Tails,
Pennington, Polk, Red Lake,
Roseau, Wilkin
(under Fargo, North Dakota)

St. Paul Regional Office
1 Federal Drive, Fort Snelling
St. Paul, MN 55111-4050

MISSISSIPPI

State

Jackson Regional Office
1600 E. Woodrow Wilson Avenue
Jackson, MS 39216-5102

MISSOURI

State

Department of Veterans Affairs
400 S. 18th Street
St. Louis, MO 63103

MONTANA

State

Fort Harrison Regional Office
3633 Veterans Drive
Fort Harrison, MT 59636-0188

NEBRASKA

State

Lincoln Regional Office
P.O. Box 85816
Lincoln, NE 68501-5816

NEVADA

State plus counties in
Northern California: Alpine
Lassen, Modoc and Mono

Reno Regional Office
5460 Reno Corporate Drive
Reno, NV 89511

NEW HAMPSHIRE

State

Manchester Regional Office
Norris Cotton Federal Building
275 Chestnut Street
Manchester, NH 03101

TERRITORY ALLOTTED TO

MAILING ADDRESS

NEW JERSEY
State

Newark Regional Office
20 Washington Place
Newark, NJ 07102

NEW MEXICO
State

Albuquerque Regional Office
Dennis Chavez Federal Building
500 Gold Avenue SW
Albuquerque, NM 87102

NEW YORK
All counties not served by
New York City

Buffalo Regional Office
130 S. Elmwood Avenue
Buffalo, NY 14202-2478

The counties of: Albany, Bronx,
Clinton, Columbia, Delaware,
Dutchess, Essex, Franklin, Fulton
Greene, Hamilton, Kings, Montgomery,
Nassau, New York, Orange, Otsego,
Putnam, Queens, Rensselaer, Richmond,
Rockland, Saratoga, Schenectady,
Schoharie, Suffolk, Sullivan, Ulster,
Warren, Washington, Westchester

New York Regional Office
245 W. Houston Street
New York, NY 10014

NORTH CAROLINA
State

Winston-Salem Regional Office
Federal Building
251 N. Main Street
Winston-Salem, NC 27155

NORTH DAKOTA
State plus the following counties
In Minnesota:

VA Regional Office
2101 Elm Street
Fargo, ND 58102-2417

Becker Beltrami
Clay Clearwater
Kittson Lake of the Woods
Mahnomon Marshall
Norman Otter Tails
Pennington Polk
Red Lake Roseau
Wilkin

OHIO
State

Cleveland Regional Office
A.J. Celebrezze Federal Building
1240 East 9th Street
Columbus, OH 44199

OKLAHOMA
State

Muskogee Regional Office
125 S. Main Street
Muskogee, OK 74401

OREGON
State

Portland Regional Office
1220 S.W. 3rd Avenue
Portland, OR 97204

TERRITORY ALLOTTED TO

MAILING ADDRESS

PENNSYLVANIA

counties of:

Adams, Berks, Bradford, Bucks,
Cameron, Carbon, Centre, Chester
Clinton, Columbia, Cumberland,
Dauphin, Delaware, Franklin, Juanita
Lackawanna, Lancaster, Lebanon
Lehigh, Luzerne, Lycoming, Mifflin,
Monroe, Montgomery, Montour,
Northampton, Northumberland, Perry,
Philadelphia, Pike, Potter, Schuylkill,
Snyder, Sullivan, Susquehanna, Tioga,
Union, Wayne, Wyoming, York

Philadelphia Regional Office and
Insurance Center

5000 Wissahickon Avenue
Philadelphia, PA 19101

All other counties not served by
Philadelphia plus the following
Counties in WV: Brooke, Hancock,
Marshall, and Ohio. The following
international locations have been
added: All foreign countries except
Mexico, Central and South America,
the Caribbean, Canada, the
Philippines, and other Pacific
Locations under the jurisdiction of
Honolulu, Hawaii

Pittsburgh Regional Office
1000 Liberty Avenue
Pittsburgh, PA 15222

PHILIPPINES

Country

Manila Regional Office
1131 Roxas Boulevard, Ermita
0930 Manila, PI 96440

PUERTO RICO

Commonwealth of Puerto Rico
Plus the Virgin Islands

San Juan Regional Office
150 Carlos Chardon Avenue
Hato Rey, PR 00918

RHODE ISLAND

State plus the towns of
Bristol County, MA (except
Mansfield and Easton); Towns
of Lakeville, Middleboro
Carver, Rochester, Mattapoisett,
Marion, Wareham in Plymouth County,
MA; and MA counties of Dukes,
Nantucket, and Barnstable

Providence Regional Office
380 Westminster Mall
Providence, RI 02903

SOUTH CAROLINA

State

Columbia Regional Office
6437 Garners Ferry Road
Columbia, SC 29209

SOUTH DAKOTA

State

Sioux Falls Regional Office
2501 W. 22nd Street
Sioux Falls, SD 57117

TERRITORY ALLOTTED TO

MAILING ADDRESS

TENNESSEE
State

Nashville Regional Office
110 9th Avenue S.
Nashville, TN 37203

TEXAS
Counties of:
Angelina, Aransas, Atacosa, Austin,
Bandera, Bee, Bexar, Blanco, Brazoria,
Brewster, Brooks, Caldwell, Calhoun,
Cameron, Chambers, Colorado, Comal,
Crockett, DeWitt, Dimitt, Duval,
Edwards, Fort Bend, Frio, Galveston,
Gillespie, Goliad, Gonzales, Grimes,
Guadalupe, Hardin, Harris, Hays,
Hidalgo, Houston, Jackson, Jasper,
Jefferson, Jim Hogg, Jim Wells, Karnes,
Kendall, Kenedy, Kerr, Kimble, Kinney,
Kleberg, LaSalle, Lavaca, Liberty,
Live Oak, McCulloch, McMullen, Mason,
Matagorda, Maverick, Medina, Menard,
Montgomery, Nacogdoches, Newton, Nueces,
Orange, Pecos, Polk, Real, Refugio,
Sabine, San Augustine, San Jacinto,
San Patricio, Schleicher, Shelby, Starr,
Sutton, Terrell, Trinity, Tyler, Uvalde,
Val Verde, Victoria, Walker, Waller,
Washington, Webb, Wharton, Willacy, Wilson,
Zapata, Zavala

6900 Alameda Road
Houston, TX 77030

*Plus all of Mexico, Central and
South America, and the Caribbean*

TEXAS
All counties not served by
Houston except city of
Texarkana, TX (under
Little Rock, AR)

Waco Regional Office
1 Veterans Plaza, 701 Clay Avenue
Waco, TX 76799

UTAH
State

Salt Lake City Regional Office
550 Foothill Drive
Salt Lake City, UT 84158

VERMONT
State plus the country of
Canada

White River Junction Regional Office
215 N. Main Street
White River Junction, VT 05009

VIRGINIA
State

Roanoke Regional Office
210 Franklin Road SW
Roanoke, VA 24011

WASHINGTON
State

Seattle Regional Office
915 2nd Avenue
Seattle, WA 98174

TERRITORY ALLOTTED TO

West Virginia
All counties except Brooke,
Hancock, Marshall, and Ohio
(under Pittsburgh)

Wisconsin
State

Wyoming
State

MAILING ADDRESS

Huntington Regional Office
640 Fourth Avenue
Huntington, WV 25701

5400 West National Avenue
Milwaukee, WI 53214

2360 E. Pershing Boulevard
Cheyenne, WY 82001

CENTRAL OFFICE/NATIONAL OFFICE
Department of Veterans Affairs
810 Vermont Avenue, NW (009)
Washington, DC 20420

MARCORSEPMAN 1900.16-*APPENDIX H

Responsible Office: MMSR-6

Phone: Comm: (703) 784-9317/9318
DSN: 278-9304/9317/9318

Reference: None

*Data for Payment of Retired Personnel, DD 2656 is available on the DoD Forms Program website at:

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2656.pdf>

MARCORSEPMAN 1900.16-*APPENDIX I

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9322/9323

Reference: None

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-1A	Recommended and eligible	No restrictions to reenlistment. Meets all prerequisites, includes those Marines discharged at EAS while pregnant who would otherwise be eligible.
RE-1B	Recommended, eligible and requested retention but denied retention by CMC. May only be assigned by CMC.	For corporals/sergeants with satisfactory performance records released at EAS due to ECFC.
RE-1C	Recommended and eligible career Marines meeting generally acceptable standards and denied further service.	Assigned by CMC to career Marines requesting retention who are eligible for retention, meet generally acceptable standards, and are denied further service by CMC.
RE-2A	Transferred to the FMCR prior to reaching maximum service limitations for grade.	Recommended and eligible for reenlistment at time of transfer to FMCR.
RE-2B	Retired.	Not eligible for reenlistment. For disability or transfer to TRDL, assign RE-3P.
RE-2C	Transferred to FMCR at maximum service limitation for grade	Not eligible for reenlistment at time of transfer to FMCR.
RE-3A	Failure to meet general technical score prerequisite. Assign when single disqualifying factor.	Recommended by CO upon removal of disqualifying factor. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3B*	Assign when there is a military or civil record of in-service illegal drug involvement before 31 Aug 92 and there is potential for further service.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for further service.

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-3C*	When directed by CMC or when not eligible and disqualifying factor is not authority covered by any other code.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC required for reenlistment.
RE-3E*	Failure to meet education standards. Assign when single disqualifying factor only.	Recommended by CO upon removal of disqualifying factor. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3F*	Failure to complete recruit training.	SRB/ESR entry required stating reason for assignment, to include women Marines discharged due to pregnancy prior to completing recruit training. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3H*	Hardship discharge.	Assign when discharged pursuant to paragraph 6407. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3N*	Pregnancy, single parenthood.	A woman Marine discharged before her EAS for pregnancy and any Marine separated while in a sole parent status. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-30*	Refused to extend or reenlist to obtain the obligated service necessary to carry out PCS or UDP.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry and have the opportunity to submit a statement. Forward signed copies of page 11 entry and statement (if any) to CMC (MMRP). Refer to MCO P1300.8. This code may only be assigned when directed by CMC and is not assigned to first-term Marines. Marines assigned this code are not eligible for promotion, reenlistment, commissioning or warrant officer programs, special education programs, or involuntary separation pay and their names will be administratively deleted from any promotion selection list upon which they appear. CMC authority required for reenlistment.
RE-3P*	Failure to meet physical/medical standards (includes pseudofolliculitis and weight standards).	Recommended by CO upon removal of disqualifying factor. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3S*	The Marine is approved for voluntary separation and receives the Special Separation Benefit (SSB), lump sum payment. May only be assigned by the CMC.	Marine is recommended and eligible for reenlistment. Assigned when Marine meets eligibility criteria established announcing programs. This is a voluntary separation used to effect the military drawdown. SRB/ESR entry is required stating Marine agrees to separate between the window established and Marine must sign a written agreement to serve in the IRR for three years. CMC approval required for reenlistment.

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-3V	The Marine is approved for voluntary separation and receives the Voluntary Separation Incentive (VSI), annuity payment. May only be assigned by the CMC.	Same criteria established for SSB program (above) except Marine must sign agreement to serve in the IRR or the duration of the VSI payment period.
RE-4*	Not recommended for reenlistment.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. This code may be assigned in lieu of any RE-3 code (except RE-3B and RE-3F) if the Marine's performance warrants and the reason can be documented.
RE-4B*	Assign when there is a military or civil record of in-service illegal drug involvement and there is no potential for further service.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry.

* Refer to the IRAM for appropriate page 11 entry

** Note: Marines assigned a reenlistment code of RE-4 or RE-4B are prohibited from transferring to the IRR.

MARCORSEPMAN 1900.16-*APPENDIX J

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9324/9325/9326
DSN: 278-9324/9325/9326

Reference: None

RETIREMENT PREAPPLICATION CHECKLIST

For the purposes of this checklist, "retirement" includes transfer to the Fleet Marine Corps Reserve (FMCR).

Recognizing that a Marine's 20 years or more of active service could not have been without considerable sacrifice, Headquarters, U.S. Marine Corps CMC (MMSR) is committed to assisting each Marine with making an informed decision to retire and preclude unnecessary hardship resulting from incorrect information. This checklist highlights areas that are most frequently the source of questions and problems. It is also intended to ensure that commanding officers are aware of the Marine's request to retire. If for some reason this checklist is not completed, it will not negate an otherwise qualified voluntary request to retire or transfer to the FMCR. This is an instrument to aid the Marine in planning for retirement. Upon completion, file a copy of this checklist in the Marine's service record and forward the request via unit diary or other appropriate means to CMC (MMSR). For administrative purposes, the Marine's parent command will retain the checklist until the actual retirement date.

GENERAL:

1. I understand that by applying for retirement, I:
 - a. Remain liable for assignments and training until my release from active duty.
 - b. May be approved for a date other than the date requested, as dictated by needs of the service, service limitations or the laws and policies relating to retirements.
 - c. May not incur a voluntary service obligation which extends beyond my requested or approved retirement date.
 - d. May have to reimburse the government for the cost of advanced education equal to any un-served or unearned portion of a service commitment incurred due to advanced education assistance programs.

EFFECTS OF RETIREMENT ON PROMOTION ELIGIBILITY:

2. I understand that my request to retire has the following effects on promotion eligibility:
 - a. For an enlisted Marine, my request for retirement will cause my deletion from promotion eligibility. Exception: If I have twice failed selection and my EAS is after the adjournment date of the board, I may request via message to be considered for promotion while voluntarily processing for retirement. I understand that this request must be submitted

RETIREMENT PREAPPLICATION CHECKLIST

to HQMC (MMSR-2 and MMPR-2) at the time I request retirement. I understand that if selected for promotion and my name is on a promotion selection list, my request for retirement or transfer to the FMCR will result in the removal of my name from that list.

b. If, in the case of an officer, I am selected for promotion after having submitted my request to retire, I understand that I must request withdrawal of my retirement or refuse the promotion in writing to CMC (MMPR). Additionally, an approved retirement date that occurs within 90 days of the convening date of a promotion board for which I am to be considered, will cause my deletion from the eligibility zone and counts as a failure of selection should I successfully withdraw my retirement at a later date.

WITHDRAWAL OF APPROVED RETIREMENT OR EXTENSION OF RETIREMENT DATE:

3. I understand that once my request for retirement has been submitted to HQMC:

a. I may NOT request cancellation of my application for retirement or modify the effective date except for one of the following reasons:

(1) For a fully documented humanitarian or hardship circumstance that has occurred since my application was submitted.

(2) In the best interest/needs of the Marine Corps. I understand that this determination will ultimately be made by HQMC and not by my present command.

b. Requests for modification or cancellation will not be favorably considered, in the event PCS orders were canceled.

*c. I can expect to retire on the date approved by CMC unless I am placed on legal or on medical hold, as authorized only by HQMC, prior to my actual retirement date. I understand that if I am at service limitations or otherwise pending mandatory retirement, a deferment for medical reasons may only be accomplished if I HAVE A COMPLETE MEDICAL BOARD ACCEPTED BY THE PRESIDENT OF THE PHYSICAL EVALUATION BOARD OR I MEET THE REQUIREMENTS OF PARAGRAPH 1011 AND RECEIVE APPROVAL FROM CMC (MMSR).

d. A request to modify a retirement date must be submitted with appropriate justification and command endorsements no less than 45 days prior to the approved retirement date.

TERMINAL LEAVE:

4. If I plan to request leave in conjunction with my retirement (terminal leave), I understand that:

a. I must apply for retirement to allow at least four months of lead time for processing of my application and issuing of orders. This lead time is to afford CMC (MMAA/MMEA/MMSR) sufficient opportunity to slate a replacement and properly process my request. Justification for a waiver to the submission time frame must be forwarded in writing.

RETIREMENT PREAPPLICATION CHECKLIST

b. Authorization for terminal leave and PTAD is not guaranteed. Terminal leave and PTAD is granted at the commander's prerogative.

c. I may not extend my approved retirement date nor does my command have the authority to extend it, solely to allow me to take terminal leave.

d. I will not commence terminal leave until I have an approved retirement date and all retirement processing is complete.

e. Departure on terminal leave constitutes my acknowledgment that all required medical and administrative requirements have been completed.

*f. I am NOT authorized for civilian employment while on PTAD. I may hold civilian employment while on terminal leave.

RETIRED PAY COMPUTATION:

5. I have been counseled on the effect that my proposed retirement date will have on my retired pay:

a. I understand that the Defense Finance and Accounting Service, Cleveland (DFAS-CL) computes retired pay under the applicable formula established by law, according to my grade, years of service, and the applicable retirement plan (see paragraph 1402).

b. I understand that Marines are paid a specific amount of basic pay when they have served one day past any longevity increase point established within each pay grade. To receive retired pay at any longevity increase point I must have completed the full number of years of service plus one day.

*c. I have reviewed and understand creditable service for retirement/FMCR and retired/retainer pay per section 4, chapter 1 of this manual.

d. I fully understand that I may not extend my retirement date, once a date has been requested, solely to increase my retired pay.

e. I understand that if I have received separation, severance or readjustment pay under any provision of the law for service in the armed forces, and if I am now qualified for retired pay, DFAS-CL will reduce each payment of retired pay until the total amount deducted equals the amount of separation, severance or readjustment pay.

*6. I understand that my retirement, whether voluntary decision or due to service limitations is an important milestone in my career. Understanding the laws and policies that affect my retirement is an essential part of the transition process. Additional information is available on the Separation and Retirement Branch web page.

RETIREMENT PREAPPLICATION CHECKLIST

ACKNOWLEDGMENT OF UNDERSTANDING:

I acknowledge that I have been advised of the effects of my application for transfer to the FMCR/retired list, the consequences of its official submission, and I am satisfied that all topics in this checklist have been adequately covered. I request transfer to the FMCR/retired list effective _____ for the following reason:

Signature _____ Date _____

I have been advised of this Marine's desire to request to retire and have discussed with this Marine his/her desire for a retirement ceremony.

Commanding Officer _____ Date _____

MARCORSEPMAN 1900.16-*APPENDIX K

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9324/9322/9323

Reference: See table below

BENEFITS AT SEPARATION

E = Eligible
NE = Not Eligible
TBD = To Be Determined by
Administering Agency.
VA benefits depend upon specific
disabilities of the veteran

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions
C = Other Than Honorable
D = Bad Conduct Discharge
E = Dishonorable (General Court-Martial, (1))

Service Administered	A	B	C	D	E	Authority and References
1. Payment for Accrued Leave	E	E	NE	NE	NE	37 USC 501; DODFMR par. 3501
2. Death Gratuity	E	E	E	E	NE	10 USC 1480; DODFMR par. 3601
3. Wearing of Military Uniform	E	E	NE	NE	NE	10 USC 771a, 772, MCO 1020.34G
4. Admission to Naval Home (2)	TBD	TBD	NE	NE	NE	24 USC 412
5. Burial in National Cemeteries	E	E	NE	NE	NE	38 USC 2402
6. Burial in Army Post Cemeteries (3)	E	NE	NE	NE	NE	AR 210-190 Chap II, Sect 2-5
7. Navy Board for Correction of Military Records	E	E	E	E	E	10 USC 1552, SECNAVINST 5420.193
8. Navy Discharge Review Board	E	E	E	E (8)	E (8)	10 USC 1553, SECNAVINST 5420.174D
9. Transportation to Home (4)	E	E	E	E	E	37 USC 474, JFTR Chap 5

10. Transportation of Dependants and Household Goods to Home	E	E	TBD (7)	TBD (7)	TBD (7)	37 USC 476; JFTR Chap 5
Transitional Benefits and Services (13)						
1. Pre-separation Counseling	E	E	E	E	E	10 USC 1142
2. Employment Assistance	E	E	E	E	E	10 USC 1143, 1144
3. Health Benefits	E	E	NE	NE	NE	10 USC Section 1145
4. Commissary/Exchange	E	E	NE	NE	NE	10 USC Section 1146
5. Military Family Housing	E	E	NE	NE	NE	10 USC Section 1147
6. Overseas Relocation Assistance	TBD	TBD	TBD	TBD	TBD	10 USC Section 1148
7. Excess Leave	E	E	E	E	E	MCO 1030.50J
8. Permissive TAD	E	E	NE	NE	NE	MCO 1030.50J
9. Preference for USMCR	E	E	NE	NE	NE	10 USC Section 1150
10. Montgomery G.I. Bill	E	NE	NE	NE	NE	38 USC Section 3011
11. Post 9-11 G.I. Bill	E	NE	NE	NE	NE	38 USC Section 3311
Department of Veterans Affairs (5,6,9)						
1. Dependency and Indemnity Compensation	E	E	E	E	NE	38 USC 1310
2. Pension for Non-Service Connected Disability or Death	E	E	TBD	TBD	NE	38 USC 521, 38 USC 3103, 1501-1508
3. Medal of Honor Pension	E	E	TBD	TBD	NE	38 USC 1560-1562
4. Insurance (10)	E	E	TBD	TBD	TBD	38 USC 1922
5. Vocational Rehabilitation(Disabled Veteran DV)	E	E	TBD	TBD	NE	38 USC 1502,1503, 1307, 3103
6. Educational Assistance	E	NE	NE	NE	NE	38 USC 3013

7. Survivors & Dependents Educational Assistance	E	E	E	E	NE	38 USC Ch 35
8. Home and other Loans	E	E	TBD	TBD	NE	38 USC Ch 37
9. Hospitalization & Domiciliary Care	E	E	TBD	TBD	NE	38 USC Ch 17
10. Medical and Dental Services	E	E	TBD	TBD	NE	38 USC 1712, 2062
11. Prosthetic Appliances(DV)	E	E	TBD	TBD	NE	38 USC 8123
12. Guide Dogs & Equipment for Blindness(DV)	E	E	TBD	TBD	NE	38 USC 1714
13. Special Housing	E	E	TBD	TBD	NE	38 USC 2101
14. Automobiles(DV)	E	E	TBD	TBD	NE	38 USC 3902
15. Funeral and Burial Expenses	E	E	TBD	TBD	NE	38 USC 2302
16. Burial Flag	E	E	TBD	TBD	NE	38 USC 2301
17. Burial in National Cemeteries	E	E	TBD	TBD	NE	38 USC 2402
18. Headstone Marker	E	E	TBD	TBD	NE	38 USC 2306
Administered by Other Federal Agencies						
1. Preference for Farm Loan(Dept. of Agriculture)	E	E	TBD	TBD	NE	7 USC 1983(5)
2. Preference for Farm & other Rural Housing Loans (Dept. of Agriculture)	E	E	E	E	NE	42 USC 1477
3. Civil Service Preference (12)	E	E	NE	NE	NE	5 USC 2108, 3309-3316, 3502, 3504
4. Civil Service Retirement Credit	E	NE	NE	NE	NE	5 USC 8331, 8332
5. Reemployment Rights (Dept. of Labor)	E	E	NE	NE	NE	38 USC 4335
6. Job Counseling & Employment Placement (Dept. of Labor)	E	E	E	E	NE	38 USC 4102

7. Unemployment Compensation for Ex-Service Members (Dept. of Labor)(5)	E	E	NE	NE	NE	5 USC 8521
8. Naturalization Benefits (Dept. of Justice, Immigration & Naturalization Service)	E	E	NE	NE	NE	8 USC 1439, 1440
9. Old Age, Survivors & Disability Insurance (Social Security Administration) (11)	E	E	TBD	TBD	NE	42 USC Ch 7
10. Job Preference, Public works Projects (Dept. of Commerce) (12)	E	E	TBD	TBD	NE	42 USC 6706

General Eligibility. The eligibility for benefits set forth are not the sole determining factors, but only list the effect of the various types of discharges. The states also provide various benefits that will be influenced by the type of discharge, but information on state benefits should be obtained from state agencies.

*FOOTNOTES:

(1) Including commissioned and warrant officers who have been convicted and sentenced to dismissal as a result of general court martial.

(2) The veteran must have served "honestly and faithfully" for 20 years or been disabled and excludes convicted felons, deserters, mutineers, or habitual drunkards, unless rehabilitated. The Marine may become ineligible if that person, following discharge is convicted of a felony, or is not free from drugs, alcohol, or psychiatric problems.

(3) Only if an immediate relative is buried in the cemetery.

*(4) If confined after parole or release from a U.S. military confinement facility or a confinement facility located outside the U.S.

(5) An officer who resigns for the good of the service (usually to avoid court martial charges) will be ineligible for benefits administered by the Department of Veterans Affairs (VA). 38 USC 5303.

*(6) See the annually published: Federal Benefits for Veterans, Dependents and Survivors and the VA website: <http://www.va.gov>

(7) To be determined by the Secretary of the Navy on a case-by-case basis.

*(8) Only if the punitive discharge was NOT the result of conviction by general court martial.

*(9) Benefits from the VA are not payable to: (1) a person discharged as a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise comply with lawful orders of competent military authority, (2) by reason of a sentence of a general court martial, (3) resignation by an officer for the good of the service, (4) as a deserter, (5) as an alien during a period of hostilities. (6) by acceptance of an other than honorable discharge to avoid court martial, (7) for mutiny or spying, (8) for a felony offense involving moral turpitude, or (9) for willful and persistent misconduct. 10 USC 5303. A discharge under dishonorable conditions from one period of service does not bar payment if there is another period of eligible service on which the claim may be predicated (Administrator's Decision, Veterans Admin. No. 655, 20 June 1945).

*(10) Veterans unable to obtain commercial life insurance may be eligible for insurance through the VA.

*(11) Post-1957 service qualifies for social security benefits unless discharge was dishonorable. Pre-1957 service under conditions other than dishonorable qualifies a service member for a military wage credit for social security purposes.

*(12) Various government agencies hiring preference for veterans and disable veterans. Contact that agency or view their website for those service requirements.

*(13) Transitional benefits and services are available to certain Marines separated involuntarily, with characterization of honorable or general under honorable conditions and the basis (reason) for separation is not adverse. These DoD benefits, based on separation program designator (SPD) code and requiring an appropriate DEERS Identification Card, include six months of military or TRICARE medical care and commissary and PX privileges. The benefits are constrained by law and DoD regulations for designated periods of time. As the laws and regulations change, DEERS is updated to reflect these SPD Code changes for ID Card eligibility. 10 USC 1145 and 1146. SPD codes with honorable or general characterization of service currently eligible are: BCR, BDG, BDK, BFT, BFV, BFX, BHF, BRB, FCN, GCN, GCR, GDG, GDK, GFC, GFT, GFV, GFX, GGH, GHF, GHJ, GHK, GRB, HCR, HDG, HFC, HFT, HFV, HFX, HGH, HHF, HRB, JBB, JBC, JBK, JBM, JCC, JCP, JCR, JDF, JDG, JDK, JEA, JEB, JFC, JFF, JFG, JFH, JFI, JFL, JFM, JFN, JFO, JFQ, JFR, JFT, JFV, JFW, JFX, JGB, JGH, JHF, JND, JRB, KCN, LBB, LBC, LBD, LBK, LBM, LCC, LCN, LCR, LDG, LFC, LFF, LFG, LFH, LFT, LFW, LFX, LGB, LGC, LGH, LGJ, LND, and MCN.

MARCORSEPMAN 1900.16-*APPENDIX L

Responsible Office: MMSR-2

Phone: Comm: (703) 784-9322/9323
DSN: 278-9324/9322/9323

Reference: None

**INVOLUNTARY ADMINISTRATIVE DISCHARGE OUTLINE, CHECKLIST AND FORMS
(citations to paragraphs in MARCORSEPMAN)**

STEP 1: DO LIMITATIONS ON SEPARATION PREVENT PROCESSING (6106)

1. Civilian or military acquittal.
2. Previous separation proceedings.

STEP 2: IDENTIFY THE STATUS OF THE RESPONDENT

1. Active or reserve (IRR or SMCR; obligor or non-obligor).
2. Amount of active and inactive service.
3. Proximity to EAS, EOS, ECC, or retirement/FMCR.

STEP 3: IDENTIFY THE SEPARATION AUTHORITY (6307)

1. General rule: General court-martial convening authority.
2. Exceptions:
 - a. SECNAV.
 - b. CMC.
 - c. Delegated authority.

STEP 4: IDENTIFY THE BASIS OR BASES FOR DISCHARGE

1. General basis:
 - a. Misconduct (6210).
 - b. Unsatisfactory performance (6206).
 - *c. (Weight control) Body Composition Program failure (6215).
 - d. Unsatisfactory reserve participation (6213).
2. Specific basis (most frequently used).
 - a. Misconduct:
 - (1) Minor disciplinary infractions.
 - (2) Pattern of misconduct.

- * (3) Sexual misconduct.
- * (4) Drug abuse.
- * (5) Commission of a serious offense.
- b. Unsatisfactory reserve participation (missed drills).
- c. Unsatisfactory performance:
 - (1) PFT failure.
 - (2) Other.
- * d. Body Composition Program failure (failure to meet standards of MCO 6110.3).

STEP 5: READ THE MARCORSEPMAN TO DETERMINE WHAT DOCUMENTATION IS NEEDED

- 1. Misconduct.
 - a. Minor disciplinary infractions:
 - (1) At least three instances in current enlistment.
 - (2) Page 11 counseling (6105).
 - b. Pattern of misconduct:
 - (1) At least 2 instances in current enlistment.
 - (2) Page 11 counseling (6105).
 - c. Commission of a serious offense:
 - (1) Punitive discharge authorized under UCMJ.
 - (2) Separation warranted.
- 2. Unsatisfactory performance (PFT failure):
 - a. PFT score sheet.
 - b. Page 11 counseling (6105).
- * 3. Body Composition Failure:
 - a. Endorsement required by MCO 6110.3.
 - b. Page 11 counseling (6105).
 - c. Weigh-in sheets.

***STEP 6: PREPARE NOTIFICATION AND ACKNOWLEDGMENT OF RIGHTS (AOR)**

- 1. Contents of notification [figure 6-2 (no board) or 6-3 (board)]:

- a. General basis.
 - b. Specific basis.
 - c. Factual basis.
 - *d. Characterization (**See limitations at 1004 and ensure proper separation authority**):
 - (1) Recommended.
 - (2) Least favorable.
 - e. Rights:
 - (1) Board.
 - (2) No board.
 - *f. Additional rights if confinement (IHCA, 6303.4a) or if Marine is FMCR/retired list eligible.
 - g. Time limit for Marine to return AOR.
 - h. Signatures.
 - i. Enclosures to notification letter:
 - (1) is BCNR/NDRB form.
 - (2) is acknowledgment of rights.
- *2. Contents of acknowledgment of rights [figure 6-2a (no board) or 6-3a (board)]:
- a. General basis.
 - b. Specific basis.
 - c. Factual basis.
 - *d. Characterization (**MATCHES NOTIFICATION**):
 - (1) Recommended.
 - (2) Least favorable.
 - e. Rights (**MATCHES NOTIFICATION**):
 - (1) Board.
 - (2) No board.
 - *f. Additional rights if confined (IHCA, 6304.4a) or if Marine is FMCR/retired list eligible.
 - g. Time limit for Marine to return AOR.

STEP 7: SERVE NOTIFICATION, ACKNOWLEDGMENT OF RIGHTS, AND BCNR/NDRB SHEET

1. Active duty (or reservist on active duty): Serve in person at command.
- *2. Reservist not on active duty: use certified mail or service in person as indicated in MARFORRES Legal SOP.
- *3. IHCA: Serve in person or by certified mail.
- *4. UA: Serve by certified mail.

STEP 8: ACTION AFTER SERVICE

1. Prepare affidavit of service if required. (figure L-1).
- *2. WAIT THE PROPER LENGTH OF TIME BEFORE FORWARDING THE COMMAND RECOMMENDATION TO THE SEPARATION AUTHORITY. (figure L-2).
 - a. Forward after whichever of the following occurs first:
 - (1) Acknowledgment of Rights (AOR) returned before time expires; or
 - (2) Package is returned unclaimed; or
 - (3) Time for response expires.
 - b. Time limits for returning the AOR:
 - *(1) **Personal service (USMC or USMCR on active duty): Not less than** two days.
 - *(2) **Personal or certified mail service (USMCR not on active duty):** 20 days.
 - *(3) **Personal or certified mail service for a Marine IHCA or UA (USMC or USMCR): Not less than** 30 days from date the Marine signed a receipt (if service in person) or from the date of signature on the green card (if service was by mail).
3. ANNOTATE THE AOR IF:
 - *a. Service was by **certified** mail and the Marine received the package but did not return or acknowledge receipt, or
 - b. The Marine did not sign the AOR or made an incomplete or no selection of rights on the AOR.
4. IF THE RESPONDENT REQUESTS A BOARD, CONVENE A BOARD IF THE COMMAND HAS CONVENING AUTHORITY; IF IT DOES NOT, FORWARD THE PACKAGE TO THE CONVENING AUTHORITY.

STEP 9: PREPARING FOR A BOARD. (If no board, skip to STEP 10)

1. Prepare appointing order. (figure L-3):
 - a. Name members (6315.1).

b. Marine's commander is NOT a member of the board.

*c. Name recorder/counsel for the respondent/legal advisor (in all cases of substantiated incidents of sexual misconduct or attempted incidents of sexual misconduct the recorder must be a judge advocate certified under Article 27b(1), UCMJ).

d. Personal signature of convening authority or officer "acting".

*2. Notify members, legal advisor (if appointed), respondent, and counsel for the respondent of date, time, and place of board; notify respondent or counsel. (figure L-4).

3. Recorder preparation:

a. Copies of exhibits for each member and counsel for respondent.

b. Witness request (figure L-5).

c. Guide for members to use (figure L-6).

d. Report/findings and recommendations worksheet (figure L-9 or L-10).

*e. Recording device.

*f. Order OMPF from CMC (MMRP) if respondent is E-5 or above or on second or subsequent enlistment.

4. Hold board: Use figure L-6 as a guide.

5. Prepare REPORT of the board (figure L-9 or L-10).

6. Prepare RECORD of the board [record = transcript + exhibits(6325)].

*a. Prepare a summarized transcript unless verbatim required by separation authority or convening authority (figure L-8).

*b. Include all exhibits (LEGIBLE COPIES, PROPERLY MARKED and include original or copy of appointing order).

***STEP 10: PREPARE THE COMMAND LETTER OF RECOMMENDATION**

I. CASES WITHOUT BOARDS (figure L-2).

1. Enclosures:

a. Required enclosures included.

b. Marked and in order.

2. Bases (general, specific, factual) and characterization:

a. Match those in notification.

b. Match those in acknowledgment of rights.

c. Correct MARCORSEPMAN paragraph numbers cited.

3. Facts and circumstances surrounding discharge.
4. Address false/inaccurate assertions or allegations Marine makes in statement or rebuttal.
5. Explain service in person or by mail.
6. Miscellaneous matters.
7. Mobilization potential/security clearance.
8. Personal signature of convening authority or officer "acting".

***II. CASES WITH BOARDS** (See figure L-10)

1. Enclosures:
 - a. Board report and its enclosures.
 - b. Other enclosures NOT already included with board report.
2. Comments.
3. Personal signature of convening authority or officer "acting".
- *4. Ensure compliance with CMC correspondence regarding CMC directed administrative separation processing for Marines eligible for transfer to the FMCR/Retired List, if applicable.

***STEP 11: MAIL OR DELIVER PACKAGE TO SEPARATION AUTHORITY**

- *1. Original to Separation Authority.
2. Command retains a copy.

Figure L-1.--Affidavit of Service

AFFIDAVIT OF SERVICE BY MAIL

I certify that attempts to serve the Notification (dated _____) with enclosures (Grade) _____ (Name) _____ USMC/USMCR were made as follows:

SECTION I. REASON FOR SERVICE BY MAIL

___ Individual was in the Delayed Entry Program.

___ Marine was absent without authority before notification.

___ Marine is in civilian confinement and refused to acknowledge receipt of notification delivered in person or by mail.

___ Marine is a reservist not on active duty and personal service was (1) not required or (2) was required but Marine refused to acknowledge receipt.

SECTION II. SERVICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Date mailed: _____ Certified number: _____

Mailed from: _____

Mailed by: _____

Address mailed to: _____

This address was: __The last known address//__The next of kin
IF DELIVERED, ATTACH ORIGINAL PS FORM 3800 (WHITE RECEIPT) AND PS FORM 3811 (GREEN CARD) SHOWING DELIVERY; IF NOT DELIVERED, ATTACH PS FORM 3800 AND ENVELOPE SHOWING POSTAL STAMPS AND MARKINGS INDICATING REASON FOR NO DELIVERY.

SECTION III. CERTIFICATION SIGNED/SWORN BEFORE COMMISSIONED OFFICER

Signature of person certifying information: _____

Grade: _____

Command: _____ Billet: _____

SWORN AND SUBSCRIBED before me on _____ 20____.

Signature of commissioned officer: _____

Grade: _____

Command: _____ Billet: _____

*Figure L-2.--Command Letter of Recommendation for Administrative
Discharge (**WITHOUT BOARD**)

SSIC
Code
Date

From: Commanding Officer
To: Separation Authority
[Via: Chain of Command]

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL
*NAME, EDIPI/MOS, COMPONENT)

Ref: (a) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) Letter of Notification
(2) Acknowledgment of Rights
(3) BCNR/NDRB information sheet
() Standard Page Side of SRB/ESR
() Statement from respondent (**if any**)
[ENCLOSURES FOR SPECIFIC CASES]
() Page(s) from command ledger (**urinalysis case**)
() Chain of custody (DD Form 2624) (**urinalysis case**)
() Message from drug lab (**urinalysis case**)
() PFT score sheets (**PFT failure**)
*() Body Composition Program Evaluation Form
*() SACC Screening (**alcohol/drug screening with allied papers**)
*() Mental Health Evaluation (**for PD/CND cases**)
*() **Separation Medical Evaluation documents (w/PTSD/TBI screening if required)**

*1. **Recommendation.** I recommend that _____ be discharged from the U.S. Marine Corps (Reserve) with a[n] [(honorable) (general (under honorable conditions))(under other than honorable)] discharge under paragraph _____ of reference (a).

2. **Documentation.** The facts and circumstances supporting the basis for discharge and the recommended characterization are in enclosures () through (). [other comments]. Relevant items from the SRB/ESR are at enclosures () and ().

3. **Service of notification.** The notification package (enclosures (1),(2), and (3)) was [choose appropriate language from a paragraph below]:

(Delivered in person to the Marine. (A receipt of notification was required and obtained; see enclosure ()). (The Marine (did)(did not) return the acknowledgment of rights).)

(Sent certified mail because (the Marine is a reservist and personal service was required but unsuccessful)(the Marine is a reservist who refused to sign

*Figure L-2.--Command Letter of Recommendation for Administrative
Discharge **(WITHOUT BOARD)**--Continued

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL NAME,
*EDIPI/MOS, COMPONENT)

a receipt for personal service)(the Marine was IHCA and refused to
acknowledge receipt for service (in person)(by mail))(the Marine was UA)(the
member was in the DEP). See affidavit of service at enclosure (). (The
Marine (did)(did not) return the acknowledgment of rights). (The package was
undeliverable). See Postal Forms 3800 and 3811 (and undeliverable envelope)
at enclosures () and ().)

4. **Statement by respondent.** (The respondent did not submit a statement).
(The respondent's statement is at enclosure ()). (Note: Rebut any false or
inaccurate assertions the Marine makes in their rebuttal if one is made.
Comment if the Marine wants to submit a rebuttal or statement but never did
so.)

*5. **Miscellaneous matters.** For example, comment if respondent is eligible
for retirement or transfer to the FMCR, especially if grade reduction is an
issue. If suspension of separation is possible, comment if suspension is or
is not recommended. Comment on PTSD/TBI or certify entry level Marines had
no combat service or deployment and were not diagnosed with PTSD or TBI.

6. **Clearance.** The Marine (has)(does not have) a security clearance.

*7. **Citizenship.** The Marine (is)(is not) a U.S. citizen. (if not a U.S.
citizen explain his residency status).

8. **Mobilization potential.** The Marine (has)(does not have) mobilization
potential.

9. **Point of contact.** If you have any questions, please call my
administrative (officer)(chief), _____, at (commercial)(DSN)
_____.

SIGNATURE

*Figure L-3.--Administrative Discharge Board Appointing Order

SSIC
Code
Date

From: Commanding Officer
*To: (Grade, Name, EDIPI/MOS, Component, President)

Subj: APPOINTMENT OF ADMINISTRATIVE DISCHARGE BOARD IN THE CASE
OF (Grade, Name, EDIPI/MOS, Component)

Ref: (a) MCO 1900.16 (MARCORSEPMAN)
*(b) CMC(MM) directing ltr [if processing directed by CMC]

1. Per the reference, you are appointed as president of an administrative discharge board to consider the case of the respondent. Other members assigned to the board are:

_____ Member
_____ Member
_____ Member

*2. (Grade, name, component) is detailed as the non-voting recorder for the Board and is so notified by separate copy hereof. (In all cases of substantiated incidents of sexual misconduct or attempted incidents of sexual misconduct the recorder must be a judge advocate certified under Article 27b(1), UCMJ)

3. (Grade, name, component), a lawyer certified under Article 27(b), UCMJ, is detailed as counsel for the respondent and is so notified by separate copy hereof.

4. (Grade, name, component) is detailed as the legal advisor for the board and is so notified by separate copy hereof.

5. Consult the reference for guidance in conducting the board. All personnel named in this appointing order must attend the board hearing.

*6. You will determine the date, time, location, and uniform for the hearing after consulting with the recorder and counsel for the respondent.

7. The board's report and record will be prepared according to the reference and forwarded to me within 30 days after the board has adjourned. Extensions of this due date must be requested in writing.

*8. As (insert name/rank here) has requested transfer to the FMCR/retired list and CMC has denied the request and directed processing per reference (b), the board will make recommendations as to; (1) whether or not a basis for separation exists, (2) whether the respondent should be retained in the Marine Corps or transferred to the FMCR/retired list, (3) whether the respondent, if transfer is recommended, should be transferred in the grade currently held or reduced one inferior grade prior to transfer; and (4) the

*Figure L-3.--Administrative Discharge Board Appointing Order--Continued

appropriate characterization of service at transfer. {THIS PARAGRAPH SHALL
ONLY BE ADDED

*IF CMC(MM) HAS DIRECTED PROCESSING FOR A MARINE WHO HAS REQUESTED TRANSFER
TO THE FMCR/RETIRED LIST BUT THAT REQUEST WAS DENIED BY CMC(MM)}

SIGNATURE

Copy to:
Recorder
Counsel for Respondent
Each Board Member
Legal Advisor (if appointed)
Respondent

Figure L-4.--Notice to Respondent of Date, Time, and Place of Board Hearing

SSIC
Code
Date

CERTIFIED MAIL NUMBER _____

From: Commanding Officer
To: (Grade, Name, EDIPI/MOS, Component)

Subj: NOTIFICATION OF DATE, TIME, AND PLACE OF ADMINISTRATIVE
DISCHARGE BOARD HEARING

Encl: (1) Appointing order

1. Per your request for a hearing before an administrative discharge board, the board will convene as follows:

- a. Date:
- b. Time:
- c. Place:

2. You will report to the board in the _____ uniform with a proper Marine Corps regulation haircut. You will be excused from your regular duties to the extent needed to attend the board.

3. If you have questions about the board, contact this command or your defense counsel, Name/Grade, at (phone number).

4. Inform this command if you decide not to attend the board hearing. If you do not attend the board hearing, it will proceed in your absence and your counsel will represent you.

5. THE BOARD PROCEEDINGS DO NOT RELIEVE YOU FROM YOUR OBLIGATION TO SERVE ON ACTIVE AND/OR INACTIVE DUTY (INCLUDING ATTENDING RESERVE DRILLS) PENDING FINAL DECISION ON YOUR DISCHARGE. YOU MUST CONTINUE YOUR NORMAL ACTIVE AND/OR INACTIVE DUTY UNLESS AND UNTIL YOUR COMMAND INFORMS YOU IN WRITING THAT (1) YOU ARE EXCUSED FROM ACTIVE AND/OR INACTIVE DUTY OR (2) YOU ARE SEPARATED.

SIGNATURE

Copy to:
Counsel for Respondent

*Figure L-5.--Witness Request

1910
XXX

From: Counsel for the Respondent
To: Convening Authority

Via: *(1) Recorder
*(2) President of the Board

*Subj: WITNESS REQUEST: ADMINISTRATIVE SEPARATION BOARD IN THE
CASE OF XXXXXXXX

Ref: *(a) MCO 1900.16 (MARCORSEPMAN)

1. In accordance with reference (a), the respondent requests that the convening authority fund the appearance of the following witness at the respondent's board hearing:

Name of witness:
EDIPI:
Grade/title:
Billet/job:
Work address:
Work phone:
Work fax:

2. In accordance with the reference, the following is provided:

a. The relevance of the testimony to issues of separation or characterization;

b. Why the personal appearance of the witness is essential to a fair hearing on those issues;

c. Why an unsworn written statement, affidavit, conference call, or videotaped testimony are inadequate substitutes for personal testimony at the hearing;

d. Why the significance of personal appearance outweighs the practical difficulties in producing the witness, including cost, travel distance, and delay in convening the hearing;

e. Whether the witness is "reasonably available."

*3. Counsel requesting the witness has contacted the witness in person, by telephone, or by electronic means and has ascertained that (1) the witness understands that the witness is being asked to testify before a board and (2) the witness agrees to appear before the board at government expense to testify.

XXXXXXX
Counsel for the Respondent

*Figure L-6.--Administrative Discharge Board Hearing Guide

ADMINISTRATIVE SEPARATION BOARD HEARING GUIDE
IN THE CASE OF

PRELIMINARY NOTES

1. Attendance at the board hearing is the primary duty for members, the recorder, and counsel for the respondent. All must attend board sessions unless ill, ordered away, or excused IN WRITING by a written modification to the convening order signed by the convening authority. All participants should read the provisions of the MARCORSEPMAN concerning administrative discharge boards and the basis or bases for discharge.
2. If the respondent will testify, the recorder must provide him a written Privacy Act (figure L-7) statement before he testifies. Other witnesses need not be given Privacy Act statements.
- *3. The following abbreviations are used throughout this Guide:

SRMBR: Senior Member
COUNSEL: Counsel for the respondent
REC: Recorder for the board
RESP: Respondent
BOARD: Administrative Discharge Board
UCMJ: Uniform Code of Military Justice

SECTION I. PRELIMINARIES

SRMBR: This administrative discharge board will come to order. The recorder will note the time and date for the record.

REC: The (Commanding Officer) (Inspector-Instructor), (Organization), has convened this board by his appointing order, dated _____, (with no modifications) (as modified by the modification dated _____). The following members named in the appointing order(s) are present: _____, SENIOR MEMBER, and _____ and _____, MEMBERS.

REC: The respondent (is a member of the regular component) (is a member of the reserve component and the following members are members of the reserve component: _____).

*REC: The respondent (is) (is not) (FMCR/retirement eligible and (has) (has not) requested transfer to the FMCR/retired list. [IF SEPARATION PROCESSING HAS BEEN DIRECTED BY CMC(MM) AFTER THE MEMBER HAS REQUESTED TRANSFER, READ THE FOLLOWING]:

*REC: On (date), the respondent requested transfer to the FMCR/retired list. On (date) the CMC(MM), directed administrative separation processing and that the Respondent be afforded the rights of a respondent under paragraph 6304 of the Marine Corps Separation and Retirement Manual, prior to the Deputy Commandant, Manpower and Reserve Affairs (DC, M&RA) making a pay grade and characterization of service determination at transfer.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

Additional guidance will be provided in Section VI; General Instructions.

REC: (No) (The following member(s) listed in the appointing order(s) (is) (are) absent (with the express consent of the convening authority):

_____.

REC: _____, is appointed recorder for the board and is present. He is (not) a lawyer certified under Article 27(b)(1), UCMJ.

*REC: _____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed as legal advisor.

*REC: (_____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed as counsel for the respondent and is present).

REC: (The respondent has no individual military counsel) (_____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed as individual military counsel for the respondent and is present).

REC: (The respondent has no civilian counsel)(_____, a member of the _____ state bar, is the civilian counsel for the respondent and is present).

SRMBR: The record will reflect that this board is properly convened and constituted. The purpose of this board is to consider relevant facts in the case of _____, who has been recommended for administrative discharge from the naval service for (unsatisfactory participation) (misconduct)(unsatisfactory performance)(_____).

SRMBR: The respondent is present. [The respondent is absent because (he is confined by civil authorities)(he waived personal appearance by stating that he does not want to appear)(he received notification of the date, time, and place of this hearing but did not appear)].

SECTION II. RIGHT TO COUNSEL

*SRMBR: I will now advise the respondent of the right to counsel before the board. These rights were listed in the notification and the acknowledgment of rights. Does counsel desire that I explain these rights to the respondent?

COUNSEL: The respondent (desires explanation)(fully understands his rights and does not desire further explanation).

NOTE: RESPONDENT DESIRES TO REPRESENT HIMSELF. If respondent desires to represent himself, the senior member should still review the rights in Section III below.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

**SECTION III. EXPLANATION OF RIGHT TO COUNSEL (OMIT & GO TO SECTION IV IF
RESPONDENT WAIVES EXPLANATION)**

SRMBR: I will now advise the respondent of his rights before this board. If you have any questions about these rights, you should direct them to me, or, in private, to your counsel. You have the following rights:

1. To have military counsel, that is, a lawyer within the meaning of Article 27(b)(1), UCMJ, appointed by the convening authority to represent your interests before this board.
2. To request individual military counsel of your own choice, if reasonably available; however, you do not have the right to be represented by both detailed counsel and the requested individual military counsel.
3. To retain civilian counsel at no expense to the government.

SRMBR: Do you understand your right to counsel before this administrative discharge board?

RESP: (Yes)(No) sir/ma'am.

SRMBR: By whom do you wish to be represented?

RESP: _____.

NOTE: The respondent may elect to represent himself at the board, but his detailed defense counsel should still be present. If he desires to represent himself, he must so state on the record and sign a written waiver of counsel which will be included as a government exhibit. The senior member, after inquiring to ensure that the respondent is knowingly and voluntarily waiving his right to counsel, should state, "I find your waiver of counsel to be knowing and voluntary."

SECTION IV. ADDITIONAL RIGHTS

SRMBR: In addition to your right to counsel, you have many other rights at this board. These were listed in the notification and the acknowledgment of rights. Does counsel desire that I explain these additional rights to the respondent?

COUNSEL: The respondent (desires explanation)(fully understands his rights and does not desire further explanation).

**SECTION V. EXPLANATION OF ADDITIONAL RIGHTS (OMIT AND GO TO SECTION VI IF
RESPONDENT WAIVES EXPLANATION)**

SRMBR: I will now advise the respondent of his rights before this board. If you have any questions about these rights, you should direct them to me, or, in private, to your counsel. You have the following rights:

1. To present matters on your own behalf.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

2. To have full access to, and be provided with, copies of all records relevant to your case.
3. To be provided with the names of all witnesses expected to be called by the government.
4. To challenge any member of the board for cause.
5. To request from the convening authority, or this board, the appearance before the board of any witness whose testimony you consider to be pertinent to your case.
6. To submit for the board's consideration any matters from your service record; letters, answers, sworn or unsworn statements; and/or affidavits, certificates, stipulations, or depositions. You also have the right to submit real and/or documentary evidence.
7. You may also testify under oath. If you testify under oath, the board and the recorder may cross-examine you about your testimony. In the alternative, you may make an unsworn statement, either personally or through counsel. You may not be cross-examined if you make an unsworn statement; however, the recorder may introduce evidence to rebut anything contained in your statement. Also, you may, if you wish, remain silent and such silence cannot be considered against you.
8. To appear in person, with or without counsel, at all open sessions of the board.
9. To question all witnesses appearing before the board.
10. To examine all documents, reports, statements and evidence presented for the board's consideration.
11. To present argument on any matter offered for the board's consideration.

SRMBR: Do you have any questions concerning your rights at this administrative discharge board?

RESP: (Yes) (No), sir/ma'am.

SECTION VI: GENERAL INSTRUCTIONS

*SRMBR: The purpose of this administrative discharge board is to give the respondent a full and impartial hearing and an opportunity to respond to and rebut the allegations which form the basis for recommending the respondent's discharge from the [United States Marine Corps] or [United States Naval Service].

*SRMBR: After hearing evidence from both sides, the board will determine whether the preponderance of the evidence proves the allegations which form the basis for the recommendation for discharge. If a preponderance of the evidence does not support the allegations, the board will so find. If a

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

preponderance of the evidence supports the allegations, the board will so find and then recommend whether the respondent should be discharged. If the board recommends discharge, it will also recommend the characterization of the discharge. Depending on the board's findings and recommendations, final action on the case may be taken by the separation authority, who is _____; the Deputy Commandant, Manpower and Reserve Affairs, DC, M&RA; the Commandant of the Marine Corps; or the Secretary of the Navy. If you are FMCR/retired list eligible and have requested transfer to the FMCR/retired list, but CMC has denied your request and directed processing, this board will determine if a preponderance of the evidence proves the allegations which form the basis for the recommendation for separation, whether you should be retained in the U.S. Marine Corps or transferred to the FMCR/retired list. If transfer is recommended, the board will further recommend whether you be transferred in your current grade or reduced one inferior pay grade prior to transfer. Finally, the board will make a recommendation, if transfer is recommended, on the appropriate characterization of service at transfer.

*SRMBR [READ ONLY IF MEMBER IS FMCR ELIGIBLE AND HAS NOT REQUESTED TRANSFER TO THE FMCR/RETIRED LIST] If you are FMCR/retired list eligible and you have not requested transfer to the FMCR/retired list this does not pertain and the board's recommendations, if acted upon by the separation authority, may result in loss of all retainer/retired pay and, if serving in pay grade E-4 or above, administrative reduction to E-3 upon separation.

SRMBR: This board functions as an administrative rather than a judicial body. The strict rules of evidence applicable in judicial hearings are, therefore, not applicable here. However, Article 31(b), UCMJ, does apply.

SRMBR: The following will occur during the hearing: presentation of the government's case; presentation of the respondent's case; rebuttal; closing arguments from counsel; instructions for the members; and deliberation by the members. The members are cautioned not to make any decisions until after hearing all the evidence; final argument of counsel; and instructions on deliberation. All board proceedings will be conducted in this room while the board is in session.

SRMBR: This board will consider any matter presented which is relevant to the issues before the board, whether written or oral, sworn or unsworn. Real evidence--as distinguished from testimonial or documentary evidence--may be shown and admitted to the board and should be accurately described or reproduced for the record. The board may refuse to consider any oral or written matter presented if it is irrelevant or unnecessarily repetitive or cumulative. However, evidence will not be excluded merely because it would be inadmissible in a court. If evidence is classified, the provisions of the Department of the Navy information security regulations will be observed.

*SRMBR: The burden of proof is on the government. Board decisions are made by majority vote based on the preponderance of the evidence, which is the standard of proof. A preponderance, which is the same standard for non-judicial punishment hearings, is less than beyond reasonable doubt, which is the standard at a court-martial.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

A preponderance of the evidence proves a fact if the greater weight of evidence, i.e., 51% or more of the evidence, supports the fact. The weight of the evidence is not determined by the sheer number of witnesses or volume of evidentiary matter; it is determined by the evidence which best accords with reason and probability. The board members will rely on their individual judgment and experience in determining the weight and credibility to be given matters received in evidence.

SRMBR: The senior member need not rule on objections; he/she may merely note them for the record. If the senior member does rule on objections, a majority of the board may overrule the senior member's ruling.

SRMBR: Since the procedures used at this hearing may be unfamiliar to the board members, the members are encouraged to ask questions during the hearing about those procedures.

***VII. CHALLENGES TO BOARD MEMBERS**

SRMBR: Does the recorder or counsel for respondent wish to question any member of the board concerning a possible grounds for challenge for cause?

REC: The recorder has (no) questions.

COUNSEL: The respondent has (no) questions.

*SRMBR: Does the counsel for respondent wish to challenge any member for cause?

COUNSEL: The respondent (does not)(has the following challenges: _____).

SRMBR: [Recess to decide any challenges. Announce decisions on challenges.]

SRMBR: Are both sides ready to proceed?

REC: The recorder is.

COUNSEL: Counsel for the respondent is.

***SECTION VIII: MOTIONS AND OPENING STATEMENTS**

*SRMBR: Does either side have any motions for the record? (Note: Motions or objections pertaining to any matter other than continuances, recesses, or adjournments do not require ruling by the president of the board. Such motions or objections should be heard and merely noted in the record for resolution by the separation authority.)

REC: The recorder (has no motions)(has the following motions: _____).

COUNSEL: Counsel for the respondent (has no motions)(has the following motions: _____).

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

SRMBR: The recorder may make an opening statement.

REC: The recorder (waives opening statement)(_____).

SRMBR: Counsel for the respondent may present an opening statement.

*COUNSEL: The counsel for the respondent (waives opening statement)
(_____).

SECTION IX: PRESENTATION OF EXHIBITS

SRMBR: Unless counsel object, I will ask that each side submit its exhibits now before the board hears testimony from any of the witnesses. This will facilitate the board's questioning of all witnesses. Does either counsel object to the board receiving all exhibits now?

REC: The recorder does not object (objects).

COUNSEL: Counsel for the respondent does not object (objects).

SRMBR: Is the recorder ready to proceed?

REC: Yes, sir/ma'am.

SRMBR: You may proceed.

*REC: The following government exhibits are offered to the board for review and consideration. I will hand to the senior member the original government exhibits offered to the board. They are marked as "GE" and numbered as follows:

- GE-__: Appointing order (original or authenticated copy).
- GE-__: Modification to appointing order (if any).
- GE-__: Notification package: notice, AOR, BCNR/NDRB.
- GE-__: [If respondent is absent: notice of hearing (see Figure 6-11); include receipt for notice if delivered in person; include PS Form 3811 (greencard) if notice was mailed]
- GE-__: Standard pages from SRB/ESR (including DD Form 4)
- GE-__: Paragraph 62____, MARCORSEPMAN (basis for discharge)
- GE-__: Paragraph 1004, MARCORSEPMAN (characterization)
- GE-__: Paragraph _____, Manual for Courts Martial (use for 6210.6 to show punitive discharge is authorized)
- GE-__: _____
- GE-__: _____
- GE-__: Privacy Act statement (if respondent testifies)

*REC: Included in a separate folder is the original findings and recommendations worksheet the members will use to record findings and recommendations. It will also be used as the board report. I have

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

previously provided the findings and recommendations worksheet to counsel for the respondent for review. He (had the following objections) (did not have any objections).

(List objections here) _____

*SRMBR: Does counsel for the respondent object to any of these exhibits?

COUNSEL: Counsel for the respondent (does not object) (objects for the following reasons: _____).

SRMBR: All government exhibits (are admitted)(are admitted except for numbers _____.) (The following objections are (noted)(decided as follows:)). The recorder may substitute in the record certified true copies of the documents which are admitted. Does the respondent have any exhibits?

COUNSEL: The respondent offers the following exhibits. They are marked as "RE" and lettered:

RE A: _____
RE B: _____
RE C: _____

SRMBR: Does the recorder object to any of these exhibits?

REC: The recorder (does not object) (objects for the following reasons: _____).

SRMBR: All respondent exhibits (are admitted)(are admitted except for numbers _____.) (The following objections are (noted)(decided as follows:)). The recorder may substitute in the record certified true copies of the documents which are admitted.

SRMBR: The board will be in recess to review these documents. The recorder will note the time and date in the record of proceedings.

SECTION X: WITNESSES

*SRMBR: The board will come to order. All persons who were present when the board recessed are again present. The recorder will note the time and date in the record of proceedings. Does the recorder have any witnesses?

REC: The recorder (calls _____ as a witness)(has nothing further).

*NOTE: The recorder may call witnesses. All witnesses will be sworn. **OATH: Do you swear or affirm that the evidence you shall provide at this hearing shall be the truth, the whole truth and nothing but the truth?** The order of questioning (see paragraph 6316.8b, MARCORSEPMAN): direct examination by

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

recorder; cross-examination by respondent's counsel; redirect; re-cross; examination by the board (The recorder or counsel for the respondent may have some additional questions in light of the questioning by the members). **After they testify, the president shall direct witnesses not to discuss their testimony with anyone other than the recorder or the counsel for the respondent until after the hearing has ended.**

SRMBR: Does the recorder have any further evidence or witnesses?

REC: (Yes)(No), sir/ma'am.

SRMBR: Does the respondent have any witnesses?

COUNSEL: The respondent (calls _____ as a witness)(has nothing further).

*NOTE: The respondent may call witnesses. All witnesses will be sworn (only the respondent may give unsworn testimony). **OATH: Do you swear or affirm that the evidence you shall provide at this hearing shall be the truth, the whole truth and nothing but the truth?** The order of questioning: direct examination by respondent's counsel; cross-examination by recorder; redirect; re-cross; examination by the board (The recorder or counsel for the respondent may have some additional questions in light of the questioning by the members). If the respondent testifies, he will sign and date a Privacy Act statement to be attached to the record as a government exhibit. **After they testify, the president shall direct witnesses not to discuss their testimony with anyone other than the recorder or the counsel for the respondent until after the hearing has ended.**

SRMBR: Does the respondent have any other evidence?

COUNSEL: (Yes)(No), sir/ma'am.

XI. REBUTTAL

SRMBR: Does the recorder have any matters in rebuttal?

REC: The recorder has (nothing further)(calls the following witnesses: _____)(submits the following exhibits:

GE-_____).

SRMBR: (The following government exhibits are admitted:

GE-_____).

SRMBR: Does counsel for the respondent have any more evidence?

COUNSEL: Counsel for the respondent has (nothing further)(calls the following witnesses: _____) (submits the following exhibits: RE-_____).

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

SRMBR: (The following respondent exhibits are admitted:

RE-_____).

SRMBR: Does any member of the board want to recall a witness, call an additional witness, or obtain any further evidence?

SRMBR: The members have indicated they (do)(do not) want to recall a witness, call an additional witness, or obtain any further evidence.

***XII. CLOSING ARGUMENTS**

SRMBR: Are both sides prepared for argument?

REC: The recorder is.

COUNSEL: Counsel for the respondent is.

SRMBR: The recorder may proceed with closing argument.

REC: _____.

SRMBR: Counsel for the respondent may proceed with closing argument.

COUNSEL: _____.

SRMBR: Does the recorder have any final argument?

REC: (Yes)(no), sir/ma'am.

***XIII: INSTRUCTIONS ON DELIBERATION**

*SRMBR: The board deliberation includes a full and free discussion of all matters presented to the board. In determining retention or separation including transfer to the FMCR/retired list, if applicable, the board will consider the guidelines at paragraph 6309. In determining characterization, the board will consider the guidelines in paragraph 1004. In determining retention in the IRR, the board will consider the guidelines in paragraph 6311.3.

*SRMBR: The board will decide its findings and recommendations by majority vote, and the senior member will record them by placing his or her initials in the blank beside any finding or recommendation decided by majority vote.

***XIV: SPECIAL INSTRUCTIONS**

SRMBR: (Read if the respondent is an inactive reservist being processed for discharge based on conduct in the civilian community committed while the respondent was not on active duty or active duty for training). The board is advised that it cannot recommend a general or other than honorable characterization for a discharge in this case unless the evidence meets the criteria in paragraph 1004.4 of the MARCORSEPMAN, which the board will review during deliberation.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

***PART XV: CLOSING FOR DELIBERATION**

*SRMBR: The board closed for deliberation at _____. I will let the recorder note the date and time. All parties, except board members, will leave the hearing room.

***PART XVI: ANNOUNCEMENT OF FINDINGS AND RECOMMENDATIONS**

*SRMBR: The board is open at _____, the recorder will note the time and date.

*REC: the time is____, (date), (year), all persons present when the board recessed for deliberations are again present.

SRMBR: (We have no minority report)(One of the board members, _____, will be submitting a minority report which will be included as an enclosure to the board's report).

*SRMBR: I will now read the findings and recommendations of the board directly from the signed report:

*SRMBR: The board is closed. The recorder will note the time and date for the record.

Figure L-7.--Privacy Act Statement

PRIVACY ACT STATEMENT FOR THE RESPONDENT

Under the authority of section 301 of reference (x) Title 5, U.S.C., information on your personal background may be requested to provide the administrative discharge board with additional information to assist the board in determining whether to recommend your retention, discharge, or transfer to the Individual Ready Reserve; if discharge is recommended, the information may assist the board in determining the characterization of the discharge. The information may also be requested to evaluate your testimony or your credibility as a witness.

The information you provide will become a part of the record of proceedings of the administrative discharge board. Officials in the Department of the Navy may use it in making recommendations or decisions in your case; employees and officials of the Department of Defense, Veterans Administration, and other federal or state agencies may also use the information in performing their duties.

You are not required to provide this information, but failure to do so may deprive the board of valuable information which it might otherwise consider in making findings and recommendations in your case.

Signature of respondent Date

Printed Name, grade, and service

Signature of witness Date

Printed Name, grade, and service

*Figure L-8.--Summarized Record of Board Hearing

SUMMARIZED RECORD OF BOARD HEARING

Respondent's Name) (EDIPI) (Grade)

(Organization) (Component)

*The board met at (location) at (time), (date), pursuant to the appointing order(s) of (title and command of convening authority).

The following persons named in the appointing order(s) were present:

Board members: (indicate grade, name, service, and component (USMC or USMCR) (identify senior member)

Recorder (name, grade, service, and legal qualifications)

Counsel for respondent: (name, grade, service and legal qualifications of military counsel)(civilian counsel name and qualifications) [NOTE: If respondent waived representation by counsel, state as follows: The respondent stated a desire to represent himself without counsel. The senior member inquired and was satisfied that the respondent's waiver of representation by counsel was knowing and voluntary.]

(No) (The following) person(s) named in the appointing order(s) (was) (were) (absent)(absent with the express consent of the convening authority): (Indicate grade, name, and armed force of each board member absent).

The respondent was (absent)(present). (NOTE: If respondent was absent, indicate specific reason, e.g., waived personal appearance in writing; absent after notification; confined, etc).

The senior member determined that the respondent had been properly advised of administrative discharge board rights and procedures. The respondent (waived) (requested) the reading of rights before the Board. The senior member (accepted the respondent's waiver of explanation of rights)(explained the rights).

*The senior member advised the board members of their duties, the applicability of Article 31(b), UCMJ, to the proceedings, and the procedures to be followed as outlined in section 3 of Part C of chapter 6 of the MARCORSEPMAN. (ADD IF APPLICABLE).

*The respondent was given the opportunity to challenge any member of the board for cause. (No member was challenged for cause.) (The (respondent) (challenged the following member(s) for cause:_____.) (The challenges were (granted)(denied)).

*Figure L-8.--Summarized Record of Board Hearing--Continued

*The recorder and respondent were permitted to make motions and opening statements. (No motions were made). (Motions were made and noted): (Both recorder and counsel for the respondent made opening statements)(The recorder waived opening statement.)

The recorder offered the following government exhibits (marked "GE"):

GE-__: Appointing order.
GE-__: Modification to appointing order (if any).
GE-__: Notification package: notice, AOR, BCNR/NDRB.
GE-__: (If respondent is absent: written notice of hearing and include receipt for notice if delivered in person; include PS Form 3811 (green card) if notice was mailed)
GE-__: Standard pages from SRB/ESR (including DD Form 4)
GE-__: _____
GE-__: Privacy Act statement (if respondent testifies)

The exhibits were admitted with (without objection) (with objection(s) as follows:

NUMBER	REASON FOR OBJECTION	DECISION BY BOARD
GE-xx	xxx	(Admitted) (Excluded)

*The respondent offered the following respondent's exhibits (marked "RE"):

RE A: xxx
RE B: xxx

The exhibits were admitted (with) (without objection) (with objection(s) as follows:)

NUMBER	REASON FOR OBJECTION	DECISION BY BOARD
GE-xx	xxx	(Admitted) (Excluded)

*The government called (no) (the following) witness(es), who (was)(were) sworn and testified as follows:

SUMMARY OF WITNESS TESTIMONY

The respondent called (no) (the following) witness(es), who (was)(were) sworn and testified as follows:

SUMMARY OF WITNESS TESTIMONY

The respondent [(did not testify or submit a statement) (testified under oath)(made an unsworn oral statement)(submitted a (sworn) (unsworn) written statement)].

The recorder presented no rebuttal evidence (presented the following rebuttal evidence:). The counsel for the respondent presented no further evidence (presented the following evidence:). The board (called no witnesses and

*Figure L-8.--Summarized Record of Board Hearing--Continued

presented no evidence)(called the following witnesses)(presented the following evidence:).

The recorder and counsel for respondent made closing argument. Counsel for the respondent (did)(did not) make a closing argument. The recorder (did)(did not) make rebuttal argument.

The senior member instructed the members concerning voting procedures.

(ADD IF APPLICABLE. The senior member advised the board concerning the restrictions imposed by paragraph 1004.4 of the MARCORSEPMAN concerning prior and preservice matters.)

(ADD IF APPLICABLE. The senior member advised the board concerning the restrictions imposed by paragraph 1004 of the MARCORSEPMAN concerning misconduct by a reservist not on active duty or active duty for training at the time of the misconduct.)

Neither party had anything further to offer. The board closed at ____ hours, ____ 20__. The board opened at ____ hours, ____ 20__. The senior member announced the findings and recommendations of the board by reading from the findings and recommendations worksheet. The worksheet will also be the board's report. The board adjourned at ____ hours, (date).

AUTHENTICATION OF RECORD. This is a substantially accurate record of the board hearing.

Senior Member Date Recorder Date

*Figure L-9.--Administrative Discharge Board Report and Findings
Recommendations Worksheet

SSIC
Originator Code
Date

From: Senior Member
To: Convening Authority

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND
RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name,
EDIPI/MOS, Component)

Ref: (a) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) Record of board hearing
(2) Minority report (**if any**)

1. As directed, an administrative discharge board convened in this case to hear allegations against the respondent and to make findings and recommendations.

2. The facts and circumstances and supporting documents which are the basis for the board's findings and recommendations are in the record (enclosure (1)).

3. The senior member initialed the following findings and recommendations, all reached in closed sessions of the board, and announced the findings and recommendations at the hearing as follows:

a. FINDINGS: PREPONDERANCE OF THE EVIDENCE.

(1)_____The board determined by majority vote that the preponderance of the evidence--

(a)_____ **DOES NOT** prove any of the acts or omissions alleged in the notification. (Senior member must check B1 below).

(b)_____ **PROVES ALL** acts or omissions alleged in the notification

(c)_____ **PROVES ONLY** the following act(s) or omission(s) alleged in the notification: _____
_____.

b. RECOMMENDATIONS. By majority vote, the board recommends:

(1)_____ **RETENTION** in the Marine Corps (Marine Corps Reserve).

(2)_____ **SEPARATION** from the Marine Corps (Marine Corps Reserve).

*(3)_____ **TRANSFER** to the FMCR/retired list (*only applicable if the respondent has requested transfer prior to initiation of administrative processing but the CMC denied the request and directed processing*)

*Figure L-9.--Administrative Discharge Board Report and Findings and
Recommendations Worksheet--Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND
RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name,
EDIPI/MOS, Component)

*(4) ____ If the board recommends **SEPARATION**, it recommends the
following CHARACTERIZATION of Service:

(a) ____ honorable.

(b) ____ general (under honorable conditions).

*(c) ____ under other than honorable conditions.

(5) ____ If the board recommends **SEPARATION**, it recommends the
separation:

(a) ____ **SHOULD BE** suspended.

(b) ____ **SHOULD NOT BE** suspended.

(c) ____ suspension not authorized.

See MARCORSEPMAN, paragraph 6310 concerning suspension.

(6) ____ If the board recommends **SEPARATION**, the board recommends
that the respondent:

(a) ____ **SHOULD BE** retained in the IRR (Individual Ready
Reserve).

(b) ____ **SHOULD NOT BE** retained in the IRR.

See MARCORSEPMAN, paragraph 6311 concerning retention in the IRR.

*PARAGRAPH 7 AND 8, BELOW, SHALL ONLY BE INCORPORATED INTO THE FINDINGS AND
RECOMMENDATIONS WORKSHEET IF THE MARINE HAS REQUESTED TRANSFER TO THE FMCR
PRIOR TO INITIATION OF ADMINISTRATIVE SEPARATION PROCEEDINGS BUT THE CMC
DENIED THE REQUEST AND DIRECTED PROCESSING

*(7) ____ If the board recommends TRANSFER to the FMCR/retired list,
the board recommends that the respondent:

(a) ____ **SHOULD BE** transferred in the current pay grade.

(b) ____ **SHOULD BE** reduced one inferior pay grade BEFORE
transferred to the FMCR/retired list.

*(8) ____ If the board recommends TRANSFER to the FMCR/retired list, it
recommends the following characterization of service:

*Figure L-9.--Administrative Discharge Board Report and Findings and
Recommendations Worksheet--Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND
RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name,
EDIPI/MOS, Component)

(a) _____ **honorable.**

(b) _____ **general (under honorable conditions).**

(c) _____ **under other than honorable conditions.**

4. PRESERVICE OR PRIOR SERVICE MATTERS: (MARCORSEPMAN, paragraph 1004)

a. _____ The board did **NOT** consider such matters.

b. _____ The board **DID** consider such matters but only on the issue of
retention and NOT considered on characterization.

5. RESERVE RESPONDENT ONLY. If the board recommends general (under
honorable conditions or other than honorable characterization for conduct in
the civilian community by a Marine who, at the time of the conduct, was a
member of the inactive reserve and was not on active duty or active duty for
training, the senior member initials one of the following:

_____ The board recommends a **general (under honorable conditions)**
characterization under MARCORSEPMAN paragraph 1004 based on the following
evidence that the conduct adversely affected overall effectiveness of the
Marine Corps, including military morale and efficiency:
_____.

*_____ The board recommends an under **other than honorable characterization**
under MARCORSEPMAN paragraph 1004 based on the following evidence that the
conduct is "service related," i.e., directly affected performance of military
duties:
_____.

6. MINORITY REPORT. ___NONE//___SEE ENCLOSURE TO BOARD'S REPORT.

7. SIGNATURES. All members sign below.

Signature of Senior Member Date

Signature of Member Date

Signature of Member Date

*Figure L-10.--Command Letter of Endorsement for Administrative Discharge

SSIC
Code
Date

*FIRST ENDORSEMENT on ADMINISTRATIVE DISCHARGE BOARD REPORT of _____

From: Commanding officer (Convening Authority)
To: Separation Authority
(Via: Chain of Command)

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL
NAME, EDIPI/MOS, COMPONENT)

Encl: *(1) Defense counsel comment on board (if any)
*(2) Recorder's response to Counsel for the
Respondent's comment
(3) (Other enclosures included by convening authority)

*1. As indicated by enclosure (1), an administrative discharge board convened to hear this case. The board found that the preponderance of the evidence (proved)(did not prove) the allegations and recommended (retention) (transfer to the FMCR/retired list, if applicable)[(honorable) (general (under honorable conditions))(under other than honorable)] discharge OR, if transfer applicable (see paragraph 6106) that the respondent be transferred in current pay grade/or reduced one inferior pay grade before transfer and that the characterization of service at transfer be (honorable) (general (under honorable conditions)) (under other than honorable conditions).

2. I (agree)(disagree) with the board's findings and recommendations. [Comments if any. Before disagreeing with a board's findings and recommendations, see MARCORSEPMAN, paragraph 6309, concerning the separation authority's actions in board cases].

3. Counsel for the respondent submitted comment on the board; see enclosure (2). Enclosure (3) is the recorder's response to enclosure (2).

4. Explain other enclosures included by the convening authority.

SIGNATURE