

MARCORPROMMAN, VOL 2, ENLPROM

CHAPTER 5

EFFECTING PROMOTIONS

SECTION 1: EFFECTING PROMOTIONS

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CHAPTER 5

EFFECTING PROMOTIONS

SECTION 1: EFFECTING PROMOTIONS

5100. GENERAL. Even though a select grade is posted in MCTFS, a Marine is not considered promoted until a warrant is delivered by a commissioned officer at an appropriate ceremony. See paragraph 1200.5. Prior to conducting the ceremony, the Marine's commander must comply with paragraph 1200.4.

1. Method of Effecting SNCO Promotions. SNCO promotions are effected monthly to fill vacancies that occur on a Marine Corps-wide basis. The vacancies are filled by promoting selectees in order of seniority. Certificates of appointment are prepared locally and countersigned by the commander. The CMC (MMPR-2) publishes monthly MARADMINs authorizing the promotion of SNCOs and providing the projections for promotions for the following month.

2. An appointment to a higher enlisted grade issued by the CMC is effective for purposes of pay and allowances from the date indicated in the monthly MARADMIN authorizing the promotion, unless subsequently withdrawn per paragraph 5200.

3. Commanders will effect promotions to the grades of Sgt and below.

4. An appointment to a higher enlisted grade issued by the commander, as authorized per the provisions of paragraph 3600 (remedial promotion), will be effected on the date specified in the naval message authorizing the promotion. The promotion will be reported on the unit diary by the CMC (MMPR-2).

5. The certificate of appointment will be delivered to the Marine concerned upon receipt of the monthly promotion MARADMIN, but not prior to the first day of the month the promotion is to be effected.

5101. APPOINTMENTS. All appointments to the next higher grade will be permanent appointments. Permanent appointments can be terminated only by the promotion, reduction, or discharge of the individual concerned.

5102. DATE OF RANK. Upon advancement to a higher enlisted grade, and as directed by the CMC, enlisted Marines will be assigned a DOR. The sole purpose of a DOR is to establish relative seniority within a particular grade. Unless otherwise directed by the CMC, the DOR assigned upon promotion to the next higher grade through the normal promotion system will be the 1st day of the month in which the promotion is effected. The DOR assigned upon promotion to the next higher grade through the meritorious promotion system will be the 2d day of the month in which the promotion is effected.

5103. PREPARATION OF CERTIFICATES OF APPOINTMENT

1. A certificate of appointment will be prepared for each Marine promoted to any grade above the grade of Pvt on a date subsequent to enlistment or reenlistment.

a. Certificates of appointment will not be prepared for Marines who are appointed to a grade above Pvt at the time of enlistment or reenlistment. The enlistment contract or application for enlistment will serve as the appointing certificate.

b. Certificates of appointment will not be prepared for Marines enlisted in the Platoon Leaders Class, Officer Candidate Course, or Aviation Officer Candidate Course.

2. Commanders will prepare an original certificate of appointment for delivery to the individual Marine concerned (script font or computer font may be used).

3. Certificates of appointment will be prepared as shown in the examples in figures 5-1 through 5-11. A Marine's Social Security Number will NOT be included on the certificate of appointment.

a. Certificates of appointment prepared for regular promotions (USMC and USMCR) will reflect the 1st day of the month as the DOR and effective date of promotion, unless specifically directed otherwise by the CMC (see figures 5-1 through 5-5, 5-8, and 5-9).

b. Certificates of appointment prepared for remedial promotions (USMC and USMCR) will reflect the 1st day of the month as the DOR and the effective date as the date the remedial promotion was approved by the CMC (see figures 5-5, 5-7, and 5-11).

c. Certificates of appointment prepared for meritorious promotions will reflect the 2d day of the month for the advanced grade as the DOR and the effective date of promotion, unless specifically directed otherwise by this Manual or the CMC (see figures 5-6 and 5-10).

d. Certificates of appointment will not be prepared showing an effective date as a date prior to the DOR.

4. Certificates of appointment prepared for reserve component personnel will have the words "RESERVE OF THE" typed directly above and centered over "UNITED STATES MARINE CORPS" (see figures 5-4, 5-5, and 5-9).

5. DSSC servmarts and commanders who are not supplied by a local servmart are directed to requisition warrants from MCLB, Albany, through normal supply channels. Ordering information for the warrants is as follows:

Form title: Promotion Warrant (to PFC and LCpl)
Form No: NAVMC 216-1 (1 Mar 10), SN: 0109-LF-128-7500

Form title: Promotion Warrant (to Cpl and Sgt)
Form No: NAVMC 216-2 (1 Mar 10), SN: 0109-LF-128-8700

Form title: Promotion Warrant (SNCO)
Form No: NAVMC 216-3 (1 Mar 10), SN: 0109-LF-128-9900

6. Place a gold notarial seal, stamped with the Marine Corps seal, in the bottom left-hand corner of the SNCO promotion warrant. Place the seal over the SNCO promotion warrant ordering information and center it between the edge, the bottom, and the commander's signature block. Figure 5-8 reflects the position of the seal on the warrant. Ordering information for the seals:

Form title: Seal, notarial, paper, gold color, 2-5/16" diameter
Form No: NSN 7520 00 995 7481

7. Commanders must ensure that their name, rank, and title are typed directly below the signature line on the left side of the SNCO warrant (right side of the junior enlisted warrants).

CHAPTER 5

EFFECTING PROMOTIONS

SECTION 2: UNDELIVERED SNCO APPOINTMENTS

5200. UNDELIVERED SNCO APPOINTMENTS

1. When the commander determines that a Marine who has been selected for promotion by a HQMC SNCO selection board is unqualified for promotion, he will immediately notify the CMC (MMPR-2), by naval message, prior to the effective date of promotion, that he intends to recommend delay or revocation of the Marine's certificate of appointment. Commanders are reminded that promotion restrictions are not punitive; they are intended to allow commanders time to observe the conduct and performance of a Marine to determine if he/she is ready to assume the increased responsibilities of the grade to which selected.

2. Once the initial notification (naval message) is received by this Headquarters, the CMC (MMPR-2) will remove the select grade from the Marine Corps Total Force System (MCTFS). The commander's authority to promote is thereby withheld and the Marine cannot be promoted without specific written authority from the CMC (MM).

3. Within 30 days of submitting the advance notification of intent to recommend the delay or revocation of a Marine's selection, the commander must submit a full, detailed report of the circumstances, via the chain of command, to the CMC (MMPR-2). The report will contain the commander's specific recommendation for delivering, delaying or revoking the appointment.

a. The recommendation must be signed by the commander, officer-in-charge, or officer acting in the respective capacity. "By direction" signatures are not authorized. Commanders of other services having operational control over enlisted Marines, i.e. MEPS commanders, are not authorized to request that a Marine's promotion be delayed or revoked.

b. The Marine's statement. The Marine will be afforded the opportunity to review the commander's recommendation, to include all information used by the commander to substantiate the recommendation. The Marine MUST, at a minimum, submit a signed copy of one of the following statements (whichever one best fits the circumstances). The Marine may also provide additional comments in subsequent paragraphs or have someone prepare a statement on his or her behalf. Any third party statements must be endorsed by the Marine, acknowledging that the statement is submitted with his or her knowledge. The following formatted sentences will be used as the opening paragraph in the Marine's statement, and should fit most of the cases. In unusual cases, the opening paragraphs may be modified to fit the circumstances.

(1) Where the commander recommends delivering the Marine's appointment:

"I have been informed that my recent (conduct/substandard performance/NJP/DWI/assignment to weight control/military appearance program, etc.) will be reported to the Commandant of the Marine Corps (CMC). I have reviewed my commander's letter to the CMC with the recommendation that my appointment to (grade) be delivered. I understand that the CMC may act to deliver, delay, or revoke my appointment. I do/do not desire to make a statement."

(2) Where the commander recommends delaying the Marine's appointment:

"I have been informed that my appointment to (grade) is under consideration for delay by the Commandant of the Marine Corps (CMC). I have reviewed my commander's letter to the CMC with the recommendation that my appointment to (grade) be delayed for _____ months. I understand that the CMC may act to deliver, delay, or revoke my appointment, or to delay my appointment for a period longer than recommended. I do/do not desire to make a statement."

(3) Where the commander recommends revoking the Marine's appointment:

"I have been informed that my appointment to (grade) is under consideration for revocation by the Commandant of the Marine Corps (CMC). I have reviewed my commander's letter to the CMC with the recommendation that my promotion be revoked. I understand that the CMC may act to deliver, delay, or revoke my appointment. I do/do not desire to make a statement."

c. If a promotion has been delayed by the CMC, and the commander desires to recommend the Marine for promotion, the commander will submit a request for delivery of the Marine's appointment, via the chain of command. The Marine will be given the opportunity to make a statement. The opening sentences of the Marine's statement should read:

"I have been informed that my commander is requesting my appointment to (grade) be delivered by the CMC. I have reviewed my commander's recommendation that I be promoted. However, I understand that the CMC may act to deliver, delay, or revoke my appointment. I do/do not desire to make a statement."

d. If an appointment has been delayed by the CMC, and the commander desires to recommend the Marine's appointment be revoked, the commander will submit a request for revocation, via the chain of command. The Marine will be given the opportunity to make a statement. The opening sentences of the Marine's statement should read:

"I have been informed that my commander is requesting my appointment be revoked by the CMC. I have reviewed my commander's recommendation that my appointment to (grade) be revoked. I understand that the CMC may act to deliver, delay, or revoke my appointment. I do/do not desire to make a statement."

e. If a Marine refuses to sign a statement acknowledging the commander's recommendation, the commander will attest in the basic correspondence or addendum memorandum that the Marine was counseled concerning the contents of the recommendation and refused to sign.

f. If the Marine is unavailable for signature, forward a copy of the recommendation and documentation substantiating the recommendation to the Marine for review via certified mail. Advise the Marine that the recommendation will be forwarded without a statement if a response is not received within 10 days of the date of notification by certified mail. If a response is not received, the commander will append a memorandum to this effect to the recommendation upon submission via the chain of command (include a photocopy of the certified mail receipt and correspondence to Marine).

4. The recommendation MUST be submitted via the chain of command. Endorsements from commanders in the chain of command MUST include a specific recommendation, not simply be "forwarded" or "forwarded recommending approval." Endorsements must be signed by the commanding general, chief of staff, commander or commanding officer, officer-in-charge, or officer acting in the respective capacity. "By direction" signatures are not authorized.
5. If a commander in the endorsing chain of command forwards a recommendation that is less favorable (e.g., revoke instead of delay) or includes additional adverse information not previously cited, then the Marine must be afforded an opportunity to review the endorsement. In such cases, the Marine must be provided an opportunity to provide an additional statement attesting that he or she has reviewed the endorsement and/or additional adverse information and been provided an opportunity to make additional comments. If subsequent commanders in the chain of command forward a recommendation that is more favorable to the Marine, then there is no requirement to return the package to the Marine for another statement.
6. Upon receipt of the detailed report, the CMC may:
 - a. Direct the command to immediately deliver the appointment.
 - b. Withhold the command's authority to deliver the appointment. By withholding a commander's authority to promote until such time as the command feels the Marine is ready to assume the duties and responsibilities of the next higher grade, a Marine's seniority number will often be bypassed, thereby resulting in a delay of the promotion. The period of delay will vary, but normally will not exceed 6 months. However, once the period of delay has expired, the command may request further delay. As stated in paragraph 5200.10, a Marine will only receive his/her original date of rank if exonerated of all charges that initially placed them in a promotion restriction status.
 - c. Revoke the appointment and remove the Marine's name from the appropriate selection list.
7. Commanders may appeal a promotion decision of the CMC (MM). A request for reconsideration should be based on the belief that the CMC may not have been aware of all of the circumstances surrounding the case, and that an injustice has occurred. Substantial, detailed documentation must accompany a request for reconsideration. Submit requests for reconsideration, along with the Marine's statement, to the CMC (MMPR-2), via the chain of command. Following a review of the request, a final determination will be made by the CMC. Only one request for reconsideration may be submitted to the CMC. Any subsequent request for relief or reconsideration following a final determination by the CMC must be submitted to the BCNR for adjudication.
8. If a Marine whose appointment has been delayed by the CMC is subsequently transferred or discharged during the delay period, the commander must notify the CMC (MMPR-2) and make an appropriate page 11 counseling entry, per the current edition of MCO P1070.12, regarding the Marine's qualifications for promotion. If applicable, an appropriate unit diary entry must be made per the on-line MCTFSPRIUM. Similarly, if a Marine whose appointment is pending revocation by the CMC is subsequently transferred or discharged before the recommendation is adjudicated, the commander must notify the CMC (MMPR-2) and make an appropriate page 11 counseling entry, per the current edition of MCO

P1070.12, regarding the Marine's qualifications for promotion. If applicable, an appropriate unit diary entry must be made per the on-line MCTFSPRIUM. This precludes the receiving commander from unknowingly effecting the promotion of a Marine whose appointment has been delayed and precludes the BCNR from erroneously correcting a Marine's record after separation.

9. Where an appointment has been delayed or is under consideration for revocation by the CMC, and the commander submits an additional recommendation containing additional unfavorable information, the Marine MUST be afforded the opportunity to submit a written comment on the additional information. The commander's action to forward the added information should be accomplished within 10 days of its receipt by the commander.

10. After a period of delay, the CMC may direct delivery of the appointment with a new DOR and effective date at the time the commander certifies the Marine is qualified for promotion. The only instance when the Marine is issued a certificate of appointment with the originally assigned DOR and effective date is in the case of a delay where the Marine is subsequently exonerated of all wrongdoing.

11. A Marine whose name is removed from a promotion list will be considered to have been passed over by that selection board. The Marine will continue to be eligible for consideration for promotion by subsequently convened selection boards. However, Marines who refuse their appointments are not eligible for consideration by subsequent selection boards.

12. Marines whose appointments are in a delay status are not eligible for remedial consideration for any selection board(s) they would have been eligible for if the appointment had not been in a delay status.

13. Marines whose appointments are revoked are not eligible for remedial consideration for the selection board from which their appointments are revoked.



To all who shall see these presents, greeting:

Know Ye, that reposing special trust and confidence in the fidelity and abilities of JOHN J. DOE *, I do appoint this Marine a* PRIVATE FIRST CLASS *in the*

United States Marine Corps

to rank as such from the FIRST *day of* FEBRUARY *, two thousand*

This appointee will therefore carefully and diligently discharge the duties of the grade to which appointed by doing and performing all manner of things thereunto pertaining. And I do strictly charge and require all personnel of lesser grade to render obedience to appropriate orders. And this appointee is to observe and follow such orders and directions as may be given from time to time by Superiors acting according to the rules and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at Headquarters Battalion, 1st Marine Division *this* FIRST *day of* FEBRUARY *, in the year of our Lord two thousand*

AUTHORITY MCO P1400.32D par. 2101.1

/s/

DATE PROMOTION IS EFFECTIVE FOR PAY AND ALLOWANCES 1 February 2000

JOHN SMITH

This appointment is effective for pay and allowances on 1 February 2000

Colonel, USMC
Commanding

DD FORM 1 AUG 68 216 MC

5/N 0109-LF-985-1000

Figure 5-1-Regular Promotion to PFC.



To all who shall see these presents, greeting:

Know Ye, that reposing special trust and confidence in the fidelity and abilities of JOHN J. DOE, I do appoint this Marine a LANCE CORPORAL in the

United States Marine Corps

to rank as such from the FIRST day of JANUARY, two thousand

This appointee will therefore carefully and diligently discharge the duties of the grade to which appointed by doing and performing all manner of things thereunto pertaining. And I do strictly charge and require all personnel of lesser grade to render obedience to appropriate orders. And this appointee is to observe and follow such orders and directions as may be given from time to time by Superiors acting according to the rules and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at Headquarters Battalion, 1st Marine Division this FIRST day of JANUARY, in the year of our Lord two thousand

AUTHORITY MCO P1400.32D par. 2101.1

/s/

DATE PROMOTION IS EFFECTIVE FOR PAY AND ALLOWANCES 1 January 2000

JOHN SMITH

This appointment is effective for pay and allowances on 1 January 2000

Colonel, USMC
Commanding

DD FORM 1 AUG 99 210 MC

S/N 0109-1F-985-1800

Figure 5-2 -Regular Promotion to LCpl.



To all who shall see these presents, greeting:

Know Ye, that reposing special trust and confidence in the fidelity and abilities of JOHN J. DOE, I do appoint this Marine a CORPORAL in the

United States Marine Corps

to rank as such from the FIRST day of DECEMBER two thousand

Effective 1 December 2000, you are charged to carefully and diligently execute the duties of your position as CORPORAL of Marines and I do strictly direct you to render to appropriate orders and to see that you must set an example for others to emulate. It is your duty to lead by example and to be above reproach. You are to lead your detachment with insight and for the benefit of the development and well-being of the Marines in your charge. You will be an ambassador of our institution, conduct yourself with integrity and commitment. It will lead your Marines with fairness and dignity, and observe all following the orders and directives of your senior leaders and all regulations and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at HEADQUARTERS, 1ST BATTALION, 24 MARINES this FIRST day of DECEMBER, in the year of our Lord two thousand

AUTHORITY MCBul 1430 of 25 November 2000

/s/

DATE PROMOTION IS EFFECTIVE FOR PAY AND ALLOWANCES 1 DECEMBER 2000

This appointment is effective for pay and allowances on 1 December 2000

JOHN SMITH
Colonel, USMC
Commanding



To all who shall see these presents, greetings.

Know Ye, that reposing special trust and confidence in the fidelity and abilities of JOHN J. DOE, I do appoint this Marine as

United States Marine Corps

to rank as such from the FIRST day of OCTOBER two thousand

Effective from this appointment, you are charged to carefully and diligently execute the duties and responsibilities of ~~your~~ of ~~Major~~ and I do strictly direct and require all personnel of lower grade to render obedience to appropriate orders and instructions of Marines. You must set an example for others to emulate. Your conduct and professional behavior in and out of duty will be above reproach. You are responsible for the advancement, professional development and well-being of the Marines in your charge. You will be the embodiment of our institutional core values of honor, courage and commitment. You will lead your Marines with fairness and integrity while observing and following the orders and directions of your senior leaders and enforcing all regulations and articles governing the discipline of the United States Marine Corps in the United States of America.

Given under my hand at HEADQUARTERS, 1ST BATTALION, 24 MARINES, this FIRST day of OCTOBER, in the year of our Lord two thousand

AUTHORITY MCBu1 1430 OF 25 Sept 2000

/s/

DATE PROMOTION IS EFFECTIVE FOR PAY AND ALLOWANCES 1 OCTOBER 2000

This appointment is effective for pay and allowances on 1 October 2000

JOHN SMITH
Lieutenant Colonel, USMCR
Commanding



To all who shall see these presents, greetings:
 Know Ye, that reposing special trust and confidence in the fidelity
 and abilities of *JOHN J. DOE*, I do
 appoint this Marine a *SERGEANT* in the

United States Marine Corps

to rank as such from the *FIRST* day of *JULY*
 two thousand *00*

Effective with this appointment, you are charged to carefully and diligently execute
 the duties and responsibilities of *SERGEANT* of *Marines* and I do strictly
 direct and require all personnel of lesser grade to render obedience to appropriate
 orders. You must set an example for others to
 emulate. Your conduct and professional behavior, in all of which, shall be above
 reproach. You are responsible for the discipline and maintenance of *your* *Marines* and for
 the safety, health, development and well-being of the *Marines* in your charge. You
 will be the embodiment of our institutional core values of honor, courage and
 commitment. You will lead your *Marines* with fairness, firmness and dignity while
 observing and following the orders and directions of your senior leaders and ensuring
 all regulations and directives governing the discipline of the *United States Marine Corps*
United States of America

Given under my hand at *HEADQUARTERS, 1ST BATTALION, 24 MARINES*
 this *FIRST* day of *JULY*, in the year of our Lord
 two thousand *00*

AUTHORITY CMC 2205412 JUN 00

/s/

DATE PROMOTION
 IS EFFECTIVE FOR PAY
 AND ALLOWANCES

1 JULY 2000

JOHN SMITH

This appointment is effective for
 pay and allowances on 1 July 2000

Lieutenant Colonel, USMCR
 Commanding

DD FORM 1 MAR 02 216 MC

Figure 5-5

Sgt and epl

Drilling Reserve and Active Reserve (MOS 6103-1F-902-3700)



To all who shall see these presents, greetings:
 Know Ye, that reposing special trust and confidence in the fidelity
 and abilities of **JOHN J. DOE**, I do
 appoint this Marine a **SERGEANT (MERITORIOUS)** in the

United States Marine Corps

to rank as such from **SECOND** day of **FEBRUARY**,
 two thousand

"Effective with this appointment, you are charged to carefully and diligently execute the duties of the rank of SERGEANT. I do strictly direct and command you to render obediently to appropriate orders and to see that you must set an example for others to emulate. You are charged to perform your duty faithfully above reproach, to be responsible for the maintenance of discipline and for the safety of your fellow Marines. You are charged to be the embodiment of our institutional core values of Honor, Courage and Commitment. You will lead your Marines with fairness and integrity, will observe and follow the orders and directions of your senior leaders, and will enforce all regulations and orders governing the discipline of the Armed Forces of the United States of America."

Given under my hand at **HEADQUARTERS, 1ST BATTALION, 24 MARINES**
 this **SECOND** day of **FEBRUARY**, in the year of our Lord
 two thousand

AUTHORITY MCO P1400.32D par. 4103

/s/

DATE PROMOTION
 IS EFFECTIVE FOR PAY
 AND ALLOWANCES 2 FEBRUARY 2000

This appointment is effective for
 pay and allowances on 2 February 2000

JOHN SMITH
 MAJOR GENERAL, USMC
 Commanding



To all who shall see these presents, greetings:

Know Ye, that reposing special trust and confidence in the fidelity and abilities of

JOHN J. DOE

SERGEANT

appoint this Marine a

I do in the

United States Marine Corps

to rank as such from the FIRST day of APRIL two thousand

Effective on this appointment you are charged to carefully and diligently execute the duties and responsibilities of Marine and I do strictly direct and require all personnel of Marine to render obedience to appropriate orders of the United States Marine Corps and to assist in the training and discipline of other Marines. You shall adhere to the highest standards of conduct and duty and shall be held responsible for the advancement, training, discipline and for the safety, professional development and well-being of the Marines in your charge. You will be the embodiment of our institutional core values of honor, courage and commitment. You will lead your Marines with firmness, fairness and dignity, while observing and following the orders and directions of your senior leaders and enforcing all regulations and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at HEADQUARTERS, 1ST BATTALION, 24 MARINES

this FIRST day of APRIL two thousand

in the year of our Lord

AUTHORITY CMC 220541Z MAR 00

/s/

DATE PROMOTION IS EFFECTIVE FOR PAY AND ALLOWANCES 1 APRIL 2000

This appointment is effective for pay and allowances on 1 April 2000

JOHN SMITH
MAJOR GENERAL, USMC
Commanding

DD FORM 1 MAR 02 216 MC

Figure 5-7 Sgt and Cpl Regular Remedial Promotion.

S/N 0103-LF-082-3700

United States Marine Corps



To all who shall see these presents, greeting:
Know Ye, that reposing special trust and confidence in the fidelity and abilities
of JOHN J. DOE, I do
appoint this Marine a GUNNERY SERGEANT in the

United States Marine Corps

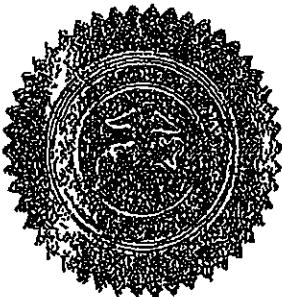
to rank as such from the FIRST day of MAY, two thousand

This appointee will therefore carefully and diligently discharge the duties of the grade to which appointed by doing and performing all manner of things thereunto pertaining. And I do strictly charge and require all personnel of lesser grade to render obedience to appropriate orders. And this appointee is to observe and follow such orders and directions as may be given from time to time by Superiors acting according to the rules and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at Headquarters United States Marine Corps
this FIRST day of MAY, in the year of our Lord
two thousand

121 _____

J. L. Jones
COMMANDANT OF THE MARINE CORPS



(1426)

Figure 5-8 --Regular SNCO Promotion.

United States Marine Corps



To all who shall see these presents, greeting:
Know Ye, that reposing special trust and confidence in the fidelity and abilities
of *JOHN J. DOE*, I do
appoint this Marine a *STAFF SERGEANT*
RESERVE OF THE in the

United States Marine Corps

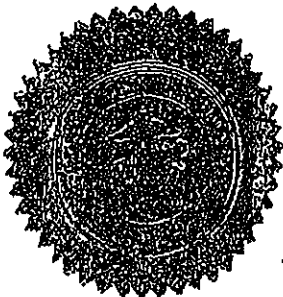
to rank as such from the *FIRST* day of *JANUARY*, two
thousand

This appointee will therefore carefully and diligently discharge the duties of the grade to which appointed by doing and performing all manner of things thereunto pertaining. And I do strictly charge and require all personnel of lesser grade to render obedience to appropriate orders. And this appointee is to observe and follow such orders and directions as may be given from time to time by Superiors acting according to the rules and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at Headquarters United States Marine Corps
this *FIRST* day of *JANUARY*, in the year of our Lord
two thousand

161 _____

J. L. Jones
COMMANDANT OF THE MARINE CORPS



(1420)

Figure 5-9.-SNCO Drilling Reserve and Active Reserve Promotion.

United States Marine Corps



To all who shall see these presents, greeting:
Know Ye, that reposing special trust and confidence in the fidelity and abilities
of **JOHN J. DOE**, I do
appoint this Marine a **STAFF SERGEANT (MERITORIOUSLY)** in the

United States Marine Corps

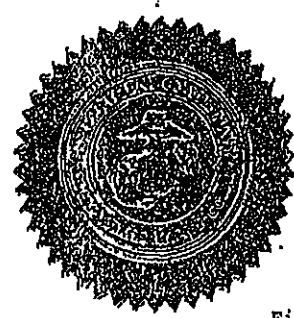
to rank as such from the **SECOND** day of **JANUARY**, two
thousand

This appointee will therefore carefully and diligently discharge the duties of the grade to which appointed by doing and performing all manner of things thereunto pertaining. And I do strictly charge and require all personnel of lesser grade to render obedience to appropriate orders. And this appointee is to observe and follow such orders and directions as may be given from time to time by Superiors acting according to the rules and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at Headquarters United States Marine Corps
this **SECOND** day of **JANUARY**, in the year of our Lord
two thousand

1st _____

J. L. Jones
COMMANDANT OF THE MARINE CORPS



(1420)

Figure 5-10-SSgt and GYSgt Meritorious Promotion.

United States Marine Corps



To all who shall see these presents, greeting:
Know Ye, that reposing special trust and confidence in the fidelity and abilities
of **JOHN J. DOE**, I do
appoint this Marine a **GUNNERY SERGEANT** in the

United States Marine Corps

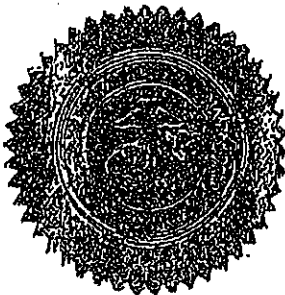
to rank as such from the **FIRST** day of **MARCH**, two thousand

This appointee will therefore carefully and diligently discharge the duties of the grade to which appointed by doing and performing all manner of things thereunto pertaining. And I do strictly charge and require all personnel of lesser grade to render obedience to appropriate orders. And this appointee is to observe and follow such orders and directions as may be given from time to time by Superiors acting according to the rules and articles governing the discipline of the Armed Forces of the United States of America.

Given under my hand at Headquarters United States Marine Corps
this **FIRST** day of **MARCH**, in the year of our Lord
two thousand

121 _____

J. L. Jones
COMMANDANT OF THE MARINE CORPS



(1420)

Figure 5-11-SNCO Remedial Promotion.

CHAPTER 6

NONPUNITIVE REDUCTIONS

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CHAPTER 6

NONPUNITIVE REDUCTIONS

6000. REDUCTION. The CMC may reduce enlisted Marines to any grade, when necessary to reduce the total number of Marines in a particular grade for the purpose of shaping the force. Additionally, the CMC may reduce enlisted Marines for incompetence or unacceptable performance of duty per procedures described in this Chapter.

6001. REDUCTION FOR INCOMPETENCE; COMPETENCY REVIEW BOARD (CRB)

1. Definitions

a. Incompetence. Any action(s) or omission(s) in technical performance that indicates a Marine is not capable of satisfactory performance in the grade and MOS currently held.

(1) Technical Incompetence

(a) A Marine is technically incompetent if he/she is not proficient or capable of performing the duties and tasks prescribed for his or her assigned MOS, in the grade currently held, as specified in the current edition of MCO P1200.16 (Marine Corps Military Occupational Specialties Manual (MOS Manual)).

(b) A Marine serving in a basic MOS who fails to complete qualifications in his or her intended MOS is technically incompetent. This applies to academic failures, voluntary withdrawals from training, and disenrollment from school (training) for professional deficiencies. Marines who fail to complete qualifications in their intended MOS through no fault of their own (e.g., do not qualify for security clearance) are not technically incompetent within the meaning of this paragraph.

(2) Professional Incompetence

(a) A Marine who fails to exhibit military attributes to the degree appropriate for the current grade is professionally incompetent. These attributes include, but are not limited to: leadership, force, judgment, integrity, military presence and bearing, reliability, obedience, moral fitness, physical fitness, endurance, and self-discipline.

(b) Members of the U.S. Marine Corps Reserve may also be professionally incompetent if they fail to meet the prescribed annual participation requirements of 48 regularly scheduled drills and a minimum of 14 days active duty (annual training).

b. Competency Review Board (CRB). A CRB is a formal administrative body convened to consider the suitability and ability of a Marine to continue to serve in the grade currently held. In the case of Marines in the grade of PFC and LCpl, the CRB may consist of only the Marine's commander.

c. Convening Authority. Commanders, as defined in paragraph 1200.3b, who are authorized to convene CRB proceedings in the case of enlisted Marines.

d. Reduction Authority. The Marine officer authorized to administratively reduce a Marine determined to be incompetent by a CRB. The reduction authority for SSGts and above are Marine officers exercising general courts-martial convening authority. The reduction authority for Sgts and below are commanders, as defined in paragraph 1200.3b. The reduction authority and the convening authority may be the same individual.

2. Policy

a. A reduction by a CRB is an administrative action designed to increase the efficiency of the Marine Corps, to ensure the integrity of the Marine Corps grade structure, and to ultimately ensure the capability of the Marine Corps to perform its assigned missions. Since such action will have a significant impact on the career and life of the Marine concerned, all competency review cases and procedures will be approached with the thoughtful concern, dignity, and professional objectivity normally associated with the serious affairs of command. Furthermore, these cases will be completed with the greatest dispatch consistent with prudence and professionalism, while having due regard for the concerns of the Marine and the Marine Corps.

b. Action pursuant to this Chapter should not be initiated unless the Marine has had a reasonable period of time to serve in the grade and/or MOS in addition to receiving schooling (training) and/or on-the-job training. Furthermore, the Marine should have been counseled previously concerning the noted deficiencies, and afforded an opportunity to take corrective action to overcome those deficiencies. Counseling is required prior to the initiation of any competency review action.

c. The provisions of this paragraph pertain to the reduction of enlisted Marines for technical and/or professional incompetence.

(1) Marines may not be reduced for technical and/or professional incompetence without first being afforded the opportunity to appear before a CRB. However, Marines who fail to complete MOS qualification at a formal MOS producing school and are reduced under the provisions of paragraphs 6002 and 6003 of this Manual, are not entitled to appearance before a CRB.

(2) Marines in the grades of PFC and LCpl may appear before a CRB consisting of only one member, the commander, as defined in paragraph 1200.3b. If found incompetent, they may be reduced by the commander. If the commander deems it appropriate, a CRB with multiple members may be convened for Marines in the grades of PFC and LCpl.

d. Reductions effected per this paragraph are administrative in nature (nonpunitive) and are not intended or designed to function as disciplinary measures.

e. Nonpunitive reductions for incompetence will be reported on the unit diary in accordance with the instructions contained in the current edition of MCO P1080.40 (Marine Corps Total Force System Personnel Reporting Instructions Manual (MCTFSPRIM)). Upon effecting the administrative reduction, the Marine reduced will receive the DOR previously held in the grade to which reduced. The time in grade (TIG) for promotion to the next higher grade for those Marines administratively reduced will include all previous TIG in the grade to which reduced and will include the TIG in the grade from which reduced.

EXAMPLE: A PFC who had a DOR (as a PFC) of 1 March 1999 and was promoted to LCpl and given a DOR (as a LCpl) of 1 November 1999 is

subsequently administratively reduced for incompetence to PFC on 14 February 2000. The effective date of the reduction to PFC is 14 February 2000. The Marine is assigned a PFC DOR of 1 March 1999. Based on the Marine's TIG (new TIG as a PFC of 14 months), having waited for a period of 3 months (see subparagraph f below), and the recommendation of the commander, the Marine may be promoted to LCpl no sooner than 1 June 2000.

f. Marines reduced for incompetence must wait as indicated below before they are again eligible for promotion:

- (1) Promotion to PFC or LCpl for a period of 3 months.
- (2) Promotion to Cpl or Sgt for a period of 6 months.
- (3) Promotion to SSgt and above for a period of 12 months.

g. Marines administratively reduced by a CRB for technical deficiencies, i.e., failing a formal MOS producing school, are not eligible for remedial promotion consideration to the grade from which they were reduced if such remedial promotion would give them a DOR earlier than allowable under the provisions of this Manual.

h. A Marine who has been the subject of a CRB that resulted in a final determination that the Marine should be retained in the current grade may not be subjected to additional competency review proceedings for the same conduct or action(s), except in the following circumstances.

(1) When there is subsequent substandard performance forming the basis, in whole or in part, for a new CRB; or

(2) When there is new or newly discovered evidence that was not reasonably available at the time of the prior CRB.

NOTE: In the above-listed circumstances, the previously used information may be used to complement the new information.

i. The commander should refer all criminal misconduct to disciplinary proceedings; i.e., nonjudicial punishment (NJP) or court-martial. The commander may not use the same misconduct as the basis for administrative actions such as a CRB for reduction due to professional incompetence.

3. When a Marine's technical and/or professional competence is deficient for the Marine's grade and all appropriate command attempts through leadership and rehabilitation to correct the deficiency have been unsuccessful, the commander may convene a CRB to administratively reduce the Marine for incompetence.

a. Counseling

(1) In general, all reasonable efforts at rehabilitating and retraining the Marine should be made prior to initiation of a CRB. Counseling is one means of ensuring that the Marine is made aware of deficiencies and given an opportunity to improve his performance.

(2) In some instances the Marine need not be afforded an opportunity to correct deficiencies prior to the initiation of a CRB. For example, a Marine need not be counseled concerning a failure to complete all requirements at an MOS producing school. The Marine should have been counseled prior to failing the school.

(3) All counseling should be reflected in the Marine's service record (See MCO 1070.12, Marine Corps Individual Records Administration Manual (IRAM) for the proper format) and should include the following information:

- (a) List the deficiencies;
- (b) Specific recommendation(s) for corrective action, including where assistance is available;
- (c) A comprehensive explanation of the consequences of a failure to successfully undertake the recommended corrective action; and
- (d) Provide a reasonable opportunity for the Marine to undertake the recommended corrective action.

b. In all cases, the Marine must be provided written notice of the initiation of a CRB, including the cases of PFCs and LCpls when the CRB is held by the commander.

(1) Such written notice to the Marine when the CRB is held by the commander shall include the following (Figure 6-1):

- (a) The identity of the officer authorized to effect the reduction, if reduction is recommended.
- (b) The specific reason why the CRB is being convened, including the factual circumstances upon which such action is based.
- (c) The date, time, and place the CRB will be held.
- (d) The right to consult with a qualified counsel.

1 The Marine should be given an opportunity to consult with a judge advocate if such counsel is reasonably available. However, no attorney-client relationship shall be established nor is the Marine entitled to representation by such counsel before the CRB or in any other proceedings associated with a CRB.

2 The Marine may consult with a civilian attorney (at no expense to the Government); however, there is no right to representation by civilian counsel in these proceedings. In no case will consultation with civilian counsel unduly delay competency review proceedings.

- (e) The right to appear in person before the CRB.
- (f) The right to remain silent before the CRB, and/or the right to make a statement before the CRB, subject to the provisions of Article 31b, of the Uniform Code of Military Justice (UCMJ) (compulsory self-incrimination of criminal matters is prohibited).
- (g) The right to submit a statement.
- (h) The right to cross-examine any witness who may appear before the CRB.
- (i) The right to call witnesses, if reasonably available, at no cost to the government.

(j) The right to examine all evidence to be considered by the CRB at a reasonable time prior to the CRB.

(k) The right to submit evidence before the CRB.

(l) The right to make a final statement.

(m) The right to obtain copies of all documents that will be forwarded to the reduction authority concerning any recommended action. Classified documents will be summarized.

(n) The right to submit a statement of rebuttal to the CRB to be included with the CRB's recommendation to the reduction authority.

(o) The right to appeal the reduction authority's action, to the next senior officer in the chain of command.

(p) The right to appear before the reduction authority or to submit a statement in lieu of a personal appearance before the reduction authority.

(q) The right to waive the rights herein afforded in paragraphs 6001.3b(1)(d) through 6001.3(1)(p) and that failure to respond shall constitute a waiver of these rights.

(r) The Marine has the option to waive a CRB hearing entirely and accept the commander's determination of incompetence and the ensuing reduction in grade. Marines who chose to exercise this option and accept the incompetence determination have no right of appeal.

(2) If a CRB is conducted by other than the commander (i.e., a CRB with multiple members), then, in addition to the rights set forth in paragraph 6001.3b(1) above, the Marine will be notified in writing of the following (See Figure 6-1):

(a) The identity of the members appointed to the CRB.

(b) The right to challenge members of the CRB for cause.

(c) The right to waive any of the rights challenging the members of the CRB for cause.

c. Figure 6-2 is the corresponding acknowledgment form to be completed by the Marine.

4. Competency Review Board

a. Composition

(1) A CRB will be appointed by order of the commander, as defined in paragraph 1200.3b, the convening authority. Where practical, the board will consist of an odd number of members, at least three. Also where practical, at least two Marine officers and one Marine SNCO (senior in grade to the Marine being considered by the CRB) will be appointed to the board. In the case of a SgtMaj or MGySgt the SNCO member will be senior by date of rank and/or billet.

(2) If action has been initiated to review the Marine's technical competence, the enlisted member of the CRB should be of an MOS related to that of the Marine, if reasonably available. Failure to appoint an enlisted Marine or a Marine who is of a related MOS to the CRB does not invalidate the proceedings.

(3) A field grade officer, if reasonably available, should be assigned as the senior member to preside over the CRB and guide the CRB in the performance of its duties.

(4) Marines appointed to a CRB shall be selected on the basis of their experience, mature judgment, sound temperament, objectivity, impartiality and shall possess personal qualities commensurate with the gravity of the CRB proceedings.

(5) Reserve/Minority/Female Marines

(a) If the Marine is a Reservist, the membership of the CRB shall include a majority of reservists as members, if reasonably available.

(b) If the Marine is a member of a racial or ethnic minority, at least one member of the CRB shall be a member of a racial or ethnic minority, if reasonably available. The member need not be of the same racial or ethnic minority as the Marine.

(c) If the Marine is female, at least one member of the CRB shall be a female Marine, if reasonably available.

(6) A nonvoting recorder may be appointed by the convening authority to the CRB. The recorder's primary responsibility is to "exploit all practical sources of information and to bring out all the facts, favorable or unfavorable, concerning the Marine, in such manner as to permit the CRB to make fully informed findings and recommendations concerning the Marine." The recorder should be a commissioned officer.

(7) Neither the convening authority nor any officer in the Marine's chain of command who may review the CRB can serve as a member of the CRB or appear before the CRB as a witness. The exception is when the commander is the CRB.

b. Challenging CRB Membership

(1) The Marine may challenge any member of the CRB for cause. The basis for such a challenge is that it is believed that the member being challenged cannot fairly evaluate the merits of the case and render an impartial decision. The challenged member will be given the right to make a statement with respect to the challenge.

(2) The burden of persuasion in establishing a challenge is on the Marine appearing before the CRB.

(3) The unchallenged members of the CRB will vote on whether or not the challenged member remains on the board after hearing all information regarding the challenge and any rebuttal. The boardroom will be cleared of all personnel except for board members voting on the challenge. Challenged members will not be present during deliberations or voting on their challenge. A challenge shall be decided by a preponderance of the evidence and shall be approved by a majority of the board or tie vote.

(4) If the challenge results in removing one of the members of the board and it also reduces the number of members to below three, the convening authority shall be notified immediately. The CRB shall stand adjourned until the convening authority appoints an additional member(s), if responsibly available.

(5) When the CRB membership consists of only the commander, membership cannot be challenged.

c. Sessions

(1) Except as set forth in this paragraph, all sessions of the CRB shall be open to the public. The Marine has the right to be present at all open sessions of the board and at any session wherein evidence is presented to the CRB. At the direction of the senior member, the hearing room may be cleared at any time for deliberations or consultations. Deliberations or consultations are defined as periods of time when the CRB members are discussing the evidence/information provided to reach a competency determination. During deliberations, all persons including the recorder and Marine will withdraw from the hearing room.

(2) If any information or material to be heard or seen by the CRB requires a security clearance and some of the participants do not have the required clearance, the convening authority shall be consulted immediately for guidance.

d. Evidence

(1) The strict rules of evidence governing trial by courts-martial are not applicable to a CRB. The admissibility of evidence is a matter within the discretion of the senior member of the board. No evidence will be rejected from consideration solely on the grounds that it would be inadmissible in court-martial proceedings. The CRB may impose reasonable restrictions as to the relevance, competence, cumulativeness, and materiality of all evidence to be considered by the board so as to promote an orderly procedure and to ensure a full and impartial hearing.

(2) All evidence that is to be considered by the CRB will be made a part of the record during an open session of the board.

(3) Testimonial evidence in the form of written sworn/unsworn statements, affidavits, or any other accurate and reliable means for presenting testimonial evidence may be accepted.

(4) The CRB shall rely upon its judgment and experience in determining the weight and credibility to be given material and information received in evidence.

e. Witnesses

(1) Testimonial evidence may be presented to the CRB through the personal appearance of witnesses. The testimony of a witness may be excluded if the senior member of the CRB determines that its evidentiary value is substantially outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

(2) The senior member of the CRB will assist in obtaining the presence of witnesses, at no cost to the government, that the Marine desires to have testify in person before the board in his/her behalf.

(3) No witness, including the Marine, appearing before the CRB shall be compelled to incriminate himself or herself or to answer any questions, which may tend to incriminate themselves.

(4) The CRB may not compel the Marine to testify as a witness. A Marine's election to remain silent cannot be used against them in determining the CRB's findings of fact, opinions, and recommendations.

(5) The senior member of the CRB may direct the calling of a witness, in the pursuit of further lines of questioning, or in the presentation of other evidence to completely develop all matters before the board.

(6) No member of the CRB may be a witness or provide personal input to the board about the Marine, orally or in writing, favorable or unfavorable.

f. The burden of proof for proving that a Marine is incompetent rests with the command. The Marine is presumed competent for continued service in their grade and MOS by virtue of their grade and MOS. The command has the burden of rebutting that presumption by establishing that the Marine's performance warrants reduction. The standard of proof for all matters before a CRB is a "preponderance of the evidence." These rules also apply to the review by the reduction authority and any officer in the chain of command who will review any appeals.

g. Findings of Fact, Opinions, and Recommendations

(1) The CRB shall determine its findings of fact, opinions and recommendations in closed session. Only voting members of the board shall be present during these deliberations.

(2) The CRB shall recommend one of the following determinations: that the Marine be retained at the present grade, reduced in grade, or reduced in grade with a suspended reduction. The Marine will not be reduced more than one grade as a result of any single action taken under this Chapter. A Marine reduced under the authority of paragraph 6002, a failure to complete qualifications in an intended MOS, may be reduced more than one grade.

h. CRB Report

(1) The CRB report shall be kept in a summarized form. In all cases, the findings of fact, opinions and recommendations of the CRB shall be in "verbatim form." The report shall be prepared as directed by the convening authority and shall be signed by all members. Figure 6-3 is a sample CRB report.

(2) Minority reports, if any, shall be attached. A minority report is a signed statement of opinion by any member(s) who disagrees with the majority of the members of the CRB.

(3) The CRB report and the recommendations of the board shall be forwarded via the convening authority to the commander (reduction authority) authorized to take action on any recommended reduction. The reduction authority may or may not be the same person as the convening authority.

i. Once notified of the CRB's recommendation, the Marine may submit a statement in rebuttal to the CRB's recommendation to the reduction authority via the convening authority. The statement must be submitted within 5 working days (20 calendar days for Marines in the SMCR and IRR of the reserve component) or the right to rebut the CRB's recommendation is considered to have been waived.

5. Action Required on Recommended Action by the CRB

a. A Marine may not be reduced more than one grade as a result of any single action taken under this Chapter (unless reduced under the authority of paragraph 6002, a failure to complete qualifications in an intended MOS). The reduction may be suspended for a period not to exceed 6 months from the date of the reduction authority's action. Paragraph 6001.8 pertains.

b. Marine commanders, as defined in paragraph 1200.3b, are authorized to reduce Marines in the grades of PFC through Sgt.

c. Marine officers exercising general courts-martial convening authority are authorized to reduce Marines in the grades of SSgt and above.

d. If necessary and/or appropriate, commanders whose chain of command does not include a Marine officer with general courts-martial convening authority will forward the record of proceedings for final action to the general courts-martial convening authority who has been designated as their separation authority by MCO P1900.16 (Marine Corps Separation and Retirement Manual (MARCORSEPMAN)).

e. Reduction Authority Action

(1) The reduction authority will review the CRB report and any rebuttal submitted by the Marine to determine whether the Marine will be maintained at their current grade, reduced, or that the Marine will be reduced with the reduction suspended.

(2) If the reduction authority agrees with the CRB recommendation, no further action is required unless the decision is appealed by the Marine.

(3) If the reduction authority disagrees with the CRB's recommendation, the case will be forwarded as provided below:

(a) If the Marine is a Sgt or below:

1 Forward the case with a recommendation via the chain of command to the Marine officer exercising general courts-martial convening authority, who will then take final action on the CRB and appeal.

2 If the chain of command does not include a Marine officer exercising general courts-martial convening authority, then the recommendation will be forwarded to the general courts-martial convening authority designated as the separation authority by MCO P1900.16.

3 If the general courts-martial convening authority is the reduction authority, forward the case with a recommendation to the next general officer in the chain of command. If there is no other general officer in the chain of command forward the CRB with a recommendation to the CMC (MMPR-2) for final action by the Director, Personnel Management Division.

(b) If the Marine is a SSgt or above:

1 Forward the case with a recommendation to the next general officer in the chain of command.

2 If there is not another general officer in the chain of command then forward the CRB with a recommendation to the CMC (MMPR-2) for final action by the Director, Personnel Management Division.

(4) If a general courts-martial convening authority or a general officer conducts a review of the reduction authority's recommendation, they will make one of the following determinations: that the Marine be retained at the present grade, reduced in grade, or reduced in grade with a suspended reduction.

(5) If the CMC (MMPR-2) conducts a review of the CRB, the CMC (MMPR-2) will make one of the following determinations: that the Marine be retained at the present grade, reduced in grade, or reduced in grade with a suspended reduction.

(6) The reduction may be effected immediately once action has been completed by the reduction authority, regardless of any pending appeal.

(7) If the final action results in a reduction or suspended reduction that does not require the CMC's review or action per the guidelines listed above, and the Marine is a SNCO select, then the CMC (MMPR-2) must be notified of the results of the CRB.

(a) If the Marine is reduced, their name will be administratively deleted from the appropriate select list.

(b) If the Marine's reduction is suspended, then a recommendation regarding the Marine's promotion must be forwarded to the CMC (MMPR-2) per paragraph 5200.

7. Appeals

a. Marines must be fully informed of their right to appeal. A Marine reduced (including a suspended reduction) under the provisions of this Chapter who considers the reduction to be unjust may appeal via the chain of command to the last officer (this can be the reduction authority, the general courts-martial convening authority or a general officer depending on previous decisions made on the CRB) to render a decision and take action on their CRB. An appeal must be submitted within 5 days (20 calendar days for Marines in the SMCR and IRR of the reserve component) of the notification to the Marine of the action taken, or the right to appeal shall be waived in the absence of good cause shown.

b. The officer receiving the Marine's appeal will review the appeal and make a recommendation/comment/endorsement on the CRB report before forwarding the CRB report and appeal to the next senior officer in the chain of command authorized to take action.

(1) If the Marine is a Sgt or below the CRB report will be forwarded with all recommendations via the chain of command to the next general officer (or first general officer) in the chain of command for final action.

(2) If the Marine is a SSgt or above, then the reduction authority will forward the appeal and recommendations and the CRB report via the chain of command to the next general officer or to the CMC (MMPR-2) for final action.

c. The officer or CMC (MMPR-2), as appropriate, receiving the reduction authority's recommendation and the Marine's appeal will refer the appeal to a judge advocate for review and written opinion/comment before taking action on the issue raised. The form and content of the judge advocate's review will be a standard naval letter format. The original of the judge advocate's review will be attached to the CRB report as a permanent part of the record of proceedings.

d. When reviewing the appeal, the officer or the CMC (MMPR-2) (as appropriate) will consider the record of proceedings, any information submitted by the Marine, any information considered during the judge advocate's review, and any other appropriate information and/or material.

e. Upon completion of the appeal's review and any action taken by the officer authorized to take action on the appeal or the CMC (MMPR-2), as appropriate, the Marine will be promptly notified of the results.

f. A Marine has the right to rebut the CRB's recommendation to the reduction authority and to appeal the reduction authority's decision to the general courts-martial convening authority. Once a Marine has exercised these rights, the following apply:

(1) In the case of Sgts and below, once at least one general officer has reviewed the appeal and taken appropriate action there is no further appeal.

(2) In the case of SSgts and above, once at least two general officers have reviewed the appeal and taken appropriate action there is no further appeal.

(3) There is no appeal of any action taken by the CMC (Director, Personnel Management Division) on an administrative reduction.

(4) However, this does not preclude the Marine from further appealing to the BCNR.

8. Suspension

a. The reduction authority may suspend a reduction for incompetence for a period not longer than 6 months from the date of reduction. An executed reduction for incompetence may be suspended only within 4 months after the date of reduction.

b. Unless sooner vacated, the suspension of reduction is terminated, without further action, at the end of the period of suspension. If the Marine's current enlistment or term of service expires during the period of suspension, and the Marine does not reenlist or enter the Marine Corps Reserve, the suspended reduction automatically terminates.

c. A Marine whose reduction for incompetence was suspended may have the suspension vacated by the commander authorized to reduce the Marine. The vacation of suspension does not necessarily have to be done by the officer who initially suspended the reduction.

(1) The vacation of suspension will be based only on technical or professional incompetence, which occurs during the period of suspension.

(2) Before a suspension may be vacated, the Marine shall be notified and given an opportunity to respond. Although another CRB is not required to vacate a suspension, the Marine should, unless impracticable, be given an opportunity to appear before the reduction authority to present information in extenuation or mitigation of the performance or conduct upon which the vacation is to be based.

(3) If the reduction authority is an officer exercising general courts-martial convening authority or the CMC (MMPR-2), then the Marine's commander, as defined in paragraph 1200.3b, will conduct a hearing and forward a report thereof with recommendations to the reduction authority for a final decision regarding vacation of suspension.

(4) Note that vacating the suspended reduction for incompetence is the completion of an action previously determined and approved and is not subject to appeal. The action that caused the revocation to occur is a separate action unto itself; therefore, additional action may be taken to further reduce the Marine for incompetence or to take disciplinary action for the performance or conduct upon which the vacation action is based.

9. Final Disposition of the CRB Report

a. If, after all appropriate reviews and any appeals, a Marine is determined to be competent technically and/or professionally, by the final officer taking action on the CRB, or the CMC (MMPR-2), the CRB report will be returned to the originating unit for disposition.

b. If a Marine is found to be incompetent, technically and/or professionally, and accordingly reduced, the report of the CRB, all endorsements therein, and a report of the final action taken on any appeals will be forwarded to the CMC (MMSB) to be made part of the Marine's official record.

c. If a Marine is found incompetent, technically or professionally, and the reduction is suspended, the report of the proceedings will be returned to the originating unit for retention locally during the period of suspension. If the suspended reduction is subsequently vacated, the report will be forwarded to the CMC (MMSB) for inclusion in the Marines official record. Once the period of suspension expires without vacation, the originating unit will forward the report to the CMC (MMSB) to be made part of the Marine's official record.

10. Administrative differences for the conduct of CRBs for the members of the reserve component

a. Reserve component Marines who are on active duty in the Active Reserve (AR) will be processed in the same manner as regular component Marines.

b. Members of the reserve component may be reduced for incompetence just as regular component Marines are reduced for incompetence. They also may be administratively reduced by a CRB when they fail to attend required drill and/or annual training. The notification procedures of CRB processing for SMCR and IRR Marines is slightly different than regular component Marines. All other procedures remain the same.

c. The SMCR or IRR Marine concerned will be notified via certified mail of the pending CRB proceedings and afforded an opportunity to make a statement and/or appear before the CRB. If the Marine does not desire to make a statement or appear before the CRB, the commander will ensure that appropriate remarks are made in the CRB's record of proceedings. The following additional guidance is provided to aid the commander:

(1) The Marine will be notified in writing of the pending CRB, which may result in a reduction in grade. The letter of notification may be delivered to the SMCR or IRR Marine concerned via personal service or by mail. If the notification is mailed, send the notification by certified mail using the PS Form 3800 or any other means whereby the Marine will have to certify (sign) receipt of the letter.

(2) If the letter notifying the Marine of the pending CRB is mailed to the Marine's last known mailing address but is returned as undeliverable, the commander may immediately initiate action to complete the CRB and/or effect the administrative reduction noting in the CRB report that the Marine could not be contacted.

(3) If the letter is properly received, allow a reasonable time for the Marine to respond (normally 20 days from the date of receipt). A failure by the Marine to respond constitutes a desire to waive all rights to appear before the CRB and to provide a statement to the CRB. The commander may proceed with the CRB.

(4) The Marine may appear before the CRB at no cost to the government.

(5) If the Marine chooses not to appear before the CRB, they will be notified via written correspondence (certified mail) of the results of the CRB by the commander.

d. The availability of judge advocates to reserve component Marines is limited; however, this will not impede the conduct of a CRB. If such counsel is reasonably available, the Marine should be given an opportunity to consult with the judge advocate or civilian counsel.

6002. REDUCTIONS EFFECTED FOR INCOMPETENCE NOT REQUIRING A CRB

1. Marines who fail to complete qualification in an intended MOS are technically deficient. Therefore, directors of formal schools and commanders (as defined in paragraph 1200.3b) are authorized to, and will, administratively reduce Marines who, while serving in a basic MOS, are promoted to Cpl and/or above, and fail to complete qualification in the intended MOS. The Marine will be administratively reduced to the grade held prior to assignment of the basic MOS (Marines may be reduced by more than one grade if promoted more than once while holding the basic MOS and pending qualification in the intended MOS). This applies to academic failures, voluntary withdrawals from training, and disenrollment from school for professional deficiencies. Final action to effect the Marine's administrative reduction will be completed prior to the Marine being transferred from the school. There is no appeal to any action taken under the authority of this paragraph.

2. If a Marine who is selected for promotion is administratively reduced, then their name will be administratively deleted from the promotion list. The director of the formal school or commander will notify the CMC (MMPR-2) by

message of the names of those Marines selected for promotion to SSgt and above in an intended MOS who fail to complete qualifications in the intended MOS. Marines reduced for incompetence or technical deficiencies must wait as indicated in paragraph 6001.2.f. before they are again eligible for promotion.

3. Sergeants and below of the Marine Corps Reserve who are receiving a Competency Review Board for failing to meet the prescribed annual minimum participation requirements may receive a CRB consisting of one member, the commander.

6003. REDUCTIONS FOR FAILING TO COMPLETE COMMISSIONING PROGRAMS (NONCOMPETITIVE SELECTIONS). Marines noncompetitively selected for or promoted to Cpl or higher who are disenrolled from their commissioning program (warrant officer selects, Enlisted Commissioning Program (ECP), Meritorious Commissioning Program (MCP), Marine Enlisted Commissioning Education Program (MECEP), Reserve Enlisted Commissioning Program (RECP), or Reserve Meritorious Commissioning Program (RECP)) will be administratively reduced and have their name deleted from the promotion list under the authority contained in this paragraph. The CMC (MMPR-2) is the reduction authority under this paragraph. Commanders will submit a detailed report to the CMC (MMPR-2) in accordance with paragraph 5200.

6004. EFFECTIVE DATE OF REDUCTION

1. A reduction effected for incompetence is effective on the date of approval by the commander authorized to reduce the Marine or on the date specifically directed by the CMC (MMPR-2). The DOR to be assigned is the DOR previously held in the grade to which reduced.

2. A vacated suspended reduction is effective on the date vacated.

Figure 6-1. Notification of Convening of a Competency Review Board

(Letterhead)

SSIC
CODE
DATE

From: Commander
 To: Grade, Name, SSN/MOS (of Marine)
 Subj: NOTIFICATION OF CONVENING OF A COMPETENCY REVIEW BOARD (CRB)
 Ref: (a) MCO P1400.32D
 Encl: (1) Acknowledgment of Marine's Rights to be Exercised or Waived for
 Competency Review Proceedings

(Multi-member CRB)

1. Per the provisions of chapter 6 of the reference, you are hereby notified that I intend to initiate competency review board proceedings and recommend to (state the officer's name), who is the reduction authority, that you be reduced to (specify grade) due to your (technical/ professional) incompetence. The factual circumstances upon which this recommendation for reduction is made is based upon the following: (state facts)

OR

(Commander only CRB)

1. Per the provisions of chapter 6 of the reference, you are hereby notified that I intend to initiate competency review board proceedings and reduce you to (specify grade) due to your (technical/ professional) incompetence. The factual circumstances upon which this recommendation for reduction is made is based upon the following: (state facts)

2. You are hereby directed/authorized to appear before a Competency Review Board on (date, time, and place).

(Multi-member CRB)

3. Competency Review Board will consist of the following members; (list the members). You have the right to challenge any of the members for cause.

OR

(Commander only CRB)

3. I will conduct the Competency Review Board.

Figure 6-1. Notification of Convening of a Competency Review Board

Figure 6-1. Notification of Convening of a Competency Review Board
(cont'd)

Subj: NOTIFICATION OF CONVENING OF A COMPETENCY REVIEW BOARD (CRB)

4. As a result of the recommendation for your reduction for (technical/professional) incompetence, you have the following rights:

a. The right to consult with qualified counsel, if reasonably available, prior to exercising or waiving any of your rights. Representation before the CRB by counsel is not authorized. You may consult with a civilian attorney at no expense to the government; however, there is no right to representation by civilian counsel in these proceedings.

b. The right to appear in person before the CRB. (For SMCR and IRR Marines include the following: Failure to appear without good cause constitutes a waiver of the right to be present at the hearing. The right to appear in person at the CRB is at your own expense.)

c. The right to remain silent, or to refuse to make a statement, subject to the provisions of Article 31b, of the Uniform Code of Military Justice (UCMJ). (Compulsory self-incrimination of criminal matters prohibited.)

d. The right to submit a written statement.

e. The right to cross-examine any witnesses who appear during the hearing.

f. The right to call witnesses on your behalf if those witnesses are reasonably available. I will assist you in obtaining the appearance of any witness, at no cost to the government, should you so request.

g. The right to examine all evidence to be considered by the CRB at a reasonable time prior to the hearing.

h. The right to submit evidence.

i. The right to make a final statement.

j. The right to obtain copies of documents that will be forwarded to the reduction authority concerning the proposed reduction, classified documents will be summarized.

k. The right to submit a statement in rebuttal to the CRB's recommendations to the reduction authority. Any rebuttal you make must be submitted within 5 working days (For SMCR and IRR Marines within 20 calendar days) of the CRB's notification of their recommendation, or the rebuttal shall be waived in absence of good cause shown.

Figure 6-1. Notification of Convening of a Competency Review Board
(cont'd)

Figure 6-1. Notification of Convening of a Competency Review Board
(cont'd)

Subj: NOTIFICATION OF CONVENING OF A COMPETENCY REVIEW BOARD (CRB)

l. The right to appeal the reduction authority's action to (next officer in the chain of command). Any appeal you make must be submitted within 5 working days (For SMCR and IRR Marines within 20 calendar days) of the reduction authority's notification of action, or the appeal shall be waived in absence of good cause shown.

m. The right to appear before the reduction authority or to present written statements in rebuttal to the proposed reduction in lieu of the appearance.

n. The right to waive any of the rights contained herein.

o. A failure to avail yourself to any of the rights contained herein constitutes a waiver of the right on your behalf.

p. The option to waive the CRB proceedings entirely and accept the commander's determination of incompetence and the ensuing reduction. If this option is exercised, there is no right to appeal or rebut any determination.

5. You are directed to respond in writing to this notice no later than (date) (allow at least 5 working days, 20 calendar days For SMCR and IRR Marines) by completing and returning the enclosure. Failure to respond by the prescribed time constitutes a waiver of your rights.

(Signature)

Figure 6-1. Notification of Convening of a Competency Review Board
(cont'd)

Figure 6-2. Acknowledgment of Rights Prior To Competency Review Board

(Letterhead)

SSIC
CODE
DATE

From: Grade, Name, SSN/MOS (of Marine)

To: Convening Authority

Subj: ACKNOWLEDGMENT OF RIGHTS PRIOR TO COMPETENCY REVIEW BOARD (CRB)

Ref: (a) (Convening Authority's letter)

1. _____ I acknowledge receipt of the reference notifying me of the convening of a Competency Review Board. Further, that if I am found to be incompetent that I will be reduced to the grade of (one grade from that currently held).
2. _____ I (have/have not) consulted with counsel. The legal counsel/SJA I spoke to is _____.
3. _____ I (do/do not) waive my right to appear before the Competency Review Board.
4. _____ I (have/have not) included written statements in rebuttal to this proposed action.
5. _____ I (do/do not) desire to waive all CRB proceedings in their entirety and accept the commander's determination of incompetence and reduction.
5. _____ I am aware of the rights accorded me as set forth in the reference.

(Signature)

Figure 6-2. Acknowledgment of Rights Prior To Competency Review Board

Figure 6-3. Competency Review Board Report

(Letterhead)

SSIC
CODE
DATE

From: Senior Member, Competency Review Board
To: (Convening Authority)
Via: (Chain of Command)

Subj: COMPETENCY REVIEW BOARD OF (GRADE, NAME, SSN/MOS OF MARINE)

Encl: (1) (Copy of notice to Marine)
(2) (Copy of Marine's acknowledgment)
(3) (Command exhibits)
(4) (Marine's exhibits)
(5) (Other)
(6) (Marine's post-proceeding statement (if applicable))

1. Findings of Fact. (The findings of the CRB must be supported by the findings of fact.)
2. Opinions. (The opinions of the CRB must be supported by the findings of fact.)
3. Recommendations. (The recommendations of the CRB: retention in grade, reduction, or reduction in grade with suspension of reduction for a period of up to 6 months.)

(Senior member's signature)

(Signature of member)

(Signature of member)

Figure 6-4. Affidavit of Service by Mail

UNIT HEADING

SSIC
CODE
DATE

State of _____

County of _____

I. (Grade, Name, Component of individual that mailed the notification), being duly sworn, state that:

On the ____ day of _____, 20__, I mailed the Notification of Competency Proceedings, a true copy of which is attached hereto, by Certified Mail (Return Receipt Requested) using Certified mail number _____ to (Name and Address of Member) that being the last known address given to (Unit) as the one at which official mail would be received by or forwarded to the Marine by depositing same in an official depository of the U.S. Postal Service in sealed government official postal envelope with a return receipt card (PS Form 3811) attached. A receipt for Certified Mail (PS Form 3800) attesting to such action is attached.

(Signature and Grade of Affiant)

Sworn and subscribed before me this _____ day of _____ 20

(Signature and grade of Officer Administering Oath)

Figure 6-4. Affidavit of Service by Mail

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CHAPTER 7

PUNITIVE REDUCTIONS

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CHAPTER 7

PUNITIVE REDUCTIONS

7001. PUNITIVE REDUCTIONS

1. Enlisted Marines of any grade above Pvt may be reduced as punishment pursuant to the sentence of the nonjudicial punishment (NJP) or court-martial. Although the CMC reports the promotion of Staff Noncommissioned Officers, courts-martial reductions are reported by the reporting unit per instructions contained in the current edition of the Marine Corps Total Force System Personnel Reporting Instructions Manual (MCTFSPRIM).

2. Commanders, as defined in paragraph 1200.3.b., may reduce enlisted Marines in the grades of PFC through Sgt per Article 15, Uniform Code of Military Justice (UCMJ). (Note: A commander's reduction authority at Article 15 is equal to the commander's promotion authority.)

EXAMPLE: A battalion/squadron commander may promote a Cpl to Sgt and, therefore, may reduce a Sgt to Cpl.

3. The date of rank (DOR) to be assigned will be the date the reduction is effected. A Marine's prior time in grade (TIG) will not be used to satisfy the minimum TIG requirement for promotion to the grade from which punitively reduced.

EXAMPLE: A Marine is promoted to LCpl with DOR 1 May 1998 and reduced from LCpl to PFC effective 28 January 1999. Even though the Marine has 10 months TIG prior to the reduction, the Marine is not eligible for promotion to LCpl until 1 October 1999, based on the computation of 8 months TIG from the reduction to PFC.

4. The composite score of a Sgt punitively reduced to Cpl cannot include previous TIG as a Cpl.

7002. EFFECTIVE DATE OF REDUCTION

1. Unless suspended when imposed, a reduction effected as a result of a court-martial is effective from and including the date the sentence is ordered executed. The date of rank to be assigned will be the date the reduction is effected (i.e., the date the sentence is ordered executed).

2. Unless suspended when imposed, a reduction effected as a result of NJP is effective from and including the date imposed.

3. A vacated suspended reduction is effective on the date the suspension is vacated.

4. Marines whose sentence of reduction from NJP or a court-martial is suspended, set aside, or mitigated to a lesser punishment will be reassigned the same date of rank held before the reduction was imposed.

5. If an executed reduction is subsequently suspended or mitigated under Article 15(d) or (e) of the UCMJ, the date of rank is the date of suspension or mitigation unless the authority authorized to take final action directs that the date of rank be the Marine's original date of rank.

6. If an executed reduction is subsequently set aside under Article 15(d) or (e) of the UCMJ, the date of rank will be the Marine's original date of rank before the reduction was imposed. The date of rank may not go beyond the original date of rank.

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