



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
2 NAVY ANNEX  
WASHINGTON, DC 20380-1775

MCO 1050.16A  
MI  
19 Jun 1998

MARINE CORPS ORDER 1050.16A

From: Commandant of the Marine Corps  
To: Distribution List

Subj: APPELLATE LEAVE AWAITING PUNITIVE SEPARATION

Ref: (a) MCO P1050.3G  
(b) MILPERSMAN Article 3420280 (NOTAL)  
(c) UCMJ  
(d) SECNAVINST 1050.1A (NOTAL)  
(e) MCO P1900.16E  
(f) DFAS-KC 7220.31-R (NOTAL)  
(g) DoD Financial Management Regulation, Volume 7, Part A (NOTAL)  
(h) MCM, 1995 Edition  
(i) MCO P5512.11A  
(j) MCO P10120.28F  
(k) MCO p107Q.12H  
(l) MCO 1610.7  
(m) MCO P1080.40  
(n) JFTR (NOTAL)  
(o) MCO P3040.4

End: (1) Definitions and Terms  
(2) Sample Voluntary Appellate Leave Orders  
(3) Sample Change of Status from Voluntary to Involuntary Appellate Leave Letter  
(4) Sample Involuntary Appellate Leave/Transfer by Service Record Orders

1. Purpose. To publish amplifying information contained in reference (a) for all Marines on appellate leave awaiting punitive separation. This Order also addresses the role of the Navy and Marine Corps Appellate Leave Activity (NAMALA), Washington Navy Yard, Washington, DC. Appellate leave for Navy personnel assigned to Marine units is governed by reference (b)

2. Cancellation. MCO 1050.16.

**DISTRIBUTION STATEMENT A: Approved for public release;  
distribution unlimited.**

3. Background. Per article 71(c) of reference (c), service members awarded punitive discharges at courts-martial may not have the discharge executed until completion of appellate review. As outlined in article 76a of reference (c), service members sentenced by court-martial to a punitive discharge or dismissal may be allowed or required to take appellate leave while awaiting appellate review of such sentences. Appellate leave is used to remove these members from the physical presence of the command, thus promoting readiness, good order, and discipline per reference (d). Enclosure (1) is a listing of definitions and terms associated with the appellant and appellant leave.

4. Directing Voluntary Appellate Leave. If all confinement has been served, but the court-martial sentence is pending approval by the convening authority (CA), the Marine may submit a written request for voluntary appellate leave to the officer in the chain of command exercising general court-martial jurisdiction (OEGCMJ). If approved, the Marine will be sent on voluntary appellate leave. Enclosure (2) provides a sample of voluntary appellate leave orders. Commanding officers are encouraged to use the appellate leave checklist contained in the Unit Diary/Marine Integrated personnel System (UD/MIPS) to verify the accomplishment of the myriad administrative and judicial requirements that must be completed prior to placing a Marine on appellate leave.

5. Termination of Voluntary Appellate Leave. The OEGCMJ may terminate the Marine's voluntary appellate leave at his/her discretion and/or upon written request of the Marine.

6. Conversion from Voluntary to Involuntary Appellate Leave. Upon approval of the sentence by the CA, the Marine's voluntary appellate leave status will be changed to involuntary appellate leave. At this time, the Marine's commanding officer shall transfer the Marine by service record to the Commanding Officer, NAMALA. The commanding officer will notify the Marine of the change in appellate leave status using the sample notification letter in enclosure (3). This written notification informs the Marine of two significant facts:

a. The CA has approved, in whole or part, the Marine's court-martial sentence which includes an unsuspended and unremitted punitive discharge or dismissal.

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b. The Marine has been transferred by service record to the Commanding Officer, NAMALA. The Marine must contact NAMALA regarding changes in the their residency, dependency, hospitalization, or with questions relating to their appellate review status.

7. Direction Involuntary Appellate Leave. If the Marine was not approved for voluntary appellate leave, the OEGCMJ will order a Marine sentenced by a court-martial to a punitive discharge or dismissal onto involuntary appellate leave upon the CA approving the sentence. In order to be placed on involuntary appellate leave, the punitive discharge or dismissal must be unsuspended and all approved confinement and parole must be served. Marines in an unauthorized absence or desertion status or in the hands of civilian authorities may not be placed on appellate leave until they have been returned to control of their parent commands. Once directed, the Marine shall be sent on involuntary appellate leave using enclosure (4).

8. Termination of Involuntary Appellate Leave

a. Rehearing of the Court-Martial. Involuntary appellate leave will be terminated if an approved punitive discharge or dismissal is set aside or if a rehearing of any portion of the Marine's court-martial has been directed.

(1) When leave is terminated, the termination date will be the day prior to the date the Marine reports for duty.

(2) Prior to terminating appellate leave, the NAMALA will transfer the Marine by service record to the CA.

b. Dismissal or Punitive Discharge Set Aside

(1) Beyond Obligated Service. There is no requirement to terminate a Marine's appellate leave if the date of the obligated active duty has passed, and the dismissal or punitive discharge has been set aside with no rehearing. If the jurisdiction provisions of Article 2c of reference (c) do not apply, the Marine shall be discharged per reference (e). The character of discharge will be as warranted by the service record.

(2) Remaining Obligated Service

(a) Appellate leave may be terminated before a Marine's obligated active duty has expired, if the dismissal or punitive discharge portion of the sentence has been set aside and

no rehearing on the findings or the sentence is pending. The NAMALA or the Marine's current Commanding Officer will coordinate with the CMC (MMEA or MMOA) regarding permanent change of station orders, normally resulting in the Marine being returned to the unit from which he was placed on appellate leave. The I&I unit nearest the appellant's leave address should be contacted for assistance.

(b) A Marine whose punitive discharge or dismissal is set aside, suspended, remitted, or disapproved during the review process may be separated for the convenience of the government pursuant to reference (e) without terminating appellate leave.

(c) Officers, upon notification that their dismissal was not approved, are required to either terminate appellate leave or to resign. An officer's resignation must be submitted to the Secretary of the Navy via the Marine's current commanding officer for action without terminating leave or requiring the officer to return to duty, provided the officer requests administrative separation leave per reference (a)

9. Leave and Pay Accrued. The Director, DFAS-Kansas City (FCTPS) is responsible for maintaining the Master Military Pay Account (MMPA) of Marines on appellate leave; however, commanders and disbursing officers must adhere to the direction outlined in references (f) and (g) regarding the Marine's MMPA.

a. Voluntary Appellate Leave. Marines allowed to take voluntary appellate leave shall be charged accrued leave until such leave is exhausted, unless the Marine's ECC has expired, in which case all leave is lost. All leave beyond accrued leave will be charged as excess leave. Accrual of pay and allowances will be terminated beginning with the first day of excess leave.

b. Involuntary Appellate Leave. Marines with accrued leave may elect one of the following options prior to commencing involuntary appellate leave, (if the Marine's ECC has expired only option (2) pertains):

(1) Receipt of pay and allowances during the period of appellate leave, until all accrued leave is exhausted. The remaining period of leave will be considered to be excess leave without entitlement to pay and allowances.

(2) Payment for accrued leave on the day prior to appellate leave commencing is subject to the limitation on payment for accrued leave contained in reference (g). The total

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period of leave will be considered to be excess leave without entitlement to pay and allowances.

c. Punitive Discharge or Dismissal Set Aside or Disapproved. Marines whose punitive discharge or dismissal is disapproved or set aside will be entitled to pay and allowances for any period of involuntary appellate leave charged as excess leave, unless a rehearing results in a sentence which includes a punitive discharge or dismissal. Pursuant to reference (g), entitlement to pay and allowances under this provision shall be reduced by the total gross income from wages, salaries, tips, other personal service income, unemployment compensation, and public assistance benefits received by the member during the period of involuntary excess leave. Marines seeking entailments under this provision will follow the instructions provided in reference (f)

10. NAMALA. The NAMALA will assume administrative accountability for Marines on involuntary appellate leave. It will serve as a point of contact for commanders on all matters related to the administration of appellate leave. The NAMALA will not assure responsibility for Marines under the following circumstances:

a. Suspended Punitive Discharges. The NAMALA will assume jurisdiction over suspended punitive discharge or dismissal cases only if the suspension has been properly vacated.

b. Waiver of Appellate Review. Except in officer cases and cases that require review by the Judge Advocate General pursuant to Rules for Courts-Martial (RCM) 1112(g) of reference (h), the NAMALA will not assume administrative accountability of Marines who waive appellate review under RCN 1110 of reference (h)

c. Incomplete/Improper Transfer. NAMALA will not assume control of appellants whose Command fails to complete a transfer of control package properly. A proper package includes a Service Record Book (SRB) with all required pages, both medical and dental records, and all associated legal/administrative documents. The transferring unit must ensure all proper diary transactions are reported. The NAMALA will run a force join on the unit diary when the completed package is received.

11. Action Prior to Approving Voluntary Appellate Leave. Prior to approving voluntary appellate leave, the following actions will be taken in addition to compliance with those applicable portions of reference (a)

a. Diary Transactions. The Command will ensure that the following diary transactions are reported:

(1) Return the Marine to a normal duty status from any UA, confinement, desertion, parole, IHCA, or other status prior to reporting them to appellate leave.

(2) The sentence awarded at court-martial, except the punitive discharge, will be run on the Unit Diary effective not later than 14 days following the sentencing date unless properly deferred by the CA per article 57 of reference (c)

(3) Ensure all applicable aspects of articles 58a and 58b of reference (c) are reported on the Unit Diary. These articles deal with automatic rank reductions and forfeitures for Marines sentenced to punitive discharges and/or confinement when the sentence did not award them directly.

(4) Disenroll the Marine from all MCI courses.

b. SRB Audit. Complete an audit of the MCTFS master record and the service record. Ensure current, signed and dated RED and SGLI forms are on file in the SRB prior to the Marine's departure on appellate leave. Properly record sentence awarded not later than 14 days following sentencing date unless properly deferred by CA.

c. Separation Physical. Ensure a separation physical and Human Immune deficiency Virus (HIV) testing have been completed not later than 60 days prior to the Marine beginning appellate leave. The punitive discharge will be unnecessarily delayed until such actions are taken.

d. Medical Restrictions. Ensure Marines undergoing treatment for an infectious or contagious disease or disability are not placed in an appellate leave status except under the conditions outlined in reference (a)

e. Drug/Alcohol Incidents and Dependency. If drug or alcohol related incidents are involved, ensure medical evaluation and inpatient treatment (Level III) are completed if recommended by a medical doctor or elected by the Marine. If the member refuses treatment, properly document this in their SRB with member's signature. Should clemency review determine member requires dependency treatment, and no record of treatment or

refusal is documented, discharge will be unnecessarily delayed until such treatment is completed.

f. Health and Dental Records. Health and dental records will be audited for accuracy and completeness. Ensure a separation physical and HIV results, completed not longer than 60 days prior to departure, are recorded accurately.

g. Collection of Identification/Meal Cards

(1) Marines shall surrender their identification and meal cards and those of their dependents prior to being placed on appellate leave in accordance with reference (i). Identification cards will be reissued to Marines and third dependents to expire 6 months after the estimated date of the CA's action. Over stamping is not allowed on the ID cards.

(2) Identification cards for appellate leave personnel and their dependents can be reissued by any command authorized to issue identification cards. The reissuing command should contact the Marine's parent Command to update the Marine's current address and to request the current status of appellate review prior to reissue of identification card.

h. Government Property. Recover all Government property, including uniform clothing, required by references (e) and (j) Marines on appellate leave are not authorized to retain or wear uniforms. Collect all career issue 782 gear.

i. Performance Evaluations. Per references (k) and (l), complete/award the appropriate Grade Change fitness report or proficiency/conduct marks at the time of reduction in rank as a result of the sentence at court-martial.

12. Action Upon Approval of Voluntary Appellate Leave. Upon approving voluntary appellate leave, after completing all requirements in paragraph 11, the following actions will be taken in addition to compliance with those applicable portions of reference (e)

a. Diary Transactions. Stop the member's Clothing Replacement Allowance (CRA). Report any time lost due to UA or confinement. Report the member to appellate leave in accordance with paragraph 5086.8 of reference (m)

b. SRB. Copies of Voluntary Appellate Leave Orders must be inserted in the SRB/OQR.

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c. Personal Property and Household Goods. Commanding Officers may request authorization from CMC (MP) to ship HHG prior to receipt of the CA's action in order to facilitate departure of Marines with dependents. Career issue 762 gear is not authorized for shipment and should be collected by the unit.

d. Dependents. Marines assigned overseas with their dependents, who become eligible for appellate leave are authorized transportation for their dependents, to a designated place in the United States, Puerto Rico, or a territory or possession of the United States per reference (n). Transportation of foreign spouses is covered in paragraph U5240.D of reference (n)

e. Transportation

(1) If the Marine's unit is currently located OCONUS, refer to reference (e) for guidance on procedures for members pending separation before placing the Marine on appellate leave. Those appellants who will be residing in Hawaii, Alaska, or any U.S. Territories and possessions may be placed directly on appellate leave from units located in those locations and need not be transferred to CONUS.

(2) Neither a mileage allowance nor transportation in-kind is authorized for Marines departing on voluntary appellate leave. Accordingly, Marines on such leave are required to bear all expenses required to travel from their duty station to their leave address and, in the event of termination of appellate leave, back to their duty station. Marines with dependents rate a household goods shipment for their dependents when departing on Involuntary Appellate Leave.

f. Defense Finance and Accounting Service. Mail certified true copies of the appellate leave orders, court-martial order with Convening Authority's Action, and pages 3 and 13 of the service record to the Defense Finance and Accounting Service, Kansas City Center (FCTPS), Kansas City, MC 64197, (816) 926-7659/7658 or DSN 465.

13. Action Upon Conversion from Voluntary to Involuntary Appellate Leave. When converting a Marine in a Voluntary Appellate Leave status to an Involuntary Appellate Leave status, the following actions will be taken.

a. Diary Transactions. Ensure all requirements of paragraphs 11(a) and 12(a) are complied with. If the sentence



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was deferred by the CA, and was not reported at 14 days following the sentencing date, report any forfeitures, fines and/or reductions in grade included in the sentence. Do not execute the punitive discharge. If running a member from appellate leave in order to effect unexecuted portions of the sentence, it is imperative that the member be run back to appellate leave effective the original date of his appellate leave, NOT the date he is being returned to appellate leave.

b. SRB Audit/Transfer of Service Record. Ensure all requirements of paragraph 11(b) and 12(b) are complied with. In addition, insert copies of Involuntary Appellate Leave Orders and CA'S action. Insert a completed and signed page 13. Record transfer entry on page 3 after noting all other required entries per reference (m). Insert a BLANK DD214 in the service record. NAMALA will fully complete the DD214 upon completion of appellate review. Mail the service record to the NAMALA in a sturdy container via the U.S. Postal Service using certified, return-receipt mail.

c. Performance Evaluations. Having complied with paragraph 11(i), complete/award the appropriate Transfer fitness report or proficiency/conduct marks.

d. Personal Property and Household Goods. Ship personal property and/or household goods to the home of record or location requested by Marines with dependents in accordance with reference (n). Movement of foreign spouses is covered in paragraph U5240.D of reference (n). Career issue 782 gear is not authorized for shipment and should be collected by the unit.

14. Action Upon Direction Involuntary Appellate Leave When Marine Was Not on Voluntary Appellate Leave. All applicable actions in paragraphs 11 through 13 will be completed. Transportation in-kind is authorized for Marines ordered on involuntary appellate leave.

15. Appellate Leave Authorizations/Transfer of Service Record. Appellate leave authorizations issued per this Order will contain all pertinent instructions and conditions of appellate leave, using the sample forms (enclosures (2) through (4)). Leave authorizations should make it clear that when appropriate authority orders execution of the punitive discharge or dismissal, the action will be effected without the Marine's presence. Additionally, the authorization will advise the Marine of the following:

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a. Discharge or Dismissal Effected. When notified that appellate review is completed and discharge is approved, NAMALA will prepare and forward copies of the DD214 to the appellant and DFAS Kansas City. NAMALA will report the discharge on the Unit Diary. Upon receipt of the DD214, DFAS will make a final pay settlement and mail a U.S. Treasury check or a letter of indebtedness, whichever is applicable, to the appellant at the most current leave address on record at NAMALA. Failure of the appellants to keep NAMALA informed of their leave addresses will result in the Marines failure to receive their pay settlements. Non-payment of indebtedness to the government may result in notification of the Internal Revenue Service and credit reporting agencies by DFAS.

b. Acknowledgment. By endorsing the leave authorization, the Marine acknowledges receipt and complete understanding of all terms and provisions. A copy of the authorization bearing the Marine's signature shall be retained in the service record, and copies will be provided to those sections involved with the appellate leave process.

c. Transfer of Service Record in Conjunction with Involuntary Appellate Leave. For those Marines placed directly on involuntary appellate leave, the leave authorization will also serve as notification of the Marine's transfer by service record to the NAMALA.

d. Subjects to Competent Authority. Marines on appellate leave shall be advised they are subject to competent military authority until discharge is effected. They shall also be directed to keep their current commanding officer notified of their current address and telephone number.

16. Space Available Travel/Foreign Travel. Marines on appellate leave are not eligible to use Air Mobility Command or other military aircraft for space available travel. Furthermore, they are not authorized to travel or reside outside the United States or its territories and possessions while on appellate leave. Marines are authorized unrestricted travel/residence in all 50 States and/or territories and possessions of the United States at their own expense. Appellants who may be classified as dependents of military service personnel may request a waiver of these regulations from the OEGCMJ in order to travel/live with the service member.

17. Medical/Dental Care. Marines on appellate leave and their dependents remain eligible for all military medical care

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benefits, however, dental care WILL NOT be provided except in emergency situations. They and their dependents are not authorized to receive reimbursement for travel and other miscellaneous expenses associated with going to and from medical treatment facilities while on appellate leave. Questions concerning entitlements and medical forms processing will be directed to the Military Medical Support Office (MMSO), Great Lakes, IL, telephone number 1-800-876-1131, x657.

18. Servicemen's Group Life Insurance (SGLI)/Death Gratuity. Until final discharge is effected, appellants are covered by SGLI and are eligible for the standard death gratuity. Death and/or injury of appellants should be reported as quickly as possible per reference (o). The standard monthly premium for full coverage under the SGLI plan will be automatically deducted from the Marine's pay account each month. Depending on the amount of money remaining in his/her account upon departure on appellate leave and the duration of appellate leave, this may result in a negative account balance at separation. The Marine will receive a letter of indebtedness for the negative balance. Questions should be directed to DFAS Kansas City (FCTPS)

19. Transition Assistance Services. Marines volunteering for appellate leave or directed to involuntary appellate leave remain eligible for basic transition assistance services. Such services will be made available to these Marines whenever possible, prior to departing on appellate leave. Attendance at Transition Assistance Program (TAP) classes is encouraged.

20. Status. Appellants are active duty Marines in a non-pay status. They retain all normal military privileges (commissary, exchange, MWR, medical, etc.). As such, they are allowed access to all military facilities and may not be arbitrarily prevented from utilizing these. They are, however, subject to the UCMJ, bound by lawful orders, normal grooming standards, and all standards of conduct and behavior. Appellants may be returned to normal duty from appellate leave for the purpose of being sent to additional courts-martial. Appellants whose presence is a legitimate threat to good order and discipline may be prevented access to base facilities by a legal barring order.

21. Waiver of/Withdrawal from Appellate Review. Appellants may waive or withdraw their right to appellate review as outlined in Rules for Courts-Martial (RCM) 1110, of reference (h). Marines exercising this right will not be placed on appellate leave nor transferred to the NAMALA. The punitive discharge may be effected upon compliance with RCM 1113 and approval by the

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OEGCMJ. The decision to request to waive or withdraw from appellate review should be considered carefully and only with guidance from a qualified defense counsel. Refer to DD Forms 2330 or 2331 in Appendix 19 of reference (h) when waiving appellate review.

22. Records Disposition. Administrative records pertaining to appellate leave awaiting punitive separation are temporary and shall be retained for a period of 2 years.

23. Reserve Applicability. This order is applicable to reservists serving in an active duty status. This order applies to reservists on active duty or retained on active duty for the express purpose of being court-martial.

  
B. S. HOWELL  
By direction

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Copy to:  
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DEFINITIONS AND TERMS

ACCRUED LEAVE. Leave earned by a Marine and credited to the leave balance as of any given date.

ADMINISTRATIVE SEPARATION LEAVE. Leave permitted for Marines awaiting completion of administrative processing for separation for cause; not to be confused with appellate leave.

CLEMENCY GRANTED BY THE NAVAL CLEMENCY & PAROLE BOARD (NC&PB).

Covered by SECNAVINST 5815.3H. A term for the NC&PB administrative review or action, other than the correction of legal error, which results in mitigation, remission, or suspension of the whole or any part of the unexecuted portion of a court-martial sentence, restoration to duty, the voluntary retention on active duty beyond the obligated term of enlistment, or reenlistment; not to be confused with clemency review conducted by the court-martial convening authority, the officer exercising general court-martial jurisdiction over the offender, or higher officials acting pursuant to their authority under Article 74(a), UCMJ.

CONVENING AUTHORITY. The officer acting under Articles 22, 23, UCMJ, SECNAV (e.g., JAGMAN) or empowered by the President, who refers charges to trial by court-martial and who ordinarily takes action on findings and sentence after trial under the authority granted by article 60, UCMJ, or the JAGMAN.

EXCESS LEAVE. Leave granted in excess of earned leave during which the Marine is not entitled to pay and allowances.

INVOLUNTARY APPELLATE LEAVE. Leave for Marines awaiting the review of a punitive discharge (enlisted) or dismissal (officers) upon completion of the CA's action.

MANDATORY CLEMENCY REVIEW. Unless waived in writing by the Marine, the NC&PB must conduct clemency review of all cases (except those involving the death penalty) involving Marines whose approved court-martial sentences include 12 months or more un suspended confinement.

ENCLOSURE (1)

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MITIGATION. Matters presented by the accused during the sentencing phase of a court-martial to lessen the punishment to be adjudged or to furnish grounds for a recommendation of clemency.

NAVAL OFFICE OF MEDICAL\DENTAL AFFAIRS. Coordinators of the medical/dental costs for Navy and Marine Corps personnel on appellate leave. Located at Great Lakes Naval Training Center, IL.

NAVY AND MARINE CORPS APPELLATE LEAVE ACTIVITY (NAMALA). Parent Command for all Marines on involuntary appellate leave who have completed confinement and parole who are not UA/deserters. Located at the Washington Navy Yard, Washington, DC.

NAVY AND MARINE CORPS APPELLATE REVIEW ACTIVITY (NAMARA). Unit which coordinates appellate review of Marines before the appeals courts. Notifies NAMALA when Marines are eligible for final discharge from active duty. Located at the Washington Navy Yard, Washington, DC.

OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION (OEGCMJ). Person exercising the authority authorized by Article 22a, UCMJ, SECNAV (e.g., JAGMAN) or who is empowered by the President to convene general courts-martial and take supplementary action required to finalize the court-martial. The OEGCMJ orders the punitive separation executed following completion of judicial review under Article 71(c), UCMJ and any clemency review by the NC&PB.

PUNITIVE SEPARATION. A dismissal, dishonorable discharge, or bad-conduct discharge adjudged as part of a court-martial sentence.

REMISSION. The diminution, abatement, or forgiveness, in whole or in part, of any part of the unexecuted portion of an approved court-martial sentence.

REQUESTED CLEMENCY REVIEW. A signed statement by the Marine, requesting clemency from the NC&PB, whose sentence includes an approved, unsuspended punitive discharge and less than 12 months confinement.

SUSPENSION. The temporary discontinuance, in whole or in part, of the service of the unexecuted portion of a court-martial sentence.

ENCLOSURE (1)

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VOLUNTARY APPELLATE LEAVE. Leave for Marines awaiting the convening authority's review of the adjudged court-martial findings and sentence which includes a punitive discharge (enlisted) or dismissal (officers)

WAIVER/WITHDRAWAL OF APPELLATE REVIEW. A signed statement by a Marine witnessed by counsel, reflecting a knowing, voluntary and intelligent waiver of or withdrawal from the automatic appellate review afforded in cases where the Marine received a sentence including a bad conduct or dishonorable discharge. Waiver of or withdrawal from appellate review will be in accordance with Rules for Courts-Martial (RCM) 1110, Manual for Courts-Martial (MCM) 1995 edition. Refer to [DD Form 2330](#) or [2331](#) (Appendixes 19 and 20, MCM)

WAIVER OF CLEMENCY REVIEW. A signed statement by a Marine, witnessed by a commissioned officer, reflecting a knowing, voluntary and intelligent waiver of the automatic NC&PB clemency review afforded in cases where the Marine was awarded more than 12 months confinement or an approved, unsuspended punitive discharge. Reference is SECNAVINST 5815.3H.

ENCLOSURE (1)

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SAMPLE VOLUNTARY APPELLATE LEAVE ORDERS

1050  
S-1  
Date

From: Commanding Officer  
To: Grade, Name, SSN/MOS, USMC  
  
Subj: VOLUNTARY APPELLATE LEAVE  
  
Ref: (a) MOO 1050.16A

1. At your request, and under the authority of the reference, effective (Day, Month, Year), you are authorized voluntary appellate leave until such time as the convening authority (CA) approves your court-martial sentence. Upon the CA's approval of your punitive discharge (or dismissal), you will be notified in writing that your voluntary appellate leave status will change to involuntary appellate leave status.
2. You have given your leave address as (Street address or RFD, City, State, Zip Code) and telephone number as (Area Code and Phone Number). You are hereby ordered to advise the Commanding Officer, (Command Address and Telephone Number), of your whereabouts and report any changes of address within 10 days. All leave taken will be charged to accrued leave. Once your accrued leave is exhausted, you will be granted appellate leave referred to as "excess leave," in which there is no entitlement to pay and allowances.
3. While on leave, you are subject to orders of competent military authorities. In the event the punitive discharge (or dismissal) is not approved by the CA, you may be ordered to return to this or another command for a rehearing or other disposition of your case.
4. Upon completion of the appellate review process, copies of the decision of the appellate courts, and all other action taken thereon will be forwarded to your current leave address. In the event a punitive discharge (or dismissal) is affirmed and clemency action, if appropriate, has been completed, separation

ENCLOSURE (2)



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Subj: VOLUNTARY APPELLATE LEAVE

processing will be completed without your presence. Appropriate discharge (or dismissal) documents and related documentation will be forwarded to your current leave address.

5. Pay and allowances due will be paid upon discharge by the Director, Defense Finance and Accounting Service - Kansas City Center (FCTPS), Kansas City, MO 64917. Direct any questions to the above address, or call (816) 926-7856/7859. All written correspondence must include your full name, social security number, and date assigned appellate leave or discharge/dismissal effective date.

6. Prior to your departure on appellate leave, and within 60 days of the effective date of these orders, you will be given a physical examination, to include a blood sample drawn for Human Immunodeficiency Virus, as required by the Manual of the Medical Department, chapter 15.

7. Upon approval of the sentence by the CA, the officer exercising general court-martial jurisdiction in your case shall change your status and order you to be placed on involuntary appellate leave. Upon this change, you will be transferred to the CO, NAMALA by service record. There will be no need for you to report in person) however, all orders and direction provided herein remain in effect.

8. You are required to bear all travel expenses to your of home of record/place of enlistment, and in the event you are returned to duty, back to the organization specified by Headquarters, U.S. Marine Corps.

9. While in an appellate leave status you and your dependents remain eligible to carry a U.S. Armed Forces Identification Card. The cards will have an expiration date 6 months from the date assigned to appellate leave. The cards may be renewed at any authorized card issuing agent.

10. You and your dependents remain eligible for medical care, however, dental care WILL NOT be provided except in emergency situations. Costs for travel and other miscellaneous expenses associated with going to and from medical treatment facilities

ENCLOSURE (2)

Subj: VOLUNTARY APPELLATE LEAVE

WILL NOT be reimbursed. Questions regarding medical care entitlements and claims processing will be referred in writing or by telephone to the Naval Office of Medical and Dental Affairs (NOMDA), P.O. Box 886999, Great Lakes, IL 60088-6999; telephone number 1-800-876-1131 x657.

11. You are not eligible to use Air Mobility Command for space available travel. Furthermore you are not authorized travel to a foreign country outside the United States or its territories.

Approving Officer's Signature

(Command distribution and copy to addressees must include the following as minimum)

Distribution: (As per command policy)

Copy to:

GCM Convening Authority (1)  
Director, DFAS-Kansas City Center (FCTFS) (1)  
CO, Navy and Marine Corps Appellate Leave Activity (1)  
Local Finance Officer (4)  
Service Record (1)  
File (1)

-----  
(Date)

FIRST ENDORSEMENT

1. I, (Grade, Name, SSN. and MOS), have received these orders at (Unit, Base, Address, City, State, Zip Code) at (Time), on (Date), and understand and will comply with the instructions contained herein.

2. If I am subsequently discharged, I elect travel allowances: (Check one)

\_\_\_\_\_ To my home of record: (City, State).

ENCLOSURE (2)

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\_\_\_\_\_ To the place from which ordered to active duty (City, State)

\_\_\_\_\_ In an amount not to exceed the cost to the Government of such transportation in-kind to: (City, State)

3. I hereby certify that I have reviewed, updated and signed my Record of Emergency Data and Serviceman's Group Life Insurance on (Date)

4. I understand that if I have not been notified of the convening authority's action within 90 days from the date assigned to voluntary appellate leave, I should contact the commanding officer and/or my designated defense attorney.

5. I understand my dependents and I are eligible for medical treatment through the Uniformed Services Medical Treatment Facilities (MTF). I understand that dental care will not be provided except in emergency situations. Civilian health care provided for my dependents needs to be submitted to CHAMPUS for processing. I understand that neither I nor my dependents are eligible for reimbursement for travel and/or other miscellaneous costs associated with going to and from medical treatment facilities. After treatment, I will submit copies of all itemized bills, a completed Nonaval Health Care Form (6320/100), and a copy of my current military identification card to NOMDA at the address in paragraph 10 of these orders.

Marine's Signature

(RETURN A COPY OF APPELLATE LEAVE ORDERS WITH FIRST  
ENDORSEMENT COMPLETED)

ENCLOSURE (2)

MCO 1050.16A  
Jun 19 1998

SAMPLE CHANGE OF STATUS FROM VOLUNTARY TO INVOLUNTARY APPELLATE LEAVE  
LETTER

1050  
S-1  
Date

From: Commanding General/Officer  
To: Grade, Name, SSN/MOS, USMC

Subj: NOTIFICATION OF ASSIGNMENT TO INVOLUNTARY APPELLATE LEAVE

Ref: (a) Court-martial Convening Authority's Title) (Special or General)  
Court-martial Order Number \_\_\_\_\_ dated \_\_\_\_\_  
(b) (Command that Issued Voluntary Appellate Leave Orders) ltr  
(c) MCO 1050.16A

1. Pursuant to reference (a), the convening authority has approved your (bad-conduct/dishonorable discharge or dismissal) adjudged at the court-martial convened on (Date). As previously stated in reference (b), and in accordance with reference (c), your voluntary appellate leave status is changed to involuntary appellate leave status effective this date. You remain bound by the orders and direction detailed in your original appellate leave orders.

2. Effective (Date), you are transferred by service record book to the:

Commanding Officer  
Navy and Marine Corps Appellate Leave Activity (NAMALA)  
Washington Navy Yard, Bldg 111  
901 M Street SE  
Washington, DC 20374-5083  
Telephone Number: (202) 685-0100/0103

3. Your transfer by service record is in accordance with reference (c). Should you require assistance or need to update personal information such as mailing address, telephone number, dependency change, hospitalization, etc. you will contact the NAMALA. You can expect to remain assigned to the NAMALA, while on involuntary appellate leave, pending appellate review of the punitive discharge or dismissal, as appropriate.

ENCLOSURE (3)

MCO 1050.16A

Jun 19 1998

Subj: NOTIFICATION OF ASSIGNMENT TO INVOLUNTARY APPELLATE LEAVE

4. You remain subject to the UCMJ and orders of competent authority until discharged or dismissed, as appropriate.

(Approving Officer's Signature)

Copy to:

(All recipients of the original leave orders)

ENCLOSURE (3)

MCO 1050.16A  
Jun 19 1998

SAMPLE INVOLUNTARY APPELLATE LEAVE/TRANSFER BY SERVICE RECORD ORDERS

1050  
S-1  
Date

From: Commanding Officer  
To: Grade, Name, SSN/MOS,USMC

Subj: INVOLUNTARY APPELLATE LEAVE/TRANSFER BY SERVICE RECORD

Ref: (a) MCO 1050.16A

1. Under the authority of the reference effective (Day, Month, Year), you are ordered to involuntary appellate leave awaiting review of your court-martial. Effective this date, you have been transferred by service record to the Commanding Officer, Navy and Marine Corps Appellate Leave Activity (NAMALA), Washington Navy Yard, Washington, DC. You can expect to remain assigned to the NAMALA for the duration of your involuntary appellate leave.

2. There will be no need for you to report in person to the CO, NAMALA. Your transfer by service record is in accordance with reference (a). Should you require assistance or need to update personal information such as mailing address, telephone number, dependency change, hospitalization, etc., you will contact the NAMALA at the following address.

Commanding Officer  
Navy and Marine Corps Appellate Leave Activity (NAMALA)  
Washington Navy Yard, Bldg 111  
901 M Street SE  
Washington, DC 20374-5083  
Telephone Number: (202) 685-0100/0103

3. You have given your leave address as (Street address or RFD, City, State, Zip Code) and telephone number as (Area Code and Phone Number). You are hereby ordered to advise the CO, NAMALA, of any change of this address or telephone number within 10 days of such change.

4. In the event the punitive discharge (or dismissal) is not approved, you may be ordered to return to this or another command for a rehearing or other disposition of your case.

ENCLOSURE (4)

MCO 1050.16A  
Jun 19 1998

Subj: INVOLUNTARY APPELLATE LEAVE/TRANSFER BY SERVICE RECORD

5. Upon completion of the appellate review, copies of the decision of the appellate courts, and all other action taken thereon will be forwarded to your current leave address. In the event a punitive discharge (or dismissal) is affirmed and clemency action, if appropriate, has been completed, separation processing will be completed without your presence. Appropriate discharge (or dismissal) documentation and other related documents will be forwarded to your most recent leave address.

6. Any pay and allowances which may be due to you will be paid upon discharge by the Director, Defense Finance and Accounting Service-Kansas City Center (FCTPS), Kansas City, MO 64917-0001. If you have any questions concerning your pay, direct all inquiries to the above address, or call (816) 926-7858/7859. All written correspondence will include your full name, social security number, and date assigned to appellate leave or the discharge/dismissal effective date. YOU WILL NOT RECEIVE A FINAL PAY SETTLEMENT UNTIL DFAS RECEIVES A COPY OF YOUR DD214 AND YOUR COMMAND REPORTS YOUR DISCHARGE ON THE UNIT DIARY.

7. Prior to your departure on involuntary appellate leave, you were given a physical examination, to include a blood sample drawn for Human Immunodeficiency Virus testing, within the last 60 days preceding the effective date of these leave orders.

8. If you are placed on involuntary appellate leave, and still have accrued annual leave, on the day before such involuntary appellate leave begins, you may elect one of the following two options (if your ECC has expired, only option (2) pertains)

a. Receipt of pay and allowances during the period of accrued leave with all leave beyond that charged as excess leave.

b. Payment for accrued leave to your credit on the day before leave begins with the total period of appellate leave charged as excess leave.

ENCLOSURE (4)

Jun 19 1998

Subj: INVOLUNTARY APPELLATE LEAVE/TRANSFER BY SERVICE RECORD

9. Marines approved to take voluntary appellate leave are not entitled to a mileage allowance or transportation in-kind at the time of departure. Marines on such leave are required to bear all travel expenses to their home of record/place of enlistment and in the event of a return to duty determination, back to their parent organization. However, Marines ordered to involuntary appellate leave, are eligible for reimbursement of transportation costs incurred at the time their discharge is effective. Since you have been ordered to involuntary appellate leave, you will be eligible for reimbursement for travel allowances from the place of discharge to your home of record or place of enlistment/last recruitment, as you elect. Specify your election in the first endorsement hereon.

10. While in an appellate leave status you and your dependents remain eligible to carry a U.S. Armed Forces Identification Card. The cards will have an expiration date 6 months from the date assigned to appellate leave. The cards may be renewed at any authorized card issuing agent. You and your dependents remain eligible for medical care. However, costs for travel and other miscellaneous expenses associated with going to and from medical treatment facilities will not be reimbursed. Questions regarding medical care entitlements and claims processing should be referred in writing or by telephone to the Naval Office of Medical and Dental Affairs (NOMDA), P.O. Box 886999, Great Lakes, IL 60088-6999; telephone number 1-800-876-1131 x657.

11. You are not eligible to use Air Mobility Command or any other military aircraft for space available travel. Furthermore, you are not authorized to travel to a foreign country outside the United States or its territories.

Approving Officer's Signature

ENCLOSURE (4)



MCO 1050.16A  
Jun 19 1998

Subj: INVOLUNTARY APPELLATE LEAVE/TRANSFER BY SERVICE RECORD

(Command distribution and copy to addressees must include the following as minimum)

Distribution: (As needed)

Copy to:

GCM Convening Authority (1)  
Director, DFAS-Kansas City Center (FBJRA) (1)  
CO, Navy and Marine Corps Appellate Leave Activity (1)  
Local Finance Officer (4)  
Service Record (1)  
Personnel Officer (1)  
File (1)

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FIRST ENDORSEMENT

1. I, (Grade, Name, SSN, and MOS), have received these orders at (Unit, Base, Address, State Zip Code) at (Time), on (Date), and understand and will comply with the instructions contained herein.

2. Per paragraph 9 of the basic letter, I elect: (Check one)

Receipt of pay and allowances during the period of accrued leave.

Payment of accrued leave on the day prior to leave beginning.

3. Per paragraph 10 of the basic letter, upon discharged (or dismissed), I elect travel allowances to: (Check one)

To my home of record: (City, State).

To the place from which ordered to active duty (City, State)

In an amount not to exceed the cost to the Government of such transportation in-kind (City, State)

ENCLOSURE (4)

MCO 1050.16A

Jun 19 1998

Subj: INVOLUNTARY APPELLATE LEAVE/TRANSFER BY SERVICE RECORD

4. I hereby certify that I have reviewed, updated, and signed my Record of Emergency Data and Serviceman's Group Life Insurance on (Date)

5. I understand my dependents and I are eligible for medical treatment through the Uniformed Services Medical Treatment Facilities (MTF). I understand that dental care WILL NOT be provided except in emergency situations. Civilian health care provided for my dependent needs to be submitted to CHAMPUS for processing. I understand that neither I nor my dependents are eligible for reimbursement for travel and other miscellaneous costs associated with going to and from medical treatment facilities. After treatment, I will submit copies of all itemized bills, a completed Nonaval Health Care Form (6320/100), and a copy of my current Military Identification Card to the address in paragraph 10 of these orders.

Marine's Signature

(RETURN A SIGNED COPY OF THE FIRST ENDORSEMENT OF THE INVOLUNTARY APPELLATE LEAVE/TRANSFER BY SERVICE RECORD ORDERS WITH FIRST ENDORSEMENT COMPLETED IN THE ENCLOSED ENVELOPE)

ENCLOSURE (4)