

VERMONT

Director
Department of Veterans Affairs
118 State Street
Montpelier, VT 05620-4401
Phone: 802-828-3379
www.va.state.vt.us

VIRGINIA

Director
Department of Veterans Services
900 E. Main Street
Richmond, VA 23219
Phone: 804-786-0286
www.dvs.virginia.gov

VIRGIN ISLANDS

Director
Office of Veterans Affairs
1013 Estate Richmond
Christiansted, St. Croix
Virgin Islands 00820-4349

CENTRAL OFFICE/NATIONAL OFFICE

Department of Veterans Affairs
1772 I Street Room 605
Washington, DC 20006
Phone: 202-530-9210

See also:

<http://www.va.gov/statedva.htm>

WASHINGTON

Director
Department of Veterans Affairs
1102 Quince Street SE
P.O. Box 41150
Olympia, WA 98504
Phone: 360-725-2200
www.dva.wa.gov

WEST VIRGINIA

Director
Division of Veterans Affairs
1321 Plaza E., Suite 101
Charleston, WV 25301
Phone: 304-558-3661
www.wvs.state.wv.us/va

WISCONSIN

Secretary
Department of Veterans Affairs
P.O. Box 7843
30 W. Mifflin Street
Madison, WI 53707
Phone: 608-266-1311
www.dva.state.wi.us

WYOMING

Chairman
Veterans Affairs Commission
5500 Bishop Boulevard
Cheyenne, WY 82009
Phone: 307-772-5145

*APPENDIX G

JURISDICTION AND ADDRESSES OF VA REGIONAL OFFICES

(1-800-827-1000 NEAREST VA REGIONAL OFFICE)

<u>TERRITORY ALLOTTED TO</u>	<u>MAILING ADDRESS</u>
ALABAMA State	VA Regional Office 345 Perry Hill Road Montgomery, AL 36109
ALASKA State	Anchorage Regional Office 1201 North Muldoon Road Anchorage, AK 99504
ARIZONA State	Phoenix Regional Office 3333 North Central Avenue Phoenix, AZ 85012
ARKANSAS State plus city of Texarkana, TX	North Little Rock Regional Office 2200 Fort Roots Drive, Bldg 65 North Little Rock, AR 72114-1756
CALIFORNIA Counties of Inyo, Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara and Ventura	Los Angeles Regional Office Federal Building 11000 Wilshire Boulevard Los Angeles, CA 90024
All other counties except Alpine, Lassen, Modoc and Mono which are under Reno, NV	Oakland Regional Office 1301 Clay Street Room 1300 North Oakland, CA 94612
Counties of Imperial, Orange, Riverside and San Diego	8810 Rio San Diego Drive San Diego, CA 92108
COLORADO State plus the state of Wyoming	Denver Regional Office 155 Van Gordon Street Lakewood, CO 80228
CONNECTICUT State	Hartford Regional Office P.O. Box 310909 Hartford, CT 06131
DELAWARE State	Wilmington Regional Office 1601 Kirkwood Highway Wilmington, DE 19805
DISTRICT OF COLUMBIA Entire district	Washington D.C. Regional Office 1722 I Street N.W. Washington, DC 20421

TERRITORY ALLOTTED TO

MAILING ADDRESS

FLORIDA
State

St. Petersburg Regional Office
9500 Bay Pines Boulevard
St. Petersburg, FL 33708

GEORGIA
State

Atlanta VA Regional Office
1700 Clairmont Road
Decatur, GA 30033

HAWAII
All islands plus the islands of
American Samoa, Guam, Wake, Midway,
And Trust Territories

Honolulu Regional Office
459 Patterson Road
Honolulu, HI 98619-1522

IDAHO
State

Boise Regional Office
444 W. Fort Street
Boise, ID 83702-4531

ILLINOIS
State

Chicago Regional Office
2122 W. Taylor Street
Chicago, IL 60612

INDIANA
State

Indianapolis Regional Office
575 N. Pennsylvania Street
Indianapolis, IN 46204

IOWA
State

Des Moines VA Regional Office
210 Walnut Street
Des Moines, IA 50309

KANSAS
State

Wichita Regional Office
5500 E. Kellogg
Wichita, KS 67218

KENTUCKY
State

Louisville Regional Office
321 W. Main Street, Suite 390
Louisville, KY 40202

LOUISIANA
State

New Orleans Regional Office
1250 Poydras Street
New Orleans, LA 70113

MAINE
State

Togus VA Medical/Regional Office
Center
1 VA Center
Augusta, ME 04330

MARYLAND
State

Baltimore Regional Office
31 Hopkins Plaza
Baltimore, MD 21201

TERRITORY ALLOTTED TO

MAILING ADDRESS

MASSACHUSETTS

All locations; except the counties of Barnstable, Dukes, Nantucket; and towns of Mansfield and Easton in Bristol, Bristol County, and Lakeville, Middleboro, Carver, Rochester, Mattapoisett, Marion, and Wareham in Plymouth County which send to Providence, Rhode Island

John F. Kennedy Federal Building
15 New Sudbury Street
Boston, MA 02203-9928

MICHIGAN
State

Detroit Regional Office
Patrick V. McNamara Federal Building
477 Michigan Avenue
Detroit, MI 48226

MINNESOTA

State except counties:
Becker, Beltrami, Clay,
Clearwater, Kittson,
Lake of the Woods, Mahnomen,
Marshall, Norman, Otter Tails,
Pennington, Polk, Red Lake,
Roseau, Wilkin
(under Fargo, North Dakota)

St. Paul Regional Office
1 Federal Drive, Fort Snelling
St. Paul, MN 55111-4050

MISSISSIPPI
State

Jackson Regional Office
1600 E. Woodrow Wilson Avenue
Jackson, MS 39216-5102

MISSOURI
State

Department of Veterans Affairs
400 S. 18th Street
St. Louis, MO 63103

MONTANA
State

Fort Harrison Regional Office
3633 Veterans Drive
Fort Harrison, MT 59636-0188

NEBRASKA
State

Lincoln Regional Office
P.O. Box 85816
Lincoln, NE 68501-5816

NEVADA
State plus counties in
Northern California: Alpine
Lassen, Modoc and Mono

Reno Regional Office
5460 Reno Corporate Drive
Reno, NV 89511

NEW HAMPSHIRE
State

Manchester Regional Office
Norris Cotton Federal Building
275 Chestnut Street
Manchester, NH 03101

TERRITORY ALLOTTED TO

MAILING ADDRESS

NEW JERSEY
State

Newark Regional Office
20 Washington Place
Newark, NJ 07102

NEW MEXICO
State

Albuquerque Regional Office
Dennis Chavez Federal Building
500 Gold Avenue SW
Albuquerque, NM 87102

NEW YORK
All counties not served by
New York City

Buffalo Regional Office
130 S. Elmwood Avenue
Buffalo, NY 14202-2478

The counties of: Albany, Bronx,
Clinton, Columbia, Delaware,
Dutchess, Essex, Franklin, Fulton
Greene, Hamilton, Kings, Montgomery,
Nassau, New York, Orange, Otsego,
Putnam, Queens, Rensselaer, Richmond,
Rockland, Saratoga, Schenectady,
Schoharie, Suffolk, Sullivan, Ulster,
Warren, Washington, Westchester

New York Regional Office
245 W. Houston Street
New York, NY 10014

NORTH CAROLINA
State

Winston-Salem Regional Office
Federal Building
251 N. Main Street
Winston-Salem, NC 27155

NORTH DAKOTA
State plus the following counties
In Minnesota:

Becker	Beltrami
Clay	Clearwater
Kittson	Lake of the Woods
Mahnomen	Marshall
Norman	Otter Tails
Pennington	Polk
Red Lake	Roseau
Wilkin	

VA Regional Office
2101 Elm Street
Fargo, ND 58102-2417

OHIO
State

Cleveland Regional Office
A.J. Celebrezze Federal Building
1240 East 9th Street
Columbus, OH 44199

OKLAHOMA
State

Muskogee Regional Office
125 S. Main Street
Muskogee, OK 74401

OREGON
State

Portland Regional Office
1220 S.W. 3rd Avenue
Portland, OR 97204

TERRITORY ALLOTTED TO

MAILING ADDRESS

PENNSYLVANIA

counties of:

Adams, Berks, Bradford, Bucks,
Cameron, Carbon, Centre, Chester
Clinton, Columbia, Cumberland,
Dauphin, Delaware, Franklin, Juanita
Lackawanna, Lancaster, Lebanon
Lehigh, Luzerne, Lycoming, Mifflin,
Monroe, Montgomery, Montour,
Northampton, Northumberland, Perry,
Philadelphia, Pike, Potter, Schuylkill,
Snyder, Sullivan, Susquehanna, Tioga,
Union, Wayne, Wyoming, York

Philadelphia Regional Office and
Insurance Center
5000 Wissahickon Avenue
Philadelphia, PA 19101

All other counties not served by
Philadelphia plus the following
Counties in WV: Brooke, Hancock,
Marshall, and Ohio. The following
international locations have been
added: All foreign countries except
Mexico, Central and South America,
the Caribbean, Canada, the
Philippines, and other Pacific
Locations under the jurisdiction of
Honolulu, Hawaii

Pittsburgh Regional Office
1000 Liberty Avenue
Pittsburgh, PA 15222

PHILIPPINES
Country

Manila Regional Office
1131 Roxas Boulevard, Ermita
0930 Manila, PI 96440

PUERTO RICO
Commonwealth of Puerto Rico
Plus the Virgin Islands

San Juan Regional Office
150 Carlos Chardon Avenue
Hato Rey, PR 00918

RHODE ISLAND
State plus the towns of
Bristol County, MA (except
Mansfield and Easton); Towns
of Lakeville, Middleboro
Carver, Rochester, Mattapoisett,
Marion, Wareham in Plymouth County,
MA; and MA counties of Dukes,
Nantucket, and Barnstable

Providence Regional Office
380 Westminster Mall
Providence, RI 02903

SOUTH CAROLINA
State

Columbia Regional Office
6437 Garners Ferry Road
Columbia, SC 29209

SOUTH DAKOTA
State

Sioux Falls Regional Office
2501 W. 22nd Street
Sioux Falls, SD 57117

TERRITORY ALLOTTED TO

MAILING ADDRESS

TENNESSEE
State

Nashville Regional Office
110 9th Avenue S.
Nashville, TN 37203

TEXAS

Counties of:

Angelina, Aransas, Atacosa, Austin,
Bandera, Bee, Bexar, Blanco, Brazoria,
Brewster, Brooks, Caldwell, Calhoun,
Cameron, Chambers, Colorado, Comal,
Crockett, DeWitt, Dimitt, Duval,
Edwards, Fort Bend, Frio, Galveston,
Gillespie, Goliad, Gonzales, Grimes,
Guadalupe, Hardin, Harris, Hays,
Hidalgo, Houston, Jackson, Jasper,
Jefferson, Jim Hogg, Jim Wells, Karnes,
Kendall, Kenedy, Kerr, Kimble, Kinney,
Kleberg, LaSalle, Lavaca, Liberty,
Live Oak, McCulloch, McMullen, Mason,
Matagorda, Maverick, Medina, Menard,
Montgomery, Nacogdoches, Newton, Nueces,
Orange, Pecos, Polk, Real, Refugio,
Sabine, San Augustine, San Jacinto,
San Patricio, Schleicher, Shelby, Starr,
Sutton, Terrell, Trinity, Tyler, Uvalde,
Val Verde, Victoria, Walker, Waller,
Washington, Webb, Wharton, Willacy, Wilson,
Zapata, Zavala

6900 Almeda Road
Houston, TX 77030

Plus all of Mexico, Central and
South America, and the Caribbean

TEXAS

All counties not served by
Houston except city of
Texarkana, TX (under
Little Rock, AR)

Waco Regional Office
1 Veterans Plaza, 701 Clay Avenue
Waco, TX 76799

UTAH

State

Salt Lake City Regional Office
550 Foothill Drive
Salt Lake City, UT 84158

VERMONT

State plus the country of
Canada

White River Junction Regional Office
215 N. Main Street
White River Junction, VT 05009

VIRGINIA

State

Roanoke Regional Office
210 Franklin Road SW
Roanoke, VA 24011

WASHINGTON

State

Seattle Regional Office
915 2nd Avenue
Seattle, WA 98174

TERRITORY ALLOTTED TO

West Virginia
All counties except Brooke,
Hancock, Marshall, and Ohio
(under Pittsburgh)

Wisconsin
State

Wyoming
State

MAILING ADDRESS

Huntington Regional Office
640 Fourth Avenue
Huntington, WV 25701

5400 West National Avenue
Milwaukee, WI 53214

2360 E. Pershing Boulevard
Cheyenne, WY 82001

CENTRAL OFFICE/NATIONAL OFFICE
Department of Veterans Affairs
810 Vermont Avenue, NW (009)
Washington, DC 20420

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*APPENDIX H

*Data for Payment of Retired Personnel, DD 2656 is available on the DoD Forms Program website at:

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2656.pdf>

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*APPENDIX I

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-1A	Recommended and eligible	No restrictions to reenlistment. Meets all prerequisites, includes those Marines discharged at EAS while Pregnant who would otherwise be eligible.
RE-1B	Recommended, eligible and requested retention but denied retention by CMC. May only be assigned by CMC.	For corporals/sergeants with satisfactory performance records released at EAS due to ECFC.
RE-1C	Recommended and eligible career Marines meeting generally acceptable standards and denied further service.	Assigned by CMC to career Marines requesting retention who are eligible for retention, meet generally acceptable standards, and are denied further service by CMC.
RE-2A	Transferred to the FMCR prior to reaching maximum service limitations for grade.	Recommended and eligible for reenlistment at time of transfer to FMCR.
RE-2B	Retired.	Not eligible for reenlistment. For Disability or transfer to TRDL Assign RE-3P.
RE-2C	Transferred to FMCR at maximum service limitation for grade	Not eligible for reenlistment at time of transfer to FMCR.
RE-3A	Failure to meet general technical score prerequisite. Assign when single disqualifying factor.	Recommended by CO upon removal of disqualifying factor. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3B*	Assign when there is a military or civil record of in-service illegal drug involvement before 31 Aug 92 and there is potential for further service.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for further service.

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-3C*	When directed by CMC or when not eligible and disqualifying factor is not covered by any other code.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3E*	Failure to meet education standards. Assign when single disqualifying factor only.	Recommended by CO upon removal of disqualifying factor. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3F*	Failure to complete recruit training.	SRB/ESR entry required stating reason for assignment, to include women Marines discharged due to pregnancy prior to completing recruit training. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3H*	Hardship discharge.	Assign when discharged pursuant to paragraph 6407. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3N*	Pregnancy, single parenthood.	A woman Marine discharged before her EAS for pregnancy and any Marine separated while in a sole parent status. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-30*	Refused to extend or reenlist to obtain the obligated service necessary to carry out PCS or UDP.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry and have the opportunity to submit a statement. Forward signed copies of page 11 entry and statement (if any) to CMC (MMRP). Refer to MCO P1300.8. This code may only be assigned when directed by CMC and is not assigned to first-term Marines. Marines assigned this code are not eligible for promotion, reenlistment, commissioning or warrant officer programs, special education programs, or involuntary separation pay and their names will be administratively deleted from any promotion selection list upon which they appear. CMC authority required for reenlistment.
RE-3P*	Failure to meet physical/medical standards (includes pseudofolliculitis and weight standards).	Recommended by CO upon removal of disqualifying factor. SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. CMC authority required for reenlistment.
RE-3S*	The Marine is approved for voluntary separation and receives the Special Separation Benefit (SSB), lump sum payment. May only be assigned by the CMC.	Marine is recommended and eligible for reenlistment. Assigned when Marine meets eligibility criteria established announcing programs. This is a voluntary separation used to effect the military drawdown. SRB/ESR entry is required stating Marine agrees to separate between the window established and Marine must sign a written agreement to serve in the IRR for 3 years. CMC approval required for reenlistment.

REENLISTMENT CODES

<u>Code</u>	<u>When Assigned</u>	<u>Remarks</u>
RE-3V	The Marine is approved for voluntary separation and receives the Voluntary Separation Incentive (VSI), annuity payment. May only be assigned by the CMC.	Same criteria established for SSB program (above) except Marine must sign agreement to serve in the IRR or the duration of the VSI payment period.
RE-4*	Not recommended for reenlistment.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry. This code maybe assigned in lieu of any RE-3 code (except RE-3B and RE-3F) if the Marine's performance warrants and the reason can be documented.
RE-4B*	Assign when there is a military or civil record of in-service illegal drug involvement and there is no potential for further service.	SRB/ESR entry required stating reason for assignment. Individual Marine must sign SRB/ESR entry.

* Refer to the IRAM for appropriate Page 11 entry

** Note: Marines assigned a reenlistment code of RE-4 or RE-4B are prohibited from transferring to the IRR.

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*APPENDIX J

RETIREMENT PREAPPLICATION CHECKLIST

For the purposes of this checklist, "retirement" includes transfer to the Fleet Marine Corps Reserve (FMCR).

Recognizing that a Marine's twenty years or more of active service could not have been without considerable sacrifice, Headquarters, U.S. Marine Corps CMC (MMSR) is committed to assisting each Marine with making an informed decision to retire and preclude unnecessary hardship resulting from incorrect information. This checklist highlights areas that are most frequently the source of questions and problems. It is also intended to ensure that commanding officers are aware of the Marine's request to retire. If for some reason this checklist is not completed, it will not negate an otherwise qualified voluntary request to retire or transfer to the FMCR. This is an instrument to aid the Marine in planning for retirement. Upon completion, file a copy of this checklist in the Marine's service record and forward the request via unit diary or other appropriate means to CMC (MMSR). For administrative purposes, the Marine's parent command will retain the checklist until the actual retirement date.

GENERAL:

1. I understand that by applying for retirement, I:

a. Remain liable for assignments and training until my release from active duty.

b. May be approved for a date other than the date requested, as dictated by needs of the service, service limitations or the laws and policies relating to retirements.

c. May not incur a voluntary service obligation which extends beyond my requested or approved retirement date.

d. May have to reimburse the Government for the cost of advanced education equal to any un-served or unearned portion of a service commitment incurred due to advanced education assistance programs.

EFFECTS OF RETIREMENT ON PROMOTION ELIGIBILITY:

2. I understand that my request to retire has the following effects on promotion eligibility:

a. For an enlisted Marine, my request for retirement will cause my deletion from promotion eligibility. Exception: If I have twice failed selection and my EAS is after the adjournment date of the board, I may request via message to be considered for promotion while voluntarily processing for retirement. I understand that this request must be submitted to HQMC (MMSR-2 and MMPR-2) at the time I request retirement. I understand that if selected for promotion and my name is on a promotion selection list, my request for retirement or transfer to the FMCR will result in the removal of my name from that list.

RETIREMENT PREAPPLICATION CHECKLIST

b. If, in the case of an officer, I am selected for promotion after having submitted my request to retire, I understand that I must request withdrawal of my retirement or refuse the promotion in writing to CMC (MMPR). Additionally, an approved retirement date that occurs within 90 days of the convening date of a promotion board for which I am to be considered, will cause my deletion from the eligibility zone and counts as a failure of selection should I successfully withdraw my retirement at a later date.

WITHDRAWAL OF APPROVED RETIREMENT OR EXTENSION OF RETIREMENT DATE:

3. I understand that once my request for retirement has been submitted to HQMC:

a. I may NOT request cancellation of my application for retirement or modify the effective date except for one of the following reasons:

(1) For a fully documented humanitarian or hardship circumstance that has occurred since my application was submitted.

(2) In the best interest/needs of the Marine Corps. I understand that this determination will ultimately be made by HQMC and not by my present command.

b. Requests for modification or cancellation will not be favorably considered, in the event PCS orders were canceled.

*c. I can expect to retire on the date approved by CMC unless I am placed on legal or on medical hold, as authorized only by HQMC, prior to my actual retirement date. I understand that if I am at service limitations or otherwise pending mandatory retirement, a deferment for medical reasons may only be accomplished if I HAVE A COMPLETE MEDICAL BOARD ACCEPTED BY THE PRESIDENT OF THE PHYSICAL EVALUATION BOARD OR I MEET THE REQUIREMENTS OF PARAGRAPH 1011 AND RECEIVE APPROVAL FROM CMC (MMSR).

d. A request to modify a retirement date must be submitted with appropriate justification and command endorsements no less than 45 days prior to the approved retirement date.

TERMINAL LEAVE:

4. If I plan to request leave in conjunction with my retirement (terminal leave), I understand that:

a. I must apply for retirement to allow at least 4 months of lead time for processing of my application and issuing of orders. This lead time is to afford CMC (MMOA/MMEA/MMSR) sufficient opportunity to slate a replacement and properly process my request. Justification for a waiver to the submission time frame must be forwarded in writing.

b. Authorization for terminal leave and PTAD is not guaranteed. Terminal leave and PTAD is granted at the commander's prerogative.

RETIREMENT PREAPPLICATION CHECKLIST

c. I may not extend my approved retirement date nor does my command have the authority to extend it, solely to allow me to take terminal leave.

d. I will not commence terminal leave until I have an approved retirement date and all retirement processing is complete.

e. Departure on terminal leave constitutes my acknowledgment that all required medical and administrative requirements, have been completed.

*f. I am NOT authorized for civilian employment while on PTAD. I may hold civilian employment while on terminal leave.

RETIRED PAY COMPUTATION:

5. I have been counseled on the effect that my proposed retirement date will have on my retired pay:

a. I understand that the Defense Finance and Accounting Service, Cleveland (DFAS-CL) computes retired pay under the applicable formula established by law, according to my grade, years of service, and the applicable retirement plan (see paragraph 1402).

b. I understand that military members are paid a specific amount of basic pay when they have served one day past any longevity increase point established within each pay grade. To receive retired pay at any longevity increase point I must have completed the full number of years of service plus one day.

*c. I have reviewed and understand creditable service for retirement/FMCR and retired/retainer pay per Section 4, Chapter 1 of this Manual.

d. I fully understand that I may not extend my retirement date, once a date has been requested, solely to increase my retired pay.

e. I understand that if I have received separation, severance or readjustment pay under any provision of the law for service in the armed forces, and if I am now qualified for retired pay, DFAS-CL will reduce each payment of retired pay until the total amount deducted equals the amount of Separation, severance or readjustment pay.

*6. I understand that my retirement, whether voluntary decision or due to service limitations is an important milestone in my career. Understanding the laws and policies that affect my retirement is an essential part of the transition process. Additional information is available on the Separation and Retirement Branch web page.

RETIREMENT PREAPPLICATION CHECKLIST

ACKNOWLEDGMENT OF UNDERSTANDING:

I acknowledge that I have been advised of the effects of my application for transfer to the FMCR/retired list, the consequences of its official submission, and I am satisfied that all topics in this checklist have been adequately covered. I request transfer to the FMCR/retired list effective _____ for the following reason:

Signature _____ Date _____

I have been advised of this Marine's desire to request to retire and have discussed with this Marine his/her desire for a retirement ceremony.

Commanding Officer _____ Date _____

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*APPENDIX K

BENEFITS AT SEPARATION

E = Eligible
NE = Not Eligible
TBD = To Be Determined by
Administering Agency.
VA benefits depend upon specific
disabilities of the veteran

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions
C = Other Than Honorable
D = Bad Conduct Discharge
E = Dishonorable (General Court-Martial, (1))

Service Administered	A	B	C	D	E	Authority and References
1. Payment for Accrued Leave	E	E	NE	NE	NE	37 USC 501; DODFMR par. 3501
2. Death Gratuity	E	E	E	E	NE	10 USC 1480; DODFMR par. 3601
3. Wearing of Military Uniform	E	E	NE	NE	NE	10 USC 771a, 772, MCO 1020.34G
4. Admission to Naval Home (2)	TBD	TBD	NE	NE	NE	24 USC 412
5. Burial in National Cemeteries	E	E	NE	NE	NE	38 USC 2402
6. Burial in Army Post Cemeteries (3)	E	NE	NE	NE	NE	AR 210-190 Chap II, Sect 2-5
7. Navy Board for Correction of Military Records	E	E	E	E	E	10 USC 1552, SECNAVINST 5420.193
8. Navy Discharge Review Board	E	E	E	E (8)	E (8)	10 USC 1553, SECNAVINST 5420.174D
9. Transportation to Home (4)	E	E	E	E	E	37 USC 474, JFTR Chap 5
10. Transportation of Dependents and Household Goods to Home	E	E	TBD (7)	TBD (7)	TBD (7)	37 USC 476; JFTR Chap 5
Transitional Benefits and Services (13)						
1. Pre-separation Counseling	E	E	E	E	E	10 USC 1142

*APPENDIX K

BENEFITS AT SEPARATION

2. Employment Assistance	E	E	E	E	E	10 USC 1143, 1144
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E = Eligible
NE = Not Eligible
TBD = To Be Determined by
Administering Agency.
DV benefits depend upon specific
disabilities of the veteran

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions
C = Other Than Honorable
D = Bad Conduct Discharge
E = Dishonorable (General Court-Martial, (1))

3. Health Benefits	E	E	NE	NE	NE	10 USC Section 1145
4. Commissary/Exchange	E	E	NE	NE	NE	10 USC Section 1146
5. Military Family Housing	E	E	NE	NE	NE	10 USC Section 1147
6. Overseas Relocation Assistance	TBD	TBD	TBD	TBD	TBD	10 USC Section 1148
7. Excess Leave	E	E	E	E	E	MCO 1030.50J
8. Permissive TAD	E	E	NE	NE	NE	MCO 1030.50J
9. Preference for USMCR	E	E	NE	NE	NE	10 USC Section 1150
10. Montgomery G.I. Bill	E	NE	NE	NE	NE	38 USC Section 3011
11. Post 9-11 G.I. Bill	E	NE	NE	NE	NE	38 USC Section 3311
Department of Veterans Affairs (5,6,9)						
1. Dependency and Indemnity Compensation	E	E	E	E	NE	38 USC 1310
2. Pension for Non-Service Connected Disability or Death	E	E	TBD	TBD	NE	38 USC 521, 38 USC 3103, 1501-1508
3. Medal of Honor Pension	E	E	TBD	TBD	NE	38 USC 1560-1562
4. Insurance (10)	E	E	TBD	TBD	TBD	38 USC 1922

*APPENDIX K

BENEFITS AT SEPARATION

5. Vocational Rehabilitation(Disabled Veteran DV)	E	E	TBD	TBD	NE	38 USC 1502,1503, 1307, 3103
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E = Eligible
NE = Not Eligible
TBD = To Be Determined by Administering Agency.
DV benefits depend upon specific disabilities of the veteran

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions
C = Other Than Honorable
D = Bad Conduct Discharge
E = Dishonorable (General Court-Martial, (1))

6. Educational Assistance	E	NE	NE	NE	NE	38 USC 3013
7. Survivors & Dependents Educational Assistance	E	E	E	E	NE	38 USC Ch 35
8. Home and other Loans	E	E	TBD	TBD	NE	38 USC Ch 37
9. Hospitalization & Domiciliary Care	E	E	TBD	TBD	NE	38 USC Ch 17
10. Medical and Dental Services	E	E	TBD	TBD	NE	38 USC 1712, 2062
11. Prosthetic Appliances (DV)	E	E	TBD	TBD	NE	38 USC 8123
12. Guide Dogs & Equipment for Blindness (DV)	E	E	TBD	TBD	NE	38 USC 1714
13. Special Housing	E	E	TBD	TBD	NE	38 USC 2101
14. Automobiles (DV)	E	E	TBD	TBD	NE	38 USC 3902
15. Funeral and Burial Expenses	E	E	TBD	TBD	NE	38 USC 2302
16. Burial Flag	E	E	TBD	TBD	NE	38 USC 2301
17. Burial in National Cemeteries	E	E	TBD	TBD	NE	38 USC 2402
18. Headstone Marker	E	E	TBD	TBD	NE	38 USC 2306
Administered by Other Federal Agencies						

*APPENDIX K

BENEFITS AT SEPARATION

1. Preference for Farm Loan (Dept. of Agriculture)	E	E	TBD	TBD	NE	7 USC 1983 (5)
2. Preference for Farm & other Rural Housing Loans (Dept. of Agriculture)	E	E	E	E	NE	42 USC 1477

E = Eligible
NE = Not Eligible
TBD = To Be Determined by Administering Agency.
DV benefits depend upon specific disabilities of the veteran

Legend

A = Honorable (DD Form 256 MC)
B = General Under Honorable Conditions
C = Other Than Honorable
D = Bad Conduct Discharge
E = Dishonorable (General Court-Martial, (1))

3. Civil Service Preference (12)	E	E	NE	NE	NE	5 USC 2108, 3309-3316, 3502, 3504
4. Civil Service Retirement Credit	E	NE	NE	NE	NE	5 USC 8331, 8332
5. Reemployment Rights (Dept. of Labor)	E	E	NE	NE	NE	38 USC 4335
6. Job Counseling & Employment Placement (Dept. of Labor)	E	E	E	E	NE	38 USC 4102
7. Unemployment Compensation for Ex-Service Members (Dept. of Labor) (5)	E	E	NE	NE	NE	5 USC 8521
8. Naturalization Benefits (Dept. of Justice, Immigration & Naturalization Service)	E	E	NE	NE	NE	8 USC 1439, 1440
9. Old Age, Survivors & Disability Insurance (Social Security Administration) (11)	E	E	TBD	TBD	NE	42 USC Ch 7

*APPENDIX K

BENEFITS AT SEPARATION

10. Job Preference, Public works Projects (Dept. of Commerce) (12)	E	E	TBD	TBD	NE	42 USC 6706
--	---	---	-----	-----	----	-------------

General Eligibility. The eligibility for benefits set forth are not the sole determining factors, but only list the effect of the various types of discharges. The States also provide various benefits that will be influenced by the type of discharge, but information on State benefits should be obtained from State agencies.

*FOOTNOTES:

(1) Including commissioned and warrant officers who have been convicted and sentenced to dismissal as a result of general courts martial.

(2) The veteran must have served "honestly and faithfully" for 20 years or been disabled and excludes convicted felons, deserters, mutineers, or habitual drunkards, unless rehabilitated. The Marine may become ineligible if that person, following discharge is convicted of a felony, or is not free from drugs, alcohol, or psychiatric problems.

(3) Only if an immediate relative is buried in the cemetery.

* (4) If confined after parole or release from a U.S. military confinement facility or a confinement facility located outside the U.S.

(5) An officer who resigns for the good of the service (usually to avoid court martial charges) will be ineligible for benefits administered by the Department of Veterans Affairs (DVA). 38 USC 5303.

* (6) See the annually published: Federal Benefits for Veterans, Dependents and Survivors and the VA website: <http://www.va.gov>

(7) To be determined by the Secretary of the Navy on a case-by-case basis.

* (8) Only if the punitive discharge was NOT the result of conviction by general court martial.

* (9) Benefits from the VA are not payable to: (1) a person discharged as a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise comply with lawful orders of

*APPENDIX K

BENEFITS AT SEPARATION

competent military authority, (2) by reason of a sentence of a general court-martial, (3) resignation by an officer for the good of the service, (4) as a deserter, (5) as an alien during a period of hostilities. (6) by acceptance of an other than honorable discharge to avoid court martial, (7) for mutiny or spying, (8) for a felony offense involving moral turpitude, or (9) for willful and persistent misconduct. 10 USC 5303. A discharge under dishonorable conditions from one period of service does not bar payment if there is another period of eligible service on which the claim may be predicated (Administrator's Decision, Veterans Admin. No. 655, 20 June 1945).

*(10) Veterans unable to obtain commercial life insurance may be eligible for insurance through the VA.

*(11) Post-1957 service qualifies for Social Security benefits unless discharge was dishonorable. Pre-1957 service under conditions other than dishonorable qualifies a service member for a military wage credit for Social Security purposes.

*(12) Various government agencies hiring preference for veterans and disable veterans. Contact that agency or view their website for those service requirements.

*(13) Transitional benefits and services are available to certain Marines separated involuntarily, with characterization of honorable or general under honorable conditions and the basis (reason) for separation is not adverse. These DoD benefits, based on separation program designator (SPD) code and requiring an appropriate DEERS Identification Card, include six months of military or TRICARE medical care and commissary and PX privileges. The benefits are constrained by law and DoD regulations for designated periods of time. As the laws and regulations change DEERS is updated to reflect these SPD Code changes for ID Card eligibility. 10 USC 1145 and 1146. SPD codes with honorable or general characterization of service currently eligible are: BCR, BDG, BDK, BFT, BFV, BFX, BHF, BRB, FCN, GCN, GCR, GDG, GDK, GFC, GFT, GFV, GFX, GGH, GHF, GHJ, GHK, GRB, HCR, HDG, HFC, HFT, HFV, HFX, HGH, HHF, HRB, JBB, JBC, JBK, JBM, JCC, JCP, JCR, JDF, JDG, JDK, JEA, JEB, JFC, JFF, JFG, JFH, JFI, JFL, JFM, JFN, JFO, JFQ, JFR, JFT, JFV, JFW, JFX, JGB, JGH, JHF, JND, JRB, KCN, LBB, LBC, LBD, LBK, LBM, LCC, LCN, LCR, LDG, LFC, LFF, LFG, LFH, LFT, LFW, LFX, LGB, LGC, LGH, LGJ, LND, and MCN.

*APPENDIX L

INVOLUNTARY ADMINISTRATIVE DISCHARGE OUTLINE, CHECKLIST AND FORMS
(citations to paragraphs in MARCORSEPMAN)

STEP 1: DO LIMITATIONS ON SEPARATION PREVENT PROCESSING (6106)

1. Civilian or military acquittal.
2. Previous separation proceedings.

STEP 2: IDENTIFY THE STATUS OF THE RESPONDENT

1. Active or Reserve (IRR or SMCR; obligor or non-obligor).
2. Amount of active and inactive service.
3. Proximity to EAS, EOS, ECC, or retirement/FMCR.

STEP 3: IDENTIFY THE SEPARATION AUTHORITY (6307)

1. General rule: General court-martial convening authority.
2. Exceptions:
 - a. SECNAV.
 - b. CMC.
 - c. Delegated authority.

STEP 4: IDENTIFY THE BASIS OR BASES FOR DISCHARGE

1. General basis:
 - a. Misconduct (6210).
 - b. Unsatisfactory performance (6206).
 - *c. (Weight control) Body Composition failure (6215).
 - d. Unsatisfactory Reserve participation (6213).
2. Specific basis (most frequently used).
 - a. Misconduct:
 - (1) Minor disciplinary infractions.
 - (2) Pattern of misconduct.
 - *(3) Sexual Misconduct.
 - *(4) Drug abuse.
 - *(5) Commission of a serious offense.

- b. Unsatisfactory Reserve participation (missed drills).
- c. Unsatisfactory performance:
 - (1) PFT failure.
 - (2) Other.
- *d. Body Composition Program failure (failure to meet standards of MCO 6110.3).

STEP 5: READ THE MARCORSEPMAN TO DETERMINE WHAT DOCUMENTATION IS NEEDED

- 1. Misconduct.
 - a. Minor disciplinary infractions:
 - (1) At least 3 instances in current enlistment.
 - (2) Page 11 counseling (6105).
 - b. Pattern of misconduct:
 - (1) At least 2 instances in current enlistment.
 - (2) Page 11 counseling (6105).
 - c. Commission of a serious offense:
 - (1) Punitive discharge authorized under UCMJ.
 - (2) Separation warranted.
- 2. Unsatisfactory performance (PFT failure):
 - a. PFT score sheet.
 - b. Page 11 counseling (6105).
- *3. Body Composition Failure:
 - a. Endorsement required by MCO 6110.3.
 - b. Page 11 counseling (6105).
 - c. Weigh-in sheets.

***STEP 6: PREPARE NOTIFICATION AND ACKNOWLEDGMENT OF RIGHTS**

- 1. Contents of notification [Figure 6-2 (no board) or 6-3 (board)]:
 - a. General basis.
 - b. Specific basis.
 - c. Factual basis.

*d. Characterization (See limitations at 1004 and ensure proper separation authority):

- (1) Recommended.
- (2) Least favorable.

e. Rights:

- (1) Board.
- (2) No board.

*f. Additional rights if confinement (IHCA, 6303.4a) or if Marine is FMCR/Retired List eligible.

g. Time limit for Marine to return AOR.

h. Signatures.

i. Enclosures to notification letter:

- (1) is BCNR/NDRB form.
- (2) is acknowledgment of rights.

*2. Contents of acknowledgment of rights [Figure 6-2a (no board) or 6-3a (board)]:

- a. General basis.
- b. Specific basis.
- c. Factual basis.

*d. Characterization (MATCHES NOTIFICATION):

- (1) Recommended.
- (2) Least favorable.

e. Rights (MATCHES NOTIFICATION):

- (1) Board.
- (2) No board.

*f. Additional rights if confined (IHCA, 6304.4a) or if Marine is FMCR/Retired List eligible.

g. Time limit for Marine to return AOR.

STEP 7: SERVE NOTIFICATION, ACKNOWLEDGMENT OF RIGHTS, AND BCNR/NDRB SHEET

1. Active duty (or Reservist on active duty): Serve in person at command.

*2. Reservist not on active duty: use certified mail or service in person as indicated in MARFORRES Legal SOP.

*3. IHCA: Serve in person or by certified mail.

*4. UA: Serve by certified mail.

STEP 8: ACTION AFTER SERVICE

1. Prepare affidavit of service if required. (Figure L-1).

*2. WAIT THE PROPER LENGTH OF TIME BEFORE FORWARDING THE COMMAND RECOMMENDATION TO THE SEPARATION AUTHORITY. (Figure L-2).

a. Forward after whichever of the following occurs first:

- (1) Acknowledgment of Rights (AOR) returned before time expires; or
- (2) Package is returned unclaimed; or
- (3) Time for response expires.

b. Time limits for returning the AOR:

* (1) Personal service (USMC or USMCR on active duty): Not less than 2 days.

* (2) Personal or certified mail service (USMCR not on active duty): 20 days.

* (3) Personal or certified mail service for a Marine IHCA or UA (USMC or USMCR): Not less than 30 days from date the Marine signed a receipt (if service in person) or from the date of signature on the green card (if service was by mail).

3. ANNOTATE THE AOR IF:

*a. Service was by certified mail and the Marine received the package but did not return or acknowledge receipt, or

b. The Marine did not sign the AOR or made an incomplete or no selection of rights on the AOR.

4. IF THE RESPONDENT REQUESTS A BOARD, CONVENE A BOARD IF THE COMMAND HAS CONVENING AUTHORITY; IF IT DOES NOT, FORWARD THE PACKAGE TO THE CONVENING AUTHORITY.

STEP 9: PREPARING FOR A BOARD. (If no board, skip to STEP 10)

1. Prepare appointing order. (Figure L-3):

a. Name members (6315.1).

b. Marine's commander is NOT a member of the board.

*c. Name recorder/counsel for the respondent/legal advisor (in all cases of substantiated incidents of sexual misconduct or attempted incidents of

sexual misconduct the recorder must be a judge advocate certified under Article 27b(1), UCMJ).

d. Personal signature of convening authority or officer "acting".

*2. Notify members, legal advisor (if appointed), respondent, and counsel for the respondent of date, time, and place of board; notify respondent or counsel. (Figure L-4).

3. Recorder preparation:

a. Copies of exhibits for each member and counsel for respondent.

b. Witness request (Figure L-5).

c. Guide for members to use (Figure L-6).

d. Report/findings and recommendations worksheet (Figure L-9 or L-10).

*e. Recording device.

*f. Order OMPF from CMC (MMRP) if respondent is E-5 or above or on second or subsequent enlistment.

4. Hold board: Use Figure L-6 as a guide.

5. Prepare REPORT of the board (Figure L-9 or L-10).

6. Prepare RECORD of the board [record = transcript + exhibits(6325)].

*a. Prepare a summarized transcript unless verbatim required by separation authority or convening authority (Figure L-8).

*b. Include all exhibits (LEGIBLE COPIES, PROPERLY MARKED and include original or copy of appointing order).

***STEP 10: PREPARE THE COMMAND LETTER OF RECOMMENDATION**

I. CASES WITHOUT BOARDS (Figure L-2).

1. Enclosures:

a. Required enclosures included.

b. Marked and in order.

2. Bases (general, specific, factual) and characterization:

a. Match those in notification.

b. Match those in acknowledgment of rights.

c. Correct MARCORSEPMAN paragraph numbers cited.

3. Facts and circumstances surrounding discharge.

4. Address false/inaccurate assertions or allegations Marine makes in statement or rebuttal.
5. Explain service in person or by mail.
6. Miscellaneous matters.
7. Mobilization potential/security clearance.
8. Personal signature of convening authority or officer "acting".

***II. CASES WITH BOARDS (See Figure L-11)**

1. Enclosures:

- a. Board report and its enclosures.
- b. Other enclosures NOT already included with board report.

2. Comments.

3. Personal signature of convening authority or officer "acting".

*4. Ensure compliance with CMC correspondence regarding CMC directed administrative separation processing for Marines eligible for transfer to the FMCR/Retired List, if applicable.

***STEP 11: MAIL OR DELIVER PACKAGE TO SEPARATION AUTHORITY**

- *1. Original to Separation Authority.
2. Command retains a copy.

Figure L-1.--Affidavit of Service

AFFIDAVIT OF SERVICE BY MAIL

I certify that attempts to serve the Notification (dated _____)
with enclosures (Grade) _____ (Name) _____ USMC/USMCR
were made as follows:

SECTION I. REASON FOR SERVICE BY MAIL

___ Individual was in the Delayed Entry Program.

___ Marine was absent without authority before notification.

___ Marine is in civilian confinement and refused to acknowledge receipt of
notification delivered in person or by mail.

___ Marine is a reservist not on active duty and personal service was (1) not
required or (2) was required but Marine refused to acknowledge receipt.

SECTION II. SERVICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Date mailed: _____ Certified number: _____

Mailed from: _____

Mailed by: _____

Address mailed to: _____

This address was: ___The last known address//___The next of kin
IF DELIVERED, ATTACH ORIGINAL PS FORM 3800 (WHITE RECEIPT) AND PS FORM 3811
(GREEN CARD) SHOWING DELIVERY; IF NOT DELIVERED, ATTACH PS FORM 3800 AND
ENVELOPE SHOWING POSTAL STAMPS AND MARKINGS INDICATING REASON FOR NO
DELIVERY.

SECTION III. CERTIFICATION SIGNED/SWORN BEFORE COMMISSIONED OFFICER

Signature of person certifying information: _____

Grade: _____

Command: _____ Billet: _____

SWORN AND SUBSCRIBED before me on _____ 20__.

Signature of commissioned officer: _____

Grade: _____

Command: _____ Billet: _____

Figure L-1.--Affidavit of Service

*Figure L-2.--Command Letter of Recommendation for Administrative
Discharge (WITHOUT BOARD)

SSIC
Code
Date

From: Commanding Officer
To: Separation Authority
[Via: Chain of Command]

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL
*NAME, EDIPI/MOS, COMPONENT)

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

Encl: (1) Letter of Notification
(2) Acknowledgment of Rights
(3) BCNR/NDRB information sheet
() Standard Page Side of SRB/ESR
() Statement from respondent (if any)
[ENCLOSURES FOR SPECIFIC CASES]
() Page(s) from command ledger (urinalysis case)
() Chain of custody (DD Form 2624) (urinalysis case)
() Message from drug lab (urinalysis case)
() PFT score sheets (PFT failure)
*() Body Composition Program Evaluation Form
*() SACC Screening (alcohol/drug screening with allied papers)
*() Mental Health Evaluation (for PD/CND cases)
*() Separation Medical Evaluation documents (w/PTSD/TBI screening if
required)

*1. **Recommendation.** I recommend that _____ be discharged from the
U.S. Marine Corps (Reserve) with a[n] [(honorable) (general (under honorable
conditions)) (under other than honorable)] discharge under paragraph _____ of
reference (a).

2. **Documentation.** The facts and circumstances supporting the basis for
discharge and the recommended characterization are in enclosures () through
(). [other comments]. Relevant items from the SRB/ESR are at enclosures
() and ().

3. **Service of notification.** The notification package (enclosures (1), (2),
and (3)) was [choose appropriate language from a paragraph below]:

(Delivered in person to the Marine. (A receipt of notification was required
and obtained; see enclosure ()). (The Marine (did) (did not) return the
acknowledgment of rights).)

(Sent certified mail because (the Marine is a reservist and personal service
was required but unsuccessful) (the Marine is a reservist who refused to sign

*Figure L-2.--Command Letter of Recommendation for Administrative
Discharge (WITHOUT BOARD)--Continued

*Figure L-2.--Command Letter of Recommendation for Administrative
Discharge (WITHOUT BOARD)--Continued

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL NAME,
*EDIPI/MOS, COMPONENT)

a receipt for personal service) (the Marine was IHCA and refused to
acknowledge receipt for service (in person) (by mail)) (the Marine was UA) (the
member was in the DEP). See affidavit of service at enclosure (). (The
Marine (did) (did not) return the acknowledgment of rights). (The package was
undeliverable). See Postal Forms 3800 and 3811 (and undeliverable envelope)
at enclosures () and ().)

4. Statement by respondent. (The respondent did not submit a statement).
(The respondent's statement is at enclosure ()). (Note: Rebut any false or
inaccurate assertions the Marine makes in their rebuttal if one is made.
Comment if the Marine wants to submit a rebuttal or statement but never did
so.)

*5. Miscellaneous matters. For example, comment if respondent is eligible
for retirement or transfer to the FMCR, especially if grade reduction is an
issue. If suspension of separation is possible, comment if suspension is or
is not recommended. Comment on PTSD/TBI or certify entry level Marines had
no combat service or deployment and were not diagnosed with PTSD or TBI.

6. Clearance. The Marine (has) (does not have) a security clearance.

*7. Citizenship. The Marine (is) (is not) a U.S. citizen. (if not a U.S.
citizen explain his residency status).

8. Mobilization potential. The Marine (has) (does not have) mobilization
potential.

9. Point of contact. If you have any questions, please call my
administrative (officer) (chief), _____, at (commercial) (DSN)
_____.

SIGNATURE

*Figure L-2.-- Command Letter of Recommendation for Administrative
Discharge (WITHOUT BOARD)

*Figure L-3.--Administrative Discharge Board Appointing Order

SSIC
Code
Date

From: Commanding Officer

*To: (Grade, Name, EDIPI/MOS, Component, President)

Subj: APPOINTMENT OF ADMINISTRATIVE DISCHARGE BOARD IN THE CASE
OF (Grade, Name, EDIPI/MOS, Component)

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

*(b) CMC(MM) directing ltr [if processing directed by CMC]

1. Per the reference, you are appointed as president of an administrative discharge board to consider the case of the Respondent. Other members assigned to the board are:

_____ Member

_____ Member

_____ Member

*2. (Grade, name, component) is detailed as the non-voting recorder for the Board and is so notified by separate copy hereof. (In all cases of substantiated incidents of sexual misconduct or attempted incidents of sexual misconduct the recorder must be a judge advocate certified under Article 27b(1), UCMJ)

3. (Grade, name, component), a lawyer certified under Article 27(b), UCMJ, is detailed as Counsel for the Respondent and is so notified by separate copy hereof.

4. (Grade, name, component) is detailed as the legal advisor for the Board and is so notified by separate copy hereof.

5. Consult the reference for guidance in conducting the board. All personnel named in this appointing order must attend the board hearing.

*6. You will determine the date, time, location, and uniform for the hearing after consulting with the Recorder and Counsel for the Respondent.

7. The board's report and record will be prepared according to the reference and forwarded to me within 30 days after the Board has adjourned. Extensions of this due date must be requested in writing.

*8. As (insert name/rank here) has requested transfer to the FMCR/Retired List and CMC has denied the request and directed processing per reference (b), the board will make recommendations as to; (1) whether or not a basis for separation exists, (2) whether the Respondent should be retained in the Marine Corps or transferred to the FMCR/Retired List, (3) whether the Respondent, if transfer is recommended, should be transferred in the grade currently held or reduced one inferior grade prior to transfer; and (4) the

*Figure L-3.--Administrative Discharge Board Appointing Order--Continued

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*Figure L-3.--Administrative Discharge Board Appointing Order--Continued

appropriate characterization of service at transfer. {THIS PARAGRAPH SHALL ONLY BE ADDED

*IF CMC(MM) HAS DIRECTED PROCESSING FOR A MARINE WHO HAS REQUESTED TRANSFER TO THE FMCR/RETIRED LIST BUT THAT REQUEST WAS DENIED BY CMC(MM) }

SIGNATURE

Copy to:
Recorder
Counsel for Respondent
Each Board Member
Legal Advisor (if appointed)
Respondent

*Figure L-3.--Administrative Discharge Board Appointing Order

Figure L-4.--Notice to Respondent of Date, Time, and Place of Board Hearing

SSIC
Code
Date

CERTIFIED MAIL NUMBER _____

From: Commanding Officer

To: (Grade, Name, EDIPI/MOS, Component)

Subj: NOTIFICATION OF DATE, TIME, AND PLACE OF ADMINISTRATIVE
DISCHARGE BOARD HEARING

Encl: (1) Appointing order

1. Per your request for a hearing before an administrative discharge board, the board will convene as follows:

a. Date:

b. Time:

c. Place:

2. You will report to the board in the _____ uniform with a proper Marine Corps regulation haircut. You will be excused from your regular duties to the extent needed to attend the board.

3. If you have questions about the board, contact this command or your defense counsel, Name/Grade, at (phone number).

4. Inform this command if you decide not to attend the board hearing. If you do not attend the board hearing, it will proceed in your absence and your counsel will represent you.

5. THE BOARD PROCEEDINGS DO NOT RELIEVE YOU FROM YOUR OBLIGATION TO SERVE ON ACTIVE AND/OR INACTIVE DUTY (INCLUDING ATTENDING RESERVE DRILLS) PENDING FINAL DECISION ON YOUR DISCHARGE. YOU MUST CONTINUE YOUR NORMAL ACTIVE AND/OR INACTIVE DUTY UNLESS AND UNTIL YOUR COMMAND INFORMS YOU IN WRITING THAT (1) YOU ARE EXCUSED FROM ACTIVE AND/OR INACTIVE DUTY OR (2) YOU ARE SEPARATED.

SIGNATURE

Copy to:
Counsel for respondent

Figure L-4.--Notice to Respondent of Date, Time, and Place of Board Hearing

*Figure L-5.--Witness Request

1910
XXX

From: Counsel for the Respondent
To: Convening Authority

Via: *(1) Recorder
*(2) President of the Board

*Subj: WITNESS REQUEST: ADMINISTRATIVE SEPARATION BOARD IN THE
CASE OF XXXXXXXX

Ref: *(a) MCO 1900.16G (MARCORSEPMAN)

1. In accordance with reference (a), the respondent requests that the convening authority fund the appearance of the following witness at the respondent's board hearing:

Name of witness:
EDIPI:
Grade/title:
Billet/job:
Work address:
Work phone:
Work fax:

2. In accordance with the reference, the following is provided:

a. The relevance of the testimony to issues of separation or characterization;

b. Why the personal appearance of the witness is essential to a fair hearing on those issues;

c. Why an unsworn written statement, affidavit, conference call, or videotaped testimony are inadequate substitutes for personal testimony at the hearing;

d. Why the significance of personal appearance outweighs the practical difficulties in producing the witness, including cost, travel distance, and delay in convening the hearing;

e. Whether the witness is "reasonably available."

*3. Counsel requesting the witness has contacted the witness in person, by telephone, or by electronic means and has ascertained that (1) the witness understands that the witness is being asked to testify before a board and (2) the witness agrees to appear before the board at government expense to testify.

XXXXXXX
Counsel for the Respondent

*Figure L-5.--Witness Request

*Figure L-6.--Administrative Discharge Board Hearing Guide

ADMINISTRATIVE SEPARATION BOARD HEARING GUIDE
IN THE CASE OF

PRELIMINARY NOTES

1. Attendance at the board hearing is the primary duty for members, the recorder, and counsel for the respondent. All must attend board sessions unless ill, ordered away, or excused IN WRITING by a written modification to the convening order signed by the convening authority. All participants should read the provisions of the MARCORSEPMAN concerning administrative discharge boards and the basis or bases for discharge.
2. If the respondent will testify, the recorder must provide him a written Privacy Act (Figure L-7) statement before he testifies. Other witnesses need not be given Privacy Act statements.
- *3. The following abbreviations are used throughout this Guide:

SRMBR: Senior Member
COUNSEL: Counsel for the respondent
REC: Recorder for the board
RESP: Respondent
BOARD: Administrative Discharge Board
UCMJ: Uniform Code of Military Justice

SECTION I. PRELIMINARIES

SRMBR: This administrative discharge board will come to order. The recorder will note the time and date for the record.

REC: The (Commanding Officer) (Inspector-Instructor), (Organization), has convened this board by his appointing order, dated _____, (with no modifications) (as modified by the modification dated _____). The following members named in the appointing order(s) are present: _____, SENIOR MEMBER, and _____ and _____, MEMBERS.

REC: The respondent (is a member of the regular component) (is a member of the reserve component and the following members are members of the reserve component: _____).

*REC: The respondent (is) (is not) (FMCR/Retirement eligible and (has) (has not) requested transfer to the FMCR/Retired List. [IF SEPARATION PROCESSING HAS BEEN DIRECTED BY CMC(MM) AFTER THE MEMBER HAS REQUESTED TRANSFER, READ THE FOLLOWING]:

*REC: On (date), the Respondent requested transfer to the FMCR/Retired List. On (date) the CMC(MM), directed administrative separation processing and that the Respondent be afforded the rights of a Respondent under paragraph 6304 of the Marine Corps Separation and Retirement Manual, prior to the Deputy Commandant, Manpower and Reserve Affairs (DC, M&RA) making a pay grade and characterization of service determination at transfer.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

Additional guidance will be provided in Section VI; General Instructions.

REC: (No) (The following member(s) listed in the appointing order(s) (is) (are) absent (with the express consent of the convening authority):
_____.

REC: _____, is appointed recorder for the board and is present. He is (not) a lawyer certified under Article 27(b)(1), UCMJ.

*REC: _____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed as legal advisor.

*REC: (_____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed as counsel for the respondent and is present).

REC: (The respondent has no individual military counsel) (_____, a lawyer certified under Article 27(b)(1), UCMJ, is appointed as individual military counsel for the respondent and is present).

REC: (The respondent has no civilian counsel) (_____, a member of the _____ state bar, is the civilian counsel for the respondent and is present).

SRMBR: The record will reflect that this board is properly convened and constituted. The purpose of this board is to consider relevant facts in the case of _____, who has been recommended for administrative discharge from the naval service for (unsatisfactory participation) (misconduct) (unsatisfactory performance) (_____).

SRMBR: The respondent is present. [The respondent is absent because (he is confined by civil authorities) (he waived personal appearance by stating that he does not want to appear) (he received notification of the date, time, and place of this hearing but did not appear)].

SECTION II. RIGHT TO COUNSEL

*SRMBR: I will now advise the respondent of the right to counsel before the board. These rights were listed in the notification and the acknowledgment of rights. Does counsel desire that I explain these rights to the respondent?

COUNSEL: The respondent (desires explanation) (fully understands his rights and does not desire further explanation).

NOTE: RESPONDENT DESIRES TO REPRESENT HIMSELF. If respondent desires to represent himself, the senior member should still review the rights in Section III below.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

SECTION III. EXPLANATION OF RIGHT TO COUNSEL (OMIT & GO TO SECTION IV IF
RESPONDENT WAIVES EXPLANATION)

SRMBR: I will now advise the respondent of his rights before this board. If you have any questions about these rights, you should direct them to me, or, in private, to your counsel. You have the following rights:

1. To have military counsel, that is, a lawyer within the meaning of Article 27(b)(1), UCMJ, appointed by the Convening Authority to represent your interests before this board.
2. To request individual military counsel of your own choice, if reasonably available; however, you do not have the right to be represented by both detailed counsel and the requested individual military counsel.
3. To retain civilian counsel at no expense to the Government.

SRMBR: Do you understand your right to counsel before this administrative discharge board?

RESP: (Yes) (No) sir/ma'am.

SRMBR: By whom do you wish to be represented?

RESP: _____.

NOTE: The respondent may elect to represent himself at the board, but his detailed defense counsel should still be present. If he desires to represent himself, he must so state on the record and sign a written waiver of counsel which will be included as a government exhibit. The senior member, after inquiring to ensure that the respondent is knowingly and voluntarily waiving his right to counsel, should state, "I find your waiver of counsel to be knowing and voluntary."

SECTION IV. ADDITIONAL RIGHTS

SRMBR: In addition to your right to counsel, you have many other rights at this board. These were listed in the notification and the acknowledgment of rights. Does counsel desire that I explain these additional rights to the respondent?

COUNSEL: The respondent (desires explanation) (fully understands his rights and does not desire further explanation).

SECTION V. EXPLANATION OF ADDITIONAL RIGHTS (OMIT AND GO TO SECTION VI IF
RESPONDENT WAIVES EXPLANATION)

SRMBR: I will now advise the respondent of his rights before this board. If you have any questions about these rights, you should direct them to me, or, in private, to your counsel. You have the following rights:

1. To present matters on your own behalf.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

2. To have full access to, and be provided with, copies of all records relevant to your case.
3. To be provided with the names of all witnesses expected to be called by the government.
4. To challenge any member of the board for cause.
5. To request from the convening authority, or this board, the appearance before the board of any witness whose testimony you consider to be pertinent to your case.
6. To submit for the board's consideration any matters from your service record; letters, answers, sworn or unsworn statements; and/or affidavits, certificates, stipulations, or depositions. You also have the right to submit real and/or documentary evidence.
7. You may also testify under oath. If you testify under oath, the board and the recorder may cross-examine you about your testimony. In the alternative, you may make an unsworn statement, either personally or through counsel. You may not be cross-examined if you make an unsworn statement; however, the recorder may introduce evidence to rebut anything contained in your statement. Also, you may, if you wish, remain silent and such silence cannot be considered against you.
8. To appear in person, with or without counsel, at all open sessions of the board.
9. To question all witnesses appearing before the board.
10. To examine all documents, reports, statements and evidence presented for the board's consideration.
11. To present argument on any matter offered for the board's consideration.

SRMBR: Do you have any questions concerning your rights at this administrative discharge board?

RESP: (Yes) (No), sir/ma'am.

SECTION VI: GENERAL INSTRUCTIONS

*SRMBR: The purpose of this administrative discharge board is to give the respondent a full and impartial hearing and an opportunity to respond to and rebut the allegations which form the basis for recommending the respondent's discharge from the [United States Marine Corps] or [United States Naval Service].

*SRMBR: After hearing evidence from both sides, the board will determine whether the preponderance of the evidence proves the allegations which form the basis for the recommendation for discharge. If a preponderance of the evidence does not support the allegations, the board will so find. If a

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

preponderance of the evidence supports the allegations, the board will so find and then recommend whether the respondent should be discharged. If the board recommends discharge, it will also recommend the characterization of the discharge. Depending on the board's findings and recommendations, final action on the case may be taken by the separation authority, who is _____; the Deputy Commandant, Manpower and Reserve Affairs, DC, M&RA; the Commandant of the Marine Corps; or the Secretary of the Navy. If you are FMCR/Retired List eligible and have requested transfer to the FMCR/Retired List, but CMC has denied your request and directed processing, this board will determine if a preponderance of the evidence proves the allegations which form the basis for the recommendation for separation, whether you should be retained in the U.S. Marine Corps or transferred to the FMCR/Retired List. If transfer is recommended, the board will further recommend whether you be transferred in your current grade or reduced one inferior pay grade prior to transfer. Finally, the board will make a recommendation, if transfer is recommended, on the appropriate characterization of service at transfer.

*SRMBR [READ ONLY IF MEMBER IS FMCR ELIGIBLE AND HAS NOT REQUESTED TRANSFER TO THE FMCR/RETIRED LIST] If you are FMCR/Retired List eligible and you have not requested transfer to the FMCR/Retired List this does not pertain and the board's recommendations, if acted upon by the separation authority, may result in loss of all retainer/retired pay and, if serving in pay grade E-4 or above, administrative reduction to E-3 upon separation.

SRMBR: This board functions as an administrative rather than a judicial body. The strict rules of evidence applicable in judicial hearings are, therefore, not applicable here. However, Article 31(b), UCMJ, does apply.

SRMBR: The following will occur during the hearing: presentation of the government's case; presentation of the respondent's case; rebuttal; closing arguments from counsel; instructions for the members; and deliberation by the members. The members are cautioned not to make any decisions until after hearing all the evidence; final argument of counsel; and instructions on deliberation. All board proceedings will be conducted in this room while the board is in session.

SRMBR: This board will consider any matter presented which is relevant to the issues before the board, whether written or oral, sworn or unsworn. Real evidence--as distinguished from testimonial or documentary evidence--may be shown and admitted to the board and should be accurately described or reproduced for the record. The board may refuse to consider any oral or written matter presented if it is irrelevant or unnecessarily repetitive or cumulative. However, evidence will not be excluded merely because it would be inadmissible in a court. If evidence is classified, the provisions of the Department of the Navy information security regulations will be observed.

*SRMBR: The burden of proof is on the government. Board decisions are made by majority vote based on the preponderance of the evidence, which is the standard of proof. A preponderance, which is the same standard for non-judicial punishment hearings, is less than beyond reasonable doubt, which is the standard at a court-martial.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

A preponderance of the evidence proves a fact if the greater weight of evidence, i.e., 51% or more of the evidence, supports the fact. The weight of the evidence is not determined by the sheer number of witnesses or volume of evidentiary matter; it is determined by the evidence which best accords with reason and probability. The board members will rely on their individual judgment and experience in determining the weight and credibility to be given matters received in evidence.

SRMBR: The senior member need not rule on objections; he/she may merely note them for the record. If the senior member does rule on objections, a majority of the board may overrule the senior member's ruling.

SRMBR: Since the procedures used at this hearing may be unfamiliar to the board members, the members are encouraged to ask questions during the hearing about those procedures.

*VII. CHALLENGES TO BOARD MEMBERS

SRMBR: Does the recorder or counsel for respondent wish to question any member of the board concerning a possible grounds for challenge for cause?

REC: The recorder has (no) questions.

COUNSEL: The respondent has (no) questions.

*SRMBR: Does the counsel for respondent wish to challenge any member for cause?

COUNSEL: The respondent (does not) (has the following challenges: _____).

SRMBR: [Recess to decide any challenges. Announce decisions on challenges.]

SRMBR: Are both sides ready to proceed?

REC: The recorder is.

COUNSEL: Counsel for the respondent is.

*SECTION VIII: MOTIONS AND OPENING STATEMENTS

*SRMBR: Does either side have any motions for the record? (Note: Motions or objections pertaining to any matter other than continuances, recesses, or adjournments do not require ruling by the president of the board. Such motions or objections should be heard and merely noted in the record for resolution by the separation authority.)

REC: The recorder (has no motions) (has the following motions: _____).

COUNSEL: Counsel for the respondent (has no motions) (has the following motions: _____).

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

SRMBR: The recorder may make an opening statement.

REC: The recorder (waives opening statement) (_____).

SRMBR: Counsel for the respondent may present an opening statement.

*COUNSEL: The Counsel for the Respondent (waives opening statement) (_____).

SECTION IX: PRESENTATION OF EXHIBITS

SRMBR: Unless counsel object, I will ask that each side submit its exhibits now before the board hears testimony from any of the witnesses. This will facilitate the board's questioning of all witnesses. Does either counsel object to the board receiving all exhibits now?

REC: The recorder does not object (objects).

COUNSEL: Counsel for the respondent does not object (objects).

SRMBR: Is the recorder ready to proceed?

REC: Yes, sir/ma'am.

SRMBR: You may proceed.

*REC: The following government exhibits are offered to the board for review and consideration. I will hand to the senior member the original government exhibits offered to the board. They are marked as "GE" and numbered as follows:

- GE-__: Appointing order (original or authenticated copy).
- GE-__: Modification to appointing order (if any).
- GE-__: Notification package: notice, AOR, BCNR/NDRB.
- GE-__: [If respondent is absent: notice of hearing (see Figure 6-11); include receipt for notice if delivered in person; include PS Form 3811 (greencard) if notice was mailed]
- GE-__: Standard pages from SRB/ESR (including DD Form 4)
- GE-__: Paragraph 62____, MARCORSEPMAN (basis for discharge)
- GE-__: Paragraph 1004, MARCORSEPMAN (characterization)
- GE-__: Paragraph _____, Manual for Courts Martial (use for 6210.6 to show punitive discharge is authorized)
- GE-__: _____
- GE-__: _____
- GE-__: Privacy Act statement (if respondent testifies)

*REC: Included in a separate folder is the original findings and recommendations worksheet the members will use to record findings and recommendations. It will also be used as the board report. I have

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

previously provided the findings and recommendations worksheet to counsel for the respondent for review. He (had the following objections) (did not have any objections).

(List objections here) _____

*SRMBR: Does counsel for the respondent object to any of these exhibits?

COUNSEL: Counsel for the respondent (does not object) (objects for the following reasons: _____).

SRMBR: All government exhibits (are admitted) (are admitted except for numbers _____.) (The following objections are (noted) (decided as follows:)). The recorder may substitute in the record certified true copies of the documents which are admitted. Does the respondent have any exhibits?

COUNSEL: The respondent offers the following exhibits. They are marked as "RE" and lettered:

RE A: _____
RE B: _____
RE C: _____

SRMBR: Does the recorder object to any of these exhibits?

REC: The recorder (does not object) (objects for the following reasons: _____).

SMBR: All respondent exhibits (are admitted) (are admitted except for numbers _____.) (The following objections are (noted) (decided as follows:)). The recorder may substitute in the record certified true copies of the documents which are admitted.

SRMBR: The board will be in recess to review these documents. The recorder will note the time and date in the record of proceedings.

SECTION X: WITNESSES

*SRMBR: The board will come to order. All persons who were present when the board recessed are again present. The recorder will note the time and date in the record of proceedings. Does the recorder have any witnesses?

REC: The recorder (calls _____ as a witness) (has nothing further).

*NOTE: The recorder may call witnesses. All witnesses will be sworn. OATH: Do you swear or affirm that the evidence you shall provide at this hearing shall be the truth, the whole truth and nothing but the truth? The order of questioning (see paragraph 6316.8b, MARCORSEPMAN): direct examination by

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

recorder; cross-examination by respondent's counsel; redirect; re-cross; examination by the board (The recorder or counsel for the respondent may have some additional questions in light of the questioning by the members). After they testify, the president shall direct witnesses not to discuss their testimony with anyone other than the recorder or the counsel for the respondent until after the hearing has ended.

SRMBR: Does the recorder have any further evidence or witnesses?

REC: (Yes) (No), sir/ma'am.

SRMBR: Does the respondent have any witnesses?

COUNSEL: The respondent (calls _____ as a witness) (has nothing further).

*NOTE: The respondent may call witnesses. All witnesses will be sworn (only the respondent may give unsworn testimony). OATH: Do you swear or affirm that the evidence you shall provide at this hearing shall be the truth, the whole truth and nothing but the truth? The order of questioning: direct examination by respondent's counsel; cross-examination by recorder; redirect; re-cross; examination by the board (The recorder or counsel for the respondent may have some additional questions in light of the questioning by the members). If the respondent testifies, he will sign and date a Privacy Act statement to be attached to the record as a government exhibit. After they testify, the president shall direct witnesses not to discuss their testimony with anyone other than the recorder or the counsel for the respondent until after the hearing has ended.

SRMBR: Does the respondent have any other evidence?

COUNSEL: (Yes) (No), sir/ma'am.

XI. REBUTTAL

SRMBR: Does the recorder have any matters in rebuttal?

REC: The recorder has (nothing further) (calls the following witnesses: _____) (submits the following exhibits:

GE-_____).

SRMBR: (The following government exhibits are admitted:

GE-_____).

SRMBR: Does counsel for the respondent have any more evidence?

COUNSEL: Counsel for the respondent has (nothing further) (calls the following witnesses: _____) (submits the following exhibits: RE-_____).

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

SRMBR: (The following respondent exhibits are admitted:

RE-_____).

SRMBR: Does any member of the board want to recall a witness, call an additional witness, or obtain any further evidence?

SRMBR: The members have indicated they (do) (do not) want to recall a witness, call an additional witness, or obtain any further evidence.

*XII. CLOSING ARGUMENTS

SRMBR: Are both sides prepared for argument?

REC: The recorder is.

COUNSEL: Counsel for the respondent is.

SRMBR: The recorder may proceed with closing argument.

REC: _____.

SRMBR: Counsel for the respondent may proceed with closing argument.

COUNSEL: _____.

SRMBR: Does the recorder have any final argument?

REC: (Yes) (no), sir/ma'am.

*XIII: INSTRUCTIONS ON DELIBERATION

*SRMBR: The board deliberation includes a full and free discussion of all matters presented to the board. In determining retention or separation including transfer to the FMCR/Retired List, if applicable, the board will consider the guidelines at paragraph 6309. In determining characterization, the board will consider the guidelines in paragraph 1004. In determining retention in the IRR, the board will consider the guidelines in paragraph 6311.3.

*SRMBR: The board will decide its findings and recommendations by majority vote, and the senior member will record them by placing his or her initials in the blank beside any finding or recommendation decided by majority vote.

*XIV: SPECIAL INSTRUCTIONS

SRMBR: (Read if the respondent is an inactive reservist being processed for discharge based on conduct in the civilian community committed while the respondent was not on active duty or active duty for training). The board is advised that it cannot recommend a general or other than honorable characterization for a discharge in this case unless the evidence meets the criteria in paragraph 1004.4 of the MARCORSEPMAN, which the board will review during deliberation.

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*Figure L-6.--Administrative Discharge Board Hearing Guide--Continued

*PART XV: CLOSING FOR DELIBERATION

*SRMBR: The board closed for deliberation at _____. I will let the recorder note the date and time. All parties, except board members, will leave the hearing room.

*PART XVI: ANNOUNCEMENT OF FINDINGS AND RECOMMENDATIONS

*SRMBR: The board is open at _____, the recorder will note the time and date.

*REC: the time is ___, (date), (year), all persons present when the board recessed for deliberations are again present.

SRMBR: (We have no minority report) (One of the board members, _____, will be submitting a minority report which will be included as an enclosure to the board's report).

*SRMBR: I will now read the findings and recommendations of the board directly from the signed report:

*SRMBR: The board is closed. The recorder will note the time and date for the record.

*Figure L-6.--Administrative Discharge Board Hearing Guide

Figure L-7.--Privacy Act Statement

PRIVACY ACT STATEMENT FOR THE RESPONDENT

Under the authority of Section 301 of reference (x) Title 5, U.S.C., information on your personal background may be requested to provide the administrative discharge board with additional information to assist the board in determining whether to recommend your retention, discharge, or transfer to the Individual Ready Reserve; if discharge is recommended, the information may assist the board in determining the characterization of the discharge. The information may also be requested to evaluate your testimony or your credibility as a witness.

The information you provide will become a part of the record of proceedings of the administrative discharge board. Officials in the Department of the Navy may use it in making recommendations or decisions in your case; employees and officials of the Department of Defense, Veterans Administration, and other federal or state agencies may also use the information in performing their duties.

You are not required to provide this information, but failure to do so may deprive the board of valuable information which it might otherwise consider in making findings and recommendations in your case.

Signature of respondent Date

Printed Name, grade, and service

Signature of witness Date

Printed Name, grade, and service

Figure L-7.--Privacy Act Statement

*Figure L-8.--Summarized Record of Board Hearing

SUMMARIZED RECORD OF BOARD HEARING

Respondent's Name) (EDIPI) (Grade)

(Organization) (Component)

*The board met at (location) at (time), (date), pursuant to the appointing order(s) of (title and command of convening authority).

The following persons named in the appointing order(s) were present:

Board members: (indicate grade, name, service, and component (USMC or USMCR) (identify senior member)

Recorder (name, grade, service, and legal qualifications)

Counsel for respondent: (name, grade, service and legal qualifications of military counsel) (civilian counsel name and qualifications) [NOTE: If respondent waived representation by counsel, state as follows: The respondent stated a desire to represent himself without counsel. The senior member inquired and was satisfied that the respondent's waiver of representation by counsel was knowing and voluntary.]

(No) (The following) person(s) named in the appointing order(s) (was) (were) (absent) (absent with the express consent of the convening authority): (Indicate grade, name, and armed force of each board member absent).

The respondent was (absent) (present). (NOTE: If respondent was absent, indicate specific reason, e.g., waived personal appearance in writing; absent after notification; confined, etc).

The senior member determined that the respondent had been properly advised of administrative discharge board rights and procedures. The respondent (waived) (requested) the reading of rights before the Board. The senior member (accepted the respondent's waiver of explanation of rights) (explained the rights).

*The senior member advised the board members of their duties, the applicability of Article 31(b), UCMJ, to the proceedings, and the procedures to be followed as outlined in Section 3 of Part C of Chapter 6 of the MARCORSEPMAN. (ADD IF APPLICABLE).

*The respondent was given the opportunity to challenge any member of the board for cause. (No member was challenged for cause.) (The (respondent) (challenged the following member(s) for cause:_____.) (The challenges were (granted) (denied)).

*Figure L-8.--Summarized Record of Board Hearing--Continued

*Figure L-8.--Summarized Record of Board Hearing--Continued

*The recorder and respondent were permitted to make motions and opening statements. (No motions were made). (Motions were made and noted): (Both recorder and counsel for the respondent made opening statements) (The recorder waived opening statement.)

The recorder offered the following government exhibits (marked "GE"):

GE-__: Appointing order.
GE-__: Modification to appointing order (if any).
GE-__: Notification package: notice, AOR, BCNR/NDRB.
GE-__: (If respondent is absent: written notice of hearing and include receipt for notice if delivered in person; include PS Form 3811 (green card) if notice was mailed)
GE-__: Standard pages from SRB/ESR (including DD Form 4)
GE-__: _____
GE-__: Privacy Act statement (if respondent testifies)

The exhibits were admitted with (without objection) (with objection(s) as follows:

<u>NUMBER</u>	<u>REASON FOR OBJECTION</u>	<u>DECISION BY BOARD</u>
GE-xx	xxx	(Admitted) (Excluded)

*The respondent offered the following respondent's exhibits (marked "RE"):

RE A: xxx
RE B: xxx

The exhibits were admitted (with) (without objection) (with objection(s) as follows:)

<u>NUMBER</u>	<u>REASON FOR OBJECTION</u>	<u>DECISION BY BOARD</u>
GE-xx	xxx	(Admitted) (Excluded)

*The government called (no) (the following) witness(es), who (was) (were) sworn and testified as follows:

SUMMARY OF WITNESS TESTIMONY

The respondent called (no) (the following) witness(es), who (was) (were) sworn and testified as follows:

SUMMARY OF WITNESS TESTIMONY

The respondent [(did not testify or submit a statement) (testified under oath) (made an unsworn oral statement) (submitted a (sworn) (unsworn) written statement)].

The recorder presented no rebuttal evidence (presented the following rebuttal evidence:). The counsel for the respondent presented no further evidence (presented the following evidence:). The board (called no witnesses and

*Figure L-8.--Summarized Record of Board Hearing--Continued

presented no evidence) (called the following witnesses) (presented the following evidence:).

The recorder and counsel for respondent made closing argument. Counsel for the respondent (did) (did not) make a closing argument. The recorder (did) (did not) make rebuttal argument.

The senior member instructed the members concerning voting procedures.

(ADD IF APPLICABLE. The senior member advised the board concerning the restrictions imposed by paragraph 1004.4 of the MARCORSEPMAN concerning prior and preservice matters.)

(ADD IF APPLICABLE. The senior member advised the board concerning the restrictions imposed by paragraph 1004 of the MARCORSEPMAN concerning misconduct by a reservist not on active duty or active duty for training at the time of the misconduct.)

Neither party had anything further to offer. The board closed at ____ hours, ____ 20__. The board opened at ____ hours, ____ 20__. The senior member announced the findings and recommendations of the board by reading from the findings and recommendations worksheet. The worksheet will also be the board's report. The board adjourned at ____ hours, (date).

AUTHENTICATION OF RECORD. This is a substantially accurate record of the board hearing.

Senior Member Date Recorder Date

*Figure L-8.--Summarized Record of Board Hearing

*Figure L-9.--Administrative Discharge Board Report and Findings
Recommendations Worksheet

SSIC
Originator Code
Date

From: Senior Member
To: Convening Authority

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND
RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name,
EDIPI/MOS, Component)

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

Encl: (1) Record of board hearing
(2) Minority report (if any)

1. As directed, an administrative discharge board convened in this case to hear allegations against the respondent and to make findings and recommendations.

2. The facts and circumstances and supporting documents which are the basis for the board's findings and recommendations are in the record (enclosure (1)).

3. The senior member initialed the following findings and recommendations, all reached in closed sessions of the board, and announced the findings and recommendations at the hearing as follows:

a. FINDINGS: PREPONDERANCE OF THE EVIDENCE.

(1) _____ The board determined by majority vote that the preponderance of the evidence--

(a) _____ DOES NOT prove any of the acts or omissions alleged in the notification. (Senior member must check B1 below).

(b) _____ PROVES ALL acts or omissions alleged in the notification

(c) _____ PROVES ONLY the following act(s) or omission(s) alleged in the notification: _____

b. RECOMMENDATIONS. By majority vote, the Board recommends:

(1) _____ RETENTION in the Marine Corps (Marine Corps Reserve).

(2) _____ SEPARATION from the Marine Corps (Marine Corps Reserve).

* (3) _____ TRANSFER to the FMCR/Retired List (only applicable if the Respondent has requested transfer prior to initiation of administrative processing but the CMC denied the request and directed processing)

*Figure L-9.--Administrative Discharge Board Report and Findings and
Recommendations Worksheet--Continued

*Figure L-9.--Administrative Discharge Board Report and Findings and
Recommendations Worksheet--Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND
RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name,
EDIPI/MOS, Component)

*(4) ____ If the board recommends **SEPARATION**, it recommends the
following **CHARACTERIZATION** of Service:

(a) ____ honorable.

(b) ____ general (under honorable conditions).

*(c) ____ under other than honorable conditions.

(5) ____ If the board recommends **SEPARATION**, it recommends the
separation:

(a) ____ **SHOULD BE** suspended.

(b) ____ **SHOULD NOT BE** suspended.

(c) ____ suspension not authorized.

See MARCORSEPMAN, paragraph 6310 concerning suspension.

(6) ____ If the board recommends **SEPARATION**, the board recommends
that the respondent:

(a) ____ **SHOULD BE** retained in the IRR (Individual Ready
Reserve).

(b) ____ **SHOULD NOT BE** retained in the IRR.

See MARCORSEPMAN, paragraph 6311 concerning retention in the IRR.

*PARAGRAPH 7 AND 8, BELOW, SHALL ONLY BE INCORPORATED INTO THE FINDINGS AND
RECOMMENDATIONS WORKSHEET IF THE MARINE HAS REQUESTED TRANSFER TO THE FMCR
PRIOR TO INITIATION OF ADMINISTRATIVE SEPARATION PROCEEDINGS BUT THE CMC
DENIED THE REQUEST AND DIRECTED PROCESSING

*(7) ____ If the board recommends **TRANSFER** to the FMCR/Retired List,
the board recommends that the respondent:

(a) ____ **SHOULD BE** transferred in the current pay grade.

(b) ____ **SHOULD BE** reduced one inferior pay grade **BEFORE**
transferred to the FMCR/Retired List.

*(8) ____ If the board recommends **TRANSFER** to the FMCR/Retired List, it
recommends the following **Characterization** of Service:

*Figure L-9.--Administrative Discharge Board Report and Findings and
Recommendations Worksheet--Continued

*Figure L-9.--Administrative Discharge Board Report and Findings and
Recommendations Worksheet--Continued

Subj: ADMINISTRATIVE DISCHARGE BOARD REPORT: FINDINGS AND
RECOMMENDATIONS IN THE CASE OF (Respondent's Grade, Name,
EDIPI/MOS, Component)

- (a) _____ honorable.
- (b) _____ general (under honorable conditions).
- (c) _____ under other than honorable conditions.

4. PRESERVICE OR PRIOR SERVICE MATTERS: (MARCORSEPMAN, paragraph 1004)

- a. _____ The board did NOT consider such matters.
- b. _____ The board DID consider such matters but only on the issue of
retention and NOT considered on characterization.

5. RESERVE RESPONDENT ONLY. If the board recommends general (under
honorable conditions or other than honorable characterization for conduct in
the civilian community by a Marine who, at the time of the conduct, was a
member of the inactive reserve and was not on active duty or active duty for
training, the senior member initials one of the following:

_____ The board recommends a **general (under honorable conditions)**
characterization under MARCORSEPMAN paragraph 1004 based on the following
evidence that the conduct adversely affected overall effectiveness of the
Marine Corps, including military morale and efficiency:

*_____ The board recommends an **under other than honorable characterization**
under MARCORSEPMAN paragraph 1004 based on the following evidence that the
conduct is "service related," i.e., directly affected performance of military
duties:

6. MINORITY REPORT. _____ NONE//_____ SEE ENCLOSURE TO BOARD'S REPORT.

7. SIGNATURES. All members sign below.

Signature of Senior Member Date

Signature of Member Date

Signature of Member Date

*Figure L-9.--Administrative Discharge Board Report and Findings and
Recommendations Worksheet

*Figure L-10.--Command Letter of Endorsement for Administrative Discharge

SSIC
Code
Date

*FIRST ENDORSEMENT on ADMINISTRATIVE DISCHARGE BOARD REPORT of _____

From: Commanding officer (Convening Authority)
To: Separation Authority
(Via: Chain of Command)

Subj: RECOMMENDATION FOR ADMINISTRATIVE DISCHARGE OF (GRADE, FULL
NAME, EDIPI/MOS, COMPONENT)

Encl: *(1) Defense counsel comment on board (if any)
*(2) Recorder's response to Counsel for the
Respondent's comment
(3) (Other enclosures included by convening authority)

*1. As indicated by enclosure (1), an administrative discharge board convened to hear this case. The board found that the preponderance of the evidence (proved) (did not prove) the allegations and recommended (retention) (transfer to the FMCR/Retired List, if applicable) [(honorable) (general (under honorable conditions)) (under other than honorable)] discharge OR, if transfer applicable (see paragraph 6106) that the respondent be transferred in current pay grade/or reduced one inferior pay grade before transfer and that the characterization of service at transfer be (honorable) (general (under honorable conditions)) (under other than honorable conditions).

2. I (agree) (disagree) with the board's findings and recommendations. [Comments if any. Before disagreeing with a board's findings and recommendations, see MARCORSEPMAN, paragraph 6309, concerning the separation authority's actions in board cases].

3. Counsel for the respondent submitted comment on the board; see enclosure (2). Enclosure (3) is the recorder's response to enclosure (2).

4. Explain other enclosures included by the convening authority.

SIGNATURE

*Figure L-10.--Command Letter of Endorsement for Administrative Discharge

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