

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

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MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

1001. GENERAL

1. This Order/Manual provides procedures for separating Marines:

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

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

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

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

1002. DEFINITIONS

1. Active Commissioned Service. Service on active duty as a commissioned officer in a grade above warrant officer.

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

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

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

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

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

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

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8. Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

9. Broken Service. Active duty or active duty for training in any branch of military service of the United States broken by any period greater than 24 hours and after completing a minimum of 12 consecutive weeks of active duty or active duty for training, unless such service results in continuous service as defined below.

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

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

12. Commissioned Officer. An officer in any of the military services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer. For the purposes of this Manual the term commissioned officer is used to differentiate unrestricted and restricted officers from warrant officers, since the laws and policies governing the separation and retirement of these officers may be different.

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

14. Continuous Service

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

b. For Enlisted Personnel

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

(2) Reenlistment "within 6 months" following discharge or release from active duty provided the member is classified RE-1, recommended for preferred reenlistment, and holds an MOS listed as a "reenlistable" MOS. A member who reenlisted on the same day of the month, 6 calendar months from the date of discharge or release from active duty, is reenlisted "within 6 months."

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

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

17. Discharge. Complete severance from all military status gained by appointment, enlistment, or induction.
18. Dismissal. Separation of a commissioned officer, effected by sentence of a general court-martial, or in commutation of such a sentence, or, in time of war, by order of the President, or separation of a warrant officer (WO-1) who is dismissed by order of the President in time of war. A complete severance from all military status.
19. Drop From the Rolls. A complete severance of military status pursuant to a specific statutory authority, without characterization of service.
20. Effective Date of Retirement. All retirements, except those by reason of physical disability and Reservists who are retiring with pay at age 60, are effective on the 1st day of the month. In the case of mandatory retirements, retirements will be effected on the 1st day of the month following the month in which the officer meets the statutory limit.
21. Entry-Level Status. Upon enlistment, a member qualifies for entry-level status during: (1) the first 180 days of continuous active military service; or, (2) the first 180 days of continuous active service after a service break following more than 92 days of active service. A member of a Reserve component who was not on active duty or is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a Reserve component. Entry level status for such a member of a Reserve component terminates as follows: (1) 180 days after beginning training if the member is ordered to active duty for training for one continuous period of 180 days or more; or, (2) 90 days after the beginning of the second period of active duty training, if the member is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings. The period of entry level status is not interrupted by unauthorized absence or desertion.
22. Expiration of Active Service (EAS). The day active service terminates, including voluntary extensions of enlistment, convenience of the Government legal (CofGL), or convenience of the Government medical (CofGM), for Marines voluntarily retained on active duty.
23. Expiration of Current Contract (ECC). The date the current contract expires, excluding voluntary extensions of enlistment thereof that have not become effective.
24. Expiration of Obligated Service (EOS). The termination of the obligation under the terms of the Military Selective Service Act (MSS Act).
25. Homosexual. A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

26. Homosexual Acts

a. Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and,

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b. Any bodily contact that a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in the preceding paragraph.

27. Homosexual Conduct. A homosexual act or a statement by the service member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted homosexual marriage.

28. Homosexual Marriage or Attempted Marriage. When a member has married or attempted to marry a person known to be of the same biological sex.

29. Illegal Drug Involvement. Wrongful or improper use, possession, manufacture, sale, transfer or distribution of any psychoactive substance to include: amphetamine or similarly acting sympathomimetics; cannabis; cocaine; hallucinogens; inhalants; opiates; phencyclidine (PCP) or similarly acting arylcyclohexylamines; and sedatives, steroids, hypnotics, anxiolytics, or other controlled substances or drug paraphernalia. The term "Controlled Substances" means a drug or other substance included in Schedules I, II, III, IV, or V of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) as updated and published under the provisions of that Act.

30. Inactive Service. Duty authorized for Reserve officers by appropriate authority and performed on a voluntary basis in connection with prescribed training or maintenance activities of assigned units.

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

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

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

34. Marine. An officer or enlisted member of the Regular or Reserve establishment of the Marine Corps.

35. Member (also Service member). A member of the Regular or Reserve components of the Marine Corps.

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

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

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

39. Officer. A member of the naval service serving in a commissioned or warrant officer grade, either temporary or permanent. The term "officer" does not include any midshipman at the Naval Academy; midshipman, U.S. Navy;

midshipman, U.S. Naval Reserve; aviation cadet; or other person in an officer candidate status similar to any one or more of the foregoing.

40. Prior Enlistment or Period of Service

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

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

41. Probationary Commissioned Officer

a. A commissioned officer on the Active Duty List with less than 5 years of active commissioned service; or,

b. A Reserve commissioned officer with less than 5 years of commissioned service. However, a Reserve commissioned officer serving in an active status before 1 October 1996 who was in a probationary status before that date, is a probationary commissioned officer for a period of 3 years from the date of his or her appointment as a Reserve commissioned officer.

42. Propensity. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or

offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

54. Sexual Orientation. An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.

55. Sexual Perversion. Includes:

- a. Lewd and lascivious acts.
- b. Sodomy.
- c. Indecent exposure.
- d. Indecent act(s) with, or assault on, a person below the age of 16.
- e. Transvestism or other abnormal sexual behavior.
- f. Other indecent act(s) or offense(s).

56. Statement That a Member is a Homosexual or Bisexual, or words to that effect. Language or behavior that a reasonable person would believe was intended to convey the statement that a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.

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

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

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

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

| <u>Types of Separation</u> | <u>Character of Separation</u> | <u>Given by</u> |
|--|---|--|
| Release from active duty | Honorable, General (under honorable conditions), Uncharacterized | Administrative action |
| Honorable discharge | Honorable | Administrative action |
| General discharge | General (under honorable conditions) | Administrative action |
| Discharge under other than honorable conditions | Under other than honorable conditions | Administrative action |
| Entry level separation | Uncharacterized | Administrative action (entry level status) |
| Order of release from custody or control of the Marine Corps | Uncharacterized | Administrative action |
| Bad conduct discharge | Bad conduct | General or special court-martial |
| Dishonorable discharge | Dishonorable | General court-martial |

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1004. CHARACTERIZATION OF SERVICE

1. Importance of Proper Characterization

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

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

2. Types of Characterization or Description. Characterization of service or description of separation based upon administrative action is authorized as follows:

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

(1) Honorable upon EAS separation. Honorable characterization is appropriate when the quality of the member's service has met the standards of accepted conduct and performance of duty for military personnel. Therefore, characterization will be honorable for Marines with average proficiency marks of 3.0 or higher and average conduct marks of 4.0 or higher.

(2) Honorable upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. Honorable is appropriate only if the Marine's service, notwithstanding the basis for separation, is otherwise so meritorious that any other characterization would be clearly inappropriate. See paragraph 1004.3 and the specific basis in chapter 6.

b. General (Under Honorable Conditions). This is the second highest quality of characterization.

(1) General upon EAS separation. Characterization will be general for Marines with average proficiency marks below 3.0 and average conduct marks below 4.0.

(2) General upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. General (under honorable conditions) is appropriate if the member's service has been honest and faithful but significant negative aspects of the member's conduct or performance outweigh positive aspects of the member's military record. See also paragraph 1004.3 and the specific basis in chapter 6.

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

(1) OTH upon EAS separation. Not authorized.

(2) OTH upon involuntary separation under chapter 6 or separation in lieu of trial by court-martial. OTH is appropriate when the basis for separation is commission or omission of an act that constitutes a significant departure from the conduct expected of a Marine. Examples of factors that may be considered include, but are not limited to, the use of force or violence to produce serious bodily injury or death; abuse of special positions of trust; disregard of customary senior-subordinate relationships; acts or omissions endangering the security of the Marine Corps; deliberate acts or omissions

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seriously endangering the health and safety of others; and drug abuse. OTH characterization is authorized only if (1) the member has been afforded the opportunity to request an administrative board, or (2) the member requests separation in lieu of trial by court-martial under paragraph 4104 or 6419.

(3) When an enlisted Marine serving in pay grade E-4 or above is administratively separated with an other than honorable characterization of service, the Marine shall be administratively reduced to pay grade E-3, with such reduction to become effective upon separation.

d. Uncharacterized. See paragraph 1004.5.

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

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

b. The reason for separation.

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

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

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

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

4. Limitations on Characterization

a. Prior enlistment or period of service

(1) Characterization. Characterization of the current enlistment or period of service is determined by conduct, actions, or performance during that enlistment or service plus any extensions prescribed by law or regulations or effected with the consent of the member. Thus, positive or negative conduct, acts, or performance during a period of prior military service--including court-martial, nonjudicial punishment, absence without leave, misconduct for which a reenlistment waiver was granted, or commission of other offenses for which punishment was not imposed or adjudged--cannot be considered in determining the characterization to be recommended for the current enlistment. The issuance of a DD Form 214 to a member of the selected Marine Corps Reserve (SMCR) or Individual Ready Reserve (IRR) after any period

of active duty in determining characterization of separation from the reserve component.

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

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

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

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

e. Drug Abuse. Confirmed illegal drug use requires mandatory administrative separation processing. If processing is based solely upon evidence that may not be considered in determining characterization of service, the separation authority may direct retention, or approve an honorable or general (under honorable conditions) characterization of service as warranted by the respondent's service record. In all other administrative separation proceedings based on drug abuse, the GCMCA may act as the separation authority and take final action in accordance with paragraph 6309 (except in cases that must be forwarded to the Secretary of the Navy or the

CMC under subparagraph 1004.4c or paragraph 6307). See SECNAVINST 5300.28C for a detailed discussion.

(1) Using urinalysis results. Evidence obtained from an involuntary urinalysis taken under Military Rules of Evidence 312-316 (bodily or medical

examinations or intrusions, inspections, search, or seizure) may be used in determining characterization and can support OTH characterization. Urinalysis results obtained during fitness for duty examinations, if not based on probable cause or valid medical purpose, cannot be used as the basis for unfavorable characterization except when used for impeachment or rebuttal in any proceeding in which evidence of drug abuse has been first introduced by the Marine.

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

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

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

f. The separation authority for all Marines with 18 or more years of active/active constructive service is the CMC. The characterization of service for these Marines is normally honorable. However, characterization of service for Marines in this category, who are separated as a result of misconduct, may be less than honorable. In cases which warrant such a characterization, the command must forward a recommendation to the CMC (MMSR-3), with supporting documentation and endorsements for a determination.

5. Uncharacterized Separations

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

(1) When a separation is initiated while a member is in an entry level status (see paragraph 1002.21), except in the following circumstances:

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

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

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

Convenience of the Government (CoG), disability, or Secretarial plenary authority.

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

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

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

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

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

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

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

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

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

(a) Submitted voluntarily to military authority;

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

(c) Received military pay or allowances; and

(d) Performed military duties.

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

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

1005. DISCHARGE FOR EXPIRATION OF ENLISTMENT OR FULFILLMENT OF SERVICE OBLIGATION

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

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

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

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

1006. TIME AND PLACE OF SEPARATION

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

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

b. When the CMC (MMSR) directs transfer for separation elsewhere based upon humanitarian or hardship circumstances; or

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

2. There may be occasions in which assignments and deployment schedules cause a unit to have an excess number of first term Marines, resulting in lack of billeting spaces and equipment that negatively impact the quality of life and morale of the command. In these instances, commanding generals, endorsed by the appropriate commander, Marine Forces, may request that Headquarters Marine Corps (HQMC) authorize the separation of selected first term Marines

within 90 days of their EAS. Such requests should be forwarded to the Director, Personnel Management Division (MM/MMEA) with an information copy to the Director, Manpower Plans and Policy Division (MP/MPE) and include the grade, name, SSN/MOS, and EAS of the affected Marines. If approved, these Marines should be separated from their unit location unless prior coordination and approval is received from a regional separations site.

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

4. Marines will be separated in the United States unless other provisions in this Manual allow separation outside the United States. Commanding officers of units overseas must transfer Marines pending separation to the nearest Marine Corps activity in the continental United States (CONUS) which has government messing, quarters, medical, and Marine Corps disbursing facilities. Commanders will ensure Marines arrive at the separation location as close to, but not less than 10 days before the effective date of separation; coordinate with MMEA and MMOA as required. Marines returning from permanent overseas duty stations who are within 90 days of completing their active service obligations may request separation upon return. Upon the Marine completing the administrative requirements of this paragraph, voluntary separation may be effected pursuant to paragraphs 6401 and 6420.

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

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

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

(3) Marine is not indebted to the Government;

(4) Marine does not intend to reenlist;

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

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

b. Military Service Obligation (MSO). Separation should be consistent with the MSO of the Marine. Enlisted Marines whose total obligated service

will expire within a 60-day period may be discharged rather than released to inactive duty and their obligation shall be considered fulfilled. Marines desiring to immediately reenlist will not be separated under this authority.

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

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

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

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

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

"I hereby consent to be (discharged) or (released) on (date) in lieu of my normal or established date of discharge or release on (date). My enlistment (including any extension thereof) or period of extended active duty will expire 90 days or less after the date of my arrival in the United States. I am not indebted to the U.S. Government. I do not intend to reenlist. I am not transferring to the Retired list/Fleet Marine Corps Reserve. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service."

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

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

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

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

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

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

5. Separation Locations

a. Marines returning to the United States for immediate retirement, transfer to the FMCR, or for separation (per appendix A of the Joint Federal Travel Regulations [JFTR]) may select one of the following locations for separation processing, regardless of availability of Government billeting and messing:

MCCDC QUANTICO VA

012

MCSA KSC

W25

| | | | |
|---------------------|---|---------------------------------|-----|
| MCAS YUMA AZ | 027 | MCB CAMPEN CA | 014 |
| MCLB BARSTOW CA | 019 | MAGTFTC TWENTYNINE PALMS CA | 015 |
| MCRD SDIEGO | 017 | MCB CAMLEJ NC | 013 |
| 1006 | MARINE CORPS SEPARATION AND RETIREMENT MANUAL | | |
| MCAS NEW RIVER NC | 024 | MCAS CHERPT NC | 022 |
| MCRD PISC | 016 | MCAS BEAUFORT SC | 026 |
| MCLB ALBANY GA | 063 | MATSG PENSACOLA | G78 |
| HQ 1ST MCD GCTY | 902 | HQ 4TH MCD NEW CUMBERLAND PA | 904 |
| HQ 8TH MCD NRLNS | 910 | HQ 9TH MCD KANSAS CITY MO | 912 |
| CAMP H.M. SMITH, HI | 110 | MCB HAWAII | 091 |

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

(1) Counsel the member on the Survivor Benefit Plan (SBP) per MCO P1741.11B;

(2) Ensure that the service record and medical records (health and dental) accompany the member to the separation activity;

(3) Ensure a separation physical is completed;

(4) Submit to the separation activity, before the Marine's detachment, biographical information on the member suitable for reading at a retirement ceremony, should the Marine desire one at the separation site;

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

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

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

a. These requests will not normally be approved unless a humanitarian/hardship situation exists and Government billeting, messing, medical, and Marine Corps disbursing facilities are available.

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

"At your request you are authorized to report to (name and location of activity) instead of (the separation activity in the United States to which ordered) for separation processing, with the understanding that you are not entitled to reimbursement for: mileage or expenses in excess of that allowed for travel to (activity to which directed to report in the United States) and then to your home of selection, home of record, or place entered on active duty, as applicable; dislocation allowance; or proceed time. Travel time in

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excess of that authorized for the direct travel will be charged as leave. If you do not desire to bear this expense, this authorization is revoked and you will report as directed in your basic orders. JFTR, paragraphs U5125 or U5130, as applicable, and MCO P4650.37C Marine Corps Travel Instructions Manual (MCTIM) apply."

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

8. Separation OCONUS

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

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

(1) The Marine is eligible for separation under honorable conditions;

(2) The country in which the Marine is separating is nonbelligerent;

(3) The Marine has a passport and permission to remain in the country;

and

(4) To approve such requests, the commanding officer may accept a written statement from the appropriate consular or diplomatic representative certifying that the Marine has applied for, and is eligible to receive, a passport upon separation. A written statement from the foreign government authorizing a Marine permission to travel or reside in the country will suffice for proof of permission to remain in the country. For enlisted Marines, approval authority under this paragraph rests with the commanding officer. Officers desiring separation under this paragraph must forward their requests and supporting documents to the CMC (MMSR-3).

1007. EFFECTIVE TIME OF SEPARATION

1. A discharge or separation takes effect upon delivery of a valid discharge or separation document. Members of the Marine Corps Reserve who are separated under other than honorable conditions, or with a bad conduct or dishonorable discharge, will be issued a copy of the letter in figure 1-1 by the command.
2. In cases where discharge has been authorized or directed and the Marine is unavailable due to confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible, the discharge will be effective on the date shown on the discharge certificate. If the Marine is unavailable due to unauthorized absence, a discharge in absentia will not be effected without the approval of the CMC (MMSR) unless the Marine meets the criteria in paragraph 6312.
3. For the purpose of entitlement benefits administered by the DVA, 38 U.S.C. 106(c) provides that a Marine discharged or released from a period of active duty shall be deemed to have continued on active duty during that period of time immediately following the date of such discharge or release from such duty determined in accordance with regulations to be required to proceed to home by the most direct route, and in any event, until midnight of the date of such discharge or release. If a discharged member is injured while returning home and requires hospitalization, the Marine may be eligible for benefits from the DVA and should be advised to file an appropriate claim to that agency.
4. If discharge is being effected as a result of immediate entry or re-entry into any component of the Armed Forces, the discharge certificate will be dated as of the day immediately preceding such entry or re-entry.
5. When the date of discharge is not indicated, an approved administrative discharge will be effected at the earliest practicable date and normally not later than 5 working days from the time of receipt of the discharge order by the command concerned. Independent units which do not have an organic disbursing office will effect an approved administrative discharge not later than 20 working days from the time of receipt of the discharge order.
6. The release of a Reservist from active duty is effective at the expiration of authorized travel time. The discharge of a Reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.
7. Discharge certificates or other separation documents and final pay or a substantial portion of final pay will be prepared and delivered to the Marine on the date of discharge or release from active duty.
 - a. Do not deliver discharge certificates before the date of discharge for Marines who do not desire to extend or reenlist.

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

c. Consistent with the Marine's military service obligation, commanders are authorized to effect discharge (Regular or Reserve), or to order release from active duty (Regular or Reserve) on the last working day preceding a

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Saturday, Sunday, or holiday when the separation date falls on one of those days, provided the Marine concerned consents in writing per paragraph 1006.4e.

d. Paragraph 1006.4 contains instructions for early discharge or release of Marines.

1008. RETENTION BEYOND DATE DUE FOR SEPARATION

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

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

(1) An officer subject to mandatory separation. In such cases, only the Secretary of the Navy, acting within specific limited guidelines may authorize deferral of a mandatory separation for medical reasons.

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

(3) Marines receiving either an unsuspended punitive or administrative separation upon a basis that may result in an under other than honorable conditions characterization of service. See Navy Medical Publication P-117, Manual of the Medical Department (MANMED), article 18-23.

b. Disciplinary Status

(1) Those personnel to whom jurisdiction has attached by commencement of action with a view to trial, as by apprehension, arrest, confinement, or filing of charges, before release from active duty, may be retained on active duty. Once jurisdiction has been so attached, it continues for purposes of trial, sentence, and punishment. Additionally, personnel may be retained if subject to the initiation of a preliminary inquiry, subject to information of a discreditory nature that may lead to a preliminary inquiry or the assumption

of jurisdiction, to include, but not limited to, a restraining order against their person.

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

(3) Personnel retained beyond EAS due to serving a sentence or awaiting appellate review of a court-martial may be discharged under the provision of, and upon compliance with the Manual of the Judge Advocate General of the Navy (JAGMAN) and/or SECNAVINSTs in the 5815 series. Confinees who have completed the appellate review process and have had the opportunity to submit one clemency request to the Naval Clemency and Parole Board may be discharged while in confinement. Discharged Marines will be provided their discharge certificate and DD Form 214 at the time of their release from

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confinement at expiration of their sentence, or upon their parole or transfer to a Federal institution.

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

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

b. Administrative Discharge. Marines undergoing administrative separation processing will not be involuntarily retained on active duty past their release date.

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

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

(1) At least 1 month before EAS, a Marine will be offered the opportunity to extend his/her enlistment voluntarily for the duration of legal

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

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

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

(c) Assuming custody is accepted by foreign authorities, the member will be discharged from the naval service as soon as practicable,

terminating any special considerations that the member would be entitled to if they were still a member of the Armed Forces. After such transfer of custody, the member's commanding officer will, at EAS, discharge the member and so notify the Navy JAG, the CMC (MMSR), and the U.S. Embassy or Consul.

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

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

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

1009. TRAVEL UPON SEPARATION

1. Detailed instructions relating to the travel of Marines upon separation from the service or release from active duty are contained in the JFTR and MCO P4650.37C (MCTIM). Certificates in lieu of orders are not authorized (see ALMAR 342/97).

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

- a. Furnish the Marine a DD Form 1351-2, Travel Voucher or Subvoucher;
- b. Furnish an envelope and provide instruction for the submission of claims after completion of travel;
- c. Inform the Marine of the time limitations for completion of travel as provided in the JFTR;
- d. Furnish a DD Form 1351-2C, Voucher or Claim for Dependent Travel and Dislocation or Trailer Allowance, if entitled to family member transportation;

f. If entitled to travel and travel allowances to their home of selection from the last duty station, the JFTR requires that the member be:

(1) Informed of the time limitations covering completion of travel;
and

(2) Informed that once a home is selected and travel allowances are received for travel to such home, such selection is irrevocable.

g. If returned from an OCONUS permanent duty station for separation in CONUS at an activity elected under paragraph 1006.5, inform the member of entitlement to travel allowances as specified in the JFTR, paragraph U5130-A3.

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

a. Travel Completed Within 60 Days. Forward to the appropriate travel office at the last duty station.

b. Travel - All Other. Forward claims to:

DFAS-KC
Separation Division (Code PMCMS)
1500 East 95th Street
Kansas City, MO 64197-0001

Make telephonic inquiries to 1-816-926-7976.

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

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

Commandant of the Marine Corps (LFT-4)
Headquarters, U.S. Marine Corps
#2 Navy Annex
Washington, DC 20380-1775

1010. ACCRUED LEAVE

1. Leave in conjunction with separation may be authorized under the provisions of MCO P1050.3H, Regulations for Leave, Liberty and Administrative Absence. The provisions which apply to the granting of annual leave apply equally to leave in conjunction with separation. Consequently, the commander authorized to grant leave is not bound to grant leave to a Marine who is separating, retiring, or transferring to the FMCR.

2. Terminal Leave. Terminal leave is accrued leave granted to both first-term and career Marines to ease the transition back to civilian life, but granted at the discretion of the commanding officer. Terminal leave is not an entitlement, it is a privilege. Terminal leave is not granted until all separation administrative and medical requirements are complete. Terminal leave runs continuously from the first day of leave until the date of EAS or

transfer to the Retired List/FMCR. The following policies apply in granting or requesting leave in conjunction with separation.

a. Leave is granted by the commander authorized to grant leave. Commanders will play an active role in ensuring that their Marines take adequate leave as a respite from the strenuous duties of military life

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and specifically warn Marines not to accrue large leave balances for the purpose of selling back leave upon separation.

b. MCO P1050.3H allows the commander to approve up to 90 days terminal leave at a CONUS command and up to 60 days if at an OCONUS command. A greater period of terminal leave may be authorized by the CMC (MMEA/MMOA) on a case-by-case basis.

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

d. If leave is desired in conjunction with a request for separation, the appropriate separation request should be submitted at least 120 days plus the amount of desired leave (to include PTAD) before the effective date of separation. When the request is submitted via unit diary, enter the planned detachment date (PDD) as part of the unit diary request for separation. Departure on terminal leave will not be authorized until the request has been approved by the CMC and all required administrative and medical actions incident to separation have been completed; e.g., completion of separation physical, transition classes, etc. Marines will be advised that should they subsequently incur a previously undiagnosed illness or injury, they may be directed to return to duty at their last permanent duty station for medical treatment and further processing.

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

f. Dual pay is authorized per 5 U.S.C. 5534 during separation leave for a Marine who has accepted employment with the Federal Government or the District of Columbia.

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

(1) Marines desiring to take terminal leave, will report to a separation center as close to, but not less than, 10 working days, plus the number of days for leave (not to exceed 60 days) and PTAD, before the separation date.

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

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

h. Terminal leave may be taken in conjunction with PTAD per MCO P1050.3H.

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

1011. MEDICAL QUALIFICATION FOR SEPARATION AND PHYSICAL EXAMINATIONS

1. MANMED article 15-29 requires that a Marine being separated from active duty (i.e., statutory or voluntary retirement/transfer FMCR, discharge, expiration of enlistment, etc.) receive a thorough physical examination. A Marine evaluated by a medical evaluation board (MEB) incident to separation need not undergo further physical examination at the time of separation. A Marine must schedule a physical examination no more than 12, and not less than 6 months before the effective date of separation to allow time for necessary medical treatment or disability processing. It may take 6 to 8 months from the initial physical examination until final action for disability processing by the Secretary of the Navy. Exceptional cases may require longer periods of evaluation. Per the MANMED (and chapter 8 of this Manual) examinations are not required for Marines being discharged or retired upon the approved report of an MEB or the Secretary of the Navy Physical Evaluation Board (PEB). While every reasonable attempt will be made to provide a separating Marine with a final separation physical, it is recognized that there will be rare situations when it will be difficult or impossible to provide the physical.

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

b. When a Marine is otherwise beyond the control of the Marine Corps, (e.g., in the hands of foreign authorities) the separating command will contact the holding authority and request a physical be conducted. The

request for physical examination must be in writing and sent via certified mail, if available. If, after a reasonable amount of time (approximately 45 days) has elapsed, there is no response or a negative answer is received, the separating command will make a Page 11 entry in the Marine's service record book explaining the situation and why it was impossible to provide the physical. Page 11 will be similarly annotated for Marines separated under the conditions set forth in paragraph 6312. All documents and actions taken will be included in the service record book.

2. Deferral or Modification of Separation Date. Immediately notify the CMC (MMSR), via naval message if medical processing requires deferral of an approved separation date. Include pertinent details. The Marine Corps Total Force System (MCTFS) will not allow commands to modify a CMC approved separation date. Once a CMC approved separation date passes a Marine is dropped from the rolls without HQMC intervention.

a. Statutory/Mandatory Separation. Statutory/mandatory separation (i.e., twice failed of selection, service limits, age limits, selection for early retirement) may only be deferred by the Secretary of the Navy for a commissioned officer and the CMC for enlisted Marines for the following:

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(1) The Marine is hospitalized;

(2) An MEB has been accepted by the President, PEB for disability evaluation processing; and

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

b. Voluntary Separation. Only the CMC (MMSR) and the Secretary of the Navy may defer or change a CMC approved separation date for medical treatment.

(1) If the Marine is subsequently found qualified and the initial separation date has not passed:

(a) Notify the CMC (MMSR); and

(b) Effect the separation as scheduled.

(2) If the Marine is not fit to separate on the scheduled date, request disposition instructions from the CMC (MMSR).

(3) If the Marine is subsequently found qualified and the initial separation date has passed or the Marine is beyond EAS, the commanding officer shall:

(a) Officers. Request a new separation date (normally the first day of the month after being found physically qualified).

(b) Enlisted

1 Ensure the Marine is on a valid enlistment/extension; and

2 Immediately notify the CMC (MMSR) concerning both fitness for duty and the nature of the contract in effect. Marines in this category will normally be transferred to the FMCR on the last day of the month found physically qualified, or on the first day of the following month if retiring.

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

3. Separation will not be effected when any of the following actions are being taken or contemplated (for further instructions see chapter 8 of this Manual):

a. PEB Processing. Such processing is not considered completed until the Secretary of the Navy has taken final action on the board proceedings and the CMC has promulgated such action;

b. MEB action; or

c. Necessary, critical (non-routine) medical or dental treatment.

4. MANMED article 18-23 provides for separation without the benefit of the Disability Evaluation System when separation proceedings may result in a
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characterization of service of under other than honorable conditions. Regulations further provide that service members will not be afforded an MEB action (unless directed by higher authority) when pending administrative separation based upon misconduct or a punitive discharge. See paragraph 8508 in this Manual.

5. If a Marine is found unfit by the PEB, notify the CMC (MMSR-2) for retirements and the CMC (MMSR-3) for resignations. Disability retirement orders will be issued by the CMC (MMSR-4) per chapter 8 of this Manual.

6. Orders are not required for physical examinations except when travel is required. Request TAD orders from the appropriate command per the JFTR. Travel costs are chargeable to the command issuing the orders.

7. An enlisted Marine on active duty whose term of enlistment expires while suffering from disease or injury incident to service and not due to their own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with the Marine's consent, until recovered to the extent that the Marine is able to meet the physical requirements for reenlistment or until it is determined that recovery to that extent is impossible. See paragraph 8001 of this Manual.

9. HIV Testing. HIV screening is required at least 90 days before separating Marines from active duty. Results must be recorded on the SF 88 before separation. HIV test results are included in the separating Marine's medical record. If the HIV test results are not available at the time of separation, the Marine will be informed by the Military Treatment Facility (MTF) that his/her medical and dental records will be closed in absentia.

a. Once HIV results are received:

(1) If the test is negative, the completed copies of the SF 88 and SF 93 will be sent to the Marine via certified mail.

(2) If the test is positive, every reasonable effort will be made by the MTF to inform the Marine in person and to hand deliver both the SF 88 and SF 93. Alternatively, the Marine will be informed via certified mail. The Marine will be advised to contact the DVA to initiate a determination of medical benefits and eligibility. The Marine will also be advised that punitive separations and other than honorable discharges may disqualify him/her for veteran's benefits.

b. Current mailing address and phone number of the separating Marine and next of kin will be provided to the command and MTF. If the Marine has been placed on the Temporary Disability Retirement List (TDRL), the Marine will be advised in writing that a current mailing address and phone number must be provided to the PEB. Failure to provide an address could result either in the member's administrative removal from the TDRL or finalization of the case upon receipt of no response after attempted delivery to last known address by certified mail, return receipt requested.

c. The MTF will notify the separating command and the CMC (MMSB-16) via naval message that the Marine is fit/unfit for separation. Do not separate unfit Marines. Records will be held by the MTF pending HIV test results (or other medical data). An estimated forwarding date for the records will be provided in the message. Once the results are received, the MTF will forward the health records to the separating command in a sealed envelope with a cover letter listing the separating Marine's full name, SSN, date, and method the

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Marine was notified of HIV test results. When the Marine cannot be informed in person and certified mail is returned, documents will be duly annotated. The records will then be closed and forwarded (as above) with an accompanying cover letter to include a statement that the Marine could not be notified.

d. Marines will not be held on active duty awaiting HIV test results.

10. The CMC will direct that an MEB be dictated and forwarded to either the CMC (MMSR-4) or to the PEB when a Marine with an approved voluntary separation will not complete treatment of a medical condition within 30 days after the approved separation date.

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

1012. RETIREMENT CEREMONY

1. An appropriate retirement ceremony is to be held within the capabilities of the command for Marines retiring (includes transfer to the FMCR, TDRL, and PDRL), unless the Marine desires otherwise.
2. The commander will personally interview and discuss plans for the ceremony with the Marine. Should the Marine desire no ceremony, the Marine's wishes will be honored.
3. While command resources vary, each command will ensure the preference of the Marine is fulfilled to the extent feasible.
4. Commanding officers should take appropriate steps to duly recognize the spouse of a retiring Marine (e.g., by the presentation of a spouse's letter of appreciation.)
5. Refer to chapter 14 of NAVMC 2691, Marine Corps Drill and Ceremony Manual, for information on retirement parades.
6. A retirement certificate, letters, and USMC lapel pin are provided by the CMC (MMSR) for presentation upon retirement.
7. The Defense Authorization Act of 1999 directed that commanders present a United States Flag to active duty members upon their transfer to the Fleet Marine Corps/Navy Reserve or retired list on or after 1 October 1998. The Defense Authorization Act of 2000 directed that commanders present a United States Flag to reserve members upon their transfer to the retired list awaiting pay on or after 1 October 1999. Commanders are directed to use local operating funds to procure flags (NSN 8345-00-656-1435 or 8345-00-656-3234).

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CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 1: ADMINISTRATIVE MATTERS RELATIVE TO SEPARATION

1101. ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

1. General. This section covers administrative procedures and requirements for separating Marines. See MCO P1754.5 regarding separation transition.

a. Separation Counseling. The transition process from active duty to civilian life is a complex undertaking. There are three mandatory transition assistance events that a separating/retiring Marine will complete before separation: (1) completion of the pre-separation checklist (DD Form 2648), (2) attend a pre-separation counseling brief (SEPS), and (3) attend the three-day transition assistance program (TAP) seminar. The installation Transition Assistance Management Program (TAMP) sponsors SEPS/TAP classes.

b. Pre-separation Counseling.

(1) Under 10 U.S.C. 1142, pre-separation counseling (appendix C) is required to occur no later than 90 days before separation. It is strongly recommended that a Marine set up his/her pre-separation counseling appointment at least 180 days before separation. See appendix C or Form Flow DD Form 2648 for the pre-separation checklist.

(2) The completed DD Form 2648, signed by the separation/retiring Marine shall be forwarded to MMSB-20 for inclusion in the Marine's OMPF.

c. Pre-separation Counseling Brief

(1) All separating Marines must attend a pre-separation counseling brief. This brief provides specific, detailed information on the following 10 items that are listed in the pre-separation counseling checklist: education assistance/Montgomery GI Bill, reserve affiliation, job search, spouse job search, relocation and transition assistance, medical and dental coverage, career change, financial planning, vocational rehabilitation, and creation of an individual transition plan (ITP).

(2) The unit transition counselor shall direct the separating Marine to Marine Corps Community Services for the mandatory brief. If a Marine is stationed at another service's installation or is on independent duty, he or she shall attend the TAP/SEPS brief at the nearest transition assistance office. Marines will attend the brief no later than 90 days before EAS, regardless whether a request for reenlistment or extension is pending. Unit commanders of Marines scheduled to deploy during this period are encouraged to have Marines scheduled for briefs before deployment. Camp Lejeune and Camp Pendleton have established TAMP Afloat programs designed to deliver the TAP workshops to Marines deployed with Marine Expeditionary Units.

d. Transition Assistance Program (TAP) Seminar

(1) All separating Marines must attend a TAP workshop. TAP workshops and other employment related workshops provide information on the following topics: labor market information, civilian workplace requirements, employment opportunities, resume preparation, self-assessment and job analysis

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techniques, interviewing skills and federal, state, and local programs that may be of assistance to service members after separation.

(2) Marines separating/retiring with a medical discharge are required to attend the disability transition assistance program (DTAP). Length of DTAP varies; however, it usually ranges from 2-4 hours of instruction. Marines must still attend the regular TAP workshop in conjunction with DTAP.

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

2. Separating Documents

a. DD Form 214. Upon release from active duty all Marines, except as specified in paragraph 1202.3, will be issued a Certificate of Release or Discharge from Active Duty (DD Form 214) prepared per section 2 of this chapter and appendix B.

b. Discharge Certificates (DD Form 256 and 257). Discharge certificates will not be issued unless the Marine is being discharged or reenlisted after completion of the eight-year service obligation or through involuntary administrative separation proceedings.

(1) Custody

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

(b) When an organization is disbanded, unused discharge certificates shall be forwarded by registered mail to the Navy Cognizance I Supply System under instructions contained in the Introduction to NAVSUP Pub 2002.

(2) Preparation

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

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

(c) Regular and Reserve Marines separated under honorable or general (under honorable conditions) will receive the appropriate discharge certificate. Regular Marines separated under other than honorable, bad conduct, and dishonorable conditions will not be issued a discharge certificate. Reserve Marines separated under other than honorable, bad conduct, or dishonorable conditions will be issued a copy of the letter in figure 1-1. Place a copy of the letter on the document side of the service record before forwarding per MCO P1070.12K, IRAM.

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(3) Completion of the Discharge Certificate

(a) Name. Grade, full name in capital letters (beginning with the first name), followed by the social security number (SSN). In the case of Reservists, no additional statement will be placed on the discharge certificate. The requirement for listing the middle name is waived for the Commanding General, Marine Corps Reserve Support Command (MCRSC), a middle initial, if applicable, must be included. Do not indicate component (USMC or USMCR).

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

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

(4) Delivery

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

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

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

Commanding General, Marine Corps Reserve Support Command
15303 Andrews Road
Kansas City, MO 64147-1207

(2) Marines at Home Awaiting Results of a Physical Evaluation Board. Commanders will mail the discharge certificate to the Marine concerned using first class mail. Returned undelivered certificates will be forwarded

to the Commanding General, Marine Corps Reserve Support Command as specified in the preceding paragraph.

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

(5) Replacement of Lost or Destroyed Discharge Certificate

(a) Enlisted Marines. Upon request, a replacement discharge certificate will be issued by the CMC (MMSB-10).

Commandant of the Marine Corps (MMSB-10)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134

(b) Officers. Upon request, a replacement discharge certificate will be issued by the CMC (MMSR-3).

c. In addition to the discharge certificate and DD Form 214, Marines receiving an honorable or general (under honorable conditions) character of service, who are not reenlisting, will be presented the following items at separation:

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

(a) Members of the Marine Corps Reserve who have served on continuous active duty for 30 days or more should be presented a lapel pin upon discharge, provided the character of service is at least general (under honorable conditions) and the Marine is not reenlisting.

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

(2) Benefits Pamphlet. Each Marine separated honorably will be given a copy of "Federal Benefits for Veterans and Dependents," (last version 1999).

(3) Certificate of Appreciation. In recognition of their true and faithful service, as determined by their commanding officer, Marines honorably separated at the end of their active service requirement and being transferred to the Inactive Ready Reserve, will be presented a Certificate of Appreciation. An appropriate ceremony will be held within the capabilities of the command, unless the Marine desires otherwise. Certificates are available through the supply system (NAVMC 11352), NSN 0109-LF-983-1400 (see appendix N).

3. Servicemen's Group Life Insurance (SGLI)

a. Marines on active duty entitled to full-time SGLI coverage can convert to Veteran's Group Life Insurance (VGLI) by submitting the premium within 120 days following the date of separation from service.

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

Office of Servicemen's Group Life Insurance
P.O. Box 6249
Carol Stream, IL 60197-6249

Or, call 1-800-419-1473.

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

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

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

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

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(3) Procedures for applying to the nearest recruiting station, should reenlistment become an option at a later date. Recruiters have the latest information on prior service opportunities. Recruiters may refer individual cases to the CG, MCRC (MRRE) per MCO 1130.58D, Reenlistment of Prior Service Marines.

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

b. Address of Commanding General, Marine Corps Reserve Support Command. Each Marine discharged and not reenlisted in the Regular Marine Corps will be informed that questions relating to Marine Corps Reserve service may be obtained from the address below. See MCO 1001.39, Separation Counseling on Marine Corps Reserve Participation.

Commanding General, Marine Corps Reserve Support Command
15303 Andrews Road
Kansas City, MO 64147-1207

Or, call 1-800-255-5082.

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

(1) Marines not recommended, or recommended but not eligible, for reenlistment per MCO P1040.31H, Career Planning and Development Guide, will be counseled by their commanding officer. Record the following entry on page 11 of the service record when an RE-4 or RE-3 reenlistment code is assigned.

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

(Signature of Marine) (Date) _____
(Signature of Commanding Officer)"

NOTE: Also use this entry when the CMC assigns a reenlistment code of RE-1B; the specific reason will be provided.

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

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

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

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

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

(4) Service members who have completed at least 180 days of service at the time of separation must be provided a written explanation of eligibility requirements. This document will be signed by the member acknowledging receipt and a copy filed on the document side of the service record. If the member refuses to sign the statement, the commanding officer should so note that fact on the statement and file it in the service record. Additionally, on block 18 (Remarks Section) of the DD Form 214, indicate that the member was counselled, but refused to sign an acknowledgement.

"I (Marine's Name), have been counseled concerning the DVA dental treatment eligibility requirements. I understand that application for DVA dental outpatient treatment must be made within 90 days of separation from active duty. I further understand that if a complete dental examination and all appropriate dental services and treatment were completed within 90 days of separation from active duty, I will not be eligible for DVA dental outpatient treatment.

Marine's Signature Date"

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

f. BCNR/NDRB Advisory. Explain in writing (see appendix D) the purpose and authority of the Board for Correction of Naval Records (BCNR) and the Naval Discharge Review Board (NDRB) to all Marines during separation processing, except when the separation is due to an immediate reenlistment. Include an explanation that a discharge under other than honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the DVA notwithstanding

any action by the NDRB. These requirements are a command responsibility and not a procedural requirement. Failure on the part of a member to receive and understand the explanation required by this paragraph does not create a bar to separation or characterization.

g. Unemployment Compensation for Ex-Service Members (UCX Program).

Marines who have completed their first term of service and are separated from active duty may be eligible for up to 13 weeks of unemployment compensation. Additionally, Marines who have served in excess of 179 days and are separated because of medical disqualification, pregnancy, parenthood, hardship, service-incurred disabilities, convenience of the government, or denied further service may also be eligible. Entitlement to benefits is based upon the circumstances of separation. Final determination on applications rests with the state.

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

i. Montgomery G.I. Bill (MGIB) - Active Duty. Marines who entered active duty after 30 June 1985 and enrolled in the new MGIB while in the service may be eligible for benefits. Write any DVA office or the following regional office for further information:

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

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

(1) Advise each Marine that failure to provide a valid PMA upon separation will result in IRS Forms W-2 and safekeeping bonds being returned to the Defense Finance and Accounting Service (DFAS) as undeliverable. To receive active duty W-2s contact:

DFAS-KC (KU)
1500 East 95th Street
Kansas City, MO 64197-0001

(2) To contact DFAS, Kansas City within 1 year of separation date to receive information relating to the last year of active duty, write to:

DFAS-KC (PMCMA)
1500 East 95th Street
Kansas City, MO 64197-0001

Or, call (816) 926-7050; Internet address www.dfas.mil. Follow the links to the Marine Corps site.

(3) Retired Marines failing to maintain a current PMA with the Defense Finance and Accounting Service, Cleveland, OH risk termination of retired pay. Send address changes to:

DFAS-CL (Code PRRA)
P.O. Box 99191
Cleveland, OH 44199-1126

Or call (800) 321-1080. Fax (800) 469-6559. Internet address www.dfas.mil. Follow the links to the Marine Corps site. Telephonic, self-service address changes are also possible through the employee/member self-service, personal identification number (EMSS-PIN) system at (800)-390-2348.

5. Government Property, Uniforms, and Clothing

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

b. Uniforms and Clothing

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

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

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

(4) Wearing of the Uniform After Separation. Wearing of the uniform requires maintaining the high standards of the Marine Corps Uniform Regulations (MCO P1020.34F) and meeting the provisions specified in paragraph 11002 of those regulations regarding authorization and occasion of wear.

(a) After Discharge. Marines whose character of discharge is honorable or general (under honorable conditions), except when discharge is for unsatisfactory performance, homosexual conduct, misconduct, good of the Service, or security may retain and wear their uniforms from the place of discharge to their home, within 3 months after the date of such discharge. The phrase "from the place of discharge to their home, within 3 months after the date of such discharge" refers to the period between the date of discharge and the date of arrival at their home and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. Marines who served honorably during a declared or undeclared war shall, when not on active service, be entitled, upon occasion of ceremony, to wear the uniform of the highest grade held during their war service.

(b) FMCR and Retired Marines. These Marines are entitled to wear the prescribed uniform of the grade held on the retired list when wear of the uniform is appropriate under the provisions of MCO P1020.34F, paragraph 8003.

6. Pay Accounts

a. The disbursing officer maintaining the Marine's account will be provided with a properly executed NAVMC Form 11060, Separation/Enlistment Voucher, at least 10 working days before the date of separation from active duty. See MCO P7220.31, Automated Pay Systems Manual and the MCTIM.

b. All separating Marines must report to the disbursing officer not less than 5 working days before separation with a completed Separation Travel Allowances Election Certificate. At that time the Marine will receive an explanation of travel and travel allowance entitlements, receive claim submission instructions, and be provided the required forms for claim submission (see the MCTIM).

c. An enlisted Marine discharged under other than honorable, bad conduct, or dishonorable conditions and who would be otherwise without funds to meet immediate needs, upon discharge shall be paid a sum not to exceed \$25 or such portion thereof as, together with other funds available to the Marine concerned, totaling \$25. For detailed instructions refer to the DoDFMR.

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7. Closing Out the Service Record

a. Close out and forward the service record and health (medical and dental) record of each Marine separated per MCO P1070.12K (IRAM). DD Form 2648 (Preseparation Counseling Checklist) and the retirement/FMCR request are to be forwarded to MMSB-20 when completed, vice waiting for record close out.

(1) Service Records: Include a copy of the DD Form 214, and the orders transferring the Marine to the Retired List/FMCR for inclusion in the OMPF and forward to:

Commandant of the Marine Corps (MMSB-20)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134-5030

(2) Health Records: Include a copy of the DD Form 214 and forward to:

Department of Veterans Affairs
Records Management Center
P.O. Box 150950
St. Louis, MO 63115-8950

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

1102. AUTOMATION

1. Background. During July 1994, the Marine Corps implemented the Defense Retiree and Annuitant Pay System (DRAS). This is a DoD mandated consolidation of all retiree and annuitant pay accounts to a single DoD system. To support this initiative, extensive modifications to the Marine Corps Total Force System (MCTFS) were necessary. The outcome is a significant technological step forward in the processing of separations. Separation data is fed directly to the parent and command reporting units by using the unit diary system in MCTFS.

2. Overview. DFAS-KC transfers data to DFAS-CL triggered by a command running a successful unit diary "drop" entry. CMC approvals are generated to the parent command and responsible order writing unit exclusively via the unit diary. See appendix E for detailed procedures. Naval messages are not issued granting authority to release Marines for routine separation. A diary

advisory is generated to the command reporting unit code (CRUC) with the responsibility to issue orders and an information copy is provided to the reporting unit code (RUC). Reporting units must coordinate with the higher headquarters (CRUC) to ensure timely issuance of orders. Compliance with established directives will minimize or eliminate late payment of retired pay. Proper and timely drops are critical to the success of the process.

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

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

1104. SEPARATION OF ALIENS

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

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

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

4. 8 U.S.C. 1439 requires expeditious naturalization of a permanent resident alien upon completion of 3 continuous years of active service in the Armed Forces of the United States, provided the alien:

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

- b. Was separated from the military service under honorable conditions;
- c. Files a petition while still in the military service or within 6 months after the termination of such service; and
- d. Can comply in all other respects with the provisions of 8 U.S.C. 1439, except that:

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

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

5. In order to not jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged solely for the Convenience of the Government under the provisions of any early release program until completion of 3 years of service. Further, the above provisions will be explained to any alien who

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applies for discharge for hardship before completion of 3 years of service. The prescribed 3-year period may be satisfied by a combination of active duty and inactive duty in a Reserve status. Notwithstanding the foregoing, an alien desiring discharge for the preceding reason (i.e., hardship or for the Convenience of the Government under the provisions of an early release program) must include the following statement in the request for discharge:

"I understand that requesting discharge before completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under 8 U.S.C. 1439. However, understanding the above, I request early discharge."

6. The above policy should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military records. Adequate provisions are contained in this Manual for the separation of Marines whose performance of duty or conduct does not justify their continued retention in the Service.

1105. DISCHARGE ADJUDGED BY SENTENCE OF COURT-MARTIAL

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

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

3. The appropriateness of a punitive discharge as the sentence, or as part of the sentence, of a court-martial is discussed in the Manual for Courts Martial (MCM 2000), Rules for Court Martial.

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

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

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

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

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

d. When transfer to the CONUS is directed, forward a report to the Judge Advocate General of the Navy per the MCM 2000, with a copy to the CMC (SJA). Indicate the type of court-martial, sentence as approved at the time of transfer, the name of the activity to which the Marine is transferred, and the estimated report date to the new activity. Upon the Marine's arrival at the new activity, the commander will immediately advise the Judge Advocate General of the Navy by naval message with a copy to the CMC (SJA). When a different activity or disciplinary command is redesignated as the place of temporary custody or confinement, this will be set forth in the report and the date of transfer will be stated.

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

6. When an enlisted Marine serving at a station within the CONUS is sentenced to discharge and the discharge has not been suspended for a stated number of months to permit the Marine to continue in the service after satisfactorily serving during a probationary period, the Marine will be retained at the place of trial or transferred to another activity or disciplinary command, per regulations governing designation of places of confinement. When a Marine is

transferred to another station or to a disciplinary command, forward a report of the transfer to the Judge Advocate General of the Navy, with a copy to the CMC (SJA). See the current version of the MCM 2000.

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

8. Where the execution of a portion of a sentence which adjudged a discharge is suspended subject to a probationary period, the suspension may be vacated pursuant to the procedures in the MCM 2000. Commanders must give careful consideration to reports of offenses committed by Marines serving in such status and to undertake proceedings for the vacation of suspension of the sentence only where it is established by the record that such action is appropriate and in the best interest of the Marine Corps.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 2: CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214); CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY WORKSHEET (DD FORM 214WS); AND, CORRECTION TO DD FORM 214, CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 215)

1201. GENERAL

1. DD Form 214WS. This is a single sheet standard form to aid the separating activity in preparing the DD Form 214. Its use is not mandatory; if used, it may be retained for not more than 6 months at the discretion of the separating activity.

2. DD Form 214. This is a multicopy standard form designed to provide:

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

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

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

3. DD Form 215. This is a multicopy standard form for use by:

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

b. The CMC, the Commanding General, Marine Corps Reserve Support Command (MCRSC), Kansas City, MO and the Marine Corps Liaison Officer, General Services Administration (GSA), National Personnel Records Center (NPRC), St. Louis, MO to correct a completed DD Form 214 after the Marine has received the DD Form 214 and departed from the separation point and/or the copies of the form have been distributed. See appendix B.

4. DoD has authorized use of computer generated DD Forms 214 and 215 and HQMC has disseminated electronic copies to forms management officers throughout the Marine Corps with guidance for the use of these forms.

1202. ISSUE, PREPARATION, AND DISTRIBUTION OF DD FORM 214

1. The care in properly preparing this document cannot be over emphasized. This is the most important document of service a Marine possesses. DD Form 214 cannot be presented or mailed to the Marine until the actual date of separation. Marine Corps activities effecting separations will ensure that

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every Marine, excluding those listed in paragraph 1202.3, separated from a period of active duty is issued a completed DD Form 214. See appendix B for detailed instructions on completion of DD Form 214 and 215.

2. Prepare and physically deliver a DD Form 214 to Marines upon:

a. Release from Active Service. A DD Form 214 will be issued to each Marine, except as provided for in paragraph 1202.3, upon separation from a period of active duty. This includes:

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

(2) Release from a voided minority enlistment; and

(3) Separation for physical disability.

b. Release of Reservists from a Period of Active Duty Service. A DD Form 214 will be issued in the following instances:

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

(2) Separation from a period of active duty or active duty for training (ADT) of 90 days or more; and

(3) Separation from active duty while in the Active Reserve (AR) Program.

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

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

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

(3) Termination of Reserve component status to integrate into a Regular component of the Armed Forces;

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

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

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

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

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

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

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e. When circumstances require the issue or reissue of the DD Form 214, an appropriate entry stating the fact and the date of such action will be recorded in item 18, Remarks, unless specifically denied by the authority referenced in subparagraph 1202.2d(1).

3. DD Form 214 will not be issued to:

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

b. Marines found physically disqualified upon reporting for active duty and who do not enter actively upon duties per orders;

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

d. Marines released from a period of less than 90 days active duty for training, except as specified in subparagraph 1202.2b;

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

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

g. Personnel removed from the TDRL; or

h. Enlisted Reservists released from a period of active duty of less than 90 days or discharged from the Reserve component. Although not issued a DD Form 214, such Reservists will be assigned a reenlistment code from appendix I for record purposes (e.g., page 11 entries, discharge letters, statements of service) and MCTFS entries per MCO P1080.40B (MCTFSPRIM);

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

4. General Instructions

a. The original of the DD Form 214 will be physically delivered to the Marine before departure from the separation activity on the effective date of separation. Copy 4 of the DD Form 214 containing the statutory or regulatory authority, reenlistment code, separation program designator (SPD) code, and narrative reason for separation also will be physically delivered to the Marine before departure, if requested by initialing block 30. When emergency conditions preclude physical delivery or when the Marine departs in advance of the separation date (e.g., leave in conjunction with retirement or at home awaiting separation for disability), the original and copy 4 of the DD Form 214 will be mailed to the Marine not later than the effective date of separation. The commander must ensure that copies 2, 3, and 5 through 8 of the DD Form 214 are distributed no more than 5 working days following the effective date of separation and that each copy is forwarded to the appropriate unit or organization per appendix B.

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

(2) The DVA requires that copy number 4 of DD Form 214 must be submitted with any application requesting veteran benefits.

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

(4) For those Marines on terminal leave, a statement of service (SoS) may be provided as an interim working document before the issuance of a DD Form 214. The SoS allows Marines on terminal leave the ability to document previous military service when seeking a loan, or to provide such information to various government and civilian agencies as needed. Ensure that the following statement is contained in the remarks section of the SoS: "The above information is current as of (insert date terminal leave commences). The addressee is not actually scheduled for release from active duty until (insert date of discharge)."

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

c. Avoid abbreviations since the form will be read by civilians who may not be familiar with military terms.

d. If more space is required for entering information, entries may be continued using item 18 of the form. If no detailed information is applicable for an entry, enter "None." When information for one or more of the items on the DD Form 214 is not available and the document is issued to the Marine, the applicable block(s) will be annotated "See Remarks." In such cases, block 18 will contain the entry "DD Form 215 will be issued to provide missing information." The same procedure applies for a release from a period of active duty for training of 90 days or more, or for Marines being separated from active duty for training under a Reserve Special Enlistment Program as specified in subparagraph 1202.2b. A continuation sheet, if required, will reference: the DD Form 214 being continued, information from blocks 1 through 4, the appropriate block(s) being continued, the Marine's signature, and date, and the authorizing official's signature. If a continuation sheet is used, enter "CONT" in block 18 and ensure a legible copy is placed with each copy of the DD Form 214.

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

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

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

(1) Any unavoidable corrections or changes made in the unshaded areas of the form during the preparation shall be neat and legible on all copies and initialed by the authenticating official. No corrections will be permitted in the shaded areas. Once the original and copy 4, if applicable, have been delivered to the Marine, no corrections may be made to copies by the separation activity.

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(2) The Marine will be cautioned not to make changes or alterations to the form; to do so will render it void. If an error is discovered by the Marine after receipt of the form and after departure from the separation activity, or distribution of copies has been made, correction or change will be made by the CMC on a DD Form 215. Requests for correction to DD Form 214 will be addressed to:

Commandant of the Marine Corps (MMSB-10)
Headquarters, U.S. Marine Corps
2008 Elliot Road
Quantico, VA 22134-5030

Requests should include the Marine's full name, grade, social security number (SSN), and effective date of separation. The CMC has granted the Commanding General, MCRSC, authority to issue the DD Form 215 when certain errors are detected on the DD Form 214 contained in service records forwarded to the MCRSC for retention. Requests from the Marine for correction to the form will be addressed only to the CMC (MMSB-10).

(3) For replacement of a lost or destroyed DD Form 214, submit a request to the CMC (MMSB-10).

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

i. Exceptions. Marines Undergoing Disability Processing or Treatment in DVA Hospital.

(1) When a Marine has appeared before a Physical Evaluation Board (PEB), has accepted the findings of the PEB, and is placed in an "awaiting orders status" pending final action by the Secretary of the Navy on retention, retirement, or discharge for physical disability:

(a) The activity responsible for administering the Marine's record will complete items 1 through 11, 13 through 16, 18 through 21, and item 30, if applicable, per the instructions in appendix B before the departure of the Marine from the activity;

(b) When retirement or discharge is directed by the CMC, the remaining items will be completed and the forms distributed. The original and copy 4, if applicable, shall be mailed to the Marine to arrive on the effective date of separation; and

(c) In the event the Marine is retained on active duty, the original and all copies of the form will be destroyed.

(2) When a Marine is transferred to a DVA hospital for further treatment pending final action on the report of the PEB:

(a) The activity administering the Marine's records will complete items 1 through 11, 13 through 16, 18 through 21, and item 30, if applicable, before transfer from the medical treatment facility (MTF) in which the Marine

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is hospitalized and forward the form to the Marine Corps activity responsible for maintenance of service records while the Marine is a patient at the DVA hospital.

(b) When retirement or discharge is directed by the CMC, the remaining items will be completed and the forms distributed. The original and copy 4, if applicable, shall be mailed to the Marine to arrive on the effective date of separation.

1203. SAFEGUARDING SEPARATION INFORMATION

1. DD Forms 214 and 215 are official documents used by civilian and governmental agencies for determination of DVA benefits, reemployment rights, unemployment insurance, etc. To preclude fraudulent use, certain features have been designed into the paper DD Forms 214 and 215, version Feb 2000, which replaced all previous versions. Items 1, 3, 4, 12, and 18 through 30 of the paper DD Form 214, as well as items 1, 3, and 5, of the paper DD Form 215 have been surprinted with security ink to make alterations readily discernible. No corrections are permitted in the shaded areas of the paper Feb 2000 version. Computer generated DD Forms 214 and 215 have been approved and may be utilized by authorized commands in lieu of the paper DD Form 214 and 215. The computer generated form does not have shaded areas in order to enhance the digital storage of these forms.

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

a. Appoint, in writing, a commissioned officer, warrant officer, staff noncommissioned officer in the grade of staff sergeant or above, or civilian employee (GS-7 or above) to act as the agent responsible for the requisition, control, and/or issue of the DD Forms 214, 214WS, and 215.

b. The agent will:

(1) Approve the requisition of blank forms;

(2) Verify total number of forms received against the requisition;

(3) Furnish adequate storage to provide strict security of blank forms at all times;

(4) Establish procedures for accountability of forms held and/or issued. Electronic forms will be serialized and the serial numbers will be maintained in either an electronic or paper log for accountability purposes;

(5) Ensure all forms are secured after duty hours;

(6) Ensure all obsolete forms are destroyed;

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

(8) Ensure reproduced copies of the DD Form 214 are destroyed;

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

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(10) Ensure appropriate computer access and password protection is in place for use of electronic generated DD214 and DD215 forms; and

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

c. No forms will be discarded intact.

d. The commander will monitor and periodically review the above procedures to ensure compliance. Additionally, the above procedures are subject to review and evaluation for compliance by members of the Inspector General of the Marine Corps (IGMC).

1204. SPONSORSHIP OF THE DD FORM 214/215 SERIES. The Assistant Secretary of Defense, Personnel and Readiness (ASD (P&R)) sponsors DD Forms 214, 214WS, and 215. Each service is required to publish preparation and distribution instructions under the guidance of DoD. Deviation in format or modification of content is not authorized without prior approval by the DoD. Requests to add or delete information will be coordinated with the other military services in writing, before submission to the ASD (P&R). Submit requests to modify these forms to the CMC (MMSR-3).

1205. RESPONSIBILITY FOR ASSIGNMENT OF SEPARATION PROGRAM DESIGNATOR (SPD). The standard codes for officer and enlisted personnel were developed under the direction of the DoD and are published in MCO P1080.20M, MCTFS Codes Manual. Address requests for additions, deletions, or modifications to SPD's to the CMC (MMSR-3). See appendix A for a list of current SPDs. Frequently used officer SPDs are also listed in appendix A, however these codes are assigned by CMC (MMSR, MMOA) and will only be used when directed by the CMC.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 3: ENTITLEMENT TO SEPARATION PAY

1301. GENERAL. Separation pay is intended to assist involuntarily separated members returning to civilian life. Separation pay will be paid to members involuntarily separated from active duty with more than 6 years of active service and on a second or subsequent contract. If a member later becomes eligible for retired or retainer pay, or disability compensation, separation pay is subject to recoupment at the time of retirement (see paragraph 1307). Entitlement to separation pay is contained in paragraphs 1304 and 1305. When final action is taken on administrative separations under chapter 6 of this Manual, the separation authority will include any entitlement to separation pay in that action. Disability severance pay is distinct from separation pay and is discussed in paragraph 8401.

1302. DEFINITIONS. The below phrases have special definition with reference to separation pay.

1. The phrase "involuntarily separated, discharged or released from active duty" includes: all forms of separation under conditions when the individual is released from active duty at any time before the completion of a stipulated period of active service or tour of active duty and not at the member's own request; or, when the individual is denied reenlistment or extension on active duty. Examples include, but are not limited to: release due to reduction in force (RIF), failure of selection for promotion, and release of Reserve members not accepted for an additional tour of active duty for which they volunteered.

2. The phrase "not accepted for an additional tour of duty for which they volunteered" refers to members who, before completing a tour of active duty or a stipulated period of active service, or upon notification of the intent to separate them from active duty, volunteer to remain on active duty but are not accepted. Reserve officers on the active duty list, excluding those under 10 U.S.C. 641, who twice failed to be selected for promotion under 10 U.S.C. chapter 36 and who are ineligible to apply for an additional tour of active duty under a service retention program need not request retention to be "not accepted for an additional tour of active duty for which they volunteered."

1303. RATES OF SEPARATION PAY. Instructions for the calculation of separation pay for an individual are contained in the paragraphs below.

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

Full Separation Pay = .1(a x b)

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

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b. Periods for which a service member previously has received separation, severance, or readjustment pay may be counted for eligibility purposes to ensure the member meets the minimum required years of active duty. These periods may not be used in the multiplier to determine the amount of separation pay for subsequent separation.

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

2. One-half separation pay is one-half the amount computed under paragraph 1303.1.

1304. MARINES ELIGIBLE FOR SEPARATION PAY (NONDISABILITY)

1. SECNAVINST 1900.7G governs separation pay. Marines involuntarily separated from active duty whose separation is characterized as honorable and meet the criteria in the instruction, except for those excluded under paragraphs 1305 and 1306, are entitled to full separation pay. The Secretary of the Navy is the authority for all officer separation pay entitlement. The CMC (MMEA-6) is the authority for all separation pay entitlement for active duty enlisted members.

2. Minimum Service

a. Regular officers and enlisted members on the active duty list must have completed at least six years of active duty service before separation. The qualifying years do not have to be continuous; however, the last phase of the qualifying term must end immediately before the separation, discharge or release date.

b. Officers and enlisted members not on the active duty list must have completed at least six years of continuous active duty service immediately before separation. For purposes of separation pay, a period of active duty service is continuous if any break in service does not exceed 30 days.

3. Reserve Obligation. The service member must enter into a written agreement indicating willingness to serve in the Ready Reserve for a period of not less than 3 years following separation from active duty. A member who enters into this written agreement and is not qualified for appointment or

enlistment in the Ready Reserve need not be enlisted or appointed to be considered to have met this condition of eligibility for separation pay. If the member has a service obligation remaining when separated from active duty, the 3 year obligation begins on the day after the date on which the member completes the former obligation.

4. Enlisted members separated for high-year tenure are eligible for full separation pay, unless precluded by another provision of this Manual, provided other requirements of this instruction are met. It must be understood that due to manpower constraints, an individual Marine with an otherwise competitive record, may be denied reenlistment due to lack of allocations in a particular skill or grade. These Marines will not be deprived of full separation pay. Likewise, Marines twice failed of selection for promotion to the next higher grade may be granted full separation pay.

1305. MARINES LIMITED TO HALF SEPARATION PAY (NONDISABILITY)

1. Members not fully qualified for retention, but eligible for separation pay under paragraph 1304.2 and 1304.3, whose separation is characterized as honorable or general (under honorable conditions) and are involuntarily separated from active duty under the following criteria, and as prescribed by SECNAVINST's 1920.6B, 1910.4B, and 1210.5A, shall be limited to one half the rate of separation pay. See paragraph 1303. This includes members separated for high-year tenure and who are not qualified for advancement under policies established by the CMC (MMEA).

2. Criteria for Half Separation Pay

- a. Expiration of service obligation.
- b. Selected changes in service obligation.
- c. Homosexual conduct not involving aggravating factors listed in paragraph 6207.5.
- d. Alcohol abuse rehabilitation failure.
- e. Retention is not consistent with the interest of national security.
- f. Convenience of the Government.
- g. Weight control failure.

3. The Secretary of the Navy may award full separation pay to individual members discharged under the above criteria. Such payments will only be granted in extraordinary instances when the specific circumstances of the separation and overall quality of the member's service are such that denial of full separation pay would be unjust. For example, a member with a congenital or hereditary disease who is involuntarily separated for convenience of the Government and not eligible for disability severance pay may be considered for full separation pay. Requests for full separation pay shall be submitted to the Secretary of the Navy, via the CMC (MMEA-6 for enlisted and MMSR-3 for officers) and the member's chain of command.

1306. MARINES NOT ELIGIBLE FOR SEPARATION PAY. See SECNAVINST 1900.7G for further guidance.

1. Active-duty list officers in the grades of first lieutenant and above who are discharged for twice failing of selection for promotion to the next higher grade, are not entitled to separation pay if any of these failures of selection for promotion was by the action of a selection board to which the officer submitted a request in writing to not be selected for promotion, or who otherwise directly caused his/her nonselection through written communication to the board. Active-duty list officers selected for promotion to the grade of colonel or below, but who decline the appointment will incur a

failure of selection for promotion and are not entitled to separation pay if the officer is discharged for twice failing of selection for promotion.

2. Any Marine separated under other than honorable conditions or by reason of misconduct, unsatisfactory performance of duty, or homosexual conduct that involves aggravating factors listed in paragraph 6207.5 is not eligible for separation pay.

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1307. REPAYMENT OF SEPARATION, SEVERANCE, OR READJUSTMENT PAY. Provisions concerning repayment of separation, severance, or readjustment pay are covered in paragraph 12 of SECNAVINST 1900.7G. Per 10 U.S.C. 1174, a member who later qualifies for retired or retainer pay, or disability compensation shall have deducted from such payment an equal amount to the total amount of separation, severance, or readjustment pay.

1308. DISBURSEMENT OF SEPARATION PAY. The separation authority determines the amount of separation pay per SECNAVINST 1900.7G.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 1

GENERAL INSTRUCTIONS ON SEPARATIONS

SECTION 4: ENTITLEMENT TO RETIRED/RETAINER PAY

1401. GENERAL

1. Nondisability retired pay is an entitlement as provided under pertinent sections of 10 U.S.C.
2. For the purposes of this section the terms "retired pay" and "retainer pay" are used interchangeably, unless otherwise specified.

1402. RETIRED/RETAINER PAY

1. Retired Pay

a. Retired pay is computed according to specific provisions of law. The information in this paragraph applies only to nondisability retirements effected by the provisions of this Manual. Retired pay is calculated by multiplying the rate of pay explained in paragraph 1405 by the retired pay multiplier. All active service and retirement points earned as a member of a Reserve component are included in computing service for retirement and pay.

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

c. A Marine who retires under the law with 30 or more years of active service is entitled to retired pay at the rate of 75 percent of the basic pay in the grade retired or the grade advanced to on the Retired List. Retired pay may not exceed 75 percent of the basic pay on which subject pay is based.

2. Retainer Pay

a. Marines transferred to the FMCR are entitled, when not on active duty, to retainer pay at the rate of pay explained in paragraph 1405. Retainer pay is based upon the basic pay at time of transfer to the FMCR multiplied by the retired pay multiplier.

b. Per Comptroller General Decision, extraordinary heroism pay only applies to enlisted members transferring to the FMCR, and those enlisted members completing 20 years of active service who are retiring with a disability. If the Marine has been credited by the Secretary of the Navy with extraordinary heroism, retainer pay will be increased by up to 10 percent. In

no case may retainer pay be more than 75 percent of the pay upon which the computation of retainer pay is based. If a determination of extraordinary heroism pay has not been made by the time processing has been completed, the member will be transferred on the date prescribed by the CMC. The decision of the Secretary of the Navy will be forwarded separately.

c. All active service, as defined in paragraph 7002.2, is included in computing service for transfer to the FMCR. To determine the number of years and months of service used as a multiplier to compute retainer pay, every
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month is pro-rated (29 days or less are not included in the computation, per Public Law 98-94 of 1 Oct 1983). For example, at 20 years, 7 months and 16 days active service, the multiplier is based on 20 years and 7 months.

d. Eligible members of the FMCR transferring to the Retired List will be entitled to retired pay:

(1) At the applicable rate of pay of the advancement grade.

(2) At the rate described in paragraph 1405 of the basic pay of the advancement grade.

(3) Not to exceed 75 percent of the pay upon which it is based.

3. Service Creditable for the Retired Pay Multiplier. To determine the number of years and months of service to use as the multiplier in computing retired pay, every month is pro-rated. The following guidelines (based on law) for creditable service determine the retired/retainer pay multiplier (RPM).

a. Officers

(1) Before 31 May 1958. All service.

(2) After 31 May 1958

(a) All active duty service,

(b) NROTC cruises as a regular student up to 12 October 1964,

(c) Active duty for training, and

(d) Inactive duty points (excluding funeral honor points) not to exceed: 90 points for anniversary years closing on or after 30 October 2000; 75 points per year between 23 September 1996 and 29 October 2000; and 60 points per year for years ending before 23 September 1996. One day of credit is awarded for each retirement point earned as a member of a Reserve component after 31 May 1958 through: authorized attendance at drills; completion of correspondence courses; periods of equivalent instruction or appropriate duty performed as authorized by the CMC, COMMARFORRES, or the CG MCRSC; and 15 points per year credit gratuitous for Reserve membership.

b. Enlisted Personnel

- (1) All service per paragraph 7002.2 and
- (2) All service per paragraphs 1402.3a(2)(a),(c) and (d).

1403. PAY ACCOUNTS

1. Pay accounts of retired Marines are maintained at the Defense Finance and Accounting Service, Cleveland, OH. See paragraph 1101.4j(3)
2. Unless requested otherwise, all allotments will automatically continue after retirement, except allotments in amounts greater than the anticipated amount of retired pay and allotments to charitable organizations other than the Navy-Marine Corps Relief Society. Refer to MCO P7220.45.

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1404. CHANGE OF ADDRESS OF RETIRED MARINES AND MEMBERS OF THE FMCR

1. Retired and FMCR Marines will:

a. Keep the Director, Defense Finance and Accounting Service informed at all times of their current check mailing address and current home mailing address using the address in paragraph 1403.1. All retired Marines must be on direct deposit.

b. Keep the CMC (MMSR-7) informed at all times of their current home mailing address. Provide address changes and submit with signature over the SSN for identification purposes. Report address changes to:

United States Marine Corps
Manpower and Reserve Affairs (MMSR-7)
3280 Russell Road
Quantico, VA 22134-5103

Make telephonic inquiries at 1-800-715-0968.

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

1405. CALCULATING RETIRED/RETAINER PAY. In previous years, it was a simple task for Marines planning a nondisability retirement to determine the amount of retired/retainer pay they would receive for their active duty military service. Over recent years, however, major changes were made to the military retirement system. As a result, computation of retired/retainer pay now depends on when a Marine became a member of the military service, calculated from the date of original entry into the armed forces. Throughout this Manual the term "retired pay multiplier" will be used to refer to both retired and retainer pay multiplier. Twenty-nine days or less do not count for computation of a month. For more pay information see Internet Web sites:

www.dfas.mil and www.pay2000.dtic.mil.

1. METHOD 1. MARINES WITH A DATE INITIAL ENTRY MILITARY SERVICE (DIEMS) BEFORE 8 SEPTEMBER 1980. Use the following procedure to determine monthly gross retired/retainer pay for Marines in this category:

a. Step 1

(1) Retirement and Transfer FMCR. To determine the retired pay multiplier (RPM) for all officers and enlisted Marines with 20 years or more of active service, multiply the Marine's years (include fractional portions of a year) of active service by 2.5% (.025). The RPM cannot exceed 75%.

(2) Example 1: A Marine with 23 years and 8 months of active service. The 8 months constitute a fractional year which must be converted to a decimal equivalent and added to the 23 years. To convert a fractional year, divide the number of months by 12 (i.e., 8 months divided by 12 = .66). Accordingly, 23 years and 8 months = 23.66 for this Marine's number of years and fractional year of active service.

Multiply this figure by 2.5% (.025) to get the RPM (i.e., $23.66 \times .025 = .5915$).

b. Step 2. Multiply the RPM by the monthly basic pay in the grade the Marine is serving when transferring to the Retired List or the FMCR.

.5915 (RPM) X basic pay = retired/retainer pay

Note: Remember to convert percentages to decimal equivalents by moving the decimal point two places to the left before multiplication.

2. METHOD 2. MARINES WITH A DIEMS OF 8 SEPTEMBER 1980 THROUGH 31 JULY 1986 OR MARINES WITH A DIEMS DATE ON OR AFTER 1 AUGUST 1986 WHO HAVE NOT ELECTED A 15 YEAR CAREER STATUS BONUS. The Department of Defense Authorization Act of 1981 implemented a second method of calculating retired/retainer pay for any member of the Armed Forces who first became a member on or after 8 September 1980. The Defense Authorization Act of 2000 amended the retired pay system to include in this method of calculation, Marines who first became a member on or after 1 August 1986 and who have not elected a 15 year career status bonus. This method computes retired/retainer pay on the basis of the highest three years of basic pay and is commonly referred to as the "High-3" method. Use the following procedure to compute gross retired/retainer pay for Marines in this category.

a. Step 1. To determine the RPM, multiply the Marine's years (include fractional portions of a year) of active service by 2.5% (.025). This factor cannot exceed 75%. To compute a fractional year, see Example 1 above.

b. Step 2. To determine average monthly basic pay received during your highest 3 years (36 months) of active duty, add the 36 months of base pay in which your monthly basic pay was highest (normally your last 3 years of active duty) and divide by 36. This will give the "High-36 Average."

c. Step 3. Multiply the high-36 average by the RPM.

3. METHOD 3. MARINES WITH A DIEMS ON OR AFTER 1 AUGUST 1986 WHO HAVE TAKEN A 15 YEAR CAREER STATUS BONUS. Retired/retainer pay for those who first became members of the Armed Forces on or after 1 August 1986, and who have taken the 15 year career status bonus, will be computed under a system established by the Military Reform Act of 1986. The career status bonus is contingent upon the Marine serving 20 active years. Failure to serve 20 years may require reimbursement of any unserved portion of the bonus. This method computes retired/retainer pay using a two-tier system. The first tier provides a reduced amount of retired/retainer pay for those who retire or transfer to the FMCR with less than 30 years of active service. The second tier recomputes the retired/retainer pay for those with less than 30 years of active service when they reach the age of 62. Marines who retire under this system with 30 years of active service will still be entitled to retired pay based on 75% of their basic pay. Use the following procedure to compute gross retired/retainer pay.

a. Step 1. To determine the RPM start with a base of 40% for 20 years of active service.

b. Step 2. For each additional full year of active service add 3.5% (.035). For each additional whole month between full years, add .3% (.003). The RPM cannot exceed 75%.

Example 2: To determine the retired pay multiplier for 23 years and 3 months of active service:

$$40\% + 3.5\% + 3.5\% + 3.5\% + .3\% + .3\% + .3\% = 51.4\%$$

c. Step 3. Determine the average monthly basic pay received during the highest 3 years (36 months) of active duty.

d. Step 4. Multiply high-36 average amount by the retired pay multiplier. $.5140 \times \text{average basic pay} = \text{retired/retainer pay}$

e. Step 5. To determine retired pay at age 62, recompute the retired pay amount by using Method 2, paragraph 1405.2.

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

5. Retired/retainer pay is normally increased on an annual basis by an amount based on the Consumer Price Index (CPI). These annual raises are called cost of living allowances (COLAs). Marines whose retire/retainer pay is calculated using methods 1 or 2 will normally receive a raise based directly on the CPI. Marines whose retired/retainer pay is calculated using method 3 will receive raises based on the CPI minus 1%, if the CPI for that year is greater than or equal to 3%.

RETIRED/RETAINER PAY MULTIPLIER TABLE

Old Retired/Retainer Pay RPMs New Retired/Retainer Pay RPMs

Years 31 July 86 and Earlier Years 1 August 86 and Later
 or 1 Aug 86 or later if career if accepting career status bonus
 status bonus NOT accepted at 15 years of service

| <u>Years of Service</u> | <u>RPM</u> | <u>Years of Service</u> | <u>RPM</u> |
|-------------------------|------------|-------------------------|------------|
| 20 | 50.0% | 20 | 40.0% |
| 21 | 52.5% | 21 | 43.5% |
| 22 | 55.0% | 22 | 47.0% |
| 23 | 57.5% | 23 | 50.5% |
| 24 | 60.0% | 24 | 54.0% |
| 25 | 62.5% | 25 | 57.5% |

| | | | |
|----|-------|----|-------|
| 26 | 65.0% | 26 | 61.0% |
| 27 | 67.5% | 27 | 64.5% |
| 28 | 70.0% | 28 | 68.0% |
| 29 | 72.5% | 29 | 71.5% |
| 30 | 75.0% | 30 | 75.0% |

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

(Letterhead)

From: (Discharge Authority)

To: (Individual Marine)

Subj: DISCHARGE FROM THE UNITED STATES MARINE CORPS RESERVE

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

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

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

3. Any inquiries that you may have concerning your military service should be addressed to the Commandant of the Marine Corps (MMSB-10), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134-5030, who will have custody of your record for a period of 12 months from the date of your discharge. After the 12-month period has elapsed, address your inquiries to the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132-5100. All written inquiries must include your full name, social security number, and date of discharge.

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

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Table 1-1. Characterization of Service

| R U L E | If the separating Marine: | the characterization of service is: | the separating activity will issue: |
|------------------|---|---|--|
| 1 | is under 17 years of age | uncharacterized | an order of release from custody and control of the Marine Corps. |
| 2 | is between 17 and 18 and separation is w/in first 180 days | uncharacterized | a DD Form 214 only. |
| 3 | is over 18 years of age and separation is w/in first 180 days | uncharacterized | a DD Form 214 only. |
| 4 | is over 18 years of age and has served 180 days or more, is a corporal or below and has minimum average conduct and proficiency markings of 4.0/3.0, respectively | honorable (Except as provided in rules 7 and 8. See Note 1 and 2.) | an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge lapel pin, Letter of Appreciation (NAVMC 11352). |
| 5 | is over 18 years of age and has served 180 days or more, is a corporal or below and has average proficiency and conduct markings below 4.0/3.0 | general (under honorable conditions (Except as provided in rules 7 and 8. See note 1.) | a General (Under Honorable Conditions) Discharge Certificate (DD Form 257 MC) and a DD Form 214. |
| 6 | is a sergeant or above | honorable (Except as provided in rules 7 and 8.) See Note 2. | an Honorable Discharge Certificate (DD Form 256 MC), a DD Form 214 and an honorable discharge lapel pin, Letter of Appreciation (NAVMC 11352). |
| 7 | has requested separation in lieu of trial by court-martial | under other than honorable conditions | a DD Form 214 only. |
| 8 | is being separated under a provision of chapter 6 | as directed by the separation authority | an appropriate certificate based upon discharge authority's decision, DD Form 214 and honorable discharge lapel pin, and Letter of Appreciation, if appropriate. |

NOTE 1. To compute final average proficiency and conduct markings for separation, round to the nearest tenth as follows: if the average hundredth

figure is 5 or more, round up to the nearest tenth; otherwise, round down. For example, 3.95 rounds up to 4.0; whereas 3.94 remains at 3.9.).

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

Table 1-1. Characterization of Service

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