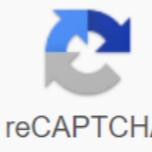




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Administrative separation manual usmc

Source MCO 1900.16 (MARCORSEPMAN) (15 FEB 2019) (1.8 MB) Comments: To view or download the entire regulations, click on the link to it in the box above these comments.6209. ALCOHOL ABUSE REHABILITATION FAILURE1. Commanders shall treat Marines for administrative separation under the following circumstances:a. Any Marine who has been referred to a program of rehabilitation for alcohol abuse that fails through inability or refusal to participate in, cooperate in or successfully complete such a program, and that shows a lack of potential for continued naval service; Orb. Any Marine who, through inability or refusal, does not participate in, cooperates in or does not complete a prescribed alcohol abuse or addiction treatment/aftercare program, and is considered a failure of treatment by a reputable and privileged physician or psychologist; Orc. Any Marine who incurs a subsequent alcohol-related incident after entering a prescribed alcohol abuse or addiction/resususal program triggered by a previous alcohol-related incident; Word. When long-term rehabilitation is determined, any Marine who has been transferred to a civilian medical facility is in rehabilitation.6210. NEGLECT1. When a Marine is involved in inappropriate behavior, as described in the following section, commanders shall treat Marine for separation unless rehabilitation and retention is justified in accordance with the guidelines in section 6105. Characterization of the service shall normally be under non-honorable circumstances, but characterization as general (under honorable circumstances) can be guaranteed under any circumstances. For Marines who have completed entry level status, the characterization of the service as honorable is not authorized unless Marine's record is otherwise so meritorious that any other characterization clearly would be inappropriate and the separation is approved by the GCMCA. Comments: GCMCA is General Courts-Martial Convening Authority. When characterization of the service under other than honorable conditions is not justified for a Marine in entry level status, the separation shall be uncharacterized. Separation treatment for a number of minor disciplinary violations or a pattern of misconduct cannot be initiated until the Member has been advised in accordance with the guidelines for counseling in section 6105. Counseling per paragraph 6105 and rehabilitation is not necessary if the basis for separation is the commission of a serious crime, a civil conviction or a similar juvenile conviction, or drug abuse. process in accordance with the provisions of section 6303 or 6304 as needed. Actions on related separations of misconduct:a. Misconduct involving a fraudulent entry shall be dealt with in accordance with clause 6204.3;b. Offences involving drug abuse shall be treated for separation due to proper drug abuse in section 6210.5, as well as other relevant causes in this and in 1999 it was See reference (cl) MCO P1400.32D W/C 1-2, regarding reductions related to professional incompetence and competence review boards.d. Discharges based on sexual misconduct shall be treated in accordance with section 6210.6 or 6210.7.e. Any court-martial judgment or civil conviction (or ruling tantamount to a finding of guilt by a civil court) is binding on an administrative board. However, a judgment by a court in a foreign nation is not binding on an administrative board.2. Minor disciplinary violations. A Marine may be separated when, in his or her service book, there is a documented series of at least three minor disciplinary violations, under the current enlistment or extension of it, of a nature that has been or would have been appropriately disciplined under Article 15, UCMJ, non-judgmental punishment. When several offences have been subject to a non-judgmental penalty, they remain separate offences for the purpose of determining eligibility for treatment under this section. If the separation of a member in entry level status is justified solely due to minor disciplinary violations, the processing should be under Entry Level Performance and Conduct. Separation treatment cannot be initiated until the Marine Corps is advised per section 6105. The notification procedure in section 6303 can be used if characterization of the service under non-honorable conditions is not justified, and if the Marine Corps has less than six years of total military service, including inactive service in Ready Reserve as poolee in delayed entry program.. 3. A pattern of Misconducta. At least two incidents occurring within one enlistment are required. Misconduct arising from an extension of an enlistment is considered to be within a referral. The violations may be less or more severe. There must be discreditable engagement with civilian or military authorities or conduct prejudicial to good order and discipline. The misconduct does not have to have been the subject of NJP or military or civilian convictions. Comments: NJP is non-judicial punishment. Such events include, but are not limited to, an established pattern of less unauthorized absence; an established pattern of dishonorable failure to pay only debts; an established pattern of disgraced failure to provide adequate support to family members or comply with orders, decrees or judgments of a civil court for support of family members; or an established pattern of child abuse or domestic, intimate partner and immediate family member abuse. The events of misconduct do not have to be of the same nature.b. Separation treatment cannot be initiated until the Marine Corps is advised per section 6105. The notification procedure in section 6303 can be used if service under non-honorable conditions is not justified, and if the Marine Corps has less than six years of total military service, including inactive service in Ready Reserve as poolee in the Delayed Entry Program.4. Sexual abuse. Sex offender. Sex Offense is not a specific basis for discharge. Marines convicted of a sexual misconduct under the sex offender registration and whistleblowing act guidelines, either in a civil criminal or court-martial, if not undisputedly discharged, shall be dealt with for separation pursuant to paragraphs 6210.6 or 6210.7, as needed.b. Sexual abuse includes conduct that may form the basis for a violation of the following statutes of UCMJ and result in the treatment of sex offenders per reference (v) DoDI 1325.07 Annex 4 to cabinet (2). In addition, all offences alleged as sexual misconduct must have been in force at the time the underlying conduct occurred... 5. Drug abuse. Commanders shall treat Marines for administrative separation for illegal, improper or improper use, possession, sale, transfer, distribution, production, importation into the United States customs territory, export from the United States, or entry on a military installation, vessel, vehicle or aircraft used by or under the control of the Armed Forces, of any substance listed on a schedule of controlled substances by the President or in Schedules I through V of Section 202 of the Controlled Substances Act, reference (d) Title 21 U.S.C. § 812, or opium, heroin, cocaine, amphetamines, lysergic acid diethylamide, methamphetamine, fencyclidine, barbituric acid, marijuana, steroids, any compound or derivative of such substances, or other dangerous or illegal substances or other forms of substance abuse (e.g. designer drugs, mushrooms, chemicals not intended for human consumption, spices, bath salts, etc.) as defined in reference () SECNAVINST 5300.28E , and/or possession, sale or transfer of pharmaceutical equipment as defined in reference (ax) SECNAVINST 5300.28E. Commanders will also treat Marines who attempt to engage in some of the aforementioned activities. Comments: The phrase to treat Marines for administrative separation means that you must be released for these actions. Evidence obtained from an involuntary urine analysis administered according to an inspection according to military evidence rules in the current version of the Reference (am) Manual for CourtsMartial (MCM), or from a search and seizure according to military evidence rules 311 through 317, or incident to a survey conducted for a valid medical reason may be used to characterize a marine's discharge as under non-honorable conditions (see section 1004.4e(1)). The procedures in section 6304 shall be used in the separation of a Marine under these provisions, unless a characterization of the service that is more favorable than honorable is Except as stated below, all Marines (regardless of salary class) identified for mandatory treatment according to the criteria in section 6210.5a will be treated for administrative separation due to abuse, due to drug abuse, at the first offence. Treatment is not required if:(1) The offence is judged by a general or special court martial, and the judgment approved by the notice authority includes a punitive discharge (suspended or unused), or (2) The limitations of section 6106.1 apply.c. Self-referral for drug use constitutes confirmation of illicit drug abuse and requires a Marine to be treated for administrative separation. The voluntary drug exemption program no longer applies. But a Marine voluntary submission to a DoD treatment and rehabilitation program, and evidence voluntarily revealed by Marine as part of the course of treatment in such a program cannot be used against Marine on the issue of characterization of the service. Comments: If you voluntarily refer yourself to a DoD drug treatment and rehabilitation program, they must release you, but it does not affect your characterization of the service. This limitation does not apply to:(1) The introduction of evidence of impeachment or contradiction in any procedure in which evidence of drug abuse is first introduced by the Marine Corps; or(2) Action taking based on independently derived evidence, including evidence of continued drug abuse after entering a treatment and rehabilitation program.d. Marines separated from drug addiction will be screened for drug addiction at a Sacc Center for Substance Abuse (SACC) and given treatment before separation. If the Marine Corps is not within a reasonable commute distance from a SACC, he/she may be screened by an appropriate identification service provider, either civilian or military. Under special circumstances, Marines will be referred to the VA or other rehabilitation centers for counseling and/or treatment. Commander must comply with reference (cb) MCO 5300.17 for VA referral requirements. ... 6. Commission for a serious offence. A Marine may be treated for separation for the assignment of a serious military or civil offense under the following circumstances:(1) The specific circumstances of the offence warrant separation; and (2) A sentencing will be approved for the same or a closely related offense under UCMJ.b. A military or civilian conviction is not required for discharge under this provision.c. If the Marine Corps has less than six years of total military service, including inactive service in Ready Reserve as poolee in the delayed entry program, the notification procedure in section 6303 can be used if the characterization of service under non-honorable conditions is not justified, except when the actual basis for separation is based on sexual misconduct under 6210.4.7. Civilian conviction. Commanders can process separation when civil authorities (foreign or domestic) have convicted a Marine or taken measures that are tantamount to a finding of guilty, including similar judgment in juvenile proceedings, when:(1) the specific circumstances of the offence warrant separation, and (2) a sentencing discharge would be authorized for the same or a closely related offense under UCMJ; or(3) the judgment of civil authorities includes confinement for 6 months or more without regard to suspension or probation.b. Separation proceedings can be initiated whether a Marine has appealed a civil conviction or stated an intention to do so. However, the implementation of an approved separation should be withheld pending the outcome of the appeal or until the appeal period has passed, unless the Marine Corps has requested separation or the member's separation is requested by the CMC. Such requests must be approved by the Secretary of the Navy who may request that the member be separated before final action on the appeal. Comments: CMC is the commander of the Marine Corps. C. For special provisions on the characterization of discharge based on civil conviction by reservist, see section 1004.4d.d. If the Marine Corps has less than six years of total military service, including inactive service in Ready Reserve as poolee in the delayed entry program, the notification procedure in section 6303 can be used if the characterization of service under non-honorable conditions is not justified, except when the actual basis for separation is based on sexual misconduct under 6210.4.8. Sexual harassment and improper distribution or broadcasting of an intimate Imagea. See sections 1002.59 and 1002.64 of this definitions.b manual. Sexual harassment and improper distribution or broadcasting of an intimate image may also meet the definition of sexual misconduct under section 6210.4. The procedures in section 6304 shall be used in the separation of a Marine when any part of the basis for separation includes a justified incident of sexual misconduct.c. Processing for administrative separation is mandatory after the first justified incident of sexual harassment or improper distribution or broadcasting of an intimate image involving any of the following circumstances:(1) Threats or attempts to influence someone else's career or job for sexual services; or,(2) Rewards in exchange for sexual nature which, if charged as a violation of UCMJ, may result in a punitive discharge. (4) Violation of Article 1168 Reference (ao) United States Navy Regulations 1990 W/C 1, including, but not limited to, distribution or broadcasting of an intimate image, without consent, if done for personal gain; or with the intent to humiliate, harm, harass, intimidate, threaten or coerce the depicted person; or with reckless disregard as to whether the pictured injured, intimidated, threatened or forced.d. An incident is considered justified when there has been a court-martial judgment, a civil court judgment, non-judgmental punishment, or the commander decides, based on a preponderance of the evidence, that an incident of sexual harassment has occurred.e. Only SA-IDA or higher can determine that treatment under this section is an appropriate disposition. This section is not intended to exclude disciplinary action to include court martial proceedings where applicable.f. The basis for separation shall be under section 6210.2 (minor disciplinary violations); 6210.3 (pattern of misconduct); 6210.6 (commission of a serious offence); or 6210.7 (civil conviction). Counseling per section 6105 is not required for the treatment of a Marine for separation under this section, unless the Marine is treated in accordance with section 6210.2 or 6210.3.9. Dissident and protest activity (including supremacy activity)a. Treatment for administrative separation is mandatory after the first justified incident of misconduct resulting from members' participation in extremist or superiority activities which, in independent judgment of an administrative separation board, are more likely than not to undermine unit cohesion or be detrimental to the command's good order, discipline or mission performance. Such iniquities must relate to:(1) Unlawful discrimination based on race, creed, color, gender, religion or national origin; or(2) Promote the use of force or violence against federal, state or local authorities, or any entity or agency thereof, in violation of federal, state or local laws.b. An incident is deemed justified when there has been a court-martial judgment, non-judgmental punishment, or an administrative separation board summons authority determines, based on a predominance of the evidence, that the member has engaged in superiority or extremist conduct.c. The basis for separation shall be under section 6210.2 (minor disciplinary violations); 6210.3 (pattern of misconduct); 6210.6 (commission of a serious offence); or 6214 (separation in the best interest of the service). Please note, however, that sections 6210.2 and 6210.3 cannot be used unless the Marine Corps has previously been advised of inappropriate behavior under paragraphs 6105.d. The least favorable characterization is under non-honorable conditions, if an administrative board procedure (section 6304) is used. Characterization is honorable, general (under honorable conditions) or uncharacterized (entry-level separation), if the notification procedure (section 6303) is used. See sections 6210.2, 6210.3, 6210.6 and 6214 to determine the application of sections 6303 and 6304.10. Driving under Influencea. A Marine can be treated for separation for driving under the influence after a reasoned incident.b. An incident is considered justified when it has been court martial judgment, non-judgmental punishment, a civil judgment, or an administrative separation board summons authority determines based on a predominance of evidence that the member has engaged in the act of driving under the influence.c. The basis of separation should be under paragraph 6210.3 (pattern of misconduct); 6210.6 (commission of a serious offence); 6210.7 (civil judgment); or 6214 (separation in the best interest of the service). Please note, however, that section 6210.3 cannot be used unless the Marine Corps has previously been advised of inappropriate behavior under section 6105. The least favorable characterization is under non-honorable conditions, if an administrative board procedure (section 6304) is used. Characterization is honorable, general (under honorable conditions) or uncharacterized (entry-level separation), if the notification procedure (section 6303) is used. See sections 6210.3, 6210.6, 6210.7 and 6214 to determine the application of sections 6303 and 6304.d. Treatment for administrativie separation for driving under the influence is mandatory after the second reasoned event. In connection with mandatory treatment under this section, another justified event is defined as a court martial judgment for driving a vehicle impaired or with a blood alcohol concentration exceeding the limit described in Article 113, UCMJ, a civil judgment for driving under the influence substantially equivalent to a violation of Article 113, or non-judgmental penalty for driving under the influence contrary to Article 113. The first reasoned incident necessary to trigger mandatory treatment must have occurred during Marine's current enlistment and the Marines service record book must indicate that Marine was advised on the previously justified incident per paragraph 6105. Pre-service neglect should not be considered to determine whether mandatory treatment is required. Necessary.