

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

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CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

8001. AUTHORITY AND RESPONSIBILITY FOR DISABILITY EVALUATION

1. The provisions of this chapter are applicable to all Marines who are being evaluated within the Naval Disability Evaluation System (DES) to determine physical fitness for continued active service or continued service in the Marine Corps Reserve.

2. The statutory authority for all disability processing is 10 U.S.C. chapter 61. The Secretary of the Navy has the statutory responsibility to prescribe regulations to carry out disability processing within the naval service and exercises all powers, functions, and duties incident to the determination of:

a. Fitness for active duty of any Marine under the Secretary's jurisdiction;

b. Percentage of disability of any Marine at the time of separation from active duty;

c. Entitlement to, and payment of, disability severance pay; and

d. Suitability of any Marine for reappointment, reenlistment, or reentry into active duty.

3. Disability Evaluation System processing is not an appropriate alternative to either administrative or punitive separation processing.

8002. GENERAL

1. The laws pertaining to physical disability retirement or separation must be administered expeditiously, fairly, equitably, and with due regard for the interests of both the Marine and the Government. Fit, Unfit, and Presumed Fit (PFit) signify specific and unique conditions that describe the physical evaluation of Marines within the DES. For the purposes of this chapter these terms are capitalized to highlight their importance in describing the physical condition of a Marine in the evaluation process.

2. Disability retirement pay and severance pay authorized by 10 U.S.C. chapter 61 are benefits provided to Marines who become Unfit to perform duty because of a physical disability incurred or aggravated while on active duty or inactive duty training.

3. Marines who incur or aggravate a disease or injury during active service which impairs their earning capacity for civil occupations, but does not preclude performance of full military duties, may be eligible for compensation under laws administered by the Department of Veterans Affairs (DVA) even though they do not qualify for disability retirement or severance pay through the military disability system.

4. The fact that a Marine is found Unfit for duty due to a physical disability while on active duty is not sufficient, in itself, to establish entitlement to disability benefits. There must be a determination

that this Unfitness was incurred or aggravated while entitled to receive basic pay. The phrase "while entitled to receive basic pay" encompasses all duty which entitles a Marine to receive active duty pay, as well as, any duty without pay which by law may be counted as duty with pay.

5. Leave. Marines who are being evaluated within the DES, if otherwise physically able to do so, will be permitted to take earned annual leave. The command authorizing leave will notify the appropriate Physical Evaluation Board Liaison Officer (PEBLO) of the inclusive dates and the leave address and phone number. Commands will recall the Marine if required by the hospital or the PEB.

6. Promotion

a. Marines (enlisted and officer) processed through the DES who are otherwise eligible, may be promoted per the appropriate Promotion Manual. Enlisted Marines retained on active duty in a Permanent Limited Duty (PLD) status on the convening date of the appropriate selection board are not eligible for selection consideration for promotion. Officers retained on active duty in a PLD status retain their eligibility for selection consideration for promotion.

b. Marines (enlisted and officer) who have been selected for promotion and are to be separated because of a disability before their seniority number being reached, may be promoted with a date of rank the first day of the month of separation and effective the last day of active duty, provided they are otherwise qualified. Commanding officers may request via the CMC (MMPR) that an officer's promotion be delayed if that officer is mentally, physically, morally, or professionally unqualified for promotion to the next grade.

c. To compute disability severance pay, a Marine's grade upon discharge due to physical disability is determined per 10 U.S.C. 1212. The grade of a Marine retired due to a physical disability is determined per 10 U.S.C. 1372.

7. Advancement on the Retired List. A Marine being retired for physical disability will be advanced:

a. To the grade selected; or

b. To the highest temporary or permanent grade in which the Marine served satisfactorily in any branch of the Armed Forces as determined by the Secretary of the Navy. In cases where the Secretary's determination has not been made before the Marine's retirement date, the notification of the determination will be forwarded to the Marine's retirement address by the CMC (MMSR-4).

8. The delegated authority conferred by provisions of this chapter is permissive and does not preclude referral to, or decision by, the CMC (MMSR-4) for the final disposition of any case.

8003. DEFINITIONS. Definitions that apply to physical evaluation and disability determination.

1. CMC (MMSR-4). Disability Section, Separation and Retirement Branch, Personnel Management Division, Manpower and Reserve Affairs Department, Headquarters United States Marine Corps (HQMC), which acts on behalf of the

CMC to oversee all Marines processing through the Disability Evaluation System (DES).

2. Combat-Related Injury or Disease. Physical disability is combat-related if it makes the member Unfit, and it was incurred as a direct result of armed conflict, while engaged in extra hazardous service, under conditions simulating war, or caused by an instrumentality of war.

3. Compensable Disability. A medical condition that leads to a determination that a Marine is Unfit by reason of physical disability. This determination meets the statutory criteria under 10 U.S.C. chapter 61 for entitlement to disability retired or severance pay.

4. Conditions Not Constituting a Physical Disability. Certain conditions not constituting a physical disability and not ratable in the absence of an underlying ratable causative disorder. These conditions include, but are not limited to, those listed below. Such conditions should be referred for appropriate administrative action under chapter 6 of this Manual.

- a. Sleepwalking;
- b. Incapacitating fear of flying;
- c. Airsickness, travel sickness;
- d. Certain mental disorders including personality disorders;
- e. Obesity and;
- f. Psuedofolliculitis barbae of the face and/or neck.

*5. Death Imminent Processing. Marines had been previously allowed to be expeditiously referred to and processed through the Disability Evaluation System when a competent medical authority deemed that the Marine's death was expected within 72 hours. Expansion of coverage under the Survivor Benefit Plan (SBP) has eliminated the requirement for death imminent processing. See paragraph 8511.

6. Disability Evaluation System (DES). The Department of the Navy's system of evaluation of fitness for duty and disposition of physical disabilities in accordance with 10 U.S.C. chapter 61 and DoD directives.

7. Disposition. Physical Evaluation Board (PEB) directed action taken by HQMC affecting a Marine's status within the Marine Corps, specifically:

- a. Fit to continue naval service, resulting in return to duty, separation under other provisions of law, or removal from the Temporary Disability Retired List (TDRL)
- b. Unfit to continue naval service, resulting in discharge with or without severance pay, transfer to the TDRL, continuance on the TDRL, or transfer to the Permanent Disability Retired List (PDRL).

8. Duty Limitation Codes. Defined in MCO P1080.20M, Marine Corps Total Force System Codes Manual, (MCTFSCODESMAN) to identify restrictions to combat or other types of duty. Displayed in MCTFS RT01 and TOUR screens. As used in

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this chapter the definition signifies restrictions based on medical and physical fitness for duty.

a. Code "Q", "LD MED BOARD." A Marine assigned limited duty by an approved medical evaluation board (MEB). This code is entered in MCTFS by the Marine's command when a Marine is placed on temporary limited duty (TLD) by a competent authority or is undergoing disability evaluation. The code is removed from MCTFS by the Marine's command when the Marine has been returned to full duty by a competent authority or found Fit by the Physical Evaluation Board (PEB).

b. Code "S", "Retn Ld Stat". Personnel retained in a limited duty status as a result of Secretary of the Navy action. This code authorizes permanent limited duty and is entered and removed from MCTFS only by the CMC (MMSR-4).

9. Existed Prior to Service (EPTS). A Physical Evaluation Board (PEB) finding that establishes a Marine is Unfit to continue naval service due to a physical disability which manifested or existed prior to military service, and which has not been aggravated permanently by military service. Although symptoms may not have revealed themselves prior to the Marine's entry on active duty, the condition may still be determined to have existed prior to service. It may also be determined that the pre-existing condition was not aggravated by the Marine's service because the current condition of the Marine is the result of the natural progression of the pre-existing condition; i.e., the Marine's current condition is the same as it would have been had the Marine never come on active duty. A Marine found Unfit-EPTS is not eligible for disability severance pay or disability retirement if the Marine has less than 8 years cumulative active service, but may be eligible for severance pay or retirement under other provisions of law.

10. Fit. A finding by the Physical Evaluation Board (PEB) that a Marine is Fit to continue naval service based on evidence that the Marine is able to reasonably perform the duties of his or her office, grade, rank or rating, to include duties during a remaining period of Reserve obligation. Marines found Fit by the PEB are eligible for appropriate assignment. A finding of Fit by the PEB does not preclude subsequent determinations of unsuitability for deployment, PFT participation, disqualification for special duties, temporary limited duty, or administrative action (to include possible separation) resulting from such determinations.

*11. Light Duty. Status a Marine may be placed in for a maximum of 60 days, when a competent medical authority (physician) determines that a medical condition exists and interferes with the performance of duty. A physician may recommend up to 2 periods of 30 days of light duty when the Marine is expected to be returned to full duty within those 60 days. A Marine who is not returned to full duty after 60 days must have a medical evaluation board (MEB) initiated and completed within the following 30 days to evaluate the condition. Light duty is not authorized for Reservists on inactive duty.

12. Line of Duty. In absence of clear and convincing evidence to the contrary, disease or injury suffered by a Marine will be considered to have been incurred in the line of duty. Disease or injury suffered by a Marine will not be considered to have been incurred in the line of duty when found under any one of the following circumstances:

a. As a result of the Marine's intentional misconduct or willful neglect;

- b. While avoiding duty by desertion or unauthorized absence;
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- c. While confined under sentence of court-martial which includes an unremitted dishonorable discharge; or
- d. While confined under sentence of a civil court following conviction of an offense which is defined as a felony by the law of the jurisdiction where convicted.

13. Medical Evaluation Board (MEB) Report. Evaluation convened at a military treatment facility (MTF) to identify a Marine whose physical/mental qualification to continue on full duty is in doubt or whose physical/mental limitations preclude the Marine's return to full duty within a reasonable period of time or at all. MEBs are convened to evaluate and report on the diagnosis, prognosis for return to full duty, plan for further treatment, and medical recommendation for disposition of Marines. An MEB may return a Marine to full duty, recommend a period of limited duty, be forwarded to the CMC (MMSR-4) for departmental review, or be forwarded to the Physical Evaluation Board for determination of fitness to continue naval service.

14. Medical Hold. A temporary status, not to exceed 30 days, that follows the period of light duty and is used to allow a medical evaluation board (MEB) to be dictated on a Marine's injury/illness.

15. Non-Medical Assessment (NMA). When a Marine is referred for physical evaluation (i.e., medical evaluation board - MEB), the commanding officer's assessment of the Marine's performance of duty may provide better evidence of the Marine's ability to perform duties than a clinical estimate by a physician. Particularly in cases of chronic injury/illness and cases where objective evidence is minimal or lacking altogether, documents such as letters from the chain of command, annual performance evaluations, credential reports, or personal testimony may more accurately reflect a Marine's capacity to perform. SECNAVINST 1850.4D, The Department of the Navy Disability Evaluation Manual (DEM) requires NMAs from the Marine's commanding officer on all MEBs, except in cases of critical illness or injury in which return to duty is not expected. Commanding officers play a vital role in providing valuable information as to how the Marine's physical and/or mental condition affects the Marine's ability to function on a daily basis. See figure 8-5 for the NMA questionnaire form and a sample of a well-written narrative summary.

16. Notice of Eligibility (NOE). A document issued when an injury or disease was incurred or aggravated by Reserve service and may authorize benefits to include medical care, travel to and from medical treatment, incapacitation pay and/or drill pay, and processing through the Disability Evaluation System (DES).

17. Permanent Limited Duty (PLD). A specified continuation on active duty in a limited duty status after a Marine is determined Unfit by the Physical Evaluation Board (PEB) as a result of a physical disability. PLD is requested through the PEB, recommended by the CMC (MMSR-4), and authorized by the PEB, based on the best interests of the Marine Corps and the Marine.

18. Physical Disability. Any impairment due to disease or injury, regardless of degree, that reduces or prevents a Marine's actual or presumed ability to engage in gainful employment or normal activity.

19. Physical Evaluation Board (PEB). The PEB acts on behalf of the Secretary of the Navy to make determinations of fitness to continue naval service, 8004 MARINE CORPS SEPARATION AND RETIREMENT MANUAL

entitlement to benefits, disability ratings, and disposition of referred Marines.

*20. Presumption of Fitness (PFit). A Physical Evaluation Board (PEB) finding applied to officers and enlisted Marines referred to the PEB within 12 months of mandatory retirement or after the approval of voluntary retirement, who, therefore, are evaluated under a Presumption of Fitness. PFit means evidence establishes that the Marine's functional impairment has not caused a premature termination of a career. Marines found PFit are afforded the same rights within the DES as those found Fit to continue naval service. Marines found PFit are not eligible for disability retirement, but are eligible for retirement under other provisions of law, and for evaluation by the DVA for disability compensation. The PFit ruling may rarely be overcome when it can be established by a preponderance of evidence that the illness/injury meets the strict guidelines of SECNAVINST 1850.4 series (Disability Evaluation Manual), paragraph 3305. These guidelines allow for evaluation of acute and grave illnesses and injuries that occur within the presumptive period or conditions that would prevent a Marine from performing further duty if he or she were not retiring.

*21. Temporary Limited Duty (TLD). A specified period of limited duty recommended by a medical evaluation board (MEB) at a military treatment facility (MTF). Assignment to TLD can only be made once the Marine has a completed MEB, and if the prognosis is that the Marine can be restored to full duty within the specified period. The cumulative period of TLD shall not exceed 12 months. TLD is not authorized for Reservists on inactive duty.

*a. TLD for enlisted Marines may be approved at the local MTF for up to 2 initial periods of 6 months without approval from the CMC (MMSR-4). The MTF must notify the Marine's command and the CMC (MMSR-4) via naval message and forward a copy of the abbreviated limited duty form to the CMC (MMSR-4).

*b. All officer MEBs recommending any period of TLD, enlisted MEBs recommending subsequent periods of TLD beyond 12 months, and enlisted MEBs recommending initial periods of TLD longer than 12 months, must be submitted to the CMC (MMSR-4) for Departmental Review.

c. Upon Departmental Review, TLD may be approved, or the MEB may be forwarded to the PEB for determination of fitness. A reevaluation of the Marine must be made 2 months before the completion of any period of TLD, and the MTF must inform the Marine's command and the CMC (MMSR-4) of the Marine's new medical status before the completion of the TLD period.

22. Unfit. A finding by the Physical Evaluation Board (PEB) that a Marine is Unfit to continue naval service based on evidence which establishes that the Marine is unable to reasonably perform the duties of his or her office, grade, rank or rating, to include duties during a remaining period of Reserve obligation. The PEB requests that the CMC (MMSR-4) separate or retire members found Unfit to continue naval service.

8004. COUNSELING

1. Each Marine will be counseled throughout the course of disability evaluation processing by a Physical Evaluation Board Liaison Officer (PEBLO).

The objective of counseling is to ensure that the Marine fully understands the significance of all findings and recommendations made by the PEB, and the

benefits to which the Marine may become entitled as a result of physical disability.

2. The PEBLO is an experienced senior enlisted member of the naval service (GySgt or above), or civilian hospital employee, trained to counsel Marines undergoing physical disability evaluation. The PEBLO provides authoritative and timely answers to questions and assists Marines in understanding their rights and entitlements.

3. Counseling is initially the responsibility of the PEBLO who is assigned to an MTF which conducts the MEB on the Marine. The PEBLO counsels the Marine on the policies and procedures of the PEB and notifies the Marine of the preliminary findings of the PEB and the options available to the Marine. Upon notification of the PEB's findings, the Marine has 15 calendar days to make an election of options, either accepting or disagreeing with the findings. The PEBLO forwards the election of options to the PEB which takes action consistent with the election of options. If the Marine demands and is entitled to a formal hearing, the PEB arranges for the Marine's appearance at a formal hearing. A judge advocate is assigned to represent the Marine at the formal hearing.

4. Counseling is provided at the following stages of the physical disability evaluation process:

a. Upon notification of the findings and recommendations of the MEB, the Marine will be counseled by personnel from the MTF, Medical Board section;

b. When it appears that a Marine may be eligible for discharge for a disability which existed prior to service (EPTS);

c. Upon notification of the preliminary findings of the PEB (see paragraph 8103), the Marine will be counseled by a PEBLO at the MTF;

d. At a formal hearing (see paragraph 8104); and,

e. Upon notification of the recommended findings of the Hearing Panel of the PEB.

f. Upon receipt of the findings letter signed by the President of the PEB which finalized the Hearing Panel's recommended findings for possible petition for relief from final action.

5. Commander's Responsibilities. Commanding officers must ensure that no Marine who has an MEB pending before the PEB for action is discharged, retired, or sent home awaiting orders until the Marine unconditionally accepts the preliminary findings of the PEB and:

a. The Marine has been counseled concerning veterans benefits.

b. The Marine has submitted, or refused to submit, a Veterans Application for Compensation or Pension at Separation from Service, DVA Form 21-526.

c. An appropriate entry has been entered in the service record concerning receipt of counseling and the Marine desires to submit, or not submit, an application for benefits from the DVA. See the current edition of MCO P1754.5

d. Survivor Benefit Plan (SBP). Counsel the Marine and spouse concerning options under the SBP (MCO 1740.11B), if applicable.

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(1) The commanding officer is responsible, before a retired Marine's detachment from the command and at least 30 days before the effective date of retirement, for forwarding the DD Form 2656, Retired Pay Data Form, with SBP election, tax withholding information, and a permanent mailing address to:

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

Or call (800) 321-1080

(2) A Marine is automatically enrolled in SBP with full coverage absent an election form with spousal concurrence for other than full coverage.

(3) An election not to participate in SBP, election for coverage of spouse only, or election for coverage on a reduced base amount must be documented on the Retired Pay Data Form.

(4) If no election is made before effecting retirement, the Defense Finance and Accounting Service (DFAS) will automatically grant full SBP coverage and adjust the Marine's retired pay accordingly. See MCO 1741.11, Survivor Benefit Plan.

e. Defense Enrollment Eligibility Reporting System (DEERS). Inaccurate family member information in DEERS will result in a denial of medical benefits.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 1: DISABILITY EVALUATION SYSTEM (DES)

8101. GENERAL

*1. The DES is composed of the Military Treatment Facilities (MTFs), the Physical Evaluation Board (PEB), and the CMC (MMSR-4). The PEB is one of three boards within the Naval Council of Personnel Boards (NCPB) a component of the Office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN, M&RA). The PEB is composed of an Informal PEB and a Formal PEB at the Navy Yard, Washington, D.C. The purpose, composition, responsibilities, policies, and procedures of the PEB are described below. The MTF plays an important part within the DES since it convenes a Medical Evaluation Board (MEB) which is generally the basis for entry of a Marine into the DES.

2. A Marine whose ability to perform the duties of office, grade, or MOS is questioned because of the presence of a physical impairment will normally be referred through an MEB to the PEB for disposition. PEB disposition instructions are provided in the tables at the end of this chapter as indicated below:

a. For determination of eligibility for processing see table 8-1, Eligibility Index Table.

b. For disposition of physically Unfit Regular Marines and Reservists ordered to active duty for more than 30 days refer to table 8-2, Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty).

c. For disposition of physically Unfit Reservists on active duty for 30 days or less refer to table 8-3, Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Active Duty for Training.

3. Summary Overview

a. A case enters the Department of the Navy DES when an MEB report is dictated and accepted by the PEB for the purpose of determining a Marine's fitness to continue service. The Marine's condition most likely is permanent, and/or any further period of temporary limited duty (TLD) is unlikely to return the Marine to full duty. A condition is considered permanent when the nature and degree of the condition render the Marine unable to continue naval service within a reasonable period of time (normally 16 months or less).

b. Referral of an MEB to the PEB can come from 2 sources: MEBs referred by the CMC (MMSR-4) to the PEB for determination of fitness, and MEBs submitted directly to the PEB by a MTF. A Marine's case is accepted by the PEB when all medical and non-medical information necessary to evaluate the case is received by the PEB. Once a case is accepted by the PEB, the Informal PEB conducts a record review of the case. The Marine concerned is notified of the preliminary findings and given 15 calendar days in which to make a decision concerning the findings. If the Marine accepts the preliminary

findings, the case is finalized and the CMC (MMSR-4) is requested to make an appropriate disposition (i.e., separate, retire, or return to duty.)

c. If the Marine does not agree with the preliminary findings, the Marine can request reconsideration of that decision by the same Informal PEB and request a personal appearance before the Formal PEB. If the Formal PEB hears a case, it makes findings, and, subsequent to legal review and/or quality assurance review, findings are sent to the Marine via certified mail (return receipt requested). If the Marine accepts the findings, the case is finalized and appropriate disposition by the CMC (MMSR-4) is requested. If a Marine disagrees with the findings/results of the Formal PEB, the Marine is given 15 calendar days from the date of receipt of the findings letter to petition the Director, Naval Council of Personnel Boards (DIRNCPB). The Marine has the right to petition the Board for Correction of Naval Records (BCNR) at any time after final action on his or her case.

8102. MEDICAL EVALUATION BOARDS (MEBs)

1. General. Navy Medical Publication P-117, The Manual of the Medical Department (MANMED), chapter 18 and SECNAVINST 1850.4D, Disability Evaluation Manual (DEM), chapters 1, 3, 8, and 11 contain instructions on MEBs. The following paragraphs contain specific information on MEBs as they apply to the DES.

a. Issuing a Marine orders home for the purpose of awaiting final disposition of an MEB is not authorized, except per paragraph 8504.

b. Only commanding generals at the recruit depots, provided the MEB recommends discharge and the convening authority of the MEB concurs, are authorized to discharge Marines on active duty, including active duty for training, by reason of physical disability for a condition which existed prior to service (EPTS). This authority only applies to Marines in their first 180 days of duty. See paragraph 8404.

c. Provided the MEB recommends discharge, and the convening authority of the MEB concurs, a General Court Martial Convening Authority (GCMCA) of a Marine Corps activities within the United States is authorized to discharge Marines for character (personality) disorders or primary mental deficiency because they are conditions not constituting a physical disability, as are other conditions set forth in the DEM. See paragraph 8405. Contact HQMC (MMEA/MMOA) for disposition of Marines stationed overseas.

2. Purpose. An MEB is convened to report on a Marine when doubt exists concerning the Marine's state of health. An MEB reports a diagnostic summary of the Marine's physical condition and recommends one of the following dispositions to the convening authority:

a. Return to full duty;

b. Assignment to temporary limited duty (TLD) pending further examination at a later date;

c. Discharge by reason of physical disability upon determination that such disability EPTS and was not service aggravated (Note. These MEBs must, nevertheless, be referred to the PEB, except as specified in paragraph 8102.1c and 8404.);

d. Discharge by reason of unsuitability, erroneous enlistment, or Convenience of the Government; or

e. Refer the MEB to the PEB when the Marine's ability to meet the requirements of active service is questionable.

3. Convening Authority. An MEB may be ordered (or convened) by the CMC (MMSR-4) or the commanding officer of the MTF at which the Marine is a patient.

4. Composition. An MEB, whenever practicable, consists of medical officers of the Navy. However, the board may consist, in whole or in part, of medical officers of the Army, Navy, Air Force, or Public Health Service.

5. Procedures. The board considers and reports on the case of a Marine who is referred to it by competent authority. The policy and procedures to be followed by an MEB are prescribed by the MANMED and DEM.

6. Rebuttals. Unless it is determined that the information, findings, opinions, and recommendations in the MEB might have an adverse effect on the Marine's physical or mental health, the Marine is:

a. Allowed to read the MEB or furnished a copy;

b. Afforded an opportunity to submit a statement in rebuttal to any portion of the MEB; and

c. Furnished a NAVMED Form 6100/2 concerning the findings and recommendations of the board for signature, which must be witnessed.

7. Action by the Convening Authority

a. If the indicated disposition is to refer the MEB to the PEB, and the convening authority concurs, the MEB is endorsed and forwarded to the PEB. Provide the CMC (MMSR-4) with an information copy.

b. When the CMC is the convening authority of the MEB, and referral to the PEB is the indicated disposition, the MEB will be forwarded to the CMC (MMSR-4) for appropriate action.

c. When the indicated disposition is referral to the PEB, and the convening authority of the MEB does not concur, the Marine concerned will be advised and afforded an opportunity to submit a statement in rebuttal. The convening authority forwards the MEB report with statements to the CMC (MMSR-4) for determination.

8. Marines Declared Mentally Incompetent While in the Hands of Civil Authorities. Occasionally, Marines in the hands of civil authorities are declared not responsible for their acts because of mental incompetence as determined by those civil authorities. These Marines may or may not be referred to a civil mental institution for confinement or treatment. Such cases must be referred to the CMC (MMSR-4) for determination and disposition. The CMC refers these cases to the PEB without the benefit of an MEB. Any information obtained from the civil authorities pertinent to the Marine's present state of health is included in the report to the CMC (MMSR-4).

9. Marines Found Mentally Incompetent by Military Authorities. Marines found mentally incompetent by a competency board will be processed by the PEB for 8103

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determination of fitness to continue active service. In such cases, however, only the next of kin (as identified by the Record of Emergency Data), court-appointed guardian, or trustee accepted by the Judge Advocate General of the Navy will be permitted to make the election of options required after the PEB findings are issued.

8103. INFORMAL PEB

1. General. The DEM, chapter 4 contains the policies and procedures of the Informal PEB. It is a board of three officers located at the Navy Yard, Washington, D.C., and functions as the initial level of evaluation within the DES.

2. Purpose. The Informal PEB is the initial level of evaluation of Marines to determine their continued ability to reasonably perform the duties of office, grade, or MOS on active duty; to investigate the nature, cause, degree, and probable permanency of disabilities; and, to make appropriate findings.

3. Composition. The Informal PEB is composed of three senior commissioned officers of the Navy and Marine Corps (two line officers and a medical officer) as appointed by the Secretary of the Navy.

4. Procedures. The Informal PEB is conducted as an informal documentary review, without the personal appearance of the Marine. The board's evaluations and determinations are based on medical records, MEBs, line of duty/misconduct investigations, and any other non-medical documentation which may have a bearing on the case.

5. Preliminary Findings. The preliminary findings are forwarded to the Physical Evaluation Board Liaison Officer (PEBLO) at the MTF that referred the Marine's MEB to the PEB for review. The PEBLO will then counsel the Marine about the preliminary findings and the options available. The preliminary findings may be:

- a. Fit to continue naval service;
- b. Unfit to continue naval service, with the unfitting conditions constituting the physical disability identified and appropriate VA Codes and disability percentage ratings assigned;
- c. Unfit to continue naval service, but not ratable because the physical disability was not incurred or aggravated while the Marine was entitled to basic pay (generally involves EPTS determinations);
- d. Unfit to continue naval service, but not ratable because the physical disability was incurred as the result of intentional misconduct or willful neglect, or was incurred during a period of unauthorized absence;
- e. Unfit to continue naval service (for Reserve Marines), because the physical disability is the proximate result of performance of active duty (a Notice of Eligibility (NOE) was granted by the CMC);
- f. Physically Qualified (for Reserve Marines not granted an NOE); or

- g. Not Physically Qualified (for Reserve Marines not granted an NOE).

If the findings are Unfit and the condition is a ratable condition, and the percentage of disability assigned is 30% or more, a determination of whether the physical disability is stable and whether it is either permanent or may be permanent is made to determine whether the Marine is to be placed on the Temporary Disability Retired List (TDRL) or the Permanent Disability Retired List (PDRL). The findings also record the PEB's opinion as to whether the physical disability is combat-related.

6. Marine's Action on Preliminary Findings. After counseling by the PEBLO, the Marine is statutorily granted 15 calendar days from the date of notification of the preliminary findings to execute one of the following options:

a. Accept the Preliminary Findings. If the Marine accepts the preliminary findings, the PEB will take final action by issuing a Notification of Decision for the Secretary of the Navy. The Marine must be advised that failure to submit a written statement in response to the notification of the preliminary findings letter constitutes acceptance of the preliminary findings and waiver of a formal hearing and petition for relief from final action.

b. Conditionally Accept the Preliminary Findings. The Marine may accept the preliminary findings under specified conditions, e.g., "I accept the preliminary findings on condition that I not be separated until (date)." The PEB refers the conditions to the CMC (MMSR-4) for final recommendations and concurrence. If the condition is approved, the PEB finalizes the case by issuing a Notification of Decision. If the condition is disapproved, the PEB considers the preliminary findings not acceptable and the Marine is referred to a formal hearing, if desired.

c. Submit a Request for Reconsideration of Fit Findings. If found Fit to continue naval service, the Marine may request reconsideration of the case by the Informal PEB. The reconsideration will include new medical information not previously available or considered supporting the Marine's argument and indicates whether the Marine desires a formal PEB if he is subsequently found Unfit to continue naval service. However, if the Fit to continue naval service finding is confirmed upon reconsideration, there is no right to a hearing.

d. Demand a Formal Hearing in Unfit for Duty Findings. If the preliminary findings involve an Unfit for duty determination, the Marine may demand a formal hearing. Orders will be issued for a formal hearing directing the Marine to appear before one of the two regional Formal PEBs on a specified date.

(Note. No Marine shall be separated or retired for physical disability without a formal hearing, if such is requested by the Marine per 10 U.S.C. 1214.)

8104. FORMAL PEB

1. General. The DEM chapter 4, contains instructions on formal PEB hearing panels. Commanding officer responsibilities for Marines appearing before formal hearings follow.

2. Purpose. Formal PEB Hearing Panels afford a full and fair hearing (formal hearing) to evaluate the fitness of a Marine to perform the duties of office, grade, or MOS; to investigate the nature, cause, degree, and probable
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permanency of disabilities presented by the Marine; and, to make appropriate recommended findings.

*3. Convening Authority. The Director, NCPB, acting for the Secretary of the Navy, has convened the Formal PEB Hearing Panel at the Navy Yard, Washington, DC 20374.

4. Composition. A hearing panel is composed of 3 senior commissioned officers of the Navy and Marine Corps as appointed by the Director, NCPB.

5. Counsel. A Marine appearing before a hearing panel will be represented by a military lawyer or civilian attorney retained at the Marine's own expense.

6. Proceedings. Hearings are conducted per the DEM.

7. Personal Appearance. The Marine will appear in person before the panel unless there is an opinion by medical authority that to do so would be detrimental to the health of the Marine. Failure to appear when so directed or authorized shall be considered as a waiver of the Marine's right to appear before the panel unless it is reasonably shown that such failure was through no fault of the Marine. Failure to appear may be subject to administrative action under the UCMJ. However, the hearing panel, at its discretion, may waive the appearance of the Marine, if requested by the Marine, and hold an "in absentia" hearing. In the case of a Reservist, personal appearance is at the Marine's own expense.

8. Recommended Findings. The hearing panel will make recommended findings. The Marine will be counseled that recommended findings are advisory only and not final or conclusive until acted upon by the President of the PEB. The findings issued by the President are the same as those set forth in paragraph 8103.5.

9. Final Findings. The recommended findings of the hearing panels are forwarded to the President, PEB for quality assurance, legal review, and concurrence by the President. The President issues a "findings" letter notifying the Marine of the final findings of the PEB.

10. Rebuttal. The Marine shall be afforded 15 calendar days to file a rebuttal to the final PEB findings. Failure to file a rebuttal within the statutory 15 calendar day period results in a presumed acceptance of the hearing panel recommendation. The case will be returned to the PEB for review and final action.

11. Petition for Relief from Final Action (PFR). Upon receipt of the findings letter issued by the President of the PEB, the Marine is statutorily granted 15 calendar days to file a PFR. Failure to file a PFR within the 15 calendar days results in a presumed acceptance of the findings of the PEB. The PEB will take final action by issuing a Notification of Decision.

12. Pending Disciplinary or Adverse Administrative Action. Marines pending disciplinary proceedings that could result in an unsuspended punitive separation or administrative discharge proceedings for misconduct will have

their PEB proceedings held in abeyance pending the results of those proceedings. The command must notify the CMC (MMSR-4) of these situations. See paragraph 8508.

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13. Reservists on Inactive Duty. A Reservist on inactive duty found Not Physically Qualified (NPQ) because of physical disability involving an injury or disease determined not to be the proximate result of the performance of active duty may request to appear before a formal hearing for an opportunity to demonstrate that he or she is physically qualified for retention in the Marine Corps Reserve.

8105. OFFICER DISABILITY REVIEW BOARD (ODRB). The ODRB is not a component of the DES, but is an ad hoc board convened by the Director, NCPB to review, at the request of an officer retired or released from active duty without pay for physical disability, the findings and decisions of the PEB.

8106. ACTION BY THE SECRETARY OF THE NAVY

1. The findings and recommendations through the DES pursuant to statutory authority have no legal effect until approved by the Secretary of the Navy. The Director, NCPB and the President, PEB have been given authority to act for the Secretary. This authority does not prevent the referral of any case to the Secretary.

2. The effective date of retirement or discharge is specified by the CMC (MMSR-4), and is within 4 to 6 weeks after the issuance of the Notification of Decision by the President, PEB to allow for final outprocessing.

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SECTION 2: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

8201. AUTHORITY. Per 10 U.S.C. 1201 and 1204, the Secretary of the Navy may retire certain Marines considered Unfit to perform the duties of office, grade, or MOS because of a permanent physical disability. See table 8-2 for eligibility determination.

8202. DISPOSITION INSTRUCTIONS

1. General

a. Expeditious handling of the administrative procedures in the separation or retirement of disabled Marines is critical. Commanders must carefully execute their authority so as to ensure each Marine receives his or her full entitlements.

b. To avoid inadvertently depriving a Marine of maximum benefits, all actions must be completed to effect retirement at the earliest practicable date since the DVA compensation for Marines with high disability ratings may substantially exceed active duty pay or physical disability retired pay.

c. Before retirement, a Marine may be authorized hospitalization at a DVA hospital, provided the Marine is on active duty at time of admission. To prevent premature retirement which may preclude DVA hospitalization, immediately request that the CMC (MMSR-4) hold the retirement in abeyance. Only the Secretary of the Navy may defer an officer statutory retirement.

d. The CMC (MMSR-4) authorizes the parent command to effect disability retirement. The approval authority is transmitted electronically via the unit diary system in MCTFS to the parent and command reporting unit. Upon receipt, the responsible order writing unit issues orders. The authority to release contains all necessary data to generate orders per figure 8-3.

e. Within 2 weeks of issuing the authority to release, the CMC (MMSR-4) prepares and forwards retirement documents to the command.

2. Specific. To retire a Marine for permanent physical disability, commanding officers will comply with the following:

a. Commence separation processing immediately.

(1) If transfer to a DVA hospital is authorized and the effective date of transfer is before the date of retirement, immediately notify the CMC (MMSR-4). A list of administrative activities responsible for hospitalized Marines is contained in MCO 6320.2D, Administration and Processing of Hospitalized Marines.

(2) If transfer to a DVA hospital is authorized and the effective date of transfer is after the date of retirement, immediately advise the CMC (MMSR-4) of the effective date of transfer to the DVA hospital.

b. Upon completion of separation processing, but not later than the date of retirement, forward the Marine's completed DD Form 2656, Retired Pay Data Form to: DFAS-CL (Code PRRA), P.O. Box 99191, Cleveland, OH 44199-1126. Ensure that an appropriate unit diary drop entry is made reflecting the release of the Marine per CMC (MMSR-4) instructions.

c. Issue retirement orders using the appropriate format in the figures at the end of this chapter. Furnish the local disbursing officer settling the pay account a copy of the retirement orders immediately upon issuance. Additionally, furnish any other administrative information necessary to close the active duty pay account to the disbursing officer. The effective date of retirement is the day following the last day of active duty. Disability retirements are governed by law and must be effected as directed. Effecting a disability retirement on any date other than that directed by the CMC is not authorized.

d. Notify those Marines ordered home awaiting final disposition of physical evaluation proceedings of the effective date of their retirement, by the most expedient means available. This notification must be made before the effective date. Then, immediately mail the retirement orders directly to the Marine.

e. Counsel the Marine and spouse regarding the Survivor Benefit Plan (SBP) per paragraph 8004.5 and MCO P1741.11B. No Marine shall be sent home awaiting orders without being counseled on SBP and unconditionally accepting the findings of the PEB.

f. If the Marine has been transferred to a new duty station, immediately notify the CMC (MMSR-4).

8203. RETIRED PAY PROCEDURES. See section 4 of chapter 1. A very basic computation of retired pay is presented in table 8-4.

8204. RETIREMENT CEREMONY. See paragraph 1012.

8205. CURRENT ADDRESS AND RESIDENCE. Keep the CMC (MMSR-7) informed at all times of current home mailing address. See paragraph 1404.

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SECTION 3: TEMPORARY DISABILITY RETIRED LIST (TDRL)

8301. AUTHORITY. Per 10 U.S.C. 1376, the Secretary of the Navy is required to maintain a TDRL containing the names of Marines transferred to the TDRL per 10 U.S.C. 1202 and 1205. The CMC (MMSR-4) maintains the TDRL for the Marine Corps. The list consists of Marines who would be qualified for permanent disability retirement, but for the fact that the Marine's disability is not determined to be of a permanent nature and stable. See table 8-2 for eligibility determination.

8302. TRANSFER TO THE TDRL

1. General. See paragraph 8202.1.

2. Specific. Follow instructions contained in paragraph 8202.2, except use the format in figure 8-4 vice figure 8-3 to issue orders. Upon transfer to the TDRL, the Marine's command will forward the Marine's complete health record to CMC (MMSB-16) for maintenance while the Marine is on the TDRL.

8303. TDRL PAY PROCEDURES. See section 4 of chapter 1. A very basic computation of retired pay is presented in table 8-4. 10 U.S.C. chapter 61 provides that the maximum time that a Marine's name can be carried on the TDRL in a pay status is 5 years.

8304. PERIODIC PHYSICAL EXAMINATIONS (PPE)

1. The law requires that Marines placed on the TDRL undergo periodic physical examinations (PPEs) at least once every 18 months to determine whether there has been a change in the physical disability for which the Marine was temporarily retired. This includes Marines who have waived retired pay in order to receive compensation from the DVA, as they are still members of the naval service.

2. The CMC (MMSR-4) issues orders to Marines on the TDRL to proceed and report for PPEs, normally via the commanding officer of the designated examining activity. The examining facility will endorse the orders and specify the date, time, and place to which the Marine is to report. TDRL PPEs shall be furnished on the same priority as those given to active duty Marines. Voluntary selection of an examination place may be permitted, however, reimbursement may not exceed the amount authorized for travel and transportation to and from the Marine's home of record and the nearest military activity at which PPEs are conducted.

3. If a Marine on the TDRL fails to report as ordered for the required PPE, entitlement to disability retired pay will be terminated, and the Marine may be administratively removed from the TDRL. Should just cause for failure to report be established, payments may be reinstated and may be made retroactive for a period not to exceed one year.

4. To ensure an accurate and complete PPE, the Marine shall provide the examining physician, for submission to the PEB, copies of all medical records (civilian, DVA, and all military medical records) documenting treatment since the last TDRL reevaluation.

5. A Marine on the TDRL is entitled to travel and transportation allowances authorized for a Marine in his or her grade traveling in connection with orders for a PPE and any appearances before the PEB, per the Joint Federal Travel Regulations (JFTR). Marines are required to liquidate travel claims within 5 days of completion of execution of official orders.

8305. DISPOSITION OF TDRL MEMBERS IN HANDS OF CIVIL AUTHORITIES. Whenever a Marine is confined by civil authorities or is hospitalized in an institution under State or local control, the report of the medical officer or medical assistant serving the confinement facility or institution may be submitted for the PPE. For detailed provisions, see SECNAVINST 1850.4D (DEM), enclosure (3).

8306. CURRENT ADDRESS AND RESIDENCE. It is imperative that all Marines on the TDRL keep the CMC (MMSR-4), and DFAS Cleveland aware of their current address at all times. Failure to respond to correspondence or orders issued to the address on file with the CMC (MMSR-4) and DFAS Cleveland, either willfully or through neglect, may result in the suspension of disability retired pay and is considered as showing intent to abandon benefits.

8307. REMOVAL FROM THE TDRL

1. Upon acceptance and evaluation of a PPE, the PEB shall make one of the following dispositions:

- a. Retention on the TDRL;
- b. Transfer to the PDRL;
- c. Discharge with or without entitlement to receive severance pay; or
- d. Fit to continue naval service. See paragraph 8307.3.

2. If the Marine is retained on the TDRL, PPEs will continue at 18-month intervals. However, final reevaluation must take place before the end of five years, when by law, final disposition must be made .

3. A Marine whose condition has improved to such a degree that the PEB issues a finding of Fit to continue naval service, may, subject to the Marine's consent, be reappointed to the active list or reenlisted, if otherwise qualified for reenlistment. If a Marine does not consent to reappointment or reenlistment, the Marine shall be removed from the TDRL and discharged.

4. A member of the Marine Corps Reserve found Fit to continue naval service may, subject to the Marine's consent, be reappointed or reenlisted, as appropriate, in the Marine Corps Reserve. Reappointment or reenlistment in the Marine Corps Reserve does not guarantee assignment to active duty.

5. A Marine's failure to report for a PPE, to give just cause for failure to report, or to furnish current medical information for use in lieu of a final 8307
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PPE may result in administrative removal from the TDRL upon completion of 5 years on that list, with the loss of all benefits to which the Marine may be entitled under 10 U.S.C. chapter 61.

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SECTION 4: DISCHARGE OF MARINES NOT PHYSICALLY QUALIFIED FOR RETENTION

8401. DISABILITY DISCHARGE WITH SEVERANCE PAY. Per 10 U.S.C. 1203 and 1206, certain Marines not eligible for retirement by reason of physical disability, but found Unfit for duty by reason of physical disability, may be discharged from the Marine Corps with severance pay. Disability severance pay is computed by multiplying twice the monthly base pay by the number of years of active service, not to exceed 12 years. If a member has less than 6 months of combined service, there is no disability severance pay entitlement. Further eligibility requirements are contained in tables 8-2 and 8-3 of this Manual and the current edition of DoD Financial Management Regulation, Volume 7A, Chapter 35, paragraph 3504.

8402. DISABILITY DISCHARGE WITHOUT SEVERANCE PAY. A Marine who incurs a physical disability that, in the determination of the Secretary of the Navy, renders the Marine Unfit to perform the duties of office, grade, or MOS and which results from the Marine's intentional misconduct or willful neglect or which was incurred during a period of unauthorized absence, shall be separated from the Marine Corps without entitlement to benefits per 10 U.S.C. chapter 61. Additionally, a Marine who is found Unfit for duty because of a physical disability which was neither incurred nor aggravated during any period in which the Marine was entitled to basic pay (i.e., existed prior to service), shall be discharged without severance pay per 10 U.S.C. chapter 61.

8403. SEPARATION PROCEDURES FOR DISCHARGE WITH OR WITHOUT SEVERANCE PAY

1. Upon receipt of the PEB Notification of Decision, the CMC (MMSR-4) will direct the discharge of a Marine by reason of physical disability with or without severance pay. When the command receives authority to release a Marine (refer to Appendix E), the commanding officer will issue orders per the appropriate format contained in the figures at the end of this chapter. Ensure the Marine is separated on the date approved by the CMC (MMSR-4).

2. If the Marine has been transferred, immediately notify the CMC (MMSR-4).

8404. DISCHARGE FOR DISABILITY EXISTING PRIOR TO SERVICE (EPTS)

1. General. SECNAVINST 1850.4D (DEM) provides information on a medical evaluation board (MEB) convened to discharge an enlisted Marine for physical disability not incurred in or aggravated by service. See paragraph 8002.6.

a. Only commanding generals at the recruit depots are authorized to discharge Marines on active duty, including active duty for training, by reason of physical disability for a condition which existed prior to service (EPTS), provided:

(1) The Marine is in the first 180 days of duty;

(2) The Marine has appeared before an MEB, and the board has stated affirmatively and specifically the opinion that the Marine is Unfit for

further service because of physical disability and that the physical

disability was neither incurred in nor aggravated by a period of active military service;

(3) The MEB recommends discharge;

(4) The convening authority of the MEB concurs with the opinions of the board;

(5) The Marine has been fully advised, by the convening authority of the MEB, of the right to demand a full and fair hearing before the PEB before discharge;

(6) The Marine, after being advised of the right to a full and fair hearing before discharge, waives that right, in writing, on form NAVMED 6100/3;

(7) There is no disciplinary action pending, including court-martial or investigative proceedings which might lead to court-martial, or uncompleted sentences of court-martial involving confinement or discharge;

(8) There are no pending administrative discharge proceedings for misconduct or disciplinary proceedings which could result in a punitive discharge; and

(9) There is no evidence that the Marine is under investigation or is being processed as a security risk.

b. All other cases, where it is determined by an MEB that the disability EPTS, must be referred to the PEB for determination.

c. Physical conditions of Marines with less than 180 days active duty are evaluated per the minimum standards for enlistment, appointment, or induction. Physical conditions of Marines with 180 days or more active duty are evaluated by the PEB per the minimum standards set forth in enclosure (3) of the DEM. Marines who exceed the minimum standards are not separated for physical disability.

2. When the commander believes that an enlisted Marine, qualified for discharge by reason of physical disability under this paragraph, should be discharged by reason of administrative separation for misconduct, or as the result of disciplinary proceedings leading to a punitive discharge, the disability proceedings will be suspended and monitored. The command should immediately notify the CMC (MMSR-4) by naval message. Additionally, forward the MEB to the CMC (MMSR-4) for final action once all administrative/punitive proceedings are completed per chapter 6, and all unsuspended punishment and convening authority action is complete.

3. The authority for discharge is paragraph 8404.

4. Paragraph 8404 is not applicable to officers. Officers will be discharged only when authorized by the CMC.

5. Erroneous Enlistment

a. Separate Marines with medical conditions which disqualify them from serving on active duty by reason of erroneous enlistment on the basis of not meeting the physical standards for enlistment. If an MEB is convened, the convening authority must ensure the MEB states the Marine is not qualified

under physical standards for enlistment or induction. All of the following additional criteria must be met.

(1) The condition was present at the time of enlistment and has not been service aggravated.

(2) The condition, had it been known, would have disqualified the Marine from enlistment.

(3) The condition is not the result of fraudulent conduct on the part of the Marine.

(4) The Marine must voluntarily waive his or her right to be considered for disability by the PEB.

b. In addition to active duty members, this paragraph applies to members of the Marine Corps Reserve on active duty for more than 30 days, or on active duty for less than 30 days who have a Notice of Eligibility (NOE).

c. A Marine with a medical condition (either physical or mental), not determined to be a physical disability by a medical officer, which EPTS and precludes the Marine from serving on active duty may be separated under this paragraph. For these cases only, use this paragraph as the authority for separation.

d. The separation authority is the GCMCA.

e. Forward all other erroneous enlistments to the CMC (MMSR-3).

f. Only the Secretary of the Navy has authority to discharge a Marine on the basis of physical disability. Process MEB cases identifying a physical disability EPTS per the DEM, to include submitting the MEB's recommendations and findings to the PEB.

6. NAVMED P-117 (MANMED) requires that when an MEB results in the discharge of a Marine, and it is determined that the conditions reported EPTS, and the pre-entry physical examination was performed at a Military Entrance and Processing Station (MEPS), a copy of the MEB with a copy of the pre-entry SF 88 and SF 93 will be forwarded to Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064. Insert the terminated health record inside the service record and forward per the MANMED article 16-9, and MCO P1070.12K (IRAM), paragraph 4001.5, table 4-1.

8405. DISCHARGE FOR PERSONALITY DISORDERS AS DETERMINED BY A MEDICAL EVALUATION BOARD (MEB). MEBs reporting a diagnosis of personality disorder and recommending the Marine's separation due to unsuitability should ordinarily be processed for separation per paragraph 6203.3, if the convening authority of the MEB concurs with the opinion of the board.

8406. DISCHARGE OF MEMBER OF AN OFFICER TRAINING PROGRAM FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION

1. The Commanding General, MCCDC, is authorized to discharge members of officer training programs upon notification by the Chief, Bureau of Medicine

and Surgery (BUMED) that the Marine is not physically qualified for retention on active duty as an enlisted Marine subject to the following provisions:
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a. Upon a medical officer's report that an officer candidate is not physically qualified for retention, the commander will forward the SF 88 to the Chief, BUMED (Code 25) provided the candidate:

(1) Is not on active duty; or

(2) Is on active duty, but the medical officer's determination is the result of the initial physical examination administered upon the candidate's reporting to an officer training course and it is established that the disqualification is not the result of an injury incurred while performing travel incident to reporting to the officer training course; and

(3) Submits a request for discharge by reason of being found not physically qualified for retention on active duty.

b. If the officer candidate desires to enter or remain on active duty, the commander will forward the SF 88 to the CG, MCRC (MRRE-3) via the Chief, BUMED (Code 25) with a recommendation on retention.

c. Authority for discharge is paragraph 8406.

2. When the officer candidate is found physically qualified for retention as an enlisted Marine, but is not physically qualified for appointment as an officer in the Marine Corps, the commander will forward the SF 88 to the CG, MCRC (MRRE-3) via Chief, BUMED (Code 25).

3. When the officer candidate is on active duty and is found not physically qualified due to incurring or aggravating an injury or disease after the initial "reporting-in" physical examination, the candidate will be processed per the DEM.

8407. DISCHARGE OF RESERVISTS NOT ON ACTIVE DUTY FOUND NOT PHYSICALLY QUALIFIED FOR RETENTION IN THE MARINE CORPS RESERVE

1. Per 37 U.S.C. 204(g), 204(h), and 206(a), Reservists ordered to perform active duty for training or inactive duty for training for any period of time, who incur an injury, illness, or disease en route to or from such duty or during that duty, in the line of duty and not due to their own intentional misconduct or willful neglect, are entitled to medical care and disability pay as provided by law or regulation.

a. Only Reservists authorized NOE benefits for an injury, illness, or disease, will be referred to the PEB for a disability evaluation per the DEM.

b. Reservists not in receipt of NOE benefits and determined not physically qualified (by an MEB, the Chief, BUMED, or the CMC (MMSR-4)), are referred to the PEB for a physical disability evaluation only if the Reservist requests a review by the PEB.

c. If the Marine disagrees with the findings of the Informal PEB and requests a formal hearing, the case will be referred by the PEB to a Formal PEB for evaluation. Members of the Marine Corps Reserve not on active duty, who request to appear in person before a formal hearing, must agree to do so at no expense to the Government. The formal hearing will normally be

conducted by the Formal PEB located nearest the Marine's residence. See paragraph 8104.3.

2. The Commander, Marine Forces Reserve (COMMARFORRES) is authorized to discharge an enlisted Reservist not on active duty upon notification by the Chief, BUMED that the Reservist is not physically qualified for retention in the Marine Corps Reserve subject to the following provisions:

a. Upon receipt of a medical officer's report that an enlisted Reservist has been determined to be not physically qualified, the commander will forward all medical records and any other additional correspondence that may be relevant to the Chief, BUMED (Code 25). Furnish separation orders complete with all endorsements to the Defense Finance and Accounting Service at: DFAS-KC (PMCRAF), 1500 East 95th Street, Kansas City, MO 64197-0001. The orders will contain the following:

- (1) Marine's last name, first name, and middle initial;
- (2) Social security number;
- (3) Grade;
- (4) Date of discharge;
- (5) Years, months, and days of active service, less periods covered by a NOE; and
- (6) A brief statement explaining entitlement to disability severance pay.

b. Upon endorsement by the Chief, BUMED that the Reservist is not physically qualified for retention in the Marine Corps Reserve, the COMMARFORRES will inform the Reservist with an appropriate letter for reply and provide the following information:

- (1) Medical description of the physical defect;
- (2) Laws mandating the Marine Corps require any person not physically qualified for assignment to active duty to be discharged or retired from the Marine Corps Reserve;
- (3) Notification that the member has 15 calendar days, from the date of the letter, to respond and request discharge due to not being physically qualified, request transfer to the retired list from the CMC (MMSR-5), or request review by the PEB. If no response is received, action will be taken to involuntarily discharge the member by reason of physical disqualification.

c. When requesting a hearing before the PEB, the Marine will be advised that disability benefits are payable only if the Marine is entitled to active duty pay and allowances and has been issued an NOE to receive such allowances. If an NOE has not been issued, the PEB findings will be either Physically Qualified or Not Physically Qualified for duty and a corresponding determination on retention. If the Marine's case is considered by the PEB, and the Marine does not agree with the recommendation of the Informal PEB and requests a formal hearing, the case will be referred by the PEB to a Formal PEB for evaluation. A member of the Marine Corps Reserve, not on active duty,

who desires to appear in person before a formal hearing, must agree to do so at no expense to the Government. The formal hearing will normally be conducted by the Formal PEB nearest the Marine's residence. See paragraph 8104.3.

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d. When the above actions are completed, take appropriate administrative action per the following instructions.

(1) Discharge the Reservist upon receipt of the Marine's written request under authority contained in this Manual.

(2) If the Reservist requests a hearing before the PEB, refer the Marine's case to the CMC (MMSR-4). Include all medical records and pertinent correspondence. Cases received without sufficient medical evidence will be returned for resubmission.

3. Reserve officers found not physically qualified will be processed in a fashion similar to enlisted Reservists with the following exceptions:

a. When a medical officer's report is received stating that a Reserve officer is not physically qualified, the commander will forward the SF 88, Report of Medical History (SF 93), and other relevant correspondence to the CMC (MMSR-5) via Chief, BUMED (Code 252).

b. When the Chief, BUMED endorses that the Reserve officer is not qualified for retention in the Marine Corps Reserve, the CMC (MMSR-5) will inform the Reserve officer per paragraph 8407.2b, and furnish the officer an appropriate form letter to reply.

c. When the above actions are completed, the CMC will:

(1) Discharge the Reserve officer upon receipt of their written request;

(2) Transfer the Reserve officer to the Retired List, if eligible; or

(3) Refer the case to the PEB for a determination on the officer's fitness for further service in the Marine Corps Reserve, if a Reserve officer requests a hearing before the PEB.

8408. DISCHARGE OF RESERVISTS ORDERED TO INVOLUNTARY ACTIVE DUTY FOR UNSATISFACTORY PARTICIPATION FOUND NOT PHYSICALLY QUALIFIED

1. Enlisted Marines ordered to involuntary active duty for unsatisfactory participation will be ordered to undergo a physical examination before reporting for such duty, if not physically examined during the preceding 12 months.

2. If physically qualified, the Marine will carry out the remainder of orders.

3. If found physically unqualified, the orders will be terminated per the instructions found within those orders. Forward the SF 88 and SF 93, with appropriate consultations to the Chief, BUMED (Code 252) via the COMMARFORRES.

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SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 5: DES ADMINISTRATIVE PROCEDURES AND POLICIES

8501. GENERAL. This section contains general administrative procedures and policies for processing Marines through the DES. For the purposes of this section, and when referring to non-disability retirements, the term "retirement" will include transfers to the FMCR, unless otherwise specified.

8502. MARINES PENDING RETIREMENT OR DISCHARGE

1. The commanding officer of a Marine who has a CMC approved date for retirement or who has a specified retirement date under other provisions of law, will immediately notify the CMC (MMSR-2 and MMSR-4) and seek guidance if a physical condition is discovered which may result in that Marine being retained beyond the retirement date for medical reasons. Notify the CMC (MMSR-3) of Marines with approved discharge dates if similar medical circumstances exist.

2. A mandatory retirement or discharge may be held in abeyance only if a Marine is hospitalized as an inpatient in emergency circumstances, or if an MEB is accepted at the PEB before the Marine's retirement date. Upon acceptance of the MEB at the PEB, a CMC approved retirement or discharge will be held in abeyance until the completion of the DES process. If a Marine is subsequently found Unfit by reason of physical disability, the Marine may be retired per the provisions of this chapter.

a. Officers. If an officer, whose approved retirement has been held in abeyance due to a medical condition, is subsequently found Fit for duty by the PEB, see chapter 2 of this Manual. For discharges refer to chapter 4 or 5.

b. Enlisted Marines. If an enlisted Marine, whose approved retirement has been held in abeyance due to a medical condition, is subsequently found Fit for duty by the PEB, see chapter 7 of this Manual.

8503. PHYSICAL EXAMINATION FOR SEPARATION FROM ACTIVE DUTY. See paragraph 1011.

8504. DISPOSITION OF PERSONNEL AWAITING FINAL DETERMINATION OF PHYSICAL DISABILITY (HOME AWAITING ORDERS)

1. A Marine on active duty found Unfit by the PEB, whose continued treatment is not warranted, and who has unconditionally accepted the preliminary findings of the Informal PEB may, subject to the Marine's consent and the command's approval, be ordered home to await final disposition of proceedings. Commanders should use the services of any Marine who does not desire orders home to await disposition, in a manner consistent with the Marine's physical capabilities.

2. Commanders of Marines stationed in the United States may issue orders directing an enlisted Marine to proceed home to await final disposition of proceedings, provided:

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a. The Marine consents;

b. The PEB (not an MEB) determines the Marine is Unfit for continued naval service, the Marine has signed the Election of Options unconditionally accepting the preliminary findings of the Informal PEB, waived the right to demand a full and fair hearing and to submit a Petition for Relief from Final Action, or has already appeared in person at a full and fair hearing, has requested the case be finalized, and waived the right to submit a Petition for Relief from Final Action. If the preliminary findings of the Informal PEB are Fit for continued naval service, and the Marine is retirement eligible under other provisions of law, or has indicated an intent to reenlist, the Marine will not be ordered home;

c. Further hospitalization and treatment are not required; and

d. A Marine ordered home has a positive leave balance and agrees to liquidation of accrued leave while awaiting final disposition. For further information see MCO P1050.3H and the Department of Defense Finance Management Regulations (DoDFMR).

3. Commanders of OCONUS Marines, to include Hawaii-based commands, will request PCS orders (MCC W95) by priority message from the CMC (MMEA/MMSR-4) within 48 hours of the Marine accepting preliminary findings of Unfit for duty from the Informal PEB.

4. Enlisted Marines will be issued orders in the format contained in the current edition of MCO P1000.6G, Assignment, Classification, and Travel System Manual (ACTS). Use this paragraph as the authority. Request orders by message from the CMC (MMSR-4) for travel OCONUS.

5. Enlisted Marines ordered home or to a point of selection to await final disposition will be entitled to payment of basic allowance for subsistence for the period following the date and hour of arrival home, to include the date of separation from active duty. Marines with family members will continue to be entitled to basic allowance for quarters as prescribed by current regulations to include the date of separation from active duty. The date of arrival home for the purpose of crediting subsistence and quarters allowances will be determined by the disbursing officer on the basis of the Marine's itinerary or constructive travel via the shortest usually traveled route, using the mode which requires the least travel time. For more comprehensive information, consult the DoDFMR.

6. A Marine's unused leave balance will be reduced for time spent at home awaiting final disposition commencing the day after the date of actual arrival home or the date following the constructive travel via the shortest usually traveled route, using the one which requires the least travel time. For more comprehensive information, consult the DoDFMR.

*7. Transportation of family members and household effects is authorized under change of station orders issued pursuant to the authority provided by this paragraph for travel to the Marine's home or a designated place. Advise Marines that since entitlements to transportation of family members and household effects will not accrue unless and until the Marine is either permanently or temporarily retired or otherwise separated, transportation

costs for travel and shipment of household effects and family members may be borne by the Marine should the Secretary of the Navy ultimately find the Marine Fit for duty. Mileage and other transportation allowances, including transportation of dependents and household effects, are settled or adjusted

upon actual separation or retirement, permanent or temporary per the provisions of the JFTR and MCO P4650.37 series (MCTIM).

8. A claim for reimbursement for travel performed by family members incident to change of station orders issued under this authority will be submitted to the disbursing officer maintaining the Marine's pay record at the time of separation. A claim for reimbursement for travel performed by family members incident to the Marine's retirement (permanent or temporary) or separation will be submitted to the disbursing officer maintaining the Marine's pay record at the time of separation. The claim will include:

- a. All original orders and modifications;
- b. Retirement orders; and

*c. Travel Voucher (DD Form 1351-2). When a Marine with dependents is transferred under orders issued pursuant to this authority, the disbursing officer will advise the Marine of the procedures for submitting claims for transportation of dependents and will furnish sufficient copies of DD Form 1351-2. See paragraph 1009.

9. Commanders will collect and destroy the Marine's identification card (DD Form 2 Active) and issue a temporary identification card (DD Form 2 Active) valid for no more than 180 days. If appropriate, a retired identification card (DD Form 2 (Retired)) will be issued per MCO 5512.11B.

10. Request, via message to the CMC (MMSR-4), authorization of orders for officers desiring orders home to await final action.

11. If retirement orders are not received within 60 days of detachment from the parent unit, Marines home awaiting orders will immediately contact the CMC (MMSR-4) or the last administrative unit to which assigned.

8505. VOLUNTARY SEPARATION BEFORE COMPLETION OF FINAL ACTION ON PHYSICAL DISABILITY PROCEEDINGS

*1. Do not discharge or release upon expiration of active duty Regular or Reserve Marines ordered to active duty for more than 30 days (except those Marines ordered to active duty for training) if medical treatment or disability proceedings have not been completed, unless the Marine specifically requests such discharge or release from active duty. Marines approved for separation under any program that incurs a Reserve obligation and who have conditions which are cause for referral into the DES are prohibited from waiving physical disability evaluation. If a Marine requests separation before final action by the Secretary of the Navy, the Marine will be instructed that separation before that time may prejudice any future claim for disability benefits. In accordance with MARADMIN 023/98, no page 11 entry is required if the Marine requests separation. Accordingly, the Marine will draft a letter requesting discharge with an acknowledgement of the consequences of this request. This letter must be dated and signed by the Marine and witnessed by a judge advocate before actual separation. This letter shall be forwarded to CMC (MMSR-4) for approval and inclusion into the

Marine's Physical Evaluation Board package.

*2. Marines eligible to retire, or with a request to retire pending, and who are also pending physical disability proceedings will be advised that authorization to retire will not be issued until final disposition of physical disability proceedings. If a Marine is pending physical disability proceedings, applications for retirement should not be submitted and, if submitted, will not be processed unless the Marine opts to waive the rights and benefits to which entitled under 10 U.S.C. chapter 61. In accordance with MARADMIN 023/98, no page 11 entry is required if the Marine requests retirement under this circumstance. If the Marine still desires to retire after subject counseling, the Marine will draft a letter requesting discharge with an acknowledgement of the consequences of this request. This letter must be dated and signed by the Marine and witnessed by a judge advocate before actual separation. This letter shall be forwarded to CMC (MMSR-4) for approval and inclusion into the Marine's Physical Evaluation Board package.

8506. RESPONSIBILITIES

1. Commanding Officer

a. Responsible for the proper administration of all light duty and limited duty Marines, and for identifying and tracking MEB processing through final disposition.

b. Appoints a Limited Duty Coordinator (SNCO or above) in writing to:

(1) Identify and track all personnel within the command undergoing processing through the DES;

(2) Ensure Marines not in a full duty status in excess of 60 days are placed on temporary limited duty (TLD) and have proper medical documentation;

(3) Ensure proper administrative action has been taken on all personnel within the command who are currently on light duty, TLD, permanent limited duty (PLD), and undergoing processing through the DES;

(4) Monitor the status of all Marines in the command who are on Convenience of the Government medical hold;

(5) Monitor the status of all Marines sent home awaiting final disposition by the PEB;

c. Upon receipt of a request from the military treatment facility (MTF), provides complete non-medical assessment (NMA) to the MTF within calendar 15 days.

d. Ensures that members of his or her command who are sick, injured, or have a medical defect are in a bona fide light duty or TLD status, as appropriate.

e. Ensures that all nondeployable Marines are properly identified in SORTS per current edition of MCO 3000.13C (SORTS SOP).

f. Assigns duty limitation code "Q" in MCTFS for all Marines in a bona fide TLD status (requires medical board action and appropriate documentation), and removes the duty limitation code "Q" for Marines not in a bona fide TLD status.

- g. Conducts line of duty/misconduct investigations (LODI), as required.
- h. Notifies the CMC (MMSR-4) immediately via naval message (with the Convening Authority, Medical Boards Section of the MTF as an information addressee if a Marine is pending PEB action) when:
 - (1) A Marine undergoing disability processing is facing administrative (misconduct)/legal (punitive) separation proceedings;
 - (2) A Marine is on PLD without a duty limitation code of "S" in MCTFS. Only the CMC (MMSR-4) has the authority to enter or remove duty limitation "S" codes from MCTFS;
 - (3) A Marine is in an expired PLD status. Ensure the Marine is reevaluated, as stipulated in their letter of assignment to PLD, and forward results of the MEB to the PEB for disposition informing MMSR-4; and
 - (4) A Marine is not on a bona fide period of TLD, and not in a full duty status in excess of 60 days without an MEB.
- i. Separates a Marine upon completion of disability processing, as directed by the CMC (MMSR-4), within required time frames.
- j. Returns a Marine to full duty before completing an assigned period of TLD, upon an MTF determination that the Marine is Fit.
- k. Notifies the CMC when a Marine found Fit by the PEB is the subject of a CMC directed separation; (MMSR-2 for retirements and MMSR-3 for separations).
- l. Enters/removes duty limitation code "Q" in/from MCTFS, as required, per MCO P1080.40B (MCTFSPRIM).
- m. Coordinates with the MTF to ensure a Marine is reevaluated 60 days before expiration of TLD.
- n. Ensures that a Marine assigned to PLD is reevaluated 120 days before the end of the PLD period, and that the evaluation is forwarded to the PEB for disposition, also informing the CMC (MMSR-4) via naval message.
- o. Ensures a Marine undergoing DES processing reports for all appointments and keeps the command informed of results.
- p. Makes an appropriate statement in the request for reenlistment or extension pertaining to the medical duty status of a Marine; i.e., Fit for full duty, on light duty, TLD (start/stop date, first/second period), or PLD (start/stop date). A request for reenlistment/extension should be denied if a Marine is on TLD and the Marine should be retained for Convenience of the Government Medical (CoFGM) until found Fit or Unfit by the PEB.
- q. Will not reenlist a Marine who, after reenlistment authority has been granted by the CMC (MMEA-6), is assigned a TLD status. Instead, the Marine should be medically retained for CoFGM and CMC (MMEA-6) immediately notified via naval message.

r. Ensures appropriate comments are made in section A and section I of a Marine's fitness report, if a Marine takes a partial PFT or fails to take a

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semiannual PFT because of a medical condition (i.e., appropriate assignment to TLD or PLD or undergoing disability evaluation by the PEB).

2. Medical Treatment Facility (MTF). The Marine liaison at the MTF is responsible for administratively assisting the MTF perform the following functions.

- a. Conducts MEBs.
- b. Recommends assignment of a member to a period of TLD.
- c. Reevaluates member 60 days before the termination of TLD;
- d. Notifies the CMC (MMSR-4) via naval message, with an information copy to the Marine's command, of all MEB actions.
- *e. For the first two periods of TLD, up to 12 months for enlisted Marines, forwards a copy of the original MEB with supporting documentation to the CMC (MMSR-4) for historical record.
- *f. For any period period of TLD greater than 12 months for enlisted Marines, forwards a copy of the original MEB with supporting documentation to the CMC (MMSR-4) for departmental review.
- *g. For any subsequent periods of TLD beyond 12 months for enlisted Marines, forwards a copy of the MEB with supporting documentation to the CMC (MMSR-4) for departmental review.
- h. For any periods of TLD for officers, forwards a copy of the original MEB with supporting documentation to the CMC (MMSR-4) for departmental review.
- i. Recommends assignments to light duty as required (not to exceed 30 days).
- j. Processes MEB referrals to the PEB for fitness for duty determinations with the CMC (MMSR-4) as an information addressee.
- k. Requests LODIs, as required.
- l. Notifies the command if MEB processing will exceed 30 days.

3. CMC (MMSR-4)

- a. Oversees processing of all Marines through the DES.
- b. Directs MEBs for fitness for duty determination.
- c. Conducts departmental review of all officer MEBs, enlisted MEBs recommending subsequent periods of limited duty, and enlisted MEBs recommending initial periods of limited duty longer than 8 months. Upon review, limited duty may be approved, or the MEB may be forwarded to the PEB for determination of fitness.
- d. Approves assignment to PLD.
- e. Monitors duty limitation codes and enters duty limitation code "S" into MCTFS.

f. Processes MEBs and forwards to the PEB, if required.

g. Processes Marines once a fitness for duty determination is finalized by the PEB and issues orders that:

- (1) Return the Marine to full duty;
- (2) Approve a period of PLD;
- (3) Discharge the Marine with or without severance pay; or
- (4) Transfer the Marine to either the TDRL or PDRL.

h. Monitors Marines retained for CoFGM past their EAS without any MEB action.

8507. CERTIFICATE IN LIEU OF ORDERS. A certificate in lieu of orders is not authorized.

8508. CONCURRENT DISCIPLINARY/ADMINISTRATIVE ACTION FOR MISCONDUCT AND PHYSICAL DISABILITY PROCEEDINGS

1. Administrative separation does not supersede a disability separation, unless the administrative separation is for misconduct. Disciplinary/punitive separation directed by a court-martial supersedes a disability separation.

2. Notify the CMC (MMSR-4) when a Marine is being processed for disability evaluation and the following situations occur: (Disability evaluation will be suspended, and the nondisability action monitored.)

- a. Administrative involuntary separation for misconduct;
- b. Disciplinary proceedings which could result in a punitive discharge;
or,
- c. An unsuspended punitive discharge is pending.

3. If the disciplinary or administrative discharge proceedings do not result in an unsuspended punitive discharge or administrative discharge for misconduct, the case will be forwarded or returned to the PEB for processing.

4. If the results of the disciplinary or administrative discharge proceedings result in either an unsuspended punitive or administrative discharge for misconduct, file the medical evaluation board (MEB) in the Marine's health record and/or note the physical defect on the SF 88 or SF 93. The information will be made a permanent part of the Marine's health record per NAVMED P-117 (MANMED) article 18-23.

8509. LEAVE. A Marine whose Medical Evaluation Board (MEB) has been referred for evaluation by the PEB, if otherwise physically and administratively eligible, may be granted annual leave. The command authorizing leave will ensure that the Physical Evaluation Board Liaison Officer (PEBLO) at the MTF where the Marine's MEB was prepared, is notified of the inclusive dates of the

leave period and the Marine's leave address and phone number. Leave will be granted subject to recall of the Marine, if necessary. Encourage Marines

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anticipating separation by reason of physical disability to reduce their accrued leave balance as much as possible, since separation leave may only be granted per paragraph 8504. There is no guarantee that the accrued leave balance may be used in excess of that which the Marine may receive as a cash settlement. See also paragraph 1010.

8510. DISABILITY TAX LIABILITY EXCLUSION

1. The Tax Reform Act of 1976 ended tax liability exclusion of pensions, annuities, or similar allowances for personal injuries or sickness resulting from active service in the Armed Forces for those members who entered active service after 24 September 1975. Consequently, to qualify for the disability retired or severance pay tax exclusion, those Marines must show that they were disabled by reason of a "combat-related" injury. Combat-related injury is defined as personal injury or sickness which is incurred as the direct result of armed conflict; while engaged in extra hazardous service; under conditions simulating war; or which is caused by an instrumentality of war.

2. When a Marine, who entered active service after 24 September 1975, is separated for physical disability with entitlement to benefits under 10 U.S.C. chapter 61, the PEB will render an opinion as to whether the physical disability was incurred under conditions that may be considered combat-related. If the PEB opines that it is not a combat-related disability, the Marine may appeal that opinion to the Judge Advocate General of the Navy who will make the final determination.

3. If the PEB issued Notification of Decision and the CMC retirement/discharge authority indicates a combat-related injury, that statement is conclusive and final.

*8511. DEATH IMMINENT (DI) PROCESSING. The Physical Evaluation Board (PEB) no longer processes death imminent cases. Entitlements to eligible surviving spouses and surviving dependent children of Marines who die while on active duty are covered by the Survivor Benefit Plan (SBP).

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 8

SEPARATION AND RETIREMENT FOR PHYSICAL DISABILITY

SECTION 6: LIMITED DUTY PROCESSING PROCEDURES AND POLICIES

8601. GENERAL. This section contains general administrative procedures and policies concerning the limited duty process. These policies and procedures apply to all Marines, officers and enlisted, serving on active duty for more than 30 days. For those Reservists requiring medical treatment as a result of inactive duty training or periods of active duty for 30 days or less, refer to MCO 1770.2A, Notice of Eligibility (NOE). Pregnancy, because it is not normally a precursor to medical evaluation board (MEB) processing, is not addressed herein. Pregnancy does make a Marine temporarily nondeployable and must be reported as such in MCO 3000.13C, Marine Corps SORTS SOP. Refer to MCO 5000.12D, Policy and Procedures for Pregnant Marines, for specific instructions and duty limitations.

8602. PURPOSE. The purpose of this section is to help maximize readiness by educating and integrating our commanders into the Disability Evaluation System (DES), to streamline the system, and to ensure proper documentation of disability processing. The goal is to maintain a worldwide assignable, deployable, physically ready, and combat force. Marines with a physical defect, are granted appropriate periods of light or limited duty to return to full duty. If a Marine is unlikely to return to full duty within a reasonable period of time (usually up to a cumulative total of 16 months) an MEB will be completed and forwarded to the Physical Evaluation Board (PEB) for a determination of fitness to continue naval service. Marine Corps policy is that Disability Evaluation System (DES) processing is not an alternative to proper administrative or punitive separation processing if necessary.

8603. SYSTEM OVERVIEW

1. When a Marine becomes sick, is injured, or develops a medical defect and reports to the local Military Treatment Facility (MTF) for screening, the physician has three options:

a. Return the Marine to full duty upon initial examination;

*b. Recommend assignment to light duty for up to 60 days, in 30 day increments, if the physician expects that the Marine will return to full Duty within those 60 days; or

*c. Determine that the Marine will not be able to return to full duty within 60 days and initiate an MEB (see paragraph 8603.3) for assignment of temporary limited duty (TLD) and/or referral to the PEB for disposition. The MTF will provide naval message notification to the CMC (MMSR-4) and the command.

2. If the physician recommends assignment to light duty and the command concurs, the physician may subsequently:

a. Return the Marine to full duty at any time while assigned light duty;
or

b. Determine that the situation has not improved, or has been aggravated, and that an MEB is required for either TLD or referral to the PEB for fitness for duty determination. See paragraph 8603.3.

3. Medical Evaluation Board (MEB)

a. If, at any time during the process, the physician determines that an MEB is required, one will be initiated. Outcomes of the MEB process are listed below.

(1) Return the Marine to full duty.

(2) Recommend a period of TLD.

* (a) The MTF is authorized to approve up to an initial 12 months of TLD in 6 month increments for enlisted Marines without approval from the CMC (MMSR-4).

* (b) MEBs that recommend subsequent periods of TLD or initial periods of TLD greater than 12 months for enlisted Marines must be forwarded to the CMC (MMSR-4) for departmental review.

(c) All officer MEBs recommending periods of TLD must be forwarded to the CMC (MMSR-4) for departmental review.

(3) Forward the MEB directly to the CMC (MMSR-4) for departmental review if directed by the CMC (MMSR-4).

(4) Forward the MEB directly to the PEB for a determination of fitness for continued naval service.

b. Whenever an MEB is initiated, the MTF must notify the CMC (MMSR-4) and the Marine's command by naval message.

*c. Under no circumstances will a Marine be removed from a full duty status in excess of 90 days without an MEB being completed. These 90 days include light duty for 60 days and 30 days for the MTF to complete an MEB.

4. Reevaluation. A Marine must be reevaluated 60 days before the termination of TLD at which time the MTF may:

a. Return the Marine to full duty;

b. Determine that an additional period of TLD is required to return the Marine to full duty and forward a complete MEB to the CMC (MMSR-4) for departmental review (must be completed before expiration of current period of TLD); or

c. Forward the MEB to the PEB for a determination of fitness for continued naval service.

5. Departmental Review. Upon review of an MEB, the CMC (MMSR-4) may:

a. Approve a period of TLD, or

b. Endorse and forward the MEB to the PEB for a determination of fitness for continued naval service.

6. When an MEB is forwarded to the PEB, the PEB will either find that the Marine is:

a. Fit for continued naval service, or

b. Unfit for duty and has a ratable disability. Less than 30 percent disability rating with less than 20 years active service rates a medical discharge with disability severance pay. A disability rating of 30 percent or more rates a medical retirement (temporary or permanent). See table 8-2 and 8-3.

c. Unfit for duty, but not ratable with a disability percentage rating because the physical disability was found to be the result of intentional misconduct, willful neglect, incurred during an unauthorized absence, or was a condition that existed prior to service (EPTS).

7. Once the disability process and any authorized hearing and petitions for relief are complete, the Marine is:

a. Returned to full duty;

b. Separated/retired; or

c. Authorized a period of permanent limited duty (PLD), provided the criteria are met.

8604. POLICY

1. Marines on TLD must be reevaluated 60 days before the expiration of the period of limited duty.

*2. Marines on light or TLD must maintain proper military appearance and weight control per current edition of MCO 6100.12 series. The mere fact that a Marine is on light or TLD does not remove the Marine's responsibility to comply with Marine Corps standards. If a Marine on light or TLD fails to maintain military appearance and weight control standards, that Marine may be subject to administrative action (to include separation). However, once a Marine enters the DES, by way of an MEB being accepted at the PEB for determination of fitness, disability separation proceedings take precedence over administrative separation proceedings.

3. For Marines found physically unqualified for voluntary separation at EAS/ECC, the MTF will notify the Marine's command to retain the Marine in a medical hold status, CoFGM, if necessary. When the CMC is the separation authority, the command will immediately notify the CMC (MMSR-3) for disposition. If the Marine's medical condition cannot be resolved within 30 days, the MTF will convene an MEB and refer the results to the CMC (MMSR-4).

4. When administrative separation proceedings for misconduct or disciplinary proceedings which could result in a punitive discharge have been initiated, and disability evaluation proceedings are being run concurrently, the former takes precedence. The command must notify the CMC (MMSR-4) and request that disability processing be held in abeyance. See paragraph 8508.

*5. When a Marine has applied for discharge as a conscientious objector in accordance with MCO 1306.16 series, Conscientious Objectors, and disability

evaluation proceedings are being run concurrently, neither process takes Ch 2 precedence. Both should proceed normally unless and until a discharge is authorized under either process.

6. Officers may only be assigned TLD with the CMC (MMSR-4) approval.

*7. For enlisted Marines, the CMC (MMSR-4) is required to review any period of TLD beyond 12 months and all subsequent periods of TLD.

*8. Marines cannot be removed from full duty for more than 90 days without MEB completion.

9. An MTF shall convene an MEB under the following circumstances.

a. A Marine has a condition which may permanently interfere with ability to fulfill active duty obligations/requirements.

b. A Marine is temporarily unable to perform full duty, return to full duty is anticipated, and it will be necessary to follow the patient for more than 30 days.

c. A Marine's continued military service would probably result in extended hospitalization, close medical supervision, or an aggravation of existing condition.

d. A Marine refuses medical, dental, or surgical treatment for a condition or defect which interferes with performance of duty. See paragraph 6203.2b of this Manual.

e. A command requests that the CMC (MMSR-4) direct an MEB, and CMC (MMSR-4) concurs.

f. Other reasons set forth in NAVMED P-117 (MANMED) article 18-5..

g. The CMC (MMSR-4) so directs.

8605. LIGHT DUTY

1. Light duty is a medical recommendation to the Marine's command.

*2. Marines may be placed on light duty for up to 60 days, in 30 day increments based on a temporary medical condition which limits full duty only if the Marine is expected to return to full duty within those 60 days.

*3. Under no circumstances will light duty exceed 90 days.

4. A Marine placed on light duty for the same condition two consecutive times, or repeatedly over a period of time, will have his or her case referred to the local MTF for dictation of an MEB, if warranted.

*8606. AUTHORIZATION FOR PARTIAL/NO PFT. Per MCO 6100.12 series, Physical Fitness, failure to take all or part of the PFT is authorized only when a Marine is in a bona fide light duty, TLD, or PLD status. An SF-600 without appropriate documentation by a physician assigning light duty or directing MEB

action does not, in itself, excuse a Marine from taking all or part of the PFT. See paragraph 8512.

1. A Marine who is unable to take or pass the PFT because of a permanent medical defect or a repeated temporary condition must have an MEB conducted to determine the Marine's medical qualification for continued active service. A Marine may not be repeatedly excused from participation in the PFT without MEB action being taken. Based on the MEB, the Marine may either be returned to full duty, placed on TLD, or have the MEB forwarded to the PEB for a determination of fitness.

2. If a Marine is found Fit for continued naval service by the PEB and is still unable to take or pass the PFT because of a medical condition, the Marine may be subject to administrative separation, per paragraph 6203.2 of this Manual.

8607. DEPLOYABILITY/PCS

1. For Marines who are on TLD, deployability is left to the discretion of the Marine's commanding officer, who should take into consideration the recommendations of the medical officer that dictated the MEB which placed the Marine on limited duty. TLD is intended to allow a Marine to recover from an illness/injury and return to full duty. Commanding officers should consider whether or not deploying the Marine will aggravate and worsen the illness/injury, and whether or not the Marine will be afforded adequate medical treatment where the unit is deployed, thus allowing the Marine the best opportunity to recover and return to full duty.

2. Marines on TLD should not execute PCS orders unless it can be assured that:

(a) The Marine can receive the same level of medical treatment at the new MTF as is being received at the current MTF; and

(b) Re-locating the Marine will not, in any way, aggravate or worsen the illness/injury.

3. Once a Marine has entered the DES, by way of an MEB being accepted by the PEB, the Marine shall not be deployed or execute PCS orders, unless approved by the CMC (MMSR-4).

8608. PERMANENT LIMITED DUTY (PLD)

1. The CMC may recommend to the Secretary of the Navy that a Marine, particularly one with over 18 but less than 20 years of active service, be permitted to continue on active duty, for a specified period of time in an appropriate limited assignment. A Marine so continued on active duty must have been found Unfit for continued naval service by the PEB due to a physical disability; the Marine's disabling condition must be determined to have stabilized, or is progressing at a slow rate. The Marine must be able to function in a normal military environment, without adverse effect on personal health or the health of other Marines, and without requiring an inordinate amount of medical care.

2. Unfit Marines who desire PLD have one opportunity to submit a written request to the President, PEB in the form of a brief signed statement appended to or typed on the PEB Election of Options form. PLD is requested through and authorized by the PEB, based upon the needs of the Marine Corps and the recommendation of the CMC (MMSR-4). PLD is designed to retain a Marine on 8608 MARINE CORPS SEPARATION AND RETIREMENT MANUAL

active duty until a specified date. SECNAVINST 1850.4D (DEM), enclosure (6) provides guidance.

3. Only the Secretary of the Navy may authorize the retention and placement of Marines on PLD found Unfit for duty because of a physical disability.

a. Marines with over 18 but less than 20 years of active service may be retained on active duty at the direction of the Secretary of the Navy based upon a favorable recommendation by the CMC.

b. Marines who have in excess of 16 years but less than 18 years of active service, and facing discharge with severance pay by the proposed action of the PEB, may be considered for retention on active duty in a limited duty status to complete 20 years active service. However, there must be serious and unusual circumstances for the CMC to recommend PLD status for Marines with less than 18 years of active service.

4. Marines, particularly those with over 20 years of active service, will not be continued on active duty solely to increase their monetary benefits, nor will they be continued except when the needs of the service dictate otherwise.

5. The CMC (MMSR-4) may retain Marines, who are found Unfit by the PEB, on active duty in a PLD status:

a. To complete a current tour of duty based on hardship, extraordinary circumstances, or needs of the service;

b. To provide continuity in a key, mission-essential billet pending relief; or

c. To complete active service obligation for education and training.

6. A Marine continued on active duty under these provisions will be closely observed to assure that further continuance on active duty, or conversely, separation, is consonant with the best interests of the Marine and the Marine Corps. When a Marine becomes unable to perform effectively in a PLD assignment, notify the CMC (MMSR-4). The Marine will be referred to an MTF for evaluation and appropriate disposition.

7. Marines retained on PLD are expected to maintain proper military appearance and weight control per current edition of MCO 6100.10B. Duty assignment will be consistent with the physical limitations of the Marine. Assignment to limited duty under this paragraph is not intended to be an excuse from duty. Each Marine assigned to PLD is expected to contribute to the effectiveness of the Marine Corps.

8. A Marine retained on PLD remains subject to reassignment based on the needs of the Marine Corps and the physical capabilities of the Marine. In assigning a Marine who is in a PLD status, the availability and capability of medical facilities must be considered.

9. Enlisted Marines retained on active duty in a PLD status on the convening date of the appropriate selection board are not eligible for selection consideration for promotion.

10. Marines assigned to PLD for a period greater than 12 months must be reevaluated and have a complete MEB sent to the PEB not later than 4 months before the PLD expiration date. Provide a copy to the CMC (MMSR-4). When a

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

8608

Marine assigned to PLD becomes retirement or transfer FMCR eligible, do not submit a request for retirement or transfer to the FMCR unless the PEB determines upon reevaluation that the Marine has been found Fit for continued naval service. Those found Unfit upon reevaluation will be retired by reason of physical disability.

11. If retained in a PLD status, the Marine will be granted disability benefits upon retirement or separation, if eligible, if the disability is still present to a disabling degree as determined by the PEB in final adjudication of the Marine's case.

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Figure 8-1. Naval Disability Evaluation System Sequential Process

HOSPITAL - TREATMENT - MEDICAL EVALUATION BOARD (MEB)

CMC (MMSR-4) - DEPARTMENTAL REVIEW #

PHYSICAL EVALUATION BOARD (PEB) - DETERMINATION OF FITNESS
(FOR REVIEW BY THE INFORMAL PEB)

QUALITY ASSURANCE AND LEGAL REVIEW #

MARINE ACCEPTS, REQUESTS RECONSIDERATION OF,
OR DEMANDS FORMAL HEARING ON FINDINGS #

PHYSICAL EVALUATION BOARD - FULL AND FAIR HEARING *
(REVIEW BY A FORMAL PEB)

LEGAL REVIEW

ACTION BY THE PRESIDENT, PEB

PETITION FOR RELIEF FROM FINAL ACTION (DIRECTOR, NCPB)

SECNAV (PEB) NOTIFICATION OF DECISION

CMC (MMSR-4) - ISSUE DISPOSITION INSTRUCTIONS

MARINE'S COMMAND - RETIRE/DISCHARGE/RETURN TO DUTY

IN SPECIFIED CASES

* APPEALS AND SPECIAL CASES

Figure 8-1. Naval Disability Evaluation System Sequential Process

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: ORDERS HOME PENDING FINAL DISPOSITION OF PHYSICAL EVALUATION BOARD (PEB) PROCEEDINGS

Ref: *(a) MCO P1900.16 series (MARCORSEPMAN)
*(b) MCO P7301.104 series

Encl: (1) Travel/Dependent Travel Voucher (DD Form 1351-2/1351/2C) (2 copies)

1. Under authority contained in the reference and upon your unconditional acceptance of the Preliminary Findings of the Informal PEB, you will stand detached from your present duty station. You will proceed to (City and State of Home of Selection) (MCC W95) to await orders pending final disposition on the PEB proceedings in your case. You will continue to be carried on the rolls of this organization. You will immediately notify your commander and the CMC (MMSR-4), if you have not received separation orders within 60 days of your detachment from your command.

2. When placed on the Retired List, your leave record will be balanced as of the day before the date you are placed on the Retired List. If you are discharged, your leave record will be balanced to include the date of your discharge. Time spent awaiting orders will be debited to your leave record. You will be entitled to cash settlement of any balance of unused leave remaining to your credit after deduction for the time spent awaiting orders, within the stipulation that only 60 days of leave may be sold back in a career.

3. Your pay record will be retained by the Disbursing Officer (DO mailing address) while you are at home awaiting final action on your case. Upon completion of travel home, submit the original and two copies of one of the DD Forms 1351-2 provided, so that your pay records may be properly adjusted and reimbursement made for travel performed. Provide a third copy to your commanding officer.

4. If your commander notifies you to return to your duty station, these orders will remain in effect for your return travel. Upon completion of return travel, complete and submit the original and two copies of the second DD Form 1351-2 provided to the disbursing officer maintaining your pay record.

5. The dependency application, NAVMC 10922, on file in your service record shows the following-named persons reside in your household as approved dependents:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Date Approved</u>
-------------	---------------------	----------------------	----------------------

6. Per reference (b), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (b)).

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical

Evaluation Board Proceedings
MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Ch 2
Evaluation Board Proceedings - Continued

7. Your failure to comply with any portion of these orders will result in disciplinary action per the Uniform Code of Military Justice (UCMJ).

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical

Evaluation Board Proceedings -- Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings -- Continued

(Letterhead)

RECEIVING ENDORSEMENT

(Date)

1. I have read and understand the instructions in these orders. I will notify (parent command - include phone number) or CMC (MMSR-4) at telephone number (703) 784-9308/9309 or 1-800-336-4649 within 60 days, if I have not received final separation papers by 2400 (detach date plus 60 days).

2. I am subject to disciplinary action per the UCMJ should I fail to execute the instructions in these orders.

(Signature)

MEMORANDUM ENDORSEMENT

Departed (duty station) at (hour) via (mode of transportation).

Arrival (destination) at (hour) on (date).

(Signature)

Figure 8-2. Format for Orders Home Pending Final Disposition of Physical Evaluation Board Proceedings - Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: RETIREMENT BY REASON OF PERMANENT PHYSICAL DISABILITY

Ref: (a) Title 10, U.S. Code
* (b) MCO P1900.16 series (MARCORSEPMAN)
(c) JFTR par. U5120, U5230, and U5345-H
* (d) MCO P5512.11 series (ID CARDS)
* (e) MCO P1080.40 series (MCTFSPRIM), par. 4305
* (f) MCO P1070.12 series (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
* (2) Travel Voucher (DD Form 1351-2)
(3) Certificate of Retirement

1. The Secretary of the Navy has determined you are physically Unfit to perform the duties of your grade and directs you be permanently retired by reason of physical disability on (PRR plus 1 day) under the provisions of references (a) and (b). You are released from all active duty at 2400 on (PRR) and transferred to the Permanent Disability Retired List (PDRL) effective (PRR plus 1 day). You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate on (PRR).

2. As of (PRR plus 1 day), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service.

[When the Marine is otherwise eligible to retire/transfer FMCR, add the following sentence at the end of paragraph 2 above. "You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier." Additionally, when the constructive service field is not zeroes on the RETM screen in MCTFS, add the following sentence. "You had (CONSTRUCTIVE SVC) constructive service creditable toward the retired pay multiplier.]

3. Your disability is rated at (PERCENT DSBL) percent per the Schedule for Rating Disabilities in current use by Department of Veterans Administration, DVA Code(s) (VA CODES).

4. Upon receipt of these orders, notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-3. Format for Orders Transferring Marines to the Retired
List and Home of Selection Endorsement - Continued

5. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).
6. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.
7. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days before your approved retirement date to the Defense Finance and Accounting Service at: DFAS-CL (Code PRRA), P.O. Box 99191, Cleveland, OH 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding. Additionally, DFAS shall not, by law, issue retired pay absent a permanent mailing address, which you are required to provide in enclosure (1).
8. You have stated that your future address for mailing purposes is: _____. Report changes of address to the Defense Finance and Accounting Service at the address in paragraph 7. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your SSN.
- *9. You may select a home of record and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to family members travel and to storage and shipment of household goods. Ensure you understand it's contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the PDRL. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. Upon completion of travel, forward enclosure (2), along with a copy of your retirement orders and all other supporting documentation, to the servicing Finance/Disbursing Office that supports your last active duty station.
10. The officer having custody of your service record and health record (medical and dental) will forward the originals per reference (f). You should make and retain a personal copy of these records for safekeeping.
11. Enclosure (3) recognizes your retirement.
12. You may wear your uniform from this command to your home, if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate, under the Marine Corps Uniform Regulations (MCO P1020.34F, paragraph 8003 and 11002).
13. Per reference (g), expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (g)).

Figure 8-3. Format for Orders Transferring Marines to the Retired
List and Home of Selection Endorsement - Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-3. Format for Orders Transferring Marines to the Retired
List and Home of Selection Endorsement - Continued

14. Keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to:

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

15. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-3. Format for Orders Transferring Marines to the Retired List and Home of Selection Endorsement - Continued

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (State) as my home incident to transfer to the Retired List and arrived there on (date). I further certify and understand that this selection, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

(Signature)

(Date)

NOTES:

1. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
2. The PRR/PRR plus 1 day date should be in "DD Month YYYY" format.
3. All other service data should be in "YYYY years, MM months, and DD days" format, as appropriate.
5. The following will be inserted as paragraph 3 to the orders of those Marines who are advanced on the retired list: "The Secretary of the Navy has determined that you are entitled to be advanced on the retired list, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____."

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-4. Format for Orders Transferring Marines to the Temporary Disability Retired List

(Letterhead)

From: (Command)
To: (Individual Marine)

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE TEMPORARY DISABILITY RETIRED LIST (TDRL)

Ref: (a) Title 10, U.S. Code
* (b) MCO P1900.16 series (MARCORSEPMAN)
(c) JFTR par. U5120, U5230, and U5345-H
* (d) MCO P5512.11 series (ID CARDS)
* (e) MCO P1080.40 series (MCTFSPRIM), par. 4305
* (f) MCO P1070.12 series (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
* (2) Travel Voucher (DD Form 1351-2)
(3) Certificate of Retirement

1. The Secretary of the Navy has determined you are physically Unfit to perform the duties of your grade and directs you be temporarily retired by reason of physical disability on (PRR plus 1 day) under the provisions of references (a) and (b). You are released from all active duty at 2359 on (PRR) and transferred to the Temporary Disability Retired List (TDRL) effective (PRR plus 1 day). You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate on (PRR).

2. As of (PRR plus 1 day), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service.

[When the Marine is otherwise eligible to retire/transfer FMCR, add the following sentence at the end of paragraph 2 above. "You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier." Additionally, when the constructive service field is not zeroes on the RETM screen in MCTFS, add the following sentence. "You had (CONSTRUCTIVE SVC) constructive service creditable toward the retired pay multiplier.]

3. Your disability is rated at (PERCENT DSBL) percent per the Schedule for Rating Disabilities in current use by Department of Veterans Administration, DVA Code(s) (VA CODES).

4. You should receive orders to report to a military treatment facility for a periodic physical examination (PPE) at least once every 18 months to determine whether the disability for which you are temporarily retired has improved, stabilized or become permanent. Your failure to report for your scheduled PPE may result in termination of your retired pay. Detailed information based on provisions of law which are applicable in your case will be forwarded to your

Figure 8-4. Format for Orders Transferring Marines to the

Temporary Disability Retired List
MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-4. Format for Orders Transferring Marines to the
Ch 2 Temporary Disability Retired List - Continued

home address by the CMC (MMSR-4). You are required to notify the CMC (MMSR-4) if you do not receive an advance copy of orders to report for a PPE at least every 18 months from the date you are placed on the TDRL. You are also advised to ensure your PPE is complete and accurate, and that you take with you any health or medical records you accumulate during the period between this letter and your PPE, particularly any hospital records and VA treatment records.

5. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

6. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

7. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

8. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days before your approved retirement date to the Defense Finance and Accounting Service at: DFAS-CL (Code PRR), P.O. Box 99191, Cleveland, OH 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to the maximum SBP coverage and the maximum tax withholding. Additionally, DFAS shall not, by law, issue retired pay absent a permanent mailing address, which you are required to provide in enclosure (1).

9. You have stated that your future address for mailing purposes is: _____ . Keep the CMC (MMSR-4), Headquarters, U.S. Marine Corps, 3280 Russell Road, Quantico, VA 22134-5103, and the President, PEB, Naval Council of Personnel Boards, 720 Kennon St. SE, Rm309, Washington Navy Yard, Washington DC 20374-5023, informed of any changes in your mailing address so that information concerning your PPE and the results of your PEB reevaluation may reach you. Additionally, report changes of address to the Defense Finance and Accounting Service, (Code ROA) at the address in paragraph 8. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your SSN. Failure to respond to correspondence or orders issued to the address on file with the CMC (MMSR-4) or DFAS Cleveland, either willfully or through neglect in keeping that address current, may result in the suspension of disability retired pay and will be considered as showing intent on the Marine's part to abandon benefits.

Contact MMSR-4 at 1-800-336-4649.

*10. You may select a home of record and receive travel allowance for the travel performed there from this command per reference (c), which also addresses entitlement to family members travel and to storage and shipment of household

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-4. Format for Orders Transferring Marines to the
Temporary Disability Retired List -- Continued

goods. Ensure you understand its contents before detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the TDRL. Complete the home of selection endorsement before submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. Upon completion of travel, forward enclosure (2), along with a copy of your retirement orders and all other supporting documentation, to the servicing Finance/Disbursing Office that supports your last active duty station.

*11. The office having custody of your service record and health (medical and dental) record will forward the originals to the CMC, Code MMSB-16, 2008 Elliot Road, Quantico, VA 22134-5030. You should make and retain a personal copy of these records for safekeeping.

12. Enclosure (3) recognizes your retirement.

13. You may wear your uniform from this command to your home if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate under the Marine Corps Uniform Regulations (MCO P1020.34F, paragraph 8003 and 11002).

14. Per reference (g), expenditures under these orders are chargeable to:
(Cite pertinent appropriation data from reference (g)).

15. Keep your Record of Emergency Data (NAVMC 10526) up to date. This can be accomplished by contacting the nearest Marine Corps activity in your area or by writing to:

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

16. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
Marine Concerned
Service Record

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-4. Format for Orders Transferring Marines to the
Temporary Disability Retired List -- Continued

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (State) as my home incident to transfer to the Retired List and arrived there on (date). I further certify and understand that this selection, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

(Signature) (Date)

NOTES:

1. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
2. The PRR/PRR plus 1 day date should be in "DD Month YYYY" format.
3. All other service data should be in "YYYY years, MM months, and DD days" format, as appropriate.
5. The following will be inserted as paragraph 3 to the orders of those Marines who are advanced on the retired list: "The Secretary of the Navy has determined that you are entitled to be advanced on the retired list, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____."

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-5. Format for Non-Medical Assessment (NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary

SAMPLE NON-MEDICAL ASSESSMENT QUESTIONNAIRE

Date: _____
From: Commanding Officer
To: Medical Treatment Facility

Subj: NON-MEDICAL ASSESSMENT (NMA); CASE OF _____
1. The following assessment is submitted to assist the PEB in determination of Fitness/Unfitness. It is also used by the CMC (MMSR-4) for Departmental Review:

a. Information to fill in:

(1) Marine's MOS/Specialty _____
(Numerical designator and description; e.g., 0311/Rifleman)

(2) Marine's current job assignment is _____.
This assignment is appropriate for their grade and rank. Y/N

(3) Marine has not been in a full duty status since _____.

b. Answer the following questions yes (Y) or no (N).

(1) Marine is currently working out of his/her specialty because of the medical condition. Y/N

(2) Marine took the most recent PFT. Y/N

Last date Marine took the PFT. _____

(3) Marine passed the most recent PFT (score). Y/N ()

(4) Marine's height and weight are _____

(5) Marine is within weight and body fat standards. Y/N

(6) Marine is on weight control. Y/N

(7) To your knowledge, the Marine has followed the therapy regimen prescribed by medical authorities for the MEB conditions. Y/N

(8) Marine's condition has required time away from duties for treatment/evaluation/recuperation. Y/N
If so, estimate the average number of hours per week the Marine is absent from command duties. _____

(9) Marine's medical condition precludes firing a weapon, if required for qualification. Y/N

(10) Marine stands required military watches. Y/N

Figure 8-5. Format for Non-Medical Assessment (NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 8-5. Format for Non-Medical Assessment (NMA) Questionnaire and Non-Medical Assessment (NMA) Narrative Summary - Continued

(11) Marine is pending disciplinary action. Y/N
If YES, for what? _____

(12) Marine has good potential for continued service in present physical and mental condition. Y/N

(13) Marine is motivated for continued active duty. Y/N

c. I recommend:

(1) This Marine be authorized another period of Temporary Limited Duty (TLD). Y/N

(2) This Marine be allowed to remain on active duty in a Permanent Limited Duty status if found Unfit. Y/N

2. P.O.C. at this command is _____ at _____ (phone).

CO's Signature

NOTE:

In completing the questionnaire, if specific questions do not apply for a particular Marine's case, write "not applicable." This is only a guide. Additional guidance concerning NMAs can be obtained from the local MTF Medical Board Section or in Enclosure (11) of SECNAVINST 1850.4D (Disability Evaluation Manual).

NON-MEDICAL ASSESSMENT (NMA) NARRATIVE SUMMARY

1. Commanding officers play a vital role in assisting the PEB and CMC (MMSR-4) in making proper determinations in a Marine's case. The CO and senior leadership are in the unique position to provide valuable information as to how the Marine's physical/mental condition affects the Marine's ability to function on a daily basis.

2. The NMA narrative summary is required to be completed by the CO. The narrative summary should describe how well the Marine performs military duties; i.e., MOS duties, field duties or exercises, participation in the PFT, etc. Comment on what the Marine can or cannot do. Equally important is a description of the Marine's off-duty athletic activities. How have these activities been affected by the Marine's medical impairments?

Figure 8-5. Format for Non-Medical Assessment (NMA) Questionnaire and
Non-Medical Assessment (NMA) Narrative Summary - Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Table 8-1. Eligibility Index Table

	<u>A</u>	<u>B</u>
R U L E	If the Marine is physically Unfit by reason of physical disability and;	the action is;
1	The disability was the result of intentional misconduct or willful neglect, and/or was incurred during a period of unauthorized absence	discharge without benefits. (10 U.S.C. section 1207) (See par. 8402.)
2	Marine is a member of the Regular Marine Corps,	(See table 8-2 and par. 8401.)
3	Marine is a Marine reservist on active duty for more than 30 days except compulsory 45-day involuntary training,	(See table 8-2 and par. 8401.)
4	Marine is a reservist on active duty for 30 days or less, inactive duty training or active duty for compulsory 45-day involuntary training,	(See table 8-3 and par. 8401 or 8408.)
5	The disability was determined not to have been incurred during, or aggravated by, active duty and the member waives the right to a formal hearing,	discharge by reason of EPTS. (See par. 8404.)

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Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty)

	A	B	C	D	E
R U L E	If the Marine is entitled to basic pay, and disability was incurred while entitled to basic pay	and if member has at least 20 years of active service *	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
1	NO				discharge for physical disability without benefits. (See par. 8402.)
2	YES	YES	0-100	perm	permanent retirement. (10 U.S.C. 1201) (See section 2.)
3	YES	YES	0-100	may be perm	transfer to TDRL (10 U.S.C. 1202) (See section 3.)
4	YES	NO	30-100	perm	permanent retirement (10 U.S.C. 1201) (See section 3.)
5	YES	NO	30-100	may be perm	transfer to the TDRL. (10 U.S.C.) (See section 3.)

*See paragraph 8002.6.

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Table 8-2. Eligibility Index Table for Regular Marines and Reservists on Active Duty for More Than 30 Days (Not to Include 45-Days Involuntary Training for Active Duty) - Continued

	A	B	C	D	E
R U L E	If the Marine is entitled to basic pay, and disability was incurred while entitled to basic pay	and if member has at least 20 years of active service*	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
6	YES	NO	less than 30	perm or may be perm	discharge with disability severance pay. (10 U.S.C. 1203) (See par. 8401.) (Notes 1 and 2.)

* See paragraph 8002.6.

NOTE 1: A Marine who has less than 6 months active service at separation is not entitled to disability severance pay. (See DoD Financial Management Regulations, Volume 7A, paragraph 350203.)

NOTE 2: A reservist eligible under 10 U.S.C. section 1209 (has more than 20 years of qualifying Federal service) may elect to transfer to the Retired Reserve, to receive retired pay at age 60, instead of discharge with disability severance pay.

Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Training for Active Duty

	A	B	C	D	E	F
R U L E	If the disability was due to an injury or illness	and was proximate result of performing active duty	and the member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
1	NO					discharge other than for physical disability. (See par. 8407 or 8408.)
2	YES	NO				
3	YES	YES	YES	0-100	perm	permanent retirement. (10 U.S.C. 1204) (See sect. 2.)
4	YES	YES	YES	0-100	may be perm	transfer to TDRL. (10 U.S.C. 1205) (See sect. 3.)
5	YES	YES	NO	30-100	perm	permanent retirement. (10 U.S.C. 1204) (See sect. 2.)

Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days

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Table 8-3. Eligibility Index Table for Reservists on Active Duty for 30 Days or Less, Inactive Duty Training, or 45-Days Involuntary Training for Active Duty - Continued

	A	B	C	D	E	F
R U L E	If the disability was due to an injury or illness	And was proximate result of performing active duty	and the member has at least 20 years of active service	and the percentage of disability is	and based upon accepted medical principles the disability is	the action is
6	YES	YES	NO	30-100	may be perm	transfer to TDRL. (10 U.S.C. 1205) (See sect. 3.)
7	YES	YES	NO	less than 30		discharge with severance pay. (10 U.S.C. section 1206) (See par. 8401.) (Notes 1) and 2)

NOTE 1: A Marine who has less than 6 months active service at separation is not entitled to disability severance pay. (See DoD Financial Management Regulations, Volume 7A, paragraph 350203.)

NOTE 2: A reservist eligible under 10 U.S.C. section 1209 (has more than 20 years of qualifying Federal service) may elect to transfer to the Retired Reserve, to receive retired pay at age 60, instead of discharge with disability severance pay.

Table 8-4. Computing Disability Retired Pay

	A	B	C
R U L E	If the Marine is being	take the higher monthly basic pay (note 1)	and multiply by
1	Permanently retired (10 U.S.C. 1201 or 1204)	(1) of the highest temporary or permanent grade satisfactorily held	2 1/2 percent times the years of active service credited to the member or the percentage of disability on the date of retirement or transfer to the TDRL.
2	transferred to the TDRL (10 U.S.C. 1202 or 1205) (note 2)	or (2) of the grade held on the day before retirement or transfer to the TDRL	
3	removed from the TDRL permanently retired (10 U.S.C. 1210)		2 1/2 percent times the years of active service credited to the member or the percentage of disability at the time the member's name is removed from the TDRL.

NOTE 1: The monthly basic pay of a Marine who first became a member of the uniformed service after 7 September 1980, is subject to the computation in 10 U.S.C. section 1407. Monthly basic pay for these Marines is computed as one thirty-sixth of the total amount of monthly basic pay which the member received (or would have received if on active duty) for any 36 months (whether or not consecutive) of active service. In the case of a Marine who has less than 36 months service, the basic pay is the total amount of basic pay received, divided by the number of months served.

NOTE 2: While on the TDRL, retired pay will not be less than 50 percent of the monthly basic pay on which the computation is made.

A Regular or Reserve Marine retired from active duty by reason of physical disability may be eligible to elect either compensation from the Veterans Administration, or retired pay from the Marine Corps, or both. The total compensation received may not exceed the maximum granted by either the Marine Corps or the Veterans Administration. A retiree must waive that portion of retired pay equal to that amount received from the Veterans Administration.

