

MILPERSMAN 1050-320

REQUEST (VOLUNTARY) APPELLATE LEAVE

Responsible Office	NAMALA	Phone:	DSN	325-0100
			COM	(202) 685-0100

MyNavy Career Center	Phone:	1-833-330-6622
	E-mail:	askmncc@navy.mil
	Web site:	https://my.navy.mil/

References	(a) 10 U.S.C. (b) DoD Instruction 5505.14 of 5 April 2022 (c) NAVMED P-117, Manual of the Medical Department (NAVMED) of April 2024 (d) Joint Travel Regulations (JTR) (e) SECNAVINST 5510.30C (f) NAVSUP P-485, Volume II, Naval Supply Systems Command Manual, Supply Ashore (NOTAL) (g) BUPERSINST 1750.10D, Volume 1
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1. **Scope.** Service members sentenced by court-martial to dismissal or an unsuspended punitive discharge, but whose sentence has not yet been approved, may request appellate leave (voluntary) provided all confinement (if any) has been completed. The request may be approved at the discretion of the commander exercising court-martial convening authority (CA) if, in the commander's opinion, the best interest of the naval service would be served by granting the Service member's request. Appellate leave removes such Service members from the physical presence of the command, thus promoting readiness and good order and discipline.

2. **Procedures.** A Service member may not be placed on appellate leave until deoxyribonucleic acid (DNA) is obtained, forwarded, and accepted by the United States Army Criminal Investigation Laboratory (USACIL). If the Service member's appellate leave request has been approved, the following steps must be followed:

Step	Action
1	If convicted of a qualifying military offense or any offense under reference (a), chapter 47, punishable by a sentence with confinement of more than a year (regardless of sentence imposed), ensure a DNA sample is collected, forwarded to, and accepted by USACIL per reference (b).
2	Complete separation physical (including human immunodeficiency virus test) prior to commencement of appellate leave per MILPERSMAN 1900-808 and reference (c), chapter 15.
3	<p>Offer Service member appropriate treatment prior to separation if diagnosed with substance or alcohol use disorder per MILPERSMAN 1910-232.</p> <p>NOTE: If Service member accepts treatment, appellate leave may not commence until treatment is completed or terminated. Ensure Service member's acceptance or non-acceptance is documented and signed on a NAVPERS 1070/613 Administrative Remarks via the Navy Standard Integrated Personnel System (NSIPS) and submitted per MILPERSMAN 1070-320 for inclusion in Service member's official military personnel file (OMPF) as a "permanent" entry citing this article as the authority.</p>
4	Ensure Service member understands that transportation to selected leave address will be at his or her own expense.
5	<p>Counsel Service member on right to petition the Naval Clemency and Parole Board.</p> <p>Use DD 2715-3 Prisoner Restoration/Return to Duty, Clemency and Parole Statement (sections 1 and 2 dealing with restoration and clemency) available at:</p> <p>https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/d2715-3.pdf</p>

Step	Action
6	<p>Counsel Service member regarding shipment of personal property and or household goods (HHG). Eligible Service members must submit a written request to the general court-martial convening authority (GCMA) or special court-martial convening authority for approval per reference (d). Property should not be transferred to a Navy storage facility.</p> <p>For Service members stationed in the continental United States (CONUS) without dependents, HHG shipment is not authorized under reference (d).</p> <p>For Service members with dependents stationed in CONUS, travel and HHG shipment may be authorized at the discretion of the CA if deemed in the best interest of the Service member, or the Service member's dependents, and the United States per reference (d).</p> <p>For Service members stationed outside CONUS, dependents' travel and HHG shipment will be authorized or approved to the home of record when the GCMA determines such to be in the best interest of the Government per reference (d).</p>
7	Revoke Service member's security clearance per reference (e).
8	Confiscate all property of the Government issued to Service member, except one overcoat (if needed) per reference (f), paragraph 25940. Reference (f) may be accessed via Naval Logistics Library common access card-enabled Web site at https://login.navsup.navy.mil/my.policy
9	Confiscate identification (ID) card(s) of Service member and his or her dependents.
10	Issue new ID cards to Service member and eligible dependents with an expiration date of 6 months from date of issue. Successive cards may be reissued for up to 3 months until discharge is effected. Contact Navy and Marine Corps Appellate Leave Activity (NAMALA) per reference (g).
11	<p>Have Service member read, initial, and sign NAVPERS 1050/3 Appellate Leave Statement of Understanding.</p> <p>The original copy must be retained at the processing office. Provide a copy to the Service member.</p>

Step	Action
12	<p>Verify Service member's electronic service record (ESR) and OMPF for completeness and accuracy to include verification of Record of Emergency Data and Dependency Application located in NSIPS and OMPF. Ensure Service member's group life insurance is updated (if necessary). Make appropriate entry to document completed action.</p>
13	<p>Provide Service member with printed copy of the NAVCOMPT 3065 Leave Request/Authorization (electronic leave printed from NSIPS).</p>
14	<p>Per reference (a), ensure appropriate reduction in pay grade entry is entered in NSIPS ESR and forward signed NAVPERS 1070/607 Court Memorandum to Service member's OMPF.</p> <p>If Service member is awarded reduction in pay grade to E-1 at court-martial, guidance under reference (a), section 857, article 57, will be followed.</p> <p>If Service member is not awarded reduction in pay grade at court-martial or is reduced, but to a pay grade higher than that of E-1, guidance under reference (a), section 858a, article 58(1), will be followed.</p>
15	<p>Update NSIPS transient tracking on Service member (as applicable). This may include:</p> <ul style="list-style-type: none"> • Transient - General (e.g., account category code (ACC), ACC effective date, transient tracking code, etc.); • Legal Information (disciplinary action, confinement, appellate leave information); and • Remarks (as appropriate).
16	<p>Change ACC to 393.</p> <p>NSIPS activities use transient tracking to change ACC to 393. To change duty status code (DSC) to 136, submit NSIPS e-leave transaction.</p> <p>NSIPS activities use "leave," "leave create," and "absence type R (start appellate leave)," and input 300 days into NSIPS per reference (h), paragraph 10261. If the Service member requests to be paid for all accrued leave, terminate all pay and allowances (including selected reenlistment bonus payments), refer to reference (h), paragraph 10261.</p>

Step	Action
17	<p>Drop Service member from Navy's strength. All personnel placed on appellate leave (mandatory or voluntary) will be administratively dropped from Navy strength at the time appellate leave is executed, without regard to status of the CA's action.</p> <p>NSIPS activities use "losses", "admin loss", "use", "admin loss - create"; after this is released, DSC will change from 136 to 143 (active duty, admin punitive discharge, drop from strength).</p>
18	<p>See MILPERSMAN 1050-330.</p> <p>NOTE: If CA action is not received within 120 days of court-martial sentence, initiate tracer action via message to the CA, with follow-up tracer every 30 days thereafter. Include immediate superior in command, Office of the Judge Advocate General, and NAMALA on second and subsequent tracer actions.</p>