

## MILPERSMAN 1050-340

### MANDATORY (INVOLUNTARY) APPELLATE LEAVE

|                           |        |        |     |                |
|---------------------------|--------|--------|-----|----------------|
| <b>Responsible Office</b> | NAMALA | Phone: | DSN | 325-0101       |
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|----------------------|------------------|---|
| MyNavy Career Center | Phone: Toll Free | 1-833-330-MNCC (6622)                                   |
|                      | E-mail:          | askmncc@navy.mil  |
|                      | MyNavy Portal:   | <a href="https://my.navy.mil/">https://my.navy.mil/</a> |

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| <b>References</b> | (a) 10 U.S.C.<br>(b) DoD Instruction 5505.14 of 5 April 2022<br>(c) NAVMED P-117, Manual of the Medical Department<br>(d) Joint Travel Regulations (JTR)<br>(e) SECNAVINST 5510.30C<br>(f) NAVSUP P-485, Volume I, Naval Supply Systems Command Manual, Operational Forces Supply Procedures (NOTAL)<br>(g) BUPERSINST 1750.10E<br>(h) Navy DJMS Procedures Training Guide |
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1. **Discussion.** Once the convening authority (CA) has approved an unsuspended punitive discharge or dismissal and all confinement (if any) has been completed, the Service member may be placed on mandatory (involuntary) appellate leave by the officer exercising court-martial jurisdiction over the Service member. In most circumstances, appellate leave is appropriate; however, the following factors should be considered prior to directing mandatory (involuntary) appellate leave:

- a. The quality of the Service member's service;
- b. The type and severity of offense(s);
- c. The commanding officer's recommendation (if applicable);
- d. The staff judge advocate's and legal officer's recommendations;

e. Whether the Service member has demonstrated a likelihood of productive and beneficial service to the Navy by remaining on active duty pending appellate review;

f. Any hardship or other adverse consequences which the Service member may experience, if required to take mandatory (involuntary) appellate leave;

g. Any other pertinent information the Service member considers appropriate; and

h. The best interest of the Service.

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). Follow the steps below if mandatory (involuntary) appellate leave is directed:

| Step | Action  |
|------|---|
| 1    | If convicted of a qualifying military offense or any offense per 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 (a), section 1565, and reference (b).  |
| 2    | Complete separation physical (including human immunodeficiency virus test) prior to commencement of appellate leave. See <a href="#">MILPERSMAN 1900-808</a> and reference (c).   |
| 3    | Offer Service member appropriate treatment prior to separation if diagnosed as drug and or alcohol dependent (see <a href="#">MILPERSMAN 1910-232</a> ).<br><br><b>NOTE:</b> If Service member accepts treatment, appellate leave cannot commence until treatment is completed or terminated. Ensure Service member's acceptance or non-acceptance is documented and signed on a <a href="#">NAVPERS 1070/613</a> Administrative Remarks. The <a href="#">NAVPERS 1070/613</a> must be marked "permanent," this article cited as the "authority", and submitted to the Service member's servicing transaction service center and personnel office for recording into Navy Standard Integrated Personnel System (NSIPS) and submission to the official military personnel file (OMPF). |

| Step | Action   |
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| 4    | Counsel Service member on right to petition the Naval Clemency and Parole Board. Use <a href="#">DD 2715-3 Prisoner Restoration/Return to Duty, Clemency and Parole Statement</a> (section 1 (restoration/return to duty) and section 2 (clemency)). Forward a hard copy of the document as an attachment to the Service member's appellate package.   |
| 5    | <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 (GCMCA) 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 continental United States (CONUS) without dependents, HHG shipment is not authorized per 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 family, and the United States. See 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 GCMCA determines such to be in the best interest of the Government per reference (d).</p> |
| 6    | Revoke Service member's security clearance per reference (e).  |
| 7    | Confiscate all property of the Government issued to Service member per reference (f), chapter 1, section 1226. Reference (f) may be accessed via Naval Logistics Library common access card-enabled Web site at <a href="https://login.navsup.navy.mil/my.policy">https://login.navsup.navy.mil/my.policy</a>  |
| 8    | Confiscate Uniformed Services identification (ID) card(s) of Service member and dependent(s).  |
| 9    | Issue new Uniform Services ID cards to Service member and dependents with an expiration date of 6 months from the date of issue. Successive cards may be reissued for up to 3 months until discharge is affected. Contact Navy and Marine Corps Appellate Leave Activity (NAMALA) per reference (f).   |

| Step | Action   |
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| 10   | Have Service member read, initial, and sign <a href="#">NAVPERS 1050/3</a> Appellate Leave Statement of Understanding. The original must be submitted for inclusion in the Service member's appellate package, with a copy retained at the processing office and a copy provided to the Service member.  |
| 11   | Verify Service member's NSIPS Electronic Service Record (ESR) completeness and accuracy to include verification of <a href="#">DD 93 Record of Emergency Data</a> located in NSIPS. Ensure Service Member's Group Life Insurance is updated (if necessary).  |
| 12   | Provide Service member with printed copy of NAVCOMPT 3065 Leave Request Authorization (electronic leave printed from NSIPS). Forward a hard copy as an attachment to the Service member's appellate package.   |
| 13   | Per reference (a), chapter 47, ensure appropriate reduction in pay grade entries are entered in NSIPS ESR. If Service member is awarded reduction in pay grade at court-martial, utilize reference (a), section 857, article 57.   |
| 14   | Per reference (h), update NSIPS transient tracking on Service member (as applicable). This may include: <ul style="list-style-type: none"> <li>• <b>Transient - General</b> (accounting category code (ACC), ACC effective date, transient tracking code, etc.);</li> <li>• <b>Legal Information</b> (disciplinary action, confinement, appellate leave information); and</li> <li>• <b>Remarks</b> (as appropriate).</li> </ul> |
| 15   | Contact NAMALA for procedures to attain permanent change of station orders for Service members being placed on appellate leave. NAMALA and responsible units will make the necessary loss entries.   |
| 16   | Per reference (h), change ACC to 393 (non-pay status) after Service member's requested regular leave is complete, if applicable.   |
| 17   | Upon receipt of appellate package and applicable items listed within steps 1-16 above, NAMALA will process the individual appellant's assignment.  |