

## MILPERSMAN 1050-350

### Appellate Review

<b>Responsible Office</b>	NAMALA	Phone:	DSN COM	325-0100 (202) 685-0100
---------------------------	--------	--------	------------	----------------------------

<b>My Navy Career Center</b>	Phone: Toll Free Email: MyNavy Portal	1-833-330-MNCC (6622) askmncc@navy.mil <a href="https://my.navy.mil">https://my.navy.mil</a>
------------------------------	---	--

<b>Reference</b>	(a) DoD 7000.14-R, Department of Defense Financial Management Regulation (DoD FMR), July 2022
------------------	---

1. **Procedures.** Follow these procedures upon completion of appellate review:

IF ...	THEN ...
The punitive discharge is affirmed,	<ul style="list-style-type: none"> <li>• Execute punitive discharge per supplemental court martial order or notification of completion of appellate review (see <a href="#">MILPERSMAN 5815-010</a>).</li> <li>• Forward health and or dental records to Department of Veterans' Affairs, St. Louis, MO.</li> <li>• Pay Service member any remaining credit balance, including compensation for any unused leave credit, after conducting a check for selected reenlistment bonus or other indebtedness, if applicable, per reference (a).</li> </ul>
The findings and sentence are set aside and a rehearing authorized,	The judge advocate general will notify the proper authority to determine whether a rehearing will be conducted, or whether the charge(s) will be dismissed.
A rehearing is ordered,	Coordinate with Navy and Marine Corps Appellate Leave Activity for return of appellate documents and electronic service record to the gaining command, appropriate transient personnel unit, or military processing facility which supports the authority who ordered the rehearing. See <a href="#">MILPERSMAN 1050-360</a> .

IF ...	THEN ...
<p>The findings and sentence, including punitive discharge, are set aside and charge(s) dismissed based on lack of factual guilt and not on technicality, and if the Service member's expiration of obligated service (EAOS) has <b>not</b> expired,</p>	<ul style="list-style-type: none"> <li>• Recall Service member for full duty or notify for administrative separation (ADSEP) per <a href="#">MILPERSMAN 1910-126</a>.</li> </ul> <p><b>NOTE:</b> Officers will be recalled per <a href="#">MILPERSMAN 1050-360</a>. Coordinate with Navy Personnel Command (NAVPERSCOM) respective detailer for orders.</p> <ul style="list-style-type: none"> <li>• Pay Service member any remaining credit balance, including compensation for any leave credit unused at the time of the discharge (if being administratively separated) and mileage allowance to which entitled (transportation in kind).</li> </ul>
<p>The findings and sentence, including punitive discharge, are set aside and charge(s) dismissed based on lack of factual guilt and not on technicality, and if the Service member's EAOS <b>has</b> expired,</p>	<ul style="list-style-type: none"> <li>• Recall Service member for full duty and reenlist with Bureau of Naval Personnel Military Community Management (BUPERS-3) approval or separate per <a href="#">MILPERSMAN 1910-104</a>.</li> </ul> <p><b>NOTE:</b> Officers will be recalled per <a href="#">MILPERSMAN 1050-360</a>. Coordinate with NAVPERSCOM respective detailer for orders.</p> <ul style="list-style-type: none"> <li>• Pay member any remaining credit balance, including compensation for any leave credit unused at the time of the discharge (if being administratively separated) and mileage allowance to which entitled (transportation in kind).</li> </ul>

IF ...	THEN ...
<p>The findings and sentence, including punitive discharge, are set aside and charge(s) dismissed based on technicality and if the Service member's EAOS has <b>not</b> expired,</p>	<ul style="list-style-type: none"> <li>• Notify for ADSEP per <a href="#">MILPERSMAN 1910-126</a>.</li> </ul> <p><b>NOTE:</b> Officers will be recalled per <a href="#">MILPERSMAN 1050-360</a>. Coordinate with NAVPERSCOM respective detailer for orders.</p> <ul style="list-style-type: none"> <li>• Pay Service member any remaining credit balance, including compensation for any leave credit unused at the time of the discharge, and mileage allowance to which entitled (transportation in kind).</li> </ul>
<p>The findings and sentence, including punitive discharge, are set aside and charge(s) dismissed based on technicality and the Service member's EAOS <b>has</b> expired,</p>	<ul style="list-style-type: none"> <li>• Separate per <a href="#">MILPERSMAN 1910-104</a>.</li> </ul> <p><b>NOTE:</b> Officers will be recalled per <a href="#">MILPERSMAN 1050-360</a>. Coordinate with NAVPERSCOM respective detailer for orders.</p> <ul style="list-style-type: none"> <li>• Pay Service member any remaining credit balance, including compensation for any leave credit unused at the time of the discharge, and mileage allowance to which entitled (transportation in kind).</li> </ul>