

MILPERSMAN 1600-010

DESERTERS

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Reference	(a) Uniform Code of Military Justice (UCMJ)
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1. Policy

a. A member may be declared a deserter

(1) immediately, if the facts and circumstances of the member's absence, without regard to the length, indicate the member committed the offense of desertion as defined in reference (a), article 85;

(2) if the member has been absent without authority for 30 consecutive days; or

(3) immediately, if member is absent without authority, without regard to length of absence, and has gone to or shown intention of going to any foreign country, or remains in any foreign country and requests or accepts any type of asylum or residence from that country or its governmental agencies.

b. The member's parent command is responsible for all documentation throughout the deserter process. If a member has been transferred, the next gaining command is considered the parent command.

c. Members are considered to have returned to military control when they

(1) surrender to military authorities;

(2) are delivered to military authorities;

(3) are apprehended by military authorities; or

(4) have died. A member will continue to be listed as a deserter until Navy Personnel Command (NAVPERSCOM), Corrections and Programs (PERS-00D1) is notified of the member's death by

(a) certified death certificate based on confirmed death by state or local investigative officials;

(b) Naval Criminal Investigative Service report concluding member was lost at sea;

(c) coroner's report identifying the member's body after death;

(d) personnel casualty report from the CO of the member's command stating the details of the member's death; or

(e) court papers stating how member died (case-by-case basis).

Note: If the date of death precedes the date of declaration of desertion, the parent command is responsible for determining whether removal of the status of deserter (or unauthorized absence (UA)) is appropriate.

d. Termination of UA is a legal term for the purpose of criminal aspects, and will form the basis of a later charge and specification per reference (a). Termination of UA occurs when a member:

(1) surrenders to military authorities;

(2) is apprehended by military authorities;

(3) is apprehended by civil authorities on behalf of the military authorities solely on the basis of the member's absence or desertion from the military; or

(4) is made available by civil authorities after an arrest for a civil offense.

2. The following topics are covered in the MILPERSMAN articles listed in the table below:

Topic	See MPM
Apprehension of Absentees and Deserters	1600-020
Acceptance and Disposition of Returned Deserters	1600-030
Procedures for Commands to which Enlisted Absentees are Attached	1600-040
Procedures When an Enlisted Absentee Returns to Naval Jurisdiction	1600-050
Declaration of Desertion	1600-060
Declaration of Return from Desertion	1600-070
When a Deserter Surrenders/is Delivered to a Naval Hospital	1600-080
Removal of Marks of Desertion	1600-090
Lost Time	1600-100
Assignment to Navy Correctional Custody Units (CCU)	1600-110