

MILPERSMAN 5815-010

EXECUTING A DISHONORABLE OR BAD CONDUCT DISCHARGE

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References	(a) Manual for Courts-Martial, United States, 2023 (b) SECNAVINST 5815.3K (c) SECNAV M-5815.1 of March 2020 (d) JAGINST 5800.7G
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1. Policy

a. Punitive discharges from a court-martial will be effected only upon orders from Navy and Marine Corps Appellate Review Activity, per reference (a) and Naval Clemency and Parole Board, where applicable, per references (b) and (c).

NOTE: A supplemental court-martial order (SCMO) or notification of completion of appellate review (NOCAR) is required in all cases prior to executing a dishonorable discharge (DD) or a bad conduct discharge (BCD), even if the Service member has waived or withdrawn from appellate review.

b. In any action on the record to suspend a court-martial sentence (or any part thereof) which includes a punitive discharge, the convening authority (CA) will be guided by reference (a), rule 1107.

c. A Service member sentenced to an unsuspended punitive discharge will, at the convenience of the CA, be transferred to a separation activity for confinement and or retention, and or appellate leave, pending completion of the CA's action, per [MILPERSMAN 1050-310](#) through [1050-380](#).

2. Vacating Suspended Discharges

a. Where execution of a portion of a sentence which includes a punitive discharge is suspended subject to a probationary period, the suspension may be vacated under reference (a), rule 1108, and reference (d), section 0165. A CA may initiate proceedings to vacate suspension of a sentence where it is clearly established by the record that such action is appropriate and in the best interest of the Navy.

b. For a new offense, imposition of non-judicial punishment or referral to a court-martial, along with vacation of suspension, may be appropriate.

c. Upon receipt of an order to vacate the suspension of a sentence which includes a punitive discharge, the Service member may be transferred for discharge, as appropriate.

3. Procedures. Follow the below procedures when executing a DD or BCD.

WHEN A DD/BCD IS AFFIRMED	AND...	THEN...	THEN...
Execute the DD/BCD per the SCMO or NOCAR,	If the Service member is not in confinement,	Discharge Service member and issue DD 214,	Forward medical and dental records to Department of Veterans Affairs.
	If the Service member is in confinement, retain electronic service record; appellate package; medical, dental, and pay records; DD 214; and other documents in the prisoner's personnel file,	Retain until confinement is completed,	
		If Service member is released to parole or to mandatory supervised release,	Forward electronic service record, appellate package, medical, and dental records to Navy and Marine Corps Appellate Leave Activity 1325 10 th Street SE Suite 303 Washington Navy Yard, DC 20374-5070 for retention until maximum release date.

WHEN A DD/ BCD IS AFFIRMED	AND...	THEN...	THEN...
Execute the DD/BCD per the SCMO or NOCAR, (continued)	If the Service member is in confinement , retain electronic service record; appellate package; medical, dental, and pay records; DD 214; and other documents in the prisoner's personnel file, (continued)	If Service member was transferred to the Federal Bureau of Prisons (FBOP) , the commander of the losing facility (United States Disciplinary Barracks or naval consolidated brig will act as the custodian of all records of the prisoner confined in the FBOP). The FBOP will be provided copies of any records they need,	Upon completion of confinement and when applicable (i.e., appellate review is not complete), the original records will be forwarded to Navy and Marine Corps Appellate Leave Activity 1325 10th Street SE Suite 303 Washington Navy Yard, DC 20374-5070 For retention until maximum release date.