

MILPERSMAN 1050-320

REQUEST APPELLATE LEAVE

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References	<p>(a) 10 U.S.C. Chapter 47, Uniform Code of Military Justice (UCMJ)</p> <p>(b) DoD Instruction 5505.14, Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders</p> <p>(c) NAVMED P-117, Manual of the Medical Department</p> <p>(d) NAVSO P-6034, Joint Travel Regulations</p> <p>(e) SECNAV M-5510.30, Department of the Navy Personnel Security Program</p> <p>(f) NAVSUP P-485, Volume II, Naval Supply Systems Command Manual, Supply Ashore</p> <p>(g) BUPERSINST 1750.10d, Identification Cards for Service members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel</p> <p>(h) Defense Joint Military Pay System Procedures Training Guide (DJMS PTG)</p>
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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 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 Sailors from the physical presence of the command, thus promoting readiness and good order and discipline.

2. **Checklist.** Follow the steps below if the Service member's appellate leave request has been approved. 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).

Step	Action
1	If convicted of a qualifying military offense, any offense under reference (a), punishable by a sentence with confinement of more than 1 year (regardless of sentence imposed), ensure DNA sample is collected, forwarded to, and accepted by USACIL per reference (b).
2	Arrange for separation physical examination (including human immunodeficiency virus (HIV) test) to be completed prior to commencement of appellate leave. See MILPERSMAN 1900-808 and reference (c).
3	Offer Service member formal inpatient treatment prior to separation if diagnosed as drug and or alcohol dependent (see MILPERSMAN 1910-800). 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 in an electronic service record (ESR) NAVPERS 1070/613 Administrative Remarks via the Navy Standard Integrated Personnel System (NSIPS) and submitted for inclusion in Service member's official military personnel file (OMPF).
4	Ensure Service member understands that transportation to selected leave address will be at Service member's own expense.

Step	Action
5	<p>Counsel Service member on right to petition the Naval Clemency and Parole Board using NAVSO 5815/4 Waiver of Clemency Review or NAVSO 5815/2 Request for Restoration/Clemency. NAVSO 5815/2 and NAVSO 5815/4 may be obtained by using the following link: https://navalforms.documentservices.dla.mil/web/public/forms?p_p_id=eFormsPublicSearchPortlet_WAR_eformsportlets&p_p_action=1&p_p_state=normal&p_p_mode=view&p_p_col_id=column1&p_p_col_count=2&eFormsPublicSearchPortlet_WAR_eformsportlets_action=search. A copy of the document must be submitted for inclusion in Service member's OMPF and copy retained at the processing office.</p> <p>Note: NAVSO 5815/4 is not required for personnel with sentence adjudged on or after 5 November 1993 if approved confinement is less than 12 months.</p>
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 (GCM) or special court-martial CA 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), paragraph U5317.</p>
7	<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 member's family and the United States per reference (d), paragraph U5370-H.</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 GCM CA determines such to be in the best interest of the Government per reference (d), paragraph U5370-B2.</p>
8	<p>Revoke Service member's security clearance per reference (e).</p>
9	<p>Confiscate all property of the Government issued to Service member, except one overcoat (if needed) as provided in reference (f), paragraph 25940.</p>
10	<p>Confiscate government-issued identification (ID) card(s) of Service member and dependents per reference (e).</p>

Step	Action
11	Per reference (e), issue new ID cards to Service member and eligible family members, 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) for authorization per reference (g).
12	Have Service member read, initial, and sign NAVPERS 1050/3 Appellate Leave Statement of Understanding. NAVPERS 1050/3 may be accessed by using the following link: http://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Pages/default.aspx . The original must be submitted for inclusion in Service member's OMPF and copy retained at the processing office. Provide a copy to the Service member.
13	Verify Service member's ESR for completeness and accuracy to include verification of NAVPERS 1070/602 Dependency Application and DD 93 Record of Emergency Data located in NSIPS. Ensure Servicemembers' Group Life Insurance is updated (if necessary). Make appropriate entry to document completed action.
14	Provide Service member with printed copy of the NAVCOMPT 3065 Leave Request/Authorization (electronic e-leave). File a copy in the Service member's retain files at the processing office.
15	Per reference (a), ensure appropriate reduction in rank and rate entries are entered in NSIPS ESR. If Service member is awarded reduction in rank to E-1 at court-martial, utilize reference (a), section 857, article 57. If Service member is not awarded reduction in rank at court-martial or is reduced, but to a rank higher than that of E-1, utilize reference (a), section 858a, article 58(1).
16	Update NSIPS transient tracking on Service member (as applicable). This may include: Transient - General (account category code (ACC)), ACC effective date, transient tracking code, etc.); Legal Information (disciplinary action, confinement, appellate leave information); and Remarks (as appropriate).

Step	Action
17	<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>
18	<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>
19	<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>