

MILPERSMAN 1600-070

DECLARATION OF RETURN FROM DESERTION

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References	(a) DoD Instruction 1325.02 (b) 18 U.S.C. §922
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1. Procedures

a. MILPERSMAN 1600-050 provides actions to be taken upon the return of a deserter to military control per reference (a). The activity to which a member returns will submit a DD 616 Report of Return of Absentee (**via encrypted e-mail**) and a return of deserter message (exhibit 1) to report the member's return to military control per MILPERSMAN 1600-060. Exhibit 1 must be submitted even if the deserter has been, or will be, discharged.

Note: Exhibit 1 must be sent via secure means as it contains personally identifiable information (PII). Ensure proper safeguards are taken to protect the contents of exhibit 1 and any other documents forwarded concerning the deserter. Encrypt and digitally sign all e-mails that contain PII. If the e-mail fails to send because of encryption issues, do not send unencrypted, as that action constitutes a PII breach and must be reported. Instead, contact your information assurance manager for assistance. PII is defined as information about an individual that, if lost, stolen, or compromised would cause undue harm and unwarranted invasion of personal privacy.

b. The deserter's parent command to which the member is assigned for disciplinary action or disposition is responsible for completing NAVPERS 1070/606 Record of Unauthorized Absence.

c. **Surrenderees.** Members who surrender will not be placed in civilian jails. Navy Personnel Command (NAVPERSCOM), Corrections and Program Office (PERS-00D1) or the Officer in Charge, Navy Absentee Collection and Information Center (NACIC) may grant an exception in unusual circumstances.

d. **Apprehendees.** Commands will not pick up or escort deserters unless authorized by NACIC. NACIC will determine the disposition and transport, or coordinate the transport if an escorted local move is required. **Do not accept deserters from civilian authorities until approval is obtained from NACIC.** NACIC must be advised if the member is being held by civil authorities for civil charges. NACIC will issue a military detainer and arrange escorts for the deserter's return to military control. If the deserter is convicted and sentenced to confinement, NACIC will assign responsibility of the member's case to an area coordinator for review and appropriate action.

e. Per reference (b), the Navy is required to notify the FBI of the final disposition of all military deserters. All Navy activities will provide the deserter's final disposition to NACIC (via message) within 60 days of the deserter's return. Include a description of the venue (non-judicial punishment or type of court-martial), conviction status, list of offenses, list of punishment awarded, charges dismissed, discharge, and characterization. Requests for extensions to exceed the 60 days may be made (via message) to COMNAVPERSCOM DET NAVABSCOLLINFOCEN MILLINGTON TN//001//.

2. Information

a. If a member was declared a deserter erroneously, notify NACIC and Defense Finance and Accounting Service (DFAS), Cleveland by message **immediately** to prevent undue financial hardship, and to prevent the member from being entered in, or to remove the member from, the FBI Center's wanted persons file.

b. A declared deserter discharged in absentia, as authorized by COMNAVPERSCOM, is considered returned to military control for administrative purposes the day of discharge. The discharging activity must transmit the notification message (exhibit 1) to clear member from the deserter files. Indicate in the remarks section the authority used for the discharge in absentia.

c. Once a declared deserter is discharged from the Navy, is placed on the temporary disability retired list, or starts appellate leave after physically returning to a command, it is imperative that exhibit 1, DD 214 Certificate of Release or Discharge from Active Duty, and other appropriate documentation reflecting the member's separation from service be transmitted to NACIC. Documentation is required in order to reflect the member accurately in the enlisted master file, remove the status of desertion, and clear the warrant for arrest from the National Crime Information Center.

Exhibit 1
Return of Deserter
(Use proper message format.)

FM: (Originating activity)
TO: COMNAVPERSCOM DET NAVABSCOLLINFOCEN
MILLINGTON TN//001//(Member's parent command)
INFO: COMNAVPERSCOM MILLINGTON TN//PERS-00D1//
DFAS CENTER CLEVELAND OH//JJJ//
FISC CHEATHAM ANNEX WILLIAMSBURG VA//JJJ//
BT
UNCLAS//N01626//
SUBJ: REPORT CONTROL SYMBOL BUPERS 1600-2, RETURN OF DESERTER
NAVPERSCOM (PERS-00D1)//
MSGID/GENADMIN/(Originator)// POC/Name/Rate or Rank/Telephone//
RMKS/1. (Member's rate, full name, branch, SSN (XXX-XX-XXXX)).
2. DESERTER FROM (command) SINCE (time and date).
3. (Apprehended/Surrender) BY/TO (military/civilian
authorities) AT (time and date) AT (location).
4. RETURNED MIL CONTROL (time and date) AT (location).
5. RETAINED ON BOARD FOR (disciplinary action/disposition/
pending return to parent command/or transfer to (activity)).
6. NOK/READINESS COMMAND STAFF CHAPLAIN HAS BEEN NOTIFIED OF
MEMBER'S RETURN TO MILITARY CONTROL. (If not, expected date of
notification or intentions, e.g., parent command to notify.)
7. REMARKS: (as appropriate)//
BT