

MILPERSMAN 1910-230

DISCHARGE IN ABSENTIA

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| Responsible Office | NAVPERSCOM (PERS-832) | Phone: | DSN COM | 882-3045 (901) 874-3045 |
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| NAVPERSCOM CUSTOMER SERVICE CENTER | Phone: | Toll Free | 1-866-U ASK NPC |
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| Reference | (a) DoDI 1332.14 (b) DoDI 1325.02 |
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1. **Policy.** Discharge in absentia may be affected by the separation authority (SA), provided the member has been properly given notice of the administrative separation (ADSEP) action. The SA must be a general court martial convening authority (GCMCA) or higher. At a minimum, this requires:

a. The member acknowledged receipt and signed NAVPERS 1910/31 Administrative Separation Processing Notice (select administrative board procedure option), advising the member of the reason(s) for ADSEP processing. NAVPERS 1910/31 may be accessed by using the following Web address:
<http://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Pages/default.aspx>;

b. NAVPERS 1910/31 clearly indicates the least favorable characterization of service;

c. NAVPERS 1910/31 clearly indicates the individual's right to an administrative board or GCMCA review and to make a statement; and

d. An other than honorable (OTH) authorized discharge is awarded a discharge in "absentia;" the member must be in an unauthorized absence (UA) status, detention, or confinement status. Awarding an under honorable conditions (general) or honorable discharge while in a UA status is inappropriate. Processing for a general or honorable discharge should be held in abeyance for members who go UA

prior to separation. Upon a member's return from UA of less than 30 days, the SA may use discretion to either affect the previously authorized honorable discharge (general) or reprocess for an OTH; however, UA in excess of 30 days is a serious offense and reprocessing for an OTH is appropriate.

2. **Restriction.** Personnel detained or incarcerated by foreign civilian or military authorities outside of the jurisdiction of the United States (U.S.) will not be discharged in absentia.

Note: This does not preclude processing the member for separation under the provisions of this article; to be affected upon return to U.S. custody and jurisdiction.

3. **Discharge in Absentia for Alien Unauthorized Absentees**

a. As an exception to paragraph 1 and per reference (a), when an enlisted member who is an alien is absent without leave and appears to have gone to a foreign country where the U.S. has no authority to apprehend, the member may be separated without return to military control.

b. Prior to execution of the separation, the enlisted member will be notified of the imminent action by registered or certified mail, return receipt requested (or by an equivalent form of notice, if such service by U.S. mail is not available for delivery at an address outside the U.S.), to the member's last known address and or to the next of kin. The notice must specify that the action has been suspended until 45 days from the date of mailing to give the respondent the opportunity to return to military control. If the respondent does not return to military control or return NAVPERS 1910/31 by such date, the SA must discharge the member in absentia.

c. Per reference (b), enclosure 3, paragraph 5f, when alien deserters are discharged in absentia, personnel support detachments and personnel offices processing the Service Member's separation must forward copy 7 of DD 214 Certificate of Release or Discharge from Active Duty to deter unwarranted issuance of Visas to:

U.S. Department of State
Visa Office
44132 Mercure Circle
Sterling, VA 20166