

MILPERSMAN 5815-010

EXECUTING A DISHONORABLE OR BAD CONDUCT DISCHARGE

Responsible Office	Navy and Marine	Phone:	DSN	325-0100
	Corps Appellate		COM	(202) 685-0100
	Leave Activity		FAX	325-0606
	(NAMALA)			

References	(a) Manual for Courts-Martial (MCM) (b) SECNAVINST 5815.3J (c) JAGINST 5800.7E, Manual of the Judge Advocate General (JAGMAN)
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1. Policy

a. Punitive discharges from a court-martial will be effected only upon orders from

(1) Navy - Marine Corps Appellate Review Activity, per reference (a); and

(2) Naval Clemency and Parole Board, where applicable, per reference (b).

NOTE: A supplemental court-martial order (SCMO) is required in all cases prior to executing Dishonorable Discharge (DD) or Bad Conduct Discharge (BCD), even if the member has waived or withdrawn from appellate review.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 1108.

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

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 the procedure in reference (a), Rule 1109; and reference (c), section 0160. 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 Navy.

b. For a new offense, imposition of nonjudicial punishment (NJP) 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 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,	if the member is not in confinement,	discharge member and issue DD 214,	forward service record to Navy Personnel Command, PERS-312C, 5720 Integrity Drive, Millington, TN 38055-3120.
	if the member is in confinement, retain service, medical/dental, and pay records; DD 214, and other documents in the prisoner's personnel file,	retain until confinement is completed,	forward medical/dental records to Department of Veteran's Affairs (DVA). forward pay record to Defense Finance and Accounting Center (DFAS), Cleveland, OH.
		if member is released to Parole or to Mandatory Supervised Release,	forward service, medical/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.
		if member was transferred to the Federal Bureau of Prisons (FBOP) , the commander of the losing facility (United States Disciplinary Barracks (USDB)/Navy Liaison Detachment or Naval Consolidated Brig (NAVCONBRIG)) 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, the original records shall be forwarded per the block above.