

MILPERSMAN 1050-330

WHEN THE CONVENING AUTHORITY (CA) ACTS

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References	(a) Manual for Courts-Martial (2008)
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1. What to do when the Convening Authority (CA) acts. Take the following actions once the convening authority (CA) acts:

IF the CA ...	and ...	then ...
disapproves/ remits/ suspends the punitive discharge/ dismissal,	the member's expiration of active obligated service (EAOS) has occurred,	separate the member by reason of EAOS (see MILPERSMAN 1910-104). If high year tenure applies, refer to MILPERSMAN 1160-120. If sanctuary applies, refer to Navy Personnel Command (NAVPERSCOM), Conduct and Separations Division (PERS-83).
	the member's EAOS has not occurred,	recall the member (if on request appellate leave) to active duty and/or process for administrative separation per MILPERSMAN 1910-100. If high year tenure applies, refer to MILPERSMAN 1160-120. If sanctuary applies, refer to Navy Personnel Command (NAVPERSCOM), Conduct and Separations Division (PERS-83).

IF the CA ...	and ...	then ...
approves the punitive discharge/dismissal,	the member is not on request appellate leave,	the CA may place the member on mandatory appellate leave (see MILPERSMAN 1050-340).
	the member is on request appellate leave,	<p>effect reduction, forfeiture, confinement, etc.,</p> <p>Navy Standard Integrated Personnel System (NSIPS) activities use Legal - Court Memorandum Create as appropriate. Submit completed Court Memorandum to report forfeiture, reduction, confinement, etc. File copies in the service record.</p> <p>Defense MILPAY Office (DMO) activities submit E701 FID to report forfeiture, reduction, confinement, etc.</p> <p>Submit Activity Loss transaction to Navy and Marine Corps Appellate Leave Activity (NAMALA) unit identification code (UIC) 47353.</p> <p>NSIPS activities use Activity Loss - Create to transfer member to NAMALA UIC 47353 (loss reason TD4 - TEMDU OTHER). Since this is an administrative transfer only, no proceed, leave, or travel days will be authorized (the Loss Departure Date and Estimated Date of Arrival will be the same).</p> <p>DMO activities submit SH03 FID to transfer member to NAMALA UIC 47353</p> <p>Update NSIPS Transient Tracking on member as applicable; this may include</p> <ul style="list-style-type: none"> • Transient - General (accounting category code (ACC), ACC effective date, transient tracking Code, etc.), • Legal Information (disciplinary action, confinement, appellate leave information).

IF the CA ...	and ...	then ...
<p>approves the punitive discharge/dismissal,</p>	<p>the member is on request appellate leave,</p>	<p>file a copy of the Court-Martial Promulgating Order and the CA's action in the field service record.</p> <p>Send letter to member for Change of Status to Mandatory Appellate Leave (see MILPERSMAN 1050-380). Send service/medical/dental records via certified mail to:</p> <p style="text-align: center;">Commanding Officer Navy and Marine Corps Appellate Leave Activity 1325 10th Street SE Suite 303 Washington Navy Yard, DC 20374-5070</p> <p>NOTE: The waiver of appellate review can be verified by contacting the CA's staff judge advocate or legal officer or the appellant's trial defense counsel at the Naval Legal Service Office (NLSO) or Command Services at the Region Legal Service Office (RLSO) advising the CA.</p> <p>Cases, in which appellate review is waived or withdrawn, are reviewed by a judge advocate under Rule 1112, of reference (a).</p> <p>Upon completion of the judge advocate's review, execute the punitive discharge per MILPERSMAN 5815-010; do not transfer records to NAMALA or place member on mandatory appellate leave.</p> <p>Provide the member, by certified mail, a copy of the judge advocate's review and action by the officer exercising general court-martial (GCM) jurisdiction under Rule 1112, of reference (a).</p>