

## MILPERSMAN 1050-350

### APPELLATE REVIEW

<b>Responsible Office</b>	NAMALA	Phone:	DSN	325-0100
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<b>References</b>	(a) DoD Financial Management Regulation 7000.14-R, Volume 7A
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1. **Procedures**. Follow these procedures upon completion of appellate review:

IF ...	THEN ...
the punitive discharge is affirmed,	<ul style="list-style-type: none"> <li>• execute punitive discharge per Supplemental Court Martial Order (see MILPERSMAN 5815-010).</li> <li>• forward service record to Navy Personnel Command (NAVPERSCOM), Records Support Branch (PERS-312C), Millington, TN</li> <li>• forward health/dental records to Department of Veterans' Affairs (DVA), St. Louis, MO.</li> <li>• pay member (if pay account is still held locally) by check, any remaining credit balance after making checkage for Selected Reenlistment Bonus (SRB) or other indebtedness, if applicable.</li> </ul>
the findings and sentence are set aside and a rehearing authorized,	JAG will notify the proper authority to determine whether or not a rehearing will be conducted, or whether the charges will be dismissed.
a rehearing is ordered,	coordinate with NAMALA for return of records to the gaining command or the appropriate transient personnel unit, naval station, or naval air station which supports the authority that ordered the rehearing. See MILPERSMAN 1050-360.

IF ...	THEN ...
<p>the findings and sentence including punitive discharge are set aside and charges dismissed based on lack of factual guilt and not on technicality, and if the member's expiration of obligated service (EAOS) has <b>not</b> expired,</p>	<ul style="list-style-type: none"> <li>• recall member for full duty or process for administrative separation (ADSEP) per MILPERSMAN 1910-126.</li> </ul> <p><b>NOTE:</b> Officers will be recalled per MILPERSMAN 1050-360. Coordinate with Chief of Naval Personnel (CHNAVPERS) for orders.</p> <ul style="list-style-type: none"> <li>• pay the member (if the pay account is still held locally), the amount found standing to member's credit, including compensation for any leave credit unused at the time of the discharge; and mileage allowance to which entitled (transportation in kind). See reference (a), chapter 1, section 010301, para. F, subpara. 2a.</li> </ul>
<p>the findings and sentence including punitive discharge are set aside and charges dismissed based on lack of factual guilt and not on technicality, and if the member's EAOS <b>has</b> expired,</p>	<ul style="list-style-type: none"> <li>• recall member for full duty and reenlist with Bureau of Naval Personnel (BUPERS) approval or process for ADSEP per MILPERSMAN 1910-126.</li> </ul> <p><b>NOTE:</b> Officers will be recalled per MILPERSMAN 1050-360. Coordinate with CHNAVPERS for orders.</p> <ul style="list-style-type: none"> <li>• pay the member (if the pay account is still held locally), the amount found standing to member's credit, including compensation for any leave credit unused at the time of the discharge; and mileage allowance to which entitled (transportation in kind). See reference (a), chapter 1, section 010301, para. F, subpara. 2a.</li> </ul>

<b>IF ...</b>	<b>THEN ...</b>
the findings and sentence including punitive discharge are set aside and charges dismissed based on technicality and if the member's EAOS has not expired,	<ul style="list-style-type: none"><li>• process for ADSEP per MILPERSMAN 1910-126.</li></ul> <p><b>NOTE:</b> Officers will be recalled per MILPERSMAN 1050-360. Coordinate with CHNAVPERS for orders.</p> <ul style="list-style-type: none"><li>• Pay the member (if the pay account is still held locally), the amount found standing to member's credit, including compensation for any leave credit unused at the time of the discharge; and mileage allowance to which entitled (transportation in kind). See reference (a), chapter 1, section 010301, para. F, subpara. 2a.</li></ul>
the findings and sentence including punitive discharge are set aside and charges dismissed based on technicality and the member's EAOS has expired,	<ul style="list-style-type: none"><li>• separate per MILPERSMAN 1910-104.</li></ul> <p><b>NOTE:</b> Officers will be recalled per MILPERSMAN 1050-360. Coordinate with CHNAVPERS for orders.</p> <ul style="list-style-type: none"><li>• pay the member (if the pay account is still held locally), the amount found standing to member's credit, including compensation for any leave credit unused at the time of the discharge; and mileage allowance to which entitled (transportation in kind). See reference (a), chapter 1, section 010301, para. F, subpara. 2a.</li></ul>