

Sample Format, Notification WITH an Administrative Separation Board

(Letterhead)

From: Commanding Officer
To: (Individual Marine)

Subj: NOTIFICATION OF SEPARATION PROCEEDINGS

Ref: (a) MCO 1900.16 (MARCORSEPMAN) series

Encl: (1) Purpose and Scope of the Naval Discharge Review Board (NDRB) and
Board for Correction Naval Records (BCNR)
(2) Acknowledgment of Respondent's Rights

1. You are hereby notified that I intend to recommend to the Commanding General/Officer, _____ that you be discharged from the U.S. Marine Corps per paragraph (**paragraph #**) of the reference by reason of (**state the general and specific bases for separation contained in the reference**).

2. The basis (**bases if multiple reasons**) for this recommendation is (**describe the circumstances supporting the commanding officer's recommendation. Be specific because both the respondent and the separation authority need to know precisely why this Marine is being recommended for separation**).

3. The least favorable characterization of service which you may receive is (**honorable/general (under honorable conditions)/under other than honorable conditions**). Although the Commanding General/Officer, _____ will make the determination of characterization if you are separated, I am recommending you receive **a(n) honorable/general (under honorable conditions)/under other than honorable** characterization of service.

4. As a result of these separation proceedings, you have the following rights:

a. You have the right to consult with qualified counsel before electing or waiving any of your rights. It is in your best interest to do so before waiving any of your rights.

b. You have the right to request a hearing before an Administrative Separation Board per paragraph 6303 of the reference.

c. You have the right to present written statements to the Commanding General/Officer, _____ in rebuttal to this proposed separation and in lieu of having a hearing.

d. You have the right to obtain copies of documents that will be forwarded to the Commanding General/Officer, _____ supporting this proposed separation. Classified documents shall be summarized.

e. You have the right to waive any of these rights after being afforded an opportunity to consult with counsel.

5. Should you request a hearing before an Administrative Separation Board, you would be afforded the following rights:

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a. To appear in person before such a board or be represented by counsel if you are confined by civil authorities.

b. To be represented by military counsel. Appointed, or of your choice, if available.

c. To be represented by civilian counsel if you desire and at your own expense.

d. To challenge voting members of the board or the legal advisor, if any, for cause only.

e. To testify in your own behalf, subject to the provisions of Article 31, UCMJ (Compulsory Self-Incrimination Prohibited).

f. At any time during the proceedings you or your counsel may submit written or recorded matter for consideration by the board.

g. You or your counsel may call witnesses on your behalf.

h. You or your counsel may question any witness who appears before the board.

i. You or your counsel may present argument before the board's closing the hearing for deliberation on findings and recommendations.

j. Upon written request to the **(Convening Authority)**, to be provided with a copy of the report of the board and the endorsement.

k. Failure to appear without good cause at a hearing constitutes waiver of your right to be present at the hearing.

l. You have the right to make a sworn or unsworn statement.

m. You have the right to examine evidence presented by the board, to cross-examine witnesses appearing before the board, to submit evidence before the board, and to present final argument before the board.

n. Failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes waiver of the rights in paragraph 6304.1d to 6304.1m of the reference.

6. If you are separated before you complete an active duty service requirement incurred because you received advanced education assistance, bonuses, or special pays, you may be required to reimburse the U.S. Government on a pro rata basis for the unserved portion of the active service requirement.

7. If you are serving in the pay grade of E-4 or above and are administratively separated with an under other than honorable characterization of service, you will be administratively reduced to pay grade E-3, such reduction to become effective upon separation.

8. Information on the purpose and scope of the NDRB and BCNR is provided to you as enclosure (1).

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9. You are directed to respond in writing to this notice no later than 5 working days from the date for this letter by completing and returning enclosure (2), citing time and date completed. Failure to respond by the prescribed time constitutes a waiver of your rights.

CO signature block

Sample Format, Acknowledgement WITH an Administrative Separation Board

(Letterhead)

From: (Individual Marine)
To: Commanding Officer

Subj: ACKNOWLEDGMENT OF MY RIGHTS TO BE EXERCISED OR WAIVED DURING SEPARATION PROCEEDINGS

Ref: (a) CO's ltr

1. I acknowledge receipt of the reference notifying me of proceedings to discharge me by reason of **(general and specific basis as found in MARCORSEPMAN)**.

2. I understand that I am being recommended for separation with **a(n) honorable/general (under honorable conditions)/under other than honorable** conditions characterization of service and that the least favorable characterization which I may receive is **general (under honorable conditions)/under other than honorable conditions**.

3. In view of the above, I choose to execute the following rights:

a. I (have) (have not) consulted with counsel. I realize it is in my best interests to do so before exercising or waiving any of my rights. My counsel's name is: _____.

b. I (do) (do not) request a hearing before an Administrative Separation Board.

c. In lieu of a hearing, I (have) (have not) included written statements in rebuttal to this proposed separation.

d. I (do) (do not) desire to obtain copies of documents that will be forwarded to the Commanding General/Officer, _____ supporting this proposed discharge.

4. If I requested a hearing before an Administrative Separation Board, I realize I have the following rights:

a. _____ To be present or represented by counsel if I am confined by civil authorities.

b. _____ To be represented by appointed military counsel, or counsel of my choice, if available.

c. _____ To be represented by civilian counsel if I desire and at my own expense.

d. _____ To challenge voting members of the board or the legal advisor, if any, for cause only.

e. _____ To testify in my own behalf, subject to the provisions of article 31, UCMJ (Compulsory Self-Incrimination Prohibited).

f. _____ At any time during the proceedings I or my counsel may submit recorded matter for consideration by the board.

g. _____ I or my counsel may call witnesses on my behalf.

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h. _____ I or my counsel may question any witness who appears before the board.

i. _____ I or my counsel may present argument before the board's closing the hearing for deliberations on findings and recommendations.

j. _____ Upon written request to the **(Convening Authority)**, to be provided with copy of the report of the board and the endorsement.

k. _____ Failure to appear without good cause at a hearing constitutes waiver of my right to be present at the hearing.

l. _____ I have the right to make a sworn or unsworn statement.

m. _____ I have the right to examine evidence presented by the board and to submit evidence before the board.

n. _____ That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes waiver of the rights in paragraph 6304.1d to 6304.1m of the reference.

5. _____ I understand that if I am separated before I complete an active duty service requirement incurred because I received advance education assistance, bonuses, or special pays, I may be required to reimburse the U.S. government on a pro rata basis for the unserved portion of the active service requirement.

6. _____ I understand that if I am serving in the pay grade of E-4 or above and I am administratively separated with an other than honorable characterization of service, I will be administratively reduced to pay grade E-3, such reduction to become effective upon separation.

7. _____ I have read and fully understand the Purpose and Scope of the NDRB and BCNR.

Witness Sign/Print

Date

Respondent Sign/Print

Date