

DEPARTMENT OF THE NAVY  
Office of the Secretary  
Washington, D.C. 20350-1000

SECNAVINST 1050.1A  
NMPC-83  
1 May 1986

**SECNAV INSTRUCTION 1050.1A**

**From:** Secretary of the Navy  
**To:** All Ships and Stations

**Subj:** LEAVE FOR MEMBERS AWAITING REVIEW  
OF PUNITIVE OR ADMINISTRATIVE  
SEPARATION

**Ref:** (a) DOD Directive 1327.5 of 24 Sep 85  
(NOTAL)  
(b) Title 10 U.S.C. 876a (Article 76a, UCMJ)  
(c) SECNAVINST 1910.4A (NOTAL)  
(d) SECNAVINST 1920.6A  
(e) Title 37 U.S.C. 501

**1. Purpose.** To revise the program of required and permitted leave for members awaiting review of punitive discharges, or dismissals, or administrative discharges for cause, and to implement the provisions of references (a) and (b).

**2. Cancellation.** SECNAVINST 1050.1

**3. Summary of Changes.** This instruction is a complete revision. There are no symbols to denote deletions, additions or revisions.

**4. Applicability.** This instruction applies to all active duty personnel throughout the Department of the Navy (DON) and is effective immediately. This instruction has prospective effect only, and does not affect those members who may currently be on leave awaiting review of punitive discharges, or dismissals, or administrative discharges.

**5. Definitions.** The following terms are used in this instruction:

**a. Leave**—Authorized absence from a place of duty, chargeable against the member's leave account.

**b. Excess Leave**—Leave granted in excess of earned leave during which the member is not entitled to pay and allowances.

**c. Accrued Leave**—Leave earned by a member and credited to the leave balance as of any given date.

**d. Appellate Leave**—Required or permitted leave for members awaiting review of a punitive discharge or dismissal.

**e. Administrative Separation Leave**—Permitted leave for members awaiting completion of administrative processing for separation for cause.

**6. Policy.** It is DON policy to use required and voluntary leave to aid in removing from the presence of the active force, as expeditiously as possible, those members being punitively discharged, dismissed or separated for cause. This will promote readiness by maintaining the highest standards of conduct and performance throughout the naval service. In furtherance of this policy, members may be required or permitted to take leave while awaiting appellate review of a punitive discharge or dismissal, or awaiting completion of administrative discharge proceedings, under the procedures specified in this instruction. Members being administratively separated for other reasons also may be granted leave when it is in the best interest of the command.

**7. Appellate Leave**

**a.** The member may be required to begin appellate leave at any time on or after the date the sentence of the court-martial is approved, in whole or in part, by the convening authority, provided the approved sentence includes an unsuspended and unremitted dismissal or punitive discharge and the member is no longer in confinement.

**b.** If the approved sentence of the court-martial includes a sentence to confinement, the period of confinement must have been served, remitted, suspended or deferred prior to the commencement of appellate leave.

**c.** If all confinement has been served or deferred, but the sentence of the court-martial is pending approval by the convening authority, the member may be permitted to take appellate leave if the member so requests. All requests must be in writing and signed by the member.

**d.** Upon approval of the sentence by the convening authority, appellate leave status shall be changed from permitted to required appellate leave. The member shall be notified of the change to appellate leave status. Such required leave may be continued until a time when final review of the case is completed and the punitive discharge or dismissal ordered into execution.

**e.** Competent authority may terminate appellate leave at any time by written notification to the member.

**8. Administrative Separation Leave.** Leave may be granted to members awaiting administrative separation for cause under references (c) or (d) when the commanding officer recommends separation, or in cases requiring an Administrative Board or Officer Board of Inquiry when the Board recommends separation and the member's commanding officer concurs in the recommendation. Members being processed for separation for cause shall be encouraged to take leave. The leave must be based upon

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written request of the member. Accrued leave must be used before excess leave.

**9. Authority to Grant Appellate and Administrative Separation Leave.** Appellate leave may be authorized by any officer exercising general court-martial jurisdiction over the member. In the case of a special court-martial conviction, an officer exercising special court-martial jurisdiction over the member may authorize appellate leave. Administrative separation leave may be authorized by an officer in command authorized to grant leave to the member.

**10. Leave and Pay Accrued**

**a.** Members permitted to take appellate or administrative separation leave shall be charged with any accrued leave until such leave is exhausted. Any leave beyond that will be charged as excess leave.

**b.** Members who have accrued leave to their credit may elect one of the following options prior to commencing required appellate leave:

(1) Receipt of pay and allowances during the period of appellate leave, until all accrued leave is exhausted. The remaining period of leave will be considered to be excess leave (without entitlement to pay or allowances).

(2) Payment for accrued leave on the day before appellate leave commences, subject to the limitation on payment for accrued leave contained in section (f) of reference (e). The total period of leave will be considered to be excess leave (without entitlement to pay or allowances).

**c.** Members whose punitive discharge or dismissal subsequently is disapproved or set aside will be entitled to pay and allowances for any period of required appellate leave charged as excess leave, unless a rehearing or new trial is ordered which results in a sentence that includes a dismissal or a punitive separation. Any entitlement to pay and allowances under this provision shall be reduced by the amount of income and public assistance benefits received by the member during the period of required excess leave.

**11. Responsibility.** The Chief of Naval Operations and the Commandant of the Marine Corps are responsible for implementation of the appellate and administrative leave program to meet the objective of paragraph 6.

JAMES F. GOODRICH  
Under Secretary of the Navy

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