

MILPERSMAN 1910-230

DISCHARGE IN ABSENTIA

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Reference	(a) DOD Directive 1332.14 of 21 Dec 93 (with Change 1) (b) DOD Directive 1325.2 of 2 Aug 04
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1. **Policy.** Discharge in absentia may be effected by the separation authority (SA) provided the member has been properly given notice of the administrative separation (ADSEP) action. The SA must be a General Court Martial Convening Authority (GCMCA) or higher. At a minimum this requires

a. the member acknowledged receipt and signed the notification letter advising them of the reason for processing;

b. the letter of notification clearly indicated the least favorable characterization of service;

c. the letter of notification clearly indicated the individual's right to an administrative board (or GCMCA review), and to make a statement; and

d. an Under Other Than Honorable (OTH) discharge is authorized. To be awarded a discharge in "absentia" the member must be in an Unauthorized Absence (UA) status or in jail. To award a General (Under Honorable Conditions) or Honorable discharge while in a UA status is inappropriate. Processing for a General or Honorable discharge should be held in abeyance for members who go UA prior to separation. Upon a member's return from UA of less than 30 days, the SA may use discretion to either effect the previously authorized General/Honorable discharge or reprocess for an OTH; however, UA in excess of 30 days is a serious offense and reprocessing for an OTH is appropriate.

2. **Restriction.** Personnel incarcerated by foreign civilian or military authorities outside of the jurisdiction of the United States (U.S.), will not be discharged in absentia. **NOTE:** This does not preclude processing the member for separation to be effected upon return to U.S. jurisdiction.

3. **Discharge in Absentia for Alien Unauthorized Absentees**

a. As an exception to paragraph 1 and per reference (a), when a member who is an alien is absent without leave and appears to have gone to a foreign country where the U.S. has no authority to apprehend, the member may be separated without return to military control.

b. Prior to execution of the separation, the member will be notified of the imminent action by registered or certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the U.S.), to the member's last known address and/or to the next of kin. The notice shall specify that the action has been suspended until 45 days from the date of mailing in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control or return the Notice of Administrative Separation by such date, the SA shall discharge the member in absentia.

c. Per paragraph 6.2 of reference (b), when alien deserters are discharged in absentia, Personnel Support Activities (PERSUPPACTs) and separation commands shall forward one copy of DD Form 214 (Rev. 2-00), Certificate of Release or Discharge from Active Duty, to

U.S. Department of State
Visa Office-CA/VO
State Annex No. 2
Washington, DC 20520

to deter the unwarranted issuance of visas.