

LEGADMINMAN

CHAPTER 5

ABSENTEES, DESERTERS, IHCA, AND IHFA

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CHAPTER 5

ABSENTEES, DESERTERS, IHCA, AND IHFA

5000. SCOPE

1. This chapter sets forth procedures and responsibilities for the processing of Marine Corps absentees and deserters, absentees from other branches of the armed forces who are being held by the Marine Corps pending return to their branch of the armed forces, and for Marines detained for civil charges.

2. Caution shall be exercised to ensure that Marines who should be classified as "missing" are not reported as "unauthorized absentees" or "deserters." MCO P3040.4D, MARCORCASPROC MAN, provides guidance for making missing status determinations.

3. In addition, the provisions of this chapter cover all Marine Corps personnel serving on, or ordered to report to, active duty in the armed forces of the United States and members of the Reserve components serving on active duty for training. See UCMJ, Article 2, and MCO P1001R.1H, MCRAMM.

4. The Deserter Information Point (DIP), Headquarters, U.S. Marine Corps, is required, under normal conditions, to enter every declared deserter in the Federal Bureau of Investigation's National Crime Information Center (NCIC) Wanted Persons File upon receipt of the DD Form 553 (Absentee Wanted by the Armed Forces). Expeditious reporting by unit diary entries and subsequent preparation of the DD Form 553 is required by all reporting units. Complete descriptive information must be provided on the DD Form 553 before entries can be made in the NCIC network. The DIP is a 24-hour operation that can be contacted at (703) 614-3248/3376 or FAX (703) 614-3404, DSN 224.

5001. UNAUTHORIZED ABSENCE STATUS

1. If a Marine -

a. Is absent from the parent command without authorized leave or orders;

b. Missed movement;

c. Failed to comply with stragglers orders; or

d. Failed to comply with permanent change of station orders

2. Then take following actions -

- a. Make unit diary entries per MCO P1080.40A, MCTFSPRIM.
  - b. Make appropriate entries in the SRB/OQR per MCO P1070.12J, IRAM.
3. The parent command will inventory and store all Government property and personal effects as prescribed by MCO P4050.38B.
4. After 48 hours - CONUS commanders will notify the primary next of kin, by telephone, of the absentee's status, and request assistance in returning the absentee to military control. All other commanders will do the same when their absentee's dependents are residing in the local area.
5. Prior to the 10th day of unauthorized absence, the parent command will prepare and mail a letter advising the primary next of kin of the Marine's status and requesting assistance in returning the Marine to the parent command. Figure 5-1 is the suggested format that may be adapted to local needs. A copy of the letter will be filed on the document side of the Marine's SRB/OQR until return of the Marine and completion of administrative/disciplinary action.

5002. DESERTION STATUS

1. If a Marine -

- a. Is absent from the parent command without authority over 30 days; or
- b. Is believed to have gone to or is remaining in a foreign country, and to have applied for or accepted any type of asylum or residency permit from such country, or any governmental agency thereof; or
- c. Is an escaped prisoner (see paragraph 5010 for detailed instructions); or
- d. Is a special category absentee (i.e., a person reported absent without leave who has had access to Top Secret information during the last 12 months, or who is assigned to a "special mission" unit) *{n these cases, care must be taken to ensure that all circumstances are properly recorded so that court-martial for violation of UCMJ, Article 85, is possible after capture of the Marine. This does not, and is not intended to, preclude commanders from publishing a DD Form 553 whenever it is imperative that a Marine be apprehended with dispatch.}*

2. Then take the following actions -

a. Inventory and store all Government property and personal effects as prescribed by MCO P4050.38B, if not previously accomplished.

b. Make required unit diary entries per MCO P1080.40A, MCTFSPRIM.

c. Make required OQR/SRB entries on applicable pages of the absentee's service record per MCO P1070.12J, IRAM.

d. Prepare and distribute the DD Form 553

(1) If insufficient information is available to complete the DD Form 553, the commanding officer will send a priority message to CMC (MMSB-10) requesting needed information. Ensure that the height, weight, hair, and eye color entries are made. In no case will an incomplete or unsigned DD Form 553 be distributed by a Marine's commanding officer without specific approval from CMC (POS-40).

(2) If the Marine is dropped to desertion prior to the 31st day of absence per paragraphs 5002.1b through 1d, the reason for that action will be included in the remarks section of the DD Form 553.

(3) If the Marine is considered an escape risk or dangerous to him/herself or others, is pending charges or under investigation for violations of the UCMJ other than unauthorized absence or desertion, is a violator of previous stragglers orders, or is drug/alcohol addicted, appropriate cautionary statements will be placed in the remarks section of the DD Form 553 in CAPITAL LETTERS

(4) Units with FPO or APO addresses will indicate in the remarks section of the DD Form 553 whether the absentee deserted in CONUS or in a specific foreign country.

(5) Block by block instructions for completing the DD Form 553 are contained in figure 5-10.

(6) Distribute the DD Form 553 as specified in Figure 5-10.

(7) On the 31st day of absence, conduct a thorough audit of the SRB. If the Marine deserted and had the SRB in his/her possession, the parent command will notify CMC (POS-40) by message that the original SRB is not held, and request a microfiche copy from CMC (MMSB-10). Include in the message that, upon receipt of the microfiche, DD Form 553 will be published and a temporary service record will be opened per MCO P1070.12J, IRAM.

(8) On the 91st day of absence, forward the SRB along with the microfiche, health, and dental records, to CMC (POS-40), HQMC, 2 Navy Annex, Washington, DC 20380-1775.

5003. OFFICER ABSENTEES. The administrative processing for officers who are absentees is the same as for enlisted Marines, except that on the 7th day of absence a message report will be submitted to CMC (POS-40 and JAM) (Report Symbol MC-1621-03). The report will include the date and hour of absence and any known circumstances.

5004. MARINES WITH DEPENDENTS

1. Upon declaring a Marine who has dependents a deserter, every effort should be made to retrieve dependent ID cards. If dependents refuse to surrender their ID cards, the command concerned will send a representative to call on the cardholders to obtain the cards. If a cardholder still refuses to return the card, local medical facilities and military activities should be notified. A terminate DD Form 1172 will be submitted to the nearest Defense Enrollment Eligibility Reporting System/Realtime Automated Personnel Identification System (DEERS/RAPIDS) site or to the DEERS Enrollment Processing Center per MCO P5512.11A. Ensure a copy of the DD Form 1172 is placed in the sponsor's SRB/OQR prior to forwarding the records. Only in alleged or actual instances of fraud should the case be referred to the Naval Criminal Investigative Service.

2. The dependents of certain Marines may be entitled to payment of BAH after the absence commences. Refer to DoD Financial Management Regulation, Volume 7A, and MCO P1751.3F concerning entitlement eligibility and specific instructions.

3. Dependents occupying Government quarters will be directed to vacate those quarters per MCO P11000.22.

5005. DETERMINATION OF UNAUTHORIZED ABSENCE

1. All units, but particularly deployed units (in a combat zone, afloat, or in a foreign country), must exercise extreme care in determining that a Marine is actually an unauthorized absentee and does not fall within the category of "missing persons," as that term is defined by MCO P3040.4D, MARCORCASPROC MAN.

2. If there is evidence at the time of absence which indicates that the individual is not an unauthorized absentee, or if such evidence subsequently develops, the unit commander will initiate an inquiry to determine if action is required under MCO P3040.4D, MARCORCASPROC MAN.

3. In cases in which a Marine is originally reported as an unauthorized absentee and subsequently determined to be missing, appropriate service record and unit diary entries will be made to reflect the change in status. If a DD Form 553 has been published, a DD Form 616 (Report of Return of Absentee Wanted by the Armed Forces)

will be distributed with an apology letter indicating the Marine's current status. A copy of the notification will be forwarded to CMC (POS-40).

5006. ABSENTEES/DESERTERS HOSPITALIZED

1. Civilian Hospital. When an absentee is hospitalized in a civilian institution prior to return to military control and is unable to be remanded to the physical custody of military representatives, the absentee WILL NOT BE JOINED on the rolls of any organization until such time as physical custody can be exercised over the Marine.

2. MEDEVAC Requests. When Marine absentees are hospitalized in a Veterans' Administration, military, or civilian institution, the command assuming local cognizance of the case will request a MEDEVAC per the local naval district SOP. Message requests for MEDEVAC of absentees will include CMC (MRC and POS-40) and the parent command as information addressees.

5007. APPREHENSION OF ABSENTEES AND DESERTERS

1. Absentees may be apprehended by:

a. Members of the armed forces authorized by R.C.M. 302, MCM, 1998; or

b. Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth or Possession, or the District of Columbia; or

c. U.S. authorities in foreign countries, but only when authorized by an international agreement with the country concerned or by an agreement with the appropriate local authorities when such an agreement is within the purview of an existing international agreement. In such cases:

(1) Careful consideration must be given to possible international implications and adverse foreign reaction.

(2) Where apprehension cannot be accomplished or where doubt exists as to apprehension authority, a priority message report of the facts will be forwarded to CMC (POS-40 and JAM) requesting guidance.

d. Any officer or noncommissioned officer is authorized to apprehend or to cause the apprehension of any Marine absentee.

2. In the event that a DD Form 553 is not held by local civil or military law enforcement agencies, commanding officers, officers in charge, and noncommissioned officers in charge are authorized to

prepare a DD Form 553 to cause the apprehension of the absentee, regardless of the length of absence. Prior to issuing the DD Form 553, verification of the Marine's absence will be made with the parent command or with CMC (POS-40). Locally prepared DD Form 553s will be limited in distribution to the local law enforcement authorities and CMC (POS-40). After the apprehension of the absentee, the DD Form 553 will be recovered and held in local files for 2 years, in the event they are needed for legal reasons.

#### 5008. REWARDS AND CLAIMS

1. Rewards will be paid to local civil authorities in accordance with the provisions of the Financial Management Regulations (see DOD 7000.14-R, Vol. 10, par. 12010).

2. Reward claims and claims for reimbursement of expenses for confinement of Marine absentees will be processed as follows:

a. Prisoner escort teams, upon absentee pick up, will leave a Statement to Accomplish Payment of Reward or Expenses for Return of Absentee (NAVMC 11145) (figure 5-2) for completion by local authorities. The escort team will ensure their return address is stamped on the bottom of the claim form prior to distribution. Instruct local authorities to forward the claim form to that address.

b. An inspector-instructor/4th MAW active duty site commander upon notification of an apprehended absentee incurring expenses, will prepare and present a NAVMC 11145 to the appropriate local authorities. Prior to distribution of the form, the inspector-instructor/4th MAW active duty site commander will type/stamp the appropriate prisoner escort team address on the bottom of the form and instruct the local authorities to forward the claim form to that address.

c. Upon receipt of a completed claim form, the prisoner escort team will prepare NAVCOMPT Form 2277 (Voucher for Disbursement and/or Collection) (figure 5-3) and forward both forms to CMC (POS-40) for further processing.

#### 5009. RETURN TO MILITARY CONTROL

1. Absentees and deserters are returned to military control at the time and date:

a. They surrender to, are delivered to, or are apprehended by or for military authorities; or

b. Civil authorities holding them for some reason other than at the request of the military inform the military of their availability for return to military control; or

c. They otherwise come under the control of military personnel.  
(See MCM, 1998)

2. Absentees and deserters shall be received at any military installation that is manned by active duty personnel. Immediate action shall be taken to transfer individuals to the nearest installation of their branch of military service having facilities to process absentees and deserters.

### 3. Assignment of Marines Returning to Military Control

a. Absentees who return to military control will be assigned as delineated in Table 5-1. In cases involving special or unusual circumstances, CMC (POS-40) is authorized to deviate from Table 5-1 and direct assignment to other commands.

b. Upon assignment of an Marine in accordance with Table 5-1, the command issuing stragglers orders or requesting guards will transmit a naval message advising CMC (POS-40) (Report Symbol MC-5800-04), the original command, and the future command of the assignment. (See figure 5-4.)

c. Marines who are scheduled to be reassigned in accordance with Table 5-1 **will be returned to their original command vice being reassigned if the original command has any pending administrative or disciplinary action, other than the present unauthorized absence.**

4. Return to Military Control While in a Foreign Country/Outside CONUS. Military attaches and mission chiefs are restricted from accepting the offer of deserters or absentees to return to military control unless the United States is directly responsible for the presence of the Marine in that country. The Marine will normally be advised and assisted to report at his/her own expense to a U.S. military installation within the U.S. or overseas. Unless the Marines are citizens of the country in which assistance is requested, they will be reported to the appropriate authorities of the country with a view toward deportation. When the Marine departs or is deported, arrangements will be made to have the Marine taken into custody upon arrival in a territory where U.S. military officers have the authority to apprehend.

### 5. Stragglers Orders

a. Stragglers orders will be issued to absentees directing their assignment as set forth in paragraph 5009.3. Figure 5-4 may be used as a guide to facilitate the processing of stragglers orders. Contact CMC (POS-40) at commercial (703) 614-3248/3376 (DSN 224) prior to

issuing stragglers order. CMC (POS-40) will make the final determination in questionable cases. Do not issue stragglers orders to Marines if any of the following conditions apply:

(1) They are in violation of a previously issued set of stragglers orders;

(2) They are escaped prisoners;

(3) They indicate that they will not comply with stragglers orders;

(4) A law enforcement agent requests that they be returned under guard;

(5) The Marine Corps representative assuming physical custody determines that they will not comply with the stragglers orders;

(6) They have previously been apprehended by civil or military authorities for unauthorized absence;

(7) They have serious military charges pending at their parent command; or

(8) They have been classified by competent authority as dangerous or escape risks.

b. In NO case will an absentee be issued a Government transportation request (GTR) in conjunction with stragglers orders if the Marine has sufficient funds to defray the cost of travel. If it is necessary to issue a GTR in conjunction with stragglers orders, note on the GTR "good for destination only, least costly service and mode of transportation is to be used." The GTR will be annotated to expire within 2 days after the date of issuance to the absentee. Stragglers orders travel for absentees is to be charged to appropriation 17X1105.2702/OC-11/BCN12691/AAAN067443/TT21/PAA00000/CC71130 (add last digit of current FY where "X" appears). Stragglers orders appropriations will be prepared in accordance with MCO P7300.8D, Marine Corps Financial Accounting Manual. Marines in transit on permanent change of station orders (PCSO) will be issued stragglers orders by endorsement to their original orders using appropriation data from the PCSO if the UA is less than 31 days.

c. Commands issuing stragglers orders will make travel reservations for the absentee and direct the absentee to report to the appropriate transportation terminal no later than 1 hour prior to departure time.

d. Distribution of stragglers orders:

(1) Forward an authenticated copy of the stragglers orders, signed by the Marine, to the joining command. This copy will be used by the joining command to publish a DD Form 616.

(2) Forward an authenticated copy of the stragglers orders, signed by the Marine, to CMC (POS-40).

(3) If a GTR is issued, forward the original and two copies of DD Form 139 (Pay Adjustment Authorization) with a copy of the travel orders and transportation endorsement promptly to DFAS (CTAR), 1500 E. 95th St., Kansas City, MO 64197-0001. An acknowledged copy of the DD Form 139, GTR/meal ticket, travel orders and transportation endorsement will also be forwarded to CG (Code 470), Marine Corps Logistics Base, 814 Radford Blvd., Albany, GA 31704-5001.

(4) Give the signed original to the Marine.

(5) Place a signed duplicate original with the Marine's receiving endorsement in the issuing unit files. If the Marine fails to comply with the orders, this duplicate original may be required as proof at a subsequent disciplinary proceeding.

e. Absentees apprehended by civil authorities who otherwise qualify for stragglers orders, but who are not in the immediate vicinity of a Marine Corps activity, Marine Corps Reserve activity, or a main recruiting station, will be retained in civil confinement until prisoner escorts arrive to assume physical custody of the absentee. The escorts will have a prepared GTR and stragglers orders necessary for the straggler to return to the joining command.

f. Absentees apprehended by civil authorities in the immediate vicinity of a Marine Corps activity, Marine Corps Reserve activity, or main recruiting station, will be remanded to the physical custody of that activity for the issuance of stragglers orders, if stragglers orders are appropriate.

g. Failure to Comply with Stragglers Orders. The commander to whom the Marine has been directed to report will join the Marine by unit diary as of the date/time reported as returned to military control on the stragglers orders; drop the Marine to desertion as of 0001 the day following the reporting date; and publish a new DD Form 553. NOTE: In the remarks section of the DD Form 553 write CAUTION: Subject violated stragglers orders. Request guards; do not release on own recognizance." If the SRB/OQR is not held, the commander will request it, by message, from the Marine's former command or from CMC (POS-40), as appropriate. If the SRB/OQR is missing or in the possession of the Marine, the commander will request a copy of the Marine's OMPF from CMC (MMSB-10) and prepare a "temporary" record per MCO P1070.12J, IRAM.

h. Dangerous Absentees. Absentees may be reported as dangerous by any commander, the immediate family, any law enforcement agency, or any member of the medical profession. It is imperative that absentees not be issued stragglers orders if they are reported as dangerous by law enforcement officers at the time of apprehension. Absentees reported as dangerous will be evaluated as soon as possible by the commanding officer or the officer in charge of the joining command to determine the appropriateness of continuing such "dangerous" classification.

(1) "Dangerous" behavior includes, but is not limited to, current violent behavior or a history of violent crime, suicidal, irrational or erratic behavior, hard drug usage, or sales of any narcotic or other dangerous drugs.

(2) To facilitate the identification of Marines who may be dangerous to themselves or the general public, commanding officers will ensure that classification information and appropriate cautionary statements are included in the remarks section of the DD Form 553.

(3) If, subsequent to publication of the DD Form 553, information is received which indicates that the deserter is dangerous, the command receiving the information will notify CMC (POS-40), who will take appropriate action. If a copy of the DD Form 553 is not held, advise CMC (POS-40), by priority message, of the circumstances for reclassification. CMC (POS-40) will make the appropriate changes to the DD Form 553 and redistribute it.

i. Stragglers Orders - Weekly Reports. On a weekly basis, commands issuing stragglers orders will prepare a message report of stragglers orders issued (Report Symbol MC-5800-04, figure 5-5). Distribution will be: CMC (POS-40), joining commands, and former commands for absentees reassigned. During periods of MINIMIZE, this weekly report will be mailed vice transmitted electronically. Upon receipt of the weekly stragglers report, joining commands will prepare and distribute a DD Form 616 for each absentee who complied with the stragglers orders for whom a DD Form 553 had previously been prepared and distributed. For absentees who failed to comply, the joining command will take action as outlined in paragraph 5009.4g.

## 6. Prisoner Escorts

a. Absentees qualifying under paragraph 5009.4h, and any absentees who have been classified as dangerous to themselves or to the general public, will be returned to the joining command under guard.

b. If the local authorities contact a military installation directly, that installation will notify CMC (POS-40) of the absentee's name, location, point of contact, whether or not civil charges are

pending, and circumstances of detainment (whether surrendered or apprehended).

c. If civil charges are pending, CMC (POS-40) will forward message traffic to the Marine Corps activity nearest the place of detention directing establishment of liaison with civil authorities per the provisions of paragraph 5014.

d. Upon notification by an inspector-instructor/4th MAW active duty site commander that a deserter/absentee has surrendered and is considered a risk or unusual case, or has been apprehended by the local authority and verified as a deserter/absentee with NO civil charges pending, prisoner escorts/guards will be dispatched by CMC (POS-40), commercial (703) 614-3248/3376, DSN 224.

e. Upon pick up and delivery of the absentee/deserter by the prisoner escort team, a follow-up message will be sent to the appropriate reporting unit or parent command. That unit/command will join the individual from absentee/deserter status, and prepare and distribute DD Form 616 based upon the return to military control and information contained in the message.

#### 7. Return of Absentee to the Command

a. Instructions for Joining Commands. Upon return of an absentee, the commander will take the following actions:

(1) Join the Marine by unit diary from desertion or report a "from UA," as appropriate, per MCO P1080.40A, MCTFSPRIM. If a Marine is joined after EAS, a determination must be made as to whether the Marine will be returned to a full duty status or will merely be retained in the service for disciplinary action (see DoD Financial Management Regulation, Volume 7A for a definition of full duty status).

(2) Make appropriate entries in the Marine's SRB per MCO P1070.12J, IRAM. In the event the SRB is not held, request by message that either the former command or CMC (POS-40), as appropriate, forward the SRB. If the SRB/OQR has been lost, request a copy of the Marine's OMPF from CMC (MMSB-10) and prepare a "temporary" record per MCO P1070.12J, IRAM.

(3) Upon receipt of documentation (e.g., an official death certificate) verifying the death of a Marine absent 180 days or less, the command from which the Marine absented him/herself will join the Marine from desertion as of 2359 one day prior to date of death, and report the death on unit diary on the effective date, per MCO P1080.40A, MCTFSPRIM. Questionable cases will be referred to CMC (POS-40) for determination. For Marines absent more than 180 days, CMC (POS-40) will effect the required unit diary entries.

(4) If a DD Form 553 has been published, distribute a DD Form 616 to the addressees of the DD Form 553. The signed original of the DD Form 616 will be forwarded to CMC (POS-40). Ensure that a DD Form 616 reports both the date and time of return to military control or death. See Figure 5-11 for instructions on completing the DD Form 616.

b. Confinement of Absentees Returned Under Guard. Absentees returned under guard will be kept in a detained status until the commander determines whether, under the circumstances, pretrial confinement is appropriate. The commander must be notified immediately upon the absentee's return, and within 24 hours must decide whether continued confinement is appropriate. A written memorandum justifying pretrial confinement must be prepared and signed by the commanding officer within 72 hours of the absentee's return, and forwarded to the Initial Review Officer (IRO). If the commander determines that pretrial confinement should continue, the IRO will conduct a hearing within 7 days of the absentee's return to review the reasons for confinement and whether it should continue. Pretrial confinement may only be imposed in accordance with R.C.M. 305, MCM, 1998. Such restraint shall not be imposed for an absentee pending NJP or summary court-martial. In arriving at this decision, the commander should carefully consider the Marine's previous UA history, the circumstances of return to military control and the Marine's apparent and expressed willingness to comply with a lesser form of restraint.

#### 5010. ESCAPED PRISONERS

1. An escape by a prisoner is a deliberate absence from the place of arrest, confinement, or from a guard.

2. As soon as it is known that a prisoner has escaped, the commander of the correctional facility will:

a. Activate the local escape bill as required by paragraph 4407 of SECNAVINST 1640.9B.

b. Notify the escapee's immediate commanding officer.

c. Immediately notify the Deserter Information Point via telephone, with a message to follow the next working day.

d. Publish a DD Form 553 and immediately forward the signed original by the most expeditious means to the Deserter Information Point (Report Symbol MC-5800-02). Pending receipt of the signed original, a facsimile copy of the DD Form 553 is acceptable for the Deserter Information Point to enter the Marine into the National Crime Information Center (NCIC). The circumstances of the escape will be documented in the remarks section of the DD Form 553.

3. The immediate commanding officer of an escapee will:

a. As soon as possible, notify the armed forces police activities in the area and local and State police agencies. Give a complete description of the escapee, all significant facts regarding the time, place, and circumstances of the escape, and the names and addresses of relatives, friends, or places under the jurisdiction of such police, to which the escapee might go.

b. Make appropriate entries on the unit diary per MCO P1080.40A, MCTFSPRIM, and make appropriate entries on pages 3 and 12 of the absentee's service record per MCO P1070.12J, IRAM.

4. In cases of convicted prisoners being transferred, the commander of the transferring activity will be considered the prisoner's commander until the prisoner has been delivered to the destination or until otherwise notified by higher authority. When a prisoner escapes while en route to another activity, the guard will immediately notify the prisoner's commander by telephone or message giving the necessary information so that the commander may proceed as prescribed in paragraph 5010.3.

5011. PROCEDURE WHEN ABSENTEES AND DESERTERS OF OTHER SERVICES COME INTO THE CUSTODY OF THE MARINE CORPS

1. Commanders of Marine Corps activities will comply with this paragraph when members of other branches of the armed forces in the following categories report, surrender, or are delivered:

a. Unauthorized absentees.

b. Personnel on leave who are without funds and who request transportation.

2. When persons in the above categories report, surrender, or are delivered to a Marine Corps activity, the commander will take the following action:

a. Telephone or wire the member's commander requesting:

(1) Confirmation of the status of the individual;

(2) Disposition to be made in the member's case; and

(3) The applicable appropriation data to be shown on the GTR and meal tickets which the member may be provided.

b. Upon receipt of confirmation and disposition instructions, provide transportation, in kind, to transfer the member to the station designated. The Marine Corps (Bill to) address shown at the top of

the GTR and meal ticket will be crossed out and the name of the department to which such transportation is chargeable will be inserted.

c. A DD Form 139 will be prepared and forwarded by mail to the activity to which the member is being transferred with an authenticated copy of the stragglers orders signed by the member.

#### 5012. REMOVAL OF THE MARK OF DESERTION

1. The mark of desertion is the administrative declaration entry on page 12 of the SRB. Commanding officers and officers in charge shall remove, as erroneous, the mark of desertion of any Marine who was declared a deserter but who subsequently has been:

- a. Punished by NJP for unauthorized absence only.
- b. Referred to trial for the offense of UA only.
- c. Tried and convicted of UA only.
- d. Tried and acquitted.

e. Determined, pursuant to R.C.M. 706, MCM, 1998, or as a result of approved medical disability proceedings, to have been mentally incompetent at the time of the absence.

f. Determined by CMC (MRC), as designated by SecNav pursuant to MCO P3040.4D, MARCORCASPROC MAN, to be declared missing as defined in the Missing Persons Act, 37 U.S.C. § 551-558.

g. Determined to have been dropped to desertion because of an administrative error.

2. When the mark of desertion is removed for reasons outlined in paragraph 5012.1d, 5012.1f, or 5012.1g, and a DD Form 553 has been published, the command will so inform all addressees listed on the DD Form 553 and request that the DD Form 553 be returned or destroyed. In addition, delete as erroneous the entries on pages 3 and 12 of the SRB. Refer to MCO P1070.12J, IRAM, concerning removal of the conduct mark of "0" resulting from the declaration of desertion.

3. All other cases regarding the removal of the mark of desertion, when removal is recommended, will be referred to CMC (POS-40) for decision. In the absence of a clear showing that a mark of desertion was erroneously entered, the entry will not be removed. Removal of a mark of desertion is not necessary prior to discharge.

4. The mark of desertion shall be removed, as soon as possible, after the determination that the entry was erroneous. The removal of the

mark of desertion will be reported to the disbursing officer carrying the pay accounts of the Marine so that the member may be credited with any moneys due on the date of the reported desertion entry. This is accomplished by forwarding a copy of the DD Form 616 with an entry signed by the commanding officer, giving the reason the mark of desertion was removed in the remarks section. A copy of the DD Form 616 so annotated will be forwarded to CMC (POS-40) if the original DD Form 616 was not so annotated.

5. Instructions for removal of the mark of desertion on pages 3 and 12 of the SRB are contained in MCO P1070.12J, IRAM. MCO P1080.40A, MCTFSPRIM, and MCO P1070.12J, IRAM, contain instructions for removal of the conduct mark of "0" and other conduct and duty proficiency markings reported as a result of the declaration of desertion.

5013. DELIVERY OF MARINES TO CIVIL AUTHORITIES AND MARINES WITH PENDING CIVIL CHARGES

1. The JAG Manual, Chapter VI, prescribes the procedure for delivery or refusal of delivery of Marines to civil authorities. Refer to JAGMAN, Section 0610 for reporting requirements relating to refusal of delivery to civil authorities.

2. No assurance will be given to civil authorities that any particular Marine will be retained in or discharged from the service.

3. Marine Corps commands will accept custody of Marines with pending civil charges when they are released on bond or on their own recognizance only after advising civil authorities that the Marine must be returned to the parent command, and that while the Marine Corps cannot guarantee the Marine's presence for trial, the member will be given the opportunity to appear in court if requirements of the service so permit.

4. When Marine absentees are released on bond, on their personal recognizance, or on a work release program, and they are not restricted to the court's jurisdiction, action will be taken in accordance with paragraph 5013.3. Marines who are not absentees will be issued orders to return to their parent command, unless classified as dangerous under paragraph 5009.4h. In no case will the Marine Corps accept custody of a Marine from civil authorities if the conditions are that the Marine remain in the State or County under the jurisdiction of the court.

5. When information is received that civil charges have been brought against a Marine absentee, the command assuming local cognizance of the case will file a military detainer using the format in figure 5-6. Forward a message to the Marine's parent command and CMC (POS-40); include the date, time, and place of arrest; place of confinement; charges pending; prospective date of trial; and status of the court

proceedings, e.g., pending grand jury hearing, etc. (See also figure 5-7.) In the event civil authorities bring charges against the Marine after custody has been accepted, paragraph 5013.1 applies.

6. Marines against whom civil charges are pending, who have surrendered to or have been apprehended by civil authorities, and who have not been released from custody, will remain on the rolls of their parent organization. Absentees will be joined per paragraph 5009.3. Marines on orders to or members of WESTPAC commands will be reassigned to a CONUS command per paragraph 5009.3 pending resolution of the civil charges.

7. When Marines are confined by foreign authorities in connection with criminal charges, the Marine's command will promptly notify CMC (POS-40) by message, with a copy to the Judge Advocate General of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400 (see figure 5-8). Periodic message updates will be submitted by the Marine's command when there is any change in the status of the case, e.g., rescheduled court dates, changes in the place of confinement, completion of trial (report the findings and sentence of the court). (See figure 5-9)

5014. ADMINISTRATION OF MARINES DETAINED BY CIVIL AUTHORITIES  
(DOMESTIC OR FOREIGN)

1. Deserters absent in excess of 180 days discovered to be in hands of civil authorities will not be reassigned (assigned administrative control) to a major command per paragraph 5009.3, and therefore will not have a parent command for purposes of the following guidance, until returned to military control per paragraph 5009.1. Until such deserters are returned to military control, any required notification will be limited to CMC (POS-40). Any joint actions will be controlled by CMC (POS-40).

2. The nearest Marine Corps activity receiving information that a Marine (including absentees and deserters) has been apprehended by civil authorities and has civil charges pending will take the following actions:

a. Establish liaison with civil authorities. File a military detainer using the format of figure 5-6. Send a message to the Marine's parent command and CMC (POS-40) providing the information contained in paragraph 5013.5.

b. Maintain liaison with civil authorities in order to accomplish the following:

(1) Inform CMC (POS-40) and the Marine's parent command by message of:

(a) Any change in the date of trial or continuance

(b) Any change in the civil charges

(c) Any action by a grand jury;

(d) Any other change of status including movement to another confinement facility, release on bond, or release on own recognizance; or,

(e) Completion of sentence.

(2) In the event the Marine is released on bond or on own recognizance, the Marine Corps activity having cognizance will advise the civil authorities that regulations do not provide for retention by such activity pending further civil determination and that the Marine will be returned to the parent organization. Civil authorities will be further advised that the Marine will be given the opportunity to return, at own expense, to stand trial, providing the exigencies of the service so allow.

(3) Upon release of the Marine on bond or on own recognizance, without restriction to court's jurisdiction, the activity having cognizance will issue the Marine stragglers orders or request guards, as appropriate, per paragraph 5009.

c. Upon conclusion of the civil court action, the following will be accomplished:

(1) Report the results by message to CMC (POS-40) and the Marine's parent command in the event a Marine is:

(a) Convicted by civil authorities (foreign or domestic); or action is taken which is tantamount to a finding of guilty of an offense for which a punitive discharge would be authorized for the same or a closely related offense under the UCMJ; sentenced by civil authorities to confinement for 6 months or more without regard to suspension or probation; or convicted by civil authorities of an offense which involves moral turpitude (IF THE OFFENSE IS NOT LISTED IN PART IV, MCM, 1998, OR IS NOT CLOSELY RELATED TO AN OFFENSE LISTED THEREIN, THE MAXIMUM PUNISHMENT AUTHORIZED BY THE U.S. CODE APPLIES;  
or

(b) Adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or receives punishment in any way as the result of an offense involving moral turpitude.

(2) A copy of the court order or order of commitment, or the certificate of the judge, or the clerk of the court, listing the charge(s) of which the Marine was convicted, the sentence adjudged and the disposition of the appeal, if one is made, or a certification that no appeal was made, will be forwarded to the Marine's commanding officer and CMC (MMSB-20) for filing in the Marine's OMPF. Where

available, a copy of the arresting officer's report and/or a copy of the pre-sentence report of the probation officer will be forwarded. Extreme care must be taken to ensure that the particular offense(s) of which the Marine was convicted by civil authorities and the circumstances of their commission are clearly and specifically identified and described so that the maximum permissible penalty under the UCMJ (or U.S. Code) can be determined. In making this determination, neither the name nor label attached to an offense, nor the characterization of the nature of the crime (e.g., a crime involving moral turpitude, a felony or misdemeanor), by civil authorities is controlling.

(3) As used in paragraph 5014.2c(1)(a), the term "convicted (or a conviction) by civil authorities" includes not only final convictions by civil courts of record, but all final determinations by civil authorities (including those made by a magistrate, a justice of the peace, a municipal court, or other inferior courts) of criminality on the part of a Marine and those cases in which civil authorities have adjudged a Marine a juvenile delinquent, a youthful offender or a wayward minor. It is immaterial whether, as a result thereof, probation is imposed; a sentence is executed; execution of sentence is deferred, delayed or suspended; or, by local law, custom or procedure, charges are dismissed or expunged from civil courts' records after payment of a fine, completion of a term in jail or penitentiary, or completion of a period of probation.

(4) If the Marine is confined as a result of sentencing by a civil court for such crimes, a request for or waiver of rights will immediately be obtained from the Marine (see MCO P1900.16E, MARCORSEPMAN), together with a physical examination (see Manual of the Medical Department) and both will be forwarded to the Marine's parent command for appropriate action along with the court documents. It is imperative that this action be taken by the local commander as soon as possible after the conviction has been entered by the court and without waiting for a request from the Marine's parent command.

3. Commanders must ensure that discharge action contemplated for convicted Marines is completed as soon as possible after the conviction. See MCO P1900.16E, MARCORSEPMAN, paragraphs 6210.6 and 6210.7.

a. In the event a Marine is confined as a result of sentencing by civil court, and the parent command does not receive both the request for or waiver of rights and a copy of the physical examination within 14 days of such judgment, the commander will, by message, immediately request the local unit assuming cognizance of the Marine's case to take action in accordance with paragraph 5014.1c.

b. In cases where the discharge action is not completed within 30 days of conviction, the commander will advise CMC (POS-40) on a

monthly basis of the status of the discharge proceedings or the reason discharge proceedings will not be initiated.

c. Upon discharging a Marine serving sentence in a civil confinement facility, the commander will send a message to the confinement facility, the commander who assumed cognizance of the case on the local level, and CMC (POS-40), reporting the unit diary number and date of discharge and requesting that the military detainer be canceled.

d. For Marines detained by civil authorities on civil charges whose prior service reflects a pattern of misconduct, see MCO P1900.16E, MARCORSEPMAN.

5015. WORK RELEASE PROGRAM. No commander will lift a military detainer to allow a Marine to participate in a work release program. If local or State laws permit the release of a prisoner to a work release program, although the detainer remains in effect, the Marine Corps will interpose no objection to the Marine being so released, providing the Marine remains under the jurisdiction of the correctional institution. In such cases, the Marine will be considered to remain in the hands of civil authorities serving sentence the same as if the Marine remained incarcerated.

5016. RESERVISTS ORDERED TO INVOLUNTARY ACTIVE DUTY WHO DO NOT REPORT

1. Per MCO P1080.40A, MCTFSPRIM, Reservists who fail to report for assignment to involuntary active duty must be:

a. Reaccessed into MCTFS; and

b. Joined and dropped to desertion in the SRB/OQR and MCTFS by the inspector-instructor/4th MAW site commander, as appropriate.

2. When an individual is no longer in a deserter status, provide CMC (POS-40) with a copy of the DD Form 616 per paragraph 5009.6.

3. For additional information regarding processing Reservists to involuntary active duty status, refer to MCO P1001R.1H, MCRAMM.

LEGADMINMAN

| Rule | If Marines absent themselves from:   | and the Marines:   | the Marines will be:  |
|------|--|--|---|
| 1    | CONUS commands not listed in Rule 2  | have been absent 180 days or less  | returned to the command from which they originally absented themselves.   |
|      |  | are male and have been absent over 180 days  | assigned to the command listed in Note 1 which is closest to the point of surrender or apprehension   |
|      |  | are female and have been absent over 180 days  | assigned to MCB Quantico  |
| 2    | any of the following commands: MATSG-90, Marine barracks, Marine Corps security force companies, Marine detachments, formal inter-service schools, commands within the 4th Marine Aircraft Wing or the 4th Marine Division, and separate (independent) Marine commands which do not have general court-martial convening authority | have been absent 30 days or less and have not been dropped to desertion                        | returned to the command from which they originally absented themselves.   |
|      |  | have been absent over 30 days or have been dropped to desertion                                | assigned to the command listed in Note 1 which is closest to the point of surrender or apprehension   |
| 3    | WESTPAC commands not listed in Rule 2 (see Note 2)   | are returned to military control while in WESTPAC  | returned to the command from which they originally absented themselves, or to the nearest general court-martial command located in WESTPAC, as directed by CMC (POS-40) |
|      |  | are returned to military control in CONUS after being absent 180 days or less                  | returned to the command from which they originally absented themselves (see Note 3).  |
|      |  | are male and are returned to military control in CONUS after being absent more than 180 days   | assigned to the command listed in Note 1 which is closest to the point of surrender or apprehension   |
|      |  | are female and are returned to military control in CONUS after being absent more than 180 days | assigned to MCB Quantico  |
| 4    | any command not covered by rules 1 through 3   | have been absent 30 days or less and have not been dropped to desertion                        | returned to the command from which they originally absented themselves  |
|      |  | have been absent over 30 days or have been dropped to desertion                                | assigned as directed by CMC (POS-40)  |

**Note 1.** MCB Quantico; MCB Camp Lejeune; MCB Camp Pendleton; MCABEAST Cherry Point; MCABWEST Miramar; MCRD/ERR Parris Island; MCRD/WRR San Diego

**Note 2.** On the 91st day of absence, WESTPAC commands will forward the SRB to CMC (POS-40) for retention. Ensure paragraph 5002.2 has been complied with, and advise CMC (POS-40) by message of the date the SRB is forwarded.

**Note 3.** Marines who have been absent from Unit Deployment Program commands may be returned to the original command's regimental or group headquarters, as directed by CMC (POS-40).

Table 5-1.--Rules for Assignment Upon Return to Military Control.

LEGADMINMAN

Unit Heading

5800  
Code  
Date

Mr. and Mrs. John R. Brown  
1234 5th Street  
Anytown, VA 54321-0001

Dear Mr. and Mrs. Brown:

I regret to inform you that your (son) (daughter) (other relationship), (grade, name, USMC) has been absent from this organization since (date). If you know where (he) (she) is, please tell (him) (her) to return. Absence without leave is a serious military offense that becomes more serious as the length of absence increases.

If (grade, last name) remains absent more than 30 days, (he) (she) will be declared a deserter and we will ask civil law enforcement authorities to assist in (his) (her) apprehension. (Pay allotments) (and) (family members' eligibility for military medical care, commissary privileges, or other benefits) may also be terminated. *(Only include the second sentence if the addressee is receiving allotments or is entitled to benefits.)*

I don't want your (son) (daughter) (other relationship) to become a fugitive. If (he) (she) doesn't have enough money to cover the trip to this command, or if you need further assistance, please call the Marine Corps representative at (703) 696-2031 or 696-2032, or call the Marine Corps representative listed in your phone book under "United States Government." If I can be of any assistance in this matter, please call me at (phone number), or write me at (address).

Sincerely,

JOHN J. MARINE  
Captain, U.S. Marine Corps  
Commanding Officer

*(Separate letters should be sent to the parents and spouse (if any), with copies being provided to the Marine Corps unit with administrative cognizance nearest the absentee's home of record.)*

Figure 5-1.--Sample Format for a Letter of Notification to Next of Kin.

LEGADMINMAN

**STATEMENT TO ACCOMPLISH PAYMENT OF REWARD OR EXPENSES FOR RETURN OF ABSENTEE**  
 HAVMIC 11145 (8-94) (EF)  
 SR: 0109-LF-085-5400

SEE REVERSE FOR PREPARATION INSTRUCTIONS

|   |  |   |
|---|--|---|
| PRIVACY ACT STATEMENT (5 U.S.C. 552a)<br>AUTHORITY: Title 10, U.S. Code, Sections 807 and 808 and Annual DOD Appropriations Act.<br>PRINCIPAL PURPOSE (SR): To document facts concerning apprehension of military absentee.<br>ROUTINE USES: To substantiate payment of rewards for apprehension; to document delivery of absentee into military custody; to reimburse for actual expenses with regard to apprehension and detention. |  | DATE  |
| <b>1. IDENTIFICATION OF ABSENTEE</b>  |  |   |
| a. NAME AND GRADE   | b. SSN                                 | c. ORGANIZATION AND STATION   |
| <b>2. ARREST AND DELIVERY</b>   |  |   |
| a. DATE OF ARREST   | b. PLACE OF ARREST                     | c. PLACE OF DELIVERY TO MILITARY CONTROL (if applicable)                                |
| <b>3. ITEMIZED STATEMENT OF ACTUAL EXPENSES INCURRED BY CLAIMANT</b><br>(Exclude this statement when reimbursement of expenses is claimed. Do not execute item 4, below)  |  |   |
| DATE  | ITEM                                   | AMOUNT  |
|   |  |   |
|   |  |   |
|   |  |   |
|   |  |   |
|   |  |   |
|   |  |   |
| These expenses were incurred in connection with apprehension and delivery of the absentee identified in item 1, above.  |  | TOTAL \$  |
| SIGNATURE OF CLAIMANT   | TITLE                                  | ADDRESS (Street, City, State and Zip Code)  |
| <b>4. STATEMENT BY CLAIMANT OF APPREHENSION, INTENTION, DELIVERY, AND RECEIPT OF NOTICE</b><br>(Exclude this statement when reward is claimed. Do not execute item 3, above)  |  |   |
| I, or the agency I represent, effected the apprehension and detention or delivery of the absentee identified in item 1, above, and (check one, below)   |  |   |
| <input type="checkbox"/> APPREHENSION AND DETENTION (held by local authority) (\$50.00)   |  |   |
| <input type="checkbox"/> APPREHENSION AND DELIVERY TO MILITARY AUTHORITY (\$75.00)  |  |   |
| SIGNATURE OF CLAIMANT   | TITLE                                  | ADDRESS (Street, City, State and Zip Code)  |
| <b>5. STATEMENT BY RESPONSIBLE MILITARY AUTHORITY AS TO DELIVERY OF ABSENTEE</b>  |  |   |
| a. DATE OF DELIVERY   | b. PERSON OR AGENCY EFFECTING DELIVERY | c. DELIVERY WAS MADE TO (Check one)   |
|   |  | <input type="checkbox"/> MILITARY FACILITY<br><input type="checkbox"/> MILITARY CONTROL |
| Delivery of the absentee identified in item 1, above, actually was made to military facility or military control.   |  |   |
| TYPED NAME AND GRADE OF MILITARY AUTHORITY  |  | SIGNATURE OF MILITARY AUTHORITY   |

Designed Using FormFlow 2.16, HOMCARAE, May 98

Figure 5-2.--Statement to Accomplish Payment of Reward or Expenses for Return of Absentee.

LEGADMINMAN

INSTRUCTIONS FOR PREPARATION:

1. Identification of Absentee:

- a. Name (self explanatory)
- b. SSN (self explanatory)
- c. Organization and Station (USMC or Absentee's Command)

2. Arrest and Delivery

- a. Date of Arrest (self explanatory)
- b. Place of Arrest (self Explanatory)
- c. Place of Delivery to Military Control (if applicable)

3. Itemized Statement of Actual Expenses Incurred by Claimant: (Paid in lieu of reward and not to exceed \$75.00)

- Only item No. 3 or item No. 4 to be completed, not both.
- Actual expenses include expense for food while in custody of claimant.
- Transportation expenses (No of miles x 17c per mile) for privately owned vehicle.
- Other miscellaneous expense incurred while in custody.

4. Statement by Claimant of Apprehension, Detention, Delivery:

- Only item No. 3 or item No. 4 to be completed, not both.
- Only one box to be checked in item no. 4.

5. Statement by Responsible Military Authority as to Delivery of Absentee:

- a. Date of Delivery (to military control or military facility)
- b. Person or Agency Effecting Delivery
- c. Delivery was made to (check one)

Figure 5-2.--Statement to Accomplish Payment of Reward or Expenses for Return of Absentee--Continued.

LEGADMINMAN

VOUCHER FOR DISBURSEMENT AND/OR COLLECTION - NAVCOMPT FORM 2277 (SPT) (REV. 8-88)

Page 1 of Page

|  |                              |   |                                  |                                |                                   |   |           |        |              |                                   |
|--|------------------------------|---|----------------------------------|--------------------------------|-----------------------------------|---|-----------|--------|--------------|-----------------------------------|
| 1. Purpose<br>DISB. <input type="checkbox"/> COLLECT <input type="checkbox"/>  |                              | 2. Date   | 3. Reference Document No.        |                                | 4. Bill Number                    | 5. Voucher No.                            |           |        |              |                                   |
| 6. FROM:<br>Officer in Charge<br>Marine Corps Absentee Collection Unit<br>Headquarters, U.S. Marine Corps (POS-40)<br>Washington, DC 20380 |                              |   |                                  |                                | 7. PAID BY:<br>CHECK NO.          |   |           |        |              |                                   |
| 8. TO:<br>(Sheriff/Police Dept. Address)   |                              |   |                                  |                                |                                   |   |           |        |              |                                   |
| 9. ARTICLES, SERVICES OR ITEMS   |                              |   |                                  |                                |                                   |   |           |        |              |                                   |
| A. INVOICE OR ORDER NO.  | B. DATE OF DELIVERY/SERVICES | C. DESCRIPTION<br>(REMITTER, EXPLANATION, DETAILS, ETC.)  |                                  |                                | D. QUANTITY                       | E. UNIT PRICE<br>COST PER                 | F. AMOUNT |        |              |                                   |
| Auth IAW<br>NAVSO<br>P1000;<br>par   | Date                         | REWARD FOR THE APPREHENSION OF<br>MILITARY DESERTER<br><br>Name:<br>SSN:<br>Date Apprehended:<br><br>Certified to be Correct: (CCPET) |                                  |                                |                                   |   |           |        |              |                                   |
| G. DISCOUNT TERMS  |                              |   |                                  |                                |                                   | H. TOTAL                                  |           |        |              |                                   |
| 10. TYPE OF PAYMENT OR BILL:   |                              | COMPLETE  | PARTIAL <input type="checkbox"/> | FINAL <input type="checkbox"/> | PROGRESS <input type="checkbox"/> | ADVANCE <input type="checkbox"/>          |           |        |              |                                   |
| 11. ACCOUNTING CLASSIFICATION TO BE CREDITED (COLLECTION)  |                              |   |                                  |                                |                                   |   |           |        |              |                                   |
| A. ACRN  | B. APPROPRIATION             | C. SUB-HEAD   | D. OBJ. CLASS                    | E. BUREAU CONTROL              | F. SA                             | G. AAA                                    | H. TT     | I. PAA | J. COST CODE | K. AMOUNT<br>(U.S. CURRENCY ONLY) |
|  | (BLANK)                      |   |                                  |                                |                                   |   |           |        |              |                                   |
| 12. DEDUCTIONS   |                              |   |                                  |                                |                                   |   |           |        |              |                                   |
| A. ACRN  | B. TRANSPORTATION            | C. DISCOUNT   | D. TAX                           | E. RESERVE                     | F. MISCELLANEOUS                  | G. TOTAL FOR ACRN<br>(U.S. CURRENCY ONLY) |           |        |              |                                   |
|  | (BLANK)                      |   |                                  |                                |                                   |   |           |        |              |                                   |
| H. CURRENCY:   |                              | EXCHANGE RATE   |                                  | = +\$1.00                      |                                   | I. TOTAL DEDUCTIONS                       |           |        |              |                                   |
| 13. ACCOUNTING CLASSIFICATION TO BE CHARGED (DISBURSEMENT)   |                              |   |                                  |                                |                                   |   |           |        |              |                                   |
| A. ACRN  | B. APPROPRIATION             | C. SUB-HEAD   | D. OBJ. CLASS                    | E. BUREAU CONTROL              | F. SA                             | G. AAA                                    | H. TT     | I. PAA | J. COST CODE | K. AMOUNT<br>(U.S. CURRENCY ONLY) |
| AA   | 1741105                      | 2760  | 025                              | 51690                          | 0                                 | 067443                                    | 2D        | 000000 | 00000071165  | \$50.00                           |
| L. TOTAL NET AMOUNT TO BE PAID (BLOCK 9-H MINUS BLOCK 12-I)  |                              |   |                                  |                                |                                   |   |           |        |              |                                   |
| 14. INSPECTION REPORT NOS:   |                              |   |                                  |                                | 15. GOV'T B/L NOS:                |   |           |        |              |                                   |
| 16. APPROVED   |                              |   |                                  |                                | 17. CERTIFIED                     |   |           |        |              |                                   |
| BY _____   |                              |   |                                  |                                | BY _____                          |   |           |        |              |                                   |
| TITLE _____  |                              |   |                                  |                                | TITLE _____                       |   |           |        |              |                                   |
| (DATE) _____   |                              |   |                                  |                                | (DATE) _____                      |   |           |        |              |                                   |
| 18. PAYMENT RECEIVED:<br>PAYEE-<br>PER-<br>TITLE-  |                              |   |                                  |                                |                                   |   |           |        |              |                                   |

Designed using FormPower 2.15, BOMBARDIER, Feb 08

Figure 5-3.--Sample Voucher for Disbursement and/or Collection.

LEGADMINMAN

Unit Heading

1320  
Code  
Date

From: (Title of Officer Issuing Orders)  
To: (Grade, Name, SSN/MOS, Service Component)

Subj: STRAGGLERS ORDERS

Ref: (a) MCO P5800.16A (LEGADMINMAN)  
(b) CMC WASHDC \_\_\_\_\_ (use this as a reference ONLY when specific instructions are received to issue orders)

1. Having surrendered to this (activity) (organization) at (hour) on (date), you will proceed in accordance with references (a) and (b), as routed below, to (name and location of post, camp or station) and upon arrival will report to (designation of specific command to which the individual is to report) by (time/date).

ITINERARY OF TRAVEL (show all stops, transfers, and names of transportation facilities)

| <u>LOCATION</u> | <u>HOUR/DATE</u> | <u>(NAME OF TRANSPORTATION CO)</u> |
|-----------------|------------------|------------------------------------|
|-----------------|------------------|------------------------------------|

Depart:  
Arrive:  
Depart:  
Arrive:

OR

1. Having (been apprehended by) (surrendered to) (military authority first taking custody) at (hour) on (date) and subsequently delivered to this (activity) (organization) at (hour) on (date), you will proceed, as routed below, etc.

*(This form to be used when an individual is taken into custody by civil or military authorities and subsequently delivered to activity or command which issued the orders.)*

2. You are advised that deviation from this schedule constitutes disobedience of orders, a serious military offense. Should you not maintain the schedule because of sickness, accident, or disaster, you will advise CMC (POS-40) by collect telegram and request instructions.

3. By authenticated copy of these orders, your commander is requested to declare you a deserter in the event you fail to report immediately

Figure 5-4.--Sample Format for Stragglers Orders.

LEGADMINMAN

Subj: STRAGGLERS ORDERS

upon completion of the travel directed herein, and to publish a warrant for your arrest (DD Form 553).

4. TravCharAppn: 17X1105.2702/OC-11/BCN12691/AAAN 067443/TT21/PAAO00000/CC71130

(Add last digit of current FY where "X" appears)

5. GTR(s) \_\_\_\_\_ issued in connection with these orders. You will report to the passenger transportation officer at your destination to report all unused tickets, transportation requests, and meal ticket requests, and change of service to a lesser value than authorized by the tickets. Cost to the Government for GTR(s) issued: \$\_\_\_\_\_.

I. M. COMMANDING

-----  
Date

FIRST ENDORSEMENT

1. I received the original of these orders at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_ (hour) (date) \_\_\_\_\_ (location). These orders have been read and explained to me and I understand them. I certify that I do not have sufficient funds to defray the cost of my travel.

\_\_\_\_\_  
(Signature - sign all copies)

Distribution:

Signed original to absentee or deserter  
Signed copy to CMC (POS-40)  
Signed copy to commander named in paragraph 1 of the orders  
Signed duplicate original to file  
DFAS (CTAR), 1500 E. 95th St., Kansas City, MO 64197-0001 (plus original and 2 copies of DD Form 139);  
CG (Code 470), Marine Corps Logistics Base, 814 Radford Blvd., Albany, GA 31704-5001 (plus one copy of DD Form 139, GTR/meal ticket).

Figure 5-4.--Sample Format for Stragglers Orders--Continued.

LEGADMINMAN

UNCLASSIFIED

01 01

FROM: COGNIZANT COMMAND

TO: JOINING COMMANDS

INFO: CMC WASHINGTON DC//POS-40//

UNCLAS//N01610//

SUBJ: RPT OF RET OF ABSENTEE ISS STRAGO FOR WEEK OF \_\_\_\_\_ (RPT SYMBOL MC-5800-04)

A. LEGADMINMAN, CHAP 5

1. IAW THE REF, FOL MARINES RMC AND WERE DIR TO RPT TO INDC COMDS BY THE INDC DATE/TIME:

|                       | ABS FR         | RMC              | RPT BY        |                  |
|-----------------------|----------------|------------------|---------------|------------------|
| <u>GRADE/NAME/SSN</u> | <u>RUC/MCC</u> | <u>DATE/TIME</u> | <u>RPT TO</u> | <u>DATE/TIME</u> |

2. IAW PAR 5009.4I OF THE REF, COMDRS ARE REQ TO JOIN AND DROP TO DES ABSENTEES LISTED HEREON WHO HAVE FAILED TO RPT.

BT

LEGADMINMAN

Unit Heading

5800  
Code  
Date

Chief of Police/Sheriff  
2345 6th Street  
Anytown, VA 54321-0002

Dear Sir or Madam:

This is in regard to Private I. M. Outahere, U.S. Marine Corps, who is currently confined in your facility.

Private Outahere is a Marine Corps absentee. Upon his release from confinement, I request that he be released only to the custody of a Marine Corps or other military representative. The authority to detain Private Outahere for the military is contained in the provisions of the Interstate Agreement on Detainers Act, Public Law Number 91-538, Sections 1-8 (Codified at 18 U.S.C. § App) 1970.

*(The above paragraph only applies if the Marine is serving a sentence awarded by a civil court.)*

OR

This is in regard to Private I. M. Outahere, U.S. Marine Corps, who is currently being detained in your facility.

Private Outahere is a Marine Corps absentee. I request that he be released only to the custody of a Marine Corps or other military representative, in the event he is released on his own recognizance or posts bond.

The authority to detain Private Outahere for the military is the DD Form 553, Absentee Wanted by the Armed Forces.

*(The above paragraph applies in all other cases.)*

USE THE FOLLOWING STATEMENTS, AS APPROPRIATE

Private Outahere has been classified by the Marine Corps as an escape risk, or dangerous to himself or the general public, so he must be returned to his parent organization by prisoner escort.

If you can advise me in writing or by telephone when the Marine Corps can assume physical custody of Private Outahere, I will arrange to have prisoner escorts report to your confinement facility for return to his parent organization.

Figure 5-6.--Sample Format for Military Detainer Letter.

LEGADMINMAN

USE THE FOLLOWING STATEMENTS, AS APPROPRIATE

Upon notification from a member of your staff that Private Outahere is available for return to military control, I will issue him orders to return to his parent organization. If it is your opinion that he should be considered an escape risk, or dangerous to himself or the general public, please have a member of your staff contact my office and prisoner escorts will return him to his parent organization. For your information, the Marine Corps may not have jurisdiction to try Private Outahere in a military court for the offenses he may have committed in your community. If I can be of any further assistance to you in this matter, please do not hesitate to write me or call me at (Area Code \_)\_\_\_\_\_.

Sincerely,

I. M. COMMANDING  
Captain, U.S. Marine Corps  
Commanding Officer

LEGADMINMAN

UNCLASSIFIED

01 01

FROM: COGNIZANT UNIT

TO: PARENT COMMAND-COMMANDING GENERAL

INFO: CMC WASHINGTON DC//POS-40//MMEA

UNCLAS//N01610//

SUBJ: IHCA UPDATE NR \_\_\_\_\_\*CASE OF PVT I. M. OUTAHERE 123 45  
6789/0000 USMC

A. LEGADMINMAN, CHAP 5

B. DTG (ORIG IHCA MSG)

1. IAW REF A, FOL ADD INFO IS PROVIDED PERTAINING TO REF B:

A. LIST ANY CH OF STATUS; I.E., COURT DATE ESTAB AS \_\_\_\_\_; SNM  
BOUND OVER TO GRAND JURY \_\_\_\_\_; COURT ADJOURNED UNTIL \_\_\_\_\_; ADD  
CHGS \_\_\_\_\_ FILED; SNM CONV OF \_\_\_\_\_; SENT TO \_\_\_\_\_ YRS; REL DATE  
\_\_\_\_\_ ; CONFD \_\_\_\_\_(PLACE)\_\_\_\_\_.

2. SNM REL BY CIVIL AUTH ON (DATE/TIME). REQ GDS.

OR

2. SNM REL BY CIVIL AUTH ON (DATE/TIME). ISSUED STRAGO PARENT COMD.  
TO RPT YOUR COMD NLT (DATE/TIME).

\*NOTE: INITIAL MSG IS CONSIDERED RPT NO 1. ALL ADDITIONAL MESSAGES  
PERTAINING TO THE SAME CASE/INDIVIDUAL WILL BE NUMBERED SEQUENTIALLY.

Figure 5-7.--Sample Format for Message Update Report of Marine  
Detained by Civil Authorities.

LEGADMINMAN

UNCLASSIFIED

01 01

FROM: MARINE'S COMMAND

TO: CMC WASHINGTON DC//POS-40/MMEA

INFO: NAVY JAG ALEXANDRIA VA

UNCLAS//N01610//

SUBJ: IHFA CASE OF PVT I. M. OUTAHERE 123 45 6789/0000 USMC

A. SECNAVINST 5820.4

B. LEGADMINMAN CHAP 5

1. IAW REFS A AND B, FOL ADD INFO PVD. SNM WAS APPRND BY \_\_\_\_\_ AT  
\_\_\_\_\_ ON \_\_\_\_\_. CHG WITH \_\_\_\_\_. RTD  
\_\_\_\_\_.

A. SNM CURR CNFD AT (NAME OR JAIL/CITY/COUNTRY).

B. COURT DATE SKED \_\_\_\_\_/NOT SKED.

2. (APPROPRIATE COMMAND) HAS ASSUMED COGNIZANCE OF CASE ON LOCAL  
LEVEL IAW REF A.

FURTHER INFO WILL BE FORWARDED AS RECEIVED.

BT

LEGADMINMAN

UNCLASSIFIED

01 01

FROM: COGNIZANT COMMAND

TO: CMC WASHINGTON DC//POS-40//MMEA

INFO: NAVY JAG ALEXANDRIA VA

UNCLAS//N01610//

SUBJ: IHFA UPDATE NR \_\_\_\_\_ CASE OF PVT I. M. OUTAHERE 123 45  
6789/0000 USMC

A. LEGADMINMAN, CHAP 5

B. DTG (ORIG IHFA MSG)

1. IAW REF A, FOL ADD INFO IS PROVIDED PERTAINING TO REF B:

A. LIST ANY CH OF STATUS; I.E., COURT DATE ESTAB AS \_\_\_\_\_.  
SNM INDICTED \_\_\_\_\_. COURT ADJOURNED UNTIL \_\_\_\_\_. ADD CHGS \_\_\_\_\_  
FILED. SNM CONV OF \_\_\_\_\_. SENT TO \_\_\_\_\_ YRS. REL DATE  
\_\_\_\_\_. CONFID \_\_\_\_\_(PLACE)\_\_\_\_\_.

2. SNM REL BY FOREIGN AUTH ON (DATE/TIME). CHGS PENDING. SNM PLACED  
ON LEGAL HOLD.

OR

2. SNM REL BY FOREIGN AUTH ON (DATE/TIME). CHGS DISMISSED.

OR

2. SNM REL BY FOREIGN AUTH ON (DATE/TIME). FOREIGN JURISDICTION  
WAIVED.

BT

\*NOTE: INITIAL MSG IS CONSIDERED RPT NR 1. ALL ADDITIONAL MESSAGES  
PERTAINING TO THE SAME CASE/INDIVIDUAL WILL BE NUMBERED SEQUENTIALLY.

Figure 5-9.--Sample Format for Message Update Report of Marine  
Detained by Foreign Authorities.

LEGADMINMAN

INSTRUCTIONS FOR COMPLETING DD FORM 553

**Block 1.** DATE PREPARED. Enter date of preparation, year/month/day; e.g., 91/12/28.

**Block 2.** TO. One of three major entries is usually entered in this block.

OQR/SRB of Marine (absentee),

CMC (POS-40), or

See Distribution List.

**Block 3.** FROM. Enter the absentee's organization or activity and place from which absent. If UA occurs while in transit, list old and new units in Block 19, Remarks. (Source of information: SRB/OQR, page 3.)

**Block 4.** DISTRIBUTION

1. Forward the original DD Form 553 to CMC (POS-40) within seven days of declaring a Marine a deserter. DD Form 553s forwarded with missing/incomplete information will be returned to the parent command via their chain of command for corrective action.

2. Copy to document side of the service record.

3. Copy to primary next of kin. (Source of information RED in the SRB/OQR).

4. Copy to units assigned reporting and prisoner escort responsibilities. (See MCO 5800.10A).

**Block 5.** ABSENTEE IDENTIFICATION

**5a.** NAME. Enter the last name, first name, and middle initial, in that sequence.

**5b.** GRADE/RANK/RATE. Enter the military grade/rate (name and code) of the named absentee; for example; Private, Airman Basic, Seaman Recruit, E-1; Corporal, E-4; etc.

**5c.** SEX. Enter the absentee's sex; i.e., Male (M), or Female (F).

**5d.** RACE. Enter the absentee's race code as contained in the MCTFS. See MCO P1080.20M, MCTFSCODESMAN.

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**5e.** PLACE OF BIRTH. Enter the city, state, and country, in that order. (Source of information: DD Form 4, NAVMC 763, or DD Form 1966 in SRB/OQR).

**5f.** DATE OF BIRTH. Enter the year, month, and day, in that order. (Source of information: DD Form 4, NAVMC 763, or DD Form 1966 in SRB/OQR).

**5g.** HEIGHT. Enter the absentee's height in inches; e.g., 72". (Source of information: Medical Record).

**5h.** WEIGHT. Enter the absentee's weight in pounds. (Source of information: Medical Record).

**5i.** EYE COLOR. Enter the color of the absentee's eyes; i.e., blue (BL), green (GR), brown (BR), or hazel (HA). (Source of information: Medical Record).

**5j.** HAIR COLOR. Enter the color of the absentee's hair; i.e., brown (BR), black (BK), blonde (BL), gray (GR), red (RD), bald (BA), or white (WH). (Source of information: Medical Record).

**5k.** DIP CONTROL NO. (Deserter Information Point Control Number) Enter the appropriate sequential DIP Control Number assigned by the using agency to account for cases entered into the National Crime Information Center (NCIC) of the FBI. If unknown, leave blank.

**5l.** SERVICE. Enter the code for the absentee's branch of service; i.e., Army (A), Navy (N), Marine Corps (M), or Air Force (F).

**5m.** SOCIAL SECURITY NO. Enter the absentee's SSN. (Source of information: DD Form 4, NAVMC 763, or DD Form 1966 in the SRB/OQR).

**5n.** CITIZENSHIP. Enter the country of which the absentee is a citizen. (Source of information: NAVMC 763 or DD Form 1966 in the SRB/OQR).

**5o.** MARITAL STATUS. Enter the code for the absentee's marital status; i.e., Married (M), Single (S), or Divorced (D).

**5p.** MILITARY OCCUPATION. Enter the absentee's primary MOS and title. (Source of information: SRB/OQR, page 8a).

**5q.** CIVILIAN OCCUPATION. Enter the absentee's prior civilian employment. Enter specific job skills. (Source of information: SRB/OQR, page 8a).

**5r.** PERMANENT RESIDENCE ADDRESS. Enter the absentee's permanent residence address, including ZIP code.

Figure 5-10.--Instructions for Completing DD Form 553--Continued.

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**Block 6. CURRENT ENLISTMENT**

**6a. DATE.** Enter the most recent date of entry the absentee signed an enlistment or appointment contract, i.e., year/month/day (95/10/25).

**6b. PLACE.** Enter the most recent location the absentee signed an enlistment or appointment contract, e.g., MCAS Camp Pendleton, CA.

**Block 7. ENTRY INTO CURRENT PERIOD OF SERVICE**

**7a. DATE.** Enter the date of entry that the absentee physically reported for active duty on current enlistment, i.e., year/month/day (95/10/25). If the date is the same as the date entered in 6a, enter "Same as 6a." (Source of information: DD Form 4, NAVMC 763, DD Form 1966, and/or page 3 in the SRB/OQR).

**7b. PLACE.** Enter the place of entry that the absentee physically reported for active duty on current enlistment, e.g., MCAS Camp Pendleton, CA. If the place is the same as the date entered in 6b, enter "Same as 6b." (Source of information: DD Form 4, NAVMC 763, DD Form 1966, and/or page 3 in the SRB/OQR).

**Block 8. ATTACH PHOTOGRAPH.** If available.

**Block 9. TIME OF ABSENCE**

**9a. DATE.** Enter the date the absence commenced, i.e., year/month/day (95/10/25).

**9b. HOUR.** Enter the hour the absence commenced, e.g., 1830.

**Block 10. ADMINISTRATIVE DATE OF DESERTION.** Enter the date on which the absentee was administratively classified a deserter, i.e., year/month/day (95/10/25).

**Block 11. ESCAPED OR SENTENCED PRISONER.** Enter the status of absentee by marking the appropriate box. For escaped or sentenced prisoners, indicate in the appropriate space the specific offense (civil or military) of which convicted. If military, include reference to the appropriate punitive article of the UCMJ.

**Block 12. DISCHARGE STATUS.** Enter the absentee's discharge status by marking the appropriate box.

**Block 13. OPERATOR'S LICENSE.** This block is self-explanatory. Information for this block will normally come from the Provost Marshall Office. If information is unknown, enter the word "unknown."

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**Block 14.** VEHICLE LICENSE. See Block 13 comment.

**Block 15.** VEHICLE. See Block 13 comment.

**Block 16.** RELATIVES AND/OR PERSONS KNOWN BY ABSENTEE Enter the absentee's nearest relatives, friends, and other persons most likely to have some knowledge or indication of the absentee's whereabouts. Enter their names, addresses, and ZIP codes. List additional names in Block 19, Remarks. (Source of information: RED in SRB/OQR, interview, etc.).

**Block 17.** CERTIFICATION (May be used by military and civil law enforcement authorities to obtain search or arrest warrants). Complete each line carefully. The information displayed in this block will likely be the determining factor in whether the request for a warrant by law enforcement authorities is approved or denied. Complete every block in this part with precision and detail.

**Block 18.** COMMANDING OFFICER

**18a.** TYPED NAME. Enter the last name, first name, and middle initial, in that sequence.

**18b.** GRADE. Enter the military grade of the named commanding officer or designee, e.g., Colonel (Col), Lieutenant Colonel (LtCol), Major (Maj), etc.

**18c.** TITLE. Self-explanatory.

**18d.** ORGANIZATION AND INSTALLATION. Self-explanatory.

**18e.** SIGNATURE. All copies must contain an original signature.

**18f.** DATE SIGNED. Enter the date, i.e., year/month/day (95/10/25).

**Block 19.** REMARKS

1. List peculiar habits and traits of character, unusual mannerisms and speech, peculiarities in appearance, clothing worn, aliases (names), marks and scars, tattoos, facial characteristics, complexion, posture, build, other SSNs used by the individual, or other data that may assist in identification.

2. If the Marine is considered an escape risk, pending charges or under investigation for violations of the UCMJ other than unauthorized absence or desertion, dangerous to him/herself or others, a violator of previous stragglers

Figure 5-10.--Instructions for Completing DD Form 553--Continued.

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orders, or drug or alcohol addicted, appropriate cautionary statements will be placed in the remarks section of the DD Form 553 in CAPITAL LETTERS.

3. WESTPAC units with FPO and APO addresses will include a comment to the effect that the absentee deserted in CONUS or in a specific foreign country.

4. When a Marine is dropped to desertion prior to the 30th day of UA, the unit will indicate the reason for dropping the Marine to desertion.

5. Use letter-size bond paper for continuation of remarks or blocks on the front of the form.

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INSTRUCTIONS FOR COMPLETING DD FORM 616

**Block 1.** DISTRIBUTION. Same as the DD Form 553. (Exception: when the pay record is at DFAS, Kansas City, a copy of this form will be sent to DFAS.)

**Block 2.** NAME. Enter the servicemember's last name, first name, and middle initial.

**Block 3.** SERVICE. Enter the code for the servicemember's branch of service; i.e., Marine Corps (M), Army (A), Navy (N), or Air Force (F).

**Block 4.** SOCIAL SECURITY NO. Enter the servicemember's social security number.

**Block 5.** GRADE OR RATE. Enter the military grade and pay grade of the servicemember.

**Block 6.** FORMER ABSENTEE STATUS

**6a.** Former Status. Enter an "x" in the appropriate block to indicate if the servicemember was an escaped or sentenced prisoner, absentee, or deserter.

**6b.** Date and Hour Absence Began. Enter the date and hour the absence began.

**6c.** Organization and Installation From Which Absent. Enter the complete mailing address of the organization the servicemember was absent from.

**Block 7.** CIRCUMSTANCES OF ABSENTEE'S RETURN

**7a.** Mode of Return. Place an "x" in the block to indicate how the servicemember was returned to military control.

**7b.** Indicate Authorities to Whom Absentee Surrendered or by Whom Apprehended. Place an "x" in the appropriate block to indicate who the servicemember surrendered to or was apprehended by.

**7c.** Place of Initial Return. Enter where the servicemember initially returned.

**7d.** Date and Hour of Initial Return. Enter the date and hour of initial return.

**7e.** Required Action. Enter the required action by placing an "x" in the appropriate box.

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**7f.** Military Organization and Installation or Civil Location  
Enter the complete mailing address of the servicemember's location.

**7g.** Date Returned to Military Control. Enter the date the  
servicemember returned to military control.

**Block 8.** DISPOSITION OF ABSENTEE

**8a.** Action by Military Authorities. Place an "x" in the  
appropriate box.

**8b.** To. Enter the complete organizational address of the command  
that is in charge of the absentee (joining command).

**8c.** Cost of Transportation. Enter the amount of the ticket  
purchased to return the absentee back to the unit.

**Block 9.** REMARKS. This block is used to place any remarks that the  
command deems necessary. You should include in the remarks section  
the location of the individual's service, pay, and health records.

**Block 10.** TYPED NAME, GRADE, TITLE, AND ORGANIZATION Type the name,  
grade, title, and organization of the person who will be signing this  
form.

**Block 11.** SIGNATURE. The person publishing this form will sign this  
block. An **original signature** is required on **all copies**.

**Block 12.** DATE. Enter the date the form is being published (signed)  
in this block.