

INFORMATION PAPER

IMHW-HRM

27 September 2019

SUBJECT: Excess Leave – Pending Appellate Review

1. Purpose. To provide information on processing Soldiers for excess leave and reassignment to the Personnel Control Facility (PCF), Fort Sill, Oklahoma, while waiting appellate review of a punitive discharge due to trial and conviction by courts-martial.

2. Discussion.

a. Soldiers sentenced by courts-martial to a Bad Conduct or Dishonorable Discharge and put on excess leave pending appellate review of the discharge will be reassigned to the PCF, Fort Sill, Oklahoma for accountability and follow-up processing. This is a Permanent Change of Station (PCS)/Reassignment action. Discharge/separation orders will not be published and Soldiers will not be processed for separation at Schofield Barracks. They will be reduced to PV1 and will remain on active duty in an excess leave status until the case is adjudicated.

b. Excess Leave is a non-chargeable period of absence granted for emergency or unusual circumstances or as otherwise specified in AR 600-8-10. It is granted to Soldiers who are sentenced by courts-martial to a punitive discharge and are awaiting appellate review of the sentence.

c. The General Courts-Martial Authority (GCMA) will authorize any of the following:

(1) Direct involuntary excess leave pending appellate review of a punitive discharge.

(2) Approve a voluntary excess leave request pending appellate review of a punitive discharge.

3. Course of action.

a. The GCMA will cause Soldiers to be notified in writing of the intent to consider him/her for placement in an excess leave status. The Soldiers is given at least 72 hours in which to present matters supporting a request to continue on duty, if desired. Excess leave begins on the day after the day the sentence is approved by the GCMA or any day after the sentence is approved.

b. Soldiers requests voluntary excess leave awaiting results of the appellate review processing.

c. The Office of the Staff Judge Advocate, Bldg. 2038, Schofield Barracks, Phone (808) 655-8607, processes the excess leave request in conjunction with the courts-martial proceedings and conviction.

d. The Battalion/Company Commander details an NCO to escort the Soldiers while processing the excess leave request and to complete installation clearance requirements for PCS/reassignment to the PCF.

e. The designated NCO hand-carries the Excess Leave Packet to DHR, Reassignment Section, Bldg. 750, Room 109, for publication of PCS orders. POC is available at 655-4728/1974. The packet will include a copy of the completed courts-martial proceedings, Company Commander or Battalion Commander Memorandum for Record which includes escort information and last four of SSN, the Soldier's request for excess leave, the CG's Memorandum approving the excess leave, and a copy of the DA Form 31 for excess leave.

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f. The Reassignment Section publishes the PCS Orders, Format 410, reassigning the Soldiers to the Personnel Control Facility, Fort Sill, Oklahoma 72503-5000.

4. Reassignment on PCS. The Soldiers will not personally report to the PCF, Fort Sill, Oklahoma. Only the Soldier's military records and allied documents will be forwarded to Fort Sill for accountability while waiting the appellate review action. The Soldier is authorized travel to his/her Home of Record in an excess leave duty status upon completion of all installation out-processing actions and receipt of final clearance.

5. Installation Clearance.

a. Upon receipt of PCS orders, the Soldiers and escort will report to the DHR, In/Out-Processing Section, Bldg. 750, Room 102, Phone (808) 655-1272, for out-processing instructions and issuance of installation clearance papers (DA Form 137) for PCS.

b. As part of out-processing, the Soldier and escort will report to the Personnel Automations Branch, Soldier Support Center, Room 202, Phone (808) 655-6824 or Room 203 at (808) 655-6752 for EMILPO records updates and personnel accountability processing.

c. When all installation agencies have been cleared, the Soldier and escort will report back to the In/Out-Processing Section for issue of final clearance and submission of the entire packet for mailing.

d. The In/Out-Processing Section will obtain and assemble the following required documents into one packet:

- (1) Installation Clearance Record (DA Form 137)
- (2) Results of Trial – DA Form 4430
- (3) Charge Sheet (DD Form 2707-1)
- (4) Promulgating Orders – if already issued
- (5) Confinement Order (DD Form 2707)
- (6) DA Form 4187 – Present for Duty to Confinement By Military Authorities
- (7) Inmate Release from Confinement Order (DD Form 2718)
- (8) DA Form 4187 – Confined by Military Authorities to Present for Duty
- (9) Assignment Orders (PCS Orders to Personnel Control Facility) – Format 410
- (10) DA Form 31 – Placing Soldier on Ordinary Leave (signed by the Commander)
- (11) DA Form 31 – Placing Soldier on Excess Leave (signed by the Commander)
- (12) Memo Approving Excess Leave (signed by the General)
- (13) Memo from Soldier (requesting Excess Leave)
- (14) Company Commander Memorandum for Record
- (15) DoD, Voluntary/Involuntary Excess/Appellate Leave Action (DD Form 2717)
- (16) Memorandum for the Clerk of Court – Statement of Acknowledgment of Rights to Individual on Application of Excess Leave with Effective Date
- (17) Record of Emergency Data (DD Form 93)
- (18) Life Insurance Election (Form SGLV 8286)

6. In/Out-Processing Section will mail the entire packet with a transmittal letter (DA Form 200) to the following address: Personnel Control Facility, ATTN: AIMS-SIL-HHP, Bldg. 2605, Ringgold Road, Fort Sill, Oklahoma 72503-5000.

6. Point of contact for this action is Chief, Reassignments/Family Movement Section, (808) 655-1974.