

**DEPARTMENT OF DEFENSE
VOLUNTARY/INVOLUNTARY APPELLATE LEAVE ACTION**

SECTION 1 - ACTION MEMORANDUM

1. TO (Prisoner)

2. FROM (Correctional Facility/Brig)

3. You are hereby authorized, pursuant to Article 76A, Uniform Code of Military Justice (UCMJ), to take leave pending completion of appellate review of your conviction by court-martial and punitive discharge, as identified below. The effective date of your leave will be administratively determined and is entered in paragraph 6 below. You are required to COMPLETE and RETURN the attached endorsement to acknowledge receipt of this letter.

a. TYPE OF COURT-MARTIAL

b. DATE ADJUDGED
(YYYYMMDD)

c. DATE COURT-MARTIAL APPROVED BY THE COURT-MARTIAL
CONVENING AUTHORITY (YYYYMMDD)

d. SENTENCE

4. You have accrued ordinary leave in the amount of _____ days.

5. If you have no accrued leave, the entire period of appellate leave will be unpaid excess leave.

6. Under the order of the court-martial convening authority, your request/mandatory appellate leave begins on _____.

7. While on appellate review leave you will remain a member of the United States Military on active duty, and will be subject to the UCMJ, to lawful orders and regulations, and to recall from appellate review leave.

8. You are required to provide a correct leave address and report any changes in that address. Failure to provide a correct address may result in loss of valuable opportunities to recoup pay and allowances, to which you may be entitled should your sentence be disapproved or set aside. It may also prevent you from receiving important instructions about the appellate review of your case.

9. Further, you are subject to recall from appellate leave, and failure to return promptly to your unit if so directed, by order delivered to you in person or mailed to you at your leave address, could result in your being placed in absent without leave or desertion status and may result in disciplinary action.

10. Upon completion of the appellate review, copies of the decision of the appellate tribunals and any other action taken thereon will be forwarded to your current leave address.

11. You and your dependents will be entitled to medical care, use of military exchange facilities and commissaries, and other military welfare benefits. Since these entitlements may be curtailed or terminated for cause, you and your dependents must maintain proper conduct while using them and follow all applicable rules.

a. EMERGENCY medical or dental care is authorized at the U.S. Government's expense ONLY when the required treatment cannot be obtained from a Uniformed Services medical facility. These facilities include the Department of the Air Force, Army, and Navy or Uniformed Service Treatment Facility (USTF) or other government medical facility (i.e. Veterans Administration Hospital).

b. For non-emergency medical, dental, or maternity care contact your nearest CHAMPUS advisor to ensure eligibility. Dependents are not eligible for non-emergency dental care.

12. In order for you to make use of these benefits, you and your dependents will be issued identification cards in increments determined by the appropriate service until discharged. Personnel must comply with service specific dress and appearance standard to receive the identification card.

13. Upon release from confinement you must turn in all required military clothing in your possession. You may wish to get a receipt should a rehearing be ordered, or in the event your case is set aside and you are ordered to return to active duty.

14. While on appellate leave, you are not authorized to visit/associate with any individual(s) confined at any military installation, except upon written permission of your commander. Any communication through mail, telephone, or visitation such as at a worksite or by other means may result in a violation chargeable under the Uniform Code of Military Justice.

15. You may incur problems gaining civilian employment due to not having a DD Form 214, "Certification of Release or Discharge from Active Duty". Unemployment or Welfare benefits depend upon your home state eligibility criteria. A statement of service may be requested from your administrative command, if desired.

16. If the punitive discharge or dismissal is suspended or disapproved by legal authority, you may be subject to recall at the discretion of the authority that placed you on appellate leave, for completion of your current enlistment or obligated service.

17. When the sentence in your case is finally affirmed after completion of appellate review, you may be discharged from the service with a bad conduct discharge, dishonorable discharge, or dismissal. If discharged, a Certification of Release or Discharge from Active Duty (DD Form 214) will be issued discharging you from the service.

18. If your sentence is set aside and no rehearing is to be held you may elect retirement (if you meet all eligibility requirements), be separated for expiration of enlistment, or convenience of the government as appropriate, with the description of service as warranted by your service record. If the sentence to dismissal is set aside you may remain eligible for administrative separation processing.

19. You will remain on appellate leave until you are finally discharged unless you are ordered to return by competent military authority.

20. You have been briefed on your status, obligations, and entitlements while on appellate leave and on the appeal process for your case; you have been permitted to ask any questions that you have in this regard.

21. If you have any further questions regarding your release on appellate leave, please contact:

at DSN _____ , or Commercial _____

All correspondence shall be addressed to:

You were briefed by _____
(Name, Grade, Title)

Date _____
(YYYYMMDD)

(Signature)

SECTION 2 - PRISONER ENDORSEMENT

YOU MUST ACKNOWLEDGE UNDERSTANDING OF THIS LETTER PRIOR TO TAKING APPELLATE LEAVE.

1. TO <i>(Correctional Facility, Street, City, State and ZIP Code)</i>	2. DATE <i>(YYYYMMDD)</i>
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3. I understand that I have accrued ordinary leave in the amount of _____ days.
I have previously sold _____ days and am entitled to sell a total of _____ days. I elect to:

_____ *(Initial)* a. Receive pay and allowances during the period of accrued leave, and then continue in unpaid appellate leave status; or,

_____ *(Initial)* b. Receive payment for the accrued leave, as of the day before the appellate leave begins, and then serve the entire period of appellate leave in unpaid leave status; or,

_____ *(Initial)* c. A combination of both a. and b. above: receive pay and allowances for _____ days, and receive payment for the remaining _____ days of accrued leave, and then continue in unpaid appellate leave status.

4. I also acknowledge that, according to Defense Finance and Accounting records, I have a debt to the Government in the amount of \$ _____. I understand that this debt will be collected from my leave balance prior to any payments of sold or used accrued leave.

5. I have received a copy of this letter and have been briefed as noted above. I understand that I must provide information as to any change of address or telephone number without delay and I am responsible for receiving mail addressed to me at the latest address provided. My initial leave address, for use (until) (if) I provide a change as required, is:

a. STREET NUMBER, NAME, AND APARTMENT NUMBER		b. EMERGENCY TELEPHONE NUMBER <i>(Include area code)</i>
c. CITY	d. STATE	e. ZIP CODE

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 U.S. Code, Sections 859 - 876A.

PRINCIPAL PURPOSE: The information will be used to notify you of any subsequent administrative action including final action in your case and to provide you with opportunities to submit information or to initiate action in your behalf.

ROUTINE USE(S): To Federal, State and local law enforcement authorities for the purpose of notification, for failure to promptly return to your unit as directed, order delivered to you in person or mailed to you at the address above. The information which you provide will become a permanent part of your correction record and may be used for contact purposes as required.

DISCLOSURE: Furnishing the information is voluntary; however, failure to provide a correct address may result in loss of valuable opportunities to recoup pay and allowances to which you may be entitled should your sentence be disapproved or set aside. It may also prevent you from receiving important instructions about the appellate review of your case. Further, you are subject to recall from appellate leave, and failure to return promptly to your unit if so directed, by order delivered to you in person or mailed to you at your leave address, could result in your being placed in absent without leave or desertion status and may result in disciplinary action.

DISTRIBUTION: ORIGINAL - to Correctional Facility/Brig or Designated Records Staging Area. COPY - to Member.