

FSMAO CLARIFICATION NOTICE 1-00

MCO P4050.38B. Personal Effects and Baggage Manual:

a. Retention Periods for Personal Effects' Case Files: Paragraphs 1005.3 and 1005.4 of MCO P4050.38B prescribe the retention period for personal effects' case files for the unclaimed personal property of deceased or missing personnel as follows: eight years for Navy personnel and six years for Marine personnel. This time frame, however, was an administrative error and the next revision of MCO P4050.38B will reflect a five-year retention period for both Navy and Marine Corps' personal effects' case files records.

Reference: HQMC (LPP-1) ELMS clarification of 3 January 1992, updated by LAN message from MGySgt Wix (HQMC, LPP) of 30 December 1997.

b. Disposition of Personal Effects (Excluding Uniforms) For Personnel in Confinement (paragraph 5003): Members confined in civil penal or military penal institutions or the stockade/brig outside of CONUS will have their personal effects shipped to the designated recipient at government expense. Members confined in CONUS refer to MARADMIN 270/99.

Reference: Phoncon with CW05 Cookson (HQMC, LPC-3) of 29 June 2000.

c. Lost, Abandoned, or Unclaimed Privately-owned Personal Property: Instructions for handling this type of personal property are found in chapter VIII of DoD Manual 4160.21-M. With regard to weapons, HQMC provided the following amplifying guidance with regard to personal effects and baggage, DRMS policy, and law enforcement agencies:

(1) Until such time as final disposition of the weapon is accomplished, the weapon should remain properly secured in an authorized weapons' storage area, e.g., the unit armory, and should also be added to and included on the armory's monthly serialized inventory records.

(2) In cases of death caused by the weapon in question, every consideration should be given to the potential emotional effect of the next of kin's decision whether to relinquish ownership of the weapon. The next of kin should be given a second opportunity to make that decision, or to determine that some other member of the deceased's family may desire the weapon, after some time has elapsed. As discussed in the reference, consideration relating to any packing, storage, transportation, or other costs, which may be the responsibility of the next of kin or family, must be addressed. During this process, bear in mind the time constraints established by the reference.

(3) If the next of kin's ultimate decision results in government retention of the weapon, the release document contained in attachment 1, chapter VIII of the reference must be completed and must include the applicable physical description and serial number of the weapon.

(4) The reference contains instructions concerning the process by which the government determines the disposition of the weapon. If the government is going to retain the weapon, the following must be accomplished:

(a) The determination by the government to retain the weapon must include the results of an expert technical inspection to ensure the

safety and supportability of the weapon based on the intended use (e.g., MCCS, training, etc.).

(b) Appropriate authority must approve allowances, and, once approved, the allowance data must be reflected on the applicable property accounting and custodial records. The weapon must also be added to and included in the serialized weapons' inventory of the applicable storage area.

(c) The weapon must be reported to the Naval Surface Warfare Center Division, Crane, Indiana.

(5) If the weapon is to be disposed of, the unit holding the weapon should request, in writing, that the local Provost Marshal's Office (PMO) take custody and dispose of the weapon as an abandoned weapon.

(6) Whatever the ultimate use or disposition of the weapon may be, all correspondence (i.e., release of ownership, inventory gain/loss transactions, issues to PMO or disposal, and reports to Crane, Indiana) must include, at a minimum, the quantity, physical description (e.g., 357 caliber revolver), and serial number of each weapon. This correspondence must be retained in the official records of the service member's parent organization.

(7) If any weapon is held in the custody of law enforcement agencies after final disposition of personal effects and other weapons has been received, the process must be repeated for the weapon in question once law enforcement authorities relinquish custody.

Reference: Memorandum from HQMC (LPP-1) of 22 February 1993, updated by LAN message from MGySgt Wix (HQMC, LPP) of 30 December 1997.

d. Leave, Liberty, and TAD (paragraph 6000.1): If the period of authorized absence is 30 days or less, vice seven days as published in the reference, there is no need to inventory, pack, and store personal effects if adequate secure storage is available; i.e., lockable wardrobes, wall lockers, or BOQ/BEQ rooms. When the period of authorized absence is greater than 30 days but less than 90 days, personal effects may still be stored in lockable wardrobes, wall lockers, or BOQ/BEQ rooms if space permits; however, inventories would be required. In such instances, the Personal Effects Inventory Form (NAVMC 10154) will be completed per paragraph 9004 of MCO P4050.38_. The following must be accomplished:

(1) The original NAVMC 10154 will be retained by the member.

(2) One copy will be placed inside the storage container.

(3) The commander or other official directing the inventory will retain one copy; this copy is normally retained in a case file held by the supply section.

(4) Prior to permitting the storage of personal effects in areas outside those specifically designated for secure storage, the commander must determine:

(a) If security is adequate.

(b) Command accessibility to the property, if necessary.

(c) Space requirements for personnel turnover.

(5) Access to stored personal effects is limited to the command's personal effects' representative until such time as the member once again accepts custody of the personal effects. Neither the service member nor any other personnel may have access to the stored personal effects without knowledge/supervision of personnel maintaining the records for items stored.

Reference: ELMS clarification from HQMC (LPP-1) of 24 February 1993 and phoncon between Maj Enzor (FSMAO-1) and MGySgt Kiehl (HQMC, LPP-2) of 12 December 1995. Updated by LAN message from MGySgt Wix (HQMC, LPP) of 30 December 1997.

e. Case Files (paragraph 9008): There is now a requirement to establish a case file, if one does not already exist, for individuals discharged under other-than-honorable conditions (to include individuals on appellate leave). A copy of the member's Individual Clothing Record (NAVMC 631/631A), as well as receipt documentation for uniform clothing turned into the retail clothing outlet (RCO) or DRMS, must be maintained in the case file.

Reference: Phoncon between Maj Enzor (FSMAO-1) and MGySgt Kiehl (HQMC, LPP-2) of 12 December 1995, updated by LAN message from MGySgt Wix (HQMC, LPP) of 30 December 1997.

f. Access to Personal Effects (paragraph 5002): When a member has been placed in the brig or other confinement and requires items from his stored personal effects, the commanding officer may authorize a member from the command to access the personal effects and retrieve the required items. When this occurs, the authorized individual will annotate the NAVMC 10154 to indicate the disposition of the removed items. There is no requirement for the inventory officer to re-certify the remaining contents of the personal effects' inventory.

Reference: Correspondence between Capt Granata (FSMAO-1) and MGySgt Lettinhand (HQMC, LPP-2) during March 1995, updated by LAN message from MGySgt Wix (HQMC, LPP) of 30 December 1997.

g. Obscene or Objectionable Material: A clarification was requested concerning the contents of paragraph 9003.11, MCO P4050.38_. Currently, this paragraph states, "Obscene or similar matter, including personal letters containing objectionable matter, will be removed from the personal effects and will be disposed of as directed by the commanding officer. Obscene and objectionable matter which the inventory board is authorized to dispose of will not be recorded on the inventory."

Response: Sexually explicit materials such as compact discs, tapes, magazines, posters, other devices, and similar matter, if found, will be included in the inventory. Items of an illegal or questionable nature discovered during the inventory will be reported to the commanding officer for his disposition, and the NAVMC 10154 form will be annotated with the actions taken. All such items which are deemed legally transferable will be returned to the individual or forwarded to the proper recipient.

Reference: Phoncon with CW05 Cookson (HQMC, LPC-3)) of 29 June 2000.

h. Return of Individual Combat Clothing and Equipment (ICCE) for Personnel in a Deserter Status: Recently, the question was raised as to how

units should handle the turn-in of ICCE to the Consolidated Issue Facility (CIF) for service members in a deserter status.

Procedures to be followed: When a service member is identified as being in an unauthorized absence (UA) status, the command will perform an inventory of all personal effects, to include individual combat clothing and equipment (ICCE), left behind by the member. The personal effects' inventory board will properly segregate and record all recovered property on the personal effects' inventory form (NAVMC 10154). Recovered ICCE items will be turned into the supporting CIF and annotated on the NAVMC 10154. The CIF will provide the member's unit a copy of the issue/turn-in receipt for the ICCE turned in, denoting any equipment shortages. A copy of this receipt will be maintained in the service member's personal effects' case file. Upon the member being declared a deserter, the member's parent command will prepare a Cash Sales/Request for Checkage for Government Property form (NAVMC 6) for the missing ICCE. The original NAVMC 6 will be placed in the member's service record book (SRB)/officer qualification record (OQR) until the member's return to Marine Corps' control. Copies of the NAVMC 6 will be provided to the CIF and maintained in the member's personal effects' case file.

i. Recovery of Individual Uniform Clothing for Personnel Discharged Under Less-Than-Honorable Conditions or Administratively Separated: A clarification was requested concerning the contents of paragraph 9007.3, MCO P4050.38_. Currently, this paragraph states, "A recovery inventory will be effected of military clothing of persons discharged for reasons of less-than-honorable conditions..."

Response: There are other instances requiring the recovery of military clothing that may or may not involve discharges under less-than-honorable conditions. When determining whether or not to recover military clothing, units will be guided by the more specific instructions contained within paragraph 1501 of MCO P10120.28F, Individual Clothing Regulations. In those instances where the member is missing uniform items contained on the minimum requirements' listing, a total dollar value of the missing items will be annotated on the member's Individual Clothing Record (NAVMC 631/631A) in proximity to the commanding officer's certification statement of indebtedness to the government.

Reference: Phone conversation with CW05 Cookson (HQMC, LPC-3) of 27 June 2000.

j. Collection of Funds for Missing MRL Uniform Items. A clarification was requested concerning the collection of funds cited in paragraph 9007.3(c), MCO P4050.38_. Currently, this paragraph states, "Once signed by the commanding officer, the indebtedness will be recovered by offset against the member's final pay."

Response: The Judge Advocate General (JAG) has ruled that such recovery of indebtedness cannot be levied against a member's final pay. Once certified by the commanding officer, the NAVMC 631/631A will be included in the member's SRB/OQR to document and act as the authority for the letter of indebtedness.

Reference: Phone conversation with MGySgt Jones (HQMC, LPC-3) of 17 October 2000.