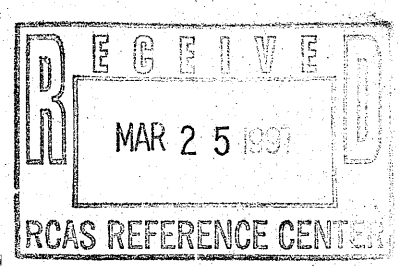
AR 600-8-24

Army Regulation 600–8–24

Personnel–General

Officer Transfers and Discharges



Headquarters
Department of the Army
Washington, DC
21 July 1995

UNCLASSIFIED

SUMMARY of CHANGE

AR 600-8-24
Officer Transfers and Discharges

This regulation is one of a series of regulations being developed as part of the new military personnel publication architecture prescribed in AR 600-8, Military Personnel Operations.

Specifically, this regulation--

- Consolidates AR 635-100 and AR 635-120 into a single source document in the Army of Excellence format.
- Is a completely redesigned presentation of the officer transfer and discharge system. It prescribes policy statements, operating tasks, rules in support of operating tasks, and sequential steps of each operating task.
- Implements policy and procedures to support the new Warrant Officer Management Act (paras 2-25, 2-26, 2-41, 5-9, 5-10, 6-28, 6-29, 6-30, and 6-31).
- Implements policy and procedures to support the commissioning of physician assistants (para 6-13).
- Implements policy affecting Active Guard/Reserve and Reserve Component officers and warrant officers performing active duty for training, active duty for special work, and temporary tours of active duty (paras 2-39 and 2-40).
- Implements homosexual conduct policy established by Public Law 103-60 (10 USC 654) for separation proceedings initiated on or after 28 February 1994 (paras 4-21 and 4-22).
- Now prescribes DA Form 7301-R (paras 6-3 and 6-21).

Headquarters
Department of the Army
Washington, DC
21 July 1995

*Army Regulation 600–8–24

Effective 1 November 1995

Personnel–General

Officer Transfers and Discharges

By Order of the Secretary of the Army:

DENNIS J. REIMER
General, United States Army
Chief of Staff

Official:

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Acting Administrative Assistant to the Secretary of the Army

History. This publication is a consolidation of AR 635–100 and AR 635–120. All actions that were initiated under AR 635–100 and AR 635–120 prior to the effective date of AR 600–8–24 will continue to be processed until completion under the regulation that initiated the action.

Summary. This regulation prescribes policies and procedures governing transfer and discharge of Army officer personnel. This regulation includes policy statements, operating tasks, rules in support of operating tasks, and sequential steps of each operating task.

Applicability. This regulation applies to all commissioned and warrant officers of the Active Army, the Army National Guard of the United States, and the U.S. Army Reserves when serving on active duty for a period of 30 or more consecutive days.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff for Personnel (DCSPER). The proponent has the authority to approve exceptions to this publication that are consistent with controlling law and regulation. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Army management control process. This regulation contains management control provisions but does not contain checklists for conducting management control reviews used to accomplished assessment of management controls.

Supplementation. Supplementation of this regulation and establishment of command or local forms are prohibited without prior approval from HQDA, ODCSPER, through CDR PERSCOM (TAPC–PDT–PM), ALEXANDRIA VA 22332–0478.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to CDR PERSCOM (TAPC–PDT–PM), ALEXANDRIA VA 22332–0478.

Distribution. Distribution of this publication is made in accordance with the requirements on DA Form 12–09–E, block number 5463, intended for command level A, B, C, D, and E for Active Army, Army National Guard, and U.S. Army Reserve.

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*This regulation supersedes AR 635–100, 1 May 1989, and AR 635–120, 1 June 1989.

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Glossary

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Chapter 1
Introduction

Section I
Overview

1–1. Purpose

This regulation prescribes the officer transfers from active duty to the Reserve Component and discharge functions for all officers on active duty for 30 days or more. It provides principles of support, standards of service, policies, tasks, rules, and steps governing all work required to support officer transfers and discharges.

1–2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1–3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the Glossary.

1–4. Responsibilities

a. The Deputy Chief of Staff for Personnel (DCSPER) will establish personnel policies relating to officer transfers and discharges.

b. The Commanding General (CG), U.S. Total Army Personnel Command, will establish standards and operating tasks for the officer transfer and discharge program.

c. The Judge Advocate General (TJAG) will, upon request, review DA administrative changes to verify the legality of prescribed policies and changes.

d. The Commandant, Adjutant General School, will ensure lesson programs of instruction incorporate the provisions of this regulation.

e. Commanders of all major Army commands (MACOMs) will monitor the administration of the officer transfer and discharge program to ensure compliance with the policies and operating tasks established by this regulation.

1–5. Manpower requirements

Manpower requirements for the officer transfer and discharge functions will be as determined by the appropriate requirements procedures process. Requirements for table of distribution and allowances (TDA) organizations are determined by the Manpower Staffing Standard System and Manpower Surveys. Requirements for tables of organization and equipment (TOE) and modification tables of organizations and equipment (MTOEs) are determined by Manpower Requirements Criteria (MARC). The peacetime mission availability factor provides the link between TDA and TOE/MTOE organizations.

1–6. Levels of work

Most personnel work in the field is performed at three primary levels: the unit, battalion, and installation (or some equivalent of an installation). The focus of the guidance in this regulation is on those levels.

a. Unit- and battalion-level work is performed at these respective levels.

b. Installation-level work requires an understanding of the organizational structure. Work at the installation falls into two major categories.

(1) *Command and staff (C&S).* Command and staff work includes that work required to manage the personnel strength of a command and to support the commander's decision process. The headquarters elements of all Army commands are responsible for C&S work (brigades within Army divisions are notable exceptions.) Command and staff work includes the release from active duty, discharge, retirements, eliminations, special correspondence, and personnel actions requiring a commander's decision.

(2) *Personnel support (PS).* Personnel support work is that work performed by personnel support activities, either in the Personnel Service Company (PSC) or Military Personnel Division (MPD) or as a part of the base operations support structure. For United States Army Reserve (USAR) AGR soldiers, PS work is performed by personnel services support teams (PSSTs).

c. The guidance in all chapters will address the following levels of work:

(1) *Soldier (SLDR).* Work beginning with input from a soldier.

(2) *Unit.* Work executed at unit level.

(3) *Battalion.* Work executed at battalion level.

(4) *C&S.* Work executed within the chain of command and by staff elements (other than the battalion or brigade within a division).

(5) *PS.* Work executed in a personnel support organization. The specific PS work centers required to perform the work for manpower purposes covered by this regulation are personnel plans and actions (PPAAs), transition center (TRCT), and soldier actions (SACTs).

1–7. The officer transfer/discharge process

The officer transfer/discharge process has 45 tasks for separating or releasing an officer. These tasks are divided into the following six subfunctions:

a. Voluntary release from active duty (REFRAD).

b. Involuntary REFRAD.

c. Resignations.

d. Eliminations.

e. Miscellaneous types of separation.

f. Retirements.

1–8. Headquarters, Department of the Army (HQDA), addresses for officers

All officer separation requests and elimination actions (except retirement applications unless noted) will be forwarded to the appropriate addresses listed below or as required by this regulation.

a. General officers: HQDA (DACS–GOM), OFFICE OF THE CHIEF OF STAFF, 200 ARMY PENTAGON, WASH DC 20310–0200 (also retirement applications).

b. Chaplains: HQDA (DACH–PER), CHIEF OF CHAPLAINS, 2700 ARMY PENTAGON, WASH DC 20310–2700.

c. Officers of The Judge Advocate General Corps: HQDA (DAJA–PT), THE JUDGE ADVOCATE GENERAL, 2206 ARMY PENTAGON, WASH DC 20310–2206.

d. Officer Personnel Management Directorate (OPMD) officers not assigned to a branch of service in *a* through *c* above: CDR PERSCOM (TAPC-appropriate office symbol below), 200 STOVALL STREET, ALEX VA 22332–XXXX. Office symbols and ZIP codes are as follows: OPB–A—Functional Areas—0411, OPC—Colonels—0412, OPE—Combat Arms—0414, OPF—Combat Support Arms—0415, OPG—Combat Service Support—0416, OPH—Health Services—0417, OPW—Warrant Officers—0420.

e. The Adjutant General Directorate (TAGD), Officer Personnel Management Branch: CDR PERSCOM (TAPC–PDT–PM), 200 STOVALL STREET, ALEX VA 22332–0478.

f. Retirement applications (except as noted in *a* and *g* will be forwarded through CDR, PERSCOM (TAPC- (appropriate career management division)); HQDA (DAJA–PT); HQDA (DACH–PER), as applicable, to CDR PERSCOM (TAPC–PDT–RR), ALEX VA 22332–0478.

g. All USAR AGR officer separation and retirement applications: to CDR ARPERCEN (ARPC–AR), 9700 PAGE BOULEVARD, ST LOUIS MO 63132–5200. Elimination actions will be processed by CDR, PERSCOM.

Section II
Principles and Standards

1–9. Principles of support

The Military Personnel System will direct a function to—

a. Provide a mechanism to terminate the services of an officer prior to the terms of the original contract (both voluntarily and involuntarily).

b. Provide authority to transfer officers from one component to another.

c. Provide authority to discharge officers from all military obligations.

d. Support the Army's personnel life-cycle function of transition.

1–10. Standards of service

a. The officer transfer/discharge program is—

(1) A wartime military personnel function.

(2) Provided its function resources by the TOE PSC.

(3) The functional responsibility of the Personnel Operations Branch and PPAA work center (and their tactical counterpart).

b. Involuntary transfers and discharges will be processed to completion without delay upon initiation by the commander.

c. Wartime standards will be extended or curtailed as follows:

(1) Terms of service will be extended by the President and/or Congress through declaration of national emergency or war.

(2) Transfer and discharge authority (voluntary and involuntary) will be curtailed by the Secretary of the Army.

Section III
Scope

1–11. Eligibility for voluntary separation

a. An officer may request separation from the Army under the provisions of this regulation. The appropriate commander will ensure that the officer is separated on the date specified in the separation order and furnish the discharge certificate specified by CG, PERSCOM (if appropriate).

b. A request for separation may be disapproved by the approval authority when the—

(1) Officer is under investigation or charges.

(2) Officer is awaiting result of trial.

(3) Officer is being considered for involuntary separation (Department of the Army Active Duty Board (DAADB) or elimination).

(4) Officer is absent without leave (AWOL).

(5) Officer is under control of civil authorities.

(6) Officer is mentally incompetent.

(7) Officer is in default with respect to public property or funds.

(8) Officer has not fulfilled an active duty service obligation (ADSO) specified in AR 350–100.

(9) Officer has not completed an initial USAR AGR tour or when voluntary separation is not in the best interests of the USAR AGR program.

(10) Secretary of the Army determines that existing needs of the Service require delay of favorable separation action. The retention period will be specified when the decision is made to delay the separation.

(11) President or Congress has declared a period of national emergency or war is imminent or in progress.

c. Voluntary requests for separation under this regulation may be accepted only from an officer who is mentally competent when the request is submitted. When an officer is medically incapacitated from further military service due to a physical or mental condition, the officer's case will be delayed until he or she recovers or the officer is processed through medical channels.

1–12. Counseling

a. When a commissioned officer (except for chaplains, judge advocates, and Army Medical Department (AMEDD) personnel) with less than 10 years active Federal commissioned service (AFCS) submits a request for a voluntary REFRAD under chapter 2 or an unqualified resignation under chapter 3, the first colonel in the officer's chain of command or supervision will counsel the officer (this is only required when listed in the appropriate table). The judge advocates, chaplains, and AMEDD officers will be counseled by a senior officer of their branch in the chain of technical supervision or as specifically designated by their branch. The requirement for counseling is waived for a Reserve Component (RC) officer on the active duty list (ADL) or an AGR officer who is one-time nonselect for promotion.

b. Counseling will include—

(1) Advice concerning the opportunities available in a military career.

(2) A discussion of the officer's previously achieved investment in the Army.

(3) A determination as to whether the officer has satisfied all applicable service obligations, as computed by PERSCOM.

(4) A determination that the officer is not under investigation or charges, awaiting results of trial, or being considered for administrative elimination.

(5) A determination that the officer is not absent without leave (AWOL), in the confinement of civil authorities, suffering from a severe mental disease or defect, or in default in respect to public property or public funds.

(6) Advice encouraging a Regular Army (RA) officer to accept an appointment in the USAR. An RC officer will be encouraged to retain his or her commissioned status in the USAR.

(7) Information concerning USAR career opportunities may be obtained from agencies listed in table 1–1.

Table 1–1
USAR addresses

Officers assigned to	Send requests to
CONUS (and all other areas not specifically identified below)	COMMANDER ARPERCEN ATTN: ARPC–OP 9700 PAGE BOULEVARD ST LOUIS MO 63132–5200 Telephone: 1–800–325–4898
U.S. ARMY, EUROPE (USAREUR)	COMMANDER 1st PERSCOM ATTN: AEUPE–PSSD–TMD–AR Unit 29058 APO AE 09081 Telephone: COM 06202–24001 ETS 379–6615/7708
Eighth U.S. Army (Korea)	COMMANDER 8th PERSCOM ATTN: EAPC–PM–R APO AP 96301 Telephone: Yongsan 724–8472/8491 Defense Switched Network (DSN) 315–724–8472/8491
U.S. ARMY, PACIFIC (USARPAC) All Pacific areas except Korea	COMMANDER U.S. ARMY PACIFIC ATTN: APAG–R FORT SHAFTER HI 96858 Telephone: 808–438–6135
USAR AGR	COMMANDER ARPERCEN ATTN: ARPC–ARO 9700 Page Boulevard ST LOUIS MO 63132–5200 Telephone: 1–800–325–5200

1–13. Separation pay

Eligibility for and payment of separation pay is governed by Department of Defense (DOD) Instruction 1332.29 and the Department of Defense Military Pay and Allowances Entitlements Manual (DODPM). See DODPM, part 4, chapter 4, section B, for determination of entitlements to nondisability separation pay.

1–14. Leave

Commanders may grant leave in accordance with AR 600–8–10 in conjunction with an officer's separation. However, this leave must be taken prior to the effective date of separation.

1–15. Recoupment

Individuals who participate in certain advanced education programs and fail to complete their educational requirements or military service obligations (Active Army and/or RC) are subject to the recoupment provisions of AR 37–104–4, chapter 3. This must be accomplished prior to separation of an individual who has not fulfilled the ADSO incurred as a result of participation in that advanced education program, according to section 2005, title 10, United States Code (10 USC 2005).

1–16. An officer under investigation or pending court-martial

An officer pending court-martial charges or investigation with a review toward court-martial will not be separated without HQDA approval.

1–17. An officer awaiting appellate review of adjudged dismissal or dishonorable discharge

An officer who has been convicted and sentenced to dismissal or dishonorable discharge will not be discharged prior to completion of appellate review without prior approval of CG, PERSCOM. An RA officer may be processed for excess leave under AR 600–8–10;. An RC officer may be released from AD per paragraphs 2–37 and 2–38 of this regulation.

1–18. Action required prior to involuntary separation or Under Other Than Honorable discharge of personnel with access to sensitive programs

a. Procedures described below apply to officers in the following categories:

(1) Knowledge of sensitive compartmented information (SCI).

(2) Nuclear Weapon Personnel Reliability Program assignment.

(3) Knowledge of Single Integrated Operational Plan—Extremely Sensitive Information (SIOP–ESI).

(4) Special Access Program (SAP) knowledge.

(5) Presidential Support assignment.

b. Prior to involuntary separation or other than honorable discharge of personnel in any of the above categories, the individuals's commander/supervisor will coordinate with the supporting security official (Assistant Chief of Staff (Intelligence) (G2)/Intelligence Officer, U.S. Army (S2)/Security Manager). Special security policies apply that may impact the separation procedure. Separation/discharge will not be effected unless the security official concurs with the action.

1–19. Reassignment of an officer pending involuntary separation

Unless otherwise directed by CG, PERSCOM, or CDR, ARPERCEN, for USAR AGR officers, an officer pending an involuntary separation action will remain at the location of his or her current assignment until the case is closed.

1–20. Termination of appointment (ADL officer only)

Acceptance of the resignation or the discharge of an officer in a Regular Army (RA) or Reserve status, unless otherwise specified in this regulation, will result in appropriate action being taken to terminate any warrant or temporary commission he or she may be holding simultaneously. However, when the best interests of the Government and the individual will be served, a warrant officer may, at the discretion of the accepting authority, be permitted to resign from a particular warrant or commissioned status.

1–21. Types of administrative discharge/character of service

When an officer's tour of AD is terminated due to discharge, retirement, or REFRAD, the period of service will be characterized as "Honorable," "General" ("Under Honorable Conditions"), "Under Other Than Honorable," or "Dishonorable" (warrant officers who do not hold a commission only), depending on the circumstances. The character of service will be predicated on the officer's behavior and performance while a member of the Army. Characterization normally will be based on a pattern of behavior and duty performance rather than an isolated incident. However, there are circumstances in which conduct reflected by a single incident may provide the basis of characterization of service.

a. Honorable characterization of service. An officer will normally receive an Honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty for an officer. The DD Form 256A (Honorable Discharge Certificate) will be furnished to a discharged officer; however, a certificate is not issued when an officer is released from AD. When the separation is based solely on preservice activities or substandard performance of duty, it will be Honorable.

b. Under Honorable Conditions characterization of service. An officer will normally receive an Under Honorable Conditions characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an Honorable discharge. The DD Form 257A (General Discharge Certificate) will be furnished to a discharged officer; however, a certificate will not be issued when an officer is released from AD. A separation under honorable conditions will normally be appropriate when an officer—

(1) Submits an unqualified resignation or a request for REFRAD under circumstances involving misconduct.

(2) Is separated based on misconduct, including misconduct for which punishment was imposed, which renders the officer unsuitable for further service, unless an Under Other Than Honorable Conditions separation is appropriate.

(3) Is discharged for physical disability resulting from intentional misconduct or willful neglect, or which was incurred during a period of unauthorized absence.

(4) Is discharged under the Military Personnel Security Program if directed by HQDA (AR 604–10).

c. Under Other Than Honorable Conditions characterization of service. A discharge Under Other Than Honorable Conditions is an administrative separation from the service under conditions other than honorable. A discharge certificate will not be issued. An officer will normally receive an "Under Other Than Honorable Conditions" when he or she—

(1) Resigns for the good of the service (chap 3).

(2) Is dropped from the rolls of the Army per paragraph 5–15.

(3) Is involuntarily separated due to misconduct, moral or professional dereliction, or in the interest of national security.

(4) Is discharged following conviction by civil authorities (see para 2–35).

d. Dishonorable characterization of service. A Dishonorable Discharge is issued only to a warrant officer who is not commissioned as a result of sentence by court-martial. A discharge certificate will not be issued.

e. Undetermined characterization of service. An officer's service will be characterized as "to be determined" when released from AD duty when being processed for elimination action (chap 4) or when undergoing investigation as an alleged security risk under AR 604–10.

f. No formal discharge certificate. No formal discharge certificate will be issued when the officer is—

(1) Dropped from the rolls of the Army (paras 5–15 and 5–16).

(2) Dismissed as a result of sentence of court-martial.
(3) Removed under the criminal code of the United States.
(4) Discharged Under Other Than Honorable Conditions.
(5) Separated as a Dishonorable discharge (applies only to a warrant officer who does not hold a commission).

g. Release or discharge from active duty. A DD Form 214 (Certificate of Release or Discharge from Active Duty) will be furnished as prescribed in AR 635–5 to an officer who is separated from AD after completing 90 calendar days of continuous AD.

1–22. Medical examination/retention

a. The officer's immediate commander will ensure that medical examination procedures are followed as stated in AR 40–501.

b. An officer may only be retained past his or her separation date for medical reasons when continued hospitalization and/or physical disability processing is required. An officer being retired (voluntary or involuntary) due to maximum age (paras 6–26 and 6–27) or length of service (para 6–28) will not be retained on AD unless the medical condition requires referral to a Physical Evaluation Board (PEB) (para 6–7). An officer who is medically fit for retention will not be retained beyond the established separation date. An officer will not be retained without his or her written consent (see *f* below).

c. The commander of the medical treatment facility (MTF) will forward requests for retention endorsed by the officer's unit commander, through the Office of the Surgeon General, HQDA (DASG–PSA), FALLS CHURCH VA 22041–3258; to CDR PERSCOM (TAPC–PDT–RS), 200 STOVALL STREET, ALEX VA 22332–0478; or for AGR personnel to CDR ARPERCEN (ARPC–AR), 9700 PAGE BLVD, ST LOUIS MO 63132–5200; or HQDA (DAAR–SO), CHIEF ARMY RESERVE, 2400 ARMY PENTAGON, WASH DC 20310–2400, as appropriate, for approval. The requests will include the following information:
(1) Officer's name, rank, and social security number (SSN).
(2) Reason for release (for example, nonselection for promotion).
(3) Scheduled release date.
(4) Medical reasons for retention.
(5) Medical facility point of contact.
(6) A copy of the retention affidavit (fig 1–1).

d. The officer will be advised of the following retention advantages:
(1) Medical care and/or hospitalization provided.
(2) Normal benefits such as pay and allowances, to include continued post exchange and commissary privileges.
(3) Dependent medical care when an officer is ordered to AD for more than 30 days.
(4) The additional active service is creditable for longevity and retirement. For Reserve officers ordered to AD for 30 days or less, any retention under *b* above past the termination date of the orders is not creditable as AD for retirement under section 1331, title 10, United States Code (10 USC 1331). (See *g* below.)
(5) State income tax benefits where allowed by law.

e. Advise the officer that if he or she is eligible for disability separation, the advantages are as follows:
(1) If permanently retired, election of the most favorable retired pay allowed. If temporarily retired, the same selection of pay is authorized, but the minimum will not be less than 50 percent of the basic pay.
(2) If retired, the officer, along with his or her dependents, will be eligible for certain medical care when facilities and staffing permit at uniformed services facilities and certain medical care in civilian facilities (see AR 40–3).
(3) The percentage of retired pay that is based on the disability will be exempt from taxation.
(4) If discharged for disability, the officer may be entitled to separation pay.

f. The retained officer will sign the retention affidavit (fig 1–1). The next of kin or legal representative will sign for the retained officer when the retained officer is mentally incompetent or unable to sign. If the officer is unable to sign and the next of kin or legal representative cannot be located or will not indicate whether the officer will be retained, the officer will be retained until a retention decision is reached. The hospital commander will forward the details of the case as required by *c* above. File a copy in the officer's DA Form 201 (Military Personnel Records Jacket, U.S. Army).

g. See AR 135–381 concerning procedures for RC officers on active duty for training (ADT), temporary tours of active duty (TTAD), or active duty for special work (ADSW) tours of 30 calendar days or less and are hospitalized.

1–23. Referral for physical disability evaluation

If a commissioned or warrant officer is being processed for REFRAD, separation, or retirement or has been referred for elimination action, when it is determined that the officer has a medical impairment that does not meet medical retention standards, the officer will be processed as set forth in paragraphs *a* through *d* below.

a. A commissioned or warrant officer under investigation for an offense chargeable under the Uniform Code of Military Justice (UCMJ) that could result in dismissal or punitive discharge may not be referred for or continue disability processing unless—
(1) The investigation ends without charges.
(2) The commander exercising proper court-martial jurisdiction dismisses the charges.
(3) The commander exercising proper court-martial jurisdiction refers the charge for trial to a court-martial that cannot adjudge such a sentence.

b. When a commissioned or warrant officer, as applicable, is being processed for one of the actions listed in (1) through (6) below, the officer will be processed in accordance with the provisions of this regulation and through the MEB/PEB system. If the result of the physical disability evaluation is a finding of physical fitness, the Army Physical Disability Agency will approve the findings for the Secretary of the Army and forward the proceedings to CDR, PERSCOM (TAPC–PDT–PM), to be processed with the other action. If a physical disability evaluation results in a finding of physical unfitness, both actions will be forwarded by CG, PERSCOM (TAPC–PDT–PM), to the Secretary of the Army for determination of appropriate disposition.
(1) Referral to the DAADB except when the DAADB is convened as a result of an imposed reduction in force.
(2) Involuntary REFRAD due to civil conviction or moral turpitude.
(3) Involuntary REFRAD due to the revocation of voluntary indefinite (VI) status.
(4) Resignation for the good of the service.
(5) Referral for elimination under chapter 4.
(6) Request for separation, resignation, or retirement in lieu of elimination.

c. When an officer is processed for separation or retirement for reasons other than those indicated above, physical disability takes precedence if the officer is retained with his or her consent. The procedures in paragraph 1–22 will be followed.

d. Officers previously determined physically unfit and continued on active duty under AR 635–40 must be referred for disability evaluations at final retirement or separation.

1–24. Indebtedness

An officer will not be retained on AD to satisfy an indebtedness to the Government or for collection of forfeitures adjudged by court-martial. The officer's final separation order will indicate the total amount of unpaid indebtedness and forfeitures due the Government on the REFRAD date (see DODPM).

1–25. Return from overseas

An officer stationed outside continental United States (OCONUS), who has a pending separation action will not be returned from the OCONUS command without PERSCOM approval or in the case of officers in special branches, without notifying special branch personnel managers also.

1–26. Assignment of personnel to a U.S. Army transition point/transition activity (TP/TA)

a. An officer stationed in continental United States (CONUS) who must be reassigned to a U.S. Army TP/TA will be processed according to AR 635–10.

b. The OCONUS commander will issue orders returning the officer to a CONUS (or other area of residence) U.S. Army TP/TA according to AR 635–10, unless otherwise directed by CG, PERSCOM. Consistent with availability of transportation, an officer will be returned only early enough to permit transfer processing for separation and normal travel time.

c. PERSCOM (TAPC–PDT–RS) will issue separation instructions on all other officers not later than 30 calendar days before the scheduled release date.

1–27. Separation requests/actions for RC

Separation requests or actions not specifically covered in this regulation that pertain to an RC officer not on the ADL will be routed to CDR, ARPERCEN; for an Army National Guard (ARNGUS) officer, requests or actions will be routed to the appropriate State adjutant general for processing.

1–28. Separating an officer in a foreign country

a. Officers eligible for separation and serving in a foreign country may be separated in that country, provided the—

(1) Officer requests separation in that country.

(2) Officer's separation in that country is not precluded by any other provision.

(3) Foreign government concerned has either formally or informally—

(a) Consented to the officer's separation in its territory.

(b) Consented generally to the separation of an officer otherwise eligible for separation under (1) and (2) above.

b. An officer will obtain all necessary documents for his or her lawful presence in the foreign country prior to separation in that country.

c. The MACOM may disapprove requests for separation in an OCONUS command when—

(1) Revocation action pursuant to AR 380–67, chapter 8, has been taken against the officer during his or her current term of AD.

(2) The officer's access to defense information is suspended under AR 380–67, chapter 8.

(3) There is cogent reason that the officer's presence in the OCONUS area in a nonmilitary status would endanger U.S. national security.

(4) Other cogent reasons exist that the officer should not be separated in the OCONUS command.

1–29. An officer confined pursuant to the sentence in a foreign court

a. An officer confined in a foreign penal institution pursuant to the sentence of a foreign court may be separated from the Service during his or her period of confinement only—

(1) With the approval of CG, PERSCOM.

(2) After final action (including final appellate action, if any) by the foreign authority.

(3) With the specific consent of the country concerned to the officer's separation in its territory.

b. When the OCONUS commander considers separating an officer before completing his or her sentence to confinement, the commander will forward the request for approval to CDR, PERSCOM (TAPC–PDT–PM), with the following documentation:

(1) Name, grade, SSN, and branch of service.

(2) Last organization and assignment.

(3) Offense(s) alleged to have been committed and the related facts and circumstances.

(4) Court that tried the officer.

(5) Date and place of trial.

(6) Offense(s) of which the officer was convicted.

(7) The officer's sentence.

(8) Matters in mitigation, extenuation, or aggravation.

(9) Appellate action, if any, and result.

(10) Whether the action of the foreign court is final or whether further appellate action is possible or contemplated.

(11) Place and condition of confinement.

(12) Possibility for parole and pertinent facts.

(13) Special facts and circumstances, including reasons supporting discharge during confinement.

(14) Whether consent for separation in the territory of the foreign country concerned has been obtained from that country.

c. While an officer is confined in a penal institution, his or her commander may initiate action for the officer to be discharged upon release from confinement and returned to the United States or its Territorial possessions.

1–30. Separation while under investigation or sentenced but not confined by a foreign court

a. Only after final action by the foreign country can the following officers be considered for separation under paragraphs 1–29 and 1–30, whichever is appropriate.

(1) An officer whose sentence to confinement by a foreign court is not suspended and who is not confined pending appellate action.

(2) An officer who is not confined but is charged with or is under investigation for an offense that is subject to the jurisdiction of foreign authorities that could lead to confinement.

b. An officer who was accepted for separation in a foreign country but who is not stationed in that country may be returned to the place of acceptance and be separated from there if in compliance with paragraph 1–29.

1–31. Discharge based on conscientious objection

Process according to AR 600–43.

1–32. Interservice transfer of Army commissioned officers on the active duty list

Process according to AR 614–120.

Figure 1–1. Sample format for retention affidavit

THE ARMY OF THE UNITED STATES AFFIDAVIT

At *(location)*, personally appeared before me, the undersigned, authorized by law to administer oaths pursuant to the Uniform Code of Military Justice, article 136, one *(name)* who, after being advised by me of the rights and advantages of remaining in an active duty status in the Army beyond the scheduled date of separation for the purpose of completion of hospital care and/or physical disability evaluation under the provisions of title 10 of U.S. Code, chapter 61, and after being duly sworn, deposes and says--

I, *(name)* have been fully advised by the undersigned officer of the rights and advantages that may accrue to me by voluntarily remaining on active duty in the Army beyond the scheduled date of my separation for the purpose of completing hospital care and/or physical disability evaluation under the provisions of title 10, U.S. Code, chapter 61, and have been further fully advised that if I elect to be separated from active duty as scheduled, I will not after such separation or retirement be eligible for separation or retirement for physical disability.

Wherefore, in consideration of the above, I *(do/do not)* desire retention on active duty in the Army beyond the scheduled date of expiration of my term of service.

(Signature of officer)

(Grade and organization of officer administering oath)

Chapter 2
REFRAD of RC Commissioned and Warrant Officers

Section I
Introduction

2–1. Scope

This chapter sets forth the tasks, rules, and steps for the REFRAD of RC officers and officers of the Army of the United States without specification of component, including those assigned to other than Department of the Army agencies.

2–2. Separation approval authority

Commanders listed in *a* through *c* below are known as separation approval authorities (SAAs), and unless otherwise stated they are granted the authority to approve certain requests for REFRAD. The SAA cannot disapprove a request (with the exception of ARPERCEN for USAR AGR officers) but will make a recommendation and forward to CDR, PERSCOM (TAPC–PDT–PM); HQDA (DAJA–PT); or HQDA (DACH–PER), as applicable; or for USAR AGR officers, to CDR, ARPERCEN (ARPC–AR)). This authority will not be further delegated without prior approval of the Secretary of the Army.

a. General officers in command of Army Medical Centers.

b. Commanders of units and installations having general court-martial (GCM) authority.

c. Commanders of—

(1) Personnel centers.

(2) Training centers.

(3) OCONUS replacement depots.

(4) All active Army installations authorized 4,000 or more AD military personnel.

(5) ARPERCEN.

d. Unless otherwise stated, the appropriate related paragraph will be cited as the separation authority.

e. The related separation program designator (SPD) codes are provided in AR 635–5–1.

2–3. Status upon separation

a. Unless discharged, officers holding a Reserve appointment will retain their current permanent grade in the RC.

b. Service academy graduates and Reserve Officers' Training Corps (ROTC) Distinguished Military Graduates (DMG) who are released/separated from active duty before completing their ADSO will complete the remainder of their ADSO in the Selected Reserve. This requirement may only be waived by the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA(M&RA)) or his or her delegate if he or she determines that no unit vacancy is available for the officer. The Selected Reserve includes troop units of the ARNGUS and Army Reserve, the AGR Program, and Individual Mobilization Augmentation (IMA) Program.

c. AR 135–91 defines various statutory and contractual service obligations (to include methods of fulfillment) incurred by Reserve personnel on initial entry into military service. Officers not continued on AD in another status will be released from AD and returned to Army National Guard of the United States (ARNGUS) or USAR by separation orders.

2–4. Years of service

a. For the purpose of this chapter years of service applies to all periods of service in which the officer held an appointment as a commissioned officer, other than constructive service and service as a warrant officer.

b. Travel time will be included in years of service computation for officers who are ordered to AD exceeding 30 calendar days (37 USC 204 (b)).

Section II
Task: Process Voluntary REFRAD Due to Personal Reasons

2–5. Rules for processing voluntary REFRAD due to personal reasons

a. If eligible under the criteria prescribed below, an officer may request REFRAD (fig 2–1) whenever such action is considered appropriate.

b. To be eligible for REFRAD under this section an officer must have—

(1) Completed the current period of service required by law or the minimum period required by the program that placed the officer on AD as a commissioned or warrant officer.

(2) Completed 1 year of his or her current AD commitment, unless such commitment was submitted and approved with stipulations of AR 135–215 or AR 140–30 for AGR officers that authorize earlier REFRAD.

(3) Fulfilled the following additional service requirements, as applicable:

(a) Officers who have departed the CONUS normally will be required to complete the current prescribed tour for the areas of assignment as specified in AR 614–30, unless returned earlier under existing policies.

(b) Officers who have attended service schools or civilian educational institutions or participated in special training for which a utilization tour is required, or who have received continuation or accession pay, normally will complete the period of service specified. The period of service will be as specified by AR 350–100 and other appropriate regulations under which officers applied for or received such schooling or benefits.

(c) Officers on orders for assignment to a military mission, a Military Assistance Advisory Group, or attache office must complete their training and the OCONUS tour of duty prescribed by AR 614–30.

(d) All other officers who receive a permanent change of station (PCS) will be required to serve 1 year at their new duty station.

(e) Service academy graduates and ROTC DMGs who are released/separated from active duty before completing their ADSO will complete the remainder of their ADSO in the selected Reserve. This requirement may only be waived by the ASA(M&RA) or his or her designee.

c. In all other cases, HQDA reserves the right to require compliance with orders to a course of instruction that will result in an ADSO or reassignment orders in continental United States (CONUS) or to any OCONUS assignment, if such orders are announced prior to submission of application for REFRAD. However, exceptions will be considered on an individual basis provided the application for REFRAD is received by commanders exercising GCMCA jurisdiction or commanders at a comparable level of command. The exception must be forwarded within 30 calendar days of receipt of the alert or reassignment order, whichever is earlier, and the requested effective date can not be more than 6 months subsequent to date of application. Officers who are service obligated beyond 6 months may submit their application for REFRAD, as an exception to policy, more than 6 months in advance of the requested effective date. The nonstatutory criteria in this paragraph may be waived only by HQDA on a case by case basis.

d. If the application is approved, PERSCOM (TAPC–PDT–PM) (or ARPERCEN (ARPC–AR) for USAR AGR officers) will forward separation instructions to the appropriate personnel service company/military personnel division (PSC/MPD).

e. If disapproved, PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), HQDA (DACH–PER), or ARPERCEN (ARPC–AR), as applicable, will return the application to the officer through channels.

2–6. Steps for processing voluntary REFRAD due to personal reasons

The steps required for processing voluntary REFRAD due to personal reasons are as shown in table 2–1.

Table 2–1
Processing voluntary REFRAD for personal reasons

Step	Work center	Required action
1	SLDR	Submits REFRAD request (fig 2–1) for personal reasons to his or her commander within the time frame established in the above rules.
2	SACT BN S–1	Processes the request. Ensures counseling is accomplished as stated in paragraph 1–12. The request will include— *a.* The officer's reason for requesting REFRAD. *b.* A brief synopsis of the counseling session (para 1–12). *c.* Then date the officer reported on the current tour of AD; type, effective date, and date of termination of current AD commitment. *d.* Whether officer is occupying a "key" position and a replacement is required. *e.* Whether services of the officer have been such as to entitle him or her to be released from AD under honorable conditions. *f.* Whether medical board or PEB proceedings are pending or appropriate. *g.* Whether the officer is currently undergoing a course of instruction that will result in an ADSO upon completion or termination. Specify course title, beginning and closing dates, and ADSO incurred. *h.* Whether responsible for public property or funds. *i.* Recommendation for approval or disapproval and character of service. Include complete justification when approval is recommended and the officer has not fulfilled an ADSO. Also include justification for disapproval. *j.* Statement that the officer is not under investigation or charges, awaiting result of trial, being considered for administrative elimination, AWOL, or under the control of civil authorities. *k.* Date officer departed CONUS or other area of residence for OCONUS assignment. Date of arrival of dependents, whether at Government or personal expense, whether logistical support was furnished, and the rotation date, if applicable.
3	BN S–1 C&S	*a.* Reviews and makes recommendation. Request will be forwarded by commanders exercising GCMCA jurisdiction and commanders at a comparable level of command to CDR, PERSCOM (TAPC–PDT–PM), for final action or to ATTN HQDA (DAJA–PT), THE JUDGE ADVOCATE GENERAL, 2206 ARMY PENTAGON, WASH DC 20310–2206; or ATTN HQDA (DACH–PER), CHIEF OF CHAPLAINS, 2700 ARMY PENTAGON, WASH DC 20310–2700; as applicable, for final action. Approved actions will be forwarded to CDR, PERSCOM (TAPC–PDT–PM), for separation message processing. *b.* For USAR AGR officers, the commander exercising GCM authority and commanders at a comparable level of command will send requests to CDR, ARPERCEN (ARPC–AR), for final action/separation processing.
4	SACT (TP/TA)	Receives separation instructions and separates the officer. Final release orders and separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section III
Task: Process Voluntary REFRAD Due to Expiration of AD Commitment

2–7. Rules for processing voluntary REFRAD due to expiration of AD commitment

a. An officer who has completed his or her AD commitment to include service obligations will be released from AD.

b. The SAA will forward separation instructions to the appropriate PSC/MPD and ensure that an officer under his or her jurisdiction is released as scheduled.

c. An officer not under the jurisdiction of a commander having SAA will be reported to PERSCOM (TAPC–PDT–PM) not later than 60 calendar days prior to scheduled date of REFRAD. USAR AGR officers will be reported to ARPERCEN (ARPC–AR). PERSCOM (TAPC–PDT–PM) (or ARPERCEN (ARPC–AR) for USAR AGR officers) will forward separation instructions to the appropriate PSC/MPD.

2–8. Steps for processing voluntary REFRAD due to expiration of AD commitment

The steps required for processing an officer's voluntary REFRAD on expiration of AD commitment are as shown in table 2–2.

Table 2–2
Processing voluntary REFRAD due to expiration of AD commitment

Step	Work center	Required action
1	C&S	Issue separation instructions, if applicable.
2	PPAA (TP/TA)	Receives separation instructions from the SAA or PERSCOM and separates the officer in sufficient time in order to allow the officer to arrive at his or her home not later than 2400 hours on the day of completion of his or her tour. Final release orders and separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section IV
Task: Process Voluntary REFRAD Due to Hardship

2–9. Rules for processing voluntary REFRAD due to hardship

a. An officer may be released from AD due to extreme personal or family hardship. Hardship exists when in circumstances not involving death or disability of a member of the soldier's (or spouse's) immediate family, separation from the Service will materially affect the care or support of the family by alleviating undue and genuine hardship. The officer must clearly establish that one of the following applies:

(1) The hardship is permanent and did not exist prior to entry on AD.

(2) If the hardship existed prior to entry on AD, the condition has since intensified and can only be alleviated by separating from AD.

(3) Upon REFRAD the officer will be able to eliminate or materially alleviate the condition.

b. If the application has been disapproved by CG, PERSCOM; TJAG; the Department of Army Chief of Chaplains (DACH); or CDR, ARPERCEN (ARPC–AR), a new application will not be submitted under the same authority unless there is new material evidence to support reapplication.

c. If the application is approved, PERSCOM (TAPC–PDT–PM) or ARPERCEN (ARPC–AR), as applicable, will forward separation instructions to the appropriate PSC/MPD. If the officer was commissioned through a funded program (for example, Army Medical Department (AMEDD), Funded Legal Education Program (FLEP), United States Military Academy (USMA), Reserve Officers' Training Corps (ROTC), or a special procurement program) or is a training recipient, recoupment may be required on a prorated basis.

d. If the application is disapproved, PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), HQDA (DACH–PER), or ARPERCEN (ARPC–AR), as applicable, will return the application to the officer through channels.

2–10. Steps for processing voluntary REFRAD due to hardship

The steps required for processing voluntary REFRAD due to hardship are shown in table 2–3.

Table 2–3
Processing voluntary REFRAD due to hardship

Step	Work center	Required action
1	SLDR	Submits REFRAD request (fig 2–1) for hardship with supporting documents to his or her commander 90 calendar days prior to the requested release date.
2	SACT BN S–1	Processes the request. Ensures counseling is accomplished as stated in paragraph 1–12. The request will include— *a.* The officer's reason for requesting hardship REFRAD. *b.* A brief synopsis of the counseling session (para 1–12). *c.* Date officer reported on current tour of AD; type, effective date, and date of termination of current AD commitment. *d.* Whether officer is occupying a "key" position and a replacement is required. *e.* Whether services of the officer have been such as to entitle him or her to be released from AD under honorable conditions. *f.* Whether medical board or PEB proceedings are pending or appropriate. *g.* Whether the officer is currently undergoing a course of instruction that will result in an ADSO upon completion or termination. Specify course title, beginning and closing dates and ADSO incurred. *h.* Whether responsible for public property or funds. *i.* Recommendation for approval or disapproval and characterization of service. Include complete justification when approval is recommended and the officer has not fulfilled an ADSO. Also include justification for disapprovals. *j.* Statement that the officer is not under investigation or charges, awaiting result of trial, being considered for administrative elimination, AWOL, or under the control of civil authorities. *k.* Date officer departed CONUS or other area of residence for OCONUS assignment. Date of arrival OCONUS of dependents, whether at Government or personal expense, whether logistical support was furnished and the rotation date, if applicable.
3	BN S–1 C&S	Reviews and makes recommendation. Forwards the request through channels, as appropriate, to PERSCOM (TAPC–PDT–PM) for final action or to HQDA (DAJA–PT) or HQDA (DACH–PER), as applicable, for final action. A request submitted by an officer temporarily in CONUS from an OCONUS command will be forwarded directly to PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), or HQDA (DACH–PER), as applicable, for final action.
4	SACT (TP/TA)	Receives separation instructions and separates the officer. Final release orders and separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section V
Task: Process Voluntary REFRAD Essential to National Interest

2–11. Rules for processing voluntary REFRAD essential to national interest

a. An officer may request REFRAD (fig 2–1) to provide more valuable service (in civilian capacity) to the nation. The request must be motivated by national interest and not personal desire.

b. An officer elected or appointed to Congress will be released without application.

c. An officer appointed to a Federal Court or Federal or State public office or elected to a public office of a State may be released from AD on his or her written request, provided the evidence establishes that the office to which appointed or elected requires full-time service. The exclusion will be an officer commissioned through a funded program (for example, AMEDD, FLEP, USMA, ROTC, or special procurement programs), who will not be released until completion of that initial Service school obligation.

d. If the application is approved, PERSCOM (TAPC–PDT–PM) (or ARPERCEN (ARPC–AR) for USAR AGR officers) will forward separation instructions to the appropriate PSC/MPD.

e. If disapproved, PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), HQDA (DACH–PER); or ARPERCEN (ARPC–AR), as applicable, will return the application to the officer through channels.

2–12. Steps for processing voluntary REFRAD essential to national interest

The steps required for processing voluntary REFRAD that is essential to national interest are as shown in table 2–4.

Table 2–4
Processing voluntary REFRAD that is essential to national interest

Step	Work center	Required action
1	SLDR	Submits essential to national interest REFRAD request (fig 2–1) with supporting documents to his or her commander.
2	SACT BN S–1	Processes the request. Ensure counseling is accomplished as stated in paragraph 1–12. The request will include— *a.* Name of firm or agency or enterprise with which applicant will be associated, product manufactured or services, title and description of position to be filled, and applicant's qualifications for the position. *b.* Applicant's connection with the activity prior to military service. *c.* Documentation from appropriate officials substantiating *a* and *b* above and the need for the services and indicating the latest date position must be filled. *d.* Certification from appropriate civil official when an officer is appointed to a Federal Court or Federal or State public office or elected to a public office of a State. Certification will state the office to which the officer has been elected or appointed and whether such office requires full-time service. *e.* A brief synopsis of the counseling session (para 1–12). *f.* Date officer reported on current tour of AD; type, effective date, and date of termination of current AD commitment. *g.* Whether officer is occupying a "key" position and a replacement is required. *h.* Whether medical board or PEB proceedings are pending or appropriate. *i.* Whether the officer is currently undergoing a course of instruction that will result in an ADSO upon completion or termination. Specify course title, beginning and closing dates, and ADSO incurred. *j.* Whether responsible for public property or funds. *k.* Recommendation for approval or disapproval and characterization of service. Also include complete justification when approval is recommended and the officer has not fulfilled an ADSO and justification for disapproval. *l.* Statement that the officer is not under investigation or charges, awaiting result of trial, being considered for administrative elimination, AWOL, or under the control of civil authorities. *m.* Date officer departed CONUS or other area of residence for OCONUS assignment. Date of arrival OCONUS of dependents, whether at Government or personal expense, whether logistical support was furnished and the rotation date, if applicable.
3	BN S–1 C&S	Reviews and makes recommendation. Forwards the request through channels, as appropriate, to PERSCOM (TAPC–PDT–PM) for final action or to HQDA (DAJA–PT) or HQDA (DACH–PER), as applicable, or to ARPERCEN (ARPC–AR) (for USAR AGR officers) for final action. The SAA is to forward such a request to PERSCOM (TAPC–PDT–PM), HQDA (DAJA), or HQDA (DACH), as applicable.
4	SACT (TP/TA)	Receives separation instructions and separates the officer. Final release orders and separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section VI
Task: Process Voluntary REFRAD Due to Pregnancy

2–13. Rules for processing voluntary REFRAD due to pregnancy

a. A commander with SAA may release an RC officer who requests REFRAD because of pregnancy. This authority may not be further delegated. When the SAA approves the REFRAD, release instructions will be forwarded to the appropriate PSC/MPD. Should the SAA disapprove the REFRAD request, he or she will make a recommendation to include justification and forward the request to PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), HQDA (DACH–PER), or ARPERCEN (ARPC–AR), as applicable, for final action.

b. For an officer not under the jurisdiction of a commander having SAA, the approval authority is CG, PERSCOM, or TJAG or the DACH (or CDR, ARPERCEN (ARPC–AR), for USAR AGR officers). On approved applications, PERSCOM (TAPC–PDT–PM) (or ARPERCEN (ARPC–AR) for USAR AGR officers) will forward REFRAD instructions to the appropriate PSC/MPD.

c. When it has been determined that an officer is pregnant, she will be counseled by her immediate commanding officer or executive officer. The counselor will explain to the officer that the purpose of the counseling is to provide information concerning her rights, entitlements, and responsibilities with respect to continued AD or separation (table 2–5). The counselor will not influence or direct the soldier to make any particular decision. A statement of counseling (fig 2–2) will be signed by the counselor. A copy of the statement of counseling will be filed in the officer's Military Personnel Records Jacket (MPRJ).

Table 2–5
Voluntary REFRAD due to pregnancy

Step	Work center	Required action
1	SLDR	Informs her commander that she is pregnant and furnishes supporting documentation.
2	SACT BN S–1	On confirmation of an officer's pregnancy, she will be advised C&S of the following rights and responsibilities: *a.* Option to remain on AD or to request separation. *b.* Entitlement to maternity care even if separated (AR 40–3). *c.* Provisions for leave and absence during and after pregnancy (AR 600–8–10). *d.* Provisions for maternity clothing. *e.* Policy governing availability for worldwide assignment (AR 614–30). *f.* Local policies governing entitlements to basic allowance for subsistence (BAS) and assignment to Government family quarters, to include when and how she would be eligible. *g.* Policies governing assignment OCONUS (AR 614–30). If accompanied by dependent(s), requirement to make suitable arrangements for the unaccompanied evacuation of the dependent(s) in an emergency situation (for example, mobilization). *h.* On PCS, the Government will pay for the child's transportation only when— (1) Traveling to, from, or between OCONUS permanent stations when the officer serves or has been approved to serve a "with dependents" tour and her child is command-sponsored. (2) Traveling to an OCONUS station, the officer must have approval of the OCONUS commander for concurrent travel of the child. *i.* Availability of legal assistance counseling concerning paternity laws governing child support,if applicable. *j.* If she remains on AD, the necessity of careful planning for her child's care without sacrifice of her military responsibilities. She must consider— (1) Who will care for the child during duty hours, alerts, field duty, and roster duty. Consideration should be given to child care cost. (2) Plans for housing, access to duty, transportation arrangements and availability of telephone. (3) Consideration of financial obligations that will accrue for child care, housing, transportation and other emergency needs and how these obligations will be met. *k.* Provisions for submission of a dependent care statement of counseling on the birth of the child. *l.* Provisions authorizing separation of an officer whose substandard performance of duty is not solely attributable to the condition of pregnancy.
3	BN S–1 C&S	Sign the Pregnancy Counseling Statement and file in the officer's MPRJ (fig 2–2).
4	SLDR	Submits REFRAD request (fig 2–1) if she so desires.
5	SACT BN S–1	Process the request. Ensures counseling has been accomplished (step 2). The request will include— *a.* A brief synopsis of the counseling session. *b.* Date officer reported on current tour of AD; type, effective date, and date of termination of current AD commitment. *c.* Whether officer is occupying a "key" position and if a replacement is required. *d.* Whether medical board or PEB proceedings are pending or appropriate. *e.* Whether the officer is currently undergoing a course of instruction that will result in an ADSO upon completion or termination. Specify course title, beginning and closing dates, and service obligations incurred. *f.* Whether responsible for public property or funds. *g.* Recommendation for approval or disapproval and character of service. Include complete justification when approval is recommended and the officer has not fulfilled an ADSO. Also include justification for disapprovals. *h.* Statement that the officer is not under investigation or awaiting result of trial, being considered for administrative elimination, AWOL, or under the control of civil authorities. *i.* Date officer departed CONUS or other areas of residence for OCONUS assignment. Date of arrival of dependents, whether at Government expense, whether logistical support was furnished, and the rotation dates if applicable.
6	BN S–1 C&S	Reviews the case and makes recommendation (if disapproval is recommended, justification must be provided). *a.* For when an officer who is under an SAA, the request will be forwarded through channels to the SAA for approval. Should the SAA elect not to approve the request, the SAA will make a recommendation, including justification, and forward the request as indicated in *b* below for final action. If appropriate, the SAA will provide release instructions to the PSC/MPD and forward a copy of the action to PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), or HQDA (DACH–PER), as applicable. *b.* For an officer not under an SAA, or when the SAA recommends disapproval, the request will be forwarded through channels to PERSCOM (TAPC–PDT–PM) for final action or to HQDA (DAJA–PT) or HQDA (DACH–PER), as applicable, for final action. *c.* For USAR AGR officers forward through channels to ARPERCEN (ARPC–AR) for final action.
7	SACT (TP/TA)	Receives separation instructions and separates the officer. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

d. An officer who is commissioned through a funded program or a training recipient (for example, AMEDD, FLEP, USMA, ROTC, or special procurement programs) will not be released until completion of that initial Service school obligation. An officer serving under a contractual agreement, such as but not limited to incentive special pay (ISP), medical additional special pay (MASP), medical officer retention bonus (MORB), or nurse accession bonus, will not be released until completion of the service obligation. In addition, an officer will not be released from AD until the compulsory obligation acquired as a result of completing flight school is served. However, when extenuating circumstances exist, an officer may request a hardship separation in accordance with paragraph 2–9.

e. An officer who remains on AD will be assigned to an area where concurrent travel of dependents is authorized until completion of the initial service obligation.

f. If, before the REFRAD is accomplished, a medical officer determines that a pregnancy has terminated for any reason (including birth) the authority for separation no longer exists.

g. A pregnant officer may request leave of absence per AR 600–8–10.

h. An officer may request a specific separation date. However, the separation authority and the officer's military physician will determine the separation date. The date must not be later than 30 calendar days before the expected date of delivery, or the date is the latest date her military physician will authorize her to travel to her home of record or entry on active duty (EAD) location, whichever date is earlier.

i. An officer released under honorable conditions who is pregnant at the time of release is entitled to maternity care per AR 40–3. These medical benefits are limited to care in military hospitals and do not, regardless of circumstances, include care obtained in civilian hospitals.

j. Characterization of service for REFRAD due to pregnancy may be characterized as honorable or under honorable conditions.

2–14. Steps for processing voluntary REFRAD due to pregnancy

The steps required for processing voluntary REFRAD due to pregnancy are as shown in table 2–5.

Section VII
Task: Process Voluntary REFRAD of an Obligated Officer to Attend School

2–15. Rules for processing voluntary REFRAD of an obligated officer to attend school

a. An officer who is serving the initial tour of AD and who is not mission essential, may request REFRAD to attend a recognized institution of higher education. An officer who is commissioned through a funded program or a training recipient (for example, AMEDD, FLEP, USMA, ROTC, or special procurement programs) will not be released until completion of that initial Service school obligation. Recognized institutions are those listed (or determined eligible for such listing) in the U.S. Department of Health, Education, and Welfare's Education Directory, part 3. The course of instruction that the officer has requested enrollment in must lead to an associate or higher degree.

b. A commander with SAA may approve requests with the exception of the following:

(1) AMEDD officers.
(2) The Judge Advocate General's Corps (JAGC) officers.
(3) Chaplains.
(4) Officers requesting to attend foreign schools.
(5) Officers requesting to attend theological schools that are not listed and are not eligible for listing, in the Education Directory, part 3.

c. If the application is approved, PERSCOM (TAPC–PDT–PM) (or ARPERCEN (ARPC–AR) for USAR AGR officers) will forward the separation instructions to the appropriate PSC/MPD.

d. If the application is disapproved, PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), or HQDA (DACH–PER), as applicable (or ARPERCEN (ARPC–AR) for USAR AGR officers), will return the application to the officer through channels.

e. A commissioned or warrant officer who extended his or her initial AD tour under AR 135–215 (VI status) is ineligible for release under this section.

f. Early release of a Medical or Dental Corps officer to accept residency training or fellowship positions, leading to a specialty board eligibility and/or internship, is not authorized under this regulation unless the officer is enrolled in a degree program. If the officer is enrolled in a degree program, he or she may request release, with appropriate evidence of enrollment from the educational institution. An officer should not seek a residency position with a reporting date prior to expiration of an AD tour. An officer serving on an initial tour of AD may request a short-term extension of AD under the provisions of AR 135–215 when the officer is unable to secure a residency appointment on the expiration of the term of service or when the officer intends to ensure employment until acceptance in a program.

g. The officer's school reporting date must be in the last 3 months of the officer's remaining active service. Normally, the effective date of early release will not be earlier than 10 calendar days before the class starting date. Accrued leave will not be added to extend this period. As an exception, an officer may be separated up to 30 calendar days before the class start date. Exceptions of this nature are authorized in the case of an officer who is returning from OCONUS and moving his or her family to the location of the educational institution or when because of the school's latest registration date (relating to class start date), later REFRAD of the officer would cause undue hardship. When late registration is permitted by the school, an officer who is otherwise ineligible for separation under this task may be separated on the first day of the last 3 months of active duty service.

2–16. Steps for processing voluntary REFRAD of an obligated officer to attend school

The steps required for processing voluntary REFRAD of an obligated officer to attend school are as shown in table 2–6.

Table 2–6
Voluntary REFRAD of an obligated officer to attend school

Step	Work center	Required action
1	SLDR	Submits REFRAD request (fig 2–1) to attend school. *a.* The request must include documentary evidence from an appropriate school official (Registrar, Dean of Admissions) that the officer has been accepted for enrollment, without qualification, commencing with a specific school term in a full-time resident course of instruction leading to an associate or higher degree. *Without qualification* means the officer is accepted for admission without being subject to any further approval by the school prior to his or her entrance. *Full-time resident course of instruction* means the officer must take the minimum number of credit hours for the semester, quarter or term that the school considers to be a full-time course of instruction. *b.* If the school is not currently listed in the *Education Directory,* part 3, the statement of the school official must include whether the school has been determined by the Office of Education to be eligible for such listings. The statement will include the latest date by which the applicant must report to the school in person for registration in order to meet the school's requirement for attendance, state the school's specific accreditation status and the date the status was acquired, and must include the name of the accrediting agency or association granting such accreditation. *c.* The officer must clearly establish that the specific school term for which he or she seeks enrollment is academically the most opportune time for the officer to begin or resume his or her education. A statement to this effect is not sufficient. Specific reasons why further delay would cause personal hardship must be included.
2	SACT BN S–1	Processes the request. Ensures counseling is accomplished as stated in paragraph 1–12. In addition to step 1 above, the request will include— *a.* A brief synopsis of the counseling session. *b.* Date officer reported on current tour of AD; type, effective date, and date of termination of current AD commitment. *c.* Whether officer is occupying a "key" position and if a replacement is required. *d.* Whether medical board or PEB proceedings are pending or appropriate. *e.* Whether responsible for public property or funds.

Table 2–6
Voluntary REFRAD of an obligated officer to attend school—Continued

Step	Work center	Required action
		f. Recommendation for approval or disapproval and character of service. Include complete justification when approval is recommended and the officer has not fulfilled an ADSO. Also include justification for disapprovals. *g.* Statement that the officer is not under investigation or charges, awaiting result of trial, being considered for administrative elimination, absent without leave, or under the control of civil authorities. *h.* Date officer departed CONUS or other area of residence for OCONUS assignment. Date of arrival OCONUS of dependents, whether at Government or personal expense, whether logistical support was furnished, and the rotation date if applicable.
3	BN S–1 C&S	Reviews the request, approves it, or makes recommendation, as appropriate (if disapproval is recommended, provide justification). *a.* For an officer who is under an SAA, the request will be forwarded through channels to the SAA for approval (exceptions listed in para 2–15*b*). Should the SAA elect not to approve the request, or paragraph 2–15*b* applies, the SAA will make a recommendation, including justification for disapproval and forward the request as stated in *b* below for final action. If appropriate, the SAA will provide release instructions to PSC/MPD and forward a copy of the action to PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), or HQDA (DACH–PER), as applicable. *b.* For an officer not under an SAA or when the SAA recommends disapproval or if paragraph 2–15*b* applies, the request will be forwarded through channels to PERSCOM (TAPC–PDT–PM) for final action or to HQDA (DAJA–PT), or HQDA (DACH–PER), as applicable, for final action.
4	SACT (TP/TA)	Receives separation instruction from the SAA or PERSCOM, and separates the officer. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section VIII
Task: Process Voluntary REFRAD of a USAR Warrant Officer for Entry on AD as a USAR Commissioned Officer

2–17. Rules for processing voluntary REFRAD of a USAR warrant officer for entry on AD as a USAR commissioned officer

a. A commander with SAA may release a USAR warrant officer (WO) from AD (does not apply to USAR AGR) who terminates his or her appointment to accept an appointment as a USAR commissioned officer with concurrent AD in the latter status. This authority may not be further delegated.

b. The officer's release date will be the day prior to the entry date on AD as a commissioned officer.

c. The USAR WO's REFRAD and acceptance of USAR commissioned officer status on AD will be announced by order, per AR 310–10, appendix A, format 156.

2–18. Steps for processing voluntary REFRAD of a USAR warrant officer for entry on AD as a USAR commissioned officer

The steps required for processing voluntary REFRAD of a USAR warrant officer for entry on AD as a USAR commissioned officer are as shown in table 2–7.

Table 2–7
USAR warrant officer voluntary REFRAD for entry on AD as USAR commissioned officer

Step	Work center	Required action
1	SLDR	Receives appointment notification memorandum and provides the PSC/MPD a copy.
2	SACT BN S–1	Receives approved release notification from the SAA. Prepare appropriate separation forms pertaining to the individual's REFRAD and revocation of appointment as a WO.
3	SACT (TP/TA)	Releases the individual from AD as a WO on the day prior to the date of entry on AD as a USAR commissioned officer. Final release orders and forms will cite regulatory authority and SPD code as shown in AR 635–5–1.

Section IX
Task: Process Voluntary REFRAD for an Officer of a Medical Holding Detachment

2–19. Rules for processing voluntary REFRAD for an officer of a medical holding detachment

a. Excluding a dual status officer or USAR AGR officer, a commander with SAA may release an officer from AD for the convenience of the Government when the officer is assigned to a medical holding detachment and—

(1) Is serving initial obligated tour of AD (includes an officer who is commissioned through a funded program or a training recipient (for example, AMEDD, FLEP, ROTC, or special procurement programs).

(2) Declines further retention in service or requests voluntary release.

b. This authority may not be further delegated.

c. PERSCOM (TAPC–PDT–PM) will approve requests involving a dual status officer and forward separation instructions to the appropriate PSC/MPD.

d. An officer assigned to a medical holding detachment, including those returned to CONUS from a short-tour area for hospitalization, may be released from AD on completion of hospitalization, provided the officer has 3 months or less remaining to serve on his or her AD commitment at the time of release from the medical facility.

e. An officer medically evacuated from a hostile fire area for hospitalization in a long-tour area and assigned to a medical holding detachment may be returned to CONUS and released from AD provided the officer has 3 months or less remaining to serve on his or her AD commitment at the time of release from the medical facility.

2–20. Steps for processing voluntary REFRAD for an officer of a medical holding detachment

The steps required for processing voluntary REFRAD for an officer of a medical holding detachment are as shown in table 2–8.

Table 2–8
Voluntary REFRAD for an officer of a medical holding detachment

Step	Work center	Required action
1	SLDR	Submits REFRAD request (fig 2–1) to PSC/MPD.
2	SACT BN S–1	Reviews, processes, and forwards through channels to commander with SAA. Includes— *a.* Date reported on current tour of AD; type, effective date, and date of termination of current AD commitment. *b.* Whether medical board or PEB proceedings are pending or appropriate.
3	C&S	The SAA approves or disapproves (other than a dual status officer) the request. For a dual status officer, forwards the request, to include recommendations, to PERSCOM (TAPC–PDT–PM).
4	SACT (TP/TA)	Receives separation instructions from the SAA or PERSCOM and separates the officer. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section X
Task: Process Involuntary REFRAD Due to Declination of RA Integration

2–21. Rules for processing involuntary REFRAD due to declination of RA integration

a. A Reserve commissioned or warrant officer who was selected for but declined RA integration after automatic consideration under AR 601–100 will be released from AD when all service obligations have been fulfilled. The SAA will ensure that necessary action is taken to effect the release on the scheduled release date of officers who sign declination statements.

b. An eligible officer may apply for retirement under chapter 6.

c. Release of an officer who entered AD on or after 15 September 1981 (after the Defense Officer Personnel Management Act (DOPMA)) will be effective not later than 90 days after the declination is signed. Release of a warrant officer that entered his or her current AD warrant officer tour on or after 1 October 1987 (after the Total Warrant Officer System (TWOS)) will be effective not later than 90 days after the declination statement is signed unless earlier release is requested or retention on AD in a Reserve status is approved by the Secretary of the Army or his or her delegate.

d. The SAA may approve an officer's request for early release provided the officer is otherwise eligible. This authority may not be further delegated.

e. A commissioned or warrant officer with an ADSO will be released at the end of his or her obligated service.

f. Declining RA integration is not a basis for separating—

(1) A commissioned officer who entered AD on or before 14 September 1981 (pre-DOPMA).

(2) A warrant officer whose current AD tour began prior to 1 October 1987 (pre-TWOS).

g. This paragraph does not preclude the above mentioned officers from being separated under other applicable provisions (for example, DAADB, elimination).

2–22. Steps for processing involuntary REFRAD due to declination of RA integration

The steps required for processing involuntary REFRAD due to declination of RA integration are as shown in table 2–9.

Table 2–9
Involuntary REFRAD due to declination of RA integration

Step	Work center	Required action
1	SLDR	Declines RA integration when selected by signing declination statement.
2	PPAA	Determines whether medical board proceedings are pending or appropriate per paragraph 1–23.
3	BN S–1 C&S	The SAA ensures the officer is released from AD on the 90th calendar day after signing the declination unless earlier release is requested. Notify CDR, PERSCOM (TAPC–PDT–PM), when an officer declines and when separation has been completed.
4	PPAA (TP/TA)	On receipt of separation instructions from the SAA, effects separation of the officer. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section XI
Task: Process Involuntary REFRAD Due to Maximum Age

2–23. Rules for processing involuntary REFRAD due to maximum age

a. An officer will be released from AD (unless he or she requests voluntary retirement) on the last day of the month in which he or she attains the following maximum age unless the officer's release is sooner required by maximum service or the officer's retention is authorized on an individual basis by the Secretary of the Army.

(1) An officer of the ARNGUS assigned as Chief, National Guard Bureau (CNGB) (64).

(2) Major general (or brigadier general recommended for permanent promotion to major general) (62).

(3) Any other RC commissioned officer (60). An officer may be retained on AD until eligible for retirement if he or she is within 2 years of active Federal service (AFS) retirement eligibility.

(4) A warrant officer (without commission) (62). (As an exception, a warrant officer qualified for retired pay under AR 135–180 at age 60 and prior to age 62 will be released from AD on attainment of age 60 or completion of 20 years of qualifying service for retired pay, whichever is later.)

(5) A Reserve commissioned warrant officer (60).

(6) The Secretary of the Army may retain in an active status certain USAR officers (with their consent) in the Medical Corps, Dental Corps, Veterinary Corps, the podiatry specialty in the Medical Allied Science of the Medical Service Corps, the optometry section of the Medical Service Corps, Army Nurse Corps, and Army Medical Specialist Corps. During the retention the officer must fill a mission-based requirement. Retention under this provision may not extend beyond the officer's 68th birthdate (10 USC 3855 as amended by PL 101–189). Request for retention under this provision will be forwarded through channels to CDR, PERSCOM (TAPC–OPH–P) (or CDR, ARPERCEN (ARPC–AR), for USAR AGR officers).

b. Officers indicated in *a*(3) above who cannot qualify for retirement under chapter 6 prior to attainment of age 60 will be released from active duty as prescribed by *a* above, except those on scheduled release date who are within 2 years of eligibility for retirement under chapter 6 or for retired pay under AR 135–180. If otherwise qualified, these officers may be retained on active duty until eligible for such retirement or retired pay, whichever occurs first.

c. Officers to be released under this paragraph will be notified through channels by PERSCOM (TAPC–PDT–PM) (or ARPERCEN (ARPC–AR) for USAR AGR officers) not later than 90 calendar days prior to the scheduled release date, unless release is to be effective because of expiration of service agreement, in which case provisions of paragraphs 2–7 and 2–8 apply.

d. The officer's separation will not be delayed past the scheduled release date due to nonsubmission or late submission of a voluntary retirement request.

2–24. Steps for processing involuntary REFRAD due to maximum age

The steps required for processing involuntary REFRAD due to maximum age are as shown in table 2–10.

Table 2–10
Involuntary REFRAD due to maximum age

Step	Work center	Required action
1	SLDR	Receives maximum age release notification from PERSCOM or ARPERCEN (for USAR AGR officers) 90 calendar days prior to release date. Officer may apply for retirement if eligible to be effective not later than the scheduled release date.
2	PPAA	Determines whether medical board or PEB proceedings are pending or appropriate per paragraph 1–23.
3	C&S	The SAA establishes procedures ensuring separation of an officer according to individual instructions issued by PERSCOM or ARPERCEN unless the officer requests voluntary retirement to be effective not later than the scheduled release date.
4	TRCT (TP/TA)	Separates or retires officer on scheduled release date. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section XII
Task: Process Involuntary REFRAD Due to Maximum Service

2–25. Rules for processing involuntary REFRAD due to maximum service

a. An RC officer will be released from AD when he or she completes 20 years AFS. These officers may request voluntary retirement under 10 USC 3911, provided they have 10 years commissioned service. Exceptions are as follows:

(1) An officer retained by PERSCOM under a voluntary retention program.

(2) An officer whose service obligation extends beyond 20 years AFS.

(3) An officer recommended for promotion to lieutenant colonel through major general by an ADL promotion board is retained until he or she completes 3 years active service in the respective grade (a major selected by an ADL promotion board is retained until completion of 6 months active service in grade) unless—

(a) The officer requests earlier release or retirement.

(b) Earlier release is required to meet current needs of the Active Army.

(c) The officer is removed from the approved promotion list and is not subsequently selected for promotion to that grade.

(4) A United States Property and Fiscal Officer and those assigned to the Selective Service System may be retained until further retention is considered inappropriate by PERSCOM or age 60, whichever is earlier.

(5) A Reserve commissioned warrant officer (60). A Reserve commissioned warrant officer who has not completed 20 years of qualifying service prior to the attainment of age 60 and who on the scheduled release date is within 2 years of retirement eligibility may be retained on AD to complete 20 years of qualifying service for retired pay per AR 135–180.

(6) An officer of the ARNGUS assigned as Chief, National Guard Bureau.

(7) An officer selected for attendance at a staff college level school or a senior service college before completing 20 years AFS will be retained on AD until completing 2 years of AD following graduation or until termination of attendance at the designated school.

(8) An officer selected for a command position by the DA Command Selection Board will remain on AD to report to the designated assignment. The officer will be retained on AD up to 90 calendar days after completing assignment to the designated command position.

b. An officer holding a permanent grade of brigadier or major general in an RC will be released on the fifth anniversary of the officer's appointment in that grade or 30 calendar days after the date the officer completes 30 or 35 years of service computed under 10 USC 3853), respectively, whichever is later.

c. An officer holding a permanent grade of colonel in an RC will be released on the fifth anniversary of the officer's appointment in that grade or 30 calendar days after the date he or she completes 30 years of service (computed under 10 USC 3853), whichever is later.

d. A lieutenant colonel or below in an RC will be released 30 days after completing 28 years of service (computed under 10 USC 3853). A lieutenant colonel recommended for promotion is released from active duty under the criteria that apply to the higher grade.

e. An officer whose retention in an active Reserve status is authorized beyond the removal date specified in AR 140–10 (USAR officer) or NGR 635–100 (ARNGUS officer) but does not qualify for retention on AD under the following exceptions will be released under the applicable criteria in *b* through *d* above. Exceptions are as follows:

(1) An Army Nurse Corps or Army Medical Specialist Corps lieutenant colonel or below in an RC may, at the discretion of the Secretary of the Army, be retained on AD and in an active status until 30 calendar days after the date he or she completes 30 years of service (computed under 10 USC 3853).

(2) An officer within 2 years of qualifying for retirement (10 USC 3911—20 years AFS including 10 years of commissioned officer service or 10 USC 1331—20 years qualifying service) prior to attaining maximum length of service will be retained on AD and in an active status until the end of the month after he or she becomes eligible for retirement.

(3) An AMEDD officer (excluding all Medical Service Corps (MSC) officers except podiatrists and optometrists) or chaplain who can not qualify for retirement under chapter 6 (10 USC 3911) upon completion of service (prescribed in *b* through *d* above) but who can attain retirement eligibility by age 60 under 10 USC 1331 may be retained (with his or her consent) on AD and in an active status until he or she qualifies for retirement but can not be retained later than age 68.

(4) An officer of the ARNGUS assigned to a headquarters or headquarters detachment of a State, the Canal Zone, Puerto Rico, Virgin Islands, or the District of Columbia as United States Property and Fiscal Officer and an officer assigned to the Selective Service System may be retained on AD and in an active status until further retention is considered inappropriate by PERSCOM or the agency concerned or until age 60, whichever is earlier.

(5) An officer of the ARNGUS assigned as Chief, National Guard Bureau.

(6) An officer whose retention is approved on an individual basis by the Secretary of the Army.

(7) An officer who on attainment of age 58 is within 2 years of qualifying for retired pay under AR 135–180 will be retained, if otherwise qualified, until the end of the month in which age 60 is reached.

f. The RC warrant officers WO1 and CW2 under the TWOS Career Plan have no fixed maximum service point. Their mandatory release points as an RC officer are governed by field promotion to CW2, active duty list, selection for voluntary indefinite (VI) status and by promotion consideration for CW3, active duty list. An RC CW3, CW4, or CW5 who is not integrated into the RA will be mandatorily released from AD on the last day of the month after he

or she completes 20 years AFS. A warrant officer qualified for retirement under chapter 6 may apply for voluntary retirement, effective not later than the scheduled release date. Exceptions are as follows:

(1) A warrant officer retained by PERSCOM under a voluntary retention program.

(2) A warrant officer serving on the chief warrant officer, W–3 (CW3), chief warrant officer, W–4 (CW4), or chief warrant officer, W–5 (CW5) active duty list promotion lock-in unless earlier release is required to meet current needs of the active Army. An officer will not be released prior to completing 31 calendar days of active service in the new grade.

(3) A warrant officer who began his or her current AD warrant officer tour prior to 1 October 1987 and who has completed less than 20 years AFS or is serving beyond 20 years AFS on an incurred ADSO, and who is recommended for active duty list promotion to CW3, CW4, or CW5 will be allowed to remain on AD until promoted and until he or she has completed the lock-in period. Earlier release may be required to meet current needs of the active Army.

(4) A warrant officer serving on an initial tour of obligated volunteer (OBV) service will be retained on AD until expiration of OBV service unless earlier release is required to meet current needs of the Active Army.

g. Officers to be released will be notified directly by CG, PERSCOM, normally not later than 6 months prior to the scheduled release date. In addition, a copy of the notification memorandum will be forwarded to the SAA and the officers' immediate commander for inclusion in the officers' MPRJ. The AGR officers who will be released from AD under this section will be notified by the Chief, National Guard Bureau; Chief, Army Reserve; or the State adjutants general.

h. An officer scheduled for release (under this paragraph) who is not eligible or does not apply for retirement but who is hospitalized will have his or her release determination made according to the medical examination.

i. The officer's separation will not be delayed past the scheduled release date due to nonsubmission or late submission of a voluntary retirement request.

2–26. Steps for processing involuntary REFRAD due to maximum service

The steps required for processing involuntary REFRAD due to maximum service are as shown in table 2–11.

Table 2–11
Involuntary REFRAD due to maximum service

Step	Work center	Required action
1	SLDR	Receives maximum service release notification memorandum from PERSCOM (or ARPERCEN for USAR AGR officers).
2	PPAA BN S–1	*a.* Upon receipt of notification memorandum, determines whether medical board proceedings are pending or appropriate under paragraph 1–23. Informs the officer that if he or she desires to retire coincident with their REFRAD, or earlier, an application for retirement must be submitted. Advises the officer that the separation will not be delayed due to nonsubmission or late submission of a request for voluntary retirement. *b.* Submits requests for retention based on military necessity to CDR, PERSCOM (TAPC–PDT–PM), or CDR, ARPERCEN (ARPC–AR), for USAR AGR officers with justification (amount of advance notice commander had for planning and new effective date requested). Officer will continue separation processing to preclude unnecessary hardship if the retention is not approved.
3	PPAA (TP/TA)	Separates or retires officer on scheduled release date. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section XIII
Task: Process Involuntary REFRAD Due to Nonselection of Voluntary Indefinite (VI) Status or AGR Continuation

2–27. Rules for processing involuntary REFRAD due to nonselection of VI status or AGR continuation

a. An RC officer nonselected for VI status (AR 135–215) will be released not later than the date established by the Secretary of the Army or on completion of his or her ADSO date, whichever is earlier.

b. An officer will be notified through channels by PERSCOM (TAPC–PDT–PM) or by the appropriate special branch proponent of his or her nonselection for VI.

c. The SAA may approve an officer's (excluding a dual status officer) request for early release who was nonselected for VI. (This authority may not be further delegated.) Applications from dual status officers will be forwarded to CDR, PERSCOM (TAPC–PDT–PM), for appropriate action. The release date will be effective before the officer's current service agreement termination date, provided the officer—

(1) Has completed 24 months AD on his or her current tour.

(2) Is not eligible for earlier release under another directive or regulation.

d. A request for early release when nonselected for VI is considered an involuntary separation and will not preclude the officer's entitlements to separation pay if otherwise eligible.

e. An officer separated under a above will receive a DD Form 214.

f. An AGR officer on an initial period of duty will be separated from AD 90 calendar days after notification of continuation board action of nonselection (AR 135–18, para 4–11) or at the end of the initial period of duty, whichever is later, unless earlier release is requested by the officer. An AGR officer on a subsequent period of duty who is not recommended for continuation will be released from AD 90 calendar days after notification of continuation board action unless earlier release is requested by the officer.

g. For AGR officers who are not recommended for continuation, Chief, National Guard Bureau; Chief, Army Reserve; and State adjutants general are authorized to order REFRAD under this section. The authority may not be further delegated.

h. The AGR officers on AD who are within 2 years of eligibility for military retirement will ordinarily not be involuntarily released from AD until eligible for such retirement. However, the Secretary of the Army may approve the REFRAD of officers when there are unusual circumstances and their retention is not considered to be in the best interests of the Army.

2–28. Steps for processing involuntary REFRAD due to nonselection of VI status or AGR continuation

The steps required for processing involuntary REFRAD due to nonselection of VI status or AGR continuation are as shown in table 2–12.

Table 2–12
Involuntary REFRAD due to nonselection of VI status or AGR continuation

Step	Work center	Required action
1	SLDR	Notified by his or her commander of VI nonselection. AGR officers are notified by NGB or OCAR of their nonselection for continuation.
2	PPAA BN S–1 C&S	For VI nonselects only— Determines whether medical board proceedings are pending or appropriate per paragraph 1–23. Counsels the officer and reports a dual status officer to CDR, PERSCOM (TAPC–PDT–PM). Releases an officer as scheduled, ensuring sufficient time is provided for the officer to arrive at home not later than 2400 hours on the last day of their AD tour. The SAA is authorized to approve early release if requested. When early release is approved, and the officer is eligible to receive separation pay, ensure the officer's packet contains the following statement: "I understand this request for early REFRAD (if approved) will not constitute my release under voluntary conditions and will not preclude my entitlements to separation pay if otherwise eligible." A copy of the action will be forwarded to CDR, PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), or HQDA (DACH–PER), as applicable.
3	PPAA (TP/TA)	Separates or releases the officer, as appropriate, on scheduled release date. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section XIV
Task: Process Involuntary REFRAD Due to Revocation of VI Status

2–29. Rules for processing involuntary REFRAD due to revocation of VI status

a. An officer identified as a substandard performer or whose file reflects misconduct, moral or professional dereliction, and who is serving a 1–year probationary period as a result of VI approval, may have his or her VI status revoked (according to AR 135–215) and be involuntarily released from AD.

b. An officer that has his or her VI revoked will be notified through channels by PERSCOM (TAPC–PDT–PM) or by the appropriate special branch proponent.

c. An officer will be separated not later than 90 calendar days after receipt of VI revocation unless—

(1) An officer is retained to complete service.

(2) Extension is approved under AR 135–215.

(3) An officer is within 2 years of retirement (an officer that completes 18 or more years AFS on his or her scheduled release date).

d. Character of service for REFRAD under this section will be characterized as honorable or under honorable conditions.

2–30. Steps for processing involuntary REFRAD due to revocation of VI status

The steps required for processing involuntary REFRAD due to revocation of VI status are as shown on table 2–13.

Table 2–13
Involuntary REFRAD due to revocation of VI status

Step	Work center	Required action
1	PPAA BN S–1	Notifies officer that VI status has been revoked. Determines whether medical board proceedings are pending or appropriate per paragraph 1–23. Ensures the officer is separated as scheduled.
2	PPAA (TP/TA)	Separates the officer on scheduled release date. Final orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section XV
Task: Process Involuntary REFRAD by the Department of the Army Active Duty Board

2–31. Rules for processing involuntary REFRAD by the DAADB

a. The DAADB (qualitative) is the Army's tool for ensuring that only an RC officer who consistently maintains high standards of performance, efficiency, morality, and professionalism is permitted to serve on active duty. The Director, Army Council of Review Boards, will operate the DAADB. Approval authority to release or retain an officer under this paragraph is the Secretary of the Army or his or her designated representative. His or her decisions are final.

b. The DAADB is one part of the Army's total "loss management" program.

c. Local commanders; CDR, PERSCOM; Chief, Army Reserve (CAR); CDR, ARPERCEN; Director, Army National Guard (DARNG); TJAG; or the DACH may recommend that an RC officer be considered by a DAADB to determine if the officer's manner of performance, degree of efficiency, or misconduct constitutes consideration for involuntary separation. Files referred to the DAADB will be identified according to the following criteria:

(1) Less than 18 years of AFS on the projected separation date.

(2) Evidence of a significant act or condition of misconduct or moral or professional dereliction.

(3) Degree of efficiency.

(4) Manner of performance, when compared to contemporaries, particularly in recent years of service.

(5) Relative potential for useful service.

(6) The presence of unfavorable information, with primary consideration to the most recent years of service and repetitive tendency.

(7) No established release date within 6 months of notification of referral for consideration by the DAADB.

d. Demonstrated significant acts or conditions of misconduct or moral or professional dereliction may be one or more of the following or similar acts or similar conditions:

(1) Discreditable or intentional failure to meet personal financial obligations.

(2) Mismanagement of personal affairs detrimentally affecting the performance of duty of the officer concerned.

(3) Mismanagement of personal affairs to the discredit of the service.

(4) Intentional omission or misstatement of fact in official statements or records for the purpose of misrepresentation.

(5) Acts of personal misconduct (including, but not limited to acts committed while in a drunken or drug intoxicated state).

(6) Intentional neglect or failure to perform duties.

(7) Conduct unbecoming an officer.

(8) Conduct or actions resulting in the loss of a professional status, such as withdrawal, suspension or abandon of professional license, endorsement or certification which is directly or indirectly connected with the performance of one's military duties and necessary for the performance thereof, including withdrawal of clinical privileges for an AMEDD officer.

(9) Acts of behavior not clearly consistent with the interests of the national security.

(10) Conduct or actions by a warrant officer resulting in the loss of special qualifications (such as withdrawal or revocation of Criminal Investigation Divisions (CIDs) accreditation, revocation of marine qualification license, removal from the Personnel Reliability Program (PRP), withdrawal of clinical privileges or loss of flying status), which directly or indirectly precludes a warrant officer from performing in his or her military occupational specialty (MOS) and is necessary for MOS performance. The REFRAD based on these reasons may not be utilized if reclassification action is feasible and in the best interest of the service or if loss of special qualification was due to medical reasons beyond the control of the warrant officer. In these cases, a statement from the career management division, citing the reasons the officer cannot be reclassified, must be a part of the evidence considered by the board.

(11) Failure to respond to rehabilitation efforts regarding acts of child/spouse maltreatment or abuse and/or other acts of family violence.

e. While not all inclusive, existence of one or more of the following or similar conditions authorizes the release from active duty of an officer because their degree of efficiency and manner of performance is substandard. The DAADB action will be initiated for conditions under (7), (9), and (10) below or elimination action will be initiated for the same conditions under chapter 4, paragraph 4–2.

(1) Downward trend in overall performance resulting in an unacceptable record of efficiency or a consistent record of mediocre service.

(2) Failure to keep pace or to progress with contemporaries, such as successive promotion failure or a low record of efficiency when compared with another officer of the same grade, branch, and length of service.

(3) Failure to exercise necessary leadership or command expected of an officer of his or her grade.

(4) Failure to assimilate technical proficiency required of the officer's grade.

(5) Failure to discharge properly assignments commensurate with the officer's grade and experience.

(6) Apathy, defective attitude, or other character disorders to include inability or unwillingness to expand effort.

(7) Failure to respond to rehabilitation efforts regarding an alcohol or other drug problem in a reasonable length of time (AR 600–85).

(8) Failure to conform to prescribed standards of dress, personal appearance, and military deportment.

(9) Failure to achieve satisfactory progress after enrollment in the Army weight control program or failure to maintain established weight/body fat standards after removal from an established weight control program (AR 600–9). This provision does not include those judge advocates and AMEDD officers who have incurred a statutory active duty service obligation for participating in Army sponsored education and training programs. These programs are the Funded Legal Education Program (10 USC 2004), Armed Forces Health Professions Scholarship Program or the Uniformed Services University of the Health Sciences (10 USC, chapters 104, 105).

(10) When no medical problems exist, and an officer has two consecutive failures of the Army Physical Fitness Test (APFT). This provision does not include those judge advocates and AMEDD officers who have incurred a statutory active duty service obligation for participating in Army sponsored education and training programs. These programs are the Funded Legal Education Program (10 USC 2004), Armed Forces Health Professions Scholarship Program or the Uniformed Services University of the Health Sciences (10 USC, chapters 104, 105).

f. A DA Form 268 (Report to Suspend Favorable Personnel Actions) will be initiated (AR 600–8–2) when an officer is identified for DAADB actions.

g. The DAADB is convened under prescribed guidance as stated in the Memorandum of Instruction (MOI), issued by the Secretary of the Army or his or her delegee. Therefore, the MOI may modify the terms of this regulation for the board, without changing the regulation, unless it is contrary to statute.

h. An officer who will complete 18 or more years of AFS on his or her scheduled release date will not be processed under this section, unless such action is approved by the Secretary of the Army.

i. The officer will be notified in writing (fig 2–3) by CG, PERSCOM; CAR; CDR, ARPERCEN; DARNG; TJAG; or DACH, as appropriate, through the general officer show cause authority (GOSCA) (a GOSCA could also be the initiating officer if DAADB is field initiated) that his or her record is being referred to the DAADB to be considered for involuntary REFRAD. The initiating officer will initiate the Suspension of Favorable Personnel Action.

j. The initiating officer (must be at GOSCA or higher level) will consider the officer's rebuttal and either close the case and notify the officer, or forward the case with the officer's rebuttal (if submitted) to CDR, PERSCOM (TAPC–PDT–PM). If the case is not closed, CDR, PERSCOM (TAPC–PDT–PM), forwards the case to DIRECTOR, ARMY COUNCIL OF REVIEW BOARDS, 2D FLOOR ROOM 200 CC MALL#4, 1941 JEFFERSON DAVIS HIGHWAY, ARLINGTON VA 22203–4508.

k. The Army Council of Review Boards will convene DAADB under prescribed guidance stated in the MOI. The board will forward cases with recommendations to the Secretary of the Army or his or her designated representative for the final decision. Officers cases approved for retention in the Army will be sent to CDR, PERSCOM (TAPC–PDT–PM), and closed favorably. Officers cases approved for release from active duty will be sent to CDR, PERSCOM (TAPC–PDT–PM), for REFRAD processing.

l. PERSCOM, OCAR, ARPERCEN, DARNG, TJAG, or DACH, as applicable, will notify the officer through channels that the DAADB selected him or her for retention.

m. Commander, PERSCOM (TAPC–PDT–PM), will forward the necessary documentation for officers not on the ADL to ARMY RESERVE, FULL TIME SUPPORT MANAGEMENT CENTER, ARPC–ARO, 9700 PAGE BOULEVARD, ST LOUIS MO 63132–5200.

n. Commdander, PERSCOM (TAPC–PDT–PM), or CDR, ARPERCEN (ARPC–AR), will issue and forward separation instructions to the appropriate PSC/MPD when the Secretary of the Army or his or her designated representative approves the involuntary separation of the officer.

o. When the officer recommended for involuntary separation is ARNGUS or USAR, PERSCOM (TAPC–PDT–PM) will refer the officer's name to CG, ARPERCEN, or Chief, National Guard Bureau, as appropriate, for elimination consideration when so directed by the Secretary of the Army or his or her designated representative.

p. Secretary of the Army or his or her delegee is the final approving authority on all DAADB cases.

q. An officer approved for involuntary REFRAD by the Secretary of the Army—

(1) For misconduct, moral or professional dereliction and is—

(a) Assigned in CONUS, will be released from AD no earlier than 5 calendar days and no later than 14 calendar days after the officer receives written notification.

(b) Assigned OCONUS, will be returned to the CONUS separation transfer point no later than 21 calendar days after the officer receives written notification, and released from AD no later than 5 calendar days after arriving at the CONUS separation TP/TA.

(2) Solely for substandard performance of duty will be released from AD no later than 30 calendar days after the officer receives written notification. The officer will not be released prior to the 30th day without his or her consent.

r. While separations under this section are involuntary, there is no entitlement to separation pay (except para *s* below) unless specifically authorized for half-separation pay by the DODPM.

s. When budgetary or authorization limitations require a reduction of the officer strength, the DAADB may be convened under the instructions of the Secretary of the Army or his or her delegee to determine which officers will be separated. These officers are not considered ineffective or substandard in duty performance, their release is determined solely on the needs of the service. Officers designated

for release from AD under this paragraph may be released on any date between the date of notification and the established mandatory release date of the officer. The officer will not be released prior to the established date without his or her consent. Early release will have no effect on entitlement to separation pay.

2–32. Steps for processing involuntary REFRAD by the DAADB

The steps required for processing involuntary REFRAD by the DAADB are as shown in table 2–14.

Table 2–14
Involuntary REFRAD by the DAADB

Step	Work center	Required action
1	PPAA BN S–1 C&S	A field commander may recommend through channels to the GOSCA that DAADB be initiated on a particular officer. If the GOSCA supports the DAADB action, A request will be made in writing to CDR, PERSCOM (TAPC–PDT–PM); CDR, ARPERCEN (DARP–AR); TJAG; or Chief of Chaplains, as applicable, to provide two copies each of the officer official military personnel file (OMPF) and officer record brief ORB). The GOSCA forwards the DAADB notification memorandum (fig 2–3), including the officer's OMPF and ORB, to the officer (fig 2–3).
2	SLDR	Upon receipt of DAADB notification memorandum, from either HQDA or the GOSCA, completes and forwards the acknowledgment of notification (fig 2–4) within 24 hours. Reviews data provided and forwards rebuttal (if desired) within 30 calendar days from receipt of notification memorandum. Rebuttal may be forwarded directly or through channels as desired by the officer. If forwarded directly, send to the initiating office (HQDA or the initiating GOSCA) by certified mail.
3	PPAA BN S–1 C&S	When the officer forwards the rebuttal through channels, commanders may review. Documents, comments, or recommendations will not be added. The last endorser will forward the rebuttal by certified mail to the initiating office (HQDA or the initiating GOSCA). The initiating officer will consider the officer's rebuttal and either close the case and notify the officer, or forward the case with the officer's rebuttal (if submitted) to CDR, PERSCOM (TAPC–PDT–PM).
4	PPAA (TP/TA)	Upon receipt of separation instructions, processes officer for separation. When the officer desires an early release, has the officer complete the memorandum as shown at figure 2–5 and places it in the officer's MPRJ as a permanent document. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section XVI
Task: Process Involuntary REFRAD Due to Civil Conviction

2–33. Rules for processing involuntary REFRAD due to civil conviction

a. An officer found convicted of a criminal offense or who enters a plea of nolo contendere to a criminal offence in any Federal or State court may be released by the Secretary of the Army or his or her delegee from AD immediately when the offense—

(1) Is one punishable by a maximum penalty of death or confinement for more than 1 year under the UCMJ. When the offense is not listed (or is not closely related to an offense listed in the UCMJ), the maximum punishment authorized by the United States Code or the District of Columbia Code (whichever is less) applies.

(2) Involves moral turpitude (included but not limited to child abuse, incest, indecent exposure, soliciting a prostitute, embezzlement, check fraud, and so forth and any felony or any other offense against the mores of society), regardless of the sentence received or maximum punishment permissible under any code.

b. Release of an officer who has completed 18 or more years of AFS on the date he or she was found guilty must be approved by the Secretary of the Army.

c. If the finding of guilty is subsequently set aside, the officer may with his or her consent and the approval of the Secretary of the Army, be returned to AD.

d. DAADB proceedings are not necessary when an officer is released under this section.

e. PERSCOM (TAPC–PDT–PM) or ARPERCEN (ARPC–AR) will issue separation instructions to the appropriate PSC/MPD when the Secretary of the Army or his or her delegee approves the recommendation to separate the officer.

f. An officer approved for involuntary separation—

(1) Assigned in CONUS, will be separated no earlier than 5 calendar days and no later than 14 calendar days after the officer receives notification.

(2) Assigned OCONUS, will be returned to the CONUS separation TP/TA no later than 21 calendar days after the officer receives written notification, and separated no later than 5 calendar days after arriving at the CONUS separation TP/TA.

2–34. Steps for processing involuntary REFRAD due to civil conviction

The steps required for processing involuntary REFRAD due to civil conviction are as shown in table 2–15.

Table 2–15
Involuntary REFRAD due to civil conviction

Step	Work center	Required action
1	C&S BN S–1	When an officer is convicted as specified in paragraph 2–33*a*, refers the action and documents to the officer (fig 2–6). Initiates a DA Form 268 according to AR 600–8–2.
2	SLDR	*a.* Forwards acknowledgment of notification (fig 2–4) within 24 hours. *b.* Prepares and forwards a written statement or rebuttal (if so desired) within 30 days of notification with assistance from legally qualified counsel who may be a member of the Judge Advocate General's Corps or civilian counsel retained by the officer.
3	PPAA	Determines whether medical board or PEB proceedings are pending or appropriate.
4	BN S–1	Forwards separation requests with detailed recommendation and the officer's rebuttal (when submitted), through the GOSCA to CDR, PERSCOM (TAPC–PDT–PM); The Judge Advocate (DAJA–PT); Chief of Chaplains (DACH–PER); or CDR, ARPERCEN (ARPC–AR), as appropriate.
5	C&S	The GOSCA will not include any additional documents, comments or recommendations to the case, without referral to the officer for further comment.
6	PPAA (TP/TA)	When separation instructions (TP/TA) are received, separates the officer. Final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section XVII

Task: Process Involuntary REFRAD Pending Appellate Review

2–35. Rules for processing involuntary REFRAD pending appellate review

a. A Reserve officer whose sentence as approved by the general court-martial convening authority (GCMCA) includes a dismissal (commissioned officers) or dishonorable discharge (warrant officer who is not commissioned) without confinement may be placed on excess leave (AR 600–8–10) (in lieu of REFRAD) prior to completion of appellate review.

b. A Reserve officer sentenced to dismissal (commissioned) or dishonorable discharge (warrant officer who is not commissioned) may be released from AD prior to appellate review completion, upon completion of confinement.

c. When the sentence after final appellate review does not include dismissal or dishonorable discharge, the officer will be returned to AD (with his or her consent) in the same grade, and with the same service commitment as existed upon release from AD.

d. Transportation in kind will be furnished to the officer. A lump sum payment for unused leave is not authorized. Reimbursement for travel of dependents, and shipment of household goods will be as authorized by the Joint Federal Travel Regulation (JFTR), volume 1. The officer will be advised that, in the event his or her appeal results in a final characterization of the release as under honorable conditions, he or she may file a claim with the Defense Finance and Accounting Service for benefits withheld on release.

e. DD Form 214 will not be prepared.

f. PERSCOM (TAPC–PDT–PM) will forward a letter of instructions directing the REFRAD in each case to the appropriate commander. Appropriate separation forms will be completed and issued by PERSCOM on final disposition of the case.

g. For USAR AGR officers sentenced to confinement, CG, PERSCOM, will notify CDR, ARPERCEN (ARPC–AR), for appropriate orders.

2–36. Steps for processing involuntary REFRAD pending appellate review

The steps required for processing involuntary REFRAD pending appellate review are as shown in table 2–16.

Table 2–16
REFRAD pending appellate review

Step	Work center	Required action
1	C&S	The GCMCA notifies PERSCOM (TAPC–PDT–PM) or ARPERCEN (ARPC–AR), as appropriate, immediately when an RC officer has been approved for a sentence to dismissal or dishonorable discharge with no confinement. When the officer is to be returned to the CONUS, includes the appropriate TP/TA as information addressee.
2	C&S	The commander of the confinement facility notifies CDR, PERSCOM (TAPC–PDT–PM) or CDR, ARPERCEN (ARPC–AR), as appropriate, not later than 2 weeks prior to completion of an RC officer's confinement that has been sentenced to dismissal or dishonorable discharge and confinement, and whose sentence has not been finally approved. Notifications are exempt from report control under AR 335–15, chapter 7, and when appropriate will include the following: *a.* Name, grade, SSN, branch and assignment. *b.* Date and source of general courts-martial order, and sentence as approved. *c.* Date of release from confinement. *d.* Date of departure, mode of travel, transportation terminal and estimated time of arrival (if being returned from OCONUS command).
3	C&S	The GCMCA of the confinement facility returns the officer stationed OCONUS to the appropriate CONUS TP/TA to await separation instructions from PERSCOM.
4	C&S	*a.* The commander of the confinement facility issues reassignment orders directing the officer to report to a TP/TA for separation. Includes in the reassignment orders the following statement: "Under the provisions of the Uniform Code of Military Justice, Manual for Courts-Martial, 1984," an officer could be retained in the service pending final action on the court-martial charges under which he or she stands convicted. The fact that he or she is being released from AD shall not effect or be construed to effect, constructively or by impliedly, any condonation or pardon of the offense or offenses under which the officer stands convicted, or remission, in whole or in part, of the sentence adjudged against him or her. The period of service from which he or she is being released from AD will be characterized according to the final action on said sentence. *b.* Complete DD Form 214 WS and forwards to CDR, PERSCOM (TAPC–PDT–PM) or CDR, ARPERCEN (ARPC–AR), as appropriate. Includes with the transmittal memorandum five copies of the final release order.
5	C&S	The SAA ensures an officer released under this section is not terminated prior to receipt of final instructions from PERSCOM or ARPERCEN, as appropriate.
6	PPAA (TP/TA)	Ensures that action is taken as required by AR 190–47, paragraph 5–2, and AR 635–10, paragraph 3–15. Separates the officer.
7	C&S	The SAA will advise CDR; CDR, PERSCOM (TAPC–PDT–PM); or CDR, ARPERCEN (ARPC–AR); as appropriate, by electrical means, the date the officer is released from AD and the officer's permanent home address.

Section XVIII

Task: Process Involuntary REFRAD and Termination of Reserve Appointments of Student Officers and Warrant Officers Attending Branch Orientation, Familiarization Courses, or Warrant Officer Basic Course (WOBC)

2–37. Rules for processing involuntary REFRAD and termination of Reserve appointments of student officers and warrant officers attending branch orientation, familiarization courses, or WOBC

a. An RC officer with less than 3 years commissioned service will be released from AD and discharged from his or her USAR commission when the officer fails to meet the standards of service schools due to—

(1) Misconduct.

(2) Moral or professional dereliction.

(3) Academic or leadership deficiencies.

(4) Resigning from a course.

b. An officer attending any basic course while detailed from his or her branch for strength accounting only and who is attending a course of instruction at a different branch school as part of his or her basic course is included in this section.

c. Effective 1 October 1992, warrant officers W–1, who are appointed contingent upon successful completion of WOBC, will be REFRAD or discharged if—

(1) Eliminated from WOBC due to his or her resignation from the course or for failure to meet the conduct, moral, physical, professional, academic, or leadership standards.

(2) Failure of RC, WO, W1 to successfully complete WOBC within 2 years of appointment (3 years with HQDA (DAAR–PE) or Chief, National Guard Bureau (GB–ARP–O) waiver).

d. The GCMCA for an officer attending a service school (TJAG for an officer attending The Judge Advocate General's School) has final authority to approve or disapprove the officer's REFRAD (ARNGUS and USAR officers) or discharge (USAR officers only) under this section. This authority will not be further delegated.

e. For purposes of this section, the term school commandants includes commanders of U.S. Army medical treatment facilities when a branch or specialty qualifying course is conducted in such a facility.

f. The Commander, ARPERCEN, will direct the discharge of an officer of the USAR who has been released from ADT under a self-terminating order. The school commandant will forward all documents and reports pertaining to a USAR officer to CDR, ARPERCEN (ARPC–PAT–R), 9700 PAGE BLVD, ST LOUIS MO 63132–5200.

g. The school commandant will forward all documents and reports pertaining to an ARNGUS officer to HQDA (NGB–ARP–O), Chief National Guard Bureau, 2500 ARMY PENTAGON, WASH DC 20310–2500, under NGR 635–100, who has responsibility for withdrawal of Federal recognition of all ARNGUS officers.

2–38. Steps for processing involuntary REFRAD and termination of Reserve appointments of student officers and warrant officers attending branch orientation, familiarization courses, or WOBC

The steps required for processing involuntary REFRAD and termination of Reserve appointments of student officers and WOs attending branch orientation, familiarization courses, or WOBC are as shown in table 2–17.

Table 2–17
Involuntary REFRAD and termination of Reserve appointments of student officers and WOs attending branch, familiarization courses, or WOBC

Step	Work center	Required action
1	PPAA BN S–1 C&S	*a.* The school commandant at the start of each course advises each student that may be affected by this section of the rules and procedures herein. *b.* When a student fails to meet the standards of the school, recommends that student be released from AD and refers his or her case to the school faculty board. The student may waive consideration of his or her pending separation by a faculty board and accept the decision of the approval authority in respect to his or her release/discharge.
2	SLDR	If the student desires a faculty board, he or she may present to the board any circumstances the student considers extenuating.
3	C&S	If the student desires a faculty board, the school faculty board then considers the student's case and includes in its findings all circumstances surrounding the failure and leadership potential of the student.
4	C&S	The school commandant forwards recommendations with the faculty board proceedings (unless the student waives consideration by the board) to the officer exercising GCM jurisdiction over the school. The Commandant, The Judge Advocate General's School, forwards proceedings to ATTN HQDA (DAJA–PT), THE JUDGE ADVOCATE GENERAL, 2206 ARMY PENTAGON, WASH DC 20310–2206.
5	PPAA BN S–1 C&S	The GCMCA/TJAG will, if the student desires a board, then approve or disapprove the faculty board's findings and recommendations. *a.* Return the proceedings to the school commandant when the REFRAD or discharge (or other action within the authority of the school commandant) is directed. *b.* Forward the proceedings to CDR, PERSCOM (TAPC–PDT–PM), when retention with branch transfer is approved. *c.* When the final approved action must be considered or executed by PERSCOM, forward the proceedings to CDR, PERSCOM TAPC–PDT–PM). *d.* Determine whether medical board or physical evaluation board proceedings are pending or appropriate per paragraph 1–22.
6	C&S	The school commandant authorizes a student serving on ADT to return in time to arrive at his or her home station by the termination date of self-terminating order, when he or she has not received the final decision of the case.
7	SACT (TP/TA)	*a.* Separates a student whose REFRAD (USAR and ARNGUS) or discharge (USAR only) is directed by the GCM authority or TJAG. (Exception: for a student of the USAR on ADT who has returned home under self-terminating orders and any student of the ARNGUS on full-time training duty, then para 2–37*e* or *f* applies). Unless one of exceptions apply, final release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1. *b.* Forwards to CDR, ARPERCEN (ARPC–PAT–R), for USAR students, or to Chief, National Guard Bureau (NGB–ARP–O), as appropriate, one copy of the release order, a report of the student's academic performance, a copy of the faculty board proceedings (if applicable), and the action directed by the GCMCA or TJAG. For an ROTC graduate, includes the name of the school.

Section XIX
Task: Process Involuntary Early Release of ARNGUS and USAR Officers on ADT, ADSW, and TTAD

2–39. Rules for processing involuntary early release of ARNGUS and USAR officers on ADT, ADSW, and TTAD

a. ARNGUS and USAR commissioned and warrant officers may be involuntarily released early from ADT, ADSW, and TTAD for any of the reasons shown in (1) through (3) below. The unit or agency sponsoring the tour will initiate the recommendation for involuntary early release when appropriate, taking into consideration the length of time remaining on the officer's tour, based on automatic release date authorized by self-terminating orders. (This section does not relieve the commander from his or her moral obligation to pursue separation for cause under other sections of this

regulation when the circumstances exist.) The approval authority for early release under (2) and (3) below is the commander of the unit or agency sponsoring the tour and does not require board action.

(1) An officer's conduct, degree of efficiency, or manner of performance is seriously deficient.

(2) There is a change in mission requirements which results in malutilization of the officer's skills (no board).

(3) Funds are curtailed for the tour (no board).

b. The initiating commander will refer the recommendation for involuntary early release (fig 2–7) to the officer for rebuttal or comment. Specific reasons must be included in the recommendation. The officer's rebuttal or comments must be returned to the initiating commander within 15 calendar days from the date of receipt. No reasons will be added after the officer's review, without further referral to the officer (AR 600–37). The officer may submit a written request (fig 2–1) for voluntary early release instead of responding to the recommendation for involuntary early release. Should the officer request voluntary release, the request will be processed in the same manner as a recommendation for involuntary early release, except that no board action is required. The officer's request for voluntary release will be accepted and all involuntary release action will cease.

c. The unit or agency commander sponsoring the tour that initiated the involuntary early release under *a*(1) above will submit a completed recommendation to include the officer's rebuttal or comments. The recommendation will be sent through command channels of the unit or agency sponsoring the tour to CDR, ARPERCEN (ARPC–OPM), 9700 PAGE BOULEVARD, ST LOUIS MO 63132–5200, for USAR officers or to HQDA (NGB–ARP–O), CHIEF NATIONAL GUARD BUREAU, 2500 ARMY PENTAGON, WASH DC 20310–2500, for ARNGUS officers. In addition, a copy of the recommendation will be sent to the officer's assigned unit. Intermediate commanders will recommend approval or disapproval with reasons and forward promptly to the next higher headquarters.

d. The DARNG and CDR, ARPERCEN, acting for HQDA, will convene a board of officers to consider recommendations for involuntary early release under *a*(1) above concerning their respective personnel. The board will determine if the officer will be retained or released from the tour. In all cases, when release is ordered, the commander will contact the orders-issuing-agency for amendment of orders. The DARNG and the CG, ARPERCEN, will prescribe the board proceedings. A personal appearance by the officer before the board is not authorized. The board proceedings will be final.

e. An officer to be retained or released will be notified through the proper channels. An officer will be released within 30 calendar days after notice that the release has been approved or at the end of the tour, whichever is earlier. In no case will the officer be retained beyond the end date of the tour due to the release action not being completed.

f. An officer evaluation report or academic evaluation report, as appropriate, will be submitted on each officer who is involuntarily released or who voluntarily requests release in lieu of the involuntary release action. Each report will be sent through the rating chain to ATTN NGB–ARP–O, CHIEF NATIONAL GUARD BUREAU, 2500 ARMY PENTAGON, WASH DC 20310–2500, or to CDR, ARPERCEN (ARPC–PRE–O), 9700 PAGE BLVD, ST LOUIS MO 63132–5200 (AR 623–105).

g. Entitlement to separation pay for officers who are involuntarily released should be determined by referring to the DODPM, part 4, chapter 4.

h. Paragraphs 2–33 and 2–34 do not apply to officers released early from their tour under this section.

2–40. Steps for processing involuntary early release of ARNGUS or USAR officers on ADT, ADSW, and TTAD

The required steps for processing involuntary early release of ARNGUS or USAR officers on ADT, ADSW, and TTAD are as shown in table 2–18.

Table 2–18
Involuntary early release of ARNGUS or USAR officers on ADT, ADSW, and TTAD

Step	Work center	Required action
1	PPAA BN S–1	Prepares and forwards involuntary early release recommendation (fig 2–7) to the officer.
2	SLDR	Receives involuntary early release recommendation and responds with a rebuttal or comments or requests voluntary early release (fig 2–1) in lieu of involuntary early release. Response must be in writing and provided to the initiating commander within 15 calendar days of receipt of the recommendation for involuntary early release.
3	BN S–1 C&S	Reviews rebuttal, or comments, or voluntary early release request. Each commander in the rating chain of the unit or agency sponsoring the officer's tour that initiated the recommendation will recommend approval or disapproval and provide reasons for the recommendation. *a.* Recommendations for early release initiated under paragraph 2–39*a*(2) and (3), the commander of the unit or agency that sponsored the respective tour is the approval/disapproval authority. *b.* For recommendations for early release initiated under paragraph 2–39*a*(1), the complete action will be promptly forwarded by each commander in the chain through the next higher headquarters to CDR, ARPERCEN (ARPC–OPM), for USAR officers or to Chief, National Guard Bureau (NGB–ARP–O) for ARNGUS officers.
4	BN S–1 PPAA (TP/TA)	Receives release notification and ensures officer is released within 30 calendar days or at the end of the officer's tour, whichever is earlier. Ensures that the appropriate evaluation report is prepared. Release orders and forms will cite regulatory authority.

Section XX
Task: Process Involuntary REFRAD Due to Failure of Selection for Permanent Reserve Promotion

2–41. Rules for processing involuntary REFRAD due to failure of selection for permanent Reserve promotion

a. The provisions of this section do not apply to commissioned officers and warrant officers on the ADL (AR 600–8–29, 10 USC 620, and (37 USC 201(b), 10 USC Part II of subtitle A, Warrant Officer Management Act (WOMA)). Except as indicated in *b* through *e* below, the officers and warrant officers listed in subparagraphs (1) and (2) below will be released from AD. They will be discharged on the 120th calendar day after receipt of involuntary release notification. This is unless earlier release is voluntarily requested or transfer to the Retired Reserve is requested and the soldier is eligible per AR 140–10. Officers and warrant officers with a remaining service obligation will be transferred to the Ready Reserve.

(1) Reserve commissioned officers serving on AD as commissioned officers who fail a second time to be selected for promotion to permanent Reserve grade of captain, major, or lieutenant colonel.

(2) Reserve warrant officers serving on AD as warrant officers who fail a second time to be selected for promotion to permanent grade of CW3, CW4, or CW5.

b. Reserve commissioned officers holding a permanent Reserve grade of 2LT and serving on AD as commissioned officers and who are not promoted to the permanent Reserve grade of 1LT on or before completing 3 years promotion service will be released. These officers must be released from AD and discharged on the date of

completion of such service unless they have a remaining service obligation. Those serving an obligated period of AD will be retained on AD until completion of this obligation.

c. Reserve warrant officers holding the permanent Reserve grade of W1 and serving on AD as warrant officers and who are not promoted to the permanent Reserve grade of CW2 on or before date completing 3 years promotion service will be released from AD. They will be released from AD and discharged on date of completion of such service unless they have a service obligation. Those serving an obligated period of service will be retained on AD until completion of their obligation.

d. Officers and warrant officers within 2 years of qualifying for retirement will be retained on AD until the last day of the month following the month they qualify for such retirement. This will apply to those qualifying for retirement under chapter 6 (20 years AFS including 10 years commissioned service for officers) on their scheduled release date. Also, these officers and warrant officers must be able to qualify before attaining maximum ages specified in this chapter. Release must, however, be approved by the Secretary of the Army (10 USC 12686).

e. An officer or warrant officer eligible for retirement under chapter 6 may apply for retirement to be effective not later than the first day of the month following the month in which release is directed.

f. ARPERCEN forwards the notification of nonselection through command channels for personal presentation to the officer.

g. ARPERCEN, upon receipt of the signed acknowledgement of notification of REFRAD and election of options from the officer, forwards a copy of the signed acknowledgement and election of options to the personnel service support team.

2–42. Steps for processing involuntary REFRAD due to failure of selection for permanent Reserve promotion

The steps required for processing involuntary REFRAD due to failure of selection for permanent Reserve promotion are as shown in table 2–19.

Table 2–19
Involuntary REFRAD due to failure of selection for permanent Reserve promotion

Step	Work center	Required action
1	C&S	The commander personally notifies the officer of his or her nonselection. The commander will counsel the officer regarding his or her options.
2	SLDR	The officer is notified and counseled by his or her commander. The officer signs the acknowledgment of notification and election of options and forwards to CDR, ARPERCEN, by the established suspense date.
3	C&S	The commander ensures the officer's acknowledgment and election of options is forwarded to CDR, ARPERCEN, by the established suspense date.
4	PSST	Upon receipt of the established separation date and the officer's election of options from CDR, ARPERCEN, processes the officer for REFRAD and discharge/transfer to Retired Reserve, as applicable. A copy of the acknowledgment and election of options will be filed in the officer's MPRJ. Separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Figure 2–1. Sample format request for voluntary REFRAD or early release

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels)

FOR: CDR, PERSCOM (TAPC-PDT-PM) or The Judge Advocate General (DAJA-PT)
or Chief of Chaplains (DACH-PER) or CDR, ARPERCEN (ARPC-OP)
for ADT or ADSW or CDR, ARPERCEN (ARPC-AGR) for
AGR or CNGB (NGB-ARP-O)

SUBJECT: Request for Voluntary Release from Active Duty or early release from ADT, ADSW, OR TTAD (as appropriate).

1. I, *(name, grade, branch, SSN),* hereby request voluntary release from active duty or early release under AR 600-8-24, *(add appropriate paragraph number)* effective *(date)* or as soon as practicable thereafter.

2. Reason for voluntary release from active duty or early release: ***(hardship, essential to national interest, pregnancy, attend school, enlistment/reenlistment in the RA, assigned to medical hold, in lieu of involuntary early release, whichever applies).***

3. *(When reason is pregnancy, include)* I understand this request may only be withdrawn with the approval of HQDA, even though the reason for submission may change. *(Also, include certification of pregnancy.)*

4. I understand that if my release from active duty is accepted that my character of service will be characterized as Honorable or Under Honorable Conditions.

Figure 2–1. Sample format request for voluntary REFRAD or early release—Continued

5. I understand that if I participated in certain advanced education programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulations.

6. Present duty station:

Assignment:

Attachment, *(if any):*

7. I *(do) (do not)* desire separation overseas. *(Applicable only if currently serving in an overseas area.)*

8. As of *(the date of this application),* I have *(number)* days of accrued leave. I *(do) (do not)* plan to take transition leave. I plan to take *(number)* days leave *(if applicable).*

9. My mailing address immediately after release from active duty will be *(complete address).*

JANE J. DOE
Captain, ADA
(SSN)

Figure 2–2. Sample format for pregnancy statement of counseling

STATEMENT OF COUNSELING

(Date)

I affirm that I have counseled *(name, grade, and SSN)* this date on applicable items contained in AR 600-8-24, table 2-5, concerning her rights, entitlements, and responsibilities.

(Signature of counseling officer)

(Typed name, grade, SSN and organization of counseling officer)

Orig: Officer
1 copy: MPRJ

Figure 2–3. Sample format for DAADB recommendation

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels)

FOR:

SUBJECT: Department of the Army Active Duty Board

1. We continually review records to provide career guidance and periodic performance evaluations for officers managed within the Officer Personnel Management Directorate. During our review, we identify those officers whose degree of efficiency and manner of performance are below the level of their contemporaries. The records of these officers are selected for referral to a Department of the Army Active Duty Board (DAADB) to be considered for involuntary release from active duty under the provisions of AR 600-8-24, paragraph 2-31. A recent review of your official military personnel file (OMPF) suggests that referral of your file for review by the DAADB is appropriate. In conjunction with this action, a DA Form 268, (enclosure 1), has been initiated as set forth in AR 600-8-2.

2. The DAADB will review your OMPF and make its final determination on whether you will be retained or involuntarily released from active duty based on the guidance provided at enclosure 2. Should you be selected for involuntary release, your release will be as indicated below, after your receipt of the board's official determination.

a. For misconduct, moral or professional dereliction and if you are--

(1) Assigned in CONUS, you will be released from AD no earlier than 5 calendar days and no later than 14 calendar days after receipt of written release notification.

(2) Assigned OCONUS, you will be returned to the CONUS separation transfer point no later than 21 calendar days after receipt of written release notification and released from AD no later than 5 calendar days after arriving at the CONUS TP/TA.

b. Solely for substandard performance of duty, you will be released from AD no later than 30 calendar days after receipt of written release notification. You will not be released prior to the 30th calendar day without your consent.

3. A micofiche copy of your OMPF (enclosure 3) and a copy of your Officer Record Brief (ORB) (enclosure 4) are provided for your review. Copies of these records will be submitted to the board. I encourage you to review your record and ensure its accuracy and completeness.

4. You may submit any written material that you wish the board to consider. The information you submit may or may not reverse the decision to forward your records to the board but will, in any case, be considered by the board when reviewing your OMPF. You may not appear before the board. Information that you wish to provide to this board should be addressed to TAPC-PDT-PM, US TOTAL ARMY PERSONNEL COMMAND, 200 STOVALL STREET, ALEX VA 22332-0478; ATTN DAJA-PT, THE JUDGE ADVOCATE GENERAL, 2206 ARMY PENTAGON, WASH DC 20310-2206; ATTN DACH-PER, CHIEF OF CHAPLAINS, 2700 ARMY PENTAGON, WASH DC 20310-2700; OR ATTN ARPC-AR, CDR, ARPERCEN, 9700 PAGE BOULEVARD, ST LOUIS MO 63132-5200, for USAR AGR officers, as applicable, and must be forwarded by certified mail.

5. Acknowledge receipt of this letter by completing and mailing the acknowledgement of notification (fig 2-4) within 24 hours. You will be provided 30 calendar days from receipt of this notification to complete the review of your OMPF and submit correspondence to the board, if desired. After this period, the board will consider your records as they exist at that time.

FOR THE COMMANDER

Encls

as

Figure 2–4. Sample format for officer's acknowledgment of notification

(Date)

SUBJECT: Acknowledgment of Notification for Recommendation for Involuntary Release from Active Duty

TO: *(Officer Recommending Release from Active Duty)*

1. I have received your memorandum recommending my involuntary separation from active duty.

2. I *(will) (will not)* make a statement or submit a rebuttal in my behalf. My statement/rebuttal is enclosed *(if applicable).*

Encl *(if appropriate)*

(Signature of the officer)
(Typed name, rank, and SSN)

Figure 2–5. Sample format for involuntary release from active duty notification

(Date)

SUBJECT: Release Date Under AR 600-8-24, Chapter 2, Paragraph 2-31.

TO: *(Officer Recommending Release from Active Duty)*

1. I received official notification on *(date)* that I am to be involuntarily released from active duty under the provisions of AR 600-8-24, chapter 2, paragraph 2-31, no later than *(insert the number of days as determined by para 2-31q)* calendar days after the date of my notification.

2. I hereby consent to be released from active duty on *(date).*

3. I understand that my release prior to the *(insert the number of days from para 1 above)* calendar day after I received notification will have no bearing on my entitlements.

(Signature of the officer)
(Typed name, grade, and SSN)

Figure 2–6. Sample format for recommendation for involuntary release from active duty

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels)

FOR: *(Individual Officer)*

SUBJECT: Recommendation for Involuntary Release from Active Duty

1. I am initiating action recommending you to be involuntarily released from active duty under provisions of AR 600-8-24, *(add appropriate paragraph)* due to *(add appropriate reason, that is, misconduct, moral or professional dereliction, civil court conviction (specific Federal or State court)).*

2. My recommendation is based on the following *(list only applicable reasons that can be supported by specific factual allegations and evidence) (attach copy of civil conviction):*

a.

b.

3. In conjunction with this action, a suspension of favorable personnel action (DA Form 268) has been initiated (AR 600-8-2).

4. You may have the assistance of an officer of The Judge Advocate General's Corps appointed as counsel or seek your own civilian counsel (obtained by you at no expense to the Government) to prepare a written statement indicating any pertinent facts or rebuttal to your involuntary separation. This statement may be sworn or unsworn.

5. I recommend you be separated with *(type)* character of service. Your case will be forwarded to the ASA (M&RA) without referral to a DA Active Duty Board. *(Use only for civil court conviction.)*

6. Request you complete the acknowledgment *(fig 2-4)* and return it with this correspondence and your statement or rebuttal within 7 calendar days *(30 days for civil court conviction cases that will not be referred to a DA Active Duty Board)* of receipt of this memorandum. If your case is processed for referral to a DA Active Duty Board, you will receive an additional opportunity to provide a statement/rebuttal.

(Signature)

Encls

(Name)
(Rank, branch)
(Command element)

Figure 2–7. Sample format for recommendation for involuntary early release from ADT, ADSW, or TTAD

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels)

FOR: *(Individual Officer)*

SUBJECT: Recommendation for Involuntary Early Release from ADT, ADSW, or TTAD *(as appropriate)*

1. I am initiating action recommending you be involuntarily released early from your *(ADT, ADSW, or TTAD, as appropriate)* under AR 600-8-24, paragraph 2-39, due to *(add appropriate reason; see para 2-39a).*

2. My recommendation is based on the following *(list only specific reasons):*

Figure 2–7. Sample format for recommendation for involuntary early release from ADT, ADSW, or TTAD—Continued

a.

b.

3. You have the option to submit a voluntary request for early release from your tour in place of this recommendation for involuntary early release from your tour.

4. You may have the assistance of an officer of The Judge Advocate Generals's Corps or seek your own civilian counsel (obtained by you at no expense to the Government) to prepare written comments indicating any pertinent facts or rebuttal to this recommendation for your involuntary release from your tour. Comments or rebuttal may be sworn or unsworn.

5. Your request for voluntary early release from your tour or your comments/rebuttal to the involuntary early release will be provided to the initiating officer of this recommendation within 15 calendar days of receipt.

6. This recommendation with your comments or rebuttal or your voluntary early release request will be forwarded through channels to CG, ARPERCEN, or to Chief, National Guard Bureau, as appropriate, for board action *(if appropriate).*

(Signature)

(Name)
(Rank, Branch)
(Command element)

Chapter 3
Resignations

Section I
Scope

3–1. Introduction

a. This chapter prescribes the tasks, rules, and steps for processing voluntary resignations. Except as provided in *b* below, any officer of the Active Army or USAR may tender a resignation under provisions of this chapter. The Secretary of the Army will accept resignations and orders will be issued by direction of the CG, PERSCOM. An officer whose resignation has been accepted will be separated on the date specified in Department of the Army's orders or as otherwise directed by the Department of the Army. An appropriate discharge certificate as specified by the CG, PERSCOM, will be furnished by the appropriate commander at the time the officer is separated. The date of separation, as specified or directed, will not be changed without prior approval of HQDA nor can valid separation orders be revoked subsequent to the specified or directed date of separation.

b. USAR officers in an AGR status or on ADT, ADSW, TTAD and soldiers on AD pursuant to 10 USC 12304 (Presidential Selected Reserve) will request resignations under the provisions of AR 135–175. Before such a request is submitted, they must be released from their active duty status.

3–2. Withdrawal of resignation

a. An officer may request withdrawal of his or her resignation at any time prior to commencing travel pursuant to orders issued for the purpose of separating the officer. The request, including reasons, will be forwarded through channels specified in paragraph 3–4. Each forwarding endorsement will include recommendation for approval or disapproval. Reasons for disapproval will be stated.

b. A resignation may be withdrawn only with the approval of HQDA, with the exception of an unqualified resignation. An unqualified resignation may be withdrawn on the approval of an endorsing commander in the field and returned to the officer concerned, provided the resignation has not been forwarded by the commander to CG, PERSCOM.

3–3. Notification to finance and accounting officer

When notice of acceptance of the resignation is received by the installation or local commander, he or she will notify the appropriate finance and accounting officer as provided in AR 210–10.

3–4. Routing

a. Resignations under paragraphs 3–13, 3–15, and 4–22 of this regulation must be processed through the GOSCA or through the GCMCA. These actions will be routed to that commander through the same channels as court-martial actions. The GOSCA or GCMCA will forward the resignation with the recommendation for elimination and his or her comments directly to CDR, PERSCOM (TAPC–PDT–PM). Additionally, an information copy of the correspondence will be forwarded to interested higher headquarters (for example, MACOM) in the chain of command.

b. Resignations under paragraphs 3–5 and 5–9 of this regulation will be forwarded through normal administrative channels to PERSCOM. For resignations under paragraph 3–5, forward to CDR PERSCOM (TAPC–PDT–PM), ALEX VA 22332–0478; HQDA (DAJA–PT), THE JUDGE ADVOCATE GENERAL, 2206 ARMY PENTAGON, WASH DC 20310–2206; or HQDA (DACH–PER), CHIEF OF CHAPLAINS, 2700 ARMY PENTAGON, WASH DC 20310–2700, as applicable. The officer's immediate commander will send resignations under paragraph 3–11 (resignation because of pregnancy) directly to CDR, PERSCOM (TAPC–PDT–PM), or the HQDA agency shown above as applicable to judge advocates or chaplains. Resignations under paragraphs 3–5 and 5–9 will be processed as follows: In those commands where the normal administrative channels include a headquarters exercising GCM authority, that headquarters will—

(1) Forward resignations under paragraph 3–5, as stated in *b* above and under paragraph 5–9, directly to CDR PERSCOM (TAPC–PDT–PM), ALEX VA 22332–0478.

(2) Provide information copies of the action to interested higher headquarters (for example, MACOM) in the chain of command.

c. In those commands authorized to deal directly with HQDA on routine personnel matters and those administrative channels that do not include a headquarters that exercises GCM jurisdiction, the commander may designate, in writing, the subordinate units or activities in his command that may forward these separation requests

directly to CDR, PERSCOM (TAPC–PDT–PM), or agency shown in *b* above. Principal officials of HQDA Staff agencies are included in this category concerning class II installations under their control. The headquarters designated will ensure that the request is complete and correct. Resignations under this paragraph will be in writing and an information copy of the resignation will be sent to CDR, PERSCOM (TAPC–PDT–PM). The first forwarding endorsement will contain the following:

(1) Recommendation for approval or disapproval and type of discharge to be furnished. If approval is recommended and the officer has not fulfilled the service requirements specified in paragraph 3–5, complete justification will be included. Similarly, recommendations for disapproval will state reasons.

(2) Statement that none of the conditions in paragraph 1–11*b* exist or if any do exist, a complete explanation.

(3) Statement that necessary action has been or will betaken to adjust and close any public property or financial accounts of the officer concerned.

(4) Report of any recent misconduct of the officer concerned that had not been previously reported to HQDA. Any serious misconduct committed or discovered subsequent to the endorsement will be reported to PERSCOM (TAPC–PDT–PM) in an expeditious manner.

(5) If the officer is serving OCONUS, statement of whether he or she is accompanied by dependents and the date the officer will complete the OCONUS tour.

(6) If the officer is serving OCONUS and requests separation OCONUS, recommendation concerning such request. If disapproval is recommended, reasons will be given. If approval is recommended, include a positive statement that the foreign country concerned specifically consents to his or her separation in that country.

(7) Statement that the officer is physically qualified for separation or that the officer will be scheduled for medical examination according to paragraph 1–22*a* as appropriate.

(8) Succeeding forwarding endorsements will contain recommendations for approval or disapproval and type of discharge certificate to be furnished.

(9) For additional information required, see pertinent section for each type of resignation.

Section II
Task: Process Unqualified Resignation

3–5. Rules for processing unqualified resignation

a. Any officer on AD (for more than 90 calendar days) may tender a resignation under this paragraph except when action is pending that could result in resignation for the good of the Service; officer is under a suspension of favorable actions, pending investigation, under charges; or any other unfavorable or derogatory action is pending.

b. Normally, resignations will not be accepted unless on the requested date of separation the officer has fulfilled the service obligation below.

(1) Graduates of fully funded commissioning programs must complete the ADSO incurred by participation in such programs. However, this obligation may be waived if the monies are recouped.

(2) An officer must serve in the Armed Forces until completion of his or her statutory military service obligation (MSO). An officer who was commissioned on 1 June 1984 or later has an 8–year MSO. Time spent as a cadet at the United States Military Academy or as an ROTC cadet does not count towards fulfilling the MSO. An officer who requests resignation before completing the 8–year MSO must agree to accept an indefinite appointment in the USAR to complete such service obligation. The act of taking the Reserve officer's oath by an RA officer is sufficient to simultaneously terminate the officer's RA status by operation of law.

(3) Service academy graduates and ROTC DMGs who are released/separated from active duty before completing their ADSO will complete the remaining portion of their ADSO in the Selected Reserve. This requirement may only be waived by the ASA (M&RA) or his or her delegate. The Deputy Chief of Staff for Personnel (DCSPER) or his or her delegate will determine if unit positions are available for these officers.

(4) An officer who has received a PCS must complete the ADSO incurred by the reassignment. (See AR 614–30.)

(5) An officer who has attended or is attending a service school, civilian educational institution, or special training for which a utilization tour is required will complete any period of service specified by AR 350–100 and appropriate regulations.

(6) An officer on orders for assignment to a military mission, a military assistance advisory group, or attaché office must complete his or her training and the overseas tour of duty prescribed by AR 614–30.

(7) An officer on orders to a course of instruction, an OCONUS station, or any other assignment that will incur an ADSO will comply with such orders unless an exception is granted by PERSCOM. Exceptions will be considered on an individual basis, provided the resignation is submitted within 30 calendar days of receipt of the alert or reassignment order, whichever is earlier.

c. The first colonel in the officer's chain of command or supervision will counsel the officer (except for chaplains, judge advocates, and AMEDD personnel) with less than 10 years AFCS when he or she submits an unqualified resignation. The counseling will be as stated in paragraph 1–12*b*.

d. Judge advocates, chaplains, and AMEDD officers will be counseled by a senior officer of their branch in their chain of technical supervision or as specifically designated by their branch. This counseling will be as stated in paragraph 1–12*b*.

e. PERSCOM (TAPC–PDT–PM) will issue separation instructions on approved requests to the appropriate PSC/MPD.

f. If disapproved, PERSCOM (TAPC–PDT–PM); HQDA (DAJA–PT) (judge advocates); or HQDA (DACH–PER) (chaplains), as applicable, will return requests through channels to the officer.

g. An unqualified resignation accepted in PERSCOM will be Under Honorable Conditions. A DD Form 256A or DD Form 257A discharge certificate (based on the officer's record of service)will be provided.

3–6. Steps for processing unqualified resignation

The steps required for processing unqualified resignation are as shown in table 3–1.

Table 3–1
Processing unqualified resignation

Step	Work center	Required action
1	SLDR	Submits request for unqualified resignation to his or her commander (fig 3–1).
2	SACT BN–1	*a.* Reviews and forwards the officer's request for resignation at least 90 calendar days prior to the requested separation date, through channels to CDR, PERSCOM (TAPC–PDT–PM); HQDA (DAJA–PT) (judge advocates); or HQDA (DACH–CH–PER) (chaplains), as applicable. (As an exception, an officer that has a service obligation beyond 6 months may submit the request, as an exception to policy, more than 6 months in advance of the requested effective date.) *b.* The first forwarding endorsement will state— (1) The officer's reason for submitting the resignation. (2) A brief synopsis of the counseling session (para 3–5*c* or *d*). (3) Whether the officer is currently undergoing a course of instruction that upon completion or termination will reresult in an active duty service obligation. Specify course title, beginning and closing dates, and service obligations incurred.

Table 3–1
Processing unqualified resignation—Continued

Step	Work center	Required action
		(4) Recommendation for approval or disapproval and type of discharge to be furnished. Include complete justification when approval is recommended and the officer has not fulfilled a service requirement. Also, include justification for disapproval. (5) Statement that the officer is not under investigation or charges, awaiting result of trial, being considered for administrative elimination, AWOL, under the control of civil authorities, or insane. (6) Statement that necessary action has been or will be taken to adjust and close any public property or financial accounts of the officer concerned. (7) Report of any recent misconduct of the officer concerned which had not previously been reported to PERSCOM. Any misconduct committed or discovered subsequent to endorsement will be reported to PERSCOM (TAPC–PDT–PM) in an expeditious manner. (8) If the officer is serving OCONUS, indicate whether he or she is accompanied by his or her dependents and the date the officer will complete the normal OCONUS tour. (9) If the officer is serving OCONUS and requests separation OCONUS, include a recommendation concerning such request. If disapproval is recommended, include justification. If approval is recommended, include a positive statement that the foreign country concerned specifically consents to the officer's separation in that country. (10) Statement that the officer is physically qualified for separation or that the officer will be scheduled for medical examination according to the regulation. (11) Whether an RA officer desires an appointment in the USAR (not on AD). If USAR is requested, include recommendation for approval or disapproval. Include justification when disapproval is recommended.
3	SACT TP/TA	Upon receipt of separation instructions, process officer for separation. Final orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section III
Task: Process Resignation for the Purpose of Enlistment/ Reenlistment in the RA

3–7. Rules for processing resignation for the purpose of enlistment/reenlistment in the RA

a. An officer or warrant officer on the ADL who meets the criteria as stated in either *b* or *c* below may submit a resignation for the purpose of enlistment or reenlistment in the RA. The officer or warrant officer must be counseled that if he or she enlists in the RA, the officer must submit a memorandum of resignation from his or her USAR officer or warrant officer appointment. The resignation will be sent to CDR, PERSCOM (TAPC–PDT–PM). A soldier may not serve on AD in an enlisted status and continue to hold a USAR officer or warrant officer appointment.

b. Any former enlisted member of the RA who was on AD as a Reserve officer or warrant officer of the Army or who was discharged as an enlisted member to accept a temporary appointment as an Army officer or warrant officer may be reenlisted in the enlisted grade held before serving as an officer or warrant officer. There will be no loss of seniority or credit for service, regardless of the existence of a vacancy in his or her pay grade, or of a physical disability incurred or service connected, or incurred in the line of duty. This is provided that the individual's service is terminated by an honorable discharge (or Under Honorable Conditions) and he or she is released from AD for a purpose other than to await appellate review of a sentence that includes dismissal or Dishonorable discharge. Reenlistments rights, grade, and procedures for applying for reenlistment under this paragraph are provided in AR 601–280, paragraph 2–37. Unused leave will be carried forward to the new status.

c. Any former enlisted member of the RA on AD as an officer or warrant officer (without statutory entitlement to reenlist)who is not eligible to retire as an officer or warrant officer but has sufficient creditable service to retire in an enlisted status may be enlisted for the purpose of retirement (this is nota statutory entitlement). The individual may apply for enlistment in the rank of SGT; however, individual qualifications will determine the grade to be awarded (AR 601–280, para 1–6*c*(2)).

d. The Secretary of the Army may deny enlistment or reenlistment to anyone, including those who otherwise meet the criteria specified in *c* above, except those who have a "statutory entitlement" (10 USC 3258).

e. The counseling as stated in paragraph 1–12*b* is not required for a resignation submitted under this section.

f. Separation instructions on approved requests will be issued by PERSCOM (TAPC–PDT–PM) to the appropriate PSC/MPD. For the purpose of retirement, an officer or warrant officer will be discharged on the third day prior to the first day of the month in which retirement is desired. For the purpose of continuing a military career in an enlisted status, an officer or warrant officer will be discharged on the day prior to the day of enlistment in the RA. PERSCOM will forward a copy of the approved resignation packet to CDR, ARPERCEN (ARPC–OPM–PD).

g. A resignation approved by HQDA will be Under Honorable Conditions. A DD Form 256A or DD Form 257A discharge certificate(based on the officer's record of service) will be provided.

3–8. Steps for processing resignation for the purpose of enlistment/reenlistment in the RA

The steps required for processing resignation for the purpose of enlistment/reenlistment in the RA are as shown in table 3–2

Table 3–2
Resignation for the purpose of enlistment/reenlistment in the RA

Step	Work center	Required action
1	SLDR	Submits resignation (fig 3–1) not later than 120 calendar days prior to the requested separation date (paras 5 through 9 of figure 3–1 do not apply when submitting a resignation under this section). Add the following statement to figure 3–1, para 4: "I am tendering my resignation for the purpose of enlisting in the Regular Army (to continue my military career in enlisted status, for retirement, input as appropriate)." He or she should coordinate with the local reenlistment office concerning enlistment in the RA.
2	SACT	*a.* When the purpose for submitting the resignation is for enlistment in the RA for retirement, process the resignation to include— (1) Date officer reported on current tour of AD. (2) Permanent enlisted grade and SSN. (3) Grade determination according to AR 601–280, if appropriate. (4) DA Form 2339 (Application for voluntary retirement) under AR 635–200, Chapter 12. (5) Medical examination. See AR 40–501.

Table 3–2
Resignation for the purpose of enlistment/reenlistment in the RA—Continued

Step	Work center	Required action
		b. When the purpose for submitting the resignation is for enlistment in the RA to continue Army career in enlisted status, process the resignation. The following will be added as a new paragraph 5, figure 3–1, "I will enlist in the RA at place of separation on the day following the effective date of my discharge as an officer."
2	BN S–1 C&S	Reviews and forwards the officer's resignation through channels to CDR, PERSCOM (TAPC–PDT–RS).
3	SACT TP/TA)	On receipt of separation instructions, discharges the officer or warrant officer as directed in paragraph 3–7*f*. Separation orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section IV
Task: Process Resignation of an Officer who Did Not Meet Medical Fitness Standards When Appointed

3–9. Rules for processing resignation of an officer who did not meet medical fitness standards when appointed

a. A probationary officer who did not meet medical fitness standards when accepted for appointment but now meets the medical fitness standards for retention may submit a resignation.

b. A medical board must find that the officer has a medical condition that—

(1) Would have permanently disqualified the officer for entry in the military service had the condition been detected at the time of acceptance for appointment.

(2) Does not disqualify the officer for retention in the military service under AR 40–501, chapter 3.

(3) Was not service aggravated. However, a service aggravated condition that does not disqualify the officer for retention under AR 40–501, chapter 3, precludes eligibility for resignation.

c. Separation instructions on approved requests will be issued by PERSCOM (TAPC-PDT–PM) to the appropriate PSC/MPD.

d. As applicable, PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), or HQDA (DACH–PER) will return disapproved requests through channels to the officer.

e. A DD Form 256A will be issued.

3–10. Steps for processing resignation of an officer who did not meet medical fitness standards when appointed

The steps required for processing resignation of an officer who did not meet medical fitness standards when appointed are as shown in table 3–3.

Table 3–3
Resignation for failure to meet medical standards at time of appointment

Step	Work center	Required action
1	SLDR	Submits resignation (fig 3–2).
2	SACT BN S–1 C&S	Forwards the officer's request for resignation with supporting medical documents and Medical Board proceedings through administrative channels to CDR, PERSCOM (TAPC–PDT–PM), or HQDA (DAJA–PT) (judge advocates) or HQDA (DACH–PER) (chaplains), as applicable. The first forwarding endorsement will include a—

Table 3–3
Resignation for failure to meet medical standards at time of appointment—Continued

Step	Work center	Required action
		a. Recommendation for approval or disapproval and type of discharge to be furnished. Also include complete justification when disapproval is recommened. *b.* Statement that the officer is not under investigation or charges, awaiting result of trial, being considered for administrative elimination, AWOL, under control of civil authorities, or insane. *c.* Statement that necessary action has been or will be taken to adjust or close any public property or financial accounts of the officer concerned. *d.* Statement if the officer is serving OCONUS and requests separation OCONUS, that the foreign country concerned specifically consents to the officer's separation in that country.
3	SACT (TP/TA)	Upon receipt of separation instructions, processes officer for separation. Final orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section V
Task: Process Resignation Due to Pregnancy

3–11. Rules for processing resignation due to pregnancy

a. An officer may tender her resignation due to pregnancy. The CG, PERSCOM, is the final approval authority.

b. When it has been determined that an officer is pregnant, she will be counseled by her immediate commander or the executive officer. The counselor will explain to the officer that the purpose of the counseling is to provide her with information concerning her rights, entitlements, and responsibilities with respect to continued AD or separation. The counselor will not influence or direct her to any particular entitlements and/or options. A statement of counseling (fig 2–2) will be signed by the counselor. This counseling is a command responsibility. A copy of the Statement of Counseling will be filed in the officer's MPRJ.

c. Normally, an officer will not tender a resignation for pregnancy until she has completed her initial service obligation incurred from the funded program under which she was commissioned. When extenuating circumstances exist, a request for an exception to policy may be submitted. However, the officer must accept an indefinite appointment in the USAR in order to complete the service obligation. The officer will be assigned to the U.S. Army Control Group (Standby). The change of status from Active Army to Reserve Components (RC) is to be accomplished without a break in service.

d. Separation instructions on approved requests will be issued by PERSCOM (TAPC–PDT–PM), to the appropriate PSC/MPD.

e. As applicable, PERSCOM (TAPC–PDT–PM), HQDA (DAJA–PT), or HQDA (DACH–PER) will return disapproved requests through channels to the officer.

f. A pregnant officer's discharge may be honorable or under honorable conditions. A DD Form 256A or DD Form 257A discharge certificate will be furnished, based on the officer's military record.

3–12. Steps for processing resignation due to pregnancy

The steps required for processing resignation due to pregnancy are as shown in table 3–4.

Table 3–4
Resignation due to pregnancy

Step	Work center	Required action
1	SLDR	Informs her commander that she is pregnant and is thinking of resigning. Provides supporting medical documentation.
2	SACT BN S–1 C&S	On confirmation of an officer's pregnancy, she will be advised of the following rights and responsibilities: *a.* Option to remain on AD or to request separation. *b.* Entitlement to maternity care even if separated (AR 40–3). *c.* Provisions for leave and absence during and after pregnancy (AR 600–8–10). *d.* Provisions for maternity clothing. *e.* Policy governing availability for worldwide assignment (AR 614–30). *f.* Local policies governing entitlements to Government family quarters and BAS, to include when and how she would be eligible. *g.* Policies governing assignment overseas (AR 614–30). If accompanied by dependent(s), requirement to make suitable arrangements for the unaccompanied evacuation of the dependents(s) in an emergency situation (for example, mobilization). *h.* On PCS, the Government will pay for the child's transportation only when— (1) Traveling to, from, or between OCONUS permanent station when the officer serves or has been approved to serve a "with dependents" tour and her child is command sponsored. (2) Traveling to an OCONUS station, the officer must have approval of the OCONUS commander for concurrent travel of the child. *i.* Availability of legal assistance counseling concerning paternity laws governing child support, passports, visa requirements, and birth registration for OCONUS, if applicable. *j.* If she remains on AD, the necessity of careful planning for her child's care without sacrifice of her military responsibilities. She must consider the following: (1) Who will care for the child during duty hours, alerts, field duty, and roster duty. Consideration should be given to the cost of child care. (2) Plans for housing, access to duty, transportation arrangements and availability of telephone. (3) Consideration of financial obligations that will accrue for child care, housing, transportation, and other emergency needs and how these obligations will be met. *k.* Provisions for submission of a dependent care statement of counseling on the birth of the child, if applicable. (An officer with less than 3 years service.) *l.* Provisions authorizing separation of an officer whose substandard performance of duty is not solely attributable to the condition of pregnancy.
3	SACT	Requests that counselor sign the pregnancy counseling statement and file it in the officer's MPRJ (fig 2–2).
4	SLDR	Submits resignation request (fig 3–3) if she so desires.
5	SACT BN S–1 C&S	Processes the request. Ensures counseling has been accomplished (step 2). The request will be forwarded through channels to CDR, PERSCOM (TAPC–PDT–PM), or CDR ARPERCEN (ARPC–AR), 9700 PAGE BLVD, ST LOUIS MO 63132–5200, or HQDA (DAJA–PT) or HQDA (DACH–PER), as applicable. The request will include the following: *a.* A brief synopsis of the counseling session. *b.* Date officer reported on current tour of AD; type, effective date, and date of termination of current AD commitment. *c.* Whether officer is occupying a key position and if a replacement is required. *d.* Whether medical board or PEB proceedings are pending or appropriate. *e.* Whether the officer is currently undergoing a course of instruction that upon completion or termination, will result in an ADSO. Specify course title, beginning and closing dates, and service obligation incurred. *f.* Whether responsible for public property or funds. *g.* Recommendation for approval or disapproval and type of discharge to be furnished. Include complete justification when approval is recommended and the officer has not fulfilled a service requirement. Also include justification for disapprovals. *h.* Statement that the officer is not under investigation or charges, awaiting result of trial, being considered for administrative elimination, AWOL, or in the hands of civil authorities. *i.* Date officer departed CONUS or other area of residence for OCONUS assignment. Date of arrival OCONUS of dependents—whether at Government or personal expense—whether logistical support was furnished and the rotation date, if applicable.
6	SACT (TP/TA)	Upon receipt of separation instructions, processes officer for separation. Final orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section VI
Task: Process Resignation for the Good of the Service in Lieu of General Court-Martial

3–13. Rules for processing Resignation for the Good of the Service in lieu of general court-martial

a. An officer may submit a resignation for the good of the Service (RFGOS) in lieu of general court-martial (GCM) under the following circumstances (cannot submit unqualified resignation):

(1) Court-martial charges have been preferred against the officer with a view toward trial by GCM.

(2) The officer is under a suspended sentence of dismissal.

b. The tender of a RFGOS does not preclude or suspend procedures. A convening authority will not, however, take action on the findings and sentence in such cases until the Secretary of the Army or his or her delegee has acted on the RFGOS.

c. An officer under court-martial charges or under investigation with a view toward court-martial will be retained on AD until final disposition of the charges or investigation or until the officer's RFGOS is approved.

d. The commander will ensure that RFGOS are voluntary and that applicants are—

(1) Provided the opportunity to consult with legally qualified counsel who is a member of the Judge Advocate General's Corps or a civilian counsel retained by the officer at his or her own expense.

(2) Allowed a reasonable period of time to consider requesting a RFGOS.

e. A RFGOS will be expeditiously forwarded by the commander exercising general court-martial jurisdiction direct to CDR, PERSCOM (TAPC–PDT–PM), as outlined in paragraph 3–4. Court-martial proceedings may be continued until action by the convening authority on the findings and sentence of the court. A convening authority will not take action in a case until the Secretary of the Army or his or her delegate acts on the RFGOS. In the event trial is held prior to the time notification of action is taken on the RFGOS, the convening authority will immediately transmit to CDR, PERSCOM (TAPC–PDT–PM) the result of the trial, including sentence adjudged.

f. The RFGOS along with the officer's OMPF and ORB without recommendation will be forwarded by PERSCOM (TAPC–PDT–PM) to the Office of the Assistant Secretary of the Army for M&RA (Director, Army Council of Review Boards (SAMR–RB)).

g. When the RFGOS is not accepted, PERSCOM (TAPC–PDT–PM) will return the case to the GOSCA and provide copies to PERSCOM (TAPC–MSP–F), the appropriate career management division, and the Assistant Secretary of the Army for M&RA (SAMR–RB).

h. Separation instructions on approved cases will be issued and forwarded by PERSCOM (TAPC–PDT–PM) to the appropriate PSC/MPD.

i. An officer separated under this paragraph normally receives characterization of service of Under Other Than Honorable Conditions.

j. An officer who resigns for the good of the Service(regardless of the character of service received) is barred from rights under laws administrated by the Veterans Affairs based on the period of service from which the officer resigned. Exceptions are War Risk, United States Government (converted), National Service Life Insurance, or Serviceman's Group Life Insurance (38USC 3103).

3–14. Steps for processing RFGOS in lieu of GCM

The steps required for processing RFGOS in lieu of GCM are as shown in table 3–5.

Table 3–5
RFGOS in lieu of GCM

Step	Work center	Required action
1	SLDR	Submits RFGOS (fig 3–4).
2	PPAA BN S–1	Processes RFGOS and forwards through the same channels as court-martial actions to the commander exercising GCM jurisdiction.
3	C&S	When the RFGOS is submitted prior to GCM charges being preferred, the commander exercising GCM-jurisdiction includes a recommendation of approval or disapproval and recommended characterization of service and type discharge. A recommendation of disapproval must include justification. Forwards the packet to CDR, PERSCOM (TAPC–PDT–PM). An information copy of the packet will be forwarded to (interested higher headquarters, for example, MACOM) in the chain of command.
4	C&S	An RFGOS submitted by an officer after court-martial charges are preferred will be expeditiously forwarded by the commander exercising GCM jurisdiction direct to CDR, PERSCOM (TAPC–PDT–PM), as outlined in paragraph 3–4. In addition to the information required by paragraph 3–4 and figure 3–4, the data as listed in *a* through *f* below will accompany the RFGOS (all such data submitted must be legible). Court-martial proceedings may be continued until action by the convening authority on the findings and sentence of the court. A convening authority will not take action in a case until the Secretary of the Army or his or her delegate acts on the RFGOS. In the event trial is held prior to the time notification is received, the convening authority will transmit to CDR, PERSCOM (TAPC–PDT–PM), by electrical message the result of trial including any sentence. Also included will be the following: *a.* Copy of court-martial charges. *b.* Copy of all reports of investigations, to include Article 32 investigation (if conducted). *c.* Any documentary evidence that supports acceptance of the resignation. *d.* Statement signed by Staff Judge Advocate (or legal officer) in cases referred for trial as required by Manual for Courts-Martial. *e.* Psychiatric evaluation when grounds exist indicating the officer is (or was at the time of misconduct) mentally incompetent. *f.* Explanation of abnormal delay between date of offense, completion date of investigation and submission of resignation (if applicable). Forward the packet to CDR, PERSCOM (TAPC–PDT–PM). An information copy of the packet will be forwarded to interested higher headquarters in the chain of command.
5	C&S	When the RFGOS while under suspended sentence to dismissal is submitted, the commander exercising GCM jurisdiction includes in the packet a copy of the court-martial order. When a copy of the court-martial order is not available or if further misconduct is involved, include a summary of the facts in the forwarding endorsement. Forward the packet to CDR, PERSCOM (TAPC–PDT–PM). An information copy of the packet will be forwarded to interested higher headquarters in the chain of command.
6	PPAA (TP/TA)	Upon receipt of separation instructions, separates the officer not later than 14 calendar days after receipt of notification (when officer is stationed in CONUS), or not later than 5 duty days after the officer arrives at the CONUS TP/TA. Forwards the officer's fingerprints to the Federal Bureau of Investigation (FBI) according to AR 190–47. Final orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section VII
Task: Process RFGOS Due to Homosexual Conduct

3–15. Rules for processing RFGOS due to homosexual conduct

a. An officer may elect to tender a resignation due to homosexual conduct prior to GCM charges being preferred against him or her under the UCMJ and prior to being recommended for elimination under chapter 4. The officer cannot submit unqualified resignation.

b. If an officer elects or requests separation after being recommended for elimination, chapter 4 or 6 (as applicable) applies.

c. An officer is not precluded or suspended from disciplinary proceedings by submitting an RFGOS. The GOSCA decides if disciplinary proceedings are suspended, pending final action on the resignation.

d. The commander will ensure there is no coercion involved with an RFGOS. The officer concerned will be—

(1) Provided with legally qualified counsel who may be a member of The Judge Advocate General's Corps or with civilian counsel retained by the officer at his or her own expense.

(2) Allowed a reasonable period of time to make a personal decision when the officer is considering requesting an RFGOS.

e. An officer separated under this section normally receives an Under Other Than Honorable Conditions discharge and no discharge certificate is issued.

f. When PERSCOM separates an officer with an Honorable or General discharge, the appropriate discharge certificate will be issued.

g. The RFGOS along with the officer's OMPF and ORB will be forwarded without recommendation by PERSCOM (TAPC–PDT–PM) to the office of the ASA M&RA (SAMR–RB).

h. When the RFGOS is not accepted, PERSCOM (TAPC–PDT–PM) will return the case to the GOSCA and provide a copy to the officer's appropriate career management division.

i. Separation instructions will be issued and forwarded to PERSCOM (TAPC–PDT–PM) to the appropriate PSC/MPD on approved cases.

j. An officer whose RFGOS (regardless of the character of service received) is accepted, shall be barred from rights under laws administered by the Veterans Administration based on the period of service from which separated. Exceptions are War Risk, United States Government (converted), National Service Insurance, or Servicemen's Group Life Insurance (38 USC 3103). Additionally, separation pay is not authorized.

3–16. Steps for processing RFGOS due to homosexual conduct

The steps required for processing RFGOS due to homosexual conduct are as shown in table 3–6.

Table 3–6
RFGOS due to homosexual conduct

Step	Work center	Required action
1	SLDR	Submits RFGOS (fig 3–4).
2	PPAA BN S–1	*a.* Processes RFGOS and forwards through the same channels as court-martial actions to the commander exercising GCM jurisdiction. *b.* Determines whether medical board or PEB proceedings are pending or appropriate per paragraph 1–22.
3	C&S	The commander exercising GCM jurisdiction includes recommendation of approval or disapproval and recommended characterization of service and type of discharge. Recommendations not to accept the RFGOS will include justification. Forwards the packet to CDR, PERSCOM (TAPC–PDT–PM). An information copy of the correspondence will be forwarded to interested higher headquarters (for example, MACOM) in the chain of command. Include the following in the forwarding endorsement: *a.* Memorandum Report of investigation. *b.* Officer's date and place of birth. *c.* Officer's amount of active service, to include date and current period of service. *d.* Statements of witnesses (UCMJ, Art 31). *e.* Medical evaluation reports. *f.* Officer's statement (if applicable).
4	PPAA (TP/TA)	Upon receipt of separation instructions, separates the officer no later than 14 calendar days after receipt of notification (when officer is stationed in CONUS) or returns the officer to CONUS within 21 calendar days and separates no later than 5 duty days after the officer arrives at the CONUS TP/TA (when officer is stationed OCONUS). Forwards officer's fingerprints to the FBI according to AR 190–47. Final orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Figure 3–1. Sample format for unqualified resignation

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Unqualified Resignation

1. I, *(name, grade, branch, SSN),* tender my unqualified resignation from the Army under the provisions of AR 600-8-24, chapter 3, *(add appropriate section),* to be effective *(date)* or as soon as practicable thereafter.

2. I am not under a suspension of favorable personnel action, under investigations, pending charges, or being considered for elimination.

3. I *(have/ have not)* fulfilled my active duty service obligations as specified in AR 135-100.

4. I desire to tender my resignation because *(reason(s)).*

5. I understand that my resignation, if accepted, will be under Honorable conditions and that I will be furnished an Honorable or General Discharge Certificate as determined by Headquarters, Department of the Army.

Figure 3–1. Sample format for unqualified resignation—Continued

6. Present duty station *(address) (assignment and/or attachment, if any).*

7. I *(do/do not)* desire separation overseas. *(Applicable only if currently serving in an overseas area.)*

8. I *(do/do not)* desire appointment in the U.S. Army Reserve. *(For Regular Army officers only. If affirmative, include the following information):*

a. Basic pay entry date.

b. Permanent home address *(complete).*

c. I *(have/have not)* previously held a Reserve commission.)

9. I *(will/will not)* accept release from active duty in lieu of resignation. *(For non-Regular Army officers only.)*

10. As of the date of this application, I have *(number)* days accrued leave. I *(do/do not)* plan to take transition leave. If applicable, complete the following: I plan to take *(number)* days leave.

11. I understand that if I participated in certain advanced education programs, I may be required to reimburse the United States Government as stated in written agreement made by me with the United States Government under law and regulations.

12. I understand that my resignation is voluntary and I am not entitled to separation pay.

13. My mailing address immediately after the date of separation will be *(address).*

(Signature block)

Figure 3–2. Sample format for resignation for failure to meet the medical standards at time of appointment

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Resignation for Failure to Meet the Medical Fitness Standards at Time of Appointment

1. I, *(name, grade, branch, SSN),* tender my resignation from the Army under the provisions of AR 600-8-24, chapter 3, section IV, to be effective *(date).*

2. Present duty station *(address) (assignment and/or attachment, if any).*

3. I understand that this resignation, if accepted, will be accepted under Honorable conditions and that I will be furnished an Honorable Discharge Certificate.

4. I *(do/do not)* desire separation overseas. *(If currently serving in an overseas area.)*

5. I understand that if I participated in certain advanced education programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulations.

6. I understand that my resignation is voluntary and that I am not entitled to separation pay.

(Signature block)

Figure 3–3. Sample format for pregnancy resignation

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM *(as appropriate--see para 3-4a)*

SUBJECT: Resignation

1. I, *(name, grade, branch, SSN),* tender my resignation from the Army under the provisions of 600-8-24, chapter 3, section V, to be effective *(date).*

2. I understand that this resignation may be withdrawn only with the approval of HQDA, even though the circumstances that are the cause of its submission may change.

3. Present duty station, *(address) (assignment and/or attachment, if any).*

4. I *(do/do not)* desire appointment in the U.S. Army Reserve. If applicable, include the following:

   a. Basic pay entry date.

   b. Permanent home address.

   c. I *(have/have not)* previously held a Reserve commission.

5. I *(do/do not)* desire separation overseas. *(If currently serving in an overseas area.)*

6. Attached is a certificate of pregnancy.

7. I understand if I participated in certain advanced education programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulations.

8. My mailing address immediately after the date of separation will be *(address).*

9. I understand that my resignation is voluntary and that I am not entitled to separation pay.

(Signature block)

Figure 3–4. Sample format for the good of the service resignation

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Resignation for the Good of the Service (in lieu of general court-martial or due to homosexual conduct)

1. I, *(name, grade, branch, SSN),* voluntarily tender my resignation from the Army for the good of the service under the provisions of AR 600-8-24, chapter 3, *(insert "para 3-13" or "para 3-15").* I do not desire to appear

Figure 3–4. Sample format for the good of the service resignation—Continued

before a court-martial or board of officers. I have not been subject to coercion with respect to this resignation and have been advised of and fully understand the implications of this action.

2. I have been advised that prior to submitting this resignation I may, at my option, consult with and be represented by legally qualified counsel who may be a member of The Judge Advocate General's Corps or may be civilian counsel retained by me. *(Include one of the following statements: "I have elected not to exercise this right," (or) "I have been fully advised and counseled in this matter by(name) (a member of The Judge Advocate General's Corps) (or civilian counsel) on (date) at (place)").*

3. I have been afforded an opportunity to present matters in explanation, mitigation, or defense of my case and *(include one of the following statements: "Such matters are attached," or "Such matters are contained in the report of the investigation conducted under Article 32, UCMJ," or "I elect to remain silent").*

4. I understand that this resignation, if accepted, may be considered as being Under Other Than Honorable Conditions. I also understand that a resignation for the good of the Service may be withdrawn only with the approval of HQDA. I further understand that if my resignation is accepted Under Other Than Honorable Conditions, I will not be entitled to compensation for unused accrued leave.

5. If my resignation is accepted, regardless of the type of discharge certificate furnished, I understand that I will not receive separation pay and that I will be barred from all rights, based on the period of service from which I will be separated, under any laws administered by the Department of Veterans Affairs, except War Risk, U.S. Government (converted), National Service Life Insurance, or Servicemen's Group Life Insurance policies I may hold.

6. Present duty station *(address) (assignment and/or attachment, if any).*

7. I *(do/do not)* desire separation overseas. *(If currently serving in an overseas area.)*

8. My mailing address after separation will be *(address).*

9. I understand that if I participated in certain advanced programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulations.

(Signature block)

Chapter 4
Eliminations

Section I
Scope

4–1. Overview

a. An officer is permitted to serve in the Army because of the special trust and confidence the President and the nation have placed in the officer's patriotism, valor, fidelity, and competence. An officer is expected to display responsibility commensurate to this special trust and confidence and to act with the highest integrity at all times. However, an officer who will not or can not maintain those standards will be separated.

b. Every officer deserves a fair chance to demonstrate his or her capabilities. When an officer shows ineffective tendencies (especially if the officer is inexperienced) when practicable, he or she will be given another chance under another commander. The officer's ineffectiveness will be systematically recorded in documents that specify each period covered, duties observed, and defects noted. Recommendations for elimination action will not be based on generalities and vague impressions. It is necessary to document, in writing, the precise reasons an officer is considered ineffective.

c. An officer who has his or her security clearance withdrawn or withheld due to unfavorable information regarding loyalty, subversion, or security may be processed for involuntary separation according to AR 604–10. The exception is a nonprobationary RA commissioned officer, who by law may be involuntarily separated under this regulation. However, the administrative procedures prescribed in AR 604–10 will be followed for a nonprobationary RA commissioned officer until the case is referred to PERSCOM (TAPC–PDT–PM).

d. This chapter prescribes the tasks, rules, and steps for eliminating officers in the Active Army for substandard performance of duty, misconduct, moral or professional dereliction, and in the interests of national security.

4–2. Reasons for elimination

While not all inclusive, when one of the following or similar conditions exist, elimination action may be or will be initiated as indicated below for—

a. Substandard performance of duty.

(1) A downward trend in overall performance resulting in an unacceptable record of efficiency, or a consistent record of mediocre service.

(2) Failure to keep pace or to progress with contemporaries, as demonstrated by a low record of efficiency when compared with other officers of the same grade and competitive category. An officer who is identified by an ADL promotion board (convened in accordance with 10 USC 611a) as "not fully qualified" for promotion will be recommended for elimination under this paragraph as provided for by the Secretary of the Army in memorandum of instructions to the promotion board.

(3) Failure to exercise necessary leadership or command expected of an officer of his or her grade.

(4) Failure of an officer to absorb technical proficiency required for his or her grade and competitive category.

(5) Failure to properly perform assignments commensurate with an officer's grade and experience.

(6) Apathy, defective attitudes, or other characteristic disorders to include inability or unwillingness to expend effort.

(7) Failure to respond to alcohol or drug problem rehabilitation efforts in a reasonable length of time. (See AR 600– 85 for further explanation.) Elimination action will be initiated.

(8) Failure to conform to prescribed standards of dress, personal appearance, or military deportment.

(9) Failure to achieve satisfactory progress after enrollment in the Army weight control program or failure to maintain the weight/body fat standards established under the provisions of AR 600–9 after removal from an established weight control program. Elimination action will be initiated. This provision does not include those judge advocates and AMEDD officers who have incurred a statutory ADSO for participating in Army sponsored education and training programs such as the Funded Legal Education Program (10 USC 2004), Armed Forces Health Professions Scholarship Program, or the Uniform Services University of the Health Sciences (10 USC, chapters 104, 105).

(10) When no medical problems exist, and an officer has two consecutive failures of the Army Physical Fitness Test (APFT), elimination action will be initiated. This provision does not include those judge advocates and AMEDD officers who have incurred a statutory ADSO for participating in Army sponsored education and training programs such as the Funded Legal Education Program (10 USC 2004), Armed Forces Health Professions Scholarship, or the Uniform Services University of the Health Sciences (10 USC, chapters 104, 105).

(11) Failure of a course at a service school for academic reasons by a probationary or nonprobationary RA officer. For failure by an RC officer, see paragraph 2–37.

(12) Failure of a probationary officer to resign under paragraph 3–9 when his or her commander determines the best interest of the Government and the individual can be served by the officer's discharge.

(13) The discovery of other conditions concerning a probationary officer that, had they been known at the time of appointment, would have precluded appointment.

(14) The discovery of any other condition concerning a probationary officer that indicates the officer's retention in the Army would not be in the best interest of the United States.

(15) Probationary RA commissioned and warrant officers entering AD who are confirmed Human Immunodeficiency Virus (HIV) positive within 180 calendar days of their original appointment or probationary USAR, ARNG commission and warrant officers who report for initial entry training in an AD (other than ADT) status and are confirmed HIV positive within 180 calendar days of reporting to AD will be processed for elimination.

b. Misconduct, moral or professional dereliction, or in the interests of national security.

(1) Discreditable or intentional failure to meet personal financial obligations.

(2) Mismanagement of personal affairs that are unfavorably affecting an officer's performance of duty.

(3) Mismanagement of personal affairs to the discredit of the Army.

(4) Intentional omission or misstatement of fact in official statements or records for the purpose of misrepresentation.

(5) Acts of personal misconduct (including but not limited to acts committed while in a drunken or drug intoxicated state).

(6) Homosexual conduct (see para 4–22).

(7) Intentional neglect of or failure to perform duties.

(8) Conduct unbecoming an officer.

(9) Conduct or actions that result in the loss of a professional status, such as withdrawal, suspension or abandonment of professional license, endorsement, or certification that is directly or indirectly connected with or is necessary for the performance of one's military duties. (For AMEDD officers, this includes the partial or complete suspension, limitations, withdrawal, or denial of clinical practice privileges.)

(10) Acts or behavior not clearly consistent with the interests of national security. (See AR 604–10 for criteria.)

(11) Unless precluded by paragraph 4–18*d*(4), elimination action will be initiated against an officer who is medically diagnosed as drug dependent or identified as having committed an act of personal misconduct involving drugs.

(12) Conduct or actions by a warrant officer resulting in a loss of special qualifications (such as withdrawal/revocation of CID accreditation, revocation of marine qualification license, removal from the PRP, withdrawal of clinical privileges or loss of flying status) that directly or indirectly precludes a warrant officer from performing in his or her MOS and is necessary for the performance of those duties. Eliminations based on these reasons may not be utilized if reclassification action is feasible and in the best interest of the Service or if the loss of special qualifications was due to medical reasons beyond the control of the warrant officer.

(13) Failure to respond in a reasonable length of time to rehabilitation efforts regarding repeated acts of child/spouse maltreatment or abuse and/or other acts of family violence.

(14) Failure of a course at a service school by an RA officer because of misconduct, moral or professional dereliction. For failure by a Reserve Component officer, see paragraph 2–37.

c. Derogatory information. The following reasons (or ones similar) require an officer's record to be reviewed for consideration of terminating his or her appointment. Standing alone, one of these conditions may not support elimination, however, this derogatory information combined with other known deficiencies form a pattern that, when reviewed in conjunction with the officer's overall record, requires elimination.

(1) Punishment under UCMJ, article 15.

(2) Conviction by court-martial.

(3) Denial of security clearance. (See AR 604–10 for further explanation).

(4) A relief for cause officer evaluation report (OER) (DA Form 67–8, (US Army Officer Evaluation Report)) under AR 623–105, paragraph 5–18.

(5) Adverse information filed in the OMPF in accordance with AR 600–37.

(6) Failure of a course at a service school.

4–3. Medical condition

a. An officer referred or recommended for elimination under this chapter who does not meet medical retention standards will be processed through both the provisions of this regulation and through the MEB/PEB process as described in paragraph 1–22.

b. When it is determined the officer's mental condition contributed to his or her military inefficiency or unsuitability, the medical evaluation will include a psychiatric study of the officer. This study will indicate whether the officer was able to distinguish right from wrong and whether the officer currently has the mental capacity to understand board and judicial proceedings and participate in his or her defense. When applicable, the report will also indicate whether the incapacitating mental illness could have been the cause of the conduct under investigation.

c. At the time an officer is to appear before the Board of Inquiry, if he or she does not possess sufficient mental capacity to understand the nature of the proceedings or does not behave or cooperate intelligently in his or her defense, the proceedings will be delayed until the officer recovers, or the officer will be processed through medical channels, whichever applies.

d. If a physical or mental condition develops after an officer has been recommended for involuntary separation or after the Board of Inquiry proceedings are completed, the officer's commander will immediately notify PERSCOM (TAPC–PDT–PM).

4–4. Limitations

a. An officer will not be considered for involuntary separation because of conduct that has been the subject of judicial proceedings that resulted in an acquittal.

b. Except as provided in *d* below, no officer will be considered for elimination for reasons stated in paragraph 4–2 because of conduct

that has been the subject of administrative elimination proceedings that resulted in final determination that the officer should be retained in the Service. For purposes of this paragraph, an officer will be considered to have been the subject of elimination proceedings only if allegations against the officer were acted on by a Board of Inquiry convened under this chapter.

c. The limitations set forth in *b* above are not applicable when—

(1) Substantial new evidence is discovered that was not known at the time of the original proceedings despite the exercise of due diligence and that would probably produce a result significantly less favorable for the officer at a new hearing.

(2) Subsequent conduct by the officer warrants considering him or her for discharge. Such conduct need not independently justify the member's elimination but must be sufficiently serious to raise a substantial question as to the officer's potential for further useful military service. However, this exception does not permit further consideration of conduct of which the officer has been absolved in a prior final factual determination based on the merits by a judicial body.

(3) An express exemption has been granted by PERSCOM, in writing, upon a determination that administrative separation should be effected becuase of the unusual circumstances of the case.

d. Under the circumstances in (1) through (4) below, an officer who has been considered for elimination and retained on AD may again be required to show cause for retention:

(1) An officer may be again considered for elimination because of lack of proficiency or recurrent misconduct subsequent to the earlier consideration.

(2) An officer may be again considered for elimination because of misconduct that occurred prior to that alleged in the earlier proceedings but that was not sooner discovered despite the exercise of due diligence.

(3) An officer who has been considered for elimination for substandard performance of duty and retained may again be considered for elimination for substandard performance of duty at any time 1 year after the prior case has been closed.

(4) An officer may be considered for elimination for misconduct, moral or professional dereliction, or in the interest of national security at any time subsequent to the closing of the prior case that resulted in the officer's retention on AD. However, an officer may not again be required to show cause for retention on AD solely because of conduct that was the subject of the previous proceedings, unless the findings and recommendations of the Board of Inquiry or the Board of Review that considered the case are determined to have been obtained by fraud or collusion. The grounds for elimination in the earlier case may be joined with new grounds in the later case, provided the earlier elimination proceedings does not include a factual determination specifically absolving the member of the allegations then under consideration. If the grounds for elimination in the earlier proceedings are joined, the additional grounds considered in the subsequent proceedings need not independently justify the member's discharge but must be sufficiently serious to raise a substantial question as to the member's potential for further useful military service.

e. Punishment resulting from trial by court-martial or under the provisions of UCMJ, article 15, for misconduct and subsequent use of this fact in support of elimination under this regulation do not constitute double jeopardy.

4–5. Separation date

An officer approved for involuntary separation by the ASA (M&RA) or whose request for resignation or discharge in lieu of elimination is approved will be separated accordingly.

a. For misconduct, moral or professional dereliction, or in the interest of national security.

(1) In CONUS, an officer will be separated no earlier than 5 calendar days and not later than 14 calendar days after the officer receives written notification.

(2) Outside CONUS, an officer will be returned to the CONUS separation TP/TA no later than 21 calendar days after the officer receives written notification. Separation will occur no later than 5 calendar days after arriving at the CONUS TP/TA.

b. Solely for substandard performance of duty. Not later than the 30th calendar day after receipt of notification by the officer concerned, the officer will not be released prior to the 30th calendar day without his or her consent.

Section II
Boards

4–6. Board of Inquiry

a. The Board of Inquiry's purpose is to give the officer a fair and impartial hearing determining if the officer will be retained in the Army. The Government is responsible to establish, by preponderance of the evidence, that the officer has failed to maintain the standards desired for his or her grade and branch or that the officer's conduct has been prejudicial to national security. In the absence of such a showing by the Government, the board will retain the officer. However, the respondent is responsible for producing evidence to disprove the Government's position.

b. Boards of Inquiry are appointed by the appropriate GOSCA. Concurrence must be obtained from the appropriate commander when an officer assigned to a different command is used on a Board of Inquiry. The local installation convening the Board of Inquiry will fund the travel of board members from other installations.

c. The GOSCA will advise members of a Board of Inquiry that duty on the board takes priority over all other duties unless properly excused by the appointing authority.

d. The Board of Inquiry will be completed no later than 90 calendar days from the date the GOSCA is notified by PERSCOM to conduct the Board of Inquiry or on a GOSCA initiated elimination, from the date the GOSCA directs that a Board of Inquiry be conducted. Whenever completion of the Board of Inquiry is delayed beyond the established time, the GOSCA will notify CDR, PERSCOM (TAPC–PDT–PM), by electrical message of the reason for the delay and the projected date for the Board of Inquiry to be completed.

e. The CG, U.S. Army Military District of Washington, will have jurisdiction as GOSCA for all personnel assigned or attached to the U.S. Army, Military District of Washington. This authority may be delegated by the CG, U.S. Army, Military District of Washington, in appropriate cases to officers who could otherwise act as GOSCAs.

f. The GOSCA will issue the orders appointing the Boards of Inquiry.

g. Except as modified by this regulation, the board will conform to the provisions of AR 15–6 applicable to formal proceedings with respondents.

4–7. Board membership

a. Boards will consist of at least three voting members and a recorder, legal advisor, and respondent's counsel without vote. Voting members serving on a board will be RA officers on AD (unless the respondent is a RC officer) in the rank of colonel or above and be senior in grade and rank to the respondent. When the respondent is an RC officer, one or more of the voting members will be an RC officer, preferably the same component.

b. When an RC officer on AD is not reasonably available, the GOSCA will, through the MACOM, advise PERSCOM (TAPC–PDT–PM) and request that a retired RC (10 USC 1187) officer in the rank of colonel or above be ordered to AD to serve on the Board of Inquiry. When the GOSCA knows that an eligible and qualified retired RC officer is located in the area of responsibility, that officer's name, rank, date of rank, and address will be furnished the MACOM and to PERSCOM (TAPC–PDT–PM). The GOSCA will also include the respondent's rank and date of rank and the approximate convene date of the Board of Inquiry.

c. The MACOM, if possible, or the CG, PERSCOM, will make the final selection of the officer and if necessary coordinate with CG,

ARPERCEN, to issue the AD orders. The CG, PERSCOM, or the MACOM will notify the GOSCA (by electronic message) of the selected officer, including the officer's AD entry date.

d. When the respondent is a minority, female, or special branch (10 USC 3064), the board will (upon the officer's written request) include a minority, female, or special branch as voting member (if reasonably available, as this provision is not an entitlement). If an officer is in more than one category and he or she requests officers from all or two categories, the board membership may be met by one or more officers (if reasonably available, as this provision is not an entitlement). The request for these members, if desired, will be submitted 7 days from the date that the respondent receives the notification or else the right to request is waived.

e. When the reasons for elimination include substandard performance of duty (para 4–2, except 4–2a(9) and (10)), the board membership will include an officer of the same branch as the respondent (if reasonably available, as this is not an entitlement). Normally, this is the only time a Chaplain, AMEDD, or JAGC officer serves as a board member unless he or she is the only available RC colonel in the area and the respondent is an RC officer.

f. No officer will be a voting member of a Board of Inquiry who—

(1) Is serving (or has previously served) as a witness for the respondent.

(2) Served as a member of the selection board in the particular case or served as a member on any previous Board of Inquiry, Review, or other board of officers with respect to the respondent.

(3) Was a member (or was the reviewing authority) of a previous court-martial in which the respondent was the accused.

(4) Previously recommended (or participated in recommending) the respondent for elimination from active duty.

(5) Rendered a derogatory evaluation report on the respondent.

(6) Otherwise considered the respondent's case.

g. In addition to the reasons stated in *f* above, voting members and the legal advisor may be challenged for cause for any reason that indicates they can not participate in the case in a fair and impartial manner. The challenge will be determined by the senior unchallenged board member.

h. Except for the legal advisor and the recorder, only voting members may attend a closed session.

4–8. President of the Board of Inquiry

The board's president—

a. Ensures the respondent is granted reasonable time to prepare and present his or her case. Undue delay will not be permitted and the case will be conducted as expeditiously as possible.

b. Determines the board's convene date (not earlier than 30 calendar days from the officer's receipt of notification to show cause by CG, PERSCOM, or GOSCA).

c. Will make every effort to ensure Board of Inquiry is completed no later than 90 calendar days from the date the GOSCA directs that a Board of Inquiry be conducted.

d. Secures a proper location with an atmosphere consistent with the spirit and seriousness of the proceedings.

e. Formally calls each session to order.

f. Administers the oath to the recorder.

g. Ensures the board members are familiar with the elimination policy of this regulation and have been afforded the opportunity to examine and study the respondent's elimination packet prior to convening the Board of Inquiry and asked if they are aware of any grounds that might be the basis for challenge for cause.

h. Advises the respondent of his or her responsibilities, rights, and options as outlined in paragraph 4–11.

4–9. Recorder of the Board of Inquiry

a. The board recorder will be a JAGC officer who is permanently assigned to the board. The board service will constitute the recorder's primary duty; however, it will not preclude other duties when the workload permits. (Alternate or assistant recorders may be detailed to the Board of Inquiry.)

b. The recorder is responsible for the proper presentation and handling of the Government case, to include the development of new evidence pertinent to the factual allegations in the case. The recorder's duties are not discharged by a perfunctory entering in the record of evidence provided by the Department of the Army. The recorder will make the investigation of the case as is indicated, seek new evidence that may be locally available, and become thoroughly familiar with the respondent's history and the deficiencies or conduct (as appropriate) that led the selection board, CG, PERSCOM, or GOSCA to conclude that the officer fails to meet prescribed standards or has been derelict in his or her moral professional duties. The recorder will also be able to place evidence offered by the respondent in perspective with the remainder of the officer's military record.

c. If during the course of the recorder's investigation of the case, the recorder finds additional evidence similar in nature to that previously presented to the officer under paragraph 4–2, that evidence is admissible. This additional evidence may be considered by the Board of Inquiry as proof of an amended or new factual allegation in support of a reason for elimination.

(1) Only in those instances where the newly discovered evidence results in the addition of a reason for elimination (not included in the officer's notification memorandum (para 4–18)) is it necessary to return the case to the CG, PERSCOM, or GOSCA for issuance of a new notification memorandum.

(2) The fact that the additional evidence may support the stated reason of conduct unbecoming an officer (para 4–2b(8)) does not in itself allow its consideration unless it can also be related to another enumerated reason for elimination in paragraph 4–2, which was included in the officer's notification memorandum.

(3) If such additional evidence is considered and if the board determines that the officer has not had a reasonable period of time to prepare a response to such evidence, reasonable delay must be granted on the officer's request.

d. The recorder will not assist the board in drafting its findings and recommendations but will, in addition to the above mentioned duties, comply with AR 15–6, paragraph 5–3, and complete the following:

(1) Notify the officer (in writing and not less than 10 calendar days before the convene date) of the time and location where the Board of Inquiry will convene.

(2) Allow the officer access to releasable records and furnish copies (if desired) prior to the hearing, as is reasonably necessary, for the respondent to prepare and present the case.

(3) Request two copies of the respondent's OMPF (microfiche) and ORB from PERSCOM (TAPC–MSR).

(4) At the initial session, read the order/letter appointing the board.

(5) Enter in the record the time, date, place, and station and indicate the presence of the board members, respondent and his or her counsel (if any).

(6) Administer the oath to board members, legal advisor, witnesses, and reporter.

(7) Ensure all records and documents relating to the case are provided to the board members.

(8) Verbally present to the board a synopsis of the entire case when appropriate.

(9) Cross-examine the witnesses called by the respondent or their counsel.

e. For an RA commissioned officer when the reason for elimination is based on acts or behavior that is not clearly consistent with the interest of national security, the appointing authority will make available for appointment to the Board of Inquiry a legal advisor, who will perform in connection with the board proceedings the duties prescribed for him or her in AR 604–10, chapter 6. The recorder and the assistant recorder (*a* above) will perform the duties prescribed in AR 604–10, chapter 6.

4–10. Legal advisor

The legal advisor is a JAGC officer assigned (by the appointing authority) to the Board of Inquiry to serve only as an advisor, not a voting member). The legal advisor—

a. Will be present at all open sessions and may be called on to advise on the admissibility of evidence, arguments, motions or other contentions of counsel, procedures, and any other matter determined appropriate by the president of the board.

b. Is prohibited from taking part in presenting the case or cross-examining witnesses.

c. Will not give *ex parte* advice, except as provided for during deliberation (para 4–15*a*), in a closed session of the Board of Inquiry.

d. May not dismiss any factual allegation, reason for elimination, or recommendation for elimination against the respondent but will advise the board as to the proper form of such, paying special attention to procedures for the findings and recommendation of the board (para 4–15*b*).

e. Will perform the duties prescribed in AR 604–10, chapter 6, paragraph 4–9*c*, when required in connection with the board proceedings .

4–11. Respondent

When a Board of Inquiry convenes to consider an officer's recommendation for involuntary separation, the board will determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence. The respondent will be present at all open sessions of the board unless he or she is excused by the president of the board and expressly waives the right to attend. Additionally, the respondent—

a. Will be provided with counsel who is an officer of the JAGC or be allowed to obtain civilian counsel of his or her own selection without expense to the Government, provided that procurement of his or her own counsel does not result in an unreasonable delay. The GOSCA will determine whether a requested delay to obtain civilian counsel is reasonable. If a requested delay is denied, the determination and the reasons will be stated in writing and made a part of the records of proceedings by the GOSCA.

b. Will be allowed reasonable time, as determined by the Board of Inquiry, to prepare his or her case. The respondent may submit a written request (citing the specific reasons) for continuance to the Board of Inquiry. In no instance will the officer have less than 30 calendar days from the date of notification of his or her requirement to show cause for retention on AD.

c. Will be allowed, at all stages of the proceedings, full access to the records of the hearings, including all documentary evidence referred to the board, except when protection of classified documents is clearly consistent with the interests of national security. In such cases, the respondent will be furnished, to the extent that the national security permits, as determined by the Secretary of the Army, a summary of the information contained in the documents withheld.

d. May challenge for cause any member of the board. The convening authority will appoint additional members if necessary to ensure that the board membership is not reduced to fewer than three officers.

e. Has the right to have knowledge of his or her past performance of duty as reflected in his or her evaluation reports.

f. Will be allowed to appear in person and present evidence or be represented by counsel, before a Board of Inquiry. The respondent—

(1) Will not be reimbursed for expenses incident to the appearance or assistance of civilian counsel.

(2) At any time after the appointment of the board and before the close of the proceedings, may submit documents to the Board of Inquiry from his or her record of service, letters, answers, depositions, sworn or unsworn statements, affidavits, certificates, or stipulations. This includes but is not limited to, depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

(3) Will be allowed to present his or her case without undue interference by the board. However, unreasonable delays will not be tolerated. Such presentations may include any evidence relevant to a respondent's rehabilitation or reformation as well as any matters in extenuation or mitigation that the respondent desires to present.

(4) May testify in person or elect to remain silent. Should the respondent elect to testify, he or she may be required to submit to examination by the board as to any matter concerning which he or she testified but not in contravention of the UCMJ, article 31. When electing to testify, the respondent is entitled to an explanation of his or her rights regarding self-incrimination under UCMJ, article 31, and a Privacy Act statement will be prepared and signed. (See AR 15–6, app B.)

g. May request witnesses, members of the Army whose testimony he or she believes to be pertinent to the case, appear before a Board of Inquiry.

h. May question any witness brought before the board.

i. May, at any time prior to final action in his or her case—

(1) Apply for voluntary retirement, if eligible.

(2) Tender resignation.

(3) Request discharge (RA officers only—10 USC 1186).

j. Will be asked before the hearing is terminated to state for the record whether he or she has presented all available evidence in his or her behalf. If not, the respondent will be required to make a concise statement of the substance of the expected evidence. The statement and any documentary evidence referred to the board will be included in the record of hearing. The board will then determine whether the respondent will be granted additional time to produce such evidence.

k. Will be furnished a copy of the proceedings less classified documents if requested.

l. Will have the right to submit to the GOSCA a statement or brief within 7 calendar days after receipt of the Board of Inquiry report of proceedingsthe case.

4–12. Respondent's counsel

a. A JAGC officer will be assigned to each Board of Inquiry as the respondent's counsel.

b. The respondent is also entitled to retain civilian counsel at his or her own expense. If civilian counsel is retained, the assigned military counsel will be relieved of duties and responsibilities in connection with the case unless the respondent chooses to use any services of the assigned counsel.

c. The respondent's counsel may request, on the respondent's behalf, copies of documents contained in the respondent's OMPF and/or evaluation report files that may assist in preparing the case. These documents will be specifically identified and limited to documents relevant to the case. Forward requests (by electronic message) to PERSCOM (TAPC–PDT–PM).

d. The respondent's counsel will be present at all open sessions of the board unless his or her absence is expressly excused by the president of the board.

4–13. Witnesses

To the maximum extent possible, the respondent has the right to be confronted with the witnesses against him or her.

a. The personal appearance of witnesses should be obtained whenever practicable in preference to the use of depositions, affidavits, or written statements. Accordingly, such requests will be honored by the board if the requested witness is considered reasonably available and his or her testimony will add materially to the case. Requests for witnesses will include a statement specifying the substance of expected testimony.

b. The president of the Board of Inquiry will request the commander or Government agency to order witnesses to appear as witnesses for the Government that are members of the Armed Forces or civilian employees of the Government. The availability of the witness is determined by the appropriate commander. If the commander determines that a requested witness is not reasonably available, the reasons will be furnished to the president of the board, who will have this determination appended to the record of proceedings.

c. Military members and civilian employees of the Army, called as witnesses on behalf of the Government and required to travel are entitled to temporary duty allowance as prescribed in the JFTR and AR 37–106, chapter 13. Other witnesses requested by the respondent will not be reimbursed for expenses relating to their appearance unless they qualify for invitational travel orders under JFTR.

d. Witnesses appearing before the board will be sworn.

e. Boards of Inquiry may call witnesses on their own motion.

4–14. Spectators

At the respondent's request, the board president may permit the respondent's personal friends or relatives to be present during open board hearings. However, the respondent will be advised the presence of these spectators terminates the confidential status of the proceedings. The board president may exclude any spectator when (in the opinion of the board) his or her presence interferes with the proceedings. Any person called as a witness will not be present as a spectator.

4–15. Conclusion of hearing

a. Deliberation. After the closing arguments, only the voting members of the Board of Inquiry will meet in the closed sessions of deliberations. The board may seek the advice of the legal advisor whenever necessary. However, the board will be opened, and the advice will be obtained in open session (and incorporated in the record) with the recorder, respondent, and his or her counsel present.

b. Findings and recommendations.

(1) The Board of Inquiry determines its findings and recommendation by secret written ballot in closed session, with a majority vote deciding any issue.

(2) Based on the evidence (presented at the hearings), the board will make a separate finding (including a brief statement) on each factual allegation and reason for involuntary separation. The board may (based on the evidence) present findings that amend or specify new allegations. However, new allegations must support a reason for elimination that was included in the findings of the selection board or in the officer's notification memorandum. The board may recommend retention (with or without reassignment) or involuntary separation (see para 4–22 for homosexual conduct cases). The board will include the type of discharge certificate and characterization to issue, when elimination is recommended (and the officer is not retirement eligible (10 USC 3911)) for misconduct, moral or professional dereliction, or in the interest of national security.

(3) The board may not recommend removal of documents such as OERs, article 15s, and Memorandum of Reprimand from an officer's OMPF. The board recommendations are limited to either retention (with or without reassignment) or elimination.

(4) After the board determines its findings and recommendations, the board members may request the presence of the legal advisor and reporter at the closed session to assist with compiling the board's findings and recommendation in the acceptable format.

(5) The board's findings and recommendations will be announced to the respondent.

c. Report of proceedings.

(1) The record of proceedings will be kept in summarized form unless a verbatim record is required by the appointing authority after consultation with the servicing judge advocate or legal advisor concerning the availability of verbatim reporters. The summarized transcript will include the following:

(a) A copy of the order appointing the Board of Inquiry and amending orders (if any).

(b) A copy of the documents showing initiation of the elimination action and the decision to refer the case to a Board of Inquiry.

(c) Name of witnesses called before the board.

(d) A verbatim transcript of the findings and recommendations of the Board of Inquiry.

(e) Other information as is deemed appropriate by the appointing authority. The board president, legal advisor, recorder, or respondent's counsel may recommend other information for inclusion.

(f) An accurate account of the board's proceedings, insofar as practicable, will be prepared according to the general instructions set forth in AR 15–6, chapter 3, section III. A DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) will be prepared to accompany the verbatim or summarized proceedings.

(g) A summarized record of testimony presented and heard and of all other formal conversations that took place during all open sessions of the Board of Inquiry.

(h) A summarized record of any closed session that required the presence of the legal advisor and the reporter.

(i) True copies or true extract copies of all documents used as a basis for requiring the respondent to show cause and all other documents that are accepted as evidence in the case. These documents must be legible and reproducible. Copies that are illegible will not be used.

(j) A statement that the findings and recommendations were determined by secret written ballot in closed session. The members of the Board of Inquiry who did not concur in the findings and/or recommendations of the Board of Inquiry may file a statement of their nonconcurrence and the reasons therefore for inclusion in the record.

(2) Guidance for the preparation of a verbatim report of a Board of Inquiry is contained in figure 4–1. This text should be modified freely when preparing a summarized transcript.

(3) A Board of Inquiry data sheet (fig 4–2) will be used as a final check of the report of proceedings only insofar as it is consistent with the elimination procedures established by this regulation. Figure 4–2 is only intended to provide guidance.

(4) Clemency may not be concurrently recommended by a Board of Inquiry when the board has concluded that an officer should be eliminated. Clemency can only be exercised by the Secretary of the Army.

4–16. Actions concerning Board of Inquiry defects

At any time after receipt and review of a case by the GOSCA, the MACOM, or PERSCOM, the following actions may be taken with respect to substantial defects that may be noted:

a. The retention of the officer may be directed.

b. If the Board of Inquiry has failed to make findings or recommendations required by the applicable regulations, the case may be returned to the same board for compliance with the regulations concerned.

c. If there is an apparent procedural error or omission in the record of proceedings that may be corrected without reconsideration of the findings and recommendations of the board, the case may be returned to the same board for corrective action.

d. If the Board of Inquiry committed an error, other than as is dictated in *b* and *c* above, that substantially prejudiced a substantial right of the officer, the case may be returned for a rehearing by a new board. The new board may be furnished the evidence properly considered by the previous board, including extracts from the record of testimony of those witnesses not deemed reasonably available to testify at the rehearing. The new board may call additional witnesses. New allegations that could form the basis for an elimination under paragraph 4–2 may be presented to the new Board of Inquiry. First, however, the officer will be given notice of the new allegations and provided an opportunity to respond. The case will then be processed as stated in paragraph 4–18. The new board will not be advised of the findings and recommendations of the previous board. The new board's findings and recommendations may not be less favorable than that of the previous board unless additional allegations are considered. Likewise, the recommendation of the appointing authority may not be less favorable than his or her initial recommendation, unless additional allegations are considered by the subsequent board.

e. When a case is returned to the board pursuant to *b* or *c* above, and one or more members of that board are unavailable because of factors such as death, hospitalization, or PCS, new members may be appointed. The case may proceed with an opportunity to challenge

the members and after the substance of all proceedings is made known to the new member or members and the recorded testimony of each witness previously examined is made known to the new member. No more than one rehearing may be directed by the MACOM or the GOSCA without approval from HQDA.

4–17. Board of Review

a. An officer recommended for elimination by a Board of Inquiry will have his or her case referred to a Board of Review. The Board of Review is appointed by the Secretary of the Army and has the same board composition as the Board of Inquiry. The Board of Review, after thorough review of the records of the case, will make recommendations to the Secretary of the Army as to whether the officer should be retained in the Army. Appearance by the respondent (or the counsel) is not authorized. The Board of Review will refer to paragraph 4–22 for homosexual conduct cases.

b. No officer will sit as a member of the Board of Review who—

(1) Has been called as a witness.

(2) Was a member of the selection board for respondent.

(3) Appeared as a witness before or was a member on any previous Board of Inquiry, Board of Review, or board of officers with respect to the respondent.

(4) Was a member or was the reviewing authority in a court-martial before which the respondent was the accused.

(5) Previously has recommended or participated in recommending elimination or REFRAD of the officer concerned.

(6) Rendered a derogatory evaluation report on the accused.

(7) Otherwise has considered the case of the accused.

(8) Does not meet the board membership requirements.

c. When the board recommends—

(1) Retention in the Army (with or without reassignment), the proceedings will be forwarded to PERSCOM (TAPC–PDT–PM) and the case will be closed.

(2) Elimination from the Army (to include type of discharge and characterization, if applicable), the recommendation will be transmitted to the Secretary of the Army, who makes the final decision.

d. An officer discharged solely for substandard performance of duty will receive an honorable discharge. The Board of Review may recommend the characterization of discharge to be more favorable than recommended by the Board of Inquiry but not less favorable.

e. When the Board of Review recommends elimination, it may also recommend clemency, stating the reasons. However, only the Secretary of the Army may grant clemency.

f. The Board of Review will, if requested, furnish the respondent a copy of the board proceedings.

Section III
Task: Process Elimination of a Nonprobationary Officer

4–18. Rules for processing an elimination of a nonprobationary officer

a. Elimination action may be initiated by—

(1) Commanding General, PERSCOM.

(2) A GOSCA, for an officer assigned or attached to his or her command (see Glossary) (unless specifically withheld by HQDA.)

(3) The Deputy Chief of Staff for Personnel (DCSPER), when recommendations are made by HQDA promotion, school, or command selection boards that an officer should be required to show cause for retention on active duty. The DCSPER or his or her designated representative in the grade of major general or above will review such names and decide if initiation of elimination is appropriate. If initiation of elimination is appropriate, the action will be processed according to the rules and steps of the applicable sections of this chapter.

(4) The Secretary of the Army, the Chief of Staff, and such officials in their offices as are designated by them. The action will be processed according to the rules and steps of the applicable sections of this chapter.

b. Unless precluded by *d*(4) below, elimination action will be initiated against an officer who is identified by one or more of the reasons outlined in paragraph 4–2.

c. Any subordinate commander may recommend to the GOSCA the initiation of elimination proceedings for an officer in his or her command.

d. The commander has the discretion to initiate disciplinary action under the UCMJ or to recommend or initiate elimination proceedings under the provisions of this regulation.

(1) The fact that elimination proceedings were initiated when disciplinary action could have been taken will not affect the validity of the elimination proceedings.

(2) Elimination action will not be used in lieu of disciplinary action solely to spare an officer who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(3) Conduct that was the subject of judicial or nonjudicial punishment may be the basis for elimination proceedings under this regulation. (See para 4–4*b*.)

(4) Elimination proceedings, however, will not be initiated with respect to conduct that is the subject of UCMJ charges unless the charges are dismissed or appellate review has been completed.

e. Regardless of who initiates the elimination action, the initiating official will furnish the appropriate MACOM a copy of the notification memorandum. The GOSCA will ascertain the identity and location of Government witnesses and make reasonable efforts to ensure their availability to appear before a Board of Inquiry.

f. On receipt of elimination actions from the MACOM commander, CG, PERSCOM may take the following actions prior to the Board of Review:

(1) Close the case (prior coordination with the initiating official required for an elimination initiated under *a*(3) and (4) above and, through channels, notify the officer.

(2) Forward the case to a Board of Review.

g. When the Board of Review recommends elimination, the board will forward the case directly to the Secretary of the Army for the final decision.

h. When the Board of Review recommends retention (with or without reassignment), PERSCOM (TAPC–PDT–PM) will close the case and, through channels, notify the officer.

i. When the Secretary of the Army approves elimination, PERSCOM (TAPC–PDT–PM) will forward separation instructions to the appropriate PSC/MPD.

4–19. Steps for processing an elimination of a nonprobationary officer

The required steps for processing an elimination of a nonprobationary officer are as shown in table 4–1.

Table 4–1
Processing elimination of a nonprobationary officer

Step	Work center	Required action
1	PPAA BN S–1 C&S	The initiating official (para 4–18*a*(1) or (2) or (3) or (4) above) notifies the officer in writing that elimination action has been initiated and that he or she is required to show cause for retention on AD (fig 4–1). Initiates a DA Form 268. (See AR 600–8–2.)
2	PPAA BN S–1 C&S	The initiating official advises the officer of the reasons supporting the elimination action and the factual allegations supporting the reasons. Only applicable reasons as outlined in paragraph 4–2 (or para 4–22 for homosexual conduct) that can be supported by specific factual allegations and evidence may be the basis for elimination. Evidence to support the elimination must be able to stand on its own merits. Prior coordination with the servicing judge advocate or legal advisor is required for actions initiated by the GOSCA. Advises the officer that he or she may— *a.* Tender resignation in lieu of elimination (para 4–24). *b.* Request discharge in lieu of elimination (an RA commissioned officer only) (para 4–24).

Table 4–1
Processing elimination of a nonprobationary officer—Continued

Step	Work center	Required action
		c. Apply for retirement in lieu of elimination if otherwise eligible for voluntary retirement as stated in chapter 6, paragraph 6–17*d.* Voluntary retirement application will be amended to specifically state that the application is submitted in lieu of elimination. *d.* Appear before a Board of Inquiry to show cause for retention.
3	PPAA BN S–1 C&S	The initiating official advises the officer that he or she has 30 calendar days to acknowledge receipt in writing, to prepare a written statement or rebuttal or elect one of the options as stated in *a, b, c,* and *d* above.
4	PPAA BN S–1 C&S	The initiating official advises the officer of the least favorable discharge that he or she may receive. (An officer separated solely for substandard performance (para 4–2*a*) will receive an Honorable Discharge. If separated for reason(s) under paragraph 4–2*b* or 4–22*b* (homosexual conduct) an officer may receive an Under Other Than Honorable Discharge.
5	PPAA BN S–1 C&S	The initiating official advises the officer that he or she may consult with the local finance and accounting officer concerning possible entitlement to separation pay.
6	PPAA BN S–1 C&S	The initiating official advises the officer that if he or she requests resignation or discharge in lieu of elimination action, he or she will be separated as stated below. *a.* Not later than 30 calendar days after receipt of notification that request for resignation or discharge was approved (only when separated solely for substandard performance). Release will not be prior to the 30th day without the officer's consent. *b.* Not later than 14 calendar days and no earlier than 5 calendar days after receipt of notification that the request for resignation or discharge was approved when stationed in CONUS. *c.* For an officer assigned OCONUS, he or she will be returned to the CONUS separation TP/TA no later than 21 calendar days after receipt of written notification that the request for resignation or discharge was approved, and separated no later than 5 calendar days after arrival at the CONUS TP/TA.
7	C&S	The initiating official personally signs the memorandum.
8	PPAA BN S–1 C&S	The GOSCA furnishes a copy of the notification memorandum directly to CDR, PERSCOM (TAPC–PDT–PM) and the appropriate MACOM, if applicable.
9	SLDR	Officer responds with acknowledgement of receipt (fig 2–4). Submits a written statement or rebuttal or elects one of the options in step 2 above within 30 calendar days. *a.* The statement or rebuttal may be prepared with the assistance of an officer of the JAGC or civilian counsel obtained by the officer at no expense to the Government. *b.* The statement or rebuttal should contain any pertinent facts bearing on the question of the officer's elimination. Documents submitted must be legible and reproducible. They may be sworn or unsworn.

Table 4–1
Processing elimination of a nonprobationary officer—Continued

Step	Work center	Required action
		c. The officer submits the appropriate application for separation if in lieu of elimination option is selected. *d.* The officer undergoes a separation physical examination within 5 duty days from the date the option is chosen.
10	C&S	The initiating official (CG, PERSCOM or GOSCA, as appropriate), on receipt of the officer's statement or rebuttal and/or option selection, will act as follows— *a.* Closes the case (see para 4–22 and 4–23 for homosexual conduct). (Prior to closing cases initiated under para 4–18*a*(3) or (4), CG, PERSCOM, will coordinate with the initiating official.) (The GOSCA may only close a case that he or she initiated.) *b.* Expeditiously forwards the appropriate application and all elimination papers directly to CDR, PERSCOM (TAPC–PDT–PM), if the officer elects one of the options in step 2*a* through *c* of this table. (When the GOSCA is not the GCMCA, furnishes a copy to the GCMCA.) The forwarding endorsement includes the direct point of contact for the elimination action (to include name and telephone number). Informs the MACOM of the action. *c.* If the officer declines to elect an option, refer the case to a Board of Inquiry. The GOSCA is authorized to appoint a field Board of Inquiry without referral to PERSCOM. The GOSCA notifies CDR, PERSCOM (TAPC–PDT–PM), by electronic message that a Board of Inquiry is being appointed and requests that two copies of the officer's OMPF and ORB be provided. *d.* Determines whether medical board or physical evaluation board proceedings are pending or appropriate (para 4–3*a*) if the case is not closed.
11	C&S	The GOSCA, prior to forwarding the case to the Board of Inquiry, ensures that— *a.* With the exception of business entries and official records and reports, health records, and CID investigation reports, all statements submitted, including reports of the investigation, are under oath or affirmation. This does not apply when a witness is dead, mentally incompetent, or missing, or when the exigencies of the service preclude obtaining the officer's statement in affidavit form. *b.* Documents are legible and reproducible. *c.* The statement submitted by the officer is made a part of the record.
12	C&S	The GOSCA forwards the case to the Board of Inquiry. The Board of Inquiry will be completed no later than 90 calendar days from the date that the GOSCA directs that a Board of Inquiry be conducted.
13	C&S	The GOSCA forwards the Board of Inquiry proceedings to the appropriate MACOM no later than 30 calendar days after the board's adjournment. This time limit must be met.
14	C&S	The MACOM forwards the board's proceedings to CDR, PERSCOM (TAPC–PDT–PM), no later than 60 calendar days after the board's adjournment. This time limit must be met.

Table 4–1
Processing elimination of a nonprobationary officer—Continued

Step	Work center	Required action
15	C&S	The GOSCA, when a Board of Inquiry recommends retention, closes the case, notifies the officer in writing, and notifies CDR, PERSCOM (TAPC–PDT–PM), that the officer has been retained by the Board of Inquiry and of the date of the officer's notification. Forwards the board's proceedings (original copy only, either verbatim or summarized transcript) with a copy of the officer's notification memorandum through the appropriate MACOM to CDR, PERSCOM (TAPC–PDT–PM).
16	C&S	The GOSCA, when a Board of Inquiry recommends elimination, closes the case if retention is appropriate (only for eliminations initiated by a GOSCA for an officer assigned or attached to his or her command (unless specifically withheld by HQDA)) and complies with step 15 above.
17	C&S	The GOSCA, when the Board of Inquiry recommends elimination or it was initiated under paragraph 4–18*a*(1), (3), or (4), completes the following administrative actions: *a.* Furnishes the officer a copy of the Board of Inquiry report and obtains a receipt of acknowledgement. *b.* Gives the officer the options listed in step 2*a* through *c* of this table. *c.* Advises the officer that— (1) He or she may submit an appellate brief and statement within 7 calendar days after receipt of the Board of Inquiry report or proceedings. (2) The entire case will be considered by a Board of Review and the officer will be entitled to a copy of the Board of Review report if the officer so desires. (3) If the Board of Review determines that the officer should not be retained, the case will be referred to the Secretary of the Army for final action. If the Board of Review determines the officer should be retained, the case will be closed. In either event, the officer will be notified at the earliest and practicable time by CG, PERSCOM. *d.* Have the officer undergo a separation physical examination (para 1–22). *e.* Establish internal suspense controls to ensure expeditious processing of the separation physical examination.
18	C&S	The GOSCA, when a Board of Inquiry recommends elimination (after completing the administrative action required in step 17 above), forwards by personal endorsement the original report of the Board of Inquiry proceedings to the MACOM commander including— *a.* Recommendation of approval or disapproval of the Board of Inquiry's recommendation (state reason(s) when disapproval is recommended). The GOSCA may recommend retention when elimination is recommended by the board. *b.* A statement that the officer was furnished a copy of the Board of Inquiry report and whether the officer desires a copy of the Board of Review report. *c.* A recommendation of the type of discharge to be issued. (Only applicable where the officer was required to show cause for retention for reasons indicated in paragraph 4–2*b* and provided the officer is not eligible for retirement under chap 6.) The recommendation of the type of discharge may be more favorable but may not be less favorable than that recommended by the board. *d.* The officer's appellate brief (if submitted). The GOSCA must include a statement in the forwarding memorandum that the brief was reviewed and may submit any other appropriate comments concerning the brief. Derogatory information that has not been previously provided to the respondent will not be added to the forwarding memorandum.
19	C&S	The MACOM commander, when a Board of Inquiry recommends elimination does as follows: *a.* Closes the case if retention is appropriate (only for eliminations initiated by a GOSCA for an officer assigned or attached to his or her command (unless specifically withheld by HQDA)). *b.* If elimination is appropriate or if elimination was initiated under paragraph 4–18*a*(1), (3), or (4)— (1) Forwards the Board of Inquiry proceedings to CDR, PERSCOM (TAPC–PDT–PM), recommending approval or disapproval of the Board of Inquiry's recommendations (state the reasons when disapproval is recommended). The MACOM may recommend retention when elimination is recommended by the Board of Inquiry. (2) Recommends the type of discharge to be issued. (Only applicable where the officer was required to show cause for retention for the reasons stated in para 4–2*b* and provided the officer is not eligible for retirement under chap 6.) The type of discharge recommended may be more favorable but may not be less favorable, than that recommended by the board. (3) Submits statement in the forwarding memorandum that the appellate brief (if submitted) was reviewed and may include any comments concerning the brief. Derogatory information that has not been previously provided to the respondent will not be added to the forwarding memorandum. (4) Personally signs the forwarding endorsement.
20	PPAA (TP/TA)	On receipt of separation instructions, takes action to separate the officer. Final release orders and forms cite regulatory authority and SPD as shown in AR 635–5–1.

Section IV
Task: Process Elimination of a Probationary Officer

4–20. Rules for processing an elimination of a probationary officer

a. The rules for a nonprobationary officer (para 4–18) also apply to a probationary officer.

b. A probationary officer is—

(1) An RA commissioned officer with fewer than 5 years of ACS (10 USC 630).

(2) An RC officer who has fewer than 3 years commissioned service.

(3) A warrant officer who has fewer than 3 years service since original appointment in his or her present component.

c. If at any time during the processing of the recommendation, the officer no longer meets the probationary criteria stated above, the case will be processed under paragraph 4–18.

d. An officer identified for elimination may—

(1) Tender a resignation in lieu of elimination.

(2) Request discharge in lieu of elimination (RA officer only).

(3) Apply for retirement in lieu of elimination if otherwise eligible. (Format for voluntary retirement will be amended to specifically state that the application is submitted in lieu of elimination.)

e. Processing an officer's recommendation for elimination under this paragraph does not require referral to a Board of Inquiry or a Board of Review unless the officer declines to elect one of the options listed above and an Other Than Honorable Discharge is recommended.

f. If the officer declines to elect one of the options listed in *d* above and if an Honorable or General Discharge (Under Honorable Conditions) is recommended, CG, PERSCOM, will forward the case to the Secretary of the Army for final decision.

g. If the officer declines to elect one of the options listed in *d* above and if an Other Than Honorable Discharge is recommended, the case will be processed as if the officer was a nonprobationary officer.

h. When appropriate, CG, PERSCOM, will forward the case to the ASA (M&RA).

i. The ASA (M&RA) may direct—

(1) Retention.

(2) Discharge.

(3) Referral to a Board of Inquiry.

j. Action by the ASA (M&RA), acting for the Secretary of the Army, is final.

k. When the ASA (M&RA) directs the officer's retention, PERSCOM (TAPC–PDT–PM) will close the case and notify the officer through the GOSCA and furnish a copy to the appropriate MACOM.

l. When the ASA (M&RA) approves the elimination, PERSCOM (TAPC–PDT–PM) will forward separation instructions to the appropriate PSC/MPD.

m. When the ASA (M&RA) refers the case to a Board of Inquiry, procedures in table 4–1, steps 10 through 19 will be followed.

4–21. Steps for processing an elimination of a probationary officer

The required steps for processing the elimination of a probationary officer are as shown in table 4–2.

Table 4–2
Processing elimination of a probationary officer

Step	Work center	Required action
1	PPAA BN S–1 C&S	The initiating official (para 4–18*a*(1) or (2) or (3) or (4) above) notifies the officer in writing that elimination action has been initiated and that he or she is required to show cause for retention on AD (fig 4–1). Initiates a DA Form 268. (See AR 600–8–2.)
2	PPAA BN S–1 C&S	The initiating official advises the officer of the reasons supporting the elimination action and the factual allegations supporting the reasons. Only applicable reasons as outlined in paragraph 4–2 or (para 4–22*b* for homosexual conduct) that can be supported by specific factual allegations and evidence may be the basis for eliminations. Evidence to support the elimination must be able to stand on its own merits. Prior coordination with a servicing judge advocate or legal advisor is required for actions initiated by the GOSCA. Advises the officer that he or she may— *a.* Tender resignation in lieu of elimination (para 4–24). *b.* Request discharge in lieu of elimination (RA commissioned officer only) (para 4–24). *c.* Apply for retirement in lieu of elimination if otherwise eligible for voluntary retirement as stated in paragraph 6–17. Voluntary retirement application will be amended to specifically state that the application is submitted in lieu of elimination.
3	PPAA BN S–1 C&S	The initiating official advises the officer that he or she has 30 calendar days to acknowledge in writing, to prepare a written statement or rebuttal, and/ or to elect one of the options stated in step 2 above. Advises the officer of the least favorable discharge and characterization that he or she may receive. An officer separated solely for substandard performance (para 4–2*a*) will receive an Honorable Discharge. If separated for reason(s) under paragraph 4–2*b* or 4–22*b* (homosexual conduct), an officer may receive an Under Other Than Honorable Discharge. If an Honorable or General (Under Honorable Conditions) discharge is recommended, there will be no Board of Inquiry unless directed by the ASA (M&RA).
4	PPAA BN S–1 C&S	The initiating official advises the officer that he or she may consult with the local finance and accounting officer concerning possible entitlement to separation pay.
5	PPAA BN S–1 C&S	The initiating official advises the officer that if he or she requests resignation or discharge in lieu of elimination action, he or she will be separated as stated below. *a.* Not later than 30 calendar days after receipt of notification that request for resignation or discharge was approved (only when separated solely for substandard performance). Release will not be prior to the 30th day without the officer's consent. *b.* Not later than 14 calendar days or earlier than 5 calendar days after receipt of notification that the request for resignation or discharge was approved when stationed in CONUS. *c.* For an officer assigned OCONUS (except as stated in *a* above), he or she will be returned to the CONUS separation TP/TA no later than 21 calendar days after receipt of written notification that the request for resignation or discharge was approved and will be separated no later than 5 calendar after arrival at the CONUS TP/TA.
6	C&S	The GOSCA personally signs the memorandum.
7	PPAA BN S–1 C&S	The GOSCA furnishes a copy of the notification memorandum directly to CDR, PERSCOM (TAPC–PDT–PM).
8	SLDR	The officer responds with acknowledgement of receipt (fig 2–4). Submits a written statement or rebuttal and/or elects and submits an option at step 2 above to the initiating officer within 30 calendar days. *a.* The statement or rebuttal may be prepared with the assistance of an officer of the JAGC or civilian counsel obtained by the officer at no expense to the Government. *b.* The statement or rebuttal should contain any pertinent facts bearing on the question of the officer's elimination. Documents submitted must be legible and reproducible. They may be sworn or unsworn. *c.* Undergo a separation physical examination within 5 duty days if an option is selected.

Table 4–2
Processing elimination of a probationary officer—Continued

Step	Work center	Required action
9	C&S	The initiating official (CG, PERSCOM, or the GOSCA, as appropriate), on receipt of the officcer's statement or rebuttal and/or option selection, does as follows: *a.* Closes the case. (See paras 4–22 and 4–23 for homosexual conduct.) (Prior to closing cases initiated under para 4–18*a*(3) or (4), CG, PERSCOM, will coordinate with the initiating official.) (The GOSCA may only close a case that he or she initiated.) *b.* If the officer elects one of the options listed at step 2, forwards the appropriate application and all elimination documents directly and expeditiously to CDR, PERSCOM (TAPC–PDT–PM). Recommends approval or disapproval of the application and includes the point of contact (name and telephone number) and informs the MACOM of this action. *c.* If the officer declines to elect one of the options, and an Honorable or General Discharge (Under Honorable Conditions) is recommended, forwards the case directly to CDR, PERSCOM (TAPC–PDT–PM). Include the point of contact (name and telephone number) and inform the MACOM of this action. *d.* If the officer declines to elect one of the options and if an Under Other Than Honorable Discharge is recommended, the elimination action will be processed under the procedures for a nonprobationary officer at table 4–1, steps 10 through 19, then return to step 11 below. *e.* If the case is not closed, determine whether medical board or PEB proceedings are pending or appropriate (para 4–3*a*).
10	PPAA (TP/TA)	On receipt of separation instructions, take action to separate the officer. Final release orders and forms cite regulatory authority and SPD as shown in AR 635–5–1.

Section V
Task: Process Elimination of an Officer for Homosexual Conduct

4–22. Rules for processing an elimination of an officer for homosexual conduct

a. AR 600–20 contains general policies concerning homosexual conduct, including statutory provisions, pertinent definitions, and guidelines for command-directed fact-finding inquiries. AR 195–2 provides guidance on criminal investigation of sexual misconduct by the U.S. Army Criminal Investigation Command and other DOD Law Enforcement organizations. Army regulation 380–67 offers guidance on personnel security and clearance matters related to homosexual conduct.

b. Homosexual conduct is grounds for separation from the Army under the criteria and terms set forth below. Homosexual conduct includes homosexual acts, a statement by an officer that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. A statement by an officer that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation not because it reflects the officer's sexual orientation but because the statement indicates a likelihood that the officer engages in or will engage in homosexual acts. An officer's sexual orientation is considered a personal and private manner and is not a bar to continued service under this section unless manifested by homosexual conduct in the manner described below. Except as indicated, a officer will be separated if one or more of the following approved findings have been made by the separation authority:

(1) The officer has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are further approved findings that the officer has demonstrated that—

(a) Such acts are a departure from the officer's usual and customary behavior;

(b) Such acts under all the circumstances are unlikely to recur;

(c) Such acts were not accomplished by use of force, coercion, or intimidation;

(d) Under the particular circumstances of the case, the officer's continued presence in the Army is consistent with the interests of the Army in maintaining proper discipline, good order, and morale; and

(e) The officer does not have a propensity or intent to engage in homosexual acts.

(f) In determining whether retention is appropriate, separation boards/authorities must ensure that all of the foregoing limited conditions are met. Additionally, a determination as to whether retention is warranted under the limited circumstances is required if the officer clearly and specifically raises such limited circumstances.

(2) The officer has made a statement that he or she is a homosexual or bisexual, or words to that effect, unless there are further approved finding that the officer has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. A statement by a officer that he or she is homosexual or bisexual, or words to that effect, creates a rebuttable presumption that the officer engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The rebuttable presumption provision will be specifically included in the initiation of the elimination memorandum (fig 5–1). The officer will be advised of this presumption and given the opportunity to rebut the presumption by presenting evidence demonstrating that he or she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts. Propensity means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages or will engage in homosexual acts. In determining whether an officer has successfully rebutted the presumption that he or she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts, some or all of the following may be considered:

(a) Whether the officer has engaged in homosexual acts;

(b) The officer's credibility;

(c) Testimony from others about the officer's past conduct, character, and credibility;

(d) The nature and circumstances of the officer's statement;

(e) Any other evidence relevant to whether the officer is likely to engage in homosexual acts (this list is not exhaustive; any other relevant evidence may also be considered).

(3) The officer has married or attempted to marry a person known to be of the same sex (as evidenced by the external anatomy of the persons involved).

(4) The officer will bear the burden of proving by a preponderance of the evidence throughout the proceedings that retention is warranted under the limited circumstances described in paragraphs (1) and (2) except in cases where the officer's conduct was solely the result of a desire to avoid or terminate military service.

c. Separation is not required when a determination is made that—

(1) The officer engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex for the purpose of avoiding military service; and

(2) Separation of the officer would not be in the best interest of the Army.

d. Subsequent to the original initiation of elimination action, succeeding actions required to dispose of the case will be attended to vigorously. Except for delays required to protect the rights of the the respondent, prompt attention and expeditious handling will be given to elimination cases.

e. A nonprobationary officer (and a probationary officer recommended for a discharge of Under Other Than Honorable Conditions) recommended for elimination due to homosexual conduct is entitled to a Board of Inquiry and a Board of Review.

f. An officer recommended for elimination due to homosexual conduct will undergo a medical evaluation.

g. An officer recommended for elimination due to homosexual conduct will have a psychiatric evaluation when requested by—

(1) The officer.
(2) The examining physician.
(3) The commander that recommended separation.
(4) The Board of Inquiry.

h. The type of discharge an officer receives will reflect the characterization of service. An officer may receive a discharge Under Other Than Honorable Conditions when there is a finding that during the current term of service, the officer attempted, solicited, or committed a homosexual act—

(1) By using force, coercion, or intimidation.
(2) With a person under age 16.
(3) With a subordinate in circumstances that violate customary military superior-subordinate relationships.
(4) Openly in public view.
(5) For compensation.
(6) Aboard a military vessel, aircraft, or another location subject to military control, which had or was likely to have an adverse impact on discipline, good order, or morale. Because of the close proximity of other members of the Armed Forces under these circumstances, privacy cannot reasonably be expected.

i. A board convened to determine whether an officer should be separated for homosexual conduct will follow the procedures authorized in appropriate paragraphs of this regulation except for the following:

(1) If a Board of Inquiry or Review finds that one or more of the circumstances under *b* above is supported by the evidence, the board will recommend elimination as appropriate unless the board finds that retention is required under the limited circumstances described above.

(2) If the board does not find that there is sufficient evidence that one or more of the circumstances authorizing separation has occurred, the board will recommend retention unless the case involves another basis for separation for which the officer has been duly notified.

(3) The burden of proving that retention is required under the limited circumstances rests with the officer except in cases where the officer's conduct was solely the result of a desire to avoid or terminate military service.

(4) Specific findings regarding the existence of the limited circumstances requiring an officer's retention set forth in *b* above are required to be made by a Board of Inquiry or Review only if—

(a) The officer specifically presents the limited circumstances; and

(b) The board relies on such circumstances to justify the officer's retention.

j. Upon final approval by the ASA (M&RA) of elimination proceedings against any officer of the active Army, that officer, regardless of component, will be discharged as the result of such proceedings. The office of PERSCOM (TAPC–PDT–PM) will forward separation instructions to the appropriate PSC/MPD.

4–23. Steps for processing an elimination of an officer for homosexual conduct

The required steps for processing an elimination of an officer for homosexual conduct are as shown in table 4–3.

Table 4–3
Processing elimination of an officer for homosexual conduct

Step	Work center	Required action
1	BN S–1 PPAA	Commander receives information that an officer may require that elimination action be initiated because of homosexual conduct or the officer makes a self-admitted written statement that he or she is homosexual or bisexual.
2	BN S–1 PPAA	The commander inquires thoroughly and comprehensively into the matter and ascertains all the facts.
3	BN S–1 PPAA	The commander initiates an investigation if there is any credible evidence to believe that a basis for elimination exists due to homosexual conduct
4	BN S–1 PPAA	The commander, when the information is sufficient enough to authorize investigation, takes necessary action to protect the security of the command. This includes suspension of the officer's security clearance (if any) and denial of his or her access to classified defense information, until the case is closed.
5	BN S–1 PPAA	The commander initiates a DA Form 268. (See AR 600–8–2.)
6	BN S–1 PPAA	When an investigation is required, AR 195–2 provides guidance on criminal investigations of sexual misconduct by CID and other law enforcement organizations. However, CIDR 195–1 states that CID will not normally investigate allegations of adult private consensual sexual misconduct if that offense is the only offense involved unless referred by a commander or upon approval by CG or Deputy Commander, U.S. Army Criminal Investigation Command (USACIDC).
7	BN S–1 PPAA	The commander, when the investigation substantiates the allegations— *a.* Refers the officer for a medical examination and mental status evaluation. *b.* Refers to AR 380–67 on personal security and clearance matters related to homosexual conduct. Revocation of security will be according to AR 380–67, chapter 8.
8	C&S	A physician conducts a medical evaluation that includes a mental status evaluation SF Form 600 (Health Record-Chronological Record of Medical Care).
9	C&S	A psychiatrist conducts a psychiatric evaluation (when required). Includes in the diagnosis an opinion of whether— *a.* The officer was able to distinguish right from wrong at the time of the conduct under investigation. *b.* The officer currently has the mental capacity to understand board and judicial proceedings and participate in his or her own defense. *c.* The officer is suffering from an incapacitating mental illness and whether the illness was probably the cause of the homosexual conduct.
10	C&S	The medical treatment facility commander forwards the original medical evaluation (including the psychiatric study, if any) to the unit commander and ensures a copy of each report is filed in the officer's health record.
11	BN S–1 PPAA	The commander ensures that all facts indicating homosexual conduct be recorded properly. The file will contain the following: *a.* Officer's date and place of birth. *b.* Amount of active service. *c.* Date and current period of service. *d.* Statement of witnesses (UCMJ, art 31). *e.* Medical evaluation reports.

Table 4–3
Processing elimination of an officer for homosexual conduct—Continued

Step	Work center	Required action
		f. Officer's statement (in their own behalf if it is desired).
12	BN S–1 PPAA	The commander, if there is not sufficient evidence to make a recommendation for elimination, stops the action.
13	BN S–1 PPAA	The commander, if there is sufficient evidence, forwards the file with recommendation for elimination through command channels to the GOSCA for processing. Intermediate commanders may take one of the following actions: *a.* Recommend disapproval of recommendation because there is not sufficient evidence that one or more of the circumstances authorizing separation under paragraph 4–22*b* has occurred. *b.* Recommend approval of the commander's recommendation and forward the file to the GOSCA.
14	C&S	The GOSCA may disapprove the recommendation for elimination, close the case and return it to the originator due to insufficient evidence that one or more of the circumstances authorizing separation under paragraph 4–22*b* has occurred or may approve the recommendation and notify the officer in writing that elimination action has been initiated and that he or she is required to show cause for retention on active duty. *a.* When the case is for a probationary officer, follow steps 1 through 10 of table 4–2 and step 15 below. If the officer declines to elect one of the options and if an Under Other Than Honorable Conditions Discharge is recommended, the elimination action will be processed under the actions at table 4–1, steps 1 through 19, and step 15 below. If the ASA (M&RA) directs a Board of Inquiry, the elimination action will be further processed under table 4–1, steps 10 through 19, and then return to step 15 below. *b.* When the case is for a nonprobationary officer, follow steps 3 through 19 of table 4–1 and then return to step 15 below.
15	PPAA (TP/TA)	On receipt of separation instructions, takes action to separate the officer. Release orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section VI
Task: Process an Option That an Officer Elects While Elimination Action Is Pending

4–24. Rules for processing an option that an officer elects while elimination action is pending

a. An officer identified for elimination may, at any time during or prior to the final action in the elimination case, elect one of the following options (as appropriate):

(1) Submit a resignation in lieu of elimination.

(2) Request discharge in lieu of elimination (RA officer only).

(3) Apply for retirement in lieu of elimination if otherwise eligible.

b. When an option is elected, elimination proceedings will be suspended pending final action on the option elected by the officer.

c. Any voluntary retirement of an officer who has been convicted by general court-martial and any retirement in lieu of elimination for misconduct, moral or professional dereliction, will be sent to CDR, PERSCOM (TAPC–PDT–PM), for forwarding to the Army Grade Determination Review Board to determine the highest grade the officer satisfactorily held while on AD. Final retirement grade determination is made by ASA (M&RA). The office of PERSCOM (TAPC–PDT–PM) forwards the following:

(1) Retirement application.

(2) The elimination notification memorandum (to include all supporting documentation).

(3) Officer rebuttal (if any).

(4) OMPF.

d. Upon final determination, PERSCOM (TAPC–PDT–PM) will forward appropriate separation instructions to the appropriate PSC/MPD.

4–25. Steps for processing an option that officer elects while elimination action is pending

The required steps for processing an option that officer elects while elimination action is pending are as shown in table 4–4.

Table 4–4
Processing an option that officer elects while elimination action is pending

Step	Work center	Required action
1	SLDR	Selects an option. *a.* Resignation, if reason for elimination is substandard performance of duty. (Use format shown in fig 4–4.) *b.* Resignation, if reason for elimination is substandard performance and/or misconduct, moral or professional dereliction, or in the interest of national security. (Use format shown in fig 4–5.) *c.* Discharge, if reason for elimination is substandard performance of duty. (Use format shown in fig 4–6.) *d.* Discharge, if reason for elimination is substandard performance and/or misconduct, moral or professional dereliction, or in the interest of national security. (Use format shown in fig 4–7.) *e.* Retirement. (Use format shown in figure 6–1, amended as required to specifically state that the application is submitted in lieu of elimination proceedings.)
2	PPAA BN S–1	Processes the option. Determines whether medical board or PEB proceedings are pending or appropriate (para 4–3*a*). The commander makes recommendation for approval or disapproval and for type of discharge and forwards to the GOSCA with the following documents: *a.* Elimination recommendation memorandum (GOSCA to officer). *b.* Self-admitted homosexual conduct statement (if applicable). *c.* Report of investigation (if applicable). *d.* Medical examination and mental status evaluation (if applicable). *e.* DA Form 268.
3	C&S	The GOSCA makes recommendation for approval or disapproval and for type of discharge to be furnished and immediately forwards the option request, to include all supporting documents to CDR, PERSCOM (TAPC–PDT–PM), with an information copy to the MACOM commander and GCMCA (if different from the GOSCA) concerned.
4	C&S	The GOSCA advises CDR, PERSCOM (TAPC–PDT–PM), in writing of the status of the Board of Inquiry proceedings, including results and the MACOM's action (if applicable).

Table 4–4
Processing an option that officer elects while elimination action is pending—Continued

Step	Work center	Required action
5	PPAA (TP/TA)	On receipt of separation instructions, takes action to separate the officer. Release orders and forms will cite the regulatory authority and SPD as shown in AR 635–5–1.

Figure 4–1. Format guidance for Board of Inquiry verbatim report

Record of Board Proceedings
Proper
(Last, first name, middle initial) (SSN and Grade)
By
Board of Inquiry Under
Appointed by (Title of appointing authority)
Held at

(Place(s) of hearings) on (Date(s) of hearings)

Index	Record
Introduction to counsel	R
Challenges	R
Explanation of rights to respondent	R
Findings	R
Recommendation	R

Testimony

Name of witness — Direct and redirect/Cross/Recross
FOR GOVERNMENT
FOR RESPONDENT

Exhibits Admitted in Evidence

Number or letter	Description	Page where Offered	Page where Admitted

Copies of Record

One copy of record furnished to the respondent.
(Number) copy(ies) of record forwarded herewith.
Abbreviations: The following abbreviations are used herein:

PRES President
REC Recorder
RESP C Respondent's Counsel
RESP Respondent
WIT Witness
REPT Reporter

Where either the RESP C or RESP may be commenting, the abbreviation RESP C is shown in the example; however, the report should show the appropriate abbreviation (RESP C OR RESP).

Proceedings of a Board of Inquiry

which met at (location), at (time)hours, (date), pursuant to the following orders:
(Note: The orders appointing the Board of Inquiry, as well as amendments, will be described by the recorder at this point by headquarters of issuance, date, and subject.)
PRES: The board will come to order. Has the respondent specifically requested that certain persons be admitted to attend these proceedings as spectators?
REC: No such request has been made.
PRES: The appointing authority has not specifically authorized the presence of any spectators during the proceedings, and none will be permitted.
REC: This Board of Inquiry is appointed by (name); (as amended by (name)) a copy has been furnished to each member of the board, the respondent, the appointed respondent's counsel, and to the reporter for incorporation in the record at this point as Government Exhibit No. 1. I shall now read the orders appointing the board. (The recorder then reads the orders.)
REC: The following persons named in the appointing orders are present: (names). The following persons named in the appointing orders are absent: (names). The respondent concerned, (name), is present.
REC: The mission of this Board of Inquiry is to afford the respondent a fair and impartial hearing with regard to the requirement that the officer show cause why he or she should not be eliminated from the Army, and to determine from the

Figure 4–1. Format guidance for Board of Inquiry verbatim report—Continued

evidence presented the course of action that will best serve the interests of the Government without jeopardizing the rights of the respondent.

REC: (Name), a reporter, has been made available to make a verbatim transcript of these proceedings and will now be sworn. (Note: The reporter rises and stands with right hand raised; the recorder or president rises, faces the reporter, and administers the oath.)

REC: You swear (or affirm) that you will faithfully perform the duties of reporter to this board? So help you God?

REPT: I do.

PRES: (Name), as the respondent in these proceedings, you may represent yourself or be represented (by the appointed respondent's counsel) or (by individual military counsel of your own selection, if reasonably available, or civilian counsel obtained by you at no expense to the Government). I now ask you whether you will represent yourself or will you be represented?

RESP C: The respondent (is represented by ((name), the appointed respondent's counsel) and/or (introduces as individual respondent's counsel).

PRES: Will the respondent's counsel call any member of the board as a witness in these proceedings?

RESP C: No.

PRES: No member of the board has sat on any other Board of Inquiry in considering the case of the respondent. No member of the board will be or has been called as a witness, and no member has previously recommended or has been a member of any board that recommended elimination or relief from active duty of the respondent. No member of the board has been a member of reviewing authority of a court-martial in which this respondent was the accused, nor has any member of the board otherwise considered the case of the respondent or been a member of the selection board that found that the respondent should show cause for his or her retention in the Army.

PRES: I now ask the respondent to state his or her date of rank or grade which serving.

RESP:

PRES: If any member is junior to the respondent in date of rank, he or she will now state.
All members of the board indicated they were senior.

PRES: (Name), as the respondent in these proceedings you have the following rights and privileges: (Note: The president will read the pertinent portions of para 4–11 of this regulation, which will be recorded verbatim by the reporter.)

PRES: The records in this case disclose (no grounds for challenging any member for cause) (grounds for the challenge of (name), for the following reasons: (reason(s))). If any member of the board or if the recorder is aware of any facts that he or she believes may be a ground for challenge of any member by the respondent, he or she should now state those facts. In this connection, may I remind the members of the board that they have seen certain records, documents, and reports that were furnished to the board prior to this meeting. Notwithstanding this fact, do you know of any reason why you would not be able to hear the evidence submitted by the respondent and make a fair and impartial determination in this case? (Note: If the member states no such facts, the president should recite for the record, "Apparently, no such facts are known.")

REC: The Government (has no challenge) (challenges (name) for the reason (reason)). (Note: The board is responsible to ensure that all members are eligible.)

PRES: Does the respondent desire to challenge any member of the board for cause?

RESP: The respondent (has no challenges) (challenges (name) for cause on the ground (reason(s))). (Note: The respondent and recorder may present arguments for or against sustaining the challenge. The challenged member may be called to testify concerning the grounds for challenge. The senior unchallenged member of the board determines whether a challenge will be sustained. Challenges will be disposed of individually in the order presented.)

PRES: The board will be closed.
The board was closed at (time) hours, (date).
The board opened at (time) hours, (date).

PRES: The board is open.

REC: All members present when the board closed, the respondent, counsel, recorder, and reporter are again present.

PRES: The challenge is (sustained) (overruled). (Note: If a challenge is sustained, the recorder should recite for the record, "The challenged member withdrew from the board and from the hearing room". If, as a result of sustained challenges, the membership of the board is reduced below the three required, it will recess pending the appointment of replacement by the appointing authority.)

REC: The board will be sworn. (Note: All persons in the hearing room will stand while the oath is being administered to the board, the legal adviser, and the recorder. Each member of the board raises the right hand as his or her name is called by the recorder in administering the following oath.)

REC: You, General (name), Colonel (name), (name), do swear (or affirm) that you will faithfully perform all duties imposed on you as a member of this Board of Inquiry; that you will faithfully and impartially examine, inquire in and hear, according to the evidence, your conscience, and applicable regulation, the matter now before you involving (name), the respondent; and that you will not disclose the opinion or vote, if known to you, of any particular member of the board on a challenge or on the findings and recommendations unless required to do so before a court of justice in the due course of law. So help you God.

EACH MEMBER: I do. (Note: The members lower their hands, but remain standing while the recorder administers the oath to the legal adviser, who raises his or her right hand.)

REC: You, (name), do swear (or affirm) that you will faithfully and impartially perform, according to your conscience and the laws and regulations provided for hearings of this nature, all duties incumbent on you as legal adviser for this board and that you will not disclose the findings or recommendations of the board in this case until they shall have been announced by the board. So help you God.

LEGAL ADVISER: I do. (Note: The legal adviser lowers his or her hand and remains standing along with the board members while the President administers the oath to the recorder, who raises his or her right hand.)

Figure 4–1. Format guidance for Board of Inquiry verbatim report—Continued

PRES: You, (name), do swear (or affirm) that you will faithfully execute all the orders of this Board of Inquiry and that you will faithfully supervise the accurate recording of the evidence received in and the proceedings had in, the matter now before this board. So help you God.

REC: I do.

PRES: The board is now convened. (Note: If it is desired to orient the board in open session, it should be done at this point.) I am familiar with the contents of the records, documents, and reports that were furnished to the board with this case. (Note: If there is to be a verbal presentation of the case it should be done at this point.)

PRES: Does any member desire a recess at this time to make further study? (Note: If no recess is requested, the reporter should note that fact for the record.)

PRES: (Name), as the respondent in these proceedings, you may present such evidence as is pertinent to your case. I now ask you whether you desire a copy of the record of these proceedings?

REC: He or she (does/does not).

PRES: The recorder, in lieu of and under the direction and supervision of myself as president of the board, will now proceed with the presentation of the evidence on behalf of the Government.

REC: I request that the reporter mark this exhibit for identification. (Note: The reporter is responsible for keeping a list of exhibits marked for identification and also as finally accepted in evidence. Government exhibits should be numbered consecutively; defense exhibits should be lettered consecutively. To clarify the proceedings in regard to exhibits, they should be admitted by the same number or letter they bore "for identification", even though omissions appear in the sequence of numbers or letters of exhibits finally admitted. Ordinarily, the words "for identification" are simply lined out when an exhibit is admitted in evidence. The reporter will mark on the exhibit (or affix the tag) the appropriate number or letter and state, for example:

REPT: This will be Government Exhibit (No. XX) for identification.

REC: Government Exhibit (No. XX) for identification is a letter (describe by date, subject, file number, name of author, and name of addressee) together with (number) endorsement, in which the individual concerned (name and grade of respondent), was notified that he or she would be required to show cause why he or she should remain in the Army. I offer it in evidence as Government Exhibit (No. XX). (Note: At the time an exhibit is offered in evidence, respondent's counsel should be afforded the opportunity to examine same and object.)

PRES: Government Exhibit (No. XX) for identification is admitted in evidence as Government Exhibit (No. XX).

REC: I offer the exhibit in evidence to show that respondent was notified in writing of the charges against him or her at least 30 days before the convening board.

REC: I invite the board's attention to the fact that by the (number) endorsement, dated (date), forming a part of Government Exhibit (No. XX), the respondent elected to appear before a Board of Inquiry.

REC: I ask that the reporter mark this exhibit for identification.

REPT: This will be Government Exhibit (No. XX) for identification.

REC: Government Exhibit (No. XX) for identification is a letter (describe the letter in detail, including headquarters of issuance, date, subject, file number, and addressee) notifying the respondent of this hearing. By endorsement (number), dated (date), attached to and forming a part of the exhibit, the respondent acknowledged receipt. I offer the exhibit in evidence as Government Exhibit (No. XX) to show that he or she was given not less than 10 days notice of the time and place of the convening of this board.

PRES: Government Exhibit (No. XX) for identification is admitted in evidence as Government Exhibit (No. XX).

REC: I ask that the reporter mark this exhibit for identification.

REPT: This will be Government Exhibit (No. XX) for identification.

REC: Government Exhibit (No. XX) for identification is a letter directed by the appointing authority to the president of the board (describe the letter in detail, including headquarters of issuance, date, subject, file number, and addressee) comprised of the basic communication and (number) endorsements, attached which are (number) enclosures, the findings of the selection board and all documentary evidence identified by it in support. I offer the exhibit in evidence as Government Exhibit (No. XX) as constituting all the records and documents referred to the board.

PRES: Government Exhibit (No. XX) for identification is admitted in evidence as Government Exhibit (No. XX).

REC: I ask that the reporter mark this exhibit for identification.

REPT: This will be Government Exhibit (No. XX) for identification.

REC: Was respondent furnished copies of all pertinent records on (date) when notified of requirement to show cause? Government Exhibit (No. XX) for identification is a receipt signed by him or her dated (date). I offer it in evidence as Government Exhibit (No. XX).

PRES: Government Exhibit (No. XX) for identification is admitted in evidence as Government Exhibit (No. XX).

REC: With the concurrence of the president and the consent of the respondent, the recorder and respondent's counsel stipulate as follows:

PRES: The stipulation is accepted.

REC: The Government calls as a witness (name). (Note: When the witness is sworn he or she raises the right hand, and the president or recorder administers the oath.)

REC: You swear (or affirm) that the evidence you shall give in these proceedings shall be the truth, the whole truth, and nothing but the truth? So help you God?

WIT: I do.

REC: State your full name (grade, organization, station, and Armed Forces (occupation and residence.)

WIT:

REC: Do you know the respondent in these proceedings?

WIT: Yes.

REC: Will you state the respondent's name and point to him or her.

WIT:

Figure 4–1. Format guidance for Board of Inquiry verbatim report—Continued

REC: Let the record show that the witness pointed to the respondent. (Note: The recorder will ask like preliminary qualifying questions of witnesses called by the respondent. After the Government has completed the direct examination of the witness, the defense cross-examines or declines to cross-examine the witness.)

REC: The Government has no (further) questions.

RESP C: The respondent has no (further) questions. (Note: If the defense cross-examines the witness, the recorder may conduct redirect examination. After he or she has concluded, the defense may similarly conduct a recross-examination. When both the defense and the recorder have concluded their questions, the recorder gives the board an opportunity to ask questions. Any board member wishing to question the witness first secures the permission of the president.)

REC: Are there any questions by the board?

PRES: The witness is excused. The witness will withdraw from the room.

REC: I ask that the reporter mark this exhibit for identification.

REPT: This will be Government Exhibit (No. XX) for identification.

REC: Government Exhibit (No. XX) for identification is (the original) (a copy) of (describe in detail), which relates (describe in detail) and indicates (describe in detail); I offer the same evidence as Government Exhibit (No. XX).

PRES: Does the defense object to receipt of this document in evidence?

RESP C: The defense (has no objection) (objects because (reason)).

PRES: The objection is (sustained) (overruled), and the document marked as Government Exhibit (No. XX) for identification is admitted in evidence as Government Exhibit (No. XX) (and a description (true copy) may be substituted). (Note: If there is a psychiatric report concerning the respondent (see para 4–3), the following will ensue:)

REC: I ask the reporter mark this exhibit for identification.

REPT: This will be Government Exhibit (No. XX) for identification.

REC: Government Exhibit (No. XX) for identification is (a copy of) a psychiatric report (describe the report in detail, including medical facilities of issuance, date, subject, file number, and addressee) indicating that the mental (or physical) condition of the respondent (has not) (has) contributed to the reasons for which he or she has been required to show cause. I offer it in evidence as Government Exhibit (No. XX).

PRES: Does the defense object to receipt of this report in evidence?

RESP C: The defense (has no objection) (objects because (reason)).

PRES: The objection is (sustained) (overruled) and the report, marked as Government Exhibit (No. XX) for identification is admitted in evidence as Government Exhibit (No. XX). (Note: If the psychiatric report indicated that the mental (or physical) condition of the respondent has contributed to the reason for which he or she has been required to show cause, the following will ensue:)

PRES: Government Exhibit (No. XX) indicated that the mental (or physical) condition of the respondent contributed to the reason for which he or she has been required to show cause. Subject to objection by any member of this board, the respondent will be hospitalized for observation or treatment. (Note: If a member of the board objects to the ruling of the president, the issue will be disposed of in a fashion similar to that of challenges. If no objection is interposed, the proceedings will be suspended in the following manner.)

PRES: These proceedings will be suspended pending final medical disposition in the case of the respondent. The board was closed at (time) hours, (date). (Note: Depending on the circumstances, the following action may be appropriate.)

PRES: It appears, from the objection made by the respondent's counsel to the receipt in evidence, Government Exhibit (No. XX) constitutes new evidence that was not contained in the records, documents, and reports furnished with this case. Consequently, I now advise the respondent that he or she may present evidence in reply and, on a request, will be granted additional time to prepare the same as is reasonably necessary. (Note: New evidence other than that material to the reasons for which "show cause" action is based may not be received except to the extent necessary to rebut evidence offered by the respondent.)

REC: Subject to the president being of the contrary view, the Government has no further evidence to present.

PRES: (Name), you are advised that you may now present your case. You may call witnesses and submit evidence in your own behalf. You may make a statement orally or in writing or both, and/or you may appear as a witness in your own behalf. I now turn over the conduct of the proceedings to you and your counsel. (Note: The respondent's counsel proceeds to present the case for the respondent. Should the respondent testify as a witness, the respondent should be advised of his or her rights under the Uniform Code of Military Justice, article 31, and he or she should execute a Privacy Act statement (see AR 15–6, app B). After the Government and the respondent have apparently completed their cases, the president should inquire as follows.)

PRES: (Name), as respondent in these proceedings, I ask you to state for the record whether you have presented all available evidence in your behalf.

RESP C: (Note: If the response is in the negative, the president should proceed as indicated below.)

PRES: The respondent or counsel on the respondent's behalf will make a concise statement of the substance of the expected evidence that has not been presented and, in so doing, describe with such particularity as the circumstances permit any documentary evidence that may be involved.

RESP C: (Note: Any documentary evidence involved must be included, if available, as exhibits in the record.)

PRES: Inasmuch as the evidence described by the defense appears to be pertinent and may have a vital bearing on the case of the respondent, the board stands adjourned until (time) hours, (date). The board was adjourned at (time) hours, (date). The board was reconvened at (time) hours, (date) at (location).

PRES: The board is open.

REC: The reporter, recorder, respondent, counsel, and all members of the board present when it was closed except for (name) are again present.

REC: Colonel (name) is now present and has been appointed to this Board of Inquiry by (name), a copy of which order will be incorporated in the record. The orders were incorporated in the record as Government Exhibit (No. XX).

Figure 4–1. Format guidance for Board of Inquiry verbatim report—Continued

REC: Does the respondent desire to challenge the new member for cause? (Note: The procedure concerning inquiring of the new member whether he or she knows of facts that would form the basis of grounds for challenge, and swearing of a new member are substantially as for original members.)

RESP C: He or she (does not) (challenges (name) for cause on the ground (reason)).

REC: (Name) will now be sworn. The new member was sworn by the recorder.

PRES: The record of the proceedings so far had in this matter will now be read to the new member by the recorder. The record of the proceedings so far was then read to the new member.

(Note: The president should grant a recess, if the new members desire it for further study of the case.)

PRES: The proceedings have been read to date, the hearing may proceed. (Note: The respondent's counsel then proceeds to complete the case for the respondent, following which the recorder or the president presents any available evidence in rebuttal.)

RESP C: The respondent has no further evidence to present in his or her behalf.

REC: The Government has no further evidence to present.

PRES: The board will be closed. The board was closed at (time) hours, (date). (Note: The findings will be stated as specified in para 4–15*b*).

Findings and Recommendations

The board opened at (time) hours, (date).

PRES: The board is open.

REC: Let the record show that all members present when the board was closed, the respondent, counsel, recorder, and reporter are again present.

PRES: (Name), it is my duty as president of this Board of Inquiry to inform you that the board in closed session and on secret ballot, a majority of the members present at the time the vote was taken concurring, has made the following findings and recommendations:

Findings:

The board having carefully considered the evidence before it finds:

(A brief statement of the reason(s), including factual data when considered necessary for clarification) for each finding will be included.) In view of such findings, the board recommends:

PRES: The matter before this Board of Inquiry having been determined, the proceedings are ended. The proceedings were completed at (time) hours, (date).

Authentication of Record of Board of Inquiry

In reference to the matter of ***(respondent).***

(President)
(Member)
(Member)

(Recorder)

I have examined the record of the Board of Inquiry hearing.

(Respondent's counsel)

Figure 4–2. Board of Inquiry data sheet

All items are applicable to records of proceedings under this regulation before Boards of Inquiry. The recorder of the board and the appointing authority (or his or her designated representative) will answer the following questions with a yes or no response and attest to the response by entering the date and their signatures (including rank) at the completion of the questions.

The board, through its president, is completely responsible for all aspects of the proceedings. It is the responsibility of the recorder to ensure throughout the hearing that the Government's case is presented fully. The recorder will be alert to develop new evidence in its favor to support the allegations made by the Government, including the procurement and presentation, and to examine witnesses. Unless otherwise indicated, all cited references are from this regulation. A copy of this data sheet will be furnished to each board member for his or her use, at the time of appointment.

1. Was respondent served with a notice to show cause (paras 4–18 through 4–23)?
2. If respondent made an election other than to appear, was appropriate action taken (paras 4–24 and 4–25)?
3. Were the orders appointing the board issued by the GOSCA (para 4–6*f*)?
4. Did the order appointing the board designate a respondent's counsel (para 4–12*a*)?
5. Is the board comprised of three or more officers of proper grade and one or more recorders, and is each qualified (para 4–7)?
6. If the respondent is a non-Regular Army officer, was one or more members of the board a Reserve component officer (para 4–7*a*)?
7. Do the appointing orders clearly specify the matter to be investigated and cited specifically the regulations which the board is convened (AR 15–6, para 2–1*b*)?
8. Was an officer of The Judge Advocate General's Corps designated as recorder (para 4–9*a*)?
9. Was a civilian court reporter erroneously employed (AR 15–6, para 2–2)?
10. Does the record show at the outset of each session the time, date, place, and station; and does it also show the time of each closing (para 4–9*d*(5))?

Figure 4–2. Board of Inquiry data sheet—Continued

11. Were all orders appointing the board and appointing personnel read by the recorder at the initial session, and are they attached to the records as exhibits (para 4–9*d*(4))?

12. Were at least three members or such larger number as constitutes a majority of those detailed as members, present at all hearings (para 4–7*a*)?

13. At the opening of each session, did the recorder note for the record the presence of members of the board and the respondent and his or her counsel, if any (para 4–9*d*(5))?

14. If a member was absent or a new member was appointed, was the record read by and were all prior proceedings made known to, him or her before the proceedings continued (AR 15–6, para 5–2*d*)?

15. Does the record show that the officer concerned was notified by the GOSCA of show cause action and furnished substance of the grounds at least 30 days prior to convening of a board (paras 4–8*b*, 4–11*b*)?

16. Does the record show that the officer concerned was given at least 10–days notice of the time and place of the convening of the board (para 4–9*d*(1))?

17. Does the record show that at a sufficiently early date, the respondent had access to and was furnished copies, if desired, of all releaseable records and documents referred to the board (para 4–9*d*(2))?

18. Was the respondent advised by the president of his or her rights and privileges as prescribed by paragraph 4–8*g*?

19a. Did the president ask the members of the board to state any facts known to them that they believe might be grounds for challenge for cause (para 4–8*f*)?

b. Was the respondent extended the right to challenge any member of the board for cause (para 4–11*d*)?

20. Was action of the board on challenges proper (para 4–11*d*)?

21. Were the members of the board sworn by the recorder, and was the recorder sworn by the president (para 4–9*d* and 4–8*e*)?

22. Does the record show that at the outset of the proceedings the members refreshed their memories as to the contents of the records, documents, and reports furnished with the case (para 4–8*f*)?

23. Was the respondent permitted counsel of his or her own selection under the conditions set forth in paragraphs 4–11*a*, 4–12*a*, and 4–12*b*)?

24. Did the president advise the respondent of his or her right to present pertinent evidence (para 4–11*f*)?

25. Did the president ask the respondent to state for the record whether he or she desired a copy (para 4–11*c*)?

26. Were spectators other than those specifically requested by the respondent or as authorized by the appointing authority, present during the proceedings (para 4–14)?

27a. Was the respondent at all open sessions of the board, unless the respondent was excused by the President of the Board and expressly waived his or her right to attend (para 4–11)?

b. Was the respondent at all open sessions of the board, unless his or her absence was expressly excused by the respondent (para 4–12*d*)?

28a. Were all witnesses, including the respondent if he or she elected to testify, sworn (para 4–13*d* and 4–11*f*(4))?

b. Were they sworn by the president or recorder (para 4–9*d*(6) and AR 15–6, para 3–1)?

29. Was the respondent advised of his or her rights under the Uniform Code of Military Justice, article 31, where appropriate (para 4–11*f* and AR 15–6, para 5–5)?

30. Is a copy of the psychiatric report made part of the record (para 4–3 and table 4–3, as appropriate)?

31. If hospitalization for observation or treatment was directed by the board, were the proceedings suspended, pending final medical disposition (para 4–3*c*)?

32. If evidence was submitted through a deposition (para 4–13*a*), was it taken as provided in the Uniform Code of Military Justice, article 49 (AR 15–6, para 13b)?

33. If evidence on behalf of the Government was procured by affidavit or correspondence, was the respondent given reasonable notice and afforded an opportunity to meet adverse allegations (para 4–11*c* and AR 15–6, para 5–8)?

34. Did the board insist on the highest quality of evidence reasonably obtainable and available (AR 15–6, para 3–15)?

35. Are all exhibits properly identified in and bound with the record (AR 15–6, para 3–15)?

36. Was the respondent afforded reasonable opportunity to present his or her case (paras 4–11*b*, *c*; 4–8*a*; 4–9*d*(1) and (2); 4–11*f*(2), (3), and (4))?

37. Before the hearing was terminated and near the end, was the respondent asked by the president to state for record whether he or she had presented all evidence available in his or her own behalf (para 4–11*j*)?

38. If answered in the negative, did the president require him or her to make a concise statement for the record of the substance of the expected evidence, and was all documentary evidence referred to in the statement included in the record (para 4–11*j*)?

39. Was the action of the board on requests by the respondent for additional time to procure and present evidence appropriate (para 4–11*j*)?

40. Did the board make proper findings and include data required by paragraph 4–15*b*(1)?

41. Are the findings supported by substantial evidence (AR 15–6, para 3–9)?

42. Does the recommendation conform to and is it limited to one of the permissible prescribed forms (para 4–15*b*(2))?

43. Were the findings and recommendation of the board determined in closed session by secret ballot, a majority of the members present at the time the vote was taken concurring in each (para 4–15*b*(1))?

44. Were the findings and recommendation announced to the respondent as soon as they were finally determined (para 4–15*b*(5))?

45. Was the record prepared by the recorder or under his or her supervision (AR 15–6, para 5–3)?

46. Were the requirements of AR 15–6, paragraphs 3–13 through 3–19, complied with in preparing the record?

47a. Is the record authenticated by the signatures of all members present at the deliberations on the findings and recommendation and also by that of the recorder (AR 15–6, para 3–16)?

b. If any of the foregoing persons were unable to authenticate the record because of death, disability, or absence, is the reason stated following the authentication by the officers (AR 15–6, para 3–16)?

48. Is the record prepared in duplicate, each complete with all exhibits appended (para 4–15*c*)?

Figure 4–2. Board of Inquiry data sheet—Continued

49. Has the respondent's counsel examined the record of the Board of Inquiry hearing and so indicated by his or her signature following the authentication?

(Signature and grade of recorder)

(Signature and grade of appointing authority (or designated representative))

Figure 4–3. Sample format for initiation of elimination

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels)

FOR: *(Individual officer)*

SUBJECT: Initiation of Elimination

1. You are required to show cause for retention on active duty under the provisions of *(insert AR 600-8-24, applicable para)* because of *(insert reasons(s), that is, substandard performance of duty and/or misconduct and/or moral or professional dereliction).*

2. My action is based on the following specific reasons for elimination: *(List only applicable reasons as outlined in AR 600-8-24, para 4-2 or para 4-22, that can be supported by specific factual allegations and evidence. Examples are listed in a and b below.)*

a. Failure to exercise necessary leadership required of an officer of your grade. Specifically, as a result of the following incidents, you were relieved from command as evidenced by your relief for cause OER for the period YYMMDD-YYMMDD (encl xx):

(1) *(State factual allegations.)*

(2) *(State factual allegations.)*

b. Intentional neglect of performance of duties. Specifically, your neglect to properly secure weapons assigned to your custody as evidenced by OER for the period of YYMMDD-YYMMDD (encl xx).

3. In conjunction with this action, a DA Form 268 (Suspension of Favorable Personnel Actions) has been initiated according to AR 600-8-2 (encl xx).

4. You may either have the assistance of an officer of The Judge Advocate General's Corps appointed as counsel or seek civilian counsel of your own selection (obtained by you at no expense to the Government) to prepare a written statement indicating any pertinent facts or any rebuttal bearing on the question of your elimination.

a. This statement may be sworn or unsworn.

b. Documents submitted in rebuttal must be legible and reproducible.

c. You may also confer with your counsel for legal advice concerning your options stated in paragraph 7 below.

5. *(FOR PROBATIONARY OFFICERS ONLY)* I am recommending you to be discharged with an/a *(specify discharge)* Discharge. *(For officers recommended for an Honorable or General Discharge, add)* ''If an Honorable or General Discharge is recommended, your case will be forwarded directly to PERSCOM for submission to the Assistant Secretary of the Army (Manpower and Reserve Affairs), without referral to a Board of Inquiry.'' *(For officers recommended for misconduct or moral or professional dereliction, add),* ''The least favorable discharge you may receive is an Under Other Than Honorable Conditions Discharge.'' The least favorable characterization of service you may receive is an Under Other Than Honorable Conditions *(include when an officer is recommended for misconduct or moral or professional dereliction).* The final decision on the type of discharge will be determined by HQDA *(include for all officers).*

Figure 4–3. Sample format for initiation of elimination—Continued

(FOR A NONPROBATIONARY OFFICER) If you are eliminated for substandard performance of duty only, you will receive an Honorable Discharge. If you are eliminated for misconduct, moral or professional dereliction, the least favorable discharge you may receive is an Under Other Than Honorable Conditions Discharge. The final decision on the type of discharge will be determined by HQDA *(include for all officers).*

6. Before taking further action, I will consider all written comments or a rebuttal that you may submit with your acknowledgment.

7. In accordance with AR 600-8-24 paragraph 4-11, you may--

a. Submit your resignation in lieu of elimination according to AR 600-8-24, chapter 4. You may not request an effective date. The effective date will be as stated in AR 600-8-24, paragraph 4-5.

b. Request discharge in lieu of elimination *(RA commissioned officers only),* according to AR 600-8-24, chapter 4. You may not request an effective date. The effective date will be as stated in AR 600-8-24, paragraph 4-5.

c. Apply for retirement in lieu of elimination if otherwise eligible, according to AR 600-8-24, chapters 4 and 6. The effective date for retirement will be *(as applicable, if you have at least 19 years and 6 months of AFS but less than 20 years AFS, the effective date will not be later than 60 days from the date you attain 20 years AFS. If you have 20 or more years AFS, the effective date will be no later than 60 days from the date you elect retirement in lieu of elimination).* You must specifically state that your application for retirement is submitted in lieu of elimination.

d. *(FOR A NONPROBATIONARY OFFICER)* In place of resignation, discharge, or retirement, submit a rebuttal or a declination statement and request appearance before a Board of Inquiry.

e. *(FOR A PROBATIONARY OFFICER)* In place of resignation or discharge, submit a rebuttal statement and if a discharge Under Other Than Honorable Conditions is recommended, request appearance before a Board of Inquiry.

8. You have 30 calendar days from the date you receive this notification to acknowledge receipt in writing and exercise one of the options in paragraph 7.

9. Your acknowledgment should be in the format provided at AR 600-8-24, figure 2-4. If you elect an option in paragraph 7a through c, you will include your tender of resignation, request for discharge, or application for retirement in lieu of elimination as an enclosure to your acknowledgment.

FOR THE COMMANDER:

(Initiator or the GOSCA signature)

Encls *(as appropriate)*
(List supporting documents)
(OERs, LOR, Art 15, and so forth)
Format *(acknowledgments)*

CF:
TAPC-PDT-PM
CDR *(appropriate MACOM)*

Note: The OMPF and ORB will not be forwarded with the memorandum initiating the elimination action. If the officer elects a Board of Inquiry, an updated OMPF and ORB will be provided at that time.

Figure 4–4. Sample format for resignation in lieu of elimination proceedings (substandard performance)

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Resignation in Lieu of Elimination Proceedings

1. I, *(name, grade, branch, SSN),* having been informed that I am being considered for elimination, do voluntarily tender my resignation from the Army under the provisions of AR 600-8-24, chapter 4, in lieu of further elimination proceedings.

a. I have been advised that prior to submitting this resignation I may, at my option, consult with the be represented by legally qualified counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained y me. *(Include one of the statements in b below.)*

b. I have elected not to exercise this right *(or)* I have been fully advised and counseled in this matter by *(name) (a member of The Judge Advocate General's Corps) (or civilian counsel)* on *(date)* at *(place)*. I fully understand the implications of this voluntary action.

2. *(Use whichever of the following statements is appropriate, depending on whether the officer submits the resignation before or after appearing before a Board of Inquiry:)*

a. I elect to waive any right I have either to appear before a board of officers with legally qualified counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained by me, or to submit matters in explanation, rebuttal, or defense concerning the allegations in my case. *(The 9th through 38th words may be omitted in the case of a probationary commissioned officer, who consequently has no right to appear before a Board of Inquiry.)*

b. I have appeared before a Board of Inquiry *(with legally qualified counsel) (if appropriate),* and that board having recommended elimination, I elect to waive any further consideration of my case by any appellate or review agency.

3. If this resignation is accepted, I understand that I will be furnished an Honorable Discharge Certificate, and I understand that I may not specify an effective date for this resignation.

4. My present duty station is *(address) (assignment).*

5. I *(do/do not)* desire separation overseas. *(Applicable only if currently serving in an overseas area.)*

6. My mailing address after separation will be *(address).*

7. I understand that if I participated in certain advanced education programs, I may be required to reimburse the United States Government as stated in written agreement made by me with the United States Government under law and regulation.

8. I understand my resignation is voluntary and that I am not entitled to separation pay.

(Signature block)

Figure 4–5. Sample format for resignation in lieu of elimination proceedings (substandard performance of duty and/or misconduct, moral or professional dereliction, or in the interest of national security)

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Resignation in Lieu of Elimination Proceedings

1. I, *(name, grade, branch, SSN),* having been informed that I am being considered for elimination, do voluntarily tender my resignation from the Army under the provisions of AR 600-8-24, chapter 4, in lieu of further elimination proceedings.

2. I have been advised that prior to submitting this resignation I may, at my option, consult with the be represented by legal counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained by me. Include one of the following statements:

a. I have elected not to exercise this right.

b. I have been fully advised or counseled in this matter by *(name) (a member of The Judge Advocate General's Corps) (or civilian counsel)* on *(date)* at *(place).* I fully understand the implication of this voluntary action.

3. *(Use whichever of the following statements is appropriate, depending on whether the officer submits the resignation before or after appearing before a Board of Inquiry:)*

a. I elect to waive any right I have either to appear before a board of officers with legally qualified counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained by me or to submit matters in explanation, rebuttal, or defense concerning the allegations in my case. *(The 9th through 38th words may be omitted for probationary officers who have been notified by the GOSCA that they will receive an Honorable or General, Under Honorable Conditions Discharge if their elimination is approved.)*

b. I have appeared before a Board of Inquiry *(with legally qualified counsel) (if appropriate),* and that board having recommended elimination, I elect to waive any further consideration of my case by any appellate or review agency.

4. If this resignation is accepted, I understand that I may be furnished an Honorable, General, or Under Other Than HOnorable Conditions Discharge, as determined by HQDA. I understand that I may not specify an effective date for this resignation.

a. *(For a probationary officer, who has been recommended for elimination, the characterization of service will not be less than that specified in the GOSCA's notification letter to the officer. For example: If the GOSCA recommended a General Discharge, paragraph 4 should read, "I also understand that I may be furnished an Honorable or General Discharge, and so forth.")* I understand I may not specify an effective date for this resignation.

b. *(The same principle applies for all officers, regardless of years of service, who appear before a field Board of Inquiry and subsequently request separation in lieu of further elimination processing. Mention of a discharge certificate of a less favorable character than that recommended by the Board of Inquiry will be omitted from paragraph 4 of the letter requesting separation.)*

5. I further understand that if this resignation is accepted Under Other Than Honorable Conditions, I will not be entitled to compensation for unused accrued leave and that I may be barred from all rights, based on the period of service from which I will be separated under any laws administered by the Department of Veterans Affairs, except War Risk, U.S. Government (Converted), National Service Life Insurance, or Serviceman's Group Life Insurance policies I may hold. *(If an Other Than Honorable Discharge is not listed in para 4, omit para 5.)* I understand that I may not specify an effective date for this resignation.

6. My present duty station is *(address) (assignment and/or attachment, if any).*

7. I *(do/do not)* desire separation overseas. *(Applicable only if currently serving in an overseas area.)*

8. My mailing address after separation will be *(address).*

9. I understand that if I participated in certain advanced education programs, I may be required to reimburse the United States Government as stated in written agreement made by me with the U.S. Government under law and regulations.

10. I understand my resignation is voluntary and that I am not entitled to separation pay.

(Signature block)

Figure 4–6. Sample Format for Discharge in Lieu of Elimination Proceedings (For RA officers only - substandard performance)

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Discharge in Lieu of Elimination Proceedings

1. I, *(name, grade, branch, SSN),* having been informed that I am being considered for elimination, do request discharge from the Army under the provisions of AR 600-8-24, chapter 4, in lieu of further elimination proceedings.

2. I have been advised that prior to submitting this request for discharge I may, at my option, consult with and be represented by legally qualified counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained by me. *(Include one of the statements below.)*

a. I have elected not to exercise this right.

b. I have been fully advised and counseled in this matter by *(name), (a member of The Judge Advocate General's Corps) (or civilian counsel)* on *(date)* at *(place).* I fully understand the implications of this voluntary action.

3. *(Use whichever of the following statements is appropriate, depending on whether the officer requests discharge before or after appearing before a Board of Inquiry:)*

a. I elect to waive any right I have to appear before a board of officers with either legally qualified counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained by me to present matters in explanation, rebuttal, or defense concerning the allegations in my case. *(The 9th through 37th words may be omitted in the case of a probationary commissioned officer (see AR 600-8-24, para 4-19), who consequently has no right to appear before a Board of Inquiry.)*

b. I have appeared before a Board of Inquiry *(with legally qualified counsel) (if appropriate),* and that board having recommended elimination, I hereby elect to waive any further consideration of my case by any appellate or review agency.

4. If this request for discharge is accepted, I understand that I will be furnished an Honorable Discharge Certificate. I understand that I may not specify an effective date for this discharge.

5. My present duty station is *(address) (assignment and/or attachment, if any).*

6. I *(do/do not)* desire separation overseas. *(Applicable only if currently serving in an overseas area.)*

7. My mailing address after separation will be *(address).*

8. I understand that if I participated in certain advanced education programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulations.

9. I understand that my request for discharge is voluntary and that I am not entitled to separation pay.

(Signature block)

Figure 4–7. Sample format for discharge in lieu of elimination proceedings (For RA officers only - substandard performance of duty and/or misconduct, moral or professional dereliction, or in the interest of national security)

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Discharge in Lieu of Elimination Proceedings

1. I, *(name, grade, branch, SSN),* having been informed that I am being considered for elimination, do request discharge from the Army under the provisions of AR 600-8-24, chapter 4, in lieu of further elimination proceedings.

2. I have been advised that prior to submitting this request for discharge I may, at my option, consult with and be represented by legally qualified counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained by me. *(Include one of the following statements:)*

a. I have elected not to exercise this right.

b. I have been fully advised and counseled in this matter by *(name) (a member of The Judge Advocate General's Corps) (or civilian counsel)* on *(date)* at *(place).* I fully understand the implications of this voluntary action.

3. *(Use whichever of the following statements is appropriate, depending on whether the officer requests discharge before or after appearing before a Board of Inquiry:)*

a. I elect to waive any right I may have to appear before a board of officers with legally qualified counsel who may be a member of The Judge Advocate General's Corps or civilian counsel retained by me to present matters in explanation, rebuttal, or defense concerning the allegations in my case.

b. I have appeared before a Board of Inquiry *(with legally qualified counsel) (if appropriate),* and that board having recommended elimination, I elect to waive any further consideration of my case by any appellate or review agency.

4. If this request for discharge is accepted, I understand that I will be furnished an Honorable, General, or Under Other Than Honorable Conditions Discharge, as determined by HQDA. *(For officers who appear before a field Board of Inquiry and subsequently request discharge in lieu of further elimination processing, mention of a discharge certificate of a less favorable character than that recommended by the Board of Inquiry will be omitted from para 4 of this letter requesting separation.)* I understand that I may not specify an effective date for this discharge. *(For a probationary officer who has been recommended for elimination, the characterization of service will not be less than that specified in the GOSCA's notification letter to the officer. For example, if the GOSCA recommended a General Discharge, paragraph 4 should read, "I also understand that I may be furnished an Honorable or General Discharge, and so forth.")* I understand that I may not specify an effective date for this discharge.

5. I further understand that if I am discharged under other than honorable conditions, I will not be entitled to compensation for unused accrued leave and that I may be barred from all rights based on the period of service from which I will be separated, under laws administered by the Department of Veteran Affairs, except War Risk, U.S. Government (converted), National Service Life Insurance, or Servicemen's Group Life Insurance policies I may hold. *(If an Under Other Than Honorable Discharge is not listed in para 4, above, omit para 5.)*

6. My present duty station is *(address) (assignment and/or attachment, if any).*

7. I *(do/do not)* desire separation overseas. *(Applicable only if currently serving in an overseas area.)*

8. My mailing address after separation will be *(address).*

9. I understand that if I participated in certain advanced education programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulations.

10. I understand that my request for discharge is voluntary and that I am not entitled to separation pay.

(Signature block)

Chapter 5
Miscellaneous Types of Separations

Section I
Scope

5–1. Overview

This chapter prescribes disposition and procedures concerning miscellaneous types of separations whereby an officer may be dismissed, released, separated, and discharged from AD. In addition it provides procedures whereby officers on AD or retired may be dropped from the rolls of the Army.

5–2. Authority

The final decision concerning acceptance of all requests for separation under this chapter will be made by PERSCOM or ARPERCEN (as appropriate).

a. The Secretary of the Army will direct discharge of officers through orders.

b. An officer whose discharge has been directed will be separated on the date specified in DA orders or as directed by PERSCOM and ARPERCEN (as appropriate).

Section II
Task: Process Separation of an Officer Due to Lack of Jurisdiction

5–3. Rules for processing separation of an officer due to lack of jurisdiction

a. If a U.S. court or judge orders the release of an officer from AD, the CG, PERSCOM, or CG, ARPERCEN (as applicable) will take the appropriate action to direct the release from military control of the officer concerned.

b. Similar action will be taken on the final determination of a convening authority of a general or special court-martial, a military judge, a president of a special court-martial, or a military appellate court that an individual is not currently a member of the Army.

c. This paragraph and the appropriate SPD code from AR 635–5– 1 will be cited as the authority for separation.

5–4. Steps for processing separation of an officer due to lack of jurisdiction

The steps required for processing separation of an officer due to lack of jurisdiction are as shown in table 5–1.

Table 5–1
Separation of an officer due to lack of jurisdiction

Step	Work center	Required action
1	SLDR PPAA	When served with an order or writ, he or she immediately reports it to The Judge Advocate General, as directed per AR 27–40, paragraph 3–3.
2	PPAA C&S	Notifies CDR, PERSCOM (TAPC–PDT–PM), by electronic message to include the information contained in the Advisory Report furnished to The Judge Advocate General.

Section III
Task: Process Discharge of ADL Chaplain Who Loses Professional Qualifications

5–5. Rules for processing discharge of an ADL chaplain who loses professional qualifications

a. A chaplain is required to receive an ecclesiastical endorsement before being appointed as a chaplain. The officer must maintain the ecclesiastical endorsement to maintain his or her chaplain status. When the ecclesiastical endorsing agency withdraws its endorsement, the officer loses this integral part of his or her professional qualifications as a chaplain.

b. A chaplain on the ADL will be processed under this section when the ecclesiastical endorsing agency concerned withdraws its endorsement of the officer's continuation on AD as a chaplain. However, a chaplain will not be separated under the provisions of this section when separation is more appropriate for other reasons under chapter 4 (Eliminations).

c. A chaplain who has his or her ecclesiastical endorsement withdrawn is given the opportunity to elect one of the options listed in step 1 below. However, if the chaplain elects not to respond, he or she will be separated from AD.

d. Secretary of the Army makes the final determination.

e. Separations under this section will be Honorable and a DD Form 256A will be issued.

5–6. Steps for processing discharge of an ADL chaplain who loses professional qualifications

The steps required for processing discharge of an ADL chaplain who loses professional qualifications are as shown in table 5–2.

Table 5–2
Discharge due to loss of professional qualifications

Step	Work center	Required action
1	PPAA C&S	The Chief of Chaplains, when an ecclesiastical endorsing agency withdraws its endorsement, notifies the chaplain (in writing) and provides a copy of the endorser's letter withdrawing the endorsement. Advises the chaplain that he or she— *a.* Has the right to counsel (military counsel or civilian counsel obtained at his or her own expense). *b.* Has 30 calendar days to submit an acknowledgment and specify his or her choice of the following options: (1) May seek another ecclesiastical endorsement (officer has 90 calendar days to provide new endorsement to Department of the Army, Chief of Chaplains). (2) May apply for nonchaplain duties. (3) May apply for voluntary retirement (if eligible). (4) May submit a voluntary resignation. *c.* Will be separated from AD if he or she does not respond to the notification or if the request is disapproved.
2	SLDR	Makes option election (if so desired) and submits appropriate paperwork.
3	PPAA C&S	*a.* When a chaplain obtains a new endorsement (making him or her professionally qualified for retention on AD), files the new endorsement in the chaplain's career management file and makes the appropriate changes to the chaplain's OMPF and the ORB. *b.* When a chaplain requests nonchaplain duties, processes the application for branch transfer according to AR 614–100, chapter 4. *c.* When either *d* or *e* below is applicable, determines whether medical board or PEB proceedings are pending or appropriate. *d.* When a chaplain requests retirement, processes the application according to chapter 6. *e.* When a chaplain requests resignation, processes the request according to paragraphs 3–5 and 3–6. *f.* Final separation orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section IV
Task: Process Separation of an Officer Who Does Not Consent to Recall to AD from Temporary Disability Retired List (TDRL)

5–7. Rules for processing separation of an officer who does not consent to recall to AD from the TDRL

a. An officer on the TDRL who does not consent to return to AD after he or she is found physically fit will be discharged unless he or she is permanently retired under another provision of law.

b. PERSCOM (TAPC–PDB) will forward to the officer a notification memorandum concerning removal from the TDRL.

c. Separations under this section will be Under Honorable Conditions. A DD Form 256A or DD Form 257A will be provided based on the officer's characterization of service before placement on the TDRL.

5–8. Steps for processing separation of an officer who does not consent to recall to AD from the TDRL

The steps required for processing separation of an officer who does not consent to recall to AD from the TDRL are as shown in table 5–3.

Table 5–3
Separation for failure to consent to AD recall from TDRL

Step	Work center	Required action
1	C&S	PERSCOM (TAPC–PDB) separates (to include the final order) an officer who fails to consent to recall to AD from the TDRL. Prepares and furnishes to the officer discharge orders and the appropriate discharge certificate. Final separation orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section V
Task: Process Separation of Commissioned Officers and Chief Warrant Officers Who Are Twice Nonselected for ADL Promotion by an HQDA Centralized Board

5–9. Rules for processing separation of commissioned officers and chief warrant officers who are twice nonselected for ADL promotion by an HQDA centralized board

a. Commissioned officers and chief warrant officers on the active duty list twice nonselected for promotion to the rank of captain, major, or lieutenant colonel and CW3, CW4, or CW5 will be involuntarily released from or discharged unless they are—

(1) Selectively continued (para 1–14).

(2) Within 2 years of retirement (completes 18 or more years AFS on their scheduled release date).

(3) Retired.

b. PERSCOM (TAPC–PDT–PM) will forward the notification memorandum (that states the officer's options) and, if applicable, "acknowledgment of notification of nonselection" for ADL promotion to the commander of the nonselected officer.

c. Commissioned officers and chief warrant officers (except as stated in *d* and *e* below) will be separated on the 1st day of the 7th calendar month after approval of the promotion board's report unless earlier release is voluntarily requested or retention on AD in a Reserve status is approved by the Secretary of the Army or his or her designee.

d. An officer may request an earlier separation date or submit a resignation, for example, to accept an appointment as a warrant officer or for continuing on active duty in an enlisted status (AR 601–280) (whichever applies and if eligible).

e. An officer or and warrant officer who is within 2 years of qualifying for retirement under chapter 6 (20 years active Federal service) on his or her scheduled release date and who can so qualify prior to attaining the maximum age will be retained on active duty until the last day of the month following the month he or she qualifies for retirement. Maximum ages are specified in chapter 2, section XII (RC, age 60 or for warrant officer, age 62) or chapter 6, section VII (RA, age 62).

f. An officer or warrant officer eligible for retirement under chapter 6 may apply for retirement to be effective not later than the first day of the seventh month beginning after the month in which the President or Secretary of the Army (as applicable) approves the report of the board that considered the officer or warrant officer the second time.

g. If otherwise eligible, an officer may submit a resignation to continue a military career in an enlisted status, or a commissioned officer may submit a resignation to be appointed as a USAR warrant officer. The resignation date will be not later than the mandatory discharge or release date. For a warrant officer (with only warrant officer status), the resignation will not be later than the mandatory discharge or release date.

h. When an officer's case is referred to a HQDA Special Selection Board for promotion reconsideration (AR 600–8–29, chap 7), the officer will continue to be processed for separation as scheduled. However, when reconsideration is not completed by the scheduled separation date, PERSCOM (TAPC–PDT–PM) will temporarily suspend the separation date, pending completion. When the board's decision is unfavorable, the officer will be separated not later than 30 calendar days after his or her receipt of notification.

i. An officer's discharge under this paragraph will be under Honorable conditions and a DD Form 256A will be issued.

5–10. Steps for processing separation of commissioned officers and chief warrant officers who are twice nonselected for ADL promotion by an HQDA centralized board

The steps required for processing separation of commissioned officers and chief warrant officers who are twice nonselected for ADL promotion by an HQDA centralized board are as shown in table 5–4.

Table 5–4
Twice nonselected for promotion separation (HQDA Board)

Step	Work center	Required action
1	PPAA BN S–1	The commander notifies the non-selected officer no earlier than 2 days before the release of the appropriate promotion list. Counsels the officer regarding his or her options and ensures the officer returns the "Acknowledgment of notification of Nonselection" to CDR, PERSCOM (TAPC–PDT–PM), by the suspense date. Files a copy of the notification memorandum and the acknowledgment in the officer's MPRJ until the officer is separated.
2	PPAA	Reports a dual status officer to CDR, PERSCOM (TAPC–PDT–PM), for processing.
3	PPAA	To prevent a break in service, when an officer elects to continue on AD in another status (for example, enlistment or appointment as a warrant officer), forwards the request for resignation or discharge (fig 5–1 or fig 5–2) as follows (ensures the officer states in the memorandum of resignation or discharge that he or she will not be entitled to separation pay): *a.* For a commissioned officer, not later than 3 months before the mandatory discharge or release date. *b.* For a warrant officer, as soon as possible after receipt of the mandatory discharge.

Table 5–4
Twice nonselected for promotion separation (HQDA Board)—Continued

Step	Work center	Required action
4	PPAA TP/TA	Final separation orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section VI
Task: Process Separation of an officer Due to Nonselection of a Field Promotion

5–11. Rules for separation of an officer due to nonselection of a field promotion

a. An active duty list officer not recommended for promotion to the grade of 1LT or CW2 (AR 600–8–29, chap 3) will be separated not later than 90 calendar days after the Promotion Review Authority approves the nonrecommndation for promotion. A warrant officer within 2 years of retirement is excluded.

b. With the exception of a dual status officer, the SAA may approve early release of an officer or warrant officer on the active duty list.

c. Officers separated under this paragraph will receive a DD Form 256A.

5–12. Steps for processing separation of an officer due to nonselection of a field promotion

The steps required for processing separation of an officer due to nonselection of a field promotion are as shown in table 5–5.

Table 5–5
Field promotion nonselection separation

Step	Work center	Required action
1	PPAA BN S–1	Determines whether medical board or PEB proceedings are pending or appropriate (para 1–22). The commander reports a dual status officer to PERSCOM (TAPC–PDT–PM) for processing.
2	PPAA (TP/TA)	Ensures officer is separated not later than the scheduled release date. Final separation orders and forms will cite regulatory authority and SPD as shown in AR 635–5–1. Forwards a copy of DA Form 78 (Recommendation for Promotion of Officer) with all enclosures and comments) to— *a.* CDR, PERSCOM (TAPC–appropriate career management division). *b.* CDR, PERSCOM (TAPC–MSR).

Section VII
Task: Process Separation of an officer Due to Conviction by Foreign Tribunal

5–13. Rules for processing separation of an officer due to conviction by foreign tribunal

a. An officer will be discharged when he or she has been convicted by a foreign tribunal and either of the following applies:

(1) The officer has been sentenced to death or imprisonment for more than 6 months, regardless of whether the sentence was suspended.

(2) Regardless of actual sentence imposed, the officer has been convicted of an offense for which a sentence of more than 6–months of confinement is authorized by the Manual for Courts-Martial, United States, 1984, appendix 12. (When the offense is not listed in the Maximum Punishments Chart or not closely related to an offense listed, the maximum punishments authorized by the United States or District of Columbia Code (whichever is less) will apply.)

b. PERSCOM (TAPC–PDT–PM) will make final determination as to the officer's disposition and provide separation instructions or guidance for further processing under chapter 4 (whichever applies) to the CONUS MACOM.

5–14. Steps for processing the separation of an officer due to conviction by foreign tribunal

The steps required for processing the separation of an officer due to conviction by foreign tribunal are as shown in table 5–6.

Table 5–6
Processing separation due to conviction by foreign tribunal

Step	Work center	Required action
1	PPAA BN S–1 C&S	The OCONUS MACOM forwards to CDR, PERSCOM (TAPC–PDT–PM), a report of an officer who is convicted after final action has been taken by foreign authorities. The report will contain— *a.* A recommendation as to administrative discharge or other disposition. *b.* A copy of the official United States observer's report of trial or a transcript of the trial, if obtainable. *c.* Officer's name, grade, Social Security number, branch, and organizational assignment. *d.* Alleged offense (includes all pertinent facts and circumstances). *e.* Name of court, date, and place of trial. *f.* Offense(s) of which found guilty, sentence imposed, and whether suspended. *g.* Matters in mitigation, extenuation, or aggravation. *h.* Appellate action, if any, and results. *i.* Whether further action is possible or recommended.
2	PPAA BN S–1 C&S	The OCONUS MACOM, when PERSCOM authorizes an officer's discharge in a foreign country, informs the United States diplomatic mission in the country of such action.
3	PPAA (TP/TA)	Upon receipt of separation instructions, takes action to separate the officer.

Section VIII
Task: Process an Officer Who Is Dropped From the Army Rolls

5–15. Rules for processing an officer who is dropped from the Army rolls

a. An officer on AD or a retired officer may be dropped from the Army rolls when the officer—

(1) Is not entitled to receive retired pay and has been found guilty by civil authorities of any offense and sentenced to confinement in a Federal or State penitentiary or correctional institution and his or her sentence has become final.

(2) Has been absent without leave (AWOL) for at least 3 months.

(3) Is deprived of retired pay under title 5, USC, chapter 83, subchapter II.

b. An RA warrant officer who has not been commissioned may not be dropped from the rolls under (1) or (2) above.

c. Commander, PERSCOM (TAPC-PDT–PM), will issue separation instructions to drop the officer from the Army rolls, when appropriate.

d. Commander, ARPERCEN (ARPC–AR), must release USAR AGR officers from AGR status.

5–16. Steps for processing an officer who is dropped from the Army rolls

The steps required for processing an officer who is dropped from the Army rolls are as shown in table 5–7.

Table 5–7
Dropped from the rolls

Step	Work center	Required action
1	PPAA BN S–1	The commander, when information is received that indicates an officer warrants being dropped from the rolls of the Army, forwards such information through channels to CDR, PERSCOM (TAPC–PDT–PM), for final determination. Includes— *a.* A detailed statement (including documentary evidence) why the officer may be dropped from the Army rolls. *b.* When appropriate, a certified copy of the court order conviction or letter from the warden of the penitentiary or correctional institution verifying the officer's confinement.
2	PPAA (TP/TA)	Upon receipt of separation instructions, takes action to separate the officer. When separation is accomplished, forwards officer fingerprints to the FBI as required in AR 190–47, paragraph 5–2, and AR 635–10, paragraph 3–15.

Section IX
Task: Process Dismissal of an Officer Due to General Courts-Martial Proceedings

5–17. Rules for processing dismissal of an officer due to general courts-martial proceedings

a. An officer convicted and sentenced to dismissal as a result of GCM proceedings will be processed pending appellate review of such proceedings as follows:

(1) An RA officer will be retained on AD until the appellate review is completed or placed on excess leave in accordance with AR 600–8–10.

(2) An RC officer may be released from AD pending completion of the appellate review, under paragraphs 2–37 and 2–38, or placed on excess leave in accordance with AR 600–8–10 in lieu of REFRAD.

b. The PERSCOM will make the final determination regarding retention or separation. Separation instructions will be issued by PERSCOM (TAPC–PDT–PM) to the appropriate PSC/MPD.

5–18. Steps for processing dismissal of an officer due to general courts-martial proceedings

The steps required for processing dismissal of an officer due to general courts-martial proceedings are as shown in table 5–8.

Table 5–8
Dismissal due to general courts-martial proceedings

Step	Work center	Required action
1	PPAA BN S–1 C&S	The commander forwards to CDR, PERSCOM (TAPC–PDT–PM), a report of an officer who meets the criteria in the above rule. The report will contain the following: *a.* Officer's name, grade, Social Security number, branch, and organizational assignment. *b.* Alleged offense (includes all pertinent facts and circumstances).
2	PPAA (TP/TA)	Upon receipt of separation instructions, separates the officer and forwards fingerprints to the FBI as required in AR 190–47, paragraph 5–2, and AR 635–10, paragraph 3–15.

Figure 5–1. Sample format for resignation (nonselection for promotion)

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Resignation

1. I, *(name, grade, branch, SSN),* tender my resignation from the Army under the provisions of AR 600-8-24, chapter 5, paragraph 5-9, to be effective *(date).*

2. I understand that I will not be entitled to separation pay on separation.

3. My present duty station is *(address) (assignment and/or attachment, if any).*

4. I *(do/do not)* desire separation overseas. *(If currently serving in an oversea areas.)*

5. I *(do/do not)* desire appointment in the U.S. Army Reserve. *(For Regular Army officers only.)* If affirmative, include the following information:

a. Basic pay entry date.

b. Permanent home address.

c. I *(have/have not)* previously held a Reserve commission.

6. I understand that if I participated in certain advanced education programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under the law and regulations.

(Signature block)

Figure 5–2. Sample format for request for discharge (Nonselection for promotion)

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels--see para 3-4)

FOR: CDR, PERSCOM (TAPC-PDT-PM), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Request for Discharge

1. I, *(name, grade, branch, SSN),* request to be discharged from the Army under the provisions of AR 600-8-24, chapter 5, paragraph 5-9

2. My present duty station is *(address) (assignment and/or attachment, if any).*

3. I *(do/do not)* desire separation overseas. *(If currently serving in an overseas area.)*

4. I *(do/do not)* desire appointment in the U.S. Army Reserve. If affirmative, include the following:

a. Basic pay entry date.

b. Permanent home address.

Figure 5–2. Sample format for request for discharge (Nonselection for promotion)—Continued

c. I *(have/have not)* previously held a Reserve commission.

5. I understand that if I participated in certain advanced programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulations.

6. My mailing address immediately after the date of separation will be *(address).*

(Signature block)

Chapter 6
Retirements

Section I
Overview

6–1. The officer retirement program

a. This chapter applies to nondisability retirement of ADL commissioned and warrant officers on AD to include AGR commissioned and warrant officers who have 20 years or more of AFS.

b. A commissioned officer may retire in the highest rank served satisfactorily on AD for 6 or more months unless entitled by law to a higher grade (section 1370(a)(1), title 10, U.S. Code).

c. A commissioned officer must serve on AD 3 years in grade to retire in rank above major and below lieutenant general (does not apply to AGR). However, the President may waive this requirement in individual cases involving extreme hardship or exceptional or unusual circumstances (10 USC 1370(a)(2)).

d. An officer serving (or who previously served) in a position designated by the President and in the grade of lieutenant general or general may retire in the highest grade held while on AD. The President must direct this with the consent of the Senate (10 USC 1370(c)).

e. Generally, unless entitled to a higher retired grade under some other provision of law, a warrant officer retires as determined by the Secretary of the Army in the permanent Regular or Reserve warrant officer grade, if any, that he or she held on the day before his or her retirement or in the higher warrant officer grade, if any, in which he or she served on active duty satisfactorily, as determined by the Secretary of the Army, for a period of more than 30 days (10 USC 1371).

f. When an action is initiated against a commissioned officer with a view to trying such officer by courts-martial, the Secretary of the Army may delay that officer's retirement (without prejudice) until the action is completed (10 USC 639).

g. Where there is sufficient unfavorable information to establish that a retiring officer's service in his or her current grade was not satisfactory, the officers's retirement application may be referred, under the provisions of AR 15–80, to the Army Grade Determination Review Board.

6–2. Computation of service

a. There are different types of creditable military service. Each type is computed according to the applicable provisions of Federal law for the various types of retirement. Active Federal service (AFS) is applicable for retirement under this chapter. For mandatory retirement of an RA commissioned officer, AFS may include constructive service (for a commissioned officer on active duty on 14 Sep 81) and is computed to determine whether—

(1) An RA or RC officer may retire voluntarily.

(2) An RA commissioned or warrant officer must be retired mandatorily.

(3) A warrant officer may be advanced to a higher commissioned grade.

b. Retired pay is computed according to pay formulas in chapters 71 and 371, title 10, of U.S. Code; provisions contained in the retirement law; and according to title 37 of U.S. Code.

c. Upon appointment in the RA, certain commissioned officers are credited with constructive service. This amount of service is used to determine the RA grade and placement on the ADL and counts as mandatory retirement service for commissioned officers on active duty before 15 September 1981. When the mandatory retirement service is greater than the total service for basic pay, it is used as the multiplier in determining the percentage in computing retired pay. No period of service subsequent to the date the officer meets the service requirements for mandatory retirement is creditable in the computation of retired pay unless specified by law.

d. For voluntary retirements that do not require a waiver and do not appear to involve retirement of a Regular commissioned officer with at least 30 but less than 40 years of active service for retirement purposes, service computations will be performed at the installation maintaining the MPRJ of the retiree. For general officers, JAGC officers, chaplains, officers managed by the Special Management Branch, Regular commissioned officers with at least 30 but less than 40 years of active service for retirement purposes, and those that require waiver, service computations will be performed by PERSCOM (TAPC–PDT–R). Service computations for USAR officers not on the ADL will be performed by ARPERCEN (DARP–AR). For those retirements where the GCMCA or his or her designee is the approval authority, PERSCOM (TAPC–MSR) will provide the service fiche of the retiree to the installation upon request. When service has been computed for retirement or retired pay and an officer claims additional service that is not stated in the current official U.S. Army Register, or the officer's OMPF, the officer will contact the installation for recomputation of service. The officer will provide justifying documents. The documents must be certified statements of service, discharge certificates, or other official evidence. These documents will be submitted well in advance of the retirement date, to allow time for verification and updating of the records. Officers of the USAR who are not on the ADL will contact ARPERCEN (DARP–AR) for recomputation of service.

e. Policy for requesting service microfiche.

(1) Retirement Services Personnel may request an officer's service microfiche when processing an officer's voluntary nonwaiver retirement application in order to compute service time.

(2) Because of the sensitive nature of an officer's OMPF, only authorized individuals, those designated by the Chief MPD/PSC on a DD Form 577 (Signature Card) may request an officer's service microfiche from the PERSCOM Officers Records Branch. The DD Form 577 must be on file with the PERSCOM Officers Records Branch prior to making a request for an officer's service microfiche under the procedures outlined in paragraph *f*(1) and (2) below.

(3) The PERSCOM Officer Records Branch will process and forward the officer service microfiche to the requester within 7–10 working days (allow for normal mail time). Requests that require PERSCOM to coordinate with outside agencies may require 30 or more calendar days.

(4) Performance microfiche requests will be handled on a case-by-case basis. There will be no blanket approval for release of the performance microfiche.

f. Procedures for requesting service microfiche.

(1) Retirement Services Personnel may request an officer's service microfiche by the following means:

(a) To mail—Forward a memorandum to CDR PERSCOM, ATTN: TAPC–MSR, 200 STOVALL ST, ALEX VA 22332–0444. Include a DA Form 200 (Transmittal Record) with the request.

(b) Facsimile (FAX)—Send FAX requests to Defense Switched Network (DSN) 221–0742 or commercial number (703) 325–0742.

(c) PERNET E–Mail—Send requests to Identification Number WISEJ.

(2) Requests for microfiche must include the following information:

(a) Name.

(b) SSN.

(c) Current unit of assignment.

(d) Projected or approved retirement date.

(e) Prior service ("yes" or "no").

(f) Return address and point of contact.

(g) Priority or routine.

(h) Any unusual information if known.

(i) Signature of authorized requester.

6–3. Retirement order

a. The installation maintaining the retiree's MPRJ will publish the retirement order for voluntary retirements (except for general officers, JAGC officers, chaplains, those officers who require a waiver, those officers whose retirements must be approved by HQDA, and those officers managed by the special management branch) at the earliest possible date. The installation maintaining the retiree's MPRJ will forward the retirement order to the appropriate PSC/MPD, TP/TA or PSST, as applicable. The ARPERCEN (DARP–AR) will publish the retirement order for USAR officers not on the ADL. The retirement packet will contain the following items:

(1) A memorandum of instructions (only if waiver is requested).

(2) Computation of service (DA Form 7301–R (Officer Service Computation for Retirement)). DA Form 7301–R will be locally reproduced on 8½- by 11-inch paper. A copy for reproduction purposes is located at the back of this regulation.

(3) Copies of the order (to include the Control Number for non-waiver voluntary retirement).

b. When the PSC/MPD or the TP/TA has not received the officer's retirement packet by the 20th of the retirement month, the office will notify the installation or PERSCOM (TAPC–PDT–R) or, if applicable, CDR, ARPERCEN (DARP–AR). The installation or PERSCOM TAPC–PDT–R) or ARPERCEN (DARP–AR) will verify the retirement order. If applicable, PERSCOM (TAPC–PDT–R) or ARPERCEN (DARP–AR) will respond by electrical message and letter follow-up.

c. Once the retirement has been approved and the order issued, it will not be amended or revoked except for promotion option, extreme compassionate reasons, or for the good of the service. The amendment or revocation must occur prior to the retirement date.

6–4. Career recognition

a. The officer's commander is authorized to issue an additional announcement of the retirement when the retiring officer's career merits special recognition.

b. The announcement will have the same number as the retirement order but with the prefix EXT and will state key events in the officer's career.

c. The information will be obtained from field documents and by interview.

d. This announcement may be placed on bulletin boards and in the officer's file, read at ceremonies, and presented to the officer in an appropriate binder. (See fig 6–1 for example.)

6–5. Retirement location

a. Generally, an officer's retirement will be processed at the authorized and directed TP/TA stated in AR 635–10. An officer may retire at a location of personal choice, according to AR 635–10. Once the officer has elected a location, the location cannot be changed unless it is to the authorized and directed TP/TA. A change from one location of choice to another location of choice is not authorized. An officer who requests (prior to departure from unit assignment) that the location of choice be changed to the authorized and directed TP/TA must provide justification to the commander that maintains the personnel records. When approved, the commander will notify the TP/TA commander (at the officer's location of choice) to mail the retirement packet to the directed TP/TA. Retirement orders will not be amended, and AR 310–10, appendix A, format A–434, will not be used.

b. The retirement packet for an officer stationed in CONUS will be forwarded to the PSC/MPD that has custody of his or her personnel record.

c. The retirement packet for an OCONUS returnee will be forwarded to the TP/TA that the officer elected.

d. An officer serving OCONUS who desires to retire OCONUS (subject to the overseas commander's and host government's approval) must so specify in the voluntary retirement request or in the preretirement information for mandatory retirement. When applicable, the officer will obtain a passport from the nearest United States Consulate.

e. An officer in a leave status on the retirement date will be processed according to AR 600–8–10.

6–6. Medical examination

Medical examination prior to retirement is required. The required medical examination will be scheduled not earlier than 4 months prior to the retirement date or the beginning of the officer's transition leave date. The officer's immediate commander will ensure the medical examination is processed according to AR 40–501.

6–7. Hospitalization/Physical Evaluation Board

a. An officer who requests (or is scheduled for) retirement and has a medical problem (or becomes hospitalized) will be evaluated by the commander (or designated representative) of the MTF to determine if referral to a PEB is necessary. When the officer is referred to the PEB, the MTF will promptly notify CDR, PERSCOM (TAPC–PDT–RR), or HQDA (DAPE–GO for general officers). The Physical Evaluation Board Liaison Officer (PEBLO) must provide the officer's medical condition and scheduled date of the PEB.

b. An officer found fit for duty by a PEB will retire on the first day of the month following the month the officer is found fit.

c. When a PEB is not necessary but additional medical care is, a nondisability retirement will be processed. Medical treatment will continue up to and after (if necessary) the approved retirement date. The retirement date will not be changed because of medical treatment.

6–8. Retirement status

a. An RA Officer placed on the retired list continues to be an officer of the U.S. Army.

b. Unless there is evidence of fraud, an officer's retirement under a particular statute exhausts the power of the President and the Secretary of the Army. The record of Executive action cannot be revoked or modified to make the retirement relate to another statute, even though more than one statute properly applied at the time of retirement. No member of the Army may be ordered to active duty solely for the purpose of qualifying for retired pay for non-Regular service (10 USC 1337).

6–9. Residence and travel abroad

A retired officer may travel or reside in any area to which access is authorized U.S. citizens by the United States Department of State. Permission for travel or for residence is a Department of State matter and does not require approval from officials in HQDA.

6–10. Advancement of an RA warrant officer to a higher grade

a. When a retired warrant officer's active service plus service on the retired list totals 30 years, he or she is entitled to be advanced on the retired list to the highest grade satisfactorily served on active duty, as determined by the Secretary of the Army (10 USC 3964).

b. Orders announcing a warrant officer's advancement are issued by the ARPERCEN (DARP–PAR–SCP), 9700 PAGE BOULEVARD, ST LOUIS MO 63132–5200. Notification is sent to the officer; to RETIRED PAY OPERATIONS, DEFENSE FINANCE AND ACCOUNTING SERVICE, INDIANAPOLIS IN 46249–0001; and to other appropriate agencies.

6–11. Restoration of an RA warrant officer to a former grade

An RA warrant officer or enlisted member advanced to a higher commissioned grade under 10 USC 3964 may be restored on the retired list to his or her former grade. The officer must apply within 3 months of the advancement to the Secretary of the Army for approval.

6–12. Permanent professors of the United States Military Academy

Upon retirement, any permanent professor of the United States Military Academy (USMA) in a grade below brigadier general whose service as such a professor has been long and distinguished may, in the discretion of the President, be retired in the grade of brigadier general (10 USC 3962(b)).

6–13. Physician assistants

Army Medical Specialist Corps physician assistants (PAs) (area of concentration (AOC) 65D), who are members of the transition PA force, who have 10 years (8 years if waived) active Federal commissioned service, and who request voluntary retirement may elect to be retired at the highest commissioned officer grade held or revert to the highest warrant officer grade in which the officer satisfactorily served on active duty and be retired. The transition PA force consists of those Army warrant officer PAs (600A) who were on active duty on 5 December 1991. During the period 1 October 1990 through 30 September 1999, the active commissioned service may be waived to 8 years with Secretary of the Army approval. Commissioned warrant officer active service will be applied toward the 10 years of total active commissioned service (8 years if waived) for retirement. Transition force PAs who cannot meet the 10 years active commissioned service (8 years if waived) requirement will be placed on the retirement list at the highest warrant officer grade in the component (RA or USAR) in which the officer served on active duty satisfactorily for more than 30 days, as determined by the Secretary of the Army. When his or her service (plus service on the retired list) totals 30 years, the warrant officer may be advanced on the retired list to the highest commissioned grade in which he or she served satisfactorily on active duty per paragraph 6–10. The PAs who are in the transition force and do not become commissioned officers will retire per paragraph 6–1*e*. The PA transition period will extend to 4 December 1996. With the exception of those provisions relating to possible waiver of the AFCS requirement, this paragraph applies until the last PA in the transition force separates (section 551(c), Public Law 102–190, National Defense Authorization Acts FY 92 and FY 93).

Section II
Voluntary Retirements

6–14. Approval authority

a. The Secretary of the Army is the approval authority for retirements. The Secretary of the Army has delegated approval authority for voluntary nonwaiver retirements to commanders exercising GCMCA in the retiring individual's chain of command except for the categories stated in this paragraph for which authority has been withheld. The GCMCA may further appoint an officer (or civilian equivalent) on his or her staff to act on his or her behalf. Further delegation of this authority must be approved by CG, PERSCOM. In exercising this authority, commanders are reminded that it is Army policy to approve a voluntary nonwaiver retirement application when an officer will have served at least 20 years of active Federal service as of the requested retirement date. Applications submitted by officers who are otherwise fully qualified for retirement should be approved. Shortages in a particular grade or specialty at the installation usually will not be sufficient grounds to deny voluntary retirement. Commanders who wish to recommend denial of a voluntary nonwaiver retirement request should forward the application to PERSCOM with an accompanying statement setting forth the recommendation of denial. Approval authority for voluntary retirements requiring a waiver is PERSCOM and in some cases the Secretary of the Army. Approval authority for voluntary retirements of Regular commissioned officers with at least 30 but less than 40 years of active service for retirement purposes is the Secretary of the Army. Approval of retirement requests may be mandatory or discretionary, based on the specific provision of law. Delegation of approval authority does not include the following retirement categories:

(1) General officer retirements.

(2) Retirement with fewer than 20 years of service (early retirement).

(3) Mandatory retirements (when an officer has been notified by HQDA, for example, of SERB (Selective Early Retirement Board), RIF (reduction in force), maximum service, or maximum age).

(4) Retirement applications submitted by officers of The Judge Advocate General's and Chaplain Corps (must be approved by The Office of the Judge Advocate General (DAJA–PT) or the Office of the Chief of Chaplains, respectively).

(5) Officers managed by the Special Management Branch.

(6) Active Guard/Reserve (AGR) retirements/waivers of USAR AGR officers must be approved by the Office of the Chief, Army Reserve. The Chief, National Guard Bureau, as appropriate, must approve all retirements/waivers of NG AGR officers

(7) Applications from soldiers who require any type of a waiver to permit retirement. The retirement application of soldiers who are "flagged" or should have been flagged must be submitted to HQDA for approval, with the exception of "flags" imposed for APFT failure or overweight. See AR 600–8–2, paragraph 1–15. The retirement application of officers who have an active duty service obligation must be submitted to HQDA for approval (see AR 350–100).

(8) Officers pending involuntary separation proceedings, for example, an officer directed to show cause.

(9) Regular commissioned officers with at least 30 but less than 40 years of active service for retirement purposes.

b. Voluntary retirement requests may be submitted up to 12 months before the requested retirement date and not later than 4 months prior to the projected start date of transition leave. The officer must have 19 or more years AFS and be able to complete all service obligations by the retirement date.

c. Guidance for retirement at 20 years of service follow.

(1) An RA or USAR commissioned officer with 20 years AFS (of which 10 years is active commissioned service (8 years if waived during period of 1 October 1990 through 30 September 1998)) may on his or her request and the approval of Secretary of the Army be retired (10 USC 3911). A USAR officer does not have to be serving on active duty in his or her commissioned status or in an active USAR status to be eligible under this paragraph.

(2) Any warrant officer with 20 years AFS may upon his or her request and the approval of the Secretary of the Army be retired (10 USC 1293). For a Reserve warrant officer to retire under this provision, he or she must have USAR status at time of retirement. It is not necessary for him or her to have served, or to be serving on AD in his or her warrant officer status at time of retirement ((JAGA 1954/8666, 17 Nov 1954).

(3) For AD enlisted personnel who concurrently hold commissioned or warrant officer status in the USAR, (1) and (2) above also apply.

d. An RA commissioned officer with 30 years service may upon his or her request and the approval of the Secretary of the Army be retired (10 USC 3918). Reference for computation of retired pay is 10 USC 3991.

e. An RA commissioned or warrant officer who has at least 40 years of service will be retired upon his or her request (10 USC 10 USC 3924). Reference for computation of retired pay is 10 USC 3991.

6–15. Service for determining retirement eligibility

a. Voluntary retirement eligibility is determined by AFS (10 USC 3926). To determine whether an officer may be retired voluntarily, his or her years of AFS are computed by adding—

(1) All active service in the Army or the Air Force.

(2) All service in the Navy or Marine Corps that would be credited for determining retirement eligibility in the respective Service (10 USC 3926(a)).

(3) For an officer of the Regular Army, all active service performed as an officer of the Philippine Constabulary.

(4) All RA commissioned officer service in the Medical Corps as a contract surgeon, acting assistant surgeon, or contract physician under a contract to serve full-time and to take and change station as ordered.

(5) All RA commissioned officer service in the Dental Corps as a contract dental surgeon or acting dental surgeon.

b. Constructive service as defined in paragraph 6–2*c* is not creditable for a voluntary retirement or for retired pay purposes after a voluntary retirement.

6–16. Service obligations

a. Generally, an officer who completes certain formal education or training programs accepts career status, a certain promotion, or a PCS and incurs an ADSO (AR 350–100). Normally, an officer must be able to fulfill the ADSO on or before the effective date of retirement. However, CG, PERSCOM, may grant nonstatutory waivers. Each request will be on a case by case basis.

b. An RC officer requesting voluntary retirement in lieu of elimination action (para 4–23) is not subject to this paragraph.

c. An RA warrant officer scheduled for mandatory retirement may accept an ADL promotion to pay grade CW3, CW4, or CW5 without incurring ADSO. Retention of these warrant officers beyond their mandatory retirement date is not authorized.

d. An officer assigned OCONUS on an unaccompanied tour must be able to complete five-sixths of the officer's tour or 12 months (whichever is later) on or before the effective date of retirement.

e. An officer on an accompanied tour (when dependents travel at Government expense) must be able to complete five-sixths of prescribed tour or 12 months from the date the dependents arrived (whichever is later) on or before the effective date of retirement. (The 12–month overseas restriction does not apply to an RC officer applying for retirement in conjunction with his or her REFRAD under chap 3.)

f. The PERSCOM may defer the voluntary retirement of an officer assigned to a critical position until a replacement is available through the normal requisitioning cycle. A request for an officer's deferment must include the justification.

g. The PERSCOM may waive a nonstatutory ADSO for the convenience of the Army or when substantial or undue hardship will result to the officer. The waiver request must be documented with detailed justification. When the best interest of the Army is involved, the following should be considered when processing the request for retirement:

(1) Retirement in lieu of elimination under chapter 4 or in lieu of other unfavorable personnel action justifying a waiver of the service obligation.

(2) Retirement of any officer nonselected for promotion to CW3, CW4, CW5, or lieutenant colonel.

6–17. Voluntary retirement in lieu of mandatory retirement or in conjunction with the scheduled REFRAD

a. An RA officer may request voluntary retirement in lieu of mandatory retirement under section VI of this chapter.

b. The CG, PERSCOM, will notify the RC officer who is on the ADL and scheduled for involuntary REFRAD under chapter 2 of his or her retirement eligibility date when it is on or before the RC officer's mandatory release date.

c. A retirement eligible officer who is twice nonselected for promotion to the grade of lieutenant colonel or below may retire. The officer's effective date of retirement will not be later than the mandatory separation date.

d. An officer who receives a notification memorandum of impending elimination may request retirement in lieu of elimination. If the officer elects to retire and the elimination action involved misconduct or moral or professional dereliction, CG, PERSCOM, will forward the retirement application and memorandum of notification for elimination with all supporting documentation to the Army Grade Determination Board. Any comment or rebuttal by the officer and the officer's OMPF will be included in the forwarding documentation. The Army Grade Determination Review Board will make recommendation as to the highest grade that the officer has served on AD satisfactorily. The effective date of retirement for an officer—

(1) With 19 years and 6 months but less than 20 years AFS will not be later than 60 days after the officer attains 20 years AFS.

(2) With 20 or more years AFS will not be later than 60 days from the date the officer elected retirement in lieu of elimination.

Section III
Task: Process Retirement in Lieu of PCS

6–18. Rules for processing retirement in lieu of PCS

a. An officer may request retirement in lieu of PCS when he or she has at least 19 years 6 months AFS and a firm PCS notification is received. The retirement request must be submitted within 30 calendar days of the alert or PCS orders (whichever is earlier).

b. A PCS alert is when an officer receives a firm "where and when" PCS notification from a career manager, an installation personnel officer, or his or her commander or supervisor during an interview, a telephone call, or written correspondence (to include a verified request for PCS orders). An assignment is considered "firm" when an officer is selected to fill a vacancy on a command's requisition.

c. All service obligations must be met (or waived) before retirement. The PSC/MPD will verify service obligations by contacting the officer's career management division before forwarding the retirement request. The waiver request must be documented with detailed justification. Requests that are not forwarded through channels will be returned.

d. An officer retiring in lieu of PCS will normally remain at the same duty station until retirement unless the needs of the Service or local circumstances clearly require reassignment (for example, due to deletion of the position, reorganization, disciplinary problems). If possible, the officer will be reassigned within the same installation if there is a valid need. When this is not possible, the officer may be reassigned to the closest military installation where there is a valid need. An officer will not be reassigned purposely to be closer to the requested location of retirement.

e. The officer may request the retirement to be effective any date not later than 6 months from the date of the PCS orders or the first day of the month after the officer attains 20 years AFS, whichever is later.

f. Once a retirement is approved, the appropriate career management division will revoke the PCS orders and notify the officer. The retirement will not be withdrawn nor will the effective date of the retirement be extended. However, a request for an earlier date will be considered on an individual basis. A retirement in lieu of PCS is considered approved when the request is cleared by the officer's appropriate career management division.

g. On an approved retirement, PERSCOM (TAPC–PDT–R) will notify the installation.

6–19. Steps for processing retirement in lieu of PCS

The steps required for processing retirement in lieu of PCS are as shown in table 6–1.

Table 6–1
Processing retirement in lieu of PCS

Step	Work center	Required action
1	BN S–1	Notifies the officer of PCS alert or orders.
2	SLDR	Receives notification of PCS alert or orders. Application for retirement must be submitted within 30 days of receipt of the alert or orders.
3	SACT	a. Prepares and processes retirement application to include waiver, if required (fig 6–2). (1) Interviews officer to obtain information for application. (2) Advises the officer of his or her responsibility to obtain a medical examination prior to the retirement date and that failure to complete it will not affect or delay the retirement but could affect later claims for Service-connected medical problems. *b.* Forwards the application through channels to CDR, PERSCOM (TAPC–PDT–R), or HQDA (DAJA–PT), THE JUDGE ADVOCATE GENERAL, 2006 ARMY PENTAGON, WASH DC 20310–2006; or HQDA (DACH–PER), DEPUTY CHIEF OF STAFF PERSONNEL, 1700 ARMY PENTAGON, WASH DC 20310–1700, as applicable.
4	BN S–1	*a.* Commander having custody of applicant's MPRJ or hospital commanders operating independent transfer activities— (1) Verifies from available records and documents all information given in the application. (2) Ensures that the officer has read paragraph 1–21. (3) Ensures that prompt action has been taken to adjust and close any public property or financial accounts of applicants. *b.* Intermediate commanders review application to ensure compliance with this chapter and forward with recommendation of approval or disapproval, together with statement that action is or is not in contravention with AR 600–8–2. Recommendation for disapproval will state reason.
5	TRCT (TP/TA)	Receives retirement packet and conducts retirement processing. Final separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section IV
Task: Process Voluntary Retirement Application

6–20. Rules for processing a voluntary retirement application

a. Request for voluntary retirement will be considered on an individual basis.

b. Request will be prepared according to figure 6–2 and forwarded to the appropriate approval authority (para 6–14*a*) not earlier than 12 months before the retirement date or no later than 4 months before the requested retirement date or beginning date of transition leave, whichever is the earliest.

c. Request may be submitted (with justification) later than 4 months—

(1) During an emergency.

(2) To preclude a hardship to the officer.

(3) When the requested retirement date coincides with the date returned from overseas (DROS).

(4) When the losing command agrees with the retirement.

(5) When an officer accepts by means of a signed statement that a delay in submitting the request shortens the processing time and may preclude retirement on the requested date. Without this statement in the retirement application, the application will be returned without action.

d. Upon request for a Control Number, PERSCOM (TAPC–PDT–R) will verify the retirement eligibility of the officer, inform the appropriate Career Management Division within the Officer Personnel Management Directorate, and provide the Control Number to the MPD/PSC within 2 working days of the request.

e. Upon request, PERSCOM (TAPC–PDT–MSR) will forward the service fiche for an officer to the installation maintaining the officer's MPRJ within 14 calendar days, for use in service computation.

f. On retirements that require HQDA approval, upon approval PERSCOM (TAPC–PDT–R) will forward the retirement packet to the appropriate MPD/PSC. Retirements disapproved by HQDA will be returned through channels to the officer.

6–21. Steps for processing a voluntary retirement application

The steps required for processing a voluntary retirement application are as shown in table 6–2.

Table 6–2
Processing voluntary retirement application

Step	Work center	Required action
1	SLDR	*a.* Submit application (fig 6–2). *b.* For an officer retiring in lieu of mandatory release, includes the following — (1) The scheduled mandatory release date. (2) The specific reason for release (for example, chap 4). (3) Subject and date of the PERSCOM memorandum notifying the officer of his or her mandatory release date. (4) When a retirement application is submitted in lieu of elimination, ensure it states, "submitted in lieu of elimination."
2	BNS1/UNIT	Prepares waiver request, when applicable and forwards application through chain of command to the appropriate approval authority.
3	SACT	*a.* Receive application. *b.* Obtain MPRJ. *c.* Review eligibility. *d.* Schedule appointment. *e.* Request service fiche from PERSCOM (TAPC–MSR). (See 6–2*e* and *f.*) Only when the approval authority is the GCMCA or his or her delegate, see 6–14. *f.* Advises the officer of his or her responsibility to obtain medical examination prior to the retirement date and that failure to complete it will not affect or delay the retirement but could affect later claims for Service-connected medical problems. *g.* Notify strength management work center of impending retirement. *h.* Request Control Number from PERSCOM (only for retirements when the approval authority is the GCMCA or his or her delegate, see 6–14). The information in (1) and (2) below will be provided when requesting a Control Number, via the Total Officer Personnel Information System (TOPMIS) interactive processing officer retirement screen.

Table 6–2
Processing voluntary retirement application—Continued

Step	Work center	Required action
		(1) Separation Request date (SREQDT): in format YYYYMMDD. (2) Retirement Request Status Code (RETRST): Code "I" for initial. *i.* Receive Control Number within 2 working days of request (only for retirements when the approval authority is the GCMCA or his or her designee). *j.* After the service fiche is received, conduct interview for service computation, if applicable. Prepare service computation form (DA Form 7301–R) if applicable. Requests verification of active/inactive service time not substantiated in MPRJ. Upon completion of the service computation, forwards application to the appropriate approval authority. *k.* Forwards the application for— (1) An ADL commissioned or warrant officer, to the GCMCA or his or her delegate when he or she is the approval authority. (2) An ADL commissioned or warrant officer when HQDA is the approval authority, through channels to CDR, PERSCOM (TAPC–PDT–R); Judge Advocate General Corps officers to HQDA (DAJA–PT), THE JUDGE ADVOCATE GENERAL, 2006 ARMY PENTAGON, WASH DC 20310–2006, and Chaplains to HQDA (DACH–PER), CHIEF OF CHAPLAINS, 2700 ARMY PENTAGON, WASH DC 20310–2700. (3) A general officer, through MACOM to HQDA (DAPE–GO), DEPUTY CHIEF OF STAFF PERSONNEL, 300 ARMY PENTAGON, WASH DC 20310–0300. (4) RC commissioned and warrant officers not on the ADL (10 USC 620) to CDR, ARPERCEN (ARPC–AR), 9700 PAGE BOULEVARD, ST LOUIS MO 63132–5200. (5) For ARNGUS commissioned and warrant officers not on AD, to the appropriate State adjutant general.
4	C&S	*a.* Commanders having custody of applicant's MPRJ or hospital commanders operating independent transfer activities— (1) Verify from available records and documents all information given in the application. (2) Ensure that the officer has read paragraph 1–21. (3) Ensure that prompt action has been taken to adjust and close any public property or financial accounts of the applicant. *b.* Intermediate commanders review application to ensure compliance with this chapter and forward with recommendation of approval or disapproval together with statement that action is or is not in contravention with AR 600–8–2. Recommendation for disapproval will state reason.
5	C&S	When the approval authority is the GCMCA or his or her delegate, when approved return the application to the MPD/PSC. If disapproved, return the application through channels to the officer.
6	SACT	*a.* Receives approved application from the GCMCA or his or her delegate or the retirement packet from HQDA when the application requires HQDA approval. *b.* Prepare retirement order if applicable (see para 6–3). The retirement order will contain the Control Number. Retirement orders are prepared in accordance with AR 310–10. Distribution of the order will include the MACOM to which the officer is assigned, the servicing finance and accounting center, and PERSCOM (TAPC–MSR). Orders formats for all officer retirements are— (1) 680 – Regular Army (2) 682 – Other than Regular Army (OTRA) (3) 684 – Dual Status (4) 700 – Amendment of Orders (5) 705 – Revocation of Orders *c.* File approved application and allied documents (orders and service computation documents) MPRJ and return to personnel records work center. *d.* Provides retirement packet to the officer. Retirement packet will contain the following: (1) A memorandum of instruction. (2) Computation of service. (3) Orders with the control number.
7	TRCT (TP/TA)	Receives and processes retire ment packet. Final separation forms will cite regulatory authority, and SPD as shown in AR 635–5–1.

Section V
Task: Process a Retirement Withdrawal or a Change in the Retirement Date

6–22. Rules for processing a retirement withdrawal or a change in the retirement date

a. Once a retirement application that requires HQDA approval is submitted or a control number has been issued by PERSCOM for a retirement where the GCMCA or his or her designee is the approval authority, the request to withdraw or change the effective date will only be approved by PERSCOM for promotion, compassionate reasons, or for the convenience of the Army. The PERSCOM (TAPC–PDT–RR) will notify the appropriate MPD/PSC of the approval or disapproval of a request. Upon approval of a request where the approval authority for the retirement is the GCMCA or his or her delegate, PERSCOM will issue a new control number to be used on the amendment or revocation of the retirement order. For those where HQDA is the approval authority, PERSCOM (TAPC–PDT–R) will issue the amendment or revocation to the retirement order.

b. Retirement applications in lieu of PCS are final.

c. An endorsing commander may approve a retirement withdrawal, provided a control number has not been issued or that the retirement application has not been forwarded to the approval authority (HQDA or GCMCA).

d. When an officer has an approved retirement pending and is subsequently selected for promotion, he or she may request to withdraw the application to accept the promotion. However, the officer remains subject to worldwide assignment according to the needs of the Army.

6–23. Steps for processing a retirement withdrawal or a change in the retirement date

The steps required for processing a retirement withdrawal or a change in the retirement date are as shown in table 6–3.

Table 6–3
Processing retirement withdrawal or retirement date change

Step	Work Center	Required Action
1	SLDR	Submits request to withdraw or change retirement date.
2	SACT BN S–1	Forwards the officer's request to withdraw the retirement or change the date (with justification) through channels to CDR, PERSCOM (TAPC–PDT–PM): HQDA (DAJA–PT), THE JUDGE ADVOCATE GENERAL, 2006 ARMY PENTAGON, WASH DC 20310–2006; or HQDA (DACH–PER), CHIEF OF CHAPLAINS, 2700 ARMY PENTAGON, WASH DC 20310–2700, as applicable, to CDR, PERSCOM (TAPC–PDT–PM).
3	TRCT (TP/TA)	Receives the appropriate amendment/ revocation of the retirement order and processes same.

Section VI
Mandatory Retirement

6–24. Scope

a. A mandatory retirement is required by law and is initiated by HQDA. An officer must be retired on the date established by the applicable statute unless specifically provided by law (10 USC 640). An officer may request retirement and be retired voluntarily on his or her mandatory retirement date.

b. The address of the office responsible for a mandatory retirement of a general officer is ATTN DAPE–GO, DEPUTY CHIEF OF STAFF FOR PERSONNEL, 300 ARMY PENTAGON, WASHINGTON DC 20310–0300.

6–25. Service for mandatory retirement

Service for mandatory retirement for commissioned officers who did not serve on AD prior to 15 September 1981 is active Federal commissioned service. Service for commissioned officers on AD on 14 September 1981 is active commissioned service in the RA on and after 15 September 1981 plus the amount of service creditable to the officer on 14 September 1981 for the purpose of determining whether the officer is subject to involuntary retirement.

Section VII
Task: Process Mandatory Retirement Due to Maximum Age

6–26. Rules for processing mandatory retirement due to maximum age

a. Unless otherwise retired or separated, an RA commissioned officer will retire effective the first day of the month following the month the officer reaches age 62 (10 USC 1251).

b. An RA commissioned officer who is a permanent professor, the director of admissions, or the registrar at the USMA will retire effective the first day of the month following the month age 64 is reached.

c. The President may defer retirement of an RA commissioned officer serving in a position that carries a grade above major general. However, the deferment may not extend beyond the first day of the month following the month the officer reaches age 64. (Only 10 such deferments may be in effect at one time.)

d. The Secretary of the Army may defer the retirement of certain health professions officers. For RA officers, this provision is limited to Medical Corps, Dental Corps, and Army Nurse Corps officers if the officer will be performing duties during the deferment that consist primarily of providing patient care or performing other clinical duties. Deferment under this provision may not extend beyond the first day of the month following the month of the officer's 68th birth date (10 USC 1251 as amended by PL 101–189). Requests for deferment under this provision will be forwarded through the officer's chain of command to CDR, PERSCOM (TAPC–OPH–P). For USAR officers, see paragraph 2–25*a*(6).

e. Unless otherwise retired or separated, a warrant officer with 20 years active service will retire not later than 60 days after the officer reaches age 62 (10 USC 1263). Under extenuating circumstances, the Secretary of the Army may defer the retirement of a warrant officer up to 4 months.

f. The maximum age retirement notification memorandum will be forwarded by PERSCOM (TAPC–PDT–RR) to the officer and his or her commander approximately 9 months before the officer's scheduled retirement date. In addition, a copy will be sent to the appropriate PSC/MPD. The memorandum advises the officer of his or her approaching retirement, expressing appreciation for his or her service and the suggestion that contact be made with the local examining facility concerning any medical defects of which the officer is aware. The memorandum includes the officer's mandatory retirement date, the specific statutory authority for the retirement and pertinent data.

g. On receipt of the officer's preretirement data, PERSCOM (TAPC–PDT–RR) will complete the preretirement packet and forward it to the appropriate TP/TA.

6–27. Steps for processing mandatory retirement due to maximum age

The steps required for processing mandatory retirement due to maximum age are as shown in table 6–4.

Table 6–4
Processing mandatory retirement due to maximum age

Step	Work center	Required Action
1	SLDR	Receives maximum age notification approximately 9 months before the scheduled retirement, including the following guidance: *a.* Mandatory retirement date, the specific statutory authority, and pertinent service data. *b.* Advisment to contact local medical examining facility regarding any known medical problems.
2	SAA C&S BN S–1	Receives copy of the officer's maximum age notification memorandum, including the preretirement data instructions.
3	PSC SACT	Receives copy of the officer's maximum age notification memorandum and takes the following actions: *a.* Coordinates to ensure the officer has received his or her notification memorandum and to provide assistance as needed. *b.* Controls the separation processing. *c.* Maintains the officer's file for 30 calendar days after retirement, then destroys the file.
4	BN S–1 SACT	Forwards the officer's preretirement data (fig 6–3) through channels (includes POC and telephone number), a minimum of 3 months prior to the scheduled date, to the following: *a.* ATTN HQDA (DAPE–GO), DEPUTY CHIEF OF STAFF PERSONNEL, 300 ARMY PENTAGON, WASH DC 20310–0300, for general officer. *b.* CDR PERSCOM, ATTN (TAPC–PDT–R), ALEX VA 22332–0478, for all other officers.
5	TRCT (TP/TA)	Receives retirement packet and conducts retirement processing. Final separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section VIII
Task: Process Mandatory Retirement Due to Maximum Service

6–28. Rules for processing mandatory retirement due to maximum service

a. Unless earlier retired, an RA major general (not on a list of officers recommended for promotion) shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his or her appointment to that grade or on the first day of the month after the month in which he or she completes 35 years of active commissioned service, whichever is later (10 USC 636).

b. Unless earlier retired, an RA brigadier general (not on a list of officers recommended for promotion) shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his or her appointment to that grade or on the first day of the month after the month in which he or she completes 30 years of active commissioned service, whichever is later (10 USC 635).

c. Unless earlier retired, an RA colonel (not on a list of officers recommended for promotion) shall, if not earlier retired, be retired on the first day of the month after the month in which he or she completes 30 years of active commissioned service (10 USC 634).

d. Unless earlier retired, an RA lieutenant colonel (not recommended for promotion) will retire the first day of the month after the month which the officer completes 28 years ACS (10 USC 633).

e. The Secretary of the Army may retire any USMA permanent professor with more than 30 years commissioned service (10 USC 3920).

f. Rules for processing mandatory retirement for warrant officers follow.

(1) Each RA warrant officer in the grade of chief warrant officer, CW5, shall, if not earlier separated or retired, be retired on the first day of the month after completing 30 years and 60 days active service as a warrant officer except as provided by 5 USC 8301 (10 USC 1305(a)(2)(A)).

(2) Each RA warrant officer below the grade of chief warrant officer, CW5, shall, if not earlier retired, be retired on the first day of the month after completing 30 years and 60 days active service or 24 years and 60 days active service as a warrant officer, whichever occurs first except as provided by 5 USC 8301 (10 USC 1305(a)(1) and 10 USC 1305(a)(2)(B)).

(3) Each RA chief warrant officer who on 1 February 1992 was on the chief warrant officer active duty list or on a recommended active duty promotion list to a chief warrant officer grade may be retained, if not earlier retired or separated, on active duty until 60 days after the date on which he or she completes 30 years of active service except as provided by 5 USC 8301.

g. The maximum service notification memorandum will be forwarded by PERSCOM (TAPC–PDT–R) to the officer and his or her commander approximately 9 months before the officer's scheduled retirement date. In addition, a copy will be forwarded to the appropriate PSC/MPD. The memorandum advises the officer of his or her approaching retirement, expressing appreciation for his or her service, and includes a suggestion that contact be made with the local examining facility concerning any medical defects of which the officer is aware. The memorandum includes the officer's mandatory retirement date, the specific statutory authority for the retirement, and pertinent data.

h. On receipt of the officer's preretirement data, PERSCOM (TAPC–PDT–RR) will complete the retirement packet and forward it to the appropriate TP/TA.

6–29. Steps for processing mandatory retirement due to maximum service

The steps required for processing mandatory retirement due to maximum service are as shown in table 6–5.

Table 6–5
Processing mandatory retirement due to maximum service

Step	Work center	Required Action
1	SLDR	Receives maximum service notification memorandum approximately 9 months before the mandatory retirement date and the following guidance: *a.* Mandatory retirement date, the specific statutory authority, and pertinent service data. *b.* Advisement to contact local medical examining facility regarding any known medical problems.
2	SAA C&S BN S–1	Receives copy of the officer's maximum service notification memorandum including the preretirement data instructions.
3	BN S–1 SACT	Receives copy of the officer's maximum service notification memorandum and takes the following actions: *a.* Coordinates to ensure the officer has received his or her notification memorandum and to provide assistance as needed. *b.* Controls the separation processing. *c.* Maintains the officer's file for 30 days after the retirement, then destroys the file.
4	BN S–1 SACT	Forwards the officer's preretirement data (fig 6–3), including POC and telephone phone number, through channels, a minimum of 3 months prior to the scheduled date, to the following: *a.* HQDA (DAPE–GO), DEPUTY CHIEF OF STAFF PERSONNEL, 300 ARMY PENTAGON, WASH DC 20310–0300, for general officer. *b.* CDR, PERSCOM (TAPC–PDT–R), ALEX VA 22332–0478, for all other officers.
5	TRCT (TP/TA)	Receives retirement packet and conducts retirement processing. Final separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Section IX
Task: Process Selective Early Retirement/Selective Retirement

6–30. Rules for processing selective early retirement/selective retirement

a. A duly appointed board of officers may consider the following RA officers for selective early retirement (10 USC 638) or RA chief warrant officers for selective early retirement (10 USC 581) when—

(1) A regular warrant officer who holds a warrant officer grade above W–1 and who is not on a promotion list of warrant officers recommended for promotion and who is retirement eligible under any provisions of law.

(2) A captain who is not on a list for promotion to major who is retirement eligible or who after 2 additional years or less of AFS would be eligible for retirement.

(3) A major who is not on a list for promotion to lieutenant colonel who is retirement eligible or who after 2 additional years or less of AFS would be eligible for retirement.

(4) A lieutenant colonel who has been nonselected for promotion two or more times and who is not on a list for promotion to colonel (applicable only during the 8–year period beginning 1 October 1990).

(5) A colonel who has served at least 4 years of AD in that grade and whose name is not on a list for promotion to brigadier general (applicable only during the 8–year period beginning 1 October 1990).

(6) A brigadier general has served at least 3 years and 6 months of AD in that grade and whose name is not on a list of officers recommended for promotion.

(7) A major general has served at least 3 years and 6 months of AD in that grade.

b. Officers with an approved voluntary retirement or a mandatory retirement date (MRD) during the same fiscal year as the board or the following fiscal year will not be considered for selective early retirement.

c. A colonel and below will be retired under any provision of law under which the officer is eligible, on the date requested by the officer and approved by the Secretary of the Army. This date will not be later than the first day of the seventh calendar month beginning after the month the selective early retirement board report is approved by the Secretary of the Army. An officer who is not retirement eligible as of the date the Secretary of the Army signs the board's results will be retired on the first day of the month after the officer becomes retirement eligible.

d. A brigadier general or major general will be retired under any provision of the law under which the officer is eligible, on the date requested by the officer and approved by the Secretary of the Army. This date will not be later than the 1st day of the 10th calendar month beginning after the month the selective early retirement board report is approved by the Secretary of the Army.

e. The retirement of a commissioned officer or a chief warrant officer pursuant to this section will be an involuntary retirement for purposes of any other provision of law.

f. The DCSPER will sign the notification memorandum. The office of PERSCOM (TAPC–PDT–R) will forward through a flag officer the notification memorandum to each officer selected for early retirement. The following will be included:

(1) Service computation.
(2) Acknowledgment.
(3) Administrative instructions.
(4) Retirement application.

6–31. Steps for processing selective early retirement/ selective retirement

The steps required for processing selective early retirement/ selective retirement are as shown in table 6–6.

Table 6–6
Processing selective early retirement/selective retirement

Step	Work center	Required Action
1	C&S	Receives notification memorandum on individual officer or warrant officer selected for early retirement. Notifies officer or warrant officer concerned and returns signed statement that he or she was notified to CDR, PERSCOM (TAPC–PDT–R).
2	SLDR	Receives notification from a flag officer of selection for early retirement. Complies with the administrative instructions in the notification memorandum.
3	TRCT (TP/TA)	Receives retirement packet and conducts retirement processing. Final separation forms will cite regulatory authority and SPD as shown in AR 635–5–1.

Figure 6–1. Format guidance for announcement of retirement

(Letterhead)

EXT - ORDERS S121-23 *(Date)*

ANNOUNCEMENT OF RETIREMENT

The retirement of *Colonel Franklin L. Baker, (duty position),* is announced with the deepest regret but with greatest appreciation for his long distinguished career of 30 years.

Colonel Baker was born May 1933 in Arapahoe, Colorado. Commissioned in the Field Artillery, on graduation from the United States Military Academy in 1955, he attended Airborne School and was assigned to the 82d Airborne Division for 2 years. Colonel Baker subsequently served for 3 years in Panama, followed by a transfer to the 173d Airborne Brigade for a year of combat command and staff duty. Service in Vietnam was followed by a 3-year instructorship assignment at the United States Air Force Academy and subsequent return to Vietnam for duty with the 196th Infantry Brigade. Between troop duty assignments, Colonel Baker graduated from the Armed Forces Staff College.

A 2-year tour at Fort Benning, Georgia, with the U.S. Army Combat Board ended in 1974. Colonel Baker then joined the 101st Airborne Division (Air Assault) where he served as the Division Artillery operations officer and commanded the 1st Battalion, 321st Field Artillery. Colonel Baker was next posted to Headquarters, Department of the Army, in the office of the Chief, Army National Guard Bureau. In 1980, Colonel Baker deployed to the Republic of Korea for a 4-year assignment as the Chief of the Operational Plans Divisions of both the Republic of Korea/United States Combined Forces Command and Headquarters, United States Forces, Korea. From 1984 to 1989, Colonel Baker was assigned to the Office of the Deputy Chief of Staff for Personnel and served in a top-level management position. Colonel Baker's last assignment was as a member of the Headquarters, Department of the Army, Deputy Chief of Staff for Personnel Review Boards, and as president of the Secretary of the Army Conscientious Objector Review Board.

During his illustrious career, Colonel Baker has been honored for valor on the battlefield and for meritorious service in positions of great responsibility. His many awards and decorations include four Bronze Stars, two awards of the Meritorious Service Medal, three awards of the Air Medal, and the Senior Parachutists and Aircraft Crewmember's Badges. Colonel Baker's many friends and fellow soldiers join together on this day in wishing him the best of health and happiness in his well-earned retirement.

PAUL A. DOE
Major General, USA
Commanding

Figure 6–2. Format guidance for voluntary retirement application

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels)

FOR: CDR, PERSCOM (TAPC-PDT-R), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Voluntary Retirement

1. Under the provisions of law cited in AR 600-8-24, paragraph *(number)*, I request that I be released from active duty and assignment on *(last day of the month which retirement would otherwise be effective)* and placed on the retired list on *(first day of the following month)* or as soon thereafter as practicable, and that I be transferred to the Retired Reserve immediately on retirement *(Regular Army officers omit last phrase)*. I will have completed over *(number)* years of active Federal service on the requested retirement date.

2. Assignment status: *(Enter organization and station to which currently assigned and duty station to which attached, if any.)*

3. Authorized place of retirement: *(Enter the authorized and directed transfer activity where required to be processed--AR 635-10, para 2-18a. If applicable, identify the CONUS debarkation area.)*

4. Location of choice transfer activity: *(Members electing to be processed for retirement at a transfer activity other than one prescribed by AR 635-10, para 2-18a, enter an appropriate transfer activity as provided by AR 635-10, para 2-19; otherwise enter "not applicable.")*

5. I have been counseled as specified by AR 635-10, paragraph 2-19. I fully understand the provisions of AR 635-10, chapter 2, section V, concerning entitlement to per diem, travel, and transportation allowances based on retirement at a location of choice transfer activity.

6. I have read AR 600-8-24, paragraphs 6-6 and 6-7. I am responsible for ensuring that a physical examination is completed not earlier than 4 months nor later than 1 month prior to my approved retirement date or start date of transition leave, whichever is earlier (subject physical to be arranged through coordination with my unit of assignment). I am aware that the purpose of this examination is to ensure that my medical records reflect as accurately as possible my state of health on retirement and to protect my interests and those of the Government. I also understand that my retirement will take effect on the requested date and that I will not be held on active duty to complete this examination.

7. In accordance with title 10, United States Code, I understand that--

a. Enrollment in the Survivor Benefit Plan (SBP) is the only way that I may continue a portion of my retirement pay to my family at my death.

b. I must receive SBP counseling for myself and my spouse no less than 30 days before retirement.

c. I will be enrolled in full SBP coverage if I fail to elect otherwise in writing before my retirement.

d. I cannot elect less than full spouse SBP without my spouse's written agreement. I received a spousal concurrence for this purpose in conjunction with this application/letter. I realize there are other forms that must be completed during SBP counseling.

e. Failure to return the completed spousal concurrence statement to the proper officials prior to my retirement packet being sent to the Defense Finance Accounting Service will result in my being irrevocably and irreversibly enrolled in SBP at full cost.

8. Address on retirement: *(Enter a reliable forwarding address for mail).*

9. I am familiar with AR 600-8-24, paragraph 6-22, and understand that if this application is accepted by the Secretary of the Army, it may not be withdrawn except for extreme compassionate reasons or for the definitely established convenience of the Government.

10. *(If AR 600-8-24, para 6-16, is applicable, continue with the information required by para 6-16g.)*

11. As of the date of this application, I have *(number)* days accrued leave. I *(do/do not)* plan to take transition leave. *(If applicable, complete the following:)* I plan to take *(number)* days leave.

Figure 6–2. Format guidance for voluntary retirement application—Continued

12. I understand the provisions of AR 600-8-24, table 6-1 or 6-2, pertaining to determination of my retired grade. Considering those provisions and after a review of my records, I believe that I am entitled to retire in the grade of *(grade)*, I understand that final determination of my retired grade will be made by HQDA and that I will be informed if I am not entitled to retire in the grade I have specified in this paragraph.

13. This application is *(is not)* submitted in lieu of complying with PCS instructions.

14. I understand that if I participated in certain advanced education programs, I may be required to reimburse the U.S. Government as stated in written agreement made by me with the U.S. Government under law and regulation.

15. My current duty telephone numbers are as follows:
DSN:(000-0000) Commercial:((000) 000-0000).

16. A fax machine is available at the following:
DSN:(000-0000) Commercial:((000) 000-0000).

JOHN J. DOE
Col. Inf
SSN

Note: Enlisted personnel applying for retirement in an officer grade will include their active duty enlisted rank and primary military occupational specialty.

Figure 6–3. Format guidance for preretirement information

(Letterhead)

Office symbol (MARKS number) *(Date)*

MEMORANDUM THRU (Channels)

FOR: CDR, PERSCOM (TAPC-PDT-R), 200 Stovall Street, Alexandria, VA 22332-0478

SUBJECT: Pre-Retirement Information

1. The following information is submitted in accordance with AR 600-8-24, *(enter table 6-4, 6-5, or 6-6):*

a. Assignment status: *(Enter organization and station to which currently assigned and duty station to which attached, if any).*

b. Address on retirement: *(Enter a reliable forwarding address for mail).*

c. Authorized place of retirement: *(Enter the authorized and directed transfer activity where required to be processed according to AR 635-10, para 2-17. If applicable, identify the CONUS debarkation area).*

d. Location of choice transfer activity: *(Members electing to be processed for retirement at a transfer activity other than one prescribed by AR 635-10, para 2-17, enter an appropriate transfer activity as provided by AR 635-10, para 2-18; otherwise enter "Not applicable").*

2. I have been counseled as specified by AR 635-10, paragraph 2-18. I fully understand the provisions of AR 635-10, section V, chapter 2, concerning entitlement to per diem, travel and transportation allowances based on retirement at a location of choice transfer activity.

3. I have read AR 600-8-24, paragraphs 6-6 and 6-7. I am responsible for completing the medical examination for Separation/Retirement Statement of option furnished by my unit of assignment, and I am responsible for ensuring that if a physical examination is desired that it is started not earlier than 4 months prior to my approved retirement date or the beginning of my transition leave, whichever is earlier (subject physical to be arranged through coordination with my unit of assignment). I am aware that the purpose of this examination is to ensure that my medical records reflect as accurately as possible my state of health upon retirement and to protect my interests and those of the Government. I

Figure 6–3. Format guidance for preretirement information—Continued

also understand that my retirement will take effect on the scheduled date and that I will not be held on active duty to complete this examination.

4. In accordance with title 10, United States Code, I understand that--

a. Enrollment in the Survivor Benefit Plan (SBP) is the only way that I may continue a portion of my retirement pay to my family at my death.

b. I must receive SBP counseling for myself and my spouse no less than 30 calendar days before retirement.

c. I will be enrolled in full SBP coverage if I fail to elect otherwise in writing before my retirement.

d. I cannot elect less than full spouse SBP without my spouse's written agreement. I received a spousal concurrence for this purpose in conjunction with this application/letter. I realize there are other forms that must be completed during SBP counseling.

e. Failure to return the completed spousal concurrence statement to the proper officials prior to my retirement packet being sent to the Defense Finance Accounting Service will result in my being irrevocably and irreversibly enrolled in SBP at full cost.

5. My current duty telephone numbers are as follows:
DSN:(000-0000) Commercial:((000) 000-0000).

6. A fax machine is available at the following:
DSN:(000-0000) Commercial:((000) 000-0000).

JOHN J. DOE
Col. Inf
SSN

Appendix A
References

Section I
Required Publications

AR 15–6
Procedures for investigating Officers and Boards of Officers. (Cited in paras 4–6, 4–9, 4–11, and 4–15.)

AR 15–80
Boards, Commissions, and Committees; Army Grade Determination Review Board. (Cited in para 6–1.)

AR 27–40
Litigation. (Cited in para 5–4.)

AR 37–104–3
Military Pay and Allowance Procedures, Joint Uniform Military Pay System - Army (JUMPS-Army). (Cited in para 1–15.)

AR 37–106
Finance and Accounting for Installations Travel and Transportation Allowances. (Cited in para 4–13.)

AR 40–3
Medical, Dental, and Veterinary Care. (Cited in paras 1–22, 2–13, 2–14, and 3–12.)

AR 40–501
Standards of Medical Fitness. (Cited in paras 1–22, 3–8, 3–9, and 6–6.)

AR 135–18
The Active Guard/Reserve (AGR) Program. (Cited in paras 2–7 and 2–27.)

AR 135–91
Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures. (Cited in para 2–3.)

AR 135–155
Promotion of Commissioned Officers and Warrant Officers Other Than General Officers. (Cited in para 2–3.)

AR 135–180
Qualifying Service for Retired Pay Nonregular Service. (Cited in paras 2–23 and 2–25.)

AR 135–215
Officer Periods of Service on Active Duty. (Cited in paras 2–5, 2–7, 2–15, 2–27, and 2–29.)

AR 135–381
Incapacitation of Reserve Component Soldiers. (Cited in para 1–22.)

AR 140–10
Army Reserve: Assignments, Attachments, Details, and Transfers. (Cited in paras 2–23 and 2–41.)

AR 140–30
Active Duty in Support of the United States Army Reserve (USAR) and Active Guard Reserve (AGR) Management Program. (Cited in paras 2–5 and 2–7.)

AR 190–47
The US Army Corrections System. (Cited in paras 2–36, 3–14, 3–16, 5–16, and 5–18.)

AR 210–
Administration. (Cited in para 3–3.)

AR 310–10
Military Orders. (Cited in paras 2–17 and 6–5.)

AR 335–15
Management Information Control System. (Cited in para 2–36.)

AR 350–100
Officer Active Duty Service Obligations. (Cited in paras 1–11, 2–5, 3–5, and 6–16.)

AR 380–67
The Department of the Army Personnel Security Program. (Cited in para 1–28.)

AR 570–2
Manpower Requirements Criteria. (Cited in para 1–5.)

AR 570–4
Manpower Management. (Cited in para 1–5.)

AR 570–5
Manpower Staffing Standards System. (Cited in para 1–5.)

AR 600–8–2
Suspension of Favorable Personnel Actions (FLAGS). (Cited in paras 2–31, 2–34, 4–19, 4–21, 4–23, 6–19, and 6–21.)

AR 600–8–29
Officer Promotions. (Cited in paras 2–41, 4–2, 5–9, and 5–11.)

AR 600–9
The Army Weight Control Program. (Cited in paras 2–31 and 4–2.)

AR 600–37
Unfavorable Information. (Cited in paras 2–39 and 4–2.)

AR 600–43
Conscientious Objection. (Cited in para 1–31.)

AR 600–85
Alcohol and Drug Abuse Prevention and Control Program. (Cited in para 4–2.)

AR 601–100
Appointment for Commissioned and Warrant Officers in the Regular Army. (Cited in para 2–21.)

AR 601–210
Regular Army and Army Reserve Enlistment Program. (Cited in para 3–8.)

AR 601–280
Total Army Retention Program. (Cited in paras 3–7 and 5–9.)

AR 604–10
Military Personnel Security Program. (Cited in paras 1–21, 4–1, 4–2, 4–9, and 4–10.)

AR 614–30
Oversea Service. (Cited in paras 2–5, 2–14, 3–5, and 3–12.)

AR 614–100
Officer Assignment Policies, Details, and Transfers. (Cited in para 5–6.)

AR 614–120
Interservice transfer of Army Commissioned Officers on the Active Duty List . (Cited in para 1–32.)

AR 623–105
Officer Evaluation Reporting System. (Cited in paras 2–39 and 4–2.)

AR 630–5
Leave and Passes. (Cited in paras 1–14, 1–17, 2–13, 2–14, 2–35, 3–12, 5–17, and 6–5.)

AR 635–5
Separation Documents. (Cited in para 1–21.)

AR 635–5–1
Separation Program Designator (SPD) Codes. (Cited in paras 2–2, 2–6, 2–8, 2–10, 2–12, 2–14, 2–16, 2–18, 2–20, 2–22, 2–24, 2–26, 2–28, 2–30, 2–32, 2–34, 2–36, 2–38, 2–42, 3–6, 3–8, 3–10, 3–12, 3–14, 3–16, 4–19, 4–21, 4–23, 4–25, 5–3, 5–6, 5–8, 5–10, 5–12, 6–19, 6–21, 6–27, 6–29, and 6–31.)

AR 635–10
Processing Personnel for Separation. (Cited in paras 1–26, 2–36, 5–16, 5–18, 6–5, 6–19, and 6–30.)

AR 635–40
Physical Evaluation for Retention, Retirement or Separation. (Cited in para 1–23.)

AR 635–200
Enlisted Personnel. (Cited in paras 3–7 and 3–8.)

DODPM
Department of Defense Military Pay and Allowances Entitlements Manual. (Cited in para 1–13.)

JFTR
Joint Federal Travel Regulation, Volume 1. (Cited in paras 2–35 and 4–13.)

NGR 635–100
Termination of Appointment and Withdrawal of Federal Recognition. (Cited in paras 2-25 and 2-37.)

Manual for Courts–Martial Court–Martial Processes
(Cited in paras 2-36, 4-4, and 5-13.)

U.S. Department of Health, Education and Welfare's "Education Directory," part 3, Recognized Education Institutions.
(Cited in paras 2-15 and 2-16.)

Section II
Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

AR 135–100
Appointment of Commissioned and Warrant Officers of the Army

AR 135–175
Separation of Officers

AR 135–200
Active Duty for Training, Annual Training, and Active Duty Special Work of Individual Soldiers

AR 195–2
Criminal Investigation Activity

AR 310–10

AR 335–15
Management Information Control System

AR 600–8
Military Personnel Management

AR 600–8–2
Suspension of Favorable Personnel Actions (FLAGS)

AR 600–20
Army Command Policy

AR 600–110
Identification, Surveillance, and Administration of Personnel Infected with Human Immunodeficiency Virus (HIV)

AR 601–10
Management and Mobilization of Retired Soldiers of the Army

AR 601–210
Regular Army and Army Reserve Enlistment Program

AR 623–105
Officer Evaluation Reporting System

CIDR 195–1
Criminal Investigation Operational Procedures

5 USC, chapter 83
Provides for forfeiture of retired pay

10 USC, chapter 71
Provides for computation of retired pay

10 USC, chapter 104
Provides for the Uniform Services University of The Health Sciences

10 USC, chapter 105
Provides for Armed Forces Health Professions Financial Assistance Programs

10 USC, chapter 371
Provides for computation of retired pay.

10 USC 101 (35)
Provide for definition of term *original* with respect to the appointment of a member of the armed forces in a regular or Reserve Component, referring to the most recent appointment in that component that is neither a promotion nor a demotion.

10 USC 602
Provides authority for Secretary of the Army to govern, by regulations, temporary warrant officer promotions which are, therefore, determined to be at the pleasure of the Secretary of the Army.

10 USC 603 (b)
Provides that the President may vacate at any time a temporary appointment in a commissioned grade that is made in time of war or national emergency (10 USC 603(a)).

10 USC 611
Provides for convening of selection boards.

10 USC 630
Provides for discharge of regular commissioned officers with less than 5 years of active commissioned service or found not qualified for promotion for first lieutenant.

10 USC 631
Effect of failure for promotion of regular first lieutenant to regular grade of captain.

10 USC 633
Retirement for years of service for regular Army lieutenant colonels (28 years).

10 USC 634
Retirement for years of service for Regular Army colonels (30 years).

10 USC 635
Retirement for years of service for Regular Army brigadier general (35 years or 5 years in grade, whichever is later).

10 USC 636
Retirement for years of service for Regular Army major general (35 years or 5 years in grade, whichever is later).

10 USC 638
Provides for Selective Early Retirement.

10 USC 639
Provides for continuation on active duty to complete disciplinary action.

10 USC 640
Provides for deferment of retirement or separation for medical reasons.

10 USC 1164
Provides the maximum ages for retention of warrant officers after 20 years of active Federal service.

10 USC 1165
Provides for the termination of appointment of RA warrant officers within 3 years subsequent to acceptance of appointment.

10 USC 1166
Provides for elimination of RA warrant officers under regulations prescribed by the Secretary of the Army.

10 USC 1181
Provides for authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons.

10 USC 1186
Provides for voluntary retirement or discharge for RA officers being considered for removal.

10 USC 1187
Provides eligibility criteria for officers to serve on boards.

10 USC 1251
Provides for exceptions to age 62 retirement for age criteria for regular commissioned officers.

10 USC 1263
Provides for retirement at age 62 for Regular Army warrant officers who have 20 years active service.

10 USC 1293
Provides for the voluntary retirement of warrant officers after 20 years of active Federal service.

10 USC 1305
Provides for retirement of regular Army warrant officers with 30 years or more of active service.

10 USC 1370(a) (1)
Retired grade: Commissioned officers general rule; exception.

10 USC 1371
General rule for retired grade of warrant officers.

10 USC 2004
Provides for detail of commissioned officers as students at law schools.

10 USC 2005
Provides for reimbursement requirements for advanced education assistance.

10 USC 3064
Provides for establishment of special branches.

10 USC 3846
Provides for discharge or transfer to the Retired Reserve of eligible Reserve officers in grades of first lieutenant, captain, and major who are considered but not recommended for promotion to the next higher Reserve grade by two selection boards.

10 USC 3911
Provides for the voluntary retirement of commissioned officers after completion of 20 years Active Federal Service, at least 10–years of which have been active duty service as a commissioned officer.

10 USC 3918
Provides for retirement of a regular commissioned officer who has at least 30 years of service computed under 10 USC 3926 upon his request, in the discretion of the President.

10 USC 3920
Provides that the Secretary of the Army may retire any permanent professor of the United States Military Academy who has more than 30 years of service as a commissioned officer.

10 USC 3924
Provides for the retirement of commissioned and warrant officers who have at least 40 years of service.

10 USC 3926
Provides for computation of service for voluntary retirement of regular and Reserve commissioned officers.

10 USC 3962
Provides for higher grade for service in special positions upon retirement.

10 USC 3964
Provides for advancement on the retired list to the higher grade held on active duty after 30 years for a warrant officer.

10 USC 3991
Provides for computation of retired pay.

10 USC 12207
Provides for service credit upon original appointment.

10 USC 12301
Provides authority for retention on active duty of members of Reserve Components.

10 USC 12308
Provides for retention after becoming qualified for retirement pay.

10 USC 12313
Provides that the Secretary concerned may at any time release a Reserve (officer) under his or her jurisdiction from active duty

except in time of war or of national emergency declared by Congress or the President, after 1 January 1953.

10 USC 12643
Provides that boards convened for the discharge of officers of the Reserve Components will include at least one member of the Reserve and specifies seniority requirements for these officers.

10 USC 12646
Provides for retaining on active duty for a period of not more than 2 years a Reserve commissioned officer who has failed twice to be selected for promotion to the permanent grade of captain, major, or lieutenant colonel and who is within 2 years of qualifying for retirement under 10 USC 3911 on the date he or she would otherwise be removed from an active status.

10 USC 12681
Provides for the discharge of Reserve commissioned officers by the President and other Reserves under regulations promulgated by the Secretary of the Army.

10 USC 12683
Provides for involuntary separations of officers of Reserve Components 3 or more years on the approved recommendation of a board of officers.

10 USC 12731
Provides for age and service requirements concerning retired pay for nonregular service.

10 USC 12737
Provides for limitation on active duty.

10 USC 14703
Provides for retention in active status of certain officers.

10 USC 14907 and 32 USC 323
Provide for the withdrawal of Federal recognition and discharge of ARNG officers from appointment as Reserve officers.

37 USC
Provides for pay and allowances of the uniformed services

38 USC
Provides for certain bars to benefits

50 USC, app 454(1), (3) (Military Selective Service Act of 1967)
Provides for optional resignation of certain medical, dental, or allied specialist category personnel who are commissioned members of a Reserve Component of the Armed Forces.

Section III
Prescribed Forms

DA Form 7301–R
Officer Service Computation for Retirement.

Section IV
Referenced Forms

DA Form 67–8
U.S. Army Officer Evaluation Report.

DA Form 78
Recommendation for Promotion of Officer.

DA Form 200
Transmittal Record

DA Form 201
Military Personnel Records Jacket, U.S. Army.

DA Form 268
Report to Suspend Favorable Personnel Actions.

DA Form 1574
Report of Proceedings by Investigating Officer/Board of Officers.

DA Form 2339
Application for Voluntary Retirement.

DD Form 214
Certificate of Release or Discharge from Active Duty.

DD Form 214WS
Certificate of Release for Discharge from Active Duty, Worksheet.

DD Form 256A
Honorable Discharge Certificate.

DD Form 257A
General Discharge Certificate (Under Honorable Conditions).

DD Form 577
Signature Card

SF 600
Health Record—Chronological Record of Medical Care

Glossary

Section I
Abbreviations

ABCMR
Army Board for Corrections of Military Records

AC
Active Component

AD
active duty

ADL
active duty list

ADSO
active duty service obligation

ADSW
active duty for special work

ADT
active duty for training

AFCS
active Federal commissioned service

AFS
Active Federal Service

AG/G1
Adjutant General/Assistant Chief of Staff, G1 (Personnel)

AGR
Active Guard Reserve

AMEDD
Army Medical Department

ANC
Army Nurse Corps

AOC
area of concentration

APFT
Army Physical Fitness Test

APL
Army promotion list

ARNG
Army National Guard

ARNGUS
Army National Guard of the United States

ARPERCEN
U.S. Army Reserve Personnel Center

ASA(M&RA)
Assistant Secretary of the Army (Manpower and Reserve Affairs)

AT
annual training

AUS
Army of the United States

AWOL
absent without leave

AWOS
active warrant officer service

BAQ
basic allowance for quarters

BAS
basic allowance for subsistence

BG
brigadier general

Bn
battalion Bn S–1 Battalion

C&S
command and staff

CAR
Chief, Army Reserve

CDR
commander

CG
commanding general

CH
chaplain

CID
Criminal Investigation Division

CIDR
Criminal Investigation Division regulation

CNGB
Chief, National Guard Bureau

COAD
continued on active duty

COL
colonel

CONUS
continental United States

CPT
captain

CW
Chief Warrant

CWO
Chief Warrant Officer

CW2
Chief Warrant Officer, W–1

CW3
Chief Warrant Officer, W–3

CW4
Chief Warrant Officer, W–4

CW5
Chief Warrant Officer, W–5

DA
Department of the Army

DAADB
Department of the Army Active Duty Board

DACH
Department of the Army Chief of Chaplains

DARNG
Director, Army National Guard

DC
Dental Corps

DCSPER
Deputy Chief of Staff for Personnel

DD
Department of Defense

DMG
distinguished military graduate

DOD
Department of Defense

DODPM
Department of Defense Military Pay and Allowances Entitlements Manual

DOPMA
Defense Officer Personnel Management Act

DROS
date returned from overseas

DSEC
Director of Security

DSN
Defense Switched Network

EAD
entry on active duty

encl
enclosure

ESI
extremely sensitive information

ETS
European telephone system

FAX
facsimile

FBI
Federal Bureau of Investigation

FLEP
Funded Legal Education Program

FTTD
full-time training duty

FY
fiscal year

G2
Assistant Chief of Staff (Intelligence)

GCM
general court-martial

GCMCA
General courts-martial convening authority

GOSCA
general officer show cause authority

HIV
Human Immunodeficiency Virus

HQDA
Headquarters, Department of the Army

HOR
home of record

IMA
Individual Mobilization Augmentation

IMC
Individual Military Counsel

ISP
incentive special pay

JAG
Judge Advocate General

JAGC
Judge Advocate General's Corps

JFTR
Joint Federal Travel Regulation, Volume 1

LTC
lieutenant colonel

MACOM
major Army command

MAJ
major

M&RA
Manpower and Reserve Affairs

MARC
manpower acquisition requirements criteria

MASP
medical additional special pay

MC
Medical Corps

MED
Medical Evaluation Board

MG
major general

MOI
Memorandum of Instruction

MORB
medical officer retention bonus

MOS
military occupational specialty

MPD
Military Personnel Division

MPRJ
Military Personnel Records Jacket, U.S. Army

MSC
Medical Service Corps

MSO
military service obligation

MS–3
Manpower Staffing Standards System

MRD
mandatory retirement date

MTF
medical treatment facility

MTOE
modification table of organization and equipment

NGB
National Guard Bureau

NGR
National Guard regulation

NWPRP
nuclear weapons personnel reliability program

OBV
obligated volunteer

OCAR
Office of the Chief, Army Reserve

OCONUS
outside continental United States

OER
Officer Evaluation Report

OMPF
official military personnel file

OPMD
Officer Personnel Management Directorate

ORB
Officer Record Brief

OTRA
other than Regular Army

OTSG
Office of the Surgeon General

PA
physician assistant

PCS
permanent change of station

PEB
Physical Evaluation Board

PEBLO
Physical Evaluation Board Liaison Officer

PERSCOM
U.S. Total Army Personnel Command

PL
public law

POC
point of contact

PPAA
personnel plans and actions

PRES
President

PRP
Personnel Reliability Program

PS
personnel support

PSC
Personnel Service Company

PSST
personnel services support team

RA
Regular Army

RC
Reserve Component

REC
recorder

REFRAD
release from active duty

REPT
reporter

RESP
respondent

RESP C
respondent's counsel

RFGOS
resignation for the good of the service

RETRST
retirement request status

RIF
reduction in force

ROTC
Reserve Officers' Training Corps

S2
intelligence officer (U.S. Army)

SAA
separation approval authority

SACT
soldier action

SAP
special access program

SBP
survivor benefit plan

SCI
sensitive compartmented information

SER
selective early retirement

SERB
Selective Early Retirement Board

SIOP
Single Integrated Operation Plan

SLDR
soldier

SPD
separation program designator

SREQDT
separation request date

SSN
Social Security number

SWOT
Senior Warrant Officer Training

TAGD
The Adjutant General Directorate

TDA
table of distribution and allowances

TDRL
Temporary Disability Retired List

TDS
Trial Defense Service

TJAG
The Judge Advocate General

TOE
table of organization and equipment

TP/TA
transition point/transition activity

TOPMIS
total officer personnel information system

TRCT
transition center

TTAD
temporary tours of active duty

TWOS
Total Warrant Officer System

UCMJ
Uniform Code of Military Justice

UP
under provisions of

USACIDC
U.S. Army Criminal Investigation Command

USAR
U.S. Army Reserve

USAREUR
U.S. Army, Europe

USARPAC
U.S. Army, Pacific

USC
United States Code

USDS
United States Department of State

USMA
United States Military Academy

VC
Veterinary Corps

VI
voluntary indefinite

WO
warrant officer

WOBC
Warrant Officer Basic Course

WOMA
Warrant Officer Management Act

WOTS
Warrant Officer Training System

Section II
Terms

Active duty for training
Full-time duty in the active military service of the United States For training purposes.

Active Federal commissioned service
Full-time duty in the active military service of the United States. It includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the secretary of the military department concerned (10 USC 101).

Active Guard Reserve
Army National Guard of the United States and U.S. Army Reserve personnel serving on active duty under section 12301, title 10, United States Code and Army National Guard personnel serving on full-time National Guard duty under section 502(f), title 32,United States Code. These personnel are on full-time National Guard duty or AD (other than for training on AD in the Active Army) for 180 days or more for the purpose of organizing, administering,recruiting, instructing, or training the Reserve Components and are paid from National Guard Personnel, Army, appropriations or Reserve Personnel Army, appropriations. Exceptions are personnel ordered to AD as—

a. General officers.

b. United States property and fiscal officers under 32 USC 708.

c. Members assigned or detailed to the Selective Service System serving under the Military Selective Service Act (50 USC, app 460(b)(2)).

d. Members of the Reserve Forces Policy Board serving under 10 USC 10301.

e. Members of Reserve Components on active duty to pursue special work (10 USC 10541 and 10 USC 641(i)(D)).

Army retired list (For Official Use Only)

a. United States Army Retired List consists of the names of all retired commissioned and warrant officer of the Regular Army.

b. Army of the United States Retired List consists of the names of all retired commissioned officers of the Army, other than regular Army, and the names of all retired Regular Army and other than Regular Army warrant officers and advanced to commissioned grades.

Bisexual
A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

Boards of Inquiry
Boards of officers convened to give fair and impartial hearing to evidence concerning the fitness of an officer who has been required to show cause for retention and make findings and recommendation whether he or she will be retained or eliminated.

Boards of Review
Boards of officers convened to review cases of officers recommended for elimination by Boards of Inquiry to determine whether elimination or retention is warranted.

Continuation Boards
Boards of officers convened at NGB, OCAR, and State level to review records of AGR officers for continuation in the program.Individuals selected for continuation by the boards will be offered a subsequent tour in the AGR program, providing an appropriate assignment is available.

Credible information
Credible information exists when the information, considering its source and the surrounding circumstances, supports a reasonable belief that a service member has engaged in homosexual conduct. It requires a determination based on articulable facts, not just a belief or suspicion.

Current tour
The tour of duty that commenced on the date last entered on active duty, regardless of current service commitment or extension.

Date of retirement
The date the officer's name is placed on the appropriate retired list. For all officers retired under provisions of chapter 6, the date of retirement is the first day of a month (5 USC 8301) and with the exception of the provisions of paragraph 6–13c(1) for a USAR officer, is the day following the date the officer is released from active duty.

Dismissal
Release of an officer/warrant officer from the service without honor upon sentence of dismissal by a court-martial.

Dual status officer
A commissioned officer of a Reserve Component, serving on active duty, who holds a Regular Army warrant officer appointment.

Elimination
Removal from commissioned or warrant officer status in the Army and removal from active duty and the active duty list.

Factual allegation
A brief description of a specific incident which supports a reason for elimination.

General officer show cause authority (GOSCA)
Commanders exercising general court-martial authority and all general or flag rank officers in command who have a judge advocate or legal advisor available. Any GOSCA by assignment or attachment may initiate or process an elimination. In cases of two or more GOSCAs, PERSCOM may designate a specific GOSCA to act on the officer's case. An officer may have more than one GOSCA. For example, a USAREUR officer of a 5th Signal Command Unit temporarily attached to a TRADOC tenant on a FORSCOM installation may have four GOSCAs as follows:

a. The officer's USAREUR unit of assignment's GOSCA (chain of command).

b. That unit's area GCM authority under USAREUR area of jurisdiction (chain of command).

c. The TRADOC chain's GOSCA (chain of command).

d. The FORSCOM chain's GOSCA (chain unit of attachment's .

Home (or "home of record")

a. For officers ordered to active duty from civilian status, the place recorded as the home of record when ordered to active duty.

b. For officers discharged from an active duty enlisted status for the convenience of the Government to accept duty as an officer, the place recorded as the home of record at the time he or she entered the Service in an enlisted status in the relevant tour of active duty.

Homosexual
A person, regardless of sex, who engages in, attempts to engage in,has a propensity to engage in, or intends to engage in homosexual acts.

Homosexual act

a. Any bodily contact actively undertaken or passively permitted between members of the same sex for the purpose of satisfying sexual desires, and

b. Any bodily contact that a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph *a.*

Homosexual conduct
A homosexual act, a statement by the service member that demonstrates a propensity or intent to engage in homosexual acts,or a marriage or attempted marriage to a person known to be of the same biological sex.

Major commanders
Commanders of the U.S. Army, Europe; Eighth U.S. Army; U.S. Army Pacific; U.S. Army, South; U.S. Army Forces Command; U.S. Army Training and Doctrine Command; U.S. Army Special Operations Command; U.S. Army Intelligence and Security Command; U.S. Army Military District of Washington; U.S. Army Health Services Command; Military Traffic Management Command; U.S. Army Information Command; and U.S. Army Material Command. HQDA will designate commanders to process elimination actions for personnel within the jurisdiction of U.S. Army Intelligence Agency and U.S. Army Criminal Investigation Command and in other instances as warranted.

Mandatory retirement
A retirement that is required by law, subject to certain contingencies as outlined in the law, and must be effected regardless of the desire of the officer or HQDA unless otherwise specifically provided by the law. (Applies only to RA.)

Misconduct, moral or professional dereliction
(See para 4–2.) Conduct within the control of the officer concerned, which includes but is not limited to drug abuse, alcohol abuse, criminal conduct, and civil confinement and results in either of the following:

a. Tends to bring the officer or the Army into disrepute; or

b. Results in the loss or abandonment of or suspension from his or her professional status when lack of status adversely affects the member's ability to perform the duties; or

c. Includes but is not limited to drug abuse, alcohol abuse,criminal conduct, and civil confinement.

National security
See definition contained in AR 604–10.

Nonprobationary officer

a. Regular Army commissioned officers with more than 5 years commissioned service.

b. Officers in the USAR with more than 3 years of commissioned service.

c. Warrant officers with more than 3 years service since original appointment in their present component.

Officer
Male or female commissioned officers and warrant officers unless otherwise indicated.

Probationary officer

a. Regular Army commissioned officers with less than 5 years commissioned service (10 USC 630).

b. Officers in the USAR who have less than 3 years commissioned service.

c. Warrant officers who have less than 3 years service since original appointment in their present component (10 USC 101 (35)).

Propensity
Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages or will engage in homosexual acts.

Qualifying service
Service creditable for retired pay under AR 135–180.

Reason for elimination
A short generic statement of the types of conduct that may serve as the basis for eliminating an officer (para 4–2).

reasonably available
Those officers assigned to local installations or within the GCMCA area are considered reasonably available to serve as members of boards of inquiry.

Recommended for promotion

a. Officers in the ARNGUS who have been selected for promotion to the next higher Reserve grade by action of a promotion selection board. These officers are considered to be recommended for promotion in the meaning of U.S. Code title 10, subsections 3848b and 385b, on the date the promotion selection board adjourns.

b. Officers in the ARNGUS who have been appointed in a general officer grade in the ARNG. These officers are considered to be recommended for promotion in the meaning of the statutes cited above on the date the General Officer Federal Recognition Board adjourns.

Recoupment
Officers who participate in certain advanced education programs sometimes fail to complete their educational requirements, or active duty or Reserve Component obligations. These officers are subject to the recoupment provisions of AR 37–104–3. Recoupment must be accomplished prior to the separation

of an officer who has not fulfilled the service obligation incurred as a result of participation in that advanced education program (10 USC 2005).

Reserve Components
The Army National Guard of the United States and the U.S. Army Reserve.

Sexual orientation
An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.

Statement
A statement that an officer is a homosexual or bisexual or words to that effect. Language or behavior that a reasonable person would believe was intended to convey the statement that a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.

Substandard performance of duty
Performance of duty that has fallen below standards prescribed by the Secretary of the Army, based on regulations of the Secretary of Defense (10 USC 1181). (Para 4–2 lists some deficiencies that indicate an officer does not meet required standards.)

Transfer
Release from assignment in one component, branch category, or administrative entity of the Army or a component thereof, with concurrent assignment to another component, branch category, or administrative entity.

Voluntary retirement
Any type of retirement in a commissioned or warrant officer status that is optional with the officer.

Section III
Special Abbreviations and Terms

This section contains no entries.

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RESERVED

OFFICER SERVICE COMPUTATION FOR RETIREMENT

For use of this form, see AR 600-8-24; the proponent agency is ODCSPER

1. NAME	2. SSN	3. DOB	4. BR
5. DATE OF ENTRY ON CURRENT TOUR	a. YEAR	b. MONTH	c. DAY
6. DATE OF ACCEPTANCE OF RA APPOINTMENT	a. YEAR	b. MONTH	c. DAY

7. ENLISTED SERVICE

FROM			TO			LT	ACTIVE PERIODS			INACTIVE PERIODS		
YEAR	MONTH	DAY	YEAR	MONTH	DAY		YEAR	MONTH	DAY	YEAR	MONTH	DAY
TOTALS												
TOTALS CONVERTED TO MONTHS AND DAYS												

8. WARRANT OFFICER SERVICE

TOTALS												
TOTALS CONVERTED TO MONTHS AND DAYS												

9. COMMISSIONED SERVICE

TOTALS												
TOTALS CONVERTED TO MONTHS AND DAYS												

10. TOTAL ACTIVE SERVICE					
11. TOTAL INACTIVE SERVICE					
12. CONSTRUCTIVE SERVICE FOR BASIC PAY - MC OR DC DATES *(In Red)*					
13. TDRL SERVICE					
14. TOTAL SERVICE PRIOR TO CURRENT TOUR					
15. BASIC PAY ENTRY DATE *(Subtract #14 from #5)*					
16. PROJECTED RETIREMENT DATE *(In Red)*					
17. LESS DATE OF ENTRY ON CURRENT TOUR *(See Item #5)*					
18. SUBTOTAL					
19. PLUS ACTIVE SERVICE PRIOR TO CURRENT TOUR					
20. TOTAL ACTIVE SERVICE					
21. PLUS INACTIVE SERVICE *(See Item #11)*					
22. TOTAL SERVICE FOR BASIC PAY PURPOSES					
23. TOTAL SERVICE FOR PERCENTAGE PURPOSES *(1405 Service in Red)*					

24. RA - RES	25. AUS GRADE	26. RA GRADE	27. RESERVE
28. REMARKS		29. HIGHEST AD GRADE HELD	
		30a. HOR	30c. 18 YR AFS AS NOV 81
		30b. PL EAD	YES ☐ NO ☐
31. COMPUTED BY		32. REVIEWER	

DA FORM 7301-R, DEC 93

33. NAME	34. SSN

35. RETIREMENT POINTS CREDITED AFTER 1 JUNE 1958

FROM *a*	TO *b*	MEMBERSHIP *c*	INACTIVE DUTY *d*	COURSE COMP. *e*	TOTAL POINTS *f*
				g. TOTAL	

36. 1405 SERVICE AS OF

	YEARS	MONTHS	DAYS
37. ACTIVE SERVICE			
38. INACTIVE SERVICE PRIOR TO 1 JUN 58			
39. RETIREMENT POINTS AFTER 1 JUN 58			
40. MEDICAL AND/OR DENTAL SCHOOL AND INTERNSHIP			
41. TOTAL 1405 SERVICE			