

ADMINISTRATIVE LAW

CHAPTER 6

Administrative Separations

REASONS FOR SEPARATIONS

Soldiers may be discharged from the Army before their normal expiration of term of service (ETS). Reasons for such discharge include—

- Misconduct.
- Conviction by a civilian court.
- Unsatisfactory performance.
- Hardship and dependency.
- Void and voidable enlistments or inductions.
- Alcohol or drug abuse.
- Conscientious objection.
- The good of the service.
- The convenience of the government.
- Fraudulent entry.
- Homosexuality.

Misconduct

Soldiers may be separated for misconduct because of—

- Conviction by a civilian court.
- Commission of a serious offense.
- A pattern of minor military disciplinary infractions.
- A pattern of misconduct involving either civil or military authorities.

(See AR 635-200, Chapter 14.)

PRELIMINARY ACTIONS

Before initiating a separation action for a pattern of minor military disciplinary infractions or for patterns of misconduct, you must counsel soldiers and take rehabilitative measures. The separation authority may waive rehabilitative measures (but not counseling) in appropriate circumstances. (See AR 635-200,

paragraph 1-18d.) These preliminary actions need not be taken when basis for separation is either conviction by a civilian court or commission of a serious offense.

Counseling. When a soldier's conduct deteriorates to a level that might warrant his separation, you should look for the causes and take steps to correct the soldier's attitudes or actions. A member of the soldier's chain of command must counsel him regarding his deficiencies, inform him that his continued misconduct could result in his separation, and advise him about the types of discharge that could result and the consequences of each. You should advise the noncommissioned officer in charge (NCOIC) of the problems and direct him to counsel and assist the soldier as needed. You and the NCOIC must keep written records of all counseling sessions, using DA Form 4856 when possible.

Rehabilitative transfer. When a soldier does not respond to counseling or has shown that he cannot get along with others in the unit, you should transfer him to another unit. Often a change of supervisors, associates, or living and working areas will solve the problem. If possible, the transfer should be between battalion-sized units with duty in both the gaining and losing units for at least two months. This does not preclude reassignment between brigade or larger units when local commanders consider it necessary. Only as a last resort will you recommend a permanent change of station.

Waivers If you believe a rehabilitative transfer will not help a soldier, you may request waiver of rehabilitation measures. The separation authority may approve a waiver any time on or before the

date the separation authority approves or disapproves the separation. In requesting a waiver, you should fully state why the soldier cannot be rehabilitated. (See AR 635-200, paragraph 1-18d.)

INITIATION OF SEPARATION PROCEEDINGS

Your recommendation for separation should be based on your knowledge of the individual. The soldier cannot apply for a misconduct discharge. You should not use separation authority instead of a court-martial solely to keep soldiers from receiving harsher penalties. Separation action must be initiated against soldiers who have the following drug problems unless other action is taken:

- Soldiers with the rank of sergeant through sergeant major/command sergeant major who have abused drugs.
- Soldiers with the rank of private through specialist/corporal who have abused illegal drugs twice.
- Any soldiers medically diagnosed as drug-dependent. (See AR 635-200, paragraph 14-12c.)

Medical examination. When you initiate separation of a soldier for misconduct, other than by conviction by a civilian court, you must schedule the soldier for both a medical examination and a mental status evaluation. (see AR 635-200, paragraph 1-34.) If the examining medical officer decides that the soldier does not meet medical retention standards, he will refer the soldier to a medical board. The GCMCA will direct that the soldier be processed through disability channels if he determines that—

- A disability is the cause or a substantial contributor to the cause of the misconduct.
- Circumstances warrant disability processing. You must flag the soldier's records according to AR 600-8-2.

Commander's Report Upon completion of the medical evaluation, you must prepare a commander's report, addressing it through the chain of command to the separation authority. (See AR 635-200, paragraphs 7-21, 13-7, 14-9b, 14-15, and 15-6b.)

Judge advocate counseling. After preparing the report and collecting all of the documents concerning the case, tell the soldier in writing of the basis for the proposed action and advise him of his rights. (See AR-635-200, paragraphs 2-2 and 2-4.) You should then make an appointment for the TDS office to counsel the soldier on his rights. Give the soldier a copy of his entire separation file to take with him to the TDS office.

Witnesses. If the soldier requests a board of officers to hear the case, the appropriate commander will ensure that military witnesses are not transferred or separated before the board hearing, except when an enlistment or period of service fixed by law expires. (See AR 635-200, paragraph 2-9.)

OPTIONS AVAILABLE TO SOLDIERS

Once recommended for separation, a soldier can exercise specific rights and options as addressed in the following paragraphs.

Separation board. Unless in civil confinement, a soldier has the right to a hearing before a separation board if the commander initiates the separation under the—

- Administrative board procedures. (See AR 635-200, paragraph 2-4.)
- Notification procedures, and the soldier has six or more years of total active and reserve military service at the time of separation. (See AR 635-200, paragraph 2-2.)

Soldiers have the right to appear before the separation board unless unable because of civil confinement or absence without authority. In such cases, soldiers may choose to be represented by counsel before the board. Soldiers may submit any statements they want to have attached to the separation recommendation. Give soldiers at least three duty days to consult with counsel; a judge advocate officer will advise soldiers concerning their rights.

Soldiers may waive all of these rights; failure to respond within seven duty days will constitute a waiver. The JAG officer will use the format

shown in AR 635-200, Figure 2-5, to record counseling and the rights selection or waiver.

Counsel. Any soldier recommended for discharge for misconduct, who has requested appearance before a board of officers, is entitled to representation by a—

- Civilian attorney at no expense to the government.
- Appointed JAG officer or other military counsel qualified under UCMJ, Article 27(b)(1).

(See AR 635-200, paragraph 2-4e.)

Withdrawal of waivers. A soldier who waives his right to appear before a board of officers, to submit statements, or to have counsel may withdraw that waiver and request these rights any time before the separation authority orders, directs, or approves his discharge.

SEPARATION PROCESS

Once you have completed a report and a JAG officer has counseled the soldier, you must forward the case through channels to higher headquarters. If the soldier refuses to consult with counsel, prepare a statement to that effect and forward the case as if the soldier had consulted with counsel.

Chain of command review. Route the recommendation through the chain of command to the separation authority. In actions involving cases of misconduct, except cases of drug abuse, all intermediate commanders (battalion, brigade) will review the file and may—

- Disapprove the action and direct reassignment.
- Recommend separation for unsatisfactory performance.
- Disapprove the misconduct action and take further action against the soldier for unsatisfactory performance. Only commanders with special court-martial jurisdiction have this option.
- Recommend approval and forward it to the next higher commander.

Separation actions that are required to be initiated due to abuse of illegal drugs must be forwarded through the chain of command to the separation authority for appropriate action.

(See AR 635-200, paragraph 14-12c(2).)

Separation authority. For misconduct cases where a discharge under other than honorable conditions is warranted, the separation authority is either the GCMCA or a general officer in command with a judge advocate or legal advisor available. A general officer cannot, however, approve a discharge based upon a foreign conviction. The commander who is an SPCMCA acts as the separation authority when a discharge under other than honorable conditions is not warranted and the notification procedure is used. An honorable discharge may be ordered only when the GCMCA has authorized the exercise of separation authority in the case.

The appropriate separation authority appoints a board of officers. When the board has recommended separation for misconduct, the separation authority may do one of the following:

- Direct retention.
- Direct separation for misconduct.
- Direct separation for unsatisfactory performance or for whatever reason the soldier received notification.
- Approve the separation, but suspend its execution for up to six months. (See AR 635-200, paragraph 1-20.)

Options available to soldiers. If a soldier who is entitled to a board requests one, the separation authority will appoint no fewer than three experienced commissioned, warrant, or noncommissioned officers (sergeant first class or higher and senior in rank to the respondent) to hold a hearing and make findings and recommendations on the separation action. Soldiers are entitled to counsel at this hearing and may call witnesses and present evidence on their behalf. They may question the witnesses who are called to testify. Often, the board will call you and members of the soldier's chain of command as witnesses. The board's decision is

not final, but the separation authority who appoints the board cannot, upon review, take action more severe than what the board recommended.

If the soldier is a female or a member of a minority group, she or he may request in writing that at least one member of the board also be a female or a minority member. The separation authority will appoint a member of the same minority group as the respondent or, if one is not available, appoint a member of another minority group. All determinations of availability should be documented in the record of proceedings. (See AR 635-200, paragraph 2-7b(3) and (5)).

Status of soldiers during processing. There are no special limitations on the duties soldiers may perform while awaiting separation processing. Because their records will be flagged, they are in a nonpromotable status. You should stay abreast of the status of proceedings to inform the soldiers and answer questions.

Conviction By A Civilian Court

The procedures and policies governing a misconduct separation, based on conviction by a civilian court, differ from those relating to other misconduct separations. Conviction, for these purposes, means any action that decides the issue of guilt and carries the power of a state or federal court to impose a penalty, even though the court or statutes do not call it a conviction.

When a soldier has been convicted by a civilian court or when court action has been taken that is tantamount to a finding of guilty (including adjudications in juvenile proceedings), the separation authority may discharge the soldier if the offense meets either of two criteria:

- A punitive discharge would be authorized for the same or a closely related offense under the MCM, or
- The sentence by civil authorities includes confinement for six months or more, without regard to suspension or probation.

The separation authority makes the final discharge decision. The separation authority

usually gives a discharge under other than honorable conditions but may give an honorable or general discharge certificate or entry level separation when the soldier's overall record merits it. (See AR 635-200, Chapter 3, Section III.)

PRELIMINARY ACTIONS

Soldiers subject to discharge under AR 635-200 will be considered and, if appropriate, processed for discharge, even if an appeal is pending or is filed later. Execution of a discharge, however, must be withheld until one of the following occurs:

- An appeal is complete.
- The soldier states in writing that he does not intend to appeal.
- The time to submit an appeal expires or the soldier's term of service expires, whichever is first.

You decide to initiate separation actions; such initiation is not mandatory. Soldiers do not have a right to request discharge. The separation authority may decide not to separate a soldier if the circumstances so warrant and if civil authorities have placed no restrictions on the soldier that would interfere with his performance of duty.

When contemplating separations, take action as specified in the administrative board procedure (AR 635-200, paragraph 2-4); the notification procedure (AR 635-200, paragraph 2-2) is authorized if characterization of service under other than honorable conditions is not warranted. AR-635-200, Chapter 2, Section IV, prescribes additional actions to take when soldiers are confined or are beyond military control due to their unauthorized absence.

Your duties are the same in the case of a conviction by civilian court as in cases of misconduct. Soldiers confined by civil authorities may consult a JAG by correspondence. You will inform the soldier of a separation action and of the soldier's rights. You will personally deliver this notice to the soldier or send it by certified mail with return receipt requested. You then advise the soldier that he must notify you of an

election of rights before a specified date (not less than 30 days from date of receipt of notice). If the soldier does not respond, process the separation action as though the soldier had waived his rights.

OPTIONS AVAILABLE TO SOLDIERS.

Once you decide to recommend discharge, soldiers may demand the specific rights and options addressed in the following paragraphs.

Separation board. When soldiers are under military control, the separation board procedures are the same as for misconduct cases. When soldiers who are entitled to an administrative board are confined by civilian authorities, they will be notified that the hearing by a board of officers will proceed in their absence; they lose their right to appear before the board.

Counsel. The right to representation before a separation board is the same as for a misconduct discharge. If soldiers are confined by civil authorities and unable to attend proceedings, they will still be represented by counsel.

Separation process. The procedures for processing a recommendation for separation are the same for civilian conviction as for misconduct. Cases will be processed through the chain of command to the separation authority.

Unsatisfactory Performance

Soldiers maybe separated under the provisions of AR 635-200, Chapter 13, when they are unqualified for further military service because of unsatisfactory performance. Soldiers separated for unsatisfactory performance will receive honorable or general discharge certificates, as warranted by their military records. The separation authority specified in AR 635-200, paragraph 1-21, decides discharges.

PRELIMINARY ACTIONS

Counseling. Before initiating separation actions for unsatisfactory performance, you must counsel soldiers and take rehabilitative measures. These procedures are the same as those for separations for a pattern of minor

military disciplinary infractions and for other acts or patterns of misconduct.

Initiation of separation proceedings. Base your separation recommendations on knowledge of individual soldiers and their performance. Soldiers cannot apply for an unsatisfactory performance separation. After you recommend soldiers for discharge for unsatisfactory performance, follow the same procedures as for separations for misconduct.

OPTIONS AVAILABLE TO SOLDIERS

Soldiers who are recommended for discharge for unsatisfactory performance and who have six or more years of active and reserve service at the time separation action is initiated are entitled, upon request, to a hearing before an administrative separation board. Their right to counsel is the same as for separations for misconduct.

SEPARATION PROCESS

The SPCMCA serves as the separation authority and will convene an administrative separation board if necessary. If a hearing is not required or if a soldier waives his right to a hearing, the separation authority can be one of the following:

- A commander in the rank of lieutenant colonel or above.
- A commander in the rank of major on an approved recommended promotion list commanding a unit authorized a lieutenant colonel or higher.

Hardship and Dependency

No matter how thorough the screening process, the Army accepts people who, because of hardship or dependency at home, should be discharged before their ETS. These soldiers are not attempting to shirk their obligations but have a conflict of demands that discharge will best resolve. They will usually approach you or their first sergeant with this problem, and you will take the first action in processing the request.

Any dependency or hardship sufficient to warrant a discharge must have arisen after the

soldier entered active duty or have been aggravated to excess since entry on active duty. The situation must be permanent, that is, more than a minor illness or temporary job layoff.

An automobile accident may have killed a soldier's father and left the mother disabled. The two younger children at home have no relatives willing to be their guardians. In this case the soldier could reasonably claim dependency. Persons whom a soldier can claim as dependents for a dependency discharge generally include parents, spouse, and younger siblings. (See AR 635-200, paragraph 6-5a.)

A change in income or inconvenience caused by military service does not necessarily show hardship. The existence of these circumstances, however, does not prevent separation because of dependency or hardship, provided the application meets the criteria discussed above. For example, a soldier may be the only child of a farmer in an area where farm help is not available or within the family's means. The farmer is permanently disabled in an accident after the soldier's enlistment and can no longer work the farm sufficiently to maintain the family without the soldier. No other family members are able to help. In this case, the soldier could reasonably claim a hardship that has occurred since he entered the service and that warrants separation.

PRELIMINARY ACTIONS

When soldiers have a home situation that creates a conflict between their military obligation and their duty to the family, they should inform you. You should act immediately to assist. Therefore, soldiers will not act foolishly or immaturely, such as go AWOL, thereby creating a greater problem for both themselves and the Army.

As the unit commander, you should first learn as much as possible about the situation. Then, you should investigate alternatives to discharge that could alleviate the hardship or dependency until the soldier's normal ETS. Discharge should be considered a last resort.

Financial assistance. In many cases, temporary financial relief will alleviate hardship for a short term, allowing the soldier to finish his term of service. Local banks or credit unions offer loans, but often the terms of interest and repayment are prohibitive. The Army Emergency Relief (AER) fund provides a less burdensome means of financial assistance to qualified soldiers. AER loans have no interest charge and can be repaid in small monthly allotments. If the soldier cannot repay a loan without creating further hardship, the AER can authorize a grant. In some situations, the AER will offer a loan-and-grant package. (See AR 930-4, paragraph 2-4.) AR 930-4, paragraph 2-10, details conditions for approval of a loan or grant; paragraph 2-11 details conditions for denial.

Leave. In other cases, a soldier's brief presence at home will allow the family to arrange to alleviate the situation until the soldier's ETS. If the soldier has enough accrued leave, he should be allowed to use it for this purpose. If he does not have enough accrued leave, you may authorize an advance of up to 45 days, depending on the time remaining in the soldier's enlistment.

Advanced leave is permitted to allow soldiers to resolve personal, emergency, or morale problems. (See AR 630-5, paragraph 5-1.) If the soldier needs more time than advancing leave will allow, a commander of any unit authorized a commander in the rank of lieutenant colonel or higher (battalion, brigade) may grant leave without pay. The maximum leave allowed is normally 60 days for one absence, including accrued and advanced leave. (See AR 630-5, paragraph 5-2.) Finally, you may authorize up to 30 days of emergency leave upon the death or serious injury of family members. (See AR 630-5, paragraphs 6-1 and 6-4.)

SEPARATION PROCESS

If a soldier believes that the only solution to a family problem is his release from the Army, he may apply in writing for discharge, attaching evidence of hardship or dependency. The evidence will usually be an affidavit and must meet

the requirements of AR 635-200, paragraph 6-7. In some cases, you may grant the soldier leave to go home to get the necessary statements and reports to support his application. Once the application is complete, the soldier must submit it to you. You review it to see if it meets regulatory requirements and then add an endorsement recommending approval or disapproval. This endorsement will also include all of the information AR 635-200, paragraph 6-6b, requires. Forward the application to the separation authority for review and final action.

Void and Voidable Enlistments or Inductions

Occasionally, the Army enlists or inducts young men and women below the legal age for military service. Depending on the situation, the enlistment may be either void or voidable at the option of the Army. If the enlistment is void, the Army has no authority over the individual. If the enlistment is voidable, the Army may discharge or retain the soldier. The same rules apply to void and voidable inductions when an induction statute is in effect.

If you discover that a minor is serving on an enlistment or induction, your primary duty is to determine the facts in the case. AR 635-200, paragraph 7-5, lists the necessary documents. After determining whether an enlistment or induction is void or voidable, report the situation to the separation authority.

ENLISTMENTS

An Army enlistment is a contractual agreement that gives a person military status and subjects him or her to the UCMJ. Federal statutes govern this agreement.

The United States Code states that no person under 17 years of age may be enlisted for military service. Therefore, any enlistment of a person under 17 years old who has not reached that age in the meantime is void, and the person will be released from the military. Since the individual was never properly a member of the Army, you cannot recommend a discharge. Instead, you order that the person be released from the Army's custody and control. (See AR 635-200, paragraph 72D9.)

Federal statute further requires parental consent for the enlistment of anyone who is 17 years old. If a person enlisted while younger than 17 but has in the meantime attained that age, or if time person enlisted when 17 years old without parental consent, the enlistment is voidable. Unless the soldier is charged with a serious offense committed after attaining the age of 17 years, the separation authority will discharge the soldier for minority upon application of parents or guardians. The parents or guardians must apply within 90 days of the enlistment, and evidence must show that the soldier is under 18 years of age and that he or she enlisted without the parents' or guardians' written consent.

INDUCTIONS

The induction of a person into the Army is not contractual agreement but is the fulfillment of an obligation of citizenship. The Selective Service Act gives the requirements for induction. No induction statute is currently in effect.

Alcohol Or Drug Abuse

You may initiate separation of an enlisted soldier if you determine that he is an alcohol-or drug-abuse rehabilitation failure. Separation is based on the soldier's illegal, wrongful, or improper use of any controlled substance, alcohol, or other drug while enrolled in ADAPCP. A soldier with less than six years of active and reserve military service is not entitled to an administrative separation board. He is entitled to the protections of the limited use policy, according to AR 600-85, Chapter 6. AR 635-200, Chapter 9, sets forth precise rules and procedures for separation of an abuser of alcohol or drugs.

Conscientious Objection

Since 1864, Congress has allowed draft exemptions for persons conscientiously opposed to participating in war. Since 1962, officers and enlisted soldiers have been allowed to apply for discharge on the basis of conscientious objection to war formed after entering the Army.

Soldiers may apply for discharge if, because of religious training or belief, they have firm, fixed, and sincere objections to participating in

war in any form or to bearing arms. An opposition based solely on policy considerations, pragmatism, or expediency is not sufficient, nor is an objection to a single war or type of war.

Soldiers may not request discharge because of conscientious objection beliefs held before entering the Army but which they did not make known before induction or enlistment. They may not request discharge if Selective Service previously denied their request for exemption. Such beliefs must have arisen while the soldiers were on active duty, though these beliefs may be based on experiences, training, and education which occurred before the entered the service.

SEPARATION PROCESS

- The separation process includes—
- Your review of the soldier's application.
- Interviews of the soldier by a chaplain and a psychiatrist.
- Review by the chain of command.

Review by unit commander. Take the first action on the application for discharge. After receiving an application from a soldier, review it to ensure that it contains all of the information required by AR 600-43. If information is missing, return the application to the soldier for correction. If you think the soldier has not stated a valid case, you may not, however, refuse to process the request.

Interviews. You must arrange for a chaplain and a psychiatrist to interview the soldier. They will attach their reports to the application. You will then forward the file to the commander exercising special court-martial convening authority. He, in turn, will appoint an officer to investigate the claim. The appointed officer will be captain or higher and know the conscientious objection policies and procedures.

Chain of Command Review. After the interviews and hearings, you must again review the file and act as required by AR 600-43, paragraph 2-6. You then forward the file through the chain of command to the commander exercising general court-martial convening authority

That commander will approve the action or forward it to the Department of the Army if he recommends disapproval.

Status of soldiers during processing. While the application is being processed, the soldier will be retained in the unit and assigned duties that conflict as little as possible with his stated beliefs

OPTIONS AVAILABLE TO SOLDIERS.

After soldiers have applied for discharge, they have several rights that the commander must protect. They have the right to a hearing before an officer with a rank of captain or higher who knows the regulations and policies. Soldiers have no right to military counsel at this hearing, but they may be represented by civilian counsel at their own expense.

Good Of The Service

Soldiers may request discharge for the good of the service if—

- Court-martial charges have been signed and sworn against them for an offense with a maximum punishment that includes either a bad conduct discharge or a dishonorable discharge under the UCMJ and the MCM, or
- Referral of court-martial charges to a court-martial authorized to adjudge a punitive discharge, where none of the charges individually includes a punitive discharge as part of the punishment, and the escalator provisions of RCM 1003(d), MCM, are used to enhance the punishment.

In most cases, soldiers decide to submit such a request after being assigned counsel; the counsel does most of the paperwork.

You also have certain responsibilities in processing the discharge requests. You should cooperate in the collection of documents that must be attached to discharge requests. The soldier and his counsel will submit to you the completed request. You will recommend approval or disapproval, based on the seriousness of the offense and the soldier's record, and forward it through the chain of command to the

commander with general court-martial authority. (AR 635-200, paragraph 10-7, provides criteria for delegating approval authority for Chapter 10 requests in certain AWOL cases). The general court-martial convening authority will take final action on the request for discharge. (See AR 635-200, Chapter 10.)

Convenience Of The Government

Only the Secretary of the Army may approve and order a separation for the convenience of the government, but often that authority is delegated to commanders. This separation is characterized as honorable or general or as an entry level separation. A soldier may receive a separation for government convenience for—

- Inability to fulfill military obligations due to parental obligations.
- Unlawful alien status.
- Concealment of an arrest record.
- Inability to meet procurement medical fitness standards.
- Personality disorder.
- Status as surviving son or daughter.
- Failure to meet Army body composition/weight control standards.
- Furtherance of education.
- Failure to qualify medically for flight training.

Fraudulent Entry

Soldiers may be separated for enlistment or reenlistment by using fraudulent concealment, omission, or misrepresentation of a material fact. That fact must have possibly resulted in the soldier's rejection had the Army known and considered it at the time of his enlistment or reenlistment. The separation authority may void the fraudulent entry and issue orders releasing the soldier from the Army; it may process the soldier under the notification procedure (AR 635-200, paragraph 2-2) and grant an honorable or general discharge; or it may process the soldier under the administrative board procedure (AR 35-200, paragraph 2-4) and direct a discharge under other than honorable conditions. If con-

cealed to enlist, material facts that may warrant discharge are—

- Prior service.
- Citizenship status.
- Conviction by a civil court.
- Juvenile record.
- Medical defects.
- Record of AWOL or desertion.
- Preservice homosexuality.
- Misrepresentation of intent with regard to legal custody of children.
- False identity.

AR 635-200, Chapter 7, Section V, discusses specific rules and procedures.

Homosexuality

Homosexuality is incompatible with military service; homosexual soldiers will be separated. Grounds include preservice, prior-service, or current-service homosexual acts, admissions of homosexuality or bisexuality, or homosexual marriages. If you have any credible evidence that a basis for separation exists, you will investigate. If you determine that probable cause for separation exists, you must initiate separation action. The soldier is entitled to the protections of the administrative board procedures in accordance with AR 635-200, paragraph 2-4. AR 635-200, Chapter 15, discusses specific rules and procedures.

TYPES OF SEPARATIONS

Soldiers' military records determine the characterization of service or description of separation they receive, to include behavior and performance during their current enlistment and any extensions prescribed by law or regulation or effected with their consent. Administrative separations may be characterized or described as—

- Honorable.
- General, under honorable conditions.
- Under other than honorable conditions.
- Entry-level separations.

AR 635-200, Chapter 3, gives criteria for characterizing or describing a separation.

Honorable Discharge

An honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the soldier's service generally has met the standards of acceptable conduct and performance of duty, or is otherwise so meritorious that any other characterization will be clearly inappropriate. The separation authority must consider the soldier's age, length of service, rank, personal decorations, and general aptitude. Isolated incidents of minor misconduct may be disregarded if the overall pattern of a soldier's service is good. No specific number of disciplinary actions disqualify a soldier from receiving an honorable discharge.

General Discharge Under Honorable Conditions

A general discharge is a separation under honorable conditions. Recommending a general discharge is appropriate if a soldier's military record is satisfactory but does not merit an honorable discharge. Again, a specific number of disciplinary actions is not an automatic criterion for a general discharge; you must use discretion. A soldier who receives a general discharge might find it more difficult to obtain good civilian employment. A general discharge may be issued to a soldier only if the reason for

the soldier's separation specifically allows such a discharge.

Discharge Under Other Than Honorable Conditions

A discharge under other than honorable conditions is the least favorable of the administrative discharges. It may deprive a soldier of most veteran's benefits, and it may cause great difficulty in finding civilian employment. Only the following may authorize such a discharge:

- A commander exercising general court-martial.
- A general officer in command with a judge advocate or legal advisor available.
- In limited situations, a commander exercising special court-martial authority. (See 635-200, paragraph 1-21.)

The soldier must have an opportunity to present his case to a board of officers before the discharge can be authorized. It may be authorized without board action if the soldier requests a discharge for the good of the service or is beyond military control due to prolonged, unauthorized absence.

Entry-Level Separation

Entry-level separation is given to a soldier within the first 180 days of creditable continuous active duty if a discharge under other than honorable conditions is not warranted and the Secretary of the Army does not authorize an honorable discharge.