

# **GETTING OUT**

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## **A Guide to Military Discharges**

- This booklet provides information on administrative discharges from the US military. No discharge is easy to get but with the information in this guide you can be well prepared for seeking an administrative discharge.
- Before you try to get any of the discharges described in this booklet, contact the GI Rights Hotline at 800 394-9544 (if you are outside the US call 215 563-8787). A counselor can discuss the various discharges with you, help you decide if one is good for you, explain procedures, work with you to gather the necessary documents, and support you throughout the process.

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## **Things You Need to Know About Seeking a Discharge**

### **You Are Not Alone**

When trying for a discharge you may find yourself up against some tough obstacles. The military won't let you go easily, unless you've somehow convinced your command that a lot of money and time will be wasted in forcing you to stay in. Working for your freedom and for justice is always a struggle. You will need practical support and someone to help you keep your spirits up. There are many civilian counselors around the country to help you who can be contacted through the GI Rights Hotline.

Remember, above all, that you are not alone. Thousands of military servicemembers have problems similar to yours, and most find a way to resolve them. You will, too.

### **Filing Complaints in the Military**

As you are well aware, civil rights and rights to redress of grievances are limited for members of the military. However, there are steps you can take if you feel you have been wronged by your command, including filing a complaint with the base Inspector General or Equal Opportunity Office, filing a complaint under Article 138 of the UCMJ, contacting your Member of Congress, and contacting civil rights groups concerned about the welfare of members of the military.

A complaint may be based on: race or sex discrimination, hazing, sexual harassment, sexual assault, religious discrimination, improper medical attention, an unfair transfer, illegal extra duty, denial of leave or transfer, denial of discharge, being forced to obey an illegal order, or your command's failure to process a claim for discharge.

For more information on filing complaints, visit [www.objector.org/girights/grievances.html](http://www.objector.org/girights/grievances.html) or call us.

### **Discharge or Separation?**

A "discharge" completely cuts off all legal ties a person has to the military. "Separation" is a more general term which includes discharge, release from active duty, transfer to the inactive reserves, and similar changes in active or reserve status. For example, if your application for a discharge for "conscientious objection" is approved, you will be discharged with no possibility of being called for active duty. However, if you were given an early release for a hardship in your family or for pregnancy, you would be "separated," but not necessarily discharged. Many separations result in a transfer to the inactive reserves (the Individual Ready Reserve) for the rest of your enlistment and you are still eligible for call-up in a mobilization.

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## An Honorable Discharge?

This booklet does not discuss the Bad Conduct Discharge (BCD) or Dishonorable Discharge (DD), which are “punitive” discharges resulting *only* from a special or general court-martial. Instead, this booklet deals with “administrative” separations.

The “character” of your separation is the description that appears on your discharge or separation papers. It may be Honorable, General (Under Honorable Conditions), Under Other Than Honorable Conditions (OTH), or an Entry Level Separation (ELS). “Characterization” is different from the “reason” for discharge, which will also appear on your discharge papers. Reasons for discharge are discussed in the next section.

You will get an Honorable discharge if you have met the standards of conduct and performance. Always request an Honorable discharge when you are trying for any of these separations.

You may receive a General discharge if your military service has been good, but you have some stains on your record, like a few Article 15s or some bad performance evaluations.

A pattern of bad behavior can result in an Other Than Honorable discharge. But before this can happen, you have a right to a hearing with an Administrative Board. Talk to a counselor or attorney about this.

You will receive an Entry Level Separation if separation processing is begun while you’re still in “entry level status” (generally, the first six months of active duty). This uncharacterized separation is neither honorable nor less than honorable because you have not been in the military long enough to develop a record. With an Entry Level Separation, you are not entitled to the usual veterans benefits.

With either an Honorable or General separation, you will be entitled to veterans benefits. But an OTH may result in a loss of benefits. It may also cause problems in getting a job if a civilian employer asks to see your discharge papers and is prejudiced by a bad discharge. If you have heard a rumor that your discharge will be automatically “upgraded” to honorable six months after discharge—don’t believe it! It’s not true. Upgrading a discharge is a complicated process and not always successful. Sometimes, in pursuing a discharge, you will have to choose: How much do you want the discharge, although it could hurt your record or cost you your benefits? Would you rather remain in the military and hope your discharge will be honorable?

It’s a difficult decision. A counselor can help you think it through.

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## Viewing Regulations

All discharges are based on regulations. Reading the discharge regulation for your Service may give you more specific information about a particular discharge than this guide can provide. To find the regulation you need, use the references we provide with the discharge summaries below.

You can try to view discharge regulations at your base. If you have access to the World Wide Web, most military regulations are now accessible there. For the latest links, check out our web page at [www.objector.org/helpingout/military-regulations.html](http://www.objector.org/helpingout/military-regulations.html).

## Who We Are

### The Central Committee for Conscientious Objectors

The publisher of this pamphlet, the Central Committee for Conscientious Objectors (CCCO), supports conscientious objectors and promotes individual and collective resistance to war and preparations for war. We seek to provide full and accurate information about military life and war to individuals affected by military service, conscription, and recruitment. Since our founding in 1948, CCCO's counselor network has helped tens of thousands of people serving in the military or facing conscription. Most of CCCO's income is from individual contributions; all donations are fully tax-deductible. Visit us at [www.objector.org](http://www.objector.org).

### The GI Rights Hotline

The GI Rights Hotline is answered by the GI Rights Network, a coalition of nonprofit, non-governmental counseling agencies who provide information to members of the military about discharges, grievance and complaint procedures, and other civil rights. A trained counselor can be reached at (800) 394-9544. Outside the United States, call (215) 563-4620 or email [girights@objector.org](mailto:girights@objector.org). For more information, visit [www.girights.org](http://www.girights.org).

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# THE DISCHARGES

## Entry Level Performance and Conduct

If you are in entry level status and cannot—or will not—adjust socially or emotionally to military life or cannot meet the minimum standards of your training program, you may be eligible for separation. Entry level status is the first 180 days of active duty. For more information, see See Entry Level Status.

While there is no official way to apply for this separation, you can bring problems to your commanding officer's attention, in the hope that your commander will consider your separation to be in the best interest of the military. But you'll need to act fast. In order to get this discharge, your commanding officer must start the discharge process while you are still in entry level status.

See Fact Sheet: Entry Level Performance and Conduct  
See Things You Need to Know About Seeking a Discharge

## Conscientious Objection

A conscientious objector (CO) is a person who believes that it is wrong to kill another human being in war. The military defines conscientious objection as a “firm, fixed and sincere objection to war in any form or the bearing of arms” because of deeply-held moral, ethical, or religious beliefs. A lot of people in the military believe it's too late to be a CO now that they have enlisted, but the fact is many people realize they are opposed to participation in war after joining the military, and they are discharged as COs.

What do you think about war? Do you think it is morally wrong? Why? Are there any situations in which you would be willing to fight in a war? These are questions you will have to answer when applying for conscientious objector status.

Applying for CO status can be a long and difficult process. To get a discharge or reassignment as a conscientious objector, you must submit a written application to your commanding officer. In this application you must describe

- the nature of your beliefs about participation in war;
- how your beliefs changed or developed since you entered the military;
- when and why you felt you could no longer continue serving in the military because of your beliefs; and
- how your daily lifestyle has changed as a result of your beliefs.
- further information required in the application.

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After handing in your application, you will have three interviews: with a psychiatrist, a military chaplain, and an investigating officer. At the investigating officer's hearing you have a right to be represented by counsel—this can be a lawyer or a counselor. You may also bring witnesses—friends, family, a clergy member, or fellow military service members who can speak in support of you and your claim. The investigating officer will recommend to your commanding officer whether or not you should receive conscientious objector status.

See Fact Sheet: Conscientious Objection

See Things You Need to Know About Seeking a Discharge

### **Homosexual Conduct or "Don't Ask, Don't Tell"**

The military's 1993 revision of its policy on homosexuality and military service has been subject to varying interpretations by commands, widespread abuses and has been challenged in various courts. If you are being investigated or are planning to come out to the military, contact a counselor at the GI Rights Hotline immediately. If you are questioned by military authorities say nothing and sign nothing until you have received legal help.

A member of the armed forces may be discharged if found to have engaged in or attempted to engage in a homosexual act; stated that she or he is homosexual (unless the servicemember successfully argues that they will not engage in homosexual acts); or married someone of the same sex (unless the marriage occurred in order to avoid or be released from military duty).

If you are gay, lesbian, or bisexual and want an Honorable discharge, get help from a counselor or attorney. The following suggestions will help you get the discharge you seek, while protecting you from prosecution under military law:

- Write a letter saying that you desire to engage in homosexual acts;
- Do not say or acknowledge having engaged in homosexual acts;
- Do not name names; and
- Do not admit to a history of homosexual conduct.

Applying for a homosexual discharge forces you to come out to family members, friends or coworkers who did not know of your sexual orientation. Because federal law allows certain types of discrimination against gays and lesbians, this type of discharge might affect your ability to get certain jobs or housing.

If your command harasses you, get help from your counselor or attorney and file a complaint under Article 138 of the Uniform Code of Military Justice. Actions taken to punish you could involve a compulsory urinalysis for suspected drug use, investigations of your private life, and more. Even if you don't experience harassment, a lawyer or counselor can help

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you protect yourself physically and legally and make sure you don't end up with a bad discharge.

See Things You Need to Know About Seeking a Discharge

### **Hardship or Dependency**

You may request a separation if your family or dependents are suffering severe financial, physical, or psychological problems. A few examples are: death of or divorce from your spouse, leaving you the sole parent of a child; disability or death of a parent, leaving others dependent on you for support; or, a long-term physical or mental illness of your spouse which requires your presence at home. There are many other possibilities.

To get this separation you must show that the hardship or dependency is not temporary and has become worse since you entered the military. You must also show that you have tried all possible alternatives to discharge but these attempts have failed and only a discharge can solve the problem.

A "dependent" must be a member of your immediate family and may be your spouse, child, parent, stepparent, sister, brother, or anyone under your legal custody or who depends on you for primary financial support.

If your application is approved, you may receive a complete discharge. Or you may be separated from active duty and transferred to the inactive reserves. If your command decides you do have a hardship, but could probably solve the problem without separation, you may receive a "compassionate reassignment" or "temporary duty" closer to home.

See Fact Sheet: Hardship and Dependency

See Things You Need to Know About Seeking a Discharge

### **Disability**

If you have a physical problem which prevents you from performing your military duties, you may qualify for a disability discharge. DoD Directive 1332.18 provides the medical standards for all the armed forces. If your condition is listed in these regulations, you may be "unfit for further military service," or you may have been ineligible to enlist in the first place. You can't formally request this discharge, but you, your counselor, your civilian doctor, or a medical officer can tell the command about your health condition so the discharge process can begin. Even if your condition is not listed in the regulations, you may still be able to make a good case for discharge if you can show that continued duty will make the condition worse or that discharge would be in the best interest of the military.

First, try to see a civilian doctor who can write a report and supply important medical records to support your claim. Take the civilian doctor's report with you to the military medical facilities to encourage them to

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give you a proper diagnosis. As soon as possible, visit the medical facilities on your base. You will need a medical officer to recommend your discharge. If the medical people won't cooperate, make repeated visits to sick call until they pay attention to you. If the military doctor won't convene a medical board to deal with your case, go to another doctor. The medical board decides whether or not you should be discharged or reassigned.

If your disability existed before you enlisted, you may be able to get a discharge for "erroneous enlistment," discussed below.

If your discharge is denied, you can appeal. The boards for appeal and review of your disability will also decide whether you qualify for disability benefits.

See Things You Need to Know About Seeking a Discharge

### **Other Designated Physical and Mental Conditions (ODPMC)**

The military may discharge you if you have a physical or mental condition that is not considered a disability but could still interfere with your duty performance. Each branch of the armed forces considers different conditions as discharge possibilities. Some examples are: seasickness, bedwetting, airsickness, sleep walking, certain allergies, severe nightmares, severe stuttering, obesity, excessive height, and personality disorders.

If you are feeling depressed or helpless, or out of control, if you can't sleep or can't cope with work or people, if you think about suicide sometimes, you may have a "personality disorder" that could be grounds for discharge.

As with the discharge for disability, you can't officially apply for this discharge, but you can bring your condition to your commander's attention.

See Fact Sheet: Other Designated Physical and Mental Conditions

See Things You Need to Know About Seeking a Discharge

### **Other Discharges**

#### **Pregnancy and Childbirth**

A woman may request separation because of pregnancy or childbirth. To do so, write your commanding officer a letter requesting an honorable discharge and describing how your pregnancy or childbirth makes it important that you be discharged. You may also need a military physician's certification of your pregnancy.

If your request is approved you will either be discharged or separated from active duty and transferred to the Individual Ready Reserve.

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## Parenthood

If you are a single parent, you might have trouble performing your duties effectively, be absent frequently, or be unavailable for worldwide assignment. This might hurt military “readiness,” and you can be separated if parenthood interferes with your work and availability. If this is true for you, discuss the problem with your commanding officer. Don’t make a case for how your parenthood has already kept you from doing your duties, because that may lead to a less than honorable discharge. But discuss how much of a problem your parenthood may be in the future and how separation would be in the interest of the military as well as yourself.

## Surviving Son or Daughter

Many people think that they could be eligible for discharge because they are the only son or daughter in their family. There is no such provision for discharge.

There is a discharge for a member of the military whose father, mother, son, or daughter was a member of the US military and, after the member enlisted, was either:

- killed in action;
- died in the line of duty as a result of wounds, accidents, or disease;
- was captured or determined to be missing in action; or
- is permanently 100% disabled.

Even for the very few people who qualify, discharge is unlikely unless you act quickly after the death, capture, etc. of your family member. If you think you qualify, call the GI Rights Hotline to be sure.

## Erroneous and Defective Enlistment

Recruiters are often so eager to fill their quotas that they will enlist people who are not actually eligible for enlistment. You may be entitled to a discharged for “erroneous enlistment” if you can show that you were not fully qualified for enlistment, that you yourself did not lie in order to enlist, and that you are still unqualified. You must show that your enlistment would never have occurred if the facts had been known or if recruiting personnel had followed regulations. Some examples of this are: you did not meet the medical standards; your test scores were not high enough but the recruiters changed them to get you in; or you were sworn in by a noncommissioned officer rather than a commissioned officer.

There is another discharge for “defective enlistment agreements.” Suppose you enlisted only because your recruiter promised you a specific kind of training or job assignment—but the military could not or would not give you what the recruiter promised. If you enlisted as a result of such a “material misinterpretation” by a recruiter, you may request a dis-

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charge; but you must do so within 30 days after you have discovered the defect.

Compile as much evidence as you can: a copy of your enlistment document (especially useful if the recruiter's promise appears on the document); notarized statements from family or friends who were "witnesses" at your enlistment or can testify that you would never have enlisted if it were not for the recruiter's promise; medical records to confirm a medical condition; school records to help contradict strangely high military test scores; and a statement from recruits, friends, or counselors who have had similar problems with your recruiter.

But be sure that the erroneous or defective enlistment did not occur because you knowingly concealed or gave false information. If so, you run the risk of being charged with "fraudulent enlistment" and getting a bad discharge or other punishment.

Gather all of your evidence and submit it to your commanding officer with a letter requesting an honorable discharge for erroneous or defective enlistment. Unfortunately, such discharges are difficult to obtain due to strict time limitations for claims and the fact that qualifications for enlistment and recruiting promises can be "waived" rather than resulting in discharge. If you believe you have a strong case, but the command is uncooperative, get help from your Congress member.

### Under-age

It is illegal to enlist if you are under age 17. But if the recruiter took you anyway, simply provide proof for your age, and your enlistment should be automatically voided. Proof of age can include a birth certificate, a certified copy of your earliest school records, or a notarized statement from the doctor or midwife who assisted your birth.

To enlist people between ages 17 and 18, a recruiter must get written consent from your parents or legal guardian. If you are still 17 and you want a discharge, your parent(s) or legal guardian must request your discharge within 90 days of your enlistment. They should state either that they never gave their written consent (if that is the case) or that they have changed their minds and wish to withdraw their consent. If more than 90 days have passed since your enlistment, you may still be able to get a discharge if you can show that you protested your enlistment early on, but were told by military superiors that a discharge would be impossible; that your parents did not know you enlisted; or, that your parents did not know an early discharge was possible for you.

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## Unsatisfactory Performance

You may be talented and intelligent, but just not cut out for military life. Is it unlikely that you'll make it through any further training? Have you no potential for military advancement or leadership? Do your evaluations show that you can't keep up to the "standards" of your military job? Are you financially "irresponsible"? Unsanitary? If you answer "yes" to any of these, you may qualify for separation. But by bringing your unsatisfactory performance to your commander's attention, you risk a discharge for misconduct, which may be less than honorable and can result in a loss of veterans benefits. However, if you make it clear that your attitude and performance are not intentional or your fault, you might be able to get an Honorable discharge. If you are in entry level status, you will receive an Entry Level Performance and Conduct discharge.

Your military service record may provide much of the documentation you need for this separation, especially if it contains low evaluations, poor aptitude and test scores, and records of counseling or unsuccessful attempts at rehabilitation. Help your case along by getting an examination with civilian or military psychiatrists who can report on your problems with work and life in the military. Give your command any such reports, and ask sympathetic clergy members, medical officers, or other professionals to submit letters explaining how a discharge would be best for both you and the military. Once your command has all of this material, request a meeting to discuss it. If your commander refuses to deal with it, consider going to the next level of command or getting help from your Congress member.

## Misconduct

A misconduct discharge can result from a pattern of minor disciplinary infractions, a serious military offense, or a conviction by civilian authorities. Common misconduct offenses include drug use and unauthorized absence. If you're thinking of trying to get out for misconduct, you're taking a big risk. Most offenses resulting in a misconduct discharge are also punishable by court-martial, and you could wind up in prison with a bad conduct or dishonorable discharge.

If your command wants to give you a misconduct discharge, the commander must first try to "rehabilitate" you—give you another chance. If the command still decides, against your will, that you should be discharged, you can challenge it. You have the right to a lawyer and to an Administrative Board hearing where you can explain your behavior or defend yourself against unfair accusations. The hearing officers and NCOs will decide if you should be discharged, and what character of discharge (Honorable, General, or OTH) to recommend. Misconduct discharges are usually Under Other Than Honorable conditions.

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### Discharge In Lieu of Court-Martial (“For the Good of the Service”)

If you have been charged with an offense for which you could be given a court-martial (like AWOL or UA), you may request an administrative discharge instead of (“in lieu”) of court-martial. This discharge will most likely be Other Than Honorable, which means you will probably lose your veterans benefits and may have problems getting a civilian job. But these, or worse situations, could also result from a court-martial. Although you will get a military lawyer, try to talk with a civilian attorney and find out how good your chances are at winning the court-martial.

A request for “separation in lieu of court-martial” does not always result in discharge, and you may have to admit your guilt when you make the request. If your request is turned down, your command could possibly use that admission of guilt against you, so it’s risky. But so are the ordeal of court-martial, possible imprisonment, and a bad conduct or dishonorable discharge.

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# Fact Sheet: Entry Level Performance and Conduct

The military is a way of life, with its own standards of conduct, unique customs and traditions, and different pressures and expectations. As a new recruit, you must learn to think differently about yourself and others. You face difficult training programs, an abundance of rules and regulations, and lose many of the freedoms you enjoyed as a civilian. If you have not adapted to the military world and demonstrate that you are not succeeding within it, you may be eligible for an entry level performance and conduct discharge. It is available only if you are still in entry level status.

Consider seeking an entry level performance and conduct discharge if you: believe you made a mistake enlisting in the military, are not willing or able to complete your training, experience emotional distress, or have difficulty coping with military life.

Inaptitude, failure to adapt to the military environment, failure to progress satisfactorily in a required training program, lack of effort, psychological or stress-related symptoms, lack of self-discipline, or minor disciplinary infractions are all examples of grounds for this separation. If the member is requesting separation for dependency/hardship or conscientious objection, the member may receive an entry level separation if the application or request is submitted while the member is in entry level status.

When a command determines that a member in entry level status is unqualified for further military service by reason of unsatisfactory performance or conduct, the command may initiate separation proceedings. To grant an entry level separation, the command must view a servicemember's problems with military duty as unintentional. You will not be processed for this separation if your command believes that your problems are manufactured, or that your behavior is consciously undertaken to avoid military service. Commanders are also instructed that nothing should prevent separation for another (possibly more punitive) discharge if warranted by your actions.<sup>1</sup>

This is a command-initiated discharge, which means there is no application procedure and you have no "right" to this discharge. Getting an early discharge is not easy and the procedures can be complicated. Discharge regulations are intended to give commanders control over their troops to maintain good order and discipline. You must persuade your

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1. DoD Directive 1332.14 Part 1 §F.1.b.

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command that a discharge is warranted and in the best interests of the military. Call us at the GI Rights Hotline for help.

The criteria for this separation vary slightly for each Service.<sup>2</sup>

While this separation exists for military convenience, it presents an opportunity for recruits who want to seek discharge. Even a command that has not taken steps to separate someone who is not adjusting well to military life might be convinced to do so. The object is to convince the military that it is a waste to continue to pay or train you.

Be creative with the various criteria listed in the regulations. Some are so broad and vague that any number of circumstances could come under them. For example, “failure to adapt to the military environment” or “cannot adapt socially or emotionally to military life” could cover anything from a budding conscientious objection to war to a strong aversion to military life. Other criteria are more specific, such as “failure to make satisfactory progress in a required training program,” exceeding body fat standards, pregnancy, and minor disciplinary infractions.

Identify problems as specifically as possible. The more problems, the more convincing a case for separation will be to the command. However, do not make up problems that do not exist. You may be tempted to mess up on purpose, by deliberately failing tests, performing sluggishly, or even misbehaving. However, any deliberate acts of unsatisfactory performance or misconduct could lead to nonjudicial punishment, court-martial, or an unfavorable characterization of service.

The military grants the greatest number of ELS discharges during basic and advanced training. Therefore, this discharge is more likely to be granted before training is completed — when commanders are less likely to be penalized for “losing” a soldier. When you arrive at your duty station, the military has a great deal more invested in you and your new commander is less likely to grant, or even to be familiar with, an entry level performance and conduct discharge.

### **Documentation**

When documenting unsatisfactory performance be careful not to provide the command with evidence of misconduct. If you are performing poorly in your training program, obtain records of your low test scores, evaluations, administrative remarks, and any other notations of problems contained in your military record. If you have minor disciplinary infractions, gather any record of disciplinary action (including nonjudicial punishment), counseling by members of the command, and attempts at rehabilitation.

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2. See AR 635-200 §11-3.; MILPERSMAN §3630200.; MARCORSEPMAN §6205.; AFI 36-3208 §5.22.

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Nonmilitary evidence of poor performance or inability may also be helpful to demonstrate that you have dubious potential for success in the military. Gather evidence of low high school grades or difficulties in a civilian job. Evidence of disciplinary problems before joining the military might be useful. However, be careful about providing evidence of fraudulent enlistment.

Inability to adapt socially or emotionally to military life, or lack of motivation and self-discipline, can best be documented by a report or letter from a health care provider, mental health professional, or other counselor (such as a clergy member or social worker). A strong evaluation finding you unfit for military service and recommending a discharge can be very effective if combined with some evidence of a lack of adaptability in the member's record.

### **Approaching the Command**

There are two methods for seeking an entry level separation:

- You do not request discharge but presents your problems to the command.
- You submit a written request for discharge, including any supporting documentation.

You may have some idea of which approach will work best. As a general rule of thumb, a direct request for discharge is often most effective when you are still in basic or advanced training. However, a written request for discharge risks antagonizing the command — making it more difficult to obtain discharge.

Regardless of the method used, a first step in approaching the command can be for you to tell your problems to a chaplain and try to get a referral to the base counseling center. You can also request a meeting with the commanding officer to discuss your difficulties. You can approach your command in the role of a patient presenting his or her problems. Encourage others familiar with the situation (such as a clergy member or chaplain, lawyer, doctor, or social worker) to approach the command. If possible, find a friendly military psychiatrist, medical officer, or chaplain to help bring the case to the command's attention. It is ideal when such military professionals recommend discharge to the command.

### **Type of Separation**

An entry level performance and conduct discharge will result in an uncharacterized Entry Level Separation. While it is not likely to have a negative impact on future employment, some employers may not want to hire someone who could not adapt to the military. Members given an ELS are not eligible for veterans' benefits or, under most circumstances, medical benefits.

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## **Entry Level Status**

An entry level separation is available only if discharge processing is initiated by the command while you are in entry level status. Active duty servicemembers are in entry level status during the first 180 days of continuous active military service.<sup>3</sup>

Members of a reserve component who are not on active duty, and have not completed 180 days of continuous active military service, begin entry level status upon enlistment in the reserves. Entry level status for these members terminates:

- 180 days after beginning training if the member is ordered to active duty for one continuous period of training; or
- 90 days after the beginning of a second period of active duty training if the member is ordered to a training that is split into separate periods of active duty.<sup>4</sup>

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3. DoD Directive 1332.14 Definitions §D.

4. AR 635-200 Glossary; MILPERSMAN §3610200.1.i.

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# Fact Sheet: Conscientious Objection

Every member of the military participates in the military's primary mission: to prepare for and fight wars. Some members of the military develop profound objections to participating in war and apply for discharge as conscientious objectors. Applying for conscientious objector status is intimidating — it is made even more so by the long and complicated process devised by the military. If you decide to apply for conscientious objector discharge, assistance from a knowledgeable counselor is invaluable.

Consider applying for a conscientious objector discharge if you are distressed handling weapons, have doubts about the missions you are required to support, or do not believe that you want to take part in war.

Members of the military who develop a “firm, fixed, and sincere objection to participation in war in any form or the bearing of arms,”<sup>5</sup> based on moral, ethical, or religious beliefs, are entitled to discharge from the military or transfer to non-combatant status. A conscientious objector must meet three criteria:

- you must object to participation in war in any form;
- you must base your objection on “religious training and belief” (which can include moral or ethical training and belief) that “crystallized” after you entered the military; and
- you must demonstrate that your position is “sincere and deeply held.”

An applicant for conscientious objector (CO) status must submit a written application and be interviewed by a chaplain, military psychiatrist, and investigating officer. The written application must describe:

- The nature of the applicant's beliefs about participation in war.
- How those beliefs changed or developed since entering the military.
- When and why the applicant's beliefs prevented him or her from continuing to serve in the military.
- How the applicant's daily lifestyle has changed as a result of his or her beliefs.

While the concept of objecting to war is fairly simple, the legal criteria that a military conscientious objector must meet are more complicated. To be a conscientious objector, you must have a firm, fixed, and sincere objection to personally taking part in war, not merely to the idea of war. And you must *object*, not merely dislike or be saddened by war.

Deciding whether you object to participation in war in any form is the primary moral question to consider. You are likely new to the concept of

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5. See DoD Directive 1300.6; AR 600-43 §2-10.; MILPERSMAN §1900-020.; MCO 1306.16 E; AFI 36-3204.

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objection to war; most servicemembers do not even know that a discharge for conscientious objection exists.

Rethinking one's beliefs about war raises a host of questions. Two typical questions asked by applicants and investigating officers alike are: "Would you fight if the country were attacked?" and, "Would you have fought Hitler?" (For a full discussion of these topics, see the Central Committee for Conscientious Objector's publication *Advice for Conscientious Objectors in the Armed Forces*.)

The important thing to remember about these questions is that while they are interesting to discuss, they have no real answer. For instance, it is simply impossible to really know what a person would have done had he or she been born in a different time. Rather than attempt to speculate, you can explore what your beliefs would require in various hypothetical situations. In answering such questions, applicants must reaffirm what they will not do — they will not participate in war in any form.

In addition to deciding whether you qualify for CO status, you must decide whether you *want* to apply for CO status. To aid in this decision:

- Consider other possible discharges that might result in a faster, or otherwise more desirable, discharge.
- Review the application process with a GI Rights Hotline counselor so you know what to expect.

There are a number of stereotypes about conscientious objectors. The military generally assumes that COs are white and middle class, with an above average education, an intellectual bent, and a way with words. Conscientious objectors are expected to be a bit naive and unworldly, gentle pacifists who would never talk back to an officer or defend themselves against a bully. Religious CO applicants may be expected to attend church daily and spend spare time reading religious texts. You may be concerned that you do not fit one of these stereotypes. Do not let that stop you. If you object to participation in war, you should consider applying for CO discharge.

### **Documentation**

The application process is intentionally long and difficult. The CO claim must document "views and actions strong enough to demonstrate that expediency or avoidance of military service is not the basis of [the] claim." Evidence of your sincerity of belief is documented through written answers to six required questions on your training and belief; supporting letters from friends, coworkers, and religious advisors submitted with the claim; and in two of the three required interviews.

You have the "burden of establishing a claim of conscientious objection...through clear and convincing evidence...." Therefore, you must

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establish that your claim meets the criteria for conscientious objection and that your beliefs are “honest, sincere and deeply held.”

DoD Directive 1300.6 contains 25 required questions for CO applicants. Most are simple: name, Social Security number, etc. There are six questions about training and belief that require extensive answers.

Once the written application has been submitted, the military begins an involved process for evaluating the claim. After interviews with a chaplain, a psychiatrist or medical officer, and a hearing with an investigating officer, the investigating officer will make a recommendation to your commander. Your commanding officer will then make recommendations for approving or denying the claim. After the application is submitted, it can take several months to complete this part of the process.

Final approval or denial is made by the headquarters of your Service, usually through a CO Review Board. The decision of the Service headquarters (and the CO Review Board) can take an additional one to six months.

### **Assignment During Processing**

Waiting for a CO claim to be processed is often the hardest part of the procedure. A CO applicant is to be placed on duties “which will conflict as little as possible with [his or her] asserted beliefs.” Theoretically, this means non-combatant duties. But the military’s definition of non-combatant may not be acceptable to you. You can try to work out an acceptable assignment with your command but this is not always possible. Submission of an application will not prevent deployment or reassignment.

### **Type of Separation**

It is entirely your choice whether to request discharge (1-0) or transfer to non-combatant status (1-A-0). The military is prohibited from offering 1-A-0 status “as a compromise.”

A CO discharge is Honorable unless, using standard discharge regulatory criteria, a General (under Honorable Conditions) characterization is warranted. COs are eligible for any veterans’ benefits to which their characterization and length of service entitles them.

During the processing for CO status, a CO applicant is asked to sign a form stating that he or she may lose benefits as a “conscientious objector who refuse[s] to perform military duty (or refuses to wear the uniform) or otherwise to comply with lawful orders of competent military authority.” Simply put, applicants who violate military law and face disciplinary action may lose benefits. Signing this statement has no effect on eligibility for benefits.

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For more information on conscientious objection, request the book *Advice for Conscientious Objectors in the Armed Forces* from the GI Rights Hotline or visit [www.objector.org/advice/contents.html](http://www.objector.org/advice/contents.html).

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# Fact Sheet: Hardship and Dependency

Some men and women in the military have family problems which can be resolved only by their discharge from the military. You can apply for a discharge based on the “genuine dependency or undue hardship” being a member of the military is causing if all of the following conditions are met:

- The hardship is severe and not temporary.
- It has developed or gotten worse since your entry into the military.
- You have made every reasonable effort to improve the situation before applying for a hardship discharge.
- Separation from the military is the only solution to the problem.

Consider applying for a hardship or dependency discharge if you have a sick parent, spouse or child who needs your care, or a family member is unable to make ends meet without your presence and help.

Applying for a hardship or dependency separation can result in either discharge or transfer to the inactive reserves. Servicemembers may also apply to be reassigned closer to home for hardships of shorter length. Characterization of service will be Honorable or General (under Honorable Conditions).

Hardship and dependency conditions are based on the financial, emotional, and physical needs of a your immediate family. However, families of servicemembers often experience some financial hardship or psychological strain because of the disruptions of family life associated with normal military duty. To be granted discharge, you must be experiencing conditions that are worse than what is normal for military service. In the words of the military, grounds for hardship or dependency discharge do “not necessarily exist solely because of altered present or expected income, family separation, or other inconveniences normally incident to Military Service.”<sup>6</sup> For example, you are not eligible for a discharge simply because you could be making more money as a civilian.

## **Some Facts About Applying**

Hardship and dependency discharges often go hand in hand, but account for different situations. A hardship discharge is based on the financial difficulty being in the military is causing. Dependency discharges are based on the emotional hardship being in the military is causing. Criteria for the two discharges are the same.<sup>7</sup>

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6. DoD Directive 1332.14 Part 1 §C.4.c.(2).

7. DoD Directive 1332.14 Part 1 §C.4.c.(1).

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The military has strict standards for hardship and dependency discharges, and the chances of getting a discharge are greatly increased if the claim is carefully thought out and thoroughly documented.

A discharge application cannot be denied because you are in debt to the military, or government, or because your services are needed by the military.

If applying for a hardship discharge based on financial considerations, you must prove that you will be able to earn more money, or save a significant amount of money, as a civilian. If applying for a dependency discharge, you must show that:

- Your presence will, if discharged, significantly improve the situation or keep it from getting worse; and
- No one else can provide the same help.

### **Documentation**

Documentation is likely to make or break a case. The request for discharge will be reviewed by military officials who don't know your family's situation. The decision of whether to grant discharge will be based on the information supplied by you; because of this, the application must be as clear, factual, and complete as possible. If both dependency and hardship conditions exist, make clear the severity of both the hardship and dependency conditions. You can ask the Red Cross office for your base to help gather documentation for your application.

The regulations of each Service provide specific information on the documentation they require. Those regulations also require the command to inform you of the correct procedures to follow and often ask that the command assist you in gathering and preparing documentation. The documentation generally required by all the Services is outlined below.<sup>8</sup>

The most important documentation is your statement, which should include:

- A complete and specific description of the hardship or dependency using names, dates, and places. Include a history of the problem, if any.
- A specific description of what action has been taken to solve the problem.
- A description of specifically how you expect to improve or resolve the hardship or dependency if request for separation is approved.

You must also provide the:

- Names, addresses, and ages of you and your family.

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8. See AR 635-200 §6-7; MILPERSMAN §3620210.2; MARCORSEPMAN §6407.; AFI 36-3208 §3.20.

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- Names, addresses, and ages of other immediate family members.
- Dates of any previous requests for emergency leave, humanitarian reassignment, or hardship discharge.

### **Supporting Statements**

A statement by, or on behalf of, the person(s) experiencing hardship or dependency (your family) must be submitted for proof of the claim. Family members should write letters that explain the situation, describe in detail why they can not give financial or personal help (including, where appropriate, statements of income and expenses), or why the help that family members do provide is not enough. (Usually it is not enough for you to state that relatives cannot or will not help with the situation. You must ask relatives to provide their own statements for your application.) Also provide statements from at least two people who know of the situation, but are not members of the family (such as doctors, employers, neighbors, etc.).

A claim of financial hardship must be supported by a carefully prepared and itemized budget. You will be expected to visit a base financial counseling service, where available. These service centers assist with budgeting and debt relief and can help draft an itemized budget. If possible, provide a notarized letter from a prospective employer with a job offer after discharge, including the salary, type of work, and hours of work per week.

If there is an illness or disability in the family, include a statement from all involved physicians or psychologists giving the history (including the date when the illness became serious or acute), diagnosis, and, most importantly, the prognosis of the illness.

If dependency is the result of a death in your family, provide a copy of the death certificate or other valid proof of death. Death certificates are usually kept in the city hall of the town where the person died or at the state capital. If you have trouble getting a copy, ask a doctor or minister to write a statement saying when the person died.

If your family works a farm and you are needed there, a statement from the County Farm Agent or Farm Bureau can be submitted. It should report the size of the farm, the area under cultivation, numbers of livestock, the availability of other farm labor in the area, and any other relevant information.

People asked to make statements will write most effectively if you explain the extent of the problem and the standards the military sets for discharge. (See Tips for Statement Writers below.) All letters and documentation should be sent to you, not directly to the commander. After gathering the documentation, check that the information is complete, accurate, and consistent. Call us at the GI Rights Hotline for help.

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## **Request for Humanitarian Reassignment**

If the hardship or dependency is of short duration, the member can apply for “humanitarian reassignment” (or “compassionate reassignment” in the Army) to a duty station closer to home. The military may also provide for a delay of a scheduled reassignment for 90 days.

## **Tips for Statement Writers**

The military provides for the discharge of people who are needed at home because someone in their immediate family becomes severely dependent on the servicemember. In order to qualify for discharge on the basis of hardship or dependency, the servicemember must document for military authorities that remaining in the military places this hardship on the dependent.

The person submitting the application for discharge on the basis of dependency or hardship must submit letters which prove the claim. These letters can come from persons who know the situation well, such as friends, neighbors, clergy, social workers, and doctors. These letters greatly improve the likelihood of discharge.

The servicemember who has requested that you write a letter of support must show the following:

- That his or her presence and/or increased financial support is essential to prevent the dependent from suffering severe hardship, and that there is no one else both able and willing to take the servicemember’s place.
- That the hardship condition developed after the member entered the military.
- That the condition is not temporary in nature.
- That every other means of attempting to solve the problem has been tried and that discharge from the military is now the only remaining solution which offers the possibility of greatly reducing or eliminating the problem.

Your statement should describe how you are familiar with the situation. Please describe:

- Your relationship to the family (friend, employer, grocer, minister, doctor, teacher, etc.).
- How long you have known the family and the person filing the claim.
- How much contact you have with them (note frequency of visits, correspondence, etc.).

Please also describe the circumstances of the hardship or dependency. Please use specific examples to support your statements. Include information such as:

- How long the problem has existed.

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- When it began, or got worse, after the person entered the military.
- What services and support are needed and how the servicemember could provide these.
- Why no one else in the family can provide the support in his or her place.
- What other solutions have been tried.

Explain the consequences of the member's discharge, including:

- Why and how the discharge would help.
- What, in your opinion, will happen to the dependent if the discharge is denied.

Make the letter concise — usually no longer than two pages. If possible, it should be typed, and where applicable, on letterhead indicating your title and organizational affiliation. If it is convenient, it helps to have the letter notarized.

Address the letter to “Commanding Officer of [applicant's name]” but send it to the applicant to include in the request for discharge. Please keep a copy for your records.

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# Fact Sheet: Other Designated Physical and Mental Conditions

The military may discharge servicemembers for “other designated physical and mental conditions” who have conditions that do not qualify for a disability discharge, but “that potentially interfere with assignment to or performance of duty....”<sup>9</sup> Personality disorders are the most common grounds for discharge under other designated physical and mental conditions (ODPMC). In addition to personality disorders, grounds for discharge can include: seasickness, bedwetting, airsickness, sleep walking, certain allergies, severe nightmares, severe stuttering, obesity, and excessive height.<sup>10</sup>

Consider seeking an ODPMC discharge if you experience emotional distress, difficulty in coping with military life, or an inability to behave and think as you would like to behave and think. While personality disorders are fairly complex, and real diagnoses can only come from a psychiatrist or psychologist, lay people can identify common symptoms and help to determine whether psychiatric evaluation is warranted. Common symptoms of some personality disorders include feeling depressed, helpless, or out of control, difficulty sleeping or inability to cope with work or people, or occasional thoughts of suicide.

A personality disorder is grounds for discharge only when “a diagnosis by a psychiatrist or psychologist...concludes that the disorder is so severe that the member’s ability to function effectively in the military environment is significantly impaired.”

This is a command-initiated discharge, which means there is no application procedure and you have no “right” to this discharge. Getting an early discharge is not easy and the procedures can be complicated. Discharge regulations are intended to give commanders control over their troops to maintain good order and discipline. You must persuade your command that a discharge is warranted and in the best interests of the military. Call us at the GI Rights Hotline for help.

The regulations give commanding officers a great deal of discretion, and only minimal guidelines, for deciding whether or not discharge is appropriate. Policies may differ from one command to another (even within the same base) and a command can change policy without warning. The military normally will not discharge a member with a short-term and treat-

9. DoD Directive 1332.14 Part 1 §C.4.h.(1).

10. See AR 635-200 Chapter 5; MILPERSMAN §3620225.; MARCORSEPMAN §6203.; AFI 36-3208 §5.11.

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able condition. A common category of disorders known as “adjustment disorders” are not considered, except by the Air Force, to be of long enough duration to warrant discharge.

### **Approaching the Command**

The military assumes that discharges under this section are initiated by a commanding officer when a problem comes to his or her attention, usually by way of military medical or psychiatric reports.

It is useful to talk frankly with immediate superiors and others higher in the command about your symptoms and feelings. Although commands can be unreceptive to emotional or physical problems, try to approach them like a patient seeking help.

An outright request for discharge often meets with absolute rejection. It is more useful to show the commanding officer the evidence of the problem, explain the feelings and symptoms briefly, and simply ask for help. This gives the command the opportunity to recommend discharge on their own initiative.

Mention all symptoms which affect your performance and ability to function in the military, and perhaps role-play a few hostile questions. Be open and do not minimize symptoms, but avoid becoming antagonistic. Military psychiatrists are on the lookout for exaggeration of symptoms. Talk about why you are not able to perform your duties, and avoid framing the conversation with the military psychiatrist around a desire for discharge. It is essential that you do not lay all blame for your condition on the military.

Military psychiatrists can be friendly and supportive, but it is not unusual to find rude, unconcerned, or openly hostile doctors. You may actually be harassed or insulted by the psychiatrist; resist the temptation to respond in kind. Most psychiatrists can be persuaded to take your problems seriously if you persist in discussing them.

Military psychiatrists will often diagnose the condition and may recommend discharge after the first interview. If this does not happen (if they fail to recognize the condition, or diagnose a less serious condition), it may be necessary to make repeated visits to the psychiatrist until it seems the doctor understands the seriousness of the problem.

### **Documentation**

With some of these conditions, local commands are reluctant to believe that the problem exists and to grant discharge. Medical or psychiatric documentation is vital.

The best documentation for a personality disorder is a current and thorough psychiatric evaluation. While the military will require psychiatric examination by a military psychiatrist or licensed clinical psychologist,

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civilians are usually more thorough and more sympathetic than military doctors.

Military commands and psychiatrists may demand to know why a civilian psychiatrist was consulted, even though it is perfectly legal to do so. Members can justify the consultation by explaining how their emotional state frightened them, and it is best to avoid discussing discharge.

You may want to write a cover letter describing your difficulties in performing your duties and what you have tried to do to alleviate the problem. This letter should not be a request for discharge but an outline of the problems you are having.

The GI Rights Hotline may be able to help you find psychiatrists or licensed psychologists who are generally supportive and willing to learn about the military's criteria and procedures.

It is not helpful to give the psychiatrist a detailed account of how the military has made life miserable for you. Instead, discuss your own feelings and actions, without simply laying blame on the military. It is always best to be open and honest.

While it is important to be honest, do not give a psychiatrist self-incriminating information about illegal activity (drug use or homosexual acts, for example) unless you want such information to be included in the report. There is no patient-doctor confidentiality in the military! Do not stress your desire for discharge but focus on discussing the problems you are experiencing.

### **Nonmedical Documentation**

Nonmedical documentation of a personality disorder can be very helpful, but it should be in addition to a current psychiatric report. Friends, and sometimes a sympathetic chaplain or medical officer, can report problems that they have seen to your superiors. Letters from a concerned relative or family minister, or from professionals such as social workers or marriage counselors, may also be useful.

The Navy and Marine Corps usually require nonmedical evidence which cites specific examples of the member's inability to function in the military. You can help to document a personality disorder by allowing its symptoms to show. Many members make strenuous efforts to control their problems while on duty, or you may simply have less visible or detectable symptoms. Be open and honest about your symptoms, but be careful not to violate regulations in the process. For example:

- If you hide your depression, talk about it, or otherwise let it show.
- If you have trouble concentrating, mention this to superiors and ask for help.
- If you experience crying spells, cry openly.

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- If you experience difficulty keeping your anger under control, let your superior know you are having trouble — but do not hurt or threaten anyone.
- Let your superiors know when you are experiencing difficulty more and more frequently.

Refer to specific Service regulations for a detailed description of the criteria for discharge and use these as guidelines for documenting each claim.

### **Type of Separation**

Characterization of service for ODPMC will be either Honorable, General (under Honorable Conditions), or an Entry Level Separation. The member's discharge document (DD 214) may specifically state "personality disorder" as the narrative reason for discharge. People who do not want to have psychiatric problems on their record (which may be requested by future potential employers) may prefer another discharge.

### **Confidentiality**

- There is no patient-doctor confidentiality in the military!
- Anything you say to a military doctor or psychologist can be passed on to your command.

### **Symptoms**

The following are some symptoms which may indicate personality disorders. Consider an ODPMC discharge if you:

- are frequently depressed, or find yourself crying;
- have feelings of helplessness;
- lack self-confidence or feel worthless;
- have difficulty controlling your temper;
- ever act violently, or desire to;
- have ever thought, even fleetingly, of suicide;
- tend to feel out of control;
- have trouble concentrating, or "space out";
- have physical problems for which there are not obvious physical answers (headaches, pre-ulcerous conditions, rashes, etc.);
- have difficulty sleeping;
- have disciplinary problems in which you were not able to act as you wanted to;
- have difficulty completing tasks or handling stressful assignments.

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