

Army Regulation 135–175

Army National Guard and Reserve

Separation of Officers

**Headquarters
Department of the Army
Washington, DC
30 March 2020**

UNCLASSIFIED

SUMMARY of CHANGE

AR 135–175
Separation of Officers

This mandated revision, dated 30 March 2020—

- o Adds recordkeeping requirements (para 1–5).
- o Incorporates changes to DODI 1332.30 and Directive-type Memorandum 19–004, Military Service by Transgender Persons and Persons with Gender Dysphoria (para 2–7*e*).
- o Incorporates Army Directive 2013–21, Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses (para 2–11*c*).
- o Incorporates Army Directive 2018–22, Retention Policy for Non-deployable Soldiers (para 2–11*e*).
- o Updates appendix A.
- o Updates glossary.

Effective 30 March 2020

**Army National Guard and Reserve
Separation of Officers**

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


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History. This publication is a mandated revision. The portions affected by this mandated revision are listed in the summary of change.

Summary. This regulation implements DODI 1332.30. It provides policy, criteria, and procedures for the separation of officers of the Army National Guard of the United States and the U.S. Army Reserve, except for officers serving on active duty or active duty for training exceeding 30 days.

Applicability. This regulation applies to all officers of the Army National Guard of the United States and the U.S. Army Reserve, except for officers serving on active duty or on active duty for training for a period in excess of 30 days.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–1 (DAPE–MPO–D), 300 Army Pentagon, Washington, DC 20310–0300.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G–1 (DAPE–MPO–D), 300 Army Pentagon, Washington, DC 20310–0300.

Distribution. This publication is available in electronic media only and is intended for Army organizations at all command levels of the Regular Army, Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

Contents (Listed by paragraph and page number)

Chapter 1

General Provisions, page 1

Purpose • 1–1, *page 1*

References and forms • 1–2, *page 1*

Explanation of abbreviations and terms • 1–3, *page 1*

Responsibilities • 1–4, *page 1*

Records management (recordkeeping) requirements • 1–5, *page 2*

Policy • 1–6, *page 2*

Characterization of discharge • 1–7, *page 2*

Discharge certificate for honorable service • 1–8, *page 3*

Effective date of separation • 1–9, *page 3*

Notification of separation • 1–10, *page 3*

Mentally incompetent • 1–11, *page 3*

Orders • 1–12, *page 4*

Sexual assault statement • 1–13, *page 4*

Separation review • 1–14, *page 4*

Records disposition • 1–15, *page 4*

*This regulation supersedes AR 135-175, dated 29 November 2017.

Contents—Continued

Appeals • 1–16, *page 4*

Statutory authority • 1–17, *page 5*

Chapter 2

Involuntary Separation—Army National Guard of the United States and U.S. Army Reserve Officers, *page 8*

Section I

General, page 8

General • 2–1, *page 8*

Scope • 2–2, *page 8*

Limitation on separation • 2–3, *page 8*

Retention or separation • 2–4, *page 8*

Limitations • 2–5, *page 8*

Referral for medical assessment • 2–6, *page 10*

Medical condition • 2–7, *page 10*

Processing officers who do not meet medical retention standards • 2–8, *page 10*

Discharge authority • 2–9, *page 11*

Separation procedures for officers restored to active duty by court action • 2–10, *page 11*

Section II

Reasons For Involuntary Separation, page 12

General • 2–11, *page 12*

Substandard performance of duty • 2–12, *page 13*

Acts of misconduct or moral or professional dereliction • 2–13, *page 14*

Involuntary separation of officers who do not meet the medical fitness standards at time of appointment or who are confirmed human immunodeficiency virus positive during initial entry training • 2–14, *page 15*

In the interest of national security • 2–15, *page 15*

Section III

Initiation and Processing of Involuntary Separation Actions, page 15

When involuntary separation is appropriate • 2–16, *page 15*

Authority to initiate involuntary separation • 2–17, *page 16*

Initiation of involuntary separation • 2–18, *page 16*

Initial actions by area commander or Commanding General, U.S. Army Human Resources Command • 2–19, *page 16*

Rights of the officer • 2–20, *page 17*

Area commander's or Commanding General, U.S. Army Human Resource Command's actions on board recommendations • 2–21, *page 18*

Section IV

Boards of Officers, page 19

General • 2–22, *page 19*

Mission of boards of officers • 2–23, *page 19*

Recorder • 2–24, *page 19*

Composition • 2–25, *page 19*

Section V

Conclusion of Hearings, page 20

Findings and recommendations • 2–26, *page 20*

Report of proceedings • 2–27, *page 20*

Actions concerning board of officers defects • 2–28, *page 21*

Chapter 3

Dropped from the Rolls of the Army, *page 21*

General • 3–1, *page 21*

Scope • 3–2, *page 21*

Contents—Continued

Criteria for dropping from the rolls • 3–3, *page 21*

Preparation and forwarding • 3–4, *page 22*

Authority to drop from the rolls • 3–5, *page 22*

Procedures • 3–6, *page 22*

Chapter 4

Discharge or Removal from an Active Status of U.S. Army Reserve Officers, *page 22*

Section I

General, page 22

General • 4–1, *page 22*

Authority • 4–2, *page 23*

Section II

Discharge Criteria, page 23

Removal from an active status • 4–3, *page 23*

Removal from the Inactive Status List of the Standby Reserve • 4–4, *page 26*

Failure to qualify for promotion to first lieutenant • 4–5, *page 26*

Bona fide conscientious objectors • 4–6, *page 26*

Incompatible status • 4–7, *page 26*

Removal from the temporary disability retired list • 4–8, *page 27*

Pregnancy or childbirth • 4–9, *page 27*

Chapter 5

Vacation and Revocation of Appointment, *page 28*

General • 5–1, *page 28*

Conditions under which appointment is automatically vacated • 5–2, *page 29*

Revocation of appointment • 5–3, *page 29*

Chapter 6

Resignations, *page 30*

Section I

General, page 30

General • 6–1, *page 30*

Scope • 6–2, *page 30*

Procedures • 6–3, *page 30*

Section II

Conditional Resignations to Enter Another Service, page 31

General • 6–4, *page 31*

Authority to accept conditional resignations • 6–5, *page 31*

Criteria for conditional resignations • 6–6, *page 31*

Processing conditional resignations • 6–7, *page 32*

Section III

Unqualified Resignations, page 32

General • 6–8, *page 32*

Authority to take final action • 6–9, *page 32*

Criteria for unqualified resignations • 6–10, *page 33*

Procedures • 6–11, *page 33*

Section IV

Unqualified and Conditional Resignations in Lieu of Involuntary Separation, page 34

General • 6–12, *page 34*

Authority to take final action on resignations in lieu of involuntary separation • 6–13, *page 34*

Procedures • 6–14, *page 34*

Contents—Continued

Section V

Resignation of Personnel Who Do Not Meet the Medical Fitness Standards at Time of Appointment, page 37

General • 6–15, *page 37*

Procedures • 6–16, *page 37*

Preparation and forwarding • 6–17, *page 37*

Discharge certificate issued • 6–18, *page 38*

Appendixes

A. References, *page 39*

B. Internal Control Evaluation, *page 46*

Figure List

Figure 1–1: Sexual assault statement, *page 7*

Figure 4–1: Format for request for removal from active status or discharge (pregnancy or childbirth), *page 28*

Figure 5–1: Format for vacation of Reserve appointment, *page 29*

Figure 5–2: Format for revocation of appointment, *page 30*

Figure 6–1: Format for conditional tender of resignation, *page 31*

Figure 6–2: Format for an unqualified resignation, *page 34*

Figure 6–3: Format for resignation in lieu of involuntary separation proceedings if for substandard performance of duty, *page 35*

Figure 6–4: Format for resignation in lieu of involuntary separation proceedings for moral or professional dereliction or in the interest of national security, *page 36*

Figure 6–5: Format for conditional resignation in lieu of involuntary separation proceedings for moral or professional dereliction (paragraph 2–11) or in the interest of national security (paragraph 2–13), *page 37*

Figure 6–6: Format for resignation for failure to meet the medical fitness standards at time of appointment, *page 38*

Glossary

Chapter 1

General Provisions

1–1. Purpose

This regulation prescribes the policies, criteria, and procedures governing the separation of Reserve officers of the Army.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

a. The Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA (M&RA)), as the principal advisor to the Secretary of the Army (SECARMY) for manpower, human capital management, training, leader development, readiness, and Reserve affairs, will act on behalf of the SECARMY in making final determinations for officer personnel actions in cases where the governing statute reserves authority to the Secretary concerned, unless otherwise further delegated within this regulation.

b. The Deputy Assistant Secretary of the Army (Review Boards) (DASA–RB), will act as the SECARMY’s designee in officer involuntary separations, resignations, and discharges in lieu of involuntary separation, retirements in lieu of involuntary separation, and will make a final determination in each case when the officer has been dual-processed through the physical disability system in accordance with paragraph 2–8*b*.

c. The Chief, National Guard Bureau (CNGB) will—

(1) Serve the principal advisor to the SECARMY on matters relating to Army National Guard of the United States (ARNGUS) officer separations.

(2) Act on behalf of the SECARMY in reviewing and approving or disapproving the findings and recommendations of boards of officers convened under the provisions of NGR 635–101. In cases of approved findings and recommendations against the officer, the CNGB will take action to separate the officer from the ARNGUS and concurrently discharge the officer from the Reserve of the Army.

(3) Publish orders discharging ARNGUS officers from their appointment in the Reserve of the Army when concurrent discharge has been approved by the appropriate separation authority.

d. The Deputy Chief of Staff (DCS), G–1 will—

(1) Advise ASA (M&RA) on the development of personnel policies relating to officer transfers and discharges.

(2) Ensure the Commanding General (CG), U.S. Army Human Resources Command (HRC) will—

(a) Serve as the functional proponent for military personnel management and will establish standards and operating tasks for the officer separation and discharge program.

(b) Serve as the separation authority for officers under the jurisdiction of HRC.

(c) Act on behalf of the SECARMY in approving or disapproving obligated officer requests for unqualified resignations.

(3) Delegate authority to the Director of Military Personnel Management (DMPM) to approve and disapprove exceptions to the provisions of this regulation, including deferments of separation and transfer to the Retired Reserve, on behalf of SECARMY in accordance with Section 1164, Title 10, United States Code (10 USC 1164) (warrant officers (WOs)) and 10 USC 14519 (commissioned officers).

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

f. Area commanders will ensure subordinate commands comply with the provisions of this regulation and determine if consideration for involuntary separation is warranted in individual cases and perform related functions.

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

h. Commanders of all U.S. Army Reserve Commands (USARCs) will monitor the administration of the officer transfer and discharge program to ensure compliance with the policies and operating tasks established by this regulation.

i. Unit commanders will comply with the provisions of this regulation and ensure all voluntary and involuntary separations include a sexual assault statement pursuant to paragraph 1–13.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Army Records Retention Schedule-Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in ARIMS/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

1–6. Policy

- a. Reserve Component (RC) officers will be separated only by:
- (1) The SECARMY.
 - (2) Commanders specified in this regulation under conditions set forth in this and other pertinent regulations.
 - (3) Commanders specified in special directives of the SECARMY under the conditions in these directives.
 - (4) Discharge (or any other type of separation action) that terminates the individual's remaining statutory military service obligation (MSO) incurred under 10 USC 651 or 50 USC Chapter 49 (also known as the Military Selective Service Act), unless it is for the purpose of immediate reentry (the day following discharge or separation) in the same or any other military status; in the same or any other component of the Armed Forces; or in a uniformed service of the United States (see para 4–7). A statutory MSO, once terminated, may not again be acquired on reentry in the same or any other military status. An individual whose MSO is terminated may remain subject to induction through the Selective Service pursuant to the rules and criteria in effect at the time.
- b. In relation to paragraphs 1–6a(2) and 1–6a(3), the discharge authority delegated to commanders by this regulation will not include authority to discharge an officer pending a court-martial sentence of dismissal prior to completion of appellate review, unless the discharge authority intends the discharge to act as a remission of the conviction.

1–7. Characterization of discharge

a. When an officer is separated pursuant to this regulation the officer's service will be characterized as Honorable, General (Under Honorable Conditions), or Under Other Than Honorable Conditions, depending on the circumstances. The character of service will be predicated on the officer's behavior and performance while a member of the Reserve of the Army. Characterization normally will be based on a pattern of behavior and duty performance rather than an isolated incident. However, there are circumstances in which conduct reflected by a single incident may provide the basis of characterization of service. Officers will receive a characterization of service on the discharge order that indicates one of the following:

(1) *Honorable*. An honorable discharge is a separation from the U.S. Army with honor. An officer will normally receive an Honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, giving due regard to the grade held and the capabilities of the officer concerned. When the separation is based solely on pre-service activities (other than intentional misrepresentation or omission of facts in obtaining an appointment or in official statements or records), substandard performance of duty, or final revocation of a security clearance under DODM 5200.02 and AR 380–67 for reasons that do not involve acts of misconduct, service will be characterized as Honorable.

(2) *General (Under Honorable Conditions)*. An officer will normally receive a General (Under Honorable Conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an Honorable discharge. A separation under honorable conditions will normally be appropriate when an officer—

(a) Submits an unqualified resignation in lieu of elimination for acts of misconduct or moral or professional dereliction, in the interest of national security, or under circumstances involving misconduct, unless an Under Other Than Honorable Conditions separation is appropriate.

(b) Is separated based on misconduct that renders the officer unsuitable for further service, unless an Under Other Than Honorable Conditions separation is appropriate.

(c) Is discharged for the final revocation of a security clearance under DODM 5200.02 and AR 380–67 as a result of an act or acts of misconduct, unless a discharge Under Other Than Honorable Conditions is appropriate.

(3) *Under Other Than Honorable Conditions*. This characterization of service is limited to an officer with an approved involuntary separation under chapters 2 and 3 of this regulation. An officer will normally receive a characterization of service of Under Other Than Honorable Conditions when the officer—

(a) Submits an unqualified resignation in lieu of elimination for acts of misconduct or moral or professional dereliction or in the interest of national security.

(b) Is involuntarily separated due to misconduct, moral or professional dereliction, or for the final revocation of a security clearance under DODM 5200.02 and AR 380–67 as a result of an act or acts of misconduct.

(c) Is dropped from the rolls of the Army.

b. The characterization of service will be based solely on the officer's behavior and performance of duty during the current period of service when—

(1) Actually performing active duty (AD), active duty for training (ADT), or inactive duty training (IDT).

(2) Actively participating in or under an obligation to participate in Reserve activities, and the behavior relates directly to the officer's Reserve status.

c. The officer's current period of service is that period beginning with the officer's original appointment in military service, including any reappointments as an officer when there has not been an intervening break in service, up to the present day. As an exception, separations pursuant to chapter 2 of this regulation may include conditions or activities that occurred during periods that are pre-service. When the officer has had a break in service by discharge, and is subsequently reappointed as an officer, the period of service prior to discharge will not be considered to be a part of the officer's current period of service.

1–8. Discharge certificate for honorable service

Officers discharged honorably will be furnished a DD Form 256A (Honorable Discharge Certificate), prepared as prescribed in AR 635–8.

1–9. Effective date of separation

a. The effective date will be at 2400 of the date of notice of discharge unless—

(1) Specifically directed otherwise by Headquarters, Department of the Army (HQDA).

(2) Directed otherwise in this regulation.

(3) Discharged by reason of entry into a different military status or civilian status with the uniformed Services. The effective date will be the day prior to the date of entry into new status.

(4) Discharged by reason of completion of the period of obligated service. The effective date of discharge will be at 2400 of the date the obligated service is completed.

(5) Discharged because of reaching the maximum allowable age. The effective date of discharge will be the last day of the month in which maximum age is attained (see AR 140–10).

(6) Discharged in grade of major general or below because the maximum years of service authorized in AR 140–10 have been completed. The effective date of discharge will be at 0001 on the first day of the month after the month the officer completes the maximum years of service for the officer's grade.

b. Notwithstanding the provisions of paragraphs 1–9a(1) through 1–9a(6), certain U.S. Army Reserve (USAR) officers of the Army Medical Department (AMEDD) branch may be retained as an exception to removal for length of service or maximum age (see AR 140–10).

1–10. Notification of separation

a. Separation for all reasons other than those in paragraph 1–9 is effective at the time the officer is notified.

b. Notice of separation may be either—

(1) Actual, by delivery of the discharge certificate to the member.

(2) Constructive, when actual delivery of the discharge certificate cannot be accomplished due to absence of the member to be discharged. Receipt by the member's organization at the proper station of the order directing his or her discharge will be deemed sufficient notice. The date of receipt of the order by the member's organization and the reason actual notice thereof was not given will be annotated on the back of the discharge order and certificate. The annotated discharge certificate and conformed copy of the order will be forwarded to the member at the address provided for that purpose. The annotated order will be filed in the officer's Army Military Human Resource Record (AMHRR) in accordance with AR 600–8–104. If the documents mailed to the individual are returned unclaimed or undeliverable, they may be destroyed.

1–11. Mentally incompetent

The effective date of separation of a mentally incompetent officer may be determined by constructive notice by delivery of the discharge certificate to the guardian, next of kin, or the superintendent of an institution in which the officer may be hospitalized.

1–12. Orders

- a.* Orders announcing discharge will be issued as shown in AR 600–8–105.
- b.* A discharge order may not be revoked after its effective date, provided—
 - (1) The order was published from a headquarters authorized to approve the discharge and to issue a discharge certificate (see para 2–9).
 - (2) There is no evidence that the discharge was obtained under fraudulent circumstances.
 - (3) The officer concerned received actual or constructive notice of the discharge.
- c.* An officer whose resignation has been accepted or whose discharge has been directed will be separated on the date specified in orders or as otherwise directed by HQDA. The date of separation, specified or directed, will not be changed without prior approval of HQDA; nor can separation orders be revoked after the specified or directed date of separation.

1–13. Sexual assault statement

- a.* When recommending an administrative separation for any officer for any reason covered by this regulation, commanders must ensure the separation packet contains a statement signed by the officer, or signed by the commander if the officer is unavailable or refuses to sign, with the answers to the following questions (see AR 600–20 and fig 1–1):
 - (1) Was the officer a victim of sexual assault for which an unrestricted report was filed within the past 24 months?
 - (2) If the answer to paragraph 1–13*a*(1) is YES, does the officer believe that this separation action is a direct or indirect result of the sexual assault itself, or of filing the unrestricted report of the sexual assault?
- b.* The special court-martial convening authority (SPCMCA) or general court-martial convening authority (GCMCA) will review all administrative separations involving known victims of sexual assault and all separation packets that contain a sexual assault statement with the answer YES to any of the questions cited on the signed statement as stated in paragraph 1–13*a*. The reviewing authority will determine:
 - (1) Does the separation appear to be in retaliation for the officer filing an unrestricted sexual assault report? If so, consult with your servicing Office of the Staff Judge Advocate (SJA).
 - (2) Does the separation involve a medical condition that is related to the sexual assault, to include post-traumatic stress disorder (PTSD)? If so, consult with the appropriate medical personnel.
 - (3) Is the separation in the best interests of the Army, the officer, or both? If not, consult with the servicing SJA.
 - (4) If the case against the alleged offender is still open, consult with servicing investigators and SJA.

1–14. Separation review

A commissioned officer who made an unrestricted report of sexual assault and who is recommended for involuntary separation from military service within one year of final disposition of his or her sexual assault case may request a general officer (GO) review of the circumstances of and grounds for the involuntary separation. A qualified commissioned officer must submit his or her written request to the first GO in the separation authority's chain of command prior to the separation authority approving the officer's final separation action. Requests submitted after final separation action is complete will not be considered, but the separated officer may apply to the Army Discharge Review Board or the Army Board for Correction of Military Records for consideration. A qualified officer who submits a timely request may not be separated until the GO conducting the review concurs with the circumstances of and the grounds for the involuntary separation.

1–15. Records disposition

When an officer is discharged from Reserve status, a copy of the discharge order will be filed in the officer's AMHRR in accordance with AR 600–8–104 and pursuant to the AMHRR required documents list found at <https://www.hrc.army.mil/tagd/record%20update%20and%20maintenance>.

1–16. Appeals

- a.* An officer has the right to appeal an unfavorable action under this regulation which affects his or her military status, as prescribed in paragraph 1–16*b*, except if—
 - (1) Action was taken under the provisions of chapter 2 of this regulation.
 - (2) Any other action was taken in which the officer was permitted to present his or her case before a board of officers and waived such opportunity.
 - (3) Any other action in which the officer, or someone acting on his or her behalf, presented his or her case before a board of officers.

(4) The officer has less than 5 years of service as a commissioned officer and is being separated, discharged, or dropped from the rolls of the Army under chapters 2, 3, or 4 of this regulation.

b. An appeal will be submitted in writing by the individual concerned within 15 days of notification of adverse action. The application will state the reason for the appeal and explain the facts pertinent to his or her case that he or she feels were not fully considered, including any additional evidence he or she may wish to present. The appeal will be submitted for reconsideration, through channels, to the authority who originally took the final unfavorable action. If that authority does not grant the appeal, it will be forwarded as follows:

(1) If the original final authority was the area commander, the appeal will be forwarded to the CG, HRC.

(2) If the original final authority was the CG, HRC, the appeal will be forwarded to Chief, Army Reserve as final authority.

(3) If, at the time of appeal, the officer is no longer subject to the jurisdiction of the original final authority, the appeal will be forwarded through channels to the CG, HRC.

1–17. Statutory authority

The provisions of law stated in paragraphs 1–17*a* through 1–17*p* pertain to the separation of RC officers. These provisions are sections of 10 USC, except where otherwise provided.

a. 10 USC 1164 provides authority for the SECARMY to defer, for not more than 4 months, the separation of any WO if, because of unavoidable circumstances, the evaluation of the officer's physical condition and determination of entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date the WO reaches maximum age (62 and 60 days, except as provided by 5 USC 8301).

b. 10 USC 7233 requires all commanding officers and others in authority in the Army to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

c. 10 USC 12681 provides for discharge of reserve commissioned officers by the President, and reserve WOs under regulations promulgated by the SECARMY.

d. 10 USC 12682 provides for the separation of any Reserve, on his or her request, who becomes a regular or ordained minister of religion.

e. 10 USC 12683 precludes the involuntary separation of an RC officer with 5 or more years of service as a commissioned officer except on the approved recommendation of a board of officers convened by an authority designated by the SECARMY or by the approved sentence of a court-martial. See exceptions listed in 10 USC 12683(b).

f. 10 USC 12684 provides for the dropping from the rolls of the Army of a Reserve who has been absent without authority for at least 3 months; may be separated under 10 USC 12687 (has served in confinement a period of 6 months pursuant to a final sentence to confinement adjudged by a court-martial); or who is sentenced to confinement in a federal or state penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

g. 10 USC 12685 provides that a Reserve who is separated for cause, except under 10 USC 12684, is entitled to a discharge under honorable conditions unless—

(1) The officer is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the SECARMY; or,

(2) The officer consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or board.

h. 10 USC 12213 provides that an officer of the ARNGUS, upon withdrawal of federal recognition, becomes a member of the USAR unless he or she is discharged from his or her appointment as a Reserve of the Army.

i. 10 USC 14519 provides authority for the SECARMY to defer the retirement or separation of a commissioned officer if an evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and the hospitalization or medical observation cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated. A deferral may not extend for more than 30 days after the completion of the evaluation requiring medical observation.

j. 10 USC 14901 provides that an officer on the reserve active-status list who is a chaplain may be discharged or transferred to the Retired Reserve for failing to maintain the qualifications needed to perform the professional function of a chaplain without regard to the provisions of 10 USC 12645.

k. 10 USC 14902 provides the statutory authority for the SECARMY to prescribe, by regulation, procedures for the review of the record of any reserve officer for separation for substandard performance and for certain other reasons, and that the SECARMY's authority will be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

l. 10 USC 14903 provides for SECARMY to convene boards of inquiry to receive evidence and review the case of any officer who has been required to show cause for retention in an active status. Thereafter, the SECARMY will take recommendations and remove the officer from active status or determine the case to be closed.

m. 10 USC 14904 provides the procedural rights of an officer required to show cause for retention in an active status.

n. 10 USC 14905 provides the SECARMY may grant a request by an officer required to show cause for retention in an active status at any time during the proceedings, for voluntary retirement, if the officer is qualified for retirement; for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under 10 USC Chapter 3s otherwise eligible for transfer to the Retired Reserve; or for discharge.

o. 10 USC 14905 further provides that an officer removed from an active status under 10 USC 14903 will, if eligible for voluntary retirement under any provision of law on the date of removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision; or if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under 10 USC Chapter 3, be transferred to the Retired Reserve. If the officer is ineligible for retirement or transfer to the Retired Reserve on the removal date and the reason for removal is substandard performance of duty, the officer will be honorably discharged in the grade then held; and if the reason for removal is misconduct, moral or professional dereliction, or in the interest of national security, the officer will be discharged in the grade then held.

p. 10 USC 14906 provides for the composition of boards of inquiry by armed force, grade, and seniority to the officer being considered to show cause for retention in an active status.

q. 10 USC 14907(b) provides that an officer of the ARNGUS will be discharged from the officer's appointment as a reserve officer of the Army if his or her federal recognition has been withdrawn based on the unfavorable (to the officer) approved findings of a board convened under 32 USC 323 (see NGR 635–101).

Chapter 2

Involuntary Separation—Army National Guard of the United States and U.S. Army Reserve Officers

Section I

General

2–1. General

This chapter prescribes the criteria and procedures governing the involuntary separation of Reserve officers of the Army when their retention is not in the best interest of the service.

2–2. Scope

The provisions of this chapter apply to—

- a.* Officers of the USAR.
- b.* Officers of the ARNGUS when—

(1) Recommendations submitted by a board convened under 32 USC 323(b) for withdrawal of federal recognition are approved by CNGB (see NGR 635–101). In such cases, paragraphs 2–9*b* and 2–26*b*(3) are applicable. Further board action under this regulation following such approval is not required.

- (2) Circumstances described in paragraph 2–14 are applicable.

2–3. Limitation on separation

a. Except as set forth in paragraph 2–3*b*, the separation of an officer under the provisions of this chapter will be accomplished only on the approved recommendations of a board of officers convened by competent authority.

- b.* An officer will be separated without board action when the member—

(1) Submits a resignation in lieu of involuntary separation proceedings and the resignation is accepted by the area commander, or CG, HRC when applicable, or by the appropriate authority under NGR 635–101 (see chap 6, sec IV).

(2) Has less than 5 years commissioned service, the characterization of service is Honorable or General (Under Honorable Conditions), the reason(s) for separation is listed in chapter 2, section II, and the separation is approved by the area commander, or CG, HRC when applicable, or by the appropriate authority under NGR 635–101.

c. An officer with 20 or more years of qualifying federal service for retired pay who is being considered for involuntary separation will be given an opportunity to elect transfer to the Retired Reserve in lieu of involuntary separation (see AR 135–180). Transfer to the Retired Reserve may not be elected when federal recognition has been withdrawn based on the approved recommendations of a board of officers convened under 32 USC 323(b) (see para 1–17*q*).

2–4. Retention or separation

In determining whether an officer should retain military status or be administratively separated, any factors that are material and relevant to his or her current period of service should be evaluated. Prior periods of service should not be evaluated.

2–5. Limitations

a. An officer who exhibits substandard performance of duty that is documented within the Evaluation Reporting System, and has service-connected exposure to events that may have resulted in traumatic brain injury (TBI) or PTSD, will be referred to a physician or a behavioral health specialist for evaluation in a manner consistent with applicable directives and regulations to determine whether the service member should be referred for disability evaluation (see para 2–12). The results of these evaluations will be considered in determining whether separation is appropriate under this regulation. These evaluations will be conducted in accordance with applicable policy on Command Directed Mental Health Evaluations.

b. An officer pending administrative separation under other than honorable conditions who has been deployed overseas in support of a contingency operation or sexually assaulted during the previous 24 months, and who is diagnosed by a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse as experiencing PTSD or TBI, or who otherwise reasonably alleges, based on the service of the officer while deployed or based on such sexual assault, the influence of such a condition, will be directed by the officer's commander to receive a medical examination to evaluate a diagnosis of PTSD or TBI. In a case involving PTSD, the medical examination will be performed by a clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse. In cases involving TBI, the medical examination may be

performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate. The medical examination will be conducted in accordance with applicable policy on Command Directed Mental Health Evaluations and assess whether the effects of PTSD or TBI constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of service of the officer as other than honorable (see 10 USC 1177). If the medical examination finds that the officer has a condition that fails medical retention standards under the provisions of AR 40–501, the officer should complete medical evaluation board (MEB) and physical evaluation board (PEB) processing under the provisions of AR 635–40. When a board of officers has recommended the officer receive a discharge under other than honorable conditions, the area commander or CG, HRC will consider the results of the medical examination prior to making a determination to approve or close the case.

c. Acquittal or not-guilty findings in military or civilian criminal proceedings, conviction, or punishment by civilian or military court, or military non-judicial punishment in accordance with Uniform Code of Military Justice, Article 15 (UCMJ, Art. 15) do not preclude an administrative discharge action. An officer may be considered for involuntary separation for reasons in paragraph 2–12 or paragraph 2–13 when the conduct has been the subject of judicial proceedings that resulted in an acquittal/not-guilty verdict or a conviction based on the merits of the case or in an action having the same effect. Punishment resulting from trial by court-martial or under the provisions of UCMJ, Art. 15 for misconduct and the subsequent use of this fact in support of involuntary separation under the provisions of this regulation does not constitute double jeopardy.

d. Except as provided in subparagraph 2–5e, an officer will be not considered for involuntary separation for the reasons listed in paragraph 2–12 or 2–13 because of conduct that has been the subject of administrative involuntary separation proceedings resulting in a final determination by the appropriate area commander or CG, HRC that the member should be retained in the service.

e. The limitations in subparagraph 2–5d do not apply when—

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

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

(3) An express exemption has been granted by DCS, G–1 (DAPE–MP) on a determination that, due to the unusual circumstances of the case, administrative separation should be affected.

f. Requests for determination under paragraph 2–5e(3), together with recommendations, will be forwarded to Deputy Chief of Staff, G–1 (DAPE–MPO–D), 300 Army Pentagon, Washington, DC 20310–0300.

g. Under the circumstances in subparagraphs 2–5g(1) and 2–5g(2), an officer who has been considered for involuntary separation but retained may again be considered for involuntary separation because of lack of proficiency/substandard performance of duty or recurrent misconduct subsequent to the earlier consideration, or because of misconduct that occurred prior to that alleged in the earlier proceedings but had not been discovered earlier, despite the exercise of due diligence.

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

(2) An officer may be considered for involuntary separation for moral or professional dereliction or in the interest of national security at any time after the closing of the prior case. The grounds for involuntary separation in the earlier case may be joined with the grounds in the latter case if both actions are based on the same ground (substandard performance, moral or professional dereliction, or national security) provided the earlier involuntary separation proceeding does not include a factual determination specifically absolving the member of the allegations then under consideration. If the grounds for involuntary separation in the earlier proceedings are joined, the additional grounds considered in the subsequent proceeding need not independently justify the member’s discharge but must be sufficiently serious to raise a substantial question as to the member’s potential for further useful military service.

h. The Limited Use Policy prohibits the use by the government of protected evidence against an officer in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. The policy limits the characterization of discharge to Honorable if protected evidence is used. (See AR 600–85). The objectives of the Limited Use Policy are to facilitate the identification of Soldiers who abuse alcohol and other drugs by encouraging identification through self-referral to facilitate the rehabilitation of those abusers who demonstrate the potential for

rehabilitation and retention. When applied properly, the Limited Use Policy does not conflict with the Army's mission or standards of discipline. It is not intended to protect a member who is attempting to avoid disciplinary or adverse administrative action.

2-6. Referral for medical assessment

An officer's commander will refer the officer for an assessment of his or her fitness for duty under the retention standards of AR 40-501 whenever the commander has reason to believe that the officer's substandard performance of duty or misconduct is related to a medical condition. When the provisions of paragraph 2-5a or 2-5b of this regulation apply in the case of the subject officer, those provisions take precedent and must be followed in lieu of this paragraph.

2-7. Medical condition

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

b. An officer will not be considered for involuntary separation under this regulation if it has been determined that, at the time of the conduct which forms the basis of proceedings, the officer was unable to distinguish right from wrong, according to the psychiatric study. In such event, the officer will be processed in accordance with paragraph 2-8 of this regulation. Further, an officer recommended for involuntary separation because of substandard performance of duty based on conduct resulting from a physical or mental condition will also be processed in accordance with paragraph 2-8 of this regulation.

c. If an officer becomes mentally incompetent after a recommendation for involuntary separation or after the proceedings are completed, the officer's commander will immediately notify the area commander who convened the board.

d. When an officer is being considered for administrative separation under this regulation, with no indication of mental incompetency, and the officer fails or refuses to undergo required medical examination or psychiatric evaluation when required to do so, that officer will—

(1) Be advised, in writing, that his or her failure or refusal to undergo this examination or evaluation will be the basis for the board to proceed with making its findings and recommendations without this information.

(2) When appropriate, be advised that a discharge under other than honorable conditions may be received.

(3) Be requested to acknowledge, in writing, an understanding of the situation and circumstances stated in the notification (see para 2-19e(1)). A copy of the letter of notification and the officer's acknowledgment of understanding will be included with the board proceedings. If the officer fails or refuses to furnish this acknowledgment in writing, a notation to this effect will be made on the copy of the letter of notification. The copy of the letter, together with any mail delivery receipts, will be included with the board proceedings.

e. If an officer has a diagnosis of gender dysphoria, not constituting a physical disability, that interferes with assignment to or performance of duty and the officer is unable to or unwilling to adhere to all applicable standards, prior to initiation of separation under this section, the commander must have written approval from the Army's transgender Service Center Coordination Cell (SCCC) that separation is authorized under DOD and Army policy for the specific case. These cases will be processed to the HQDA as directed by the SCCC. The SCCC can be reached at usarmy.pentagon.hqda-dcs-g-1.mbx.sccc@mail.mil.

2-8. Processing officers who do not meet medical retention standards

If a commissioned officer or WO is being processed for involuntary separation under this chapter (when it is determined that the officer has a medical impairment that does not meet medical retention standards) the officer will be processed through both the provisions of this regulation and the MEB/PEB process, as set forth in paragraphs 2-8a through 2-8d.

a. A commissioned officer or WO under investigation for an offense chargeable under the UCMJ that could result in dismissal or punitive discharge may not be referred for or continue disability processing unless:

(1) The investigation ends without charges.

(2) The commander exercising proper court-martial jurisdiction dismisses the charges.

(3) The commander exercising proper court-martial jurisdiction refers the charge for trial to a court-martial that cannot adjudge a dismissal or punitive discharge.

b. When a commissioned officer or WO, as applicable, is being processed for one of the actions listed in paragraphs 2–8b(1) or 2–8b(2), the officer will be processed in accordance with the provisions of this regulation and through the MEB/PEB system. If the result of the physical disability evaluation is a finding of physical fitness, the Army Physical Disability Agency will approve the findings for the SECARMY and publish a memorandum to the Soldier with a copy furnished to the Soldier’s command announcing fit for duty as the approved finding, to be included with the involuntary separation action. If a physical disability evaluation results in a finding of physical unfitness, both actions will be forwarded by the area commander, or CG, HRC for officers under the jurisdictional control of that command, to the Army Review Boards Agency, 251 18th Street South, Arlington, VA 22202–3531 for determination of appropriate disposition by the DASA–RB.

(1) Referral for involuntary separation.

(2) Request for separation, resignation, or retirement in lieu of involuntary separation.

c. When a physical disability evaluation of an officer processed for involuntary separation for the reasons indicated in paragraph 2–8b results in a finding of unfitness and a recommendation that the officer be placed on the Temporary Disability Retirement List (TDRL), the SECARMY or designee may direct that the officer be placed on the TDRL with the provision that if the officer is later removed in due course from the TDRL for disability separation or retirement, the officer is to be retired, but if the officer is later removed in due course from the TDRL because he is found fit, the officer is to be separated from service, effective on the date of the officer’s removal from the TDRL with a specified characterization of discharge. As in the case of an officer processed for separation or retirement for the reasons indicated in paragraphs 2–8b(1) or 2–8b(2) whose physical disability evaluation results in a finding of unfitness and a recommendation that the officer be separated or permanently retired, the DASA–RB may direct that either the separation or retirement action under this regulation or the disability action take precedence.

d. When an officer is processed for separation or retirement for reasons other than those indicated in paragraphs 2–8b(1) or 2–8b(2), physical disability takes precedence if the officer is retained with consent.

2–9. Discharge authority

a. Except as otherwise provided in paragraphs 2–9b and 2–9c, area commanders (or CG, HRC for officers under the jurisdiction of HRC) will take final action (approval or disapproval) on the recommendations of boards of officers, recommendations for separation without board action for officers (other than ARNGUS) with less than 5 years of commissioned service, and resignations in lieu of involuntary separation based on the reasons in section II of this chapter. The area commander, or the CG, HRC when appropriate, when approving the officer’s discharge, will execute the discharge by publication of orders.

b. The CNGB, acting for the SECARMY, will review and approve or disapprove the findings of boards of officers convened under the provisions of NGR 635–101 to determine whether federal recognition of ARNGUS officers should be withdrawn because of their capacity and general fitness (see 32 USC 323(b)). If the approved findings are against the officer, the CNGB or the Director, Army National Guard (ARNG), if so delegated, will—

(1) Withdraw the officer’s federal recognition by publication of orders.

(2) Notify the appropriate state adjutant general.

(3) Publish orders concurrently discharging the officer from the Reserve of the Army.

c. An area commander may delegate authority in writing to a GO assigned as the area commander’s deputy to act on behalf of the area commander for actions indicated in paragraph 2–9a.

d. When separation action is taken under the provisions of this chapter, the case file of the individual will be reviewed by the area commander, or the CG, HRC, to determine whether the reporting requirements set forth in AR 190–45 are applicable. When such conditions exist in an individual’s case file, the report required by AR 190–45, will be submitted.

e. Administrative elimination actions of officers enrolled in the Disability Evaluation System (DES) must be approved by the DASA–RB (see AR 635–40).

2–10. Separation procedures for officers restored to active duty by court action

Certain Reserve commissioned officers and WOs who have been sentenced to confinement and/or discharge by military courts may be restored to duty by subsequent action of a military or civilian court. Suspension of favorable personnel action and an investigation to determine whether involuntary separation action is warranted will be initiated in the cases of such officers who are released from AD to the Ready Reserve (see AR 600–8–2).

Section II

Reasons For Involuntary Separation

2–11. General

a. Retention of officers substandard in performance of duty or conduct, deficient in character, or otherwise unsuited for military service cannot be justified in time of peace or war. The same standards of efficiency and conduct apply to all officers, regardless of component.

b. A USAR or ARNG officer must hold a security clearance of at least Secret. This requirement may not be waived. The final denial or revocation of an officer's Secret security clearance by appropriate authorities acting pursuant to DODM 5200.02 and AR 380–67, or when an officer fails to apply for an initial or a reinvestigation for a clearance, requires the initiation of separation proceedings for that officer from the service. An officer whose security clearance has been withdrawn or withheld will be processed for involuntary separation. Members of the armed forces will not be processed for involuntary separation under the procedures of AR 380–67 when separation can be effected under this regulation. See AR 380–67.

c. Commanders will initiate the administrative separation of any officer convicted of a covered offense as specified in AR 27–10, paragraph 24–2, or attempts to commit a covered offense, if the conviction did not result in a punitive discharge or dismissal. This applies to all officers regardless of when the conviction(s) occurred, except when the officer has already been subject to an elimination action due to the conviction(s) and has been retained.

d. Drugs and alcohol. Except for officers referred to a court-martial authorized to impose a punitive discharge for a drug or alcohol offense, commanders will process all officers for separation who meet the criteria in AR 600–85.

e. Non-deployable officers. It is the personal responsibility of every officer to maintain individual readiness, including medical, dental, physical, and administrative (for example, maintaining a Family care plan) readiness. All officers will remain personally responsible and prepare for training and worldwide deployment at all times.

(1) An officer is considered deployable unless the officer has a service-determined reason that precludes him or her from deployment. To be deployable an officer must meet the following criteria:

(*a*) The officer is administratively, legally, and medically cleared for employment in any environment in which the Army is operating or could operate.

(*b*) The officer can operate in austere areas or areas that regularly experience significant environmental conditions (for example, heat, cold, altitude) that would exacerbate existing medical conditions.

(*c*) The officer can carry and employ an assigned weapon.

(*d*) The officer is capable of executing all individual warrior tasks for his or her assigned mission.

(*e*) The officer can operate while wearing body armor, helmet, eye protection, gloves, and/or chemical or biological protective equipment.

(*f*) The officer is capable of passing the Army Physical Fitness Test (APFT) or meeting the physical demands of tasks required for a specific deployment.

(2) Commanders must be diligent in ensuring officers understand their obligations and document the failure of those who demonstrate an unwillingness to meet their deployable status. Commanders will use written counseling and performance evaluations to document an officer's knowing failure to comply with responsibilities to maintain the individual readiness (for example, repeatedly missing medical or dental appointments) required to be deployable.

(3) Maintaining medical readiness through prescribed health encounters (for example, periodic health assessment, annual dental exam, and medical screenings) are key components of identifying and correcting non-deployable conditions.

(4) Officers with temporary profiles of 30 days or less will be considered partially medically ready/deployable.

(5) Commanders in the grade of O–6 or higher in an officer's chain of command may waive one or more of the criteria listed in paragraph 2–11*e*(1) in determining an officer's deployability status, except in cases when the controlling regulation(s) specifies a different waiver approval authority.

(6) Officers who become permanently non-deployable are considered unqualified to hold any primary branch, primary military occupational specialty (PMOS), or functional area, unless an exception to policy is granted. Officers found to be deployable with limitations are exempt from this paragraph. Officers selected for continuation in the active Reserve under the provisions of AR 635–40 and officers with approved retention waivers are also exempt from this paragraph and continue to retain their PMOS.

(7) Officers who are non-deployable for an administrative reason (not medical or legal as defined in DODI 1332.45) for more than 6 consecutive months, or 6 nonconsecutive months in a 12-month period, will be processed for separation under the provisions of this chapter. The basis for separation will be the underlying administrative (not medical or legal) reason(s) causing them to be designated as non-deployable. Commanders do not have to wait 6

consecutive months, or 6 nonconsecutive months in a 12-month period, if there is a reasonable expectation that the underlying reason(s) causing them to be non-deployable for an administrative reason (not medical or legal) will not be resolved and the officer will not become deployable. Exemptions to the requirements of this paragraph are:

(a) Single officers adopting a child or a member of a military couple adopting a child who have been approved for operational deferment. These exemptions will expire the day following the expiration of the officer's operational deferment.

(b) Officers who are temporarily non-deployable as a result of a compassionate reassignment or stabilization. These exemptions will expire the day following the expiration of the stabilization period.

(c) Soldiers who are not yet 18 years of age.

(d) Conscientious objectors during the investigation and resolution of their claim.

(e) Unsatisfactory participating officers who are recovered prior to exceeding 6 consecutive months of non-deployability or 6 nonconsecutive months of non-deployability in a 12-month period.

(f) Sole surviving Family members deferred from serving in a hostile fire zone.

(g) Ex-prisoners of war deferred from serving in a country where they were formerly held captive.

(h) Transients, trainees, or officers who have not completed initial entry training.

(8) An officer who is non-deployable due to a permanent medical condition which makes him or her potentially unfit for the duties of his or her PMOS will be referred into DES (see AR 635–40). There is no requirement to wait 12 months before referral to the DES if the officer's medical condition and predicted recovery meets the criteria for a Medical Retention Determination Point (see AR 40–501). Officers should be immediately referred to the DES.

(9) A officer who is non-deployable due to being confined as a prisoner based upon the sentence of a court-martial or civil conviction will be processed for separation upon the officer's release from confinement. This does not apply to officers who are sentenced to a punitive discharge at a court-martial. The basis for separation will be the underlying misconduct that resulted in the court-martial or civil conviction. This paragraph does not restrict a commander's authority to immediately initiate the involuntary separation of an officer based upon a civil conviction.

(10) The Chief, Army Reserve is authorized to grant retention waivers for USAR Selected Reserve officers. The CNGB is authorized to grant retention waivers for ARNG officers. All requests must be endorsed with recommendation, at a minimum, by the first GO in the chain of command.

2–12. Substandard performance of duty

While not an all-inclusive list, existence of one of the following or similar conditions, at the standard of proof required by AR 15–6, authorizes initiation of involuntary separation proceedings for substandard performance of duty. Officers discharged solely for any of the following reasons will receive an Honorable characterization of service:

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

b. Failure to keep pace or to progress with contemporaries, such as successive promotion failures or a low record of efficiency when compared with other officers of the same grade, branch, and length of service.

c. Failure to exercise necessary leadership or command required of an officer of his or her grade.

d. Failure to perform with the technical proficiency required by the grade held.

e. Failure to meet standards in a course of instruction at a Service school due to academic or leadership deficiencies.

f. Failure to properly discharge assignments commensurate with his or her grade and experience.

g. Apathy, defective attitude, or other character deficiency, including inability or unwillingness to expend effort.

h. Failure to achieve satisfactory progress after a period of 6 months after enrollment in the Army Body Composition Program or failure to maintain the weight/body fat standards established under the provisions of AR 600–9 during the 12-month period following removal from an established body composition program. Involuntary separation action will be initiated, except that officers with a remaining statutory or contractual service obligation will be involuntarily transferred to the Individual Ready Reserve (IRR) under the provisions of AR 140–10.

i. When no medical problems exist, and an officer has two consecutive failures of the APFT, separation action will be initiated.

j. Failure to conform to prescribed standards of dress, personal appearance, or military deportment.

k. The discovery of any conditions concerning a probationary officer that, had they been known at the time of appointment, would have precluded appointment.

l. Failure to participate adequately in or to respond successfully to rehabilitation for alcohol or drug abuse, or a subsequent alcohol or drug related incident of misconduct at any time during the 12-month period following successful completion of the Army Substance Abuse Program or during the 12-month period following removal from the program for any reason will result in the Soldier being processed for separation as an alcohol or drug abuse rehabilitation failure (see AR 600–85). Care should be taken to avoid the inclusion of limited-use evidence as defined in AR 600–85.

m. Receipt of a “Relief for Cause” officer evaluation report when the basis for relief is for reasons that do not involve acts of misconduct or moral or professional dereliction (see AR 623–3).

2–13. Acts of misconduct or moral or professional dereliction

While not an all-inclusive list, existence of one of the following or similar conditions, at the standard of proof required by AR 15–6, authorizes a commander to initiate separation proceedings for moral or professional dereliction. Officers discharged for any of the following reasons may receive an Honorable, General (Under Honorable Conditions), or Under Other Than Honorable conditions discharge:

- a.* Discreditable failure, whether intentional or not, to meet personal financial obligations.
- b.* Mismanagement of personal affairs, whether intentional or not, to the discredit of the Service.
- c.* Intentional misrepresentation of facts in obtaining an appointment or in official statements or records.
- d.* Acts of serious or recurring misconduct punishable by military or civilian authorities (including, but not limited to, acts committed while in a drunken or drug-intoxicated state, or meeting the criteria specified in paras 2–11*c* or 2–11*d*). Included under this criterion are officers identified as illegal drug abusers (as defined by AR 600–85); officers involved in two serious incidents of alcohol-related misconduct within 12 months (as defined by AR 600–85); officers involved in illegal trafficking, distribution, possession with intent to distribute, or sale of illegal drugs; officers testing positive for illegal drugs a second time during their career; and officers convicted of driving while intoxicated or driving under the influence a second time during their career, unless they have been referred to a court-martial authorized to impose a punitive discharge.
 - e.* Intentional neglect or failure to—
 - (1) Perform assigned duties.
 - (2) Participate satisfactorily in required Ready Reserve training, or the officer is determined to be an unsatisfactory participant under the provisions of AR 135–91.
 - (3) Comply with applicable directives to include but not be limited to:
 - (*a*) Furnishing a current address of record (see AR 135–133). (The officer cannot be located through the address furnished.)
 - (*b*) Maintaining a permanent residence, for mailing purposes, in the United States or its territories while traveling or residing in a foreign country other than one within the jurisdiction of an overseas commander (see AR 140–1).
 - (*c*) Having the applicable medical examinations required by AR 40–501.
 - (*d*) Replying to official correspondence or completing administrative forms. When the follow-up action prescribed in AR 135–133 fails to locate the officer or clearly evidences willful neglect to complete the required forms or to reply to official correspondence, the appropriate commander will initiate involuntary separation action. Copies of communications remaining unanswered, or the substance thereof, with the dates and addresses, will be included in the recommendation for involuntary separation action, together with a brief description of any other means used to locate or communicate with the officer concerned. These documents will be furnished to the board of officers and will be made a part of the completed board proceedings.
 - f.* Conviction by a federal or state criminal court when:
 - (1) Convicted by civilian authorities, or action is taken that is tantamount to a finding of guilty (to include a similar adjudication in juvenile proceedings); and,
 - (2) A dismissal would be authorized for the same or a closely related offense under the UCMJ, or the sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation (for cases involving sexual assault convictions, see para 2–13*g*); and,
 - (3) Specific circumstances of the offense warrant separation.
 - g.* Final conviction by a federal or state criminal court of a covered offense as specified in AR 27–10, para 24–2, or an attempt to commit a covered offense when the officer has not been punitively discharged for such a conviction.
 - h.* Conviction by a foreign court, resulting in confinement or other restriction of the officer’s freedom which significantly diminishes that individual’s usefulness to the Army (see AR 600–8–24 for processing requirements, including required documentation).
 - i.* Entry into a military service of a foreign government.
 - j.* Receipt of a “Relief for Cause” officer evaluation report involving acts of misconduct or moral or professional dereliction (see AR 623–3).
 - k.* Conduct or actions that result in the loss of a professional status, such as withdrawal, suspension or abandonment of professional license, endorsement, or certification that is directly or indirectly connected with or is necessary for the performance of one’s military duties. (For AMEDD officers, this includes the partial or complete suspension, limitations, withdrawal, or denial of clinical practice privileges.)
 - l.* Failure of a course at a service school because of misconduct or moral or professional dereliction.

- m.* The final denial or revocation of an officer's Secret security clearance by appropriate authorities acting pursuant to DODM 5200.02 and AR 380-67 or failure of the officer to apply for an initial or a reinvestigation for a clearance.
- n.* Conduct or actions by a WO resulting in a loss of special qualifications (such as withdrawal/revocation of Criminal Investigation Division accreditation, revocation of marine qualification license, withdrawal of clinical privileges or loss of flying status) that directly or indirectly precludes a WO from performing in a military occupational specialty (MOS) and is necessary for the performance of those duties. Separations based on these reasons may not be utilized if reclassification action is feasible and in the best interest of the Service or if the loss of special qualifications was due to medical reasons beyond the control of the WO.
- o.* Acts of child/spouse maltreatment or abuse and/or other acts of Family violence.
- p.* Conduct unbecoming an officer.
- q.* When one or more of the reasons in paragraphs 2-13*a* through 2-13*o* is alleged, and the circumstances on which the allegation is based indicates that the reason in paragraph 2-13*p* also is involved, it will constitute additional reason for requiring involuntary separation.

2-14. Involuntary separation of officers who do not meet the medical fitness standards at time of appointment or who are confirmed human immunodeficiency virus positive during initial entry training

- a.* Commissioned officers of an RC who have less than 5 years commissioned service, and WOs who have less than 3 years of service since accepting initial appointment in their present component, who did not meet the medical fitness standards at the time of appointment and who fail to resign may be recommended for involuntary separation (see chap 6, sec V).
- b.* RC commissioned and warrant probationary officers who report for initial entry training in their branch or MOS in an AD (other than ADT) status and are identified as human immunodeficiency virus (HIV) infected within 180 days of reporting to AD will be processed for discharge under the provisions of AR 600-8-24. An RC officer, regardless of length of service, who reports to ADT for initial entry training on or after 1 October 1985, is confirmed positive for HIV, and who fails to resign, will be processed for involuntary separation pursuant to AR 600-110 and this paragraph after release from ADT (see chap 6, sec III).
- c.* If the basis for an involuntary separation under this paragraph is confirmed positive for HIV, an Honorable characterization of service will be given.

2-15. In the interest of national security

- a.* In accordance with AR 380-67 and DODM 5200.02, a commissioned officer may be separated from military service when it is determined that his or her retention is clearly inconsistent with the interest of national security.
- b.* The final denial or revocation of an officer's Secret security clearance by appropriate authorities acting pursuant to DODM 5200.02 and AR 380-67, or failure of the officer to apply for an initial or a reinvestigation for a clearance requires that separation action be initiated.
- c.* Officers discharged in the interest of national security may receive an Honorable, General (Under Honorable Conditions), or Under Other Than Honorable conditions discharge.

Section III

Initiation and Processing of Involuntary Separation Actions

2-16. When involuntary separation is appropriate

- a.* An officer is permitted to serve in the Army because of the special trust and confidence the President and the nation have placed in the officer's patriotism, valor, fidelity, and competence. An officer is expected to display exemplary conduct and responsibility commensurate to this special trust and confidence, and act with the highest personal integrity at all times. An officer who will not or cannot maintain those standards will face separation proceedings.
- b.* Every officer deserves a fair chance to demonstrate his or her capabilities. When an officer shows ineffective tendencies (especially if the officer is inexperienced), when practicable, he or she will be given another chance under another commander. The officer's ineffectiveness will be systematically recorded in documents that specify each period covered, duties observed, and defects noted. Recommendations for elimination action will not be based on generalities and vague impressions. It is necessary to document, in writing, the specific and precise reasons an officer is considered ineffective.

2-17. Authority to initiate involuntary separation

Initiation of involuntary separation may be originated by one of the following officials:

- a.* The SECARMY, the Chief of Staff, and such officials as are designated by them.
- b.* The Surgeon General, TJAG, and the Chief of Chaplains for officers within their branches.
- c.* The DCS, G-1, when recommendations are made by HQDA promotion, school, or command selection boards that an officer should be required to show cause for retention in an active status. The DCS, G-1 or their designated representative in the grade of major general or above will review such names and decide if initiation of elimination is appropriate.
- d.* The CNGB, when notified by the DCS, G-1 that an HQDA promotion, school, or command selection board recommends an ARNGUS officer be required to show cause for retention in an active status.
- e.* A general officer show cause authority (GOSCA) with respect to an officer assigned or attached to that command.
- f.* The professor of military science (PMS) for officers commissioned through the Early Commissioning Program (ECP) and cadets in the Cadet Completion Program (CCP). The PMS will send an action regarding CCP personnel to Army Human Resources Command (AHRC-OPD-LE), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5208. For ECP personnel, the PMS will send the action to the proper Reserve forces commander.

2-18. Initiation of involuntary separation

- a.* When a promotion, school, or command selection board recommends a Reserve officer be required to show cause for retention in an active status, the DCS, G-1 will send their recommendations for involuntary separation directly to the CG, HRC, the proper area commander, or the CNGB, as appropriate.
- b.* Commanders of officers assigned to units will send their recommendations through channels to the proper area commander.
- c.* When the CG, HRC determines that sufficient basis exists to initiate involuntary separation action for an officer under the jurisdictional control of that command, the procedures in paragraphs 2-19*e* and 2-19*f* will be followed. If the whereabouts of the officer are unknown or unascertained, or if the officer refuses to accept or respond to the notification, the provisions of paragraphs 2-19*g* and 2-21 will be followed.
- d.* When circumstances indicate the need for Army criminal investigative processes for an officer under the jurisdictional control of HRC, the recommendation for involuntary separation, together with correspondence, statements, records, and similar related documents will be forwarded to the area commander in whose area the incident occurred (or to the responsible overseas commander) requesting appropriate investigation (see AR 195-2). The area commander in whose area the incident occurred will review the report and other documents furnished by the CG, HRC and determine appropriate action (see para 2-19).
- e.* Recommendations to initiate separation will clearly state the reasons for involuntary separation and will be supported by all documentary and physical evidence which can be reasonably included. Except for business entries and official records and reports, such as evaluation reports and health records, all statements submitted, including reports of the investigation, will be under oath or affirmation unless the witness is dead, insane, or missing; or the exigencies of the service preclude obtaining a statement in affidavit form. Evidence to support a recommendation for involuntary separation must be able to stand on its own merits. An officer may be considered for separation for one or more reasons set out in section II of this chapter. However, separate findings for each reason must be made and documented by the board of officers.
- f.* Involuntary separation cases will be given prompt attention and handled as expeditiously as possible. However, reasonable delays may be afforded to respondents to ensure the exercise of their rights.

2-19. Initial actions by area commander or Commanding General, U.S. Army Human Resources Command

The following actions may be taken by the area commander, or CG, HRC when appropriate, on recommendation for involuntary separation received from commanders or appropriate officials at HQDA:

- a.* The case may be returned for further evidence or a recommendation as to further action.
- b.* If sufficient basis exists, the area commander or CG, HRC may disapprove the recommendation, close the case, and return it to the initiating commander or appropriate official at HQDA.
- c.* If considered necessary and desirable, the area commander or CG, HRC may appoint or direct the appointment of an investigating officer (see AR 15-6) or coordinate with the U.S. Army Criminal Investigation Command (see AR 195-2).

d. On receipt of the investigating officer's (or the Criminal Investigation Division/Military Police Investigation) report, the area commander or CG, HRC may disapprove the recommendation, close the case, and return it to the initiating commander or appropriate agency at HQDA.

e. If it is determined that sufficient basis exists to initiate involuntary separation action, the area commander or CG, HRC will (if the whereabouts of the officer concerned is known or may be ascertained by procedures within AR 135–133)—

(1) Notify the officer concerned of the requirement to show cause for retention and will give the individual the reason for this requirement.

(2) Advise the officer in the above notification, if appropriate, that he or she may elect to submit a resignation in lieu of involuntary separation (see chap 6, sec IV and V); or, if eligible, elect transfer to the Retired Reserve (see para 2–3*c*); or to have the case acted on by a board of officers. The officer will also be advised that, if he or she elects to have the case acted on by a board of officers, he or she has the right to submit a resignation in lieu of involuntary separation or elect transfer to the Retired Reserve, if eligible, at any time prior to final action on the board's recommendation.

(3) Advise the officer of the requirement to acknowledge receipt of the above notification within 15 days of receipt, indicating his or her election on one of the above options.

(4) When determined necessary by notifying command, notification will be sent to member by certified mail, return receipt requested.

f. On securing the acknowledgment of receipt, including any rebuttal from the officer, notified in accordance with paragraph 2–19*e*, the area commander or CG, HRC will, if the officer—

(1) Provides a rebuttal, which in the determination of the area commander or CG, HRC refutes the basis for involuntary separation—close the case and notify the officer through his or her chain of command (except when being considered for reasons in paras 2–11*b*, 2–11*c*, or 2–11*d*).

(2) Elects transfer to the Retired Reserve and is otherwise eligible—process the officer's request and direct publication of the officer's transfer orders.

(3) Submits a resignation in lieu of involuntary separation—take final action (approval or disapproval) on the resignation. The area commander or CG, HRC when appropriate, may consider and approve or disapprove a conditional resignation request from the officer. If approving the resignation, the area commander or CG, HRC will specify the characterization of service and direct publication of the officer's discharge orders.

(4) Elects appearance before a board or elects board proceedings but waives appearance—take necessary steps to appoint the board as prescribed in this regulation and AR 15–6.

g. If the whereabouts of the officer are unknown and unascertained after complying with the procedures prescribed in AR 135–133, or if the officer refuses to accept or respond to the notification required by paragraph 2–19*e*, then that fact will constitute a waiver of the officer's rights under paragraph 2–20. The area commander or CG, HRC will take necessary steps to appoint a board of officers as prescribed in this regulation and AR 15–6. A copy of the notification and either a post office receipt confirming delivery or the returned unopened envelope showing mail was refused, unclaimed, or undeliverable will become part of the board exhibits.

h. New allegations received by the area commander or CG, HRC supporting a recommendation for involuntary separation which has already been referred to a board of officers will, if the case has not been heard, be referred to the board of officers for consideration. If the case has already been heard and is finally closed favorably to the officer, appropriate action to initiate new proceedings may be taken, subject to paragraph 2–5*e* of this regulation.

i. An area commander may delegate the authority in writing to appoint and convene boards of officers to subordinate USAR commanders with GOSCA as defined in AR 600–8–24. The delegation must specify the subordinate USAR commander perform the area commander's initial actions prescribed in this paragraph and that the area commander reserves the right to perform all actions prescribed by this regulation subsequent to the board.

2–20. Rights of the officer

a. The following rights will be afforded the officer, except when waived. The officer must be notified in writing at least 30 days before the hearing of the reasons for which he or she is required to show cause for retention in military service and of the least favorable characterization of discharge for which the officer may be recommended. Notification will be by personal service with receipt acknowledged in writing by the officer (or duly witnessed by a third party, if the respondent refuses to acknowledge receipt) or registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service by the U.S. Postal Service is not available for delivery at an address outside the United States) to the officer's last known address or to his or her next of kin, as defined in Army regulations. The show cause authority will notify the officer of his or her rights:

(1) Be furnished copies of the records which will be submitted to the board, and of other pertinent and releasable documents, which may be requested.

(2) Consult with a consulting counsel (see glossary).

(3) Present his or her showing of cause for retention in military service before a board of officers (para 2–22 applies).

(4) The respondent may appear in person at all proceedings of the Board of Inquiry. Failure to respond to the notification letter may be construed as the respondent voluntarily electing not to appear before the Board.

(5) Be represented at any hearing by appointed military counsel for representation (see glossary) or by military counsel of the officer's own choice, if determined reasonably available pursuant to AR 27–10, but not both or by civilian counsel at no cost to the government.

(6) Submit matters on his or her behalf under the provisions of AR 15–6.

(7) The respondent may request the appearance before the board of any witness whose testimony is considered pertinent to his or her case under the provisions of AR 15–6.

(8) The respondent may testify in his or her behalf subject to 10 USC 831.

(9) The respondent and his or her counsel may question any witness who appears before the board.

(10) The respondent or counsel for the respondent may present oral and/or written argument to the board.

(11) With exception of paragraph 2–20a(1), waive the above rights, in writing.

(12) Withdraw his or her waiver of his or her rights listed in paragraphs 2–20a(2) through 2–20a(5) any time prior to the date the convening authority directs that his or her case be presented before a board of officers. The officer will, within a reasonable time (not less than 15 days), consult with a consulting counsel prior to waiving the rights listed in paragraphs 2–20a(3) through 2–20a(5) (see para 2–20a(2)). If he or she elects to waive his or her rights, the officer will personally sign a waiver. His or her consulting counsel (see glossary) will advise him or her and will sign the written waiver as witness, indicating that he or she is a commissioned officer of The Judge Advocate General's Corps (JAGC).

b. If the officer is unable to appear before the board because of confinement by civil authorities or other restriction resulting from his or her own misconduct, the area commander convening the board will advise him by certified mail (restricted delivery) of the pending board action and the fact that action has been suspended to give the officer the opportunity to exercise his or her rights specified in paragraph 2–20a, with the exception that consultation may be by correspondence with a consulting counsel (see glossary). (Consulting counsel's name and address will be included.)

2–21. Area commander's or Commanding General, U.S. Army Human Resource Command's actions on board recommendations

The following actions will be taken by area commanders, or CG, HRC when appropriate, on recommendations of board of officers acting on involuntary separation cases:

a. When a board recommends the involuntary separation of an officer:

(1) Approve the recommendations of the board, determine the appropriate characterization of service pursuant to limitations of section II of this chapter, and advise the commander concerned to take necessary action to separate the officer.

(2) Disapprove the recommendations of the board, close the case, notify the officer and, if appropriate, the headquarters agency that recommended the involuntary separation. A copy of the letter of notification to the officer will be attached to the board proceedings. The commander recommending involuntary separation will be furnished a copy of the board proceedings and information concerning the final action taken.

(3) When the officer has been dual-processed through the DES and determined to be unfit, forward the separation case with the physical disability evaluation findings to the DASA–RB in accordance with paragraph 2–8*b* of this regulation.

b. When a board recommends retaining an officer in a military status, approve the recommendation, close the case, notify the officer and, if appropriate, the headquarters that recommended the involuntary separation. A copy of the letter of notification will be attached to the board proceedings. The commander recommending involuntary separation will be furnished a copy of the board proceedings and information concerning the final action taken.

c. If the area commander or CG, HRC, in his or her review of a case in which involuntary separation has been recommended by the board of officers, notes a substantial defect, he or she will take appropriate action as specified in paragraph 2–28.

d. Ensure all evaluation reports required by AR 623–3 have been completed and forwarded to the appropriate agency for acceptance and inclusion in the rated officer's AMHRR.

e. Provide a copy of the report of proceedings to the respondent, less classified documents, when requested.

f. Maintain the original copy of the report of proceedings with all allied documents specified in paragraph 2–27 and designate the file as a transfer (T) record and retain for 3 years in accordance with AR 25–400–2.

Section IV

Boards of Officers

2–22. General

Boards of officers are governed by AR 15–6. Paragraphs 2–23 through 2–28 provide guidance additional to AR 15–6 that is unique to boards of officers convened pursuant to this regulation for consideration of officers for involuntary separation.

2–23. Mission of boards of officers

It is the responsibility of the Government to establish by a preponderance of evidence that officers have failed to maintain established standards for grade and branch or that their conduct has been prejudicial to national security.

2–24. Recorder

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

b. If, during the recorder's investigation of the case, the recorder finds additional evidence similar in nature to that previously presented to the officer, that evidence is admissible. This additional evidence may be considered by the board of officers as proof of an amended or new factual allegation in support of a reason for involuntary separation.

(1) Only in those instances where the newly discovered evidence results in the addition of a reason for involuntary separation (not included in the officer's notification memorandum) is it necessary to return the case to the initiating official for issuance of a new notification memorandum.

(2) The fact that the additional evidence may support the stated reason of conduct unbecoming an officer does not in itself allow its consideration unless it can also be related to another enumerated reason for involuntary separation in section II which was included in the officer's notification memorandum.

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

2–25. Composition

a. Boards will be composed of commissioned officers of the Army, all of whom must be in a grade above major, and senior in grade to the officer under consideration. At least one member of the board will be in a grade above lieutenant colonel.

(1) One of the members present will be a Regular Army (RA) officer, if one is available. If none is available, the appointing authority may substitute a Reserve officer who is serving on AD or active duty for operational support (ADOS).

(2) The remaining members of the board will be Reserve officers who are on AD/ADOS or in an active Reserve status.

(3) When the respondent is a minority, female, or special branch, the board will (upon the officer's written request) include a minority, female, or special branch as voting member (if reasonably available, as this provision is not an entitlement) (see 10 USC 7064). If an officer is in more than one category and he or she requests officers from all or two categories, the board membership may be met by one or more officers (if reasonably available, as this provision is not an entitlement). The request for these members, if desired, will be submitted 7 days from the date that the respondent receives the notification, in writing, or else the right to request is waived.

(4) When the reasons for involuntary separation include substandard performance of duty, one member will be an officer of the same branch if reasonably available (see para 2–12, except paras 2–12*h* and 2–12*i*). Chaplains, Medical, Dental, Veterinary, Army Nurse, and JAGC officers normally will not serve as board members, except when officers of their corps are the respondents.

- (5) No officer will be a voting member of a board of officers who:
 - (a) Is serving (or has previously served) as a witness for the respondent.
 - (b) Served as a member of a promotion selection board in the particular case or served as a member on any previous board of officers, review, or other board of officers with respect to the respondent.
 - (c) Was a member (or was the reviewing authority) of a previous court-martial in which the respondent was the accused.
 - (d) Previously recommended (or participated in recommending) the respondent for involuntary separation.
 - (e) Rendered a derogatory evaluation report on the respondent.
 - (f) Otherwise considered the respondent's case.
- (6) In addition to the reasons stated in paragraph 2–25a(5), voting members and the legal advisor may be challenged for cause for any reason that indicates they cannot participate in the case in a fair and impartial manner. The challenge will be determined by the senior unchallenged board member.
- (7) Except for the legal advisor and the recorder, only voting members may attend a closed session.
- (8) The appointing authority may assign a JAGC officer as legal advisor to each board of officers. The legal advisor will not be a member, will not vote, and will serve as an advisor only. If the officer being considered is a JAGC officer, the legal advisor (if any is assigned) will be senior in rank to the officer being considered (see 10 USC 12643(b)).
 - b. A commissioned officer or WO will be named as the recorder in the letter appointing the board. The appointing authority may also appoint one or more officers as assistant recorder. The recorder and any assistant recorders will be without vote.

Section V

Conclusion of Hearings

2–26. Findings and recommendations

The board will determine its findings and recommendations by secret written ballot in closed session; a majority vote will decide any issue.

a. *Findings.* The board will make separate findings with respect to each allegation whether the respondent should be retained in the Army. A brief statement of the reason(s) (including factual data when considered necessary for clarification) for each finding will be included.

(1) Each finding must be a clear and concise statement of facts evidenced in the record or a conclusion which can be readily deduced from the evidence in the record.

(2) Each finding must be supported by substantial evidence, which is defined as such evidence as a reasonable mind can accept as adequate to support the conclusions.

b. *Recommendations.* Recommendation of the board must be appropriate to and warranted by the findings.

(1) Boards must make their recommendations according to the best of their understanding of the rules and regulations of the Army in consonance with the policies outlined in this regulation and other appropriate regulations, and guided by their conception of justice both to the Government and to the officer concerned.

(2) When the findings have been determined, the recommendations will be limited to the following: retention or involuntary separation.

(3) Recommendation for involuntary separation of an officer must also include a recommendation for the type of discharge to be issued. The board may recommend one of the following characterizations of service:

(a) *Honorable.* Officer will be furnished a DD Form 256A.

(b) *General (Under Honorable Conditions).* May only be recommended when the board makes a finding against the officer that includes an act or acts of misconduct, moral or professional dereliction, or in the interest of national security.

(c) *Under Other Than Honorable Conditions.* May only be recommended when the board makes a finding against the officer that includes an act or acts of misconduct, moral or professional dereliction, or in the interest of national security.

2–27. Report of proceedings

a. The record of proceedings will be kept in summarized form unless a verbatim record is required by the appointing authority after consultation with the servicing judge advocate or legal advisor concerning the availability of court reporters. The summarized transcript will include the following:

(1) Completed DA Form 1574–2 (Report of Proceedings by Board of Officers).

- (2) A copy of the documents showing initiation of the involuntary separation action and the decision to refer the case to a board of officers.
 - (3) Copies of any notice to the respondent.
 - (4) Copies of other communications to or from the GOSCA.
 - (5) Privacy Act statements.
 - (6) Explanation by the board of any unusual delays, difficulties, irregularities, or other problems encountered.
 - (7) Every item of evidence offered to or received by the board, to include statements or transcripts of testimony by witnesses.
 - (8) Clear and accurate descriptions (such as written statements) of real evidence (if any) authenticated by the board president.
 - (9) Matters of which the board took notice over the objection of respondent or respondent's counsel, set out in a memorandum from the Board President.
 - (10) Any objections made by respondent or his/her counsel and the supporting reasons.
- b.* Guidance for the preparation of a verbatim and a summarized report of a board of officers is contained in AR 600–8–24, but will be modified as necessary to accurately record the proceedings of a board convened pursuant to this regulation and AR 15–6.

2–28. Actions concerning board of officers defects

At any time after receipt and review of a case by the area commander or CG, HRC, the following actions may be taken with respect to substantial defects that may be noted:

- a.* The retention of the officer may be directed.
- b.* If the board of officers has failed to make findings or recommendations required by the applicable regulations, the case may be returned to the same board for compliance with the regulations concerned.
- c.* If there is an apparent procedural error or omission in the record of proceedings that may be corrected without reconsideration of the findings and recommendations of the board, the case may be returned to the same board for corrective action.
- d.* If the board of officers committed an error (other than as is dictated in paras 2–28*b* and 2–28*c*) that substantially prejudiced a substantial right of the officer, the case may be returned for a rehearing by a new board. The new board may be furnished the evidence properly considered by the previous board, including extracts from the record of testimony of those witnesses not deemed reasonably available to testify at the rehearing. The new board may call additional witnesses. New allegations that could form the basis for involuntary separation under section II may be presented to the new board of officers. First, however, the officer will be given notice of the new allegations and provided an opportunity to respond. The new board will not be advised of the findings and recommendations of the previous board. The recommendation of the appointing authority may not be less favorable than his or her initial recommendations, unless additional allegations are considered by the subsequent board.
- e.* When a case is returned to a board pursuant to paragraph 2–28*b* or 2–28*c*, and one or more members of that board are unavailable because of factors such as death, hospitalization, transfer, separation, or discharge, new members may be appointed. The case may proceed with an opportunity to challenge the members and after the substance of all proceedings is made known to the new member or members and recorded testimony of each witness previously examined is made known to the new member. No more than one rehearing may be directed without approval from DCS, G–1.

Chapter 3

Dropped from the Rolls of the Army

3–1. General

This chapter prescribes the criteria and procedures whereby the status of a Reserve officer of the Army will be terminated by dropping him or her from the rolls of the Army.

3–2. Scope

These provisions are applicable to officers of the USAR, including those who become members thereof by reason of withdrawal of federal recognition from the ARNGUS for reasons outlined in paragraph 3–3.

3–3. Criteria for dropping from the rolls

Officers may be dropped from the rolls of the Army for the following reasons:

a. Absence without proper authority from scheduled unit training for at least 3 months. However, officers who can be located will not be dropped from the rolls but will be processed for involuntary separation in accordance with chapter 2 of this regulation.

b. Sentenced at court-martial to a period of confinement for more than 6 months, provided the sentence has become final, and the officer has served at least 6 months of his or her sentence in confinement.

c. Sentenced to confinement in a federal or state penitentiary or correctional institution after having been found guilty of an offense by a criminal court (other than at court-martial or other military court), provided the sentence has become final, whether or not the officer is actually confined. For purposes of this regulation, a conviction is final when the time for an appeal has expired or final action on an appeal has been taken.

3–4. Preparation and forwarding

Commanders who receive information which appears to be of such nature as to warrant dropping an individual from the rolls under conditions specified in paragraph 3–3 will transmit such information, through channels, to the commander indicated in paragraph 3–5, as appropriate, for final determination. The letter will include:

- a.* A detailed statement of the basis for which the individual may be dropped from the rolls,
- b.* All available documentary evidence which purports to support the recommendation, and
- c.* When appropriate, a certified copy of the order of the court which convicted the officer or letter from the warden of the penitentiary or correctional institution stating that the officer has been received for (or has served at least 6 months in) confinement.

3–5. Authority to drop from the rolls

The following commanders are authorized to act on behalf of the SECARMY to drop an officer under their command or jurisdiction from the rolls of the Army, except in those cases where the officer is entitled to retired pay as a result of completion of 20 years active federal service (in which event approval of (ASA (M&RA)) is required):

- a.* Area commanders.
- b.* The CG, HRC.

3–6. Procedures

a. The appropriate commander will issue orders dropping the officer from the rolls of the Army. Orders will be published in the format prescribed in AR 600–8–105.

- b.* No official discharge certificate will be issued.

Chapter 4

Discharge or Removal from an Active Status of U.S. Army Reserve Officers

Section I

General

4–1. General

a. This chapter describes conditions under which USAR officers may be discharged from their status as Reserves of the Army and prescribes criteria for discharging them.

b. When federal recognition of ARNGUS officers is withdrawn for reasons in paragraph 4–3*a*(10), those officers will be discharged from Reserve status as members of the USAR, unless they are qualified for transfer to the Retired Reserve. In such cases the officer will be transferred to the Retired Reserve, unless the officer requests not to be transferred to the Retired Reserve.

c. Discharge of an officer from his or her appointment as a Reserve of the Army also terminates membership in the USAR.

d. Unless otherwise noted in this regulation, the character of service may be either Honorable or General (Under Honorable Conditions) for officers separated and discharged under the provisions of this chapter. When the discharge authority determines the character of service is Honorable, the officer will be issued a DD Form 256A. No discharge certificate will be issued when the discharge authority determines the character of service is General (Under Honorable Conditions).

e. A member of the USAR who has at least 5 years of service as a commissioned officer may not be discharged without his or her consent, except under an approved recommendation of a board of officers convened by an authority designated by the SECARMY; by the approved sentence of a court-martial (see 10 USC 12683); when the officer is

dropped from the rolls (see 10 USC 12684); is a chaplain who fails to maintain the qualifications required to perform the function of a chaplain (see 10 USC 14901); or is an ARNGUS officer whose federal recognition has been withdrawn for being absent without leave for 3 months (see 10 USC 14907). Accordingly, the conditions and procedures which establish the basis for discharge in paragraph 4–3 are explained as follows:

(1) Conditions for discharge listed in paragraph 4–3a are specifically authorized by law or are conditions for which another regulation requires a board consideration of discharge. In each instance, the applicable statute or the regulation under which board action is accomplished is included in parentheses at the end of the paragraph.

(2) An officer who has at least 5 years commissioned service and does not consent in writing to discharge will be discharged for a condition listed in paragraph 4–3b only on the recommendation of a board of officers, except as indicated in paragraph 4–1e. The board will be convened by the area commander concerned, or the CG, HRC for officers under the jurisdictional control of HRC, and will be appointed and conduct the proceedings as prescribed in chapter 2 of this regulation and in accordance with AR 15–6. The officer will be extended the rights listed in paragraph 2–19. The function of the board will be to determine, by a preponderance of the evidence standard, whether or not the ground(s) for discharge listed in the notice to the officer (respondent) exists. If the board finds the ground(s) does exist in the respondent's case, discharge must be recommended.

(3) A commissioned officer's separation or transfer to the Retired Reserve under this chapter may be delayed when an action has been commenced with a view to trying the officer by court-martial. Any such delay may continue until the completion of the disciplinary action against the officer (see 10 USC 14518). In cases when the officer fails to meet medical retention standards and meets the criteria in paragraph 2–7 of this regulation the officer will be dual-processed through DES (see 10 USC 14519). Requests for delay of separation or transfer to the Retired Reserve under this paragraph will be forwarded to DCS, G–1 (DAPE–MPO–D) for final decision by the ASA (M&RA).

4–2. Authority

Except as otherwise provided in this regulation, the authority to approve discharge of an officer under this chapter is delegated as follows and may not be further delegated:

a. Area commanders, deputy area commanders in GO grades (when delegated authority by the area commander in writing), and the CG, HRC may approve discharge in those instances where it is not necessary to obtain the officer's consent and in those instances where the officer waives the right to a board of officers when otherwise a board would be required.

b. When a board of officers is required and the officer elects appearance before the board, area commanders, deputy area commanders in GO grades (when delegated authority), or the CG, HRC (for officers under the jurisdiction of HRC), are authorized to take final action on board findings and recommendations, to include those cases referred to them by an authority specified in paragraph 2–17.

c. The DMPM may approve or disapprove deferment of separation or transfer to the Retired Reserve when an officer has been referred to a MEB or PEB and determination of the officer's entitlement to retirement or separation for physical disability requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the member's well-being before the date on which the officer is otherwise required to be separated or transferred to the Retired Reserve (see 10 USC 1164 (four month maximum deferment for WO separation for age)) (see 10 USC 14519 (thirty days after the completion of the evaluation for officers selected for early removal from the Reserve Active Status List; or for officers not selected for promotion)).

Section II

Discharge Criteria

4–3. Removal from an active status

a. Members of the USAR will be removed from an active status for any of the reasons in paragraphs 4–3a(1) through 4–3a(17), with or without the officer's consent, regardless of the length of commissioned service (see AR 140–10). Removal will be by discharge characterized as Honorable, transfer to the Retired Reserve (if eligible and the member applies) or, if eligible, transfer to the Standby Reserve (Inactive Status List).

(1) *Medical unfitness.* Officers who do not meet the medical fitness standards set by AR 40–501; HIV infected officers who demonstrate progressive clinical illness or immunological deficiency, as determined by medical authorities (see AR 600–110); or when found to be not physically qualified to perform AD (see 10 USC 12644) will be removed from active status. Removal will be by discharge characterized as Honorable, transfer to the Retired Reserve, or transfer to the Standby Reserve (Active Status List) when the medical disqualification is remedial within 6 months to 1 year (see AR 135–91). Exceptions to removal under this paragraph apply when the officer—

(a) Has a temporary medical disqualification (injury, illness, or disease) which can be corrected within 6 months (see AR 135–91).

(b) Has been approved for voluntary continuation on active Reserve (COAR) status, or the SECARMY, or designee, has directed involuntary COAR in consideration of the Soldier's service obligation, special skill, or experience under the provisions of AR 635–40 and AR 40–501.

(c) Has incurred a condition that fails to meet medical retention standards in the line of duty and is eligible for processing under the provisions of AR 40–501 or AR 635–40.

(d) Is serving on active duty for a period of more than 30 days who elects to be kept on active duty for disability evaluation until final disposition by SECARMY (see DODI 1332.18).

(2) *Maximum age.* Attaining maximum allowable age, as prescribed in AR 140–10 (see 10 USC 14510, 10 USC 14511, 10 USC 14512, 10 USC 14515, and 10 USC 14703).

(a) USAR and ARNGUS commissioned officers (colonels and below) will be separated at age 60 or maximum years of commissioned service, whichever comes first. Requests for retention until the maximum age limit prescribed by law (age 62 under 10 USC 14509) will be considered on an individual basis. Such requests must be based on the needs of the RC and must be justified accordingly. Requests for individual exceptions to the regulatory removal requirement may be submitted through the officer's chain of command and DCS, G–1, to the ASA (M&RA) for approval.

(b) USAR and ARNGUS WOs (including commissioned WOs) will be separated at age 60. Requests for retention beyond age 60 for WOs qualified for non-regular retired pay will be considered under AR 135–32. Warrant officers not qualified for non-regular retired pay at age 60 may request retention as an exception to the regulatory removal requirement, except that the retention may not exceed 60 days after reaching age 62 (see 10 USC 1164). Such requests must be based on the needs of the RC, be justified accordingly, and submitted through the officer's chain of command and DCS, G–1, to the ASA (M&RA) for approval.

(3) *Length of service.* Completion of maximum authorized years of service (see AR 140–10, 10 USC 14507, 10 USC 14508, 10 USC 14514, 10 USC 14701, and 10 USC 14703).

(4) *Failure to qualify for promotion from warrant officer one to warrant officer two.* When a warrant officer one (WO1), who has completed his or her statutory MSO, fails to qualify for promotion to chief warrant officer two (CW2), and a determination has been made to discharge the WO by the area commander, or CG, HRC for WOs under the jurisdictional control of HRC (see AR 135–155).

(5) *Non-selection for promotion after second consideration.* An officer in the grade specified below who has completed his or her statutory MSO will be discharged for failure to be selected for promotion after second consideration by a DA RC selection board not later than the first day of the seventh month after the month in which the President (or SECARMY for WOs) approves the report of the board which considered the officer for the second time, unless the officer is retained under the provisions of 10 USC 12646, 10 USC 12686, 10 USC 14701, or 10 USC 14703. However, an officer will be transferred to the Retired Reserve, if qualified, in lieu of discharge, unless the officer requests not to be transferred.

(a) A CW2 or chief warrant officer three (see AR 135–155).

(b) A first lieutenant (1LT) (see AR 135–155, 10 USC 12645, and 10 USC 14504). Removal from an active status will be not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time. A reserve officer who holds the grade of 1LT and is a health professions officer or is actively pursuing an undergraduate program of education leading to a baccalaureate degree, may be considered for continuation on the reserve active-status list (see 10 USC 14701). However, if the officer is selected for but declines continuation, then the officer will be retained in an active status until completion of the related service obligation, unless the SECARMY or designee determines retention of the officer is not in the best interest of the Army and waives the remaining service obligation (see 10 USC 14701).

(c) A captain (see AR 135–155 and 10 USC 14505). Removal from an active status will be not later than the first day of the seventh month after the month in which the President approved the report of the board which considered the officer for the second time unless the officer is retained under the provisions of 10 USC 14701. If not qualified and transferred to the Retired Reserve on the required date for removal, the officer will be discharged.

(d) A major (see AR 135–155 and 10 USC 14506). Removal from an active status will be on the later of the first day of the month after the month in which the officer completes 20 years of commissioned service, or the first day of the seventh month after the approval date of the promotion board report that non-selected the officer for the second time, unless the officer is retained under the provisions of 10 USC 12646, 10 USC 12686, 10 USC 14701, or 10 USC 14703. If not qualified and transferred to the Retired Reserve on the required date for removal, the officer will be discharged.

(e) An health professions officer obligated to a period of service incurred under 10 USC 16201 of this title who is required to be removed from the reserve active-status list under this section and who has not completed a service obligation incurred under 10 USC 16201 will be retained on the reserve active-status list until the completion of such service obligation and then discharged, unless sooner retired or discharged under another provision of law. SECARMY may waive the service obligation in the best interest of the Army (see 10 USC 14701).

(6) *Failure to earn sufficient retirement points for retention.* A one-time exception may be authorized for officers (other than commissioned WOs) by the area commander (for officers assigned to a troop program unit (TPU)) or CG, HRC for those under the jurisdictional control of HRC (see AR 140–10 and 10 USC 12642).

(7) *General officers ceasing to occupy commensurate positions.* A GO (not on AD) who ceases to occupy a position commensurate with his or her grade or higher grade is required to be removed from an active status or transferred within 30 days from the date he or she ceases to occupy such position (see AR 135–156, AR 140–10, and 10 USC 14314). Discharge or transfer will be accomplished according to the option the officer elects:

(a) Transfer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.
(b) Transfer in grade to the Inactive Status List of the Standby Reserve, if the officer is qualified.
(c) Discharge from the officer's Reserve appointment and, if qualified, appointment in the Reserve grade held by the officer as a Reserve officer before the officer's appointment in a GO grade.

(d) Discharge from the officer's Reserve appointment. Discharge will also be accomplished when the officer fails to submit an election under AR 140–10 within 25 calendar days after ceasing to occupy such position.

(8) *Selection for removal from an active status.* When a WO or commissioned officer in the grade of colonel or below with 20 years or more of qualifying service for retired pay is recommended by a board of officers for removal from an active status and the SECARMY approves the recommendation (see 10 USC 14704).

(9) *Exemption from mobilization.* On the approved recommendations of a board of officers that an officer should be exempted from mobilization and discharged or transferred to the Standby Reserve (Inactive Status List) (see AR 601–25).

(10) *Withdrawal of federal recognition.*

(a) When the federal recognition of an ARNG officer is withdrawn by reason of lack of required qualifications for retention in the ARNGUS of the appropriate state (see 10 USC 14907 and 32 USC 323(b)).

(b) When the federal recognition of an ARNG officer is withdrawn for failure to retire a technical waiver or an educational stipulation within the prescribed timeframe for retention in the ARNGUS of the appropriate state, the officer will be discharged or transferred to the Retired Reserve (see NGR 635–100).

(11) *Nonavailability of Standby Reserve officer.* When a non-available Standby Reserve officer continues to be unavailable for active duty 12 months after initiation of general mobilization (see AR 601–25).

(12) *Failure to complete a basic branch course.* Officers appointed on or after 1 December 1969 because of completion of ARNG or USAR Officer Candidate School, and direct appointees who fail to complete a basic branch qualifying course within 36 months of effective date of appointment (see AR 140–10).

(13) *Failure to complete military educational requirements.* Effective 1 July 1972, when an officer fails to complete the military educational requirements in AR 135–155 (see also AR 140–10).

(14) *Nonacceptance of assignment by non-obligated officer.* Any non-obligated officer member of the IRR who refused to accept assignment to a USAR unit, individual mobilization augmentation assignment, or attachment to a USAR unit (see AR 140–10).

(15) *Request not to be transferred to the Retired Reserve on removal from active status.* An officer who is removed from active status for any reason listed in paragraphs 4–3a(1) through 4–3a(14) will be transferred to the Retired Reserve within 30 days from the date the officer is advised that he or she is being removed from active status, if he or she is eligible for the transfer (has 20 or more years of qualifying service for nonregular retired pay), unless the officer requests not to be transferred to the Retired Reserve.

(16) *Failure or refusal to provide mailing address.* Any officer who fails or refuses to give a current mailing address (see AR 135–91, AR 135–133, and 10 USC 10205).

(17) *Failure of Judge Advocate General's Corps officers to become educationally qualified within specified time limits.* Judge Advocate General's Corps officers who fail to satisfy the educational qualification requirements of AR 27–1 within the time limits prescribed in AR 135–100 will have their commissions terminated (in cases of USAR officers) and their federal recognition withdrawn (in cases of ARNG officers). TJAG may grant an exception to this automatic termination provision provided the commander concerned recommends such exception and sufficient cause is shown.

b. An officer will be discharged for any one of the reasons in paragraphs 4–3b(1) through 4–3b(7) without his or her consent if he or she has less than 5 years of commissioned service or with his or her consent if he or she has at least 5 years of commissioned service. If an officer who has at least 5 years of commissioned service does not give

his or her consent, discharge will be accomplished only on the approved recommendations of a board of appointed officers, as prescribed in paragraph 4–1e.

(1) *Loss of ecclesiastical endorsement.* On withdrawal of ecclesiastical endorsement, other than for cause, of a chaplain unless he or she is qualified, applies for, and receives approval of a request for appointment in a basic branch (see AR 140–10).

(2) *Chaplain candidates, appointed and assigned to staff specialist branch (AOC 56X).* A chaplain candidate, so appointed and assigned, pending his or her eligibility for assignment to chaplain branch, will be discharged as shown in paragraphs 4–3b(2)(a) and 4–3b(2)(b), unless he or she is qualified and receives approval of a branch transfer (see AR 140–10).

(a) On withdrawal of ecclesiastical endorsement.

(b) On withdrawal from the seminary in which he or she was enrolled prior to completing the course of instruction and failure to enroll in another recognized seminary within a period of 1 year. As an exception to this discharge provision, Reserve Officers' Training Corps (ROTC) graduates who are appointed staff specialists (area of concentration (AOC) 56X) and fail to complete their courses of instruction will be ordered to AD or ADT and to serve in the USAR in the branch in which they were originally commissioned on completion of ROTC training.

(c) For failure to apply for assignment to the chaplain branch (via appointment or branch transfer, whichever is appropriate) within 3 years after graduation and ordination (eligibility for such assignment includes ecclesiastical endorsement).

(3) *Loss of license or disbarment from professional practice.* An officer of the professional service in the Medical, Dental, or Veterinary Corps as well as those specialists allied to medicine or an officer in the Judge Advocate General's Corps whose license is terminated or is otherwise disbarred from practice, will be discharged under the provisions of this chapter, unless the circumstances warrant involuntary separation action (see chap 2).

(4) *Employment with a foreign government.* Unless prior written approval is obtained from the ASA (M&RA) and the Department of State, an officer who is not receiving retired pay will be discharged by reason of acceptance of civil employment with a foreign government agency or instrumentality of the foreign government whether or not compensation is received (see AR 600–291).

(5) *Administrative separation.* Officers who are determined administratively unfit to perform military duty by appropriate military authority based on objective evidence of such unfitness will be discharged (for example, medical evaluation made pursuant to AR 40–501).

(6) *Failure to complete eligibility requirements for appointment.* Officers appointed under special programs prior to completing their eligibility requirements for the appointment and who subsequently failed to complete these requirements may be discharged (including, but not limited to Health Professions Scholarship Program participants under AR 601–141 and Army Nurse Corps officers under AR 135–101).

(7) *Failure to receive a favorable background investigation and/or Department of Defense National Agency Check and written inquiries.* Officers who have been commissioned through accelerated processing procedures as health professionals, chaplains, or attorneys and who subsequently do not receive a favorable background investigation and/or DOD National Agency Check and written inquiries (DNACI) will be discharged (see paras 2–11b, 2–12m, and 2–14 of this regulation).

4–4. Removal from the Inactive Status List of the Standby Reserve

An officer will be discharged by reason of removal from this list when his or her removal is required (see AR 140–10), unless he or she is eligible for transfer to an active status in the Ready Reserve or is eligible and applies for transfer to the Retired Reserve.

4–5. Failure to qualify for promotion to first lieutenant

An officer serving in the grade of second lieutenant that has been found not qualified for promotion to the grade of first lieutenant may be discharged at any time after being found not qualified for promotion, and if not sooner discharged, will be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion. This paragraph will not apply if the officer is sooner promoted (see 10 USC 14503).

4–6. Bona fide conscientious objectors

See AR 600–43.

4–7. Incompatible status

a. An officer will be discharged for the following reasons, contingent on acceptance of his or her conditional resignation (see chap 6, sec II):

- (1) On acceptance of appointment in one of the following uniformed services:
 - (a) The United States Public Health Service Commissioned Corps or Ready Reserve Corps.
 - (b) The National Oceanic and Atmospheric Administration.
 - (2) On enlistment or acceptance of appointment with another Armed Force, including the RCs thereof. The term “Armed Force” includes the following uniformed services under the conditions in paragraphs 4–7a(2)(a) and 4–7a(2)(b):
 - (a) The United States Public Health Service when it is designated as a military service (see 42 USC 217).
 - (b) The National Oceanic and Atmospheric Administration when it is transferred to the Army or Navy in time of war (see 33 USC 3061).
- b. Effective date of discharge will be the date preceding the date officer executes oath for enlistment or appointment in the new status.

4–8. Removal from the temporary disability retired list

An officer with no remaining statutory MSO who is found physically fit to perform military duties on removal from the TDRL will be discharged if he or she elects not to accept reappointment on removal from this list, or transferred to the Retired Reserve, if eligible (see AR 635–40). Officers required to be separated or retired for nondisability reasons at the time they were referred for disability evaluation and placed on the TDRL, if determined fit, will be separated or retired, as applicable.

4–9. Pregnancy or childbirth

Officers who are pregnant or who have given birth to a living child during their present appointment will not be involuntarily released except when action under chapter 2 of this regulation is warranted. If the officer has completed initial AD or ADT the officer may request transfer to the IRR or removal from an active status by discharge or transfer to the Retired Reserve, if eligible. A pregnant officer who has not completed initial AD or ADT may request delay of entry on AD or tender a resignation, except that officers who have incurred an AD obligation as a result of a federally funded program are not eligible to resign until after completion of the required period of AD.

- a. Request for removal will be submitted in the format shown in figure 4–1 (see AR 135–91).
- b. The request will be forwarded either to the area commander or to the CG, HRC for final action.
- c. If the officer does not request removal or discharge, maternity leave will be granted in accordance with AR 135–91.
- d. The character of service of an officer resigning under this paragraph will be Honorable and a DD Form 256A will be furnished.
- e. If it has been determined by physician that a pregnancy has been terminated by other than a live birth, the officer may withdraw request for removal.



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

MEMORANDUM FOR (*commander concerned*)

(*Date*)

SUBJECT: Request for Removal from Active Status or Discharge

1. I, Jane A. Doe, major, Signal Corps, (*last 4 of SSN or DOD ID number*), tender my request for relief from an active status or discharge from the Army Reserve under the provisions of AR 135-175, paragraph 4-9, to be effective (*date*), or as soon as practical thereafter.

2. My present assignment is

3. I desire (*elect an option*)

() Discharge.

(X) Transfer to the Individual Ready Reserve.

() Transfer to the Retired Reserve, if eligible.

4. I am attaching a certificate of pregnancy or birth.

Attachment

(*Signature of officer*)

Figure 4-1. Format for request for removal from active status or discharge (pregnancy or childbirth)

Chapter 5 Vacation and Revocation of Appointment

5-1. General

a. This chapter outlines the conditions under which an officer of the ARNGUS or USAR automatically vacates his or her appointment as a Reserve of the Army because of entry into another military status which is incompatible with his or her Reserve status at the time of such entry.

b. Administrative action is not required to accomplish automatic vacation of appointment. However, for record purposes only, a letter of notification of vacation of appointment may be issued at the request of the officer in accordance with the format in figure 5-1, except when vacation of appointment is the result of promotion to the next higher grade. Such letters will be issued by the appropriate area commander or the CG, HRC.

c. No formal discharge certificate will be issued.

d. The appointment as a Reserve officer of the Army is vacated effective the date immediately preceding the date the officer enlists or executes oath of office for appointment in the new military status. Under these conditions, the ARNGUS officer does not become a member of the USAR.



DEPARTMENT OF THE ARMY
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STREET ADDRESS
CITY STATE ZIP

MEMORANDUM FOR (*officer concerned*)

(*Date*)

SUBJECT: Vacation of Reserve Appointment

1. Your appointment as a Reserve (*commissioned or warrant*) officer of the Army was vacated on your (*indicate status acquired, reference specific subparagraph in AR 135-175*).
2. No formal discharge will be issued you by reason of this vacation of your appointment.

FOR THE COMMANDER:

(*Signature*)

Figure 5–1. Format for vacation of Reserve appointment

5–2. Conditions under which appointment is automatically vacated

The Reserve appointment of any officer is automatically vacated under the conditions outlined below, except where specifically limited to an ARNGUS or USAR officer, commissioned or warrant.

- a.* An officer automatically vacates his or her Reserve appointment when he or she accepts an appointment as a cadet or midshipman for entrance into the United States Military, Naval, Air Force, or Coast Guard Academy.
- b.* A commissioned officer vacates his or her Reserve appointment when he or she—
 - (1) Accepts an RA appointment in a commissioned grade.
 - (2) Accepts a promotion to a higher Reserve grade.
 - (3) Enlists for service in any component of the Army (RA, ARNGUS, or USAR).
- c.* A USAR commissioned officer vacates his or her Reserve appointment when he or she—
 - (1) Accepts federal recognition as a Reserve of the Army for service in the ARNGUS.
 - (2) Accepts an appointment as a Reserve of the Army, in the WO grade, for service in the USAR.
 - (3) Enlists for service in any component of the Army (RA, ARNGUS, or USAR).
- d.* A USAR WO vacates his or her Reserve appointment when he or she—
 - (1) Accepts an RA appointment as a warrant or commissioned officer.
 - (2) Accepts a Reserve appointment in a commissioned grade for service in the USAR.
 - (3) Enlists for service in any component of the Army (RA, ARNGUS, or USAR).
 - (4) Accepts an appointment as a Reserve of the Army for service in the ARNGUS.

5–3. Revocation of appointment

When it is found that a Reserve commissioned officer or WO was appointed in error, the appointment will be revoked. The officer will be notified by letter issued by the appointing authority that tendered the Reserve appointment (see fig 5–2).



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

MEMORANDUM FOR (*officer concerned*)

(*Date*)

SUBJECT: Revocation of Appointment

1. Your appointment as a Reserve (*commissioned or warrant*) officer of the Army has been revoked. You were ineligible for appointment.
2. No formal discharge will be issued.

FOR THE COMMANDER:

(*Signature*)

Figure 5–2. Format for revocation of appointment

Chapter 6 Resignations

Section I

General

6–1. General

This chapter prescribes the means and procedures governing the submission of resignations which may be submitted by Reserve officers of the Army.

6–2. Scope

The provisions of this chapter apply to ARNGUS and USAR officers, except where such provisions are specifically limited to USAR officers. Voluntary requests for resignation under this regulation may be accepted only from a member who is mentally competent at the time he or she submits such request. For determination as to medical conditions, provisions of paragraph 2–6 will apply.

6–3. Procedures

a. Resignations will be prepared in accordance with the appropriate format prescribed in figures 6–1 through 6–6 and will include the following information:

- (1) Officer's present assignment and attachment, if any.
- (2) Reason(s) for submission of resignation.
- (3) Documentary evidence, when appropriate, to substantiate given reason(s) for submission of resignation.

b. Resignations will be submitted through appropriate military channels to the commander authorized to take final action thereon. In those instances where final action is restricted to HQDA, the resignation will be forwarded by the

appropriate commander together with remarks and recommendations to the CG, HRC (AHRC–OPD) for final approval or disapproval.

Section II

Conditional Resignations to Enter Another Service

6–4. General

a. Officers may submit a resignation in accordance with format in figure 6–1 to obtain a conditional release for any one of the following purposes:

- (1) To apply for appointment in:
 - (a) A regular or RC of another Armed Force.
 - (b) The Commissioned Corps or the Ready Reserve Corps of the U.S. Public Health Service.
 - (c) The National Oceanic and Atmospheric Administration.
- (2) To apply for enlistment in a Regular or RC of another Armed Force.

b. Applications for appointment in an RC of another Armed Force will be submitted and processed in accordance with AR 140–10 guidance for inter-Service transfers. Discharge will be accomplished as set forth in paragraph 4–7 of this regulation.


	DEPARTMENT OF THE ARMY ORGANIZATION STREET ADDRESS CITY STATE ZIP
<div style="display: flex; justify-content: space-between;"><div>MEMORANDUM FOR <i>(commanding officer)</i></div><div><i>(Date)</i></div></div> <p>SUBJECT: Conditional Tender of Resignation to Enter Another Service</p> <p>1. I, John A. Doe, captain, Infantry, <i>(last 4 of SSN or DOD ID number)</i>, hereby submit a conditional tender of resignation as a Reserve officer of the Army, USAR under the provisions of paragraph <i>(number)</i> in AR 135-175.</p> <p>2. I am submitting this conditional tender of resignation for the purpose of obtaining a conditional release in order that I may apply for <i>(enlistment or appointment)</i> in</p> <p>3. My reason(s) for applying for <i>(enlistment or appointment)</i> in another Service is</p> <p>4. I am presently assigned to <i>(add the following, if appropriate)</i> and attached to</p> <p>5. I understand that my conditional tender of resignation will not be effective until such time as I have been <i>(enlisted or appointed)</i> in the gaining Service and executed an oath of office for such <i>(enlistment or appointment)</i>.</p> <div style="text-align: right; margin-top: 20px;"><i>(Signature of officer)</i></div>	

Figure 6–1. Format for conditional tender of resignation

6–5. Authority to accept conditional resignations

Area commanders and the CG, HRC are authorized to accept conditional resignations submitted by officers under their command or jurisdictional control, as outlined in paragraph 6–6.

6–6. Criteria for conditional resignations

Conditional resignations may be accepted only under the conditions outlined below.

a. Non-obligated officers. A conditional resignation must be accepted from a non-obligated officer on his or her application.

b. Obligated officers who have performed their required period of active duty or active duty for training. An obligated officer who has performed his or her required period of AD or ADT may be granted a conditional release under the following conditions to apply for:

- (1) Enlistment or appointment in a regular component of another Armed Force.
- (2) Appointment in the regular component (Commissioned Corps) of the U.S. Public Health Service or in the National Oceanic and Atmospheric Administration.
- (3) Appointment in the RC (Ready Reserve Corps) of the U.S. Public Health Service provided the officer has special experience or professional, educational, or technical background which is clearly of greater use to the gaining service and which outweighs the value of his or her previous training.

c. Obligated officers who have not performed their required period of active duty or active duty for training. An obligated officer who has not performed his or her required period of AD or ADT may submit a conditional resignation; however, it will be accepted only under very exceptional circumstances involving national health, safety, or interest.

6–7. Processing conditional resignations

Conditional resignations will be processed expeditiously in accordance with the provisions outlined in this paragraph.

a. Conditional resignations from obligated officers who have not performed their required period of AD or ADT will be forwarded as set forth in paragraph 6–3.

b. Conditional resignations submitted by officers, other than those outlined in paragraph 6–7*a*, will be processed through channels to the appropriate commander who will inform the officer of the action taken as follows:

(1) If accepted, the officer will be furnished a signed official statement that his or her conditional resignation is accepted and will become effective on his or her acquisition of new status in another Armed Force or in the Uniformed Services.

(2) If not approved, the resignation will be returned to the officer together with a statement showing reasons for nonacceptance.

c. An officer may wish to waive the right to a board of officer's contingent upon receiving a characterization of service more favorable than the least favorable characterization authorized for the reason for elimination set forth in the notice of elimination. Conditional resignations submitted by officers notified of the requirement to show cause for retention will be processed to the area commander, or the CG, HRC for officers under the jurisdictional control of HRC, who will either (see fig 6–5):

- (1) Approve the resignation.
- (2) Disapprove the resignation, provide the disapproval to the officer, and continue processing the involuntary separation.

Section III

Unqualified Resignations

6–8. General

This section provides for means and procedures governing the submission of unqualified resignations as Reserve officers of the Army and the conditions under which such resignations may be accepted.

6–9. Authority to take final action

a. HQDA reserves the authority to take final action on unqualified resignations submitted by obligated officers, except as otherwise provided in paragraph 6–9*b*(2). All such resignations will be forwarded as set forth in paragraph 6–3.

b. Authority to take final action on unqualified resignations submitted by the following officers is delegated to the appropriate area commander and the CG, HRC. The area commander and the CG, HRC may further delegate the authority to take final action on unqualified resignations to the command G–1, Deputy G–1, or a division chief in the grade of colonel or civilian equivalent.

- (1) A non-obligated officer.
- (2) An obligated officer when his or her resignation is based on religious reasons (see para 6–10*a*(2)).

6–10. Criteria for unqualified resignations

The following circumstances provide the basis and will be used as a guide in determining final action on unqualified resignations.

a. Obligated officer. Normally, an obligated officer will not be permitted to resign his or her office until the obligated period of service is completed, except as otherwise provided below.

(1) CG, HRC may approve acceptance of a resignation in cases involving extreme compassionate circumstances or when such action is deemed to be in the best overall interest of the officer and the Army.

(2) A resignation will be accepted when submitted by an officer who—

(a) Is a chaplain.

(b) Becomes a regular or duly ordained minister of religion.

(c) Must be separated from his or her military status for the purpose of obtaining ordination to take final vows in a religious order.

b. Non-obligated officers. Unless otherwise directed by HQDA or prohibited by paragraphs 6–10b(1) or 6–10b(2), approval authorities may approve resignation requests submitted by non-obligated officers. Acceptance of such requests is not mandatory and may be denied by the approval authority when it is determined that denial is in the best interests of the Army, provided such denials do not constitute a general policy of denial (except as authorized in paras 6–10b(1) and 6–10b(2)) and requests are reviewed on a case-by-case basis. Resignation requests submitted by non-obligated officers must be denied under the following circumstances:

(1) The officer is under investigation or charges, being considered for administrative involuntary separation, in the hands of civil authorities, insane, or in default with respect to public property or public funds.

(2) When HQDA, by separate instructions, restricts the acceptance of such resignations in time of war, when under a national emergency proclaimed by the President or declared by Congress, or under other conditions which may necessitate such action (for example, peacetime expansion of the RA).

6–11. Procedures

a. Resignations will be prepared in accordance with the format in figure 6–2 and, when requested by a non-obligated officer, will be submitted not later than 6 months prior to the desired effective date.

b. Resignations submitted by obligated officers based on religious reasons will be substantiated by appropriate documentary evidence specified below.

(1) A statement from the appropriate authority of the church, religious sect, or organization that the individual has met the requirements for recognition as a regular or ordained minister of religion.

(2) A statement from an appropriate authority of the local organization or congregation, which the military member serves, that the member is employed full-time in a religious occupation as a minister of religion (see glossary).

(3) A statement from appropriate authority of the religious order that as a divinity student the military member—

(a) Is fully qualified and acceptable for further religious training.

(b) Must be separated from military status for further theological education or processing into the religious order or organization.

(c) If separated, will be eligible for ordination or recognition as a minister on or about a specified date.

(4) A statement from the seminary or other educational institution in which the religious training is now or will be received that the individual is now or will be, concurrent with discharge, a full-time divinity student preparing for the ministry.

c. Confirmation of acceptance of resignation will be announced in accordance with the orders format prescribed in AR 600–8–105.



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

MEMORANDUM FOR (*commanding officer*)

(*Date*)

SUBJECT: Unqualified Resignation

1. I, John A. Doe, captain, Infantry, (*last 4 of SSN or DOD ID number*), hereby tender my unqualified resignation as a Reserve officer of the Army, USAR under the provisions of paragraph (*number*) in AR 135-175.
2. I am submitting this resignation because (*If documentary evidence is required to be attached to resignation, add the following statement*) The enclosed statements are attached as documentary evidence substantiating my reasons for resigning.
3. I am presently assigned to (*add the following, if appropriate*) and attached to
4. I understand that if my resignation is accepted, I may be furnished an honorable or general discharge, and if characterized as honorable, I will be furnished an Honorable Discharge Certificate.

(*Signature of officer*)

Figure 6–2. Format for an unqualified resignation

Section IV

Unqualified and Conditional Resignations in Lieu of Involuntary Separation

6–12. General

- a.* An officer who has been notified of the requirement to show cause for retention may submit an unqualified resignation, or a conditional resignation as indicated in paragraph 6–14*c*, when waiving the right to be considered by a board of officers or at any time prior to final action taken on the board proceedings.
- b.* Commanders will ensure that there is no element of coercion in connection with a resignation in lieu of involuntary separation and that the officer concerned is allowed at least 10 days after notification of impending involuntary separation to make a personal decision when resignation is contemplated.
- c.* A resignation will automatically suspend involuntary separation action pending final action on the resignation.

6–13. Authority to take final action on resignations in lieu of involuntary separation

The authority to take final action on resignations in lieu of involuntary separation is restricted to the area commander or the area commander's deputy under the provisions of paragraph 2–9*c* of this regulation, or CG, HRC for officers under the jurisdictional control of HRC, except when the officer is being dual-processed through the MEB/PEB system. When an officer is being dual-processed for involuntary separation and disability evaluation the final approval authority is the DASA–RB (see para 2–8*b*).

6–14. Procedures

- a.* The resignation of an officer whose case falls within the purview of AR 380–67 (interests of the national security) will be processed as specified in that regulation.
- b.* Except as otherwise provided in paragraph 6–14*a*, the resignation of an officer under consideration for involuntary separation solely for substandard performance of duty will be submitted in the format in figure 6–3 (see para 2–12).

c. An unqualified or conditional resignation of an officer under consideration for involuntary separation that includes an act or acts of moral or professional dereliction (see para 2–13) or in the interest of national security (see para 2–15) will be submitted in the format indicated in figure 6–4 or 6–5, as elected by the officer.

d. Resignations will be processed as set forth in paragraph 6–3b. The characterization of service (type of discharge) will be determined by the area commander or CG, HRC.

e. The CG, HRC will accomplish administrative separation of officers under the jurisdictional control of that center whose resignation in lieu of involuntary separation has been accepted.


	DEPARTMENT OF THE ARMY ORGANIZATION STREET ADDRESS CITY STATE ZIP
MEMORANDUM FOR (<i>separation authority</i>) (<i>Date</i>)	
SUBJECT: Resignation in Lieu of Separation Proceedings	
<p>1. I, John A. Doe, captain, Infantry, (<i>last 4 of SSN or DOD ID number</i>), having been informed that I am being considered for involuntary separation, do hereby tender my resignation as a Reserve officer of the Army, USAR under the provisions of paragraph (<i>number</i>) in AR 135-175.</p> <p>2. I have been advised of the reasons for initiation of involuntary separation action, of my right to appear before a board of officers, to be represented by counsel, to submit a brief in my behalf, and any other statements, to present witnesses in my behalf, and to have a reasonable time (<i>at least 30 days</i>) to prepare my case.</p> <p>3. I hereby waive these rights with the understanding that if my resignation is accepted, I will be separated under honorable conditions and will be furnished an Honorable Discharge Certificate.</p> <p style="text-align: right;">(<i>Signature of officer</i>)</p>	

Figure 6–3. Format for resignation in lieu of involuntary separation proceedings if for substandard performance of duty



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

MEMORANDUM FOR (*Separation Authority*)

(*Date*)

SUBJECT: Resignation in Lieu of Separation Proceedings

1. I, John A. Doe, Captain, Infantry, (*last 4 of SSN or DOD ID Number*), having been informed that I am being considered for involuntary separation, do hereby tender my resignation as a Reserve officer of the Army, USAR under the provisions of paragraph (*number*) in AR 135-175.
2. I have been advised of the reasons for initiation of involuntary separation action, of my right to appear before a board of officers, to be represented by counsel, to submit a brief in my behalf, and any other statements, to present witnesses in my behalf, and to have a reasonable time (*at least 30 days*) to prepare my case.
3. I hereby waive these rights with the understanding that if my resignation is accepted, I may be separated either under honorable conditions or under other than honorable conditions. I also understand that I may be furnished an Honorable or General Discharge, or Other Than Honorable Conditions Discharge, as determined by the discharge authority.

(*Signature of officer*)

Figure 6–4. Format for resignation in lieu of involuntary separation proceedings for moral or professional dereliction or in the interest of national security



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

MEMORANDUM FOR (*separation authority*)

(*Date*)

SUBJECT: Conditional Resignation in Lieu of Separation Proceedings

1. I, John A. Doe, captain, Infantry, (*last 4 of SSN or DOD ID number*), having been informed that I am being considered for involuntary separation, do hereby tender my conditional resignation as a Reserve officer of the Army, USAR under the provisions of paragraph (*number*) in AR 135-175.
2. I have been advised of the reasons for initiation of involuntary separation action, of my right to appear before a board of officers, to be represented by counsel, to submit a brief in my behalf, and any other statements, to present witnesses in my behalf, and to have a reasonable time (*at least 30 days*) to prepare my case.
3. I hereby waive these rights on the condition that if my resignation is accepted, I may be separated under honorable conditions and I will be furnished an Honorable or General Discharge Certificate, as determined by the discharge authority.

(*Signature of officer*)

Figure 6–5. Format for conditional resignation in lieu of involuntary separation proceedings for moral or professional dereliction (paragraph 2–11) or in the interest of national security (paragraph 2–13)

Section V

Resignation of Personnel Who Do Not Meet the Medical Fitness Standards at Time of Appointment

6–15. General

RC commissioned officers who have less than 5 years commissioned service and RC WOs who have less than 3 years of service since accepting initial appointment in their present component, who did not meet the medical fitness standards when accepted for appointment, but met the medical standards for retention, may submit a resignation under this section.

6–16. Procedures

Eligibility for resignation under this section will be governed by the following:

- a.* A medical board finding that the individual has a medical condition which—
 - (1) Would have permanently disqualified the member for entry into the military service had it been detected at the time of acceptance for appointment.
 - (2) Does not disqualify the member for retention in the military service under the provisions of AR 40–501.
 - (3) Was not service-aggravated. However, a service-aggravated condition which does not disqualify for retention under AR 40–501 does not preclude eligibility for resignation.
- b.* Resignation must be submitted within the time frame indicated in paragraph 6–15.

6–17. Preparation and forwarding

Resignation will be prepared in accordance with figure 6–6 and forwarded with the medical board proceedings through appropriate channels to the CG, HRC for determination.



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

MEMORANDUM FOR (*commander concerned*)

(*Date*)

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

1. I, John A. Doe, captain, Infantry, (*last 4 of SSN or DOD ID number*), tender my resignation as a Reserve officer of the Army, USAR under the provisions of paragraph (*number*) in AR 135-175.
2. I am presently assigned to (*add the following, if appropriate*) and attached to
3. I understand that if my resignation is accepted, I am entitled to an honorable separation and will be furnished an Honorable Discharge Certificate.
4. Attached are current medical examination reports, DD Forms 2807-1 and 2808, and (*if applicable*) a serology report and electrocardiogram.

(*Signature of officer*)

Figure 6–6. Format for resignation for failure to meet the medical fitness standards at time of appointment

6–18. Discharge certificate issued

A DD Form 256A will be issued.

Appendix A

References

Section I

Required Publications

Unless otherwise indicated, DA publications are available at <https://armypubs.army.mil/>. USC material is available at <https://uscode.house.gov/>.

AR 15–6

Procedures for Administrative Investigations and Boards of Officers (Cited in para 2–12.)

AR 25–400–2

The Army Records Information Management System (ARIMS) (Cited in para 2–21f.)

AR 27–1

Judge Advocate Legal Services (Cited in para 4–3a(17).)

AR 27–10

Military Justice (Cited in para 2–11c.)

AR 40–501

Standards of Medical Fitness (Cited in para 2–5b.)

AR 135–32

Retention in an Active Status After Qualification for Retired Pay (Cited in para 4–3a(2)(b).)

AR 135–91

Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures (Cited in para 2–13e(2).)

AR 135–100

Appointment of Commissioned and Warrant Officers of the Army (Cited in para 4–3a(17).)

AR 135–101

Appointment of Reserve Commissioned Officers for Assignment to Army Medical Department Branches (Cited in para 4–3b(6).)

AR 135–133

Ready Reserve Screening, Qualification Records System, and Change of Address Reporting (Cited in para 2–13e(3)(a).)

AR 135–155

Promotion of Commissioned Officers and Warrant Officers Other Than General Officers (Cited in para 4–3a(4).)

AR 135–156

Reserve Component General Officer Personnel Management (Cited in para 4–3a(7).)

AR 135–180

Retirement for Nonregular Service (Cited in para 2–3c.)

AR 140–1

Mission, Organization, and Training (Cited in para 2–13e(3)(b).)

AR 140–10

Assignments, Attachments, Details, and Transfers (Cited in para 1–9a(5).)

AR 190–45

Law Enforcement Reporting (Cited in para 2–9d.)

AR 195–2

Criminal Investigation Activities (Cited in para 2–18d.)

AR 380–67

Personnel Security Program (Cited in para 1–7a(1).)

AR 600–8–2

Suspension of Favorable Personnel Actions (Flags) (Cited in para 2–10.)

AR 600–8–24

Officer Transfers and Discharges (Cited in para 2–13*h*.)

AR 600–8–104

Army Military Human Resource Records Management (Cited in para 1–10*b*(2).)

AR 600–8–105

Military Orders (Cited in para 1–12*a*.)

AR 600–9

The Army Body Composition Program (Cited in para 2–12*h*.)

AR 600–20

Army Command Policy (Cited in para 1–13*a*.)

AR 600–43

Conscientious Objection (Cited in para 4–6.)

AR 600–85

The Army Substance Abuse Program (Cited in para 2–5*h*.)

AR 600–110

Identification, Surveillance, and Administration of Personnel Infected with Human Immunodeficiency Virus (Cited in para 2–14*b*.)

AR 600–291

Foreign Government Employment (Cited in para 4–3*b*(4).)

AR 601–25

Delay in Reporting for and Exemption from Active Duty, Initial Active Duty for Training, and Reserve Forces Duty (Cited in para 4–3*a*(9).)

AR 601–141

U.S. Army Health Professions Scholarship, Financial Assistance, and Active Duty Health Professions Loan Repayment Programs (Cited in para 4–3*b*(6).)

AR 623–3

Evaluation Reporting System (Cited in para 2–12*m*.)

AR 635–8

Separation Processing and Documents (Cited in para 1–8.)

AR 635–40

Disability Evaluation for Retention, Retirement, or Separation (Cited in para 2–5*b*.)

DODM 5200.02

Procedures for the DOD Personnel Security Program (PSP) (Cited in para 1–7*a*(1).) (Available at <https://www.esd.whs.mil/dd/>.)

NGR 635–101

Efficiency and Physical Fitness Boards (Cited in para 1–4*c*(2).) (Available at <http://www.ngbpdc.ngb.army.mil/>.)

10 USC 1164

Warrant officers: separation for age (Cited in para 1–4*d*(3).)

10 USC 1177

Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation (Cited in para 2–5*b*.)

10 USC 7233

Requirement of exemplary conduct (Cited in para 1–17*b*.)

10 USC 10205

Members of Ready Reserve: requirement of notification of change of status (Cited in para 4–3*a*(16).)

10 USC 12213

Officers; Army Reserve: transfer from Army National Guard of the United States (Cited in para 1–17*h*.)

10 USC 12642

Standards and qualifications: result of failure to comply with (Cited in para 4–3*a*(6).)

10 USC 12644

Members physically not qualified for active duty: discharge or transfer to retired status (Cited in para 4–3*a*(1).)

10 USC 12645

Commissioned officers: retention until completion of required service (Cited in paras 1–17*j*.)

10 USC 12681

Reserves: discharge authority (Cited in para 1–17*c*.)

10 USC 12682

Reserves: discharge upon becoming ordained minister of religion (Cited in para 1–17*d*.)

10 USC 12683

Reserve officers: limitation on involuntary separation (Cited in para 1–17*e*.)

10 USC 12684

Reserves: separation for absence without authority or sentence to imprisonment (Cited in para 1–17*f*.)

10 USC 12685

Reserves separated for cause: character of discharge (Cited in para 1–17*g*.)

10 USC 14314

Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; state adjutants general (Cited in para 4–3*a*(7).)

10 USC 14503

Discharge of officers with less than six years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade) (Cited in para 4–5.)

10 USC 14507

Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy (Cited in para 4–3*a*(3).)

10 USC 14508

Removal from the reserve active-status list for years of service: reserve general and flag officers (Cited in para 4–3*a*(3).)

10 USC 14509

Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half) (Cited in para 4–3*a*(2)(*a*).)

10 USC 14510

Separation at age 62: brigadier generals and rear admirals (lower half) (Cited in para 4–3*a*(2).)

10 USC 14511

Separation at age 64: officers in grades of major general or rear admiral and above (Cited in para 4–3*a*(2).)

10 USC 14512

Separation at age 66: officers holding certain offices (Cited in para 4–3*a*(2).)

10 USC 14514

Discharge or retirement for years of service or after selection for early removal (Cited in para 4–3*a*(3).)

10 USC 14515

Discharge or retirement for age (Cited in para 4–3*a*(2).)

10 USC 14518

Continuation of officers to complete disciplinary action (Cited in para 4–1*e*(3).)

10 USC 14519

Deferment of retirement or separation for medical reasons (Cited in para 1–4*d*(3).)

10 USC 14701

Selection of officers for continuation on the reserve active-status list (Cited in para 4–3a(3).)

10 USC 14704

Selective early removal from the reserve active-status list (Cited in para 4–3a(8).)

10 USC 14901

Separation of Chaplains for loss of professional qualifications (Cited in para 1–17j.)

10 USC 14902

Separation for substandard performance and for certain other reasons (Cited in para 1–17k.)

10 USC 14903

Boards of inquiry (Cited in para 1–17l.)

10 USC 14904

Rights and procedures (Cited in para 1–17m.)

10 USC 14905

Officer considered for removal: retirement or discharge (Cited in para 1–17n.)

10 USC 14906

Officers eligible to serve on boards (Cited in para 1–17p.)

10 USC 14907

Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of federal recognition of officers absent without leave (Cited in para 1–17q.)

32 USC 323

Withdrawal of Federal recognition (Cited in para 1–17q.)

33 USC 3061

Cooperation with and transfer to military departments (Cited in para 4–7a(2)(b).)

42 USC 217

Use of Service in time of war or emergency (Cited in para 4–7a(2)(a).)

Section II**Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand this publication. Unless otherwise indicated, DA publications are available on the Army Publishing Directorate website (<https://armypubs.army.mil/>). DOD issuances are available at <https://www.esd.whs.mil/dd/>. USC material is available at <https://uscode.house.gov/>.

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

AR 27–3

The Army Legal Assistance Program

AR 135–178

Enlisted Administrative Separations

DA Pam 25–403

Guide to Recordkeeping in the Army

DA Pam 600–3

Officer Professional Development and Career Management

DODI 1325.07

Administration of Military Correctional Facilities and Clemency and Parole Authority

DODI 1332.18

Disability Evaluation System (DES)

DODI 1332.29

Involuntary Separation Pay (Nondisability)

DODI 1332.30

Commissioned Officer Administrative Separations

DODI 1332.45

Retention Determinations for Non-deployable Service Members

NGR 635–100

Termination of Appointment and Withdrawal of Federal Recognition (Available at <http://www.ngbpdn.ngb.army.mil>.)

PL 107–372

NOAA Hydrographic Services Improvement (Available at <https://uscode.house.gov/statutes/pl/107/372.pdf>.)

PL 113–291

Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Available at <https://www.congress.gov/bill/113th-congress/house-bill/3979/text>.)

UCMJ, Art. 15

Commanding Officer’s Nonjudicial Punishment

UCMJ, Art. 27

Detail of Trial Counsel and Defense Counsel

73 FR 38029

Applicability of the Sex Offender Registration and Notification Act (Available at <https://www.federalregister.gov/>.)

76 FR 1630

Supplemental Guidelines for Sex Offender Registration and Notification (Available at <https://www.federalregister.gov/>.)

5 USC 8301

Uniform retirement date

10 USC

Armed Forces

10 USC Chapter 1205

Appointment of Reserve Officers

10 USC Chapter 1223

Retired pay for Nonregular Service

10 USC 651

Members: required service or Ships’ Stores and Commissary Stores

10 USC 672

Reference to chapter 1209

10 USC 831

Art. 31. Compulsory self-incrimination prohibited

10 USC 1205

Members on active duty for 30 days or less: temporary disability retired list

10 USC 1207

Disability from intentional misconduct or willful neglect: separation

10 USC 2104

Advanced training; eligibility for

10 USC 2107

Financial assistance program for specially selected members

10 USC 7064

Special branches

10 USC 10143

Ready Reserve: Selected Reserve

10 USC 12241

Warrant officers: grades; appointment, how made; term

10 USC 12301

Reserve components generally

10 USC 12302

Ready Reserve

10 USC 12306

Standby Reserve

10 USC 12646

Commissioned officers: retention of after completing 18 or more, but less than 20, years of service

10 USC 12686

Reserves on active duty within two years of retirement eligibility: limitation of release from active duty

10 USC 12687

Reserves under confinement by sentence of court-martial: separation after six months confinement

10 USC 12731

Age and service requirements

18 USC Chapter 109A

Sexual Abuse

18 USC 117

Domestic assault by an habitual offender

18 USC 1591

Sex trafficking of children or by force, fraud, or coercion

32 USC

National Guard

32 USC 316

Details of members of Army National Guard for rifle instruction of civilians

32 USC 502

Required drills and field exercises

32 USC 503

Participation in field exercises

32 USC 504

National Guard schools and small arms competitions

32 USC 505

Army and Air Force schools and field exercises

34 USC 20911

Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

50 USC Chapter 49

Military Selective Service

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil/>) and DD forms are available on the Executive Services Directorate website (<https://www.esd.whs.mil/directives/forms/>).

DA Form 11–2

Internal Control Evaluation Certification

DA Form 1574–2

Report of Proceedings by Board of Officers

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 7423

Consulting Counsel's Checklist

DD Form 4

Enlistment/Reenlistment Document Armed Forces of the United States

DD Form 256A

Honorable Discharge Certificate

Appendix B

Internal Control Evaluation

B-1. Function

The function covered by this evaluation is officer separations.

B-2. Purpose

The purpose of this evaluation is to assist commanders and human resource specialists in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

B-3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, or other). Answers that indicate deficiencies must be explained and the corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification).

B-4. Test questions

- a.* Have the separation effective dates on or before officer mandatory removal dates for maximum years of service in grade or maximum age been used?
- b.* Has the correct paragraph been cited authorizing the separation on the officer's orders?
- c.* Have the characterizations of service cited on separation orders been compliant with the paragraph authorizing the separation?
- d.* Have the officers convicted of covered offenses as specified in AR 27-10, paragraph 24-2, been mandatorily referred for involuntary separation?
- e.* Have the procedures required by chapter 2 been complied with in cases of officers referred to boards of officers?

B-5. Supersession

This evaluation replaces the evaluation previously published in AR 135-175, dated 29 November 2017.

B-6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Deputy Chief of Staff, G-1 (DAPE-MPO-D), 300 Army Pentagon, Washington, DC 20310-0300.

Glossary

Section I

Abbreviations

AD

active duty

ADOS

active duty for operational support

ADT

active duty for training

AGR

active guard reserve

AMEDD

Army Medical Department

AMHRR

Army Military Human Resource Record

APFT

Army Physical Fitness Test

AR

Army regulation

ARIMS

Army Records Information Management System

ARNG

Army National Guard

ARNGUS

Army National Guard of the United States

ASA (M&RA)

Assistant Secretary of the Army for Manpower and Reserve Affairs

CCP

Cadet Completion Program

CG

commanding general

CNGB

Chief, National Guard Bureau

COAR

continuation on active reserve

CW2

chief warrant officer two

CW5

chief warrant officer five

DA

Department of the Army

DA Pam

Department of the Army pamphlet

DASA–RB

Deputy Assistant Secretary of the Army (Review Boards)

DCS

Deputy Chief of Staff

DD Form

Department of Defense form

DES

Disability Evaluation System

DMPM

Director of Military Personnel Management

DOD

Department of Defense

DODI

Department of Defense instruction

DODM

Department of Defense manual

ECP

Early Commissioning Program

GO

general officer

GOSCA

general officer show cause authority

HIV

human immunodeficiency virus

HQDA

Headquarters, Department of the Army

HRC

U.S. Army Human Resources Command

IDT

inactive duty training

IRR

individual ready reserve

JAGC

Judge Advocate General's Corps

MEB

medical evaluation board

MOS

military occupational specialty

MSO

military service obligation

NGR

National Guard regulation

PEB

physical evaluation board

PMOS

primary military occupational specialty

PMS

professor of military science

PTSD

post-traumatic stress disorder

RA

Regular Army

RC

Reserve Component

ROTC

Reserve Officers' Training Corps

SECARMY

Secretary of the Army

SJA

staff judge advocate

SROTC

Senior Reserve Officers' Training Corps

TBI

traumatic brain injury

TDA

Table of distribution and allowances

TDRL

Temporary Disability Retirement List

TJAG

The Judge Advocate General

TOE

table of organization and equipment

TPU

troop program unit

UCMJ

Uniform Code of Military Justice

USAR

U.S. Army Reserve

USARC

U.S. Army Reserve Command

USC

United States Code

WO

warrant officer

WO1

warrant officer one

Section II**Terms****Active duty**

Full-time duty in the active military service of the United States, including active duty or full-time training duty in the Reserve Component. As used in this regulation, the term is applied to all ARNGUS and USAR Soldiers ordered to duty under 10 USC, other than for training. It does not include active guard reserve (AGR) personnel in a full-time National Guard duty status under 32 USC.

Active status

The status of an ARNGUS or USAR commissioned officer, other than a commissioned WO, who is not in the inactive ARNG, in the Standby Reserve (inactive list), or in the Retired Reserve.

Administrative separation

Discharge or release from AD upon expiration of required period of service, or before, as prescribed by DA or by law.

Area commander

Commanders of a geographic area of command with RC functions and responsibilities for the purposes of this regulation. Areas of commands are defined for this regulation as:

- a.* U.S. Army Europe.
- b.* U.S. Army Pacific Command.
- c.* U.S. Army Southern Command.
- d.* U.S. Army Special Operations Command.
- e.* HRC.
- f.* USARC.

Army

The RA, the Army of the United States, the ARNG/ARNGUS, and the USAR.

Board of officers or board of inquiry

A board of officers convened to give fair and impartial hearing to evidence concerning the fitness of an officer who has been required to show cause for retention and make findings and recommendation whether he or she will be retained or eliminated.

Character of service for administrative separation

A determination reflecting a Soldier's military behavior and performance of duty during a specific period of service. The three characterizations are: honorable, general (under honorable conditions), and under other than honorable conditions.

Commuting distance

The greatest distance a Soldier may be expected to travel daily from home to the duty station. Departure must be a reasonable hour on the reporting date with arrival during the hours specified in the orders.

Convening authority

The area commander who determines if a board of officers should be convened to consider an officer for retention or separation, and when determined appropriate, appoints the board of officers pursuant to this regulation.

Counsel for consultation (consulting counsel)

May be defined as either paragraph *a* or *b*.

- a.* An RC or RA officer of the JAGC appointed by a convening authority to consult with and advise a Soldier being processed under this regulation at the outset of an involuntary separation proceedings. Such counsel must be qualified under UCMJ, Art. 27(b)(1). Counseling may be accomplished in person, or through the use of mail, e-mail, fax, or telephone, as circumstances dictate. (Counsel for consultation will advise respondent using DA Form 7423 (Consulting Counsel's Checklist) and make annotations as appropriate.)
- b.* A civilian counsel retained by the Soldier at no expense to the Government. Civilian counsel is not appointed by the convening authority.

Counsel for representation

a. An RC or RA officer of the JAGC appointed by the convening authority to provide representation during the course of any hearing before a board of officers under the provisions of this regulation. Representation by counsel will be in accordance with AR 15–6. Such counsel must be qualified under UCMJ, Art. 27(b)(1).

(1) RC judge advocates are appointed under the provisions of AR 27–3.

(2) RA judge advocates are appointed under the provisions of AR 27–10.

(3) A respondent who declines representation by a qualified judge advocate officer is not entitled to appointment of a different counsel or counsel of choice.

b. Civilian counsel not employed by the Government and at no expense to the Government.

c. Nonlawyer counsel may represent a respondent before an administrative board only where:

(1) The respondent expressly declines appointment of counsel under UCMJ, Art. 27(b)(1) and requests a specific nonlawyer counsel; or,

(2) The separation authority assigns nonlawyer counsel as assistant counsel.

Deployable

An officer who does not have a Service-determined reason that precludes him or her from deployment.

Deployment

The movement of forces into and out of an operational area.

Enlisted

a. Army National Guard. An original or first voluntary term of military service in the ARNGUS consummated by subscription to the oath of enlistment DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States). Where eligible per applicable laws and regulations, persons authorized an enlistment are personnel without prior service or personnel without prior service in any of the other U.S. Armed Forces except the Air National Guard.

b. U.S. Army Reserve. A voluntary enrollment in the USAR as an enlisted Soldier. An enlistment is consummated by subscription to the prescribed oath of enlistment. The term “enlistment” includes enlistment of both non-prior service and prior service personnel with the latter category also including prior USAR personnel and personnel with prior service in any of the other U.S. Armed Forces.

Full-time National Guard duty

Training or other duty, other than inactive duty, performed by a member of the ARNGUS or the Air National Guard of the United States in the member’s status as a member of the National Guard of a state or territory, the Commonwealth of Puerto Rico, or the District of Columbia under 32 USC 316, 32 USC 502, 32 USC 503, 32 USC 504, or 32 USC 505 for which the member is entitled to pay from the United States.

General officer command

A USAR TPU, commanded by a GO, at the level of a regional support command or higher, that reports directly to an area commander or to the U.S. Army Civil Affairs and Psychological Operations Command.

Individual Ready Reserve

Soldiers who are assigned to the following Ready Reserve USAR control groups: annual training, reinforcement, and officer active duty obligor.

Initial entry training

A term used to identify mandatory training each member of the U.S. Army must complete upon initial entry in the service to qualify in a military specialty or branch and which is required by law for deployability on land outside the continental limits of the United States per 10 USC 671. The term encompasses the completion of basic training and specialty or branch qualification while serving on AD or ADT. For ARNGUS and USAR Soldiers it includes completion of initial active duty for training, the officer basic course, and the WO basic course.

Involuntary separation

Separation from commissioned or warrant status as a Reserve of the Army based on cause (for example, substandard performance of duty, moral or professional dereliction, or for national security reasons).

Members and former members

A member of an RC who holds a current status in the ARNG or the USAR. Generally, for officers of the USAR, an individual who accepted an indefinite term appointment under the provisions of 10 USC Chapters 5, and whose appointment has not been terminated, is a current member. A former member is one who formerly held status in an RC, but who does not hold a current status in any such component.

Military record

An account of a Soldier’s behavior while in military service, including personal conduct and performance of duty.

Minister of religion

A person classified as either a duly ordained minister of religion or a regular minister of religion as follows:

- a. Duly ordained minister of religion.* A person who has been ordained in accordance with the ceremonial ritual or discipline of a church, religious sect, or organization, established on the basis of the community’s doctrine and practices of a religious character, to preach and teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies in public worship and who, as regular a customary vocation, preaches and teaches the principles of religion and administers the ordinances of worship as embodied in the creed or principles of such church, sect, or organization.
- b. Regular minister of religion.* A person who, as a customary vocation, preaches and teaches the principles of the religion of a church, a religious sect, or an organization of which he or she is a member, without having been formally ordained as a minister of religion but who is recognized by such church, sect, or organization as a regular minister.

Minority group

Any group distinguished from the general population in terms of race, color, religion, gender, or national origin.

Moral or professional dereliction

Conduct within the control of the individual concerned, which tends to bring the individual or the Army into disrepute.

Non-deployable

An officer who has a Service-determined reason that precludes him or her from deployment.

Non-obligated officer

Officers who have completed their statutory MSO and are serving on a contractual obligation, or were appointed under circumstances in which a statutory obligation was not incurred.

Notification procedure

The initiation of an administrative separation process in which the respondent is notified in writing of the proposed separation, the bases thereof, the results of separation, and his or her rights. This term is commonly used when the respondent does not have a right to a hearing before a board of officers.

Obligated officer

An officer who has an obligation incurred by operation of law or by execution of a contractual agreement to serve in a Reserve status for a specified period of time.

Officer

Includes commissioned officers, WOs (WO1–chief warrant officer five (CW5)), and commissioned WOs (CW2–CW5), unless otherwise specified.

Officer active duty obligor

An officer appointed in the USAR from the ROTC program, or under programs monitored by The Surgeon General, Chief of Chaplains, or TJAG, who is obliged to serve on AD or ADT and does not enter on AD at the time of the appointment.

Original appointment

The term “original,” with respect to the appointment of a member of the Armed Forces in a regular or RC, refers to that member’s most recent appointment in that component that is neither a promotion nor a demotion (see 10 USC 101(b)(10)).

Permanently non-deployable

An officer who has a reason that precludes them from deployment, and there is a Service expectation that the reason will not be resolved and the officer will never be deployable.

Profile

A document used to communicate to commanders the officer’s medical restrictions.

Ready Reserve

Units and individual reservists liable for AD as outlined in 10 USC 12302.

Regular Army

The RA is the component of the Army that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the RA. The RA includes:

- a. The officers and enlisted members of the RA.
- b. The professors, director of admissions, and cadets of the United States Military Academy.
- c. The retired officers and enlisted members of the RA (see 10 USC 7075).

Release from active duty

A termination of active duty status and transfer or reversion to an RC of the Army. Personnel with a statutory MSO are transferred to a USAR Control Group or TPU (see 10 USC 651). Unit members of the ARNGUS and USAR revert from an active duty or ADT status to their components to complete unexpired enlistments or unfulfilled obligations.

Reserve Components of the Army

The ARNGUS and the USAR.

Reserve of the Army

Officers, WOs, and enlisted members of the ARNGUS and the USAR.

Reserve Officers' Training Corps cadet

A student enrolled in the Senior Reserve Officers' Training Corps (SROTC) as a cadet under 10 USC 2104 or 10 USC 2107.

Reserve Officers' Training Corps Program

The SROTC of the Army.

Respondent

An officer who has been notified that action has been initiated to involuntarily separate the officer.

Retired pay

Pay granted to members and former members of RCs under 10 USC Chapter 3 after completion of 20 or more years of qualifying service and on attaining age 60, or earlier when authorized an age reduction under 10 USC 12731. This pay is based on the highest grade satisfactorily held at any time during an individual's entire period of service, other than in an inactive section of a RC.

Satisfactory participation

Attending all scheduled or required IDT periods unless excused by the unit commander or granted authorized absence, wearing the prescribed uniform, presenting a neat and Soldierly appearance, and performing assigned duties in a satisfactory manner as determined by the unit commander.

Selected Reserve

- a. Part of the Ready Reserve of each RC consisting of units and individuals who participate actively in paid training periods and serve on paid AD for training each year.
- b. USAR Selected Reserve units and individuals that comprise all TPUs, individual mobilization augmentees, and full-time AD support personnel. (The term Selected Reserve is included here to preclude a possible misinterpretation of the language used in 10 USC 10143 which directly relates to this regulation.)
- c. Officers, WOs, and enlisted Soldiers who are—
 - (1) Members of the ARNGUS.
 - (2) Assigned to TPUs of the USAR.
 - (3) Serving on AD/ADOS in an AGR status (see 10 USC 12301(d) or 32 USC 502(f)).
 - (4) Individual mobilization augmentees.

Separation

An all-inclusive term applied to personnel actions resulting from release from active duty, discharge, retirement, being dropped from the rolls, release from military control of personnel without a military status, death, transfer to the IRR, and similar changes in active and inactive status.

Separation authority

An officer authorized to take final action on specified types of separations.

Show cause

What the respondent must do by a preponderance of the evidence to justify his or her retention in the service after the government has made a prima facie showing that one or more of the reasons for discharge in the letter of notification exists.

Soldier

A military member of the Army (for example, a person serving in an enlisted grade, a WO grade, or a commissioned officer grade).

Standby Reserve

Units or members of the RCs, other than those in the Ready Reserve or Retired Reserve, who are liable for AD as provided in 10 USC 12301 and 10 USC 12306.

Statutorily obligated member

A Soldier who is serving by reason of law.

Statutory term of service

The MSO incurred on initial entry into the Armed Forces under 10 USC 651.

Substandard performance of duty

Performance of duty which has fallen below standards prescribed by the SECARMY.

Temporarily non-deployable

A officer who has a reason or reasons that preclude him or her from deployment, and there is a Service expectation that the reason or reasons will be resolved and the officer will be deployable.

Troop program unit

A table of organization and equipment (TOE) or table of distribution and allowances (TDA) unit of the USAR organization that serves as a unit on mobilization, is assigned a mobilization, or is assigned a mobilization mission. The “unit” in this case is the largest separate unit prescribed by the TOE or TDA.

U.S. Army Human Resources Command

A direct reporting unit of the DCS, G-1 which manages the professional career development of individual USAR Soldiers to provide trained individual USAR Soldiers for mobilization. The CG, HRC commands the IRR, the Standby Reserve, and the Retired Reserve, and administers the USAR AGR and individual mobilization augmentation programs.

U.S. Army Reserve

Includes all Reserves of the Army who are not members of the ARNGUS and who are in a Ready, Standby, or Retired Reserve category. It is a Federal Force, consisting of individual reinforcements and combat, combat support, and training type units organized and maintained to provide military training in peacetime, and a reservoir of trained units and individual reservists to be ordered to AD in the event of a national emergency.

U.S. Army Reserve Command

A USAR TPU commanded by a GO that reports directly to an area commander.

Unit training assembly

An authorized and scheduled training assembly of a least 4 hours. This assembly is mandatory for all TPU members.

Unsatisfactory participant

A member of a unit or the USAR control group who fails to participate as outlined in AR 135-91.

Warrant officers

Individuals appointed as Reserves in permanent WO grades for an indefinite term under the provisions of 10 USC 12241 (see DA Pam 600-3).

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