

September 30, 1975

NUMBER 1332.14



ASD(M&RA)

Capt. [unclear]
10/1/75

Department of Defense Directive

SUBJECT Enlisted Administrative Separations

- References:
- (a) DoD Directive 1332.14, "Administrative Discharges," December 20, 1965 (hereby cancelled)
 - (b) Title 10, United States Code, Chapter 61, "Retirement or Separation for Physical Disability"
 - (c) DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956
 - (d) Title 21, United States Code, 812, "Schedule of Controlled Substances - Establishment"
 - (e) Title 10, United States Code, Chapter 47, "Uniform Code of Military Justice"
 - (f) Title 10, United States Code, 1163, "Reserve Components - Members; Limitations on Separations"
 - (g) Title 10, United States Code, 1552 and 1553, "Correction of Military Records, and Review of Discharges and Dismissals"
 - (h) Diagnostic and Statistical Manual (DSM-11) of Mental Disorders, American Psychiatric Association

I. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update the policies, standards, and procedures which govern the administrative separation of enlisted persons from the Armed Forces. Reference (a) is hereby superseded and cancelled.

II. APPLICABILITY

The provisions of this Directive apply to the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps and, by agreement with the Secretary of Transportation, to the Coast Guard.

III. DEFINITIONS

As used herein, the definitions listed in enclosure 1 apply.

IV. POLICY

- A. The Armed Forces have the right and the duty to separate from the Service, with an appropriate characterization of service, those members who clearly demonstrate they are unqualified for retention. At the same time, such members have rights which shall be protected.
- B. This Directive further provides for separation under certain circumstances or conditions to meet the needs of the Services and members.
- C. Standards and procedures for these policies are prescribed in enclosures 2 through 7.

V. ADMINISTRATIVE DISCHARGE BOARD

- A. Composition. An administrative discharge board shall be comprised of at least three experienced commissioned officers, at least one of whom shall be serving in the grade of major/lieutenant commander or higher, and may include a nonvoting recorder. The following additional requirements apply:
 - 1. If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers, if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.
 - 2. If the respondent is an enlisted woman, the board shall upon the written request of the respondent include a female

officer as a voting member if such officer is reasonably available. In the event of nonavailability the reason shall be stated in the record of proceedings.

3. If the respondent is a member of a minority group, the board shall upon the written request of the respondent include as a voting member an officer who is also a minority group member if such officer is reasonably available. When requested, the appointed board member should normally be of the same minority group as the respondent; however nonavailability of an officer of the same minority group shall not preclude convening the board. In the event of nonavailability the reason shall be stated in the record of proceedings.

B. Procedures. The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, the president may impose reasonable restrictions as to relevancy, competency, and materiality of matters considered. When the board meets in closed session, only voting members shall be present. The proceedings of the board shall be maintained as prescribed by the Secretary of the Military Department concerned but, as a minimum, shall contain a verbatim record of the findings and recommendations. The board shall recommend one of the following:

1. Retention.
2. Discharge for a specified reason and the appropriate discharge certificate, according to the provisions of this Directive and the applicable Service regulations.

C. Rights of the Respondent. Subject to the requirements prescribed herein, a respondent who has not waived a hearing before an administrative discharge board and whose case is presented to such a board has the following rights:

1. He may appear in person, with or without counsel, or if absent, be represented by counsel at all open proceedings of an administrative discharge board. The respondent may be represented by either military counsel appointed by the convening authority, or by military counsel of his own choice, provided the counsel requested is reasonably available, as determined under regulations of the Secretary concerned but not by both. In either case, the respondent

may employ civilian counsel at his own expense.

2. He may challenge any voting member of the board for cause only.
 3. He may request the appearance before the board of any witness whose testimony he believes to be pertinent to his case. He will specify in his request the type of information the witness can provide. The board will invite the witness to attend if it considers that the witness is reasonably available and that his testimony can add materially to the case. If a witness on active duty declines the invitation, the board may refer the matter to the convening authority for a decision or orders. Witnesses not on active duty must appear voluntarily and at no expense to the Government, except as authorized in implementing regulations of the Military Department concerned.
 4. The respondent may, at any time before the board convenes or during the proceedings, submit any answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes but is not limited to depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.
 5. He may or may not submit to examination by the board. The provisions of Article 31, 10 USC 831 (reference (c)), apply.
 6. The respondent and his counsel may question any witness who appears before the board.
 7. Failure of the respondent to invoke any of these rights, after he has been apprised of same, cannot be considered as a bar to the board proceedings, findings, and recommendations.
- D. Actions by Discharge Authority. Upon receipt of the record of board proceedings, the Discharge Authority may take one of the following actions:
1. Approve the board's recommendations and direct their execution.

2. Approve the board's recommendations for discharge but change the characterization of service to a more favorable one. He shall not downgrade the characterization of service.
3. Approve the board's recommendation for discharge but change its basis when the record indicates such action would be appropriate, except that he shall not designate misconduct as the basis when the board has recommended discharge for unsuitability.
4. Approve the discharge but suspend its execution for a specified period of probation.
5. Disapprove the recommendation for discharge and retain the member in the Service.
6. In the event of a board recommendation for retention, he may recommend separation to the Secretary concerned, pursuant to paragraph B.13., enclosure 2, if he believes that separation is warranted by the circumstances of the particular case.
7. He may set aside the findings and recommendations and refer the case to a new board if he finds legal prejudice to the substantial rights of the respondent. No member of the new board shall have served on a prior board which considered the same matter. The record of the proceedings of the earlier board, minus the findings, recommendations, and prejudicial matter, may be furnished the successor board. The Discharge Authority shall not approve findings or recommendations less favorable to the respondent than those rendered by the previous board.

VI. RESPONSIBILITIES

Each of the Armed Forces shall:

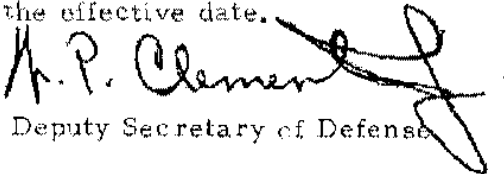
- A. Prescribe appropriate internal procedures for periodic explanation to members of the types of discharge certificates, the basis for their issuance, and the possible effects of various certificates upon reenlistment, civilian employment, veterans' benefits and related matters. As a minimum, such explanation shall take place each time the Articles of the Uniform Code of Military Justice are explained, pursuant to

10 USC 937 (reference (e)). (Failure on the part of the member to receive or to understand such explanation, however, shall in no event be considered a defense in an administrative discharge proceedings, or a bar thereto.)

- B. Assure that the purpose and scope of the Discharge Review Board and the Board for Correction of Military/Naval Records, established pursuant to 10 USC 1552 and 1553 (reference (g)), is explained during the separation processing of any member discharged under other than honorable conditions.

VII. EFFECTIVE DATE AND IMPLEMENTATION

- A. This Directive is effective 90 days from the date of issuance. Nothing in this Directive shall establish grounds for re-characterization of discharges issued prior to this effective date.
- B. Two copies of implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 90 days of the effective date.


Deputy Secretary of Defense

Enclosures - 7

1. Definitions
2. Reasons for Separation
3. Retention or Separation
4. Characterization of Service
5. Restriction on Certain
Administrative Discharges
6. Procedures for Discharge
7. Suspension of Execution of
Approved Discharge

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DEFINITIONS

- A. Member. An enlisted man or woman of the Armed Forces.
- B. Discharge. Complete severance from all military status.
- C. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty.
- D. Separation. A general term which includes discharge and release from active duty.
- E. Administrative Separation. Discharge or release from active duty upon expiration of enlistment or required period of service, or before, in the manner proscribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.
- F. Military Record. Comprises a member's behavior while in military service, including general comportment and performance of duty.
- G. Prior Enlistment or Period of Service. Service in any component of the Armed Forces which culminated in the issuance of a discharge certificate or certificate of service.
- H. Administrative Discharge Board. Appointed to render findings based on facts obtaining, or believed to obtain, in a case and to recommend retention in the Service or discharge, with reason for and the type of separation or discharge certificate to be furnished.
- I. Discharge Authority. As established herein and implemented by regulations issued by an Armed Force, an official authorized to take final action with respect to specified types of separation.
- J. Respondent. A member of the Armed Forces who has been notified that action has been initiated to discharge him under a specified Service regulation.
- K. Counsel. A lawyer, within the meaning of Article 27(b)(1) of the Uniform Code of Military Justice (reference (c)), unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

- L. Characterization of Service for Administrative Separation. A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are: (1) Honorable, (2) Under Honorable Conditions (General Discharge), and (3) Under Other Than Honorable Conditions (Undesirable Discharge).
- M. Minority Group. A segment of the population that possesses common traits that are transmissible by descent or common characteristics and a cultural heritage significantly different from that of the general population. Such groups include, but are not limited to Negroes, American Indians, Mexican Americans, Puerto Ricans, Eskimos, Aleuts, Asian Americans and Spanish-Surnamed Americans.

REASONS FOR SEPARATION

- A. Expiration of Enlistment or Fulfillment of Service Obligation. An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record.
- B. Convenience of the Government. An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record, for the following reasons:
1. General demobilization, reduction in authorized strength or an order applicable to all members of a class of personnel specified in the order.
 2. Acceptance of a commission or appointment or acceptance into a program leading to a commission or appointment in any branch of the Armed Forces, for active duty only.
 3. Immediate enlistment or reenlistment.
 4. Erroneous induction or enlistment.
 5. Separation of members serving in unspecified enlistments.
 6. Early separation of personnel under various authorized programs and circumstances.
 7. Voluntary separation of women for pregnancy or childbirth.
 8. Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment as a result of parenthood.
 9. Conscientious objection.
 10. Sole surviving son/daughter and certain family members.
 11. Condition, not a physical disability, which interferes with performance of duty.

12. For such other reasons as may be prescribed by the Secretary of the Military Department concerned.
13. Notwithstanding the specific provisions of this or any other Directive or any proceedings, decisions or action in accord with this or any other Directive, the Secretary concerned may direct the separation of any member, prior to the expiration of term of service, after determining it to be in the best interest of that Department.

C. Dependency or Hardship. An honorable separation (Honorable discharge) or a separation under honorable conditions (General discharge) as warranted by the member's military record.

1. Separation may be directed when genuine dependency or undue hardship exists, and:
 - a. The hardship or dependency is not of a temporary nature;
 - b. Conditions have arisen or have been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort to remedy the situation;
 - c. The separation will eliminate or materially alleviate the condition; and
 - d. There are no means of alleviation readily available other than the separation.
2. Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service.

D. Minority. Release by voidance of contract or separation with an Honorable or a General discharge, as warranted by the member's military record.

1. Release or separation may be directed after determination that:
 - a. There is evidence satisfactory to the Discharge Authority that the member is under 18 years of age; and

- b. The member enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control.
2. Upon application by the parents or guardian of a regular enlisted member of an Armed Force to the Discharge Authority within 90 days after the member's enlistment, the member shall be discharged for his own convenience, with the pay and form of discharge certificate for which his service entitles him, if 1. a. and b. , above, are satisfied.
- E. Disability. An Honorable discharge or a General discharge, as warranted by the member's military record, when the member has been determined to be physically unfit to perform the duties of his office, rank, grade or rating, and is not entitled to retirement under the provisions of 10 USC, Chapter 61 (reference (b)).
- F. Personal Abuse of Drugs Other Than Alcoholic Beverages. Discharge with an Honorable discharge, when based on evidence developed as a direct or indirect result of a urinalysis test administered for identification of drug abusers, or by a member's volunteering for treatment for a drug problem under the Drug Identification and Treatment Program administered by his particular Armed Force, and:
1. Member's record indicates lack of potential for continued military service; or
 2. Long term rehabilitation is determined necessary and member is transferred to a Veterans' Administration or civilian medical facility for rehabilitation; or
 3. Member has failed, through inability or refusal, to participate in, cooperate in, or complete a drug abuse treatment and rehabilitation program.

Note: It is essential to assure compliance with both the letter and spirit of the rule of law announced in United States v. Ruiz (23 USCMA 181, 48 CMR 797 (1974)). Extreme care should be exercised to assure that a member identified for separation under this provision is not separated with less than an honorable discharge, based on some separate and distinct reason for discharge, unless it can be clearly demonstrated that evidence of drug use obtained through the identification process described herein was not directly or indirectly utilized in establishing such separate and distinct reason. It may be desirable for field commanders to consult with legal personnel concerning implementation of this note.

G. Unsuitability. Separation with an Honorable or a General discharge, as warranted by the member's military record, when it has been determined that an individual is unsuitable for further military service because of:

1. Personality Disorder. As determined by medical authority and described in the Diagnostic and Statistical Manual (DSM-11) of Mental Disorders,¹ American Psychiatric Association (reference (h)); which interferes with member's ability to adequately perform duties. Exception: Combat exhaustion and other acute situational maladjustments.
2. Alcohol Abuse. Failure, through inability or refusal, to participate in, cooperate in, or complete an alcohol abuse treatment and rehabilitation program.
3. Homosexual or Other Aberrant Sexual Tendencies.
4. Unsanitary Habits.
5. Financial Irresponsibility.
6. Apathy, Defective Attitudes, Inability to Expend Effort Constructively. As a significant observable defect elsewhere not readily describable.
7. Inaptitude.

H. Security. Separation, with the character of discharge, and under conditions and procedures, stipulated by the Secretary of Defense, as set forth in DoD Directive 5210.9 (reference (c)) and similar Directives applicable to the Coast Guard, when retention is clearly inconsistent with the interest of national security.

I. Misconduct. Separation with an Undesirable discharge, unless the particular circumstances in a given case warrant a General or an Honorable discharge, when it has been determined that an

¹Section on mental disorders, International Classification of Diseases and Injuries - 8, Diagnostic and Statistical Manual (DSM-11) of Mental Disorders, 2nd Edition, Committee on Nomenclature & Statistics, American Psychiatric Association, Washington, D. C., 1968.

individual is unqualified for further military service because the member's military record in the current enlistment or period of obligated service evidences one or more of the following patterns of conduct, acts, or conditions:

1. Frequent involvement of a discreditable nature with civil or military authorities.
2. An established pattern for shirking.
3. An established pattern showing dishonorable failure to pay just debts.
4. An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.
5. Sexual perversion, including but not limited to (1) lewd and lascivious acts, (2) homosexual acts, (3) sodomy, (4) indecent exposure, (5) indecent acts with or assault upon a child, or (6) other indecent acts or offenses.
6. Drug abuse, which is the illegal, wrongful, or improper use, possession, sale, transfer, or introduction on a military installation of any narcotic substance, intoxicating inhaled substance, marijuana, or controlled substance, as established by 21 USC 812 (reference (d)), when supported by evidence not attributed to a urinalysis administered for identification of drug abusers or to a member's volunteering for treatment under the Drug Identification and Treatment Program administered by his particular Armed Force.
7. Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty, of an offense for which the maximum penalty under the Uniform Code of Military Justice (reference (e)) is death or confinement for one year or more; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender, or is placed on probation, or punished in any way, as the result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts Martial, 1969 (Rev.) Table of Maximum

Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by U.S. Code or the District of Columbia Code, whichever is lesser, applies.

8. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation as to age without proper consent will not in itself be considered as fraudulent enlistment.
9. Prolonged unauthorized absence, continuous for 1 year or more.

J. Resignation or Request for Discharge for the Good of the Service. Separation with an Undesirable discharge is authorized, subject to procedures and safeguards specified elsewhere in this Directive, upon resignation or request for discharge, where conduct has rendered a member triable by court-martial for an offense which is listed in Section A. of the Table of Maximum Punishments, para. 127c, Manual for Courts-Martial, 1969 (Rev.) as being punishable by a punitive discharge (the provisions of the Table of Maximum Punishments, Section B., para. 127c, Manual for Courts Martial, 1969 (Rev.) are not applicable to requests for discharge pursuant to this paragraph).

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RETENTION OR SEPARATION

In determining whether a member should retain current military status or be administratively separated, the member's entire military record may be evaluated.

- A. Include (1) records of nonjudicial punishment imposed during a prior enlistment or period of service, (2) all records of conviction by court-martial, and (3) any other factors which are material and relevant.
- B. Commanding Officers, investigating officers, administrative discharge boards, and other Agencies charged with making such determinations shall consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records of punishments would have, under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.
- C. Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which become manifest only over an extended period of time.
- D. When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

CHARACTERIZATION OF SERVICE

- A. Guidelines. When separated under the provisions of this Directive, a member shall be provided a certificate reflecting the character of his service for the period concerned,
1. Honorable. Predicated upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude. A member will not necessarily be denied an Honorable characterization solely by reason of a specific number of convictions by courts-martial or actions under Article 15 of the Uniform Code of Military Justice (10 USC 815, reference (e)) during his current enlistment or period of obligated service. An Honorable Discharge Certificate shall be provided upon discharge.
 2. Under Honorable Conditions. Appropriate when a member's military record is not sufficiently meritorious to warrant an Honorable characterization, as prescribed by the regulations of the Service concerned. A General Discharge Certificate shall be provided upon discharge.
 3. Under Other Than Honorable Conditions. Appropriate when a member is separated for (a) Misconduct or Security, when based on the approval of a recommendation of an administrative discharge board or waiver of the right to board action, or (b) resignation or request for discharge for the Good of the Service. An Undesirable Discharge Certificate shall be provided upon discharge.
- B. Special Consideration
1. In any case in which an Undesirable discharge is authorized under this Directive, a member may receive a more favorable characterization if, during his current enlistment or period of obligated service, or any voluntary or involuntary extension thereof, or period of prior service, he has been awarded a personal decoration as defined by his Service, or if warranted by the particular circumstances of a specific case,

2. Except as indicated below, the characterization of service of the current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Armed Force concerned, or effected with the consent of the member. The following shall not be considered:
 - a. Prior service activities, including but not limited to records of conviction by courts-martial, records of nonjudicial punishment, records of absence without leave, or commission of other offenses for which punishment was not imposed.
 - b. Preservice activities, excepting misrepresentations, including omission of facts which, if known, would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction.

RESTRICTION ON CERTAIN ADMINISTRATIVE DISCHARGES

- A. Administrative discharge action under the provisions of paragraphs G. 2., 4., 5., 6. and 7., and I. 1., enclosure 2, will not normally be initiated until a member has been counseled concerning his deficiencies and afforded a reasonable opportunity to overcome them.
- B. No member shall be discharged with an Undesirable Discharge Certificate unless he is afforded the right to present his case before an administrative discharge board, with the advice and assistance of counsel, and unless such discharge is supported by approved board findings and an approved board recommendation for a discharge with an Undesirable Discharge Certificate. As exceptions, an Undesirable Discharge Certificate may be issued without board action if the member (1) is beyond military control by reason of prolonged unauthorized absence, (2) resigns or requests discharge for the good of the Service, or (3) waives his right to board action.
- C. The Discharge Authority may approve the service characterization recommended by an administrative discharge board, or one more favorable, but shall not approve a characterization of service less favorable than that recommended.
- D. When an administrative discharge board recommends retention, and the Discharge Authority believes that separation is warranted, by the circumstances of a particular case, this Authority may recommend separation to the Secretary concerned, pursuant to paragraph B. 13., enclosure 2. If separation is approved, an Honorable or a General Discharge Certificate, as directed by the Secretary concerned, will be issued.
- E. Notwithstanding a member's written acknowledgement that he will be issued an Undesirable Discharge Certificate, under the provisions of subsection J., enclosure 2, Resignation or Request for Discharge for the Good of the Service, the Discharge Authority may direct issuance of either an Honorable or General Discharge Certificate, if warranted.
- F. A member subject to discharge because of conviction by civil court may be processed for discharge although he has filed an appeal or stated his intention to do so. However, it will be the

general policy to withhold the execution of the approved discharge, pending outcome of the appeal. If the execution of the discharge is considered appropriate without waiting for final action on the appeal, the member may be discharged with the appropriate type of discharge certificate, upon the direction of the Secretary concerned.

- G. No member shall be administratively discharged with an Undesirable Discharge Certificate if the grounds for such discharge action are based wholly or in part upon acts or omissions for which the member has been previously tried by court-martial resulting in acquittal or action having the effect thereof, except when such acquittal or equivalent disposition is based on a legal technicality not going to the merits.

- H. No member shall be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings, when the evidence before the subsequent board would be the same as the evidence before the previous board, except as provided in paragraph V. D. 7, basic Directive, and in those cases where the favorable findings of the previous board are determined to have been obtained by fraud or collusion.

PROCEDURES FOR DISCHARGE

The following procedures will be adhered to in effecting administrative discharges:

- A. Consultation with Counsel. Members being processed for involuntary separation with a General or Undesirable discharge shall be provided the opportunity to consult with a judge advocate or law specialist at the outset of the procedure for separation.
- B. Honorable Discharge. A separation with an Honorable discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that the member merits an Honorable discharge under prescribed Service standards.
- C. General Discharge. A separation with a General discharge may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined, under prescribed Service standards that such discharge is warranted. When a General Discharge Certificate is issued for one of the reasons listed in subsections A. through E., enclosure 2, the specific basis therefor shall be included in the member's permanent personnel records.
- D. Discharge for Unsuitability. An Honorable discharge or a discharge Under Honorable Conditions (General discharge), based on the standards prescribed in subsection G., enclosure 2, may be issued by the commander exercising special court-martial jurisdiction or higher authority.
 1. A member with less than 8 years of total active military service shall be notified in writing of the proposed discharge action and shall be afforded an opportunity to make a statement in his own behalf or decline the opportunity in writing. This correspondence shall be filed in the member's permanent personnel records.
 2. A member with 8 or more years of total active military service shall be discharged by reason of unsuitability only in accordance with the safeguards and procedures specified in paragraphs E. 1. and 2., below.

E. Undesirable Discharge. An Undesirable discharge shall be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate or law specialist on his staff for cases arising in that command. Every action taken pursuant to such a delegation shall state the authority therefor. An Undesirable discharge shall be issued in accordance with the provisions of this Directive which include the following procedures and safeguards:

1. A member who is under military control shall be notified in writing of the basis for the proposed discharge action and advised that he has the following rights:
 - a. To present his case before an administrative discharge board.
 - b. To be represented by counsel.
 - c. To waive the above rights in writing. The member shall be given an opportunity to consult with counsel, prior to waiving his rights.
2. If a member waives his rights, the Discharge Authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge by reason of misconduct or security. If discharge is directed, the type of certificate will be specified.
3. A member unable to appear in person before an administrative discharge board, by reason of confinement by civil authorities, shall be advised (by registered mail or certified mail, return receipt requested) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:
 - a. To have his case considered by an administrative discharge board.
 - b. To request appointment of a military counsel to

represent him and in his absence present his case before an administrative discharge board.

- c. To submit statements in his own behalf.
 - d. To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.
4. A member of a Reserve component not on active duty shall be advised (by registered mail or certified mail, return receipt requested) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:
- a. To have his case considered by an administrative discharge board.
 - b. To request appointment of a military counsel to represent him and in his absence present his case before an administrative discharge board.
 - c. To submit statements in his own behalf.
 - d. To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.
5. A member beyond military control by reason of unauthorized absence:
- a. May be issued an Undesirable Discharge Certificate in absentia under either of the following circumstances:
 - (1) When the prosecution of the member is apparently barred by statute of limitations, 10 USC 843, (reference (e)). In those cases, an Undesirable discharge may be issued at any time after it is determined that prosecution is so barred, provided that upon consideration of available extenuating, mitigating and aggravating factors in each case, the Discharge Authority determines that the best interest of the Armed Forces will be served by issuance of the Undesirable discharge.

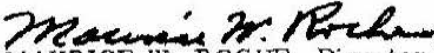
- (2) When the Discharge Authority determines, in accordance with regulations of the Department concerned, that issuance of an Undesirable discharge will serve the national interests.
 - b. Shall be notified of the imminent discharge action and the effective date thereof by registered mail or certified mail, return receipt requested, forwarded to the record address of the member, or next of kin, as appropriate.
 - c. Shall be subject to the separation limitations of 10 USC 1163 (reference (1)) if he is a member of a Reserve component.
6. A member who submits a resignation or requests Discharge for the Good of the Service may be issued an Undesirable Discharge Certificate without board action, provided he has been afforded the opportunity to consult counsel and certifies in writing that he understands (a) he will receive an Undesirable Discharge Certificate and (b) the adverse nature of such a characterization and the possible consequences thereof.

SUSPENSION OF EXECUTION OF APPROVED DISCHARGE

The Discharge Authority or higher authority may, prior to the expiration of the member's enlistment or period of obligated service, suspend execution of an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During the period of suspension, the member shall be afforded an opportunity to demonstrate that he is capable of behaving properly for an extended period under varying conditions and that he can perform assigned duties efficiently.

- A. Upon satisfactory completion of the probationary period, execution of the approved discharge will be cancelled automatically.
- B. Additional misconduct on the part of the member during the probationary period or actions which constitute substandard performance of duty or demonstrate characteristics of unsuitability may establish the basis for one of the following actions:
 1. Punitive or new administrative action may be initiated, notwithstanding the suspension of execution of the approved discharge.
 2. Suspension of the approved discharge may be vacated, and the approved discharge executed, to include discharge in absentia when the member has been beyond the military control for 15 or more days.

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
1332.14 - Ch 1	January 6, 1976	1300 series
ATTACHMENTS		
Pages 1&2 and 3&4 of enclosure 2 to DoD Directive 1332.14, 9/30/75		
INSTRUCTIONS FOR RECIPIENTS		
The following pen and page changes to DoD Directive 1332.14, "Enlisted Administrative Separations," dated September 30, 1975, have been authorized:		
<u>PEN CHANGES</u>		
Page 6, Section VII. A. - Change line 1 to read:		
"A. This Directive is effective on <u>April 1, 1976.</u> "		
Page 6, Section VII. B. - Change line 3 to read:		
"Affairs) by <u>July 1, 1976.</u> "		
Changed portions are underscored.		
<u>PAGE CHANGES TO ENCLOSURE 2</u>		
Remove: Pages 1&2 and 3&4		
Insert: Attached replacement pages		
Changes appear on page 2 and are indicated by marginal asterisks.		
<u>EFFECTIVE DATE</u>		
The above changes became effective December 29, 1975.		
 MAURICE W. ROCHE, Director Correspondence and Directives OASD(Comptroller)		
WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT		

SD FORM 106-1
1 MAR 52

PREVIOUS EDITIONS ARE OBSOLETE

Cancelled pages attached

REASONS FOR SEPARATION

- A. Expiration of Enlistment or Fulfillment of Service Obligation. An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record.
- B. Convenience of the Government. An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record, for the following reasons:
1. General demobilization, reduction in authorized strength or an order applicable to all members of a class of personnel specified in the order.
 2. Acceptance of a commission or appointment or acceptance into a program leading to a commission or appointment in any branch of the Armed Forces, for active duty only.
 3. Immediate enlistment or reenlistment.
 4. Erroneous induction or enlistment.
 5. Separation of members serving in unspecified enlistments.
 6. Early separation of personnel under various authorized programs and circumstances.
 7. Voluntary separation of women for pregnancy or childbirth.
 8. Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment as a result of parenthood.
 9. Conscientious objection.
 10. Sole surviving son/daughter and certain family members.
 11. Condition, not a physical disability, which interferes with performance of duty.

- * 12. Elimination of marginal performers: *
- * a. Elimination of marginal or nonproductive performers by *
- * reason of the member's: *
- * (1) Failure to attain or maintain required job skill profi- *
- * ciency, either by associated inaptitude or nonapplication. *
- * (2) Presence creating an administrative burden to the command *
- * due to minor military or disciplinary infractions. *
- * (3) Performance having been noncontributory to unit readiness *
- * and mission accomplishment as specifically evidenced by *
- * below average efficiency ratings or specific demonstrated *
- * incapacity to meet effectiveness standards. *
- * b. Application of this provision is limited to members meeting *
- * the following criteria: *
- * (1) Members considered must be in their first enlistment, and *
- * are otherwise eligible until completion of 36 months of *
- * active service, whichever is greater. *
- * (2) The member must be medically qualified for separation. *
- * (3) The member must have completed any disciplinary punish- *
- * ment. *
- * (4) The member must not be about to stand trial for violation *
- * of the Uniform Code of Military Justice. Any such charges *
- * must have been dismissed, the individual acquitted, or *
- * after conviction, appellate review of the case completed *
- * prior to separation. *
- * (5) Member separated under these provisions must be assigned *
- * to: (a) Recruit Training; (b) Initial Skill Training *
- * immediately following Recruit Training; or (c) an organi- *
- * zational unit for an appropriate period of evaluation as *
- * determined by the Secretary of the Military Department *
- * concerned, but for not less than 60 days. *
- * c. These discharges must be approved by specified discharge *
- * authority; *
- * d. As a minimum the Military Services should establish procedures *
- * wherein rebuttal by an individual being discharged will be *
- * considered by the discharge authority; and *
- * e. Members in Recruit Training or Initial Skill Training immedi- *
- * ately following Recruit Training who are separated for this *
- * reason will be separated with an honorable separation *
- * (Honorable discharge). *
- * 13. For such other reasons as may be prescribed by the Secretary of *
- * the Department concerned. *
- * 14. Notwithstanding the specific provisions of this or any other *
- * Directive or any proceedings, decisions or action in accord with *
- * this or any other Directive, the Secretary concerned may direct *
- * the separation of any member, prior to the expiration of term of *
- * service, after determining it to be in the best interest of that *
- * Department.
- * C. Dependence or Hardship. An honorable separation (honorable discharge) *
- * or separation under honorable conditions (General discharge) as war- *
- * ranted by the member's military record.

1. Separation may be directed when genuine dependency or undue hardship exists, and
 - a. The hardship or dependency is not of a temporary nature;
 - b. Conditions have arisen or have been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort to remedy situation;
 - c. The separation will eliminate or materially alleviate the condition; and
 - d. There are no means of alleviation readily available other than the separation.
 2. Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconvenience normally incident to military service.
- D. Minority. Release by voidance of contract or separation with an Honorable or a General discharge, as warranted by the member's military record.
1. Release or separation may be directed after determination that:
 - a. There is evidence satisfactory to the Discharge Authority that the member is under 18 years of age; and
 - b. The member enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control.
 2. Upon application by the parents or guardian of a regular enlisted member of an Armed Force to the Discharge Authority within 90 days after the member's enlistment, the member shall be discharged for his own convenience, with the pay and form of discharge certificate for which his service entitles him, if 1.a. and b., above, are satisfied.
- E. Disability. An Honorable discharge or a General discharge, as warranted by the member's military record, when the member has been determined to be physically unfit to perform the duties of his office, rank, grade or rating, and is not entitled to retirement under the provisions of 10 USC, Chapter 61 (reference (b)).
- F. Personal Abuse of Drugs Other Than Alcoholic Beverages. Discharge with an Honorable discharge, when based on evidence developed as a direct or indirect result of a urinalysis test administered for identification of drug abusers, or by a member's volunteering for treatment for a drug problem under the Drug Identification and Treatment Program administered by his particular Armed Force, and:
1. Member's record indicates lack of potential for continued military service; or
 2. Long term rehabilitation is determined necessary and member is transferred to a Veterans' Administration or civilian medical facility for rehabilitation; or
 3. Member has failed, through inability or refusal, to participate in, cooperate in, or complete a drug abuse treatment and rehabilitation program.

Note: It is essential to assure compliance with both the letter and spirit of the rule of law announced in United States v. Ruiz (23 USCMA 181, 48 CMR 797 (1974)). Extreme care should be exercised to assure that a member identified for separation under this provision is not separated with less than an honorable discharge, based on some separate and distinct reason for discharge, unless it can be clearly demonstrated that evidence of drug use obtained through the identification process described herein was not directly or indirectly utilized in establishing such separate and distinct reason. It may be desirable for Field Commanders to consult with legal personnel concerning implementation of this note.

C. Unsuitability. Separation with an Honorable or a General discharge, as warranted by the member's military record, when it has been determined that an individual is unsuitable for further military service because of:

1. Personality Disorder: As determined by medical authority and described in the Diagnostic and Statistical Manual (DSM-11) of Mental Disorders,¹ American Psychiatric Association (reference (h)); which interferes with member's ability to adequately perform duties. Exception: Combat exhaustion and other acute situational maladjustments.
2. Alcohol Abuse. Failure, through inability or refusal, to participate in, cooperate in, or complete an alcohol abuse treatment and rehabilitation program.
3. Homosexual or Other Aberrant Sexual Tendencies.
4. Unsanitary Habits.
5. Financial Irresponsibility.
6. Apathy, Defective Attitudes, Inability to Expend Effort Constructively. As a significant observable defect elsewhere not readily describable.
7. Inaptitude.

II. Security. Separation, with the character of discharge, and under conditions and procedures, stipulated by the Secretary of Defense, as set forth in DoD Directive 5210.9 (reference (c)) and similar Directives applicable to the Coast Guard, when retention is clearly inconsistent with the interest of national security.

I. Misconduct. Separation with an Undesirable discharge, unless the particular circumstances in a given case warrant a General or an Honorable discharge, when it has been determined that an

¹Section on mental disorders, International Classification of Diseases and Injuries - 8, Diagnostic and Statistical Manual (DSM-11) of Mental Disorders, 2nd Edition, Committee on Nomenclature & Statistics, American Psychiatric Association, Washington, D.C., 1968