Department of Defense

DIRECTIVE

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ASD(P&R)

SUBJECT: Enlisted Administrative Separations

References: (a) DoD Directive 1332.14, subject as above, January 28, 1982 (hereby canceled)
(b) Section 977 of title 10, United States Code (Denial of Certain Benefits to Persons Who Fail to Complete at Least Two Years of an Original Enlistment)
(c) Pub. L. No. 97-66, "The Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments Act of 1981," October 17, 1981, (95 Stat. 1035)
(d) Sections 801-940 of title 10, United States Code (Uniform Code of Military Justice, Articles 1-140)
(e) *through (z), see enclosure 1*

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) and updates policy, responsibilities, and procedures governing the administrative separation of enlisted members from the Military Services.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense and the Military Departments (including their Reserve components). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force and the Marine Corps.

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3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

4. POLICY

4.1. It is DoD policy to promote the readiness of the Military Services by maintaining high standards of conduct and performance. Separation policy promotes the readiness of the Military Services by providing an orderly means to:

4.1.1. Judge the suitability of persons to serve in the Armed Forces on *the basis of their conduct and their ability to meet required standards of duty performance and discipline;*

4.1.2. *Maintain standards of performance and conduct through* characterization of service in a system that emphasizes the importance of honorable service;

4.1.3. *Achieve authorized force levels and grade distributions; and*

4.1.4. *Provide for the orderly administrative separation of enlisted* personnel in a variety of circumstances.

4.2. DoD separation policy is designed to strengthen the concept that military service is a calling different from any civilian occupation.

4.2.1. The acquisition of military status, whether through enlistment or induction, involves a commitment to the United States, the Service, and one's fellow citizens and Service members to complete successfully a period of obligated service. Early separation for failure to meet required standards of performance or discipline represents a failure to fulfill that commitment.

4.2.2. Millions of Americans from diverse backgrounds and with a wide variety of aptitudes and attitudes upon entering military service have served successfully in the Armed Forces. It is DoD policy to provide Service members with the training, motivation, and professional leadership that inspires the dedicated enlisted member to emulate his or her predecessors and peers in meeting required standards of performance and discipline.

4.2.3. The Military Services make a substantial investment in training, time,

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equipment, and related expenses when persons are enlisted or inducted into military service. Separation prior to completion of an obligated period of service is wasteful because it results in loss of this investment and generates a requirement for increased accessions. Consequently, attrition is an issue of significant concern at all levels of responsibility within the Armed Forces. Reasonable efforts should be made to identify enlisted members who exhibit a likelihood for early separation, and to improve their chances for retention through counseling, retraining, and rehabilitation before initiation of separation proceedings. Enlisted members who do not demonstrate potential for further military service should be separated to avoid the high costs in terms of pay, administrative efforts, degradation of morale, and substandard mission performance that are associated with retention of enlisted members who do not conform to required standards of discipline and performance despite efforts at counseling, retraining, or rehabilitation.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Personnel and Readiness may supplement the enclosures to this Directive, and may delegate the authority to establish reporting requirements for the reasons for separation (Part 1, enclosure 3) to a Deputy Assistant Secretary.

5.2. The Secretaries of the Military Departments shall prescribe implementing documents to ensure that the policies, standards, and procedures in this Directive are administered in a manner that provides consistency in separation policy to the extent practicable in a system that is based on command discretion. The implementing documents also shall address the following matters:

5.2.1. *Commander Responsibilities. The Secretary concerned, acting through his or her military commanders, shall ensure that the policies, standards and procedures of this Directive are applied consistently, that fact-finding inquiries are conducted properly, that no abuse of authority occurs, and that failure to follow the provisions of this directive results in appropriate corrective action.*

5.2.2. *Processing Goals. The Secretary concerned shall establish* processing time goals for the types of administrative separations authorized by this Directive. Such goals shall be designed to further the efficient administration of the Armed Forces and shall be measured from the date of notification to the date of separation. Normally such goals should not exceed 15-working days for the notification procedure (E3.A3.1.2.) and 50-working days for the administrative board procedure (E3.A3.1.3.). Goals for shorter processing times are encouraged,

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particularly for cases in which expeditious action is likely. Variations may be established for complex cases or cases in which the separation authority is not located on the same facility as the respondent. The goals, and a program for monitoring effectiveness, shall be in the implementing document of the Military Department. Failure to process an administrative separation within the prescribed goal for processing times shall not create a bar to separation or characterization.

5.2.3. *Periodic Explanations*. The Secretary concerned shall prescribe appropriate internal procedures for periodic explanation to enlisted members of the types of separations, the basis for their issuance, the possible effects of various actions upon reenlistment, civilian employment, veterans' benefits, and related matters, and the effects of 10 U.S.C. 977 (reference (b)) and Pub. L. No. 97-66 (1981) (reference (c)) concerning denial of certain benefits to members who fail to complete at least 2 years of an original enlistment. Such explanation may be provided in the form of a written fact sheet or similar document. The periodic explanation shall take place at least each time the provisions of the Uniform Code of Military Justice (UCMJ) are explained under Article 137 of the UCMJ (reference (d)). The requirement that the effects of the various types of separations be explained to enlisted members is a command responsibility, not a procedural entitlement. Failure on the part of the member to receive or to understand such explanation does not create a bar to separation or characterization.

5.2.4. *Provision of Information During Separation Processing*. The Secretary concerned shall ensure that information concerning the purpose and authority of the Discharge Review Board and the Board for Correction of Military/Naval Records, established under 10 U.S.C. 1552 and 1553 (reference (e)) and DoD Directive 1332.28 (reference (f)) is provided during the separation processing of all members, except when the separation is for an immediate reenlistment. Specific counseling is required under 38 U.S.C. 3103(a) (reference (g)) which states that a discharge under other than honorable conditions, resulting from a period of continuous, unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration, notwithstanding any action by a Discharge Review Board. The information required by this paragraph should be provided in the form of a written fact sheet or similar document. Failure on the part of the member to receive or to understand such explanation does not create a bar to separation or characterization.

6. PROCEDURES

Procedures and standards for implementing the policy in section 4., above, are in enclosure 3.

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7. EFFECTIVE DATE AND IMPLEMENTATION

7.1. This Directive is effective February 5, 1994.

7.2. This Directive applies only to administrative separation proceedings initiated on or after February 5, 1994 unless the Secretary of the Service concerned determines that it should be applied in a particular case in which proceedings were initiated before that date.

7.3. Forward two copies of proposed implementing documents to the Assistant Secretary of Defense for Personnel and Readiness within 30 days of the signature date.



Enclosures - 4

E1. References, continued

E2. Definitions

E3. Standards and Procedures

E4. Guidelines for Fact-Finding Inquiries into Homosexual Conduct

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E1. ENCLOSURE 1

REFERENCES, continued

(e) Section 1552 of title 10, United States Code (Correction of Military Records) and Section 1553 (Review of Discharge or Dismissal)

(f) DoD Directive 1332.28, "Discharge Review Board (DRB) Procedures and Standards," August 11, 1982

(g) Section 3103 of title 38, United States Code (Certain Bars to Benefits (Veterans Administration))

(h) DoD Directive 1205.5, "Transfer of Members Between Reserve Components of the Military Services," May 16, 1980

(i) DoD Instruction 1332.15, "Early Release of Military Enlisted Personnel for College or Vocational/Technical School Enrollment," June 1, 1976

(j) DoD Directive 1344.10, "Political Activities by Members of the Armed Forces on Active Duty," June 15, 1990

(k) DoD Directive 1300.6, "Conscientious Objectors," August 20, 1971

(l) DoD Directive 1315.15, "Special Separation Policies for Survivorship," September 26, 1988

(m) Section on Mental Disorders, International Classification of Diseases and Injuries - 8, Diagnostic and Statistical Manual (DSM-III) of Mental Disorders, 3rd Edition, Committee on Nomenclature & Statistics, American Psychiatric Association, Washington, DC, 1978

(n) Chapter 61 of title 10, United States Code (Retirement or Separation for Physical Disability)

(o) Section 1170 of title 10, United States Code (Regular Enlisted Members: Minority Discharge)

(p) DoD Directive 1215.13, "Unsatisfactory Performance of Ready Reserve Obligation," June 30, 1979

(q) Manual for Courts-Martial, 1969 (Revised Edition), as amended

(r) DoD 5200.2-R, "DoD Personnel Security Program," January 1987

(s) DoD Instruction 1336.1, "Certificate of Release or Discharge from Active Duty," January 6, 1989

(t) DoD Directive 1010.1, "Drug Abuse Testing Program," December 28, 1984

(u) Section 1163 of title 10, United States Code (Reserve Components: Members; Limitations on Separations)

(v) Section 504 of title 10, United States Code (Persons Not Qualified for Enlistment)

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(w) Section 505 of title 10, United States Code (Regular Components: Qualifications, Terms, Grade)

(x) Section 266 of title 10, United States Code (Boards for Appointment, Promotion, and Certain Other Purposes)

(y) Section 654 of title 10, United States Code (Policy Concerning Homosexuality in the Armed Forces)

(z) *DoD Instruction 5505.8, "Investigations of Sexual Misconduct by the Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations," February 28, 1994*

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E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

E2.1.2. Convening Authority

E2.1.2.1. The Separation Authority; or

E2.1.2.2. A commanding officer who has been authorized by the Secretary concerned to process the case except for final action and who otherwise has the qualifications to act as a Separation Authority.

E2.1.3. Discharge. Complete severance from all military status gained by the enlistment or induction concerned.

E2.1.4. Entry-Level Status. Upon enlistment, a member qualifies for entry-level status during:

E2.1.4.1. The first 180 days of continuous active military service or;

E2.1.4.2. The first 180 days of continuous active service after a service break of more than 92 days of active service. A member of a Reserve component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry level status upon enlistment in a Reserve component. Entry-level status for such a member of a Reserve component terminates as follows:

E2.1.4.2.1. 180 days after beginning training if the member is ordered to active duty for training for one continuous period of 180 days or more; or

E2.1.4.2.2. 90 days after the beginning of the second period of active duty training if the member is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings.

E2.1.5. Homosexual. A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

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E2.1.6. Homosexual Act

E2.1.6.1. Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires, and

E2.1.6.2. Any bodily contact that a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph E2.1.6.1., above.

E2.1.7. Homosexual Conduct. A homosexual act, a statement by the Service member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage.

E2.1.8. Member. An enlisted member of a Military Service.

E2.1.9. Military Record. An individual's overall performance while a member of a Military Service, including personal conduct and performance of duty.

E2.1.10. Propensity. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

E2.1.11. Release from Active Duty. Termination of active duty status and transfer or revision to a Reserve component not on active duty, including transfer to the Individual Ready Reserve (IRR).

E2.1.12. Respondent. A member of a Military Service who has been notified that action has been initiated to separate the member.

E2.1.13. Separation. A general term that includes discharge, release from active duty, release from custody and control of the Armed Forces, transfer to the IRR, and similar changes in Active or Reserve status.

E2.1.14. Separation Authority. An official authorized by the Secretary concerned to take final action with respect to a specified type of separation.

E2.1.15. *Sexual Orientation. An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.*

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E2.1.16. *Statement that a Member Is a Homosexual or Bisexual or Words to That Effect*. *Language or behavior that a reasonable person would believe was intended to convey the statement that a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.*

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E3. ENCLOSURE 3

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E3.A1. ATTACHMENT 1 TO ENCLOSURE 3

PART 1

E3.A1.1. REASONS FOR SEPARATION

E3.A1.1.1. Expiration of Service Obligation

E3.A1.1.1.1. Basis. A member may be separated upon expiration of enlistment or fulfillment of service obligation. This includes separation authorized by the Secretary concerned when the member is within 30 days of the date of expiration of term of service under the following circumstances:

E3.A1.1.1.1.1. The member is serving outside the continental United States (CONUS); or

E3.A1.1.1.1.2. The member is a resident of a State, territory, or possession outside CONUS and is serving outside the member's State, territory, or possession of residence.

E3.A1.1.1.2. Characterization or Description. Honorable, unless:

E3.A1.1.1.2.1. An Entry-Level Separation is required under subparagraph E3.A2.1.3.3. of Part 2;

E3.A1.1.1.2.2. Characterization of service as General (under honorable conditions) is warranted under paragraph E3.A2.1.3. of Part 2 on the basis of numerical scores accumulated in a formal, Servicewide rating system that evaluates conduct and performance on a regular basis; or

E3.A1.1.1.2.3. Another characterization is warranted upon discharge from the IRR under paragraph E3.A3.1.5. of Part 3.

E3.A1.1.2. Selected Chances in Service Obligations

E3.A1.1.2.1. Basis. A member may be separated for the following reasons:

E3.A1.1.2.1.1. General demobilization or reduction in authorized strength.

E3.A1.1.2.1.2. Early separation of personnel under a program established by the Secretary concerned. A copy of the document authorizing such program shall be forwarded to the Assistant Secretary of Defense for Personnel and Readiness (ASD(P&R)) on or before the date of implementation.

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E3.A1.1.2.1.3. Acceptance of an active duty commission or appointment, or acceptance into a program leading to such commission or appointment in any branch of the Military Services.

E3.A1.1.2.1.4. Immediate enlistment or reenlistment

E3.A1.1.2.1.5. Interservice transfer of inactive reserves in accordance with DoD Directive 1205.5 (reference (h)).

E3.A1.1.2.2. Characterization or description. Honorable, unless:

E3.A1.1.2.2.1. An Entry Level Separation is required under paragraph E3.A2.1.3. of Part 2;

E3.A1.1.2.2.2. Characterization of service as General (under honorable conditions) is warranted under paragraph E3.A2.1.3. of Part 2 on the basis of numerical scores accumulated in a formal, service-wide rating system that evaluates conduct and performance on a regular basis; or

E3.A1.1.2.2.3. Another characterization is warranted upon discharge from the IRR under paragraph E3.A3.1.5. of Part 3.

E3.A1.1.3. Convenience of the Government

E3.A1.1.3.1. Basis. A member may be separated for convenience of the Government for the reasons set forth in subparagraph E3.A1.1.3.4., below.

E3.A1.1.3.2. Characterization or description. Honorable, unless:

E3.A1.1.3.2.1. An Entry Level Separation is required under paragraph E3.A2.1.3. of Part 2; or

E3.A1.1.3.2.2. Characterization of service as General (under honorable conditions) is warranted under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.3.3. Procedures. Procedural requirements may be established by the Secretary concerned, subject to procedures established in subparagraph E3.A1.1.3.4., below. Prior to characterization of service as General (under honorable conditions), the member shall be notified of the specific factors in the service record that warrant such a characterization, and the Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used. Such notice and procedure is not required, however, when

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characterization of service as General (under honorable conditions) is based upon numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

E3.A1.1.3.4. Reasons

E3.A1.1.3.4.1. Early release to further education. A member may be separated under DoD Directive 1332.15 (reference (i)) to attend a college, university, vocational school, or technical school.

E3.A1.1.3.4.2. Early release to accept public office. A member may be separated to accept public office only under circumstances authorized by the Military Department concerned and consistent with DoD Directive 1344.10 (reference (j)).

E3.A1.1.3.4.3. Dependency or Hardship

E3.A1.1.3.4.3.1. Upon request of the member and concurrence of the Government, separation may be directed when genuine dependency or undue hardship exists under the following circumstances:

E3.A1.1.3.4.3.1.1. The hardship or dependency is not temporary;

E3.A1.1.3.4.3.1.2. 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;

E3.A1.1.3.4.3.1.3. The administrative separation will eliminate or materially alleviate the condition; and

E3.A1.1.3.4.3.1.4. There are no other means of alleviation reasonably available.

E3.A1.1.3.4.3.2. Undue hardship does not necessarily exist solely because of altered present or expected income, family separation, or other inconveniences normally incident to Military Service.

E3.A1.1.3.4.4. Pregnancy or childbirth. A female member may be separated on the basis of pregnancy or childbirth upon her request, unless retention is determined to be in the best interests of the Service under paragraph E3.A2.1.1. of Part 2 and guidance established by the Military Department concerned.

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E3.A1.1.3.4.5. Parenthood. A member may be separated by reason of parenthood if as a result thereof it is determined under the guidance set forth in paragraph E3.A2.1.1. of Part 2 that the member is unable satisfactorily to perform his or her duties or is unavailable for worldwide assignment or deployment. Prior to involuntary separation under this provision, the Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used. Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

E3.A1.1.3.4.6. Conscientious objection. A member may be separated if authorized under DoD Directive 1300.6 (reference (k)).

E3.A1.1.3.4.7. Surviving family member. A member may be separated if authorized under DoD Directive 1315.15 (reference (l)).

E3.A1.1.3.4.8. Other designated physical or mental conditions

E3.A1.1.3.4.8.1. The Secretary concerned may authorize separation on the basis of other designated physical or mental conditions, not amounting to Disability (paragraph E3.A1.1.4., below), that potentially interfere with assignment to or performance of duty under the guidance set forth in paragraph E3.A2.1.1. of Part 2. Such conditions may include but are not limited to chronic seasickness or airsickness, enuresis, and personality disorder.[1]

E3.A1.1.3.4.8.2. Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

E3.A1.1.3.4.8.3. Separation on the basis of personality disorder is authorized only if a diagnosis by a psychiatrist or psychologist, completed in accordance with procedures established by the Military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.

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[1] Personality disorders are described in the Diagnostic and Statistical Manual (DSM-III) of Mental Disorders (reference (m)).

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E3.A1.1.3.4.8.4. Separation for personality disorder is not appropriate when separation is warranted under paragraphs E3.A1.1.1. through E3.A1.1.14. or paragraph E3.A1.1.16. of this Part. For example, if separation is warranted on the basis of unsatisfactory performance (paragraph E3.A1.1.7.) or misconduct (paragraph E3.A1.1.11.), the member should not be separated under this section regardless of the existence of a personality disorder.

E3.A1.1.3.4.8.5. Nothing in this provision precludes separation of a member who has such a condition under any other basis set forth under this section (Convenience of the Government) or for any other reason authorized by this Directive.

E3.A1.1.3.4.8.6. Prior to involuntary separation under this provision, the Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used.

E3.A1.1.3.4.8.7. The reasons designated by the Secretary concerned shall be separately reported.

E3.A1.1.3.4.9. Additional grounds. The Secretary concerned may provide additional grounds for separation for the convenience of the Government. A copy of the document authorizing such grounds shall be forwarded to the ASD(P&R) on or before the date of implementation.

E3.A1.1.4. Disability

E3.A1.1.4.1. Basis. A member may be separated for disability under the provisions of 10 U.S.C., Chapter 61 (reference (n)).

E3.A1.1.4.2. Characterization or description. Honorable, unless:

E3.A1.1.4.2.1. An Entry Level Separation is required under paragraph E3.A2.1.3. of Part 2; or

E3.A1.1.4.2.2. Characterization of service as General (under honorable conditions) is warranted under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.4.3. Procedures. Procedural requirements for separation may be established by the Military Departments consistent with chapter 61 (reference (n)). If separation is recommended, the following requirements apply prior to characterization of service as General (under honorable conditions): the member shall be notified of the specific factors in the service record that warrant such a characterization, and the Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used. Such notice and

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procedure is not required, however, when characterization of service as General (under honorable conditions) is based upon numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

E3.A1.1.5. Defective Enlistments and Inductions

E3.A1.1.5.1. Minority

E3.A1.1.5.1.1. Basis

E3.A1.1.5.1.1.1. Under age 17. If a member is under the age of 17, the enlistment of the member is void, and the member shall be separated.

E3.A1.1.5.1.1.2. Age 17. A member shall be separated under 10 U.S.C. 51170 (reference (o)) in the following circumstances except when the member is retained for the purpose of trial by court-martial:

E3.A1.1.5.1.1.2.1. There is evidence satisfactory to the Secretary concerned that the member is under 18 years of age;

E3.A1.1.5.1.1.2.2. The member enlisted without the written consent of the member's parent or guardian; and

E3.A1.1.5.1.1.2.3. An application for the member's separation is submitted to the Secretary concerned by the parent or guardian within 90 days of the member's enlistment.

E3.A1.1.5.1.2. Description of separation. A member separated under subparagraph E3.A1.5.1.1.1., above, shall receive an order of release from the custody and control of the armed forces (by reason of void enlistment or induction). The separation of a member under subparagraph E3.A1.5.1.1.2., above, shall be described as an Entry Level Separation.

E3.A1.1.5.1.3. Procedure. The Notification Procedure (paragraph E3.A2.1.1. of Part 3) shall be used.

E3.A1.1.5.2. Erroneous

E3.A1.1.5.2.1. Basis. A member may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment under the guidance set forth in paragraph E3.A2.1.1. of Part 2. An enlistment, induction, or extension of enlistment is erroneous in the following circumstances, if:

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E3.A1.1.5.2.1.1. It would not have occurred had the relevant facts been known by the government or had appropriate directives been followed;

E3.A1.1.5.2.1.2. It was not the result of fraudulent conduct on the part of the member; and

E3.A1.1.5.2.1.3. The defect is unchanged in material respects.

E3.A1.1.5.2.2. Characterization or description. Honorable, unless an Entry Level Separation or an order of release from the custody and control of the Military Services (by reason of void enlistment or induction) is required under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.5.2.3. Procedure

E3.A1.1.5.2.3.1. If the command recommends that the individual be retained in military service, the initiation of separation processing is not required in the following circumstances:

E3.A1.1.5.2.3.1.1. The defect is no longer present; or

E3.A1.1.5.2.3.1.2. The defect is waivable and a waiver is obtained from appropriate authority.

E3.A1.1.5.2.3.2. If separation processing is initiated, the Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used.

E3.A1.1.5.3. Defective enlistment agreements

E3.A1.1.5.3.1. Basis. A defective enlistment agreement exists in the following circumstances:

E3.A1.1.5.3.1.1. As a result of a material misrepresentation by recruiting personnel, upon which the member reasonably relied, the member was induced to enlist with a commitment for which the member was not qualified;

E3.A1.1.5.3.1.2. The member received a written enlistment commitment from recruiting personnel for which the member was qualified, but which cannot be fulfilled by the Military Service; or

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E3.A1.1.5.3.1.3. The enlistment was involuntary. See 10 U.S.C. 802 (reference (d)).

E3.A1.1.5.3.2. Characterization or Description. Honorable, unless an Entry Level Separation or an order of release from the custody and control of the Military Services (by reason of void enlistment) is required under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.5.3.3. Procedures. This provision does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect is raised. Separation is appropriate under this provision only in the following circumstances:

E3.A1.1.5.3.3.1. The member did not knowingly participate in creation of the defective enlistment;

E3.A1.1.5.3.3.2. The member brings the defect to the attention of appropriate authorities within 30 days after the defect is discovered or reasonably should have been discovered by the member;

E3.A1.1.5.3.3.3. The member requests separation instead of other authorized corrective action; and

E3.A1.1.5.3.3.4. The requests otherwise meets such criteria as may be established by the Secretary concerned.

E3.A1.1.5.4. Fraudulent Entry Into the Military Service

E3.A1.1.5.4.1. Basis. A member may be separated under guidance in paragraph E3.A2.1.1. of Part 2 on the basis of procurement of a fraudulent enlistment, induction, or period of military service through any deliberate material misrepresentation, omission, or concealment that, if known at the time of enlistment, induction, or entry onto a period of military service might have resulted in rejection.

E3.A1.1.5.4.2. Characterization of Description. Characterization of service or description of separation shall be in accordance with paragraph E3.A2.1.3. of Part 2. If the fraud involves concealment of a prior separation in which service was not characterized as Honorable, characterization normally shall be Under Other Than Honorable Conditions.

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E3.A1.1.5.4.3. Procedures. The Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used except as follows:

E3.A1.1.5.4.3.1. Characterization of service Under Other Than Honorable Conditions may not be issued unless the Administrative Board Procedure (paragraph E3.A3.1.3., of Part 3) is used.

E3.A1.1.5.4.3.2. When the sole reason for separation is fraudulent entry, suspension of separation (paragraph E3.A2.1.2. of Part 2) is not authorized. When there are approved reasons for separation in addition to fraudulent entry, suspension of separation is authorized only in the following circumstances:

E3.A1.1.5.4.3.2.1. A waiver of the fraudulent entry is approved; and

E3.A1.1.5.4.3.2.2. The suspension pertains to reasons for separation other than the fraudulent entry.

E3.A1.1.5.4.3.3. If the command recommends that the member be retained in military service, the initiation of separation processing is unnecessary in the following circumstances:

E3.A1.1.5.4.3.3.1. The defect is no longer present; or

E3.A1.1.5.4.3.3.2. The defect is waivable and a waiver is obtained from appropriate authority.

E3.A1.1.5.4.3.4. If the material misrepresentation includes preservice or prior service homosexual conduct (subparagraph E3.A1.1.8.1. of this enclosure, below), the standards of subparagraph E3.A1.1.8.1.2. and procedures of subparagraph E3.A1.1.8.3. below, shall be applied in processing a separation under this section. In such a case, the characterization or description of the separation shall be determined under subparagraph E3.A1.1.5.4.2., above.

E3.A1.1.5.5. Separation from the Delayed Entry Program

E3.A1.1.5.5.1. Basis. A person who is in the Delayed Entry Program may be separated because of ineligibility for enlistment under standards prescribed by the Secretary concerned or upon his or her request when authorized by the Secretary concerned.

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E3.A1.1.5.5.2. Description of Separation. Entry-level separation.

E3.A1.1.5.5.3. Procedure. The person shall be notified of the proposed separation and the reasons therefor. The member shall be given the opportunity to submit to the separation authority a statement in rebuttal by a specified date (not less than 30 days from the date of delivery). The notice shall be delivered personally or sent by registered or certified mail, return receipt requested (or by an equivalent form of notice if such service is not available by the U.S. mail at an address outside the United States). If the person fails to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail (see DoD Directive 1215.13, reference (p)) that shall be inserted in the file along with postal Service Form 3800.

E3.A1.1.6. Entry-Level Performance and Conduct

E3.A1.1.6.1. Basis

E3.A1.1.6.1.1. A member may be separated while in entry-level status (paragraph E2.1.9. of enclosure 2) when it is determined under the guidance in paragraph E3.A2.1.1. of Part 2 that the member is unqualified for further military service by reason of unsatisfactory performance or conduct (or both), as evidenced by inability, lack of reasonable effort, failure to adapt to the military environment, or minor disciplinary infractions.

E3.A1.1.6.1.2. When separation of a member in entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both), the member normally should be separated under this section. Nothing in this provision precludes separation under another provision of this Directive when such separation is authorized and warranted by the circumstances of the case.

E3.A1.1.6.2. Counseling and Rehabilitation. Separation processing may not be initiated until the member has been counseled formally concerning those deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. Counseling and rehabilitation requirements are important with respect to this reason for separation. Because military service is a calling different from any civilian occupation, a member should not be separated when this is the sole reason unless there have been efforts at rehabilitation under standards prescribed by the Secretary concerned.

E3.A1.1.6.3. Description of Separation. Entry-Level Separation.

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E3.A1.1.6.4. Procedures. The Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used.

E3.A1.1.7. Unsatisfactory Performance

E3.A1.1.7.1. Basis. A member may be separated when it is determined under the guidance in paragraph E3.A2.1.1. of Part 2 that the member is unqualified for further military service by reason of unsatisfactory performance. This reason shall not be used if the member is in entry-level status (paragraph E2.1.12. of enclosure 2).

E3.A1.1.7.2. Counseling and Rehabilitation. Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. Counseling and rehabilitation requirements are of particular importance with respect to this reason for separation. Because military service is a calling different from any civilian occupation, a member should not be separated when unsatisfactory performance is the sole reason unless there have been efforts at rehabilitation under standards prescribed by the Secretary concerned.

E3.A1.1.7.3. Characterization or Description. The service shall be characterized as Honorable or General (under honorable conditions) in accordance with paragraph E3.A2.1.3. of Part 2.

E3.A1.1.7.4. Procedures. The Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used.

E3.A1.1.8. Homosexual Conduct

E3.A1.1.8.1. Basis

E3.A1.1.8.1.1. Homosexual conduct is grounds for separation from the Military *Services under the terms set forth in subparagraph E3.A1.1.8.1.2., below. Homosexual* conduct includes homosexual acts, a statement by a member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. A statement by a member that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation not because it reflects the member's sexual orientation, but because the statement indicates *a likelihood that the member engages in or will engage in homosexual acts. A member's sexual orientation is considered a personal and private matter, and is not a bar to continued service under this section unless manifested by homosexual conduct in the manner described in subparagraph E3.A1.1.8.1.2.*

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E3.A1.1.8.1.2. A member shall be separated under this section if one or more of the following approved findings is made:

E3.A1.1.8.1.2.1. The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are approved further findings that:

E3.A1.1.8.1.2.1.1. Such acts are a departure from the member's usual and customary behavior;

E3.A1.1.8.1.2.1.2. Such acts under all the circumstances are unlikely to recur;

E3.A1.1.8.1.2.1.3. Such acts were not accomplished by use of force, coercion, or intimidation;

E3.A1.1.8.1.2.1.4. Under the particular circumstances of the case, the member's continued presence in the Armed Forces is consistent with the interest of the Armed Forces in proper discipline, good order, and morale; and

E3.A1.1.8.1.2.1.5. The member does not have a propensity or intent to engage in homosexual acts.

E3.A1.1.8.1.2.2. The member has made a statement that he or she is a homosexual or bisexual, or words to that effect, unless there is a further approved finding that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. A statement by a Service member that he or she is a homosexual or bisexual, or words to that effect, creates *a rebuttable presumption that the Service member engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual* acts. The Service member shall be advised of this presumption and given the *opportunity to rebut the presumption by presenting evidence demonstrating that he or she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts. Propensity to engage in* homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts. In determining whether a member has successfully *rebutted the presumption that he or she engages in, attempts to engage in, or* has a propensity or intent to engage in homosexual acts, some or all of the following may be considered:

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E3.A1.1.8.1.2.2.1. Whether the member has engaged in homosexual acts;

E3.A1.1.8.1.2.2.2. The member's credibility;

E3.A1.1.8.1.2.2.3. Testimony from others about the member's past conduct, character, and credibility;

E3.A1.1.8.1.2.2.4. The nature and circumstances of the member's statement;

E3.A1.1.8.1.2.2.5. Any other evidence relevant to whether the member is likely to engage in homosexual acts.

(This list is not exhaustive; any other relevant evidence may also be considered.)

E3.A1.1.8.1.2.3. The member has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved).

E3.A1.1.8.2. Burden of Proof. See subparagraphs E3.A1.1.8.4.5. and E3.A1.1.8.4.6., below, for guidance as to the burden of proof and when a finding regarding retention is required.

E3.A1.1.8.3. Characterization or Description. Characterization of service or description of separation shall be in accordance with the guidance in paragraph E3.A2.1.3. of Part 2. When the sole basis for separation is homosexual conduct, a characterization Under Other Than Honorable Conditions may be issued only if such a characterization is warranted under paragraph E3.A2.1.3. of Part 2 and there is a finding that during the current term of service the member attempted, solicited, or committed a homosexual act in the following circumstances:

E3.A1.1.8.3.1. By using force, coercion, or intimidation;

E3.A1.1.8.3.2. With a person under 16 years of age;

E3.A1.1.8.3.3. With a subordinate in circumstances that violate customary military superior-subordinate relationships;

E3.A1.1.8.3.4. Openly in public view;

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E3.A1.1.8.3.5. For compensation;

E3.A1.1.8.3.6. Aboard a military vessel or aircraft; or

E3.A1.1.8.3.7. In another location subject to military control under aggravating circumstances noted in the finding that have an adverse impact on discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

E3.A1.1.8.4. Procedures. The Administrative Board Procedure (section C. of Part 3) shall be used, subject to the following guidance:

E3.A1.1.8.4.1. Separation processing shall be initiated if there is probable cause to believe separation is warranted under subparagraph E3.A1.1.8.1.2., above. Fact finding procedures for inquiries into homosexual conduct are in E3.A3.

E3.A1.1.8.4.2. The Administrative Board shall follow the procedures set forth inn subparagraph E3.A3.1.3.5. of Part 3, except with respect to the following matters:

E3.A1.1.8.4.2.1. If the Board finds that one or more of the circumstances authorizing separation under subparagraph E3.A1.1.8.1.2., above, is supported by the evidence, the Board shall recommend separation unless the Board finds that retention is warranted under the limited circumstances described in that paragraph.

E3.A1.1.8.4.2.2. If the Board does not find that there is sufficient evidence that one or more of the circumstances authorizing separation under subparagraph E3.A1.1.8.1.2. has occurred, the Board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

E3.A1.1.8.4.3. In any case in which characterization of service Under Other Than Honorable Conditions is not authorized, the Separation Authority may be exercised by an officer designated under subparagraph E3.A3.1.2.4.1. of Part 3.

E3.A1.1.8.4.4. The Separation Authority shall dispose of the case according to the following provisions:

E3.A1.1.8.4.4.1. If the Board recommends retention, the Separation Authority shall take one of the following actions:

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E3.A1.1.8.4.4.1.1. Approve the finding and direct retention; or

E3.A1.1.8.4.4.1.2. Forward the case to the Secretary concerned with a recommendation that the Secretary separate the member under the Secretary's authority (paragraph E3.A1.1.15. of this Part).

E3.A1.1.8.4.4.2. If the Board recommends separation, the Separation Authority shall take one of the following actions:

E3.A1.1.8.4.4.2.1. Approve the finding and direct separation; or

E3.A1.1.8.4.4.2.2. Disapprove the finding on the basis of the following considerations:

E3.A1.1.8.4.4.2.2.1. There is insufficient evidence to support the finding; or

E3.A1.1.8.4.4.2.2.2. Retention is warranted under the limited circumstances described in subparagraph E3.A1.1.8.1.2., above.

E3.A1.1.8.4.4.3. If there has been a waiver of Board proceedings, the Separation Authority shall dispose of the case in accordance with the following provisions:

E3.A1.1.8.4.4.3.1. If the Separation Authority determines that there is not sufficient evidence to support separation under subparagraph E3.A1.1.8.1.2., above, the Separation Authority shall direct retention unless there is another basis for separation of which the member has been duly notified.

E3.A1.1.8.4.4.3.2. If the Separation Authority determines that one or more of the circumstances authorizing separation under subparagraph E3.A1.1.8.1.2., has occurred, the member shall be separated unless retention is warranted under the limited circumstances described in that subparagraph.

E3.A1.1.8.4.5. *The member shall bear the burden of proving throughout the proceeding, by a preponderance of the evidence, that retention is warranted under the limited circumstances described in subparagraphs E3.A1.1.8.1.2.1. and E3.A1.1.8.1.2.2.*

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E3.A1.1.8.4.6. Findings regarding whether or not retention is warranted under the limited circumstances of subparagraph E3.A1.1.8.1.2., are required if the member clearly and specifically raises such limited circumstances.

E3.A1.1.8.4.7. Nothing in these procedures:

E3.A1.1.8.4.7.1. Limits the authority of the Secretary concerned to take appropriate action in a case to ensure that there has been compliance with this Directive;

E3.A1.1.8.4.7.2. Requires that a member be processed for separation when a determination is made in accordance with regulations prescribed by the Secretary concerned that:

E3.A1.1.8.4.7.2.1. The member engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex for the purpose of avoiding or terminating military service; and

E3.A1.1.8.4.7.2.2. Separation of the member would not be in the best interest of the Armed Forces.

E3.A1.1.8.4.7.3. Precludes retention of a member for a limited period of time in the interests of national security as authorized by the Secretary concerned;

E3.A1.1.8.4.7.4. Authorizes a member to seek Secretarial review unless authorized in procedures promulgated by the Secretary concerned;

E3.A1.1.8.4.7.5. Precludes separation in appropriate circumstances for another reason in this Directive; or

E3.A1.1.8.4.7.6. Precludes trial by court-martial in appropriate cases.

E3.A1.1.9. Drug Abuse Rehabilitation Failure

E3.A1.1.9.1. Basis

E3.A1.1.9.1.1. A member who has been referred to a program of rehabilitation for personal drug and alcohol abuse may be separated for failure through inability or refusal to participate in, corporate in, or successfully complete such a program in the following circumstances:

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E3.A1.1.9.1.1.1. There is a lack of potential for continued military service; or

E3.A1.1.9.1.1.2. Long-term rehabilitation is determined necessary and the member is transferred to a civilian medical facility for rehabilitation.

E3.A1.1.9.1.2. Nothing in this provision precludes separation of a member who has been referred to such a program under any other provision of this Directive in appropriate cases.

E3.A1.1.9.1.3. Drug abuse rehabilitation failures shall be reported separately from alcohol abuse rehabilitation failures. If separation is based on both, the primary basis shall be used for reporting requirements.

E3.A1.1.9.2. Characterization or Description. When a member is separated under this provision, characterization of service as Honorable or General (under honorable conditions) is authorized except when an Entry-Level Separation is required under paragraph E3.A2.1.3. of Part 2. The relationship between voluntary submission for treatment and the evidence that may be considered on the issue of characterization is set forth in subparagraph E3.A2.1.3.2.3.6. of Part 2. The relationship between mandatory urinalysis and the evidence that may be considered on the issue of characterization is in subparagraph E3.A2.1.3.2.3.7. of Part 2.

E3.A1.1.9.3. Procedures. The Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used.

E3.A1.1.10. Alcohol Abuse Rehabilitation Failure

E3.A1.1.10.1. Basis

E3.A1.1.10.1.1. A member who has been referred to a program of rehabilitation for drug and alcohol abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program in the following circumstances:

E3.A1.1.10.1.1.1. There is a lack of potential for continued military service; or

E3.A1.1.10.1.1.2. Long-term rehabilitation is determined necessary and the member is transferred to a civilian medical facility for rehabilitation.

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E3.A1.1.10.1.2. Nothing in this provision precludes separation of a member who has been referred to such a program under any other provision of this Directive in appropriate cases.

E3.A1.1.10.1.3. Alcohol abuse rehabilitation failures shall be reported separately from drug abuse rehabilitation failures. If separation is based on both, the primary basis shall be used for reporting purposes.

E3.A1.1.10.2. Characterization or Description. When a member is separated under this provision, characterization of service as Honorable or General (under honorable conditions) is authorized except when an Entry-Level Separation is required under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.10.3. Procedures. The Notification Procedures (paragraph E3.A3.1.2. of Part 3) shall be used.

E3.A1.1.11. Misconduct

E3.A1.1.11.1. Basis

E3.A1.1.11.1.1. Reasons. A member may be separated for misconduct when it is determined under the guidance set forth in paragraph E3.A2.1.1. of Part 2 that the member is unqualified for further military service by reason of one or more of the following circumstances:

E3.A1.1.11.1.1.1. Minor Disciplinary Infractions. A pattern of misconduct consisting solely of minor disciplinary infractions. If separation of a member in entry-level status is warranted solely by reason of minor disciplinary infractions, the action should be processed under Entry-Level Performance and Conduct (paragraph E3.A1.1.6. of this enclosure, above).

E3.A1.1.11.1.1.2. A Pattern of Misconduct. A pattern of misconduct consisting of:

E3.A1.1.11.1.1.2.1. Discreditable involvement with civil or military authorities; or

E3.A1.1.11.1.1.2.2. Conduct prejudicial to good order and discipline.

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E3.A1.1.11.1.1.3. Commission of a Serious Offense. Commission of a serious military or civilian offense if in the following circumstances:

E3.A1.1.11.1.1.3.1. The specific circumstances of the offense warrant separation; and

E3.A1.1.11.1.1.3.2. A punitive discharge would be authorized for the same or a closely related offense under the Manual for Courts-Martial (reference (q)).

E3.A1.1.11.1.1.4. Civilian Conviction

E3.A1.1.11.1.1.4.1. Conviction by civilian authorities or action taken that is tantamount to a finding of guilty, including similar adjudications in juvenile proceedings, when the specific circumstances of the offense warrant separation, and the following conditions are present:

E3.A1.1.11.1.1.4.1.1. A punitive discharge would be authorized for the same or a closely related offense under the Manual for Courts-Martial (reference (q)); or

E3.A1.1.11.1.1.4.1.2. The sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation.

E3.A1.1.11.1.1.4.2. Separation processing may be initiated whether or not a member has filed an appeal of a civilian conviction or has stated an intention to do so. Execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, but the member may be separated before final action on the appeal upon request of the member or upon direction of the Secretary concerned.

E3.A1.1.11.1.2. Reporting. The Deputy Assistant Secretary of Defense (Military Manpower & Personnel Policy), Office of the ASD(P&R), shall require separate reports under each subparagraph in subparagraph E3.A1.1.11.1.1. for misconduct by reason of drug abuse, unauthorized absence, and such other categories as may be appropriate.

E3.A1.1.11.1.3. Related Separations. Homosexual conduct shall be processed under paragraph E3.A1.1.8. Misconduct involving a fraudulent enlistment is considered under subparagraph E3.A1.1.5.4., above.

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E3.A1.1.11.2. Counseling and Rehabilitation. Separation processing for a pattern of misconduct (subparagraph E3.A1.1.11.1.1.1. and E3.A1.1.11.1.1.2. of this enclosure, above) may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. If the sole basis of separation is a single offense (subparagraph E3.A1.1.11.1.1.3.) or a civilian conviction or a similar juvenile adjudication (subparagraph E3.A1.1.11.1.1.4.), the counseling and rehabilitation requirements are not applicable.

E3.A1.1.11.3. Characterization or Description. Characterization of service normally shall be Under Other Than Honorable Conditions, but characterization as General (under honorable conditions) may be warranted under the guidelines in paragraph E3.A2.1.3. of Part 2. For respondents who have completed entry-level status, characterization of service as Honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization clearly would be inappropriate. In such cases, separations for misconduct with an Honorable characterization shall be approved by a commander exercising general court-martial jurisdiction or higher authority as specified by the Secretary concerned. (As an exception, the Secretary concerned may authorize general court-martial convening authorities to delegate authority to the special court-martial convening authorities to approve separations with service characterized as Honorable when the sole evidence of misconduct is command-directed urinalysis results, which cannot be used for characterization of service, or when an administrative discharge board has recommended separation with an Honorable discharge.) When characterization of service Under Other than Honorable Conditions is not warranted for a member in entry-level status under paragraph E3.A2.1.3. of Part 2, the separation shall be described as an Entry-Level Separation.

E3.A1.1.11.4. Procedures. The Administrative Board Procedure (paragraph E3.A3.1.3. of Part 3) shall be used; however, use of the Notification Procedure (paragraph E3.A3.1.2. of Part 3) is authorized if characterization of service Under Other Than Honorable Conditions is not warranted under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.12. Separation in Lieu of Trial by Court-Martial

E3.A1.1.12.1. Basis. A member may be separated upon request of trial by court-martial if charges have been preferred with respect to an offense for which a punitive discharge is authorized and it is determined that the member is unqualified for further military service under the guidance set forth in paragraph E3.A2.1.1. of Part 2. This provision may not be used when section B. of paragraph l27c of the Manual for

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Courts-Martial (reference (q)) provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial empowered to adjudge a punitive discharge.

E3.A1.1.12.2. Characterization or Description. Characterization of service normally shall be Under Other Than Honorable Conditions, but characterization as General (under honorable conditions) may be warranted under the guidelines in section E3.A2.1.3. of Part 2. For respondents who have completed entry-level status, characterization of service as Honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service Under Other Than Honorable Conditions is not warranted for a member in entry-level status under paragraph E3.A2.1.3. of Part 2, the separation shall be described as an Entry-Level Separation.

E3.A1.1.12.3. Procedures

E3.A1.1.12.3.1. The request for discharge must be submitted in writing and signed by the member.

E3.A1.1.12.3.2. The member shall be afforded opportunity to consult with counsel qualified under Article 27(b)(1) of the UCMJ (reference (d)). If the member refuses to do so, counsel shall prepare a statement to this effect, which shall be attached to the file, and the member shall state that he or she has waived the right to consult with counsel.

E3.A1.1.12.3.3. Except when the member has waived the right to counsel, the request shall be signed by counsel.

E3.A1.1.12.3.4. In the written request, the member shall state that he or she understands the following:

E3.A1.1.12.3.4.1. The elements of the offense or offenses charged;

E3.A1.1.12.3.4.2. That characterization of service Under Other Than Honorable Conditions is authorized; and

E3.A1.1.12.3.4.3. The adverse nature of such a characterization and possible consequences thereof.

E3.A1.1.12.3.5. The Secretary concerned shall also require that one or both of the following matters be included in the request:

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E3.A1.1.12.3.5.1. An acknowledgment of guilt of one or more of the offenses or any lesser included offenses for which a punitive discharge is authorized; or

E3.A1.1.12.3.5.2. A summary of the evidence or list of documents (or copies thereof) provided to the member pertaining to the offenses for which a punitive discharge is authorized.

E3.A1.1.12.3.6. The Separation Authority shall be a commander exercising general court-martial jurisdiction or higher authority as specified by the Secretary concerned. (As an exception, the Secretary concerned may authorize general court-martial convening authorities to delegate authority to the special court-martial convening authorities to approve requests for discharge in the case of enlisted members who have been absent without leave for more than 30 days, have been dropped from the rolls of their units as absent in desertion, have been returned to military control, are assigned to a regional personnel control/separation processing facility, and are charged only with being absent without leave for more than 30 days.)

E3.A1.1.12.3.7. Statements by the member or the member's counsel submitted in connection with a request under this subsection are not admissible against the member in a court-martial except as authorized under Military Rule of Evidence 410, Manual for Courts-Martial (reference (q)).

E3.A1.1.13. Security

E3.A1.1.13.1. Basis. When retention is clearly inconsistent with the interest of national security, a member may be separated by reason of security and under conditions and procedures established by the Secretary of Defense in DoD 5200.2-R (reference (r)).

E3.A1.1.13.2. Characterization or Description. Characterization of service or description of a separation shall be in accordance with paragraph E3.A2.1.3. of Part 2.

E3.A1.1.14. Unsatisfactory Participation in the Ready Reserve

E3.A1.1.14.1. Basis. A member may be separated for unsatisfactory participation in the Ready Reserve under criteria established by the Secretary concerned under DoD Directive 1215.13 (reference (p)).

E3.A1.1.14.2. Characterization or Description. Characterization of service or description of a separation shall be in accordance with paragraph E3.A2.1.3. of Part 2 and DoD Directive 1215.13 (reference (p)).

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E3.A1.1.14.3. Procedures. The Administrative Board Procedure (paragraph E3.A3.1.3. of Part 3) shall be used, except that the Notification Procedure (paragraph E3.A3.1.2. of Part 3) may be used if characterization of service Under Other Than Honorable Conditions is not warranted under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.15. Secretarial Plenary Authority

E3.A1.1.15.1. Basis. Notwithstanding any limitation on separations provided in this Directive, the Secretary concerned may direct the separation of any member prior to expiration of term of service after determining it to be in the best interests of the Service.

E3.A1.1.15.2. Characterization or Description. Honorable or General (under honorable conditions) as warranted under paragraph E3.A2.1.3. of Part 2 unless an Entry-Level Separation is required under paragraph E3.A2.1.3. of Part 2.

E3.A1.1.15.3. Procedures. Prior to involuntary separation, the Notification Procedure (paragraph E3.A3.1.2. of Part 3) shall be used, except the procedure for requesting an Administrative Board (subparagraph E3.A3.1.2.1.7. of Part 3) is not applicable.

E3.A1.1.16. Reasons Established by the Military Departments

E3.A1.1.16.1. Basis. The Military Departments may establish additional reasons for separation for circumstances not otherwise provided for in this Directive to meet their specific requirements, subject to approval by the ASD(P&R).

E3.A1.1.16.2. Counseling and Rehabilitation. Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records except when the Military Department concerned provides in its implementing document that counseling and rehabilitation requirements are not applicable for the specific reason for separation.

E3.A1.1.16.3. Characterization or Description. Characterization of service or description of a separation shall be in accordance with paragraph E3.A2.1.3. of Part 2.

E3.A1.1.16.4. Procedures. The procedures established by the Military Departments shall be consistent with the procedures contained in this Directive insofar as practicable.

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E3.A1.1.17. Weight Control Failure

E3.A1.1.17.1. Basis. A member may be separated for failure to meet the weight control standards established under DoD Directive 1308.1, when it is determined that the member is unqualified for further military service and meets both of the following conditions:

E3.A1.1.17.1.1. The member is not medically diagnosed with a medical condition that precludes or interferes with weight control. Members with a medically diagnosed condition that precludes or interferes with weight control may be separated either through medical channels, if appropriate, or under the guidance in subparagraph E3.A1.1.3.4.8. of this enclosure, above.

E3.A1.1.17.1.2. The member fails to meet weight control standards, and the sole reason for separation is failure to meet the weight control standard.

E3.A1.1.17.2. Counseling and Rehabilitation. Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

E3.A1.1.17.3. Characterization or Description. Honorable, unless characterization of service as General (under honorable conditions) is warranted under paragraph E3.A2.1.3. of Part 2 on the basis of numerical scores accumulated in a formal, Service-wide rating system that evaluated conduct and performance on a regular basis, or when an entry-level separation is required under paragraph E3.A3.1.2. of Part 2.

E3.A1.1.17.4. Procedures. The Notification Procedure (see paragraph E3.A3.1.2. of Part 3) shall be used.

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E3.A2. ATTACHMENT 2 TO ENCLOSURE 3

PART 2

E3.A2.1. GUIDELINES ON SEPARATION AND CHARACTERIZATION

E3.A2.1.1. Separation

E3.A2.1.1.1. Scope. This general guidance applies when referenced in Part 1. Further guidance is set forth under the specific reasons for separation in Part 1.

E3.A2.1.1.2. Guidance

E3.A2.1.1.2.1. There is a substantial investment in the training of persons enlisted or inducted into the Military Services. As a general matter, reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.

E3.A2.1.1.2.2. Unless separation is mandatory, the potential for rehabilitation and further useful military service shall be considered by the Separation Authority and, where applicable, the Administrative Board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.

E3.A2.1.1.2.3. Counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings only insofar as expressly set forth under specific requirements for separation in Part 1. An alleged or established inadequacy in previous rehabilitative efforts does not provide a legal bar to separation.

E3.A2.1.1.2.4. The following factors may be considered on the issue of retention or separation, depending on the circumstances of the case:

E3.A2.1.1.2.4.1. The seriousness of the circumstances forming the basis for initiation of separation proceedings, and the effect of the members continued retention on military discipline, good order, and morale.

E3.A2.1.1.2.4.2. The likelihood of continuation or recurrence of the circumstances forming the basis for initiation of separation proceedings.

E3.A2.1.1.2.4.3. The likelihood that the member will be a disruptive or undesirable influence in present or future duty assignments.

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E3.A2.1.1.2.4.4. The ability of the member to perform duties effectively in the present and in the future, including potential for advancement or leadership.

E3.A2.1.1.2.4.5. The member's rehabilitative potential.

E3.A2.1.1.2.4.6. The member's entire military record.

E3.A2.1.1.2.4.6.1. This may include:

E3.A2.1.1.2.4.6.1.1. Past contributions to the Service, assignments, awards and decorations, evaluation ratings, and letters of commendation;

E3.A2.1.1.2.4.6.1.2. Letters of reprimand or admonition, counseling records, records of nonjudicial punishment, records of conviction by court-martial and records of involvement with civilian authorities; and

E3.A2.1.1.2.4.6.1.3. Any other matter deemed relevant by the Board, if any, or the Separation Authority, based upon the specialized training, duties, and experience of persons entrusted by this Directive with recommendations and decisions on the issue of separation or retention.

E3.A2.1.1.2.4.6.2. The following guidance applies to consideration of matter under subparagraph E3.A2.1.1.2.4.6.1.:

E3.A2.1.1.2.4.6.2.1. Adverse matter from a prior enlistment or period of military service, such as records of nonjudicial punishment and convictions by courts-martial, may be considered only when such records would have a direct and strong probative value in determining whether separation is appropriate. The use of such records ordinarily shall be limited to those cases involving patterns of conduct manifested over an extended period of time.

E3.A2.1.1.2.4.6.2.2. Isolated incidents and events that are remote in time normally have little probative value in determining whether administrative separation should be effected.

E3.A2.1.1.3. Limitations on separation actions. A member may not be Separated on the basis of the following:

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E3.A2.1.1.3.1. Conduct that has been the subject of judicial proceedings resulting in the acquittal or action having the effect thereof except in the following circumstances:

E3.A2.1.1.3.1.1. When such action is based upon a judicial determination not going to the guilt or innocence of the respondent; or

E3.A2.1.1.3.1.2. When the judicial proceeding was conducted in a State or foreign court and the separation is approved by the Secretary concerned; or

E3.A2.1.1.3.1.3. When the acquittal from the judicial proceedings was based on a finding of not guilty only by reason of lack of mental responsibility. Members in this category normally shall be separated under Secretarial plenary authority (enclosure 3, Part 1, paragraph E3.A1.1.15.) unless separation for disability (enclosure 3, Part 1, paragraph E3.A1.1.4.) is appropriate.

E3.A2.1.1.3.2. Conduct that has been the subject of a prior Administrative Board in which the Board entered an approved finding that the evidence did not sustain the factual allegations concerning the conduct except when the conduct is the subject of a rehearing ordered on the basis of fraud or collusion; or

E3.A2.1.1.3.3. Conduct that has been the subject of an administrative separation proceeding resulting in a final determination by a Separation Authority that the member should be retained, except in the following circumstances:

E3.A2.1.1.3.3.1. When there is subsequent conduct or performance forming the basis, in whole or in part, for a new proceeding;

E3.A2.1.1.3.3.2. When there is new or newly discovered evidence that was not reasonably available at the time of the prior proceeding; or

E3.A2.1.1.3.3.3. When the conduct is the subject of a rehearing ordered on the basis of fraud or collusion.

E3.A2.1.2. Suspension of Separation

E3.A2.1.2.1. Suspension

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E3.A2.1.2.1.1. Unless prohibited by this Directive, a separation may be suspended for a specified period of not more than 12 months by the Separation Authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation.

E3.A2.1.2.1.2. During the period of suspension, the member shall be afforded an opportunity to meet appropriate standards of conduct and duty performance.

E3.A2.1.2.1.3. Unless sooner vacated or remitted, execution of the approved separation shall be remitted upon completion of the probationary period, upon termination of the member's enlistment or period of obligated service, or upon decision of the Separation Authority that the goal of rehabilitation has been achieved.

E3.A2.1.2.2. Action during the period of suspension

E3.A2.1.2.2.1. During the period of suspension, if there are further grounds for separation under Part 1, one or more of the following actions may be taken:

E3.A2.1.2.2.1.1. Disciplinary action;

E3.A2.1.2.2.1.2. New administrative action; or

E3.A2.1.2.2.1.3. Vacation of the suspension accompanied by execution of the separation if the member engages in conduct similar to that for which separation was approved (but suspended) or otherwise fails to meet appropriate standards of conduct and duty performance.

E3.A2.1.2.2.2. Prior to vacation of a suspension, the member shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel (as provided in subparagraph E3.A3.1.2.1.6. of Part 3) and to submit a statement in writing to the Separation Authority. The respondent shall be provided a reasonable period of time, but not less than 2-working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the Separation Authority, the matter shall be reviewed by a judge advocate or civilian lawyer employed by the Government prior to final action by the Separation Authority.

E3.A2.1.3. Characterization of Service or Description of Separation

E3.A2.1.3.1. Types of characterization or description

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E3.A2.1.3.1.1. At separation, the following types of characterization of service or description of separation are authorized under this Directive:

E3.A2.1.3.1.1.1. Separation with characterization of service as Honorable, General (under honorable conditions), or Under Other Than Honorable Conditions.

E3.A2.1.3.1.1.2. Entry-Level Separation.

E3.A2.1.3.1.1.3. Order of release from the custody and control of the Military Services by reason of void enlistment or induction.

E3.A2.1.3.1.1.4. Separation by being dropped from the rolls of the Service.

E3.A2.1.3.1.2. Any of the types of separation listed in this section may be used in appropriate circumstances unless a limitation is set forth in this section or in Part 1 (Reasons for Separation).

E3.A2.1.3.2. Characterization of service

E3.A2.1.3.2.1. General considerations

E3.A2.1.3.2.1.1. Characterization at separation shall be based upon the quality of the member's service, including the reason for separation and guidance in subparagraph E3.A2.1.3.2.2., below, subject to the limitations set forth under various reasons for separation in Part 1. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for military personnel. These standards are found in the UCMJ (reference (d)), directives and regulations issued by the Department of Defense and the Military Departments, and the time-honored customs and traditions of military service.

E3.A2.1.3.2.1.2. The quality of service of a member on active duty or active duty for training is affected adversely by conduct that is of a nature to bring discredit on the Military Services or is prejudicial to good order and discipline, regardless of whether the conduct is subject to UCMJ jurisdiction. Characterization may be based on conduct in the civilian community, and the burden is on the respondent to demonstrate that such conduct did not adversely affect the respondent's service.

E3.A2.1.3.2.1.3. The reasons for separation, including the specific circumstances that form the basis for the separation, shall be considered on the issue of

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characterization. As a general matter, characterization will be based upon a pattern of behavior rather than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

E3.A2.1.3.2.1.4. Due consideration shall be given to the member's age, length of service, grade, aptitude, physical and mental condition, and the standards of acceptable conduct and performance of duty.

E3.A2.1.3.2.2. Types of characterization

E3.A2.1.3.2.2.1. Honorable. The Honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate. In the case of an Honorable Discharge, an Honorable Discharge Certificate (DD Form 256) will be awarded and a notation will be made on the appropriate copies of the DD Form 214/5 in accordance with DoD Directive 1336.1 (reference (s)).

E3.A2.1.3.2.2.2. General (under honorable conditions). If a member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as General (under honorable conditions) is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military conduct or performance of duty outweigh positive aspects of the record.

E3.A2.1.3.2.2.3. Under Other Than honorable Conditions

E3.A2.1.3.2.2.3.1. This characterization may be issued in the following circumstances:

E3.A2.1.3.2.2.3.1.1. When the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of members of the Military Services.

E3.A2.1.3.2.2.3.1.2. When the reason for separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of members of the Military Services. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, disregard by a superior of customary superior-subordinate relationships, acts or omissions that endanger the security of the United States or the health and welfare of other members of the Military Services, and

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deliberate acts or omissions that seriously endanger the health and safety of other persons.

E3.A2.1.3.2.2.3.2. This characterization is authorized only if the member has been afforded the opportunity to request an Administrative Board, except as provided in paragraph E3.A1.1.12. of Part 1 (Separation in Lieu of Trial by Courts-Martial).

E3.A2.1.3.2.3. Limitations on characterization. Except as otherwise provided in this paragraph, characterization will be determined solely by the member's military record during the current enlistment or period of service to which the separation pertains, plus any extensions thereof prescribed by law or regulation or effected with the consent of the member.

E3.A2.1.3.2.3.1. Prior service activities, including records of conviction by courts-martial, records of absence without leave, or commission of other offenses for which punishment was not imposed shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation (subparagraph E3.A2.1.1.2. of this Part), the record of proceedings may reflect express direction that such information shall not be considered on the issue of characterization.

E3.A2.1.3.2.3.2. Pre-service activities may not be considered on the issue of characterization except as follows: in a proceeding concerning fraudulent entry into military service (subparagraph E3.A1.1.5.4. of Part 1), evidence of pre-service misrepresentations about matters that would have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction may be considered on the issue of characterization.

E3.A2.1.3.2.3.3. The limitations in subparagraph E3.A2.1.1.3. of this Part, above, as to matters that may be considered on the issue of separation are applicable to matters that may be considered on the issue of characterization.

E3.A2.1.3.2.3.4. When the sole basis for separation is a serious offense that resulted in a conviction by a court-martial that did not impose a punitive discharge, the member's service may not be characterized Under Other Than Honorable Conditions unless such characterization is approved by the Secretary concerned.

E3.A2.1.3.2.3.5. Conduct in the civilian community of a member of a Reserve component who is not on active duty or active duty for training may form the basis for characterization Under Other Than Honorable Conditions only if such conduct

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affects directly the performance of military duties. Such conduct may form the basis of characterization as General (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the service, including military morale and efficiency.

E3.A2.1.3.2.3.6. A member's voluntary submission to a DoD treatment and rehabilitation program and voluntarily disclosed evidence of prior personal drug use by the member as part of a course of treatment in such a program may not be used against the member on the issue of characterization. This limitation does not apply to:

E3.A2.1.3.2.3.6.1. The introduction of evidence for impeachment or rebuttal purposes in any proceeding in which the evidence of drug abuse (or lack thereof) has been introduced first by the member.

E3.A2.1.3.2.3.6.2. Taking action based on independently derived evidence, including evidence of continued drug abuse after initial entry into the a treatment and rehabilitation program.

E3.A2.1.3.2.3.7. The results of mandatory urinalysis may be used on the issue of characterization except as provided in DoD Directive 1010.1 (reference (t)).

E3.A2.1.3.3. Uncharacterized Separation

E3.A2.1.3.3.1. Entry-Level Separation

E3.A2.1.3.3.1.1. A separation shall be described as an Entry-Level Separation if separation processing is initiated while a member is in entry-level status, except in the following circumstances:

E3.A2.1.3.3.1.1.1. When characterization Under Other than Honorable Conditions is authorized under the reason for separation (Part 1) and is warranted by the circumstances of the case; or

E3.A2.1.3.3.1.1.2. The Secretary concerned, on a case-by-case basis, determines that characterization of service as Honorable is clearly warranted by the presence of unusual military duty. The characterization is authorized when the member is separated under Part 1 by reason of Selected Changes in Service Obligation (paragraph E3.A1.1.2.), Convenience of the Government (paragraph E3.A1.1.3.), Disability (paragraph E3.A1.1.4.), Secretarial Plenary Authority (paragraph E3.A1.1.15.), or an approved reason established by the Military Department (paragraph E3.A1.1.16.).

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E3.A2.1.3.3.1.2. In time of mobilization or in other appropriate circumstances, the ASD(P&R) may authorize the Secretary concerned to delegate the authority in subparagraph E3.A2.1.3.3.1.1.2., above, (concerning the Honorable Characterization) to a general court-martial convening authority with respect to members serving in operational units.

E3.A2.1.3.3.1.3. With respect to administrative matters outside this Directive that require a characterization as Honorable or General, an Entry-Level Separation shall be treated as the required characterization. This provision does not apply to administrative matters that expressly require different treatment of an Entry-Level Separation except as provided in subparagraph E3.A2.1.3.3.1.4., below.

E3.A2.1.3.3.1.4. In accordance with 10 U.S.C. 1163 (reference (u)), an Entry-Level Separation for a member of a Reserve component separated from the Delayed Entry Program is "under honorable conditions."

E3.A2.1.3.3.2. Void Enlistments or Inductions. A member shall not receive a discharge, characterization of service at separation, or an Entry-Level Separation of the enlistment or induction is void except when a constructive enlistment arises and such action is required under subparagraph E3.A2.1.3.3.2.3., below. If characterization or an Entry-Level Separation is not required, the separation shall be described as an order of release from custody or control of the Military Services.

E3.A2.1.3.3.2.1. An enlistment is void in the following circumstances:

E3.A2.1.3.3.2.1.1. If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the Military Services, including enlistment of a person who is intoxicated or insane at the time of enlistment (10 U.S.C. Sec. 504 (reference (v)); Article 2(b), UCMJ (reference (d)).)

E3.A2.1.3.3.2.1.2. If the person is under 17 years of age (10 U.S.C. Sec. 505 (reference (w)).)

E3.A2.1.3.3.2.1.3. If the person is a deserter from another Military Service (10 U.S.C. Sec. 504 (reference (v)).)

E3.A2.1.3.3.2.2. Although an enlistment may be void at its inception, a constructive enlistment shall arise in the case of a person serving with a Military Service who:

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E3.A2.1.3.3.2.2.1. Submitted voluntarily to military authority;

E3.A2.1.3.3.2.2.2. Met the mental competency and minimum 10 U.S.C. age qualifications of Sections 504 and 505 of (references (v) and (w)), at the time of voluntary submission to military authority;

E3.A2.1.3.3.2.2.3. Received military pay or allowances; and

E3.A2.1.3.3.2.2.4. Performed military duties.

E3.A2.1.3.3.2.3. If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service or description of separation shall be in accordance with subparagraph E3.A2.1.3.2. or subparagraph E3.A2.1.3.3.1. of this Part, as appropriate; however, if the enlistment was void by reason of desertion from another Military Service, the member shall be separated by an order of release from the custody and control of the Service regardless of any subsequent constructive enlistment. The occurrence of such a constructive enlistment does not preclude the Military Departments, in appropriate cases, from either retaining the member or separating the member under paragraph E3.A1.1.5. of Part 1 on the basis of the circumstances that occasioned the original void enlistment or upon any other basis for separation provided in this Directive.

E3.A2.1.3.3.3. Dropping from the rolls. A member may be dropped from the rolls of the Service when such action is authorized by the Military Department concerned and a characterization of service or other description of separation is not authorized or warranted.

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E3.A3. ATTACHMENT 3 TO ENCLOSURE 3

PART 3

E3.A3.1. PROCEDURES FOR SEPARATION

E3.A3.1.1. Scope

E3.A3.1.1.1. The supplementary procedures in this Part are applicable only when required under a specific reason for separation (Part 1). These procedures are subject to the requirements set forth in Part 1 with respect to specific reasons for separation.

E3.A3.1.1.2. When a member is processed on the basis of multiple reasons for separation, the following guidelines apply to procedural requirements (including procedural limitations on characterization of service or description of separation):

E3.A3.1.1.2.1. The requirements for each reason will be applied to the extent practicable.

E3.A3.1.1.2.2. If a reason for separation set forth in the notice of proposed action requires processing under the Administrative Board Procedure (paragraph E3.A3.1.3., below), the entire matter shall be processed under paragraph E3.A3.1.3.

E3.A3.1.1.2.3. If more than one reason for separation is approved, the guidance on characterization that provides the greatest latitude may be applied.

E3.A3.1.1.2.4. When there is any other clear conflict between a specific requirement applicable to one reason and a general requirement applicable to another reason, the specific requirement shall be applied.

E3.A3.1.1.2.5. If a conflict in procedures cannot be resolved on the basis of the foregoing principles, the procedure most favorable to the respondent shall be used.

E3.A3.1.2. Notification Procedure

E3.A3.1.2.1. Notice. If the Notification Procedure is initiated under Part 1, the respondent shall be notified in writing of the matter set forth in this section.

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E3.A3.1.2.1.1. The basis of the proposed separation, including the circumstances upon which the action is based and a reference to the applicable provisions of the Military Department's implementing regulation.

E3.A3.1.2.1.2. Whether the proposed separation could result in discharge, release from active duty to a Reserve component, transfer from the Selected Reserve to the IRR, release from custody or control of the Military Services, or other form of separation.

E3.A3.1.2.1.3. The least favorable characterization of service or description of separation authorized for the proposed separation.

E3.A3.1.2.1.4. The right to obtain copies of documents that will be forwarded to the Separation Authority supporting the basis of the proposed separation. Classified documents may be summarized.

E3.A3.1.2.1.5. The respondent's right to submit statements.

E3.A3.1.2.1.6. The respondent's right to consult with counsel qualified under Article 27(b)(1) of the UCMJ (reference (d)). Non-lawyer counsel may be appointed when the respondent is deployed aboard a vessel or in similar circumstances of separation from sufficient judge advocate resources as determined under standards and procedures specified by the Secretary concerned. The respondent also may consult with civilian counsel retained at the member's own expense.

E3.A3.1.2.1.7. If the respondent has 6 or more years of total active and Reserve military service, the right to request an Administrative Board (paragraph E3.A3.1.3.).

E3.A3.1.2.1.8. The right to waive subparagraphs E3.A3.1.2.1.4., E3.A3.1.2.1.5., E3.A3.1.2.1.6., or E3.A3.1.2.1.7., above, after being afforded a reasonable opportunity to consult with counsel, and that failure to respond shall constitute a waiver of the right.

E3.A3.1.2.2. Additional notice requirements

E3.A3.1.2.2.1. If separation processing is initiated on the basis of more than one reason under Part 1, the requirements of subparagraph E3.A3.1.2.1.1. apply to all proposed reasons for separation.

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E3.A3.1.2.2.2. If the respondent is in civil confinement, absent without leave, or in a reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraphs E3.A3.1.4., E3.A3.1.5., or E3.A3.1.6. of this Part apply.

E3.A3.1.2.2.3. Additional notification requirements are set forth in Part 1, paragraphs E3.A1.1.3. and E3.A3.1.4., when characterization of service as General (under honorable conditions) is authorized and the member is processed for separation by reason of Convenience of the Government or Disability.

E3.A3.1.2.3. Response. The respondent shall be provided a reasonable period of time, but not less than 2-working days, to act on the notice. An extension may be granted upon a timely showing of good cause by the respondent. The decision of the respondent on each of the rights set forth in subparagraphs E3.A3.1.2.1.4. through E3.A3.1.2.1.7., above, and applicable provisions referenced in paragraph E3.A3.1.2. shall be recorded and signed by the respondent and counsel, subject to the following limitations:

E3.A3.1.2.3.1. If notice by mail is authorized under paragraphs E3.A3.1.4., E3.A3.1.5., or E3.A3.1.6. of this Part and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

E3.A3.1.2.3.2. If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

E3.A3.1.2.4. Separation Authority

E3.A3.1.2.4.1. The Separation Authority for actions initiated under the Notification Procedure shall be a special court-martial convening authority or higher authority. Also, subject to approval by the ASD(P&R), the Secretary concerned also may authorize a commanding officer in grade O-5 or above, or a commanding officer in the grade of O-4 who is on an approved recommended list for promotion to O-5 and who is assigned to command a unit authorized a commanding officer in the grade of O-5 or above, with a judge advocate or legal advisor available to the command, to act as a Separation Authority for a specified reason for separation. If the case was initiated

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under the Administrative Board Procedure and the member waived the right to a hearing under subparagraph E3.A3.1.3.4., below, the Separation Authority shall be an official designated under subparagraph E3.A3.1.3.6., below.

E3.A3.1.2.4.2. The action of the Separation Authority shall be recorded.

E3.A3.1.2.4.3. The Separation Authority shall determine whether there is sufficient evidence to verify the allegations set forth in the notification of the basis for separation. If an allegation is not supported by a preponderance of the evidence, it may not be used as a basis for separation.

E3.A3.1.2.4.4. If there is a sufficient factual basis for separation, the Separation Authority shall determine whether separation is warranted under the guidance in paragraphs E3.A2.1.1. and E3.A2.1.2. of Part 2. On the basis of that guidance, the Separation Authority shall direct one of the following actions:

E3.A3.1.2.4.4.1. Retention;

E3.A3.1.2.4.4.2. Separation for a specific reason under Part 1;

E3.A3.1.2.4.4.3. Suspended separation in accordance with the guidance in paragraph E3.A2.1.2. of Part 2.

E3.A3.1.2.4.5. If the Separation Authority directs separation or suspended separation on the basis of more than one reason under Part 1, the Separation Authority shall designate the most appropriate basis as the primary reason for reporting purposes.

E3.A3.1.2.4.6. If separation or a suspended separation is directed, the Separation Authority shall assign a characterization or description in accordance with paragraph E3.A2.1.3. of Part 2.

E3.A3.1.2.4.7. Except when characterization Under Other Than Honorable Conditions is directed or the member is separated on the basis of homosexual conduct or a void enlistment or induction, the Secretary concerned may authorize the Separation Authority or higher authority to make a recommendation or determination as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military obligation. This option applies in cases involving separation from active duty or from the Selected Reserve. Paragraph E3.A3.1.5. of this Part is applicable if such action is approved.

E3.A3.1.3. Administrative Board Procedure

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E3.A3.1.3.1. Notice. If an Administrative Board is required, the respondent shall be notified in writing of the matters in this section.

E3.A3.1.3.1.1. The basis of the proposed separation, including the circumstances upon which the action is based and reference to the application provisions of the Military Department's implementing regulation.

E3.A3.1.3.1.2. Whether the proposed separation could result in discharge, release from active duty to a Reserve component, transfer from the Selected Reserve to the IRR, release from the custody or control of the Military Services, or other form of separation.

E3.A3.1.3.1.3. The least favorable characterization of service or description of separation authorized for the proposed separation.

E3.A3.1.3.1.4. The respondent's right to consult with counsel as prescribed in subparagraph E3.A3.1.2.1.6. of this Part. However, nonlawyer counsel may not represent a respondent before an Administrative Board unless:

E3.A3.1.3.1.4.1. The respondent expressly declines appointment of counsel qualified under Article 27(b)(1) of the UCMJ (reference (d)) and requests a specific nonlawyer counsel; or

E3.A3.1.3.1.4.2. The Separation Authority assigns non-lawyer counsel as assistant counsel.

E3.A3.1.3.1.5. The right to obtain copies of documents that will be forwarded to the Separation Authority supporting the basis of the proposed separation. Classified documents may be summarized.

E3.A3.1.3.1.6. The respondent's right to request a hearing before an Administrative Board.

E3.A3.1.3.1.7. The respondent's right to present written statements instead of board proceedings.

E3.A3.1.3.1.8. The respondent's right to representation at the Administrative Board either by military counsel appointed by the Convening Authority or by military counsel of the respondent's own choice (if counsel of choice is determined to be reasonably available under regulations of the Secretary concerned) but not both.

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E3.A3.1.3.1.9. The right to representation at the Administrative Board by civilian counsel at the respondent's own expense.

E3.A3.1.3.1.10. The right to waive the rights in subparagraphs E3.A3.1.3.1.4. through E3.A3.1.3.1.9., above.

E3.A3.1.3.1.11. That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in subparagraphs E3.A3.1.3.1.4. through E3.A3.1.3.1.9., above.

E3.A3.1.3.1.12. Failure to appear without good cause at a hearing constitutes waiver of the right to be present at the hearing.

E3.A3.1.3.2. Additional notice requirements

E3.A3.1.3.2.1. If separation processing is initiated on the basis of more than one reason under Part 1, the requirements of subparagraph E3.A3.1.3.1.1. apply to all proposed reasons for separation.

E3.A3.1.3.2.2. If the respondent is in civil confinement, absent without leave, or in a Reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraphs E3.A3.1.4., E3.A3.1.5., or E3.A3.1.6. of this Part apply.

E3.A3.1.3.2.3. Additional notification requirements are set forth in paragraphs E3.A1.1.3. and E3.A1.1.4., Part 1, when characterization of service as General (under honorable conditions) is authorized and the member is processed for separation by reason of Convenience of the Government or Disability.

E3.A3.1.3.3. Response. The respondent shall be provided a reasonable period of time, but not less than 2-working days, to act on the notice. An extension may be granted upon a timely showing of good cause by the respondent. The decision of the respondent on each of the rights set forth in subparagraphs E3.A3.1.3.1.4. through E3.A3.1.3.1.9., above, and applicable provisions referenced in paragraph E3.A3.1.2., above, shall be recorded and signed by the respondent and counsel, subject to the following limitations:

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E3.A3.1.3.3.1. If notice by mail is authorized under paragraphs E3.A3.1.4., E3.A3.1.5., or E3.A3.1.6. of this Part and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

E3.A3.1.3.3.2. If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

E3.A3.1.3.4. Waiver

E3.A3.1.3.4.1. If the right to a hearing before an Administrative Board is waived, the case will be processed under subparagraph E3.A3.1.2.4. of this Part (Notification Procedure), but the Separation Authority in such cases shall be an official designated under subparagraph E3.A3.1.3.6.

E3.A3.1.3.4.2. When authorized by the Secretary concerned, a respondent entitled to an Administrative Board may exercise a conditional waiver after a reasonable opportunity to consult with counsel under subparagraph E3.A3.1.3.1.4. A conditional waiver is a statement initiated by a respondent waiving the right to a board proceeding contingent upon receiving a characterization of service or description of separation higher than the least favorable characterization or description authorized for the basis of separation set forth in the notice to the respondent.

E3.A3.1.3.5. Hearing procedure. If a respondent requests a hearing before an Administrative Board, the following procedures are applicable:

E3.A3.1.3.5.1. Composition

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E3.A3.1.3.5.1.1. The Convening Authority shall appoint to the Administrative Board at least three experienced commissioned, warrant, or noncommissioned officers. Enlisted personnel appointed to the Board shall be in grade E-7 or above, and shall be senior to the respondent. At least one member of the Board shall be serving in the grade of O-4 or higher, and a majority shall be commissioned or warrant officers. The senior member shall be the president of the board. The Convening Authority also may appoint to the Board a non-voting recorder. A non-voting legal advisor may be appointed to assist the Board if authorized by the Secretary concerned.

E3.A3.1.3.5.1.2. If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the Board shall include at least one Reserve officer as a voting member. Additionally, all Board members will be commissioned officers if an Under Other Than Honorable Characterization (UOTHC) from the Reserve component is authorized to be issued. (See 10 U.S.C., Section 1163 (reference (u)).) Voting members shall be senior to the respondent's reserve grade. (See 10 U.S.C. Section 266 (reference (x)).)

E3.A3.1.3.5.1.3. The Convening Authority shall insure that the opportunity to serve on Administrative Boards is given to women and minorities. The mere appointment or failure to appoint a member of such a group to the Board, however does not provide a basis for challenging the proceeding.

E3.A3.1.3.5.1.4. The respondent may challenge a voting member of the Board or the legal advisor, if any, for cause only.

E3.A3.1.3.5.2. Presiding Officer. The president shall preside and rule finally on all matters of procedure and evidence, but the rulings of the president may be overruled by a majority of the Board. If appointed, the legal advisor shall rule finally on all matters of evidence and challenges except challenges to him or herself.

E3.A3.1.3.5.3. Witnesses

E3.A3.1.3.5.3.1. The respondent may request the attendance of witnesses in accordance with the implementing instructions of the Military Department concerned.

E3.A3.1.3.5.3.2. In accordance with such instructions, the respondent may submit a written request for temporary duty (TDY) or invitational travel orders for witnesses. Such a request shall obtain the following matter:

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E3.A3.1.3.5.3.2.1. A synopsis of the testimony that the witness is expected to give.

E3.A3.1.3.5.3.2.2. An explanation of the relevance of such testimony to the issues of separation or characterization.

E3.A3.1.3.5.3.2.3. An explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination.

E3.A3.1.3.5.3.3. The Convening Authority may authorize expenditure of funds for production of witnesses only if the presiding officer (after consultation with a judge advocate) or the legal advisor (if appointed) determines that:

E3.A3.1.3.5.3.3.1. The testimony of a witness is not cumulative;

E3.A3.1.3.5.3.3.2. The personal appearance of the witness is essential to a fair determination on the issues of separation or characterization;

E3.A3.1.3.5.3.3.3. Written or recorded testimony will not accomplish adequately the same objective;

E3.A3.1.3.5.3.3.4. The need for live testimony is substantial, material, and necessary for a proper disposition of the case; and

E3.A3.1.3.5.3.3.5. The significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness, the timing of the request for production of the witness, the potential delay in the proceeding that may be caused by producing the witness, or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

E3.A3.1.3.5.3.4. If the Convening Authority determines that the personal testimony of a witness is required, the hearing will be postponed or continued if necessary to permit the attendance of the witness.

E3.A3.1.3.5.3.5. The hearing shall be continued or postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness if a witness requested by the respondent is unavailable in the following circumstances:

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E3.A3.1.3.5.3.5.1. When the presiding officer determines that the personal testimony of the witness is not required;

E3.A3.1.3.5.3.5.2. When the commanding officer of a military witness determines that military necessity precluded the witness' attendance at the hearing; or

E3.A3.1.3.5.3.5.3. When a civilian witness declines to attend the hearing.

E3.A3.1.3.5.3.6. Subparagraph E3.A3.1.3.5.3., above, does not authorize a Federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.

E3.A3.1.3.5.4. Record of Proceedings. In cases where the Board recommends separation, the record of the proceedings shall be kept in summarized form unless a verbatim record is required by the Secretary concerned. In cases where the Board recommends retention, a record of the proceedings is optional unless required by the Secretary concerned. However, a summarized or verbatim record shall be prepared in any case where the board recommends retention and the Separation Authority elects to forward the matter to the Secretary concerned under subparagraph E3.A3.1.3.6.4.2.2., below. The Board reporter shall retain all materials necessary to prepare a transcript should the Separation Authority elect to forward the case to the Secretary. In all cases, the findings and recommendations of the Board shall be in verbatim form.

E3.A3.1.3.5.5. Presentation of Evidence. The rules of evidence for courts-martial and other judicial proceedings are not applicable before an Administrative Board. Reasonable restriction shall be observed, however, concerning relevancy and competency of evidence.

E3.A3.1.3.5.6. Rights of the Respondent

E3.A3.1.3.5.6.1. The respondent may testify in his or her own behalf, subject to the provisions of Article 31(a), UMCJ (reference (d)).

E3.A3.1.3.5.6.2. At any time during the proceedings, the respondent or counsel may submit written or recorded matter for consideration by the Board.

E3.A3.1.3.5.6.3. The respondent or counsel may call witnesses in his or her behalf.

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E3.A3.1.3.5.6.4. The respondent or counsel may question any witness who appears before the Board.

E3.A3.1.3.5.6.5. The respondent or counsel may present argument prior to when the Board closes the case for deliberation on findings and recommendations.

E3.A3.1.3.5.7. Findings and Recommendations

E3.A3.1.3.5.7.1. The Board shall determine its findings and recommendations in closed sessions. Only voting members of the board shall be present.

E3.A3.1.3.5.7.2. The Board shall determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence.

E3.A3.1.3.5.7.3. The Board shall then determine under the guidance in paragraph E3.A2.1.1. of Part 2 whether the findings warrant separation with respect to the reason for separation set forth in the Notice. If more than one reason was contained in the Notice, there shall be a separate determination for each reason.

E3.A3.1.3.5.7.4. The Board shall make recommendations on the following:

E3.A3.1.3.5.7.4.1. Retention or Separation. The Board shall recommend retention or separation.

E3.A3.1.3.5.7.4.2. Suspension of Separation. If the Board recommends separation, it may recommend that the separation be suspended in accordance with paragraph E3.A2.1.2. of Part 2, but the recommendation of the Board as to suspension is not binding on the Separation Authority.

E3.A3.1.3.5.7.4.3. Characterization of Service or Description of Separation. If separation or suspended separation is recommended, the Board shall recommend a characterization of service or description of separation as authorized in Part 1 (Reasons for Separation) in accordance with the guidance in paragraph E3.A2.1.3. of Part 2.

E3.A3.1.3.5.7.4.4. Transfer to the Ready Reserve. Except when the Board has recommended separation on the basis of homosexual conduct or has recommended characterization of service Under Other Than Honorable Conditions, the

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Secretary concerned may authorize the Board to make a recommendation as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military obligation. This option applies to cases involving separation from active duty or from the Selected Reserve. Paragraph E3.A3.1.5. of this Part is applicable if the action is approved.

E3.A3.1.3.6. Separation Authority

E3.A3.1.3.6.1. The Separation Authority for actions initiated under the Administrative Board Procedure shall be a general court-martial convening authority or higher authority. The Secretary concerned also may authorize a commanding officer in grade O-7 or above with a judge advocate or legal advisor available to his command to act as a separation authority in specified circumstances. When an Administrative board recommends Characterization of service as Honorable or General (under honorable conditions), the Separation Authority may be exercised by an officer designated under subparagraph E3.A3.1.2.4. When the case has been initiated under the Notification Procedure and the hearing is a result of a request under subparagraph E3.A3.1.2.1.7., the Separation Authority shall be as designated in subparagraph E3.A3.1.2.4.

E3.A3.1.3.6.2. In every case in which characterization of Service Under Other Than Honorable Conditions is recommended, the record of the Board's proceedings will be reviewed by a judge advocate or civilian attorney employed by the Military Department prior to action by the Separation Authority. Such review is not required when another characterization is recommended unless the respondent identifies specific legal issues for consideration by the Separation Authority.

E3.A3.1.3.6.3. The respondent will be provided with a copy of the Board's statement of facts and recommendations.

E3.A3.1.3.6.4. The Separation Authority shall take action in accordance with this subparagraph, the requirements of Part 1 with respect to the reason for separation, and the guidance in Part 2 on separation and characterization.

E3.A3.1.3.6.4.1. If the Separation Authority approves the recommendations of the Board on the issue of separation or characterization (or both) this constitutes approval of the board's findings and recommendations under subparagraph E3.A3.1.3.5.7. unless the Separation Authority expressly modifies such findings or recommendations.

E3.A3.1.3.6.4.2. If the Board recommends retention, the Separation Authority may take one of the following actions:

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E3.A3.1.3.6.4.2.1. Approve the recommendation.

E3.A3.1.3.6.4.2.2. Forward the matter to the Secretary concerned with a recommendation for separation based upon the circumstances of the case. In such a case, the Secretary may direct retention or separation. If the Secretary approves separation, the characterization of service or description of separation will be Honorable, General (under honorable conditions) or an Entry-Level Separation under the guidance in paragraph E3.A2.1.3. of Part 2.

E3.A3.1.3.6.4.3. If the Board recommends separation, the Separation Authority may:

E3.A3.1.3.6.4.3.1. Approve the Board's recommendation;

E3.A3.1.3.6.4.3.2. Approve the Board's recommendations, but modify the recommendations by one or more of the following actions when appropriate:

E3.A3.1.3.6.4.3.2.1. Approve the separation but suspend execution as provided in paragraph E3.A2.1.2. of Part 2.

E3.A3.1.3.6.4.3.2.2. Change the character of service or description of separation to a more favorable characterization or description.

E3.A3.1.3.6.4.3.2.3. Change the Board's recommendation, if any, concerning transfer to the IRR.

E3.A3.1.3.6.4.3.3. Disapprove the Board's recommendation and retain the respondent.

E3.A3.1.3.6.4.4. If the Separation Authority approves the Board's findings and recommendations in whole or in part with respect to more than one reason under Part 1, the Separation Authority shall designate the most appropriate basis as the primary reason for reporting purposes.

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E3.A3.1.3.6.4.5. If the Separation Authority finds legal prejudice to a substantial right of the respondent or determines that the findings of the Board have been obtained by fraud or collusion, the case may be referred to a new board. No member of the new board shall have served on a prior board that considered the case. The Separation Authority may not approve findings and recommendations less favorable to the respondent than those rendered by the previous board unless the Separation Authority finds that fraud or collusion in the previous board is attributable to the respondent or an individual acting on the respondent's behalf.

E3.A3.1.4. Additional Provisions Concerning Members Confined by Civil Authorities

E3.A3.1.4.1. If proceedings under this Part have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. Subparagraph E3.A3.1.3.1. of this Part is not applicable except insofar as such rights can be exercised by counsel on behalf of the respondent.

E3.A3.1.4.2. The following requirements apply:

E3.A3.1.4.2.1. The notice shall contain the matter set forth in subparagraph E3.A3.1.2.1. of this Part or subparagraph E3.A3.1.3.1. (Notice in the Administrative Board Procedure), as appropriate. The notice shall be delivered personally to the respondent or sent by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. mail at an address outside the United States. If the member refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail (see DoD Directive 1215.13, (reference (r))), which will be inserted in the member's personnel file together with PS Form 3800.

E3.A3.1.4.2.2. If delivered personally, receipt shall be acknowledged in writing by the respondent. If the respondent does not acknowledge receipt, the notice shall be sent by mail as provided in subparagraph E3.A3.1.4.2.1., above.

E3.A3.1.4.2.3. The notice shall state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) in order to give the respondent the opportunity to exercise the rights set forth in the notice. If respondent does not reply by such date, the separation authority shall take appropriate action under subparagraph E3.A3.1.2.4. of this Part.

E3.A3.1.4.2.4. The name and address of the military counsel for appointed consultation shall be specified in the notice.

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E3.A3.1.4.2.5. If the case involves entitlement to an Administrative Board, the respondent shall be notified that the board will proceed in the respondent's absence and that the case may be presented on respondent's behalf by counsel for the respondent.

E3.A3.1.5. Additional Requirements for Certain Members of Reserve Components

E3.A3.1.5.1. Members of Reserve components not on active duty

E3.A3.1.5.1.1. If proceedings under this Chapter have been initiated against a member of a Reserve component not on active duty, the case may be processed in the absence of the member in the following circumstances:

E3.A3.1.5.1.1.1. At the request of the member;

E3.A3.1.5.1.1.2. If the member does not respond to the notice of proceedings on or before the suspense date provided therein; or

E3.A3.1.5.1.1.3. If the member fails to appear at a hearing as provided in subparagraph E3.A3.1.3.1.12.

E3.A3.1.5.1.2. The notice shall contain the matter set forth in subparagraphs E3.A3.1.2.1. or E3.A3.1.3.1. of this Part, as appropriate.

E3.A3.1.5.1.3. If the action involves a transfer to the IRR under circumstances in which the procedures in this enclosure are applicable, the member will be notified that the character of service upon transfer to the IRR also will constitute the character of service upon discharge at the completion of the military service obligation unless specified conditions established by the Secretary concerned are met.

E3.A3.1.5.2. Transfer to the IRR. Upon transfer to the IRR, the member will be notified of the following:

E3.A3.1.5.2.1. The character of service upon transfer from active duty or the Selected Reserve to the IRR, and that the character of service upon completion of the military service obligation will be the same unless specified conditions established by the Secretary concerned are met.

E3.A3.1.5.2.2. The date upon which the military service obligation will expire.

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E3.A3.1.5.2.3. The date by which the member must submit evidence of satisfactory completion of the specified conditions.

E3.A3.1.5.3. If the member submits evidence of completion of the specified conditions but the Military Department proposes to issue a discharge other than an Honorable Discharge, the Notification Procedure shall be used. An Administrative Board is not required at this point notwithstanding the member's years of service.

E3.A3.1.5.4. If the member does not submit such information on or before the date specified in the notice, no further proceedings are required. The character of discharge at the completion of the military service obligation shall be the same as the character of service upon transfer from the Selected Reserve to the IRR.

E3.A3.1.5.5. The following requirements apply to the notices required by subparagraphs E3.A3.1.5.1. and E3.A3.1.5.2. of this Part.

E3.A3.1.5.5.1. Reasonable effort should be made to furnish copies of the notice to the member through personal contact by a representative of the command. In such a case, a written acknowledgment of the notice shall be obtained.

E3.A3.1.5.5.2. If the member cannot be contacted or refuses to acknowledge receipt of the notice, the notice shall be sent by registered or certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the most recent address furnished by the member as an address for receipt or forwarding of official mail. The individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail (see DoD Directive 1215.13 (reference (r))), which will be inserted in the member's personnel file together with PS Form 3800.

E3.A3.1.6. Additional Requirements for Members Beyond Military Control by Reason of Unauthorized Absence

E3.A3.1.6.1. Determination of applicability. If the general court-martial convening authority or higher authority determines that separation is otherwise appropriate under this Directive, a member may be separated without return to military control in one or more of the following circumstances:

E3.A3.1.6.1.1. Absence without authority after receiving notice of initiation of separation processing.

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E3.A3.1.6.1.2. When prosecution of a member who is absent without authority appears to be barred by the statute of limitations, Article 43, UCMJ (reference (d)).

E3.A3.1.6.1.3. When a member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the member under a treaty or other agreement.

E3.A3.1.6.2. Notice. Prior to execution of the separation under subparagraphs E3.A3.1.6.1.2. or E3.A3.1.6.1.3., the member will be notified of the imminent action by registered mail or certified mail, return receipt requested (or by an equivalent form of Notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the member's last known address or to the next of kin under regulations prescribed by the Military Department concerned. The notice shall contain the matter set forth in subparagraphs E3.A3.1.2.1. or E3.A3.1.3.1., as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall take appropriate action under subparagraph E3.A3.1.2.4. of this Part.

E3.A3.1.6.3. Members of Reserve Components. See 10 U.S.C. 1163 (reference (x)) with respect to limitations on separation of members of Reserve components.

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E3.A4. ATTACHMENT 4 TO ENCLOSURE 3

GUIDELINES FOR FACT-FINDING INQUIRIES INTO HOMOSEXUAL CONDUCT

E3.A4.1. RESPONSIBILITY

E3.A4.1.1. Only the member's commander is authorized to initiate fact-finding inquiries involving homosexual conduct. A commander may initiate a fact-finding inquiry only when he or she has received credible information that there is basis for discharge. Commanders are responsible for ensuring that inquiries are conducted properly and that no abuse of authority occurs.

E3.A4.1.2. A fact-finding inquiry may be conducted by the commander personally or by a person he or she appoints. It may consist of an examination of the information reported or a more extensive investigation, as necessary.

E3.A4.1.3. The inquiry should gather all credible information that directly relates to the grounds for possible separation. Inquiries shall be limited to the factual circumstances directly relevant to the specific allegations.

E3.A4.1.4. If a commander has credible evidence of possible criminal conduct, he or she shall follow the procedures outlined in the Manual for Courts-Martial and implementing regulations issued by the Secretaries of the Military Departments concerned (reference (y)).

E3.A4.1.5. *The guidelines in this enclosure do not apply to activities of Defense Criminal Investigative Organizations and other DoD law enforcement organizations, which are governed by DoD Instruction 5505.8 (reference (z)).*

E3.A4.2. DEFINITIONS

E3.A4.2.1. Bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

E3.A4.2.2. Commander. A commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as a "command."

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E3.A4.2.3. Homosexual. *A person, regardless of sex, who engages in, attempts to* engage in, has a propensity to engage in, or intends to engage in homosexual acts.

E3.A4.2.4. Homosexual Conduct. *"Homosexual conduct" is a homosexual act, a* statement by the member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage.

E3.A4.1.2.4.1. A "homosexual act" means any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires and any bodily contact (for example, hand-holding or kissing, in most circumstances) that a reasonable person would understand to demonstrate a propensity or intent to engage in such an act.

E3.A4.2.4.2. A "statement that a member is a homosexual or bisexual, or words to that effect," means:

E3.A4.2.4.2.1. Language or behavior that;

E3.A4.2.4.2.2. A reasonable person *would believe*;

E3.A4.2.4.2.3. *Was intended to convey the statement*;

E3.A4.2.4.2.4. *That a person engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts. This may include statements such as "I am a homosexual," "I* am gay," "I am a lesbian," "I have a homosexual orientation," and the like.

E3.A4.2.4.3. A "homosexual marriage or attempted marriage" is when a member has married or attempted to marry a person known to be of the same biological sex.

E3.A4.2.4.4. "Propensity to engage in homosexual acts" means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

E3.A4.2.5. Sexual Orientation. *An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.*

E3.A4.3. BASES FOR CONDUCTING INQUIRIES

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E3.A4.3.1. *A commander will initiate an inquiry only if he or she has credible information that there is a basis for discharge. Credible information exists when the information, considering its source and the surrounding circumstances, supports a reasonable belief that there is a basis for discharge. It requires a determination based on articulable facts, not just a belief or suspicion.*

E3.A4.3.2. *A basis for discharge exists if:*

E3.A4.3.2.1. *The member has engaged in a homosexual act.*

E3.A4.3.2.2. *The member has said that he or she is a homosexual or bisexual,* or made some other statement that indicates a propensity or intent to engage in homosexual acts; or

E3.A4.3.2.3. *The member has married or attempted to marry a person of the same* sex.

E3.A4.3.3. *Credible information does not exist, for example, when:*

E3.A4.3.3.1. *The individual is suspected of engaging in homosexual conduct,* but there is no credible information, as described, to support that suspicion; or

E3.A4.3.3.2. *The only information is the opinions of others that a member is* homosexual; or

E3.A4.3.3.3. *The inquiry would be based on rumor, suspicion, or capricious* claims concerning a member's sexual orientation; or

E3.A4.3.3.4. *The only information known is an associational activity such as* going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. Such activity, in and of itself, does not provide evidence of homosexual conduct.

E3.A4.3.4. *Credible information exists, for example, when:*

E3.A4.3.4.1. *A reliable person states that he or she observed or heard* a Service member engaging in homosexual acts, or saying that he or she is a homosexual or bisexual or is married to a member of the same sex; or

E3.A4.3.4.2. *A reliable person states that he or she heard, observed, or* discovered a member make a spoken or written statement that a reasonable person would

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believe was intended to convey the fact that he or she engages *in, attempts to engage in, or has a propensity or intent to engage in* homosexual acts; or

E3.A4.3.4.3. *A reliable person states that he or she observed behavior that* amounts to a non-verbal statement by a member that he or she is a homosexual *or bisexual; i.e., behavior that a reasonable person would believe was intended to convey the statement that the member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.*

E3.A4.4. PROCEDURES

E3.A4.4.1. Informal fact-finding inquiries and administrative separation procedures are the preferred method of addressing homosexual conduct. This does not prevent disciplinary action or trial by courts-martial when appropriate.

E3.A4.4.2. Commanders shall exercise sound discretion regarding when credible information exists. They shall examine the information and decide whether an inquiry is warranted or whether no action should be taken.

E3.A4.4.3. Commanders or appointed inquiry officials shall not ask, and members *shall not be required to reveal, whether a member is a heterosexual, a homosexual, or a bisexual. However, upon receipt of credible information of homosexual conduct (as described in section E3.A4.3., above) commanders or appointed inquiry officials may ask members if they engaged in such conduct. But the member should first be advised of the DoD policy on homosexual conduct (and rights under Article 31, UCMJ, if applicable). Should the member choose not to discuss the matter further, the commander should consider other available information. Nothing in this provision precludes questioning a member about any information provided by the member in the course of the fact-finding inquiry or any related proceeding, nor does it provide the member with any basis for challenging the validity of any proceeding or the use of any evidence, including a statement by the member, in any proceeding.*

E3.A4.4.4. At any given point of the inquiry, the commander or appointed inquiry official must be able clearly and specifically to explain which grounds for separation he or she is attempting to verify and how the information being collected relates to those specific separation grounds.

E3.A4.4.5. A statement by a Service member that he or she is a homosexual or bisexual creates a rebuttable presumption that the Service member engages in, *attempts to engage in, has a propensity to engage in, or intends to engage in* homosexual

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acts. The Service member shall be given the opportunity to *present evidence demonstrating that he or she does not engage in, attempt to engage in, or have a propensity or intent to engage in homosexual acts.*

E3.A4.4.6. The Service member bears the burden of proving, by a preponderance of *the evidence, that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.*

E3.A4.5. LEGAL EFFECT

The procedures in this enclosure create no substantive or procedural rights.

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OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND READINESS

NOV 27 2009

The Honorable Christopher S. Bond
United States Senate
Washington, D.C. 20510

Dear Senator Bond:

Thank you for your letter to the President requesting an update on the current use of the Department's personality disorder discharge process. Because the Department's policy in this area falls under my cognizance, this office has been asked to reply.

The Department of Defense promulgated policy on August 28, 2008, that added more rigor and greater confidence in personality disorder discharges. The revised policy authorizes a personality disorder separation only if it is diagnosed by a psychiatrist or Ph.D.-level psychologist. Additionally, Service members who have served or are currently serving in an imminent danger pay area must have their personality disorder diagnosis corroborated by a peer or higher level mental health professional and endorsed by the Surgeon General of the Military Department concerned. The policy requires that Post Traumatic Stress Disorder (PTSD) or other mental illness co-morbidity be ruled out prior to discharge.

From September 2008 through September 2009, 351 Service members who had been deployed to an imminent danger pay area were separated due to a personality disorder. The revised policy is having the desired effect of establishing more rigor as evidenced by the steady decrease in personality disorder separations. In September 2008, 81 Service members who were previously deployed were discharged; however, since January 2009, an average of 16 Service members per month were discharged for personality disorder.

Since the revised policy was promulgated, approximately 175 former Service members who were discharged for personality disorder requested to have their discharge reviewed by the Service Discharge Review Board. Of that total, approximately 25 were separated after the new policy was put into effect. Consistent with your request, these numbers include all requests without regard to deployed service.

In regard to your concerns of notifying all combat veterans previously discharged for personality disorder of their rights and protections, long-standing Department of Defense policy requires that the Secretaries of the Military Departments encourage all separating Service members who believe their discharges were incorrectly characterized or processed to request adjudication through their respective Military Department's Discharge Review Board. This Department believes that members of this class of veterans are already made well-aware of their right to request review by the Discharge

Review Board process. We will continue to work with the Department of Veterans Affairs and Veterans Service Organizations to ensure former Service members are reminded of their rights in these circumstances.

Thank you for your efforts and concern for the members of our Armed Forces who defend our great Nation. Similar letters have been sent to Senators Lincoln, Brownback, and Grassley.

Sincerely,

William J. Carr
Deputy Under Secretary of Defense
(Military Personnel Policy)
Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)

11-L-0109 VVA (OUSD P&R) 145

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND READINESS

NOV 27 2009

The Honorable Sam Brownback
United States Senate
Washington, D.C. 20510

Dear Senator Brownback:

Thank you for your letter to the President requesting an update on the current use of the Department's personality disorder discharge process. Because the Department's policy in this area falls under my cognizance, this office has been asked to reply.

The Department of Defense promulgated policy on August 28, 2008, that added more rigor and greater confidence in personality disorder discharges. The revised policy authorizes a personality disorder separation only if it is diagnosed by a psychiatrist or Ph.D.-level psychologist. Additionally, Service members who have served or are currently serving in an imminent danger pay area must have their personality disorder diagnosis corroborated by a peer or higher level mental health professional and endorsed by the Surgeon General of the Military Department concerned. The policy requires that Post Traumatic Stress Disorder (PTSD) or other mental illness co-morbidity be ruled out prior to discharge.

From September 2008 through September 2009, 351 Service members who had been deployed to an imminent danger pay area were separated due to a personality disorder. The revised policy is having the desired effect of establishing more rigor as evidenced by the steady decrease in personality disorder separations. In September 2008, 81 Service members who were previously deployed were discharged; however, since January 2009, an average of 16 Service members per month were discharged for personality disorder.

Since the revised policy was promulgated, approximately 175 former Service members who were discharged for personality disorder requested to have their discharge reviewed by the Service Discharge Review Board. Of that total, approximately 25 were separated after the new policy was put into effect. Consistent with your request, these numbers include all requests without regard to deployed service.

In regard to your concerns of notifying all combat veterans previously discharged for personality disorder of their rights and protections, long-standing Department of Defense policy requires that the Secretaries of the Military Departments encourage all separating Service members who believe their discharges were incorrectly characterized or processed to request adjudication through their respective Military Department's Discharge Review Board. This Department believes that members of this class of veterans are already made well-aware of their right to request review by the Discharge

Review Board process. We will continue to work with the Department of Veterans Affairs and Veterans Service Organizations to ensure former Service members are reminded of their rights in these circumstances.

Thank you for your efforts and concern for the members of our Armed Forces who defend our great Nation. Similar letters have been sent to Senators Lincoln, Bond, and Grassley.

Sincerely,

William J. Carr
Deputy Under Secretary of Defense
(Military Personnel Policy)
Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)

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OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

NOV 27 2009

The Honorable Chuck Grassley
United States Senate
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your letter to the President requesting an update on the current use of the Department's personality disorder discharge process. Because the Department's policy in this area falls under my cognizance, this office has been asked to reply.

The Department of Defense promulgated policy on August 28, 2008, that added more rigor and greater confidence in personality disorder discharges. The revised policy authorizes a personality disorder separation only if it is diagnosed by a psychiatrist or Ph.D.-level psychologist. Additionally, Service members who have served or are currently serving in an imminent danger pay area must have their personality disorder diagnosis corroborated by a peer or higher level mental health professional and endorsed by the Surgeon General of the Military Department concerned. The policy requires that Post Traumatic Stress Disorder (PTSD) or other mental illness co-morbidity be ruled out prior to discharge.

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Since the revised policy was promulgated, approximately 175 former Service members who were discharged for personality disorder requested to have their discharge reviewed by the Service Discharge Review Board. Of that total, approximately 25 were separated after the new policy was put into effect. Consistent with your request, these numbers include all requests without regard to deployed service.

In regard to your concerns of notifying all combat veterans previously discharged for personality disorder of their rights and protections, long-standing Department of Defense policy requires that the Secretaries of the Military Departments encourage all separating Service members who believe their discharges were incorrectly characterized or processed to request adjudication through their respective Military Department's Discharge Review Board. This Department believes that members of this class of veterans are already made well-aware of their right to request review by the Discharge

Review Board process. We will continue to work with the Department of Veterans Affairs and Veterans Service Organizations to ensure former Service members are reminded of their rights in these circumstances.

Thank you for your efforts and concern for the members of our Armed Forces who defend our great Nation. Similar letters have been sent to Senators Lincoln, Brownback, and Bond.

Sincerely,

William J. Carr
Deputy Under Secretary of Defense
(Military Personnel Policy)
Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)

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OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

NOV 27 2009

The Honorable Blanche L. Lincoln
United States Senate
Washington, D.C. 20510

Dear Senator Lincoln:

Thank you for your letter to the President requesting an update on the current use of the Department's personality disorder discharge process. Because the Department's policy in this area falls under my cognizance, this office has been asked to reply.

The Department of Defense promulgated policy on August 28, 2008, that added more rigor and greater confidence in personality disorder discharges. The revised policy authorizes a personality disorder separation only if it is diagnosed by a psychiatrist or Ph.D.-level psychologist. Additionally, Service members who have served or are currently serving in an imminent danger pay area must have their personality disorder diagnosis corroborated by a peer or higher level mental health professional and endorsed by the Surgeon General of the Military Department concerned. The policy requires that Post Traumatic Stress Disorder (PTSD) or other mental illness co-morbidity be ruled out prior to discharge.

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Thank you for your efforts and concern for the members of our Armed Forces who defend our great Nation. Similar letters have been sent to Senators Bond, Brownback, and Grassley.

Sincerely,

William J. Carr
Deputy Under Secretary of Defense
(Military Personnel Policy)
Performing the Duties of the
Under Secretary of Defense
(Personnel and Readiness)

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Table of Active Duty and Reserve/Guard Personality Disorder Separation Reason Count by Month and by Ever Deploy Status

Data as of: September 2009 (Active Duty) & August 2009 (RCCPDS)
Data Source: Active Duty Military Personnel File & RCCPDS File

	Served in an IDP location	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09
Active Duty Army	Yes	13	13	10	11	11	7	6	2	3	0	2	1	0	1
	No	24	29	28	17	28	18	13	18	23	11	15	8	16	9
Active Duty Navy	Yes	15	9	12	13	9	5	4	4	4	6	10	9	5	3
	No	57	63	58	33	34	32	26	45	29	27	19	19	19	22
Active Duty Marine Corps	Yes	3	6	6	3	8	3	3	4	3	2	0	0	0	3
	No	48	31	34	26	35	22	20	34	36	26	17	18	3	9
Active Duty Air Force	Yes	2	2	2	1	0	0	0	0	0	2	1	0	2	2
	No	67	53	34	3	5	3	6	9	0	2	6	9	11	7
Total Active Duty	Yes	33	30	30	28	28	15	13	10	10	10	13	10	7	9
	No	196	176	154	79	102	75	65	106	88	66	57	54	49	47
Army Reserve	Yes	Not reported													
	No														
Army National Guard	Yes														
	No														
Navy reserve	Yes	0	0	1	0	0	0	0	0	0	0	0	0	0	Not Available
	No	0	0	0	0	0	0	0	1	0	1	0	0	0	
Marine Corps Reserve	Yes	1	0	0	0	0	0	0	0	0	0	0	0	0	
	No	4	1	0	2	2	2	0	2	4	3	2	4	2	
Air National Guard	Yes	0	0	0	0	0	0	0	0	0	0	0	0	0	
	No	0	0	0	0	0	0	0	0	0	0	0	0	0	
Air Force Reserve	Yes	0	0	0	0	0	0	0	0	0	0	0	0	0	
	No	1	0	0	0	0	0	0	0	0	0	0	0	0	
Total Reserve & Guard	Yes	1	0	1	0	0	0	0	0	0	0	0	0	0	
	No	5	1	0	2	2	2	0	3	4	4	2	4	2	

Note: Personality disorder loss is defined by the SPD codes that Mr. Stan Cochran provided.
Data created by DMDC on November 12, 2009
DRS#30755

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UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

JUN 09 2008

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20515

Dear Mr. Chairman:

Section 597 of the National Defense Authorization Act for Fiscal Year 2008 requested that the Secretary of Defense provide a report on administrative separations based on personality disorder.

The Department appreciates the opportunity to provide Congress with information regarding the administrative separation of Service members based on personality disorder who had deployed in support of the Global War on Terror (GWOT) since October 2001. The data requested are enclosed. Analysis of separation data showed that only 3.4K (15 percent) of the 22.6K Service members with personality disorder coded separations had deployed in support of GWOT. Additionally, data indicate that the majority, 19.2K (85 percent), of the 22.6K Service members with personality disorder coded separations had two or fewer years in the service. Nevertheless, the Department shares Congress' concern regarding the use of personality disorder as the basis for administratively separating Service members who deployed in support of GWOT and who may have been more appropriately processed for disability.

To address this concern, the Department has been working over the past few months to implement changes that add additional rigor to the personality disorder separation policy. The new policy guidance, expected to be released later this month, will include allowing personality disorder separations only if diagnosed by a psychiatrist or PhD-level psychologist. The proposed change would require members who are being considered for administrative discharge based on personality disorder who had deployed or are currently deployed to designated imminent danger pay areas to have their personality disorder diagnosis corroborated by a peer, psychiatrist or PhD-level psychologist who must address Post Traumatic Stress Disorder or other mental illness co-morbidity in their diagnosis. An additional change under consideration would require The Surgeon General of the Military Department concerned to review and endorse the personality disorder case for this class of Service member.

Finally, each Military Department has well established processes and procedures for former Service members who believe that their discharges were incorrectly characterized or processed to request adjudication through their respective Military Department's Discharge Review Board. The Department encourages former Service members to utilize these processes and procedures to request review of their specific cases.

A similar letter is being sent to the Chairman and Ranking Member of the House Armed Services Committee.

Sincerely,



David S. C. Chu

Enclosure:
As stated

cc:
The Honorable John McCain
Ranking Member

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

The Honorable Ike Skelton
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

JUN 03 2008

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The Department appreciates the opportunity to provide Congress with information regarding the administrative separation of Service members based on personality disorder who had deployed in support of the Global War on Terror (GWOT) since October 2001. The data requested are enclosed. Analysis of separation data showed that only 3.4K (15 percent) of the 22.6K Service members with personality disorder coded separations had deployed in support of GWOT. Additionally, data indicate that the majority, 19.2K (85 percent), of the 22.6K Service members with personality disorder coded separations had two or fewer years in the service. Nevertheless, the Department shares Congress' concern regarding the use of personality disorder as the basis for administratively separating Service members who deployed in support of GWOT and who may have been more appropriately processed for disability.

To address this concern, the Department has been working over the past few months to implement changes that add additional rigor to the personality disorder separation policy. The new policy guidance, expected to be released later this month, will include allowing personality disorder separations only if diagnosed by a psychiatrist or PhD-level psychologist. The proposed change would require members who are being considered for administrative discharge based on personality disorder who had deployed or are currently deployed to designated imminent danger pay areas to have their personality disorder diagnosis corroborated by a peer, psychiatrist or PhD-level psychologist who must address Post Traumatic Stress Disorder or other mental illness co-morbidity in their diagnosis. An additional change under consideration would require The Surgeon General of the Military Department concerned to review and endorse the personality disorder case for this class of Service member.

Finally, each Military Department has well established processes and procedures for former Service members who believe that their discharges were incorrectly characterized or processed to request adjudication through their respective Military Department's Discharge Review Board. The Department encourages former Service members to utilize these processes and procedures to request review of their specific cases.

A similar letter is being sent to the Chairman and Ranking Member of the House Armed Services Committee.

Sincerely,

David S. C. Chu

Enclosure:
As stated

cc:
The Honorable Duncan Hunter
Ranking Member

REPORT TO CONGRESS

ON

ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER

Fiscal Years

2002 thru 2007

Prepared By:
Office of the Under Secretary of Defense
Personnel and Readiness

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The Department appreciates the opportunity to provide Congress with information regarding the administrative separation of Service members on the basis of personality disorder for those members who had deployed in support of the Global War on Terror from October 2001 through 2007. To meet the specific requirements of Section 597 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008 (FY08), the Secretary of Defense provides the following review and advice on administrative separations based on personality disorder.

FY08 NDAA, Section 597, Report Requirements

Section 597 of the FY08 NDAA requires:

(a) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality disorder forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Force, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces on the basis of a personality disorder.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(b) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report evaluating the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—
(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, posttraumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not separated from the Armed Forces on the basis of a personality disorder.

(3) ALTERNATIVE SUBMISSION METHOD.—In lieu of submitting a separate report under this subsection, the Comptroller may include the evaluation, audit and determination required by this subsection as part of the study of mental health services required by section 723 of the Ronald W. Reagan National H. R. 4986—139 Defense Authorization Act of 2005 (Public Law 108–375; 118 Stat. 1989).

(c) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces'' includes the following:

(1) Any member of a regular component of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

Data on Personality Disorder Administrative Separations

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality disorder forming the basis for such separations.

Paragraph (a)(2)(A), above, of Section 597 of the FY08 NDAA specifically asks for, "A statement of the total number of cases, by Armed Force, in which *covered members* of *the Armed Forces* have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality disorder forming the basis for such separations." Paragraph (c) of Section 597 defines "covered members" as Service members who served on active duty in Iraq or Afghanistan since October 2001. Based on the definition of "covered members" the information requested by paragraph (a)(2)(A) is the same as what is requested by paragraph (a)(2)(B), which specifically asks for:

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

The Department assumes that Paragraph (a)(2)(A) was intended to request the total number of ALL cases, by Armed Force, in which members of the Armed Forces have been separated on the basis of a personality disorder since October 2001 (beginning of Fiscal Year 2002), and an identification of the various forms of personality disorder forming the basis for such separations. Given this assumption the Departments submits the information in Table 1 to meet the requirements of Paragraph (a)(2)(A) of Section 597 of the FY08 NDAA. The data include the total number of separations coded for personality disorder, by Armed Force, from fiscal year 2002, which began October 2001, through fiscal year 2007.

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Armed Force	Number of Personality Disorder Separation Cases
Army	5,652
Navy	7,554
Marine Corps	3,527
Air Force	5,923
Total	22,656

Table 1 – Number of administrative separations coded as based on personality disorder from fiscal year 2002 through 2007.

Table 2 lists the various forms of personality disorder forming the basis for the personality disorder coded separations of Service members from fiscal years 2002 through 2007.

Paranoid Personality Disorder	Explosive Personality Disorder
Affective Personality Disorder, Unspecified	Obsessive-Compulsive Personality Disorder
Chronic, Hypomanic Personality Disorder	Histrionic Personality Disorder, Unspecified
Chronic Depressive Personality Disorder	Unspecified Personality Disorder
Cyclothymic Disorder	Other Histrionic Personality Disorder
Schizoid Personality Disorder, Unspecified	Dependent Personality Disorder
Introverted Personality	Antisocial Personality Disorder
Schizotypal Personality Disorder	Narcissistic Personality Disorder
Avoidant Personality Disorder	Borderline Personality Disorder
Passive-Aggressive Personality	Other Personality Disorders
Chronic Factitious Illness with Physical Symptoms	

Table 2 – The various forms of personality disorder forming the basis for the personality disorder coded separation of Service members from fiscal year 2002 through 2007.

Paragraph (a)(2)(B) of Section 597 of the FY08 NDAA specifically asks for:

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

The Department submits the information in Table 3 to meet the requirements of Paragraph (a)(2)(B). The data include the total number of separations coded for personality disorder, by Armed Force, of Service members who deployed in support of the Global War on Terror during fiscal years 2002 through 2007. The Department included all Service members who had deployed in support of the Global War on Terror as opposed to only those who had deployed to Afghanistan and Iraq in an attempt to identify a more comprehensive class of Service members for Congressional consideration.

Armed Force	Number of Personality Disorder Separation Cases
Army	1,480
Navy	1,155
Marine Corps	455
Air Force	282
Total	3,372

Table 3 – Number of administrative separations coded as based on personality disorder of Service members who deployed in support of the Global War on Terror for some period of time between 2002 through 2007.

The various forms of personality disorder forming the basis of personality disorder coded separations of Service members who deployed in support of the Global War on Terror are the same as those previously listed in Table 2.

Summary of Policy Controlling Personality Disorder Administrative Separations

(C) A summary of the policies, by Armed Force, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces on the basis of a personality disorder.

Department Policy governing the administrative separation of Service members for personality disorder is contained in DoD Directive, 1332.14, *Enlisted Administrative Separations*. The policy states that the Secretary concerned may authorize separation on the basis of other designated physical or mental conditions (may include, but not limited to, personality disorder, air sickness, and seasickness) not amounting to disability, that potentially interfere with assignment to or performance of duty under the separation guidance set forth in the directive.

Specific guidance on personality disorder separations is contained in DoD Directive 1332.14, Section E3.A1.1.3.4.8. *Other designated physical or mental conditions*. Separation processing may not be initiated on the basis of personality disorder "until the Service member concerned has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records." Additionally, "separation on the basis of personality disorder is authorized only if a diagnosis by a psychiatrist or psychologist, completed in accordance with procedures established by the Military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired." Furthermore, Department policy states that "separation for personality disorder is not appropriate when separation is warranted for" any of the following: expiration of Service obligation; selected changes in Service obligations; disability; defective enlistments and inductions; entry-level performance and conduct; unsatisfactory performance; homosexual conduct; drug abuse rehabilitation failure; alcohol abuse rehabilitation failure; misconduct; separation in lieu of trial by court-martial; security; unsatisfactory participation in the ready reserve; or reasons established by the Military Departments. Finally, Department policy requires the written notification to Service members prior to being involuntarily separated on the basis of personality disorder.

The written notification to Service members dictated by Department policy in DoD Directive, 1332.14, Section E3.A3.1.2, *Notification Procedure*, requires the Service member to be notified, in writing, of:

- The basis of the proposed separation, including the circumstances upon which the action is based and a reference to the applicable provision of the Military Department's regulation.

- Whether the proposed separation could result in discharge, release from active duty to a Reserve component, transfer from the Selected Reserve to the Individual Ready Reserve, release from custody or control of the Military Services, or other form of separation.

- The least favorable characterization of service or description of separation authorized for the proposed separation.

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- The right to obtain copies of documents that will be forwarded to the Separation Authority supporting the basis of the proposed separation.

- The respondent's right to submit statements.

- The respondent's right to consult with counsel qualified under Article 27(b)(1) of the Uniform Code of Military Justice. Non-lawyer counsel may be appointed when the member is deployed and aboard a vessel or in similar circumstances of separation from sufficient judge advocate resources as determined under standards and procedures specified by the Secretary of the Military Department concerned. The respondent also may consult with civilian counsel at the member's own expense.

- If the respondent has six or more years of total active and Reserve military service, the right to request an Administrative Board.

- The right to waive the preceding four rights (right to obtain copies of documents; right to submit statements; right to consult with qualified counsel; and, right to request an Administrative Board) after being afforded a reasonable opportunity to consult with counsel, and that failure to respond shall constitute a waiver of the right.

In addition to Department policy each Military Department has supplemental guidance controlling the administrative separation of Service members on the basis of personality disorder. They are listed below:

Army Policy: Army policy for administrative separation of enlisted Soldiers on grounds of personality disorder is contained in Army Regulation 635-200, *Active Duty Enlisted Administrative Separations*, paragraph 5-13 titled, "Separation because of personality disorder." The policy is not unilateral, but rather derives from governing Department of Defense policy (DoD Directive 1332.14, *Enlisted Administrative Separations*). The basis is a deeply ingrained maladaptive pattern of behavior of long duration, not amounting to a disability, which interferes with the Soldier's ability to perform duty. A key provision is that the diagnosis of personality disorder must be established by a psychiatrist or a doctoral-level clinical psychologist. In addition, the local Military Treatment Facility Chief of Behavioral Health must review the finding of personality disorder to ensure accurate diagnosis. Separation is authorized only if the diagnosis concludes that the personality disorder is so severe that the Soldier's ability to function effectively in the military environment is significantly impaired. Based on the medical diagnosis and conclusion, the Soldier's unit commander initiates involuntary separation proceedings and refers them to the separation authority, who is the special court-martial convening authority (a colonel).

Navy Policy (includes Marine Corps): Navy policy for administrative separation on the basis of personality disorder is contained in Department of the Navy Military Personnel Manual (MILPERSMAN) 1910-122, *Separation by Reason of Convenience of the Government – Personality Disorder (s)*. Marine Corps policy is contained in Marine Corps Order (MCO) P1900.16F, *Marine Corps Separation and Retirement Manual*, Section 3, titled Personality Disorder. Both references state that administrative separation on the basis of personality disorder is allowed only if the disorder is so severe that the member's ability to function effectively in a military environment is significantly impaired.

Service members recommended for administrative separation on the basis of personality disorder must receive a Mental Health Evaluation (MHE) conducted by a Mental Health Professional. A Mental Health Care Provider is defined in Secretary of the Navy (SECNAV) Instruction 6320.24A, *Mental Health Evaluation of Members of the Armed Forces*, Enclosure 1, as a psychiatrist, doctoral-level clinical psychologist, or doctoral-level social worker with necessary and appropriate professional credentials who is privileged to conduct mental health evaluations for DoD components. According to the same reference, the mental health evaluation "shall consist of, at a minimum, a clinical interview and mental status examination and may include, additionally: a review of medical records; a review of other record, such as the Service personnel record; information forwarded by the Service member's commanding officer; psychological testing; physical examination; and laboratory and/or other specialized testing."

Navy MILPERSMAN 1910-120, *Separation by Reason of Convenience of the Government – Physical and Mental Conditions*, is currently being revised to ensure alignment with guidance contained in MILPERSMAN 1910-122. The Department of the Navy Manual of the Medical Department, Chapter 18-5 lists personality disorders as "conditions not meriting a Medical Evaluation Board."

Air Force Policy: For enlisted Airmen, Personality Disorder discharges are processed under Air Force Instruction 36-3208, *Administrative Separation of Airmen*, Chapter 5, Involuntary Convenience of the Government (COG) Discharge. Specifically, paragraph 5.11., "Conditions That Interfere With Military Service," states that Airmen may be discharged when the commander determines that the condition interferes with assignment or duty performance. A recommendation for discharge under this provision must be supported by a report of evaluation by a psychiatrist or clinical psychologist (doctoral level) that confirms the diagnosis of a disorder as contained in the Diagnostic and Statistical Manual of Medical Disorders (DSM-IV). This report must state the disorder is so severe that the Airman's ability to function effectively in the military environment is significantly impaired. This report may not be used as, or substituted for, the explanation of the adverse effect of the condition on assignment or duty performance. When a psychiatrist or psychologist confirms diagnosis of a mental disorder that is so

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severe that the Airman's ability to function effectively in the military environment is significantly impaired, and the commander chooses not to initiate separation action, the commander must have that decision reviewed by the discharge authority. Conditions that warrant disability processing will not be used to justify a separation under this instruction. A recommendation for discharge must be supported by documents confirming the existence of the condition and showing the member is medically qualified for worldwide duty. Except when enuresis or sleepwalking is involved, the commander must explain the adverse effect on assignment or duty performance. Similarly, administrative discharges of officers with Personality Disorder are processed under the guidance of AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers*.

Current DoD and Military Department policies, regarding the use of personality disorder as the basis for administrative separations of Service members, allow for the controlled separation of Service members by the Military Departments, enabling the Military Department Secretaries to manage separations to ensure their forces are fit to fight. The requirement for the Military Departments to notify Service members, in writing, and to allow them to consult with legal counsel helps ensure Service members are not wantonly discharged at the convenience of the Military Department Secretaries on the basis of personality disorder and that the separation proceedings receive due diligence. The Department believes that existing policy could be strengthened and has been working over the past few months to implement more rigorous policy regarding the use of personality disorder as the basis for separation of Service members who have deployed to designated imminent danger pay areas (e.g., Iraq, Afghanistan, Kuwait, Saudi Arabia, Pakistan, Serbia, and Djibouti).

Measures Being Taken Regarding Personality Disorder Separations

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

The Department is in the final phase of adding additional rigor to the personality disorder administration separation policy. The revised policy would authorize personality disorder separations only if diagnosed by a psychiatrist or PhD-level psychologist. Moreover, members who are being considered for administrative discharge based on personality disorder who have served or are currently serving in designated imminent danger pay areas (e.g., Iraq, Afghanistan, Kuwait, Saudi Arabia, Pakistan, Serbia, and Djibouti) would have their personality disorder diagnosis corroborated by a

peer, psychiatrist or PhD-level psychologist, or another higher level mental health professional. The diagnosis would address Post Traumatic Stress Disorder or other mental illness co-morbidity. Finally, before a member who has served or is currently serving in an imminent danger pay area can be separated on the basis of personality disorder their case would be reviewed and endorsed by The Surgeon General of the Military Department concerned. The Department anticipates implementing the revised policy by July 2008.

Separation data show that only 3.4K of the 23K Service members administratively discharged with personality disorder coded separations between fiscal years 2002 and 2007 had deployed in support of the Global War on Terror. There is no indication that personality disorder diagnoses for members who were deployed in support of the Global War on Terror were prone to systematic or widespread error. Moreover, Department mental health providers are competent professionals who regularly screen and diagnosis Post Traumatic Stress Disorder and related mental health disorders. Furthermore, the Department is aware of no studies that show a strong correlation between personality disorder separations and Post Traumatic Stress Disorder, Traumatic Brain Injuries, or other Global War on Terror related mental health disorders. Still, the Department shares Congress' concern regarding the possible use of personality disorder as the basis for administratively separating this class of Service member. This concern led to the aforementioned pending policy change which specifically provides additional protections to ensure Service members who suffer from Post Traumatic Stress Disorder are not separated on the basis of personality disorder.

The Department encourages all former Service members who believe that their discharges were incorrectly characterized or processed to request adjudication through their respective Military Department's Discharge Review Board. Given that there are no indications that Service members suffering from Post Traumatic Stress Disorder were systematically processed for administrative separation based on personality disorder, the Department believes that members from this class of veterans should utilize the existing Discharge Review Board processes. These boards have well established processes and procedures in place to fairly evaluate each veteran's request in an expeditious fashion.

Conclusion

In conclusion, the Department appreciates the opportunity to provide Congress with information regarding the administrative separation of Service members based on personality disorder for those members who deployed in support of the Global War on Terror. There is no indication that personality disorder diagnoses for members who were deployed in support of the Global War on Terror were prone to systematic or widespread error. Moreover, Department mental health providers are competent professionals who regularly screen and diagnose Post Traumatic Stress Disorder and related mental health disorders.

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The Department, however, has been working over the past few months to implement policy that adds additional rigor to the personality disorder administrative separation policy. The revised policy would specifically require personnel being considered for personality disorder separations who have served or are currently serving in designated imminent danger pay areas to be evaluated for Post Traumatic Stress Disorder or other mental illness co-morbidity prior to being separated on the basis of personality disorder.

Percentage of Women Discharged for PD			
FY	Males	Females	Percentage
FY01	2924	1082	27.01%
FY02	2841	1043	26.85%
FY03	2860	1039	26.65%
FY04	2726	917	25.17%
FY05	2832	940	24.92%
FY06	2895	1016	25.98%
FY07	3064	1021	24.99%
Total	20142	7058	25.95%

Total Number of PD Separations by Service			
Service	# PD Seps	Total # PD Seps	Percentage
Air Force			
FY01	1205	4006	30.08%
FY02	863	3884	22.22%
FY03	1032	3899	26.47%
FY04	846	3643	23.22%
FY05	847	3772	22.45%
FY06	1114	3911	28.48%
FY07	1221	4085	29.89%
Total	7128	27200	26.21%

Percentage of Women Discharged for PD by Military Department			
Service	# Female PD Seps	Total # PD Seps	Percentage
Air Force			
FY01	416	1205	34.52%
FY02	287	863	33.26%
FY03	350	1032	33.91%
FY04	293	846	34.63%
FY05	315	847	37.19%
FY06	368	1114	33.03%
FY07	428	1221	35.05%
Total	2457	7128	34.47%

Department of Defense

INSTRUCTION

NUMBER 1332.14
August 28, 2008
Incorporating Change 1, March 29, 2010

USD(P&R)

SUBJECT: Enlisted Administrative Separations

References: See Enclosure 1

1. PURPOSE. This Instruction:

a. Reissues DoD Directive 1332.14 (Reference (a)), by combining Reference (a) and DoD Instruction 1332.15 (Reference (b)) as one DoD Instruction (DoDI) in accordance with the guidance in DoD Instruction 5025.01 (Reference (c)) and the authority in DoD Directive 5124.02 (Reference (d)).

b. Establishes DoD policy, responsibilities, and procedures governing administrative separation of enlisted personnel from the Military Services.

2. APPLICABILITY. This Instruction applies:

a. To OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). The term "Military Services," as used herein refers to the Army, the Navy, the Air Force, and the Marine Corps.

b. Only to administrative separation proceedings initiated on or after the date this issuance is signed unless the Secretary of the Military Department concerned determines that it should be applied in a particular case in which proceedings were initiated before that date.

3. DEFINITIONS. Terms used in this issuance are defined in the Glossary.

4. POLICY

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a. It is DoD policy to promote the readiness of the Military Services by maintaining high standards of performance, conduct, and discipline. Separation policy promotes the readiness of the Military Services by providing an orderly means to:

(1) Evaluate the suitability of persons to serve in the Armed Forces based on their ability to meet required performance, conduct, and disciplinary standards;

(2) Maintain standards of performance, conduct, and discipline through characterization of service in a system that emphasizes the importance of honorable service;

(3) Achieve authorized force levels and grade distributions; and

(4) Provide an orderly means of discharge for enlisted personnel.

b. DoD separation policy is designed to strengthen the concept that Military Service is a unique calling, different from that of a civilian occupation. The acquisition of military status, whether through enlistment or induction, involves a commitment to the United States, the Service, one's fellow citizens, and one's fellow Service members.

(1) Organizing, training, and equipping newly accessed personnel represents a substantial investment. Separation of Service members prior to completion of their respective obligated service periods results in a significant loss of investment and generates a requirement for increased accessions.

(2) It is DoD policy to provide enlisted Service members with the training, motivation, and professional leadership to enable them to meet required standards of performance, conduct, and discipline.

(a) Reasonable efforts should be made to identify enlisted Service members who exhibit the likelihood for early separation, and to improve their chances for retention through counseling, retraining, and rehabilitation.

(b) Enlisted Service members who do not demonstrate the commitment or potential for further service should be separated. Separation will help counter high personnel costs in terms of pay and administration, as well as the potential for degradation of command morale, or substandard mission performance associated with retention of those who fail to meet required standards.

c. It is DoD policy to permit motivated enlisted personnel to further their education at a college, university, or vocational or technical school when it is determined that a discharge or release from active service prior to expiration of obligated service is appropriate. Enclosure 7 outlines applicability and guidelines for Service members eligible for separation under this issuance.

5. RESPONSIBILITIES. See Enclosure 2.

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6. PROCEDURES. Procedures and standards for implementing policy outlined in this Instruction are contained in Enclosures 3 through 7 of this issuance.

7. RELEASABILITY. UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at http://www.dtic.mil/whs/directives.

8. EFFECTIVE DATE. This Instruction is effective immediately.

David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness

Enclosures
1. References
2. Responsibilities
3. Reasons for Separation
4. Guidelines on Separation and Characterization
5. Guidelines for Fact-Finding Inquiries into Homosexual Conduct
6. Procedures for Separation
7. Procedures for Early Release of Military Enlisted Personnel for College or Vocational/Technical School Enrollment

Glossary

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ENCLOSURE 1

REFERENCES

(a) DoD Directive 1332.14, "Enlisted Administrative Separations," December 21, 1993 (hereby canceled)
(b) DoD Instruction 1332.15, "Early Release of Military Enlisted Personnel for College or Vocational/Technical School Enrollment," June 1, 1976 (hereby canceled)
(c) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007
(d) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD (P&R))," June 23, 2008
(e) Chapter 61 and Sections 504, 505, 511(d), 654, 802, 843, 937, 1145, 1170, 1552, 1553, 12303 and 12685 of title 10, United States Code
(f) DoD Instruction 1332.28, "Discharge Review Board (DRB) Procedures and Standards," April 4, 2004
(g) Section 5303 of title 38, United States Code
(h) DoD Directive 1205.05, "Transfer of Members Between Reserve and Regular Components of the Military Services," April 22, 2004
(i) DoD Directive 1344.10, "Political Activities by Members of the Armed Forces ~~on Active Duty~~," February 19, 2008
(j) DoD Instruction 1300.06, "Conscientious Objectors," May 5, 2007
(k) DoD Instruction 1315.15, "Special Separation Policies for Survivorship," January 5, 2007
(l) Section on Mental Disorders, Diagnostic and Statistical Manual of Mental Disorders, Committee on Nomenclature and Statistics, American Psychiatric Association, current edition
(m) DoD Directive 1332.18, "Separation or Retirement for Physical Disability," November 4, 1996
(n) DoD Instruction 1215.~~18~~13, "Reserve Component *(RC)* Member Participation ~~Requirements~~*Policy*," ~~July 17, 2002~~*May 11, 2009*
(o) Manual for Courts-Martial, United States
(p) DoD Directive 5200.2, "DoD Personnel Security Program," April 9, 1999
(q) DoD Directive 1308.1, "DoD Physical Fitness and Body Fat Program," June 30, 2004
(r) DoD Instruction 1336.01, "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," ~~January 6, 1989~~*August 20, 2009*
(s) DoD Directive 1010.1, "Military Personnel Drug Abuse Testing Program," December 9, 1994
(t) DoD Instruction 5505.8, "Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations Investigations of Sexual Misconduct," January 24, 2005
(u) DoD 5200.2-R, "Department of Defense Personnel Security Program," January 1987
(~~u~~v) DoD Instruction 5500.14, "Naturalization of Aliens Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien Adopted Children of Military and Civilian Personnel Ordered Overseas," January 4, 2006
(~~v~~w) DoD Instruction 1332.36, "Preseparation Counseling for Military Personnel," February 14, 1994

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ENCLOSURE 2

RESPONSIBILITIES

1. PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (PDUSD(P&R)). The PDUSD(P&R), under the Under Secretary of Defense for Personnel and Readiness (USD(P&R)):

a. Shall develop, maintain, and oversee procedural instructions and policy for enlisted administrative separations.

b. May supplement the enclosures to this Instruction, and may delegate authority to establish appropriate reporting requirements.

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments shall:

a. Implement Service policies, standards, and procedures consistent with this issuance and ensure they are administered in a manner that provides conformity and clarity of separation policy to the extent practicable in a system based on command discretion.

b. Ensure enlisted separation policies, standards, and procedures are applied consistently; ensure fact-finding inquiries are conducted properly; ensure abuses of authority do not occur; and ensure that failure to follow the provisions contained in this issuance results in appropriate corrective action.

c. Establish processing time goals for the types of administrative separations authorized by this Instruction. Such goals shall be designed to effect the efficient separation of enlisted members from the Armed Forces and shall be measured from the date of notification to the date of separation. Failure to process an administrative separation within the prescribed goals shall not create a bar to separation or characterization.

(1) Processing goals should not exceed 15 working days for the notification procedure (paragraph 2 of Enclosure 6) and 50 working days for the administrative board procedure (paragraph 3 of Enclosure 6).

(2) While goals for shorter processing times are encouraged, variations may be established for complex cases or cases in which the separation authority is not located on the same facility as the respondent.

(3) Program goals, and the process for monitoring effectiveness, shall be set forth in the Military Department's implementing document.

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(4) Prescribe appropriate internal procedures for periodically informing enlisted personnel about separation policy, the types of separations, the basis for their issuance, the possible effects of various actions upon reenlistment, civilian employment, veterans' benefits, and related matters concerning denial of certain benefits to Service members who fail to complete at least 2 years of an original enlistment. Failure on the part of the Service member to receive or to understand such explanation shall not create a bar to separation or characterization.

(a) Such explanation may be provided in the form of a written fact sheet or similar document.

(b) The periodic explanation shall take place at least each time the provisions of the Uniform Code of Military Justice (UCMJ) are explained pursuant to Article 137 of the UCMJ, section 937, title 10, United States Code (U.S.C.) (Reference (e)).

(c) The requirement that the effects of the various types of separations be explained to enlisted Service members is a command responsibility, not a procedural entitlement.

(5) Ensure that information concerning the purpose and authority of the Discharge Review Board and the Board for Correction of Military/Naval Records, established pursuant to sections 1552 and 1553 (Reference (e)), and DoDI 1332.28 (Reference (f)), is provided to Service members during the separation processing, except when the separation is for an immediate reenlistment. The information required by this paragraph may be provided in the form of a written fact sheet or similar document. Failure on the part of the Service members to receive or to understand such explanation does not create a bar to separation or characterization.

(a) Specific counseling is required pursuant to section 5303, title 38, U.S.C. (Reference (g)), which states that a discharge under other than honorable conditions, resulting from a period of continuous, unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Department of Veterans Affairs, notwithstanding any action by a Discharge Review Board. Failure on the part of the Service member to receive or to understand such explanation shall not create a bar to separation or characterization.

(b) Ensure compliance with statutory requirements under section 1145 (Reference (e)). Conduct a health assessment sufficient to evaluate the health of members at the time of separation. This assessment should determine any existing medical condition incurred during active duty service, provide baseline information for future care, complete a member's military medical record, and provide a final opportunity to document prior to separation any health concerns, exposures, or risk factors associated with active duty service.

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ENCLOSURE 3

REASONS FOR SEPARATION

1. EXPIRATION OF SERVICE OBLIGATION

a. Basis. A Service member may be separated upon expiration of enlistment or fulfillment of service obligation. This includes separation authorized by the Secretary concerned when the Service member is within 30 days of the date of expiration of term of service under one of the following circumstances:

(1) The Service member is serving outside the continental United States (CONUS).

(2) The Service member is a resident of a State, territory, or possession outside CONUS and is serving outside the Service member's State, territory, or possession of residence.

b. Characterization or Description. Honorable, unless the separation is under one of the following circumstances:

(1) An entry-level separation is required under subparagraph 3.c.(1) of Enclosure 4.

(2) Characterization of service as general (under honorable conditions) is warranted under paragraph 3 of Enclosure 4 on the basis of numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

(3) Another characterization is warranted upon discharge from the IRR under paragraph 5 of Enclosure 6.

2. SELECTED CHANGES IN SERVICE OBLIGATIONS

a. Basis. A Service member may be separated for the following reasons:

(1) General demobilization or reduction in authorized strength.

(2) Early separation of personnel under a program established by the Secretary concerned. A copy of the document authorizing such program shall be forwarded to the Office of the USD(P&R) on or before the date of implementation.

(3) Acceptance of an active duty commission or appointment, or acceptance into a program leading to such commission or appointment in any branch of the Military Services.

(4) Immediate enlistment or reenlistment.

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(5) Inter-Service transfer of inactive reserves in accordance with DoD Directive (DoDD) 1205.05 (Reference (h)).

b. Characterization or Description. Honorable, unless the separation is under one of the following circumstances:

(1) An entry-level separation is required under paragraph 3 of Enclosure 4.

(2) Characterization of service as general (under honorable conditions) is warranted under paragraph 3 of Enclosure 4 on the basis of numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

(3) Another characterization is warranted upon discharge from the IRR under paragraph 5 of Enclosure 6.

3. CONVENIENCE OF THE GOVERNMENT

a. Basis. A Service member may be separated for convenience of the Government for the following reasons:

(1) Early Release to Further Education. A Service member may be separated to attend a college, university, vocational school, or technical school under guidelines outlined in Enclosure 7.

(2) Early Release to Accept Public Office. A Service member may be separated to accept public office only under circumstances authorized by the Military Department concerned and consistent with DoDD 1344.10 (Reference (i)).

(3) Dependency or Hardship. Undue hardship does not necessarily exist solely because of altered present or expected income, family separation, or other inconveniences normally incident to Military Service. Upon request of the Service member and concurrence of the separation authority, separation may be directed when genuine dependency or undue hardship exists under the following circumstances:

(a) The hardship or dependency is not temporary;

(b) Conditions have arisen or have been aggravated to an excessive degree since entry into the Service, and the Service member has made every reasonable effort to remedy the situation;

(c) The administrative separation will eliminate or materially alleviate the condition; and

(d) There are no other means of alleviation reasonably available.

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(4) Pregnancy or Childbirth. A female Service member may be separated on the basis of pregnancy or childbirth upon her request, unless retention is determined to be in the best interests of the Service under paragraph 1 of Enclosure 4 and guidance established by the Military Department concerned.

(5) Parenthood. A Service member may be separated by reason of parenthood under the guidance set forth in paragraph 1 of Enclosure 4 if, as a result thereof, it is determined that the Service member is unable to satisfactorily perform his or her duties or is unavailable for worldwide assignment or deployment. Prior to involuntary separation under this provision, the notification procedure in paragraph 2 of Enclosure 6 shall be used. Separation processing may not be initiated until the Service member has been formally counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

(6) Conscientious Objection. A Service member may be separated if authorized under DoDI 1300.06 (Reference (j)).

(7) Surviving Family Member. A Service member may be separated if authorized under the provisions set forth in DoDI 1315.15 (Reference (k)).

(8) Other Designated Physical or Mental Conditions

(a) The Secretary concerned may authorize separation on the basis of other designated physical or mental conditions, not amounting to disability, that interfere with assignment to or performance of duty. Such conditions may include, but are not limited to, chronic seasickness or airsickness, enuresis, and personality disorder.

(b) Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. For personality disorders, the member will also be counseled that the diagnosis of a personality disorder does not qualify as a disability.

(c) Separation on the basis of personality disorder is authorized only if a diagnosis by a psychiatrist or PhD-level psychologist utilizing the Diagnostic and Statistical Manual of Mental Disorders (Reference (l)), and in accordance with procedures established by the Military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired. For Service members who have served or are currently serving in imminent danger pay areas, a diagnosis of personality disorder as addressed in the previous sentence must be corroborated by a peer or higher-level mental health professional and endorsed by the Surgeon General of the Military Department concerned. The diagnosis must address post-traumatic stress disorder (PTSD) or other mental illness co-morbidity. The onset of personality disorder is frequently manifested in the early adult years and may reflect an inability to adapt to the military environment as opposed to an inability to perform the requirements of specific jobs or tasks or both. As such, observed behavior of specific deficiencies should be documented in appropriate counseling or personnel

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records and include history from sources such as supervisors, peers, and others, as necessary to establish that the behavior is persistent, interferes with assignment to or performance of duty, and has continued after the Service member was counseled and afforded an opportunity to overcome the deficiencies.

(d) Separation for personality disorder is not appropriate nor should it be pursued when separation is warranted on the basis of unsatisfactory performance or misconduct. In such circumstances, the member should not be separated under this paragraph regardless of the existence of a personality disorder. Unless found fit for duty by the disability evaluation system, a separation for personality disorder is not authorized if service-related PTSD is also diagnosed.

(e) Nothing in paragraph 3.a.(8) of this enclosure precludes separation of a Service member who has a personality disorder or other designated physical or mental conditions under any other basis set forth in paragraph 3 of this enclosure (convenience of the Government) or for any other reason authorized by this Instruction.

(f) Prior to involuntary separation under this provision, the notification procedure in paragraph 2 of Enclosure 6 shall be used. Documentation must include evidence that the Service member is unable to function effectively because of a personality disorder.

(g) The reasons designated by the Secretary concerned shall be separately reported.

(9) Additional Grounds. The Secretary concerned may provide additional grounds for separation for the convenience of the Government. A copy of the document authorizing such grounds shall be forwarded to the PDUSD(P&R) on or before the date of implementation.

b. Characterization or Description. Honorable, unless the separation is under one of the following circumstances:

(1) An entry-level separation is required under paragraph 3.c. of Enclosure 4.

(2) The characterization of service is general (under honorable conditions) as warranted under paragraph 3.b.(2) of Enclosure 4.

c. Procedures. Procedural requirements may be established by the Secretary concerned, subject to procedures established in paragraph 3.c. of Enclosure 4. Prior to characterization of service as general (under honorable conditions), the Service member shall be notified of the specific factors in the service record that warrant such a characterization, and the notification procedure in paragraph 2 of Enclosure 6 shall be used. Such notice and procedure is not required, however, when characterization of service as general (under honorable conditions) is based upon numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

4. DISABILITY

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a. Basis. A Service member may be separated or retired for disability under the provisions of chapter 61 (Reference (e)).

b. Characterization or Description. Honorable, unless:

(1) An entry-level separation is required under paragraph 3 of Enclosure 4; or

(2) Characterization of service as general (under honorable conditions) is warranted under paragraph 3 of Enclosure 4.

c. Procedures. Procedural requirements for separation or retirement due to physical disability may be established by the Military Departments consistent with chapter 61 of Reference (e) and DoDD 1332.18 (Reference (m)). If separation is recommended, the following requirements apply prior to characterization of service as general (under honorable conditions): The Service member shall be notified of the specific factors in the service record that warrant such a characterization, and the notification procedure in paragraph 2 of Enclosure 6 shall be used. Such notice and procedure is not required, however, when characterization of service as general (under honorable conditions) is warranted based upon numerical scores accumulated in a formal, Service-wide rating system that evaluates conduct and performance on a regular basis.

5. DEFECTIVE ENLISTMENTS AND INDUCTIONS

a. Minority

(1) Basis. A Service member shall be separated on the basis of being a minor at the time of enlistment, induction, or extension of enlistment under the guidance set forth in paragraph 1 of Enclosure 4 and this paragraph.

(a) Under Age 17. If a Service member is under the age of 17, the enlistment of the Service member is void, and the Service member shall be separated.

(b) Age 17. A Service member shall be separated under section 1170 of Reference (e) in the following circumstance except when the Service member is retained for the purpose of trial by courts-martial:

1. There is evidence satisfactory to the Secretary concerned that the Service member is under 18 years of age;

2. The Service member enlisted without the written consent of his or her parent or guardian; and

3. An application for the Service member's separation is submitted to the Secretary concerned by the parent or guardian within 90 days of the Service member's enlistment.

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(2) Description of Separation. A Service member separated under subparagraph 5.a.(1)(a) of this enclosure shall receive an order of release from the custody and control of the Armed Forces by reason of void enlistment or induction. The separation of a Service member under subparagraph 5.a.(1)(b) of this enclosure shall be described as an entry-level separation.

(3) Procedure. The notification procedure in paragraph 2 of Enclosure 6 shall be used.

b. Erroneous

(1) Basis. A Service member may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment under the guidance set forth in paragraph 1 of Enclosure 4. An enlistment, induction, or extension of enlistment is erroneous if:

(a) It would not have occurred had the relevant facts been known by the Government or had appropriate directives been followed;

(b) It was not the result of fraudulent conduct on the part of the Service member (see paragraph 5.d. of this enclosure); and

(c) The defect is unchanged in material respects.

(2) Characterization or Description. Honorable, unless an entry-level separation or an order of release from the custody and control of the Military Services is required (by reason of void enlistment or induction) under paragraph 3 of Enclosure 4.

(3) Procedure

(a) If the command recommends that the individual continue military service, the initiation of separation processing is not required in the following circumstances:

1. The defect is no longer present; or

2. A waiver is obtained from the appropriate authority.

(b) If separation processing is initiated, the notification procedure (paragraph 2 of Enclosure 6) shall be used.

c. Defective Enlistment Agreements

(1) Basis. A defective enlistment agreement exists in the following circumstances:

(a) As a result of a material misrepresentation by recruiting personnel, upon which the Service member reasonably relied, the Service member was induced to enlist with a commitment for which the Service member was not qualified;

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(b) The Service member received a written enlistment commitment from recruiting personnel for which the Service member was qualified, but which cannot be fulfilled by the Military Service; or

(c) The enlistment was involuntary. See section 802 of Reference (e)).

(2) Characterization or Description. Honorable, unless an entry-level separation or an order of release from the custody and control of the Military Services (by reason of void enlistment) is required under paragraph 3 of Enclosure 4.

(3) Procedures. This provision does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect is raised. Separation is appropriate under this provision only in the following circumstances:

(a) The Service member did not knowingly participate in creation of the defective enlistment;

(b) The Service member brings the defect to the attention of appropriate authorities within 30 days after the defect is discovered or reasonably should have been discovered by the Service member;

(c) The Service member requests separation instead of other authorized corrective action; and

(d) The request otherwise meets such criteria as may be established by the Secretary concerned.

d. Fraudulent Entry Into the Military Service

(1) Basis. A Service member may be separated under guidance in paragraph 1 of Enclosure 4 on the basis of procurement of a fraudulent enlistment, induction, or period of military service through any deliberate material misrepresentation, omission, or concealment that, if known at the time of enlistment, induction, or entry into a period of military service, might have resulted in rejection.

(2) Characterization or Description. Characterization of service or description of separation shall be in accordance with paragraph 3 of Enclosure 4. If the fraud involves concealment of a prior separation in which service was not characterized as honorable, characterization normally shall be under other than honorable conditions.

(3) Procedures. The notification procedure in paragraph 2 of Enclosure 6 shall be used except as follows:

(a) Characterization of service under other than honorable conditions may not be issued unless the administrative board procedure in paragraph 3 of Enclosure 6 is used.

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(b) When the sole reason for separation is fraudulent entry, suspension of separation (paragraph 2 of Enclosure 4) is not authorized. When there are approved reasons for separation in addition to fraudulent entry, suspension of separation is authorized only in the following circumstances:

1. A waiver of the fraudulent entry is approved; and

2. The suspension pertains to reasons for separation other than the fraudulent entry.

(c) If the command recommends that the Service member be retained in military service, the initiation of separation processing is unnecessary in the following circumstances:

1. The defect is no longer present; or

2. A waiver is obtained from appropriate authority.

e. Separation from the Delayed Entry Program

(1) Basis. A person who is in the Delayed Entry Program may be separated because of ineligibility for enlistment under standards prescribed by the Secretary concerned or upon his or her request when authorized by the Secretary concerned.

(2) Description of Separation. Entry-level separation.

(3) Procedure. The person shall be notified of the proposed separation and the reasons thereof. The Service member shall be given an opportunity to submit to the separation authority a rebuttal statement by a specified date (not less than 30 days from the date of delivery). The notice shall be delivered personally or sent by registered or certified mail, return receipt requested (or by an equivalent form of notice if such service is not available by the U.S. mail at an address outside the United States). If the person fails to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail (see DoDI 1215.~~18~~13 (Reference (n)) that shall be inserted in the file along with Postal Service (PS) Form 3800, "U.S. Postal Service Certified Mail Receipt."

6. ENTRY-LEVEL PERFORMANCE AND CONDUCT

a. Basis

(1) A Service member may be separated while in entry-level status (paragraph 5 of Enclosure 3) when it is determined under the guidance in paragraph 1 of Enclosure 4 that the Service member is unqualified for further military service by reason of unsatisfactory performance or conduct (or both), as evidenced by lack of capability, lack of reasonable effort, failure to adapt to the military environment, or minor disciplinary infractions.

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(2) When separation of a Service member in entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both), the Service member normally should be separated under this paragraph. Nothing in this provision precludes separation under another provision of this issuance when such separation is authorized or warranted by the circumstances of the case.

b. Counseling and Rehabilitation. Counseling and rehabilitation requirements are important aspects of this reason for separation. Separation processing may not be initiated until the Service member has been formally counseled concerning those deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. A Service member should not be separated when this is the sole reason unless appropriate efforts at rehabilitation have been made under standards prescribed by the Secretary concerned.

c. Description of Separation. Entry-level separation.

d. Procedures. The notification procedure in paragraph 2 of Enclosure 6 shall be used.

7. UNSATISFACTORY PERFORMANCE

a. Basis. A Service member may be separated when it is determined under the guidance in paragraph 1 of Enclosure 4 that the Service member is unqualified for further military service by reason of unsatisfactory performance. This reason shall not be used if the Service member is in entry-level status (paragraph 5 of Enclosure 3).

b. Counseling and Rehabilitation. Counseling and rehabilitation requirements are of particular importance to this reason for separation. Separation processing may not be initiated until the Service member has been formally counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. A Service member should not be separated when unsatisfactory performance is the sole reason unless appropriate efforts at rehabilitation have been made under standards prescribed by the Secretary concerned.

c. Characterization or Description. The service shall be characterized as honorable or general (under honorable conditions) in accordance with paragraph 3 of Enclosure 4.

d. Procedures. The notification procedure (paragraph 2 of Enclosure 6) shall be used.

8. HOMOSEXUAL CONDUCT

a. Basis

(1) Homosexual conduct is grounds for separation from the Military Services under the terms set forth in subparagraph 8.a.(2) of this enclosure. Homosexual conduct ~~includes~~ *is*

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engaging in, attempting to engage in, or soliciting another to engage in a homosexual *act or* acts, a statement by a Service member that ~~demonstrates a propensity or intent to engage in homosexual acts~~ *he or she is a homosexual or bisexual, or words to that effect*, or ~~a homosexual marriage or attempted marriage~~ *marriage or attempted marriage to a person known to be the same biological sex*. ~~A statement by a Service member that demonstrates a propensity or intent to engage in homosexual acts is grounds for separation not because it reflects the Service member's sexual orientation, but because the statement indicates a likelihood that the Service member engages in or will engage in homosexual acts.~~ A Service member's sexual orientation is considered a personal and private matter, and is not a bar to continued service under this paragraph unless manifested by homosexual conduct in the manner described in subparagraph 8.a.(2) of this enclosure.

(2) A Service member shall be separated under this paragraph if one or more of the following approved findings is made:

(a) The Service member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are approved further findings that *the Service member has demonstrated that*:

1. Such acts are a departure from the Service member's usual and customary behavior;

2. Such acts under all the circumstances are unlikely to recur;

3. Such acts were not accomplished by use of force, coercion, or intimidation;

4. Under the particular circumstances of the case, the Service member's continued presence in the Armed Forces is consistent with the interest of the Armed Forces in proper discipline, good order, and morale; and

5. The Service member does not have a propensity or intent to engage in homosexual acts.

(b) The Service member has made a statement that he or she is a homosexual or bisexual, or words to that effect, unless there is a further approved finding that the Service member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. A statement by a Service member that he or she is a homosexual or bisexual, or words to that effect, create*s* a rebuttable presumption that the Service member *is a person who* engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The Service member shall be advised of this presumption and given the opportunity to rebut the presumption by presenting evidence demonstrating that he or she ~~does not~~ *is not a person who* engage*s* in, attempt*s* to engage in, ~~have~~ *has* a propensity to engage in, or intend*s* to engage in homosexual acts. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts. In determining whether a Service member has successfully rebutted the

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presumption that he or she *is a person who* engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts, some or all of the following may be considered:

1. A statement under oath by the Service member that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts;

~~1~~2. Whether the Service member has engaged in homosexual acts;

~~2. The Service member's credibility;~~

3. Testimony from others about the Service member's past conduct, character, and credibility;

4. The nature and circumstances of the Service member's statement;

5. Any other evidence relevant to whether the Service member is likely to engage in homosexual acts. (This list is not exhaustive; any other relevant evidence may also be considered.)

(c) The Service member has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved).

b. Burden of Proof. See subparagraphs 8.d.(5) and 8.d.(6) of this enclosure for guidance as to the burden of proof and when a finding regarding retention is required.

c. Characterization or Description. Characterization of service or description of separation shall be in accordance with the guidance in paragraph 3 of Enclosure 4. When the sole basis for separation is homosexual conduct, a characterization under other than honorable (OTH) conditions may be issued only if such a characterization is warranted under paragraph 3 of Enclosure 4, and if there is a finding that during the current term of service the Service member attempted, solicited, or committed a homosexual act. Circumstances that warrant consideration of an OTH include a finding that the Service member attempted, solicited, or committed a homosexual act as follows:

(1) By using force, coercion, or intimidation.

(2) With a person under 16 years of age.

(3) With a subordinate in circumstances that violate customary military superior-subordinate relationships;

(4) Openly in public view.

(5) For compensation.

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(6) Aboard a military vessel or aircraft.

(7) In another location subject to military control under aggravating circumstances noted in the finding that have an adverse impact on discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

d. Procedures. The Administrative Board procedure under paragraph 3 of Enclosure 6 shall be used, subject to the following guidance:

(1) Separation processing shall be initiated if there is probable cause to believe separation is warranted under subparagraph 8.a.(2) of this enclosure. *For purposes of making this probable cause determination, the standards set forth in paragraphs 2.c. - 2.f. of Enclosure 5 are applicable.*

(a) Only a commander in the Service member's chain of command, in the grade of O-7 or higher, is authorized to initiate separation proceedings on the basis of alleged homosexual conduct.

(b) Procedures for inquiries into homosexual conduct are outlined in Enclosure 5.

(2) The Administrative Board shall follow the procedures set forth in subparagraph 3.e. of Enclosure 6, except with respect to the following matters:

(a) If the Board finds that one or more of the circumstances authorizing separation under subparagraph 8.a.(2) of this enclosure is supported by *a preponderance of* the evidence, the Board shall recommend separation unless the Board finds that retention is warranted under the ~~limited~~ circumstances described in that paragraph.

(b) If the Board does not find that ~~there is sufficient evidence that~~ one or more of the circumstances authorizing separation under subparagraph 8.a.(2) of this enclosure ~~has occurred~~ *is supported by a preponderance of the evidence*, the Board shall recommend retention unless the case involves another basis for separation of which the Service member has been duly notified.

(3) ~~In any case in which characterization of service under other than honorable conditions is not authorized, the separation authority may be exercised by an officer designated under subparagraph 2.d.(1) of Enclosure 6~~ *The separation authority disposing of the case shall be a general or flag officer, of equal grade or senior to the commander initiating a fact-finding inquiry or separation proceeding, in the Service member's chain of command or serving as a Service-designated centralized separation authority.*

(4) The separation authority shall dispose of the case according to the following provisions:

(a) If the board recommends retention, the separation authority shall take one of the following actions:

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1. Approve the finding and direct retention; or

2. Forward the case to the Secretary concerned with a recommendation that the Secretary separate the Service member under the Secretary's plenary authority in paragraph 15 of this enclosure.

(b) If the board recommends separation, the separation authority shall take one of the following actions:

1. Approve the finding and direct separation; or

2. Disapprove the finding on the basis of the following considerations:

a. There is insufficient evidence to support the finding; or

b. Retention is warranted under the ~~limited~~ circumstances described in subparagraph 8.a.(2) of this enclosure.

(c) If there has been a waiver of Board proceedings, the separation authority shall dispose of the case in accordance with the following provisions:

1. If the separation authority determines there is not sufficient evidence to support separation under subparagraph 8.a.(2) of this enclosure, the separation authority shall direct retention unless there is another basis for separation of which the Service member has been duly notified.

2. If the separation authority determines that one or more of the circumstances authorizing separation under subparagraph 8.a.(2) of this enclosure ~~has occurred~~ *is supported by a preponderance of the evidence*, the Service member shall be separated unless retention is warranted under the ~~limited~~ circumstances described in that subparagraph.

(5) The Service member shall bear the burden of proving throughout the proceeding, by a preponderance of the evidence, that retention is warranted under the ~~limited~~ circumstances described in subparagraphs 8.a.(2)(a) and 8.a.(2)(b) of this enclosure.

(6) Findings regarding whether or not retention is warranted are required if the Service member clearly and specifically raises such ~~limited~~ circumstances as described in subparagraph 8.a.(2) of this enclosure.

(7) Nothing in these procedures:

(a) Limits the authority of the Secretary concerned to take appropriate action in a case to ensure compliance with this issuance;

(b) Requires that a Service member be processed for separation when a determination is made in accordance with regulations prescribed by the Secretary concerned that:

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1. The Service member engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex for the purpose of avoiding or terminating military service; and

2. Separation of the Service member would not be in the best interest of the Armed Forces.

(c) Precludes retention of a Service member for a limited period of time in the interests of national security as authorized by the Secretary concerned;

(d) Authorizes a Service member to seek Secretarial review unless authorized in procedures promulgated by the Secretary concerned;

(e) Precludes separation in appropriate circumstances for another reason in this Instruction; or

(f) Precludes trial by courts-martial in appropriate cases.

9. DRUG ABUSE REHABILITATION FAILURE

a. Basis

(1) A Service member who has been referred to a rehabilitation program for personal drug abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program in the following circumstances:

(a) There is a lack of potential for continued military service; or

(b) Long-term rehabilitation is determined necessary and the Service member is transferred to a civilian medical facility for rehabilitation.

(2) Nothing in this provision precludes separation of a Service member who has been referred to such a program under any other provision of this Instruction.

(3) Drug abuse rehabilitation failures shall be reported separately from alcohol abuse rehabilitation failures. If separation is based on both, the primary basis shall be used for reporting requirements.

(4) A Service member's voluntary submission to a DoD treatment and rehabilitation program and voluntarily disclosed evidence of prior personal drug use by the Service member as part of a course of treatment in such a program may not be used against the Service member on the issue of characterization as specified under paragraph 3.b.(3)(f) of Enclosure 4.

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b. Characterization or Description. When a Service member is separated under this provision, characterization of service as honorable or general (under honorable conditions) is authorized except when an entry-level separation is required under paragraph 3 of Enclosure 4. The relationship between voluntary submission for treatment and the evidence that may be considered on the issue of characterization is set forth in subparagraph 3.b.(3)(f) of Enclosure 4. The relationship between mandatory urinalysis and the evidence that may be considered on the issue of characterization is in subparagraph 3.b.(3)(g) of Enclosure 4.

c. Procedures. The notification procedures in paragraph 2 of Enclosure 6 shall be used.

10. ALCOHOL ABUSE REHABILITATION FAILURE

a. Basis

(1) A Service member who has been referred to a program of rehabilitation for alcohol abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program in the following circumstances:

(a) There is a lack of potential for continued military service; or

(b) Long-term rehabilitation is determined necessary and the Service member is transferred to a civilian medical facility for rehabilitation.

(2) Nothing in this provision precludes separation of a Service member who has been referred to such a program under any other provision of this Instruction.

(3) Alcohol abuse rehabilitation failures shall be reported separately from drug abuse rehabilitation failures. If separation is based on both, the primary basis shall be used for reporting purposes.

b. Characterization or Description. When a Service member is separated under this provision, characterization of service as honorable or general (under honorable conditions) is authorized except when an entry-level separation is required under paragraph 3 of Enclosure 4.

c. Procedures. The notification procedures in paragraph 2 of Enclosure 6 shall be used.

11. MISCONDUCT

a. Basis. A Service member may be separated for misconduct when it is determined under the guidance set forth in paragraph 1 of Enclosure 4 that the Service member is unqualified for further military service by reason of one or more of the following circumstances:

(1) Minor Disciplinary Infractions. A pattern of misconduct consisting solely of minor disciplinary infractions. If separation of a Service member in entry-level status is

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warranted solely by reason of minor disciplinary infractions, the action should be processed under entry-level performance and conduct (paragraph 6 of this enclosure).

(2) A Pattern of Misconduct. A pattern of misconduct consisting of:

(a) Discreditable involvement with civil or military authorities; or

(b) Conduct prejudicial to good order and discipline.

(3) Commission of a Serious Offense. Commission of a serious military or civilian offense if a punitive discharge would be authorized for the same or a closely related offense under the Manual for Courts-Martial (Reference (o)).

(4) Civilian Conviction

(a) Conviction by civilian authorities or action taken that is tantamount to a finding of guilty, including similar adjudications in juvenile proceedings and if the following conditions are present:

1. A punitive discharge would be authorized for the same or a closely related offense under Reference (o); or

2. The sentence by civilian authorities includes confinement for 6 months or more without regard to suspension or probation.

(b) Separation processing may be initiated whether or not a Service member has filed an appeal of a civilian conviction or has stated an intention to do so. Execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, but the Service member may be separated before final action on the appeal upon request of the Service member or upon direction of the Secretary concerned.

b. Counseling and Rehabilitation. Separation processing for minor disciplinary infractions or a pattern of misconduct (subparagraphs 11.a.(2)(a) and 11.a.(2)(b) of this enclosure) may not be initiated until the Service member has been formally counseled concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. If the sole basis of separation is commission of a serious offense (subparagraph 11.a.(3) of this enclosure), or a civilian conviction (subparagraph 11.a.(4)(a) of this enclosure), the counseling and rehabilitation requirements are not applicable.

c. Characterization or Description. Characterization of service shall normally be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted under the guidelines in paragraph 3 of Enclosure 4. For respondents who have completed entry-level status, characterization of service as honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization clearly would be inappropriate. In such cases, separations for misconduct with an honorable characterization shall

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be approved by a commander exercising general court-martial jurisdiction or higher authority as specified by the Secretary concerned.

(1) As an exception, the Secretary concerned may authorize general court-martial convening authorities to delegate authority to the special courts-martial convening authorities to approve separations with service characterized as honorable. This delegation may be done when the sole evidence of misconduct is command-directed urinalysis results, which cannot be used for characterization of service, or when an administrative discharge board has recommended separation with an honorable discharge.

(2) When characterization of service under other than honorable conditions is not warranted for a Service member in entry-level status under paragraph 3 of Enclosure 4, the separation shall be described as an entry-level separation.

d. Procedures. The Administrative Board procedure in paragraph 3 of Enclosure 6 shall be used; however, use of the notification procedure in paragraph 2 of Enclosure 6 is authorized if characterization of service under other than honorable conditions is not warranted under paragraph 3 of Enclosure 4.

12. SEPARATION IN LIEU OF TRIAL BY COURTS-MARTIAL

a. Basis. Upon request by the Service member, a member may be separated in lieu of trial by courts-martial if charges have been preferred with respect to an offense for which a punitive discharge is authorized, and it is determined that the Service member is unqualified for further military service under the guidance set forth in paragraph 1 of Enclosure 4. This provision may not be used when rule for court-martial (1003(d) of Reference (o)) provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial empowered to adjudge a punitive discharge.

b. Characterization or Description. Characterization of service normally shall be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted under the guidelines in paragraph 3 of Enclosure 4. For respondents who have completed entry-level status, characterization of service as honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization clearly would be inappropriate. When characterization of service under other than honorable conditions is not warranted for a Service member in entry-level status under paragraph 3 of Enclosure 4, the separation shall be described as an entry-level separation.

c. Procedures

(1) The request for discharge must be submitted in writing and signed by the Service member.

(2) The Service member shall be afforded an opportunity to consult with counsel qualified under Article 27(b)(1), of the Uniform Code of Military Justice, Appendix 2 of

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Reference (o). If the Service member refuses to consult with legal counsel, counsel shall prepare a statement to this effect, which shall be attached to the file to document that the Service member has waived the right to consult with counsel.

(3) Except when the Service member has waived the right to counsel, the request shall be signed by counsel.

(4) In the written request, the Service member shall state that he or she understands the following:

(a) The elements of the offense or offenses charged;

(b) That characterization of service under other than honorable conditions is authorized; and

(c) The adverse nature of such a characterization and possible consequences thereof.

(5) The Secretary concerned shall also require that one or both of the following matters be included in the request:

(a) An acknowledgment of guilt of one or more of the offenses or any lesser included offenses for which a punitive discharge is authorized; or

(b) A summary of the evidence or list of documents (or copies thereof) provided to the Service member pertaining to the offenses for which a punitive discharge is authorized.

(6) The separation authority shall be a commander exercising general court-martial jurisdiction or higher authority as specified by the Secretary concerned. (As an exception, the Secretary concerned may authorize general courts-martial convening authorities to delegate authority to the special courts-martial convening authorities to approve requests for discharge in the case of enlisted Service members who have been absent without leave for more than 30 days, have been dropped from the rolls of their units as absent in desertion, have been returned to military control, are assigned to a regional personnel control and/or separation processing facility, and are charged only with being absent without leave for more than 30 days.)

(7) Statements by the Service member or the Service member's counsel submitted in connection with a request under this subsection are not admissible against the Service member in a court-martial except as authorized under Military Rule of Evidence 410 of Reference (o).

13. SECURITY

a. Basis. When retention is clearly inconsistent with the interest of national security, a Service member may be separated by reason of security and under conditions and procedures prescribed in DoDD 5200.2 (Reference (p)).

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b. Characterization or Description. Characterization of service or description of separation shall be in accordance with paragraph 3 of Enclosure 4.

c. Procedures. The procedures established by the Military Departments shall be consistent with the procedures contained in this Instruction insofar as practicable.

14. UNSATISFACTORY PARTICIPATION IN THE READY RESERVE

a. Basis. A Service member may be separated for unsatisfactory participation in the Ready Reserve under criteria established by the Secretary concerned under Reference (n).

b. Characterization or Description. Characterization of service or description of separation shall be in accordance with paragraph 3 of Enclosure 4 and Reference (n).

c. Procedures. The Administrative Board procedure (paragraph 3 of Enclosure 6) shall be used, except that the notification procedure (paragraph 2 of Enclosure 6) may be used if characterization of service under other than honorable conditions is not warranted under paragraph 3 of Enclosure 4.

15. SECRETARIAL PLENARY AUTHORITY

a. Basis. Notwithstanding any limitation on separations provided in this Instruction, the Secretary concerned may direct the separation of any Service member prior to expiration of term of service after determining it to be in the best interest of the Service.

b. Characterization or Description. Honorable or general (under honorable conditions) as warranted under paragraph 3 of Enclosure 4 unless an entry-level separation is required under paragraph 3 of Enclosure 4.

c. Procedures. The notification procedure in paragraph 2 of Enclosure 6 shall be used, except subparagraph 2.a.(7) of Enclosure 6, the procedure for requesting an Administrative Board, which is not applicable.

16. REASONS ESTABLISHED BY THE MILITARY DEPARTMENTS

a. Basis. The Military Departments may establish additional reasons for separation for circumstances not otherwise provided for in this Instruction to meet their specific requirements, subject to approval by the PDUSD(P&R).

b. Counseling and Rehabilitation. Separation processing may not be initiated until the Service member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. An exception to these requirements may be granted when the Military Department

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concerned provides in its implementing document that counseling and rehabilitation requirements are not applicable for the specific reason for separation.

c. Characterization or Description. Characterization of service or description of separation shall be in accordance with paragraph 3 of Enclosure 4.

d. Procedures. The procedures established by the Military Departments shall be consistent with the procedures contained in this Instruction insofar as practicable.

17. WEIGHT CONTROL FAILURE

a. Basis. A Service member may be separated for failure to meet the weight control standards established under DoDD 1308.1 (Reference (q)) when it is determined that the Service member is unqualified for further military service and meets both of the following conditions:

(1) The Service member is not medically diagnosed with a medical condition that precludes or interferes with weight control. Service members with a medically diagnosed condition that precludes or interferes with weight control may be separated either through medical channels, if appropriate, or under the guidance in paragraph 4 of this enclosure.

(2) The Service member fails to meet weight control standards, and the sole reason for separation is failure to meet the weight control standard.

b. Counseling and Rehabilitation. Separation processing may not be initiated until the Service member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

c. Characterization or Description. Honorable, unless characterization of service as general (under honorable conditions) is warranted under paragraph 3 of Enclosure 4 on the basis of numerical scores accumulated in a formal, Service-wide rating system that evaluated conduct and performance on a regular basis, or when an entry-level separation is required under paragraph 6 of this enclosure.

d. Procedures. The notification procedure in paragraph 3 of Enclosure 6 shall be used.

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ENCLOSURE 4

GUIDELINES ON SEPARATION AND CHARACTERIZATION

1. SEPARATION

a. Scope. This general guidance applies when referenced in Enclosure 3. Further guidance is set forth under the specific reasons for separation in Enclosure 3.

b. Guidance

(1) A substantial investment is made in the training of individuals enlisted or inducted into the Military Services. Thus, reasonable efforts at rehabilitation should be made prior to initiating separation proceedings for Service members who do not conform to required standards.

(2) Unless separation is mandatory, the potential for rehabilitation and further useful military service shall be considered by the separation authority and, where applicable, the Administrative Board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.

(3) Counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings only insofar as expressly set forth under specific requirements for separation in Enclosure 3. An alleged or established inadequacy in previous rehabilitative efforts does not provide a legal bar to separation.

(4) The following factors may be considered on the issue of retention or separation, depending on the circumstances of the case:

(a) The seriousness of the circumstances forming the basis for initiation of separation proceedings, and the effect of the Service member's continued retention on military discipline, good order, and morale.

(b) The likelihood of continuation or recurrence of the circumstances forming the basis for initiation of separation proceedings.

(c) The likelihood that the Service member will be a disruptive or undesirable influence in present or future duty assignments.

(d) The ability of the Service member to perform duties effectively in the present and in the future, including potential for advancement or leadership.

(e) The Service member's rehabilitative potential.

(f) The Service member's entire military record.

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1. This may include:

a. Past contributions to the Service, assignments, awards and decorations, evaluation ratings, and letters of commendation;

b. Letters of reprimand or admonition, counseling records, records of nonjudicial punishment, records of conviction by courts-martial and records of involvement with civilian authorities; and

c. Any other matter deemed relevant by the Board, or the separation authority, based upon the specialized training, duties, and experience of persons entrusted by this Instruction with recommendations and decisions on the issue of separation or retention.

2. The following guidance applies to consideration of matters under subparagraph 1.b.(4)(f)1. of this enclosure:

a. Adverse matter from a prior enlistment or period of military service, such as records of nonjudicial punishment and convictions by courts-martial, may be considered only when such records would have a direct and strong probative value in determining whether separation is appropriate. The use of such records shall ordinarily be limited to those cases involving patterns of conduct manifested over an extended period of time.

b. Isolated incidents and events that are remote in time normally have little probative value in determining whether administrative separation should be effected.

c. Limitations on Separation Actions. A Service member may not be separated on the basis of the following:

(1) Conduct that has been the subject of judicial proceedings resulting in acquittal or action having the effect thereof except in the following circumstances:

(a) When such action is based upon a judicial determination not going to the guilt or innocence of the respondent; or

(b) When the judicial proceeding was conducted in a State or foreign court and the separation is approved by the Secretary concerned; or

(c) When the acquittal from the judicial proceedings was based on a finding of not guilty only by reason of lack of mental responsibility. Service members in this category normally shall be separated under Secretarial plenary authority (paragraph 15 of Enclosure 3) unless separation for disability (paragraph 4 of Enclosure 3) is appropriate.

(2) Conduct that has been the subject of a prior Administrative Board action in which the Board entered an approved finding that the evidence did not sustain the factual allegations

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concerning the conduct, except when the conduct is the subject of a rehearing ordered on the basis of fraud or collusion; or

(3) Conduct that has been the subject of an administrative separation proceeding resulting in a final determination by a separation authority that the Service member should be retained, except in the following circumstances:

(a) When there is subsequent conduct or performance forming the basis, in whole or in part, for a new proceeding;

(b) When there is new or newly discovered evidence that was not reasonably available at the time of the prior proceeding; or

(c) When the conduct is the subject of a rehearing ordered on the basis of fraud or collusion.

2. SUSPENSION OF SEPARATION

a. Suspension

(1) Unless prohibited by this Instruction, a separation may be suspended for a specified period of not more than 12 months by the separation authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation.

(2) During the period of suspension, the Service member shall be afforded an opportunity to meet appropriate conduct, disciplinary, and performance standards.

(3) Unless sooner vacated or remitted, execution of the approved separation shall be remitted upon completion of the probationary period, upon termination of the Service member's enlistment or period of obligated service, or upon decision of the separation authority that the goal of rehabilitation has been achieved.

b. Action During the Period of Suspension

(1) During the period of suspension, if there are further grounds for separation under Enclosure 3, one or more of the following actions may be taken:

(a) Disciplinary action;

(b) New administrative action; or

(c) Vacation of the suspension accompanied by execution of the separation if the Service member engages in conduct similar to that for which separation was approved (but suspended) or otherwise fails to meet appropriate standards of conduct and duty performance.

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(2) Prior to vacation of a suspension, the Service member shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel (as provided in subparagraph 2.a.(6) of Enclosure 6) and to submit a statement in writing to the separation authority. The respondent shall be provided a reasonable period of time, not less than 2 working days, to act on the notice. If the respondent identifies specific legal issues for consideration by the separation authority, the matter shall be reviewed by a judge advocate or civilian lawyer employed by the Government prior to final action by the separation authority.

3. CHARACTERIZATION OF SERVICE OR DESCRIPTION OF SEPARATION

a. Types of Characterization or Description

(1) At separation, the following types of characterization of service or description of separation are authorized under this Instruction:

(a) Separation with characterization of service as honorable, general (under honorable conditions), or under other than honorable conditions.

(b) Entry-level separation.

(c) Order of release from the custody and control of the Military Services by reason of void enlistment or induction.

(d) Separation by being dropped from the rolls of the Service.

(2) Any of the types of separation listed may be used in appropriate circumstances unless a limitation is set forth in this Enclosure or in Enclosure 3 (reasons for separation).

b. Characterization of Service

(1) General Considerations

(a) Characterization at separation shall be based upon the quality of the Service member's service, including the reason for separation and guidance in subparagraph 3.b.(2) of this enclosure, subject to the limitations set forth under various reasons for separation in Enclosure 3. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for military personnel. These standards are found in Reference (o), directives and regulations issued by the Department of Defense and the Military Departments, and the time-honored customs and traditions of military service.

(b) The quality of service of a Service member on active duty or active duty for training is adversely affected by conduct that is of a nature to bring discredit on the Military Services or is prejudicial to good order and discipline, regardless of whether the conduct is

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subject to UCMJ jurisdiction. Characterization may be based on conduct in the civilian community, and the burden is on the respondent to demonstrate that such conduct did not adversely affect the respondent's service.

(c) The reasons for separation, including the specific circumstances that form the basis for the separation, shall be considered on the issue of characterization. In general, characterization will be based upon a pattern of behavior rather than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(d) Due consideration shall be given to the Service member's age, length of service, grade, aptitude, physical and mental condition, and the standards of acceptable conduct and performance of duty.

(2) Types of Characterization

(a) Honorable. The honorable characterization is appropriate when the quality of the Service member's service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate. In the case of an honorable discharge, an Honorable Discharge Certificate (DD Form 256) will be awarded and a notation will be made on the appropriate copies of the DD Form 214/5 "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," in accordance with DoDI 1336.1 (Reference (r)).

(b) General (Under Honorable Conditions). If a Service member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when the positive aspects of the Service member's conduct or performance of duty outweigh negative aspects of the Service member's conduct or performance of duty as documented in their service record.

(c) Under Other Than Honorable Conditions

1. This characterization may be issued in the following circumstances:

a. When the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of Service members of the Military Services.

b. When the reason for separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of Service members of the Military Services. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death; abuse of a special position of trust; disregard by a superior of customary superior-subordinate relationships; acts or omissions that endanger the security of the United States or the health and welfare of other Service members of the

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Military Services; and deliberate acts or omissions that seriously endanger the health and safety of other persons.

2. This characterization is authorized only if the Service member has been afforded the opportunity to request an Administrative Board action, except as provided in paragraph 12 of Enclosure 3 (separation in lieu of trial by courts-martial).

(3) Limitations on Characterization. Except as otherwise provided in this paragraph, characterization will be determined solely by the Service member's military record during the current enlistment or period of service to which the separation pertains, plus any extensions thereof prescribed by law or regulation or effected with the consent of the Service member.

(a) Prior service activities, including records of conviction by courts-martial, records of absence without leave, or commission of other offenses for which punishment was not imposed shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation (subparagraph 1.b. of this enclosure), the record of proceedings may reflect express direction that such information shall not be considered on the issue of characterization.

(b) Pre-service activities may not be considered on the issue of characterization except as follows: In a proceeding concerning fraudulent entry into military service (subparagraph 5.d. of Enclosure 3), evidence of pre-service misrepresentations about matters that would have precluded, postponed, or otherwise affected the Service member's eligibility for enlistment or induction may be considered on the issue of characterization.

(c) The limitations in subparagraph 1.c. of this enclosure as to matters that may be considered on the issue of separation are applicable to matters that may be considered on the issue of characterization.

(d) When the sole basis for separation is a serious offense that resulted in a conviction by a court-martial authorized to impose a punitive discharge that did not impose a punitive discharge, the Service member's service may not be characterized under other than honorable conditions unless such characterization is approved by the Secretary concerned.

(e) Conduct in the civilian community of a Service member of a Reserve Component who is not on active duty or active duty for training may form the basis for characterization under other than honorable conditions only if such conduct directly affects the performance of the Service member's military duties. Such conduct may form the basis of characterization as general (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the service, including military morale and efficiency.

(f) A Service member's voluntary submission to a DoD treatment and rehabilitation program and voluntarily disclosed evidence of prior personal drug use by the Service member as part of a course of treatment in such a program may not be used against the Service member on the issue of characterization. This limitation does not apply to:

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1. The introduction of evidence for impeachment or rebuttal purposes in any proceeding in which the evidence of drug abuse (or lack thereof) has been introduced first by the Service member.

2. Taking action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program.

(g) The results of mandatory urinalysis may be used on the issue of characterization except as provided in DoDD 1010.1 (Reference (s)).

c. Uncharacterized Separation

(1) Entry-Level Separation

(a) A separation shall be described as an entry-level separation if separation processing is initiated while a Service member is in entry-level status, except in the following circumstances:

1. When characterization under other than honorable conditions is authorized under the reason for separation (Enclosure 3) and is warranted by the circumstances of the case; or

2. The Secretary concerned, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual military duty. The characterization is authorized when the Service member is separated under Enclosure 3 by reason of selected changes in service obligation (paragraph 2 of Enclosure 3), convenience of the Government (paragraph 3 of Enclosure 3), disability (paragraph 4 of Enclosure 3), secretarial plenary authority (paragraph 15 of Enclosure 3), or an approved reason established by the Military Department (paragraph 16 of Enclosure 3).

(b) In time of mobilization or in other appropriate circumstances, the USD(P&R) may authorize the Secretary concerned to delegate the authority in subparagraph 3.c.(1)(a)2. of this enclosure (concerning the honorable characterization) to a general court-martial convening authority with respect to Service members serving in operational units.

(c) With respect to administrative matters outside this Instruction that require a characterization as honorable or general, an entry-level separation shall be treated as the required characterization. This provision does not apply to administrative matters that expressly require different treatment of an entry-level separation except as provided in subparagraph 3.c.(1)(d) of this enclosure.

(d) In accordance with section 12685 of Reference (e), an entry-level separation for a Service member of a Reserve Component separated from the delayed entry program is "under honorable conditions."

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(2) Void Enlistments or Inductions. Under void enlistments or inductions, a Service member shall not receive a discharge, characterization of service at separation, or an entry-level separation of the enlistment or induction, except when a constructive enlistment arises and such action is required under subparagraph 3.c.(2)(c) of this enclosure. If characterization or an entry-level separation is not required, the separation shall be described as an order of release from custody or control of the Military Services.

(a) An enlistment is void in the following circumstances:

1. If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the Military Services, including enlistment of a person who is intoxicated or insane at the time of enlistment, per section 504 (Reference (e)) and article 2(b), Appendix 2, of Reference (o).

2. If the person is under 17 years of age (section 505 of Reference (e)).

3. If the person is a deserter from another Military Service per section 504 of Reference (e).

(b) Although an enlistment may be void at its inception, a constructive enlistment shall arise in the case of a person serving with a Military Service who:

1. Submitted voluntarily to military authority;

2. Met the mental competency and minimum age qualifications of sections 504 and 505 of Reference (e), at the time of voluntary submission to military authority;

3. Received military pay or allowances; and

4. Performed military duties.

(c) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service or description of separation shall be in accordance with subparagraph 3.b. or subparagraph 3.c.(1) of this enclosure as appropriate; however, if the enlistment was void by reason of desertion from another Military Service, the Service member shall be separated by an order of release from the custody and control of the Service regardless of any subsequent constructive enlistment. The occurrence of such a subsequent constructive enlistment does not preclude the Military Departments, in appropriate cases, from either retaining the Service member or separating the Service member under paragraph 5 of Enclosure 3, on the basis of the circumstances that initiated the original void enlistment or upon any other basis for separation provided in this issuance.

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(3) Dropping from the Rolls. A Service member may be dropped from the rolls of the Service when such action is authorized by the Military Department concerned and a characterization of service or other description of separation is not authorized or warranted.

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ENCLOSURE 5

GUIDELINES FOR FACT-FINDING INQUIRIES INTO HOMOSEXUAL CONDUCT

1. RESPONSIBILITY

a. Only a ~~Service member's~~ commander *in the Service member's chain of command, in the grade of O-7 or higher,* is authorized to initiate fact-finding inquiries involving homosexual conduct. A commander may initiate a fact-finding inquiry only when he or she has received credible information that there is basis for discharge. Commanders are responsible for ensuring that inquiries are conducted properly and that no abuse of authority occurs.

b. A fact-finding inquiry may be conducted by the commander personally or by a person he or she appoints, *but the appointee must be in the grade of O-5 or higher, or civilian equivalent.* ~~It~~ *The inquiry* may consist of an examination of the information reported or a more extensive investigation, as necessary.

c. The inquiry should gather all credible information that directly relates to the grounds for possible separation. Inquiries shall be limited to the factual circumstances directly relevant to the specific allegations.

d. If a commander has credible evidence of possible criminal conduct, he or she shall follow the procedures outlined in Reference (o) and implementing regulations issued by the Secretaries of the Military Departments concerned.

e. The guidelines in this enclosure do not apply to activities referenced in DoDI 5505.8 (Reference (t)).

2. BASIS FOR CONDUCTING INQUIRIES

a. A commander will initiate an inquiry only if he or she has credible information that there is a basis for discharge. Credible information exists when the information, considering its source and the surrounding circumstances, supports a reasonable belief that there is a basis for discharge. A determination is made based on articulable facts, not just a belief or suspicion.

b. A basis for discharge exists if:

(1) The Service member has engaged in, *attempted to engage in, or solicited another to engage in* a homosexual act *or acts*.

(2) The Service member has ~~said~~ *made a statement* that he or she is a homosexual or bisexual, or ~~made some other statement that indicates a propensity or intent to engage in homosexual acts~~ *words to that effect*; or

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(3) The Service member has married or attempted to marry a person *known to be* of the same *biological* sex.

c. Credible information does not exist, for example, when:

(1) The individual is suspected of engaging in homosexual conduct, but there is no credible information, as described, to support that suspicion; or

(2) The only information is the opinions of others that a Service member is homosexual; or

(3) The inquiry would be based on rumor, suspicion, or capricious claims concerning a Service member's sexual orientation; or

(4) The only information known is an associational activity such as going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. Such activity, in and of itself, does not provide evidence of homosexual conduct~~.~~ *; or*

(5) The information does not come from a reliable person.

d. Credible information exists, for example, when:

(1) A Service member states to a person of senior grade and authority within his or her chain of command that he or she is a homosexual or bisexual, or words to that effect; or

(~~1~~2) A reliable person states *, under oath,* that he or she observed ~~or heard~~ a Service member ~~engaging~~ *engage* in *, attempt to engage in, or solicit another to engage in a* homosexual *act or* acts~~, or saying that he or she is a homosexual or bisexual or is married to a person of the same sex~~; or

(~~2~~3) A reliable person states *, under oath,* that he or she ~~heard, observed, or discovered~~ *was told by* a Service member ~~make a spoken or written statement that a reasonable person would believe was intended to convey the fact that he or she engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts~~ *that he or she is a homosexual or bisexual, or words to that effect*; or

(4) A reliable person states, under oath, that a Service member has married or attempted to marry a person known to be of the same biological sex.

~~(3) A reliable person states that he or she observed behavior that amounts to a non-verbal statement by a Service member that he or she is a homosexual or bisexual; i.e., behavior that a reasonable person would believe was intended to convey the statement that the Service member engages in, attempts to engage in, or has a propensity or intent to engage in homosexual acts.~~

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e. A "reliable person" is someone who would be expected, under the circumstances, to provide accurate information. Examples of a person who may not be a "reliable person" are:

(1) A person with a prior history of untruthfulness or unreliability;

(2) A person with a motive to seek revenge against or to cause personal or professional harm to the Service member specifically, or to cause personal or professional harm to persons suspected of being homosexually generally; or

(3) A person with a prior history of conflict with the Service member.

f. The following information shall not be considered evidence of or be used for purposes of fact-finding inquiries or separation proceedings regarding homosexual conduct, unless the Service member consents in writing that the information may be used:

(1) Information considered privileged pursuant to Rule 502 ("Lawyer-client privilege"), Rule 503 ("Communications to Clergy"), or Rule 513 ("Psychotherapist-patient privilege") of the Military Rules of Evidence;

(2) Information provided by a Service member to a medical professional furtherance of medical treatment, or to a public health official in the course of a public health inquiry;

(3) Information provided by a Service member in the course of seeking professional assistance for domestic or physical abuse sustained by the Service member or by a member of his or her household;

(4) Information about a Service member's sexual orientation or conduct obtained in the course of a personal security investigation, in accordance with and to the extent protected by DoD 5200.2-R ("Department of Defense Personnel Security Program") (Reference (u)).

3. PROCEDURES

a. Informal fact-finding inquiries and administrative separation procedures are the preferred method of addressing homosexual conduct. This procedure does not prevent disciplinary action or trial by courts-martial when appropriate.

b. Commanders shall exercise sound discretion regarding when credible information exists. They shall examine the information, *the source of the information, and the circumstances under which the information was obtained* and decide whether an inquiry is warranted or whether no action should be taken.

c. Commanders or appointed inquiry officials shall not ask, and Service members shall not be required to reveal, whether a Service member is a heterosexual, a homosexual, or a bisexual. However, upon receipt of credible information of homosexual conduct (as described in paragraph 2 of this enclosure) commanders or appointed inquiry officials may ask Service

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members if they engaged in such conduct after advising Service member of the DoD policy on homosexual conduct and their rights under Article 31 of the UCMJ, Appendix 2 of Reference (o), if applicable. Should the Service member choose not to discuss the matter further, the commander should consider other available information. ~~Nothing in this provision precludes questioning a Service member about any information provided by the Service member in the course of the fact-finding inquiry or any related proceeding, nor does it provide the Service member with any basis for challenging the validity of any proceeding or the use of any evidence, including a statement by the Service member, in any proceeding.~~ *No negative inference may be drawn from a Service member's decision not to discuss the matter*.

d. At any given point of the inquiry, the commander or appointed inquiry official must be able to clearly and specifically explain which grounds for separation he or she is attempting to verify and how the information being collected relates to those specific separation criteria.

~~e. A statement by a Service member that he or she is a homosexual or bisexual creates a rebuttable presumption that the Service member engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. The Service member shall be given the opportunity to present evidence demonstrating that he or she does not engage in, attempt to engage in, or have a propensity or intent to engage in homosexual acts.~~

~~f. The Service member bears the burden of proving, by a preponderance of the evidence, that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.~~

4. LEGAL EFFECT. The procedures in this enclosure create no substantive or procedural rights.

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ENCLOSURE 6

PROCEDURES FOR SEPARATION

1. SCOPE

a. The supplementary procedures in this Enclosure are applicable only when required under a specific reason for separation as set forth in Enclosure 3.

b. When a Service member is processed on the basis of multiple reasons for separation, the following guidelines apply to procedural requirements (including procedural limitations on characterization of service or description of separation):

(1) The requirements for each reason will be applied to the extent practicable.

(2) If a reason for separation set forth in the notice of proposed action requires processing under the Administrative Board procedure (paragraph 3 of this enclosure), the entire matter shall be processed under paragraph 3 of this enclosure.

(3) If more than one reason for separation is approved, the guidance on characterization that provides the greatest latitude shall apply.

(4) When there is any other clear conflict between a specific requirement applicable to one reason and a general requirement applicable to another reason, the specific requirement shall be applied.

(5) If a conflict in procedures cannot be resolved on the basis of the foregoing, the most favorable to the respondent shall be used.

2. NOTIFICATION PROCEDURE

a. Notice. If the notification procedure is initiated under Enclosure 3, the respondent shall be notified in writing of:

(1) The basis of the proposed separation, including the circumstances upon which the action is based and a reference to the applicable provisions of the Military Department's implementing regulation.

(2) Whether the proposed separation could result in discharge, release from active duty to a Reserve Component, transfer from the Selected Reserve to the IRR, release from custody or control of the Military Services, or other form of separation.

(3) The least favorable characterization of service or description of separation authorized for the proposed separation.

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(4) The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

(5) The respondent's right to submit statements.

(6) The respondent's right to consult with counsel qualified pursuant to Article 27(b)(1) of the UCMJ , Appendix 2, of Reference (o). Non-lawyer counsel may be appointed when the respondent is deployed aboard a vessel or in similar circumstances of separation from sufficient judge advocate resources as determined under standards and procedures specified by the Secretary concerned. The respondent also may consult with civilian counsel retained at the Service member's own expense.

(7) If the respondent has 6 or more years of total active and Reserve military service, the right to request an Administrative Board action (paragraph 3 of this enclosure).

(8) The right to waive subparagraphs 2.a.(4), 2.a.(5), 2.a.(6), or 2.a.(7) of this enclosure after being afforded a reasonable opportunity to consult with counsel, and advised that failure to respond shall constitute a waiver of the right.

b. Additional Notice Requirements

(1) If separation processing is initiated on the basis of more than one reason under Enclosure 3, the requirements of subparagraph 2.a.(1) of this enclosure apply to all proposed reasons for separation.

(2) If the respondent is in civil confinement, absent without leave, or in a Reserve Component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraphs 4, 5, or 6 of this enclosure apply.

(3) Additional notification requirements are set forth in paragraphs 3 and 4 of Enclosure 3, when characterization of service as general (under honorable conditions) is authorized and the Service member is processed for separation by reason of convenience of the Government or disability.

c. Response. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to act on the notice. An extension may be granted upon a timely showing of good cause by the respondent. The decision of the respondent on each of the rights set forth in subparagraphs 2.a.(4) through 2.a.(7) of this enclosure, and applicable provisions referenced in paragraph 2 of this enclosure, shall be recorded and signed by the respondent and counsel, subject to the following limitations:

(1) If notice by mail is authorized under paragraphs 4, 5, or 6 of this enclosure, and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a

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waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

(2) If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

d. Separation Authority

(1) The separation authority for actions initiated under the notification procedure shall be a special court-martial convening authority or higher authority. Also, subject to approval by the PDUSD(P&R), the Secretary concerned may authorize a commanding officer in grade O-5 or above, or a commanding officer in the grade of O-4 who is on an approved recommended list for promotion to O-5 and who is assigned to command a unit authorized a commanding officer in the grade of O-5 or above, with a judge advocate or legal advisor available to the command, to act as a separation authority for a specified reason for separation. If the case was initiated under the Administrative Board procedure and the Service member waived the right to a hearing under subparagraph 3.d. of this enclosure, the separation authority shall be an official designated under subparagraph 3.f. of this enclosure.

(2) The action of the separation authority shall be recorded.

(3) The separation authority shall determine whether there is sufficient evidence to verify the allegations set forth in the notification of the basis for separation. If an allegation is not supported by a preponderance of the evidence, it may not be used as a basis for separation.

(4) If there is a sufficient factual basis for separation, the separation authority shall determine whether separation is warranted under the guidance in paragraphs 1 and 2 of Enclosure 4. On the basis of that guidance, the separation authority shall direct one of the following actions:

(a) Retention;

(b) Separation for a specific reason under Enclosure 3;

(c) Suspended separation in accordance with the guidance in paragraph 2.d. of this enclosure.

(5) If the separation authority directs separation or suspended separation on the basis of more than one reason under Enclosure 3, the separation authority shall designate the most appropriate basis as the primary reason for reporting purposes.

(6) If separation or a suspended separation is directed, the separation authority shall assign a characterization or description in accordance with paragraph 3 of Enclosure 4.

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(7) Except when characterization under other than honorable conditions is directed or the Service member is separated on the basis of homosexual conduct or a void enlistment or induction, the Secretary concerned may authorize the separation authority or higher authority to make a recommendation or determination as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military obligation. This option applies in cases involving separation from active duty or from the Selected Reserve. Paragraph 5 of this enclosure is applicable if such action is approved.

3. ADMINISTRATIVE BOARD PROCEDURE

a. Notice. If an Administrative Board is required, the respondent shall be notified in writing of:

(1) The basis of the proposed separation, including the circumstances upon which the action is based and reference to the applicable provisions of the Military Department's implementing regulation.

(2) Whether the proposed separation could result in discharge, release from active duty to a Reserve Component, transfer from the Selected Reserve to the IRR, release from the custody or control of the Military Services, or other form of separation.

(3) The least favorable characterization of service or description of separation authorized for the proposed separation.

(4) The respondent's right to consult with counsel as prescribed in subparagraph 2.a.(6) of this enclosure. A non-lawyer counsel may not represent a respondent before an Administrative Board unless:

(a) The respondent expressly declines appointment of counsel qualified under Article 27(b)(1) of Reference (o) and requests a specific non-lawyer counsel; or

(b) The separation authority assigns non-lawyer counsel as assistant counsel.

(5) The right to obtain copies of documents that will be forwarded to the separation authority supporting the basis of the proposed separation. Classified documents may be summarized.

(6) The respondent's right to request a hearing before an Administrative Board.

(7) The respondent's right to present written statements instead of Board proceedings.

(8) The respondent's right to representation at the Administrative Board either by military counsel appointed by the convening authority or by military counsel of the respondent's

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own choice (if counsel of choice is determined to be reasonably available under regulations of the Secretary concerned) but not both.

(9) The right to representation at the Administrative Board by civilian counsel at the respondent's own expense.

(10) The right to waive the rights in subparagraphs 3.a.(4) through 3.a.(9) of this enclosure.

(11) That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in subparagraphs 3.a.(4) through 3.a.(9) of this enclosure.

(12) Failure to appear without good cause at a hearing constitutes waiver of the right to be present at the hearing.

b. Additional Notice Requirements

(1) If separation processing is initiated on the basis of more than one reason under Enclosure 3, the requirements of subparagraph 3.a.(1) of this enclosure apply to all proposed reasons for separation.

(2) If the respondent is in civil confinement, absent without leave, or in a Reserve Component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraphs 4, 5, or 6 of this enclosure apply.

(3) Additional notification requirements are set forth in paragraphs 3 and 4 of Enclosure 3, when characterization of service as general (under honorable conditions) is authorized and the Service member is processed for separation by reason of convenience of the Government or disability.

c. Response. The respondent shall be provided a reasonable period of time, but not less than 2 working days, to act on the notice. An extension may be granted upon a timely showing of good cause by the respondent. The decision of the respondent on each of the rights set forth in subparagraphs 3.a.(4) through 3.a.(9) of this enclosure, and applicable provisions referenced in paragraph 2 of this enclosure, shall be recorded and signed by the respondent and counsel, subject to the following limitations:

(1) If notice by mail is authorized under paragraphs 4, 5, or 6 of this enclosure and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

(2) If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be

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exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

d. Waiver

(1) If the right to a hearing before an Administrative Board is waived, the case will be processed under subparagraph 2.d. of this enclosure (notification procedure). The separation authority in such cases shall be an official designated under subparagraph 3.f. of this enclosure.

(2) When authorized by the Secretary concerned, a respondent entitled to an Administrative Board hearing may exercise a conditional waiver after a reasonable opportunity to consult with counsel, under subparagraph 3.a.(4) of this enclosure. A conditional waiver is a statement initiated by a respondent waiving the right to a board proceeding contingent upon receiving a characterization of service or description of separation higher than the least favorable characterization or description authorized for the basis of separation set forth in the notice to the respondent.

e. Hearing Procedure. If a respondent requests a hearing before an Administrative Board, the following procedures are applicable:

(1) Composition

(a) The convening authority shall appoint to the Administrative Board at least three experienced commissioned, warrant, or noncommissioned officers. Enlisted personnel appointed to the Board shall be in grade E-7 or above, and shall be senior to the respondent. At least one Service member of the Board shall be serving in the grade of O-4 or higher, and a majority shall be commissioned or warrant officers. The senior Service member shall be the president of the board. The convening authority may also appoint a non-voting recorder to the Board. A non-voting legal advisor may be appointed to assist the Board if authorized by the Secretary concerned.

(b) If the respondent is an enlisted Service member of a Reserve Component, the Board shall include at least one Reserve officer as a voting Service member. Additionally, all Board Service members will be commissioned officers if an "under other than honorable conditions" characterization from the Reserve Component is authorized to be issued. Voting Service members shall be senior to the respondent's reserve grade.

(c) The convening authority shall ensure that the opportunity to serve on Administrative Boards is given to women and minorities. The mere appointment or failure to appoint a Service member of such a group to the Board, however, does not provide a basis for challenging the proceeding.

(d) The respondent may challenge a voting Service member of the Board or the legal advisor, if any, for cause only.

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(2) Presiding Officer. The president shall preside and rule finally on all matters of procedure and evidence, but the rulings of the president may be overruled by a majority of the Board. If appointed, the legal advisor shall rule finally on all matters of evidence and challenges except challenges to himself or herself.

(3) Witnesses

(a) The respondent may request the attendance of witnesses in accordance with the implementing instructions of the Military Department concerned.

(b) In accordance with such instructions, the respondent may submit a written request for temporary duty or invitational travel orders for witnesses. Such a request shall contain the following matter:

1. A synopsis of the testimony that the witness is expected to give.

2. An explanation of the relevance of such testimony to the issues of separation or characterization.

3. An explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination.

(c) The convening authority may authorize expenditure of funds for production of witnesses only if the presiding officer (after consultation with a judge advocate) or the legal advisor (if appointed) determines that:

1. The testimony of a witness is not cumulative;

2. The personal appearance of the witness is essential to a fair determination on the issues of separation or characterization;

3. Written or recorded testimony will not adequately accomplish the same objective;

4. The need for live testimony is substantial, material, and necessary for a proper disposition of the case; and

5. The significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness; the timing of the request for production of the witness; the potential delay in the proceeding that may be caused by producing the witness; or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

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(d) If the convening authority determines that the personal testimony of a witness is required, the hearing will be postponed or continued if necessary to permit the attendance of the witness.

(e) The hearing shall be continued or postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness if a witness requested by the respondent is unavailable in the following circumstances:

1. When the presiding officer determines that the personal testimony of the witness is not required;

2. When the commanding officer of a military witness determines that military necessity precluded the witness' attendance at the hearing; or

3. When a civilian witness declines to attend the hearing.

(f) Subparagraph 3.e.(3) of this enclosure does not authorize a Federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.

(4) Record of Proceedings. In cases where the Board recommends separation, the record of the proceedings shall be kept in summarized form unless a verbatim record is required by the Secretary concerned. In cases where the Board recommends retention, a record of the proceedings is optional unless required by the Secretary concerned. However, a summarized or verbatim record shall be prepared in any case where the board recommends retention and the separation authority elects to forward the matter to the Secretary concerned under subparagraph 3.f.(4)(b)2. of this enclosure. The Board reporter shall retain all materials necessary to prepare a transcript should the separation authority elect to forward the case to the Secretary. In all cases, the findings and recommendations of the Board shall be in verbatim form.

(5) Presentation of Evidence. The rules of evidence for courts-martial and other judicial proceedings are not applicable before an Administrative Board. Reasonable restriction shall be observed, however, concerning relevancy and competency of evidence.

(6) Rights of the Respondent

(a) The respondent may testify in his or her own behalf, subject to the provisions of Article 31(a) of Reference (o).

(b) At any time during the proceedings, the respondent or counsel may submit written or recorded matter for consideration by the Board.

(c) The respondent or counsel may call witnesses in his or her behalf.

(d) The respondent or counsel may question any witness who appears before the Board.

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(e) The respondent or counsel may present argument prior to the Board convening in closed session for deliberation on findings and recommendations.

(7) Findings and Recommendations

(a) The Board shall determine its findings and recommendations in closed sessions. Only voting Service members of the board shall be present.

(b) The Board shall determine whether each allegation in the notice of proposed separation is supported by a preponderance of the evidence. If more than one reason was contained in the notice, there shall be a separate determination for each reason.

(c) The Board shall make recommendations on the following:

1. Retention or Separation. The Board shall recommend retention or separation under the guidance in paragraph 1 of Enclosure 4.

2. Suspension of Separation. If the Board recommends separation, it may recommend that the separation be suspended in accordance with paragraph 2 of Enclosure 4, but the recommendation of the Board as to suspension is not binding on the separation authority.

3. Characterization of Service or Description of Separation. If separation or suspended separation is recommended, the Board shall recommend a characterization of service, or description of separation, as authorized in Enclosure 3 in accordance with the guidance in paragraph 3 of Enclosure 4.

4. Transfer to the Ready Reserve. Except when the Board has recommended separation on the basis of homosexual conduct or has recommended characterization of service under other than honorable conditions, the Secretary concerned may authorize the Board to make a recommendation as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military obligation. This option applies to cases involving separation from active duty or from the Selected Reserve. Paragraph 5 of this enclosure is applicable if the action is approved.

f. Separation Authority

(1) The separation authority for actions initiated under the Administrative Board procedure shall be a general courts-martial convening authority or higher authority. The Secretary concerned also may authorize a commanding officer in grade O-7 or above with a judge advocate or legal advisor available to his command to act as a separation authority in specified circumstances. When an Administrative Board recommends characterization of service as honorable or general (under honorable conditions), the separation authority may be exercised by an officer designated under subparagraph 2.d. of this enclosure. When the case has been initiated under the notification procedure and the hearing is a result of a request under

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subparagraph 2.a.(7) of this enclosure, the separation authority shall be as designated in subparagraph 2.d. of this enclosure.

(2) In every case in which characterization of Service under other than honorable conditions is recommended, the record of the Board's proceedings will be reviewed by a judge advocate or civilian attorney employed by the Military Department prior to action by the separation authority. Such review is not required when another characterization is recommended unless the respondent identifies specific legal issues for consideration by the separation authority.

(3) The respondent will be provided with a copy of the Board's statement of facts and recommendations.

(4) The separation authority shall take action in accordance with this subparagraph, the requirements in Enclosure 3 with respect to the reason for separation, and the guidance in Enclosure 4 on separation and characterization.

(a) If the separation authority approves the recommendations of the Board on the issue of separation or characterization (or both), this constitutes approval of the board's findings and recommendations under subparagraph 3.e.(7) of this enclosure unless the separation authority expressly modifies such findings or recommendations.

(b) If the Board recommends retention, the separation authority may take one of the following actions:

1. Approve the recommendation.

2. Forward the matter to the Secretary concerned with a recommendation for separation based upon the circumstances of the case. In such a case, the Secretary may direct retention or separation. If the Secretary approves separation, the characterization of service or description of separation will be honorable, general (under honorable conditions), or an entry-level separation under the guidance in paragraph 3 of Enclosure 4.

(c) If the Board recommends separation, the separation authority may:

1. Approve the Board's recommendation;

2. Approve the Board's recommendations, but modify the recommendations by when appropriate to approve the separation but suspend execution as provided in paragraph 2 of Enclosure 4; change the character of service or description of separation to a more favorable characterization or description; or change the Board's recommendation, if any, concerning transfer to the IRR.

3. Disapprove the Board's recommendation and retain the respondent.

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4. If the separation authority approves the Board's findings and recommendations in whole or in part with respect to more than one reason under Enclosure 3, the separation authority shall designate the most appropriate basis as the primary reason for reporting purposes.

5. If the separation authority finds legal prejudice to a substantial right of the respondent or determines that the findings of the Board have been obtained by fraud or collusion, the case may be referred to a new board. No Service member of the new board shall have served on a prior board that considered the case. The separation authority may not approve findings and recommendations less favorable to the respondent than those rendered by the previous board unless the separation authority finds that fraud or collusion in the previous board is attributable to the respondent or an individual acting on the respondent's behalf.

4. ADDITIONAL PROVISIONS CONCERNING SERVICE MEMBERS CONFINED BY CIVIL AUTHORITIES

a. If proceedings under this enclosure have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. Subparagraph 3.a. of this enclosure is not applicable except insofar as such rights can be exercised by counsel on behalf of the respondent.

b. The following requirements apply:

(1) The notice shall contain the matter set forth in subparagraph 2.a or 3.a. of this enclosure (notice in the Administrative Board procedure), as appropriate. The notice shall be delivered personally to the respondent or sent by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. mail at an address outside the United States). If the Service member refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a sworn affidavit of Service by mail (see Reference (n)), which will be inserted in the Service member's personnel file together with PS Form 3800.

(2) If delivered personally, receipt shall be acknowledged in writing by the respondent. If the respondent does not acknowledge receipt, the notice shall be sent by mail as provided in subparagraph 4.b.(1) of this enclosure.

(3) The notice shall state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) in order to give the respondent the opportunity to exercise the rights set forth in the notice. If respondent does not reply by such date, the separation authority shall take appropriate action under subparagraph 2.d. of this enclosure.

(4) The name and address of the military counsel for appointed consultation shall be specified in the notice.

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(5) If the case involves entitlement to an Administrative Board, the respondent shall be notified that the board will proceed in the respondent's absence and that the case may be presented on respondent's behalf by counsel for the respondent.

5. ADDITIONAL REQUIREMENTS FOR CERTAIN SERVICE MEMBERS OF RESERVE COMPONENTS

a. Service Members of Reserve Components not on Active Duty

(1) If proceedings have been initiated against a Service member of a Reserve Component not on active duty, the case may be processed in the absence of the Service member in the following circumstances:

(a) At the request of the Service member;

(b) If the Service member does not respond to the notice of proceedings on or before the suspense date provided therein; or

(c) If the Service member fails to appear at a hearing as provided in subparagraph 3.a.(12) of this enclosure.

(2) The notice shall contain the matter set forth in subparagraphs 2.a. or 3.a. of this enclosure, as appropriate.

(3) If the action involves a transfer to the IRR under circumstances in which the procedures in this enclosure are applicable, the Service member will be notified that the character of service upon transfer to the IRR will also constitute the character of service upon discharge at the completion of the military service obligation unless specified conditions established by the Secretary concerned are met.

b. Transfer to the IRR. Upon transfer to the IRR, the Service member will be notified of the following:

(1) The character of service upon transfer from active duty or the Selected Reserve to the IRR, and that the character of service upon completion of the military service obligation will be the same unless specified conditions established by the Secretary concerned are met.

(2) The date upon which the military service obligation will expire.

(3) The date by which the Service member must submit evidence of satisfactory completion of the specified conditions.

c. Notification of Admin Board. If the Service member submits evidence of completion of the specified conditions but the Military Department proposes to issue a discharge other than an

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honorable discharge, the notification procedure shall be used. An Administrative Board is not required at this point notwithstanding the Service member's years of service.

d. Service Expiration. If the Service member does not submit such information on or before the date specified in the notice, no further proceedings are required. The character of discharge at the completion of the military service obligation shall be the same as the character of service upon transfer from the Selected Reserve to the IRR.

e. Notice to Member. The following requirements apply to the notices required by subparagraphs 5.a. and 5.b. of this enclosure.

(1) Reasonable effort should be made to furnish copies of the notice to the Service member through personal contact by a representative of the command. In such a case, a written acknowledgment of the notice shall be obtained.

(2) If the Service member cannot be contacted or refuses to acknowledge receipt of the notice, the notice shall be sent by registered or certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. mail is not available for delivery at an address outside the United States) to the most recent address furnished by the Service member as an address for receipt or forwarding of official mail. The individual who mails the notification shall prepare a sworn affidavit of Service by mail (see Reference (n)), which will be inserted in the Service member's personnel file together with PS Form 3800.

6. ADDITIONAL REQUIREMENTS FOR SERVICE MEMBERS BEYOND MILITARY CONTROL BY REASON OF UNAUTHORIZED ABSENCE

a. Determination of Applicability. If the general courts-martial convening authority or higher authority determine that separation is otherwise appropriate under this Instruction, a Service member may be separated without return to military control in one or more of the following circumstances:

(1) Absence without authority after receiving notice of initiation of separation processing.

(2) When prosecution of a Service member who is absent without authority appears to be barred by the statute of limitations, Article 43, section 843 of Reference (e).

(3) When a Service member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the Service member under a treaty or other agreement.

b. Notice. Prior to execution of the separation under subparagraphs 6.a.(2) or 6.a.(3) of this enclosure, the Service member will be notified of the imminent action by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. mail is not available for delivery at an address outside the United States) to the Service member's

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last known address or to the next of kin under regulations prescribed by the Military Department concerned. The notice shall contain the matter set forth in subparagraphs 2.a. or 3.a. of this enclosure, as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall take appropriate action under subparagraph 2.d. of this enclosure.

c. Service Members of Reserve Components. See section 12685 of Reference (e) with respect to limitations on separation of Service members of Reserve Components.

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ENCLOSURE 7

PROCEDURES FOR EARLY RELEASE OF MILITARY ENLISTED PERSONNEL FOR COLLEGE OR VOCATIONAL/TECHNICAL SCHOOL ENROLLMENT

1. RESPONSIBILITY

a. The Military Services may permit enlisted personnel to further their education at a college, university, or vocational/technical school by approving a discharge or release from active service prior to expiration of obligated service. This provides encouragement and support to enlisted personnel who seek to further their education resulting in more useful and productive citizens transitioning from the military service back to the civilian workforce.

b. The provisions of this enclosure cover all military enlisted personnel with the exception of:

(1) Reservists ordered to active duty for training as provided in section 511(d) of Reference (e) and reservists ordered to active duty due to unsatisfactory participation in reserve assignment, as provided in section 12303 of Reference (e).

(2) Aliens seeking to qualify for citizenship by completion of 3 years active duty military service unless they are to be transferred to inactive duty in a Reserve Component, as provided in DoDI 5500.14 (Reference (~~uu~~)).

2. PROCEDURES

a. General

(1) Implementation of this enclosure should apply to applicants who meet the following criteria (see paragraph 2.b.(1) of this enclosure) under the following circumstances:

(a) Enlisted personnel (including aliens transferred to inactive duty in a Reserve Component as outlined in Reference (~~uu~~)) who would be unduly penalized in the pursuit of their education if required to remain in service until expiration of their term of enlistment or induction, may be released early subject to meeting all of the criteria shown in paragraph 2.b. of this enclosure.

(b) Separation date will be at the convenience of the Government, but will normally not be later than 10 days prior to the class starting date and in no event will be earlier than 30 days prior to such starting date.

(2) Prior to separation, personnel being separated under this Instruction will be counseled in accordance with DoDI 1332.36 (Reference (~~vv~~)).

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b. Criteria

(1) If the provisions of this enclosure are implemented by a Military Department, the following criteria should be used in making determinations governing the early release of enlisted personnel:

(a) In general, personnel who will have a Reserve Component obligation upon separation will not be released under this program until they have completed a minimum of 21 months active duty on their current term of obligated service.

(b) The individual's service is not critical to the mission of the assigned organization.

(c) The latest acceptable registration date of school is within the last 3 months of remaining service.

(d) Applicants must:

1. Furnish documentary evidence when applying for separation to attend institutions of higher education, that they have been accepted for enrollment commencing with a specific school term, in a recognized institution of higher education, in a full-time resident course of instruction, leading to an associate, baccalaureate, or higher degree. A recognized institution is one that:

a. Is listed in the Education Directory for Post-secondary Education published yearly by the National Center for Education Statistics, Department of Education, (available through Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402); or

b. Has been determined by the United States Office of Education to be eligible for such listing.

2. Present documentary evidence when applying for separation to attend a vocational/technical school that they have been accepted for enrollment commencing with a specific school term, in a full-time resident course of instruction of substantial duration (no less than 3 months), at a recognized vocational or technical school. A recognized school is one that is approved by the cognizant State Board for Vocational Education, or is accredited by a nationally recognized accrediting agency or association listed by the U. S. Commissioner of Education.

(e) The applicant must demonstrate his or her ability and willingness to make the required payment of an entrance fee, if any, if he or she has not already done so.

(f) Clearly establish that the specific school term for which he or she seeks release is academically the most opportune time to begin or resume education and that delay of enrollment until normal expiration of service would cause undue handicap.

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(2) The Secretaries of the Military Departments may approve applications not fully meeting the criteria established in subparagraph 2.b. of this enclosure in exceptional cases.

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GLOSSARY

bisexual. A person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

commander. A commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that, under pertinent official directives, is recognized as a "command."

convening authority

The separation authority; or

A commanding officer who has been authorized by the Secretary concerned to process a case except for final action and who otherwise has the qualifications to act as a separation authority.

discharge. Complete severance from all military status gained through enlistment or induction.

entry-level status. Upon enlistment, a Service member qualifies for entry-level status during:

The first 180 days of continuous active military service; or

The first 180 days of continuous active service after a service break of more than 92 days of active service. A Service member of a Reserve Component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a Reserve Component. Entry-level status for such a Service member of a Reserve Component terminates as follows:

One hundred eighty days after beginning training if the Service member is ordered to active duty for training for one continuous period of 180 days or more; or

Ninety days after the beginning of the second period of active duty training if the Service member is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the Service member's status is determined by the date of notification as to the initiation of separation proceedings.

homosexual. A person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

A "homosexual act" means any bodily contact, actively undertaken or passively permitted, between a Service member and another person of the same sex for the purpose of satisfying sexual desires and any bodily contact ~~(for example, hand-holding or kissing, in most circumstances)~~ that a reasonable person would understand to demonstrate a propensity or intent to engage in such an act.

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A "statement that a Service member is a homosexual or bisexual, or words to that effect," means language or behavior that a reasonable person would believe was intended to convey the statement that *the Service member is* a person *who* engages in, attempts to engage in, ~~or~~ has a propensity *to engage in,* or ~~intent~~ *intends* to engage in homosexual acts. This may include statements such as "I am a homosexual," "I am gay," "I am a lesbian," "I have a homosexual orientation," and the like.

A "homosexual marriage or attempted marriage" is when a Service member has married or attempted to marry a person known to be of the same biological sex.

"Propensity to engage in homosexual acts" means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

homosexual conduct. ~~A homosexual act, a statement by the Service member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage~~ *Engaging in, attempting to engage in, or soliciting another to engage in a homosexual act or acts; a statement by the Service member that he or she is a homosexual or bisexual, or words to that effect; or marriage or attempted marriage to a person known to be of the same biological sex.*

Service member. An enlisted or officer Service member of a Military Service.

military record. An individual's overall performance while a Service member of a Military Service, including personal conduct and performance of duty.

release from active duty. Termination of active duty status and transfer or reversion to a Reserve Component not on active duty, including transfer to the IRR.

respondent. A Service member who has been notified that action has been initiated to separate the Service member.

separation. A general term that includes discharge, release from active duty, release from custody and control of the Armed Forces, transfer to the IRR, and similar changes in Active or Reserve status.

separation authority. An official authorized by the Secretary concerned to take final action with respect to a specified type of separation.

sexual orientation. An abstract sexual preference for persons of a particular sex, as distinct from a propensity or intent to engage in sexual acts.

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PERSONNEL AND READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JAN 14 2009

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Request for Compliance Report on Personality Disorder (PD) Separations

Recently the Government Accountability Office released a report titled, *Additional Efforts Needed to Ensure Compliance with Personality Disorder Separation Requirements* (attached), which found that the Military Departments were not wholly compliant with DoD personality disorder separation guidance contained in DoD Instruction 1332.14, *Enlisted Administrative Separations*. The Department endorsed the subsequent recommendation that DoD review compliance on a regular basis.

As a result, the Military Departments are hereby directed to provide a report on compliance with DoD PD separation guidance contained in DoDI 1332.14 for PD separations during fiscal year (FY) 2008 and FY2009. The report on FY08 PD separations is due by June 30, 2009 and the FY09 PD report is due by March 31, 2010.

The report provided shall be based, at a minimum, on a random sampling of at least 10 percent of all PD separations for your respective Military Department for the designated FY. Each case file sampled shall be checked for compliance with the DoD requirements listed in the attached document titled, "DoD Personality Disorder Separation Requirements." Additionally, the report shall include the total number of PD separations for the applicable FY and the total number of PD separations that were of Service members who had served in imminent danger pay areas since September 11, 2001.

If a Military Department finds that compliance with any DoD PD separation requirement is less than 90 percent, then the report shall also contain the Military Department's plan for correcting compliance deficiencies.

If you should have any questions regarding this matter, please contact my action officer, Lt Col Scott Brady, at 703-697-4959 or scott.brady@osd.mil.

David S. C. Chu

Attachments:
As stated

cc:
ASA(M&RA)
ASN(M&RA)
SAF(MR)

DoD Personality Disorder (PD) Separation Requirements

All references listed refer to DoD Instruction 1332.14, *Enlisted Administrative Separations,* August 28, 2008.

- Member received formal counseling and was afforded adequate opportunity to improve his or her behavior prior to being separated on the basis of PD (Ref: Paragraph 3.a.(8)(a)).

- Member's PD diagnosis was made by a psychiatrist or Ph.D.-level psychologist (Ref: Paragraph 3.a.(8)(c)).

- The PD diagnosis included a statement or judgment from the psychiatrist or Ph.D.-level psychologist that the Service member's disorder was so severe that the member's ability to function effectively in the military environment was significantly impaired. (Ref: Paragraph 3.a.(8)(c)).

- Member received written notification of his or her impending separation based on PD diagnoses (Ref: Paragraph 3.a.(8)(f) and Enclosure 6, paragraph 2.a)

- Member was advised that that the diagnosis of a personality disorder does not qualify as a disability (ref: Paragraph 3.a.(8)(a)) – **(only required for PD separations after August 28, 2008)**.

- For Service members separated on the basis of PD who served in imminent danger pay areas **(only required for PD separations after August 28, 2008)**.

    - Member's PD diagnosis was corroborated by a peer psychiatrist or Ph.D.-level psychologist or higher level mental health professional (Ref: paragraph 3.a.(8)(c)).

    - Member's PD diagnosis addressed PTSD or other mental illness co-morbidity (Ref: paragraph 3.a.(8)(c)). (NOTE: According to paragraph 3.a.(8)(d), unless found fit for duty by the disability evaluation system, a separation for PD is not authorized if service-related PTSD is also diagnosed.)

    - Member's PD diagnosis was endorsed by The Surgeon General of the Military Department concerned prior to discharge (Ref: Paragraph 3.a.(8)(c))

PERSONALITY DISORDER SEPARATIONS - FY08					
Standard		**Army**	**Navy**	**USMC**	**AF**
	# of PD Seps	567	946	409	86
	# Reviewed	60 (10.6%)	155 (16.4%)	41 (10%)	30 (35%)
1. Member received formal counseling and was afforded adequate opportunity to improve his or her behavior prior to being separated on the basis of PD		65%	7%	80%	67%
2. Member's PD diagnosis was made by a psychiatrist or Ph.D.-level psychologist		72%	99%	83%	97%
3. The PD diagnosis included a statement or judgment from the psychiatrist or Ph.D.- level psychologist that the Service member's disorder was so severe that the member's ability to function effectively in the military environment was significantly impaired.		82%	7%	71%	97%
4. Member received written notification of his or her impending separation based on PD diagnoses		83%	100%	88%	97%
5. Member was advised that that the diagnosis of a personality disorder does not qualify as a disability (**only required for PD separations after August 28, 2008**).		0% (0/3)	0% (0/19)	90% (33/37)	0% (0/1)

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Standard	Army	Navy	USMC	AF
For Service members separated on the basis of PD who served in imminent danger pay areas (**only required for PD separations after August 28, 2008**).				
6. Member's PD diagnosis was corroborated by a peer psychiatrist or Ph.D.-level psychologist or higher level mental health professional	0% (0/3)	0% (0/19)	33% (2/6)	0% (0/1)
7. Member's PD diagnosis addressed PTSD or other mental illness co-morbidity. (NOTE: According to paragraph 3.a.(8)(d), unless found fit for duty by the disability evaluation system, a separation for PD is not authorized if service-related PTSD is also diagnosed.)	0% (0/3)	0% (0/19)	50% (3/6)	0% (0/1)
8. Member's PD diagnosis was endorsed by The Surgeon General of the Military Department concerned prior to discharge	0% (0/3)	0% (0/19)	0% (0/6)	0% (0/1)

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PERSONALITY DISORDER SEPARATIONS - FY09

Standard		Army		Navy		USMC		AF	
	# PD Seps	255		438		339		58	
	# Reviewed	114 (45%)		44 (10%)		34 (10%)		21 (35%)	
			FY08		*FY08*		*FY08*		*FY08*
1. Member received formal counseling and was afforded adequate opportunity to improve his or her behavior prior to being separated on the basis of PD.		**70%**	65%	**30%**	7%	**85%**	80%	91%	67%
2. Member's PD diagnosis was made by a psychiatrist or Ph.D.-level psychologist.		92%	72%	100%	99%	**85%**	83%	100%	97%
3. The PD diagnosis included a statement or judgment from the psychiatrist or Ph.D.- level psychologist that the Service member's disorder was so severe that the member's ability to function effectively in the military environment was significantly impaired.		92%	82%	100%	7%	**79%**	71%	100%	97%
4. Member received written notification of his or her impending separation based on PD diagnoses.		100%	83%	100%	100%	100%	88%	100%	97%
5. Member was advised that the diagnosis of a personality disorder does not qualify as a disability.		100%	0%	**11%**	0%	**24%**	90%	**76%**	0%
For Service members separated on the basis of PD who served in imminent danger pay areas.									

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Standard	Army		Navy		USMC		AF	
6. Member's PD diagnosis was corroborated by a peer psychiatrist or Ph.D.-level psychologist or higher level mental health professional.	**62% (18/29)**	0% (0/3)	**0% (0/1)**	33% (2/6)	100% (2/2)	33% (2/6)	**78% (7/9)**	0% (0/1)
7. Member's PD diagnosis addressed PTSD or other mental illness co-morbidity. (NOTE: According to paragraph 3.a.(8)(d), unless found fit for duty by the disability evaluation system, a separation for PD is not authorized if service-related PTSD is also diagnosed.)	**62% (18/29)**	0% (0/3)	100% (1/1)	50% (3/6)	100% (2/2)	50% (3/6)	**78% (7/9)**	0% (0/1)
8. Member's PD diagnosis was endorsed by The Surgeon General of the Military Department concerned prior to discharge.	**62% (18/29)**	0% (0/3)	100% (1/1)	0% (0/6)	**0% (0/2)**	0% (0/6)	**78% (7/9)**	0% (0/1)

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HOLD UNTIL RELEASED
BY THE COMMITTEE

STATEMENT BY

CHARLES L. RICE, M.D.

PRESIDENT, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES, PERFORMING THE DUTIES OF THE ASSISTANT SECRETARY OF DEFENSE, HEALTH AFFAIRS REGARDING

AND

WILLIAM J. CARR

DEPUTY UNDER SECRETARY OF DEFENSE FOR MILITARY PERSONNEL POLICY

MEDICAL EXAMS FOR SEPARATING MEMBERS DIAGNOSED WITH PTSD OR TBI

BEFORE THE

HOUSE COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON MILITARY PERSONNEL

April 20, 2010

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Madam Chairwoman, Members of the Committee, thank you for the opportunity to come before you today to discuss the implementation within the Department of Defense (DoD) of the statutory requirement for pre-separation medical examinations for Service members diagnosed with posttraumatic stress disorder (PTSD) or traumatic brain injury (TBI). In addition, I will address the resources available to the Department for the long-term for addressing PTSD issues.

DoD has dedicated considerable resources to develop comprehensive policies and programs to address behavioral health and related clinical issues for our Service members. With significant support from the Congress, we have introduced a variety of programs – from research to treatment to transition to the Department of Veterans Affairs (VA) – for our Service members and their families. Our programs span the continuum of care.

Scope of Behavioral Health Research, Prevention, Treatment and Transition Programs

Research – We have awarded more than $500 million to fund research studies in traumatic brain injury and psychological health, including PTSD at Department of Defense, Veterans Affairs, and academic organizations across the country.

Prevention – We have invested in resiliency training programs to better prepare our Service members for the undeniable stressors of deployment and combat.

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Evaluation and Treatment – We have incorporated the Military Acute Concussion Evaluation (MACE) for service members who sustain head or neck injuries. This evaluation is performed in-theater, at Landstuhl Regional Medical Center in Germany for all Operation Enduring Freedom / Operation Iraqi Freedom patients evacuated from the combat theaters, at the post-deployment phase, and upon entry into the VA.

Our pre and post deployment health assessments are repeatedly reviewed and updated. Currently, we are revamping both the pre- and post-deployment health reassessment to introduce a more comprehensive person-to-person assessment. These planned changes will also likely impact the pre-deployment health assessment.

Following deployment and / or separation, service members and their families continue to have access to self-help resources, community forums, podcasts and libraries to assist them at www.afterdeployment.org.

When care is required, we have made great efforts, with encouraging signs of success, to reduce the stigma associated with seeking behavioral health support.

One element of our new approaches is the Re-Engineering Systems for the Primary Care and Treatment of Depression and PTSD (RESPECT-MIL). This program is designed to help providers recognize warning signs early while eliminating Service Members' fears

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about the stigma of psychological illness. RESPECT-MIL takes advantage of any visit Service Members make to their primary care physician for any reason, turning those visits into opportunities to detect symptoms that could indicate the soldier is struggling with PTSD. Originally piloted by the Army, early efforts from Ft Bragg showed a significant increase in the successful diagnosing and treatment of Soldiers with PTSD and depression, and 60-90 percent of PTSD patients showed improvement. The program is being proliferated throughout the Military Health System (MHS).

We have also introduced an array of care venues for our Service members. These include traditional forms of behavioral health services delivery, as well as new approaches using telehealth technologies (to include coverage for this service under our TRICARE program). The telehealth initiatives are particularly helpful to our service members who reside in rural areas or other communities where there are insufficient numbers of behavioral health providers.

Transition – Finally, we work closely with the VA to ensure service members can transition through the continuum of care. Throughout all of these programs, we work to understand the best, evidence-based clinical practices, supported by independent subject matter experts in academia, the private sector and in other federal health agencies, to include national experts in the VA, the National Institutes of Health and other prominent agencies. Our clinical approaches to screening and medical examination are thereby informed by the collective wisdom of these experts.

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This summary of program initiatives across the continuum of care highlights the comprehensive nature of the services we offer – health care that is documented throughout a service member's career and provides our clinical teams who perform separation physicals with a rich source of information upon which to tailor their examinations. As our policy states – "how well the Military Health System services its members is more than just a measure of the care they received while on active duty. It is also the fulfillment of our obligation to ensure they are returned to civilian life in the best health possible, that they are compensated for any disability, and any care received or injury incurred is documented."

Separation Medical Examinations

DoD policy (*Policy Guidance for Separation Physical Exams*, October 23, 2005) directs the Services to ensure that Service members who are scheduled for separation from active duty undergo a physical examination within 12 months prior to separation. Waivers to this policy are only granted when *both* the Service member consents and the unit commander concurs.

At a minimum, these examinations include: a face-to-face interview with a provider and a comprehensive review of the medical record; focused, age- and gender-specific exams that are aligned with the recommendations of the U.S. Preventive Services Task Force

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and the Defense Health Board; and any indicated specialty consultations or diagnostic procedures.

Each Service has explicit instructions provided to its military treatment facility (MTF) commanders that outline the policies and requirements for conducting medical examinations for Service members prior to separation. As mentioned earlier, we also collaborate closely on best practices with our colleagues at the Department of Veterans Affairs. The tools we offer our providers highlight the VA-developed screening questions as the consensus best approach. All Service members who are determined to have mild TBI or PTSD are mandatorily directed for further examination and testing.

We have worked with the VA on several innovative approaches to make this process easier for our Service members and less costly to the taxpayer. The Benefits Delivery at Discharge program is a cooperative process by which VA benefit decisions can be accelerated through use of a single exam and form. The DoD/VA Disability Evaluation System (DES) pilot project allows DoD and VA to conduct a single exam that meets the minimum VA disability exam evaluation criteria.

Mental Health Provider – System Capacity

There has been a considerable growth in demand for mental health services from many of our active duty service members and their families. DoD carefully monitors access to

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behavioral health services, whether in our direct care system, or within our network of civilian providers in the TRICARE program.

Our active duty mental health professionals are largely focused on serving those in uniform, and we have placed an unprecedented number of these professionals into the combat theaters. Consequently, we rely to a greater degree on a combination of contracted professionals in our medical facilities, and on community capacity to serve our families.

Within MTFs, the Services have contracted for additional mental health specialists to augment existing staff, adding almost 2,000 additional mental health providers as of January 1, 2010. We have developed a number of innovative solutions to address our needs. For example, using a DoD-established Memorandum of Agreement with the U.S. Public Health Service (PHS) to provide mental health officers to MTFs, we have added 105 PHS officers with approximately 32 more candidates who are in the process of applying to the PHS and being matched to DoD positions. In some cases, the recruitment and hiring process has moved more slowly than we desired, but we are making significant progress in bringing resources on board.

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For the longer term, DoD is implementing the Psychological Health Risk Adjusted Model for Staffing to enable the Services to determine appropriate mental health staffing needs at MTFs.

In the summer of 2009, we established a new program within TRICARE in which telepsychiatry services may be offered to beneficiaries. This program has the potential to address medically underserved populations by using resources that are available in other communities.

We have established access to care standards for timeliness into our TRICARE network for both primary care and specialty services. We closely monitor access to care across all specialties in our network, to include mental health, and we work with our TRICARE contractors to remedy any service area that is not meeting our standards for access.

We have also established a healthcare finder capability through our managed care support contractors to assist Active Duty Service Member and Active Duty Family Member TRICARE Prime beneficiaries in making timely routine and urgent appointments with mental health providers.

Since 2001, TRICARE has witnessed an 18 percent annual growth rate in mental health services, and our network support has adapted to this increased demand.
Over 50,000 behavioral health providers are in the network, with more than 10,000 added

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in the past three years to ensure TRICARE can continue meeting access to care standards.

Of course, VA medical facilities often provide PTSD counseling services to our beneficiaries through both local and national resource sharing agreements. While we offer patients choice in facilities, we use these facilities when they are proximate and when they can provide timely access to care.

DoD is ensuring that all of these programs and initiatives have proper subject matter leadership oversight. We are establishing Directors of Psychological Health in the Services and military units to oversee coordination and management of a continuum of mental health care services. The National Guard Bureau has established positions for Directors of Psychological Health at each of the 54 Joint Force Headquarters, and Army National Guard and Air National Guard Headquarters act as the focal point for coordinating the psychological support for National Guard members and their families.

In 2006, the Center for Deployment Psychology (CDP) was established at the Uniformed Services University of the Health Sciences in response to a nationally-recognized need for behavioral health providers with experience in deployment-related issues. The CDP is a DoD training consortium that supports a network of deployment behavioral health psychologists at 10 military medical centers throughout the country that offer American

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Psychological Association-accredited psychology internship programs. The CDP offers several training programs, including a two-week comprehensive course for military providers, a one-week comprehensive course for civilian providers, 2-3 day courses focusing on treatments of PTSD, sleep problems and depression, and online courses that address topics including military cultural competence, PTSD and military families.

To date, more than 500 providers have completed one of 16 iterations of the two-week course, and approximately 1,000 have completed one of 12 one-week courses. The CDP has trained more than 3,000 in evidence-based treatments for PTSD. Going forward, the CDP plans to expand and modify the current curricula, develop new workshops to address other audiences such as university counseling center providers who work with veterans, develop online support and consultation programs for those trained by the CDP, and forge new partnerships with other universities, foundations and state agencies.

Separation Policy

Separation policy promotes readiness of the Military Services. Not only does it lead to an orderly transition of those who honorably complete their service to the nation, but also it is employed in managing targeted losses among those whose continued service is not merited. Included in the latter group are those not fully capable of continuing their careers.

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Medical fitness is an area of particular concern, and the military must carefully reach such a determination. In that regard, the nature of the signature injuries sustained in Operations Iraqi Freedom and Enduring Freedom (OIF/OEF) has challenged the Department to better understand and treat those disabilities, including Traumatic Brain Injuries (TBI) and Post Traumatic Stress Disorder (PTSD). As the body of knowledge of PTSD and TBI has matured, personnel policies have also evolved to ensure Service members are thoroughly evaluated prior to consideration of a discharge from military service. The Department's separation policies offer many levels of oversight to protect against inappropriate discharge. These levels of oversight are especially important in caring for wounded warriors, when PTSD and TBI are sustained, as these could directly lead to physical disability discharges which are compensable.

Leadership awareness and understanding of PTSD and TBI are Department priorities. One example of this is the new discharge policy (August 28, 2008) on personality disorders, which adds far greater rigor and increased confidence in the Department's ability to accurately diagnose personality disorders, which by themselves are not compensable. Such rigor also serves to improve the identification of any co-morbidity of PTSD or TBI, which are compensable discharges. The new policy authorizes personality disorder separations only if diagnosed by a psychiatrist or PhD-level psychologist.

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In addition, members who have served or are currently serving in imminent danger pay areas must have their diagnosis corroborated by a peer -- psychiatrist, PhD-level psychologist, or higher level mental health professional -- and endorsed by The Surgeon General of the Military Service concerned. While there is little evidence that Service members would be routinely misdiagnosed, there were concerns early in the War that members suffering PTSD or TBI might be separated under the non-compensable, exclusive diagnosis of a personality disorder.

Such concerns were reasonable, given that our understanding of these signature injuries was nascent. To ensure that the requisite safeguards were put in place, the Department implemented oversight mechanisms to include an annual personality disorder report and periodic reviews of personality disorder separation data by the Department's medical and personnel council.

The fact that the number of personality disorder discharges of Service members who have deployed in support of a contingency operation has decreased from 81 per month in September 2008, just after the new policy was promulgated, to an average of 16 per month in 2009, is evident of the positive effect of increased rigor and oversight. In addition, a greater percentage of PTSD diagnosed veterans discharged under the Disability Evaluation System are being compensated for their disability, which could indicate that the Department is doing a better job of screening, diagnosing and compensating veterans with a PTSD.

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For administrative separations, to include those for misconduct that are not related to personality disorders, there are equally rigorous processes that ensure Service members receive the appropriate discharge characterization. Much of the rigor in the discharge process occurs before the case is presented to the separation authority. The initiating commander, who often is a lower level commander, must consult legal counsel which provides advice on the case. This commander also has medical professionals available to assess the Service member to ascertain if the behavior/misconduct is a departure from the individual's norm. If there are intermediate commanders between the initiating commander and the separation authority, those commanders will also review the adequacy of the case. The separation authority also has the counsel of his senior judge advocate who can provide the appropriate legal guidance and suggest mitigating or extenuating concerns. The separation authority for misconduct is not a "lower level commander," but rather a special court-martial convening authority or higher. This senior officer, typically at or above the grade of colonel or captain in the case of the Navy, is tasked to determine if there is sufficient evidence to verify the allegations set forth in the notification to the Service member. The Service member is also provided counsel who can argue to the separation authority that such misconduct is out of the norm and a result of PTSD or TBI, if that is an extenuating circumstance.

To further ensure that the Department identifies Service members with PTSD or TBI, title 10, United States Code, section 1145 and DoD policy, require the Secretary

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concerned to ensure a physical examination of Service members immediately before any discharge with the intent to ensure existing conditions are documented and to rule out a PTSD or TBI diagnosis or any problematic or extenuating medical condition(s). If PTSD or TBI is identified by a medical professional or alleged by the Service member during this process, DoD policy mandates the separation authority consider a PTSD or TBI diagnosis as an extenuating circumstance, and if this new evidence outweighs the conduct or cause for separation, to consider denying or modifying the separation and /or separation characterization.

The Department realizes that the new policies and body of knowledge of PTSD and TBI evolved too late to benefit many Service members. In that regard, the Department continues to encourage veterans who are later diagnosed with PTSD or other mitigating disorders to request review of their separations through their respective Military Department Discharge Review Board (DRB) and Board for Correction of Military Records (BCMR). As expected, the number of DRB and BCMR appeals related PTSD or TBI has increased. This process has worked well, and we continue to work with the Military Departments and the Department of Veterans Affairs to identify those with PTSD and TBI who may have transitioned prior to our current understanding of these conditions.

Looking ahead, and in response to Section 512 of the FY10 National Defense Authorization Act, the Department is developing policies to ensure that medical

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examinations are conducted with the participation of mental health professionals with experience in diagnosing PTSD and TBI for those Service members who have deployed to a contingency operation within the past two years, have been experiencing or reasonably assert PTSD or TBI, and who are being considered for discharge under conditions other than honorable. These emerging policies will also ensure the assessment of the effects of PTSD or TBI relating to the basis for a separation under conditions other than honorable. An integrated effort across the Department, these new policies will necessitate changes to DoD separations, medical exam, and discharge review board legal policies as well as cascading changes to Military Department Instructions and Regulations. The Department is working hard to implement the statute in policies, regulations and in practice and is looking forward to reporting the status and accomplishment by June 25, 2010.

The Department is more confident that Service members who experience or assert PTSD or TBI are being diagnosed and that those diagnoses are being considered in administrative discharge proceedings prior to adjudication. Oversight of policies is crucial and the Department continues to conduct reviews of discharge data. I will be happy to answer any questions you might have at this time.

Conclusion

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I want to thank you for the opportunity to talk with you about the status of our implementation of the requirement for medical examinations and separation policy for all separating personnel, and in particular for those Service members diagnosed with PTSD or TBI. The Defense Department is complying with both the letter and, we believe, the spirit of the law, and is working to improve the means by which we perform these examinations, and to enhance the evidence-based guidelines we use in the process.

The focus on behavioral health service support has increased the demand on our MTFs, and we continue to work closely with our TRICARE contractors to augment them. Although there some areas with insufficient behavioral health resources, we are introducing new programs to address this shortfall.

I would be pleased to respond to any questions you may have.

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UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

SEP 10 2010

PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Continued Compliance Reporting on Personality Disorder (PD) Separations

Reference: USD (P&R) Memorandum, dated January 14, 2009

In October 2008, the Government Accountability Office released a report titled, *Additional Efforts Needed to Ensure Compliance with Personality Disorder Separation Requirements*, which found that the Military Departments were not wholly compliant with DoD personality disorder separation guidance contained in DoD Instruction 1332.14, *Enlisted Administrative Separations*. The Department endorsed the subsequent recommendation that DoD review compliance on a regular basis.

In January 2009, the Military Departments were directed (reference) to provide a report on compliance with DoD PD separation guidance contained in DoDI 1332.14 for PD separations during fiscal year (FY) 2008 and FY2009. While improvement has occurred, it is clear that compliance reporting should continue through FY2012. Your report is due by March 31 of the year following the close of the FY.

The report provided shall be based, at a minimum, on a random sampling of at least 10 percent of all PD separations for your respective Military Department for the designated FY. Each case file sampled shall be checked for compliance with the DoD requirements listed in the attached document titled, "DoD Personality Disorder Separation Requirements." Additionally, the report shall include the total number of PD separations for the applicable FY and the total number of PD separations of Service members who had served in imminent danger pay areas since September 11, 2001.

If a Military Department finds that compliance with any DoD PD separation requirement is less than 90 percent, then the report shall also contain the Military Department's plan for correcting compliance deficiencies.

We owe special care to those Service members who have deployed in support of a contingency operation since September 11, 2001, and were later administratively separated for a personality disorder, regardless of years of service, without completing the enhanced screening requirements for Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI). Our knowledge in these areas has evolved significantly and we need to make every effort to ensure our veterans are advantaged by the latest medical knowledge in this area.

Accordingly, I am directing that your FY2010 Compliance Report on Personality Disorder Separations include actions taken to: 1) identify these discharged Service members; 2) inform them of the correction of discharge characterization process; 3) inform them on how to obtain a mental health assessment through the Department of Veterans Affairs; and 4) identify these individuals to the Department of Veterans Affairs

If you should have any questions regarding this matter, please contact my action officer, Michael Pachuta, at (703) 695-6461 or michael.pachuta@osd.mil.

Clifford L. Stanley

Attachment:
As stated

cc:
ASA(M&RA)
ASN(M&RA)
SAF(MR

DoD Personality Disorder (PD) Separation Requirements

All references listed refer to DoD Instruction 1332.14, *Enlisted Administrative Separations,* August 28, 2008.

- Member received formal counseling and was afforded adequate opportunity to improve his or her behavior prior to being separated on the basis of PD (Ref: Paragraph 3.a.(8)(a)).

- Member's PD diagnosis was made by a psychiatrist or Ph.D.-level psychologist (Ref: Paragraph 3.a.(8)(c)).

- The PD diagnosis included a statement or judgment from the psychiatrist or Ph.D.-level psychologist that the Service member's disorder was so severe that the member's ability to function effectively in the military environment was significantly impaired (Ref: Paragraph 3.a.(8)(c)).

- Member received written notification of his or her impending separation based on PD diagnoses (Ref: Paragraph 3.a.(8)(f) and Enclosure 6, Paragraph 2.a).

- Member was advised that the diagnosis of a personality disorder does not qualify as a disability (ref: Paragraph 3.a.(8)(a)) – **(only required for PD separations after August 28, 2008).**

- For Service members separated on the basis of PD who served in imminent danger pay areas **(only required for PD separations after August 28, 2008).**

  - Member's PD diagnosis was corroborated by a peer psychiatrist or Ph.D.-level psychologist or higher level mental health professional (Ref: Paragraph 3.a.(8)(c)).

  - Member's PD diagnosis addressed Post-Traumatic Stress Disorder (PTSD) or other mental illness co-morbidity (Ref: paragraph 3.a.(8)(c)). (NOTE: According to paragraph 3.a.(8)(d), unless found fit for duty by the disability evaluation system, a separation for PD is not authorized if Service-related PTSD is also diagnosed.)

  - Member's PD diagnosis was endorsed by The Surgeon General of the Military Department concerned prior to discharge (Ref: Paragraph 3.a.(8)(c)).

Active Duty/Reserve/Guard Separations
Under Personality Disorders & Adjustment Disorders
By Other Demographics
As of: FY2000-JUL2010
Source: Active Duty Transaction & RCCPDS Transaction

				Separation Reason			Gender		Race Group			Ethnicity Grouping		Character of Service	
Fiscal Year	SPD	Service Component	Pay Grade	PD/AD	PD	AD	Males	Females	Whites	Blacks	Other	Hispanic	Non-Hispanic	Honorable Discharge	Other than Honorable Discharge
2000	BFX	Navy	O03	1	1	0	1	0	1	0	0	0	1	0	1
		Marine Corps	O01	1	1	0	1	0	1	0	0	0	1	1	0
		Marine Corps Reserve	O03	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	O01	3	3	0	2	1	2	0	1	0	3	3	0
			O02	2	2	0	2	0	1	0	1	0	2	2	0
			O03	3	3	0	2	1	2	0	1	0	3	3	0
			O04	1	1	0	1	0	1	0	0	0	1	1	0
	GFX	Navy	E05	2	2	0	2	0	2	0	0	0	2	2	0
			E02	19	19	0	16	3	14	4	1	1	18	10	9
			E04	7	7	0	5	2	3	2	2	2	5	7	0
			E01	11	11	0	8	3	10	1	0	0	11	4	7
			E03	16	16	0	13	3	11	2	3	1	15	9	7
		Navy Reserve	E05	2	2	0	1	1	2	0	0	0	2	1	1
			E03	2	2	0	1	1	2	0	0	0	2	2	0
		Marine Corps	E06	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	O02	1	1	0	0	1	1	0	0	0	1	1	0
			E05	6	6	0	6	0	4	1	1	1	5	6	0
			E02	1	1	0	0	1	1	0	0	0	1	1	0
			E04	3	3	0	2	1	3	0	0	1	2	3	0
		Coast Guard	O02	1	1	0	1	0	1	0	0	0	1	1	0
			E05	1	1	0	1	0	1	0	0	0	1	1	0
	HFX	Navy	E05	14	14	0	14	0	14	0	0	0	14	12	2
			E02	30	30	0	26	4	19	9	2	3	27	27	3
			E04	30	30	0	19	11	21	7	2	3	27	25	5
			E06	2	2	0	1	1	2	0	0	0	2	2	0
			E01	22	22	0	20	2	16	4	2	0	22	16	6
			E03	36	36	0	25	11	26	4	6	1	35	29	7
			E07	1	1	0	1	0	1	0	0	0	1	1	0
		Navy Reserve	E04	1	1	0	1	0	1	0	0	0	1	1	0
			E03	1	1	0	1	0	1	0	0	0	1	1	0
		Marine Corps	E05	2	2	0	2	0	1	1	0	0	2	2	0
			E02	178	178	0	164	14	141	25	12	11	167	167	11
			E04	19	19	0	15	4	17	1	1	1	18	19	0
			E06	2	2	0	2	0	2	0	0	0	2	2	0
			E01	81	81	0	74	7	67	6	8	5	76	56	25
			E03	114	114	0	91	23	90	12	12	10	104	104	10
			E00	106	106	0	94	12	90	8	8	4	102	96	10
		Marine Corps Reserve	E01	1	1	0	1	0	1	0	0	0	1	0	1
			E03	1	1	0	1	0	0	0	1	0	1	1	0
		Air Force	E05	14	14	0	12	2	11	2	1	1	13	14	0
			E04	18	18	0	8	10	16	1	1	0	18	18	0
			E06	1	1	0	1	0	1	0	0	0	1	1	0
			E03	4	4	0	1	3	3	1	0	0	4	3	1
	JFX	Army	E05	32	32	0	29	3	25	5	2	1	31	27	5
			E02	195	195	0	157	38	157	21	17	13	182	138	57
			E04	174	174	0	139	35	139	22	13	10	164	138	36
			E06	3	3	0	3	0	3	0	0	0	3	3	0
			E01	94	94	0	79	15	79	10	5	5	89	30	64
			E03	161	161	0	118	43	125	24	12	10	151	138	23
		Navy	O01	2	2	0	2	0	2	0	0	0	2	0	2
			O02	1	1	0	1	0	1	0	0	0	1	0	1
			O03	1	1	0	1	0	1	0	0	0	1	0	1
			E05	35	35	0	25	10	32	1	2	4	31	30	5

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			E02	375	375	0	298	77	288	50	37	31	344	305	70
			E04	188	188	0	153	35	159	13	16	20	168	172	16
			E06	3	3	0	3	0	3	0	0	0	3	3	0
			E01	311	311	0	259	52	233	34	44	30	281	205	106
			E03	296	296	0	202	94	222	38	36	38	258	255	41
		Navy Reserve	E05	1	1	0	0	1	1	0	0	0	1	1	0
			E04	2	2	0	1	1	1	1	0	0	2	2	0
			E03	1	1	0	1	0	1	0	0	0	1	1	0
		Marine Corps	E02	13	13	0	13	0	12	0	1	1	12	12	1
			E01	2	2	0	2	0	2	0	0	0	2	2	0
			E03	3	3	0	3	0	3	0	0	1	2	3	0
			E00	8	8	0	7	1	8	0	0	0	8	5	3
		Marine Corps Reserve	E02	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	E02	171	171	0	108	63	134	28	9	10	161	93	78
			E04	56	56	0	39	17	46	6	4	2	54	56	0
			E01	842	842	0	563	279	709	87	46	40	802	26	816
			E03	347	347	0	227	120	254	53	40	23	324	252	95
		Air Force Reserve	E01	3	3	0	3	0	2	0	1	1	2	0	3
			E03	3	3	0	2	1	3	0	0	0	3	0	3
		Coast Guard	E05	4	4	0	4	0	4	0	0	0	4	4	0
			E02	114	114	0	87	27	104	5	5	6	108	114	0
			E04	30	30	0	20	10	22	2	6	4	26	30	0
			E01	10	10	0	7	3	7	1	2	0	10	10	0
			E03	43	43	0	30	13	38	3	2	1	42	43	0
	KFX	Navy	E05	2	2	0	2	0	2	0	0	0	2	2	0
			E02	17	17	0	14	3	10	5	2	0	17	15	2
			E04	3	3	0	2	1	3	0	0	0	3	3	0
			E01	11	11	0	9	2	7	4	0	1	10	10	1
			E03	21	21	0	14	7	17	3	1	1	20	20	1
		Marine Corps	E03	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	O01	1	1	0	0	1	1	0	0	0	1	1	0
			O02	1	1	0	0	1	1	0	0	0	1	1	0
	LFX	Army	E05	4	4	0	4	0	3	0	1	0	4	4	0
			E02	23	23	0	14	9	16	4	3	6	17	18	5
			E04	15	15	0	7	8	11	3	1	0	15	11	4
			E01	1	1	0	1	0	1	0	0	0	1	1	0
			E03	20	20	0	12	8	15	3	2	2	18	16	4
		Navy	E05	1	1	0	1	0	1	0	0	0	1	1	0
			E02	5	5	0	3	2	2	1	2	0	5	4	1
			E04	1	1	0	0	1	1	0	0	0	1	1	0
			E01	3	3	0	2	1	2	0	1	1	2	2	1
			E03	2	2	0	1	1	2	0	0	0	2	2	0
	Total			4,420	4,420	0	3,315	1,105	3,523	518	379	307	4,113	2,869	1,551
2001	SPD	Service Component	Pay Grade												
	BFX	Navy	O01	1	1	0	0	1	1	0	0	0	1	0	1
			O02	1	1	0	1	0	1	0	0	0	1	0	1
			O04	1	1	0	1	0	1	0	0	0	1	0	1
		Air Force	O01	2	2	0	1	1	2	0	0	0	2	0	2
	GFX	Navy	E05	2	2	0	2	0	1	1	0	0	2	2	0
			E02	16	16	0	13	3	9	4	3	0	16	14	2
			E04	12	12	0	9	3	12	0	0	1	11	9	3
			E06	1	1	0	0	1	1	0	0	0	1	1	0
			E01	11	11	0	7	4	8	3	0	1	10	9	2
			E03	15	15	0	11	4	11	3	1	0	15	13	2
		Navy Reserve	E03	1	1	0	1	0	0	0	1	1	0	1	0
		Marine Corps	E02	2	2	0	0	2	1	1	0	0	2	2	0
			E03	2	2	0	2	0	1	0	1	0	2	2	0
		Marine Corps Reserve	E03	1	1	0	0	1	0	0	1	1	0	1	0
		Air Force	O01	1	1	0	0	1	1	0	0	0	1	0	1
			O02	1	1	0	0	1	1	0	0	0	1	1	0
			E05	1	1	0	1	0	1	0	0	0	1	1	0
			E02	1	1	0	0	1	1	0	0	0	1	1	0

		E04	1	1	0	1	0	1	0	0	0	1	1	0
		E03	2	2	0	2	0	1	1	0	0	2	2	0
HFX	Navy	E05	6	6	0	4	2	3	2	1	0	6	6	0
		E02	35	35	0	29	6	26	5	4	2	33	31	4
		E04	21	21	0	18	3	14	3	4	1	20	20	1
		E06	3	3	0	3	0	3	0	0	0	3	3	0
		E01	10	10	0	6	4	9	1	0	1	9	10	0
		E03	47	47	0	35	12	31	9	7	7	40	41	6
	Navy Reserve	E03	3	3	0	2	1	2	1	0	0	3	0	3
	Marine Corps	E05	3	3	0	3	0	3	0	0	1	2	3	0
		E02	156	156	0	137	19	133	11	12	7	149	139	17
		E04	15	15	0	8	7	13	1	1	1	14	14	1
		E06	2	2	0	2	0	2	0	0	0	2	2	0
		E01	78	78	0	73	5	66	6	6	7	71	52	26
		E03	144	144	0	116	28	115	17	12	6	138	132	12
	Marine Corps Reserve	E02	4	4	0	4	0	4	0	0	0	4	3	1
		E01	3	3	0	3	0	1	1	1	1	2	1	2
	Air Force	E05	20	20	0	15	5	15	1	4	0	20	18	2
		E04	13	13	0	7	6	10	2	1	0	13	13	0
		E06	1	1	0	1	0	1	0	0	0	1	1	0
		E03	8	8	0	6	2	7	0	1	0	8	8	0
	Air Force Reserve	E04	1	1	0	0	1	1	0	0	0	1	1	0
		E06	1	1	0	1	0	1	0	0	0	1	1	0
JFX	Army	E05	23	23	0	16	7	14	4	5	1	22	20	3
		E02	210	210	0	153	57	176	24	10	17	193	157	53
		E04	132	132	0	107	25	100	13	19	16	116	109	23
		E06	1	1	0	0	1	1	0	0	0	1	0	1
		E01	112	112	0	85	27	89	18	5	10	102	56	56
		E03	155	155	0	117	38	115	21	19	13	142	119	36
	Navy	O01	1	1	0	0	1	1	0	0	1	0	0	1
		E05	31	31	0	23	8	28	3	0	2	29	28	3
		E02	355	355	0	264	91	255	50	50	34	321	278	77
		E04	193	193	0	142	51	140	24	29	10	183	177	16
		E06	3	3	0	3	0	3	0	0	0	3	2	1
		E01	253	253	0	193	60	191	30	32	35	218	158	95
		E03	345	345	0	236	109	255	50	40	29	316	292	53
	Navy Reserve	E05	1	1	0	0	1	1	0	0	0	1	0	1
		E02	6	6	0	4	2	4	2	0	0	6	0	6
		E04	5	5	0	4	1	5	0	0	0	5	1	4
		E01	3	3	0	1	2	3	0	0	0	3	0	3
		E03	4	4	0	3	1	3	1	0	0	4	0	4
	Marine Corps	E02	33	33	0	28	5	28	2	3	2	31	31	2
		E04	4	4	0	2	2	3	0	1	0	4	4	0
		E01	19	19	0	19	0	18	1	0	0	19	15	4
		E03	17	17	0	15	2	14	0	3	2	15	17	0
	Air Force	E02	146	146	0	93	53	123	14	9	10	136	89	57
		E04	60	60	0	37	23	47	9	4	3	57	59	1
		E01	617	617	0	413	204	534	63	20	31	586	27	590
		E03	331	331	0	212	119	262	44	25	16	315	269	62
	Air Force Reserve	E02	1	1	0	0	1	1	0	0	0	1	1	0
		E01	5	5	0	1	4	4	1	0	0	5	0	5
		E03	4	4	0	4	0	3	1	0	0	4	1	3
	Coast Guard	E05	12	12	0	9	3	9	0	3	1	11	12	0
		E02	100	100	0	78	22	90	4	6	6	94	100	0
		E04	30	30	0	25	5	24	2	4	2	28	30	0
		E01	16	16	0	14	2	13	0	3	0	16	16	0
		E03	52	52	0	37	15	48	1	3	2	50	52	0
KFX	Navy	O01	1	1	0	0	1	1	0	0	0	1	0	1
		E05	2	2	0	2	0	2	0	0	0	2	2	0
		E02	14	14	0	10	4	9	4	1	1	13	12	2
		E04	12	12	0	11	1	9	1	2	1	11	7	5
		E01	9	9	0	6	3	3	4	2	2	7	7	2

			E03	25	25	0	16	9	20	2	3	2	23	20	5
		Navy Reserve	E04	1	1	0	1	0	1	0	0	0	1	0	1
			E03	3	3	0	2	1	2	0	1	1	2	1	2
	LFX	Army	E05	1	1	0	1	0	1	0	0	0	1	1	0
			E02	18	18	0	13	5	15	1	2	1	17	12	6
			E04	9	9	0	7	2	6	2	1	1	8	8	1
			E01	4	4	0	3	1	3	1	0	1	3	4	0
			E03	15	15	0	12	3	12	2	1	2	13	13	2
		Navy	E04	1	1	0	0	1	1	0	0	0	1	0	1
			E06	1	1	0	1	0	1	0	0	0	1	0	1
			E01	1	1	0	1	0	1	0	0	0	1	1	0
			E03	7	7	0	6	1	5	2	0	2	5	7	0
	Total			4,053	4,053	0	2,955	1,098	3,212	474	367	295	3,758	2,774	1,279
2002	SPD	Service Component	Pay Grade												
	BFX	Navy	O01	1	1	0	1	0	1	0	0	0	1	0	1
			O02	1	1	0	0	1	1	0	0	0	1	0	1
		Air Force	O02	2	2	0	1	1	2	0	0	0	2	2	0
			O03	1	1	0	0	1	0	1	0	0	1	1	0
	GFX	Navy	E05	2	2	0	1	1	2	0	0	0	2	0	2
			E02	11	11	0	5	6	7	2	2	1	10	9	2
			E04	13	13	0	9	4	12	1	0	3	10	9	4
			E06	2	2	0	2	0	2	0	0	0	2	1	1
			E01	2	2	0	2	0	1	1	0	0	2	0	2
			E03	26	26	0	18	8	17	5	4	3	23	20	6
		Navy Reserve	E05	1	1	0	1	0	0	0	1	1	0	1	0
			E03	1	1	0	0	1	1	0	0	0	1	1	0
		Marine Corps	E02	1	1	0	1	0	1	0	0	0	1	0	1
			E01	1	1	0	1	0	1	0	0	1	0	0	1
			E03	1	1	0	1	0	1	0	0	1	0	1	0
		Air Force	O01	1	1	0	0	1	1	0	0	0	1	1	0
			O02	2	2	0	0	2	1	0	1	0	2	2	0
			O03	1	1	0	0	1	1	0	0	0	1	1	0
			E05	2	2	0	1	1	2	0	0	0	2	2	0
			E02	1	1	0	1	0	1	0	0	0	1	1	0
			E04	4	4	0	4	0	3	1	0	0	4	4	0
			E01	1	1	0	1	0	1	0	0	0	1	0	1
			E03	1	1	0	1	0	0	0	1	1	0	1	0
		Air Force Reserve	E05	1	1	0	1	0	1	0	0	0	1	1	0
	HFX	Army	E04	1	1	0	1	0	0	1	0	0	1	0	1
		Navy	E05	10	10	0	6	4	7	3	0	2	8	9	1
			E02	22	22	0	10	12	12	5	5	5	17	12	10
			E04	22	22	0	15	7	14	4	4	2	20	16	6
			E01	7	7	0	6	1	6	0	1	0	7	5	2
			E03	47	47	0	24	23	29	10	8	2	45	30	17
			E07	1	1	0	1	0	1	0	0	0	1	1	0
			E08	1	1	0	1	0	1	0	0	0	1	1	0
		Navy Reserve	E05	2	2	0	1	1	2	0	0	0	2	2	0
		Marine Corps	E05	4	4	0	2	2	3	0	1	1	3	4	0
			E02	77	77	0	69	8	62	9	6	6	71	66	11
			E04	8	8	0	6	2	7	1	0	0	8	6	2
			E06	3	3	0	3	0	3	0	0	0	3	3	0
			E01	28	28	0	24	4	24	1	3	2	26	22	6
			E03	56	56	0	48	8	47	2	7	4	52	51	5
		Marine Corps Reserve	E01	3	3	0	3	0	2	0	1	1	2	3	0
			E03	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	E05	10	10	0	7	3	8	2	0	0	10	9	1
			E04	7	7	0	2	5	7	0	0	0	7	7	0
			E03	3	3	0	3	0	3	0	0	0	3	3	0
			O00	1	1	0	1	0	1	0	0	0	1	1	0
	JFX	Army	E05	28	28	0	26	2	18	7	3	4	24	26	2
			E02	166	166	0	125	41	125	24	17	14	152	146	20
			E04	148	148	0	111	37	108	27	13	12	136	128	20

			E06	2	2	0	2	0	2	0	0	0	2	2	0
			E01	97	97	0	82	15	76	15	6	11	86	54	43
			E03	175	175	0	125	50	132	28	15	9	166	150	25
		Navy	O01	2	2	0	1	1	2	0	0	0	2	0	2
			O02	1	1	0	0	1	0	1	0	0	1	0	1
			E05	34	34	0	29	5	27	1	6	3	31	28	6
			E02	386	386	0	279	107	286	47	53	35	351	216	170
			E04	151	151	0	116	35	119	11	21	13	138	119	32
			E06	5	5	0	4	1	4	1	0	0	5	5	0
			E01	521	521	0	369	152	392	76	53	56	465	117	404
			E03	378	378	0	280	98	275	48	55	31	347	244	134
		Navy Reserve	E02	7	7	0	5	2	4	2	1	0	7	0	7
			E04	4	4	0	2	2	4	0	0	0	4	3	1
			E01	3	3	0	2	1	1	0	2	0	3	0	3
			E03	7	7	0	4	3	4	2	1	1	6	3	4
		Marine Corps	E05	2	2	0	2	0	2	0	0	0	2	2	0
			E02	127	127	0	110	17	109	9	9	9	118	108	19
			E04	14	14	0	8	6	12	0	2	0	14	14	0
			E01	54	54	0	51	3	45	1	8	8	46	41	13
			E03	115	115	0	91	24	96	14	5	5	110	106	9
		Marine Corps Reserve	E02	7	7	0	7	0	6	1	0	0	7	5	2
			E04	1	1	0	1	0	1	0	0	0	1	1	0
			E01	2	2	0	2	0	2	0	0	0	2	1	1
			E03	3	3	0	3	0	3	0	0	0	3	2	1
		Air Force	E05	19	19	0	10	9	17	2	0	2	17	0	19
			E02	75	75	0	45	30	54	17	4	3	72	39	36
			E04	39	39	0	21	18	31	7	1	3	36	37	2
			E01	454	454	0	321	133	381	46	27	19	435	64	390
			E03	239	239	0	157	82	189	34	16	11	228	186	53
		Air Force Reserve	E02	1	1	0	0	1	1	0	0	0	1	0	1
			E01	4	4	0	3	1	3	1	0	0	4	0	4
			E03	13	13	0	10	3	11	1	1	1	12	1	12
		Coast Guard	E05	8	8	0	5	3	8	0	0	0	8	8	0
			E02	80	80	0	59	21	67	2	11	5	75	80	0
			E04	27	27	0	21	6	25	0	2	2	25	27	0
			E01	8	8	0	7	1	5	2	1	1	7	8	0
			E03	57	57	0	46	11	51	1	5	2	55	57	0
	KFX	Navy	E02	14	14	0	10	4	12	2	0	1	13	7	7
			E04	9	9	0	6	3	5	0	4	2	7	6	3
			E01	5	5	0	3	2	4	0	1	2	3	3	2
			E03	13	13	0	9	4	6	6	1	1	12	8	5
		Navy Reserve	E03	1	1	0	1	0	1	0	0	0	1	0	1
	LFX	Army	E05	2	2	0	1	1	2	0	0	0	2	1	1
			E02	12	12	0	8	4	9	1	2	2	10	9	3
			E04	12	12	0	9	3	9	3	0	0	12	12	0
			E01	5	5	0	4	1	3	1	1	0	5	5	0
			E03	15	15	0	9	6	9	5	1	0	15	13	2
	Total			3,946	3,946	0	2,888	1,058	3,058	495	393	304	3,642	2,402	1,544
2003	SPD	Service Component	Pay Grade												
	BFX	Navy	O01	1	1	0	0	1	1	0	0	0	1	0	1
			O02	4	4	0	4	0	3	0	1	0	4	0	4
			O03	1	1	0	0	1	0	1	0	0	1	0	1
		Marine Corps	O01	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	O03	3	3	0	2	1	3	0	0	0	3	3	0
	GFX	Navy	E05	2	2	0	2	0	2	0	0	0	2	2	0
			E02	10	10	0	7	3	6	2	2	0	10	8	2
			E04	13	13	0	9	4	9	2	2	2	11	11	2
			E06	1	1	0	1	0	1	0	0	0	1	1	0
			E01	4	4	0	3	1	4	0	0	1	3	4	0
			E03	19	19	0	13	6	15	3	1	3	16	19	0
		Navy Reserve	E05	1	1	0	1	0	0	1	0	0	1	0	1
			E02	1	1	0	1	0	1	0	0	0	1	0	1

		E04	1	1	0	1	0	1	0	0	0	1	1	0
		E03	1	1	0	1	0	1	0	0	0	1	1	0
	Marine Corps	E03	2	2	0	2	0	1	1	0	0	2	2	0
	Air Force	O02	1	1	0	1	0	1	0	0	0	1	1	0
		O03	1	1	0	1	0	1	0	0	0	1	1	0
		E05	3	3	0	2	1	1	1	1	1	2	3	0
		E03	1	1	0	0	1	1	0	0	0	1	1	0
	Coast Guard	E04	1	1	0	1	0	0	1	0	0	1	1	0
	Coast Guard Reserve	E02	2	2	0	0	2	2	0	0	0	2	2	0
		E04	1	1	0	1	0	1	0	0	0	1	1	0
		E03	1	1	0	1	0	1	0	0	0	1	1	0
HFX	Navy	E05	13	13	0	11	2	8	4	1	1	12	13	0
		E02	20	20	0	15	5	13	6	1	1	19	18	2
		E04	29	29	0	23	6	25	4	0	4	25	27	2
		E06	2	2	0	1	1	2	0	0	1	1	2	0
		E01	4	4	0	3	1	1	2	1	0	4	3	1
		E03	34	34	0	22	12	21	7	6	3	31	32	2
	Navy Reserve	E03	1	1	0	1	0	0	1	0	0	1	0	1
	Marine Corps	E05	10	10	0	9	1	8	2	0	1	9	9	1
		E02	41	41	0	37	4	30	5	6	10	31	24	17
		E04	5	5	0	4	1	3	1	1	1	4	5	0
		E06	1	1	0	1	0	1	0	0	0	1	1	0
		E01	19	19	0	18	1	18	0	1	1	18	7	12
		E03	34	34	0	31	3	31	0	3	8	26	31	3
	Marine Corps Reserve	E02	1	1	0	1	0	1	0	0	0	1	0	1
		E03	4	4	0	2	2	3	1	0	1	3	4	0
	Air Force	E05	13	13	0	5	8	11	1	1	0	13	13	0
		E02	1	1	0	0	1	1	0	0	1	0	1	0
		E04	2	2	0	2	0	2	0	0	0	2	2	0
		E06	1	1	0	1	0	1	0	0	0	1	1	0
		E03	1	1	0	0	1	1	0	0	0	1	1	0
JFX	Army	E05	32	32	0	28	4	24	6	2	4	28	30	2
		E02	225	225	0	165	60	177	33	15	20	205	196	29
		E04	240	240	0	178	62	176	49	15	17	223	221	19
		E06	3	3	0	3	0	3	0	0	0	3	3	0
		E01	151	151	0	129	22	131	13	7	9	142	88	63
		E03	269	269	0	179	90	218	34	17	25	244	233	36
	Navy	O02	2	2	0	1	1	1	0	1	0	2	0	2
		E05	48	48	0	35	13	38	2	8	8	40	45	3
		E02	277	277	0	206	71	215	27	35	32	245	201	76
		E04	216	216	0	169	47	179	16	21	16	200	207	9
		E06	2	2	0	2	0	2	0	0	0	2	1	1
		E01	153	153	0	121	32	119	16	18	14	139	90	63
		E03	418	418	0	284	134	308	60	50	50	368	383	35
	Navy Reserve	E05	4	4	0	4	0	3	1	0	0	4	1	3
		E02	3	3	0	3	0	3	0	0	0	3	1	2
		E04	2	2	0	2	0	2	0	0	0	2	1	1
		E01	1	1	0	0	1	1	0	0	0	1	0	1
		E03	7	7	0	3	4	3	2	2	0	7	2	5
	Marine Corps	E05	2	2	0	2	0	2	0	0	0	2	2	0
		E02	123	123	0	111	12	101	14	8	7	116	104	19
		E04	15	15	0	14	1	13	1	1	1	14	14	1
		E01	68	68	0	58	10	57	5	6	6	62	41	27
		E03	149	149	0	121	28	122	14	13	13	136	146	3
	Marine Corps Reserve	E02	6	6	0	6	0	5	1	0	1	5	3	3
		E04	3	3	0	3	0	2	1	0	0	3	2	1
		E01	7	7	0	6	1	5	0	2	0	7	2	5
		E03	15	15	0	15	0	8	2	5	1	14	14	1
	Air Force	E02	118	118	0	73	45	102	9	7	5	113	65	53
		E04	45	45	0	32	13	37	5	3	2	43	45	0
		E01	568	568	0	367	201	483	55	30	15	553	23	545
		E03	274	274	0	196	78	213	39	22	19	255	206	68

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		Air Force Reserve	E01	3	3	0	1	2	1	2	0	0	3	0	3
			E03	5	5	0	2	3	4	1	0	1	4	0	5
		Coast Guard	E05	4	4	0	4	0	3	0	1	0	4	4	0
			E02	45	45	0	33	12	36	6	3	3	42	45	0
			E04	24	24	0	15	9	22	1	1	1	23	24	0
			E01	6	6	0	6	0	5	1	0	0	6	6	0
			E03	50	50	0	39	11	43	0	7	4	46	50	0
		Coast Guard Reserve	E05	1	1	0	0	1	1	0	0	0	1	1	0
			E02	1	1	0	0	1	1	0	0	0	1	1	0
	KFX	Navy	E05	1	1	0	1	0	1	0	0	0	1	1	0
			E02	5	5	0	4	1	4	0	1	1	4	5	0
			E04	5	5	0	3	2	5	0	0	0	5	5	0
			E01	7	7	0	5	2	6	1	0	1	6	6	1
			E03	22	22	0	18	4	15	3	4	3	19	22	0
	LFX	Army	E02	7	7	0	4	3	3	4	0	0	7	6	1
			E04	7	7	0	5	2	5	1	1	1	6	5	2
			E01	4	4	0	4	0	3	1	0	0	4	1	3
			E03	9	9	0	8	1	4	4	1	1	8	8	1
		Navy	E05	1	1	0	1	0	1	0	0	0	1	1	0
			E02	1	1	0	1	0	1	0	0	0	1	1	0
			E04	2	2	0	2	0	1	0	1	0	2	2	0
			E01	1	1	0	0	1	1	0	0	0	1	1	0
			E03	2	2	0	1	1	1	0	1	0	2	2	0
	Total			3,971	3,971	0	2,915	1,056	3,158	476	337	321	3,650	2,825	1,146
2004	SPD	Service Component	Pay Grade												
	BFX	Navy	O01	5	5	0	4	1	5	0	0	1	4	0	5
			O02	1	1	0	1	0	1	0	0	0	1	0	1
			O03	1	1	0	1	0	1	0	0	0	1	0	1
		Air Force	O02	2	2	0	0	2	2	0	0	0	2	2	0
			O03	1	1	0	0	1	1	0	0	0	1	1	0
			O04	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force Reserve	O04	1	1	0	1	0	1	0	0	0	1	1	0
	GFX	Navy	O02	1	1	0	1	0	0	1	0	0	1	0	1
			E05	4	4	0	2	2	2	1	1	0	4	4	0
			E02	12	12	0	10	2	10	1	1	0	12	12	0
			E04	20	20	0	15	5	13	3	4	1	19	20	0
			E06	1	1	0	1	0	1	0	0	0	1	1	0
			E01	8	8	0	4	4	6	2	0	0	8	7	1
			E03	30	30	0	25	5	23	5	2	0	30	29	1
		Navy Reserve	E02	1	1	0	1	0	0	0	1	0	1	0	1
			E04	2	2	0	2	0	2	0	0	0	2	0	2
			E03	5	5	0	5	0	4	0	1	1	4	5	0
		Marine Corps	E05	1	1	0	1	0	0	0	1	0	1	1	0
			E04	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	O02	2	2	0	1	1	2	0	0	0	2	2	0
			E05	3	3	0	1	2	3	0	0	0	3	3	0
			E04	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force Reserve	E05	1	1	0	1	0	1	0	0	0	1	1	0
		Coast Guard Reserve	E05	1	1	0	0	1	1	0	0	0	1	1	0
			E04	1	1	0	1	0	1	0	0	0	1	1	0
	HFX	Navy	O01	1	1	0	1	0	1	0	0	0	1	0	1
			O02	1	1	0	0	1	1	0	0	1	0	0	1
			O03	2	2	0	0	2	1	0	1	0	2	0	2
			E05	16	16	0	9	7	10	5	1	0	16	16	0
			E02	9	9	0	8	1	6	1	2	1	8	9	0
			E04	16	16	0	12	4	9	3	4	0	16	16	0
			E06	2	2	0	2	0	2	0	0	0	2	2	0
			E01	5	5	0	5	0	3	1	1	0	5	4	1
			E03	36	36	0	26	10	24	7	5	3	33	36	0
		Navy Reserve	E05	2	2	0	1	1	2	0	0	0	2	0	2
			E04	1	1	0	0	1	0	1	0	0	1	1	0
			E03	2	2	0	2	0	2	0	0	1	1	1	1

	Marine Corps	O01	1	1	0	1	0	1	0	0	0	1	1	0
		E05	3	3	0	2	1	3	0	0	1	2	3	0
		E02	41	41	0	41	0	35	2	4	1	40	37	4
		E04	9	9	0	8	1	8	0	1	1	8	9	0
		E06	2	2	0	2	0	2	0	0	0	2	2	0
		E01	20	20	0	18	2	14	2	4	3	17	10	10
		E03	42	42	0	41	1	33	3	6	4	38	41	1
	Marine Corps Reserve	E02	3	3	0	2	1	3	0	0	0	3	2	1
		E04	1	1	0	1	0	1	0	0	0	1	1	0
		E01	1	1	0	0	1	0	1	0	0	1	1	0
	Air Force	E05	10	10	0	4	6	8	2	0	0	10	10	0
		E04	6	6	0	4	2	5	1	0	0	6	5	1
		E06	1	1	0	1	0	0	0	1	0	1	1	0
		E01	1	1	0	1	0	0	1	0	0	1	0	1
		E03	2	2	0	2	0	2	0	0	0	2	2	0
JFX	Army	E05	47	47	0	38	9	34	9	4	7	40	43	4
		E02	197	197	0	133	64	171	15	11	16	181	148	49
		E04	288	288	0	232	56	222	40	26	21	267	246	42
		E06	5	5	0	4	1	2	2	1	0	5	4	1
		E01	110	110	0	84	26	89	15	6	10	100	48	62
		E03	295	295	0	216	79	227	40	28	25	270	251	44
		E07	1	1	0	1	0	1	0	0	0	1	1	0
	Navy	O01	2	2	0	1	1	2	0	0	0	2	0	2
		O02	2	2	0	1	1	0	0	2	2	0	0	2
		E05	61	61	0	52	9	53	2	6	4	57	61	0
		E02	231	231	0	182	49	161	43	27	5	226	189	42
		E04	189	189	0	145	44	140	18	31	19	170	189	0
		E06	2	2	0	1	1	2	0	0	1	1	2	0
		E01	105	105	0	80	25	73	11	21	1	104	73	32
		E03	413	413	0	302	111	311	50	52	31	382	401	12
	Navy Reserve	E05	1	1	0	0	1	1	0	0	0	1	0	1
		E02	4	4	0	4	0	2	0	2	0	4	1	3
		E04	6	6	0	4	2	6	0	0	0	6	3	3
		E01	1	1	0	1	0	0	1	0	0	1	0	1
		E03	7	7	0	5	2	5	1	1	0	7	1	6
	Marine Corps	E05	5	5	0	2	3	1	1	3	0	5	5	0
		E02	142	142	0	124	18	111	14	17	9	133	119	23
		E04	16	16	0	15	1	13	0	3	2	14	16	0
		E01	80	80	0	65	15	63	8	9	3	77	32	48
		E03	133	133	0	109	24	109	12	12	9	124	129	4
	Marine Corps Reserve	E02	7	7	0	5	2	6	0	1	0	7	5	2
		E04	1	1	0	0	1	1	0	0	0	1	0	1
		E01	12	12	0	9	3	4	5	3	1	11	2	10
		E03	11	11	0	10	1	9	0	2	2	9	9	2
	Air Force	E05	1	1	0	1	0	1	0	0	0	1	1	0
		E02	86	86	0	61	25	72	12	2	0	86	46	40
		E04	69	69	0	47	22	53	10	6	6	63	69	0
		E01	385	385	0	249	136	326	36	23	1	384	6	379
		E03	275	275	0	179	96	229	36	10	5	270	209	66
	Air Force Reserve	E02	1	1	0	0	1	1	0	0	1	0	0	1
		E01	1	1	0	1	0	1	0	0	0	1	0	1
		E03	6	6	0	5	1	3	1	2	0	6	1	5
	Coast Guard	E05	1	1	0	1	0	0	0	1	0	1	1	0
		E02	19	19	0	16	3	13	3	3	1	18	18	1
		E04	24	24	0	19	5	20	3	1	1	23	23	1
		E06	1	1	0	1	0	1	0	0	0	1	1	0
		E01	2	2	0	2	0	2	0	0	0	2	2	0
		E03	27	27	0	24	3	21	1	5	3	24	27	0
	Coast Guard Reserve	E04	1	1	0	1	0	0	1	0	0	1	1	0
KFX	Navy	E02	26	26	0	17	9	19	4	3	1	25	22	4
		E04	19	19	0	16	3	12	6	1	1	18	19	0
		E01	6	6	0	4	2	5	0	1	0	6	5	1

			E03	27	27	0	20	7	26	1	0	3	24	26	1
		Navy Reserve	E03	1	1	0	0	1	1	0	0	0	1	0	1
	LFX	Army	E02	4	4	0	3	1	3	1	0	1	3	3	1
			E04	7	7	0	6	1	6	1	0	0	7	6	1
			E01	3	3	0	1	2	2	0	1	0	3	2	1
			E03	9	9	0	8	1	8	1	0	1	8	8	1
		Navy	E02	1	1	0	1	0	0	0	1	0	1	1	0
			E01	1	1	0	1	0	1	0	0	0	1	1	0
			E03	5	5	0	4	1	2	2	1	0	5	5	0
	Total			3,725	3,725	0	2,788	937	2,906	449	370	212	3,513	2,785	940
2005	SPD	Service Component	Pay Grade												
	BFX	Navy	O01	2	2	0	2	0	2	0	0	0	2	0	2
			O02	1	1	0	1	0	0	1	0	0	1	0	1
			O03	2	2	0	0	2	0	2	0	0	2	0	2
		Marine Corps	O02	1	1	0	1	0	0	0	1	0	1	1	0
		Air Force	O01	1	1	0	0	1	0	1	0	0	1	1	0
			O03	3	3	0	2	1	3	0	0	0	3	3	0
	GFX	Navy	O02	2	2	0	1	1	1	1	0	0	2	0	2
			E05	2	2	0	2	0	2	0	0	0	2	2	0
			E02	13	13	0	11	2	6	2	5	0	13	13	0
			E04	23	23	0	16	7	17	4	2	2	21	23	0
			E01	4	4	0	2	2	1	3	0	0	4	4	0
			E03	37	37	0	27	10	31	2	4	1	36	37	0
		Navy Reserve	E05	1	1	0	0	1	0	0	1	0	1	0	1
			E03	2	2	0	2	0	2	0	0	0	2	1	1
		Marine Corps	E05	2	2	0	2	0	2	0	0	0	2	2	0
		Marine Corps Reserve	E02	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	O01	1	1	0	1	0	1	0	0	0	1	1	0
			O02	2	2	0	0	2	2	0	0	0	2	2	0
			O03	2	2	0	2	0	1	0	1	0	2	2	0
			E05	5	5	0	4	1	5	0	0	0	5	5	0
			E04	2	2	0	1	1	2	0	0	0	2	2	0
			E01	1	1	0	0	1	1	0	0	0	1	0	1
			E03	3	3	0	2	1	2	1	0	0	3	2	1
	HFX	Navy	E05	8	8	0	5	3	1	3	4	0	8	8	0
			E02	11	11	0	6	5	7	2	2	0	11	11	0
			E04	14	14	0	10	4	6	5	3	1	13	14	0
			E06	3	3	0	3	0	2	1	0	0	3	3	0
			E01	6	6	0	3	3	3	1	2	0	6	6	0
			E03	20	20	0	15	5	13	3	4	1	19	20	0
		Navy Reserve	E05	1	1	0	1	0	1	0	0	0	1	1	0
		Marine Corps	O01	1	1	0	0	1	0	0	1	0	1	1	0
			O02	1	1	0	1	0	1	0	0	0	1	1	0
			E05	4	4	0	3	1	1	1	2	2	2	4	0
			E02	32	32	0	30	2	27	1	4	4	28	22	10
			E04	2	2	0	1	1	2	0	0	0	2	2	0
			E06	1	1	0	1	0	1	0	0	0	1	1	0
			E01	29	29	0	27	2	26	2	1	1	28	16	13
			E03	13	13	0	11	2	10	1	2	1	12	12	1
		Marine Corps Reserve	E02	2	2	0	1	1	2	0	0	0	2	1	1
			E01	1	1	0	1	0	1	0	0	0	1	1	0
		Air Force	E05	29	29	0	20	9	22	2	5	0	29	29	0
			E04	8	8	0	7	1	6	0	2	2	6	8	0
			E03	1	1	0	0	1	1	0	0	0	1	1	0
		Air Force Reserve	E04	1	1	0	1	0	0	1	0	0	1	1	0
	JFX	Army	E05	53	53	0	46	7	39	7	7	5	48	48	5
			E02	231	231	0	183	48	192	23	16	23	208	189	42
			E04	273	273	0	221	52	203	43	27	19	254	264	9
			E06	5	5	0	4	1	3	1	1	1	4	5	0
			E01	151	151	0	131	20	134	11	6	12	139	62	89
			E03	290	290	0	212	78	231	37	22	25	265	263	27
		Navy	O03	2	2	0	1	1	2	0	0	0	2	0	2

				E05	49	49	0	39	10	43	2	4	2	47	49	0
				E02	219	219	0	169	50	138	42	39	0	219	186	33
				E04	190	190	0	141	49	142	24	24	18	172	190	0
				E06	3	3	0	2	1	3	0	0	0	3	3	0
				E01	125	125	0	105	20	88	23	14	0	125	85	40
				E03	363	363	0	268	95	273	49	41	8	355	351	12
			Navy Reserve	E05	2	2	0	2	0	1	1	0	0	2	0	2
				E04	4	4	0	3	1	4	0	0	0	4	0	4
				E01	1	1	0	1	0	0	0	1	0	1	0	1
				E03	4	4	0	3	1	3	0	1	0	4	1	3
			Marine Corps	E05	5	5	0	4	1	5	0	0	0	5	5	0
				E02	210	210	0	176	34	174	14	22	18	192	182	28
				E04	24	24	0	20	4	20	0	4	1	23	24	0
				E06	1	1	0	1	0	1	0	0	0	1	1	0
				E01	136	136	0	107	29	110	12	14	12	124	52	84
				E03	239	239	0	199	40	182	23	34	24	215	236	3
			Marine Corps Reserve	E02	10	10	0	9	1	8	1	1	1	9	5	5
				E01	11	11	0	8	3	6	2	3	1	10	3	8
				E03	20	20	0	18	2	14	2	4	4	16	20	0
			Air Force	E02	97	97	0	55	42	70	18	9	1	96	60	37
				E04	89	89	0	57	32	62	16	11	7	82	89	0
				E01	369	369	0	237	132	311	36	22	0	369	6	363
				E03	234	234	0	144	90	185	32	17	2	232	179	55
			Air Force Reserve	E02	1	1	0	1	0	1	0	0	0	1	0	1
				E04	1	1	0	1	0	1	0	0	0	1	1	0
				E01	4	4	0	1	3	2	1	1	2	2	2	2
				E03	12	12	0	6	6	9	2	1	0	12	7	5
			Coast Guard	E05	4	4	0	3	1	3	1	0	0	4	0	4
				E02	12	12	0	9	3	11	1	0	1	11	0	12
				E04	17	17	0	12	5	15	1	1	2	15	0	17
				E03	21	21	0	15	6	12	2	7	5	16	0	21
	KFX	Navy		E05	4	4	0	4	0	4	0	0	0	4	4	0
				E02	14	14	0	10	4	6	5	3	0	14	13	1
				E04	6	6	0	5	1	3	3	0	1	5	6	0
				E01	3	3	0	3	0	2	1	0	0	3	2	1
				E03	20	20	0	16	4	15	4	1	0	20	20	0
		Navy Reserve		E03	1	1	0	1	0	1	0	0	0	1	0	1
	LFX	Army		E02	2	2	0	0	2	1	1	0	0	2	2	0
				E04	3	3	0	3	0	3	0	0	0	3	3	0
				E06	1	1	0	0	1	1	0	0	0	1	1	0
				E01	2	2	0	2	0	2	0	0	0	2	1	1
				E03	9	9	0	6	3	8	1	0	5	4	7	2
		Navy		E04	1	1	0	0	1	1	0	0	1	0	1	0
				E03	3	3	0	2	1	2	1	0	0	3	3	0
	Total				3,852	3,852	0	2,893	959	2,965	483	404	216	3,636	2,896	956
2006	SPD	Service Component	Pay Grade													
	BFX	Air Force	O03		2	2	0	1	1	0	1	1	0	2	2	0
			O04		1	1	0	1	0	0	0	1	0	1	1	0
	GFX	Navy	E05		2	2	0	2	0	2	0	0	0	2	2	0
			E02		7	7	0	7	0	5	1	1	2	5	7	0
			E04		7	7	0	6	1	4	2	1	0	7	7	0
			E01		2	2	0	2	0	1	0	1	0	2	2	0
			E03		22	22	0	15	7	11	4	7	2	20	22	0
		Navy Reserve	E04		1	1	0	0	1	0	0	1	0	1	1	0
			E03		2	2	0	1	1	2	0	0	0	2	1	1
		Air Force	O02		1	1	0	0	1	1	0	0	0	1	1	0
			O03		3	3	0	3	0	3	0	0	0	3	3	0
			O04		1	1	0	0	1	1	0	0	0	1	1	0
			E05		10	10	0	10	0	8	2	0	0	10	10	0
			E04		2	2	0	0	2	2	0	0	0	2	2	0
		Coast Guard Reserve	O03		1	1	0	1	0	1	0	0	0	1	1	0
	HFX	Navy	E05		19	19	0	13	6	13	3	3	2	17	19	0

		E02	10	10	0	10	0	8	1	1	0	10	10	0
		E04	15	15	0	11	4	13	1	1	2	13	14	1
		E06	8	8	0	6	2	6	0	2	2	6	8	0
		E01	4	4	0	3	1	3	1	0	0	4	3	1
		E03	18	18	0	14	4	13	2	3	2	16	17	1
	Navy Reserve	E04	1	1	0	1	0	1	0	0	0	1	0	1
		E03	2	2	0	1	1	2	0	0	0	2	0	2
	Marine Corps	E05	3	3	0	3	0	2	0	1	0	3	3	0
		E02	38	38	0	30	8	33	3	2	2	36	27	11
		E04	2	2	0	1	1	2	0	0	0	2	2	0
		E01	49	49	0	42	7	44	2	3	2	47	29	20
		E03	4	4	0	3	1	2	0	2	1	3	4	0
	Marine Corps Reserve	E02	6	6	0	4	2	6	0	0	0	6	2	4
		E01	7	7	0	5	2	5	0	2	1	6	4	3
		E03	1	1	0	1	0	0	0	1	0	1	1	0
	Air Force	E05	17	17	0	13	4	14	3	0	0	17	17	0
		E02	2	2	0	1	1	2	0	0	0	2	2	0
		E04	8	8	0	5	3	6	2	0	1	7	8	0
		E06	3	3	0	1	2	3	0	0	0	3	3	0
		E03	3	3	0	1	2	2	0	1	0	3	2	1
JFX	Army	E05	43	43	0	37	6	32	7	4	6	37	42	1
		E02	262	262	0	166	96	229	25	8	31	231	211	51
		E04	217	217	0	166	51	160	40	17	21	196	206	11
		E06	8	8	0	6	2	6	2	0	0	8	7	1
		E01	208	208	0	133	75	184	19	5	11	197	93	115
		E03	274	274	0	188	86	218	36	20	29	245	256	18
	Navy	O01	1	1	0	1	0	1	0	0	0	1	0	1
		O02	4	4	0	2	2	3	0	1	0	4	0	4
		E05	46	46	0	37	9	38	3	5	5	41	46	0
		E02	199	199	0	171	28	133	20	46	19	180	182	17
		E04	211	211	0	161	50	167	20	24	15	196	210	1
		E06	3	3	0	3	0	3	0	0	0	3	3	0
		E01	127	127	0	109	18	76	11	40	11	116	77	50
		E03	325	325	0	247	78	218	49	58	23	302	309	16
	Navy Reserve	O03	1	1	0	1	0	1	0	0	0	1	0	1
		E05	3	3	0	1	2	3	0	0	0	3	1	2
		E02	1	1	0	1	0	1	0	0	1	0	0	1
		E04	1	1	0	0	1	1	0	0	0	1	1	0
		E01	1	1	0	1	0	0	1	0	0	1	0	1
		E03	3	3	0	2	1	1	1	1	0	3	1	2
	Marine Corps	E05	4	4	0	4	0	4	0	0	0	4	4	0
		E02	199	199	0	172	27	156	12	31	24	175	180	19
		E04	26	26	0	16	10	17	0	9	6	20	26	0
		E01	128	128	0	109	19	96	13	19	9	119	55	73
		E03	213	213	0	187	26	181	10	22	21	192	210	3
	Marine Corps Reserve	E02	4	4	0	4	0	3	1	0	0	4	3	1
		E04	1	1	0	1	0	1	0	0	0	1	1	0
		E01	12	12	0	11	1	10	2	0	0	12	3	9
		E03	16	16	0	13	3	14	1	1	0	16	16	0
	Air Force	E02	124	124	0	83	41	97	19	8	0	124	47	77
		E04	87	87	0	49	38	64	11	12	7	80	87	0
		E01	582	582	0	390	192	483	57	42	0	582	7	575
		E03	268	268	0	188	80	212	28	28	1	267	161	107
	Air Force Reserve	E01	1	1	0	1	0	1	0	0	0	1	0	1
		E03	5	5	0	2	3	3	0	2	0	5	3	2
	Coast Guard	E05	4	4	0	3	1	2	0	2	0	4	0	4
		E02	10	10	0	5	5	7	0	3	2	8	0	10
		E04	10	10	0	8	2	8	0	2	2	8	0	10
		E01	1	1	0	1	0	0	1	0	0	1	0	1
		E03	21	21	0	15	6	16	2	3	3	18	0	21
	Coast Guard Reserve	E03	1	1	0	1	0	0	1	0	0	1	0	1
KFX	Navy	E02	7	7	0	5	2	3	0	4	2	5	7	0

			E04	5	5	0	4	1	4	0	1	1	4	5	0
			E01	3	3	0	3	0	3	0	0	1	2	2	1
			E03	14	14	0	13	1	11	1	2	0	14	13	1
		Navy Reserve	E01	1	1	0	1	0	0	0	1	0	1	0	1
	LFX	Army	E05	1	1	0	1	0	1	0	0	0	1	1	0
			E02	3	3	0	1	2	2	1	0	0	3	3	0
			E04	3	3	0	2	1	3	0	0	1	2	3	0
			E03	3	3	0	2	1	2	0	1	0	3	2	1
		Navy	E02	1	1	0	1	0	1	0	0	0	1	1	0
			E04	1	1	0	1	0	1	0	0	0	1	1	0
			E01	1	1	0	1	0	1	0	0	0	1	1	0
			E03	1	1	0	0	1	0	0	1	0	1	1	0
	Total			3,983	3,983	0	2,949	1,034	3,103	422	458	271	3,712	2,726	1,257
2007	SPD	Service Component	Pay Grade												
	BFX	Navy	O01	3	3	0	1	2	3	0	0	0	3	0	3
			O02	1	1	0	0	1	0	1	0	0	1	0	1
			O03	2	2	0	0	2	1	0	1	0	2	0	2
		Marine Corps	O01	1	1	0	0	1	1	0	0	0	1	1	0
			O03	2	2	0	2	0	2	0	0	0	2	2	0
	GFX	Navy	E02	11	11	0	11	0	4	5	2	0	11	11	0
			E04	3	3	0	3	0	1	0	2	1	2	3	0
			E01	3	3	0	2	1	1	2	0	0	3	3	0
			E03	10	10	0	8	2	7	0	3	0	10	10	0
		Navy Reserve	E04	2	2	0	1	1	1	0	1	1	1	2	0
			E03	1	1	0	1	0	1	0	0	0	1	0	1
		Air Force	O02	2	2	0	0	2	2	0	0	0	2	2	0
			O03	1	1	0	1	0	1	0	0	0	1	1	0
			O04	1	1	0	1	0	1	0	0	0	1	1	0
			E05	3	3	0	2	1	0	1	2	0	3	3	0
			E04	2	2	0	2	0	2	0	0	0	2	1	1
			E03	1	1	0	0	1	1	0	0	0	1	1	0
		Coast Guard	E06	1	1	0	1	0	1	0	0	0	1	0	1
	HFX	Navy	E05	17	17	0	12	5	11	4	2	2	15	17	0
			E02	8	8	0	4	4	4	1	3	0	8	8	0
			E04	10	10	0	9	1	5	4	1	1	9	10	0
			E06	7	7	0	7	0	3	0	4	2	5	7	0
			E01	1	1	0	1	0	0	1	0	1	0	1	0
			E03	13	13	0	11	2	7	2	4	3	10	13	0
		Marine Corps	E05	2	2	0	2	0	1	0	1	0	2	2	0
			E02	11	11	0	7	4	11	0	0	0	11	6	5
			E04	4	4	0	2	2	3	1	0	0	4	4	0
			E06	2	2	0	2	0	2	0	0	0	2	2	0
			E01	31	31	0	27	4	28	1	2	1	30	8	23
			E03	17	17	0	13	4	11	2	4	2	15	17	0
		Marine Corps Reserve	E06	1	1	0	0	1	1	0	0	0	1	1	0
			E01	3	3	0	3	0	3	0	0	0	3	2	1
		Air Force	E05	16	16	0	11	5	11	4	1	1	15	16	0
			E04	6	6	0	4	2	4	1	1	0	6	5	1
			E06	1	1	0	0	1	1	0	0	0	1	1	0
			E03	3	3	0	1	2	1	2	0	0	3	3	0
	JFX	Army	E05	54	54	0	44	10	38	9	7	8	46	54	0
			E02	282	282	0	215	67	238	33	11	18	264	248	34
			E04	212	212	0	177	35	170	31	11	19	193	206	6
			E06	4	4	0	3	1	3	1	0	0	4	4	0
			E01	171	171	0	130	41	156	11	4	12	159	82	89
			E03	294	294	0	230	64	231	43	20	25	269	281	13
		Navy	O01	2	2	0	0	2	1	0	1	0	2	0	2
			O02	6	6	0	0	6	6	0	0	1	5	0	6
			O03	2	2	0	1	1	1	0	1	0	2	0	2
			E05	43	43	0	36	7	35	2	6	4	39	43	0
			E02	218	218	0	170	48	149	21	48	45	173	192	26
			E04	210	210	0	163	47	152	21	37	30	180	210	0

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| | | |

		E03	1	1	0	1	0	0	0	1	0	1	0	1
	Marine Corps	E03	1	1	0	1	0	1	0	0	0	1	1	0
	Marine Corps Reserve	E02	1	1	0	1	0	1	0	0	0	1	1	0
	Air Force	E05	5	5	0	3	2	4	0	1	0	5	5	0
		E04	1	1	0	0	1	1	0	0	0	1	1	0
		E03	1	1	0	1	0	0	0	1	0	1	1	0
HFX	Navy	E05	14	14	0	11	3	10	2	2	2	12	14	0
		E02	5	5	0	4	1	3	2	0	0	5	5	0
		E04	6	6	0	5	1	3	1	2	2	4	6	0
		E06	3	3	0	2	1	3	0	0	0	3	3	0
		E01	3	3	0	3	0	2	1	0	0	3	3	0
		E03	20	20	0	12	8	9	5	6	3	17	20	0
	Navy Reserve	E05	1	1	0	1	0	1	0	0	0	1	0	1
		E04	1	1	0	0	1	0	0	1	0	1	0	1
	Marine Corps	O01	1	1	0	1	0	1	0	0	0	1	1	0
		E05	1	1	0	1	0	1	0	0	0	1	1	0
		E02	8	8	0	7	1	6	2	0	0	8	8	0
		E04	2	2	0	2	0	2	0	0	1	1	2	0
		E01	4	4	0	3	1	4	0	0	0	4	3	1
		E03	11	11	0	9	2	8	2	1	3	8	11	0
	Marine Corps Reserve	E02	2	2	0	2	0	2	0	0	0	2	2	0
		E03	4	4	0	3	1	3	0	1	1	3	4	0
	Air Force	E05	6	6	0	6	0	4	0	2	1	5	5	1
		E02	1	1	0	1	0	1	0	0	0	1	1	0
		E06	2	2	0	2	0	2	0	0	1	1	2	0
		E03	1	1	0	0	1	1	0	0	0	1	1	0
JFX	Army	E05	27	27	0	23	4	23	2	2	1	26	27	0
		E02	175	175	0	132	43	131	19	25	11	164	144	31
		E04	120	120	0	93	27	84	10	26	9	111	117	3
		E06	3	3	0	3	0	1	2	0	0	3	3	0
		E01	110	110	0	91	19	72	14	24	12	98	75	35
		E03	181	181	0	144	37	139	18	24	23	158	174	7
	Navy	O01	5	5	0	2	3	5	0	0	0	5	0	5
		O02	4	4	0	4	0	2	1	1	0	4	0	4
		O03	2	2	0	1	1	2	0	0	0	2	0	2
		E05	23	23	0	15	8	17	2	4	4	19	23	0
		E02	211	211	0	158	53	146	18	47	32	179	178	33
		E04	142	142	0	106	36	95	12	35	24	118	142	0
		E01	202	202	0	151	51	130	32	40	36	166	101	101
		E03	306	306	0	227	79	195	50	61	56	250	287	19
	Navy Reserve	E02	2	2	0	2	0	0	0	2	1	1	0	2
		E04	1	1	0	0	1	0	1	0	0	1	0	1
		E06	1	1	0	1	0	1	0	0	0	1	1	0
		E01	2	2	0	2	0	1	1	0	1	1	0	2
		E03	1	1	0	0	1	0	0	1	0	1	0	1
	Marine Corps	E02	152	152	0	136	16	132	9	11	13	139	140	12
		E04	25	25	0	19	6	20	2	3	3	22	25	0
		E01	75	75	0	64	11	66	4	5	6	69	43	32
		E03	118	118	0	97	21	99	5	14	11	107	115	3
	Marine Corps Reserve	E02	8	8	0	8	0	7	1	0	1	7	6	2
		E04	1	1	0	1	0	1	0	0	0	1	1	0
		E01	2	2	0	2	0	1	1	0	0	2	1	1
		E03	10	10	0	9	1	7	1	2	4	6	9	1
	Air Force	E05	1	1	0	1	0	0	0	1	0	1	1	0
		E02	80	80	0	49	31	63	12	5	0	80	10	70
		E04	28	28	0	17	11	21	2	5	2	26	27	1
		E01	533	533	0	330	203	439	56	38	0	533	7	526
		E03	180	180	0	116	64	145	24	11	0	180	83	97
	Air Force Reserve	E01	5	5	0	3	2	4	1	0	0	5	0	5
		E03	8	8	0	5	3	5	1	2	0	8	5	3
	Coast Guard	E05	1	1	0	0	1	1	0	0	0	1	0	1
		E02	8	8	0	3	5	7	0	1	0	8	0	8

			E04	8	8	0	6	2	5	1	2	0	8	0					8
			E01	1	1	0	1	0	1	0	0	1	0	0					1
	KFX	Navy	E03	15	15	0	11	4	12	1	2	3	12	0					15
			E05	2	2	0	1	1	0	1	1	0	2	0					0
			E02	5	5	0	5	0	1	2	2	1	4	2					0
			E04	3	3	0	3	0	1	0	2	1	2	0					0
			E01	2	2	0	1	1	2	0	0	0	2	0					0
			E03	8	8	0	7	1	7	1	0	2	6	0					0
		Navy Reserve	E03	1	1	0	1	0	1	0	0	0	1	0					1
	LFX	Army	E05	2	2	0	2	0	2	0	0	0	2	0					0
			E02	3	3	0	2	1	2	0	1	0	3	0					0
			E04	8	8	0	6	2	7	0	1	0	8	0					0
			E06	2	2	0	2	0	1	1	0	0	2	0					0
			E03	1	1	0	0	1	1	0	0	0	1	0					0
			E07	1	1	0	1	0	1	0	0	0	1	0					0
	BFY	Air Force	O02	1	0	1	0	1	0	0	1	0	1	0					0
	GFY	Air Force	O03	2	0	2	2	0	2	0	0	0	2	0					0
			E05	3	0	3	2	1	2	1	0	0	3	0					0
			E02	1	0	1	1	0	0	0	1	0	1	0					0
			E04	2	0	2	1	1	1	1	0	0	2	0					0
			E01	1	0	1	1	0	1	0	0	0	1	0					0
			E03	6	0	6	4	2	5	1	0	0	6	0					0
	HFY	Air Force	E05	8	0	8	2	6	8	0	0	1	7	0					0
			E04	3	0	3	3	0	1	0	2	1	2	0					0
			E06	2	0	2	2	0	2	0	0	0	2	0					0
			E03	8	0	8	5	3	6	0	2	0	8	0					1
	JFY	Air Force	E05	4	0	4	0	4	3	1	0	0	4	0					0
			E02	43	0	43	32	11	35	5	3	1	42	1					10
			E04	30	0	30	19	11	22	4	4	3	27	3					0
			E01	67	0	67	47	20	59	6	2	0	67	0					61
			E03	122	0	122	88	34	101	14	7	1	121	1					12
		Air Force Reserve	E03	1	0	1	1	0	1	0	0	0	1	0					1
	Total			3,240	2,936	304	2,364	876	2,441	356	443	282	2,958	2,113					1,127
2009	SPD	Service Component	Pay Grade																
	BFX	Navy	O01	1	1	0	0	1	1	0	0	0	1	0					1
		Marine Corps	O02	1	1	0	0	1	1	0	0	0	1	1					0
		Air Force	O01	1	1	0	0	1	1	0	0	0	1	1					0
	GFX	Navy	O01	1	1	0	1	0	0	1	0	0	1	0					1
			E02	1	1	0	1	0	1	0	0	0	1	1					0
			E04	2	2	0	1	1	1	1	0	1	1	1					0
		Navy Reserve	E05	1	1	0	1	0	1	0	0	0	1	1					0
		Marine Corps	E02	1	1	0	0	1	1	0	0	0	1	1					0
		Air Force	O02	1	1	0	0	1	1	0	0	0	1	1					0
			O03	1	1	0	1	0	0	1	0	0	1	1					0
			E05	1	1	0	0	1	1	0	0	0	1	1					0
			E02	1	1	0	1	0	1	0	0	0	1	1					0
			E04	1	1	0	1	0	1	0	0	0	1	1					0
			E03	2	2	0	0	2	1	1	0	0	2	1					0
	HFX	Navy	E05	7	7	0	5	2	5	1	1	0	7	1					0
			E02	1	1	0	1	0	1	0	0	0	1	1					0
			E04	3	3	0	1	2	3	0	0	0	3	3					0
			E06	4	4	0	4	0	2	1	1	0	4	4					0
			E03	3	3	0	3	0	1	0	2	1	2	3					0
		Navy Reserve	E03	1	1	0	1	0	1	0	0	0	1	1					0
		Marine Corps	E05	1	1	0	0	1	1	1	0	0	1	1					0
			E02	6	6	0	6	0	4	1	1	0	6	5					1
			E04	1	1	0	1	0	1	0	0	0	1	1					0
			E01	1	1	0	1	0	1	0	0	0	1	1					0
			E03	11	11	0	9	2	9	0	2	0	11	11					0
		Air Force	E05	2	2	0	2	0	2	0	0	0	2	2					0
			E02	2	2	0	1	1	1	0	1	0	2	2					0
			E04	1	1	0	0	1	1	0	0	0	1	1					0

		E06	1	1	0	1	0	1	0	0	0	1	1	0
		E03	1	1	0	1	0	0	0	1	0	1	0	1
	Coast Guard Reserve	E02	1	1	0	0	1	0	0	1	0	1	0	1
JFX	Army	E05	7	7	0	6	1	0	2	5	0	7	7	0
		E02	76	76	0	63	13	0	10	66	2	74	67	9
		E04	41	41	0	34	7	0	4	37	4	37	40	1
		E01	37	37	0	27	10	0	3	34	2	35	21	16
		E03	88	88	0	59	29	0	11	77	6	82	81	7
	Navy	O01	1	1	0	1	0	1	0	0	0	1	0	1
		E05	11	11	0	11	0	8	1	2	0	11	11	0
		E02	106	106	0	77	29	73	6	27	16	90	89	17
		E04	67	67	0	54	13	47	3	17	7	60	67	0
		E01	71	71	0	59	12	43	9	19	11	60	42	29
		E03	157	157	0	103	54	89	24	44	26	131	146	11
	Navy Reserve	E04	2	2	0	2	0	2	0	0	0	2	2	0
	Marine Corps	E05	1	1	0	1	0	1	0	0	0	1	1	0
		E02	95	95	0	85	10	82	7	6	8	87	84	11
		E04	16	16	0	14	2	12	1	3	1	15	16	0
		E01	69	69	0	57	12	57	7	5	0	69	36	33
		E03	112	112	0	102	10	96	7	9	12	100	109	3
	Marine Corps Reserve	E02	9	9	0	7	2	8	1	0	0	9	3	6
		E01	11	11	0	10	1	9	2	0	0	11	10	1
		E03	3	3	0	3	0	3	0	0	1	2	3	0
	Air Force	E05	1	1	0	0	1	0	1	0	0	1	1	0
		E02	15	15	0	10	5	11	1	3	0	15	10	5
		E04	15	15	0	9	6	12	1	2	0	15	15	0
		E01	32	32	0	23	9	24	6	2	0	32	2	30
		E03	29	29	0	14	15	21	3	5	0	29	26	3
	Coast Guard	E05	1	1	0	0	1	0	0	1	1	0	0	1
		E02	3	3	0	2	1	1	0	2	0	3	0	3
		E04	4	4	0	2	2	3	0	1	0	4	0	4
		E01	1	1	0	0	1	1	0	0	0	1	0	1
		E03	9	9	0	6	3	7	0	2	0	9	0	9
KFX	Navy	E05	2	2	0	1	1	2	0	0	0	2	2	0
		E02	1	1	0	1	0	0	0	1	0	1	1	0
		E04	1	1	0	1	0	0	1	0	0	1	1	0
		E03	6	6	0	4	2	5	1	0	2	4	6	0
	Coast Guard Reserve	E05	1	1	0	1	0	1	0	0	0	1	0	1
LFX	Army	E02	2	2	0	1	1	0	0	2	1	1	1	1
		E04	4	4	0	3	1	0	1	3	0	4	2	2
		E01	3	3	0	3	0	0	2	1	0	3	0	3
	Navy	E02	1	1	0	1	0	1	0	0	0	1	1	0
BFY	Air Force	O01	1	0	1	1	0	1	0	0	0	1	1	0
		O03	2	0	2	2	0	0	0	2	0	2	2	0
GFY	Air Force	O03	1	0	1	1	0	1	0	0	0	1	1	0
		E05	1	0	1	0	1	1	0	0	0	1	1	0
		E04	1	0	1	1	0	0	0	1	0	1	1	0
		E03	8	0	8	6	2	7	0	1	0	8	8	0
HFY	Air Force	E05	5	0	5	3	2	4	1	0	0	5	5	0
		E04	1	0	1	1	0	1	0	0	0	1	1	0
		E06	1	0	1	0	1	0	0	1	1	0	1	0
		E03	1	0	1	1	0	0	1	0	0	1	1	0
JFY	Air Force	E05	6	0	6	5	1	6	0	0	0	6	6	0
		E02	78	0	78	50	28	71	5	2	0	78	32	46
		E04	39	0	39	30	9	34	0	5	1	38	39	0
		E01	379	0	379	260	119	313	43	23	0	379	8	371
		E03	224	0	224	148	76	169	31	24	0	224	159	65
	Air Force Reserve	E01	2	0	2	1	1	2	0	0	0	2	1	1
		E03	5	0	5	1	4	3	0	2	0	5	1	4
	Coast Guard	E05	2	0	2	2	0	2	0	0	0	2	0	2
		E02	9	0	9	4	5	7	2	0	0	9	0	9
		E04	2	0	2	1	1	0	0	2	0	2	0	2

			E01	17	0	17	13	4	14	2	1	2	15	0	17
			E03	27	0	27	16	11	22	3	2	1	26	0	27
		Coast Guard Reserve	E04	1	0	1	1	0	0	0	1	0	1	0	1
			E01	1	0	1	1	0	1	0	0	0	1	0	1
			E03	2	0	2	1	1	1	0	1	0	2	0	2
	Total			1,990	1,174	816	1,450	540	1,325	210	455	107	1,883	1,229	761
2010	SPD	Service Component	Pay Grade												
	BFX	Navy	O01	1	1	0	1	0	1	0	0	0	1	0	1
	GFX	Navy	E02	1	1	0	0	1	1	0	0	0	1	1	0
			E04	1	1	0	1	0	1	0	0	0	1	1	0
			E03	3	3	0	0	3	2	0	1	1	2	3	0
		Air Force	E05	1	1	0	1	0	1	0	0	0	1	1	0
			E06	1	1	0	1	0	1	0	0	0	1	1	0
	HFX	Navy	E05	2	2	0	2	0	1	1	0	1	1	2	0
			E02	3	3	0	2	1	2	0	1	1	2	3	0
			E04	1	1	0	1	0	0	0	1	0	1	1	0
			E06	1	1	0	1	0	1	0	0	1	0	1	0
			E03	2	2	0	1	1	1	1	0	1	1	2	0
		Marine Corps	E05	1	1	0	1	0	0	0	1	0	1	1	0
			E02	2	2	0	2	0	0	0	2	0	2	2	0
			E04	2	2	0	1	1	2	0	0	0	2	2	0
			E03	6	6	0	3	3	5	0	1	1	5	6	0
		Air Force	E05	2	2	0	2	0	2	0	0	0	2	2	0
			E04	2	2	0	2	0	1	0	1	0	2	2	0
			E03	1	1	0	0	1	0	0	1	0	1	1	0
	JFX	Army	E02	29	29	0	23	6	0	2	27	2	27	28	1
			E04	13	13	0	7	6	0	2	11	0	13	13	0
			E01	20	20	0	16	4	0	2	18	0	20	17	3
			E03	33	33	0	27	6	0	1	32	0	33	32	1
		Navy	O01	3	3	0	0	3	3	0	0	0	3	0	3
			O02	1	1	0	0	1	1	0	0	0	1	0	1
			O03	1	1	0	1	0	1	0	0	0	1	0	1
			E05	8	8	0	6	2	7	0	1	1	7	8	0
			E02	52	52	0	27	25	35	4	13	10	42	43	9
			E04	32	32	0	22	10	20	5	7	5	27	32	0
			E06	1	1	0	1	0	0	0	1	0	1	1	0
			E01	21	21	0	14	7	14	2	5	5	16	16	5
			E03	55	55	0	30	25	38	6	11	5	50	49	6
		Marine Corps	E02	28	28	0	25	3	21	2	5	1	27	28	0
			E04	4	4	0	3	1	4	0	0	0	4	4	0
			E06	1	1	0	1	0	1	0	0	0	1	1	0
			E01	7	7	0	7	0	7	0	0	0	7	7	0
			E03	61	61	0	56	5	55	1	5	1	60	61	0
		Marine Corps Reserve	E02	1	1	0	1	0	1	0	0	0	1	1	0
			E03	2	2	0	2	0	2	0	0	0	2	2	0
		Air Force	E05	1	1	0	1	0	0	0	1	0	1	1	0
			E02	6	6	0	5	1	6	0	0	0	6	6	0
			E04	8	8	0	4	4	8	0	0	0	8	8	0
			E01	8	8	0	4	4	8	0	0	0	8	2	6
			E03	41	41	0	32	9	33	6	2	0	41	41	0
		Coast Guard	E05	1	1	0	0	1	1	0	0	0	1	0	1
			E02	3	3	0	3	0	2	0	1	1	2	0	3
			E04	4	4	0	3	1	4	0	0	0	4	0	4
	KFX	Navy	E05	1	1	0	1	0	1	0	0	0	1	1	0
			E03	1	1	0	0	1	1	0	0	0	1	1	0
	LFX	Army	E04	1	1	0	1	0	0	0	1	0	1	1	0
	GFY	Air Force	O03	1	0	1	1	0	0	0	1	0	1	1	0
			O04	1	0	1	1	0	1	0	0	0	1	1	0
			E05	2	0	2	1	1	1	0	1	0	2	2	0
			E02	1	0	1	0	1	0	1	0	0	1	1	0
	HFY	Air Force	E05	6	0	6	3	3	5	0	1	0	6	6	0
			E04	2	0	2	2	0	2	0	0	0	2	2	0

			E06	2	0	2	1	1	2	0	0	0	2	2	0
			E07	1	0	1	1	0	1	0	0	0	1	1	0
	JFY	Air Force	E05	1	0	1	1	0	1	0	0	0	1	1	0
			E02	68	0	68	50	18	61	5	2	0	68	27	41
			E04	29	0	29	21	8	24	3	2	1	28	29	0
			E01	310	0	310	235	75	265	26	19	0	310	18	292
			E03	188	0	188	108	80	149	22	17	0	188	140	48
		Air Force Reserve	E01	7	0	7	1	6	5	1	1	0	7	0	7
			E03	5	0	5	3	2	4	0	1	1	4	0	5
		Coast Guard	E05	2	0	2	0	2	2	0	0	0	2	0	2
			E02	15	0	15	9	6	9	1	5	1	14	0	15
			E04	11	0	11	7	4	8	2	1	2	9	0	11
			E01	23	0	23	13	10	17	2	4	4	19	0	23
			E03	58	0	58	33	25	40	4	14	8	50	0	58
		Coast Guard Reserve	E02	3	0	3	3	0	2	0	1	1	2	0	3
			E01	8	0	8	6	2	8	0	0	0	8	0	8
			E03	5	0	5	2	3	5	0	0	1	4	0	5
	Total			1,230	481	749	847	383	908	102	220	56	1,174	667	563
Total				38,694	36,723	1,971	28,567	10,127	29,989	4,444	4,261	2,685	36,009	26,104	12,590

Note:
There is no count for Army National Guard or Army Reserve because they don't provide SPD to DMDC.
Personality Disorder and Adjustment Disorder is based on the SPD list that MPP provided.
Mexican, Puerto Rican, Cuban, Latin American with Hispanic descent and Other Hispanic descent are grouped as Hispanic.
Honorable and General-Under honorable conditions are grouped as Honorable Discharge.
DRS # 35530
Produced by the Defense Manpower Data Center on September 13, 2010

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Active Duty, Reserve and Guard Disorder Separations
By Fiscal Year, Disorder Category, Service Component and Ever Deployed Status
As of: FY2000-2010
Source: Active Duty Transaction & RCCPDS Transaction

			Fiscal Year										
Disorder Category	Service Component	Ever Deployed	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Personality Disorder	Army	Yes	16	11	24	109	313	381	333	343	209	54	8
		No	706	669	639	838	653	639	689	691	424	204	94
		Total	722	680	663	947	966	1,020	1,022	1,034	633	258	102
	Navy	Yes	8	12	81	218	239	204	215	207	163	84	47
		No	1,461	1,424	1,606	1,102	1,022	946	848	867	816	363	165
		Total	1,469	1,436	1,687	1,320	1,261	1,150	1,063	1,074	979	447	212
	Marine Corps	Yes	9	2	8	31	92	120	123	93	53	35	15
		No	522	473	483	439	404	581	543	610	345	280	110
		Total	531	475	491	470	496	701	666	703	398	315	125
	Air Force	Yes	8	7	17	31	63	69	65	52	28	8	10
		No	1,467	1,199	846	1,001	783	778	1,049	1,197	812	99	67
		Total	1,475	1,206	863	1,032	846	847	1,114	1,249	840	107	77
	Navy Reserve	Yes	0	0	0	0	2	0	7	1	2	1	0
		No	10	27	26	22	31	16	10	9	10	3	0
		Total	10	27	26	22	33	16	17	10	12	4	0
	Marine Corps Reserve	Yes	0	1	1	0	4	4	6	5	3	0	0
		No	4	7	19	36	32	41	41	35	25	23	3
		Total	4	8	20	36	36	45	47	40	28	23	3
	Air Force Reserve	Yes	0	0	1	1	1	1	0	0	0	0	0
		No	6	13	18	7	9	18	6	18	13	0	0
		Total	6	13	19	8	10	19	6	18	13	0	0
	Total		4,217	3,845	3,769	3,835	3,648	3,798	3,935	4,128	2,903	1,154	519
Adjustment Disorder	Air Force	Yes	0	0	0	0	0	0	0	12	43	41	25
		No	0	0	0	0	0	0	0	90	260	707	643
		Total	0	0	0	0	0	0	0	102	303	748	668
	Air Force Reserve	No	0	0	0	0	0	0	0	0	1	7	15
		Total	0	0	0	0	0	0	0	0	1	7	15
	Total		0	0	0	0	0	0	0	102	304	755	683
Condition, Not a Disability	Army	Yes	26	26	39	153	396	473	432	677	751	684	700
		No	588	712	1,250	1,776	2,339	2,029	974	1,999	2,899	3,121	2,429
		Total	614	738	1,289	1,929	2,735	2,502	1,406	2,676	3,650	3,805	3,129

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	Navy	Yes	10	18	26	51	94	187	191	249	198	151	178
		No	676	983	738	593	648	832	867	1,136	1,087	1,099	1,150
		Total	686	1,001	764	644	742	1,019	1,058	1,385	1,285	1,250	1,328
	Marine Corps	Yes	19	38	39	55	94	100	123	64	49	42	31
		No	594	738	940	1,113	999	817	1,257	1,036	1,284	1,211	1,271
		Total	613	776	979	1,168	1,093	917	1,380	1,100	1,333	1,253	1,302
	Air Force	Yes	1	0	4	4	16	23	21	16	1	1	0
		No	31	17	34	69	87	105	105	86	19	23	16
		Total	32	17	38	73	103	128	126	102	20	24	16
	Navy Reserve	Yes	2	0	3	3	6	9	6	2	5	6	4
		No	38	74	97	112	76	74	37	36	24	7	2
		Total	40	74	100	115	82	83	43	38	29	13	6
	Marine Corps Reserve	Yes	2	4	7	8	10	11	7	8	2	0	1
		No	48	75	107	151	142	154	175	132	134	163	258
		Total	50	79	114	159	152	165	182	140	136	163	259
	Air Force Reserve	Yes	0	0	0	0	0	2	0	0	0	0	0
		No	1	5	6	7	1	8	3	0	2	0	0
		Total	1	5	6	7	1	10	3	0	2	0	0
	Total		2,036	2,690	3,290	4,095	4,908	4,824	4,198	5,441	6,455	6,508	6,040
Impulse Control Disorder	Air Force	Yes	0	0	0	0	0	0	0	0	0	1	1
		No	0	0	0	0	0	0	0	1	2	2	6
		Total	0	0	0	0	0	0	0	1	2	3	7
	Total		0	0	0	0	0	0	0	1	2	3	7
Disruptive Behavior Disorder	Air Force	No	0	0	0	0	0	0	0	1	4	4	3
		Total	0	0	0	0	0	0	0	1	4	4	3
	Air Force Reserve	No	0	0	0	0	0	0	0	0	1	0	1
		Total	0	0	0	0	0	0	0	0	1	0	1
	Total		0	0	0	0	0	0	0	1	5	4	4
Mental Disorder (Other)	Air Force	Yes	0	0	0	0	0	0	0	7	8	4	3
		No	0	0	0	0	0	0	0	16	45	209	32
		Total	0	0	0	0	0	0	0	23	53	213	35
	Total		0	0	0	0	0	0	0	23	53	213	35
Total			6,253	6,535	7,059	7,930	8,556	8,622	8,133	9,696	9,722	8,637	7,288

Personality Disorder SPDs: BFX, GFX, HFX, JFX, KFX, LFX
Adjustment Disorder SPDs: BFY, GFY, HFY, JFY, KFY, LFY
Condition not a Disability SPDs: BFV, FFV, GFV, HFV, JFV, KFV, LFV
Impulse Control Disorder SPDs: BFZ, GFZ, HFZ, JFZ, KFZ, LFZ
Disruptive Behavior Disorder SPDs: HFD, JFD, KFD, LFD

Mental Disorder (Other) SPDs: GFE, HFE, JFE, KFE, LFE
Army Reserve & Army National Guard do no report SPD.
Ever deployed status is based on the CTS file
DRS # 36832
Produced by the Defense Manpower Data Center on October 21, 2010

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UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

NOV 8 20[illegible]

The Honorable Christopher S. "Kit" Bond
United States Senate
Washington, D.C. 20510

Dear Senator Bond:

Thank you for your letter to the Secretary of Defense requesting Army administrative separations data for 2008 through 2010, and assistance to ensure military members who have Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) are not inappropriately discharged. As the official responsible for Department of Defense (DoD) separations policy, I have been asked to respond.

Enclosed with this letter is the Department of the Army's response to your request. Since May 2008, Army policy has required PTSD and TBI screening for any Soldier being considered for administrative separation where the basis for discharge involves mental health. This includes a "condition, not a disability" discharge for a mental health condition. The Army is clarifying its existing personality disorder administrative separation policy to apply the same medical exam and review requirements to all mental health-related administrative separations.

Thank you for your continued support to the dedicated men and women of the Armed Forces who serve our great Nation.

Sincerely,

Clifford L. Stanley

Enclosure:
As stated

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UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

The Honorable Sam Brownback
United States Senate
Washington, D.C. 20510

Dear Senator Brownback:

Thank you for your letter to the Secretary of Defense requesting Army administrative separations data for 2008 through 2010, and assistance to ensure military members who have Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) are not inappropriately discharged. As the official responsible for Department of Defense (DoD) separations policy, I have been asked to respond.

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Thank you for your continued support to the dedicated men and women of the Armed Forces who serve our great Nation.

Sincerely,

Clifford L. Stanley

Enclosure:
As stated

11-L-0109 VVA (OUSD P&R) 277

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

The Honorable Charles E. Grassley
United States Senate
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your letter to the Secretary of Defense requesting Army administrative separations data for 2008 through 2010, and assistance to ensure military members who have Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) are not inappropriately discharged. As the official responsible for Department of Defense (DoD) separations policy, I have been asked to respond.

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Thank you for your continued support to the dedicated men and women of the Armed Forces who serve our great Nation.

Sincerely,

Clifford L. Stanley

Enclosure:
As stated

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UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

The Honorable Patrick J. Leahy
United States Senate
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for your letter to the Secretary of Defense requesting Army administrative separations data for 2008 through 2010, and assistance to ensure military members who have Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) are not inappropriately discharged. As the official responsible for Department of Defense (DoD) separations policy, I have been asked to respond.

Enclosed with this letter is the Department of the Army's response to your request. Since May 2008, Army policy has required PTSD and TBI screening for any Soldier being considered for administrative separation where the basis for discharge involves mental health. This includes a "condition, not a disability" discharge for a mental health condition. The Army is clarifying its existing personality disorder administrative separation policy to apply the same medical exam and review requirements to all mental health-related administrative separations.

Thank you for your continued support to the dedicated men and women of the Armed Forces who serve our great Nation.

Sincerely,

Clifford L. Stanley

Enclosure:
As stated

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111

SAMR

MEMORANDUM FOR THE UNDER SECRETARY OF DEFENSE, PERSONNEL AND READINESS

SUBJECT: Administrative Separation of Soldiers with Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI)

1. As requested, this letter provides information to address the concerns of Senators Bond, Grassley, Brownback and Leahy. The Army is dedicated to ensuring that all Soldiers with physical and mental conditions caused by wartime service receive the care they deserve. The enclosure outlines the number of Soldiers discharged in Fiscal Years 2008-2010 for Personality Disorder, Adjustment Disorder, and Other Physical or Mental Conditions, and how many have deployed to an Imminent Danger Pay Area. Please realize that there are complexities involved beyond the numerical data, and that the Army has taken actions to ensure these Soldiers were appropriately screened for PTSD and TBI.

2. In 2006 and 2007, public concern was raised that some Soldiers returning from combat tours had been discharged from the military for Personality Disorders, but were subsequently suffering from PTSD or TBI related to their combat experiences. The Army issued policies to address these concerns, and implemented the requirement for higher level review of administrative separations for Personality Disorder at Office of The Surgeon General and screening for PTSD and TBI. The Army also issued guidance outlining procedures for PTSD and TBI screening for all Soldiers considered for administrative separation who required a mental status evaluation, or who had been deployed to an Imminent Danger Pay Area.

3. In accordance with OSD guidance, the Army is conducting a review of at least 10 percent of all Personality Disorder separations for fiscal year 2010. Additionally, we are identifying Soldiers who deployed to an Imminent Danger Pay Area who were separated for Personality Disorder since 2001 in order to inform them of the process to correct their discharge characterization and how to obtain mental health assessment through the Department of Veterans Affairs.

4. My POC for this action is COL David Sproat at (703) 693-7240 or david.sproat@us.army.mil.

Encl

FOR SIGNATURE
THOMAS R. LAMONT 20101027
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

INFORMATION PAPER

SAMR-MP
25 October 2010

SUBJECT: Screening of Personality and Adjustment Disorder Discharges

1. References:

a. Letter from Senator Bond et al. to Secretary Gates, 15 October 2010.

b. Department of Defense Instruction 1332.14, Enlisted Administrative Separations, 28 August 2008.

c. Memorandum, USD-PR, subject: Continued Compliance Reporting on Personality Disorder (PD) Separations, 10 September 2010.

d. Army Regulation 635-200, Active Duty Enlisted Separations, Rapid Action Revision Issue Date: 27 April 2010.

e. OTSG/MEDCOM Policy Memo 09-056, Guidance for Administrative Separation for Personality Disorder (PD) or other Behavioral Conditions, 22 July 2009.

f. OTSG/MEDCOM Policy Memo 10-040, Screening Requirements for Post-Traumatic Stress Disorder (PTSD) and mild Traumatic Brain Injury (mTBI) for Administrative Separations of Soldiers, 9 July 2010.

2. On 15 October 2010, Senators Bond, Grassley, Brownback and Leahy wrote to Secretary Gates expressing their concerns about screening of Personality and Adjustment Disorder discharges. They requested data on the number of Soldiers discharged under Chapters 5-13 and 5-17 and the number of those that have deployed. OSD further requested information regarding actions taken, or underway, to ensure that Service members who deployed to an Imminent Danger Pay area, who were diagnosed with either Adjustment Disorder, Personality Disorder, or Other Designated Physical or Mental Condition and were discharged in Fiscal Years 2008-2010 did not have Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI). Actions taken or underway include:

a. In 2006 and 2007, public concern was raised that the Army was discharging some Soldiers returning from combat for personality disorder who were also suffering from PTSD and/or TBI related to their combat experiences. To address these concerns, the United States Army Medical Command (MEDCOM) issued policy in August 2007 to their Regional Medical Commands directing Office of the Surgeon General (OTSG) higher level review of administrative separations based upon a diagnosis of personality disorder including whether or not PTSD, TBI and/or other co-morbid mental illness may have been a significant contributing factor to the diagnosis. In May 2008, MEDCOM

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issued additional policy requiring PTSD and TBI screening prior to Soldiers being considered for administrative separation.

b. In August 2008, the Department of Defense (DoD) mandated similar requirements (DoDI 1332.14) regarding separations on the basis of a personality disorder to include:

(1) A Psychiatrist or PhD-level Psychologist must diagnose the personality disorder.

(2) A peer or higher-level mental health professional must corroborate the diagnosis.

(3) Diagnosis must be endorsed by the Surgeon General of the Military Department concerned.

(4) The diagnosis must consider whether PTSD, TBI and/or other co-morbid mental illness may have been a significant contributing factor to the diagnosis.

c. In February 2009, Army policy was updated implementing the above DoD requirements.

d. On 25 July 2010, pursuant to the provisions mandated by section 512 of Public Law 111-84, National Defense Authorization Act for Fiscal Year 2010 and 10 U.S.C.§ 1177 and 1553, the Under Secretary of Defense for Personnel & Readiness issued policy via Directive Type Memorandum 10-022, requiring a medical exam evaluation for Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) prior to administratively separating Service members, under conditions other than honorable, who had deployed overseas in support of a contingency operation during the previous 24 months. On 30 Aug 10, the Assistant Secretary of the Army for Manpower & Reserve Affairs responded to OUSD (P&R) that OTSG Policy Memorandum 10-040, dated 9 June 2010, included procedures ensuring compliance with requirements promulgated in OUSD DTM 10-022.

e. OTSG Policy Memorandum 10-040, outlines procedures for PTSD and TBI screening for all Soldiers considered for administrative separation who require a mental status evaluation, or who have been deployed overseas in support of a contingency operation, and who are diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing PTSD or TBI or who otherwise reasonably allege, based on their service while deployed, the influence of such a condition. OTSG Policy Memorandum 09-056 provides guidance for administrative separation for Personality Disorder and other behavioral conditions. A revision of the that policy, currently in staffing, will

require review and endorsement of all Soldiers who have deployed that are being processed under Chapter 5-17.

f. In accordance with OSD guidance, the Army is conducting a review of at least 10 percent of all Personality Disorder separations for fiscal year 2010. Additionally, we are currently identifying Soldiers separated for Personality Disorder in order to inform them of the process to correct their discharge characterization and how to obtain mental health assessment through the Department of Veterans Affairs.

4. Social Security Numbers of Soldiers with Chapter 5-13 and Chapter 5-17 discharges for fiscal years 2008, 2009, and 2010 were obtained from the Total Army Personnel Database. These records were then forwarded to the Patient Administration Systems and Biostatistics Activity to identify those Soldiers with a diagnosis of Personality Disorder or Adjustment Disorder. They were also forwarded to the Personnel Contingency Cell to determine if the Soldier had deployed. Comparison of these databases yielded the following information:

a. Number of Adjustment Disorder (AD) discharges (Chapter 5-17).

(1) FY08 2,032

(2) FY09 2,427

(3) FY10 2,033

b. Number of AD discharges who had deployed to an Imminent Danger Pay (IDP) area.

(1) FY08 346

(2) FY09 475

(3) FY10 767

c. Number of Personality Disorder (PD) discharges (Chapter 5-13 < 24 months of service; Chapter 5-17 with 24 or more months of service).

(1) FY08 641

(2) FY09 575

(3) FY10 365

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d. Number of PD discharges who had deployed to an IDP area.

(1) FY08 211

(2) FY09 157

(3) FY10 149

e. Number of Condition, Not Disability discharges (Chapter 5-17 minus PDs w/24 or more months of service).

(1) FY08 3,654

(2) FY09 3,501

(3) FY10 3,154

f. Number of Condition, Not a Disability discharges who had deployed to an IDP area.

(1) FY08 724

(2) FY09 561

(2) FY10 1,003

COL David Sproat/david.sproat@us.army.mil/(703) 693-7240

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HOLD UNTIL RELEASED
BY THE COMMITTEE

STATEMENT BY

MR. LERNES J. HEBERT

ACTING DIRECTOR, OFFICER & ENLISTED PERSONNEL MANAGEMENT

OFFICE OF THE DEPUTY UNDER SECRETARY OF DEFENSE

MILITARY PERSONNEL POLICY

REGARDING

PERSONALITY DISORDER DISCHARGES: IMPACT ON VETERAN'S BENEFITS

BEFORE THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS

September 15, 2010

Mr. Chairman, Mr. Ranking Member, and Members of the Committee, thank you for the opportunity to testify on Personality Disorder discharges and the Department's progress in implementing recommendations made by the Government Accountability Office (GAO) to improve oversight of the Personality Disorder discharge process. In response to the October 2008, GAO audit, the Department implemented policy changes and established a reporting process to maintain oversight of the Military Departments' progress in carrying out these requirements. Today, I will report on those policy changes and how the Military Departments' compliance with those policy changes has progressed.

Separation Policy

Through the Department's separation policies, individuals are provided an orderly transition after service to the Nation and the Department can properly husband the forces under arms to meet national security needs. As the requirements for service are often physically demanding, fitness for duty is a key element of these policies.

Medical fitness determination is an area where great care must be taken to ensure accuracy and fairness. In that regard, the nature of the signature injuries sustained in Operations Iraqi Freedom and Enduring Freedom (OIF/OEF) of Traumatic Brain Injuries (TBI) and Post Traumatic Stress Disorder (PTSD) has challenged the Department's understanding and treatment of those injuries. As the body of knowledge of PTSD and

the total number of personality disorder separations for Service members who had served in an imminent danger pay area since September 11, 2001.

Of note is that fact that the early reports were impacted by the delay between when the Department issued new personality disorder separation policy and the incorporation of that new guidance into Military Service regulations. The Military Departments made considerable progress between FY2008 and FY2009 to fully comply with the personality disorder separation requirements in DoDI 1332.14. To ensure this progress is not lost, the Under Secretary of Defense for Personnel and Readiness has extended the requirement for the Military Departments to report their compliance until FY2012.

The number of personality disorder separations across the Department by more than a third since 2008 when the more rigorous processes were implemented. Each of the Military Services has similarly experienced decreases in personality disorder separations. While other factors may have contributed to this decrease, the increased oversight and awareness clearly supported this trend.

PTSD Disability Evaluation System (DES) Case Disposition Trends

The Military Departments combined reported 979 more PTSD DES case dispositions (a 47% increase) in FY 2009 versus FY2008. There were 3,063 PTSD DES case dispositions in FY2009 versus 2,084 PTSD DES case dispositions in FY2008. The Army accounted for 81% of all PTSD DES case dispositions.

The Military Departments reported they complied with requirements in the Veterans Affairs Schedule for Rating Disabilities (VASRD) when rating mental illness due to traumatic events. Conditions classified as mental disorders by the VASRD existed in 5,141 (27%) of 19,215 FY 2009 DES case dispositions.

PTSD DES case dispositions comprised 16% of the total 19,215 DES case dispositions in FY2009. In FY2008, PTSD DES case dispositions comprised 11% of the total 19,583 DES case dispositions.

In FY2009, 119 (3.9%) of the PTSD DES case dispositions resulted in the Service member being placed on the Permanent Disability Retirement List (PDRL). 2,936 (95.8%) of the FY2009 PTSD DES case dispositions resulted in the Service member being placed on the Temporary Disability Retirement List (TDRL). This represents 42% of the total of 6,965 Service members placed on the TDRL in FY2009. Six (.2%) case dispositions resulted in Separation with Severance Pay and three (.1%) case dispositions resulted in Separation without benefits.

In FY2008, 233 (11.2%) of the PTSD case dispositions resulted in the Service member being placed on the PDRL. 1,352 (64.9%) of the FY2008 PTSD DES case

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Military Records (BCMR). As expected, the number of DRB and BCMR appeals related PTSD or TBI has increased. This process has worked well, and we continue to work with the Military Departments and the Department of Veterans Affairs to identify those with PTSD and TBI who may have transitioned prior to our current understanding of these conditions.

Conclusion

The Department is confident that given the positive trends Service members who experience or assert PTSD or TBI are being diagnosed and that those diagnoses are being considered prior to separation. Rigorous execution and oversight of the Department's separation policies is crucial to ensuring the proper transition of our veterans and the readiness of the military forces. The Department is committed to continue efforts to improve the accuracy and efficacy of these policies. I will be happy to answer any questions you might have at this time.

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CHARRTS No.: HVA-13-001
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #1

Personality Disorders

Question: Some individuals contend that personality disorders are not possible for service members who must demonstrate physical and mental fitness for duty? How do you respond to these assertions?

Answer: Qualified medical professionals have diagnosed Personality Disorders in serving members who previously demonstrated physical and mental fitness for duty. Latent symptoms are medically possible and may present after exposure to differing conditions.

CHARRTS No.: HVA-13-002
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #2

FY09 Military Services Compliance Reports

Question: Do you know when the fiscal year 2009 compliance reports for each of the military services that were supposed to be submitted to DOD by March 31, 2010, will be submitted to DOD?

Answer: All of the Military Departments have submitted their fiscal year 2009 Personality Disorder Separation Reports. (Dates submitted: DoN–6 Apr 10; AF–23 Apr 10; Army–14 Jun 10)

CHARRTS No.: HVA-13-003
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #3

Oversight of FY08 Services Corrective Action Plans

Question: How is DOD ensuring that the corrective action plans discussed by each of the military services in their fiscal year 2008 compliance reports are being implemented by the services?

Answer: The Services' FY2008 corrective action plans focused on issuing new guidance and developing compliance checklists to help achieve full compliance. The Department required the Services to report their compliance for consecutive years to measure the effectiveness of these corrective actions and progress in attaining full compliance. All of the Services showed significant compliance improvement in FY2009 vs FY2008. The Under Secretary of Defense for Personnel and Readiness recently directed the Military Departments to continue their compliance reporting through FY 2012.

CHARRTS No.: HVA-13-004
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #4

DoD Plans to Implement a Long-Term Reporting System

Question: Does DOD plan to implement a long-term system of reporting, beyond the fiscal years 2008 and 2009 compliance reports, for each of the military services to document their compliance with personality disorder separation requirements?

Answer: On 10 Sep 2010, the Under Secretary of Defense for Personnel and Readiness directed the Military Departments to continue to report on their compliance with DoD Personality Disorder Separation guidance through FY 2012, which will be reviewed by the Under Secretary of Defense for Personnel and Readiness.

CHARRTS No.: HVA-13-005
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #5

Personality Disorder Separation

Question: How does DOD plan to oversee the military services' compliance with DOD personality disorder separation requirements?

Answer: Yes. On January 14, 2009, the Military Departments were directed (reference) to provide a report on compliance with DoD Personality Disorder separation guidance contained in DoDI 1332.14 for fiscal year (FY) 2008 and FY2009. While significant improvement in compliance has occurred, it is clear that compliance reporting should continue. On September 10, 2010, the Under Secretary of Defense for Personnel and Readiness directed the Military Departments to continue their compliance reporting through FY2012. These reports will be personally reviewed by the Under Secretary of Defense for Personnel and Readiness. Further extensions will be considered until OSD is satisfied that full compliance is being achieved.

CHARRTS No.: HVA-13-006
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #6

Personality Disorder Separation

Question: Please explain how enlisted service members who are separated with a personality disorder diagnosis got into the service in the first place. Does DOD or the military services have any kind of test or assessment that could help detect a personality disorder prior to a recruit coming into the service?

Answer: Yes. All applicants for military service go through a multi-step medical screening process. An essential part of that screening is a medical exam at a Military Entrance Processing Station (MEPS). With respect to Personality Disorder, the following applies:

1) Applicants are required to complete a medical pre-screening (DD 2807-2 Medical Prescreen of Medical History Report) before reporting to the Military Enlisted Processing Station (MEPS). That form is reviewed by the MEPS Medical Staff to identify individuals who require additional screening. The question on the form related to mental health issues is:

    a. Have you Seen a psychiatrist, psychologist, counselor or other professional for any reason *(inpatient or outpatient)* including counseling or treatment for school, adjustment, family, marriage or any other problem, to include depression, or treatment for alcohol, drug or substance abuse.

2) Furthermore, all applicants undergo a medical evaluation that includes a review of medical history and physical with a licensed physician. Included in the medical history at the time of the examination are the following questions:

    a. Nervous trouble of any sort (anxiety or panic attacks)?
    b. Received counseling of any type?
    c. Depression or excessive worry?
    d. Been evaluated or treated for a mental condition?
    e. Attempted suicide?

All positive responses are addressed by the examining physician at the time of the physical examination. In addition, through the course of interactions with military and medical professionals, symptoms which present themselves result in further examinations. If during the examination an applicant fails to reveal a personality disorder or another mental health issue and none are detected, the applicant may be deemed qualified from a mental health standpoint. However, it should be noted that this screening process is unlikely to identify all cases of personality disorder. Even if a recruit has a history of difficulties working or getting along with

others, which might provide a clue to possible personality disorder, that behavior might not have resulted in a medical evaluation or diagnosis.

CHARRTS No.: HVA-13-007
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #7

Personality Disorder Separation

Question: DOD's August 2008 policy requires that the military services comply with additional requirements when separating enlisted service members diagnosed with a personality disorder who served in an imminent danger pay area. This policy applies to service members separated as of August 28, 2008, and is intended to make sure that these service members do not have post-traumatic stress disorder or some other combat-related condition. What action is DOD taking for those service members who were separated with a diagnosis of a personality disorder prior to August 28, 2008, and who served in an imminent danger pay area?

Answer: On September 10, 2010, the Under Secretary of Defense for Personnel and Readiness directed the Military Departments to report by March 31, 2011, actions taken to: 1) identify Service members who have deployed in support of a contingency operation since September 11, 2001, and were later administratively separated for a personality disorder, regardless of years of service, without completing the enhanced screening requirements for Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI); 2) inform them of the correction of discharge characterization process; 3) inform them on how to obtain a mental health assessment through the Department of Veterans Affairs; and 4) identify these individuals to the Department of Veterans Affairs.

CHARRTS No.: HVA-13-008
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #8

Adjustment Disorder Diagnoses

Question: Has DOD reviewed the allegation that the military services may be discharging enlisted service members with a diagnosis of adjustment disorder in order to reduce the number of personality disorder discharges? If so, what did DOD find? If not, does DOD intend to review this?

Answer: Yes. When this allegation came to light, the Department examined the number of Service members administratively separated for Personality Disorder and Adjustment Disorder since 2000. Defense Manpower Data Center (DMDC) data showed the Air Force was the only Service that had separated Service members for Adjustment Disorder.

Air Force clinicians are sensitive to the need and requirement to evaluate for potential disability when an administrative separation is being considered. Clinicians follow current DoD and Air Force guidance when making these recommendations regarding administrative separations, including DoDI 1332.14, *Enlisted Administrative Separations*, and AFI 36-3208, *Administrative Separation of Airmen*. The newest Interim Change to AFI 36-3208 addresses Directive Type Memorandum 10-022 on TBI and PTSD for Service members. This DTM applies to Service members being administratively separated under a characterization other than honorable, who were deployed overseas to a contingency operation, and who have been diagnosed by a physician, psychiatrist, or psychologist as experiencing TBI or PTSD or who alleges the influence of PTSD or TBI. TBI and PTSD are not characterized as Personality Disorders.

The Air Force is fully compliant with the DoD Personality Disorders separation guidance. It is important to understand that under the Diagnostic and Statistic Manual (DSM), Personality Disorders and Adjustment Disorders are not substitutes for one another. They are coded separately under different axes and often co-exist. Substituting one diagnosis for another simply to avoid administrative or clinical review is neither appropriate nor authorized.

The Air Force reviewed data related to the separation of Airmen for Adjustment and Personality disorders. The percentage of Air Force mental health discharges for Personality Disorders has always been quite small (approximately 5-8% of the total number of mental health discharges). Since the implementation of the DoD Personality Disorders separation guidance in FY08, the Air Force has seen a decline in both the

number of Airmen being discharged for a Personality Disorder (FY08 = 86, FY09 = 58, FY10ytd = 73), as well as Airmen being discharged for an Adjustment Disorder (FY08 = 962, FY09 = 784, FY10 as of 10 Sep 10 = 720). The following discharges for adjustment disorders occurred during Basic Military Training: FY08 = 665; FY09 = 580; FY10 as of 10 Sep 10 = 455.

CHARRTS No.: HVA-13-009
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #9

Adjustment Disorder Diagnoses

Question: What action has DOD taken to ensure that service members discharged with a diagnosis of adjustment disorder do not have post-traumatic stress disorder or traumatic brain injury?" Do symptoms for an adjustment disorder overlap with symptoms for PTSD or TBI?

Answer: On August 28, 2008, the Department issued new policy on personality disorders separations, which added greater rigor and oversight. The revised policy only permits a personality disorder separation if diagnosed by a psychiatrist or PhD-level psychologist. Implementation of this change has increased the Department's confidence in our ability to accurately diagnose personality disorders. This change also serves to improve the identification of any co-morbidity of PTSD or TBI.

In addition, members who have served in an imminent danger pay area must have their diagnosis corroborated by a peer psychiatrist, PhD-level psychologist, or higher level mental health professional and endorsed by The Surgeon General of the Military Service concerned. This change specifically addresses concerns early in the War that members suffering PTSD or TBI might be separated without proper treatment under the non-compensable, exclusive diagnosis of a personality disorder. To ensure continued monitoring of this critical process, the Department implemented oversight mechanisms to include an annual personality disorder report and periodic reviews of personality disorder separation data by the Department's Medical and Personnel (MedPers) Council.

Formal training has significantly increased for providers on assessment, diagnosis, and treatment of PTSD and TBI. Education on the causes, signs, and symptoms of TBI and PTSD are being conveyed to leaders and Service members. More advanced education on TBI and PTSD is provided in pre and post-deployment environments. There has been increased emphasis on these topics during mental health internship and residency programs. Finally, the Defense and Veterans Brain Injury Center (DVBIC) hosts an annual TBI Training Program to educate DoD and VA health care providers.

With regard to overlap between the cognitive and behavioral symptoms of adjustment disorder (particularly mixed type) and PTSD or TBI the answer is yes. Examples of potentially overlapping symptoms include subjective memory difficulties, mood problems, impulsivity, anger or withdrawal. However, diagnosis is not made

solely on reported symptoms. Evaluation includes interview, medical history, and mental status examination. Additional physical examination, laboratories, imaging, psychological testing, and other evaluations are performed as appropriate. There are distinguishing factors of each condition used to make an accurate diagnosis. Prerequisite to each condition is the root cause of the inciting event. In the case of PTSD it is exposure to an event where there was risk to life or limb of self or others. In the case of TBI it is a blast or blow to the head. In the case of an adjustment disorder, the stressor is usually a more common psychosocial one, such as problems in a relationship, problems in adjusting to military life, or legal problems. When the stressor is removed, the adjustment disorder should resolve. With the understanding that an individual can have one, two, or all three diagnoses simultaneously, a brief personal history is necessary to separate the three conditions under most circumstances.

CHARRTS No.: HVA-13-010
Hearing Date: September 15, 2010
Committee: HVA
Member: Congressman Filner
Witness: Mr. Hebert
Question: #10

FY09 Military Services Compliance Reports

Question: Ms. Draper stated that, as of August 31, 2010, DOD had not received the military services' FY09 reports on compliance with the additional personality disorder requirements implemented in 2008. When do you expect to receive these reports?

Answer: All of the Military Departments have submitted their fiscal year 2009 Personality Disorder Separation Reports. (Dates submitted: DoN–6 Apr 10; AF–23 Apr 10; Army–14 Jun 10)

Hearing Date: Sep 15, 2010
Hearing: Personality Disorder Discharges Impact on Veterans Benefits
Member: Congressman Filner
Insert: (Page 59, Line 1294)
Witness: Mr. Hebert

1291 The CHAIRMAN. I hope that you can test for personality
1292 disorder.
1293 Mr. HEBERT. I couldn't speak to that but we have
1294 someone who can.
1295 The CHAIRMAN. You discharge people for it so you must
1296 have a test for it.
1297 Mr. HEBERT. Well, we rely on medical professionals
1298 who--
1299 The CHAIRMAN. Well, why don't you do it before they
1300 enlist?
1301 Mr. HEBERT. We potentially could create some sort of
1302 scenario where they would.
1303 The CHAIRMAN. But you don't now?

(The information follows):

All applicants for military service go through a multi-step medical screening process:

1) Applicants are required to complete a medical pre-screening (DD 2807-2 MEDICAL PRESCREEN OF MEDICAL HISTORY REPORT) before reporting the Military Enlisted Processing station. That form is reviewed by the MEPS Medical Staff to identify individuals who require additional screening. The question on the form related to mental health issues is:

    a. Seen a psychiatrist, psychologist, counselor or other professional for any reason *(inpatient or outpatient)* including counseling or treatment for school, adjustment, family, marriage or any other problem, to include depression, or treatment for alcohol, drug or substance abuse.

2) Furthermore, all applicants undergo a medical evaluation that includes a review of medical history and physical with a licensed physician. Included in the medical history at the time of the examination are the following questions:

    a. Nervous trouble of any sort (anxiety or panic attacks)?
    b. Received counseling of any type?

c. Depression or excessive worry?
d. Been evaluated or treated for a mental condition?
e. Attempted suicide?

All positive responses are addressed by the examining physician at the time of the physical examination.

Hearing Date: Sep 15, 2010
Hearing: Personality Disorder Discharges Impact on Veterans Benefits
Member: Congressman Filner
Insert: (Page 60, Line 1318)
Witness: Mr. Hebert

1312 The CHAIRMAN. Do you know how many--do you find how
1313 many people are diagnosed with personality disorder and are
1314 rejected for enlistment or volunteer service?
1315 Mr. HEBERT. I do not, sir.
1316 The CHAIRMAN. Do we have those records?
1317 Mr. HEBERT. I suspect we do not, sir, but I will look
1318 into it.

(The information follows):

FY2009 data show 1,018 potential recruits were rejected for personality disorders and a total of 9,698 potential recruits were rejected for various mental health conditions. Preliminary data for FY2010 show 1,161and 8,248 respectively. Subsequent to these disqualifications an applicant may be considered for a waiver of their condition. In FY2009 182 waivers were granted to applicants originally disqualified for personality disorders. Data for FY2010 is still being tabulated.

Hearing Date: Sep 15, 2010
Hearing: Personality Disorder Discharges Impact on Veterans Benefits
Member: Congressman Filner
Insert: (Page 62, Line 1375)
Witness: Mr. Hebert

1371 Mr. HEBERT. And additionally, I believe you asked what
1372 were the incidence of personality disorder in the population
1373 versus the Department of Defense. We don't have that
1374 information with us. We will be glad to provide that for
1375 you.

(The information follows):

Most epidemiologic studies on personality disorders derive an estimated prevalence (disease burden in the population) using survey data. Incidence rates (new cases of a disease or disorder diagnosed) of diagnosed personality disorders are not as easily estimated.

In the general population, prevalence of Personality Disorders is generally estimated to be 14.8%[1]. The estimated prevalence within the military care system is much lower; 0.03% for hospitalizations and 1.1% for ambulatory care[2]. However, it is very difficult to have an accurate assessment because most people with Personality Disorders do not present to medical on their own accord since they do not think that their beliefs and behaviors are abnormal. As well, as indicated in the following discussion, there is no single diagnostic entity of "Personality Disorder"; each sub-type carries with it separate diagnostic criteria and occurs at different estimated prevalence rates.

The Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR) published by the American Psychiatric Association is one of the most widely used mental disorder diagnosis classification systems and provides prevalence estimates. In the DSM-IV-R, Personality Disorder is found as a broad type of disorder (e.g., "Mood disorders" or "Substance related disorders") under which the separate disorders are further classified. "Personality Disorder" as a broad category has eleven clinically distinct sub-types identified in the DSM-IV-R. Each sub-type carries clinical criteria different from the others that must be met before a diagnosis can be made. The DSM-IV-R provides a section on the prevalence in the U.S. population for most of these sub-types of Personality Disorder.

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[1] Refer to footnote 4
[2] Those hospitalized may also be included in the denominator for those receiving ambulatory care.

The table below provides a general comparison between clinical administrative data from the Military Health System and the available prevalence figures as cited in the DSM-IV-R. Only those diagnoses which directly map to DSM-IV-R are included[3]. As well, data from the survey conducted by the National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, is noted on the chart. The National Epidemiologic Survey on Alcohol and Related Conditions (NESARC) is a representative survey of the U.S. civilian non-institutionalized population aged 18 years and older. More than 43,000 American adults participated in the survey.[4]

[3] ICD-9-CM has additional diagnostic sub-types of Personality Disorder not found in DSM-IV-R
[4] http://www.sciencedaily.com/releases/2004/08/040803095121.htm

ATTACHMENT

PERSONALITY DISORDERS	DSM-IV-R	2001-2002 National Epidemiologic Survey on Alcohol and Related Conditions	Defense Medical Epidemiology Database 2000-2009 (10 year rates; n=13,817,359) ACTIVE DUTY *Armed Forces Surveillance Center*	
			Ambulatory Data	Hospitalizations
OVERALL	• None reported	• 14.8 percent	• 10.78 per 1,000 • Total = 148,992	• 0.35 per 1,000 • Total = 4,816
Paranoid	• General population 0.5%-2.5% • Psychiatric Inpatient – 10-30% • Outpatient MH– 2.10%	• 4.4 percent	• 0.46 per 1,000 • total = 1,131	• *<0.01* per 1,000 • Total = 33
Schizoid	• Not available – "Uncommon in clinical settings"	• 3.1 percent	• 0.08 per 1,000 • Total = 6,366	• 0.01 per 1,000 • Total = 176
Schizotypal	• 3% of the general population	• Not cited	Included in Schizoid	Included in Schizoid
Antisocial	• Community samples o 3% males o 1% in females • Clinical settings – prevalence estimates have varied from 3% - 30%; even higher rates are associated with substance abuse treatment settings and prison or forensic settings	• 3.6 percent	• 0.56 per 1,000 • Total = 7,764	• 0.03 per 1,000 • Total = 351
Borderline	• General population – 2% • Outpatient MH – 10% • Psychiatric inpatient – 20% • Among clinical populations with a diagnosis of PD, 30%-60%	• Not cited	• 2.77 per 1,000 • Total = 38,242	• 0.09 per 1,000 • Total = 1,198
Histrionic	• General population – 2-3% • Outpatient MH and Psychiatric Inpatient – 10-15% (when structured assessment is used	• 1.8 percent	• 0.07 per 1,000 • Total = 1,019	• *<0.01* per 1,000 • Total = 19
Narcissistic	• Clinical population – 2%-16% • General population – Less than 1%	• Not cited	• 0.24 per 1,000 • Total = 3,272	• *<0.01* per 1,000 • Total = 88
Avoidant	• General population – 0.5-1.0% • Outpatient MH – 10%	• 2.4 percent	• 0.24 per 1,000 • Total = 3,344	• *<0.01* per 1,000 • Total = 35
Dependent	• No numbers cited; "among the most frequently reported PD encountered in MH clinics	• 0.5 percent	• 0.28 per 1,000 • Total = 3,832	• *<0.01* per 1,000 • Total = 80
Obsessive-Compulsive	• Community samples – 1% • Outpatient MH – 3-10%	• 7.9 percent of all adults	• 0.21 per 1,000 • Total = 2,871	• *<0.01* per 1,000 • Total = 24
NOS PD	• None reported	• Not cited	• 4.96 per 1,000 • Total = 68,521	• 0.19 per 1,000 • Total = 2,570

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Hearing Date: Sep 15, 2010
Hearing: Personality Disorder Discharges Impact on Veterans Benefits
Member: Congressman Filner
Insert: (Page 62, Line 1379)
Witness: Mr. Hebert

1376 The CHAIRMAN. Who did the report which--I mean, which
1377 of you is responsible for the report--of the review that was
1378 required of the previous 23,600? Who could I ask that about
1379 when it is their turn?

(The information follows):

The office of the Under Secretary of Defense for Personnel and Readiness submitted the report to congress which reported 22,656 Personality Disorder discharges from FY2002 through FY2007. The report was prepared by the Officer and Enlisted Personnel Management Directorate.

Hearing Date: Sep 15, 2010
Hearing: Personality Disorder Discharges Impact on Veterans Benefits
Member: Congressman Filner
Insert: (Page 67, Line 1491)
Witness: Mr. Hebert

1475 The CHAIRMAN. You have notified or tried to notify all
1476 22,600 plus--
1477 Mr. HEBERT. That is not my number, sir, but we are
1478 notilYing every veteran who separated since 9/11 who had been
1479 a separation characterized as personality disorder who had
1480 previously deployed to make sure that they have access--
1481 The CHAIRMAN. You are not saying come back and let us
1482 relook at you and see ifwe made the diagnosis correct, are
1483 you?
1484 Mr. HEBERT. No, sir. We are asking them if they
1485 believe they have their separation was mischaracterized or if
1486 they believe that they have symptoms of PTSD or traumatic
1487 brain injury, that they seek help and that we are giving them
1488 the instructions, if you will.
1489 The CHAIRMAN. Could you give me a copy of that
1490 outreach, whatever it was, a letter, whatever you are doing?
1491 Mr. HEBERT. Yes, sir.

(The information follows):

On September 10, 20 10, the Under Secretary of Defense for Personnel and Readiness directed the Military Departments to report by March 31, 2011, actions taken to: 1) identify Service members who have deployed in support of a contingency operation since September 11, 2001, and were later administratively separated for a personality disorder, regardless of years of service, without completing the enhanced screening requirements for Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI); 2) inform them of the correction of discharge characterization process; 3) inform them on how to obtain a mental health assessment through the Department of Veterans Affairs; and 4) identify these individuals to the Department of Veterans Affairs. A copy of that letter is attached.

Hearing Date: Sep 15, 2010
Hearing: Personality Disorder Discharges Impact on Veterans Benefits
Member: Congressman Filner
Insert: (Page 73, Line 1605)
Witness: Dr. Smith

1598 The CHAIRMAN. You said you find out about them early in
1599 their military service. So what percent of the discharges
1600 that you find out, I don't know, within a year, versus those
1601 that occur after they have been, say, in combat. Did this
1602 23,600 figure include those earlier discharges?
1603 Dr. SMITH. I believe that is correct.
1604 The CHAIRMAN. So what percentage is which? Do you
1605 know?
1606 Mr. HEBERT. We can provide those numbers for you.

(The information follows):

11,069 (49 percent) of the 22,656 Personality Disorder discharges that took place from FY2002 through FY2007, involved Service members who were in their first year of Service. 3,372 (15 percent) of those 22,656 personnel had deployed in support of Operation Iraqi Freedom or Operation Enduring Freedom.