DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, UNITED STATES AIR FORCE
WASHINGTON, DC

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MEMORANDUM FOR DISTRIBUTION C
ALMAJCOMs/FOAs/DRUs

FROM: SAF/MR

SUBJECT: Air Force Guidance Memorandum (AFGM) to AFI 36-3208, *Administrative Separation of Airmen*

1. By Order of the Secretary of the Air Force, this guidance memorandum immediately implements changes to AFI 36-3208, *Administrative Separation of Airmen*, to include the policy of Department of Defense for members to complete a Separation History and Physical Examination (SHPE) prior to separation. Compliance with this memorandum is mandatory. To the extent its directions are inconsistent with other Air Force publications; the information herein prevails, in accordance with AFI 33-360, *Publications and Forms Management*.

2. In collaboration with the Chief of Air Force Reserve (HQ USAF/RE) and the Director of the Air National Guard (NGB/CF), the Deputy Chief of Staff for Manpower, Personnel and Services (AF/A1) develops personnel policy for administrative separation of Airmen programs. This Air Force Instruction (AFI) may be supplemented at any level; all supplements must be approved by the Human Resource Management Strategic Board (HSB) prior to certification and approval.

3. This guidance memorandum becomes void after 1 year has elapsed from the date of this memorandum, or upon incorporation by interim change to, or rewrite of AFI 36-3208, whichever is earlier.

DANIEL R. SITTERLY
Principal Deputy Assistant Secretary
(Manpower and Reserve Affairs)

Attachment:
Guidance Changes

Chapter 4

REQUEST FOR DISCHARGE IN LIEU OF TRIAL BY COURT-MARTIAL

4.7. Medical Examination for Separation: All separating members must take a comprehensive Separation History and Physical Examination (SHPE).

4.7.1. A commander who receives a request for discharge according to this chapter:

4.7.1.1. Schedules the airman for a medical examination and, if there is evidence of mental illness, a determination of mental responsibility and capacity according to AFI 44-109, *Mental Health and Military Law*. If time permits, the member may elect to have the SHPE accomplished through a DoD medical treatment facility (MTF) or through the Veterans Administration (VA).

4.7.1.1.1. The MTF uses the applicable guidance to determine the scope of the medical examination and, if necessary, coordinates with the VA to ensure all required documentation is recorded in the member's record prior to separation. Note: The SHPE must be recorded in the member's record before the MTF will clear the member for departure.

4.7.1.1.2. The Military Personnel Section (MPS) ensures the member is cleared by the MTF prior to outprocessing.

Chapter 6

PROCEDURES FOR INVOLUNTARY DISCHARGE

6.3. Medical Examinations. All members of the Military Services, including Reserve Component (RC) Service members, who are scheduled to be separated from active duty after serving for 180 days or more, will take a comprehensive SHPE before the scheduled date of separation. All separating members must take a comprehensive Separation History and Physical Examination (SHPE). Airmen recommended for involuntary discharge are given an examination IAW 48-123, *Medical Examinations and Standards*, Chapter 7. If time permits, the member may elect to have the SHPE accomplished through the VA. If applicable, the examination must document specifically the medical aspects pertaining to the reason(s) for the discharge action. ***EXAMPLE:*** Reference **paragraph 5.26.6**, document that there is not a medical condition that would preclude the member from meeting fitness program standards. In addition, the medical examination must indicate whether the airman is or is not medically qualified for worldwide service and separation. See **Table 6.2** of this Instruction, AFI 36-2102, *Base-Level Relocation Procedures* and AFI 48-123, *Medical Examinations and Standards*, for more information. Also, add the report of medical examination to the case file as soon as it is complete. In addition, refer to **paragraph 1.30** of this instruction for discharge under other than honorable conditions. If discharge processing in absentia is authorized, the medical examination is not required.

6.9.3. Schedules the airman for a medical examination and tells the medical facility the reason for the recommended discharge. For more information, see **paragraph 6.3**. ***NOTE:*** Commanders may schedule the member for a separation physical upon making the initial decision to initiate separation, prior to serving the member with a letter of notification of discharge. If time permits, the member may elect to have the SHPE accomplished through a DoD MTF or through the VA.

6.11. Action by the MPS. MPS Career Development Element ensures the case file contains all required discharge documents and attachments, including the medical examination completion notification (the 2807-1 and 2808 will not be included in record due to HIPPA rules). The SHPE completion notification must be recorded in the member's record before the member is cleared for separation. Ensure the staff judge advocate's legal review is included as an attachment to the separation authority's letter. Do not delay processing to wait for the medical examination report. The MPS Career Development Element makes sure the separation, if approved, is not executed until the member is found qualified for worldwide duty or the processing required by **Section 6E** is complete.

6.14.3. Schedules a medical examination (**paragraph 6.3**) for the airman, and tells the medical facility the reason for the discharge recommendation. If time permits, the member may elect to have the SHPE accomplished through a DoD MTF or through the VA.

6.50.3. A medical examination is not required but may be authorized when:

6.50.3.1. Unique circumstances show the information developed in an examination might have a strong, direct bearing on the type of separation;

6.50.3.2. The absentee is not in civil confinement; and

6.50.3.3. Facilities for the examination of a person not under military control are reasonably available. ***NOTE***: If necessary to comply with **paragraph 1.30**, a medical exam will be required.

Figure 6.1. Sample Notification Memorandum--Entry Level Separation.

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (GRADE, NAME, SSN, UNIT)

FROM: (functional address symbol) (date)

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for (quote the title of the applicable paragraph or paragraphs). The authority for this action is AFPD 36-32 and AFI 36-3208, (paragraph) (paragraphs) 5.XX. If my recommendation is approved, your discharge will be described as an entry level separation and you will be ineligible for reenlistment in the Air Force.

My reasons for this action are: (Tell how the criteria of the cited (paragraph) (paragraphs) are met. Give the specifics of the act or acts or condition or conditions on which the recommendation is based.) Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force.

If you have previously made a restricted or unrestricted report of sexual assault you have the right to seek assistance from the Sexual Assault Response Coordinator (SARC) prior to discharge.

If you have made an unrestricted report of sexual assault within the last 12 months and believe this recommendation for discharge was initiated in retaliation for making that report, you have the right to request review of this recommendation by the commander exercising General Court-Martial (GCM) authority or first general officer in your chain of command, whichever is higher. If you request this review, the commander exercising GCM authority or higher authority will review the circumstances of, and grounds for, this recommendation for discharge and decide whether you will be discharged or retained in the Air Force.

You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult (grade, name) at (place) on (date) at (time). You may consult civilian counsel at your own expense.

You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by (allow 3 workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

If you fail to consult counselor to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

You are required to complete a comprehensive Separation History and Physical Examination (SHPE). You have been scheduled for a medical examination. You must report to (medical facility) at (time) on (date) for the examination. (See note 1). NOTE: If time permits, the member may elect to have the SHPE accomplished through a DoD MTF or through the VA.

Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use (say where).

Execute the attached acknowledgment and return it to me immediately.

Commander's Signature Block

Attachments: (see notes 2 and 3)
1. Supporting documents--for the reason for discharge document or documents containing derogatory information--which are not listed in the notification memorandum

2. Airman's receipt of notification memorandum (**Figure 6.3.)**

NOTES:

1. Omit this paragraph if the enlistment physical is still valid.
2. List each document individually as an attachment.
3. Withdraw airman's receipt of notification letter for attachment to the commander's recommendation for discharge (**Figure 6.5**).

Figure 6.2. Sample Notification Memorandum--No Board Entitlement (Honorable or Under Honorable Conditions (General) Discharge)

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (GRADE, NAME, SSN, UNIT)

FROM: (functional address symbol) (date)

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for (quote the title of the applicable paragraph or paragraphs). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph or paragraphs 5.XXX. If my recommendation is approved, your service will be characterized as (honorable) (honorable or general). I am recommending that your service be characterized as (see note 1).

My reasons for this action are: (Tell how the criteria of the cited paragraph or paragraphs are met. Give specifics of the act or acts or condition or conditions on which the recommendation is based.) Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. (See note 2). If you are discharged, you will be ineligible for reenlistment in the Air Force. (See note 5).

If you have previously made a restricted or unrestricted report of sexual assault you have the right to seek assistance from the Sexual Assault Response Coordinator (SARC) prior to discharge.

If you have made an unrestricted report of sexual assault within the last 12 months and believe this recommendation for discharge was initiated in retaliation for making that report, you have the right to request review of this recommendation by the commander exercising General Court-Martial (GCM) authority or first general officer in your chain of command if the GCM authority is not a general officer, whichever is higher. If you request this review, the commander exercising GCM authority or higher authority will review the circumstances of, and grounds for, this recommendation for discharge and decide whether you will be discharged or retained in the Air Force.

You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult (grade, name) at (place) on (date) at (time). You may consult civilian counsel at your own expense.

You have the right to submit statement in your own behalf. Any statements you want the separation authority to consider must reach me by (allow 3 workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

If you fail to consult counselor to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

You are required to complete a comprehensive Separation History and Physical Examination (SHPE). You have been scheduled for a medical examination. You must report to (medical facility) at (time) on (date) for the examination. NOTE: If time permits, the member may elect to have the SHPE accomplished through a DoD MTF or through the VA.

Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use (say where).

(Typed name, grade) USAF
Commander

Attachments: (see notes 3 and 4)

1. Supporting documents--for the reason for discharge document or documents containing derogatory information--which are not listed in the notification memorandum. Airman's receipt of notification memorandum (**Figure 6.3.**)

NOTES:
1. Omit this sentence if the reason requires the issuance of an honorable discharge.
2. If the issuance of an honorable discharge is not required add "and, if you are discharged, how your service will be characterized."
3. List each document individually as an attachment.
4. Withdraw airman's receipt of notification letter for attachment to the commander's recommendation for discharge (**Figure 6.4**).
5. In discharge cases where the member has received special pay, a bonus, or education assistance, include the following: “and any special pay, bonus, or education assistance funds may be subject to recoupment.”

Figure 6.6. Sample Notification Memorandum--Board Hearing.

SAMPLE

(Appropriate Letterhead)

(Date)

MEMORANDUM FOR (Respondent Grade, Name, SSN, Unit)

FROM: CC

SUBJECT: Notification Memorandum--Board Hearing

I am recommending your discharge from the United States Air Force for (cite the title of the applicable part or parts of **Chapter 5**) according to AFPD 36-32, *Military Retirements and Separations*, and AFI 36- 3208, *Administrative Separation of Airmen*, under the provisions of (paragraph) (paragraphs) 5.XX. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

My reasons for this action are:

(Itemize the factual details of the actions that are the basis of the recommendation.)
This action could result in your separation with (see note 1). I am recommending that you receive (see note 2) discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. (See note 9)

You have the right to:
a. Consult legal counsel.
b. Present your case to an administrative discharge board (see note 3).
c. Be represented by legal counsel at a board hearing.
d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
f. If you have previously made a restricted or unrestricted report of sexual assault you have the right to seek assistance from the Sexual Assault Response Coordinator (SARC) prior to discharge.
g. If you have made an unrestricted report of sexual assault within the last 12 months and believe this recommendation for discharge was initiated in retaliation for making that report, you have the right to request review of this recommendation by the commander exercising General Court-Martial (GCM) authority or first general officer in your chain of command if the GCM authority is not a general officer, whichever is higher. If you request this review, the commander exercising GCM authority or higher authority will review the circumstances of, and grounds for, this recommendation for discharge and decide whether you will be discharged or retained in the Air Force.

You are required to complete a comprehensive Separation History and Physical Examination (SHPE). You have been scheduled for a medical examination. You must report to (medical

facility) at (time) on (date) for the examination. NOTE: If time permits, the member may elect to have the SHPE accomplished through a DoD MTF or through the VA.

Military legal counsel (grade, name, duty address, and duty phone number) has been obtained to assist you. An appointment has been scheduled for you to consult (him) (her) on (date, time, and place). Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing. (See note 4.)

Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use (say where) (see note 5).

If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

Execute the attached acknowledgment and return it to me immediately.

(Signature)
(Typed name, grade), USAF
Commander

Attachments (see notes 6 and 7):
1. Supporting documents--for the reason for discharge
2. Documents containing derogatory information--which are not listed in the notification letter
3. Airman's acknowledgment (**Figure 6.7**)

NOTES:
1. Specify the least favorable type of separation authorized for the reason or reasons given in paragraph 1. To find the type of discharge authorized for each reason, see **Chapter 5**.
2. Specify the type of discharge recommended.
3. If the airman is absent in civil confinement or discharge processing has been authorized for another reason, add the phrase "subject to your availability."

4. Include information about special processing requirements if the airman is eligible to apply for retirement, lengthy service review, or holds a commission or appointment as a warrant officer of the USAFR. (See **Figure 6.1**)
5. Tell the airman where to return the directive when the case is completed.
6. List each document individually as an attachment.
7. Withdraw airman's acknowledgment of receipt of notification memorandum for attachment to the commander's recommendation for discharge (**Figure 6.5**).
8. In discharge cases where the member has received special pay, a bonus, or education assistance, include the following: and any special pay, bonus, or education assistance funds may be subjected to recoupment.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

AIR FORCE INSTRUCTION 36-3208

9 JULY 2004

Incorporating Through Change 7, 2 July 2013

Personnel

ADMINISTRATIVE SEPARATION OF AIRMEN

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This instruction states how we administratively separate enlisted members for all reasons except physical disability or court-martial. It contains standards and procedures for implementing Air Force Policy Directive (AFPD) 36-32, *Military Retirements and Separations*, concerning voluntary and involuntary separations. It governs service characterization for administrative separation and prescribes procedures for the probation and rehabilitation program for airmen subject to administrative discharge for cause. This publication applies to members of the Regular Air Force (RegAF). Also, this publication applies to members of the United States Air Force Reserve (USAFR) and members of the Air National Guard of the United States (ANGUS) as indicated in **paragraph 1.6** With Air Force Regulation (AFR) 35-41, volume 3, and Air National Guard Regulation (ANGR) 39-10, this instruction implements Department of Defense Directive (DoDD) 1315.15, *Special Separation Policy for Survivorship*, 26 September 1988, DoD Instructions (DoDI) 1332.15, *Early Release of Military Enlisted Personnel for College or Vocational/ Technical School Enrollment*, 1 Jun 76, DoDD 1332.14, *Enlisted Administrative Separations*, 21 December 1993, and parts of DoDD 1344.10, *Political Activities by Members of the Armed Forces*, 25 September 1986, that provide for separation of enlisted members and DoDD 1332.29, *Eligibility of Regular and Reserve Personnel for Separation Pay*, 20 June 1991, that provides for separation pay for enlisted members.

See **Attachment 1** for glossary references, abbreviations, acronyms, terms and addresses. This instruction requires the collection and maintenance of information protected by the Privacy Act of 1974. The authorities to collect and maintain the records prescribed in this instruction are Title 10 U.S.C., Section 1169, Regular enlisted members; Title 10 U.S.C., Section 1162, Reserves, discharge; and Executive Order 9397, 22 November 1943. System of Records Notice F035 MPC U, *Separation Case Files*, (Officer and Airman) apply. Do not supplement this instruction.

Submit proposed operating instructions, manuals, regulations, and so forth, affecting airman separations to Headquarters Air Force Military Personnel Center, Airman Separations Section (HQ AFMPC/DPMARS2), Randolph AFB TX 78150-6001, for review and approval before publishing them.

SUMMARY OF CHANGES

This interim change revises AFI 36-3208 by (1) adding provisions for Airmen who have made an unrestricted report of sexual assault within last year of their right to request review and approval by the general court-martial convening authority of their proposed discharge where the Airman asserts the discharge is in retaliation for a sexual assault report; (2) adding provisions for mandatory involuntary discharge processing of Airmen who commit rape, rape of a child, sexual assault, sexual assault of a child, aggravated sexual contact, abusive sexual contact, forcible sodomy, or attempt to commit these offenses, and waiver of discharge provisions where Airmen prove they meet specific retention criteria; and (3) adding an enumerated involuntary separation provision for Airmen who engage in an unprofessional relationship while serving in a special position of trust as recruiter, faculty or staff.

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Chapter 1

GENERAL PROCEDURES

Section 1A—Information Applicable to All Separations.

1.1. Statutory Authority, Approval Authority, and Reasons for Separation:

1.1.1. **Statutory Authority.** Laws, Department of Defense (DoD) directives, and policies announced by the Secretary of the Air Force authorize the separation of airmen. No member may be discharged or released before expiration of term of service (ETS) except as prescribed by the Secretary of the Air Force, by sentence of court-martial, or as otherwise prescribed by law. The War and Mobilization Separation Policy is at **Attachment 2**.

1.1.2. **Approval Authority.** Each part of this instruction authorizing separation tells who is authorized to approve or disapprove the separation. Except when action by the special court-martial (SPCM) or general court-martial (GCM) authority is specifically required, the commander exercising separation authority may designate, in writing, a staff officer to act on the matter. The authority may not be further delegated. Commanders who may exercise separation authority include:

1.1.2.1. General officers who command units.

1.1.2.2. Commanders of divisions or wings.

1.1.2.3. Commanders who exercise special or general court-martial jurisdiction.

1.1.2.4. Others specifically designated by Headquarters Air Force Military Personnel Center, Airman Separations Section (HQ AFMPC/DPMARS2).

1.1.3. Where to Find Reasons for Separation, Characterization and Description.

1.2. Authority of the Secretary to Direct Discharge:

1.2.1. The Secretary of the Air Force may direct the separation of any airman before ETS, if the Secretary determines that such separation is in the best interest of the Air Force. The Secretary does not delegate this authority to field commanders. Characterize separation under this provision as honorable unless an entry level separation is authorized.

1.2.2. Separation authorities recommending action under this paragraph will notify the member of the proposed action and the reason for the recommendation. Give the member 3 workdays to submit a rebuttal with the assistance of military legal counsel.

1.2.3. Separation authorities send cases, through command channels, to the major command (MAJCOM) of the commander exercising SPCM authority over the member. MAJCOM commanders who concur in the recommendation for discharge send the original and one copy of the case to the Airman Separation Section, HQ AFMPC/DPMARS2, for referral to the Secretary of the Air Force Personnel Council (AFPC). The MAJCOM commander or vice commander must sign the recommendation for action under this paragraph.

1.2.4. MAJCOM commanders who do not concur in the recommended discharge action disapprove the request and return the case to the separation authority.

1.3. Waivers or Exceptions. The Secretary of the Air Force or a designated representative may authorize or approve waivers or exceptions to this instruction. Airmen and field commanders cannot use this provision to appeal decisions made under this instruction.

1.4. Explanation of Terms, Abbreviations, Acronyms, and Addresses. **Attachment 1** explains terms as they are used in this instruction. Other terms are used according to AFM 11-1, volume 1, *Air Force Glossary of Standardized Terms*. Additionally, **Attachment 1** has an alphabetical list of abbreviations and the offices or organizations represented by office symbols used throughout this instruction.

1.5. Separation Procedures help achieve authorized force levels and serve as a means to separate airmen in an orderly fashion. The suitability of persons to serve in the Air Force is judged on the basis of their conduct and their ability to meet required standards of duty performance and discipline. Separating members failing to meet standards of performance, conduct, or discipline, promotes Air Force readiness and strengthens our standards of military service.

1.6. How to Apply Separation Provisions:

1.6.1. Separate members of the RegAF and USAFR on extended active duty (EAD) or initial active duty training (IADT) under this instruction.

1.6.2. Release members of the ANGUS from active duty and return them to the Air National Guard (ANG) unit of assignment for discharge processing according to ANGR 39-10. Discharge USAFR airmen not on EAD or IADT according to AFI 36-8001, *Air Force Reserve Education and Training* (formerly AFR 35-41).

1.6.3. Notwithstanding **paragraphs 1.6.1** and **1.6.2**, all airmen who are subject to trial by court-martial have the right to ask for discharge in lieu of trial by court-martial. Process such requests under **Chapter 4**.

1.6.4. Technical training center commanders may discharge a USAFR member with a personal hardship or relieve the member from IADT and return to home unit if they are expected to continue reserve participation.

1.7. How a Military Service Obligation (MSO) Affects Separation. A member of an armed force incurs an MSO (Refer to Title 10 U.S.C., Section 651). Normally, airmen with unfulfilled MSOs are released and transferred to a Reserve component at separation. ANGUS members revert to their units of assignment. To determine whether an airman should be discharged or released, refer to **Table 1.4** HQ AFMPC/DPMARS2 may direct the discharge of any airman without regard to an unfulfilled MSO.

1.8. Processing Cases Involving Access to Sensitive Compartmented Information (SCI) or Special Access Programs. AFI 31-501, *Personnel Security Program Management* (formerly AFR 205-32) requires special processing in these cases. Comply with the AFI 31-501 procedures prior to initiating separation action.

1.9. How Incomplete Action under the Uniform Code of Military Justice (UCMJ) Affects Separation:

1.9.1. Once court-martial charges have been preferred, do not administratively discharge an airman until:

1.9.1.1. The charges have been withdrawn or dismissed; or

1.9.1.2. A request for discharge in lieu of trial is approved; or

1.9.1.3. The airman is acquitted; or

1.9.1.4. After conviction, the appellate review is final.

1.9.2. Exceptions to **paragraph 1.9.1** may be authorized by:

1.9.2.1. The GCM authority, if the airman was convicted at a special court-martial and the sentence, as approved, does not include a bad conduct discharge.

1.9.2.2. The Judge Advocate General (HQ USAF/JA) in other cases. Send requests for exceptions, with full justification, through JA channels to AFLSA/JAJM, with an information copy to HQ AFMPC/ DPMARS2.

1.9.3. Completing punishment after conviction is not, alone, enough to end this restriction. A reversal of the conviction on appeal may cause serious problems, if the airman has been discharged.

1.9.4. Remit any unserved or suspended portion of a sentence (except confinement at hard labor or a fine) before a discharge, but this is not a prerequisite to discharge. In particular, do not retain an airman solely to serve restriction, hard labor without confinement, or to satisfy a forfeiture. ***NOTE:*** This also applies to all punishments under Article 15, UCMJ, including correctional custody.

1.9.4.1. Remitting an unserved portion of a sentence to confinement at hard labor at the time of discharge is a matter of discretion based on the merits of the case. An airman discharged with unserved, unsuspended confinement is required to finish serving the sentence. While confined after discharge, the individual is a military prisoner and no longer an Air Force member.

1.9.4.2. A member being discharged and sentenced to pay an outstanding fine, remains liable to pay the fine after discharge. (See AFM 177-373, volume 1, for additional information).

1.10. What to do if Airmen are Not Medically Qualified for Separation:

1.10.1. **ETS.** Revoke or rescind the separation orders before effective date if retention beyond ETS is authorized. See **paragraph 2.6**.

1.10.2. **Approved Prior to Expiration of Term of Service (PETS) Separation Pending.** Delay the execution of an approved PETS separation for medical reasons that become known after the separation is approved. Medical hold under **paragraph 2.6** does not apply unless the member's date of ETS is near or likely to arrive before medical evaluation is completed.

1.10.2.1. The medical facility tells the military personnel flight (MPF) office whether:

1.10.2.1.1. An airman needs extensive medical treatment; or

1.10.2.1.2. The airman's medical qualifications have changed substantially.

1.10.2.2. The MPF reports the facts of the case to the approval authority and to the headquarters that issued the separation orders.

1.10.2.3. Revoke or rescind separation orders on or before their effective date when more time is needed to resolve questions about the member's medical status.

1.10.3. **Decision Pending on Voluntary or Involuntary PETS Separation.** If the separating airman is not medically qualified for worldwide duty, process under AFMAN 48-123, *Medical Examination and Medical Standards* (formerly AFR 160-43). Do not use medical hold according to **paragraph 2.6** unless the member's ETS date is near or likely to arrive before medical evaluation is completed. The MPF gives the director of base medical services (DBMS) information about the pending separation.

1.10.3.1. Complete AFI 41-115, *Medical Programs and Benefits* (formerly AFR 168-4) actions before actions in **Chapter 2** or **Chapter 3, paragraphs 5.9, 5.10, 5.14, 5.26.6,** or **5.65**

1.10.3.2. If disability separation is approved, separate under AFI 36-2902, *Physical Evaluation for Retention, Retirement, and Separation* (formerly AFR 35-4).

1.10.3.3. If the airman is returned to duty, resume processing under this instruction.

1.10.3.4. For other involuntary separation actions or requests for discharge in lieu of trial, use the instructions in **Chapter 6**, **Section 6E**.

1.11. Executing Approved Separations:

1.11.1. **Method.** Issue separation orders according to AFI 37-128, *Administrative Orders* (formerly AFR 10-7) and other separation documents as prescribed by AFI 36-3202, *Separation Documents* (formerly AFR 35-6).

1.11.2. **Effective Date.** Separation is effective on the date stated in the separation order when the airman has been notified of the date. Otherwise, separation is effective on the date the airman is notified. Execute involuntary discharges as soon as possible but within 10 calendar days after the separation authority makes the final decision. ***NOTE:*** There must be a bonafide military reason for establishing a date of separation beyond 10 days. Unused accrued leave is not a reason.

1.11.3. **Notice of Separation.** Notice of separation may be:

1.11.3.1. Actual, by giving a copy of the separation order/DD Form 214, **Certificate of Release or Discharge from Active Duty,** to the airman.

1.11.3.2. Constructive, when actual delivery cannot be made.

1.11.4. **Effective Time.** Separation is effective at 2400 hours on date of separation; however, for Uniform Code of Military Justice (UCMJ) purposes, separation is effective upon receipt of a discharge certificate issued under proper authority (DD Form 214 and/or DD Form 256AF, **Honorable Discharge**), a final accounting of pay, and completion of the clearing process established by the Air Force.

1.11.5. **Refusal to Accept Separation.** Tell airmen of the fact, date, and cause of separation. Order them to leave the base. Place separation documents with a letter giving the facts of the case in the field record group (FRGp) for AFI 36-2608, *Military Personnel Records Systems* (formerly AFR 35-44) disposition.

1.12. In Absentia Separation. The release or discharge of a member not under military control or not present to take part in the action. As a rule, do not separate in absentia airmen absent without authority. In most cases, once an airman separates, the Air Force loses jurisdiction for offenses committed before the discharge. If trial by court-martial is appropriate, don't separate the member in absentia. The GCM authority, or a higher authority, must approve discharge in absentia.

1.12.1. Process a member for discharge in absentia and execute the discharge without prior authorization of HQ AFMPC/DPMARS2 only to:

1.12.1.1. Release a person from a void enlistment.

1.12.1.2. Complete the action in the case of a member absent without authority. If the member requested discharge in lieu of trial by court-martial or acknowledged receipt of the notice of involuntary discharge processing before the unauthorized absence began, complete the processing according to the provision under which the member was notified. Coordinate with the servicing staff judge advocate prior to completing the discharge action.

1.12.1.3. Separate airmen in civil confinement, for civilian conviction or fraudulent enlistment. For more information see **Chapter 5**, **Section 5C** and **Section 5H**. ***NOTE:*** Except as outlined in **paragraphs 5.51** and **5.52.2**, do not discharge in absentia under **Section 5H**, Misconduct.

1.12.2. Execution of in absentia separation:

1.12.2.1. Do not separate airmen in absentia if:

1.12.2.1.1. Confined in a foreign penal institution; or

1.12.2.1.2. Whereabouts are unknown, and they are absent without authority from an oversea base.

1.12.2.2. Execute an approved separation in absentia if:

1.12.2.2.1. Member is being released from a void enlistment,

1.12.2.2.2. Reason for discharge is civil court disposition or fraudulent enlistment and the restrictions in **1.12.2.1** do not apply,

1.12.2.2.3. GCM authority directs vacation of suspension of an approved administrative discharge according to **Chapter 7**, or

1.12.2.2.4. Processing was completed according to **1.12.1** (second bullet) above. The document signed by the discharge authority states that the member is absent without authority and that separation in absentia is authorized.

1.12.3. HQ AFMPC/DPMARS2 authorizes certain other in absentia processing on a case-by-case basis (See **Chapter 6**, **Section 6I**). Process a member for discharge in absentia and execute the discharge if:

1.12.3.1. Prosecution of the member is apparently barred. For more information, see Article 43, UCMJ.

1.12.3.2. The member is an alien living in a foreign country where the United States lacks authority to apprehend.

1.12.4. Reporting in absentia separations:

1.12.4.1. DD Form 553, **Deserter/Absentee Wanted by the Armed Forces**, may have been sent out in connection with the member's absence. In those cases, send DD Form 616, **Report of Return of Absentee,** to all those who received the DD Form 553. The DD Form 616 must show that the airman has been discharged. It must state that the Air Force does not want the member returned to military control.

1.12.4.2. MPF Personnel Relocation Elements mail two copies of the discharge order to HQ AFMPC/DPMARS2 when an airman who has been taken off the unit rolls is discharged in absentia. HQ AFMPC/DPMARS2 makes the requisite personnel data system (PDS) entries to drop the member from the strength of the Air Force.

1.12.5. By certified mail, return receipt requested, MPF Personnel Relocation Elements send the separation documents to airmen:

1.12.5.1. At the penal institution if they are in civil confinement.

1.12.5.2. At the home of record if their whereabouts are unknown. If the documents are returned unclaimed, MPF Personnel Relocation Elements sends them to the same place they sent the FRGp. For more information, see AFI 36-2608. (formerly AFR 35-44).

1.13. Separation Obtained by Fraud. Federal civilian courts may prosecute a person who gets a separation from the Air Force by misrepresentation, concealment, or fraud (Title 18 U.S.C., Sections 287 and 1001). It is also possible to revoke a separation and return the offender to military control for trial by court-martial. The decision to revoke a separation is an administrative determination based on consideration of all the facts of the case. If revocation is appropriate, send the case to the GCM authority for final decision.

1.14. Handling Serious Misconduct While Separation is Pending. The commander reports serious misconduct by the airman to the separation authority at once. This includes misconduct that occurs at any time after the airman applies, or is recommended, for separation. The separation authority may withhold execution of a separation and, upon review of additional evidence, may withdraw approval of a voluntary or involuntary separation. The unit commander then takes other action according to the facts of the case. ***NOTE:*** Separate airmen at ETS unless **Chapter 2** authorizes their retention.

1.15. Other Factors Affecting Eligibility:

1.15.1. **Indebtedness.** Indebtedness to the government or to a person does not bar the separation of a member who is otherwise eligible for separation.

1.15.2. **Pending Involuntary Discharge.** Usually, an airman is ineligible for voluntary separation PETS while the involuntary action is pending.

Section 1B—Guidelines for Characterizing Service or Describing Separation.

1.16. Authorized Types of Separation:

1.16.1. Each part of this instruction that authorizes separation tells whether to characterize service with the separation. Characterization of service may be:

1.16.1.1. Honorable;

1.16.1.2. Under Honorable Conditions (General); or

1.16.1.3. Under Other than Honorable Conditions (UOTHC).

1.16.2. If you do not characterize service with the separation, describe the separation as:

1.16.2.1. Entry level separation;

1.16.2.2. Release from the custody and control of the Air Force by reason of void enlistment; or

1.16.2.3. Dropped from the rolls of the Air Force.

1.16.3. For more information about separation without characterizing service, see **paragraph 1.19**.

1.17. What to Consider When Characterizing Service:

1.17.1. Base this on the quality of the member's service as reflected in the military record of the current enlistment or period of service including personal conduct, performance of duty, and the reason for separation. For more guidance, see **paragraph 1.18** Determine the quality of service according to standards of acceptable personal conduct and performance of duty for airmen. You will find these standards in the Uniform Code of Military Justice (UCMJ), Air Force directives and instructions, and the time honored customs and traditions of military service.

1.17.2. You may consider conduct in the civilian community in characterizing service at separation. Such conduct need not be subject to UCMJ jurisdiction. Conduct in the civilian community that brings discredit on the Air Force, or conduct prejudicial to good order and discipline, adversely affects the quality of a member's service. The burden of proof is on the member to show that such conduct did not adversely affect the member's service.

1.17.3. Usually, base service characterization on a pattern of behavior rather than an isolated incident. Evaluate the frequency and seriousness of the disciplinary infractions and consider total service in the current enlistment. Consider the airman's age, length of service, grade, aptitude, physical and mental condition, and the standards of acceptable conduct and performance of duty for airmen. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident, particularly in a misconduct case, may provide the basis for characterizing the service.

1.18. Types of Service Characterization:

1.18.1. **Honorable.** The quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

1.18.2. **Under Honorable Conditions (General).** If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.

1.18.3. **Under Other than Honorable Conditions.** When basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. The member must have an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trail by court-martial. Examples of such behavior, acts, or omissions include, but are not limited to:

1.18.3.1. The use of force or violence to produce serious bodily injury or death.

1.18.3.2. Abuse of a special position of trust.

1.18.3.3. Disregard by a superior of customary superior - subordinate relationships.

1.18.3.4. Acts or omissions that endanger the security of the United States.

1.18.3.5. Acts or omissions that endanger the health and welfare of other members of the Air Force.

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

1.18.3.7. Rape, sexual assault, aggravated sexual contact, abusive sexual contact, rape of a child, sexual assault of a child, sexual abuse of a child, forcible sodomy and attempts to commit these offenses.

1.19. Separation without Service Characterization:

1.19.1. **Entry Level Separation.** Airmen are in entry level status during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service. Determine the member's status by the date of notification; thus, if the member is in entry level status when initiating the separation action, describe it as an entry level separation unless:

1.19.1.1. A service characterization of under other than honorable conditions is authorized under the reason for discharge and is warranted by the circumstances of the case; or

1.19.1.2. The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty. The separation authority will forward a recommendation for an honorable characterization to HQ AFMPC/DPMARS2, 550 C Street West, Ste 11, Randolph AFB TX 78150-4713, for review and further processing. Use this characterization if the reason for separation is:

1.19.1.2.1. A change in military status according to **Chapter 2**;

1.19.1.2.2. For the convenience of the government according to **Chapter 3**;

1.19.1.2.3. For disability according to AFI 36-2902 (formerly AFR 35-4); or

1.19.1.2.4. Directed by the Secretary of the Air Force according to **paragraph 1.2**.

1.19.2. **Release from the Custody and Control of the Air Force.** Describe separation from a void enlistment as an order of release from the custody and control of the Air Force. A person released from a void enlistment does not receive a discharge or a service characterization. For more information about void enlistments, see **Chapter 2**, **Section 2B**.

1.19.3. **Dropping from the Rolls of the Air Force.** On a case-by-case basis, HQ AFMPC/DPMARS2 may authorize termination of a member's military status by dropping from the rolls of the Air Force. In these cases, do not use service characterization or another description of separation. This action is not the same as that authorized by AFMAN 36-2125, *Military Personnel Strength Accounting Methods* (formerly AFR 35-40) where airmen are dropped from the unit rolls but retain military status. As a rule, HQ AFMPC/DPMARS2 will authorize separation by dropping from the rolls of the Air Force only if:

1.19.3.1. A member has been absent for a prolonged period; and

1.19.3.2. Return to military control would serve no useful purpose.

1.20. Period Considered in Characterizing Service. Except as provided in **paragraph 1.20.2**, determine characterization of service solely by the member's military record during the current enlistment or period of service to which the separation pertains, plus any extensions of the enlistment prescribed by law or regulation, or made with the consent of the member. Do not consider:

1.20.1. Prior service activities, including but not limited to records of conviction by courts-martial, records of absence without leave, or commission of other offenses for which punishment was not imposed. You may consider this information for retention or separation, but the record of the proceedings must show it was not used for characterization.

1.20.2. Preservice activities, except in a case based on fraudulent enlistment. In fraudulent entry cases, consider evidence of preservice misrepresentations about matters that would have precluded, postponed, or otherwise affected the member's eligibility for enlistment.

1.21. Limitations on Service Characterization. In some cases, evidence in the member's record used to show that a basis for discharge exists, may not be considered to determine how the airman's service should be characterized. Consult a staff judge advocate (SJA) for help in using evidence. If the separation authority directs the issuance of an under honorable conditions (General) or under other than honorable conditions discharge in a case containing such evidence, the instrument that directs discharge must state the other circumstances of the airman's military record warranting such a service characterization. In addition to the restrictions imposed in **paragraph 1.20**, the following limitations apply:

1.21.1. Do not consider conduct that has been the subject of judicial proceedings resulting in an acquittal or action having the effect thereof on the issue of characterization except when:

1.21.1.1. Such action is based on a judicial determination not going to the guilt or innocence of the respondent; or

1.21.1.2. A state or foreign court conducted the judicial proceeding and the Office of the Secretary of the Air Force approves the discharge.

1.21.2. 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, may not be considered on the issue of characterization except:

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

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

1.21.2.3. When the conduct is the subject of a rehearing ordered on the basis of fraud or collusion.

1.21.3. Do not discharge an airman under other than honorable conditions if the sole basis for discharge is a serious offense that resulted in conviction by a court-martial that did not adjudge a punitive discharge unless such characterization is approved by the Secretary of the Air Force (**paragraph 5.47.2**). ***NOTE:*** A punitive discharge is imposed when announced by the court martial.

1.21.4. If the provisions of AFI 36-2701, *Social Actions Program* (formerly AFR 30-2) are met, do not consider:

1.21.4.1. The member's voluntary self-identification for treatment for drug abuse.

1.21.4.2. The evidence the member voluntarily provides in connection with the self-identification.

1.21.5. Do not use the results of mandatory drug testing for controlled substances if the testing was conducted during a command-directed examination or command directed referral of a specific member to determine the member's competency for duty and/or need for counseling, treatment or other medical treatment when there is a reasonable suspicion of drug abuse, or during an examination of a specified member in conjunction with the member's participation in a drug treatment program. ***NOTE:*** Evidence obtained from an examination ordered for a valid medical purpose under Military Rules of Evidence (M.R.E). 312 (f) may be considered on the issue of characterization. For more information, see AFI 36-2701.

1.21.6. If AFPAM 36-2703, *Air Force Substance/Abuse Evaluation Guide* (formerly AFP 30-33) provisions are met, do not use information concerning personal alcohol and drug abuse provided by the member in response to screening questions.

1.21.7. The limitations on service characterization in **paragraphs 1.21.3**, **1.21.4**, and **1.21.5** do not apply in the following matters:

1.21.7.1. The introduction of such evidence to impeach or rebut evidence of drug abuse (or the lack thereof) first introduced by the respondent.

1.21.7.2. The use of independently derived evidence, including the results of mandatory drug testing not specifically excluded from consideration and evidence of drug abuse after the member's first entry into the substance abuse treatment program, on the issue of service characterization.

1.22. How the Type of Separation Affects the Individual. The Montgomery GI Bill (MGIB) requires personnel entering active duty after 30 Jun 85 to receive an honorable discharge in order to qualify for educational benefits. Also see AFP 110-3, *Civil Law*, for more information about how service characterization affects specific benefits based on military service.

1.22.1. Separations with service characterization of honorable or under honorable conditions (General) are usually treated the same with respect to benefits administered by the Veterans' Administration (VA) or other federal and state agencies. As a rule, either entitles the veteran to full rights and benefits.

1.22.2. Discharge under other than honorable conditions may deprive a veteran of benefits based on military service. The agency that administers the benefits makes a determination in each case.

1.22.3. With respect to administrative matters not governed by this directive and requiring a service characterization as honorable or under honorable conditions (General), treat an entry level separation as the required characterization. This provision does not apply to administrative matters that expressly require different treatment of an entry level separation.

1.22.4. Failure to complete at least 2 years of continuous active duty may make members who originally enlisted after 8 September 1980 and members who reentered active duty after 16 October 1981 who had not previously completed 24 months of continuous active duty or been discharged or released from active duty under Title 10 U.S.C., Section 1171 ineligible for certain benefits. This restriction does not apply to airmen discharged for hardship, separated for physical disability under AFI 36-2902 (formerly AFR 35-4), or discharged under Title 10 U.S.C, Section 1171 within 3 months of their ETS. For more information, see Title 38 U.S.C., Section 5303A.

1.22.5. Discharge for some reasons may affect entitlement to veterans' benefits without regard to the type of separation. For example, Title 38 U.S.C, Section 5303 provides that a discharge under other than honorable conditions based wholly, or in part, on a continuous unauthorized absence that lasts 180 days or more is a conditional bar to eligibility for Veterans` Administration benefits.

1.23. Periodic Explanation of the Types of Separation:

1.23.1. Periodically, tell airmen

1.23.1.1. How they may be separated from the Air Force;

1.23.1.2. The basis for describing or characterizing service;

1.23.1.3. The possible effects of each type of separation on their reenlistment eligibility, civilian employment, veterans' benefits, and such matters; and

1.23.1.4. The provisions of Title 38 U.S.C., Section 5303A denying certain benefits to most persons who fail to complete at least 2 years of continuous active duty.

1.23.2. The explanation will be given by a judge advocate each time the articles of the Uniform Code of Military Justice (UCMJ) are explained as required by Title 10 U.S.C., Section 937.

1.23.3. For a written fact sheet that may accompany, or serve as a substitute for the oral explanation, see **Attachment 3**.

1.23.4. An airman's failure to receive or to understand this explanation will not be considered a defense in, or a bar to, an administrative proceeding under this instruction.

Section 1C—Other Requirements and Procedures.

1.24. Separation Documents. Airmen separated under this instruction receive documents as prescribed by AFI 36-3202 (formerly AFR 35-6).

1.25. Reports Requiring Special Handling:

1.25.1. Handle reports furnished through the Office of Special Investigation (OSI) channels according to instructions in AFI 90-301, *Use, disclosure and safeguard of IG Records* (formerly AFR 124-4).

1.25.2. Comply with AFMAN 48-123 (formerly AFR 168-43) in handling or releasing reports of medical examinations and physical or psychiatric evaluations.

1.25.3. Hold Defense Investigative Service (DIS) reports that contain unfavorable information in the special security file for the member as required by DoD 5200.2-R/AFI 31-501.

1.25.4. Refer to DoD 5200.2-R/AFI 31-501 for guidance on protecting and safeguarding classified information that may become part of any discharge proceedings.

1.26. Aliens Seeking Naturalization. Some alien members may qualify for naturalization based on their military service. For more information, see AFP 211-28, *Naturalization and Citizenship*. They need to serve at least 3 years. A combination of full-time active service and inactive Reserve time will meet this requirement. Separation authorities must be sure that aliens who want to qualify for naturalization are not voluntarily discharged even a few days short of 3 years.

1.27. Disposition of Correspondence. Comply with AFMAN 37-139, *Disposition of Air Force Records - Records Disposition Schedule* (formerly AFR 4-20, volume 2) and AFI 36-2608 (formerly AFR 35-44). Additional instructions for disposition of case files are found in **Table 1.5**.

1.28. High Level Inquiries. When the Air Force Military Personnel Center (AFMPC) asks for facts to use in replying to a high level inquiry about a separation case, the servicing MPF responds by message (includes MINIMIZE). For a format of the reply, see **Figure 1.1** or **Figure 1.2**. Reply within 24 hours if the inquiry does not set another suspense. If the first reply does not give the final action on the case, send another report when final action is taken.

1.29. Disposition of Cases Pending. Process cases to completion according to the directives in effect at the time the processing starts. Apply this rule to the implementation of this instruction and subsequent changes to it. The processing of a case starts when the MPF receives an application for voluntary discharge or when written notice of the proposed discharge has been given or mailed to the respondent.

Figure 1.1. Sample Format for Reply to High Level Inquiry (Voluntary Separation).

SAMPLE

FROM: (SERVICING MPF)

TO: HQ AFMPC RANDOLPH AFB TX//DPMRPH2//DPMARS2//

INFO: (MAJCOM)

UNCLAS

SUBJECT: HIGH LEVEL INQUIRY

REF: YOUR (CITE INQUIRY)

1. IDENTIFICATION. NAME, GRADE, SSN, DATE OF BIRTH

2. AUTHORITY FOR PROPOSED OR PENDING ACTION. CITE SPECIFIC PARAGRAPH OR PARAGRAPHS.

3. SEPARATION COUNSELING. GIVE RESULTS OF COUNSELING. INCLUDE DETAILS OF THE CASE. TELL WHAT ACTIONS HAVE BEEN TAKEN AND WHAT THE AIRMAN PLANS TO DO. THE MPF PERSONNEL MUST ACCOMPLISH COUNSELING ABOUT THE DOCUMENTS NEEDED FOR HARDSHIP DISCHARGE, IF THEY ARE ON THE SAME INSTALLATION AS THE AIRMAN WHO WANTS TO APPLY.

4. STATUS. DATE APPLICATION WAS, OR WILL BE, SUBMITTED. IF DISAPPROVED, GIVE SPECIFIC REASONS AND TELL WHETHER MEMBER PLANS TO REAPPLY. IF MANNING IS THE REASON, GIVE COMPLETE BASE MANNING DATA. IF THE DECISION IS STILL PENDING, PROVIDE A DATE THAT ADDITIONAL INFORMATION CAN BE PROVIDED.

5. FINAL ACTION. ON THE DAY THE CASE IS COMPLETED, SEND A REPORT OF THE DECISION BY MESSAGE (INCLUDES MINIMIZE) IMMEDIATELY. IF THE MEMBER HAS BEEN SEPARATED, GIVE THE DATE OF SEPARATION AND FUTURE MAILING ADDRESS.

6. PRIVACY ACT RELEASE STATEMENT. IF THE MEMBER AUTHORIZED RELEASE OF THE ABOVE INFORMATION, GIVE THE DATE THE RELEASE STATEMENT WAS SIGNED.

Figure 1.2. Sample Format for Reply to High Level Inquiry (Involuntary Separation).

SAMPLE

FROM: (SERVICING MPF)

TO: HQ AFMPC RANDOLPH AFB TX//DPMRPH2/DPMARS2//

INFO: (MAJCOM)

UNCLAS

SUBJECT: HIGH LEVEL INQUIRY

REF: YOUR (CITE INQUIRY)

1. IDENTIFICATION. NAME, GRADE, SSN, DATE OF BIRTH

2. AUTHORITY FOR PROPOSED OR PENDING ACTION. CITE SPECIFIC PARAGRAPH OR PARAGRAPHS.

3. BASIS. INCLUDE SPECIFIC REASONS WITH A RESUME OF THE EVENTS OR A DESCRIPTION OF THE CONDITION RESULTING IN THE COMMANDER'S RECOMMENDATION. LIST RECORDS OF DISCIPLINARY ACTION, GIVING SPECIFIC OFFENSES AND THE PUNISHMENTS IMPOSED. IF APPLICABLE, DESCRIBE THE CORRECTIVE OR REMEDIAL ACTIONS TAKEN BEFORE DISCHARGE ACTION WAS INITIATED.

4. STATUS. GIVE THE DATE MEMBER WAS NOTIFIED OF THE ACTION. TELL

WHETHER MEMBER HAS, OR PLANS TO CONSULT, LEGAL COUNSEL OR TO SUBMIT STATEMENTS IN REBUTTAL. IF BOARD ACTION IS INVOLVED, TELL WHETHER HEARING HAS BEEN WAIVED OR WHEN THE HEARING WAS HELD OR IS SCHEDULED. IF THE BOARD RECOMMENDS DISCHARGE, GIVE THE REASON AND THE TYPE OF SEPARATION RECOMMENDED. IF DECISION IS STILL PENDING, PROVIDE A NOTE THAT ADDITIONAL INFORMATION CAN BE PROVIDED.

5. FINAL ACTION. ON THE DAY THE CASE IS COMPLETED, SEND A REPORT OF THE DECISION BY MESSAGE (INCLUDES MINIMIZE) IMMEDIATELY. IF THE MEMBER HAS BEEN SEPARATED, GIVE THE DATE OF SEPARATION AND FUTURE MAILING ADDRESS.

6. PRIVACY ACT RELEASE STATEMENT. IF MEMBER AUTHORIZED RELEASE OF THE ABOVE INFORMATION, GIVE THE DATE THE RELEASE STATEMENT WAS SIGNED

Table 1.1. Reasons and Authority for Required Separation.

LINE	A	B	C	D	E	F
			Airman's Status		**Type of Separation**	
	Reason	**Authorizing Paragraph**	**Entry Level**	**Other**	**Entry Level**	**Honorable**
1	Expiration of term of service	**2.2.**		X		X
2	Completion of required service		X		X	
3	Completion of officer training	**2.11.**		X		X
4						
5	Immediate reenlistment or enlistment of required service	**2.12.**				
6	Appointment as a commissioned or warrant officer	**2.13.**	X		X	
7						
8	Service with ANGUS or USAFR unit (PLACE CHASE)	**2.14.**		X		X
9	Entering an Air Force Reserve Officer Training Corps (AFROTC) Program	**2.15.**				
10	Insufficient retainability for permanent change of station (PCS)	**2.16.**				

LINE	A	B	C	D	E	F
			Airman's Status		Type of Separation	
	Reason	Authorizing Paragraph	Entry Level	Other	Entry Level	Honorable
11	Separation authority by HQ USAF	2.17.				
12	Elimination from USAF Academy (USAFA) Preparatory School	2.18.	X		X	
13				X		X
14	Release from void enlistment	2.19.	X		See note	
15	Minority	2.20.			X	

NOTE: Separation from a void enlistment is described as a release from the custody and control of the Air Force.

Table 1.2. Reasons and Authority for Voluntary Separation.

LINE	A	B	C	D	E	F
			Airman's Status		Type of Separation	
	Reason	Authorizing Paragraph	Entry Level	Other	Entry Level	Honorable
1	Entering an officer training program	3.7.	X		X	
2				X		X
3	Early release to further education	3.8.				
4	Medical education	3.9.				
5	Elimination from officer training	3.10.	X		X	
6				X		X
7	Air Force nonfulfillment of enlistment agreement	3.11.	X		X	
8				X		X
9	Sole surviving son or daughter	3.12.	X		X	
10				X		X
11	Early release from extension	3.13.				
12	Accepting public office	3.14.				
13	Miscellaneous reasons	3.15.	X		X	
14				X		X
15	Conscientious objection (see note 1)	3.16.	X		X	
16				X		X
17	Pregnancy or childbirth	3.17.	X		X	
18				X		
19	Early release for	3.18.				X

LINE	A	B	C	D	E	F
	Reason	**Authorizing Paragraph**	**Airman's Status**		**Type of Separation**	
			Entry Level	**Other**	**Entry Level**	**Honorable**
	Christmas					
20	Medal of Honor	**3.19.**				
21	Dependency or Hardship	**3.20.**	X		X	
22				X		X
23	In lieu of trial by court-martial (see note 1)	**4.1.**	X		(see note 2)	(see note 2)

NOTES:

1. Before processing any individual for separation for this reason, comply with requirements of paragraph 1.8., if applicable.
2. Discharge under other than honorable conditions is authorized and is usually warranted. For more information, see paragraph 4.2.

Table 1.3. Reasons and Authority for Involuntary Separation.

RULE	A	B	C
	Reason (see note 1)	**Authorizing Paragraph**	**Types of Separation Authorized (see note 2)**
1	Parenthood	**5.9.**	Entry-level separation or honorable discharge.
2	Insufficient retainability for required retraining	**5.10.**	Honorable discharge.
3	Conditions that interfere with military service	**5.11.**	Entry-level separation or honorable discharge.
4	Erroneous enlistment	**5.14.**	
5	Fraudulent entry (see note 3)	**5.15.**	Entry-level separation, or honorable, general, or under other than honorable conditions discharge. Entry-level separation.
6	Entry-level performance and conduct	**5.22.**	Entry-level separation.
7	Unsatisfactory performance	**5.26.**	Honorable or general discharge.
8	Failure in drug abuse rehabilitation	**5.31.**	Entry-level separation, honorable, or general discharge.
9	Failure in alcohol abuse	**5.32.**	

	rehabilitation		
***10**	**DELETED**		
11	Misconduct (see note 5)	**5.49 through 5.55.**	Entry-level separation, honorable, general, or under other than honorable conditions discharge.
12	Discharge in the interest of national security	**5.57.**	Entry-level separation, honorable, general, or under other than honorable conditions discharge.
13	Failure in prisoner retraining or rehabilitation	**5.62.**	Honorable or general discharge.
14	Failure in the Fitness Program	**5.65.**	Honorable or entry-level separation.

NOTES:
1. Before processing any individual for separation for these reasons, comply with requirements of paragraph 1.30, 1.31, and 1.8., if applicable.
2. For guidance in determining the type of separation, see Section 1B.
3. Discharge under other than honorable conditions is usually appropriate if the person concealed prior service ending in a less than honorable discharge.
4. **DELETED**.
5. Only the GCM authority may approve an honorable or an under other than honorable conditions discharge.

Table 1.4. Type of Separation for Airman with Unfulfilled MSO (see note 1).

LINE	**A**	**B**	**C**	**D**	**E**
		and the first character of the reenlistment eligibility (RE) code is		**then the airman is**	
	If the reason for separation is	**1 or 3 or Not Applicable (NA)**	**2 or 4**	**released and transferred to the USAFR**	**discharged**
1	Expiration of enlistment	X		X	
2			X		X
3	Completion of required service	X		X	
4			X		X
5	Service with an ANGUS or USAFR unit (PLACE CHASE)	X		X	
6	Insufficient retainability for PCS				
7			X		X
8	Separation authorized by HQ	X		X	

LINE	A	B	C	D	E
		and the first character of the reenlistment eligibility (RE) code is		**then the airman is**	
	If the reason for separation is	**1 or 3 or Not Applicable (NA)**	**2 or 4**	**released and transferred to the USAFR**	**discharged**
9	USAF		X		X
10	Elimination from USAF Preparatory School (see note 2)	X		X	
11			X		X
12	Early release to further education	X		X	
13			X		X
14	Medical education	X		X	
15			X		X
16	Early release from extension	X		X	
17			X		X
18	Miscellaneous reasons	X		X	
19			X		X
20	Pregnancy or childbirth (see note 3)	X		X	
21			X		X
22	Early release for Christmas	X		X	
23			X		X

NOTES:

1. The type of separation is always discharge if the reason for discharge is not listed in this table, if the airman does not have an unfulfilled MSO, if the MSO will expire within 60 days after date of separation (DOS), if the member holds a reserve commission, or in any case where HQ AFMPC/ DPMARS2 directs discharge.
2. Applies only to airman enlisted specifically to attend the school. Other members are released to revert to USAFR status.
3. A woman who has an MSO and otherwise qualified for transfer to the USAFR will be discharged if the reason for the separation is pregnancy and she requests discharge.

Table 1.5. Disposition of Correspondence (see note 1).

		RULE						
	If final action results	**1**	**2**	**3**	**4**	**5**	**6**	**7**
A	voluntary separation	yes						
B	involuntary discharge		yes					
C	disapproval of request for voluntary separation			yes				
D	disapproval of recommendation for involuntary discharge				yes			
E	approved discharge with probation and rehabilitation (P& R)					yes		

		RULE						
	If final action results	**1**	**2**	**3**	**4**	**5**	**6**	**7**
F	exception of discharge delayed pending release from civil confinement						yes	
G	approved waiver of discharge (see note 2)							yes
Then								
H	place the original in the FRGp.	X	X			X	X	
I	return the application to the member through the unit commander.			X				
J	return the recommendation to the unit commander when board entitlement is not involved.				X			
K	hold a copy of the file in the organizational file of the convening authority when board hearing or waiver is involved.							
L	keep a copy of the case file in the MPF unit the discharge is executed.						X	
M	give the airman a copy of the case file on request.		X			X		X
N	hold a copy in the FRGp until the airman is discharged or reenlists (see note 2)							
O	Send one copy to ARPC/DPA for a dual status airman		X		X	X	X	

NOTES:

1. Comply with AFI 37-133, volume 1, (formerly AFR 12-50), AFI 36-2102 (formerly AFR 35-17), and AFI 36-2608 (formerly AFR 35-44).
2. A copy of approved waiver of discharge for fraudulent entry (excludes waivers for concealment of prior service) will be retained in field records group permanently.

1.30. Special Processing Procedures for Airmen Deployed Overseas in Support of a Contingency Operation. The following additional criteria as stipulated below applies to Airmen who are being recommended for discharge under Chapter 5 of this Instruction and who have been deployed overseas in support of a contingency operation within 24 months prior to initiation of discharge:

1.30.1. Must receive a medical examination in accordance with Chapter 6, paragraphs 6.3. and 6.9.3. of this Instruction. The medical examination must assess whether the effects of post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) constitute matters in extenuation that relate to the basis for administrative separation if the Airman:

1.30.1.1. Is being administratively separated under a characterization other than Honorable; and

1.30.1.2. Was deployed overseas to a contingency operation during the previous 24 months; and

1.30.1.3. Is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing PTSD or TBI, or reasonably alleges the influence of PTSD or TBI based on

deployed service to a contingency operation during the previous 24 months. ***NOTE:*** In a case involving PTSD, the medical examination shall be performed by a clinical psychologist or psychiatrist. In a case involving TBI, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate; and

1.30.1.4. Is not being separated under a sentence of a court-martial, or other proceeding conducted pursuant to the UCMJ to include request for separation under Chapter 4 of this Instruction.

1.30.2. Before an Airman can be discharged under other than honorable conditions, the initiating commander, administrative discharge board (if applicable), SPCM authority and GCM authority must receive and review a medical examination in compliance with paragraph 1.30.1. Although specific comments are not required; the commander and other reviewing authorities identified in this paragraph must indicate the medical examination was reviewed.

1.30.3. This provision does not change any other processing requirements of this Instruction to include but not limited to Dual Action Processing, Service Retirement Eligibility and Airmen with Lengthy Service under Chapter 6.

1.31. Special Processing Procedures for Airmen Who Have Made an Unrestricted Report of a Sexual Assault:

1.31.1. **Notification to Separation Authority**. In accordance with AFI 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, paragraph 6.5.2, a commander who is aware, or is made aware by the Airman or others, that the Airman is alleged to have been the victim of a sexual assault must notify the separation authority that the discharge proceeding involves the victim of a sexual assault.

1.31.1.1. The commander should include a statement indicating that the member has reported being a past victim of sexual assault in the recommendation for discharge memorandum (Figure 6.5, paragraph m).

1.31.1.2. In the recommendation for discharge memorandum (Figure 6.5, paragraph m), the commander recommending discharge must provide sufficient information to the separation authority concerning the alleged assault and the respondent's status to ensure a full and fair consideration of the member's military service and particular situation. As necessary, include information by reference with corresponding attachments. Commanders should consult with the Air Force Office of Special Investigations and the servicing staff judge advocate for guidance on the level of information that may be applicable.

1.31.2. Notice and GCM Authority Review. An Airman who is being recommended for discharge under Chapter 5 of this Instruction must be advised of the right to request review by the GCM authority who is a general officer if the Airman believes the recommendation for involuntary separation was initiated in retaliation for having made an unrestricted report of a sexual assault within the last 12 months as of the date of notification of discharge. The following additional criteria apply to Airmen who are being recommended for discharge under Chapter 5 of this Instruction and who have made an unrestricted report of a sexual assault within the last 12 months as of the date of notification of discharge:

1.31.2.1. An Airman may request review by the GCM authority of a recommendation for discharge any time prior to approval of the discharge by the applicable separation authority.

1.31.2.2. An Airman requesting review of a recommended discharge must affirmatively assert the belief that the discharge was initiated in retaliation for making a report of sexual assault.

1.31.2.3. When an Airman requests review, the case must be referred to the GCM authority for the final separation decision. If the GCM authority is not a general officer, the case must be referred to the next higher level of command who is a general officer.

1.31.2.4. When an Airman requests review, the GCM authority must review the circumstances of, and grounds for, the proposed involuntary separation.

1.31.2.4.1. If the GCM authority determines the recommendation for discharge was made in retaliation for the report of sexual assault, the GCM authority will terminate the discharge. In such cases, the GCM authority may refer the retaliation determination to the appropriate inspector general for additional consideration and possible investigation.

1.31.2.4.2. If the GCM authority determines the recommendation for discharge was not made in retaliation for the report of sexual assault, the GCM authority may approve the discharge, if there is sufficient evidence to support separation and separation is warranted. The GCM authority must indicate that the recommendation for discharge was not made in retaliation for the report of sexual assault.

1.31.2.5. In any case where the GCM authority terminates a discharge based solely upon a finding that the recommendation for discharge was made in retaliation for the report of sexual assault, the GCM authority can refer the case to an impartial commander for a new determination of whether separation should be initiated based on the facts of the case independent of the report of sexual assault. Such referral is permitted regardless of the restrictions on separation in cases resulting in retention set forth in paragraph 5.4.3.

Chapter 2

REQUIRED SEPARATIONS

Section 2A—Expiration of Term of Service (ETS).

2.1. Eligibility for Separation. Airmen are absolutely entitled to separation from active duty at ETS unless there is a specific authority for their retention. ETS occurs when an airman completes an enlistment or the term of active service required by the active duty orders. The Air Force sets terms of service according to the law. AFIs 36-2002, *Enlistment in the United States Air Force* (formerly AFR 33-3) and 36-2606, *US Air Force Reenlistment, Retention, and NCO Status Program*s (formerly AFR 35-16, volume 1) set terms of enlistment.

2.1.1. As a rule, separate airmen on the date ETS occurs, but their separation is not automatic. They are members of the Air Force until they are separated by administrative action. Retain airmen only when their enlistments are extended by law or when one of the conditions described in **paragraphs 2.3** through **2.7** exists.

2.2. ETS Separation. Base separation authorities separate airmen at ETS under this paragraph. The service of an airman separated at ETS will be characterized as honorable. To find whether to discharge, release or transfer an airman who has an unfulfilled MSO, see **Table 1.4**. To find when an ETS separation may take place before ETS, see **paragraphs 2.2.1** and **2.2.2**.

2.2.1. A separation is an ETS separation if the member is within 30 days of ETS and is serving overseas or is a non continental United States resident serving outside the home state, territory, or possession. For example, a person who is a resident of Alaska, Hawaii, Guam, etc, serving in CONUS is considered to be serving overseas. ***EXCEPTION:*** If the member has been approved for involuntary separation or separation in lieu of trial by court-martial, the separation is not considered an ETS separation.

2.2.2. A member of the Regular Air Force may ask for separation on the last workday before ETS if the ETS falls on Saturday, Sunday, or a holiday. This workday will be the effective date of separation (DOS). Place the request for early separation in the FRGp for permanent retention. Separate airmen who do not ask for ETS separation on the last workday before ETS on ETS.

2.3. Retention to Make Good Time Lost. Airmen who are unable to perform duty for 1 day or more for a reason listed in Title 10 U.S.C., Section 972 are liable to make good the time lost. If they want to reenlist, they must first make good the time lost. For more information, see AFI 36-2606 (formerly AFR 35-16, volume 1). For airmen who are ineligible, or who do not intend to reenlist, separation at the original ETS may be in the best interest of the Air Force.

2.3.1. As a rule, commanders should start action to waive the liability to make good the time lost at least 30 days before the original ETS. The separation authority may waive liability to make good 180 days or less. HQ AFMPC/DPMARS2 may waive liability of more than 180 days. For example, if a commander recommends a waiver in the case of an airman who had 230 days time lost, the separation authority may:

2.3.1.1. Waive 180 days or less and require the airman to make good the remainder; or

2.3.1.2. Waive 180 days and refer the case to HQ AFMPC/DPMARS2 with a recommendation for waiver of all or part of the remainder.

2.4. Retention for Action by Court-Martial. For information about how incomplete court-martial action affects separation from active duty, see **paragraph 1.9** These restrictions also apply to ETS separations. This paragraph authorizes the retention of airmen beyond ETS in anticipation of the preferring of charges. The SJA determines what type of appropriate action is sufficient to authorize retention pending the preferring of charges. If there is sufficient time, the Staff Judge Advocate (SJA) or a member of the SJA's staff will notify the MPF separations unit in writing to involuntarily extend the member's ETS.

2.4.1. Verbally notify when time does not permit written notification, but written confirmation of the verbal notice should be provided the MPF within 5 work days.

2.5. Retention to Complete Separation Processing. Retain airmen beyond ETS for the convenience of the government to complete separation processing if they:

2.5.1. Are en route to the place of separation.

2.5.2. Decline to reenlist as scheduled. Airmen scheduled for reenlistment within 7 calendar days of their DOS sign a statement agreeing to be retained beyond DOS if they do not reenlist. See AFI 36-2606, table 4.7 (formerly AFR 35-16, volume 1) for more information. Retain for separation processing only.

2.6. Retention for Medical Treatment or Evaluation. Retain airmen beyond ETS with their consent (medical hold) for medical treatment or evaluation when their attending physician feels they are not medically qualified for retirement or separation. The medical facility sends the request to HQ AFMPC, Medical Standards Division (DPMMM). HQ AFMPC/DPMMM approves medical hold according to AFMAN 48-123 (formerly AFR 160-43).

2.6.1. Do not retain airmen beyond ETS without their consent, unless they are physically incapable of expressing consent and have no guardian to act for them. Consent may be presumed in these cases. Make sure airmen (or their guardians) understand the advantages of retention for treatment or evaluation for possible disability separation.

2.6.2. For formats of the statements requesting or declining to request retention, see **Figure 2.1** and **Figure 2.2** File the statement in the FRGp. Make a written report of the circumstances if the airman or guardian will not sign one of the statements. Separate the airman on ETS if retention for treatment or evaluation has not been authorized. Comply with AFMAN 48-123 (formerly AFR 160-43) to arrange for post separation treatment of an airman who has been hospitalized.

2.7. Airmen Awaiting Disposition by Foreign Courts. With their consent, retain airmen beyond ETS while they wait for disposition of criminal charges by civilian authorities in a foreign country. Commanders and personnel officers should start their action at least 1 month before the airman's ETS or as soon as they have information showing that civil court disposition may not be complete by ETS. The commander informs the MPF of the facts of the case and the need for retention.

2.7.1. If an airman's ETS will pass while the civil charges are still pending:

2.7.1.1. MPF Personnel Relocation Element reports the facts of the case to HQ USAF, International and Operations Law Division (HQ USAF/JAI), and HQ

AFMPC/DPMARS2 by message (includes MINIMIZE). Make the affected MAJCOMs information addressees.

2.7.1.2. The commander tells the foreign officials the airman's ETS is near and asks them to give the airman permission to leave the country permanently.

2.7.1.3. If the foreign officials do not grant such permission, try to get the airman to ask for retention. The format in **Figure 2.3** should be used for the airman's request. Be sure the airman understands how his or her status before the court may be affected by separation from the Air Force in a foreign country. The commander makes sure the airman is given a chance to consult military counsel before signing either the request for retention or the statement declining to do so. Place the airman's statement in the FRGp for permanent retention.

2.7.2. By message (includes MINIMIZE) notify HQ USAF/JAI, HQ AFMPC/DPMARS2, and the affected MAJCOMs if:

2.7.2.1. The airman refuses to request retention; and

2.7.2.2. The foreign authorities do not consent to the airman's departure while charges are pending.

2.8. Extension of Enlistment When Discharge for Cause is Pending. Do not retain airmen beyond ETS involuntarily for completion of involuntary discharge processing. They may request an extension of the enlistment under AFI 36-2606 (formerly AFR 35-16). If ETS is near and the involuntary action will not be completed by ETS, the immediate commander:

2.8.1. Gives the airman a chance to voluntarily extend the enlistment for the time needed to complete the case.

2.8.2. Tells the airman that if separation takes place on ETS while the involuntary discharge is pending, the airman will not be eligible to reenlist.

2.8.3. Allows the airman time to consult military legal counsel before deciding whether to extend the enlistment.

2.8.4. Separates, on ETS, the airman who declines to extend.

Section 2B—Changes in Service Obligation.

2.9. Determining Eligibility. Eligibility for separation under this section is based on a change, or a proposed change, in a member's obligation to serve the full term of an enlistment contract. Such a change may involve appointment to officer status, a new term of enlistment, separation from the active force to serve with one of the Reserve forces, or a defect in the enlistment. On receipt of evidence that a member is qualified for separation for one of the reasons in this section, the separation authority:

2.9.1. Concurs in the action and establishes a DOS consistent with the reason for the separation;

2.9.2. Gives the organization that made the selection or requested the separation, information about circumstances that may cast doubt on the propriety of the action; or

2.9.3. Disapproves request.

2.10. Type of Separation. Characterize the service of airmen separated for a reason in **paragraphs 2.11** through **2.18** as honorable unless an entry level separation is required according to **paragraph 1.19** Separation from a void enlistment under **paragraph 2.19** will be by order of release from custody and control of the Air Force. Describe separation under **paragraph 2.20** for minority as an entry level separation.

2.11. Completion of Officer Training. Discharge graduates of officer training contingent on their acceptance of appointment as commissioned officers. Make the discharge effective the day before they take the oath of office as Air Force officers. Do not deliver the discharge documents until after the oath of office has been executed. For more information about these separations, see AFI 36-2013, *Airman Commissioning Programs and Officer Training School* (formerly AFR 53-20).

2.12. Immediate Reenlistment or Enlistment. Discharge airmen contingent on their enlistment or reenlistment in the Regular Air Force without a break in service. Make the discharge effective the day before the airman enlists or reenlists. Do not deliver the discharge documents until the enlistment or reenlistment documents have been signed.

2.12.1. Members of the Regular Air Force must qualify for reenlistment under AFI 36-2606 (formerly AFR 35-16, volume 1).

2.12.2. Members of the USAFR must qualify for enlistment in the Regular Air Force according to AFI 36-2002 (formerly AFR 33-3).

2.13. Appointment as a Commissioned or Warrant Officer. Discharge airmen who are offered appointments as commissioned or warrant officers in one of the armed forces contingent on their acceptance of the appointment. They must show evidence that they will be ordered to active duty in the officer grade. For a format of the airman's request for separation, use **Figure 3.1** which is AF Form 31, **Airman's Request For Early Separation/ Separation Based On Change In Service Obligation.** See **Table 1.5** for disposition of the form.

2.13.1. Make the discharge effective the day before the first day of active duty as an officer. Do not give the discharge documents to the member until the oath of office has been executed.

2.14. Service with an ANGUS or USAFR Unit (PALACE CHASE). Airmen may ask for separation from the active military service to serve with an ANGUS or a USAFR unit. AFI 36-3205, *Reserve Forces Procurement Palace Chase* (formerly AFRs 35-46 and 35-47) gives the eligibility criteria and procedures for selection. Separate airmen whose applications are approved under this provision. The airman may use AF Form 1288, **Application for Ready Reserve Assignment,** 3d indorsement, to apply for palace chase separation. The routing and approval or disapproval authority are in **Figure 3.1** and **Table 3.1**

2.15. Entering an AFROTC Program. Airmen are eligible for discharge if they are accepted for the AFROTC Airman Scholarship and Commissioning Program (ASCP) or the Air Force Reserve Officers Training Corps (AFROTC) Professional Officer Course (POC) Early Release Program. AFI 36-2013 (formerly AFR 53-20) governs these programs. Discharge airmen contingent on their enlistment in the USAFR Obligated Reserve Section (ORS) to enter the AFROTC-POC in contract status. See AFI 36-2011, *Air Force Reserve Officer Training Corps (ROTC)* (formerly AFR 45-48) for information about such enlistments. Airmen must show evidence of acceptance for a specific AFROTC program.

2.15.1. Discharge from active duty is NET 30 calendar days before class start date at the educational institution the airman will attend. Use **Figure 3.1** for the format of the airman's request for separation. Make the discharge effective the day before the member enlists in the USAFR ORS. Do not deliver separation documents until after the enlistment in the USAFR ORS is complete. ***NOTE:*** For entering an officer training program with another armed service, see **paragraph 3.7**.

2.16. Insufficient Retainability for Permanent Change of Station (PCS). Separate PETS airmen who are considered for PCS in a mandatory move status such as during base closure, unit deactivation, or when it is determined to be in the best interest of the Air Force, and are found ineligible because they have too little service retainability. Use this provision if they have less than 12 months retainability and refuse to obtain the retainability or are ineligible to obtain retainability for a PCS. If there are less than 30 days remaining until ETS, see **paragraph 2.2**.

2.16.1. Members who have their ETS/DOS involuntarily adjusted due to High Year of Tenure or denial of reenlistment and who are otherwise eligible for separation pay (**Chapter 9**) must be given an appropriate separation program designator (SPD) that will ensure payment.

2.17. Separation Authorized by HQ USAF. HQ USAF, Air Force Policy Division (DPXA) may approve or direct the early separation of airmen. HQ AFMPC/DPMARS2 announces the programs and gives the eligibility criteria and processing instructions. These separations include:

2.17.1. General demobilization, reduction in strength, or by an order applicable to all the members of a group specified in the order.

2.17.2. The early separation of members under various programs and circumstances.

2.17.3. Other reasons approved by the Office of the Secretary of the Air Force.

2.18. Elimination from USAFA Preparatory School. For more information about elimination from the USAFA preparatory school, see AFI 36-2021, Air Force *Academy Preparatory School* (formerly AFR 53-14).

2.18.1. Discharge Reserve members who enlisted specifically to attend the school.

2.18.2. Release other Reserve members from active duty for return to ANGUS or USAFR.

2.19. Release from Void Enlistment. A person whose status or condition barred the creation of a valid enlistment may be found to be serving in a void enlistment, if the condition still exists. This includes, but is not limited to, persons who are legally insane, minors still under the legal age for enlistment, or deserters from another service. For more information, see **paragraph 5.13**.

2.19.1. The enlistment of a person who is under 17 years old is a nullity and is void from its inception. The base separation authority orders the release of a person under age 17 as soon as it is practical to do so after the facts of the case are known. The parent or guardian does not need to apply for release. For information about how to verify the airman's age, see **paragraph 2.20.3.1**

2.19.1.1. If the member was under age 17 at the time of enlistment but is 17 years old at the time the facts become known, discharge for minority may be requested. For more information, see **paragraph 2.20**.

2.19.2. When the evidence shows an enlistment may be void for a reason other than minority, send the case to HQ AFMPC/DPMARS2 for decision. Include a full report of the facts and circumstances. Act promptly in these cases to avoid retaining a person whose military status is void. The finding of a court-martial that it lacks jurisdiction because of a defective enlistment does not void the enlistment.

2.19.2.1. Administrative action is necessary to find whether a specific enlistment is void, voidable, or valid. The evidence needed in these cases varies with the conditions involved. It must show how the creation of a valid enlistment was barred at the time it was attempted. There must also be evidence to show the condition is still present. For example, when sanity is at issue, the medical statements must address the person's mental competency at the present and at the time of enlistment.

2.19.3. Neither indebtedness to the government nor civil confinement bars the release required under this provision. In absentia processing and release is authorized. For more information, see **paragraph 1.12**.

2.19.4. Describe separation under this paragraph as a release from the custody and control of the Air Force.

2.20. Separation for Minority:

2.20.1. A person under the age of 17 is serving in a void enlistment and must be separated according to **paragraph 2.19**.

2.20.2. A member who is 17 years old is eligible for separation according to this paragraph if the parent or guardian did not give written consent to the enlistment; and applies for the member's discharge within 90 days of the enlistment.

2.20.3. An application for separation under this paragraph must include evidence:

2.20.3.1. **Proving Age.** This proof may be:

2.20.3.1.1. An authenticated copy of a birth certificate;

2.20.3.1.2. A statement from the State Registrar of Vital Statistics or a similar official charged with the responsibility for such records; or

2.20.3.1.3. An affidavit of the parent or legal guardian. The affidavit must tell why the official record of birth cannot be obtained. It must be accompanied by a certified or authenticated record from the first school the airman attended and show the date of birth or age at the time of admission.

2.20.3.2. **Of Parental Custody.** If the parents are legally separated or divorced, only the parent having custody or control may ask for separation; or

2.20.3.3. **Of Guardianship.** A guardian's application for the separation of a member must include proof of guardianship. Usually, recognize only a guardian who has been officially appointed. However, in some cases, a person who supported a minor and acted as a guardian for some years after the parents' death need not have been officially appointed. Support this type of claim to guardianship by a notarized affidavit.

2.20.3.4. **Enlisted Under an Assumed Name.** Identifying a member who enlisted under an assumed name with the person named on the record of birth. ***NOTE:*** Look carefully at birth certificates to make sure there are no alterations other than those made officially.

2.20.4. If the conditions of **paragraphs 2.20.2** and **2.20.3** are met, process the airman for discharge following the procedures in **Chapter 6**, **Section 6B**. If the separation authority finds the requirements of **paragraphs 2.20.1** or **2.20.2** are met, discharge the airman except when retaining the member for the purposes of trial by court-martial. For more information about pending UCMJ action, see **paragraph 1.9**

2.20.5. Usually, do not separate minors in the oversea area. Exceptions may be authorized if the place of entry was an oversea area and the separation takes place in the same area. For information about discharge in absentia, see **paragraph 1.12**.

Figure 2.1. Sample Format for Request for Retention for Medical Treatment or Evaluation.

SAMPLE

(Appropriate Letterhead)

FROM: (member) (date)

SUBJECT: Request for Retention Beyond ETS

TO: MPF/MSPQ

(unit commander)

IN TURN

I want to be retained in the active military service beyond, the date my term of service expires, for medical treatment or evaluation, and if necessary, for processing for disability separation. I understand I will be subject to the obligations of military service in the same manner and to the same extent as if my (enlistment) (period of required service) had not expired.

(signature)

(name, grade), USAF

(unit of assignment)

OR

I, (full name) , as the guardian of (full name) , want (him) (her) to be retained in the active military service beyond the date (his) (her) term of service expires for medical treatment or evaluation, and if necessary, processing for disability separation. I understand that retention makes (him) (her) subject to the obligations of military service in the same manner and to the same extent as if (his) (her) term of service had not expired.

(signature)

(name)

Figure 2.2. Sample Format for Request for Separation without Retention for Medical Treatment or Evaluation.

SAMPLE

(Appropriate Letterhead)

FROM: (member) (date)

SUBJECT: Request for Separation at ETS

TO: MPF/MSPQ

(unit commander)

IN TURN

I want to be separated on, the date my (enlistment) (period of required service) expires. I do not want to be retained in the active military service beyond that time for medical treatment or evaluation. The advantages of retention for treatment or evaluation and possible separation or retirement for disability have been explained to me.

(signature)

(name, grade,) USAF

(unit of assignment)

OR

I, (full name) , as the guardian of, (full name) , do not want (him) (her) to be retained in the active military service for medical treatment or evaluation. The advantages of retention for treatment and evaluation and possible separation or retirement for disability have been explained to me.

(signature)

(name)

Figure 2.3. Sample Format for Request Pending Foreign Court Disposition.

SAMPLE

I, (full name, grade, organization), am being subjected to the exercise of criminal jurisdiction by the government of_____.

I am now:

Waiting for disposition of the charges by the authorities of the foreign government

Being tried in a court of the foreign government.

Waiting for a decision on my appeal of my conviction and sentence by a court of the foreign government.

I request that I be retained in the Air Force beyond, the expiration date of my term of service, until such time as final action on charges against me by the foreign government has been completed. I understand that my retention in the military service for this purpose makes me subject to the obligations of military service in the same way and to the same extent as if my term of service had not expired. I acknowledge that I am still subject to the UCMJ. (***NOTE*:** Prosecution in a foreign court is not a legal bar to a later prosecution in a federal court based on the same act or omission. As a general rule, the Air Force does not court-martial or punish under Article 15, UCMJ, members for substantially the same act or omission for which a foreign court tried the member). I certify that this request for retention in the service is not the result of coercion, force, or threat of harm. (See note below.)

(airman's signature)

NOTE: Airmen who sign this statement do not sign AF Form 1411, Extension or Cancellation of Extensions of Enlistment in the Regular Air Force/Air Force Reserve.

Chapter 3

VOLUNTARY SEPARATION PRIOR TO EXPIRATION OF TERM OF SERVICE (PETS)

Section 3A—Processing Applications.

3.1. How Airmen Apply for PETS Separation. Airmen who want to leave the active service of the Air Force PETS must ask for separation in writing. The MPF Personnel Relocation Element helps them make the application. Each paragraph in this chapter authorizing separation tells what is required to show a basis for separation exists. Follow the guidance in **Figure 3.1**, to complete the application. Ensure all applicants read and understand the statement on AF Form 31, Part I, (**Figure 3.1**).

3.2. Action by the MPF. The MPF Personnel Relocation Element extracts information from the personnel records and places it on the AF Form 31 to the unit commander. Add more information, if required. Indicate on the form when an item is not applicable. This step is not required when airmen separate early for Christmas.

3.3. Commander's Recommendation. The unit commander:

3.3.1. Examines the case file (reference to AFI 36-2606, *The Reenlistment, Retention, and NCO Status Program* (formerly AFR 35-16) may be appropriate for selective reenlistment program (SRP) consideration);

3.3.2. Recommends approval or disapproval;

3.3.3. Gives the reasons if disapproval is recommended; and

3.3.4. Sends the case through MPF Separations Unit to the separation authority.

3.4. Action by the Separation Authority. To find what action the separation authority may take on an application, you must use **Table 3.1**. A disapproval must give rationale and return the application to the airman with an explanation of the reason for disapproval.

3.5. Withdrawing Separation Applications. An airman who has submitted an application for voluntary separation may ask the commander, in writing, to withdraw the application. The separation authority approves or disapproves all requests for withdrawal, except for pregnancy or child birth separations. When disapproval is recommended for pregnancy or child birth separations, send the request and the recommendation to HQ AFMPC/DPMARS2 for decision.

3.5.1. Discharge authorities may withdraw an approved voluntary separation that has not been executed when reasons exist that make withdrawal in the best interest of the Air Force. The separation authority must give written notification giving reason(s) for withdrawal to the member and the MPF separations section.

3.6. Type of Separation. Characterize separation under this chapter as honorable, unless **paragraph 1.19** (Entry Level Separation) applies.

Section 3B—Reasons for Voluntary Convenience of the Government (COG) Separation.

3.7. Entering an Officer Training Program. Discharge airmen who are selected for officer training with another armed service. (For airmen applying for discharge to enter an AFROTC program, see **paragraph 2.15**) The training must lead to an appointment or a commission and active service in the officer grade. This includes enlistment in the Reserve of another service for enrollment in certain ROTC scholarship and 2-year nonscholarship programs. For more information, see Title 10 U.S.C., Sections 2107 and 2104. Applications must include documents confirming program participation. ***NOTE:*** Do not give the discharge documents to the member until the oath of office or enlistment in the other armed service has been executed. This provision does not apply to airmen who accept appointments to a service academy. Title 10 U.S.C. 516 provides that an enlistment is not terminated by acceptance of an appointment to a service academy. Discharge occurs at ETS. The separation authority sends AF Form 31, with supporting documentation to HQ AFMPC/DPMARS2 recommending approval or disapproval and why. If approved, the discharge will be:

3.7.1. Effective on the day before enlistment in the other service; and

3.7.2. Contingent on such enlistment.

3.8. Early Release to Further Education. Separate airmen up to 90 calendar days PETS to enter or return to school. Usually, the date of separation should not be more than 10 days before the class start date. Airmen may apply any time during the last 9 months of their service. Approve applications if the educational program meets the requirements in **3.8.1** and the airman meets the eligibility criteria in **3.8.2** Disapprove applications if there are sound military reasons.

3.8.1. **Educational Program Requirements.** Applicants must show they have been accepted for a full-time course of instruction in a recognized:

3.8.1.1. Institution of higher education in a program leading to an associate, a baccalaureate, or a higher degree. This means the person must take the minimum number of credit hours for the semester, quarter, or term the school requires to be classified as a full-time student. It does not include night school. The institution must be accredited in the Education Directory of Colleges and Universities published by the Department of Education. The Superintendent of Documents, US Government Printing Office, Washington DC 20402-1575, sells copies of the directory.

3.8.1.2. Vocational or technical school in a course that will start with a specific school term and last at least 3 months. Attendance at night school does not qualify. The school must be approved by the appropriate State Board for Vocational Education; or, it must be accredited by one of the following:

3.8.1.2.1. Accrediting Commission for Business Schools.

3.8.1.2.2. National Association for Practical Nurse Education and Service, Incorporated.

3.8.1.2.3. National League for Nursing, Incorporated.

3.8.1.2.4. National Association of Trade and Technical Schools.

3.8.1.2.5. Committee on Occupational Education of the Southern Association of Colleges and Schools.

3.8.2. **Eligibility Criteria.** ANGUS and USAFR members ordered to active duty for training, for unsatisfactory participation in a Reserve assignment, or as AFROTC contract violators are not eligible for separation under this provision. Other airmen are eligible if they:

3.8.2.1. Have been accepted for a program and meet the requirements of **3.8.1.1** or **3.8.1.2**.

3.8.2.2. Show that entry in the specific school term for which they have been accepted is academically the best time to enter or return to school and that completion of required service will cause a hardship.

3.8.2.3. Have paid, or show they are able to pay, entry fees.

3.9. Medical Education. Airmen may request separation under this provision to enter accredited schools for training as physicians, dentists, osteopaths, veterinarians, optometrists, or clinical psychologists.

3.9.1. The application must show the airman has:

3.9.1.1. Completed the required undergraduate training.

3.9.1.2. Completed a minimum of 2 years of active military service.

3.9.1.3. Been accepted for entry into a specific program at an accredited institution.

3.9.1.4. Paid the entrance fee or received a waiver of this requirement.

3.9.2. Applicants:

3.9.2.1. May request a separation date no more than 30 days before the date classes will start. Usually, the requested date of separation should not be more than 10 days before the class start date.

3.9.2.2. Must acknowledge, in writing, that if they fail to enter the course of study, their separation may be revoked, and the member may be recalled to active duty for disciplinary action. See **paragraph 1.13**.

3.10. Elimination from Officer Training School (OTS). For information about elimination from OTS, see AFI 36-2013 (formerly AFR 53-27). Discharge airmen if they:

3.10.1. Request discharge at the time of their elimination; and

3.10.2. Were enlisted specifically for OTS.

3.11. Air Force Nonfulfillment of Enlistment or Reenlistment Agreement. If the Air Force fails to fulfill its commitments recorded on enlistment/reenlistment agreements, the member may be separated.

3.11.1. **When to Apply for Discharge.** Airmen must apply for discharge within 30 days after notification of an assignment, reassignment, classification, reclassification, or other action that violates their agreement with the Air Force. If they fail to do so, they waive entitlement to this provision.

3.11.1.1. Requesting Separation. Include in the request for discharge copies of the:

3.11.1.2. Documents that show the enlistment or reenlistment agreements; and

3.11.1.3. Correspondence showing the alleged failure of the Air Force to meet the terms of the enlistment or reenlistment agreement that have not been changed by supplements to it

3.12. Sole Surviving Son or Daughter. Do not separate under this provision during a period of war or national emergency declared by the United States Congress. ***NOTE:*** Airmen may acquire and retain sole surviving son or daughter status even if there are no other living family members. It does not depend on the existence of a family unit. A sole surviving daughter may have living brothers, and a sole surviving son may have living sisters.

3.12.1. A sole surviving son or daughter is the only remaining son or daughter in a family where the father, mother, or one or more sons, or one or more daughters:

3.12.1.1. Was killed in action or died as a result of wounds, accident, or disease incurred in line of duty while serving in the Armed Forces.

3.12.1.2. Is in a captured or missing in action status; or

3.12.1.3. Is permanently 100 percent disabled, physically or mentally, as determined by the Veterans' Administration or one of the military departments, and is hospitalized on a continuing basis and is not gainfully employed due to such disability.

3.12.2. Discharge an airman who becomes a sole surviving son or daughter (**paragraph 3.12.1**) after enlistment on request, unless the airman:

3.12.2.1. Has waived the right to discharge either automatically (**paragraph 3.12.3**) or in writing; or

3.12.2.2. Is the subject of incomplete action by court-martial. Process the request for administrative discharge but do not discharge, until the court-martial action is complete. For more information, see **paragraph 1.9**.

3.12.2.3. Is being processed for involuntary administrative separation for cause.

3.12.3. If airmen are told of the **paragraph 3.12.2** criteria but enlist (in another service), reenlist, or extend their periods of active service in any way, they waive the right to this discharge provision.

3.12.4. A member who has waived his or her right to separation as provided in **paragraphs 3.12.2** and **3.12.3**, may request reinstatement of that status at any time. Consider requests for reinstatement on a case by case basis for merit.

3.13. Early Release from Extension. When airmen extend their enlistments, they obligate themselves to serve the full term of the extension. For more information, see AFI 36-2606 (formerly AFR 35-16, volume 1). However, they may still separate PETS under any provision of this chapter, if they qualify. They may ask for early release from an extension when:

3.13.1. It would be unjust to force airmen to serve the extension because the Air Force, through no fault of the airmen, could not keep the agreement on which the extension was based.

3.13.2. Early separation would serve the best interest of both airmen and the Air Force.

3.14. Accepting Public Office. For more information about how airmen qualify for separation under this provision, see AFI 52-902, *Political Activities of Members of the Air Force* (formerly AFR 110-2).

3.14.1. An airman may qualify for separation by:

3.14.1.1. Election as a partisan candidate to any civil office.

3.14.1.2. Election as a nonpartisan candidate to a civil office requiring full-time service.

3.14.1.3. Appointment to a civil office requiring full-time service.

3.14.2. Qualified airmen may be separated under this provision if they are not:

3.14.2.1. Members of the Regular Air Force serving on their first enlistments.

3.14.2.2. USAFR members serving on initial periods of active duty longer than 30 days.

3.14.2.3. Regular or Reserve members who have active duty service commitments (ADSC) based on formal training or other education wholly or partly at the expense of the government.

3.15. Miscellaneous Reasons. Airmen who do not qualify for separation for another reason may ask for separation under this provision. As a rule, approve applications when the airman's early separation will serve the best interest of the Air Force. Usually the requested date of separation should be no less than 2 or more than 12 months from the date of the application.

3.15.1. **PALACE CHASE Consideration.** CONUS-based airmen must first apply for PALACE CHASE separation if:

3.15.1.1. The requested DOS is more than 12 months before the current DOS.

3.15.1.2. The eligibility criteria for PALACE CHASE separation are met. For more information, see **paragraph 2.14** and AFI 36-3205 (formerly AFR 35-46).

3.15.2. **Evaluating the Application.** Each application is evaluated on its own merits. This includes consideration of the:

3.15.2.1. Reason for separation and the supporting documents, if any.

3.15.2.2. Other factors that may have a bearing on the case.

3.15.2.3. Length of service since completion of the last training or PCS.

3.15.2.4. Pending assignment, if any.

3.15.2.5. Current and projected manning in the AFSC.

3.15.2.6. Retraining potential.

3.15.3. **Action by the Separation Authority.** The separation authority:

3.15.3.1. Finally approves applications with merit for airmen assigned in the CONUS when requested DOS is within 12 months of the member's normal DOS. Approved DOS must be consistent with member's requested date.

3.15.3.2. Finally disapproves applications found to lack merit. When final approval authority is HQ AFMPC/ DPMARS2 update PTI 970 after the Separation authority has

indorsed the application with a recommendation for approval. Include in the AMU trailor remarks the following:

3.15.3.3. Squadron commander and separation authority recommendation and brief explanation of individual's reason for separation.

3.15.3.4. In cases of unusual circumstances, mail a copy of the application to HQ AFMPC/ DPMARS2, Randolph AFB TX 78150-6001 and indicate in the AMU remarks that the application has been forwarded and the date forwarded.

3.15.3.5. Is ineligible for PALACE CHASE, and if so, why; or

3.15.3.6. Has been disapproved for PALACE CHASE separation in the last 120 calendar days.

3.15.3.7. Do not update PTI 970 if the Base separation authority has disapproved application.

3.16. Conscientious Objection. Airmen apply for discharge under this paragraph when they ask for conscientious objector status under AFI 36-3204, *Disposition of Conscientious Objectors* (formerly AFR 35-24). HQ AFMPC/DPMARS2 may direct the discharge of airmen found to be class 1-A-0 conscientious objectors if they cannot be used effectively as noncombatants.

3.17. Pregnancy or Childbirth. Women may find pregnancy and the expectation of motherhood incompatible with continued military service. If so, they may ask for separation. If they are separated, they are entitled to maternity care only in a military medical facility, on a space available basis (AFI 41-115 (formerly AFR 168-6)). Members who were pregnant at the time of enlistment or entry into active service are not eligible for separation under this paragraph and are not entitled to maternity care in military facilities after their separation. They are not physically qualified for enlistment and are subject to discharge for erroneous enlistment (**paragraph 5.14**).

3.17.1. Requests for separation for pregnancy must:

3.17.1.1. Be supported by an AF Form 422, **Physical Profile Serial Report**, confirming the pregnancy. It must be signed by a designated profiling officer. Another document giving the same information, DA Form 3349, **Medical Condition-Physical Profile Record**, for example, may be substituted for the AF Form 422.

3.17.1.2. Give a preferred date of separation that is earlier than the anticipated date of delivery.

3.17.1.3. Acknowledge the understanding that, if the application is approved, the separation authority will set the separation date.

3.17.1.4. Tell whether discharge or release from active duty is requested, if the member has an unfulfilled MSO and is qualified for transfer to the USAFR.

3.17.2. If the immediate commander recommends approval for separation, there must be a further recommendation as to the DOS. Approval for the requested date, a later date, or an earlier one may be recommended. In making this recommendation, the commander will look at the impact of the member's loss to the duty section and consider whether she can be effectively employed during her pregnancy.

3.17.3. The separation authority may take one of these actions:

3.17.3.1. Approve the separation for the date requested.

3.17.3.2. Approve the separation for a later date, usually one that is at least 60 days before the date of confinement.

3.17.3.3. Approve the separation for a date before the requested one. In such a case, the separation date must be at least 30 days after the airman is notified of the separation authority's decision.

3.17.3.4. Direct that action on the request for discharge for pregnancy be discontinued, and return the case to the unit commander for more appropriate action; for example, involuntary discharge according to **Chapter 5**.

3.17.3.5. Recommend disapproval and forward the case to HQ AFMPC/DPMARS2 for decision.

3.17.4. In some cases, pregnancy may be terminated after separation is approved but before it takes place. If the pregnancy is terminated:

3.17.4.1. By the birth of a living child, the approved discharge will be executed as soon as the member is medically qualified for separation.

3.17.4.2. Other than by the birth of a living child, the member may separate as scheduled or request withdrawal of her application. The separation authority may approve the request for withdrawal or recommend disapproval and refer it to HQ AFMPC/DPMARS2 for final action.

3.18. Early Release for Christmas. An airman whose established date of separation falls on or after 9 December, and before 8 January the following year, may ask for separation any time during that period. The requested DOS must be earlier than the established DOS. The base separation authority may deny the request of an eligible airman (**paragraph 3.18.1**) only if the early loss of the member would have a critical and adverse impact on the unit's mission capability. Place the written request for early separation in the FRGp for retention.

3.18.1. **Airmen Excluded.** Airmen are not eligible for early release under this provision if they are:

3.18.1.1. ANGUS or USAFR airmen serving on initial active duty for training (IADT), active duty for training (ADT), or involuntary EAD tours.

3.18.1.2. In a formal probation or rehabilitation program.

3.18.1.3. Being processed for involuntary discharge.

3.18.1.4. Under investigation or on international hold.

3.18.1.5. Awaiting trial, the result of trial, or the outcome of the appellate review of a conviction by court-martial.

3.18.1.6. Separating under the PALACE CHASE program.

3.18.2. **Oversea Returnees.** Airmen scheduled for separation in the United States for lack of retainability for reassignment are eligible, if the scheduled return date falls within the

period. Members returning for ETS separation within 30 days of ETS (**paragraph 2.2.1**) are also eligible.

3.18.3. **Airmen Scheduled for PETS Separation.** Airmen approved for PETS separation are eligible for earlier release under this provision, if the adjusted DOS falls within the period. Further adjustment of the DOS under this provision does not change the authority for separation.

3.18.4. **ETS Separation.** If this provision is the only reason for adjusting an airman's ETS separation date, cite it as the authority for the separation.

3.19. Medal of Honor. A member who is the recipient of the Medal of Honor may request separation at anytime. The member is normally separated on the date requested.

Section 3C—Dependency or Hardship.

3.20. Conditions for Discharge. Airmen may request discharge when genuine dependency or undue hardship exists.

3.20.1. A basis for discharge may exist when:

3.20.1.1. The dependency or hardship is not temporary.

3.20.1.2. Conditions have arisen or have been aggravated to an excessive degree since the airman entered active duty.

3.20.1.3. The airman has made every reasonable effort to remedy the situation.

3.20.1.4. Separation will eliminate or materially alleviate the conditions.

3.20.1.5. There are no means of alleviation readily available other than the separation.

3.20.2. Undue hardship or dependency does not necessarily exist because:

3.20.2.1. Of altered present or expected income; or

3.20.2.2. The family is separated or must suffer the inconveniences usually incident to military service.

3.21. Evidence Required. MPF personnel counsel airmen about the conditions for, and evidence needed to support separation for hardship or dependency. Written statements of the facts of the case support the application for discharge. The original, signed statements must accompany the application.

3.21.1. In some cases, specific types of statements are required. If the application is based on a condition that is:

3.21.1.1. Due to the death of family member, a death certificate or other proof of death is required.

3.21.1.2. Caused by the disability of a family member, a physician's statement must tell what the disability is and when it occurred.

3.21.1.3. Basically a financial hardship, there must be evidence of prospective civilian employment with income that would exceed the member's military pay.

3.21.2. In all cases, the application should:

3.21.2.1. State specifically the hardship or dependency condition.

3.21.2.2. Give specific dates of events.

3.21.2.3. List other family members with their ages, occupations, incomes, and locations.

3.21.2.4. Tell why the other family members cannot give the care or support needed

3.22. Red Cross Assistance. On request, the American Red Cross helps get, or verify, information about circumstances that may be a basis for discharge for hardship or dependency.

3.22.1. **The Separation Authority.** If it seems that an application should be approved, but more information is needed, the separation authority asks the local Red Cross representative to get it. The request gives the airman's name and home address with a summary of the evidence or statements submitted with the application. Limit the request to the facts needed to act on the case.

3.22.2. **Airmen or their Dependents.** Airmen or their dependents may ask local Red Cross chapters to help them get evidence they need to support an application for discharge. In these cases, the Red Cross does not make a formal report to the Air Force, unless it is requested (**paragraph 3.22.1**). ***NOTE:*** For more information about help from the Red Cross, see AFI 36-3105, *Red Cross* (formerly AFR 211-11).

3.23. Special Procedures and Considerations:

3.23.1. For information about where airmen apply for discharge under this section, see **Table 3.2**.

3.23.2. Process applications for discharge under this provision quickly. Give them priority. Commanders, MPF personnel, and other agencies must provide maximum assistance to the member.

3.23.3. If the case is not complete, help the airman get what it lacks. For information about Red Cross assistance, see **paragraph 3.22**.

3.23.4. Do not delay or disapprove discharge for dependency or hardship because the airman's services are needed in the organization. Indebtedness to the government is not a bar to separation.

3.23.5. If the airman is under court-martial charges or investigation that may result in the preferring of charges, an application for discharge under this section may be processed. If it is approved, the airman may not be discharged while the investigation or charges are pending except as provided in **paragraph 1.9**.

3.23.6. An application for discharge may show the airman had dependents who were not acknowledged at the time of enlistment. If so, consider the possibility of discharge for fraudulent or erroneous enlistment. The fraud or error may be waived to permit discharge under this section.

3.23.7. If a request for discharge is received from an airman's family, counsel the airman about how to apply for discharge. Do not approve a discharge until the member has applied in writing.

3.23.8. Airmen separated for hardship or dependency are discharged.

3.23.9. AFI 36-2002 restricts enlistment of prior service persons last discharged for dependency or hardship. Counsel the applicant about this restriction, get a signed statement reflecting understanding of the policy, and add it to the case file.

3.24. Final Action on Applications. The separation authority:

3.24.1. Approves the application and notifies the airman promptly; or

3.24.2. Disapproves the application and requires an officer or a noncommissioned officer in the MPF who understands separation policy to:

3.24.2.1. Return the application to the airman;

3.24.2.2. Explain how it was processed and why it was disapproved;

3.24.2.3. Counsel the airman about other available alternatives such as application for separation for other reasons; and

3.24.2.4. Ensure the airman's understanding that a new application may be submitted if the circumstances change. In such a case, new supporting evidence would be required.

3.25. Applications Submitted at Other Than the Base of Assignment. MPFs give extra help to airmen who apply for discharge while they are on leave or enroute PCS. The MPF that processes the application (**Table 3.2**):

3.25.1. Asks the applicant's commander to grant an extension of leave, if more time is needed for processing.

3.25.2. Communicates with the aerial port, if a port call must be changed or cancelled.

3.25.3. If the separation authority decides that the application warrants approval, sends a message (includes minimize) to the member's servicing MPF (use **Figure 3.2** for personnel on leave or TDY and **Figure 3.3** for personnel enroute to PCS). The servicing MPF will determine if there are any actions pending or reasons that would preclude approval and execution of the member's hardship discharge. If there are none, the servicing MPF will immediately reassign the member PCS without permanent change of assignment (PCA) for separation and furnish the processing MPF the special order number by return message.

Figure 3.1. Airman's Request for Early Separation. DELETED.

Figure 3.2. Sample Hardship Discharge Message (Airman on Leave or TDY).

SAMPLE

FROM: (ORGANIZATION, LOCATION//OFFICE SYMBOL//)

TO: (MEMBER'S SERVICING UNIT)

INFO: HQ DFAS-DE//AFC//

UNCLAS

SUBJECT: APPLICATION FOR HARDSHIP DISCHARGE. (NAME, GRADE, SSN, UNIT OF ASSIGNMENT) HAS APPLIED FOR HARDSHIP DISCHARGE AT THIS BASE. IF NO OTHER ACTION IS PENDING AND NO OTHER REASONS EXIST TO PRECLUDE DISCHARGE FOR HARDSHIP, WE WILL APPROVE THE APPLICATION TO BE EFFECTIVE ON OR ABOUT (DATE). ADVISE BY RETURN MESSAGE IF DISAPPROVAL IS WARRANTED AND EXPLAIN REASONS THEREFORE. OTHERWISE, REQUEST YOU ISSUE ORDERS REASSIGNING AIRMAN TO (LOCAL UNIT) PCS WITHOUT PCA AND FORWARD FIELD RECORD GROUP TO THIS OFFICE. BY RETURN MESSAGE ADVISE SPECIAL ORDER NUMBER AND DATE RECORDS WILL BE MAILED. FUTURE MAILING ADDRESS IS:

Figure 3.3. Sample Hardship Discharge Message (Airman En Route PCS).

SAMPLE

FROM: (ORGANIZATION, LOCATION//OFFICE SYMBOL//)

TO: (MPF LOSING UNIT)

INFO: HQ DFAS-DE//AFC//

UNCLAS

SUBJECT: APPLICATION FOR HARDSHIP DISCHARGE. (NAME, GRADE, SSN, UNIT OF ASSIGNMENT) HAS APPLIED FOR HARDSHIP DISCHARGE AT THIS BASE. IF NO OTHER ACTION IS PENDING AND NO OTHER REASONS EXIST TO PRECLUDE DISCHARGE FOR HARDSHIP, WE WILL APPROVE THE APPLICATION TO BE EFFECTIVE ON OR ABOUT (DATE). ADVISE BY RETURN MESSAGE IF DISAPPROVAL IS WARRANTED AND EXPLAIN REASONS THEREFORE. OTHERWISE, REQUEST REASSIGNMENT ORDER BE AMENDED ASSIGNING AIRMAN TO (LOCAL UNIT) PCS WITHOUT PCA. FURNISH COPIES OF AMENDATORY ORDERS TO ORIGINAL GAINING UNIT (AND PERSONNEL SUPPORT AGENCY, IF APPROPRIATE). FUTURE MAILING ADDRESS IS:

Table 3.1. Options of The Separation Authority.

LINE	A	B	C	D	E	F
	Reason for separation (see note 1)	**Paragraph**	**Complete**		**Recommend disposition to HQ MPC/DPMARS2**	
			Approve	**Disapprove**	**Approval**	**Disapproval**
1	Entering an Officer Training (OT) Program	**3.7.**			X	X
2	Early release to further education	**3.8.**	X	X		
3	Medical education	**3.9.**				
4	Elimination from OTS	**3.10.**				
5	Air Force non fulfillment of enlistment agreement	**3.11.**				
6	Sole surviving son or daughter	**3.12.**				
7	Early release from extension	**3.13.**				
8	Accept public office	**3.14.**				
9	Miscellaneous reason (see note 2)	**3.15.**	X		X	X
10	Conscientious objection	**3.16.**				X (see note 3)
11	Pregnancy or child birth	**3.17.**	X			
12	Early release for Christmas	**3.18.**		X		
13	Medal of Honor	**3.19.**				
14	Dependency or hardship	**3.20.**				

NOTES:

1. A Staff officer may be designated, in writing, to act on these matters. The authority may not be further delegated.
2. See paragraph 3.15.3 for applications which can be approved by the base separation authority.
3. Only SAF may disapprove a conscientious objector case.

Table 3.2. Applying for Dependency or Hardship Discharge.

RULE	A	B	C

	If the airman is	then the application is accepted and processed by the MPF	and is approved or disapproved by the separation authority for
1	on duty with the unit of assignment	servicing the unit of assignment	the unit of assignment.
2	on temporary duty	servicing the unit of attachment	the unit of attachment (see note
3	en route to a new assignment (see note 2)	at the nearest base having separation facilities (see note 3 and 4)	the base where the application is processed (see note 1).
4	on leave		

NOTES:

1. The separation authority also decides whether the member will be separated at this base or returned to the base of assignment for execution of the approved separation.
2. The circumstances that are the basis for the application must have arisen since departure from the old assignment.
3. The base to which airman goes for help will be presumed to be the nearest or most convenient base.
4. For information about processing these cases, see paragraph 3.23.

Chapter 4

REQUEST FOR DISCHARGE IN LIEU OF TRIAL BY COURT-MARTIAL

4.1. Basis for Discharge:

4.1.1. Airmen may be discharged under this provision if they:

4.1.1.1. Are subject to trial by court-martial; and

4.1.1.2. Request discharge in lieu of trial.

4.1.2. Airmen may request discharge if charges have been preferred with respect to an offense for which a punitive discharge is authorized. If Rule 1003(d)3, Manual for Courts-Martial (MCM), 1984, is the sole basis for a punitive discharge, they may not request discharge in lieu of trial unless the charges have been referred to a court-martial empowered to adjudge a punitive discharge.

4.2. Types of Discharge Authorized. The fact that a member is triable for an offense for which a court-martial could adjudge a punitive discharge reflects the serious nature of the conduct. Generally, characterize the service of airmen discharged under this provision as under other than honorable conditions; however, if the charges are referred to a summary court-martial and the member requests discharge in lieu of trial by summary court-martial, the member's service may not be characterized as under other than honorable conditions unless such characterization is approved by the Secretary of the Air Force. For guidance in determining the type of separation, see **Chapter 1**, **Section 1B**.

4.2.1. If the airman is in entry level status, and discharge under other than honorable conditions is not warranted, the separation will be described as an entry level separation.

4.2.2. For other airmen, the separation may be characterized as:

4.2.2.1. Under Honorable Conditions (General), when such a characterization is warranted under the guidelines in **Chapter 1**, **Section 1B**; or

4.2.2.2. Honorable, only if the member's record has been so meritorious that any other service characterization would be inappropriate.

4.3. How Airmen Request Discharge in Lieu of Trial:

4.3.1. Airmen applying for discharge in lieu of trial by court-martial must acknowledge understanding of:

4.3.1.1. The elements of the offense or offenses charged;

4.3.1.2. The fact that a summary court-martial cannot impose a punitive discharge (Required only if charges are or will referred to a summary court-martial).

4.3.1.3. The fact that characterization of service as under other than honorable conditions is authorized; and

4.3.1.4. The adverse nature of such a characterization and the possible consequences.

4.3.1.5. The fact that any special pay, bonuses, and education assistance funds, may be subject to recoupment.

4.3.2. Submit applications to the unit commander for discharge in lieu of trial by court-martial. Applications may be submitted anytime after the criteria in **paragraph 4.1** are met. For more information about how the request for discharge affects the trial by court-martial, see **Table 4.1**.

4.3.3. Before they apply for discharge under this provision, airmen must be given an opportunity to consult legal counsel. If an airman refuses to consult counsel, the appointed counsel prepares a statement to this effect and adds it to the case file. The member's application will then include a statement that the right to consult counsel has been waived. Statements the member or counsel for the member make in connection with a request for discharge under this chapter are not admissible in courts-martial except as authorized by MCM, Military Rule of Evidence 410.

4.3.4. For a format of the application, use **Figure 4.1**.

4.4. Processing the Request for Discharge:

4.4.1. **Action by the Unit Commander.** Send the application through the MPF to the Special Court-Martial (SPCM) authority recommending approval or disapproval. For a format of the letter, use **Figure 4.2**. It must include information for use in determining how the service should be described or characterized. Attach copies of the charge sheet, investigation reports, statements, and legal reviews.

4.4.1.1. Notify the local Finance Service Office (FSO), in writing, as soon as the discharge is initiated. Request the FSO to notify you if member is indebted to the government and what action will be taken to collect the debt. Use AFI 35-2102, *Preparation of Personnel Selected for Relocation - Base Level Procedures* (formerly AFR 35-17), to find an example, to notify local base agencies of discharge initiation. If disapproved, re-notify appropriate agencies.

4.4.2. Action by the SPCM Authority. The SPCM authority personally acts on these cases. Authority may not be delegated. Recommendations for approval sent to the GCM authority must include a recommendation as to the type of separation. Include specific reason for the recommendation if the type recommended is not under other than honorable conditions.

4.4.2.1. If the Article 32, UCMJ, investigation has been forwarded to the GCM authority, the SPCM authority sends the case to the GCM authority recommending approval or disapproval.

4.4.2.2. If the Article 32, UCMJ, investigation has not been forwarded to the GCM authority, the SPCM authority may:

4.4.2.2.1. Disapprove the request and return it to the unit commander; or

4.4.2.2.2. Send it to the GCM authority recommending approval.

4.4.3. **Processing Time Goal:** 25 workdays after submission.

4.5. ANGUS and USAFR Airmen. Process request to completion according to this section. If the active duty GCM authority approves the request:

4.5.1. An ANGUS airman is released from active duty and returned to the unit of assignment. Send the approved request for discharge to the State Adjutant General with an information copy to the National Guard Readiness Center, Personnel Management Division

(ANGRC/DPM). The airman is then discharged from the ANG and the Reserve of the Air Force.

4.5.2. A USAFR airman is discharged by the commander of the active duty unit of attachment for court-martial jurisdiction. Send copies of the discharge order to HQ ARPC, Personnel Programs Division (DPA), HQ AFRES, Personnel Actions Division (DPAA), and the Reserve MPF servicing the unit of assignment. Send the discharge case file to HQ ARPC, Master Records Management Division (DSMMA).

4.6. Members. Tenants, Temporary Duty (TDY) Airmen, and Non-EAD Reserve Members. Send copies of all the correspondence to the parent organization, if the airman who requests discharge is:

4.6.1. Assigned to a tenant unit.

4.6.2. Performing TDY under the jurisdiction of the SPCM authority.

4.6.3. A member of an ANGUS or USAFR unit on ADT or on a special tour or tour of active duty according to AFI 36-8001 (formerly AFR 35-41, volume 2).

4.7. Medical Examination for Separation:

4.7.1. A commander who receives a request for discharge according to this chapter:

4.7.1.1. Schedules the airman for a standard medical examination and, if there is evidence of mental illness, a determination of mental responsibility and capacity according to AFI 44-109, *Psychiatry in Military Law* (formerly AFR 160-42).

4.7.1.2. Tells the medical facility why the examination is required.

4.7.1.3. Gives the medical facility all the information about the case that may be helpful.

4.7.1.4. Makes sure that the airman reports for the examination.

4.7.1.5. Continues processing the case.

4.7.2. The base director of medical services (DBMS) sends the report of the medical examination to MPF Personnel Relocation Element.

4.7.3. The MPF Personnel Relocation Element adds the report of the medical examination to the case file. If the medical examination results in a finding the member is:

4.7.3.1. Qualified for worldwide duty, an approved separation is executed without delay.

4.7.3.2. Not qualified for worldwide duty, and separation under AFI 36-2902 (formerly AFR 35-4) is also approved, dual action processing according to **Chapter 6**, **Section 6E**, is required.

4.8. Special Processing Requirements. If the applicant:

4.8.1. Is qualified for retirement according to AFI 36-3203, *Service Retirements* (Formerly AFR 35-7), at the time the application is submitted, dual action processing according to **Chapter 6**, **Section 6E**, is required upon request of the member.

4.8.2. Has at least 16 years of active service at the time the application is submitted, lengthy service consideration according to **Chapter 6**, **Section 6F**, is required upon request of member.

4.8.3. Is a dual status airman, refer to **Chapter 6**, **Section 6G**, for special processing instructions.

4.8.4. Is to be tried before a summary court-martial and the separation authority believes a UOTHC is warranted, separation authority may seek approval of a UOTHC from the office of the Secretary of the Air Force. Route cases to HQ AFMPC/DPMARS2 through the servicing MAJCOM/ DPA for comments and recommendations. MAJCOM may disapprove the discharge in lieu of court-martial and return the case to the discharge authority for further processing or approve a characterization of honorable or under honorable conditions (general).

4.8.4.1. If the airman is a member of a tenant unit of another MAJCOM, the separation authority also sends the original and one copy of the case file to the parent MAJCOM/DPA, who sends comments and recommendations to HQ AFMPC/DPMARS2. HQ AFMPC/ DPMARS2 refers the request for approval of a UOTHC to the office of the Secretary of the Air Force for decision. The request must include:

4.8.4.1.1. A complete review of the facts in the case.

4.8.4.1.2. A discussion of each offense charged with the maximum punishment for each.

4.8.4.1.3. Documentation showing the member is aware that a summary court-martial could not impose a punitive discharge.

4.8.4.1.4. An explanation why a UOTHC is warranted.

4.9. Additional Misconduct. After forwarding the case, additional misconduct may occur or be discovered. If this happens, the commander reports the misconduct to the SPCM authority at once. If the case has been sent to the GCM authority according to **paragraph 4.4**, the SPCM authority sends the report to the GCM authority immediately. The SPCM authority tells the GCM authority if, due to the additional misconduct, there is a change in the previous recommendation.

4.9.1. If the case has been sent to HQ AFMPC/ DPMARS2 according to **paragraph 4.8.3**, the GCM authority immediately sends the report to HQ AFMPC/ DPMARS2 and tells that office whether the recommended disposition has changed. The report must be given as fast as possible. It can be made by telephone and confirmed by message or letter. Be sure the parent organization gets copies if **paragraph 4.6** applies.

4.10. Withdrawal of Request for Discharge. An airman may ask to do this any time before the decision of the GCM or SAF authority. The unit commander sends the request to the SPCM authority through the MPF Personnel Relocation Element to be referred to the GCM or SAF authority for final approval or disapproval. Both the unit commander and SPCM authority give their recommendations in the forwarding correspondence. The GCM authority adds his or her recommendation to cases being referred to SAF.

4.11. Who Can Approve Discharge. The GCM authority personally takes final action on requests for discharge in lieu of trial by court-martial, except in cases where the charges were referred to a summary court-martial and the GCM authority wishes to seek SAF approval of a UOTHC. For retirement eligible and lengthy service cases, see paragraph 4.8.

4.12. Action by the GCM Authority. The SJA for the GCM authority reviews the case for legal sufficiency before the GCM authority acts on it. The legal review is made a part of the case file. The guidelines in **paragraph 6.1** apply to consideration of the airman's qualification for further service.

4.12.1. If the charges have not been referred to a summary court-marital and the GCM authority approves the request for discharge, he or she:

4.12.1.1. Determines the type of discharge to be issued.

4.12.1.2. Gives the reason for the service characterization directed, if it is:

4.12.1.2.1. Not under other than honorable conditions; or

4.12.1.2.2. Less favorable than the type recommended by the commander.

4.12.2. If the GCM authority disapproves the request for discharge, he or she:

4.12.2.1. Returns the case to the SPCM authority with appropriate comments.

4.12.2.2. Gives disposition instructions separately.

4.12.3. If the charges have been referred to a summary court-martial and the GCM authority determines a UOTHC characterization is warranted, he or she:

4.12.3.1. Processes the case in accordance with **paragraph 4.8.4**.

4.12.4. If the charges have been referred to a summary court-martial and the GCM authority determines a UOTHC is not warranted, he or she:

4.12.4.1. Approves the request and determines whether service characterization will be honorable or under honorable conditions (general).

Figure 4.1. Sample Request for Discharge in Lieu of Trial by Court-Martial.

SAMPLE

(Appropriate Letterhead) (See note 1.)

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial (date)

TO: (Immediate commander)

1. I request that I be discharged from the United States Air Force according to AFI 36-3208, Chapter 4, in lieu of trial by court-martial.

2. I understand the elements of the (offense) (offenses) with which I am charged. A summary of the evidence provided to me follows:

OR

2. I understand the elements of the (offense) (offenses) with which I am charged. I have received copies of the following documents pertaining to the (offense) (offenses) with which I am charged: (See note 2.)

3. I understand that if this request is approved I may be discharged under other than honorable conditions, regardless of your recommendation. I am aware of the adverse nature of such a discharge and the possible consequences thereof. I know that it may deprive me of veterans' benefits.

4. I understand that if I were tried by a summary court-martial, I could not receive a punitive discharge from that court.

5. I have been afforded the opportunity to consult legal counsel. I was counseled by (name, grade of military lawyer) (name and address of civilian lawyer).

OR

5. I was offered an opportunity to consult legal counsel and waive the right to do so.

6. I have received a Privacy Act Statement.

7. (See note 3.) If this discharge request is approved, I understand I am entitled to lengthy service probation consideration. I have read and I understand Section 6F of Chapter 6 and (do) (do not) request lengthy service probation consideration in the office of the Secretary of the Air Force in accordance with that section.

8. (See note 4.) If this discharge request is approved, I understand I am entitled to apply for retirement. I have read and I understand Section 6E of Chapter 6 and (do) (do not) request dual action processing in the office of the Secretary of the Air Force in accordance with that section.

*9. **DELETED.**

(airman's signature)
(typed name, grade, Social Security number (SSN)), USAF

The preceding statement by (airman's name) was (his) (her) voluntary decision, signed by (him) (her) after I counseled (him) (her) fully about:

a. (His) (Her) rights and privileges; and

b. The possible effects of discharge under these circumstances.

(counsel's signature)
(typed name, grade), USAF or (typed name and address of civilian counsel)

1. Use only words or statements that apply.
2. If the airman received documents pertaining to the evidence, list them.
3. Use this paragraph when member is entitled to lengthy service review (see paragraph 6.36.).
4. Use this paragraph when member is retirement eligible (see paragraph 6.32.)

5. Add the following paragraph only in cases involving recoupment of educational assistance funds, under 10 U.S.C. 2005: “I understand the separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g).”

Figure 4.2. Sample Commander's Recommendation.

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (SPCM authority)

FROM: (Functional Address Symbol) (date)

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial (grade, name, SSN)
-

I recommend that the attached request for discharge be (approved) (disapproved) for the following (reason)(reasons):

(Give factual details of reasons.)

If this request for discharge is approved, I recommend that (grade, name) be furnished (type of discharge). (If the airman has been promised or led to believe that the discharge to be issued would be anything except the worst authorized, the commander explains. If there have been no promises, the commander says so.)

(Grade, name of airman)

a. (Is)(Is not) under investigation (See note 1.)

b. (Is)(Is not) awaiting action under AFIs 36-2503 (formerly AFR 39-30) and 36-2902 (formerly AFR 35-4) , or another section of this regulation.

c. (Is)(Is not) awaiting result of trial.

d. (Is)(Is not) absent without authority.

e. (Is)(Is not) absent in hands of civil authorities.

f. (Has)(Has not) been referred to a medical facility for examination. (See note 2)

g. (Is)(Is not) in default with respect to public property or public funds. (If the airman is in this category, state the circumstances in full.)

h. (Has)(Has not) completed 16 or more years of active military service.

i. (Is)(Is not) accountable or responsible for public property or funds. (See note 3)

j. Member (has) (has not) received special pay, bonuses, or education assistance.

There has (been)(not been) a report of recent misconduct. (If there has been recent misconduct, attach the report to this letter.)

Court-martial charges have been preferred. Attached are:

A copy of the charges, DD Form 458, Charge Sheet.

Copies of witnesses' statements.

Other information or evidence pertinent to the case:

(Identify)

Charges (have)(have not) been referred for trial.

At the time of the misconduct, the airman did not have a mental disease or defect that caused (him)(her) to lack the substantial capacity either to appreciate the criminality (wrongfulness) of the acts, or to conform to the law (AFI 44-109) (formerly AFR 160-42). The airman presently has the capacity to understand the nature of the proceedings and to assist in the defense.

(Grade, name) (holds)(does not hold) a Reserve of the Air Force appointment as a commissioned or warrant officer. (See note 4)

Other information (include information required by **paragraph 2** of commander's recommendation for discharge, see **Figure 6.5.**)

Action under DoDD 5200.2R/AFI 31-501 (formerly AFR 205-32) has been completed (include this statement if applicable; **see paragraph 1.8**).

(signature)

(name, grade), USAF

Commander

Attachment:

1. AF Form 458

    1. Give the name of the agency if the airman is under investigation.

    2. Include the status of the medical examination or processing if the airman is not

medically qualified for worldwide duty.

3. If the airman is accountable or responsible for public funds, attach a statement about the status of the accounts. Include survey reports or other vouchers submitted to adjust shortages in the account.

4. If applicable, give processing status according to Chapter 6, Section 6G.

Table 4.1. How a Request for Discharge Affects The Processing of Charges.

RULE	A	B	C
	If formal charges have been	**And**	**then usually**
1	preferred	have not been referred to trial (see note)	trial is delayed until final action is taken on the request for discharge
2	referred for trial	trial date has not been set	the GCM authority decides whether trial should proceed or be delayed until final action is taken on the request for discharge. The GCM may delegate this authority to the SPCMCA.
3		trail date has been set	
4		the trial has begun	the military judge decides whether trial will proceed.
5		request for discharge has been denied once	trial proceeds even though reconsideration is requested.

NOTE: Processing of charges continues.

Chapter 5

REASONS FOR INVOLUNTARY SEPARATION

Section 5A—Preprocessing Considerations.

5.1. Choosing a Course of Action:

5.1.1. Commanders and supervisors identify airmen who show a likelihood for early separation. They should make reasonable efforts to help these airmen meet Air Force standards. Airmen who do not show a potential for further service should be discharged.

5.1.2. Involuntary administrative discharge is not a substitute for disciplinary action. The commander should consult the staff judge advocate and MPF when choosing a course of action.

5.1.3. For limitations on using certain information in administrative discharge action, see **paragraph 5.4**.

5.1.4. Refer to **paragraph 1.8** before starting discharge action for a member who has, or once had, access to SCI or other special access programs.

5.1.5. Airmen recommended for administrative discharge for cause do not have a right to be tried by court-martial instead. They may not ask for discharge processing according to a specific provision of this chapter. The commander chooses the course of action to be pursued subject to the concurrence of the convening authority.

5.1.6. To find whether an airman recommended for discharge under this chapter must be offered a board hearing, see **paragraph 6.2** Use the procedure in **Chapter 6**, **Section 6C**, if the member is entitled to a board hearing. Process other cases by notification according to **Chapter 6**, **Section 6B**.

5.1.7. Refer to AFI 36-2104, *Nuclear Weapons Personnel Reliability Program* (formerly AFR 35-99), concerning personnel reliability program (PRP) members being discharged for cause and the need to be permanently decertified from PRP duties prior to discharge.

5.1.8. When an airman is convicted by a court-martial and does not receive a punitive discharge, consider initiating involuntary separation (**paragraphs 6.9.12** and **6.14.14**).

5.2. Preprocessing Rehabilitation. Airmen should have an opportunity to overcome their deficiencies before discharge action starts. A commander's effort to rehabilitate the airman may include formal or informal counseling, control roster action, punishment under Article 15, UCMJ, a change in duty assignment, demotion, additional training or duty, retraining, or other administrative actions. Commanders should keep a record of these actions.

5.2.1. Airmen must be counseled formally concerning their deficiencies and given an opportunity to overcome them before a commander recommends discharge for:

5.2.1.1. Parenthood, according to **paragraph 5.9.2**.

5.2.1.2. Conditions that interfere with military service.

5.2.1.3. Entry level performance and conduct.

5.2.1.4. Unsatisfactory performance.

5.2.1.5. Minor disciplinary infractions.

5.2.1.6. A pattern of misconduct.

5.2.2. For more information about drug or alcohol abuse rehabilitation, see AFI 36-2701, *Social Action Program* (formerly AFR 30-2). Airmen must have been referred to such a program before they are processed for discharge under **Section 5F**.

5.2.3. An alleged or established inadequacy in previous rehabilitative effort does not provide a bar to separation.

5.3. Determining the Basis of the Action:

5.3.1. As a rule, one or more acts or conditions on which a recommendation for discharge is based will have occurred or existed in the current enlistment. However, one or more acts or conditions on which the discharge recommendation is based may have occurred or existed:

5.3.1.1. Before entry, if the reason for discharge is fraudulent or erroneous enlistment.

5.3.1.2. Before entry, or in any previous enlistment, if the reason for discharge is in the interest of national security.

5.3.2. During the enlistment immediately preceding the current term of service if:

5.3.2.1. The member's reenlistment immediately followed discharge from the previous enlistment (no break in service), and

5.3.2.2. The unit commander did not have actual knowledge of the facts or circumstances pertaining to the one or more acts or conditions until after the member reenlisted.

5.3.2.3. When a member is being separated for failure in the fitness program and has had at least one instance of unsatisfactory progress in the program during the current enlistment, commanders may use instances of unsatisfactory progress in the immediately preceding enlistment to establish a basis for separation. ***NOTE:*** *See* **paragraphs 1.20** *and* **1.21** *concerning information to be considered on this issue of service characterization*.

5.3.3. If the requirements in **paragraph 5.3.1** are met, the entire military record may be considered in deciding whether the member should be discharged or retained.

5.3.4. Commanders must look carefully at all the facts to be sure they recommend discharge for the right reason. For example, an airman whose conduct and duty performance have been unsatisfactory (**Section 5E**) may also have failed in drug or alcohol abuse treatment (**Section 5F**) or have a record of minor disciplinary infractions (**Section 5H**). As a rule, it is best to base the recommendation on the one reason the record most completely supports. Consult the MPF and SJA for assistance.

5.3.5. In some cases, it will be preferable to cite two or more reasons as the basis for the discharge recommendation. If one reason cited in the letter of notification entitles the member to a board hearing, process the entire matter according to **Chapter 6**, **Section 6C**. For special instructions applicable to cases based on more than one reason, see **Chapter 6**, **Section 6H**.

5.4. Limitations on Discharge Action. A member may not be discharged administratively based on conduct that has been the subject of:

5.4.1. Judicial proceedings, military or civilian, resulting in acquittal or action having the effect thereof unless:

5.4.1.1. Such action is based on a judicial determination not going to the guilt or innocence of the respondent; or

5.4.1.2. The judicial proceeding was conducted in a state or foreign court, and the discharge is approved by the Secretary of the Air Force. For more information about processing, see **paragraph 1.2**.

5.4.1.3. 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 can be separated under **paragraph 1.2** unless separation for disability is appropriate.

5.4.2. A prior board hearing in which the board entered an approved finding that the evidence did not sustain the factual allegations concerning the conduct. ***EXCEPTION:*** This limitation does not apply when the conduct is the subject of a rehearing in a case involving fraud or collusion. Use **Table 6.3** in this instance.

5.4.3. Administrative discharge processing resulting in retention except when:

5.4.3.1. The new proceeding is based, in whole or in part, on subsequent conduct or performance;

5.4.3.2. There is new, or newly discovered, evidence that was not reasonably available at the time of the prior proceeding; or

5.4.3.3. The conduct is the subject of a new hearing ordered on the basis of fraud or collusion in the prior hearing.

5.4.4. An approved waiver of the option to discharge for civil court conviction or defective enlistment.

5.4.5. Information obtained during, or as a result of, an epidemiologic assessment interview or results obtained from laboratory tests for Human Immunodeficiency Virus (HIV) (see **paragraph 5.53**). Any information disclosed by an airman during or as a result of an epidemiologic assessment interview may not be used to initiate administrative discharge action against the airman.

5.4.5.1. The limitation on use of information obtained from the member does not apply to the introduction of evidence for impeachment or rebuttal purposes in any administrative discharge proceeding in which the evidence of drug abuse or relevant sexual activity (or lack thereof) has been first introduced by the member.

5.4.5.2. Also, these limitations do not preclude administrative discharge action based upon evidence derived independently of the epidemiological assessment interview. Results obtained from laboratory tests for HIV may not, by itself, be the basis for involuntary separation of the airman under this regulation.

5.4.5.3. For disability processing, see AFI 36-2902.

5.5. Airmen in TDY Status:

5.5.1. Do not start involuntary discharge action against an airman in TDY status. End the TDY and return the airman to the unit of assignment. Send the commander a full report of the facts of the case. Include all available documentation. ***EXCEPTION:*** Process the recommendation for discharge at the TDY base if the respondent is TDY with the unit of assignment.

5.5.2. Refer to AFI 36-2110, *Assignments* (formerly AFR 39-11) if it appears that the airman in TDY status should be reassigned for administrative discharge processing. Reassignment may be possible for airmen who have not completed initial training or those who are enroute to or from oversea assignments. Do not start discharge processing until the airman is assigned to a unit under the jurisdiction of SPCM authority.

5.5.3. For non-prior service (NPS) airmen who are enroute for training and the unit commander at the TDY location determines the NPS airman should be processed for an administrative discharge, and then the member is assigned to the TDY location in a PCS status as follows:

5.5.3.1. The TDY separations element at the MPF requests the relocation element advise HQ AFPC/DPAAS3 by message or email: **DPAAS3@randolph.af.mil** that the member is to be processed for an administrative discharge and action is being taken to gain the member in PCS status to the TDY location (include in the message as an information addressee the gaining and losing MPFs, the gaining and losing MAJCOM).

5.5.3.2. With concurrence of the separation authority, the MPF relocation element will use the unprojected gain procedure prescribed in AFCSM 36-699, Volume 1, *Personnel Data Systems End Users Manual*, to effect the assignment. The assignment gain action will cancel the projected assignment.

5.5.3.3. The TDY location MPF will amend the member's PCS orders to reflect the change in permanent duty station and include in the remarks section of the order that the change in assignment is for the purpose of involuntary administrative discharge processing.

5.6. Reassignment for Processing. Airmen will not be reassigned from one unit to another on the same base for discharge processing. For information about when they may be reassigned PCS for execution of an approved discharge, see AFI 36-2110 (formerly AFR 39-11). If an airman pending, or being considered for, discharge for cause is:

5.6.1. Selected for reassignment by HQ AFMPC, Airman Assignments Division (DPMRA) without reference to the discharge action, the MPF notifies HQ AFMPC/DPMRA at once and stops reassignment processing until they get more instructions.

5.6.2. Hospitalized, or needs to be hospitalized, the MPF gets HQ AFMPC/DPMRA approval before reassigning the airman. See AFIs 36-2110 (formerly AFR 39-11), AFI 41-115 (formerly AFR 160-2), and AFR 168-4 for more information.

Section 5B—Involuntary Convenience of the Government (COG) Discharge.

5.7. Instruction and Type of Separation. This discharge is appropriate when discharge would serve the best interest of the Air Force and discharge for cause is not warranted. The general guidelines for discharge or retention set out in **paragraph 6.1** apply to these cases. The

separation of an airman in entry level status will be described as entry level separation. The service of other airmen separated under this section will be characterized as honorable.

5.8. Preprocessing Actions. Before commanders recommend discharge for one of the reasons in this section, they must look at all the facts of the case to be sure:

5.8.1. The preprocessing rehabilitation requirements of **paragraph 5.2** have been met;

5.8.2. They have complied with all the requirements of the authorizing paragraph; and

5.8.3. The circumstances do not warrant discharge for cause.

5.9. Parenthood. For Air Force policy concerning dependent care responsibilities see AFI 36-2908, *Dependents Care Responsibilitie*s (formerly AFR 35-59). This policy applies to all members with dependents. Airmen may be discharged under this provision if, because of parental responsibilities, they fail to meet their military obligations.

5.9.1. **Airmen in Basic Military or Technical Training.** Special dependent care arrangements are required of single member parents and military couples with dependents. At the time they enlist, single members who have minor dependents agree that their dependents will not accompany them during their initial training period.

5.9.1.1. This restriction is contained in AFI 36-2002 (formerly AFR 33-3), and is agreed to by the applicant on AF Form 3010, **Statement of Understanding**, **Dependent Care Responsibility/ Join Spouse Policy, United States Air Force**, at the time of enlistment. Violation of this agreement during basic military or initial technical training makes airmen subject to discharge under this provision.

5.9.2. **Other Airmen.** Other airmen are subject to discharge under this provision if they are, as a result of parenthood:

5.9.2.1. Unable to perform their duties satisfactorily.

5.9.2.2. Unavailable for worldwide assignment or deployment.

5.9.3. **Preprocessing Actions.** Commanders must comply with the counseling and remedial actions required by AFI 36-2908 (formerly AFR 35-59) before they recommend discharge under **paragraph 5.9.2** The record of these actions should be part of the case file.

5.10. Insufficient Retainability for Required Retraining:

5.10.1. **Criteria.** The cost of retraining airmen for a brief period of service may not warrant their retention. Consider airmen for discharge if they:

5.10.1.1. Have been disqualified for duty in all awarded AFSCs.

5.10.1.2. Are serving overseas in a CONUS or an oversea imbalance skill and are not qualified for duty in another AFSC on return to CONUS.

5.10.2. **Eligibility.** Airmen are eligible for discharge under this provision if they:

5.10.2.1. Are serving in their first Air Force enlistment;

5.10.2.2. Have served at least 36 months on a 4-year enlistment or 60 months on a 6-year enlistment; and

5.10.2.3. Have been screened under the SRP but have not been selected for reenlistment; or are serving in the grade of airman first class and are not recommended for promotion; or have rendered themselves ineligible to reenlist.

5.10.3. **Processing.** The unit commander's recommendation for discharge must:

5.10.3.1. Tell how the airman qualifies for discharge under **paragraph 5.10.1** or **5.10.2** and comment on retraining options.

5.10.3.2. Include documents showing how the requirements of **paragraph 5.10.2** are met.

5.10.4. **Date of Discharge.** When a recommendation for discharge under this provision is approved, the commander notifies the airman and sets a date for the discharge. Usually this should be at least 30 days after the notification date. It may be earlier at the option of the member.

5.11. Conditions That Interfere with Military Service. Airman may be discharged based upon one of the physical or mental conditions listed below when the commander determines the condition interferes with assignment or duty performance (for commander's responsibility see AFI 44-109, *Mental Health, Confidentiality, and Military Law*). When a psychiatrist or a PhD-level clinical psychologist confirms a diagnosis of a mental disorder, under paragraph 5.11.9, that is so severe the member'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 the decision reviewed by the discharge authority. Conditions warranting disability processing under AFI 36-3212, *Physical Evaluation for Retention, Retirement*, and *Separation*, will not be used to justify a separation under this regulation. The existence of a condition that is a basis for discharge under this provision does not bar separation for any other reason authorized in this instruction. Discharge under this provision is not appropriate if the airman's record would support discharge for another reason, such as misconduct or unsatisfactory performance. A recommendation for discharge must be supported by documents confirming the existence of the condition or disorder and, except when enuresis or sleepwalking is involved, explain the adverse effect on assignment or duty performance. This explanation should detail the effects on member's performance, conduct (on and off duty), inability to adapt to military environment, or other reasons, that would limit the member's potential for completing his or her enlistment. The evidence of adverse effect on assignment or duty performance may be in the form of, but not limited to, evaluation(s), counseling statement(s), training records, statements from instructors, supervisors or peers, or other administrative actions or documentation. Such adverse effects must be evidenced in the airmen's current enlistment or extension of enlistment. Additionally, there must be documentation pre-dating the initiation of discharge showing that the airman has been formally counseled concerning deficiencies and afforded an opportunity to overcome them. Airman must be counseled that discharge for any condition under this paragraph does not qualify as a disability under AFI 36-3212. The discharge case must contain documentation of the counseling tailored to the specific condition or mental disorder, i.e., reason for discharge. ***NOTE:*** The unit commander is responsible to ensure the counseling requirement has been met. The possible reasons for discharge under this provision are:

5.11.1. Enuresis, if there is no underlying pathology.

5.11.2. Sleepwalking and/or severe nightmares.

5.11.3. Dyslexia and other learning disorders.

5.11.4. Attention Deficit Hyperactivity Disorder.

5.11.5. Stammering or stuttering of such a degree that the airman is normally unable to communicate adequately.

5.11.6. Incapacitating fear of flying confirmed by a psychiatric evaluation, or phobic fear of air, sea and submarine modes of transportation.

5.11.7. Airsickness, Motion, and/or Travel Sickness.

5.11.8. Other conditions as outlined in DODI 1332.38, *Physical Disability Evaluation*, Enclosure 5, that interfere with duty performance and are not within the purview of the AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*, disability evaluation system and provided a basis for separation is not addressed elsewhere in this instruction.

5.11.9. **Mental Disorders.** A recommendation for discharge under these provisions must be supported by a report of evaluation by a psychiatrist or PhD-level clinical psychologist who confirms the diagnosis of a disorder listed below, as contained in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM). This report must state the disorder is so severe the member'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.

5.11.9.1. Personality disorders. Additional processing is required before Airmen who have served in an imminent danger pay area may be discharged for personality disorder. See paragraph 5.11.10.

5.11.9.2. Disruptive behavior disorders.

5.11.9.3. Adjustment disorders.

5.11.9.4. Impulse control disorders.

5.11.9.5. Transsexualism or Gender Identity Disorder of Adolescence or Adulthood, Nontranssexual Type (GIDAANT).

5.11.9.6. Other disorders, as defined in DSM that interfere with duty performance or failure to adapt to military environment and are not within the purview of the AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*, and provided a basis for separation is not addressed elsewhere in this instruction.

5.11.10. **Procedures: Personality Disorder Discharge of Airman with Imminent Danger Pay Service.**

5.11.10.1. Special processing is required for airmen who are currently serving or who have served in an imminent danger pay area and have been diagnosed with a personality disorder for which discharge action is or may be contemplated. The criteria below must be followed before discharge under **paragraph 5.11.9.1** may be initiated.

5.11.10.1.1. The diagnosis of a personality disorder must specifically address post-traumatic stress disorder (PTSD) or other mental illness co-morbidity.

5.11.10.1.2. DELETED.

5.11.10.1.3. Separation under this provision will not be initiated if there is a diagnosis of service-related PTSD, unless the airman is subsequently found fit for duty under the disability evaluation system IAW AFI 36-3212.

5.11.10.1.4. The evaluating psychiatrist or PhD-level clinical psychologist will consult with the Airman's commander to determine if separation under this provision is appropriate. When, in the opinion of the Airman's commander, evaluating psychiatrist or PhD-level clinical psychologist, separation under paragraph 5.11.9.1 (Personality Disorder) is appropriate, the local Military Treatment Facility (MTF) will forward the diagnosis with supporting documentation through appropriate channels for corroboration by a peer or higher-level mental health professional and endorsement from the Air Force Surgeon General. Documentation will be forwarded to the Air Force Medical Operations Agency to obtain Air Force Surgeon General endorsement. In such cases where the Air Force Surgeon General (SG) does not concur in the diagnosis of a personality disorder, no further action will be taken under this provision.

5.11.10.1.5. Upon receipt of the Air Force SG review concurring in the diagnosis of a personality disorder, the MTF will notify the Airman's commander of the decision. If all requirements of this (**paragraph 5.11.10**) have been met, separation processing will be initiated IAW Chapter 6 of this instruction.

5.12. Action by the Special Court Martial (SPCM) Authority. The SPCM authority finally approves or disapproves discharge under this provision unless an Airman who has made an unrestricted report of sexual assault requests review of the discharge (see paragraph 1.31). If the initiating commander is also the SPCM authority, the case will be referred to the GCM authority. Commanders who exercise both SPCM and GCM authority may designate the vice commander to take the above actions.

Section 5C—Defective Enlistments.

5.13. Types of Defects. Defective enlistments fall into four general groups. The action authorized or required for each type depends on the nature of the defect.

5.13.1. **Enlistment of Minors.** A person under 17 years of age is barred by law from enlistment. For more information about these void enlistments, see below. The parent (or parents) or guardian (or guardians) of an airman who is 17 may apply for the airman's discharge if the conditions in **paragraph 2.20** are met.

5.13.2. Void Enlistments:

5.13.2.1. An enlistment may be void because the individual is under age or for a reason other than minority. For information about conditions that bar the creation of a valid enlistment, see Title 10 U.S.C., Sections 504 and 505. An enlistment must be a voluntary act by a sane, sober person. A deserter from another service cannot enlist in the Air Force.

5.13.2.2. A constructive enlistment is one that was void but has been validated when the person:

5.13.2.2.1. Submits voluntarily to military authority;

5.13.2.2.2. Met the mental competency and minimum age qualifications for enlistment at the time of voluntary submission to military authority;

5.13.2.2.3. Received military pay or allowances; and

5.13.2.2.4. Performed military duties. ***NOTE:*** A person who is a deserter from another service must be released from the custody and control of the Air Force without regard to a subsequent constructive enlistment.

5.13.2.3. For information about separation from a void enlistment, see **paragraph 2.19**.

5.13.2.4. If an enlistment that was void at inception has been validated according to **paragraph 5.13.2.2**, treat it as an erroneous enlistment.

5.13.3. **Erroneous Enlistments.** An erroneous enlistment is one the Air Force should not have accepted but it does not involve fraud. For discharge or waiver options, see **paragraphs 5.14** and **5.19**.

5.13.4. **Fraudulent Entry.** A fraudulent entry is one involving deliberate deception on the part of the member. For discharge or waiver options, see **paragraphs 5.15** and **5.19**.

5.14. Basis for Discharge for Erroneous Enlistment. Errors in the enlistment process occur when the Air Force does not have the true facts or does not take the right action. An airman is subject to discharge from an erroneous enlistment, reenlistment, or extension of enlistment if:

5.14.1. It would not have occurred had the relevant facts been known by the Air Force and the eligibility criteria of AFIs 36-2002 (formerly AFR 33-3) and 36-2606 (formerly AFR 35-16, volume 1), had been followed;

5.14.2. It was not the result of fraudulent conduct on the part of the member; and

5.14.3. The defect is unchanged in any material respect.

5.15. Basis for Discharge for Fraudulent Entry. An airman may be discharged for fraudulent entry based on the procurement of a fraudulent enlistment or period of military service through any deliberate, material misrepresentation, omission, or concealment that, if known at the time of enlistment or entry into a period of military service, might have resulted in rejection. The fraud may occur at any time in the enlistment process; for example, when airmen are asked to fill out forms.

5.15.1. Final action by the official authorized to direct the execution of an approved discharge for fraudulent entry constitutes the Air Force administrative determination of the existence of a fraudulent enlistment. The option to discharge for fraud administratively does not preclude action under the UCMJ based on the fraudulent entry or other violations.

5.16. Action Required of the Commander:

5.16.1. **Verification of the Facts.** A commander who has information that shows an enlistment may be erroneous or fraudulent must verify the information as soon as possible. Official correspondence from another service, copies of documents from the personnel records, security investigative agencies reports, or a computer printout from the Defense Manpower and Data Center may serve as proof of prior service.

5.16.1.1. MPF Personnel Relocation Element helps get information about prior service and refers questions about documentation to HQ AFMPC/DPMARS2. For the format to be used to request information about a civil court record, use **Figure 5.1** Ask the local Office of Special Investigation (OSI) detachment to run a fingerprint check through the Federal Bureau of Investigation (FBI) to positively identify the person. Ask the SGH to review information indicating concealment of medical defects or medical history.

5.16.2. **Evaluation of the Facts**. For information about disposition of cases involving specific types of fraud, see **paragraphs 5.18** and **5.19** As soon as the facts of the case are verified, the commander must decide whether to recommend discharge or waiver of the fraud or error. If the commander fails to act, a constructive waiver may occur. For more information, see **paragraph 5.19**

5.16.3. **Recommendation for Disposition.** If it is found that the member is subject to discharge for erroneous enlistment or fraudulent entry, the commander must act promptly to recommend:

5.16.3.1. Discharge for erroneous enlistment or fraudulent entry;

5.16.3.2. Discharge for another reason; or

5.16.3.3. Waiver of the option to discharge according to paragraph **5.19**

5.16.3.4. Preprocessing Consideration. Preprocessing counseling and rehabilitation are not applicable.

5.17. Concealment of Prior Service. Use **Table 5.1** for information about the disposition of airmen who conceal their records of prior service.

5.17.1. It is the general policy to discharge airmen who conceal:

5.17.1.1. Records of prior military service that would have made them ineligible for entry at the time of their entry.

5.17.1.2. Facts about their prior service that would have made them ineligible for entry.

5.17.2. Commanders who deem such action to be in the best interest of the Air Force may recommend waiver of discharge for fraud in either of the above circumstances.

5.17.3. Airmen are not subject to discharge for fraud if the prior military service concealed:

5.17.3.1. Consists of an unterminated enlistment in a Reserve component of one of the armed forces, and before entering the Air Force, the member had not received orders to report:

5.17.3.1.1. To active military service; or

5.17.3.1.2. For a medical examination in preparation for entry on active duty.

5.17.3.2. Was not the last period of active service, and the last period of active service:

5.17.3.2.1. Was disclosed.

5.17.3.2.2. Was characterized as honorable.

5.17.3.2.3. Included at least 2 years of active duty.

5.17.3.3. Was terminated under conditions that, if made known at the time of entry, would not have been a bar to entry under the regulations in effect at that time.

5.18. Concealment of Other Bars to Enlistment:

5.18.1. **Civil Court Records.** Airmen are subject to discharge for fraudulent entry based on concealment of a conviction by civil authorities that, if it had occurred after enlistment, would be a basis for discharge for misconduct. For specific criteria, see **paragraph 5.51**

5.18.2. **Medical Conditions.** Insanity is a bar to enlistment. An airman found to have been legally insane at the time of enlistment may be serving in a void enlistment. HQ AFMPC/DPMARS2 makes the decision in these cases. For more information, see **paragraph 2.19** Use **Table 5.2** and **Table 5.3** for information about disposition of other cases involving concealment of medical defects or a history of medical conditions.

5.18.3. **Alienage.** Airmen must be discharged if they enter the Air Force fraudulently or erroneously by claiming to be a citizen of the United States or claiming to be lawfully admitted to the United States for permanent residence (Title 10 U.S.C, Section. 8253).

5.18.3.1. Basis for Discharge. Aliens are subject to discharge for:

5.18.3.1.1. Fraudulent entry if they willfully misrepresent themselves as citizens of the United States.

5.18.3.1.2. Erroneous enlistment if they claim US citizenship in an honest, but mistaken, belief they are citizens.

5.18.3.1.3. Erroneous enlistment if they do not misrepresent their nationality but are allowed to enter the Air Force in violation of regulations in effect at the time of entry.

5.18.3.2. When discharge action is initiated against an alien, the SPCM authority reports the case to the nearest Immigration and Naturalization Service (INS) office. If INS asks for custody of the airman prior to discharge and deports or interns the member, process discharge in absentia. For more information about processing discharge in absentia, see **paragraph 1.12** For aliens discharged for alienage and desertion, comply with AFI 36-3202 (formerly AFR 35-6) to inform the INS and State Department of the discharge action.

5.18.4. **Minority.** Airmen who are minors at the time of their entry are not subject to discharge under this section if they misrepresent their age or the consent of their parents or guardians. They may be discharged for minority according to **paragraph 2.20**.

5.18.5. **Preservice Homosexual Conduct.** If the material misrepresentation includes preservice homosexual conduct:

5.18.5.1. **DELETED.**

5.18.5.2. **DELETED.**

5.19. Waiver of Discharge for Fraudulent Entry or Erroneous Enlistment. Airmen found to be subject to discharge under this section, except for reasons of alienage, may be granted waivers to stay in the Air Force. If they seem to be good risks, their retention may serve the best interest of the Air Force.

5.19.1. Fraudulent Entry. In deciding whether to waive this discharge option, look at the type of fraud and whether there are extenuating circumstances. Process a discharge waiver when retention of the airman seems to be appropriate. As a rule, airmen who conceal acts involving moral turpitude should not receive waivers, even though the acts have not been the subject of action by civil authorities. This applies without regard to the maximum punishment for such acts. However, commanders may consider recommending a waiver involving moral turpitude if exceptional and unique circumstances warrant consideration of a waiver.

5.19.2. **Erroneous Enlistment.** Find the cause of the error and be sure it did not involve fraud on the part of the airman. Consider the training the member received, evaluate the past duty performance, and determine the potential for satisfactory service in the future. Waiver of discharge for erroneous enlistment may be appropriate when the defect:

5.19.2.1. No longer exists. For example, charges pending in civil court at the time the member enlisted have been dismissed.

5.19.2.2. Is one that could have been waived according to AFIs 36-2002 (formerly AFR 33-3) or 36-2606 (formerly AFR 35-16, volume 1).

5.19.2.3. Consists of failure to meet physical standards for enlistment and the airman is medically qualified for worldwide duty.

5.19.2.4. In the best interest of the Air Force.

5.19.3. **Constructive Waiver.** If a commander has the facts of the case indicating possible fraud or error and fails to act, the airman may become the recipient of a constructive waiver. Failure to exercise the option to discharge when the facts are known tends to show intent to retain the airman. The mere passage of time, standing alone, is not sufficient for a constructive waiver. There must be other acts in conjunction with the passage of time which reflect the intent to retain the member, such as promotion or reassignment.

5.19.3.1. The determination as to whether or not there is a constructive waiver must be made by the commander having the express waiver authority, not by a discharge board or other authority although they may make recommendations. Where discharge action has been initiated, the passing of time is immaterial to the issue of whether a constructive waiver has resulted.

5.19.4. **Processing Waiver Recommendations.** The unit commander sends the recommendation to the SPCM authority through the servicing MPF. The recommendation must give a detailed, documented statement of the facts of the case, tell why the airman is subject to discharge, and give the reason for recommending the waiver. The SPCM authority approves or disapproves the waiver. If the SPCM authority initiated the recommendation, it must be sent to the GCM authority for final action. If the waiver is:

5.19.4.1. Approved, take no further action on the defect in the enlistment.

5.19.4.2. Disapproved, return the case to the commander to initiate discharge processing.

5.19.5. **Credit for Service.** Airmen discharged for fraudulent entry do not receive credit for the service they performed. Airmen receive credit if:

5.19.5.1. They are discharged for erroneous enlistment.

5.19.5.2. The fraud is waived and they are discharged for another reason.

5.20. Discharge for Other Reasons. Airmen found to have entered fraudulently, may be discharged for other reasons, if there are extenuating circumstances. Not all cases of fraudulent entry are the same and they do not require the same action. It will be found that some airmen, although they deserve a waiver of the fraud, cannot be retained in the Air Force. The fact that they must be discharged should not be a bar to a waiver of the fraud, if their enlistment motives and their military records justify the waiver.

5.20.1. A recommendation for discharge for another reason must cite the specifics of the fraud and explain why the airman should be discharged for another reason. Approval of the recommendation constitutes a waiver of the fraud. Two examples of cases in which the fraud might be waived to permit discharge for another reason follow:

5.20.1.1. **Example One.** The airman entered fraudulently concealing a medical defect or the history of one, which, if made known at the time of entry, would have or might have precluded the entry. The airman serves a good part of the enlistment before the fraud is found.

5.20.1.1.1. Medical examination shows the disqualifying medical condition still exists and disqualifies airman for retention in the Air Force. It is further found, or it becomes evident, that the airman, at the time of entry, did not hide the medical information in an effort to get retirement and monetary benefits.

5.20.1.1.2. Rather, the airman came into the Air Force in the honest but mistaken belief that the medical condition would not be a bar to service. The airman's military record since entry has been good. In this case, there would be no objection to a waiver of the fraud so the airman could be separated under AFI 36-2902 (Formerly AFR 35-4) due to a disability existing prior to entry.

5.20.1.2. **Example Two.** The airman enters fraudulently denying the existence of dependents which if acknowledged, would or might have been a bar to entry. The airman serves a large part of the enlistment and then acquires more dependents. New problems at home cause the airman to apply for hardship discharge and the fraudulent entry is discovered. If the airman's service has been good and the conditions for hardship are met, there may be no objection to waiving the fraud to allow the airman to be discharged according to **paragraph 3.19**.

5.21. 1. See Table 5.4. for the types of separation authorized and the approval authority for each. Airmen who conceal prior service not characterized as honorable should, as a rule, be discharged under other than honorable conditions. In addition, refer to paragraph 1.30. of this Instruction for special processing procedures for a service characterization under other than honorable conditions.

5.21.1. See **Table 5.4** for the types of separation authorized and the approval authority for each. Airmen who conceal prior service not characterized as honorable should, as a rule, be discharged under other than honorable conditions.

5.21.2. **DELETED.**

5.21.3. If fraudulent enlistment is the only reason for discharge, the member is not eligible for probation and rehabilitation (P&R) under **Chapter 7**. If discharge is approved for another

reason and the fraud is waived, the member is eligible for P&R. In that case, the suspension is based on the reason for which separation was approved.

Section 5D—Entry Level Performance or Conduct.

5.22. Eligibility and Criteria. Airmen in entry level status should be discharged when their unsatisfactory performance or conduct shows they are not qualified to be productive members of the Air Force.

5.22.1. An airman may be discharged under this provision only if the discharge processing starts during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service.

5.22.2. Unsatisfactory performance or conduct may be shown in a number of ways. They may include, but are not limited to:

5.22.2.1. Lack of aptitude for military service;

5.22.2.2. Failure to adapt to the military environment;

5.22.2.3. Failure to make satisfactory progress in a required training program;

5.22.2.4. Reluctance to make the effort necessary to meet Air Force standards of conduct and duty performance;

5.22.2.5. Lack of self discipline;

5.22.2.6. Minor disciplinary infractions;

5.22.2.7. Failure to meet fitness standards (**paragraph 5.65**).

5.22.3. Eligibility for discharge under this section does not preclude separation for another reason when the separation is authorized and warranted by the circumstances of the case. For example, if the member failed in drug abuse rehabilitation, action under Section 5F may be more appropriate.

5.23. Preprocessing Counseling and Rehabilitation. Counseling and rehabilitation efforts are most necessary for airmen new to the service. Military service is a calling and is not like any civilian occupation. It is a way of life to be taught young airmen. When unsatisfactory performance or conduct is the sole reason for discharge, they may not be separated until there have been efforts to help them meet Air Force standards. For more information, see **paragraph 5.2**.

5.24. Procedures, Type of Separation, and Approval Authority:

5.24.1. Comply with the notification procedures in **Chapter 6**, **Section 6B**. Cite the specific incidents that led to the decision to recommend discharge. Include all records of formal counseling and rehabilitation efforts. Note the member's response, or the lack of response, to these efforts.

5.24.2. The records of airmen with very brief service will not contain all the items of information required for the commander's recommendation (**Figure 6.5**). The first four items in the recommendation are required in every case. Show the others if they exist for the airman.

5.24.3. Discharge under this section will be described as an entry level separation.

5.24.4. The SPCM authority personally approves or disapproves discharge under this provision unless an Airman who has made an unrestricted report of sexual assault requests review of the discharge (see paragraph 1.31). If the SPCM authority also exercises GCM authority, the vice commander may be designated, in writing, to act personally on these cases. If the SPCM authority is the initiating commander, the case must be referred to the GCM authority for final decision.

Section 5E—Unsatisfactory Performance.

5.25. Eligibility. Airmen should be discharged when their unsatisfactory performance or conduct shows they are not qualified for service with the Air Force. Performance in the Air Force includes, but is not limited to, work done as assigned duties, military training, bearing, and behavior. It necessarily includes the member's continuing responsibility for maintaining the high standards of personal behavior and conduct required of military members at all times. Airmen may not be discharged under this provision:

5.25.1. If they are in entry level status. Unsatisfactory performance in entry level status is a basis for discharge under **Section 5D**.

5.25.2. Until they have been counseled about their deficiencies and have a chance to overcome them.

5.26. Criteria. Airmen are subject to discharge for unsatisfactory performance based on documented failure to meet Air Force standards. Commanders must weigh an airman's conduct, military deportment, and duty performance against those of other airmen of like grade, age, and length of service. While unsatisfactory performance may be due to one flaw in a member's abilities, it is shown as a rule, in more than one way. When this is the case, the recommendation for discharge for unsatisfactory performance should cite all the deficiencies that were not overcome by counseling and rehabilitation. One or more of the following may be used as the basis for discharge under this provision:

5.26.1. Unsatisfactory duty performance:

5.26.1.1. Failure to perform assigned duties properly.

5.26.1.2. A progressively downward trend in performance ratings.

5.26.1.3. Failure to demonstrate the qualities of leadership required by the member's grade.

5.26.2. Failure to maintain standards of dress and personal appearance (other than fitness standards) or military deportment.

5.26.3. Failure to progress in military training required to be qualified for service with the Air Force or for performance of primary duties.

5.26.4. Irresponsibility in the management of personal finances.

5.26.5. Unsanitary habits such as repeated infection of venereal disease, persistent refusal to bathe, and similar refusal to observe personal hygiene.

5.26.6. Failure to meet minimum fitness standards. Airmen who fail to meet minimum standards of fitness for reasons not amounting to disability may be discharged. Follow the procedures for fitness management according to current Fitness Program AFI before starting action to discharge. Make sure the case file shows the record of those actions.

5.27. Preprocessing Actions:

5.27.1. Do not start discharge action based on unsatisfactory performance until the airman has been formally counseled about the deficiencies and has had a chance to overcome them. The counseling and rehabilitation requirements of **paragraph 5.2** are particularly important in these cases. Because military service is not like any civilian occupation, a member should not be discharged for unsatisfactory performance until there have been reasonable efforts at rehabilitation.

5.27.1.1. An airman performance report (EPR) directed by the commander according to AFI 36-2403, *Enlisted Evaluation System* (formerly AFR 39-62 and AFP 39-15), may help a commander evaluate all aspects of a member's performance when discharge under this provision is under consideration.

5.27.2. Differentiate between airmen who should be discharged for unsatisfactory performance and those who should be discharged for misconduct according to **Section 5H**.

5.27.3. Unsatisfactory performance should not be the sole basis for a discharge recommendation if the circumstances of the case warrant consideration of discharge for failure in drug or alcohol abuse rehabilitation, or misconduct. For information about processing an action based on more than one reason, see Chapter 6, Section 6H.

5.28. Separation Authority and Type of Separation:

5.28.1. The SPCM authority personally approves or disapproves discharge under this provision unless an Airman who has made an unrestricted report of sexual assault requests review of the discharge (see paragraph 1.31). If the SPCM authority also exercises GCM authority, the vice commander may be designated, in writing, to act personally on these cases. If the SPCM authority is the initiating commander, the case must be referred to the GCM authority for final decision.

5.28.2. The service of airmen discharged for unsatisfactory performance will be characterized as honorable or general (instructions for service characterization in **Chapter 1**, **Section 1B**, apply). However, if the sole reason for separation is for failure to meet physical fitness standards, then only an honorable characterization may be given.

5.29. Suspension of Discharge. Airmen approved for discharge under this provision should be considered for probation and rehabilitation under **Chapter 7**. If the respondent has lengthy service, comply with **Chapter 6**, **Section 6F**.

Section 5F—Substance Abuse Treatment Failure.

5.30. Commander's Options. AFPD 36-27 contains Air Force policy for the evaluation, treatment and disposition of members who abuse alcohol or other drugs. Successful treatment and return to duty is the objective of the substance abuse control programs. Before commanders start action to discharge airmen who abuse alcohol or other drugs, they must:

5.30.1. Look at all the facts of the case to ensure compliance with AFI 36-2701 (Formerly AFR 30-2).

5.30.2. Evaluate evidence of the airman's failure to meet other Air Force standards. If the military record in the current enlistment would support discharge for another reason, it may be appropriate to process the separation under another section of this chapter.

5.30.3. Differentiate between the member who should be discharged under this section and one who should be discharged for misconduct or unsatisfactory performance. For example, illegal activity in connection with drugs may be a basis for discharge for misconduct. Deteriorating duty performance, failure to meet AFI 36-2903, *Dress and Personal Appearance of Personnel* (formerly AFR 35-10) standards, and financial irresponsibility associated with alcohol abuse may be a basis for discharge for unsatisfactory performance.

5.30.4. The fact that an airman has been entered in a rehabilitation program does not bar discharge for other reasons.

5.31. Failure in Drug Abuse Treatment:

5.31.1. Airmen are subject to discharge under this provision if they:

5.31.1.1. Are in a program of rehabilitation for personal abuse of drugs.

5.31.1.2. Fail to successfully complete the program due to:

5.31.1.2.1. Inability.

5.31.1.2.2. Refusal to participate in the program.

5.31.1.2.3. Unwillingness to cooperate.

5.31.2. Such airmen should be separated if they:

5.31.2.1. Lack the potential for continued military service.

5.31.2.2. Need long-term treatment and are transferred to a civilian medical facility for treatment.

5.32. Failure in Alcohol Abuse Treatment:

5.32.1. Airmen are subject to discharge under this provision if they:

5.32.1.1. Are in a program of treatment for alcohol abuse; and

5.32.1.2. Fail to successfully complete the program due to:

5.32.1.2.1. Inability.

5.32.1.2.2. Refusal to participate in the program.

5.32.1.2.3. Unwillingness to cooperate.

5.32.2. Such airmen should be separated if they:

5.32.2.1. Lack the potential for continued military service; or

5.32.2.2. Need long-term treatment and are transferred to a civilian medical facility for treatment.

5.33. Type of Separation and Separation Authority:

5.33.1. Separation under this section will be:

5.33.1.1. Described as an entry level separation if the member is in entry level status.

5.33.1.2. Characterized as honorable or general according to **Chapter 1**, **Section 1B**, in other cases.

5.33.2. Refer to **paragraph 1.21** to determine if information concerning personal alcohol or drug abuse provided by the member, or if evidence of drug abuse derived from drug testing, may be considered on the issue of characterization.

5.33.3. The SPCM authority personally approves or disapproves discharge under this section unless an Airman who has made an unrestricted report of sexual assault requests review of the discharge (see paragraph 1.31). If the SPCM authority also exercises GCM authority, the vice commander may be designated, in writing, to act personally on these cases. If the SPCM authority is the initiating commander, the case must be referred to the GCM authority for final decision.

5.34. Suspension of Discharge. Airmen approved for discharge under this provision are eligible for probation and rehabilitation under **Chapter 7**. If they have lengthy service, the provisions of **Chapter 6**, **Section 5F**, apply. In most cases, the failure in rehabilitation that is the basis for discharge will make Probation and Rehabilitation (P&R) impractical. In rare cases, it may be found that the particular circumstances warrant one last opportunity for P&R. It should be authorized if there are good reasons to expect the airman to serve satisfactorily.

Section 5G—Homosexual Conduct.

5.35. DELETED.

5.35.1. **DELETED.**

5.35.2. **DELETED.**

5.35.3. **DELETED.**

5.35.4. **DELETED.**

5.35.5. **DELETED.**

5.35.6. **DELETED.**

5.35.7. **DELETED.**

5.35.8. **DELETED.**

5.35.8.1. **DELETED.**

5.35.8.2. **DELETED.**

5.35.9. **DELETED.**

5.35.10. **DELETED.**

5.35.11. **DELETED.**

5.35.12. **DELETED.**

5.35.13. **DELETED.**

5.35.14. **DELETED.**

5.35.15. **DELETED.**

5.36. DELETED.

5.36.1. **DELETED.**

5.36.2. **DELETED.**

5.36.2.1. **DELETED.**

5.36.2.1.1. **DELETED.**

5.36.2.1.2. **DELETED.**

5.36.2.1.3. **DELETED.**

5.36.2.1.4. **DELETED.**

5.36.2.1.5. **DELETED.**

5.36.2.2.2. **DELETED.**

5.36.2.2.2.1. **DELETED.**

5.36.2.2.2.2. **DELETED.**

5.36.2.2.2.3. **DELETED.**

5.36.2.2.2.4. **DELETED.**

5.36.2.2.2.5. **DELETED.**

5.36.2.3. **DELETED.**

5.37. Types of Separation. discharge under this section for homosexual conduct may be:

5.37.1. **DELETED.**

5.37.1.1. **DELETED.**

5.37.1.2. **DELETED.**

5.37.2. **DELETED.**

5.37.2.1. **DELETED.**

5.37.2.2. **DELETED.**

5.37.3. **DELETED.**

5.37.3.1. **DELETED.**

5.37.3.2. With a person under 16 years of age;

5.37.3.3. **DELETED.**

5.37.3.4. **DELETED.**

5.37.3.5. **DELETED.**

5.37.3.6. **DELETED.**

5.37.3.7. **DELETED.**

5.38. Recoupment of Advanced Educational Assistance, Special Pay, or Bonuses in Homosexual Conduct Cases. Where the applicable statute, regulation or agreement authorizes recoupment when separation is "voluntary" or because of "misconduct," the following special rules apply only in homosexual conduct cases:

5.38.1. **DELETED.**

5.38.2. **DELETED.**

5.38.2.1. **DELETED.**

5.38.2.2. **DELETED.**

5.38.3. **DELETED.**

5.38.3.1. **DELETED.**

5.39. The FY94 National Defense Authorization Act amended 10 U. S.C. 2005 to require the Secretary of the Air Force to appoint an investigating officer when a person disputes owing a debt for advanced education assistance funds. The investigating officer will examine the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. The investigating officer then makes findings and recommendations in a report for the Secretary. The discharge board or, if the board is waived, the separation authority, will make these findings and recommendations in lieu of an investigating officer. Accordingly, respondents must be provided notice that their right to an examination of the propriety of the disputed debt of advance education assistance funds will be accomplished by the board or discharge authority in lieu of an investigating officer appointed by the Secretary.

5.40. Action Required of the Commander:

5.40.1. The unit commander determines the extent and type of investigation needed to find whether probable cause for discharge exists based on the type of information received. If the unit commander determines that no credible information exists to form a basis for discharge, he or she may decide no further action is warranted. However, if the unit commander believes there is credible information that a basis for discharge exists, then the unit commander can request a fact-finding inquiry be conducted. If not a General Court-Martial Convening Authority (GCMCA) who is also a general officer, the unit commander forwards the information to the first GCMCA who is a general officer in the member's chain of command.

5.40.2. The first GCMCA who is a general officer in the member's chain of command:

5.40.2.1. Shall initiate discharge processing if there is probable cause to believe separation is warranted under paragraph 5.36. In making this probable cause determination, the standards of Attachment 4, paragraphs A4.4. through A4.7. are applicable.

5.40.2.2. Is not required to comply with paragraph 5.2. Preprocessing counseling and rehabilitation are not applicable.

5.40.3. DELETED.

5.40.4. DELETED.

5.41. Recommendations of the Administrative Discharge Board.

5.41.1. If the board finds that one or more of the circumstances authorizing separation under paragraph 5.36.2. is supported by a preponderance of the evidence, the board must recommend discharge unless there is a further finding that retention is warranted under the circumstances described in paragraph 5.36 (See paragraph 5.37).

5.42. When Retention is Considered:

5.42.1. 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 **paragraph 5.36.2**.

5.42.2. Findings regarding the existence of the circumstances warranting a member's retention under paragraph 5.36 are required of the board or the discharge authority only if:

5.42.2.1. The member clearly and specifically raises such circumstances; or

5.42.2.2. The board or discharge authority relies upon such circumstances to justify the member's retention.

5.43. Other Authorized Disposition. Nothing in this regulation:

5.43.1. Limits the authority of the Secretary of the Air Force to take appropriate action in a case to ensure that there has been compliance with the provisions of this section.

5.43.2. Authorizes a member to seek Secretarial review.

5.43.3. Precludes discharge in appropriate circumstances for another reason set forth in this regulation.

5.43.4. Precludes trial by court-martial in appropriate cases.

5.43.5. Requires that a member be processed for separation when a determination is made by the member's commander that:

5.43.6. 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

5.43.7. Separation of the member would not be in the best interest of the Air Force.

5.44. Separation Authority:

5.44.1. The GCMCA, if a general officer, personally takes final action on the case.

5.44.1.1. If the GCM authority is not a general officer, he or she forwards the case to the first general officer GCMCA in his or her chain of command for disposition.

5.44.1.2. If the member waives the board hearing and the separation authority directs a type of separation less favorable than the commander recommends, the approving correspondence must include a detailed statement of the reasons for the less favorable characterization.

5.44.1.3. In cases where the member did not waive the board or waived the board and requested retention, if the GCMCA directs separation, prior to execution of the

separation, the GCMCA will forward the case file to the Director, Air Force Review Boards Agency (AFRBA) for review. The case file will be forwarded to the review authority by the most expeditious means possible.

5.44.2. Director, AFRBA takes appropriate action within 7 work days of receipt. The review authority can take the following actions:

5.44.2.1. No action (leaving the separation authority decisions unaltered); or

5.44.2.2. Take any action more favorable to the member including directing retention or a more favorable separation characterization; or

5.44.2.3. Return the case to the GCMCA who took action for further specific processing requirements. (Note: The case may need to be returned to SAF/MRB for review of a subsequent separation decision).

5.44.2.4. DELETED.

5.44.3. DELETED.

5.45. Suspension of Discharge. Airmen approved for discharge under this provision are not eligible for probation and rehabilitation under **Chapter 7**. If the member has lengthy service, the provisions of **Chapter 6**, **Section 6F**, apply. If the member is retirement eligible, the provisions of **Chapter 6**, **Section 6E** apply.

Section 5H—Misconduct.

5.46. Policy. Airmen in the active military service are required to maintain, both on and off duty, the high standards of personal conduct set for Air Force members. They occupy a unique position in society, representing the military establishment 24 hours a day. This special status carries with it a permanent obligation to uphold and maintain the dignity and good reputation of the Air Force at all times and in all places. Therefore, unacceptable conduct any time adversely affects military duty performance.

5.47. Types of Misconduct. Airmen are subject to discharge when there is evidence of one or more of the acts or patterns of misconduct described in this section (**paragraph 5.3.1**). If this requirement is met, the entire military record may be considered in deciding whether the member should be discharged or retained.

5.47.1. For information about patterns of conduct that make an airman subject to discharge, see **paragraphs 5.49** and **5.50** Airmen in entry level status will not be discharged under **paragraph 5.49** If a pattern of minor disciplinary infractions warrants the discharge of an airman in entry level status, process the case under **Section 5D**.

5.47.2. One serious military or civilian offense may be a basis for discharge for misconduct. A basis for discharge exists if the MCM authorizes a punitive discharge for the offense or a closely related one. Commanders must look closely at the specific circumstances of the offense and the guidance in paragraph 6.1 to decide whether discharge processing is warranted. For more information about specific offenses that are a basis for discharge, see paragraphs 5.52, 5.54, and 5.55.

5.47.3. Conviction by civil authorities is a basis for discharge under some conditions. To find whether the action by a court makes the member subject to discharge for misconduct, see **paragraph 5.51**.

5.47.4. Misconduct involving sexual assault or sexual assault of a child must be processed under paragraph 5.55.

5.47.5. Misconduct involving fraudulent entry must be considered under **Section 5C**.

5.47.6. Misconduct involving drug abuse must be processed under **paragraph 5.54**.

5.47.7. Do not start discharge processing for a pattern of misconduct, **paragraph 5.49** or **5.50**, until the member has been counseled about the deficiencies and given a chance to overcome them. Comply with the requirements of **paragraph 5.2** If the sole reason for discharge is one serious offense or a civil court conviction, the counseling and rehabilitation requirements are not applicable.

5.48. Type of Separation:

5.48.1. Refer to Chapter 1, Section 1B, for guidelines for characterizing service. Usually, discharges under paragraphs 5.50., 5.51., 5.52, 5.54, and 5.55 should be under other than honorable conditions. In addition, refer to paragraph 1.30 of this Instruction for special processing procedures for a service characterization under other than honorable conditions.

5.48.2. If the service of a member warrants an under other than honorable conditions characterization and the sole basis for discharge is a serious offense that resulted in conviction by a court-martial that did not impose a punitive discharge, the commander will process the case under **paragraphs 6.2.2** and **1.21.2** ***EXCEPTION:*** Cases processed by the Commander, Headquarters, Security Police Agency, Kirtland AFB NM, on members in rehabilitation or prisoners attached to the 3320th Correction and Rehabilitation Squadron will be forwarded directly to HQ AFMPC/DPMARS2 (**paragraph 1.21.2**).

5.48.3. If discharge under other than honorable conditions does not appear to be warranted under those guidelines:

5.48.3.1. The separation of an airman in entry level status will be described as an entry level separation.

5.48.3.2. The separation of an airman who has completed entry level status may be characterized as under honorable conditions (general).

5.48.4. The service of a member discharged under this section may be characterized as honorable only if:

5.48.4.1. The member has completed entry level status;

5.48.4.2. The member's record has been so meritorious that any other characterization would be clearly inappropriate; and

5.48.4.3. The GCM authority approves the service characterization.

5.49. Minor Disciplinary Infractions. A pattern of misconduct consisting solely of these infractions in the current enlistment makes an airman subject to discharge. The infractions under this section may involve failure to comply with nonpunitive regulations or minor offenses under the UCMJ. Infractions of this type result, as a rule, in informal (reduced to writing) or formal

counselings, letters of reprimand, or Article 15 nonjudicial punishments. Do not discharge airmen in entry level status under this provision. Process the action under **Section 5D** if an airman in entry level status should be discharged based on minor disciplinary infractions.

5.50. A Pattern of Misconduct. A pattern of misconduct in the current enlistment consisting wholly or in part of misconduct more serious than that considered under **paragraph 5.49** makes an airman subject to discharge. The specific pattern or patterns of misconduct should be cited in the separation case. See **Chapter 6**, **Section 6H**, when more than one reason identified below is used. The pattern may consist of:

5.50.1. **Discreditable Involvement with Military or Civil Authorities.** Acts for which the member was or might have been punished under the UCMJ may be part of the pattern. The lack of UCMJ jurisdiction over the offense is irrelevant. Civil offenses that in and of themselves are not a basis for discharge under **paragraph 5.51** may be cited to show the pattern of misconduct.

5.50.2. **Conduct Prejudicial to Good Order and Discipline.** This includes conduct of a nature that tends to disrupt order, discipline, or morale within the military community. This category of misconduct usually involves causing dissent, disruption, and degradation of mission effectiveness. It also includes conduct of a nature that tends to bring discredit on the Air Force in the view of the civilian community.

5.50.3. Failure to Support Dependents.

5.50.4. Dishonorable Failure to Pay Just Debts.

5.51. Civilian Conviction:

5.51.1. Airmen are subject to discharge for misconduct based on conviction by civilian authorities or action tantamount to a finding of guilty, including similar adjudications in juvenile proceedings, when:

5.51.1.1. A punitive discharge would be authorized for the same or a closely related offense under the MCM; or

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

5.51.2. Action tantamount to a finding of guilty may occur where, notwithstanding the absence of a specific finding of guilty, the court proceeds in a manner that is inconsistent with any reasonable hypothesis other than an assumed guilt of misconduct.

5.51.2.1. The most common example of this exists where, under statutory authority, a court or other agency of the judicial or legal system (to include a state or county prosecuting attorney in some instances) without a specific finding of guilty, and with the consent of the individual, proceeds to subject the individual to some form of deprivation or restraint of the person's theretofore unfettered liberty for a period of time as a condition to some ultimate official act of grace, forgiveness, or dismissal of charges; for example, successful probation in return for a clean record.

5.51.3. A commander must act promptly when he or she has information indicating a member is subject to discharge based on civilian conviction. The commander should evaluate

the specific circumstances of the offense, how it occurred, the action of the civilian authority, the member's record, and the member's potential for future service.

5.51.3.1. If the commander determines that discharge action is warranted, discharge action should be initiated promptly.

5.51.3.2. If the commander determines that retention is appropriate and the civilian conviction involves an offense for which a punitive discharge and confinement for 1 year or more would be authorized for the same or closely related offense under the MCM, then a request for waiver of discharge must be processed.

5.51.3.3. If the commander determines that retention is appropriate and the offense under the MCM does not authorize confinement for 1 year or more, then a request for waiver of discharge is not required.

5.51.3.4. If the commander fails to act promptly, the airman may become the recipient of a constructive waiver. Failure to exercise the option to discharge when the facts are known tends to show intent to retain the airman. The mere passage of time, standing alone, is not sufficient for a constructive waiver. There must be other acts in conjunction with the passage of time which reflect the intent to retain the member, such as promotion or reassignment.

5.51.3.4.1. The determination as to whether or not there is a constructive waiver must be made by the commander having the express waiver authority, not by a discharge board or other authority, although they may make recommendations. Where discharge action has been initiated, the passing of time is immaterial to the issue of whether a constructive waiver has resulted.

5.51.4. For processing instructions unique to cases involving civilian conviction, see **Chapter 6**, **Section 6J**.

5.52. Commission of a Serious Offense. Airmen are subject to discharge for misconduct based on the commission of a serious offense if a punitive discharge would be authorized for the same or a closely related offense under the MCM. Discharge processing should be initiated if the specific circumstances of the offense warrant separation.

5.52.1. Sexual Perversion. Airmen are subject to discharge for misconduct based on acts of aberrant sexual behavior or acts of sexual misconduct, which include, but are not limited to, the following specific UCMJ offenses: indecent viewing, visual recording, or broadcasting; forcible pandering; indecent exposure.

5.52.1.1. DELETED

5.52.1.2. DELETED

5.52.1.3. DELETED

5.52.1.4. DELETED

5.52.2. **Prolonged Unauthorized Absence.** Airmen may be discharged for misconduct based on unauthorized absence continuing for 1 year or more. When a member who has been absent for 1 year or more returns to military control, the GCM authority decides whether the member will be tried by court-martial. If trial for the unauthorized absence is barred, or is considered inadvisable, the airman may be processed for administrative discharge. Discharge

processing takes place at the base where the member returns to military control. Airmen who do not return to military control may not be processed for discharge for unauthorized absence without the approval of HQ AFMPC/DPMARS2. Refer to **Chapter 6**, **Section 6I**, for more information.

5.52.3. **Unprofessional Relationship by Person Serving in Special Position of Trust as Recruiter, Faculty or Staff.** Airmen are subject to discharge for misconduct based on acts that constitute unprofessional relationships between recruiters and potential recruits during the recruiting process or between students and faculty or staff in training schools or professional military education setting. Unprofessional relationships include, but are not limited to, those listed below.

5.52.3.1. Dating or carrying on a social relationship with a potential recruit or trainee, seeking or engaging in sexual activity with, or making sexual advances to, or accepting sexual overtures from a potential recruit or trainee or member of the immediate family of a potential recruit or trainee.

5.52.3.2. Using grade, position, threats, pressure or promises to attain or attempt to attain any personal benefit of any kind from a potential recruit or trainee or member of the immediate family of a potential recruit or trainee.

5.52.3.3. Sharing living quarters with, gambling with, lending money to, borrowing money from or becoming indebted to, soliciting donations (other than for Air Force approved campaigns) from, or using personal resources to provide a potential recruit or trainee or member of the immediate family of a potential recruit or trainee with lodging or transportation or any other benefit.

5.52.4. **Other Serious Offenses.** If the offense that makes the member subject to discharge under this paragraph is not covered in **paragraph 5.52.1**, **5.52.2**, **or 5.52.3**, cite this paragraph as the basis of the action.

5.53. Human Immunodeficiency Virus (HIV). An airman with seriologic evidence of HIV infection may be discharged when he or she is found not to have complied with lawfully ordered preventive medicine procedures.

5.54. Drug Abuse. Drug abuse is incompatible with military service and airmen who abuse drugs one or more times are subject to discharge for misconduct.

5.54.1. Drug abuse for purposes of this regulation is the illegal, wrongful, or improper use, possession, sale, transfer, or introduction onto a military installation of any drug. This includes improper use of prescription medication. The term drug includes any controlled substance in schedules I, II, III, IV, and V of Title 21 U.S.C., Section 812. It also includes anabolic/androgenic steroids, and any intoxicating substance, other than alcohol, that is inhaled, injected, consumed, or introduced into the body in any manner for purposes of altering mood or function.

5.54.2. The presence in the military environment of persons who engage in drug abuse seriously impairs accomplishing the military mission. Members who abuse drugs adversely affect the ability of the Air Force to:

5.54.2.1. Maintain discipline, good order, and morale.

5.54.2.2. Foster mutual trust and confidence among members.

5.54.2.3. Facilitate assignments and worldwide deployment.

5.54.2.4. Recruit and retain members.

5.54.2.5. Maintain public acceptability of military service.

5.54.2.6. Prevent breaches of security.

5.54.3. Evidence obtained through urinalysis or evidence furnished by the member in connection with initial entry in rehabilitation and treatment may be used to establish a basis for discharge. For limits on using such evidence in characterizing service, see **paragraph 1.21**.

5.54.4. Processing Procedures.

5.54.4.1. **Action required**. Commanders must act promptly when they have information indicating a member is subject to discharge for drug abuse. They evaluate the specific circumstances of the offense, the member's records, and the member's potential for future service and take action in accordance with the following paragraphs:

5.54.4.1.1. If it is warranted, discharge action must be started promptly. However, there is no time limit for initiating discharge action, and failure to do so does not at any time constitute a constructive waiver. Discharge action is waived only if waiver is expressly approved under Chapter 6, Section 6K.

5.54.4.1.2. If the commander determines a waiver of discharge is appropriate, a request for waiver must be processed promptly. See Chapter 6, Section 6K.

5.54.4.2. Retention Criteria and Consideration.

5.54.4.2.1. A member found to have abused drugs will be discharged unless the member meets all seven of the following criteria:

5.54.4.2.1.1. Drug abuse is a departure from the member's usual and customary behavior.

5.54.4.2.1.2. Drug abuse occurred as the result of drug experimentation (a drug experimenter is defined as one who has illegally or improperly used a drug for reasons of curiosity, peer pressure, or other similar reasons).

5.54.4.2.1.3. Drug abuse does not involve recurring incidents, other than drug experimentation as defined above.

5.54.4.2.1.4. The member does not desire to engage in or intend to engage in drug abuse in the future.

5.54.4.2.1.5. Drug abuse under all the circumstances is not likely to recur.

5.54.4.2.1.6. Under the particular circumstances of the case, the member's continued presence in the Air Force is consistent with the interest of the Air Force in maintaining proper discipline, good order, leadership, and morale (Noncommissioned officers have special responsibilities by virtue of their status; fulfill an integral role in maintaining discipline; and, therefore, must exhibit high standards of personal integrity, loyalty, dedication, devotion to duty and leadership).

5.54.4.2.1.7. Drug abuse did not involve drug distribution. For the purpose of this paragraph, drug distribution means the delivery to the possession of another. Distribution does not occur with the transfer of the drugs from one person to another while such persons are engaged in the mutual use of drugs, except that individuals who obtain, or arrange for obtaining, the drugs used by others are involved in distribution. "Delivery" means the actual, constructive, or attempted transfer of the drugs, whether or not there exists an agency relationship.

5.54.4.2.2. The burden of proving that retention is warranted under these limited circumstances rests with the member. Findings regarding the existence of each of the limited circumstances warranting a member's retention are required of the board or the separation authority only if:

5.54.4.2.2.1. The member clearly and specifically raises such limited circumstances.

5.54.4.2.2.2. The board, or in the absence of a board, the separation authority relies upon such circumstances to justify the member's retention.

5.54.4.2.3. A member approved for discharge for drug abuse is not eligible for probation and rehabilitation in accordance with Chapter 7.

5.55. Sexual Assault. Sexual assault and sexual assault of a child are incompatible with military service and members who commit these offenses are subject to discharge for misconduct.

5.55.1. Sexual assault for purposes of this Instruction includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses. Sexual assault of a child for purposes of this Instruction includes a broad category of sexual offenses upon children consisting of the following specific UCMJ offenses: rape of a child, sexual assault of a child, and sexual abuse of a child.

5.55.1.1. DELETED

5.55.1.2. DELETED

5.55.2. The presence in the military environment of persons who commit sexual assault or sexual assault of a child undermines the ability of our members to work effectively as a team, impairs the readiness of our Force, and significantly detracts from accomplishing the military mission. Members who commit a sexual assault or sexual assault of a child adversely affect the ability of the Air Force to:

5.55.2.1. Maintain discipline, good order, and morale.

5.55.2.2. Foster mutual trust and confidence among members.

5.55.2.2.1. DELETED

5.55.2.2.2. DELETED

5.55.2.3. Facilitate assignments and prevent disruptions in worldwide deployment.

5.55.2.4. Recruit and retain members.

5.55.2.5. Maintain public acceptability of military service.

5.55.2.6. DELETED

5.55.2.7. DELETED

5.55.3. Processing Procedures.

5.55.3.1. Action required. Commanders must act promptly when they have information indicating a member is subject to discharge for sexual assault or sexual assault of a child. They evaluate the specific circumstances of the offense, the member's record and potential for future service, and take prompt action to initiate discharge or waiver action in accordance with the following paragraphs:

5.55.3.1.1. If discharge action is warranted, it must be started promptly. However, there is no time limit for initiating discharge action, and failure to do so does not at anytime constitute a constructive waiver. Discharge action is waived only if a waiver is expressly approved under Chapter 6, Section 6L.

5.55.3.1.2. If the commander determines a waiver of discharge action is appropriate, a request for waiver must be processed promptly. See Chapter 6, Section 6L.

5.55.3.2. Retention Criteria and Consideration.

5.55.3.2.1. A member found to have committed sexual assault or sexual assault of a child will be discharged unless the member meets all of the following criteria:

5.55.3.2.1.1. The conduct surrounding and including the sexual assault or sexual assault of a child is a departure from the member's usual and customary behavior.

5.55.3.2.1.2. The conduct surrounding and including the sexual assault or sexual assault of a child under all circumstances is not likely to recur.

5.55.3.2.1.3. The sexual assault or sexual assault of a child did not involve the penetration, however slight, of the vulva or anus or mouth of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

5.55.3.2.1.4. The sexual assault or sexual assault of a child was not committed by (1) using force causing or likely to cause death or grievous bodily harm to any person; (2) threatening or placing the other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping; (3) first rendering the other person unconscious; or (4) administering to the other person by force or threat of force, or without the knowledge or consent of the person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of the other person to appraise or control conduct.

5.55.3.2.1.5. The sexual assault or sexual assault of a child was not the result of an abuse of rank, grade, authority or position.

5.55.3.2.1.6. Under the particular circumstances of the case, the member's continued presence in the Air Force is consistent with the interest of the Air Force in maintaining proper discipline, good order, leadership, and morale. (Noncommissioned officers have special responsibilities by virtue of their status;

fulfill an integral role in maintaining discipline; and, therefore, must exhibit high standards of personal integrity, loyalty, dedication, devotion to duty and leadership.)

5.55.3.2.2. In addition to the retention criteria, the board or the separation authority must consider the impact of the sexual assault or sexual assault of a child on the victim and the views of the victim on retention. The burden of proving that retention is warranted under each of these limited circumstances rests with the member. Findings regarding the existence of each of the limited circumstances warranting a member's retention are required of the board or the separation authority only if:

5.55.3.2.2.1. The member clearly and specifically raises such limited circumstances.

5.55.3.2.2.2. The board, or in the absence of a board, the separation authority relies upon such circumstances to justify the member's retention.

5.55.3.2.3. A member approved for discharge for sexual assault or sexual assault of a child is not eligible for probation and rehabilitation in accordance with Chapter 7.

5.56. Separation Authority:

5.56.1. Unless an Airman who has made an unrestricted report of sexual assault requests review of the discharge (see paragraph 1.31), the SPCM personally approves or disapproves recommendations for discharge under this section processed by:

5.56.1.1. 1 Retention except in cases under paragraph 5.54 and 5.55.

5.56.1.1.1. Retention.

5.56.1.1.2. General discharge under **Section 5H**.

5.56.1.1.3. Entry level separation under paragraphs 5.50, 5.51, 5.52, 5.54 or 5.55.

5.56.1.2. Board hearing according to , **Section 6C**, if the board recommends:

5.56.1.2.1. Retention and action to request discharge according to **paragraph 1.2** is not contemplated.

5.56.1.2.2. General discharge or entry level separation and referral to the GCM authority for consideration of honorable discharge is not warranted according to **paragraph 5.48**

5.56.1.2.3. If the SPCM authority is also the GCM authority, the vice commander may be designated, in writing, to personally act on actions listed in **paragraphs 5.56.1.1** and **5.56.1.2**.

5.56.2. The GCM authority approves or disapproves the recommendations for discharge under this section which are not listed in **paragraph 5.56.1** This includes conditional and unconditional board hearing waivers for misconduct cases and cases when the SPCM authority is the initiating commander.

5.56.2.1. The GCM authority must personally act on cases resulting in:

5.56.2.1.1. Discharge under other than honorable conditions.

5.56.2.1.2. An honorable discharge based on misconduct. The GCM may delegate to the SPCM authority to approve honorable separations 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.

5.56.2.1.3. Disapproval of an SPCM authority's recommendation for an honorable discharge for misconduct.

5.56.2.1.4. Disapproval of the SPCM authority's recommendation for action under **paragraph 1.2**.

5.56.2.2. The GCM authority may designate, in writing, the vice commander to act on all cases not requiring the personal attention of the GCM authority as listed in **paragraph 5.56.2.1**.

5.56.3. The SPCM authority can reject conditional waivers. See **paragraph 6.26**.

Section 5I—Discharge in the Interest of National Security.

5.57. Criteria for Discharge. An airman whose retention is clearly inconsistent with the interest of national security may be discharged. Discharge action according to this paragraph is not started until:

5.57.1. All the actions required by DoDD 5200.2 R/AFI 31-501 (Formerly AFR 205-32) are completed; and

5.57.2. Air Force Security Clearance Office (AFSCO) has recommended discharge processing.

5.58. Required Processing. Process a recommendation for discharge in the interest of national security by board hearing or a waiver of board. Attach evidence of the action required by **paragraph 5.57** Comply with all applicable portions of **Chapter 6**. Notify AFSCO of the final decision in the case. The preprocessing counseling and rehabilitation requirements of **paragraph 5.2** do not apply.

5.59. Types of Separation. Commanders and other officials responsible for recommending or approving discharge under this section must review and be guided by the criteria for service characterization in Chapter 1, Section 1B. The separation will be described as an entry level separation if the airman is in entry level status. The service of other airmen may be characterized as honorable, general, or under other than honorable conditions. In addition, refer to paragraph 1.30. of this Instruction for special processing procedures for a service characterization under other than honorable conditions.

5.60. Separation Authority. The GCM authority personally takes final action on recommendations for discharge in the interest of national security. The vice commander may be designated in writing to act in cases that do not involve the issuance of a discharge under other than honorable conditions. For options of the separation authority, use **Table 6.12**.

Section 5J—Failure in Prisoner Retraining or Rehabilitation.

5.61. Applicability and Separation Authority. This provision applies only to airmen in correction or rehabilitation programs conducted at the HQ AFSPA/ SPC, Kirtland AFB NM; Detachment 1, HQ AFSPA/SPC, U.S. Disciplinary Barracks, Fort Leavenworth KS; Detachment 2, HQ AFSPA/SPC, Miramar Naval Brig, CA or Det 3, HQ AFSPA/SPC, Charleston Naval Brig, SC. The Commander, Air Force District of Washington (AFDW), is authorized to take final action on recommendations for discharge under this provision. The authority may be delegated, in writing, to the Vice Commander, 11SUW.

5.62. Eligibility for Discharge. Airmen will not be discharged under this provision if they are subject to an approved punitive discharge, whether suspended or not, or when other administrative or punitive action is more appropriate.

5.62.1. Airmen with less than 6 years of total military service may be discharged if:

5.62.1.1. Through inability or unwillingness to cooperate they fail to satisfactorily progress in, or to complete, a prisoner retraining or rehabilitation program.

5.62.1.2. They are not selected for a retraining or rehabilitation program.

5.62.2. Airmen with less than 20 years of active military service may be discharged if they:

5.62.2.1. Are confined at the 3320th Correction and Rehabilitation Squadron with a sentence that, as finally approved, includes confinement for 2 years or more but does not include a punitive discharge; and

5.62.2.2. Have been twice considered, but not selected, for rehabilitation training at the 3320th Correction and Rehabilitation Squadron.

5.63. Characterization of Service. As a rule, the service of an airman discharged under this provision will be characterized as under honorable conditions (general). An honorable discharge may be authorized if the airman's service, apart from the reason for separation, has been so meritorious that any other characterization would be clearly inappropriate.

5.64. Processing Discharge Action. The commander:

5.64.1. Prepares a letter to the Commander, 11 SUW, recommending discharge and the type of discharge to be issued. A copy of the Prisoner Disposition Board Report with the admission and progress summary sheets will be attached to the letter.

5.64.2. Gives the airman a copy of the recommendation for discharge with a letter explaining:

5.64.2.1. If the recommendation is approved, final decision as to the type of discharge to be issued rests with the separation authority.

5.64.2.2. Statements in rebuttal to the proposed action may be submitted and will be considered by the separation authority.

5.64.2.3. Advice and assistance will be provided by military legal counsel on request.

5.64.3. Requires the member to acknowledge receipt of the notice and state whether legal counsel is desired and whether a rebuttal will or will not be submitted.

5.64.4. Sends the recommendation for discharge, the airman's acknowledgment, and any statements submitted by the airman to the separation authority for final decision.

Section 5K—Failure in the Fitness Program.

5.65. Failure in the Fitness Program. Airmen who do not meet fitness standards in AFI 10-248, *Fitness Program,* (formerly AFIs 40-501 and 40-502) may be discharged when the failure in the fitness program resulted from a cause which was within their control. Follow the procedures for failure in the fitness program according to AFI 10-248 before starting action to discharge. Make sure the case file shows the record of those actions. ***NOTE:*** *Administrative actions commenced on or before 31 Dec 03 may be executed to completion, using this paragraph and separation program designator (SPD) codes JCR, GCR, and HCR. Members who were notified in writing on or after 1 Jan 04 (as specified in AFI 10-248) IAW this directive will be separated using SPD codes JFT, GFT and HFT and* **paragraph 5.26.6**.

5.66. Separation Authority and the Type of Separation.

5.66.1. The SPCM authority personally approves or disapproves discharge under this provision unless an Airman who has made an unrestricted report of sexual assault requests review of the discharge (see paragraph 1.31). If the SPCM authority also exercises GCM authority, the vice commander may be designated, in writing, to act personally on these cases. If the SPCM authority is the initiating commander, the case must be referred to the GCM authority for final decision.

5.66.2. The service of airmen discharged for not meeting fitness standards will be characterized as honorable if the sole reason for separation is failure to meet fitness standards.

5.67. Suspension of Discharge. Airmen approved for discharge under this provision should be considered for probation and rehabilitation under **Chapter 7**. If the member has lengthy service, comply with **Chapter 6**, **Section 5F**. If the member is reenlistment eligible, comply with **Chapter 6**, **Section 6E**.

Figure 5.1. Sample Format for Request for Civil Court Record Concealed at Time of Enlistment.

SAMPLE
(Appropriate Letterhead)

MEMORANDUM FOR (CLERK OF THE APPLICABLE COURT)

FROM: (functional address symbol) (date)

SUBJECT: Request for Civil Court Record - ACTION MEMORANDUM

We have been advised that (full name), who is now a member of the Air Force assigned to this base has been the subject of criminal action in your court.

(Give whatever information is available about the nature of the offense and the dates of the action.)

At time of enlistment, the airman failed to admit having been arrested for, or convicted of, this offense. Please use the attached envelope to send us a certified copy of the court record showing the disposition of the case. We will use the information in deciding whether the airman should be discharged or allowed to remain in the Air Force. If your records show that airman is on parole or there are charges pending, please give us the name and address of the person or agency with whom we may correspond. A self-addressed envelope requiring no postage is enclosed for your convenience. Thank you for your help.

(signature)

1 Atch

Table 5.1. Action after Concealment of Prior Service is Verified.

RULE	A	B	C	D
	If verification of prior service discloses that the airman	**And**	**then the action is to**	**and**
1	was discharged from a prior enlistment and is subject to discharge from the current enlistment because of concealment of prior service		discharge the airman or grant a waiver.	
2	has an unterminated enlistment in a Reserve component of one of the armed forces other than Air Force	the airman had not received orders to report for active military service or for a medical examination prior to enlistment in the Air Force	advise the service concerned of the enlistment in the Air Force	request that the member be discharged from the unterminated Reserve enlistment.
3		the airman had received orders to report for active military service or medical examination in preparation for entry on active duty and the service concerned requests that Air Force discharge the member	process the airman for discharge.	

RULE	A	B	C	D
	If verification of prior service discloses that the airman	**And**	**then the action is to**	**and**
4	is absent without leave (AWOL) or in desertion status from prior service in Army, Navy, Marine Corps or Coast Guard	the other service verifies the unauthorized absence	give the other service an opportunity to take custody	release the airman from the void enlistment by reason of incompatible status
5	is AWOL or in desertion status from one prior service enlistment the Air Force	trial for desertion from the first enlistment is barred by the statue of limitations	discharge the airman from the unterminated enlistment for prolonged unauthorized absence	dispose of the void enlistment or enlistment's according to Chapter 2.
6		trial for desertion from the first enlistment is not barred by the statue of limitations	dispose of the charges by trial or other appropriate action	
7	is AWOL or in desertion status from more than one unterminated enlistment in the Air Force			

Table 5.2. Disposition of Case Involving Concealment of Mental Illness or Disorder.

RULE	**If an airman enlists concealing a history of mental illness or disorder and is presently**	**and at the time of enlistment, the airman**	**then the airman may be**
1	able to understand the nature of the proceeding and help in the defense	had the substantial capacity to appreciate the illegality of the act and to conform to the law or established standards	discharged for fraudulent enlistment.
2		because of mental illness or defect was not able to appreciate the illegality of the act and to conform to established standards (see note)	discharged for erroneous enlistment.
3	not able to understand the nature of the proceeding and help in the defense		separated according to AFI 36-2902 (formerly AFR 35-4)

RULE	If an airman enlists concealing a history of mental illness or disorder and is presently	and at the time of enlistment, the airman	then the airman may be
4		had the substantial capacity to appreciate the illegality of the act and to conform to the law or established standards	

NOTE: If the member was legally insane, refer to **paragraph 2.19.**

Table 5.3. Disposition of Airmen Who Enter Fraudulently Concealing Medical Disqualification (See Note 1).

RULE	A	B	C	D
	If airman enlists concealing	**and is now**	**then the airman may be discharged for**	**or**
1	medical defects or a history of medical conditions (see note 2)	medically qualified for further service	fraudulent entry	may be given a waiver of discharge.
2		not medically qualified for further service (see note 3)		separated under AFI 36-2902 (formerly AFR 35-4).
3	a record of prior service terminated by discharge for disability		fraudulent entry based on concealment of prior service	

NOTES:

1. Airmen who did not enlist fraudulently and are disqualified for further service because of medical defects that existed prior to enlistment are considered for disability evaluation.
2. For information about cases involving mental illness or disorder, see **Table 5.2.**
3. For information about dual action cases, see **Chapter 6 Section 6E**.

Table 5.4. Type of Separation and Approval Authority--Erroneous Enlistment or Fraudulent Entry.

RULE	A	B	C	D	E
		and the airman is			
	If the reason for discharge is	**in Entry Level Status**	**not in Entry Level Status**	**then the type of separation**	**and the authority is**
1	erroneous enlistment	X		will be Entry Level Separation	The SPCM authority
2			X	will be honorable	
3	fraudulent entry not involving prior service with less than an honorable discharge	X		may be entry level separation	the SPCM authority (see note 1 and 2)
4			X	may be honorable or general	
5		X		may be under other than honorable conditions	the GCM authority.
6	fraudulent entry involving prior service with less than an honorable discharge			usually will be under other than honorable conditions (see note 3)	

NOTES:

1. If the initiating commander is also the SPCM authority or an Airman who has made an unrestricted report of sexual assault requests review of the discharge (see paragraph 1.31), the case will be referred to the GCM authority.

2. If the SPCM authority is also the GCM authority, the vice commander may be designated, in writing, to personally act on this action.

3. In rare cases a less severe type of discharge may be warranted. In such circumstances the separation of an airman from entry level status may be described as an entry level separation and other airmen may receive general discharges. The separation authority's letter directing the type of separation will give the reason for the more favorable action.

Chapter 6

PROCEDURES FOR INVOLUNTARY DISCHARGE

Section 6A—Processing Guidelines

6.1. Separation or Retention. If processing is not mandatory, the initiating commander, the board members, and the separation authority must think of the member's potential for future useful service. This is most important in a case where the member's prior service has been good. If separation is warranted, they may find that execution of the discharge should be suspended according to **Chapter 7**. The facts and circumstances are different in each action and must be judged on a case-by-case basis.

6.1.1. The decision to discharge or retain a member should be consistent with the Air Force policy explained in **paragraph 1.5** Before deciding, fully consider all the factors that make the member subject to discharge, including:

6.1.1.1. The seriousness of the circumstances that make the airman subject to discharge and how the airman's retention might affect military discipline, good order, and morale.

6.1.1.2. Whether the circumstances that are the basis of the discharge action will continue or recur.

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

6.1.1.4. The member's ability to perform duties effectively in the present and in the future.

6.1.1.5. The member's potential for advancement and leadership.

6.1.1.6. Evaluation of the member's military record must include, but need not be limited to:

6.1.1.6.1. Records of nonjudicial punishment.

6.1.1.6.2. Records of counseling.

6.1.1.6.3. Letters of reprimand or admonition.

6.1.1.6.4. Records of conviction by courts-martial.

6.1.1.6.5. Records of involvement with civilian authorities.

6.1.1.6.6. Past contributions to the Air Force.

6.1.1.6.7. Duty assignments and EPRs.

6.1.1.6.8. Awards, decorations, and letters of commendation.

6.1.1.6.9. The effectiveness of preprocessing rehabilitation as prescribed by **paragraphs 1.5** and **5.2**.

6.1.2. Commanders, board members, or discharge authorities will consider facts they find to be material and relevant. Their specialized training, duties, and experience enable them to weigh such matters in making recommendations and decisions under this regulation.

6.1.3. Isolated incidents and events that are remote in time have little probative value in determining whether the member should be discharged. Cases in which the circumstances may warrant the use of records from prior enlistments are ordinarily limited to those where patterns of conduct or duty performance show up only over a long period of time. The successful completion of a period of service is a fact that is usually evaluated without reference to material held in the master personnel record (MPerR).

6.1.3.1. Records of adverse material from a prior enlistment or period of service should be considered only if such records would have a direct, strong probative value in the case. HQ AFMPC, Records Management Division (DPMDOA), provides copies of documents from, or information about, prior service on request.

6.1.4. Unit commanders should confer on their proposed course of action with the MPF and servicing staff judge advocate who will review the supporting file and advise on the appropriate course of action.

6.2. Procedural Requirements:

6.2.1. **Mandatory Action.** The fact that there is a basis for discharge under **Chapter 5** does not make discharge processing mandatory unless the reason is:

6.2.1.1. Sexual assault or sexual assault of a child, unless there is an approved waiver under the provisions of Section 6L.

6.2.1.2. Fraudulent or erroneous enlistment unless there is an approved waiver under the provisions of **Section 6C**.

6.2.1.3. Civil court conviction unless there is an approved waiver under the provisions of **Section 6H**.

6.2.1.4. Drug abuse, unless there is an approved waiver under the provisions of **Section 6K**.

6.2.2. **Board Hearing.** Airmen recommended for discharge for a reason in **Chapter 5** must be offered an opportunity for a hearing by an administrative discharge board if one or more of the conditions listed below applies:

6.2.2.1. The respondent is an NCO at the time discharge processing starts.

6.2.2.2. The respondent has 6 years or more total active and inactive military service at the time the discharge processing starts. This includes service in the delayed enlistment program (DEP). The disposition board hearing meets this requirement for cases processed under **Chapter 5**, **Section 5J**.

6.2.2.3. An under other than honorable conditions discharge is recommended.

6.2.2.4. **DELETED.**

6.2.2.5. Discharge in the interest of national security is recommended.

6.2.2.6. The respondent is a commissioned or warrant officer of the USAFR.

6.2.3. **Notification Procedure.** Use the notification procedure in **Section 6B** if the offer of a board is not required under **paragraph 6.2.2**

6.2.4. **Additional Processing.** To find whether the circumstances of the case make additional processing necessary, use **Table 6.1**, before discharge processing starts. Comply with these requirements for members who qualify at any time before discharge. Refer to **Section 6I** and **Section 6J** if the reason for discharge is civilian conviction or unauthorized absence.

6.3. Medical Examinations. Airmen recommended for involuntary discharge are given a standard examination IAW 48-123, *Medical Examinations and Standards*, Chapter 8. The examination must document specifically the medical aspects pertaining to the reason(s) for the discharge action. ***EXAMPLE:*** Reference paragraph 5.26.6., document that there is not a medical condition that would preclude the member from meeting fitness program standards. In addition, the medical examination must indicate whether the Airman is or is not medically qualified for worldwide service and separation. See Table 6.2. of this Instruction, AFI 36-2102, *Base-Level Relocation Procedures* and AFI 48-123, *Medical Examinations and Standards*, for more information. Also, add the report of medical examination to the case file as soon as it is complete. The enlistment medical examination meets this requirement if it is still valid and reason for discharge does not involve misconduct or another reason that may lead to a discharge under other than honorable conditions. In addition, refer to paragraph 1.30 of this Instruction for discharge under other than honorable conditions. If discharge processing in absentia is authorized, the medical examination is not required.

6.3.1. DELETED.

6.4. Enlisted Performance Report (EPR):

6.4.1. An EPR is required for separation cases involving parenthood (**paragraph 5.9**), conditions that interfere with military service (**paragraph 5.11**), unsatisfactory performance (**paragraphs 5.25** and **5.26**) or failure in the fitness program (**paragraph 5.65**). For A1C and below with less than 20 months' Total Active Federal Military Service (TAFMS), AFI 36-2403 requires a mandatory letter of evaluation (LOE) in lieu of an EPR.

6.4.1.1. Complete an EPR if the airman has not had an EPR closing in the 90 days before the day discharge action starts, and the period of supervision has been 60 days or more. If it is less than 60 days, the commander must explain the absence of the EPR in the commander's recommendation.

6.4.1.2. The EPR or LOE must close out within 90 days before the discharge action starts.

6.4.1.3. The initiating commander notifies the MPF if an EPR or LOE is required.

6.4.1.4. Complete an LOE if the airman has not had an LOE closing in the 90 days before the discharge action starts to document the requirements of **paragraph 6.4.1**.

6.4.2. The initiating commander may direct that an EPR be submitted according to AFI 36-2403 (formerly AFR 39-62) on other separation cases.

6.5. Information Received After Discharge Action Starts:

6.5.1. **Unfavorable Information.** More evidence about the reason for discharge may be found after discharge action starts. In some cases, there may be new information about the reasons for discharge. If the evidence or information could materially affect the outcome of the case, the commander immediately gives the member an addendum to the original notification letter. The addendum states the substance of the new evidence or reasons for discharge. This letter must tell the member again to consult legal counsel and that statements in rebuttal may be submitted.

6.5.1.1. If board proceedings are not involved, the initiating commander notifies the SPCM authority at once and sends a copy of the addendum, the new evidence, and any statements submitted by the respondent to the SPCM authority for consideration.

6.5.1.1.1. The separation authority may consider the new evidence or reason for discharge an integral part of the discharge case if a final decision has not been made. It may be a basis for returning the case to the commander to start new discharge proceedings.

6.5.1.1.2. If the final decision has been made, the separation authority may not change the decision to make it less favorable to the airman. However, the separation authority may change the decision to one of retention, thus terminating the action. In such a case, the separation authority may also return the case to the initiating commander for use in a new administrative discharge action. For limitations on using the material to establish a basis for discharge, see **paragraph 5.4.3**.

6.5.1.2. If board proceedings are involved and the board has not reached its findings and recommendations, the commander notifies the SPCM authority at once, and then sends a copy of the addendum to the SPCM authority. The new evidence or additional reasons for discharge and the member's statements are included. The SPCM authority may:

6.5.1.2.1. Refer the new material to the board. The board may consider it, if the airman is given the right to defend against it. The same rules of evidence and procedures applicable to other evidence before the board apply to the new evidence.

6.5.1.2.2. Elect not to refer the new material to the board. If so, it may not be considered in the pending action or used later as a basis to start other administrative discharge proceedings.

6.5.1.3. If the board has closed after announcing its findings and recommendations, the new evidence and additional reasons for discharge:

6.5.1.3.1. May not be referred to the board.

6.5.1.3.2. May be sent to the separation authority with the record of the board proceedings. The commander notifies the separation authority at once and sends a copy of the addendum to the notification letter and the respondent's reply. The separation authority may consider the information but may not take any administrative action less favorable to the respondent than recommended by the board and authorized for the reason for discharge.

6.5.1.3.2.1. However, if the decision is to retain the member, the new material may be returned to the initiating commander for use in a new administrative action.

6.5.1.3.2.2. Further, if the decision is to discharge the member, the separation authority may change the decision to one of retention, thus terminating the separation action. In such cases, the separation authority may also return the case to the initiating commander for use in a new administrative discharge action.

6.5.1.3.2.3. For limitations on using the material to establish a basis for discharge, see **paragraph 5.4.3**.

6.5.1.3.3. May be considered in a new action referred to a second board according to **Table 6.3**.

6.5.2. **Favorable Information.** The initiating commander sends the new information to the member, member's counsel, and the SPCM authority for submission to the separation authority.

6.6. Preparation of Recommendations for Discharge. Make enough copies so the original and one copy with all attachments, will reach the separation authority. Make sure a copy is available for the member (reference **Table 1.5**, line M). List all the reasons or allegations on which the action is based and the circumstances upon which each is based in the body of the letter of notification signed by the initiating commander. Use the organizational letterhead, printed or typed, for letters recommending or approving discharge.

6.7. Processing Time Goals. It is usually in the best interest of both the member and the Air Force to process the case without delay. This does not mean that the respondent's rights can be denied in any way. Neither does it mean that the Air Force case should be less than complete. Processing time will vary because of local circumstances. It will be affected by location, the availability of counsel, court reporting capability, processing a referral EPR, the need for referral to the Air Force physical disability system, or other special processing requirements. Average total processing times are shown in **Table 6.4**.

6.7.1. The SPCM authority sets local processing time standards for each agency involved to make sure that all their actions are usually completed within the Air Force goals. MAJCOMs will monitor the effectiveness of airman separation programs under their control to make sure cases are being processed within the goals established by **Table 6.4**. Failure to meet the suggested time standards does not affect the validity of the action.

Section 6B—Notification Procedures.

6.8. Use and Purpose. To find when a recommendation for discharge will be processed by notification, see **paragraph 6.2**. Under this procedure, the member has the right to:

6.8.1. Receive written notice of the reasons, including the circumstances upon which the action is based, for discharge and the least favorable type of separation authorized.

6.8.2. Copies of the documents to be forwarded to the separation authority in support of the recommendation.

6.8.3. Consult counsel.

6.8.4. Submit statements in rebuttal.

6.8.5. Waive the rights in bullets 3 and 4 above.

6.9. Action by the Initiating Commander. The initiating commander takes immediate action on individuals under personnel reliability program (PRP) for their permanent decertification prior to discharge (AFI 36-2104 (formerly AFR 35-99)). In all separation actions, the commander will:

6.9.1. Notify the MPF if an EPR is required, see **paragraph 6.4**. The initiating commander may direct that an EPR be rendered according to AFI 36-2403 (formerly AFR 39-62) on other separation cases.

6.9.2. Obtains military legal counsel to assist the airman. Counsel must be qualified under UCMJ, Article 27(b) (1).

6.9.3. Schedules the airman for a medical examination and tells the medical facility the reason for the recommended discharge. For more information, see **paragraph 6.3** ***EXCEPTION:*** This examination is not required when the enlistment physical is still valid. ***NOTE:*** Commanders may schedule the member for a separation physical upon making the initial decision to initiate separation, prior to serving the member with a letter of notification of discharge.

6.9.4. Gives the airman written notice of the proposed discharge. **Figure 6.1** is a sample format for the notification letter for airmen in entry level status. Use the format in **Figure 6.2** for other airmen. Attach documents reflecting derogatory information, such as demotions, time lost, record of disciplinary actions, enlisted performance reports (EPR), and derogatory data (reference **Figure 6.5**, **paragraphs 2.7**, **2.8**, **2.9**, **2.10**, and **2.12**), if applicable. Provide an advance information copy of the notification letter without attachments to the MPF Separations Unit for suspense and internal MPF coordination.

6.9.5. Advises the airman that an involuntary discharge makes an individual ineligible for reenlistment in the Air Force and will probably preclude enlistment in any component of the armed forces.

6.9.6. Advises the airman where a copy of this instruction may be found for use while the case is being processed.

6.9.7. Obtains a receipt for the notification letter. For a sample format of the receipt for notification letter, use **Figure 6.3**.

6.9.8. Obtains the airman's statement or statements within 3 workdays. For a sample format of the airman's statement, use **Figure 6.4** ***NOTE:*** If the airman does not sign this statement, the commander annotates the letter to show whether the member indicated that any of the rights would be exercised.

6.9.9. Prepares a recommendation to the SPCM authority as shown in **Figure 6.5**.

6.9.10. Sends the case file to the servicing MPF for further processing. At this point the case file should contain the:

6.9.10.1. Commander's recommendation with attachments (listed below).

6.9.10.2. Copy of the notification letter with attachments (**paragraph 6.8** second bullet and **Figure 6.1** or **6.2**).

6.9.10.3. Addendum to notification letter (if applicable).

6.9.10.4. Airman's receipt of notification letter (**Figure 6.3**).

6.9.10.5. Airman's statement with or without attachments (see **Figure 6.4** and note in **paragraph 6.9.8**).

6.9.10.6. Medical examination (if available).

6.9.10.7. Other documents, if applicable.

6.9.11. Notifies the local Financial Services Office (FSO), in writing, as soon as the discharge is initiated. The letter should request the FSO notify you if member is indebted to the government and what action will be taken to collect the debt. Use AFI 36-2102 (formerly AFR 35-17), as an example, to notify local base agencies of discharge initiation. If discharge is disapproved, re-notify appropriate agencies.

6.9.12. For members who are convicted by court-martial and do not receive a punitive discharge, consideration should be given to the initiation of involuntary separation action under this directive. If action is taken to separate, this should be done prior to the confinement facility requesting transfer to the HQ AFSPA/SPC. There is sufficient time between the adjudged date and the action of the convening authority to initiate separation action.

6.10. Action by the Member. The member:

6.10.1. Acknowledges receipt of the notification letter in a statement made according to **Figure 6.3**. If the member does not respond or responds without signing the statement provided, the commander will make an appropriate notation on the statement regarding the member's failure to do so.

6.10.2. Reports for the medical examination as directed.

6.10.3. Consults the appointed military legal counsel.

6.10.4. Submits statements by the date set in the notification letter or declines the opportunity to do so. The commander may give the member more time if there is good reason for the request. Failure by the member to respond within 3 workdays or by the end of an approved extension constitutes a waiver of the member's rights. For a format of the airman's statement, use **Figure 6.4**. If the member does not respond or responds without signing the statement provided, the commander will make an appropriate notation on the statement regarding the member's failure to do so.

6.11. Action by the MPF. MPF Personnel Relocation Element makes sure the case file contains all required documents, including the medical examination when it is completed. Ensure the staff judge advocate's legal review is included as an attachment to the separation authority's letter. Don't delay processing to wait for the medical examination report. The MPF Personnel Relocation Element Unit makes sure the separation, if approved, is not executed until the member is found qualified for worldwide duty or the processing required by **Section 6E** is complete.

6.12. Action by the SPCM Authority. The SPCM authority is the separation authority for cases processed by notification. ***EXCEPTIONS:*** GCM approval is required when an honorable discharge is recommended for misconduct, when an Airman who has made an unrestricted report

of a sexual assault requests review of the discharge (see **paragraph 1.31**), or when the SPCM authority wants to retain an Airman recommended for discharge under paragraph 5.54 or 5.55.

6.12.1. On receipt of the case the SPCM authority:

6.12.1.1. Obtains a review for legal sufficiency and adds it to the case file. ***EXCEPTION:*** The review for legal sufficiency is not required if the reason for discharge is entry level performance and conduct under **Chapter 5**, **Section 5D**.

6.12.1.2. Determines whether the facts of the case meet the criteria for the reason cited in the letter of notification. An allegation that is not supported by a preponderance of the evidence may not be used as a basis for separation.

6.12.1.3. Directs reinitiation for processing according to **Section 6C** if the issuance of an under other than honorable conditions discharge may be warranted.

6.12.2. If the reason for discharge is erroneous enlistment according to **paragraph 5.14**, the SPCM authority may:

6.12.2.1. Approve or disapprove the recommended discharge and direct retention.

6.12.3. In all other cases, the SPCM authority decides whether separation is warranted according to **paragraph 6.1** and approves discharge or retention. If discharge is approved, the SPCM authority also decides:

6.12.3.1. How the service will be characterized if the reason for discharge permits the issuance of a general discharge.

6.12.3.2. Whether the member should be offered probation and rehabilitation according to **Chapter 7**.

6.12.3.3. Which reason will be cited as the primary reason for discharge if more than one reason is involved. The separation will be reported on the reason designated as the primary reason.

6.12.4. If the initiating commander recommends an honorable discharge and the separation authority approves a general discharge, the approval letter must cite the specific aspects of the military record that warrant the general discharge.

Section 6C—Board Hearing or Board Waiver.

6.13. Procedural Rights:

6.13.1. An airman recommended for discharge under **Chapter 5** and entitled to a board hearing according to **paragraph 6.2** has the right to:

6.13.1.1. Receive written notice of the reasons for discharge, including the circumstances upon which each reason is based, and the least favorable type of separation authorized.

6.13.1.2. Receive copies of the documents to be forwarded to the separation authority in support of the recommendation for discharge.

6.13.1.3. Consult counsel. Military legal counsel will be detailed to assist the respondent.

6.13.1.4. Request a hearing before an administrative discharge board.

6.13.1.5. Present written statements in addition to, or in lieu of, the board proceedings.

6.13.1.6. Be represented before the board by Area Defense Counsel assigned to the installation or military counsel of the member's own choice (if the counsel of choice is reasonably available) but not by both. The availability of counsel of choice will be determined according to AFI 51-201, *Military Justice Guide* (formerly AFR 111-1).

6.13.1.7. Be represented before the board by civilian counsel. Civilian counsel may be employed at the member's own expense.

6.13.1.8. Waive any of the above rights.

6.13.2. The airman must be given written notice of these rights and will be required to respond indicating which rights will be exercised and which, if any, will be waived. The written notice must advise that a member's failure to respond after being given a reasonable opportunity to consult counsel constitutes a waiver of the rights in **paragraphs 6.13.1** except first two bullets.

6.13.2.1. The notice should also advise that, should a board hearing be requested, the member's failure to appear constitutes a waiver of the right to be present at the hearing. ***NOTE:*** The failure to respond will be noted on the original or copy of the written notice given to the airman and in the correspondence forwarded to the separation authority for decision.

6.13.3. A board must be convened to hear the case when:

6.13.3.1. The member requests the hearing.

6.13.3.2. The convening authority declines to accept a conditional or unconditional waiver of the hearing.

6.13.3.3. The member is a Reserve commissioned officer on active duty as an enlisted member of the Regular Air Force. For more information about these cases, see **Section 6G**.

6.13.3.4. The respondent is absent in civil confinement and does not submit a written waiver of the board hearing. For more information about special procedures for these cases, see **paragraph 6.22**.

6.14. Action by the Initiating Commander:

6.14.1. Notifies the MPF if an EPR is required, see **paragraph 6.4** The initiating commander may direct that an EPR be rendered according to AFI 36-2403 (Formerly AFR 39-62) on other separation cases.

6.14.2. Obtains military legal counsel qualified under UCMJ, Article 27(b)(1) to assist the airman.

6.14.3. Schedules a medical examination (**paragraph 6.3**) for the airman, and tells the medical facility the reason for the discharge recommendation.

6.14.4. Notifies the airman of the proposed discharge in a letter prepared according to the format in **Figure 6.6** Attach documents reflecting derogatory information, which are not listed in the notification letter, such as demotion, time lost, record of disciplinary actions, enlisted performance reports (EPR) and derogatory data (use **Figure 6.5**, **paragraphs 2.7**,

2.8, **2.9**, **2.10**, and **2.12**), if applicable. Provides an advance information copy of the notification letter without attachments to MPF Personnel Relocation Element for suspense and internal MPF coordination.

6.14.5. Advises the airman that an involuntary discharge makes an individual ineligible for reenlistment in the Air Force and will probably deny enlistment in any component of the armed forces.

6.14.6. Advises the airman where a copy of this instruction may be found for use while the case is being processed.

6.14.7. Obtains the airman's acknowledgment (use **Figure 6.7**).

6.14.8. Obtains the airman's response with or without attachments (use **Figure 6.8**), or

6.14.9. Obtains airman's statement of conditional waiver with or without attachments (use **Figure 6.9**). If the airman does not respond or responds without signing the statement provided, the commander will make an appropriate notation on the statement regarding the member's failure to do so, or

6.14.10. Obtains application for retirement (if applicable) within 7 workdays.

6.14.11. Prepares a recommendation to the convening authority. For a sample format, use **Figure 6.5**.

6.14.12. Sends the case file through the servicing MPF, to the convening authority. At this point the case file should contain the:

6.14.12.1. Commander's recommendation with attachments (listed below),

6.14.12.2. Copy of the notification letter with attachments (use **Figure 6.6**),

6.14.12.3. Addendum to notification letter (if applicable),

6.14.12.4. Airman's statement, with or without attachments (use **Figure 6.8**), or

6.14.12.5. Airman's statement of conditional waiver with or without attachments (use **Figure 6.9**), or

6.14.12.6. Application for retirement (if applicable),

6.14.12.7. Medical examination (if available), and

6.14.12.8. Other documents (if applicable).

6.14.13. Notify the local FSO, in writing, as soon as the discharge is initiated and request the FSO notify you if member is indebted to the government and what action will be taken to collect the debt. Use AFI 36-2102 (formerly AFR 35-17), as an example, to notify local base agencies of discharge initiation. If the discharge is disapproved, renotify appropriate agencies.

6.14.14. For members who are convicted by court-martial and do not receive a punitive discharge, consider initiating involuntary separation under this directive. If action is taken to separate, this should be done prior to the confinement facility requesting transfer to the HQ AFSPA/SPC. There is sufficient time between the adjudged date and action of the convening authority to initiate separation action.

6.15. Action by the Member:

6.15.1. Acknowledges receipt of the notification letter. For a sample format, use **Figure 6.7**

6.15.2. Consults the appointed military legal counsel.

6.15.3. Reports for the medical examination as directed.

6.15.4. Responds within 7 workdays after receiving the notification letter. Failure by the member to respond within 7 workdays or an approved extension, constitutes a waiver of the member's rights. The response tells the unit commander whether the member wants a hearing before an administrative discharge board or waives this right. Use **Figure 6.8**, as a format for the letter. ***NOTE:*** A member may conditionally waive a board hearing contingent on receipt of a specific type of discharge. Use **Figure 6.9**, as a format for this letter. For more information about conditional waivers, see **Section 6D**.

6.16. Action by the MPF. MPF Personnel Relocation Element makes sure the case file contains all required documents, including the medical examination when it is completed. Ensure the staff judge advocate's legal review is included as an attachment to the separation authority's letter. Don't delay processing to wait for the report of the medical examination. The MPF Personnel Relocation Element makes sure the separation, if approved, is not executed until the member is found qualified for worldwide duty or the processing required by **Section 6E** is completed.

6.17. Action by the Convening Authority:

6.17.1. On receipt of the case from the MPF, the convening authority examines it and complies with **Table 6.5**.

6.17.2. On receipt of administrative discharge board proceedings, the convening authority:

6.17.3. Makes sure that any special processing requirements are met. For more information, use **Table 6.1**.

6.17.4. Obtains a review for legal sufficiency from the staff judge advocate and adds it to the case file;

6.17.5. Examines the report to make sure that the findings and recommendations are appropriate.

6.17.6. Takes final action on the case, if referral to the GCM authority is not required and further action to request discharge according to **paragraph 1.2** is not contemplated; or

6.17.7. Sends the complete file to the GCM authority with a recommendation for disposition. If the convening authority does not concur in the board's recommendations, the reason for nonconcurrence must be explained in the forwarding correspondence.

6.18. Action by the Administrative Discharge Board. For board procedures and authorized actions, use **Chapter 8** and **Table 6.6**.

6.18.1. The board must:

6.18.1.1. Decide whether each allegation set forth in the notification letter or additions to it, is supported by a preponderance of the evidence.

6.18.1.2. Make a separate finding with regard to each allegation.

6.18.1.3. Determine whether findings warrant separation with respect to the reasons set forth in the letter of notification. If the letter of notification cites more than one reason for separation, there shall be a separate determination for each reason. For guidance in these matters, see **paragraphs 5.1** and **6.1**.

6.18.1.4. Recommend discharge or retention.

6.18.2. If the board recommends discharge, it must also:

6.18.2.1. Apply the criteria in **Chapter 1**, **Section 1B**, and recommend a type of separation authorized according to **Chapter 5**.

6.18.2.2. Make a recommendation concerning suspension of discharge in any case where it is authorized. For information about P&R, see **Chapter 7**. A recommendation for P&R is not binding on the separation authority.

6.18.2.3. **DELETED.**

6.19. Action by the Separation Authority. To find who the separation authority is, refer to the authorizing section of **Chapter 5**. The separation authority:

6.19.1. Obtains a review for legal sufficiency from the staff judge advocate;

6.19.2. Adds the legal review to the case file; and

6.19.3. Takes final action on the case according to **Table 6.7**, **Table 6.8**, **Table 6.9**, **Table 6.10**, **Table 6.11**, or **Table 6.12**.

6.19.4. Determines which is the primary reason, if the member is subject to discharge for more than one reason. The type of separation must be one that is authorized for the reason named. The separation will be reported on that reason.

6.19.5. **DELETED.**

6.20. Withdrawal of the Board Waiver. Airmen who have waived the right to a board hearing may request withdrawal of the waiver in writing.

6.20.1. The member states the reason and sends the request to the convening authority through the MPF Personnel Relocation Element.

6.20.2. The convening authority approves withdrawal of a waiver not yet referred to the separation authority.

6.20.3. The separation authority may approve or disapprove all other requests for withdrawal regardless of the status of the case.

6.20.4. The separation authority makes the decision on the merit, or lack of merit, in each case.

6.21. Referral to a New Board. The separation authority may set aside the findings and recommendations of an administrative discharge board and refer the matter to a new board only as provided in **Table 6.3**.

6.22. Airmen Not Present for the Board Hearing:

6.22.1. **Whereabouts Unknown.** The restrictions of **paragraph 1.12** apply. **Chapter 5** contains instructions that apply, if the reason for discharge is civilian conviction, fraudulent enlistment, or unauthorized absence.

6.22.2. **Whereabouts Known.** The restrictions of **paragraph 1.12** apply. In some circumstances, airmen whose whereabouts are known may not be available to be present at a board hearing. This might occur when the respondent is in civil confinement. In such cases, send the notice of the proposed discharge by certified mail, return receipt requested. Change the notification memorandum (**Figure 6.6**) to explain the special procedures applicable to in absentia discharge processing.

6.22.2.1. Omit instructions about a medical examination.

6.22.2.2. Tell the member that:

6.22.2.2.1. If a board hearing is desired, it will be held in the member's absence.

6.22.2.2.2. Military legal counsel will be appointed to represent the member before the board.

6.22.2.2.3. If discharge is approved, it may be executed in absentia.

6.22.2.3. Allow 30 calendar days from the date of delivery of notice (longer if special circumstances warrant) for a reply.

6.22.2.4. Consider failure to reply within the allotted time a waiver of board hearing, if there is proof of delivery of the notification letter and the airman is absent without authority.

6.22.2.5. Convene a board to hear the case at the end of the prescribed period if:

6.22.2.5.1. There is no proof of delivery of the notification letter or

6.22.2.5.2. A member in civil confinement has not replied.

6.23. Witnesses for the Board Hearing. The commander, with the help of a staff judge advocate, must determine the separation or reassignment status of each prospective witness. As a rule, witnesses should not be reassigned from the jurisdiction of the MAJCOM until they are no longer needed. Take depositions from essential witnesses who will not be available when the board meets. Keep the depositions for later use in the board hearing. For more information about how to arrange for witnesses, see **Chapter 8**.

Section 6D—Conditional Waiver of Board Hearing.

6.24. Options Explained. A conditional waiver is a statement made by a member who gives up the rights associated with the administrative discharge board proceedings. The waiver is contingent on the receipt of a type of separation more favorable than the least favorable authorized for any basis for separation set forth in the letter of notification. Only the type of separation may be addressed in a conditional waiver.

6.24.1. For example, in a case based on unsatisfactory performance, the least favorable service characterization is under honorable conditions (GENERAL). The conditional waiver would ask for an honorable discharge. In a misconduct case, the member could be discharged under other than honorable conditions. The waiver might be contingent on the receipt of an

honorable or a general discharge. It must specify one or the other. The waiver may not be conditioned on P&R or be conditioned on approval of discharge for a specific reason.

6.25. Offer by the Member. The member submits the conditional waiver to the unit commander for the convening authority to review. The member asks for no less than a specific type of separation. For conditional waiver format, use **Figure 6.9** The case file considered by the convening authority contains the commander's recommendation (with attachments that include the conditional waiver)

6.26. Acceptance or Rejection:

6.26.1. The convening authority may:

6.26.1.1. Reject the conditional waiver and tell the member that either an unconditional waiver or a request for a board hearing may be submitted. If the member fails to respond within 3 workdays or by the end of an approved extension, a board hearing will be convened (**paragraph 6.28**).

6.26.1.2. Recommend acceptance of the conditional waiver and send it to the separation authority for decision. The letter to the separation authority must tell why the waiver should be accepted. It must tell how the member's military record warrants the issuance of the type of discharge the airman requests. ***NOTE:*** If the convening authority is also the separation authority, this step is omitted and action is taken according to **paragraph 6.26.2** (second bullet).

6.26.2. The separation authority may:

6.26.2.1. Reject the conditional waiver. Processing then continues according to **Section 6C**.

6.26.2.2. Accept the conditional waiver and approve the type of separation specified in it, or a better type. The approval letter signed by the separation authority, must tell how the member's military record warrants the type of separation approved.

6.27. Withdrawal of a Conditional Waiver. The member may send a written request for withdrawal of the conditional waiver to the convening authority through the MPF. The request must give the reason for the withdrawal. The convening authority approves the withdrawal of a waiver not yet referred to the separation authority. The separation authority may approve or disapprove all other requests for withdrawal regardless of the status of the case. The separation authority makes the decision on the merit, or lack of merit, in each case.

6.28. Action After a Conditional Waiver is Rejected:

6.28.1. The member requests a board hearing or submits an unconditional waiver of a board hearing. If the member fails to respond within 3 workdays or by the end of an approved extension, a board hearing will be convened. For the format of the unconditional waiver, use **Figure 6.8** A second conditional waiver will not be accepted.

6.28.2. Processing continues without reference to, or consideration of, the rejected conditional waiver. The fact that a conditional waiver was offered and rejected must not be made a part of the record shown to the administrative discharge board. Conditional waiver will be withdrawn from the commander's recommendation for discharge.

6.28.3. After the separation authority acts on the case, the MPF adds the conditional waiver correspondence to the file. It will show when the waiver was submitted and when it was rejected. This will account for what might seem to be delays in processing.

6.29. Action When a Conditional Waiver is Accepted. The acceptance of a conditional waiver of the board hearing does not change any other right of the respondent. The case must be reviewed for legal sufficiency by the staff judge advocate for the separation authority. The separation authority decides whether P&R should be offered. The conditional waiver correspondence is part of the case file and stays with it.

Section 6E—Dual Action Processing.

6.30. When Dual Action is Required. Dual action processing involves referral of separation action to the Air Force Personnel Council (AFPC). It is required when an airman subject to involuntary discharge under this regulation also:

6.30.1. Is eligible to apply for retirement (20 years or more active service creditable for retirement) according to AFI 36-3203, *Service Retirements* (formerly AFR 35-7) and applies for retirement;

6.30.2. Is eligible for disability separation or disability retirement after separation according to AFR 36-2902 (formerly AFR 35-4) ***Exception:*** See **paragraph 1.10.3**.

6.31. Airmen Not Qualified for Worldwide Duty. When the required medical examination (**paragraph 6.3**) shows that the airman is not qualified for worldwide duty, comply with **Table 6.13** and **Table 6.14** These cases should be closely monitored to insure a discharge under this instructions is not executed before the AFI 36-2902 (formerly AFR 35-4) case has been completed.

6.32. Service Retirement Eligibility. Airmen who are qualified for retirement according to AFI 36-3203 (formerly AFR 35-7) may be permitted to retire.

6.32.1. If discharge action is initiated against an airman who has applied for retirement, notify HQ AFMPC/ DPMARR2 at once. Give airmen who have not applied for retirement the chance to apply for retirement if they are retirement eligible at the time discharge starts or if they attain retirement eligibility after discharge action starts. (See **Table 6.15**, note 1).

6.32.2. The notification letter tells the airman he/she may submit a retirement application. For a sample of the information the commander adds to the letter, use **Figure 6.10**.

6.33. Action When the Respondent Applies. For instructions, use **Table 6.15** and **Table 6.16**.

6.34. Action When the Respondent Does Not Apply. Process the discharge action to completion in the usual way, if the member does not apply for retirement. If it results in retention, no further action is necessary. If it results in approval for discharge, the servicing MPF notifies HQ AFMPC/DPMARS2 and does not execute the discharge until they get a reply.

Section 6F—Airmen with Lengthy Service.

6.35. Procedures Explained. This is an airman who has completed at least 16 but less than 20 years' active service creditable toward retirement at the time discharge action starts. These airmen, nearing retirement eligibility, are entitled to special consideration for probation upon

their request. This section applies only to them. They are not discharged until their cases have been referred to HQ AFMPC/ DPMARS2 for further review according to procedures set forth below (see note). If that review results in an offer of probation, the terms of the probation for each case will be set out in the authorizing correspondence. ***NOTE:*** Approved discharge will be executed if member does not request review.

6.36. Referral Required. Upon request, withhold the execution of the approved discharge. Send the original and one copy of the case with the separation authority's recommendation for lengthy service probation through the MAJCOM director of personnel (DP) to HQ AFMPC/DPMARS2, Randolph AFB TX 78150-4713, for review and further processing if the:

6.36.1. Separation authority cannot or does not offer P&R according to **Chapter 7**;

6.36.2. Airman does not accept P&R offered according to **Chapter 7**;

6.36.3. Separation authority approves revocation of the suspension of a discharge according to **paragraph 7.12**; or

6.36.4. Separation authority concurs in a recommendation for revocation of a suspension authorized under this section.

6.37. MAJCOM Review. The parent MAJCOM/DP makes comments and recommendations and sends a copy of their recommendations and legal review to the servicing MAJCOM/DP for information purposes.

6.38. Disposition of the Case. HQ AFMPC/DPMARS2 gives specific instructions. These may include but are not limited to:

6.38.1. An offer of probation for the time the airman needs to get minimum retirement eligibility according to AFI 36-3203(formerly AFR 35-7);

6.38.2. An offer of P&R for a specific period of time according to **Chapter 7**;

6.38.3. Concurrence in the execution of the discharge; or

6.38.4. Other action directed by the Office of the Secretary of the Air Force (OSAF).

Section 6G—Dual Status Members.

6.39. Who Has Dual Status. Enlisted members of the Regular Air Force who hold appointments as Reserve of the Air Force commissioned officers have dual status. Discharge processing for them must include consideration of their fitness for retention of the Reserve appointment. The procedures in this section apply only to them.

6.40. Board Hearings. A dual status airman subject to discharge under this regulation may not waive the board hearing. See **Chapter 8** for special board membership requirements. The board, whether it recommends retention or discharge, must also recommend whether the airman should keep the Reserve appointment. If the board recommends discharge from both the Regular enlistment and the Reserve appointment, the type of discharge for both must be the same. If the board recommends discharge from the Reserve appointment but not from the Regular enlistment, the type of discharge must be honorable or general.

6.41. Advice to the Airman. The commander's notification letter to the airman (**Figure 6.6**) tells the airman that:

6.41.1. OSAF makes the determination if the appointment will be retained.

6.41.2. At any time before the final decision in the case is made, the airman may:

6.41.2.1. Apply for voluntary retirement, if eligible.

6.41.2.2. Request transfer to the retired Reserve, if eligible.

6.41.2.3. Tender a resignation from all appointments according to AFI 36-3209, *Separation Procedures for Air Force Reserve Members* (formerly AFR 35-41).

6.42. Completing the Action. After all actions required by this regulation are complete:

6.42.1. Submit an application for voluntary retirement or request for transfer to the retired Reserve according to AFI 36-3203 (formerly AFR 35-7).

6.42.2. Send a resignation to HQ ARPC/DPA, 6760 East Irvington Pl, Denver CO 80280-5000.

6.42.3. Send the original AFI 36-3208, *Administrative Separation of Airmen* (formerly AFR 39-10) case file to HQ ARPC/DPA if the administrative discharge board recommends retention of the Reserve appointment.

6.42.4. Send the original and two copies of the AFI 36-3208 case file to HQ ARPC/DPA if the administrative discharge board recommends discharge from the Reserve appointment.

Section 6H—Joint Processing.

6.43. Reasons for Joint Processing. A recommendation for discharge for more than one reason may be processed jointly as a single action. A commander may do this when the airman's military record in the current enlistment would support discharge for more than one reason. Two or more of the reasons for discharge in **Chapter 5** may be cited as the basis of a recommendation for discharge.

6.44. Supplemental Procedures for Joint Processing:

6.44.1. Change the notification letter, the acknowledgment, and the airman's statement to list all the reasons for discharge. Cite the authority for each one.

6.44.2. Process the case according to **Section 6C** if one of the reasons cited as the basis of the action makes the member entitled to a board hearing. The convening authority may direct that the board exclude one or more of the reasons from consideration as the basis of the discharge. If the deletion eliminates the board entitlement, process the case according to **Section 6B**.

6.44.3. Apply the guidance on service characterization that allows the most latitude, if discharge for more than one reason is approved. For example, if a recommendation for discharge is approved for both misconduct and unsatisfactory performance, apply the criteria for characterization of discharge for misconduct because it allows the greater latitude.

6.44.4. Resolve conflicts between a specific requirement applicable to one reason and a general requirement applicable to another by applying the specific requirement.

6.44.5. Use the procedure most favorable to the member if a conflict in procedures cannot be resolved based on the above.

6.45. Separation Authority for Cases Processed Jointly. The GCM authority acts on the case if any part of it processed alone would have required such referral. The SPCM authority is the separation authority in other cases.

6.46. Reporting Separation for More Than One Reason. The separation authority complies with **paragraph 6.44** in deciding whether to approve discharge for one reason or more than one. If the separation authority directs discharge for more than one reason, the instrument directing discharge must cite the primary reason. The separation will be reported in PDS on that basis.

6.47. Execution of Discharge Involving Civilian Conviction. The restrictions on executing a discharge based on a civilian conviction under appeal, or while a member is in confinement in a foreign country, apply. See **paragraphs 6.57** and **6.58** for more guidance. If the civilian conviction is overturned on appeal, send the case back to the separation authority for action according to the other reason or reasons.

Section 6I—Processing Airmen Dropped From Unit Rolls.

6.48. Status of Airmen. They are dropped from the rolls (DFR) of their units according to AFMAN 36-2125 (Formerly AFR 35-40). DFR is an administrative action that does not change the airman's status as a member of the Air Force. For information about how it applies to deserters, see AFI 36-2911, *Desertion and Unauthorized Absence* (formerly AFR 35-73). The fact that an airman was DFR as a deserter does not bar a later finding under AFI 36-2911 that the member was only absent without leave (AWOL).

6.48.1. The procedures in this section apply only when HQ AFMPC/DPMARS2, on a case-by-case basis, names a unit to process the discharge of an absentee under **paragraph 5.52**. For information about other discharge in absentia actions, see **paragraph 1.12**.

6.49. Eligibility for In Absentia Processing. HQ AFMPC/DPMARS2 may authorize administrative discharge processing when:

6.49.1. Prosecution of the member is apparently barred. For more information, see article 43, UCMJ.

6.49.2. The member is an alien living in a foreign country where the United States lacks authority to apprehend.

6.50. Notice to the Absentee. When HQ AFMPC/ DPMARS2 authorizes discharge processing in absentia, the letter authorizing the action tells how to adapt the procedures of **Section 6C** to the case.

6.50.1. Send it by certified mail, return receipt requested, to the address of record for the airman or the next of kin. The receipt for the letter will serve as proof of notification. If the letter is returned as undeliverable, it will serve as proof of the attempt to notify the airman.

6.50.2. The letter must tell the airman that discharge under other than honorable conditions, resulting from an unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans' Administration, notwithstanding any action by the discharge review board. For more information, see Title 38 U.S.C., Section 5303.

6.50.3. A medical examination is not required but may be authorized when:

6.50.3.1. Unique circumstances show the information developed in an examination might have a strong, direct bearing on the type of separation;

6.50.3.2. The absentee is not in civil confinement; and

6.50.3.3. Facilities for the examination of a person not under military control are reasonably available.

6.51. Return to Military Control. As a rule, an absentee processed for discharge according to this section will not be permitted to return to military control. It may be authorized, however, when HQ AFMPC/ DPMARS2 finds return to military control would serve a useful purpose. In these cases, the letter of notification tells the airman:

6.51.1. Processing will be suspended for at least 30 days. Cite a specific date.

6.51.2. If the member does not return to military control by that date, the recommendation for discharge will be referred to the GCM authority for final decision.

6.52. Alien Absentees. As a rule, aliens discharged for prolonged unauthorized absence may not return to the United States. Comply with AFI 36-3202 (formerly AFR 35-6) instructions for reporting such separations to the State Department and Immigration Service officials.

Section 6J—Procedures for Cases Involving Civilian Conviction.

6.53. Commander's Responsibilities. When information is received indicating that an airman has been the subject of action by civilian authorities, the commander must get more information about the case at once. **Figure 6.11** is the format used to ask for the information a commander needs to determine whether the member is subject to discharge for misconduct due to civilian conviction.

6.53.1. If the civilian conviction involved an offense for which a punitive discharge and confinement for 1 year or more would be authorized for the same or closely related offense under the MCM, the commander must either recommend discharge or request a waiver of discharge processing. For other civilian court conviction cases in which the member would be subject to discharge according to criteria in **paragraph 5.51.1**, see **paragraphs 5.51.3** (first and third bullet).

6.53.2. If there is a need to determine whether there is a record of other civil convictions in prior periods of service, ask HQ AFMPC/DPMDOA for information from the MPerR. Similarly, ask the OSI detachment to run a fingerprint check through the FBI to find whether there have been other offenses and how they were handled. An airman's absence in civil confinement is not a bar to processing a recommendation for discharge or waiver of discharge.

6.54. Waiver of Discharge:

6.54.1. Some cases warrant consideration for waiver of discharge. In deciding whether a waiver should be recommended, give full consideration to the gravity of the specific offense involved, all the circumstances surrounding it, and any matters in extenuation. Review the airman's military record before the offense was committed and the airman's potential for rehabilitation.

6.54.1.1. Find out what disposition would have been appropriate if the offense had occurred and had been resolved entirely within the Air Force community. If the penalty assessed usually would have been less than discharge, a waiver may be appropriate.

6.54.1.2. Get a psychiatric evaluation if the offense involves moral turpitude as defined in **Attachment 1**. Place the report of the evaluation in the case file.

6.54.2. Process promptly a waiver recommendation according to **paragraph 6.55**.

6.55. Processing Recommendations for Waiver:

6.55.1. A commander who considers waiver of discharge appropriate sends a recommendation to the SPCM authority. The recommendation must include:

6.55.1.1. Charges or accusations against the airman.

6.55.1.2. Any available investigation report, military or civilian, of the offense.

6.55.1.3. Actual sentence imposed, maximum punishment possible under the jurisdiction concerned, and status of any appeal made by the airman.

6.55.1.4. If the court's action did not include sentencing, tell how the actions by the civilian authorities make the member subject to discharge under **paragraph 5.51**.

6.55.1.5. Maximum punishment possible under the UCMJ.

6.55.1.6. A copy of the judgment or order of the court.

6.55.1.7. If there is a delay in obtaining such copy, forward the case without it. Send the copy to the SPCM authority when it is obtained. You may substitute a letter from the clerk of the court for the copy of the judgment, if this letter contains all the needed information. In oversea areas, you may use a copy of the military trial observer report cited below in lieu of a copy of the judgement or order of the court.

6.55.1.7.1. A copy of the report of the military trial observer or other official United States observer assigned to attend the trial.

6.55.1.7.2. Whether any fine was imposed by the court.

6.55.1.8. If a fine was imposed, tell whether the airman has paid the fine or any part of it.

6.55.1.9. If the fine has not been paid in full, give the approximate date the airman plans to pay it.

6.55.1.9.1. Whether the airman is under military control or in civil confinement.

6.55.1.10. If the airman is under military control, say whether there is any restraint such as probation or parole status imposed by the civil jurisdiction.

6.55.1.11. If the airman is in civil confinement, state the earliest possible date that the airman will be eligible for release or for parole consideration.

6.55.1.12. Whether the foreign jurisdiction objects to the airman's return to the continental United States (CONUS). If so, give the specific reason for the objection.

6.55.1.12.1. A resume of the airman's military record as shown in **Figure 6.5**, paragraph 2.

6.55.1.12.2. Any other relevant information. ***NOTE:*** Omit items required by these paragraphs if they do not apply.

6.55.1.12.3. The SPCM authority may finally approve or disapprove the waiver.

6.55.1.13. If it is approved, no further action in the case is required.

6.55.1.14. If it is disapproved, discharge processing must start at once (**Section 6A**, **paragraph 6.2**).

6.56. Notice to Civil Authorities. While action in the case is pending, commanders must not tell civil authorities that a member will be retained in the service. Neither should commanders ask civil authorities to end or suspend any form of civil custody that may exist. If final action results in a decision to retain the airman, the commander:

6.56.1. Notifies civil authorities that the airman will be retained.

6.56.2. Advises civil authorities that an airman who is in civil confinement will be returned to duty on release if:

6.56.2.1. Any form of civil custody or restraint, such as parole or probation, will end; or

6.56.2.2. Any form of civil custody or restraint, such as parole or probation, will be suspended for the rest of the member's service in the Air Force.

6.56.3. Explains in the request for suspension or termination of civil custody or restraint that:

6.56.3.1. Such custody or restraint is not compatible with the Air Force need for jurisdiction over a member.

6.56.3.2. You must assign the airman where his or her services are needed without regard to a requirement to report in person to a probation officer at periodic intervals or to stay within the jurisdiction of the court.

6.56.3.3. It is not practical for the Air Force to guarantee assignment at a particular base for a specified period of time.

6.56.3.4. The civil authorities may consider permitting the airman to report, in writing rather than in person, when the terms of the probation or parole require reporting at certain intervals.

6.56.4. Refers the case to HQ AFMPC/DPMARS2, if the problem cannot be resolved by:

6.56.4.1. Termination or suspension of civil custody or restraint; or

6.56.4.2. Modification of any requirement for reporting in person to a probation or parole officer or restrictions on departure from the jurisdiction of the court.

6.57. Civil Court Actions Under Appeal. Process a recommendation for discharge or waiver of discharge even though the conviction is under appeal. It is, however, the general policy to withhold execution of discharge, if approved, until the outcome of the appeal is known or the time for appeal has passed. (***Note:*** If only the sentence, and not the conviction, is being appealed then discharge may be executed). If the appeal results in the conviction being set aside, the airman may not be discharged due to civilian conviction.

6.57.1. The respondent may request execution of the approved discharge while the appeal is pending. Make the request in writing and tell how separation would benefit the respondent. It

must show that it was made with the advice and assistance of legal counsel. The separation authority asks the SJA to comment on the validity of the reasons given and to assess the possibility that the conviction will be overturned on appeal. The GCM authority acts on the request. Usually, approve the request if:

6.57.1.1. There is an indication the respondent will benefit.

6.57.1.2. The conviction is expected to withstand the appeal.

6.57.1.3. No other circumstances exist requiring the return to military control of a member who is in civil confinement.

6.57.2. A separation authority who believes that an approved discharge should be executed without waiting for the outcome of the appeal may ask for authority to do so. Route cases to HQ AFMPC/ DPMARS2 through the servicing MAJCOM/DP for comments and recommendations. If the respondent is a member of a tenant unit of another MAJCOM, the separation authority also sends the original and one copy of the case file to the parent MAJCOM/DP, who sends comments and recommendations to HQ AFMPC/DPMARS2. HQ AFMPC/ DPMARS2 refers the request for authority to discharge while an appeal is pending to AFPC for decision. The request must include:

6.57.2.1. A complete review of the circumstances. State whether it is the conviction or the sentence that is under appeal.

6.57.2.2. An indication whether or not the appeal is frivolous, or unlikely to result in reversal.

6.57.2.3. An assessment by those in the best position to judge the validity of appeal.

6.57.2.4. An explanation of any reason why the case should be treated as an exception prior to the completion of the appellate process.

6.57.2.5. The estimated date action on the appeal will be finalized.

6.58. Execution of Discharge Based on Civil Conviction:

6.58.1. An airman whose home of record is in the CONUS may be discharged in absentia if he or she:

6.58.1.1. Is in civil confinement in the CONUS; or

6.58.1.2. Has been released from confinement in the CONUS and is At home. Unlocatable since release. Absent without authority after having been returned to military control.

6.58.2. An airman whose home of record is in the CONUS is not discharged while in civil confinement outside the CONUS. The discharge case may be processed; however, if discharge is approved, it may not be executed until the member has been released from confinement and returned to the CONUS.

6.58.3. Airmen involved in civil court action outside the CONUS (for example, Alaska, Hawaii, or Puerto Rico) may be discharged in absentia if:

6.58.3.1. The particular area is the member's home of record; and

6.58.3.2. The member has requested discharge in that area.

6.58.4. Do not discharge an airman in absentia if the GCM authority determines that return to military control for trial by court-martial is appropriate. In that case, the commander lodges a detainer with civil authorities to make sure the member returns to Air Force custody. The return of an airman to military control should not be requested unless serious charges are pending. In some cases the detainer may keep the airman from being considered for parole. Civil authorities may be reluctant to grant parole if the inmate will be subject to further confinement elsewhere. In this case, consider the type of military offense or offenses, the age of the airman, the military record, the airman's rehabilitation potential and the length of civil confinement.

6.58.5. When an exception to any of the foregoing restrictions on discharge in absentia is considered appropriate, the case may be referred to HQ AFMPC/DPMARS2 for decision. The request for authority to discharge should include a complete explanation of the facts of the case. It must tell why they warrant an exception to policy.

6.58.6. In some cases, the commander may decide to wait until the airman returns to the base before discharge is executed. This may happen when the time of confinement is short and the place of confinement is near the base of assignment. In other cases, where an airman was AWOL before the offense and the place of confinement is far from the base, the same consideration need not be given.

6.59. Cases Involving Foreign Courts.

6.59.1. Do not discharge an airman while in a foreign penal institution. Withhold execution of an approved discharge until the airman is released from confinement and is returned to the CONUS. Only HQ AFMPC/ DPMARAS2 or higher authority may authorize exceptions.

6.59.2. An airman confined in a foreign penal institution for a long term may be dropped from the unit rolls according to AFMAN 36-2125, *Military Personnel Strength Accounting Methods* (formerly AFR 35-40). This is an administrative action. It does not change the airman's status as a member of the Air Force. This status continues until discharge, if approved, is executed.

6.59.3. You may retain an airman beyond ETS in some cases. When an airman who is present for duty is nearing ETS and is also awaiting action by foreign civil authorities, comply with **paragraph 2.7**.

Section 6K—Waiver Processing Requirements In Drug Abuse Cases.

6.60. Waiver of Discharge. An airman found subject to discharge for drug abuse under paragraph 5.54 may warrant consideration for waiver of discharge. In deciding whether to recommend a waiver, commanders must give full consideration to: The nature of the offense involved, all the circumstances surrounding the offense, any matters in extenuation, the airman's military record, the airman’s potential for future productive service, and an evaluation of the retention criteria in paragraph 5.54.4.2.

6.60.1. The commander must determine that the facts and circumstances of an airman's case meet the retention criteria in **paragraph 5.54.2** and therefore warrant a recommendation for waiver action.

6.60.2. Promptly process a waiver recommendation according to **paragraph 6.61**.

6.61. Processing Recommendations for Waiver.

6.61.1. A commander who initiates waiver of discharge action sends a recommendation to the SPCM authority. This provides the commander's reasons for recommending the waiver and must include:

6.61.1.1. Evidence substantiating the airman's drug abuse - completed disciplinary or administrative action taken as a result of the airman's drug use (e.g. courts-martial orders, Article 15 actions, letters of reprimand).

6.61.1.2. Any available investigation report, military or civilian, of the drug offenses.

6.61.1.3. The commander's statement explaining how the airman meets each of the seven retention criteria set forth in paragraph 5.54.4.2.

6.61.1.4. Rehabilitative action taken in the airman's case and results.

6.61.1.5. Any other relevant information.

6.61.2. The SPCM authority may disapprove the waiver. If the SPCM authority recommends approval of the waiver action, it must be sent to the GCM authority for final action. If it is approved, no further action in the case is required. If it is disapproved, discharge processing must start at once (**paragraph 6.2**).

Section 6L—Waiver Processing Requirements in Sexual Assault Cases.

6.62. Waiver of Discharge. A member found subject to discharge for sexual assault or sexual assault of a child under paragraph 5.55 may warrant consideration for waiver of discharge. In deciding whether to recommend a waiver, commanders must give full consideration to: the victim's views on retention of the member, the nature of the offense involved, all the circumstances surrounding the offense, any matters in extenuation, the member's military record, the member's potential for future productive service, and an evaluation of the retention criteria in paragraph 5.55.3.2.

6.62.1. The commander must determine that the facts and circumstances of a member's case meet the retention criteria in paragraph 5.55.3.2 and therefore warrant a recommendation for waiver action.

6.62.2. Promptly process a waiver recommendation according to paragraph 6.63.

6.63. Processing Recommendations for Waiver.

6.63.1. A commander who initiates waiver of discharge action sends a recommendation to the SPCM authority. This provides the commander's reasons for recommending the waiver and must include:

6.63.1.1. Evidence substantiating the member's sexual assault or sexual assault of a child. This will typically be the completed disciplinary or administrative action taken as a result of the member's sexual assault (e.g., courts-martial orders, Article 15 actions, letters of reprimand, etc.).

6.63.1.2. Any available investigation report, military or civilian, of the sexual assault or sexual assault of a child offenses.

6.63.1.3. The commander's statement explaining how the member meets each of the retention criteria set forth in paragraph 5.55.3.2.

6.63.1.4. Rehabilitative action taken in the member's case, if any, and results.

6.63.1.5. Any other relevant information.

6.63.2. The SPCM authority may disapprove the waiver. If the SPCM authority recommends approval of the waiver action, it must be sent to the GCM authority for final action. If it is approved, no further action in the case is required. If it is disapproved, discharge processing must start at once (paragraph 6.2).

Figure 6.1. Sample Notification Memorandum—Entry Level Separation.

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (GRADE, NAME, SSN, UNIT)

FROM: (functional address symbol) (date)

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for (quote the title of the applicable paragraph or paragraphs). The authority for this action is AFPD 36-32 and AFI 36-3208, (paragraph) (paragraphs) 5.XX. If my recommendation is approved, your discharge will be described as an entry level separation and you will be ineligible for reenlistment in the Air Force.

My reasons for this action are: (Tell how the criteria of the cited (paragraph)(paragraphs) are met. Give the specifics of the act or acts or condition or conditions on which the recommendation is based.) Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force.

If you have made an unrestricted report of sexual assault within the last 12 months and believe this recommendation for discharge was initiated in retaliation for making that report, you have the right to request review of this recommendation by the commander exercising General Court-Martial (GCM) authority or first general officer in your chain of command if the GCM authority is not a general officer, whichever is higher. If you request this review, the commander exercising GCM authority or higher authority will review the circumstances of, and grounds for, this recommendation for discharge and decide whether you will be discharged or retained in the Air Force.

You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult (grade, name) at (place) on (date) at (time). You may consult civilian counsel at your own expense.

You have the right to submit statements in your own behalf. Any statements you want the

separation authority to consider must reach me by (allow 3 workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

You have been scheduled for a medical examination. You must report to (medical facility) at (time) on (date) for the examination. (see note 1).

Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use (say where).

Execute the attached acknowledgment and return it to me immediately.

(type name, grade) USAF
Commander

Attachments: (see notes 2 and 3)
1. Supporting documents--for the reason for discharge document or documents containing derogatory information--which are not listed in the notification memorandum
2. Airman's receipt of notification memorandum (**Figure 6.3.)**

NOTES:
1. Omit this paragraph if the enlistment physical is still valid.
2. List each document individually as an attachment.
3. Withdraw airman's receipt of notification letter for attachment to the commander's recommendation for discharge (Figure 6.5.).

Figure 6.2. Sample Notification Memorandum—No Board Entitlement (Honorable or Under Honorable Conditions (General) Discharge).

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (GRADE, NAME, SSN, UNIT)

FROM: (functional address symbol) (date)

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for (quote the title of the applicable paragraph or paragraphs). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph or paragraphs 5.XXX. If my recommendation is approved, your service will be characterized as (honorable)(honorable or general). I am recommending that your service be characterized as (see note 1).

My reasons for this action are: (Tell how the criteria of the cited paragraph or paragraphs are met. Give specifics of the act or acts or condition or conditions on which the recommendation is

based.) Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. (see note 2). If you are discharged, you will be ineligible for reenlistment in the Air Force. (See note 5).

If you have made an unrestricted report of sexual assault within the last 12 months and believe this recommendation for discharge was initiated in retaliation for making that report, you have the right to request review of this recommendation by the commander exercising General Court-Martial (GCM) authority or first general officer in your chain of command if the GCM authority is not a general officer, whichever is higher. If you request this review, the commander exercising GCM authority or higher authority will review the circumstances of, and grounds for, this recommendation for discharge and decide whether you will be discharged or retained in the Air Force.

You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult (grade, name) at (place) on (date) at (time). You may consult civilian counsel at your own expense.

You have the right to submit statement in your own behalf. Any statements you want the separation authority to consider must reach me by (allow 3 workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

You have been scheduled for a medical examination. You must report to (medical facility) at (time) on (date) for the examination.

Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use (say where).

(typed name, grade) USAF
Commander

Attachments: (see notes 3 and 4)

1. Supporting documents--for the reason for discharge document or documents containing derogatory information--which are not listed in the notification memorandum. Airman's receipt of notification memorandum (**Figure 6.3.**)

NOTES:
1. Omit this sentence if the reason requires the issuance of an honorable discharge.
2. If the issuance of an honorable discharge is not required add "and, if you are discharged, how your service will be characterized."
3. List each document individually as an attachment.

4. Withdraw airman's receipt of notification letter for attachment to the commander's recommendation for discharge (**Figure 6.5**).
5. In discharge cases where the member has received special pay, a bonus, or education assistance, include the following: "and any special pay, bonus, or education assistance funds may be subject to recoupment."
6. Add the following paragraph only in cases involving recoupment of education assistance funds, under 10 U.S.C. 2005: "The separation authority will make the findings and recommendations required less than 10 U.S.C. (g)".

Figure 6.3. Sample Receipt of Notification Memorandum.

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (COMMANDER)

SUBJECT: Receipt of Notification Memorandum (date)

I received the notification memorandum (date), at (hours) on (date), informing me of processing according to AFPD 36-32 and AFI 36-3208, paragraph 5-XX.

I understand that I have the right to:

Consult counsel.

Submit statements in my own behalf.

Waive either of the above rights.

I acknowledge that:

I have received copies of the documents to be forwarded to the separation authority in support of the recommendation for my discharge.

I have been given an appointment to consult military legal counsel.

I understand that:

This action may result in my discharge from the Air Force with (enter the least favorable type of separation).

That my failure to consult counsel or to submit statements will constitute a waiver of my right to do so.

(airman's signature)

(typed name, grade, SSN), USAF

Figure 6.4. Sample Memorandum Airman's Statement--No Board Entitlement.

SAMPLE (See Note)

MEMORANDUM FOR (COMMANDER)

SUBJECT: Discharge Under AFI 36-3208 (date)

I have been notified that you are recommending me for discharge for (reason) (reasons) cited in the notification memorandum according to AFPD 32 and AFI 36-3208, (paragraph) (paragraphs) 5.XX and of the specific basis of the proposed discharge.

Military legal counsel was made available to me. I (have consulted) (hereby waive my option to consult) counsel.

I (am submitting the attached statements for your consideration) (hereby waive my right to submit statements.)

(airman's signature)

(typed name, grade, SSN), USAF

Attachments:

1. Statements (if any)

NOTE: Delete inapplicable words or statements.

Figure 6.5. Sample Memorandum Recommendation for Discharge.

SAMPLE
(Appropriate Letterhead)

MEMORANDUM FOR (SPECIAL COURT-MARTIAL AUTHORITY)

FROM: CC

SUBJECT: Recommendation for Discharge (name, grade, SSN)

I recommend that (grade, name, SSN) be discharged from the United States Air Force for (quote the applicable section title). The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.XX. I recommend (type of separation). The specific (reason) (reasons) for the proposed discharge and (act) (acts) or (condition) (conditions) on which the recommendation is based are contained in **Attachment 1**, and notification letter (give date of letter).

Information from the military record follows (see notes 1 and 2).

a. Date and term of enlistment and date this period of continuous active duty started, pay-date, TAFMSD, and dates of prior service.

b. Date of birth.

c. Test Scores.

d. Formal training (see note 3).

e. Date assigned unit.

f. Current grade and effective date.

g. Demotions, if any, reasons, and dates thereof. If there have been none, explain why the circumstances that led to the discharge action did not warrant consideration of demotion.
h. Time lost. Give reason or reasons and dates.

i. Record of disciplinary actions. Include action under Article 15, UCMJ, and conviction by court-martial. Specify offenses, findings, sentence.

j. Overall rating or ratings on enlisted performance reports. (Attach copies of the EPRs from the FRGp.)

k. Favorable communications, citations, or awards.

l. Derogatory data, other than action by court-martial or under Article 15, UCMJ.

m. Medical or other data meriting consideration.

n. Whether the member holds an appointment as a Reserve commissioned or warrant officer.

(See note 4). Before recomemending this discharge I (describe rehabilitation efforts or other corrective actions, and attach records of counseling or other rehabilitative action; also, for drug abuse cases, indicate whether the individual was or was not entered in the Base Drug Rehabilitation Program.)

Actions required under AFI 31-501 are complete (see note 5).

I (do) (do not) recommend probation and rehabilitation according to **Chapter 7**. Specific reasons must be given if probation and rehabilitation is not recommended. (see note 4.)

(type name grade) USAF
Commander

No board entitlement - example of attachments

Attachments:
1. Copy of Notification Memorandum w/atchs
2. Addendum to Notification Memorandum (if applicable)
3. Airman's Receipt of Notification Memorandum (**Figure 6.3**)
4. Airman's Statement (**Figure 6.4**) w/ or w/o atchs
5. Medical Examination
6. EPRs
7. Other documents, if applicable (see note 6)

Board Action - Example of attachments

Attachments:
1. Copy of Notification Memorandum w/atchs
2. Addendum to Notification Memorandum (if applicable)
3. Airman's Acknowledgment (**Figure 6.7**)
4. Airman's Statement (**Figure 6.8**) w/ or w/o atchs or
5. Airman's Statement of Conditional Waiver (**Figure 6.9**) w/ or w/o atchs or
6. Application for Retirement
7. Medical Examination
8. EPRs
9. Other documents, if applicable (see note 6)

NOTES:
1. HQ AFMPC/DPMDOA provides copies of documents from, or information about prior service on request.
2. Documents containing derogatory information will be attached to the notification memorandum. If a document is attached to the notification memorandum, do not repeat the information in this figure, paragraph 2, indicate its attachment number to the notification memorandum.
3. If the respondent has not completed initial training (basic or technical), summarize progress or describe failure to progress.
*4. This paragraph is not required when the reason for discharge is defective enlistment, in the interest of national security, discharge in lieu of trial by court-martial, or HIV failure to comply with preventive medicine counseling, drug abuse or Entry-level Separation.
5. Use this paragraph only for respondents who have access to sensitive information or sensitive compartmented information. For more information, see AFI 36-3208, paragraph **1.8**
6. Additional attachments may include any additional documents or statements submitted in rebuttal by the airman and evidence of preprocessing rehabilitation. Information from classified documents may be provided in an unclassified summary.
7. If the reason for discharge is supported by an Article 15 as documentation, include with the record of Article 15 punishment all the evidence and supporting documents, if reasonably available. The evidence and supporting documents should be available in the files of the Staff Judge Advocate that advised the commander on the Article 15.

Figure 6.6. Sample Notification Memorandum—Board Hearing.

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (RESPONDENT GRADE, NAME, SSN) (date) (organization)

FROM: CC

SUBJECT: Notification Memorandum--Board Hearing

I am recommending your discharge from the United States Air Force for (cite the title of the applicable part or parts of **Chapter 5**) according to AFPD 36-32, *Military Retirements and Separations*, and AFI 36- 3208, *Administrative Separation of Airmen*, under the provisions of (paragraph) (paragraphs) 5.XX. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

My reasons for this action are:

(Itemize the factual details of the actions that are the basis of the recommendation.)
This action could result in your separation with (see note 1). I am recommending that you receive (see note 2) discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. (See note 9)

You have the right to:
a. Consult legal counsel.
b. Present your case to an administrative discharge board (see note 3).
c. Be represented by legal counsel at a board hearing.
d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
f. If you have made an unrestricted report of sexual assault within the last 12 months and believe this recommendation for discharge was initiated in retaliation for making that report, you have the right to request review of this recommendation by the commander exercising General Court-Martial (GCM) authority or first general officer in your chain of command if the GCM authority is not a general officer, whichever is higher. If you request this review, the commander exercising GCM authority or higher authority will review the circumstances of, and grounds for, this recommendation for discharge and decide whether you will be discharged or retained in the Air Force.

You have been scheduled for a medical examination. You must report to (medical facility), at (time) on (date).

Military legal counsel (grade, name, duty address, and duty phone number) has been obtained to assist you. An appointment has been scheduled for you to consult (him) (her) on (date, time, place). Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ

civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing. (See note 4.)

Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use (say where) (see note 5).

If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

Execute the attached acknowledgment and return it to me immediately.

(signature)
(typed name, grade), USAF
Commander

Attachments (see notes 6 and 7):
1. Supporting documents--for the reason for discharge
2. Documents containing derogatory information--which are not listed in the notification letter
3. Airman's acknowledgment (**Figure 6.7**)

NOTES:
1. Specify the least favorable type of separation authorized for the reason or reasons given in paragraph 1. To find the type of discharge authorized for each reason, see **Chapter 5**.
2. Specify the type of discharge recommended.
3. If the airman is absent in civil confinement or discharge processing has been authorized for another reason, add the phrase "subject to your availability."
4. Include information about special processing requirements if the airman is eligible to apply for retirement, lengthy service review, or holds a commission or appointment as a warrant officer of the USAFR. (See **Figure 6.1**)
5. Tell the airman where to return the directive when the case is completed.
6. List each document individually as an attachment.
7. Withdraw airman's acknowledgment of receipt of notification memorandum for attachment to the commander's recommendation for discharge (**Figure 6.5**).
*8. **DELETE**

9. In discharge cases where the member has received special pay, a bonus, or education assistance, include the following: and any special pay, bonus, or education assistance funds may be subjected to recoupment.
***10.** DELETE.

Figure 6.7. Sample Letter Airman's Acknowledgment--Board Hearing.

SAMPLE

MEMORANDUM FOR (COMMANDER)

SUBJECT: Acknowledgment of Receipt of Notification Memorandum (date)

I received your (date) memorandum notifying me of action according to AFI 36-3208, (paragraph)(paragraphs) 5.XX at (time) hours on (date).

I understand that approval of this recommendation for my discharge could result in my receiving a (see note) separation. I acknowledge that military legal counsel has been made available to assist me.

(airman's signature)

(typed name, grade, SSN), USAF

(organization)

NOTE: Enter the least favorable type of separation authorized for the applicable reason. For the type of separation authorized, see **Chapter 5**.

Figure 6.8. Sample Letter Airman's Statement of Board Hearing or Unconditional Waiver.

SAMPLE (see note 1)

MEMORANDUM FOR (UNIT COMMANDER)

SUBJECT: Discharge Under AFI 36-3208 (date)

(Board Hearing or Unconditional Waiver)

I have been notified that you are recommending me for discharge (reasons cited in paragraph 1 of the notification letter) according to AFPD 36-32 and AFI 36-3208, (paragraph) (paragraphs) 5.XX and of the specific basis of the proposed discharge. I know that I am entitled to request or waive, in writing, the following rights:

To present my case to an administrative discharge board subject to my availability.

To be represented by military counsel.

To submit statements in my own behalf to be considered by the administrative discharge board and separation authority.

Military counsel has been made available to me and I have been notified of my right to employ civilian counsel, if I desire to do so.

I (waive) (do not waive) my right to a hearing before an administrative discharge board. I understand that if the separation authority approves the recommendation for my discharge (he) (she) will also determine the type of discharge to be issued to me. I (do) (do not) waive my right to military counsel. I (am) (am not) submitting statements in my own behalf.

(See note 2.) I further understand that, regardless of your recommendation, I may be discharged under other than honorable conditions. I know that as a result of such discharge I may be deprived of veterans' benefits. I am aware of the adverse nature of such a discharge and the possible consequences thereof.

(See note 3.) If this discharge is approved, I understand I am entitled to lengthy service probation consideration. I have read and I understand AFI 36-3208, **Section 6F** of **Chapter 6** and (do) (do not) request lengthy service probation consideration in the office of the Secretary of the Air Force in accordance with that section.

I have signed this statement voluntarily and kept a copy of it. (See note 4.)

(airman's signature)

(typed name, grade, SSN), USAF

The preceding statement of (airman's name) was (his)(her) decision, signed by (him)(her) after (he)(she) was fully counseled by me and after (he)(she) was advised of (his)(her) rights.

OR

(See note 5.) The preceding statement of (airman's name) was (his)(her) decision, signed by (him)(her) after (he)(she) had been advised of (his)(her) rights.

(signature of counsel)

(typed name, grade), USAF

NOTES:

1. Delete the words that do not apply.

2. Omit this paragraph when an under other than honorable conditions discharge is not authorized.

3. Include this paragraph when airman is entitled to a lengthy service review (see paragraph **6.36.**).

4. 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 and the failure to sign will be noted.

5. Use this statement when notice of proposed discharge is sent by certified mail. (See paragraph **6.22.**)

Figure 6.9. Sample Letter Airman's Conditional Waiver Statement.

SAMPLE (See note 1)

MEMORANDUM FOR (UNIT COMMANDER) (date)

SUBJECT: Discharge Under AFI 36-3208, (Conditional Waiver Statement)

I have been notified that you are recommending me for discharge (reason is cited in the notification letter, paragraph 1) under AFPD 36-32 and AFI 36-3208, (paragraph)(paragraphs) 5.XX, and of the specific basis of the proposed discharge. I know that I am entitled to request or waive, in writing, the following rights:

To present my case before an administrative discharge board.

To be represented by military counsel.

To submit statements in my own behalf to be considered by the administrative discharge board and separation authority.

Military counsel has been made available to me. I have been notified of my right to employ civilian counsel, if I so desire.

I hereby offer a conditional waiver of the rights associated with an administrative discharge board hearing. This waiver is contingent on my receipt of no less than (a type of separation more favorable than the most severe authorized), if the recommendation for my discharge is approved. I understand that if the convening authority or the separation authority reject this waiver the processing of my case will continue according to AFI 36-3208.

(See note 2.) If this discharge is approved, I understand I am entitled to lengthy service probation consideration. I have read and I understand AFI 36-3208, **Section 6F** of **Chapter 6** and (do)(do not) request lengthy service probation consideration in the office of the Secretary of the Air Force in accordance with that section.

I have voluntarily signed this statement and retained a copy of it.

(airman's signature)

(typed name, grade, SSN), USAF

The preceding statement of (airman's name) was (his)(her) decision, signed following counseling by me and after being advised of (his)(her) rights and privileges.

OR

(See note 3.) The preceding statement of (airman's name) was (his)(her) decision, signed by (him)(her) after (he)(she) had been advised of (his)(her) rights and privileges.

(signature of counsel)

(typed name, grade), USAF

NOTES:

1. Delete words that do not apply.

2. Include this paragraph when airman is entitled to lengthy service review (see paragraph **6.36.**).

3. Use this statement when notification of proposed discharge is accomplished by certified mail. (See paragraph **6.22.**)

Figure 6.10. Sample Paragraph Format Notice to Retirement-Eligible or Lengthy Service Review Eligible Airmen.

SAMPLE

NOTICE TO RETIREMENT ELIGIBLE AIRMEN (see note 1)

8. If, after separation action starts, you attain the additional service necessary for retirement (20 years active service creditable for retirement), you may apply for retirement; however, the convening authority may decide to complete the discharge processing action before referral to OSAF.

a. The application must:

(1) Be prepared and submitted according to AFI 36-3208.

(2) (See note 2.) Request that retirement be effective the 1st day of the month following the month in which retirement eligibility is attained.

OR

(2) (See note 3.) Request that retirement be effective the 1st day of the 2nd month following the current month.

b. Submission of the application for retirement will not cancel the proposed discharge action. Discharge processing may be suspended, pending a decision on the retirement application.

c. If the application for retirement in lieu of further processing is:

(1) Approved, discharge processing will be discontinued.

(2) Disapproved, the discharge action will be processed to completion. If discharge is approved, the case file and the retirement application will be forwarded to HQ AFMPC/DPMARS2, 550 C Street, Ste 11, Randolph AFB TX 78150-4713, for further processing.

NOTICE TO AIRMEN WITH LENGTHY SERVICE (see note 1)

8. (See note 4.) If this discharge recommendation results in an approved discharge, you may request that it be reviewed in the Office of the Secretary of the Air Force prior to execution.

1. See **Figure 6.6.**

2. Use this rule for those members who, after separation action starts, attain the additional service necessary for retirement (see paragraph **6.32**).

3. Use this rule for airmen eligible for retirement at time separation action starts.

4. Use this paragraph when member is entitled to lengthy service review (see paragraph **6.36**).

Figure 6.11. Sample Memorandum Request for Information about Civilian Conviction.

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (CLERK OF THE APPLICABLE COURT)

FROM: (functional address symbol) (date)

SUBJECT: Request for Information About Civil Court Action

We have been told that (full name), a member of the Air Force assigned to this base, has been the subject of criminal action in your court.

(Give whatever information is available--the offense and the dates of the court action.)

We need information about the offense for official use in this command. Please send us a certified copy of the court record containing the requested data.

If charges are pending or the individual is on parole, please give us the name and address of the person or agency with whom we should correspond.

A self-addressed envelope requiring no postage is attached for your use. Thank you for your

help.

(authorized signature)

(typed name, grade), USAF

(Commander or Staff Judge Advocate)

Attachment:

Envelope

Table 6.1. Special Processing.

RULE	A	B	C	D
	If the respondent	**then processing must include**	**according to**	**and**
1	accrues the additional service necessary for retirement (20 years active service creditable for retirement) after the separation action starts	an opportunity to apply for retirement (see **Table 6.15.**)	**Section 6E**	AFI 36-3203
2	is not medically qualified for worldwide duty	disability processing		AFIs 36-2902, 48-123 and AFI 48-123.
3	has less than 20 but more than 16 years' service at the time discharge action starts	consideration for lengthy service probation upon request of member	**Section 6F**	
4	holds an appointment as a commissioned officer	referral to HQ ARPC/ DPA	**Section 6G**	AFR 35-41, volume 3.
5	is recommended for discharge for more than one reason	a decision whether to discharge for a combination of reasons	**Section 6H**	identify the reason on which the discharge will be reported.

RULE	A	B	C	D
	If the respondent	**then processing must include**	**according to**	**and**
6	Has been dropped from the unit rolls	Notice of the proposed discharged by certified mail	**Section 6I**	Referral to the GCM authority for approval of discharge without return to military control.
7	is subject to discharge based on civil court action	(see column C)	**Section 6J**	NA

Table 6.2. Requirements of Medical Officers.

		RULE		
If a mental or physical condition is involved that may		1	2	3
A	require action under applicable portion of AFIs 36-2902, 48-123, or 41-115	no	yes	yes
B	and there is evidence of mental illness	no	yes	yes
then				
C	the examining medical officer must give a brief summary of positive pertinent	X	X	X
	information for the record in SF 88**, Report of Medical Examination**, item 74			
D	after consideration of all information available, record findings in SF 88, item 74			
E	enter in SF 88, item 77, "Is qualified for worldwide duty."			
F	recommend consideration by a medical board.		X	X
G	obtain a report of evaluation from a psychiatrist and attach evaluation to SF 88 (see note)			
H	forward complete file to director of base medical services, or the senior physical profile officer.	X		X
I	director of base medical services, or the senior physical profile officer must review, sign the report, and advise the airman's commander of the results of the examination.			

NOTE: The psychiatrist's report will include a concise description of the essential points of the mental status of the airman. It will state whether the airman, as a result of mental disease or defect at the time of the conduct, lacked the substantial capacity either to appreciate the illegality or impropriety of the specific acts involved, or to conform the airman's conduct to the law or to established standards (AFI 44-109).

Table 6.3. Referral to a New Board.

RULE	A	B	C
	If the discharge authority finds	**the case may be referred to a new board that**	**and discharge authority**
1	legal prejudice to the right of the respondent	is furnished the record of the proceedings of the first board without the findings, recommendations, and prejudicial matters that appear in those proceedings	may not approve findings and recommendations less favorable to the respondent than those rendered by the first board.
2	the results of the board were obtained by fraud or collusion	is not furnished any record of the action by the first board	is not bound by the findings and recommendations of the first board.

Table 6.4. Average Processing Time Goals.

RULE	A	B
	Processing method (see note 1, 2, 3)	**Average number of workdays between date action starts and date of separation or date of departure from the overseas area**
1	Notification Procedure	15
2	Board Hearing	50
3	Board Hearing Waiver	25
4	Request for discharge in lieu of trial by court martial	

NOTES:

1. Add 15 workdays when referral for consultation or further evaluation at a USAF regional or area medical facility is required.
2. Add 10 workdays when the discharge authority is not collocated with MPF and the convening authority, Use express mail service when the usual mail time exceeds 2 days.
3. Add 5 workdays to overseas bases in order to compensate for port call scheduling and other related matters.

Table 6.5. Action by the Convening Authority.

RULE	A	B	C	D	E
		and a board hearing is			

	If the recommendation for discharge is	requested	waived (see note 1)	then the convening authority may	or
1	proper and fully documented (see note 2)		X	forward it to the separation authority with comments and recommendations for disposition	refuse to accept the waiver and order a board to be convened.
2		X		order a board to be convened to hear the case.	
3	brought under an inappropriate section of the regulation	X	X	direct reinitiation under a more appropriate section of this regulation	
4	not supported by the evidence			direct that the action be discontinued.	

NOTES:

1. To find when a waiver may not be accepted, see paragraph 6.13.
2. In a case involving more than one reason for discharge being processed jointly, the convening authority may direct that one or more of the actions be dropped. For more information, see Section 6H.

Table 6.6. Action by the Administrative Discharge Board.

		RULE				
If the commander recommended discharge for (see note 1)		1	2	3	4	5
A	parenthood, conditions that interfere with military service or erroneous enlistment	yes				
B	fraudulent enlistment		yes			
C	unsatisfactory performance, drug abuse rehabilitation failure, or alcohol abuse rehabilitation failure			yes		
D	misconduct				yes	
E	national security					yes
then the board may recommend						
F	retention.	X	X	X	X	X
G	honorable discharge. (see note 1)					
H	General Discharge. (see note 1)					
I	under other than honorable conditions discharge.					
J	entry level separation. (see note 2)	X		X		
K	probation and rehabilitation. (see note 3)					

L	discharge without probation and rehabilitation.					

NOTES:
*1. **DELETED.**
2. Not authorized for airmen in entry level status.
3. Authorized only for airmen in entry level status.

Table 6.7. Options of the Separation Authority--COG Discharge.

		RULE					
If the administrative discharge board		1	2	3	4	5	6
A	hearing was waived	yes					
B	recommends discharge for parenthood		yes				
C	recommends discharge for a condition that interferes with military service			yes			
D	recommends suspension of discharge for P&R				yes		
E	recommends discharge without an opportunity for P&R					yes	
F	recommends retention						yes
then the separation authority may							
G	approve the recommended discharge.	X					
H	direct retention.		X	X	X	X	X
I	approve discharge for parenthood.						
J	approve discharge for a condition that interferes with military service.	X		X			
K	direct execution of the approved discharge without P&R.				X	X	
L	authorize suspension of the discharge for P&R.						
M	recommend the case be referred to the Office of the Secretary of the Air Force under paragraph **1.2.**						X

Table 6.8. Options of the Separation Authority--Discharge for Fraudulent Entry.

		RULE						
if the administrative discharge board		1	2	3	4	5	6	7
A	hearing was waived	yes						
B	recommended retention		yes					
C	recommended waiver of fraud and discharge for another			yes				
D	recommended discharge described as entry level separation				yes			

		RULE						
if the administrative discharge board		1	2	3	4	5	6	7
E	recommended discharge with an honorable service characterization					yes		
F	recommended discharge with a general service characterization						yes	
G	recommended discharge under other than honorable conditions							yes
then the separation authority may								
H	direct retention.	X	X	X	X	X	X	X
I	waive the fraud and direct separation for another reason. (see note 1)							
J	direct discharge described as entry level separation. (see note 2)							
K	direct discharge with an honorable discharge. (see note 3)					X	X	
L	direct discharge with discharge. (see note 3)							
M	direct discharge under other than honorable conditions.							
N	recommend referral to the Office of the Secretary of the Air Force for discharge according to paragraph **1.2.**		X					

NOTES:

1. The type of separation based on a new action may not be less favorable than the action recommended by this board.
2. Applicable only to airman in entry level status.
3. Not applicable to airman in entry level status.

Table 6.9. Options of the Separation Authority--Unsatisfactory Performance or Failure in Drug or Alcohol Abuse Rehabilitation.

		RULE			
If the administrative discharge board		**1**	**2**	**3**	**4**
A	hearing is waived	yes			
B	recommends honorable discharge without probation and rehabilitation		yes		
C	recommends general discharge with or without probation and rehabilitation			yes	
D	recommends retention				yes
then the approval authority may					
E	direct retention.	X	X	X	X
F	approve discharge with an honorable discharge certificate.				
G	approve discharge with a general discharge.				
H	offer the airman an opportunity for probation and rehabilitation.		X		

If the administrative discharge board		RULE 1	RULE 2	RULE 3	RULE 4
I	direct execution of the approved discharge without an opportunity for probation and rehabilitation.				
J	recommend the case be referred to the Office of the Secretary of the Air Force under paragraph **1.2.**				X

Table 6.10. Options of the Separation Authority--Discharge for Homosexual Conduct

RULE	A **If the case was processed by**	B **and the board recommends**	C **then the discharge authority may (see note 1)**
1	board hearing	retention	approve the findings and direct retention. (see note 1)
2		discharge for homosexual conduct	approve the findings and direct discharge. (see note 2)
3			disapprove the findings and direct retention based on evidence insufficient to support discharge.
4			disapprove the findings and direct retention based on circumstances warranting retention according to paragraph **5.36.**
5		separation for another reason of which the respondent has been notified	direct that action to discharge for homosexual conduct stop and approve the findings and direct discharge for another reason.
6			direct retention.
7	board waiver		direct discharge for homosexual conduct and determine the type of separation according to paragraph 5.37.
8			direct retention based on evidence insufficient to support discharge.
9			direct retention based on circumstances warranting retention according to paragraph 5.36.
10			direct discharge based on another reason of which the member has been notified.
11			reject the waiver and direct that a board be convened to consider the case.
12			return the case to the unit commander for more appropriate action.

NOTES:
1. However, the separation authority may recommend the case be referred to the Office of the Secretary of the Air Force requesting separation under the Secretary's authority according to paragraph **1.2.**
2. If service characterization is involved, the separation authority may direct a characterization more favorable than the board recommends. The type of separation authority may not be less favorable than the board recommends.

Table 6.11. Options of the Separation Authority--Discharge for Misconduct

		RULE					
If the administrative discharge board		1	2	3	4	5	6
A	hearing is waived	yes					
B	recommends retention		yes				
C	recommends entry level separation with or without suspension of discharge			yes			
D	recommends honorable discharge with or without suspension of discharge				yes		
E	recommends general discharge with or without suspension of discharge					yes	
F	recommends discharge under other than honorable conditions with or without suspension of discharge						yes
then the approval authority may							
G	direct retention.	X	X	X	X	X	X
H	approve entry level separation. (see note 1)						
I	approve an honorable discharge.				X	X	
J	approved a general discharge. (see note 2)						
K	approve discharge under other than honorable conditions.						
L	authorize suspension of the discharge for P & R.			X	X	X	
M	direct execution of the discharge without P & R. (see note 3)						
N	recommend referral to the Office of the Secretary of the Air Force for discharge according to paragraph **1.2.**		X				

NOTES:
1. Authorized only if the airman was in entry level status at the time discharge action was initiated.
2. Not authorized for airman in entry level status at the time the discharge was initiated.
3. If civil conviction is one basis of the action, see paragraph 6.58 for restrictions on execution.

Table 6.12. Options of the Separation Authority--Discharge in the Interest of National Security.

RULE	A	B	C
	If the board proceedings are	**and the board**	**then the separation authority is authorized to and may**
1	involved	recommends retention	approve the recommendation and may not direct discharge in the best interest of national security. (see note 1)
2		recommends discharge	approve discharge with the type of discharge recommended by the board or a more favorable type. (see note 2)
3	not involved (privilege waived by the airman)		approve retention, or direct discharge with an honorable, general, or under other than honorable conditions discharge, or reject the waiver and refer the case to an administrative discharge board. (see note 2)

NOTES:

1. The discharge authority may recommend separation according to paragraph 1.2.
2. Airmen approved for discharge in the best interest of national security are not eligible for probation and rehabilitation according to Chapter 7.

Table 6.13. Processing Cases Requiring Medical Evaluation.

RULE	A	B	C	D
	If the disability	**and the evaluation by the psychiatrist or the sanity board indicates the airman at the time of the specific acts involved**	**and the airman is now**	**then the discharge action is**
1	does not involve mental illness			processed to completion.
2	involves mental illness	met the standards of mental responsibility and capacity established by AFI 44-109	competent to cooperate in the presentation of the case	
3			not competent to cooperate in the	suspended.

RULE	A	B	C	D
	If the disability	**and the evaluation by the psychiatrist or the sanity board indicates the airman at the time of the specific acts involved**	**and the airman is now**	**then the discharge action is**
4		did not meet the standards of mental responsibility and capacity established by AFI 44-109	presentation of the case	discontinued.

Table 6.14. Dual Action Processing Involving Disability Separation.

RULE	A	B	C	D
	If action under this instruction	**and disability separation according to AFI 36-2902**	**then**	**and**
1	is suspended (see note 1)	is being processed	attach a letter of transmittal stating the reason or reasons for suspension	forward the original and one copy of the discharge case file to HQ AFMPC/ DPMARS2 Randolph AFB TX 78150-6001, for further processing and referral to OSAF.
2	results in an approval for discharge		withhold execution of the approved discharge	
3		Results in airman being returned to duty	notify HQ AFMPC/ DPMARS2; request return of the case	execute the approved discharge. (see note 2)
4	results in a decision to retain the airman	is pending	the AFI 36-2902 case is complete as a single action.	

NOTES:

1. See **Table 6.13.** Processing of the action under this regulation may be resumed, if the AFI 36-2902 action results in the airman's return to duty or HQ AFMPC/DPMARS2 directs completion.

2. Suspension of discharge, if applicable to the reason, should be considered. For more information, see **Chapter 7.**

Table 6.15. Dual Action Processing Involving Service Retirement.

RULE	A	B	C
	If the airman applies for retirement (see note 1)	**then the discharge**	**and forward application for retirement and discharge case to**
1	in lieu of discharge processing (see note 2)	action may be suspended (see note 3)	HQ AFMPC/DPMARS2 for referral to the Office of the Secretary of the Air Force.
2	after discharge has been approved	is not executed	MAJCOM for review according to procedures contained in para **6.37.**

NOTES:

1. If, after separation action starts, the member accrues the additional service necessary to attain retirement eligibility (20 years active service creditable for retirement), the member may apply for retirement according to AFI 36-3203 (formerly AFR 35-7).
2. If the application is submitted after a board convened, the hearing will be completed.
3. The convening authority decides whether to suspend or complete the discharge processing. If the convening authority decides to complete the discharge action, the retirement application will be returned to the member without action. After completion of discharge processing, the member may reapply for retirement (comply with rule 2).

Table 6.16. Disposition of Cases After OSAF Action.

RULE	A	B	C
	If the airman applied for retirement	**and the retirement is**	**then the involuntary discharge is**
1	in lieu of discharge processing	approved by OSAF	not processed and the airman retires.
2		disapproved by OSAF	processed to completion. (see note)
3	after discharge has been approved	approved by OSAF	suspended and terminated when airman retires.
4		disapproved by OSAF	executed as directed by OSAF.

NOTE: Information about the denial of the retirement request will not be given to the board members.

Chapter 7

PROBATION AND REHABILITATION (P&R)

Section 7A—The Probation and Rehabilitation Program.

7.1. Program Objectives. The Air Force program of P&R for airmen subject to administrative discharge gives airmen an opportunity to stay in the Air Force and get help so they may be able to serve until ETS.

7.1.1. Members who complete the program and return to a productive capacity within the Air Force represent the retention of a trained resource that might otherwise have been lost. The program includes suspension of approved discharges for specific periods of P&R and lengthy service probation. Members who complete the program may enhance their chances for a productive military or civilian career.

7.2. Rehabilitation Procedures:

7.2.1. Concept: It is based on the principle of conditional suspension of administrative discharge for cause in deserving cases. Under the program, execution of the approved discharge for cause is conditionally suspended. This gives the member a chance to show that he or she is able to meet Air Force standards.

7.2.2. Premise. In the right circumstances an airman can change a pattern of behavior. This assumption is consistent with the principles applied in the retraining program for airmen sentenced to confinement by court-martial. Civilian authorities take similar action in the disposition of persons who have committed a variety of civil offenses.

7.2.3. Do not require the member to state whether P&R, if offered, would be accepted. Consideration of P&R will be automatic and based on the member's potential for rehabilitation and further useful military service. It should not be contingent on an intention stated before the outcome of the case is known.

7.2.4. A recommendation for discharge may not be contingent on approval of P&R.

7.2.5. A contingent waiver of board entitlement may not be conditioned on an opportunity for P&R.

7.2.6. Airmen are not eligible for P&R if the reason for discharge is:

7.2.6.1. Failure to comply with preventive medicine counseling, **paragraph 5.53**.

7.2.6.2. Fraudulent entry, **paragraph 5.15**

7.2.6.3. Entry Level Performance or conduct, **paragraph 5.22**

7.2.6.4. Sexual assault, **paragraph 5.55**.

7.2.6.5. In the interest of national security, **paragraph 5.57**

7.2.6.6. In lieu of trial by court-martial. (**Chapter 4**)

7.2.6.7. Drug abuse, **paragraph 5.54**.

7.2.7. If the reason for separation is not listed in **paragraph 7.2.6**, the separation authority may offer P&R in any case where there seems to be a reasonable expectation of rehabilitation. For information about required consideration of P&R, see **paragraph 7.4**.

7.2.8. Probation according to this chapter is not a substitute for preprocessing treatment. It is not to be confused with treatment for drug or alcohol abuse according to AFI 36-2701 (formerly AFR 30-2).

7.3. Criteria for Suspension of Discharge. Consistent with Department of Defense policy, the Air Force provides for the rehabilitation and return to duty of airmen whose conduct or performance warrants their discharge. Offer airmen the opportunity for P&R when it is reasonably possible to do so, for example those airmen:

7.3.1. Who have demonstrated a potential to serve satisfactorily;

7.3.2. Who have the capacity to be rehabilitated for continued military service or for completion of the current enlistment.

7.3.3. Whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force?

7.4. Documenting Consideration of P&R. If the reason for discharge is unsatisfactory performance or misconduct, the case file must show that P&R was considered by the initiating commander, the board members if a hearing is involved, and the separation authority. If the initiating commander does not recommend P&R, the reason must be given. A separation authority who disapproves a recommendation of P&R must state the reasons for the decision.

Section 7B—P&R Procedures.

7.5. Authority To Suspend Execution of Discharge. Rests with the commander who approves the discharge. For information about cases involving airmen with 16 years or more service, see **Chapter 6**, **Section 6F**.

7.6. Action by the Separation Authority. When P&R is appropriate, the separation authority:

7.6.1. Directs suspending execution of the approved discharge contingent on the successful completion of rehabilitation.

7.6.2. Sets a specific period of rehabilitation. This period may not be less than 6 months nor more than 12 months.

7.6.3. Sends a copy of the case file to the MAJCOM of assignment if the airman is assigned to another MAJCOM.

7.6.4. Usually lets the airman stay with the current unit of assignment for the probationary period.

7.6.4.1. Reassignment to another local unit, or within the MAJCOM of assignment, may be authorized if the circumstances of the case warrant.

7.6.4.2. Reassignment to a unit of another MAJCOM during the probationary period is not usually authorized.

7.6.4.3. In rare circumstances, the servicing MAJCOM/DP may determine that the airman should not be retained in the oversea area for the period of the probation. In these

cases, the MAJCOM/ DP requests the reassignment by message (includes MINIMIZE) to HQ AFMPC/DPMRPP2/ DPMARS2. If the oversea MAJCOM of assignment is not the servicing MAJCOM, make the MAJCOM of assignment an information addressee on the message.

7.6.4.4. On receipt of the reassignment instructions from HQ AFMPC/DPMARS2, the oversea MAJCOM furnishes the gaining MAJCOM a complete file on the case. It includes copies of the administrative discharge proceedings with supporting documents, the correspondence effecting suspension of the approved discharge, and all related documents.

7.6.5. Sends a memorandum to the airman's servicing MPF and immediate commander. For format, use **Figure 7.1** More information may be included where it may be needed.

7.7. Action by the Immediate Commander. On receipt of notice from the separation authority that an airman is to be offered P&R, the commander:

7.7.1. Gives the airman a letter with information about the program. For fact sheet format, use **Figure 7.2**.

7.7.2. Counsels the airman, emphasizing these points:

7.7.2.1. The importance of an honorable discharge and how it helps the person who earns one.

7.7.2.2. The possibility of difficulty in civilian life, if the approved discharge for cause were executed as it stands.

7.7.2.3. The very remote chance that the type of discharge, once executed, would be changed. (For more information, see AFIs 36-3201, *Air Force Discharge Review Board* (formerly AFR 20-10) and 36-2604, *Service Dates and Dates of Rank* (formerly AFR 31-3).

7.7.2.4. The offer of P&R does not excuse the airman's conduct.

7.7.2.5. The airman can prevent execution of the approved discharge only by good conduct and duty performance.

7.7.2.6. The commander will be the main judge of the airman's performance and conduct during the period of the P&R.

7.7.2.7. The offer of P&R is not an attempt to keep the member in the Air Force involuntarily.

7.7.3. Finds out whether the airman has enough retainability to complete the prescribed period of P&R. If necessary, gets the airman's voluntary request for extension of enlistment for the minimum time required.

7.7.4. Determines whether the airman, if serving overseas, has enough time before date eligible for return from overseas (DEROS) to complete the P&R. If not, the airman must ask for an extension of the oversea tour or give up the P&R privilege. For more information, see AFI 36-2110 (formerly AFR 39-11).

7.7.5. Requires the airman who accepts the offer of P&R to sign a statement of understanding and acceptance of the terms of the probation. These terms are set out in the

letter from the separation authority and the fact sheet. The commander will countersign this statement.

7.7.6. Requires the airman who does not accept the offer of P&R (or fails to satisfy the retention requirements) to sign a statement acknowledging an understanding of the rehabilitation privilege. The statement gives the date of the counseling by the commander. It also acknowledges understanding of the effects of the member's refusal to accept the opportunity for P&R. The statement and the letter from the separation authority (**Figure 7.1**) are returned to the separation authority. Then execute the approved discharge.

7.8. Airmen Undergoing Rehabilitation. During the prescribed probationary period or any extensions of it, the procedures listed below apply:

7.8.1. Afford airmen the opportunity to show they are:

7.8.1.1. Capable of good conduct for a reasonable period of time and in varying conditions; and

7.8.1.2. Able to perform their assigned duties well.

7.8.2. Unit commanders are not required to set up a special rehabilitation program in the unit. Airmen on probation are given duties and on-the-job training appropriate to their grade, skill level, and experience.

7.8.3. Airmen in P&R are not given special treatment, but their commanders and supervisors should recognize the factors responsible for their situation. Help from agencies or personnel reasonably available at the base should be sought when it is needed. You may ask personnel trained in rehabilitation techniques to help.

7.8.4. The commander is the primary judge of the airman's performance. The rater prepares an EPR for each 90-day period. For more information, see AFI 36-2403 (formerly AFR 39-62).

7.8.5. Promotion consideration is according to AFI 36-2502, *Promotion of Airmen* (formerly AFR 39-29).

7.8.6. Do not select airmen in P&R for formal training. If the airman is in formal training at the time probation is offered and accepted, the separation authority decides whether the member will stay in the course of instruction during the probationary period.

7.8.7. Usually airmen in P&R should not be placed on, or continued on, a control roster according to AFI 36-2907, *Air Force Unfavorable Information File Program* (formerly AFR 35-32). If the airman's name is on the control roster, consider removing it when the member enters P&R.

7.8.8. Reenlistment consideration is according to AFI 36-2606 (formerly AFR 35-16, volume 1).

7.8.9. The status of airmen in P&R is not the same as that of a member placed under restriction or correctional custody according to Article 15, UCMJ. Neither is it the same as that of an airman undergoing rehabilitation training following a conviction by court-martial. Do not regard it as such.

7.9. Completion of Rehabilitation. When an airman completes a term of probation successfully:

7.9.1. The approved administrative discharge for cause is automatically and permanently canceled on the date the suspension expires.

7.9.2. Future failure of the airman to maintain desired standards may be the basis of new discharge proceedings. ***NOTE:*** Basis of previous discharge may not be part of the basis of the new discharge proceeding.

7.9.3. Eligibility for reenlistment will be according to AFI 36-2606 (formerly AFR 35-16, volume 1). None of the reasons for recommending discharge that existed before the date on which the P&R began may be the sole basis for denial of reenlistment.

7.9.4. After the successful completion of P&R, characterize the ETS as honorable.

7.10. Other Options During Rehabilitation. As a rule, a member placed on P&R must serve the full probationary period set by the separation authority. When P&R is completed successfully, cancel the suspended discharge. Members who fail to meet the terms of the P&R are usually discharged by execution of the suspended separation. However, there may be cases where the probationary period should be changed. In such cases, the commander may send a recommendation to the separation authority. It tells how and why the probationary period should be changed. The separation authority under whom the member is serving when the recommendation is made approves or disapproves the change. The commander may ask for:

7.10.1. **Cancellation of the Probation.** This is done when the member's good conduct shows clearly that the goals of the P&R have been met. The separation authority may direct that:

7.10.1.1. The probation be ended.

7.10.1.2. Part of the remaining period be canceled; or

7.10.1.3. Probation be continued for the entire time originally approved.

7.10.2. **Extension of the Probationary Period.** This is done when the airman has made progress, but the commander is not sure that rehabilitation is complete. The airman's consent is required when the period is extended. The original probationary period and the proposed extension together must not exceed 1 year. The request must reach the separation authority in time for a decision to be made before the original probationary period ends. The separation authority may:

7.10.2.1. Approve the requested extension.

7.10.2.2. Disapprove the request and notify the member according to **paragraph 7.12** that discharge is to be executed.

7.10.2.3. Direct that the probation continue until the date originally set.

7.10.3. **Discharge under Other Conditions.** In some cases, a member who is making good progress in rehabilitation may ask for separation for a reason unrelated to the reason discharge for cause was approved. For example, a hardship may occur. The member's conduct during the period of P&R may have, to some extent, offset the conditions that led to the approved discharge for cause. The separation authority may:

7.10.3.1. Approve the member's request, in which case the original discharge is set aside.

7.10.3.2. Direct discharge for the reason originally approved, but with a more favorable type of discharge.

7.10.3.3. Direct discharge as originally approved.

7.10.3.4. Disapprove the member's request for voluntary separation.

7.11. Failure to Meet Goals of Rehabilitation. Good conduct and satisfactory duty performance are required of airmen on P&R. Behavior similar to that for which discharge was approved or other evidence of failure to meet Air Force standards shows the goals of the P&R are not being met. In such a case, a commander may take more action against the airman.

7.11.1. The commander may start new administrative or punitive action. It is not necessary to begin action to vacate the suspension of the approved discharge at the same time other action starts. The UCMJ will govern punitive action. Take administrative action according to the applicable part of this directive. This may involve a less favorable characterization of service.

7.11.2. Suspension of the approved discharge may be vacated and the discharge executed as originally approved. For procedures, see **paragraph 7.12**.

7.11.3. Action to vacate a suspension does not bar trial by court-martial.

7.11.4. If action to vacate the suspension has been initiated before the probation ends, a suspended discharge is not automatically canceled. Action to vacate the suspension has been initiated when the notification memorandum required by **paragraph 7.12** is delivered to the airman.

7.12. Vacating the Suspension of Discharge:

7.12.1. The commander notifies the airman by memorandum of the proposal to vacate the suspension and execute an approved discharge. The memorandum gives:

7.12.1.1. The reason or reasons for the action.

7.12.1.2. The name, address, and telephone number of the military legal counsel named to help the airman.

7.12.1.3. Advise that civilian legal counsel may be employed at the member's own expense.

7.12.1.4. Instructions for replying within 7 workdays with a rebuttal or a waiver of the right to rebut. 7.12.2. The commander sends the case file through the MPF to the separation authority when the airman's reply is received. The case file will contain:

7.12.2.1. A copy of the correspondence suspending the approved discharge and setting out the terms of the probation.

7.12.2.2. A copy of the memorandum notifying the airman of the proposed vacation of the suspension.

7.12.2.3. The airman's rebuttal or waiver of the right to rebut. A full statement of the actions the commander took to help rehabilitate the airman.

7.12.3. The separation authority may:

7.12.3.1. Approve the recommendation and direct execution of the discharge with the type of discharge originally authorized or a more favorable one. ***EXCEPTION:*** If the airman has at least 16 years' service, referral to HQ AFMPC/DPMARS2 is required upon request of the member. For instructions, see **Chapter 6**, **Section 6F**.

7.12.3.2. Disapprove the recommendation and direct that the P&R period be continued.

7.13. Unauthorized Absence During P&R. When an airman on probation has been AWOL for 15 days or more, the suspension may be vacated and the approved discharge executed. The procedures in **paragraphs 7.12.2** and **7.12.3** apply, except that the case file will not contain the letter notifying the airman.

7.13.1. An absentee whose whereabouts are unknown is not discharged under this procedure when other disposition would be more appropriate. For example, a member who should be returned to military control for trial by court-martial should not be discharged in absentia. When the GCM authority approves the discharge in absentia, the general procedures of **paragraph 1.12** apply. ***EXCEPTION:*** If vacation of the suspension is approved for a member AWOL from an oversea unit, execution of the discharge must be delayed until the member is returned to CONUS.

7.14. Dual Status Airmen. When an airman who holds an appointment as a Reserve of the Air Force commissioned officer accepts P&R, review the case to determine whether the member should keep the Reserve appointment. Send the original and one copy of administrative discharge board proceedings and copies of the letters offering and accepting P&R to HQ ARPC/DP, Denver CO 80280-5000. The fact that the approved discharge has been suspended for P&R will not, necessarily, influence the action on the member's Reserve status.

Figure 7.1. Sample Memorandum Authorization for Probation and Rehabilitation.

SAMPLE

(Appropriate Letterhead)

MEMORANDUM FOR (SERVICING MPF)

FROM: (functional address symbol) (date)

SUBJECT: Probation and Rehabilitation

I have evaluated the AFI 36-3208, paragraph___, proceedings pertaining to (grade, name, SSN) and approve the discharge. However an opportunity for probation and rehabilitation is warranted in this case.

Subject to (grade, name's) future good behavior, and meeting Air Force standards, execution of the approved (type) discharge is suspended according to AFR 36-3208, Chapter 7, for (specify not less than 6 or more than 12) months from the date of (his)(her) voluntary acceptance of the terms of the probation and rehabilitation. The suspended discharge will be automatically canceled at that time, unless the suspension has been vacated, or action to vacate it has been initiated.

(Restrictions on, or instruction for, reassignment according to paragraph 7.6.4.)

Have the unit commander comply with paragraph 7.7. Counseling should emphasize the lasting importance and benefits of an honorable discharge at the end of the member's term of service. The possible effects of discharge for cause in civilian life should be fully explained. Give the airman a copy of this letter and the fact sheet attached to it.

(typed name, grade), USAF

(title)

Attachment:

1. Fact Sheet

cc: (unit commander)

Figure 7.2. Sample Fact Sheet for Airmen Undergoing Probation and Rehabilitation.

SAMPLE

(Appropriate Letterhead)

FACT SHEET FOR AIRMEN UNDERGOING PROBATION AND REHABILITATION

1. During probation and rehabilitation (P&R) your discharge will be suspended. During the P&R period, you will be given every chance to show that you are capable of good conduct, that you can perform your assigned duties well, and that you can adhere to Air Force Standards.

2. If you complete the period of P&R successfully, at the end of your current enlistment:

a. Your eligibility for reenlistment will be determined by the existing criteria for reenlistment. The conditions that existed before the date you entered P&R will not be used as the sole basis to deny you reenlistment.

b. If you separate, you will receive an honorable discharge certificate.

3. The offer of P&R in no way excuses your behavior. P&R carries with it the discharge as recommended and approved. You can, however, prevent this discharge by future good conduct and duty performance. If you fail to maintain the high standards set for Air Force personnel, one or more of these actions may be taken against you:

a. Cancellation of the suspension and execution of the approved discharge.

b. Initiation of new administrative discharge action.

c. Punitive action under the Uniform Code of Military Justice.

4. If the action in paragraph 3b or c is taken, the result may be less favorable than the one already approved and suspended.

5. This offer of P&R is not an attempt to keep you in the Air Force against your will. It is, rather, a final effort to help you.

Chapter 8

ADMINISTRATIVE DISCHARGE BOARDS

8.1. Purpose, Function, and Duties. An administrative discharge board is a fact finding and recommending board. The functions and duties of a board appointed to consider an administrative discharge case are purely administrative, not judicial. The board's first duty is to develop and review all the information about the matter under consideration. It must reach clear, logical findings of fact as to each allegation set out in the notification memorandum. It does not make a finding concerning the member's medical qualification for worldwide duty. On the basis of its findings, the board recommends one or more actions to be taken in the case. If the board recommends discharge, it also makes separate recommendations as to:

8.1.1. The type of separation.

8.1.2. Whether the respondent should be offered an opportunity for probation and rehabilitation.

8.1.3. **DELETED.**

8.2. Convening Authority. The SPCM authority convenes the board. The order of appointment states that the board is appointed by authority of the Secretary of the Air Force. It also contains the following paragraph:

8.2.1. All commissioned and noncommissioned officers appointed will read and become familiar with the applicable parts of AFI 51-602, *Boards of Officer*s (formerly AFR 11-31) and this instruction before acting as members of the board.

8.3. Composition of the Board. The convening authority must make sure the opportunity to serve is given women and minorities. The mere appointment of, or the failure to appoint, a woman or a member of a minority group to serve on a board is not a basis for challenging the proceedings of the board.

8.3.1. **Voting Members.** There must be at least three voting members according to the standards found in the UCMJ Article 25D (2). They must be experienced, unbiased persons of mature judgment. They must fully understand this regulation and the policies pertaining to the case. Usually, all board members will be commissioned officers. On the written request of the respondent, non-commissioned officers may serve as board members.

8.3.1.1. The majority of the members must be commissioned officers. At least one must be a field grade officer. For the basic qualifications of board members for cases involving Regular and Reserve airmen, use **Table 8.1**.

8.3.1.2. The quality of a board proceeding depends, to a great extent, on the knowledge and judgment of the board members. The officer making the commander's recommendation may not serve as a board member. No other officer or NCO having direct knowledge of the case may serve on the board.

8.3.2. Nonvoting Members:

8.3.2.1. The recorder assists the board and presents the government's case. The recorder must be a designated judge advocate, or, with the approval of the local staff judge

advocate, an officer of the Judge Advocate General's Department Reserve or another officer assigned full time legal duties in the Judge Advocate General's Department.

8.3.2.2. The legal advisor, a judge advocate, presides in all open sessions. The responsibilities of the position make it necessary to select the best qualified (usually, the best trained and the most experienced) officer available.

8.3.3. **Challenges.** The respondent and the recorder may challenge a voting member or the legal advisor for cause only. The legal advisor shall rule on all challenges except challenges to the legal advisor. The board will hear evidence on the challenge to the legal advisor and then, in closed session, the president of the board shall announce his ruling on the challenge. The president shall then poll the other voting members to see if they object to the president's ruling, and unless a majority of the voting members object, the president's ruling shall be final. The president shall announce the ruling on the challenge to the legal advisor in open session.

8.4. Reporter and Interpreter:

8.4.1. A competent reporter or stenographer records the proceedings. For more information, see **paragraph 8.17**.

8.4.2. An interpreter, if needed, translates the proceedings so the respondent can understand and take part in the proceedings.

8.5. Replacing Board Members. If, during a hearing, the board is reduced below a quorum of three voting members, or there is no longer a majority of commissioned officers, the board is recessed. A new voting member or members must be appointed. The respondent is given an opportunity to challenge the newly appointed member or members for cause. After a new member reads the verbatim transcript to that point, the hearing proceeds.

8.6. Functions of the Legal Advisor:

8.6.1. Consults, as necessary, with the recorder and the respondent's counsel at any time prior to or after the convening of the board to:

8.6.1.1. Prepare for the hearing.

8.6.1.2. Clarify the issues.

8.6.1.3. Rule on admissibility of evidence and other issues not requiring the presence of the voting members. Record and transcribe these sessions as part of the record of the action.

8.6.2. Instructs the board on its functions, duties, and procedures in open session only.

8.6.3. Advises the board at any and all stages of the proceedings, as appropriate, on request of the board, or on the legal advisor's own initiative.

8.6.4. Rules finally on the admissibility of evidence and procedural matters.

8.6.5. Authenticates the record of the board proceedings.

8.7. Duties of the Recorder:

8.7.1. Assists the president of the board and the legal advisor as required.

8.7.2. Reviews the case file as soon as it is received and prepares for the hearing. If more investigation, documentation, or information is needed for proper evaluation of the case, the recorder asks for it at this time.

8.7.3. Arranges for the respondent and counsel for the respondent to review all the documents to be submitted in evidence.

8.7.4. Provides the respondent and counsel the names, addresses, and statements of all witnesses.

8.7.5. Interviews prospective witnesses and ensures their presence at the hearing.

8.7.6. Takes affidavits from those who will not be available for the hearing. For more information about witnesses, see **paragraph 8.10**.

8.7.7. Gives the respondent and counsel for the respondent timely notice of the time and place of the hearing. Includes in the notice that respondent's failure to appear without good cause at the hearing constitutes a waiver of respondent's right to be present at the hearing.

8.8. Review Before the Board Convenes. Voting members of the board do not review the case before the hearing. The recorder and the legal advisor become familiar with all aspects of it.

8.9. Respondent's Rights. They have the right to:

8.9.1. **Personal Appearance or Representation.** The respondent may appear in person, with or without counsel, at all open proceedings of the board.

8.9.1.1. A respondent who cannot be present, or one who waives presence, must be represented by counsel.

8.9.1.2. Counsel may be the Area Defense Counsel assigned to the installation or may be the counsel requested by the respondent, if the person requested is a member of the Air Force and is reasonably available as determined according to AFI 51-201 (formerly AFR 111-1).

8.9.1.3. Civilian counsel may be employed at the respondent's own expense.

8.9.1.4. The respondent may be represented by either the designated or the requested military counsel, but not by both.

8.9.1.5. Non-lawyer counsel may not represent a respondent before a board unless: the respondent expressly declines appointment of counsel qualified under Article 27(b)(1) of the UCMJ and requests specific non-lawyer counsel; or the separation authority assigns the non-lawyer counsel as assistant counsel.

8.9.2. **Challenge Board Members.** The respondent and the recorder may challenge a voting member or the legal advisor for cause only.

8.9.3. **Presentation of Witnesses.** A respondent may arrange for the presence at the hearing of any witness who agrees to testify without cost to the government. For information about how to arrange for other witnesses, see **paragraph 8.10**. The respondent or counsel may question any witness who appears before the board.

8.9.4. **Examination by the Board.** All the rights granted by Article 31, UCMJ, are extended to the respondent. The respondent may testify under oath or submit an oral or

written unsworn statement personally or through counsel. A respondent may not be cross examined on an unsworn statement.

8.9.5. **Submission of Evidence.** The respondent may, at any time before the board convenes, or during the proceedings, submit material for the board to consider. It may consist of sworn or unsworn statements, affidavits, certificates, or stipulations. This includes, but is not limited to, depositions of witnesses not deemed reasonably available, or unwilling to appear voluntarily.

8.10. Arranging for Witnesses. The recorder acts for the board to invite witnesses both for the government and for the respondent. The legal advisor decides who to invite. The requesting party must show that the desired witness' testimony can contribute materially to the case.

8.10.1. **Request for Personal Appearance.** The request must contain:

8.10.1.1. A brief summary of the testimony expected of the witness.

8.10.1.2. An explanation of the relevance of such testimony to the issues of separation or characterization.

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

8.10.2. **Basis for Authorization.** The legal advisor, on behalf of the convening authority may approve production of the witness if the legal advisor finds that:

8.10.2.1. The testimony of the witness is not cumulative;

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

8.10.2.3. Written or recorded testimony will not accomplish adequately the same objective;

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

8.10.2.5. The significance of the personal appearance of the witness, when balanced against the practical difficulties of producing the witness, favors the production of the witness. Factors to be considered in this decision include, but are not limited to the:

8.10.2.5.1. Cost of producing the witness.

8.10.2.5.2. Timing of the request for the witness.

8.10.2.5.3. Potential delay in the proceeding that may be caused by producing the witness.

8.10.2.5.4. Likelihood of significant interference with operational deployment, mission accomplishment, or essential training.

8.10.3. **Civilians and Members of the Armed Forces Not in the Active Military Service.** Invitational travel orders are authorized for persons who are neither employees of the federal government nor members of the armed forces in the active military service. For more information about the travel of witnesses, see Joint Travel Regulation (JTR), volume 2.

When invitational travel orders are authorized, the recorder sends a letter inviting the prospective witness to appear before the board.

8.10.4. **Civilian Employees of the Air Force and Members of the Air Force in the Active Military Service.** If the board will meet at a place other than the prospective witness' duty station, the recorder will ask the major command (MAJCOM) concerned to make the military member or the civilian employee available. The MAJCOM may deny the request if military requirements do not permit the member or employee to appear before the board as a witness.

8.10.4.1. The travel of witnesses will be according to the provisions of JTR, volumes 1 and 2. AFI 65-601, volume 1, *US Air Force Budget Policies and Procedures* (formerly AFR 172-1, volume 1), governs the funding of the travel.

8.10.4.1.1. If the board is held at the witness' duty station, availability will be presumed.

8.10.5. **Civilian Employees of Other Federal Agencies and Members of Other Armed Forces in the Active Military Service.** The recorder will determine the availability of the prospective witnesses.

8.10.6. **Rescheduling the Board Hearing.** Continue or postpone the hearing.

8.10.6.1. Permit the attendance of a witness if the legal advisor finds the personal testimony of the witness is essential.

8.10.6.2. Provide the respondent with a reasonable opportunity to obtain a written statement from a witness if:

8.10.6.2.1. The legal advisor determines that the personal testimony of the witness is not required;

8.10.6.2.2. The commander of a military witness determines that military duties preclude the witness' attendance at the hearing; or

8.10.6.2.3. A civilian witness declines to attend the hearing. A federal employee may not decline to appear as a witness if directed to do so.

8.11. Dual Status Airmen. If the respondent is a dual status airman:

8.11.1. Refer to **Table 8.1** for special board membership requirement.

8.11.2. The legal advisor's explanation of the board's purpose must include advice that the proceeding is also directed toward arriving at a recommendation as to whether the member's status as an officer of the USAFR should be terminated or retained. For more information see **Chapter 6**, **Section 6G**.

8.11.3. The record of the proceedings must show the airman was so advised.

8.12. Hearing Procedures. The president of the board is the ranking member and presides when the board meets in closed session. Only the voting members are present during this time.

8.12.1. **Oaths.** The recorder administers the oaths to the legal advisor, the reporter, the interpreter (if one is used), and the board's voting members. The legal advisor administers the oath to the recorder. Reporters who have been administered one time oaths for courts-martial need not be resworn.

8.12.2. **Instructing the Board.** The legal advisor instructs the board in open session in the presence of the respondent and respondent's counsel. When the respondent is not present for the hearing, give the instructions in the presence of the respondent's counsel. Give the introductory instructions before the taking of the evidence starts. They must include an explanation of the board member's responsibilities, the recorder's, and the legal advisor's responsibilities.

8.12.2.1. Give the closing instructions before the board goes into closed session to arrive at findings and recommendations. The instructions summarize the requirements for establishing a basis for the proposed discharge and lists the options available to the board. The legal advisor gives the instructions to fit the case at hand.

8.12.3. **Closing Arguments.** The respondent or counsel for the respondent and the recorder may present arguments before the board goes into closed session.

8.13. Presenting Evidence to the Board. Strict rules of evidence need not be observed; however, the legal advisor may impose reasonable restrictions of relevancy, competency, and materiality of matters considered. New or additional evidence may be developed at the hearing. The board may, on its own or the recorder's motion, amend or supplement the notification letter to conform to the new evidence. In considering the new or additional evidence, the board is bound by the same rules of evidence and procedure generally applicable in the hearing.

8.14. Burden of Proof. This is on the government to establish each allegation in the original and amended notification memorandums by a preponderance of the evidence. A preponderance of the evidence means simply the greater weight of credible evidence. There is no requirement to prove any allegation beyond a reasonable doubt. Boards may not enter findings contrary to matters previously adjudicated in courts-martial and civilian court convictions; however, this does not preclude the respondent from presenting matters in mitigation, extenuation, and explanation.

8.14.1. Without limiting the respondent's right to a full and fair hearing, the legal advisor may impose reasonable restrictions on evidence introduced by the respondent that conflicts with previously adjudicated matters.

8.15. Voting in Closed Session. After considering and evaluating all the evidence, the board arrives at findings and recommendations through secret, written ballot. A majority vote determines each issue. Tie votes result in findings or recommendations favorable to the respondent. They are announced as majority votes. The board records the findings and recommendations in writing. A minority report may be submitted.

8.16. Findings and Recommendations:

8.16.1. The board makes a separate finding on each allegation set out in the original and amended notification memorandums.

8.16.1.1. Each finding sets out dates, places, and events as specifically as possible.

8.16.1.2. The findings must be written with great care to reflect accurately the board's evaluation of the evidence.

8.16.1.3. They should be reviewed by the legal advisor in open session for administrative sufficiency prior to the announcement.

8.16.2. The board is limited to making recommendations concerning separation or retention, type of separation, and suspension of discharge. The recommendations must be consistent with the findings.

8.16.3. The president of the board announces the findings and recommendations to the respondent and counsel for the respondent before the board adjourns.

8.17. Recording the Board Proceedings:

8.17.1. For a sample format for preparing the record of the board proceedings, see AFPAM 36-3210, *Procedural Guide for Enlisted Administrative Discharge Boards* (formerly AFP 39-3). Board proceedings will generally be summarized but parts of the proceedings must be verbatim. For more information, use **Table 8.2**.

8.17.1.1. Send the original of the record to the convening authority for action according to **paragraph 6.18**.

8.17.1.2. MPF Personnel Relocation Element will retain three copies for other actions required.

8.17.1.3. Give the respondent one copy of the record of the proceedings.

8.17.2. The legal advisor authenticates the record of the proceedings. If, after the hearing, the legal advisor is not reasonably available, the president and the recorder authenticate the record. State the reason for the substitution on the authentication page.

8.17.3. The reporter must retain all the notes of the hearing until all the action in the case is final.

Table 8.1. Composition of the Administrative Discharge Board (See Note 1).

		RULE		
If the respondent		1	2	3
A	is a member of the regular Air Force (RegAF)	Yes		
B	is an enlisted member of a Regular component (see note 2)		Yes	
C	holds an appoint as a Reserve officer			Yes
then the voting members of the board must include				
D	a majority of commissioned officers, who in the opinion of the convening authority are best qualified for such duty by reason of age, education, experience, length of service, and judicial temperament.	X	X	X
E	at least one field grade officer.			
F	only NCOs in the grade of master sergeant or above. (see note 3)			
G	at least one Reserve component officer.			X
H	a majority of Reserve component officers, if available.			X
I	only officers who are senior to the airman's Reserve grade.			

NOTES:

1. Women and minorities must be given the opportunity to serve (see paragraph 8.3).
2. If the respondent is an enlisted member of a Reserve component and an under other than honorable discharge characterization is authorized to be issued, all board members must be commissioned officers.

3. NCO members, if requested by the respondent, must be senior in grade to the respondent.

Table 8.2. Recording the Board Proceedings.

RULE	A	B	C
	If the Board recommends	**then transcribe verbatim the**	**summarize (see notes)**
1	retention	board's findings and recommendations	the remainder of the proceedings
2	discharge with an honorable or general discharge		
3	entry level separation		
4	discharge under other than honorable conditions	entire proceeding	NA
5	that a case be referred to a new board to consider discharge for a different reason		

NOTES:

1. A verbatim transcript of the entire proceeding is required in a case:

1.1. Referred to the office of the Secretary of the Air Force for discharge according to **paragraph 1.2** or **Chapter 6**, **Section 6E**, Dual Action Processing, or **Chapter 6**, **Section 6F**, Airmen with Lengthy Service.

1.2. Involving members who are Reserve officers.

2. A summarized record in retention cases need only contain persons present or absent, authority for convening a board, and copies of all exhibits unless note 1 applies.

Chapter 9

SEPARATION PAY

9.1. General Procedures. All the basic criteria below defining eligibility for separation pay must be met before a member is eligible for payment.

9.1.1. The member is on active duty (AD) and has completed at least 6 years, but fewer than 20 years of active service; active service does not have to be continuous.

9.1.2. The member must not separate at his/her own request. (However, after a member has been formally and officially denied reenlistment or continuation on active duty, the member may request an earlier separation from AD without loss of separation pay.) Consider as a separation at the member's own request, the following:

9.1.2.1. A member who declines training for a new skill as a precondition to reenlistment or continuation on AD.

9.1.2.2. A member who declines to test for promotion or declines the promotion and is subsequently separated under a high year of tenure program.

9.1.2.3. A member who requests voluntary separation under any of the provisions in **Chapter 2** or **Chapter 3** of this directive, except when member has been denied reenlistment or continuation on AD.

9.1.2.4. A member who declines to get the required retainability for permanent change of station.

9.1.3. The member must not separate during the initial enlistment. Members who complete their initial enlistment of 4 or 6 years and who are involuntarily separated while on an extension of their enlistment and have more than 6 years of active service are eligible for separation pay.

9.1.4. The member is not being dropped from Air Force rolls and is not eligible for retirement at time of separation.

9.1.5. The member is not separated for "misconduct" or "unsatisfactory performance" as defined in **Chapter 5**, **Section 5E** and **Section 5H**.

9.1.6. The member is not separated as a result of a court-martial sentence.

9.1.7. The member is not separated with a service characterization of under other than honorable conditions.

9.1.8. The member must agree in writing to serve in the Ready Reserve for at least 3 years following the separation from active duty. A member who qualifies for separation pay (see **Figure 9.1**), but is unqualified for the Ready Reserves still must agree in writing to serve in the Ready Reserve in order to receive separation pay (see **paragraph 9.1.8** second bullet and **Table 9.1**).

9.1.8.1. A member who enters into this written agreement and who is qualified to serve in the ready reserve will be released to the Air Force Reserve and his/her agreement mailed to ARPC/ XPX, Denver CO 80280-5000. The only members who, otherwise

qualify for ready reserve, will be accepted to enter into ready reserve are those who qualify for full separation pay or are separated for involuntary expiration of term of service. All other members will be discharged.

9.1.8.2. If the member has a military service obligation that is not completed at the time the member is released from AD, the 3-year obligation will begin on the day after the day on which the member completes his/her obligation.

9.1.8.3. A member who enters into this written agreement and is not qualified for continuation in the ready reserve will be discharged. A member need not be qualified for reserve duty to meet this condition of eligibility for separation pay.

9.2. Full Separation Pay (Nondisability). Members involuntarily separated from AD may be entitled to full separation pay (computation described in **paragraph 9.4**) if they meet the criteria in **paragraph 9.1** and the following conditions:

9.2.1. The member's characterization of service is "honorable" and the member fully qualified for retention, but is being involuntarily separated by denial of reenlistment or continuation on AD under one of the following specific conditions:

9.2.1.1. Member is denied reenlistment under an Early Release/Date of Separation rollback program.

9.2.1.2. Member is denied reenlistment under High Year of Tenure (HYT) policy. This applies only to the E-4 HYT program since members have 20 years or more of service in all other HYT programs.

9.2.1.3. Member is being involuntarily separated under a reduction in force program.

9.3. Half Separation Pay (Nondisability). Members involuntarily separated from AD may be entitled to half separation pay (computation described in **paragraph 9.4**), if they meet the criteria in **paragraph 9.1** and the following conditions:

9.3.1. The member's characterization of service is "honorable" or "under honorable conditions (general)" and the member is being involuntarily separated through either the denial of reenlistment or denial of continuation on AD under one of the following specific conditions:

9.3.1.1. **Expiration of Service Obligation:** Use expiration of term of service (ETS) separation program designators (SPD) with reenlistment codes 2, 3, or 4 with the following exceptions:

9.3.1.1.1. Reenlistment codes 4F, 4G, and 4N may be waived to permit reenlistment or extension of enlistment. Do not authorize separation pay if the member did not request a waiver to reenlist or extend, or receive an approved waiver. Use the voluntary ETS SPD. Authorize separation pay if the member requested a waiver to reenlist or extend and the waiver was denied. Use the involuntary discharge ETS SPD.

9.3.1.1.2. Reenlistment codes 2E, 2G, 2H, 2J, 2K, 2L, 4H, 4I, and 4J are authorized extensions of enlistment. If member does not request an extension, use voluntary ETS SPD; separation pay is not authorized. If the member requests an extension and is

denied the extension then payment is authorized. Use the involuntary discharge ETS SPD.

9.3.1.1.3. Reenlistment codes 3D, 3E, and 3J or assignment availability codes 08 (declined training) and 09 (declined PCS) are not eligible for separation pay since the member took self-initiated action to cause the separation. Voluntary ETS SPD will be assigned in these circumstances.

9.3.1.2. **Involuntary Convenience of the Government Separations** (see **Chapter 5**, **Section 5B**).

9.3.1.3. **Drug Abuse Treatment Failure** (see **paragraph 5.31**).

9.3.1.4. **Alcohol Abuse Treatment Failure** (see **paragraph 5.32**).

9.3.1.5. **DELETED.**

9.3.1.6. **Discharge in Interest of National Security** (see **Chapter 5**, **Section 5I**).

9.3.1.7. **(DELETED)**

9.4. Computation of Active Service and Separation Pay. Separation pay for members eligible for full payment will be computed at 10 percent of 12 times the amount of monthly basic pay to which entitled at the time of separation from AD, times the number of years and fractions of a year of active service when separated. Compute separation pay for members eligible for half payment at one half times what the full payment would have been. Compute active service time as follows:

9.4.1. Qualifying years do not have to be continuous; however, the last phase of the qualifying term must end immediately before the separation from AD occurs.

9.4.2. Compute fractions of years in the following manner: Count each full month of service that is in addition to the number of full years of active service as one-twelfth of a year. Disregard any remaining fractional part of a month.

9.4.3. Count periods for which a service member previously has received separation pay, severance pay, or readjustment pay for eligibility purposes (to ensure the member meets the minimum required years of AD), but do not use them in the multiplier to determine the amount of separation pay for a subsequent separation.

9.4.4. Count periods of active military service in a Regular or Reserve component. Include AD for training performed.

9.4.5. Do not include periods of absence without leave, confinement time awaiting trial that results in conviction, confinement time while serving a court martial sentence, or time lost while not in the line of duty. Count time served to make good time lost.

9.4.6. Do not include service as a cadet or midshipman while in a service academy or a Reserve officer training program.

9.5. Repayment of Separation Pay:

9.5.1. Members who receive separation pay, based on service in the Armed Forces, and who subsequently qualify for retired pay will have deducted an amount equal to the total amount of separation pay. Recoup this amount from each payment of this retired pay until the total

amount deducted is equal to the total amount of separation pay. Recompute the monthly recoupment rate when gross retired pay is increased for cost of living adjustments. ***NOTE:*** Only the difference between the recoupment and gross retired pay is taxable.

9.5.2. Members who receive separation pay based on active service, and become eligible for disability compensation administered by the Department of Veterans Affairs will have deducted from such disability compensation an amount equal to the total amount of separation pay received. However, such reduction will not apply to disability compensation in which the entitlement to that disability compensation is based on a later period of AD for which the separation pay was received.

9.6. Secretary of the Air Force (SAF) Determination:

9.6.1. A member may be separated under an Air Force specific program established as a one-half or no payment level by SAF.

9.6.2. Notwithstanding the provisions of this or any other directive, the SAF may direct, in extraordinary cases, because of the conditions under which a member is separated, that the member does not warrant separation pay. Use this discretionary authority sparingly and do not delegate it.

9.6.2.1. Requests for SAF to deny separation pay to an otherwise qualified member will originate with the unit commander. The request will be in memorandum format and contain justification for denial of separation pay.

9.6.2.2. Unit commanders requesting SAF action under this paragraph must notify the member of the request and justification for the request. The member will be given 3 workdays to submit a rebuttal with the assistance of military legal counsel.

9.6.2.3. The request and rebuttal will be reviewed by the SPCM's staff judge advocate and forwarded in original and one copy to HQ AFMPC/DPMARS2 with the concurrence of the SPCM and MAJCOM/DPA, for referral to the SAF (AFPC). Either the SPCM or MAJCOM/DPA may disapprove the request and return it to the unit commander.

Figure 9.1. Sample Individual Ready Reserve Statement, Conditional for Enlisted Separation Pay.

SAMPLE

INDIVIDUAL READY RESERVE STATEMENT

CONDITIONAL FOR ENLISTED SEPARATION PAY

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 U.S.C., Section 8013 and Executive Order 9397

PURPOSE: To process separation pay

DISCLOSURE IS VOLUNTARY: If you do not furnish your SSN and address, we cannot process your separation pay.

As a condition to receiving separation pay, I agree to serve in the Ready Reserve for a period of not less than three years following my separation from active duty. I understand if I have not completed my military service obligation (MSO) at the time of my separation from active duty, the three-year period I have agreed to serve in the Ready Reserve will begin on the date after the date I complete my MSO.

I understand the Air Force is not under any obligation to offer me an enlistment in the Ready Reserve, and I understand that I may not necessarily be enlisted in the Ready Reserve.

I understand that I will not be enlisted in the Ready Reserve if I am separated for reasons that make me ineligible for enlistment.

I understand that if I later become eligible for retired or retainer pay under Title 10 or Title 14, U.S.C., based on active duty service for which I receive separation pay, I will have an amount deducted from each payment of that retired or retainer pay until the amount deducted equals the total amount of separation pay. I understand that if I later become eligible (as a result of the service upon which my separation pay amount is based) for disability compensation administered by the Department of Veterans Affairs (DVA), the DVA will withhold such payment until the amount withheld equals the gross amount of separation pay.

_____ (

Type or print name, grade, SSN, and date)

(Sign Above Name) cc: Local FSO

_____

(Forwarding Address, street, city, state, ZIP code)

NOTE: File in Unit Personnel Record Group (UPRG)

Table 9.1. Types of Separations Authorized Payment (member must meet all qualifying criteria) (see notes 1 & 2).

RULE	**A**	**B**	**C**	**D**
		Full Pay	**Half Pay**	**No Pay**

1	Denied reenlistment under an early release/separation program: Fully qualified for retention Not fully qualified for retention	 X 	 X	
2	Denied reenlistment under E-4 HYT program: Fully qualified for retention Not fully qualified for retention	 X 	 X	
3	Involuntary separation under a reduction in force Program: Fully qualified for retention Not fully qualified for retention	 X 	 X	
4	Drug abuse treatment failure		X	
5	Alcohol abuse treatment failure		X	
*6	**DELETED**			
7	Discharge in the interest of national security		X	
8	Failure in Fitness Program			X
9	Involuntary Convenience of the Government Separation (paragraphs 5-9, 5-10, and 5-11)		X	
10	Expiration of term of service (ETS) when used with reenlistment code 2, 3, 4 - denied retention: (see note 1)		X	
10.1	Reenlistment codes 4F, 4G, and 4N are waiverable and otherwise eligible for a waiver: When requested and denied When not requested		 X 	 X
10.2	Reenlistment codes 2E, 2G, 2H, 2J, 2K, 2L, 4H, 4I and 4J are authorized extensions and otherwise eligible to extend: When requested and denied: When not requested		 X 	 X
10.3	Reenlistment codes 3D, 3E, 3J (Assignment Availability codes 08 or 09). These codes render a member ineligible to request waiver or an extension as shown in Rules 9.1 and 9.2			X
11	Retirement eligible or dropped from rolls of the Air Force			X
12	Separated under other than honorable conditions (UOTHC)			X
13	Separated for misconduct or unsatisfactory performance			X

14	Does not agree to serve 3 years in the Ready Reserve			X
15	E-4 HYT member who refuses to test or accept promotion			X
16	Separated as a result of court-martial sentence			X
17	Voluntary request for separation under chapters 2, or 3			X

NOTES:

1. Member covered by rules 1, 2, 3, and 10 are released to the Reserve, except 10.1 and 10.2 who are discharged.
2. Members who have at least 16 years of active service and are not retirement eligible will not be separated for E-4 HYT.

Chapter 10

SRA (E-4) AND BELOW HIGH YEAR OF TENURE (HYT) SEPARATION PROCEDURES

Section 10A—Policy and Procedures.

10.1. SrA (E-4) and below HYT Policy and Procedures. The program was developed to help manage the force and correct the increasing seniority in the enlisted force structure. The HYT policy was revised effective 4 January 2010, which changed the SrA (E-4) HYT from 12 years of active service to 10 years of active service. The basic policy and procedures are:

10.1.1. Every enlisted member is assigned an HYT date.

10.1.2. The established HYT date for E-4 and below is the year and month an individual reaches 10 years total active federal military service (TAFMS).

10.1.3. SrA (E-4) and below who fail to progress to SSgt (E-5) are separated upon reaching 10 years of TAFMS.

10.1.4. The Military Personnel Data System (MilPDS) automatically projects these individuals for separation 180 days prior to their established date of separation (DOS).

10.1.5. If the member's established DOS is beyond the HYT month and year, for example, a member who is demoted and their DOS is later than the HYT month, the system will not automatically project these members for separation.

10.1.5.1. One-hundred and eighty (180) days prior to their HYT month, the MPFs must manually project these airmen to separate.

Section 10B—SrA and Below Assigned to Base Closures or Unit Deactivations.

10.2. Assigned To An Overseas Closure Base or Unit Deactivation with 10 Years or More of Active Service. The following adjustments to a member's HYT date will be made for individuals assigned to an overseas base or unit which is scheduled to close:

10.2.1. For members with 10 years or more TAFMS, the HYT date will equal the new DEROS established on the individual provided that it does not affect promotion eligibility.

10.2.1.1. If an individual is eligible for promotion and the new DEROS is established prior to the eligibility cutoff, the HYT date will be established 12 months beyond DEROS to allow member to PCS and still remain eligible for that promotion cycle.

10.2.1.1.1. ***EXAMPLE:*** If the base is closing in June 2003 and the member's current HYT date is November 2003, a new HYT date will be established as June 2004 because based on member's current HYT date, he or she is eligible for promotion in the current promotion cycle. If the HYT was to be established on the new DEROS month of June 2003, that person would lose a promotion opportunity.

10.3. Assigned To A CONUS or Overseas Closure Base or Unit Deactivation with Less than 10 Years of Active Service. The following adjustments to a member's HYT date will be

made for a member assigned to an overseas or CONUS base closure or unit deactivation who has less than 10 years TAFMS:

10.3.1. If member's current HYT date renders them ineligible for promotion testing and they cannot obtain the required retainability for a PCS assignment, the member may be separated prior to the HYT date without forfeiture of separation pay (see **paragraph 9.1.2**).

10.3.1.1. The member's commander sends a request, in writing, to the base separation authority. The request asks the base separation authority for approval to separate the member early without loss of separation pay.

10.3.1.2. The commander must also provide the date the member can no longer be effectively utilized.

10.3.1.3. The base separation authority is the final approval authority.

10.3.2. If the member's current HYT date allows them another promotion opportunity, but does not provide them with enough retainability for a PCS assignment and the base is closing prior to the eligibility cutoff date, the member's HYT date will be extended 12 months from date of base or unit closure. This extension provides retainability for a PCS assignment and the member does not lose the opportunity for a promotion consideration. Notify HQ AFPC/DPPRS by message, email or data fax of the specifics surrounding the case and ask us to extend the HYT.

10.3.3. This paragraph pertains to those members identified in **paragraphs 10.2.1.1** and **10.3.2** whose promotion opportunities are exhausted.

10.3.3.1. Once the promotion list is released and a member is not selected for promotion, they have the option to request early separation and still receive their HYT separation pay.

10.3.3.2. The member makes the request on an AF Form 31, **Airman's Request for Early Separation/Separation Based on Change in Service Obligation,** which goes through the unit commander, who endorses it to the base separation authority.

10.3.3.3. The unit commander must give a recommendation as to the DOS.

10.3.3.4. The base separation authority can approve the separation for the date requested, approve the separation for a later date due to needs of the Air Force, or disapprove the request.

Section 10C—Demotion Actions.

10.4. Demotion Actions: The following actions are taken when a member is demoted and is affected by the HYT program.

10.4.1. Members who are reduced to SrA or below and have 16 years of service (YOS) but less than 20 YOS are considered lengthy service qualified and their HYT date will be established at 20 YOS.

10.4.2. A member reduced to SrA (E-4) after reaching 10 YOS will have their HYT date adjusted by HQ AFPC/DPSOE (Airman Promotion Management Section) to the fourth

month after the first SSgt promotion cycle for which they are time in grade (TIG) eligible (see AFI 36-2502, *Airman Promotion Program*, for TIG eligibility).

10.4.2.1. A member is not required to be considered for promotion if they are ineligible for consideration according to AFI 36-2502, table 2.1.

10.4.2.2. An HYT adjusted to provide one promotion opportunity will not be further reduced simply because the member has an ineligible promotion eligibility status (PES) code. The adjusted HYT will remain even though the PES code is projected to exist through the promotion eligibility cutoff date of the next cycle, or because the member is not expected to be recommended for promotion the next promotion cycle. There are no permanent PES codes that cannot be changed prior to promotion testing.

10.4.2.3. If the member is made ineligible for consideration for promotion in the next promotion cycle, he or she will separate in the fourth month after the SSgt promotion cycle for which they are TIG eligible unless the member requests early separation (see **paragraph 10.8**). This includes members assigned to an overseas location.

10.4.3. Member will separate on their adjusted HYT unless selected for promotion to SSgt prior to separation.

10.4.4. Those members reduced to SrA or below before reaching 10 YOS will be allowed to remain in the Air Force until they reach 10 YOS, which is the normal HYT.

10.4.4.1. Member who is reduced to SrA or below and has over 9 years, 8 months of service is given a maximum of 120 days after the demotion date before separation. This allows the member time for appeals, separation processing, terminal leave, and other actions.

10.4.4.1.1. This may require the FSS to ask for a waiver to the HYT. For example, a member may have 9 years, 11 months and 2 days of service and would need 60 days or more to appeal an Article 15 action. Member would require an HYT extension.

10.4.4.1.2. Member is not entitled to remain on active duty for one SSgt promotion cycle consideration unless they can qualify for promotion prior to reaching 10 YOS.

10.4.4.2. Notify HQ AFPC/DPSOS by email, or data fax to update the adjusted HYT for those demoted on or before reaching 10 YOS.

10.4.5. Members demoted to the grade to Airman First Class (E-3) or below and having 10 YOS but less than 16 YOS, must be separated no later than 120 days after the effective date of the demotion or on DOS, whichever is earlier. If prior to being separated the member goes over 16 YOS, they are considered to be in a lengthy service category and are not separated under the HYT program. Their HYT is set at 20 YOS.

10.4.5.1. Members whose current DOS will not allow them to remain on active duty up to 120 days after demotion date to allow for appeal processing, separation processing, terminal leave, etc., may extend their enlistment.

10.4.5.2. If the member is not appealing the demotion and has no leave to use or is selling back leave, then the member should be separated within 30 days to allow for separation processing.

10.4.6. Demoted SrA who are entitled to one SSgt promotion cycle and have their HYT adjusted according to **paragraph 10.4.2** above and who subsequently go over 16 YOS, will also be considered to be in a lengthy service category and will not be separated under the HYT program. Their HYT will be set at 20 YOS.

10.4.7. Members who are demoted to SrA or below and who are eligible for retirement (20 YOS or more) must retire not later than the first day of the seventh month after the effective date of demotion. Reference AFI 36-3203, *Service Retirements*.

Section 10D—Members on Terminal Leave and Promoted

10.5. Members on Terminal Leave When Promotion List is Released. Members eligible for promotion in the current promotion cycle who depart on terminal leave prior to release of the promotion list must be briefed prior to departure about the following:

10.5.1. The member's squadron commander will contact member if he or she is selected for promotion to SSgt. Ensure member provides a telephone number and address where they may be reached.

10.5.2. If member is selected for promotion, he or she must report back to their unit of assignment to accept the promotion. Once selected for promotion, their HYT separation is no longer valid.

10.5.3. If member declines to return to his or her unit of assignment to accept the promotion, their separation will be considered a voluntary separation (not entitled to separation pay). Use Separation Program Designator (SPD) code KBK (see **paragraph 10.11**).

Section 10E—Members Not Entitled to Separation Pay (See Table 9.1.)

10.6. Member Not Entitled to Full Separation Pay. Member involuntarily separated from active duty on their HYT date is only entitled 1/2 separation pay if any of the following circumstances exist:

10.6.1. The member is not eligible for promotion.

10.6.2. The member is non-selected by the commander for retention.

10.6.3. The member is not fully qualified for retention other than being denied continuation due to HYT.

10.7. Member Not Entitled to Separation Pay. In some instances, members take selfinitiated actions to cause the separation. These members are not entitled to any separation pay. The following examples are considered to be a separation at the member's own request:

10.7.1. Declines to test for promotion on the last promotion cycle for which they are eligible for promotion.

10.7.2. Selected for promotion to SSgt and declines the promotion.

10.7.3. Refused retainability for PCS, TDY, overseas assignment or tour (RE Code 3D, Assignment Availability Code 09).

10.7.4. Refused retainability for PME, training or retraining (RE Code 3E or Assignment Availability Code 08).

10.7.5. Requests voluntary separation under any of the provisions in **Chapter 2** or **3** of this AFI. ***NOTE:*** See **paragraph 10.8** for instructions on separating early under HYT without loss of separation pay.

Section 10F—Separating Early Without Loss of Separation Pay.

10.8. Separating Early Under HYT Program Without Loss of Separation Pay. Members who have exhausted all promotion opportunities can separate prior to their HYT month without loss of separation pay (see **paragraph 9.1.2**).

10.8.1. Once the promotion list to SSgt is released, those members not selected for promotion and who no longer have any promotion opportunities in future cycles may ask to separate anytime after the release date and still receive full separation pay.

10.8.2. **Example.** A member is not on the SSgt promotion list that is released in August 2003 and has an HYT date of July 2004. Since the member's current HYT date will not allow him or her to test in the next promotion cycle, he or she can request to separate anytime after the promotion is released in August 2003.

10.8.3. Procedures Used to Request An Earlier Date. The request to separate early must be on AF Form 31, *Airman's Request for Early Separation/Separation Based on Change in Service Obligation.*

10.8.3.1. The member states they have exhausted their promotion opportunities and want to separate early under the HYT program.

10.8.3.2. The member states the separation effective date requested and the squadron commander makes a recommendation to the base separation authority that has final approval or disapproval authority.

10.8.3.3. Brief the member that if they do separate earlier, it will result in a slightly less payment since the separation pay is calculated based on years and months of service.

10.8.4. Member may separate on their normal DOS when the DOS is prior to the HYT month if the member no longer has any future promotion opportunities.

10.8.4.1. Example: The SSgt list is released on 15 August 2003. SrA Jones decides she wants to separate on her normal DOS. Since SrA Jones no longer has any future promotion opportunities, she separates on her normal DOS provided the DOS is before the HYT month. SrA Jones is entitled to separation pay.

Section 10G—High Year of Tenure Extensions, Waivers and Separation Program Designator (SPD) Codes.

10.9. Extending To HYT Month. Members whose current DOS is prior to their HYT month can extend their enlistment to coincide with their HYT date if otherwise eligible. (See AFI 36-2606, *Reenlistment in the United States Air Force*, table 4.1, rule 27.)

10.10. HYT Waiver Request. There are two types of HYT waivers, hardship and best interest of the Air Force:

10.10.1. Hardship Waivers. Members may submit requests for extension of an HYT date based on an extreme hardship not common to contemporaries.

10.10.1.1. The request is sent through the unit commander and base discharge authority to HQ AFPC/DPPRS for consideration on a case-by-case basis.

10.10.1.2. Approval requires detailed evidence that the member must stay on active duty to resolve the hardship and can eliminate the problem within the extension period.

10.10.1.3. The maximum extension period is 1 year.

10.10.1.4. The base separation authority may disapprove requests not meeting these criteria.

10.10.1.5. An approved HYT waiver does not automatically extend a person's DOS. The member must request an extension in accordance with AFI 36-2606, table 4.1, rule 27, if otherwise eligible.

10.10.2. Best Interest of the Air Force. Members initiate and submit requests for HYT extensions based on the best interest of the Air Force. Normally these requests are made when a uniquely qualified SrA (E-4) is filling a critical position and is essential to the success of a vital mission and a suitable replacement cannot be found.

10.10.2.1. Although the member initiates the request, the wing or comparable level commander must support the request and show the member's retention is essential to the success of the mission.

10.10.2.2. Submit fully-justified request through command channels to HQ AFPC/DPPRS. The request must contain unit, wing, and MAJCOM recommendations and should be submitted no earlier than 1 year and no later than 6 months before the member's HYT date.

10.10.2.3. MAJCOMs may disapprove the request and send the request back to the originating base.

10.10.2.4. The maximum extension period is 1 year.

10.10.2.5. An approved HYT waiver does not automatically extend a person's DOS. The member must request an extension in accordance with AFI 36-2606, table 4.1, rule 27, if otherwise eligible.

10.11. Separation Program Designator (SPD) Codes. The following SPD codes are used under the HYT program:

10.12. Prescribed Forms.

AF Form 31, Airman's *Request for Early Separation Based on. Change in Service Obligation*.

10.13. Adopted Forms.

AF Form 422, *Physical Profile Serial Report*;

AF Form 1288, *Application for Ready Reserve Assignment*;

AF Form 1411, *Extension or Cancellation of Extensions of Enlistment in the Regular Air Force/Air Force Reserve*;

AF Form 3010, *USAF Statement of Understanding Dependent Care Responsibilities*;

DA Form 3349, *Medical Condition-Physical Profile Record*;

DD Form 214, *Certificate of Release or Discharge From Active Duty*;

DD Form 256AF, *Honorable Discharge*; DD Form 458, *Charge Sheet*;

DD Form 553, *Deserter/Absentee Wanted by the Armed Forces*;

DD Form 616, *Report of Return of Absentee*; DD Form 2697, *Report of Medical Examination*;

Standard Form (SF) 88, *Report of Medical Examination*; and

AF Form 847, *Recommendation for Change of Publication*

DARRELL JONES, Lt General, USAF
Deputy, Chief of Staff/Manpower, Personnel and Services

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

Section A1A—References

References

Title 5, United States Code

Title 8, United States Code Title 10, United States Code Title 18, United States Code Title 38, United States Code Title 50, United States Code

Manual for Courts-Martial United States, 1984

DoDI 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures*

AFI 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*

AFPD 36-32, *Military Retirements and Separations* AFPD 37-1, *Air Force Information Management* AFMAN 33-363, *Management of Records*

Diagnostic and Statistical Manual (DSM) of Mental Disorders (Current Edition)

Executive Order 9397, Numbering Systems for Federal Accounts Relating to Individual Persons

Section A1B— Abbreviations and Acronyms

Abbreviations and Acronyms

ADSC—Active Duty Service Commitment

ADT—Active Duty Training

AFPC—Air Force Personnel Center

AFRDS—Air Force Records Disposition Schedule

AFRES—Air Force Reserves

AFROTC—Air Force Reserve Officer Training Corps

AFSCO—Air Force Security Clearance Office

AMC—Air Mobility Command

ANGUS—Air National Guard of the United States

EPR—Enlisted Performance Report

ARF—Air Reserve Forces

ARPC—Air Reserve Personnel Center

AWOL—Absent Without Leave

CAFSC—Control Air Force Specialty Code

COG—Convenience of the Government

CONUS—Continental United States

CRS—Correction and Rehabilitation Squadron

DBMS—Director of Base Medical Services

DEROS—Date Eligible For Return From Overseas

DFR—Dropped From Rolls

DIS—Defense Investigative Service

DOB—Date of Birth

DOD—Department of Defense

DOE—Date of Enlistment

DOS—Date of Separation

DP—Director of Personnel

DSM—Diagnostic and Statistical Manual of Mental Disorders (Current Edition)

EAD—Extended Active Duty

ETS—Expiration of Term of Service

FBI—Federal Bureau of Investigation

GCM—General Courts-Martial

HIV—Human Immunodeficiency Virus

IADT—Initial Active Duty Training

INS—Immigration and Naturalization Service

MAJCOM—Major Command

MCM—Manual for Courts Martial, United States 1984

MPerR—Master Personnel Record

MPF—Military Personnel Flight

MSO—Military Service Obligation

NCO—Noncommissioned Officer

NGB—National Guard Bureau

OJT—On-The-Job Training

OSAF—Office of the Secretary of the Air Force

OSI—Office of Special Investigations

OT—Officer Training

OTS—Officer Training School

PAFSC—Primary Air Force Specialty Code

PCA—Permanent Change of Assignment

PDS—Personnel Data System

PEB—Physical Evaluation Board

PETS—Prior to Expiration of Term of Service

P&R—Probation and Rehabilitation

PTI—Personnel Transaction Identifier

PTSD—Post-Traumatic Stress Disorder

RegAF—Regular Air Force

ROTC—Reserve Officers Training Corps

SAF—Secretary of the Air Force

SAFPC—Secretary of the Air Force Personnel Counsel

SAO—Special Activities Office

SCI—Sensitive Compartmented Information

SI—Special Intelligence

SJA—Staff Judge Advocate

SPCM—Special Court Martial

SRP—Selective Reenlistment Program

SSN—Social Security Number

TAFMSD—Total Active Federal Military Service Date

TBI—Traumatic Brain Injury

TDY—Temporary Duty

UCMJ—Uniform Code of Military Justice

UPRG—Unit Personnel Records Group

USAFA—United States Air Force Academy

USAFR—United States Air Force Reserve

U.S.C.—United States Code

VA—United States Department of Veterans Affairs

Section A1C—Terms

Terms

Active Duty—Full-time duty in the active military services of the United States. A general term applied to all active military service with the active force without regard to duration or purpose.

Active Duty for Training (ADT)—A tour of active duty that is used for training members of the Reserve components to provide trained units and qualified persons to fill the needs of the Armed

Forces in time of war or national emergency and such other times as the national security requires. The member is under orders that provide for return to nonactive status when the period of ADT is completed. It includes annual training, special tours of ADT, school tours, and the initial duty for training performed by nonprior service enlistees.

Active Force—Comprised of the Regular Air Force and Reserve members serving on extended active duty.

Active Military Service—See active duty.

Administrative Discharge Board—A board appointed to render findings on a case and to recommend retention in the Air Force or discharge specifying the reason for separation and how the respondent's service should be characterized.

Administrative Separation—Discharge or release in the manner prescribed by the Secretary of the Air Force or by law. Excludes discharge by sentence of court-martial.

Airman—An enlisted person in the United States Air Force (USAF) without regard to component. Synonymous with member.

Alcohol Abuse—See AFPD 36-27 and AFI 36-2701.

Application—An airman's request for separation.

United States Armed Forces—Denotes collectively all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

Characterization of Service—A determination reflecting a member's military behavior and duty performance during a specified period of service. Three service characterizations are authorized for administrative separation: honorable; under honorable conditions (general); and under other than honorable conditions.

Commander—A commissioned officer who occupies a position of command. Unless otherwise specified, usually refers to the commissioned officer who is the member's immediate commander. Usually the squadron commander and includes squadron section commanders appointed on appropriate orders.

Conditional Waiver—A statement initiated by a member giving up those rights associated with administrative discharge board proceedings contingent on receipt of a characterization of service higher than the least favorable characterization authorized.

Convening Authority—The Air Force commander exercising special court-martial jurisdiction (SPCM authority). May be the same as separation authority or the commander authorized to process the case except for final decision.

Counsel—Refers to military counsel or the civilian equivalent.

Court-Martial Jurisdiction—Commander's authority to convene courts-martial to try members assigned to their commands for administrative support or control; the sphere of authority within which such authority is exercised.

Date of Separation (DOS)—The date a member separates or is expected to separate from the active force. May be the same as ETS or earlier or later.

Discharge—Complete severance from all military status gained by the enlistment concerned.

Discharge for Cause—Involuntary discharge for a specific reason. Also includes discharge requested in lieu of trial by court-martial.

Discharge Under Other Than Honorable Conditions—Separation with the least favorable service characterization authorized for administrative separation.

Drug Abuse—See AFPD 36-27.

Dual Status—Describes enlisted members of the Regular Air Force who are also officers of the United States Air Force Reserve.

Entry Level Status—The first 180 days of continuous active military service or the first 180 days of continuous active service after a break of more than 92 days of active service. In addition, a member is in entry level status during a period of assignment to the delayed enlistment program prior to active military service. For the purpose of characterization or description of service, the member's status is determined by the date of notification as to the initiation of separation proceeding.

Expiration of Term of Service—The date an airman completes the service required by an enlistment contract or extension to enlistment.

General Court-Martial (GCM) Authority—An Air Force commander authorized to convene the highest type of court-martial and to approve discharge under other than honorable conditions.

Honorable Discharge Certificate—The type of discharge certificate received by a member whose separation is characterized as honorable; a DD Form 256AF, Honorable Discharge.

HIV—Human Immunodeficiency Virus.

Initial Active Duty Training (IADT)—The first period of active duty for training prescribed by law or regulation for nonprior service enlistees that, when satisfactorily completed, produces a trained member in a military specialty.

Initiating Commander—The officer who starts an involuntary discharge proceeding. Usually the immediate commander.

Juvenile Offender—A person adjudicated by civil authorities as a wayward minor, youthful offender, or juvenile delinquent, but not convicted of an offense.

Lengthy Service Probation—Suspension of an approved administrative discharge to give an airman a chance to acquire minimum eligibility for service retirement.

Member—An enlisted member of a military service.

Family Members—Includes the spouse, children, father, mother, brothers, sisters, any person who has stood in loco parentis to the airman before entry into the service, and members of the immediate family of the airman's spouse.

Military Counsel—A lawyer within the meaning of the Article 27(b)(1), UCMJ.

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

Nonjudicial Punishment—A punishment imposed by a commander and accepted by the member according to Article 15, UCMJ. Usually involves a minor infraction of discipline.

Offense Involving Moral Turpitude—For the purpose of this regulation only, offenses involving moral turpitude include, but are not limited to, sexual perversion, drug addiction, drug use, and drug supplier as defined in AFI 36-2701. Also included are burglary, forgery, housebreaking, larceny, and robbery. Sexual perversion includes, but is not limited to: lewd and lascivious acts; sodomy; indecent acts with, or assault on, a child; and indecent exposure; transvestitism or other aberrant sexual behavior; or other indecent acts or offenses.

Permanent-Resident Aliens—Aliens admitted into the United States under an immigration visa for permanent residence; or aliens who, after admission without an immigration visa, have had their status adjusted to that of aliens lawfully admitted for permanent residence.

Prior Enlistment or Period of Service—Service in any component of the armed forces, including the Coast Guard, which culminated in the issuing of separation documents.

Probation and Rehabilitation (P&R)—Suspension of an approved administrative discharge for cause to give a member a final opportunity to return to a productive capacity in the Air Force.

Punitive Action—Trial by court-martial or nonjudicial punishment according to the UCMJ, Article 15.

Release From Air Force Active Duty—Termination of active duty status and transfer or reversion to a Reserve component not on active duty, including transfer to the Individual Ready Reserve (IRR).

Release From Air Force Custody and Control—Separation from a void enlistment not involving discharge in the regular manner.

Reserve of the Air Force—The federal status possessed by members of the ANGUS and USAFR. This term will not be used to identify an Air Force component or an organization.

Respondent—An airman who has been officially notified that the administrative discharge proceedings have been started against her or him.

Separation—A general term that includes discharge, release from active duty, release from custody and control of the Air Force, or transfer to a Reserve component.

Separation Authority—An Air Force official authorized by this regulation to take final action with respect to a specified type of separation.

Sexual Assault—As used in this Instruction, the term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses. Due to amendments to the UCMJ, the names and character of offenses may vary based on when they were committed and the applicable version of the UCMJ at that time. See DoDI 6495.02.

Sexual Assault of a Child—As used in this Instruction, the term includes a broad category of sexual offenses upon children consisting of the following specific UCMJ offenses: rape of a child, sexual assault of a child, or sexual abuse of a child. Due to amendments to the UCMJ, the names and character of offenses may vary based on when they were committed and the applicable version of the UCMJ at that time.

Special Court-Martial (SPCM) Authority—An Air Force commander authorized to convene a special court-martial for offenses under the Uniform Code of Military Justice, to convene an administrative discharge board, and to approve certain discharges.

Unconditional Waiver—A statement initiated by a member giving up those rights associated with administrative discharge board proceedings, not contingent on receipt of a specific characterization of service.

Under Honorable Conditions (General) Discharge—A separation characterization less favorable than honorable but better than under other than honorable conditions.

Attachment 2

WAR AND MOBILIZATION SEPARATION PROCEDURES

A2.1. When authorized by the United States President or Congress, the active force may be expanded by the mobilization of the Reserve Forces to satisfy any emergency required. Usually under these circumstances, it is necessary to minimize active duty losses. This is achieved by suspending enlisted voluntary and involuntary discharges, releases, and retirements.

A2.2. Notwithstanding any other provision of law, during any period members of a Reserve component are serving on active duty pursuant to an order to active duty under authority of Title 10 U. S.C., Sections 672, 673, and 673b, the President may suspend any provisions of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines essential to the national security of the United States.

Attachment 3

ADMINISTRATIVE DISCHARGE FACT SHEET

A3.1. Administrative Discharge. These are the types of administrative discharges from the Air Force. A discharge is defined as a complete separation from all military status, duties, obligations, and responsibilities that have been gained by enlistment in the Air Force. The type of discharge a person receives could affect his or her ability to get a civilian job in the future. A person may not be hired, simply because he or she did not have an honorable discharge. Airmen should recognize that the type of discharge they receive is a serious matter and that if they receive any discharge other than an honorable discharge, it may cause them difficulties. Also, as a general rule, persons who entered the Air Force after 7 Sep 80 and are administratively discharged from active duty before completing the shorter of 24 months of continuous active duty, or the full period for which they were called or ordered to active duty, are not eligible for any benefit administered by the Veterans Administration.

A3.2. Honorable Discharge. This type of discharge is separation from the Air Force with honor. An honorable discharge means the person has served the Air Force well by meeting or exceeding the required standards of duty performance and personal conduct. The honorable discharge reflects to the world that the member has satisfactorily completed a commitment to military service. All veterans' benefits are given to an eligible person with an honorable discharge.

A3.3. Under Honorable Conditions (General) Discharge. This is separation from the Air Force with honor, but to a lesser degree than the honorable discharge. This discharge is given when normally faithful service is marred by negative aspects of a person's duty performance or personal conduct, but the negative aspects definitely outweigh the good. All veterans benefits are given to an eligible person with an under honorable condition (general) discharge.

A3.4. Under Other Than Honorable Conditions Discharge. Separation from the Air Force with the worst possible administrative discharge. A person receives an under other than honorable conditions discharge when his or her personal conduct fall significantly below acceptable military standards. This discharge may result from one or more acts, or failures to act, which are considered to be an obvious departure from the high standards of conduct expected of military members. This type of discharge may be given only after a person has had the opportunity to request a hearing by an administrative discharge board. Usually, only acts, or failures to act, which occur during the current enlistment may be used to separate a person with this type of discharge. Significant veterans benefits are denied by the under other than honorable conditions discharge.

A3.5. Entry-Level Separation. This type of separation is given only when the person is in his or her first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service. This is a discharge that does not attempt to characterize the type of service as either good or bad. It is not the only type of separation authorized during the first 180 days of military service, as it is possible for a person to receive either an honorable or an under other than honorable conditions discharge as well.

A3.6. Administrative Separations. Administrative separations may affect a person's ability to reenlist in the Air Force. A person is not eligible to reenlist if he or she: A3.6.1. Has been

separated from the Air Force with a general or under other than honorable conditions discharge; A3.6.2. Has been involuntarily separated under AFI 36-3208. (If the reason for separation was failure to meet minimum fitness standards, hardship or dependency reasons, or for minority, then reenlistment is possible with a waiver.); A3.6.3. Is serving a period for probation and rehabilitation under AFI 36-3208; or A3.6.4. Is under investigation for possible administrative discharge or has been notified by the unit commander of AFI 36-3208 action.

Attachment 4

GUIDELINES FOR FACT-FINDING INQUIRES INTO HOMOSEXUAL CONDUCT

DELETED.

Attachment 5

IC 2000-1 TO AFI 36-3208, ADMINISTRATIVE SEPARATION OF AIRMEN

DELETED.

Attachment 6

IC 2003-1 TO AFI 36-3208, ADMINISTRATIVE SEPARATION OF AIRMEN

DELETED.

Attachment 7

IC 2004-1 TO AFI 36-3208, ADMINISTRATIVE SEPARATION OF AIRMEN

DELETED.

Attachment 8

IC 2004-2 TO AFI 363208, ADMINISTRATIVE SEPARATION OF AIRMEN

DELETED.