

Changes in force: C 3, C 6 through C 9, C 11, and C 12

AR 635-212

*C 12

Superseded by change 39

AR 635-200; November 1972

CHANGE

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 8 December 1971

No. 112

PERSONNEL SEPARATIONS

DISCHARGE

UNFITNESS AND UNSUITABILITY

(For general provisions, see AR 635-200)

Effective in accordance with messages superseded below

This change amends paragraph 4a to provide for consideration of discharge under honorable conditions for personnel being discharged for drug abuse, in certain instances; changes paragraph 7c to grant waiver authority of counseling and rehabilitation requirements to the special court-martial convening authority in cases of unsuitability; amends paragraph 8 to require psychiatric evaluations on a selective basis for personnel being considered for separation under this regulation; adds DA Form 3822-R (Report of Mental Status Evaluation) (fig. 2).

AR 635-212, 15 July 1966, is changed as follows:

Page 2. Paragraph 4a is superseded as follows:

a. An individual separated by reason of unfitness will be furnished an undesirable discharge certificate except that an honorable or general discharge certificate may be awarded if the individual discharged has been awarded a personal decoration or is warranted by the particular circumstances in the case. Additionally, individuals separated for drug abuse who have been enrolled, and who have fully cooperated, in drug amnesty programs (paragraph 2-5, AR 600-32) will be considered for discharge under honorable conditions when:

(1) The overall character of service, aside from drug usage, warrants it.

(2) The degree or type of drug involvement precludes rehabilitation and restoration to full duty.

Page 4. Paragraph 7c(1), as changed by change 8, is superseded as follows:

c. *Waivers.* Counseling and rehabilitation may be waived as follows:

(1) Counseling required in a above and rehabilitation required by b above may be waived by the convening authority when separation is being considered under the provisions of paragraph 6a(2), (3)(a) and (b) or (7) or under the provisions of paragraph 6b, except that counseling

is required for personnel being considered for separation under the provisions of paragraph 6b(1), (3), and (4).

Page 4. Paragraph 7c(2), as changed by change 2, is superseded as follows:

(2) The general court-martial convening authority in the cases of unfitness, paragraph 6a(1), (3)(c), (4), (5), or (6), may waive the requirements of a and b above when he determines that further duty of the individual will, in his best judgment, create serious disciplinary problems or a hazard to the military mission or to the individual.

Page 4. Paragraph 7c(3), added by change 2, is rescinded.

Page 4. Paragraph 8 is superseded as follows:

8. **Medical evaluation.** a. When a unit commander determines that an individual is to be processed for separation under this regulation, he will initially refer the individual to the medical treatment facility providing dispensary care and request a medical and mental status evaluation. Sufficiently detailed information about the reasons for considering the individual unfit or unsuitable should be furnished the medical treatment facility to allow medical examiners a thorough understanding of the contemplated action.

*This change supersedes paragraph 1 of DA message AGPO 061609Z Apr 71 (U), Subject: Interim Changes to AR 635-212 and AR 635-206; DA message AGPO 271424Z Apr 71 (U), Subject: Interim Changes to AR 635-212; and message DAAG-PSS 121804Z Nov 71 (U), Subject: Interim Change to AR 635-212.

b. The medical treatment facility providing dispensary care will accomplish the final type physical examination and mental status evaluation. The individual will not be referred to a psychiatrist for a psychiatric evaluation except under the following circumstances:

(1) When an individual is being considered for discharge under the provisions of paragraph 6a(7) or b(6).

(2) When psychiatric evaluation is specifically requested by the individual subject to separation action.

(3) When psychiatric evaluation is specifically requested by the commanding officer recommending separation action.

(4) When psychiatric evaluation is deemed necessary and appropriate by the medical examiner performing the required medical and mental status evaluation.

(5) When a psychiatric evaluation is requested by the board considering separation action.

c. In all other cases the physician performing the physical examination will accomplish the mental status evaluation. In the exceptional cases detailed in b(2) through b(5) above, reasons for specifically requesting a psychiatric evaluation will be provided to the psychiatrist. When an individual is being considered for discharge under the provisions of paragraph 6a(7) or b(6), the psychiatrist doing the psychiatric portion of the medical evaluation will be furnished a copy of the documents which detail the behavior upon which the suspicion of homosexuality rests.

d. In addition to the SF 88 (Report of Medical Examination) and the SF 93 (Report of Medical History) the medical treatment facility will prepare DA Form 3822-R (Report of Mental

Status Evaluation) (fig. 2). DA Form 3822-R will be reproduced locally on 8- x 10 1/2-inch paper.

e. For personnel being considered for discharge under paragraph 6a(7) or b(6), the medical evaluation including a psychiatric study of the individual will include the following:

(1) Personal history.

(2) Opinion regarding the existence of homosexuality.

(3) Opinion as to whether the individual should be—

(a) Eliminated from the service under paragraph 6a(7) or b(6).

(b) Retained in service. If retention recommended, and if considered appropriate, statement of procedures likely to be of value in the individual's rehabilitation may be included.

f. The medical treatment facility commander will forward the original DA Form 3822-R, including psychiatric study if applicable, to the unit commander. A copy will be filed with the individual's health record.

g. While psychiatric evaluations for the purpose of separation under this regulation are restricted to the situations described in b above, commanders are encouraged to refer individuals who are not being considered for separation but manifest behavior problems to mental health facilities for consultation. Under no circumstances will medical personnel be used as an investigative agency to determine facts relative to the individual's behavior.

Page 6. Paragraph 12a(12) is superseded as follows:

(12) DA Form 3822-R (fig. 2) or psychiatric report, if applicable. (Include probable effectiveness of further rehabilitative efforts.)

This change supersedes paragraph 1 of DA message AGPO 081508Z Apr 71 (U). Subject: Interim Changes to AR 635-212 and AR 635-206; DA message AGPO 27132Z Apr 71 (U). Subject: Interim Changes to AR 635-212; and message DAAG-PSS 121804Z Nov 71 (U). Subject: Interim Change to AR 635-212.

REPORT OF MENTAL STATUS EVALUATION

For use of this form, see AR 635-206 and 635-212: the proponent agency is The Adjutant General's Office.

TO	FROM
----	------

1. BEHAVIOR (CHECK APPLICABLE BOX)

<input type="checkbox"/> NORMAL	<input type="checkbox"/> PASSIVE	<input type="checkbox"/> AGGRESSIVE
<input type="checkbox"/> HOSTILE	<input type="checkbox"/> SUSPICIOUS	<input type="checkbox"/> BIZARRE

2. LEVEL OF ALERTNESS

<input type="checkbox"/> FULLY ALERT	<input type="checkbox"/> DULL	<input type="checkbox"/> SOMNOLENT
--------------------------------------	-------------------------------	------------------------------------

3. LEVEL OF ORIENTATION

<input type="checkbox"/> FULLY ORIENTED	<input type="checkbox"/> PARTIAL	<input type="checkbox"/> DISORIENTED
---	----------------------------------	--------------------------------------

4. MOOD

<input type="checkbox"/> DEPRESSED	<input type="checkbox"/> LEVEL	<input type="checkbox"/> HYPERACTIVE
------------------------------------	--------------------------------	--------------------------------------

5. THINKING PROCESS

<input type="checkbox"/> CLEAR	<input type="checkbox"/> CONFUSED	<input type="checkbox"/> BIZARRE
--------------------------------	-----------------------------------	----------------------------------

6. THOUGHT CONTENT

<input type="checkbox"/> NORMAL	<input type="checkbox"/> ABNORMAL	<input type="checkbox"/> HALLUCINATIONS	<input type="checkbox"/> PARANOID IDEATION
<input type="checkbox"/> DELUSIONS			

7. MEMORY

<input type="checkbox"/> GOOD	<input type="checkbox"/> FAIR	<input type="checkbox"/> POOR
-------------------------------	-------------------------------	-------------------------------

IMPRESSION

NO SIGNIFICANT MENTAL ILLNESS.

1. INDIVIDUAL IS MENTALLY RESPONSIBLE.

YES NO

2. INDIVIDUAL IS ABLE TO DISTINGUISH RIGHT FROM WRONG.

YES NO

3. INDIVIDUAL IS ABLE TO ADHERE TO THE RIGHT.

YES NO

4. INDIVIDUAL HAS THE MENTAL CAPACITY TO UNDERSTAND AND PARTICIPATE IN BOARD PROCEEDINGS.

YES NO

5. INDIVIDUAL MEETS THE RETENTION STANDARDS PRESCRIBED IN CHAPTER 3 , AR 40-501.

YES NO

DATE	SIGNATURE
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The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAAG-PSS-S), Washington, DC 20314.

By Order of the Secretary of the Army:

Official:

VERNE L. BOWERS,
Major General, United States Army,
The Adjutant General.

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

Distribution:

Active Army, ARNG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (qty rqr block No. 542).

1. LEVEL OF ALERTNESS	FULLY ALERT <input type="checkbox"/>	FULLY ALERT <input type="checkbox"/>	FULLY ALERT <input type="checkbox"/>
2. LEVEL OF ORIENTATION	FULLY ORIENTED <input type="checkbox"/>	FULLY ORIENTED <input type="checkbox"/>	FULLY ORIENTED <input type="checkbox"/>
3. THINKING PROCESS	CLEAR <input type="checkbox"/>	CONFUSED <input type="checkbox"/>	BIZARRE <input type="checkbox"/>
4. THOUGHT CONTENT	NORMAL <input type="checkbox"/>	ABNORMAL <input type="checkbox"/>	HALLUCINATIONS <input type="checkbox"/>
5. MEMORY	GOOD <input type="checkbox"/>	FAIR <input type="checkbox"/>	POOR <input type="checkbox"/>
6. INDIVIDUAL IS MENTALLY RESPONSIBLE	YES <input type="checkbox"/>	NO <input type="checkbox"/>	IMPRESSION <input type="checkbox"/>
7. INDIVIDUAL IS ABLE TO DISTINGUISH RIGHT FROM WRONG	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NO SIGNIFICANT MENTAL ILLNESS <input type="checkbox"/>
8. INDIVIDUAL IS ABLE TO ADHERE TO THE RIGHT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	INDIVIDUAL HAS THE MENTAL CAPACITY TO UNDERSTAND AND PARTICIPATE IN BOARD PROCEEDINGS <input type="checkbox"/>
9. INDIVIDUAL MEETS THE RETENTION STANDARDS PRESCRIBED IN CHAPTER 3, AR 40-501	YES <input type="checkbox"/>	NO <input type="checkbox"/>	INDIVIDUAL MEETS THE RETENTION STANDARDS PRESCRIBED IN CHAPTER 3, AR 40-501 <input type="checkbox"/>
DATE	SIGNATURE		

Superseded C 39 AR 635-200, 23 NOV 72

AR 635-212

*C 11

Changes in force: C 3, C 6 through C 9, and C 11

CHANGE

No. 11

posted
26 Jan 71

HEADQUARTERS

DEPARTMENT OF THE ARMY

WASHINGTON, DC, 8 January 1971

PERSONNEL SEPARATIONS

DISCHARGE

UNFITNESS AND UNSUITABILITY

(For general provisions, see AR 635-200)

Effective 1 March 1971

This change amends rehabilitation requirements to eliminate the restrictions on rehabilitation transfers which would involve expenditure of PCS-MPA funds. It also amends figure 1, Individual's Statement to provide for deletion of the sentence pertaining to undesirable discharge if the individual is being considered for discharge for unsuitability in paragraph 6.

AR 635-212, 15 July 1966, is changed as follows:

Page 4, paragraph 7. The text preceding subparagraph *a* is superseded as follows:

7. Requirements. Reassignments accomplished in connection with rehabilitation attempts will normally be made without expending permanent change of station or military personnel Army (PCS-MPA) funds. Exceptions to this policy are provided for in *b*(3) below.

Page 4, Paragraph 7b(2) is superseded as follows:

(2) *Other than replacement stream personnel.* Individuals will be reassigned at least once, with a minimum of 2 months duty in each unit. Reassignment should be between special court-martial jurisdictions where this is possible without a permanent change of station. If this is not possible, and reassignment between Article 15 jurisdictions is not considered desirable because of the circumstances involved in a case, the procedure prescribed in the following paragraph will apply.

RETURN TO THE ARMY LIBRARY
ROOM 1A518 PENTAGON
WASHINGTON, D.C. 20310

*This change supersedes C 10, 10 June 1970.

Page 4. Paragraph 7b(3) is superseded as follows:

(3) *Permanent change of station transfer.* When a permanent change of station is considered essential to provide a change in commanders, associates, and living or working conditions as a means of rehabilitating an individual, the commander exercising general court-martial jurisdiction over the individual may authorize such reassignment within the same command (or may request the Office of Personnel Operations to accomplish assignment to another command) provided:

(a) The individual involved is in grade E-4, or below, with less than 4 years service. Individuals in grade E-4 with over 2 years active service and total obligated active service of 6 years and all other personnel who are eligible by virtue of grade and service for transportation of dependents and shipment of household goods are not eligible for reassignment under provisions of this paragraph.

(b) A transfer to another station would not be detrimental to the individual or to the Army (e.g. cases involving indebtedness, personnel undergoing special counseling or other rehabilitative type mental hygiene treatment programs, or maladjusted or apathetic personnel who could not be expected to respond to disciplinary controls or to benefit from a change of associates, regardless of assignment locale).

Page 9. Figure 1 is superseded.

RETURN TO THE ARMY LIBRARY
ROOM 1A18 PENTAGON
WASHINGTON, D.C. 20310

(Date individual and counsel sign statement)

SUBJECT: Separation under AR 635-212

TO: (Discharge authority)

1. I have been advised by counsel of the basis for contemplated action to accomplish my separation for (unfitness) (unsuitability) under AR 635-212.
2. I (request) (waive) consideration of my case by a board of officers.
3. I (request) (waive) personal appearance before a board of officers.
4. Statements in my own behalf (are) (are not) submitted herewith (as incl -----).
5. I (request) (waive) representation by (my appointed counsel) (_____ as military counsel) (civilian counsel at my own expense).
6. I understand that I may expect to encounter substantial prejudice in civilian life in the event a general discharge under honorable conditions is issued to me.* (I further understand that, as the result of issuance of an undesirable discharge under conditions other than honorable, I may be ineligible for many or all benefits as a veteran under both Federal and State laws, and that I may expect to encounter substantial prejudice in civilian life.)
7. I understand that I may, up until the date the discharge authority directs or approves my discharge, withdraw this waiver and request that a board of officers hear my case.
8. I have retained a copy of this statement.

(Signature of individual)

(Typed name, SSAN, grade)

Having been advised by me of the basis for his contemplated separation and its effect and the rights available to him, (Name of individual) personally made the choices indicated in the foregoing statement.

(Signature of counsel)

(Type name, SSAN, grade, branch)

*This sentence to be used only if individual has been recommended for discharge under the provisions of paragraph 6a.

Figure 1. Individual's Statement.

Page 14, paragraph 22. Subparagraph 22e was added by C10, 10 June 1970, as follows:

e. When separation is ordered, the case file of an individual will be reviewed by the commander having authority to approve discharge to determine whether the reporting requirements set forth in AR 190-10 are applicable. When such conditions exist in an individual's case file, the report required by AR 190-10 will be submitted.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, DC 20314.

By Order of the Secretary of the Army:

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.
Official:
KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, ARNG, and USAR. To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (qty req block No. 542).

(Type name, SSAN, grade, branch)

Having been advised by me of the basis for his contemplated separation and its effect and the rights available to him (Name of individual) personally made the choices indicated in the foregoing statement.

(Signature of counsel)

(Type name, SSAN, grade, branch)

*This sentence to be used only if individual has been recommended for discharge under the provisions of paragraph 22e.

Figure 1. Individual's Statement

Posted
26 Aug 70

SUPERSEDED C 39 635-200,
23 NOV 72

Changes in force: C 3, and C 6 through C 10

AR 635-212
*C 10

CHANGE }
No. 10 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 10 June 1970

PERSONNEL SEPARATIONS

**DISCHARGE
UNFITNESS AND UNSUITABILITY
(For general provisions see AR 635-200)**

*Effective 25 May 1970 in accordance with DA message AGPO 251916Z
May 70*

*This change requires that report prescribed by AR 190-10 be submitted if,
in the review of individual's case file, it is determined that such report is
applicable.*

AR 635-212, 15 July 1966, is changed as follows:

Page 14, paragraph 22. Subparagraph 22e is added as follows:

e. When separation is ordered, the case file of an individual will be reviewed by the commander having authority to approve discharge to determine whether the reporting requirements set forth in AR 190-10 are applicable. When such conditions exist in an individual's case file, the report required by AR 190-10 will be submitted.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO-P, Department of the Army, Washington, DC 20314.

By Order of the Secretary of the Army:

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, ARNG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (qty rqr block No. 542).

*This change supersedes so much of DA message AGPO 251916Z May 70 (U), subject: Interim Changes to ARs (to be published as changes to ARs) AR 635-100 (Change 5), AR 635-200 (Change 20), AR 635-206 (Change 7), and AR 635-212 (Change 10), as pertains to AR 635-212.

Posted 20 April 70

SUPERSEDED C 39 635-200
23 Nov 70

Changes in force: C 3, C 6, C 7, C 8, and C 9

AR 635-212
*C 9

CHANGE
No. 9

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 13 March 1970

PERSONNEL SEPARATIONS
DISCHARGE

UNFITNESS AND UNSUITABILITY
(For general provisions see AR 635-200)

Effective 4 February 1970 in accordance with DA message AGPO 041934Z
Feb 70

This change provides that a waiver of a hearing before a board of officers may be withdrawn at any time prior to the date the discharge authority takes action.

AR 635-212, 15 July 1966, is changed as follows:

Page 5. Paragraph 10a(1) (e) is added as follows:

(e) To withdraw his waiver of his rights in (a), (b), and (c) above any time prior to the date the discharge authority directs or approves his discharge and request that his case be presented before a board of officers.

Page 9. Figure 1 is superseded.

Page 12. Paragraph 17c(7) is added as follows:

(7) When the board is considering a case in which the respondent has exercised his right to revoke a previous waiver, the board and its members will not be advised in any manner of such action by the respondent, or of the type of discharge which had been recommended in his case. When it has come to the attention of respondent or his counsel that facts intended to be excluded by this subparagraph are known by any member of the board, failure to challenge the member having such knowledge constitutes an irrevocable waiver of the benefits of the exclusionary rule of this subparagraph.

(Signature of individual)
(Typed name, grade, branch)

(Signature of counsel)
(Typed name, grade, branch)

*This change supersedes so much of DA message AGPO 041934Z Feb 70 (U), subject: Interim changes to AR 635-206 and AR 635-212 (to be published as Change 6 and Change 9 respectively), as pertains to AR 635-212.

AR 635-212
* C 9

(Date individual and counsel
sign statement)

SUBJECT: Separation under AR 635-212

TO: (Discharge authority)

1. I have been advised by counsel of the basis for contemplated action to accomplish my separation for (unfitness) (unsuitability) under AR 635-212.
2. I (request) (waive) consideration of my case by a board of officers.
3. I (request) (waive) personal appearance before a board of officers.
4. Statements in my own behalf (are) (are not) submitted herewith (as incl _____).
5. I (request) (waive) representation by (my appointed counsel) (_____ as military counsel) (civilian counsel at my own expense).
6. I understand that I may expect to encounter substantial prejudice in civilian life in the event a general discharge under honorable conditions is issued to me. I further understand that, as the result of issuance of an undesirable discharge under conditions other than honorable, I may be ineligible for many or all benefits as a veteran under both Federal and State laws, and that I may expect to encounter substantial prejudice in civilian life.
7. I understand that I may, up until the date the discharge authority directs or approves my discharge, withdraw this waiver and request that a board of officers hear my case.
8. I have retained a copy of this statement.

(Signature of individual)
(Typed name, SSAN, grade)

Having been advised by me of the basis for his contemplated separation and its effect and the rights available to him, (Name of individual) personally made the choices indicated in the foregoing statement.

(Signature of counsel)
(Type name, SSAN, grade, branch)

Figure 1. Individual's Statement.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, DC 20315.

By Order of the Secretary of the Army:

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (qty rqr block No. 542).

Posted
24 Feb 70

Superseded C39 635-200
23 Nov 72

AR 635-212
*C 8

CHANGE }
No. 8 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 21 January 1970.

PERSONNEL SEPARATIONS
DISCHARGE
UNFITNESS AND UNSUITABILITY

(For general provisions, see AR 635-200)

Effective 1 March 1970

This change incorporates the policy and procedures for processing enlisted personnel for discharge by reason of homosexuality and homosexual acts previously contained in AR 635-89.

AR 635-212, 15 July 1966, is changed as follows:

Page 3. Paragraph 6a(7) is added as follows:

(7) Homosexual acts. Applicable to those cases in which personnel have engaged in one or more homosexual acts during military service and—

(a) Trial by court-martial is not considered as the course of action to be taken; or

(b) Which have been referred to trial, but have not been tried by court-martial within the meaning of article 44(c), UCMJ, or

(c) Which have been tried by court-martial within the meaning of article 44(c), UCMJ, subject to the limitations on administrative action set forth in paragraph 1-13, AR 635-200.

Homosexual act shall mean bodily contact between persons of the same sex, actively undertaken or passively permitted by either or both with the intent of obtaining or giving sexual gratification, or any proposal, solicitation, or attempt to perform such an act. Individuals who have been involved in homosexual acts in an apparently isolated episode, stemming solely from immaturity, curiosity, or intoxication normally will not be processed for discharge because of homosexual acts; however, if other conduct is involved individuals may be considered for discharge for other reasons set forth in this regulation.

Page 3. Paragraph 6b(6) is superseded as follows:

(6) Homosexuality (Homosexual tendencies, desires or interest, but without overt homosexual

acts). Applicable to personnel who have not engaged in a homosexual act during military service, but have a verified record of preservice homosexual acts. It is also applicable to other cases which do not fall within the purview of 6a(7) above.

Page 4. Paragraph 7c(1) is superseded as follows:

c. Waivers. Counseling and rehabilitation may be waived as follows:

(1) Counseling required in a above and rehabilitation required by b above may be waived by the convening authority when separation is being considered under the provisions of paragraph 6a(2), (3)(a), and (b), or (7), or under the provisions of paragraph 6b(2), (5), or (6).

Page 4. Paragraph 8 is superseded as follows:

8. Medical evaluation. a. When a unit commander determines that an individual is to be processed for separation under this regulation, he will initially refer the individual to the medical treatment facility providing dispensary care and request a medical evaluation. Sufficiently detailed information about the reasons for considering the individual unfit or unsuitable should be furnished the medical treatment facility to allow medical examiners a thorough understanding of the contemplated action. When an individual is being considered for discharge under the provisions of paragraph 6a(7) or b(6), the medical officer doing the psychiatric portion of the medical evaluation will be furnished a copy of the documents

*This change together with C 4, AR 635-100, 21 January 1970, supersedes AR 635-89, 15 July 1966, including all changes.

which detail the behavior upon which the suspicion of homosexuality rests.

b. The medical treatment facility providing dispensary care will accomplish the final type physical examination. The psychiatric portion of the medical evaluation will not be delegated to a Medical Corps officer without specialized psychiatric training except when a psychiatrist is not available. A written evaluation report based on the results of the medical examination and a review of the individual's health and other locally available medical records will be prepared. The report will briefly but completely describe the essential points of the individual's mental and physical condition in relation to the conduct under consideration; state whether the individual was and is mentally responsible, able to distinguish right from wrong and to adhere to the right, has the mental capacity to understand and participate in board proceedings, state the probable effectiveness of further rehabilitative efforts; and state that the individual meets or does not meet the retention standards prescribed in chapter 3, AR 40-501. Under no circumstances will mental health personnel be used as an investigative agency to determine facts of the individual's behavior.

c. For personnel being considered for discharge under paragraph 6a(7) or b(6), the medical evaluation including a psychiatric study of the individual will include the following:

(1) Personal history, including, if any, a detailed account of development of homosexuality.

(2) Opinion regarding the existence of homosexuality.

(3) The psychiatrist will further render an opinion whether the individual should be—

(a) Eliminated from the service under paragraphs 6a(7) or b(6).

(b) Retained in service. If retention in the service is recommended, then, if considered appropriate, statement of the procedures likely to be of value in the individual's rehabilitation may be included.

d. The medical treatment facility commander will forward the original of the report of medical evaluation to include the psychiatric study to the unit commander. A copy will be filed with the individual's health record.

Page 6. Paragraph 10e is added as follows:

e. For personnel being considered for discharge under paragraphs 6a(7) or b(6), the following applies:

(1) A commanding officer receiving information that an individual under his command comes within the purview of paragraph 6a(7) or b(6) will inquire thoroughly and comprehensively into the matter and ascertain all the facts in the case, bearing in mind the peculiar susceptibility of such cases to possible malicious charges. Any investigation required normally should be referred to the local provost marshal for investigation and recording on DA Form 2800 (CID Report of Investigation (Military Police)). The facts and circumstances of each case will govern the commander's decision as to the appropriate agency of investigation. Flagging action will be initiated in accordance with AR 600-31 unless the appropriate commander determines the allegation is baseless. If the information available is of sufficient stature to warrant investigation, the commander will take necessary action to protect the security of his command including suspension of security clearance, if any, and denial of access to classified defense information pending completion of actions on the case. When the report of investigation substantiates such allegations, the commanding officer will refer the individual for medical evaluation, revoke his security clearance, if any, and prepare a memorandum for the record outlining action taken and forward it with the subject's revoked Certificate of Clearance and/or Security Determination under EO 10450 (DA Form 873) to the Commanding Officer, U.S. Army Investigative Records Repository, Fort Holabird, MD 21219. Revocation of security clearance will be in accordance with paragraph 24b, AR 604-5.

(2) In all cases, the report will include a statement of the individual's date and place of birth; the amount of active service of the individual concerned; the date and period of the individual's current period of service; statement of witnesses; a detailed signed statement from the individual concerned relative to his tendencies (para 6b(6)) and any past homosexual actions (UCMJ, Art. 31), or his statement to the effect that he does not desire to make a statement.

✓ *Page 6.* Paragraph 12a(1) is superseded as follows:

(1) Name, grade, SSAN, age, date of enlistment or induction, length of term for which enlisted (if applicable), and prior service. (Reduction in grade is not a prerequisite to board action.)

Page 10. Paragraph 17a(7) is added as follows:

(7) The officer initiating the action under this regulation or any intervening officer who had di-

rect knowledge of the case is not a member of the board.

✓ *Page 10, paragraph 17b(4).* In line 2, change "except" to "expert."

✓ *Page 13, paragraph 21.* In line 5 change "VI" to "VII."

✓ *Page 14, paragraph 22.* In line 6 delete AR 612-22, AR 612-50, and AR 635-61 and substitute AR 635-10.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, DC 20315.

By Order of the Secretary of the Army:

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

Distribution:

Active Army, ARNG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (quan rqr block No. 542).

Posted 8 Jan 69

to C-8

Superseded C39 635-200

23 NOV 72

Changes in force: C 3, C 6, and C 7

AR 635-212
C 7

CHANGE }
No. 7 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 28 November 1969

**PERSONNEL SEPARATIONS
DISCHARGE
UNFITNESS AND UNSUITABILITY**
(For general provisions see AR 635-200)

Effective 15 January 1970

This change revises paragraph 6a(3) to categorize marijuana separately from other drugs to insure that adequate rehabilitative steps are taken in cases of unauthorized use or possession of marijuana. Paragraph 7c(1) has been revised to delete a commander's option to waiver counseling and rehabilitation to users or possessors of marijuana prior to taking separation action.

AR 635-212, 15 July 1966, is changed as follows:

Page 2. Paragraph 6a(3) is superseded as follows:

(3) Drug abuse, defined as—

(a) Drug addiction, habituation, or the unauthorized use, sale, possession, or transfer of any narcotics, hypnotics, sedatives, depressants, stimulants, hallucinogens, or other known harmful or habit-forming drugs and/or chemicals or the introduction of such drugs and/or chemicals onto any Army installation or other Government property under Army jurisdiction.

(b) The unauthorized sale or transfer of marijuana.

(c) The unauthorized use or possession of marijuana.

Page 4. Paragraph 7c(1) is superseded as follows:

(1) Counseling required in *a* above and rehabilitation required by *b* above may be waived by the convening authority when separation is being considered under the provisions of paragraph 6a(2) or (3) (a) and (b), or under the provisions of 6b(2), (5), or (6).

Superseded to C-8 2/Jan 70

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO-P, Department of the Army, Washington DC 20315.

By Order of the Secretary of the Army:

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (qty rqr block No. 542).

Superseded

C39 635-200
23 Nov 72

Posted
8/5/69

AR 635-212

*C 6

CHANGE }
No. 6 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 20 June 1969

PERSONNEL SEPARATIONS

DISCHARGE

UNFITNESS AND UNSUITABILITY

(For general provisions, see AR 635-200)

Effective 27 May 1969 in accordance with DA message 910080

This change amends paragraph 6a(3) to add marijuana to list of dangerous drugs.

AR 635-212, 15 July 1966, is changed as follows:

Page 2, paragraph 3.1. (As added by C 4, 4 Apr 69.)

3.1 Assignment action for personnel en route to an oversea area. *a.* When action has been initiated under paragraph 6a(2) or (3) against an individual while he is assigned to an oversea replacement station, he will be transferred to the Army garrison at that or another appropriate installation to await final action on his case.

b. If the convening authority disapproves the recommendation for separation the individual will again be assigned to the oversea replacement station for compliance with his original orders.

Page 2, paragraph 5b. (As superseded by C 5, 21 May 69.)

b. Commanders exercising general court-martial jurisdiction are authorized to convene boards of officers for unfitness and unsuitability and to order separation, except that they may not order discharge of personnel referred to in *a* above. This authority may be delegated to a general in command who has a judge advocate on his staff for cases arising in that command. Every action taken pursuant to such a delegation will state the authority therefor. All references to commanders exercising general court-martial jurisdiction, general court-martial convening authority and general court-martial authority in this regulation include this delegation authority.

Page 2. Paragraph 6a(3) is superseded as follows:

(3) Drug addiction, habituation, or the unauthorized use, sale, possession, or transfer of any narcotics, marijuana, hypnotics, sedatives, depressants, stimulants, hallucinogens, or other known harmful or habit forming drugs and/or chemicals or the introduction of such drugs and/or chemicals onto any Army installation or other Government property under Army jurisdiction.

*This change supersedes C 5, 21 May 1969 and DA message 910080, 23 May 1969.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO-P, Department of the Army, Washington, DC 20315.

By Order of the Secretary of the Army:

W. C. WESTMORELAND,
*General, United States Army,
Chief of Staff.*

Official:

KENNETH G. WICKHAM,
*Major General, United States Army,
The Adjutant General.*

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (qty req block No. 542).

*This change supersedes C 6, 31 May 1968 and DA message 91088, 28 May 1968.

Superseded C39 635-200
23 Nov 72

Poste 4/18/69

Changes in force: C 3 and C 5

AR 635-212
*C 5

CHANGE }
No. 5 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 21 May 1969

PERSONNEL SEPARATIONS
DISCHARGE
UNFITNESS AND UNSUITABILITY

(For general provisions, see AR 635-200)

Effective 1 July 1969

This change revises paragraph 5b which relieves commanders exercising general court-martial jurisdiction of the requirement to administer actions relating to undesirable discharges for personnel in subordinate commands which are commanded by a general officer with a judge advocate on his staff.

AR 635-212, 15 July 1966, is changed as follows:

Page 2, paragraph 3.1. (As added by C 4, 4 Apr 69)

3.1 Assignment action for personnel en route to an oversea area. *a.* When action has been initiated under paragraph 6a (2) or (3) against an individual while he is assigned to an oversea replacement station, he will be transferred to the Army garrison at that or another appropriate installation to await final action on his case.

b. If the convening authority disapproves the recommendation for separation the individual will again be assigned to the oversea replacement station for compliance with his original orders.

Page 2. Paragraph 5b is superseded as follows:

b. Commanders exercising general court-martial jurisdiction are authorized to convene boards of officers for unfitness and unsuitability and to order separation, except that they may not order discharge of personnel referred to in *a* above. This authority may be delegated to a general in command who has a judge advocate on his staff for cases arising in that command. Every action taken pursuant to such a delegation will state the authority therefor. All references to commanders exercising general court-martial jurisdiction, general court-martial convening authority and general court-martial authority in this regulation include this delegation authority.

Page 2, paragraph 6a(3). (As superseded by C 4, 4 Apr 69)

(3) Drug addiction, habituation, or the unauthorized use, sale or transfer of depressant, stimulant, or hallucinogenic drugs as defined in paragraph 18.1, AR 600-50, or the introduction of such drugs onto any Army installation or other Government property under Army jurisdiction.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, D.C. 20315.

*This change supersedes C 4, 4 April 1969.

C 5, AR 635-212

By Order of the Secretary of the Army:

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (qty req block No. 542).

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes in Publications) to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, D.C. 20315.

This change supersedes C 4 4 April 1969.

SUPERSEDED C39 635-200
23 Nov 72

Posted
4/25/69

CHANGE

No. 4

HEADQUARTERS

DEPARTMENT OF THE ARMY

WASHINGTON, D.C., 4 April 1969

PERSONNEL SEPARATIONS

DISCHARGE

UNFITNESS AND UNSUITABILITY

(For General Provisions, See AR 635-200)

Effective 1 June 1969

This change adds paragraph 3.1 which provides for the assignment of personnel who are considered for separation because of sexual perversion or drug addiction while assigned to an oversea replacement station and to reflect the definition of drug abuse as contained in revision of Department of Defense Directive 1332.14.

AR 635-212, 15 July 1966, is changed as follows:

Page 2. Paragraph 3.1 is added.

3.1 Assignment action for personnel en route to an oversea area. *a.* When action has been initiated under paragraph 6a (2) or (3) against an individual while he is assigned to an oversea replacement station, he will be transferred to the Army garrison at that or another appropriate installation to await final action on his case.

b. If the convening authority disapproves the recommendation for separation the individual will again be assigned to the oversea replacement station for compliance with his original orders.

Page 2. Paragraph 6a(3) is superseded as follows:

(3) Drug addiction, habituation, or the unauthorized use, sale or transfer of depressant, stimulant, or hallucinogenic drugs as defined in paragraph 18.1, AR 600-50, or the introduction of such drugs onto any Army installation or other Government property under Army jurisdiction.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, D.C. 20315.

By Order of the Secretary of the Army:

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, ARNG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for AR, Personnel Separations—A (quantity block No. 542).

Superseded C39 635-200
23 Nov 72

Change in force: C 3

AR 635-212
*C 3

CHANGE }
No. 3 }

HEADQUARTERS (A)
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 4 April 1968

PERSONNEL SEPARATIONS
DISCHARGE
UNFITNESS AND UNSUITABILITY

(For general provisions, see AR 635-200)

AR 635-212, 15 July 1966, is changed as follows:

Page 2. Paragraph 6a(3) is superseded as follows:

(3) Drug addiction, habituation, or the unauthorized use or possession of narcotics, marijuana, hypnotics, sedatives, tranquilizers stimulants, hallucinogens, and other similar known harmful or habit forming drugs and/or chemicals. (See para. 18.1, AR 600-50.)

Page 4. Paragraph 7c(2) was superseded by C 2, 12 October 1967, as follows:

(2) The general court-martial convening authority in the case of unfitness may waive the requirements of a and b above when he determines that further duty of the individual will, in his best judgment, create serious disciplinary problems or a hazard to the military mission or to the individual.

Page 4. Paragraph 7c(3) was added by C 2, 12 October 1967 as follows:

(3) Commanders of installations commanded by, or which are under the normal command of, general officers and colonels having judge advocates on their staffs may, in cases of unsuitability, waive the requirements of a and b above when it is determined that further duty will, in their best judgment, create serious disciplinary problems or a hazard to the military mission or to the individual.

Page 15. Paragraph 27 was superseded by C 1, 8 November 1966, as follows:

27. Reentry into Army. a. To preclude reentry into the Army unless authorized by appropriate authority, the DD Form 214 of individuals, with the exception of all enlisted women and those enlisted men referred to in paragraph 5a who are discharged under this regulation, will be coded "RE-3," and "Para 9, AR 601-210 applies" will be entered in item 32.

b. All enlisted women and those enlisted men referred to in paragraph 5a who are discharged under this regulation, are not eligible for reenlistment. The DD Form 214 will be coded "RE-4," and "Para 10, AR 601-210 applies" will be entered in item 32.

Pages 19 and 20. Paragraph 2h, appendix, Exhibit A was superseded by C 1, 8 November 1966, as follows:

h. This soldiers conduct and efficiency ratings have been as follows:

- (1) 22 March 1965—31 July 1965: Conduct—Good
Efficiency—Good
- (2) 1 August 1965—3 November 1965: Conduct—Fair
Efficiency—Unsatisfactory

*This change supersedes C 2, 12 October 1967.

- (3) 4 November 1965—1 March 1966: Conduct—Fair
Efficiency—Unsatisfactory
- (4) 2 March 1966—Date: Conduct—Unsatisfactory
Efficiency—Unsatisfactory

The proponent of this regulation is the Office of the Adjutant General. Users are invited to send comments and suggested improvements to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, D.C. 20315.

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel Procedures, Enlisted—A.

This change supersedes C 3, 12 October 1961.
 (2) 1 August 1963—3 November 1963: Conduct—Fair
Efficiency—Unsatisfactory
 (1) 22 March 1963—31 July 1963: Conduct—Good
Efficiency—Good
 This soldier's conduct and efficiency ratings have been as follows:
 C 1, 8 November 1966, as follows:
 Pages 19 and 20, Paragraph 30, appendix, Exhibit A was superseded by
 will be entered in item 32.
 The DD Form 314 will be coded "RE-4," and "Para 10, AR 601-210 applies."
 who are discharged under this regulation, are not eligible for reenlistment.
 All enlisted women and those enlisted men referred to in paragraph 30
 601-210 applies" will be entered in item 32.
 are discharged under this regulation, will be coded "RE-3," and "Para 9, AR
 of all enlisted women and those enlisted men referred to in paragraph 30
 by appropriate authority, the DD Form 314 of individuals, with the exception
 32. Reentry into Army. To preclude reentry into the Army unless authorized
 Page 25, Paragraph 27 was superseded by C 1, 8 November 1966, as follows:
 the individual.
 create serious disciplinary problems or a hazard to the military mission or to
 above when it is determined that further duty will, in their best judgment,
 their staffs may, in cases of unavailability, waive the requirements of 4 and 5
 normal command of general officers and colonels having judge advocates on
 (3) Commanders of installations commanded by or which are under the
 follows:
 Page 4, Paragraph 10(2) was:
 chemicals. (See para. 18.1, AR 600-50.)
 gas, and other harmful or injurious fumes, vapors, mists, and
 possession of
 Page 2, Paragraph 6(2) is superseded as follows:
 AR 635-212, 12 July 1966, is changed as follows:
 (7) For general

See ch 3
4-4-68

Superseded C 39 235-200
23 Nov 72

Changes in force: C 2

AR 635-212

*C 2 - Superseded
2-3

CHANGE }
No. 2 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 12 October 1967

PERSONNEL SEPARATIONS

DISCHARGE

UNFITNESS AND UNSUITABILITY

(For general provisions, see AR 635-200)

AR 635-212, 15 July 1966, is changed as follows:

Page 4, Paragraph 7c(2) is superseded as follows:

- (2) The general court-martial convening authority in the case of unfitness may waive the requirements of *a* and *b* above when he determines that further duty of the individual will, in his best judgment, create serious disciplinary problems or a hazard to the military mission or to the individual.

Page 4, Paragraph 7c(3) is added as follows:

- (3) Commanders of installations commanded by, or which are under the normal command of, general officers and colonels having judge advocates on their staffs may, in cases of unsuitability, waive the requirements of *a* and *b* above when it is determined that further duty will, in their best judgment, create serious disciplinary problems or a hazard to the military mission or to the individual.

Page 15, Paragraph 27 was superseded by C 1, 8 November 1966, as follows:

27. **Reentry into Army.** *a.* To preclude reentry into the Army unless authorized by appropriate authority, the DD Form 214 of individuals, with the exception of all enlisted women and those enlisted men referred to in paragraph 5a who are discharged under this regulation, will be coded "RE-3," and "Para 9, AR 601-210 applies" will be entered in item 32.

b. All enlisted women and those enlisted men referred to in paragraph 5a who are discharged under this regulation, are not eligible for reenlistment. The DD Form 214 will be coded "RE-4," and "Para 10, AR 601-210 applies" will be entered in item 32.

Pages 19 and 20. Paragraph 2h, appendix, Exhibit A was superseded by C 1, 8 November 1966, as follows:

h. This soldier's conduct and efficiency ratings have been as follows:

- (1) 22 March 1965—31 July 1965: Conduct—Good
Efficiency—Good
- (2) 1 August 1965—3 November 1965: Conduct—Fair
Efficiency—Unsatisfactory
- (3) 4 November 1965—1 March 1966: Conduct—Fair
Efficiency—Unsatisfactory
- (4) 2 March 1966—Date: Conduct—Unsatisfactory
Efficiency—Unsatisfactory

[AGPO]

✓ *This change supersedes C 1, 8 November 1966.

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel Procedures, Enlisted-A.

Page 1, Paragraph 1c(2) is superseded as follows:

(2) The general court-martial convening authority in the case of unit personnel may waive the requirements of a and b above when his determination that further duty of the individual will, in his best judgment, create serious disciplinary problems or a hazard to the military mission or to the individual.

Page 1, Paragraph 1c(3) is added as follows:

(3) Commanders of installations commanded by, or which are under the normal command of, general officers and colonels having judge advocates on their staffs may, in cases of unsuitability, waive the requirements of a and b above when it is determined that further duty will, in their best judgment, create serious disciplinary problems or a hazard to the military mission or to the individual.

Page 16, Paragraph 27 was superseded by O 1 8 November 1966, as follows:

27. Reentry into Army. a. To preclude reentry into the Army unless authorized by appropriate authority, the DD Form 214 of individuals, with the exception of all enlisted women and those enlisted men referred to in paragraph 26 who are discharged under this regulation, will be coded "RR-3," and "Para 26, AR 601-210 applies," will be entered in item 22.

b. All enlisted women and those enlisted men referred to in paragraph 26 who are discharged under this regulation, are not eligible for reenlistment. The DD Form 214 will be coded "RR-4," and "Para 10, AR 601-210 applies," will be entered in item 22.

Pages 18 and 20, Paragraph 28, Appendix B, Exhibit A was superseded by O 1 8 November 1966, as follows:

h. This soldier's conduct and efficiency ratings have been as follows:

- (1) 22 March 1965-31 July 1965: Conduct-Good
Efficiency-Good
- (2) 1 August 1965-8 November 1965: Conduct-Fair
Efficiency-Unsatisfactory
- (3) 4 November 1965-1 March 1966: Conduct-Fair
Efficiency-Unsatisfactory
- (4) 2 March 1966-Date: Conduct-Date
Efficiency-Unsatisfactory

[AGPO]

*This change supersedes O 1 8 November 1966.

check 2
10 Oct 67

Superseded by
C-2

Superseded C39 635-200
23 Nov 72

AR 635-212
*C 1

CHANGE }
No. 1 }

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 8 November 1966

PERSONNEL SEPARATIONS

**DISCHARGE
UNFITNESS AND UNSUITABILITY**

(For general provisions, see AR 635-200)

AR 635-212, 15 July 1966, is changed as follows:

Page 15. Paragraph 27 is superseded as follows:

27. **Reentry into Army.** a. To preclude reentry into the Army unless authorized by appropriate authority, the DD Form 214 of individuals, with the exception of all enlisted women and those enlisted men referred to in paragraph 5a who are discharged under this regulation, will be coded "RE-3," and "Para 9, AR 601-210 applies" will be entered in item 32.

b. All enlisted women and those enlisted men referred to in paragraph 5a who are discharged under this regulation, are not eligible for reenlistment. The DD Form 214 will be coded "RE-4," and "Para 10, AR 601-210 applies" will be entered in item 32.

Pages 19 and 20. Paragraph 2h, appendix, Exhibit A is superseded as follows:

h. This soldier's conduct and efficiency ratings have been as follows:

- (1) 22 March 1965—31 July 1965: Conduct—Good
Efficiency—Good
- (2) 1 August 1965—3 November 1965: Conduct—Fair
Efficiency—Unsatisfactory
- (3) 4 November 1965—1 March 1966: Conduct—Fair
Efficiency—Unsatisfactory
- (4) 2 March 1966—Date: Conduct—Unsatisfactory
Efficiency—Unsatisfactory

[AGPO]

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Official:

KENNETH G. WICKHAM,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel Procedures, Enlisted—A.

*This change supersedes paragraph 6, DA Message 781990, 13 September 1966.

See C-10
10 Jun 70

MISS SHORT
MAIL & RECORDS

See C-8
Effective 17 March 70

*AR 635-212

MISS SHORT
ARMY REGULATION
MAIL & RECORDS

No. 635-212

See ch I
11/8/66

See C-9
12 Mar 70

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 15 July 1966

PERSONNEL SEPARATIONS

SUPERSEDED

DISCHARGE
UNFITNESS AND UNSUITABILITY

C39 AR 635-200,
23 Nov 70

(For general provisions, see AR 635-200)

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* This regulation supersedes AR 635-208, 8 April 1959, including C 5, 6 October 1961 and C 6, 15 November 1961; and AR 635-209, 8 April 1959, including C 6, 6 October 1961, and C 8, 30 April 1964.

Section I. GENERAL

1. **Purpose.** This regulation establishes policy and provides procedures and guidance for eliminating enlisted personnel who are found to be unfit or unsuitable for further military service.

2. **Scope.** This regulation applies equally to personnel enlisted, inducted, or ordered to active duty and to Reserve component personnel on active duty for training under the Reserve Enlistment Program of 1963.

3. **Policy.** *a.* Action will be taken to separate an individual for unfitness when it is clearly established that—

- (1) Despite attempts to rehabilitate or develop him as a satisfactory soldier further effort is unlikely to succeed; or
- (2) Rehabilitation is impracticable (as in cases of confirmed drug addiction) or he is not amenable to rehabilitation measures (as indicated by the medical and/or personal history record); or
- (3) An unfitting medical condition (AR 40-501) is not the direct or substantial contributing cause of his unfitness (para 9b).

b. Action will be taken to separate an individual for unsuitability when it is clearly established that—

- (1) It is unlikely that he will develop sufficiently to participate in further military training and/or become a satisfactory soldier, and
- (2) He meets retention medical standards (AR 40-501) (para 9a).

c. Commanders will not take action under this regulation in lieu of disciplinary action solely to spare an individual who may have committed serious misconduct the harsher penalties which may be imposed under the Uniform Code of Military Justice.

3. (added) See C 4.
4. **Types of separation.** *a.* An individual separated by reason of unfitness will be furnished an undesirable discharge certificate except that an honorable or general discharge certificate may be awarded if the individual being dis-

charged has been awarded a personal decoration or if warranted by the particular circumstances in a given case.

b. An individual separated by reason of unsuitability will be furnished an honorable or general discharge certificate as warranted by his military record.

5. **Authority.** *a.* Approval of Headquarters, Department of the Army is required before individuals who have completed 18 or more years active Federal service may be discharged.

b. Commanders exercising general court-martial jurisdiction are authorized to convene boards of officers for unfitness and unsuitability and to order separation, except that they may not order discharge of personnel referred to in *a* above.

c. Commanders exercising special court-martial jurisdiction are authorized to convene boards of officers for unsuitability and to order separation, except that they may not order discharge of personnel referred to in *a* above.

6. **Applicability.** An individual is subject to separation under the provisions of this regulation when one or more of the following conditions exist:

See *a. Unfitness.*

- (1) Frequent incidents of a discreditable nature with civil or military authorities.
- (2) Sexual perversion including but not limited to—
 - (a) Lewd and lascivious acts.
 - (b) Indecent exposure.
 - (c) Indecent acts with, or assault upon, a child.
 - (d) Other indecent acts or offenses.
- (3) Drug addiction or the unauthorized use or possession of habit-forming drugs or marijuana.
- (4) An established pattern for shirking.
- (5) An established pattern showing dishonorable failure to pay just debts.

- (6) An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

Sac-8
added (7)
b. *Unsuitability.*

- (1) *Inaptitude.* Applicable to those persons who are best described as inapt, due to lack of general adaptability, want of readiness of skill, unhandiness, or inability to learn.
- (2) *Character and behavior disorders.* As determined by medical authority, character and behavior disorders and disorders of intelligence listed in TB MED 15, except for combat exhaustion (3263) and other acute situational maladjustments (3264). Discharges normally should not be accomplished for combat exhaustion (3263) and other acute situational maladjustments (3264) *per se*, but they may be accomplished for more basic underlying disorders of which the transient state is a manifestation.
- (3) *Apathy (lack of appropriate interest), defective attitudes, and inability to expend effort constructively.* While lack of appropriate interest or other defective attitudes may be manifested in conjunction with physical defects or mental or organic diseases, including psychoneurosis, these traits are not necessarily produced by the physical or disease process. On the other hand, individuals considered for elimination may attempt to excuse immature, inadequate, and undisciplined behavior on the basis of minor or nondisabling illnesses. The presence of a physical or mental disease or defect-producing impairment of function insufficient to warrant separation under the provisions of AR 635-40A and related regulations is no bar to discharge for unsuitability.
- (4) *Alcoholism.* Unsuitability by reason of chronic alcoholism may develop in

persons who have previously rendered many years of adequate service. Although this condition may be a symptom of an underlying mental illness, it more often demonstrates a character and behavior disorder. Rehabilitation of an individual with this condition is difficult, and its success is contingent on early recognition. As soon as it is apparent that an individual has become ineffective and has not responded to rehabilitative measures or is not motivated to take advantage of available local therapeutic measures, prompt elimination is indicated. Personnel will be separated for unsuitability only if the major reason for separation is noneffective duty performance due to chronic alcoholism or addiction to alcohol. These conditions should not be confused with occasional drunken episodes during which an individual commits antisocial acts. In determining whether separation will be for unfitness or unsuitability, the neuropsychiatric report, record of prior service, and other reasons for separation under *a* above should be considered and, if determined to be overriding, may be used as a basis for separation for unfitness.

- (5) *Enuresis.* Enuresis may result from many different organic or psychiatric conditions but is most often a product of a character and behavior disorder. Its presence rarely necessitates separation from the military service but when it exists among other manifestations of a character and behavior disorder it may render an individual unsuitable for further military service. The evaluation of this symptom, preferably, will be done on an outpatient basis.

- Superseded by C-8*
★ (6) *Homosexuality (Class III—evidences homosexual tendencies, desires, or interest, but is without overt homosexual acts).* All cases involving homosexuals are processed under the provisions of

AR 635-89. When an enlisted person's case is determined by a board of officers under AR 635-89 to be Class III

and discharge is approved, separation will be accomplished for unsuitability. No further action is necessary.

Section II. COUNSELING AND REHABILITATION

7. Requirements. Commanders will insure that before taking separation action against an individual under this regulation, adequate counseling and rehabilitation measures have been taken. Reassignments accomplished in connection with rehabilitation attempts will be made without expending permanent change of station or military personnel Army (PCS-MPA) funds.

a. Counseling. When an individual's behavior has been such that continued behavior of a similar nature may warrant action against him under this regulation, the individual will be counseled by a responsible person or persons. Each counseling session will be recorded (to include date and by whom counseled). Counseling will include but not be limited to the following: reasons for counseling; the fact that continued behavior of a similar nature may result in initiating action under this regulation; and if action is taken and separation accomplished, the type of discharge that may be issued and the effect of each type.

b. Rehabilitation. As a minimum, one of the following measures will be taken:

- (1) Replacement stream personnel. Individuals will be recycled (reassigned between training companies) at least once.

- (2) Other than replacement stream personnel. Individuals will be reassigned between Article 15 jurisdiction at least once, with a minimum of 2 months duty in each unit. This requirement in no way precludes transfer of individuals between special court-martial jurisdictions; however, the minimum time requirement in each unit is applicable.

- (3) Personnel that cannot be reassigned. In case reassignment is precluded by restriction on expending PCS-MPA funds (e.g., small independent and/or isolated unit), commanders will insure that appropriate alternate rehabilitation measures are employed.

c. Waivers. Counseling and rehabilitation may be waived as follows:

- (1) Counseling required in a above and rehabilitation required by b above may be waived by the convening authority when separation is being considered under the provisions of paragraph 6a(2) or (3), or under the provisions of 6b(2), (5), or (6).
- (2) The general court-martial convening authority may waive the requirements of a and b above when he determines that further duty of the individual will create a hazard to the military mission or to the individual.

Section III. MEDICAL PROCESSING

8. Medical evaluation. When a unit commander determines that an individual is to be processed for separation under this regulation, he will initially refer the individual to the medical treatment facility providing dispensary care and request a medical evaluation. Sufficiently detailed information about the reasons for considering the individual unfit or unsuitable

should be furnished the medical treatment facility to allow medical examiners a thorough understanding of the contemplated action. The medical treatment facility providing dispensary care will accomplish the final type physical examination. The psychiatric portion of the medical evaluation will not be delegated to a medical officer without specialized psychiatric training

except when a psychiatrist is not available. A written evaluation report based on the results of the medical examination and a review of the individual's health and other locally available medical records will be prepared. The report will briefly but completely describe the essential points of the individual's mental and physical condition in relation to the conduct under consideration; state whether the individual was and is mentally responsible, able to distinguish right from wrong and to adhere to the right, has the mental capacity to understand and participate in board proceedings; state the probable effectiveness of further rehabilitative efforts; and state that the individual meets or does not meet the retention standards prescribed in chapter 3, AR 40-501. The medical treatment facility commander will forward the original of the report to the unit commander. A copy will be filed in the individual's health record.

9. Disposition through medical channels. *a.* When the medical treatment facility commander determines that an individual being considered for elimination for unsuitability

does not meet retention medical standards (AR 40-501), he will process the individual in accordance with AR 40-3. The individual's unit commander will be notified of this action.

b. If it appears to the examining medical officer that an individual being considered for elimination for unfitness does not meet the retention medical standards he will refer the individual to a medical board or if there is no board at the examining facility, to the nearest medical treatment facility that does have a medical board. The medical treatment facility commander will furnish a copy of the approved board proceedings to the individual's unit commander. The unit commander will determine whether the individual will be processed further under this regulation or will be processed for separation under medical jurisdiction when medical board proceedings indicate that he does not meet retention standards and the unfitting medical condition is not the direct or substantial contributing cause of his alleged unfitness. The unit commander will notify the medical treatment facility commander of his decision so that appropriate further medical processing may be expedited.

Section IV. PROCEDURE

10. Action by commanding officer. The unit commander of the individual will recommend whether action under this regulation, disposition through medical channels, or disciplinary action should be initiated. The unit commander may—

a. Afford the individual the opportunity to waive his right of a hearing before a board of officers. In such a case, the commander will—

(1) Advise the individual in writing of the basis for the proposed discharge action and advise him that he has the following rights:

- (a) To present his case before a board of officers.
- (b) To submit statements in his own behalf.
- (c) To be represented by counsel.
- (d) To waive the above rights in writing.

(e)

(2) An enlisted member will be given a reasonable time (not less than 48 hours) to consider waiver of board proceedings and shall have an opportunity to consult with counsel prior to waiving his rights. An enlisted person serving on an unspecified enlistment may tender his resignation in lieu of board action pursuant to chapter 9, AR 635-200.

(3) The individual will submit a signed statement (fig. 1) indicating that he has been advised of the basis for the contemplated separation and its effect, and of the rights listed in (1) above. The statement will include a request or a waiver by the individual of each right. The counsel will sign the statement and the statement will be included in the unit commander's report

forwarded in compliance with paragraph 12. If the individual refuses to sign the statement it will be considered that the individual has not waived the rights listed in (1) above.

- (4) Waivers of board hearings will not be accepted in the cases of members who have completed 18 or more years of active Federal service. Such members appearing before a board of officers convened under this regulation must be represented by counsel. They may not waive this requirement.
- (5) An individual who holds a Reserve status as a commissioned or warrant officer will include in his statement whether a waiver of board hearing applies to his Reserve status.

b. Forward the case with a recommendation that elimination proceedings pursuant to this regulation be initiated (para 12).

c. Forward the case with a recommendation that the individual be processed through medical channels. Such disposition is required if the individual has an incapacitating physical or mental illness which was the direct or substantial contributing cause of the conduct for which action under this regulation is being considered, and action under the Uniform Code of Military Justice is not initiated.

d. Initiate action under the Uniform Code of Military Justice.

See C-8 E. ADDED.
 11. **Flagging action.** When flagging action under AR 600-31 has been initiated solely because an individual is being considered for elimination under this regulation and he is to be processed for separation under medical jurisdiction (para 9), his unit commander will remove the flagging action in order that disposition through medical channels will not be delayed.

superseded see C-8
 12. **Commanding officer's report.** a. *Elimination by reason of unfitness.* When the immediate commander determines that the best interest of the service will be met by elimination action because of unfitness, he will report the fact, in

letter form, to the general court-martial convening authority, through the appropriate intermediate commander, if applicable, furnishing the following:

- (1) Name, grade, service number, age, date of enlistment or induction, length of term for which enlisted (if applicable), and prior service. (Reduction in grade is not a prerequisite to board action.)
- (2) Statement indicating whether the individual has a Reserve commission or a warrant. (If so, show service number, grade, and date of appointment.)
- (3) Reason for action recommended. General, nondescriptive terms will not be used.
- (4) Armed Forces Qualification Test (AFQT) score, Aptitude Area scores, and duty military occupational specialty (MOS).
- (5) Results of MOS evaluation testing, to include MOS in which evaluated and evaluation score.
- (6) Record of counseling.
- (7) Description of rehabilitation attempts. (List assignments and duties under different officers and noncommissioned officers, in each organization or unit. Include duration of each assignment (sec. II).)
- (8) Statement indicating why he does not consider it feasible or appropriate to recommend elimination for unsuitability or to accomplish other disposition.
- (9) Conduct and efficiency ratings (see sec. II, ch 5, AR 600-200).
- (10) Record of trials by court-martial.
- (11) Record of other disciplinary action. (Include company punishment.)
- (12) Report of psychiatrist or, if a psychiatrist is not available, of medical officer. (Include probable effectiveness of further rehabilitative efforts.)
- (13) A statement by the individual indicating that he has been advised of his rights (para 10).

- (14) Any other information pertinent to the case.

b. Elimination by reason of unsuitability.

When the immediate commander determines that the best interest of the service will be met by elimination action for unsuitability, he will forward his recommendation in letter form to the officer exercising special court-martial jurisdiction. He will furnish information outlined in *a* above except that subparagraph (8) will state why he does not consider it feasible or appropriate to effect other disposition.

13. Action by intermediate commander. Intermediate commander may take the following action:

a. Unfitness cases.

- (1) Disapprove the recommendation and direct reassignment of the individual to another organization or direct disposition by other means. In case of reassignment, the commanding officer's report will be forwarded to the new organization commander for information.
- (2) Approve the commanding officer's recommendation and forward the report to the commander exercising general courts-martial jurisdiction. Disposition through medical channels is required if the individual has an incapacitating physical or mental illness which was the direct or substantial contributing cause of the conduct for which action under this regulation is being considered, and action under the Uniform Code of Military Justice is not initiated.
- (3) Recommend separation for unsuitability. Commanders exercising special court-martial jurisdiction may disapprove the recommendation relating to unfitness and take further action under paragraph 15.

b. Unsuitability cases.

- (1) Disapprove the recommendation and direct reassignment of the individual to another organization or direct dis-

position by other means. In case of reassignment, the commanding officer's report will be forwarded to the new organization commander for information.

- (2) Approve the commanding officer's recommendations and forward the report to the commander exercising special courts-martial jurisdiction unless he exercises such jurisdiction. Disposition through medical channels is required if the individual has an incapacitating physical or mental illness which was the direct or substantial contributing cause of the conduct for which action under this regulation is being considered, and action under the Uniform Code of Military Justice is not initiated.

14. Action by commander exercising general court-martial jurisdiction. On receiving a recommendation for separation for unfitness, the commander exercising general court-martial jurisdiction may—

a. Disapprove the recommendation and direct reassignment of the individual to another organization, in which case the commanding officer's report will be forwarded to the new organization commander for information; or

b. Disapprove the recommendation and return the case to the originator for disposition by other means; or

c. Disapprove the recommendation relating to unfitness, and convene a board of officers, or refer the case to the commander exercising special court-martial jurisdiction to convene a board of officers, to determine whether the individual should be separated for unsuitability; or

d. Convene a board of officers to determine whether the individual should be separated for unfitness. When such action is taken, or if the case is referred to a board for separation by reason of unsuitability, the termination or transfer status of each witness will be ascertained promptly in order to assure the availability of essential military witnesses at the board proceedings. No witness will be trans-

ferred or separated from the service prior to the beginning of a board hearing except where an enlistment or period of service fixed by law expires; in such cases, an attempt will be made to obtain the individual's consent to retention; if the individual does not consent, a deposition or affidavit will be obtained as appropriate; or

e. When the board hearing has been properly and effectively waived, direct separation of the individual for unfitness or unsuitability (para 24); or

f. When the board hearing has been properly and effectively waived, approve separation of the individual for unfitness or unsuitability and suspend execution of the separation (para 20); or

g. Direct that the case be processed through medical channels, if appropriate. Such disposition is required if the individual has an incapacitating physical or mental illness which was the direct or substantial contributing cause of the conduct for which action under this regulation is being considered, and action under the Uniform Code of Military Justice is not initiated.

15. Action by commander exercising special court-martial jurisdiction. On receiving a recommendation for separation for unsuitability, the commander exercising special court-martial jurisdiction may—

a. Disapprove the recommendation and direct reassignment of the individual to another organization, in which case the commanding officer's report will be forwarded to the new organization commander for information;

b. Disapprove the recommendation and return the case to the originator for disposition by other means; or

c. Convene a board of officers to determine whether the individual should be separated for unsuitability. When such action is taken, the termination or transfer status of each witness will be ascertained promptly in order to assure the availability of essential military witnesses at the board proceedings. No witness will be transferred or separated from the service prior

to the beginning of a board hearing except where an enlistment or period of service fixed by law expires; in such cases, an attempt will be made to obtain the individual's consent to retention; if the individual does not consent, a deposition or affidavit will be obtained as appropriate; or

d. When the board hearing has been properly and effectively waived, direct separation of the individual for unsuitability (para 24).

e. When the board hearing has been properly and effectively waived, approve separation for unsuitability and suspend execution of the separation (para 20).

16. Appointment of counsel. a. *Counsel for personnel being considered for discharge because of unfitness.* Appointed counsel will be a lawyer within the meaning of Article 27(b)(1) of the Uniform Code of Military Justice unless general court-martial authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel. The original of the certification of nonavailability of qualified counsel must be appended as an exhibit to the report of proceedings. See Exhibit C-4 of the appendix for example.

b. *Counsel for personnel being considered for discharge because of unsuitability.* If appointed counsel is not a lawyer, a commissioned officer in the grade of first lieutenant or higher will be appointed as counsel. Counsel appointed will be an officer who is fully aware of his responsibility to prepare and present the respondents case.

c. *General court-martial authority.* When the commander exercising general court-martial jurisdiction takes action under paragraph 14d, he will appoint a counsel; appoint a military counsel of the individual's choice, provided the requested counsel is reasonably available; or permit the individual to be represented by civilian counsel at his own expense; as indicated by the individual's signed statement (fig. 1).

d. *Special court-martial authority.* When the commander exercising special court-martial jurisdiction takes action under paragraph 15c,

*Supervised
See C-9*

Such II

(Date individual and counsel
sign statement)

SUBJECT: Separation under AR 635-212

TO: (Discharge authority)

1. I have been advised by counsel of the basis for contemplated action to accomplish my separation for (unfitness) (unsuitability) under AR 635-212.

2. I (request) (waive) consideration of my case by a board of officers.

3. I (request) (waive) personal appearance before a board of officers.

4. Statements in my own behalf (are) (are not) submitted herewith (as incl ____).

5. I (request) (waive) representation by (my appointed counsel) (____ as military counsel) (civilian counsel at my own expense).

6. I understand that I may expect to encounter substantial prejudice in civilian life in the event a general discharge under honorable conditions is issued to me. I further understand that, as the result of issuance of an undesirable discharge under conditions other than honorable, I may be ineligible for many or all benefits as a veteran under both Federal and State laws, and that I may expect to encounter substantial prejudice in civilian life.

7. I have retained a copy of this statement.

(Signature of individual)
(typed name, service number, grade)

Having been advised by me of the basis for his contemplated separation and its effect and the rights available to him, (Name of individual) personally made the choices indicated in the foregoing statement.

(Signature of counsel)
(typed name, service number, grade, branch)

Figure 1. Individual's Statement.

he will appoint a counsel; appoint a military counsel of the individual's choice, provided the requested counsel is reasonably available, or

permit the individual to be represented by civilian counsel at his own expense; as indicated by the individual's signed statement (fig. 1).

Section V. BOARD OF OFFICERS

17. **Board of officers.** *a. Organization.* Boards of officers convened to determine whether an individual should be discharged under the provisions of this regulation will consist of not less than three commissioned officers, at least one of whom is in the grade of major or higher, and a nonvoting recorder. Care will be exercised to insure that—

- (1) The board is composed of experienced officers of mature judgment.
- (2) The board is composed of unbiased officers fully cognizant of applicable regulations and policies pertaining to cases of the nature for which the board is convened.
- (3) In the case of an enlisted member of the Women's Army Corps, the board will include an officer of the Women's Army Corps.
- (4) In the case of an individual who has a Reserve enlisted status the membership of the board will include a majority of Reserve officers if reasonably available. Where a Reserve majority is not available, the board will include at least one Reserve component officer.
- (5) In the case of an enlisted member of the Army who holds a Reserve commission or warrant, the board will be composed of an uneven number of commissioned officers. The officers will be senior in permanent grade to the Reserve grade held by the enlisted member. One member of the board will be a Regular Army officer and the remainder Reserve officers of the Army who are serving on active duty. If the enlisted member also is an ARNGUS officer, at least one member of the board will be an ARNGUS officer, if reasonably available.
- (6) The board is provided a competent reporter (or stenographer).

b. General. The following procedures have proved useful in effective processing by boards:

- (1) Appointing a permanent board of officers to serve as large a unit as practicable. Changes should be held to a minimum and regulated to provide continuity. This assures uniform treatment for lower or parallel units and will provide a volume of cases sufficient to allow the board members to attain professional competence in this duty. On a permanent board the members will gain experience from which evolves judgment more mature and more sensitive to the interest of both the individual and the service.
- (2) Disseminating procedural instructions to lower units by the recorder of the board serving the units.
- (3) Recessing a hearing for 30 to 90 days where the board members are unable to reach an agreement based on the data at hand so that further rehabilitation data may be secured.
- (4) As an exception to paragraph 13b, AR 15-6, ~~except~~ ^{expert} medical and psychiatric testimony may be presented in the form of affidavit. However, if the respondent desires to present such evidence, he is entitled to have the witnesses appear in person, if they are reasonably available.

c. Board procedures.

- (1) A minimum of 15 days' written notice before date of hearing will be given an individual who is to appear before a board of officers so that he or his council may prepare his case. The individual will be notified of the names and addresses of witnesses expected to be called at the board hearing and that the recorder of the board

will, upon request of the individual, endeavor to arrange for the presence of any available witness he desires to call. A copy of all affidavits and depositions of witnesses unable to appear at the board hearing will be furnished to the individual. When for overriding reasons the minimum of 15 days cannot be granted, the president of the board will insure that the reason for acting before that time is fully explained and recorded in the proceedings of the board. Requests for additional delays (normally not to exceed a total of 30 days after notice) will be granted if in the judgment of the convening authority or the president of the board, delay is warranted to insure that the respondent receives a full and fair hearing.

(2) An enlisted person who has not waived a hearing before a board of officers and whose case is presented to such a board has the following rights which will be explained to the individual by the president of the board:

- (a) He may appear in person, with or without counsel, at all open proceedings of the board. He may have military counsel of his own choice, provided proper authority determines the counsel requested is reasonably available. He may employ civilian counsel at his own expense. When an enlisted person appears before a board of officers without counsel, the record will show that the president of the board counseled the respondent as to type of discharge that he may receive as a result of the board action, the effects of such discharge in later life, and that he may request counsel. The record will reflect the respondent's response.
- (b) He may challenge any voting member of the board for cause only.
- (c) He may request the appearance be-

fore the board of any witness whose testimony he believes to be pertinent to his case. He will specify in his request the type of information the witness can provide. The board will secure the attendance of a witness if it considers that he is reasonably available, and that his testimony can add materially to the case. The attendance of military witnesses under the control of the convening authority will be ordered to attend if reasonably available. The attendance of other military witnesses will be requested through command channels. However, witnesses not on active duty must appear voluntarily and at no expense to the Government.

- (d) He may at any time before the board convenes or during the proceedings submit any answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes but is not limited to depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.
 - (e) He may or may not submit to examination by the board. The provisions of Article 31, Uniform Code of Military Justice will apply.
 - (f) He and his counsel may question any witness who appears before the board.
 - (g) Failure of the individual to invoke any of the above rights, after he has been apprised of same, cannot be considered as a bar to the board proceedings, findings, and recommendations.
- (3) In the case of an enlisted member holding a Reserve commission or warrant, the board will notify the individual that the action involves his Reserve status and may result in the termination of such status.
- (4) For rules of procedure and evidence,

and swearing of witnesses, see AR 15-6.

- (5) The president of the board will insure that sufficient testimony is presented to enable the board to fairly evaluate the usefulness of the individual. The testimony will be specific as to circumstances, events, times, dates, and other facts.
- (6) The proceedings of the board will be as complete as possible and will contain a verbatim record of the findings and recommendations. An example of a report of board proceedings is shown in the appendix.

(7)
see C-9 added
 d. Recommendations.

- (1) The board convened to determine whether an individual should be separated for unfitness will recommend that he be—
- (a) Separated because of unfitness (indicating type of discharge certificate—honorable, general, undesirable—to be furnished), or
- (b) Separated because of unsuitability (indicating type of discharge certificate—honorable, general—to be furnished), or
- (c) Retained in service. The recommendation will indicate the type of duty which it is believed he can perform satisfactorily.
- (2) The board convened to determine whether an individual should be separated for unsuitability will recommend that he be—
- (a) Separated because of unsuitability (indicating type of discharge certificate—honorable or general—to be furnished), or

(b) Retained in service. The recommendation will indicate the type of duty which it is believed he can perform satisfactorily.

- (3) In the case of an enlisted member holding a Reserve commission or warrant, the board will make separate recommendations concerning Reserve status including type of discharge certificate to be issued. The recommendations should be compatible with enlisted status recommendations. Normally, facts warranting separation from an active enlisted status under this regulation will also warrant termination of a Reserve commission or warrant. Under certain circumstances it may be reasonable to recommend retention in an active enlisted status but termination of a Reserve commission or warrant.

e. Forwarding report of proceedings. The completed report of proceedings will be forwarded to the commander exercising general or special court-martial jurisdiction, as appropriate, for final determination and disposition. When board action is completed on an individual referred to in paragraph 5a, the findings and recommendations of the board with complete documentation and the recommendation of the convening authority will be forwarded to The Adjutant General, ATTN: AGPO-SS, Department of the Army, Washington, D.C., 20315, for final determination in cases where the convening authority recommends discharge.

18. Limitations on administrative discharges and board hearings. See paragraph 1-13, of AR 635-200 for limitations on administrative discharges and board hearings and rehearings.

Section VI. ACTIONS AFTER BOARD

19. Convening authority action. *a.* When a case has been referred to and action completed by the board, the board proceedings will be reviewed by a qualified officer fully cognizant of

applicable regulations and policies to determine whether it meets the requirements of the administrative discharge proceedings. When the board recommends an undesirable discharge

be issued, the proceedings will be reviewed by a member of the Judge Advocate General Corps. Upon completion of the review the commander may—

(1) When the board has recommended separation for unfitness—

- (a) Direct separation of the individual for unfitness (except for individuals referred to in para 5a) (see para 17e); or
- (b) Direct separation of the individual for unsuitability (except for individuals referred to in para 5a) (see para 17e); or
- (c) Disapprove the recommendation and direct retention of the individual.
- (d) Approve separation for unfitness and suspend execution of the separation (para 20).

(2) When the board has recommended separation for unsuitability—

- (a) Direct separation of the individual for unsuitability (except for individuals referred to in para 5a) (see para 17e); or
- (b) Disapprove the recommendation and direct retention of the individual.
- (c) Approve separation for unsuitability and suspend execution of the separation (para 20).

b. The convening authority's deputy or other officer within his headquarters may be delegated authority to approve, disapprove, or otherwise appropriately dispose of cases except to direct an undesirable discharge. The convening authority is required to personally sign any action directing an undesirable discharge of an enlisted member under his command. He may direct other appropriate disposition of the case. Where the officer exercising special court-martial jurisdiction is the convening authority, authority to approve, disapprove, or otherwise appropriately dispose of a case may not be delegated.

c. The convening authority will not direct a discharge for unfitness when the board of officers has recommended discharge because of

unsuitability; nor will he direct discharge when the board of officers has recommended retention.

d. The convening authority will not authorize the issuance of a discharge of a lesser character than that recommended by the board (i.e., honorable to general or general to undesirable). He may authorize issuance of a discharge of a higher character than that recommended by the board (i.e., general to honorable or undesirable to general or honorable).

e. An individual who has completed 19½ or more years active service creditable toward retirement for whom elimination is recommended to Headquarters, Department of the Army, will be afforded the opportunity of applying for retirement to be effective immediately or on completion of 20 years' Federal service; however, he will be advised that authority to submit the application does not carry assurance that the application will be approved. DA Form 2339 (Application for Voluntary Retirement) will be appended when the case is forwarded to Headquarters, Department of the Army. A Report of Medical Examination (SF 88) as prescribed in paragraph 12, AR 635-230 will be appended to the application for retirement.

f. When a member of the Reserve components is to be eliminated under this regulation, the convening authority will determine specifically from Board findings whether the member concerned is being eliminated because of moral or professional dereliction.

20. **Suspension of execution of approved discharge.** In order to afford a highly deserving member a probationary period to demonstrate successful rehabilitation prior to expiration of his enlistment or period of obligated service, the convening authority may suspend execution of an approved discharge for a period not to exceed 6 months. See paragraph 1-15, AR 635-200 for procedures.

21. **Reduction in grade.** When an individual is to be discharged as unfit with an undesirable discharge, the convening authority will direct his immediate reduction to the lowest enlisted grade under the provisions of section VII chapter 7, AR 600-200.

Section VII. RECORDS AND DISCHARGE

22. **Disposition of proceedings.** *a.* When separation is ordered, the approved proceedings will be forwarded to the commander having custody of the individual's records for the purpose of transfer processing in accordance with AR 612-22 or AR 612-50 and AR 635-61. The original copy of the proceedings will be filed as permanent material in the "Field 201 file section" of the individual's DA Form 201.

b. When separation is not ordered by the convening authority, the proceedings will be filed at the headquarters, and the enlisted persons' commanding officer will be notified of the final action. When practicable, the convening authority will direct reassignment of the individual to a different organization. Ultimate disposition of the board proceedings will be governed by AR 345-210.

c. An individual who is to be separated will be furnished a copy of the board proceedings, minus such written medical testimony and reports which would prove injurious to his physical or mental health.

- (1) The respondent's copy of the proceedings will be marked "Copy for (name and Army service number of the individual)" and furnished the individual or his counsel. A signed receipt will be obtained from the individual or his counsel to whom the copy is furnished and filed with the original board proceedings. If the individual refuses to sign the receipt, a statement to that effect will be submitted.
- (2) If the individual or his counsel does not desire a copy of the board proceedings, or if for any other reason a copy is not furnished, a notation will be made on the individual's copy to accompany the original. Release of this copy thereafter may be made only by The Adjutant General.

d. When the convening authority approves a recommendation that an enlisted member may be discharged from a Reserve commission or warrant he will forward a copy of the approved

proceedings to the Commanding Officer, U.S. Army Administration Center, ATTN: AGAC-R, St. Louis, Mo., 63132, for appropriate action under the provisions of AR 135-175. Action under AR 135-175 will be taken after member's separation from enlisted status.

23. **Reason and authority for separation.** When an individual is discharged, released from active duty for training, or discharged from status as "a Reserve of the Army" pursuant to this regulation, the specific reason and authority for discharge (item 11c, DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)) will be entered as shown in appendix I, AR 635-5.

24. **Form of discharge certificate to be given.** *a.* An individual discharged for unfitness will be furnished DD Form 256A (Honorable Discharge Certificate), DD Form 257A (General Discharge Certificate), or DD Form 258A (Undesirable Discharge Certificate) as directed by the convening authority.

b. An individual discharged for unsuitability will be furnished DD Form 256A (Honorable Discharge Certificate) or DD Form 257A (General Discharge Certificate) as directed by the convening authority.

25. **Separation of ARNGUS and USAR trainees.** *a.* ARNGUS trainees will be released from active duty for training and returned to the control of the appropriate State National Guard authorities for discharge. A copy of the approved proceedings will be forwarded to the adjutant general of the State.

b. USAR trainees will be discharged from their status as "a Reserve of the Army".

26. **Errors and discrepancies noted before accomplishing discharge.** The type of discharge directed by the convening authority may be changed only by Headquarters, Department of the Army. If material errors or discrepancies in approved board proceedings are found by

other headquarters processing the case (i.e., transfer activities), the case will be referred for review before discharge to The Adjutant General, ATTN: AGPO-SS, Department of the Army, Washington, D.C., 20315.

27. **Reentry into Army.** *a.* To preclude reentry into the Army unless authorized by appropriate authority, the DD Form 214 of all individuals, with the exception of those re-

ferred to in paragraph 5*a*, discharged under this regulation will be coded "RE-3" and "Paragraph 9, AR 601-210 applies" entered in item 32.

b. Individuals referred to in paragraph 5*a* discharged under this regulation are not eligible for reenlistment. The DD Form 214 will be coded "RE-4" and "Paragraph 10, AR 601-210 applies" entered in item 32.

...to be referred to in paragraph 10. ...
...the regulation will be coded "AR 600-10" and
"Paragraph 10, AR 600-10 applies" entered in
item 10.

A. Individuals referred to in paragraph 10
...referred to in this regulation are not eligible
for treatment. The DD Form 114 will be
coded "AR 600-10" and "Paragraph 10, AR 600-10
applies" entered in item 10.

...other headquarters processing the case (i.e.,
transfer activities), the case will be referred
for review before discharge to The Adjutant
General, ATTN: AGPO-22, Department of the
Army, Washington, D.C. 20315.

It is hereby the Army's policy to provide re-
entry into the Army under conditions of age
prohibits authority the DD Form 114 of all
individuals with the exception of those re-

APPENDIX

SAMPLE REPORT OF PROCEEDINGS OF BOARD OF OFFICERS

DEPARTMENT OF THE ARMY
COMPANY A
4th BATTLE GROUP, 96th INFANTRY
FORT JACKSON, SOUTH CAROLINA

15 May 1966

SUBJECT: Discharge for Unfitness Under AR 635-212

THRU: Commanding Officer

4th Battle Group, 96th Infantry

Fort Jackson, South Carolina

TO: Commanding General

118th Infantry Division

Fort Jackson, South Carolina

1. It is recommended that Private (E-2) John A. Doe, RA 75 648 321, be required to appear before a board of officers convened under the provisions of AR 635-212 for the purpose of determining whether he should be discharged before the expiration of his term of service.

2. In support of the recommendation, the following report is rendered in accordance with the provisions of paragraph 11 of the cited regulations.

a. Soldier enlisted 15 March 1965 for a term of three years and has no prior service. He is 20 years old.

b. Soldier has no reserve commission or warrant.

EXHIBIT A

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SUBJECT: Discharge for Unfitness Under AR 635-212

c. Discharge is recommended because of habits and traits of character manifested by repeated commission of petty offenses and habitual shirking.

d. His AFQT score is 42 and his duty MOS is 11B. His aptitude area scores are as follows:

<u>APT</u>	<u>OCC</u>	<u>SCORE</u>
CO	1	A - 92, B - 89
EL	2-3	79
GM	4-5	105
MM	6	89
CL	7	85
GT	8-9-0	87
RC	0	100
IN		85
AE		70

e. During the period 1 August 1965 to date, this soldier has been assigned to various duty assignments (three different companies) in the battle group commensurate with his training and ability and has served under different superior officers and noncommissioned officers. In each instance, his performance of duty has been unsatisfactory. His military superiors and the psychiatric examiner agree that further rehabilitative efforts would be useless. His assignments in this battle group have been as listed below:

- (1) 1 August 1965 - 3 November 1965, Company C.
- (2) 4 November 1965 - 1 March 1966, Company B.
- (3) 2 March 1966 - Date, Company A.

f. Soldier has been counseled as indicated below:

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SUBJECT: Discharge for Unfitness Under AR 635-212

(1) 8 September 1965 and 8 October by Captain Winfield M. Elrod, Commanding Officer, Company C, 4th Battle Group, 96th Infantry.

(2) 19 December 1965 by Lieutenant Titus L. Moody, Executive Officer, Company B, 4th Battle Group, 96th Infantry.

(3) 3 March 1966 by Captain William P. Peters, Commanding Officer, Company A, 4th Battle Group, 96th Infantry.

(4) 2 April 1966 by Chaplain (Major) Howard X. Cross, Headquarters, 118th Infantry Division.

g. As discharge is recommended for the reasons stated in c, above, elimination for unsuitability is not considered appropriate. This soldier's performance is characterized by intentional shirking of his duties and by behavior rendering him repeatedly subject to punitive action. His behavior is not due to an incapacity to become a satisfactory soldier within the meaning of unsuitability. There appear to be no grounds for other disposition of this soldier.

h. This soldier's conduct and efficiency ratings have been as follows:

- (1) 22 March 1965 - 31 July 1965: Conduct - Satisfactory
Efficiency - Satisfactory
- (2) 1 August 1965 - 3 November 1965: Conduct - Poor
Efficiency - Unsatisfactory
- (3) 4 November 1965 - 1 March 1966: Conduct - Poor
Efficiency - Unsatisfactory

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(4) 2 March 1966 - Date: Conduct - Poor

Efficiency - Unsatisfactory.

i. Soldier has two convictions by summary and one by special court-martial. He was convicted by summary court on 4 September 1965 for seven days AWOL and on 23 April 1966 for damaging United States property through neglect. He was convicted by special court-martial on 10 May 1966 for six days AWOL and disrespect to a noncommissioned officer while in execution of office. Extract copies of soldier's service record showing previous convictions are inclosed (incl 1).

j. Soldier has been punished in this company on three separate occasions under the provisions of Article 15, UCMJ. Copies of DA Forms 2627 pertaining to these offenses are inclosed (incl 2).

k. A report of psychiatric examination is inclosed (incl 3).

3 Incl
as

WILLIAM P. PETERS
Captain, Infantry
Commanding

AJ Doe, John A. (En1) 1st Ind
 RA 75648321 (15 May 66)

SUBJECT: Discharge for Unfitness Under AR 635-212

HQ, 4th Battle Group, 96th Infantry, 118th Infantry Division, Fort Jackson,
 South Carolina, 18 May 1966

TO: Commanding General, 118th Infantry Division, Fort Jackson, South Carolina
 Recommend approval.

FOR THE COMMANDER:

3 Incl
 nc

R. E. COIL
 Captain, Infantry
 Adjutant

AJ Doe, John A. (En1) 2d Ind
 RA 75648321 (15 May 66)

HQ, 118th Infantry Division, Fort Jackson, South Carolina, 23 May 1966

TO: Commanding General, Fort Jackson, South Carolina

Referred for consideration by the board of officers appointed by
 paragraph 1, Special Orders 114, this headquarters, 1 May 1966.

FOR THE COMMANDER:

3 Incl
 nc

JOHN C. FLEET
 Captain, AGC
 Assistant Adjutant General

HEADQUARTERS
118th INFANTRY DIVISION
FORT JACKSON, SOUTH CAROLINA

1 May 1966

SPECIAL ORDERS
NUMBER 114

EXTRACT

1. Under the provisions of AR 635-212, a board of officers is appointed to meet at the call of the senior member to consider the cases of such enlisted men as may be properly referred to it. The board will be guided by the provisions of AR 15-6, as changed, and will submit its report to this headquarters in triplicate.

DETAIL FOR THE BOARD

Major Walter C. Brown, 0230502, Infantry
Major Robert Johnson, 035072, Infantry
Capt Lewis B. Johnson, 01689904, Infantry
1st Lt Allen H. Gillman, 01061592, Infantry
2d Lt Albert A. Fakian, 01142303, Infantry (Recorder)
1st Lt George F. Huffnagle, 0225666, JAGC (Counsel for Respondent)
Capt James R. Cronkhite, 039427, Infantry (Counsel for Respondent)

FOR THE COMMANDER:

JOHN D. SWEENEY
Lt Colonel, AGC
Adjutant General

OFFICIAL

JOHN D. SWEENEY
Lt Colonel, AGC
Adjutant General

EXHIBIT B

SUMMARY OF PROCEEDINGS

The board was appointed by paragraph 1, Special Orders No. 114, Headquarters, 118th Infantry Division, a copy of which is attached.

The board convened at Fort Jackson, South Carolina, on 15 June 1966.

The board met pursuant to the foregoing order at 0900 hours on 15 June 1966.

PERSONS PRESENT:

Major Walter C. Brown, O 230 502, Infantry, President
Major Robert Johnson, 085 972, Infantry, Member
Captain Lewis B. Johnson, 01 689 904, Infantry, Member
First Lieutenant Allen H. Gillman, 01 061 592, Infantry
Second Lieutenant Albert A. Fakian, 01 142 302, Infantry (Recorder)
First Lieutenant George F. Huffnagle, O 225 666, JAGC (Counsel for Respondent)
Captain James R. Cronkhite, 039 427, Infantry (Counsel for Respondent)

PERSONS ABSENT:

None.

Private John A. Doe, RA 75 648 321, Company A, 4th Battle Group, 96th Infantry, appeared before the board with his counsel (1st Lt George F. Huffnagle)(Captain James R. Cronkhite).

The order appointing the board and the applicable substance of the regulations under which it was convened were read aloud by the recorder.

Private John A. Doe was asked if he desired to challenge any member of the board for cause; he replied he did not.

A true copy of written advance notification to Private John A. Doe, dated 25 May 1966, was received and read in evidence and is hereto appended.

Private John A. Doe was present during all open sessions of the board with his counsel, was afforded full opportunity to cross-examine adverse

EXHIBIT C

witnesses, to present evidence in his own behalf, to testify in person or submit a written statement, and to submit a brief.

A letter, subject: "Discharge for Unfitness Under AR 635-212", Company A, 4th Battle Group, 96th Infantry, with two indorsements (inclosures withdrawn), was offered in evidence by the recorder. There being no objection, the letter was admitted in evidence.

A certificate of 1st Lt. Paul O. Macy, dated 12 May 1966, was offered in evidence by the recorder. There being no objection, the certificate was admitted in evidence.

A duly authenticated extract copy of the respondent's service record containing record of convictions by court-martial was offered in evidence by the recorder. There being no objection, the document was admitted in evidence.

A true copy of so much of the Unit Punishment Book of Company A, 4th Battle Group, 97th Infantry, as pertains to the respondent was offered in evidence by the recorder. There being no objection, the document was admitted in evidence.

The following witnesses called by the board were sworn and testified in substance as follows:

Captain Winfield M. Elrod, Company C, 4th Battle Group, 96th Infantry.

I am the company commander of Company C, 4th Battle Group, 96th Infantry. Private Doe was assigned to my company from 1 August 1965 until 3 November 1965. Before his assignment to my company, he had been in basic training. I initially assigned Doe to a squad in the company, and apparently he performed satisfactorily for the first month. About that time, he went

AWOL for seven days. Thereafter, Doe developed a bad attitude toward his job and the Army. I assigned Doe to the Mortar Battery, as Assistant Supply Clerk, and then as assistant to the Company Clerk where the First Sergeant could keep an eye on him but he performed unsatisfactorily in all of them. I then assigned Doe as an armorer-artificer's helper under the direct supervision of Sergeant Brown and that is where Doe remained until his transfer out of my company. I gave him non-judicial punishment under Article 15 two times, once for being late to formation, and once for reporting for inspection in a dirty uniform. As time passed, he became more sullen and uncooperative.

CROSS-EXAMINATION

I counseled Doe several times, but he refused to say what was bothering him. I counseled him the first time when he was punished for his AWOL. About a month later, I counseled him again and explained to him that he was going to have to change his ways for his own good and for the good of the Army. I counseled him in those two instances when I imposed company punishment upon him. I told him that his prior record indicated that he could perform the duties required of him and that his tour would be much better if he did his job. He did not respond to my counseling.

Sergeant Robert H. Brown, Company C, 4th Battle Group, 96th Infantry.

I am the armorer-artificer of Company C, 4th Battle Group, 96th Infantry. Pvt Doe was under my supervision from 21 October 1965 to 3 November 1965. During that twelve day period, there were numerous instances when I had trouble with him. In one instance, I had assigned him the job of cleaning

three M-1 rifles. It took him two days to complete the job, and when I inspected them after he had supposedly cleaned them, I found that they were only partly cleaned and had not been reassembled properly. When I told him that he didn't know how to field strip an M-1 and put it back together, he disagreed, and he showed me that he could tear one down and put it back together very quickly. Doe was always coming up with excuses for leaving the area, and it seemed that I was continually trying to locate him. On at least four occasions, I found him in the snack bar when he should have been in the arms room working.

CROSS-EXAMINATION

Yes, my men are allowed two fifteen minute coffee breaks each day. I spent about two hours a day assisting Doe, and I told him that if he had any questions not to hesitate to ask them. No, twelve days is not a very long period of time in which to form an opinion of a soldier's abilities, but I don't say that he doesn't have the ability, it was just his attitude and performance that were bad.

First Lieutenant Titus L. Moody, Company B, 4th Battle Group, 96th Infantry.

I am the Executive Officer of Company B, 4th Battle Group, 96th Infantry. Pvt Doe was assigned to Company B from 4 November 1965 until 1 March 1966. While he was assigned to the Company, I talked to him and tried to get him to tell me what his difficulties were and what he would like to do. He told me he wasn't interested in a career in the Army and that he didn't care what was done to him or what job he was put on. I tried Doe out in just about all positions in the company, but he appeared too sullen and uncooperative to do anything. In one instance during a training exercise,

Doe was assigned as ammo bearer. During the assault phase of the exercise, the machine gun to which Doe was assigned did not maintain adequate fire. When I later questioned the men about it, Doe admitted that he had left half of the ammo issued to him behind because he felt it was too heavy to carry. Doe was late for formation a number of times and was given company punishment at least once for that offense. It is my opinion that he will never make a good soldier and should be gotten rid of as soon as possible.

CROSS-EXAMINATION

It was just a standard issue of ammo which could have been carried easily.

Sergeant First Class Robert F. Jones, Company A, 4th Battle Group, 96th Infantry.

I am the mess sergeant of Company A, 4th Battle Group, 96th Infantry. I have known Pvt Doe since he was transferred into my company because he has been in the kitchen 6 or 7 times as a KP. During those periods, he has been unsatisfactory. One one occasion, I gave Doe the simple job of watching the potatoes cook. Later when I discovered that they were burning, I looked for him and found him sitting in a corner smoking a cigarette. I asked him why he wasn't watching the potatoes, and he stated that he forgot. He was just about useless on any job. His attitude is bad. He just doesn't care.

CROSS-EXAMINATION

I can't recall an instance where he performed a detail satisfactorily.

Captain William P. Peters, Company A, 4th Battle Group, 96th Infantry.

I am the company commander of Company A, 4th Battle Group, 96th Infantry.

Pvt Doe has been a member of my company since 2 March 1966. Since his assignment to my company, he has been a continual headache to me. When he first arrived, I called him into my office and had a long talk with him. I told him that I was aware of the poor record he had made in his previous units, but that as far as I was concerned, he could forget all about that. I told him that I was starting him off with a new slate and that I wanted him to be a good soldier. I told him that if he had anything at all that was bothering him to get it off his chest and we would try and help him. He told me that he was not happy in the Army and that he wanted to get out any way that he could. He said that his buddies got out and that he wanted out too. I then sent Doe to the hospital for a complete check-up. The medics sent him back to duty. They found nothing wrong with him. After he came back from the hospital, I again advised him that we were going to make a good soldier of him. I thought I had made an impression on him, but I was mistaken. Within the next two months, I gave him company punishment on three separate occasions as shown on the record I sent forward with the letter recommending elimination. Finally, about the 23d of April of this year, Doe, with two other men, was given the job of unpacking a shipment of equipment for the company supply room. Doe was supposed to uncrate a cabinet. Instead of using the crowbar as he had been instructed, he beat the crate apart with a hammer, putting a dent in the top of the cabinet and a gash in its side. He was tried by summary court-martial for damaging Government property, and at his trial, the other two men testified that Doe stated that he was getting even for being put on the detail. About a week later, he went AWOL for seven days and when he returned he became

involved in an altercation with Sergeant Nichols of my company. He was tried by special court-martial for these two offenses. I can't control Doe, and I don't believe that anyone else can.

CROSS-EXAMINATION

Yes, he was given regular duties besides details. As a matter of fact, I asked him to just name a job that he wanted and I would try to arrange it for him. He refused to say what he would like to do. I'm certainly not going to put my good men on details when there are others like Doe who are not performing their duties. I gave him ample opportunity to prove that he wanted to be a soldier.

A statement signed by the respondent, dated 14 May 1966, to the effect that he had been advised of the basis of this action, desired to have a board hearing, and desired counsel, was offered in evidence by the recorder. There being no objection, the document was admitted in evidence.

The recorder stated that he had nothing further to offer.

The rights of the respondent were explained to him by the president of the board. The respondent elected to take the stand as a witness. He was sworn and testified in substance as follows:

DIRECT EXAMINATION

I have been in the Army since 15 March 1965. I am 20 years old. I lived in Jersey City, N. J., and went to school there up to the 9th grade. Before I finished the 9th grade, I was sixteen years old and so I quit. I got mixed up with a bad crowd, and in 1965 the police picked me up. Then I enlisted in the Army. At first, I liked the Army, but then I got tired

of being bossed around all the time. The sergeants gave me a bad time. Everything was jump, jump, jump. At first I did my work, but I didn't make PFC so I figured it was no use and wanted out. I guess I don't want a bad discharge, but I don't want all those rotten details either.

CROSS-EXAMINATION

I have heard what the officers and sergeants have said about me. The only way I can explain it is that they don't understand me. They were always pushing me around.

The recorder made an argument.

Counsel for the respondent made an argument.

The recorder made a closing statement.

Neither the recorder nor the respondent having anything further to offer, the board was closed.

Attached is the verbatim record of the findings and recommendations of the board.

The board adjourned at 1400 hours on 15 June 1966.

VERBATIM FINDINGS AND RECOMMENDATIONS

FINDINGS: In the board proceedings concerning Private (E-2) John A. Doe, RA 75 648 321, the board carefully considered the evidence before it and finds:

- 1. Private Doe is undesirable for further retention in the military service because of habits and traits of character manifested by repeated commission of petty offenses.
- 2. Private Doe is undesirable for further retention in the military service because of habitual shirking.
- 3. His rehabilitation is not deemed possible.

RECOMMENDATION:

In view of the findings, the board recommends that Private Doe be discharged from the service because of unfitness with issuance of an Undesirable Discharge Certificate (DD Form 258A).

President

Member

Member

Recorder

EXTRACT OF MILITARY RECORDS OF PREVIOUS CONVICTIONS			
IDENTIFICATION			
LAST NAME - FIRST NAME - MIDDLE INITIAL	SERVICE NO.	GRADE	ORGANIZATION
Doe, John A.	RA 75b48321	Private	Co A, 4th BG, 96th Inf
RECORD OF PREVIOUS CONVICTIONS BY COURTS-MARTIAL¹			
TYPE OF COURT-MARTIAL	CM ORDER OR SCM NO.	HEADQUARTERS	ARTICLE(S)
Summary	#14	4th BG, 96th Inf	86
SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE			
O/a 1 Sep 65 AWOL to 7 Sep 65 from Co C, 4th BG 96th Inf, Ft Jackson, South Carolina			
SENTENCE AS APPROVED			
HL w/o Conf for 15 days, Rest for 15 days and forf of \$25.00			
DATE SENTENCE ADJUDGED	DATE SENTENCE APPROVED	I CERTIFY THE FOREGOING IS CORRECT?	
8 Sep 65	8 Sep 65	SIGNATURE /S/C. W. Brown, CWO, W-2, USA, Hq 4th BG, 96th Inf	
TYPED OR PRINTED NAME, GRADE, ORGANIZATION OF PERSON SIGNING ENTRY			
TYPE OF COURT-MARTIAL	CM ORDER OR SCM NO.	HEADQUARTERS	ARTICLE(S)
Summary	#4	4th BG 96th Inf	108
SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE			
O/a 23 April 66 did through neglect damage military property of U.S. at Ft Jackson, South Carolina			
SENTENCE AS APPROVED			
HL w/o Conf for 10 days and forf of \$25.00			
DATE SENTENCE ADJUDGED	DATE SENTENCE APPROVED	I CERTIFY THE FOREGOING IS CORRECT?	
23 April 66	23 April 66	SIGNATURE /S/C. W. Brown C. W. Brown, CWO, W-2, USA, Hq 4th BG, 96th Inf	
TYPED OR PRINTED NAME, GRADE, ORGANIZATION OF PERSON SIGNING ENTRY			
TYPE OF COURT-MARTIAL	CM ORDER OR SCM NO.	HEADQUARTERS	ARTICLE(S)
Special	SPCO #10	4th BG, 96th Inf	86, 91
SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE			
O/a 27 April 66 AWOL to 2 May 66 from Co A, 4th BG, 96th Inf, Ft Jackson, South Carolina. Disrespect to noncommissioned officer while in the execution of his office at Ft Jackson, South Carolina, on or about 2 May 66.			
SENTENCE AS APPROVED			
CHL 3 mos; forf of \$50.00 per mo for 3 mos.			
DATE SENTENCE ADJUDGED	DATE SENTENCE APPROVED	I CERTIFY THE FOREGOING IS CORRECT?	
10 May 66	22 May 66	SIGNATURE /S/C. W. Brown C. W. Brown, CWO, W-2, USA, Hq, 4th BG, 96th Inf	
TYPED OR PRINTED NAME, GRADE, ORGANIZATION OF PERSON SIGNING ENTRY			
ATTESTING CERTIFICATE			
ORGANIZATION OF CUSTODIAN	PLACE OF ORGANIZATION	DATE	
Hq, 4th BG, 96th Inf	Ft Jackson, South Carolina	10 June 1966	
I CERTIFY THAT I AM THE OFFICIAL CUSTODIAN OF THE MILITARY PERSONNEL RECORDS PERTAINING TO PREVIOUS CONVICTIONS BY COURT-MARTIAL OF THE ABOVE-NAMED PERSON, AND THAT THE FOREGOING IS A TRUE COPY OF THE ENTRIES CONTAINED THEREIN. ²			
TYPED NAME, GRADE, AND OFFICIAL CAPACITY OF CUSTODIAN		SIGNATURE	
1/Lt Harold C. James, AGC, Personnel Officer			
¹ Only admissible previous convictions will be listed. To determine admissibility, see rules on the reverse hereof.			
² This block will contain separate entries on the "signature" line and "typed or printed" identification line. If the service record certification block being extracted fails to contain the required: (a) Signature of the personnel records custodian, request that officer to take immediate corrective action; (b) Identification of the custodian of the conviction record, enter remark such as "(None)", "(Grade not shown)", "(Organization not shown)", as appropriate, on the second line of this block of the extract.			
³ For Army Personnel, the extract will be prepared from the Service Record or DA Form 26. For Air Force Personnel, the extract will be prepared from AF Form 1226.			

DD FORM 493
1 MAY 62

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

This form will be used ONLY in cases involving enlisted personnel and then ONLY when no punishment OTHER THAN oral admonition or reprimand, restriction for 14 days or less, extra duties for 14 days or less, or a combination thereof has been imposed.

NAME Doe, John A.	SERVICE NUMBER RA 75648321	GRADE Pvt E-2
ORGANIZATION Co A, 4th BG, 96th Inf	DATE OF BIRTH 14 January 1946	BASIC PAY PER MONTH \$85.80

SECTION I - IMPOSITION OF PUNISHMENT

UNIT DESIGNATION AND STATION

Co A, 4th BG, 96th Inf, Ft. Jackson, South Carolina

1. On 29 March, 1966, the above described individual, then appearing before me, was informed that a report had been made that (he) (~~she~~)¹ did on or about 28 March, 1966, at Co A, 4th BG, 96th Inf, Ft Jackson, S. C., fail to repair

After having been advised of (his) (~~her~~)¹ rights under the provisions of Article 31, UCMJ, and being informed of my intention to impose nonjudicial punishment upon (him) (~~her~~)¹ as to such offense(s) under the provisions of Article 15 unless (he) (~~she~~)¹ expressly demanded trial by court-martial,³ (he) (~~she~~)¹ was further informed that if (he) (~~she~~)¹ did not demand trial by court-martial,³ (he) (~~she~~)¹ should submit any matters in extenuation, mitigation, or defense which (he) (~~she~~)¹ desired me to consider.

2. No demand for trial by court-martial for the offense(s)¹ described above was made.³ Matters in extenuation, mitigation, or defense were not submitted ^{4, 5}
(not submitted) (submitted and considered)

3. On 29 March, 1966, the punishment(s)¹ specified below (was) (~~were~~)¹ imposed:

(Oral (admonition) (reprimand)) ⁴
Restriction to _____ for _____ days, (suspended until _____) ⁴
Extra duties for 5 days, (suspended until _____) ⁴
Restriction to _____ for _____ days and extra duties for _____ days to run concurrently
(suspended until _____) ⁴

4. Private Doe was advised of (his) (~~her~~)¹ right to appeal in accordance with para 135, MCM, 1951, and informed if (he) (~~she~~)¹ desired to appeal, (his) (~~her~~)¹ appeal should be directed to

Commanding Officer, 4th BG, 96th Inf, Fort Jackson, South Carolina ⁶

William P. Peters, CAPT, Inf
(Typed or printed name, grade and branch of officer imposing punishment)

Commanding Officer, Co A, 4th BG, 96th Inf /s/ William P. Peters
(Title)

DA FORM 2627

1 FEB 63

THIS FORM AND DA FORMS 2627-1 AND 2627-2, 1 FEB 63, REPLACE DD FORM 789, 1 SEP 54, WHICH IS OBSOLETE FOR ARMY USE.

1

SECTION II - ACKNOWLEDGEMENT OF IMPOSITION OF PUNISHMENT

THRU: _____ 7 30 March 1966 _____
 TO: CO, Co A, 4th BG, 96th Inf _____ (Date)

I have examined the foregoing record of proceedings which resulted in the imposition of punishment under the provisions Article 15 UCMJ.

I do not ⁴ appeal from this punishment.
 (do) (do not)

8

_____ Incl

John A. Doe, Pvt (E-2) RA 75648321 _____ /s/ John A. Doe
 (Typed or printed name, grade and service no.)

SECTION III

THIS SPACE MAY BE USED FOR ADDITIONAL REMARKS AND CONTINUATION OF SECTIONS. THE CORRESPONDING SECTION BEING CONTINUED SHOULD BE INDICATED. IF ADDITIONAL SPACE IS REQUIRED, ATTACH ADDITIONAL SHEETS, NUMBERING EACH SHEET CONSECUTIVELY STARTING WITH PAGE 3.

USE THE FOLLOWING INSTRUCTIONS WHERE THE CORRESPONDING NUMBER APPEARS ON THE FORM

1/ Strike out inapplicable word or letter.

2/ Insert language describing the nature of the alleged misconduct in the form of a concise statement of the offense charged in such terms that a specific violation or violations of the UCMJ is clearly stated. If additional space is required, use Section III.

3/ If the alleged offender is attached to or embarked in a vessel, he is not permitted to demand trial by court-martial in lieu of nonjudicial punishment. In such cases, all reference to a demand for trial by court-martial shall be lined out and an appropriate remark will be made in Section III indicating the official name of the vessel and that the alleged offender was attached to or embarked in such vessel at the time nonjudicial punishment was imposed.

4/ Insert applicable word(s).

5/ Written material which is submitted for consideration should be attached to this form.

6/ Designate by title the next superior authority to whom the appeal should be directed (see para 135, MCM, 1951 and AR 22-15).

7/ In the event the person punished exercised his right to appeal, this form should be transmitted to the next superior authority specified in para 4, Section I. The superior authority acting on the appeal shall utilize DA Form 2627-2, which when completed will be attached to this form.

8/ Here, if desired, state the reasons for the appeal. If additional space is required, use Section III. Attach any documents desired to be considered to this form and list the number of inclosures. If none, leave blank

SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

This form will be used ONLY in cases involving enlisted personnel and then ONLY when no punishment OTHER THAN oral admonition or reprimand, restriction for 14 days or less, extra duties for 14 days or less, or a combination thereof has been imposed.

NAME Doe, John A.	SERVICE NUMBER RA 75648321	GRADE Pvt E-2
ORGANIZATION Co A, 4th BG, 96th Inf	DATE OF BIRTH 14 January 1946	BASIC PAY PER MONTH \$85.80

SECTION I - IMPOSITION OF PUNISHMENT

UNIT DESIGNATION AND STATION
Co A, 4th BG, 96th Inf, Ft Jackson, South Carolina

1. On 18 March, 19 66, the above described individual, then appearing before me, was informed that a report had been made that (he) (~~she~~)¹ did on or about 17 March, 19 66, at Co A, 4th BG, 96th Inf, Ft Jackson, SC, fail to repair

2. After having been advised of (his) (~~her~~)¹ rights under the provisions of Article 31, UCMJ, and being informed of my intention to impose nonjudicial punishment upon (him) (~~her~~)¹ as to such offense(s) under the provisions of Article 15 unless (he) (~~she~~)¹ expressly demanded trial by court-martial,³ (he) (~~she~~)¹ was further informed that if (he) (~~she~~)¹ did not demand trial by court-martial,³ (he) (~~she~~)¹ should submit any matters in extenuation, mitigation, or defense which (he) (~~she~~)¹ desired me to consider.

2. No demand for trial by court-martial for the offense(s)¹ described above was made.³ Matters in extenuation, mitigation, or defense were not submitted 4, 5
(not submitted) (submitted and considered)

3. On 18 March, 19 66, the punishment(s)¹ specified below (was) (~~were~~)¹ imposed:

- Oral reprimand 4
(Oral (admonition) (reprimand))
- Restriction to _____ for _____ days, (suspended until _____) 4
- Extra duties for _____ days, (suspended until _____) 4
- Restriction to _____ for _____ days and extra duties for _____ days to run concurrently 4
(suspended until _____)

4. Private Doe was advised of (his) (~~her~~)¹ right to appeal in accordance with para 135, MCM, 1951, and informed if (he) (~~she~~)¹ desired to appeal, (his) (~~her~~)¹ appeal should be directed to

Commanding Officer, 4th BG, 96th Inf, Fort Jackson, South Carolina 6

William P. Peters, CAPT, Inf
(Typed or printed name, grade and branch of officer imposing punishment)

Commanding Officer, Co A, 4th BG, 96th Inf William P. Peters
(Title) /s/

DA FORM 2627
1 FEB 63

THIS FORM AND DA FORMS 2627-1 AND 2627-2, 1 FEB 63, REPLACE DD FORM 789, 1 SEP 54, WHICH IS OBSOLETE FOR ARMY USE.

SECTION II - ACKNOWLEDGEMENT OF IMPOSITION OF PUNISHMENT

THRU: _____ 7 19 March 1966

TO: CO, Co A, 4th BG, 96th Inf (Date)

I have examined the foregoing record of proceedings which resulted in the imposition of punishment under the provisions Article 15 UCMJ.

I do not ^{(do) (do not)} 4 appeal from this punishment.

8

Incl

John A. Doe, Pvt (E-2) RA 75648321
(Typed or printed name, grade and service no.)

/s/ John A. Doe

SECTION III

THIS SPACE MAY BE USED FOR ADDITIONAL REMARKS AND CONTINUATION OF SECTIONS. THE CORRESPONDING SECTION BEING CONTINUED SHOULD BE INDICATED. IF ADDITIONAL SPACE IS REQUIRED, ATTACH ADDITIONAL SHEETS, NUMBERING EACH SHEET CONSECUTIVELY STARTING WITH PAGE 3.

USE THE FOLLOWING INSTRUCTIONS WHERE THE CORRESPONDING NUMBER APPEARS ON THE FORM

- 1/ Strike out inapplicable word or letter.
- 2/ Insert language describing the nature of the alleged misconduct in the form of a concise statement of the offense charged in such terms that a specific violation or violations of the UCMJ is clearly stated. If additional space is required, use Section III.
- 3/ If the alleged offender is attached to or embarked in a vessel, he is not permitted to demand trial by court-martial in lieu of nonjudicial punishment. In such cases, all reference to a demand for trial by court-martial shall be lined out and an appropriate remark will be made in Section III indicating the official name of the vessel and that the alleged offender was attached to or embarked in such vessel at the time nonjudicial punishment was imposed.
- 4/ Insert applicable word(s).
- 5/ Written material which is submitted for consideration should be attached to this form.
- 6/ Designate by title the next superior authority to whom the appeal should be directed (see para 135, MCM, 1951 and AR 22-15).
- 7/ In the event the person punished exercised his right to appeal, this form should be transmitted to the next superior authority specified in para 4, Section I. The superior authority acting on the appeal shall utilize DA Form 2627-2, which when completed will be attached to this form.
- 8/ Here, if desired, state the reasons for the appeal. If additional space is required, use Section III. Attach any documents desired to be considered to this form and list the number of inclosures. If none, leave blank

2

SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

This form will be used ONLY in cases involving enlisted personnel and then ONLY when no punishment OTHER THAN oral admonition or reprimand, restriction for 14 days or less, extra duties for 14 days or less, or a combination thereof has been imposed.

NAME Doe, John A.	SERVICE NUMBER RA 75648321	GRADE Pvt E-2
ORGANIZATION Co A, 4th BG, 96th Inf	DATE OF BIRTH 14 January 1946	BASIC PAY PER MONTH \$85.80

SECTION I - IMPOSITION OF PUNISHMENT

UNIT DESIGNATION AND STATION

Co A, 4th BG, 96th Inf, Ft Jackson, South Carolina

1. On 10 April, 1966, the above described individual, then appearing before me, was informed that a report had been made that (he) (~~she~~)¹ did on or about 9 April, 1966, at Co A, 4th BG, 96th Inf, Ft Jackson, S. C., appear in unclean uniform

2

After having been advised of (his) (~~her~~)¹ rights under the provisions of Article 31, UCMJ, and being informed of my intention to impose nonjudicial punishment upon (him) (~~her~~)¹ as to such offense(s) under the provisions of Article 15 unless (he) (~~she~~)¹ expressly demanded trial by court-martial³ (he) (~~she~~)¹ was further informed that if (he) (~~she~~)¹ did not demand trial by court-martial,³ (he) (~~she~~)¹ should submit any matters in extenuation, mitigation, or defense which (he) (~~she~~)¹ desired me to consider.

2. No demand for trial by court-martial for the offense(s)¹ described above was made.³ Matters in extenuation, mitigation, or defense were not submitted
(not submitted) (submitted and considered) 4, 5

3. On 10 April, 1966, the punishment(s)¹ specified below (was) (~~were~~)¹ imposed:

4
(Oral (admonition) (reprimand))

Restriction to _____ for _____ days, (suspended until _____) 4

Extra duties for 10 days, (suspended until _____) 4

Restriction to _____ for _____ days and extra duties for _____ days to run concurrently

(suspended until _____) 4

4. Private Doe was advised of (his) (~~her~~)¹ right to appeal in accordance with para 135, MCM, 1951, and informed if (he) (~~she~~)¹ desired to appeal, (his) (~~her~~)¹ appeal should be directed to

Commanding Officer, 4th BG, 96th Inf Fort Jackson, South Carolina 6

William P. Peters, CAPT, Inf
(Typed or printed name, grade and branch of officer imposing punishment)

Commanding Officer, Co A, 4th BG, 96th Inf William P. Peters

(Title)

/s/

DA FORM 2627
1 FEB 63

THIS FORM AND DA FORMS 2627-1 AND 2627-2, 1 FEB 63, REPLACE DD FORM 789, 1 SEP 54, WHICH IS OBSOLETE FOR ARMY USE.

SECTION II - ACKNOWLEDGEMENT OF IMPOSITION OF PUNISHMENT

THRU: _____ 7 _____ 11 April 1966
 TO: CO, Co A, 4th BG, 96th Inf _____ (Date)

I have examined the foregoing record of proceedings which resulted in the imposition of punishment under the provisions Article 15 UCMJ.

I do not ⁴ appeal from this punishment.
 (do) (do not)

8

_____ Incl

John A. Doe, Pvt (E-2) RA 75648321
 (Typed or printed name, grade and service no.)

John A. Doe
 /s/

SECTION III

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- 3/ If the alleged offender is attached to or embarked in a vessel, he is not permitted to demand trial by court-martial in lieu of nonjudicial punishment. In such cases, all reference to a demand for trial by court-martial shall be lined out and an appropriate remark will be made in Section III indicating the official name of the vessel and that the alleged offender was attached to or embarked in such vessel at the time nonjudicial punishment was imposed.
- 4/ Insert applicable word(s).
- 5/ Written material which is submitted for consideration should be attached to this form.
- 6/ Designate by title the next superior authority to whom the appeal should be directed (see para 135, MCM, 1951 and AR 22-15).
- 7/ In the event the person punished exercised his right to appeal, this form should be transmitted to the next superior authority specified in para 4, Section I. The superior authority acting on the appeal shall utilize DA Form 2627-2, which when completed will be attached to this form.
- 8/ Here, if desired, state the reasons for the appeal. If additional space is required, use Section III. Attach any documents desired to be considered to this form and list the number of inclosures. If none, leave blank

2

HEADQUARTERS
118th INFANTRY DIVISION
FORT JACKSON, SOUTH CAROLINA

1 April 1966

SPECIAL ORDERS
NUMBER 000

EXTRACT

1. Under the provisions of AR 635-212, (1st Lt George F. Huffnagle, 0225666, JAGC, (qualified in the sense of Article 27(b)(1), Uniform Code of Military Justice) Capt James R. Cronkhite, 039427, Infantry) are appointed counsel for Private (E-2) John A. Doe, RA 75648321.

FOR THE COMMANDER:

JOHN D. SWEENEY
Lt Colonel, AGC
Adjutant General

OFFICIAL:

JOHN D. SWEENEY
Lt Colonel, AGC
Adjutant General

DISTRIBUTION:

A
2--Ea Indiv Indic Par 1

CERTIFICATE

DATE _____

HQ, 118th Infantry Division, Fort Jackson, South Carolina

Counsel within the meaning of paragraph 16, AR 635-212, is unavailable to represent Private (E-2) John A. Doe, RA 75 648 321, of this command, whose case has been referred to a Board of Officers convened under AR 635-212.

Captain James R. Cronkhite, 039427, Infantry, is appointed counsel for the above named individual. Captain Cronkhite has performed ten years of active service, during which time he has acted as recorder and as counsel for respondents before administrative elimination boards. He also has served as a Summary Court and as trial and defense counsel in Special Courts-Martial (state other qualifications). The mature judgment which this officer possesses, in addition to his knowledge of administrative board procedures, qualifies him to act as appointed counsel in this case.

Commanding



FORT JACKSON ARMY HOSPITAL
FORT JACKSON, SOUTH CAROLINA

CERTIFICATE

I hereby certify that Doe, John A. , RA 75648321 , Pvt.
(Name) (ASN) (Grade)

Co A, 4th BG, 96th Inf was examined 7 May 1966
(Organization) (Date)

DIAGNOSIS: Inadequate personality.

RECOMMENDATION: Separation from the military service under the provisions
of AR 635-212.

BRIEF CLINICAL ABSTRACT

1. This soldier gives a history of marked social inadaptability prior to and during service. He uses poor judgment, is not committed to any productive goals, and is completely unmotivated for further service. It is believed that he will not adjust to further military service and further rehabilitative efforts probably will be non-productive.

2. There are no disqualifying mental or physical defects sufficient to warrant disposition through medical channels.

3. Private Doe was and is mentally responsible, able to distinguish right from wrong and to adhere to the right, and has the mental capacity to understand and participate in board proceedings.

PAUL O. MACY, Capt, MC
Psychiatrist

(HOSP Form 317)

EXHIBIT D

HEADQUARTERS
118th INFANTRY DIVISION
FORT JACKSON, SOUTH CAROLINA

25 May 1966

SUBJECT: Notification to Appear Before Board of Officers

TO: Private John A. Doe, RA 75648321
Company A, 4th Battle Group, 96th Infantry
Fort Jackson, South Carolina

1. Under the provisions of paragraph 6, Army Regulations 15-6, and Army Regulations 635-212, notice is hereby given that a Board of Officers appointed by paragraph 1, Special Orders 114, Headquarters 118th Infantry Division, Fort Jackson, South Carolina, 1 May 1966, will hold a hearing at Building T-4321 at 0900 hours on 15 June 1966, to determine whether you should be discharged because of (unfitness) (unsuitability) before the expiration of your term of service.

2. The following witnesses are expected to be called:

Captain Winfield M. Elrod
Company C, 4th Battle Group, 96th Infantry
Fort Jackson, South Carolina

1st Lieutenant Titus L. Moody
Company B, 4th Battle Group, 96th Infantry
Fort Jackson, South Carolina

Sergeant Robert H. Brown
Company C, 4th Battle Group, 96th Infantry
Fort Jackson, South Carolina

Sergeant First Class Robert F. Jones
Company A, 4th Battle Group, 96th Infantry
Fort Jackson, South Carolina

Captain William P. Peters
Company A, 4th Battle Group, 96th Infantry
Fort Jackson, South Carolina

EXHIBIT E

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