

REQUEST FOR CONDITIONAL WAIVER - SEPARATION UNDER AR 635-200

For use of this form, see FK Pam 635-200

DEPARTMENT OF THE ARMY

(Office Symbol)

(Date)

MEMORANDUM FOR _____

SUBJECT: Request for Conditional Waiver - Separation Under AR 635-200 _____

(Enter appropriate chapter)

1. I have been advised by my consulting counsel of the basis for the contemplated action to separate me for _____ *(reason(s))* under AR 635-200, Chapter _____, and its effects; of the rights available to me; and the effect of any action taken by me in waiving my rights. I understand that I am entitled to have my case considered by an administrative separation board because:

- I will have 6 or more years of active and reserve service at the time of separation.
- I am being considered for a separation under other than honorable conditions.
- I am being separated under Chapter 15 (homosexual conduct).

*2. Prior to completing this form, I have been afforded the opportunity to consult with consulting counsel and to consider whether or not to submit a conditional waiver.

3. I _____ *(name)*, _____ *(SSN)*, hereby voluntarily waive consideration of my case by an administrative separation board contingent upon my receiving a characterization of service or description of separation no less favorable than honorable under honorable conditions--otherwise referred to as a "General" discharge. **This waiver does does not apply to my Reserve Officer status.

4. Statements in my own behalf are are not submitted herewith (enclosure _____).

5. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person.

6. I understand that I may, up until the date the separation authority orders, directs, or approves my separation, withdraw this waiver and request that an administrative separation board hear my case.

7. I understand that if the separation authority refuses to accept this conditional waiver of a hearing before an administrative separation board that my case will be referred to an administrative separation board. In this case:

- a. I request waive personal appearance before an administrative separation board.
- b. I request waive consulting counsel and representation by counsel for representation or _____ *(grade and name)*, as my military counsel and civilian counsel at no expense to the Government.
- c. I understand that my willful failure to appear before the administrative separation board by absenting myself without leave will constitute a waiver of my rights to personal appearance before the board.

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

AUTHORITY: 10 U.S.C. 1169, 3013, 12313(a), and 12681; 42 U.S.C 10606 et seq.; DoD Directive 1030.1; and E.O. 9397 (SSN).
PURPOSE: To be used by the commander exercising separation authority over you to determine approval or disapproval of your request and in case of disapproval to indicate the soldier's options as pertain to rights available to him or her in contemplated administrative separation cases.
ROUTINE USES: Information provided in the statement is used by processing activities and the approval authority to determine what rights soldier desires to exercise and the offering of such rights as indicated. Upon completion of processing actions, the statement is filed in the MPRJ. So long as filed in the MPRJ, the personal information may be used by other appropriate Federal agencies and State and local government authorities where the use of the information is compatible with the purpose for which the information is collected.
DISCLOSURE: Disclosure is voluntary. If the information is not provided, the Army will complete processing using information available.

8. I understand that I may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to me. *****I further understand that, as the result of issuance of a discharge under other than honorable conditions, 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).** I understand that if I receive a discharge/character of service which is less than honorable, I may make application to the Army Discharge Review Board or the Army Board for Correction of Military Records for upgrading; however, I realize that an act of consideration by either board does not imply that my discharge will be upgraded.

****9. I understand that if I am being considered for separation for fraudulent entry, my enlistment may be voided under certain circumstances and that all pay and allowances will be suspended immediately upon verification of the fraudulent entry.

10. I further understand that I will be ineligible to apply for enlistment in the United States Army for a period of 2 years after discharge.

11. I have retained a copy of this statement.

UNDERSTANDING: I have read and understand each of the statements above and understand that they are intended to constitute all promises whatsoever concerning my conditional waiver. Any other promise, representation, or commitment made to me in connection with my separation is written below in my own handwriting or is hereby waived. **(If none, write "NONE.")**

___ Encl(s)

(Soldier's Signature)

(Soldier's Typed Name, Grade, & SSN)

(Date)

Having been advised by me of the basis for his her contemplated separation and its effects, the rights available to him her of a waiver of his her rights, _____, personally made the choices indicated in the foregoing statement.
(Soldier's grade/name)

(Counsel's Signature)

(Counsel's Typed Name, SSN, Grade, Branch)

NOTES:

*If the soldier declines to consult with consulting counsel prior to waiving his or her right to consult with such counsel, he or she will be advised to do so by his or her commander. If the soldier persists in his or her refusal, insert as first sentence of paragraph 2, the following statement:

"Before completing this format, I have been afforded the opportunity to consult with appointed counsel for consultation; or civilian counsel at my own expense. I decline the opportunity."

Separation action will then proceed as if the soldier had consulted with counsel. In all cases, except the above, consulting counsel will witness the soldier's statement and indicate that he or she is a commissioned officer of the Judge Advocate General's Corps.

**To be used if the soldier holds status as a Reserve commissioned or warrant officer.

***To be used if the soldier has been recommended for discharge for fraudulent entry, misconduct, or homosexual conduct.

****To be used if the soldier is considered for separation for fraudulent entry. Renumber later paragraphs if this paragraph is not used.