



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111

DAPE-MPE-PD

NOV 16 2009

MEMORANDUM FOR Deputy Chief of Staff, G-1

SUBJECT: Enlisted Involuntary Early Separation Program

1. References:

- a. ALARACT 077/2009, DAPE-MSO, 21 Mar 09, subject: Stop Loss and Deployment Policy Updates.
- b. Section 1169, Title 10, United States Code (10 USC §1169).
- c. Section 1171, Title 10, United States Code (10 USC §1171).
- d. Army Regulation (AR) 635-200, Active Duty Enlisted Administrative Separations, 6 Jun 05.
- e. Army Regulation 40-501, Standards of Medical Fitness, 10 Sep 08.
- f. Army Regulation 635-5-1, Separation Program Designator Codes, 10 Dec 07.
- g. Army Regulation 601-210, Active and Reserve Components Enlistment Program, 7 Jun 07.
- h. DOD Instruction (DODI) 1332.14, Enlisted Administrative Separations, 28 Aug 08.

2. Background.

a. On 20 Jul 09, DoD announced a temporary increase in the size of the Army by 22,000 Soldiers over the next three years. One of the reasons for the temporary increase was the elimination of the Army's stop loss program beginning with units that deploy on or after 1 Jan 2010. This temporary strength increase is anticipated to cost \$1.1 billion through fiscal year 2010. There will be no additional funding from Congress in 2009 or 2010 to help offset the associated manpower, training and equipping costs.

b. In Mar 09, the Army G1 released ALARACT 077/2009 stating that Active Army units deploying in support of a declared contingency operation on or after 1 Jan 2010

will not be subject to stop loss. Soldiers assigned to those units with an ETS during the scheduled deployment, who elect not to reenlist, will be offered an incentive to extend to complete the deployment. Soldiers electing not to reenlist or extend are subject to the following rules:

(1) Soldiers who will have at least six months remaining in service prior to their ETS as of the unit's latest arrival date (LAD) will deploy with the unit ($ETS \geq LAD+180$). These Soldiers will return to home station at least 60 days prior to ETS for transition processing and will separate on their ETS date.

(2) Soldiers who will have less than six months remaining in service prior to their ETS as of the unit's LAD will not deploy with the unit ($ETS < LAD+180$). These Soldiers are subject to involuntary separation from the Army up to three months prior to their contractual ETS date.

(3) Soldiers assigned to deploying units who have an ETS prior to LAD who do not reenlist will separate on their ETS date.

3. Discussion.

a. Title 10 § 1169 of the US Code enables the Secretary of the Army to establish policy to discharge Regular Army enlisted Soldiers three months prior to contractual expiration term of service (ETS).

b. Additionally, 10 USC § 1171 further states that an involuntary early discharge under regulations prescribed by the Secretary of the Army does not affect any right, privilege, or benefit that a member would have had if he completed his enlistment or extended enlistment, except that the member is not entitled to pay and allowances for the period not served.

c. In part due to the unprogrammed budget costs associated with the temporary strength increase, the Army leadership has decided to implement an involuntary early separation program for enlisted Soldiers in order to mitigate the aforementioned costs. Affected Soldiers include only those with ETS dates that occur during the first six months of their assigned unit's scheduled deployment.

4. Policy.

a. This policy supersedes some portions of reference 1a. above.

b. Soldiers assigned to a unit deploying in support of a declared contingency operation with a unit LAD on or after 1 Jan 2010, who have an ETS during the first six months of the scheduled deployment (LAD through LAD+179) and elect to not reenlist or extend, will be involuntarily separated three months prior to their contractual ETS.

c. This policy is open-ended and a termination date cannot be predicted at this time.

5. Scope.

a. This policy applies to Soldiers who meet all of the following requirements (these requirements are firm, no exceptions are authorized other than those listed in this memorandum in paragraphs 5b and 7):

(1) Regular Army,

(2) Will have at least 36, but no more than 71, months of total service at the time of separation from active duty,

(3) Contractual ETS date of 1 Jan 2010 or later,

(4) Assigned to a unit deploying in support of a declared contingency operation,
and

(5) Who have an ETS during the scheduled deployment (LAD through LAD+179) and elect not to reenlist or extend.

b. Soldiers not eligible for separation under this policy are those who will have less than 36, or more than 71, months of total service at the time of separation from active duty; are not medically cleared for separation; are pending voluntary or involuntary administrative separation under other provisions of AR 635-200 or other separation regulations; are pending trial by court-martial; or are being investigated for offenses under the Uniform Code of Military Justice.

6. Implementing Guidance.

a. Separations under this policy will be administered under the provisions of AR 635-200, chapter 16-7. Separation approval authority for this policy is the Special Court-Martial Convening Authority (SPCMCA).

b. For purposes of post-service benefits, early separation under this paragraph is considered to be for the convenience of the Government.

c. Soldiers affected by this policy will be notified of early separation through appropriate channels by commanders with SPCMCA. Notification will be based upon information and implementation instructions furnished by Army Human Resources Command (AHRC).

(1) Commanders will provide written notification to assigned Soldiers affected by this policy at least 180 days prior to LAD (LAD-180). Notification will include the adjusted separation date (ETS minus three months).

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(a) If notification at LAD-180 is not possible (for example, units with LAD in January or February 2010), Soldiers will be notified at the earliest opportunity.

(b) Regardless of circumstances, Commanders must afford Soldiers a minimum of 90 days from date of notification to the adjusted ETS date. If that is not possible, Soldier will separate on their contractual ETS date.

(2) Commanders will establish local policies in order to ensure that Soldiers affected by this policy who arrive to the unit inside the LAD-180 day window are promptly notified of this policy and their adjusted separation date.

d. Soldiers affected by this policy must undergo a Separation Health Assessment (AR 40-501) and complete Pre-Separation Counseling prior to separation.

e. Soldiers separated under the provisions of this policy will receive a character of service of honorable.

f. Transition leave is authorized for Soldiers subject to involuntary separation under this policy.

(1) Soldiers with an adjusted ETS date cannot be forced to sell back unused leave.

(2) Depending on leave accrued and a Soldier's election to take transition leave, Commanders have the flexibility to adjust the Soldier's ETS date by 1-3 months. Contractual ETS dates will not be adjusted for anything less than 1 month, nor will they exceed a three month drop.

g. Unearned portions of enlistment and reenlistment bonuses will not be recouped.

h. Involuntary separation pay is not authorized.

i. Reason for separation to be entered on the DD Form 214 is "Reduction in Force", and separation program designator codes to be assigned are JCC for discharge and LCC for release from active duty (AR 635-5-1). Reentry eligibility code is RE-1 (AR 601-210).

7. Exceptions.

a. Soldiers subject to this policy may request an exception to involuntary early separation based on compassionate reasons. The approval authority for exceptions to policy resides in commanders with GCMCA and cannot be further delegated. Soldiers with an approved exception to policy will separate on their contractual ETS date.

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b. In the event that a unit scheduled to deploy in support of a declared contingency operation receives a change of mission that (1) deletes the deployment order or (2) alters the LAD, the following guidance is provided for Soldiers subject to separation under this policy:

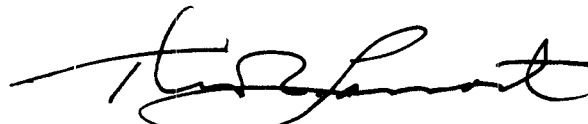
(1) Soldiers who have been notified of an adjusted ETS date and are 90 days or less from their adjusted date of separation will continue to out-process and separate on their adjusted ETS date.

(2) In all other circumstances, based on unit requirements and Soldier input, Commanders with SCMCA can elect to allow the Soldier to separate on the adjusted ETS date or revert back to the Soldier's contractual ETS date.

(3) If the unit LAD is adjusted so that the unit deploys sooner than originally anticipated, Soldiers subject to early separation under this policy will be notified and have their contractual ETS date adjusted only if the Soldier can be afforded a minimum of 90 days from date of notification to the adjusted ETS date. If that is not possible, Soldier will separate on their contractual ETS date.

8. The Commanding General, AHRC, is responsible for establishment of all procedures and processes in support of this policy, to include publication of procedural guidance via supporting MILPER messages.

9. POC for this action is Major Jennifer S. Walkawicz, Personnel Policy Integrator, Enlisted Career Systems Division, at (703) 614-8089.



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CF:
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