



# **Enlisted Administrative Separation**

## **AR 635-200**



Army Regulation 635-200, *Active Duty Enlisted Administrative Separations*, provides the grounds under which a soldier may be separated from the Army. Some of the grounds are voluntary, desired and initiated by the Soldier. Other are involuntary, prompted by a Soldier's command. Below are some of the most common voluntary and involuntary grounds for separation. They're often called "chapters", a reference to their location in AR 635-200.

### ***Entry Level Performance and Conduct – Chapter 11***

- Basis: Unsatisfactory performance or minor disciplinary infractions. Your commander can only use this type of discharge within your first 180 days of active duty.
- Criteria (see paragraph 11-2): Unsatisfactory performance and/or conduct evidenced by (a) inability; (b) lack of reasonable effort; (c) failure to adapt to military environment; (d) minor disciplinary infractions.

### ***Unsatisfactory Performance – Chapter 13***

- Basis: After entry-level status, your commander can separate you under this chapter if your performance has been unsatisfactory.
- Criteria (see paragraph 13-2): e.g. Soldier is not trainable, or soldier will be disruptive influence.

### ***Misconduct – Chapter 14***

- Bases: Conviction by a civil court, conviction by a foreign court, acts of patterns of misconduct.
- Criteria for acts or patterns of misconduct (see paragraph 14-12): "Discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army."

### ***Homosexuality – Chapter 15***

- Basis: Homosexual acts, statement(s) that demonstrate a propensity or intent to engage in homosexual acts, homosexual marriage, or attempted homosexual marriage.
- Sexual orientation is not a bar to continued service unless manifested by homosexual conduct.

### ***Discharge in Lieu of Trial by Courts-Martial – Chapter 10***

- Basis: Preferral or referral of charges to courts-martial that includes a punitive discharge as part of punishment.
- Paragraph 10-1 – Soldier may request discharge instead of courts-martial if offense is punishable by Bad Conduct Discharge or Dishonorable Discharge
- Paragraph 10-2 – If Soldier is in this situation, he or she is entitled to consult with Trial Defense Service attorney before deciding between separation and courts-martial.

### ***For the Convenience of the Government – Chapter 5***

- Basis: Separation is in the best interest of the Army.
- Examples:
  - Involuntary Separation Due to Parenthood (para. 5-8) – When parental obligations interfere with fulfillment of military responsibilities.
  - Concealment of Arrest Record (para. 5-14) – If false statements regarding a juvenile or adult offense were made in enlistment documents.
  - To Further Education (para. 5-16) – If Soldier meets certain requirements, may be released from Active Duty for the convenience of the government up to 90 days before ETS.
  - Other Physical or Mental Conditions (para. 5-17) – For conditions that may potentially interfere with performance of duty (e.g., chronic airsickness, seasickness, sleepwalking, claustrophobia).

**Dependency & Hardship – Chapter 6**

- Dependency – para. 6-3a – Dependency exists when death or disability of a member of the Soldier’s (or spouse’s) immediate family causes that member to rely upon the Soldier for principal care or support.
- Hardship – para. 6-3b – Hardship exists in circumstances not involving the death or disability of a member of the Soldier’s (or spouse’s) immediate family, separation from the Service will materially affect the care or support of the family by alleviating undue and genuine hardship (ex. sole parent).

**Defective Enlistment, Reenlistment and Extensions – Chapter 7**

- In general, see paras. 7-3 through 7-14.
- Fraudulent Entry – para. 7-17.
- Erroneous Enlistment – para. 7-15.
- Defective/Unfulfilled Enlistment or Re-enlistment Agreements – para. 7-16.

**Voluntary Separation of Enlisted Women for Pregnancy – Chapter 8**

- See Chapter 8 of AR 635-200.

**Alcohol and Drug Abuse Rehabilitation Failure – Chapter 9**

- Basis: Because of inability or refusal to participate in or complete ADAPCP program.
- Paragraph 9-2 states that Soldier must have a lack of potential for future service or long term rehabilitation is necessary.

If you’re facing an involuntary separation, contact Trial Defense Services. They can help you contest the separation and ensure that you don’t lose the following rights:

- To be notified of the separation action.
- To be advised of the reason for the separation action.
- To be advised of the least favorable characterization of discharge you could receive.
- To be advised of the type of discharge your commander is recommending that you receive upon discharge.
- The right to consult with a Trial Defense Service attorney at no expense to you.
- The right to submit matters on your behalf.
- The right to request a board of officers to hear your case and a lawyer to represent you. You are entitled to an administrative board if your commander is recommending that you receive an Other than Honorable Conditions discharge or below, or if you have 6 or more years of active and reserve service at the time the separation action is initiated.
- The right to submit a “conditional waiver.” You may waive the administrative board on the condition that you receive a more favorable form of discharge (Honorable or General Discharge).
- The right to request witnesses on your behalf.

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