

## TYPES of DISCHARGES

### from [usmilitary.about.com](http://usmilitary.about.com)

#### **Delayed Enlistment Program (DEP) Discharge**

The Delayed Enlistment Program is an enlistment in the Inactive Reserves. Most people who enlist on active duty enlist first in the DEP while waiting to ship out to basic training.

Anyone can request a discharge from the Delayed Enlistment Program (DEP), and it is current Department of Defense (DOD) policy that such requests should be approved. You may have listen to your recruiter and his/her bosses trying to change your mind, but -- if you stick to your guns -- you will ultimately be discharged from the DEP. For details, see my DEP article.

So, you ask, I signed the same contract and took the same oath when I entered the DEP, but anyone can request to be discharged from that program, but not active duty. What's up with that? The difference is that it is current DOD POLICY to approve DEP discharge requests. The military doesn't have to do so, if they don't want to. The services do not let people out of active duty so easily. Once a person has gone onto active duty, the military services have invested a considerable amount of time and money in their processing, pay, uniforms, transportation, and training. They want enough time to earn their investment back. More at <http://usmilitary.about.com/od/theorderlyroom/a/getout2.htm>

### from [girightshotline.org](http://girightshotline.org)

The DEP is pushed hard by recruiters to high school seniors who are unsure what to do after graduation. A lot can happen in a year, and many people change their minds about what they want to do with their lives. Also, more and more people are realizing that recruiters misrepresent military life and lie to them. The promises made by recruiters about money for college and job skills are not really what the military is about, and many realize they don't want to go to war for a cause they may be opposed to, have questions about, or feel is not really their concern. For whatever reasons, many people who have enlisted through the DEP change their minds before their ship date. They have the right to do this and do not have to go!

Fundamentally, the way to get out of the DEP is NOT TO GO, not to report on your ship date. Some people simply do not go; others choose to write a letter stating their decision not to go. In either case, the results are the same: you do not have to go to MEPS on the ship date. There are no consequences and no records as a result of withdrawing from the DEP that currently have any effect on things like employment or your legal record. This is the case for non-citizens as well as citizens. Withdrawing from the DEP has no effect on future employment. You don't have to write on any employment application that you have withdrawn from the DEP, and there is no question on employment forms that pertains to that issue. Withdrawing from the DEP may affect your ability to enter the military at a later time. On the other hand, with the military desperate for ground troops, and Army recruitment numbers way down, it's hard to believe the Army wouldn't take a qualified person who at an earlier time had withdrawn from the DEP. More at <http://www.girightshotline.org/discharges/elpc/fact-sheet/index.shtml>

## from usmilitary.about.com

**Entry Level Separations** If the servicemember has less than 180 days of service, and is discharged, the commander can say "I didn't have enough time to adequately measure this person's conduct and performance," by characterizing the service as "Entry Level." That's all an ELS is. Instead of giving an Honorable, General, or UOTHC, the service is "uncharacterized." An ELS is not honorable, it's not general, it's not anything. It means that the commander didn't have enough time to make a fair decision as to the overall service characterization. The commander DOES NOT have to characterize the service as Entry Level, even if the member has less than 180 days of service. If the commander feels it's appropriate, and the commander feels he/she knows enough about the member's conduct and performance, he/she can characterize the service as honorable, general, or UOTHC, instead. This is often done in cases of misconduct, or failure to meet or maintain standards. Usually, someone with an ELS has not been in the military long enough to qualify for most veteran benefits. More info at <http://usmilitary.about.com/od/theorderlyroom/a/getout4.htm>

## from girightshotline.org

Consider seeking an entry level performance and conduct discharge if you: believe you made a mistake enlisting in the military, are not willing or able to complete your training, experience emotional distress, or have difficulty coping with military life. Inaptitude, failure to adapt to the military environment, failure to progress satisfactorily in a required training program, lack of effort, psychological or stress-related symptoms, lack of self-discipline, or minor disciplinary infractions are all examples of grounds for this separation. If the member is requesting separation for dependency/hardship or conscientious objection, the member may receive an entry level separation if the application or request is submitted while the member is in entry level status. When a command determines that a member in entry level status is unqualified for further military service by reason of unsatisfactory performance or conduct, the command may initiate separation proceedings. To grant an entry level separation, the command must view a servicemember's problems with military duty as unintentional. You will not be processed for this separation if your command believes that your problems are manufactured, or that your behavior is consciously undertaken to avoid military service. Commanders are also instructed that nothing should prevent separation for another (possibly more punitive) discharge if warranted by your actions. **This is a command-initiated discharge, which means there is no application procedure and you have no "right" to this discharge. Getting an early discharge is not easy and the procedures can be complicated.** Discharge regulations are intended to give commanders control over their troops to maintain good order and discipline. You must persuade your command that a discharge is warranted and in the best interests of the military. Call us at the GI Rights Hotline for help: 877-447-4487. More info at <http://www.girightshotline.org/discharges/elpc/fact-sheet/index.shtml>

## from usmilitary.about.com

**Breach of Contract** If your recruiter lied to you (or you think he/she lied to you), that's not a breach of contract. Section D and block 13a of the enlistment contract states:  
"I certify that I have carefully read this document. ANY questions that I had were explained to my satisfaction. I fully understand that only those agreements in section B of this document or recorded on the attached annex(es) will be honored. ANY OTHER promises or guarantees made to me by anyone are written below."  
If it's not written on the enlistment contract, it's not a promise. It's that simple.  
If, for example, you have a "guaranteed job" in your enlistment contract, it does not mean you will get that job, come Hell or high water. There may be reasons, after you enlist, that you can't get the job that your enlistment contract "guarantees." What happens in that case, depends on the situation.  
In general, if you can't get the job due to something beyond your control (such as the service phased out the job, or downsized the job, or made a mistake and discovered that you don't qualify for the job, or you are denied a security clearance -- not due to giving false information), then you will be given the choice of applying for a discharge, or choosing a new job from a list of available jobs that you qualify for. In this case, the choice is yours (It should be noted that while these situations have been known to happen, they occur rarely).  
On the other hand, if you fail to qualify for the job due to a reason within your control (you fail in training, you get into trouble, or you give false information on your security clearance application and are denied a security clearance), the choice is not yours. The military will decide whether to discharge you (throw you out), or to retain you and retrain you into a job that you qualify for. In this case it's the military's choice.  
Important Note: Most of the services impose a time-limit on applying for a voluntary discharge due to breach of contract. Usually, you must request the discharge within 30 days of being notified that one of the guarantees in your enlistment contract cannot be fulfilled.  
More at <http://usmilitary.about.com/od/theorderlyroom/a/getout2.htm>.

from usmilitary.about.com

## from girightshotline.org

There is no separate page on this topic at <http://www.girightshotline.org/discharges/>

Call 877-447-4487

from girightshotline.org

**Hardship** All of the services have procedures where a servicemember can REQUEST a discharge, based on a valid hardship. Nine times out of ten, however, applicants find that they don't qualify. What is a "hardship" to you, does not necessarily meet the military's definition of a "hardship." All of the services are pretty much on the same page concerning "hardship" separations, so we'll just list the Army's definition to illustrate how hard it can be to qualify: "In order to qualify for separation under this provision, the hardship must not be of a temporary nature; must have developed or become increasingly worse since entry on active duty; discharge or release from active duty is the only readily available means of alleviation; and the individual must have made reasonable effort to relieve the conditions through other means available and appropriate to the family circumstances."

If you don't qualify for a hardship discharge, however, you might qualify for a humanitarian assignment. (<http://usmilitary.about.com/od/assignments/a/humanitarian.-u7g.htm>) More at <http://usmilitary.about.com/od/theorderlyroom/a/getout8.htm>

**from usmilitary.about.com**

Some men and women in the military have family problems which can be resolved only by their discharge from the military. You can apply for a discharge based on the "genuine dependency or undue hardship" being a member of the military is causing if all of the following conditions are met:

- The hardship is severe and not temporary.
  - It has developed or gotten worse since your entry into the military.
  - You have made every reasonable effort to improve the situation before applying for a hardship discharge.
  - Separation from the military is the only solution to the problem.
- Consider applying for a hardship or dependency discharge if you have a sick parent, spouse or child who needs your care, or a family member is unable to make ends meet without your presence and help.

Applying for a hardship or dependency separation can result in either discharge or transfer to the inactive reserves. Servicemembers may also apply to be reassigned closer to home for hardships of shorter length. Characterization of service will be Honorable or General (under Honorable Conditions).

Hardship and dependency conditions are based on the financial, emotional, and physical needs of a your immediate family. However, families of servicemembers often experience some financial hardship or psychological strain because of the disruptions of family life associated with normal military duty. To be granted discharge, you must be experiencing conditions that are worse than what is normal for military service. In the words of the military, grounds for hardship or dependency discharge do "not necessarily exist solely because of altered present or expected income, family separation, or other inconveniences normally incident to Military Service." For example, you are not eligible for a discharge simply because you could be making more money as a civilian. More at <http://www.girightshotline.org/discharges/hardship/fact-sheet/index.shtml>

**from girightshotline.org**

**Sole Surviving  
Son or Daughter**

Except during times of war, or national emergency, one can request a discharge if they are a "sole surviving son or daughter." This does not mean that they are an "only child," or that they are "sole surviving" because someone died in a traffic accident. In the military, a "sole surviving son or daughter" is one who is any son or daughter in a family whose parent or one or more sons or daughters served in the Armed Forces of the United States and—  
Was killed in action.  
Died as a result of wounds, accident, or disease while serving in the U.S. Armed Forces.  
Is in a captured or missing-in-action status.  
Is permanently 100 percent physically disabled or 100 percent mentally disabled due to service connection. More at <http://usmilitary.about.com/od/theorderlyroom/a/getout10.htm>

There is no separate page on this topic at <http://www.girightshotline.org/discharges/>

Also reference "Hardship" discharge criteria.

Call 877-447-4487

**from [usmilitary.about.com](http://usmilitary.about.com)**

**from [girightshotline.org](http://girightshotline.org)**

**Early Separation to Further Education**

Department of Defense (DOD) Directives allow a military member to be discharged early to pursue their education if they are within 90 days of their normal separation date. Sometimes a service will approve an educational discharge request of more than 90 days.

There is no separate page on this topic at <http://www.girightshotline.org/discharges/>

Note that this is labeled as an "Early Separation," rather than a discharge..

For example, Air Force personnel can request separation after two years of service, if they have been accepted at an accredited school for medical training as physicians, dentists, osteopaths, veterinarians, optometrists, or clinical psychologists. Call 877-447-4487

The Navy Personnel Manual allows sailors to request a discharge for education in excess of 90 days, but the approval authority for a 90 day (or less) discharge is the commanding officer (special court-martial authority), and for discharges for more than 90 days before the normal separation date, it goes all the way up to the commander of the Navy Personnel Command.

Neither the Army regulation (AR 635-200), nor the Marine Corps Regulation (MCO P1900-16F) allow for educational separations of more than 90 days prior to normal separation date.

More at <http://usmilitary.about.com/od/theorderlyroom/a/getout11.htm>

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## **Involuntary Discharges**

In most cases. The military services can certainly kick you out, if you fail to measure up to their standards, but that way is usually neither fast, nor is it pleasant. In most cases, the commander must show "rehabilitative measures" before they can impose an involuntary discharge, and that can mean Article 15 (loss of stripes, loss of pay, restrictions, extra duties, correctional custody -- i.e., "jail"), before the commander finally gets fed up and kicks you out.

### **Failing Weight and Fitness Requirements**

This usually takes several months of weight/fitness failures, despite rehabilitation attempts, before a commander decides to initiate discharge action. Along the way, you may lose a stripe or two, be made ineligible for promotion and schools, and may even be removed from your normal military duties and reassigned to doing "make work."

### **Failing Training**

Failing in training, such as military job training, or weapons qualification training might result in a discharge, or it might not. You run the risk that your commander may decide to simply reclassify you into a job that any idiot can do.

### **AWOL**

Going AWOL (Absent Without Leave) might get you kicked out, and it might not. In any event, you run the risk of court-martial or Article 15. Also, if you are discharged, it will probably be under other than honorable conditions (OTHC), which may impact on future employment and veteran benefits.

### **Misconduct**

This will likely get you kicked out, sooner or later, but you'll certainly receive an Article 15 along the way, and you run the risk that your commander will even refer you to trial by court-martial.

More at

<http://usmilitary.about.com/od/theorderlyroom/a/getout6.htm>

**from usmilitary.about.com**

Addresses only AWOL or UA from Active Duty.

Thousands of people contact the GI Rights Hotline each year seeking information about absence offenses. The Army and Air Force usually refer to such offenses as AWOL (Absent WithOut Leave) while the Navy and USMC usually use the term UA (Unauthorized Absence). Such offenses are a violation of Article 86 of the Uniform Code of Military Justice, (UCMJ) which states that:

Any member of the armed forces who, without authority-

(1) fails to go to his appointed place of duty at the time prescribed;

(2) goes from that place; or

(3) absents himself or remains absent from his unit, organization, or place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct (which varies all over the map!).

For people looking for specific guidance about punishments for going AWOL/UA, the phrase "as court-martial may direct" of the UCMJ is not very helpful. Actual punishments can vary from nothing at all to General Court-Martial, which could include a sentence of dishonorable discharge (a felony level conviction) and also could include years of jail time. Typically, punishments range in between these two extremes. In an effort to deter GIs from going AWOL/UA many commands circulate threats of worst case scenarios and unrealistically harsh punishments. (Note: while many people have been told that desertion during a time of war is punishable by death, OIF and OEF are recognized as police actions rather than as congressionally declared wars and no one has received such punishment in decades.) These rumors generate fears and consequently many absent GIs are reluctant to return to the military and resolve the issue. For many people the fears are increased by the mistaken idea that they are the only person in their situation, when in reality thousands of others have done it. In a majority of cases the actual punishments upon surrender/apprehension are less severe than absentees and their families and friends feared. Most cases are resolved without court-martial.

More at <http://www.girightshotline.org/discharges/awolactive/fact-sheet/index.shtml>

**from girightshotline.org**

**Homosexuality** "Don't Ask, Don't Tell" is the current policy for the United States Military. What that means, in a nutshell, is that the military will not ask about someone's sexual preference. That means that homosexuals can service in the military, but they cannot engage in any homosexual conduct, nor can they tell anyone about their sexual preference.

Telling others that you are homosexual or bi-sexual is grounds for a discharge from the military. Note that I said "grounds for a discharge," not a "definite discharge." The commander has to believe you. If the commander thinks you're just saying that in order to get out of the military, the commander does not have to discharge you. In recent years, there have been more and more cases of military members claiming they were homosexual, where the commander has simply not believed them, and not initiated discharge action.

More at  
<http://usmilitary.about.com/od/theorderlyroom/a/getout7.htm>

**from usmilitary.about.com**

In the current military policy, commonly known as Don't Ask, Don't Tell, the DoD regulated a distinction between a member's sexual orientation and a propensity to engage in sexual acts. A member's sexual orientation is considered a personal and private matter, and is not a bar to continued service...unless manifested by homosexual conduct. However, the military's definition of homosexual acts is absurdly broad and individual commands' interpretations of the regulations can vary widely.

To discharge a member, the military must find that at least one of the following instances of homosexual conduct is supported by the evidence:

- The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts...;
- The member has made a statement that he or she is homosexual or bisexual, or words to that effect, unless there is a further approved finding that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts...;
- The member has married or attempted to marry a person known to be of the same biological sex....

A statement of homosexuality or bisexuality is grounds for separation because the statement indicates a likelihood that the member engages in or will engage in homosexual acts but, the military claims, not because it reflects the member's sexual orientation. A member will not be discharged if a member engaged in acts, made statements, or married or attempted to marry a person known to be of the same biological sex for the purpose of avoiding or terminating military service.

Consider several factors before seeking discharge for homosexual conduct:

- That the member's discharge papers (Form DD-214) will indicate homosexual conduct.
- The possibility of harassment.
- What other discharges might be available to the member.

Much more at <http://www.girightshotline.org/discharges/homosexual/fact-sheet/index.shtml>

**from girightshotline.org**

## **Pregnancy**

In the "old days," any female who got pregnant could request a discharge and get it automatically. Those days are gone. Pregnant female members may REQUEST a discharge, but such discharges are no longer automatic. When making recommendations to approve/disapprove such discharge requests, the commander takes into consideration what is in the best interest of both the servicemember, and the military service.

Single Parents and Military Married to Military with children can be discharged if they fail to implement and maintain a proper Family Care Plan. If the commander feels the member has done everything within his/her power to maintain a proper Dependent Care Plan, the discharge characterization will normally be "honorable." Otherwise, it would likely be "general."

More at

<http://usmilitary.about.com/od/theorderlyroom/a/getout9.htm>

There is no separate page on this topic at <http://www.girightshotline.org/discharges/>

(Note the possibility that a "Disability Discharge" might apply.)

Call 877-447-4487

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**Disability  
Discharge**

There is no separate page on this topic at <http://usmilitary.about.com/od/theorderlyroom/a/getout2.htm>

However, there is a discussion of *UNITED STATES AIR FORCE, THE AIR FORCE DISABILITY SYSTEM* at <http://usmilitary.about.com/library/milinfo/blht-disab.htm>

A physical or psychological condition that interferes significantly with an individual's fitness for duty is grounds for discharge. Each Service's disability evaluation system will determine if a servicemember is unfit for duty due to physical disability. Smaller medical problems may lead to an involuntary discharge such as Other Designated Physical And Mental Conditions. Processing for a disability discharge must be initiated by a military doctor who, after an initial medical evaluation, can begin processing the member for consideration by the disability evaluation system. The disability evaluation system is composed of a series of medical boards. With conditions such as missing limbs or blindness, a member is obviously unfit for duty due to physical disability and a military doctor usually initiates the necessary procedures. However, not everyone who qualifies for a medical discharge has such obvious medical problems and a servicemember must sometimes take action to initiate the process.

Although military regulations list various physical defects which normally make a person unfit for military duty, [a]ny condition that appears to significantly interfere with performance of duties appropriate to a servicemember's office, grade, rank, or rating will be considered for referral to the disability evaluation system.

A servicemember is ineligible for physical disability evaluation when the member's condition is a developmental or constitutional disorder not constituting a physical disability. A servicemember is also ineligible for physical disability evaluation when the member is:

- pending an approved, unsuspended, punitive discharge or dismissal;
- pending separation under provisions that authorize a characterization of service of Under Other Than Honorable.

Much more at <http://www.girightshotline.org/discharges/disab/fact-sheet/index.shtml>

## from usmilitary.about.com from girightshotline.org

### **Physical and Mental Conditions Discharge**

This is not addressed anywhere on this website, probably because of the fact that the scenarios and outcomes can be so varied.

The military may discharge for "other designated physical and mental conditions" servicemembers who have conditions that do not qualify for a disability discharge, but "that potentially interfere with assignment to or performance of duty...." Personality disorders are the most common grounds for discharge under other designated physical and mental conditions (ODPMC). In addition to personality disorders, grounds for discharge can include: seasickness, bedwetting, airsickness, sleep walking, certain allergies, severe nightmares, severe stuttering, obesity, and excessive height.

Consider seeking an ODPMC discharge if you experience emotional distress, difficulty in coping with military life, or an inability to behave and think as you would like to behave and think. While personality disorders are fairly complex, and real diagnoses can only come from a psychiatrist or psychologist, lay people can identify common symptoms and help to determine whether psychiatric evaluation is warranted. Common symptoms of some personality disorders include feeling depressed, helpless, or out of control, difficulty sleeping or inability to cope with work or people, or occasional thoughts of suicide.

A personality disorder is grounds for discharge only when "a diagnosis by a psychiatrist or psychologist...concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired."

This is a command-initiated discharge, which means there is no application procedure and you have no "right" to this discharge. Getting an early discharge is not easy and the procedures can be complicated. Discharge regulations are intended to give commanders control over their troops to maintain good order and discipline. You must persuade your command that a discharge is warranted and in the best interests of the military. Call us at the GI Rights Hotline for help.

The regulations give commanding officers a great deal of discretion, and only minimal guidelines, for deciding whether or not discharge is appropriate. Policies may differ from one command to another (even within the same base) and a command can change policy without warning. The military normally will not discharge a member with a short-term and treatable condition. A common category of disorders known as "adjustment disorders" are not considered, except by the Air Force, to be of long enough duration to warrant discharge.

Much more at <http://www.girightshotline.org/discharges/odpmc/fact-sheet/index.shtml>

## from [usmilitary.about.com](http://usmilitary.about.com)

**Convenience of the Government** This is kind of a "catch all," for voluntary separations that don't fall under specific programs. Note that it's called "convenience of the government," not "convenience of the servicemember." One example would be discharge in order to enter a commissioning program.

The military can also use this provision when it would really rather that you get out, but doesn't have a basis to require your separation under any other separation program. For example, if you won the state lottery and became a multi-millionaire overnight, the services probably would not find it conducive to moral and discipline to have a 3-striper millionaire arriving at work everyday in his private helicopter. In such cases, they would most likely gladly approve a discharge request under "convenience of the government."

More at  
<http://usmilitary.about.com/od/theorderlyroom/a/getout13.htm>

## from [girightshotline.org](http://girightshotline.org)

There is no separate page on this topic at  
<http://www.girightshotline.org/discharges/>

(We'd suggest calling girightshotline at 877-447-4487, if there might be any question of a negative impact on the service member.)

Call 877-447-4487

## from [usmilitary.about.com](http://usmilitary.about.com)

### **Early Release to Serve in the Guard or Reserves**

Some of the services (such as the Air Force) allow personnel to request early separation to service in the National Guard or Active Reserves, under programs called Palace Chase and Palace Front. The other active duty services do not have specific programs, but occasionally will allow one to request a discharge from active duty to serve in the Guard or Reserves, under a Convenience of the Government Discharge.

However, in order to qualify, one must be within a designated time (usually one or two years) from their normal date of separation. Approval is certainly not automatic, and are based on the "needs of the service." In other words, if you're serving in a "shortage job," forget it.

More at

<http://usmilitary.about.com/od/theorderlyroom/a/getout12.htm>

## from [girightshotline.org](http://girightshotline.org)

There is no separate page on this topic at <http://www.girightshotline.org/discharges/>

Note that this is labeled as an "Early Release," rather than a discharge..

Call 877-447-4487

## from usmilitary.about.com

### Absences from the Reserves

This is not addressed anywhere on this website, probably because of the fact that the scenarios and outcomes can be so varied. The closest this site comes is the following at <http://usmilitary.about.com/od/theorderlyroom/a/getout3.htm>

“A service commitment is a period of obligated military service. For example, if you become an Air Force pilot, you have to agree to a service commitment of 12 years, following pilot training. Air Force pilot training is very expensive, and the Air Force wants to make sure they get their investment back.

“It may surprise you to learn that everyone who joins the military for the first time incurs a \*MINIMUM\* eight year service commitment. That's right, EIGHT years! It doesn't matter if you signed a two year active duty contract, a four year contract, or even a six year contract. Your total military commitment is eight years. Whatever amount of time that is not spent on active duty, must either be served in the active Guard/Reserves (the program where one performs drill one weekend per month, and two weeks per year), or in the inactive Reserves (one doesn't perform drill, but can be recalled to active duty at any time for war, or national emergency). Active duty members who do not reenlist onto active duty, or apply for the active Guard/Reserve upon active duty discharge, are automatically transferred to the inactive Reserves once they are discharged from active duty.”

## from girightshotline.org

There are many different kinds of duty to which a reservist might be ordered to appear, including active duty for training, drills, annual training, muster, and mobilization and deployment. Members of the national guard can also be ordered to duty in state emergencies without ever coming under orders from the federal government (that is, under Title 10, Armed Forces, of the US Code). GI Rights Hotline counselors are available for a free, confidential consultation on any of these issues.

Any reservist called to active duty under Title 10 U.S.C is subject to the UCMJ from the date that orders indicate they are to report for duty and any absence on or after that date is punishable by the UCMJ. **Nevertheless, many absence offenses that could be punished under the UCMJ are never referred to court-martial or non judicial punishment.** GI Rights Hotline counselors can help assess possible and likely consequences for absent reservists. There are some special categories mentioned below.

With much more at <http://www.girightshotline.org/discharges/awolreserves/factsheet/index.shtml#mobilize>

## from [usmilitary.about.com](http://usmilitary.about.com) from [girightshotline.org](http://girightshotline.org)

### Harassment or Discrimination And Filing Grievances Under UCMJ Articles 138 and 139

This is not addressed anywhere on this website, probably because of the fact that the scenarios and outcomes can be so varied.

Servicemembers often do not know of methods of redress for wrongs. However, there are many forms of complaint, and one or another may be used for virtually any injustice, wrong, or form of oppression. Some of the reasons members request redress of grievances include:

- race or sex discrimination, religious discrimination, improper medical attention, punitive transfers, violations of regulations or general orders, physical or psychological brutality, illegal imposition of extra duties, denial of leave, abusive language, superior drunk on duty, denial of transfer or discharge request, improper activation from the reserves, failure to follow regulations or policies, and failure to grant certain privileges.

There are several formal methods for requesting redress of grievances, including:

- Complaints through the chain of command.
- Correspondence with a Member of Congress.
- An Inspector General (IG) complaint for fraud, waste, and abuse.
- An Equal Opportunity complaint for instances of discrimination or sexual harassment.
- An **Article 138 (UCMJ) complaint**, for instances of specific abuse, discriminatory practices of a superior officer, or where the command is not following regulations.
- An **Article 139 (UCMJ) complaint**, where personal property is taken or destroyed.
- Petition the Board for Correction of Military Records to change adverse items or make other corrections in a member's official record.

In addition to the above actions, any person subject to the Uniform Code of Military Justice may request that criminal charges be brought against anyone who violates the UCMJ, even if he or she is under charges, under arrest, or in confinement. However, the military command will decide whether to proceed with prosecution.

There are a few guidelines for communicating complaints, regardless of the avenues used:

- All complaints using official complaint procedures are best made in writing using standard military memo format.
- The servicemember's name, rank, Social Security number, and place of assignment must be included, as well as similar information for the offender in the complaint.
- Describe each incident that comprises the grievance, list any witnesses present, and include all available documentation.
- State what actions must be taken to redress the grievance.

The complaint must be timely. If specific time limits for the complaint procedure being used (often 60 or 90 days) are not met, the military is normally not required to investigate the claim. Documentation is of great importance. Do not assume the command or investigator will make a thorough and impartial investigation. Gather all documentation and make copies before the complaint is made. Get witnesses who might be intimidated to make statements before the command is aware of the complaint.. More at <http://www.girightshotline.org/girights/grievances/factsheet/index.shtml>

## Conscientious Objection

### from usmilitary.about.com

A member who can convince the military that they are conscientious objectors may request a discharge. This is not as easy as it sounds. First, the member would have to show that his/her beliefs changed significantly after they joined the military, because one must certify that they are not conscientious objectors at the time of voluntary enlistment.

You can't pick and choose which war you object to. By law, a conscientious objector is one who is opposed to participation in all wars. The person's opposition must be based on religious belief and training, and it must be deeply held.

In order to find that an applicant's moral and ethical beliefs are against participation in war in any form and are held with the strength of traditional religious convictions, the applicant must show that these moral and ethical convictions, once acquired, have directed his life in the way traditional religious convictions of equal strength, depth and duration have directed the lives of those whose beliefs are clearly found in traditional religious convictions. In other words, the belief upon which conscientious objection is based must be the primary controlling force in the applicant's life.

The burden of establishing a claim of conscientious objection as grounds for separation is on the applicant. To this end, applicants must establish, by clear and convincing evidence, that the nature or basis of the claim comes within the definition of criteria prescribed by DoD Directive 1300.6, Conscientious Objectors, for conscientious objection and that their beliefs are sincere.

Sincerity is determined by an impartial evaluation of the applicant's thinking and living in its totality, past and present. Information presented by the claimant must be

### from girightshotline.org

Directly from <http://www.girightshotline.org/discharges/co/fact-sheet/index.shtml>: Everyone has a conscience. Few people wrestle with their conscience as much as members of the military, especially those in combat. Counselors with the GI Rights Hotline talk with military personnel every day who are questioning the morality of the orders they have received or jobs they are expected to perform.

If you are one of those people, you came to the right place. You should know that you are not alone. In fact, every year hundreds of military personnel apply for conscientious objector status. Conscientious objectors have been with us as long as there have been wars.

#### Definition of Conscientious Objection

Current military policy has defined conscientious objection as the following: "A firm, fixed, and sincere objection to participation in war in any form or the bearing of arms, by reason of religious training and/or belief." (DOD 1300.6)

This definition has been further clarified by both military policy and our legal system. Here's what some of the words or phrases found in the above definition really mean:

#### · "Religious"

· The term "religious" also includes moral and ethical beliefs that have the same force in a person's life as traditional religious beliefs.

· The term "religious" does not include essentially political, sociological, or philosophical views.

#### · "Training and/or Belief"

· "Training and/or belief" refers to the source of conviction or, more simply, the experiences and values you hold that do not allow you to participate in military service or the bearing of arms. This may come, for example, from a lifetime of involvement in an organized religion that teaches active love for the enemy (i.e. not killing) or from books, movies, or TV shows. It could also arise from experiences serving in the military or from other life experiences.

#### · "Participation"

· This term highlights the personal nature of the claim. Thus a CO claim cannot be an abstract critique of war. It indicates that your set of personal values is the reason you are requesting discharge or reassignment, not that you think war is illogical or bad policy, for example.

#### · "In War"

· The term "In War" does not mean that a CO has to object to the use of violence by a police force or for self-defense, although many COs do hold

**Conscientious Objection, Cont'd** sufficient to convince the commander that the claimant's personal history reveals views and actions strong enough to demonstrate that expediency or avoidance of military service is not the basis of his claim.

When evaluating applications for CO status, commanders consider relevant factors including: training in the home and church; general demeanor and pattern of conduct; participation in religious activities; whether ethical or moral convictions were gained through training, study, contemplation, or other activity comparable in rigor and dedication to the processes by which traditional religious convictions are formulated; credibility of the applicant; and credibility of persons supporting the claim.

More at  
<http://usmilitary.about.com/od/theorderlyroom/a/getout14.htm>

nonviolent convictions. Additionally, it is important to note the difference between force and violence. Punching someone is an example of violent force, while pulling a child away from a moving car is an example of nonviolent force.

**- "In Any Form"**

- This means that you must be opposed to all real war at this point in time. Those who object to a particular war would be called "selective conscientious objectors" and they do not qualify as conscientious objectors under current US law. If you believe in "Just War Theory", held by many religious traditions, then to be a conscientious objector under the current legal definition you would have to apply the theory and conclude that there is no just war. To qualify for discharge from the military you must show that you do, in fact, conscientiously object to participating in war, and that your beliefs have changed, or "crystallized" since you joined the military. If you believe you might fall within this definition, read on.

**The Guide for COs in the Military**

The Center on Conscience & War's document The Guide for COs in the Military (605 KB) can help you decide whether to apply for CO status. The document also provides a detailed description of the application process.

**The Written Application**

Those applying for CO status are required to answer essay questions about their life and beliefs, and it's probably more writing than you normally do. Remember: you're trying to convince the military to release you after they've spent thousands of dollars training you. You will need to write more than seven paragraphs to convince them!

There are over 20 questions you will be expected to answer. Many of them are not very relevant. There are six questions about your beliefs that get to the heart of your CO application. They can be summarized by these three questions:

- What do you believe (about participation in war)?
- How did your beliefs develop (what events, factors influenced you to believe this)?
- How does your life reflect those beliefs (or how do your beliefs influence decisions or choices you make daily)?

You should also submit letters of support from people who know you and can testify to your sincerity or to the truthfulness of what you have said in your written application.

**The Process**

Once you submit your written CO application, you will have 3 interviews:

- One with a psychiatrist (or mental health specialist) to determine if you are

## **Conscientious Objection, Cont'd**

fit to go through the CO discharge process. They will be looking to see if your application is really the result of Post Traumatic Stress Disorder (PTSD), or some other emotional or mental issue.

- One with a military chaplain (even if you're not religious) who is supposed to look at the basis of your claim, and make some determination about your sincerity.

- One with an investigating officer (IO) who will get all of the written material you have submitted in support of your claim, reports from the chaplain and psychiatrist, and then conduct an investigation. At the hearing, the IO is supposed to ask questions about your beliefs, things you said in your written application, and anything else that seems appropriate based on what was discovered in the investigation.

The IO will write a report describing the interview and other information s/he has discovered. The IO will also make a recommendation as to whether or not your application should be approved. At that point you will be able to see the report and recommendations and have the opportunity to submit a rebuttal.

The entire packet goes up the chain of command, ultimately getting to Headquarters where a CO review board will decide whether to approve or reject your application.

### **While your claim is pending**

The waiting is the hardest part! It takes months, sometimes more than a year. During this time you remain a member of the military, and you are required to follow all legal orders or you may face disciplinary action. The regulations do say that the command should accommodate your beliefs as much as possible. But, it is up to the command to reassign you and their primary concern is the military mission - not accommodating your conscience.

How others in your unit treat you while your claim is pending varies widely. Some COs receive quite a bit of respect for taking a conscientious and unpopular stand, while others experience harassment and ostracization.

### **The Decision**

If your application is approved, you will be discharged (or reclassified as a non-combatant if that's what you applied for). Normally COs get an honorable discharge, the characterization is based on your military service record. You would also be eligible for all veterans benefits you earned, based on your length of service and characterization of discharge.

If your application is denied, a counselor with the GI Rights Network can help you figure out what to do next.