CHAPTER FOUR: ADMINISTRATIVE SEPARATION FROM THE AIR FORCE

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INVOLUNTARY SEPARATION OF ENLISTED MEMBERS:
GENERAL CONSIDERATIONS

Commanders and supervisors must identify enlisted members who show likelihood for early separation and make reasonable efforts to help these members meet Air Force standards. Members who do not show potential for further service should be discharged. Commanders must consult the servicing staff judge advocate and military personnel flight before initiating the involuntary separation of a member.

PREPROCESSING CONSIDERATIONS

- Before initiating discharge, a commander must consider all the factors that make the member subject to discharge, including:

  -- The seriousness of the circumstances that make the member subject to discharge and how the member's retention might affect military discipline, good order, and morale

  -- Whether the circumstances that are the basis for discharge action will continue or recur

  -- The likelihood that the member will be disruptive or an undesirable influence in present or future duty assignments

  -- The member's ability to perform duties effectively in the present and in the future

  -- The member's potential for advancement and leadership

  -- An evaluation of the member's military record, which must include, but is not limited to:

    --- Records of nonjudicial punishment

    --- Records of counseling

    --- Letters of reprimand or admonition

    --- Records of conviction by courts-martial

    --- Records of involvement with civilian authorities

    --- Past contributions to the Air Force

    --- Duty assignments and EPRs
Awards, decorations, and letters of commendation

The effectiveness of preprocessing rehabilitation, when required

Prior to processing a member for discharge for parenthood; conditions that interfere with military service; entry level performance and conduct; unsatisfactory performance; minor disciplinary infractions and a pattern of misconduct, commanders must give the member an opportunity to overcome deficiencies.

Efforts to rehabilitate may include, but are not limited to, counselings, reprimands, control roster action, nonjudicial punishment under Article 15 of the Uniform Code of Military Justice (UCMJ), change in duty assignment, demotion, additional training, and retraining.

It is extremely important to properly document rehabilitative efforts and keep copies of these documents.

Generally, the acts or conditions on which the discharge is based must have occurred in the current enlistment. The exceptions are:

Cases involving fraudulent enlistment, erroneous enlistment, or the interest of national security.

Cases in which the act or condition occurred in the immediately preceding enlistment, the commander was not aware of the facts warranting discharge until after the member reenlisted, and there was no break in service.

Cases in which the member is being separated for failure in the fitness program and at least one instance of unsatisfactory performance is in the current enlistment; then instances of unsatisfactory performance in the immediately preceding enlistment may support the basis for discharge.

The service of a member administratively separated may be characterized as honorable, general (under honorable conditions), or under other than honorable conditions (UOTHC).

Honorable: appropriate when the quality of the member's service generally has met Air Force standards of acceptable conduct and performance of duty, or a member's service is otherwise so meritorious that any other characterization would be inappropriate.

General (under honorable conditions): appropriate if a member's service has been honest and faithful, but significant negative aspects of the member's conduct or performance outweigh positive aspects of military record.
-- *Under Other Than Honorable Conditions (UOTH)*: appropriate if based on a pattern of behavior or one or more acts or omissions constituting a significant departure from the conduct expected of Airmen. This characterization can be given only if the member is offered an administrative discharge board or if a discharge is unconditionally requested in lieu of trial by court-martial.

- A dishonorable discharge and a bad conduct discharge are punitive discharges and are authorized only as a result of a court-martial sentence.

- Separation without service characterization: Members in entry level status (the first 180 days of active military service) will receive an entry level separation without service characterization, unless:
  
  -- A service characterization of UOTH is authorized and warranted, or
  
  -- The SecAF determines that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance

- A commander should not use an administrative discharge as a substitute for disciplinary action.

**Mandatory Discharges**

- A commander must initiate discharge processing or seek a waiver of the discharge if the reason for discharge is one of the following:
  
  -- Fraudulent or erroneous enlistment
  
  -- Civil court conviction for an offense for which a punitive discharge and confinement for one year or more would be authorized under the UCMJ, or
  
  -- Drug abuse

- A commander must make a discharge or retention recommendation when a member remains in a poor fitness category for a continuous 12-month period or receives 4 poor fitness assessments in a 24-month period

**References:**

AFI 36-2905, *Fitness Program* (1 July 2010)

AFI 36-3208, *Administrative Separation of Airmen* (9 July 2004), Incorporating Through Change 6 (9 October 2011)
INVOLUNTARY SEPARATION OF ENLISTED MEMBERS: REASONS FOR DISCHARGE

Specific reasons for involuntarily separating enlisted members are in Chapter 5 of AFI 36-3208, Administrative Separation of Airmen. Commanders must consult with the servicing staff judge advocate and military personnel flight prior to initiating the involuntary separation of a member. With a few exceptions, a commander is not required to initiate involuntary separation of a member just because a reason for discharge set out in AFI 36-3208 exists. The facts and circumstances are different in each case and must be considered on a case-by-case basis. An overview of the ten broad reasons for discharge follows below.

CONVENIENCE OF THE GOVERNMENT

- Discharge is appropriate when discharge would serve the best interest of the Air Force and discharge for cause is not warranted. Such separations may be based on:

  -- Parenthood, if the member fails to meet military obligations because of parental responsibilities

  -- Insufficient retainability for required training, if the cost of retraining for a brief period of service may not warrant retention

  -- Conditions that interfere with military service, which include:

    --- Enuresis and sleepwalking

    --- Dyslexia, severe nightmares, Attention Deficit Hyperactivity Disorder (ADHD), stammering/stuttering, incapacitating fear of flying, air sickness, and claustrophobia. The condition must have an adverse effect on assignment or duty performance.

    --- Mental disorders

      ---- Must be supported in writing by a report of evaluation by a psychiatrist or clinical psychologist that confirms a diagnosis of a disorder contained in the Diagnostic and Statistical Manual of Medical Disorders (DSM-IV);

      ---- Must be documented in a report as so severe that the member’s ability to function in the military environment is significantly impaired; and

      ---- Must have an adverse effect on assignment or duty performance
--- Transsexualism or gender identity disorder of adolescence or adulthood, non-
transsexual type (GIDAANT). The condition must be supported by a report of
evaluation by a psychiatrist or clinical psychologist that confirms a diagnosis of
transsexualism or GIDAANT and have an adverse effect on assignment or duty
performance.

- Discharge for conditions that interfere with military service is not appropriate if the mem-
ber’s record supports discharge for another reason, such as misconduct or unsatisfactory
performance

- Service is characterized as entry-level separation or honorable

- Before recommending discharge, commanders must be sure
  -- Preprocessing rehabilitation requirements in AFI 36-3208, paragraph 5.2, have been met
  -- They have complied with all requirements of the paragraph authorizing discharge
  -- Circumstances do not warrant discharge for another reason

**Defective Enlistments**

- **Enlistment of Minors:** a person under 17 years of age is barred by law from enlisting

- **Void Enlistments:** the enlistment was not a voluntary act by a sane, sober person of age;
or enlistee was a deserter from another service

- **Erroneous Enlistment:** the Air Force should not have accepted the enlistee, but the case
does not involve fraud

- **Fraudulent Enlistment:** involved deliberate deception on the part of the enlistee

- A commander must initiate discharge or seek a waiver of discharge for erroneous/fraudulent
enlistments
  -- Erroneous/fraudulent enlistments concerning alienage cannot be waived
  -- If the commander has knowledge of an erroneous or fraudulent enlistment and fails
to act within a reasonable time, that failure to act may result in a constructive waiver
of the commander's ability to discharge the member
- Authorized characterizations of service and the approval authorities are listed in AFI 36-3208, Table 5.4

- Members approved for discharge are not eligible for probation and rehabilitation (P&R)

**ENTRY LEVEL PERFORMANCE OR CONDUCT**

- Members in entry level status should be discharged when unsatisfactory performance or conduct shows the member is not a productive member of the Air Force.

- Discharge processing must start during the first 180 days of continuous active duty.

- Eligibility for discharge based on entry level performance or conduct does not preclude separation for another reason.

- Before processing a member for discharge for entry level performance or conduct, a commander must ensure efforts to rehabilitate the member, allowing the member the opportunity to overcome deficiencies, have been made and documented.

- Discharge is not formally characterized, but is described as entry level separation (ELS).

- Members approved for discharge for entry level performance or conduct are not eligible for P&R.

**UNSATISFACTORY PERFORMANCE**

- Members should be discharged when unsatisfactory performance or conduct shows they are not qualified for service in the Air Force.

- Performance includes assigned duties, military training, bearing and behavior, as well as maintaining the high standards of personal behavior and conduct required of all military members at all times.

- Unsatisfactory performance may be evidenced by any of the following:
  
  -- Unsatisfactory duty performance, which may include
    
    --- Failure to properly perform assigned duties,
    
    --- A progressively downward trend in performance ratings, or
    
    --- Failure to demonstrate the qualities of leadership required by the member’s grade.
-- Failure to maintain standards of dress and personal appearance, other than fitness standards, or military deportment

-- Failure to progress in military training required to be qualified for service with the Air Force or for the performance of primary duties

-- Irresponsibility in the management of personal finances

-- Sanitary habits

-- Failure in the fitness program

- Before processing a member for discharge for unsatisfactory performance, a commander must ensure efforts to rehabilitate the member, allowing the member the opportunity to overcome deficiencies, have been made and documented

- Service is characterized as honorable or general

- Members approved for discharge should be considered for P&R

**Drug or Alcohol Abuse Rehabilitation Failure**
- Members are subject to discharge for failure in drug or alcohol abuse rehabilitation if they
  
  -- Are in a program of rehabilitation for abuse of drugs or alcohol and fail to complete the program due to inability, refusal to participate, or unwillingness to cooperate; and

  -- Lack the potential for continued military service or need long-term treatment and are transferred to a civilian medical facility for treatment

- Service is characterized as honorable, general, or entry level

- Members approved for discharge are eligible for P&R

**Misconduct**
- Unacceptable conduct adversely affects military duty and may be a proper basis for discharge

- Usually, the characterization for misconduct cases under AFI 36-3208, paragraphs 5.50, 5.51, 5.52, and 5.54 should be UOTHC, but characterization may be honorable, general, or entry level separation in appropriate cases
The general court-martial convening authority, usually the numbered air force (NAF) commander, will normally approve separation for misconduct with a service characterization of honorable or UOTHIC.

The special court-martial convening authority, usually the wing commander, will approve recommendations for retention, separation with a general service characterization, or entry level separation.

Types of misconduct include:

- **Minor Disciplinary Infractions**: consists solely of infractions during the current enlistment resulting in letters of counseling, letters of admonition, letters of reprimand, and nonjudicial punishment actions.

  --- Before processing a member for discharge for misconduct consisting of minor disciplinary infractions, a commander must ensure efforts to rehabilitate the member, allowing the member the opportunity to overcome deficiencies, have been made and documented.

  --- Members approved for discharge are eligible for P&R.

- **Pattern of Misconduct**: includes misconduct more serious than that consisting of minor disciplinary infractions and involving (1) discreditable involvement with military or civilian authorities, (2) conduct prejudicial to good order and discipline, (3) failure to support dependents, or (4) dishonorable failure to pay just debts.

  --- Before processing a member for discharge for misconduct consisting of a pattern of misconduct, a commander must ensure efforts to rehabilitate the member, allowing the member the opportunity to overcome deficiencies, have been made and documented.

  --- Members approved for discharge are eligible for P&R.

- **Civilian Conviction**: when the member is convicted or there is a finding that amounts to a conviction of an offense which would authorize a punitive discharge under the UCMJ or when the sentence by civilian authorities actually includes confinement for six months or more.

  --- A commander MUST initiate discharge or seek a waiver of the discharge when the civilian conviction involves an offense for which a punitive discharge and confinement for one year or more would be authorized under the UCMJ.
--- If the commander has knowledge of such a civilian conviction and fails to act within a reasonable time, that failure to act may result in a constructive waiver of the commander’s ability to discharge the member.

--- Members approved for discharge are eligible for P&R

-- **Commission of a Serious Offense:** includes offenses for which a punitive discharge would be authorized under the UCMJ. Members approved for discharge are eligible for P&R.

--- Noncompliance with “safe sex” order: having human immunodeficiency virus (HIV) and not complying with lawfully ordered preventive medicine procedures. Members approved for discharge are **NOT** eligible for P&R.

-- **Drug abuse:** the illegal, wrongful, or improper use, possession, sale, transfer, or introduction onto a military installation of any drug

--- The term “drug” includes anabolic and androgenic steroids, and any intoxicating substances, other than alcohol, that are inhaled, injected, consumed or introduced into the body for purposes of altering mood or function

--- The term “drug abuse” includes improper use of prescription medications

--- Commanders must act promptly when information indicates drug abuse and initiate discharge or seek a waiver of discharge processing

--- A member found to have abused drugs **WILL** be discharged unless the member meets all seven of the retention criteria in AFI 36-3208, paragraph 5.55.2.1. The member has the burden of proving he or she meets all seven retention criteria.

--- Members approved for discharge are not eligible for probation and rehabilitation

**Discharge in the Interest of National Security**

- A member whose retention is clearly inconsistent with the interest of national security may be discharged

- Discharge may only be initiated after criteria in AFI 36-3208, paragraphs 5.57.1 and 5.57.2 have been met

- Discharge may be characterized as entry level, honorable, general, or UOTHC

-- Members approved for discharge are **NOT** eligible for P&R
FAILURE IN PRISONER RETRAINING/REHABILITATION
- Applies to members in correction and rehabilitation programs
- Service is ordinarily characterized as general

FAILURE IN THE FITNESS PROGRAM
- A member who does not meet fitness standards as set out in AFI 36-2905 may be discharged when the failure is the result of a cause in the member’s control
- Characterization of service is restricted to honorable if failure in the program is the sole reason for discharge
- Members approved for discharge should be considered for P&R

REFERENCES:
AFI 36-2905, Fitness Program (1 July 2010)
AFI 36-3208, Administrative Separation of Airmen (9 July 2004), Incorporating Through Change 6 (9 October 2011)
INVOLUNTARY SEPARATION OF ENLISTED MEMBERS: PROCEDURES

Enlisted members may be involuntarily separated through two different processes (1) notification procedures, and (2) board hearing procedures. Most cases are processed using notification procedures. However, if a member is entitled to an administrative discharge board, board hearing procedures are used. Before initiating involuntary separation of a member, commanders must consult with the servicing staff judge advocate (SJA) and military personnel flight.

BOARD ENTITLEMENT

- A member recommended for discharge must be offered a hearing by an administrative discharge board if one of the following conditions applies:
  - The member is a noncommissioned officer at the time discharge processing starts
  - The member has six years or more total active and inactive service, including delayed enlistment time, at the time discharge processing starts
  - The commander recommends a UOTHC characterization
  - Discharge in the interest of national security is recommended (ensure appropriate clearance to proceed)

NOTIFICATION PROCEDURES

- Before the member may be discharged, a medical examination must document
  - Any medical aspects pertaining to the reason for discharge, and
  - That the member is or is not medically qualified for worldwide service and separation

- An EPR or LOE must be generated for discharges based on parenthood, conditions that interfere with military service, unsatisfactory performance, or failure in the fitness program

- If there is sufficient documentation or evidence supporting a basis for discharge, the commander serves a notification memorandum on the member (AFI 36-3208, Figure 6.1 or 6.2)

- The member immediately signs a receipt of notification memorandum (AFI 36-3208, Figure 6.3)

- After receiving the notification memorandum, the member has three duty days to prepare a response (AFI 36-3208, Figure 6.4)
- The commander considers the member’s response, if any, and if the commander still recommends discharge, he or she signs a recommendation for discharge to the special court-martial convening authority (SPCMCA), who is usually the wing commander (AFI 36-3208, Figure 6.5)

- The servicing SJA prepares a legal review of the package and forwards the package to the SPCMCA

- The SPCMCA reviews the package and the SJA’s legal review

  -- If the SPCMCA is also the separation authority, the SPCMCA determines: (1) if there is a basis for discharge, (2) if the member should be discharged, how to characterize the member’s service, (3) if the member should be discharged and (4) whether to offer P&R (if available) if the member should be discharged

  -- If the SPCMCA is not the separation authority, the SPCMCA will forward the package to the general court-martial convening authority (GCMCA), who is usually the numbered air force (NAF) commander, with a recommendation concerning the above four questions

**BOARD HEARING PROCEDURES**

- After receiving the notification memorandum, the **member has seven duty days to:**

  -- Request a board hearing or unconditionally waive his/her right to a board hearing (AFI 36-3208, Figure 6.8), or

  -- Waive the board hearing contingent upon receiving a specific type of discharge, which is called a conditional waiver (AFI 36-3208, Figure 6.9)

- The commander considers the member’s response, if any, and if the commander still recommends discharge, he or she signs a recommendation for discharge to the SPCMCA (AFI 36-3208, Figure 6.5)

- In cases where the member requests a board hearing, the SPCMCA reviews the recommendation for discharge and either sends the file back to the unit for further action (normally to withdraw the action or reinitiate the action using different grounds or evidence) or convenes a discharge board

- The administrative board convenes, considers all the evidence, and makes
-- Findings of fact as to whether each allegation set out in the notification memorandum is supported by a preponderance of the evidence (more likely than not)

-- A separate finding on each allegation set out in the notification memorandum

-- Findings as to whether a basis for discharge exists

-- A recommendation to discharge or retain

-- A recommended characterization of service if the board recommends discharge

-- A recommendation concerning P&R (if member is eligible) if the board recommends discharge

- The servicing SJA prepares a legal review of the package and forwards the package to the SPCMCA

- The SPCMCA takes final action if referral to the GCMCA is not required or forwards the package to the GCMCA if referral to the GCMCA is required

- Members with more than 16 but less than 20 years service are entitled to special probation consideration (called lengthy service consideration) upon request and may not be separated before forwarding to HQ AFMPC/DPMARS2 for review

**REFERENCE:**
AFI 36-3208, *Administrative Separation of Airmen* (9 July 2004), Incorporating Through Change 6 (9 October 2011)
IN VOLUNTARY SEPARATION OF ENLISTED MEMBERS: PROBATION AND REHABILITATION

The Air Force program of probation and rehabilitation (P&R) allows the Air Force to retain a trained resource while allowing enlisted members another opportunity to complete their service honorably. P&R is a conditional suspension of an approved administrative discharge for cause. In deserving cases, it lets a member prove he or she is able to meet Air Force standards.

**P&R Considerations**

- Only the discharge authority can suspend the execution of a discharge for P&R

- Members who have completed at least 16 but less than 20 years of active service are entitled to special consideration upon their request and their cases are forwarded to HQ AFMPC/DPMARS2 for review concerning probation

- P&R is appropriate for members:
  
  -- Who demonstrate a potential to serve satisfactorily

  -- Who have the capacity to be rehabilitated for continued military service or completion of the current enlistment

  -- Whose retention on a probationary status is consistent with the maintenance of good order and discipline

**Who is Eligible**

- Members are **not eligible** for P&R if the reason for discharge is one of the following:

  -- Failure to comply with preventive medicine counseling (safe-sex order) by a member with human immunodeficiency virus (HIV)

  -- Fraudulent entry

  -- Entry level performance or conduct

  -- In the interest of national security

  -- Drug abuse

  -- In lieu of trial by court-martial
- If the reason for discharge is unsatisfactory performance or misconduct (except failure to comply with preventive medicine counseling by a member with HIV and drug abuse):

  -- The case file must show the initiating commander, board members if a hearing is involved, and the separation authority considered P&R;

  -- If the initiating commander does not recommend P&R, he or she must give the reason for not recommending P&R; and

  -- If the initiating commander recommended P&R and the separation authority disapproved that recommendation, the separation authority must state the reason for his/her decision

**P&R Procedures**

- Suspending the execution of an approved discharge is contingent on successful completion of rehabilitation

  -- The separation authority sets a specific period of rehabilitation, which is not less than 6 months or more than 12 months

  -- The probationary period is usually served in the current unit of assignment, but reassignment to another local unit or within the MAJCOM may be authorized if warranted by the circumstances of the case

- If the decision is made to offer a member P&R, the commander must:

  -- Give the member a factsheet with information about the program (AFI 36-3208, Figure 7.2)

  -- Counsel the member, emphasizing

     --- The importance of an honorable service characterization

     --- Difficulties in civilian life which the approved discharge might cause

     --- The very remote chance that the type of discharge, once executed, would be changed

     --- The fact that an offer of P&R does not excuse the member's conduct

     --- The member can prevent execution of the discharge only by good conduct and duty performance
---  The commander will be the judge of performance and conduct during the period of P&R

---  The offer of P&R is not an attempt at involuntary retention

--  Find out whether the member has enough retainability to complete P&R, and if not, try to get a voluntary request for extension

--  Require members who accept P&R to sign statements of understanding and acceptance of the terms of probation

--  Ensure the terms of probation are set out in a letter from the separation authority and countersign the letter (AFI 36-3208, Figure 7.1)

--  Require members who refuse P&R or fail to satisfy the retention requirements to sign a statement:

    ---  Acknowledging understanding of the rehabilitation privilege,

    ---  Giving the date the commander counseled the member, and

    ---  Acknowledging understanding of the effects of refusal to accept P&R

--  Ensure the statement and the letter from the separation authority are returned to the separation authority

**WHAT HAPPENS DURING P&R**

-  The commander is the primary judge of the member's performance

--  Commanders are not required to set up a special rehabilitation program because the member is expected to perform duties appropriate to his/her grade, skill level, and experience

--  An EPR is prepared every 90 days

--  Promotion consideration is according to AFI 36-2502

--  Members are **not** selected for formal training while in P&R
-- A commander usually should not place a member in P&R on the control roster, and the commander should consider removing the member from the control roster if the member is on it when placed in P&R

-- Reenlistment consideration is according to AFI 36-2606

**Completing P&R**
- If a member successfully completes P&R
  -- The approved discharge is automatically and permanently canceled on the date the suspension expires
  -- Separation at ETS will result in an honorable service characterization
  -- Future failure to maintain standards may be the basis for new discharge proceedings
  -- Eligibility for reenlistment will be according to AFI 36-2606 and none of the reasons for recommending discharge that existed before P&R began may be used as a basis for denial of reenlistment

**Other Command Options**
- Commanders have other options during P&R, including:
  -- Canceling the probation in whole or in part where member's good conduct clearly shows goals of P&R have been met
  -- Extending the probationary period (original period plus extension may not exceed one year) where member has made progress but the commander is not sure rehabilitation is complete

**Terminating Before P&R is Completed**
- If a decision is made to initiate vacation (termination) of the suspension, the commander notifies the member by a letter, which gives:
  -- The reason for the action
  -- The name, address, and phone number of military legal counsel (often the ADC)
  -- Instruction that the member may secure civilian counsel at his own expense
  -- Instruction to reply within seven workdays (rebuttal or waiver of right to rebut)
REFERENCES:
AFI 36-2502, Airman Promotion/Demotion Programs (31 December 2009)
AFI 36-2606, Reenlistment in the United States Air Force (19 May 2011)
AFI 36-3208, Administrative Separation of Airmen (9 July 2004), Incorporating Through Change 6 (9 October 2011)
Voluntary Separation of Enlisted Members Prior to Expiration of Term of Service

In contrast to involuntary discharges, there are instances when the voluntary separation of an enlisted member prior to expiration of term of service (PETS) benefits the member and the Air Force. An immediate commander's primary role is to recommend approval or disapproval of the action. If recommending disapproval, the commander must provide reasons for recommending disapproval of the package. Reasons for separation PETS are discussed below.

Convenience of the Government
- Enlisted members may request separation for the following:
  -- Entering an officer training program
  -- Early release to further education
  -- Training at an accredited school for medical education as a physician, dentist, osteopath, veterinarian, optometrist, or clinical psychologist
  -- Elimination from Officer Training School (OTS) if the member enlisted specifically for OTS
  -- Nonfulfillment of enlistment or reenlistment agreement by the Air Force
  -- Becoming a sole surviving son or daughter after enlistment
  -- Early release from extension of service
  -- Acceptance of public office
  -- Conscientious objection
  -- Pregnancy or childbirth
  -- Early release for Christmas, if the date of separation falls on or after 9 December and before 8 January the following year
  -- Medal of Honor recipient
  -- Other situations when early separation is in the best interests of the Air Force
DEPENDENCY OR HARDSHIP
- Enlisted members may request discharge when genuine dependency or undue hardship exists
  -- Undue hardship does not necessarily exist because of altered income, the family is separated, or the family suffers from the inconveniences incident to military service
  -- If all of the following factors are present, a basis for discharge may exist:
    --- The dependency or hardship is not temporary
    --- Conditions have arisen or have been aggravated to an excessive degree since the member entered active duty
    --- The member has made every reasonable effort to remedy the situation
    --- Separation will eliminate or materially alleviate the conditions
    --- There are no means of alleviation available other than separation

REFERENCE:
AFI 36-3208, Administrative Separation of Airmen (9 July 2004), Incorporating Through Change 6 (9 October 2011)
OFFICER SEPARATIONS

Officer separations operate similarly to enlisted separations. However, certain key differences exist. Most of the differences revolve around definitions, terminology, and authorities for officer separations.

DEFINITIONS

- **Nonprobationary Officer:**
  
  -- Regular officer with five or more years of active commissioned service as determined by the officer’s total active federal commissioned service date, or
  
  -- Reserve officer with five or more years of commissioned service (inactive or active) as determined by the officer’s total federal commissioned service date

- **Probationary Officer:**
  
  -- Regular officer who has completed less than five years of active commissioned service as determined by the officer’s total active federal commissioned service date, or
  
  -- Reserve officer who has completed less than five years of commissioned service (inactive or active) as determined by the officer’s total federal commissioned service date

VOLUNTARY SEPARATION

- Officers may apply for voluntary separation prior to expiration of term of service under AFI 36-3207, Chapter 2, for a variety of reasons, which include:
  
  -- Completion of Active Duty Service Commitment (ADSC)
  
  -- Hardship
  
  -- Pregnancy
  
  -- Conscientious objector status
  
  -- Medal of Honor recipient
  
  -- Other miscellaneous reasons

- Voluntary separations are subject to approval by SecAF. The SecAF or designee may disapprove an application if, among other reasons, the officer:
-- Has had charges preferred or is under investigation

-- Remains absent without leave or absent in the hands of civil authorities

-- Defaulted with respect to public property or funds

-- Has been sentenced by a court-martial to dismissal

-- Is being considered for administrative discharge proceedings

-- Submits an application during war, when war is imminent, or during an emergency declared by the President or Congress

-- Has an ADSC for advanced educational assistance, government-funded education or training programs, special pay, or bonus pay (restriction applies even when the reason for separation is pregnancy)

- Characterization of service is honorable

**Involuntary Separations Not “For Cause”**

- Officers may be separated involuntarily under AFI 36-3207, Chapter 3, Section 3B, for various reasons that are not for cause

- Many involuntary separations are required by law, e.g., reserve officers who reach age limit, those nonselected for promotion, and officers who have reached maximum years of commissioned service or service in grade

- Other involuntary separations include loss of ecclesiastical endorsement; failure to complete or pass medical training, nursing examinations, nursing intern programs; and officers in health care fields who do not have required licenses

- Only an honorable characterization is authorized for involuntary separations that are not for cause

**Involuntary Separations “For Cause”**

- Grounds for discharge for cause are found in AFI 36-3206, Chapter 2 (substandard performance of duty) and Chapter 3 (misconduct, moral or professional dereliction, or in the interest of national security)

- **Substandard Performance of Duty**

  -- Restricted to an honorable or general (under honorable conditions) characterization
-- Includes broad categories subjecting an officer to separation, including:

--- Failure to show acceptable qualities of leadership or proficiency

--- Failure to achieve acceptable standards of proficiency required of an officer in his/her grade

--- Failure to discharge duties equal to his/her grade and experience

--- Substandard performance of duty resulting in an unacceptable record of effectiveness

--- A record of marginal service over an extended time as shown by performance reports covering two or more jobs and prepared by at least two different supervisors

--- Mental disorders that interfere with the officer's performance of duty and do not fall within the purview of the medical discharge process

--- Apathy or defective attitude

--- Failure in the fitness program as specified in AFI 36-2905

--- Failure to conform to prescribed standards of dress, physical fitness, or personal appearance. For cause separation under AFI 36-3206, Chapter 3, is appropriate if failure is deliberate.

--- Inability to perform duties because of family care responsibilities

--- Failure to maintain satisfactory progress while in an active status student officer program

-- Before discharging an officer under this chapter, there should be a documented history of problems and documented efforts to correct the officer's conduct

-- If an officer is being separated for reasons under this chapter and received education assistance, special pay, or bonus money, the officer is subject to recoupment

- Misconduct, Moral or Professional Dereliction, or in the Interest of National Security

-- When officers engage in some form of misconduct, discharge under this chapter is often the most appropriate basis
Although not necessarily considered misconduct, discharges for fear of flying for rated officers fall under this chapter.

Some other specific grounds for discharge, besides fear of flying for rated officers, include:

--- Having human immunodeficiency virus (HIV) and not complying with lawfully ordered preventive medicine procedures (i.e., safe-sex order)

--- Failure to meet financial obligations

--- Intentional or discreditable mismanagement of personal affairs

--- Drug abuse, which is defined as the illegal, wrongful, or improper use, possession, sale, transfer, or introduction onto a military installation of any drug

--- Serious or recurring misconduct punishable by civilian or military authorities

--- Intentional neglect or intentional failure to either perform assigned duties or complete required training

--- Misconduct resulting in the loss of professional status necessary to perform duties

--- Intentionally misrepresenting or omitting facts concerning official matters

--- Sexual perversion, including lewd and lascivious acts, indecent acts with a child, or any other indecent acts or offenses

--- Sexual deviation, including transvestitism, exhibitionism, voyeurism, and others as defined in the Diagnostic and Statistical Manual of Mental Disorders, current edition

--- Retention is not clearly consistent with interests of national security

--- Sentence by a court-martial to a period of confinement for more than six months and not sentenced to a dismissal

The service of officers separated under this chapter may be characterized as under other than honorable conditions (UOTH). The exceptions to this are drug use revealed as a result of self-identification or commander-directed urinalysis.

If an officer is being separated for reasons under this chapter and received education assistance, special pay, or bonus money, the officer is subject to recoupment.
DISCHARGE PROCEDURES UNDER AFI 36-3206

- The first step is for the unit commander to evaluate information and consult with the servicing staff judge advocate.

- If appropriate, the unit commander recommends discharge to the show cause authority (SCA), who is usually the wing commander if he or she is a general officer or the general court-martial convening authority, usually the numbered air force (NAF) commander, for wings not commanded by a general officer.

- If appropriate, the SCA initiates discharge action by signing a letter to the officer notifying him or her of the discharge action.

- Within 5 calendar days of receipt of the letter of notification, the officer submits evidence in response, applies for voluntary retirement (if eligible), tenders a resignation, or requests a delay to respond.

- If the SCA determines no action is warranted, the action is terminated.

- If the SCA determines discharge action is warranted, the type of processing that occurs depends on the officer's status and the characterization recommended.

-- Not Board Entitled: If the officer is probationary, and the case does not involve a recommendation for a UOTHIC service characterization, the SCA notifies the officer that the case will be reviewed by the Air Force Personnel Board (AFPB). The officer is not entitled to appear in front of or present witness testimony to the AFPB.

-- Board Entitled: If the officer is nonprobationary; or the officer is probationary and a UOTHIC discharge is recommended; then the SCA notifies the officer that the officer will be required to show cause before a board of inquiry (BOI). The officer is entitled to appear in front of and present witness testimony to the BOI.

- Final approval authority for separations initiated under AFI 36-3206 is SecAF.

RESIGNATIONS IN LIEU OF FURTHER ADMINISTRATIVE DISCHARGE PROCEEDINGS (AFI 36-3207, CHAPTER 2, SECTION 2B)

- When the SCA notifies an officer to show cause for retention, an officer may:

-- Submit a resignation, or

-- Submit a resignation to enlist and retire if eligible to apply for retirement in enlisted status.
- These options should not be confused with resignations for the good of the service, which an officer may submit when facing a court-martial for alleged criminal conduct.

- The officer may be entitled to separation pay.

- SecAF is the approval authority.

REFERENCES:
AFI 36-2905, *Fitness Program* (1 July 2010)
AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers* (9 June 2004), Incorporating Through Change 6 (18 October 2011)
AFI 36-3207, *Separating Commissioned Officers* (9 July 2004), Incorporating Through Change 6 (18 October 2011)
ADMINISTRATIVE SEPARATION OF RESERVISTS

AFI 36-3209, Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members, applies to both officer and enlisted members of the reserve components not serving on extended active duty (EAD) with the regular Air Force. Table 2.1 lists all the permissible reasons for officer separations. Similarly, Table 3.1 lists all the permissible reasons for enlisted separations.

- Processing of reservist discharge actions varies depending on whether the member is a Category A (CAT A) or Category B (CAT B) reservist

- Remember that letters of counseling, letters of admonition, and letters of reprimand for reservists are not procedurally correct unless they allow the member 30 days to respond, as opposed to the 3 duty days for active duty members

-- CAT A (Unit)

--- The member’s unit commander initiates the discharge action and the servicing staff judge advocate (SJA) reviews the action for legal sufficiency

--- The unit forwards the file through the wing commander to HQ AFRC/DPML for processing to AFRC/CC or AFRC/CV, the discharge authorities for CAT A reservists

--- HQ AFRC/DPML notifies the member of the discharge recommendation by certified mail and gives the member the opportunity to respond

--- HQ AFRC/JA reviews the case file and determines if it is sufficiently documented to support the basis for discharge

--- If the case file lacks such documentation, HQ AFRC will ask the unit to get the supporting documentation

-- CAT B Individual Mobilization Augmentees (IMAs)

--- IMA discharges are processed through the Readiness Management Group (RMG). The RMG is the Air Force Reserve Command’s agency responsible for shared administrative control (ADCON) of IMAs.

--- Program Managers (PM) are a part of the RMG staff and are located at each MAJCOM, Joint Command, or Defense Agency. The PM with administrative oversight responsibility for the IMA initiates the discharge process by forwarding the discharge recommendation to the RMG/CC for action.
--- The RMG/CC forwards the file to HQ AFRC/DPML for processing to AFRC/CC or AFRC/CV, the discharge authorities for CAT B reservists

--- HQ AFRC/DPML notifies the member of the discharge recommendation by certified mail and gives the member the opportunity to respond

--- HQ AFRC/JA reviews the case file and determines if it is sufficiently documented to support the basis for discharge

--- If the case file lacks such documentation, HQ AFRC will ask the unit to get the supporting documentation

- The following reservists are entitled to present their cases before an administrative discharge board:

  -- **Enlisted:** if the recommended characterization of service in the letter of notification is under other than honorable conditions (UOTHIC), the member is a noncommissioned officer, or the member has six or more years of satisfactory service for retirement

  -- **Officers:** an officer who has completed five or more years of service as a commissioned officer in any of the armed forces as determined from the total federal commissioned service date; or a probationary officer (an officer who has completed fewer than five years of service as a commissioned officer in any of the armed forces as determined from the total federal commissioned service date) when the recommended characterization of service contained in the letter of notification is UOTHIC

**References:**

AFI 36-2115, *Assignments within the Reserve Components* (8 April 2005), Certified Current (2 May 2008)

LOoss of Veterans’ Benefits

To become eligible for veterans’ benefits, the active duty member must have been discharged or released under conditions other than dishonorable, which is broader in this context than the term as defined in Rule for Courts-Martial 1003(b)(3)(B).

- Discharge or release because of any of the following offenses is considered to have been issued under dishonorable conditions:
  -- Acceptance of an under other than honorable conditions (UOTHC) discharge to avoid trial by general court-martial
  -- Mutiny or spying
  -- An offense involving moral turpitude, including (generally) a conviction of a felony
  -- Willful and persistent misconduct, including a UOTHC discharge if it is determined that the discharge was issued for willful and persistent misconduct, but not including a discharge because of a minor offense if service was otherwise honest, faithful, and meritorious

- Benefits are also not payable where the member was discharged or released under one of the following conditions:
  -- As a conscientious objector who refused to perform military duty, wear the uniform, or comply with lawful orders of competent military authorities
  -- By reason of the sentence of a general court-martial
  -- Resignation by an officer for the good of the service
  -- As a deserter
  -- As an alien during a period of hostilities where it is shown the member requested his/her release
  -- By reason of a UOTHC discharge as a result of an absence without leave for a continuous period of at least 180 days

- A punitive discharge or UOTHC characterization does not necessarily deprive a member of benefits administered by the VA
- Normally, benefits earned during an earlier period of honorable service are not voided by a punitive discharge or a UOTHC discharge during a subsequent enlistment (38 U.S.C. § 5303(a); United States v. McElroy, 40 M.J. 368, 372 (C.M.A. 1994))

- Any person may be denied VA benefits, regardless of an earlier period of honorable service, if shown by evidence satisfactory to the Secretary of Veteran's Affairs to be guilty of:

  -- Filing a fraudulent claim for benefits,

  -- Treason, or

  -- Subversive activities

REFERENCES:
38 U.S.C. §§ 5303, 6103-05
38 C.F.R. § 3.12