

Information Paper

SUBJECT: Conscientious Objection Applications

1. Purpose. To discuss the processing requirements WRT conscientious objection applications.
2. References. DODI 1300.06, Conscientious Objectors (5 May 2007); AR 600-43, Conscientious Objection (21 August 2006)
3. Background. Servicemembers may apply for a discharge from military service (1-0) or reassignment to non-combatant duties (1-A-0) through the chain of command. Command legal advisors must ensure all CO applications are processed expeditiously IAW AR 600-43, and absent an exception received by HQDA NLT 90 days from the date of application. JAs at the Brigade and echelons above must assist commanders and review packets to ensure compliance with procedural requirements and freedom from bias.
4. Discussion.
 - a. The applicant for CO status (both 1-0 and 1-A-0) bears the burden of proving by clear and convincing evidence that he holds sincere beliefs which have arisen since induction into the service which prevent him or her from either participating in any form whatsoever in the military (1-0) or participating in a combatant status during armed conflict (1-A-0). The applicant submits a DA Form 4187 to the immediate commanding officer noting whether discharge or reassignment is requested and includes all personal information from AR 600-43, App. B as an attachment to the form.
 - b. Upon receipt of a CO application, the immediate commander must ensure the following requirements are met and included as attachments to the application: advise the applicant of his or her rights under the Privacy Act (AR 600-43, figure 2-2); advise applicant of CO status 1-A-0 IAW fig. 2-1 or status 1-0 IAW fig. 2-3; and arrange for the applicant to be interviewed by a military chaplain and a psychiatrist.
 - c. Upon completion of the interviews, the immediate commander forwards the application and enclosures to the SCMCA who will appoint an O-3 or higher to investigate and conduct a hearing. The IO should seek legal advice and provide written notice of the hearing to the applicant (fig. 2-5) which the applicant may waive (fig. 2-4). After completing a written report with recommendation, the IO forwards a copy of the complete packet to the applicant who makes a rebuttal election (fig. 2-6) then through the chain of command for submission to the GCMCA.
 - d. The GCMCA's SJA will review the packet for correctness and make a recommendation as to disposition. A *simple statement of legal sufficiency is not adequate*. The GCMCA is approval authority for 1-A-0 applications. All 1-0 applications and 1-A-0 denials will be forwarded to HQDA, Department of the Army Conscientious Objector Review Board (DACORB) for decision.
 - e. At all levels, JAs will ensure that procedural hurdles are met and that personal biases do not interfere with ultimate recommendations.