



TRIAL DEFENSE SERVICE

FORT CARSON FIELD OFFICE
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CHAPTER ELIMINATION INFORMATION

Your commander has recommended that you be administratively separated from the service under the provisions of AR 635-200. This handout will answer some general questions about your administrative separation (also called a chapter).

If separated, you could receive one of the following types of discharges, depending on your type of chapter: Honorable, General (Under Honorable Conditions), also called “General Discharge”, or a discharge Under Other Than Honorable Conditions, also called an “OTH.” An Honorable discharge is the best discharge you can receive from the service. A General Discharge is the second best discharge that the Army gives, but it is also “good paper.” An Other Than Honorable Discharge will deprive you of most of the benefits you would receive with an Honorable Discharge and may cause you substantial prejudice in civilian life. Generally, an OTH discharge is only possible under Chapter 14 and before you can be given an OTH, you have the right to have your case heard by an administrative separation board.

Note that with a General discharge you keep most of the VA benefits that you might have accrued thus far. For example, you can still cash in your accrued leave (up to 60 days during your entire military career), however, if this is your first enlistment, you do lose any GI Bill contributions/benefits and any civil service retirement credit (that is, credit toward federal civil service retirement for your active duty military time) to which you would otherwise be entitled. The biggest problem with a General discharge is that it is the second best type of discharge and not the best. As such, a future employer may inquire as to why you got the second best instead of the best. Because it is under honorable conditions and is still considered good paper, most employers probably will not press the issue.

The Separation Authority (your Battalion/Brigade Commander or the Commanding General, depending on your type of chapter) decides whether or not you should be separated and, if so, what type of discharge you should get. There are three ways you can have input into those decisions:

a. If you have less than six years of active and reserve military service, and you are not being considered for an OTH discharge, the only way you can fight this action (or at least have some input into what sort of discharge you receive) is to submit statements in your own behalf. These statements can be your own, from people with or for whom you work. They should talk about your duty performance, potential, and ability for retention, as well as any significant past contributions you have made. They can ask that you either be retained in the service or given an Honorable discharge. These

statements should be submitted to your Commander, who in turn will forward them to the Separation Authority to aid him in his decision.

b. If you have six years or more of active and reserve military service, or you are being considered for an OTH discharge, you have these two additional options:

(1) You have the right to have your case heard before an Administrative Separation Board (Chapter Board). This Board would normally consist of three people: two officers and one senior enlisted soldier. The Board's job is to decide whether you should be separated, and if so, with what type of discharge. The Board then makes a recommendation to the Separation Authority. The Separation Authority makes the final decision, but cannot do anything less favorable to you than the Board recommended (i.e. If the Board recommends you receive a General discharge, the Separation Authority cannot issue you an OTH discharge). At the Board you have certain rights. You have the right to be represented by a detailed military lawyer. You could also hire a civilian lawyer at no cost to the Government. If you are a minority member you could request that a minority member be part of your Board. Also, if you are a female, you can request a female member on the board. You could make a statement to the Board, or choose to remain silent.

(2) You also have the right to submit a Conditional Waiver. A Conditional Waiver is a document you send to the Separation Authority telling him/her that you will agree to give up your right to a Board hearing if he/she promises to give you a better type of discharge (usually a General discharge). If the Separation Authority agrees, you get that better type of discharge. If he turns down your proposal, you still have the right to a Board.

In any case, you also have the right to consult with a military lawyer to decide what option is best for you. You can always obtain copies of all documents that will be forwarded to the Separation Authority.

If you are discharged, you will not be eligible to reenlist in the United States Army for a period of at least two years. However, if discharged with an Honorable Discharge, the Separation Authority may direct that you serve the rest of your obligated time in a Reserve status. If discharged with a General discharge (Under Honorable Conditions), once out of the service you may petition the Army Discharge Review Board and the Army Board for Correction of Military Records to upgrade your discharge. An upgrade is neither guaranteed nor automatic. A memorandum on the procedures to try to upgrade your discharge is available at the Trial Defense Service office or may be accessed online at <http://arba.army.pentagon.mil>.

If you wish, you may meet with a TDS attorney who will answer questions that you may have about your rights. The attorney will also thoroughly review your discharge packet to ensure that the Commander has satisfied all of the regulatory obligations. You and the attorney will then fill out a form indicating what options you wish to exercise in this matter.