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CHANGE
No. 20

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 14 January 1975

PERSONNEL SEPARATIONS
OFFICER PERSONNEL

Effective in accordance with dates specified in DA messages superseded below.

This change rescinds provisions for early release to accept teaching positions and release because of parenthood. It incorporates changes in policy pertaining to release because of pregnancy. Provisions have been added to establish standards for use in determining character of service for officers being processed for separation. Section XVII, Chapter 3, has been changed to require the release from active duty of a reserve commissioned officer in the grade of second lieutenant or warrant officer, W-1, who fails to be selected for temporary promotion.

AR 635-100, 13 February 1969, is changed as follows:

1. Material changed is indicated by a star.
2. Remove old pages and insert revised pages as indicated below:

| <i>Remove pages</i> | <i>Insert pages</i> |
|---------------------|---------------------|
| i through iv | 1 through iv |
| 1-1 through 1-1e | 1-1 through 1-3 |
| 3-21 and 3-22 | 3-21 and 3-22 |
| 3-25 through 3-30 | 3-25 through 3-29 |
| 5-1 through 5-4 | 5-1 through 5-4 |
| 5-9 and 5-10 | 5-9 and 5-10 |
| 5-13 and 5-14 | 5-13 and 5-14 |

3. File this change sheet in front of the publication for reference purposes.

The proponent agency of this regulation is the US Army Military Personnel Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA IDAPC-PAS), 200 Stevall St., Alexandria, VA 22332.

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*This change supersedes Paragraph 3, DA (DAPE-MPE) message 0220452 Mar 73, Subject: Early Release Policies; DA (DAPC-PAS-S) message 1019002 Apr 74, Subject: Interim Change to AR 635-100 and AR 635-120; DA (DAPC-PAS-S) Pinpoint messages 061545Z Aug 74 and 051645Z Sep 74, Subject: Interim Change to AR 635-100; Paragraph 5-11h, DA (DAPC-PAS-S) message 2720002 Sept 74, Subject: Interim Change to AR 635-100.

CHAPTER 1

GENERAL PROVISIONS

1-1. Purpose. This regulation provides the authority for the separation of commissioned and warrant officers from the active Army.

1-2. Scope. This regulation is applicable to all Regular Army officer personnel and Reserve component officer personnel on active duty or active duty for training. Unless otherwise specifically provided, the provisions of this regulation are binding upon field commanders but not upon Headquarters, Department of the Army.

13. Explanation of terms. For the purpose of this regulation the following terms will apply:

a. Active duty for training. Full-time duty in the active military service of the United States for training purposes.

b. Active Federal service. Full-time duty in the active military service of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned (Title 10, USC, section 101).

c. Army retired lists.

(1) *United States Army Retired List*—consists of the names of all retired commissioned and warrant officers of the Regular Army and is published in the official United States Army Register, Volume III.

(2) *Army of the United States Retired List*—consists of the names of all retired commissioned officers of the Army, other than Regular Army, and the names of all retired Regular Army and other than Regular Army warrant officers advanced to commissioned grades; and is published in the official United States Army Register, Volume III.

d. Boards of inquiry. Boards of officers convened to give fair and impartial hearing to evidence concerning the fitness of an officer who has been required to show cause for retention and make findings and recommendation whether he shall be retained or eliminated.

e. Boards of review. Boards of officers convened to review cases of officers recommended for

elimination by boards of inquiry to determine whether elimination or retention is warranted.

f. Current tour. The tour of duty that commenced on the date officer last entered on active duty, regardless of current service commitment or extensions.

g. Date of retirement. The date the officer's name is placed on the appropriate retired list. For all officers retired under the provisions of chapter 4, the date of retirement is the first day of a month (5 USC 8301) and, with the exception of the provisions of paragraph 4-14a(2), is the day following the date on which the officer is relieved from active duty.

h. Deferred officer. A Regular Army promotion list major, captain, or first lieutenant who has been considered by a selection board and not recommended for permanent promotion.

i. Dual status officer. A commissioned officer of a Reserve component, serving on active duty as such, who holds a Regular Army warrant officer appointment.

j. Elimination. Removal from commissioned or warrant officer status in the Army and removal from the active list of the Regular Army.

k. Home (or "home of record").

(1) For officers ordered to active duty from civilian status, the place recorded as the home of record when ordered to active duty.

(2) For officers discharged from an active duty enlisted status for the convenience of the Government to accept duty as an officer, the place recorded as the home of record at the time he entered the service in an enlisted status in the relevant tour of active duty.

l. Homosexual act. Bodily contact between persons of the same sex, actively undertaken or passively permitted by either or both with the intent of obtaining or giving sexual gratification, or any proposal, solicitation, or attempt to perform such an act.

m. Major commanders for the purpose of chapter 5. Commanders of US Army, Alaska; US Army Forces Southern Command; US Army, Europe; US Army Pacific; Eighth US Army; US Army, Japan; US Army Forces Command;

Section III. MEDICAL PROCESSING

5-8. Medical condition. Members will not be processed under this regulation if, at the time of the conduct which is the basis of the proceedings, they were not so far free from mental defect, disease, or derangement with respect to the conduct in question as to be able to distinguish right from wrong, or entertain the specific intent which may be required by the conduct at issue. and additionally, to adhere to the right. If appropriate, they will be processed through medical channels. Further, members recommended for elimination for substandard performance of duty will be processed through medical channels rather than under this regulation if the conduct upon which their elimination would be based is the product of a physical condition, or mental condition less than insanity, which is deemed to medically incapacitate them for further military duty. A member will not be required to appear before a board of inquiry if, at the time, he does not possess sufficient mental capacity to understand the nature of the proceedings against him, and intelligently conduct or cooperate in his defense. In such circumstances proceedings will be delayed until the member recovers, or he will be processed through medical channels. Should a physical or mental condition develop subsequent to the forwarding of a recommendation that a member be eliminated, or the completion of the proceedings of a board of inquiry, the appropriate commander will immediately notify HQDA (DAPC-PAS-S). When it is considered that the officer's mental condition has contributed to his military inefficiency or unsuitability as specified, the medical evaluation will include a psychiatric study of the individual, when appropriate. When a psychiatric report is included, it will indicate whether the officer was able to distinguish right from wrong and adhere to the right at the time of the conduct under investigation, and whether he currently has the men-

tal capacity to understand board and judicial proceedings and participate in his own defense. If it is determined that the officer is suffering from an incapacitating mental illness, the examiner should indicate whether that illness was probably the cause of the conduct under investigation.

5-9. Medical evaluation when homosexuality is involved. a. If the officer is being considered for separation under paragraph 5-12a(7) or (8), the medical evaluation, including a psychiatric study of the individual, will include the following:

(1) Personal history including, if any, a detailed account of development of homosexuality.

(2) Opinion regarding the existence of homosexuality.

(3) The psychiatrist will further render an opinion whether the individual should be—

(u.) Eliminated from the service under the provisions of this regulation.

(b) Retained in service. If retention in the service is recommended, then, if considered appropriate, statement of the procedures likely to be of value in the individual's rehabilitation may be included.

(4) Psychiatric diagnosis, including an opinion whether the officer was able to distinguish right from wrong and adhere to the right at the time of the conduct under investigation, and whether he currently has the mental capacity to understand board and judicial proceedings and participate in his own defense. If it is determined that the member is suffering from an incapacitating mental illness, the examiner should indicate whether the illness was probably the cause of the homosexual conduct under investigation.

b. A copy of the medical evaluation to include the psychiatric study will be filed with the individual's health record. The medical treatment facility commander will forward the original of this evaluation report to the unit commander.

Section IV. REASONS WHICH AUTHORIZE ELIMINATION

5-10. General. Retention of officers who are substandard in performance of duty or conduct, deficient in character, wanting in professional qualifications or status, or otherwise unsuited for military service cannot be justified in peace or

war. The same standards of efficiency and conduct are applicable to officers regardless of component.

5-11. Substandard performance of duty. While not all-inclusive, existence of one of the following