

\$3.00

# **GETTING OUT**

**A Guide to  
Military Discharges**

800 FYI 95GI  
**The GI Rights Hotline**  
[www.girights.org](http://www.girights.org)

If you are a member of the Army, Air Force, Navy, Marine Corps, or Coast Guard and want out before your enlistment term is up we may be able to help. The following pages describe the different kinds of discharges that exist. Look them over and call or email with any questions you have.

Getting an early discharge isn't easy and the procedures are often complicated. But with help from an experienced counselor you may succeed. Before you try to get any of the discharges described in this booklet, contact the GI Rights Hotline at 800 394-9544 (if you are outside the US call 215 563-4620) or [girights@objector.org](mailto:girights@objector.org). A counselor can discuss the various discharges with you, help you decide if one is good for you, explain procedures, work with you to gather the necessary documents, and support you throughout the process. And in most cases there is no charge.

### **You Are Not Alone**

When trying for a discharge you may find yourself up against some tough obstacles. The military won't let you go easily, unless you've somehow convinced your command that a lot of money and time will be wasted in forcing you to stay in. Working for your freedom and for justice is always a struggle. You will need practical support and someone to help you keep your spirits up. There are many civilian counselors around the country to help you who can be contacted through the GI Rights Hotline.

Remember, above all, that you are not alone. Thousands of military servicemembers have problems similar to yours, and most find a way to resolve them. You will, too.

### **Filing Complaints in the Military**

As you are well aware, civil rights and rights to redress of grievances are limited for members of the military. However, there are steps you can take if you feel you have been wronged by your command, including filing a complaint with the base Inspector General or

Equal Opportunity Office, filing a complaint under Article 138 of the UCMJ, contacting your Member of Congress, and contacting civil rights groups concerned about the welfare of members of the military.

A complaint may be based on: race or sex discrimination, hazing, sexual harassment, sexual assault, religious discrimination, improper medical attention, an unfair transfer, illegal extra duty, denial of leave or transfer, denial of discharge, being forced to obey an illegal order, or your command's failure to process a claim for discharge.

For more information on filing complaints, including what channels to use and what documentation to gather, call or email us.

### Discharge or Separation?

A "discharge" completely cuts off all legal ties a person has to the military. "Separation" is a more general term which includes discharge, release from active duty, transfer to the inactive reserves, and similar changes in active or reserve status. For example, if your application for a discharge for "conscientious objection" is approved, you will be discharged with no possibility of being called for

active duty. However, if you were given an early release for a hardship in your family or for pregnancy, you would be "separated," but not necessarily discharged. Many separations result in a transfer to the inactive reserves (the Individual Ready Reserve) for the rest of your enlistment and you are still eligible for call-up in a mobilization.

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#### Right to Literature

You have the right to possess a single copy of this booklet, or any other piece of literature. However, if you have in your possession more than one copy of any literature the command does not approve of you can face disciplinary action for intent to distribute prohibited literature.

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### **An Honorable Discharge?**

This booklet does not discuss the Bad Conduct Discharge (BCD) or Dishonorable Discharge (DD), which are “punitive” discharges resulting only from a special or general court-martial. Instead, this booklet deals with “administrative” separations.

The “character” of your separation is the description that appears on your discharge or separation papers. It may be Honorable, General (Under Honorable Conditions), Under Other Than Honorable Conditions (OTH), or an Entry Level Separation (ELS). “Characterization” is different from the “reason” for discharge, which will also appear on your discharge papers. Reasons for discharge are discussed in the next section.

You will get an Honorable discharge if you have met the standards of conduct and performance. Always request an Honorable discharge when you are trying for any of these separations.

You may receive a General discharge if your military service has been good, but you have some stains on your record, like a few Article 15s or some bad performance evaluations.

A pattern of bad behavior can result in an Other Than Honorable discharge. But before this can happen, you have a right to a hearing with an Administrative Board. Talk to a counselor or attorney about this.

You will receive an Entry Level Separation if separation processing is begun while you’re still in “entry level status” (generally, the first six months of active duty). This uncharacterized separation is neither honorable nor less than honorable because you have not been in the military long enough to develop a record. With an Entry Level Separation, you are not entitled to the usual veterans benefits.

With either an Honorable or General separation, you will be entitled to veterans benefits. But an OTH may result in a loss of benefits. It may also cause problems in getting a job if a civilian employer asks to see your discharge papers and is prejudiced by a bad discharge. If you have heard a rumor that your discharge will be automatically “upgraded” to honorable six months after discharge—don’t believe it! It’s not true. Upgrading a discharge is a complicated

process and not always successful. Sometimes, in pursuing a discharge, you will have to choose: How much do you want the discharge, although it could hurt your record or cost you your benefits? Would you rather remain in the military and hope your discharge will be honorable?

It's a difficult decision. A counselor can help you think it through.

### Viewing Regulations

All discharges are based on regulations. Reading the discharge regulation for your Service may give you more specific information about a particular discharge than this guide can provide. To find the regulation you need, use the references we provide with the discharge summaries below.

You can try to view discharge regulations at your base. If you have access to the World Wide Web, most military regulations are now accessible there. For the latest links, check out our web page at <[www.girights.org](http://www.girights.org)>.

All DoD Directives and Instructions are available at <[web7.whs.osd.mil/corres.htm](http://web7.whs.osd.mil/corres.htm)>. An increasing number of Directives and Instructions are available in Adobe Acrobat's PDF format. The files can be read with Acrobat Reader, which can be downloaded for free from <[www.adobe.com](http://www.adobe.com)>.

Army regulations are available at <[www.usapa.army.mil](http://www.usapa.army.mil)>.

The main Navy discharge regulation, MILPERSMAN, is not yet available on the web. Try viewing your unit's CD ROM copy.

Marine publications available for public distributions can be viewed at <[www.usmc.mil/directiv.nsf/web+orders](http://www.usmc.mil/directiv.nsf/web+orders)>.

All Air Force publications are available in Acrobat Reader PDF format at <[afpubs.hq.af.mil/](http://afpubs.hq.af.mil/)>.

## The Discharges

### Entry Level Performance and Conduct

If you are in entry level status and cannot—or will not—adjust socially or emotionally to military life or cannot meet the minimum standards of your training program, you may be eligible for separation. Entry level status is the first 180 days of active duty (reservists who have recently completed training can call the GI Rights Hotline for information on entry level status for reservists.)

While there is no official way to apply for this separation, you can bring your problems to your commanding officer's attention, in the hope that your commander will consider your separation to be in the best interest of the military. But you'll need to act fast. In order to get this discharge, your commanding officer must start the discharge process while you are still in entry level status.

Ask for a meeting with your commanding officer. Discuss your problems and present any poor test results or evaluations. If possible, see a civilian psychologist, psychiatrist, or counselor who can report that military life is causing you anxiety and other troubles which affect your attitude and performance. Clergy members, even a friendly chaplain or medical officer, can write letters on your behalf. All of these will help to convince your command that the military should not spend one more dime to pay or train you.

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#### Entry Level Performance Regulations

DoD Directive 1332.14 Part 1 §F., Enlisted Administrative Separations [December 21, 1993]

AR 635-200 Chapter 11, Personnel Separations; Enlisted Personnel [October 17, 1990]

MILPERSMAN (NAVPERS 15560 C)

§3630200., Naval Military Personnel Manual [Through Change 15, February 28, 1997]

MARCORSEPMAN (MCO P1900.16 E) §6205. and §6311., Marine Corps Separation and Retirement Manual [August 18, 1995]

AFI 36-3208 §5.22., Administrative Separation of Airmen [October 14, 1994]

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## Conscientious Objection

A conscientious objector (CO) is a person who believes that it is wrong to kill another human being in war. The military defines conscientious objection as a “firm, fixed and sincere objection to war in any form or the bearing of arms” because of deeply-held moral, ethical, or religious beliefs. A lot of people in the military believe it’s too late to be a CO now that they have enlisted, but the fact is many people realize they are opposed to participation in war after joining the military, and they are discharged as COs.

What do you think about war? Do you think it is morally wrong? Why? Are there any situations in which you would be willing to fight in a war?

As a conscientious objector, you must be opposed to participation in any war. How did you come to feel this way about war? Were you influenced by the Bible or other religious teachings? Were you deeply affected by an experience of injustice, such as racism, sexism, or other forms of violence? Have you taken classes, seen movies, read books, or listened to music that made you think differently about war? Have you seen things in your military experience that cause you to question your role in the military “mission”? Each conscientious objector has his or her own reasons for holding these beliefs. You don’t have to consider yourself religious. A moral objection to war qualifies under the law.

The military recognizes two kinds of conscientious objectors: Class 1-O and Class 1-A-O. A “Class 1-O” objects to any kind of participation in the military, and is discharged. A “Class 1-A-O” does not want to bear arms or train in the use of weapons or participate in combat, but is willing to remain in the military as a “noncombatant.” If recognized as a 1-A-O conscientious objector, one is as-

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### Other Resources

Advice for Conscientious Objectors in the Armed Forces is available from CCCO at (888) 236-2226.

Words of Conscience: Religious Statements on Conscientious Objection. Published by the National Interreligious Service Board for Conscientious Objectors, 1830 Connecticut Ave. NW, Washington, DC 20009, (202) 483-2220, <nisbco@igc.org>.

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signed to noncombatant duties (clerical, medical, etc.) and cannot be ordered to bear arms or train with weapons. However, the military classifies many jobs as noncombatant even though they would not keep you from being deployed into a combat zone.

Applying for CO status can be a long and difficult process. To get a discharge or reassignment as a conscientious objector, you must submit a written application to your commanding officer. In this application you must describe

- the nature of your beliefs about participation in war;
- how your beliefs changed or developed since you entered the military;
- when and why you felt you could no longer continue serving in the military because of your beliefs; and
- how your daily lifestyle has changed as a result of your beliefs.
- further information required in the application.

Be sure to include with your application letters of support from friends, family, teachers, a clergy member, employer, counselor—anyone who can state that you are a sincere, honest person, or who knows the changes in beliefs and struggles of conscience you have been going through. Three or four strong support letters are good enough.

After handing in your application, you will have three interviews: with a psychiatrist, a military chaplain, and an investigating officer. At the investigating officer's hearing you have a right to be represented by counsel—this can be a lawyer or a counselor. You may also bring witnesses—friends, family, a clergy member,

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#### **Conscientious Objection Regulations**

DoD Directive 1300.6, Conscientious Objectors [August 20, 1971]  
 AR 600-43, Personnel-General; Conscientious Objection [September 1, 1983]  
 MILPERSMAN (NAVPERS 15560 C) §3620250., Naval Military Personnel Manual [Through Change 15, February 28, 1997]  
 MCO 1306.16 E, Conscientious Objectors [November 21, 1986]  
 AFI 36-3204, Procedures for Applying as a Conscientious Objector [July 20, 1994]  
 COMDTINST 1900.8, Conscientious Objectors and the Requirement to Bear Arms [November 30, 1990]

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or fellow military service members who can speak in support of you and your claim. The investigating officer will recommend to your commanding officer whether or not you should receive conscientious objector status.

At the back of this booklet is a list of regulations. Find the number of the regulation on conscientious objection for your branch of the military and request a copy of it from your command or base legal office. You have an absolute right to get this regulation and to file an application. The military cannot legally punish you for filing as a conscientious objector. The regulation tells you what information you must give in your application. But if at all possible, call the GI Rights Hotline for a copy of CCCO's book, *Advice for Conscientious Objectors in the Armed Forces*. It can help you think through all of the things you will be asked to write about in your application and talk about in the interviews. This book also explains in detail all of the procedures involved in getting a discharge or reassignment as a conscientious objector.

### Homosexual Conduct (Don't Ask, Don't Tell)

The military's 1993 revision of its policy on homosexuality and military service has been subject to varying interpretations by commands, widespread abuses and has been challenged in various courts.

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#### Other Resources

Survival Guide, published by the Servicemembers Legal Defense Network (SLDN), PO Box 53013, Washington, DC 20009, (202) 328-3244, <[www.sldn.org](http://www.sldn.org)>. SLDN also issues annual reports on Don't Ask, Don't Tell.

Everything You Didn't Want to Know about the Military's "New" Policy on Lesbians and Gays, published by the Military Law Task Force of the National Lawyers Guild, 1168 Union Street, Suite 200, San Diego, CA 92101, (619) 233-1701.

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If you are being investigated or are planning to come out to the military, contact a counselor at the GI Rights Hotline immediately. If you are questioned by military authorities say nothing and sign nothing until you have received legal help.

A member of the armed forces may be discharged if found to have

engaged in or attempted to engage in a homosexual act; stated that she or he is homosexual (unless the servicemember successfully argues that they will not engage in homosexual acts); or married someone of the same sex (unless the marriage occurred in order to avoid or be released from military duty).

If you are gay, lesbian, or bisexual and want an Honorable discharge, get help from a counselor or attorney. The following suggestions will help you get the discharge you seek, while protecting you from prosecution under military law:

- Write a letter saying that you desire to engage in homosexual acts;
- Do not say or acknowledge having engaged in homosexual acts;
- Do not name names; and
- Do not admit to a history of homosexual conduct.

Applying for a homosexual discharge forces you to come out to family members, friends or coworkers who did not know of your sexual orientation. Because federal law allows certain types of discrimination against gays, lesbians and bisexuals, this type of discharge might affect your ability to get certain jobs or housing.

If your command harasses you, get help from your counselor or attorney and file a complaint under Article 138 of the Uniform Code of Military Justice. Actions taken to punish you could involve a compulsory urinalysis for suspected drug use, investigations of

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#### **Homosexual Conduct Regulations**

DoD Directive 1332.14 Part 1 §H. and Definitions, Enlisted Administrative Separations [December 21, 1993]

DoD Directive 1332.30 Enclosure: "Reasons for Separation" §C., Separation of Regular Commissioned Officers [December 21, 1993, through Change 1, March 4, 1994]

DoD Instruction 5505.8, Investigations of Sexual Misconduct by the Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations [February 28, 1994]

AR 635-200 §15., Personnel Separations; Enlisted Personnel [October 17, 1990]

MILPERSMAN (NAVPERS 15560 C) §3630400., Naval Military Personnel Manual [Through Change 15, February 28, 1997]

MARCORSEPMAN (MCO P1900.16 E) §6207., Marine Corps Separation and Retirement Manual [August 18, 1995]

AFI 36-3208 §5.35., Administrative Separation of Airmen [October 14, 1994]

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your private life, and more. Even if you don't experience harassment, a lawyer or counselor can help you protect yourself physically and legally and make sure you don't end up with a bad discharge.

### Hardship or Dependency

You may request a separation if your family or dependents are suffering severe financial, physical, or psychological problems. A few examples are: death of or divorce from your spouse, leaving you the sole parent of a child; disability or death of a parent, leaving others dependent on you for support; or, a long-term physical or mental illness of your spouse which requires your presence at home. There are many other possibilities.

To get this separation you must show that the hardship or dependency is not temporary and has become worse since you entered the military. You must also show that you have tried all possible alternatives to discharge but these attempts have failed and only a discharge can solve the problem.

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#### Hardship Regulations

DoD Directive 1332.14 Part 1 §C., Enlisted Administrative Separations [December 21, 1993]

AR 614-200 Chapter 3, Assignments, Details, and Transfers; Selection of Enlisted Soldiers for Training and Assignment [October 17, 1990]

AR 635-200 Chapters 1 and 6, Personnel Separations; Enlisted Personnel [October 17, 1990]

MILPERSMAN (NAVPERS 15560 C) §3620210., Naval Military Personnel Manual [Through Change 15, February 28, 1997]

MARCORSEPMAN (MCO P1900.16 E) §6407., Marine Corps Separation and Retirement Manual [August 18, 1995]

AFI 36-3208 §3.20., Administrative Separation of Airmen [October 14, 1994]

COMDTINST M1000.6 A §12-D-3., Personnel Manual [January 8, 1988]

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A "dependent" must be a member of your immediate family and may be your spouse, child, parent, stepparent, sister, brother, or anyone under your legal custody who depends on you for primary financial support.

One way to begin the process for a hardship separation is to request emergency leave or, if you are already on leave, a leave extension. This lets you go home to help the situation temporarily and gives you time to gather

documentation to support your case. Meanwhile, you or your dependents should contact the nearest American Red Cross to have them verify for your command that you do indeed have a hardship or dependency situation.

You should also contact your Congress member, who has an aide who works specifically on military cases. This aide should be able to assist you if you have trouble getting your command to do something about your request for separation, and can give you other kinds of help. If your command knows that your Congress member is aware of your hardship, they may take you more seriously.

To apply, write a letter requesting a discharge. Describe in full detail the problem and how a discharge will solve it. Say what alternatives to discharge you've tried—for instance, disability assets you have access to. Another alternative might be a special military allotment providing you with a supplement to your regular pay. Show how you were either unable to receive it or how it is still not enough to support your dependents. You will also need to show that there is no one—neither a close relative nor a friend—who could step in and provide the needed support in your place.

Gather letters of support from people who can say that they know you and your family well and know you need a discharge to deal with the problem. Friends, neighbors, clergy members, doctors, social workers, relatives and counselors can all provide such letters. Especially important in financial hardship cases is a letter from a civilian employer stating that you've been offered a job that pays more than you earn in the military.

You will need notarized statements from your dependent(s), reports from physicians or psychiatrists, and copies of any necessary documents (like a death certificate or proof of child custody). If your family is in financial trouble, you will need to make out a budget showing this.

Be sure to make and keep copies of everything. When you are ready, submit your application to the commanding officer of the base nearest to your home and ask to be attached to that base for processing. If your request is denied, contact your Congress member, whose request on your behalf may improve your chances of reassignment.

If your application is approved, you may receive a complete discharge. Or you may be separated from active duty and transferred to the inactive reserves. If your command decides you do have a hardship, but could probably solve the problem without separation, you may receive a “compassionate reassignment” or “temporary duty” closer to home.

### Disability

If you have a physical problem which prevents you from performing your military duties, you may qualify for a disability discharge. DoD Directive 1332.18 provides the medical standards for all the armed forces. If your condition is listed in these regulations, you may be

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#### Disability Regulations

DoD Directive 1332.18, Separation or Retirement for Physical Disability [November 4, 1996]  
 DoD Instruction 1332.38, Physical Disability Evaluation [November 14, 1996]  
 DoD Instruction 1332.39, Application of the Veterans Administration Schedule for Rating Disabilities [November 14, 1996]  
 DoD Directive 6130.3, Physical Standards for Enlistment, Appointment, and Induction [May 2, 1994]  
 AR 40-501, Standards of Medical Fitness [September 30, 1995]  
 AR 635-40, Personnel-Separations; Physical Evaluation for Retention, Retirement, or Separation [September 15, 1990]  
 MANMED (NAVMED P-117) Chapter 15, US Navy Manual of the Medical Department [Through Change 112, February 21, 1996]  
 SECNAVINST 1850.4 C, Department of the Navy Disability Evaluation [March 8, 1990]  
 The Navy medical system handles Marine Corps cases.  
 AFI 36-3212, Physical Evaluation for Retention, Retirement, and Separation [June 14, 1994]  
 AFI 48-123, Medical Examination and Standards [November 15, 1994]

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“unfit for further military service,” or you may have been ineligible to enlist in the first place. You can’t formally request this discharge, but you, your counselor, your civilian doctor, or a medical officer can tell the command about your health condition so the discharge process can begin. Even if your condition is not listed in the regulations, you may still be able to make a good case for discharge if you can show that continued duty will make the condition worse or that discharge would be in the best interest of the military.

First, try to see a civilian doctor who can write a report and supply important medical records to support your claim. Take the civilian doctor's report with you to the military medical facilities to encourage them to give you a proper diagnosis. As soon as possible, visit the medical facilities on your base. You will need a medical officer to recommend your discharge. If the medical people won't cooperate, make repeated visits to sick call until they pay attention to you. If the military doctor won't convene a medical board to deal with your case, go to another doctor. The medical board decides whether or not you should be discharged or reassigned.

If your disability existed before you enlisted, you may be able to get a discharge for "erroneous enlistment," discussed below.

If your discharge is denied, you can appeal. The boards for appeal and review of your disability will also decide whether you qualify for disability benefits.

### Other Designated Physical and Mental Conditions (ODPMC)

The military may discharge you if you have a physical or mental condition that is not considered a disability but could still interfere with your duty performance. Each branch of the armed forces considers different conditions as discharge possibilities. Some examples are: seasickness, bedwetting, airsickness, sleep walking, certain allergies, severe nightmares, severe stuttering, obesity, excessive height, and personality disorders.

If you are feeling depressed or helpless, or out of control, if you can't sleep or can't cope with work or people, if you

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#### ODPMC Regulations

DoD Directive 1332.14 Part 1 §C. and §Q., Enlisted Administrative Separations [December 21, 1993]  
 AR 635-200 Chapter 5, Personnel Separations; Enlisted Personnel [October 17, 1990]  
 MILPERSMAN (NAVPERS 15560 C) §3620225. and §3620200., Naval Military Personnel Manual [Through Change 15, February 28, 1997]  
 MARCORSEPMAN (MCO P1900.16 E) §6203., Marine Corps Separation and Retirement Manual [August 18, 1995]  
 AFI 36-3208 §5.11., Administrative Separation of Airmen [October 14, 1994]

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think about suicide sometimes, you may have a “personality disorder” that could be grounds for discharge.

As with the discharge for disability, you can’t officially apply for this discharge, but you or your counselor can bring your condition to your commander’s attention. Get a good, strong report from a physician or psychiatrist—civilian, if possible—who has seen you and is willing to write that your condition makes you unable to function in the military. Supporting letters from relatives, clergy members, psychiatric counselors or social workers, and friends in and out of the military can be of great help.

When you approach your commanding officer, explain your problems, feelings, and symptoms, submit your medical reports and letters, and ask for help. Your commander will probably start the discharge process by setting up an interview for you with a military psychiatrist. If not, you may need to approach the command again with more supporting documents or a direct request for discharge. If the commander will not cooperate, ask to see someone in the next higher level of command, or indicate that you will file a complaint under Article 138 of the UCMJ. You might also contact your Congress member, who can make an inquiry on your behalf.

### **Pregnancy and Childbirth**

A woman may request separation because of pregnancy or childbirth. To do so, write your commanding officer a letter requesting an honorable discharge and describing how your pregnancy or childbirth makes it important that you be discharged. You may also need a military physician’s certification of your pregnancy.

If your request is approved you will either be discharged or separated from active duty and transferred to the Individual Ready Reserve.

## Parenthood

If you are a single parent, you might have trouble performing your duties effectively, be absent frequently, or be unavailable for world-wide assignment. This might hurt military “readiness,” and you can be separated if parenthood interferes with your work and availability. If this is true for you, discuss the problem with your commanding officer. Don’t make a case for how your parenthood has already kept you from doing your duties, because that may lead to a less than honorable discharge. But discuss how much of a problem your parenthood may be in the future and how separation would be in the interest of the military as well as yourself.

## Surviving Son or Daughter

Many people think that they could be eligible for discharge because they are the only son or daughter in their family. There is no such provision for discharge.

There is a discharge for a member of the military whose father, mother, sister, or brother was a member of the US military and, after the member enlisted, was either:

- killed in action;
- died in the line of duty as a result of wounds, accidents, or disease;
- was captured or determined to be missing in action;
- or
- is permanently 100% disabled.

Even for the very few people who qualify, discharge is unlikely unless you act quickly after the

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### Surviving Son or Daughter Regulations

DoD Directive 1315.15, Special Separation Policies for Survivorship [September 26, 1988]  
 AR 635-200 §5-4., Personnel Separations; Enlisted Personnel [October 17, 1990]  
 MILPERSMAN (NAVPERS 15560 C) §3620240., Naval Military Personnel Manual [Through Change 15, February 28, 1997]  
 MARCORSEPMAN (MCO P1900.16 E) §6410., Marine Corps Separation and Retirement Manual [August 18, 1995]  
 AFI 36-3208 §3.12., Administrative Separation of Airmen [October 14, 1994]

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death, capture, etc. of your family member. If you think you qualify, call the GI Rights Hotline to be sure.

### Erroneous and Defective Enlistment

Recruiters are often so eager to fill their quotas that they will enlist people who are not actually eligible for enlistment. You may be entitled to a discharge for “erroneous enlistment” if you can show that you were not fully qualified for enlistment, that you yourself did not lie in order to enlist, and that you are still unqualified. You must show that your enlistment would never have occurred if the facts had been known or if recruiting personnel had followed regulations. Some examples of this are: you did not meet the medical standards; your

test scores were not high enough but the recruiters changed them to get you in; or you were sworn in by a noncommissioned officer rather than a commissioned officer.

There is another discharge for “defective enlistment agreements.” Suppose you enlisted only because your recruiter promised you a specific kind of training or job assignment—but the military could not or would not give you what the recruiter promised. If you enlisted as a result of such a “material misinterpretation” by a recruiter, you may request a discharge; but you

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#### Erroneous, Defective and Under-age Regulations

DoD Directive 1332.14 Part 1 §E., Enlisted Administrative Separations [December 21, 1993]

DoD Directive 6130.3 §B., Physical Standards for Appointment, Enlistment, and Induction [May 2, 1994]

AR 635-200 Chapter 7, Personnel Separations; Enlisted Personnel [October 17, 1990]

MILPERSMAN (NAVPERS 15560 C) §3620280., §3620283., §3620285., Naval Military Personnel Manual [Through Change 15, February 28, 1997]

SECNAV 1850.4 C §2055., Department of the Navy Disability Evaluation [March 8, 1990]

MARCORSEPMAN (MCO P1900.16 E) §6204., Marine Corps Separation and Retirement Manual [August 18, 1995]

AFI 36-3208 §3.11., §5.14., §5.15., Administrative Separation of Airmen [October 14, 1994]

AFI 48-123 §7.2., Medical Examination and Standards [November 15, 1994]

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must do so within 30 days after you have discovered the defect.

Compile as much evidence as you can: a copy of your enlistment document (especially useful if the recruiter's promise appears on the document); notarized statements from family or friends who were "witnesses" at your enlistment or can testify that you would never have enlisted if it were not for the recruiter's promise; medical records to confirm a medical condition; school records to help contradict strangely high military test scores; and a statement from recruits, friends, or counselors who have had similar problems with your recruiter.

But be sure that the erroneous or defective enlistment did not occur because you knowingly concealed or gave false information. If so, you run the risk of being charged with "fraudulent enlistment" and getting a bad discharge or other punishment.

Gather all of your evidence and submit it to your commanding officer with a letter requesting an honorable discharge for erroneous or defective enlistment. Unfortunately, such discharges are difficult to obtain due to strict time limitations for claims and the fact that qualifications for enlistment and recruiting promises can be "waived" rather than resulting in discharge. If you believe you have a strong case, but the command is uncooperative, get help from your Congress member.

### **Under-age**

It is illegal to enlist if you are under age 17. But if the recruiter took you anyway, simply provide proof of your age, and your enlistment should be automatically voided. Proof of age can include a birth certificate, a certified copy of your earliest school records, or a notarized statement from the doctor or midwife who assisted your birth.

To enlist people between ages 17 and 18, a recruiter must get written consent from your parents or legal guardian. If you are still 17 and you want a discharge, your parent(s) or legal guardian must request your discharge within 90 days of your enlistment. They should state either that they never gave their written consent (if that is the case) or that they have changed their minds and wish to withdraw

their consent. If more than 90 days have passed since your enlistment, you may still be able to get a discharge if you can show that you protested your enlistment early on, but were told by military superiors that a discharge would be impossible; that your parents did not know you enlisted; or, that your parents did not know an early discharge was possible for you.

### Unsatisfactory Performance

You may be talented and intelligent, but just not cut out for military life. Is it unlikely that you'll make it through any further training? Have you no potential for military advancement or leadership? Do your evaluations show that you can't keep up to the "standards" of your military job? Are you financially "irresponsible"? Unsanitary? If you answer "yes" to any of these, you may qualify for separation. But by bringing your unsatisfactory performance to your commander's attention, you risk a discharge for misconduct, which may be less than honorable and can result in a loss of veterans benefits. However, if you make it clear that your attitude and performance are not intentional or your fault, you might be able to get an Honorable discharge. If you are in entry level status, you will receive an Entry Level Performance and Conduct discharge.

Your military service record may provide much of the documentation you need for this separation, especially if it contains low evaluations, poor aptitude and test scores, and records of counseling or unsuccessful attempts at rehabilitation. Help your case along by getting an examination with civilian or military psychiatrists who can report on your problems with work and life in the military. Give

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#### Unsatisfactory Performance Regulations

DoD Directive 1332.14 Part 1 §G., Enlisted Administrative Separations [December 21, 1993]  
 AR 635-200 §13-2., Personnel Separations; Enlisted Personnel [October 17, 1990]  
 MILPERSMAN (NAVPERS 15560 C) §3630300., Naval Military Personnel Manual [Through Change 15, February 28, 1997]  
 MARCORSEPMAN (MCO P1900.16 E) §6206., Marine Corps Separation and Retirement Manual [August 18, 1995]  
 AFI 36-3208 §5.26., Administrative Separation of Airmen [October 14, 1994]

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your command any such reports, and ask sympathetic clergy members, medical officers, or other professionals to submit letters explaining how a discharge would be best for both you and the military. Once your command has all of this material, request a meeting to discuss it. If your commander refuses to deal with it, consider going to the next level of command or getting help from your Congress member.

### Misconduct

A misconduct discharge can result from a pattern of minor disciplinary infractions, a serious military offense, or a conviction by civilian authorities. Common misconduct offenses include drug use and unauthorized absence. If you're thinking of trying to get out for misconduct, you're taking a big risk. Most offenses resulting in a misconduct discharge are also punishable by court-martial, and you could wind up in prison with a bad conduct or dishonorable discharge.

If your command wants to give you a misconduct discharge, the commander must first try to "rehabilitate" you—give you another chance. If the command still decides, against your will, that you should be discharged, you can challenge it.

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### Misconduct Regulations

DoD Directive 1332.14 Part 1 §K., Enlisted Administrative Separations [December 21, 1993]  
 DoD Directive 1010.1, Military Personnel Drug Abuse Testing Program [December 9, 1994]  
 DoD Instruction 1010.16, Technical Procedures for the Military Personnel Drug Abuse Testing Program [December 9, 1994]  
 AR 635-200 Chapter 14, Personnel Separations; Enlisted Personnel [October 17, 1990]  
 AR 600-85, Personnel-General; Alcohol And Drug Abuse Prevention And Control Program [October 21, 1988]  
 MILPERSMAN (NAVPERS 15560 C) §3630600., §3630605., §3630610., §3630615., and §3630620., Naval Military Personnel Manual [Through Change 15, February 28, 1997]  
 OPNAVINST 5350.4 B, Alcohol and Drug Abuse Prevention and Control [September 13, 1990]  
 SECNAVINST 5300.28 B, Military Alcohol and Drug Abuse Prevention and Control [July 11, 1990 through Change 1]  
 MARCORSEPMAN (MCO P1900.16 E) §6210., Marine Corps Separation and Retirement Manual [August 18, 1995]  
 AFI 36-3208 §5.46., Administrative Separation of Airmen [October 14, 1994]  
 AFI 36-2701, Social Actions [August 15, 1994]

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You have the right to a lawyer and to an Administrative Board hearing where you can explain your behavior or defend yourself against unfair accusations. The hearing officers and NCOs will decide if you should be discharged, and what character of discharge (Honorable, General, or OTH) to recommend. Misconduct discharges are usually Under Other Than Honorable conditions.

### Discharge In Lieu of Court-Martial (“For the Good of the Service”)

If you have been charged with an offense for which you could be given a court-martial (like AWOL or UA), you may request an administrative discharge instead of (“in lieu”) of court-martial. This discharge will most likely be Other Than Honorable, which means you will probably lose your veterans benefits and may have problems getting a civilian job. But these, or worse situations, could also result from a court-martial. Although you will get a military lawyer, try to talk with a civilian attorney and find out how good your chances are at winning the court-martial.

A request for “separation in lieu of court-martial” does not always result in discharge, and you may have to admit your guilt when you make the request. If your request is turned down, your command could possibly use that admission of guilt against you, so it’s risky. But so are the ordeals of court-martial, possible imprisonment, and a bad conduct or dishonorable discharge.

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#### Discharge in Lieu Regulations

DoD Directive 1332.14 Part 1 §L., Enlisted Administrative Separations [December 21, 1993]  
 AR 635-200 Chapter 10, Personnel Separations; Enlisted Personnel [October 17, 1990]  
 MILPERSMAN (NAVPERS 15560 C) §3630650., Naval Military Personnel Manual [Through Change 15, February 28, 1997]  
 MARCORSEPMAN (MCO P1900.16 E) §6419., Marine Corps Separation and Retirement Manual [August 18, 1995]  
 AFI 36-3208 §4.1., Administrative Separation of Airmen [October 14, 1994]  
 COMDTINST M1000.6 §12-B-21., Personnel Manual [May 18, 1994]

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# Who We Are

## The Central Committee for Conscientious Objectors

The publisher of this pamphlet, the Central Committee for Conscientious Objectors (CCCO), supports and promotes individual and collective resistance to war and preparations for war. We seek to provide full and accurate information about military life and war to individuals affected by military service, conscription, and recruitment. Since our founding in 1948, CCCO's counselor network has helped tens of thousands of people serving in the military or facing conscription. Most of CCCO's income is from individual contributions; all donations are fully tax-deductible.

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## The GI Rights Hotline

The GI Rights Hotline is answered by the GI Rights Network, a coalition of nonprofit, non-governmental counseling agencies who provide information to members of the military about discharges, grievance and complaint procedures, and other civil rights. A trained counselor can be reached at (800) FYI-95GI (or (800) 394-9544). Outside the United States, call (215) 563-4620 or email [girights@objector.org](mailto:girights@objector.org).

The members of the network include:

The Central Committee for Conscientious Objectors, Oakland, CA and Philadelphia, PA

National Interreligious Service Board for Conscientious Objectors/Center on Conscience and War, Washington, DC

Quaker House, Fayetteville, NC

Seattle Draft and Military Counseling Center, Seattle, WA

War Resisters League, New York, NY