



Department of Defense INSTRUCTION

NUMBER 1332.30
November 25, 2013

USD(P&R)

SUBJECT: Separation of Regular and Reserve Commissioned Officers

References: See Enclosure 1

1. **PURPOSE.** This instruction:

- a. Reissues DoD Instruction (DoDI) 1332.30 (Reference (a)) in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (b)).
- b. Establishes DoD policy, assigns responsibilities, and provides procedures governing separation of regular and reserve commissioned officers.
- c. Implements sections 572(a)(2) and 578 of Public Law 112-239 (Reference (c)).

2. **APPLICABILITY.** This instruction:

- a. Applies to OSD, the Military Departments, and commissioned officers on the Active Duty List (ADL) and the Reserve Active Status List (RASL) of the DoD Military Services.
- b. Does not apply to commissioned warrant officers and retired commissioned officers of the Military Services.

3. **POLICY.** It is DoD policy:

- a. To promote the readiness of the Military Services by maintaining high standards of conduct and performance. An individual is permitted to serve as a commissioned officer in a Military Service because of the special trust and confidence the President of the United States has placed in his or her patriotism, valor, fidelity, and competence. Commissioned officers are expected to display responsibility commensurate to that special trust and confidence, and to act with the highest integrity at all times.
- b. To judge the suitability of persons for military service based on their conduct and their ability to meet required standards of duty, performance, and discipline.
- c. To separate from military service those commissioned officers who will not or cannot:

(1) Meet rigorous and necessary standards of duty, performance, and discipline.

(2) Maintain those high standards of performance and conduct through appropriate actions that sustain the traditional concept of honorable military service.

(3) Exercise the responsibility, fidelity, integrity, or competence required of them.

d. That notwithstanding any other provision of this instruction, in accordance with sections 630(1)(A) and 14503(a)(1) of Title 10, United States Code (U.S.C.) (Reference (d)), the Secretaries of the Military Departments concerned (referred to in this instruction as “Secretaries concerned”) may discharge from military service officers on the ADL or the RASL who have fewer than 6 years commissioned service when there is a need to reduce the number of officers in that Military Service to meet budgetary or force size requirements. When using this authority, the procedures in Enclosure 6 of this instruction for discharging probationary officers do not apply.

e. That all commissioned officers of the Army National Guard of the United States or the Air National Guard of the United States not on active duty, including officers who have been released from active duty for cause and returned to the control of the State, are subject to withdrawal of federal recognition under section 323 of Title 32, U.S.C. (Reference (e)) rather than the procedures in Reference (d).

(1) All officers considered for withdrawal of federal recognition under section 323 of Reference (e) will receive an efficiency board to determine general fitness of the officer for continued federal recognition.

(2) In accordance with section 14907(b) of Reference (d), an officer of the Army National Guard of the United States or the Air National Guard of the United States whose federal recognition as an officer of the National Guard is withdrawn in accordance with section 323(b) of Reference (e) will be discharged from appointment as a Reserve officer of the Army or the Air Force, as applicable.

f. That any commissioned officer convicted of rape or sexual assault as defined in subsection (a) or (b) of section 920 of Reference (d), forcible sodomy as defined in section 925 of Reference (d), or an attempt to commit one of those offenses, and who is not punitively discharged for such a conviction, will be processed for administrative separation once the conviction is final, in accordance with section 572(a)(2) of Reference (c).

4. RESPONSIBILITIES

a. Under Secretary of Defense for Personnel and Readiness (USD(P&R)). The USD(P&R):

(1) Ensures compliance with this instruction.

(2) In coordination with the Secretaries of the Military Departments, ensures that officers separated under this instruction are fully informed of assistance available from the DoD in their transition to civilian life.

b. Secretaries of the Military Departments. The Secretaries of the Military Departments:

(1) Administer Military Service commissioned officer separation programs consistent with section 1181 of Reference (c) and the procedures in Enclosures 2 through 8 of this instruction.

(2) Prescribe regulations consistent with the policy and procedures established in this instruction.

(3) Prescribe regulations to ensure compliance with section 572(a)(2) of Reference (c).

(4) Prescribe regulations to ensure compliance with section 578 of Reference (c) as described by special procedures in Enclosure 8 of this instruction.

(5) Submit recommendations for changes in this instruction to the USD(P&R).

c. Secretaries of the Army and the Air Force. In addition to the responsibilities in paragraph 4b of this instruction, the Secretaries of the Army and the Air Force will prescribe regulations implementing section 323 of Reference (e).

5. PROCEDURES. Procedures and standards for implementation are contained in Enclosures 2 through 7.

6. RELEASABILITY. Unlimited. This instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This instruction:

a. Is effective November 25, 2013.

b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoDI 5025.01 (Reference (f)).

c. Will expire effective November 25, 2023 and be removed from the DoD Issuances Website if it hasn't been reissued or cancelled in accordance with Reference (f).


Jessica L. Wright
Acting Under Secretary of Defense for
Personnel and Readiness

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2. Reasons for Separation
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ENCLOSURE 1

REFERENCES

- (a) DoD Instruction 1332.30, "Separation of Regular and Reserve Commissioned Officers," December 11, 2008, as amended (hereby cancelled)
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (c) Sections 572 and 578 of Public Law 112-239, "National Defense Authorization Act for Fiscal Year 2013," January 3, 2013
- (d) Title 10, United States Code
- (e) Section 323 of Title 32, United States Code
- (f) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012, as amended
- (g) DoD Directive 1010.4, "Drug and Alcohol Abuse by DoD Personnel," September 3, 1997, as amended
- (h) DoD 5200.2-R, "Personnel Security Program," January 1, 1987, as amended
- (i) DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended
- (j) DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," March 28, 2013
- (k) Joint Publication 1-02, "Department of Defense Dictionary of Military and Associated Terms," current edition

ENCLOSURE 2

REASONS FOR SEPARATION

1. SUBSTANDARD PERFORMANCE OF DUTY. A commissioned officer may be separated from a Military Service, under regulations prescribed by the Secretary concerned, when he or she is found to be substandard in any of the following:

- a. Performance of duty.
- b. Efficiency.
- c. Leadership.
- d. Response to training, in that performance of duties in the officer's assigned specialty is unsatisfactory.
- e. Attitude or character.
- f. Maintenance of satisfactory progress while in an active status skills awarding program.

2. ACTS OF MISCONDUCT OR MORAL OR PROFESSIONAL DERELICTION. A commissioned officer may be separated from a Military Service, under regulations prescribed by the Secretary concerned, when he or she is found to have committed an act or acts of misconduct or moral or professional dereliction, which include (but are not limited to) the following:

- a. Serious or recurring misconduct, punishable by military or civilian authorities.
- b. Discreditable mismanagement, whether intentional or not, of personal affairs, including financial affairs.
- c. Drug abuse as defined in DoDD 1010.4 (Reference (g)).
- d. Culpable failure to perform assigned duties or to complete required training.
- e. Culpable loss or compromise of professional status, qualifications or licensure, or certification required for performance of military duties.
- f. Intentional misrepresentation of facts in obtaining an appointment or in official statements or records.
- g. Final conviction for rape or sexual assault as defined in subsection (a) or (b) of section 920 of Reference (d), forcible sodomy as defined in section 925 of Reference (d), or an attempt to commit one of those offenses.

3. RETENTION IS NOT CONSISTENT WITH THE INTERESTS OF NATIONAL SECURITY. In accordance with DoD 5200.2-R (Reference (h)), a commissioned officer may be separated from military service when it is determined that the commissioned officer's retention is clearly inconsistent with the interest of national security.

4. SEPARATION IN CASES INVOLVING EXTENDED CONFINEMENT. Pursuant to sections 1167 and 12687 of Reference (d), a Service member sentenced by a court-martial to a period of confinement for more than 6 months may be separated from military service. Separation from military service may occur at any time after the sentence to confinement has become final in accordance with chapter 47 of Reference (d) (also known and referred to in this instruction as "The Uniform Code of Military Justice"), and the person has served in confinement for a period of 6 months.

5. MULTIPLE REASONS. A commissioned officer may be considered for separation for one or more of the reasons set out in sections 1 through 4 of this enclosure. However, separate findings under each applicable section will be required for each separation basis identified.

ENCLOSURE 3

PROCEDURES FOR NONPROBATIONARY COMMISSIONED OFFICERS

1. INITIATION OF ACTION. The Secretary of each Military Department will prescribe procedures for the initiation of separation recommendations.

2. SHOW-CAUSE AUTHORITY (SCA)

a. The SCA will determine whether an officer is required to show cause for retention in military service for one or more of the reasons listed in Enclosure 2 of this instruction, and as further defined by the Secretary concerned.

b. The SCA will:

(1) Evaluate all information presented about the case under consideration.

(2) Determine whether the record is sufficient to require the officer to show cause for retention in military service.

(3) Under regulations prescribed by the Secretary concerned, close the case if the authority determines that the officer should not be required to show cause for retention in military service.

(4) Refer the case to a Board of Inquiry if the authority determines that the officer should be required to show cause for retention in military service. The reasons for making such a show-cause determination will be provided to the officer in writing.

(5) Consider the initiation of separation action if the record supports a finding of drug abuse under Enclosure 2.

c. In accordance with sections 618(c)(2) or 14109(c) of Reference (d), the Secretary concerned may require an officer to show cause for retention on active duty or in an active status based on the recommendation of a promotion selection board.

d. The SCA will appoint members of Boards of Inquiry unless regulations of the Secretary concerned reserve that authority to another official.

3. BOARD OF INQUIRY

a. Composition. See Enclosure 4 of this instruction.

b. Convening. A Board of Inquiry will be convened under the regulations prescribed by the Secretary concerned.

c. Function. A Board of Inquiry will give a fair and impartial hearing to an officer required to show cause for retention on active duty or in active status.

(1) The Board of Inquiry is an administrative board that considers all relevant and material evidence about the case and functions under rules and procedures established by the Secretary concerned.

(2) The Board of Inquiry makes findings on each reason for separation and recommends whether a respondent should be retained in the military service. The board will also recommend the character of discharge, in accordance with regulations prescribed by the Secretary concerned, if it recommends discharge.

(3) The Board of Inquiry's findings must be supported by a preponderance of the evidence. The hearing before a Board of Inquiry is intended to give the officer an opportunity to respond to, and rebut, the basis for the contemplated separation, after having been informed of the contemplated separation and the reasons therefore. The hearing provides a forum for the officer concerned to present reasons the contemplated action should not be taken.

d. Determinations

(1) If a Board of Inquiry determines that the officer has established that he or she should be retained on active duty or in active status, the initiating SCA will close the case.

(2) If a Board of Inquiry determines that an officer has failed to establish that he or she should be retained on active duty or in active status, the SCA forwards the case and its recommendation regarding characterization of discharge to the Secretary concerned in accordance with regulations prescribed by that Secretary.

(3) For officers on the RASL, the Board of Inquiry will refer the case to the Secretary concerned for disposition under section 14903(d) of Reference (d).

4. RETIREMENT OR DISCHARGE

a. Retirement. A commissioned officer separated from active duty or from an active status, in accordance with this instruction, if eligible for voluntary retirement under any law on the date of separation, may request and be retired in the grade and with the retired pay for which the officer is eligible if retired under such provision.

b. Discharge. A commissioned officer separated from military service in accordance with this instruction, if ineligible for retirement under any law on the date of such separation, will be discharged:

(1) Honorably in the grade then held if separated only for substandard performance of duty; or,

(2) In the grade then held if separated for misconduct, for moral or professional dereliction, or in the interest of national security. The Secretary concerned will determine the character of the discharge, but in no case will it be less favorable than that recommended by the Board of Inquiry.

5. APPLICATION FOR RETIREMENT OR DISCHARGE

a. At any time before final action in the case, the Secretary concerned may grant a request by the commissioned officer concerned for:

(1) Voluntary retirement.

(2) Transfer to the Retired Reserve (when the officer is a reservist).

(3) Discharge.

b. This action of the Secretary concerned is final.

6. LIMITATIONS

a. A commissioned officer required to show cause for retention in military service because of substandard performance of duty and who is retained on active duty or in an active status by a Board of Inquiry may not again be required to show cause for retention for the same reasons within the year period beginning on the date of the determination to retain.

b. Subject to paragraph 6c of this enclosure, a commissioned officer required to show cause for retention in military service because of misconduct, moral or professional dereliction, or in the interest of national security, and who is retained on active duty or in an active status by a Board of Inquiry, may again be required to show cause for retention at any time.

c. A commissioned officer may not again be required to show cause for retention in military service solely because of conduct that was the subject of the previous proceedings, unless the findings and recommendations of the Board of Inquiry that considered the case are determined to have been the result of fraud or collusion. Nothing in this paragraph will prohibit the SCA from reconvening a defective Board of Inquiry prior to final action.

d. Acquittal or not-guilty findings in military or civilian criminal proceedings, conviction or punishment by civilian or military court, and military nonjudicial punishment in accordance with Article 15, Uniform Code of Military Justice do not preclude an administrative discharge action.

ENCLOSURE 4

COMPOSITION OF BOARDS

1. COMPOSITION

a. Each board convened in accordance with this instruction will be composed of at least three commissioned officers having the qualifications prescribed in section 2 of this enclosure.

b. When the respondent is a Reserve Component officer, one or more of the voting members will be a Reserve Component officer, preferably of the same component. This requirement cannot be waived by the respondent.

c. The senior member will be the President of the Board. A nonvoting legal advisor may also be appointed to assist the Board of Inquiry.

2. OFFICERS ELIGIBLE TO SERVE ON BOARDS

a. Each commissioned officer who serves on a board must be an officer on the ADL or on the RASL of the same Military Service as the respondent.

b. A commissioned officer may not serve on a board unless he or she is serving on active duty or in an active status in a grade above major or lieutenant commander, and is senior in grade to any respondent being considered by the board. At least one member of the board will be in a grade above lieutenant colonel or commander.

c. If qualified commissioned officers from the ADL or from the RASL are not available in sufficient numbers to comprise a board, the Secretary concerned will complete the membership of the board by appointing retired Regular or Reserve commissioned officers of the same Military Service. The retired grade of such officers must be above major or lieutenant commander, or in the case of an officer to be senior officer of the board, above lieutenant colonel or commander; and must be senior in grade to any respondent being considered by the board.

d. A retired general or flag officer (G/FO) who is on active duty solely for the purpose of serving on a board while so serving will not be counted against any limitations on the number of G/FOs who may be on active duty.

e. No person can be a member of more than one board convened under this instruction to consider the same respondent.

ENCLOSURE 5

BOARD OF INQUIRY PROCEDURES

1. CHALLENGES. In accordance with regulations prescribed by the Secretary concerned, board members are subject to challenge for cause only. If the membership of the board is reduced to less than three officers, the Board of Inquiry convening authority, as prescribed by the Secretary concerned, appoints additional members.

2. LEGAL ADVISOR. The legal advisor, if appointed, performs such functions as the Secretary concerned may prescribe except that the legal advisor has no authority to dismiss any allegation against the respondent or to terminate the proceedings.

3. RECORDER. The government may be represented before the board by a recorder whose duties will be prescribed by the Secretary concerned.

4. RIGHTS OF A RESPONDENT REQUIRED TO SHOW CAUSE FOR RETENTION BEFORE A BOARD OF INQUIRY

a. When a case is referred to a Board of Inquiry, the respondent must be notified in writing, at least 30 days before the hearing, of the reasons for which he or she is required to show cause for retention in military service and of the least favorable characterization of discharge for which the officer may be recommended. Notification will be by personal service with receipt acknowledged in writing by the respondent (or duly witnessed by a third party, if the respondent refuses to acknowledge receipt) or registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service by the U.S. Postal Service is not available for delivery at an address outside the United States) to the respondent's last known address or to the next of kin under regulations prescribed by the Military Department concerned.

b. The respondent will be allowed a reasonable period of time, as determined by the Board of Inquiry, to prepare his or her showing of cause for retention in military service.

c. The respondent may appear in person at all proceedings of the Board of Inquiry. Failure to respond to the notification letter may be construed as the respondent voluntarily electing not to appear before the Board.

d. The respondent may be represented either by military counsel appointed by the convening authority or by military counsel of the respondent's own choice (if the counsel of choice is determined to be reasonably available under regulations prescribed by the Secretary concerned), but not by both. The respondent may employ civilian counsel at no expense to the government, in which case military counsel need not be assigned, if so provided by regulations of the Secretary concerned.

e. The respondent will be allowed full access to and be furnished copies of records relevant to the case. However, the Board of Inquiry may withhold any records that the Secretary concerned determines should be withheld in the interest of national security. When any records are withheld, the respondent will be furnished, to the extent practicable, a summary of the records withheld.

f. The respondent may request the appearance before the board of any witness whose testimony is considered pertinent to his or her case. A determination on the availability of the witness, whether the witness is required to appear, and the materiality of the witness, will be made under regulations of the Secretary concerned. Witnesses not on active duty must appear voluntarily and at no expense to the government, except as otherwise authorized by the Secretary concerned.

g. Subject to regulations prescribed by the Secretary concerned, the respondent may submit, at any time before the board convenes or during the proceedings, documents from his or her record of service, letters, answers, depositions, sworn or unsworn statements, affidavits, certificates, or stipulations. Those documents may include depositions of witnesses not deemed to be reasonably available or of witnesses unwilling to appear voluntarily.

h. The respondent may testify in his or her behalf subject to section 831 of Reference (d).

i. The respondent and his or her counsel may question any witness who appears before the board.

j. The respondent or counsel for the respondent may present oral and/or written argument to the board.

k. The respondent may request a continuance, under regulations prescribed by the Secretary concerned, when necessary for the preparation of his or her case before the board.

5. BOARD DETERMINATION. The Board of Inquiry will decide retention or separation on the evidence received or developed during open hearings. Voting will be conducted in closed session with only voting members of the board in attendance. All findings and recommendations will be determined by a majority vote.

6. REPORT OF PROCEEDINGS. The record of proceedings will be kept in summarized form unless a verbatim record is required by the SCA or the Secretary concerned.

a. In all cases, the findings and recommendations of the Board of Inquiry must be stated in clear and concise language and signed by all Board members concurring.

b. Those Board members not concurring in the findings or recommendations may file a statement of non-concurrence and the reasons therefore for inclusion in the record.

c. The respondent will be provided a copy of the report of the proceedings, the findings and recommendation of the board, and will be provided an opportunity to submit written comments for consideration by the SCA.

d. When the Board of Inquiry determines that retention in military service is warranted and the case is closed, a summarized report of the proceedings may be prepared under regulations prescribed by the Secretary concerned.

ENCLOSURE 6

PROCEDURES FOR CERTAIN PROBATIONARY COMMISSIONED OFFICERS

1. INITIATION OF ACTION

a. In cases in which the SCA determines that an honorable or general characterization is appropriate, the SCA may initiate separation action without a Board of Inquiry (subject to regulations prescribed by the Secretary concerned) for any of the reasons stated in Enclosure 2 of this instruction, or for reasons the Secretary concerned may prescribe by regulation. In such cases, the respondent will be advised in writing:

(1) The reason action was initiated and the character of discharge (honorable or general) recommended.

(2) That he or she may tender a resignation.

(3) That he or she may submit or decline to submit a rebuttal statement, and/or other matters for the SCA to consider instead of a resignation.

(4) That he or she may confer with appointed or retained counsel. The officer will be given a reasonable period of time to prepare his or her response.

b. In cases where the SCA deems that an Other Than Honorable Discharge may be appropriate, or in other cases deemed appropriate, the SCA may refer the case directly to a Board of Inquiry.

2. PROCESSING

a. In cases in which the SCA recommends an honorable or general characterization of service, the recommendation for separation, supporting documentation, respondent's rebuttal statement (if submitted), and any resignation (if tendered) will be forwarded to the Secretary concerned. The Secretary concerned will take one of the following courses of action:

(1) Accept the resignation (if tendered).

(2) Deny the resignation (if tendered) and discharge the respondent with an honorable or general characterization of service.

(3) Deny the resignation (if tendered) and refer the case to a Board of Inquiry, if the Secretary concerned deems that an Other Than Honorable Discharge may be appropriate, or that such referral is otherwise appropriate.

(4) Retain the respondent.

b. Cases referred to a Board of Inquiry by the SCA or the Secretary concerned will be processed in accordance with sections 3, 4, and 5 of Enclosure 3.

c. In all cases, the action of the Secretary concerned is final.

ENCLOSURE 7

CHARACTER OF DISCHARGE

1. DISCHARGE FOR SUBSTANDARD PERFORMANCE OF DUTY. A discharge will be characterized as “Honorable” or “General (Under Honorable Conditions)” when substandard performance of duty is the sole basis for the discharge.

2. DISCHARGE FOR MISCONDUCT, MORAL OR PROFESSIONAL DERELICTION, OR IN THE INTERESTS OF NATIONAL SECURITY. A discharge will be characterized as “Honorable,” “General (Under Honorable Conditions),” or “Under Other Than Honorable Conditions.”

a. Consideration. The character of a discharge is predicated on the commissioned officer’s behavior and performance of duty while a member of a Military Service. Characterization normally is based on a pattern of behavior and duty performance rather than an isolated incident. There are circumstances in which conduct reflected by a single incident may provide the basis for characterization.

b. Exceptions. A discharge may be characterized as “Honorable” when the grounds for discharge are based solely on pre-Service activities, other than intentional misrepresentation or omission of facts in obtaining an appointment or in official statements or records.

ENCLOSURE 8

SPECIAL SEPARATION REVIEW REQUIREMENT FOR A COMMISSIONED OFFICER WHO MADE AN UNRESTRICTED REPORT OF SEXUAL ASSAULT

1. REVIEW OF RECOMMENDATION FOR INVOLUNTARY SEPARATION OF A COMMISSIONED OFFICER WHO MADE AN UNRESTRICTED REPORT OF SEXUAL ASSAULT. A commissioned officer who made an Unrestricted Report of sexual assault and who is recommended for involuntary separation from military service within 1 year of final disposition of his or her sexual assault case may request a G/FO review of the circumstances of and grounds for the involuntary separation. This requirement expands the requirement of section 578 of Reference (c) to ensure that an involuntary separation is not initiated in retaliation for making an Unrestricted Report of sexual assault.

2. PROCESSING

a. A qualified commissioned officer must submit their written request to the first G/FO in the separation authority's chain of command prior to the separation authority approving the commissioned officer's final separation action.

b. Requests submitted after final separation action is complete will not be considered, but the separated commissioned officer may apply to the appropriate Service Discharge Review Board or Board for Correction of Military/Naval Records for consideration.

c. A qualified commissioned officer who submits a timely request may not be separated until the G/FO conducting the review concurs with the circumstances of and the grounds for the involuntary separation.

d. DoDD 6495.01 (Reference (i)) and DoDI 6495.02 (Reference (j)) contain comprehensive DoD policy and procedures on sexual assault prevention and response.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ADL	Active Duty List
DoDD	DoD Directive
DoDI	DoD Instruction
G/FO	general or flag officer
RASL	Reserve Active Status List
SCA	Show-Cause Authority
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

active commissioned service. Service on active duty or full-time National Guard duty as a commissioned officer.

active duty. Defined in Joint Publication 1-02 (Reference (k)).

active status. Defined in Reference (k).

ADL. A single list for the Army, the Navy, the Air Force, and the Marine Corps required to be maintained by each Service under section 620 of Reference (d) that contains the names of all officers of that Military Service other than officers described in section 641 of Reference (d) who are serving on active duty.

commander. A commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as a “command.”

commissioned officer. An officer in any of the DoD Military Services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer. The term “commissioned officer” does not include a commissioned warrant officer or a retired commissioned officer.

convening authority. The Secretary concerned who may delegate that responsibility, as appropriate.

counsel. A judge advocate qualified under section 827(b) of Reference (d) or a civilian lawyer retained at the commissioned officer's expense.

discharge characterizations

honorable. When the quality of the Service member's service generally has met the standards of acceptable conduct and performance of duty for military personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

general (under honorable conditions). When a Service member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when the negative aspects of the Service member's conduct or performance of duty outweigh positive aspects of the Service member's conduct or performance of duty as documented in their service record.

under other than honorable conditions. When separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of Service members. Or, when separation is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of Service members. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death; abuse of a special position of trust; disregard by a superior of customary superior-subordinate relationships; acts or omissions that endanger the security of the United States or the health and welfare of other Service members; and deliberate acts or omissions that seriously endanger the health and safety of other persons.

DoD Military Services. The Army, Navy, Air Force, and Marine Corps.

legal advisor. A judge advocate qualified under 827(b) of Reference (d) and appointed to assist a Board of Inquiry.

non-probationary commissioned officer. A commissioned officer other than a probationary commissioned officer.

probationary commissioned officer. A commissioned officer on the ADL with fewer than 6 years of active commissioned service; or a Reserve commissioned officer with fewer than 6 years of commissioned service.

RASL. A single list for the respective Army, Navy, Air Force, or Marine Corps, required to be maintained under section 14002 of Reference (d), which contains the names of all officers of that Military Service, except warrant officers (including commissioned warrant officers), who are in an active status in a Reserve Component of the Army, the Navy, the Air Force, or the Marine Corps, and are not on an ADL.

release from active duty. Release from full-time duty in the active military service of the United States.

respondent. A commissioned officer required to show cause for retention on active duty.

separation. A general term that includes discharge, release from active duty, release from custody and control of the Military Services, transfer to the Individual Ready Reserve, and similar changes in active or Reserve status.

show cause. What the respondent must do by a preponderance of the evidence to justify his or her retention in the service after the government has made a prima facie showing that one or more of the reasons for discharge in the letter of notification exist.

SCA. Any of the following, as determined by the Secretary concerned:

The Secretary concerned or officers (not below the grade of Major General or Rear Admiral (O-8)) designated by the Secretaries concerned to determine, based on a record review, that an officer be required to show cause for retention in the military service.

Commanders of reserve personnel centers, commanders exercising general court-martial authority, and all G/FOs in command who have a judge advocate or legal advisor available.

For Title 10 Active Guard Reserve officers, the Directors of the Army and Air National Guard, as applicable.