

The original documents are located in Box 7, folder “Manual of Proclamations, Executive Orders and Messages Concerning the Clemency Program (2)” of the Charles E. Goodell Papers at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Charles Goodell donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

UNCLASSIFIED

RELEASER TIME	ACT	INFO	LMF	CLASS	CIC	FOR MESSAGE CENTER/ COMMUNICATIONS CENTER ONLY		
01 OF 07 2591600	RR	RR		UUUU		DATE - TIME	MONTH	YR

BOOK

MESSAGE HANDLING INSTRUCTIONS

INDEXED

CWZ Penn 45825

DIA - 2 other Affairs

FROM: SECNAV WASHINGTON DC

TO: ALNAV 81

171809 Z Sep 74

UNCLAS //NO1600//

PRELIMINARY

(IMPLEMENTATION) GUIDANCE FOR THE PRESIDENT'S PROGRAM FOR THE RETURN OF MILITARY DESERTERS

A. PRESIDENT'S EXECUTIVE ORDER OF 16 SEP 1974

1. THIS MESSAGE PROVIDES POLICY GUIDANCE FOR THE IMPLEMENTATION OF THE PRESIDENT'S PROGRAM. THE SECRETARY OF DEFENSE, SERVICE SECRETARIES, AND SERVICE CHIEFS DESIRE THAT THE PROGRAM BE FULLY SUPPORTED IN THE SPIRIT AS WELL AS THE LETTER OF THE PROCLAMATION.

2. THE GENERAL CONCEPT OF THE PROGRAM IS AS FOLLOWS:

A. THE DESERTER WILL BE ENCOURAGED TO MAKE INITIAL CONTACT WITH THE RESPECTIVE SERVICE CLEMENCY INFORMATION POINT BY REGISTERED MAIL OR TELEPHONE AND WILL RECEIVE REPORTING INSTRUCTIONS.

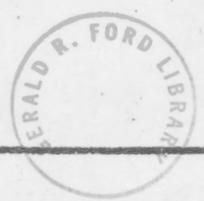
B. THERE WILL BE A JOINT CLEMENCY PROCESSING CENTER LOCATED AT FORT BENJAMIN HARRISON, INDIANA FOR THE PROCESSING OF RETURNEES FROM ALL SERVICES.

C. PERSONNEL ELIGIBLE FOR THE PRESIDENT'S PROGRAM ARE THOSE INDIVIDUALS CARRIED ADMINISTRATIVELY AS DESERTERS WHO MEET THE

DISTR:

DRAFTER: 09B/RELEASER SECNAV

STANDARD ALNAV DISTRIBUTION



DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE SPECIAL INSTRUCTIONS

431
RADM J.B. LINDER, OP-09B, 54337, 16SEP74

CMC* 090*
CHNAVPERS*
JAG* 007*
** HAVE CROPPED*

RELEASER TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE

SIGNATURE

SECURITY CLASSIFICATION

DATE TIME GROUP

UNCLASSIFIED

F

PAGE	DRAFTER OR RELEASER TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/ COMMUNICATIONS CENTER ONLY			
		ACT	INFO				DATE - TIME	MONTH	YR	
02 OF 07		RR	RR		UUUU					
BOOK	MESSAGE HANDLING INSTRUCTIONS									

FOLLOWING CRITERIA:

{1} THE LAST PERIOD OF ABSENCE BEGAN ON OR BETWEEN THE DATES OF 4 AUGUST 1964 AND 28 MARCH 1973.

{2} THERE ARE NO MILITARY OFFENSES PENDING OTHER THAN VIOLATION OF THE UCMJ, ARTICLES 85, 86, AND 87 OR MILITARY OFFENSES DIRECTLY RELATED THERETO.

D. THE ENLISTED DESERTER WILL BE GIVEN THE OPPORTUNITY TO APPLY FOR AN UNDESIRABLE DISCHARGE AFTER HE AGREES TO THE PERFORMANCE OF ALTERNATE SERVICE AND SIGNS A REAFFIRMATION OF ALLEGIANCE.

E. THE OFFICER DESERTER WILL BE ALLOWED TO RESIGN TO ESCAPE TRIAL BY COURT MARTIAL AFTER HE AGREES TO THE PERFORMANCE OF ALTERNATE SERVICE AND SIGNS A REAFFIRMATION OF ALLEGIANCE. HE WILL THEN BE ISSUED A DISCHARGE UNDER OTHER THAN HONORABLE CONDITIONS.

IN LIGHT OF

F. THE REQUIRED PERIOD OF ALTERNATE SERVICE WILL BE DETERMINED BY THE SERVICE SECRETARIES ACTING THROUGH THE JOINT ALTERNATE SERVICE BOARD ON A CASE BY CASE BASIS.

G. AFTER THE PERIOD OF ALTERNATE SERVICE HAS BEEN DETERMINED BY THE JOINT ALTERNATE SERVICE BOARD, THE INDIVIDUAL WILL BE DIRECTED TO REPORT TO A STATE DIRECTOR OF SELECTIVE SERVICE FOR THE

DISTR:

DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE		SPECIAL INSTRUCTIONS	
TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE			
SIGNATURE			
SECURITY CLASSIFICATION		DATE TIME GROUP	
UNCLASSIFIED			

03 OF 07

RR RR

UUUU

BOOK

MESSAGE HANDLING INSTRUCTIONS

PERFORMANCE OF ALTERNATE SERVICE.

3. AT NO TIME WILL THE DESERTER WHO IS ELIGIBLE FOR THE PROGRAM BE PLACED UNDER GUARD OR IN CONFINEMENT UNLESS HE COMMITS AN OFFENSE SUBSEQUENT TO HIS RETURN TO MILITARY CONTROL.

4. ALL INDIVIDUALS NOW IN CONFINEMENT WHO MEET THE ELIGIBILITY CRITERIA OF PARAGRAPH 2C (ABOVE) AND WHO ACCEPT THE TERMS OF THE PRESIDENT'S PROGRAM ARE TO BE RELEASED. SPECIAL INSTRUCTIONS ON THE RETROACTIVE APPLICATION OF THE PRESIDENT'S PROGRAM WILL BE SENT BY SEPARATE MESSAGE TO INCLUDE INSTRUCTIONS ON THE RELEASE OF THOSE NOW IN CONFINEMENT.

5. IN THE EVENT A DESERTER WHO MEETS THE CRITERIA OF PARAGRAPH 2C TURNS HIMSELF IN AT A MILITARY INSTALLATION, THE FOLLOWING WILL APPLY.

A. INSTALLATION PERSONNEL WILL NOTIFY THE RESPECTIVE SERVICE CLEMENCY INFORMATION POINT, BY THE MOST DIRECT MEANS AVAILABLE, AS TO THE INDIVIDUAL'S NAME, RANK, SSAN/SERVICE NUMBER, DATE HIS UNAUTHORIZED ABSENCE BEGAN, DUTY STATION AT TIME ABSENCE BEGAN, PLACE AND DATE OF BIRTH. INSTALLATION PERSONNEL SHOULD HAVE THE RETURNEE COMPLETE A RECORD OF EMERGENCY DATA (A COPY OF THE RECORD

6
5
4
3
2
1
0

DISTR:

DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE

SPECIAL INSTRUCTIONS

TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE

SIGNATURE

SECURITY CLASSIFICATION

DATE TIME GROUP

UNCLASSIFIED



04 OF 07	DRAFTER OR RELEASER TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/COMMUNICATIONS CENTER ONLY				
		ACT	INFO				DATE - TIME	MONTH	YR		
		RR	RR		UUUU						

BOOK

MESSAGE HANDLING INSTRUCTIONS

OF EMERGENCY DATA SHOULD BE FORWARDED WITH THE INDIVIDUAL TO THE PROCESSING CENTER. THE RESPECTIVE SERVICE CLEMENCY INFORMATION POINTS ARE AS FOLLOWS:

{1} ARMY. U.S. ARMY CLEMENCY INFORMATION POINT, FORT BEN HARRISON, INDIANA 46216. {COMMERCIAL PHONE {317} 542-3417. AUTOVON 699-3417}.

{2} NAVY. CHIEF OF NAVAL PERSONNEL {PERS 83}, DEPARTMENT OF THE NAVY, WASHINGTON, D.C. 20370. {COMMERCIAL PHONE {202} 694-2007. AUTOVON 224-2007}.

{3} MARINE CORPS. HEADQUARTERS, U.S. MARINE CORPS {CODE MC} WASHINGTON, D.C. 20380. {COMMERCIAL PHONE {202} 694-8526. AUTOVON 224-8526}.

{4} AIR FORCE. U.S. AIR FORCE, CLEMENCY INFORMATION POINT {AFMPC/DPMAC}, RANDOLPH AIR FORCE BASE, TEXAS 78148. {COMMERCIAL PHONE {512} 652-4104. AUTOVON 487-4104}.

6
5
4
3
2
1
0 B. THE DESERTER WILL NOT BE ISSUED UNIFORMS EXCEPT FOR MAINTENANCE OF BASIC HEALTH AND WELFARE PURPOSES.

C. ELIGIBLE DESERTERS RETURNING TO MILITARY CONTROL WILL NOT BE REQUIRED TO CONFORM TO MILITARY STANDARDS OF APPEARANCE AND WILL

DISTR:

DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE		SPECIAL INSTRUCTIONS	
TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE			
SIGNATURE	SECURITY CLASSIFICATION UNCLASSIFIED		

PAGE	DRAFTER OR RELEASER TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/ COMMUNICATIONS CENTER ONLY			
		ACT	INFO				DATE - TIME	MONTH	Y	
05 OF 07		RR	RR		UUUU					

BOOK

MESSAGE HANDLING INSTRUCTIONS

BE TREATED WITH COURTESY COMMENSURATE WITH THE PRESIDENT'S PROCLAMATION. TO:

D. IF THE RETURNING DESERTER ARRIVES WITH DEPENDENTS, INSTALLATION PERSONNEL SHOULD ASSIST IN THE LOCATION OF NON-GOVERNMENT ACCOMMODATIONS.

E. IF THE RETURNING DESERTER AND/OR HIS DEPENDENTS ARE IN NEED OF IMMEDIATE MEDICAL CARE, SUCH CARE SHOULD BE PROVIDED.

F. THE RESPECTIVE SERVICE CLEMENCY INFORMATION POINTS WILL PROVIDE INSTRUCTIONS FOR THE HANDLING OF SPECIAL CASES.

G. ALL DESERTERS WHO DO NOT MEET THE CRITERIA OF PARAGRAPH 2 WILL BE PROCESSED IAW CURRENT PROCEDURES.

7. PUBLIC AFFAIRS GUIDANCE. BECAUSE OF THE OVERRIDING NATIONAL INTEREST IN THE PRESIDENT'S ANNOUNCEMENT ON CLEMENCY PROCEDURES FOR DRAFT EVADERS AND MILITARY DESERTERS, THE ASSISTANT SECRETARY OF DEFENSE {PUBLIC AFFAIRS} IS RESPONSIBLE FOR DIRECTION AND COORDINATION OF ALL PUBLIC AFFAIRS ACTIVITIES CONCERNING DESERTERS, DISCHARGES AND CLEMENCY. MAXIMUM INFORMATION WILL BE DISSEMINATED TO THE PUBLIC WHILE AT THE SAME TIME GIVING DUE CONSIDERATION OF THE RIGHTS OF THE INDIVIDUAL. THE CLEMENCY PROCESSING CENTER {CPC} WILL

DISTR:



DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE		SPECIAL INSTRUCTIONS	
RELEASER	TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE	SECURITY CLASSIFICATION UNCLASSIFIED	DATE TIME GROUP
	SIGNATURE		

PAGE	DRAFTER OR RELEASER TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/ COMMUNICATIONS CENTER ONLY			
		ACT	INFO				DATE - TIME	MONTH	YR	
06 of 07		RR	RR		UUUU					
BOOK	MESSAGE HANDLING INSTRUCTIONS									

BE MANNED BY REPRESENTATIVES OF ALL THE MILITARY DEPARTMENTS, AND THE CPC INFORMATION CHIEF WILL REPORT DIRECTLY TO THE ASD{PA} FOR ALL PUBLIC AFFAIRS MATTERS. PUBLIC AFFAIRS GUIDANCE, RECOMMENDATIONS AND ACCOMPANYING SERVICE IMPLEMENTING INSTRUCTIONS TO ALL COMMANDS, WILL BE COORDINATED IN ADVANCE WITH OASD{PA}.

A. ALL PERSONNEL WHO WILL HAVE DIRECT CONTACT WITH DESERTERS MUST HAVE AN UNDERSTANDING OF POSSIBLE PUBLIC AFFAIRS PROBLEMS AND A THOROUGH FAMILIARIZATION WITH PUBLIC AFFAIRS GUIDANCE CONTAINED HEREIN. ACCORDINGLY, THE RESPONSIBLE COMMANDER SHALL INITIATE PROCEDURES FOR BRIEFING SUCH PERSONNEL.

B. THE INTERVIEWING AND PHOTOGRAPHING OF DESERTERS BY NEWS MEDIA REPRESENTATIVES AFTER THEIR RETURN TO MILITARY CONTROL IS PERMITTED UNDER THE FOLLOWING CONDITIONS.

{1} THE DESERTER GIVES HIS PERSONAL CONSENT. DESERTERS SHOULD BE ADVISED THAT THEY DO NOT HAVE TO AGREE TO SUCH INTERVIEWS AND PHOTOGRAPHS.

{2} THE INTERVIEW/PHOTOGRAPHING DOES NOT INTERFERE WITH THE EFFICIENT AND ORDERLY PROCESSING OF THE DESERTER.

C. MILITARY PERSONNEL AND PUBLIC AFFAIRS OFFICERS SHOULD NOT

6
5
4
3
2
1
0

DISTR:

DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE		SPECIAL INSTRUCTIONS	
RELEASER	TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE		DATE TIME GROUP
	SIGNATURE		
		SECURITY CLASSIFICATION	
		UNCLASSIFIED	



PAGE	DRAFTER OR RELEASER TIME	PRECEDENCE		LMF	CLASS	CIC	FOR MESSAGE CENTER/COMMUNICATIONS CENTER ONLY		
		ACT	INFO				DATE - TIME	MONTH	YR
07 OF 07		RR	RR		UUUU				
BOOK	MESSAGE HANDLING INSTRUCTIONS								

ATTEMPT TO PROVIDE UNOFFICIAL COMMENTS OR SPECULATION ON THIS SUBJECT.

D. QUERIES REGARDING THE NUMBER OF DESERTERS PROCESSING THROUGH AN INSTALLATION MAY BE ANSWERED. HOWEVER, THE NAMES OF DESERTERS MAY NOT BE RELEASED WITHOUT THEIR PERSONAL CONSENT.

E. QUERIES RECEIVED CONCERNING DRAFT EVADERS WILL BE REFERRED TO THE DEPARTMENT OF JUSTICE (AC 202-739-4281).

6
5
4
3
2
1
0

DISTR:

DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL, PHONE & DATE		SPECIAL INSTRUCTIONS	
RELEASER	TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE	SECURITY CLASSIFICATION	DATE TIME GROUP
	SIGNATURE		



7 01 05

PP PP

UUUU

Msg 18 23 04 Z Sep 74

SECNAV WASHINGTON DC

ALNAV - 83

UNCLAS //NO1600//

RETROACTIVE APPLICATION OF THE PRESIDENT'S PROGRAM FOR MILITARY DESERTERS

A. SECNAV 171809Z/81 SEP 74

1. IN AMPLIFICATION OF PARAGRAPH 4 OF REF A, THE FOLLOWING INFORMATION AND GUIDANCE ARE PROVIDED TO ASSIST IN THE PROCESSING OF MEMBERS QUALIFIED FOR THE SUBJECT PROGRAM BUT WHOSE CASES HAVE BEEN COMPLETED OR IN WHICH COURT-MARTIAL OR ADMINISTRATIVE PROCESSING IS CONTEMPLATED OR IN PROGRESS.

2. COMMANDS PROCESSING COURT-MARTIAL CASES SOLELY FOR THE OFFENSES OF DESERTION {ARTICLE 85, UCMJ}, UNAUTHORIZED ABSENCE {ARTICLE 86} OR MISSING MOVEMENT {ARTICLE 87}, OR OTHER MILITARY OFFENSES DIRECTLY RELATED THERETO, OCCURRING DURING THE PERIOD 4 AUGUST 1964 THROUGH 28 MARCH 1973 {HEREINAFTER REFERRED TO AS "QUALIFYING OFFENSES"} WILL COMPLY WITH THE GUIDANCE CONTAINED HEREIN. ANY QUESTIONS REGARDING A MEMBER'S ELIGIBILITY SHOULD BE RESOLVED IMMEDIATELY BY TELCON TO THE CHIEF OF NAVAL PERSONNEL {COMMERCIAL 202-694-2007};



J. M. Farrell

CDR L M FARRELL, JAG:20, 44906, 18SEP74

02 *H*

CMC *KM* *SN*

CNO *UWD* *09802*

JAG-001 *HBR*

CNP *TAD* *F*
DCNP *F* *0931*

D S POTTER, SECNAV {ACTING}

D S Potter

UNCLASSIFIED

02 05

AUTOVON 224-2007} OR TO THE COMMANDANT OF THE MARINE CORPS {COMMER-
CIAL 202-694-8526; AUTOVON 224-8526}.

3. CASES IN WHICH CHARGES ARE PENDING, BUT HAVE NOT BEEN REFERRED
TO TRIAL:

ALL PROCESSING OF SUCH ELIGIBLE CASES WILL BE SUSPENDED FOR A
PERIOD OF TIME {NOT TO EXCEED 14 DAYS} TO AFFORD THE MEMBER THE OP-
PORTUNITY TO PARTICIPATE IN THE SUBJECT PROGRAM. UPON RECEIPT OF A
WRITTEN REQUEST FROM THE MEMBER FOR DELAY IN THE PROCESSING OF HIS
CASE AND TO PARTICIPATE IN THE PRESIDENT'S CLEMENCY PROGRAM, PRO-
CESSING OF THE CHARGES WILL BE SUSPENDED AND THE MEMBER WILL BE
TRANSFERRED UNDER TECHNICAL ARREST ORDERS OR STRAGGLERS ORDERS AS
APPROPRIATE, TO THE NAVY CLEMENCY PROCESSING UNIT OR MARINE CORPS
CLEMENCY PROCESSING UNIT, JOINT CLEMENCY PROCESSING CENTER, FORT
BENJAMIN HARRISON, INDIANA, {JCPC}, FOR DISPOSITION.

4. CHARGES REFERRED TO TRIAL -- TRIAL HAS NOT COMMENCED: MEMBER
MAY PARTICIPATE IN THE SUBJECT PROGRAM. UPON RECEIPT OF A WRITTEN
REQUEST FROM THE MEMBER FOR DELAY IN THE PROCESSING OF HIS CASE TO
PARTICIPATE, THE CONVENING AUTHORITY WILL WITHDRAW CHARGES FROM
THE COURT TO WHICH THEY HAVE BEEN REFERRED IN ACCORDANCE WITH



03 05

PARAGRAPH 56, MCM, 1969 {REV.}, AND THE MEMBER WILL BE TRANSFERRED TO THE JCPC.

5. CHARGES REFERRED TO TRIAL -- ACCUSED HAS BEEN ARRAIGNED: MEMBER MAY PARTICIPATE IN THE SUBJECT PROGRAM. UPON RECEIPT OF A WRITTEN REQUEST FROM THE MEMBER FOR WITHDRAWAL OF THE CHARGES IN HIS CASE AND FOR DELAY IN PROCESSING HIS CASE TO PARTICIPATE, THE CONVENING AUTHORITY SHOULD WITHDRAW THE CHARGES FROM THE COURT TO WHICH THEY HAVE BEEN REFERRED IN ACCORDANCE WITH PARAGRAPH 56, MCM, 1969 {REV.}, AND THE MEMBER WILL BE TRANSFERRED TO THE JCPC.

6. ALL CONFINED MEMBERS REFERRED TO IN PARAGRAPHS 3, 4, AND 5 ABOVE SHOULD BE IMMEDIATELY RELEASED FROM CONFINEMENT IF THEY HAVE REQUESTED TO PARTICIPATE IN THE PROGRAM. THEY SHOULD BE ADVISED THAT FAILURE TO REPORT AS ORDERED TO THE JCPC WILL NOT ONLY CONSTITUTE AN ADDITIONAL OFFENSE UNDER THE UCMJ, BUT THAT THE ADDITIONAL OFFENSE WILL REMOVE THEM FROM ELIGIBILITY FOR THE PRESIDENTIAL CLEMENCY PROGRAM. CHARGE SHEETS AND ALLIED PAPERS SHOULD BE FORWARDED WITH HIS LOCAL SERVICE RECORD, AND THE CHIEF OF NAVAL PERSONNEL {PERS 38} OR COMMANDANT OF THE MARINE CORPS {CODE MMEA} AS APPROPRIATE, SHOULD BE ADVISED BY MESSAGE OF THE MEMBER'S TRANSFER.

REPID R. FOR

UNCLASSIFIED

04 05

7. MEMBERS WHO HAVE BEEN TRIED AND CONVICTED BY COURT-MARTIAL SOLELY FOR QUALIFYING OFFENSES, WITH OR WITHOUT DISCHARGE ADJUDGED, AND WHO ARE CURRENTLY SERVING CONFINEMENT PURSUANT TO SUCH CONVICTION ARE NOT ELIGIBLE FOR TRANSFER TO THE JCPC AS IN PARAGRAPHS 3, 4, AND 5 ABOVE. SUCH MEMBERS MAY, HOWEVER, SUBMIT APPLICATION TO THE PRESIDENTIAL CLEMENCY BOARD PRIOR TO 31 JANUARY 1975 FOR A REVIEW OF THEIR CASES. UPON RECEIPT FROM THE MEMBER OF A WRITTEN APPLICATION TO THE PRESIDENTIAL CLEMENCY BOARD, AND REQUEST FOR RELEASE FROM CONFINEMENT, THE COMMANDING OFFICER OF THE CONFINEMENT FACILITY SHOULD RELEASE THE MEMBER FROM CONFINEMENT. THE APPROPRIATE GCM AUTHORITY SHOULD BE NOTIFIED AND SHOULD ISSUE A SUPPLEMENTARY COURT-MARTIAL ORDER SUSPENDING ANY REMAINING CONFINEMENT PENDING COMPLETION OF PRESIDENTIAL CLEMENCY ACTION. THE MEMBER SHOULD BE RETURNED TO DUTY OR, UPON HIS REQUEST, MAY BE GIVEN LEAVE WITHOUT PAY PENDING THE RESULTS OF APPELLATE REVIEW AND/OR THE RESULTS OF THE PRESIDENTIAL CLEMENCY BOARD.

8. MEMBERS TRIED AND CONVICTED OF QUALIFYING OFFENSES WHO HAVE BEEN SENTENCED TO BE DISCHARGED BUT WHO ARE NOT IN CONFINEMENT AND WHO ARE AWAITING APPELLATE REVIEW MAY ALSO APPLY TO THE PRESIDENTIAL CLEMENCY BOARD PRIOR TO 31 JANUARY 1975 FOR REVIEW OF THEIR CASE.

RECEIVED
R. R. R.

9. IT IS ANTICIPATED THAT EX-SERVICE MEMBERS WHO HAVE RECEIVED OTHER THAN HONORABLE DISCHARGES MAY REQUEST INFORMATION FROM MILITARY COMMANDS REGARDING APPLICATION FOR THE PRESIDENT'S CLEMENCY PROGRAM. SUCH FORMER MEMBER SHOULD BE ADVISED AS TO:

A. THE NATURE OF QUALIFYING OFFENSES AND THE TIME SPAN OF THE ELIGIBILITY PERIOD.

B. THAT HIS ONLY CHANNEL OF RELIEF IS TO APPLY IN WRITING TO THE PRESIDENTIAL CLEMENCY BOARD, OLD EXECUTIVE OFFICE BUILDING, THE WHITE HOUSE, WASHINGTON, D. C. 20500, FOR REVIEW OF HIS CASE.

10. IN THE CASE OF ELIGIBLE MARINES WHOSE TRANSFER IS CONTEMPLATED PURSUANT TO THE PROVISIONS OF PARAGRAPHS 3, 4, AND 5 ABOVE, ORDERS TO JCPC WILL BE ISSUED BY CMC ONLY. FOR NAVY PERSONNEL, SUCH ORDERS WILL BE ISSUED IN ACCORDANCE WITH DOD MILITARY PAY AND ALLOWANCES ENTITLEMENT MANUAL.



01 02

PP

UUUU

YES

CSAF WASH DC/JAJM

AIG ALMA JCOM

UNCLAS ALMAJCOM

FOR JA. PASS TO SUBORDINATE CM JURISDICTIONS AND TJO'S AT BASES WITHIN YOUR COMMAND. SUBJECT: DISPOSITION OF DESERTION CASES OCCURRING DURING VEITNAM PERIOD. THIS MSG IN TWO PARTS. PART I: THE PRESIDENT HAS BY PROCLAMATION OF 16 SEP 74 MADE SPECIAL PROVISION FOR DISPOSITION OF INDIVIDUALS WHO DESERTED MILITARY SERVICE BETWEEN 4 AUG 1964 AND 28 MARCH 1973. PENDING ISSUANCE OF ADMINISTRATIVE INSTRUCTION FOR PROCESSING SUCH CASES, TRIAL BY COURT-MARTIAL WILL NOT REPEAT NOT BE HELD IN ANY CASE INVOLVING CHARGES OF VIOLATION OF UCMJ, ARTICLES 85, 86, OR 87 WHEN THE OFFENSE WAS COMMITTED OR THE ABSENCE BEGAN BETWEEN 4 AUG 63 AND 28 MAR 73. REQUEST HQ USAF/JAJM BE INFORMED OF ANY SUCH CASES CURRENTLY PENDING OR WHICH MAY ARISE IN THE FUTURE WHEN TRIAL BY COURT-MARTIAL IS DEEMED APPROPRIATE. TRIAL WILL BE HELD IN THESE CASES ONLY AFTER PRIOR APPROVAL OF HQ USAF/JA. PART II: ADVISE HQ USAF/JAJM OF NAMES OF ANY ACCUSED CURRENTLY CONFINED IN BASE CONFINEMENT FACILITIES AS A RESULT OF

WALTER L. LEWIS, JAJM, CH, 35770, 30 SEP 74

W. M. BURCH II, COL, DIR, USAF JUD



UNCLASSIFIED

02 02

CONVICTION OF A VIOLATION OF UCMJ, ARTICLES 85, 86, OR 87 WHEN
THE OFFENSE WAS COMMITTED OR THE ABSENCE BEGAN BETWEEN 4 AUG 63
AND 28 MAR 73. NEGATIVE REPORTS REQUIRED.



UNCLASSIFIED

NAVAL MESSAGE

NAVY DEPARTMENT

THIS IS A CORRECTED COPY
PLEASE DESTROY PREVIOUS COPIES

PRIORITY

P 202315Z SEP 74/111
FM CMC WASHINGTON DC

TO ALMAR

UNCLAS //NO1620// SECTION 1 OF 3

IMPLEMENTATION GUIDANCE FOR THE PRESIDENT'S PROGRAM FOR THE RETURN OF MILITARY DESERTERS

- A. ALNAV 81
- B. ALNAV 82
- C. ALNAV 83

1. PURPOSE. TO SUPPLEMENT THE INFORMATION CONTAINED IN REFS A, B, AND C
2. BASIC ELIGIBILITY FOR DESERTERS
 - A. LAST PERIOD OF ABSENCE BEGAN ON OR BETWEEN 4 AUGUST 1964 AND 28 MARCH 1973
 - B. NO MILITARY OFFENSES PENDING OTHER THAN VIOLATION OF ARTICLE 55, 86, AND 87, UCMJ, OR OTHER PURELY MILITARY OFFENSES DIRECTLY RELATED THERETO
3. FINAL ELIGIBILITY FOR DESERTERS
 - A. REPORT TO MILITARY AUTHORITIES AS PRESCRIBED BEFORE 31 JANUARY 1975
 - B. EXECUTES STATEMENT REAFFIRMING ALLEGIANCE AND PLEDGING TO PERFORM SPECIFIC PERIOD OF ALTERNATE SERVICE
4. BASIC CONCEPT
 - A. EACH SERVICE OPERATES A CLEMENCY INFORMATION POINT (CIP) TO DETERMINE DESERTER ELIGIBILITY AND PROVIDE REPORTING INSTRUCTIONS
 - B. DESERTERS ARE ENCOURAGED TO MAKE INITIAL CONTACT WITH RESPECTIVE SERVICE CIP BY TELEPHONE OR REGISTERED MAIL

(1) TELEPHONE:

- U. S. MARINE CORPS: (202) 694-8926
(202) 694-8526
- U. S. NAVY: (202) 694-2007
(202) 694-1936
- U.S.ARMY: (317) 542-2722
(317) 542-2791
(317) 542-2482
- U.S. AIR FORCE: (512) 652-4104
(202) 426-1830

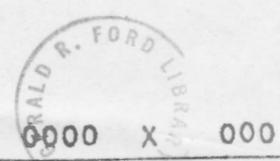
U. S. COAST GUARD:

(2) REGISTERED MAIL

M/R CORRECTED TEXT/PSN 158905/KW/D// CORRECTION TO SECTION ONE ONLY///
09M...ACT
SN 00 00G 09 090 96 04 05 941 982 JAG GMF NCSC

ECALLED

CONTROL NO. 157522/264 CSN:BTR 3478	PAGE OF PAGE 1 8	TIME OF RECEIPT 264/06:57Z	DATE TIME GROUP 202315Z
---	---------------------	-------------------------------	----------------------------



AVAL MESSAGE

NAVY DEPARTMENT

MARINE CORPS - HEADQUARTERS, U. S. MARINE CORPS, (MC),
THE NAVY, WASHINGTON, D.C. 20370

AIR FORCE - U. S. AIR FORCE DESERTER INFORMATION POINT,
(AFMDC/DPMK) RANDOLPH AIR FORCE BASE, TEXAS 78148

ARMY - U. S. ARMY DESERTER INFORMATION POINT, FORT BEN-
JAMIN HARRISON, INDIANA 41216

C. U. S. ARMY OPERATES A JOINT CLEMENCY PROCESSING CENTER (JCPC
LOCATED AT FT BENJAMIN HARRISON, INDIANA

D. EACH SERVICE OPERATES A CLEMENCY PROCESSING UNIT (CPU) FOR
THE PROCESSING OF ITS OWN APPLICANTS AT THE JCPC

5. IMPLEMENTATION OF CONCEPT

A. INITIAL SCREENING, VERIFICATION OF BASIC ELIGIBILITY, AND
ISSUANCE OF ORDERS WILL BE ACCOMPLISHED BY MARINE CORPS CIP, HEAD-
QUARTERS, U. S. MARINE CORPS (CODE MC), WASHINGTON, D.C. 20380;
AUTOVON 224-8526, 224-8926; COMMERCIAL 202-694-8526, 202-694-8926

B. FINAL VERIFICATION OF ELIGIBILITY AND PROCESSING WILL BE
ACCOMPLISHED BY MARINE CORPS CPU AT FT BENJAMIN HARRISON, INDIANA

C. CMC AND CO, MARINE CORPS CPU WILL BE SOLE AUTHORITIES FOR
ADMINISTRATIVE DISCHARGE OF MILITARY DESERTERS PURSUANT TO PRESIDENTS
PROGRAM

A. APPLICANTS OTHER THAN MARINE CORPS MEMBERS WHO INQUIRE BY
MAIL OR TELEPHONE REGARDING THE PRESIDENT'S PROGRAM WILL BE REFERRED
TO THE RESPECTIVE CIP OF THEIR SERVICE

B. PROCESSING OF MARINE CORPS APPLICANTS

(1) AFTER AN APPLICANT MAKES INITIAL CONTACT WITH THE MARINE
CORPS CIP A DETERMINATION WILL BE MADE TO VERIFY HIS BASIC ELIGIBIL-
ITY FOR THE PROGRAM. IF ELIGIBLE, A REPLY WILL BE SENT AFFIRMING
ELIGIBILITY AND PROVIDING REPORTING INSTRUCTION. IF NOT ELIGIBLE,
REPLY WILL INDICATE REASONS FOR DISQUALIFICATION (E.G., DATE OF
DESERTION IS OTHER THAN THE REQUIRED PERIOD/OTHER CHARGES PENDING)
AND PROVIDE INSTRUCTIONS ON HOW TO RETURN TO MILITARY CONTROL

(2) THE FOLLOWING INFORMATION WILL BE PROVIDED BY THE MARINE
CORPS CIP UPON INITIAL CONTACT BY APPLICANTS:

(A) YOU ARE ELIGIBLE FOR CLEMENCY UNDER THE PRESIDENTIAL
PROCLAMATION IF --

-1- YOUR ABSENCE BEGAN ON OR BETWEEN 4 AUGUST 1964
AND 28 MARCH 1973

-2- YOU REAFFIRM ALLEGIANCE TO THE UNITED STATES,
UNDERSTAND YOUR ACTIONS ARE CONSIDERED WILLFUL AND PERSIS-
TENT UNAUTHORIZED ABSENCE, AND PLEDGE TO PERFORM ALTERNATE SERVICE

-3- YOU REPORT TO MILITARY AUTHORITIES AND EXECUTE
THESE STATEMENTS BEFORE 31 JANUARY 1975 IN ACCORDANCE WITH INSTRU-
CTIONS WHICH WILL BE MAILED TO YOU

-4- YOU HAVE COMMITTED NO OFFENSES AGAINST THE UCMJ
OTHER THAN VIOLATIONS OF ARTICLES 85, 86, AND 87, OCCURRING ON OR BE-
TWEEN 4 AUGUST 1964 AND 28 MARCH 1973 AND PURELY MILITARY OFFENSES
DIRECTLY RELATED THERETO

-A- IF YOU HAVE OTHER OFFENSES PENDING, THEY MUST
BE DISPOSED OF IN ACCORDANCE WITH LAW BEFORE YOU ARE ELIGIBLE FOR
CLEMENCY

CONTROL NO	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
157522/264	2		2	264/06:57Z	202315Z
CSN:BTR-3478					0



NAVAL MESSAGE

NAVY DEPARTMENT

- (O) IF YOU ARE NOT SURE YOU MEET THESE ELIGIBILITY RE-
QUIREMENTS, YOUR RECORD CAN BE REVIEWED
- 1- IF YOU ARE NOT ELIGIBLE, YOU WILL BE INFORMED BY MAIL OF THE REASONS FOR YOUR DISQUALIFICATION
 - 2- IF YOU ARE ELIGIBLE, YOU WILL RECEIVE FURTHER INSTRUCTIONS TO REPORT TO FT BENJAMIN HARRISON, IND
- (C) A PERIOD OF ALTERNATE SERVICE WILL BE DETERMINED
- 1- NORMALLY, THIS PERIOD WILL BE 24 MONTHS
 - 2- THE PERIOD MAY BE REDUCED BASED ON
 - A- LENGTH OF SATISFACTORY SERVICE BEFORE YOUR ABSENCE
 - B- LENGTH OF SERVICE IN SOUTHEAST ASIA IN A HOSTILE FIRE ZONE
 - C- AWARDS AND DECORATIONS RECEIVED
 - D- WOUNDS RECEIVED IN COMBAT
 - E- YOUR ACTIVITIES DURING YOUR PERIOD OF ABSENCE
 - 3- YOUR ALTERNATE SERVICE WILL BE SUPERVISED BY THE DIRECTOR OF SELECTIVE SERVICE AND WILL BE DESIGNED TO PROMOTE THE NATIONAL HEALTH, SAFETY, OR INTEREST
- (D) YOUR FORM FOR REAFFIRMING YOUR ALLEGIANCE TO THE UNITED STATES AND AN AGREEMENT TO PERFORM ALTERNATE SERVICE WILL BE COMPLETED
- (E) SHORTLY AFTER YOU SIGN THESE FORMS YOU WILL RECEIVE AN UNDESIRABLE DISCHARGE
- (F) AFTER YOUR DISCHARGE, YOU MUST THEN REPORT WITHIN 15 DAYS AFTER RECEIVING THIS DISCHARGE TO YOUR STATE DIRECTOR OF SELECTIVE SERVICE AND ARRANGE TO PERFORM YOUR ALTERNATE SERVICE
- (G) AFTER YOU COMPLETE YOUR ALTERNATE SERVICE, YOUR SELECTIVE SERVICE OFFICE WILL INFORM US.

BT



CONTROL NO	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
157522/264					
CSN:BTR 3478	3			264/06:57Z	202315Z

NAVAL MESSAGE

NAVY DEPARTMENT

PRIORITY
P 202315Z SEP 74/111
FM CMC WASHINGTON DC

TO ALMAR

UNCLAS SECTION 2 OF 3

(H) WE WILL THEN ISSUE YOU A CLEMENCY DISCHARGE

(I) IF YOU UNDERSTAND ALL OF THIS AND WANT TO BE CONSIDERED FOR CLEMENCY, I WILL NEED CERTAIN INFORMATION FROM YOU

- 1- FULL NAME (LAST NAME, FIRST NAME, MIDDLE NAME)
- 2- RANK
- 3- SERVICE NUMBER
- 4- SOCIAL SECURITY ACCOUNT NUMBER
- 5- CURRENT MAILING ADDRESS, INCLUDING ZIP CODE
- 6- CURRENT TELEPHONE NUMBER, INCLUDING AREA CODE
- 7- DATE ABSENCE BEGAN
- 8- DUTY STATION AT TIME ABSENCE BEGAN
- 9- DATE AND PLACE OF BIRTH

(J) BASED ON THE INFORMATION YOU HAVE GIVEN, YOUR RECORD WILL BE REVIEWED TO DETERMINE IF YOU ARE ELIGIBLE FOR CLEMENCY

(K) YOU SHOULD AWAIT FURTHER INSTRUCTIONS WHICH WE WILL SEND TO YOU BY MAIL

(L) DO NOT REPORT TO A FACILITY OF THE ARMED FORCES AT THIS TIME

(M) KEEP US INFORMED OF ANY CHANGE IN THE ADDRESS AND TELEPHONE NUMBER YOU HAVE GIVEN

(N) IF YOU NEED TO CONTACT US, THE TELEPHONE NUMBER IS 202-694-8526 OR YOU CAN WRITE TO US AT HEADQUARTERS, U.S. MARINE CORPS (CODE MC) WASHINGTON, D.C. 20380

7. APPLICANTS VOLUNTARILY ENTERING INTO MILITARY CONTROL

A. APPLICANTS OTHER THAN MARINE CORPS MEMBERS

(1) CONTACT APPROPRIATE SERVICE CIP FOR DISPOSITION INSTRUCTIONS

(2) INFORM MARINE CORPS CIP BY TELEPHONE AND INSURE CIP IS INFO ADDEE ON PERTINENT MESSAGE TRAFFIC

B. PROCESSING OF MARINE CORPS APPLICANTS

(1) NOTIFY MARINE CORPS CIP
(2) CIP WILL TAKE PRIORITY ACTION TO DETERMINE BASIC ELIGIBILITY AND PROVIDE DISPOSITION INSTRUCTIONS

C. INTERIM MEASURES PENDING DISPOSITION OF APPLICANTS

(1) PRESUME ELIGIBLE AND TREAT ACCORDINGLY UNTIL DETERMINED

RECALLED

0000 000

CONTROL NO	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
157528/264	4	8		264/06:59Z	202315Z
CSN:BTR 3479					0



NAVAL MESSAGE

NAVY DEPARTMENT

OTHERWISE

- (2) INFORM INDIVIDUAL HE IS SUBJECT TO MILITARY CONTROL AND IS TECHNICALLY APPREHENDED
- (3) DO NOT REPEAT NOT PLACE IN CONFINEMENT OR UNDER GUARD
- (4) ESCURT INDIVIDUAL TO SUITABLE PRIVATE SPACE FOR COUNSELING ON CLEMENCY PROGRAM BY APPROPRIATE OFFICER
- (5) ACCORD INDIVIDUAL CIVIL TREATMENT WITHOUT SPECIAL PRIVILEGE
- (6) PERMIT ONLY INDIVIDUAL, HIS BUNA FIDE DEPENDENTS, AND HIS COUNSEL ON STATION
- (7) SEGREGATE INDIVIDUAL AND DEPENDENTS FROM UNNECESSARY CONTACT WITH MILITARY PERSONNEL. THE WELL-BEING OF THE INDIVIDUAL IS A PRIME CONSIDERATION
- (8) ISSUE ONLY HEALTH AND COMFORT ITEMS AS MAY BE REQUIRED TO MAINTAIN BASIC WELFARE. SUCH ISSUE WILL NOT EXCEED THOSE ITEMS LISTED IN PARAGRAPH 312.2 OF SECNAV INSTRUCTION 1640.9, TO BE PROVIDED A "MISCELLANEOUS ISSUE." INDIVIDUAL UNIFORM CLOTHING WILL NOT BE ISSUED
- (9) DO NOT REQUIRE CONFORMITY WITH MARINE CORPS STANDARDS OF APPEARANCE
- (10) TREAT WITH COURTESY COMMENSURATE WITH THE PRESIDENT'S PROCLAMATION
- (11) EFFECT ALL FEASIBLE MEASURES TO PRECLUDE HARASSMENT OR HOSTILITY, INSURE MINIMAL CONTACT WITH TROOPS, AND MINIMIZE PUBLICITY OR OPPORTUNITY FOR CONFRONTATIONS
- (12) DO NOT REQUIRE OR PERMIT INDIVIDUAL TO PERFORM MILITARY DUTIES

D. ADMINISTRATIVE ACTIONS

- (1) DO NOT JOIN ON UNIT DIARIES FROM DESERTION IAW THE PRIM AND LEGAL ADMINMAN
- (2) NO PAY OR ALLOWANCES ARE AUTHORIZED WITHOUT SPECIFIC INSTRUCTION FROM THIS HEADQUARTERS (CODE MC)
- (3) MAINTAIN A RECORD OF ALL EXPENSES INCURRED AS A RESULT OF THIS PROGRAM. APPROPRIATION DATA FOR TRAVEL WILL BE ISSUED BY THIS HEADQUARTERS UPON THE DETERMINATION OF ELIGIBILITY FOR THE PROGRAM
- (4) ALL DESERTERS WHO ARE DETERMINED BY SERVICE CIP AS INELIGIBLE FOR THE PRESIDENT'S PROGRAM WILL BE PROCESSED IAW CURRENT PROCEDURES

8. DESERTERS UNDER MILITARY CONTROL AT THE TIME OF PRESIDENT'S PROCLAMATION

A. GENERAL. INDIVIDUALS WHO RETURNED TO MILITARY CONTROL PRIOR TO THE PRESIDENT'S PROCLAMATION WHO MEET THE BASIC ELIGIBILITY CRITERIA AND WHO AGREE IN WRITING TO ACCEPT THE TERMS OF THE PRESIDENT'S PROGRAM WILL BE ULTIMATELY REFERRED TO THE MARINE CORPS CPU. COMMANDING OFFICERS WILL REFER THE NAMES, SSAN'S AND UNIT ADDRESSES OF THESE INDIVIDUALS TO THE MARINE CORPS CIP REQUESTING TRANSFER TO THE MARINE CORPS CPU AT FT BENJAMIN HARRISON, IND. IN THE CASE OF ELIGIBLE MARINES WHOSE TRANSFER IS CONTEMPLATED PURSUANT TO THE PROVISIONS OF PARAGRAPHS 8B, C, D, E(1) AND IF APPLICABLE, PARAGRAPH 8G BELOW, ORDERS TO JCPC WILL ONLY REPEAT ONLY BE ISSUED BY CMC (CODE

CONTROL NO 157528/264 CSN:BTR 3479	PAGE OF PAGE 5 8	TIME OF RECEIPT 264/06:59Z	DATE TIME GROUP 202315Z
--	---------------------	-------------------------------	----------------------------

NAVAL MESSAGE

NAVY DEPARTMENT

C). THEY SHOULD BE ADVISED THAT FAILURE TO REPORT TO THE JCPC WILL NOT ONLY CONSTITUTE AN ADDITIONAL OFFENSE UNDER THE UCMJ BUT THAT THE ADDITIONAL OFFENSE MAY REMOVE THEM FROM ELIGIBILITY FOR THE PRESIDENT'S CLEMENCY PROGRAM

B. CHARGES PENDING; NOT REFERRED TO TRIAL. ALL PROCESSING OF ELIGIBLE CASES WILL BE SUSPENDED FOR A PERIOD OF TIME NOT TO EXCEED 14 DAYS TO AFFORD THE MEMBER THE OPPORTUNITY TO PARTICIPATE IN THE SUBJECT PROGRAM. UPON RECEIPT OF WRITTEN REQUEST FROM THE MEMBER FOR DELAY IN THE PROCESSING OF HIS CASE AND TO PARTICIPATE IN THE PRESIDENT'S CLEMENCY PROGRAM, PROCESSING OF THE CHARGES WILL BE SUSPENDED AND THE MEMBER WILL BE TRANSFERRED TO THE MARINE CORPS CPU, JCPC, FT BENJAMIN HARRISON, INDIANA, FOR DISPOSITION

C. CHARGES REFERRED TO TRIAL; TRIAL NOT COMMENCED. UPON RECEIPT OF A WRITTEN REQUEST FROM THE ~~ELIGIBLE~~ MEMBER FOR DELAY IN THE PROCESSING OF HIS CASE IN ORDER ~~TO PARTICIPATE~~, THE CONVENING AUTHORITY WILL WITHDRAW CHARGES FROM THE COURT TO WHICH THEY HAVE BEEN REFERRED IN ACCORDANCE WITH PARAGRAPH 56, MCM, 1969 (REV.), AND THE MEMBER WILL BE TRANSFERRED TO THE JCPC

D. CHARGES REFERRED TO TRIAL; ACCUSED ARRAIGNED. UPON RECEIPT OF A WRITTEN REQUEST FROM THE ELIGIBLE MEMBER FOR WITHDRAWAL OF THE CHARGES IN HIS CASE AND FOR DELAY IN PROCESSING HIS CASE IN ORDER TO PARTICIPATE, THE CONVENING AUTHORITY WILL WITHDRAW THE CHARGES FROM THE COURT TO WHICH THEY HAVE BEEN REFERRED IN ACCORDANCE WITH PARAGRAPH 56, MCM, 1969 (REV.), AND THE MEMBER WILL BE TRANSFERRED TO THE JCPC

E. CONFINED PERSONNEL

(1) PRE-CONVICTION ELIGIBLE CONFINED MEMBERS REFERRED TO IN PARAGRAPHS 8B-8D, ABOVE WILL BE IMMEDIATELY RELEASED FROM CONFINEMENT IF THEY HAVE REQUESTED TO PARTICIPATE IN THE PROGRAM. CHARGE SHEETS

BT



CONTROL NO	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
157528/264					
CSN:3TK 3479	B		8	264/06:59Z	202315Z 0

NAVAL MESSAGE

NAVY DEPARTMENT

PRIORITY

P 202315Z SEP 74/111
FM CMC WASHINGTON DC

TO ALMAR

UNCLAS FINAL SECTION OF 3

AND ALLIED PAPERS WILL BE FORWARDED WITH HIS LOCAL SERVICE RECORD TO THE CPU UPON ISSUANCE OF ORDERS BY THE MARINE CORPS CIP

(2) POST CONVICTION CONFINED MEMBERS MUST MEET ONLY THE BASIC ELIGIBILITY REQUIREMENTS IN PARAGRAPH 2 ABOVE. SUCH MEMBERS WHO HAVE BEEN TRIED AND CONVICTED BY COURT-MARTIAL SOLELY FOR QUALIFYING OFFENSES, WITH OR WITHOUT DISCHARGE ADJUDGED, AND WHO ARE CURRENTLY SERVING CONFINEMENT PURSUANT TO SUCH CONVICTION ARE NOT ELIGIBLE FOR TRANSFER TO THE JCPC. SUCH MEMBERS MAY, HOWEVER, SUBMIT APPLICATION TO THE PRESIDENTIAL CLEMENCY BOARD PRIOR TO 31 JANUARY 1975 FOR A REVIEW OF THEIR CASE. UPON RECEIPT OF A WRITTEN APPLICATION TO THE PRESIDENTIAL CLEMENCY BOARD AND REQUEST FOR RELEASE FROM CONFINEMENT FROM SUCH MEMBER, THE COMMANDING OFFICER OF THE CONFINEMENT FACILITY WILL RELEASE HIM FROM CONFINEMENT. THE APPROPRIATE GCM AUTHORITY WILL BE EXPEDITIOUSLY NOTIFIED AND WILL ISSUE A SUPPLEMENTARY COURT-MARTIAL ORDER SUSPENDING FOR AN INDEFINITE PERIOD ANY REMAINING CONFINEMENT PENDING COMPLETION OF APPELLATE REVIEW AND PRESIDENTIAL CLEMENCY ACTION. UPON HIS REQUEST, THE MEMBER MAY BE GIVEN LEAVE FOR AN INDEFINITE PERIOD, TO INCLUDE ALL ACCUMULATED LEAVE AND TO BE FOLLOWED BY AN EXCESS LEAVE STATUS. IF THE MEMBER DOES NOT REQUEST SUCH STATUS, HE WILL BE RETURNED TO DUTY.

F. NOT CONFINED; AWAITING APPELLATE REVIEW. SUCH CASES MUST MEET ONLY THE BASIC ELIGIBILITY REQUIREMENTS IN PARAGRAPH 2 ABOVE. SUCH MEMBERS TRIED AND CONVICTED OF QUALIFYING OFFENSES WHO HAVE BEEN SENTENCED TO BE DISCHARGED BUT WHO ARE NOT IN CONFINEMENT AND WHO ARE AWAITING APPELLATE REVIEW MAY ALSO APPLY TO THE PRESIDENTIAL CLEMENCY BOARD PRIOR TO 31 JANUARY 1975 FOR REVIEW OF THEIR CASE

G. PENDING ADMINISTRATIVE DISCHARGE. ADMINISTRATIVE DISCHARGE PROCEEDINGS PURSUANT TO MCO P1900.16A (MARCORSEPMAN) IN WHICH AN ELIGIBLE MEMBER IS THE RESPONDENT WILL BE HELD IN ABEYANCE PENDING DETERMINATION OF WHETHER THE MEMBER WILL ACCEPT THE TERMS OF THE PRESIDENT'S PROGRAM

H. RELEASE OF ELIGIBLE DESERTERS CONFINED IN THE U. S. DISCIPLINARY BARRACKS, FT LEAVENWORTH, KANSAS WILL BE THE SUBJECT OF SEPARATE SPECIAL INSTRUCTIONS TO BE ISSUED BY THIS HEADQUARTERS

RECALLED



0000

00

CONTROL NO	PAGE OF PAGE	TIME OF RECEIPT	DATE TIME GROUP
157533/264 CSN:BTR 3480	7 8	264/07:00Z	202315Z

VAL MESSAGE

NAVY DEPARTMENT

9. APPLICANTS INVOLUNTARILY ENTERING INTO MILITARY CONTROL
- A. SUCH CASES WILL BE REFERRED TO MARINE CORPS CIP FOR DETERMINATION OF BASIC ELIGIBILITY
 - B. IF ELIGIBLE, MARINE CORPS CIP WILL TRANSFER MEMBER TO CPU ON A PRIORITY BASIS
 - C. PERSONNEL REMAIN SUBJECT TO CURRENT POLICIES AND REGULATIONS UNTIL ARRIVAL AT CPU. THEY SHOULD BE ADVISED THAT ANY ADDITIONAL OFFENSE WILL REMOVE THEM FROM ELIGIBILITY FOR THE PRESIDENTIAL CLEMENCY PROGRAM
10. INFORMATION FOR PREVIOUSLY DISCHARGED MEMBERS. IT IS ANTICIPATED THAT EX-SERVICE MEMBERS WHO HAVE RECEIVED OTHER THAN HONORABLE DISCHARGES MAY REQUEST INFORMATION FROM MILITARY COMMANDS REGARDING APPLICATION FOR THE PRESIDENT'S CLEMENCY PROGRAM. SUCH FORMER MEMBER SHOULD BE ADVISED AS TO:
- A. THE NATURE OF QUALIFYING OFFENSES AND THE TIME SPAN OF THE ELIGIBILITY PERIOD
 - B. THAT HIS ONLY CHANNEL OF RELIEF IS TO APPLY IN WRITING TO THE PRESIDENTIAL CLEMENCY BOARD, OLD EXECUTIVE OFFICE BUILDING, THE WHITE HOUSE, WASHINGTON, D.C. 20500, FOR REVIEW OF HIS CASE
11. DRUG AND ALCOHOL INVOLVEMENT
- A. PROVISIONS OF MCD 6710.10 WILL NOT REPEAT NOT APPLY
 - B. NOTIFY THIS HEADQUARTERS (ACTION: CODE MPS; INFO: CODE MC)
- FOR SPECIAL INSTRUCTIONS
- PUBLIC AFFAIRS GUIDANCE
- A. REQUESTS AND QUERIES FROM THE MEDIA, THE PUBLIC AND ORGANIZATIONS WILL BE REFERRED TO HQMC (CODE PAI), AUTOVON 224-1492/3/4/5, COMMERCIAL 202-694-1492/3/4/5
 - B. HQMC (DIVINFO) WILL COORDINATE SERVICE PUBLIC AFFAIRS POLICY QUESTIONS WITH BOTH OASD(PA) AND THE CLEMENCY PROCESSING CENTER (CPC)
 - C. COMMENT UPON THE ANNOUNCED POLICY BY MARINE COMMANDS IS NOT CONSIDERED APPROPRIATE
 - D. DETAILED PUBLIC AFFAIRS GUIDANCE WILL BE PUBLISHED SEPARATELY
13. TROOP INFORMATION PROGRAM
- A. IT IS CONSIDERED IMPERATIVE THAT ALL MARINES SUPPORT THE SPIRIT AND INTENT OF THE PRESIDENT'S PROCLAMATION AND EXERCISE PRUDENCE IN THE IMPLEMENTATION OF THE PROGRAM FOR THE RETURN OF MILITARY DESERTERS
 - B. COMMANDERS AND OFFICERS IN CHARGE WILL CONDUCT A TROOP INFORMATION PROGRAM TOWARD THIS OBJECTIVE TO INSURE THAT ALL MARINES ARE AWARE THAT THIS IS A CLEMENCY PROGRAM AS OPPOSED TO AMNESTY
 - C. IN PARTICULAR, ALL MARINES WILL BE INFORMED OF PARAGRAPHS 6B (2)(A) THROUGH 6B(1)(H) OF THIS ALMAR, EMPHASIZING THAT CLEMENCY PROCEDURES ARE DESIGNED TO PROVIDE AN OPPORTUNITY FOR ELIGIBLE DESERTERS TO WORK THEIR WAY BACK INTO AMERICAN SOCIETY

BT



CONTROL NO	PAGE	OF	PAGE	TIME OF RECEIPT	DATE TIME GROUP
157533/264				264/07:00Z	202315Z
CSN:BTR 3480					

IMMEDIATE

0CT1

MSG 77

PAGE

(1)
 (2)
 (3)
 (4)
 (5)
 (6)
 (7)
 (8)
 (9)
 (10)

333401

ACTION: 1143/PPM-2

INFO: DP-11, DA-1, RE-4, NL-2, PCS-1, DPL-1, 1143/CE-2

0CTEZYUW RHWDD3775 260235Z MTMS-EEEE--RUEFHQA

(25)

ZNY EEEEE

*****0 172305Z SEP 74 ZEXI

FM AFMPC RANDOLPH AFB TX/DPKAKE I

TO AIG 8106

AIG 610

BT

UNCLAS E F T O B/617/74

FOR: DIR PERS AND CSPO CH. SUBJECT: IMPLEMENTATION GUI-
 DANCE FOR THE PRESIDENT'S PROGRAM FOR THE RETURN OF
 MILITARY DESERTERS. EXPIRES: 1 SEP 75. 1. REFERENCE: PRESIDENT'S
 PROCLAMATION OF 16 SEPTEMBER 1974. 2. THIS MESSAGE PROVIDES
 POLICY GUIDANCE FOR THE IMPLEMENTATION OF THE PRESIDENT'S
 PROGRAM. THE SECRETARY OF DEFENSE AND SERVICE CHIEFS
 DESIRE THAT THE PROGRAM BE FULLY SUPPORTED IN THE SPIRIT
 AS WELL AS THE LETTER OF THE PROCLAMATION. 3. THE
 GENERAL CONCEPT OF THE PROGRAM IS AS FOLLOWS: (A) THE
 DESERTER WILL BE ENCOURAGED TO MAKE INITIAL CONTACT
 WITH THE RESPECTIVE SERVICE CLEMENCY INFORMATION POINT
 BY REGISTERED MAIL OR TELEPHONE AND WILL RECEIVE REPORT-
 ING INSTRUCTIONS. (B) THERE WILL BE A JOINT CLEMENCY
 PROCESSING CENTER LOCATED AT FORT BENJAMIN HARRISON IN-
 PAGE 2 RHWDD3775 UNCLAS E F T O B/617/74.
 DIANA, FOR THE PROCESSING OF RETURNERS FROM ALL SERVICES.
 (C) PERSONNEL ELIGIBLE FOR THE PRESIDENT'S PROGRAM ARE THOSE
 INDIVIDUALS CARRIED ADMINISTRATIVELY AS DESERTERS WHO MEET THE
 FOLLOWING CRITERIA: (1) THE LAST PERIOD OF ABSENCE BEGAN ON OR
 BETWEEN THE DATES OF 4 AUGUST 1964 AND 28 MARCH 1973.
 (2) THERE ARE NO MILITARY OFFENSES PENDING OTHER THAN
 VIOLATION OF UCMJ, ARTICLES 85, 86, AND 87, OR MILITARY
 OFFENSES DIRECTLY RELATED THERTO. (D) THE ENLISTED
 DESERTER WILL BE GIVEN THE OPPORTUNITY TO APPLY FOR AN
 UNDESIRABLE DISCHARGE AFTER HE AGREES TO THE PERFORMANCE
 OF ALTERNATE SERVICE AND SIGNS A REAFFIRMATION ALLEGIANCE.
 (E) THE OFFICER DESERTER WILL BE ALLOWED TO RESIGN IN
 LIEU OF TRIAL BY COURT-MARTIAL AFTER HE AGREES TO THE
 PERFORMANCE OF ALTERNATE SERVICE AND SIGNS A REAFFIRMATION
 ALLEGIANCE. (F) THE REQUIRED PERIOD OF ALTERNATE SERVICE
 WILL BE DETERMINED BY THE JOINT ALTERNATE SERVICE BOARD
 ON A CASE-BY-CASE BASIS. 4. AT NO TIME WILL THE DESERTER
 WHO IS ELIGIBLE FOR THE PROGRAM BE PLACED UNDER GUARD OR

H



IMMEDIATE

IMMEDIATE

BT1

MSG 77

PAGE

02

261 0057

IN CONFINEMENT UNLESS HE COMMITS AN OFFENSE SUBSEQUENT TO HIS RETURN TO MILITARY CONTROL. 5. ALL INDIVIDUALS NOW IN CONFINEMENT WHO MEET THE ELIGIBILITY CRITERIA OF PARAGRAPH 3C (ABOVE) AND WHO ACCEPT THE TERMS OF THE PRESIDENT'S PROGRAM ARE TO BE RELEASED. SPECIAL INSTRUCTIONS ON THE RETROACTIVE APPLICATION OF THE PRESIDENT'S PROGRAM WILL BE SENT BY SEPARATE MESSAGE TO INCLUDE INSTRUCTIONS ON RELEASE OF THOSE NOW IN CONFINEMENT. 6. IN THE EVENT A DESERTER WHO MEETS THE CRITERIA OF PARAGRAPH 3C TURNS HIMSELF IN AT A MILITARY INSTALLATION, DEFENSE ATTACHE OFFICE, MAAG OR MISSION THE FOLLOWING WILL APPLY: A. NOTIFY THE RESPECTIVE CLEMENCY INFORMATION POINT BY THE MOST DIRECT MEANS AVAILABLE, AS TO THE INDIVIDUAL'S NAME, RANK, SSAN/SERVICE NUMBER, DATE HIS UNAUTHORIZED ABSENCE BEGAN, DUTY STATION AT TIME ABSENCE BEGAN, PLACE AND DATE OF BIRTH. INSTALLATION PERSONNEL SHOULD HAVE THE RETURNEE COMPLETE A RECORD OF EMERGENCY DATA (A COPY OF THE RECORD OF EMERGENCY DATA SHOULD BE FORWARDED WITH THE INDIVIDUAL TO THE PROCESSING CENTER). THE RESPECTIVE SERVICE CLEMENCY INFORMATION POINTS ARE AS FOLLOWS: (1) ARMY, U.S. ARMY CLEMENCY POINT, FT BEN HARRISON, IN 46216 (COMMERCIAL PHONE 317-542-3417. AUTOVON 699-3417). (2) NAVY, CHIEF OF NAVAL PERSONNEL (PERS 83), DEPARTMENT OF THE NAVY, WASHINGTON, D.C. 20320 (COMMERCIAL PHONE 202-694-2007. AUTOVON 224-2007). (3) MARINE CORPS, HEADQUARTERS, U.S. MARINE CORPS (CODE MC), WASHINGTON, D.C. 20380 (COMMERCIAL PHONE 202-694-8526. AUTOVON 224-8526). (4) AIR FORCE, U.S. AIR FORCE CLEMENCY INFORMATION POINT (AFMPC/DPKAK), RANDOLPH AIR FORCE BASE, TX 78148 (COMMERCIAL PHONE 512-652-4104. AUTOVON 487-4104). B. THE DESERTER WILL NOT BE ISSUED UNIFORMS EXCEPT MAINTENANCE OF BASIC HEALTH AND WELFARE PURPOSES. C. ELIGIBLE DESERTERS RETURNING TO MILITARY CONTROL WILL NOT BE REQUIRED TO CONFORM TO MILITARY STANDARDS OF APPEARANCE AND WILL BE TREATED WITH COURTESY COMMENSURATE WITH THE PRESIDENT'S PROCLAMATION. D. IF THE RETURNING DESERTER ARRIVES WITH DEPENDENTS, INSTALLATION PERSONNEL SHOULD ASSIST IN THE LOCATION OF NON-GOVERNMENT ACCOMMODATIONS. E. IF THE RETURNING DESERTER AND/OR HIS DEPENDENTS ARE IN NEED OF IMMEDIATE MEDICAL CARE, SUCH CARE SHOULD BE PROVIDED. F. THE RESPECTIVE SERVICE CLEMENCY INFORMATION POINT WILL PRO-

IMMEDIATE



IMMEDIATE

0011

MSG 77:

PAGE1

03

261 : 00571

PAGE 5 RHWHDD03775 UNCLASIE F T O 8/617/74 .
VIDE INSTRUCTIONS FOR THE HANDLING OF SPECIAL CASES.
7. ALL DESERTERS WHO DO NOT MEET THE CRITERIA OF PARAGRAPH
3 WILL BE PROCESSED IAW CURRENT PROCEDURES. 8. PUBLIC
AFFAIRS GUIDANCE. BECAUSE OF THE OVERRIDING NATIONAL
INTEREST IN THE PRESIDENT'S ANNOUNCEMENT ON CLEMENCY
PROCEDURES FOR DRAFT EVADERS AND MILITARY DESERTERS, THE
ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS) IS
RESPONSIBLE FOR DIRECTION AND COORDINATION OF ALL PUBLIC
AFFAIRS ACTIVITIES CONCERNING DESERTERS, DISCHARGES, AND
CLEMENCY. MAXIMUM INFORMATION WILL BE DISSEMINATED TO
THE PUBLIC WHILE AT THE SAME TIME GIVING DUE CONSIDERATION
OF THE RIGHTS OF THE INDIVIDUAL. THE CLEMENCY PROCESSING
CENTER (CPC) WILL BE MANNED BY REPRESENTATIVES OF ALL THE
MILITARY DEPARTMENTS, AND THE CPC INFORMATION CHIEF WILL
REPORT DIRECTLY TO THE ASD(PA) FOR ALL PUBLIC AFFAIRS
MATTERS. PUBLIC AFFAIRS GUIDANCE, RECOMMENDATIONS AND
ACCOMPANYING SERVICE IMPLEMENTING INSTRUCTIONS TO ALL
COMMANDS, WILL BE COORDINATED IN ADVANCE WITH OASD(PA).

A. ALL PERSONNEL WHO WILL HAVE DIRECT CONTACT WITH
DESERTERS MUST HAVE AN UNDERSTANDING OF POSSIBLE PUBLIC
AFFAIRS PROBLEMS AND A THOROUGH FAMILIARIZATION WITH
PUBLIC AFFAIRS GUIDANCE CONTAINED HEREIN. ACCORDINGLY,
THE RESPONSIBLE COMMANDER SHALL INITIATE PROCEDURES FOR
BRIEFING SUCH PERSONNEL. 3. THE INTERVIEWING AND
PHOTOGRAPHING OF DESERTERS BY NEWS MEDIA REPRESENTATIVES
AFTER THEIR RETURN TO MILITARY CONTROL IS PERMITTED UNDER
THE FOLLOWING CONDITIONS: (1) THE DESERTER GIVES HIS
PERSONNEL CONSENT. DESERTERS SHOULD BE ADVISED THAT THEY
DO NOT HAVE TO AGREE TO SUCH INTERVIEWS AND PHOTOGRAPHS.
(2) THE INTERVIEW/PHOTOGRAPHS DOES NOT INTERFERE WITH
THE EFFICIENT AND ORDERLY PROCESSING OF THE DESERTERS.
C. MILITARY PERSONNEL AND PUBLIC AFFAIRS OFFICERS SHOULD
NOT ATTEMPT TO PROVIDE OFFICIAL COMMENTS OR SPECULATION ON
THIS SUBJECT.

IMPERATIVE THAT ADDRESSEES PASS THIS MESSAGE TO CC AND
ALL MILITARY UNITS AND ACTIVITIES SERVICED.

BT

#3775

OTCEZYUW RHWHDD03775 2602352 0127-EEEE

2610058

IMMEDIATE



IMMEDIATE 1

19 SEP 1974

ACT 21

MSG NO:

PAGE

01

262 0216:

SU SDU

007531

1143ABS - GUPD

ACTION: 1143C-02
INFO: DPC-01, NG-02.

DPM(C)

DPM(SM)

OTTEZFOYI RHHHDD4548 2612258 MTHS-EEEE RUEFHQA.1

DPMC

DPMS

ZNY EEEEE ZFD RHHHDD 1

DPMM

DPMP

O R 182245Z SEP 74:

DPKS

DPMY

FBI AFMPC RANDOLPH AFB TXVDPMAKE 1

TO: RUWTFHA/DETI 1 3320 RTG FT LEAVENWORTH

RUWTFNA/B320 RTG LOWRY: AFB/CO/CC/SUA

AIG 610

NFO RUCNAAR/USAFI CLEM PROC UNIT FT BEN HARRISON IN.

BT

UNCLAS E F T O B/620/74

FOR DIR PERS AND CBPO 1

SUBJECT: RETROACTIVE PROVISIONS OF PRESIDENT'S PROGRAM FOR THE RETURN OF MILITARY DESERTERS. EXPIRES 1 SEP 75. REFERENCE AFMPC/DPMAKE1

UNCLAS E F T O 172305Z SEP 74. SUBJ: IMPLEMENTATION GUIDANCE FOR THE PRESIDENT'S PROGRAM FOR RETURN OF MILITARY DESERTERS. 1. FOLLOWING GUIDANCE FORWARDED FOR INFO AND IMMEDIATE COMPLIANCE (A)

MEMBERS ELIGIBLE FOR PARTICIPATION IN PROGRAM AS DESCRIBED IN REFERENCED MESSAGE WHO ARE CURRENTLY AWAITING TRIAL WILL BE PROVIDED THE OPPORTUNITY TO REQUEST DISCHARGE OR TENDER A RESIGNATION AS APPROPRIATE. ANY SUCH MEMBER WHO IS IN CONFINEMENT AND WHO

REQUESTS DISCHARGE OR TENDERS RESIGNATION IN COMPLIANCE WITH THE

MESSAGE 2 RHHHDD4548 UNCLAS E F T O B/620/74

PROGRAM WILL BE RELEASED THEREFROM. (B) FORMER MEMBERS WHO HAVE BEEN DISMISSED FROM THE SERVICE OR DISCHARGED WITH A DISHONORABLE OR BAD CONDUCT DISCHARGE (TO THE SENTENCE OF A COURT-MARTIAL

IMPOSED UPON CONVICTION OF AN ABSENTEE OFFENSE (10 U.S.C. 885, 886, AND 887) OR OTHER PURELY MILITARY OFFENSE DIRECTLY RELATED

THERETO COMMITTED DURING THE QUALIFYING PERIOD, OR WERE SEPARATED WITH AN UNDESIRABLE DISCHARGE BASED ON AN ACT OR ACTS COMMITTED

DURING THE QUALIFYING PERIOD WHICH RENDERED THE MEMBER SUBJECT TO TRIAL BY COURT-MARTIAL FOR AN ABSENTEE OFFENSE (10 U.S.C. 885, 886 AND 887) OR OTHER PURELY MILITARY OFFENSE DIRECTLY

RELATED THERETO MAY APPLY TO THE PRESIDENTIAL CLEMENCY BOARD:

OLD EXECUTIVE OFFICE BLDG. THE WHITE HOUSE, WASHINGTON, D.C. 20500

PRIOR TO 31 JANUARY 1975 FOR AN EXAMINATION OF THEIR CASE. THE

BOARD WILL BE EMPOWERED TO RECOMMEND TO THE PRESIDENT THAT A CLEMENCY DISCHARGE BE ISSUED AND TO QUALIFY SUCH RECOMMENDATION

WITH A REQUIREMENT FOR ALTERNATE SERVICE IN APPROPRIATE CASES.

THE MILITARY DEPARTMENTS WILL NOT PARTICIPATE EITHER IN THIS

REVIEW PROCESS OR IN MONITORING PERFORMANCE OF ALTERNATE SERVICE.

C. A MEMBER OR A FORMER MEMBER SERVING A SENTENCE TO CONFINEMENT

IMMEDIATE 1



IMMEDIATE I

21

MSG NO:

PAGE:

02 262

0216:

SUSDP

SENT BASED UPON CONVICTION OF AN ABSENTEE OFFENSE #10 U.S.C. I
 PAGE 3 RHWHDD4548 UNCLAS E F T O B/620/74 !
 885, 886 AND 887) COMMITTED DURING THE QUALIFYING PERIOD OR OTHER
 PURELY MILITARY OFFENSE DIRECTLY RELATED THERE TO MAY APPLY TO THE
 PRESIDENTIAL CLEMENCY BOARD PRIOR TO 31 JANUARY 1975 FOR AN EX-
 AMINATION OF HIS CASE. THE BOARD WILL BE EMPOWERED TO RECOMMEND
 CLEMENCY IN SUCH CASES. WHERE A MEMBER OR FORMER MEMBER MAKES
 SUCH AN APPLICATION, AND WHERE HIS SENTENCE TO CONFINEMENT IS
 BASED SOLELY ON QUALIFYING OFFENSES, HIS SENTENCE TO CONFINEMENT
 SHOULD BE SUSPENDED PENDING THE BOARD'S REVIEW. 2. REQUEST ALL
 ADDRESSEES EXCEPT DET 1, 3320 RTG AND 3320 RTG ADVISE I
 AFMPC/DPMACE NLT 21 SEP 74 OF FOLLOWING INFO PERTAIN-
 ING TO ANY PERSON FALLING UNDER PROVISIONS OF PARA C ABOVE WHO ARE
 CURRENTLY SERVING SENTENCE IN A FACILITY OTHER THAN AT LOWRY AFB
 OR FT LEVENWORTH KS. NEGATIVE REPLIES ARE NOT REQUIRED. (1) *
 FULL NAME AND GRADE (2) WHERE CONFINED (3) WHAT ARTICLE I
 SENTENCED FOR (85, 86 OR 87) AND SHORT STATEMENT OF CHARGE
 (4) WHEN SENTENCE TO BE COMPLETED. 3. IN PERTAINIVE THAT ALL I
 ADDRESSEES PASS THIS MESSAGE TO CCI AND ALL MILITARY UNITS AND I
 ACTIVITIES SERVICED. 4. FOR DET 1, 3320 RTG AND 3320 RTG ONLY. *
 REQUEST FOLLOWING INFO BE PROVIDED AFMPC/DPMACE NLT THAN 21 SEP 74:
 (1) FULL NAME AND GRADE OF ANY USAF I

EL 4 RHWHDD4548 UNCLAS E F T O B/620/74 !
 MEMBER FALLING UNDER PROVISION PARA C ABOVE (2) WHERE CONFINED
 (3) WHAT ARTICLE (85, 86 OR 87) AND SHORT STATEMENT OF OFFENSE
 (4) DATE SENTENCE WILL BE COMPLETED. PLEASE INSURE COORDINATED
 REPLY TO INSURE NO OMISSION OR DUPLICATION OF REPORTING. SUSPENSE I
 WILL NOT BE CHANGED. I

BT

#4548

OTCEZFDY RHWHDD4548 2612258 0073-EEEE

2620217

IMMEDIATE I



AMENDED REPORTING REQUIREMENTS

September 20, 1974

- I. Number of applicants for President's Program
 - A. Members contacting CIP (mail/telephone/via other installations)
 1. Number eligible of those who made contact
 2. Number referred to JPC
 3. Number reported in at JPC
 4. Number processed by JPC
 - a. Type of Separation (Manual for Standard Data Elements)
 - b. Character of discharge
 - c. Length of Alternate Service
 - ((a) None
 - (b) 1 - 5
 - (c) 6 - 12
 - (d) 13 - 18
 - (e) 19 - 24
 - d. Race /ethnic group (Manual for Standard Data Elements)
 - e. Date of absence by year (year last absence began)
 5. Number not processed by JPC (Ineligible)
 - a. Offense not within period
 - b. Other offenses pending
 - c. Failed to execute required statements
 - d. Other



I

6. Disposition of those not processed by JPC (Ineligible)
 - a. Referred to trial by court-martial (GCM, SPCM, Summary)
 - b. Administrative separation
 - c. Article 15
 - d. Reprimand
 - e. No action/ returned to duty
 - f. Other
7. Processed through medical channels
8. Pending at JPC as of last working day of the month
9. Cases requiring more than 7 working days (number)
10. Cases requiring more than 14 working days (by name and reason)

II. Number ^{of eligibles} who return to military control but who do not apply for benefits of Presidential Proclamation. (Report disposition as in Item I. 6. a - f).

III. Number who return to military control who are ineligible.
(Report disposition as in I. 6. a - f).



THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

SEP 17 1974

Honorable William B. Saxbe
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

This letter is written pursuant to the President's Proclamation announcing a program for the return of Vietnam-era draft evaders and military deserters. It is requested that you immediately instruct the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the Federal Marshal's service to follow the following procedures at border control points in the United States, until January 31, 1975, regarding admittance to the United States of persons whose names appear on a "look out" list or NCIC list, for having committed an offense of absence or desertion under the Uniform Code of Military Justice (10 U.S.C. 835, 10 U.S.C. 836, and 10 U.S.C. 837) during the period from August 4, 1964, to March 28, 1973, inclusive.

1. The individual should be informed that there is an outstanding warrant for his arrest for violation of the Uniform Code of Military Justice.

2. He should be permitted to read the contents of the Presidential Proclamation and his attention directed specifically to that portion of the Proclamation describing those military offenses which may be the subject of clemency.

3. He should be advised that, if he returns to proper military control within fifteen days of the date of his entry into the United States, the warrant of arrest will not be executed against him. He should also be advised that, should he attempt to exit the United States during the fifteen day period, or should he not return to military control during that period, the warrant will be executed.

4. In the event the individual is wanted by the military department for other than a violation of 10 U.S.C. 835, 836, or 837, or is the subject of an arrest warrant or a fugitive felon warrant for a state or federal offense, in addition to the absence or desertion violation, the individual should be detained and the appropriate military department or the FBI immediately notified so that his apprehension may be effected in accordance with established procedures.



J

5. The names and dates of entry of all individuals entering the United States pursuant to the Proclamation should be promptly furnished to the local field office of the FBI. The names of military absentees should be forwarded to the Army, Navy, Marine Corps, or Air Force Clemency Information Point, United States Army, Fort Benjamin Harrison, Indiana 46249.

Sincerely,

James R. Schlesinger





GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

September 20, 1974

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: President's Program for the Return of Vietnam-era Deserters

The Secretary of Defense has decided that information obtained from military absentees inquiring about the President's Program will be closely held by the Military Department concerned and will not be used, during the eligibility period set forth in Proclamation No. 4313, against either the absentee inquiring or other eligible absentees, to effect an apprehension for unauthorized absence. To do otherwise would not be in the spirit of the President's Program. It is desired that this policy be disseminated to all concerned without delay.


Martin R. Hoffmann



ADMINISTRATIVE AND PUNITIVE DISCHARGES

1. General Information. There are two basic types of discharges, administrative and punitive. The administrative discharge, of which there are three basic kinds, Honorable, General, under other than honorable conditions (Undesirable for enlisted and "discharge" for officers), should not be confused with punitive discharges, Bad Conduct or Dishonorable for enlisted personnel, and dismissal for officers. Punitive discharges may only be issued when adjudged by a court-martial upon conviction of a violation of the Uniform Code of Military Justice.

Although Undesirable Discharges are not intended or considered to be punitive in nature, personnel who receive such administrative discharges may lose eligibility for certain Veterans' Administration benefits and may encounter considerable difficulty in securing civilian employment because of the stigmatizing effect associated with such discharges.

It has long been the policy of the Department of Defense that the Armed Forces have the right and duty to separate from the Service with an appropriately characterized discharge certificate military personnel who clearly demonstrate that they are unqualified for retention. This includes the issuance of the Undesirable discharge.

The Military Services are required to maintain standards of conduct in consonance with those of society in general and, as is the case with the civilian community, indicate in a positive manner whether a given member is held in esteem, viewed with satisfaction, or with disapproval. The resulting stratification permits ready identification of those who warrant higher training, promotion, and other favorable personnel actions during service. The Honorable Discharge is universally regarded as a worthy incentive toward meritorious performance and at time of separation, an appropriate expression of appreciation of a job well done. In order to retain its meaning, the Honorable Discharge Certificate must not be issued to the undeserving.

There are no statutes which prescribe the Undesirable Discharge by name. Nevertheless, there are ample provisions authorizing the Secretaries of the Military Departments to issue administrative discharges without specification as to type, or in which the law clearly provides for administrative discharge under other than honorable conditions. The current law and its predecessors, essentially unchanged since 1776, have been interpreted to mean that the exact method of separation and the characterization of the discharge certificate were the prerogative of the executive who held the power to issue the discharge.



2. Historical Development of Characterized Discharges. From time to time, the Armed Services have issued discharges which were considered to be neither "honorable" nor "dishonorable." These certificates were invariably unpopular, and eventually replaced by characterized certificates. The Code of 1775 provided merely that "a discharge," prepared in writing and signed by a field officer, would be given to each enlisted man upon separation. By 1893 three levels of merit were recognized by issuance of "discharges," "discharges without honor," and "dishonorable discharges."

In 1913, an unclassified discharge was used by the Army to effect separations which were not dishonorable, but considered undeserving of the "testimonial of honest and faithful service" as indicated on the honorable discharge certificate. In 1916 the "blue discharge" replaced the "unclassified discharge." As with its predecessor, this form was without characterization. Nevertheless, by 1917, holders were barred from re-enlistment.

The use of the "Blue Discharge Certificate" was discontinued in 1948 and replaced by separate certificates denoting the character of discharge.

Honorable
General
Undesirable
Bad Conduct
Dishonorable



ISSUANCE AND REVIEW OF DISCHARGES FROM THE ARMED FORCES

There are two categories of discharges used in separating persons from the military service, i. e., punitive discharges and administrative discharges. The two types of punitive discharges are the Dishonorable Discharge and the Bad Conduct Discharge. Punitive discharges may only be issued when adjudged by a court-martial upon conviction of a violation of the Uniform Code of Military Justice.

Pursuant to Article 56 of the Uniform Code of Military Justice, 10 United States Code 856, the President has designated those specific offenses which may warrant a Bad Conduct or Dishonorable Discharge. A listing of those offenses can be found in the Table of Maximum Punishments, paragraph 127c of the Manual for Courts-Martial, United States (1969). An examination of that Table will reveal that the offenses upon conviction of which a court-martial may adjudge a punitive discharge are not those which are normally considered "minor,"

Under Article 66 of the Uniform Code of Military Justice, 10 United States Code 866, every trial by court-martial in which the sentence extends to a Bad Conduct or Dishonorable Discharge must be reviewed by an appellate court, the Court of Military Review. Under article 67 the recipient of such a discharge may petition the Court of Military Appeals for further review.

There are three basic types of administrative discharges: Honorable, General, and Undesirable. Issuance of these three types is governed by the provisions of Department of Defense Directive 1332.14, "Administrative Discharges." A general statement of Department of Defense policy with regard to administrative discharges is found in Section V.A. of that Directive, which states: "The Armed Forces have the right and the duty to separate from the service with an appropriately characterized discharge certificate members who clearly demonstrate that they are unqualified for retention. At the same time, such members have rights which shall be protected." Each of the military services has adopted detailed regulations which implement this policy and the procedures contained in the Department of Defense Directive.

The general standards for determining the type of administrative discharge an individual should receive are set forth in Section VI of Department of Defense Directive 1332.14. An Honorable Discharge is a separation with honor, the receipt of which is "conditioned upon proper military behavior and proficient performance of duty with due consideration for the member's



M

age, length of service, grade and general aptitude." A General Discharge is a separation under honorable conditions which will be issued "when a member's military record is not sufficiently meritorious to warrant an Honorable Discharge as prescribed by the regulations of the service concerned." An Undesirable Discharge is an administrative separation from the service under conditions other than honorable which "may be issued for misconduct, unfitness, or security reasons." These standards have been defined in much greater detail in the regulations issued by the individual services.

Section VII of the Department of Defense Directive lists 11 general grounds upon which a member may be administratively discharged from the Armed Forces: Expiration of enlistment or fulfillment of service obligation, convenience of the government, resignation-own convenience, dependency or hardship, minority, disability, unsuitability, security, unfitness, misconduct, and resignation or request for discharge for the good of the service. An Honorable or, when appropriate, General Discharge may be issued for any of these reasons. The issuing authority for a General Discharge is the Commander exercising Special Court-Martial jurisdiction over the individual, or higher authority.

An Undesirable Discharge may only be issued to an individual who is separated for security reasons, unfitness, or misconduct, or who requests discharge in lieu of trial by court-martial for an offense which could lead to a punitive discharge. The issuing authority for an Undesirable Discharge is the Commander exercising General Court-Martial jurisdiction over the individual, or a general officer in command with a judge advocate on his staff, or higher authority.

Under Section VII.J. of the Department of Defense Directive, there are three instances in which a serviceman may receive an Undesirable Discharge on grounds of "misconduct": (1) when he is convicted by civil authorities of an offense which involves moral turpitude or which is punishable under the Uniform Code of Military Justice by death or confinement for more than one year, or (2) when he has procured a fraudulent enlistment or induction through deliberate material misrepresentation, omission or concealment, or (3) when he has been continually absent without authority for one year or more. Under Section VII.I. of the Directive, a member may receive an Undesirable Discharge on the grounds of "unfitness" for frequent involvement of a discreditable nature with civil or military authorities, sexual perversion, drug abuse, an established pattern of shirking, an established pattern showing dishonorable failure to pay just debts, an established pattern showing dishonorable failure to support dependents or comply with court orders concerning support of dependents, and unsanitary habits.



The Department of Defense is aware that servicemen who have received Undesirable Discharges may encounter difficulty in securing civilian employment. For this reason, the Department has adopted policies and procedures which are designed to protect the interests of the individual and prevent the issuance of undeserved Undesirable Discharges. These procedures are set forth in Section VIII. of Department of Defense Directive 1332.14. It should be noted that the Directive provides that: "No member shall be discharged under conditions other than honorable unless he is afforded the right to present his case before an administrative board with the advice and assistance of counsel and unless such discharge is supported by approved board findings and an approved board recommendation for undesirable discharge." The rights which a serviceman has before such a board are listed in Section IX. C. of the Directive. These include the rights to appear in person before the board (with or without counsel), challenge members of the board for cause, request the appearance of witnesses, submit statements and depositions, and question any witnesses that appear. The only occasions when a member loses his right to a board hearing before receiving an Undesirable Discharge is when he "is beyond military control by reason of prolonged unauthorized absence, resigns or requests discharge for the good of the service, or waives his right to board action in writing."

After an individual has received an other than Honorable Discharge, he may seek to have it changed by applying for relief before either, or both, of two administrative review boards. Pursuant to 10 United States Code 1553, the Secretaries of each of the Military Departments have established discharge review boards which, except for cases involving a discharge which "resulted from the sentence of a General Court-Martial," may "change a discharge or dismissal, or issue a new discharge." A former serviceman can apply to such a board for relief at any time up to 15 years from the date of his discharge. Although an individual may appear before the discharge review board if he so desires, personal appearances are not necessary to accomplish remedial relief. The discharge review board will determine whether the discharge was equitable and properly given. If it does not so find, it will change the character of the discharge.

In addition to the administrative discharge review boards established under 10 United States Code 1553, each of the Military Departments has also established a board for the correction of military records under 10 United States Code 1552. These boards have broad powers to recommend to the Secretary concerned a change in an individual's military records, including his discharge, to correct an inaccuracy or to cure an injustice.

As a related matter, it should be noted that a former serviceman who is not entitled to have his discharge changed by either of these administrative review boards may still be able to obtain some relief under Public Law 89-690, approved by President Johnson on October 15, 1966. By virtue of this law,



a person who receives an Undesirable, Bad Conduct, or Dishonorable Discharge from the military service can apply to the Secretary of Labor for the issuance of an Exemplary Rehabilitation Certificate based on proof of at least three years of successful rehabilitation and exemplary conduct in civilian life subsequent to discharge. Issuance of the Certificate does not operate to change the character of a discharge from an armed force or to restore any veterans' benefits lost thereby, but it does qualify the recipient for certain job counselling and employment placement assistance administered by the Department of Labor and provides tangible proof of rehabilitation. A detailed description of this program may be found at 29 C.F.R. 26.1-26.7.



DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER 1325.2 - Ch 1 (Reprint)	DATE January 15, 1971	DISTRIBUTION 1300 series
-----------------------------------	--------------------------	-----------------------------

ATTACHMENTS

Reprint of DoD Directive 1325.2, August 24, 1970.

REPRINT

INSTRUCTIONS FOR RECIPIENTS

The attached reprint of Department of Defense Directive 1325.2, "Desertion and Unauthorized Absenteeism," dated August 24, 1970, incorporates authorized changes to Pages 2, 8, 9, 10 and 11 of basic Directive, which are indicated by marginal asterisks. It renumbers Enclosure 5 and cancels Reports Control Symbols DD-M(SA)1037 and DD-M(SA)1038.

This reprinted Directive should be substituted for copies of 1325.2 previously distributed.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two (2) copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days.

Maurice W. Roche

MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Administration)



WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

REPRINT
(with changes through 1/15/71 incorporated)

August 24, 1970

NUMBER 1325.2



ASD(M&RA)

Department of Defense Directive

SUBJECT Desertion and Unauthorized Absenteeism

- Refs.: (a) DoD Instruction 1325.2, "Uniform Policy for the Administration of Absentees and Deserters," September 27, 1966 (hereby cancelled)
- (b) DoD Instruction 7700.10, "Recurring Reports Concerning Military Absentees and Deserters," October 14, 1968 (hereby cancelled)
- (c) DoD Instruction 1325.3, "Charges to Accounts of Enlisted Men AWOL or in Desertion," April 19, 1966 (hereby cancelled)
- (d) DoD Instruction 7220.3, "Budget and Accounting Classifications for Military Personnel Appropriations," November 7, 1962
- (e) Uniform Code of Military Justice (10 U.S. Code, 801 - 940)
- (f) Manual for Courts-Martial, 1969 (Revised Edition)
- (g) Joint Travel Regulations, Volume 1

I. PURPOSE

This Directive provides uniform policies and procedures designed to minimize the occurrence of desertion and unauthorized absenteeism of military personnel, foster the development of effective deterrent programs, enhance apprehension efforts, and provide for accurate and timely reporting of cases of desertion and unauthorized absenteeism. It also incorporates the provisions of references (a), (b) and (c) above.

II. APPLICABILITY AND SCOPE

The provisions of this Directive apply to the Military Departments and cover all military personnel serving on or ordered to report

Aug 24, 70#
1325.2

Continuation of II.

to active duty in the Armed Forces of the United States and members of the Reserve components serving on active duty or active duty for training (Article 2, 10 U. S. C. 801-940), reference (e)).

III. CANCELLATION

* References (a), (b) and (c) and Reports Control Symbols DD-M(Q)908, DD-M(SA)1037 and DD-M(SA)1038 are hereby superseded and cancelled. *

IV. DEFINITIONS

For the purpose of this Directive, the following definitions apply:

- A. Absentee - Any member of the Armed Forces not classified administratively as a deserter (see V.A., below) who is absent without authority from his unit, organization or other place of duty at which he is required to be.
- B. Deserter - A member of the Armed Forces who has been administratively classified as a deserter (see V.A. below).

V. POLICY

The Military Services will issue implementing regulations consistent with the following:

A. Criteria for Administrative Classification of Deserters.

For administrative purposes, an absentee will be classified as a deserter and a DD Form 553 "Absentee Wanted by the Armed Forces" (enclosure 1) will be prepared when:

1. the facts and circumstances of absence without regard to the length of absence indicate that the member may have committed the offense of desertion, as defined in Article 85 of the Uniform Code of Military Justice (reference (e)) and paragraph 164 of the Manual for Courts-Martial (reference (f)), or
2. he has been absent without leave for thirty (30) consecutive days, or

3. he is absent without authority without regard to length of absence and has gone to, or remains in any foreign country and while in such foreign country has requested or applied for, or accepted any type of asylum or residence permit from such country, or any governmental agency thereof.

B. Apprehension of Absentees and Deserters

1. General. Every practicable effort will be made to apprehend absentees and deserters as expeditiously as possible. To achieve this end, vigorous efforts will be made at the unit and other appropriate levels to investigate the facts and circumstances surrounding absences, to initiate apprehension actions, and to expedite appropriate notification procedures.
2. Authority to Apprehend
 - a. Absentees and deserters may be apprehended by members of the Armed Forces under the circumstances prescribed by Article 7b of the Uniform Code of Military Justice (reference (e)) and paragraph 19 of the Manual for Courts-Martial (reference (f)).
 - b. Any civil officer having authority to apprehend offenders under the laws of the United States or of a State, Territory, Commonwealth, or Possession, or the District of Columbia may summarily apprehend a deserter from the Armed Forces and deliver him into the custody of those forces (Article 8 of the Uniform Code of Military Justice (reference (e)) and paragraph 23 of the Manual for Courts-Martial (reference (f))).
 - c. U. S. authorities may apprehend absentees and deserters in foreign countries only when authorized by an international agreement with the country concerned or by agreement with appropriate local authorities when such agreement is within the purview of an existing international agreement. (See 5. b. , below). In these cases:

- (1) careful consideration must be given to possible international implications and adverse foreign reaction.
- (2) where apprehension cannot be accomplished or in any case where doubt exists as to apprehension authority, a report of the facts will be forwarded, through appropriate Military Service channels, to the Assistant Secretary of Defense (Manpower and Reserve Affairs) for resolution.

3. Return to Military Control

- a. Absentees and deserters will be received at any military installation which is manned by active duty personnel. Immediate action will be taken to transfer an individual to the nearest installation of his branch of service having facilities to process absentees and deserters.
- b. Absentees and deserters being detained temporarily in the hands of civil authorities will be returned to military control as soon as possible after responsible military officials are informed of their whereabouts and the civil authorities are ready to release them. As a goal, military authorities will strive to accomplish such return to military control within forty-eight (48) hours after receiving notification of absentee/deserter's whereabouts.
- c. In the absence of other specific pre-arrangements among Military Service commands, when one of the Military Services makes a pick-up of absentees and/or deserters from civil authorities anywhere in the Continental United States, all such individuals regardless of the military service to which they belong shall when practicable be picked up at the same time and delivered to the nearest military installation having facilities to process absentees or deserters. When such pick-up is not accomplished, the apprehending authorities will notify the military service(s) of the individuals remaining in civilian custody preferably prior to departing the civilian confinement facility.

d. Military attaches or mission chiefs in foreign countries will not accept the offer of a deserter or absentee to return to military control unless the United States is directly responsible for the presence of the individual in the country where assistance is requested.

(1) Normally, such deserters and absentees shall be advised and assisted to report, at their own expense, to an appropriate U. S. military installation within the United States or overseas.

(2) Unless they are citizens of the country in which assistance is requested, absentees and deserters shall be reported to the appropriate authorities of such foreign country with a view toward deportation.

(3) If the individual departs the foreign country or is deported, the military attache or mission chief will make arrangements, if possible, when such departure is known, to have the individual taken into custody upon his arrival within a territory where U. S. military officers have authority to apprehend.

e. All original recipients of a DD Form 553 shall be promptly informed of the individual's return to military control by the publication of a DD Form 616, Report of Return of Absentee, (see enclosure 2).

4. Rewards and Reimbursements

a. Any authorized communication, oral or written, from a military or federal law enforcement official or agency requesting active cooperation in the apprehension or delivery to military control of an absentee or deserter wanted by the Armed Forces shall constitute the basis for a reward. Subsequent to such communication, persons or agencies apprehending, detaining, or delivering absentees, deserters, or escaped military prisoners to military control will be rewarded

or reimbursed (but not both) as follows:

- (1) Payment of a reward of fifteen dollars (\$15.00) for the apprehension and detention of absentees, deserters, or escaped prisoners until the military authorities take them under control.
- (2) Payment of a reward of twenty-five (\$25.00) for the apprehension and delivery to military control of absentees, deserters, or escaped military prisoners.
- (3) Under circumstances where persons or agencies who apprehend and/or return absentees and deserters to military control may not be paid a reward, reimbursement for reasonable and actual expenses may be made not to exceed twenty-five dollars (\$25.00) for any one case.

b. Payments authorized by 4.a., above and those costs of travel of guards assigned to absentees or deserters will be charged to the Military Personnel Appropriation of the parent Military Service as prescribed in DoD Instruction 7220.3 (reference (d)). These costs will not be reimbursed by the absentee or deserter. Costs associated with an absentee's or deserter's own transportation for return to military control will be charged to the pay accounts of the individual member as prescribed in the Joint Travel Regulations, Volume I (reference (g)).

5. Cooperation of Armed Forces and Civil Law Enforcement Agencies

a. Within the jurisdiction of the U. S., notices about members wanted for unauthorized absence or desertion from a command located in the jurisdiction of the United States will be given expeditious selective circulation among those Armed Forces and civil law enforcement agencies deemed most useful in apprehending a particular absentee.

- (1) Normally, notices will be sent to the Federal Bureau of Investigation and Department of State (in the case of non-citizen deserters) only by the headquarters of the Military Service concerned.

(2) In certain cases (such as escaped prisoners who are declared to be deserters, and absentees or deserters considered to be dangerous) local commanders may notify the Federal Bureau of Investigation direct. The standard format of these notices shall be the DD Form 553, Absentee Wanted by the Armed Forces (enclosure 1).

b. Outside the Jurisdiction of the U.S., major commands will take such initial actions as the local situation may warrant, within the primacy of international agreements, to secure cooperation in apprehension of members absent without leave (see 3. d., above).

C. Deserter Information System

1. A Deserter Information Point (DIP) shall be established as a central focal point in each Military Service to provide for the control, accounting, and dissemination of information concerning members administratively classified as deserters and as warranted for those absent without leave for less than thirty (30) days.
2. In order to provide the means for making timely and complete deserter information available to civil law enforcement agencies, each DIP will have access to a terminal for direct entry to the National Crime Information Center (NCIC) computer of the Federal Bureau of Investigation. The Military Service shall as soon as reasonably possible but not later than 30 June 1971 institute administrative procedures which will insure that, under normal conditions, every deserter is entered in the NCIC no later than seven (7) days after being administratively declared a deserter. (Minimizing this time interval and increasing the reliability and use of this information source shall be a primary consideration for each Military Service.)
3. The primary source of information to the DIP will be from the automated personnel accounting system of each Military Service supplemented by the DD Form

Continuation of V.C.3.

553, Absentee Wanted by the Armed Forces, and DD Form 616, Report of Return of Absentee, (see enclosures 1 and 2). The DIP will advise the NCIC of requisite entries as soon as possible after initial receipt of deserter information. Subsequently, the DIP will make the necessary adjustments to update and purify NCIC records of deserter information. On the sixtieth (60th) day of continuous absence, the DIP will forward copies of DD Form 553 to the Federal Bureau of Investigation.

4. The Military Services shall submit a report to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on each military member who absents himself without authority and who is known to have gone to a foreign country or foreign embassy (or attempted to do so) for the apparent or stated purpose of protesting U. S. policies or of engaging in subversive or disloyal acts. The report^{1/} shall be submitted as soon as it is ascertained that the military member has absented himself without authority for any of the aforesaid reasons regardless of the length of absence (see VII.A. 2 and enclosure 3).

*

*

VI. RESPONSIBILITIES

A. The Assistant Secretary of Defense (Manpower and Reserve Affairs) shall:

1. Foster the development of improved management practices and programs by the Military Services to deter and minimize absenteeism and desertion.
2. Develop supplemental procedures to provide current and adequate information, act as focal point in the DoD for absentee and deserter information, and respond to queries concerning absentees and deserters.
3. Act as liaison between the DoD and the Federal Bureau of Investigation, other Government Departments, and civil law enforcement agencies on absentee and deserter policy matters.

1/ These reporting requirements are a continuation of requirements in reference (b).

4. Initiate and encourage research or studies of the causes of desertions and unauthorized absentees.

B. The Military Services shall:

1. Continue to make every effort to deter desertion and unauthorized absences by improving current program management practices and developing new programs.
2. Designate a senior policy official to serve as the focal point for absentee and deserter policy and for administration of the absentee program within each Military Service.
3. Establish Deserter Information Points, in accordance with V. C. 1., above.

VII. REPORTING REQUIREMENTS

A. The Military Services will forward the following reports to the ASD(M&RA):

- * ~~1. Within ninety (90) days after the end of the 2d and 4th quarter beginning with the period July through December 1970.~~ *
- * ~~a. A Semi-Annual Report of Enlisted Personnel Unauthorized Absences (see format at enclosure 3).~~ *
- * ~~b. A Semi-Annual Report of Administratively Classified Deserters (see format at enclosure 4).~~ *
1. As they occur, a report of those absentees who have gone or attempted to go to foreign countries as described in paragraph V. C. 4 (see format at enclosure 3) *
 2. Within ninety (90) days after the end of each Fiscal Year, a copy of the annual report or reports submitted to Military Department Secretaries covering identified causes of absenteeism and desertion, descriptions or profiles of the "typical" absentee and deserter, steps taken and planned to eliminate

Continuation of VII.A.3.

causes of absenteeism and desertion; and, programs aimed at motivating personnel to refrain from absenting themselves without authority

B. Report Control Symbols

The reporting requirements of Section VII.A., this Directive, have been assigned Report Control Symbols as follows:

- * ~~1. Enlisted Personnel Unauthorized Absences, DD-M(SA)1037~~ *
- * ~~2. Administratively Classified Deserters, DD-M(SA)1038~~ *
- * 1. Military Absentees Who Have Gone or Attempted To Go To Foreign Countries, DD-M(AR)907 *
- * 2. Identified causes of absenteeism and desertion, descriptions or profiles of the "typical" absentee and deserter, steps taken and planned to eliminate causes of absenteeism and desertion; and, programs aimed at motivating personnel to refrain from absenting themselves without authority, DD-M(A)1039 *

C. New reporting requirements will be effective with the first half FY 1971; reissued report dates remain the same.

- * ~~Information required on enclosures 3 and 4 which will not~~ *
- * ~~be readily available until information systems are oper-~~ *
- * ~~ational is optional until 30 June 1971. Subsequent reports~~ *
- * ~~will include all reporting requirements.~~ *

VIII. EFFECTIVE DATE AND IMPLEMENTATION

A. The provisions of this Directive will be effective one hundred and twenty (120) days from the date of this Directive.

Aug 24, 70#
1325.2

- B. Each Military Department shall forward to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days from the effective date two (2) copies of instructions implementing this Directive.



Deputy Secretary of Defense

Enclosures - 3

1. DD Form 553, Absentee Wanted by the Armed Forces
2. DD Form 616, Report of Return of Absentee
- * ~~3. Format - Report of Enlisted Unauthorized Absences~~ *
- * ~~4. Format - Report of Administratively Classified Deserters~~ *
3. Format - U. S. (Military Service) Military Absentees Who Have Placed Themselves (or Attempted To Do So) Under the Control of a Foreign Nation to Protest Against the U. S. or Commit Disloyal Acts.

37. REMARKS (Continued)

42 DISTRIBUTION (Continued)

INSTRUCTIONS

1. **DISTRIBUTION.** Distribution will be in accordance with AR 630-10; AFR 35-73; Art C-7803 BuPers Manual; Marine Corps Personnel Manual, Par. 15070; or Article 8-A-5, Personnel Manual, U. S. Coast Guard.

2. **AUTHORITY TO APPREHEND.** Any civil officer having authority to arrest offenders may, when authorized by military officials of the Armed Forces, apprehend an individual absent without leave from the military service of the United States and deliver him into custody of the military authorities of the United States. Receipt of DD Form 553 or oral or written notification from military officials or Federal law enforcement officials that the person is absent and that his return to military control is desired is authority for apprehension and will be considered as an offer of a reward.

3. **INDIVIDUAL CLAIMS HE IS NOT ABSENT WITHOUT LEAVE.** When a detained individual claims that he is not absent without leave and does not have the papers to prove his claim, the apprehending person or agency representative should communicate direct, by the most rapid means available, with the commanding officer of the appropriate Army, Navy, Air Force, Marine Corps, or Coast Guard installation to ascertain the absentee's correct status.

4. **FOLLOW-UP ACTION BY APPREHENDING PERSON OR AGENCY.** When, 24 hours after the commanding officer of an Army, Navy, Air Force, Marine Corps, or Coast Guard installation has been informed of the apprehension of an absentee, no reply has been received, the apprehending person or agency representative should communicate direct (either by telephone or telegraph) with the commander of the nearest major command of the service to which the absentee belongs. Notify Commanding General, major Army command (for Army personnel); Chief of Naval Personnel 20370 (for Navy personnel); USAFMPC (AFPMDRAIA), Randolph AFB, Texas 78148 (for Air Force personnel); Headquarters, United States Marine Corps 20380 (for Marine Corps personnel); and Commandant, United States Coast Guard 20591 (for Coast Guard personnel).

5. **PAYMENTS.** a. **REWARDS.** (No payment of a reward will be made unless the offer of a reward has been made.) Persons

or agency representatives (except salaried officers or employees of the Federal Government or service members) apprehending or delivering absentees or deserters to military control will receive:

- (1) Payment of a reward of \$15 for the apprehension and detention until military authorities take them under control, or
- (2) Payment of a reward of \$25 for the apprehension and delivery to military control.

Payment of reward will be made to the person or agency representative actually making arrest and the turnover or delivery to military control. If two or more persons join in performing these services, payment will be made to one person or agency only. Payment of reward will be made whether the absentee surrenders or is apprehended. Payment will not be made merely for information leading to the apprehension of an absentee, nor for apprehension not followed by return to military control.

b. **REIMBURSEMENT.** Reimbursement, not to exceed \$25, may be made for actual expenses incurred in those cases in which no reward has been offered or when conditions for payment of reward cannot otherwise be met. Salaried officers or employees of the Federal Government, service members, attorneys on whose advice the absentee surrenders himself to military authorities, and other persons not entitled to receive a reward may be reimbursed in accordance with current regulations of the appropriate service. If two or more persons join in performing these services payment will be made jointly or severally, but total payment to all persons may not exceed \$25.

c. Both reward and reimbursement may not be paid for the same apprehension and detention or delivery.

d. Appropriate payment of reward or reimbursement (but not both) will be made by the disbursing officer servicing the military facility to which absentee is delivered and will be in full satisfaction of all expenses of apprehending, keeping and delivering the absentee.

1527.2 (Encl 2)
Jan 15, 71

REPORT OF RETURN OF ABSENTEE WANTED BY THE ARMED FORCES		
TO:		
The wanted status of the following individual has been terminated. All wanted notices for this individual are cancelled and should be destroyed.		
NAME (Last, first, middle)		
SERVICE	SOCIAL SECURITY ACCOUNT NUMBER OR SERVICE NUMBER	GRADE OR RATE
I. STATUS		
(a) <input type="checkbox"/> ESCAPED PRISONER <input type="checkbox"/> ABSENTEE <input type="checkbox"/> DESERTER	(b) ORGANIZATION AND LOCATION FROM WHICH ABSENT	(c) DATE/HOUR ABSENCE BEGAN
II. CIRCUMSTANCES OF RETURN		
(a) <input type="checkbox"/> APPREHENDED <input type="checkbox"/> SURRENDERED	(b) <input type="checkbox"/> MILITARY AUTHORITIES <input type="checkbox"/> OTHER <input type="checkbox"/> CIVIL AUTHORITIES	
(c) PLACE OF INITIAL RETURN	(d) DATE/HOUR OF INITIAL RETURN	
(e) <input type="checkbox"/> RETURNED TO MILITARY CONTROL <input type="checkbox"/> RETAINED BY CIVIL AUTHORITIES <input type="checkbox"/> CIVIL CHARGES <input type="checkbox"/> SAFE KEEPING	(f) MILITARY ORG AND LOC OR CIVIL LOCATION	(g) DATE RETURNED TO MIL CONTROL
III. DISPOSITION (If effected)		
(a) <input type="checkbox"/> RETAINED <input type="checkbox"/> TRANSFERRED <input type="checkbox"/> TECHNICAL ARREST ORDERS <input type="checkbox"/> GUARD	(b) TO (Name of Command)	
(c) COST OF TRANSPORTATION (NOTE: To be charged to the individual's account)		
IV. REMARKS (To include location of Service, Pay and Health Records)	V. DISTRIBUTION (Same as for DD Form 553 at time of absence)	
DATE	TYPED NAME, GRADE, TITLE & ORGANIZATION	SIGNATURE (All copies to be signed)

#First amendment (Ch 1, 1/15/71)

U. S. (MIL. SERVICE) MILITARY ABSENTEES WHO HAVE PLACED OR HAVE ATTEMPTED TO PLACE THEMSELVES UNDER CONTROL OF A FOREIGN NATION TO PROTEST AGAINST THE U.S. OR COMMIT DISLOYAL ACTS

ABSENTEE	Attempt (Indicate Nation Involved)	Actual (Indicate Nation Involved)	Date of Absence	Reason Given by Absentee If Known	Possible or Suspected (Other Reason)	Complete Disciplinary History (if not provided elsewhere)	Current Status or Follow-on Actions to include RMC, Punishments, Discharge, etc.
----------	------------------------------------	-----------------------------------	-----------------	-----------------------------------	--------------------------------------	---	--

(Full Name)
 (Rank/Grade; Svc No.; SSAN)
 (Unit)
 (Location of Unit)
 DCB:
 PCB:
 Citizen:

SAMPLE OF ORIGINAL ENTRY:

DCE, John James
 PFC., RA 12345678; 123-45-7890
 Det. A., Berlin Brigade
 APO NY 12345
 DCB: 1 Jan 48
 PCB: Chicago, Illinois
 Citizen: U.S.

Sweden 4 Nov 67 Opposed to war in VN

Difficulties in his military and personal life. Believed to have difficulties w/ German National female. (see also next column complete disciplinary history.)

SCM Feb 66 for failure to repair, sent. to forf \$25.00; SPCM Jun 66 for disrespect & disobedience to superior officer. Sent. to CHL 4 mos., forf \$25.00 per mo for 4 mos.

Believed to be residing in Sweden.

SAMPLE OF SUPPLEMENTAL INFORMATION:

DCE, John James
 (Supplemental Information)

EM surrendered to military police at Frankfurt, Germany, 18 Feb 68; Conv. by SPCM on 15 Mar 68, CHL 5 mos., forf \$78/mo for 5 mos., Reduced to PVT, E-1. Given an Undesirable Discharge under AR 635-212 (Unsuitability) 29 Dec 68.

1325.2 (Encl 3)
Aug 24, 70#



ASD(M&RA)

Department of Defense Directive

SUBJECT Administrative Discharges

- Refs: (a) DoD Directive 1332.14, subject as above, January 14, 1959, as amended (hereby cancelled)
- (b) DoD Directive 1332.19, "Use of Records of Nonjudicial Punishment," February 12, 1963 (hereby cancelled)
- (c) DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956
- (d) DoD directive 1300.11, "Illegal or Improper Use of Drugs by Members of the Armed Forces," October 23, 1970
- (e) Title 10, U.S.C., 843 (Art. 43), Uniform Code of Military Justice
- (f) Title 10, U.S.C., 1163
- (g) DoD Instruction 1010.1, "Department of Defense Drug Testing Program," March 29, 1973
- (h) DoD Instruction 1010.2, "Alcohol Abuse by Personnel of the Department of Defense," March 1, 1972

I. PURPOSE

This Directive prescribes policies, standards, and procedures governing the administrative discharge of enlisted persons from the Armed Forces.

II. CANCELLATION

References (a) and (b) are hereby cancelled and superseded.

III. APPLICABILITY

The policies, standards, and procedures prescribed herein are applicable to the Army, the Navy, the Air Force, and the Marine Corps, and, by agreement with the Secretary of Transportation, to the Coast Guard, and to all Reserve components thereof.

IV. DEFINITIONS

As used herein, the following definitions will apply:

- A. Member - an enlisted man or an enlisted woman of an Armed Force.
- B. Discharge - complete severance from all military status.
- C. Release from Active Duty - termination of active duty status and transfer or reversion to a Reserve component not on active duty.



Continuation of IV.

- D. Separation - a general term which includes discharge and release from active duty.
- E. Administrative Separation - discharge or release from active duty upon expiration of enlistment or required period of service, or prior thereto, in the manner prescribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.
- F. Military Record - comprises a member's behavior while in military service, including general comportment and performance of duty.
- G. Prior Enlistment or Period of Service - service in any component of the armed forces, including the Coast Guard, which culminated in the issuance of a discharge certificate or certificate of service.
- H. Administrative Discharge Board - a board appointed to render findings based on facts obtaining or believed to obtain in a case and to recommend retention in the service or discharge and reason for and the type of separation or discharge certificate to be furnished.
- I. Discharge Authority - as established herein and implemented by regulations issued by an Armed Force, an official authorized to take final action with respect to specified types of discharge.
- J. Respondent - a member of the Armed Forces who has been notified that action has been initiated with a view toward discharging him under a specified service regulation.
- K. Counsel - a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.
- L. Honorable Discharge - is separation from an Armed Force with honor.
- M. General Discharge - is separation from an Armed Force under honorable conditions.
- N. Undesirable Discharge - is separation from an Armed Force under conditions other than honorable.

V. POLICY

- A. General. The Armed Forces have the right and the duty to

separate from the service with an appropriately characterized discharge certificate members who clearly demonstrate that they are unqualified for retention. At the same time, such members have rights which shall be protected.

1. Administrative discharge action under the provisions of Section VII.G.1, 3, 5, and 7, and Section VII.I.1, 4, 5 and 6 of this Directive will not normally be initiated until a member has been counseled concerning his deficiencies and afforded a reasonable opportunity to overcome them.
2. No member shall be discharged under conditions other than honorable unless he is afforded the right to present his case before an administrative discharge board with the advice and assistance of counsel and unless such discharge is supported by approved board findings and an approved board recommendation for undesirable discharge. Except that, if appropriate, an undesirable discharge may be issued without board action if the member is beyond military control by reason of prolonged unauthorized absence, resigns or requests discharge for the good of the service, or waives his right to board action in writing.
3. The Discharge Authority may direct issuance of the type of discharge recommended by an administrative discharge board or a more favorable discharge but shall not direct a discharge less favorable than that recommended.
4. Notwithstanding an administrative discharge board recommendation for retention, the Discharge Authority may direct separation when warranted by the circumstance of a particular case. In this event the discharge must be effected under honorable conditions and the member thus separated will be awarded an Honorable or General Discharge certificate in accordance with the prescribed standards of the Service concerned.
5. Notwithstanding a member's written acknowledgement that he will receive an Undesirable Discharge as required by these regulations under the provisions for Resignation and Request for Discharge for the Good of the Service, the Discharge Authority may direct separation under honorable conditions, with either an Honorable or General Discharge as warranted.
6. A member subject to discharge because of conviction by civil court may be processed for discharge notwithstanding the fact that he has filed an appeal or has stated his intention to do so. However, it will be the general policy to withhold the execution of the approved

discharge pending outcome of the appeal. If the execution of the discharge is considered appropriate without waiting for final action on the appeal, the member may be discharged with the appropriate type of discharge certificate upon the direction of the Secretary of the military service concerned.

- * 7. No member will be administratively discharged under conditions *
* other than honorable if the grounds for such discharge action *
* are based wholly or in part upon acts or omissions for which *
* the member has been previously tried by court-martial result- *
* ing in acquittal or action having the effect thereof, except *
* when such acquittal or equivalent disposition is based on a *
* legal technicality not going to the merits. *

- * 8. No member will be subjected to administrative discharge board *
* action based upon conduct which has previously been the sub- *
* ject of administrative discharge board proceedings, when the *
* evidence before the subsequent board would be the same as the *
* evidence before the previous board, except as provided in *
* paragraph IX.D.7 and in those cases where the findings of the *
* previous board favorable to the respondent are determined to *
* have been obtained by fraud or collusion. *

- 9. The Discharge Authority or higher authority may suspend
execution of an approved administrative discharge to afford
a deserving member a specified probationary period of suffi-
cient length to demonstrate successful rehabilitation.

B. Type of Discharge Certificate. Except as indicated below, the type and character of the certificate or report issued upon administrative separation from current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Secretary concerned, or effected with the consent of the member. The following shall not be considered:

- 1. Prior service activities, including but not limited to records of conviction by courts-martial, records of nonjudicial punishment, records of absence without leave, or commission of other offenses for which punishment was not imposed.
- 2. Pre-service activities, excepting misrepresentations including omission of facts which if known would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction.

C. Retention or Separation.

- 1. In determining whether a member should retain his current military status or be administratively separated, his entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service, all records of conviction by courts-martial, and any other factors which are material and relevant, may be evaluated. Commanding officers, investigating officers, administrative discharge boards, and other agencies charged with making such determinations will consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records of punishment would have, under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.

a. Cases in which the circumstances may warrant use of

such records shall ordinarily be limited to those involving patterns of conduct which would become manifest only over an extended period of time.

b. When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

2. If a decision is made that a member should be administratively separated, subsection b., above, applies in determining the type of discharge.

D. Periodic Explanation. Each Military Department will prescribe appropriate internal procedures for periodic explanation to members of the types of discharge certificates and basis for issuance and the possible effects of various certificates upon re-enlistment, civilian employment, veterans' benefits and related matters. As a minimum such explanation should take place each time the Articles of the Uniform Code of Military Justice are explained pursuant to 10 U.S.C. 937. Failure on the part of the member to receive or to understand such explanation, however, shall in no event be considered a defense in an administrative discharge proceeding or a bar thereto.

E. Separation Counseling. The purpose and scope of the Discharge Review Board and the Board for Correction of Military Records, established pursuant to 10 U.S.C. 1552 and 1553, will be explained during the separation processing of any member being discharged under other than honorable conditions.

VI. STANDARDS FOR DISCHARGE

The type and character of discharge or separation will be determined according to the following standards.

A. Honorable Discharge. Issuance of an Honorable Discharge will be conditioned upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude. A member will not necessarily be denied an Honorable Discharge solely by reason of a specific number of convictions by courts-martial or actions under Article 15 of the Uniform Code of Military Justice during his current enlistment or period of obligated service.

B. General Discharge. Issuance of a General Discharge is appropriate when a member's military record is not

sufficiently meritorious to warrant an Honorable Discharge as prescribed by the regulations of the service concerned.

- C. Undesirable Discharge. An Undesirable Discharge may be issued for misconduct, unfitness, or security reasons based on the approval of a recommendation of an administrative discharge board, or waiver of the right to board action, or resignation or request for discharge for the good of the service as provided for in Section VII.K. of this Directive.
- D. Special Consideration. In any case in which an Undesirable Discharge is authorized under this Directive a member may be awarded an Honorable or General Discharge, as appropriate, if during his current enlistment, period of obligated service, or any voluntary or involuntary extensions thereof, or period of prior service he has been awarded a personal decoration as defined by his particular service, or if warranted by the particular circumstances of a specific case.

VII. REASONS FOR DISCHARGE

- A. Expiration of Enlistment or Fulfillment of Service Obligation (as applicable). Discharge with an Honorable or a General Discharge as warranted by the member's military record.
- B. Convenience of the Government. Discharge with an Honorable or a General Discharge as warranted by the member's military record, for the following reasons:
 - 1. General demobilization, reduction in authorized strength or by an order applicable to all members of a class of personnel specified in the order.
 - 2. Acceptance of a commission or appointment in any branch of the Armed Forces, for active duty only.
 - 3. National health, safety or interest.
 - 4. To permit immediate enlistment or re-enlistment.
 - 5. Erroneous induction or enlistment.
 - 6. To provide for the discharge of members serving in unspecified enlistments.
 - 7. To provide for early separation of personnel under various authorized programs and circumstances.
 - 8. In the case of women, pregnancy, parenthood, or custody of children under age 18.
 - 9. To provide for the discharge of conscientious objectors.

10. For such other reasons as may be specified and published by the Secretary of the Department concerned.
 11. Notwithstanding the specific provisions of this Directive, the Secretary of a Military Department may direct the separation of any member for the Convenience of the Government prior to the expiration of his term of service, if the Secretary determines that such a separation is in the best interest of that Department. A member so discharged by direction of the Secretary will be furnished an Honorable Discharge or General Discharge, as appropriate.
- C. Resignation - Own Convenience. Discharge with an Honorable or a General Discharge as warranted by the member's military record, on an individual basis, in accordance with regulations of the Service concerned. Such discharge may be effected as early release for the Convenience of the Government.
- D. Dependency or Hardship. Discharge or release by reason of dependency or hardship with an Honorable or a General Discharge, as warranted by the individual's military record. Discharge may be directed when it is considered that undue and genuine dependency or hardship exists, that the hardship or dependency is not of a temporary nature, and that conditions have arisen or been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort to remedy the situation; that the discharge will result in the elimination of, or will materially alleviate the condition, and that there are no means of alleviation readily available other than by such discharge. Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service.
- E. Minority. Discharge by reason of minority with an Honorable or General Discharge as warranted by the individual's military record, or release by voidance of contract upon determination that the individual's age was misrepresented upon enlistment or induction as follows:
1. Males
 - a. If enlisted and under 17 years of age, or inducted and under 18 years and 6 months of age, when verified, release from military control by voidance of enlistment or separation.
 - b. If enlisted without proper consent and having passed his 17th birthday but not his 18th birthday, discharge

upon application of parent or guardian entitled to his custody and control.

- c. If an enlisted man having passed his 18th birthday when verified - retain if otherwise qualified.

2. Females

- a. If enlisted and under 18 years of age, release from military control by voidance of enlistment or separation.
- b. If enlisted without proper consent, having passed her 18th birthday but not her 21st birthday when verified, discharge upon application of parent or guardian entitled to her custody and control.

NOTE: The enlistment of a minor with false representation as to age without proper consent will not in itself be considered as fraudulent enlistment.

- F. Disability. Discharge, with an Honorable or General Discharge as warranted by the individual's military record, when the member has been determined to be unfit by reason of physical disability to perform the duties of his office, rank, grade or rating and is not entitled to retirement under the provisions of Chapter 61, Title 10, U.S. Code.
- G. Unsuitability. Discharge by reason of unsuitability, with an Honorable or General Discharge as warranted by the individual's military record. Such discharge may be effected when it has been determined that an individual is unsuitable for further military service because of:
 1. Inaptitude: Applicable to those persons who are best described as inapt due to lack of general adaptability, want of readiness of skill, unhandiness, or inability to learn.
 2. Character and Behavior Disorders: As determined by medical authority, character and behavior disorders and disorders of intelligence listed in Department of Defense Disease and Injury Codes (TB MED 15 (NAVMED P-5032) AFM 160-24), except for combat exhaustion (3263) and other acute situational maladjustments (3264). Discharges normally should not be effected for combat exhaustion (3263) and other acute situational maladjustments (3264) per se, but they may be effected for more basic underlying disorders of which the transient state is a manifestation.
 3. Apathy, defective attitudes, and inability to expend effort constructively: As a significant observable

defect, apparently beyond the control of the individual, elsewhere not readily describable.

- 4. Enuresis
- * 5. Alcohol abuse. Failure through inability or refusal to participate *
* in, cooperate in, or complete an alcohol abuse treatment and reha- *
* bilitation program. *
- 6. Homosexual and other aberrant tendencies
- 7. Financial irresponsibility
- * 8. Personal abuse of drugs other than alcoholic beverages. When evi- *
* denced by a urinalysis test administered for identification of drug *
* abusers, or a member's volunteering for treatment for a drug prob- *
* lem under the Department of Defense Drug Identification and Treat- *
* ment Program and: *
 - * a. Member's record indicates lack of potential for continued mili- *
* tary service, or *
 - * b. Long-term rehabilitation is determined necessary and member is *
* transferred to Veterans Administration and/or civilian medical *
* facility for rehabilitation, or *
 - * c. Failure through inability or refusal to participate in, coop- *
* erate in, or complete a drug abuse treatment and rehabilitation *
* program. *
- H. Security. Discharge, with the character of discharge and under conditions and procedures stipulated by the Secretary of Defense as set forth in DoD Directive 5210.9, reference (c), which deals explicitly with this matter, when retention is not clearly consistent with the interest of national security.
- I. Unfitness. Discharges by reason of unfitness, with an Undersirable Discharge, unless the particular circumstances in a given case warrant a general or honorable discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:
 - 1. Frequent involvement of a discreditable nature with civil or military authorities.
 - 2. Sexual perversion including but not limited to (1) lewd and lascivious acts, (2) homosexual acts, (3) sodomy, (4) indecent exposure, (5) indecent acts with or assault upon a child, or (6) other indecent acts or offenses.
 - * 3. Drug abuse. Illegal, wrongful or improper use, possession, sale, *
* transfer, or introduction on a military installation of any narcotic *
* substance, marijuana, or dangerous drug, when supported by evidence *
* not attributed to a urinalysis administered for identification of *
* drug abusers or not attributed to a member's volunteering for treat- *
* ment under the Department of Defense Drug Identification and Treat- *
* ment Program. *
 - 4. An established pattern for shirking.
 - 5. An established pattern showing dishonorable failure to pay just debts.
 - 6. An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.
 - 7. Unsanitary habits.
- J. Misconduct. Discharge by reason of misconduct, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a more favorable discharge, when one or

more of the following conditions have been determined:

1. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punished in any way as the result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies.
 2. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which if known at the time might have resulted in rejection.
 3. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established.
- K. Resignation or Request for Discharge for the Good of the Service. Discharge by reason of resignation or request for discharge for the good of the service, with an Undesirable Discharge, where a member's conduct rendered him triable by court-martial under circumstances which could lead to a punitive discharge, subject to the procedures and safeguards specified elsewhere in this Directive.

VIII. PROCEDURES FOR DISCHARGE

In accordance with the standards hereinabove outlined, the following procedures will be adhered to in effecting administrative discharges:

- A. Honorable Discharge. A separation with an Honorable Discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that he merits an Honorable Discharge under the prescribed standards.
- B. General Discharge. A separation with a General Discharge may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined under the prescribed standards that such discharge is warranted. When a General Discharge is issued for one of the reasons listed in VII.A. through F., above, the

Continuation of VIII.B.

specific basis therefor shall be included in the member's permanent personnel records.

- C. Discharge for Unsuitability. An Honorable or a General Discharge, based on the standards prescribed in VII.G., above, may be issued by the commander exercising special court-martial jurisdiction or higher authority.
1. A member with less than eight years of continuous active military service will be notified in writing of the proposed discharge action and will be afforded an opportunity to make a statement in his own behalf or decline the opportunity in writing. This correspondence will be filed in the member's permanent personnel records.
 2. A member with eight or more years of continuous active military service will be discharged by reason of unsuitability only in accordance with the safeguards and procedures specified in paragraphs VII.D.1. and 2., below.
- D. Undesirable Discharge. An Undesirable Discharge will be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate on his staff for cases arising in that command. Every action taken pursuant to such a delegation will state the authority therefor. An Undesirable Discharge will be issued in accordance with this Directive and the following procedures and safeguards:
1. A member who is under military control will be notified in writing of the basis for the proposed discharge action and advised that he has the following rights:
 - a. To present his case before an administrative discharge board
 - b. To be represented by counsel.
 - c. To waive the above rights in writing. If he so requests, the member shall be given an opportunity to consult with counsel prior to waiving his rights.
 2. If a member waives his rights, the Discharge Authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge by reason of unfitness, misconduct, or security. If discharge is directed, the type of certificate will be specified.
 3. A member unable to appear in person before an administrative discharge board by reason of confinement by civil authorities will be advised (by registered mail) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:
 - a. To request appointment of a military counsel to

Continuation of VIII.D.3.a.

represent him and in his absence present his case before an administrative discharge board.

- b. To submit statements in his own behalf.
- c. To waive the foregoing rights, either in writing or by declining to reply to the letter of notification within a prescribed time limit.

* 4. A member beyond military control by reason of unauthorized absence: *

* a. may be issued an Undesirable Discharge in absentia only under the *
* following circumstances: *

* (1) When the prosecution of the member is apparently barred by *
* Statute of Limitations (10 U.S.C. 843 (Art. 43) Uniform Code *
* of Military Justice (reference (e))). In those cases, an Undesir- *
* able Discharge may be issued at any time after it is determined *
* that prosecution is so barred provided that upon consideration *
* of extenuating, mitigating and aggravating factors in each case *
* the discharge authority determines that the best interest of the *
* Military Service would be served by issuance of such discharge. *

* (2) When the Secretary of the Military Department concerned *
* determines that the issuance of such discharge would serve the *
* national interests. *

* b. will be notified of the imminent discharge action and the effective *
* date thereof by registered mail forwarded to the record address *
* of the member or the next of kin, as appropriate. *

* c. will be subject to the separation limitations of 10 U.S.C. 1163 *
* (reference (f)) if he is a member of the reserve components. *

5. A member who submits a resignation or requests discharge for the good of the service may be issued an Undesirable Discharge without board action provided he has been afforded the opportunity to consult counsel and provided that the member certifies in writing his understanding that he will receive a discharge under other than honorable conditions and that he understands the adverse nature of such a discharge and the possible consequences thereof.

IX. ADMINISTRATIVE DISCHARGE BOARD

A. Composition. An administrative discharge board shall be comprised of at least three experienced commissioned officers, at least one of whom shall be serving in the grade of major/lieutenant commander or higher, and may include a nonvoting recorder. The following provisions will apply if the respondent is:

- 1. An enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.
- 2. An enlisted woman, the board shall include a female officer as a voting member.

B. Procedures. The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, the chairman may impose reasonable restrictions as to relevancy, competency, and materiality of

matters considered. When the board meets in closed session, only voting members will be present. The proceedings of the board will be maintained as prescribed by the Secretary of the Military Department but as a minimum shall contain a verbatim record of the findings and recommendations. The board will recommend one of the following alternative dispositions:

1. Retention, or
 2. Discharge for a specified reason and the appropriate type of discharge certificate, according to the provisions of this Directive and the applicable Service regulations.
- C. Rights of the Respondent. Subject to the specifications prescribed herein, a respondent who has not waived a hearing before an administrative discharge board and whose case is presented to such a board has the following rights:
1. He may appear in person, with or without counsel, or in his absence, be represented by counsel, at all open proceedings of an administrative discharge board. The respondent may have counsel of his own choice provided proper authority determines the counsel requested is reasonably available. He may employ civilian counsel at his own expense.
 2. He may challenge any voting member of the board for cause only.
 3. He may request the appearance before the board of any witness whose testimony he believes to be pertinent to his case. He will specify in his request the type of information the witness can provide. The board will invite the witness to attend if it considers that the witness is reasonably available and that his testimony can add materially to the case. If a witness on active duty declines the invitation, the board may refer the matter to the convening authority for a decision or orders. However, witnesses not on active duty must appear voluntarily and at no expense to the government.
 4. The respondent may at any time before the board convenes or during the proceedings submit any answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes but is not limited to depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.
 5. He may or may not submit to examination by the board. The provisions of 10, U.S.C. 831 will apply.

6. The respondent and his counsel may question any witness who appears before the board.
7. Failure of the respondent to invoke any of these rights, after he has been apprised of same, cannot be considered as a bar to the board proceedings, findings and recommendation.

D. Discharge Authority. Upon receipt of the record of board proceedings, the Discharge Authority may take one of the following final actions:

1. Approve the board's recommendations and direct their execution.
2. Approve the board's recommendation for discharge but change the type of discharge to a more creditable one, e.g., upgrade an Undesirable to a General or even an Honorable Discharge. He shall not downgrade the type of discharge from a better to a less creditable type.
3. Approve the board's recommendation for discharge but change the basis therefor when the record indicates such action would be appropriate, except that he shall not designate unfitness or misconduct as the basis when the board has recommended discharge for unsuitability.
4. Approve the discharge but suspend its execution for a specified period of probation.
5. Disapprove the recommendation for discharge and retain the member in the service.
6. Disapprove the recommendation for retention and direct discharge under honorable conditions with an Honorable or General Discharge certificate, as warranted.
7. He may set aside the findings and recommendations and refer the case to a new board if he finds legal prejudice to the substantial rights of the respondent. No member of the new board shall have served on a prior board which considered the same matter. The record of the proceedings of the earlier board, minus the findings, recommendations, and prejudicial matter, may be furnished the successor board. The discharge authority may not approve findings or recommendations less favorable to the respondent than those rendered by the previous board.

X. SUSPENSION OF EXECUTION OF APPROVED DISCHARGE

The Discharge Authority or higher authority may, prior to the

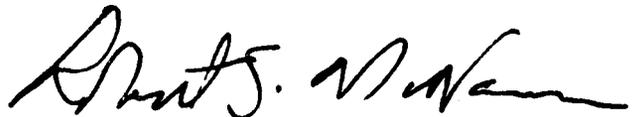
expiration of the member's enlistment or period of obligated service, suspend execution of an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During the period of suspension, the member will be afforded an opportunity to demonstrate that he is capable of behaving properly for an extended period under varying conditions and that he can perform assigned duties efficiently.

- A. Upon satisfactory completion of the probationary period, execution of the approved discharge will be cancelled automatically.
- B. Additional misconduct on the part of the member during the probationary period or actions which constitute substandard performance of duty or demonstrate characteristics of unsuitability may establish the basis for one of the following actions:
 - 1. Punitive or new administrative action may be initiated notwithstanding the suspension of execution of the approved discharge.
 - 2. Suspension of the approved discharge may be vacated, and the approved discharge executed, to include discharge in absentia when the member has been beyond military control for fifteen or more days.

XI. EFFECTIVE DATE AND IMPLEMENTATION

The provisions of this Directive will be effective 90 days from the date of issuance. Two copies of implementing directives will be forwarded to the Assistant Secretary of Defense (Manpower & Reserve Affairs) within 90 days of the effective date.

*ak 21
7/29/69*



Secretary of Defense

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
1332.14 - Ch 1	January 19, 1966	1300 series

ATTACHMENTS

Pages 3 and 4 of DoD Directive 1332.14, Dec 20, 65.

INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Directive 1332.14, "Administrative Discharges," dated December 20, 1965, have been authorized:

PAGE CHANGES

Remove: Pages 3 and 4

Insert: Attached replacement pages.

Changes appear on page 4 and are indicated by marginal asterisks.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two (2) copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower) within ninety (90) days.

Maurice W. Roche
MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Administration)



WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

separate from the service with an appropriately characterized discharge certificate members who clearly demonstrate that they are unqualified for retention. At the same time, such members have rights which shall be protected.

1. Administrative discharge action under the provisions of Section VII.G.1, 3, 5, and 7, and Section VII.I.1, 4, 5 and 6 of this Directive will not normally be initiated until a member has been counseled concerning his deficiencies and afforded a reasonable opportunity to overcome them.
2. No member shall be discharged under conditions other than honorable unless he is afforded the right to present his case before an administrative discharge board with the advice and assistance of counsel and unless such discharge is supported by approved board findings and an approved board recommendation for undesirable discharge. Except that, if appropriate, an undesirable discharge may be issued without board action if the member is beyond military control by reason of prolonged unauthorized absence, resigns or requests discharge for the good of the service, or waives his right to board action in writing.
3. The Discharge Authority may direct issuance of the type of discharge recommended by an administrative discharge board or a more favorable discharge but shall not direct a discharge less favorable than that recommended.
4. Notwithstanding an administrative discharge board recommendation for retention, the Discharge Authority may direct separation when warranted by the circumstance of a particular case. In this event the discharge must be effected under honorable conditions and the member thus separated will be awarded an Honorable or General Discharge certificate in accordance with the prescribed standards of the Service concerned.
5. Notwithstanding a member's written acknowledgement that he will receive an Undesirable Discharge as required by these regulations under the provisions for Resignation and Request for Discharge for the Good of the Service, the Discharge Authority may direct separation under honorable conditions, with either an Honorable or General Discharge as warranted.
6. A member subject to discharge because of conviction by civil court may be processed for discharge notwithstanding the fact that he has filed an appeal or has stated his intention to do so. However, it will be the general policy to withhold the execution of the approved

discharge pending outcome of the appeal. If the execution of the discharge is considered appropriate without waiting for final action on the appeal, the member may be discharged with the appropriate type of discharge certificate upon the direction of the Secretary of the military service concerned.

- * 7. No member will be administratively discharged under conditions *
* other than honorable if the grounds for such discharge action *
* are based wholly or in part upon acts or omissions for which *
* the member has been previously tried by court-martial result- *
* ing in acquittal or action having the effect thereof, except *
* when such acquittal or equivalent disposition is based on a *
* legal technicality not going to the merits. *

- * 8. No member will be subjected to administrative discharge board *
* action based upon conduct which has previously been the sub- *
* ject of administrative discharge board proceedings, when the *
* evidence before the subsequent board would be the same as the *
* evidence before the previous board, except as provided in *
* paragraph IX.D.7 and in those cases where the findings of the *
* previous board favorable to the respondent are determined to *
* have been obtained by fraud or collusion. *

- 9. The Discharge Authority or higher authority may suspend
execution of an approved administrative discharge to afford
a deserving member a specified probationary period of suffi-
cient length to demonstrate successful rehabilitation.

B. Type of Discharge Certificate. Except as indicated below, the type and character of the certificate or report issued upon administrative separation from current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Secretary concerned, or effected with the consent of the member. The following shall not be considered:

- 1. Prior service activities, including but not limited to records of conviction by courts-martial, records of nonjudicial punishment, records of absence without leave, or commission of other offenses for which punishment was not imposed.
- 2. Pre-service activities, excepting misrepresentations including omission of facts which if known would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction.

C. Retention or Separation.

- 1. In determining whether a member should retain his current military status or be administratively separated, his entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service, all records of conviction by courts-martial, and any other factors which are material and relevant, may be evaluated. Commanding officers, investigating officers, administrative discharge boards, and other agencies charged with making such determinations will consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records of punishment would have, under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.
 - a. Cases in which the circumstances may warrant use of

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER

1332.14 - Ch 2

DATE

July 29, 1968

DISTRIBUTION

1300 series

ATTACHMENTS

Pages 9 and 10 of DoD Directive 1332.14, Dec 20, 65.

INSTRUCTIONS FOR RECIPIENTS

The following page and pen changes to DoD Directive 1332.14, "Administrative Discharges," dated December 20, 1965, have been authorized:

PAGE CHANGES

Remove: Pages 9 and 10

Insert: Attached replacement pages.

Change appears on page 10 and is indicated by marginal asterisks.

PEN CHANGES

Page 1 - Change organization symbol at top of page to "ASD(M&RA)".

Page 1, section III., line 4 - Delete: "the Treasury"

Insert: "Transportation"

Page 15, section XI., line 3 - Change "(Manpower)" to "(Manpower and Reserve Affairs)"

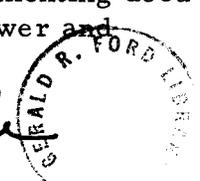
EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two (2) copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days.

Maurice W. Roche

MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Administration)



WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

defect, apparently beyond the control of the individual, elsewhere not readily describable.

4. Enuresis.
 5. Alcoholism.
 6. Homosexual or other aberrant tendencies.
 7. Financial Irresponsibility.
- H. Security. Discharge, with the character of discharge and under conditions and procedures stipulated by the Secretary of Defense as set forth in reference (c) which deals explicitly with this matter, when retention is not clearly consistent with the interest of national security.
- I. Unfitness. Discharge by reason of unfitness, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a General or Honorable Discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:
1. Frequent involvement of a discreditable nature with civil or military authorities.
 2. Sexual perversion including but not limited to (1) lewd and lascivious acts, (2) homosexual acts, (3) sodomy, (4) indecent exposure, (5) indecent acts with or assault upon a child, or (6) other indecent acts or offenses.
 3. Drug addiction, habituation, or the unauthorized use or possession of narcotics, hypnotics, sedatives, tranquilizers, stimulants, hallucinogens, and other similar known harmful or habit forming drugs and/or chemicals.
 4. An established pattern for shirking.
 5. An established pattern showing dishonorable failure to pay just debts.
 6. An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.
 7. Unsanitary habits.
- J. Misconduct. Discharge by reason of misconduct, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a more favorable discharge, when one or

more of the following conditions have been determined:

1. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punished in any way as the result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies.
2. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which if known at the time might have resulted in rejection.
3. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established.

- K. Resignation or Request for Discharge for the Good of the Service. Discharge by reason of resignation or request for discharge for the good of the service, with an Undesirable Discharge, where a member's conduct rendered him triable by court-martial under circumstances which could lead to a punitive discharge, subject to the procedures and safeguards specified elsewhere in this Directive.

*
*

*
*

VIII. PROCEDURES FOR DISCHARGE

In accordance with the standards hereinabove outlined, the following procedures will be adhered to in effecting administrative discharges:

- A. Honorable Discharge. A separation with an Honorable Discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that he merits an Honorable Discharge under the prescribed standards.
- B. General Discharge. A separation with a General Discharge may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined under the prescribed standards that such discharge is warranted. When a General Discharge is issued for one of the reasons listed in VII.A., above.

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER 1332.14 - Ch 4

DATE

DISTRIBUTION

(Supersedes Ch 3, 8/6/68)

March 3, 1969

1300 series

ATTACHMENTS

Pages 1, 2, 9, 10, 11 and 12 of DoD Directive 1332.14, Dec 20, 65.

INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Directive 1332.14, "Administrative Discharges," dated December 20, 1965, have been authorized:

PAGE CHANGES

Remove: Pages 1, 2, 9, 10, 11 and 12

Insert: Attached replacement pages.

Current changes appear on pages 1, 9, and 11, and are indicated by marginal asterisks. Previous changes to pages 1, 10, and 11 have been incorporated.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two (2) copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days.

Maurice W. Roche

MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Administration)



WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT



December 20, 1965#
NUMBER 1332.14

ASD(M&RA)

Department of Defense Directive

SUBJECT Administrative Discharges

- Refs.: (a) DoD Directive 1332.14, subject as above, January 14, 1959, as amended (hereby cancelled)
(b) DoD Directive 1332.19, "Use of Records of Nonjudicial Punishment," February 12, 1963 (hereby cancelled)
(c) DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956
(d) DoD Directive 1300.11, "Illegal or Improper Use of Drugs by Members of the Armed Forces," February 12, 1968

*
*
*

*
*
*

I. PURPOSE

This Directive prescribes policies, standards, and procedures governing the administrative discharge of enlisted persons from the Armed Forces.

II. CANCELLATION

References (a) and (b) are hereby cancelled and superseded.

III. APPLICABILITY

The policies, standards, and procedures prescribed herein are applicable to the Army, the Navy, the Air Force, and the Marine Corps, and, by agreement with the Secretary of the Transportation, to the Coast Guard, and to all Reserve components thereof.

IV. DEFINITIONS

As used herein, the following definitions will apply:

- A. Member - an enlisted man or an enlisted woman of an armed force.
B. Discharge - complete severance from all military status.
C. Release from Active Duty - termination of active duty status and transfer or reversion to a Reserve component not on active duty.

#Second amendment (Ch 4, 3/3/69)

- D. Separation - a general term which includes discharge and release from active duty.
- E. Administrative Separation - discharge or release from active duty upon expiration of enlistment or required period of service, or prior thereto, in the manner prescribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.
- F. Military Record - comprises a member's behavior while in military service, including general comportment and performance of duty.
- G. Prior Enlistment or Period of Service - service in any component of the armed forces, including the Coast Guard, which culminated in the issuance of a discharge certificate or certificate of service.
- H. Administrative Discharge Board - a board appointed to render findings based on facts obtaining or believed to obtain in a case and to recommend retention in the service or discharge and reason for and the type of separation or discharge certificate to be furnished.
- I. Discharge Authority - as established herein and implemented by regulations issued by an Armed Force, an official authorized to take final action with respect to specified types of discharge.
- J. Respondent - a member of the Armed Forces who has been notified that action has been initiated with a view toward discharging him under a specified service regulation.
- K. Counsel - a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.
- L. Honorable Discharge - is separation from an Armed Force with honor.
- M. General Discharge - is separation from an Armed Force under honorable conditions.
- N. Undesirable Discharge - is separation from an Armed Force under conditions other than honorable.

V. POLICY

- A. General. The Armed Forces have the right and the duty to

defect, apparently beyond the control of the individual, elsewhere not readily describable.

4. Enuresis
5. Alcoholism
6. Homosexual and other aberrant tendencies
7. Financial Irresponsibility

H. Security. Discharge, with the character of discharge and under conditions and procedures stipulated by the Secretary of Defense as set forth in reference (c) which deals explicitly with this matter, when retention is not clearly consistent with the interest of national security.

I. Unfitness. Discharges by reason of unfitness, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a General or Honorable Discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:

1. Frequent involvement of a discreditable nature with civil or military authorities.
2. Sexual perversion including but not limited to (1) lewd and lascivious acts, (2) homosexual acts, (3) sodomy, (4) indecent exposure, (5) indecent acts with or assault upon a child, or (6) other indecent acts or offenses.
- * 3. Drug abuse as defined in DoD Directive 1300.11 (reference *
* (d)).
4. An established pattern for shirking.
5. An established pattern showing dishonorable failure to pay just debts.
6. An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.
7. Unsanitary habits.

J. Misconduct. Discharge by reason of misconduct, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a more favorable discharge, when one or

more of the following conditions have been determined:

1. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punished in any way as the result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies.
2. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which if known at the time might have resulted in rejection.
3. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established.

- K. Resignation or Request for Discharge for the Good of the Service. Discharge by reason of resignation or request for discharge for the good of the service, with an Undesirable Discharge, where a member's conduct rendered him triable by court-martial under circumstances which could lead to a punitive discharge, subject to the procedures and safeguards specified elsewhere in this Directive.

VIII. PROCEDURES FOR DISCHARGE

In accordance with the standards hereinabove outlined, the following procedures will be adhered to in effecting administrative discharges:

- A. Honorable Discharge. A separation with an Honorable Discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that he merits an Honorable Discharge under the prescribed standards.
- B. General Discharge. A separation with a General Discharge may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined under the prescribed standards that such discharge is warranted. When a General Discharge is issued for one of the reasons listed in VII.A. through F., above, the

specific basis therefor shall be included in the member's permanent personnel records.

- C. Discharge for Unsuitability. An Honorable or a General Discharge, based on the standards prescribed in VII.G., above, may be issued by the commander exercising special court-martial jurisdiction or higher authority.
1. A member with less than eight years of continuous active military service will be notified in writing of the proposed discharge action and will be afforded an opportunity to make a statement in his own behalf or decline the opportunity in writing. This correspondence will be filed in the member's permanent personnel records.
 2. A member with eight or more years of continuous active military service will be discharged by reason of unsuitability only in accordance with the safeguards and procedures specified in paragraphs VII.D.1. and 2., below.

- D. Undesirable Discharge. An Undesirable Discharge will be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate on his staff for cases arising in that command. Every action taken pursuant to such a delegation will state the authority therefor. An Undesirable Discharge will be issued in accordance with this Directive and the following procedures and safeguards:

*
*
*
*
*
*
*

*
*
*
*
*
*
*

1. A member who is under military control will be notified in writing of the basis for the proposed discharge action and advised that he has the following rights:
 - a. To present his case before an administrative discharge board
 - b. To be represented by counsel.
 - c. To waive the above rights in writing. If he so requests, the member shall be given an opportunity to consult with counsel prior to waiving his rights.
2. If a member waives his rights, the Discharge Authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge by reason of unfitness, misconduct, or security. If discharge is directed, the type of certificate will be specified.
3. A member unable to appear in person before an administrative discharge board by reason of confinement by civil authorities will be advised (by registered mail) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:
 - a. To request appointment of a military counsel to

represent him and in his absence present his case before an administrative discharge board.

- b. To submit statements in his own behalf.
 - c. To waive the foregoing rights, either in writing or by declining to reply to the letter of notification within a prescribed time limit.
4. A member beyond military control by reason of unauthorized absence of more than one year may be issued an Undesirable Discharge in absentia. Notification of the imminent discharge action and the effective date thereof will be sent by registered mail to the record address of the member or the next of kin, as appropriate. Separation of members of the reserve components will be subject to the limitations of Title 10, U.S.C. 1163.
 5. A member who submits a resignation or requests discharge for the good of the service may be issued an Undesirable Discharge without board action provided he has been afforded the opportunity to consult counsel and provided that the member certifies in writing his understanding that he will receive a discharge under other than honorable conditions and that he understands the adverse nature of such a discharge and the possible consequences thereof.

IX. ADMINISTRATIVE DISCHARGE BOARD

- A. Composition. An administrative discharge board shall be comprised of at least three experienced commissioned officers, at least one of whom shall be serving in the grade of major/lieutenant commander or higher, and may include a nonvoting recorder. The following provisions will apply if the respondent is:
 1. An enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.
 2. An enlisted woman, the board shall include a female officer as a voting member.
- B. Procedures. The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, the chairman may impose reasonable restrictions as to relevancy, competency, and materiality of

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
1332.14 - Ch 5	August 13, 1969	1300 series

ATTACHMENTS

Pages 1, 2, 11, and 12 of DoD Directive 1332.14, Dec 20, 65.

INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Directive 1332.14, "Administrative Discharges," dated December 20, 1965, have been authorized:

PAGE CHANGES

Remove: Pages 1, 2, 11, and 12
Insert: Attached replacement pages.

Current changes appear on pages 1 and 12 and are indicated by marginal asterisks. Previous changes to pages 1 and 11 have been incorporated.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two (2) copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within thirty (30) days.

Maurice W. Roche

MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Administration)



WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT



December 20, 1965#
NUMBER 1332.14

ASD(M&RA)

Department of Defense Directive

SUBJECT Administrative Discharges

- Refs: (a) DoD Directive 1332.14, subject as above, January 14, 1959, as amended (hereby cancelled)
- (b) DoD Directive 1332.19, "Use of Records of Nonjudicial Punishment," February 12, 1963 (hereby cancelled)
- (c) DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956
- (d) DoD Directive 1300.11, "Illegal or Improper Use of Drugs by Members of the Armed Forces," February 12, 1968
- (e) Title 10, U.S.C., 843 (Art. 43), Uniform Code of Military Justice
- (f) Title 10, U.S.C., 1163

*
*
*

*
*
*

I. PURPOSE

This Directive prescribes policies, standards, and procedures governing the administrative discharge of enlisted persons from the Armed Forces.

II. CANCELLATION

References (a) and (b) are hereby cancelled and superseded.

III. APPLICABILITY

The policies, standards, and procedures prescribed herein are applicable to the Army, the Navy, the Air Force, and the Marine Corps, and, by agreement with the Secretary of Transportation, to the Coast Guard, and to all Reserve components thereof.

IV. DEFINITIONS

As used herein, the following definitions will apply:

- A. Member - an enlisted man or an enlisted woman of an armed force.
- B. Discharge - complete severance from all military status.
- C. Release from Active Duty - termination of active duty status and transfer or reversion to a Reserve component not on active duty.

#Third amendment (Ch 5, 8/13/69)

Continuation of IV.

- D. Separation - a general term which includes discharge and release from active duty.
- E. Administrative Separation - discharge or release from active duty upon expiration of enlistment or required period of service, or prior thereto, in the manner prescribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.
- F. Military Record - comprises a member's behavior while in military service, including general comportment and performance of duty.
- G. Prior Enlistment or Period of Service - service in any component of the armed forces, including the Coast Guard, which culminated in the issuance of a discharge certificate or certificate of service.
- H. Administrative Discharge Board - a board appointed to render findings based on facts obtaining or believed to obtain in a case and to recommend retention in the service or discharge and reason for and the type of separation or discharge certificate to be furnished.
- I. Discharge Authority - as established herein and implemented by regulations issued by an Armed Force, an official authorized to take final action with respect to specified types of discharge.
- J. Respondent - a member of the Armed Forces who has been notified that action has been initiated with a view toward discharging him under a specified service regulation.
- K. Counsel - a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.
- L. Honorable Discharge - is separation from an Armed Force with honor.
- M. General Discharge - is separation from an Armed Force under honorable conditions.
- N. Undesirable Discharge - is separation from an Armed Force under conditions other than honorable.

V. POLICY

- A. General. The Armed Forces have the right and the duty to

specific basis therefor shall be included in the member's permanent personnel records.

- C. Discharge for Unsuitability. An Honorable or a General Discharge, based on the standards prescribed in VII.G., above, may be issued by the commander exercising special court-martial jurisdiction or higher authority.
1. A member with less than eight years of continuous active military service will be notified in writing of the proposed discharge action and will be afforded an opportunity to make a statement in his own behalf or decline the opportunity in writing. This correspondence will be filed in the member's permanent personnel records.
 2. A member with eight or more years of continuous active military service will be discharged by reason of unsuitability only in accordance with the safeguards and procedures specified in paragraphs VII.D.1. and 2., below.
- D. Undesirable Discharge. An Undesirable Discharge will be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate on his staff for cases arising in that command. Every action taken pursuant to such a delegation will state the authority therefor. An Undesirable Discharge will be issued in accordance with this Directive and the following procedures and safeguards:
1. A member who is under military control will be notified in writing of the basis for the proposed discharge action and advised that he has the following rights:
 - a. To present his case before an administrative discharge board
 - b. To be represented by counsel.
 - c. To waive the above rights in writing. If he so requests, the member shall be given an opportunity to consult with counsel prior to waiving his rights.
 2. If a member waives his rights, the Discharge Authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge by reason of unfitness, misconduct, or security. If discharge is directed, the type of certificate will be specified.
 3. A member unable to appear in person before an administrative discharge board by reason of confinement by civil authorities will be advised (by registered mail) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:
 - a. To request appointment of a military counsel to

Continuation of VIII.D.3.a.

represent him and in his absence present his case before an administrative discharge board.

- b. To submit statements in his own behalf.
- c. To waive the foregoing rights, either in writing or by declining to reply to the letter of notification within a prescribed time limit.

* 4. A member beyond military control by reason of unauthorized absence: *

* a. may be issued an Undesirable Discharge in absentia only under the *
* following circumstances: *

* (1) When the prosecution of the member is apparently barred by *
* Statute of Limitations (10 U.S.C. 843 (Art. 43) Uniform Code *
* of Military Justice (reference (e))). In those cases, an Undesir- *
* able Discharge may be issued at any time after it is determined *
* that prosecution is so barred provided that upon consideration *
* of extenuating, mitigating and aggravating factors in each case *
* the discharge authority determines that the best interest of the *
* Military Service would be served by issuance of such discharge. *

* (2) When the Secretary of the Military Department concerned *
* determines that the issuance of such discharge would serve the *
* national interests. *

* b. will be notified of the imminent discharge action and the effective *
* date thereof by registered mail forwarded to the record address *
* of the member or the next of kin, as appropriate. *

* c. will be subject to the separation limitations of 10 U.S.C. 1163 *
* (reference (f)) if he is a member of the reserve components. *

5. A member who submits a resignation or requests discharge for the good of the service may be issued an Undesirable Discharge without board action provided he has been afforded the opportunity to consult counsel and provided that the member certifies in writing his understanding that he will receive a discharge under other than honorable conditions and that he understands the adverse nature of such a discharge and the possible consequences thereof.

IX. ADMINISTRATIVE DISCHARGE BOARD

A. Composition. An administrative discharge board shall be comprised of at least three experienced commissioned officers, at least one of whom shall be serving in the grade of major/lieutenant commander or higher, and may include a nonvoting recorder. The following provisions will apply if the respondent is:

- 1. An enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.
- 2. An enlisted woman, the board shall include a female officer as a voting member.

B. Procedures. The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, the chairman may impose reasonable restrictions as to relevancy, competency, and materiality of

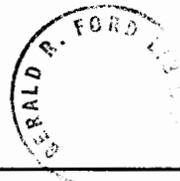
DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
1332.14 - Ch 6	October 26, 1973	1300 series

ATTACHMENTS

Pages 1&2 and 9&10 to DoD Directive 1332.14, 12/20/65



INSTRUCTIONS FOR RECIPIENTS

The Deputy Secretary of Defense approved the following page changes to DoD Directive 1332.14, "Administrative Discharges," dated December 20, 1965:

PAGE CHANGES

Remove: Pages 1&2 and 9&10

Insert: Attached replacement pages

Changes appear on pages 1 and 9 and are indicated by marginal asterisks.

EFFECTIVE DATE AND IMPLEMENTATION

The above changes are effective immediately. Two copies of revised implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days.

Maurice W. Roche
MAURICE W. ROCHE, Director
Correspondence and Directives
OASD(Comptroller)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT



Department of Defense Directive

SUBJECT Administrative Discharges

- Refs: (a) DoD Directive 1332.14, subject as above, January 14, 1959, as amended (hereby cancelled)
(b) DoD Directive 1332.19, "Use of Records of Nonjudicial Punishment," February 12, 1963 (hereby cancelled)
(c) DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956
(d) DoD directive 1300.11, "Illegal or Improper Use of Drugs by Members of the Armed Forces," October 23, 1970
(e) Title 10, U.S.C., 843 (Art. 43), Uniform Code of Military Justice
(f) Title 10, U.S.C., 1163
(g) DoD Instruction 1010.1, "Department of Defense Drug Testing Program," March 29, 1973
(h) DoD Instruction 1010.2, "Alcohol Abuse by Personnel of the Department of Defense," March 1, 1972

I. PURPOSE

This Directive prescribes policies, standards, and procedures governing the administrative discharge of enlisted persons from the Armed Forces.

II. CANCELLATION

References (a) and (b) are hereby cancelled and superseded.

III. APPLICABILITY

The policies, standards, and procedures prescribed herein are applicable to the Army, the Navy, the Air Force, and the Marine Corps, and, by agreement with the Secretary of Transportation, to the Coast Guard, and to all Reserve components thereof.

IV. DEFINITIONS

As used herein, the following definitions will apply:

- A. Member - an enlisted man or an enlisted woman of an Armed Force.
B. Discharge - complete severance from all military status.
C. Release from Active Duty - termination of active duty status and transfer or reversion to a Reserve component not on active duty.

Continuation of IV.

- D. Separation - a general term which includes discharge and release from active duty.
- E. Administrative Separation - discharge or release from active duty upon expiration of enlistment or required period of service, or prior thereto, in the manner prescribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.
- F. Military Record - comprises a member's behavior while in military service, including general comportment and performance of duty.
- G. Prior Enlistment or Period of Service - service in any component of the armed forces, including the Coast Guard, which culminated in the issuance of a discharge certificate or certificate of service.
- H. Administrative Discharge Board - a board appointed to render findings based on facts obtaining or believed to obtain in a case and to recommend retention in the service or discharge and reason for and the type of separation or discharge certificate to be furnished.
- I. Discharge Authority - as established herein and implemented by regulations issued by an Armed Force, an official authorized to take final action with respect to specified types of discharge.
- J. Respondent - a member of the Armed Forces who has been notified that action has been initiated with a view toward discharging him under a specified service regulation.
- K. Counsel - a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.
- L. Honorable Discharge - is separation from an Armed Force with honor.
- M. General Discharge - is separation from an Armed Force under honorable conditions.
- N. Undesirable Discharge - is separation from an Armed Force under conditions other than honorable.

V. POLICY

- A. General. The Armed Forces have the right and the duty to

defect, apparently beyond the control of the individual, elsewhere not readily describable.

4. Enuresis
- * 5. Alcohol abuse. Failure through inability or refusal to participate *
* in, cooperate in, or complete an alcohol abuse treatment and reha- *
* bilitation program. *
6. Homosexual and other aberrant tendencies
7. Financial irresponsibility
- * 8. Personal abuse of drugs other than alcoholic beverages. When evi- *
* denced by a urinalysis test administered for identification of drug *
* abusers, or a member's volunteering for treatment for a drug prob- *
* lem under the Department of Defense Drug Identification and Treat- *
* ment Program and: *
 - * a. Member's record indicates lack of potential for continued mili- *
* tary service, or *
 - * b. Long-term rehabilitation is determined necessary and member is *
* transferred to Veterans Administration and/or civilian medical *
* facility for rehabilitation, or *
 - * c. Failure through inability or refusal to participate in, coop- *
* erate in, or complete a drug abuse treatment and rehabilitation *
* program. *
- H. Security. Discharge, with the character of discharge and under conditions and procedures stipulated by the Secretary of Defense as set forth in DoD Directive 5210.9, reference (c), which deals explicitly with this matter, when retention is not clearly consistent with the interest of national security.
- I. Unfitness. Discharges by reason of unfitness, with an Undersirable Discharge, unless the particular circumstances in a given case warrant a general or honorable discharge, when an individual's military record in his current enlistment or period of obligated service includes one or more of the following:
 1. Frequent involvement of a discreditable nature with civil or military authorities.
 2. Sexual perversion including but not limited to (1) lewd and lascivious acts, (2) homosexual acts, (3) sodomy, (4) indecent exposure, (5) indecent acts with or assault upon a child, or (6) other indecent acts or offenses.
 - * 3. Drug abuse. Illegal, wrongful or improper use, possession, sale, *
* transfer, or introduction on a military installation of any narcotic *
* substance, marijuana, or dangerous drug, when supported by evidence *
* not attributed to a urinalysis administered for identification of *
* drug abusers or not attributed to a member's volunteering for treat- *
* ment under the Department of Defense Drug Identification and Treat- *
* ment Program. *
 4. An established pattern for shirking.
 5. An established pattern showing dishonorable failure to pay just debts.
 6. An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.
 7. Unsanitary habits.
- J. Misconduct. Discharge by reason of misconduct, with an Undesirable Discharge, unless the particular circumstances in a given case warrant a more favorable discharge, when one or

more of the following conditions have been determined:

1. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender or is placed on probation or punished in any way as the result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies.
 2. Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which if known at the time might have resulted in rejection.
 3. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established.
- K. Resignation or Request for Discharge for the Good of the Service. Discharge by reason of resignation or request for discharge for the good of the service, with an Undesirable Discharge, where a member's conduct rendered him triable by court-martial under circumstances which could lead to a punitive discharge, subject to the procedures and safeguards specified elsewhere in this Directive.

VIII. PROCEDURES FOR DISCHARGE

In accordance with the standards hereinabove outlined, the following procedures will be adhered to in effecting administrative discharges:

- A. Honorable Discharge. A separation with an Honorable Discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that he merits an Honorable Discharge under the prescribed standards.
- B. General Discharge. A separation with a General Discharge may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined under the prescribed standards that such discharge is warranted. When a General Discharge is issued for one of the reasons listed in VII.A. through F., above, the