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CRS Webinar - Understanding Constituent Problems with the Military

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Joining the Military (Recruiting)

- **Key Qualifications**
 - Age
 - Citizenship
 - Education
 - Aptitude
 - Medical
 - Physical Fitness
 - Dependency
 - Character/Conduct
 - Drugs/Alcohol

See Department of Defense Instruction 1304.26, Qualification Standards for Enlistment, Appointment and Induction



Joining the Military (Recruiting)

- **Waivers - those not meeting certain standards may still qualify if they receive a waiver.**
 - Medical waiver
 - Dependent waiver
 - Conduct waiver
 - Drug waiver
- **Waivers are more common when recruiting is difficult; less common when recruiting is strong.**
- **Many qualifications standards cannot be waived**

See Department of Defense Instruction 1304.26, Qualification Standards for Enlistment, Appointment and Induction



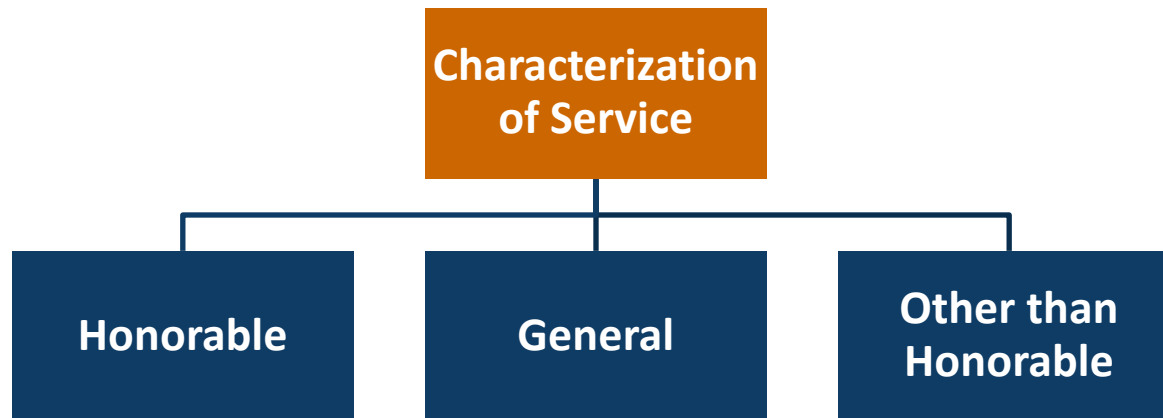
Administrative Separation - Reasons

- **Military personnel can be administratively separated for a variety of reasons, including:**
 - **Changes in Service Obligations**
 - **Convenience of the Government**
 - **Disability**
 - **Unsatisfactory Performance**
 - **Misconduct**
 - **Unsatisfactory Participations (Reserves)**
- **Some of these separations are at the request of the individual; others are involuntary**
- **Involuntary separation of officers are more complicated than enlisted separations**

See Department of Defense Instruction 1332.14, Enlisted Administrative Separations, January 27, 2014 and Department of Defense Instruction 1332.30, Separation of Regular and Reserve Commissioned Officers, November 25, 2013.



Administrative Separation - Characterization



Adverse Actions – Non-Judicial Punishment

- **Commanding Officers Non-Judicial Punishment (NJP) - Article 15, UCMJ**
 - Disciplinary punishments for minor offenses without the intervention of a court-martial
 - Officers and enlisted servicemembers
 - except for servicemembers attached to or embarked in a vessel, NJP may be refused by the servicemember – commanding officers may elect courts-martial
 - Manual for Courts-Martial, Part V – Nonjudicial Punishment Procedures



Adverse Action – Courts-Martial

- **Summary Courts-Martial – Article 20, UCMJ**
 - Minor offenses allegedly committed by enlisted servicemembers
 - Maximum punishments:
 - 30 days confinement
 - Hard labor without confinement for 45 days
 - Restriction to specified limits for 45 days
 - Forfeiture of two-thirds pay per month for one month
 - Reduction to the lowest pay grade
 - Composed of one commissioned officer who need not be a lawyer



Adverse Action – Courts-Martial

- **Special Courts-Martial – Article 19, UCMJ**
 - Any noncapital offense; generally considered misdemeanor offenses
 - Maximum punishments:
 - Confinement for one year
 - Hard labor without confinement for up to three months
 - Forfeiture of two-thirds pay per month for up to one year
 - Reduction in pay grade
 - Punitive discharge (bad-conduct discharge)
 - Composed of a military judge alone; a jury of at least three servicemembers; or a military judge and not less than three servicemembers



Adverse Action – Courts-Martial

- **General Courts-Martial – Article 18, UCMJ**
 - Serious offenses, including capital crimes
 - Maximum punishments:
 - Reprimand
 - Restriction
 - Fines
 - Forfeitures of up to all pay and allowances
 - Reduction to the lowest enlisted pay grade
 - Confinement
 - Punitive discharge (bad conduct discharge, dishonorable discharge, or dismissal)
 - For capital offenses, death
 - Composed of military judge alone; or a jury of at least five servicemembers and a military judge



Post-Service Matters

- **Discharge Review Board (DRB)**
 - Change, correct, modify discharges and dismissals not issued by a sentence of a general courts-martial
 - If error or injustice is more than 15 years in past, the proper avenue is Board of Correction of Military Records
 - 10 USC § 1553
 - DoD Directive 1332.31, “Boards for Correction of Military Records (BCMRs) and Discharge Review Boards (DRBs),” March 8, 2004
 - DoD Instruction 1332.41, “Discharge Review Board (DRB) Procedures and Standards,” April 23, 2007



Post-Service Matters

- **Board of Correction of Military Records**
 - Change any military record when necessary to correct an error or remove an injustice
 - 10 USC § 1552
 - DoD Instruction 1332.41, “Boards for Correction of Military Records (BCMRs) and Discharge Review Boards (DRBs),” March 8, 2004



QUESTIONS?



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