

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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COMDTCHANGENOTE 1000
10 Nov 2016

COMMANDANT CHANGE NOTICE 1000

Subj: CH-3 TO MILITARY SEPARATIONS, COMDTINST M1000.4

- Ref:
- (a) Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series)
 - (b) Coast Guard Pay Manual, COMDTINST M7220.29 (series)
 - (c) Physical Disability Evaluation System, COMDTINST M1850.2 (series)
 - (d) Coast Guard Medical Manual, COMDTINST M6000.1 (series)
 - (e) Discipline and Conduct, COMDTINST M1600.2 (series)
 - (f) Coast Guard Civil Rights Manual, COMDTINST M5350.4 (series)
 - (g) Military Justice Manual, COMDTINST M5810.1 (series)
 - (h) Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series)
 - (i) Reserve Policy Manual, COMDTINST M1001.28 (series)
 - (j) Administrative Investigations Manual, COMDTINST M5830.1 (series)
 - (k) Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series)
 - (l) Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series)
 - (m) Military Bonus Programs, COMDTINST M7220.2 (series)
 - (n) Coast Guard Recruiting Manual, COMDTINST M1100.2 (series)
 - (o) Personnel and Pay Procedures Manual, PPCINST M1000.2 (series)
 - (p) Military Assignments and Authorized Absences, COMDTINST M1000.8 (series)
 - (q) Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series)
 - (r) Continued Health Care Benefit Program, COMDTINST 1760.7(series)
 - (s) Military Civil and Dependent Affairs, COMDTINST M1700.1 (series)
 - (t) Command Senior Enlisted Leader (CSEL) Program, COMDTINST 1306.1 (series)
 - (u) Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series)

DISTRIBUTION – SDL No. 168

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NON-STANDARD DISTRIBUTION:

COMDTCHANGENOTE 1000

1. PURPOSE. This Commandant Change Notice publishes a change to Military Separations, COMDTINST M1000.4.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Commandant Change Notice. Internet release is authorized.
3. DIRECTIVES AFFECTED. With the addition of this Commandant Change Notice, Military Separations, COMDTINST M1000.4, is updated.
4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. The following summarizes the significant changes to military separations policy included in this Commandant Change Notice:
 - a. COMDT COGARD Washington DC 291230Z Aug 14/ALCOAST 362/14 announced policy changes regarding sexual assault. Articles 1.A.14.c.(5) and 1.B.17.b.(6) have been added to address the consequences to officers and enlisted members, respectively, due to convictions of sexual misconduct.
 - b. To support the normal assignment season and promote stability in the workforce and unit operations, COMDT COGARD Washington DC 041920Z Dec 13/ALCOAST 516/13 updated the timeframes for planned retirements and retiring or separating in lieu of orders. Articles 1.A.22. and 1.B.38. have been added to establish the timeframe for officers and enlisted members, respectively, separating in lieu of executing orders (SILO); Articles 1.C.9. and 1.C.11. have been updated to reflect the time frame for planned voluntary retirement and retirement in lieu of executing orders (RILO) for officers and enlisted members, respectively.
 - c. COMDT COGARD Washington DC 072054Z Mar 14/ALCOAST 093/14 announced enlisted members who do not meet reenlistment standards are not entitled to a reenlistment board. Enlisted members who do meet reenlistment standards, but are not recommended for reenlistment, are still entitled to a reenlistment board per Article 1.B.5.c.
 - d. Policy regarding the Second Chance Program has been relocated from previous Article 1.B.1.a. to a new Article 1.B.39. In addition, this policy has been updated to reflect that the first-level flag officer/SES's retention authority for alcohol incidents was eliminated by COMDT COGARD Washington DC 041842Z Apr 14/ALCOAST 146/14. Alcohol incidents and sexual misconduct were added as exclusions from the Second Chance Program retention authority, and the policy has been clarified as not being applicable to recruits and members enrolled in an officer accession program.
 - e. COMDT COGARD Washington DC 052018Z Jun 14/ALCOAST 258/14 announced the transition to a CG PSC directive (subsequently promulgated as the Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series)) for procedures and guidance applicable to certain administrative boards. The policy changes of ALCOAST 258/14 as well as other conforming changes, including the removal of procedural information now found in the CG PSC directive, have been incorporated.

- f. Added criteria for discharge for misconduct, for commission of a serious offense, under Article 1.B.17.b.(3) for the following:
 - (1) Members who engage in drunken or impaired operation of a vehicle, aircraft, or vessel in accordance with COMDT COGARD Washington DC 041842Z Jun 14/ALCOAST 258/14.
 - (2) Use of unsuitability as a basis for discharge is prohibited for members who commit serious offenses, such as domestic violence, while under the influence of alcohol.
- g. Several definitions in Article 1.B.1.f. have been revised or added to support the thorough redrafting of the policy related to uncharacterized discharges found in Article 1.B.19.
- h. New Article 1.B.40. has been added, implementing a recommendation by the Sexual Assault Prevention Council that was chartered by the Vice Commandant. This policy provides the opportunity for the review by Commander (CG PSC-c) of the proposed involuntary separation of an enlisted member who previously made an unrestricted report of sexual assault.
- i. Article 1.B.1.a. has been revised to update and consolidate most of the enlisted discharge authorities, otherwise reserved for Commander, Personnel Service Center (CG PSC), that may be exercised by certain officers in command.
 - (1) The previously approved authority of the Superintendent, Coast Guard Academy, regarding members enlisted under the Coast Guard Academy Scholar Program was incorporated. Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series), has been added as new Reference (u).
 - (2) Specific authorities governing recruit discharges vested in Commanding Officer, Training Center Cape May, were previously found in military separations policy in Article 1.B.12. (Convenience of the Government), Article 1.B.14. (Disability), Article 1.B.17. (Misconduct), and Article 1.B.19. (Uncharacterized Discharges). These various authorities have been combined within Article 1.B.1.a., with broadened authority to award characterized discharges, and in certain circumstances expanded (e.g., involvement with drugs after enlistment, rather than just pre-enlistment drug use detected by urinalysis) to cover enlisted members throughout their status as recruits.
- j. The separation criteria in Article 1.B.9.c. related to enlisted evaluations prior to 30 June 1983 has been deleted as it is no longer applicable to any current Service members. (Other references throughout Article 1.B. to the old performance appraisal system will be removed in a future change or revision.)
- k. Retention of members beyond their enlistment end date has been clarified in Article 1.B.11.j.
- l. Clarification was added in Article 1.B.12.a. indicating that members separated for the convenience of the Government are not entitled to an administrative discharge board, except when unsatisfactory performance is the basis for initiating separation proceedings and otherwise eligible.
- m. Members discharged for obesity are no longer required to surrender their uniforms (removed from Article 1.B.12.g.), an action considered overly punitive in certain cases where it is possible for an otherwise good performer to later regain compliance and reenter the Service.

- n. The sample memoranda for requesting voluntary retirement have been deleted from old Articles 1.C.9.a.(9) and 1.C.11.a.(5) because updated templates may be found on the Commanders (CG PSC-OPM-1) and (CG PSC-EPM-1) web sites, respectively.
 - o. Miscellaneous updates have been made within the changed articles to correct references cited in sample memoranda and outdated or erroneous staff symbols, and to reflect that discharge certificates are now only issued for an honorable discharge.
6. IMPACT ASSESSMENT. This Commandant Change Notice does not impose new tasking or change existing tasking to Coast Guard commands.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
- a. The development of this Commandant Change Notice and the general policies contained within it have been thoroughly reviewed by the originating office and are categorically excluded under current Coast Guard categorical exclusion #1 and #33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
 - b. This Commandant Change Notice will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Commandant Change Notice must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 Code of Federal Regulations Parts 1500-1508, Department of Homeland Security and Coast Guard NEPA policy, and compliance with all other environmental mandates.
8. DISTRIBUTION. No paper distribution will be made of this Commandant Change Notice. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.

9. PROCEDURE. If maintaining a paper library, remove and replace the following sections of Military Separations, COMDTINST M1000.4:

<u>Remove</u>	<u>Replace</u>
Record of Changes	Record of Changes, CH-3
Table of Contents, CH-2	Table of Contents, CH-3
Pages 1-21 – 1-22	Pages 1-21 – 1-22,
Pages 1-39 – 1-40	Pages 1-39 – 1-40,
Pages 1-55 – 1-58	Pages 1-55 – 1-58,
	Pages 1-58A – 1-58B,
Pages 1-67 – 1-70	Pages 1-67 – 1-70,
Pages 1-77 – 1-82	Pages 1-77 – 1-82,
Pages 1-85 – 1-96	Pages 1-85 – 1-96,
Pages 1-101 – 1-108	Pages 1-101 – 1-108,
	Pages 1-108A-108B
Pages 1-115 – 1-122	Pages 1-115 – 1-122,
	Pages 1-138A – 1-138B,
Pages 1-153 – 1-164	Pages 1-153 – 1-164

10. RECORDS MANAGEMENT CONSIDERATIONS. This Commandant Change Notice has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
11. FORMS/REPORTS. The forms referenced in this Commandant Change Notice and in Military Separations, COMDTINST M1000.4, are available in USCG Electronic Forms on the Standard Workstation or on the Internet at <http://www.uscg.mil/forms/>; CG Portal at <https://cgportal2.uscg.mil/library/forms/SitePages/Home.aspx>; and Intranet at <http://cgweb.comdt.uscg.mil/CGForms>.
12. REQUEST FOR CHANGES. Recommendations for changes or improvements to Military Separations, COMDTINST M1000.4 (series), are welcome and should be submitted via the chain of command to the Office of Military Personnel, Policy and Standards Division, Commandant (CG-1331), at HQS-PolicyandStandards@uscg.mil.

KURT B. HINRICHS /s/
Rear Admiral, U.S. Coast Guard Reserve
Director of Reserve and Military Personnel

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- (e) Acts of personal misconduct prohibited by military or civilian authorities.
 - (f) Intentional or negligent failure to perform duties or negligence in performing duties.
 - (g) Conduct unbecoming an officer.
 - (h) Involvement in a drug or alcohol incident as defined in reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series).
 - (i) One act of sexual harassment by assault or coercion, or conduct demonstrating an established pattern of sexual harassment by crude or offensive behavior, sexist behavior, and/or unwanted sexual attention. See Article 2.B. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series), and reference (f), Coast Guard Civil Rights Manual, COMDTINST M5350.4 (series), for definitions and guidelines on sexual harassment.
 - (j) Involvement in a prohibited relationship. See Article 2.A. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series), for policy guidance.
 - (k) An act, either committed or omitted, or other behavior clearly not consistent with the interests of national security requires removing an officer.
 - (l) An unreasonable refusal to submit to necessary and proper medical or dental treatment considered by competent medical or dental officers to be necessary to render member fit for duty (as determined by a medical board convened in accordance with the provisions of reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series)).
 - (m) A repeated refusal to receive an immunization ordered by competent authority.
- (3) Any one of these or similar reasons causes serious doubt as to the advisability of permitting the officer concerned to retain a commission and normally prompts a review of his or her overall record. This review will determine if this derogatory information, when viewed in conjunction with other aspects of his or her record, warrants a recommendation for separation. Standing alone any one of these conditions may not support separation. However, any one of them when combined with other known deficiencies could form a pattern which, when viewed in relation to an officer's overall record, requires separation.
- (a) Punishment under the Uniform Code of Military Justice, Article 15.
 - (b) Conviction by court-martial or a civil court.
 - (c) Denial of security clearance.
 - (d) Derogatory evaluation report.

- (e) Failure to be recommended for promotion by a selection board selecting officers for promotion on a fully qualified basis.
 - (f) Failure by a Regular Coast Guard officer of any required course of training, instruction, or indoctrination at a service school.
 - (g) An approved finding of misconduct by a board of investigation.
- (4) Officers with less than five years of commissioned service will normally be processed under Article 1.A.8. or 1.A.10. of this Manual depending upon their status.
- (5) Officers convicted in Federal or State court of rape, sexual assault, forcible sodomy, incest, or attempts to commit any of those acts, while in the Service or found to have been convicted prior to entry into the Service, shall be processed for separation.

1.A.14.d. Relationship of Separation to Discipline

A commanding officer shall not use separation in lieu of disciplinary action under the UCMJ, but if he or she believes the Service's and officer's interests will be served better by separation proceedings rather than disciplinary action, he or she may so refer any charges. The fact a court-martial has occurred shall not prohibit subsequent proceedings under this Article; however, separation proceedings may not be initiated until a prior UCMJ proceeding is complete.

1.A.14.e. Initiating Action

Commander (CG PSC-OPM) shall review an officer's PDR and weigh all facts and circumstances to determine whether an officer should be considered for action under this Article. If Commander (CG PSC-OPM) decides further processing is warranted, Commander (CG PSC) will refer the case to a determination board. At any time, an Area Commander, District Commander, Logistics/Service Center Commander, or unit commanding officer may request Commander (CG PSC-OPM) to review an officer's PDR to determine whether the officer should be considered for separation.

1.A.14.f. Requiring Officers to Show Cause for Retention

- (1) At any time and place Commander (CG PSC) may convene a board of officers to review any Regular Coast Guard officer's record to decide whether the officer should be required to show cause for retention on active duty because:
- (a) The officer's performance of duty has declined below the prescribed standards; or
 - (b) The officer has demonstrated moral or professional dereliction; or
 - (c) Retention is clearly inconsistent with the interests of national security.
- (2) A board of officers convened to review an officer's records (a "determination board") shall consist of at least three officers in the grade of commander or above who all are

under 10 U.S.C. §515.

- (c) A chief warrant officer with fewer than three years of such service shall be separated under 10 U.S.C. §1165 without separation pay. However, he or she may request and, if the Commandant approves, enlist under 10 U.S.C. §515 in a grade the Commandant prescribes.

- (5) If the Commandant does not find a chief warrant officer unfit or unsatisfactory following an evaluation board, the case shall be closed.
-

1.A.21. Requests to Separate Voluntarily in Lieu of Involuntary Board Action

Officers who are undergoing the processes outlined in Articles 1.A.10., 1.A.11., 1.A.14., or 1.A.20. of this Manual may have the opportunity to request retirement or discharge in lieu of completing these processes. If this is permitted, the officer will receive the same category of Separation Program Designator code on their Certificate of Release or Discharge from Active Duty, DD Form 214, that they would receive if the board process went to completion with a decision to separate. They will also receive the same period of time to separate as they would receive if the board process went to completion. If no timeline is specified, the individual shall have no more than 90 days from the date the voluntary separation request is approved to separate.

1.A.22. Separation in Lieu of Orders (SILO)

Officers who elect to separate in lieu of accepting permanent change of station (PCS) orders will be required to separate no later than 1 August.

Exhibit 1.A.1. Procedural Guide for a Coast Guard Board of Inquiry Conducted IAW 14 U.S.C. §322

The following script is to assist the Board of Inquiry:

Parties

Pres: This board will come to order. The time is _____ on _____. This hearing is being held at _____.

Rec: This board has been ordered by the Commander, Coast Guard Personnel Service Center by letter _____ (SSIC), dated _____, copies of which have been furnished to each member of the board, counsel for the respondent, and the respondent. This letter will be marked as Exhibit 1.

Rec: The respondent, _____, and the following persons detailed to the board are present:

President (senior member) _____

Member _____

Member _____

Counsel for the Board _____

Counsel for the respondent _____

Rec: has been named reporter to this proceeding and will now be sworn. (Reporter rises and raises his or her right hand).

OATH: Do you swear or affirm that you will faithfully perform the duties of reporter to this board of inquiry so help you God?

[NOTE: If it is known in advance that one being sworn will "affirm" rather than "swear", the words "swear or" and "so help you God" should be omitted from the oath.]

Rptr: I do.

Rec: I am _____, and I have been detailed as recorder to the board. I am (not) qualified and certified under Article 27(b) of the Uniform Code of Military Justice & sworn under Article 42(a) UCMJ.

[NOTE: Mark counsel's detailing letter, if any]

Rsp Cnsl: I have been detailed to represent _____, the respondent, before this board by _____. I am qualified and certified under Article 27(b) of the Uniform Code of Military Justice and sworn under Article 42(a) UCMJ. (If a civilian attorney - I am admitted to practice law before the Supreme Court of the State of _____).

[NOTE: Mark counsel's detailing letter, if any]

1.B. Separating Active Duty Enlisted Members

1.B.1. General

1.B.1.a. Discharge Authority

Commander, Coast Guard Personnel Service Center, is the Discharge Authority in all cases of administrative separation except that:

- (1) The district commander, logistics/service center commands, or commanding officer, as appropriate, may be the Discharge Authority in those cases specified in Articles 1.B.7., 1.B.8., 1.B.11., 1.B.12., and 1.B.15. of this Manual;
- (2) Superintendent, Coast Guard Academy, may be the Discharge Authority under the provisions of Article 1.B.12. of this Manual for members enlisted under the Coast Guard Academy Scholar Program, within one year of the member's entry into the program. Commander (CG PSC) retains authority for those scholars who were serving as active duty or Reserve members of the Coast Guard upon entry into the program, and for all scholars beyond their first year of service. (See also Reference (u), Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series)).
- (3) Commanding Officer, Training Center Cape May, may be the Discharge Authority for uncharacterized discharges for recruits in an entry-level status in accordance with Article 1.B.19. of this Manual. In addition, Commanding Officer, Training Center Cape May, has authority to award a characterized discharge – honorable or general (under honorable conditions), as appropriate – to recruits:
 - (a) For misconduct due to drugs, in accordance with Article 1.B.17.b.(4) of this Manual, including but not limited to pre-enlistment drug use evidenced by a positive urinalysis shortly after entering an accession training program. (New inductees shall sign an Administrative Remarks, Form CG-3307, entry acknowledging that the presence of drugs in their bodies is grounds for a general (under honorable conditions) discharge for misconduct.)
 - (b) Who do not meet the criteria for discharge under an entry-level status, but are otherwise recommended for discharge under Section 1.B. of this Manual;
 - (c) Who meet the criteria for entry-level status, but unusual circumstances exist that warrant a characterized discharge (e.g., serious infractions or exceptionally meritorious service).

To the extent practicable, Commanding Officer, Training Center Cape May, will apply the general separation criteria under Section 1.B. of this Manual when awarding characterized discharges to recruits. However, in lieu of the minimum six-month probationary periods prescribed in Articles 1.B.15.c. and 1.B.17.c. of this Manual, recruits who are processed for discharge due to unsuitability or misconduct shall be afforded the same counseling as is required under Article 1.B.19.d. of this Manual for uncharacterized discharge processing.

1.B.1.b. Scope

The Service separates all regular Coast Guard and Coast Guard Reserve active duty enlisted members according to the instructions contained in this Article. Article 1.B.37. of this Manual contains a summary of various entitlements as they pertain to the different types of discharge. See reference (i), Reserve Policy Manual, COMDTINST M1001.28 (series), for processing Selected Reserve (SELRES) and Individual Ready Reserve (IRR) members.

1.B.1.c. Unqualified for Retention

The Armed Forces have the right and the duty to separate those members who clearly demonstrate they are unqualified for retention. If applicable, an Honorable Discharge Certificate, DD Form 256 CG, will be issued upon separation or discharge (see Article 1.B.34. of this Manual). At the same time, such members have rights the Coast Guard strives to protect (see Articles 1.B.14., 1.B.15., 1.B.17., and 1.B.23. of this Manual, as appropriate).

1.B.1.d. Retention or Separation

In determining whether a member should retain current military status or be separated administratively, the Service may evaluate the member's entire military record, including records of non-judicial punishment imposed during a previous enlistment or period of service, all courts-martial records or convictions, and any other material or relevant factors. Commanding officers, investigating officers, administrative discharge boards, and other agencies charged with making such decisions consider records of non-judicial punishment imposed during a previous enlistment or period of service only if, under the case's particular circumstances, the records would have a direct, strong probative value in determining whether retention or administrative separation is appropriate.

- (1) Cases in which the circumstances may warrant using such records ordinarily are limited to those involving patterns of conduct which become manifest only over an extended period of time.
- (2) When the Service considers a record of non-judicial punishment imposed during a current enlistment or period of service, isolated incidents and events remote in time or with insignificant value in determining whether retention or administrative separation should be effected shall have minimal influence on the determination.
- (3) If the Service decides to separate a member administratively, Article 1.B.2.e. of this Manual applies in determining the type of discharge.

1.B.1.e. Cases Involving Concurrent Disability Evaluation and Disciplinary Action

- (1) Disability statutes do not preclude disciplinary separation. The separations described here supersede disability separation or retirement. If Commander (CG PSC-PSD-de) is processing a member for disability while simultaneously Commander (CG PSC-EPM-1) is evaluating the member for an involuntary administrative separation for misconduct, or disciplinary proceedings which could result in a punitive discharge or an unsuspended punitive discharge is pending, Commander (CG PSC-PSD-de) suspends the disability evaluation and Commander (CG PSC-EPM-1) considers the disciplinary action. If the action taken does not include punitive or administrative discharge for misconduct, Commander (CG PSC-EPM-1) sends or returns the case to Commander (CG PSC-PSD-de) for processing. If the action includes either a punitive or administrative discharge for misconduct, the medical board report shall be filed in the terminated member's medical personnel data record (MED PDR).
- (2) Notwithstanding subparagraph 1.B.1.e.(1) of this Manual, disability evaluation in a member's case may proceed if Commander (CG PSC) or the Commandant (CG-00) so direct. In such a case, the Commandant decides the ultimate disposition.

1.B.1.f. Definitions

As used in this Article, these definitions apply:

- (1) Member. An enlisted man or woman of the Coast Guard.
- (2) Discharge. Complete severance from all military status.
- (3) Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty.
- (4) Separation. A general term including discharge and release from active duty.
- (5) Administrative Separation. Discharge or release from active duty when enlistment or required period of service expires or before then in the manner prescribed in this Article or by law but specifically excluding separation by sentence of general or special court-martial.
- (6) Military Record. A member's behavior while in military service, including general comportment and performance of duty.
- (7) Prior Enlistment or Period of Service. Service in any Armed Forces component which culminated in issuing a discharge certificate or certificate of service.
- (8) Administrative Discharge Board. A body appointed to provide findings of fact, opinions, and recommendations to assist the discharge authority in making informed decisions. See Article 1.B.22. of this Manual and reference (j), Administrative Investigations Manual, COMDTINST M5830.1 (series).

- (9) Discharge Authority. As established here and implemented by regulations issued by an Armed Force, an official authorized to make a final decision on specified types of discharges.
 - (10) Respondent. A Coast Guard member who has been notified the Service has initiated action to discharge him or her under a specified Service regulation.
 - (11) 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 a lawyer so qualified is not available and describes the qualifications of the substituted non-lawyer counsel.
 - (12) Continental United States. The United States less Alaska and Hawaii.
 - (13) Characterization of Service for Administrative Separation. A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are honorable, under honorable conditions, and under other than honorable conditions.
 - (14) Minority Group. A segment of the population possessing common traits transmissible by descent or common characteristics and a cultural heritage significantly different from that of the general population.
 - (15) Entry-Level Status. Upon enlistment, this status applies to first-term performers who have fewer than 180 days of active military service, and to prior-service enlistees who have accumulated fewer than 180 days of active service after a service break of more than 92 days following their prior military service.
 - (16) First-Term Performer. A member with no prior military service serving in the first four years of his or her initial military service obligation.
 - (17) Recruit. A member currently enrolled in any enlisted accession program at Training Center Cape May, or who remains on active duty after having been removed from an enlisted accession program prior to graduation.
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1.B.2. Determining the Type of Discharge

1.B.2.a. Policy

The Service discharges members with the type and character of service as determined by the reason for discharge, military record, and certain other conditions set forth here.

1.B.2.b. Procedure

In determining a member's type of discharge and character of service under these conditions, if a commanding officer believes a member should be issued a higher or lower type of discharge, the commanding officer should so recommend to Commander (CG PSC-EPM-1) and should support such recommendation with pertinent parts of the member's PDR. When the member is transferring for discharge, the commanding officer should make such recommendation before transfer with a copy to the unit to which the member is transferring.

1.B.2.c. Types of Discharge

(1) There are five types of discharge for characterized separations:

- (a) Honorable Discharge, DD Form 256 CG, Separation with honor,
- (b) General (Under Honorable Conditions) Discharge,

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sign a statement on an Administrative Remarks, Form CG-3307, entry in his or her PDR acknowledging this notification.

1.B.5.c. More than Eight Years' Service

Members who have eight or more years of total active duty and/or reserve military service that meet the reenlistment eligibility criteria in reference (l), Enlisted Accessions, Evaluations and Advancements, COMDTINST M1000.2 (series), but are not recommended for reenlistment by their commanding officer, are entitled to a reenlistment board. However, members who do not meet the eligibility criteria are not entitled to a reenlistment board, even if they have eight or more years of total active and/or reserve military service. If a member is entitled to a reenlistment board, the commanding officer shall follow the procedures in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

1.B.5.d. Appellant Procedures

On receiving an appeal, Commander (CG PSC) may direct that a particular appellant with fewer than eight years' total active and/or Reserve military service will be afforded the same rights to a board hearing as a member with eight or more years of such service possesses. Further, Commander (CG PSC) may reject a particular member's waiver of rights and direct a board to hear the case. The board convenes under reference (j), Administrative Investigations Manual, COMDTINST M5830.1 (series); the board members and procedures are the same as for Administrative Discharge Boards in Article 1.B.22. of this Manual. The board renders findings about the member's eligibility to reenlist or can specify a probationary enlistment extension for any period up to one year.

1.B.5.e. Documentation

When board action is not required, or when a member entitled to a reenlistment board waives that right, the commanding officer shall provide the member's PDR and following documents to Commander (CG PSC-EPM-1):

- (1) Summary of military offenses.
- (2) Civil convictions.
- (3) If submitted, the member's signed statement on his or her own behalf.
- (4) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.

1.B.5.f. Probation Extension

If the board recommends probationary enlistment extension, these guidelines apply:

- (1) The board shall propose the probation's length and terms, which should address the particular deficiencies that have led to recommended denial of reenlistment and provide the respondent with clear, specific standards of performance and conduct expected during the probation.
- (2) On receiving the reenlistment board's report, the commanding officer or convening authority may offer the respondent an opportunity to begin voluntary evaluation under the recommended probation terms if the commanding officer deems such action appropriate. This officer should inform the respondent that failure to begin evaluation under the probation terms will not affect how the final reviewing authority considers the case, but sincere, successful, voluntary compliance could favorably affect consideration. The commanding officer also should inform the respondent that voluntary evaluation while on probation is not binding on Commander (CG PSC) as Final Reviewing Authority.
- (3) If the commanding officer agrees to begin a respondent's requested evaluation under recommended probationary terms, the commanding officer shall inform the respondent of the precise terms of probation on an Administrative Remarks, Form CG-3307, entry in the respondent's PDR. The respondent acknowledges the terms in writing following this mandatory statement:

"I hereby agree to comply with the terms of probation that the reenlistment board recommended in my case. I realize the convening authority and reviewing authorities will not consider my compliance with these probationary terms binding on the action they take on my reenlistment board, and Commander (CG PSC), as Final Reviewing Authority, may cancel, amend, or extend these probationary terms."

- (4) When a commanding officer agrees to implement a respondent's evaluation under probationary terms recommended by a reenlistment board, the commanding officer sends a memorandum report of that action to Commander (CG PSC-EPM-1) independent of his or her endorsement to the reenlistment board's report. The report shall state the terms of probation as implemented and indicate whether the respondent's transfer for evaluation is warranted or desirable.
- (5) The commanding officer under whom the respondent is serving a probationary extension will evaluate the member's performance of the probation terms every 30 days and enter the respondent's progress on an Administrative Remarks, Form CG-3307, entry. Until Commander (CG PSC) publishes the action of the Final Reviewing Authority on the reenlistment board, at the end of each 90-day period of the probation, or sooner if necessary, the commanding officer will send Commander (CG PSC-PSD-fs) a synopsis of the respondent's performance.

1.B.5.g. Deadlines

A board shall convene early enough so Commander (CG PSC-PSD-fs) can receive the completed report 120 days before the enlistment expires, or as soon thereafter as practical. When a board is not required, or when a member entitled to a board hearing waives that right, the documents specified in Article 1.B.5.e. of this Manual, plus the member's signed waiver of rights (if applicable) in the format prescribed in Article 1.B.5.c. of this Manual, shall be submitted to Commander (CG PSC-EPM-1) 60 days before the member's enlistment expires, or as soon thereafter

Policy is continued on Page 1-70

as practical.

1.B.5.h. Pending Notice

Members awaiting action of the Final Reviewing Authority shall be retained until Commander (CG PSC-EPM-1) advises the commanding officer of the Final Reviewing Authority's action.

1.B.5.i. Coast Guard Personnel Service Center's Final Action

In acting on a reenlistment board's recommendation, Commander (CG PSC) as Final Reviewing Authority will take action similar to that provided for in the case of administrative discharge boards in Article 1.B.22.d. of this Manual.

1.B.6. Physical Examination Before Separation

1.B.6.a. Applicability

Before retirement, involuntary separation, or release from active duty (RELAD) into the Ready Reserve (SELRES or IRR), every enlisted member, except those discharged or retired for physical or mental disability, shall be given a complete physical examination in accordance with reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series). Other members separating from the Coast Guard; e.g., discharge or transfer to standby reserve (non-drilling) may request a medical and dental screening. The examination results shall be recorded on Standard Form 88. To allow additional time to process enlisted members being discharged for enlistment expiration or being released from active duty, the physical examination shall be given at least six months before separation from active duty. All physical examinations for separations are good for 12 months. If the member is discharged for immediate reenlistment, the physical examination is not required. However, before discharge for immediate reenlistment, the commanding officer shall review the member's health record and require him or her to undergo a physical examination if evidence in the record or personal knowledge indicates a potential health problem.

1.B.6.b. Physically Qualified for Separation

When the physical examination is completed and the member is found physically qualified for separation, the member will be advised and required to sign a statement on the reverse side of the Chronological Record of Service, Form CG-4057, agreeing or disagreeing with the findings. When the member agrees he or she is physically qualified for separation, the original of Standard Form 88 shall be sent to Commander (CG PSC-PSD-mr) along with the terminated health record.

1.B.6.c. Objections to Findings

If a member objects to a finding of physically qualified for separation, the Standard Form

and disciplinary action are no longer effective and the member's association with the Coast Guard must terminate. This Article does not supersede more appropriate administrative action specified elsewhere in this Article or medical administrative procedures. Final discharge authority rests with Commander (CG PSC-EPM-1).

1.B.9.b. Scope

This Article applies to all enlisted active duty members who meet the following criteria:

- (1) The member must not be undergoing medical treatment or physical disability processing.
- (2) The member must be assigned to the current unit for at least 180 days.
- (3) The member must not be undergoing or eligible for more appropriate processing specified elsewhere in Article 1.B. of this Manual. See Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for unsatisfactory performance.

1.B.9.c. Separation Criteria

To discharge a member as an unsatisfactory performer, commanding officers must clearly show the member has been given the proper direction to improve performance and adequate time to demonstrate he or she could become a productive Service member. In all cases, use the enlisted performance appraisal system in effect to identify the unsatisfactory performer for this Article's purposes. However, the unsatisfactory performance pattern, the appraisal marks described must be supported by thorough documentation, including copies of Administrative Remarks, disciplinary action, and any other attempted corrective or training action. Unsatisfactory performers generally can be identified by enlisted employee reviews that do not meet the standards for an honorable discharge as described in Article 1.B.2.f. of this Manual.

1.B.9.d. Procedures to Notify Unsatisfactory Performers

- (1) Commanding officers must notify in writing a member whose performance record (12 months preferred in most cases, but at least six months for extremely poor performers) is such that he or she may be eligible for discharge under this Article and that his or her unsatisfactory performance may result in discharge if that performance trend continues for the next six months. The official notice will be in memorandum format using the example below.

(2) Members discharged for unsatisfactory performance are assigned one of the following applicable reenlistment codes. See Article 1.B.9.c. of this Manual for either case.

(a) RE-4 (not eligible to reenlist). The member's unsatisfactory performance is primarily due to personal conduct.

(b) RE-3 (unsatisfactory performance). The member's overall performance of duty is the reason for discharge, and the commanding officer determines the member may be eligible to reenlist at later date.

<i>Signature</i>
From: Commanding Officer, (Unit)
To: (Individual concerned)
Subj: UNSATISFACTORY PERFORMANCE
Ref: (a) Military Separations, COMDTINST M1000.4 (series), Article 1.B.9.
1. This is to inform you that for the previous (number) months, your performance has been unsatisfactory compared to your peers in your pay grade. You are considered to be on performance probation. You must take stock of your actions that have caused this situation to develop and take corrective action. Your performance must improve over the next six months, or you will be considered for discharge.
2. The reasons for being placed on performance probation are: (state specific facts, incidents, unheeded corrective performance guidance, and any other documentation which supports the unsatisfactory performance evaluation(s)).
#

1.B.9.e. Discharge Processing for Members with Less Than Eight Years of Service

(1) Notification Procedures. After the commanding officer notifies a member of unsatisfactory performance and closely observes the member (in most cases for six months), if the member has not substantially improved his or her performance, the commanding officer will notify the member in writing of the proposed discharge action. The official notification will be in memorandum format using the following example:

Signature

From: Commanding Officer, (Unit)

To: (Individual concerned)

Subj: DISCHARGE

Ref: (a) Military Separations, COMDTINST M1000.4 (series), Article 1.B.9.

1. This is to inform you I have initiated action to discharge you from the U.S. Coast Guard pursuant to the provisions of reference (a). Your performance marks for this enlistment support [a/an] [honorable/general] discharge. The reasons for my action are: [State specific facts and incidents which caused the recommendation. Include dates and circumstances of contributory events, including (if applicable) non-judicial punishment and courts-martial; evaluate the member's potential to advance and satisfactorily complete enlistment.]

2. The decision on your discharge and the type of discharge you will receive rest with Commander (CG PSC-EPM-1).

3. If you are awarded a general (under honorable conditions) discharge, you may expect to encounter prejudice in civilian life. [Omit if enlisted evaluations entitle the member to an honorable discharge.]

4. As you are being considered for a general (under honorable conditions) discharge, you have the right to consult with a lawyer as defined by Article 27(b)(1) of the Uniform Code of Military Justice. [Omit for members who are being recommended for an honorable discharge.]

5. You may submit a statement on your behalf.

6. You may disagree with my recommendation; if so, your rebuttal will be forwarded with my recommendation.

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- (2) Acknowledgment. A member notified of a recommendation for discharge under this Article must indicate he or she understands his or her rights by completing this endorsement. The member may include a personal statement on his or her behalf in this response. The member must submit a signed acknowledgment using the following format:

FIRST ENDORSEMENT on

Signature

From: [Individual Concerned]

To: Commanding Officer, [Unit]

Subj: DISCHARGE

1. I hereby acknowledge notification of my proposed discharge.
2. I [waive my right to submit/have attached] a statement in my behalf.
3. I understand if I receive a general (under honorable conditions) discharge I may expect to encounter prejudice in civilian life. [Necessary only if Article 1.B.2.f. of Military Separations, COMDTINST M1000.4 (series), indicates a general discharge.]
4. I hereby acknowledge I have been provided the opportunity to consult with [insert name], a lawyer. [Necessary only if Article 1.B.2.f. of Military Separations, COMDTINST M1000.4 (series), indicates a general discharge.]
5. I [object/do not object] to discharge from the U.S. Coast Guard.

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- (3) Right to Counsel. Commanding officers shall give any individual recommended for discharge under this Article whose performance evaluations indicate the possibility of receiving a general (under honorable conditions) discharge the opportunity to consult with a military lawyer for an explanation of rights before sending the discharge recommendation to Commander (CG PSC-EPM-1). The member may consult a civilian counsel of choice at his or her own expense.
- (4) Submitting Recommendation. Submit each recommendation for discharge under this Article to Commander (CG PSC-EPM-1) and include:
 - (a) A statement of all the circumstances of the case.
 - (b) A signed copy of the notification memorandum.
 - (c) The member's signed acknowledgment.
 - (d) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.
 - (e) Summary of military offenses.

- (5) Discharge Authority. An honorable or general (under honorable conditions) discharge shall be issued under Article 1.B.2. of this Manual to a member discharged under this Article. Members in Class "A" School immediately following recruit training who are separated under this Article receive an honorable discharge.

1.B.9.f. Procedures for Members with Eight or More Years of Service

Members with eight or more years of service shall be notified and processed in accordance with Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

1.B.9.g. Surrender of Uniform

The member must surrender his or her uniform. (See Article 1.B.36.d. of this Manual.)

1.B.10. Transfers at Time of Sailing

If a member is transferred ashore at time of sailing for misconduct, pending disciplinary action, or inability to make deployment for medical reasons and action for separation as indicated, the commanding officer of the unit initiating the transfer must send all available data on the member, including his or her recommendation and full documentation for separation, to the SPO to help avoid discharge processing delays.

1.B.11. Expiration of Enlistment

1.B.11.a. General

Unless a member voluntarily or involuntarily remains beyond the normal enlistment expiration date as provided in this Article or by other instructions the Commandant issues, a member shall be discharged or released from active duty and transferred to the Reserve to fulfill any remaining service obligation on the day before the applicable enlistment anniversary date (see Article 1.B.7. of this Manual.) for conditions allowing early separation within three months of the date service normally expires. A member who has declined to reenlist on the day after discharge shall not be discharged in a foreign country except when Commander (CG PSC-EPM-1) specifically authorizes or as authorized by Article 1.B.29.a. of this Manual. Members whose normal enlistment expiration date falls on Friday, Saturday, Sunday, or a holiday shall not be separated more than seven days before the normal separation date.

1.B.11.b. Making up Lost Time

An enlisted Coast Guard member absent from duty due to the causes listed below for more than one day on return to full duty is obligated to serve for any period necessary to complete a full term of enlistment or obligated service. This does not preclude the member recommended for reenlistment from separating early for immediate reenlistment under Article 1.B.7. of this Manual.

- (1) Desertion, or
- (2) Absence without proper authority, including the civil arrest situations outlined in reference (b), Coast Guard Pay Manual, COMDTINST M7220.29 (series), or
- (3) Confinement under sentence which has become final, or
- (4) Confinement while awaiting trial and disposition of the member's case, and whose conviction has become final, or
- (5) Intemperate use of drugs or alcoholic liquor or disease or injury resulting from the member's own misconduct.

1.B.11.c. Extending Enlistment in Time of War or National Emergency

The Secretary may extend all Coast Guard members' enlistments during time of war or national emergency.

1.B.11.d. Cutter at Sea

No member will separate from a cutter at sea. Except as otherwise provided in this paragraph, a member whose enlistment expires shall remain in the Coast Guard until the cutter on which the member serves first arrives at its permanent station or a port in a state of the United States or the District of Columbia (14 U.S.C. §367(a)(1)).

- (1) The member may voluntarily extend enlistment. Commanding officers are hereby authorized under Article 1.B.1.a. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), to accept one voluntary enlistment extension for any number of full months.
- (2) Subject to such restrictions as higher command imposes, a cutter's commanding officer may discharge fully qualified members so they can reenlist immediately while the cutter serves at sea. As provided in Article 1.B.7.b. of this Manual, commanding officers may effect the discharge any time within three months before the normal enlistment expires up to the normal expiration of enlistment.
- (3) A member serving on a cutter in foreign waters on the date his or her enlistment or extension expires who declines to reenlist and does not voluntarily extend the enlistment under Article 1.B.11.d.(1). of this Manual remains in the Coast Guard until the cutter returns to a port in the CONUS or the member transfers there to separate. If the cutter's commanding officer certifies and the cognizant superior command ashore concurs retaining the member is essential to the public interest, the member is entitled to an increase of 25 percent in basic pay for the retention period (10 U.S.C. §5540 and 14 U.S.C. §367). If a member remains beyond enlistment expiration for lack of transportation, because his or her continued service is merely desirable, or he or she derives some benefit from continued service, opposed to retention because such services are essential to the public interest, the member is not entitled to the 25 percent increase in basic pay. A member so retained shall separate at the earliest possible date after arrival in the CONUS and in any case within 30 days after arrival.

A medical board should be held on members in this status sufficiently early to permit the Commandant to act before the normal enlistment expiration date if the member were not in a misconduct status.

1.B.11.g. Serving as Temporary Commissioned Officer

Enlistments are extended automatically for members whose normal enlistment expiration date occurs while they are serving as temporary commissioned officers.

1.B.11.h. Awaiting or Undergoing Court-Martial Trial and Punishment

(1) Unless the Commandant directs otherwise, a member awaiting trial by court-martial will be held for trial beyond the normal enlistment expiration date. If convicted, the member will be held as provided below:

- (a) Members whose summary or special court-martial sentence does not include a bad conduct discharge will be held until they serve any sentence to confinement or in any event until the supervisory authority completes final action and disposes of the case.
- (b) Members whose general court-martial sentence does not include a punitive discharge will be held until they have completed any sentence to confinement, and in any event until the convening authority has completed action.
- (c) Members whose special or general court-martial sentence does contain a punitive discharge will be held until the appellate review process is complete and the Commandant approves or disapproves the sentence, as provided in reference (g), Military Justice Manual, COMDTINST M5810.1 (series). Refer to reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).

(2) Request instructions from the Commandant sufficiently in advance to permit receiving a reply by the normal eligible date for separation if:

- (a) The supervisory authority has not completed final action, or
- (b) A probationary term would extend beyond normal enlistment expiration, or
- (c) The member has not served out an approved sentence involving forfeiture of pay, deprivation of liberty, or extra duties.

(3) A member serving out an approved sentence of confinement will be held beyond the expiration of term of service to serve out the punishment imposed.

1.B.11.i. Retention When Essential to Public Interest

Commanding officers may detain a member in service beyond the enlistment term for up to 30 days when the member's service is essential to the public interest, in the circumstances below. Refer to reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).

- (1) The member is required as a witness in a proceeding pending when enlistment normally expires. Hold the member in an extended enlistment status until the proceeding has been completed.
- (2) The member's records and accounts have not been received when the enlistment normally would expire. Hold the member in an extended enlistment status pending receipt of such records.
- (3) If the pre-separation physical examination finds a disqualifying physical or mental defects.
- (4) The member is performing flood, hurricane, or any other emergency duty when enlistment expires.

1.B.11.j. Voluntary Extension of Enlistment for Administrative Discharge Processing.

A member may not be involuntarily extended beyond the expiration of his or her enlistment for the sole purpose of administrative discharge processing. This includes members whose enlistments are extended for a court-martial who do not receive a punitive discharge as part of the sentence. However, a member may execute a voluntarily extension for the purpose of exercising his or her right to an Administrative Board conducted under Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series). The voluntary extension must be executed for at least one year to allow the board to be completed, including final action.

1.B.11.k. Transfer to the Reserve in Lieu of Discharge

Upon expiration of enlistment, an enlisted regular Coast Guard member who has an obligation under 10 U.S.C. §651 will be transferred to the Coast Guard Reserve under Article 1.B.25. of this Manual in lieu of being discharged. Women who enlisted on or after 1 February 1978 incurred an obligation under 10 U.S.C. §651. Aliens have no military obligation under 10 U.S.C. §651 unless they have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

1.B.11.l. Type of Discharge

A member discharged for enlistment expiration shall be given an honorable or general discharge as appropriate under Article 1.B.2.f. of this Manual.

1.B.11.m. Surrender of Uniform

The member may have to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

1.B.12. Convenience of the Government

1.B.12.a. Reasons for Discharge

Commander (CG PSC) may authorize or direct enlisted members to separate for the convenience of the Government for any of these reasons. Except as otherwise indicated below, members separated for the convenience of the Government are not entitled to an administrative discharge board.

- (1) General demobilization, reduction in authorized strength or by an order that applies to all members of a class of personnel specified in the order.
- (2) Acceptance of a commission or appointment or acceptance into a program leading to an active duty commission or appointment in any Armed Forces branch.
- (3) National health, safety, or interest.
- (4) For immediate enlistment or reenlistment in the regular Coast Guard, provided reenlistment is for a longer term of service than required under the existing obligation.
- (5) Erroneous enlistment, reenlistment, extension, or induction including among others:
 - (a) A member enlisted or reenlisted, but erroneously was given a higher grade than that to which entitled. See reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series).
 - (b) A member enlisted or reenlisted, but is determined to have more than the maximum number of dependents authorized. See reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series).
- (6) To provide member's early separation under various authorized programs and circumstances.
- (7) A member's inability to perform prescribed duties, repeated absenteeism, or non-availability for worldwide assignment.
- (8) To provide the discharge of conscientious objectors.
- (9) Motion sickness.
- (10) Obesity, provided a medical officer certifies a proximate cause of the obesity is excessive voluntary intake of food or drink, rather than organic or other similar causes apparently beyond the member's control.
- (11) Unsatisfactory performers, provided that the notification, observation, and, if

applicable, administrative discharge board requirements in Article 1.B.9. of this Manual have been complied with. (See also Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for unsatisfactory performance.)

- (12) A condition that, though not a physical disability, interferes with performance of duty. This basis for separation includes any medical condition identified in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), which is disqualifying for appointment, enlistment or induction, but does not qualify the member for processing under reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series). Before ordering separation, Commander (CG PSC-EPM-1) should consider evidence of the likelihood that medical treatment will resolve the condition in a reasonable amount of time, particularly in cases involving alcohol dependence or inadvertent misuse of controlled substances that results in drug dependence. However, evidence of unsuccessful treatment, treatment failure, refusal to participate in treatment, or a relapse or recurrence of the medical condition after treatment, shall also be considered, and sway heavily in favor of separation.
- (13) At the individual member's written request to permit him or her to enter or return to an accredited college or university. (See Article 1.B.8. of this Manual.)
- (14) When a member is found to be serving in a constructive enlistment.
- (15) As a result of the issuance of a writ of habeas corpus wherein it has been determined the member's retention in the Coast Guard is illegal.
- (16) When the Commandant so directs for good and sufficient reasons.
- (17) When the Secretary of Homeland Security directs any member to separate before his or her term of service expires, if the Secretary determines such a separation is in the Coast Guard's best interest.
- (18) At the member's written request to carry out parental responsibilities for care of newborn children. (See Article 1.E. of this Manual.)
- (19) Failure to obligate required service within five working days of permanent change of station (PCS) orders issuance in accordance with Article 1.B.6. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series).

1.B.12.b. Commanding Officer's Authority

Commanding officers are authorized to separate early members who request to reenlist in lieu of extending under these circumstances:

- (1) To meet the obligated service requirement for transfer or training.
- (2) To meet the two-year obligated service requirement to advance to E-7, E-8, or E-9.

See Articles 1.B.1.a. and 3.A.19.e. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series).

1.B.12.c. Character of Discharge

A member being discharged for the Government's convenience shall be given an honorable or general discharge, as appropriate, under Article 1.B.2. of this Manual.

1.B.12.d. Member's Right to Attorney

Commanding officers recommending involuntary separation under this Article for a member whose PDR indicates issuance of a general discharge must give the member the opportunity to consult with a lawyer counsel before initiating such action. Include a copy of the member's Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures in the recommendation for discharge submitted to Commander (CG PSC-EPM-1).

1.B.12.e. Transfer in Lieu of Discharge

Members eligible for discharge under Article 1.B.12.a.(1), 1.B.12.a.(3), or 1.B.12.a.(17) of this Manual may be required to transfer to or enlist in the Coast Guard Reserve in lieu of discharge.

1.B.12.f. Discharge for Other Reasons

If the commanding officer believes separation should not be for the convenience of the Government, but for unsuitability, misconduct, or any other reason, he or she will send a suitable recommendation to Commander (CG PSC-EPM-1) for consideration. Cases in this category include those in which the member's record shows commission of serious military offenses, a generally unsatisfactory military record, or other good, sufficient cause in the commanding officer's opinion.

1.B.12.g. Surrendering Uniform

Any member discharged under Article 1.B.12.a.(8), 1.B.12.a.(11), 1.B.12.a.(15), 1.B.12.a.(16), or 1.B.12.a.(17) of this Manual is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

1.B.13. Discharge for Minority (Under Age)

1.B.13.a. Authorization

Commander (CG PSC) may authorize or direct the discharge of enlisted members for minority under law or as an administrative act when he or she considers such to be in the Government's best interest.

1.B.13.b. Definition

Under this Article, a person under the age of 18 is considered a minor. A minor must be at least 17 years of age and must obtain written parent/guardian consent before enlisting, in accordance with Reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series). Also see Reference (n), Coast Guard Recruiting Manual, COMDTINST M1100.2 (series), for exceptions to the requirement for written consent for married and emancipated minors.

1.B.13.c. Commanding Officer's Action

If it comes to the attention of a commanding officer that a member under the age of 18 may have enlisted in the Coast Guard without proper written consent, when required, or a minor's age may have been misrepresented, the commanding officer shall report such information to Commander (CG PSC-EPM-1) for disposition and include this information in his or her report:

- (1) Documentary evidence of the minor's true age.
- (2) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.
- (3) The custodial parent or legal guardian's request for discharge, if received.
- (4) The minor's voluntary statement about the circumstances attending enlistment.
- (5) If the minor is 17 years of age or older, the commanding officer's opinion as to whether the minor is sufficiently mature for retention.

1.B.13.d. Discharge Location

A member discharged under this Article will be separated at his current duty station, unless the provisions of Article 1.B.29. of this Manual apply.

1.B.13.e. Minimum Enlistment Age

The minimum enlistment age, 17 years, governs discharge for minority.

- (1) Discharge is mandatory when a minor is determined to be under the minimum enlistment age. The custodial parent or legal guardian's application for discharge is not required.
- (2) If a minor enlisted without proper consent has attained the age of 17, Commander (CG PSC-EPM-1) authorizes or directs discharge on receiving satisfactory evidence of true age, provided:
 - (a) The Coast Guard has received an application for discharge that the custodial parent or legal guardian submitted within 90 days of the enlistment, and

(b) The minor has not attained age 18 when discharge is effected.

1.B.13.f. Policies

The Service will not discharge a minor while he or she needs medical treatment or undergoes hospitalization. A minor enlisted without proper consent or who misrepresented his or her age is subject to trial by court-martial for breaches of regulations to the same extent as other enlisted members. The Service may hold such minors for trial and punishment if they commit an offense before release, notwithstanding the custodial parent or legal guardian's request for discharge.

1.B.13.g. Fraudulent Enlistment

The enlistment of a minor who enlisted with false representation of age or without proper consent will not in itself be considered a fraudulent enlistment.

1.B.13.h. Service Obligation

A member whose enlistment terminates for minority shall not, as a rule of such enlistment, be considered to have acquired a service obligation under 10 U.S.C. §651. Service under any enlistment so terminated is not creditable toward fulfilling any subsequently acquired service obligation.

1.B.13.i. Character of Discharge

A member discharged for minority shall be given an honorable or general (under honorable conditions) discharge, as appropriate, under Article 1.B.2.f. of this Manual.

1.B.13.j. Opportunity for Counsel

Commanding officers recommending a member for involuntary separation hereunder, whose PDR indicates issuance of a general (under honorable conditions) discharge, must afford the member the opportunity to consult with a lawyer before initiating such action. Include a copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures in the recommendation for discharge submitted to Commander (CG PSC-EPM-1).

1.B.13.k. Reenlistment

When a commanding officer considers a member separated for minority otherwise sufficiently mature for service and in all respects qualified, obtain the reenlistment code entered on DD Form 214 from Reference (k), Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series).

1.B.13.l. Notifying Next of Kin

The commanding officer notifies the next of kin of the date and place of discharge, but not the type of discharge and reasons for it. (The Privacy Act of 1974, 5 U.S.C. §552a,

prohibits disclosing this information.)

1.B.13.m. Surrender of Uniform

The member is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

1.B.14. Disability

In accordance with 10 U.S.C. § 1214, no member of the Armed Forces may be retired or separated for physical disability without a full and fair hearing if he/she demands it.

1.B.14.a. Medical Board

A medical board shall be held when any circumstance listed in Section 3.D. of Reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), exists or competent authority directs. Reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), contains procedures for the medical board's report. If a member has remained in the Service with his or her written consent beyond the enlistment expiration under Article 1.B.11.f. of this Manual, the report shall clearly indicate the following:

- (1) Patient's status (held beyond normal enlistment expiration date or not).
- (2) Date of admission to sick list.
- (3) Whether the member concerned is physically qualified for discharge.

1.B.14.b. Discharge for Physical Disability

Commander (CG PSC-EPM-1) may direct or authorize the discharge of an enlisted member for physical disability not incurred in or aggravated by a period of active military service through final action on a physical evaluation board under the following conditions:

- (1) A Physical Evaluation Board has expressed the opinion that:
 - (a) The member does not meet the minimum standards for retention on active duty,
 - (b) The member is unfit for further Coast Guard service by reason of physical disability, and
 - (c) The physical disability was neither incurred in nor aggravated by a period of active military service.
- (2) The member's commanding officer and district commander concur in the board's opinion.

(3) The member has been fully informed of his or her right to a full, fair hearing and the member states in writing he or she does not demand such a hearing. This statement shall be executed using the following form:

CERTIFICATE OF FULL AND FAIR HEARING

[Date]

I hereby certify it has been fully explained to me a medical board has found I am suffering from a physical disability, namely [diagnosis], and this disability existed before my initial or current entry into the United States Coast Guard on [date of initial or current entry] and was neither incurred in nor aggravated by a period of military service.

I further certify it has been fully explained to me under 10 U.S.C. §1214 and the regulations in Chapter 2, Military Separations, COMDTINST M1000.4 (series), I am entitled, as a matter of right, to a full, fair hearing before a physical evaluation board before my separation from the United States Coast Guard if I demand such hearing.

I further certify it has been fully explained to me that if I sign this statement, I may be separated from the United States Coast Guard in the near future without further hearing and without disability, retirement, or severance pay, and any compensation whatsoever; however, all payments ordinarily accruing to personnel discharged under honorable conditions are due and payable.

With full knowledge of the findings of the medical board convened in my case and of my rights in this matter, I hereby certify I do not demand a hearing before a physical evaluation board and request I be separated from the United States Coast Guard as soon as possible.

[Signature]

Witnessed by:

[Signature]

[Rank of Witness]

(Date)

Subscribed and sworn to before me this day of (Month), (Year), I having the authority to administer oaths.

(Signature / Rank)

(4) Enlisted members will be discharged for physical disability not incurred in or aggravated by a period of active military service without processing before a physical evaluation board only if the medical board's report clearly and fully establishes such findings.

(5) If a medical board finds a member is disabled for mental disability incurred before enlistment without any service aggravation, the member will be ordered before a physical evaluation board unless the statement required by subparagraph (3) is supported by a medical determination that the member possesses sufficient mental capacity and responsibility to intelligently understand he or she has a right to a full, fair hearing and fully understands the import of the statement that he or she does not demand such a hearing.

1.B.14.c. (Reserved)

1.B.14.d. Discharge Site

A member discharged under this Article will be separated at his or her current duty station unless Article 1.B.29. of this Manual applies.

1.B.14.e. Character of Discharge

A member discharged for physical or mental disability shall be given an honorable or general (under honorable conditions) discharge, as appropriate, under Article 1.B.2.f. of this Manual.

1.B.14.f. Opportunity for Counsel

Commanding officers recommending a member for involuntary separation hereunder, whose PDR indicates issuance of a general (under honorable conditions) discharge, must afford the member the opportunity to consult with a lawyer before initiating such action. Include a copy of the current Enlisted Employee Review printed from Direct Access and a copy of the Enlisted Employee Review Member Counseling Receipt with all applicable signatures in the discharge recommendation submitted to Commander (CG PSC-EPM-1).

1.B.14.g. Confidentiality

No one shall furnish the diagnosis or diagnoses on which a discharge for physical or mental disability is based to anyone except in a letter separate from any other letter, document, etc., furnished to the member on discharge. If a commanding officer believes the underlying reason for discharge, if revealed, will detrimentally affect the member concerned, he or she will not furnish the diagnosis or diagnoses on which a discharge for physical or mental disability is based. If a commanding officer does not furnish the diagnosis on application for it, he or she shall advise the member being discharged to apply to Commandant (CG-11).

1.B.14.h. Claim for Compensation

No member may be discharged or released from active duty in the Armed Forces for disability until he or she executes (or refuses to execute) a claim for compensation, pension, or hospitalization to be filed with the Department of Veterans Affairs (VA), or signs (or refuses to sign) a statement that he or she has received an explanation of the right to file such claim. Refusal or failure to do so does not prejudice any right such member may thereafter assert. 10 U.S.C. §1218(b).

1.B.14.i. Applying for Benefits

Under the Privacy Information Act, the VA may not grant compensation or a pension unless the member fully completes an applicable VA form. On separation from the Service, the service member should complete the application, attach the required records or forms listed in the instructions, and send the completed form to the VA Regional Office with jurisdiction over the area where the separated member intends to reside. A member who has any questions about this form should contact the VA Regional Office.

1.B.14.j. Surrender of Uniform

The member may be required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

1.B.15. Unsuitability**1.B.15.a. By Commandant's Direction**

Commander (CG PSC) shall direct the discharge of enlisted members for unsuitability except as provided in Article 1.B.15.e. of this Manual. A discharge for unsuitability in lieu of disciplinary action will not be issued unless Commander (CG PSC) determines the Service's and the member's interests will best be served by administrative discharge. See Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for unsuitability.

1.B.15.b. Causes for Discharge for Unsuitability

The purpose of discharges for unsuitability is to free the Service of members considered unsuitable for further service because of:

- (1) Inaptitude. Applies to members best described as unfit due to lack of general adaptability, want or readiness of skill, clumsiness, or inability to learn.
- (2) Personality Disorders. As determined by medical authority, personality behavior disorders and disorders of intelligence listed in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), Chapter 5.
- (3) Apathy, defective attitudes, adjustment disorders as listed in reference (d), Coast Guard Medical Manual, COMDTINST M6000.1 (series), Chapter 5, inability to expend effort constructively, or other observable defect for which a separation designator code (SPD code) exists that renders a member unsuitable for further military service.
- (4) Unsanitary Habits.
- (5) Alcohol Abuse. See Article 2.B. of reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), for guidelines on alcohol abuse cases.
- (6) Financial Irresponsibility.

1.B.15.c. Probation

Commanding officers will not initiate administrative discharge action for inaptitude, apathy, defective attitudes, unsanitary habits, or financial irresponsibility until they have afforded a member a reasonable probationary period to overcome these deficiencies. When commands contemplate discharging a member for these reasons, they shall counsel the member that a formal probationary period of at least six months has begun and make an appropriate Administrative Remarks, Form CG-3307, entry in the member's PDR that administrative discharge processing will be initiated unless the member shows significant improvement in overcoming the deficiency during the probationary period. The member must acknowledge this entry in writing. Commanding officers are authorized to recommend discharge at any time during probation if the member is not attempting to overcome the deficiency. Submit copies of all Administrative Remarks, Form CG-3307, entries as an enclosure to the discharge recommendation submitted to Commander (CG PSC-EPM-1).

1.B.15.l. Surrender of Uniform

The member must surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

1.B.16. Security

When a member's retention in the Coast Guard is not clearly consistent with the interest of national security, the Commandant will direct a discharge for security reasons with the discharge character and conditions as stipulated in current directives dealing directly with this matter.

1.B.17. Misconduct**1.B.17.a. Policy**

Except as specifically provided here, only Commander (CG PSC) may direct a discharge for misconduct and the type of discharge (under other than honorable, general, or honorable) as warranted by the particular circumstances of a given case (see Article 1.B.2. of this Manual.). Disability evaluation processing will be terminated as described in Article 1.B.1.e. of this Manual for members discharged for misconduct. See Article 1.B.39. of this Manual when recommending the discharge of a first-term performer for misconduct.

1.B.17.b. Reasons to Discharge for Misconduct

Commander (CG PSC) may direct discharging a member for misconduct in any of these cases:

- (1) Civilian or Foreign Conviction. Conviction by foreign or domestic civil authorities or action taken tantamount to a finding of guilty, e.g., adjudication withheld; deferred prosecution; entry in adult/juvenile pretrial intervention programs, or any similar disposition of charges which includes imposition of fines, probation, community service, etc., of any offense which could warrant a punitive discharge if prosecuted under the Uniform Code of Military Justice (UCMJ). Whether a civilian offense could warrant a punitive discharge shall be determined by examining the maximum authorized punishment for the same or the most closely related offense under the UCMJ and the Manual for Courts-Martial (including Rule for Courts-Martial 1003(d)). A member subject to discharge because of conviction by civil court may be processed for discharge even though an appeal of that conviction has been filed or intent to do so has been stated.
- (2) Pattern of Misconduct. Members may be separated when they have:
 - (a) Two or more non-judicial punishments, courts-martial, or civilian convictions or a combination thereof within a 2-year period,
 - (b) Three or more unauthorized absences, each is at least three or more days, within a 2-year period,

- (c) Six or more unauthorized absences and the total amount is at least six days, within a 2-year period,
 - (d) A pattern of failure to contribute adequate support to dependents (see Article 2.E. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series)),
 - (e) A pattern of failure to pay just debts, or
 - (f) A pattern of shirking.
- (3) Commission of a Serious Offense. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings. An acquittal or finding of not guilty at a judicial proceeding or not holding non-judicial punishment proceeding does not prohibit proceedings under this provision. However, the offense must be established by a preponderance of the evidence. Police reports, CGIS reports of investigation, etc. may be used to make the determination that a member committed a serious offense.
- (a) Members may be separated based on commission of a serious military or civilian offense when:
 - (1) The specific circumstances of the offense warrant separation; and
 - (2) The maximum penalty for the offense or closely related offense under the UCMJ and Manual for Courts-Martial includes a punitive discharge. The escalator clause of Rule for Courts-Martial 103(d) shall not be used in making this determination.
 - (b) Mandatory administrative discharge processing is required for members who engage in drunken or impaired operation of a vehicle, aircraft, or vessel. Prior to initiating administrative discharge processing, a commanding officer may submit a memorandum to CG PSC-EPM-1 with a recommendation that the member should be retained, in spite of evidence that the member engaged in drunken or impaired operation of a vehicle, aircraft, or vessel, if mitigating circumstances or an exceptional situation warrants consideration for retention. Absent such a request, or if the request is denied, administrative discharge processing shall be initiated for:
 - (1) Any member who is convicted by domestic or civil authorities, convicted by court-martial, or on whom non-judicial punishment is imposed for drunken or impaired operation of a vehicle, aircraft, or vessel;
 - (2) Any member who refuses to take a blood alcohol test by a recognized authority for suspicion of drunken or impaired operation of a vehicle, aircraft, or vessel; or
 - (3) A situation where the member's commanding officer has made a written finding (in a negative Administrative Remarks, Form CG-3307 entry) setting forth the facts of the matter, and that based on a preponderance of the

evidence, the member was drunk or impaired while operating a vehicle, aircraft, or vessel in violation of Federal, state, or local law.”

- (c) Voluntary alcohol consumption is not an excuse for misconduct and does not mitigate the impact of misconduct. This basis for separation, not unsuitability under Article 1.B.15 of this Manual, shall be used for all alcohol incidents that involve serious misconduct (including, but not limited to: domestic violence; ; hazing; drunken or impaired operation of a vehicle, aircraft, or vessel; or other misconduct that meets the definition of a serious offense in this Article). With the exception of cases involving a second or third alcohol incident, or drunken or impaired operation of a vehicle, aircraft, or vessel, commanding officers have discretion to determine whether or not to initiate administrative discharge processing for commission of a serious offense, after a careful review of the circumstances of the case. However, commanding officers and administrative boards are prohibited from designating unsuitability as the basis for separation if administrative separation processing is required by this Manual or reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), and the evidence supporting separation includes any misconduct addressed in this Article. Unsuitability shall only be designated as the basis for separation in alcohol incident cases involving minor misconduct (including but not limited to: underage drinking that does not involve the commission of a serious offense, and short periods of unauthorized absences of several hours or less).
- (4) Drugs.
- (a) Involvement with Drugs. Any member involved in a drug incident or the illegal, wrongful, or improper sale, transfer, manufacture, or introduction onto a military installation of any drug, as defined in Article 1.A.2.k. of reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), will be processed for separation from the Coast Guard with no higher than a general discharge (under honorable conditions).
- (b) Obstructing drug urinalysis testing by tampering with urine samples or documentation, including someone else’s. Tampering includes, among other actions, submitting another person’s sample in place of the member selected for testing, submitting samples containing substances other than urine, and altering the bar code labels, Urine Sample Custody Document, or unit sample ledger. Members discharged under this provision shall be issued no higher than a general discharge.
- (5) Fraudulent enlistment. A member may be discharged for procuring a fraudulent enlistment, induction, or period of active service through any material misrepresentation, omission, or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation of his or her age or without proper consent will not in itself be considered a fraudulent enlistment.
- (6) Civilian conviction of sexual misconduct. Enlisted members convicted in Federal or State court of rape, sexual assault, forcible sodomy, incest, or attempts to commit any

of those acts, while in the Service or found to have been convicted prior to entry into the Service, shall be processed for separation.

1.B.17.c. Probation

Commanding officers must afford a member a reasonable probationary period to overcome deficiencies before initiating administrative discharge action in cases of a pattern of failure to contribute adequate support to dependents (See Article 2.E. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series)), a pattern of failure to pay just debts, or shirking. If a command contemplates discharging a member for reasons contained in this paragraph, the command shall initiate a formal probation or treatment period of at least six months. Additionally, the command shall make an appropriate Administrative Remarks, Form CG-3307, entry in the member's PDR stating the command will initiate administrative discharge processing unless the member shows significant improvement in overcoming the deficiency during the probationary period. The member must acknowledge the entry in writing. For Reservists who are shirking, a letter via Certified Mail, return receipt requested (Restricted Delivery to addressee only), stating the probationary period has begun may substitute for the Administrative Remarks, Form CG-3307, entry. Commanding officers are authorized to recommend discharge at any time during the probation if the member is not making an effort to overcome the deficiency. Submit copies of all Administrative Remarks, Form CG-3307, entries as an enclosure to the discharge recommendation submitted to Commander (CG PSC-EPM-1).

1.B.17.d Discharging Members with More than Eight Years Service for Misconduct

Commanding officers shall process all cases in which they contemplate a discharge under other than honorable conditions for misconduct as Article 1.B.23. of this Manual prescribes. In addition, they shall follow that Article's procedures if considering discharging any member with eight or more years of total active and inactive military service for misconduct, even if contemplating an honorable or general discharge.

1.B.17.e. Discharging Members with Fewer than Eight Years Service for Misconduct

Commanding officers shall process members with fewer than eight years of total active and inactive military service recommended for honorable or general discharge for misconduct as follows:

- (1) Inform the member in writing of the reason(s) for being considered for discharge (specifically state one or more of the reasons listed in Article 1.B.17.b. of this Manual supported by known facts).
- (2) Afford the member an opportunity to make a written statement. If the member does not desire to do so, the commanding officer sets forth that fact in writing over the member's signature. If the member refuses to sign a statement his or her commanding officer will so state in writing.
- (3) Afford the member an opportunity to consult with a lawyer as defined by Article 27(b)(1), UCMJ, if contemplating a general discharge. If the member requests counsel and one is not available, the commanding officer must delay discharge

proceedings until such time as counsel is available.

(4) Send the case containing a recommendation and these documents to Commander (CG PSC-EPM-1) for action:

(a) The reason(s) for processing (include reason such as repeated military offenses, drug abuse, indebtedness, etc.)

(b) If the reason(s) is (are) civil conviction(s), include:

[1] The report Article 1.B.2. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series) requires.

[2] An official statement from the judge, prosecuting attorney, clerk or other court official reciting the civil statute(s) violated, charges on which tried and convicted, and sentence of the court.

[3] Witnesses' statements, arrest reports, copies of court records and probation orders, if obtainable, and all other pertinent documents.

[4] The maximum punishment which could have been imposed for such conviction under the UCMJ, if determinable. Based on the information furnished, Commander (CG PSC-EPM-1) will determine the maximum punishment imposed under 18 U.S.C. or the District of Columbia Code.

(c) Summary of Military Offenses. List in chronological order all disciplinary action during current enlistment, including:

[1] Dates of non-judicial punishment or court-martial by type.

[2] Description of offense(s).

[3] Non-judicial punishment or sentence as approved and approval date.

[4] All violations of regulations during current confinement with action taken.

[5] The commanding officer's comments, including information on the counseling requirement for cases processed for a pattern of failure to contribute adequate support to dependents (See Article 2.E. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series).), a pattern of failure to pay just debts, or shirking.

[6] The commanding officer's recommendation.

(d) These enclosures:

[1] The copy of the letter notifying the member of the reason(s) for the processing and information on the member's rights and privileges.

- [2] The member's signed statement of awareness of rights and privileges and request to exercise or waiver of these rights.
- [3] The member's signed statement, or member's written, signed statement declining to make a statement.
- [4] A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.
- [5] Other pertinent documents such as psychiatric or medical evaluations, statements of any witnesses, police reports, etc.
- [6] A copy of the chain of custody test results form and the appropriate page from unit's drug urinalysis sampling ledger (applicable in cases of recommendations for discharge resulting from a urinalysis indicating drug abuse).

1.B.17.f. Surrender of Uniform

The member is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

1.B.18. Discharge Adjudged by Court-Martial Sentence

1.B.18.a. Definition

"Discharge" and "discharges" here refer to punitive discharges adjudged by sentence of general or special courts-martial.

1.B.18.b. Commandant's Policy

Convening and reviewing authorities should approve adjudged court-martial sentences to punitive discharge in those cases in which the trial record clearly warrants that action and the enlisted member's records and conduct show he or she is not fit for rehabilitation, meaning retention clearly is not in the Government's interest.

1.B.18.c. Commandant's Approval

Punitive discharges adjudged as sentences of courts-martial will be executed only on the Commandant's specific approval after appellate review of the sentence is complete. Refer to reference (g), Military Justice Manual, COMDTINST M5810.1 (series). In cases in which confinement and punitive discharge have been imposed and the member has not completed the sentence to confinement when the Commandant approves executing the discharge, the prisoner is discharged and transferred to a federal penal institution to serve the remainder of confinement unless the Commandant remits the balance of the sentence to any confinement remaining at the time of discharge as an act of clemency. See Article 1.F. of reference (e), Discipline and Conduct, COMDTINST M1600.2 (series).

1.B.18.d. Transfers

Enlisted members sentenced to discharge will be transferred under Article 1.B.28. of this Manual.

1.B.18.e. Vacating a Suspended Sentence

If executing a portion of a sentence which adjudges a discharge is suspended subject to a probationary period, the suspension may be vacated under the procedures set forth in reference (g), Military Justice Manual, COMDTINST M5810.1 (series). Commanding officers are directed to carefully consider reports of offenses committed by members serving in such status and undertake proceedings to vacate the suspension of the sentence only if the record clearly establishes such action is appropriate and in the Coast Guard's best interests. For a new offense, the commanding officer may take any of the following actions:

- (1) Impose non-judicial punishment at captain's mast or refer the matter to a court-martial.
- (2) Initiate action to vacate suspension.
- (3) Both (1) and (2). In either instance, the commanding officer should first confer with the appropriate district or staff legal officer.

1.B.18.f. Surrender of Uniform

The member is required to surrender his or her uniform. (See Article 1.B.36.e. of this Manual.)

1.B.19. Uncharacterized Discharges (Entry-Level Separations)**1.B.19.a. Applicability**

Uncharacterized discharges are authorized for all members separated while in an entry-level status. An uncharacterized discharge is used for all recruit separations, except as prescribed or authorized by Article 1.B.1.a.(3) of this Manual, and in accordance with Article 1.B.19.b.(2) below.

1.B.19.b. Authority

Only Commander (CG PSC-EPM-1) and Commanding Officer, Training Center Cape May, have final authority to discharge a member under this Article.

- (1) Commanding Officer, Training Center Cape May, has the authority to award an uncharacterized discharge to recruits in an entry-level status who:
 - (a) Demonstrate poor proficiency, conduct, aptitude, or unsuitability for further service;

- (b) Fail to complete established physical fitness accession standards;
 - (c) Exhibit pre-existing conditions which do not meet the medical or physical procurement standards in place for entry into the Service;
 - (d) Were accessed into the Service due to an erroneous or fraudulent enlistment; or
 - (e) When compelling circumstances exist, are involved in a drug incident, notwithstanding Article 1.B.17.b.(4)(a) of this Manual.
- (2) Commander (CG PSC-EPM-1) has the authority, when compelling circumstances exist, to award an uncharacterized discharge to any member with any amount of total active service. This may be determined to be appropriate when additional administrative processing solely for the purpose of characterizing the member's service is unnecessarily burdensome, costly, or inefficient, and is not in the Coast Guard's best interest.
- (3) Commander (CG PSC-EPM-1) retains authority to approve or deny waiver requests for recruits. Commanding Officer, Training Center Cape May, may submit waiver requests for recruits found to have disqualifying conditions but who are recommended for retention, or who are being processed for physical disability under Article 1.B.14. of this Manual.

1.B.19.c. Discharge Certificate

No discharge certificate will be issued to a member awarded an uncharacterized discharge. Only a Certificate of Release or Discharge from Active Duty, DD Form 214, will be issued.

1.B.19.d. Counseling

As with most other types of separations, Commanding Officer, Training Center Cape May, should not initiate an uncharacterized discharge before formally counseling the member about his or her deficiencies and affording an opportunity to overcome them, as reflected in appropriate counseling or personnel records.

1.B.19.e. Separation Program Designator

- (1) The following Separation Program Designator (SPD) codes are authorized to be used with uncharacterized discharges:

JCM, JDA, JDK, KDS, JDU, JFA, JFC, JFN, KFN, JFT, JFU, JFV, JFW, JFX, JFY, JGA, LGA, JHF, JND

- (2) Reentry (RE) codes will be issued only in accordance with Article 1.B.2.g. of this Manual and Reference (k), Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4 (series).

1.B.20. Discharge for the Good of the Service

1.B.20.a. Request for Discharge

An enlisted member may request a discharge under other than honorable conditions for the good of the Service. A discharge for the good of the Service is intended as an

Policy is continued on page 1-109

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1.B.22. Administrative Discharge Board and Final Action of Discharge Authority

1.B.22.a. Definition

An administrative discharge board is a body appointed to provide findings of fact, opinions, and recommendations to assist the discharge authority in making informed decisions. In all cases, the board identifies any bases for discharge, recommends either retention in the Service or discharge, and recommends the type of discharge to be issued in the event the final action of the discharge authority is to direct separation of the member.

1.B.22.b. Composition

Administrative discharge boards shall be composed and conducted in accordance with Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

1.B.22.c. Double Jeopardy

The Service will not subject any member to administrative discharge action based on conduct a previous administrative discharge board considered if the evidence before the subsequent board would be substantially the same as that before the previous board. The prohibition does not apply if:

- (1) A new board is convened under Article 1.B.22.e.(7) of this Manual or the record is returned to the existing board for further consideration under Article 1.B.22.d. of this Manual;
- (2) The previous board's findings favorable to the respondent are determined to have been obtained by fraud or collusion; or
- (3) The board process was terminated by any convening authority, except Commander (CG PSC), in accordance with Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series), resulting in final action on the board's recommendations not being taken by Commander (CG PSC).

1.B.22.d. Discharge Authority

Except as appropriate articles in this Manual otherwise specify, the Coast Guard Personnel Service Center is the discharge authority in all cases of administrative separations. Send the administrative discharge board report through the chain of command for review and endorsement in accordance with procedures promulgated by Commander (CG PSC). When Commander (CG PSC) receives the record of administrative discharge proceedings, he or she will review the board record and approve or disapprove the board's findings of fact, opinions, and recommendations in whole or in part. Commander (CG PSC) may disapprove findings and opinions if they were made based on incomplete evidence, contrary to the evidence the board considered or to law or regulation, a misunderstanding or misapplication of written policy, or otherwise clearly in error. If Commander (CG PSC) disapproves the findings of fact, opinions, or recommendations; he or she may:

- (1) Amend, expand, or modify findings of fact and opinions or take final action other than that recommended without returning the record, if evidence of record supports that action and the final action states the specific reasons; or
- (2) Return the record to the board for further consideration with a statement of the specific reasons to disapprove the findings of fact, opinions, or recommendations.

1.B.22.e. Options of Discharge Authority

Commander (CG PSC) may then take one of these final actions:

- (1) Approve the board's findings of fact, opinions, and recommendations and direct their execution.
- (2) Approve the board's recommendation for discharge, but change its type either to one more favorable than recommended if the circumstances warrant it or to one less favorable than recommended based on a determination the type of discharge recommended does not fall within the guidelines of Article 1.B.2. of this Manual.
- (3) Approve the board's recommendation for discharge but change the basis for discharge when the record indicates such action would be appropriate, except Commander (CG PSC) will not designate misconduct if the board has recommended discharge for unsuitability. However, Commander (CG PSC) may designate misconduct if the board designated unsuitability in violation of Articles 1.B.17.b.(3)(b) and (c) of this Manual.
- (4) Approve a discharge, but suspend its execution for a specified probationary period. (See Article 1.B.24. of this Manual.)
- (5) Disapprove the recommendation for discharge and retain the member in the Service.
- (6) Disapprove the recommendation for retention and direct either an honorable discharge or a general (under honorable conditions) discharge as warranted.

- (7) Disapprove the findings, opinions, and recommendations and refer the case to a new board based on a finding of legal prejudice to the substantial rights of the respondent. If the case is referred to a new board:
- (a) No member of the new board shall have served on a previous board which considered the same matter; and
 - (b) The record of the earlier board's proceedings, minus the findings, opinions, recommendations, and unduly prejudicial matter may be furnished to the succeeding board.

1.B.22.f. Limits to Board Findings

Administrative discharge boards may not enter findings contrary to matters previously adjudicated in civil or court-martial convictions even if the appellate process is not complete. For the purposes of an administrative discharge proceeding instituted on the basis of the same facts, military and civil convictions conclusively show the facts underlying the conviction. Administrative discharge proceedings will not be used to collaterally attack a civil or military court conviction, although this does not preclude the respondent from presenting mitigating, extenuating, or explanatory matters. If executing the discharge without waiting for final action on the appeal of the conviction, the member may be discharged with the appropriate type of discharge as Commander (CG PSC) directs.

1.B.23. Procedure for Discharge Under Other than Honorable Conditions

1.B.23.a. Right to Counsel

Both the Government and respondent are entitled to legal representation before administrative discharge boards convened and constituted under Article 1.B.22. of this Manual. The respondent is entitled to the appointment of military counsel qualified under Article 27 (b), UCMJ or may obtain civilian counsel at his or her own expense. The cognizant Staff Judge Advocate will provide the commanding officer legal counsel.

- (1) The Service will not discharge any member under other than honorable conditions without first affording him or her the right to present the case to an administrative discharge board with the advice and assistance of counsel and unless approved board findings and an approved recommendation for discharge under other than honorable conditions support such discharge. However, if appropriate, the Service may issue such discharge without board action if the member is beyond military control for prolonged unauthorized absence, requests discharge for the good of the Service, or waives the right to board action in writing.

- (2) The discharge authority may direct issuing the type of discharge recommended by an administrative discharge board or a more favorable discharge but not a less favorable discharge than that recommended.
- (3) Even if an administrative discharge board recommends retention, the discharge authority may direct separation if the circumstances of a particular case warrant. In this event, the separation must be effected as either an honorable discharge or a general (under honorable conditions) discharge.
- (4) The Service will not administratively discharge any member with a discharge under other than honorable conditions if the grounds for that discharge are based wholly or partly on acts or omissions for which a court-martial resulting in acquittal or having the same effect previously tried the member, except if such acquittal or equivalent disposition was based on a legal technicality not according to the merits.

1.B.23.b. Discharge Procedure

Use the procedures described in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series), for members being considered for a discharge under other than honorable conditions.

- (1) The member may waive his or her right to an administrative discharge board conditionally or unconditionally in writing; however, no member will be permitted to do so until legal counsel has fully advised him or her on this matter.
- (2) If a member waives his or her rights unconditionally, Commander (CG PSC-EPM-1) may disapprove the waiver and refer the case to an administrative discharge board, direct retention on active duty, or direct discharge for the appropriate basis. If directing discharge, Commander (CG PSC-EPM-1) will specify the type of discharge.
- (3) If a member submits a conditional waiver request, on approving it Commander (CG PSC-EPM-1) shall direct separation, specifying either an honorable or general (under honorable conditions) discharge. If disapproving a conditional waiver, Commander (CG PSC-EPM-1) will return the case for further processing under this Article.
- (4) Except for Reservists, who are processed in accordance with reference (i), Reserve Policy Manual, COMDTINST M1001.28 (series), a member beyond military control for unauthorized absence of more than one year may be issued a discharge under other than honorable conditions in absentia. Notice of the imminent discharge action and its effective date will be sent by registered mail to the member's or next of kin's record address, as appropriate.

- (5) A member unable to appear in person before an administrative discharge board due to confinement by civil authorities will be notified (by registered mail or in person) of the proposed discharge action, the type of discharge that may be issued, and the fact that action has been suspended to give the member the opportunity to exercise the right to:
 - (a) Request appointment of a military counsel as a representative to present the case before an administrative discharge board in the member's absence.
 - (b) Submit statements on his or her own behalf.
 - (c) Waive these rights, either in writing or by declining to reply to the letter of notification within 15 days of the date he or she received the notification.

1.B.23.c. Commanding Officer's Brief

After following the procedures in Article 1.B.23.b. of this Manual and if the member waives the right to refer the case to an administrative discharge board, the commanding officer will prepare a brief containing this information to send to Commander (CG PSC-EPM-1):

- (1) The commanding officer's detailed comments and recommendation.
- (2) Summary of Military Offenses. List in chronological order all disciplinary action during the current enlistment. Include PDR entry locations, date of non-judicial punishment or court-martial by type, description of offenses, non-judicial punishment or sentence as approved, and approval date.
- (3) Unclean Habits, if any. Substantiate all unclean habits including repeated venereal disease infections during the current enlistment. When reporting venereal diseases, indicate the date of each admission and nature of the infection.
- (4) Civil Convictions, if any, on the basis of information contained in the PDR or otherwise readily available. List date and court in which convicted, offense, and sentence awarded.
- (5) If recommending an honorable or general (under honorable conditions) discharge, the commanding officer shall recommend whether the individual should be required to surrender his or her uniform per Article 1.B.36.e. of this Manual.
- (6) Attach the following enclosures to the brief:
 - (a) The member's signed statement on own behalf, if submitted.
 - (b) A copy of the Employee Review Summary printed from Direct Access and a copy of the current Enlisted Employee Review Member Counseling Receipt with all applicable signatures.

- (c) The member's signed waiver of rights outlined in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series), if submitted.
- (d) Other pertinent documents such as psychiatric or medical evaluations (especially in aberrant sexual behavior cases), statements of any witnesses, police reports, etc.

1.B.23.d. Convening an Administrative Discharge Board

If the member retains the right to have an administrative discharge board hear the case, the commanding officer convenes an administrative discharge board under Article 1.B.22. of this Manual and Reference (j), Administrative Investigations Manual, COMDTINST M5830.1 (series), and in accordance with the requirements of Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series). Commanding officers are hereby authorized to convene an administrative discharge board as defined in Article 1.B.22.a. of this Manual on enlisted Reserve members on active duty. The commanding officer furnishes the administrative discharge board president with the information listed in Articles 1.B.23.c.(2), 1.B.23.c.(3), and 1.B.23.c.(4) of this Manual, other pertinent documents specified in Article 1.B.23.c.(6) of this Manual, and the documentation required by Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series). In submitting the case to the board the commanding officer refrains from commenting on those facts or the respondent, presenting any argument to the board based on those facts, and recommending separation or type of discharge.

1.B.23.e. Board Action

An administrative discharge board shall recommend a specific type of discharge to be issued, if the respondent is discharged – i.e., honorable, general (under honorable conditions), or under other than honorable conditions – based on the individual's conduct and performance in his or her current enlistment in accordance with the guidance in Article 1.B.2. of this Manual.

1.B.23.f. Commandant's Final Action

Commander (CG PSC)'s final action may differ from the command recommendation under Article 1.B.23.c. of this Manual or the administrative discharge board's recommendation under Article 1.B.23.d. of this Manual.

1.B.23.g. Waiver or Forfeiture of Administrative Separation Board

Waivers or Forfeiture of Administrative Separation Board must be documented as outlined in Reference (q), Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

1.B.24. Suspending Execution of Approved Discharge on Probation

1.B.24.a. Policy

Before a member's enlistment or period of obligated service expires, Commander (CG PSC) may suspend executing an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During this period of suspension, the member will be afforded an opportunity to demonstrate proper behavior and efficient performance of assigned duties for an extended period under varying conditions.

- (1) When the member satisfactorily completes the probationary period, the approved discharge will be canceled automatically.
- (2) The member's further misbehavior, substandard performance of duty, or demonstrated inability to conform to the demands of a military environment during the probationary period may establish the basis for one of these actions:
 - (a) Punitive or new administrative action may be initiated despite the suspension of executing the approved discharge.
 - (b) Suspension of the approved discharge may be vacated, and the approved discharge executed, including discharging a member in absentia if he or she has been beyond military control for 15 or more days.

1.B.24.b. Commander, Coast Guard Personnel Service Center, Action

In all cases in which probation is authorized, Commander (CG PSC) action will include instructions about the terms of the probation and specify the type of discharge to be executed if the member does not fulfill the terms of the probation, except for those cases described in Article 1.B.24.c. below. A discharge other than the type specified will not be given the member unless the case is reprocessed under Articles 1.B.15. or 1.B.17. of this Manual and Commander (CG PSC) directs another discharge.

1.B.24.c. Final Reviewing Authority

In cases in which Commander (CG PSC) as Final Reviewing Authority has disapproved an administrative discharge board's recommendation for retention, but suspended executing the discharge on probation, Commander (CG PSC) reserves the authority to execute the discharge if the member does not fulfill the terms of the probation. In these cases, the commanding officer will send a fully documented recommendation to Commander (CG PSC).

1.B.25. Procedures to Effect Transfer to Fulfill Service Obligation

1.B.25.a. Definition

Aliens have no military obligation under 10 U.S.C. §651 unless they have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. A member fulfills his or her military obligation when he or she:

- (1) Is discharged for reasons other than to acquire another military status.
- (2) Has served as a member of the Armed Forces for eight years excluding all periods of lost time (10 U.S.C. §972).
- (3) Transfers to the Coast Guard Reserve to fulfill a service obligation as indicated by the member's PDR or the Commandant directs such transfer.
 - (a) If not eligible or recommended for reenlistment in the regular Coast Guard the member will be discharged from the regular Coast Guard instead of being transferred to the Reserve.
 - (b) If eligible or recommended for reenlistment in the regular Coast Guard, the member transfers to the Coast Guard Reserve. Except as otherwise provided in this subparagraph, aliens will not be transferred to the Coast Guard Reserve but will be discharged when they become eligible for discharge per Article 1.B.30. of this Manual. If otherwise eligible, naturalized citizens transfer to the Coast Guard Reserve.

1.B.25.b. Transfer Procedures

Transfer procedures for a physical examination, travel, pay, etc., are the same as for processing a discharge. In addition, the following instructions apply:

- (1) The member transfers in the rate in which he or she serves when released from active duty.
 - (2) The procedures for releasing a member from active duty to the Coast Guard Reserve are contained in Chapter 3 of reference (o), Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).
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1.B.26. Releasing Reserve and Retired Enlisted Members from Active Duty During War or National Emergency

During war or national emergency, enlisted Reserve and retired members will be released from active duty only under instructions issued by the Commandant.

1.B.38. Separation in Lieu of Orders (SILO)

Members who elect or request to separate in lieu of executing PCS orders will be required to separate no later than 1 August.

1.B.39. Second Chance Program

1.B.39.a. Purpose

In an effort to retain good, solid first-term performers with potential, but who have made a youthful mistake that would otherwise result in their discharge, the Commandant has established a "Second Chance Program."

1.B.39.b. Applicability and Exceptions

- (1) The Second Chance Program authorizes the first flag officer/SES in the chain-of-command of the first-term performer to waive all policy discharge authorities (except as noted in subparagraph (3) below) contained in Articles 1.B.9., 1.B.12., 1.B.15., and 1.B.17. of this Manual. This authority shall not be delegated.
- (2) Recruits and members enrolled in an officer accession program are not eligible for the Second Chance Program.
- (3) The Second Chance Program specifically excludes the following policies contained elsewhere in this Manual:
 - (a) Article 1.B.12. for obesity;
 - (b) Article 1.B.15. for alcohol abuse when processing for separation is required by Reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series), due to alcohol incidents (however, see also subparagraph (4) below);
 - (c) Article 1.B.17. for drugs when a determination of a drug incident has been made in accordance with Reference (h), Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series);
 - (d) Article 1.B.17. for civilian conviction of sexual misconduct.
 - (e) Article 1.B.17 for the procurement of a fraudulent enlistment, induction, or period of active service.
- (4) The first flag officer/SES may submit a recommendation to Commander (CG PSC-c) for a Second Chance waiver for the alcohol abuse exclusion in subparagraph (3)(b) above.

1.B.39.c. Procedures

The first flag officer/SES, with assistance from their units, shall define the internal processes for forwarding waiver requests to them. Discharge recommendations for reasons other than Articles 1.B.9., 1.B.12., 1.B.15., and 1.B.17. of this Manual shall continue to be forwarded by the member's unit to Commander (CG PSC).

- (1) If a waiver is not granted, the first flag officer/SES shall endorse and forward the discharge package to Commander (CG PSC-EPM).
- (2) If a waiver is granted, the discharge package is not forwarded to Commander (CG PSC-EPM). Rather, the waiver shall be documented in an Administrative Remarks, Form CG-3307, entry in the service record, and Commander (CG PSC-EPM) must be notified via message of the waiver.

1.B.40. Career Preservation Provision for Victims of Sexual Assault

This opportunity applies to members who made an unrestricted report as a victim of sexual assault. If action is initiated to involuntarily separate the member within five years of the report of sexual assault being made, and the member believes the discharge recommendation is unfairly related to the filing of the report, the member may request that Commander (CG PSC-c) review the circumstances of and grounds for the proposed involuntary separation. In these cases, the discharge recommendation and the member's request shall be forwarded through the chain of command, including review and endorsement by the first flag officer in the respondent's chain of command. The endorsement by the first flag officer, including to the report of an administrative separation board when applicable, may not be delegated. Commander (CG PSC-c) will take final action on the discharge recommendation.

(Policy continues on page 1-139)

1.C.7.h. Separation for Cause

An RPA may be separated for cause in the same manner as a regular Coast Guard officer under Article 1.A.14. of this Manual. Reserve membership on boards convened for this purpose shall comply with 33 CFR 8.1110.

1.C.8. Permanent Commissioned Teaching Staff Members' Retirement**1.C.8.a. Voluntary Retirement**

- (1) 20-Year Retirement. Any professor, associate professor, assistant professor, or instructor in the Coast Guard who has completed 20 years' active service, at least 10 years of which in active commissioned service, may apply and, at the Secretary's discretion, retire from active service with the retired pay of the grade he or she holds on retirement (14 U.S.C. §190 and 14 U.S.C. §291).
- (2) 30-Year Retirement. Any Coast Guard professor, associate professor, assistant professor, or instructor who has completed 30 years' service may apply and, at the Commandant's discretion, retire from active service with the retired pay of the grade he or she holds on retirement (14 U.S.C. §190 and 14 U.S.C. §292).

1.C.8.b. Involuntary Retirement

Unless they retire earlier, Permanent Commissioned Teaching Staff (PCTS) members shall retire on 30 June of the promotion year in which they complete 30 years' active commissioned service.

- (1) If the member requests and the Superintendent favorably recommends the member's retention as in the Academy's best interests, Commander (CG PSC-OPM) may approve a member's continued service on active duty for additional one- or two-year periods up to a total of 35 years of commissioned service. A member so retained, unless retired under some other provision, retires when that extension expires unless action is taken to further retain the member under this Article. The Superintendent should make his or her recommendation under this Article at least one year before the member's scheduled retirement date.
- (2) If not earlier retired, PCTS members retire on 30 June of the promotion year in which they complete 35 years' active commissioned service. If the Superintendent favorably recommends a member's retention as necessary to fulfill a compelling Service need, Commander (CG PSC-OPM) may delay a member's involuntary retirement under this paragraph for up to two years. Unless they retire under some other provision, these members retire when such extension expires unless action is taken to further retain them under this Article. The Superintendent should make his or her recommendation under this Article at least one year before the member's scheduled retirement date.

1.C.8.c. Compulsory Retirement at Age 64

Any professor, associate professor, assistant professor, or instructor in the Coast Guard who reaches the age of 64 shall retire from active service with the retired pay of the grade he or she held on retirement (14 U.S.C. §190).

1.C.8.d. Retaining Captains

The provisions of 14 U.S.C. §288 on captains' mandatory retirement and 14 U.S.C. §289 on captain continuation boards does not apply to PCTS members.

1.C.9. Procedures for Active Duty Officers' Retirement

1.C.9.a. Request for Voluntary Retirement

Commander (CG PSC-OPM) has final approval or disapproval authority of voluntary retirement requests. In approving a request for voluntary retirement, Commander (CG PSC-OPM) may specify an effective date other than that requested if a change is necessary in the Service's best interests to provide time for orderly relief or, in some cases, to complete the current or an ordered tour of duty. Commander (CG PSC-OPM) will consider requests based on the Service's overall needs and the merits of an individual case using the following guidelines:

- (1) An officer considering a voluntary retirement should refer to 1.C.5. of this Manual (regular commissioned officers) or 1.C.6. of this Manual (warrant officers) and meet the following criteria:
 - (a) Complete the two-year obligated service requirement incurred for a permanent promotion. (An officer will not be promoted if he or she has an approved voluntary retirement on file.),
 - (b) Complete at least one year of duty at current duty station if assigned INCONUS,
 - (c) Complete at least two years of duty at current duty station if assigned OCONUS on a with-dependents tour. (If a member has been assigned to more than one unit in the same OCONUS area, he or she must have at least two years in that area and one year at his or her current unit.)
 - (d) Complete the prescribed tour length or at least two years, whichever is less, when assigned OCONUS on a without-dependents tour.
 - (e) Submit a request between two years and six months before the desired retirement date.

- (2) Officers desiring a retirement date not meeting the requirements set forth in 1.C.9.a.(1) above may request a waiver, however, the request must be accompanied by a command endorsement stating that the command can, and is willing to, support a vacant billet. Such requests will be approved based upon Service needs. If the retirement request is disapproved, Commander (CG PSC-OPM) will notify the member as to when they may resubmit a retirement request.
- (3) Officers who are currently in the special board/panel process should refer to Article 1.A.21. of this Manual.
- (4) Officers approaching mandatory retirement for any reason are not required to request retirement.
- (5) Any officer or chief warrant officer in receipt of PCS orders who will complete at least two years in grade by the specified retirement date in this paragraph who wishes to retire in lieu of executing those orders (RILO) must advise Commander (CG PSC-OPM) or (CG PSC-RPM) by message within five days of either the order issue date or the date time group of the general message announcing assignment panel results (30 days for SELRES members), whichever is earlier per Article 1.A.2.e. of reference (p), Military Assignments and Authorized Absences, COMDTINST M1000.8 (series). The member must simultaneously submit a request to retire with an effective date of retirement on or before 1 August of that assignment year. Commander (CG PSC-OPM) normally approves these requests effective the first day of the month after the detachment date of the PCS orders or by 1 August after an assignment panel results general message. An officer requesting retirement must comply with Article 1.C.3. of this Manual as soon as practical to ensure completing the physical examination before retirement.
- (6) Requests for voluntary retirement from captains shall be submitted to Commander (CG PSC-OPM) thru their commanding officer (actual commanding officer or the appropriate officer with jurisdiction) and cognizant flag officer. For captains assigned to Coast Guard Headquarters, assistant commandants or directors should endorse requests for separation as appropriate.

Note: For captains assigned to Coast Guard Headquarters, requests need not be routed through Base National Capital Region (NCR), Washington DC.

- (7) Requests for voluntary retirement from commanders and below shall be submitted to Commander (CG PSC-OPM) via their commanding officer (actual commanding officer or the appropriate officer with jurisdiction). For officers assigned to Coast Guard Headquarters, assistant commandants, directors, or division chiefs should endorse requests for separation as appropriate.

Note: For commanders and below assigned to Coast Guard Headquarters, requests need not be routed through Base NCR, Washington DC.

- (8) The immediate commanding officer should include in the endorsement:
- (a) A statement recommending approval or disapproval. If disapproval or conditional approval, the full reasons thereof.
 - (b) A statement, as needed, concerning a replacement or the impact of gapping the job position.
 - (c) Any other useful information to assist the Officer Personnel Management staff in making a final decision.

Note: (1) Where an unconditional endorsement of "forwarded, recommending approval" is determined, the CO may merely endorse the via line with their signature and date; (2) Additional "thru" addressees may be included if considered appropriate by the CO; (3) Facsimile copies of signed requests with signed endorsement should be transmitted only if requested by Commander (CG PSC-OPM).

- (9) Officers faced with mandatory retirement, for any reason, need not request retirement. However, officers may request voluntary retirement to occur on the scheduled mandatory retirement date if they desire their retirement be classified as "voluntary" vice "involuntary."
- (10) Requests from flag officers shall be submitted to Commander (CG PSC-OPM-1) thru their Coast Guard superior (e.g., Area Commander or Assistant Commandant, etc.) and thru the Vice Commandant.

1.C.9.b. Scheduling Retirement Orders

- (1) An officer requesting voluntary retirement should request a retirement date on the first day of any month from 1 May through 1 October. Requests to retire on a date outside of this timeframe must be accompanied by a command endorsement that clearly indicates the reason for the requested retirement date and the impact of a potential staffing gap on the unit. Officers who will reach 30 years of time in service or mandatory retirement outside of the 1 May to 1 October timeframe should cite that fact as their reason for submitting a request for voluntary retirement on a date outside of the otherwise prescribed retirement window.
- (2) Commander (CG PSC-OPM) issues retirement orders under the procedures listed in Article 1.C.1. of this Manual and mails them via the member's command shortly after approval of a request, but no later than 120 days prior to retirement. If orders processing must be delayed (e.g., awaiting funding authority for requests approved into the next Fiscal Year), notification of Commander (CG PSC-OPM) approval will be provided prior to issuing orders.
- (3) Commander (CG PSC-OPM) will approve retirement dates as close to the requested date as possible to meet Service needs. (See Article 1.C.9.a. of this Manual.)

- (4) When sufficient appropriated funds are not available to permit approving all requests received, Commander (CG PSC-OPM) will give priority to officers who have the most active service.
- (5) Commander (CG PSC-OPM-1) will issue retirement orders to officers approaching statutory retirement age approximately six months before the first of the month after their 62nd birthday. If the officer has not received such notice 120 days before the statutory date, he or she should inform Commander (CG PSC-OPM-1) immediately.
- (6) Commander (CG PSC-OPM-1) will issue retirement orders to officers retiring for failure of selection for promotion approximately six months before the scheduled retirement date. If the officer has not received orders 120 days before that date, he or she should inform Commander (CG PSC-OPM-1) immediately.
- (7) Commander (CG PSC-OPM-1) will issue retirement orders for commissioned warrant officers approaching 30 years active service approximately 6 months prior to mandatory retirement. For those CWO's selected for active service beyond 30 years per Article 1.C.6.b.(3) of this Manual, Commander (CG PSC-OPM-1) will defer issuing retirement orders until approximately 6 months prior to their authorized termination date. If the officer has not received orders 120 days before their retirement date, he or she should inform Commander (CG PSC-OPM-1) immediately.

1.C.9.c. Canceling or Delaying Retirement Orders

- (1) The decision to submit a retirement letter is a serious one because the projected separation triggers transfer and promotion actions that, if reversed, could cause hardship to other officers. Therefore, Commander (CG PSC-OPM) may approve a request to cancel or delay a scheduled retirement based on Service needs or a member's hardship situation similar or equal to those listed in Article 1.D.2.c. of this Manual. The Service does not consider a change in civilian employment plans a hardship.
- (2) In canceling a scheduled retirement, the officer must agree to remain on active duty for two years after the date the request is approved. The cancellation request should indicate this agreement.
- (3) Whenever possible, submit a request to cancel or delay a scheduled retirement at least three months before the retirement date through the chain of command; the request should contain the reasons for it.

- (4) If during the retirement processing period, a member is diagnosed with serious disease or suffers from serious injuries neither ratable by the Physical Disability Evaluation System nor disqualifying for separation, he or she may request to delay a non-mandatory retirement for a reasonable amount of time to address the problem. Comply with reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), paragraph 2.C.2.b. Submit the request to Commander (CG PSC-OPM) and support it by attaching all relevant medical documents. The command should endorse the request. A member should schedule a physical examination at least six months before the retirement date to allow enough time to treat such remediable medical problems. If a member adheres to this schedule, physicians can properly treat most non-disqualifying remediable medical problems and it will not be necessary to delay the scheduled retirement date. Commander (CG PSC-OPM) will not consider delaying retirement for a member who obviously neglected to obtain timely medical treatment.
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1.C.10. Statutory Authority to Retire Active Duty Enlisted Members

1.C.10.a. Voluntary Retirement

- (1) 20-Year Retirement. On application and at the Commandant's discretion, any enlisted member who has completed 20 years of service may retire from active service (14 U.S.C. §355).
- (2) 30-Year Retirement. On application and at the Commandant's discretion, any enlisted member who has completed 30 years of service may retire from active service (14 U.S.C. §354).

1.C.10.b. Compulsory Retirement

Any enlisted member who reaches the age of 62 shall retire from active service (14 U.S.C. §353).

1.C.10.c. Involuntary Retirement

- (1) Authority. 14 U.S.C. §357 allows the Commandant to review the records of enlisted members who have 20 or more years of active military service to consider retiring these members involuntarily.
- (2) Convening the Board. A Coast Guard Enlisted Personnel Board shall convene when and where the Commander (CG PSC-EPM) directs to recommend for retirement enlisted members who have 20 or more years of active service and whom the Board determines, at its discretion, should retire. A Board convened under this section shall consist of at least three commissioned officers, at least one of whom is a commander or higher, and two enlisted members, of equal or higher pay grade as that of the member being considered. No ensuing annual Board may include as a member any person who was a member of the preceding annual Board.

- (3) Submitting Recommendations. Commanding officers shall recommend to Commander (CG PSC-EPM-1) any enlisted member under their command who has completed 20 years of active service and should be considered for involuntary retirement. District units' commanding officers shall send the recommendations through the district commanders. Commanding officers should recommend a member if his or her:
- (a) Conduct is marginal.
 - (b) Financial irresponsibility will discredit the Coast Guard and its personnel through voluminous correspondence with creditors.
 - (c) Leadership, performance of duty, physical stamina, etc., are now below the standards expected or required for their rate. Specific reasons and supporting documents, including a copy of enlisted employee review showing average marks, must be included for each individual.
- (4) Procedure. Each member under the Board's review shall be:
- (a) Notified in writing of the reasons he or she is being considered for involuntary retirement.
 - (b) Provided counsel certified under 10 U.S.C. §827(b) to help prepare a rebuttal and represent him or her before the Board.
 - (c) Allowed 60 days from the date on which counsel is provided to submit any items in rebuttal.
 - (d) Allowed full access to and furnished with copies of records under consideration for involuntary retirement before submitting the rebuttal.
 - (e) Allowed to appear before the Board and present witnesses or documents pertinent to the review.
- (5) Acting on Board Recommendations. After the Board completes its determination, each enlisted member being considered for involuntary retirement shall be:
- (a) Notified by certified mail of the reasons he or she was considered for involuntary retirement.
 - (b) Provided counsel certified under 10 U.S.C. §827(b) to help prepare a rebuttal.
 - (c) Allowed 60 days from the date counsel is provided to submit any matters in rebuttal.
 - (d) Allowed full access to and furnished with copies of records relevant to consideration for involuntary retirement before the member submits the rebuttal.

- (6) Commandant Approval. If the Commandant approves the Board's recommendation, the member shall be notified of the Commandant's decision and retired within 90 days of the notification.

1.C.10.d. Reduction in Force Separations

When the Secretary orders a reduction in force, Commander (CG PSC-EPM) may separate enlisted members involuntarily from service without convening the Board described in Article 1.C.10.c. of this Manual.

1.C.11. Procedures to Retire Enlisted Members

1.C.11.a. Requests for Voluntary Retirement

- (1) An enlisted member's non-disability retirement occurs at the discretion of Commander (CG PSC-EPM) and Commander (CG PSC-RPM). Therefore, an enlisted member's request will be considered on the basis of overall Service needs and the merits of each individual case. As a general rule, the provisions listed here govern; however, an enlisted member does not automatically accrue a vested right to retire when he or she chooses independently of Service needs merely by completing 20 years of active service.
- (2) An enlisted member may submit a request for voluntary 20-year retirement to Commander (CG PSC-EPM-1) if the member:
- (a) Has completed 18 years of active service, and
 - (b) Requests an effective date of retirement which provides:
 - [1] Completing at least one year of duty at current duty station if assigned INCONUS.
 - [2] Completing at least two years at current duty station if assigned OCONUS on a with-dependents tour. If the member has been assigned to more than one unit in the same OCONUS area, he or she must have at least 2 years in that area and one year at their current unit.
 - [3] Completing the prescribed tour length or at least two years, whichever is less, if assigned OCONUS on a without-dependents tour.
 - [4] Completing the two-year obligated service (OBLISERV) requirement incurred for advancement to pay grade E-7, E-8, or E-9. (Articles 1.B.1.a.(2) and 3.A.19.e. of reference (1), Enlisted Accessions, Evaluations, and Advancements, COMDTINST M1000.2 (series), and 1.B.12.b.(2) of this Manual.)

(3) Retire in Lieu of Executing Orders (RILO)

- (a) If a member receives PCS orders during an assignment year, is otherwise eligible to retire by his/her departure date, and wishes to retire in lieu of executing orders (RILO), he/she must so advise Commander (CG PSC) by message within five working days of orders issue date (30 days for SELRES members) and simultaneously submit a request to retire with an effective date of retirement on or before 1 August of that assignment year. Commander (CG PSC-EPM), or (CG PSC-RPM) for SELRES members, will consider such requests and assign an effective date of retirement based on overall Service needs; however, in certain instances, the member may be required to comply with orders.
 - (b) Commanding officers may request that a member's effective date of retirement be delayed based on needs of the Service (i.e., on-site relief needed for a critical billet). Commander (CG PSC-EPM) will consider such requests based on the overall needs of the Service.
 - (c) Commander (CG PSC-EPM) will not cancel a retirement so scheduled except to allow disability processing.
- (4) If it appears a request for retirement or cancellation of transfer orders is warranted even though it does not meet the requirements of Article 1.C.11.a.(2) of this Manual, the member should send the request and full supporting information pertaining to it to Commander (CG PSC-EPM) for consideration. Such a request will be approved only in those rare instances when in the judgment of Commander (CG PSC-EPM), departing from Article 1.C.11.a.(2) of this Manual's normal rules is justified. If the request is disapproved, Commander (CG PSC-EPM) will indicate when the member may resubmit a retirement request. Commander (CG PSC-EPM) will cancel a request approved under this paragraph only for the reasons listed in Article 1.C.11.c. of this Manual.
- (5) Submit retirement requests to Commander (CG PSC-EPM-1) not more than two years or less than six months before the desired retirement date. Members desiring a retirement date sooner than six months out, may so request; however, the request must be accompanied by a command endorsement stating that the command can, and is willing to, support a vacant position. Such requests will be approved based upon Service needs. They will be acknowledged by either approval or disapproval.
- (6) Area, district, logistics/service center, and unit commanding officers will include the following comments in endorsements to all retirement requests:
- (a) Specific approval or disapproval of the basic request; if disapproval, the full reason for disapproval.
 - (b) Whether the member meets the requirements listed in Article 1.C.11.a.(2) of this Manual.

- (7) Enlisted members who have completed 29.5 or more years of active duty should submit requests for 30-year retirement to Commander (CG PSC-EPM-1).
- (8) Enlisted members approaching statutory age are not required to apply for retirement.

1.C.11.b. Scheduling Retirement Orders

- (1) A member requesting voluntary retirement should request a retirement date on the first day of any month from 1 May through 1 October. Requests to retire on a date outside of this timeframe must be accompanied by a command endorsement that clearly indicates the reason for the requested retirement date and the impact of a potential staffing gap on the unit. Members who will reach 30 years of time in service or mandatory retirement outside of the 1 May to 1 October timeframe should cite that fact as their reason for submitting a request for voluntary retirement on a date outside of the otherwise prescribed retirement window.
- (2) Final approval of a retirement rests with Commander (CG PSC-EPM-1) who may specify an effective date later than that requested if, in the best interest of the Service, a delay is necessary to provide for orderly relief, completion of an ongoing investigation, or, in some cases, completion of the current or ordered tour of duty.
- (3) If sufficient appropriated funds are not available to permit approving all requests received, Commander (CG PSC-EPM) will select retirees in order of highest total service computed to the retirement date for which selections are being made.
- (4) Commander (CG PSC-EPM-1) will issue retirement orders for enlisted members approaching statutory age approximately six months before the effective retirement date.

1.C.11.c. Canceling or Delaying Retirement Orders

- (1) The decision to submit a retirement memorandum is a serious one because the projected separation triggers transfer and advancement actions that, if reversed, cause hardship to other members. Therefore, Commander (CG PSC-EPM-1) normally will not honor a request to cancel or delay an already approved retirement date unless a specific Service need exists and only under these conditions:
 - (a) A Service need exists.
 - (b) A member has a hardship situation similar or equivalent to those listed in Article 1.D.2. of this Manual. The Service does not consider a change in civilian employment plans a hardship.
 - (c) The retirement physical examination finds the member “not fit for duty” and the member requests in writing to cancel his or her retirement orders and processing for a physical disability retirement; or

- (d) If during the retirement processing period, the member is diagnosed with serious diseases or suffering from serious injuries not ratable by the Physical Disability Evaluation System nor disqualifying for separation, he or she may request to delay a non-mandatory retirement for a reasonable amount of time to address the problem. Comply with reference (c), Physical Disability Evaluation System, COMDTINST M1850.2 (series), Paragraph 2.C.2.b. Submit the request to Commander (CG PSC-EPM); support it by attaching all relevant medical documents. The member's command, HSWL Service Center, and Commandant (CG-112) must endorse the request. A member should schedule a physical examination at least six months before retirement to allow enough time to treat remediable medical problems. If the member does so, physicians can properly treat most non-disqualifying remediable medical problems and it will not be necessary to delay the scheduled retirement date. Commander (CG PSC-EPM) will not consider delaying retirement for a member who obviously neglected to obtain prompt medical treatment.
- (2) In canceling a scheduled retirement, the member must agree to remain on active duty for two years from the date the request is approved and indicate this agreement in the basic cancellation request. If a member's enlistment expires within two years of the request date, he or she must extend his or her enlistment for obligated service within 30 days after Commander (CG PSC-EPM-1) approves the cancellation.
- (3) Submit a request to cancel or delay a scheduled retirement at least three months before the retirement date if at all possible. State the reasons for the request and submit it through the chain of command.

1.C.12. Grade or Rate in Which Retired

1.C.12.a. General Authority

Every commissioned officer, chief warrant officer, or enlisted member who retires under any provision of 14 U.S.C. retires with the permanent grade or rate he or she held at the time of retirement unless entitled to retire with a higher grade or rate under any provision of this title or any other law (14 U.S.C. §421).

1.C.12.b. Commissioned Officers Other than Commissioned Warrant Officers

- (1) Any commissioned officer, except a chief warrant officer, who retires under any provision of 14 U.S.C. retires from active service with the highest grade he or she

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