

ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES
No. 19WAR DEPARTMENT,
WASHINGTON 25, D. C., 17 March 1944.

AR 615-360, 26 November 1942, is changed as follows:

5. Authority to order discharge.

- a. (1) Commanders of units of the field forces having discharge authority normally will prescribe that actual discharge will be effected by the organization commander of the enlisted man concerned. However, in cases of alerted units and similar emergencies or when no field force commander having discharge authority is available, the commander of the unit may direct that the enlisted man to be discharged be transferred by indorsement on his service record to the station complement, that is, service command or air service command agency, of the post, camp, or station at which the enlisted man is located.
- (2) Regardless of arm or service, any enlisted man to be discharged for physical or mental disqualification under section II, who is a patient in a general hospital will be discharged therein. An enlisted man will not be discharged for physical or mental disqualification unless a prior medical survey has been made in a general or station hospital.
- (3) When a decision is made to transfer an enlisted man as provided in (1) above, *all* proceedings prerequisite to determination of approval for discharge, including the approval of the officer empowered to authorize discharge, will be completed prior to transfer, except as provided in (4) below.
- (4) When it has been determined that an enlisted patient at a station hospital will appear before a board of medical officers for discharge on certificate of disability for discharge, the officer empowered to authorize such discharge will direct the transfer of such patient to the station complement (or detachment of patients) of the post, camp, or station at which the patient is then located. The transfer will be effected without loss of grade by the unit commander within 48 hours by indorsement on service record, and the patient will be carried as surplus in grade until final disposition is made of his case.
- (5) When transfer is to be effected as prescribed in (1) and (4) above, special orders will be published only in instances requiring travel. Clothing and equipment will be disposed of as prescribed in paragraph 3b, AR 615-40.

[A. G. 220.8 (14 Feb 44).] (C 19, 17 Mar 44.)

8. Certificate of disability for discharge; when and by whom prepared.—

- a. When it has been determined that an enlisted patient at a station hospital will appear before a board of medical officers for discharge on certificate of disability for discharge, he will be transferred by indorsement on service record without loss of grade by his unit commander to the station complement (or

These changes supersede C 6, 25 May 1943, and C 12, 22 September 1943.

detachment of patients) within 48 hours and will be carried as surplus in grade by the station complement (or detachment of patients) until final disposition is made of his case. The commanding officer of the station complement (or detachment of patients) will prepare W. D., A. G. O. Form No. 40 (Certificate of Disability for Discharge), in quintuplicate, and forward to the commanding officer of the station hospital within 24 hours of receipt of the records. The commanding officer of the station hospital is responsible for initiating the request and following up the action directed in the preceding sentence, and he will report to the commanding officer of the post in the event of any failure to comply. When the commanding officer of a hospital has requested preparation of Form No. 40, the preparation and forwarding of this form will not be delayed. In preparing the final indorsement on the service record and the discharge certificate, the enlisted man's last permanent organization from which he was transferred for the purpose of discharge will be shown (a casual company will not be shown).

b. When it has been determined that an enlisted man who is being hospitalized in a general hospital will appear before a board of medical officers for discharge on certificate of disability for discharge, his service record and allied papers, if not already available at that hospital, will be immediately obtained from his former station. He will be transferred by indorsement on service record without loss of grade to the detachment of patients at that general hospital and carried as a member of the detachment of patients as surplus in grade until final disposition of his case. The commanding general of the general hospital is responsible for all action leading to the speedy consummation of the certificate of disability for discharge. In preparing the final indorsement on the service record and the discharge certificate, the enlisted man's last permanent organization from which he was transferred for the purpose of discharge will be shown (a casual company will not be shown).

[A. G. 220.8 (14 Feb 44).] (C 19, 17 Mar 44.)

11. Action by commanding officer.

c. When it has been determined that an enlisted patient who has been transferred under provisions of paragraph 5c(4) is not to be discharged under section II, if physically qualified, he will normally be returned to his former unit or organization. When his former unit or organization is outside the continental limits of the United States; when he is physically unfit for the duty in which trained; or for any other reasons it is impracticable to reassign him to his former organization, he will be transferred to the nearest reassignment center for appropriate assignment.

[A. G. 220.8 (14 Feb 44).] (C 19, 17 Mar 44.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

DISTRIBUTION:

A; E.

ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 18 }

WAR DEPARTMENT,
WASHINGTON 25, D. C., 1 January 1944.

AR 615-360, 26 November 1942, is changed as follows:

SECTION VIII

INAPTFNESS OR UNDESIRABLE HABITS OR TRAITS OF CHARACTER

	Paragraph
Procedure.....	51
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By whom final action taken and discharge ordered.....	53
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Reenlistment, induction, or reinduction; effect upon.....	56

51. Procedure.—a. Report required; when and by whom made.—When an enlisted man—

- (1) Is inapt, or
- (2) Does not possess the required degree of adaptability for the military service after reasonable attempts have been made to reclassify and reassign such enlisted man in keeping with his abilities and qualifications, or
- (3) Is disqualified for service because of enuresis (see *b* below), or
- (4) Gives evidence of habits or traits of character (except when discharge for physical or mental conditions is indicated as provided in sec. II) which serve to render his retention in the service undesirable, and rehabilitation of such enlisted man is considered impossible after repeated attempts to accomplish same have failed, or
- (5) Is disqualified for service, physically or in character, through his own misconduct, and cannot be rehabilitated so as to render useful service before the expiration of his term of service without detriment to the morale and efficiency of his organization,

his company or detachment commander will report the facts to the commanding officer. The report may be prepared in a simple form, particularly in special training units. Brevity is desired.

b. (1) It is now a generally accepted medical and psychiatric opinion that enuresis (see par. 51a(3)) is not necessarily a habit, but rather may be a symptom of some underlying mental or physical condition. Underlying causes of enuresis may be—

- (a) Organic disease.
- (b) Psychoneurosis.
- (c) Psychosis.
- (d) Mental deficiency.
- (e) Psychopathic personality.
- (f) Lack of proper juvenile training.

(2) Generally, if the case is studied completely, one of the above diagnoses will be established. Therefore in each case a complete mental and physical evaluation of the person afflicted will be done by qualified

*These changes supersede C 8, 17 June 1943.

medical officers and a decision made as to disposition. If the individual is to be discharged, decision will be made as to the appropriate section of these regulations to be utilized. The type of discharge should also be decided solely on the merits of each individual case and governed by the nature of the determined underlying cause rather than by the resultant enuresis. To that end, all such cases will be initially handled under the provisions of section II of these regulations, with particular reference in applicable cases to paragraphs 11b, 13b, and 17a and b.

c. When company or detachment commander is also commanding officer.—If the company or detachment commander is also the commanding officer, the report required by *a* above will be made to the next higher commander, who will take the action required by *d* below.

d. Board convened by commanding officer.—Upon receiving the report required by *a* above, the commanding officer, or the next higher commander as the case may be, will convene a board of officers, three if practicable, one of whom will be a medical officer, to determine whether or not the enlisted man should be discharged prior to the expiration of his term of service. The officer making the report required by *a* above will not be detailed as a member of this board. When available, a trained psychiatric examiner, or officer possessing such experience, will be called as a witness in the case and present his testimony to the board.

e. Proceedings of board.—Will be set forth on W. D., A. G. O. Form No. 37.

(1) *Rules of procedure and evidence.*—See AR 420-5.

(2) *Witnesses sworn.*—See AR 420-5.

(3) *Authorized recommendations.*—The board will recommend that the enlisted man be either discharged or retained in service. A recommendation to discharge will be made when it has been shown that he cannot be developed to the extent where he may be expected to absorb military training, or is unfit to associate with enlisted men. If it is recommended that the enlisted man be retained in service, a further recommendation will be made indicating the type of duty which it is believed he can perform successfully.

(4) *Form of discharge certificate; when to be recommended.*—If discharge is recommended, the board will also recommend the form of discharge certificate to be given. See also paragraph 55b.

f. Action by convening authority.

(1) *When discharge recommended.*—If discharge is recommended by the board, the convening authority will indorse on the proceedings his approval or disapproval of the findings and recommendations and forward the proceedings to the commander authorized by paragraph 53a to take final action and order discharge.

(2) *When discharge not recommended.*—When discharge is not recommended the proceedings will be disposed of as prescribed in *g*(1) below.

g. Disposition of proceedings.

(1) *When discharge is not recommended by board.*—The proceedings will be returned to the convening authority for such action on the board's recommendations as he may deem necessary. Subsequent to final action, the proceedings will be filed at the headquarters

convening the board and the officer making the report will be notified of the final action taken in the case, if that officer is not the same as the convening authority.

- (2) *When discharge is recommended by board.*—Proceedings forwarded as required by *d* above will in every case be returned to the officer making the report required by *a* above, by indorsement showing the final action taken, and will then by him be disposed of as prescribed in (3) or (4) below.
- (3) *When discharge is not ordered.*
- (a) If the board of officers recommends that the enlisted man be retained in service and that he be assigned without stigma to a special training unit for further special training, the proceedings will be forwarded to the commanding officer of the special training unit to which the enlisted man is transferred, and, if the man is rehabilitated, will be destroyed.
- (b) If the board of officers recommends that the enlisted man be retained in service in his present assignment, the proceedings will be forwarded to the enlisted man's commanding officer.
- (4) *When discharge is ordered.*—At the time of discharge the proceedings will be sent to the officer who executes the discharge, as authority therefor, and after the discharge has been effected, they will be sent to The Adjutant General, with the service record and allied papers, for file.

52. **Basic War Department policy to be observed.**—*a.* Any enlisted man will be discharged from the service when it is shown that for any of the causes mentioned in paragraph 51*a* he cannot be developed to the extent where he may be expected to absorb military training and become a satisfactory soldier.

b. Provision will be made for the training, reassignment, or discharge of inapt men in special training units or installations. Until such time as these facilities may be otherwise provided, army, corps, service command, division, or other unit commanders may establish such special training units within their commands as they consider necessary. Full use will be made of reclassification procedure.

53. **By whom final action taken and discharge ordered.**—*a.* Commanding generals of service commands are authorized to delegate discharge authority to commanders of posts at which special training units are stationed or to special training unit battalion commanders, in addition to the commanding officers specified in paragraph 5*b*.

b. Commanding officers exercising discharge authority under *a* above will maintain close contact with the local United States Employment Service representative and comply with paragraph 5*g*. Every effort will be made to cause enlisted men scheduled for discharge to accept employment in war industry or agriculture.

c. When an honorable discharge certificate is recommended under the authority contained in paragraph 51*e* (4), discharge will not be ordered given on Discharge from the Army of the United States (blue) (W. D., A. G. O. Form No. 56).

54. **Term to be used as cause of discharge.**—*a.* *In certificate of discharge.*—The term to be entered in the certificate of discharge as the reason for discharge will be merely "Section VIII, AR 615-360; not eligible for reenlistment, induction, or reinduction."

b. In all papers other than certificate of discharge.—In stating the cause of discharge, a brief description of the actual cause thereof in the case in question will be given, followed by a parenthetical reference to these regulations, for example—

Inaptness (sec. VIII, AR 615-360).

Lack of adaptability for military service (sec. VIII, AR 615-360).

Enuresis (sec. VIII, AR 615-360).

Habits (or traits of character) rendering retention in service undesirable (sec. VIII, AR 615-360).

(Physically) disqualified (in character) for service, through his own misconduct (sec. VIII, AR 615-360).

When more than one cause is found to exist, all will be stated.

55. Form of discharge certificate to be given.—*a.* Except as otherwise prescribed in *b* below, the Discharge from the Army of the United States (blue) (W. D., A. G. O. Form No. 56) will be given.

b. In case of inaptness, lack of adaptability for military service, and enuresis, an Honorable Discharge from the Army of the United States (W. D., A. G. O. Form No. 55) will be given unless, according to the approved findings of the board of officers required by paragraph 51*d*, the conduct of the enlisted man during his current period of service has been such as would render his retention in the service undesirable **regardless of his inaptness, lack of required adaptability for military service, or enuresis.** In such cases the discharge certificate will show that reenlistment, induction, or reinduction is not warranted.

56. Reenlistment, induction, or reinduction; effect upon.—The reenlistment, induction, or reinduction of a man discharged for any of the causes enumerated in paragraph 51*a* is not warranted, even if an honorable discharge certificate has been given, unless the cause of discharge is subsequently removed.

[A. G. 220.8 (13 Dec 43).] (C 18, 1 Jan 44.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

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S/S May 44 ✓

AR 615-360
*C 17

ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 17 }

WAR DEPARTMENT,
WASHINGTON 25, D. C., 21 December 1943.

AR 615-360, 26 November 1942, is changed as follows:

42. Evidence required.

b. Policies governing discharges on account of dependency:

- (10) In establishing dependency, if the individual was or will be subject to Selective Service, the application for discharge and the evidence presented will be forwarded to the State director of Selective Service of the State of the applicant's registration, requesting recommendation as to whether the circumstances would result in deferment on the basis of dependency if the man was being considered for induction.
- (11) It is the policy of the War Department in cases of dependency for individuals subject to Selective Service not to authorize discharge except when the State director of Selective Service concerned recommends approval. Normally, when the State director of Selective Service recommends disapproval the commander concerned will disapprove and close the case. In very exceptional circumstances the entire case, including the recommendation of the State director of Selective Service, may be forwarded to the War Department for decision. See paragraph 41a.

[A. G. 220.8 (13 Dec 43).] (C 17, 21 Dec 43.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
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*These changes supersede C 15, 30 November 1943.

May 49

ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 16 }

WAR DEPARTMENT,
WASHINGTON 25, D. C., 15 December 1948.

AR 615-360, 28 November 1942, is changed as follows:

7. General.

- o. (1) No individual with a disability incurred in line of duty will be discharged on certificate of disability until definitive treatment has been completed, except those having tuberculosis or neuropsychiatric disorders. Types of cases which should be retained for treatment include those requiring skin graft, bone graft, revision of amputation stumps, closure of colostomy, etc.
- (2) Individuals unfit for Army service because of neuropsychiatric disturbances will not be retained for definitive treatment, but will be discharged, and arrangements will be made for further care by the Veterans' Administration if such is indicated. Exceptions are those individuals with neuropsychiatric conditions incurred incident to the service who, in the opinion of the medical officer, may within a reasonable period be returned to duty within the continental limits of the United States.
- (3) Enlisted personnel developing tuberculosis, unless terminal cases, will be transferred to Veterans' Administration facilities and discharged as soon as a definite diagnosis of tuberculosis and disablement for further military service are determined. Exception to this policy may be made in the case of personnel nearing completion of 20 years' service and noncommissioned officers of the first three grades when the prognosis is favorable for a complete recovery and restoration to duty within 1 year. Such individuals will be transferred to Fitzsimons General Hospital, or other designated Army hospital, for treatment.
- (4) Terminal cases and those in which such transfer will endanger the patient's life or recovery will be retained in the service and hospitalized until death ensues or transfer to a Veterans' Administration facility becomes possible.
- (5) Individuals will not be separated from the military service solely because of malaria, in the absence of permanently incapacitating residuals or sequelae such as marked splenomegaly or cachexia. Repeated relapses alone will not constitute a cause for separation.
- (6) When the enlisted man is to be separated from the service on certificate of disability for discharge, irrespective of line of duty status, and further hospitalization is necessary, he will be transferred to a Veterans' Administration facility and will be discharged.

[A. G. 220.8 (15 Nov 43).] (C 16, 15 Dec 43.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

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J. A. ULIO,
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ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 15 }

WAR DEPARTMENT,
WASHINGTON 25, D. C., 30 November 1943.

AR 615-360, 26 November 1942, is changed as follows:

42. Evidence required.

* * * * *

b. Policies governing discharges on account of dependency:

* * * * *

(10) In establishing dependency the application for discharge and the evidence presented will be forwarded to the State director of Selective Service of the State of the applicant's registration, requesting recommendation as to whether the circumstances would result in deferment on the basis of dependency if the man was being considered for induction.

(11) It is the policy of the War Department in cases of dependency not to authorize discharge except when the State director of Selective Service concerned recommends approval. Normally, when the State director of Selective Service recommends disapproval the commander concerned will disapprove and close the case. In very exceptional circumstances the entire case, including the recommendation of the State director of Selective Service, may be forwarded to the War Department for decision. See paragraph 41a.

[A. G. 220.8 (11-20-43).] (C 15, 30 Nov 1943.)

BY ORDER OF THE SECRETARY OF WAR:

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Chief of Staff.

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J. A. ULIO,
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ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 14 }

WAR DEPARTMENT,
WASHINGTON 25, D. C., 2 November 1948.

AR 615-360, 26 November 1942, is changed as follows:

6. Administrative details governing release of enlisted men to Reserve component, including members of the National Guard discharged from the Army of the United States.

* * * * *
f. W. D., A. G. O. Form No. 25 (Extract from Service Record).

(3) The number of copies and disposition of this form will be—

(b) For each National Guardsman (including National Guardsmen discharged from the Army of the United States and men enlisted in the Army of the United States who were originally inducted with National Guard units).—2 copies, one to the adjutant general of the State in which the enlisted man was inducted and one retained by the organization.

* * * * *
[A. G. 220.8 (9 Jun 43).] (C 14, 2 Nov 43.)

17. Form of discharge certificate to be given.

d. Not in line of duty.—Same as a above except that—

(1) If the disability is a result of misconduct occurring in the man's current enlistment and the nature of the service rendered by the man does not merit honorable discharge, a discharge from the Army of the United States (blue) (W. D., A. G. O. Form No. 56) will be given.

* * * * *
[A. G. 220.8 (9 Jun 43).] (C 14, 2 Nov 43.)

60. By whom discharge ordered.

d. The Adjutant General will take final action on all requests for discharge or release from active service by reason of being a former key man in industry (necessary man for war production).—All requests for such release must be initiated and executed under oath by the responsible head of the firm or agency which proposes to employ the enlisted man if his release is approved. An Information Bulletin describing the procedure to be followed may be obtained from the Labor Branch, Industrial Personnel Division, Headquarters, Army Service Forces, Washington 25, D. C.

* * * * *
[A. G. 220.8 (9 Jun 43).] (C 14, 2 Nov 43.)

BY ORDER OF THE SECRETARY OF WAR:

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AR 615-360
C 18

ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES
No. 18

WAR DEPARTMENT,
WASHINGTON 25, D. C., 2 October 1943.

AR 615-360, 26 November 1942, is changed as follows:

8. Certificate of disability for discharge; when and by whom prepared.

c. As soon as it is apparent that an enlisted man is to be discharged for disability the commanding officer of the hospital concerned will—

- (1) Communicate with other Army hospitals within the continental United States at which the enlisted man has been previously hospitalized, and obtain therefrom all original clinical records of his previous treatment.

[A. G. 220.8 (2 Sep 43).] (C 18, 2 Oct 43.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

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ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES
No. 12

WAR DEPARTMENT,
WASHINGTON 25, D. C., 22 September 1942.

AR 615-300, 26 November 1942, is changed as follows:

a. Certificate of disability for discharge; when and by whom prepared.—a. when it has been determined that an enlisted man who is being hospitalized in a station hospital is to be discharged on certificate of disability for discharge, he will be transferred by indorsement on service record without loss of grade by his unit commander to the station complement within 48 hours and will be carried as surplus in grade by the station complement until final disposition is made of his case. The commanding officer of the station complement will prepare W. D. A. G. O. Form No. 40 (Certificate of Disability for Discharge), in quintuplicate, and forward to the commanding officer of the station hospital within 24 hours of receipt of the records. The commanding officer of the station hospital is responsible for initiating the request and following up the action directed in the preceding sentence, and he will report to the commanding officer of the post in the event of any failure to comply. When the commanding officer of a hospital has requested preparation of Form No. 40, the preparation and forwarding of this form will not be delayed. In preparing the final indorsement on the service record and the discharge certificate, the enlisted man's last permanent organization from which he was transferred for the purpose of discharge will be shown (a casual company will not be shown).

b. When it has been determined that an enlisted man who is being hospitalized in a general hospital is to be discharged on certificate of disability for discharge, his service record and allied papers, if not already available at that hospital, will be immediately obtained from his former station. He will be transferred by indorsement on service record to the detachment of patients at that general hospital and carried as a member of the detachment of patients until final disposition of his case. The commanding officer of the general hospital is responsible for all action leading to the speedy consummation of the certificate of disability for discharge. In preparing the final indorsement on the service record and the discharge certificate, the enlisted man's last permanent organization from which he was transferred for the purpose of discharge will be shown (a casual company will not be shown).

[A. G. 220.8 (9 Jul 43).] (C-12, 22 Sep 42.)

BY ORDER OF THE SECRETARY OF WAR:

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Chief of Staff.

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J. A. ULIO,
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May 44

ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES
No. 11 }

WAR DEPARTMENT,
WASHINGTON 25, D. C., 20 September 1943.

AR 615-360, 28 November 1942, is changed as follows :

63. By whom discharge ordered.—The discharge of an enlisted man from the Army may be ordered by a United States court or a justice or judge thereof. Upon receipt of such an order, the officer upon whom the writ or order is served, or counsel, will note an appeal pending instructions from the War Department, and he will immediately report to The Adjutant General the action taken by the court and forward a copy of the opinion of the court as soon as it can be obtained. (See par. 155, Manual for Courts-Martial, 1928.) Upon notification that the War Department or the Department of Justice has determined not to appeal the case, or that the order has been sustained in the final disposition of the case by the courts, the enlisted man concerned will be promptly discharged by his organization commander, or as prescribed in paragraph 5, whichever is the more expeditious method. In the event that the person ordered released by the court is a registrant under the Selective Service law and the basis of the decision is a ruling by the court that he was illegally inducted, no formal discharge will be given the registrant but an order will be issued to the effect that he is released pursuant to the judgment of a civil court. A copy of the order directing release will be given to the registrant. All military records, including a copy of the court order and a copy of the order directing release, will be forwarded to The Adjutant General.

[A. G. 220.8 (6 Sep 43).] (C 11, 20 Sep 43.)

64. Form of discharge certificate to be given.—Unless otherwise directed under the provisions of paragraph 63 or by the approved proceedings of the board of officers required by paragraph 3b, an honorable discharge from the Army of the United States will be given.

[A. G. 220.8 (6 Sep 43).] (C 11, 20 Sep 43.)

BY ORDER OF THE SECRETARY OF WAR :

G. C. MARSHALL,
Chief of Staff.

OFFICIAL :

J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

DISCHARGE: RELEASE FROM ACTIVE DUTY

CHANGES }
No. 10 }WAR DEPARTMENT,
WASHINGTON 25, D. C., 27 August 1943.

AR 615-360, 26 November 1942, is changed as follows:

5. Authority to order discharge.—*a.* The authority granted to the commanding generals of service commands to order the discharge or other release from active duty of enlisted men prior to expiration of their term of service extends to all places within the territorial limits of the service command, including exempted posts, camps, or stations. Except as prescribed in *b* below, and in paragraph 21, AR 615-300, such cases will be referred to the commanding general of the appropriate service command for decision.

* * * * *

[A. G. 220.8 (22 Jul 43).] (C 10, 27 Aug 43.)

49. By whom discharge ordered.—*a. Statute of limitations applicable.*—An enlisted man whose trial is barred by Article of War 39 upon return to military control will be restored to duty by the commanding general of the service command or other officer exercising either special or general court-martial jurisdiction, if physically and mentally fit for the performance of military service. If physically and mentally unfit for military service, the enlisted man will be discharged by reason of desertion and physical unfitness, trial barred by 39th Article of War. See paragraph 21, AR 615-300. For unauthorized absences see paragraph 21c, AR 615-300.

* * * * *

[A. G. 220.8 (22 Jul 43).] (C 10, 27 Aug 43.)

BY ORDER OF THE SECRETARY OF WAR:

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Chief of Staff.

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J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

DISCHARGE: RELEASE FROM ACTIVE DUTY

CHANGES

No. 9

WAR DEPARTMENT,

WASHINGTON 25, D. C., 19 June 1943.

AR 615-360, 26 November 1942, is changed as follows:

44. Authority for discharge and action upon discovery of fraudulent entry into Army.—*a.* No enlisted man will be discharged because of fraudulent entry into the service except by reason of—

(1) Concealment of desertion from the armed forces of the United States or an unauthorized absence from the Army of the United States as contemplated in AR 615-300.

(2) (a) Concealment of separation from the armed forces of the United States with a form of discharge certificate other than honorable.

(b) When an enlisted man has concealed a prior separation from any of the armed forces with a form of discharge certificate other than honorable the decision to discharge or retain the man will be based primarily on the record made by the individual during his current service. If retained the fact of concealment will be expressly waived by notation of this fact on his service record.

(3) Concealment of a criminal record as outlined below. Upon discovery of such concealment action will be taken as prescribed in (c) below. Proof of the fact of concealment can be secured through reference to enlistment or induction statements by the enlisted man. This data can be obtained from The Adjutant General in the case of enlistment or from the appropriate State Director of Selective Service in the case of induction.

(a) Conviction once by a civil court of the heinous crimes of treason, murder, rape, kidnapping, arson, sodomy or pandering; or of any crime involving sex perversion; or for any illegal dealing in narcotics or other habit-forming drugs.

(b) A prior sentence to a period of confinement in excess of 1 year in a prison or penitentiary.

(c) When it is established that an enlisted man has concealed any fact outlined in (a) and (b) above, a further inquiry will be made to determine whether any form of civil custody remains, that is, parole, probation, conditional release, or suspended sentence. Thereupon—

1. If it develops that such civil custody exists *and the record of the enlisted man indicates the desirability of retaining him in service* the proper civil authority will be advised of the circumstances and requested either to terminate custody or suspend it for the duration of the period of service of the enlisted man. If the civil custody is then so terminated or suspended the man will be retained in service. If the civil authorities refuse to terminate or suspend custody the

*These changes supersede Circular No. 80, War Department, 1941.

enlisted man will be discharged. An honorable discharge may be given in this instance at the discretion of the officer with discharge authority.

2. If civil custody exists *and the record of the enlisted man indicates his undesirability*, he will be discharged and reported to the proper civil authority.
3. If civil custody does *not* exist the enlisted man will be either discharged or retained in service dependent upon his record while in service
4. When, under the provisions of 1 and 3 above, a decision has been made to retain an enlisted man in service, a notation will be made in his service record indicating that his fraudulent entry by reason of concealment of a conviction of the type cited in (3) above has been waived. After such waiver, no further cognizance of, or action with respect to, the fraudulent entry will be taken at any time.

b. By whom discharge ordered or waiver granted.—Discharge will be ordered or waiver granted under the provisions of this section by the appropriate commander specified in paragraph 5.

[A. G. 220.8 (2 Jun 43).] (C 9, 19 Jun 43.)

45. When involving desertion from prior military service.—*a.* When an enlisted man who has enlisted or been inducted is in a status of desertion from prior service in the Army.

- (1) If the statute of limitations is not applicable the enlisted man will be dropped from his current service and held to his first untermi- nated service and the appropriate commanding officer will dis- pose of the charges of desertion. See paragraphs 13 and 22, AR 615-300.
- (2) If the statute of limitations is applicable, he will be discharged from the prior service from which he deserted, by reason of desertion and trial barred by 39th Article of War and he will be retained in his current service.
- (3) When an enlisted man is dropped an appropriate entry will be made in the service record for the period of service from which dropped showing why so dropped and to which period of service held adding other desired data as to records and reports. See also AR 345-125.

b. When an enlisted man who has enlisted or has been inducted and is in a status of desertion or unauthorized absence from the Navy, Marine Corps, or Coast Guard, radio or telegraphic report of the circumstances will be made to The Adjutant General who will ascertain whether the service from which the enlisted man deserted desires to take custody of the deserter. If the appropri- ate service desires to accept custody, The Adjutant General will issue the neces- sary instruction to effect the transfer and authorize the discharge of the deserter. If the service from which the enlisted man deserted does not desire to accept custody, he will be retained in his current service and action with regard to fraudulent entry in the service will be taken as indicated in paragraph 44.

[A. G. 220.8 (2 Jun 43).] (C 9, 19 Jun 43.)

48. Form of discharge certificate to be given.—*a.* An enlisted man who procured his entry into the Army through enlistment and who is to be discharged for the commission of a fraud as discussed in paragraphs 44 and 45 will be given a discharge from the Army of the United States (blue). The reason for the discharge will be stated on the certificate.

b. Similarly a blue discharge will be given to those enlisted men who were inducted into the service due to misrepresentation except the discharge will read "for the convenience of the Government, together with a statement indicating specific reason for discharge.

c. An exception to *a* and *b* is contained in paragraph 44a(3)(c)1.

[A. G. 220.8 (2 Jun 43).] (C 9, 19 Jun 43.)

49. By whom discharge ordered.—*a.* Statute of limitations applicable.—An enlisted man whose trial is barred by Article of War 39 upon return to military control will be restored to duty by the commanding general of the service command or other officer exercising general court martial jurisdiction, if physically and mentally fit for the performance of military service. If physically and mentally unfit for military service, the enlisted man will be discharged by reason of desertion and physical unfitness, trial barred by 39th Article of War. See paragraph 21, AR 615-300. For unauthorized absences see paragraph 21c AR 615-300.

* * * * *

[A. G. 220.8 (2 Jun 43).] (C 9, 19 Jun 43.)

57. By whom discharge-ordered.—*a.* The commanding general of a command or other officers designated in paragraph 5 are authorized within their discretion to discharge enlisted men who during their term of service have been finally convicted by a civil court of an offense, the nature of which clearly indicates that the individual is not a suitable person to associate with enlisted men or—

- (1) Has been convicted of one of heinous crimes of treason, murder, rape, kidnapping, arson, sodomy, or pandering; or of any crime of sex perversion; or for any illegal dealing in narcotics or other habit-forming drugs.
- (2) Has been convicted of any offense and sentenced to confinement for a period in excess of 1 year in a prison or penitentiary.

b. When absent.—If the enlisted man has been sentenced to imprisonment while absent in desertion or in an unauthorized absence and discharge is considered desirable the officers specified in paragraph 5 are authorized to effect the discharge.

[A. G. 220.8 (2 Jun 43).] (C 9, 19 Jun 43.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

DISTRIBUTION:

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ENLISTED MEN

DISCHARGE: RELEASE FROM ACTIVE DUTY

CHANGES }
No. 8 }

WAR DEPARTMENT,
WASHINGTON 25, D. C., 17 June 1943.

AR 615-360, 26 November 1942, is changed as follows:

51. Procedure.—*a. Report required; when and by whom made.*—When an enlisted man—

- (4) Is disqualified for service, physically or in character, through his own misconduct, and cannot be rehabilitated so as to render useful service before the expiration of his term of service without detriment to the morale and efficiency of his organization, his company or detachment commander will report the facts to the commanding officer. The report may be prepared as a simple form, particularly in special training units. Brevity is desired.

a. Board convened by commanding officer.—Upon receiving the report required by *a* above, the commanding officer, or the next higher commander, as the case may be, will convene a board of officers, three if practicable, one of whom will be a medical officer, to determine whether or not the enlisted man should be discharged prior to the expiration of his term of service. The officer making the report required by *a* above will not be detailed as a member of this board. When available, a trained psychiatric examiner, or officer possessing such experience, will be called as a witness in the case and present his testimony to the board.

d. Proceedings of board.

- (1) *Rules of procedure and evidence.*—See AR 420-5.
- (2) *Witnesses sworn.*—See AR 420-5.
- (3) *Authorized recommendations.*—The board will recommend that the enlisted man be either discharged or retained in service. A recommendation to discharge will be made when it has been shown that he cannot be developed to the extent where he may be expected to absorb military training, or is unfit to associate with enlisted men. If it is recommended that the enlisted man be retained in service, a further recommendation will be made indicating the type of duty which it is believed he can perform successfully.

- (5) *Certificate of disability for discharge; when accompanied by.*—Rescinded.

f. Disposition of proceedings.

- (1) *When discharge is not recommended by board.*—The proceedings will be returned to the convening authority for such action on the board's recommendations as he may deem necessary. Subsequent to final action, the proceedings will be filed at the headquarters convening the board and the officer making the report will be noti-

*These changes supersede C 1, 14 December 1942.

ned of the final action taken in the case, if that officer is not the same as the convening authority.

(3) *When discharge is not ordered.*

(a) If the board of officers recommends that the enlisted man be retained in service and that he be assigned without stigma to a special training unit for further special training, the proceedings will be forwarded to the commanding officer of the special training unit to which the enlisted man is transferred, and, if the man is rehabilitated, will be destroyed.

(b) If the board of officers recommends that the enlisted man be retained in service in his present assignment, the proceedings will be forwarded to the enlisted man's commanding officer.

(4) *When discharge is ordered.*—At the time of discharge the proceedings will be sent to the officer who executes the discharge, as authority therefor, and after the discharge has been effected, they will be sent to The Adjutant General, with the service record and allied papers, for file.

[A. G. 220.8 (9 Jun 48).] (C 8, 17 Jun 43.)

52. Basic War Department policy to be observed.—a. Any enlisted man will be discharged from the service when it is shown that for any of the causes mentioned in paragraph 51a he cannot be developed to the extent where he may be expected to absorb military training and become a satisfactory soldier.

b. Provision will be made for the training, reassignment, or discharge of inapt men in special training units or installations. Until such time as these facilities may be otherwise provided, army, corps, service command, division, or other unit commanders may establish such special training units within their commands as they consider necessary. Full use will be made of reclassification procedure.

[A. G. 220.8 (9 Jun 48).] (C 8, 17 Jun 43.)

53. By whom final action taken and discharge ordered.—a. Commanding generals of service commands are authorized to delegate discharge authority to commanders of posts at which special training units are stationed or to special training unit battalion commanders, in addition to the commanding officers specified in paragraph 5b.

b. Commanding officers exercising discharge authority under a above will maintain close contact with the local United States Employment Service representative and comply with paragraph 5g. Every effort will be made to cause enlisted men scheduled for discharge to accept employment in war industry or agriculture.

c. When an honorable discharge certificate is recommended under the authority contained in paragraph 51d(4), discharge will not be ordered given on Discharge from the Army of the United States (blue) (W. D., A. G. O. Form No. 56).

[A. G. 220.8 (9 Jun 48).] (C 8, 17 Jun 43.)

DISCHARGE: RELEASE FROM ACTIVE DUTY C 8

54. Term to be used as cause of discharge.—*a. In certificate of discharge.*—The term to be entered in the certificate of discharge as the reason for discharge will be merely "Section VIII, AR 615-360; not eligible for reenlistment, induction, or reinduction."

[A. G. 220.8 (9 Jun 48).] (C 8, 17 Jun 43.)

55. Form of discharge certificate to be given.—*a.* Except as otherwise prescribed in *b* below, the Discharge from the Army of the United States (blue) (W. D., A. G. O. Form No. 56) will be given.

b. An Honorable Discharge from the Army of the United States (W. D., A. G. O. Form No. 55) will be given when, according to the approved findings of the board of officers required by paragraph 51*a*, the conduct of the enlisted man during his current period of service has been such as would render his retention in the service desirable were it not for his inaptitude or lack of required adaptability for military service. In such cases the discharge certificate will show that reenlistment, induction, or reinduction is not warranted.

[A. G. 220.8 (9 Jun 48).] (C 8, 17 Jun 43.)

56. Reenlistment, induction, or reinduction; effect upon.—The reenlistment, induction, or reinduction of a man discharged for any of the causes enumerated in paragraph 51*a* is not warranted, even if an honorable discharge certificate has been given, unless the cause of discharge is subsequently removed.

[A. G. 220.8 (9 Jun 48).] (C 8, 17 Jun 43.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

No. 7 }
CHANGES }

WAR DEPARTMENT,
WASHINGTON, 8 June 1943.

AR 615-360, 26 November 1942, is changed as follows:

5. Authority to order discharge.

- g. (1) Commanders will encourage men who are about to be separated from the service to accept employment in war industry, including railroads and agriculture, upon release from active duty.
- (2) In order to aid in placing these enlisted men in war industry, commanders having discharge authority will communicate with the local representatives of the United States Employment Service and through them appropriate railroad representatives, and will offer such employment officials an opportunity to interview the individual enlisted man prior to effecting discharge. The granting of passes to enlisted men due for discharge to visit war industry employment officials is encouraged. The retention on duty of the individual enlisted man for a period of a few days in order that appropriate interview may be accomplished is permissible.
- (3) The action directed in (1) and (2) above need not be taken in the cases of enlisted men ordered discharged to accept commissions, to enter another branch of the armed service, because of being key men in industry, or in other cases when the action is necessary.

[A. G. 220.8 (5-24-43).] (C 7, 8 June 1943.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 6 }

WAR DEPARTMENT,
WASHINGTON, May 25, 1943.

AR 615-360, November 26, 1942, is changed as follows:

5. Authority to order discharge.

* * * * *

a. (1) Commanders of units of the field forces having discharge authority normally will prescribe that actual discharge will be effected by the organization commander of the enlisted man concerned. However, in cases of alerted units and similar emergencies or when no field force commander having discharge authority is available, the commander of the unit may direct that the enlisted man to be discharged be transferred by indorsement on his service record to the station complement, that is, service command or air service command agency, of the post, camp, or station at which the enlisted man is located.

[A. G. 220.8 (5-20-43).] (C 6, May 25, 1943.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 5 }

WAR DEPARTMENT,
WASHINGTON, April 30, 1943.

AR 615-360, November 26, 1942, is changed as follows:

9. Board of medical officers.

* * * * *

b. Composition of board.—The board of medical officers required by *a* above will be composed of three members, if that number are present for duty; otherwise of the lesser number present for duty. See also paragraph 15.

* * * * *

[A. G. 220.8 (4-29-43).] (C 5, Apr. 30, 1943.)

60. By whom discharge ordered.

* * * * *

c. (1) Discharge for convenience of the Government is delegated to the commanders specified in paragraph 5*b*—

* * * * *

(2) Requests for discharge under *(1)(b)* and *(c)* above will be forwarded by the officer exercising discharge authority to the State Director of Selective Service of the State of the applicant's registration for his recommendation. Based upon the recommendations of the State Director the enlisted man will be discharged or retained in the service.

* * * * *

[A. G. 220.8 (4-30-43).] (C 5, Apr. 30, 1943.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 4 }

WAR DEPARTMENT,
WASHINGTON, April 16, 1943.

AR 615-360, November 26, 1942, is changed as follows:

SECTION II

DISABILITY

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7. General.—a. No man will be separated from active service because of disability if he can satisfy current minimum physical and mental standards for induction into the Army.

b. When an enlisted man with less than 20 years' service stationed in the United States becomes unfit for military service because of physical disability, or while overseas, is returned to the United States for physical disability, he will be hospitalized in a military hospital in the United States until his physical condition has reached a point where he can be returned to duty, or until it can be determined that the disability is such that physical rehabilitation for military service is not feasible. See paragraphs 5 and 68. When an enlisted man has more than 20 years' service, see AR 615-395.

c. When rehabilitation for military service is not feasible and when the enlisted man is to be separated from the service on certificate of disability for discharge, irrespective of line of duty status, and further hospitalization is necessary, he will be transferred to a Veterans Administration facility and will be discharged in the manner provided in AR 600-500, except in terminal cases and those in which such transfer will endanger the patient's life or recovery. The excepted patients will be retained in the service and hospitalized until transfer to a Veterans Administration facility becomes possible.

d. An exception to the procedure outlined in b and c above will be made in the case of insular troops stationed in their native country. When practicable, such enlisted men will be given necessary hospitalization in a military hospital within the insular possession. Irrespective of line of duty status, and when Veterans Administration facilities are not available, they will be discharged on certificate of disability and held in a military hospital and reported to the Veterans Administration for necessary action.

8. Certificate of disability for discharge; when and by whom prepared.—

a. When an enlisted man is hospitalized in a station hospital and it is determined that he is to be discharged on certificate of disability for discharge,

*These changes supersede C 2, March 1, 1943, C 3, March 13, 1943, and Circular No. 4, War Department, 1943.

he will be transferred without loss of grade by his unit commander to the station complement *within 48 hours* and will be carried as surplus until final disposition is made of his case. The commanding officer of the station complement will prepare W. D., A. G. O. Form No. 40 (Certificate of disability for discharge), in quintuplicate, and forward to the commanding officer of the station hospital *within 24 hours* of receipt of the records. The commanding officer of the station hospital is responsible for initiating the request and following up the action directed in the preceding sentence, and he will report to the commanding officer of the post in the event of any failure to comply. When the commanding officer of a hospital has requested preparation of Form No. 40, the preparation and forwarding of this form will not be delayed by placing an enlisted man before a reclassification board prior to his appearance before the certificate of disability for discharge board.

b. When an enlisted man is hospitalized in a general hospital, he will be transferred to the detachment of patients at that general hospital, and his service record and allied papers will be forwarded without delay to the general hospital as prescribed in paragraph 9, AR 40-590. The commanding officer of the general hospital is responsible for all action leading to the speedy consummation of the certificate of disability for discharge.

c. As soon as it is apparent that an enlisted man is to be discharged for disability the commanding officer of the hospital concerned will—

- (1) Communicate with other military hospitals within the continental United States at which the enlisted man has been previously hospitalized, and obtain therefrom all original clinical records of his previous treatment.
- (2) Radio The Adjutant General for a photostat of the enlisted man's original report of physical examination on entrance into active Federal service.

9. Board of medical officers.—*a. By whom convened; purpose.*—Upon receipt of a certificate of disability for discharge, the commanding officer of a general or station hospital will convene a board of medical officers to examine critically the enlisted man and enter on this form the data required by paragraph 10.

b. Composition of board.—The board of medical officers required by *a* above will be composed of three members, if that number are present for duty; otherwise of the lesser number present for duty. See also paragraph 14.

c. Duties of board of medical officers.—The board of officers required by *a* above will be governed by the principle that no man is to be separated from the military service because of disability if he can satisfy current minimum physical and mental standards for induction into the Army. In interpreting evidence and regulations the board will be guided by a painstaking sensitiveness to the interests of the Government and equally to those of the enlisted man. Questions of doubt which cannot be decided factually will be resolved in favor of the enlisted man. In every particular the actions of the board will be complete and thorough.

10. Execution of certificate of disability for discharge; data required.—*a.* As disability occurring in the service is usually made the basis of a claim for pension, special care will always be taken to set forth fully in the certificate of disability for discharge the origin of the disability and to describe particularly the injury or disease and the disability arising therefrom.

b. In connection with line of duty for pension purposes, the certificate will also state whether—

DISCHARGE; RELEASE FROM ACTIVE DUTY C 4

- (1) Disability was incurred in line of duty or not in line of duty, together with the facts upon which a decision is based. See AR 345-415 and 40-1025, as to what constitutes line of duty.
- (2) Enlisted man declined treatment for the relief of the disability when same was directed.
- (3) Disability is due to own misconduct.
- (4) Preexisting disability, injury, or disease was or was not aggravated in line of duty by active military service, together with nature of duty causing aggravation.

c. If more than one disability is of record or is claimed by the enlisted man and found to exist by the board of officers, the information listed in b (1) to (4) above, if applicable, will be set forth for each such additional disability.

11. Action by commanding officer of hospital.—a. If the board recommends the discharge of the enlisted man, all papers will be referred *within 48 hours* to the commander exercising discharge authority as prescribed in paragraph 5.

b. When the board of medical officers finds that the enlisted man's unfitness for service is due to one of the causes enumerated in paragraph 13b, and that he is mentally responsible, the commanding officer of the hospital will refer the case to the appropriate commanding officer for action prescribed in paragraph 51c.

12. Statutory provisions for pensions.—a. *General.*

- (1) For disability resulting from personal injury or disease contracted in line of duty or for aggravation of a preexisting injury or disease contracted or suffered in line of duty when such disability was incurred in or aggravated by active military or naval service other than in a period of war service, * * * the United States will pay to any person thus disabled and who was honorably discharged from such period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, a pension * * *, but no pension shall be paid if the disability is the result of the person's own misconduct * * *. *Part II, Veterans' Regulation No. 1 (a), par. I (a) (peacetime); act June 23, 1937 (50 Stat. 305; M. L., 1939, sec. 1140).*
- (2) The provisions above quoted as to line of duty, aggravation, honorable discharge, and misconduct also apply to part I, Veterans' Regulation No. 1 (a) (wartime).

b. *Medical judgment on preexisting disease or injury.*

- (1) * * * every person employed in the active military or naval service for six months or more shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infirmities, or disorders noted at time of the examination, acceptance, and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed prior to acceptance and enrollment. *Part II, Veterans' Regulation No. 1 (a), par. I (b) (M. L., 1939, sec. 1140).*
- (2) The foregoing is applicable in both the present war and peacetime. For disability incident to prior wars substitute 90 days for 6 months where the latter appears above.

c. *Extra hazardous service.*— * * * Any veteran otherwise entitled to pension under the provisions of part II of this regulation or the general pension law shall be entitled to receive the rate of pension provided in part I of this

regulation, if the disability resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war. * * * *Sec. 1, act of December 19, 1941 (Public Law 359, 77th Cong.) (55 Stat. 844) (sec. I, Bull. 40, W. D., 1941).*

d. Service connection.—That the Administrator of Veterans' Affairs is hereby authorized and directed to include in the regulations pertaining to service connection of disabilities additional provisions in effect requiring that in each case where a veteran is seeking service connection for any disability due consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all pertinent medical and lay evidence.

In the case of any veteran who engaged in combat with the enemy in active service with the military or naval organization of the United States during some war, campaign, or expedition, the Administrator of Veterans' Affairs is authorized and directed to accept as sufficient proof of service connection of any disease or injury alleged to have been incurred in or aggravated by service in such war, campaign, or expedition, satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of such veteran: *Provided*, That service connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service connection in each such case shall be recorded in full. *Act of December 20, 1941 (Public Law 361, 77th Cong.) (55 Stat. 874) (sec. II, Bull. 40, W. D., 1941).*

13. *Action by discharging authority.*—*a.* Commanders authorized by paragraph 5 to order discharge on account of disability will insure before ordering such discharge, that the enlisted man shall have been held under observation for a sufficient length of time to determine that he cannot satisfy current minimum physical and mental standards for induction into the Army. Due consideration will be given to available facilities for rehabilitation.

b. Discharge on certificate of disability for discharge will not be ordered when, in the opinion of the board of medical officers, the enlisted man, while mentally responsible for his action, is inapt or does not possess the required degree of adaptability for the military service or gives evidence of habits or traits of character which serve to render his retention in the service undesirable, and the underlying cause of these characteristics is constitutional psychopathic state, mental deficiency, chronic alcoholism, or drug addiction. Such a case will be disposed of as prescribed in paragraph 11*b*. If, however, it is the opinion of the board of medical officers that the enlisted man is not mentally responsible for his actions, he will be discharged on certificate of disability for discharge.

✓ 14. *Responsibility of surgeons.*—Rescinded.

✓ 15. *Insanity.*—Regulations for the care and disposition of the insane are contained in AR 600-500, and in the discharge of insane cases these regulations will be so modified as to be in accord therewith.

✓ 16. *Procedure subsequent to action by authority empowered to order discharge.*—*a.* After having been acted on by the commander authorized by para-

graph 5 to order such discharge, the certificate of disability for discharge will be returned to the station hospital commander, who, if the discharge is authorized, will cause the enlisted man to be discharged or disposed of as provided in paragraph 5, and will also take the further action required by *b* and *c* below. Identical action will be taken by the commanding officer of a general hospital.

b. Disposition of certificate of disability for discharge.—The certificate of disability for discharge will be forwarded direct to The Adjutant General by indorsement showing—

- (1) The fact, place, date, and type of discharge.
- (2) That the enlisted man was furnished the required discharge papers.
- (3) The future address given by the discharged enlisted man.

This certificate will not, under any circumstances, be given into the hands of the enlisted man.

c. Duplicate copies.—A carbon copy of the approved certificate of disability for discharge will be forwarded direct to—

- (1) The Surgeon General.
- (2) The commanding general of the service command or in the case of an Army Air Forces station, to the commanding general of the air force or command under which the station functions.
- (3) Veterans Administration as prescribed in *e* below or AR 600-500.
- (4) Hospital file.

d. Preparation of application for pension.

- (1) When decision has been made to discharge an enlisted man for disability, and regardless of opinion as to line of duty status, the commanding officer of the hospital will inquire whether the enlisted man desires to file a claim for pension, and will advise him carefully of his rights as contained in laws quoted in paragraph 12. If the enlisted man wishes to file a claim, the commanding officer of the hospital will cause such claim to be prepared on Veterans Administration Form No. 526, which completed and executed form will be attached to the certificate of disability for discharge as provided in *e* below. In describing the disability on which claim for pension is based, great care will be taken to describe each and every disability as stated in the certificate of disability for discharge. If the enlisted man does not elect to file a claim for pension, his signed statement to that effect will be attached to his service record and a signed copy furnished the Veterans Administration.
- (2) Field directors of the American National Red Cross are authorized in accordance with AR 850-75 to perform the above service on request from commanding officers concerned who will afford field directors full cooperation. Field directors have complete information, forms, and instructions governing the handling of such claims.

e. Records transferred to Veterans Administration when discharged at Army hospital.

- (1) Immediately after the patient's discharge on certificate of disability, the commanding officer of the hospital will forward the following records to the office of the Veterans Administration as indicated below nearest to the hospital where the man is discharged.

- (a) Photostat of the original report of physical examination on entrance into the military service.
- (b) All original clinical records available, clearly marked, "Loaned to Veterans Administration." (Pars. 35, 39, and 70, AR 40-1025.)
- (c) Copy of the Certificate of Disability for Discharge (W. D., A. G. O. Form No. 40).
- (d) Statement of type of discharge, whether honorable or otherwise, prepared by the personnel officer. (Not required if 1943 edition of Form No. 40 is used.)
- (e) Application for pension (Veterans Administration Form 526) or copy of enlisted man's statement that he does not elect to file claim, under the provisions of *d*(1) above.
- (2) The above records will be forwarded by a letter, enumerating all inclosures, and a copy of the letter will accompany the completed service record and allied papers forwarded to The Adjutant General.
- (3) *Veterans Administration offices.*—Use address "Veterans Administration," followed by city and State, including building or street address if given.

Albuquerque, N. Mex	Veterans' Administration Facility.
Atlanta, Ga	Do.
Batavia, N. Y	Do.
Bay Pines, Fla	Do.
Boise, Idaho	Do.
Boston, Mass	Post Office Building.
Brecksville, Ohio	Veterans' Administration Facility.
Bronx, N. Y	Do.
Cheyenne, Wyo	Do.
Columbia, S. C	Do.
Dayton, Ohio	Do.
Dearborn, Mich	Do.
Denver, Colo	Old Customhouse.
Des Moines, Iowa	Veterans' Administration Facility.
Excelsior Springs, Mo	Do.
Fargo, N. Dak	Do.
Fayetteville, N. C	Do.
Fort Harrison, Mont	Do.
Fort Howard, Md	Do.
Hines, Ill	Do.
Huntington, W. Va	Do.
Indianapolis, Ind	Do.
Jackson, Miss	Federal Building.
Jefferson Barracks, Mo	Veterans' Administration Facility.
Lexington, Ky	Do.
Lincoln, Nebr	Do.
Little Rock, Ark	Federal Building.
Los Angeles, Calif	Veterans' Administration Facility.
Lyons, N. J	Do.
Manchester, N. H	Federal Building.
Minneapolis, Minn	Veterans' Administration Facility.
Montgomery, Ala	Do.
Murfreesboro, Tenn	Do.
Muskogee, Okla	Do.
Newington, Conn	Do.
New Orleans, La	333 St. Charles Street.
Philadelphia, Pa	New Customhouse.
Pittsburgh, Pa	Veterans' Administration Facility.
Portland, Oreg	Do.

DISCHARGE; RELEASE FROM ACTIVE DUTY C 4

Providence, R. I.-----	Federal Building.
Reno, Nev-----	Veterans' Administration Facility.
Roanoke, Va-----	Do.
Salt Lake City, Utah-----	Do.
San Francisco, Calif-----	Do.
Seattle, Wash-----	Federal Office Building.
Sioux Falls, S. Dak-----	Federal Building.
Togus, Maine-----	Veterans' Administration Facility.
Tucson, Ariz-----	Do.
Waco, Tex-----	Do.
Washington, D. C-----	Veterans' Administration Building.
White River Junction, Vt-----	Veterans' Administration Facility.
Wichita, Kans-----	Do.
Wood, Wis-----	Do.

(4) When transferred to hospitals designated by Veterans Administration and discharged.

(a) When enlisted men becoming unfit for further military service are to be transferred to a Veterans Administration facility for further treatment and discharge for disability, Veterans Administration Form P-10, properly prepared, will be forwarded, with other records listed in (1) above, to the facility designated upon request by the Medical Director, Veterans Administration, Washington, D. C.

(b) It will not be necessary to include Veterans Administration Form P-10 and copy of the clinical record in the report sent by the commanding officer of the general or station hospital to the Medical Director, Veterans Administration, in requesting designation of a facility for discharge and treatment.

(5) Discharge not to be delayed.

(a) Enlisted men ordered discharged on certificate of disability need not be held in hospital pending receipt of the records to be obtained in accordance with paragraph 8c.

(b) When the photostat of the original report of physical examination on entrance into the active Federal military service has not been received from The Adjutant General and the patient is ready for discharge, he will be discharged from the military service, and the records listed in (1) above will be held at the hospital until receipt of the photostatic copy of the physical examination; then all records will be forwarded immediately to the nearest Veterans' Administration office.

(c) In the event the patient is to be discharged to the care of a Veterans Administration facility, all records, except the photostat, will be forwarded with the patient to the facility. The photostat will be forwarded to the same facility immediately upon receipt by the commanding officer of the hospital. Requested clinical records will be forwarded when received in the same manner as photostats, but other records will not be held in the hospital pending the receipt. Commanding officers of military hospitals will not delay compliance with the action directed in paragraph 8c in

order to accumulate a number of cases. If, however, a group of enlisted men in hospital are subject to determination of disability warranting discharge, their names (not over 20) may be placed in one radiogram, and will be arranged in alphabetical order.

17. Form of discharge certificate to be given.—*a. In line of duty.*—An Honorable Discharge from the Army of the United States (W. D., A. G. O. Form No. 55) will be given unless otherwise directed by the approved proceedings of the board of officers required by paragraph 3b(2).

b. Not in line of duty.—Same as *a* above except that—

- (1) If the disability is the result of misconduct occurring in the man's current enlistment, a discharge from the Army of the United States (blue) (W. D., A. G. O. Form No. 56) will be given.
- (2) Unless otherwise directed by the approved proceedings of a board of officers, or unless the disability was noted on the enlistment or induction papers, or unless the nature of the service rendered by the man merits an honorable discharge, a Discharge from the Army of the United States (blue) (W. D., A. G. O. Form No. 56) will be given if the disability is the result of misconduct which occurred prior to the current enlistment or period of service.

[A. G. 220.8 (3-16-43).] (C 4, Apr. 16, 1943.)

18. Diagnosis not to be quoted in discharge certificate; term to be used.—The diagnosis given in the certificate of disability for discharge will not be quoted. The term to be entered in the certificate of discharge as the reason for discharge will be an abbreviated reference to the cause thereof, together with the authority therefor, for example, CDD, 4th Ind., Hq., W. R. G. H., Mar. 12, 1943.

[A. G. 220.8 (3-16-43).] (C 4, Apr. 16, 1943.)

* * * * *

60. By whom discharge ordered.—*a.* Except as provided below, enlisted men will be discharged for the convenience of the Government by authority of the Secretary of War only. Such authority may be given either in each individual case or by an order applicable to all cases of a class specified on the order.

b. Discharge for convenience of the Government is delegated to commanding officers of Armed Forces Induction Stations only when in the operation of such stations it is evident that a registrant is improperly assigned and inducted, in which case he may be discharged for immediate enlistment in the Navy (Marine Corps or Coast Guard). Prior to such discharge it will be ascertained that the individual is physically and otherwise acceptable to the Navy (Marine Corps or Coast Guard).

c. (1) Discharge for convenience of the Government is delegated to the commanders specified in paragraph 5b—

- (*a*) To accept commission in the Armed Forces; to accept appointment as a commissioned warrant officer in the United States Coast Guard, chief warrant officer in the United States Marine Corps, commissioned warrant officer in the United States Navy and warrant officer in the Army of the United States. Prior to such discharge the discharging authority will be in possession of documentary evidence from the proper authority that the enlisted man is accept-

able and will be appointed as above, and will be called to active duty immediately if discharged from the Army of the United States.

(b) Based upon the enlisted man's importance to national health, safety, or interest.

(c) Based upon claim that the enlisted man was erroneously classified, should not have been inducted, and did not have the opportunity to present his case to the appeal board.

(2) Requests for discharge under (1)(a) and (c) above will be forwarded by the officer exercising discharge authority to the State Director of Selective Service of the State of the applicant's registration for his recommendation. Based upon the recommendations of the State Director the enlisted man will be discharged or retained in the service.

d. Requests for discharge or release from active service by reason of being a former key man in industry (necessary man for war production).—Final action on each case in this category will be taken by The Adjutant General. Enlisted men who request release from active duty by reason of being a former key man in industry (necessary man for war production) will be informed that all such requests must be initiated and executed under oath by the responsible head of the firm or agency by which the enlisted man was employed at the time of his entry into the military service.

e. In case of enlisted man released under *c*(1)(b) and *d* above the following action will be taken:

(1) *National Guardsmen.*—Revert to state control. For the duration of the war, members of the National Guard of the United States on inactive status may not be discharged from their Federal status by State order.

(2) *Members of Regular Army Reserve.*—Revert to inactive status.

(3) *All others.*—Discharge unless the War Department specifically directs transfer to a Reserve component.

[A. G. 220.8 (3-22-43).] (C 4, Apr. 16, 1943.)

62. Form of discharge certificate to be given.—*a.* Unless otherwise directed herein or by the approved proceedings of the board of officers required by paragraph 3b(2), an honorable discharge from the Army of the United States will be given, if discharged.

b. All discharge certificates executed "for the convenience of the Government" will, in addition to that phrase, contain a short statement indicating the specific cause for the discharge.

[A. G. 220.8 (3-22-43).] (C 4, Apr. 16, 1943.)

BY ORDER OF THE SECRETARY OF WAR.

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

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4/16/43

ENLISTED

DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES }
No. 3 }

WAR DEPARTMENT,
WASHINGTON, March 18, 1943.

AR 615-360, November 26, 1942, is changed as follows:

60. By whom discharge ordered.

* * * * *
b. Discharge for convenience of the Government delegated to the commanding officers of Armed Forces Induction Stations only when in the operation of Armed Forces Induction Stations, it is evident that a registrant is improperly assigned and inducted, he may be discharged for immediate enlistment in the Navy (Marine Corps or Coast Guard). Prior to such discharge it will be ascertained that the individual is physically and otherwise acceptable to the Navy (Marine Corps or Coast Guard).

c. Discharge for convenience of the Government delegated to commanding generals of service commands and the commanders specified in paragraph 5b to accept appointment and immediate call to active duty as a commissioned warrant officer in the United States Coast Guard, chief warrant officer in the United States Marine Corps, commissioned warrant officer in the United States Navy, warrant officer in the Army of the United States. Prior to such discharge for the purpose stated, the discharging authority will be in possession of documentary evidence from the proper authority that such enlisted man is acceptable and will be appointed as above, and will be called to active duty immediately if discharged from the Army of the United States.

d. All requests received for release from active duty or discharge—

* * * * *
e. (1) Enlisted men who request release from active duty by reason of being a former key man in industry (necessary man for war production) will be informed that all such requests must be initiated and executed under oath by the responsible head of the firm or agency by which the enlisted man was employed at the time of his entry into the military service. Final action on cases of this nature is taken by The Adjutant General.

* * * * *
[A. G. 220.8 (3-7-43).] (C 3, Mar. 13, 1943.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:
J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

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DISCHARGE; RELEASE FROM ACTIVE DUTY

CHANGES
No. 2

WAR DEPARTMENT,
WASHINGTON, March 1, 1943.

AR 615-360, November 28, 1942, is changed as follows:

17. Form of discharge certificate to be given.—The form of discharge certificate to be given will be as follows:

b. *Not in line of duty.*—Same as *a* above except that—

(2) Unless otherwise directed by the approved proceedings of a board of officers, or unless the disability was noted on the enlistment or induction papers, or unless the nature of the service rendered by the man merits an honorable discharge, a discharge from the Army of the United States (blue) will be given if the disability is the result of misconduct which occurred prior to the current enlistment or period of service.

[A. G. 220.8 (2-4-43).] (C 2, Mar. 1, 1943.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:
J. A. ULIO,
Major General,
The Adjutant General.

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ENLISTED MEN

DISCHARGE: RELEASE FROM ACTIVE DUTY

CHANGES }
No. 1 }

WAR DEPARTMENT,
WASHINGTON, December 14, 1942.

AR 615-360, November 26, 1942, is changed as follows:

52. Basic War Department policy to be observed.

* * * * *

b. Provision will be made for the training, reassignment, or discharge of inapt men in special training units or installations. Until such time as these facilities may be otherwise provided, army, corps, service command, division, or other unit commanders may establish such special training units within their commands. Full use will be made of reclassification procedure.

[A. G. 220.8 (11-27-42).] (C 1, Dec. 14, 1942.)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

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23 May 44

ARMY REGULATIONS
No. 615-360

WAR DEPARTMENT,
WASHINGTON, November 26, 1942

AG Section

ENLISTED MEN

DISCHARGE; RELEASE FROM ACTIVE DUTY

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SECTION I

GENERAL PROVISIONS

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1. When discharged.—*a. General.*—The periods of service, training and service, enlistment, of all members of the Army of the United States now or hereafter in or subject to active military service of the United States are extended during the existence of any war in which the United States is engaged, and during the 6 months immediately following the termination of any such war. *See sec. 2, act December 13, 1941 (55 Stat. 800).*

2. So much of these regulations as are in conflict with *a* above are hereby suspended for the duration of any war plus 6 months.

3. Unless sooner discharged for specific causes, as hereinafter authorized, an enlisted man will be discharged on the date upon which he will have completed

*This pamphlet supersedes AR 615-360, April 4, 1935, including O 2, October 13, 1939; paragraph 2, section I, Circular No. 14, section II, Circular No. 46, paragraph 2, section III, Circular No. 80, and paragraph 2, section II, Circular No. 96, War Department, 1940; section III, Circular No. 54, Circular No. 66, section I, Circular No. 109, section III, Circular No. 177, Circular No. 243, section I, Circular No. 252, and section I, Circular No. 270, War Department, 1941; paragraph 2, section I, Circular No. 49, section V, Circular No. 47, paragraph 2, section IV, Circular No. 107; section II, Circular No. 256, section II, Circular No. 258, section II, Circular No. 322, and section IV, Circular No. 358, War Department, 1942.

his term of service, subject to the provisions of the one hundred and seventh article of war, except when—

- (1) Awaiting trial or result of trial.
- (2) Retained in service under authority of the Secretary of War.
- (3) Awaiting discharge on certificate of disability. See paragraph 8.
- (4) Retained in service with his own consent to undergo medical care or hospitalization. See section XIII.

d. Date of discharge.—The date on which an enlisted man is normally due for discharge upon completion of a 1-year or 3-year enlistment is the day next preceding the first or third anniversary of the day of enlistment, as the case may be. An enlisted man enlisted on February 29 for 1 year or 3 years is normally due for discharge on February 28 of the first or third year thereafter as the case may be.

e. Time lost to be made good.—Every enlisted man who, in an existing or subsequent enlistment, deserts the service of the United States, or without proper authority absents himself from his organization, station, or duty for more than 1 day, or who is confined for more than 1 day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than 1 day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being discharged. He cannot begin to make good such time until restored to a full-duty status. For effect upon enlistment allowance see AR 35-2420.

f. If awaiting trial or result of trial by court martial.—If an enlisted man on the date on which he would otherwise be discharged is awaiting trial, or result of trial, by court martial, he will not be discharged until announcement of sentence or receipt of an order publishing the case or otherwise disposing of it. For the effective date of discharge see paragraph 4c.

g. If en route to United States.

- (1) *As casual for discharge.*—An enlisted man en route to the United States from the Philippine Islands, Hawaii, the Canal Zone, Alaska, or elsewhere overseas, as a casual, for discharge, will not under any circumstances be discharged prior to arrival at a port of embarkation or replacement depot in the United States.
- (2) *As member of organization.*
 - (a) An enlisted man whose period of enlistment expires while at sea en route to the United States with his organization and who signifies his intention to reenlist for the same organization on the day following discharge will be discharged and reenlisted at sea.
 - (b) Those who do not signify their intention so to reenlist will be held in service until they arrive in the United States.
- (3) *Held in service for convenience of Government.*—Whenever an enlisted man is held in service after the expiration of his period of enlistment under the conditions stated in this paragraph he will be regarded as having been so held for the convenience of the Government.

A. Sick in hospital when term of enlistment expires.—See paragraph 7.

i. Enlisted men defined.—The term “enlisted men” as used herein includes all men enlisted or inducted as enlisted men of all components of the Army of the United States in active Federal service.

2. Certificate of discharge.—See AR 345-470.

3. Character.—**a.** See AR 345-470.

b. Board of officers to determine character.

(1) **When required; notice to be given.**—Except in cases in which discharge is specifically required to be given on W. D., A. G. O. Form No. 56 (Discharge from the Army of the United States (blue), or on W. D., A. G. O. Form No. 57 (Dishonorable Discharge from the Army of the United States) the company or detachment commander, when of the opinion that an enlisted man's service has not been honest and faithful and that he is not entitled to a character at least “Good,” will so notify the enlisted man, if practicable, 30 days prior to discharge and will at the same time notify the commanding officer or the next higher officer if the company or detachment commander is also the commanding officer.

(2) **Action by commanding officer.**—Upon receiving the notice required by (1) above, the commanding or next higher officer will in every case convene a board of officers, three if practicable, to determine the character and form of discharge certificate to be given the enlisted man. The company or detachment commander is not eligible for detail on this board.

(3) **Hearing to be given.**—The enlisted man will be given a hearing before the board.

(4) **Findings final, when approved.**—When approved by the convening authority, the findings of the board as to the character and form of discharge certificate to be given are final. If the board and the convening authority are in disagreement, the proceedings will be forwarded to the next higher administrative commander, whose action will be final.

(5) **Scope and disposition of proceedings.**—The proceedings of the board, showing all facts pertinent to the inquiry, will be forwarded to The Adjutant General with W. D., A. G. O. Form No. 24 (Service Record) for file.

4. Effective date of discharge.—**a. Actual or constructive.**—The discharge of an enlisted man takes effect on the date of notice to him of his discharge. Such notice may be either—

(1) **Actual,** as by delivery of the discharge certificate, in which case the enlisted man will be required to acknowledge receipt of notice of discharge in final indorsement of service record, or

(2) **Constructive,** where such delivery cannot be made owing to his absence for his own convenience or through his own fault, for example, where the man may be missing, or in the hands of the civil authorities. In such a case receipt at the proper station of the enlisted man of the order directing his discharge will be deemed sufficient notice. The date of the receipt of the order and the reason why actual notice thereof was not given to the enlisted man will be indorsed upon the discharge certificate.

b. Insane.—The effective date of the discharge of an insane enlisted man may also be constructive, as when placed in an institution. See AR 600-600.

c. When retained in service awaiting trial or result of trial.—When an enlisted man is retained in service as prescribed in paragraph 14, the effective date of his discharge depends upon the result of his trial, or the disposition made of the case, for example, an enlisted man who has previously lost no time which he is required to make good under the one hundred and seventh article of war is confined awaiting trial 90 days previous to the date on which he would otherwise have been discharged and the result of his trial is not announced until 10 days subsequent to that date; then—

(1) *If convicted.*—The effective date of his discharge will be 90 days after the expiration of his term of confinement.

(2) *If acquitted.*—The effective date of his discharge will be the date of announcement of acquittal, and he will be regarded as having been retained in service 10 days for the convenience of the Government.

d. When absent in desertion.—If an enlisted man is absent in desertion when an order for his discharge is received, the discharge will not be executed, but the enlisted man will be dropped as a deserter.

5. Authority to order discharge.—*a.* The authority granted to the commanding generals of service commands to order the discharge or other release from active duty of enlisted men prior to expiration of their term of service extends to all places within the territorial limits of the service command, including exempted posts, camps, or stations. Except as prescribed in *b* below, such cases will be referred to the commanding general of the appropriate service command for decision.

b. Except as to releases from active duty, the authority above vested in the commanding generals of service commands is, with respect to the enlisted men of their commands, hereby extended to the commanding officers of named general hospitals, reception centers, staging areas, ports of embarkation, and to the commanders of all administrative units and installations commanded by general officers.

c. (1) The commanders of all units and installations of the Army now having power to order discharge may, when it is to the best interest of the service, direct that the enlisted man to be discharged be transferred by indorsement on his service record to the station complement, that is, service command or air service command agency, of the post, camp, or station at which the enlisted man is then located. When an enlisted man is to be discharged as the result of completion of an officer candidate school, and in cases where it is manifestly not to the economic advantage of the Government to effect the transfer referred to above, the commander authorizing the discharge should normally prescribe that the discharge be effected by the organization commander of the enlisted man.

(2) Regardless of arm or service, any enlisted man to be discharged for physical or mental disqualification under section II, who is a patient in a general hospital will be discharged therein. If the enlisted man is a patient in a station hospital he will be discharged as prescribed in (1) above. An enlisted man will not be discharged for physical or mental disqualification unless a prior medical survey has been made in a general or station hospital.

(8) When a decision is made to transfer an enlisted man as provided in (1) above, all proceedings prerequisite to determination of approval for discharge, including the approval of the officer empowered to authorize discharge, will be completed prior to transfer. When this type of transfer is to be effected, special orders will be published only in instances requiring travel. Clothing and equipment will be disposed of as prescribed in paragraph 3d, AR 615-40.

d. When discharges other than those stipulated below are to be effected in time of war or other national emergency when a national compulsory service law is in effect, the discharging authority will—

- (1) Instruct each man in writing to report immediately to his local Selective Service board the fact of discharge.
- (2) Notify the State director of Selective Service concerned of the fact and type of discharge, together with the name and place of residence of the enlisted man.
- (3) The provisions of (1) and (2) above are not applicable when an enlisted man is discharged to accept a commission in any of the armed forces or to accept appointment as a commissioned warrant officer in the United States Coast Guard, chief warrant officer in the United States Marine Corps, commissioned warrant officer in the United States Navy, or appointment as warrant officer in the Army of the United States.

e. Enlisted men who are to be released from active duty by transfer to a Reserve component will invariably be transferred to the nearest appropriate service command agency of the Services of Supply. The latter will consummate the transfer to the Reserve component. Prior to release from active duty the following information will be dispatched to the commanding general of the service command in which is located the place of residence designated by the enlisted man at the time of his release, except in the case of a member of the National Guard when the extract will be furnished to the adjutant general of the State from which the individual was inducted into Federal service:

- (1) Name.
- (2) Place, date, and cause of release.
- (3) Designated residence.

f. Enlisted men serving in oversea commands who were enlisted or inducted in the United States and who are authorized to be discharged, will ordinarily be returned to the United States where their discharge will be accomplished by the commanders of ports of embarkation, replacement depots, or service commands.

g. (1) In order to place enlisted men to be separated from active service by discharge or release in positions contributing to the war effort, commanders effecting discharges will furnish the nearest representative of the United States Employment Service with the following data:

- (a) Name.
- (b) Civilian occupation.
- (c) Residence.
- (d) Place and date of prospective release.

(2) If practicable, the United States Employment Service representative will be given an opportunity to interview the enlisted man. The separation of the enlisted man will not be delayed in order to accomplish the interview.

6. Administrative details governing release of enlisted men to Reserve component.—a. Retention of grade or technician rating.—Enlisted men of all components who are transferred to or released to a Reserve component will retain their grade or technician rating in such component.

b. Place of release from active duty.

- (1) *For all personnel within continental limits of United States and those enlisted or inducted within territorial limits of departments.*—As directed by the commanding general of the appropriate service command or department as prescribed in paragraph 5c.
- (2) *For all oversea personnel, except those enlisted or inducted within territorial limits of departments.*—Replacement depots and ports of embarkation in the United States.

c. Finance.

(1) *Travel pay.*

- (a) *Regular Army.*—In accordance with existing Army Regulations.
- (b) *National Guard.*—To home station of his National Guard unit upon induction, at 5 cents per mile.
- (c) *Selectees.*—To location of the local board where they first reported for delivery to an induction station, at 5 cents per mile.
- (d) *Enlisted Reserve Corps.*—To homes in accordance with AR 150-5, at 5 cents per mile.
- (e) *Army of the United States.*—To place of acceptance for enlistment, at 5 cents per mile.

(2) *Transportation and subsistence to homes.*

- (a) *Retired enlisted men.*
- (b) *Regular Army Reserve when reverting to inactive status.*

(3) *Remarks on final statements.*—Remarks will be identical with those contained in the service record on intermediate or final indorsement.

d. Service records.

- (1) When transfer to a Reserve component or release from active duty for the purpose of reverting to an inactive status in a Reserve component is required, the next blank indorsement will be completed to show that fact; for example, "Transferred to ERC" or "Released from active service." In the blank space will be shown the specific cause "Dependency," or other cause, citing appropriate section of AR 615-360 as authority.
- (2) This indorsement will also include:
 - (a) Address furnished for future reference.
 - (b) Place of residence as designated by the enlisted man.
 - (c) Signature of enlisted man.

e. Forwarding of service record and allied papers.—Upon completion, the service record and allied papers of each enlisted man will be forwarded to The Adjutant General, together with—

- (1) W. D., A. G. O. Form No. 88 (Report of Physical Examination Enlisted Man Prior to Discharge or Retirement).
- (2) W. D., A. G. O. Form No. 280 (Certificate of Service) if originally furnished enlisted man. See AR 345-500.

f. W. D., A. G. O. Form No. 25 (Extract from Service Record).

- (1) Complete record of immunization and blood type will be shown on Form No. 25.
- (2) The appropriate entries as required by *d* above made in the service record will be duplicated verbatim in each extract from service record. An extra sheet firmly pasted over the space for clothing settlements may be used for any of these entries.
- (3) The number of copies and disposition of this form will be—
 - (a) *For each man transferred to or remaining assigned to Enlisted Reserve Corps or Regular Army Reserve.*—2 copies, one to the commanding general of the service command in which is located the place of residence designated by the enlisted man upon his release from active duty, and one retained by organization.
 - (b) *For each National Guardsman (including men enlisted in Army of the United States who were inducted with National Guard).*—2 copies, one to the adjutant general of the State in which the enlisted man was inducted and one retained by organization.

g. W. D., A. G. O. Form No. 20 (Soldier's Qualification Card).—This form will be disposed of as follows:

- (1) *For each man transferred to or remaining assigned to Enlisted Reserve Corps or Regular Army Reserve.*—To the commanding general of the service command in which is located the place of residence designated by the enlisted man upon his release from active duty.
- (2) *For each National Guardsman released from active Federal service.*—To the adjutant general of the State in which the enlisted man was inducted.

h. W. D., A. G. O. Form No. 280 (Certificate of Service).—See AR 345-500. The provisions of these regulations are extended to include all enlisted men who are released from active service without receiving a discharge certificate.

SECTION II

DISABILITY

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7. General.—*a.* No man will be separated from active service because of disability, unless the Government can obtain no useful service from him. Full use will be made of reclassification procedure, and additional training in special training units or installations. Men qualified as technicians who are found

physically disqualified for military service will be reported to the American National Red Cross for advice as to employment opportunities developed through the American National Red Cross and the Army Air Forces.

b. When an enlisted man with less than 20 years' service stationed in the United States becomes unfit for military service because of physical disability, or while overseas, is returned to the United States for physical disability, all medical records will accompany him and he will be hospitalized in a military hospital in the United States until his physical condition has reached a point where he can be returned to duty, or until it can be determined that the disability is such that physical rehabilitation for military service is not feasible, provided that no man will be retained in the service for this purpose beyond the expiration of his term of enlistment or period of service, except as provided in paragraph 68. See paragraph 5c.

c. When the disability was incurred in line of duty and rehabilitation for military service is not feasible, except in terminal cases and those in which such transfer will endanger the patient's life or recovery, further hospitalization, if necessary, will be provided by the Veterans Administration. Such cases will be transferred to a Veterans Administration facility and will be discharged on certificate of disability in the manner provided in AR 600-500 for patients transferred to Veterans Administration facilities. The excepted patients will be retained in the service and hospitalized until transfer to a Veterans Administration facility becomes possible, or until death intervenes in terminal cases. *A true copy of the W. D., A. G. O. Form No. 40 (Certificate of Disability for Discharge) will be forwarded with the patient to the facility.* When the disability was incurred not in line of duty, he may be retained in the service until able to be discharged from the hospital, provided that this period does not exceed 6 months. If further hospitalization is needed following discharge, he will be retained in hospital as a discharged enlisted man. See AR 40-590 relative to treatment after discharge. The above procedure does not apply to neuropsychiatric cases incurred not in line of duty. Such cases will be disposed of as provided in AR 600-500.

d. An exception to the procedure outlined in b and c above will be made in the case of insular troops stationed in their native country. When practicable, such enlisted man will be given necessary hospitalization in a military hospital within the insular possession. When the disability was incurred in line of duty and Veterans Administration facilities are not available, he will be discharged on certificate of disability and held in a military hospital as a beneficiary of the Veterans Administration.

8. Certificate of disability for discharge; when and by whom prepared.—When it has been determined that the enlisted man is to be discharged on certificate of disability for discharge, and in ample time to insure discharge on the day enlistment or period of service expires, unless the enlisted man is retained in the service under paragraph 68, W. D., A. G. O. Form No. 40 (Certificate of Disability for Discharge) will be prepared by the enlisted man's immediate commanding officer and forwarded by him to the commanding officer of the general hospital, station, or unit in which the enlisted man is serving. Only when the shortness of time remaining after discovery of the disability makes it impossible to consummate discharge on certificate of disability by the time enlistment or period of service expires will an enlisted man be retained in the service under paragraph 1c(3). When an enlisted man is retained in service, Form No. 40 will be prepared and forwarded as provided above, when his discharge is recom-

mended as provided in paragraph 69. An enlisted man whose discharge has been delayed under this paragraph or paragraph 68 will be regarded as having been retained in the service for the convenience of the Government.

9. Board of medical officers.—*a. By whom convened; purpose.*—Upon receipt of a certificate of disability for discharge, the commanding officer of a general hospital, station, or unit will convene a board of medical officers to examine critically the enlisted man and enter on this form the data required by paragraph 10.

b. Composition of board.—The board of medical officers required by *a* above will be composed of three members, if that number are present for duty; otherwise, of the lesser number present for duty. See also paragraph 15.

10. Execution of certificate of disability for discharge; data required.—*a. As disability occurring in the service is usually made the basis of a claim for pension, special care will always be taken to set forth fully in the certificate of disability for discharge the origin of the disability and to describe particularly, the disability, wound, or disease.*

b. In connection with line of duty for pension purposes, the certificate will also state whether—

- (1) Disability was incurred in line of duty or not in line of duty, together with the facts upon which a decision is based. See AR 345-415 and 40-1025, as to what constitutes line of duty.
- (2) Enlisted man declined treatment for the relief of the disability when same was directed.
- (3) Disability is due to own misconduct.
- (4) Preexisting disability, injury, or disease was or was not aggravated in line of duty by active military service, together with nature of duty causing aggravation.

*c. If more than one permanent disability, injury, or disease is of record or is claimed by the enlisted man and found to exist by the board of officers, the information listed in *b* (1) to (4) above, if applicable, will set forth for each such additional permanent disability. See section XI, chapter 2, TM 8-200.*

11. Action by commanding officer.—*a. If the board recommends the discharge of the enlisted man, the station or unit commander will forward the certificate of disability for discharge, with his recommendations thereon, for the action of the commander authorized by paragraph 5 to order such discharge.*

b. When the board of medical officers finds that the enlisted man's unfitness for service is due to one of the causes enumerated in paragraph 13b, and that he is mentally responsible, the commanding officer will refer the case to the board of officers required by the paragraph 51c, for the action prescribed therein.

12. Statutory provisions for pensions.—*a. General.*

- (1) For disability resulting from personal injury or disease contracted in line of duty or for aggravation of a preexisting injury or disease contracted or suffered in line of duty when such disability was incurred in or aggravated by active military or naval service other than in a period of war service, * * * the United States will pay to any person thus disabled and who was honorably discharged from such period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, a pension * * *, but no pension shall be paid if the disability is the

result of the person's own misconduct * * * *Part II, Veterans' Regulation No. 1 (a), par. I (a) (peacetime); act June 23, 1937 (50 Stat. 305; M. L., 1939, sec. 1140).*

- (2) The provisions above quoted as to line of duty, aggravation, honorable discharge, and misconduct also apply to part I, Veterans' Regulation No. 1 (a) (wartime).

b. Medical judgment on preexisting disease or injury.

- (1) * * * every person employed in the active military or naval service for six months or more shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infirmities, or disorders noted at time of the examination, acceptance, and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed prior to acceptance and enrollment. *Part II, Veterans' Regulation No. 1 (a), par. I (b) (M. L., 1939, sec. 1140).*
- (2) The foregoing is applicable in both the present war and peacetime. For disability incident to prior wars substitute 90 days for 6 months where the latter appears above.

c. Extra hazardous service.— * * * Any veteran otherwise entitled to pension under the provisions of part II of this regulation or the general pension law shall be entitled to receive the rate of pension provided in part I of this regulation, if the disability resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war. * * * *Sec. 1, act of December 19, 1941 (Public Law 359, 77th Cong.) (55 Stat. 844) (sec. I, Bull. 40, W. D., 1941).*

d. Service connection.—That the Administrator of Veterans' Affairs is hereby authorized and directed to include in the regulations pertaining to service connection of disabilities additional provisions in effect requiring that in each case where a veteran is seeking service connection for any disability due consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all pertinent medical and lay evidence.

In the case of any veteran who engaged in combat with the enemy in active service with the military or naval organization of the United States during some war, campaign, or expedition, the Administrator of Veterans' Affairs is authorized and directed to accept as sufficient proof of service connection of any disease or injury alleged to have been incurred in or aggravated by service in such war, campaign, or expedition, satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of such veteran: *Provided*, That service connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service connection in each such case shall be recorded in full. *Act of December 20, 1941 (Public Law 361, 77th Cong.) (55 Stat. 374) (sec. II, Bull. 40, W. D., 1941).*

13. *Limitations.*—*a.* Commanders authorized by paragraph 5 to order discharge on account of disability will exercise extreme caution in the exercise of that authority and will require in all cases, before ordering such discharge, that the enlisted man shall have been held under observation for a sufficient length of time to determine that the disability is permanent.

b. Discharge on certificate of disability for discharge will not be ordered when, in the opinion of the board of medical officers, the enlisted man, while mentally responsible for his action, is inapt or does not possess the required degree of adaptability for the military service or gives evidence of habits or traits of character which serve to render his retention in the service undesirable, and the underlying cause of these characteristics is constitutional psychopathic state, mental deficiency, chronic alcoholism, or drug addiction. Such a case will be disposed of as prescribed in paragraph 11*b.* If, however, it is the opinion of the board of medical officers that the enlisted man is not mentally responsible for his actions, he will be discharged on certificate of disability for discharge.

14. *Responsibility of surgeons.*—In the examination of certificates of disability for discharge, it is enjoined upon surgeons on the staffs of commanders authorized to order discharge to observe that there is no conflict between the statements of company commanders and medical or other officers thereon as to whether the disability was incurred in line of duty or not in line of duty. If any discrepancy exists in this particular, every possible means will be employed to harmonize the statements.

15. *Insanity.*—Regulations for the care and disposition of the insane are contained in AR 600-500, and in the discharge of insane cases these regulations will be so modified as to be in accord therewith.

16. *Procedure subsequent to action by authority empowered to order discharge.*—*a.* After having been acted on by the commander authorized by paragraph 5 to order such discharge, the certificate of disability for discharge will be returned to the general hospital, station, or unit commander, who, if the discharge is authorized, will cause the enlisted man to be discharged or disposed of as provided in paragraph 5*c.*, and will also take the further action required by *b* and *c* below.

b. Disposition of certificate of disability for discharge.—The certificate of disability for discharge will be forwarded direct to The Adjutant General by indorsement showing—

- (1) The fact, place, and date of discharge.
- (2) That the enlisted man was furnished the required discharge papers.
- (3) The address given by the discharged enlisted man.

This certificate will not, under any circumstances, be given into the hands of the enlisted man.

c. Report to The Surgeon General.—The general hospital, station, or unit commander will forward direct to The Surgeon General a letter setting forth the full name, grade, and Army serial number of the enlisted man, the company and unit to which he belonged, the date of discharge, and the cause thereof as stated in the certificate of disability for discharge.

d. Preparation of application for pension.

- (1) Immediately after honorable discharge has been actually effected in those cases where the certificate of disability for discharge shows that the injury or disease was incurred in line of duty, was not

the result of the enlisted man's own misconduct, or if existing prior to enlistment or induction, that it was aggravated by active military service, the organization commander or personnel officer will, unless assistance is declined by the enlisted man—

- (a) Prepare for the enlisted man an application for pension on blank forms furnished by the Veterans Administration.
 - (b) Cause the enlisted man to be conducted to a notary public or other official empowered to administer oaths for the purpose of taking oath to the application.
 - (c) Mail the completed application direct to the Veterans Administration, unless the enlisted man prefers to dispose of it himself, in which case he will be informed as to the correct disposition to be made of it and warned that the pension will not commence until the application therefor is received at the Veterans Administration. The enlisted man will be advised that the Veterans Administration desires that there be attached to the application any papers which may help to show disability.
- (2) In describing the disability on which the claim for pension is based, great care will be taken to list each and every permanent disability as stated in the certificate of disability for discharge.
- (8) Organization commanders or personnel officers will—
- (a) Secure and maintain a supply of the necessary blank forms, if not obtainable from American National Red Cross field directors.
 - (b) Familiarize themselves with the pension laws as stated in paragraph 12.
- (4) Field directors of the American National Red Cross are authorized in accordance with AR 850-75 to perform the above service on request from commanding officers concerned who will afford field directors full cooperation. Field directors have complete information and instructions governing the handling of such claims. Field directors are also authorized to assist in the preparation of applications for pensions for enlisted men discharged for injury or disease irrespective of line of duty status upon their request.

17. Form of discharge certificate to be given.—The form of discharge certificate to be given will be as follows:

a. In line of duty.—An Honorable Discharge from the Army of the United States (W. D., A. G. O. Form No. 55) will be given unless otherwise directed by the approved proceedings of the board of officers required by paragraph 3b (2).

b. Not in line of duty.—Same as *a* above except that—

- (1) If the disability is the result of misconduct occurring in the man's current enlistment, a discharge from the Army of the United States (blue) will be given.
- (2) A discharge from the Army of the United States (blue) will also be given if the disability is the result of misconduct which occurred prior to the man's current enlistment, unless the disability was noted on the enlistment paper or the enlisted man merits an honorable discharge by reason of honest and faithful service for one or more enlistments since the incurrence of the disease which resulted in the disability. In cases where an honorable discharge is not merited and the cause

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of the disability occurred prior to the current enlistment, the question of fraudulent enlistment should be carefully considered, and if fraud was involved, the enlisted man should ordinarily be discharged for fraudulent enlistment.

18. **Diagnosis not to be quoted in discharge certificate; term to be used.**—The term to be entered in the certificate of discharge as the reason for discharge will be an abbreviated reference to the cause thereof, together with the authority therefor, for example, CDD. 4th Ind., Hq. 2d Serv. C, July 27, 1942. The diagnosis given in the certificate of disability for discharge will not be quoted.

SECTION III

PURCHASE*

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19. **Authority.**—That in time of peace the President may, in his discretion and under such rules and upon such conditions as he shall prescribe, permit any enlisted man to purchase his discharge from the Army. The purchase money to be paid under this section shall be paid to a finance officer of the Army and be deposited in the Treasury to the credit of one or more of the current appropriations for the support of the Army, to be indicated by the Secretary of War, and be available for the payment of expenses incurred during the fiscal year in which the discharge is made. *See sec. 4, act June 16, 1890 (26 Stat. 158; 10 U. S. C., 651; M. L., 1939, sec. 232).*

20. **Who may purchase discharge; approval required.**—*a.* In time of peace, except as hereinafter provided, any enlisted man who has completed 1 year's service as such, and is not undergoing punishment or is not under charges, may obtain the privilege of purchasing his discharge, subject to the approval of the authority empowered to order discharge (par. 22).

b. An enlisted man who reenters the service after discharge by purchase will not be discharged again by purchase until after the completion of another year's service.

c. A restored general prisoner will not be eligible to apply, for discharge by purchase until he has completed, after restoration to duty, 1 year of service.

21. **Discharges by favor illegal.**—Discharges by favor, as distinguished from purchase, are illegal and will not be granted.

22. **By whom discharge ordered.**—*a.* The commanding general of a service command is authorized to order the discharge of enlisted men by purchase.

b. In certain cases (par. 26*d*), the application should be forwarded to the War Department.

23. **Service to be counted.**—The service which can be counted in determining an enlisted man's eligibility for discharge by purchase and the amount of the

*The provisions of section III are suspended for the duration of any war, plus 6 months.

purchase price differs from that which determines his longevity pay, and includes only service as an enlisted man in the Regular Army, or in other components of the Army of the United States while in Federal service. Such service is not required to be continuous, but credit will not be given for service in any previous enlistment that was not terminated by an honorable discharge, nor for any period of time required by the one hundred and seventh article of war to be made good. See also paragraph 24b.

24. Purchase price.—a. The price of purchase will be as follows:

	Continental United States and Puerto Rico	Philippine Islands and China	Hawaii	Alaska	Canal Zone	Philippine Scouts
After 1 year's service.....	\$120	\$170	\$140	\$165	\$150	\$60. 00
After 2 years' service.....	100	150	120	145	130	50. 00
After 3 years' service.....	90	140	110	135	120	45. 00
After 4 years' service.....	85	135	105	130	115	42. 50
After 5 years' service.....	80	130	100	125	110	40. 00
After 6 years' service.....	65	115	85	110	95	32. 50
After 7 years' service.....	60	110	80	105	90	30. 00
After 8 years' service.....	55	105	75	100	85	27. 50
After 9 years' service.....	40	90	60	85	70	20. 00
After 10 years' service.....	35	85	55	80	65	17. 50
After 11 years' service.....	30	80	50	75	60	15. 00

The station of the organization to which the enlisted man belongs and not the station at which the discharge is consummated determines the price of discharge. In the case of an enlisted man in the United States enlisted for or ordered transferred to a foreign service assignment, whose discharge is authorized before departure from the United States for such assignment, the purchase price of discharge will be the amount prescribed for the United States.

b. *Discharge by purchase more than once; how length of service determined.*—In the event of an enlisted man being discharged by purchase more than once, the purchase price will be determined by the length of time he has served since he was last discharged by purchase.

c. *To be increased by amount of enlistment allowance; when required.*—In the case of an enlisted man who had received during his current enlistment the enlistment allowance of \$50 or \$25 multiplied by the number of years served in the enlistment period from which he was last discharged, authorized by section 9, act of June 10, 1922 (42 Stat. 629), and who purchases his discharge before he has completed 1 year of service (exclusive of time to be made good under the one hundred and seventh article of war) in his current enlistment, the price of purchase prescribed in a above will be increased by the amount of such enlistment allowance.

25. Remission of purchase price; dependency of near relatives.—a. *When and by whom authorized; proof required.*—When an enlisted man makes application for discharge by purchase on account of dependency of near relatives, the dependency not being such as to warrant discharge under the provisions of paragraph 40, and shows in connection therewith that—

(1) A state of actual destitution exists, and

(2) That he has to the extent of his opportunities and ability made contributions to the support of such relatives, but that these contributions have proved insufficient to relieve the destitution, the authority empowered to order discharge may, in his discretion, remit such part of the purchase price of discharge, except the enlistment allowance, as may seem to him proper and necessary by reason of the inability of the enlisted man to pay the full amount. Remission of the entire purchase price is not authorized.

b. *No advance deposit required.*—In such a case no advance deposit will be required of the enlisted man prior to the forwarding of his application, but upon receipt of the order authorizing his discharge the enlisted man must deposit with the company commander an amount sufficient to cover his indebtedness to the Government, including the price of purchase as fixed by the authority ordering the discharge. See also paragraph 28b.

26. *Procedure.*—a. *Application.*—To obtain the privilege of purchasing his discharge, an enlisted man must make application, through military channels, to the authority empowered to order discharge, giving his reasons for desiring discharge. In this application the enlisted man will be required to authorize, providing the discharge is actually executed pursuant thereto, the application of any pay, deposits, or other credits due him, to cover his indebtedness to the Government, including the price of purchase.

b. *Action by immediate commanding officer.*

(1) *Deficit to be deposited.*—If the statement of the applicant's accounts does not show that he has sufficient credit with the United States to cover his indebtedness to the Government, including the price of purchase, the company or detachment commander will so notify the applicant and, except as provided in paragraph 25b, will not forward the application until the amount of deficit has been deposited with him by the applicant.

(2) *Forwarding of application; data required.*—If the applicant is eligible for discharge, the company or detachment commander will forward the application, giving a complete statement of the service of the applicant and the condition of his accounts, together with any information pertinent to the granting or withholding of the privilege requested.

c. *Action by commanders empowered to order discharge.*

(1) *Careful scrutiny required.*—Application for discharge by purchase will be carefully scrutinized by commanders empowered to order discharge in order to determine whether there is any special reason why the applicant should not be so discharged and whether a satisfactory reason has been offered as a basis for the application.

(2) *Policy of War Department.*—It is not the policy of the War Department to permit an enlisted man to purchase his discharge when—

(a) There is any special reason to the contrary;

(b) He offers a trifling reason, or no reason at all, in support of his application;

(c) He desires his discharge for the purpose of reenlisting in some other organization;

(d) He has graduated from any course at a special service school during the enlistment in which he is serving;

nor is it the policy of the War Department to debar from the

privilege of purchasing his discharge any enlisted man (in whose case investigation shows that he has reasonable grounds for seeking to purchase his discharge and that there is no unusual reason why he should not be permitted to do so. Indebtedness to civilians is not a reason warranting denial of the privilege of purchasing discharge.

(3) *When on foreign service.*—When the application of an enlisted man on foreign service for discharge by purchase is approved, the commander ordering the discharge may either—

(a) Return the enlisted man to the United States for discharge, or

(b) Discharge him at his station, upon his own request.

When returned to the United States for discharge, the order must clearly state the reason for his return, in order that discharge may be accomplished promptly upon arrival in the United States. When discharged at his station, the discharged enlisted man may be subsequently returned to the United States. See paragraph 24a as to price of discharge.

d. When application forwarded to War Department.—Applications that fulfill the required conditions should ordinarily be acted on by the commanders concerned, under the authority contained in paragraph 22, but whenever there is lacking essential information that may be supplied from the records of the War Department, or whenever the commander empowered to order discharge deems it inadvisable for any reason to take final action in the case, he will forward the application with his remarks thereon to The Adjutant General.

27. *Disposition of deficit deposited.*—Immediately upon the receipt of an order for the discharge of an enlisted man by purchase, money deposited as a deficit (par. 26b (1)) will be disposed of as required by paragraph 19, and upon the return of the deposit book by the disbursing officer the enlisted man will be discharged.

28. *Travel allowances, not entitled to.*—An enlisted man discharged by purchase is not entitled to travel allowances.

29. *Form of discharge certificate to be given.*—Unless otherwise directed by the approved proceedings of the board of officers required by paragraph 3b (2), an honorable discharge from the Army of the United States will be given.

30. *Final statement.*—*a. For disposition of final statement.*—See AR 345-475.

b. For notation of prior service.—See AR 345-475.

SECTION IV

MINORITY

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31. *Authority.*—*a. * * ** The Secretary of War shall discharge from military service with pay and with the form of discharge certificate to which

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the service of each, after enlistment, shall entitle him, all enlisted men under the age of eighteen on the application of either of their parents or legal guardian. * * * Act June 30, 1921 (42 Stat. 74; 10 U. S. C. 653a; M. L., 1939, sec. 231).

b. * * * That enlisted men under the age of eighteen discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment. Sec. 126, National Defense Act, as amended by act September 22, 1922 (42 Stat. 1021; 10 U. S. C. 752; M. L., 1939, sec. 231).

32. Application of laws.—a. Discharge is authorized when the enlisted man is over the age of 18, if application was made while he was still under the age of 18; but discharge is not authorized when application is made after the enlisted man has passed his eighteenth birthday.

b. If the father is alive and has not lost control by judgment of a court, appointment of a guardian, desertion of family, or waiver, the consent of the mother for the enlistment, or induction in case of a selectee, of the enlisted man does not prevent discharge upon application by the father, nor does application by the mother for discharge have any effect if the father has consented to enlistment, or induction in case of a selectee.

c. If the mother is alive a stepfather has no right to consent to enlistment or to apply for discharge unless he has adopted the minor or been appointed guardian.

d. While a guardian is not recognized as such unless legally appointed, when a person has assumed support of a minor and performed the duties of guardian for some years after the death of parents, that person is recognized as guardian even though not formally appointed.

e. Written consent of parent or guardian given after enlistment, or induction in case of a selectee, is binding.

f. When consent is signed by mark and it is clearly shown that signature was made without knowledge of contents of paper signed, such consent is not binding.

g. Indebtedness to the Government, or to an individual, or confinement by civil authorities does not prevent discharge when enlisted man is otherwise eligible.

33. By whom discharge ordered.—a. The commanding general of a service command and the commanders specified in paragraph 5b will, by authority of the Secretary of War, order the discharge of an enlisted man on account of minority. Any doubtful case will be forwarded to The Adjutant General for the action of the Secretary of War.

b. When the commander authorized by a above to order such discharge receives the application of either of the parents or of the legal guardian submitted as prescribed in paragraph 31, and the evidence required by paragraph 37, he will procure from the recruiting office at which the man was enlisted or inducted, or from the War Department, any additional information that is essential to determine whether the case comes under the provisions of this section, and will take final action in the case, except as provided in c below.

c. When the commanding general of a department or oversea commander exercising discharge authority finds that action on an application for discharge on

account of minority would be materially expedited by having the case completed by the War Department, he will forward the case to The Adjutant General with his recommendation, and report as to the status of the enlisted man.

34. When under charges, or in confinement, for serious offense.—When a minor, whose parents or guardian have applied for his discharge, is under charges or in confinement for a serious offense, he should not be discharged until his case has been properly disposed of; but it is quite proper to go to considerable lengths to determine that no trial should be had or that the remainder of any sentence imposed should be remitted. *See Ops. J. A. G., July 17, 1922.*

35. When on foreign service.—An enlisted man on foreign service will be returned to the United States prior to discharge on account of minority, and the order for his discharge must clearly state the reason for his return in order that his discharge may be accomplished promptly upon arrival in the United States.

36. Minor not to be discharged on his own application; action when under age of 16.—A minor will not be discharged on his own application, but whenever a minor, whose parents or guardian have not applied for his discharge, is discovered to be under the age of 16, the commanding general of the appropriate service command or the other appropriate commander specified in paragraph 5b will, after a review of the case, direct the retention of the enlisted man in service or his discharge.

37. Evidence required.—a. In support of an application for discharge under this section, the following evidence of age is required:

- (1) A duly authenticated copy of a municipal or other official record of the birth of the enlisted man, or
- (2) If no official record of the birth of the enlisted man can be obtained the affidavit of the parent or guardian should state specifically why an official record cannot be obtained. This affidavit must be accompanied by—
 - (a) A baptismal certificate or the affidavit of the physician or midwife in attendance at the birth of the enlisted man, or
 - (b) Affidavit of at least two persons not related to the enlisted man, testifying from their own personal knowledge as to the date of his birth.

b. In case of an enlistment, or induction in case of a selectee, under an assumed name the identity of the enlisted man with the person mentioned in the record of birth or the affidavits must be shown by the affidavit of the parents or legal guardian.

38. Allowances; effect upon.—An enlisted man discharged on account of minority, as required by the act of June 30, 1921 (42 Stat. 74), is entitled to pay and transportation in kind, as provided in the act of September 22, 1922 (42 Stat. 1021), to the exclusion of any other remuneration (Ops. J. A. G., March 1, 1922), and an enlisted man so discharged is therefore not entitled to—

a. Travel allowance.

b. Clothing allowance that may be due him upon settlement of his account.

39. Form of discharge certificate to be given.—The form of discharge certificate will be that to which the service rendered by the enlisted man after enlistment or induction will entitle him, notwithstanding the enlistment, or

induction in case of a selectee, may have been obtained by misrepresentation as to age or consent of parent or guardian. The specific reason for the discharge will be entered on the discharge certificate; for example, minority (act June 30, 1921) per 4th Ind., Hq. 2d Serv C -----.

(Date)

SECTION V

DEPENDENCY

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40. Authority.—a. When by reason of death or disability of a member of the family of an enlisted man, occurring after his enlistment, members of his family become dependent upon him for care or support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States. *Sec. 29, act June 4, 1920 (41 Stat. 775; 10 U. S. C. 652; M. L., 1939, sec. 230).*

b. During emergency, it is essential that manpower be conserved. Therefore, releases from active service on account of dependency will be granted only when the necessity therefor is extreme and where the evidence required by paragraph 42 has been submitted and clearly indicates that the release of the enlisted man is necessary to prevent or relieve destitution.

41. By whom discharge ordered.—a. The commanding general of a service command and the commanders specified in paragraph 5b will, by authority of the Secretary of War, order the discharge of an enlisted man on account of dependency. Any doubtful case will be forwarded to The Adjutant General for the action of the Secretary of War.

b. Upon receipt of a request for the discharge of an enlisted man on account of dependency the enlisted man will be permitted to submit a written application for discharge which will be supported by the evidence required by paragraph 42. Upon receipt of a written application by an enlisted man, together with the supporting evidence, the commanders listed in *a* above will, except as provided in *c* below—

- (1) Scrutinize carefully the cause of the dependency.
- (2) Procure any additional information that may be necessary to determine whether the case comes under the provisions of this section.
- (3) Take final action on the application.

c. When the commanding general of a department or an oversea commander having discharge authority finds that action on an application for discharge on account of dependency would be materially expedited by having the case completed by the War Department, he will forward the case to The Adjutant General, with his recommendation and report as to the status of the enlisted man.

42. Evidence required.—a. The evidence required is affidavits showing that—

- (1) Enlisted man's presence at home is necessary for the support or care of members of his family.
- (2) This condition has arisen due to death or disability occurring in enlisted man's family since his enlistment or induction.
- (3) Discharge of the enlisted man is necessary to prevent or relieve destitution and the necessity therefor is extreme.

b. Policies governing discharges on account of dependency:

- (1) The death or disability must be that of a member of the enlisted man's family and the person becoming dependent must be a member of the enlisted man's family.
- (2) For the purpose of discharge under this section the term "members of the family" includes only the following: Wife, children, father, mother, brothers, sisters, any relative who has stood in loco parentis to the enlisted man prior to his enlistment.
- (3) Death or disability occurring in the enlisted man's family is not sufficient ground for discharge on account of dependency unless it results directly in making a member of the enlisted man's family actually dependent upon him for care or support and discharge is necessary to prevent or relieve destitution.
- (4) Dependency caused by anything other than death or disability is not cause for discharge under this section. For instance, desertion of the enlisted man's mother by her husband, or the marriage of a brother who supported the mother prior to his marriage, is not ground for discharge under this section.
- (5) When disease of a member of the enlisted man's family existed prior to enlistment or induction but becomes worse after enlistment or induction to such an extent as to make the care or support of the enlisted man necessary, discharge under this section is authorized.
- (6) Pregnancy of the enlisted man's wife is not disability for which discharge may be authorized.
- (7) Indebtedness to the Government, or to an individual, or confinement by civil authorities, does not prevent discharge when the enlisted man is otherwise eligible.
- (8) When an enlisted man is under charges or in confinement for a serious offense, he should not be discharged until his case has been properly disposed of.
- (9) When an enlisted man is eligible for discharge under this section, discharge should not be disapproved because of doubt as to the ability of the enlisted man to support his family, because the position promised him in civil life is inadequately paid, or because his services are needed in his organization.
- (10) When practicable the facts as to dependency and its cause will be verified by reports from a disinterested agency. In establishing dependency no action will be taken by the military authorities with the view to obtaining information from a local board. Such information as is necessary will be obtained by the American National Red Cross and will include any recommendation the local board concerned cares to make.
- (11) It is the policy of the War Department in cases of dependency to authorize discharge when the evidence submitted clearly indicates discharge is necessary to prevent or relieve destitution.

43. Action to be taken upon discharge.—As prescribed in paragraph 5, when an enlisted man is to be discharged because of a dependent wife the State director of Selective Service will also be advised of the date of marriage and the Selective Service classification of the man on that date.

SECTION VI

FRAUDULENT ENLISTMENT OR INDUCTION

	Paragraph
Authority for discharge.....	44
When involving desertion from prior enlistment.....	45
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Pay and allowances; effect upon.....	47
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44. Authority for discharge.—a. No enlisted man will be discharged because of fraudulent enlistment except by reason of—

- (1) Concealment of desertion from the Navy, Marine Corps, or Coast Guard.
- (2) Concealment of conviction by civil court offenses outlined below:
 - (a) Conviction once of the heinous crimes of treason, murder, rape, kidnapping, arson, sodomy, or pandering; or of any crime involving sex perversion; or for any illegal dealing in narcotics or other habit-forming drugs.
 - (b) Concealment of a prior sentence to a period of confinement in excess of 1 year in a prison or penitentiary.
 - (c) Irrespective of the offense for which convicted, at the time of induction into the Federal military service, is on parole from any penal institution, or is on probation from any court, or is under suspended sentence of any court except in cases in which the judgment of suspended sentence is not a final conviction and does not involve probation. If the civil custody (parole, probation, or suspended sentence) is or has been terminated or suspended for the period of military service, either with or without credit for such service, the enlisted man will not be discharged for fraudulent enlistment.

b. By whom discharge ordered.—Subject to the restriction imposed by paragraph 45, a commander cited in paragraph 5b is authorized to discharge an enlisted man for fraudulent enlistment when in his opinion trial by court martial is unwarranted.

45. When involving desertion from prior enlistment.—a. When an enlisted man who has fraudulently enlisted is in a status of desertion from a prior enlistment in the Army—

- (1) If convicted by court martial of desertion and fraudulent enlistment and sentenced to dishonorable discharge, he will be dropped from the fraudulent enlistment or enlistments subsequent to the first enlistment, and the execution of the discharge will be under the first enlistment and the name there used.
- (2) If it is not considered advisable to bring him to trial, the commanding general of the service command or other officer exercising general court-martial jurisdiction may direct that he be dropped from the fraudulent enlistment or enlistments subsequent to the first enlistment, and dispose of the case under the first enlistment, and name there used, and pertinent Army Regulations; but will not, even though the first enlistment be fraudulent, direct discharge from that enlistment for fraudulent enlistment only, leaving the charge of desertion undisposed of, or direct that he be dropped from a fraudulent enlistment when a reference to The Adjutant General is necessary for a full disposition of the case.

- (3) When an enlisted man is dropped from a fraudulent enlistment an appropriate entry will be made in the service record of the enlistment from which dropped, showing why so dropped and to what enlistment held, adding other desired data as to records and reports. See also AR 345-125.

b. When an enlisted man who has fraudulently enlisted is in a status of desertion from a prior enlistment in the Navy, Marine Corps, or Coast Guard, radio or telegraphic report of the circumstances will be made to The Adjutant General, who will ascertain whether the Navy, Marine Corps, or Coast Guard desires to take custody of the deserter. If the appropriate service cited desires to accept custody, The Adjutant General will issue the necessary instructions to effect the transfer and authorize the discharge of the deserter for fraudulent enlistment under the provisions of this section. If the service from which the man deserted does not desire to accept custody, action will be taken as prescribed in (1) or (2) below by the appropriate officer exercising general courtmartial jurisdiction.—

- (1) Bring the deserter to trial for fraudulent enlistment.
- (a) If convicted and sentenced to punishment which includes dishonorable discharge the execution of the discharge will be from the fraudulent enlistment in the Army.
- (b) If acquitted, or convicted but not sentenced to dishonorable discharge the deserter will be retained in the service. At the conclusion of his term of service, if otherwise eligible, an honorable discharge will be awarded.
- (2) If it is not considered advisable to bring the deserter to trial under (1) above, he will be retained in service unless physically, mentally, or morally unfit for military service. If retained his fraudulent enlistment will not constitute a bar to honorable discharge at the termination of service. If the individual is regarded as physically, mentally, or morally unfit or inapt, action will be taken as prescribed in section II or section VIII of these regulations.

46. Aliens who enlist or are inducted through misrepresentation.—a. In each case wherein it is found that an enlisted man has been enlisted or inducted through misrepresentation of his citizenship, a report of the facts will be submitted to the War Department through intelligence channels.

b. Upon request from the Department of Justice or any accredited representative thereof, an alien who has been enlisted or inducted into the Army may be released to the custody of the Department of Justice for the purpose of trial or investigation. However, the enlisted man will not be discharged until actual deportation or internment is ordered by a Federal court.

47. Pay and allowances; effect upon.—a. An enlisted man discharged for fraudulent enlistment is not entitled to pay or to allowances of any kind, including those for travel, except that a donation of not exceeding \$10 and transportation in kind will be furnished him under the conditions set forth in the act of March 7, 1942 (sec. I, Bull. No. 14, W. D., 1942). See AR 35-1460.

b. Deposits.—See AR 35-2600.

48. Form of discharge certificate to be given.—An enlisted man discharged for fraudulent enlistment will be given a discharge from the Army of the United States (blue).

SECTION VII

DESERPTION

	Paragraph
By whom discharge ordered.....	49
Form of discharge certificate to be given.....	50

49. By whom discharge ordered.—*a. Statute of limitations applicable.*—A deserter whose trial is barred by the thirty-ninth article of war upon return to military control will be restored to duty by the commanding general of the service command or other officer exercising general court-martial jurisdiction, if physically and mentally fit for the performance of any military service.

b. Statute of limitations not applicable.—The commanding general of the service command, or other officer exercising general court-martial jurisdiction, may order the discharge without trial, because of desertion and physical unfitness, after return to military control, of a deserter who is found physically unfit for service, and whose trial is not barred by the thirty-ninth article of war.

(1) The term "physical unfitness" as used in this paragraph will be construed to include only—

- (a) Those medical or surgical conditions that permanently incapacitate for further military service, and
- (b) Those cases of mental deficiency and constitutional psychopathy that obviously cannot be adapted to military service.

(2) Discharge will not be ordered under the provisions of these regulations if—

- (a) The physical disqualification is temporary and curable within a reasonable period of time, or
- (b) The enlisted man does not possess sufficient mentality to distinguish between right and wrong and is consequently incapable of forming the intent which is an essential element of the offense of desertion. See AR 615-300.

c. No man will be restored to duty for the purpose of establishing his eligibility for discharge on account of dependency.

50. Form of discharge certificate to be given.—Discharge from the Army of the United States (blue) will be used for all discharges under paragraph 49.

SECTION VIII

INAPTNESS OR UNDESIRABLE HABITS OR TRAITS OF CHARACTER

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51. Procedure.—*a. Report required; when and by whom made.*—When an enlisted man—

- (1) Is inapt, or
- (2) Does not possess the required degree of adaptability for the military service after reasonable attempts have been made to reclassify and reassign such enlisted man in keeping with his abilities and qualifications, or

- (3) Gives evidence of habits or traits of character (except when discharge for physical or mental conditions is indicated as provided in sec. II) which serve to render his retention in the service undesirable, and rehabilitation of such enlisted man is considered impossible after repeated attempts to accomplish same have failed, or
- (4) Is disqualified for service, physically or in character, through his own misconduct, and cannot be rehabilitated so as to render useful service before the expiration of his term of service without detriment to the morale and efficiency of his organization, his company or detachment commander will report the facts to the commanding officer.

b. When company or detachment commander is also commanding officer.—If the company or detachment commander is also the commanding officer, the report required by *a* above will be made to the next higher commander, who will take the action required by *c* below.

c. Board convened by commanding officer.—Upon receiving the report required by *a* above, the commanding officer, or the next higher commander, as the case may be, will convene a board of officers, three if practicable, one of whom will be a medical officer, to determine whether or not the enlisted man should be discharged prior to the expiration of his term of service. The officer making the report required by *a* above will not be detailed as a member of this board. Whenever available, a trained psychiatric examiner, or officer possessing such experience, will be called as a witness in the case and present his testimony to the board.

d. Proceedings of board.

- (1) *Rules of procedure and evidence.*—So far as practicable, the board will be governed by the rules of procedure and evidence applicable to special courts martial, except that the members will not be sworn.
- (2) *Witnesses sworn.*—All witnesses will be required to take the oath or affirmation prescribed for witnesses before courts martial.
- (3) *Authorized recommendations.*—The board will recommend that the enlisted man be either discharged or not discharged. A recommendation to discharge will be made only after it has been conclusively shown that the enlisted man is incapable of performing any useful service or is unfit to associate with enlisted men. If it is recommended that the enlisted man be retained in service, a further recommendation will be made indicating the type of duty which it is believed he can perform successfully.
- (4) *Form of discharge certificate; when to be recommended.*—If discharge is recommended, the board will also recommend the form of discharge certificate to be given. See also paragraph 55b.
- (5) *Certificate of disability for discharge; when accompanied by.*—When the findings of the board indicate disqualification through physical disability, the proceedings will be accompanied by a certificate of disability for discharge.

e. Action by convening authority.

- (1) *When discharge recommended.*—If discharge is recommended by the board, the convening authority will indorse on the proceedings his approval or disapproval of the findings and recommendations and forward the proceedings to the commander authorized by paragraph 53a to take final action and order discharge.

- (2) *When discharge not recommended.*—When discharge is not recommended the proceedings will be disposed of as prescribed in *f* (1) below.

f. Disposition of proceedings.

- (1) *When discharge is not recommended by board.*—The proceedings will be returned to the convening authority for such action on the board's recommendations as he may deem necessary. Subsequent to final action, the proceedings will be filed at the headquarters convening the board and the officer making the report notified of the final action taken in the case.
- (2) *When discharge is recommended by board.*—Proceedings forwarded as required by *c* above will in every case be returned to the officer making the report required by *a* above, by indorsement showing the final action taken, and will then by him be disposed of as prescribed in (3) or (4) below.
- (3) *When discharge is not ordered.*—The proceedings will be filed.
- (4) *When discharge is ordered.*—At the time of discharge the proceedings will be sent to the officer who makes the discharge, as authority therefor, and after the discharge has been made they will be sent to The Adjutant General, with the service and allied records, for file.

52. *Basic War Department policy to be observed.*—*a.* No man will be separated from the service prior to the expiration of his term of service for any of the causes enumerated in paragraph 51*a* unless the Government can obtain no useful service from him by reason of his mental, moral, or physical disqualification once such man has been accepted for service as an enlisted man in the Army of the United States.

b. Provision will be made for the training, reassignment, or discharge of inapt men in special training units or installations. Until such time as these facilities may be otherwise provided, army, corps, service command, division, or other unit commanders will establish such special training units within their commands. Full use will be made of reclassification procedure.

53. *By whom final action taken and discharge ordered.*—*a.* The commanding general of a service command and the commanding officers specified in paragraph 5*b* will take final action in discharges authorized under this section.

b. When an honorable discharge certificate is recommended under the authority contained in paragraph 51*d*(4), discharge will not be ordered given on the discharge from the Army of the United States (blue).

54. *Term to be used as cause of discharge.*—*a. In certificate of discharge.*—The term to be entered in the certificate of discharge as the reason for discharge will be merely "Section VIII, AR 615-360; not eligible for reenlistment or induction."

b. In all papers other than certificate of discharge.—In stating the cause of discharge, a brief description of the actual cause thereof in the case in question will be given, followed by a parenthetical reference to these regulations, for example—

Inaptness (sec. VIII, AR 615-360).

Lack of adaptability for military service (sec. VIII, AR 615-360).

Habits (or traits of character) rendering retention in service undesirable (sec. VIII, AR 615-360).

(Physically) disqualified (in character) for service, through his own misconduct (sec. VIII, AR 615-360).

When more than one cause is found to exist, all will be stated.

55. Form of discharge certificate to be given.—*a.* Except as otherwise prescribed in *b* below, the discharge from the Army of the United States (blue) will be given.

b. An honorable discharge from the Army of the United States will be given when, according to the approved findings of the board of officers required by paragraph 51c, the conduct of the enlisted man during his current period of service has been such as would render his retention in the service desirable were it not for his inaptitude or lack of required adaptability for military service. In such cases the discharge certificate will show that reenlistment is not warranted.

56. Reenlistment; effect upon.—The reenlistment of a man discharged for any of the causes enumerated in paragraph 51a is not warranted, even if an honorable discharge certificate has been given, unless the cause of discharge is subsequently removed.

SECTION IX

CONVICTION BY CIVIL COURT

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57. By whom discharge ordered.

- a.* (1) The commanding general of a service command or other officers designated in paragraph 5b are authorized within their discretion to discharge enlisted men who during their term of service, have been finally convicted by a civil court of an offense, the nature of which clearly indicates that the individual is not a suitable person to associate with enlisted men.
- (2) No enlisted man will be discharged by reason of conviction by a civil court unless the case comes within the purview of (1) above, or unless he
- (*a*) Has been convicted once of the heinous crimes of treason, murder, rape, kidnapping, arson, sodomy, or pandering; or of any crime involving sex perversion; or for any illegal dealing in narcotics or other habit-forming drugs.
 - (*b*) Has been convicted of any offense and sentenced to confinement for a period in excess of 1 year in a prison or penitentiary.
 - (*c*) Irrespective of the offense for which convicted, or the time of enlistment or induction into the Federal military service, is on parole from any penal institution, or is on probation from any court, or is under suspended sentence of any court except in cases in which the judgment of suspended sentence is not a final conviction and does not involve probation. If the civil custody (parole, probation, or suspended sentence) is or has been terminated or suspended for the period of military service, either with or without credit for such service, the enlisted man will not be discharged.
- b.* When absent in desertion.—If the enlisted man has been sentenced to imprisonment while absent in desertion, and discharge is considered desirable, the officers specified in paragraph 5b are authorized to effect the discharge.

58. Evidence required.—Transcripts from records of civil courts need not accompany recommendations for the discharge of enlisted men under the authority contained in paragraph 57. The official statement of the immediate commanding officer of the enlisted man as to the fact of conviction by a civil court is sufficient. See AR 845-475.

59. Form of discharge certificate to be given.—An enlisted man discharged on account of conviction by a civil court will be given a discharge from the Army of the United States (blue).

SECTION X

CONVENIENCE OF GOVERNMENT

	Paragraph
By whom discharge ordered.....	60
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60. By whom discharge ordered.—*a.* Except as provided in *b* below, enlisted men will be discharged for the convenience of the Government by authority of the Secretary of War only. Such authority may be given either in each individual case or by an order applicable to all cases of a class specified in the order.

b. The commanding generals of service commands and the commanders specified in paragraph 5*b* may direct the discharge of an enlisted man for the convenience of the Government to accept commission in the armed forces; to accept appointment as a commissioned warrant officer in the United States Coast Guard; chief warrant officer in the United States Marine Corps; commissioned warrant officer in the United States Navy, warrant officer in the Army of the United States, and immediate call to active duty. Prior to such discharge for the purpose stated, the discharging authority shall be in possession of documentary evidence from the proper authority that such enlisted man is acceptable and will be appointed as a commissioned officer, and will be called to active duty immediately if discharged from the Army of the United States.

c. All requests received for release from active duty or discharge—

- (1) Based upon enlisted man's importance to the national health, safety, or interest, or
- (2) Based upon claim that trainee was erroneously classified, should not have been inducted, and did not have an opportunity to present his case to the appeal board—

will be forwarded through the organization commander and the officer exercising discharge authority to The Adjutant General, together with appropriate recommendation. Final action under (1) and (2) above is taken by The Adjutant General.

- (3) In case of enlisted man released under (1) above the following action will be taken:

- (*a*) *National Guardsman.*—Revert to state control. During the emergency, members of the National Guard of the United States on inactive status may not be discharged from their Federal status by State order.
- (*b*) *Members of Regular Army Reserve.*—Revert to inactive status.
- (*c*) *All others.*—Discharge unless the War Department specifically directs transfer to a Reserve component.

(4) Those released under (2) above will be discharged for the convenience of the Government.

d. (1) Enlisted men who request release from active duty by reason of being a former key man in industry (necessary man for war production) will be informed that all such requests must be initiated and executed under oath by the responsible head of the firm or agency by which the enlisted man was employed at the time of his entry into the military service. Final action on cases of this nature is taken by The Adjutant General.

(2) In case of enlisted men released under d(1) above, the action indicated in c(3) above will be taken.

61. Travel allowance.—See AR 35-2560.

62. Form of discharge certificate to be given.—Unless otherwise directed by the approved proceedings of the board of officers required by paragraph 3b(2), an honorable discharge from the Army of the United States will be given, if discharged.

SECTION XI

WRIT OF HABEAS CORPUS

	Paragraph
By whom discharge ordered.....	63
Form of discharge certificate to be given.....	64

63. By whom discharge ordered.—The discharge of an enlisted man from the Army may be ordered by a United States court or a justice or judge thereof. Upon receipt of such an order, the officer upon whom the writ or order is served, or counsel, will note an appeal pending instructions from the War Department, and he will immediately report to The Adjutant General the action taken by the court and forward a copy of the opinion of the court as soon as it can be obtained. (See par. 155, Manual for Courts-Martial, 1928.) Upon notification that the War Department or the Department of Justice has determined not to appeal the case, or that the order has been sustained in the final disposition of the case by the courts, the enlisted man concerned will be promptly discharged by his organization commander, or as prescribed in paragraph 5, whichever is the more expeditious method.

64. Form of discharge certificate to be given.—Unless otherwise directed by the approved proceedings of the board of officers required by paragraph 3b, an honorable discharge from the Army of the United States will be given.

SECTION XII

DISHONORABLE

	Paragraph
When authorized.....	65
Effect upon unexpired enlistments.....	66
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65. When authorized.—An enlisted man will be dishonorably discharged pursuant to sentence of a court martial or a military commission, and for no other reason. See also paragraph 45 in reference to desertion coupled with fraudulent enlistment.

66. Effect upon unexpired enlistments.—A dishonorable discharge is a complete expulsion from the Army and covers all unexpired enlistments.

67. Form of discharge certificate to be given.—An enlisted man dishonorably discharged will be given a dishonorable discharge from the Army of the United States.

SECTION XIII

RETAINED FOR MEDICAL CARE OR HOSPITALIZATION

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68. General.—Any enlisted man in the active service, whose term of enlistment or period of service will expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization may, with his consent, be retained in service beyond the expiration of his term of enlistment, or period of service, and receive at Government expense, medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he will have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it will have been ascertained by a board of officers as provided in paragraph 69 that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier; provided, that any enlisted man whose enlistment is so extended will be subject to forfeiture in the same manner and to the same extent as if his term of enlistment or period of service had not expired, and that he may be held in the service without his consent to make good time lost as provided in paragraph 1. Retention in the service as provided herein will not exceed 6 months from the date the enlistment contract or period of service expires, except in the most unusual and meritorious cases, when recommended by the enlisted man's immediate commanding officer and approved by next higher authority. See paragraph 7.

69. Board of medical officers.—*a.* When the commanding officer of a general hospital, station, or unit in which the enlisted man, retained in service under paragraph 68, is serving believes that the enlisted man will not be benefited by further medical care or hospitalization, and in any event, not later than 6 months from the expiration of the man's term of enlistment or period of service, he will convene a board of medical officers critically to examine the enlisted man, the board to be composed of three medical officers, if that number are present for duty; otherwise, of the lesser number present for duty.

b. The board of medical officers will report in writing to the appointing authority the results of the examination with its finding of one of three conditions, as follows:

- (1) That the enlisted man has recovered to such an extent as would enable him to meet the physical requirements for reenlistment, or
- (2) That the disease or injury suffered by the enlisted man is of a character that recovery to such an extent as in (1) above is impossible, or
- (3) If less than 6 months have elapsed from the expiration of the term of enlistment, or period of service, that further medical care or hospitalization can reasonably be expected, to result in recovery to the extent as in (1) above.

c. If the finding of the board is—

- (1) As in b(1) above, the board will recommend that the enlisted man be discharged.
- (2) As in b(2) above, the board will execute a certificate of disability, for discharge as provided in paragraph 10, which will be acted on as provided in paragraphs 11 and 12.
- (3) As in b(3) above, the board will recommend that medical care or hospitalization be continued up to 6 months from expiration of term of enlistment, or period of service. If 6 months or more have elapsed since expiration of term of enlistment or period of service, the board will proceed as in (2) above.

70. Action by commanding officer.—a. If the board recommends the discharge of the enlisted man under paragraph 69c(1), he will be discharged for expiration of term of service or period of service.

b. If the board recommends the discharge of the enlisted man under paragraph 69c(2) or (3), the provisions of paragraphs 7 to 18, inclusive, will be followed.

c. If less than 6 months have elapsed since expiration of term of enlistment or period of service, and the discharge of the enlisted man is not recommended, the procedure provided in paragraph 69 will be repeated on the expiration of 6 months from expiration of term of enlistment or period of service.

d. In most unusual and meritorious cases, the enlisted man's immediate commanding officer may recommend that he be retained in service as provided in paragraph 68, stating in full the reason for his recommendation. On approval of such recommendation by next higher authority, the enlisted man may be retained in service until discharged as provided in paragraph 69.

71. Enlisted men retained more than 6 months.—When the enlisted man is retained in service as an unusual or meritorious case more than 6 months after expiration of term of enlistment or period of service, as provided in paragraph 68, the procedure prescribed in paragraph 69 will be followed at such time as it should appear to the officer having authority to convene a board of medical officers to examine the enlisted man, that he shall have recovered to such extent as would enable him to meet the physical requirement for reenlistment, or until it has been ascertained by competent authority that recovery to such an extent would be impossible.

[A. G. 220.8 (6-2-42).]

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

DISTRIBUTION:

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