DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH ARMY
UNIT #15236
APO AP 96205-5236

REPLY TO
ATTENTION OF

EACG

15 August 2013

MEMORANDUM FOR All Eighth Army Assigned Soldiers and Civilians

SUBJECT: Eighth Army Command Policy Letter #14-1, Separation Actions Concerning Soldiers Convicted in Republic of Korea (ROK) Foreign Tribunal/Court

1. References:

a. AR 635-200, Active Duty Enlisted Administrative Separations, 6 July 2005 (Rapid Action Revision 6 September 2011).

b. Memorandum, HQ USARPAC, APCG, 21 May 2013, subject: Delegation of Authority – Administrative Separations under Army Regulation (AR) 635-200 paragraphs 1-41 and 14-9.

c. AR 600-8-24, Officer Transfers and Dischargers, 12 April 2006 (Rapid Action Revision 13 September 2011).

2. Purpose. To ensure that when a ROK foreign tribunal/court convicts Eighth Army Soldiers of certain offense(s), they are considered for separation or recommended for retention.

3. Background.

a. Army Regulation (AR) 635-200, paragraphs 1-41 and 14-9, authorizes major overseas commanders to approve or disapprove separation of Soldiers in a foreign country and discharge of Soldiers convicted by a foreign tribunal. Discharge of convicted Soldiers is not mandatory. Each case must be evaluated to determine whether separation is appropriate.

b. Memorandum, HQ USARPAC, dated 21 May 2013, subject: Delegation of Authority – Administrative Separation under Army Regulation (AR) 635-200 paragraphs 1-41 and 14-9, delegates the authority to approve or disapprove under AR 635-200 paragraphs 1-41 and 14-9 to Commander, Eighth Army.

c. In accordance with (IAW) AR 635-200, paragraph 14-9(a) and Memorandum, HQ USARPAC, dated 21 May 2013, subject: Delegation of Authority – Administrative Separation under Army Regulation (AR) 635-200 paragraphs 1-41 and 14-9, the General Court-Martial Convening Authority (GCMCA) of the 2d Infantry Division and the 19th Expeditionary Sustainment Command are delegated authority to approve or disapprove separation of Soldiers in the ROK and discharge of Soldiers convicted by a ROK foreign tribunal/court. No further delegation is authorized.

4. Discussion.

a. Enlisted Soldiers.

(1) When a ROK foreign tribunal/court convicts an enlisted Soldier of an offense where a punitive discharge is authorized for the same or a closely related offense under the Manual for Courts-Martial or when a sentence includes confinement for 6 months or more (without regard to suspension or probation of the sentence) the immediate commander of the Soldier must either initiate separation or forward a recommendation for retention through the chain of command to the appropriate GCMCA.

(2) A decision to initiate separation or recommend retention will occur within seven (7) calendar days after the ROK foreign tribunal/court conviction. If a Soldier appeals the ROK foreign tribunal/court conviction, final action on whether to separate or retain will occur after the appeal is finalized or the Soldier's current term of service expires.

(3) Every action taken according to this delegation will reference both USARPAC and Eighth Army delegations of authority by including the following statement: "This action is taken pursuant to delegations of authority by "Cdr, USARPAC dated 21 May 2013 and Cdr, Eighth Army dated 15 August 2013." A copy of this memorandum and reference b above will be included with the action. A copy of the action will be forwarded to Staff Judge Advocate, Eighth Army, ATTN: Administrative Law Division within three (3) days of approval or disapproval.

(4) This delegation of authority will remain in effect until revoked in writing.

b. Officers. When a ROK foreign tribunal/court convicts an officer of an offense where a sentence includes confinement of more than six (6) months for the same or a closely related offense under the Manual for Courts-Martial (without regard to suspension or probation of the sentence) the immediate commander of the officer must initiate a separation action IAW AR 600-8-24, paragraph 5-13 for my action. HRC will make the final determination as to the officer's disposition.

5. Proponent. The Eighth Army Staff Judge Advocate is the proponent for this policy. The proponent can be contacted at commercial 011-822-7918-4464 or DSN 315-738-4464.

BERNARD S. CHAMPOUX
Lieutenant General, USA
Commanding