



**Legal Information Paper**  
**Office of the Staff Judge Advocate**  
**19th ESC and Area IV**



**PREGNANT SOLDIER INFORMATION**

Camp Henry Legal Assistance  
Building 1805, 763-4423

**General Process for Enlisted Pregnant Soldiers:**

1. Soldier believes she is pregnant;
2. Soldier sees Medical Officer;
3. Medical Officer confirms pregnancy and completes SFs 88 and 93;
4. Soldier is counseled by her command about her options, entitlements, and responsibilities;
5. Soldier decides whether to remain on Active Duty or to separate;
6. Soldier submits her decision to her command within 7 days of counseling.

**Pregnancy Policies: AR 635-200:**

Army Regulation (AR) 635-200 directs how the Army is to process pregnant Soldiers. SF Forms 88 (Report of Medical Examination) and 93 (Medical Record—Report of Medical History) will be used by Military Physicians to establish Soldier's pregnancy. No further medical examination is needed for separation from the Army if pregnancy is the reason submitted for separation. No Line of Duty Inquiry or mental examination is required. Importantly, Pregnant Soldiers get to choose whether to separate from the Army or remain on Active Duty.

**Separation Requested:**

If the Soldier requests to be separated, her command and military physician determines the date of Separation. If the Soldier changes her mind, she may later request in writing to withdraw the separation request. The Commander then has the option of retaining or separating the Soldier and will determine in writing which option he or she has elected. JAG Legal Assistance Attorneys can assist pregnant Soldiers in drafting withdrawal requests. Pregnancy cannot get pregnant Soldiers out of separation for another reason. In other words, if a pregnant Soldier is being court-martialed or separated for misconduct, she cannot choose to be separated for pregnancy instead.

**Retention Requested:**

If retention on Active Duty is requested, the Soldier may later request separation and the Commander then must initiate separation. If retained, the Soldier will have the option of maternity care at a military facility or civilian facility if the military facility is more than 30 miles from the Soldier. If separated, Soldier will only receive care at a military facility. For information on policy for leave connected with pregnancy, see AR 600-8-10, chapters 4 and 5.

**Characterization of Service:**

If Soldier is beyond entry level, the characterization of her service will be Honorable or General under Honorable conditions. If the Soldier is entry-level, her service will be uncharacterized. The regulation does not allow for Other Than Honorable or Dishonorable discharges due to pregnancy. Separation due to pregnancy will not render Soldiers ineligible for transfer to the Reserves, so long as they meet the other requirements.

**Korea-Specific:**

If an enlisted Soldier believes she is pregnant while overseas, Commanders of Military Personnel Transportation Assistance Offices will process her in accordance with chapter 3 of AR 614-30. She will be unavailable for overseas re-assignment until completion of her postpartum care, but may generally remain in Korea during her pregnancy.

**Uniform:**

According to AR 670-1, maternity duty uniforms will be provided to pregnant Soldiers. Pregnant Soldiers may wear the PT uniform untucked, and when PTs become uncomfortable due to the pregnancy, the Soldier may switch to conservative civilian attire for PT. Commanders may not order pregnant Soldiers to purchase larger PTs.

**Family Care Plan:**

Soldiers with dependents must have a family care plan on file that describes their plan of action should they be assigned to an area where dependents are not authorized or where the Soldier will be absent from home due to military duty. Failure to put this plan on file can result in involuntary separation (AR 600-20). Pregnant Soldiers in Korea should be sure to include their arriving dependent in their Family Care Plan as soon as possible.

**QUESTIONS?**

Make an appointment with a Legal Assistance Attorney by calling the Camp Henry Legal Assistance Office at (315) 763-4423.