



## **Officer Eliminations**

Involuntary officer eliminations are governed by AR 600-8-24, Officer Transfers and Discharges, and may be initiated by either U.S. Army Human Resources Command (HRC), the Department of the Army (DA), or any commander above you, from your immediate commander up through and including the Secretary of the Army (SecArmy). Your rights will vary slightly depending upon your length of service, who initiates your separation action, the circumstances upon which the separation is based, and what characterization of service is recommended by the initiating commander.

### **REASONS FOR ELIMINATION**

Officers may be eliminated for several reasons. Broadly speaking, these include:

1. Substandard performance of duty.
2. Misconduct, moral or professional dereliction, or in the interests of national security.
3. Derogatory information.

### **NOTIFICATION**

Officers selected for elimination are generally informed of a separation action by what is known as a "show cause" or notification letter sent by the officer's General Officer Show Cause Authority (GOSCA). The GOSCA is typically the first general officer in the chain of command exercising General Court Martial Convening Authority. If the GOSCA is not the initiating authority, typically HRC or DA will send notification that an involuntary separation action is being initiated. This show cause letter will give general reasons why separation actions are initiated, explain rights and obligations, and describe possible courses of action.

Options upon receipt of a show cause letter will depend on the length of service of the officer targeted for elimination and on the characterization of service sought by the initiating authority. In any case, the officer must inform the GOSCA of their decision (discussed below) within 30 days. Trial Defense attorneys are available to help officers review options and draft and assemble correspondence and other responses required as stated below.

### **YOUR RIGHTS**

Probationary officers (RA and USAR officers with less than 5 years of commissioned service and warrant officers with less than 3 years since appointment in their current component) not targeted for an Other Than Honorable (OTH) discharge may:

1. Tender a resignation in lieu of elimination;
2. Request discharge in lieu of elimination;
3. Apply for retirement in lieu of elimination if otherwise eligible; or
4. Submit a written rebuttal. This may consist of a statement from the officer and/or people the officer works with and for. The content should focus on accomplishments and contributions, duty performance, potential and retainability. The letter may request an Honorable characterization of service upon discharge or make the case for retention.

This packet will be transmitted to HRC, through the GOSCA, for consideration by the Deputy Assistant Secretary of the Army – Review Boards (DASA-RB) who may recommend retention, discharge, or referral to a Board of Inquiry (see below). Action by the DASA-RB is final.

Nonprobationary officers (more than 5 years of service,) and probationary officers against whom an OTH is sought may:

1. Tender a resignation in lieu of elimination;
2. Request discharge in lieu of elimination;
3. Apply for retirement in lieu of elimination if otherwise eligible; or
4. Present matters in their defense before a Board of Inquiry.

A Board of Inquiry is a board of officers of superior rank to the officer being examined, and is selected by the GOSCA to provide a fair and impartial hearing under the provisions of AR 15-6 and AR 600-8-24, chapter 4, section II. Officers going before the board are entitled to in-person representation by either a Judge Advocate or a civilian attorney paid for by the officer, and must be afforded no less than 30 calendar days from notification to prepare.

Officers targeted for elimination have the right to remain silent. Minority, female or special branch officers may request in writing, within 7 days of receipt of the show cause letter, that the board include a like member.

### RIGHT TO COUNSEL

If you are a probationary officer, you have the right to consult with an attorney from the U.S. Army Trial Defense Service at no cost to you or to consult with civilian defense counsel at no expense to the government.

If you are a nonprobationary officer, or if you are a probationary officer who has been recommended for an Under Other than Honorable characterization of service, you have the right to consult with and to be represented at the board by an attorney from the U.S. Army Trial Defense Service at no cost to you or by a civilian defense counsel at no expense to the government.

## FINDINGS OF THE BOARD

The Board's findings will be established by a simple majority vote using a secret written ballot. If the Board finds that an officer should be retained, the action will be closed and a report of proceedings will be forwarded to HRC. If elimination is recommended, a report with such recommendations will then be forwarded to a Board of Review, whose members have been appointed by the SecArmy. The SecArmy (or his designee) has final review authority in all cases and will make the final decision on either elimination or clemency.

Regardless of the option selected, DA makes the final decision on administrative officer eliminations. If elimination is determined to be appropriate, DA will also assign a characterization of service. Generally, three of the standard characterizations are possible: Honorable, General under honorable conditions, and under Other than Honorable conditions. While both Honorable and General characterizations are considered "good paper," a discharge under general conditions may result in the loss of GI Bill benefits and civil service retirement credit, but the officer may still cash in accrued leave.

A discharge under OTH conditions will deprive a veteran of most of the benefits available under an Honorable discharge as well as cause substantial prejudice in civilian life. Generally, an OTH discharge is only possible in officer eliminations based upon misconduct. However, as stated above, before an OTH can be assigned, the targeted officer must be afforded the opportunity to appear before a Board of Inquiry.

If a characterization of service lower than Honorable is assigned the officer may petition the Army Discharge Review Board and/or the Army Board for Correction of Military Records to upgrade the characterization. However, this process can be lengthy and is neither automatic nor guaranteed to succeed.

## OCONUS OFFICERS

If you are selected for elimination or request discharge or resignation in lieu of elimination upon the grounds of misconduct, moral or professional dereliction or in the interest of national security and are stationed OCONUS, you will be returned to a stateside transition point no later than 21 calendar days after receiving written notification of a final determination. Separation will occur no later than 5 calendar days after arriving at the CONUS transition point. If it is due solely to substandard performance, separation will occur not later than 30 calendar days after final written notification but not sooner than 30 calendar days unless the officer consents to early release.

## TDS CONTACT INFORMATION

Area I 315-730-2433	Area II 315-738-4485	Area III 315-753-3890	Area IV 315-763-4428
*Torii Station: 315-763-4428		**Camp Zama: 315-738-4485	
<p>NOTE: This handout is intended to provide basic information only. <b><u>Nothing in this handout should be considered legal advice.</u></b> Current as of 18 Aug 17.</p>			
<p>*TDS does not have a physical in Japan. The USAR-J Military Justice Office will arrange for you to speak with the USAG Yongsan Branch Office in Korea telephonically. Do not discuss anything about your case with any personnel in the Military Justice Office.</p>			
<p>**TDS does not have a physical office in Japan. The 10th RSG Military Justice Office will arrange for you to speak with the Camp Henry Branch Office in Korea telephonically. Do not discuss anything about your case with any personnel in the Military Justice Office.</p>			
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