



TRIAL DEFENSE SERVICE

FORT CARSON FIELD OFFICE
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CHAPTER 18 - FAILURE TO MEET BODY FAT STANDARDS

Note: This handout only provides basic information and is not intended to serve as a substitute for personal consultation with an attorney.

BASIS FOR THIS CHAPTER

The initiation of separation action is mandatory if one of the criteria below is met. "Initiation of separation action" means a separation action must be started and presented to the separation authority, however separation itself is not mandatory. Each level of command below the separation authority are free to make a recommendation they deem appropriate, to include retention. The separation authority makes the final decision. Separation action must be initiated if no medical condition exists that a soldier from participating in the weight control program and one of the following is met:

1. The soldier fails to make satisfactory progress in the weight control program after a period of 6 months.
2. The soldier fails to meet table weight and body fat standards during the 12 month period following the removal from the weight control program.
3. Between 12 and 36 months after being removed from the program, the soldier fails to meet body fat standards. If so, the soldier has 90 days to meet body fat standards.

WHAT MUST THE COMMANDER DO BEFORE THEY CAN INITIATE A CHAPTER 18?

The commander must show that the soldier has failed to meet the weight control standards contained in AR 600-9. A soldier must be given reasonable opportunity to comply with and meet weight reduction goals.

RELATION TO OTHER SEPARATIONS

A chapter 18 separation action will only be used if the failure to meet weight control standards is the sole basis for separation. If the soldier has another basis for separation in addition to not meeting weight standards (such as misconduct), then the

soldier will be separated under the other type of separation action (such as Chapter 13 or 14).

WHAT ARE YOUR RIGHTS?

Soldiers have the right to consult with a TDS attorney or with private counsel at no expense to the government. Soldiers can also submit matters for the separation authority to consider before the separation authority makes a final decision regarding separation. Additionally, Soldiers with at least 6 years of service are entitled to an administrative separation board. All Soldiers pending Chapter 18 separation should consult with an attorney before making any decisions concerning the Chapter 18 separation.

SEPARATION AUTHORITY

If the soldier has less than 6 years of total service, the separation authority is normally the first lieutenant colonel in the chain of command. If the soldier has 6 or more years of total service, the separation authority is normally the Special Court-Martial Convening Authority, who is typically the first colonel in the chain of command.

CHARACTERIZATION OF SERVICE

Soldiers separated under Chapter 18 must receive an honorable discharge. (Soldiers with less than 180 days active duty may receive an entry level status discharge, which is uncharacterized.)

SEPARATION PAY

Soldiers with at least 6 years of active duty service who have completed their initial term of enlistment or obligation may be eligible for separation pay. Soldiers should confirm their eligibility for separation pay and the amount of pay with the transition section at Personnel.

ADDITIONAL INFORMATION/ANY QUESTIONS

If you are notified for separation, you will visit our office for further advice. In the meantime, should you have any questions, please address that with a Trial Defense Attorney or one of the office's Paralegal Specialists.