



TRIAL DEFENSE SERVICE

FORT CARSON FIELD OFFICE
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WHAT YOU SHOULD KNOW ABOUT CHAPTER 5, AR 635-200 SEPARATION FOR THE CONVENIENCE OF THE GOVERNMENT

This handout provides general information concerning Chapter 5 administrative discharges. Chapter 5 sets forth many discharges. This handout provides specific information about three types of Chapter 5 administrative separations -- Paragraph 5-8, Parenthood; Paragraph 5-13, Personality Disorder; and Paragraph 5-17, Other Designated Physical or Mental Conditions. AR 635-200 contains more specific information. If you have additional questions, please consult with a Trial Defense Service (TDS) attorney.

I. Basis for Chapter Elimination:

a. Chapter 5-8 (Involuntary Separation Due to Parenthood). AR 600-20 requires all single-parent Soldiers or dual military couples with dependents to submit a family care plan. The commander is required to initiate separation proceedings under Chapter 5-8 for any interference with military duties arising from family responsibilities. Prior to initiating separation action, commanders must counsel Soldiers about providing a plan and the adverse consequences that can result if they fail to provide a workable plan.

b. Chapter 5-13 (Personality Disorder). If a physician trained in psychiatry or a licensed clinical psychologist notifies the commander that the Soldier has a deeply ingrained personality disorder and this disorder is so severe that the Soldier's ability to function effectively in the military environment is significantly impaired, then the commander may initiate a Chapter 5-13 separation action.

c. Chapter 5-17 (Other Designated Physical or Mental Conditions). This Chapter is very similar to Chapter 5-13, except that it covers conditions that fail to rise to what the doctors call a "disorder". These are conditions such as chronic airsickness or seasickness, dyslexia, sleepwalking, claustrophobia or "other disorders manifesting disturbances or perception, thinking, emotional control or behavior sufficiently severe that the Soldier's ability to effectively perform military duties is significantly impaired". The key factor is that the condition must significantly impair a Soldier's ability to perform his/her assigned military tasks.

II. Command Requirements before Separation: Before initiating separation under Chapter 5, the commander must insure that the Soldier has had adequate counseling

and was given an adequate opportunity for rehabilitation. Rehabilitation efforts vary, but may include change to a new section or platoon within the unit or to a new unit.

III. Soldier Rights: Soldiers have the right to consult with a TDS attorney or with private counsel at no expense to the Government and to 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 active and/or reserve service are entitled to an Administrative Separation Board. All Soldiers pending Chapter 5 separation should consult with an attorney before making any decisions concerning the Chapter 5 separation.

IV. Separation Authority: The separation authority is normally the Special Court-Martial Convening Authority, who is usually the first Colonel in the chain of command.

V. Characterization of Service: Soldiers separated under Chapter 5-8 and 5-17 may receive an honorable or general discharge; however, no Soldier discharged under Chapter 5-8 or 5-17 will be awarded a general discharge unless the Soldier is notified of the specific factors in his service record that warrant such a characterization. Soldiers in an entry-level status (which means they have 180 days active duty service or less) may receive an uncharacterized description of service. Soldiers separated under Chapter 5-13 will not receive a general discharge unless they have been convicted of an offense by general court-martial or convicted by more than one special court-martial in the current enlistment, period of obligated service, or any extension thereof.

VI. Other Chapter 5 Separations: As noted above, AR 635-200 also contains criteria for other types of Chapter 5 separations. These separations are not commonly used and, consequently, are not discussed in detail in this fact sheet. Soldiers with questions about these other types of separations should review Chapter 5 and speak to a TDS attorney.

VII. 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.