

# Trial Defense Services

FORT KNOX FIELD OFFICE  
FORT KNOX, KENTUCKY 40121

## SEPARATION FOR UNSATISFACTORY PERFORMANCE CHAPTER 13, AR 635-200

***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.**

You may be separated under this chapter when it is determined that you are unqualified for further military service because of unsatisfactory performance. Your Commander must determine that:

1. You will not develop sufficiently to participate satisfactorily in further training and/or become a satisfactory soldier; or,
2. The seriousness of the circumstances is such that your retention will have an adverse impact on military discipline, good order and morale; and also establishes that:
  - a) You will be a disruptive influence in duty assignments;
  - b) The circumstances forming the basis for separation will likely continue or recur;
  - c) It is unlikely you have either the ability to perform duties effectively or your potential for advancement or leadership is unlikely.

This chapter applies to:

1. Pregnant soldiers whose substandard duty performance is not caused solely by pregnancy. Such substandard performance may include failure to report to duty without medical or military authority or refusal of Conus reassignment during the first six months of pregnancy.
2. Soldiers meeting criteria for this chapter who were convicted by a Courts-Martial who have not been given a punitive discharge when the underlying misconduct and performance warrant separation per this chapter.
3. Soldiers who fail two consecutive APFTs and have no underlying medical limitations. *In this case, according to AR 635-200, notification of separation is required.*
4. Soldiers eliminated from NCOES courses for cause unless the responsible commander chooses to impose a bar to reenlistment, instead. *If the responsible commander decides not to impose a bar to reenlistment, according to AR 635-200, notification of separation is required.*

### **WHAT MUST THE COMMAND DO?**

Adequate counseling and rehabilitation efforts must be made before your Commander can initiate separation. You should not be separated for unsatisfactory performance as a sole basis unless there have been efforts to rehabilitate you. Once it is determined that separation under this paragraph is warranted, your Commander will take actions specified in the Notification Procedures, Chapter 2, AR 635-200. This action can only be initiated when you are under military control unless confined by civil authorities and your military records indicate that you should be processed for separation by reason of unsatisfactory performance.

### **TYPE OF DISCHARGE.**

Honorable or General Under Honorable Conditions.

### **ADDITIONAL INFORMATION/ANY QUESTIONS?**

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