

## CHAPTER 8 Discharge

### Section I Introduction

#### 8-1. Scope

The separation of enlisted personnel from the ARNG is accomplished through discharge by appropriate State authorities. When soldiers are discharged from the State ARNG (unless previously discharged by the Active Army from the Reserve of the Army status), they automatically become members of the Army Reserve if they have remaining contract time. This chapter will provide guidance and reasons for discharging a soldier from both the State ARNG and the Reserve of the Army. In addition, the Reenlistment Codes which will be assigned at the time a soldier is discharged are also provided.

#### 8-2. Authority

a. The authority to discharge soldiers from the Reserve of the Army rests with the Secretary of the Army.

b. Except as provided in "c" below, the State Adjutant General is the *final* approval authority to discharge soldiers from the State ARNG.

c. The Chief, NGB is the approval authority for the involuntary discharge of ARNG soldiers who have completed 18 but less than 20 years of service qualifying for retired pay at age 60. Recommendations for involuntary discharge will include the record and documents of counseling accomplished, record of rehabilitation attempts, if applicable, administrative board proceedings and certified copy of DA Form 2-1.

d. The State AG has been delegated authority to:

- (1) Discharge soldiers from the Reserve of the Army status except as noted in "c" above.
- (2) Convene administrative discharge boards.

#### 8-3. Guidelines on discharge

a. Separation guidance for soldiers on active duty to include (Title 10, USC) AGR and IADT, and special active duty for training (SADT) is governed by AR 635-200.

b. Commanders will refer to AR 135-178 when considering initiating a discharge recommendation

of enlisted soldiers from the Reserve of the Army status.

c. Transfer to the IRR to complete a service obligation after discharge from the State ARNG will be IAW paragraph 1-22a and b, AR 135-178. These discharges will be characterized (except when an uncharacterized discharge is appropriate) as honorable or under honorable conditions and a Reserve of the Army tentative characterization of service will be indicated in the remarks of the discharge order.

d. As an exception to "c" above, ARNG soldiers who have less than 3 months to serve on their statutory or contractual obligation will be concurrently discharged. This paragraph authority will be placed in the remarks of the NGB FM 22.

e. A soldier whose administrative separation action has not been finally reviewed as required by this regulation and AR 135-178 will not be separated (other than for ETS) prior to completion of the review process.

#### 8-4. Notification action and administrative discharge boards

a. All involuntary administrative discharges require commanders to notify soldiers concerning intent to initiate discharge procedures. See Section II (Notification Procedure) and Section III (Administrative Board Procedures), chapter 2, AR 135-178. If the basis for discharge is included in AR 135-178, that regulation will indicate the notification and separation procedures to be used. If this chapter requires administrative board procedures, the procedures in AR 135-178 will be followed.

b. Except as modified by AR 135-178 and this regulation, administrative discharge boards will conform to the provisions of AR 15-6. The proceedings of the board will be summarized. A verbatim record is only required for findings and recommendations.

c. Notwithstanding the notification provisions of AR 135-178, soldiers who are unsatisfactory participants to be discharged from the State ARNG only, will be given 15 days from the date found on the official mail return receipt, or the date they acknowledged receipt if hand delivered, to respond to notification of initiation of discharge actions. Additional extensions can be granted by the soldier's commander upon timely showing of good cause by the soldier.

d. See appendix B, AR 635-200 for examples of recommendation for discharge, notification to appear before a board of officers, and summary of proceedings.

#### **8-5. Dropped from the rolls (DFR) of the Army**

a. DFR procedures for ARNG soldiers on AD, IADT, SADT, or AGR are contained in AR 630-10. Upon receipt of the Active Army order assigning the AWOL soldier to the Active Army unit of attachment, the State will take action to discharge the soldier from the State ARNG with a reenlistment code of RE 3.

b. ARNG soldiers who do not come under the provisions of "a" above can be DFR'd when sentenced to confinement (whether or not actually confined) in a Federal or State penitentiary or correctional institution after having been found guilty of a major offense by a civil court (sentence includes confinement of 6 months without regard to suspension or probation). The sentence must have become final. DFR procedures are:

(1) The commander will request orders dropping the soldier from the rolls of the ARNG of the State of (appropriate State)

(2) NGB Form 22 will be prepared. A characterization of service or other description of service is not authorized or permitted (indicate "not authorized"). No discharge certificate will be issued.

c. Distribution of DFR order.

(1) Original in MPRJ.

(2) Copy in State historical file.

(3) Copy to CG, ARPERCEN (DARP-PAT-R).

(4) Copy to individual at last known address. File order and envelope, if not delivered, in MPRJ.

d. Forward MPRJ to the State headquarters.

## **Section II**

### **Characterization of Service/Description of Service, Discharge Certificate, and Order**

#### **8-6. Types of characterization or description**

a. The type of discharge certificate furnished the soldier is very important and may significantly influence the soldier's civilian rights and eligibility for benefits provided by law. Therefore, all pertinent factors must be considered so that the type of

discharge certificate issued will accurately reflect the nature of the service rendered.

b. Discharge certificates are furnished to all soldiers when they receive an honorable or general discharge unless they are discharged for immediate reenlistment or DFR'd.

c. The discharge of a soldier from the ARNG is a function of State military authorities in accordance with State laws and regulations. However, due to the dual status of the soldier as a Reserve of the Army, characterization of and limitations on service descriptions in chapter 1, Section IV, AR 135-178 should be used in determining the type of discharge and character of service to be issued.

#### **8-7. Types of administrative discharges and character of service**

##### **a. Honorable discharge.**

(1) NGB Form 55. Issued to a soldier who is concurrently discharged from the ARNG and as a Reserve of the Army with honor. Character of discharge and service is "Honorable." It is given by administrative action.

(2) NGB Form 55a. Issued to a soldier discharged from the ARNG only who reverts to control of the Army Reserve with honor. Character of discharge and service is "Honorable." It is given by administrative action.

(3) NGB Form 55b. Issued to a soldier discharged from the ARNG only who reverts to control of the Army Retired Reserve with honor. Character of discharge and service is "Honorable." It is given by administrative action.

(4) The honorable characterization must be awarded to a soldier upon expiration of term of service, fulfillment of service obligation, or when required under specific reason for discharge. A discharge certificate is not issued to a soldier discharged for immediate reenlistment.

##### **b. General discharge.**

(1) NGB Form 56. Issued to a soldier who is concurrently discharged from the ARNG and as a Reserve of the Army and whose discharge from such service is under honorable conditions, but whose military record is not sufficiently meritorious to warrant an honorable discharge. Character of discharge and service is "Under honorable conditions." It is given by administrative action.

(2) NGB Form 56a. Issued to a soldier who is discharged from the ARNG only and who reverts

to control of the Army Reserve; whose discharge from such service is under honorable conditions; and whose military record is not sufficiently meritorious to warrant an honorable discharge. Character of discharge and service is "Under honorable conditions." It is given by administrative action.

(3) Normally a general discharge will not be issued to soldiers upon discharge at expiration of their term of service or fulfillment of military service obligation unless specifically authorized by State Code.

c. Discharge under other than honorable conditions. Issued to a soldier who is concurrently discharged from the ARNG and as a Reserve of the Army. Character of discharge is "Under conditions other than honorable." Character of service is "Under other than honorable conditions." It is given by administrative action. No discharge certificate authorized. This characterization is authorized only if the soldier has been afforded the right to present his or her case before an administrative discharge board. The discharge may be issued for misconduct, fraudulent entry, or homosexuality. A reenlistment code of RE 4 will be granted if the reason for discharge is nonwaivable for enlistment, or RE 3 if the reason for discharge is waivable for reenlistment.

d. Bad conduct discharge. Issued to a soldier who is concurrently discharged from the ARNG and as a Reserve of the Army. Character of discharge and service is "Bad Conduct." Authority is an approved sentence of special or general courts-martial. See applicable State laws and Title 32, USC for discharge ARNG approval authority. Appellate review must be completed prior to discharge of the soldier. Reenlistment code is RE 4.

e. Dishonorable discharge. Issued to a soldier who is concurrently discharged from the ARNG and as a Reserve of the Army. Character of discharge and service is "Dishonorable." Authority is an approved sentence of a general courts-martial and state law. See applicable State laws and Title 32, USC for ARNG discharge approval authority. Appellate review must be completed prior to discharge of the soldier. Reenlistment code is RE 4.

f. Entry level status discharge (Uncharacterized separation as defined in paragraphs 1-20, AR

135-178). No discharge certificate or characterization of service is authorized.

g. Order of release from the custody and control of the Army by reason of void enlistment or induction (Uncharacterized separation as defined in paragraphs 1-20 and 9-3, AR 135-178). No discharge certificate authorized.

#### **8-8. Character of service upon discharge from the ARNG and transfer to the IRR**

The service of soldiers discharged from the ARNG and transferred to the IRR will be characterized as honorable or under honorable conditions unless an entry level discharge is appropriate (see para 8-7f).

#### **8-9. Reduction in rank**

When a soldier is to be discharged under other than honorable conditions, the discharge authority will direct immediate reduction to the lowest enlisted rank under paragraph 6-44c, chapter 6, this regulation.

#### **8-10. Action by commanders having SRIP authority**

The enlistment/reenlistment bonus (SRIP) authority requires the ARNG to recoup unearned portions of bonuses when a soldier is discharged for certain reasons. See NGB Pam 600-15 for policy, criteria, and procedures.

#### **8-11. Preparation of discharge certificates**

a. Discharge certificates will be prepared in original only.

b. Entries on discharge certificates will be typewritten. Only black typewriter ribbon will be used.

c. Entries will be made on the discharge certificate as follows:

(1) On the line provided under the words "This is to certify that," enter the soldier's full name in signature order, followed by the SSN, rank (spelled out), and unit of assignment.

(2) Enter the name of the State, Territory, or District of Columbia on the line immediately below the line which reads "National Guard of."

(3) Enter effective date of discharge by day, month and year. This date must agree with the effective date of discharge shown on the discharge order.

(4) Discharge certificates will be signed by the commander or personnel officer. Type the name in

capital letters in signature order. Centered below the name, type in upper case letters the officer's grade and branch. The designated officer will sign the discharge certificate in the space provided.

#### **8-12. Amendments/corrections to NGB discharge certificates**

The discharge certificate as originally prepared will not be altered or amended after the effective date of discharge. Notification of administrative errors will be made in writing by the individual concerned to the State AG. See paragraph 8-23 and 8-24 for applications for review of the type of discharge certificate awarded and correction of military record.

#### **8-13. Discharge order**

The discharge order will be prepared in accordance with NGR 310-10. The reason for discharge will not be entered on the discharge order. A discharge order for an ETS discharge with no remaining Ready Reserve obligation is not required; however, it is encouraged to ensure accurate personnel accounting. If the soldier is concurrently discharged, a copy of the discharge order will be sent to Commander, ARPERCEN (DARP-PAT-R) if the soldier had prior service in the Active Army or the USAR.

#### **8-14. Amendments, revocations, rescissions, and corrections of discharge orders**

a. If there is evidence of fraud, an officer will be appointed to investigate and the report of investigation will be forwarded to the State AG for approval. When it has been determined that a discharge order was fraudulently obtained, the State AG will determine appropriate corrective action.

b. If it is determined that a soldier has been discharged in error and there has been no fraud, the individual will be reenlisted if he or she is qualified and so desires. If a waiver is required, the case with all supporting documents and recommendations of the chain of command will be forwarded to the State AG or NGB as appropriate for a determination. The soldier will be advised that after all other means have been exhausted, he or she may appeal to the Army Board for Correction of Military Records (AR 15-185) for benefits

which may have resulted during the period between discharge and reenlistment.

c. If a soldier had extended his or her enlistment and an ETS order was published, that order will be revoked.

#### **8-15. Effective date of discharge**

a. Discharge is effective at 2400 hours on the date of discharge.

b. Soldier's discharged from the Reserve of the Army while performing any type of Federal active duty or IADT will be discharged from the ARNG the same date as shown on the Reserve of the Army discharge.

c. For a soldier discharged because of a change to another military status, the effective date will be the day prior to the date of the soldier's entry into the new military status.

d. For a nonlocatee or a soldier in the hands of civil authorities, the discharge may be executed regardless of absence.

e. For a soldier discharged by reason of attaining maximum allowable age, effective date will not be later than the last day of the month during which maximum allowable age is attained and may be the day before reaching the maximum allowable age regardless of ETS.

#### **8-16. Disposition of proceedings/records**

a. When discharge is ordered, the original copy of the proceedings will be filed in the permanent section of the soldier's MPRJ.

b. When discharge is not ordered by the discharge authority, the proceedings will be filed at the discharge authority headquarters. The soldier's commanding officer will be notified of the final action.

c. When the soldier is considered for discharge because of fraudulent entry, erroneous enlistment, reenlistment or extension, and retention is recommended by the chain of command, or directed by the administrative discharge board, if applicable, the complete record of proceedings with the recommendation will be forwarded to the State AG or NGB (depending on who has waiver approval authority) for a final determination. If approved by the State AG or NGB, the retention constitutes a waiver of the fraudulent entry or erroneous enlistment, reenlistment, or extension. The following statement will be entered in item 27, DA Form

2-1: "Discharge action based on (fraudulent entry) (erroneous enlistment/- reenlistment/extension) is waived and retention is authorized on ...(date)..." The original copy of the approved document will be filed in the permanent section of the soldier's MPRJ. If disapproved by the waiver approval authority, the soldier will be discharged.

d. The soldier will be furnished a copy of administrative discharge board proceedings. Classified documents attached to the board proceedings may be summarized.

(1) The soldier's copy of the proceedings will be marked "Copy for (name and SSN of the soldier)." This copy will be given to the soldier or his or her counsel. A signed receipt will be obtained from the soldier or his or her counsel and filed with the original board proceedings. If the soldier refuses to sign the receipt, a statement to that effect will be prepared and filed.

(2) If the soldier or counsel does not want a copy of the board proceedings, or if a copy is not furnished, a notation will be made on the soldier's copy to accompany the original. Only the State AG may release this copy thereafter.

### Section III

#### Report of Discharge and Record of Service (NGB Form 22 and 22A)

#### 8-17. Preparation and distribution of NGB Form 22 (Report of Discharge and Record of Service)

a. NGB Form 22 will be prepared for every soldier being discharged from the ARNG or released from the custody and control of the military, unless when the soldier is accomplishing an interstate transfer or the soldier dies.

b. AGR (Title 32) soldiers being discharged from the ARNG at the same time as they are being released from AGR service will receive DD Form 214 (Certificate of Release or Discharge from Active Duty) in addition to NGB Form 22.

c. NGB Form 22 will be typed or machine prepared in accordance with instructions in table 8-2.

d. Distribution:

(1) The original will be presented or mailed to the soldier.

(2) Copy number 1 will be presented or mailed to the soldier if the "Request" block in item 27 of

copy 2 was completed prior to discharge action. If soldier indicated "Decline copies of my NGB Form 22" or is not available to sign item 27, copy number 1 will be retained in the official MPRJ maintained by the State and later given to the individual if requested.

(3) Copy number 2 will be filed in the permanent section of the MPRJ. This copy will suffice for the requirement to send NGB Form 22 to ARPERCEN for soldiers transferred to an appropriate control group of the Ready, Standby, or Retired Reserve.

(4) Copy number 3 will be retained by the State in the historical files.

(5) A copy will be sent to CG, ARPERCEN (DARP-PAT-R) if the soldier was concurrently discharged and had prior service in the Active Army or prior service in the USAR. NGB Form 22 will not be sent to ARPERCEN if the soldier had service in the ARNG only.

e. Unit commanders will ensure that soldiers being processed for discharge are counseled regarding the significance of NGB Form 22 and concerning procedures required to obtain a copy.

#### 8-18. Amendments and corrections to NGB Form 22

When determined from official records that NGB Form 22 contains an error or omission of pertinent facts, corrections may be made by preparing NGB Form 22A (Correction of NGB Form 22, Report of Discharge and Record of Service). A copy of NGB Form 22A will be mailed to the individual concerned. Instructions for preparation, distribution, and authentication of NGB Form 22A are on the reverse side of the form.

### Section IV

#### Security of Forms, Lost or Destroyed Records, and Notification of Discharge

#### 8-19. Security of forms

The commander of each activity authorized to issue NGB Form 22 and 22A and discharge certificates will:

a. Appoint in writing an officer, enlisted soldier (E7 or above), or DA civilian (GS-7 or above) to

stock, control, and issue NGB Forms 22 and 22A and discharge certificates.

- b. Ensure that all forms are secured.
- c. Ensure that all obsolete forms are destroyed.
- d. Ensure that all forms to be destroyed, including blank, partially filled in, reproduced forms, and obsolete forms, are shredded or burned.
- e. Ensure that forms given or kept for teaching use have the words "TEACHING USE NGR 600-200 ONLY" placed on them. Do not use real names or SSN's on forms used for teaching purposes.
- f. Monitor the use of these forms to be sure proper security measures are taken to prevent fraudulent use.

#### **8-20. Lost or destroyed discharge records**

When the discharge certificate, NGB Form 22, or NGB Form 22A is issued and subsequently lost or destroyed, the State AG concerned will upon request of the individual, issue a signed official statement showing the date and place of enlistment, reenlistment, or extension, the date and reason for discharge, and the character of service as originally shown on the discharge certificate. A true, certified copy of NGB Form 22 and 22A may be given the individual in lieu of an official statement. An identity check of the individual requesting the information must be made to ensure information is not given to someone not authorized to receive it.

#### **8-21. Notification of discharge**

Discharge may be either:

- a. Actual, as by delivery to the soldier of the discharge certificate, order, and original (also copy 1 if requested) of NGB Form 22.
- b. Constructive, when actual delivery of the discharge certificate and related documents cannot be accomplished due to the absence of the soldier. Receipt by the soldier's organization of the order directing his or her discharge will be deemed sufficient notice. The officer effecting discharge will note under item 18, Remarks, on NGB Form 22, the reason why the soldier was separated without actual delivery of the discharge documents. The discharge order, certificate, and original of NGB Form 22 will be mailed without delay to the soldier's last official address. If returned undelivered or refused, the envelope and documents will be forwarded to the State AG for inclusion in the soldier's MPRJ.

### **Section V**

#### **Appeals and Application for Review**

#### **8-22. Appeals to a denied request for discharge**

- a. A soldier who has been denied a request for discharge may appeal within 30 days of receipt of the denial. Exceptions to the time period can be made by the unit commander.
- b. Appeals will be submitted through command channels to the State AG explaining facts pertinent to the case that he or she feels were not fully considered.
- c. The State AG may act on appeals where the decision is favorable to the soldier. When the State AG recommends denial, the appeal request, pertinent records, and recommendation of the State AG will be forwarded to NGB for final determination.
- d. The soldier will be required to participate in unit drills and activities while awaiting action on the appeal.

#### **8-23. Appeal of discharge**

ARNG soldiers administratively discharged from the ARNG and, if applicable, the Reserve of the Army, or discharged by sentence of a special courts-martial, may petition the State AG for that portion of the discharge concerning the State ARNG discharge or the Army Discharge Review Board to change the reason for their discharge and/or to upgrade the characterization of service received. AR 15-180 is the governing regulation.

#### **8-24. Army Board for Correction of Military Records (ABCMR)**

Soldiers discharged from the Reserve of the Army, who have been discharged administratively in accordance with Military Department regulations, or by sentence of a courts-martial, may appeal after all other means have been exhausted, to the Army Board for Correction of Military Records (ABCMR). This board evaluates the reason for discharge, the procedures followed in accomplishing discharge, and the characterization of service. AR 15-185 is the governing regulation. The purpose and authority of the ABCMR will be explained during discharge processing, except when the discharge is for immediate reenlistment.

**Section VI**  
**Codes, Reasons and Procedures for Discharge**

**8-25. Reenlistment Codes**

Reenlistment codes are determined at discharge. They provide information concerning the soldier's service in the ARNG which will be considered upon future reenlistment. If a soldier will receive a discharge under other than honorable conditions, and the reason for discharge is nonwaivable for enlistment, then the reenlistment code will be RE 4. If the reason for discharge is waivable, the reenlistment code will be RE 3. If the soldier receives a bad conduct or dishonorable discharge, the reenlistment code is RE 4. See Table 8-1 for definitions of the reenlistment codes.

**Table 8-1**  
**Definition of the reenlistment code**

RE Code	Is assigned when a soldier is:
1	Eligible for reentry.
2	Persons discharged before completing a contracted period of service whose reenlistment is not contemplated and persons requesting discharge for reason of pregnancy.
3	Eligible only with an approved waiver.
4A	Fully qualified for enlistment if citizenship requirements of Table 2-4 can be met. Citizenship requirements are nonwaivable.
4	Not eligible for reentry.

**8-26. Discharge from State ARNG and/or Reserve of the Army**

Following are reasons, applicability, codes and board requirements for administrative discharges from the Reserve of the Army and/or the State

ARNG. Specific references to AR 135-178 are cited. As appropriate, these reasons for discharge may be used for discharge from the State ARNG only. See Section V, AR 135-178, paragraph 1-22, guidance concerning whether to assign a soldier to the IRR. When an administrative discharge board is required, it is indicated. All soldiers will be notified of a commander's recommendation for their involuntary discharge. If the characterization is under honorable conditions the soldier will be informed of the specific factors in the service record that warrant such characterization.

(Refer to chapter 3, AR 135-178 for the following reasons for discharge)

- a. Reduction in authorized strength.  
RE 1.
- b. Discharge for enlistment, reenlistment, immediate reenlistment, or appointment in any component of the Armed Forces.  
RE 1.
- c. Appointment as a commissioned or warrant officer.  
RE 2.

(Refer to chapter 4, AR 135-178 for the following reasons for discharge)

- d. Enrollment or disenrollment in the advance course ROTC or receipt of scholarship assistance (which is not an RFD or 2 year Junior Military College Scholarship).  
RE 2.
- e. Failure of potential SMP member to be accepted in the ROTC advance course.  
RE 2.
- f. Failure to meet medical procurement standards AR 40-501, chapter 2 prior to entry on IADT.  
RE 3. (Includes discharge of a soldier who was pregnant at the time enlistment)
- g. Other designated physical or mental conditions (NGB approval).  
(1) Administrative board required if eligible and requested.  
(2) RE 3.
- h. Pregnancy.  
RE 2.

i. Failure to perform duties satisfactorily due to parenthood.

- (1) Counseling required.

- (2) Rehabilitation required.
- (3) Administrative discharge board required if eligible and requested.
- (4) RE 3.
- j. Dependency or Hardship affecting soldier's immediate family.
  - RE 3.
- k. Participation in National or Community health safety or interest.
  - RE 3.
- l. Sole surviving son or daughter.
  - RE 3.
- m. Failure to meet Army weight control standards.
  - (1) Reasonable opportunity to comply with weight reduction goals must be provided.
  - (2) Administrative discharge board required if eligible and requested.
  - (3) RE 3.

(Refer to chapter 5, AR 135-178 for the following reason for discharge)

- n. Entry level status and conduct
  - (1) Counseling required.
  - (2) Rehabilitation required.
  - (3) Not applicable to PS.
  - (4) RE 3.

(Refer to chapter 6, AR 135-178 for the following reason for discharge)

- o. Unsatisfactory Performance.
  - (1) Not applicable to entry level status personnel.
  - (2) Counseling and rehabilitation required.
  - (3) Administrative discharge board required if eligible and requested.
  - (4) RE 3.

(Refer to chapter 7, AR 135-178 for the following reasons for discharge)

- p. Conviction by Civil Court.
  - (1) Administrative discharge board required unless waived.
  - (2) RE 3.
- q. Acts or Patterns of Misconduct.
  - (1) Administrative discharge board required (unless waived by the soldier) when:
    - (a) The soldier has 6 or more years of total military service or:
    - (b) The separation authority considers discharge under other than honorable conditions appropriate.

(2) RE 3.

(3) Includes Misconduct-Abuse of Illegal Drugs. All soldiers identified as abusers of illegal drugs will be referred for treatment or counseling as appropriate regardless of the commander's intent to take administrative, nonjudicial or judicial actions. Commanders must begin separation action or recommend retention of soldiers identified in (a) and (c) below who are not being referred to a courts-martial authorized to impose a punitive discharge or processed under paragraph "r" below. Recommendations for retention/separation will be forwarded through command channels to the separation authority. (see chapter 2, AR 135-178). Normal separation procedures will be followed. Those soldiers whose discharge authority decides to retain, will as a condition of retention be required to enroll in a rehabilitation program as soon as possible, but within 90 days of notification. Enrollment and participation cost will be at no expense to the government. Commanders will immediately begin discharge actions for those soldiers who refuse or fail to enroll in a rehabilitation program as a result of committing a drug offense.

- (a) First-time drug offenders SGT - SGM *must* be processed for retention/separation.
- (b) First-time drug offenders PV1 - CPL *may* be processed for discharge.
- (c) Second-time drug offenders, PV1 - SGM *must* be processed for discharge.

**Note:** If consideration is being given to the use of test result in an administrative proceeding, the unit shall so advise the laboratory within 60 days. In such case, the specimen shall be retained for 120 days following the issuance of the report. If administrative proceeding is not completed within 120 days, the submitting command shall request an extension.

(Refer to chapter 9, AR 600-85 for the following reason for discharge)

- r. Alcohol or other drug abuse rehabilitation failure.
  - (1) Soldiers will be responsible to provide their commanders, quarterly, with documentation of satisfactory participation in their rehabilitation

program. This requirement will continue until a closing document of successful completion is accomplished. Failure to participate or complete rehabilitation satisfactorily or provide commanders with required documentation of participation and completion, is a basis for immediate initiation of discharge action.

(2) Administrative discharge board required if eligible and requested.

(3) RE 3.

(Refer to chapter 9, AR 135-178 for the following reasons for discharge)

s. Minority.

RE 1.

t. Erroneous Enlistment or Extension.

RE 3.

u. Defective enlistment agreement (includes soldiers unable to attend IADT within appropriate maximum time frames).

RE 1 or RE 3 as appropriate.

v. Fraudulent Entry.

(1) Administrative discharge board required if eligible and not waived or required if being processed for separation with an other than honorable characterization of service. Waiver must be sent to the waiver approval authority prior to the determination to retain.

(2) RE 3 or RE 4, dependent on the waivability of disqualification.

(Refer to chapter 10, AR 135-178 for the following reason for discharge)

w. Homosexuality.

(1) Administrative discharge board required unless waived.

(2) RE 4.

(Refer to chapter 11, AR 135-178 for the following reason for discharge)

x. Expiration of Service Obligation.

RE 1, or RE 3 (if bar to reenlistment exist).

(Refer to chapter 12, AR 135-178 for the following reasons for discharge)

y. Medically unfit for retention standards of chapter 3, AR 40-501.

If a commander suspects a soldier may not be medically qualified for retention, he or she will direct a soldier to present him or herself for a

medical exam IAW NGR 40-501. If the soldier refuses to report for a physical exam as directed, see para 8-27j of this regulation. A complete medical exam will be accomplished and the results forwarded to the unit commander for disposition. If retention is not recommended a request for discharge will be submitted to the State AG. When medical condition was incurred in line of duty, the procedures of NGR 40-3 will apply. Discharge action will not be effected pending final disposition of the case.

RE 3.

z. Noncitizens who are members of the ARNG.

(1) Visit foreign country of nationality for 6 months or more.

RE 1.

(2) Permanent residence in a foreign country.

RE 1.

(3) Fails or refuses to give a permanent address in the United States.

RE 3.

aa. Minister of religion and divinity student.

RE 1.

bb. Attainment of maximum allowable age.

RE 4.

cc. Approved exemption from involuntary orders to active duty.

RE 3.

dd. Security reasons.

(1) See AR 604-10.

(2) Administrative discharge board required if eligible and requested.

(3) RE 4.

ee. Separation of enlisted personnel for the convenience of the government as prescribed by the Secretary of the Army. (See AR 135-178, para 4-4).

### 8-27. State ARNG discharge

This paragraph lists reasons for discharge from the State not listed in paragraph 8-26 or AR 135-178. Soldiers will be notified of recommendations for involuntary discharges and afforded a reasonable opportunity to provide a written response for consideration by the separation authority. Characterization of service will be IAW applicable State codes.

a. Not selected for retention by a qualitative retention board IAW AR 135-205. Soldier may elect to be reassigned to the Control Group (Re-

inforcement) of the IRR or assigned to the Retired Reserve or be concurrently discharged under paragraph 8-26ee.

RE 4.

b. Not used.

c. Unit reorganization, inactivation, or relocation of a unit where there is no other unit within the State to which the soldier may be assigned. See AR 135-91, chapter 5.

RE 1.

d. Denial of clearance for enlistment of nonunit members of the USAR assigned to the Ready or Standby Reserve. See chapter 2, this regulation.

RE 3.

e. Request for discharge in lieu of courts-martial authorized to adjudge a punitive discharge. Request for discharge may be submitted after court-martial charges, (the punishment for which under UCMJ and the MCM, 1984, or the State Code, includes a bad conduct or dishonorable discharge) are preferred against the soldier, or after referral until final action by the convening authority. A soldier who is under a suspended sentence of a punitive discharge may likewise submit a request for discharge for the good of the service. The request for discharge does not prevent or suspend disciplinary proceedings; this decision will be made by the convening authority. The soldier will be provided the opportunity to consult with counsel. If waived, the soldier must do so in writing. If the counseling is not waived, the counsel will provide the soldiers with an assessment of the case, possible punishments, an explanation that this request for discharge be voluntary, and the consequences this type of discharge may have on the soldier's benefits and subsequent civilian life. In the request for discharge the soldier will admit guilt to the charge(s), or of a lesser included offense(s) therein contained which also authorize(s) the imposition of a punitive discharge, and indicate that the soldier was counseled or waived this right. Use of this discharge authority is encouraged when the commander determines that the offense is sufficiently serious to warrant discharge and the soldier has no rehabilitation potential. Each commander in the chain or commander will indicate his or her recommendation. The convening authority may approve the request for discharge and direct the characterization of service that he or she believes

appropriate or disapprove the request for discharge.

(1) RE 3.

(2) Characterization of service under other than honorable conditions may be appropriate.

f. Moving to an area where a paid drill unit of the ARNG is not within reasonable commuting distance. See AR 135-91, chapter 5.

RE 1.

g. Unsatisfactory participant. See AR 135-91, chapter 4.

(1) RE 3.

(2) Commanders may recommend retention of soldiers who have accrued 9 unexcused absences within one year period. Requests with justification for retention will be submitted to the State AG. The request will include verification that the notification requirements of AR 135-91 have been accomplished. Retention approval authority can be delegated to the LTC command level.

h. Temporary overseas residing, employment, or missionary obligation. See AR 135-91, chapter 5.

RE 1.

i. Request of the soldier not to be discharged from the reserve of the Army status in order to become a member of the Army Reserve.

RE 1 or RE 3 as applicable.

j. Failure to obtain required physical IAW NGR 40-501. Soldier will be notified in writing of the requirement to obtain a physical. The soldier will be given 90 days after the letter is mailed to comply with this requirement. Commander can authorize an extension of up to 60 days for extenuating circumstances.

RE 3.

k. Failure to obtain assignment to a unit vacancy. See chapter 5, this regulation.

RE 1.

l. Discharge for other reasons as stipulated by State law.

RE 1 or RE 3.

m. Discharge for placement on the permanent disability retired list. See AR 635-40.

RE 3.

n. Discharge because of placement on temporary retired list. See AR 635-40.

RE 3.

o. Expiration of period in excess status. See chapter 5, this regulation.

RE 1.

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p. Discharge based upon a determination by the State AG or CNGB that separation is in the best interest of the State or as prescribed in NGB directives. (Telephonic concurrence of CNGB is

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required for actions initiated by State AG that have not been prescribed by NGB).

RE 1 or RE 3.

q. Conscientious objection. See AR 600-43.

RE 3.

r. Graduate student in the health professions. See AR 135-91, chapter 5.

RE 3.

s. Incompatible occupation (employment conflict). Sufficient documentation will be submitted to support undue and genuine hardship/conflict caused by membership in the ARNG and civilian occupation. See AR 135-91, chapter 4.

RE 3.

t. Expiration of Active Guard Commitment (i.e., at the end of 3 years of a 3x5 enlistment option). See chapter 2, this regulation for the enlistment option time frames.

RE 1 or RE 3 (if bar is in effect).

u. Upon issuance of orders to active duty when a soldier absents himself or herself without authority. Discharge upon receipt of orders. See AR 630-10.

RE 3.

v. Discharged and transferred to the USAR Control Group (Retired). See AR 140-10 for policy criteria and procedures. Note: Soldiers with notification letters of eligibility for retired pay at age 60 (20 year letters) will be transferred to the USAR Control Group (Retired) unless they specifically request in writing to be discharged from both State and Reserve of the Army status.

RE 1

w. Discharged from the Inactive Army National Guard for failure to report to annual muster. See NGR 614-1.

RE 1 or RE 3 as appropriate.

x. Discharge of a soldier who was an interstate transfer who fails to report to the gaining State. See chapter 5 this regulation.

RE 1 or RE 3 as appropriate.

y. Discharge of a soldier who was an inservice recruit who fails to report. See chapter 2 this regulation.

RE 1 or RE 3 as appropriate.

z. Discharge of soldiers who were previously discharged from the Reserve of the Army by the Active Army.

RE 1 or RE 3 as appropriate.

TABLE 8-2  
Preparation of NGB Form 22, Report of Discharge & Record of Service

Item#	Title/Description	Instructions
	<b>Heading</b>	(1) Insert "ARMY" and State. (2) Insert "ARMY" when individual is completely discharged from the Reserve of the Army. When not discharged from the Reserve of the Army, line this space out. <b>Example:</b> Report of Discharge and Record of Service in the ARMY National Guard of North Dakota and as a Reserve of the Army.
1.	<b>Name</b>	Self explanatory from item 1, of the latest DD Form 4 or pertinent record (if name changed).
2.	<b>Department, Component and Branch</b>	Enter ARNGUS and State. <b>Example:</b> ARNGUS/NDARNG
3.	<b>SSN</b>	Self explanatory.
4.	<b>Date of Enlistment</b>	Self explanatory from item 5 of the latest DD Form 4.
5a.	<b>Rank</b>	Enter 3 digit abbreviation from item 18, DA Form 2-1.
5b.	<b>Pay Grade</b>	Enter pay grade for appropriate rank in item 5a above.
6.	<b>Date of Rank</b>	Self explanatory from item 18, DA Form 2-1. Adjust date of rank for period in ING.
7.	<b>Date of Birth</b>	Self explanatory.
8a.	<b>Station or Installation at which effected</b>	Enter current unit of assignment, city, State and ZIP code.
8b.	<b>Effective Date</b>	ETS or effective date of discharge order.
9.	<b>Command to which transferred</b>	Enter ARNG unit, USAR unit, or appropriate USAR Control Group. Enter complete address. If not applicable, enter "NA". <b>Example:</b> USAR Control Group (Annual Training) ARPERCEN 9700 Page Boulevard St. Louis, MO 63132
10a.	<b>Net Service this Period</b>	Enter total service by computing date of enlistment in item 8b. This includes all Active Federal Service, Reserve Component Service, ING and AGR this period only.

TABLE 8-2, Preparation of NGB Form 22 (continued)

Item#	Title/Description	Instructions
10b.	Prior Reserve Component Service	Enter total of all prior Reserve Component Service. Obtain from item 7b, DD Form 4.
10c.	Prior Active Federal Service	Enter total of all prior Active Federal Service. This includes any Active Federal Service such as ADT, IADT, and AGR periods for which a DD Form 214 or DD Form 220 was issued. Obtain from item 7a, DD Form 4.
10d.	Total Service for Pay	Enter total service by adding 10a, b and c.
11.	Terminal Date of Reserve/Military Service Obligation	This block must be completed. Enter the terminal date of the original 6 year or 8 year MSO regardless of whether it is past, present or future, or enter the current ETS, whichever date is later.
12.	Military Education	Enter all full time attended military schools completed from item 17, DA Form 2-1.
13.	Primary Specialty Number, Title and Date Awarded	Enter primary secondary, and additional MOS number, title, and date awarded from item 6, DA Form 2-1.
14.	Highest Education Level Successfully Completed	<u>Enter highest level of civilian education in years attended.</u>
15.	Decorations, Medals, Commendations, Citations, Campaign Ribbons	Self explanatory from items 9 and 27, DA Form 2-1. Delete the words "this period". Include all awards for entire service. State awards may be included.
16.	SGLI	Self explanatory from VA 29-8286.
17.	<b>Personnel Security Investigation</b>	
17a.	Type	Enter the type of investigation conducted (ENTNAC, NAC, BI) from <u>DA Form 873</u> . <del>item 4, DA Form 2-1</del>
17b.	Date Completed	Enter the date investigation was completed from item 4, DA Form 2-1.
18.	Remarks	a. Any item may be continued in this section. b. Enter all Active Federal Service to include ADT, IADT, and/or AGR for which a DD Form 214 or DD Form 220 was issued during this period only.

TABLE 8-2, Preparation of NGB Form 22 (continued)

Item#	Title/Description	Instructions
		<p>c. Enter periods of ING this period only.</p> <p>d. Enter the remaining statutory or contractual obligation for which time the individual was transferred to the USAR.  <b>Example:</b> Individual assigned to USAR Control Group (Annual Training) for completion of 1 year, 4 months, and 21 days statutory obligation (also see paragraph 8-3d).</p> <p>e. When an individual is absent for any reason at time of discharge, the statement "Individual was discharged without personal notice" and the reason per NGR 600-200, chapter 8.</p> <p>f. Show how the NGB Form 22 and the discharge certificate, if applicable, were delivered. <b>Example:</b> NGB Form 22 and NGB Form 55a were mailed by <u>certified</u> mail to the individual's last known address as shown in item 19.</p> <p>g. Immediate reenlistment (without a break in service) will not require the preparation of NGB Form 22 until next discharge from the ARNG. NGB Form 22 prepared at next discharge will include the combined periods of previous enlistment and immediate reenlistment and will be noted by a remark.  <b>Example:</b> "Previous service for the purpose of immediate reenlistment this period - 810621 to 850701."</p> <p>h. The following information will be entered concerning SRIP data on each type of bonus soldier participated in for this period only:</p> <ol style="list-style-type: none"> <li>(1) Type of SRIP soldier participated.</li> <li>(2) Effective date soldier entered SRIP.</li> <li>(3) Effective date soldier was terminated from SRIP.</li> <li>(4) Reason for termination.</li> <li>(5) Whether termination was with or without recoupment.</li> </ol> <p>i. If there is insufficient space in the remarks block, use a blank sheet of paper and make a heading with the form number and name, soldier's name and SSN, and specify that it is a continuation of item 18. Include information required for items 19, 29, 21 and 22 below.</p> <p>j. Bar to Reenlistment (see para 7-22).</p> <p>k. Discharged with less than 3 months to serve on statutory or contractual obligation (see para 8-3d).</p> <p>l. Soldier was member of simultaneous membership program (SMP) from                    to                    . This service is not creditable when computing length of service as a commissioned officer.</p> <p>m. Prior service must be verified to enter it on this form. If prior service has not been verified, enter the following: "Prior service may be credited on NGB Form 22A upon verification."</p>

TABLE 8-2, Preparation of NGB Form 22 (continued)

Item#	Title/Description	Instructions
19.	<b>Mailing Address</b>	Enter current mailing address at time of discharge.
20.	<b>Signature of Person being Discharged</b>	Individual will sign as name appears in item 2. When individual cannot or will not sign, enter "Soldier not available to Sign" or "Soldier refused to sign."
21.	<b>Typed Name, Grade and Title of Authorizing Officer</b>	Self explanatory. A commissioned officer or WO is authorized to sign.
22.	<b>Signature of Officer Authorized to Sign</b>	Self explanatory.
23.	<b>Authority and Reason</b>	Enter the authority cited on discharge order and/or the applicable reason per NGR 600-200.
24.	<b>Character of Service</b>	As cited on the discharge order. If characterization of service is "Uncharacterized," then so state.
25.	<b>Type of Certificate Used</b>	As indicated on the discharge order.
26.	<b>Reenlistment Eligibility</b>	Enter appropriate reenlistment eligibility code as determined from NGR 600-200, paragraph 8-26 and 8-27.
27.	<b>Request, Decline Copies of my NGB Form 22, and Initials</b>	Individual will check appropriate box and initial. If individual is not available, leave blank.

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