

Upholding Discipline — Administrative Enlisted Separations

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“Discipline is the soul of an army. It makes small numbers formidable; procures success to the weak and esteem to all.”

— George Washington¹

Company command is unique among all assignments in which a junior officer serves. The authority and responsibility of the commander exceeds any other position, as the commander is responsible, to use the hoary saying, for “everything that the company does or fails to do.” The commander must prioritize unit readiness, establish a positive command climate, and develop cohesive and disciplined teams.² While “training is the cornerstone of unit readiness and must be the commander’s top peacetime priority,” very few things detract from training as much as mundane legal and administrative matters stemming from Soldier indiscipline.³ After 22 months of rifle company command, I can say from personal experience that 10 percent of your Soldiers do indeed take 90 percent of your time. That is, non-judicial punishment, separation proceedings, and the process involved can consume valuable time if the commander does not have a system in place.

In this article I will examine enlisted administrative separations — specifically, how company commander involvement can ensure their timely processing. Fundamentally, “Soldiers who do not conform to required standards of discipline and performance and Soldiers who do not demonstrate potential for further military service should be separated in order to avoid degradation of morale and substandard mission performance.”⁴ I will not summarize Army Regulation (AR) 635-200, *Active Duty Enlisted Administrative Separations*, but rather provide a general framework, based on regulation and personal experience, for navigating the process.

Additionally, this article should not supersede advice from your brigade legal office (for specific questions, always ask them first). I will, however, discuss systems I implemented at the company level that helped myself and junior leaders build each packet for submission to the legal office, track the progress of each packet, discuss relationships I built with on-post agencies, and lessons learned (often through painful experience) that helped streamline the process. Ultimately, once commanders decide to separate a Soldier, they must ensure that the process moves as efficiently as possible. Discipline underpins unit readiness, and commanders and subordinate leaders bear responsibility for maintaining it.⁵

Once the unit makes “maximum use of counseling and rehabilitation” to correct substandard Soldier performance, the commander may initiate separation proceedings.⁶ First, the company must build the separation packet. My brigade legal office provided a checklist summarizing the required documentation for each type of administrative separation, as each type differs. For example, a separation under Chapter 14-12c2 (abuse of illegal drugs) requires positive urinalysis documentation, and a Chapter 14-12b (a pattern of misconduct) requires applicable evidence substantiating continued misconduct on the part of the Soldier.⁷⁻⁸ Regardless of the type of separation, all require counseling forms (DA Form 4856), flags (DA Form 268), the Soldier’s Soldier Record Brief (SRB), other administrative paperwork for the Soldier, pertinent evidence, as well as medical and physical examinations.⁹

While legal offices may vary, my brigade legal office required the Soldier to complete medical examinations by the physician assistant (PA), a mental status evaluation by a behavioral health officer, and enroll in Soldier for Life-Transition Assistance Program (SFL-TAP) prior to chapter packet submission to the legal office for draft. This allowed the legal office to process separations more quickly once the packet arrived at their level, but it required additional initial effort at the company echelon to build the packet. In order to facilitate this process, I found it most effective to insert myself directly. Due to the working relationships I built with our Embedded Behavioral Health (EBH) team and my battalion PA (more on this later), I would email or call them personally rather than ask an NCO escort to try to book an appointment through the front desk at the clinic. Admittedly, this circumvented

the established process, but it allowed Soldiers to get an appointment quickly rather than wait for an opening in the schedule.

Once the company consolidates all pertinent evidence and required administrative, mental evaluation, and medical paperwork, the company builds the final separation packet for submission to the legal office. In my company, a senior squad leader or platoon sergeant would build the packet, and then the first sergeant and I would review it personally. I reviewed each packet for two reasons:

- (1) The commander should review all paperwork leaving his or her company, and
- (2) A Soldier’s career in the military hangs in the balance; the commander must be convinced that separation is the right decision.

Once the packet has been built and verified, a senior NCO then turns it in to the legal office. At this point, the commander must track the progress of the packet and know when and where to apply pressure.

Chapter 2 of AR 635-200 describes the process for drafting the separation packet, notifying the Soldier, allowing the Soldier to access Trial Defense Services (TDS), and routing the final packet through the company commander to the separation authority.¹⁰ This complicated process can be time consuming without company-level tracking systems. The commander owes the Soldier prompt, firm, courteous, and fair action when exercising his/her military authority.¹¹ Meaning, the commander should ensure the separation process happens swiftly for the sake of the Soldier and in accordance with regulation (which allows 15 working days for processing separations).¹² Without a system in place, the process can easily surpass 15 working days, to the detriment of the Soldier and the unit.

Figure 1 illustrates a system that I used as a company commander. Each week during the company training meeting, platoon leadership would backbrief me and the first sergeant where each separation packet stood in the process.

In this tracker (using a notional Soldier), each column corresponds to the steps of the separation packet from creation until final turn in for decision by the separation authority. The table lists the steps in roughly sequential order from left to right; for example, leadership must counsel and flag a Soldier for separation before making medical and mental evaluation appointments. Once flagged, medical, mental, SFL-TAP, and evidence gathering can occur simultaneously. As discussed previously, I would make the medical and mental evaluation appointments for the Soldier, while platoon leadership consolidated evidence and got the Soldier enrolled in SFL-TAP. The first sergeant and I would review the final packet before turning it in to legal for draft and then follow up with our battalion paralegal.

Particular attention to dates allowed me to identify when the process lagged. For instance, if it took longer than five business days between submission of the packet to legal and return of the completed packet to the company for notification, I would call our battalion paralegal to check the status. Likewise, if I notified a Soldier of separation but the Soldier had yet to meet with TDS or started SFL-TAP but not completed it, it indicated that the Soldier

Figure 1 — Example Separation Tracker

Rank	Name	Type	Counseling, Flag, and Updated SRB	Medical Phase 1	Medical Phase 2	Mental Evaluation	SFL-TAP Start Date	Evidence	Turned into Legal for Draft	Chapter Notification	Trial Defense Services	Commander's Chapter Memo	Battalion Commander's Chapter Memo	Turned into Legal for Closure	Status/Remarks
PFC	Doe, John	14-12c2	21 MAR	22 MAR	25 MAR	22 MAR	23 MAR	Positive UA	01 APR	08 APR	09 APR	12 APR	12 APR	12 APR	Packet Turned into Legal for Brigade Commander's Signature

may be, intentionally or unintentionally, slowing the process. Only by tracking the process on a weekly basis and knowing specific dates for each gate can the commander keep track of each separation packet. Ultimately, it takes intrusive leadership on the part of the company command team to ensure the process works.

As the discussion above illustrates, the commander takes an active role calling on-post agencies and scheduling appointments to facilitate the separation process. Without a relationship with the Soldiers and civilians who work at these agencies, a demanding or uncompromising commander may strain these working relationships. For my brigade, pre-command captains must complete an office call with the brigade staff judge advocate (SJA) before assuming command. This meeting helps establish a baseline relationship with both the battalion paralegal and your legal advisor, both of whom I would talk to on a weekly basis. These individuals will also provide an overview of the chapter process for the incoming commander and provide insightful guidance on legal matters.

In addition to the SJA, I strongly recommend making office calls with EBH, your battalion PA, and SFL-TAP. As I stated previously, I would email or call EBH and our PA directly to schedule appointments — having a first-name relationship with them allowed me to do this. Where I failed as a commander, and advice I offer incoming commanders, is to build a relationship with SFL-TAP before you need help from them. Civilians staff SFL-TAP and they interact with captains on a daily basis. Because I never met with anyone who worked for SFL-TAP before I took command, I did not know how the process worked. One specific example comes to mind: A Soldier separating under Chapter 14-12c (commission of a serious offense) arrived late to a brief which took place only once per week. Because he arrived late, SFL-TAP rescheduled him for the next week. As a frustrated commander, I called the SFL-TAP front desk and demanded that they allow the Soldier to attend his required brief even though he arrived late. My attempts failed and the Soldier's separation was delayed. To stop this sort of thing from happening again, I learned the step-by-step process of SFL-TAP, when each mandatory separation brief took place, and who to talk to if I needed help — all things that could have been accomplished during an office call. I would have saved myself and my NCOs significant headache had I learned this before taking command.

Besides building a better relationship with SFL-TAP, I offer incoming commanders and junior leaders the following additional lessons learned. I previously described in detail the role of the commander in the separations process, but your NCOs are critical for success. I recommend that each platoon designate a mature, senior squad leader as the "legal NCO" for the platoon. The commander and first sergeant should train this NCO so that they thoroughly understand the separation process, know the location of all on-post agencies, and know their points of contact. This NCO escorts all separating Soldiers to their medical, mental, SFL-TAP, and out-processing appointments; maintains all legal and out-processing paperwork; and keeps the Soldier on track for timely separation. Beyond doing the legwork for separation, this NCO also provides emotional support and guidance to Soldiers being separated and helps transition them back to civilian life.

Finally, the commander should never underestimate the effect of showing up in person or calling directly when necessary. Several times during my command, I initiated separation for Soldiers who had committed more serious offenses and needed to be separated as expeditiously as possible. To enroll one Soldier in SFL-TAP, I drove to their office and stood in the lobby until I could meet with the supervisor on duty (this occurred after the incident described above). By personally explaining the situation in a calm and respectful manner, I got the help I needed. On a different occasion, a Soldier needed out-processing orders issued by the post transitions office. By directly calling this office and asking for help, I ensured that the Soldier received discharge orders the same day. Finally, I made a habit of meeting with the battalion paralegal whenever I had to go to our brigade headquarters building. This built rapport and gave me a chance to ask about (and put emphasis on) specific cases. The commander personally asking for help, rather than the platoon legal NCO described above, can dramatically change how military and civilian agencies work with you. The position and responsibility of the commander carries additional weight, which you can use effectively to get supporting agencies to help.

Commanders owe all Soldiers in their formations engaged and compassionate leadership. Regardless of the reason for separation, the process should flow smoothly and efficiently in order to maintain discipline within the unit and for the sake of the Soldier being separated. Through the techniques and lessons described above, commanders and junior officers can make sense of Army regulations, develop systems at their echelon, and train their NCOs to process administrative separations.

Notes

¹ George Washington, Letter to the Captains of the Virginia Regiments, July 1759.

² Army Regulation (AR) 600-20, *Army Command Policy*, July 2020, 1-6.

³ Ibid.

⁴ AR 635-200, *Active Duty Enlisted Administrative Separations*, June 2021, 1-16.

⁵ AR 600-20, 4-1.

⁶ AR 635-200, 1-17.

⁷ AR 600-85, *The Army Substance Abuse Program*, July 2020, 10-6.

⁸ AR 635-200, 14-12.

⁹ Ibid, 1-33.

¹⁰ Ibid, 2-1 through 2-3.

¹¹ AR 600-20, 4-6.

¹² AR 635-200, 1-8.

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