ATZK-JAA 12 March 2002

FACT SHEET - #12

SUBJECT: Use of Counseling Statements in Administrative Elimination Actions

1. PURPOSE. To advise commanders of counseling requirements for administrative elimination actions under AR 635-200 (1 Nov 00).

2. FACTS.

a. Formal counseling is mandatory prior to initiation of elimination actions under Chapter 5-8 (involuntary separation due to parenthood); Chapter 5-13 (personality disorder); Chapter 5-17 (other designated mental or physical conditions); Chapter 11 (entry level separation); Chapter 13 (poor performance); Chapter 14 (misconduct); or Chapter 18 (failure to meet body fat standards). Formal counseling is not required for the commission of serious offenses under Chapter 14-12c.

b. Formal counseling must comply with the requirements listed in paragraph 1-16. These include the reason for the counseling, that separation may be initiated if the behavior continues, the type of discharge that could result from separation, and the effect of such discharge.

c. The Administrative Law Division, building 1310, has overprinted DA Forms 4856 (General Counseling Form) containing language which complies with the formal counseling requirements. The regulation also requires that the soldier be afforded a reasonable opportunity to overcome deficiencies. Formal counseling placing the soldier on notice of possible separation cannot be given the same day the separation packet is requested.

d. Unless the soldier engages in subsequent misconduct or poor performance following formal counseling, separation is not appropriate. The soldier should be afforded a reasonable opportunity after the formal counseling to overcome his or her deficiencies. Requests for separation actions not meeting the above regulatory requirements must be deemed legally insufficient and require a return to the initiating commander. When this occurs, the packet will contain recommended corrective measures designed to bring the action into compliance with the regulation.

3. POC is the Administrative Law Division at 4-7414/4668.

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