

commander using the Pregnancy Counseling Checklist (fig 8–1). The unit commander will explain that the purpose of the counseling is to provide information concerning options, entitlements, and responsibilities and that she may—

a. Upon request, be separated per this chapter. She may request a specific separation date. However, the separation authority and her military physician will determine the separation date. The date must not be later than 30 days before expected date of delivery, or the latest date her military physician will authorize her to travel to her HOR or EOD destination, whichever is earlier. The separation authority will approve request according to this chapter.

b. Remain on active duty.

8–10. Statement of counseling

a. Figure 8–2, part one, will be signed by the soldier after counseling.

b. The soldier will be granted at least 7 days to consider the options available. She will indicate her election by completing part two of the Statement of Counseling.

c. Copies of the completed Statement of Counseling and the Pregnancy Counseling Checklist will be filed in the MPRJ as an action pending document.

Chapter 9 Alcohol or Other Drug Abuse Rehabilitation Failure

9–1. Scope

This chapter provides the authority and outlines the procedures for discharging soldiers for alcohol or other drug abuse rehabilitation failure. The soldier is entitled to request a hearing before an administrative separation board if he or she has 6 or more years of total active and reserve military service per paragraph 2–2 *d.* A soldier who has less than 6 years of military service is not entitled to a board. Discharge is based on alcohol or other drug abuse such as the illegal, wrongful, or improper use of any controlled substance, alcohol, or other drug when—

a. The soldier is enrolled in ADAPCP.

b. The commander determines that further rehabilitation efforts are not practical, rendering the soldier a rehabilitation failure. This determination will be made in consultation with the rehabilitation team. (See AR 600–85).

c. **(Rescinded.)** *Note 1.* When not precluded by the limited use policy, offenses of alcohol or other drug abuse may properly be the basis for discharge proceedings under chapter 14. However, the evidentiary aspect of the limited use policy is applicable to discharge under paragraph 14–12 or other separation provisions. Soldiers processed for separation under other provisions of this regulation, who also are or become subject to separation under this chapter and whose proceedings on other grounds ultimately result in their retention in the service, will be considered for separation under this chapter. *Note 2.* When the commander determines that a soldier who has never been enrolled in ADAPCP lacks the potential for further useful service, the soldier will be screened per AR 600–85. If found nondependent, the soldier will not be rehabilitated but will be considered for separation under other appropriate provisions of this regulation.

d. Separations for *alcohol* abuse rehabilitation failure will be reported separately from separations for *drug* abuse rehabilitation failure. If separation is based on both, the primary basis will be used for reporting purposes.

9–2. Basis for separation

a. A soldier who is enrolled in the ADAPCP for alcohol/drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program in the following circumstances:

(1) There is a lack of potential for continued Army service and rehabilitation efforts are no longer practical, or

(2) Long-term rehabilitation is necessary and the soldier is transferred to a civilian medical facility for rehabilitation.

b. Nothing in this section prevents separation of a soldier who has been referred to such a program under any other provision of this regulation.

c. Initiation of separation proceedings is required for soldiers designated as alcohol/drug rehabilitation failures.

9–3. Procedures

The immediate commander will—

a. Take action as specified in the Notification Procedure (chap 2, sec II).

b. Separation action will be initiated only when a soldier is under military control. The exception is a soldier confined by civil authorities whose military record indicates that he or she should be processed for separation under this chapter. (See chapter 2, section IV for completing proceedings initiated before a soldier departs absent without leave.)

9–4. Characterization of service or description of separation

The service of soldiers discharged under this section will be characterized as honorable or under honorable conditions. An honorable or general discharge certificate will be furnished per chapter 3, section III, unless the soldier is in entry level status and an uncharacterized description of service is required. An honorable discharge is mandated in any case in which the government initially introduces into the final discharge process, limited use evidence as defined by AR 600–85, paragraph 6–4. (See para 2–6 *h* for procedures for reinitiation or rehearing, if appropriate.)

9–5. Separation authority

a. The commanders specified in paragraph 1–21 are authorized to take final action on cases processed under this chapter.

b. The separation authority will approve separation of cases processed without an administrative board if the documentation in the file indicates that—

(1) Required rehabilitative efforts have been made.

(2) Further rehabilitative efforts are not practical, rendering the soldier a rehabilitation failure.

(3) Soldier's potential for fully effective service is substantially reduced by alcohol/drug abuse.

(4) An administrative board is not required or has been waived.

c. For actions processed under the administrative board procedure, the separation authority will—

(1) Approve separation when recommended by the board if the criteria in paragraph *b*(1) through (3) above are established and direct characterization of the soldier's service per paragraph 9–4. The separation authority may not authorize the issuance of a discharge certificate of less favorable character than that recommended by the board.

(2) Approve retention when recommended by the board.

(3) Disapprove a recommendation of separation by the board and direct retention of the soldier.

d. For discharge suspension, see paragraph 1–20.

9–6. Authority for separation

The authority for separation (AR 635–200, para 9–6) will be included in directives or orders directing soldiers to report to the appropriate STP for separation.

9–7. Confidentiality and release of records

Records of separation proceedings and action under this chapter, including separation documents referencing reason and authority for separation, are confidential by operation of Federal law. Records may be disclosed or released only per AR 600–85, chapter 6, sections III and IV.