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**Proponent
AHRC-EPF-M**

Title

ENLISTED INVOLUNTARY EARLY SEPARATION PROGRAM

...Issued: [19 Nov 09]...

- A. ALARACT 318/2009, DCS-G-1, 17 NOV 09, SUBJECT: ENLISTED INVOLUNTARY EARLY SEPARATION PROGRAM.
- B. ALARACT 214/2009, DAPE-MPE, 4 AUG 09, SUBJECT: STOP LOSS AND DEPLOYMENT POLICY UPDATES (CORRECTED COPY).
- C. SECTION 1171, TITLE 10, UNITED STATES CODE (10 USC §1171).
- D. ARMY REGULATION 635-200, ACTIVE DUTY ENLISTED SEPARATIONS.
- E. ARMY REGULATION 40-501, STANDARDS OF MILITARY FITNESS.
- F. ARMY REGULATION 635-5-1, SEPARATION PROGRAM DESIGNATOR CODES.
- G. ARMY REGULATION 601-210, ACTIVE AND RESERVE COMPONENTS ENLISTMENT PROGRAM.
- H. SECTION 1169, TITLE 10, UNITED STATES CODE (10 USC §1169).
- I. DOD INSTRUCTION (DODI) 1332.14, ENLISTED ADMINISTRATIVE SEPARATIONS.
- J. MILPER MESSAGE 09-123, AHRC-EPF-R, 3 JUN 09, SUBJECT: DEPLOYMENT EXTENSION INCENTIVE PAY FOR REGULAR ARMY ENLISTED SOLDIERS.
 - 1. THIS POLICY IS OPEN-ENDED AND A TERMINATION DATE CANNOT BE ESTABLISHED AT THIS TIME.
 - 2. IN MARCH 2009, THE ARMY STATED THAT ACTIVE ARMY UNITS DEPLOYING IN SUPPORT OF A DECLARED CONTINGENCY OPERATION ON OR AFTER 1 JANUARY 2010 WILL NOT BE SUBJECT TO STOP LOSS. SOLDIERS ASSIGNED TO THOSE UNITS WITH AN ETS DURING THE SCHEDULED DEPLOYMENT, WHO ELECT NOT TO REENLIST, ARE OFFERED AN INCENTIVE TO EXTEND TO COMPLETE THE DEPLOYMENT. THOSE SOLDIERS ELECTING NOT TO REENLIST OR EXTEND ARE SUBJECT TO THE FOLLOWING RULES:
 - A. SOLDIERS WHO WILL HAVE AT LEAST SIX MONTHS REMAINING IN SERVICE PRIOR TO THEIR ETS AS OF THEIR UNIT'S LATEST ARRIVAL DATE (LAD) WILL DEPLOY WITH THE UNIT (ETS > LAD+6 MONTHS). THESE SOLDIERS WILL RETURN TO HOME STATION AT LEAST 60 DAYS PRIOR TO ETS FOR TRANSITION PROCESSING AND WILL SEPARATE ON THEIR ETS DATE.
 - B. SOLDIERS WHO WILL HAVE LESS THAN SIX MONTHS REMAINING IN SERVICE ON THEIR UNIT'S LAD WILL NOT DEPLOY WITH THE UNIT (ETS < LAD+6 MONTHS). THESE SOLDIERS WILL BE INVOLUNTARILY SEPARATED FROM THE ARMY UP TO THREE MONTHS PRIOR TO THEIR CONTRACTUAL ETS DATE. UNDER NO CIRCUMSTANCES WILL HRC ADJUST CONTRACTUAL ETS DATES FOR MORE THAN THREE MONTHS OR LESS THAN ONE MONTH.

C. SOLDIERS ASSIGNED TO DEPLOYING UNITS WHO HAVE AN ETS PRIOR TO LAD WHO DO NOT REENLIST WILL SEPARATE ON THEIR CONTRACTUAL ETS DATE.

3. **APPLICABILITY**. THIS POLICY APPLIES TO SOLDIERS WHO MEET ALL OF THE FOLLOWING REQUIREMENTS. THESE REQUIREMENTS ARE FIRM; NO EXCEPTIONS ARE AUTHORIZED OTHER THAN THOSE LISTED IN PARAGRAPHS 7 AND 8 BELOW:

A. REGULAR ARMY, ENLISTED SOLDIERS WHO:

(1) WILL HAVE AT LEAST 36 MONTHS OF ACTIVE DUTY SERVICE BUT NO MORE THAN 71 MONTHS OF TOTAL SERVICE (ACTIVE AND RESERVE) AT THE TIME OF SEPARATION FROM ACTIVE DUTY.

(2) ARE ASSIGNED TO A UNIT DEPLOYING IN SUPPORT OF A DECLARED CONTINGENCY OPERATION.

(3) HAVE A CONTRACTUAL ETS THAT OCCURS DURING THE FIRST SIX MONTHS OF THE SCHEDULED DEPLOYMENT (LAD THROUGH LAD+179) AND ELECT NOT TO REENLIST OR EXTEND.

B. SOLDIERS NOT ELIGIBLE FOR SEPARATION UNDER THIS POLICY ARE THOSE WHO:

(1) WILL HAVE LESS THAN 36 MONTHS OF ACTIVE DUTY SERVICE, OR MORE THAN 71 MONTHS OF TOTAL SERVICE (ACTIVE AND RESERVE) AT THE TIME OF SEPARATION FROM ACTIVE DUTY.

(2) ARE NOT MEDICALLY CLEARED FOR SEPARATION.

(3) ARE PENDING VOLUNTARY OR INVOLUNTARY ADMINISTRATIVE SEPARATION UNDER OTHER PROVISIONS OF AR 635-200 OR OTHER SEPARATION REGULATIONS.

(4) ARE PENDING TRIAL BY COURT-MARTIAL OR ARE BEING INVESTIGATED FOR OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

4. **INITIAL HRC IMPLEMENTATION POLICY AND PROCEDURES**.

A. SOLDIERS SUBJECT TO INVOLUNTARY SEPARATION AS OUTLINED IN PARAGRAPH 3 ABOVE WILL BE SUBJECT TO INVOLUNTARY SEPARATION AND HAVE THEIR ETS DATES ADJUSTED AS FOLLOWS:

(1) SOLDIERS WHO MEET THE CRITERIA IN PARAGRAPH 3 ABOVE WHOSE ETS IS PRIOR TO 01 APR 10 WILL NOT BE SUBJECT TO INVOLUNTARY SEPARATION.

(2) SOLDIERS WHO MEET THE CRITERIA IN PARAGRAPH 3 ABOVE WITH AN ETS DURING 01-30 APR 10 WILL BE INVOLUNTARILY SEPARATED ONE MONTH EARLIER THAN THEIR CONTRACTUAL ETS.

(3) SOLDIERS WHO MEET THE CRITERIA IN PARAGRAPH 3 ABOVE WITH AN ETS DURING 01-31 MAY 10 WILL BE INVOLUNTARILY SEPARATED TWO MONTHS EARLIER THAN THEIR CONTRACTUAL ETS.

(4) SOLDIERS WHO MEET THE CRITERIA IN PARAGRAPH 3 ABOVE WHOSE ETS IS ON OR AFTER 1 JUN 10 WILL BE INVOLUNTARILY SEPARATED THREE MONTHS EARLIER THAN THEIR CONTRACTUAL ETS.

B. ETS DATE ADJUSTMENTS WILL BE EXECUTED WITHIN 30 DAYS FROM THE RELEASE DATE OF THIS MESSAGE ALONG WITH THE SOLDIER'S IMREPR CODE CHANGE TO "9T." THIS WINDOW PROVIDES TIME FOR COMMANDERS TO NOTIFY AFFECTED SOLDIERS AND ESTABLISH LOCAL PROCEDURES FOR FUTURE INVOLUNTARY SEPARATION ACTIONS. THE ADJUSTED ETS DATE WILL ALLOW SOLDIERS A MINIMUM OF 90 DAYS FOR SEPARATION PROCESSING.

C. SOLDIERS SUBJECT TO INVOLUNTARY SEPARATION AS OUTLINED IN PARAGRAPH 3 ABOVE WHO ARE ASSIGNED TO UNITS WHOSE LAD IS BETWEEN 7 AND 9 MONTHS FROM THE RELEASE DATE OF THIS MESSAGE WILL HAVE THEIR IMMEDIATE REENLISTMENT PROHIBITION (IMREPR) CODE CHANGED TO "11." THIS CODE IS NOT INTENDED TO PROHIBIT REENLISTMENT OR EXTENSION, RATHER IDENTIFY THOSE SOLDIERS WHO ARE CANDIDATES FOR DEPLOYMENT EXTENSION INCENTIVE PAY (DEIP) AND/OR POSSIBLE INVOLUNTARY SEPARATION. SUBSEQUENT ETS DATE AND IMREPR CODE ADJUSTMENTS WILL BE SUBJECT TO THE PROVISIONS OUTLINED IN PARAGRAPH 5B BELOW.

D. UPON COMPLETION OF THE INITIAL IMPLEMENTATION PHASE, THE POLICIES AND PROCEDURES LISTED BELOW WILL BE INCORPORATED FOR ALL FUTURE INVOLUNTARY SEPARATION ACTIONS.

5. **POLICY.**

A. AT LAD – 9 MONTHS, U.S. ARMY HUMAN RESOURCES COMMAND (HRC) WILL IDENTIFY ALL ENLISTED SOLDIERS ASSIGNED TO DEPLOYING UNITS WHO HAVE AN ETS DURING THEIR SCHEDULED DEPLOYMENT. HRC WILL CHANGE THESE SOLDIERS' IMREPR CODES TO "11."

B. AT LAD – 6 MONTHS, HRC WILL IDENTIFY ALL ENLISTED SOLDIERS WHO DID NOT EXTEND FOR THE DEIP AND MEET THE REQUIREMENTS OF PARAGRAPH 3 ABOVE. HRC WILL ADJUST THESE SOLDIERS' ETS DATES TO THREE MONTHS EARLIER AND CHANGE THEIR IMREPR CODES TO "9T." SIMILARLY TO IMREPR CODE "11", THIS CODE IS NOT INTENDED TO PROHIBIT REENLISTMENT, EXTENSION, OR ANY OTHER FAVORABLE PERSONNEL ACTION. RATHER ITS SOLE PURPOSE IS TO IDENTIFY THOSE SOLDIERS WHO ARE BEING INVOLUNTARILY SEPARATED PURSUANT TO THIS POLICY.

C. SOLDIERS ASSIGNED TO UNITS IDENTIFIED FOR DEPLOYMENT WITH LESS THAN SIX MONTHS NOTIFICATION PRIOR TO LAD, WILL HAVE THEIR ETS DATES ADJUSTED AND RECEIVE THE IMREPR CODE OF "9T" BY HRC 30 DAYS FROM DEPLOYMENT NOTIFICATION. IN ALL CASES, SOLDIERS WILL BE NOTIFIED 90 DAYS PRIOR TO THEIR ADJUSTED ETS. IF THIS IS NOT POSSIBLE, SOLDIERS WILL SEPARATE ON THEIR CONTRACTUAL ETS DATE.

D. SOLDIERS AFFECTED BY THIS POLICY MUST BE NOTIFIED OF THEIR EARLY SEPARATION DATE THROUGH APPROPRIATE CHANNELS BY COMMANDERS EXERCISING SPCMCA. COMMANDS HAVE THE ABILITY TO QUERY THE IMREPR CODE IN EMILPO TO IDENTIFY SOLDIERS IN THEIR UNIT AFFECTED BY THIS POLICY. UNIT CAREER COUNSELORS MUST WORK CLOSELY WITH THE UNIT PERSONNEL OFFICE (S1/G1) TO ENSURE COMMANDERS, LEADERS, AND SOLDIERS ARE AWARE OF ETS DATE AND IMREPR CODE ADJUSTMENTS AND PROVIDE NECESSARY ASSISTANCE TO THE S1/G1 TO ENSURE THE NOTIFICATION PROCEDURES ARE ACCOMPLISHED AS OUTLINED BELOW.

(1) COMMANDERS WILL PROVIDE WRITTEN NOTIFICATION TO ASSIGNED SOLDIERS AFFECTED BY THIS POLICY AT LEAST 6 MONTHS PRIOR TO LAD (LAD – 6 MONTHS). NOTIFICATION WILL INCLUDE THE ADJUSTED SEPARATION DATE (ETS – 3 MONTHS). A SAMPLE MEMORANDUM IS ATTACHED AND CAN BE USED FOR THIS PURPOSE.

(a) IF NOTIFICATION AT LAD – 6 MONTHS IS NOT POSSIBLE (FOR EXAMPLE, UNITS WITH LADS IN EARLY 2010), SOLDIERS WILL BE NOTIFIED AS SOON AS POSSIBLE.

(b) REGARDLESS OF THE CIRCUMSTANCES, COMMANDERS MUST PROVIDE SOLDIERS A MINIMUM OF 90 DAYS FROM DATE OF NOTIFICATION TO THE ADJUSTED ETS DATE. IF THAT IS NOT POSSIBLE, SOLDIERS WILL SEPARATE ON THEIR CONTRACTUAL ETS DATE.

(2) COMMANDERS MUST ESTABLISH LOCAL POLICIES IN ORDER TO ENSURE THAT SOLDIERS WHO ARRIVE TO THE UNIT INSIDE THE LAD – 6 MONTH WINDOW AND AFFECTED BY THIS POLICY ARE PROMPTLY REPORTED TO HRC.

6. **SEPARATION GUIDANCE.**

A. SEPARATIONS UNDER THIS POLICY WILL BE ADMINISTERED UNDER THE PROVISIONS OF AR 635-200, CHAPTER 16-7. FOR PURPOSES OF POST-SERVICE BENEFITS, INVOLUNTARY EARLY SEPARATION PRESCRIBED BY THIS POLICY IS CONSIDERED TO BE FOR THE CONVENIENCE OF THE GOVERNMENT. IT THEREFORE DOES NOT AFFECT ANY RIGHT, PRIVILEGE, OR BENEFIT THAT A SOLDIER IS OTHERWISE ENTITLED HAD HE COMPLETED HIS ENLISTMENT OR EXTENDED ENLISTMENT, EXCEPT THAT THE SOLDIER IS NOT ENTITLED TO PAY AND ALLOWANCES FOR THE PERIOD NOT SERVED.

B. SOLDIERS AFFECTED BY THIS POLICY MUST UNDERGO A SEPARATION HEALTH ASSESSMENT (AR 40-501) AND COMPLETE PRE-SEPARATION COUNSELING PRIOR TO SEPARATION.

C. SOLDIERS SHOULD BE ENCOURAGED AND AFFORDED AN APPROPRIATE AMOUNT OF TIME TO SEEK TRANSITION ASSISTANCE THROUGH THE ARMY CAREER AND ALUMNI PROGRAM (ACAP).

D. SOLDIERS SEPARATED UNDER THE PROVISIONS OF THIS POLICY WILL RECEIVE A CHARACTER OF SERVICE OF HONORABLE.

E. TRANSITION LEAVE IS AUTHORIZED FOR SOLDIERS SUBJECT TO INVOLUNTARY SEPARATION UNDER THIS POLICY.

(1) SOLDIERS WITH AN ADJUSTED ETS DATE CANNOT BE FORCED TO SELL BACK UNUSED LEAVE. DEPENDING ON LEAVE ACCRUED AND A SOLDIER'S ELECTION TO TAKE TRANSITION LEAVE, COMMANDERS HAVE THE FLEXIBILITY TO ADJUST THE SOLDIER'S ETS DATE BY ONE TO THREE MONTHS.

(2) CONTRACTUAL ETS DATES WILL NOT BE ADJUSTED FOR ANYTHING LESS THAN ONE MONTH, NOR WILL ADJUSTMENTS EXCEED A THREE MONTH DROP.

F. UNEARNED PORTIONS OF ENLISTMENT AND REENLISTMENT BONUSES WILL NOT BE RECOUPED.

G. INVOLUNTARY SEPARATION PAY IS NOT AUTHORIZED.

H. THE REASON FOR SEPARATION TO BE ENTERED ON THE DD FORM 214 IS "REDUCTION IN FORCE" AND THE ASSIGNED SEPARATION PROGRAM DESIGNATOR CODES ARE JCC FOR DISCHARGE AND LCC FOR RELEASE FROM ACTIVE DUTY (AR 635-5-1). THE REENTRY ELIGIBILITY CODE IS RE-1 (AR 601-210).

I. IF IT IS DETERMINED DURING SEPARATION PROCESSING THAT THE SOLDIER DOES NOT MEET THE SPECIFIC SERVICE REQUIREMENTS OUTLINED IN PARAGRAPH 3 ABOVE, THE SOLDIER WILL NOT BE SUBJECT TO INVOLUNTARY SEPARATION. THE COMMAND MUST CONTACT HRC IMMEDIATELY TO HAVE THE ADJUSTED SEPARATION DATE CHANGED TO THE SOLDIER'S CONTRACTUAL ETS AND TO REMOVE THE IMREPR CODE "9T."

7. **EXCEPTIONS.**

A. SOLDIERS SUBJECT TO THIS POLICY MAY REQUEST AN EXCEPTION TO INVOLUNTARY EARLY SEPARATION BASED ON COMPASSIONATE REASONS. EXCEPT AS OUTLINED IN PARAGRAPH 8 BELOW, THE APPROVAL AUTHORITY FOR EXCEPTIONS TO POLICY RESIDES IN COMMANDERS WITH GCMCA AND CANNOT BE FURTHER DELEGATED. SOLDIERS WITH AN APPROVED EXCEPTION TO POLICY WILL SEPARATE ON THEIR CONTRACTUAL ETS DATE.

B. IN THE EVENT THAT A UNIT SCHEDULED TO DEPLOY IN SUPPORT OF A DECLARED CONTINGENCY OPERATION RECEIVES A CHANGE OF MISSION THAT (1) DELETES THE DEPLOYMENT ORDER OR (2) ALTERS THE LAD, THE FOLLOWING GUIDANCE IS PROVIDED:

(1) SOLDIERS WHO HAVE BEEN NOTIFIED OF AN ADJUSTED ETS DATE AND ARE 90 DAYS OR LESS FROM THEIR ADJUSTED DATE OF SEPARATION WILL CONTINUE TO OUT-PROCESS AND SEPARATE ON THEIR ADJUSTED ETS DATE.

(2) IN ALL OTHER CIRCUMSTANCES, COMMANDERS WITH SPCMCA CAN ELECT TO ALLOW SOLDIERS TO SEPARATE ON THEIR ADJUSTED ETS DATE OR REVERT BACK TO THEIR CONTRACTUAL ETS DATE BASED ON UNIT REQUIREMENTS AND SOLDIER INPUT.

(3) IF THE UNIT'S LAD IS ADJUSTED SO THAT THE UNIT DEPLOYS SOONER THAN ORIGINALLY ANTICIPATED:

(A) SOLDIERS NOT PREVIOUSLY SUBJECT TO EARLY SEPARATION UNDER THIS POLICY WILL BE NOTIFIED AND HAVE THEIR CONTRACTUAL ETS DATE ADJUSTED ONLY IF THE SOLDIER CAN BE AFFORDED A MINIMUM OF 90 DAYS FROM DATE OF NOTIFICATION TO THE ADJUSTED ETS DATE. IF THAT IS NOT POSSIBLE, SOLDIER WILL SEPARATE ON THEIR CONTRACTUAL ETS DATE.

(B) SOLDIERS WHO ALREADY HAD THEIR ETS DATES ADJUSTED WILL CONTINUE TO PROCESS FOR SEPARATION AS SCHEDULED. HRC WILL NOT REVERT SOLDIERS' ETS DATES TO THEIR CONTRACTUAL ETS UNLESS AN EXCEPTION TO POLICY HAS BEEN APPROVED BY THE GCMCA EXCEPT AS OUTLINED IN PARA 8 BELOW.

C. UNIT S1/G1 MUST REPORT ALL APPROVED EXCEPTIONS TO POLICY TO CDR, HRC, ATTN: AHRC-EPF-M, 2461 EISENHOWER AVENUE, ALEXANDRIA, VA 22331. UPON RECEIPT, HRC WILL REVERT THE SOLDIER'S ETS TO HIS/HER CONTRACTUAL ETS AND REMOVE THE IMREPR CODE OF "9T."

8. REENLISTMENT OR EXTENSION. SOLDIERS WHOSE ETS DATES HAVE BEEN ADJUSTED AND IMREPR CODES CHANGED TO "9T" WHO WISH TO REENLIST OR EXTEND FOR THE DEIP MUST REQUEST AN EXCEPTION TO POLICY THROUGH THE COMMANDER EXERCISING SPCMCA. IF APPROVED, SOLDIERS' ETS DATES MUST BE REVERTED BACK TO THEIR CONTRACTUAL ETS AND THE "9T" IMREPR CODES REMOVED PRIOR TO SOLDIERS REENLISTING OR EXTENDING. A SEPARATE RETAIN MESSAGE WILL BE RELEASED TO CAREER COUNSELORS OUTLINING THE SPECIFIC PROCEDURES.

9. FOR QUESTIONS CONCERNING SEPARATIONS, CONTACT HRC AT 703-325-3122 OR DSN 221-3122. FOR QUESTIONS CONCERNING REENLISTMENT OR EXTENSION, CONTACT THE UNIT OR INSTALLATION CAREER COUNSELOR