

Exhibit 6

to Plaintiffs' Further Supplemental Brief in
Support of Plaintiffs' Motion for Summary
Judgment

Case No.: 1:20-cv-01104-ESH

Army Regulation 635–8

Personnel Separations

Separation Processing and Documents

**Headquarters
Department of the Army
Washington, DC
17 September 2019**

UNCLASSIFIED

SUMMARY of CHANGE

AR 635–8

Separation Processing and Documents

This major revision, dated 17 September 2019—

- o Clarifies travel time as active duty time when determining the end date for the active service period (para 4–5*b*).
- o Clarifies station of choice to include full-time National Guard consistent with retirement law and Joint Travel Regulations entitlements (para 4–8).
- o Updates to include the expanded mobilization authorizations under Title 10 United States Code for Army National Guard Soldiers (para 5–1*e*).
- o Clarifies the mandatory statements in block 18 for completion of first full term of service (para 5–6*r*(2)(*b*)).
- o Clarifies documents to be included in the separation packet to meet the various legal requirements and support Army Auditability (para 7–3).
- o Updates the addresses for corrections to DD Forms 214 (para 8–1).
- o Updates outside the continental United States transition centers (table B–3).

Headquarters
Department of the Army
Washington, DC
17 September 2019

***Army Regulation 635–8**

Effective 17 October 2019

Personnel Separations
Separation Processing and Documents

By Order of the Secretary of the Army:

JAMES C. MCCONVILLE
General, United States Army
Chief of Staff

Official:


KATHLEEN S. MILLER
Administrative Assistant
to the Secretary of the Army

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. It also applies to U.S. Military Academy cadets.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix D).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–1 (DAPE–MPE), 300 Army Pentagon, Washington, DC 20310–0300.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commander, U.S. Army Human Resources Command, Transitions Division (AHRC–PDP–T), 1600 Spearhead Division Avenue, Fort Knox, KY 40122–5408.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

History. This publication is a major revision.

Summary. This regulation prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. This regulation explains separation document preparation, distribution, correction, and transition processing specific to the Disability Evaluation System. It also implements Department of Defense Instruction 1336.01.

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*This regulation supersedes AR 635-8, dated 10 February 2014.

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Glossary

Chapter 1 Introduction

Section I

General

1–1. Purpose

This regulation prescribes the transition processing function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

See section II for responsibilities.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Army Records Retention Schedule-Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in Army Records Information Management System (ARIMS)/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

Section II

Responsibilities

1–6. Army Review Boards Agency

The Army Board for Correction of Military Records and Army Discharge Review Board, under the Army Review Boards Agency, are authorized to issue separation documents under the provisions of this regulation.

1–7. Chief, National Guard Bureau

The Chief, NGB will—

- a.* Issue Army National Guard (ARNG) component-specific requirements which conform to the policy set forth in this regulation.
- b.* Provide operational oversight to the ARNG State level headquarters.
- c.* Issue separation documents under provision of this regulation.

1–8. Deputy Chief of Staff, G–1

The DCS, G–1 will—

- a.* Establish transition operations policies related to the transition processing of personnel and separation documents.
- b.* Coordinate with appropriate Army staff agencies to implement change in and evaluation of transition operations, policies, and procedures.
- c.* Designate a representative to coordinate requests for exception to policy with Headquarters, Department of the Army (HQDA).

1–9. Chief, Army Reserve

The Chief, Army Reserve—

- a.* Will tailor the procedures set forth in this regulation to conform to U.S. Army Reserve (USAR) specific requirements.
- b.* May issue separation documents under provisions of this regulation.

q. Ensure that copies 1 and 4 of the DD Form 214 are delivered to the separating Soldier prior to departure from the separation activity, either—

- (1) On the effective date of separation;
- (2) On the date authorized travel time commences; or
- (3) Via U.S. Postal Service to the recipient, when separation is effected under emergency conditions that preclude hand delivery.

1–12. U.S. Army Training and Doctrine Command

The CG, TRADOC will incorporate policy, procedure, and guidance in this regulation into lesson programs of instruction.

1–13. Commanders of Army commands, Army service component commands, and direct reporting units

These commanders will—

- a.* Monitor programs and provide policy direction and guidance to installation commanders.
- b.* Coordinate actions with the DCS, G–1; HRC; and related agencies to improve transition processing.

1–14. Commanders of Army installations, Joint bases, and mobilization stations

These commanders will—

- a.* Coordinate with appropriate Army staff agencies to implement change in and evaluation of the transition processing.
- b.* Establish internal control and conduct management control evaluations in accordance with established internal control evaluation plans.
- c.* Implement transition processing policies at their installations per this regulation.
- d.* Ensure all RA transitioning Soldiers are scheduled to attend the Pre-Separation Services Program, as discussed in paragraph 4–4.
- e.* Designate the transition center human resources supervisor as the installation transition processing coordinator.
- f.* Issue separation documents under the provisions of this regulation.

1–15. Unit commanders

These commanders will—

- a.* Promote expediency and efficiency of all unit-level supported activities, to include distribution of separation orders to the Soldier.
- b.* Emphasize timeliness in submission of award recommendations and evaluation reports, if applicable.
- c.* Ensure that transitioning Soldiers attend required briefings, Soldiers retiring must attend the mandatory Department of the Army (DA) Retirement Planning Briefings to include the Pre-Separation Services Program and Soldier for Life Transition Assistance Program (SFL–TAP), in accordance with established pre-separation timelines.
- d.* Ensure that Soldiers complete required SFL–TAP related tasks in order to meet career readiness standards and complete capstone requirements.
- e.* Afford the Soldier adequate time to properly out-process.
- f.* Ensure completion of medical examinations or separation health assessments conducted in accordance with AR 40–501 and other policy guidance issued by The Surgeon General and U.S. Army Medical Command.
- g.* Provide required counseling in accordance with paragraph 4–5.
- h.* Address financial problems that may affect the Soldier and his or her Family during the transition process. Coordinate with the installation finance or Army Community Services to assist in resolving these issues.
- i.* Conduct unit departure ceremonies in accordance with paragraph 4–10.

Chapter 2

Separation Processing Requirements

Separation processing requirements vary by service component, active duty status, and type of separation. Multiple activities conduct separation processing under the provisions of their own prescribing directives. Discussed below are administrative processing requirements of SFL–TAP, retirement planning briefing, pre-separation briefing, publication of separation orders, DD Form 214 processing, and other separation documents.

c. Upon completion of final separation processing, the Soldier will coordinate with his or her unit of assignment to sign out of the parent organization. Soldiers will not be authorized to depart on PTDY or transition leave earlier than scheduled unless they agree to have a new DA Form 31 prepared showing a new date of departure.

d. Soldiers will be released from active duty or discharged prior to ETS date, or period for which ordered to active duty, by the third workday after approved administrative separation or elimination action, when possible. Alternatively, separation will occur as directed by the separation approval authority.

4–12. Final transition center processing sequence

The following actions will be accomplished during final transition processing:

a. *Initial receiving.* This includes an arrival briefing, issue of any required handouts, a check to ensure that needed records are available, and a check of incoming records to verify eligibility for separation.

b. *Orientation.* Conduct an individual or group orientation based upon the numbers of Soldiers being processed.

(1) Orient Soldiers being separated with characterizations besides honorable separately, to the maximum extent possible.

(2) Discuss services of civilian agencies available to Soldiers after separation.

(3) Acquaint the Soldiers with the mission and facilities of the transition center and give instructions about where to go and what is required at each stage.

(4) Explain the purpose of the records processing (DD Form 214) interview.

(5) Answer questions concerning information covered in the orientation.

c. *Records interview.*

(1) This interview gives the Soldier an opportunity to verify the entries made on the final separation documents.

(2) Inform the Soldier that making any unauthorized changes or alterations of the DD Form 214 will render it void.

(3) Inform the Soldier of the purpose and importance of the documents to be signed.

(4) All DD Forms 214 will be digitally signed.

(5) All records and documents will be carefully checked and time allowed for questions and answers.

(6) Whenever a Soldier is required to complete a form or sign a document, adequate instructions will be given as to its purpose and importance. Upon completion, all documents will be checked by the interviewer for accuracy and completeness, and to ensure instructions have been followed.

(7) The time allowed for each interview must be sufficient to permit the interviewer to survey the complete military records of the Soldier. Entries on the various forms will be extracted from source documents to ensure completeness and accuracy.

(8) Correct detected errors or omissions immediately.

(9) At the close of this phase of processing, authenticate the DD Form 214 and assemble the separation packet for distribution.

Section III

Post-Transition Operations

4–13. Post-transition operations

The objective of post-transition operations is to efficiently close out the transitioning Soldier's military personnel records and make prompt distribution of those records and other documents to facilitate the Soldier's application for veteran's entitlements and benefits.

4–14. Distribution of records

Distribute records and separation documents in accordance with the instructions in chapter 7.

Chapter 5

Preparing Separation Documents

5–1. When to prepare the DD Form 214

The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of REFRAD, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service. Except as provided in paragraph 5–2, a DD Form 214 will be prepared for Soldiers in the following categories:

a. RA Soldiers on termination of active duty because of administrative separation (including separation because of retirement or ETS), physical disability separation, or punitive discharge resulting from a court-martial.

b. RC Soldiers completing 90 days or more days of continuous active duty. For example, such periods may consist of ADOS, contingency operations-ADOS, active duty operational support-RC, AGR, or full-time National Guard duty for operational support.

c. RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty.

d. Recalled retirees on active duty reverting to retired status regardless of the period of active duty service.

e. ARNGUS and USAR Soldiers mobilized under 10 USC sections 12301, 12302, 12304, 12304a, or 12304b and ARNG Soldiers called into Federal service under 10 USC 12301 or 32 USC 502, regardless of length of mobilization, when transitioned from active duty. Soldiers who report to a mobilization station and are found unqualified for active duty within the first 30 days will be excluded from this provision. They will receive a DD Form 220 (Active Duty Report), as specified in paragraph 9-1.

f. RC Soldiers completing active duty that results in the award of a military occupational specialty (MOS), even when the active duty period was less than 90 days (for example, completion of the advanced individual training component of ARNGUS Alternate Training Program or USAR Split Training Program).

g. Soldiers changing their status or component while serving on active duty as outlined below:

(1) Enlisted Soldiers discharged to continue on active duty as a commissioned officer or warrant officer, or a warrant officer terminating warrant status to continue on active duty as a commissioned officer.

(2) Officers who revert to enlisted status in accordance with AR 600-8-24.

(3) ARNG Soldiers separated from Title 32 AGR status to enter Title 10 status, or vice versa.

(4) Active duty officers approved for inter-service transfer to another Uniformed Service.

(5) U.S. Military Academy (USMA) cadets who are separated from USMA prior to graduation. In addition, if a cadet entered USMA from an active duty status, USMA will issue the cadet a DD Form 214, upon entry.

5-2. When not to prepare a DD Form 214

A DD Form 214 will not be prepared for the following Soldiers:

a. Personnel found disqualified upon reporting for active duty and who do not perform duties in accordance with orders.

b. Personnel whose active duty, active duty for training, full-time training duty, or active duty for special work is terminated by death.

c. Personnel being removed from the temporary disability retired list (TDRL).

d. Personnel who terminate their RC status to integrate into the Regular Army.

e. Personnel separated or discharged who have been furnished a prior edition of the DD Form 214, unless that form is in need of reissuance for some other reason.

f. Soldiers discharged for immediate reenlistment in the RA.

g. Enlisted personnel who receive temporary appointments to warrant officer or commissioned officer grades.

h. Personnel whose temporary warrant or commissioned officer status is terminated and who remain on active duty to complete an enlistment.

5-3. Safeguarding DD Form 214 and DD Form 215

a. A Soldier's DD Form 214 or DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) contains vital, sensitive, and authoritative data. The transition center human resources supervisor, or acting transition center human resources supervisor, is the preferred authenticating official for DD Forms 214 or 215. However, the commanding officers of activities authorized to issue DD Forms 214 and DD Forms 215, or civilian equivalent officials, will appoint, in writing, individuals with authority to control, authenticate, or issue DD Forms 214 and DD Forms 215. Authentication authority will not be delegated below the minimum grade qualifications listed below:

(1) Any commissioned officer or warrant officer.

(2) Any enlisted Soldier E-7 or above.

(3) Any transition center contractor employees.

(4) Civilian Government employees in the grade of general schedule 07 or above.

b. The appointed officials will also have the responsibility to—

(1) Control and issue blank DD Forms 214 and DD Forms 215 (where appropriate).

(2) Ensure all forms are secured after duty hours.

(3) Ensure all blank DD Forms 214 and DD Forms 215 are closely monitored during duty hours and blank DD Forms 214 and DD Forms 215 are never provided to unauthorized personnel.

(4) Ensure all obsolete (including blank, partially completed, reproduced, and signed DD Forms 214 and DD Forms 215) are destroyed in a manner that prevents their future use. Do not dispose of DD Forms 214 and DD Forms 215 in trash receptacles.

(5) Ensure DD Forms 214 and DD Forms 215 given or used as teaching tools have been labeled “Teaching Aide.”

(6) Immediately notify the transition center human resources supervisor when it is suspected that a DD Form 214 or DD Form 215 is fraudulent, a blank DD Form 214 or DD Form 215 has been stolen, or that an unauthorized individual has possession of a blank DD Form 214 or DD Form 215.

5-4. Source documents

a. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed in subparagraph *b* below, must be present in a Soldier’s record in order to complete the DD Form 214. If approval documentation is not present in a Soldier’s record, action will be coordinated with the necessary activity (personnel service division, Assistant Chief of Staff for Personnel, adjutant general, or chain of command) for proper source documents.

b. Use the following documents when preparing a DD Form 214:

- (1) Servicemember’s record brief (computer generated).
- (2) Separation approval documents, if applicable.
- (3) Separation order.
- (4) Any other document authorized for filing in the AMHRR.

5-5. Policy concerning the DD Form 214

a. The DD Form 214 will be prepared in accordance with paragraph 5-6 below. No deviation is authorized.

b. TRANSPROC is the system of record for creating separation orders, DD Form 214WS, DD Form 214, DD Form 214C (Certificate of Release or Discharge from Active Duty (Continuation sheet)), and DD Form 215 for the RA.

c. DD Form 214WS is an unauthenticated working document disposed of when the DD Form 214 is finalized in a manner that prevents their future use.

d. DD Form 214 is an important record of service that must be prepared accurately and completely.

e. DD Form 214 is often used by civilian personnel and abbreviations should be avoided, if possible.

f. Cite the authority for a Soldier’s transfer or discharge by referring to the appropriate Army regulation, followed by the appropriate separation program designator (SPD) code on copies 2, 4, 7, and 8 only. Do not use a narrative description to identify the reason for transfer or separation on copy 1.

g. The information on all copies of the DD Form 214 must be legible. Each block must have an entry; when data is not applicable, enter “NA,” “NONE,” or hyphens, as appropriate.

h. When additional space is required for block 18, prepare a continuation sheet (DD Form 214C). The DD Form 214C will—

- (1) Be titled “Certificate of release or discharge from active duty (Continuation Sheet).”
- (2) Include information from blocks 1 through 3 and the blocks being continued.
- (3) Be electronically signed and dated by the Soldier and/or the authenticating official.
- (4) Be attached to each copy of the DD Form 214.

i. If required information is missing, enter “See block 18” in the incomplete block. However, missing information will not delay the separation. In block 18 enter “DD Form 214/215 will be issued to provide missing information.” The transition center will then—

(1) Exhaust all data sources (to include contacting the Soldier’s unit) to obtain the missing information without delaying the separation.

(2) Advise the Soldier that a DD Form 215 or another DD Form 214 will be issued when the missing information becomes available and that no action is required by the Soldier.

(3) Optionally issue a DD Form 215 on or prior to the actual separation date.

(4) Continue efforts to obtain the missing information after the Soldier’s separation. If after 30 days the missing information is not obtained, notify the custodian of the Soldier’s records so he or she may continue efforts to obtain the missing data.

(5) Following the Soldier’s separation date, furnish obtained missing data (and include a copy of the DD Form 214) by memorandum to the custodian of the Soldier’s records for preparation of a DD Form 214 or DD Form 215, as appropriate.

j. When a DD Form 214 has been prepared and distributed, and subsequently determined that it was prepared in error, the responsible transition center will void the DD Form 214 by memorandum. Distribute this memorandum to all addressees that received the erroneously prepared DD Form 214, advising them of the error and requesting the voided DD Form 214 be destroyed and removed from the Soldier’s AMHRR.