

Army Regulation 600–43

Personnel–General

Conscientious Objection

**Headquarters
Department of the Army
Washington, DC
16 May 2019**

UNCLASSIFIED

SUMMARY of CHANGE

AR 600–43

Conscientious Objection

This major revision, dated 16 May 2019—

- o Changes proponentcy of the regulation from the Deputy Chief of Staff, G–1 to the Assistant Secretary of the Army (Manpower and Reserve Affairs) (title page)
- o Updates responsibilities, to include assigning oversight of the Department of the Army Conscientious Objector Review Board on behalf of the Assistant Secretary of the Army (Manpower and Reserve Affairs) to the Deputy Assistant Secretary of the Army (Review Boards); adding responsibilities for the Department of the Army Conscientious Objector Review Board’s President and Presiding Officer; adding responsibility for the Deputy Chief of Staff, G–1 to develop policies for the use and assignment of 1–A–O conscientious objectors (paras 1–4a(2), 1–4a(3), and 1–4b(1), respectively.)
- o Clarifies policy on determining the applicant’s sincerity (para 1–6).
- o Clarifies policy on 1–A–O inductees, enlistees, or officers (para 1–7).
- o Clarifies the Decision Authority for 1–A–O status requests and requests for discharge 1–O, for active duty, U.S. Army Reserve, Army National Guard, non-unit and Individual Ready Reserve personnel, and Reserve Officers’ Training Corps cadets (para 2–8).
- o Clarifies assignment policy and use of 1–A–O personnel (para 3–1b).
- o Clarifies that during conscription, the General Court-Martial Convening Authority is responsible to promptly notify the Selective Service System regarding anyone who is discharged by reason of conscientious objection and who has served less than 180 days on active duty (para 3–2).
- o Clarifies policy for characterizing the service or Soldiers who are separated or discharged for being a conscientious objector (para 3–4).
- o Adds policy from DODI 1300.06 that during conscription when an applicant has served less than 180 days in the Armed Forces, the applicant must provide a statement whether they are willing to perform work under the Selective Service Alternative Service Program for Conscientious Objectors, and whether they consent to the issuance of an order for such work by the local Selective Service board (para B–1a(13)).
- o Changes the Official Military Personnel File to the Army Military Human Resource Record (throughout).

Personnel–General
Conscientious Objection

By Order of the Secretary of the Army:

MARK A. MILLEY
General, United States Army
Chief of Staff

Official:


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

Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority.

The proponent of this regulation is the Assistant Secretary of the Army (Manpower and Reserve Affairs). 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 Assistant Secretary of the Army (Manpower and Reserve Affairs) (SAMR–ZA), 111 Washington, DC 20310–0111.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Assistant Secretary of the Army (Manpower and Reserve Affairs) (SFMR–RBC), 111 Washington, DC 20310–0111.

Distribution. This publication is available in electronic media only and is intended for the Regular Army, 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 establishes uniform standards for processing conscientious objector applications throughout the Soldiers' military career. It implements conscientious objectors policy available in DODI 1300.06.

Applicability. This regulation applies to the Regular Army, the Army National

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Glossary

Chapter 1 General

1–1. Purpose

This regulation sets forth policy, criteria, and responsibilities to classify and process military personnel who claim conscientious objection to participation in war in any form or to the bearing of arms.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

- a. Assistant Secretary of the Army (Manpower and Reserve Affairs).* The ASA (M&RA) will oversee the following:
- (1) Develop policies and criteria to classify and process military personnel who claim conscientious objection to participation in war in any form or the bearing of arms.
 - (2) Deputy Assistant Secretary of the Army (Review Boards). The DASA (RB) will—
 - (a)* Oversee the Department of the Army Conscientious Objector Review Board (DACORB), a component board of the Army Review Boards Agency (ARBA), which will make determinations on all cases requesting discharge (1–O). The DACORB will also make recommendations on cases requesting noncombatant status (1–A–O) that are not approved by the commands as outlined in paragraph 2–8.
 - (b)* Appoint a president to preside over the board, and appoint board members to review applications.
 - (c)* Consistent with authority delegated by the Secretary of the Army, make final recommendations on cases in which military personnel claim conscientious objection. Coordinate as necessary to initiate recoupment of unearned portion of bonuses and/or educational program costs, as required by Section 373, Title 37, United States Code (37 USC 373).
 - (d)* Notify the chain(s) of command of DACORB decisions.
 - (e)* Serve as the final approval authority for all cases heard by the DACORB.
 - (3) President, Department of the Army Conscientious Objector Review Board. The DACORB President will—
 - (a)* Oversee DACORB day-to-day operations.
 - (b)* Serve as or designate a Presiding Officer to execute board proceedings.
 - (c)* Ensure the board members review applications without bias or prejudice.
 - (d)* Ensure the DACORB understands its role to issue recommendations to DASA (RB).
 - (e)* Ensure the Presiding Officer certifies the board vote as true and correct.
 - (f)* Return those applications lacking sufficient evidence to render an adequately informed decision.
- b. Deputy Chief of Staff, G–1.* The DCS, G–1 will—
- (1) Develop policies which define the use and assignment of noncombatant conscientious objectors (1–A–O) when such Soldiers serve in the Army.
 - (2) On behalf on the DCS, G–1, the Commanding General (CG), U.S. Army Human Resources Command (HRC) will ensure proper disposition of all documents pertaining to the conscientious objector status application in the applicant's Army Military Human Resource Record (AMHRR) in accordance with AR 600–8–104.
- c. The General Counsel (GC).* The GC will ensure legal review of applications for conscientious objector status for cases that the DASA (RB) raises to the ASA (M&RA) or SA for adjudication. The GC will provide advice to the DASA (RB) in the disposition of applications for conscientious objector status.
- d. General Court-Martial Convening Authority.* The GCMCA will—
- (1) Thoroughly review the applicant's entire case for completion (see app D). Return to the applicant's commander any applications which are missing required documents.
 - (2) Ensure the applicant's rights have been protected.
 - (3) Approve 1–A–O applicants if warranted; recommend disposition of 1–O and disapproved 1–A–O applications.
 - (4) Ensure appropriate assignment of approved 1–A–O applicants after approval.
 - (5) If the applicant is under deployment orders, determine whether or not to deploy the applicant.
 - (6) Ensures that proper reassignment or separation orders are published when 1–O or 1–A–O applications are approved, as necessary.

- (7) Obtain a legal review of the application from the servicing Staff Judge Advocate, including advice on the legal sufficiency of the application and the disposition of such application.
- (8) Coordinate assignment of approved 1–A–O conscientious objectors with HRC.
- (9) Coordinate training for approved 1–A–O conscientious objectors, if required due to reassignment.
- (10) Coordinate as necessary to ensure recoupment of unearned portion of bonuses and/or educational program costs, as required by Section 373, Title 37, United States Code (37 USC 373).

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, see DA Pam 25–403 for guidance.

1–6. Policy

a. Personnel who qualify as conscientious objectors under this regulation will be classified as such, consistent with the effectiveness and efficiency of the Army. However, requests by personnel for qualification as a conscientious objector after entering military service will be denied when these requests are—

(1) Based on pre-existing fixed beliefs held prior to enlistment, induction, or appointment. Requests will be denied when they are based on a claim of conscientious objection that existed and satisfied the requirements for classification as a conscientious objector pursuant to 50 USC, App 456(j), and other provisions of law when the applicant failed to request classification as a conscientious objector by the Selective Service before dispatch of the notice of induction, enlistment, or appointment. Claims based on conscientious objection growing out of experiences before entering military service, which did not become fixed until after the person’s entry into the service, will be considered.

(2) Based on the same grounds as a previously denied Selective Service System request. Requests will be denied when they are based solely on conscientious objection claimed and denied on their merits by the Selective Service System before induction when application under this regulation is based on substantially the same grounds, or supported by substantially the same evidence as the request that was denied under the Selective Service System.

(3) Claims of erroneous processing by the Selective Service System will be processed according to DODI 1300.06.

(4) Based solely upon policy, pragmatism, or expediency. Applicants who are otherwise eligible for conscientious objector status may not be denied that status simply because of their views on the nation’s domestic or foreign policies.

(5) Based solely upon considerations of political, sociological, or philosophical views, or a merely personal code.

(6) Based on objection to a specific war.

(7) Based upon insincerity.

(a) Determining sincerity. The most important consideration is not whether applicants are sincere in wanting designation as a conscientious objector, but whether their asserted convictions are sincerely held. Sincerity is determined by an impartial evaluation of each person’s thinking and living in totality, past and present. The conduct of persons, in particular their outward manifestation of the beliefs asserted, will be carefully examined and given substantial weight in evaluating their application. This requires that the Investigating Officer conduct a careful examination of the applicant’s conduct and the outward manifestation of the applicant’s asserted beliefs, and that each reviewing official closely examine the application and supporting documentation. Each should compare the applicant’s general demeanor, pattern of conduct, behavior, activities, and the rigor of their studies before and after the crystallization of the applicant’s beliefs. The application should contain enough evidence to validate the asserted beliefs of the applicant, including any change or crystallization in beliefs. Failure to adequately demonstrate or substantiate that their asserted beliefs govern the applicant’s actions in word and deed will result in denial of the application. The applicant’s life should demonstrate the consistency and depth of their beliefs. Care must be exercised in determining the integrity of the applicant’s beliefs and actions. Ideally, applicant’s statements and actions will reveal views and actions strong enough to demonstrate that expedience or avoidance of military service is not the basis of the applicant’s claim. Lifestyles found to be inconsistent or incongruent with the applicant’s asserted beliefs indicate insincerity of belief.

(b) Relevant decision factors. Relevant factors that should be considered in determining a person’s claim of conscientious objection include training in the home and religious organizations; general demeanor and pattern of conduct; participation in religious activities; whether ethical or moral convictions were gained through training, study, contemplation, or other activity comparable in rigor and dedication to the processes by which traditional religious convictions are formulated; the credibility of the applicant; and the credibility of persons supporting the claim.

(c) Mitigating factors warranting further inquiry. Applicants may have sought release from the Army through several means simultaneously, or in rapid succession (medical or hardship discharge). They may have some major commitments

during the time their beliefs were developing that are inconsistent with their claim. They may have applied for conscientious objector status shortly after becoming aware of the prospect of undesirable or hazardous duty or having been rejected for a special program. The timing of their application alone, however, is never enough to furnish a basis in fact to support a disapproval. These examples serve merely as indicators that further inquiry as to the person's sincerity is warranted. Recommendations for disapproval should be supported by additional evidence beyond these indicators.

b. Beliefs which substantiate a conscientious objection claim may be based on the teachings of an existing religious tradition, based on deeply held moral or ethical beliefs, or a mixture thereof. Collectively these are called "religious training and/or belief" which are defined as a belief in an external power or being or deeply held moral or ethical belief, to which all else is subordinate or upon which all else is ultimately dependent, and which has the power or force to affect moral well-being. The external power or "being" need not be one that has found expression in either religious or societal traditions. However, it should sincerely occupy a place of equal or greater value in the life of its possessor. Deeply held moral or ethical beliefs should be valued with the strength and devotion of traditional religious conviction. The term "religious training and/or belief" may include solely moral or ethical beliefs even though the applicant may not characterize these beliefs as "religious" in the traditional sense, or may expressly characterize them as not religious. The term "religious training and/or belief" does not include a belief that rests solely upon considerations of policy, pragmatism, expediency, or political views.

c. Care must be exercised not to deny the existence of beliefs simply because those beliefs are incompatible with one's own. Church membership or adherence to certain theological tenets are not required to warrant separation or assignment to noncombatant training and service. Mere affiliation with a church or other group that advocates conscientious objection as a tenet of its creed does not necessarily determine a person's position or belief. Conversely, affiliation with a church group that does not teach conscientious objection does not necessarily rule out adherence to conscientious objection beliefs. Applicants may be or may have been a member of a church, religious organization, or religious sect; the claim of conscientious objection may be related to such membership. If so, inquiry may be made as to their membership, the teaching of their church, religious organization or sect, as well as their religious activity. However, the fact that these persons may disagree with, or not subscribe to, some of the tenets of their church does not necessarily discredit their claim. The personal convictions of each person will dominate so long as they derive from the person's moral, ethical, or religious beliefs. The task is to decide whether the beliefs professed are sincerely held and whether they govern the claimant's actions in word and deed.

d. The burden of establishing a claim of conscientious objection as grounds for separation or assignment to noncombatant training and service is on the applicant. To this end, applicants must establish, by clear and convincing evidence, that the nature or basis of the claim comes within the definition of criteria prescribed in this regulation for conscientious objection and that their beliefs in connection to the claim are firm, fixed, sincere and deeply held. Applicants have the burden of determining and setting forth the exact nature of the request; that is, whether they request separation based on conscientious objection (1-O) or reassignment to noncombatant training and service based on conscientious objection (1-A-O).

e. An applicant claiming 1-O status will not be granted 1-A-O status as a compromise. Similarly, discharge will not be recommended for those who apply for classification as a noncombatant 1-A-O.

f. This regulation will not be used to effect the administrative separation of persons who do not qualify as conscientious objectors. Nor will it be used instead of administrative separation procedures such as those provided for unsatisfactory performance, substandard performance of duty, or misconduct, or as otherwise set forth in other Army regulations (AR 600-8-24 or AR 635-200). Under no circumstances will administrative separation of these persons be effected based on this regulation.

g. This regulation does not prevent the administrative elimination, according to law and Army regulations, of any person whose performance of duty after reclassification as a 1-A-O conscientious objector is substandard or who exhibits another basis for elimination.

1-7. Noncombatant 1-A-O inductees, enlistees, or officers

a. General. Noncombatant 1-A-O inductees are those persons who were classified 1-A-O by the Selective Service before induction.

b. General. Noncombatant 1-A-O enlistees are those persons who enlist(ed) as 1-A-O noncombatants for the medical career management field. AR 601-210 prohibits enlistment of prior service conscientious objectors (1-A-O) who were discharged for conscientious objection.

c. Officer and/or warrant officer appointments. AR 601-100 prohibits appointment of a conscientious objector, except for noncombatant (1-A-O) applicants who seek appointment to a corps of the U.S. Army Medical Department or as a chaplain.

d. U.S. Army Military Entrance Processing Command processing. During processing at the MEPCOM, 1–A–O non-combatant inductees, enlistees, and officers must sign and date a counseling statement as set forth in figure 2–1, which will be placed in the person’s AMHRR.

e. Enlisted training. Upon completion of processing at the MEPCOM, 1–A–O enlisted noncombatant inductees/enlistees will be scheduled for reception at an Army training center for modified basic training (MBT). Upon completion of reception station processing, these persons will be assigned to a basic training company for MBT, which excludes training in the study, use, or handling of arms or weapons as stated in paragraph 2–10*a*. Upon successful completion of MBT, a 1–A–O classified person will be reassigned to training in the medical career management field. The reporting date to the new unit of assignment will be determined and entered in assignment orders as prescribed in AR 600–8–105. Such persons will not be allowed to avoid the important or hazardous duties that are part of the responsibility of all members of the medical organization. A person who does not meet the requirements for this training, who fails to complete the prescribed course of instruction, or who otherwise cannot be assigned to this duty, will be assigned to other noncombatant duties.

f. Reenlistment. Noncombatant enlisted Soldiers (1–A–O) and reenlistment/retention personnel should refer to AR 601–280, regarding whether noncombatant Soldiers may reenlist, and under what conditions.

Chapter 2

Applying for Conscientious Objector Status

2–1. Application

a. Military personnel who seek either discharge or assignment to noncombatant duties because of conscientious objection will submit an application on DA Form 4187 (Personnel Action) to their immediate commanding officer. Applicants will indicate whether they are seeking discharge or assignment to noncombatant duties. Applications must also include all of the personal information required by appendix B, and any other information the applicant desires to submit. Completion of the foregoing constitutes a formal application. Personnel will date and sign the DA Form 4187 and each enclosure.

b. Nonunit members (Individual Ready Reserve and Standby Reserve) will submit their applications to Commanding General, U.S. Army Human Resources Command, 1600 Spearhead Division Avenue, Fort Knox, KY 40122–5100, as appropriate: Officers: (AHRC–OPL–P); Enlisted Soldiers: (AHRC–EPO).

c. Applications from recruits will not be submitted to or accepted by MEPCOM or reception battalions. For this regulation, the basic training company is considered to be the first duty station for a recruit applying under this regulation.

d. Under normal circumstances, applications from active duty personnel in Regular Army units will be processed and forwarded to ARBA within 90 days from the date submitted. Extraordinary circumstances (but not routine field exercises) may lengthen this period. If processing time of an application exceeds 90 days, the GCMCA will state the reasons for the delay and add these reasons as an enclosure to the record. Applications from Reserve Component personnel will be processed and forwarded to ARBA within 180 days from the date submitted. If processing of an application exceeds 180 days, the GCMCA will state the reasons for the delay for the record, and add these reasons as an enclosure to the record.

e. The applicant’s chain of command will ensure that—

- (1) The application is processed expeditiously.
- (2) All persons involved in the application process are familiar with their respective responsibilities.

2–2. Advising applicants

a. At the time applicants submit their applications, commanders receiving the application will advise them of the pertinent provisions of 5 USC 552a as set forth in figure 2–2. Commanders will inform applicants that the advice applies to all successive steps in the application process, including interviews and solicited written statements. After being advised, applicants will sign and date the statement at figure 2–2. The statement will then be made part of their application.

b. Commanders will ensure that persons requesting conscientious objector status (1–O) and discharge are advised concerning 38 USC 5303. That section provides that the discharge of persons on the grounds that they are conscientious objectors who refuse to perform military duty, wear the uniform, or otherwise comply with lawful orders of competent military authority, will bar all their rights under the laws administered by the Department of Veterans’ Affairs (DVA). (These members will not be barred from their rights to certain types of Government insurance.) Personnel rights will be barred based on the period of service from which the member is discharged or dismissed. After being so advised, the applicant must sign and date the statement at figure 2–3. The statement will be made part of the application.

c. A person requesting classification as a conscientious objector, noncombatant (1–A–O), will be advised as to the possible consequences concerning enlistment, reenlistment, or extension in accordance with figure 2–1. He or she must sign and date the statement that will be made part of the application.

d. Applicants will be advised that they may be required to reimburse the Government for any unearned bonus or special pay and unearned portions of appropriated funds expended on them under DOD-sponsored educational programs (see para 3-1a(3)). Applicants must sign and date the acknowledgement at figure 2-4.

e. During the processing of the application, substantial delay may be incurred by the applicant's failure to meet appointments, submit statements, and so forth. If so, the commander will inform the applicant that such delay prevents the Army from taking action on the request and may contribute to an unfavorable decision when the cause of the delay indicates insincerity on the part of the applicant. Any delay caused by the applicant exceeding 15 days should be made a matter of record.

f. After the application has been received by the applicant's commander, the commander will arrange for the applicant to be interviewed as soon as possible by a military chaplain and a psychiatrist. The commander will provide the chaplain a copy of the application for their review before the interview.


	DEPARTMENT OF THE ARMY ORGANIZATION STREET ADDRESS CITY STATE ZIP
(date)	
SUBJECT: Counseling Statement	
(To: immediate commanding officer)	
STATEMENT	
<p>I have been counseled concerning designation as a conscientious objector. Based on my training and belief, I consider myself to be a conscientious objector within the meaning of regulations governing conscientious objectors. I am conscientiously opposed to participation in combatant training and service. I request assignment to non-combatant duties for the remainder of my term of service. I fully understand that, on expiration of my current term of service, I may not be eligible for voluntary enlistment, reenlistment, extension, or amendment of current enlistment, or active service in the Army Forces by reason of my 1-A-O classification.</p>	
(signature)	
(applicant's name)	
(applicant's grade and DOD ID number)	
(applicant's military organization)	

Figure 2-1. Statement of Understanding, Noncombatant Status (see paras 1-6 and 2-2c)



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(date)

SUBJECT: Privacy Act Advice

(T: immediate commanding officer)

I have been advised that in accordance with the Privacy Act of 1974 (5 USC 552a), as implemented by AR 25-22—

a. The authority of requesting disclosure of the information is 50 App. U.S.C. 456j; 5 U.S.C. 301, 38 U.S.C. 3103 and 5303; Sec. 534, E.O. 9397.

b. The purpose for requesting disclosure of the information is to provide a basis for acting on the application.

c. The information is used routinely to —

(1) Locate and retrieve pertinent records and information.

(2) Evaluate the merit of the applicant's claim.

(3) Annotate records to reflect results of action taken.

(4) Any release of information contained in this system of records outside of DOD will be compatible with the purposes for which the information is being collected and maintained. The DOD "Blanket Routine Uses" set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

d. Disclosure of the information is voluntary; however, failure to provide information may be cause for denying the requested action, or may make processing of the application impossible.

(signature)

(applicant's name)

(applicant's grade and DOD ID number)

(applicant's military organization)

Figure 2-2. Statement of Understanding, Privacy Act (see para 2-2a)



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(date)

SUBJECT: Section 5303, Title 38, United States Code

(To: immediate commanding officer)

I have been advised of the provisions of 38 USC 5303 concerning my possible non-entitlement to benefits administered by the Veterans Administration (VA) if I am discharged from the military service as a conscientious objector under certain conditions. I understand that a discharge as a conscientious objector, who refused to perform military duty, wear the uniform, or otherwise to comply with lawful orders of competent military authority will bar all my rights under any laws administered by the VA. I understand non-entitlement is based upon the period of service from which I was discharged. My legal entitlement (if any) to any war risk, Government (converted), or National Service Life Insurance, I understand, is an exception to this policy.

(signature)
(applicant's name)
(applicant's grade and DOD ID number)
(applicant's military organization)

Figure 2-3. Statement of Understanding, Veteran's Benefits (see para 2-2b)



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(date)

SUBJECT: Section 3103 and 5303, Title 38, United States Code

(To: immediate commanding officer)

I have been advised that under the provisions of public law and DOD directives, I may be required to reimburse the Government for any unearned or special pay and unearned portions of appropriated funds expended on me under Department of Defense (DOD)-sponsored educational programs.

(signature)
(applicant's name)
(applicant's grade and DOD ID number)
(applicant's military organization)

Figure 2-4. Statement of Understanding, Recoupment of Unearned Benefits (see paras 2-2d and 3-1a(3))



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(date)

SUBJECT: Waiver of Appearance at a Hearing by the Investigating Officer

(To: hearing officer)

I hereby acknowledge that I have been offered the chance to appear at a hearing on my application for conscientious objector status. I have decided, of my own free will, not to accept this offer and hereby waive the hearing.

(signature)
(applicant's name)
(applicant's grade and DOD ID number)
(applicant's military organization)

Figure 2-5. Statement, Waiver of Hearing (see para 2-5c)



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(date)

SUBJECT: Conscientious Objector Hearing

(To: hearing officer)

I (applicant's full name) have had explained to me and understand the matters below pertaining to this hearing:

1. The purpose of this hearing is to –
 - a. Afford me, as the application, a chance to present any evidence in support of this application.
 - b. Enable the investigating officer to ascertain and assemble all relevant facts.
 - c. Create a comprehensive record.
 - d. Facilitate an informed recommendation by the investigating officer and decision by higher authority.
2. If I fail without good cause to appear, or if I refuse to appear at the hearing, the investigating officer may proceed in my absence and I will be deemed to have waived my appearance. I further understand that if I fail or refuse to take an oath, or make an affirmation, as to the truthfulness of my testimony at the hearing, the investigating office may consider this failure or refusal to take an oath or make an affirmation in making his or her recommendation and evaluation of my request.
3. This hearing may be delayed for good cause at my request.
4. I am entitled to be represented by counsel at no expense to the government. I do / do not plan to obtain such counsel (appropriately line out and initial).
5. This hearing is not governed by the rules of evidence employed by court-martial, except that all oral evidence will be under oath or affirmation. Any relevant information may be received. Statements received from persons on present need not be under oath or affirmation.
6. This is not an adversarial proceeding.
7. I may submit any additional evidence I desire, and present any witnesses on my behalf. However, I must secure their attendance.
8. I am permitted to question any witnesses who appear.
9. A verbatim record is not required. However, I may make such a record at no expense to the government. If I do so, I must make a copy available to the investigating officer.
10. The version of the hearing as recorded by the investigating officer is final as to the testimony of witnesses. However, its regularity may be rebutted.
11. A copy of the record will be forwarded to me at the time the record is forwarded to the commander. I understand that I have the right to submit a rebuttal within 10 calendar days of my receipt of record.

(signature)
(investigating officer's name)
(grade and branch)

(signature)
(applicant's name)
(applicant's grade and DOD ID number)
(applicant's military organization)

Figure 2-6. Statement of Understanding, Hearing on Application (see para 2-5f)



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(date)

SUBJECT: Rebuttal Rights

(To: immediate unit commander)

I (*name*) have received a copy of the record of the case record regarding my application for conscientious objector status. I understand and acknowledge that I have 10 calendar days to submit a rebuttal statement to my immediate commanding officer. I acknowledge that I must return this statement to my immediate commander, with or without a rebuttal statement, within 10 calendar days of receiving the investigating officer's report. I am / am not submitting a rebuttal statement (appropriately line out and initial).

(signature)
(applicant's name)
(applicant's grade and DOD ID number)
(applicant's military organization)

Figure 2-7. Statement of Rebuttal Rights (see paras 2-5m and 2-6e)



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

(date)

SUBJECT: Voluntary Withdrawal of Conscientious Objector Application

(To: immediate commanding officer)

I (*applicant's full name*) have been counseled by the Judge Advocate officer named below concerning my rights as a conscientious objector applicant. I have decided of my own free will to withdraw my application at this time. This withdrawal is not the result of any inducement or coercion.

(signature)
(applicant's name)
(applicant's grade and DOD ID number)
(applicant's military organization)

I (*Judge Advocate General Corps officer's name*) have counseled the applicant as indicated above. The applicant appeared to understand their rights and to act voluntarily, without reservation.

Witnessed this day of , 20

(signature)
(Judge Advocate General Corp officer's name)
(grade, JA, USA or USAR or ARNG)
(applicant's military organization)

if letterhead is not used)

Figure 2-8. Statement, Waiver of Application (see para 2-7b)

2-3. Interviewing applicants

a. The interviewing chaplain may be from any component of the Armed Forces but not assigned to an Active Control Group or Inactive Control Group.

(1) Before interviewing applicants, the chaplain will advise them that any communication between the applicant and the chaplain will not be privileged since a detailed report of the interview will become a part of the application for consideration in the adjudication process. Thus, if the applicant has established a relationship of confidentiality (counseling) with a chaplain, a different chaplain will conduct the interview. This provision does not prevent an applicant from soliciting a letter to support the claim from anyone they choose.

(2) The interviewing chaplain will submit a detailed report of the interview to the commander. This report will include comments on the following:

- (a) Nature and basis of the applicant's claim.
- (b) Opinion on the source of the beliefs.
- (c) Sincerity and depth of conviction.
- (d) Appropriate comments of the applicant's demeanor and lifestyle as they bear on the claim.
- (e) Specific reasons for the chaplain's conclusions.

(f) If the interviewing chaplain feels that the applicant is insincere in their beliefs or their lifestyle is incongruent with the claim, statements to this effect should be documented in this report.

(g) If the applicant refuses to be interviewed by a chaplain, the chaplain will submit a report explaining the circumstances. Appropriate comments on the applicant's demeanor as it bears on the claim will be included.

(h) No recommendation for approval or disapproval of the application will be made by the chaplain.

b. The applicant will also be interviewed by a psychiatrist (or other medical officer if a psychiatrist is not available) who may be from any component of the Armed Forces. The psychiatrist will submit a mental status examination report indicating the presence or absence of any psychiatric disorder that would warrant treatment or disposition through medical channels, or such a personality disorder as to warrant recommendation for appropriate administrative action. No information obtained from the applicant, during the evaluation, or any matter derived from the evaluation, will be made available outside medical channels except as needed for processing the applicant for further mental evaluation or discharge for medical reasons. Results of the evaluation will be recorded on DA Form 3822 (Report of Mental Status Evaluation). The form will be annotated in the remarks section to reflect that the applicant has applied for conscientious objector status. Upon completion, this form will be given to the applicant's commander to become part of the application. If the applicant refuses mental evaluation or is uncooperative or unresponsive during the interview, this fact will be included in the report. The psychiatrist or medical officer will make no recommendation for approval or disapproval of the application.

2-4. Investigating applicants' claim

a. The applicant's commander will forward the application, the chaplain's report of interview, and the report of mental status examination to the commander exercising special court-martial jurisdiction over the applicant. The latter commander will appoint a chief warrant officer in the grade of WO-3 or higher, or a commissioned officer in the grade of O-3 or higher, knowledgeable in policies and procedures relating to conscientious objection, to investigate the applicant's claim. The appointing orders will be made part of the case record.

b. The investigating officer so appointed—

(1) Will neither be a person in the applicant's chain of command, nor one who has the primary responsibility for making recommendations on administrative matters to the commander.

(2) Should not be from the same company-size or battery-size unit, but may be from the same battalion-size unit.

(3) Must be senior in grade to the applicant if the applicant is a commissioned officer.

c. Commanders of installations and USAR regional support commands, in accordance with AR 5-9, will provide assistance upon the request of the CG, USA HRC, to arrange for necessary interviews of non-unit reservists residing in their geographical area of jurisdiction.

d. Upon appointment, the investigating officer will—

(1) Review the application.

(2) Study the applicable ARs.

(3) Obtain all necessary legal advice from the servicing legal advisor prior to submitting a written report.

(4) Seek information from commanders, supervisors, records, and any other sources that may contribute to their final recommendation.

(5) Request the applicant's Selective Service System records, or specific information contained in these records, if he or she believes such a review of the records or such specific information is needed for a complete inquiry.

(6) When the applicant indicates that an application for conscientious objector status was previously denied by an armed service or by the Selective Service System, obtain and review the records of that prior application.

e. All local Selective Service System board records have been retired to Federal record centers. Any request for records or information from the Selective Service System must be accompanied by the applicant's release authorization for ARBA to obtain the information, if available. This release authorization, signed, and dated by the applicant, will be sent to the address specified in paragraph 2-8c. It will contain as a minimum the following information pertaining to the applicant:

(1) Full name.

(2) Date of birth.

(3) Selective Service System number.

(4) DOD ID number.

f. The information obtained from the Selective Service System will be presented to the applicant at the hearing or no later than the forwarding of the record of the hearing to the SPCMCA. The information obtained will be made a part of the record.

2-5. Conducting investigations

a. The investigating officer will conduct a hearing on the application. The applicant will be notified in writing as to the time and place the hearing will be held. The applicant's receipt of the notice should be acknowledged by their signature and the date of the receipt on the letter of notification. A copy of the notification will be attached to the hearing record.

b. The hearing may be delayed for good cause at the applicant's request. However, if the applicant fails to appear at the stated time and place for the hearing, the applicant will be deemed to have waived their appearance and the investigating officer may proceed in the applicant's absence. If the applicant fails to appear through no fault of their own, the hearing will be rescheduled.

c. The applicant may not wish a hearing on their application. If so, the applicant may waive their right to a hearing by executing a statement to the effect at figure 2-5.

d. The execution of a waiver of a hearing does not waive the requirement for an investigating officer. Regardless of the desires of the applicant, an investigating officer will be appointed to comply with the requirements described in this regulation.

e. The purpose of the hearing is to—

- (1) Give the applicant an opportunity to present any evidence he or she desires to support the application.
- (2) Enable the investigating officer to ascertain and assemble all relevant facts.
- (3) Create a comprehensive record that aids the investigating officer and other decision makers in arriving at informed recommendations.

f. At the beginning of the hearing, the investigating officer will require the applicant to acknowledge their understanding of the nature of the hearing, as stated in figure 2-6, by signing and dating the same.

g. The hearing will be informal. It will not be governed by the rules of evidence employed by a court-martial, except that all oral testimony presented will be under oath or affirmation. Any failure or refusal by the applicant to submit to questioning under oath or affirmation before the investigating officer may be considered in the recommendation and evaluation of the applicant's claim. Any relevant evidence may be received. However, statements obtained from persons not present at the hearing need not be notarized or sworn. The use of DA Form 1574-1 (Report of Proceedings by Investigating Officer) in the conduct of the hearing is not recommended. The hearing is not an adversarial proceeding.

h. The applicant may submit any additional evidence desired, including sworn and unsworn statements. They may also present any witnesses, but must secure their attendance. The installation or local commander will render all reasonable assistance in making available military members of the command requested by the applicant as witnesses. Further, the applicant will be permitted to question any other witnesses who appear and to examine all items in the file. A chaplain may feel that their appearance might lead to a violation of AR 165-1. If so, the investigating officer will not require a chaplain, other than the interviewing chaplain (see para 2-3*a*), to appear at a hearing.

i. If the applicant desires, they are entitled to be represented by counsel at no expense to the Government. Counsel will be allowed to attend and participate in all hearings and to assist the applicant in presentation of the case. Counsel will also be allowed to examine all items in the case file.

j. A verbatim record of the hearing is not required; however, if the applicant desires such a record and agrees to provide it at their own expense, they may do so. If the applicant elects to provide such a record, a copy will be made available to the investigating officer, at no expense to the Government, at the conclusion of the hearing. In the absence of a verbatim record, the investigating officer will summarize the testimony of witnesses. The investigating officer will permit the applicant or counsel to examine the summaries and note, for the record, the differences with the investigating officer's summary. Copies of statements and other documents received in evidence will be made a part of the hearing record. The investigating officer will authenticate the hearing record.

k. At the end of the investigation, the investigating officer will prepare a written report in 4 copies. The report will contain the items below—

(1) A statement as to whether the applicant appeared, was accompanied by counsel, and, if so, the latter's identity, and whether the nature and purpose of the hearing were explained to the applicant and understood.

(2) A properly executed statement of understanding (see fig 2-6).

(3) A properly executed statement of waiver if the applicant chose to waive their right to a hearing by the investigating officer (see fig 2-5).

(4) Any documents, statements, and other material received in evidence during the investigation.

(5) Summaries of the testimony of the witnesses presented (or a verbatim record of the testimony if such record was made).

(6) A statement of the investigating officer's conclusions as to—

(a) The underlying basis of the applicant's professed conscientious objection (what applicant believes, and why).

(b) The time period (being as specific as possible) in which the applicant's belief became fixed.

(c) Whether the belief constitutes conscientious objection (1-O or 1-A-O) under this regulation.

- (d) The sincerity of the applicant, including reasons for such conclusions.
- (7) The investigating officer's recommendation for disposition of the case. Reasons (basis in fact and not conjecture) for the recommendations will be included. The actions recommended will be limited to the following:
 - (a) Denial of any classification as a conscientious objector.
 - (b) Classification as 1-A-O conscientious objector.
 - (c) Classification as 1-O conscientious objector.
- (8) In 1-O application cases, the investigating officer will not recommend a classification of (1-A-O) unless the applicant has indicated a willingness to remain on active duty in a noncombatant role. If such an indication is present, the investigating officer should obtain a written statement from the applicant that affirms the willingness to serve.
- (9) In 1-A-O application cases, the investigating officer will not recommend discharge (1-O) since the applicant has stated a willingness to serve as a noncombatant. This willingness shows that the applicant does not object to participation in war in any form.
 - l. The investigating officer's conclusions and recommended disposition will be based on the entire record, not merely on the evidence produced at the hearings.
 - m. The investigating officer's report along with the applicant's application, all interviews with chaplains and doctors, evidence received as a result of the hearing, and any other items submitted by the applicant to support the application make up the case record. A copy of the case record will be forwarded to the applicant at the same time that the original is forwarded to the commander who appointed the investigating officer. The applicant has the right to submit a rebuttal statement to the record within 10 calendar days. After receipt of the record, the applicant will complete the statement acknowledging rebuttal rights as prescribed in figure 2-7, along with a rebuttal statement, when appropriate. The applicant will deliver the statement(s) to their immediate unit commander within 10 days of their receipt of the record. The headquarters of the appointing commander will return the case record without comment to the applicant's immediate commander for the information required by paragraph 2-6a.

2-6. Review of cases

- a. The unit commander will take the actions below after receiving the statement prescribed in figure 2-7, and any statement(s) in rebuttal, if appropriate, from the applicant or after the 10 calendar days' rebuttal time allowed the applicant has expired—
 - (1) Include the information below on DA Form 4187 as comment 2; forward the application through channels.
 - (a) Whether approval or disapproval is recommended with supporting reasons.
 - (b) Duty and primary military occupational specialty of the applicant.
 - (c) Whether medical board or physical evaluation board proceedings are pending or appropriate.
 - (d) Whether the applicant is under investigation, under charges, awaiting result of trial, absent without leave, or under suspension of favorable personnel action flag according to AR 600-8-2. Applications for conscientious objector status submitted by applicants who are flagged will include, from the proper commander, a detailed account of the events that prompted the initiation of the suspension.
 - (2) Add the completed figure 2-7 statement of the applicant to the record along with rebuttal statement, if executed.
- b. If the applicant has no unit commander, the records manager or supporting human resources (HR) professional will take the actions required by a, above.
- c. The record of the case will then be forwarded through command channels, for recommendations as to disposition of the case (based on fact and not conjecture), to the GCMCA who will review the case for administrative correctness. The GCMCA review will ensure that all of the regulatory requirements have been expeditiously and properly completed in the required number of copies. If there has been undue delay in processing the application has occurred, the headquarters of general court-martial jurisdiction will comply with paragraph 2-1d.
- d. After the administrative review, the case record will be forwarded to the legal advisor of the GCMCA. The legal advisor will review the case for legal sufficiency, including whether the applicant has been afforded the procedural safeguards of this regulation. The legal advisor will make a recommendation for disposition of the case.
- e. The case may be returned to the investigating officer if further investigation is deemed necessary; however, all original documents will remain in the case record. New or revised documents may be added to the case record but not substituted for the originals. At the conclusion of an additional investigation, a new recommendation may be made, if appropriate. If new information adverse to the applicant is added to the record, or if a new recommendation is made, it will be forwarded to the applicant for rebuttal. The applicant will execute a new rebuttal form at this time (see fig 2-7). The case record, with the new material added, will be forwarded through command channels to the headquarters that initiated the request for further investigation.

2-7. Voluntary withdrawal of application

An applicant may desire to withdraw their application before final action has been taken. If so, they should notify the immediate unit commander, or records manager of their decision (see para 2-6b). Upon such notice, the following actions will be taken:

- a. The immediate unit commander will arrange for the applicant to be counseled by an attorney from the servicing Staff Judge Advocate's office.
- b. The attorney will advise the applicant of their legal rights in the matter and execute, with the applicant, the statement in figure 2-8 concerning voluntary withdrawal of such application.
- c. The entire application, to include the voluntary withdrawal statement, will be forwarded in 2 copies directly to ARBA as outlined in paragraph 2-8c.

2-8. Decision authority

a. *Approval of application.* Authority to approve applications for noncombatant conscientious objector status (1-A-O) is delegated to the commander exercising GCMCA over the applicant, and to the proper level of command listed below for the Reserve Component (RC). The DASA (RB) will make the final determination on all applications requesting discharge (1-O), and those requesting noncombatant status (1-A-O) that are not approved by the command level listed below—

(1) Applications submitted by Army personnel on active duty, including those for personnel in the Army National Guard (ARNG) and U.S. Army Reserve (USAR) on active duty or active duty for training (ADT), will be forwarded through normal command channels to the Regular Army commander having GCMCA for—

- (a) Determination and action on approved applications for 1-A-O, or
- (b) Recommendations with supporting reasons for disapproval of 1-A-O, or
- (c) Recommendations with supporting reasons for 1-O.

(2) Applications submitted by ARNG personnel who are not on active duty or ADT will be forwarded through normal command channels to the State Adjutant General for—

- (a) Determination and action on approved applications for 1-A-O, or
- (b) Recommendations with supporting reasons for disapproval of 1-A-O, or
- (c) Recommendations with supporting reasons for 1-O.

(3) Applications submitted by USAR unit personnel who are not on active duty or ADT will be forwarded through normal command channels to the overseas area commander or Commander, U.S. Army Reserve Command, as applicable, for—

- (a) Determination and action on approved applications for 1-A-O, or
- (b) Recommendations with supporting reasons for disapproval of 1-A-O, or
- (c) Recommendations with supporting reasons for 1-O.

(d) Soldiers in the Pacific Command will forward applications through normal command channels to Commander, U.S. Army Pacific (APCG), Fort Shafter, HI 96858-5100.

(e) Soldiers in the European Command will forward applications through normal command channels to Commander, U.S. Army Europe (AECG), APO AE 09014-9351.

(f) Soldiers in continental United States will forward applications through normal command channels to Commander, U.S. Army Reserve Command (AFRC-PRP), 4710 Knox Street, Fort Bragg, NC 28310-5010.

(4) Non-unit, Individual Ready Reserve (IRR), and Standby Reserve personnel under the jurisdiction of the CG, USA HRC, who are not on active duty or ADT, will submit their applications to Commander, Army Human Resource Command, 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5100. Officers send to AHRC-OPL-P. Enlisted Soldiers send to AHRC-EPO. The CG, USA HRC will make, as applicable—

- (a) Determination and action on approved applications for 1-A-O, or
- (b) Recommendations with supporting reasons for disapproval of 1-A-O, or
- (c) Recommendations with supporting reasons for 1-O.

(5) ROTC cadets will follow AR 145-1.

b. *Delegating authority.* Commanders cited in paragraph 2-8a, are not authorized to further delegate this authority without prior approval of the Secretary of the Army. The GCMCA commanders listed in a, above, must personally sign each action.

c. *Disposition of approved case (1-A-O only).* ARBA will retain one electronic copy of the completed record of the case and one copy will be forwarded to HRC for placement in Soldier's AMHRR.

d. *Disposition of applications for discharge or applications recommended for disapproval.*

(1) Applications requesting discharge (1-O), or applications (1-A-O) not approved by the command levels in paragraph 2-8a, will be submitted electronically to ARBA. The authority in paragraph 2-8a, before forwarding a case wherein

disapproval is recommended to ARBA, will furnish the applicant a copy of the disapproval recommendation and the supporting reasons. The applicant will execute the rebuttal rights statement in figure 2–6. The applicant’s comments, if provided, and the figure 2–6 statement will be attached to the record. The command will make no additional rebuttals or further substantive comment.

(2) Any additional information considered by ARBA, other than the official service record of the applicant, that is adverse to the applicant and that the applicant has not had an opportunity to comment upon or refute, will be made part of the record and the applicant will be given an opportunity to comment upon or refute such material before a final decision on the application is made.

(3) ARBA will furnish the proper authority appropriate disposition instructions for approved applications.

(4) If the applicant’s request is disapproved, the reasons for this decision will be made a part of the record and provided to the applicant through command channels.

2–9. Second and later applications

a. An application for discharge as a conscientious objector 1–O or for classification 1–A–O that has been considered and disapproved by DASA (RB) will not be reconsidered. However, an applicant may submit second and later formal applications to their unit commander. These applications will be considered only if—

(1) They are not based upon substantially the same grounds, or

(2) They are not supported by substantially the same evidence as a previously disapproved application.

b. When a second or later formal application is received, the unit commander will forward the application and any documents submitted with it to the headquarters of the GCMCA specified in paragraph 2–8*a*. At this headquarters the legal advisor will review the application to determine whether it is substantially the same as a previous application disapproved by the GCMCA or DASA (RB). After the legal review and opinion, the GCMCA specified in paragraph 2–8*a* is authorized to return to an applicant, without action, any second or later application under this regulation when review reveals that it is substantially the same as a previous application previously disapproved.

c. If the GCMCA specified in paragraph 2–8*a*, by means of the legal review and opinion, determines that the second or later application is not substantially the same as a previously disapproved application, the GCMCA will return the application to the person’s unit commander to process according to this regulation. A new chaplain’s report of interview and mental status evaluation or a psychiatric evaluation, and a new investigating officer’s report also is required.

d. If the final decision to approve or disapprove is not authorized to be made at the GCMCA level, the application will be forwarded to ARBA for final action (see para 2–8*c*).

2–10. Use, assignment, and training

a. Except as provided in paragraph 2–10*b*, applicants who have submitted applications will be retained in their unit and assigned duties providing minimum practicable conflict with their asserted beliefs, pending a final decision on their applications (see para 2–1). Reassignment orders received after the submission of an application will be delayed until the approval authority makes a final determination. In the case of trainees, they will not be required to train in the study, use, or handling of arms or weapons. The trainee is not precluded from taking part in those aspects of training that do not involve the bearing or use of arms, weapons, or munitions. Except for this restriction, conscientious objector applicants are subject to all military orders and discipline, and regulations to include those on training.

b. In the case of second and later applications, the duty limitations of paragraph 2–10*a* will not apply if the applicant’s immediate commander determines that the application is substantially the same as a previously disapproved application. However, the provisions of paragraph 2–9 still apply.

c. Guidelines for Soldiers submitting an application for conscientious objection is as follows:

(1) A Soldier assigned or attached to a unit deploying to a new duty station (new duty location is the final destination of the deploying unit) may submit an application for conscientious objector status. The Soldier’s submission of a conscientious objector application will not preclude the Soldier from deploying with their unit. The unit will process the application as operational mission requirements permit. The Soldier will prepare for deployment and deploy with the unit unless the application for conscientious objector status has been approved by the approving authority designated in paragraph 2–8*a*. In cases where a Soldier’s application has been forwarded to ARBA, the commander exercising GCMCA over the Soldier may, in their discretion, excuse the Soldier from deployment, pending decision of the DASA (RB).

(2) A Soldier who received individual orders for reassignment prior to submission of conscientious objector application or a Soldier who has departed their unit of assignment in compliance with individual reassignment orders may not apply for conscientious objector status until they arrive at the new permanent duty station. The foregoing does not apply to Soldiers who are on temporary duty en route on assignment orders for a period in excess of 8 weeks. These Soldiers may apply at their temporary duty location.

d. When a request for conscientious objector status has been denied, the person—

- (1) Will comply with reassignment orders, and
- (2) May be assigned to any duties, or
- (3) May be required to participate in any type of training.

e. In the case of Reserve Component personnel not on active duty, the submission of an application after the date the applicant's orders are published announcing a reporting date for active duty or ADT is not a basis for delay in reporting for designated duty. If a person is ordered to report to active duty or ADT while an application is being processed and they are advised that final action cannot be made before the reporting date for duty, they must comply with these orders. In such instance, the application will be forwarded to the proper Regular Army GCMCA for processing.

f. IRR members who have been ordered to active duty may submit an application for conscientious objector status at their mobilization site. Submission of an application will not preclude further assignment or deployment. Upon departure from the mobilization site, the Soldier will hand carry the application packet if it has not been forwarded to ARBA. If application has been forwarded to ARBA, the Soldier's forwarding address (if known) will be included.

g. Notwithstanding the retention requirements stated above, an application for conscientious objector status will be transferred to the gaining commander for appropriate action. This is true for an application submitted by a Soldier who is confined as a result of a court-martial sentence and transferred to a correctional holding detachment according to AR 190-47.

2-11. Guidelines for processing conscientious objector cases

See appendix C for a suggested checklist for processing conscientious objector applications, and appendix D for internal controls which will assist both the investigating officer and the commander.

Chapter 3 Disposition of Personnel

3-1. Action after approval

a. Persons determined to meet the criteria for 1-O classification normally will be discharged "for the convenience of the Government."

(1) *Active duty personnel (officers, warrant officers, and enlisted)*. Orders directing persons to report to a transfer activity designated to accomplish discharge processing will cite this regulation as the authority for discharge and the proper separation program designator (SPD) from AR 635-5-1.

(2) *Reserve Component personnel not on active duty or active duty training*. Orders announcing discharge will cite this regulation as the authority.

(3) *Department of Defense-sponsored bonuses and educational programs*. When applicable, the Soldier must reimburse the Government for any unearned bonus or special pay and unearned portions of appropriated funds expended on them under DOD-sponsored educational programs in accordance with proper public law (Public Law 92-426 (PL 92-426); PL 95-57) or law and regulation, including AR 37-104-4 and AR 635-200. The commander exercising GCMCA authority will ensure that the unearned portion of bonuses and/or educational program costs are recouped, as indicated by ARBA and as required by 37 USC 373.

b. Persons who are classified 1-A-O are not eligible for discharge under this regulation.

(1) *Active duty personnel*. Persons classified 1-A-O will be identified by an entry on the person's record brief in accordance with AR 600-8-104.

(a) *Enlisted personnel* will be assigned according to AR 614-200 and this regulation. Commanders will utilize 1-A-O noncombatant Soldiers by assigning them to noncombatant duties and training; in any medical department; or in any other assignment, the primary purpose of which does not require the carrying or use of arms in combat, provided that such assignment does not require the noncombatant Soldier to bear arms or be trained in their use. Defensive training, such as unarmed defense, passage through minefields, search of casualties for booby traps, and disarming of booby traps found on casualties may be offered to 1-A-O noncombatant Soldiers. Service aboard an armed ship or aircraft or in a combat zone will not be considered to be combatant duty unless the individual concerned is personally and directly involved in the operation of weapons. Excluding noncombatant duties and training, conscientious objectors are not allowed to avoid hazardous duties that may be part of the mission of the unit to which assigned. They are subject to Army regulations and directives, including those on training and discipline. They are available for worldwide assignments.

(b) *Officer Personnel*. Commissioned officers and warrant officers will be designated and used in a proper noncombat arms specialty and precluded from assignments in which they are required to bear arms or be trained in their use. Officers designated as conscientious objectors, noncombatant 1-A-O, will be managed and assigned on a case by case basis. Generally, those in combat arms branches will be involuntarily branch transferred to a noncombat arms branch. This policy should not be construed to require automatic reclassification into an U.S. Army Medical Department specialty.

(c) *Deployment and/or assignment to hostile fire areas.* Deployment or assignment to hostile fire areas must be shared equally by all Soldiers, except that noncombatant 1-A-O Soldiers will not be required to bear arms or be trained in the bearing of arms.

(d) *Leadership positions and assignments.* The needs of the Army drive all assignments. Noncombatant Soldiers (1-A-O) should not expect the full range of assignment options. Since unit and individual readiness is paramount, Soldiers of leadership rank should not be placed in positions where their noncombatant status may detract from their ability to train and lead Soldiers.

(2) *Reserve Component personnel.* Persons classified 1-A-O will be identified by an entry on the person's record brief. Such persons will be required to complete their Ready Reserve and statutory obligation or terms of enlistment subject to assignment instructions outlined in this regulation.

(a) Ready Reserve Soldiers will be—

1. Continued in current Reserve assignment if such assignment qualifies as noncombatant service and training; or
2. Assigned to a proper vacancy in a Reserve medical unit, if available; or
3. Assigned to an annual training or reinforcement control group, whichever is appropriate, under criterion prescribed in AR 140-10.

(b) Standby Reserve Soldiers will be continued in current assignment.

(c) Army National Guard of the United States Soldiers who, upon separation from their state status as ARNG and/or upon withdrawal of Federal recognition, revert to USAR status will be assigned to a proper vacancy in a Reserve medical unit, if available; or to an annual training or reinforcement control group, whichever is appropriate, under criterion prescribed in AR 140-10.

c. A copy of the approved case record will be forwarded to CG, HRC, and web uploaded to the interactive Personnel Electronic Records Management System (iPERMS) filing in the AMHRR in accordance with AR 600-8-104.

3-2. Discharge of personnel having less than 180 days service

Personnel who have less than 180 days on active duty (excluding ADT) may be discharged by reason of conscientious objection. During conscription, the GCMCA will promptly notify the Selective Service System, National Headquarters, Arlington, VA 22209-2425, of the date of discharge from military service and advise that the person has not completed 180 days active duty.

3-3. Removal of identification as 1-A-O conscientious objector

When a person who has been classified as a conscientious objector under this regulation desires to have identification 1-A-O removed, the procedures below will apply—

a. The person will submit a request to their commanding officer. DA Form 4187 or a letter will be prepared in four copies. All copies will be signed. The request will contain a statement that the applicant is no longer a conscientious objector and is not opposed to combat duty. A statement will also be made as to why the classification 1-A-O is no longer applicable. If applicable, the request will contain the person's Selective Service number, local board number, and address.

b. The unit commander, after making a determination that the applicant is sincere, will approve the request and forward it to the records manager or supporting HR professional. The records manager will then delete the conscientious objector entry on the person's record brief. Action will also be taken to delete this identification from any data processing records on which the classification may be coded. The records manager will indicate by comment on all copies of the DA Form 4187 when the entry on the record brief has been deleted. They will distribute the copies as follows:

(1) Original to be web uploaded to iPERMS for permanent filing in the person's AMHRR in accordance with AR 600-8-104.

(2) ARBA will retain one copy.

(3) One copy will be returned to the person concerned.

(4) For Soldiers of the ARNG, one copy will be forwarded through channels to the proper State Adjutant General.

3-4. Separation certificates

a. When a Service member is separated for convenience of the Government, the characterization of service should be honorable, unless a characterization of service of general (under honorable conditions) is warranted in accordance with applicable regulations. In and of itself, an application for conscientious objector status does not constitute misconduct, and the act of applying for conscientious objector status will not be used as a basis for a general (under honorable conditions) discharge

b. Commissioned officers and warrant officers will be furnished a discharge certificate in accordance with AR 600-8-24 or as directed by DCS, G-1.

c. Enlisted personnel will be furnished a discharge certificate in accordance with AR 635-200.

d. DD Form 214 (Certificate of Release or Discharge from Active Duty) will be furnished to each person discharged from active service under this regulation.

e. When discharged because of conscientious objection, enter AR 600–43 in item 25 and “RE 4” in item 27 for enlisted personnel and N/A or blank for officer personnel (see AR 635–5–1 for information to be entered in items 26 and 28).

3–5. Expenses

No expenses voluntarily incurred by the applicant, their counsel, their witnesses, or by any other person on their behalf in connection with proceedings under this regulation will be paid by the Government.

Appendix A

References

DA publications and forms are available on the Army Publishing Directorate website at <https://armypubs.army.mil/>. Other publications and forms are available as noted below.

Section I

Required Publications

AR 140–10

Assignments, Attachments, Details, and Transfers. (Cited in para 3–1*b*(2)(*a*)3.)

AR 165–1

Army Chaplain Corps Activities. (Cited in para 2–5*h*.)

AR 600–8–2

Suspension of Favorable Personnel Actions (FLAG). (Cited in para 2–6*a*(1)(*d*.)

AR 600–8–104

Army Military Human Resource Records Management. (Cited in para 1–4*b*(2).)

AR 635–200

Active Duty Enlisted Administrative Separations. (Cited in para 1–7*f*.)

DODI 1300.06

Conscientious Objectors (Cited in the title page.) (Available at <https://www.esd.whs.mil/DD/>.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this regulation. DA publications and forms are available on the Army Publishing Directorate website at <https://armypubs.army.mil/>. Other publications and forms are available as noted below. Public Laws and USCs are available at <https://www.gpo.gov/fdsys/>.

AR 5–9

Installation Agreements

AR 11–2

Managers' Internal Control Program

AR 25–22

The Army Privacy Program

AR 25–30

Army Publishing Program

AR 37–104–4

Military Pay and Allowances Policy

AR 140–1

Mission, Organization, and Training

AR 145–1

Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training

AR 190–47

The Army Corrections System

AR 600–8–24

Officer Transfers and Discharges

AR 600–8–105

Military Orders

AR 601–100

Appointment of Commissioned and Warrant Officers in the Regular Army

AR 601–210

Regular Army and Reserve Components Enlistment Program

AR 601–280

Army Retention Program

AR 614–200

Enlisted Assignments and Utilization Management

AR 635–5–1

Separation Program Designator (SPD) Codes

PL 92–426

Uniformed Services Health Professions Revitalization Act of 1972

PL 95–57

A bill to amend Chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment, enlistment bonuses

5 USC 552a

Records maintained on individuals

37 USC 373

Repayment of unearned portions of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met

38 USC 3103

Periods of eligibility

38 USC 5303

Certain bars to benefits

50 USC, App 456(j)

Military Selective Service Act

Section III**Prescribed Forms**

This section contains no entries.

Section IV**Referenced Forms**

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil/>) and DD forms are available on the Office of the Secretary of Defense website (<https://www.esd.whs.mil/Directives/forms>).

DA Form 11–2

Internal Control Evaluation Certification

DA Form 1574–1

Report of Proceedings by Investigating Officer

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 3822

Report of Mental Status Evaluation

DA Form 4187

Personnel Action

DD Form 4

Enlistment/Reenlistment Document Armed Forces of the United States

DD Form 214

Certificate of Release or Discharge from Active Duty (Available at <https://www.archives.gov/st-louis/military-personnel/dd-214.html>)

Appendix B

Personal Information that Must be Included in Application

B-1. Application information

In accordance with the Privacy Act of 1974 (5 USC 552a), as implemented by AR 25-22, applicants will be advised as outlined in paragraph 2-2a. The Privacy Act form will be signed and become part of the record (see fig 2-2). Also, the following will be provided:

a. General information.

- (1) Full name.
- (2) DOD ID number.
- (3) Selective Service number (if applicable).
- (4) Service address and component (RA, USAR, and ARNG).
- (5) Home of Record, and permanent home address if different.
- (6) Name and address of each school and college attended together with dates of attendance, and the type of school (public, church, military, and commercial).
- (7) A chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college, whether for monetary compensation or not. Include the type of work, name of employer, address of employer, and the rom and to date for each position or job held.
- (8) All former addresses (after age 16) and dates of residence at those addresses.
- (9) Parent's names and addresses. Indicate whether they are living or deceased.
- (10) The religious denomination or sect of both parents.
- (11) Was application made to the Selective Service System (local board) for classification as a conscientious objector before entry into the Armed Forces? If so, to which local board? What decision, if any, that was made by the board, if known?
- (12) Was any previous application made in service for classification as a conscientious objector? If so, for which status (1-O or 1-A-O)? Where and when was application made? What was the final determination? Attach a copy of the previous application(s), if any.
- (13) During conscription, when the person has served less than 180 days in the Armed Forces, a statement is required by the applicant as to whether they are willing to perform work under the Selective Service Alternative Service Program for Conscientious Objectors if the applicant is eventually discharged as a conscientious objector. Also required is a statement of the applicant as to whether they consent to the issuance of an order for such work by the local Selective Service board.

b. Training and belief.

- (1) An express, specific statement as to whether the person requests classification as a conscientious objector (1-0), or as a conscientious objector (1-A-O).
- (2) A description of the nature of the belief that requires the person to seek separation from the military service or assignment to noncombatant training and duty for reasons of conscience.
- (3) An explanation as to how their beliefs changed or developed, to include an explanation as to what factors (how, when, and from whom or from what source training received and belief acquired) caused the change in or development of conscientious objection beliefs.
- (4) An explanation as to when these beliefs become incompatible with military service and why.
- (5) An explanation as to the circumstances, if any, under which the applicant believes in the use of force, and to what extent, under any foreseeable circumstances.
- (6) An explanation as to how the applicant's daily lifestyle has changed as a result of their beliefs and what future actions they plan to continue to support their beliefs.
- (7) An explanation as to what in the applicant's opinion most conspicuously demonstrates the consistency and depth of their beliefs that gave rise to their claim.

c. Participation in organizations.

- (1) Information as to whether the applicant has ever been a member of any military organization or establishment before entering upon their present term of service. If so, the name and address of such organization will be given together with reasons why they became a member.
- (2) A statement as to whether the applicant is a member of a religious organization or tradition. If so, the statement will show the following:
 - (a) The name of the organization or tradition, and the name and location of its governing body or head, if known.
 - (b) When, where, and how the applicant became a member of the said organization or tradition.

(c) The name and location of any religious organization, congregation, or meeting that the applicant customarily attends; the extent of the applicant's participation therein.

(d) The name, title, and present address of the pastor or leader of such religious organization, congregation, or meeting.

(e) A description of the creed or official statements, if any, and if they are known to the applicant, of said religious organization or tradition in relation to participation in war.

(3) A description of the applicant's relationships with and activities in all organizations with which the applicant is or has been affiliated, other than military, political, or labor organizations.

d. *References.* Any additional information such as letters of reference or official statements of organizations to which the applicant belongs or refers to in the application, that the applicant desires to be considered by the authority reviewing the application. The burden is on the applicant to obtain and forward such information.

B-2. Additional information

Each person seeking a discharge from the Army (1-O), or assignment to noncombatant duties (1-A-O), as a conscientious objector under this regulation, will provide the information indicated above as the minimum required for consideration of their request. However, ARBA may require such additional information as it deems proper. The person may submit such other information, as desired.

Appendix C

Informal Guide for the Investigating Officer

C–1. Introduction

The investigating officer's investigation and hearing is of prime importance in processing a conscientious objector's application. The investigating officer must perform the duties with diligence, understanding, and expedience. They must provide an objective and factual report to the chain of command. A careless or misguided investigating officer can cause unwarranted delays or other serious consequences for the applicant or circumstances that may be prejudicial to the interests of the Army, or both.

C–2. Functions of investigating officer

The investigating officer's first responsibility is to ensure that the record contains all available information necessary for the proper decision authority to make an informed decision. To accomplish this, the investigating officer should—

a. Study applicable regulations. Be fully conversant on the requirements, both administrative and substantive. Even with a good general understanding of these matters, the investigating officer can make mistakes if they do not follow the technical requirements.

b. Review the application. Attempt to define the basis of the applicant's beliefs. Determine if these beliefs are based on the tenets of a certain religion. The investigating officer should ask questions of the personnel office, other investigating officers of conscientious objector cases (they are different from other investigations), and the legal advisor.

c. Talk to the applicant's superiors and peers concerning the applicant's lifestyle, conduct, efficiency, and general demeanor as they pertain to the applicant's claim.

d. Check all that has gone before. If someone failed to fulfill their regulatory responsibilities, the investigating officer should correct the error as soon as possible.

e. Read the chaplain's report, which should be part of the application. This report may assist the investigating officer in planning the focus of the hearing.

f. Read the report of mental status examination. If this report shows any basis for medical treatment or for administrative action based on a personality disorder, these matters take precedence. The investigating officer should report this fact to the appointing authority.

g. State in the report if they are convinced that AR 600–43 is being used to effect the administrative separation of a person who does not qualify as a conscientious objector.

h. Should not deny the request of a sincere person who meets the regulatory criteria because of monetary or service obligations under other pertinent regulations (see para 3–1a(3)). The fact that an applicant has just received a reenlistment bonus, a commission, or a degree, has no direct bearing on the main issue. If it appears, however, that the applicant delayed their application to complete a Government–sponsored educational program, this delay may be grounds for questioning their sincerity, particularly if the applicant seeks 1–O status (see para 2–2d).

i. Complete the entire application process expeditiously. An inordinate delay may prevent proper consideration of the merits of the claim.

j. Obtain legal advice as necessary from the servicing legal advisor's office.

C–3. Investigating officer's hearing

The investigating officer's hearing provides the chance for the investigating officer to explore fully the applicant's claim.

a. The hearing is informal; however, the investigating officer must be fully prepared beforehand and should conduct the hearing without outside help.

b. At the hearing, the investigating officer should be impartial. The investigating officer is not an advocate, even if the applicant has retained counsel.

c. The investigating officer's role is not to prove that the applicant is not a conscientious objector, but to find and record all factual data that will provide the basis for their opinion that the applicant is or is not a conscientious objector. The hearing is to provide the applicant the chance to establish, by "clear and convincing evidence," that they are a conscientious objector as defined by this regulation. The investigating officer's recommendation must be based on fact.

C–4. Guidance

During the conduct of the entire investigation, the investigating officer should remember that—

a. A conscientious objector under this regulation is a person who is sincerely opposed, because of religious or deeply held moral or ethical beliefs, to participating in war in any form (1–0) or to participating as a combatant (including training in tactics or weapons) in war in any form (1–A–0).

b. In attempting to determine whether a conscientious objection to participation in war or combat is founded upon religious training and belief, as defined above, the proper scope of inquiry is whether the applicant holds the asserted beliefs and whether they are the product of a conscious thought process resulting in such a conviction as to allow the person no choice but to act in accordance with them. Beliefs can be deeply held even though they lack sophistication. Care must be taken to avoid the inference that an applicant who lacks sufficient insight or knowledge to express their beliefs clearly does not hold the beliefs, or that they are not “religious” in origin or held with the strength of traditional religious convictions.

c. An applicant’s sincere desire to leave the Army, their unit or job is not conscientious objection. Likewise, an applicant’s belief that they are called to another occupation, even a religious one, is not conscientious objection if they merely prefer a different life. A conscientious objector is one whose conscience, because of factors listed in paragraph C-4a, allows them no rest or inner peace if they are required to fulfill the present military obligation.

d. Conscientious objector beliefs must be held personally by the applicant. Membership in a certain church group is not necessary or sufficient, even if that group professes conscientious objection. The person who belongs to such a group must clearly show that they embrace the group’s beliefs as their own. Similarly, a person cannot base a claim on the beliefs of a friend or relative.

e. A conscientious objector is not necessarily a pacifist. An applicant may be willing to use force to protect themselves or their family and still be a conscientious objector. However, if they are willing to defend the United States, they cannot choose when and where.

f. Applicants who held their beliefs before entry into military service but failed to make these beliefs known cannot be discharged or reassigned to noncombatant duty. However, those who have undergone a real change or development of belief since entry into military service or who made these beliefs known but were denied classification before entering active duty may be discharged or reassigned to noncombatant duty, as proper.

g. The person being investigated either is or is not a conscientious objector. If the person is a conscientious objector, they should be classified as a noncombatant (1-A-O) or discharged (1-O), as appropriate. If the person is not a conscientious objector, they have an obligation to complete their remaining military service obligation.

C-5. Administrative considerations

Some administrative considerations for the investigating officer—

a. All documents should bear proper signatures and dates.

b. In the case of those discharged as conscientious objectors, the DVA makes a case-by-case determination of eligibility for benefits. For noncombatants, Army policy on reenlistment changes from time to time; there is no automatic bar. Similarly, reclassification (1-A-O) does not automatically call for removal from a promotion list.

c. Consideration of the type of discharge certificate to be awarded is not proper until after the final decision has been made on the disposition of the conscientious objector application.

d. Any previous correspondence by the applicant (with the Selective Service System and the Army) concerning conscientious objection should be considered and included in the record.

Appendix D

Internal Control Evaluation

D-1. Function

The function covered by this evaluation is the submission and processing of applications for conscientious objection, 1-0 and 1-A-O.

D-2. Purpose

The purpose of this evaluation is to assist commanders in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

D-3. Instructions

Answers must be based on actual testing of key internal controls (for example, document analysis, direct observation, and sampling) Answers that indicate deficiencies must be explained and corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification.)

D-4. Test questions

Yes answers to the questions listed below indicate successful management controls. No answers indicate internal control deficiency or weakness.

a. Have conscientious objector applicants submit a signed and dated DA Form 4187 showing whether he or she is requesting discharge or noncombatant status and all data required by appendix B (see para 2-1*a*)?

b. Have conscientious objector applicants been advised by their unit commander of the pertinent provisions of the Privacy Act; 38 USC 3103 and 5303; the possible ineligibility for reenlistment; and then signed and dated the proper statement (fig 2-1 and fig 2-2 or fig 2-3) and included in the case record (see para 2-2)?

c. Have conscientious objector applicants been advised that they may submit any data they consider relevant with the application (see para 2-1*a*)?

d. Have unit commanders ensured that the conscientious objector applicants are retained in the unit after submitting an application and are so retained until the application is finally adjudicated? (Reassignment orders received after the submission of an application must be delayed until final determination is made by the approving authority (see para 2-10).)

e. Did unit commanders assign duties to conscientious objector applicants that provide minimum practical conflict with the applicant's asserted beliefs (see para 2-1*a*)?

f. Have unit commanders made appointments for an interview with a military chaplain and provide the chaplain with a copy of the application (see para 2-2*e*)?

g. Have chaplains provided detailed reports that include—

(1) Nature and basis of applicant's claim?

(2) Sincerity and depth of conviction?

(3) Opinion as to source of applicant's beliefs?

(4) Comments on applicant's demeanor and lifestyle as they bear on the claim? (Note: The chaplain is prohibited from making a recommendation for approval or disapproval (see para 2-3*a*)).

h. Have unit commanders made appointments with a psychiatrist or other medical officer, if a psychiatrist is not available, for a mental status examination? (The purpose of the examination is to determine the presence or absence of any psychiatric disorder that would warrant treatment or disposition through medical channels.) (Note: The medical officer is prohibited from making any recommendation for approval or disapproval (see para 2-3*b*)).

i. Did unit commanders forward the case record to the Special Court-Martial Convening Authority (see para 2-4)?

j. Are all of the above actions accomplished expeditiously?

k. Do the special court-martial convening authorities appoint a disinterested investigating officer (O-3 or higher) not in the applicant's chain of command (see para 2-4*a*)?

l. Are investigating officers instructed to ensure proper and complete fulfillment of responsibilities outlined in governing regulations? (The investigating officer can receive instruction, assistance, and counsel from such officers as the legal advisor and the personnel actions officer (see para 2-4)).

m. Have investigating officers given the applicant a chance to appear in person at a hearing with, or without, counsel, and a reasonable time to obtain counsel, if desired (see para 2-5*i*)?

n. Did applicants sign and date the statement of understanding (see fig 2-5)?

o. If/when applicants waive the opportunity to be heard, is a written waiver signed, dated, and made part of the record (see para 2–5*c* and fig 2–4)?

p. Have investigating officers—

- (1) Studied pertinent regulations and the application?
- (2) Examined the applicant’s military records to determine if application had been made for discharge under other ARs, for schools or other assignments and other pertinent data?
- (3) Talked to the applicant’s peers and superiors concerning the person’s demeanor and lifestyle?
- (4) Corrected on the spot, or caused to be corrected, noticeable errors or omissions in the case record?
- (5) Placed the applicant and all witnesses under oath (or affirmation) during the hearing and so state in the investigating officer’s report?
- (6) Determined when and how the alleged conscientious objection became fixed or crystallized, or, determined that the alleged conscientious objection has not become fixed or crystallized?
- (7) Required applicants to authenticate summaries of their testimony?
- (8) Made a recommendation for approval or disapproval and given reasons based on fact?
- (9) Provided the applicant a complete copy of the record at the same time the record is returned to the commander who appointed the investigating officer?
- (10) Fulfilled their responsibilities expeditiously?

q. Have the headquarters of the Special Court–Martial jurisdiction(s) returned the record (see para 2–5*k*), complete to date, to the commander of the applicant for compliance with paragraph 2–6*a*?

r. Have applicants submitted figure 2–6 statement, confirming that they have been advised of their rebuttal rights (see para 2–5*m*)?

s. Have the commanders of applicants—

- (1) Provided all of the data required by paragraph 2–6*a* as to the applicant’s DA Form 4187, to include their recommendation and reasons supporting their recommendation?
- (2) Added the completed figure 2–6 statement of the applicant to the case record along with the applicant’s rebuttal statement, if executed?
- (3) Forwarded the entire record through normal command channels at the end of the 10 calendar day rebuttal period?
- (4) If the applicant has not submitted a figure 2–6 statement at the end of the 10 days, make a statement to that effect and forward the case record (see para 2–6)?

t. Did the legal advisor(s) thoroughly review the entire case record for sufficiency in law and fact and provide a recommended disposition of the case supported by reason (see para 2–6*d*)?

u. Have the commanders in the chain of command made their recommendations based on fact? (The endorsement should so indicate whether the applicant was interviewed by a commander (see para 2–6*c*.)

v. Has the General Court–Martial convening authority ensured compliance with paragraph 2–1*b* or prepared the explanation for delay if the application has been held beyond the time limit specified (see para 2–6*c*)?

w. If required, has the explanation for delay been added to the case records as an enclosure (see para 2–1*b*)?

x. Has an administrative review been completed (see para 2–6*c*)?

y. If the applicant wishes to withdraw a formal application, is the applicant counseled by a JAGC officer and signing the acknowledgement (see fig 2–7 and para 2–7*b*)?

z. Are approved applications or recommendations for disapproval personally signed by the GCMCA with supporting reasons (see para 2–8*b*)?

aa. Are the required number of copies forwarded to ARBA (see paras 2–8*c* and 2–8*d*)?

D–5. Comments

Help make this a better tool for evaluating internal controls. Submit comments to DCS, G–1 (DAPE–MP), 300 Army Pentagon, Washington, DC 20310–0300.

Glossary

Section I

Abbreviations

ADT

active duty training

AMHRR

Army Military Human Resource Record

ARBA

Army Review Boards Agency

ARNG

Army National Guard

CG

commanding general

DA

Department of the Army

DACORB

Department of the Army Conscientious Objector Review Board

DCS, G-1

Deputy Chief of Staff, G-1

DOD

Department of Defense

DVA

Department of Veterans' Affairs

GCM

general court-martial

GCMCA

general court-martial convening authority

HQDA

Headquarters, Department of the Army

HR

human resources

HRC

U.S. Army Human Resources Command

iPERMS

interactive Personnel Electronic Records Management System

IRR

Individual Ready Reserve

JAGC

Judge Advocate General's Corps

MBT

modified basic training

MEPCOM

U.S. Army Military Entrance Processing Command

PL

public law

RA

Regular Army

ROTC

Reserve Officers' Training Corps

SPCMCA

special court-martial convening authority

SPD

separation program designator

USAR

U.S. Army Reserve

USC

United States Code

Section II**Terms****Conscientious objection**

A firm, fixed, and sincere objection to participation in war in any form or the bearing of arms, because of religious training and belief. Unless otherwise specified, the term "conscientious objector" includes both 1-O and 1-A-O conscientious objectors.

a. Class 1-A-O conscientious objector. A member who, by reason of conscientious objection, sincerely objects to participation as a combatant in war in any form, but whose convictions are such as to permit military service in a noncombatant status.

b. Class 1-O conscientious objector. A member who, by reason of conscientious objection, sincerely objects to participation of any kind in war in any form.

Enlistee

A person who has enlisted in the Future Soldier Training Program, the RA, or the USAR. An applicant became an enlistee after—

a. The oath of enlistment is taken.

b. Applicable portions of DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) are signed.

Entry into service

For an inductee, and only for the purpose of conscientious objection, the date upon which the Selective Service System dispatched their notice of induction. For all other members, it is the date upon which they took the oath of enlistment or appointment, or signed the enlistment contract (for cadets who have Reserve Officers' Training Corps scholarships).

Immediate unit commander

The commanding officer of a company, battery, troop, separate detachment or similar unit.

Inductee

A person who has become a member of the Armed Forces through the operations of the Selective Service System.

Modified basic training

Training in basic military subjects, excluding training in the bearing or use of ammunition, weapons, or munitions for conscientious objector personnel.

Noncombatant service or noncombatant duties

(1-A-O) (used interchangeably herein).

a. Service in any unit of the Armed Forces that is unarmed at all times.

b. Service in the medical department of any of the Armed Forces, wherever performed.

c. Any other assignment the primary function of which does not require the use of arms in combat if such other assignment is acceptable to the person concerned and does not require them to bear arms or to be trained in their use.

d. Service aboard an armed ship or aircraft or in a combat zone will not be considered to be combatant duty unless the individual concerned is personally and directly involved in the operation of weapons.

Noncombatant training

Any training that is not concerned with the study, use, or handling of arms or weapons.

Nonunit members

IRR and Standby Reserve members as defined in AR 140–1.

Privileged communications

That communication between an applicant and a chaplain or lawyer that, under law, need not be revealed.

Religious training and belief

Belief in an external power or "being" or deeply held moral or ethical belief, to which all else is subordinate or upon which all else is ultimately dependent, and which has the power or force to affect moral well-being. The external power or "being" need not be one that has found expression in either religious or societal traditions. However, it should sincerely occupy a place of equal or greater value in the life of its possessor. Deeply held moral or ethical beliefs should be valued with the strength and devotion of traditional religious conviction. The term "religious training and/or belief" may include solely moral or ethical beliefs even though the applicant may not characterize these beliefs as "religious" in the traditional sense, or may expressly characterize them as not religious. The term "religious training and/or belief" does not include a belief that rests solely upon considerations of policy, pragmatism, expediency, or political views.

Reserve components

The ARNGUS and the USAR.

Supporting installation

Army installations on which USAR organizations have satellite for logistic support.

War in any form

A person who desires to choose the war in which they will participate is not a conscientious objector under the regulation. Their objection must be to all wars rather than a specific war. However, a belief in a theocratic or spiritual war between the powers of good and evil does not constitute a willingness to participate in "war" within the meaning of this regulation.

Section III**Special Abbreviations and Terms**

This section contains no entries.

UNCLASSIFIED

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