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The Soldier's Guide

1. Change FM 7-21.13, 2 February 2004, as follows:

Remove old pages:	Insert new pages:
3-1 and 3-2.....	3-1 and 3-2
3-35 and 3-36.....	3-35 and 3-36
3-41 through 3-48.....	3-41 through 3-48
7-33 and 7-34.....	7-33 and 7-34
Index-7 and Index-8	Index 7 and Index-8

2. An asterisk (*) marks new material.
3. File this transmittal sheet in the front of the publication.

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20 September 2011

By Order of the Secretary of the Army:

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Chapter 3

Duties, Responsibilities, and Authority of the Soldier

Being an effective part of a team as a soldier means knowing your role and the rules for that team. This chapter explains the meaning of duty, responsibility, and authority and how these apply to every soldier in the Army. You'll find a quick reference to some of the rules soldiers live by in the sections on wear, appearance, and fit and standards of conduct. The discussion of the Uniform Code of Military Justice (UCMJ) explains some of the procedures in the use of military justice. This chapter provides brief overviews of these topics and for additional detailed information refer to the appropriate manuals.

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For more information on duties, responsibilities and authority see AR 600-20, *Army Command Policy*, FM 6-0, *Command and Control*, FM 6-22 (22-100), *Army Leadership*, and FM 7-22.7, *The Army Noncommissioned Officer Guide*.

For more information on the wear and appearance of Army uniforms and insignia, see AR 670-1, *Wear and Appearance of Army Uniforms and Insignia*.

For more information on the Uniform Code of Military Justice, see FM 1-04.14 (27-14), *Legal Guide for Soldiers*, AR 27-10, *Military Justice*, AR 27-3, *The Army Legal Assistance Program*, and the *Manual for Courts-Martial*.

For more information on the law of land warfare, see FM 1-04.10 (27-10), *The Law of Land Warfare*.

For more information on Army standards of conduct, see AR 600-20 and DOD 5500.7-R, *Joint Ethics Regulation (JER)*.

For more information on the Code of Conduct, see AR 350-30, *Code of Conduct/ Survival, Evasion, Resistance and Escape (SERE) Training* and DA Pam 360-512, *Code of the US Fighting Force*.

Every soldier has a specific job to do and makes a unique contribution to the Army. But always remember you are a soldier first.

***Table 3-2. Types of Chapter Discharges**

Chapter 3	Character of Service.
Chapter 4	Separation for Expiration of Service Obligation.
Chapter 5	Separation for Convenience of the Government.
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Chapter 14	Separation for Misconduct.
Chapter 16	Selected Changes in Service Obligations.
Chapter 18	Failure to Meet Body Fat Standards.
Chapter 19	Qualitative Management Program.

DISCHARGE

3-144. *If separated, the soldier could receive one of three types of discharges (depending on the type of chapter): honorable, general (under honorable conditions) also called a general discharge, or a discharge under other-than-honorable-conditions, also called an "OTH." An honorable discharge is the best discharge a soldier can receive from the service. A general discharge affects some of the benefits a veteran is eligible for. An OTH discharge will deprive you of most of the benefits you would receive with an honorable discharge and may cause you substantial prejudice in civilian life. Generally, an OTH discharge is only possible under Chapter 14. Before you can be given an OTH, you have the right to have your case heard by an administrative separation board.

3-145. The benefits available to you under the different types of discharges are listed in Chapter 7. Note that with a general discharge, you keep most of the pay entitlements or Veterans Administration (VA) benefits that you might have accrued thus far. For example, you can still cash in your accrued leave. However, you do lose any Montgomery GI Bill (MGIB) contributions and any civil service retirement credit (that is, credit toward federal civil service retirement for your active duty military time) to which you would otherwise be entitled. The biggest problem with a general discharge is that it is the second best type of discharge. As such, a future employer may inquire as to why you didn't get the best type.

3-146. The separation authority (your battalion or brigade commander, or the commanding general, depending on your type of chapter) decides whether or not you should be separated, and, if so, what type of discharge you should get. There are three ways to have input into those decisions.

3-147. If you have less than six years of military service you may submit statements in your own behalf. If you have six years or more of military service, or you are being considered for an OTH discharge, you have two additional options. You may request a hearing before an administrative separation board. The board's job is to recommend to the separation authority whether you should be separated and, if so, with what kind of discharge. The separation authority makes the final decision but cannot do anything less favorable to you than the board recommended. At the board you have the right to legal representation.

3-148. You also may submit a conditional waiver. A conditional waiver is a document you send to the separation authority telling him that you will agree to give up your right to a board hearing if he promises to give you a better type of discharge (usually a general discharge). If the separation authority agrees, you get that better type of discharge. If he turns down your proposal, you still have the right to a board. In any case, you have the right to consult with a military lawyer to decide which option is best.

LAW OF LAND WARFARE

3-149. American traditions and morals require us to educate and enforce the laws of war among members of the Armed Forces. Throughout the history of armed conflict, lives have been lost and property destroyed because combatants failed to abide by the laws of war. Some of these violations are caused by a blatant disregard for the international laws of war, and some are a result of pure ignorance. The laws are not new. Some versions of the present laws of war have been around a long time. Over 100 years ago most civilized nations recognized a need to prevent unnecessary destruction of lives and property on the battlefield. Most nations endorse these laws but do not always abide by them. The law of war today, embodied by the Hague and Geneva Conventions, can be generally divided into four categories:

- Conduct of hostilities, forbidden targets, illegal tactics, and unlawful warfare techniques.
- Treatment of wounded and sick on land and sea.
- Treatment of prisoners of war.
- Treatment of civilians.

3-150. The conduct of armed hostilities on land is regulated by the law of land warfare which is both written and unwritten. It is inspired by the desire to diminish the evils of war. The purposes of the law of war are as follows:

- Protect combatants and noncombatants from unnecessary suffering.
- Safeguard certain fundamental human rights of persons who fall into the hands of the enemy, particularly prisoners of war, the wounded and sick, and civilians.
- Facilitate the restoration of peace.

party personnel without regard to the installation of assignment of the permanent party member or the trainee.

3-168. Recruiter and recruit relationships between permanent party personnel assigned or attached to the United States Army Recruiting Command and potential prospects, applicants, members of the Delayed Entry Program (DEP), or members of the Delayed Training Program (DTP) not required by the recruiting mission is prohibited. This prohibition applies to United States Army Recruiting Command personnel without regard to the unit of assignment of the permanent party member and the potential prospects, applicants, DEP or DTP members.

EXTREMIST ORGANIZATIONS AND ACTIVITIES

3-169. Participation in extremist organizations and activities by Army personnel is inconsistent with the responsibilities of military service. The Army provides equal opportunity and treatment for all soldiers without regard to race, color, religion, gender, or national origin. Commanders enforce this Army policy because it is vitally important to unit cohesion and morale, and is essential to the Army's ability to accomplish its mission.

3-170. All soldiers must reject participation in extremist organizations and activities. Extremist organizations and activities are those that advocate racial, gender, or ethnic hatred or intolerance. They are also those that advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or national origin. Extremist organizations are also those that advocate the use of or use force or violence or unlawful means to deprive individuals of their rights under the United States Constitution or the laws of the United States or any state, by unlawful means.

3-171. Soldiers are prohibited from the following actions in support of extremist organizations or activities. Penalties for violations of these prohibitions include the full range of statutory and regulatory sanctions, both criminal (UCMJ), and administrative:

- Participating in public demonstrations or rallies.
- Attending a meeting or activity with the knowledge that the meeting or activity involves an extremist cause.
- Fund-raising activities.
- Recruiting or training members.
- Creating, organizing, or leading such an organization or activity.
- Distributing literature that supports extremist causes.

3-172. *Commanders have the authority to prohibit soldiers from engaging in or participating in any other activities that the commander determines will adversely affect good order and discipline or morale within the command. Commanders may order the removal of symbols, flags, posters, or other displays from barracks. Commanders may also place areas or activities off-limits, or to order soldiers not to participate in those activities that are contrary to good order and discipline or morale of the unit or pose a threat to health, safety, and security of military personnel or a military installation. Commanders have options for dealing with soldiers that are in violation of the prohibitions. For example,

the commander may use Article 15, bar to reenlistment or other administrative or disciplinary actions.

3-173. *Commanders must investigate any soldier involved with an extremist organization or activity. Indicators of such involvement are membership, receipt of literature, or presence at an event that could threaten the good order and discipline of the unit. Soldiers should be aware of the potential adverse effects that violation of Army policy may have upon good order and discipline in the unit and upon their military service.

HAZING

3-174. The Army is a values-based organization where everyone is encouraged to do what is right by treating others as they should be treated—with dignity and respect. Hazing is in opposition to our values and is prohibited. Hazing is any conduct whereby one military member or employee, regardless of service or rank, unnecessarily causes another military member or employee, regardless of service or rank, to suffer or be exposed to an activity which is cruel, abusive, oppressive or harmful.

3-175. Hazing includes, but is not limited to any form of initiation, “rite of passage” or congratulatory act that involves inflicting pain or encouraging others to engage in illegal, harmful, demeaning, or dangerous acts. Physically striking another in order to inflict pain; piercing another’s skin in any manner; forcing or requiring the consumption of excessive amounts of food, alcohol, drugs, or other substances can be considered hazing. Simply telling another soldier to participate in any such activity is also considered hazing. Hazing need not involve physical contact among or between military members or employees; it can be verbal or psychological in nature.

3-176. Hazing is not limited to superior-subordinate relationships. It may occur between peers or even, under certain circumstances, may involve actions directed towards senior military personnel by those juniors in rank or grade to them. Hazing has at times occurred during graduation ceremonies or similar military "rite of passage." However, it may also happen in day-to-day military settings. It is prohibited in all cases, to include off duty or "unofficial" celebrations or unit functions. Express or implied consent to hazing is not a defense to violation of AR 600-20.

***CODE OF CONDUCT**

3-177. The Code of Conduct applies to all members of the US Armed Forces. It is the duty of individual soldiers who become isolated from their unit in the course of combat operations to continue to fight, evade capture, and regain contact with friendly forces. But if captured, individual soldiers must live, act and speak in a manner that leaves no doubt that they adhere to the traditions of the US Army and resist enemy attempts of interrogation, indoctrination and other exploitation. Individual soldiers are accountable for their actions even while isolated from friendly forces or held by the enemy. See The Code of Conduct in Figure 3-4.

The Code of Conduct

I am an American fighting in the forces that guard my country and our way of life; I am prepared to give my life in their defense.

I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.

If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action, which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

Should I become a prisoner of war, I am required to give name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies.

I will never forget that I am an American fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

Figure 3-4. The Code of Conduct

3-178. Soldiers must take every reasonable step to prevent enemy exploitation of themselves and the US Government. If unable to completely prevent such exploitation, soldiers must limit exploitation as much as possible. In a sense, detained soldiers often are catalysts for their own release, based upon their ability to become unattractive sources of exploitation. That is, one who resists successfully may expect captors to lose interest in further exploitation attempts. Detainees or captives very often must use their judgment as to which actions will increase their chances of returning home with honor and dignity. Without exception, the soldier who can say honestly that he has done his utmost to resist exploitation upholds national policy, the founding principles of the United States, and the highest traditions of military service.

3-179. Regardless of the type of detention or captivity or harshness of treatment, soldiers will maintain their military bearing. They should make every effort to remain calm and courteous and project personal dignity. This is particularly important during the process of capture and the early stages of internment when the captor may be uncertain of his control over the captives. Rude behavior seldom serves the long-term interest of a detainee, captive, or hostage. Additionally, it often results in unnecessary punishment, which in some situations can jeopardize survival and severely complicate efforts to gain release of the detained or captured soldiers.

3-180. There are no circumstances in which a detainee or captive should voluntarily give classified information or materials to unauthorized persons. To the utmost of their ability, soldiers held as detainees, captives, or hostages will protect all classified information. An unauthorized disclosure of classified information, for whatever reason, does not justify further disclosures. Detainees, captives, and hostages must resist, to the utmost of their ability, each and every attempt by their captor to obtain such information.

3-181. In situations where detained or captured soldiers are held in a group, soldiers will organize, to the fullest extent possible, in a military manner under the senior military member present (regardless of service). Historically, establishment of a military chain of command has been a tremendous source of strength for all captives. In such circumstances, make every effort to establish and sustain communications with other detainees, captives, or hostages. Military detainees, captives, or hostages will encourage civilians being held with them to participate in the military organization and accept the authority of the senior military member. The senior military member is obligated to establish a military organization and to ensure that the guidelines in support of the Department of Defense (DOD) policy to survive with honor are not compromised. Army Regulation 350-30, Code of Conduct, Survival, Evasion, Resistance, and Escape (SERE) Training covers the Code of Conduct.

***GIFTS AND DONATIONS**

3-182. Army standards of conduct affect whether soldiers and Department of the Army civilians (DAC) may give gifts to each other. A "gift" includes nearly anything of monetary value, including services. A gift to the spouse of a soldier or DAC with the knowledge and permission of the soldier/DAC is considered a gift to that person. Items not considered gifts are-

- Coffee, doughnuts, and similar modest items of food and refreshments when offered other than as part of a meal.
- Greeting cards, most plaques, certificates, and trophies, which are intended solely for presentation.
- Any prize, commercial discount, or other benefit which is available to the general public, all federal employees, or all military members (e.g., military discounts).

***GIFTS BETWEEN SOLDIERS**

3-183. As a general rule, soldiers may not directly or indirectly, give a gift to or make a donation toward a gift for an official superior. Soldiers likewise may not accept a gift from a subordinate. An exception to the general rule is that on an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate:

- Items, other than cash, with an aggregate market value of \$10 or less per occasion.
- Items such as food and refreshments to be shared in the office among several soldiers/DACs.
- Personal, customary hospitality provided at a residence, for example, inviting your supervisor over for dinner.

- Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions, for example, bringing your dinner party hostess a bouquet of flowers.

3-184. The other exception to the general rule is in giving gifts in recognition of infrequently occurring occasions of personal significance. Examples of these are as marriage, illness, the birth or adoption of a child, or upon occasions that terminate a subordinate-superior relationship, such as retirement, resignation, or transfer. The following limitations exist for this infrequent occasion exception:

- The fair market value of a gift or gifts from a single donating group should not exceed \$300.
- The maximum amount that may be solicited for a gift or gifts for a special, infrequent occasion is \$10.
- The cost of food, refreshments, and entertainment provided to mark the occasion for which the gift is given do not have to be included in the \$300/10 limitations.

***GIFTS FROM OUTSIDE SOURCES**

3-185. Soldiers and DACs may not ask for gifts. Additionally, they may not accept gifts from a "prohibited source" (generally defined as any person or entity who does, or seeks to do, business with DOD). Even if an item would otherwise be considered a prohibited gift from an outside source, there are a few exceptions which permit acceptance. These include the following:

- Gifts with a retail value of \$20 or less per occasion, provided that the aggregate value of gifts received from any one person or entity does not exceed \$50 in a calendar year.
- Gifts which are clearly motivated by a family relationship or personal friendship.
- Gifts resulting from the outside business activities of soldiers or their spouses.
- Free attendance provided by the sponsor of an event for the day on which a soldier is speaking or presenting information at the event.
- Free attendance provided by the sponsor of a widely attended gathering of mutual interest that clearly has government interest.
- Gifts accepted by the soldier under a specific statute or regulation (for example, foreign gifts valued at \$260 or less accepted in accordance with AR 1-100, Gifts and Donations).

***GIFTS FROM FOREIGN GOVERNMENTS**

3-186. Congress has consented to the receipt of certain foreign gifts of minimal value, i.e., with a retail value of \$260 or less. It is the recipient's burden to establish value. A personal memorandum for record should be made and kept for all foreign gifts received under \$260 for the recipient's personal protection.

3-187. Gifts over the \$260 limit should be refused; however, if doing so will result in embarrassment, or would offend or otherwise adversely affect the foreign government giving the gift, then the gift may be accepted. In this case the recipient must make a full

record of the event, including the circumstances surrounding the gift, the date and place of presentation.

3-188. Ordinarily, the gift, and supporting information above must be forwarded to Commander, US Army Total Personnel Command (PERSCOM), within 60 days of gift receipt. Gifts are then normally forwarded to the General Services Agency for proper disposition. Organizations may request to retain gifts locally for use in an official capacity, (e.g., to display in the unit). Those requests also go to PERSCOM but the gifts may be retained at the unit pending PERSCOM approval. In some circumstances, the recipient may also purchase gifts for their full retail value.

3-189. For additional information on giving or receiving gifts refer to AR 1-100, Gifts and Donations.

***FUND-RAISING**

3-190. Fund-raising events and activities for organizations may not conflict or interfere with the annual Combined Federal Campaign (CFC) and Army Emergency Relief (AER) fund drives. Generally, CFC and AER are the only fund-raising authorized throughout the Army. Such fund-raising must be conducted in accordance with (IAW) AR 600-29, Fund-Raising Within the Department of the Army, or AR 930-4, Army Emergency Relief.

3-191. Provided no on-the-job fund-raising is involved, installation commanders may authorize the following fund-raising activities-

- Fund-raising in support of installation Morale, Welfare and Recreation (MWR) activities IAW AR 215-1, Morale, Welfare, and Recreation Activities And Nonappropriated Fund Instrumentalities, and AR 600-29.
- Occasional fund-raising in support of on-post-private organizations IAW AR 600-29.
- Other limited fund-raising activities to assist the unfortunate. These activities may include the use of "poppies" or other similar tokens by veterans' organizations, or the placement of collection boxes in public use areas of Army buildings or installations for the voluntary donation of foods or goods for charitable cause. Such activities must be consistent with AR 600-29.

3-192. Fund-raising by religious organizations or their affiliates is authorized only in connection with religious services and must be conducted in accordance with AR 165-1, Chaplain Activities in the United States Army.

***LAUTENBERG AMENDMENT**

3-193. The Lautenberg Amendment to the Gun Control Act of 1968, effective 30 September 1996, makes it a felony for those convicted of misdemeanor crimes of domestic violence to ship, transport, possess, or receive firearms or ammunition. The Amendment also makes it a felony to transfer a firearm or ammunition to an individual known, or reasonably believed, to have such a conviction. Soldiers are not exempt from the Lautenberg Amendment.

3-194. Summary court-martial convictions, nonjudicial punishment under Article 15, UCMJ, and deferred prosecutions (or similar alternative dispositions) in civilian court do

not constitute qualifying convictions within the meaning of the Lautenberg Amendment. The prohibitions do not preclude a soldier from operating major weapons systems or crew served weapons such as tanks, missiles, and aircraft. The Lautenberg Amendment applies to soldiers with privately owned firearms and ammunition stored on or off post.

3-195. Army policy is that all soldiers known to have, or soldiers whom commanders have reasonable cause to believe have, a conviction of a misdemeanor crime of domestic are non-deployable for missions that require possession of firearms or ammunition. Soldiers affected by the Lautenberg Amendment are not eligible for overseas assignment. However, soldiers who are based outside the continental United States (OCONUS) will continue to comply with their assignment instructions.

3-196. Soldiers with qualifying convictions may not be assigned or attached to tables of organization and equipment (TOE) or modified TOE (MTOE) units. Commanders will not appoint such soldiers to leadership positions that would give them access to firearms and ammunition. Soldiers with qualifying convictions may not attend any service school where instruction with individual weapons or ammunition is part of the curriculum.

3-197. Soldiers whom commanders know, or have reasonable cause to believe have, a qualifying conviction may extend if otherwise qualified, but are limited to a one year extension. Affected soldiers may not reenlist and are not eligible for the indefinite reenlistment program. Soldiers barred from reenlistment based on a Lautenberg qualifying conviction occurring after 30 September 1996 may not extend their enlistment. However, such soldiers must be given a reasonable time to seek removal of the conviction or a pardon.

3-198. Officers are subject to the provisions of the Lautenberg Amendment like any other soldier. The effects of are somewhat different if an officer has a qualifying conviction. Officers may request release from active duty or submit an unqualified resignation under AR 600-8-24, Officer Transfers and Discharges.

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7-126. Table 7-6 shows the effects different types of discharge have on other Federal benefits.

***Table 7-6. Other Federal Benefits and Discharge**

Administration by Other Federal Agencies	HON	GD (4)	OTH (5)	BCD	DD (6)
Preference for Farm Loan (Dept. of Agriculture, DAg)	E	E	E	E	NE
Preference for Farm & other Rural Housing Loans (DAg)	E	E	E	E	NE
Civil Service Preference (13) (Office of Personnel Management)	E	E	NE	NE	NE
Civil Service Retirement Credit	E	NE	NE	NE	NE
Reemployment Rights (Dept. of Labor, DOL)	E	E	NE	NE	NE
Job Counseling & Employment Placement (DOL)	E	E	E	E	NE
Unemployment Compensation (DOL)	E	E	NE	NE	NE
Naturalization Benefits (Dept. of Justice, Immigration & Naturalization Service)	E	E	NE	NE	NE
Old Age, Survivors & Disability Insurance (Social Security Administration)	E	E	TBD	TBD	NE (12)
Job Preference, Public Works Projects (13) (Dept. of Commerce)	E	E	TBD	TBD	

NOTES:

1. The veterans must have served "honestly and faithfully" for 20 years or been disabled and excludes convicted felons, deserters, mutineers, or habitual drunkards unless rehabilitated or soldier may become ineligible if that person following discharge is convicted of a felony, or is not free from drugs, alcohol, or psychiatric problems.
2. Only if an immediate relative is buried in the cemetery.
3. Only if no confinement is involved, or confinement is involved, people or release is from a US military confinement facility or a confinement facility located outside the US.
4. This discharge category includes the discharge of an officer under honorable conditions but under circumstances involving serious misconduct. See AR 600-8-24.

5. An officer who resigns for the good of the service (usually to avoid court-martial charges) will be ineligible for benefits administered by the Department of Veterans Affairs (DVA).

6. Including Commissioned and Warrant Officers who have been convicted and sentenced to dismissal as a result of General Court-Martial. See AR 600-8-24, Chapter 5.

7. Additional references include DA PAM 360-526, "Once a Veteran: Rights, Benefits and Obligations," and VA Fact Sheet IS-1, "Federal Benefits for Veterans and Dependents"

8. Determined by the Secretary of the Army on a case-by-case basis.

9. Only if a Bad Conduct Discharge was a result of conviction by a General Court-Martial.

10. *Benefits from the Department of Veterans Affairs are not payable to a person discharged for the following reasons:

(a) Conscientious objection and refusal to perform military duty, wear the uniform, or comply with lawful orders of competent military authority.

(b) Sentence of a General Court-Martial.

(c) Resignation by an officer for the good of the service.

(d) Desertion.

(e) Alien during a period of hostilities.

A discharge for the following reasons is considered under dishonorable conditions and thereby bar veterans' benefits:

(f) Acceptance of an Other than Honorable Discharge to avoid Court-Martial.

(g) Mutiny or spying.

(h) Felony offense involving moral turpitude.

(i) Willful and persistent misconduct.

A discharge under dishonorable conditions from one period of service does not bar payment if there is another period of eligible service honorable in character.

11. Any person guilty of mutiny, spying, or desertion, or who, because of conscientious objection, refuses to perform service in the Armed Forces or refuses to wear the uniform shall forfeit all rights to Servicemembers' Group Life Insurance.

12. Applies to Post-1957 service only: Post-1957 service qualifies for Social Security benefits regardless of type of discharge. Pre-1957 service under conditions other than dishonorable qualifies a soldier for a military wage credit for Social Security purposes.

13. Disabled and Veteran-era veterans only: Post-Vietnam-era Veterans are those who first entered on active duty as or first became members of the Armed Forces after May 7, 1975. To be eligible, they must have served for a period of more than 180 day active duty and have other than a dishonorable discharge. The 180-day service requirement does not apply to the following:

(a) Veterans separated from active duty because of a service-connected disability, or

(b) Reserve and guard members who served on active duty during a period of war (such as the Persian Gulf War) or in a military operation for which a campaign or expeditionary medal is authorized.

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