This Suit Doesn't Fit, Sarge
A Guide To Unsuitability And Unfitness Discharges
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DOESN'T FIT, SARGE
a guide to
unsuitability
and unfitness
discharges

YOU HAVE RIGHTS even though you are in the military. For example, you have a constitutional right to keep and use this booklet. You have the right to consult with a lawyer at the legal assistance office, or the chaplain or the psychiatrist or doctor. If your request to see these persons is not granted within a reasonable time, you have several avenues of redress, including writing to your congressman or senator.

YOU HAVE RIGHTS only if you exercise them. Many sympathetic civilians, and other GIs, can help you. See the back cover.

CCCO / An Agency for Military and Draft Counseling was founded in 1948 as the Central Committee for Conscientious Objectors. A non-government, non-profit organization, it now specializes in providing draft and military counselors and lawyers with information, training, and consultation to help them serve all men and women faced with the draft or military problems. Contributions are tax-deductible.

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Trainee, you better get your shit together.
If you can breathe, you ain't going on sick call in this outfit.
Next time you're AWOL, I'll bust your ass from here to Leavenworth.
Tell it to the chaplain.

IF YOU DON'T FIT IN YOU MAY GET OUT . . .

Do you feel as though you're just not cut out for military life? Maybe the brass will agree. The Army, Navy, Marines, Air Force, Coast Guard, and the National Guard have regulations to discharge any enlisted person, active or reserve, who is not likely to be an effective member. Such discharges are usually for either unsuitability or unfitness.

An unsuitability discharge can be given when the military is convinced that your poor performance is caused by problems beyond your control. You can get an Honorable Discharge or a General Discharge Under Honorable Conditions. An unfitness discharge occurs when the military decides that your unsatisfactory behavior is your own fault, but they would rather be rid of you than only court-martial you (though you might get a court-martial first). In this case, you are considered "morally" rather than "medically" unfit and probably will get an Undesirable Discharge.
YOU HAVE TO BE CAREFUL

There can be a thin line between what will get you an unsuitability discharge and what will get you an unfitness discharge. And there’s an even thinner line between what can get you an unfitness discharge and what will result in a court-martial.

Generally speaking, you’ll be discharged if the brass is convinced you’re more trouble than you’re worth—that Article 15s, court-martial, yelling and screaming won’t straighten you out. On the other hand, if the military thinks you’re faking or just not trying hard enough—and you’ve broken the UCMI—you may be headed for a court-martial. Or you may get court-martialed and then discharged.

THE COMMANDING OFFICER RECOMMENDS DISCHARGE

Your commanding officer is the guy with the power to recommend that you be discharged. Keep that in mind. His recommendation must be approved or disapproved by higher headquarters, though, and their action can’t be arbitrary; it has to be based on the facts. Keep that in mind, too.

What will get the commanding officer to recommend discharge? Your record and your behavior, mostly. You see, you can’t officially apply for unsuitable or unfitness. That is, there are no forms to fill out, no official questions to answer. But you don’t have to wait for your CO to make the first move.

YOU CAN TAKE THE FIRST STEP

One of the things you can do is get a letter from a civilian shrink or doctor. Such a letter should detail your problems, how they relate to the military, what the chances are of you continuing to have the problems, and explain that you’re not just faking or gold bricking. (CCCO’s memo, “Documenting Unsuitability,” will help a civilian doctor understand the military procedures and standards for discharge; get him a copy from your counselor or CCO.) By the way, don’t expect the shrink to fake anything, no matter how much he dislikes the war or the military machine. He has his license and his reputation to protect, and he doesn’t want to go to jail, either. Anyway, no matter what his letter says, it probably won’t be enough in itself to get you a discharge. But it should get you an appointment with a military shrink, who is responsible for writing up an official report and recommendation for your commander.

You can get an appointment with a military shrink without having a civilian doctor’s letter, but it might be harder. In any event, once you bring information to the military’s attention, they must take some action on it. And that doesn’t mean they can throw it in the wastebasket. That’s against the regulations.

If your commanding officer won’t let you get an appointment with a military shrink, see the IG. Or the legal officer. If you still don’t get results, you can write your congressman.

Once you do get an appointment, don’t try to put anything over on the doc. He can tell if you’re for real or not. That’s his business. And, just like anybody else, he doesn’t like anyone playing him for a fool. On the other hand, don’t hide your problems from him, no matter how embarrassed you might feel. If he believes you will never be a good military man, he may say just that. If he thinks you’re faking and that you’ll straighten up if you stay in the service, that’s probably what he’ll write on his report.

Although documentation in the form of a letter from a civilian shrink is real helpful, your behavior and your record may be more important. Anyone from a congressman to the first sergeant to the company clerk may be able to convince your commanding officer that the military is better off without you. Don’t try to act crazy or do something you wouldn’t normally do, but if you do want to get out, there’s no point pretending that you don’t have a problem.
YOU MAY GET AN HONORABLE, GENERAL OR UNDESIRABLE

Not only is it up to your commanding officer to recommend whether you should be discharged, he also recommends what grade of discharge you should get. If your record is absolutely clean—no Article 15s or worse—and the CO recommends a discharge for unsuitability, you'll probably get an Honorable if you get out. But, say you've been in some trouble, maybe with two or three unauthorized absences (AWOLs). Depending on how he feels, the CO can recommend you for unsuitability with a General Discharge under honorable conditions (if he feels sorry for you), unfitness with an Undesirable Discharge (if he thinks you're just plain rotten), or for punishment (if he wants to teach you a lesson). His decision might depend on base policy on unsuitability, the psychiatrist's report, his relationship with his commander, how much he likes you, or how much his wife likes him. It's hard to say what will happen or why. The whole thing depends on one military mind—a hard thing to figure out. However, you're not completely at his mercy. If you are recommended for an Undesirable, and you don't want it, you can fight it by appearing with or without an attorney before a board.

SEVEN KINDS OF PROBLEMS CAN LEAD TO UNSUITABILITY DISCHARGE

Seven basic reasons can lead to an unsuitability discharge, and there are more or less definite standards for each. The fundamental rule is that you must have a problem that is not your fault. Try as you may, you just can't help yourself. And it's a problem which is not considered medical or seriously psychiatric. (For discharge for those reasons, see CCCO Booklet No. 4, "I Was Only Following Doctor's Orders").

1. Inaptitude. General lack of skill, unhandiness, or inability to learn.

“Zero” in Beetle Bailey would definitely qualify. Discharge for this usually occurs only during basic training (often after several recycles), and only if the CO is convinced that you're not failing tests on purpose. A similar discharge for Army recruits who don't get promoted is also available. See page 13.

2. Character and behavior disorders. A man who can't stand pressure or cope with authority or who gets upset at little things or gets pissed off even when he doesn't mean to may have a psychological or personality problem. So say the psychiatrists, giving such "character and behavior disorders" fancy names like schizoid personality and passive-aggressive personality. It's not the same as being crazy, and some shrinks say that everyone has at least some kind of character or behavior disorder. If you have one, it may get you out, and discharge for this reason is relatively common. See the military shrink, and let him know where your head is at. Here a letter from a civilian psychiatrist can help get people to listen seriously instead of dismissing you as someone who just likes to gripe. But as important as such a letter may be, your record and your behavior in your unit may be what finally influences your CO to recommend discharge.

By the way, sometimes a man's character or behavior disorder is partially responsible for his deciding to go AWOL. But it's not legally an excuse for going AWOL, which is a court-martial offense. A person who is AWOL and who has such a psychological problem would be wise to have a letter from a civilian shrink—and the advice of a counselor or attorney—when he returns to his base.

3. Apathy, defective attitudes, and inability to expend effort constructively. Obviously, if they really discharged people just for having poor attitudes, there wouldn't be many people left in the military. To get out for this reason, you have to appear to be a super-dud, like the man who constantly fell asleep during basic training and didn't seem to be scared by threats of punishment. As it turned out, he was given a
Summary Court-Martial, but he was discharged. Once you make it through basic, your chances of getting out under this one are slim. Keep in mind that the problem has to be clear to the other people in your unit, especially your CO, and apparently beyond your control.

4. Enuresis. The medical word for bed-wetting. Many times a medic will be asked to check out this problem, so it helps to have a letter from a civilian doctor. Because it has to be for real. There's a true story about a guy who went AWOL, got court-martialed, got sent to a stockade, and tried to get discharged. He wet his bed for forty nights—then he got transferred to a lower bunk. And didn't get out.

5. Alcoholism. See a doctor if possible, because it's hard to get the military to recognize alcoholism as anything different from "just having a few too many" (an accepted military tradition). It's usually lifer-types who get this, though, often against their will.

6. Homosexual tendencies. Men and women who admit to homosexual desires and/or who have had homosexual relations before—but not after—they entered the military may get discharged just because of that, but probably won't. You may get a lot of harassment and ridicule if you admit to gay tendencies. And you may be questioned about names, dates, places, etc. You have a right to refuse to answer any such questions and to consult with a civilian attorney or legal officer. Your best bet, however, is to do nothing until you have discussed your situation with a civilian counselor, who may be able to put you in touch with a gay liberation or homosexual rights group. If there is no such group near you, speaking with a military or civilian lawyer and/or a military shrink should be the first step.

Actually, military regulations describe two additional categories of homosexual behavior: I) Acts involving force, coercion, fraud, or minors; and II) Acts committed by consenting adults, at least one of whom is in the military. Persons in the first group face a real possibility of court-martial. Those in the second may get court-martialed, but most likely will receive UD s. (See page 9.)

7. Financial irresponsibility. You just can't handle money well at all, and are usually in debt—through poor judgment, not on purpose. If the CO is getting hounded by your creditors, he may notice the problem pretty quickly. The military has to think you're really unable to handle your own finances and that you're not just some kind of con man. Discharges for this reason are rare.

SEVEN KINDS OF PROBLEMS CAN LEAD TO UNFITNESS DISCHARGE

There are also seven basic reasons leading to discharge for unfitness, usually with an Undesirable Discharge. In many cases, the reasons are a lot like those for unsuitability. The main difference is that you'll get an unfitness discharge if the military thinks your problem is your own fault. And who decides that? You guessed it—the commanding officer. In most cases, though, before he can recommend you for discharge he must have tried to "straighten you out" by either talking to you or assigning you to a different job or a different unit. Or he must be convinced that punishment (or further punishment) won't work, either.

1. Frequent involvement of a discreditable nature with civil or military authorities. This means you have something like two or three Special Courts-Martial plus a few Article 15s (or captain's masts) on your record. Or a long string of Article 15s. Or a bunch of civilian arrests for things like being drunk and disorderly. The big problem is that each "discreditable involvement" can lead to UCMJ punishment, and there is no rule saying how many busts lead to discharge, if ever. But it does happen.

2. Sexual perversion. According to regulations, this includes: "a) lewd and lascivious acts, b) homosexual acts, c) sodomy, d) indecent exposure, e) indecent acts with or assault upon a child, f) other indecent acts or offenses." (The brass doesn't want to admit it knows what else there is, but they don't want to miss anything, either.) The military really is mainly concerned with homosexual acts by people on active duty.
(court-martial offenses). There is usually a heavy investigation about the alleged offense, as well as harassment which may include pressure to testify against others. As in all cases where you are suspected of doing something which is a violation of the UCMJ, you have a right to remain silent and consult with a lawyer. If you are homosexual, re-read the suggestions under No. 6 of the discussion of reasons for unsuitability discharge.

3. Drug abuse. This includes unauthorized use, sale, or possession of dangerous drugs, narcotics, or marijuana (all of which the military considers to be criminal offenses). These cases can be handled administratively, by court-martial, or ignored; the military hasn’t really decided how to deal with them, so it’s hard to guess what they’ll do if you’re busted. As a very general rule, pot users are not court-martialed (but it’s sure a possibility) and may or may not be discharged. Usually the guys who are court-martialed are the ones who are into hard drugs or the ones whom the brass wants to bust for political reasons. The military has amnesty (or “exemption”) programs, which, they say, let you get help from a doctor or chaplain without being punished. By and large, though, you can qualify for such amnesty only if you have never been busted for drugs, are not under investigation for drug use, and turn yourself in voluntarily.

The whole area is very tricky, so try to see an experienced military counselor who is familiar with the current policies at your base. In any event, there’s a good chance of an investigation, with a lot of pressure (and possible “deals” which may be lies) to get you to give the names of other drug users. And, if you do get discharged for drugs, you’ll be reported to the narcotics bureau of the Justice Department—not for prosecution, they say, but just so they’ll have your name on file. Nowadays, although few UDIs should be given for drug use, many GIs still get them.

4. An established pattern for shirking. This is when the military thinks you’re screwing up on purpose. So it’s kind of a catch-all, and some-

what similar to reasons No. 1 and No. 3 for unsuitability. It’s fairly common for men with records of three or more AWOLs to be discharged for this reason.

5. An established pattern showing dishonorable failure to pay just debts. Again, very similar to reason No. 7 for unsuitability, but in this case the brass thinks you are trying to be a con artist. If the creditors are constantly after your CO to help get the money you owe them, he’ll probably want you out of his hair as quickly as possible. Discharge for this reason isn’t all that common, though, and if you do get out, you’ll still owe the money.

6. An established pattern showing dishonorable failure to contribute adequate support to dependents, or failure to comply with the orders of a civilian court to support your dependents. This is a lot like the previous reason, but applies specifically to not giving money for your wife, ex-wife, kids, or anyone officially listed as your dependent. Discharge is rare.

7. Unsanitary habits. No one is really clear on what this involves (the Army doesn’t even list it), but it does include repeated cases of venereal disease.

**PROCESSING THE DISCHARGE WILL TAKE WEEKS OR MONTHS**

Once a recommendation for discharge is made, it must be sent up the chain of command for final action. The time this takes will depend on how badly they want you out, whether your paperwork gets lost or not, and the general work load of the personnel office. It will also depend on your own actions. If you are court-martialed, the paperwork will probably get held up. If you go AWOL, it most surely will.
YOU CAN CHALLENGE
THE TYPE OF DISCHARGE RECOMMENDED

Although the commanding officer has almost total power to recommend either type of discharge, he does not have the final word. Approval or disapproval usually must come from base headquarters or a comparable level. You must be informed in writing that you have been recommended for a discharge and whether it is an Honorable, General, or Undesirable. At this point you have the right to make a statement in your own behalf. If you are being recommended for a UD, you also have the right to appear with or without an attorney before a board. This may help you get a better discharge, but may be unnecessary and slows up the process. If you don’t want to challenge the type of discharge for which you are being recommended, you can sign a waiver. But don’t sign it unless you really are willing to accept the kind of discharge for which you are being recommended. It’s a good idea to check with a legal officer and/or a military counselor about whether you should sign the waiver or not. You can also find out how long processing takes at your base.

IF YOUR DISCHARGE IS DENIED, DON’T GIVE UP

Just as there is no official way to apply for an unsuitability or unfitness discharge, there are no formal ways to appeal if you’re unsuccessful. See a counselor about the best path to take.

Many times discharges are given only after problems accumulate, so the best tactic might be to continue your efforts through doctors, congressmen, IG, legal officers, etc. Another possibility is UCMJ Article 138 (Complaint of Wrong). First you must put your complaint in writing and give it to your CO. If he does not take action, give a copy of the complaint to any superior officer you choose. That officer must forward it to the person who has General Court-Martial jurisdiction over the officer you complain about. In the complaint you should be very factual and detailed (with verification from other people if possible), because action can only be taken if a definite wrong has been committed. Just the fact that you take this kind of action, however, might help convince the brass that you are likely to be more trouble than you’re worth.

If your records positively show that you should have been discharged, you can bring a habeas corpus action in a civilian federal court, which can order the military to follow its own rules and discharge you. This process can be tricky and expensive, so talk it over with a counselor, especially since you may need a lawyer.

DISCHARGE FOR THE GOOD OF THE SERVICE IS ALSO AVAILABLE

If you’re charged with a court-martial offense which could lead to a Bad Conduct or Dishonorable Discharge, you may be offered the chance to resign for the good of the service. It’s also called discharge for the good of the service and is known as a “Chapter 10” in the Army.

You must sign a statement (without being pressured to sign, the regulations say) requesting discharge, recognizing that you may be court-martialed anyway, and that you will probably get an Undesirable Discharge. You can get an Honorable or General, but that is very rare. Before signing, you should be given 48 hours to check with a lawyer and think it over. It’s smart to take this time and see a military lawyer or civilian lawyer or counselor. Although it may seem like a golden opportunity to get out, you might be able to get a better deal for yourself.

YOU COULD ALSO BE DISCHARGED FOR OTHER REASONS

Unpromoted recruits in the Army can be honorably discharged. If you’ve had four months active duty and haven’t made E-2, you can get
out. Same thing if you don't make E-3 after four months as E-2. Same thing if you are reduced to E-1 or E-2 and aren't later promoted within the time limit. But if the brass suspects that you are deliberately botching your job in order to avoid promotion, the General Court-Martial convening authority may withhold the discharge.

Air Force first term enlisted men whose "substandard personal behavior reflects discredit upon the service or adversely affects their or other members' performance of duty" can get Honorable Discharges. This type of discharge is directed at political dissenters whom the Air Force cannot manage to deal with in any other manner. It is used very sparingly, and you can't apply for it (though officers can apply for a similar discharge for themselves).

And there are also discharges for such things as hardship, medical problems, conscientious objection, minority and many other things. For a brief description of these, get a copy of CCCO Booklet No. 1, "Getting Out," or copies of other CCCO booklets listed on the inside cover of this one.

**ONCE YOU GET OUT YOUR TROUBLES MAY NOT BE OVER**

If you're having the kind of difficulties which could lead to any of the discharges discussed here, you might not care what kind of discharge you get—as long as you get out. The grade of discharge can be important, however, once you're a civilian again. Although both Honorable and General Discharges qualify you for full veterans benefits, some employers won't hire anyone with less than an Honorable. An Undesirable may mean not only more problems getting a job but also difficulties in getting veterans benefits. The Veterans Administration considers each UD case on its individual merits.

If you have trouble getting the benefits to which you think you're entitled, contact CCCO or a local counseling group. Contrary to rumor, there is no such thing as an automatic change to a better grade of discharge after six months—or at any time. You can make an application to get your discharge changed, though. Chances of success are fair, at best, and there's a lot of paperwork involved. See a counselor.

Incidentally, if you're discharged for unsuitability or unitness, the reason will not be spelled out on your discharge certificate, but the specific reason for discharge may be given on your DD 214 (Armed Forces of the United States Report of Transfer or Discharge), which employers ask to see. The reason given may make getting a job tougher, even if you have received an Honorable or General Discharge.

Anyone discharged as unfit or with an Undesirable Discharge cannot later be drafted; anyone discharged for unsuitability can be drafted only if two years have passed since discharge, a special waiver is granted, and the induction is voluntary. If your draft board makes any move toward drafting you, get help.

**THERE ARE REGULATIONS THAT COVER ALL OF THIS**

As you've probably noticed, the discharges described here are pretty complicated. This booklet gives only a fairly general description, so you might want to take a look at the regs. These are Army, AR 635-212 and AR 635-200 (Chapter 10); Air Force, AFM 39-12; Navy, BUPERSMAN 3420180 and 3420220; Marines, MARCORSEPMAN 6016 and 6017; and Chapter 12, Coast Guard Personnel Manual. But keep in mind that there may be a big difference between what the regulations say and what actually is done. The better you know the regulations, however, the better your odds of being treated according to rules rather than someone else's whims.
HELP IS AVAILABLE

If you have problems, civilian or GI counseling groups can be a big help. They can give you more complete information about the procedures in this booklet, and about many other possible ways to deal with your problems. Counseling centers are located near many bases and in many cities. Go see the people whose name is stamped below, or get in touch with CCCO. Counseling is free (but most centers need donations to help them carry on). Check it out—they're only there to assist you.

Help is available from

or, for the name of a counselor near you, contact

CCCO
2016 Walnut St., Philadelphia, PA 19103  (215) 568-7971
711 S. Dearborn St., Chicago, IL 60605  (312) 427-3350
734 Monroe Dr., NE, Atlanta, GA 30308  (404) 874-0288
1460 Pennsylvania St., Denver, CO 80203  (303) 534-6285
140 Leavenworth St., San Francisco, CA 94102  (415) 441-3700