

OHIO MILITARY RESERVE



Regulation 635-2

**COMMISSIONED
AND WARRANT
OFFICERS
RESIGNATIONS
AND
DISCHARGES**

Headquarters, Ohio Military Reserve
Office of the Assistant Chief of Staff,
Personnel and Administration, G1
1000 Lawrence Road
Camp Perry Training Site
Port Clinton, Ohio
43452-9578

01 October 2001

Summary of Changes

The changes noted herein are only those changes of significance or which effect ongoing operations.
Changes in terminology, organization or other routine matters are not reflected.

OHMR Regulation 635-2, Commissioned and Warrant Officer, Resignations and Discharges,
dated 01 Oct 01

Paragraph	Change
para 9d(5)	Permits involuntary discharge for non-judicial administrative reasons such as a reduction of force or a change in the Table of Organization with no option of transfer or reassignment.
para 13	All persons separating from the OHMR will receive an OHMR Form 214, Statement of Service Record, with their discharge order.
Appendix A	Sample OHMR Form 214, Separation form Service Record.

Headquarters
Ohio Military Reserve
Camp Perry Training Site
Port Clinton, Ohio
01 October 2001

**Commissioned and Warrant Officers
 Resignations and Discharges**

By Order of the Governor:

 JOHN T. FINNEGAN
Colonel, Ohio Military Reserve
Chief of Staff

Official:

RICHARD B. IOTT
Lieutenant Colonel, Ohio Military Reserve
Secretary to the General Staff

Supersedes. This regulation supersedes OHMR-R 635-2, 01 September 1998

Applicability. This regulation applies to all officers in the Ohio Military Reserve. The term "officer" as used herein means commissioned and warrant officers..

Supplementation. Supplementation of this regulation and establishment of command and local policies is strictly prohibited.

Suggested Improvements. Suggested improvements which may be considered for this regulation should be forwarded in writing to the proponent agency of this regulation, the Office of the Assistant Chief of Staff, Personnel and Administration, OHMR-G1, Camp Perry Training Site, 1000 Lawrence Avenue, Port Clinton, Ohio 43452-9578.

Summary. This Regulation sets forth policy and procedures whereby an officer may tender his or her resignation or request a discharge and how an officer may be discharged for cause from the Ohio Military Reserve.

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1. Purpose. This regulation establishes policies and procedures whereby an officer may tender his or her resignation, request a discharge or be discharged for cause from the OHMR, or commissions of officers may be vacated.

2. Scope. This regulation applies to all officers of the OHMR. "Officer" as used herein means commissioned and warrant officers.

3. Action by Headquarters, OHMR
 a. Final decision concerning all actions under this regulation will be made by Headquarters, OHMR.

b. The resignation, discharge or 'Commissions of officers vacated will be effected by the Governor of the State of Ohio through orders published by the Adjutant General of Ohio.

4. Status.
 a. Until the action herein becomes effective by separation, as directed by orders by the Adjutant General, the officer concerned continues to be a member of the OHMR.

b. The effective date of the action herein is the date specified in the orders issued by the Adjutant General's Department, which announces the separation of the officer.

5. Preparation.

a. Commissions of officers shall be vacated by resignation or absence without leave for three months, upon the recommendation of an efficiency board, pursuant to a sentence of a court-martial, or if such officer has been convicted of an infamous crime.

b. Request for resignations or discharges will be prepared in letter format to the individual's immediate commander and will include:

(1) Individual's present unit of assignment; and

(2) Requested effective date, if any; and,

(3) Reason for resigning or requesting discharge.

c. Request for vacating an officer's commission will be prepared by the brigade commander using a memorandum format and will include:

(1) present unit of assignment; and

(2) date the individual joined the OHMR; initial appointment date and grade and dates of all subsequent promotions, if any; specific and well-documented reasons for the requested action pursuant to 5a. above.

(3) That transfer to the MOBDES List (OHMR 614-4) has been considered and deemed inappropriate.

6. Forwarding.

a. All actions herein will be forwarded by the unit commander through command channels to Headquarters, OHMR for final action. However, Judge Advocates and Medical Personnel will use their own channels.

b. The first endorsement will contain:

(1) Recommendation as to approval or disapproval. An endorsement recommending disapproval will state the reasons therefor.

(2) A statement that when an Officer resigns or requests a discharge the items listed in paragraph 8 below, have been considered and are not applicable. If applicable, complete explanation will be given.

(3) Succeeding endorsements will include recommendations as to approval or disapproval. Any endorsement indicating disapproval of any or all statements in the first endorsement will state the reasons therefor.

(4) Any serious misconduct committed or discovered subsequent to the first endorsement will be reported immediately to Headquarters, OHMR

7. Withdrawal of Resignation or Request for a Discharge.

a. An individual may request withdrawal of his or her resignation or a request for discharge at any time prior to his or her separation. The request, stating the reasons therefor, will be forwarded through command channels and each

forwarding endorsement will include a recommendation for approval or disapproval. Disapprovals will state the reasons therefor. When received, the unit commander will alert ACSPER by the most expeditious means, that a withdrawal is forthcoming in order to stop processing the original request pending receipt of the withdrawal.

b. A resignation or request for a discharge may be withdrawn only with the approval of Headquarters, OHMR.

8. Acceptance by Headquarters. Headquarters, OHMR may, but is not required, to refuse to accept a resignation or a request for a discharge when an officer or warrant officer is:

a. Under investigation.

b. Under charges by civil or military authorities.

c. Awaiting result of trial or an appeal.

d. Absent in the hands of civil authorities.

e. Declared judicially insane or incompetent to handle his or her own affairs for age or health reasons.

f. In possession of or in default of public property or public funds.

9. Discharge for Cause.

a. Discharge for cause may be initiated by any Brigade Commander or the Deputy Chief of Staff for Headquarters Detachment personnel.

b. Such a recommendation shall be in writing and shall specifically state the reasons for taking the action. The original correspondence and all supporting documentation will be forwarded first to Headquarters, OHMR, attention ACSPER, to determine legal sufficiency of the action. ACSPER will advise the initiator that the recommendation is or is not legally sufficient for the action proposed.

c. If the proposed action is not legally sufficient, it will be returned to the initiator with reasons. It may be resubmitted if additional information is obtained and included therein.

d. If the proposed action is legally sufficient, the initiator will be advised accordingly by ACSPER. Thereupon, the initiator will give the officer concerned written notice of the proposed action and the notice will include the following:

(1) A copy of the initial recommendation and all supporting documentation.

(2) That the officer's case should be presented as thoroughly and as completely as possible, setting forth all relevant matters and/or documentation. Corroborating statements from witnesses may be included. The officer concerned may elect not to make a statement or answer any questions but all material presented by the officer must be in writing and shall be submitted through command channels to Headquarters, OHMR, attention: ACSPER.

(3) That the officer has an opportunity for a hearing before an Administrative Discharge Board consisting of three officers in the grade of major or above, but in all cases superior in grade to the officer concerned. In the event the officer is a Chaplain, Judge Advocate or Medical Officer then the Board will have at least one officer on the Board from that branch.

(4) That the officer's request for a hearing before a board of officers must be submitted in writing within ten (10) days from the receipt of the notice of the proposed action and that all the officer's supporting evidence as described in subparagraph (2) above is included with the request or will be submitted within thirty (30) days from receipt of the notice.

(5) That while proposed action is clearly administrative in nature and not a judicial or legal procedure (e.g., reduction in force or change in Table of Organization with no transfer or reassignment options), the customary rights of an officer concerned shall be preserved to the extent possible. Therefore, the officer concerned is the only person allowed to appear in person before the Administrative Discharge Board as the Board will be considering only written material and testimony from the officer concerned if present.

(6) That the decision of the Administrative Discharge Board is merely a recommendation which will be reviewed by Headquarters, OHMR and it may affirm, modify or reverse the recommendation of the Board which action shall be final.

(7) In the event the final decision of Headquarters, OHMR, is adverse, the officer concerned may appeal the final decision to the Adjutant General of the State of Ohio within ten (10) days from receipt of the final decision.

10. Causes.

a. An officer may be discharged for cause for the following reasons which are not all inclusive but-merely illustrative of the conduct unacceptable for officers in the OHMR:

(1) Inactivity when exhibited by a lack of interest and no apparent desire to continue as a member. This includes frequent absences from scheduled drills or assemblies without just cause or excuse.

(2) Actions which bring discredit upon the OHMR.

(3) Improper wearing of the uniform or insignia or lack of proper grooming after repeated counseling to correct the deficiency.

(4) Any reason deemed a serious offense, which in the opinion of the initiator, warrants a discharge.

(5) Conviction by a civil court of a felony where the maximum impossible sentence is confinement to more than one year and a day in prison.

(6) Actions prejudicial to the good order and discipline of the OHMR.

(7) Repeat conduct unbecoming of an officer and a gentleman after counseling to correct the deficiency.

(8) Failure to obey verbal or written orders issued by superior officers.

(9) Failure to notify the officer's immediate superior of a change of address within sixty (60) days and diligence has been used by the immediate superior without success to ascertain the officer's now address to ascertain the reasons and future intentions relating to membership in the OHMR.

(10) Engaging in any military activity in uniform which is not authorized by proper authorities.

11. Administrative Discharge Boards

a. General. Administrative Discharge Boards will be convened by Headquarters, OHMR, and will recommend officers for discharge.

b. Composition. Such Boards will consist of at least three active duty officers of the OHMR. Each officer must be a major or above or serving in a grade higher than that of the officer under consideration. There will be at least one officer from the Chaplain's Corps, Judge Advocate's or Medical Branch as a Board member if an officer of that category is being considered by the Board.

c. Communications.

(1) No one except the officer concerned may appear in person before the Board.

(2) Officers being considered by the Board may bring additional relevant documents to the Board which would aid the Board in their deliberations..

d. Administrative Board Recommendations. The decision of the Board are recommendations to Headquarters, OHMR.

e. Board Proceedings. Board proceedings will not be disclosed to anyone who is not a Board member unless approved by proper authority.

12. Appeals. The officer receiving an adverse final decision from Headquarters, OHMR, that he will be discharged has ten (10) days from receipt of that decision to appeal in writing to the Adjutant General for the State of Ohio.

13. OHMR Form 214, Separation from Service Record. At the time of discharge or separation, all persons will receive an OHMR Form 214, Separation from Service Record. It will be given to the individual at the same time as his discharge order.

Appendix A
OHMR Form 214, Separation from Service Record

SEPARATION FROM SERVICE RECORD			
			Date of Report:
Name:	SSN:	Date of Birth:	Date of Entry:
Last Unit:		Last Assignment:	Date of Separation:
			Authority for Separation:
Home Address:	Home Phone:	PMOS/SMOS:	Last Rank and Grade:
			Date of Rank:
Marital Status:		Dependents:	Time in Service:
Single	Married	Divorced	Spouse Deceased
Schools Attended:			Weapon Qualifications:
Last EER/OER:			
Awards and Decorations:			
Skill Badges and Other Devices Authorized:			
Special Skills:			
Remarks:			
Location of Separation:		Prepared by:	
Status of Separation:		Approved by:	
Reenlistment Code:		SIGNATURE	