

New Developments

Administrative & Civil Law

The following Army Regulations have been recently updated. The list is not all inclusive, and the highlighted changes do not necessarily address all the revisions made to these particular regulations. Attorneys should regularly consult the U.S. Army Publishing Directorate's website (<http://www.army.mil/usapa/index.html>) for updates to Army publications, including regulations and pamphlets. All updated regulations feature a "Summary of Change" section that outlines pertinent revisions.

- AR 135-175, Officer Separations
RAR: 27 April 2010
Changes: Deletes the word "limited" from describing the circumstances that an officer can use to show that retention by the Separation Board/Authority is warranted. Removing the word "limited" clarifies for the Separation Board/Authority that the circumstances warranting retention are not necessarily rare.
- AR 135-178, Enlisted Administrative Separations
RAR: 27 April 2010
Changes: Places the authority to separate enlisted personnel under Chapter 15, Discharge for Homosexual Conduct, with a General Officer commander in the Soldier's chain of command, of equal grade or senior to the commander initiating a fact-finding inquiry or separation. Only a commander in the Soldier's chain of command, in the grade of O-7 or higher, is authorized to initiate separation proceedings on the basis of alleged homosexual conduct.
- AR 600-8-24, Officer Transfers and Discharges
RAR: 27 April 2010
Changes: Deletes the word "limited" from describing the circumstances that an officer can use to show that retention by the Separation Board/Authority is warranted. Removing the word "limited" clarifies for the Separation Board/Authority that the circumstances warranting retention are not necessarily rare.
- AR 600-20, Army Command Policy
RAR: 27 April 2010
Changes: Places the authority to initiate an inquiry into homosexual conduct with a commander in the Soldier's chain of command in the grade of O-7 or higher. Any person the O-7 commander appoints to conduct the inquiry must be in the grade of O-5 or higher. Requires third parties providing information regarding homosexual conduct to do so under oath. Defines "unreliable person" and prohibits certain categories of information from being used as evidence in the fact-finding inquiry.
- AR 635-200, Active Duty Enlisted Administrative Separations
Rapid Action Revision (RAR): 27 April 2010
Changes: Places the authority to separate enlisted personnel under Chapter 15, Discharge for Homosexual Conduct, with a general officer commander in the Soldier's chain of command, of equal grade or senior to the commander initiating a fact-finding inquiry or separation. Only a commander in the Soldier's chain of command in the grade of O-7 or higher is authorized to initiate separation proceedings on the basis of alleged homosexual conduct.—Major Todd A. Messinger.