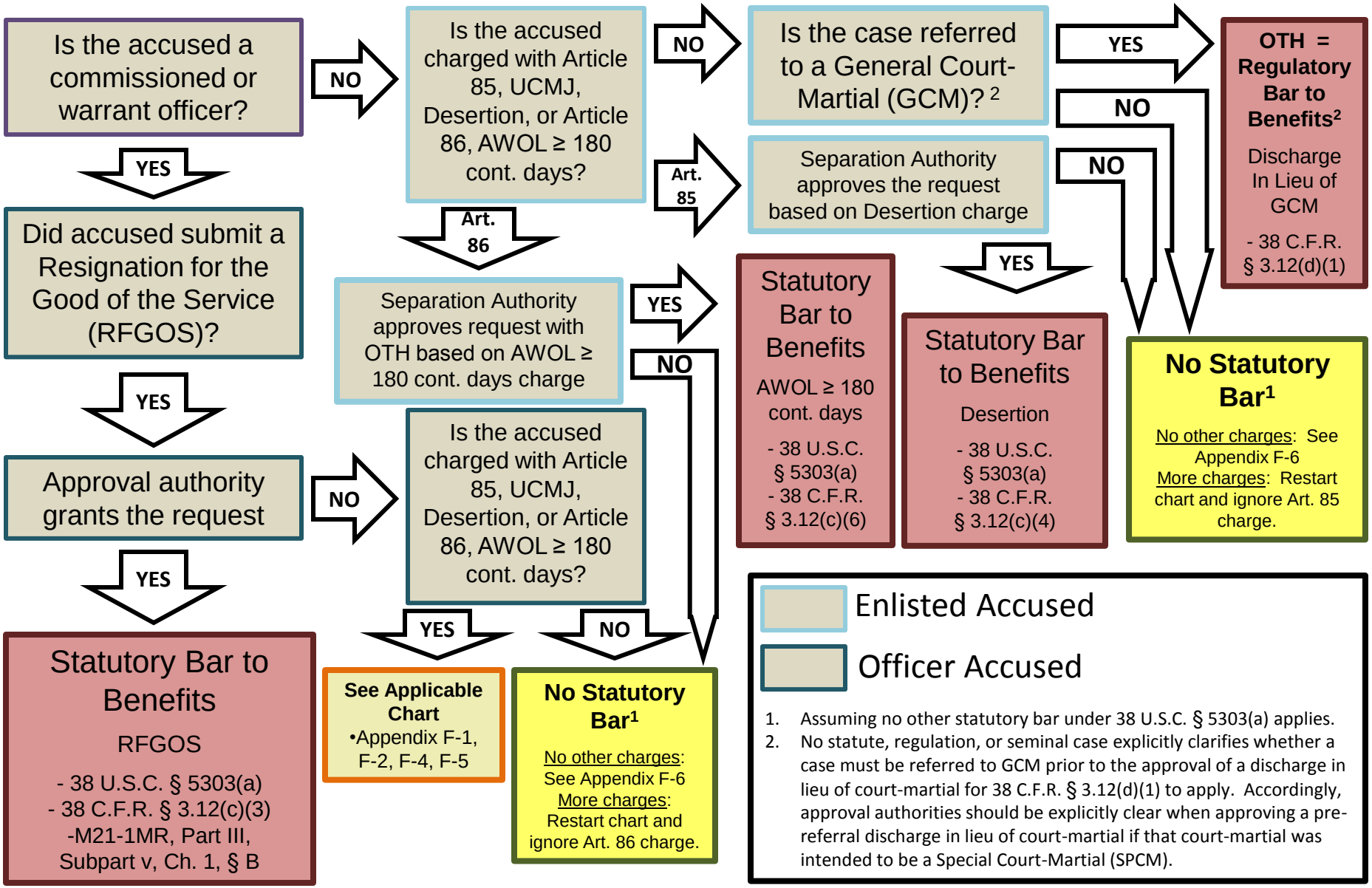
Discharge In Lieu of Court-Martial



1. Assuming no other statutory bar under 38 U.S.C. § 5303(a) applies.
2. No statute, regulation, or seminal case explicitly clarifies whether a case must be referred to GCM prior to the approval of a discharge in lieu of court-martial for 38 C.F.R. § 3.12(d)(1) to apply. Accordingly, approval authorities should be explicitly clear when approving a pre-referral discharge in lieu of court-martial if that court-martial was intended to be a Special Court-Martial (SPCM).