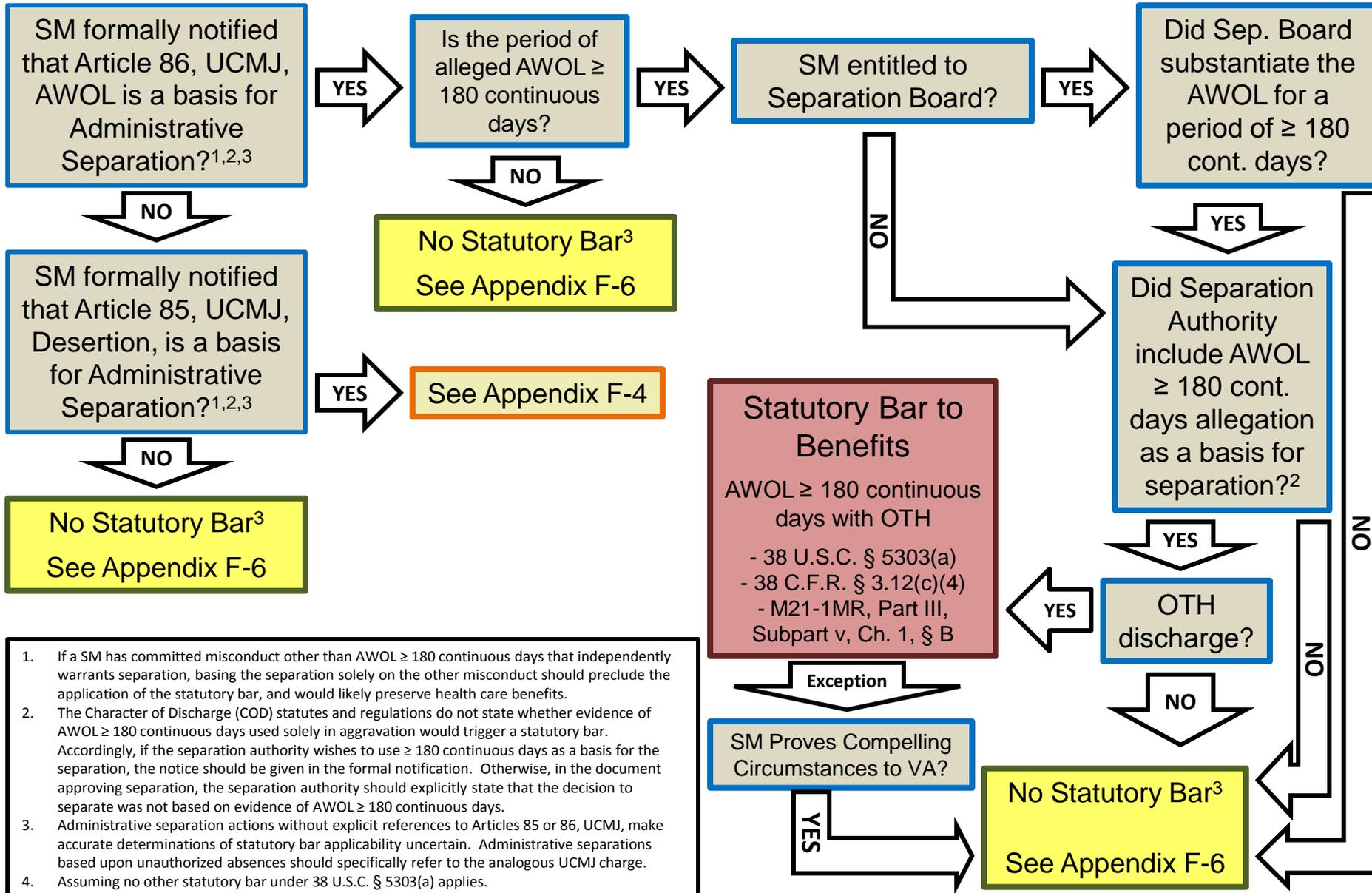


Administrative Separation Cases Involving AWOL



1. If a SM has committed misconduct other than AWOL ≥ 180 continuous days that independently warrants separation, basing the separation solely on the other misconduct should preclude the application of the statutory bar, and would likely preserve health care benefits.
2. The Character of Discharge (COD) statutes and regulations do not state whether evidence of AWOL ≥ 180 continuous days used solely in aggravation would trigger a statutory bar. Accordingly, if the separation authority wishes to use ≥ 180 continuous days as a basis for the separation, the notice should be given in the formal notification. Otherwise, in the document approving separation, the separation authority should explicitly state that the decision to separate was not based on evidence of AWOL ≥ 180 continuous days.
3. Administrative separation actions without explicit references to Articles 85 or 86, UCMJ, make accurate determinations of statutory bar applicability uncertain. Administrative separations based upon unauthorized absences should specifically refer to the analogous UCMJ charge.
4. Assuming no other statutory bar under 38 U.S.C. § 5303(a) applies.