



ARMY

ARMY GENERAL AND ADMINISTRATIVE INSTRUCTIONS

VOLUME 2

CHAPTER 49

TERMINATION OF SERVICE AND DISCHARGE OF SOLDIERS

This Chapter is sponsored by Personnel Policy (Army). It covers the regulations for dealing with Compulsory Termination of Service and Discharge of Regular Army and Army Reserve soldiers. This instruction should be read in conjunction with QR(Army) 1975 Chapter 9 Section 6, AGAI 64 and AGAI 78.

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VOLUME 2
CHAPTER 49
TERMINATION OF SERVICE AND DISCHARGE OF SOLDIERS

[D/PERS POL (A), WORKFORCE POL/316/01/D/49/1/17]

INDEX

Contents	Page	Paras
<u>PART 1</u> – INTRODUCTION		
General	49/1-1	49.001
Reference	49/1-1	49.002 – 004
Forms	49/1-2	49.005
Advice	49/1-2	49.006
Reserved	49/1-2	49.007 – 010
<u>PART 2</u> – COMPULSORY PREMATURE DISCHARGE OF SOLDIERS		
General	49/2-1	49.011 – 012
Principles	49/2-1	49.013
Discharges where Higher Authority is Required	49/2-2	49.014 – 018
Subsequent Administrative Action	49/2-4	49.019
Termination of Service for Foreign and Commonwealth Soldiers / Non-UK Nationals	49/2-4	49.020
Complaints	49/2-4	49.021
Army Reserve Non-Attendance	49/2-4	49.022
Reserved	49/2-5	49.023 – 030
<u>PART 3</u> – DISCHARGE OF SOLDIERS AWARDED CUSTODIAL SENTENCES IN CIVILIAN ESTABLISHMENTS		
General	49/3-1	49.031
Action to be Taken	49/3-1	49.032 – 035
Soldiers Committed to an Overseas Penal Establishment	49/3-3	49.036 – 037
Discharge Application and Supporting Paperwork	49/3-3	49.038 – 038
Visits	49/3-3	49.039
Return to the UK	49/3-3	49.040 – 041
Reserved	49/3-3	49.042 – 050
<u>PART 4</u> – DISCHARGE ATTRACTING INVALIDING BENEFITS – SOLDIERS		
Permanently Unfit	49/4-1	49.051

Contents	Page	Paras
Invaliding Leave and Terminal Leave		49.052
Resettlement Training		49.053
Refusal of Consent to Release Medical Information	49/4-1	49.054 – 055
Retrospective Medical Discharge	49/4-1	49.056 – 057
Reserved	49/4-1	49.058 – 060
PART 5 – DELAYS IN EFFECTING THE DISCHARGE OF SOLDIER SUBSEQUENT TO AUTHORISATION		
General	49/5-1	49.061
Policy	49/5-1	49.062 – 063
Debt	49/5-1	49.064 – 066
Reserved	49/5-2	49.067 – 49.070
PART 6 – PREMATURE VOLUNTARY RELEASE FOR SOLDIERS WHOSE PARENTS OR CLOSE RELATIVES ARE EMIGRATING		
General	49/6-1	49.071
Soldiers Under 18 Years of Age	49/6-1	49.072
Definition	49/6-1	49.073
Conditions	49/6-1	49.074
Applications	49/6-1	49.075
Appeals	49/6-2	49.076
Reserved	49/6-2	49.077 – 080
PART 7 – DISCHARGE OF CARE LEAVERS		
Regulations	49/7-1	49.081
Duty of Care	49/7-1	49.082
Support	49/7-1	49.083 – 084
Visits	49/7-1	49.085
Reserved	49/7-1	49.086 – 090
PART 8 – DISCHARGE BY PURCHASE AND CONDITIONS OF DISCHARGE		
General	49/8-1	49.091
Discharge at own Request – Free or by Purchase	49/8-1	49.092-093
Amount of Purchase Money	49/8-1	49.094
Refund of Purchase Money	49/8-1	49.095-097
Refund of Commitment Bonuses and Financial Incentives	49/8-2	49.098
Reserved	49/8-2	49.099-100

LIST OF ANNEXES

Annex	Title	Responsible/Technical Authority
<u>A</u>	Inability to accept unrestricted military duties due to personal or domestic problems warning certificate.	Army Headquarters Personnel Policy – Workforce Policy
<u>B</u>	QR(Army) discharge codes for Regular Army soldiers.	Army Headquarters Personnel Policy – Workforce Policy
<u>C</u>	QR(Army) discharge codes for Army Reserve soldiers.	Army Headquarters Personnel Policy – Workforce Policy
<u>D</u>	Common Causes for Discharge from the Service – Under QR(Army) Chap 9, para 9.414.	Army Headquarters Personnel Policy – Workforce Policy
<u>E</u>	Supporting documentation for discharge applications.	Army Headquarters Personnel Policy – Workforce Policy
<u>E</u>	AFB 130A(D) - Discharges Check List – AFB 130A (D) or (R) Under QR(Army) Chap 9, para 9.414.	Army Headquarters Personnel Policy – Workforce Policy

RECORD OF AMENDMENTS

Change Number	Authority	Amendment Date	Amendment
Issue 168	DM(A)	Jul 11	
AEL 124	WFPol(A)	28 May 20	General review and update

GLOSSARY OF ACRONYMS

Army Recruiting, Initial Training Centre	ARITC	Medically Not Deployable	MND
Army Welfare Service	AWS	Military Corrective Training Centre	MCTC
Competent Military Authority	CMA	Occupational Medicine	OM
Chain of Command	CoC	Officer Cadets	OCdts
Commanding Officer	CO	Officer Commanding	OC
Discharge as of Right	DAOR	PULHHEEMS Administrative Pamphlet Management Information System (AGAI 78)	PAPMIS
Defence Medical Information Capability Programme	DMICP	Primary Health Care Record	PHCR
Department of Community Mental Health	DCMH	Premature Voluntary Release	PVR
Defence Primary Healthcare	DPHC	The Queens Regulations for the Army 1975	QR(Army)
Engagement Expiry Date	EED	Royal Military Academy Sandhurst	RMAS
Full Medical Board	FMB	Retrospective Medical Discharge	RMD
Initiating Officer	IO	Regional Occupational Health Team	ROHT
Individual Leave Allowance	ILA	Senior Health Advisory (Army)	SHA(A)
Initial Medical Assessment	IMA	Services No Longer Required	SNLR
Joint Medical Employment Standards	JMES	Subject Matter Expert	SME
Joint Personnel Administration	JPA	Senior Medical Officer	SMO
Last Day of Service	LDoS	Service Person	SP
Major Admin Action	MAA	Soldier Under Training	SuT
Medical Deployment Standard	MDS	Terminal Leave	TL
Medical Officer	MO	Temperamentally Unsuitable	TU
Medically Fully Deployable	MFD	Unit Health Conference	UHC
Medically Limited Deployability	MLD	Unit Welfare Office	UWO

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VOLUME 2
CHAPTER 49
TERMINATION OF SERVICE AND DISCHARGE OF SOLDIERS

Part 1 – Introduction

General

49.001. The regulations for discharge of Regular and Army Reserve soldiers is in The Queen's Regulations for the Army (AC 13206) (QR(Army)). The primary chapter on the subject being Chapter 9 and the relevant paragraph should be referred to when initiating termination of service / discharge.

Reference

49.002. The following publications provide further amplification relating to discharging soldiers, in support of this AGAI:

- a. [The Queens Regulations \(Army\) 1975 \(QR\(Army\)\) 75](#)
- b. [Promotions and Appointments Warrant \(PAW\)](#)
- c. [The Reserve Land Forces Regulations 2016](#)
- d. [JSP 534: The Tri-Service Resettlement and Employment Support Manual](#)
- e. [JSP 760: Tri-Service Regulations for Leave and Other Types of Absence](#)
- f. [JSP 950: Medical Policy](#)
- g. [AGAI Vol 2 Chapter 50: Supporting Non-UK Personnel](#)
- h. [AGAI Vol 2 Chapter 55: Retirement or Discharge on the Grounds of Conscience](#)
- i. [AGAI Vol 2 Chapter 57: Health Committees](#)
- j. [AGAI Vol 2 Chapter 62: Discipline Policy](#)
- k. [AGAI Vol 2 Chapter 63: Alcohol Misuse](#)
- l. [AGAI Vol 2 Chapter 64: Substance Misuse](#)
- m. [AGAI Vol 2 Chapter 67: Administrative Action](#)
- n. [AGAI Vol 2 Chapter 78: Army Medical Employment Policy \(PULHHEEMS Administrative Pamphlet\)](#)
- o. [AGAI Vol 3 Chapter 109: Care for Service Personnel under the Age of 18](#)

- p. [AGAI Vol 3 Chapter 110: Army Suicide Vulnerability Risk Management \(SVRM\) Policy](#)
- q. [JSP 100: Defence Holistic Transition Policy](#)
- r. [Unit Administration Manual](#)
- s. [JPA Business Process Guides](#)

49.003. Readers should note this list is not exhaustive.

49.004. Readers should also note the importance of complying with the numerous regulations and instructions and the observance of the correct procedures cannot be overstressed.

Forms

49.005. The main forms used in applications for termination/discharge are:

- a. [AFB 130](#) – Application for the Discharge of a Soldier.
- b. [AF B130\(A\)D](#) – Application for the Compulsory Premature Discharge of a Soldier or Non-Recommendation for Re-Engagement of a Reserve Soldier.
- c. [AFB 130A\(R\)](#) – Application for the Retention of a Soldier following suspected Substance Misuse.
- d. [AFB 132](#) – Authority for Soldier's Premature Voluntary Release.
- e. [AFB 204](#) – Application for Discharge as Defect in Enlistment at a Phase One Training Establishment.

Advice

49.006. Requests for advice from units concerning applications for discharge may be obtained from G1 Staff at Brigade, Higher Formations, Garrisons or Stations and the relevant APC Glasgow CM Branch. Army HQ Pers Pol Workforce Pol may be contacted, via the GI Staff at Brigade.

49.007 – 49.010. Reserved.

Part 2 – Compulsory Premature Discharge of Soldiers

General

49.011. It is in the interest of the Service to have fair and effective measures to achieve the discharge of soldiers whose retention has become undesirable. The authority for straightforward and factually based discharges is delegated to commanding officers. However authority for compulsory premature discharges of soldiers, possibly against their will, under [QR\(Army\)](#), rests at the appropriate level in the chain of command or, in certain paragraphs, with Pers Pol (A) in Army Headquarters. Where discharge is affected for administrative reasons (see [QR\(Army\), para 9.413](#)), authority rests with the appropriate APC CM Branch (Regular SP Only).

49.012. Although necessary in the interest of the Service, compulsory premature discharge can have serious consequences for the individual concerned. It deprives the soldier of employment, career opportunities, pension prospects and accommodation (often involving a soldier's partner or family). It may result in discharge without prior warning or at minimal notice, with the forfeiture of such privileges as terminal leave and, where eligible, resettlement training, which normally cushion the transition to civilian life. Therefore, this instruction sets out the principles and procedures to be followed to ensure that all discharges are justified and are seen to be carried out with scrupulous fairness and equity.

Principles

49.013. Whatever the nature of the case, or the level of authority responsible for examining it and, where appropriate, authorising discharge, the following principles should invariably apply unless insuperable practical considerations (e.g. the soldier's medical condition or their prolonged absence) render any of them impossible to achieve:

a. Discharge proceedings should never be instituted without the soldier being formally advised that their discharge is being applied for, told the reasons for it, and given the opportunity to make representations. This should be done by means of a formal interview, a record of which must be maintained. An [AF B130A\(D\)](#) is part of the proceedings for discharge and does not constitute a record of the formal interview. Such interviews should normally be conducted by the commanding officer; invariably so in cases involving warrant officers and NCOs. Only in exceptional circumstances should the interview be carried out by an officer below field rank. In circumstances where the soldier is undergoing a sentence in a civil prison or institution, they should be visited by a unit officer for the purpose of conducting the necessary interview. These visits can be achieved by the unit making contact with the Prison authorities and booking an interview with the individual, visiting officers are normally accorded the same access as solicitors visiting clients.

b. In cases where there is a possibility for the soldier to remedy the circumstances which would otherwise lead to discharge proceedings being initiated they should first be given formal warning under the terms of [AGAI 67 Part 4, paras 67.071 – 67.079](#) and [QR\(Army\), paras 9.405c or 9.414](#). This will allow them an appropriate period of time (not normally less than 3 months) to show the necessary improvement. Prior formal warning is a mandatory requirement in cases where discharge is subsequently

sought under the provisions of **QR(Army), para 9.405** (except as provided for in **paras 9.405d(9)** and **9.414d(7)**).

c. The Formal Warning process is in **AGAI 67 Part 4** and in the case of **9.414d(7)** at **Annex A**. Formal Warning should be actively considered at an early stage. In particular discharge should not normally be sought under the terms of **QR(Army), para 9.414** on grounds of inefficiency, indebtedness, indiscipline or unsatisfactory conduct as an alternative to the process of warning required by **QR(Army), para 9.405**. **Para 9.414** may however be invoked on such grounds when a soldier who successfully completes 2 or more **QR(Army), para 9.405** warning periods subsequently continues to misbehave. An illustrative list of categories, **Annex B / Annex C** and a list of some typical circumstances which may warrant application for discharge under **QR(Army), para 9.414** are at **Annex D** to this **AGAI 49**.

d. In reviewing an application for discharge, the authorising officer must be in a position to take full account of all relevant factors, including the soldier's service record, any Formal Warning paperwork and any representation against discharge which he may have submitted, as well as any mitigating factors.

Discharges where Higher Authority is Required

49.014. When a commanding officer is satisfied that they should apply to the appropriate authority for the compulsory premature discharge of a soldier, the application is to be submitted on **AF B130A (D)**. In cases under **QR(Army), para 9.398a(4)**, where the commanding officer is the appropriate authority, this procedure is still to be followed.

49.015. In compiling their statement at Part 2 of the application, the initiating officer should cover:

- a. **Reason for application.** A concise statement setting out the reason for the discharge application.
- b. **Performance and Potential.** Overview of career to date and clear statement of potential.
- c. **Facts of the Case.** Set out the facts of the case, referring to supporting evidence, where appropriate.
- d. **Summary and Recommendations.**
 - (1) In cases submitted under **QR(Army), paras 9.398, 9.404f, 9.405, 9.413** and **9.414** explicit reasons why continued retention would not be in the interests of the Service.
 - (2) In cases arising out of the soldier's unemployability, consequent upon loss of employment qualification, full reason for such loss and an explanation of why remustering to another employment within the soldier's parent arm or service or, failing that, transfer to another Corps has not been possible.

- (3) A general assessment of the soldier based on the soldier's performance and potential set against the needs of the unit and, if possible, the requirements of the Army.
- (4) Any mitigating, or compassionate, factors.
- (5) A recommendation, if appropriate, for re-enlistment, re-joining either the Regular Army or Army Reserve at some time in the future.

49.016. The soldier must have an Assisting Officer (AO), the duties of an AO are contained in [AGAI 67](#) appointed and see the initiating officer's statement at Part 2, the supporting evidence that forms part of the case to enable them to decide whether they wish to submit any representation against discharge in Part 3. If the soldier explicitly recognises that premature discharge would be in their own best interest, they should acknowledge this in Part 3. If they are unwilling to be discharged, they should be advised that it will be in their interests to submit a reasoned statement for consideration by the appropriate authority. The soldier should be given at least 48 hours in conjunction with their AO during which to prepare any representation. The justification for the soldier completing Part 3 of the [AFB 130A \(D\)](#) is to provide clear visibility on the thoughts of the individual being discharged and to aim off against future complaints of ill treatment or otherwise against those facing discharge. The comments at Part 3 can also assist with future decision for individuals to re-join the service should they wish to apply to do so.

49.017. When a soldier makes a representation at Part 2 of the report the commanding officer must at minimum acknowledge that he has seen the statement at Part 2, at Part 3. The soldier is to be given the opportunity to see the comments at Part 3 of the [AFB 130A \(D\)](#) on interview. It will be unusual for such further comment to be required other than to rebut any unfounded allegations or misrepresentation of the facts in the soldier's statement by the commanding officer.

49.018. Applications should always be accompanied by any relevant documentary evidence, [Annex E](#) refers, which will assist the appropriate authority in deciding the case. In particular:

- a. Copies of JPA conduct sheets together with copies of the certificates of civil convictions or reports from the officers attending court, where appropriate.
- b. Where the application for discharge was preceded by a Formal Warning(s), copies of the relevant warning certificate(s) must be submitted, in particular the final assessment at the end of the 3, 6 or 9-month warning periods.
- c. Copies of RMP / SIB reports where relevant to the case.
- d. In all cases involving the misuse of drugs a copy of the APSG – OC CDT notification documentation in particular:
 - (1) [AGAI 64](#) – Notification letter for compulsory drug testing positive sub cut off, including any post CDT interview statements from the soldier and their AO.
 - (2) Toxicology reports when issued in deny cases or requested by the chain of command.

- (3) [AGAI 64](#) – Record of subsequent interview of individual having challenged the result of positive during compulsory drug testing (CDT).
- (4) ALS advice where this has been obtained – this is not to be disclosed to the individual.
- e. DCMH Consultant Psychiatrist’s certificate relating to the soldier.
- f. Any other documentation that is relevant to the application.
- g. If the soldier has been committed to MCTC Colchester, the expected date of release should be notified in the covering letter considering any likely remission earned.

Subsequent Administrative Action

49.019. The appropriate authority will examine the case and decide whether discharge is to be authorised. If the decision is taken to discharge the soldier the unit is to raise the Service Initiated Termination ([PR913004](#)) through JPA Workflow following the procedures given in current instructions for the termination of service of an individual and in [QR\(Army\)](#), paras **9.438-9.439**. In particular the unit must immediately inform the APC Terminations and the parent APC CM Branch of the soldier’s termination date. Units are reminded that with the exception of those who have been granted permission to take local release overseas all terminations of service are to take place in the United Kingdom and Northern Ireland. The unit is to ensure that it completes the soldier’s testimonial ([AF B108X](#)), and that they sign this form during their final interview with the commanding officer. This form is then to be issued to the soldier and a copy included in their documents forwarded to the specific CM Branch (Regular Sp Only).

Termination of service for foreign and commonwealth soldiers / non-UK nationals

49.020. [AGAI 50](#) is the policy that applies to all members of the Regular Army whose status is “exempt immigration control” by virtue of their service and entitled family members who are subject to immigration control (including where the SP is a UK national). It also applies to the Army Reserve and veterans where practicable and manageable.

Complaints

49.021. A soldier’s right to submit a representation against discharge in no way removes their statutory right to subsequently make a Service Complaint. If the decision is taken to discharge and the soldier maintains they have been wronged or there has been wrong doing during the discharge process they should be advised to raise a Service Complaint. See [JSP 831](#) and [JSP 830](#), Vol 1, Ch 24.

Army Reserve Non-Attendance

49.022. A non-attender is defined as an Army Reserve who has not attended any training period within a Training Year (1 Apr-31 Mar) and has not gained a written leave of

absence from their Commanding Officer'. When a non-attender cannot be contacted in person, the following process may be followed:

- a. A letter is to be sent by special delivery to their last known address ordering them to report for duty on the next training night, or to contact their unit giving good reasons for being unable to do so and arranging an alternative day.
- b. If they fail to attend or respond satisfactorily to that letter, a further two letters are to be sent by recorded delivery at 2-week intervals, from the CO formally warning them that continued non-attendance for training will result in their discharge from the Army Reserve.
- c. The unit is to ensure proof of delivery of all recorded letters is retained on the SP's P File.
- d. If no response is received, the soldier is to be discharged under **QR(Army), para 9.414**.

49.023 – 49.030. Reserved.

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Part 3 – Discharge of Soldiers Awarded Custodial Sentences in Civilian Establishments

General

49.031. Soldiers convicted by a civil court or Court Martial and awarded custodial sentences in civilian establishments are committed direct from the civil court to the appropriate establishment. On sentence by Court Martial committal is via MCTC Colchester. In all such cases it is necessary, when discharge from the Army has been authorised by the Competent Military Authority (CMA), the parent unit are to assume all responsibilities.

Action to be Taken

49.032. The following action is required:

- a. Complete the process to stop the SPs pay ([BPG IN917013](#) Administering An Unpaid Absence Record). If after the monthly pay run, the unit is to follow the process in BPG IN917013 to recall the payment.
- b. Record a civil conviction on JPA.
- c. The discharge application via an [AFB 130](#) after the findings of a Court Martial where the CO is the CMA to authorise termination or an [AFB 130A \(D\)](#) to the Brigade or Higher Authority (HA) for discharge under **QR(Army) para 9.404 or 9.405** where the OF6 or OF5 are the nominate authority.
- d. For discharges under [QR\(Army\), para 9.404 or 9.405](#), the unit should take advice from the G1 chain of command, ALS and if required APSG Conduct. The JPA Conduct sheets together with the certificate of conviction and notice of fine, plus any legal advice, should be sufficient supporting evidence on which to authorise discharge.
- e. It will be for the Brigade HQ / Higher Authority (HA) staff to issue a formal letter of discharge to the parent unit commanding officer or the bespoke commanding officer if appointed.
- f. The full discharge case file, completed at Part 6 of the AFB 130A (D) and all supporting documentation should be returned to the unit charged with carrying out the discharge process.
- g. The effective date of discharge will normally be the date of committal to civil prison or Young Offenders Institution. Where an individual and / or their legal team have made a formal appeal to the sentencing authority, this should not delay the discharge process. However, ALS advice may be taken in exceptional cases only by the CO.
- h. The appointed CO of the individual should confirm the up to date location of the detainee within the HM Prison system and arrange with the prison or Young Offenders Institution authority to carry out a prison visit. This visit should be made by

an appropriate officer, i.e. UWO, RCMO, Assisting Officer, Padre. The purpose of the visit is to:

- (1) Provide a copy of the authority for discharge of the soldier.
- (2) Carry out all unit discharge documentation not previously complete pre-court case, listed at Annex A or G of the [Unit Administrative Manual](#). Including the collection of the MOD Form 90 and disposal instructions for both military and civilian clothing and equipment.
- (3) Issue of the [AFB 108X](#) – soldiers testimonial.
- (4) Issue the soldier and / or the prison welfare staff with details of the Army, Corps, Regimental After-Care points of contact, for use on the release from detention of the individual. This should include a copy of the booklet Transition to Civilian Life. A Welfare Guide for the Service Leaver should be provided to the Early Service Leaver prior to discharge. The link is at – <https://www.gov.uk/government/publications/service-leavers-pack>.

49.033. It is appreciated that in cases where a short custodial or suspended sentence has been given, time to affect discharge is limited. In this connection, the requirement to produce a conviction certificate at the time application is made to the CMA for discharge authorisation may be waived. Confirmation that the soldier concerned has been convicted and sentenced can be obtained from the officer attending the court under [QR\(Army\)](#), **para 6.174** and [AGAI 65](#), if applicable, from the court or from the establishment in which the individual is confined. Documentary confirmation can then be obtained later for retention with the soldier's documents.

49.034. In the case of soldiers sentenced to imprisonment by a court-martial, the services of a nominated unit may be required before the soldier's discharge from the Army, during the currency of their sentence until it is finally completed. In such cases, however, as the soldier will have been committed from a military unit, the duties later required by the nominated unit can be considerably reduced if the following action is taken by the unit immediately after confirmation and promulgation of sentence and prior to committal to prison:

- a. If discharge is not already authorised submit the requisite application on [AF B130A\(D\)](#) to the appropriate military authority, normally the Brigade or HA, as required by [QR\(Army\)](#), **para 9.404**.
- b. Have the soldier medically examined and the relevant documentation completed at the same time. Nominated units are to consult the Commander Medical at division or district headquarters to ascertain the most convenient and cost-effective method of carrying out discharge medical examinations on Service personnel committed to a civil establishment for which they are responsible.
- c. Forward to the Document Handling Centre at APC all documents pertaining to the individual, including copies of the discharge authority and all supporting documentation for scanning into the Army / DBS archives.

- d. If the soldier is occupying an SFA inform the Service Housing Agencies, and where applicable the Army Welfare Service.
- e. In the case of soldiers who transit through MCTC en-route to a civilian prison, liaise with the Commandant MCTC and confirm arrangements for the prisoner to be escorted to MCTC under unit arrangements and after due process to the civil prison under escort by MPS personnel. The parent Unit are responsible for completing all required MCTC committal forms.
- f. In the case of units outside UK, make the necessary travel arrangements notifying Commandant MCTC and all relevant agencies of the details.

49.035. Finalisation of discharge action and documentation is the responsibility of the parent unit.

Soldiers Committed to an Overseas Civil Establishment

49.036. It is not policy to discharge soldiers for the Army while they are detained in an overseas penal establishment on remand or under sentence.

49.037. The contacts already established with the Military Attaché at the British Embassy / High Commission responsible for the territory holding the individual, are to be used and an action plan agreed.

Discharge Applications and Supporting Paperwork

49.038. The unit should liaise with the prison authorities via the Military Attaché at the British Embassy / High Commission to prepare any discharge application and supporting paperwork.

Visits

49.039. Visits to the individual imprisoned, these visits should be carried out by the Military Attaché at the British Embassy / High Commission. Visiting officers are normally afforded the same access as solicitors visiting clients.

Return to UK

49.040. An action plan agreed with the Military Attaché at the British Embassy / High Commission for the procedure to be implemented when the individual is released from custody or repatriated to the UK. In outline this is likely to be:

- a. Passage at public expense using the parent unit UIN to the UK, with onward travel documents to the former parent unit or a unit nominated by HQ HC. In the case of transfer to a UK based HM Prison or Young Offenders Institution to MCTC Colchester for processing in conjunction with the Home Office and Border Agencies.
- b. Pre-prepared discharge documentation action to be awaiting the arrival of the individual.

- c. Issue of final discharge and after care material as laid down at [service leavers guide](#) and including the Future Horizons Programme material.
- d. Final travel documentation to nominated location in the UK.

49.041. A soldier sentenced to imprisonment overseas, remains subject to Service discipline until discharged from the Army.

49.042 – 49.050. Reserved.

Part 4 – Discharge Attracting Invaliding Benefits – Soldiers

Permanently Unfit

49.051. Medical Discharges of Soldiers. There may be instances when a soldier is considered unsuitable for further Army Service on Medical Grounds. The procedures in [AGAI 78](#) medical Employment Policy (PULHHEEMS Administrative Pamphlet) are to be followed.

Invaliding Leave and Terminal Leave

49.052. AGAI 78 para 719 to 724 stipulates the leave entitlements for an individual who are being medically discharged.

Resettlement Training

49.053. AGAI 78 para 1030 to 1031 confirms that individuals recommended for invaliding from the Service remain eligible to commence resettlement training in accordance with [JSP 534](#) while their case is being processed and submitted to the AEB.

Refusal of Consent to Release Medical Information

49.054. Soldiers should be aware that should an individual not consent to the Chain of Command (CoC) having access to their medical grading (including their JMES) then the unit MO is required to enter the JMES of A6 L6 M6 E1 onto DMICP. This JMES is not a grade that could occur in any other circumstance and will inform the CoC that the service person has not consented for their medical grade to be released. They will not be entitled to invaliding leave or additional resettlement leave that would be granted specifically for a normal Medical Discharge and may face the less attractive option of discharge as services no longer required under the terms of **QR(Army) para 9.414**.

49.055. It is not intended that any of the foregoing should interfere with or delay the processing of a medical discharge when the case is beyond question. Most medical discharges are completed for the sole benefit of the individual; after every possible effort has been made to rectify their injuries or medical complaints. PTSD type discharges are of particular note, the unit chain of command should ensure that both the transfer of individuals into the NHS system under the Government Military Covenant guidelines, and the delivery and signposting of the full range of ex-military and civilian welfare, after care facilities and resettlement agencies, including the Future Horizons project are not overlooked.

Retrospective Medical Discharge

49.056. Applications and requests from individuals, sometimes with the assistance of Welfare Agencies, seeking a RMD. The RMD team are the conduit for collating relevant consent and case information.

49.057. AGAI 78, para 78.1209 – 78.1212 is the policy on dealing with these cases.

49.058 – 49.060. Reserved.

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Part 5 – Delays in Effecting the Discharge of Soldiers Subsequent to Authorisation

General

49.061. Cases occur of soldiers being retained incorrectly in the Service after authority has been received by their commanding officer for discharge action. In particular this occurs when the application has been made for discharge under [QR\(Army\)](#), para 9.414 (Services no longer required).

Policy

49.062. It is not permitted to retain any soldier with the colours once their discharge has been authorised, other than with their consent, which must be in writing. Units must take legal advice if contemplating an application, with or without the soldiers consent and the case referred to Pers Pol (A) Workforce Pol.

49.063. Instances where delay in effecting discharge is acceptable; must always be the exception. These might be classified as falling under the heading of good management on welfare, compassionate or after care grounds, e.g. a single soldier awaiting living accommodation with SSAFA Sure Start or other Service Charities. Even in such cases discharge can only be delayed if the soldier consents and a statement to this effect given at Part 2, 3, or 4 of the [AFB 130A\(D\)](#).

Debt

49.064. Cases occur of soldiers being retained incorrectly in the Service after authority has been received by their commanding officer for discharge action. As soon as possible after termination has been authorised the soldier's service must be terminated. Pers Pol (A), Workforce Pol will grant a maximum period of 14 days for unit discharge action to be taken, an additional period up to 28 days may be authorised on request, if justified. Soldiers are **NOT** normally to be retained in the Army in order that they may build up a credit balance of their military salary in order to repay public or private debts.

49.065. A dilemma could arise because of the need to protect the good name of the Army when, for example, a soldier owes large sums to civilian organisation. Nevertheless, these are private matters and it is **NOT** Army policy to retain soldiers with the colours in order to repay debts.

49.066. A soldier's retention after their discharge has been authorised means that, in effect, the Army is paying off the debt, but in order to do so it has to pay the soldier considerably more than the total of the debt-costs additional payable to the debt are Tax, NI contributions, Statutory minimum payment to the individual etc. It is less costly to write-off military debts. Once discharge action is contemplated efforts should be made to avoid increasing a soldier's indebtedness. All civil banks and firms operate measures to obtain the recovery of debts as a normal function of business and therefore action to discharge should only be delayed if it is in the Service's interests to do so. MOD(A), DBS and APC in some circumstances may well appoint civilian debt collection agencies to recover any over issue of allowances or the military salary, identified after the discharge date. Unit commanding officers will be aware that any write off cash requires a 2 Star authority.

49.067 – 49.070. Reserved.

Part 6 – Premature Voluntary Release for Soldiers Whose Parents or Close Relatives are Emigrating

General

49.071. This part lays down the principles to be applied when dealing with applications for premature voluntary release from soldiers who wish to leave the Army in order to join parents or immediate family who are emigrating. A soldier may request to be released from Army service under the provision of [QR\(Army\)](#), para 9.414 *Release from Army Service* in order to join parents or immediate family who are emigrating provided the requirements stated below are satisfied, such individuals are to be discharged and not transferred to the Regular Reserve. Any Long Term Reserve liability may be relaxed.

Soldiers under 18 Years of Age

49.072. Where the soldier is under the age of 18 years they should use their statutory right to discharge from Service in accordance with [QR\(Army\)](#), para 9.391.

Definition

49.073. Parents or immediate family are defined as follows:

- a. The soldier's parents.
- b. Sole remaining parent if a widow or widower.
- c. Parent with whom the soldier lived before enlistment, if the parents had separated.
- d. Other persons who had parental rights and powers in respect of the soldier when they enlisted.
- e. Any relative (other than a parent) who at the time of the application is recorded as the soldier's next of kin, but only if both parents are deceased.
- f. Their spouse or civil partner (as applicable) if the spouse, civil partner is a resident and passport holder of the country to which the couple intend to emigrate.

Conditions

49.074. The following conditions apply:

- a. Age. The soldier must be under the age of 21 when the application is submitted.
- b. Marital status. The soldier must be unmarried, as married soldiers are ineligible except in the circumstances of para **49.073f**.
- c. Country. The family must be emigrating to a country outside Europe, which in this context also includes Iceland, Spain, Portugal, Italy, Greece and the Mediterranean Islands, despite being European Countries.

- d. Proof of emigration. Proof must be provided that:
- (1) The relative is emigrating.
 - (2) The soldier is acceptable to the country concerned (e.g. a letter from the appropriate High Commission or Embassy), and
 - (3) The soldier has proof of payment to meet the travel and relocation costs.

Applications

49.075. Provided the conditions listed above are met, the discharge is to be processed on an [AFB130A\(D\)](#). The CMA for approval is Hd PersPol(A). The proof of emigration is to be provided as supporting evidence.

Appeals

49.076. Where a Unit is unwilling to support a request for discharge the soldier should either contact SO2 Discharges, WfPol to appeal the decision or refer to [JSP 831 Service Complaints](#).

49.077 – 49.080. Reserved.

Part 7 – Discharge of Care Leavers

Regulations

49.081. The Children (Leaving Care) Act 2000 governs the duty of care of individuals defined as ‘Care Leavers’. The definitive source for advice on care leavers are [JSP 822](#) and [JSP 834. QR\(Army\)](#), para 9.339 – 9.340 refers.

Duty of Care

49.082. When a soldier who is defined as a care leaver is discharged or terminates their service the CoC have a duty of care to them. The local authority has responsibility for them until they are 25 years old and therefore should be informed of the discharge.

Support

49.083. Care leavers may not have a support network when they leave service which may make them more vulnerable. It may be advisable for the CoC to seek advice from the welfare services if they feel the soldier needs additional support.

49.084. Care leavers represent a ‘special group with specific needs’ and extra sensitivity is required. The relevant local authority is to be contacted and appropriate arrangements may be required for return in to their care. Where necessary, assistance should be requested from the welfare services to assist with contacting the local authority.

Visits

49.085. Whilst a Care Leaver is going through the discharge process the Local Authority may wish to carry out visits as they have a statutory requirement to carry out certain visits. Every effort should be made to offer assistance to and enable the access for Local Authority visits.

49.086 – 49.090. Reserved.

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Part 8 – Discharge by Purchase and Conditions of Discharge

General

49.091. See **QR(Army) para 9.415 to 9.422** and **Chap 9 Annex G** for instructions regarding the conditions and procedures to be applied in cases of applications for premature voluntary release on payment.

Discharge at own Request – Free or by Purchase

49.092. The number and categories of soldiers discharged free or by purchase, and the method of their selection, shall be as laid down from time to time in Army Terms of Service Regulations, with the exception of recruits who have a statutory right to purchase their discharge.

49.093. A soldier shall not be permitted to purchase discharge unless serving on a normal regular engagement, short service engagement, or supplemental service engagement. A soldier on the Open Engagement or Versatile Engagement may not purchase release from Army Service.

Amount of Purchase Money

49.094. Unless otherwise decided by the Defence Council, a soldier who is permitted to purchase their discharge shall pay such a sum as is prescribed in the table below. The date of formal application for discharge, i.e. the day on which the soldier signs the [AF B 132](#), shall govern the rate in pounds sterling to be paid regardless of whether or not discharge is deferred under the terms of QR(Army).

	Soldiers on engagements of 6 years or less	Soldiers on engagements of 6 years but less than 9 years	Soldiers on engagements of 9 years or more
3rd year: 1 st quarter	200	225	550
2 nd quarter	200	250	575
3 rd quarter	200	275	600
4 th quarter	200	300	600
4th year:	200	325	600
5th year: 1 st quarter	200	300	700
2 nd quarter	200	275	700
3 rd quarter	200	250	700
4 th quarter	200	225	700
6th year:	200	200	700
7th year: 1 st quarter	Not applicable	200	600
2 nd quarter	Not applicable	200	550
3 rd quarter	Not applicable	200	450
4 th quarter	Not applicable	200	400
8th year: 1 st quarter	Not applicable	200	300
2 nd quarter	Not applicable	200	250
3 rd & 4 th quarter	Not applicable	200	200
9 th to 12 th year	Not applicable	Not applicable	200

Note: A quarter of a year is to be taken as three calendar months.

Refund of Purchase Money

49.095. If, after having discharge by purchase at the full purchase rate, with an assessment of military conduct not below "fair", a soldier is granted a direct commission, re-joins from the Regular Reserve or re-enlists into the Royal Navy, Royal Marines, Army or Royal Air Force for an initial period of not less than three years on the Active List or with the Colours, a portion of the purchase money may be refunded to the person who paid it. To qualify for such a refund, which is subject to Article 2¹ of the [PAW 09](#), the former service must have been declared on commissioning, re-joining or re-enlistment. A partial refund will not be made until three months reckonable service has been completed after re-joining. The portions shall be:

- a. Where a soldier re-joins within six weeks of purchasing their discharge the full amount of purchase money. This only applies to a person who re-joins the service from which he purchased their discharge or transferred to the Regular Reserve.
- b. Where a soldier re-joins after six weeks from the date of purchasing their discharge:
 - (1) In the case of a soldier who claimed their discharge under the provisions of the Army Terms of Service Regulations – one half of the purchase money.
 - (2) All other cases – two thirds of the purchase money.

49.096. The soldier's record of service, in which the purchase of transfer to the Regular Reserve or discharge was recorded, will be endorsed accordingly.

49.097. The refunds apply to recalled regular reservists except that the rule given in sub para a, that re-enlistment must be for a period of not less than three years, does not apply.

Refund of Commitment Bonuses and Financial Incentives

49.098. Refer to [JSP 754](#), Chapter 7, Sections 20 and 21 for the rules concerning refund of commitment bonuses and financial incentives.

49.099 – 100. Reserved.

¹ **Time barred claims.** Except in such exceptional circumstances as may be approved by the Defence Council or by an officer duly authorized by them, no claim shall be admitted for any pecuniary advantage granted by this Warrant relating to any period of more than six years antecedent to the date of claim.

ANNEX A TO CHAPTER 49

**INABILITY TO ACCEPT UNRESTRICTED MILITARY DUTIES
DUE TO PERSONAL OR DOMESTIC PROBLEMS**

RESTRICTED-STAFF (when completed)

WARNING Under QR(Army), paras 9.260 and 9.414d(7)

No:..... Rank:.....Name:.....

I acknowledge that I have today been warned by my Commanding Officer in accordance with The Queen’s Regulations for the Army 1975 paragraph(s) 9.260 and 9.414d(7) that if my ability to carry out unrestricted military duties continues to be impaired on account of my personal or domestic affairs I may be discharged under The Queen’s Regulations for the Army 1975 paragraph 9.414 -‘Services no longer required’.

Signed.....Date.....

Commanding Officer.....Date.....

RESTRICTED-STAFF (when completed)

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ANNEX B TO CHAPTER 49

QR(ARMY) DISCHARGE PARAGRAPHS FOR REGULAR SOLDIERS

QR PARA	CAUSE OF DISCHARGE	CMA	DISCHARGE FORM	COMMENTS
9.373	<i>By Right, having given the Appropriate Notice.</i>	CO	JPA Workflow	This Para is a transfer to the Regular Reserve. See Annex C for conditions applicable to an Army Reserve Soldier.
9.380	<i>Not Finally Approved for Service.</i>	Recruiting Officer		Nil.
9.381	<i>Defect in Enlistment Procedure.</i>	CO	AFB 130	After the SP has enlisted or attested, they are found to have been medically unfit for acceptance on the account of a condition that was either overlooked, inappropriately assessed or not declared by the SP. To secure a Defect in Enlistment not related to the IMA) Occ Health at ARITC must be consulted. Appendix 21 process used.
9.381	<i>Defect in Enlistment – IMA Failure.</i>	CO	AFB 204	If the SP is assessed at IMA Failure to be a DiE then the new AF B204 process is to be used. The AFB 204 is also the discharge approval form.
9.382	<i>Having made a False Answer to a Question on the Attestation Paper.</i>	CO	AFB 130	Potential reasons: A soldier who fails to disclose a previous termination on medical grounds is to be examined by a medical board before being terminated under this paragraph.
9.383	<i>Unsuitable for Army Service (UFAS).</i>	CO	AFB 130	SP in a training establishment over 9 months are to be discharged under QR(Army) 9.414 .
9.385	<i>Ceasing to Fulfil Army Medical Requirements, Medically Unfit under Existing Standards.</i>	CO	App 21 AFB 130	Occ Health will determine suitability. Once the Appendix 21/22 is returned from Occ Med the CO is to complete Part 2. NB: This should NOT be used if the SP is assessed as a DiE, QR(Army) 9.381 is to then be used. NB: The MND Optimisation programme, any SP unwilling to consider transfer will be discharged under QR(Army) 9.414.
9.386	<i>Ceasing to Fulfil Army Medical Requirements.</i>	MS	JPA Workflow	The SP will be assessed at a FULL MEDICAL BOARD. APC Occ Health will raise the <u>discharge</u> through JPA workflow.
9.387	<i>Perm Medically Unfit for Any Form of Army Service.</i>	MS	JPA Workflow	The SP will be assessed at a FULL MEDICAL BOARD. APC Occ Health will raise termination through JPA workflow.
9.388	<i>Having Reached the Age Limit for Service.</i>	CO	AFB 130	This paragraph applies to a soldier on reaching an age limit for service. The termination will be carried out on the day preceding the anniversary of the soldier's birthday.

QR PARA	CAUSE OF DISCHARGE	CMA	DISCHARGE FORM	COMMENTS
9.389	<i>By Right having Given the Appropriate Notice.</i>	CO	JPA Workflow	A soldier who enlisted on or changed to the Open or Versatile Engagement, who has given the appropriate notice on AFB 6848 / JPA workflow and for whom, for any reason, transfer to the Regular Reserve under para 9.373 appears inappropriate or unsuitable, is to be terminated under this paragraph. A soldier serving on the MLSE who has the right to claim termination by giving 90 days' notice providing that as at the date of termination they will have completed one year of service reckoned from the date of attestation or two years of service if upon enlistment they were required to complete CMS(R).
9.390	<i>Having Claimed Termination under Regulation 15(6) of the Army Terms of Service Regulations 1992.</i>	CO	AFB 130	This paragraph applies only to those soldiers who have commenced a term of continued service, having completed a 22-year engagement, and who claim termination having given six months' notice from a date after the commencement of their continued service.
9.391	<i>Having Applied to Determine Service or Claim Termination.</i>	CO	AFB 132	Termination under this paragraph is a statutory right. Points to note: 1. DAOR Window variants. 2. SP notice in writing – <i>this does not have to be word perfect!</i> 3. 14 days to enact discharge. A recruit on a pre-conditioning course may do this with 2 days' notice. (noting PCC can only happen before enlistment / arrival at Basic Training).
9.391	<i>Having Applied to Determine Service or Claim Discharge.</i>	CO	AFB 132	Any SP under the age of 18 years has the statutory right to discharge from service. From the date of notifying the Unit they are unhappy the Unit has a maximum 3 months to either ensure the SP wants to soldier on. Or to discharge from Service. The discharge form is the new AFB 132 and the CO is the CMA.
9.396	<i>Having been Sentenced by a Court Martial to Dismissal from Her Majesty's Service.</i>	CO	AFB 130	This paragraph applies to a soldier dismissed from the Service by a sentence of a Court Martial under The Armed Forces Act 2006. Attach CM details as supporting evidence.
9.397	<i>As 9.396 but with Disgrace.</i>	CO	AFB 130	As above (9.396).
9.402	<i>At the Soldier's Request - Free on Compassionate Grounds.</i>	Pers Pol(A) WfPol via PP(A).	AFB 130A(D)	CMA is Hd Pol(A) and are processed on an AFB 130A(D) with supporting statements from the soldier and a welfare agency such as AWS, SSAFA, AFF.

QR PARA	CAUSE OF DISCHARGE	CMA	DISCHARGE FORM	COMMENTS
9.404	<i>Gross Misconduct.</i>	Bde Comd	AGAI 67 Paperwork	AFB 130A is not required. The MAA makes up the case file for the evidence basis to secure discharge. The Bde Comd is competent Deciding Officer. Bde issue directed letter. 28 days given to discharge
9.405	<i>Retention Undesirable in the Interests of the Service.</i>	Bde Comd	AGAI 67 Paperwork	Any offence not listed within QR Army) 9.404. Where the CO believes the misconduct is sufficient to merit termination. Breach of Service Test.
9.414	<i>Services No Longer Required/ Released from Army Service.</i>	Pers Pol(A) WfPol via PP(A).	AFB130A(D)	Sub categories include: CDT Failure, Drugs Admit, TU, JMES Refusal, RFAS, SNLR-AWOL, SNLR <u>Released from Army Service</u> is to be used Where no fault is attributable to the soldier.

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ANNEX C TO CHAPTER 49

QR(ARMY) DISCHARGE PARAGRAPHS FOR ARMY RESERVE SOLDIERS

THE QUEENS REGULATIONS (ARMY) 1975 (QR(ARMY)) 75 PARAGRAPH NUMBERS ARE TO BE USED AS THE AUTHORATIVE DIRECTION FOR DISCHARGING SOLDIERS NOT PARAGRAPH NUMBERS FROM RLFR

(RLFR CODES FROM AMENDMENT 4 REFERRED TO ALLOW FOR CROSS REFERENCING FOR HISTORICAL REASONS ONLY)

QR PARA	RLFR PARA	QR(ARMY) CAUSE OF DISCHARGE	RLFR CAUSE OF DISCHARGE	RLFR CMA	DISCHARGE FORM	REMARKS
9.373	01.05.621	<i>By Right, having given the Appropriate Notice.</i>	For Service with the Regular Reserve on Completion of an Army Reserve Engagement.	CO	JPA Workflow	Have unspent Regular Reserve liability from previous Regular service, or Volunteer to enlist in Section D of the Regular Reserve and are accepted by CM Ops AP.
9.380	01.05.610	<i>Not Finally Approved for Service.</i>	Having been Attested and not Finally Approved.	CO	AFB 130	Soldiers who have proved themselves unsuitable for the duties in their category / corps or inefficient in their rank. Soldiers who fail special to arm or service training required for their rank or appointment.
9.381	01.05.620	<i>Defect in Enlistment Procedure.</i>	Having been Irregularly Enlisted.	WfPol	AFB 130	Nil.
9.381	01.05.633	<i>As above.</i>	Defect in Enlistment Procedure.	CO	AFB 130	Applies to a soldier who, the current regulations for enlistment have been improperly or incorrectly applied to. After enlistment or attestation is found to have been medically unfit for acceptance on account of a condition that was overlooked, inappropriately assessed or not declared by the soldier as part of their former medical history.
9.382	01.05.619	<i>Having made a False Answer to a Question on the Attestation Paper.</i>	Having made a False Answer at Attestation.	CO	AFB 130	When a soldier has made a false answer, the CO is to decide whether they are to be retained or not.

QR PARA	RLFR PARA	QR(ARMY) CAUSE OF DISCHARGE	RLFR CAUSE OF DISCHARGE	RLFR CMA	DISCHARGE FORM	REMARKS
9.382	01.05.622	<i>As above.</i>	Having made a Misstatement as to Age on Enlistment.	CO	AFB 130	Applies to a soldier who, on enlistment, stated their age as not less than the appropriate minimum and for whom free discharge application is made by their parents on the grounds that they were less than the appropriate minimum age at the date of application.
9.383	01.05.617 01.05.640 01.05.642	<i>Unsuitable for Army Service.</i>	Unsuitable for the Army Reserve.	CO	AFB 130	Soldiers who have proved themselves unsuitable for the duties in their category / corps or inefficient in their rank. Soldiers who fail special to arm or service training required for their rank or appointment.
9.383	01.05.615	<i>As above.</i>	Not Likely to Become an Efficient Soldier.	For Regional units – Div, Comd or Bde Comd. For National units – CO. If the CO is below the rank of Lt Col, discharge is to be authorised by an officer not below the rank of Col of the Corps concerned.	AFB 130A(D)	Applies only to recruits who are not likely to become efficient soldiers of the Army Reserve and cannot be discharged under any other paragraph.
9.385	01.05.623	<i>Ceasing to Fulfil Army Medical Requirements, that is Medically Unfit under Existing Standards.</i>	Medically Unfit under Existing Army Reserve Medical Standards.	CO	AFB 130	Applies to a soldier who is below the retention standard for their arm but may be fit for some form of military service in time of national emergency.
9.387	01.05.624	<i>Ceasing to Fulfil Army Medical Requirements, that is Permanently Medically Unfit for Any Form of Army Service.</i>	Medically Unfit for any Form of Army Service.	CO	AFB 130	Applies to a soldier who is considered to be permanently unfit for any form of military service.

QR PARA	RLFR PARA	QR(ARMY) CAUSE OF DISCHARGE	RLFR CAUSE OF DISCHARGE	RLFR CMA	DISCHARGE FORM	REMARKS
9.388	01.05.612	<i>Having Reached the Age Limit for Service.</i>	Having Reached the Age for Discharge.	CO	AFB 130	Applies to soldiers who have reached the NRA. Discharge takes effect from the day preceding the soldier's birthday.
9.389	01.05.613	<i>By Right having Given the Appropriate Notice.</i>	At Own Request.	CO	JPA Workflow	Applies to those who take their discharge before completing this period of engagement and cannot be discharged under any other heading. This is subject to the soldier giving 3 months' notice in writing to the CO, unless the CO dispenses with this requirement. A serving soldier who has given notice to terminate, may only withdraw this notice with the approval of the CO.
9.396	01.05.626	<i>Having been Sentenced by a Court Martial to Dismissal from Her Majesty's Service.</i>	Dismissal by Court-Martial or Commanding Officer.	CO	AFB 130	Applies to a soldier dismissed from the Service by a sentence of a Court Martial under the Armed Forces Act 2006.
9.398	01.05.611	<i>On Termination of Engagement.</i>	Termination of Engagement.	CO	AFB 130	Discharge is to be confirmed from the date on which the soldier completes their engagement. It should be noted that discharge dates may be postponed under various provisions in RFA 80 and RFA 96. This is also to be used for soldiers who have completed the maximum authorised period on the ARRG for whom discharge under another paragraph is not more appropriate.
9.405	01.05.627 01.05.642	<i>Retention Undesirable in the Interests of the Service.</i>	Misconduct or Inefficiency.	Bde Comd	AGAI 67 Paperwork	Applies to Army Reserve soldiers who: Have been convicted by a court (civil court, court martial or summary hearing) and awarded a sentence of imprisonment or any other sentence such that the soldier is no longer freely available for employment.
9.407	01.05.628	<i>On Appointment to a Commission.</i>	For the Purpose of being appointed to a Commission.	CO	JPA Workflow	Applies to SP who are granted commissions in the Royal Navy, Royal Marines, Regular Army, Royal Air Force and their respective Reserves. The date of discharge is to be the date immediately prior to commissioning

QR PARA	RLFR PARA	QR(ARMY) CAUSE OF DISCHARGE	RLFR CAUSE OF DISCHARGE	RLFR CMA	DISCHARGE FORM	REMARKS
9.408	01.05.629	<i>Re-enlistment on Another Engagement.</i>	Having enlisted into the Royal Navy, Royal Marines, Regular Army, Royal Air Force, or respective Reserves of those forces.	CO	JPA Workflow	On enlistment being notified discharge will be confirmed for the day before such enlistment. For SP enlisting in the Regular Army the Regiment or Corps is to be stated.
9.408	01.05.630	<i>As above.</i>	Having Enlisted into the Army on a Special S Type Engagement.	CO	JPA Workflow	On enlistment being notified, discharge will be confirmed for the day before such enlistment. The cause of Discharge is to state which Regiment or Corps the SP is joining.
9.409	01.05.631	<i>On Reduction in the Establishment of their Corps.</i>	Change in Strength Composition or Function of their Corps on Reduction in the Establishment of their Corps.	MS	JPA Workflow	Applies to a soldier who is redundant through a reduction of establishment. Only to be invoked on the direction of Pers Policy (A).
9.410	01.05.632	<i>Change in their Corps' Requirements.</i>	Change in their Corps' Requirements.	For Regional units – Div, Comd or Bde Commander. For National units - CO.	JPA Workflow	Applies only to a soldier who is surplus to requirements of their Corps, for reasons other than redundancy, arising from reduction in establishment
9.414	01.05.616	<i>Services no longer required or Released from Army Service.</i>	Services No Longer Required.	For Regional units: Div, Comd, or Bde Commander. For National units: CO. If the CO is below the rank of Lt Col, discharge is to be authorised by an officer not below the rank of Col of the Corps concerned. See remarks for CMA for admin discharge.	AFB 130	Soldiers who cannot be discharged under any other paragraph, or Soldiers who enlist for the purpose of obtaining a commission and are found unsuitable while serving as an officer cadet. Soldiers who are to be administratively discharged. Applications for such discharges are to be made on AFB 130 and the case submitted through the chain of command to either SO2 Disch or SO2 Res at Pers Pol (A).

QR PARA	RLFR PARA	QR(ARMY) CAUSE OF DISCHARGE	RLFR CAUSE OF DISCHARGE	RLFR CMA	DISCHARGE FORM	REMARKS
9.414	01.05.614 01.05.640 01.05.641 01.05.642	As above.	Failing to Fulfil Training Obligation.	CO	AFB 130	Applies to soldiers who fail to fulfil their training obligations without good reason and whose discharge has been recommended by the CO.
9.414	01.05.618	As above.	Services as a Volunteer being No Longer Required	CO	AFB 130	Applies to soldiers who do not consent to reallocation to another unit or corps.

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ANNEX D TO CHAPTER 49**COMMON CAUSES FOR DISCHARGE UNDER QR(ARMY), PARA 9.414**

1. Potential officer:
 - a. Failed USB / AOSB.
 - b. Facing long military unemployable gap between passing AOSB and RMA Sandhurst entry. (DComdt RMAS has assumed delegated authority to oversee this type of discharge).
2. Conscientious objection – See [AGAI 55](#) – Retirement or Discharge on the Grounds of Conscience.
3. The misfit somebody who does not fit comfortably into a situation or environment, e.g. cannot adapt to aspects of military life such as communal living (including the grossly unhappy soldier) where it becomes apparent too late for discharge under QR(Army) para 9.383 or 9.411 as unsuitable for Army service. This only applies to those still in training, but in exceptional cases individuals who have completed training may be considered.
4. Temperamental unsuitability (supported by a report by a DCMH service consultant psychiatrist who may be Tri Service). [QR\(Army\) para 9.434](#) refers.
5. Inability to accept unrestricted military duties due to personal or domestic problems. 3, 6 or 9-month Formal Warnings may be required. See [Annex A](#) for Warning Certificate.
6. Unemployability due to loss of employment qualification coupled with inability to be found, or refusal to accept, transfer or remustering.
7. Unemployability due to medical grading and refusal to accept transfer to another Arm or Corps. (Supporting evidence would include copies of offers of employment under the terms of [AGAI 78](#))
8. Alcohol misuse and problem drinking – supported by and based on the findings of a major administrative investigation, and a 3,6, or 9-month Formal Warning certificate.
9. Drug or solvent abuse – not related to a CDT.
10. Repeated (minimum 2 warnings) survival of 3-month warnings under **QR(Army) para 9.405**, with renewed inefficiency or indiscipline.
11. Grossly unacceptable behaviour NOT appropriate for warning or disciplinary action but NOT warranting discharge for misconduct under **QR(Army) para 9.404**. This may follow acquittal on criminal charges (see **QR(Army) para 9.404f**).
12. An apprentice or Army Foundation course student aged 17½ years or over who is unsatisfactory due to circumstances within their control or to indiscipline (boycotting of lessons, telling lies, violence, dishonesty, disobedient to teachers, prefects, and school administration, rapping school / class mates, alcohol consumption, etc) and for whom discharge under **QR(Army) para 9.411** would be inappropriate.

13. A soldier who, having been attested, fails to report to their first training unit (Non-reporter). Advice from ARTD RG and or Pers Pol(A), Workforce Pol should be taken in these cases.
14. The serial absentee and or those convicted at Court Martial of Absence but discharge from the service under [QR\(Army\), para 9.396](#) or exceptionally [QR\(Army\), para 9.397](#) has not been recommended.
15. Social misconduct not warranting discharge under [QR\(Army\), para 9.405](#) after major administrative action or suspension from duty. ([AGAI 67](#) refers).
16. Other circumstances that may warrant termination of service not covered elsewhere in [QR\(Army\)](#).

ANNEX E TO CHAPTER 49

SUPPORTING DOCUMENTATION REQUIRED FOR QR9.414 [AFB130A\(D\)](#)

REASON FOR DISCHARGE	SUPPORTING DOCUMENTATION
CDT Failure <i>Is the soldier considered culpable?</i>	CDT Letter
	Annex G to AGAI 64
	Soldier Statement
	Toxicology Report (in denial / challenge cases)
	Annex G to AGAI 64 Part B (in denial / challenge cases)
	Character References (if provided)
	JPA Conduct Sheets
	Legal Advice (mandated in denial / challenge cases only)
Denial: <i>On a balance of probabilities</i>	Soldier Admission Statement
	Witness Statement(s) from who soldier freely admitted to Evidence RMP were invited to escalate
	Record of Interview (minutes if available)
	CDT (if called for)
	JPA Conduct Sheets
	Legal Advice (if obtained)
	SCO – Soldier Admittance
	Annex K to AGAI 64
	Soldier Statement
	Character References (if provided)
	JPA Conduct Sheets
	Legal Advice (if obtained)
Appendix 22 Optimisation Refusal	Copy Appendix 22
	Soldier Statement (if provided)
	JPA Conduct Sheets
TU, Temperamentally Unsuitable	DCMH Report
	Soldier Statement (if provided)
	UHC Minutes (if appropriate) or note in Facts of Case
	JPA Conduct Sheets
JMES Refusal	JMES Refusal Evidence – MO letter, JPA print out
	JMES Refusal Interview Notes (template available)
	Soldier Statement (if provided)
	JPA Conduct Sheets
	Legal Advice (if obtained)
SNLR	Soldier Statement (if provided)
	Sufficient evidence to support the case: 3 FWO / AGAI paperwork / Minor Sanctions / AWS reports / Court Letters etc
	JPA Conduct Sheets
	Legal Advice (if obtained)
RFAS	Soldier Statement (if provided)
	Sufficient evidence to support the case: AWS reports /Welfare statement etc
	JPA Conduct Sheets
	Legal Advice (if obtained)

Intentionally blank

ANNEX F TO CHAPTER 49**AFB 130A(D) APPLICATION FOR THE COMPULSORY PREMATURE DISCHARGE OF A SOLDIER OR AFB 130A(R) RETENTION OF A SOLDIER FOLLOWING SUSPECTED SUBSTANCE MISUSE**

1. When the discharge or retention of a soldier is approved by a Higher Formation, Brigade or Pers Pol (A) the AFB 130A(D) is the likely discharge application (noting no application is required when using MAA casework). The Soldier must take an active part in the discharge application and should be offered the use of an assisting officer during the discharge process, this is to include the completion of the discharge application. If the chain of command are recommending retention of a soldier following substance misuse application applications are to be submitted an a AFB 130A(R).

2. The discharge application will be instigated by the Unit and then passed on to the Higher Formation or Brigade for input. In the instances where the Higher Formation or Brigade are the CMA they will complete Part 5 of the form instead of Part 4. Where Pers Pol (A) are the CMA they will complete Part 5 of the discharge application form. It should be noted the discharge is not approved until the application is completed in full and an authority letter is issued.

- a. **Part 1 – Soldiers Particulars.** All boxes should be completed in full.
 - (1) **Soldiers Details.** As per the direction for the completion of the AFB 130.
 - (2) **Reason for Application.** This is a simple sentence to advice what the discharge is for.
 - (3) **Performance and Potential.** This should give a clear insight in to how the individual has performed to date and what their likely potential would be. Comments here should be clear of bias.
 - (4) **Facts of the Case.** The recommending officer/initiating officer should set out the facts of the case, they should set the scene for what has happened and why the soldier is now facing a discharge recommendation, they should refer to any supporting documentation and comment on any investigation undertaken by the Unit.
 - (5) **Summary & Recommendation.** Here the case should be summed up, it should be clearly articulated why discharge is the appropriate course of action and why discharge is in the interests of the Service.
 - (6) The form should be dated and signed. Please note that all signatures must be handwritten. Electronic signatures are not appropriate.
- b. **Part 2 – Soldiers Statement.** The box at the top of this section should be completed by the Unit in advance of being issued to the soldier so the soldier is fully aware of the discharge code (QR and Annex B refers) and discharge header (reason). The soldier should tick if they opt to set out a statement on the form, attach a statement of not provide one.

- c. There is an extensive box for the insertion of a statement from the individual. They are entitled to type a statement, or hand write one. It is wholly inappropriate for any statement provided to be 'red penned'.
- d. The soldier must be given 48 hours to review Part 1 and any support documentation before they complete Part 2. By signing the form, they acknowledge they have been given 48hrs (2 days) after the date of the signature of the CO at Part 1. Signatures are to be handwritten.
- e. **Part 3 – Recommendation by Commanding Officer.** The CO should read the two confirmatory statements and sign if applicable. They should include the discharge code and header. Within the statement box they should clearly articulate why they are supporting and providing a discharge or retention recommendation. They should include any factors which supported their decision making and should respond to any comments raised in Part 1 or Part 2, most especially if the soldier has made any representation.
- (1) The CO should sign (by hand) and date the form.
 - (2) The soldier is to be afforded the opportunity to review the CO's comments and should sign to acknowledge they have seen them. If the soldier refuses to sign then the assisting officer is to sign to acknowledge the comments have been read to the soldier and they are aware of them.
- f. **Part 4 – Recommendation by Higher Formation / CoC / Bde.** The discharge code and header should be included. The Commander who completed this section should give sound reasoning for why they are supportive of the discharge recommendation. Where the Comd is out of office, or exercise, or deployed a suitable delegated officer may complete on their behalf. Evidence of the temporary delegated powers is to be provided.
- g. **Part 5 – CMA.** Once the appropriate assurance checks have been completed the CMA will complete part 5. They will then provide a discharge approval letter to those listed in Part 6 of the discharge application.
- h. **Part 6 – Correspondence Details.** It is the responsibility of the Unit and Bde / HF to ensure their correspondence details are included on the application. If no correspondence details are included this may delay in the receipt of the discharge approval.

Discharge Application Supporting Documentation

3. Where supporting evidence is provided in relation to the recommendation for discharge it is to be included with the discharge application. [Annex E](#) provides direction on the recommended evidence to support these applications.
4. When a statement is provided, or requests, as a minimum it should be dated and signed by the individual providing it.