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Enlistment Waivers and Entry-level Separation: Documenting the Services' Policies and Practices

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Abstract

This study examines the Services' policies and practices for determining suitability for service at accession (enlistment waivers) and in service (entry-level separations). Prior to 2008, waiver criteria differed by Service, and no common Department of Defense (DoD) waivers existed. At that time, drug and medical Service waivers were the riskiest waivers and misconduct and dependent Service waivers were the least risky. For entry-level separations, we conclude that the establishment of entry-level status (ELS) at 180 days in 1982 was based on the accrual of veterans' benefits, not typical entry-level training (ELT) length. The Air Force and Marine Corps would like ELS to be extended past 180 days (the end of ELT was the most common length) to have more assessment time, separate the unsuitable with ease, and provide equity to all trainees. The Army section with whom we spoke does not want ELS extended because there are Service alternatives and a loss of benefits associated with any longer ELS length. We were unable to speak to Navy representatives. We assert that extending ELS to the end of ELT would be a net positive for the Services and marginally performing members, and a net negative for the Department of Veterans Affairs, states, and members who would have earned Honorable discharges, unless the latter receives eligibility determinations. In our other report, we examine the riskiness and frequency of DoD-defined waivers and also determine the predictors of early separation.

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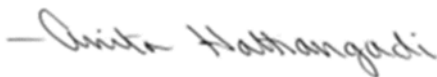
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Cover image credit: Jalen Terrell Moses swears-in to the U.S. Army Reserves at the Oklahoma City MEPS on January 30, 2019. Jalen follows his father's footsteps by joining the Army. His father, Sgt. 1st Class Rodney Moses, is set to retire after 32 years of service. (Photo by Amber Osei)

Approved by:

June 2020



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Executive Summary

The Office of the Under Secretary of Defense, Accession Policy, together with the Office of Officer and Enlisted Personnel Management, asked CNA to identify and document the following:

1. The Services' policies, practices, challenges, successes, and recommendations for both screening applicants who require enlistment waivers and separating members early
2. How enlistment waivers are being used, and which are particularly risky
3. A tool that commanders can use to predict probability of success with/without a waiver
4. The historical basis for the 180-day entry-level status (ELS) definition, whether evidence suggests it needs to change, and how changing it would affect veteran benefits
5. The conditions for which CnD (i.e., condition, not a disability) should be and is used
6. The reasons why members separate early, and the predictors of early separation

This report answers all but question 3 via literature/policy reviews and subject matter expert discussions. The second report empirically answers questions 2, 3, and 6.

Enlistment waivers

Pre-2008 Service waivers that were particularly risky

Prior to 2008, waiver criteria differed by Service, and no common Department of Defense (DoD) waivers existed. From the pre-2008 literature, it appears that drug and medical Service waivers were used in accordance with their riskiness, but misconduct and dependent Service waivers were not. We would have expected misconduct waivers to be used less often, given their high risk, and dependent waivers to be used more often, given their low risk. However, the dependent waiver population is likely not large.

In nearly all cases where a significant relationship was found in the literature, waiver status was rarely associated with more than a 5 percent increase in the likelihood of an adverse outcome. The only exception was Drug and Alcohol Test (DAT) waivers, which were associated with an 8–15 percent increase in attrition. Despite the adverse waiver effects, other traits, such as having less than a high school degree, were a stronger signal of adverse effects. Prior research shows that recruits with two waivers were not more likely to attrite than those with

a single waiver. Being male or accessing at a rank above E-1 mitigated the waiver attrition risk, and being less educated or scoring lower on the Armed Forces Qualification Test aggravated it.

DoD waivers introduced in 2008

In 2008, DoD waivers were introduced for medical, drug, dependency, and conduct, with quarterly reporting requirements and standardized terminology: Service waivers were to be called exceptions to policy (ETPs). For example, before 2008, Service drug waivers were strictest in the Marine Corps, required for even one instance of marijuana use, compared with 11 instances in the Navy. In 2008, the Office of the Secretary of Defense introduced a common DoD drug waiver for applicants who test positive on the DAT. The Service drug waiver criteria are still in place but now are called Service ETPs. Overall, the ETP criteria seem to be strictest in the Marine Corps, moderate in the Navy, and least strict and often approaching the DoD waiver criteria in the Army and Air Force. Twelve years later, a systematic review of enlistment waivers across Services now is possible, which our second report conducts.

Early separations

Separation authority and process

Per DoD and Service policy, commanders with special-court-martial convening authority have separation authority. The process to separate members includes formally counseling and affording the opportunity to overcome deficiencies for those with certain separation reasons and initiating the notification or administrative board procedures for members not able to overcome their deficiencies or who do not require counseling.

Characterizations of service

There are six administrative separation characterizations: three are termed *characterized* (Honorable, General (Under Honorable Conditions), and Under Other than Honorable Conditions), and three are *uncharacterized* (entry-level separation, void enlistment, and dropping from the rolls). Two punitive separations are awarded by court-martial—bad conduct and dishonorable. Uncharacterized entry-level separations are used when the separation process is initiated while a member is in ELS.

ELS definition

ELS is defined as the first 180 days of continuous active military service. We conclude that the establishment of ELS at 180 days in 1982 was purely based on the accrual of veterans' benefits, not entry-level training (ELT) length. The link to veterans' benefits is evidenced by the Army's

Trainee Discharge Program policy, established in 1973, which explicitly directed the completion of separations before the 180th day of active duty to preclude the accrual of veterans' benefits. We determined that, at least for the Marine Corps (whose historical and current ELT lengths we were able to obtain), the average ELT length in 1984 was longer than 180 days (257 days), and the percentage of enlisted entry-level occupations over 180 days has increased over time (from 70 to 81 percent between 1984 and 2019).

Erroneous/fraudulent entry and failed procurement standards

From FY 2005 to FY 2019, the most commonly used uncharacterized separation reasons across Services were CnD, entry-level performance and conduct (ELPC), erroneous entry, and disability. Disqualifying conditions known to the recruit and deliberately concealed at enlistment are considered fraudulent, while those unknown to the recruit are considered erroneous. Nevertheless, it appears that erroneous/fraudulent entry can be used interchangeably with failed medical/physical procurement standards (which is a Service-specific, but not a DoD, reason) because, at least in the Navy, their definitions overlap. Of these three separation reasons, the Army and Air Force primarily use failed procurement standards, the Navy uses erroneous entry, and the Marine Corps uses fraudulent entry.

ELPC and CnD

It also appears that ELPC (failure to adapt) and CnD reasons can be used interchangeably because, at least in the Marine Corps, their definitions overlap for mental health conditions (adjustment disorder, in particular). Of these two separation reasons, the Army primarily uses ELPC, the Navy increasingly uses both ELPC and CnD, the Air Force uses ELPC less and CnD more, and the Marine Corps does the opposite (uses ELPC more and CnD less). ELPC is to be used in ELS when a member is unqualified for service because of lack of capability, lack of reasonable effort, failure to adapt, or minor disciplinary infractions. CnD is to be used for conditions not constituting a physical disability that interfere with duty.

The Services said that they primarily use CnD for adjustment disorder. In 2013, facilitated by a lack of DoD policy and oversight, Navy medical was using CnD to avoid the disability evaluation system—as a faster way to separate those with medical conditions who should have received a disability rating with compensation. DoD policy that attempted to fix this in 2014 may have exacerbated it by not providing mutually exhaustive options. Since 2013, CnD use has increased, except in the Marine Corps, where it has fallen. Navy and Marine Corps policy may have fixed this in 2018 by providing mutually exhaustive options and requiring CnD recommendations to be reviewed by a Medical Evaluation Board because, at that point, Navy CnD use began to fall (and Marine Corps CnD use continued to fall). DoD finds this definition acceptable, as long as it can be defended.

Service opinions on extending ELS

The Air Force and Marine Corps sections with whom we spoke were universal in their wishes for ELS to be extended past 180 days. The only Service section with whom we spoke that did not believe that ELS should be extended was the Army G-1. We were not successful in receiving a response from the Navy. The most consistent length to which the Services would like ELS extended was to the end of ELT.

Implications of extending ELS

If ELS were moved to the end of ELT, members in occupations with relatively short pipelines (whose ELT ends *before* day 180) would *gain* benefits (dental, preseparation counseling, home loans, federal veteran employment/training, and federal veteran preference), while those in occupations with relatively long pipelines would *lose* these benefits. The gains and losses would go to those who separate between the current and any new ELS definition if the benefit policy also is moved to the end of ELT and the Department of Veterans Affairs (VA) does not make determinations. If the benefit policy is kept at 180 days or if the VA makes determinations, the losses disappear and there is no impact. The VA makes determinations when a member without the required characterization for benefits applies for such benefits. In addition, Marines with relatively long pipelines would lose partial Post-9/11 GI Bill benefits if they separated between the current and any new ELS definition, whereas there would be no impact on Marines with relatively short pipelines or on Army, Navy, or Air Force members.

We assert that, overall, extending ELS to the end of ELT would be a net positive for the Services and marginally performing members and a net negative for the VA, states, and members who would have earned Honorable discharges, unless the latter receives eligibility determinations (in which case they would lose no benefits). If DoD wants to extend ELS, how it does so depends on its goal. If its goal is to make policies internally consistent, it may want to update benefit policies to coincide with the new ELS definition, and accept a loss of benefits. If its goal is to ensure no loss of veteran benefits, it may want to keep benefit policies at 180 days.

Next steps

We continue the empirical analysis in our second report, examining how waivers are used, which are risky, the reasons why members separate early, and the early separation predictors. We also create the tool to predict probability of success with/without a waiver.

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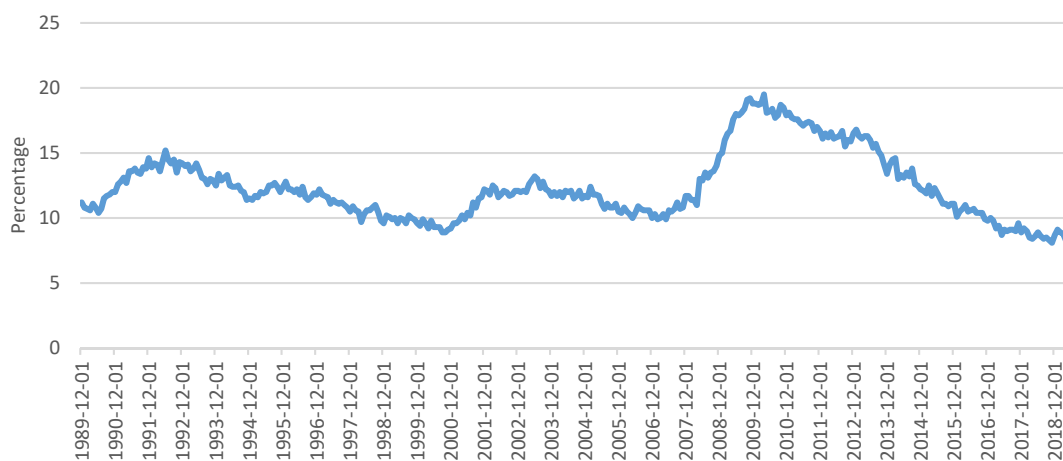
Introduction

Background

In a 2018 Directive Type Memorandum (DTM), the Secretary of Defense called for a review of policies that preclude or undercut readiness [1]. Department of Defense (DoD) waiver and early separation policies affect readiness by ensuring that the Services are able to recruit enough personnel to achieve authorized force levels, by providing an orderly means to discharge those found to be unsuitable to serve, and by emphasizing honorable service.

In 2008 and 2018, there was increased interest in both enlistment waivers and extending entry-level status (ELS) beyond 180 days. These years were in two of the lowest youth unemployment periods in the past 30 years, during which military recruiting was very difficult (see Figure 1).

Figure 1. US unemployment rate, ages 15-24, monthly, seasonally adjusted



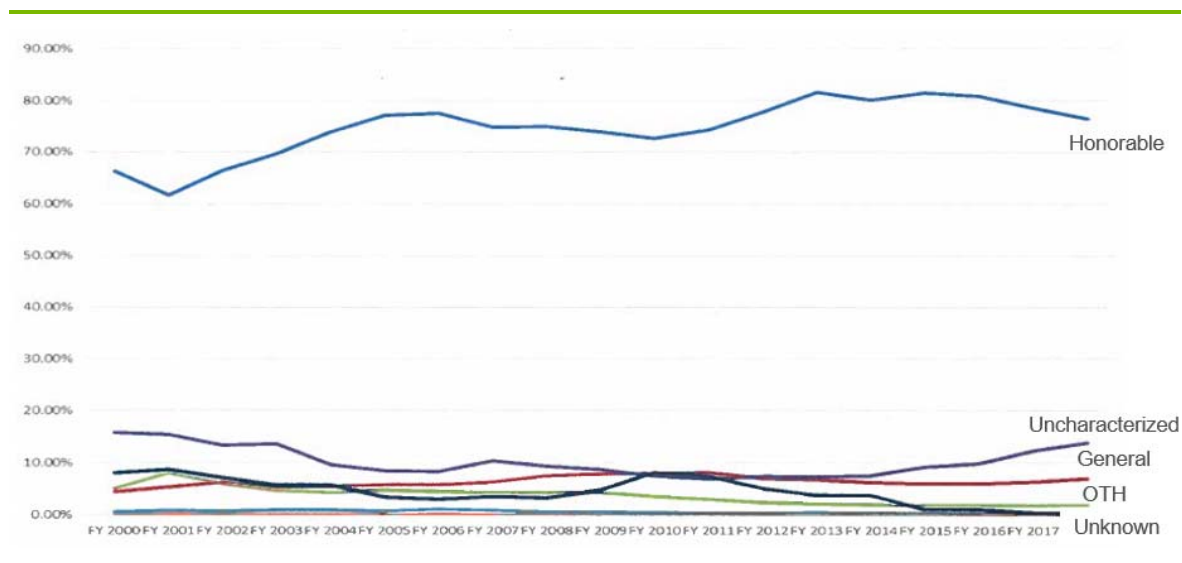
Source: Federal Reserve Economic Data (FRED).

When the unemployment rate is low, it is difficult to recruit enough qualified prospects to make mission. Luckily, the Services can use enlistment waivers to recruit those who are not

completely qualified but otherwise suitable to serve. For this reason, we see waivers rise as unemployment falls.

The other thing that happens when unemployment falls is that the risk of “bad fits” increases, so uncharacterized separations rise (see Figure 2).¹ CNA studies find that enlistees submitted on the last day of the month or who require waivers when waiver rates are high are more likely to attrite [2]. This suggests that, in general, recruiters have a good sense of which prospects are likely to succeed and only submit less promising prospects when necessary. But, when faced with many less suitable candidates, they have a more difficult time identifying who, of the bad fits, has a better chance of succeeding.

Figure 2. Active component separations by characterization of service



Source: Defense Manpower Data Center (DMDC) statistics provided by DMDC to OEPM, May 2019.

Study purpose

This study examines two topics: enlistment waivers and entry-level separations. Increased interest in waiver reporting in 2008 revealed that each Service defined and used waivers differently. That year, the Office of the Under Secretary of Defense, Personnel and Readiness (OUSD-P&R) established new enlistment waiver policy (including minimum standards for

¹ We are interested in uncharacterized *entry-level separations*, in particular, but cannot observe them in the data. We assume that the majority of uncharacterized discharges are entry-level separations, not void enlistments or dropped from the rolls.

drug, conduct, medical, and dependent waivers), standardized terminology, and reporting requirements [3]. In 2020, over a decade later, reliable Service comparisons are possible. OUSD-P&R is interested in the Services' waiver use and associated risks.

In 2018, the Army requested an exception to policy (ETP) to extend ELS beyond 180 days. In 2019, OUSD-P&R stated that it was not prepared to support the Army's request and initiated this study to better understand the Services' early separation challenges, the history of ELS and current ELS discharge practices, and possible changes to policy, including other ways to address challenges. In addition, the separation reason abbreviated as CnD (condition, not a disability), is of interest because, as reported in 2013, Navy physicians were misusing it—as a faster and less costly administrative discharge—on Sailors and Marines who should have received a disability rating with compensation.

OUSD-Accession Policy (OUSD-AP), together with the Office of Officer and Enlisted Personnel Management (OEPM), asked CNA to evaluate the Services' policies, practices, and successes for determining suitability for service at accession (enlistment waivers) and in service (early separations). The study's key issues are to identify and document the following:

1. Service policies, practices, challenges, successes, and recommendations for screening applicants who require waivers and separating members during versus after ELS
2. Which waivers are particularly risky with respect to early separation and performance, which characteristics are mitigating or aggravating, which waiver combinations are problematic, and what can be done to improve waived recruits' chances of success
3. A tool that recruiting commanders can use to view an applicant's predicted probability of success with and without a waiver to initiate such policies as "enlist no applicants with less than a predicted value of 'X'" or "do not approve waivers that reduce the predicted value of success by more than 'Y'"
4. The historical basis for the 180-day ELS definition, the percentage of entry-level training (ELT) that is covered by that definition, whether evidence suggests that the definition needs to change, and how changing it would affect veteran benefit eligibility
5. The conditions for which the designation of CnD should be and is used to separate members, and how to correct misuse
6. The reasons why members separate early, the predictors of early separation, whether recruits' waivers correlate with their separation reasons, and what can be done to more efficiently and effectively separate incompatible members at entry level

This study will produce two reports. We address key issues 1, 2, and 4 through 6 in this first report with qualitative research techniques (literature review, policy review, and subject

matter expert (SME) discussions). We will address key issues 2, 3, and 6 with quantitative (empirical) research techniques and deliver the waiver tool in the second report. Note that key issues 2 and 6 will be examined in both reports—through the prior literature (this report) and empirical analysis (the second report).

Methodology

In this report, we addressed the key issues by conducting a literature review, policy review, and SME discussions.

In our literature review, we asked the following questions:

- Are outcomes worse for waived or nonwaived recruits?
- How do outcomes compare, by waiver type and Service?
- Which characteristics are mitigating or aggravating?
- Which waiver combinations are problematic?
- What can be done to improve waived recruits' chances of success?
- For what reasons do members separate early?
- What are predictors of entry-level separation?
- Do recruits' waivers correlate with their separation reasons?
- How can unsuitable members efficiently be separated during ELS?

Although questions varied by SME source, in general, in our policy review and SME discussions, we asked the following questions:

- What are the Service policies/procedures for screening applicants who need waivers?
- Who has enlistment waiver authority, by Service?
- What are the Service policies/procedures for separating members during versus after ELS?
- Who has separation authority, by Service?
- What is the historical basis for the 180-day ELS definition?
- What percentage of ELT is covered by that definition?
- For what conditions should CnD be used to separate members?
- Are those separated during ELS eligible for veteran benefits?

SME discussion sources included those who set, carried out, or could help us understand waiver and early separation policies and practices:

- Waivers:
 - OUSD-AP
 - Service recruiting headquarters
- Early separations:
 - OEPM
 - Service manpower commands
 - Service recruit training commands
 - Service military occupational schools
 - Service medical

Organization of this report

This report is structured as follows. We first address enlistment waivers, then entry-level separations. For enlistment waivers, we discuss how waiver criteria differed by Service before 2008, the risks associated with these waivers from the pre-2008 literature, the common DoD waiver criteria that were introduced in 2008, and waiver processes. For entry-level separations, we discuss the separation authority and process, characterizations of service, the 180-day ELS definition, separation reasons frequently used during ELS, Service opinions on extending ELS, and the risk factors for early separation. Finally, we conclude and discuss next steps.

Enlistment Waivers

Here, we discuss how waiver criteria differed by Service before 2008, the risks associated with pre-2008 Service waivers, the DoD waiver criteria introduced in 2008, and waiver processes.

Waiver criteria differed by Service before 2008

Since its inception, DoD has set minimum eligibility criteria to enlist in the military with respect to nine basic enlistment categories—medical, drug, dependency, conduct, education, age, physical fitness, citizenship, and aptitude [4]. It also has authorized the Services to set their own, stricter criteria and to grant waivers to those who are suitable to serve yet do not meet the Service criteria. Before 2008, there were no common DoD waivers, and waiver criteria differed by Service. For this reason, there was great variation in the percentage of recruits with at least one waiver by Service: from 1999 to 2008, that rate was highest in the Marine Corps (50 to 65 percent) and lowest in the Air Force (10 to 15 percent) [5], likely driven by drug waivers. At the time, these were called Service waivers, not Service ETPs as they are today.

Riskiness of Service waivers before 2008

This subsection summarizes the pre-2008 literature on risks associated with Service waivers, overall, by single and multiple waiver type, and for aggravating/mitigating traits. Note that none of the studies we cite include waiver data beyond 2008. Before 2008, waiver analysis was conducted separately by Service because waiver codes were not comparable across Services.

Waivered versus nonwaivered recruits

Despite perceptions that waivered recruits are less desirable and only necessary in difficult recruiting periods, previous research does not find them to be systematically less likely to succeed in the military. In nearly all cases where the literature finds a significant relationship, waiver status was rarely associated with more than a 5 percent increase in the likelihood of an adverse outcome. (Adverse outcomes for waivered recruits include demotion and misconduct separation (Army, Navy, and Marine Corps) [5-6] and higher attrition at 6, 24, and 48 months (Navy and Marine Corps) [5].) The only exception is Drug and Alcohol Test (DAT) waivers, which are associated with an 8–15 percent increase in 48-month attrition [5].

Despite the adverse effects associated with some waivers, other traits, such as a Tier II/III education (less than a high school degree), are a stronger signal of potential adverse outcomes [5]. In some cases, waived recruits outperform their nonwaivered peers (e.g., lower attrition rates in the first year of service, but higher at the end of their contract [5, 7-8]).

By waiver type

Table 1 summarizes the riskiness of pre-2008 Service waivers (given the adverse and favorable outcomes with which they are associated), the frequency with which each waiver is used, and whether that frequency is in line with its risk profile.

Table 1. Summary of risks associated with pre-2008 Service waivers

Waiver	Risk assessment	How common	Freq. in line w/risk	Adverse outcomes ^a	Favorable outcomes
Drug/alcohol	Most risky	Least common (except for USMC)	Yes	Higher rates of 48-month attrition (biggest effect) [5, 7], drug use (USA) [9], demotion (USMC, USN), Non-Judicial Punishment (NJP), Court-Martial (CM); lower rates of good conduct, eligible/recommended (USMC) [5]	None
Misconduct	Second most risky	Second most common	No	Higher rates of 48-mo. attrition (second biggest effect) [5], 6-mo. attrition (USMC) [10], demotion, misconduct separation, CM, NJP (USMC) [5], drug use (USA) [7], death [8]; lower rates of eligible/recommended (USMC) [5]	Lower rates of 6- and 24-mo. attrition (USA) [5], misconduct separation [8]; faster promotion speed (USA) [5, 7]
Medical	Second least risky	Most common	Yes	Higher rates of 6-mo. attrition (USA, USN, USMC) [5, 7], Medical Evaluation Board (MEB) for mental health (USN, USMC) [11]; lower rates of eligible/recommended, meritorious promotion (USMC) [5]	Lower rates of CM, NJP (USMC) [5]
Dependent	Least risky	Second least common	No	Higher rates of 24-mo. attrition (USN, USAF, USMC), desertion, misconduct separation (USMC) [5]	Lower rates of 24-mo. attrition (USA), NJP, CM (USMC); faster promo. speed [5]

^a We abbreviate the Services as USA (Army), USMC (Marine Corps), and USN (Navy).

Drug use

From our literature review, it appears that drug waivers are the most risky. One of the concerns about accessing those with drug/alcohol waivers is recidivism. Research shows that recruits with drug/alcohol waivers are, indeed, more likely to use again within service (Army only) [9]. Another concern is adverse behavioral outcomes. The literature consistently shows that DAT failure and a history of drug/alcohol use is the waiver type with the largest impact on 48-month attrition and most associated with adverse outcomes [5, 7], including a reduced likelihood of being recommended and eligible for reenlistment or receiving a good conduct award (Marine Corps) [5, 12] and an increased likelihood of being demoted (Navy and Marine Corps) [12] or receiving a Non-Judicial Punishment (NJP) or Court-Martial (CM) (Marine Corps only), although they are slightly more (less) likely to promote quickly to E-5 in the Navy (Marine Corps) [5].

Conduct

It appears that conduct waivers are the second most risky type. Most outcomes for misconduct waivers are adverse, with the occasional favorable outcome. Serious misdemeanor or felony waivers have the second biggest impact on attrition, after DAT and drug/alcohol use waivers [5]. For adverse outcomes, recruits with serious misdemeanor or felony waivers are more likely to attrite by 48 months (all Services), receive a demotion or misconduct separation, or have more CMs or NJPs, and they are less likely to be recommended and eligible (Marine Corps only) [5]. Recruits with minor misdemeanors are more likely to attrite by 6 months (Marine Corps) [10]. Felony accessions have a higher likelihood of death in the first 6 years of service [8]. Members with serious non-traffic-related offense waivers are more likely to use drugs in service (Army) [7]. For favorable outcomes, recruits with adult felony waivers or serious misdemeanor waivers have a greater likelihood of promoting to E-5 quickly (Army) [5, 7] and are less likely to attrite by 6 or 24 months (Army) [5], and recruits with felony waivers are less likely to separate due to a legal infraction than those without a felony (all Services) [8].

Medical conditions

It appears that medical waivers are the second *least* risky waiver type. Medical waivers are associated with an even mix of small favorable and unfavorable outcomes, with some null effects. For unfavorable outcomes, recruits with medical waivers are slightly more likely to attrite in the first 6 months (Army, Navy, and Marine Corps) and beyond 6 months (Marine Corps only) than those without medical waivers [5, 7]. Medical waivers are associated with slightly lower likelihoods of meritorious promotion and recommended and eligible status (Marine Corps only) [5]. Recruits with mental health waivers are more likely to receive a Medical Examination Board (MEB) for mental health than their peers with other types of

medical waivers (Navy and Marine Corps) [11].² For favorable outcomes, medical waivers are associated with slightly lower likelihoods of CMs and NJPs (Marine Corps) [5].

Dependents

It appears that dependent waivers are the least risky. Members with dependent waivers have more favorable than unfavorable outcomes than members without dependent waivers. They are more likely to quickly promote to E-5 (all Services) and have fewer CMs and NJPs (Marine Corps only). But, they are more likely to desert or be a misconduct separation (Marine Corps only). Soldiers with dependent waivers are 8 percentage points less likely to attrite in their first two years; but, Sailors, Airmen, and Marines with dependent waivers are 1 to 3 percentage points more likely to attrite in their first two years. In almost all cases, the number of dependents does not affect the size of the attrition effect [5].

Multiple waivers

Recruits with two waivers do not have a significantly higher likelihood of attrition than those with a single waiver. The most common waiver combinations across Services include a dependent waiver, with no increased likelihood of attrition or slow promotion [5]. Yet, some combinations acutely increase the likelihood of costly outcomes. Most consistently, waivers for DAT failure or drug/alcohol use interact adversely with serious misdemeanors (Army) and physical or dependent waivers (Marine Corps) to increase the risk of attrition [5]. Conversely, serious misdemeanor waivers interact with other waiver types to *lower* the risk of attrition and slow promotion [5].

Aggravating and mitigating characteristics

Just as some waiver combinations mitigate risk, some characteristics mitigate attrition risk among waived recruits, including being male or accessing at a rank above E-1 [5]. In addition,

² Each year, the Walter Reed Army Institute of Research publishes the Accession Medical Standards Analysis and Research Activity (AMSARA) report. AMSARA reviews applicant physical fitness, medical waiver requests and approvals, and subsequent attrition and morbidity. Using recent accessions' medical information across Services, the report examines disqualifying conditions, such as allergic reactions and musculoskeletal injuries of the knee, and links conditions to morbidity and attrition rates, including disability discharges. Our report differs from the AMSARA report in a few ways. First, that report examines only waivers related to physical concerns, not all concerns that may require a waiver. Second, much of the attrition rate analysis is on a univariate basis (not controlling for other traits). Moreover, the only analysis that controls for characteristics examines the relationship between attrition at one year and four specific medical disqualifications (e.g., musculoskeletal injuries of the shoulder). In addition, the AMSARA report suggests that future studies assess whether the condition waived is related to conditions at discharge, gender, Service, type of loss, time in service, deployment, and hospitalization. Our analysis will include all conditions that require an enlistment waiver and address all except the last two outcomes [7].

being black or Hispanic is a mitigating factor for those with moral waivers [7]. Characteristics that aggravate attrition risk for waived recruits are a Tier II/III education or scoring below the 93rd percentile on the Armed Forces Qualification Test (AFQT). Scoring at or below 93 (31) on the AFQT aggravates risk for those with aptitude (medical) waivers [5]. Lacking a high school diploma is an aggravating factor for those with moral waivers [7].

Surrounding new Service members with a greater percentage of waived recruits also may increase the likelihood of poor behavior, even for those who access without a waiver. A study of Army companies found that a standard deviation increase in the percentage of a company that has a moral waiver (an increase of 4 percent in a company) increases the likelihood of a nonwaived recruit being demoted by 2.5 percent. Evidence suggests that bad behavior by nonwaived recruits most often happens in the same month as bad behavior by waived recruits and is driven by Service members younger than 22 years old [6].

DoD waiver criteria introduced in 2008

In 2008, OUSD-P&R issued an enlistment waiver policy change that had three effects [3]:

- *Established four DoD-wide waivers with minimum standards.* They are medical, drug, dependency, and conduct (see Table 2 for waiver requirements).
- *Standardized terminology.* The only waivers are the four DoD-wide waiver categories. The Services are to refer to Service-level *waivers* as exceptions to policy (ETPs).
- *Created reporting requirements.* The Services are to collect data and report to OUSD-AP quarterly (see Table 2 for reporting requirements).

Table 2 shows the categories that require DoD waivers and must be reported to OUSD-AP.

Table 2. DoD waiver and reporting requirements

Criteria	Categories that require DoD waivers	Report to OUSD-AP
Medical	Disqualifying medical condition from DoD Instruction (DoDI) 6130.03	Multiple waivers allowed for different medical conditions
Dependency	Married with 2 minors Unmarried with 1 minor	Only waivers approved for those with minor dependents
Conduct	One "major misconduct" offense Two "misconduct" offenses A pattern of misconduct: One "misconduct" + four "non-traffic" offenses Five or more "non-traffic" offenses	Only the most serious waiver
Drugs	Tests positive on the Drug and Alcohol Test (DAT) at a Military Entrance Processing Station (MEPS)	Only waivers approved for those with positive DAT result

Source: [4].

As mentioned, there are nine enlistment categories—medical, drug, dependency, conduct, age, education, physical fitness, citizenship, and aptitude. The Services have more stringent ETP criteria than DoD waivers have for drug use, conduct, medical conditions, and dependency. The Services also have age, education, and physical fitness ETPs, for which there are no DoD waiver criteria [13-16]. There are neither DoD waivers nor Service ETPs for citizenship and aptitude.

This study focuses on the four DoD waivers. Our second report will feature empirical analysis of these waivers since 2008. It will benefit from not having to segregate analysis by Service. A strength of the time period is that it spans both difficult and bountiful recruiting eras.

In the subsections that follow, we describe the DoD enlistment eligibility criteria and the DoD waiver and Service ETP criteria for the four DoD waivers.

Drug waivers

The basic DoD drug eligibility criteria are no current or prior history of drug or alcohol abuse or dependence and no illegal drugs found in the DAT. A DoD drug waiver is required when an applicant tests positive on the DAT at a MEPS (i.e., is confirmed positive for the presence of drugs at the time of the original or subsequent physical examination).

Table 3 shows that the Navy has the most drug ETPs (11), followed by the Air Force (6), Marine Corps (4), and Army (3), and that the Marine Corps' ETPs are the strictest (e.g., required for even one instance of marijuana use).

Table 3. Drug use: DoD waiver and Service ETP criteria

DoD	Marine Corps	Navy	Army	Air Force
Test positive on DAT	Pre-DEP marijuana (1-50x)	Marijuana use 11+ times	Positive marijuana/alcohol test (1x)	Self admits, illegal drug use
	Pre/In-DEP marijuana (51-200x)	1 behind the wheel offense	Positive cocaine/other drug test (1x)	Self admits, alcohol abuse, 2+ years ago
	In-DEP drugs	2 behind the wheel offenses	Positive marijuana/alcohol test (2x)	Marijuana rehab program
	Pre-DEP marijuana (201x+)/cocaine	Prior psych./phys. dependence		Convicted, illegal inhalant possession
		Stimulant/depressant use (1-5x)		Reasonable doubt, disqualifying drug
		Stimulant/depressant use (6x+)		Convicted, drug paraphernalia
		Marijuana use while in DEP		
		Drug related offense (2-3x)		
		Drug related offense (4x+)		
		Alcohol related offense (2-3x)		
		Alcohol related offense (4x+)		

Source: [4, 13-16].

Conduct waivers

The basic conduct enlistment criteria are (1) no form of judicial restraint, (2) no significant criminal record, (3) no state or federal conviction for sexual offense, (4) no previous separation from a Service under conditions other than honorable or for the good of the Service, (5) no antisocial behavior, and (6) no unfavorable National Agency Check with Law and Credit (NACLC) determination. DoD Instruction (DoDI) 1304.26 states that

The underlying purpose of these enlistment, appointment, and induction standards is to minimize entrance of persons who are likely to become disciplinary cases, security risks, or who are likely to disrupt good order, morale, and discipline. The Military Services are responsible for the defense of the Nation and should not be viewed as a source of rehabilitation for those who have not subscribed to the legal and moral standards of society at-large. [4]

A conduct waiver is required when the final finding of the courts or other adjudicating authority is a conviction or other adverse adjudication of:

1. One “major misconduct” offense, or
2. Two “misconduct” offenses, or
3. A pattern of misconduct
 - a. One “misconduct” offense and four “non-traffic” offenses
 - b. Five or more “non-traffic” offenses

The Marine Corps has the most—and strictest—conduct ETPs (starting with tattoos), followed by the Navy (starting with traffic offenses), Army (starting with non-traffic offenses), and Air Force (starting with non-traffic offenses, and not much stricter than the DoD waiver criteria) (see Table 4).

According to DoDI 1304.26, conduct offenses are categorized as follows:

- 400-level: Major misconduct (if maximum confinement over 1 year can be imposed)
- 300-level: Misconduct (if maximum confinement of 6 to 12 months can be imposed)
- 200-level: Non-traffic (all others are non-traffic or traffic, depending on nature)
- 100-level: Traffic (all others are non-traffic or traffic, depending on nature)

Table 4. Conduct: DoD waivers and Service ETP criteria

DoD	Marine Corps	Navy	Army	Air Force
1 major misconduct offense	Tattoo	5+ traffic offenses	5+ non-traffic offenses	1+ category 1 "major misconduct" moral offenses
2 misconduct offenses	Gang involvement/affiliation	5-7 non-traffic offenses	2-5 misconduct offenses	1+ category 2 "major misconduct" moral offenses
1 misconduct offense + 4 non-traffic offenses	5+ traffic offenses	1-4 misconduct offenses	5+ minor non-traffic (4) and misconduct (1) offenses	1+ category 3 "misconduct" moral offenses
5+ non-traffic offenses	2-4 non-traffic offenses	2 juvenile major misconduct offense	1 DUI/DWI/driving while impaired offense	2 in 3 years or 3+ category 4 moral offenses
	1-2 misconduct offenses	1 juvenile + 1 adult major misconduct offense	1 possession of marijuana/drug paraphernalia offense	6+ in any 365-day period in last
	5-9 non-traffic offenses	1 adult major misconduct offense	1 solicitation/prostitution offense	3 years category 5 moral offenses
	3-6 misconduct offenses	1 misconduct + 4-6 non-traffic offenses	1 DV offense (non-Laut.) offense	
	30 g or less marijuana	2 misconduct + ≤4 non-traffic offenses	Major misconduct offense	
	Major misconduct reduced to misconduct/non-traffic offense	3 misconduct + ≤3 non-traffic offenses		
	Domestic violence (DV)			
	NIAW Laut. Amend. (Offense Code 308)			
	1 major misconduct offense			
	DV IAW Laut. Amend. expunged			
	DV NIAW Laut. Amend. (Offense Code 441)			

Source: [4, 13-16].

Notes: "Laut. Amend." refers to the Lautenberg Amendment to the Gun Control Act of 1968.

Medical waivers

The basic medical eligibility criteria are the preaccession screening criteria for medical conditions and mental health, per DoDI 6130.03 [17]. A medical waiver is required for qualification of an applicant who has or may have had a disqualifying medical condition, such as poor vision, musculoskeletal conditions, or asthma. Per DoDI 6130.03, those granted medical waivers must be:

1. Free of contagious diseases that may endanger the health of other personnel
2. Free of medical conditions or physical defects that will, for reasons of treatment or hospitalization, result in significant time away from duty or potential separation for medical unfitness
3. Medically capable of satisfactorily completing all required training and the initial period of contracted service
4. Medically adaptable to the military environment without geographical limitations
5. Medically capable of performing duties without aggravating existing physical defects or medical conditions [17]

The Marine Corps and Air Force strictly include physical standards in their ETP criteria, whereas the Navy and Army also encompass orthodontia and mental health conditions, respectively (see Table 5).

Table 5. Medical: DoD waivers and Service ETP criteria

DoD	Marine Corps	Navy	Army	Air Force
Disqualifying medical condition from DoDI 6130.03	Physical standards	Physical standards Orthodontia	Physical standards Psychiatric and behavioral health conditions Previous medical separation	Physical standards

Source: [4, 13-17].

Dependent waivers

The basic dependency enlistment criteria are to not be married with more than two dependents under the age of 18 and not be unmarried with custody of any dependents under the age of 18. A dependent waiver is required when an applicant does not meet these criteria. The Marine Corps has the most—and, again, strictest—dependent ETPs, followed by the Army, Navy, and Air Force (see Table 6). In this case, the Marine Corps and Army ETP criteria are stricter than DoD's, whereas the Navy and Air Force ETP criteria are more lenient than DoD's.

Table 6. Dependents: DoD waiver and Service ETP criteria

DoD	Marine Corps	Navy	Army	Air Force
Married with 2 minors	Married with 1 minor	Not married with 1-3 dependents, no custody	Married with ≤ 3 minors	Married with custody of 3+ minors
Unmarried with 1 minor	Unmarried with 1 minor, no custody/no court-ordered support	Married with 3-4 dependents, E-1-E-4	Applicants processing as husband/wife with ≤ 3 minors	Not married with custody of 1-3 minors
	Unmarried with 2 minors, no custody/no court-ordered support	Married with 4-5 dependents, E-5+	Applicants processing as husband/wife with 4+ minors	
	Unmarried with minor, joint custody	Married with 3-4 dependents, E-1-E-4	Married to in-service spouse with 1 minor	
	Divorced with 1 minor, joint custody	Married with 4-5 dependents, E-5+	Unmarried/divorced with custody of 1 minor	
	Divorced with 2 minors, joint custody	Married with 4-5 dependents, E-5+	Unmarried/divorced with ≤ 3 minors, required child support	
	Unmarried with minor, relinquished		Unmarried/divorced with 4+ minors, required child support	
	Legally separated with 1 minor, no custody		Married and required to pay child support for ≤ 3 minors	
	Divorced with 1 minor, relinquished		Married and required to pay child support for 4+ minors	
	Divorced with 2 minors, relinquished			
	Applicant with non-minor and/or spouse			

Source: [4, 13-16].

Waiver processes

In this subsection, we describe waiver screening, approval, reporting, and in-service processes. This includes policies, practices, challenges, successes, and recommendations.

Waiver screening

Policies

While DoD and the Services have the ability to waive specific enlistment criteria, each Service follows the guidance provided by policy in DoDI 1304.26 for making waiver determinations. Under this policy, each Service must conduct a thorough assessment of an applicant using a “whole person” review, which must present “sufficient mitigating circumstances that clearly justify waiver consideration” [4]. Each Service’s waiver policy follows the DoD policy of requiring and using the whole-person review concept. Whereas the Air Force and Army do not further explain this concept, the Navy and Marine Corps attempt to provide clarity in their DoD policy interpretations, using almost identical language:

Waivers will be evaluated using the "whole person" concept. Under this concept, an applicant's qualifications are compared with [his or her] past performance with the intent of calculating potential effectiveness in the [Navy or Marine Corps]. Such an evaluation is difficult. The evaluation should present for consideration all relevant facts and information, as well as a thorough meaningful evaluation. Waiver requests that simply identify the disqualifying factor(s) without thorough discussion of all mitigating circumstances and the applicant's favorable traits are a disservice to the applicant and may well jeopardize waiver approval. [15-16]

The Navy manual suggests that recruiters and approval authorities review all of the applicant’s strengths and weaknesses and, in doing so, consider the following questions:

1. Is the applicant a desirable prospect?
2. Do the applicant's strengths heavily outweigh the reasons for disqualification?
3. Are the applicant's demonstrated qualities indicative of successful service?
4. Is the applicant's enlistment clearly in the best interest of the Service? [15]

For prior offenses, DoDI 1304.26 requires that the Services collect (a) information about the “who, what, when, where, and why” of the offense in question and (b) letters of recommendation from responsible community leaders, such as school officials, clergy, and law enforcement officials, attesting to the applicant’s character or suitability for enlistment [4].

Practices

Whole-person suitability assessment

Because the military implements a whole-person review when considering an applicant's accession, those who receive waivers may be stronger on a number of other dimensions when compared to the average recruit. We asked our SMEs what, precisely, they take into account when conducting whole-person suitability assessments.³ An Army SME mentioned a focus on the length of time since an offense, whether there have been further legal violations, and whether an applicant has been a productive member of society (via education or employment) since the offense. The Army contacts all references and carefully considers their input.

A Navy SME noted that, ideally, applicants have no police records or history of drug use; however, the Navy recognizes that people do err, and, if their other qualities outweigh that one issue or mistake, they should have the opportunity to serve their country. This Navy SME said that “we do not have a zero defect mentality” and that this approach is important in broadening the pool of prospective applicants.

Screening process

We asked our Service SMEs about the overall waiver screening process. It appears that each Service's screening process contains the same primary elements.⁴ Namely, it starts with the recruiter, involves quality control (QC) to make sure packets contain all necessary components before being forwarded up the chain, and the ultimate decision typically is made based on impressions gathered during an in-person interview. The following outlines these processes in more detail for each Service.

In the Air Force, as in all Services, the screening process begins with a recruiter informing an applicant that he or she is disqualified for service. At this point, the applicant decides whether to pursue a waiver and, assuming he or she does, is given a checklist of the documentation that needs to be compiled.⁵ Once the packet is complete, the recruiter performs an initial QC check, confirming that all required elements are included. The flight chief, squadron operations, and the squadron headquarters are additional QC levels. Once it is confirmed that the packet should move forward, it is sent up the chain for the first level of review.

³ Only the Army and Navy provided responses.

⁴ We can only assert the similarity of processes for the Army, Navy, and Air Force since the Marine Corps did not provide detailed information on its waiver screening and approval processes.

⁵ Not all applicants who fail to meet all eligibility requirements require a waiver; some are approved for accession with an eligibility determination or exception to policy.

In the Army, the screening process similarly starts with the recruiter. Applicants are screened and necessary documentation is collected, including police checks, court checks, and an applicant statement explaining the offense, in the case of misconduct waivers. Then, the packet is forwarded to US Army Recruiting Command (USAREC), where a final QC check is conducted.

In the Navy, once the recruiter has identified that a waiver is necessary, the first determination is whether the waiver can be approved at the recruiting district level or must go to the Commander, Navy Recruiting Command (CNRC) for review. In less serious cases, the district commander's approval often is delegated by direct authority, usually to the executive officer or enlisted programs officer. In more serious cases (e.g., an assault charge), a physical violence interview *must* be conducted by the commanding officer (CO). Once the CO signs the waiver briefing sheet, the applicant is given a job, is assigned a shipping date, and is sworn in.⁶

In the Marine Corps, the initial screening responsibility for determining if a DoD waiver or service review warrants favorable consideration rests with the recruiter.

The process differs slightly for medical waivers. First, no Service interview is required. Second, in all Services, medical waivers are reviewed only *after* applicants have been screened at the MEPS, in accordance with DoDI 6130.03. The MEPS chief medical officer (CMO) makes a recommendation, which can be contested via a waiver application. A Navy SME said that, in most cases, if an applicant fails the MEPS physical, a request for a medical waiver is sent to the CNRC medical waivers section (which typically concurs with the CMO recommendation).

Waiver approval

Policies

To conduct a whole-person evaluation, Service recruiters need to know who has the authority to approve which waivers. There are a multitude of DoD waivers and Service ETPs that present themselves based on an applicant's situation. Each Service Secretary is the approval authority for granting waivers and may delegate that final approval authority [4]. Each Service Secretary has delegated the final approval authority to the senior leaders within each recruiting and/or manpower management organization. All approval levels have authority to disapprove a packet without forwarding it to the next level. Next, we discuss Service specifics.

Based on our review of Service policies, the Navy appears to have the simplest waiver approval authority strategy. Waiver approval authority rests at two levels; recruiting district COs have

⁶ The process is largely the same for waivers that must be approved by CNRC, but the applicant is not able to join the delayed entry program until the waiver is approved, and there is one additional step: the packet must go the commodore of the recruiting region for endorsement before ultimately being sent to CNRC. If a waiver receives final approval, a letter is sent back to the Navy Recruiting District with the appropriate waiver code to use.

the authority to approve lower risk waivers, whereas the Navy Recruiting Command Commander holds the authority to approve higher risk waivers, such as physical standards (medical), major misconduct, and some drug or alcohol waivers.

The Air Force's strategy is a little more complex because it adds a level of waiver approval authority. Most nonmedical waivers can be approved at the lowest level by the recruiting squadron commander. High-risk major misconduct waivers for category 1 moral offenses (e.g., such crimes as aggravated assault with a dangerous weapon or burglary) are forwarded to the recruiting group commander.⁷ For Air Force medical waivers, the first step occurs at MEPS, where the CMO can permanently disqualify an applicant based on disqualifying conditions in DoDI 6130.45. If a waiver is pursued, it is sent to the Air Force's medical waiver authority, the Air Force Education and Training Command (AETC) Surgeon General, for a final determination. If approved, this decision overrides the CMO's permanent disqualification ruling.

The Army's enlistment waiver approach follows the Air Force's model, but the highest risk waivers are adjudicated at the Headquarters, Army level. The recruiting battalion commander is delegated the authority to approve low-risk waivers (e.g., minor drug waivers, minor misconduct offenses, and low-risk dependency waivers). He or she interviews the applicant and requests an endorsement from the company commander.⁸ If it is a felony offense, the waiver request goes to the Director of Military Personnel Management (DMPM), where it is approved by a deputy CO. Then it is sent to the Department of the Army for waiver approval. Higher risk waivers (e.g., medical waivers, some dependency waivers, and some drug and alcohol waivers) are forwarded to the USAREC Commanding General for review and approval. (As in the Air Force, medical waivers begin with the CMO disqualifying the applicant, and they must ultimately be approved by the USAREC Commanding General via the Chief Surgeon.) The highest risk waivers (e.g., major misconduct, psychiatric and behavioral health waivers) must be approved by the Deputy Chief of Staff, G-1, DMPM. SMEs noted that DMPM was added as a waiver approval authority to restrict the approval of certain waivers, such as felonies.

The Marine Corps has the most stratified levels of waiver approval, which begin with the recruiting station CO approving low-risk waivers, such as underweight and dependency (e.g., unmarried applicant with one minor with no custody or court-ordered support). The next level up is the recruiting district CO. District COs have the authority to approve a majority of the waivers required. Waivers that require an even higher authority are reviewed and approved

⁷ An Air Force SME said that, after the recruiting squadron commander, the waiver packet goes to recruiting operations and ultimately to the Air Force recruiting commander, who, at present, has delegated all waiver review and approval to recruiting operations. Thus, there currently are only two review levels.

⁸ Waivers for those whose urinalysis reveals marijuana use are treated as a medical waiver, per a Department of the Army directive. All other drugs fall under the DoD drug waiver and are *not* part of the medical waiver process.

by the recruiting region commanding general (e.g., age, physical fitness, and some dependency, conduct, and drug and alcohol waivers). The highest waiver approval level rests with the Commanding General, Marine Corps Recruiting Command (e.g., medical, education, and extreme conduct, such as gang affiliation).

Practices

Concerns with accessing applicants that require waivers

Prior drug/alcohol use

SME concerns about accessing those with drug/alcohol waivers are recidivism and adverse behavioral outcomes.

Misconduct offenses

SMEs said that the concern with accessing applicants with misconduct offenses is the risk of reoffense. Of all waivers, SMEs said that they were most reluctant to approve serious misconduct waivers, especially felonies. Assault, domestic violence, substance abuse, and armed robbery are almost never approved, particularly if they occurred as an adult or involved repeat offenses. To hedge against this, SMEs across Services told us that, before approving a misconduct waiver, they consider a number of maturity and moral character indicators—offense severity, time since the offense, age at the offense, and any indication of ownership or remorse for the offense—that could mitigate reoffense. SMEs said that mitigating factors include a bachelor's degree, a good employment record, no substance abuse, and time since offense. Aggravating factors include an education level at or below a GED, charges involving violence, multiple offenses, and/or a poor employment record.

Medical conditions

Army SME concerns about accessing recruits with medical conditions included that a preexisting medical condition may flare up or be reinjured, preventing a recruit from performing training or duties and resulting in the recruit's separation, or that preexisting contagious diseases may endanger the health of others.

Minor dependents

SME concerns with accessing those with minor dependents are that the financial responsibility (stress could distract from mission) and deployment stress (long separation, organizing childcare) of having a child can pose a threat to an applicants' success. To address these concerns, the Services require dependent waiver applicants to document/submit their finances and financial responsibilities. In the Army, spousal statements of support may be required. Army and Navy SMEs said that, of all waiver types, they are least concerned with approving waivers for partnered applicants with a minor dependent and no financial issues.

Which waivers the Services deem acceptable, given the recruiting environment

We asked Service SMEs about how their perceptions of which waivers are acceptable have changed over time. As a Navy SME described, it is most often related to the recruiting environment: “A couple of years ago, when we were struggling to make goal, we looked at everything and anything we could change to let more people in.” In 2017, the Secretary of the Navy (SECNAV) approved a two-year pilot program to expand dependency ETPs. Although, historically, DoD and the Services were strict about accessing single parents with custody of a child (they could only serve in the selected reserve), SECNAV gave permission to access single parents on active duty or in the reserves at that time. Likewise, tattoo eligibility determinations have been relaxed as recruiting has become more difficult; with SECNAV’s approval, several hundred applicants now have been accessed who were in direct violation of the tattoo policy.

In addition, Navy SMEs told us that, although, for many years, field recruiters could not submit felony waiver applications, in the last 12 to 18 months, the Navy started reviewing them again. They noted, “When we are making our goals, [we can] afford to be pickier about test scores, waivers, and education—we are much stricter about those things when we are making goals month after month.” In July 2018, the Navy also recently modified its conduct waiver matrix (e.g., those with one misconduct (300-level) offense can have four to six non-traffic offenses) to allow applicants to have one additional minor misdemeanor/non-traffic offense.

Army SMEs noted that, in practice, what waiver approval authorities will and will not accept changes frequently. After a particular waiver type is approved a few times, word of that change permeates down to recruiters, ultimately causing more waivers of that type to be submitted and a new equilibrium to be reached.

Waiver combinations the Services are reluctant to approve

In general, waiver combinations are frowned on because they are a signal of multifaceted problems that serve to decrease an applicant’s likelihood of success. Those reviewing Air Force (Navy) misconduct (medical) waivers generally prefer an applicant to not *also* need a nonmisconduct (nonmedical) waiver. An Air Force SME noted that applicants with either multiple misconduct charges, misconduct and financial issues, or dependency and financial issues are not likely to get the requisite waivers. The Air Force questions the responsibility of such applicants and ultimately does not want to take a chance on them. This harks back to DoD policy that the Services “not be viewed as a source of rehabilitation for those who have not subscribed to the legal and moral standards of society at-large” [4].

We asked the Services whether they were more reluctant to approve DoD waivers than Service ETPs. Service SMEs said that they were not, and have not received guidance to minimize their DoD waiver use (as compared to internal ETPs).

Challenges

We asked SMEs what challenges they face with enlistment waivers. They said that waiver approval times can be quite long, particularly for medical waivers and those that require higher approval authority. The Air Force reported an approval time of 24 days for nonmedical waivers and upwards of 4 months for medical waivers (the Air Force medical authority alone has 30 to 45 days to approve a waiver application; the average time for medical waiver approval in the Army DMPM—one step in the process—is about 43 days). An Air Force SME said that the length of the approval process can become an issue if the recruiter does not properly manage applicant expectations. Medical waivers take additional time because they require exams and document collection. Serious legal incidents also take time, according to a Navy SME, because they require written statements, interviews, legal documents, and CO approval. An Army SME mentioned that, in some cases, recruiters avoid waiver submissions because it can be easier to pursue a different recruit than to complete the entire waiver process.

Marine Corps Recruiting Command (MCRC) highlighted another challenge—the differences between DoD waiver and Service ETP policies. In the case of medical waivers, the DoD process often mandates medical examinations and screenings that the Service finds unnecessary. An example provided was a high school football player with scrapes on his forearms, elbows, and knees—this applicant likely would be required to have an orthopedic consultation as well as a psychological evaluation to ensure that there was no self-harm. Cases such as this can result in either temporary or permanent disqualifications, often necessitating a medical waiver. MCRC indicated that unnecessary consultations and waivers are challenging for recruiters and costly to the recruiting operation. Thus, MCRC's primary medical challenge is working within DoD policies that do not provide it with the discretion it finds necessary to operate most effectively.

Successes

Despite the challenges posed by the waiver approval process, when asked, Service SMEs said that they have experienced a number of successes. With the dependency ETP and tattoo eligibility determination changes they have made, Navy SMEs said that they have been able to open the aperture a bit, issue more waivers, and bring in a greater number of quality contracts. Similarly, an Air Force SME mentioned that an internal review found that those accessing with moral waivers were doing just as well as those without waivers. In addition, in response to trends in drug use among American youth, the Air Force is considering relaxing its stance on prior marijuana use. In recent years, for all waivers, Air Force and Marine Corps recruiting commands deescalated the waiver approval authority down the chain of command. SMEs from both services reported that this streamlined and simplified the approval process (and enabled trust, according to MCRC) with no discernible consequences. Also, since the 2008 policy change, AP has been able to provide a consistent waiver report, by type.

SME recommendations

We asked SMEs if they had any waiver approval process recommendations. USAREC SMEs mentioned value in reevaluating the minimum fine that constitutes a higher level misconduct waiver review. The 2008 policy change set the cutoff at \$500, stating that anything above that required further review. However, minimum fines have risen substantially over the past 11 years. SMEs said that, in some states and cases, the minimum fine for a court engagement now can start at \$2,000. The growth in fines means that many small incidents—which do not violate conduct policy, in spirit—now require in-depth waiver reviews.

Waiver reporting

Policies and practices

As mentioned, the 2008 policy change affected DoD waiver reporting requirements. The Services must report the DoD waivers granted, by type, to AP on a quarterly basis, and break down misconduct into 300-level (misconduct) and 400-level (major misconduct) offenses [4]. The Services also have Service waiver reporting requirements that track the total number of ETPs issued but does not report these counts to DoD. Both Army and Air Force SMEs said that they generate monthly reports for their respective Services.⁹

We asked Service SMEs about their experiences with waiver reporting after DoD waivers were introduced. SMEs said that, although the way they report waivers to DoD changed, there were no other substantive changes resulting from the policy. For example, Service ETPs did not change, other than to be called ETPs instead of waivers.

Challenges

SMEs suggest that the terms *waiver* and *ETP* have created confusion in the Services and have affected the accuracy of reported waiver counts. For instance, Marine Corps policy establishes guidance on allowable height and weight of recruits. DoD policy does not restrict a recruit's height or weight, so someone heavier than the Marine Corps standards would not require a DoD medical waiver to access but would require a Service ETP. Because the Marine Corps called this a medical waiver before the 2008 policy change and the use of the term *ETP*, many Marine Corps-specific ETPs still are being counted and reported as waivers in data sent to AP. As a result, AP's quarterly waiver reports likely include artificially inflated numbers of Marine Corps medical waivers (creating the illusion that Marine Corps accessions have more medical issues than they actually do). AP is aware of this and is working the issue with the Marine Corps.

⁹ We suspect that the Navy and Marine Corps have similar internal reporting requirements.

SMEs mentioned that the inconsistency of felony definitions across states creates additional reporting difficulties. Although the Services have created “workarounds” and treat major misconduct events on a case-by-case basis, it contributes a layer of complexity to the reporting process. The Army also has struggled with identifying and reporting felony convictions for new recruits. Through its system, many juvenile convictions come up as adult convictions, requiring additional work to determine misconduct timing. Also, the Army expressed concern that a recruit who was charged but not convicted of major misconduct should not be subject to the same degree of scrutiny as those who ultimately were convicted. In response, AP altered the reporting requirements in May 2019 and now asks the Services to separately report major misconduct and “major misconduct assessment” (i.e., charged but not convicted).

SMEs from the Air Force, Navy, and Army indicated varying degrees of increased workload as a result of the change in waiver reporting requirements. The new reporting format initially created an additional burden on those creating waiver reports, but, with time, the Services adapted and streamlined the process.

SME recommendations

Procedurally, waiver data often are stored on disparate systems. According to an Army SME, the establishment of a single, unified system (e.g., with Army Recruiting Information Support System (ARISS), MEPS, and Military Entrance Processing Command (MEPCOM) Integrated Resource System (MIRS)) would greatly improve the tracking and reporting process.

Waivers in service

Next, we discussed with SMEs how they manage waived recruits in service. To ascertain Service insights on decreasing the behavioral risk imposed by waived recruits, we asked, first, whether the Services know that a recruit enlisted with a waiver and, second, whether particular types of recruits are more responsive to counseling or rehabilitation. The Air Force and Marine Corps weighed in and provided similar answers. They indicated that, although waiver information technically may be available, commanders do not usually seek it out and, thus, essentially are unaware of their Service members’ waiver statuses. They claimed that leaders would have to make a concerted effort to uncover this information, and most simply do not bother. A Marine Corps Recruit Depot SME provided a philosophical perspective:

Waivers are contained in the enlistment/service records and are accessible to training personnel. However, we typically do not look at that information. Our philosophy is rooted in the principle that we train everyone who arrives on the yellow footprints. Their past (waivers) is irrelevant. The fact that they arrived means that they are qualified for enlistment; therefore, it is our duty to train them.

With respect to whether particular types of waived recruits respond well to counseling or rehabilitation, Marine Corps SMEs stressed that recruits are byproducts of their personal backgrounds, environments, and life experiences. How they respond to external stimuli depends on their psychological and emotional disposition, not on the type of waiver with which they accessed. Similarly, our Air Force SME explained that all nonmedical waived recruits have the potential to be rehabilitated; no one group is more responsive to such efforts. Since commanders do not consult Service members' records to determine who accessed with a waiver (or with which type of waiver), it is not surprising that none of our SMEs perceived a difference in receptiveness to counseling or remediation by waiver type.

SME and literature recommendations

We asked SMEs what could be done to improve waived recruits' chances of success. As above, SMEs said that the most important factor is that their commanders not know that they have a waiver (i.e., for waiver records to be hidden from commands). Labeling recruits may expose them to differential and potentially adverse treatment from their superiors. At the same time, there is value in tracking waived recruits' outcomes for research purposes. An SME suggested surveying commanders about waived members they previously oversaw to provide insight into unexpected challenges that waived recruits faced.

Prior CNA research shows that recidivism rates are high—and highly interrelated—for destructive behaviors (substance use, suicide, domestic violence, and suicide) [18]. As such, there may be value in knowing of initial drug or misconduct offenses to prevent reoffense, or in not giving a second chance altogether. But, the likelihood of crime recidivism falls over time [19] and falls further—by around 22 percent—if the prior-offender secures employment [20-21]. This reduction holds for nonviolent crimes, but not violent crimes, for prior offenders who join the military [22].

Entry-Level Separations

Next, we turn to entry-level separations. In this section, we describe the separation authority and process and characterizations of service for all separations. Then, we focus on entry-level separations by describing entry-level status (ELS), separation reasons frequently used during ELS, Service opinions on extending ELS, and risk factors for early separation.

Separation authority and process

Guided by the overarching DoD policy, each Service has its own policy for enlisted administrative separations. Each Service's separation authority is commanders with special-court-martial convening authority [23-27]. Whereas early separation is a lost investment requiring increased accessions, retaining those who will not or cannot conform to required standards of conduct, discipline, and performance creates high costs in terms of substandard performance, administrative efforts, pay, and morale degradation. Because both situations inefficiently use limited resources, DoD and Service policy requires that a reasonable and timely effort be made to identify those who exhibit a likelihood for early separation. The next step is either (a) to improve their retention chances through counseling, retraining, and rehabilitation or (b) to promptly separate those who do not demonstrate potential for further service.

DoDI 1332.14 sets forth the following factors to be considered in separation decisions:

- Seriousness of circumstances and effect of retention on discipline, order, and morale
- Likelihood of recurrence
- Likelihood of being disruptive or an undesirable influence
- Ability to perform duties effectively, including potential for advancement or leadership
- Rehabilitative potential
- Entire military record

According to DoDI 1332.14, the process to separate members includes formally counseling and affording the opportunity to overcome deficiencies for those with certain separation reasons. For members not able to overcome their deficiencies or who do not require counseling, the process proceeds with initiating the notification or administrative board procedures.

Next, we describe the counseling, notification, and administrative board procedures.

Counseling and rehabilitation efforts

Per DoDI 1332.14, because a substantial investment is made in enlistee training, counseling and rehabilitation efforts are a prerequisite to initiation of separation proceedings for the following separation reasons:

- Entry-level performance and conduct (ELPC) (during ELS)
- Unsatisfactory performance (after ELS)
- Misconduct (minor disciplinary infractions, pattern of misconduct) (mostly after ELS)
- Reasons established by the military departments
- Weight control failure

Each reason that requires rehabilitation is behavioral (performance or conduct) rather than medical (CnD or disability). The major ones that need to be rehabilitated during and after ELS are ELPC and misconduct, respectively. The other separation reasons, including unsatisfactory performance, are not frequently used.

According to DoDI 1332.14, for these separation reasons,

separation processing may not be initiated until the enlisted Service member has been formally counseled concerning those deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

Unless separation is mandatory, the potential for rehabilitation and further useful military service will be considered by the separation authority and, where applicable, the administrative board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized.

We asked SMEs if they conduct counseling before initiating separation processing. SME discussions revealed that the Marine Corps does, and the Air Force does in technical school, but does not in Basic Military Training (BMT).¹⁰ Air Force SMEs said that they understand why remediation is required (i.e., to correct someone's behavior) and that, in some cases, the Air Force will remediate in BMT for the Office of the Secretary of Defense's (OSD's) annual compliance review. However, the Air Force believes that it is unreasonable to attempt to counsel and remediate those with severe adjustment disorders (which could fall under ELPC (failure to adapt) and require remediation, or CnD and not require remediation) in the first week of BMT, given the hundreds of recruits separated for this reason in their first three weeks each year.

¹⁰ We did not receive responses from the Army and Navy.

We asked the Services which conditions they are supposed to remediate. The Air Force said nonmedical reasons, such as erroneous/fraudulent entry (which is not true) and ELPC (failure to adapt) (which is true), and believes that all nonmedical cases have rehabilitation potential.

Per Marine Corps policy, rehabilitation efforts must include and document the following:

- 1) Written notification of deficiencies
- 2) Specific recommendations for corrective action, indicating any assistance available
- 3) Explanation of consequences of failure to successfully take recommended actions
- 4) Reasonable opportunity for the Marine to undertake recommended actions

Marine Corps policy leaves “reasonable opportunity” to CO discretion and states the following requirement:

The commanding officer must also determine, on a case-by-case basis, whether the Marine has effectively overcome the noted deficiencies after the counseling and page 11 entry have been made. There are no requirements for subsequent imposition of NJP or other administrative or judicial actions as a prerequisite for separation proceedings. There must be some evidence in the administrative separation proceedings, however, indicating the Marine has not overcome the noted deficiencies. A Marine being processed for separation under one of the bases requiring counseling under paragraph 6105 may only be processed if the counseling entry reasonably relates to the specific basis for separation ultimately recommended. [25]

Notification procedure

Once it has been determined that a recruit or member who exhibits the likelihood for early separation will not overcome his or her deficiencies, or for recruits or members being separated for reasons that do not require counseling, a separation processing recommendation comes from one of a variety of sources, such as medical, training departments, or legal. The separation authority determines whether there is sufficient evidence for separation and recommends retention, separation for a specific reason, or suspended separation.¹¹ The separation authority forwards the recommendation and supporting documents to the legal office, and separation processing begins. Separation processing includes the notification procedure—notifying the recruit of the potential separation and affording the recruit an

¹¹ A separation may be suspended for no more than 12 months by a separation or higher authority if circumstances indicate a reasonable likelihood of rehabilitation. During the suspension period, the member will be afforded an opportunity to meet appropriate conduct, disciplinary, and performance standards [23].

opportunity to exercise applicable rights.¹² The recommendation and supporting documents then go for final review and determination. If separation is approved and no waivers apply, the package is forwarded for separation orders, travel arrangements, and pay closeout. The recruit or member is briefed on the final determination, is issued and signs a DD214, and departs.

We asked the Services what the processing differences were during and after ELS. The Navy said that the administrative separation process is the same during and after ELS, with one exception. The separation process after ELS also includes a discussion of additional benefits afforded to veterans. The Air Force also said that processing is the same for those during and after ELS but that the discharge authority makes the final decision, with legal providing guidance on what it believes the characterization should be. The Air Force SME said that, for those with a series of disciplinary infractions, if they do not want them to reenter the Service later, they will give them a less-than-honorable characterization.

In accordance with DoDI 1332.14, the Services must ensure that members being separated with an Other-than-Honorable (OTH) discharge are informed, in writing, that they may petition the VA for certain benefits, despite their service characterization.

Administrative board

Per DoDI 1332.14, an administrative board could occur for the following separation reasons:

- Fraudulent entry
- Misconduct
- Unsatisfactory participation in the Ready Reserve
- Secretary plenary authority

Characterizations of service

As Table 7 lists, there are six types of administrative separations—three characterized and three uncharacterized [23]—and two types of punitive separations (awarded by court-martial) [28].

¹² This includes the basis for separation, characterization of service, the respondent's right to obtain documents, submit statements, consult with counsel, and to request an administrative board action if he or she served for more than six years of service. The respondent is to be provided at least 2 days to act on the notice.

Table 7. Characterizations of discharge

Administrative separations (DoDI 1332.14)	
A. Characterized	B. Uncharacterized
1. Honorable	1. Entry-Level Separation
2. General (Under Honorable Conditions (UHC))	2. Void Enlistments or Inductions
3. Under Other-than-Honorable (OTH) Conditions	3. Dropping from Rolls
Punitive separations (awarded by Court-Martial) (32 CFR § 724.111)	
1. Bad conduct	2. Dishonorable

Source: [23].

Per DoDI 1332.14 [23], uncharacterized entry-level separation is used when “the separation process is initiated while an enlisted Service member is in entry-level status,” except when:

- OTH is clearly warranted, and authorized under the separation reason, such as in the following cases:
 - Fraudulent entry
 - Misconduct
 - In lieu of trial by court-martial
- Honorable clearly is warranted, as determined by a Service Secretary, for unusual military duty, for one of the following:
 - Selected changes in service obligation
 - Convenience of the government
 - Disability
 - Secretarial plenary authority
 - Approved reasons established by military departments

A Navy SME concurred that, except when an OTH or Honorable discharge is clearly warranted, entry-level separation is used and service is uncharacterized when a recruit is separated within the first 180 days of service, computed from enlistment to date of notification [26].

Figure 2 shows that, although the majority of separations receive Honorable discharges, uncharacterized separations have increased since 2013.

For the remainder of the report, we focus on early separations and particularly on uncharacterized entry-level separations whose separation is initiated in ELS.

ELS definition

In accordance with the current DoDI, entry-level status is defined as follows:

The first 180 days of continuous active military service; or

The first 180 days of continuous active service after a service break of more than 92 days of active service. A Service member of a reserve component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a reserve component. Entry-level status for such a Service member of a reserve component terminates: 180 days after beginning training if the Service member is ordered to active duty for training for one continuous period of 180 days or more; or 90 days after the beginning of the second period of active duty training if the Service member is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty.

For the purposes of characterization of service or description of separation, the Service member's status is determined by the date of notification as to the initiation of separation proceedings. [23]

Most enlisted Service members fall in the first part of this definition of ELS. The second part primarily refers to Service members enlisted in the reserve component.

Why ELS is 180 days

We conclude that the establishment of ELS at 180 days in 1982 was based on the accrual of veterans' benefits,¹³ not the length of ELT.¹⁴ The link to veterans' benefits is evidenced by the Army's Trainee Discharge Program (TDP) policy, established in 1973, which explicitly directed the completion of separations before the 180th day of active duty to preclude the accrual of veterans' benefits [29]. We determined that, at least for the Marine Corps (whose historical and current ELT lengths we were able to obtain), the average ELT length in 1984 was longer than 180 days (257 days), and the percentage of enlisted entry-level occupations over 180 days has increased over time (from 70 to 81 percent between 1984 and 2019).

¹³ See Appendix A for a historical review of entry-level separation and entry-level status.

¹⁴ See Appendix B for the percentage of ELT that is longer than 180 days.

Separation reasons frequently used during ELS

Table 8 shows the list of separation reasons. Those in a blue box are frequently used during ELS. Entry-level performance and conduct (ELPC) can only be used during ELS. Unsatisfactory performance can only be used after ELS. All other separation reasons can be used at any time.

Table 8. Separation reasons, including those frequently used during ELS

- | | |
|-------------------------------------|---|
| 1. Expiration of Service Obligation | 6. Entry-Level Performance/Conduct |
| 2. Changes in Service Obligation | 7. Unsatisfactory Performance |
| 3. Convenience of the Government | 8. Drug Abuse Rehabilitation Failure |
| a. Early Release | 9. Alcohol Abuse Rehabilitation Failure |
| b. Hardship | 10. Misconduct |
| c. Pregnancy | a. Minor disciplinary infractions (MDIs) |
| d. Parenthood | b. Pattern of misconduct |
| e. Conscientious Objector | c. Serious offense |
| f. Surviving Family Member | d. Civilian conviction |
| g. Condition, Not a Disability | 11. Separation in Lieu of Trial by Court-Martial |
| 4. Disability | 12. Security |
| 5. Defective Enlistment/Inductions | 13. Unsatisfactory Participation in Ready Reserve |
| a. Minority (Age) | 14. Secretary Plenary Authority |
| b. Erroneous Enlistment | 15. Reasons Established by Military Departments |
| c. Defective Enlistment | 16. Weight Control Failure |
| d. Fraudulent Entry | |
| e. Separation from DEP | |

Source: [23].

Entry-level separation reasons

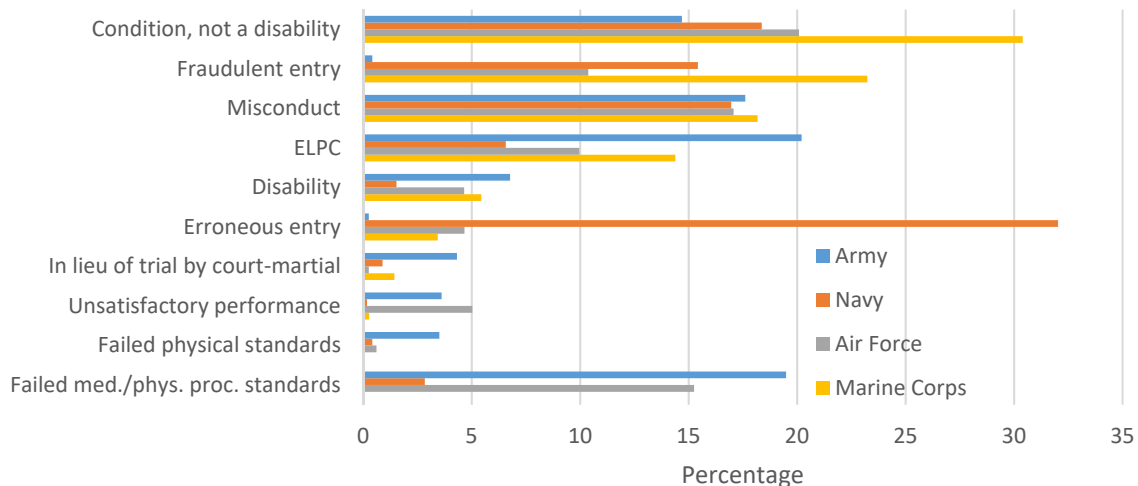
From FY 2005 to 2019, the most common separation reasons in the first 180 days and first 24 months of service were:

- First 180 days of service—CnD, ELPC, erroneous entry, and *disability*
- First 24 months of service—CnD, ELPC, erroneous entry, and *misconduct*

However, there is significant variation in separation reason use across Services. Figure 3 shows that the most commonly used separation reasons in the *first 24 months of service* were:

- Air Force—CnD, misconduct, failed procurement standards, and fraudulent entry
- Army—ELPC, failed procurement standards, misconduct, and CnD
- Navy—Erroneous entry, CnD, misconduct, and fraudulent entry
- Marine Corps—CnD, fraudulent entry, misconduct, and ELPC

Figure 3. Percentage of 24-month discharges who separated for various reasons, FY05–19



Source: DMDC.

Note: We include personality and adjustment disorder in the condition, not a disability (CnD) counts.

Our analysis shows that some separation reasons are being used consistently (i.e., at roughly the same rate) across Services, which suggests that these reasons are clearly defined and that the Services understand how to use them. They are misconduct, disability, in lieu of trial by court-martial, unsatisfactory performance, and failed physical standards. Yet, the remaining separation reasons vary by Service. Looking at the outliers in Figure 3—the Army’s and Air Force’s use of failed procurement standards, the Navy’s use of erroneous entry, and the Marine Corps’ use of CnD—it appears that the Services *may* be using different separation reasons for the same disqualifying condition(s).

To understand why this may be, we examined possible explanations: (1) DoD separation reasons are not clearly defined, (2) the Services have different policies or practices, or (3) different types of applicants (with different types of disqualifying conditions) are drawn to different Services. We cannot rule out (3), but identified that (2) is the likely culprit, which may stem from (1). We found that the Navy has overlapping separation reasons that can be used for disqualifying conditions (i.e., failed procurement standards can be used in place of fraudulent or erroneous entry). We also found that the Marine Corps has overlapping separation reasons that can be used for mental health conditions (adjustment disorder, in particular)—ELPC (failure to adapt) and CnD (see Table 9).

Table 9. Separation reasons with overlapping definitions

For disqualifying conditions in Navy policy	For mental health in Marine Corps policy
Fraudulent entry	ELPC (failure to adapt)
Erroneous entry	CnD
Failed procurement standards	

Sources: [25-26].

We study this further in the next subsections, in which we examine the reasons for which the most commonly used separation reasons *should be* used, and *are* used, during ELS.

Erroneous/fraudulent entry and failed procurement standards

Per DoDI 1332.14, erroneous and fraudulent entry both fall under defective enlistments. Failed procurement standards is not one of the DoD-sanctioned separation reasons. We asked Service SMEs for what reasons they use erroneous entry, fraudulent entry, and failed procurement standards to separate members. The Navy and Marine Corps responded (see Table 10). The DoD definition and Navy and Marine Corps interpretations are consistent in that disqualifying conditions that were known to the recruit and deliberately were concealed at enlistment are fraudulent, while those unknown to the recruit are erroneous. The DoD definition and Navy and Marine Corps interpretations are consistent in that disqualifying conditions that were known to the recruit and deliberately were concealed at enlistment are fraudulent, while those unknown to the recruit are erroneous.

Table 10. Definitions of erroneous/fraudulent entry and failed procurement standard

Disqualifying conditions	Erroneous entry	Fraudulent entry	Failed proc. standards
<i>DoD:</i> Enlistment	(a) Would not have occurred if relevant facts had been known by Service or directives had been followed (b) Not result of fraudulent conduct (c) Defect unchanged in material respects	Is the result of deliberate material misrepresentation, omission, or concealment that, if known at enlistment, might have resulted in rejection	
<i>Marine Corps:</i> Items/conditions that are disqualifying for enlistment that were	Unknown to recruit ^a	Known to recruit but not disclosed during enlistment ^b	Does not use this code
<i>Navy:</i> Any disorder, physical, mental, administrative, or other condition that prevents the full ability to serve that was	Unknown to recruit and Service prior to bootcamp	Known to recruit and concealed by him or her prior to bootcamp, unknown to Service	No qualifications
Characterization of discharge	Honorable unless entry-level separation or void enlistment is required	Other-than-Honorable (OTH) if concealing prior OTH characterization ^c	

Source: [25-26].

^a E.g., a congenital heart defect never diagnosed prior to enlistment, but diagnosed at recruit training.

^b E.g., criminal offenses, drug/alcohol use, and undisclosed dependents.

^c Separation processing is not required if the defect is no longer present or a waiver is obtained.

The definitions in Table 10, however, overlap. Each of the Navy's disqualifying condition definitions begins with "Any disorder, physical, mental, administrative, or other condition that prevents their full ability to serve that was" and ends with either "unknown to the service and recruit" (erroneous), "unknown to the service, but known to the recruit" (fraudulent), or no qualifications (failed procurement standards). Because of this, it appears that Services that allow use of the failed procurement standards separation reason can use it instead of performing additional work to identify errors or fraud in the contract.

Reviewing the percentage of 24-month discharges who separated for various reasons from FY 2005 to FY 2019, we observe that all Services except the Marine Corps use failed procurement

standards; the Marine Corps said that this separation reason “does not apply to them” (see Table 11, which contains the same information as in Figure 3). Using failed procurement standards exclusively for disqualifying conditions rather than identifying fraud or errors in its contracts may not be the policy intention, but the incentive exists, and it appears that the Army is using it in this way. The Navy primarily uses erroneous entry for disqualifying conditions—at double the rate of the next closest Service (the Marine Corps). The Air Force told us that it uses failed procurement standards, which we confirmed in the data, but it also uses erroneous and fraudulent entry, suggesting that it is using separation reasons as intended (taking the time to decipher when and how disqualifying conditions arose). The Marine Corps uses fraudulent entry and CnD at higher rates than the other Services, suggesting that it takes the time to identify fraud and is averse to risk of mental health incidents.

Table 11. Percentage of 24-month discharges who separated for various reasons, FY05–19

Separation reasons	Army	Navy	Air Force	Marine Corps
Disqualifying conditions				
Fraudulent entry	0	15	10	23
Erroneous entry	0	32	5	3
Failed procurement standards	19	3	15	0
Less suitable to serve (e.g., mental health)				
Condition, not a disability ^a	15	18	20	30
ELPC (e.g., failure to adapt)	20	7	10	14

Source: DMDC.

^a We include personality and adjustment disorder in the counts for condition, not a disability.

ELPC

According to DoDI 1332.14, ELPC is to be used in ELS when an enlisted Service member is unqualified for further military service by reason of unsatisfactory performance, conduct, or both.¹⁵ Evidence of an enlisted Service member being unqualified includes lack of capability, lack of reasonable effort, failure to adapt to the military environment, or minor disciplinary infractions. Entry-level separation is to be used as the characterization of discharge.

¹⁵ When separation of an enlisted member in ELS is warranted by unsatisfactory performance, minor disciplinary infractions, or both, the enlisted member normally should be processed for ELPC. However, ELS does not preclude separation under another basis for separation authorized by this issuance when such separation is warranted by the circumstances of the case. After ELS, *unsatisfactory performance* and *misconduct*, respectively, are to be used when an enlisted member is unqualified for further military service by reason of unsatisfactory performance or a pattern of misconduct, commission of a serious offense, or a civilian conviction, respectively [23].

We asked Service SMEs for what reasons they use ELPC to separate members. The Navy and Marine Corps responded. A Navy SME said that it uses ELPC for failures of any type of academic or physical training. A Marine Corps SME provided us policy definitions of when to use lack of capability, lack of reasonable effort, failure to adapt to the military environment, or minor disciplinary infractions (see Table 12).

Table 12. Marine Corps definitions of reasons to use ELPC

ELPC reasons	Definitions
Incapability ^a	Morally, physically, or mentally unable to meet the demands of training
Lack of reasonable effort ^b	Appears to have capability, but unwilling to put forth effort necessary to complete training
Failure to adapt	Appears to have capability and be putting forth reasonable effort, but unable to tolerate emotional demands and fail to adapt to military
Minor disciplinary infractions	Appears to have capability, but refuses to obey instructions or becomes resentful

Source: [30].

^a Recruits are afforded the opportunity to improve their physical capability by assignment to the conditioning platoon but either are unable to complete the process or, when complete, were unable to keep up with their platoon upon return to training. A small number of recruits in this category are unable to assimilate the instruction given to them by their leaders and fail academic testing or qualification with the service rifle.

^b Many recruits who experience minor physical or mental difficulties have the capacity to overcome them. However, when informed that they are going to be set back or recycled to afford them the opportunity to overcome their deficiencies, they either give up or refuse to train.

An excerpt from Depot Orders 1510.32A and 1510.6G discusses Marine Corps recruits in the failure-to-adapt category:

[They] may have been evaluated by [mental health] as having an adjustment disorder. In these cases, battalion commanders will determine—based on the recruit’s behavior—whether to recommend processing the recruit under the basis of ELPC or under Convenience of the Government (COG). Adjustment disorder is a condition covered under COG and is not, itself, a condition under ELPC. [30]

We find that Service guidance is largely consistent with DoD policy, except that DoD may want to examine whether the Marine Corps needs to update its failure-to-adapt guidance so that all recruits with adjustment disorder are separated under CnD instead of leaving it to commander discretion to separate via ELPC or CnD, or if OSD wants to update DoD policy. Currently, DoDI 1332.14 ELPC and CnD policy say that nothing precludes a recruit with a condition from being separated under any other reason.

Condition, not a disability

CnD has been one of the most commonly used separation reasons during ELS and in the first 24 months of service for the last 15 years.¹⁶ Over the last 5 years, there has been growth in uncharacterized discharge shares, with CnD responsible for roughly one-third of that growth. The Navy had the highest rate and growth in uncharacterized discharges, followed by the Marine Corps, then the Army. The Air Force had the lowest rate and growth.¹⁷

In this subsection, we answer the following questions:

- For what conditions should CnD be used, and is CnD used, to separate members?
- How should conditions be filtered into the Disability Evaluation System (DES) and administrative separation (AdSep) processes?
- Was there CnD misuse, and what caused it?
- Why is CnD use increasing?
- What CnD or DES policy issues remain?

For what conditions should CnD be used to separate members?

DoDI 1332.14, Change 4, states that *Conditions and Circumstances not Constituting a Physical Disability* should be used for conditions and circumstances not constituting a physical disability that interfere with assignment to, or performance of, duty. This includes personality disorder and gender dysphoria, or other mental disorders not constituting physical disabilities, diagnosed by authorized mental health providers who conclude that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired. The characterization of service is Honorable, unless entry-level separation is required or General (UHC) is warranted.

For what conditions is CnD used to separate members?

A Navy SME said that it uses CnD primarily for adjustment disorders, but that it can be used for any medical/psychological condition that did not exist prior to service or that is not a disability. Likewise, the Marine Corps said that it uses CnD primarily for mental health conditions, such

¹⁶ In basic military training (BMT) and technical training attrition statistics from FY 2014 to FY 2018 that the Air Force provided us, CnD accounted for 25 to 30 percent of Air Force BMT and technical training separations. CnD and erroneous entry, when paired with fraudulent entry, accounted for 90 percent of BMT attrition. When paired with ELPC, they accounted for 75 percent of technical training attrition.

¹⁷ Based on DMDC statistics produced for OEPM just prior to this study commencing, CnD growth accounts for one-third of FY 2017 uncharacterized discharge growth (roughly 2,000 of 6,000) [31]. Uncharacterized discharge percentages in 2018 were 20, 11, 11, and 7 percent in the Navy, Army, Marine Corps, and Air Force, respectively [31]. This includes FY 2017 growth of 8, 1, 3, and 1 percentage point, respectively, and FY 2014 to FY 2018 growth of 10, 4, 5, and 2 percentage points, respectively.

as adjustment disorder (with depressed mood or disturbance of mood and conduct), failure to adapt, expressions of self-harm (suicide ideation), and rarely Borderline Personality Disorders, but that it can be used for any condition that precludes continued service yet is not deemed a disability. The Air Force said that CnD picks up all nondisability mental disorders, of which 99.9 percent are adjustment disorder (anxiety, depression, or both).

The Air Force said that adjustment disorder normally presents as recruits who cannot adapt to being yelled at or to time away from home. The Air Force SME said that the process typically unfolds as a DI sending a recruit to mental health, where the recruit only has to “say the right thing” to be discharged (without any rehab), *whereas failure to adapt (under ELPC) requires proof of rehabilitation*. This is one reason why we may see CnD increasing more than ELPC as mental health concerns rise (to prevent having to take the time to counsel on deficiencies and allow remediation time). Air Force SMEs believe that word spreads quickly that the “easy way out is to go to mental health and tell them you can’t cope” (via Service-connected or preexisting/aggravated anxiety or depression). If it was something from a recruit’s past that was not divulged, the separation reason then would be fraudulent.

The Marine Corps said that it has only seen a handful of physical disorders that are CnDs (e.g., enuresis and sleep-walking), and no separations for transgender or gender dysphoria. An example it provided of a physical condition that uses CnD is mild scoliosis, which is within enlistment standards but causes pain and potential injury when hiking with a pack.

The Marine Corps said that the only significant overlap in separation reasons it has seen is in CnD and fraudulent/erroneous entry. That is, a Marine may begin to exhibit adjustment disorder, go to see a mental health provider, and only then reveal that he or she had and/or was treated for a similar condition prior to enlistment.

We asked SMEs whether CnD is being used as a catchall. The Air Force said that it is not, given that “99.9 percent” are used for adjustment disorder. The Marine Corps concurred that it is not.

We asked SMEs whether they would consider the mental health conditions they are seeing to be service connected, aggravated, or preexisting. A Marine Corps SME said the following:

If they are service-connected and aggravated, ratable disabilities, they would qualify for a Physical Evaluation Board [PEB]. However, the CnDs, such as adjustment disorder, are often triggered by the stress of training, so could be considered service-aggravated. Some of these mental health conditions clearly pre-existed service.

We also asked if mental health conditions need to be service-connected/aggravated for a Service to grant a characterized discharge if the recruit has been in service less than 180 days. The Marine Corps said that:

Whether service-connected or not, if it's under 180 days, they will likely get an uncharacterized discharge. However, if there's documented misconduct in the Marine's [personnel file], then the discharge would be characterized (usually General (UHC), per the MARCORSEPMAN.

The Marine Corps said that even CnDs can be General (UHC) if there is documented misconduct.

In our final question, we asked SMEs if there is a prevailing sense of not wanting to take a chance on those who might commit destructive behaviors (e.g., suicide, sexual assault, substance abuse, or domestic violence), when that started happening, and whether there was a triggering event.

The Air Force said that, ever since the Sutherland shooting in 2017,¹⁸ it does not envision ever taking a chance again on mental health issues. It does not see any type of waiver approved right now for those with suicidal ideations, anxiety, or depression.

The Marine Corps mentioned the DI hazing that led to a recruit suicide in 2016 [33]:

Unequivocally, there is an overarching aversion to risk regarding suicide. Once an individual expresses thoughts of self-harm, it is rare that the individual is returned to training.

This has always been the case; however, the death of a recruit after being cleared to return to training by mental health professionals, has only increased the aversion to risk.

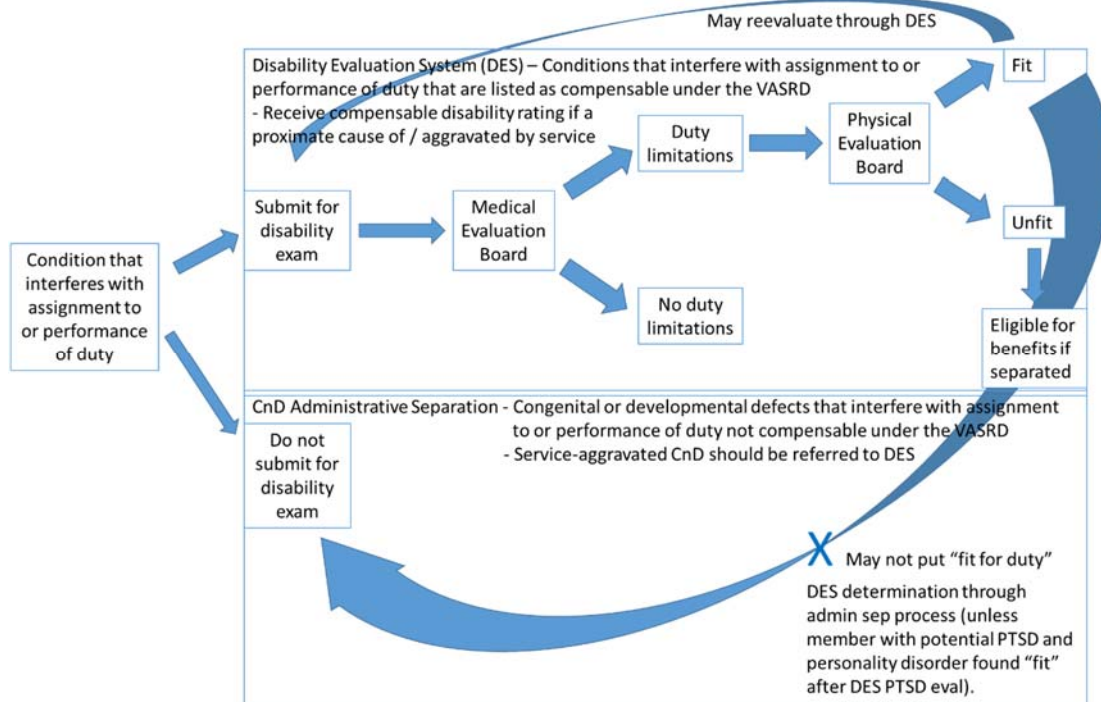
As a general rule, commanders defer to competent medical authorities for mental health issues. If there is evidence of criminal behavior, the Marine is processed for misconduct according to regulations.

How should conditions be filtered into DES or AdSep processes?

Figure 4 shows how conditions that interfere with assignment to, or performance of, duty should be filtered into AdSep [23] or DES [34-35] processes. The figure describes how conditions have been filtered from 1976 to the present.

¹⁸ Air Force BMT at Joint Base San Antonio-Lackland mentioned the troubled former Airman who shot and killed 26 at a church in Sutherland Springs, Texas, in 2017 [32].

Figure 4. How conditions should be filtered into DES and AdSep processes, based on DoD policy



Source: CNA generated based on [23, 34-35].

Since 1976, DoD policy consistently has stated that conditions that interfere with assignment to, or performance of, duty that are listed as compensable under the Veterans Affairs Schedule for Rating Disabilities (VASRD) are to be processed through the DES [36].

However, since 1976, DoD policy for conditions that interfere with assignment to, or performance of, duty not amounting to disabilities has changed numerous times. Per Department of Defense Directive (DoDD) 1332.14, beginning in 1976, members with *conditions not amounting to disabilities* (e.g., personality disorder, alcohol abuse, homosexuality, unsanitary habits, financial irresponsibility, apathy, or inaptitude) were to be separated using the AdSep reason, "unsuitability" [36].

CnD has been in use since 1982, when DoDD 1332.14 with Change 4 required members with *other designated physical or mental conditions not amounting to physical disabilities* (including, but not limited to, "chronic seasickness or airsickness, enuresis, and personality disorder") to be separated using the AdSep reason, "condition, not a disability" [37].

The subsequent changes were to how conditions that interfere with assignment to, or performance of, duty were referenced and to the specific examples listed. Beginning in 1996, per DoDI 1332.38, these members were referred to as those with *developmental conditions/defects not amounting to physical disabilities*, the policy specified 17 developmental conditions/defects that were not ratable in the absence of an underlying ratable causative disorder (e.g., personality disorder, adjustment disorder, homosexuality, gender/identity disorder, phobias, ADHD, or obesity), and the AdSep reason was still CnD [34].

Beginning in 2011, per DoDI 1332.14 with Change 3, conditions were no longer limited to the 17 developmental conditions/defects listed in DoDI 1332.38 [38]. Beginning in January 2014, per DoDI 1332.14, conditions were called *conditions and circumstances that did not constitute physical disabilities* [39]. Beginning in August 2014, conditions were called *congenital or developmental defects* (per DoDI 1332.14 [40]), references to the 17 specific developmental conditions/defects were removed (DES DoDI 1332.18 [35] incorporated/canceled DoDI 1332.38 [34]), and members with congenital or developmental defects were not to be referred to the DES; they were to be separated using CnD, but only if their congenital or developmental defects were NOT listed as compensable under the VASRD.

Beginning in 2018, per DoDI 1332.14 with Change 3, service-aggravated congenital or developmental defects NOT listed as compensable under VASRD could be referred to the DES and required proper International Classification of Diseases (ICD) code documentation [41].

Was there CnD misuse?

In 2010, a congressional investigation found that the Army used personality disorder to separate those with Post-Traumatic Stress Disorder (PTSD) without disability compensation [42]. DoD policy prevented this in 2014 by allowing personality disorder to be used on those with PTSD only if they were found “fit for duty” from a DES evaluation [40].

In 2013, *Military Times* reported that Navy medical misused CnD on medical conditions that should have been screened through DES [42]. We asked the Services whether the DES and AdSep processes were being incorrectly used. The Navy Bureau of Medicine and Surgery (BUMED) concurred that they were. BUMED said that the CnD process prior to 2013 was administered very quickly without clear oversight, and that CnD was, indeed, used to avoid DES referrals. In 2014, according to BUMED, it conducted an informal study in which CnD separations from FY 2009 were compared to Department of Veterans Affairs (VA) disability data, and the results showed that a large number of CnD separations subsequently applied for VA disability benefits and were awarded high percentages of disability. That confirms that CnD was misused on medical conditions that should have been screened through DES. In 2014, DoD policy clarified that CnD will not be referred to the DES [40]; in 2018, DoD policy further clarified that *service-aggravated CnD will be referred to the DES*.

That same 2013 *Military Times* article reported that Navy medical misused CnD on those found “fit for duty” through DES [42]. In 2014, DoD policy prevented this by disallowing AdSep use for the same condition for which the DES process failed (i.e., double jeopardy—a person cannot be tried for the same charge twice) [40]. In addition, that article quoted the Navy Surgeon General’s statement that “Navy physicians face a ‘conundrum’ when patients have conditions that prevent return to full duty and yet doctors can’t find an effective treatment or even confirm a condition” [42]. In 2014, DoD policy clarified CnD policy by removing mention of 17 specific CnD conditions and defining “conditions and circumstances” as “congenital or developmental defects,” and “not constituting a physical disability” as “not compensable under VASRD” [40].

What caused CnD misuse?

We asked the Services what they believed caused incorrect use of DES versus AdSep processes, and how incorrect use could be corrected. BUMED said that lack of policy and oversight were the causes. In particular, as previously mentioned, BUMED said that the CnD process prior to 2013 was administered very quickly, without clear oversight, and that CnD was, indeed, used to avoid DES referrals.

Currently, DoD policy does not provide mutually exhaustive options for conditions that interfere with duty. DoD policy states that conditions that interfere with assignment to, or performance of, duty that are:

- Listed as compensable under VASRD → DES
- Congenital or developmental defects NOT listed as compensable under VASRD → CnD

These two categories, however, are not mutually exhaustive. There appears to be an absent third category that is not specified in DoD policy and, thus, is without guidance on whether it should be filtered into DES or CnD. That third category follows:

- Not congenital or developmental defects NOT listed as compensable under VASRD

If, as we assert, DoD policy is not mutually exhaustive, it makes sense that the Assistant Secretary of the Navy, Manpower & Reserve Affairs (ASN M&RA), made it so with the following 2018 policy change [43] to allay the confusion that existed since 2013:

Conditions that interfere with assignment to or performance of duty that are:

- Listed as compensable under VASRD → DES
- NOT listed as compensable under VASRD → CnD [41]

This lack of policy and oversight drove BUMED, in coordination with ASN M&RA, to draft new policy for separation with conditions not amounting to a disability. The 2018 policy change directs that all recommendations for CnD AdSep be reviewed by a Medical Evaluation Board

(MEB). Flag Level review is required for members who have deployed or served more than four years. BUMED has developed a CnD Module in the Sailor and Marine Tracking System (SMART) to standardize and optimize this process. Note that, after the 2018 ASN M&RA policy change, Navy CnD use began to fall.

We also asked BUMED whether it considers “congenital or developmental defects” to be equivalent to conditions “not compensable under VASRD.” From our reading of the DES policy, it appeared that conditions that interfere with assignment to, or performance of, duty have to be both “congenital or developmental defects” and “not compensable under VASRD” to get a CnD AdSep. BUMED said that if the “congenital or developmental” condition does not rise to the level of disability and is not listed in the VASRD, it is not ratable and is considered a “Condition Not Amounting to a Disability.” It said that, if the condition is neither congenital nor developmental and does not rise to the level of disability and is not ratable according to the VASRD, this condition also could be considered for CnD AdSep. Adjustment disorder, patellofemoral syndrome, and congenital femoral acetabular impingement are some conditions for which CnD AdSep has been recommended.

Therefore, to interpret BUMED and ASN M&RA policy, if the condition does not rise to the level of disability and is not ratable according to the VASRD, it can be considered for CnD.

Why is CnD use increasing?

CnD use increased for the Navy from 2013 to 2018, for the Army from 2015 to 2018, and for the Air Force in 2018 and 2019. CnD use fell as ELPC use increased for the Marine Corps since 2013, but its uncharacterized discharges also have increased since 2013.

CnD use is likely affected by the following reasons, which we expound on below:

1. CnD and ELPC are proxies for unsuitability, which increases as unemployment falls (all Services)
2. CnD does not require counseling, whereas ELPC (failure to adapt) does (all Services)
3. Reaction to/for prevention of future mental health incidents (Marine Corps, Air Force)
4. Now using CnD instead of five separate reasons to avoid stigma (Air Force)
5. Service policy not updated to be consistent with DoD policy (Army)

The Navy’s CnD increase from 5 to 20 percent from 2013 to 2019 happened concurrently with an ELPC increase from 5 to 30 percent and a decline in erroneous entry over that time. The Army’s CnD increase from 5 to 15 percent from 2016 to 2018 happened concurrently with an ELPC decline from 50 to 30 percent.

The main reason why the Navy’s and Army’s CnD use (and the Marine Corps’ ELPC use) has increased since 2013 and 2016, respectively, is likely because the unemployment rate fell. Those less suitable to serve typically are separated through CnD (which replaced unsuitability)

or ELPC (e.g., failure to adapt) separations because they are not injured (disability cannot be used) and their enlistments were not defective (erroneous/fraudulent entry cannot be used). Deducing from what we know from prior research, use of Navy and Army CnD and of Marine Corps ELPC likely has increased over the last 3 to 5 years because the unemployment rate has fallen, waiver rates have increased, the percentage of accessions who are less suitable to serve has increased, and those who are less suitable to serve are more likely to separate early, which increases early separation rates, a good portion of which are for CnD or ELPC.

In addition, Services whose CnD use increases more than their ELPC (failure to adapt) use as unemployment rises (the Army, Navy, and Air Force) were likely trying to separate those less suitable to serve with ease. This is because CnD does not require counseling, whereas ELPC (failure to adapt) does. Services whose ELPC use increases more than their CnD use as unemployment rises (Marine Corps) were likely trying to abide by DoD policy more strictly.

Over the past decade, the Air Force and Army have been more likely than the other Services to use ELPC than CnD; however, their ELPC use is declining, and their CnD use increasing. In contrast, over the past decade, the Navy and Marine Corps have been more likely to use CnD than ELPC compared to the other Services, but their CnD use is declining (or starting to decline), and their ELPC use is increasing. With the ELPC increase comes an increased requirement to remediate. Because the Navy and Marine Corps are subject to the same ASN M&RA policy, their similar trends are not surprising. Navy CnD use fell (and Marine Corps CnD use continued to fall) after ASN M&RA's policy change in 2018, which fixed loopholes to be stricter than DoD policy. These reactions likely are a result of Service "crackdowns" from public or congressional concern (e.g., the 2013 *Military Times* article, the Sutherland shooting, and a Marine Corps recruit suicide).

The Air Force's CnD increase from 0 to 40 percent from 2017 to 2019 is happening concurrently with a disability increase from 5 to 20 percent and a continual decline of erroneous entry and ELPC. The Air Force's CnD increase likely is occurring because of its reaction to the 2017 Sutherland shooting, which included switching from the use of five codes to putting them all into one code—FV (CnD)—to avoid stigma. The Air Force discontinued using FX (adjustment disorder), FY (personality disorder) and, likely, FT (failed physical standards) and FW (failed procurement standards) that year.¹⁹

¹⁹ This is related to the 2015 Government Accountability Office (GAO) report that examined the Services' separations for nondisability mental conditions [44]. It found that DoD and the Army, Navy, and Marine Corps could not separately identify nondisability mental conditions (e.g., personality disorder) from nondisability physical conditions (e.g., obesity) because both were under CnD. The GAO lauded the Air Force for using five separate CnD codes. The Army believed that using nondisability mental conditions on DD214 might stigmatize

The Marine Corps' CnD decline from 50 to 30 percent from 2011 to 2019 happened concurrently with an ELPC increase from 5 to 50 percent. We argue that the Marine Corps' ELPC increase and CnD decrease likely are occurring to comply with DoD policy and ensure against future mental health incidents occurring as mental health issues rise in the population (punctuated by the Marine Corps' reaction to the recruit suicide in 2016).

Army Service policy, AR 635-200, has not been updated to be consistent with DoD policy [24]. It still uses the 17 developmental conditions/defects that are not physical disabilities that DoD removed from policy in 2014.

What CnD or DES policy issues remain?

It appears that four CnD or DES policy issues remain—two Navy and two Army issues.

First, ASN M&RA has stepped out front to correct the DoD policy gap on CnD at the Service level. OSD may want to follow suit with DoD policy to make it consistent for all Services. ASN M&RA's version does not filter conditions that interfere with duty based on whether they are "congenital or developmental defects," which the DES DoDI directs. But, OSD said that, if the Department of the Navy (DoN) equates "congenital or developmental defects" with conditions "not compensable under VASRD" and can defend that, OSD is satisfied with the Service interpretation. If DoN can defend it, OSD may want to update DoD policy to what ASN M&RA is using, as it simplifies what is clearly a confusing separation reason for the Services. If DoN can defend it, the Navy is not filtering more separations into CnD than it should be, and ASN M&RA should simplify its DES versus AdSep process figure to make it clear that conditions listed as compensable under VASRD should go to the DES, and conditions not listed as compensable under VASRD should be recommended for CnD.

Second, the Navy noted processing time as its primary challenge related to medical retention decisions. Specifically, BUMED SMEs noted that a June 2017 Secretary of Defense (SECDEF) policy memo mandated that all military departments decrease processing time from 295 to 230 days by April 2018, with a further reduction to 180 days by October 2019. There have been multiple initiatives, such as using the electronic MEB Report Navy-wide, and all aim to find efficiencies in the DES process and places where time could be trimmed. That said, they have yet to find a way to fully implement the shorter timelines and noted that doing so likely will require phases to be processed in parallel (as opposed to sequentially); this will require

those who separate with future employers. DoD stated that there are ways to protect members in this regard by providing them with more general discharge papers that do not state specific discharge reasons. GAO recommended that DoD identify a method to track the number of nondisability mental condition separations. DoD concurred with this recommendation, and the Services now use ICD codes to track such conditions, but it did not concur with GAO's recommendation to use separate codes to track this, as the Air Force did.

additional resources and staffing. Thus, achieving the mandated decreases in processing time will not be costless.

Third, the Army still uses the 17 developmental conditions/defects that are not physical disabilities that DoD removed from policy in 2014 [24]. This may be unduly constraining its CnD use.

Fourth, an Army POC noted that—in cases where training accidents occur in ELT—it is not clear that these cases are systematically referred through the DES. For reserve component Soldiers (whether Army Reserve or Army National Guard), if a condition prevents them from completing initial training, they are released from active duty and sent back to their reserve or guard unit with a time window to heal and recuperate; only after that time has passed will they be put back in training. Regular Army Soldiers, however, are not placed with a unit until they have completed all training, so there is no unit responsible for the Soldier's recovery. In addition, the Army told us that ELT sites do not have sufficient capacity to hold Soldiers who need to heal before they can complete basic training or Advanced Individual Training (AIT). Thus, it is not clear how ELS Soldiers released for injuries or medical issues will get the medical attention and care levels needed for effective and timely recuperation. Any extension of ELS will increase the amount of time during which continuity of care concerns will be relevant.

Service opinions on extending ELS and early separation challenges

Service opinions on ELS purpose, intent, and preferred length

We asked the Services what the purpose and intent of ELS was to them.²⁰ The Marine Corps Recruit Depots (MCRDs) noted that, because ELS is a separation without service characterization, its purpose is to separate those who have clearly demonstrated that they are unfit for continued service without penalizing them. One Air Force SME defined the time after ELS as the point at which the Service assumes liability for the member. He described ELS as an Etch-a-Sketch that can erase time in the military and an “easy way to clean the slate for everyone involved,” even allowing the person to reenlist at a later date.

We asked SMEs if there are cases in the first 180 days for which an uncharacterized discharge is not appropriate. One Air Force SME believed that an uncharacterized discharge was not appropriate for sexual assault cases. But he could not think of any cases in the past 5 years in

²⁰ We were not successful in receiving a response from the Navy.

which a member separated with a *characterized* discharge in the first 180 days of service. Typically, cases processed with a characterized discharge are lengthy and extend beyond 180 days.

Relatedly, we asked the Services whether recruit training separations ever exceed 180 days. The Marine Corps said that 97 percent of MCRD separations occur within the first 180 days—54 percent within the first 14 days. The MCRDs stated the following:

Separations that occur after 180 days are virtually always related to injuries/medical conditions resulting in a PEB [Physical Evaluation Board]. This can be due to either an injury sustained late in the training cycle, or multiple injuries that occurred sequentially (e.g., injured, recovered, and returned to training, then suffered another injury, either of the same or a different type).

The Air Force concurred, saying that separations exceeding 180 days involved extenuating circumstances, such as more significant injuries, diseases, or sexual assault investigations.

We asked the Services at what point they have enough information to characterize training failures. One Air Force SME said that, if members are still training at 9 months, their squadron commander should know them well enough to characterize their discharges. Another Air Force SME said that, for most, there is enough information to characterize a discharge in BMT (i.e., within 7 weeks). The MCRDs responded as follows:

[We] have enough information to characterize training failures once a recruit demonstrates the inability or unwillingness to absorb training and perform to standards. Evaluations (objective and subjective) are performed continuously, and recruits are always afforded multiple opportunities for remediation before being considered for recycle or separation.

We asked the Services whether they wanted ELS to be extended, whether they believe it should be driven by time or events, and, if so, to what point. The Marine Corps was internally consistent:

ELS should encompass completion of MOS school based on the [Marine Corps' definition of] ELT. ELS should extend through initial MOS qualification because, until the Marine or Sailor begins to serve in the Fleet, they have basically been housed, fed, and trained. They have not yet contributed in a significant way, so these Service members shouldn't be eligible, absent some significant outliers, for the same honorable discharge that a four-year corporal who fulfilled his [or her] contract would get. The definition of ELT should be event-driven (certification of MOS). It is defined as such in the military justice (Art. 93 as clarified in ALNAV 082/18) and veterans' benefits contexts (38 U.S.C. 3301).

Marine Corps Training Command believed that ELS should be event driven (through the end of MOS certification) because this would expedite the discharge process and not designate

Marines as veterans before they even earn an MOS. The MCRDs said that they were relatively agnostic on the subject and would execute according to established policy, regardless of whether that is 180 days or greater. They noted that, because almost all of their separations that exceed 180 days of service are related to PEBs, the length of service associated with ELS will not have any substantive impact on those separations. However, they posited that it does make sense to associate ELS with a status/condition rather than an arbitrary length of service. They believe that this should encompass the entire ELT (through completion of MOS school), not just a number of days (except for misconduct separations with NJPs/courts-martial).

From the Army's ETP requests, we know that it requested restricting ELS to the end of ELT (if ELT is less than 180 days) or 180 days, whichever comes first (1999); extending ELS to the end of ELT (2008); and extending ELS to 180 days after assignment to first unit (2018).²¹ However, an Army SME did not believe that ELS should be extended because (1) the Services have an ELPC alternative after ELS—unsatisfactory performance—that takes the same processing time (both require counseling and remediation) and (2) members would lose benefits.

The three Air Force SMEs with whom we spoke recommended extending ELS to three different lengths: two fixed lengths (270 days and 12 months) and one variable (end of ELT). The Air Force's 1984 ETP requested extending ELS to 12 months.

Do the Services want ELS to be extended—why and why not?

In this subsection, we summarize whether, and to what length, the Services would like ELS to be extended and lay out the arguments for and against it, annotating which Services support which positions. In the next subsection, we analyze for whom extending ELS is a net positive or negative (from the member, Service, and VA perspective).

Air Force and Marine Corps SMEs were universal in their desire to extend ELS past 180 days (see Table 13). The only SME who did not believe that ELS should be extended was in the Army G-1.²² The most consistent length to which the Services would like ELS extended was to the end of ELT. Those that preferred a fixed length (270 or 365 days) thought that it would otherwise be too complicated for those in technical training/MOS school. The Army's current ETP requests 180 days after assignment to the first unit.

²¹ See Appendix A for ETP request descriptions.

²² We were not successful in receiving a response from the Navy.

Table 13. Do the Services want to extend ELS?

Service	Yes/No	To what length
Army	Yes (2018 ETP request from Secretary of the Army re: recruit training and schools)	270 days, end of ELT, or 180 days into 1st unit
	No (Army G-1)	Status quo
Navy	Did not receive response	N/A
Air Force	Yes (AFPC Military Retirements & Separations Section)	270 days
	Yes (AFPC Force Management & Retention Section)	12 months
	Yes (BMT)	End of ELT
Marine Corps	Yes (TECOM, TRNGCMD, MCRDs)	End of ELT

Source: SME discussions.

The reasons for extending ELS follow:

- *Provide members with more assessment/remediation time* by giving them longer initial assessment windows and longer windows to improve for those identified as potentially unsuitable (per Air Force SME discussions and the Army's 2018 ETP request). The Army requested more assessment time because training duration has increased over time, given "modern technology and more sophisticated military equipment" (per the Army's 2008 ETP request).
- *Make the separation process faster and easier for those in ELT.* The desire to separate the unsuitable with ease shows up in the Marine Corps' wish to expedite the discharge process (by using ELPC and uncharacterized discharges) for those still in ELT after 180 days, in the Army's desire to have an "expeditious separation option" providing a "no fault" exit for a longer time (Army ETP request, 2018), and the Air Force's wish not to own those who are medically broken or routinely commit misconduct before they complete their technical training.
- *Reduce costs to the DoD and VA by not providing benefits to those who do not earn an MOS* (per Marine Corps SME discussions).
- *Uphold the integrity of Honorable discharges* so that those who do not earn an MOS do not receive an Honorable discharge (per Marine Corps SME discussions and the Army's 2018 ETP request).
- *Be consistent with other standards.* If ELS is extended to the end of ELT, the Air Force also would like in-service medical accession standards extended to the end of ELT so that the Services do not have to "own" those who are medically broken before the end of technical training (per Air Force SME discussions).

- *Be fair/treat all trainees equally regardless of training duration*, with respect to administrative rights and standards (per Air Force SME discussions and the Army's 2018 ETP request), including not providing veterans' benefits or Honorable discharges to those who do not earn MOSs (per Marine Corps SME discussions), but also not providing General (UHC) discharges to those with minor disciplinary infractions who separate in ELT (deemed too harsh) (per Air Force SME discussions) and not providing unsatisfactory performance or misconduct discharges to those who separate in ELT (per the Army's 2018 ETP request).
- *Not have difficult conversations*, providing leaders an "easy way out rather than exercising proper leadership and enforcing traditional disciplinary alternatives" (which has not been resolved since the House Appropriations Committee's (HAC's) 1979 report [45]).

Table 14 shows which Services supported each reason for extending ELS.

Table 14. Why do the Services want to extend ELS?

Reason	Specifics	Service
More time	To provide more assessment/remediation time, given MOS length increases	USAF, USA ^a
Faster/easier separations	To separate the unsuitable with ease	USAF, USA ^b
	To expedite discharge process for ELT > 180	USMC
Costs	To reduce benefit outlay for the DoD/VA	USMC
Honorable	To uphold integrity of Honorable discharges	USMC
Consistency	To be consistent with other (e.g., medical accession) standards	USAF
Fairness	To not provide benefits/Honorable discharges before earn MOS	USMC
	To treat all trainees equally regardless of training duration	USAF, USA ^b
	To not provide General discharges (too harsh) for minor disciplinary infractions in ELT	USAF
	To not provide unsatisfactory performance or misconduct in ELT	USA ^b
Leadership	To not have difficult conversations as leaders	HAC, 1979

Source: SME discussions and ETP requests.

^a Army 2008 and 2018 ETP requests.

^b Army 2018 ETP request

The arguments for not wanting to extend ELS follow:

- *There would be a lack of return on the Services' training investment* for members separated after a lengthy period (per Air Force SME discussions, OSD's response to the Air Force's 1984 ETP request, and the Army's 2008 and 2018 ETP requests) and because of a perception that ELS would be applied without appropriate rigor or due process for longer serving members (per the Army's 2018 ETP request).

- *The Services have separation reason alternatives* that they can use after ELS with the same processing time—unsatisfactory performance and misconduct after ELS, with the same processing time as ELPC in ELS (per the Army’s 2018 ETP request).
- *A loss of veterans’ benefits* (dental and home loans) would affect members who separate between 180 and 270 days with an uncharacterized discharge if ELS were extended to 270 days (per the Army’s 2018 ETP request and OSD response to the Army’s 2008 ETP request).
- *It would create additional work for agencies* administering veterans’ benefits, such as the VA, having to review each claim to determine eligibility (per the VA).
- *Six months is sufficient time* to evaluate a new member’s capabilities and adaptability to military life (per Air Force SME discussions), the length of service is considered to be more important than the nature of duty at separation (per OSD’s response to the Army’s 1999 ETP request), and many members have completed training and are at their first duty station before 180 days have elapsed (the Army’s 2018 ETP request).
- *There should be fairness in treating all those in service over six months equally*, with respect to administrative rights and standards, both trainees and members who completed training (per OSD’s response to the Air Force’s 1984 ETP).

Table 15 shows which Services supported each reason for *not* extending ELS.

Table 15. Why do the Services not want to extend ELS?

Reason	Specifics	Service
Service investment	Lack of return on training investment if separated in ELT > 180	USAF
Service alternative	Can use unsatisfactory performance with same processing time	USA
Veteran benefits	Loss of veterans’ benefits to members	USA
More work for VA	Additional work for VA with eligibility determinations	VA
Importance of 180 days	180 days is sufficient to evaluate capabilities and adaptability	USAF
	Length of service more important than nature of duty at separation	OSD ^a
	Many complete training before 180 days	USA ^b
Fairness	To treat all > 180 days equally	OSD ^c

Source: SME discussions.

^a OSD response to the Army’s 1999 ETP request.

^b Army 2018 ETP request.

^c OSD response to the Air Force’s 1984 ETP request.

Implications of extending ELS

Next, we lay out our assessment of whether the Services, VA/states, and members would be better off if ELS were extended based on arguments for and against extending ELS.

We assert that, overall, extending ELS is a net positive for the Services. It would be better for the Services for four reasons:

- To uphold integrity of Honorable discharges
- To reduce benefit outlay (by DoD/VA)
- For ease of separating the unsuitable for a longer time
- To allow more time to assess/improve performance

Extending ELS would be worse for the Service for two reasons:

- It would lead to a lack of return on training investment for those who separate in ELT after 180 days
- It would allow commanders to avoid exercising proper leadership

Extending ELS is a net negative for the VA and states because it would lead to two increases:

- Increase in veteran benefit eligibility determinations the VA would have to make
- Increase in number of Unemployment Compensation for Ex-Servicemember (UCX) determinations the states would have to make

Extending ELS is a net positive for marginally performing members:

- Marginal performers who would have earned General discharges if ELS was 180 days could earn uncharacterized discharges instead if they separate in ELT after 180 days
- Marginal performers who would have earned unsatisfactory performance or misconduct if ELS was 180 days could earn ELPC instead if they separate in ELT after 180 days
- It allows more time for performance to be assessed.
- It affords more time for those identified as unsuitable to improve their performance.
- It results in equal treatment of all trainees regardless of training duration.

Extending ELS is a net negative for members who would have earned Honorable discharges if ELS was 180 days (and who separate in ELT after 180 days) for two reasons:

- They earn uncharacterized discharges instead.
- They lose veteran benefits (as discussed in the next section).

We do not include expedited discharge processing as a reason because, from Service policy and SME discussions, we do not believe that the discharge process is faster during ELS than after ELS.

Services' other early separation challenges

The Services raised a few other ELS challenges.

The Air Force said that, when Congress levies new, often complex, requirements, it affects DoD and Service policies and requires time to adapt.

The Navy stated that, although the volume of recruit training separations is significant, improved practices have helped. For regular separations, the Navy recommended that the process of offering General Court-Martial Convening Authority (GCMCA) review to someone who has been in the Navy for a week should be reviewed. It has no issue with visiting the Defense Service Office to discuss the process and Legal Assistance separation matters, but it believes that separation processing should continue concurrently. Navy SMEs do not believe that those in the Navy for one week should be able to delay their separations for nonlegal matters. They said that, if a defense attorney meets with a recruit and finds a true reason to delay separation, he or she can articulate this to the AdSep office, and a delay can be granted on an as-needed basis.

The MCRDs said that their separation challenges are not related to ELS policy, but to implementation of the Integrated Disability Evaluation System (IDES) and its effects on the separation process duration. According to the Marine Corps Training Command,

Marines often exhibit anxiety and depressive symptoms that manifest at the Schools of Infantry (SOIs) because there is no opportunity for those symptoms to manifest at MCRDs due to the intense training schedule. Time spent in "awaiting training" status exacerbates this trend because the Marines aren't focused on training, and their attention turns toward their actual or perceived problems. Some Marines in ELS look for ways out of the Marine Corps and pass word to one another to report mental health symptoms in order to try to trigger a separation for a condition, not a disability. The mental health providers have to use their discretion to determine whether the Marine has bona fide problems or is working the system.

We asked whether there are other ways to address these concerns than to extend ELS. Marine Corps Training Command stated that more resources could be provided "to the [Future Learning Centers] to better coordinate the flow of trainees from the depots to the fleet to reduce time awaiting training."

SME early separation successes and recommendations

We asked the Services what successes they have had with early separations. The Air Force said that a "huge win" for them was when Air Force Personnel Command (AFPC) granted the authority to provide positive reenlistment codes more frequently. As of June 2017, this allowed

the Air Force to note the temporary nature of a condition at discharge (e.g., a recruit who was pregnant), granting the ability to return to training at a later date. The Air Force has done this by moving some medical issues to failure to progress in training under separation code 5.22 and reenlistment code 3A. Those with medical waivers now may reenter the armed forces once the condition heals.

The Navy mentioned several early separation policy successes that it has had. The Navy implemented various changes, including revising fraudulent entry investigation procedures. In many cases, it was unclear, without extensive investigation, whether a condition was not included in processing paperwork because of deliberate concealment by the recruit or recruiter, a misunderstanding of regulations, an inefficiency by the recruiter, or ignorance by the recruit or recruiter. Limiting the use of fraudulent entry to clear cases of concealment by the recruit has reduced the number of GCMCA requests to change the type to erroneous and the number of parental and congressional inquiries due to use of the word "fraud."

The Navy implemented additional controls, such as reviewing and diagnosing each case on the day it arrives, to ensure that any potential delays are identified at the point of entry. It assigns cases that day to a clerk who is given one week to complete all cases in a block.

In addition, Navy PERS 832 recently approved a change in policy request that grants the CO of Recruit Training Command (RTC) the ability to authorize the Staff Judge Advocate (SJA) or Executive Officer to sign letters of transmittal "by direction." Previously, the RTC CO was personally signing all letters. This change has rerouted approximately 30 percent of AdSep packages from the CO to the SJA. The Navy anticipates that this change will save one to two days of processing time per letter, at an average cost saving of \$500,000 to \$1 million.

Over the past year, the Navy's administrative changes have resulted in a decrease in recruit separation processing times by an average of 9 days and estimated cost savings of \$3.8 million year-to-date, for 2019 alone. In 2017, it took 26 days, on average, to administratively separate a recruit. In 2018, it took 22 days, on average. In 2019, the processing time has dropped to an average of 17 days. Current estimates place the cost of housing a recruit at \$188 per day in the RTC separations barracks. From January to July 2019, RTC legal had processed over 3,000 recruits for separation.

We asked the Services what changes to entry-level separation policy they would make if they could. The Navy was the only Service to provide a response, and mentioned two things:

1. Remove the GCMCA election for entry-level separations, except in cases where a Defense Service Office attorney has recommended it due to a clear conflict of interest between the recruit and CO. Exceptions include if a recruit receives an NJP, or was previously denied a waiver by his or her CO for the separable condition.

2. End the separation processing delay while recruits meet with defense attorneys.

Risk factors for early separation

At the Service level, a number of factors have been tied to higher early attrition rates. These include being female [5, 46-47], having a Tier II/III education [5, 47-48], AFQT scores lower than 64 (and even higher attrition for scores lower than 31) [46-47], accessing in the fall, winter, or spring [46], lower unemployment rates [49-50], not meeting the height-weight standard [19, 21], lower initial strength training (IST) scores (Marine Corps only) [21-22], and misconduct and medical waivers [5, 7, 10]. In addition, being fit (top versus bottom third of IST scores) is a mitigating factor against injury separations [21-22] and, as mentioned in the waiver section, a Tier II/III education (an AFQT of below 31) is an aggravating early attrition factor for misconduct and aptitude (medical) waivers [5].

The literature suggests that drug and medical enlistment waivers correlate with their separation reasons. Early attrition for drugs/alcohol was higher for those with drug waivers (Army) [7], and early attrition for medical reasons was higher for those with medical waivers [10]. But Marine Corps SMEs also said that they observe an overlap found in the literature—between those with drug use or serious offense waivers and similar misconduct in service. Early attrition for drugs/alcohol was higher for those with misconduct waivers (Army) [7], and early attrition for misconduct was higher for those with drug waivers [9].

Conclusion and Next Steps

The Office of the Under Secretary of Defense, Accession Policy, together with the Office of Officer and Enlisted Personnel Management, asked CNA to identify and document the following:

1. The Services' policies, practices, challenges, successes, and recommendations for both screening applicants who require enlistment waivers and separating members early
2. How enlistment waivers are being used, and which are particularly risky
3. A tool that commanders can use to predict probability of success with/without a waiver
4. The historical basis for the 180-day entry-level status (ELS) definition, whether evidence suggests it needs to change, and how changing it would affect veteran benefits
5. The conditions for which CnD (i.e., condition, not a disability) should be and is used
6. The reasons why members separate early, and the predictors of early separation

This report answers all but question 3 via literature/policy reviews and subject matter expert discussions. The second report empirically answers questions 2, 3, and 6.

Appendix A: Historical Review of Entry-Level Separation and ELS

As DoD grapples with whether the definition of ELS should be modified, it is important to look at its historical context and development. Understanding its impetus will help DoD understand how policy evolved to its current state and whether it is still relevant.

In 1973, the US military ended conscription and transitioned to an all-volunteer force. Guided by DoDD 1332.14 of December 1965, each Service conducted enlisted administrative separations through a complex review procedure. These caused considerable administrative burden and discharges took an average of 5 to 13 weeks to complete, depending on whether an administrative discharge board was required [51]. The process was slow and inefficient, and commanders needed a better process to administratively separate enlisted personnel.

In the spring of 1973, the House Appropriations Committee (HAC) held hearings on the Services' discharge procedures. The HAC provided DoD with recommendations to simplify and expedite the process for discharging enlistees identified as marginal performers. House Report 93-662, which reported on the DoD appropriation bill for FY 1974, had five recommendations:

- COs at battalion, ship, and squadron level should be given the authority to discharge members in their first enlistment who are in paygrade E-3 or below and who have completed at least one year of active duty.
- Separated members should receive an honorable discharge and not be recommended for reenlistment.
- The discharge should be a voluntary separation and, therefore, should not require complex review procedures.
- Identification of marginal performers should be made by the commissioned and noncommissioned officers in the operating units
- Enlisted members thus discharged should be those whose loss without a replacement would not adversely affect the command's operational readiness [52].

The committee's recommendations excluded those who were in medical treatment status, had not completed a disciplinary punishment, were about to stand trial for serious violations of the UCMJ, and were in paygrade E-4 or higher.

Marginal performer programs

Following the HAC's recommendations, each Service, with the exception of the Marine Corps, developed and implemented its own program to process and discharge marginal performers. The Navy and Air Force programs were singular and applied Service-wide. The Army developed two programs; one applied only to trainees, whereas the other was limited to Soldiers within four Army commands. The Marine Corps continued to separate personnel based on its existing processes and quota system called the *nonexpiration of active service attrition rate*.

The Army was the first Service to develop a program to discharge marginal performers. In September 1973, the Army Training and Doctrine Command (TRADOC) issued TRADOC Circular 635-1 implementing its Trainee Discharge Program (TDP). The TDP was "purposely designed to provide a means of rapidly eliminating marginal or poor performers from the Army during their first 179 days of active service" [29]. The program was aimed at Army trainees in basic training and initial skill training. Trainees who were potential candidates for TDP were identified by the company-level training cadre. Trainees separated under this program were discharged involuntarily with an Honorable discharge characterization. The TDP was unique in that the policy directed the discharge process "to be completed prior to the enlistee's 180th day of active duty to preclude accrual of veterans' benefits."

In October 1973, the Army also initiated its Expeditious Discharge Program (EDP), but only as a pilot in four Army commands. The EDP was aimed at marginally performing Soldiers serving in their first enlistments, with 6 to 36 months of active service. There was no requirement for paygrade or length of evaluation period. EDP candidates were identified by commissioned and noncommissioned officers in their operating units. Soldiers separated under this program had to voluntarily consent to the discharge, and they received either an Honorable or General (UHC) discharge characterization. Soldiers not consenting to the discharge were returned to their units to continue their service or were involuntarily discharged under another separation reason, if applicable, following the respective process.

The Navy's program, established in November 1973, was known as an "Article 3850220.5" discharge, which was in reference to the relevant policy section in the Bureau of Naval Personnel manual. This program was aimed at marginally performing Sailors serving in their first enlistments, in paygrade E-3 or below, with more than 12 months of active service, and evaluated for 180 days in the same command. Marginally performing Sailors were identified by commissioned and noncommissioned officers in their operating units. Sailors separated under this program were discharged involuntarily with a General (UHC) discharge characterization.

The Air Force introduced the Minimally Productive/Limited Potential Airmen program in March 1974. This program was aimed at marginally performing Airmen who were serving in their first enlistments, in paygrade E-3 or below, with fewer than three years of active service, and in basic training, technical school, or assigned to their current unit for at least 60 days. These airmen were identified by the training cadre (for those still in basic or technical training) or commissioned and noncommissioned officers in their operating units. Airmen separated under this program were discharged involuntarily with an Honorable discharge characterization.

In April 1975, the General Accounting Office (GAO) reported on a study of the Services' marginal performer discharge programs and found numerous inconsistencies and inequities between the respective programs. Based on its finding, the GAO recommended that DoD direct the Army to extend its current program Service-wide and the Marine Corps to discontinue the use of its *nonexpiration of active service attrition rate* quota system, which delayed the discharge of some marginal performers. The GAO also recommended that DoD "establish a uniform, DoD-wide program for the expeditious discharge of marginal performers" and to "assure that consistent and equitable standards are applied" [51]. It said that the DoD-wide program should address program features, such as the following:

- Type of discharge issued
- Consent and appeal procedure
- Specificity of criteria
- Length of evaluation period

Following GAO's recommendations, DoD issued Change 1 to DoD D1332.14 in January 1976, which incorporated the *elimination of marginal performer* discharge policy into the *convenience of the Government* separation reason. Under the new policy, Service members' separations under the marginal performer discharge program were done under more uniform guidance. The criteria for such separations included members

within their first enlistment, [who] are otherwise eligible until completion of 36 months of active service, whichever is greater [and] assigned to: (a) recruit training; (b) initial skill training immediately following recruit training; or (c) an organizational unit for an appropriate period of evaluation, as determined by the Secretary of the military department concerned, but not less than 60 days. [36]

Under this policy, Service members "in recruit training or initial skill training immediately following recruit training, [would] be separated with an honorable separation (Honorable discharge)."

Joint-Service study

In September 1977, DoD commissioned a comprehensive study of the enlisted AdSep system using a Joint-Service study group. This group, composed of Service civilians and military members, looked at Service policies, processes, and practices, new legal precedents set by recent court actions, and other ancillary issues regarding enlisted AdSeps. The group's report, which was published in August 1978, included its findings, recommendations, and a draft directive with proposed changes incorporating the recommendations.

The report reviewed DoD and Service policy governing marginal performer discharge programs. The group recommended tightening DoD policy "to prevent its utilization as a convenient or expedient means of ridding the Services of undesirable individuals in a relatively easy manner" [53]. The group's recommendations for the marginal performer program included the following:

- Limit program eligibility to Service members in paygrade E-3 and below.
- Limit program eligibility until the Service member completes 24 months of active service rather than 36 months.
- Tie the time-in-service requirement to a particular service rather than disqualifying Service members based on total service time because of prior service in another armed force.
- Disqualify Service members if they have more than three Article 15 punishments or courts-martial following the completion of basic training, since these Service members should be processed for misconduct if the commander decides the person is not suitable for military service.

The joint study group also assessed ancillary issues that included a provision for a "non-characterized certificate of service." The group's assessment of this generated the following recommendation:

One of the most innovative suggestions within the draft directive also authorizes an uncharacterized separation in certain very limited circumstances when characterization would be inappropriate. An uncharacterized separation may be issued to a member who is separated during recruit or basic training except in the case of misconduct. The only other reason such a separation could be issued would be on a case-by-case basis when determined by the Secretary concerned that characterization in such a case was inappropriate because of its unique circumstances.

The policy language in the proposed DoD directive for uncharacterized separations stated:

Uncharacterized service may be appropriate when a member's term of military service has been of insufficient length to warrant characterization or when unusual circumstances indicate an inconsistency with the concept of characterization. Such a determination may be made when a member is separated during recruit or basic training, except in the case of misconduct, or in unusual circumstances, on a case by case basis, when determined by the Secretary concerned [53].

Following the publishing of the Joint-Service study report, the HAC held hearings in 1979 as part of its DoD appropriations bill. The committee expressed specific concern over the DoD's discharge policy. Based on the Joint-Study report, the committee was troubled that the Services were "taking the easy way out rather than exercising proper leadership and enforcing the traditional disciplinary alternatives" [45]. One issue raised involved differences in the application of the DoD policy that created inequities and inconsistencies in discharges for similar reasons across the Services. The committee provided the following examples to illustrate its concern:

For an individual discharged for drug abuse, there would be a 93 percent chance of an honorable discharge in the Army while there would be only a 4 percent chance for an honorable discharge in the Navy; for a fraudulent enlistment, there would be a 95 percent chance of an honorable discharge in the Army and, again, only a 4 percent chance in the Navy; and for a marginal performance discharge, the chances of receiving an honorable discharge by service would be 93 percent in the Army, 3 percent in the Navy, 14 percent in the Marine Corps, and 100 percent in the Air Force.

The committee also found that veterans' benefits were essentially the same for people receiving an honorable or general discharge, but those awarded a general discharge were given a \$30 allowance to purchase civilian clothing whereas those awarded an honorable discharge were not since they were authorized to wear their uniforms upon discharge. Based on the committee's findings, the following three recommendations were provided:

1. Immediate steps should be taken to standardize the basis for awarding honorable discharges across the services. It is grossly inequitable for one service to award an honorable discharge to one individual for being released under identical conditions for which another is awarded a general discharge.
2. The Department should ensure that any individual receiving an honorable discharge has in fact performed at such a level that the United States Government can attest in writing to that individual's courage, loyalty, honesty, trustworthiness, and effectiveness.

3. Revised discharge procedures should be implemented, and draft legislative proposals provided as necessary, in order to rectify the current discharge system whereby individuals receiving honorable discharges actually receive fewer benefits than individuals receiving a general discharge. Emphasis should be placed upon ensuring that a proper incentive system is constructed which will reward superior performance by an individual. [45]

In January 1980, GAO published a report to Congress their continued to review the Services' discharge policies, practices, procedures, and service characterizations. In this report, GAO highlighted and discussed a number of problems, including (1) the longstanding nature and seriousness of discharge disparities among the Services and (2) the erosion of the integrity of an honorable discharge under the current discharge practices [54].

This report noted that each Service's discharge practices continued to create significant inequities and inconsistencies across Services. "Simply stated, different people get different discharges under similar circumstances, and the type of discharge an individual gets may have little to do with his behavior and performance on active duty." The problems were highlighted in this example: "the probability of people with similar absence-without-leave and conviction records getting an honorable discharge in the Air Force is about 13 times greater than in the Marine Corps."

The GAO also worried about how these inconsistent practices eroded the integrity of an honorable discharge since most Service members receive an honorable discharge. In FY 1977, the overall DoD honorable discharge rate was 90 percent, but more than 1 in 10 were given to members separated for lack-of-success reasons (marginal performance, unsuitability, misconduct, etc.) [54]. This practice eroded the integrity of the honorable discharge for those who performed their service honestly and faithfully. GAO believed that allowing for uncharacterized separations was a way to restore its integrity while allowing DoD to enact the congressional recommendations from House Report 96-450.

In response to a draft of the GAO report, DoD raised concerns with uncharacterized separations as people became eligible for some veterans' benefits (without further review) if they served more than 179 days and received an honorable or general discharge. The issuance of uncharacterized discharges would complicate the administration of those benefits by the VA and other agencies. DoD's concern was that each agency administering veterans' benefits would have to review each claim to determine eligibility, and the additional burden would be more costly and time-consuming for the respective agencies.

Table 16 summarizes the DoD and Service discharge policy concerns, recommendations, and implemented changes that led to the establishment of ELS and uncharacterized discharges in 1982.

Table 16. DoD and Service discharge policy concerns, recommendations, and changes that led to establishment of ELS and uncharacterized discharges

Concerns	By	Recommendations	Policy changes implemented
Complex and slow process	HAC, 1973 [52]	(1) Commissioned officers and NCOs identify marginal performers (2) Marginal performers separated receive honorable discharge and not be recommended for reenlistment (3) Voluntary discharge without complex review procedures (4) CO discharge authority to E-3 and below with 1+ year active duty (5) Only separate those whose loss without a replacement would not adversely affect command's operational readiness	(1) By all Services' 1974 marginal performer programs except Army TDP (2) By Army TDP and Air Force (3) By Army EDP (4) By Army TDP, first 179 days, in basic training or initial skill training By Army EDP, 180 days to 36 months, in first enlistment; By Navy, 12+ months, with 180+ days in same command, in first enlistment, E-3 or below; By Air Force, < 3 years, in basic training, technical school, or current unit for 60+ days;
Inconsistencies across the Services' programs	GAO, 1975 [51]	"Establish a uniform, DoD-wide program for the expeditious discharge of marginal performers" and to "assure that consistent and equitable standards are applied"	(1) By DoD's 1976 marginal performer policy (2) By DoD, in first enlistment or 36 months of active service, whichever is greater, in recruit training, initial skill training, or a unit for not less than 60 days

Concerns	By	Recommendations	Policy changes implemented
Used as convenient or expedient means of ridding Services of undesirable individuals in a relatively easy manner	Joint-Service study, 1978 [53]	Tighten DoD policy by (1) limiting eligibility to E-3 and below and 24 months of active service; (2) tying time-in-service to time in service concerned rather than total service time; (3) processing for misconduct those with more than three Article 15 punishments or courts-martial following basic training	Unknown
Insufficient service to warrant characterization; unusual circumstances inconsistent with characterization	Joint-Service study, 1978 [53]	Allow uncharacterized discharge for members with insufficient service (separated during recruit or basic training, except in the case of misconduct) or unusual circumstances (on case by case basis, when determined by Secretary concerned)	DoD policy for uncharacterized separations in 1982
Inconsistently applying DoD discharge policy	HAC, 1979 [45]; GAO, 1980 [54]	Standardize basis for awarding Honorable discharges across Services	DoD policy in 1982 created and defined <i>entry-level status</i> as "the first 180 days of continuous active military service," <i>ELPC</i> discharges for <i>entry-level status</i> , <i>unsatisfactory performance</i> discharges <i>not</i> for <i>entry-level status</i> , and <i>entry-level separation</i> an <i>uncharacterized</i> separation for "separation processing [that] is initiated while the member is in entry-level status."

Concerns	By	Recommendations	Policy changes implemented
Eroding integrity of honorable discharge	HAC, 1979 [45]; GAO, 1980 [54]	Allow uncharacterized separations to restore integrity to honorable discharge, ensure performed with courage, loyalty, honesty, trustworthiness, and effectiveness	DoD policy for uncharacterized separations in 1982
Providing fewer benefits to honorable than general discharges	HAC; 1979 [45]	Devise proper incentive system to reward honorable service	Unknown
Taking "easy way out rather than exercising proper leadership and enforcing traditional disciplinary alternatives"	HAC; 1979 [45]	None	None

Entry-level status

In January 1982, after extensive revision and review, DoD reissued DoDD 1332.14. This revised directive incorporated a number of the recommendations from the Congressional House, Joint-Service, and GAO reports. The revised directive, among other things, reorganized discharge reasons; deleted discharge reasons, such as *elimination of marginal performers* and *unsuitability*; added new discharge reasons, such as *entry-level performance and conduct (ELPC)* and *unsatisfactory performance*; and established DoD policy for uncharacterized separations.

The addition of *ELPC* and *unsatisfactory performance* separation reasons replaced *elimination of marginal performers* and *unsuitability*. The new *ELPC* and *unsatisfactory performance* separation reasons were unique because they overlapped and were broadly scoped to include *marginal performance* and *unsuitability*, but they were specific because *ELPC* only could be used for those in an *entry-level status*, whereas, *unsatisfactory performance* only could be used for Service members *not* in *entry-level status*.

In addition to these unique characteristics, this revision also helped to establish an *uncharacterized* separation policy, which included a new category of *entry-level separation*. The policy's primary description of an *entry-level separation* was for "separation processing [that] is initiated while the member is in entry-level status" [37].

The common theme among these new provisions was whether a Service member was in *entry-level status*. Because there was (and still is) no general legislative definition of *entry-level status*, the DoD Directive provided the following definition:

The first 180 days of continuous active military service. For members of a reserve component who have not completed 180 days of continuous active military service and who are not on active duty, entry-level status begins upon enlistment in a reserve component (including a period of assignment to a delayed entry program) and terminates 180 days after beginning an initial period of entry-level active duty training. For purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings. [37]

The definition of entry-level status was modified in the next major revision of the directive published in December 1993. The change added language specific to the reserve component:

The first 180 days of continuous active military service; or

The first 180 days of continuous active service after a service break of more than 92 days of active service. A member of a reserve component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a reserve component.

Entry-level status for such a member of a reserve component terminates as follows:

180 days after beginning training if the member is ordered to active duty for training for one continuous period of 180 days or more; or

90 days after the beginning of the second period of active duty training if the member is ordered to active duty for training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings [55].

In August 2008, DoD reissued the directive as DoDI 1332.14. The transition of the directive to an instruction included modifications to different policy sections, but no substantive changes were made to *ELPC* and *unsatisfactory performance* separation reasons, uncharacterized separations, or the definition of *entry-level status*. The updated language reflected updated references and contemporary terminology (so-called happy-to-glad changes), such as modifying the noun from “member” to “Service member.” Subsequent changes to this instruction were made in Changes 1 through 3, but they did not affect the *ELPC* or *unsatisfactory performance* separation reasons, uncharacterized separations, or definition of *entry-level status*.

The DoDI was revised and reissued once again in January 2014 with subsequent changes issued in Changes 1 through 4, the latest published in April 2019. The reissuance of the instruction and subsequent changes did not modify or affect the *ELPC* or *unsatisfactory performance* separation reasons, uncharacterized separations, or definition of *entry-level status*. In the current policy, *entry-level status* continues to be defined as in 1993 [23].

Exceptions to policy

Since DoD defined *entry-level status* in 1982, there have been Service requests to authorize an exception to policy (ETP). Since there was and still is no general legislative definition of *entry-level status*, DoD has the discretion to modify the definition as necessary and grant ETPs as it deems appropriate. To date, there have been four ETP requests—one from the Air Force and three from the Army. We were able to identify some general information on the requests and adjudications, but detailed information was not available.

In 1984, the Air Force requested an ETP to extend *entry-level status* to 365 days for Airmen in formal training programs. This ETP was granted temporarily as part of the Air Force's participation in the DoD Model Installation Program initiative in 1985. For the participating Air Force installations, commanders with separation authority and formal training programs on their installations were given the authority to separate Airmen in formal training programs

under *entry-level status* until their 365th day of continuous active service. In February 1987, the Air Force asked to extend the temporary authorization. After consideration and input from the other Services, in August 1987, the Deputy Assistant Secretary for Military Manpower & Personnel Policy rescinded the ETP authorization and provided the following explanation:

Our assessment is that the existing ELS [*entry-level status*] definition provides sufficient time for evaluation of a new member's capabilities and adaptability to military life and should not be changed....Those who serve over six months in formal training programs should have the same administrative rights and should be held to the same standards as members of similar longevity who have completed training. We do not support leaving the matter to Departmental discretion, since this would lead to inter-Service disparities in discharge characterizations for essentially similar service. The Congress has vigorously opposed such differences in the past, and optional implementation could help bolster the arguments of those who would legislate more stringent and burdensome separation rules. [56]

In March 1999, the Army requested an ETP to limit the use of the *ELPC* provision of uncharacterized *entry-level separations* to Soldiers within their first 180 days of active duty who are undergoing Initial Entry Training (IET) [57]. Essentially, it requested that, once a Soldier completes IET and is assigned to his or her first unit for duty, the Soldier can no longer be separated under an uncharacterized *entry-level separation* even if the soldier is still within the 180-day *entry-level status* window. If granted, the Soldier would be subject to the same rules as those beyond *entry-level status*. The Army believed that this would aid in its effort to reduce Soldier attrition beyond IET but still within the initial 180 days of active service. This ETP also would force field commanders to treat all of their Soldiers in the same manner.

DoD's initial response to the Army's ETP request was unfavorable. It did not want to "establish Service-unique practices in this area of separation policy, since members serving the same amount of time would be afforded substantially different rights depending on Service" [58]. DoD went on to explain that "the application of such a policy assumes that the nature of duty at the time of separation is of greater significance and interest than length of service." DoD also solicited input from each Service as well as the Joint Staff to adjudicate the Army's request. Each provided feedback and none supported the Army's position. After review and consideration of all feedback, in September 1999, the Under Secretary of Defense for Personnel and Readiness authorized a temporary ETP for a one-year trial period to evaluate the Army's initiative.

At the end of the trial period and based on the attrition results, the Army requested a permanent change to the DoD directive to establish this authority DoD-wide or to be granted a permanent ETP [59]. In April 2001, the Under Secretary of Defense for Personnel and Readiness granted the Army a permanent ETP and directed his staff to draft a change to the DoD directive and to send the proposed change to the Services for comment and support [60].

We do not have any additional documentation regarding the outcome of this action, but no change was made to the DoD directive or subsequent DoD instruction to adopt it into DoD policy, so we feel confident that the Services did not support the proposal. Because the Army was granted the authority to continue its initiative via a permanent ETP, however, we believe that this ETP is still valid as we do not have evidence of its revocation. Yet, we do not believe that the Army is currently using the ETP's authority.

In November 2008, the Army requested another ETP. This time the request was to expand the use of entry-level separations to Soldiers who were still in IET even if they exceeded 180 days of active service [61]. This ETP would have, in essence change the definition of entry-level status to the end of IET, regardless of the length of such training. The Army believed this was necessary because “modern technology and more sophisticated military equipment require longer advanced individual training (AIT) periods for Soldiers to become more competent in their military occupational specialties (MOs)” evidenced by “55 MOS training courses, involving more than 17,000 Soldiers, that exceeded 180 days.”

DoD once again responded unfavorably to the Army's request and sought input from each of the Services regarding the proposal. DoD expressed concern regarding “potential lost Service member benefits as a result of the uncharacterized discharge [and] lack of return on training investment for members separated after a lengthy period” [62]. In addition to the Army proposal, DoD also investigated the creation of a new separation category under the existing *Convenience of the Government* authority or redefining the current definition of entry-level status from 180 days to another point in time. We do not have any additional documentation regarding the outcome of this action. We are confident that the Services did not support the proposal because there was no change to DoD policy. In addition, we believe that the Army's ETP request was not approved.

A decade later, in November 2018, the Army again requested an ETP to expand the use of entry-level separations. This time its request was not just for Soldiers who were still in IET; it extended beyond IET to include “the first 180 days of initial follow-on assignment to a soldier's first unit for duty” [63]. In essence, granting this ETP would completely rewrite the DoD policy definition of entry-level status. The request was to provide the “Army an expeditious separation option (with service described as uncharacterized) while providing a ‘no fault’ exit for military members early in their first term determined to be unqualified for further service by reason of unsatisfactory performance, conduct or both.”

DoD once again responded unfavorably to the Army's request. Its initial response specifically cited the Army's own analysis as being contradictory to its ETP justification [64]. Given the confusing nature of the request's justification and conflicting analysis, DoD sponsored an independent study of the issue and has not yet provided a final decision. (This report was generated as part of this independent study.)

Historical review summary

Although our historical review was limited by documentation availability, we believe that there is sufficient evidence to draw conclusions about the intent behind the policies, processes, and practices of entry-level separations and the definition of entry-level status.

Since 1973, with the end of conscription and the transition DoD to an all-volunteer force, the Services have sought ways to process and administratively discharge enlisted personnel more simply and expeditiously. This desire and necessity, along with the congressional recommendations, led to the Services' implementation of marginal performer discharge programs. Through study and refinement, the marginal performer discharge programs have evolved to today's processes and practices, such as *ELPC* and *unsatisfactory performance* separation reasons, *uncharacterized entry-level separations*, and the establishment of the "first 180 days of continuous active military service" [23] as the definition of entry-level status.

We believe the introduction of uncharacterized separations was designed to restore the integrity of the Honorable discharge for those who performed and completed their service honestly and faithfully. The issuance of Honorable discharges to those who clearly demonstrated a lack of success (e.g., marginal performance, unsuitability, and misconduct) eroded the integrity of the Honorable discharge for the majority of Service members who rightfully receive it. Issuing uncharacterized separations also allowed DoD to issue a discharge characterization without stigmatizing people with a General (UHC) discharge because the General discharge (compared to an Honorable discharge) was more damaging to the person's civilian life after service.

The introduction of uncharacterized separations and *ELPC* and *unsatisfactory performance* reasons for discharge required DoD to define *entry-level status*. We believe that the establishment of entry-level status at 180 days was purely based on the accrual of veterans' benefits. This is evidenced by the Army's TDP program policy, which explicitly directed the completion of separations before the 180th day of active duty to preclude the accrual of veterans' benefits. Unfortunately, the introduction of uncharacterized separations complicated matters because of how the policy is implemented. As long as the notification of processing for an entry-level separation was conducted before the Service member's 180th day of active service, the Service member could be separated with an uncharacterized separation even if the discharge took place after the 180th day of active service. This would potentially qualify the Service member for veterans' benefits since they could have served beyond 180 days, whereas the uncharacterized separation would disqualify the person for such benefits. This requires the agencies administering veterans' benefits to determine eligibility for each claim.

Although Congress never formally legislated this particular area of enlisted administrative separations, it was clear that it did not want the Services "taking the easy way out rather than

exercising proper leadership and enforcing the traditional disciplinary alternatives” [45]. Congress expressed particular interest and concern over the inconsistent and inequitable application of discharge policies across the Services. Its recommendations were intended to ensure that Service members were treated fairly and consistently across the Services. We believe that this congressional interest and concern continues to hold true today. DoD should be cautious in making changes to this policy or authorizing ETPs that reinstitute Service inconsistencies because it may reinvigorate interest from those who would want to impose stringent legislation on these types of separations.

This historical context forms the basis on which we will evaluate potential policy changes and provide recommendations in the second report.

Appendix B: Percentage of ELT Longer than 180 Days

The Services speculated that ELS was set at 180 days in 1982 either to prevent ELS separators from accruing veteran benefits or because the ELT length was approximately 180 days at that time. We found evidence to confirm the 180-day link to veteran benefits. Yet, OSD also wanted to know:

- 1) Whether the average ELT length was 180 days in 1982
- 2) Whether ELT length has increased over time and, if so, by how much

Although we have FY19 ELT lengths for all Services, due to data availability, we only were able to obtain sufficient historical evidence to calculate the FY 1984 percentage and the percentage increase from FY 1984 to FY 2019 for the Marine Corps.

We find that:

- 1) The average Marine Corps ELT length in 1984 was 257 days
- 2) The percentage of enlisted entry-level occupations over 180 days *increased* by 16 percent from 1984 to 2019 (from 70 to 81 percent) (see Table 17)

Table 17. Marine Corps Initial ELT lengths FY 2019 versus FY 1984 (calendar days)

Enlisted entry-level occupations				
FY	Average length (days)	Number > 180 days	Total number	Percentage > 180 days
1984	257	175	250	70%
2019	235	116	143	81%

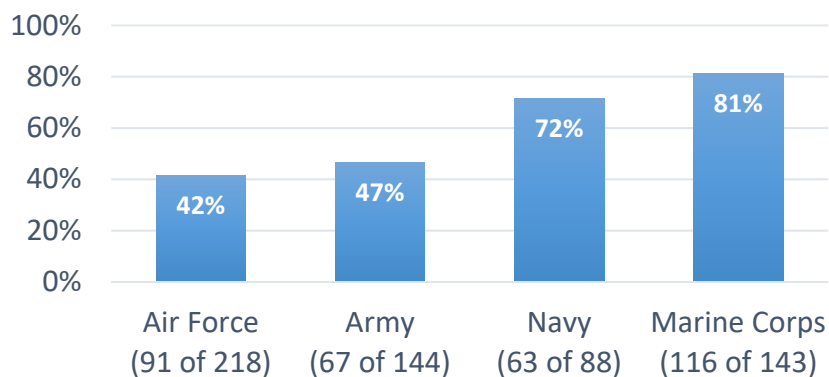
Source: CNA generated.

When we compared the historical information, we discovered that, although the percentage of entry-level occupations over 180 days had increased over time, the total number of entry-level occupations actually had decreased, from 250 to 143. In part, this is because the number of Marine Corps air frames (and occupations) decreased over time. In addition, the average length of Marine Corps ELT decreased from 257 to 235 days over time. In part, this is because Marine Combat Training (MCT), which exists today, was not established in 1984.²³

²³ For a complete listing of training lengths for entry-level occupations for each Service in FY19 and the Marine Corps in FY84, see the compendium to this report, *Entry-Level Training Lengths in FY 1984 and FY 2019*.

We were able to calculate the percentage of each Service's occupations in FY 2019 that have ELT lengths over 180 days. We find that less than half of Air Force and Army occupations and about 75 percent of Navy and Marine Corps occupations have ELT lengths over 180 days (see Figure 5).

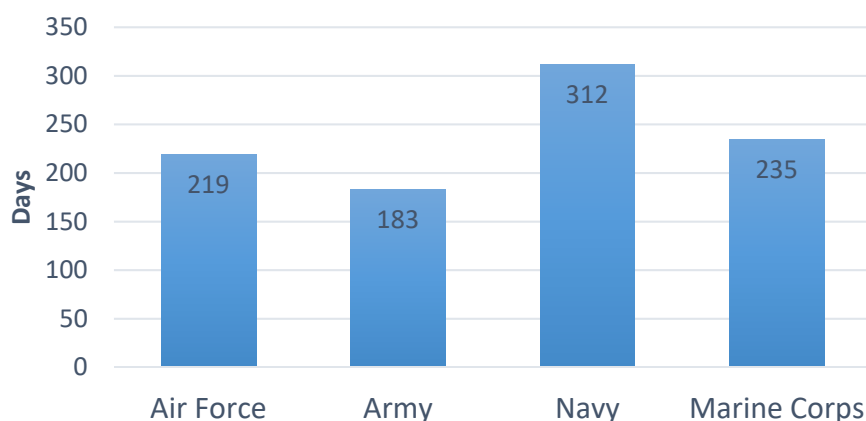
Figure 5. Percentage of FY 2019 ELT that is longer than 180 days



Source: CNA generated from multiple data sources.

We also calculated the average ELT length in 2019. The Army's average ELT length was the lowest, at 183 days. The Navy's was the highest, at 312 days. The Air Force and Marine Corps averages were close to the overall average of 237 days (see Figure 6).

Figure 6. Average length of FY 2019 ELT



Source: CNA generated from multiple data sources.

Appendix C: Veterans' Benefits Definitions

In this appendix, we define the veterans' benefits that are relevant to a potential ELS expansion.

Disability compensation

Disability compensation is a tax-free monetary benefit paid to veterans with a disability, provided the disease or injury was incurred or aggravated during active military service, and provided that their discharge is "other than dishonorable" [65]. Service members also are eligible for disability compensation for disabilities deemed related or secondary to a disability occurring in service, as well as for disabilities found related to the circumstances of military service, even if they arise after service [65]. The benefit amount ranges from 10 to 100 percent (in increments of 10 percent), depending on the degree of the veteran's disability [65].

In some cases, Service members separated due to disability within the first 180 days of service receive an honorable characterization. Specifically, if separated for selected changes in service obligation, convenience of the government, secretarial plenary authority, or another approved reason established by the corresponding military department, an ELS separation can be characterized as honorable [66]. In addition, Service members separated for other reasons prior to 180 days can appeal to have their uncharacterized discharge characterized to receive benefits [65].²⁴

UCX

Veterans' UCX eligibility is different for those separating within or after ELS. Those separating within ELS are UCX-eligible, but those separating after ELS only become eligible after completing their first full term of service. Specifically, per 5 U.S.C. 8521, ex-Service members are eligible for unemployment compensation provided that they were honorably discharged (and, if an officer, did not resign for the good of the service) and either

- Completed the first full term of service, or
- Were released before completing the first term under an early release program for convenience of the government; because of medical disqualification, pregnancy,

²⁴ Such appeals are made to the Board of Veterans' Appeals within the Department of Veterans Affairs [65].

parenthood, or service-incurred injury; because of hardship (including sole survivorship); or because of personality disorders or inaptitude if there were at least 365 days of continuous service [67].²⁵

This could be understood to imply that those separated during ELS are largely ineligible for UCX benefits, since they have neither completed their first full term of service nor, in most cases, been “honorably” discharged (their discharge is typically uncharacterized). However, Department of Labor (DOL) documentation states that “when the character of service is shown as ‘Entry-Level Separation’ and the period of service is less than 180 days, this individual’s character of service is also treated as honorable for UCX purposes” [68]. This suggests that those separated during ELS in fact *do* qualify for UCX. The policy explicitly states that the period of service must be less than 180 days for a person separated in ELS to be treated as an honorable discharge.

Benefits available after 180 days

Per 38 CFR, outpatient dental services and treatment for service-connected dental conditions or disabilities are furnished only if the veteran served on active duty for at least 180 days [69]. Similarly, per Title 10, preseparation counseling shall not be provided to Service members separating prior to completion of the first 180 days of active duty service [70]. Housing loan benefits, federal employment and training, and veterans’ preference also are earned only after 180 days of active service, per Title 38 [71-72]. In addition, Service members eligible for these three benefits must have been discharged under other than dishonorable conditions [71-72]. There are some cases when those separated during ELS, at present, qualify for federal employment and training and veterans’ preference (e.g., discharge for a service-connected disability or by reason of sole survivorship) but, writ large, they are not eligible due to their separation prior to 180 days of service [71].

Post-9/11 GI Bill

A change in the ELS definition also would have implications for Service members’ accrual of partial Post-9/11 GI Bill benefits. Per the Colmery Act, as of August 1, 2010, veterans with at least 90 days but less than 6 months of service qualify at the 50-percent level (currently 40 percent) [73]. Specifically, any veteran who served at least 90 days on active duty after

²⁵ In addition, reservists qualify for UCX if they served at least 90 consecutive days on active duty and were honorably discharged [68].

September 10, 2001, and was honorably discharged is eligible for some Post-9/11 GI Bill benefits [65].²⁶ For those *not* discharged for a service-connected disability, in most cases, the 90 days of required active duty service does *not* include basic military training or skill training [65].

For Service members in the Army, Navy, or Air Force, day 1 of active duty service begins after all occupational training has been completed and a member arrives at the first active duty unit. The Marine Corps, however, counts day 1 of active duty service as the first day of military occupational specialty (MOS) school. Specifically, per section 3301 of Title 38, “entry-level and skill training” is defined as:

- Basic Combat Training and Advanced Individual Training or One Station Unit Training for the Army
- Recruit Training and Skill Training (so-called A-school) for the Navy
- Basic Military Training and Technical Training for the Air Force
- Recruit Training and Marine Corps Training (or School of Infantry Training) for the Marine Corps [74]

We assume there is a typo in the Marine Corps definition—specifically, that “Marine Corps Training” should in fact be “Marine Combat Training,” since Marines attend either Marine Combat Training (MCT) or the School of Infantry (SOI). Under this assumption, entry-level and skill training is defined as the completion of occupational training for the Army, Navy, and Air Force, but as the completion of MCT (or SOI)—*prior to MOS school*—for the Marine Corps. Thus, for the purpose of the GI Bill benefit, the first day of active duty service is the first day that Soldiers, Sailors, or Airmen arrive, fully trained, at their units. For Marines, the first day of active duty service is the day they arrive at MOS school. Their 90th day of active duty service, therefore, will occur *at* MOS school for those with occupations whose schools exceed 90 days, but will occur at their first unit for those with shorter MOS schools.

Given these Service differences regarding when partial Post-9/11 GI Bill benefits begin to accrue, the implications of changing ELS on this benefit also varies. We reemphasize that there are two eligibility requirements for the partial Post-9/11 GI bill benefit:

1. The Service member must have served on active duty for at least 90 days, where active duty does not include entry-level skills training
2. The Service member must have an honorable discharge (and thus have a characterized discharge)

²⁶ The required days of active service decrease from 90 to 30 for those honorably discharged with a service-connected disability.

Health care, burial, and full Post-9/11 GI Bill benefits

Per 38 USC, 24 there is a minimum service requirement of 24 months for service members to earn health care and burial benefits [75]. In addition, the Colmery Act notes that full Post-9/11 GI Bill benefits are only available to those who have served either 1) at least 36 months, or 2) at least 30 consecutive days and were discharged with a purple-heart due to a service-connected disability [73].

Any other VA benefits accrued at 24 months

Per 38 CFR, Section 3.12a, the minimum active duty service requirement for VA benefits is 24 months [76]. There are exceptions, but they do not appear to affect the ELS population. For example, 38 CFR, Section 3.12a, notes that Service members who do not complete the minimum period of active service (24 months or the full period for which a member was called to active duty) are *not* eligible for VA benefits, *unless* they were discharged under 10 U.S.C. 1171 or 1173 [early out or hardship discharge] [76]. However, 10 U.S.C. 1171 notes that

Any regular enlisted member of an armed force may be discharged within one year before the expiration of the term of his enlistment or extended enlistment. A discharge under this section does not affect any right, privilege, or benefit that a member would have had if he completed his enlistment or extended enlistment, except that the member is not entitled to pay and allowances for the period not served. [77]

That is, the only way in which an early discharged service member qualifies for VA benefits is if he or she separates *within one year* prior to the end of the term of enlistment. Given that ELS separate in the first 180 days (or 270 if it is extended), the ELS window does not (and will not) extend to one year prior to the end of the enlistment term. Thus, although it is possible for those not serving 24 months to earn VA benefits, these exceptions do *not* apply to ELS.

Appendix D: Deriving Impact of ELS Expansion on Veteran Benefit Eligibility

In this appendix, we summarize the impact of an ELS expansion on veteran benefit eligibility and walk through examples that we generated to derive the impact.

Veteran benefit eligibility

Next, we review policy pertaining to veteran benefit eligibility during and after ELS. To evaluate our primary question of interest—whether a potential expansion of ELS (to the end of ELT or 270 days) will impact veterans’ benefits—we must first establish a baseline understanding of the benefits for which those who separate during and after ELS are eligible. There is a suite of veterans’ benefits, including health care and dental benefits, disability compensation, GI Bill benefits, UCX,²⁷ and preseparation counseling, among others. Each benefit has prescribed eligibility criteria, including a minimum service term. Service members become eligible for additional benefits as time in service accrues. In addition to having minimum time-in-service requirements, many benefits also require particular discharge characterizations in order to accrue (e.g., an Honorable or other than dishonorable discharge).²⁸

Veteran definition

Title 38 of the Code of Federal Regulations (CFR) defines a veteran as “a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable” [75]. Our conversation with VA personnel confirmed that “other than dishonorable” includes uncharacterized ELS discharges.

²⁷ We recognize that UCX is not, strictly speaking, a “veterans benefit” since it is not funded by the Department of Veterans Affairs (VA). That said, since it is a benefit available to veterans, we have included it in our discussion of veterans’ benefits.

²⁸ We define the veterans’ benefits relevant to a potential ELS expansion in Appendix B.

Service characterizations required

Table 18 summarizes the service characterizations required for veteran benefits relevant to a potential ELS extension. Preseparation counseling and dental benefits accrue regardless of discharge characterization. Post-9/11 GI Bill benefits and UCX require an Honorable discharge. The remaining benefits require an “other than dishonorable” discharge: disability compensation, housing loan, federal employment and training of veterans, and veterans' employment emphasis under federal contracts. Given the veteran definition, aside from preseparation counseling and dental benefits, which are available to veterans and nonveterans, all others can be considered veterans benefits.

Table 18. Characterization of service required for veteran benefits

Veteran benefit	Characterization of service required
Disability compensation	Other than dishonorable discharge
UCX	ELS considered honorably discharged for UCX purposes ^a
Post-9/11 GI Bill	Honorably discharged and at active duty unit (after ELT) for 90 days, 180 days, or in service 36 months to be eligible for 40%, 50%, or 100% max benefit
Preseparation counseling	At 180 days regardless of characterization
Dental	At 180 days regardless of characterization
Housing loan	At 180 days if other than dishonorable discharge, or still on active duty
Federal employment and training of veterans	At 180 days if other than dishonorable discharge
Veterans' employment emphasis under federal contracts	At 180 days if other than dishonorable discharge

Source: CNA.

^a Eligible at any time if honorable discharge for medical (including service-incurred injury, pregnancy); Reduction in Force (RIF); erroneous entry; hardship (including parenthood, sole survivorship); eligible with at least 365 days of continuous service for personality disorders or inaptitude.

During ELS

Table 19 summarizes veterans' benefits by when Service members accrue them.

Benefits available to members who separate within the first 180 days of service are UCX, disability compensation, and partial use of the Post-9/11 GI Bill for Service members with at least 30 days of active service who were honorably discharged with a service-connected disability. These benefits currently are available and will continue to be, regardless of whether the ELS definition is changed.

Table 19. Summary of benefits available (and not available) during ELS

Benefits available to those separating:		
Before 180 days	After 180 days	After 24 or 36 months
UCX	Dental	Health care (24 months)
Disability compensation ^a	Disability compensation	Burial benefits (24 months)
Partial Post-9/11 GI Bill ^b	Partial Post-9/11 GI Bill ^c	Full Post-9/11 GI Bill (36 months)
	Preseparation counseling	
	Housing loan benefits	
	Federal employment and training of veterans	
	Veterans' employment emphasis under federal contracts	

Source: CNA.

^a Disability compensation requires an other than dishonorable discharge. ELS can receive an honorable characterization if separated for selected changes in service obligation, convenience of the government, secretarial plenary authority, or another approved reason established by the corresponding military department.

^b Service members honorably discharged with a service-connected disability qualify for partial Post-9/11 GI Bill use after 30 days of active service.

^c Service members honorably discharged with at least 90 days at an active duty unit, after ELT, qualify for partial Post-9/11 GI Bill use.

After ELS

More benefits currently are available only after 180 days of service and, therefore, are currently not available to those who separate during ELS, *unless they are notified of their separation before 180 days but separated after 180 days* (see columns two and three in Table 19).

Benefits available to members who separate after 180 days of service are dental, disability compensation, partial use of the Post-9/11 GI Bill, preseparation counseling, housing loan benefits, federal employment and training of veterans, and veterans' employment emphasis under federal contracts. These are the benefits that could potentially be lost by Service members separating between days 180 and a new, later ELS definition. For each benefit, the Service member impact depends on whether policy regarding benefit eligibility is updated to match the new ELS definition. That is, do Service members continue to accrue dental benefits on day 181, even when ELS is newly defined as day 270 or the end of ELT? If benefit policies do not change, there will be no impact on Service members—all benefits currently accrued after 180 days of active duty service will continue to accrue. If, however, policies are updated to align with the newly defined end of ELS, some Service members could lose these benefits, depending on when they separate.

Benefits available to members who separate after 24 months of services are health care and burial benefits. Benefits available to members who separate after 36 months of service are full Post-9/11 GI Bill benefits. These are benefits for which those separating during ELS are currently ineligible and for which they would remain ineligible under the proposed ELS change.

Thus, no changes would occur from an ELS expansion to benefits in the first and third columns of Table 19; changes would only result from benefits accrued between day 180 and day 270 or between day 180 and the end of ELS.

Summary of veterans' benefits affected by an ELS expansion

If ELS were extended to day 270 or the end of ELT, there would be no loss of benefit eligibility before day 180 or after 24 months (see Table 20).

Table 20. No loss of benefits if ELS extended to day 270 or the end of ELT

To benefits available before day 180	To benefits available after 24 months
Disability compensation or UCX	Health care, burial, or full Post-9/11 GI Bill benefits

Source: CNA.

Benefits available to members who separate after 180 days of service could potentially be lost by Service members separating between days 180 and a new, later ELS definition.²⁹

If the ELS definition were to change to 270 days, any Service members still in entry-level status after day 180 would accrue the benefits available to them at day 180, unless the benefit policies were updated to reflect the new ELS definition. If the benefit policies were updated (e.g., if ELS was defined as 270 days and the dental policy also was updated so that dental benefits were only accrued after 271 days of service), there would be a loss of benefits for those who separate between day 180 and day 270, unless the VA makes benefit determinations during that interim period. If the VA makes determinations, there would be no loss of benefits. However, VA determinations would increase its workload. Alternatively, if the ELS definition were to change, to ensure no loss of benefits, benefit policies could be kept at 180 days.

If ELS were moved to the end of ELT, the implications for benefits that become available at 180 days vary by occupation. Service members in occupations with relatively short pipelines (whose ELT ends *prior* to day 180) would *gain* from such a change (because they would become eligible for the benefit earlier), while those in occupations with relatively long pipelines (whose

²⁹ See Appendix C for how we derived the effects of extending ELS on veteran benefits.

ELT ends after day 180) would *lose* from such a change (because they would become eligible for the benefit later).³⁰ The gains and losses go to those who separate between the current and any new ELS definition when the benefit policy also is moved to the end of ELT and the VA does not make determinations. If the benefit policy is kept at 180 days or if the VA makes determinations, the losses disappear and there is no impact.

Comparing the ELS extension options, fewer members would incur losses to (and some would gain) benefits available at 180 days if ELS was extended to the end of ELT than if it was extended to day 270 (see Table 21).

Table 21. Change in benefits available at 180 days if ELS extended^a

If extend ELS to	Short pipeline (ELT<180)	Long pipeline (ELT>180)
Day 270	Loss	Loss
End of ELT	Gain	Loss

Source: CNA.

^a For those who separate between the current and new ELS definition, if benefit policy also extended.

For partial Post-9/11 GI Bill benefits, whether Service members lose their benefits depends on the length of their occupational training in two (of four) cases. In these two cases, losses only occur if members separate between the current and new ELS definitions and the VA does not make determinations. These two cases are (1) if ELS moves to day 270, for those in the Army, Navy, and Air Force with relatively short pipelines and (2) if ELS moves to the end of ELT, for those in the Marine Corps with relatively long pipelines (see Table 22). In the other two cases, benefit changes do not depend on ELT length. These other two cases are (1) if ELS moves to the end of ELT, there is no impact on partial Post-9/11 GI Bill benefits for those in the Army, Navy, and Air Force, and (2) if ELS moves to day 270, there are losses for those who separate in a fixed window in the Marine Corps. Comparing the ELS extension options, fewer members would incur partial Post-9/11 GI Bill losses if ELS was extended to the end of ELT than if it was extended to day 270.

³⁰ There are examples on both sides of the spectrum. The Army, Navy, and Air Force have occupations with ELT pipelines that end as early as days 75, 107, and 62, respectively. At the other extreme, the longest ELT pipelines are 335, 462, 746, and 763 days for the Marine Corps, Army, Air Force, and Navy.

Table 22. Change in partial Post-9/11 GI Bill benefits if ELS extended

If extend ELS to:	Army, Navy, Air Force	Marine Corps
270 days	Loss if short pipeline (ELT < 180 days) ^a	Loss if sep. between day 220 and 270
End of ELT	No impact	Loss if long pipeline (ELT > 220) ^b

Source: CNA.

^a And separate between current and new ELS definition (ELT+90 & 270), if no VA determination.

^b And separate between current and new ELS definition (220 & end of ELT), if no VA determination.

An increase in VA disability compensation and state UCX characterizations would be necessary if ELS were extended to day 270 or the end of ELT, per current policy (see Table 23). DoD would have to decide whether it wants VA to make determinations for the partial Post-9/11 GI Bill, home loans, veteran employment/training, and veteran preference for those who separate between the current and new ELS definitions.

Table 23. Increase in benefit determinations that may be required if ELS extended to day 270 or end of ELT, for those who separate between the current and new ELS definitions

Deter-minations	Benefits	Characterization required	Policy
States	UCX compensation	ELS considered honorably discharged for UCX purposes	Required, per current policy
VA	Disability compensation	Other than dishonorable	Required, per current policy
	Home loans, veteran employment/ training, and veteran preference	Other than dishonorable	Policy needed
	Partial Post-9/11 GI Bill	Honorable	Policy needed

Source: CNA.

If DoD wants to extend ELS, how it does so depends on its goal. If its goal is to:

- Make policies internally consistent, it may want to update benefit policies to coincide with the new ELS definition, and accept benefit losses
- Ensure no loss of veteran benefits, it may want to keep benefit policies at 180 days³¹

³¹ DoD may want to be explicit about what it would like for VA determinations. As mentioned, if the VA makes determinations, there would be no loss of benefits. However, an increase in VA determinations would increase the VA's workload. DoD could achieve the same thing (no loss of benefits) by keeping benefits at 180 days, with less VA workload.

If ELS were extended to 270 days

Below are the examples we generated to derive the above summary tables. We start with the scenario of changing ELS to 270 days.

Post-9/11 GI Bill

Post-9/11 GI Bill benefit eligibility varies by Service. In 38 USC §3301, the Army, Navy, and Air Force's entry-level skills training (ELST) is defined as recruit training plus MOS school, whereas the Marine Corps' is defined as recruit training plus MCT (but not MOS school) [75]. Soldiers, Sailors, and Airmen start accruing partial Post-9/11 GI Bill benefits 91 days after the end of ELT (after 90 days at an active duty unit, exclusive of ELST). Noninfantry Marines start accruing partial Post-9/11 GI Bill benefits on day 221 (after 90 days at their first active duty unit, after 130 days of recruit training and MCT).³²

Table 24 summarizes the Post-9/11 GI Bill effects for all Services of extending ELS to 270 days.

Table 24. Effect of moving ELS from 180 to 270 days on Post-9/11 GI Bill benefits

	Army, Navy, Air Force		
	ELT < 180		
	VA determination	No VA determination	ELT > 180
Marine Corps			
Loss if separation between 220 and 270	No loss	Loss if separation between ELT+90 and 270	No loss

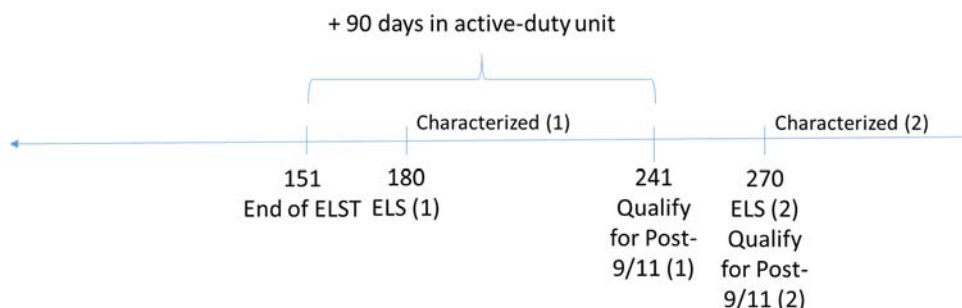
Source: CNA generated.

Army, Navy, Air Force

For the Army, Navy, and Air Force, we show examples generated to build Table 24 of how Post-9/11 GI Bill eligibility would be affected if ELS were extended to 270 days. If ELS were changed to 270 days, those currently accruing benefits on day 271 or later (those with ELT>180) would face no change—they would continue to accrue their partial Post-9/11 GI Bill benefits on the same day (see last column of Table 24, and example 2 in Figure 7 and Table 25).

³² Only Marines in the seven 03XX MOSs attend SOI, and they arrive at MOS school on day 100.

Figure 7. Army, Navy, and Air Force: Effect on Post-9/11 GI Bill eligibility if extend ELS to 270 days



Source: CNA generated.

Table 25. Army, Navy, and Air Force: Effect on Post-9/11 GI Bill eligibility if extend ELS to 270 days

Ex.	ELT	ELT	ELT+90	ELS	VA determ.	Qualify at	Gain/loss
(1)	< 180	151	241	180		241	
				270	No	270	Loss if separation between ELT+90 and 270
				270	Yes	241	No loss
(2)	> 180	201	291	180		291	No loss
				270		291	No loss

Source: CNA generated.

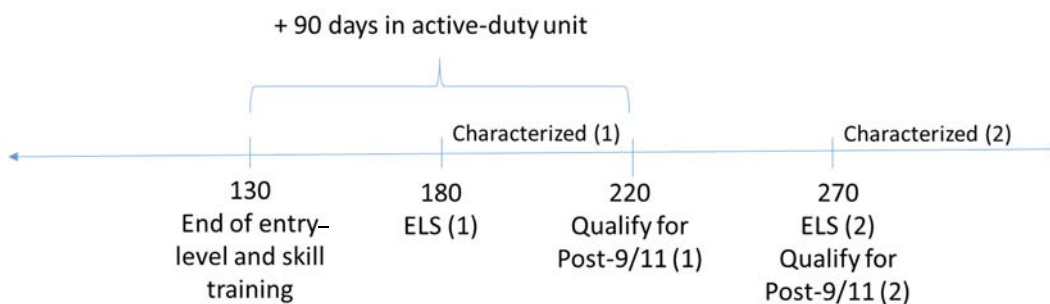
Those who would face a loss of eligibility are those who currently accrue the benefit *before* day 270 (those with ELT<180, if the VA does not make determinations) (see column three of Table 24, and example 1 in Figure 7 and Table 25). That is, those Service members who have completed occupational training and spent 90 days in a unit prior to day 270. Mathematically, this means that the number of occupational training days plus 90 is less than 270. Service members whose occupational training ends before day 180 (those with short pipelines) are those who could lose from this change, assuming, that they separate between the day on which they were previously eligible and day 270.

We find that extending ELS to 270 days results in a loss of partial Post-9/11 GI Bill benefits only for those with short pipelines who separate between the day they were previously eligible and day 270 in the Army, Navy, and Air Force, if the VA does not make determinations.

Marine Corps

For the Marine Corps, we show how Post-9/11 GI Bill benefit eligibility would be affected if ELS were extended to 270 days. Because, as defined, the length of Marine Corps ELST (130 days) is the same for all occupations, the effects of extending ELS are the same for all occupations (see Figure 8 and Table 26). If ELS was extended to 270 days, Marines separating between days 221 and 270 would lose their previously accrued benefit. Essentially, there is a benefit loss for those Marines who were previously out of MOS school at the end of ELS plus 90 days (and could thereby receive a characterized discharge), but, under the new definition, would *still* be in ELS at that time. Noninfantry Marines separating on day 250, for example, currently are eligible for partial Post-9/11 GI Bill benefits, since ELS ends on day 180 (allowing for a characterized discharge) and they earned the benefit on day 221. However, if the end of ELS is moved to day 270, these Marines would not receive a characterized discharge until after day 270, thus losing eligibility between days 221 and 270 (inclusive). We find that extending ELS to 270 days would result in a loss of partial Post-9/11 GI Bill benefits for Marines who separate between 220 and 270 days.

Figure 8. Marine Corps: Effect on Post-9/11 GI Bill benefits if extend ELS to 270 days



Source: CNA.

Table 26. Marine Corps: Effect on Post-9/11 GI Bill benefits if extend ELS to 270 days

	ELST	ELS	ELST+90	Qualify at	Gain/loss
(1)	130	180	220	220	
(2)	130	270	220	270	Loss if sep b/w 220 & 270

Source: CNA.

Benefits that veterans become eligible for at 180 days

We next examine benefits that veterans become eligible for at 180 days, separately for those that do not require characterizations (dental and preseparation counseling) and those that

require other than dishonorable discharges (home loans, veteran employment/training, and veteran preference). These do not vary by Service.

Table 27 summarizes both types of benefits.

Table 27. Effect of extending ELS to 270 days on benefits that veterans become eligible for at 180 days

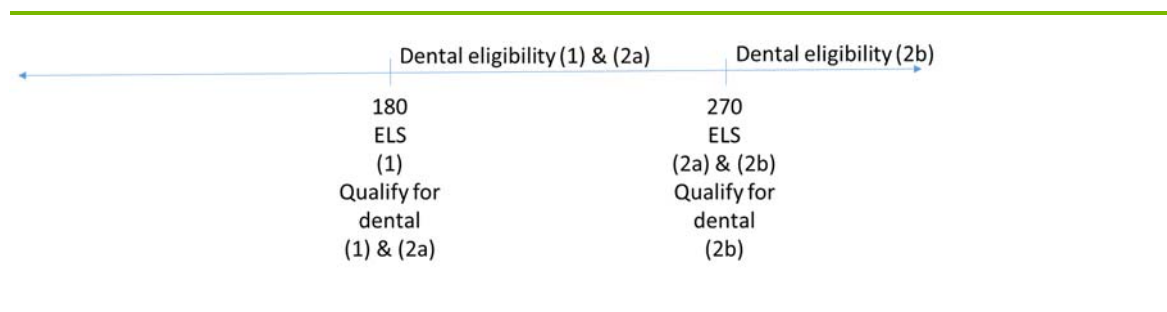
If dental and preseparation counseling benefit eligibility		If home loan, veteran training/employment, and veteran preference eligibility		
Stays at 180 days	Moves to 270 days	Stays at 180 days		Moves to 270 days
		VA det.	No VA det.	
No loss	Loss if sep. between 180 and 270	No loss	Loss if sep. between 180 and 270	Loss if sep. between 180 and 270

Source: CNA generated.

That do not require characterizations

For benefits that do not require characterizations, we show the effect on dental and preseparation counseling benefit eligibility of extending ELS to 270 days. If benefit policies do not change to align with the newly defined end of ELS, there will be no impact for the Service member—benefits currently accrued after 180 days of active duty service will continue to accrue at that time (see column 1 of Table 27, and example 2a in Figure 9 and Table 28). If, however, policies are updated, any Service member separating between days 181 and 270 (inclusive) would no longer rate any of these benefits. We find that extending ELS to 270 days would result in a loss of dental and preseparation counseling benefits for those that separate between 180 and 270 days of service if the policy eligibility for these benefits also were extended from 180 to 270 days (see column 2 of Table 27, and example 2b in Figure 9 and Table 28).

Figure 9. Effect on dental and preseparation counseling eligibility if extend ELS to 270 days



Source: CNA.

^a Due to space constraints, we write only dental eligibility but also mean preseparation counseling eligibility.

Table 28. Effect on dental and preseparation counseling eligibility if extend ELS to 270 days

	Dental eligibility ^a	ELS	Qualify at	Gain/loss
(1)	180	180	180	
(2a)	180	270	180	No loss
(2b)	270	270	270	Loss if sep. between 180 and 270

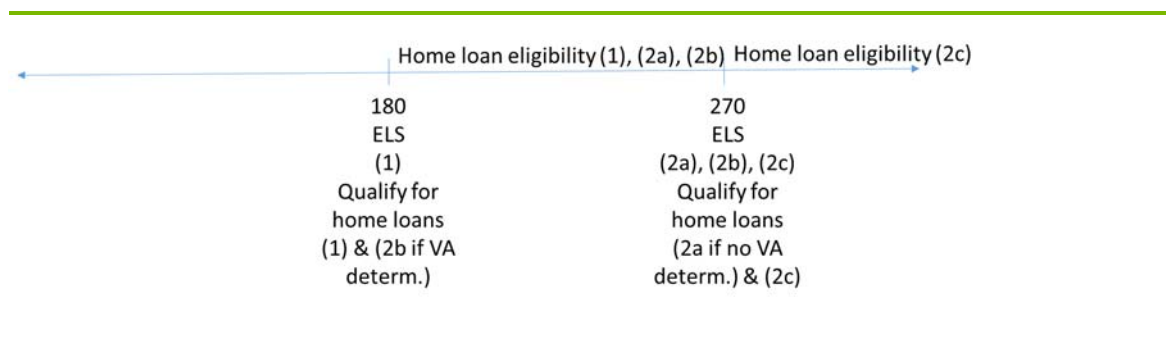
Source: CNA.

^a Due to space constraints, we write only dental eligibility but also mean preseparation counseling eligibility.

That require other than dishonorable discharges

Next, we show the effect on home loans, veteran employment/training, and veteran preference of extending ELS to 270 days. We find that it would result in a loss of these benefits for those that separate between 180 and 270 days of service if policy eligibility also was extended to 270 days (see the last column in Table 27, and example 2c in Figure 10 and Table 29) *or* if it were kept at 180 days and the VA did not make determinations for those separating between 180 and 270 days (see column four in Table 27, and example 2a in Figure 10 and Table 29). There would be no loss if benefit eligibility were kept at 180 days and VA did make determinations (see column three in Table 27, and example 2b in Figure 10 and Table 29).

Figure 10. Effect on home loan, veteran training/employment, and veteran preference eligibility if extend ELS to 270 days



Source: CNA.

^a Due to space constraints, we write only home loans but also mean veteran training and preference.

Table 29. Effect on home loan, veteran training/employment, and veteran preference eligibility if extend ELS to 270 days

	Home loan eligibility	ELS	VA determ.	Qualify at	Gain/loss
(1)	180	180		180	
(2a)		270	No	270	Loss if sep. between 180 and 270
(2b)		270	Yes	180	No loss
(2c)	270	270		270	Loss if sep. between 180 and 270

Source: CNA.

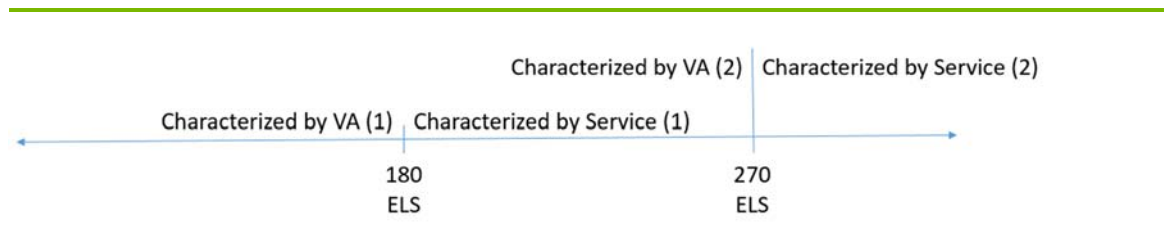
^a Due to space constraints, we write only home loans but also mean veteran training and preference.

Disability compensation and unemployment compensation

We assume that all of the benefits earned prior to day 180 (i.e., those with no minimum time-in-service requirement) would be unaffected by a change in the ELS definition. That is, under a new ELS definition, those separated within ELS would remain eligible for disability and UCX.

For disability compensation, we find that the effect of extending ELS to 270 days would result in no impact on Service members, but an increase in VA determinations for those who separate between 180 and 270 days of service (see Figure 11 and Table 30).

Figure 11. Effect on disability compensation if extend ELS to 270 days



Source: CNA.

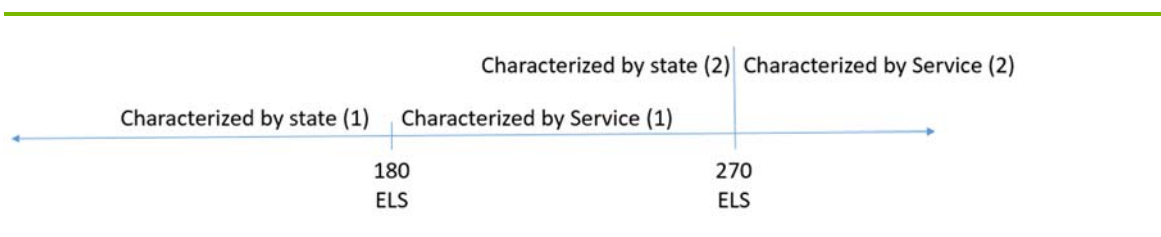
Table 30. Effect on disability compensation if extend ELS to 270 days

	ELS	Separate	Characterized by	Greater workload for
(1)	180	< 180 days	VA	
		> 180 days	Service	
(2)	270	< 180 days	VA	
		From 180 to 270 days	VA	VA
		> 270 days	Service	

Source: CNA.

For unemployment compensation, we find that extending ELS to 270 days would result in no impact on Service members, but an increase in state UCX determinations for those who separate between 180 and 270 days of service (see Figure 12 and Table 31).

Figure 12. Effect on UCX eligibility if extend ELS to 270 days



Source: CNA.

Table 31. Effect on UCX eligibility if extend ELS to 270 days

	ELS	Separate	Characterized by	Greater workload for
(1)	180	< 180	State	
		> 180	Service	
(2)	270	< 180	State	
		From 180 to 270 days	State	State
		> 270	Service	

Source: CNA.

Health care, burial, and full Post-9/11 GI Bill benefits

For health care, burial, and full Post-9/11 GI Bill benefits, those who separate within ELS are neither currently eligible nor would they be eligible if ELS extended to 270 days.

If ELS were extended to the end of ELT

We now consider the case of extending ELS to the end of ELT.

Post-9/11 GI Bill

Table 32 summarizes the Post-9/11 GI Bill effects across Services of extending ELS to the end of ELT.

Table 32. Effect of extending ELS to end of ELT on Post-9/11 GI Bill Benefits

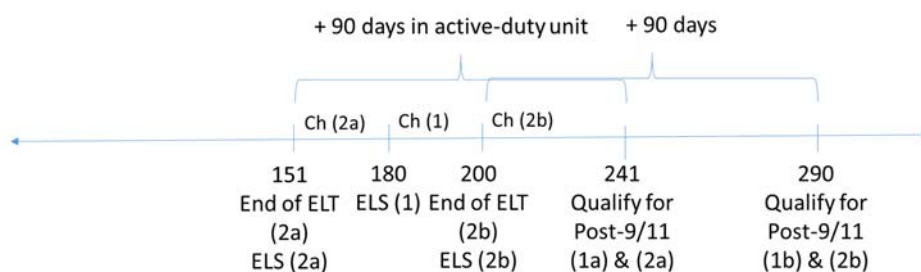
USMC			Other Services		
ELT < 220	ELT > 220		ELT < 180		ELT > 180
	VA determ.	No VA determ.	VA determ.	No VA determ.	
No loss	No loss	Loss if sep. between 220 and end of ELT if ELT > 220		No impact	

Source: CNA generated.

Army, Navy, and Air Force

For the Army, Navy, and Air Force, we show the effect on Post-9/11 GI Bill eligibility of extending ELS to the end of ELT. In this scenario, all Service members would become eligible for partial Post-9/11 GI Bill benefits at the end of ELT plus 90 days—they would arrive at their first active duty unit on the day after ELT, when all occupational training is complete. This presents no change in benefit eligibility for the Army, Navy, and Air Force, since entry-level skills training for these three Services *includes* occupational training; thus, at present, they are eligible for partial Post-9/11 GI Bill benefits at the end of ELT plus 90 days. If ELS were changed to the end of ELT, they still would be benefit eligible at the end of ELT plus 90 days. Therefore, we find that extending ELS to the end of ELT results in no loss of Post-9/11 GI Bill eligibility benefits (see the last three columns of Table 32), regardless of the length of ELT (see examples 2a and 2b in Figure 13 and Table 33). There will be an impact, however, for some Marines.

Figure 13. Army, Navy, and Air Force: Effect on Post-9/11 GI Bill benefits if extend ELS to end of ELT



Source: CNA.

Table 33. Army, Navy, and Air Force: Effect on Post-9/11 GI Bill benefits if move ELS from 180 days to end of ELT

Example	ELST=ELT	ELST+90	ELT	ELS	Qualify at	Gain/loss
(1a)	151	241	ELT < 180	180	241	
(2a)				151	241	No loss
(1b)	200	290	ELT > 180	180	290	
(2b)				200	290	No loss

Source: CNA.

Marine Corps

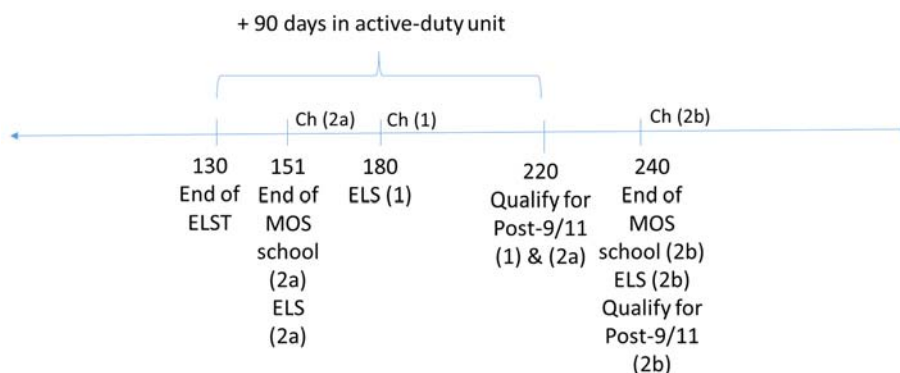
For the Marine Corps, we show the effect on Post-9/11 GI Bill eligibility of extending ELS to the end of ELT (see Figure 14 and Table 34).

Affected Marines would be those whose MOS schools are longer than 90 days (this encompasses 70 of the Marine Corps' 148 MOSs) that do not receive a VA determination (see column three in Table 32, and example 2b in Figure 14 and Table 34). At present, all noninfantry Marines complete ELST on day 130 and begin accruing partial Post-9/11 GI Bill benefits on day 221. If ELS is redefined to be the end of ELT, however—and note that ELT *includes* occupational skill training, although ELST, for the purpose of determining GI Bill eligibility in the Marine Corps, does not—Marines will not accrue the benefit until 90 days after the end of MOS school. There will be a benefit loss for those with MOS schools greater than 90 days. In the case of Network Administrator, MOS 0631, MOS school is 111 days long, and the total training pipeline (including all travel and leave days), is 241 days. Whereas these Marines previously accrued the benefit on day 221, they now will not accrue it until day 242. Any 0631 Marines separating in that 221 to 242 window will lose a benefit they accrue under the current ELS definition. If these Marines receive a VA determination, there is no loss in benefits (see column two in Table 32, and example 2c in Figure 14 and Table 34).

For those with MOS schools less than 90 days there is ultimately no change (see column one in Table 32, and example 2a in Figure 14 and Table 34). In the case of the Marine Air-Ground Task Force planning specialist, MOS 0511, MOS school is 32 days and the total training pipeline is 162 days. They still will accrue the benefit on day 221 (maybe a day or two less if travel to first unit after MOS school is subtracted)—the only difference is that this Marine will not be in EL status between days 163 and 221, whereas he or she previously was. There are, however, no implications for the Post-9/11 GI Bill, since the only requirements are 90 days in an active duty unit and a characterized discharge.

We find that extending ELS to the end of ELT only results in a loss of partial Post-9/11 GI Bill benefits for Marines with MOS schools longer than 90 days (ELT > 220) who separate between 220 days of service and the end of ELT, if the VA does not make determinations.

Figure 14. Marine Corps: Effect on Post-9/11 GI Bill benefits if extend ELS to end of ELT



Source: CNA.

Table 34. Marine Corps: Effect on Post-9/11 GI Bill benefits if extend ELS to end of ELT

ELST+90	Example	ELT vs ELST	ELS=ELT	VA determ.	Qualify at	Gain/loss
220	(1)		180		220	
	(2a)	ELT < 220	151		220	No loss
	(2b)	ELT > 220	240	No	240	Loss if sep. between 220 and end of ELT (if ELT>220)
	(2c)		240	Yes	220	No loss

Source: CNA.

Benefits that veterans become eligible for at 180 days

Table 35 summarizes the effect on benefits that veterans become eligible for at 180 days if ELS were extended to the end of ELT—members separating in ELT after 180 days would no longer rate these benefits.

Table 35. Effect of extending ELS to the end of ELT on benefits that veterans become eligible for at 180 days

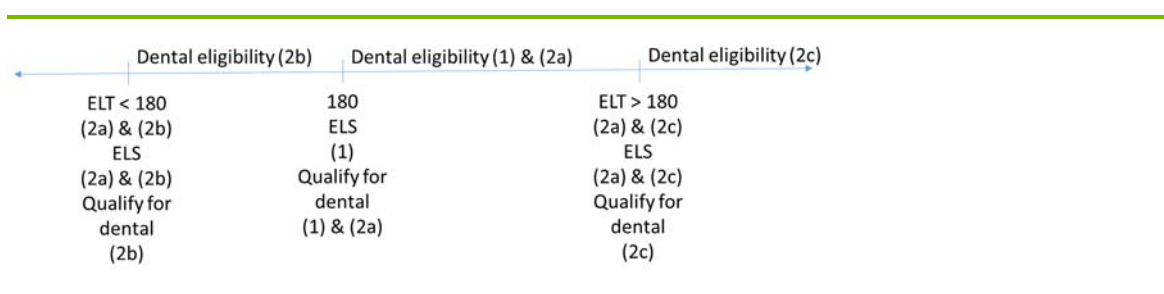
If dental and preseparation counseling eligibility:			If home loan, veteran training/employment, and veteran preference eligibility				
Stays at 180	Moves to end of ELT		Stays at 180			Moves to end of ELT	
				No VA det.	VA det.		
	ELT < 180	ELT > 180	ELT < 180	ELT > 180		ELT < 180	ELT > 180
No loss	Gain if sep. between end ELT and 180	Loss if sep. between 180 and end ELT	No loss	Loss if sep. between 180 and end ELT	No loss	Gain if sep. between end ELT and 180	Loss if sep. between 180 and end ELT

Source: CNA generated.

That do not require characterizations

For benefits that do not require characterizations, we show the effect of extending ELS to the end of ELT on dental and preseparation counseling benefit eligibility. We find this extension would result in no loss of dental and preseparation counseling benefits (see column one in Table 35, and example 2a in Figure 15 and Table 36); in fact, it would result in a gain in dental and preseparation counseling benefits for those with ELT < 180 who separate between the end of ELT and 180 days (see column two in Table 35, and example 2b in Figure 15 and Table 36) and a loss in benefits for those with ELT > 180 who separate between 180 days and the end of ELT (see column three in Table 35, and example 2c in Figure 15 and Table 36).

Figure 15. Effect on dental/presep. counseling benefit eligibility if extend ELS to end of ELT



Source: CNA.

^a Due to space constraints, we write only dental eligibility but also mean preseparation counseling eligibility.

Table 36. Effect on dental and preseparation counseling benefit eligibility if extend ELS to the end of ELT

	Dental eligibility ^a	ELS	Qualify at	Gain/loss
(1)	180	180	180	
(2a)		End of ELT	180	No loss
(2b)	End of ELT	End of ELT < 180	End of ELT	Gain if ELT < 180 and sep. between end of ELT and 180
(2c)		End of ELT > 180	End of ELT	Loss if ELT > 180 and sep. between 180 and end of ELT

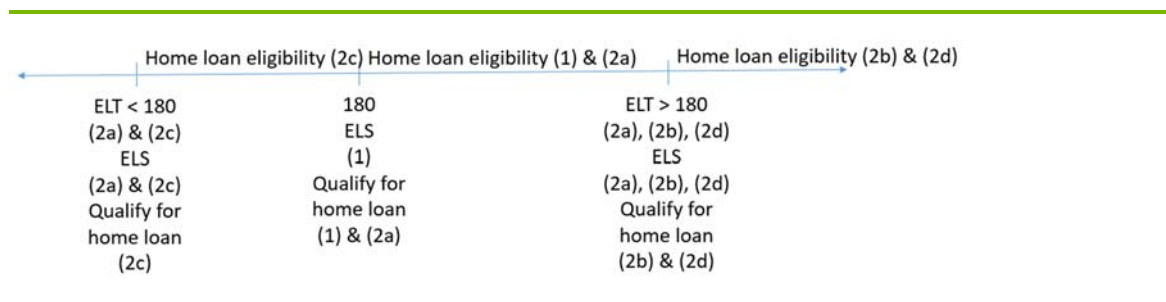
Source: CNA.

^a Due to space constraints, we write only dental eligibility but also mean preseparation counseling eligibility.

That require other than dishonorable discharge

Next, for benefits that require other than dishonorable discharges, we show the effect of extending ELS to the end of ELT on home loan, veteran employment/training, and veteran preference eligibility. We find that, if benefit eligibility remained at 180 days, unlike with dental and preseparation counseling, this would result in a benefit loss for those with ELT > 180 days who separate between 180 days of service and the end of ELT, if there was no VA determination; it would result in no benefit loss if there was a VA determination (see columns five and six in Table 35, and example 2b in Figure 16 and Table 37) and no loss for those with ELT < 180 days (see column four in Table 35, and example 2a in Figure 16 and Table 37). However, as with dental and preseparation counseling, if benefit eligibility was extended to the end of ELT, it would result in a benefit gain for those with ELT < 180 who separate between the end of ELT and 180 days (see column seven in Table 35, and example 2c in Figure 16 and Table 37) and a benefit loss for those with ELT > 180 who separate between 180 days and the end of ELT (see column eight in Table 35, and example 2d in Figure 16 and Table 37).

Figure 16. Effect on home loan/veteran training/preference eligibility if extend ELS to end of ELT



Source: CNA.

^a Due to space constraints, we write only home loan eligibility but also mean veteran training/employment and veteran preference eligibility.

Table 37. Effect on home loan, veteran training/employment, and veteran preference eligibility if extend ELS to the end of ELT

	Home loan elig. ^a	ELS	VA determ.	Qualify at	Gain/loss
(1)	180	180		180	
(2a)	180	End of ELT < 180		180	No loss
(2b)		End of ELT > 180	No	End of ELT > 180	Loss if ELT > 180 & sep. between 180 & end of ELT
			Yes	180	No loss
(2c)	End of ELT	End of ELT < 180		End of ELT < 180	Gain if ELT < 180 & sep. between end of ELT & 180
(2d)		End of ELT > 180		End of ELT > 180	Loss if ELT > 180 & sep. between 180 & end of ELT

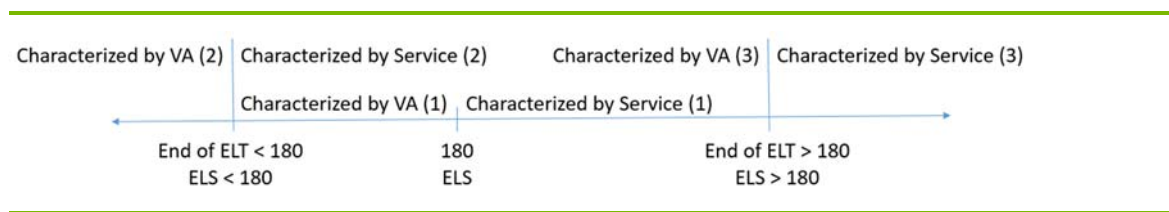
Source: CNA.

^a Due to space constraints, we write only home loans, but also mean veteran training and preference eligibility.

Disability compensation and unemployment compensation

The impact on disability compensation and UCX benefits is the same if ELS were extended to the end of ELT or to 270 days. For disability compensation, if ELS were extended to the end of ELT, there would be no impact to Service members, but an increase in Service determinations for those whose ELT pipelines are less than 180 days and an increase in VA determinations for those whose ELT pipelines are greater than 180 days (see Figure 17 and Table 38).

Figure 17. Effect on disability compensation if extend ELS to the end of ELT



Source: CNA.

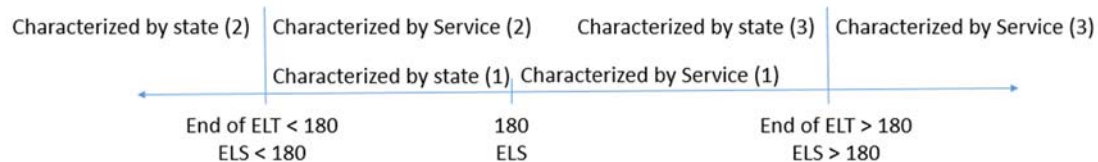
Table 38. Effect on disability compensation if move ELS from 180 days to end of ELT

	ELS	Separate	Characterized by	Greater workload for
(1)	180	< 180 days	VA	
		> 180 days	Service	
(2)	ELT < 180	< end of ELT	VA	
		From end of ELT to 180 days	Service	Service
		> 180 days	Service	
(3)	ELT > 180	< 180 days	VA	
		From 180 days to end of ELT	VA	VA
		> end of ELT	Service	

Source: CNA.

For UCX benefits, if ELS were extended to the end of ELT, there would be no impact to Service members, but an increase in Service determinations for those whose ELT pipelines are less than 180 days and an increase in state determinations for those whose ELT pipelines are greater than 180 days (see Figure 18 and Table 39). Overall, this likely would increase state workload because, as mentioned, the average ELT pipeline is greater than 180 days.

Figure 18. Effect on UCX eligibility if extend ELS to the end of ELT



Source: CNA.

Table 39. Effect on UCX eligibility if move ELS from 180 days to end of ELT

	ELS	Separate	Characterized by	Greater workload for
(1)	180	< 180 days	State	
		> 180 days	Service	
(2)	ELT < 180	< end of ELT	State	
		From end of ELT to 180 days	Service	Service
		> 180 days	Service	
(3)	ELT > 180	< 180 days	State	
		From 180 days to end of ELT	State	State
		> end of ELT	Service	

Source: CNA.

Health care, burial, and full Post-9/11 GI Bill benefits

For health care, burial, and full Post-9/11 GI Bill benefits, those separating in ELS are neither currently eligible nor would they be eligible under any ELS definition of less than 24 months.

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Abbreviations

AC	active component
ADHD	Attention Deficit Hyperactivity Disorder
AdSep	administrative separation
AETC	Air Force Education and Training Command
AFPC	Air Force Personnel Command
AFQT	Armed Forces Qualification Test
AIT	Advanced Individual Training
AMSARA	Accession Medical Standards Analysis & Research Activity
ARISS	Army Recruiting Information Support System
ASN M&RA	Assistant Secretary of the Navy, Manpower & Reserve Affairs
BMT	Basic Military Training
BUMED	Navy Bureau of Medicine and Surgery
CFR	Code of Federal Regulations
CM	court-martial
CMO	Chief Medical Officer
CnD	condition, not a disability
CNRC	Commander, Navy Recruiting Command
CO	Commanding Officer
DAT	Drug and Alcohol Test
DES	Disability Evaluation System
DMDC	Defense Manpower Data Center
DMPM	Director of Military Personnel Management
DoD	Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DoL	Department of Labor
DoN	Department of the Navy
DTM	Directive Type Memorandum
DV	domestic violence
ELPC	entry-level performance and conduct
ELS	entry-level status
ELST	entry-level skills training
ELT	entry-level training
ETP	exception to policy
FRED	Federal Reserve Economic Data

GAO	General Accounting Office (name changed in 2004 to Government Accountability Office)
GCMCA	General Court-Martial Convening Authority
HAC	House Appropriations Committee
ICD	International Classification of Diseases
IDES	Integrated Disability Evaluation System
IET	Initial Entry Training
IST	initial strength training
JJAS	June, July, August, and September
MARCORSEPMAN	Marine Corps Separation and Retirement Manual
MCRC	Marine Corps Recruiting Command
MCRD	Marine Corps Recruit Depot
MCT	Marine Combat Training
MEB	Medical Evaluation Board
MEPCOM	Military Entrance Processing Command
MEPS	Military Entrance Processing Station
MIRS	MEPCOM Integrated Resource System
MOS	Military Occupational Specialty
NACLC	National Agency Check with Law and Credit
NCO	noncommissioned officer
NJP	Non-Judicial Punishment
OEPm	Office of Officer and Enlisted Personnel Management
OSD	Office of the Secretary of Defense
OTH	Other than Honorable
OUSD-AP	Office of the Under Secretary of Defense, Accession Policy
OUSD-P&R	Office of the Under Secretary of Defense, Personnel & Readiness
PEB	Physical Evaluation Board
POC	point of contact
PTSD	Post-Traumatic Stress Disorder
QC	quality control
RTC	Recruit Training Command
SOI	School of Infantry
SECNAV	Secretary of the Navy
SJA	Staff Judge Advocate
SMART	Sailor and Marine Tracking System
SME	subject matter expert
TDP	Trainee Discharge Program
TECOM	Training and Education Command
TRADOC	Training & Doctrine Command

TRNGCMD	Training Command
UCMJ	Uniform Code of Military Justice
UCX	Unemployment Compensation for Ex-Service Members
UHC	Under Honorable Conditions
USAREC	United States Army Recruiting Command
U.S.C.	United States Code
VA	Department of Veterans Affairs
VASRD	Veterans Affairs Schedule for Rating Disabilities
VOW	Veterans Opportunity to Work

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