

RESTRICTIONS ON PERSONAL CONDUCT IN THE ARMED FORCES

(For use of this form, see USMEPCOM Reg 601-23)

1. Military life is fundamentally different from civilian life. The military has its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society. These are necessary because military units and personnel must maintain the high standards of morale, good order and discipline, and unit cohesion that are essential for combat effectiveness.

2. The Armed Forces must be ready at all times for worldwide deployment. Military law and regulations, including the Uniform Code of Military Justice, apply to Service members at all times, both on base or off base, from the time the member enters the Service until the member is discharged or otherwise separated from the Armed Forces.

3. Members of the Armed Forces may be involuntarily separated before their term of service ends for various reasons established by law and military regulations, such as:

a. A member may be separated for a pattern of disciplinary infractions, a pattern of misconduct, commission of a serious offense, or civilian conviction.

b. A member who has been referred to a rehabilitation program for personal drug and alcohol abuse may be separated for failure through inability or refusal to participate in, cooperate in, or successfully complete such a program.

c. A member may be discharged by reason of parenthood if it is determined the member, because of parental responsibilities, is unable to perform his or her duties satisfactorily or is unavailable for worldwide assignment or deployment.

d. A member may be separated for violation of laws or regulations regarding sexual conduct of members of the Armed Forces, for example, engaging or attempting to engage in a homosexual act or soliciting another to engage in such an act; for stating that he or she is a homosexual or bisexual, or words to that effect; or for marrying or attempting to marry an individual of the same sex.

e. A member may be separated for failure to meet Service weight control standards.

f. A member may be separated for harassment or violence against any Service member.

4. A member of the Armed Forces shall be separated from the Armed Forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

a. That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that--

(1) such conduct is a departure from the member's usual and customary behavior;

(2) such conduct, under all circumstances, is unlikely to recur;

(3) such conduct was not accomplished by use of force, coercion, or intimidation;

(4) under the particular circumstances of the case, the member's continued presence in the Armed Forces is consistent with the interests of the Armed Forces in proper discipline, good order, and morale; and

(5) the member does not have a propensity or intent to engage in homosexual acts.

b. The member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

c. That the member has married or attempted to marry a person known to be of the same biological sex.