



# FROM COUNSEL

A Preventive Law Service of The Fort Riley Legal Assistance Office  
*Keeping You Informed On Personal Legal Affairs*

---

## **SEPARATION OF ENLISTED WOMEN—PREGNANCY: AR 635-200, Chapter 8**

---

Persons who need assistance or legal assistance concerning separation because of pregnancy may call for appointments or walk-in to the Legal Assistance Office in Building 216, Custer Avenue.

**Q: What is a Chapter 8 Separation under AR 635-200?**

A: A separation of an enlisted woman Soldier because she has become pregnant while on AA, or USAR or ARNG ordered to AD or ADT.

**Q: Is the separation voluntary?**

A: Yes, separation under AR 635-200, chapter 8, is voluntary. The enlisted woman may request separation under this chapter due to her pregnancy.

**Q: What options does an enlisted pregnancy woman have under chapter 8?**

A: An enlisted pregnant Soldier has two options if pregnant: (1) to separate from service under Chapter 8, or (2) to remain on Active Duty.

**Q: What Characterization of Service is associated with separation under AR 635-200, Chapter 8?**

A: The characterization of services depends on whether or not the enlisted pregnant woman is still in entry-level status or if she is beyond entry-level status:

- in entry-level status: service will be uncharacterized

- beyond entry-level status: service will be characterized as honorable or under honorable conditions. Before an “under honorable conditions” characterization is given, the Soldier will be advise of the specific factors in their service record that warrant such characterization at which point the notification procedure will be used.

**Q: Will I be able to return to Active Duty service when my pregnancy is over?**

A: Depending on the criteria set forth in AR 635-200, Chapter 1, Section VII, an enlisted woman will either be released from Active Duty and transferred to Individual Ready Reserve (IRR) or completely discharged.

**Q: What are my options for maternity care?**

A: If an enlisted woman chooses to remain on active duty, she will receive treatment in a military facility or in a civilian facility, if there is no military maternity care available within thirty (30) miles of her location.

If she chooses to separate, she is authorized treatment only in a military facility that has maternity care. She is NOT authorized care in a civilian facility at government expense.

For more information see AR 40-400, paragraph 2-8 for care while on Active Duty and AR 40-400, paragraph 3-39 for care after separation.

**Q: What are the responsibilities of my unit Commander with regards to my pregnancy?**

A: If an enlisted woman believes she is pregnant or her physical condition indicates that she might be pregnant, the unit Commander must direct the enlisted woman to report for diagnosis by a physician at the servicing medical treatment facility.

Once a determination is made that the enlisted woman is pregnant, the unit Commander will then conduct a pregnancy counseling with the Soldier. A pregnancy counseling should occur as soon as pregnancy is identified but must not be later than ninety (90) days prior to the expected date of birth of the child.

**Q: What is the medical process for determining pregnancy?**

A: An examination for pregnancy must first be conducted to determine if the enlisted woman is pregnant. This examination will be conducted as a complete medical examination.

-If the medical examination reveals that the enlisted woman is pregnant, no additional examinations are required before separation if the medical separation is accomplished through AR 40-501. If there is no other change in medical condition upon which separation is based, separation will be accomplished without a medical or physical evaluation board.

-If there are medical conditions that disqualify the enlisted woman for retention, separation processing will be accomplished per AR 40-501 and AR 635-40.

Additionally, a pregnancy diagnosis must be made and certified in writing by a physical on duty with the medical treatment facility. After a diagnosis of pregnancy has been made, a certificate will be sent to the separation authority as an enclosure if the enlisted woman applies for separation.

**Q: Are there conditions that affect separation for pregnancy?**

A: Yes, in fact there are eight (8) specific conditions that affect separation for pregnancy. For example:

a) Separation will not be accomplished within an overseas command unless the enlisted woman's home is located there.

b) If being separation under another chapter, during the separation process it is determined that the enlisted woman is pregnant, she will not be separated under chapter 8.

c) If there is an abnormal pregnancy – a Soldier carries a pregnancy for sixteen (16) weeks and has an abortion, miscarriage or immature/premature delivery before separation is accomplished, Soldier will have the option to continue separation or be retained by the Service.

d) If an enlisted woman elects to remain on Active Duty after her pregnancy counseling, if at anytime she is still pregnant, she may request separation under chapter 8.

**Q: What happens during a pregnancy counseling?**

A: The unit Commander will counsel a pregnant enlisted woman using a pregnancy counseling checklist. At this time, the Commander will explain the purpose that the purpose of the counseling is to provide information concerning options, entitlement, and responsibilities of the Soldier.

**Q: If I request separation, how is my separation date determined?**

A: The enlisted woman may request a specific separation date; however, the separation authority and military physician will have the ultimate decision-making power over the separation date.

The separation date must not be later than thirty (30) days before the expected date of delivery or the latest date her military physician will authorize her to travel to her Home of Record or Entry on Duty Station, whichever is earlier.

Prepared By: 1LT Tamika Lipford  
Last Updated: 24 March 2015