

CONSULTING COUNSEL'S CHECKLIST

For use of this form, see AR 135-178; proponent agency is ODCSPER.

PURPOSE: To be used by consulting counsel as an aid in consultation with a respondent at the outset of involuntary separation proceedings. This checklist is not all inclusive. The use of a continuation sheet for additional notes is authorized.

1. RESPONDENT'S NAME	2. RANK	3. UNIT/ORGANIZATION
4. COUNSEL'S NAME	5. RANK	6. UNIT/ORGANIZATION

7. The soldier was advised concerning the basis for the separation action.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
8. The soldier was advised of the effects of separation action.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
9. The soldier was advised of the rights available to him/her.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
10. The soldier was advised of the effect of any action taken in waiving any rights available to him/her.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
11. Where the soldier has a right to an administrative separation board, he/she was advised of the procedure and ramifications of requesting a conditional waiver.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
12. The soldier was advised regarding the merits of the separation action.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
13. The soldier was advised that his/her enlistment may be voided if he/she is being considered for separation for fraudulent entry (desertion from another military service).	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
14. The soldier was advised on the characterizations of service authorized for the separation action, and the effects of each type.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
15. The soldier was advised that if he/she receives a discharge which is less than honorable, there is no automatic upgrading or review by any Government Agency.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
16. The soldier was advised that upgrading is considered only on application to Army Discharge Review Board or the Army Board of Correction of Military records.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
17. The soldier was advised that consideration by either the Army Discharge Review Board or the Army Board of Correction of Military Records does not guarantee upgrading of a discharge that is less than honorable.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
18. The soldier was advised that communications between the soldier and consulting counsel regarding the merits of the separation action are privileged communications between the attorney and the soldier as client.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
19. The soldier was advised that if one of the bases for separation includes a continuous unauthorized absence of 180 days or more, a discharge under other than honorable conditions is a conditional bar to benefits administered by the DVA, notwithstanding any action by the Army Discharge Review Board or the Army Board of Corrections of Military Records.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A
20. The soldier was advised that consulting counsel cannot represent the soldier before an administrative separation board unless consulting counsel is appointed as counsel for representation.	<input type="checkbox"/> YES, Date Advised: _____ <input type="checkbox"/> N/A