



CHAPTER 16

FAILURE TO MEET ARMY BODY COMPOSITION STANDARDS

This handout provides general information concerning Chapter 16, AR 135-178, Failure to Meet Army Body Composition Standards. AR 135-178 contains more specific information. If you have additional questions, please consult with a Trial Defense Service (TDS) attorney.

I. **Applicability:** Chapter 16 is applicable to those soldiers who have completed initial entry training and been awarded an MOS, and are not within three months of the date of expiration of a statutory or contractual obligation. A soldier who is within three months of the date of ETS will not be processed for separation under this chapter.

II. *Basis for Chapter Elimination*

A. Subject to Separation: A soldier is subject to separation for failure to meet the Army body composition standards per AR 600-9 when it is determined the soldier is unqualified for further military service and meets both of the following conditions:

1. The soldier is not diagnosed with a medical condition that precludes participation in the Army weight control program (a soldier with such a medical condition will be processed through medical channels); and
2. The soldier fails to meet the Army body composition standards per AR 600-9 and the sole reason for separation is failure to meet those standards.

B. Mandatory initiation of separation proceedings: If no medical condition exists, the initiation of separation action is mandatory if one of two conditions are met:

1. The soldier fails to make satisfactory progress in the Army Body Composition Program (ABCP) after a period of six months, unless the responsible commander chooses to initiate a bar to reenlistment; or
2. The soldier fails to meet table weight and body fat standards during the 12 month period following the removal from the weight control program.

"Initiation of separation action" means a separation action must be started and presented to the separation authority. Separation itself is not mandatory. All levels of command below the separation authority are free to make any recommendation they deem appropriate, to include retention.

C. Separation: A soldier may not be separated under this chapter until he or she has been formally counseled under the requirements of AR 135-178 paragraph 2.4. Among other things, paragraph 2-4 requires that the counseling be in writing and include the characterization of service that may be issued and the effect of each type if such action is taken and separation accomplished. In addition to the formal counseling requirements, a soldier may not be separated under this chapter until and unless the separation authority determines that the soldier has no potential to perform useful service if ordered to active duty to meet mobilization requirements. See AR 135-178 paragraph 1-25. In other words, if the separation authority determines that the soldier possesses the potential for useful service if ordered to active duty under conditions of full mobilization, he or she will not be discharged, but will rather be processed for reassignment to the IRR.

III. ***Relation to other types of Separations***: Chapter 16 separation action is only used if the failure to meet weight control standards is the sole basis for separation. If the soldier has another basis for separation in addition to not meeting weight standards (such as misconduct), then the soldier will be separated under the other type of separation action (such as Chapter 12).

IV: ***Soldier Rights***: Soldiers have the right to consult with a TDS attorney or with private counsel at no expense to the government and to submit matters for the separation authority to consider before the separation authority makes a final decision regarding separation. Given that chapter 16 is silent, however, on the “procedure” that will be used to initiate the discharge, there appears to be no right to an administrative separation board, even for those soldiers with more than six years of service. See AR 135-178 para. 3.1 (“The procedures in this chapter [notification and administrative board] are applicable only when required under a specific reason for separation cited in this regulation.”) All soldiers pending Chapter 16 separation should consult with an attorney before making any decisions concerning the Chapter 16 separation.

VI. ***Characterization of Service***: Soldiers separated under Chapter 16 must receive an honorable discharge.