



1910

MEMORANDUM

From: Respondent

To: CG PSC EPM, RPM
Convening Authority

Thru:

Subj: ASB-2 EXERCISE OF RIGHTS – INVOLUNTARY SEPARATION

Ref: (a) ASB-1 Notice to Respondent memo 1910 dtd
(b) Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series)
(c) Military Separations, COMDTINST 1000.4 (series)

1. Consultation with Counsel regarding reference (a): (*Initial **as applicable***)

_____ I **consulted** with a **military** lawyer named _____,
on _____, and I understand the rights I am about to exercise.

_____ I **consulted** with a **civilian** lawyer named _____,
on _____, and I understand the rights I am about to exercise.

_____ I **waived my right to consult** with a lawyer as documented in my endorsement to
reference (a), and I understand the rights I am about to exercise.

2. Statement: (*Initial **only one***)

_____ I **am submitting and have attached** my _____-page written statement to this memo.

_____ I **waive my right to submit** a written statement.

3. Administrative Board: (*Initial **only one***)

_____ I **want to appear** before an Administrative Separation Board and have at least 12 months remaining on my enlistment/extension contract. I understand the convening location for most Administrative Separation Boards will be at CGHQ in Washington, DC.

_____ I **want to appear** before an Administrative Separation Board and have less than 12 months remaining on my enlistment/extension contract. I request a voluntary extension for 12 months for the purpose of exercising my right to an Administrative Separation Board. I understand the convening location for most Administrative Separation Boards will be at CGHQ in Washington, DC.

_____ I **want to appear** before an Administrative Separation Board and have less than 12 months remaining on my enlistment contract, including any extensions to my enlistment. I **do not** request a voluntary extension for the purpose of exercising my right to an Administrative Separation Board; and I acknowledge that if I do not submit a voluntary extension request that I may be processed for separation in accordance with reenlistment criteria in Enlistments, Evaluations, and Advancements, COMDTINST M1000.2 (series). I understand the convening location for the Administrative Separation Board will be at CGHQ in Washington, DC.

_____ I have read and understand the notice and warnings in reference (a). I understand my rights as they are established in reference (b), and I **waive unconditionally** my right to appear before an Administrative Separation Board.

Conditional Waivers: If your conditional waiver, selected below, is denied by CG PSC, you will be required to resubmit a new Exercise of Rights memorandum.

_____ I have read and understand the notice and warnings in reference (a). I understand my rights as they are established in reference (b), including Article 2.E.3.d. concerning conditional waivers, and I **conditionally waive** my right to appear before an

Administrative Separation Board if the discharge type and characterization of service I receive is: (*Initial only one*)

_____ **General** discharge (characterization of service as under honorable conditions) or more favorable.

_____ **Honorable** discharge (characterization of service as honorable).

_____ I have read and understand the notice and warnings in reference (a). I understand my rights as they are established in reference (c), including Article 2.Q.4.b. concerning probation for members being discharged for Misconduct and I **conditionally waive** my right to appear before an Administrative Separation Board on condition that I will be discharged, but retained on probation for a specified period directed by CG PSC.

_____ I agree to waive my rights to future Administrative Separation Board during my probationary period. If I commit a new act of misconduct or unsatisfactory performance during the probationary period, I will be involuntarily and administratively separated immediately.

_____ I agree that if I am eligible for retirement under any provisions by law, I may be involuntarily and administratively separated by involuntary retirement.

_____ I have 18 or more years of creditable active service, and I am eligible to request retirement in accordance with Article 3.J.1.b. of reference (c); or, if I am a reservist and have completed 20 or more years of satisfactory federal service, and I am eligible to request retirement in accordance with Article 10.G. of reference (c).

_____ I have read and understand the notice and warnings in reference (a). I understand my rights as they are established in reference (b), including Article 2.E.3.d. concerning conditional waivers.

_____ I **conditionally waive** my right to appear before an administrative board if I am permitted to voluntarily retire the first day of the month after I reach 20 years of creditable service if I am permitted to retire from the Coast Guard AND

_____ the type of discharge and characterization of service I receive is: (*Initial only one*)

- _____ **Other than Honorable (OTH)** discharge (characterization of service as other than honorable conditions) or more favorable.
- _____ **General** discharge (characterization of service as under honorable conditions) or more favorable.
- _____ **Honorable** discharge (characterization of service as honorable).
- _____ In addition to conditionally waiving my board I agree to waive my rights to future Administrative Separation Board during my remaining time in service, if I commit a new act of misconduct or unsatisfactory performance during this period and I will be involuntary and administratively separated immediately.
- _____ I have attached my retirement request to this memo which includes a sentence stating that this retirement request is in connection to an Administrative Separation Board conditional waiver request, and I understand that if my conditional waiver request is disapproved, my retirement request will remain valid for consideration by CG PSC when reviewing the report of the administrative board, unless I sooner rescind the retirement request.

4. Representation: (*Initial **only one***)

- _____ I **request a military lawyer** be detailed to represent me.
- _____ I **waive** my right to be represented by a military lawyer because **I will hire a civilian lawyer** at my own expense.
- _____ I **waive my right to be represented** by military or civilian lawyer.
- _____ I waived unconditionally my right to appear before an administrative board as indicated in paragraph 3. I understand that **I have no right** to further representation by a military lawyer.

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Enclosures: (1) Respondent's Written Statement (if applicable)
(2) Voluntary Retirement Request (if applicable)
(3) Command's First Endorsement (if required by ref (b))