



VETS HELPING VETS SINCE 1974

BACK-TO-BACK AND CONDITIONAL DISCHARGES

You went into the military for two years of active service—or three, or four, or five, or six. But you stayed in longer, and you left with “bad paper”—a discharge that was less than fully Honorable.

The good news is that you may still have basic eligibility for most VA benefits.

If you received a General (Under Honorable Conditions) discharge, there’s no question that you’re eligible for most VA benefits. (You’re not eligible for education benefits under the G.I bill, because they require a fully Honorable discharge. However, you may be able to get limited educational benefits through VA vocational rehabilitation.)

You may be able to get most VA benefits, even if you have “bad paper.”

If your military career ended with a discharge that was neither Honorable nor General (Under Honorable Conditions), the rules are more complicated.

If you had **back-to-back discharges**, or a **conditional discharge**, you may still be able to get **most** VA benefits, depending on the facts of your case.

BACK-TO-BACK DISCHARGES:

Let’s say you complete one full hitch in the military with an Honorable discharge, and re-enlist the same day, or the very next day. Your second hitch ends with a discharge that was neither Honorable nor General (Under Honorable Conditions).

In this case, you have basic eligibility for VA benefits based upon your first hitch, because you completed that hitch successfully. It doesn’t matter that your second

hitch was less successful. That's true even if your second hitch ended with a Bad Conduct or Dishonorable discharge after a court-martial.

But there's an important wrinkle. Let's say you complete your first hitch in good physical shape, but fracture your leg during your second hitch.

If you apply for VA disability compensation for your leg problems, you'll be turned down, because the problems began during a hitch that ended with a discharge that wasn't fully Honorable or General (Under Honorable Conditions).

In this case, you might be able to ask the VA for a Character of Service Determination, or CSD. With a favorable determination, you'd still have "bad paper," but you'd be eligible for compensation for the leg problem. Not everyone is eligible for a CSD. For more information, visit www.stp-sf.org/guides/character.

*Sometimes you may need
a Character of Service
Determination.*

What if you'd fractured your leg during your **first** hitch? (Let's say that it healed well enough that you were able to re-enlist at the end of the hitch, and only began to give you trouble years later.) In this case, you **would** be eligible for disability compensation for your leg problems—without a CSD—because you completed your first hitch successfully.

CONDITIONAL DISCHARGE:

Let's say you go into the service for three years, but decide to re-enlist before the three years are up. Technically, you need to be discharged before you can re-enlist, so the military gives you a "conditional" discharge. It's called "conditional" because the military is releasing you only on the condition that you immediately re-enlist. You don't even get a DD-214 certificate marking the discharge. You remain in the service for a total of four years, and you leave with a discharge that is neither Honorable nor General (Under Honorable Conditions).

In this case, the question becomes: If you hadn't re-enlisted, would you have been eligible for an Honorable discharge on the day your original three-year commitment ended? If your military records show that the answer is yes, then you have basic eligibility for VA benefits.

That's the good news. But suppose you fracture your leg after the date your original three-year commitment ended, but before you get your final discharge. Can you get VA disability compensation for your leg problems? In all likelihood, you'll first need a favorable CSD.

EXTENSIONS:

So far, we've covered **back-to-back** and **conditional discharges**. There's another possibility we need to consider. Let's say you go into the service for three years. Before the three years are up, you **extend** your enlistment for another three years, starting when the first three years end. You **don't** re-enlist—you just **extend** your original commitment. But after a total of four years in the military, you leave with a discharge that is neither Honorable nor General (Under Honorable Conditions).

What happens if you simply extend your original commitment?

In this case, you **don't** have basic eligibility for VA benefits, because you only served one long hitch, and it ended less than honorably. Again, you may want to try for a CSD.

EXAMPLES

These rules can be confusing. Some additional examples may help to illustrate the differences among **back-to-back discharges**, **conditional discharges**, and **extensions**:

1. **Otto** enlists in the Army for three years, starting on June 1, 2002. His "ETS" date is June 1, 2005. ("ETS" stands for "Expiration of Term of Service.") On that day, Otto completes his hitch and immediately re-enlists for another three years. He gets a DD-214 marking the end of his first hitch. It shows an Honorable discharge. His new ETS date is June 1, 2008. However, on May 1, 2006, he leaves the military with a Bad Conduct discharge after a Special Court-Martial. Otto has **back-to-back** discharges. He has basic eligibility for VA benefits based upon his first hitch, because he completed it with an Honorable discharge.
2. **Karin** enlists in the Army for three years on the same day as Otto, June 1, 2002. Her ETS date is June 1, 2005. In May 2003, she decides to re-enlist for three years. On June 1, 2003, she receives a conditional discharge "for the convenience of the government" to facilitate "immediate re-enlistment." She does not get a DD-214. Her new ETS date is June 1, 2006. However, on December 1, 2005, she leaves the military with an Other Than Honorable discharge. A review of her service records shows that she would have been discharged Honorably on her first ETS date, June 1, 2005, if she hadn't re-enlisted. For this reason, Karen does have basic eligibility for VA benefits.

The VA Regional Office—not the VA Medical Center—has the authority to decide whether you're eligible for VA healthcare.

3. **Axel** also enlists in the Army for three years on June 1, 2002. His ETS date is June 1, 2005. Like Karin, he decides to re-enlist in May 2003 and receives a conditional discharge on June 1, 2003. He doesn't get a DD-214. His new ETS date is June 1, 2006.

Axel leaves the military on the same day as Karin, December 1, 2005, and also receives an Other Than Honorable discharge. But his service records show he was AWOL from May 1, 2005, to July 1, 2005.

Axel is out of luck. Like Karin, he was discharged after his first ETS date. But on that date—June 1, 2005—he wasn't eligible for an Honorable discharge, because he was AWOL.

4. **Dora** enlists in the Army for three years on June 1, 2002. Her ETS date is June 1, 2005. On June 1, 2004, during her first hitch, she does not re-enlist; instead, she extends her enlistment for three years. Her new ETS date is June 1, 2007.

On December 1, 2005, she leaves the military with a Bad Conduct discharge after a Special Court-Martial. Dora does not have basic eligibility for VA benefits. Because she simply extended her enlistment, she had only one hitch, and it ended with a discharge that was neither Honorable nor General (Under Honorable Conditions).

If you're not certain whether your case involves a back-to-back discharge, a conditional discharge, or an extension, you'll need to get a copy of your complete Official Military Personnel File (OMPF). For more information about ordering your OMPF, visit www.stp-sf.org/guides/records.

Back-to-back and **conditional** discharges often cause problems when you apply for VA health care. You may be turned down because the staff at the VA Medical Center doesn't have complete information about your military career, or doesn't understand the rules.

Who has the authority to decide whether you're eligible for VA health care? It's not the VA Medical Center—it's the VA Regional Office.

If you had **back-to-back** discharges, make certain that Member Services at the Medical Center sees a copy of the DD-214 discharge certificate that shows your Honorable discharge. If you're still turned down, you'll need to get in touch with the Regional Office.

Conditional discharge cases are more complicated. You'll almost certainly have to go through the VA Regional Office, and you'll need to submit documents from your OMPF showing that you were eligible for an Honorable discharge on your first ETS date. Select the records showing that you were in good status on your first ETS date, and send them to the Regional Office with a cover letter asking the VA to establish your eligibility for benefits. The letter should state your enlistment date, your first ETS date, your subsequent ETS date(s), and any other information that will help the VA to establish your eligibility. Ask the VA to send a letter confirming your eligibility both to you and to Member Services at the VA Medical Center.

NOTES

- One final, important note: At present, there's also a minimum-time-in-service requirement—usually 24 months—for most VA benefits except service-connected disability compensation.

Let's say you enlist in the Army for three years, starting June 1, 2003. You get a conditional discharge on June 1, 2004, and immediately re-enlist for three years. If you're finally discharged on May 1, 2005, after only 23 months of service, you won't qualify for most VA benefits, including health care, even if your discharge is fully Honorable.

- If you're interested in upgrading your discharge, visit www.stp-sf.org/guides/discharge.

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