

**BY ORDER OF THE SECRETARY
OF THE AIR FORCE**

AIR FORCE INSTRUCTION 36-3204

6 APRIL 2017



Personnel

**PROCEDURES FOR APPLYING
AS A CONSCIENTIOUS OBJECTOR**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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RELEASABILITY: There are no releasability restrictions on this publication

OPR: AF/A1P

Certified by: SAF/MRM
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Supersedes: AFI36-3204, 15 July 1994

Pages: 29

This instruction implements Air Force procedures for establishing conscientious objector (CO) status and applies to all members of the Air Force and its Reserve Components. In collaboration with the Chief of Air Force Reserve (HQ USAF/RE) and the Director of the Air National Guard (NGB/CF), the Deputy Chief of Staff for Manpower, Personnel, and Services (HQ USAF/A1) develops personnel policy for the Air Force Instruction 36-3204, Procedures for Applying as a Conscientious Objector. This publication may be supplemented at any level; all MAJCOM level supplements must be approved by the Human Resource Management Strategic Board (HSB) prior to certification and approval. This is not the authorizing instruction for discharge; therefore, do not cite it as such. This instruction implements Department of Defense (DoD) Instruction 1300.06, *Conscientious Objectors*, and Air Force Policy Directive 36-32, *Military Retirements and Separations*. This publication requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by Title 10, U.S.C., Section 8013. The applicable SORN F036 AFPC P, Separation Case Files (Officer and Airman), is available at <http://dpclo.defense.gov/Privacy/Sorns.aspx>. The Privacy Act of 1974 requires that each prescribed document that collects personal data from the subject contain a separate Privacy Act Statement (PAS). Military Personnel Sections (MPS) ensure that members read the PAS before furnishing information. MPS give members a PAS on request. Privacy Act Systems of Records Notice F036 AFPC Q, Military Personnel Records System, apply to documentation accumulated under this Air Force Instruction (AFI). The authorities to waive wing/unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, Table 1.1 for a description of the authorities associated with the tier numbers. Submit requests for waivers through the chain of command to the appropriate tier waiver approval authority, or

alternately, to the publication OPR for non-tiered compliance items. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS), or any statement provided by the AF Records Management office (SAF/CIO A6P). Ensure proposed supplements are sent to AFPC/DP2STM (Air Force Personnel Center, Retirements and Separations Section) for approval. Process supplements that affect any military personnel function as shown in AFI 33-360, **chapter 6.7**. Refer to Attachment 1 for a glossary of terms.

SUMMARY OF CHANGES

This publication has been substantially revised and requires a complete review. It updates terms and office symbols. It clarifies the types of benefits barred by the Department of Veterans Affairs as a result of receiving approval of CO status so that MPS personnel can counsel potential applicants. It further clarifies the policy regarding individuals submitting requests for CO noncombatant status (1-A-O) and promotion eligibility consideration.

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Chapter 1

ROLES AND RESPONSIBILITIES

- 1.1. Secretary of the Air Force (SAF)** – Establishes policy concerning the processing and disposition of conscientious objector applications for the Air Force.
- 1.2. SAF, Personnel Council (SAFPC)** – Receives applications and makes a determination of approval or disapproval on behalf of the Secretary of the Air Force.
- 1.3. Air National Guard (ANG)** – Receives and processes completed applications from individuals assigned to the Air National Guard who wish to apply for conscientious objection for final approval.
- 1.4. Air Force Reserve Command (AFRC)** – Receives and processes completed applications from individuals assigned to Air Force Reserve units (Cat A) who wish to apply for conscientious objection for final approval.
- 1.5. Air Reserve Personnel Center (ARPC)** – Receives and processes completed applications from individuals assigned to the Air Force Reserve in Individual Mobilization Augmentee (IMA) (Cat B) positions and Participating Individual Ready Reserve (PIRR) who wish to apply for conscientious objection for final approval. *NOTE:* Air Force Reserve members assigned to the Individual Ready Reserve (IRR) who are non-participating would not be in a position to claim or request CO status.
- 1.6. Air Force Personnel Center (AFPC) Transitions, Retention and Skills Management Branch (AFPC/DP3ST)** – Implements established policy, provides policy guidance and serves as Office of Primary Responsibility (OPR) for the conscientious objector program.
- 1.7. AFPC, Transitions Operations Branch (AFPC/DP2STM)** – Receives completed applications for conscientious objection and processes the applications for final approval. Provides additional guidance to the Military Personnel Section (MPS) on assisting customer with processing application.
- 1.8. Unit Commander** – Reviews application and makes a recommendation to the next level approval authority. Ensures that an investigating officer is appointed to conduct an investigation and hearing on the application. Takes necessary steps to remove a conscientious objector applicant from combatant duties and training until the conclusion of the application.
- 1.9. Force Support Squadron, Military Personnel Section (MPS)** – Executes established policy on conscientious objection and provides training to individuals assigned to the Career Development Section on processing conscientious objector applications.
- 1.10. Force Support Squadron, Military Personnel Section, Career Development (FSS/FSMPD)** – Counsels and assists applicants with conscientious objector applications (paragraph 3.7).
- 1.11. Investigating Officer** – Conducts an investigation of the conscientious objector application (see [Chapter 4](#)).

1.12. Chaplain – Conducts a personal interview with the conscientious objector applicant (paragraph 3.8.1).

1.13. Psychiatrist/Psychologist – Conducts a personal interview with the conscientious objector applicant (paragraph 3.8.2).

Chapter 2

PREPARING CO APPLICATIONS

2.1. Conscientious Objector.

2.1.1. Class 1-O. A member who, by reason of conscientious objection, sincerely objects to participation in military service of any kind in war in any form.

2.1.2. Class 1-A-O. A member who, by reason of conscientious objection, sincerely objects to participation as a combatant in war in any form, but whose convictions are such as to permit military service in a noncombatant status. Also referred to as noncombatant duties or noncombatant service.

2.2. Establishing Claim. The applicant for CO status bears the burden of establishing conscientious objection as grounds for separation or assignment to noncombatant training and service. The applicant must establish by clear and convincing evidence that:

2.2.1. The nature or basis of the claim falls under the definition of conscientious objections described in this AFI (T-1)

2.2.2. The applicant's belief is honest, sincere, and deeply held (T-1)

2.2.3. The applicant's belief is by virtue of religious training or other belief system akin to religion; and (T-1)

2.2.4. The applicant opposes participation in war in any form or the bearing of arms (T-1)

2.3. Nature of Request. The applicant must set out the exact nature of the request -- that is, whether the applicant requests separation based on conscientious objection (1-O) or for assignment to noncombatant training and service based on conscientious objection (1-A-O). (T-1)

2.3.1. Only members who have time remaining on their enlistment contract or have an Active Duty Service Commitment (ADSC) for officers may request noncombatant training and service (1-A-O).

2.3.2. Members who do have time remaining on their enlistment contract or have an ADSC for officers may request CO (1-O) status with curtailment of ADSC and discharge upon approval.

2.3.3. Members with no remaining ADSCs or enlistment agreement at the time of their CO application must request CO (1-O) status with discharge upon approval.

2.4. Applying for Noncombatant Training and Service. The applicant will explain on his/her application in detail what benefit his/her continued service (to include new duties and responsibilities) would be to the Air Force. Reviewing officials will provide recommendations on the validity of the applicant's continued active duty service, so that final approving authorities can make a determination that is in the best interest of the Air Force. AFPC/DP3AM (Assignment Policy) and/or AFPC/DP3ST (Classifications) may be consulted by the final approving authority for further guidance to validate retaining members. If noncombatant duties cannot be established or validated for continued active duty service, the option to discharge an

approved applicant under (1-O) CO status may be utilized by the final approving authority. (T-1)

2.5. Submitting Application. A member of the Air Force who seeks either separation (1-O) or assignment to noncombatant duties (1-A-O) will:

2.5.1. Include in the application a notation of the separation directive that applies:

2.5.1.1. AFI 36-3207, *Separating Commissioned Officers*

2.5.1.2. AFI 36-3208, *Administrative Separation of Airmen*

2.5.1.3. AFI 36-3203, *Service Retirements*

2.5.1.4. AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*

2.5.2. Include in the application the personal information required by Attachment 2.

2.5.3. Include in the application the statement required by Attachment 3 if applicant is requesting separation (1-O). Include the statement required by Attachment 5 if applicant is requesting noncombatant status/duties (1-A-O).

2.5.4. Include in the application any other information that the applicant desires to submit in support of the case. **NOTE:** Members who have departed their duty station for Permanent Change of Station (PCS) reassignment must submit their application at their next duty station.

2.5.5. Forward application according to Table 3.1.

Chapter 3

INSTALLATION PROCESSING PROCEDURES

3.1. General Procedures. Consistent with national policy, the Air Force will recognize members who qualify as bona fide conscientious objectors to the extent practicable and equitable. The Air Force does not recognize objection to a particular war as grounds for CO status.

3.1.1. Individual facts and circumstances of each case will be the determining factor for discharging a member as a CO prior to completion of an obligated term of service. The Air Force makes CO classification or restricts military duties of COs only to the extent that such classifications do not compromise Air Force effectiveness and efficiency.

3.1.1.1. In accordance with DoDI 1300.06, Air Force members who had CO beliefs before entering military service are not eligible for CO status if one of the following circumstances apply: (T-1)

3.1.1.1.1. Such beliefs satisfied the requirements for CO classification pursuant to Section 6(j) of the Universal Military Training and Service Act, as amended (Title 50 U.S.C. App 456(j)) and other provisions of law at the time the member entered the service, and the member did not request CO classification by the Selective Service System (SSS) at that time.

3.1.1.1.2. The member requested CO classification before entering military service, the SSS denied the request, and the member's request for classification as a CO is based on essentially the same grounds (or supported by essentially the same evidence) as the request that was denied by the SSS.

3.1.1.2. Air Force members who had CO beliefs before entering military service are eligible for CO status if both of the following circumstances apply: (T-1)

3.1.1.2.1. The beliefs crystallized after receipt of an induction notice.

3.1.1.2.2. The member could not request CO classification from the SSS because of SSS regulations prohibiting the submission of such requests after receipt of induction notice.

3.1.2. Processing personnel must not use this instruction instead of other administrative separation instructions when the member has not been able to establish CO status but separation appears to be in the best interest of the Air Force.

3.1.3. Process any person classified as a 1-A-O CO for administrative separation under Air Force instructions when the circumstances warrant it.

3.1.4. When assigning or transferring persons classified 1-A-O by the SSS after induction, transfer 1-A-Os to a training center or station for recruit training and give them noncombatant training and service duties. These inductees sign and date a statement according to Attachment 3.

3.2. Personnel Effects of CO Status Applications.

3.2.1. Members who request CO status under this instruction are subject to the following:

3.2.1.1. Enlisted Airmen awaiting promotion may enter withhold status (AFI 36-2502, *Airmen Promotion/Demotion Programs*).

3.2.1.2. Officers awaiting promotion to all grades may be subject to delay action (AFI 36-2501, *Officer Promotion and Selective Continuation*, **Chapter 5**) if circumstances suggest that an officer may not be suited for promotion and time is needed to develop more evidence on the question.

3.3. Status of Applicant Whose Request Is Under Consideration.

3.3.1. Commanders during the application processing period and before a decision is made by the applicable authority make every effort to assign applicants to duties that will conflict as little as possible with their asserted beliefs. (T-1)

3.3.2. Applicants will conform to the normal requirements of military service and satisfactorily perform their assigned duties. (T-1)

3.3.3. To the extent practicable under the circumstances, during the period applications are being processed and until a decision is made, every effort will be made to assign applicants to duties that will conflict as little as possible with their asserted beliefs. Unless the Military Department concerned provides otherwise, an applicant shall be required to comply with active duty or transfer orders in effect at the time of his or her application or subsequently issued and received. During the period applications are being processed, applicants will be expected to conform to the normal requirement of military service and to perform such duties as are assigned. Applicants may be disciplined for violations of the Uniform Code of Military Justice while awaiting action on their applications.

3.4. Effect of Unauthorized Absence or Disciplinary/Administrative Action. Commanders:

3.4.1. Do not stop processing applications, disciplinary action, or administrative separation actions because the applicant is absent without authorization.

3.4.2. However, do not discharge an applicant whose request for CO classification has been approved until you resolve all disciplinary actions. (T-1)

3.5. Making Final Determination on Applications. Because of the personal and subjective nature of conscientious objection (the existence, honesty, and sincerity of asserted conscientious objection), commanders must not apply inflexible standards. Paragraph 5.1 lists final decision authorities.

3.6. Returning Applications Without Action. The commander may return the application without action if a member submits an application based on essentially the same grounds or supported by the same evidence as a previous application disapproved by SAFPC.

3.7. MPS Instructions. Before processing the application, MPS/Career Development Element must:

3.7.1. Inform the applicant of the effects of being discharged as a CO as per specific provisions of Title 38, U.S.C., Section 5303. **NOTE:** Title 38, U.S.C., Section 5303 provides, in pertinent part, that the discharge of any person on the grounds that he or she was a CO who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, shall bar all rights (except certain government insurance) of such persons under law administered by the Department of Veterans Affairs based on the period of service from which discharged (see Attachment 4). This includes all medical, educational, and disability claim for benefits and any other benefits normally granted for satisfactory military service. The only exception is in cases in which it is established, to the satisfaction of the Secretary of the Veterans Affairs, that the member is insane. When a member is separated pursuant to a CO status, The Department of Veterans Affairs will determine what veterans benefits, if any, a member is entitled to receive. (T-0)

3.7.2. The applicant must complete the statements shown in Attachment 3 and Attachment 4 (if applicant is requesting discharge, 1-O) or Attachment 4 and Attachment 5 (if applicant is requesting noncombatant status, 1-A-O). The MPS must forward the statements with the application. (T-1)

3.7.3. Screen the applicant's personnel record. Review the applicant's entire record to include all recent personnel actions taken by the applicant or on behalf of the applicant and provide this information to the investigating officer. Use all military personnel databases (e.g., Military Personnel Data System (MilPDS), Case Management System (CMS), Personnel Records Display Application (PRDA)) in the comprehensive review of the record. (T-1)

3.7.4. Contact other sources (the unit of assignment, AFPC/DP3AM for officers of the medical services, base, installation or local chaplain corps for chaplains, AF/JA for judge advocates) for any information that may support or cast doubt on the applicant's sincerity. These sources must promptly forward information for inclusion in the applicant's file for consideration by the investigating officer. (T-1)

3.7.5. Counsel applicant on the information in paragraph 3.1. (T-1)

3.7.6. Schedule applicant for interviews with the chaplain and psychiatrist/psychologist. (T-1)

3.7.7. Ensure commanders consider whether action under AFI 36-2502 (enlisted) or AFI 36-2501 (officer) is appropriate. (T-1)

3.8. Reports of Interview. If the applicant refuses to participate or is uncooperative or unresponsive in the course of either interview below, include this fact in the report.

3.8.1. Chaplain Interview. The chaplain will ensure the applicant is made aware that the conversation is not privileged and will be used in an official report. The chaplain will submit a written opinion as to the nature and basis of the applicant's sincerity and depth of conviction. (T-1)

3.8.1.1. The chaplain's report must include the reasons for its conclusions.

3.8.1.2. The report must not make any recommendations for approval or disapproval of the application.

3.8.2. Psychiatrist Interview. The psychiatrist will submit a written report of the psychiatric evaluation, including discussion of any psychiatric disorder that would warrant treatment or disposition through medical channels, or any personality disorder that would warrant appropriate administrative action. (T-1)

3.8.2.1. A psychologist may conduct this evaluation if a psychiatrist is not reasonably available.

3.8.2.2. The psychiatrist or psychologist will not make any recommendations for approval or disapproval of the application.

3.9. Furnishing Case File to Investigating Officer. MPS/Career Development Element includes in the case file the information developed in the screening (paragraph 3.7.3.), the chaplain's report, and the psychiatric evaluation and provides the case file to the investigating officer (see [Chapter 4](#)).

3.10. Routing the Case File. Routing and review procedures for the applicant's case file outlined below.

3.10.1. The MPS/Career Development Element sends the case file to the local staff judge advocate (SJA) for review for procedural compliance within 15 calendar days after the date of the applicant's request for a copy of the record or when the MPS receives the applicant's rebuttal, whichever comes first. See paragraph 4.2.12 for the 15 days rule.

3.10.2. If the local SJA acts as the investigating officer, the SJA of the next higher echelon in the chain of command of the applicant will provide the legal review. (T-2)

3.10.3. SJA will return the case through the MPS to the investigating officer for further investigation if necessary.

3.10.4. When the record is complete, the SJA will forward it to the commander who appointed the investigating officer.

3.10.5. The appointing commander will forward the case, including recommended disposition and rationale for disposition, through channels to:

3.10.5.1. The MAJCOM or field operating agency (FOA) of assignment for members serving in the active military service.

3.10.5.2. AFRC/A1KK Workflow (afrc.a1kk@us.af.mil), via email, for applicants assigned to the Air Force Reserve Unit Program (Cat A).

3.10.5.3. NGB/A1PP, Joint Base Andrews MD 20762 for ANG officers and airmen.

3.10.5.4. ARPC/DPA, 18420 E. Silver Creek Ave Bldg 390, Buckley CO 80011 for reserve officer and airmen assigned to IMA positions and the PIRR. (T-2)

3.11. MAJCOM and FOA Instructions (REGAF only). MAJCOM CC and JA are required to review and make a recommendation on all CO applications, this cannot be delegated to a lower level. After review for legal sufficiency, MAJCOM or FOA forward the original and one copy including recommendations and reasons, to AFPC/DP2STM, 550 C Street West, Ste 11, Joint Base San Antonio-Randolph TX 78150-4713.

3.12. ARPC, AFRC, and ANG Instructions. After review for legal sufficiency, ARPC, AFRC, and ANG forward the original and one copy including recommendations and rationale, to the SAFPC for officers, and NGB/A1PP, AFRC/CV (Air Force Reserve Unit Program – Cat A) or ARPC/CV (Air Force Reserve IR Program – IMA and PIRR) who may approve enlisted airmen applications, but will forward all recommendations for disapproval to SAFPC. **NOTE:** Do not forward applications for officers not serving on active duty to AFPC/DP2STM unless the Air Force will order the officer to extended active duty (EAD) or will consider them for entry on EAD. (T-1)

3.13. Processing Time Goals. Process CO applications without delay, while observing the following :

- 3.13.1. Protect applicant's rights and ensure that the case is complete.
- 3.13.2. The Air Force goal is for everyone in the application processing chain (through SAFPC), to move the package within 3 workdays, with the exception of the investigating officer who may take more than 3 but no more than 15 workdays.
- 3.13.3. Keep in mind the applicant has 15 calendar days from the date of receipt of the investigating officer's report for rebuttal (paragraph 4.2.12.).
- 3.13.4. Failure to meet the suggested time standards does not invalidate the action.

Table 3.1. Forwarding Application.

| R U L E | A If member is | B and is | C then submit the application to the |
|---|---------------------------|------------------------|---|
| 1 | Regular Air Force | serving on active duty | servicing MPS/FSMPD. |
| 2 | USAFR | | |
| 3 | ANGUS | | |
| 4 | USAFR | not serving on EAD | immediate commander (see notes 1 & 2). |
| 5 | ANGUS | | |
| NOTES: | | | |
| 1. Commanders of USAFR members request assistance of the military personnel section (MPS) or USAFR MPS nearest member's home address. ANG members will be supported by their MPS. | | | |
| 2. IMAs will submit to immediate RegAF CC. | | | |

Chapter 4

INVESTIGATING OFFICER

4.1. Appointing Investigating Officer. Commanders, shown below, appoint a judge advocate serving in the active military service (Regular Air Force, or members of the Reserve Component on active duty or full time National Guard duty), in the grade of captain or higher, to investigate the applicant's claim. If the applicant is a commissioned officer, the investigating officer must be senior in grade. The letter appointing the investigating officer becomes a part of the case file. (T-1)

4.1.1. Active Duty (AD) Members. The commander exercising special court martial jurisdiction over the applicant appoints the investigating officer.

4.1.2. USAFR Non-EAD Members. The commander exercising special court-martial jurisdiction over the installation processing the application appoints the investigating officer.

4.1.3. Air National Guard (ANG) Non-EAD Members. The ANG wing or group commander exercising control over the ANG/MPS that is responsible for processing the application appoints the investigating officer.

4.2. Investigating Officer Actions : (T-1)

4.2.1. The investigating officer reviews this instruction.

4.2.2. The investigating officer then expeditiously investigates and conducts a hearing, the purpose of which is to:

4.2.2.1. Give the applicant an opportunity to present any desired evidence in support of the application.

4.2.2.2. Enable the investigating officer to gather all relevant facts.

4.2.2.3. Create a comprehensive record.

4.2.2.4. Facilitate an informed recommendation by the investigating officer and an informed decision on the merits of the claim by higher authority.

4.2.3. The investigating officer making a recommendation may consider the applicant's failure or refusal to submit to questioning under oath or affirmation when evaluating the applicant's claim.

4.2.4. The investigating officer will proceed in the applicant's absence if the applicant fails to appear at the hearing without good cause and the applicant is deemed to have waived an appearance.

4.2.5. Applicant is entitled to be represented by legal counsel at applicant's own expense. Legal counsel shall be permitted to be present at the hearing, assist the applicant in the presentation of the case, and examine all items in the file.

4.2.6. The hearing is informal and not governed by the courts-martial rules of evidence except that all oral testimony presented must be under oath or affirmation.

- 4.2.6.1. The hearing may receive any relevant evidence.
- 4.2.6.2. Statements obtained from persons not present at the hearing need not be made under oath or affirmation.
- 4.2.6.3. The hearing is not an adversarial proceeding.
- 4.2.6.4. The investigating officer should make every effort to interview friends, acquaintances, clergymen, supervisors, first sergeant, co-workers, subordinates, and anyone in a position to shed light on the applicant's moral, ethical or religious beliefs and how these beliefs have guided the applicant's life. Only through a complete investigation of the application by the investigating officer are reviewing authorities in position to judge the merits of the application. (T-1)
- 4.2.7. The applicant may submit any additional evidence, including sworn or unsworn written statements, and present any witnesses on his/her behalf; applicant is responsible for their attendance.
 - 4.2.7.1. The commander exercising special court-martial jurisdiction will try (if reasonably available) to make available military members requested by the applicant as witnesses.
 - 4.2.7.2. The applicant may question any other witnesses who appear and examine all items in the file.
- 4.2.8. The Air Force does not require a verbatim record of the hearing.
 - 4.2.8.1. If the applicant wants a verbatim record, he or she must make prior request which includes paying for the preparation, reproduction, and distribution of the record.
 - 4.2.8.2. If the applicant elects a verbatim record, the applicant provides a copy to the investigating officer, at no expense to the government, within a reasonable time after the hearing.
 - 4.2.8.3. If there is no verbatim record, the investigating officer will summarize the testimony of witnesses and permit the applicant or counsel to examine the summaries and then note, for the record, their differences with the investigating officer's summary.
 - 4.2.8.4. File in the hearing record copies of statements and other documents received in evidence.
- 4.2.9. At the end of the investigation, the investigating officer will prepare a written report that contains:
 - 4.2.9.1. The date of the hearing, if the applicant appeared, if the applicant was accompanied by counsel, and, if so, the latter's identity, and whether the nature and purpose of the hearing were explained to the applicant and understood.
 - 4.2.9.2. Any documents, statements, and other material received during the investigation.
 - 4.2.9.3. Summaries of witness testimonies or a verbatim record of the testimonies, if there is one.

4.2.9.4. A statement of the investigating officer's conclusions as to the underlying basis of the applicant's conscientious objection and the sincerity of the applicant's beliefs, including the reasons for such conclusions.

4.2.9.5. Subject to paragraph 5.3., the investigating officer's recommendations for disposition of the case, including reasons for the recommendations. Limit the actions recommended to:

4.2.9.5.1. Denial of any classification as a CO.

4.2.9.5.2. Classification as a CO and assignment to noncombatant duties (1-A-O).

4.2.9.5.3. Classification as a CO and discharge (1-O). (T-1)

4.2.10. The final record consists of:

4.2.10.1. The investigating officer's report, along with the member's application.

4.2.10.2. All interviews with chaplains and doctors.

4.2.10.3. Evidence from the investigating officer's hearing.

4.2.10.4. The commander's memorandum of appointment of the investigating officer.

4.2.10.5. Any other items submitted by the applicant in support of applicant's case.

4.2.11. The investigating officer will base conclusions and recommended disposition on the entire record and not merely on the evidence produced at the hearings.

4.2.12. The investigating officer must furnish a copy of the record to the applicant when he or she forwards it to the servicing MPS and informs the applicant of the right to submit a rebuttal within 15 calendar days after receipt of a copy of the record. The case file must include a statement by the investigating officer, or a copy of a receipt from the applicant, showing the date on which the copy of the record was delivered to the applicant.

4.2.13. If the applicant submits a rebuttal, the rebuttal must be included in the record.

Chapter 5

GUIDELINES FOR APPROVING OR DISAPPROVING APPLICATIONS

5.1. Final Decision Authorities.

5.1.1. For officers: SAFPC makes the decision regarding CO status.

5.1.2. For enlisted: The final approval decision is made by AFPC/DP2ST (active duty enlisted airmen), NGB/CF (ANG enlisted airmen), AFRC/CV (Air Force Reserve Unit Program – Cat A), and ARPC/CV (Air Force Reserve IR Program – IMA and PIRR)

5.1.3. SAFPC is the disapproval authority for all enlisted.

5.1.4. Decision authorities do not grant noncombatant status (1-A-O) as a compromise to an applicant claiming CO (1-O) status.

5.2. Justification for Approval .

5.2.1. To approve a conscientious objection (1-O) classification the reviewing authorities must find that an applicant's moral and ethical beliefs oppose participation in war in any form and that the applicant holds these beliefs with the strength of traditional religious convictions. (T-1)

5.2.2. To approve an assignment to noncombatant training and service based on conscientious objection (1-A-O) the reviewing authorities must find that an applicant's moral and ethical beliefs objects to participation as a combatant in war in any form, but whose convictions are such as to permit military service in a non-combatant stratus. (T-1)

5.2.3. For either classification, the applicant must show that these moral and ethical convictions, once acquired, have directed the applicant's life in the way traditional religious convictions of equal strength, depth, and duration direct the lives of those who have such beliefs. In other words, conscientious objection must be the primary controlling force in the applicant's life. (T-1)

5.2.4. A primary factor is the sincerity with which the applicant holds the belief. Exercise great care in determining whether the applicant honestly and genuinely holds asserted beliefs.

5.2.4.1. Determine sincerity by evaluating the applicant's thinking and life style in its totality, past and present.

5.2.4.2. Information the applicant presents should clearly establish that avoidance of military service is not the basis of the claim.

5.2.5. In evaluating applications, carefully examine and weigh the conduct of applicants, in particular their outward manifestation of their beliefs.

5.2.6. Consider the following relevant factors:

5.2.6.1. Training in the home and place of worship.

5.2.6.2. General demeanor and pattern of conduct.

5.2.6.3. Participation in religious activities or other belief system activities.

5.2.6.4. Whether the applicant gained ethical or moral convictions through training, study, contemplation, or other activity comparable in rigor and dedication to formulating traditional religious convictions.

5.2.6.5. Credibility of the applicant.

5.2.6.6. Credibility of persons supporting the claim.

5.2.7. Be particularly careful not to rule out bona fide beliefs simply because those beliefs are incompatible with one's own.

5.2.7.1. It is not necessary that an applicant belong to a church or adhere to particular theological tenets for the Air Force to grant separation or assignment to noncombatant training and service.

5.2.7.2. The applicant's affiliation with a church or other group that advocates conscientious objection as a tenet of its creed is not necessarily conclusive of an applicant's position or belief.

5.2.7.3. Conversely, if an applicant is affiliated with a church or group that does not teach conscientious objection such affiliation does not necessarily rule out an applicant's adherence to conscientious objection beliefs.

5.2.8. Where an applicant is or has been a member of a church, religious organization, or religious sect, and where applicant's claim of conscientious objection is related to the membership and the teachings of the church, religious organization, or religious sect, as well as the applicant's religious activity may be considered.

5.2.8.1. However, the fact that the applicant may disagree with, or not subscribe to, some of the tenets of applicant's church does not necessarily discredit applicant's claim.

5.2.8.2. The personal convictions of each member are controlling so long as they derive from moral, ethical, or religious beliefs.

5.2.9. Do not deny an applicant who is otherwise eligible for CO status simply because conscientious objection beliefs influence his or her views on domestic or foreign policy. The task is to decide whether the applicant sincerely holds the beliefs, and whether they govern the applicant's actions both in word and deed.

Chapter 6

FINAL DISPOSITION

6.1. Discharging the Member. Members determined to be COs (1-O or 1-A-O where further service is not desired by the Air Force) will be processed for discharge according to the applicable AFI. This is a convenience of the government discharge. The Air Force goal is to discharge COs (1-O or 1-A-O where further service is not desired by the Air Force) within 10 duty days of the approval of the member's application. Pending separation:

6.1.1. The applicant continues to perform duties that conflict as little as possible with professed beliefs, conform to the normal requirements of military service and satisfactorily perform assigned duties.

6.1.2. Disciplinary authorities handle violations of the UCMJ by these members as in any other situation

6.2. Noncombatant Status (1-A-O).

6.2.1. When applicant is granted noncombatant status he/she is either:

6.2.1.1. Assigned to noncombatant duty, or

6.2.1.2. Discharged from military service in accordance with Air Force policy.

6.2.2. Noncombatant duty will only be performed for the remainder of the term of enlistment (for enlisted) or the remainder of the furthest ADSC date at the time the CO application is submitted (for officers). AFPC/DP2ST updates the Date of Separation (DOS) and members separate as a CO upon completion of their term of enlistment or ADSC. Approved CO noncombatants will not be allowed to extend their term of service or accumulate additional ADSCs past their established DOS. (T-1)

6.2.3. Assignment Limitation. Upon approval of individuals for noncombatant service, AFPC/DP2ST will ensure that all appropriate assignment limitation and/or availability codes are updated into the MilPDS.

6.2.4. If the approved CO noncombatant is serving in an overseas location, the member may be reassigned to a CONUS location to serve out the remaining term of enlistment or ADSC to perform noncombatant duties until separation from the service. The determination for assignment actions will be made by AFPC/DP3AM. (T-1)

6.2.5. COs assigned to noncombatant duties must conform to the normal requirements of military service and satisfactorily perform their assigned duties.

6.2.6. Disciplinary authorities handle violations of the UCMJ by these members as in any other situation.

6.3. Disapproved Applicant.

6.3.1. Members assigned to normal military duties because of disapproval of their application must conform to the normal requirements of military service and satisfactorily perform their assigned duties.

6.3.2. Disciplinary authorities handle violations of the UCMJ by these members as in any other situation.

6.3.3. The applicant is entitled to know why the Air Force rejected his/her CO request. The rationale behind a CO rejection must be part of the record.

6.4. Notifying Selective Service When a CO Member Has Not Completed 180 Days of Active Duty. During conscription, discharge bona fide CO (1-O classification or 1-A-O, with directed discharge) with less than 180 days service, is early enough to permit them to serve their remaining service time in the civilian work program administered by Selective Service System (SSS).

6.4.1. The MPS/Career Development Element promptly notifies the SSS of the date of discharge from military service and of the fact that the individual has not completed 180 days of active duty.

6.4.2. The MPS/Career Development Element prepares the discharge notification for the immediate commander's signature and sends it to the Director of the SSS, National Headquarters, Selective Service System, Washington DC 20435.

DANIEL R. SITTERLY, SES, SAF/MR
Principal Deputy Assistant Secretary
(Manpower and Reserve Affairs))

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING DOCUMENTATION*****References***

Title 38, U.S.C., Section 5303

Title 50, U.S.C., App 456

Uniform Code of Military Justice

DoDI 1300.06, *Conscientious Objectors*, 31 May 2007

AFPD 36-32, *Military Retirements and Separations*, 12 May 2014

AFI 33-360, *Publications and Forms Management*, 1 December 2015

AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*, 12 December 2014

AFI 36-2501, *Officer Promotion and Selective Continuation*, 16 June 2004

AFI 36-3203, *Service Retirements*, 18 September 2015

AFI 36-3207, *Separating Commissioned Officers*, 9 July 2004

AFI 36-3208, *Administrative Separation of Airmen*, 9 July 2004

AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, 14 April 2005

Abbreviations and Acronyms

AD—Active Duty

ADSC—Active Duty Service Commitment

AFPC—Air Force Personnel Center

AFRC—Air Force Reserve Command

ANG—Air National Guard

ARPC—Air Reserve Personnel Center

CMS—Case Management System

CO—Conscientious Objector

DOS—Date of Separation

EAD—Extended Active Duty

FOA—Field Operating Agency

IMA—Individual Mobilization Augmentee

IR—Individual Reservist (IMA/PIRR)

IRR—Individual Ready Reserve

MilPDS—Military Personnel Data System

MPS—Military Personnel Section

OPR—Office of Primary Responsibility

PIRR—Participating Individual Ready Reserve

PRDA—Personnel Records Display Application

SAF—Secretary of the Air Force

SAFPC—Secretary of the Air Force Personnel Council

SJA—Staff Judge Advocate

SSS—Selective Service System

USAFR—United States Air Force Reserve

UCMJ—Uniform Code of Military Justice

Terms

Conscientious Objection—A firm, fixed, and sincere objection to participation in war in any form or the bearing of arms, by reason of religious training and/or belief.

Conscientious Objector (CO)—Class 1-O. A member who, by reason of conscientious objection, sincerely objects to participation in military service of any kind in war in any form. Class 1-A-O. A member who, by reason of conscientious objection, sincerely objects to participation as a combatant in war in any form, but whose convictions are such as to permit military service in a noncombatant status.

National Policy—Military service is a patriotic obligation of every citizen who desires to share in the benefits and protections afforded by allegiance to the national aims, objectives, welfare, and security of the US government. Congress established the Armed Forces to ensure attaining these objectives by preserving peace and national stability in a highly competitive and changing world. Nevertheless, Congress has recognized that deep and sincerely held convictions against the use of force may place any citizen in a dilemma between conscience and patriotic obligation. Therefore, Congress provided a means whereby these citizens may be excused or restricted in duties from their military obligation by receiving status as COs.

Noncombatant Duties or Service—1) Service in any unit of the Armed Forces that is unarmed at all times. 2) Any other assignment the primary function of which does not require the use of arms in combat provided that such other assignment is acceptable to the individual concerned and does not require him or her to bear arms or to be trained in their use. 3) Service aboard an armed ship or aircraft or in a combat zone shall be considered to be non-combatant duty unless the individual concerned is personally and directly involved in the operation of weapons. NOTE: Used interchangeably throughout the document.

Noncombatant Training—Any training that is not concerned with the study, use, or handling of weapons.

Religious Training and Belief—Belief in an external power or "being" or deeply held moral or ethical belief, to which all else is subordinate or upon which all else is ultimately dependent, and which has the power or force to affect moral well-being. The external power or "being" need not be one that has found expression in either religious or societal traditions. However, it should

sincerely occupy a place of equal or greater value in the life of its possessor. Deeply held moral or ethical beliefs should be valued with the strength and devotion of traditional religious conviction. The term "religious training and/or belief" may include solely moral or ethical beliefs even though the applicant may not characterize these beliefs as "religious" in the traditional sense, or may expressly characterize them as not religious. The term "religious training and/or belief" does not include a belief that rests solely upon considerations of policy, pragmatism, expediency, or political views.

War in Any Form—All warfare--those wars waged in the past, present, and future that include combatant forces. The Air Force does not consider members who believe they can choose the war in which they will participate as COs under the law. The objection must be to all wars rather than to a specific war. A belief in a theocratic or spiritual war between the powers of good and evil does not constitute a willingness to participate in war within the meaning of this instruction.

Attachment 2

REQUIRED INFORMATION TO BE SUPPLIED BY APPLICANT FOR DISCHARGE OR NONCOMBATANT SERVICE

A2.1. Any member seeking discharge from the Air Force or assignment to noncombatant duties as a CO must provide, at a minimum, the information indicated below. This in no way bars the Air Force from requiring additional information. The individual may submit such other additional information as desired.

A2.1.1. General Information Concerning Applicant:

A2.1.1.1. Full name.

A2.1.2. Social Security number (SSN).

A2.1.3. Selective Service number (if applicable).

A2.1.4. Service address.

A2.1.5. Permanent home address.

A2.1.6. Name and address of each school and college attended (after age 16), dates of attendance, and the type of school (public, church, military, commercial, etc.).

A2.1.7. A chronological list of all occupations, positions, jobs, or types of work (other than work after age 16 performed while in school or college) whether for monetary compensation or not. Include the type of work, name of employer, address of employer, and the "from" and "to" date for each position or job held.

A2.1.8. All former addresses (after age 16) and dates of residence at those addresses.

A2.1.9. Parents' names and addresses. Indicate whether they are living or deceased.

A2.1.10. The religious denomination, sect, or belief system of both parents.

A2.1.11. Was application made to the Selective Service System (local board) for classification as a conscientious objector before entry into the Air Force?

A2.1.11.1. To which local board?

A2.1.11.2. What decision was made by the board, if known?

A2.1.12. When the applicant has served fewer than 180 days in the military service:

A2.1.12.1. A statement as to whether they are willing to perform work under the Selective Service civilian work program for COs, if discharged as a CO.

A2.1.12.2. A statement as to whether they consent to a work order for such work issued by their local Selective Service Board.

A2.2. Training and Belief:

A2.2.1. A description of the nature of the belief that requires the applicant to seek separation from the military service or assignment to noncombatant training and duty for reasons of conscience. If applying for noncombatant service, the reason why the applicant wants to continue active duty service and in what capacity, how remaining on active duty won't adversely affect their beliefs or the beliefs of others in the unit, and why it's in the best

interest of the Air Force to remain on active duty until completion of their current enlistment (enlisted) or furthest ADSC (officers).

A2.2.2. An explanation as to how the beliefs changed or developed, to include an explanation of the factors (how, when, from whom, or from what source applicant received training or acquired belief) contributing to conscientious objection beliefs.

A2.2.3. An explanation as to when these beliefs became incompatible with military service, and why.

A2.2.4. An explanation as to the circumstances, if any, under which the applicant believes in the use of force, and to what extent, under any foreseeable circumstances.

A2.2.5. An explanation as to how the applicant's daily life style has changed as a result of the beliefs and what future actions applicant plans to continue to support applicant's beliefs.

A2.2.6. A description of what most conspicuously demonstrates the consistency and depth of the beliefs that gave rise to the claim.

A2.3. Participation in Organizations:

A2.3.1. Information as to whether applicant has ever been a member of any military organization or establishment before entering present term of service. If so, applicant must give the name and address of such organization along with the reasons why applicant was a member.

A2.3.2. A statement as to whether applicant is a member of a religious sect or organization. If so, the statement must show:

A2.3.2.1. The name of the sect and the name and location of its governing body or head.

A2.3.2.2. When, where, and how the applicant became a member of said sect or organization.

A2.3.2.3. The name and location of any church, congregation, or meeting that the applicant customarily attends and the extent of the applicant's active participation.

A2.3.2.4. The name, title, and present address of the pastor or leader of such church, congregation, or meeting.

A2.3.2.5. A description of the organization's or sect's creed or official statements, if any, and if known, any statements of the religious sect or organization regarding participation in war.

A2.3.3. A description of applicant's relationships with and activities in all organizations with which applicant is or has been affiliated, other than military, political, or labor organizations.

A2.4. References. Any additional information, such as letters of reference or official statements of organizations to which the applicant belongs or refers to in the application, that the applicant wishes the Air Force authority reviewing the application to consider. The burden is on the applicant to obtain and forward such information.

Figure A2.1. Privacy Act Statement required on all Documents.

AUTHORITY: Title 50, App U.S.C., Section 456(j), 10 U.S.C. 8013, and Executive Order 9397. **PURPOSE:** Used by member to apply for conscientious objector status.

ROUTINE USE: Reviewing authorities use the recorded information to make a decision to grant or deny the requested conscientious objector status. Appropriate organizations also use the information, when appropriate, to withhold promotion, remove members from flying status, and affect members utilization.

DISCLOSURE IS VOLUNTARY: If applicant does not furnish the information, applicant may not receive the requested conscientious objector status.

PRIVACY ACT STATEMENT: Applicant must supply this required information for discharge or non-combatant service (this attachment).

Attachment 3

STATEMENT (COUNSELING CONCERNING DESIGNATION AS CONSCIENTIOUS OBJECTOR)

Figure A3.1. Statement (Counseling Concerning Designation as Conscientious Objector).

1. I have been counseled concerning designation as a conscientious objector. Based on my training and belief, I consider myself to be a conscientious objector within the meaning of the statute and regulations governing conscientious objectors and am conscientiously opposed to participation in combatant training and service.
2. I understand that any discharge resulting from my application for conscientious objector designation is voluntary on my part. If I have received special pay, bonuses, or advanced education assistance in return for my commitment to serve a period of active duty, I understand that I am obligated to reimburse the United States for such pay, bonuses, or the cost of such education assistance, in proportion to the unserved part of my active duty service commitment. I further understand the Department of Veterans Affairs will determine what veterans benefits, if any, I am entitled to receive if I am separated pursuant to a CO status.

(Date)

(Signature of member)
(Typed name, grade, USAF)

(Member's name) signed the preceding statement after being counseled by me.

(Date)

(Signature of member)
(Typed name, grade, USAF)

AUTHORITY: 50 App. U.S.C. 456, 10 U.S.C. 8013, and Executive Order 9397.

PURPOSE: Used by member to apply for conscientious objector status.

ROUTINE USES: Reviewing authorities use the recorded information to make a decision to grant or deny the requested conscientious objector status.

DISCLOSURE IS VOLUNTARY: If applicant does not furnish information, applicant may not receive the sought-for status.

PRIVACY ACT STATEMENT: Statement (Counseling Concerning Designation as Conscientious Objector) (this attachment).

Attachment 4

STATEMENT (COUNSELING CONCERNING VETERANS ADMINISTRATION
BENEFITS)

Figure A4.1. Statement (Counseling Concerning Veterans Administration Benefits).

I have been advised of the provisions of Title 38, U.S.C., Section 5303 concerning possible non entitlement to benefits administered by the Department of Veterans Affairs due to discharge from the military service as a conscientious objector under certain conditions. I understand that a discharge as a conscientious objector, who refused to perform military duty or otherwise to comply with lawful orders of competent military authority, shall bar all rights, based upon the period of service from which discharged, under any laws administered by the Department of Veterans Affairs except my legal entitlement (if any) to any war risk, government (converted) or veterans life insurance. The Department of Veterans Affairs will determine what veterans benefits, if any, a member is entitled to receive when they are separated pursuant to CO status.

(Date)

(Signature of member)
(Typed name, grade, USAF)

(Member's name) signed the preceding statement after being counseled by me.

(Date)

(Signature of member)
(Typed name, grade, USAF)

AUTHORITY: 50 App. U.S.C. 456(j), Title 38, U.S.C., 5303, 10 U.S.C. 8013, and Executive Order 9397.

PURPOSE: Used by member to apply for conscientious objector status.

ROUTINE USES: Reviewing authorities use the recorded information to make a decision to grant or deny the requested conscientious objector status.

DISCLOSURE IS VOLUNTARY: If applicant does not furnish information, applicant may not receive the requested conscientious objector status.

PRIVACY ACT STATEMENT: Statement (Counseling Concerning Department of Veterans Affairs Benefits) (this attachment).

Attachment 5

STATEMENT (COUNSELING CONCERNING APPLICATION AS A
CONSCIENTIOUS OBJECTOR NONCOMBATANT TRAINING AND SERVICE)Figure A5.1. Statement (Counseling Concerning Application as a Conscientious Objector
Noncombatant Training and Service).

1. I have been counseled concerning designation as a conscientious objector. Based on my training and belief, I consider myself to be a conscientious objector within the meaning of the statute and regulations governing conscientious objectors and am conscientiously opposed to participation in combatant training and service.
2. I request assignment to noncombatant duties for the remainder of my term of enlistment (enlisted) or furthest ADSC (officer). I further understand that on expiration of my current term of enlistment or ADSC, I will not be eligible for voluntary enlistment, reenlistment, extension or amendment of current enlistment, or continued active duty service in the Armed Forces by reasons of my noncombatant conscientious objector classification.
3. If I am determined to be a noncombatant conscientious objector and if a further determination is made that I cannot be effectively utilized as a noncombatant, I am requesting that (I be discharged for the convenience of the government according to AFI 36-3208 (airmen)) (my resignation be accepted according to AFI 36-3207 (officer)).
4. I understand that any discharge resulting from my application for conscientious objector designation is voluntary on my part. If I have received special pay, bonuses, or advanced education assistance in return for my commitment to serve a period of active duty, I understand that I am obligated to reimburse the United States for such pay, bonuses, or the cost of such education assistance, in proportion to the unserved part of my active duty service commitment. I further understand the Department of Veterans Affairs will determine what veterans benefits, if any, I am entitled to receive if I am separated pursuant to a CO status.

(Date)

(Signature of member)

(Typed name, grade, USAF)

(Member's name) signed the preceding statement after being counseled by me.

(Date)

(Signature of member)

(Typed name, grade, USAF)

AUTHORITY: 50 App. U.S.C. 456(j), Title 38, U.S.C., 5303, 10 U.S.C. 8013, and Executive Order 9397.

PURPOSE: Used by member to apply for conscientious objector status.

ROUTINE USES: Reviewing authorities use the recorded information to make a decision to grant or deny the requested conscientious objector status.

DISCLOSURE IS VOLUNTARY: If applicant does not furnish information, applicant may not receive the requested conscientious objector status.

PRIVACY ACT STATEMENT: Statement (Counseling Concerning Department of Veterans Affairs Benefits) (this attachment).