

STAFF-IN-CONFIDENCE**SEPARATION NOTICE**

Defence (Personnel) Regulations 2002

To: 8262687 CPL D.W. James

TAKE NOTICE that I, MAJ P. Sheldon SO2 of the Soldier Career Management Agency (SCMA), as a Delegate of the Chief of Army (CA) issue a Separation Notice (SN) for the purposes of regulation 87(2) of the *Defence (Personnel) Regulations 2002*, **PROPOSE** to terminate your service in the Defence Force.

Reason

1. The reason for the **PROPOSED** separation is that pursuant to regulation 87(1)(c) of the *Defence (Personnel) Regulations 2002*, you are "medically unfit."
2. Evidence of the particulars of the facts and circumstances relating to the reason for ceasing your service is as follows:
 - a. You were downgraded to MEC 205, as indicated on the AAB(M) PM 532 SBHC 067/2010 of 17 Feb 10.
 - b. On 22 Apr 10 your case was presented to a MECRB where your medical condition as per your DMM MECRBR Summary 08 Apr 10 (previously provided) was discussed.
 - c. The President of the MECRB determined you are P7U3L3S7 MEC 401 (previously provided), and as a result of this classification you cannot meet the base Army employment requirements of a deployable profile as specified in DI(A) PERS 159-1 – *PULHEEMS Employment Standards* and DI(A) OPS 80-1 – *Army Individual Readiness Notice*.

Statement of Reasons

3. Pursuant to regulation 87(2)(d) of the *Defence (Personnel) Regulations 2002*, you are invited to give the Delegate of the CA for discharge at SCMA (hereafter referred to as 'the Delegate'), a written Statement of Reasons (SOR) why your service in the Defence Force should not be terminated.
4. You have 28 days from receipt of this SN within which to provide your written SOR. You may consult a legal officer and/or medical staff if available, or you may have another person assist you in preparing your SOR.
5. If you do not give the Delegate a SOR within the specified period and the Delegate is of the opinion that the reason for ceasing your service has been established and has not been affected by a change in circumstances since this SN was given to you, the Delegate must terminate your service in the Defence Force.
6. If you give a SOR within the specified period the Delegate will consider that statement and any other relevant material that you choose to submit with it. If the Delegate is then of the opinion that the reason for ceasing your service has been established and has not been affected

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by a change in circumstances since this SN was given to you, the Delegate must terminate your service in the Defence Force.

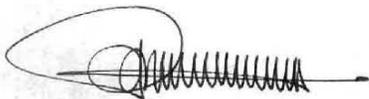
7. Where, after reviewing all the material provided the Delegate is of the opinion that you may be retained in the Defence Force, the Delegate may direct that your retention is to be subject to any other medical and employment restrictions, including but not limited to medical waivers, trade transfer or permanent medical restrictions. In making a decision the Delegate will consider all the material provided to them in the SN, including your SOR and additional material submitted by you in response to this SN.

8. For the purposes of regulation 87 of the *Defence (Personnel) Regulations 2002*, Separation Notice holds the same meaning as Termination Notice.

Matters considered by MAJ P. Sheldon, SO2, SCMA

I, MAJ P. Sheldon, as a Delegate of the CA, considered the following material in making my decision to issue this SN:

- a. AAB(M) PM 532 SBHC 067/2010 of 17 Feb 10;
- b. SCMA MECRB Minutes of 22 Apr 10;
- c. 8262687 CPL D.W. James DMM MECRBR Summary of 08 Apr 10;
- d. your complete service history as contained on your personal file;
- e. your option not to provide SOR against MECRB Determination;
- f. DI(A) PERS 159-1 – *PULHEEMS Employment Standards*;
- g. DI(A) OPS 80-1 – *Army Individual Readiness Notice(AIRN)*;
- h. DI(A) PERS 116-5—*Separation of Regular Army Soldiers, Army Reserve soldiers and soldiers on full-time service—policy and procedures*;
- i. DI(A) PERS 124-29-*Medical Employment Classification System in the Australian Army*; and
- j. Health Directive 236.



P. SHELDON
MAJ
Staff Officer Grade Two Separations
Delegate of the Chief of Army D(P)R 87(1)(c)

Tel: REDACTED ; Fax REDACTED

2 Sep 10

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