

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR BY REGULATIONS OF THE UNITED STATES DEPARTMENT OF DEFENSE, A COMMISSIONED OFFICER MAY NOT BE REMOVED FROM OFFICE UNLESS THE OFFICER CONSENTS TO THE REMOVAL.

(B) ACTION BY EFFICIENCY BOARD.

A COMMISSIONED OFFICER SHALL BE DISCHARGED IF:

(1) AN EFFICIENCY BOARD OF THREE COMMISSIONED OFFICERS, SENIOR IN RANK TO THE OFFICER WHOSE FITNESS FOR SERVICE IS UNDER INVESTIGATION, APPOINTED TO DETERMINE THE MORAL CHARACTER, CAPACITY, OR GENERAL FITNESS FOR SERVICE OF THE COMMISSIONED OFFICER MAKES AN UNFAVORABLE FINDING; AND

(2) THE OFFICIAL AUTHORIZED TO APPOINT THE EFFICIENCY BOARD APPROVES OF THE FINDINGS OF THE EFFICIENCY BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 65, § 22.

In subsection (a) of this section, the reference to this "title" is substituted for the former reference to this "article" for clarity because former Article 65 is revised as this title.

Also in subsection (a) of this section, the reference to the "United States Department of Defense" is substituted for the former reference to the "Defense Department" to reflect the proper name of the Department.

In subsection (b)(1) of this section, the former reference to authority to act "at any time" is deleted as surplusage.

13-607. VACATING COMMISSION.

A COMMISSION OF AN OFFICER MAY BE VACATED:

- (1) ON RESIGNATION;
- (2) THROUGH ABSENCE WITHOUT LEAVE FOR 3 MONTHS;
- (3) ON RECOMMENDATION OF AN EFFICIENCY BOARD; OR
- (4) UNDER A SENTENCE OF A COURT-MARTIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 65, § 22.

13-608. RESIGNATION OF OFFICER.

(A) HONORABLE DISCHARGE.

A COMMISSIONED OFFICER TENDERING A RESIGNATION SHALL RECEIVE AN HONORABLE DISCHARGE IF:

- (1) THE GOVERNOR ACCEPTS THE RESIGNATION;