



OFFICE OF THE NATIONAL COMMANDER
CIVIL AIR PATROL
UNITED STATES AIR FORCE AUXILIARY
MAXWELL AIR FORCE BASE, ALABAMA 36112-5937

16 November 2015

MEMORANDUM FOR ALL CAP UNIT COMMANDERS

FROM: CAP/CC

SUBJECT: Interim Change Letter – CAPR 35-3, *Membership Termination*

1. CAPR 35-3 is currently undergoing revision as a part of the publications reengineering project. This interim change letter will remain in effect until such time as the new CAPR 35-3 is complete and published.

2. CAPR 35-3 is immediately changed as follows:

Paragraph 3a(4), Automatic loss of cadet membership, is changed to read: “Failure to pay any debt to Civil Air Patrol within 60 days of proper notification by National Headquarters. This includes payments made resulting in returned checks, assessments for damaged/lost property, denied reimbursable expenses, and failure to provide substantiation for advances paid.”

Paragraph 4a(4), Automatic loss of senior membership, is changed to read: “Failure to pay any debt to Civil Air Patrol within 60 days of proper notification by National Headquarters. This includes payments made resulting in returned checks, assessments for damaged/lost property, denied reimbursable expenses, and failure to provide substantiation for advances paid.”

3. The intent of this change is to ensure that members who are legitimately indebted to Civil Air Patrol may have their membership automatically terminated for nonpayment. If you have any comments or concerns, contact Ms Susan Parker, CAP/DP at (334) 953-7748, extension 212 or email sparker@capnhq.gov.

A handwritten signature in black ink, appearing to read "Joseph R. Vazquez".

JOSEPH R. VAZQUEZ
Major General, CAP
Commander



NATIONAL HEADQUARTERS CIVIL AIR PATROL

CAP REGULATION 35-3

27 DECEMBER 2012

INCLUDES CHANGE 1, 4 SEPTEMBER 2013

Personnel Procedures

MEMBERSHIP TERMINATION

This regulation establishes policies and procedures for terminating membership in Civil Air Patrol (CAP) prior to the membership expiration date.

SUMMARY OF CHANGES.

This revision is a general update to include the new governance changes. All references to the National Board, National Executive Committee and Executive Director have been removed. **Note: Shaded areas identify new or revised material.**

Table of Contents	Page
1. Policy	2
2. Terms Used	2
SECTION A – CADETS.....	2
3. Causes to Terminate Cadet Membership.....	2
SECTION B – SENIORS	4
4. Causes To Terminate Senior Membership.....	4
SECTION C – TERMINATION PROCEDURES.....	5
5. Who Initiates Termination Action	5
6. Termination Procedures	5
SECTION D – APPEAL PROCEDURES	6
7. Member's Appeal Action	6
8. Action to Be Taken on Appeal.....	6
9. Appeal Board Procedures	6
10. Action by the Approving Authority.....	8
Attachment 1. Approving Authority for Membership Termination for Cause.....	9
Attachment 2. Termination of CAP Membership, CAPR 35-3.....	10
Attachment 3. CAP Membership Termination Appeals Process, CAPR 35-3.....	11
Attachment 4. Report of Proceedings of the Appeal Board.....	12

Supersedes: CAPR 35-3, 10 July 2012.

Distribution: National CAP website.

OPR: DP

Pages: 12

Notice: CAP publications and forms are available digitally on the National CAP website at: http://www.capmembers.com/forms_publications__regulations/

1. Policy.

a. Membership in CAP is a privilege and not a right. Membership is on a year to year basis and annual membership renewal is subject to procedures outlined in CAPR 39-2, *Civil Air Patrol Membership*, Chapter 4. Membership is automatically terminated if the member fails to renew or voluntarily resigns. In addition, members must continue to meet all membership eligibility criteria and conduct themselves in an exemplary manner. If at any time a current member fails to meet the initial membership eligibility criteria, the National Commander or Chief Operating Officer may remove the member from the membership rolls.

b. Members are also required to comply with the CAP Constitution, Bylaws, regulations, policies and orders of higher authority. If at any time during the membership year a commander determines continued membership to be adverse to the best interest of CAP, the member concerned may be terminated prior to his or her membership expiration date. Specific reasons for terminating cadet and senior membership are outlined below.

c. Termination action should be initiated at the lowest command level possible. This means that if a member subject to termination action is assigned to a squadron or group, the commander of the unit should initiate the termination action. Only in rare or isolated cases should a wing or region commander initiate a termination action.

2. Terms Used.

a. The term "unit commander" is all inclusive throughout this directive. If the member being terminated is at squadron level, then "unit commander" means the squadron commander. If the member is on the wing staff, the term "unit commander" refers to the wing commander, etc. For the purpose of this regulation, the term "senior member" includes all adult membership categories.

b. The term "approving authority" refers to the officer authorized to take final action on membership termination cases. This is normally the commander of the next higher echelon than the unit recommending termination action (see attachment 1).

SECTION A – CADETS

3. Causes to Terminate Cadet Membership.

a. Automatic Loss of Membership:

(1) Reaching 21st birthday. National Headquarters will automatically transfer cadets to senior member patron status when the cadets reach their 21st birthdays (unless membership expires during the same month).

(2) Marriage after the age of 18.

(3) Joining the active duty Armed Forces. The term "active duty Armed Forces" does not include attendance at military service academies or members in the National Guard or Reserves who are not on extended active duty.

(4) Payment of any kind made by bad check to National Headquarters if such check is not redeemed within 60 days of proper notification.

(5) Failure to maintain a satisfactory academic school record.

(6) Loss of the status "admitted for permanent residence" by an alien member other than by acquiring citizenship to the U.S.

(7) Failure to renew.

(8) Voluntary resignation. Individuals wishing to voluntarily resign their membership must resign in writing and sign the resignation request. E-mail resignations may be accepted as long as they are received from the individual member and include the member's full name and CAPID. The signed resignation must be attached to the CAP Form (CAPF) 2B, *Personnel Action Request-Termination of CAP Membership*, submitted to National Headquarters.

b. Failure to progress satisfactorily in the CAP cadet program.

c. Lack of interest demonstrated by failure to attend three successive regular meetings without an acceptable excuse.

d. Misconduct. Misconduct would include, but is not limited to:

(1) Conduct unbecoming a member of CAP.

(2) Making a false statement to or concerning CAP.

(3) Serious or willful violations of CAP regulations or directives.

(4) Failure to obey rules, regulations and orders of higher authority.

(5) Insubordination.

(6) Any other conduct, action or incident which violates the policy set forth in paragraph 1 of this regulation, provided the reason for termination is clearly stated in the letter of notification.

e. Cause. Termination for Cause is defined as any cadet who has been convicted of any offense (or suffered a pattern of arrests) that would disqualify such cadet from senior membership in CAP as described in CAPR 39-2, *Civil Air Patrol Membership*, paragraph 3-2, may have their membership terminated for cause. For purposes of a termination action of a minor cadet, in those jurisdictions having a public policy declaring that a minor may not be treated as an adult for purposes of committing an **offense**, being **arrested** or being **convicted**, the following terms have the following meanings as the case may require in the jurisdiction where the act occurred:

(1) **Offense** means an act which if committed by an adult would be a felony or misdemeanor.

(2) **Arrest** means to take into custody in the circumstances that if the minor were an adult, the minor could be arrested without a warrant, or when a juvenile court, by order endorsed on the summons or otherwise, has ordered that the minor be taken into custody.

(3) **Conviction** means an adjudication by a fact finder based on findings of facts made after a due process proceeding where such findings are sufficient to conclude that the minor has committed an act which if an adult had committed the act, it would be an offense.

f. In addition to the above, it is the prerogative of the unit commander to terminate membership for a cadet who moves to another area, but does not request transfer to a unit in the new locality within a reasonable period of time. Since many cadets who move quite frequently (especially if their parents are members of the Armed Forces) prefer to remain assigned to their parent units, it is emphasized that termination under this condition is not mandatory, but is at the discretion of the unit commander. If the unit commander determines that the cadet cannot successfully participate in the cadet program under these circumstances, the commander will give the departing cadet at least three months in the new locality to affiliate with another unit prior to initiating termination action.

SECTION B – SENIORS**4. Causes To Terminate Senior Membership.****a. Automatic Loss of Membership:**

- (1) Failure to renew.
- (2) Voluntary resignation. Individuals wishing to voluntarily resign their membership must resign in writing and sign the resignation request. E-mail resignations may be accepted as long as they are received from the individual member and include the member's full name and CAPID. The signed resignation must be attached to the CAPF 2B.
- (3) Failure to maintain initial membership eligibility criteria.
- (4) Payment of any kind made by bad check to National Headquarters if such check is not redeemed within 60 days of proper notification.
- (5) Failure to respond within 45 days to National Headquarters' requests for additional background information.

b. Termination for Cause. Senior members whose conduct, behavior or effectiveness fail to meet the standards of CAP as set forth in paragraph 1 of this regulation shall have their membership terminated for cause. Termination action may be justified by the seriousness of a single incident or by repeated minor incidents, none of which alone would justify termination action. Termination for cause is defined as follows:

- (1) Conduct involving moral turpitude.
- (2) Conduct unbecoming a member of CAP.
- (3) Financial irresponsibility.
- (4) Insanity, habitual drunkenness, sexual perversion or illiteracy.
- (5) Habitual failure to perform duty.
- (6) Making a false statement to or concerning CAP.
- (7) Serious or willful violations of CAP regulations or directives.
- (8) Substandard performance of duty over an extended period of time.
- (9) Failure to obey rules, regulations and orders of higher authority.
- (10) Insubordination.
- (11) Any other conduct, action or incident which violates the policy set forth in paragraph 1 of this regulation, provided the reason for termination is clearly stated in the letter of notification.

SECTION C – TERMINATION PROCEDURES

5. Who Initiates Termination Action. Normally the unit commander of the member should initiate termination action in appropriate cases. However, if a higher headquarters has knowledge of an incident which warrants termination of membership, that headquarters has the prerogative of initiating termination procedures. A termination action once begun may be withdrawn by the initiating unit commander or the approving authority at any time. Termination procedures on chaplains will not be initiated without first contacting the Chief of the CAP Chaplain Corps, Headquarters Civil Air Patrol, 105 S. Hansell Street, Maxwell AFB, AL 36112, in writing, explaining the circumstances and reasons for action. Personnel and Member Actions (NHQ/DP) will coordinate CAPFs 2B on chaplains with the Chief of the CAP Chaplain Corps before final action is taken.

6. Termination Procedures. When a unit commander determines that it is appropriate to terminate an individual's CAP membership, the following procedures will be followed:

a. For reasons not involving misconduct or termination for cause, the unit commander will prepare a CAPF 2B, *Personnel Action Request-Termination of CAP Membership*, in three copies. The original copy will be mailed to National Headquarters; the second copy will be mailed to the member's last known address; and the third copy will be retained in the unit's file.

b. Cadets being terminated for misconduct and senior members being terminated for cause are entitled to the appeal procedures set out in section D hereafter. In such cases, the unit commander will initiate the termination action by notifying the individual by letter (see attachment 2). Commanders should ensure that the notification letter states each appropriate charge and a brief statement of the facts believed to support the charge and follows the format in attachment 2. Within 10 days of the commander's decision to terminate, the letter of notification should be delivered by personal delivery to the member or a copy mailed both by certified mail and by regular mail to the member's residence address as recorded in the membership unit. At the time the letter of notification is sent to the member, a copy of the letter will be sent to the appropriate approving authority, to the wing commander (if the approving authority is below wing level) and to NHQ/DP. Upon notification of a proposed termination action, the appellant will be considered in suspended status and will not be authorized to participate in CAP activities or represent the corporation in any capacity until the termination action is completed. A flow chart outlining the entire termination process is shown in attachment 3.

c. Members not appealing termination of their CAP membership need only to return membership cards and any other CAP property in their possession to the unit of assignment. In such cases, the unit commander will then complete a CAPF 2B in three copies. The original copy will be forwarded to National Headquarters; the second copy will be forwarded to the appropriate approving authority; and the third copy will be retained in the unit file. NOTE: Section IV of CAPF 2B will include a concise summary of circumstances relative to the termination action.

SECTION D – APPEAL PROCEDURES

7. Member's Appeal Action.

a. Members who wish to exercise their right to appeal the membership termination action must notify the initiating unit commander and the appropriate approving authority by letter stating such intention within 30 days of the personal delivery of the letter of termination notification (or, if mailed, 30 days after the postmark on the letter of termination notification). Failure to do so within the 30 day period will forfeit any right of appeal and the termination action will automatically be concluded. The unit commander may in such cases process the CAPF 2B as outlined in 6c above.

b. The appellant will remain in suspended status until the approving authority takes final action, the termination action is withdrawn or the appellant is otherwise terminated.

8. Action to Be Taken on Appeal. Normally, within 10 days of the receipt of a timely appeal from a member, the approving authority will appoint an appeal board on orders and name a chairperson thereto to consider the appeal and report its findings. In the event the approving authority is determined by the next higher level commander to be disqualified from making the final decision due to an impermissible conflict of interest, the next higher level commander shall appoint another commander at the same level to act as the approving authority and appoint the appeal board. For example, if a region commander determines that a wing commander has an impermissible conflict of interest, the region commander shall appoint another wing commander within the region to appoint an appeal board and decide the outcome of the appeal. The appeal board will consist of a minimum of three CAP officers, including the chairperson, who should be equal or higher in grade to that of the terminated member. Only those members who can impartially judge the case will be appointed to serve on the appeal board. Appeal Board orders should have limited distribution to only those involved in the case. In circumstances in which the National Commander is the initiating commander, the approving authority shall be the National Vice Commander, and the conflict of interest rules in this section shall not apply.

9. Appeal Board Procedures.

a. Prehearing.

(1) The initiating unit commander will furnish to the chairperson and to the member a full statement of the circumstances that prompted the termination of membership proceedings, including a copy of the letter of notification and any and all documents pertinent to the case.

(2) The chairperson will set a date and place for the hearing; which normally should not be more than 30 days from the date of the orders appointing the board. The chairperson will then notify the appellant and the initiating unit commander in writing of the time and place of the hearing. Said notice should be given at least 15 days prior to the hearing date.

(3) At the discretion and selection of the chairperson, one other additional CAP officer may be appointed on the same orders as the appeal board to present evidence on behalf of the CAP in the hearing. The utilization of officers with legal training is encouraged. This officer shall be designated as the CAP representative. The CAP representative is not a member of the appeal board, a prosecutor or the legal representative of the commander who initiated the termination proceeding, but rather a presenter of the relevant facts to assist the board in arriving

at its decision. In the absence of the appointment of a CAP representative, the commander initiating the termination action will have the authority given to the CAP representative.

(4) The chairperson may, at his or her discretion, delay the established hearing date if requested by the appellant, counsel of the appellant or the CAP representative.

(5) There is no requirement that a verbatim record be made of the hearing. The chairperson may, however, at his or her discretion, provide for recording devices from CAP resources or may grant or deny a timely written request of the appellant to furnish his or her own independent recording devices or a court reporter at the proceedings. In the event that the appellant is granted permission to record or transcribe the board proceedings, a copy of any such recording or transcript must be furnished without charge to the chairperson of the appeal board by the appellant within such time period as the chairperson deems appropriate.

b. Hearing Procedures. The duty of the appeal board is to consider all relevant facts presented in the hearing and to make a factual determination of whether or not the termination reasons used by the initiating commander are sustained by the evidence. The normal procedure is to allow CAP to present all of its case first, followed by the appellant's. Rebuttal evidence may be allowed at the discretion of the chairperson. In the board proceedings, both the appellant and the CAP representative will be given the opportunity to:

- (1) Call witnesses on their own behalf (at their own expense).
- (2) Cross examine witnesses called adverse to their case.
- (3) Present written statements and documents supporting their case.

c. The appellant shall also have the right to appear in person with or without an assistant of his or her own selection and shall also have the right to testify in his or her own behalf. A CAP legal officer may not serve as the appellant's assistant. The appellant shall also have the right to elect not to appear before the board but rather submit the case in writing with any attached documentation that he or she chooses pertinent to the issues.

d. Appeal board hearings are informal in nature and the rules of evidence do not apply. The chairperson shall have the right to rule on any questions of relevancy, materiality or admissibility of witnesses' testimony and documents offered by either side. Witnesses who do testify should be placed under oath administered by the chairperson prior to their testimony. The chairperson will ensure that a full, fair and impartial hearing shall be conducted, the sole objective of which is the truth of the matters alleged in the letter of notification.

e. Upon completion of the hearing, the appeal board members will go into closed session to make findings of fact and recommendations. All voting on recommendations will be by majority vote. A board member who dissents from the majority will so indicate in writing. Such dissent must be attached to the formal report of the board and sent to the approving authority.

f. The chairperson is responsible for the preparation and forwarding to the approving authority of the report of the appeal board, including any attachments thereto. The final report should use the format shown in attachment 4. The report of the board proceedings should normally be forwarded to the approving authority within 10 days after the close of the hearing.

10. Action by the Approving Authority.

a. The approving authority will review the report of the proceedings and take final action in the case. If the appeal board has recommended retention of the appellant, the approving authority's action may not provide for termination. In the event the appeal board recommends termination, the approving authority may either approve that recommendation or disapprove it, whereby the appellant will be retained in the CAP. The approving authority's action normally will be taken within 10 days after receipt of the appeal board report and the appellant notified by appropriate letter sent by the approving authority. The appellant's commander and NHQ/DP will also be furnished a copy of the approving authority's action. The decision of the approving authority is final and will not be the basis for any further appeal or complaint, subject to the provisions of CAPR 35-8, *Membership Action Review Panel*.

b. If the approving authority's action provides that the appellant's membership should not be terminated, the proceedings are concluded and no further action is necessary. If the approving authority's action approves the appeal board's recommendation for termination, the appellant's unit commander will complete the CAPF 2B in three copies as specified in 6c above. A copy of the appeal proceedings will be forwarded to NHQ/DP along with the CAPF 2B.

CHARLES L. CARR, JR.
Major General, CAP
Commander

Attachment 1. Approving Authority for Membership Termination for Cause

RULE	A	B
IF TERMINATION PROCEDURE IS AGAINST		THEN THE APPROVING AUTHORITY IS

- | | | |
|---|----------------------------------|--|
| 1. National | Volunteer Staff and CSAG Members | ...National Commander |
| 2. Region Member | | National Commander |
| 3. Wing Member | | Region Commander |
| 4. Group Commander | | Region Commander |
| 5. Squadron Commander Not Under a Group | | Region Commander |
| 6. Squadron Commander Under a Group | | Wing Commander |
| 7. Group Member | | Wing Commander |
| 8. Squadron Member Not Under a Group | | Wing Commander |
| 9. Squadron Member Under a Group | | Group Commander |
| 10. Flight Member | | Group Commander (or Wing Commander if flight is not under a group) |

NOTES:

- a. If a membership termination action is initiated by National Headquarters, the approving authority will be the National Commander.
- b. If the membership termination action is initiated by the National Commander, the approving authority will be the National Vice Commander.

Attachment 2. Termination of CAP Membership, CAPR 35-3

SUBJECT: Termination of CAP Membership, CAPR 35-3

TO: _____

1. For the reasons indicated below, I hereby propose to terminate your membership in the Civil Air Patrol. (The reasons should be drawn from paragraphs 3 and 4 of this regulation. Reasons will be explicit, giving times, dates and places, and will set out any details as concisely as possible.)

EXAMPLE

(for senior member)

a. Reason: CAPR 35-3, paragraph 4b(7). Serious or willful violations of CAP regulations or directives. On 24 February 2011, you hand propped the engine of a corporate owned Cessna 182D, N8703X, without a qualified person at the controls, causing considerable damage to the aircraft and in direct violation of CAPR 60-1, *CAP Flight Management*, paragraph 2-1f.

or

(for cadet member)

b. Reason: CAPR 35-3, paragraph 3d. Misconduct. On or about 4 May 2011, while in a cadet uniform, you engaged in a public altercation with a visiting dignitary from National Headquarters.

2. Upon receipt of this letter, you are in a suspended status and will not be authorized to participate in CAP activities or represent the corporation in any capacity.

3. You have the right to appeal this termination action. If you do not wish to appeal, please return your membership card and all other CAP property in your possession to your unit of assignment.

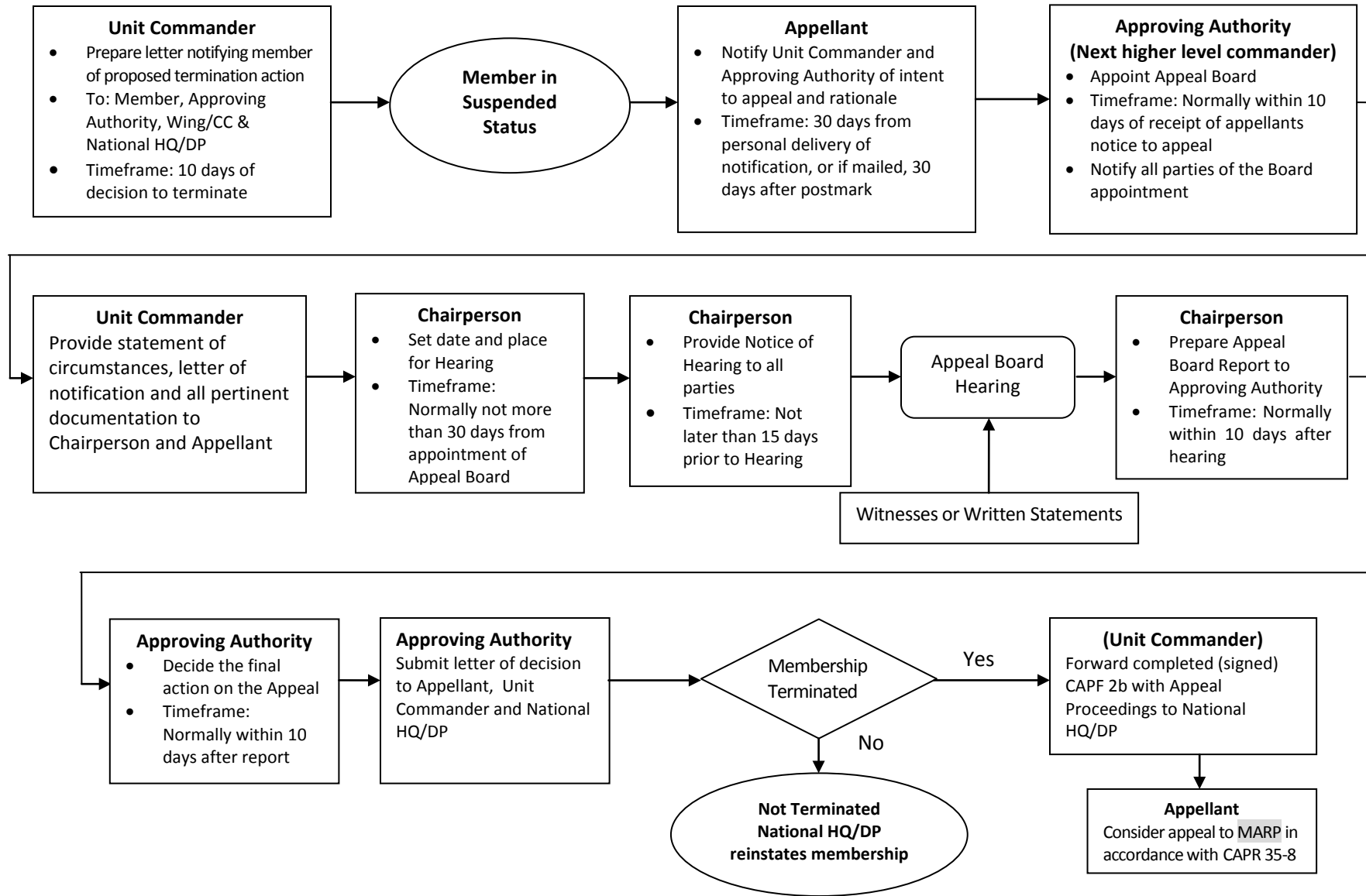
4. If you wish to exercise your right of appeal, you must submit a letter of appeal in two copies, one copy to (unit commander initiating termination action) and the other copy to (the approving authority), within 30 days from the postmark on this letter; otherwise, no right of appeal exists. Your letter should state in detail the reasons why your membership should not be terminated. Your rights and the appeal procedures are set forth in the attached copy of CAPR 35-3.

 (Initiating Unit Commander's Signature)

 1 Atch
 CAPR 35-3

Attachment 3. CAP Membership Termination Appeals Process, CAPR 35-3

CAP Membership Termination Appeals Process per CAPR 35-3



Attachment 4. Report of Proceedings of the Appeal Board

REPORT OF PROCEEDINGS OF THE APPEAL BOARD

SUBJECT: Appeal of (Name of Appellant)

TO: (Approving Authority)

1. The Appeal Board appointed by orders (copy attached) regarding the appeal of (name of appellant) met at (time), (date), (place). The following members of the Appeal Board were present during the hearing (if any absences, explain fully).

2. The appellant received 15 days written advance notice of the hearing, a copy of which is attached.

3. _____ did (did not) appear before the Board with (or without) his or her counsel, and he or she was (was not) present during all open sessions of the Board. The appellant was afforded full opportunity to cross examine adverse witnesses, to present evidence in his or her own behalf, and to testify in person or submit a written statement. (An appellant may choose not to make a personal appearance and in lieu thereof to submit statements or documents or to be represented by a counsel who will present evidence. In such a case, the facts should be stated, for example, as follows: (Name) did not appear before the Board but furnished evidence which was placed before the Board and is marked as Exhibit 1, attached.)

4. The allegations made against the appellant are contained in the initial notification letter, a copy of which is attached. A brief summary of the charges and the evidence produced on both sides regarding each charge is as follows:

5. The Board finds the following facts: (A clear and concise statement of facts found by the Board which relates to the reason for termination of membership will be set out. The facts found must support the recommendation made.)

6. Recommendations: (The recommendation will either be for retention of membership or termination of membership).

7. The Board adjourned at (time) on (date) 20____.

Chairman

Concur _____
Member

Member

- EXHIBITS
- A Orders Appointing Board and CAP Representative
 - B Advance Notice Letter
 - C Initial Notification Letter
 - D Minority Report of Board Member (if applicable)
 - E Documents Submitted by CAP Representative Supporting Termination Action
 - F Any and All Documents Submitted by Appellant



NATIONAL HEADQUARTERS CIVIL AIR PATROL

CHANGE 1

CAP REGULATION 35-3

4 SEPTEMBER 2013

Personnel Procedures

MEMBERSHIP TERMINATION

CAP Regulation 35-3, 27 December 2012, is changed as follows:

Page-Insert Change.

Remove	Insert
1/2	1/2
3/4	3/4

Note: Shaded areas identify new or revised material.

CHARLES L. CARR, JR.
Major General, CAP
Commander