

38.130 Discharge of officer for unfitness for service.

The Governor may order any commissioned officer before an efficiency board consisting of three (3) officers senior in rank to the officer whose fitness for service is under examination. The board shall have the powers of courts of inquiry and courts-martial to subpoena witnesses and produce testimony and shall inquire into the moral character, capacity and general fitness of the commissioned officer. The board shall make a record of all proceedings. If the findings of the board are unfavorable to the officer and are approved by the Governor, he shall be discharged from the service. No officer shall participate in the examination or decision of the board in any case in which the decision would affect his own grade or promotion. Failure to appear when ordered before a board constituted under this section shall be sufficient grounds for a finding of the board that the officer ordered to appear be discharged.

History: Amended 1962 Ky. Acts ch. 47, sec. 6. -- Amended 1954 Ky. Acts ch. 98, sec. 9. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2711a-172.