

State of Kansas, Military Division
The Adjutant General's Department
Topeka, Kansas, 1 December 1987

SERVICE OBLIGATIONS, METHODS OF FULFILLMENT, PARTICIPATION
REQUIREMENTS, AND ENFORCEMENT PROCEDURES

THIS REGULATION IMPLEMENTS AND MODIFIES CERTAIN PORTIONS OF AR 135-91 AND
AR 135-178 AND ESTABLISHES THE POLICY OF THE ADJUTANT GENERAL PERTAINING TO
UNSATISFACTORY PARTICIPATION AND PROCEDURES FOR ENFORCEMENT FOR PERSONNEL OF
THE KANSAS ARMY NATIONAL GUARD.

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1. References

- a. AR 135-91.
- b. AR 135-178.
- c. Kansas Statutes Annotated, 48-221.
- d. KNGR 27-10, dtd 2 Jul 73.
- e. AGO Kan Pam 27-21, dtd 3 Jun 74.
- f. AGO Kan Pam 27-7, dtd 5 Dec 77.
- g. Command Policy Letter No. 1, Unprogrammed Losses.

2. Policy and Procedures. Kansas laws and regulations, together with federal law and regulations as referenced herein, govern the training of the military forces of Kansas. Satisfactory participation is required. AR 135-91 establishes the policies and procedures governing satisfactory participation in training for the Reserve Components. The Adjutant General of Kansas directs strict compliance with this regulation by all Kansas Army National Guard units unless modified or supplemented herein.

3. Required Orientation. Paragraph 4-4, AR 135-91, pertaining to orientation is modified as follows:

a. AGO Kan Form 13.1 will be utilized as the statement acknowledging orientation attendance, participation requirements, enforcement procedures, and name and address of person who knows soldier's address.

b. In accordance with paragraph 2-52, NGR 600-200, soldiers will be oriented prior to signing oath of enlistment, and once annually thereafter until completion of their Ready Reserve Obligation. AGO Form 13.1 will be signed and dated at each orientation and filed as a permanent document in the soldier's DA 201 file. Each change to AR 135-91, which affects service obligations, participation requirements and/or the consequences of failure to participate satisfactorily, will require new orientation and acknowledgment.

c. Commanders are responsible for ensuring that all soldiers of their command are properly briefed and informed of the provisions of the Kansas Code of Military Justice. Use of commander's time for this requirement is appropriate and will be announced in a State Training Directive.

4. Action by Unit Commander.

a. Kansas Statutes 48-221, paragraph 2, is quoted, in part, as a matter of information and guidance:

"A record of the attendance of all unit training assemblies shall be kept by the commanding officer of the unit and the commanding officer shall cause all enlisted personnel absent without leave, who do not present a satisfactory excuse for their absence, to be tried by a summary court as provided for in the Kansas Code of Military Justice, KSA 48-2101."

b. Concurrently and regardless of actions taken under paragraph 4a above, after each training assembly/annual training period, the unit commander will furnish each soldier, who accrues one or more unexcused absences, with a Letter of Instructions in format at Appendix A to this regulation. Reasonable effort will be made to furnish this notification to the soldier through personal contact by a member of the command, who will obtain a written acknowledgment of receipt from the soldier. If such effort is unsuccessful, the notification will be mailed to the soldier by certified mail (Return Receipt Requested) and a Receipt for Certified Mail (PS Form 3800) obtained. Receipts that are returned will be attached to the file copy of the letter. One copy of the letter will be forwarded to AGKS-DOP-E immediately upon preparation. Envelopes that are returned will have certificate at Appendix C prepared, attached and filed in the soldier's field DA 201 file. Additionally, soldiers shall be reduced one grade for each assembly, until grade E-2 is reached. See Appendix E (Decision Table) concerning absences.

c. Use Command Policy Letter Number One to ascertain whether a soldier is absent without leave. Commanders make the final determination on a soldier's attendance status. Each situation must be determined on its own merit.

d. When a soldier has accrued 9 or more unexcused absences during a 12-month period (see AR 135-91), the unit commander will request separation. Action shall be taken as expeditiously as possible. Soldiers that can not be contacted to recover property will have a Report of Survey initiated not later than 20 days following the 9th absence. Once a control number is assigned to the Report of Survey by appropriate authority, a request for transfer to the IRR will be submitted.

e. The unit commander will send his recommendation for separation through the intermediate commander(s), if any, to AGKS-DOP. The recommendation will be in letter form and will include the following information:

- (1) Name, grade, SSN, date and term of enlistment or obligated service.
- (2) Justification for recommendation.
- (3) Record of enforcement action taken.

5. Action by Intermediate Commander. Each intermediate commander will add his recommendation to that of the unit commander and forward the case to the AGKS-DOP. (Line thru endorsements are not acceptable).

6. Exceptions to Unexcused Absences. Authority to grant exceptions to unexcused absences as discussed in paragraph 4-10, AR 135-91, is retained by The Adjutant General of Kansas. Requests for exception will be addressed to the attention of AGKS-DOP-E. Exceptions granted outside the 60 day time frame outlined in AR 135-91, due to procedural or other error, will be changed to "Absent Leave". Commanders are reminded that paragraph 4-10, AR 135-91, requires full justification for granting exceptions. Exceptions will be initiated within 20 days following the 9th unexcused absence of a soldier. Commanders may request exceptions to policy to change AWOL periods to "Absent Leave" prior to the 9th unexcused absence if the situation warrants.

7. Letters of Instruction--Unexcused Absence. Paragraph 4-12, AR 135-91, pertaining to letters of instruction--unexcused absence is modified as follows:

A copy of the letter will be forwarded to AGKS-DOP at the time of delivery or mailing to soldier.

8. Procedures for Discharge of Unsatisfactory Participants. AR 135-91 is supplemented as follows:

a. Request for Orders. Unit Commander will forward unsatisfactory participant records to The Adjutant General, ATTN: AGKS-DOP, in accordance with paragraph 4c. The soldier's MPRJ and supporting documents will be forwarded with the request.

b. Major Commanders will ensure that procedural requirements of AR 135-91, and this regulation have been followed and that documents to support the action are on file in the MPRJ prior to approval and forwarding request to AGO. In cases where administrative discrepancies are noted and adjustment of unexcused absences are required, the request and file will be returned to the unit by the Intermediate Headquarters for corrective action. In those instances where the adjustment of absences reduce the total to less than 9, the soldier must be notified of the adjustment and ordered to resume training. Format for this notification is at Appendix D. If the letter is presented personally, the soldier will sign the duplicate copy which will be filed in the soldier's DA 201 file. If the letter is mailed to the soldier, it must be mailed certified mail, RESTRICTED DELIVERY, return receipt required. The post office receipt, when received, will be stapled to the duplicate copy of the letter in the soldier's DA 201 file. In those cases where the letter cannot be delivered to the soldier and the document is so annotated, the unopened envelope will be placed in the 201 file and a statement in the format at Appendix C to this regulation will be stapled to the envelope. The triplicate copy of the letter will be forwarded to The Adjutant General, ATTN: AGKS-DOP, immediately after preparation.

9. Adjustments to Unexcused Absences. When adjustments are made in accordance with paragraphs 6 and 8b, the Attendance Record (DA Form 1379) must be corrected accordingly. Units must request this adjustment to AGKS-DOP-S.

THE PROPONENT OF THIS REGULATION IS THE OFFICE OF THE ADJUTANT GENERAL OF KANSAS. USERS ARE INVITED TO SEND COMMENTS AND SUGGESTED IMPROVEMENTS TO THE ADJUTANT GENERAL OF KANSAS, ATTN; AGKS-DOP, P.O. BOX C-300, TOPEKA, KANSAS 66601.

BY ORDER OF THE GOVERNOR:

OFFICIAL:

PHILIP B. FINLEY
Brigadier General, KSARNG
The Adjutant General


JAMES E. FOX
COL, GS, KSARNG
Chief of Staff

DISTRIBUTION:

A

(Date)

201 -

SUBJECT: LETTER OF INSTRUCTION--UNEXCUSED ABSENCE

(Grade, Name, and SSAN)

(Street Address/RFD/Rural Route)

(City/Town, State & ZIP Code)

1. Attendance records of this unit show that you were:

a. Absent from the scheduled unit training assembly (UTA) or multiple unit training assembly (MUTA) on _____ (Periods and Dates)

b. Charged with unexcused absence on _____ because of: _____ (Periods and Dates)

Improper military appearance.

Unsatisfactory performance of assigned duties.

2. Under the provisions of AR 135-91, you are required to attend all scheduled unit training assemblies and annual training periods. In addition, you are required to participate in a satisfactory manner with regard to proper military appearance and performance of assigned duties. Punitive action can be taken for unsatisfactory participation or performance.

3. Unless absences indicated in paragraph 1 are excused, you will have accrued _____ unexcused absences within a one-year period. The one-year period begins on the date you incur your first unexcused absence.

4. Absences from training assemblies may be excused only for reasons of sickness, injury, emergency or other circumstances beyond your control. If your absence was for one of these reasons, you should furnish this unit an appropriate affidavit or certification by a doctor, medical officer, or other person(s) having specific knowledge of the emergency or circumstances, requesting that it be excused. Your absence cannot be excused unless your request, and affidavit or certificate, are received within 15 days of the date you receive this letter.

APPENDIX A, KNGR 600-1

5. You will be notified in writing within 10 days after receipt of your request as to whether the absence has been excused.
6. If you have family responsibilities that are causing a hardship or if your civilian job is of critical importance to the national or community health, safety, or interest, you should contact me so that I can advise and assist you in the proper procedures to resolve these problems.
7. As you are aware, if you accumulate nine unexcused absences within a one-year period, you can be declared an unsatisfactory participant. If this action is taken, you may be transferred to the Individual Ready Reserve (IRR) for the balance of your obligation.
8. I hope that as a result of this letter you will take immediate steps to improve your attendance.
9. The next scheduled training assembly for this unit is _____ hours, on _____ 19____.

Signature--Unit commander

Receipt of the original hereof is acknowledged.

Signature of Addressee (For use when the Letter of Instructions is delivered in person)

Affidavit of Service by Mail

State of _____)
County of _____) ss

_____, being duly sworn, deposes and
(Name of individual who mailed notification)

says:

I AM THE _____ of _____
(Job Title; e.g., Personnel Officer) (Unit)

ON the ____ day of _____ 19__ I mailed notification dated
_____, subject: Separation Under AR 135-178, a true copy of
which is attached hereto, via Certified mail, Restricted Delivery, return
receipt requested, to _____ at _____
(Name of soldier on Orders) (Most recent
address of soldier) that being the last known address given to the _____
(Unit)

_____ as the one at which official mail would be
received by or forwarded to him by depositing the same in an official
depository of the US Postal Service at _____ in a
(Location of Postal Facility)
securely wrapped and sealed US postage-and-fees-prepaid envelope addressed to
him at said address....

(Signature and Rank of Affiant)

Sworn and subscribed before me this ____ day of _____ 19__.
(Month)

(Signature and Rank of Officer Administering Oath)

Attachment
Copy of notification

C E R T I F I C A T E

I hereby certify that on the _____ day of _____ 19____
that I mailed the envelope attached hereto, via Certified mail, return receipt
requested, deliver to addressee only, to _____
(Name of soldier)

at _____
(Most recent address of soldier)

that being the last known address given to the _____
(Unit)

as the one at which official mail would be received by or forwarded to
him/her.

(Signature and typed signature
block of Unit Commander)

APPENDIX D, KNGR 600-1

(Date)

201 -

SUBJECT: Notification of Review of Personnel File, Unauthorized Absences

(Grade, Name, and SSAN)

(Street Address/RFD/Rural Route)

(City/Town, State & ZIP Code)

1. Reference letter this unit, dated _____, subject: Letter of Instructions--Unexcused Absence.

2. Your file was reviewed by _____.
Based on his review and authority, he determined that _____

_____ are not to be counted in the accumulation of unauthorized absences in your behalf.

3. The records of this organization have been adjusted and the following is a record of your unexcused absences by date, and the cumulative total in the one-year period:

<u>Date of Unexcused Absence(s)</u>	<u>Number of Absences</u>	<u>Cumulative Total one-Year Period to Date</u>
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4. You are hereby ordered to resume attendance at unit assemblies and annual training. The next schduled assembly of this unit is _____ hours on _____.

5. I encourage you to attend training from here on in order to preclude accumulation of any additional unauthorized absences. Be advised that should you accumulate 9 or more unauthorized absences in a period of a year, your personnel file will be resubmitted to The Adjutant General, State of Kansas, with a request for separation under the provisions of Kansas Army Regulation 600-1, Army Regulation 135-91, Title 10, USC 673a, and your enlistment agreement.

(Signature block of Unit Commander)

DECISION TABLE Personnel Absent Without Leave

Conditions	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Does soldier have 9 or more chargeable AWOL?	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Did a valid reason exist for the absence?	Y	Y	Y	Y	N	N	N	N	Y	Y	Y	Y	N	N	N	N
Were AWOL assembly(s) within 30 days?	Y	Y	N	N	Y	Y	N	N	Y	Y	N	N	Y	Y	N	N
Is soldier retainable and worth retaining?	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
=====																
Actions																
Request Authority to change attendance code to "A" (Absent Leave) UP para 5, KNGR 680-1.	X	X	X	X					X	X	X	X				
Request exceptions to procedures UP paragraph 4-10, AR 135-91. Also request change to attendance code to "S" (ET auth) UP paragraph 3-13, NGB Pam 37-104-3.					X								X			
Request exoneration of AWOL. Attendance code cannot be changed.							X									
Process soldier as unsatisfactory participant UP AR 135-91.						X		X								
Monitor for additional periods of AWOL.														X	X	X