Kansas Army National Guard Leader's Handbook

Office of the Inspector General

Kansas National Guard

9 October 2012

PREFACE

"The day Soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help them or concluded that you do not care. Either case is a failure of leadership."

-Colin Powell

This handbook can be used as an effective and informative tool to assist leaders concerning day-to-day Soldier issues.

When using this handbook, keep in mind that it does not supersede or replace any Army or State regulation. Leaders should know that this guide is not designed to be an "off-the-shelf," one-size-fits-all," cookbook. Rather, it is a starting point and all of these potential actions encompassed in the guide are fact driven. Each situation is unique and specific facts will determine the right process or procedure to follow in that situation. The most important factor in resolving any issue is the Leader's judgment. No matter what the contemplated action is, the Leader must eye-ball a situation and decide what is the right thing to do, then bring all of his/her maturity, experience, and background into play.

As of the publication date, the information in this handbook is current. However, regulations are subject to change. Before taking any final action, Leaders must refer to the appropriate regulation.

The Inspector General Staff

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SECTION I
LEADERSHIP

1. References.

   a. ADP 6-22, *Army Leadership*, September 10, 2012.

   b. FM 1, *The Army*, June 14, 2005.

   c. ADP 3-0, *Unified Land Operations*, October 10, 2011.

   d. FM 7-22.7 (TC 22-6), *The Army Noncommissioned Officer Guide*, December 23, 2002.

2. Purpose. To ensure all leaders / commanders within the Kansas Army National Guard have a basis of understanding for what leadership is and does. The topics presented in this section include a review of leadership doctrine and principles, leader character and attributes, leader core competencies, as well as our shared Army Values and those things a leader must and must not do. IG tips for leaders and major trouble areas for a leader are also provided.

3. Scope. The information provided in this section is primarily for use by Army leaders assigned to the Kansas National Guard but most, if not all, of the information can be beneficial across components and services.

4. **What is a Leader?** A leader is a person who has a vision, a drive and a commitment to achieve that vision and the skills to make it happen. A person who has the ability to inspire and influence others; one who does not search for consensus but proactively molds consensus.

5. **What is an Army Leader?** Anyone by virtue of assumed role or assigned responsibility inspires and influences people to accomplish organizational goals. Army leaders motivate others both inside and outside of the chain of command to pursue actions, focus thinking and shape decisions for the greater good of the organization. Army leaders must set the example, teach, and mentor, be able and willing to act decisively. Army leaders recognize that organizations, built on mutual trust and confidence, successfully accomplish peacetime and wartime missions.

6. **What makes an Army Leader?**

- Character / Integrity / Strong Ethical & Moral fiber.
- Competence / Skills.
- Army Values & the Warrior Ethos / Spirit.
- Desire / Drive / Catalyst of Change.
- Decisiveness.
- Standard Bearer.

7. **Character and Integrity above All.** A leader of character and integrity internalizes our Organizational Values, lives by our Professional Military Ethic, reflects the Warrior Ethos/Spirit, and displays a genuine empathy towards Soldiers/Airmen, Families and those people affected by

the unit's actions. Character is central to a leader's core identity and integrity is the cornerstone of character. In our profession, competence places an individual in positions to lead; character makes him, or her, an effective leader.

- Character is essential to successful leadership.
- Character determines who we are and how we act.
- Character helps determine right from wrong and then to choose to "Do the Right Thing" – ALWAYS!
- Integrity in all things is a must.
- Those you lead should never have to question your integrity.
- Genuine Empathy towards others is key to being a successful leader.

"*People don't care how much you know, until they know how much you care*." -John Maxwell

8. Contributing factors in determining our character as a leader.

   a. Things Leaders *MUST* Do.

      - Lead by Example.
      - Show You Genuinely Care.
      - Treat everyone with Respect & Dignity (Golden Rule).
      - Keep Everyone Informed.
      - Do the Right Thing (no matter what) – ALWAYS!
      - Be Passionate About Your Role.
      - Be the Standard Bearer & Catalyst.
      - Be Fair and Honest.
      - Provide Top Cover for Your Subordinates.
      - Think of Others First.
      - Keep an Open Mind in ALL Things.
      - Be where your Soldiers are.
      - Do Your Fair Share and Then Some.
      - Think Before you Talk.
      - Keep Your Emotions in Check.
      - Stay Firm in Your Decisions.

   b. Things Leaders *MUST NOT* Do.

      - Be a Jerk, Tyrant or Bully.
      - Be Self-Serving.
      - Expect everything to be done for them.
      - Fraternize or Play Favorites.
      - Hold a Grudge against a Soldier.
      - Make Everything a Priority.
      - Hoard All the Information.
      - Be Easily Offended.

- Wear Their Emotions on Their Sleeve.
- Say it Can't Be Done (without trying).
- Exclude Those They Don't Like.
- Dress Down Someone in Public.
- Cut Corners on Values or Standards.
- Continually Make Ultimatums.
- Neglect Personal & Professional Growth.
- Break Out of Their Role for Convenience.

c. Things that get Leaders into Trouble.

- Fraternization / Favoritism.
- Sexual Misconduct / Harassment.
- Improper Use of Resources
- Failure to Investigate Allegations.
- Failure to Take Corrective Actions
- Failure to Provide Due process.
- Unfair Awards Policy or Processing.
- Selective Enforcement of Standards.
- Failure to Forward Actions to Appropriate Authority.

9. Leadership versus Command.

a. *Leadership* is the process of influencing people by providing purpose, direction and motivation while operating to accomplish the mission and improving the organization.

b. *Command* is the authority that a commander lawfully exercises over subordinates by virtue of rank or assignment. Command includes the leadership, authority, responsibility and accountability for effectively using available resources and planning employment of, organizing, directing, coordinating and controlling military forces to accomplish assigned missions. It includes unit readiness, health, welfare, morale and discipline of assigned personnel (FMI 5-0.1)

10. Principles of Leadership.

a. Know yourself and seek self-improvement - In order to know yourself, you have to understand your *be, know,* and *do,* attributes. Seeking self-improvement means continually strengthening your attributes. This can be accomplished through self-study, formal classes, reflection, and interacting with others.

b. Be technically proficient - As a leader, you must know your job and have a solid familiarity with your employees' tasks.

c. Seek responsibility and take responsibility for your actions - Search for ways to guide your organization to new heights. And when things go wrong, they always do sooner or later —

do not blame others. Analyze the situation, take corrective action, and move on to the next challenge.

d. Make sound and timely decisions - Use good problem solving, decision making, and planning tools.

e. Set the example - Be a good role model for your employees. They must not only hear what they are expected to do, but also see.

f. Know your people and look out for their well-being - Know human nature and the importance of sincerely caring for your workers.

g. Keep your workers informed - Know how to communicate with not only them, but also seniors and other key people.

h. Develop a sense of responsibility in your workers - Help to develop good character traits that will help them carry out their professional responsibilities.

i. Ensure that tasks are understood, supervised, and accomplished – Communication is the key to this responsibility.

j. Train as a team - Although many so called leaders call their organization, department, section, etc. a team; they are not really teams...they are just a group of people doing their jobs.

k. Use the full capabilities of your organization - By developing a team spirit, you will be able to employ your organization, department, section, etc. to its fullest capabilities.

11. Ten Commandments of Leadership.

I Thou shalt not give in to ego and arrogance, nor inappropriate behavior.
II Thou shalt realize that you serve the unit – not vice versa.
III Thou shalt set the vision and values for your organization.
IV Thou shalt communicate – clearly and often.
V Thou shalt lead by example.
VI Thou shalt realize that Soldiers are our most precious asset.
VII Thou shalt provide the resources, training and support to ensure mission success.
VIII Though shalt trust and empower Soldiers while going easy on your guiding touch.
IX Thou shalt do right by those that do right.
X Thou shalt be a mentor, teacher, trainer and catalyst.

12. IG Tips for Leaders.

a. Be Completely Fair and Honest.

b. Tell the Truth.

c. Do the Right Thing – ALWAYS.

d. Establish an Ethical and Moral Climate.

e. Encourage Honesty and Candor in Subordinates.

f. Seek Horizontal & Vertical Assistance.

g. Delegate Authority but Retain Responsibility.

h. Hold Personnel Accountable.

i. Don't Do for One, What You Won't Do for All.

13. Army Values (7).

a. **LOYALTY -** Leaders who demonstrate loyalty:
- Bear true faith and allegiance to the Constitution, the Army, and the organization.
- Observe higher headquarters' priorities.
- Work within the system without manipulating it for personal gain.

b. **DUTY -** Leaders who demonstrate devotion to duty:
- Fulfill obligations—professional, legal, and moral.
- Carry out mission requirements.
- Meet professional standards.
- Set the example.
- Comply with policies and directives.
- Continually pursue excellence.

c. **RESPECT -** Leaders who demonstrate respect:
- Treat people as they should be treated.
- Create a climate of fairness and equal opportunity.
- Are discreet and tactful when correcting or questioning others.
- Show concern for and make an effort to check on the safety and well-being of others.
- Are courteous.
- Don't take advantage of positions of authority.

d. **SELFLESS SERVICE -** Leaders who demonstrate selfless service:
- Put the welfare of the nation, the Army, and subordinates before their own.
- Sustain team morale.
- Share subordinates' hardships.
- Give credit for success to others and accept responsibility for failure themselves.

e. **HONOR - L**eaders who demonstrate honor:
- Live up to Army values.

- Don’t lie, cheat, steal, or tolerate those actions by others.

f. **INTEGRITY** - Leaders who demonstrate integrity:
- Do what is right legally and morally.
- Possess high personal moral standards.
- Are honest in word and deed.
- Show consistently good moral judgment and behavior.
- Put being right ahead of being popular.

g. **PERSONAL COURAGE** - Leaders who demonstrate personal courage:
- Show physical and moral bravery.
- Take responsibility for decisions and actions.
- Accept responsibility for mistakes and shortcomings.

14. **THE CODE OF CONDUCT.** The six articles of the code create a comprehensive guide for all American military forces in time of war, and in time of peace. The articles of the code embrace (1) general statements of dedication to the United States and to the cause of freedom, (2) conduct on the battlefield, and (3) conduct as a prisoner of war. Adopted in 1955, the code is not a part of the Uniform Code of Military Justice (UCMJ). Instead, the Code of Conduct is a personal conduct mandate for members of the American armed forces throughout the world.

I
I am an American, fighting in the forces which guard my country and our way of life.
I am prepared to give my life in their defense.

II
I will never surrender of my own free will. If in command,
I will never surrender the members of my command while they still have the means to resist.

III
If I am captured I will continue to resist by all means available.
I will make every effort to escape and to aid others to escape.
I will accept neither parole nor special favors from the enemy.

IV
If I become a prisoner of war, I will keep faith with my fellow prisoners.
I will give no information or take part in any action which might be harmful to my comrades.
If I am senior, I will take command.
If not, I will obey the lawful orders of those appointed over me
and will back them up in every way.

V
When questioned, should I become a prisoner of war,
I am required to give name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.

VI

I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free.
I will trust in my God and in the United States of America.

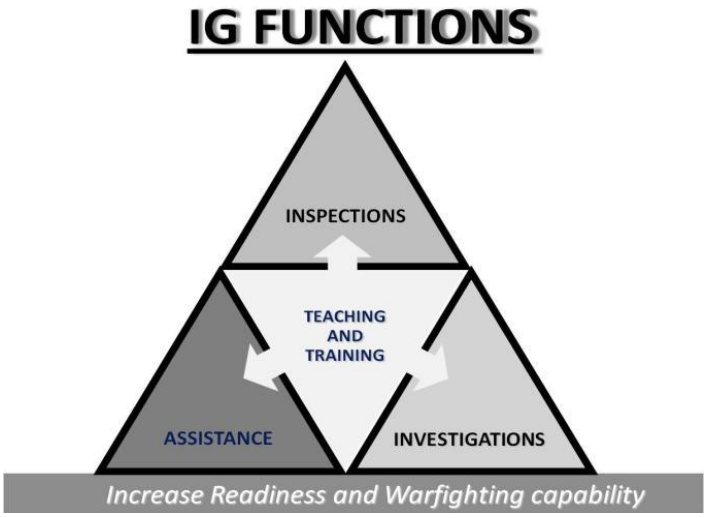
SECTION II
INSPECTOR GENERAL OVERVIEW

1. Reference. AR 20-1, *Inspector General Activities and Procedures*, dtd 03 July 2012.

2. IG System Overview.

a. Inspectors General (IGs) are the extension of the eyes, ears, voice and conscience of the commander. They provide an unbiased, continuing assessment of the command's readiness and war fighting capability. ARNG IGs work directly for and answer only to The Adjutant General or, in the case of Air Guard IGs, their Wing Commander. The IG is a confidential advisor and unbiased fact finder, whose primary tools include teaching and training, inspecting, assisting, and investigating. IGs are *never "off the record"* and maintaining the confidence of members of the command, impartially towards issues being examined and the confidentiality of issues for all parties in an action are hallmarks of IG responsibilities.

b. IG missions are accomplished using one of the four major IG functions of: inspections, assistance, investigations and teach and train. Each of these four major IG functions include detailed planning, methodical execution and a thorough analysis of all information gathered and may include the use of climate surveys, sensing sessions, interviews and other methods of gathering information.



(1) *Inspections*. Inspections evaluate performance against a standard. IG inspections at higher levels are mostly systematic in nature. They focus on finding problems, determining causes and looking for solutions. IG inspections more often focus on issues, not units. IG inspections are special inspections, which are part of the overall Organizational Inspection Program (OIP), but are separate from the OIP Command Inspections which check for compliance.

(2) *Assistance*. Assistance is the process of receiving, inquiring into and responding to an Inspector General Action Request (IGAR). The focus is to render assistance, assist

commanders in correcting injustices, help eliminate conditions that are detrimental to the efficiency or reputation of the command and ensure processes are in place to care for Soldiers, their families and our civilian workforce.

(3) *Investigations*. IG investigations are a more formal examination into allegations, issues or adverse conditions pertaining to a unit or individual in order to provide The Adjutant General / commander with a sound basis for decisions and actions.

(4) *Teach and Train*. Teaching and Training is both an embedded function in the other three IG functions and is an independent function as well. Current operational tempo and the demands of Army force generation (ARFORGEN) have prompted IGs to perform teaching and training as a separate function independent of the other three functions. This is to help reestablish unit systems following redeployment and to serve as a critical substitute for experience when commanders have lost their more experienced officers and noncommissioned officers and need help training new staffs and subordinate commanders.

c. ***Anyone can file an IG complaint or request IG* assistance** orally or in writing:

(1) Soldiers cannot be denied access to an IG. They do not have to go through their chain of command. They do not need permission to call or see an IG. They do need to use common sense, however, and *not leave their place of duty without permission*. Soldiers will be encouraged to discuss their problems or grievances first with their commanders, as provided in AR 600-20. However, persons desiring to submit a complaint directly to an IG at any level, but who do not wish to discuss the matter with their commanders or other members of the chain of command, will be permitted to do so.

(2) No retribution will be taken against a Soldier who submits an IG complaint.

d. Persons who ask the IG for help make a complaint, give evidence, contact or assist an IG during an inspection or investigation or otherwise interact with an IG, have an assurance of confidentiality for their contact. This encourages voluntary cooperation and a willingness to ask for help or to present a complaint for resolution. ***However, confidentiality cannot be absolutely guaranteed.***

3. **Kansas Inspector General Overview**.

a. **Mission**: To provide the Adjutant General a continuing assessment of the readiness of units and activities assigned to the Kansas National Guard.

b. **Vision**: Be a cohesive and totally professional team serving as the eyes, ears, voice and conscience of The Adjutant General; focused on strengthening the overall readiness of the command.

c. **Our Core Values**: Make sure we are right before taking action. Focus on all levels of accountability. Integrity is first and foremost in all things. Be a fair and impartial fact-finder. Do the right thing – Always.

d. **IG Sphere of Influence.** The IG sphere of influence includes everything for which The Adjutant General is responsible. Another way to say it is that the entire command is the IG's constituency. The IG has access to ALL needed areas, personnel, materials and records in the performance of their duties. These records include normally protected data. Some examples are classified documents (up to the level of clearance of the inquiring IG), records of board proceedings, acquisition information, medical records, financial records, evaluation reports, criminal investigations reports and financial disclosure statements just to name a few.

e. **Goals**.

(1) Keep TAG, staff, & unit leadership fully apprised of significant issues & concerns affecting the KSNG, especially those issues & concerns pertaining to unit readiness and the care & welfare of Soldiers, Airmen, civilians, and family members.

(2) Work with the commands, units and other agencies, as appropriate, to help resolve concerns brought to the IG's attention. Through this partnership, we want to make the Command the "Hero" and help them to get there.

(3) When noncompliance with requisite standards is found, help commanders identify the "root cause[s]" of such noncompliance . . . & work to fix them.

f. **Confidentiality**. The IG will do everything possible to keep confidentiality when handling complaints; however it may be unavoidable to disclose some information to properly handle the case. In such instances, we will try to contact the complainant prior to disclosure.

4. **What can the IG do for you? (**IGs can provide a great deal of assistance to leaders / commanders).

a. IGs are linked worldwide through a "technical channel" with other IGs. Through this networking, often the IG can find answers to questions or issues you are facing that others, elsewhere, have faced already.

b. IGs work closely with Soldier-support agencies (e.g. Chaplain, SJA, Red Cross, ACS, AER, etc.) to solve problems. IGs can help you get started in the right direction.

c. IGs are available to conduct command climate surveys and "sensing sessions". Perceptions can be provided as to what is wrong and what is right with your unit. Only the requesting commander will get the results of these sessions. Valuable insight can be gained into the feelings and thoughts of the Soldiers assigned. Soldiers appreciate the opportunity to talk openly with someone outside the chain of command.

d. The IG can act as a sounding board for actions being considered. Although conversation with the IG is never off the record, IGs are senior officers and non-commissioned officers who possess a wealth of information and are very happy to share that knowledge with leaders /commanders. The IG also has a keen insight on the pulse of the command and issues that have

been worked, both of which can provide a valuable perspective to the leader / commander in making their decision on how to proceed.

e. Use this wealth of knowledge to assist you in doing your job as leader /commander.

5. **Ten Steps to Success with the IG.** No doubt you have had Soldiers in your command go to the Inspector General with their problems. Some received fast and fair solutions. Too often, though, the result was perceived as wasted time, disappointment, and a conviction that the IG system does not work. The trouble lies not with the system but with a failure to understand it and use it properly. Follow these ten steps to success when going to see an IG:

a. *Be Sure There is a Problem*. Personal peeves loom large in the minds of some Soldiers. But there is little the IG can do about a peeve. If the cooks consistently turn out lousy chow, that's a problem. If someone doesn't like the menu for one particular meal, that's a peeve.

b. *Give the Chain of Command a Chance to Solve the Problem*. The chain of command consists of the people who solve problems. A Soldier's Chaplain or IG is always there to help, but they must ultimately work with the chain of command on most issues.

c. *Try All Other Appropriate Remedies*. The IG is sort of a "court of last resort" not the "first stop shop". If other remedies are available they should be used first.

d. *Deal With the Closest IG Possible to Speed Up the Process*. Most of the time, the IG at a higher level will refer complaints and requests to the IG at the level nearest that of the complainant. This is not intended to imply that a Soldier cannot deal with an IG at any level desired if they feel the problem is so sensitive that they are reluctant to discuss it with anyone assigned to his or her own unit.

e. *Level with the IG*; Once an IG Starts Inquiring, They'll Soon Know if the Truth is Being Twisted. If a Soldier has not been completely honest about the complaint, a lot of time and effort will go to waste.

f. *Keep in Mind the IG's Regulatory and Statutory Limits*. An IG cannot change a regulation just because it does not suit an individual. They can, however, recommend changes to regulations determined to be inappropriate or unfair.

g. *An IG is NOT a Commander; They Recommend, NOT Order*. Some Soldiers get upset because nothing seems to happen as a result of their complaint. Keep in mind that the IG can only advise, not order a commander. There may be good reasons why the IG recommendation was not acted upon.

h. *An IG Resolves a Case Based on Facts or the Preponderance of Evidence*. If the IG cannot find concrete proof or an overwhelming preponderance of evidence, he cannot resolve the case. Just because a person says their supervisor violated a regulation does not make it a proven fact.

i. *Do NOT Read Evil Thoughts Into an Ongoing Investigation or Inquiry*. It is human nature to look at things from a very personal point of view. Some Soldiers assume the commander has intervened and muzzled the IG if they do not hear the results of the investigation/inquiry immediately. Heavy workloads require time.

j. *Be Prepared to Take NO for an Answer*. Do not assume that a negative answer from the IG is wrong just because it is unpalatable. If the Soldier is absolutely certain the answer is wrong, and if he or she has some additional evidence to support that certainty, the case may be reconsidered. If, on the other hand, the individual is merely unhappy because the outcome does not go in his or her favor, it is pointless to continue.

6. **Issues that are not IG Appropriate (Normally).** Since these issues have alternate means of redress, they normally are not IG appropriate. However, if brought an issue, the IG will conduct a complaint analysis and refer the issue to the proper office.

a. Criminal Allegations.

b. EO Complaints.

c. Hazardous Work Conditions.

d. Soldier Indebtedness.

e. Civilian Grievances.

f. Civilian Appeals of Adverse Action.

g. Civilian Discrimination / Harassment.

h. Family Non-Support (except limited initial involvement).

i. Issues with other clearly established means of redress.

7. **A Soldier's Right to See the IG.** A Soldier's right to see the IG is absolute. This right is guaranteed by federal law (10 USC 1034), DoD Directive (7050.6) and AR 20-1. Soldiers cannot be denied access to an IG. They do not have to go through their chain of command. They do not need permission to call or see an IG.

a. No one can be stopped from seeing an IG. They do not have to tell the chain of command why they want to see an IG. Stopping them from seeing the IG is a criminal offense and is punishable by law.

b. Rest assured that an IG will always ask a Soldier if he or she has talked to his or her chain of command. Most of the Soldier's problems can be resolved by the chain of command.

c. If the problem is with the chain of command, the IG will hear both sides of the issue and act impartially to resolve the problem in accordance with established policies and applicable regulations.

SECTION III
TOPICS

Absence With Out Leave (AWOLs) / Unexcused Absences

1. References:

a. AR 135-91, *Service Obligations, Methods of Fulfillment, Participation Requirements and Enforcement Procedures*, 1 February 2005.

b. NGR (AR) 350-1, *Army National Guard Training*, 4 Aug 2009.

c. NGR 601-1, *Army National Guard Strength Maintenance Program*, 28 April 2006

d. NGR (AR) 680-1, *Personnel Assets Attendance and Accounting*, 8 July 2009.

e. *Kansas Code of Military Justice (KCMJ*).

f. *AWOL Recovery Program – Annual Training* Memorandum.

2. SME: SJA, G1, HRO.

3. Army National Guard Responsibilities. Commanders monitor methods of fulfilling the Reserve of the Army service obligations and participation requirements. Unit commanders have administrative control of Soldiers under their command; they provide information and direction to Soldiers concerning methods of fulfilling the Reserve obligation and consequences of unsatisfactory participation. Soldiers are responsible for acknowledging and understanding the terms of his or her Reserve participation agreement.

1. *Unexcused Absences for Inactive Duty Training (IDT)*. Commanders must conduct their due diligence in recovering Soldiers who are AWOL from an IDT period. The first step should be to attempt to contact the AWOL Soldier by all available and reasonable means. Commanders will notify Soldier using a letter of instruction (AR 135-91, Figure 4-1) and will be delivered either in person or U.S. mail. If U.S. mail is used, the first notification commencing with the fourth absence will be sent certified mail/return receipt; this is required. Remaining notifications will be sent by first class mail.

a. Nine or more unexcused absences from scheduled inactive duty training during a 1-year period may result in administrative separation of a subject Soldier, IAW AR 135-91, para 4-12(b)(1), and IAW AR 135-178, para 13-1(a)(1).

b. Unit Soldiers who are required to perform 48 Unit Training Assemblies (UTA) per year will be notified commencing with the fourth unexcused absence in a 12-month period and after each succeeding unexcused absence.

c. When absence involves a MUTA (or any portion of a MUTA), the charge will be one unexcused absence for each 4–hour period not attended, but not to exceed four unexcused absences. If absent from a MUTA 5 or MUTA 6, the maximum number of unexcused absences charged is four.

d. Whether notices are delivered in person or U.S. mail, a copy of each notice will be placed in the Soldier's MPRJ.

e. Mail refused, unclaimed, or otherwise not delivered may not be used as defense against unexcused absences when notices were correctly addressed to the last known MPRJ.

2. Unexcused absence from Annual Training (AT). Soldiers are unsatisfactory participants if, without proper authority, they fail to attend or complete the entire period of active duty.

3. Commanders will determine if the Soldier was notified in enough time to comply with orders; was aware of the training termination date; whether there were any compelling or emergency reasons for being absent from required duty.

4. Disciplinary action if administered will be consistent with law and regulation.

5. A Soldier who is present on the reporting and ending dates of AT orders who was AWOL for 1 or more days during the active duty period may be:

a. Declared an unsatisfactory participant and subject to discharge from military service.

b. Subject to non-judicial punishment in accordance with Article 23, KCMJ.

c. Subject to court-martial under Article 30, KCMJ.

d. Corrective action proportionate to the improper behavior.

6. *AWOL Recovery Program* (*Annual Training and State Active Duty*). Kansas Code of Military Justice (K.S.A 48-2201) provides authority for a military judge to issue arrest warrants for individuals who miss movement *to annual training or state active duty*.

a. The Commander of the unit involved will ascertain to the best if his/her ability the location of the AWOL Soldier and attempt to contact the Soldier if he/she misses the movement formation.

b. Once all unit actions taken have proved unsuccessful, the Commander or his/her representative should contact their SJA or legal advisor who can assist them in preparing the information necessary for an arrest warrant.

c. Required information for the affidavit includes: full description of the Soldier to include name, rank, SSN, home address, home telephone number, driver's license number, date of birth, height, weight, color of hair, color of eyes, and tattoos or other markings. The military judge will

require that a DA Form 3744-R (*Affidavit Supporting Request for Authorization to Search and Seize or Apprehend*) be faxed to the full-time JAG office.

d. After the affidavit has been reviewed, the military judge will decide whether to issue a warrant. Remember: The warrant is issued at the discretion of the military judge. When the Soldier is apprehended, the unit will be contacted by the SJA to make arrangements to retrieve the Soldier. The military judge will only authorize the Soldier to be confined a maximum of 48 hours before being released.

e. The AWOL recovery program is not normally intended for Soldiers who have been AWOL for several weekend drills prior to AT or for whom no current address or telephone number is available. It is also ineffective against non-Kansas residents.

f. Commander's Checklist.

(1) Preparations prior to anticipated duty.

(a) Contact potential AWOL Soldiers prior to anticipated duty.

(b) Name, telephone number and email of the JAG providing legal support.

(c) Name, telephone number and email of military judge.

(d) Rear detachment available to recover AWOLs after main body departs.

(e) Have/develop contacts for local law enforcement (sheriff).

(f) Distribute/ announce orders for upcoming duty.

(2) When Soldier fails to show – Get information/ documents.

(a) Authority (orders) that placed the Soldier on duty status.

(b) How the command knows the order was communicated to the missing Soldier.

(c) That the Soldier didn't report at the designated time or place.

(d) The attempts the unit made to recover the missing Soldier.

i A representative must go to the Soldier's last known address and attempt to locate the Soldier.

ii The unit must attempt to telephone the Soldier.

iii Review the Soldier's SGLI and DD 93 Forms to identify family members who might know his/her location.

(3) Completion of affidavit (DA Form 3744-R) and recovering the Soldier.

(a) Contact SJA or legal advisor for review/ assistance in completing DA Form 3744-R.

(b) Complete and sign affidavit and request warrant from the military judge judge.

(c) Identify/ coordinate how Soldier will be recovered from law enforcement.

(d) Document recovery of Soldier from law enforcement.

(e) Discuss options with servicing JAG about administrative/ punitive options against AWOL Soldier.

7. AWOL Abatement. Commanders will establish a process to follow up on Soldiers in AWOL status; this is developed as part of the unit comprehensive strength maintenance program.

Administrative Separations

1. References:

a. AR 635-200, Active Duty Enlisted Administrative Separations, 6 June 2005.

b. Implementation Policy NGR 600-200 Enlisted Personnel Management, 31 July 2009.

c. AR 135-178, Army National Guard and Army Reserve Enlisted Administrative Separations, 13 March 2007.

d. AR 135-175, Army National Guard and Army Reserve Separation of Officers, 28 February 1987.

e. AR 600-8-24, Officer Transfers and Discharges, Chapter 5, 12 April 2006.

f. National Guard Regulation 635-100, Personnel Separations, Termination of Appointment and Withdrawal of Federal Recognition, 8 September 1978.

g. DoD Instruction # 1332.40, 16 September 1997.

h. NGR 600-5, The Active Guard/Reserve (AGR) Program Title 32, Full-Time National Guard Duty (FTNGD), 20 February 1990.

i. AR 135-18, The Active Guard Reserve (AGR) Program, 1 November 2004.

j. Guidance for Title 32 (T32) Full-Time National Guard Duty Operational Support (FTNGDOS) Programs and the T32 Full Time National Guard Duty Counterdrug (FTNGDCD) Program (NGB-ARH Policy Memo #09-011, dated 10 March 2009.

2. SME: Staff Judge Advocate (SJA), AGR Manager, J1, G1.

3. General Information. There are multiple reasons for commanders to properly administratively separate Soldiers. Each has its own set of rules and procedures. For example, in separations involving misconduct (Chapter 14, AR 635-200) or unsatisfactory performance (Chapter 13, AR 635-200), you must provide a rehabilitative transfer unless waived by the separation authority. Some separation actions require the use of the <u>notification procedure</u> in AR 635-200, Chapter 2 (Active Component) and AR 135-178, Chapter 3 (ARNG, USAR). These chapters explain the Soldier's rights in the proceeding and are part of the due process procedure. A commander's failure to administer chapter actions according to regulation can result in the action being overturned on legal review or appeal. In brief, Soldiers who do not conform to required standards of conduct and performance and Soldiers who do not demonstrate potential for further military service should be separated to avoid the high costs of continued service in terms of pay, administrative efforts, degradation of morale, and substandard mission performance.

4. **Commander's Responsibilities.**

a. The first step a commander must make in any separation proceeding is to determine the status of the Soldier and to determine which component he or she belongs. It is possible with the current GWOT Operations to have Active Army and National Guard Soldiers, on different pay statuses, all under one command or task force. The regulations, authorities and policies listed in this chapter contain the details and examples for processing the various separations documents based upon the military status of the service member. In general, commanders must:

b. Become thoroughly familiar with the regulations governing the types of separation action desired.

c. Consult with your servicing SJA, G1 and HRO before initiating any separation action.

d. Ensure that reasonable efforts towards rehabilitation have been exhausted before initiating separation proceedings.

e. *Ensure that adequate counseling has been accomplished in writing*.

5. When a Soldier's conduct or performance approaches the point where continuation of such conduct or performance would warrant initiation of separation action, he or she will be counseled by a responsible person about his or her deficiencies *at least once* before initiating separation action.

a. This counseling will be comprehensive and will include at least the following:

(1) Reason for counseling.

(2) That separation action may be initiated if the behavior continues.

(3) The character of the discharge that could result from the possible separation action and the effect of each type.

b. Each counseling session required by this paragraph must be recorded in writing using DA Form 4856 (Developmental Counseling Form).

6. There are three policies summarized in this chapter: **Active Duty Soldiers, National Guard Soldiers, and Active Guard Reserve (AGR) Soldiers**. Commanders must read all three sections in order to fully understand the spirit of administrative separations proceedings. Refer to the regulations listed in each section for specific guidance on separation processes.

a. **Section 1 (Active Duty Soldiers).** Includes Active Army, Army National Guard of the United States and United States Army Reserve Soldiers serving on active duty under Title 10 of the United States Code, which includes active duty for training, full-time active duty in the Active Guard Reserve Program, active duty for special work (ADSO), temporary tours of active duty (TTAD), and order-to-active-duty for contingency operations.

(1) Commanders will refer to AR 635-200 for Administrative Separation procedures for Active Component (Regular Army) and ARNG/ARNGUS Soldiers on Active Duty (Title 10).

(2) Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers, who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. Effective leadership is particularly important in the case of Soldiers serving their initial enlistments. Except as otherwise indicated in AR 635-200, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated. In this regard, commanders will ensure that adequate counseling and rehabilitative measures are taken before initiating separation proceedings.

(3) When a Soldier's conduct or performance becomes unacceptable, the commander will ensure that a responsible official formally notifies the Soldier of his/her deficiencies. At least one formal counseling session is required before separation proceedings may be initiated. In addition, there must be evidence that the Soldier's deficiencies continued after the initial formal counseling.

(4) This counseling will be comprehensive and IAW AR 635-200, Chapter 17 and will include the reason(s) it is being administered, the date, the fact that separation proceedings may be initiated if the deficiencies continue, other guidance as appropriate, and the type of discharge that could result from the possible separation action and the effect of each type.

(5) Each counseling session required by this paragraph **must** be recorded in writing using DA Form 4856, General Counseling Form.

b. **Section 2 (National Guard Soldiers).** Includes MDAY, FTNGSW, AT, SAD, ADSO on Title 32 Status.

(1) The policies, standards and procedures for the separation of enlisted Soldiers from the Army National Guard and the Army National Guard of the United States are outlined in Chapter 6 of NGR 600-200 and AR135-178.

(2) For Separations/Discharges from State ARNG and/or Reserve of the Army refer to Chapter 6-36 of NGR 600-200 and chapters 2 through 16 of AR 135-178. Examples of discharges from these references include:

(a) Expiration of the current Term of Service (ETS).
(b) Reduction in strength.
(c) Separations for the convenience of the Government.
(d) Erroneous and Defective enlistments/re-enlistments.
(e) Conscientious Objection.
(f) Unsatisfactory Performance.
(g) Discharge for alcohol or other substance abuse.

(h) Certain misconduct under UCMJ, State Military Code and other laws.
(i) Unsatisfactory Participation.
(j) Secretarial Plenary Authority (separations approved only by the Secretary of the Army).
(k) Separation for failure to meet Army body composition standards.
(l) Separation for those Soldiers not selected for retention by a qualitative retention board per AR 135-205.
(m) *Refer to NGR 600-200 and chapters 2 through 16 of AR 135-178 for complete separation procedures*.

(3) For Separations from the State ARNG refer to chapter 6-36 of NGR 600-200. All involuntary administrative separations require commanders to notify Soldiers concerning intent to initiate separation procedures. All Soldiers being involuntarily separated will be afforded a reasonable opportunity to provide a written response for consideration by the separation authority. Some examples include:

(a) Unit reorganization.
(b) Incompatible occupation/employment conflict.
(c) Failure to report for active duty when ordered.
(d) Failure to report to the gaining state upon interstate transfer.
(e) Failure to report for annual Inactive National Guard (ING) musters.
(f) Discharge and transfer to the Retired Reserve.
(g) Failure to obtain required physical.
(h) *Refer to chapter 6-36 of NGR 600-200 for complete separation procedures.*

(4) Commissioned officers in the Army National Guard have unique separation requirements and guidelines that are not covered under NGR 600-200 and AR 135-178. For ARNG officer separations, refer to the following five authorities:

(a) AR 135-175, Army National Guard and Army Reserve Separation of Officers.
(b) AR 600-8-24, Officer Transfers and Discharges.

(c) NGR 635-100, Personnel Separations covering the Termination and Withdrawal of Federal Recognition.

(d) DoD 1332.40, Separation Procedures for Regular and Reserve Commissioned Officers.

(e) NGR 635-101, Efficiency and Physical Fitness Boards.

(5) For T32 ADSO duty Soldiers in an Operational Support Status, or T32 Full-Time National Guard Counterdrug Soldiers, the separation policies and procedures of "Guidance for Title 32 (T32) Full-Time National Guard Duty Operational Support (FTNGDOS) Programs and

the T32 Full-Time National Guard Duty Counterdrug (FTNGDCD) Program (NGB-ARH Policy Memo #09-011), dated 10 March 2009," are specifically observed.

c. **Section 3 (AGR Soldiers).** (See Chapter 5, AR 135-18)

(1) Separation policy

(a) Separation from the AGR Program, as prescribed by this regulation, is an all inclusive term which is applied to personnel actions resulting in REFRAD, discharge, retirement, dropped from the rolls (DFR), release from military control, death, or transfer/reassignment to the Individual Ready Reserve (IRR).

(b) All separations, voluntary or involuntary, from the AGR program will be governed by the following regulations:

i ARNGUS Soldiers, released from FTNGD, while serving in the AGR program under the provisions (UP) of 32 USC are subject to separation UP of AR 135–175 (officers) or AR 135–178 (enlisted), or as further provided UP NGR.

ii ARNGUS Soldiers released from AD, while serving in the AGR program UP of 10 USC are subject to separation UP of AR 600–8–24 (officers) or AR 635–200 (enlisted), or as further provided UP NGR 600–10.

(c) ARNGUS AGR Soldiers will be reported to the appropriate State Adjutant General on REFRAD from AGR status.

(d) Chapter 6, NGR 600-5, The Active Guard/ Reserve (AGR) Program Title 32, Full-Time National Guard Duty (FTNGD).

(e) HRO Policy #8, Procedures for Involuntary Separation from the AGR Program.

(2) Retirement service. Service in an AGR status (either AD or FTNGD) is creditable as qualifying service for both active service (10 USC sections 1293, 3911, or 3914) and non-regular service retirement (10 USC Section 12731).

Army Board for Correction of Military Records (ABCMR)

1. Reference: AR 15-185, *Army Board for Correction of Military Records*, 31 March 2006.

2. SME: Staff Judge Advocate or Inspector General

3. ABCMR Functions: The Army Board for Correction of Military Records is the highest administrative board in the Army. The purpose of the Board is to correct errors and remove injustices from any military record. Examples of military records that the Board may review include: Awards, Separations, Retirements, Disabilities, Evaluation Reports, Pay and Allowances, and Survivor Benefit Plans. Prior to applying to the ABCMR, all other administrative remedies must be exhausted. This includes applying to other Army Boards such as the Army Physical Disability Appeal Board or the Army Discharge Review Board. Applying to the ABCMR does not affect other proceedings.

4. Who May Apply:

a. The ABCMR's jurisdiction under 10 U.S.C. 1552 extends to any military record of the DA. It is the nature of the record and the status of the applicant that define the ABCMR's jurisdiction.

b. Persons eligible to apply for corrections are Active Duty Soldiers and former members of the Regular Army, U.S. Army Reserve, and in certain cases, the Army National Guard and other military and civilian individuals affected by an Army military record. Requests are personal to the applicant and relate to military records. Requests are submitted on DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552). *Soldiers do not need to submit applications through their chain of command*.

c. An applicant with a proper interest may request correction of another person's military records when that person is incapable of acting on his or her own behalf, missing, or deceased.

5. *Time Limits*: Applicants must file an application within 3 years after an alleged error or injustice is discovered or reasonably should have been discovered. All references and application forms are available from the Army Review Board Agency's web site at http://arba.army.pentagon.mil; or by sending a request to: Army Review Boards Agency, 1901 South Bell Street, 2nd Floor, Arlington, Virginia 22202-4508. Telephonic assistance is available at 1-703-607-1600.

6. EXAMPLES: You believe that the characterization of your military discharge is unjust or improper.

(1) Question: Can the ABCMR change your discharge?

(2) Answer: Yes, the ABCMR may review any discharge and give a proper discharge in its place. However, the ABCMR does not return Soldiers to active duty.

(3) Question: Can I receive compensation (damages) from the ABCMR based on a substantiated injustice I suffered?

(4) Answer: No. Monetary settlement occurs only as a result of correcting the military record. Claims against the Government must be presented through the appropriate Federal civil court system.

(5) Question: I have a mandatory separation date approaching. Can the ABCMR suspend this action while my application is under review?

(6) Answer: No. While every effort will be made to process an application involving a retirement/separation, the fact that an application has been submitted does not provide a basis to suspend the action. However, it is your responsibility to ensure the ABCMR is aware of a pending retirement/separation date.

Army Substance Abuse Program

1. References:

a. AR 600-85, *Army Substance Abuse Program*, dated 2 December 2009.

b. NGR (AR) 600-85, *Drug Abuse Prevention and Control*; 1 March 1990.

c. AR 135-175, *Army National Guard and Army Reserve Separation of Officers*; (RAR 4 Aug 2011).

d. AR 135-178, *Army National Guard and Army Reserve Enlisted Administrative Separations*, 13 Mar 2007.

e. KSNG SOP 600-85, *Substance Abuse Prevention and Control Program*, 3 June 2007.

2. SME: Substance Abuse Program Coordinator (SAPC), SJA , G-1.

3. Department of the Army Policy.

a. All ARNG Soldiers, who are identified as drug abusers, without exception, will—

(1) Be processed for administrative separation IAW AR 135-175 (for officers) and AR 135-178 (for enlisted) with the exception of "Limited Use" self-referrals (see AR 600-85).

(2) Be considered for administrative disciplinary action, as appropriate. Can only be considered for disciplinary action under the Uniform Code of Military Justice (UCMJ) or State Military Code as appropriate if on Active Duty (AD), Title 10 or Title 32 Active Guard and Reserve (AGR), Full Time National Guard Special Work (FTNGSW), Active Duty Special Work (ADSO), or State Active Duty (SAD). Seek Staff Judge Advocate (SJA) Legal counsel for assistance in processing.

(3) Be referred to a State Certified Rehabilitation Counseling Center for screening within 30 days. Contact State JSAPC for resources.

b. Discharge for misconduct will be initiated and processed to the separation authority.

4. **Commander's Responsibilities**:

a. Appoint an officer or noncommissioned officer (E-5 or above) as the unit prevention leader (UPL), who must be certified through the required UPL training addressed in AR 600-85, taught by the KSARNG JSAPC. Recommend a national background check be accomplished on all UPL candidates as a position qualification requirement.

b. Implement a unit biochemical-testing program IAW AR 600-85, Chapter 8.

c. Implement ASAP prevention and education initiatives addressed in AR 600-85. All Soldiers will receive a minimum of four hours of alcohol and other drug awareness training per year of which one hour must be Team Readiness Prevention Training (TRPT).

d. Ensure all newly assigned Soldiers are briefed on ASAP policies and services.

e. Immediately report all offenses involving illegal possession, use, sale, or trafficking in drugs or drug paraphernalia to the JSAPC, SJA, and or Criminal Investigation Division (CID) for investigation or referral to local law enforcement, as appropriate.

f. Randomly select and test 10% of their assigned Soldiers each month or 25% quarterly. Unit sweeps can be used to supplement random testing, but not a substitute.

g. Each unit will test all its personnel in the following categories in addition to the random process: military police, aviators, aviation maintenance personnel, counterdrug personnel, and personnel who routinely carry a weapon.

h. Active Guard Reserve (AGR) personnel are required to test at a rate equal to 100% of available end-strength.

i. POC for drug testing processing and procedures is the Substance Abuse Program Coordinator Office.

5. Examples.

a. *Situation #1*: A Soldier's job performance is well below par and they used to be an excellent Soldier. Co-workers say this Soldier is smoking marijuana frequently.

(1) Question: I have a Soldier in my unit I suspect of drug use. I would like to determine if he is using drugs, but do not want to disrupt the unit by conducting a unit urinalysis? What are my options?

(2) Answer: IAW AR 600-85, when commanders suspect drug use by a Soldier due to observation, suspicion, or a negative change in job performance, social conduct, interpersonal relations, physical fitness or health they will:

(a) Coordinate with SAPC Coordinator or command SJA legal advisor about whether the commander, his designated representative or law enforcement should conduct the initial interview for suspected alcohol or drug abuse.

(b) When the unit commander believes the Limited Use Policy applies, the unit commander should consult with the SAPC Coordinator and supporting command SJA legal advisor. The unit commander may then explain the Limited Use Policy (self-referral), if applicable to the particular circumstances.

b. *Situation #2*: A commander realizes that he is required to conduct urinalysis testing on 100 percent of his unit's assigned personnel in a fiscal year. DOD 1010.1, paragraph D.2.b. states that the minimum rate of urinalysis testing be one random sample per active duty member each year. However, he is unsure how to conduct urinalysis testing within his unit to discourage illegal drug use and to not tip off Soldiers.

(1) Question: How should I conduct urinalysis testing to deter illegal drug use and not tip off Soldiers while meeting the DOD 1010.1 requirement?

(2) Answer: Utilize discretionary smart testing. A good urinalysis testing practice is to test about 10 percent of the unit's strength monthly and conduct a 100 percent urinalysis once per year. Frequent testing is a good deterrent and 100 percent urinalysis testing once per year ensures the DOD 1010.1 requirement is met.

c. *Situation #3*: A commander conducts a 10 or 100% urinalysis test during an Inactive Duty Training (IDT) drill weekend and a Soldier tests positive.

(1) Question: If a traditional M-day National Guard Soldier tests positive for an illegal substance during an IDT drill weekend, can the commander initiate disciplinary action under UCMJ or the Military Code?

(2) Answer: Generally no, but must process the Soldier for administrative separation and may consider taking administrative disciplinary action to include but not limited to counseling, letter of reprimand, and or bar to reenlistment. Always consult guidance from the supporting command SJA legal advisor and or JSAPC before taking action.

(3) **NOTE:** Positive urinalysis tests for all substances other than cocaine (BZE) and marijuana (THC) must be reviewed by the appointed medical review officer. Consult with the SAPC Coordinator before beginning adverse action against the Soldier.

Awards

1. References.

a. AR 600-8-22, *Military Awards*, 15 Feb 2006 with RAR 4 Aug 2011.

b. AR 600-8-2, *Suspension of Favorable Personnel Actions (Flags)*, 23 December 2004.

c. KSSOP 600-8-22, *Decorations, Awards and Honors*, 01 March 2005.

2. SME: G-1

3. Department of the Army and Army National Guard Policy.

a. The Department of the Army and National Guard Awards Program provides a means of tangible public recognition for acts of valor, achievement, and meritorious service rendered to the Army or the State of Kansas.

b. It is the responsibility of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration, to submit a formal recommendation into military command channels for consideration. A Soldier may not recommend himself/herself for award of a decoration.

c. Each recommendation must be entered administratively into military channels within two years of the act, achievement, or service to be honored, except as indicated in AR 600-8-22, paragraphs 1-14a, b, c, d, or e.

d. A medal will not be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service has not been honorable.

e. Soldiers under suspension of favorable personnel actions (Flags) are not eligible to receive an award during the period of the suspension. However, as an exception, a Soldier who is flagged for overweight may be recommended for and presented an award based on valor, heroism, or for length of service retirement.

4. General Information.

a. Once an award recommendation is submitted, it must be forwarded to the approval/disapproval authority. The chain of command can only recommend approval/disapproval and must forward the recommendation to the approval/disapproval authority. The chain of command cannot refuse to process an award recommendation or throw it out for any reason.

b. Recommendations for Federal awards are made using DA Form 638 (Recommendation for Award). Prepare in accordance with AR 600-8-22, and these instructions. It is imperative that

all documents submitted in connection with recommendations for awards are neatly written or typed, punctuated properly and that each recommendation meets award criteria.

c. All recommendations for awards are addressed to the approving authority and will be forwarded through command channels. The approving authority for all awards is identified in Table 3-2 AR 600-8-22. The approving authority will forward a completed copy of each DA Form 638 to AGKS-DCSPERPSB and a copy to AGKS-PAO. After processing AGKS-DCSPER-SIB will forward the DA Form 638 to AGKS-DCSPER-PSB for posting to DA Form 2-1 and filing in the MPRJ.

d. All Federal medals and devices are acquired through the supply system.

e. Recommendations for awards must be based on specific achievements.

f. *Awards for meritorious achievement or service will not be based upon the grade of the intended recipient*. The predominant factor will be the degree to which an individual's achievement or service enhanced the readiness or effectiveness of his or her organization.

g. No individual is automatically entitled to an award upon departure from an assignment. Consideration should also be given to certificates, coins, or other signs of gratitude when a military award is not appropriate.

h. *No preconditions for an award may be established* nor will they be used as prizes in contests.

i. *Limiting awards to a specific number per unit (quotas) is not authorized*.

5. *Kansas National Guard Awards*. When properly utilized, decorations and awards are effective recognition for distinguished and meritorious service, and for heroic acts. They also act as incentives for greater effort, and are instrumental in developing and maintaining morale. State awards are issued to recognize the unique service to both the State of Kansas and the United States. The following policies encourage the achievement of these goals.

a. It is the commander's responsibility to establish a formal awards program within the organization to assure utilization of the available awards and decorations for the enhancement of the Kansas National Guard program, promote esprit de corps and community cooperation.

b. Decorations or awards will be presented only to those eligible members whose entire service during the time of the distinguished act, achievement, or service has been honorable.

c. In the event a Soldier who has distinguished him or herself dies before the granting of an award, a posthumous award will be made to the next of kin.

d. These decorations and awards will in no way preclude the use of authorized active component decorations and awards. The intent of State awards is to recognize distinguished

meritorious service and achievements of Soldiers who have the unique dual service responsibility to their State and Nation.

e. Special consideration should be given to outstanding Soldiers whose achievements and service in Retention and Recruiting exceed the prescribed standards.

f. Initial issue of these decorations and awards will be made by AGKS-DCSPER, accompanied by documents announcing the award. Replacement ribbons and devices for Soldiers of the Kansas Army National Guard must be purchased from personal funds.

g. To be fully effective an award must be timely: therefore, a recommendation for any Kansas National Guard award will be prepared and submitted within 30 days.

h. The presentation of medals and awards will be made in an appropriate ceremony during Annual Training periods, Inactive Duty Training periods, or other suitable occasions at the earliest opportunity.

i. Maximum effort will be made to arrange for photographs and public news releases at these significant events.

j. The Governor, as Commander-in-Chief, or The Adjutant General of Kansas may present the Medal of Excellence and the Distinguished Service Medal with "V" device to a Kansas National Guard Soldier immediately following a conspicuously heroic act while on State emergency duty.

k. Approving authorities must ensure that proper documentation is forwarded to AGKS-DCSPERSIB. AGKS-DCSPER-SIB will forward the documents to AGKS-DCSPER-PSB for placement in the individuals Official Military Personnel File. The award of each decoration and badge and the authority to wear them will be recorded on the Soldier’s DA Form 2-1/ERB/ORB.

l. State decorations will be worn below all Federal ribbons, medals and foreign decorations. Medals may be worn on dress uniforms. Ribbons are worn in order of precedence on uniforms as authorized by AR 600-8-22 for Federal awards and paragraph 2-15 of KSSOP for State awards.

m. Awards from other states are authorized for wear; however, AGKS-DCSPER-SIB does not load them into the database because there is not a common data element code nor are EPS points awarded for other State’s awards.

Bar to Reenlistment

1. References.

a. NGR 600-200, *Army National Guard Enlisted Personnel Management*, 31 July 2009.

b. AR 135-178, 13 Mar 2007 with RAR 13 Sep 2011

c. AR 601-280, *Total Army Retention Program*, 31 January 2006. With RAR 15 Sept 2011

d. AR 600-8-2, *Suspension of Favor able Personnel Actions (Flags)*, 23 Dec 2004

2. SME: G-1

3. General Information.

a. There are prescribed policies and procedures to deny reenlistment/immediate reenlistment extensions, and the future entrance into the KSARNG of substandard Soldiers whose immediate discharge under administrative procedures is not warranted.

b. Service beyond ETS without appropriate improvement is not in the best interest of the KSARNG. Soldiers may not be reenlisted, immediately reenlisted or extended without the recommendation of the unit commander. If a Soldier is not recommended for continued service, a BAR will be initiated under the provisions of this chapter unless the Soldier possesses a disqualification that can be waived.

4. National Guard Policy.

a. Only Soldiers of high moral character, personal competence, and demonstrated adaptability to the requirements of the professional Soldier's moral code may be reenlisted, immediately reenlisted or extended. Soldiers who cannot or will not measure up to such standards, but whose discharge under proper administrative procedures is not now warranted, will have a BAR from further service under the provisions of this chapter. Even though a BAR has been initiated, a Soldier can still be administratively discharged if it is warranted.

b. The BAR is a non-punitive probationary device intended to serve notice that a Soldier is not a candidate for reenlistment, immediate reenlistment or extension and may be discharged if the circumstances that led to the bar are not overcome.

5. Guidelines for use of a BAR.

a. BAR procedures will not be used instead of discharge actions under this regulation.

b. A BAR will not be initiated solely because a Soldier refuses to reenlist, immediately reenlist or extend.

c. A BAR will not be used instead of trial by courts-martial, non-judicial punishment, or other administrative action.

d. Disciplinary and administrative actions that do not result in discharge do not prevent initiation or continuation of a BAR.

e. The fact that a Soldier may be issued an honorable or general discharge for the current period of service does not prevent initiation of a BAR to deny the Soldier later service in the KSARNG.

f. Honorable service for a number of years is considered in the evaluation of the Soldier's service. However, it does not prohibit the initiation of a BAR if appropriate.

6. **Commander's Responsibility**.

a. Commanders must evaluate the advisability and desirability of affording continued military service to Soldiers of the following or similar categories.

(1) Untrainable Soldiers. These Soldiers will be identified as soon as possible with a view toward eliminating them from service. When discharge under administrative procedures is not warranted, action will be taken under this chapter to bar the Soldier from further service with the ARNGUS.

(2) Unsuitable Soldiers. These Soldiers will be identified early in their military service with a view toward elimination from the service. When administrative discharge is not warranted, action will be taken under this chapter to bar the Soldier from further service with the ARNGUS.

(3) Single Soldiers/In-service couples with dependent family members. (AR 600-20, paragraph 5-5(11)).

b. Commanders will initiate a bar to reenlistment or discharge proceedings (per NGR 600-200) against Soldiers who:

(1) Do not make satisfactory progress after a six-month period on the weight control program and have no medical reason to cause the condition.

(2) Fail two consecutive APFTs.

(3) Are removed for cause from NCOES courses.

(4) Meet other criteria as defined in NGR 600-200.

c. Review (evaluate) bars to reenlistment. Once approved, commanders will review bars at least once every 3 months after the date of approval, and 30 days before the Soldier's scheduled departure from the unit or separation from the service.

(1) Upon review, if the commander feels the bar should remain in effect, he or she will inform the custodian of the Soldier's personnel records who will enter the remark, "Bar to reenlistment reviewed; not recommended for removal (date)" on the Soldier's ERB.

(2) *Counsel the Soldier, using DA Form 4856* (Developmental Counseling Form), and inform him or her that the bar will remain in effect unless recommended for removal.

(3) Inform the Soldier that he or she may request voluntary discharge. Inform the Soldier that discharge proceedings will be started if the bar is not removed upon completion of the second 3 month review unless a recommendation for removal is submitted and approved by proper authority.

(4) The Soldier should be considered for discharge any time the removal of the bar isn't recommended. If the Soldier does not demonstrate progress, the commander should consider discharge without waiting for the next review to occur.

d. Separation. Unless a recommendation for removal is submitted, commanders will start discharge action upon completion of the second three month review period.

7. Procedures for processing a BAR.

a. Any commander in a Soldier's chain of command may prepare NGB Form 602 (BAR to Reenlistment/Immediate Reenlistment or Extension Certificate), summarizing the basis for the action.

(1) A BAR normally should NOT be initiated against a Soldier assigned to a unit for less than 90 days.

(2) A BAR must be based on specific dates, places, times which can all be *substantiated with backup documents*.

(3) Normally, a BAR will NOT be initiated against a Soldier during the last 90 days prior to ETS.

(4) A BAR is initiated without regard to a Soldier's ETS date (unless at ETS Soldier will have at least 18 but less than 20 qualifying years.

(5) BARS should not be processed for Soldiers pending involuntary administrative separation for which RE code 3 or 4 would be issued.

b. NGB Form 602 BAR will be prepared in original and two copies. Additional copies may be prepared when required by the State AG.

c. Upon receipt of the comment of the Soldier, or the Soldier's refusal to comment, the certificate will be endorsed personally by each commander in the chain of command, and approved or disapproved by the appropriate authorities as shown in (1), (2) or (3) below.

(1) For Soldiers with less than 10 years of qualifying service for retired pay at ETS, the approval/disapproval authority is the first commander, LTC or above, in the Soldier's normal chain of command. No delegation of authority is authorized.

(2) For Soldiers with at least 10 but less than 18 years of qualifying service for retired pay at ETS, those with more than 20 years of service at ETS, and those when action is taken to extend the Soldier to complete 20 years of service, the approval/disapproval authority is the first commander, COL or above, in the Soldier's normal chain of command. No delegation of authority is authorized.

(3) Soldiers, who upon ETS, will have at least 18 but less than 20 years of qualifying service, will be allowed to extend to the point where they could attain 20 years. They may, after the extension is executed, be barred. The approval/disapproval authority for this bar is the State AG. These Soldiers may be processed for separation before they attain 20 years of service but will not be separated before that point without approval of Chief, NGB.

d. When the BAR has been approved, the Soldier's *unit commander will use a counseling statement to inform the Soldier of the right of appeal within 15 days*.

e. When NGB Form 602 BAR has been approved by the appropriate authority, the custodian of the Soldier's personnel records will:

(1) Place original in the Soldier's MPRJ as a permanent document.

(2) *Enter the remark "Not recommended for further service" in item 4 of the Soldier's DA Form 2-1* (Personnel Qualification Record (Part II).

(3) Give the Soldier a copy.

f. An entry "Not recommended for further service" will be made on DA Form 1315 (Retention Data Card) or a localized approved substitute.

g. Processing for separation will be initiated after the first review for Soldiers who receive a locally imposed BAR to reenlistment after the second failure of the APFT. Soldiers who receive a locally imposed BAR after the first APFT failure will be processed for separation after the second review.

8. Removing a BAR.

a. A recommendation to remove a BAR may be submitted at any time by the Soldier's unit commander, if the Soldier has proven worthy of retention in the KSARNG.

(1) Recommendations to remove a BAR will be submitted in writing through the chain of command and will be endorsed personally by each commander.

(2) Approval to remove a BAR may be granted by the same authority that approved the BAR originally or, if the Soldier has moved to another jurisdiction, by a comparable commander in that jurisdiction.

(3) The approved recommendation removing the BAR will be maintained in the appropriate unit file. NGB Form 602 BAR will be removed and destroyed. The remark "Not recommended for further service," and an entry pertaining to "Bar to immediate reenlistment review; not recommended for removal (date)," will be deleted from the ERB, in accordance with AR 600-8-104 and NGR (AR) 600-8-104. The same remarks on the DA Form 1315 will be erased. The Soldier concerned will be given a copy of the approved recommendation removing the BAR.

9. Discharge. NGB Form 22 (Report of Separation and Record of Service) of otherwise qualified Soldiers, who are discharged with a BAR in effect, will be annotated "Bar to Reenlistment or Extension (dated) in effect on the date of discharge' in the remarks section, block 18. Block 26, Reenlistment Eligibility, will be coded RE Code 3.

Command Supply Discipline Program (CSDP)

1. References.

a. AR 11–1, *Command Logistics Review Program*, 18 Nov 2009.

b. AR 710-2, *Supply Policy below the National Level*, 28 Mar 2008.

c. AR 735-5, *Policies and Procedures for Property Accountability*, 28 Feb 2005.

d. AR 190-11, *Physical Security of Arms, Ammunition and Explosives*, 15 Nov 2006.

2. SME: G-4.

3. General Information:

a. The CSDP is a commander's program. Commanders will implement the CSDP by using their existing resources. Examples of existing resources are—Command Logistics Review Program (AR 11–1), Command Inspection Program, Internal Review Office, staff personnel, and so on. Whichever activity the commander designates to assist with implementing the CSDP, that designated activity will then incorporate CSDP policy in its evaluation plans and procedures. Also, all existing supply evaluation programs will absorb the CSDP. Additionally, local IGs can be used at the commander's discretion to conduct special inspections using the systemic methodology for determining root causes for problems identified through the CSDP. Therefore, commanders should not establish new evaluation teams because of the CSDP.

b. CSDP. A four-fold program addressing the following:

(1) Responsibilities of commanders and supervisory personnel to instill supply discipline in their operations.

(2) Guidance for evaluating supply discipline.

(3) Feedback through command and technical channels for improving supply policy and for improving procedures to monitor supply discipline.

(4) Follow- up to ensure supply discipline is maintained.

4. National Guard Policy: Follow the provisions of AR 710-2, Appendix B.

5. **Commander's Responsibility**.

a. The Commander of each Major Subordinate Command will appoint in writing a CSDP Monitor, to oversee the Command Supply Discipline Program.

b. Battalion Commanders will appoint in writing a CSDP Monitor to oversee his/her Command Supply Discipline Program.

c. Company/ Battery Commanders are primarily expected to utilize the CSDP to police their own operations. The most effective means of ensuring supply discipline is to have an internally self-administered program practiced on a routine basis.

Corrective Training

1. References: AR 600-20, *Army Command Policy*, 18 March 2008.

2. SME: Commanders and CSMs

3. Department of the Army Policy.

a. Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values. Military discipline will be developed by individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority. Military authority is exercised with promptness, firmness, courtesy, and justice.

b. While military discipline is the result of effective training, it is affected by every feature of military life. It is manifested in individuals and units by cohesion, bonding, and a spirit of teamwork; by smartness of appearance and action; by cleanliness and maintenance of dress, equipment and quarters; by deference to seniors and mutual respect between senior and subordinate personnel; by the prompt and willing execution of both the letter and the spirit of the legal orders of their lawful commanders; and by fairness, justice and equity for all Soldiers, regardless of race, religion, color, gender or national origin.

c. Military authority is exercised promptly, firmly, courteously and fairly. Commanders should consider administrative corrective measures before deciding to impose non-judicial punishment. Trial by court-martial is inappropriate for minor offenses unless lesser forms of administering discipline would be ineffective (see MCM, Part V, AR 27-10, Chapter 3).

d. One of the most effective non-punitive, corrective measures is extra training or modification of behavior instruction (including on-the-spot correction).

Example: If Soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain the housing area properly, they must correct the deficiency in a timely manner. If Soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming.

(1) The training, instructions, or correction given to a Soldier to correct deficiencies must be directly related to the deficiency. It must be oriented to improving the Soldier's performance in his or her problem area. Corrective measures may be taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use corrective training is part of the inherent powers of command.

(2) Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applying to

imposing non-judicial punishment (NJP). Deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the Soldiers concerned.

4. **Commander's Responsibilities**.

a. Commanding officers exercise broad, disciplinary powers in furtherance of their command responsibilities. Discretion, fairness and sound judgment are essential ingredients of military justice. Commander should ensure that corrective training and instruction are not used in an oppressive, humiliating or belittling manner.

b. Commanders will familiarize themselves with their powers and responsibilities as outlined in MCM, AR 27-10, AR 600-37, AR 635-200, and other authorities. Legal advice is available from supporting judge advocates as to the appropriateness of corrective instructions.

c. Disciplinary measures are tailored to specific offenses and individual offenders. Commanders will neither direct subordinates to take particular disciplinary actions, nor unnecessarily restrict disciplinary authority of subordinates (see articles 37 and 98, UCMJ; articles 23 and 30, KCMJ; and AR 27-10, regarding the proper exercise of authority by commanders).

d. Written counseling and NJP, if applicable, will be used for Soldiers who fail to respond to proper corrective training for repeated minor deficiencies. When considering NJP, contact your supporting judge advocate for legal advice, as may be needed.

e. *Ensure that deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the Soldiers concerned*.

Counseling

1. References:

a. FM 6-22, *Army Leadership*, 12 October 2006.

b. FM 6-22.5, *Combat and Operational Stress Control Manual for Leaders and Soldiers*, 18 March 2009.

c. FM 7-21-13, *The Soldiers Guide*, 20 September 2011.

2. Related publications:

a. AR 135-178, *Enlisted Administrative Separations*, 13 March 2007 with RAR 002, 09/13/2011).

b. AR 600-8-19, *Enlisted Promotions and Reductions*, 30 April 2010.

c. AR 600-9, *The Army Weight Control Program*, 27 November 2006.

d. AR 600-20, *Army Command Policy*, 18 March 2008.

e. AR 623-3, *Evaluation Reporting System*, 10 August 2007.

f. NGR 600-200, *Enlisted Personnel Management*, July 2009.

g. DA PAM 623-3, *Evaluation Reporting System*, 13 August 2007

3. SME: Staff Judge Advocate, CSMs.

4. General. Counseling is the process used by leaders to review with a subordinate the subordinate's demonstrated performance and potential and is one of the most important leadership development responsibilities for Army leaders.

5. The Developmental Counseling Form (DA Form 4856) is designed to help Army leaders conduct and record counseling sessions. Leaders must decide when counseling, additional training, rehabilitation, reassignment, or other developmental options have been exhausted.

6. Three major categories of developmental counseling:

a. *Event Counseling*. Event-oriented counseling involves a specific event or situation. It may precede events such as appearing before a promotion board or attending training. It can also follow events such as noteworthy duty performance, a problem with performance or mission accomplishment, or a personal issue. Examples of event-oriented counseling include—

(1) Instances of superior or substandard performance: Although good leaders attempt to balance their counseling emphasis, leaders should always counsel subordinates who do not meet the standard. If the Soldier or civilian's performance is unsatisfactory because of a lack of knowledge or ability, leader and subordinate can develop a plan for improvement.

(2) Reception and integration counseling: identifies and helps alleviate any problems or concerns that new members may have and familiarizes new team members with the organizational standards and how they fit into the team.

(3) Crisis counseling: Includes getting a Soldier or employee through a period of shock after receiving negative news and focuses on the subordinate's immediate short-term needs, which may include referring the subordinate to a support activity or coordinating for external agency support.

(4) Referral counseling: Helps subordinates work through a personal situation and aims at preventing a problem from becoming unmanageable. Appx B, FM 6-22 lists support activities.

(5) Promotion counseling: Army leaders must conduct promotion counseling for all specialists and sergeants who are eligible for advancement without waivers but not recommended for promotion to the next higher grade.

(6) Separation counseling: Adverse separation counseling may involve informing the Soldier of the administrative actions available to the commander in the event substandard performance continues and of the consequences associated with those administrative actions (see AR 135-178).

b. *Performance Counseling*.

(1) Commanders shall provide regular and effective performance counseling to all Soldiers, not just those whose performance fails to meet unit standards. All commanders will ensure that their subordinate commanders have implemented and are maintaining an effective performance counseling program.

(2) During performance counseling, leaders conduct a review of a subordinate's duty performance over a certain period. Simultaneously, leader and subordinate jointly establish performance objectives and standards for the next period. Rather than dwelling on the past, focus on the future: the subordinate's strengths, areas of improvement, and potential. The officer evaluation report process requires periodic performance counseling as part of the OER Support Form requirements. Mandatory, face-to-face performance counseling between the rater and the rated NCO is required under the noncommissioned officer evaluation reporting system. (See AR 623-3). Performance evaluation for civilian employees also includes both of these requirements.

c. *Professional Growth Counseling*. Professional growth counseling includes planning for the accomplishment of individual and professional goals. During the counseling, leader and subordinate conduct a review to identify and discuss the subordinate's strengths and weaknesses

and to create an individual development plan that builds upon those strengths and compensates for (or eliminates) weaknesses. Leaders and subordinates may choose to develop a "pathway to success", which includes opportunities for civilian or military schooling, future duty assignments, special programs, and reenlistment options.

7. The Four-Stage Counseling Process.

a. Stage 1: Identify the Need for Counseling.

b. Stage 2: Prepare for Counseling.

- Select a suitable place.
- Schedule the time.
- Notify the subordinate well in advance.
- Organize information.
- Outline the counseling session components.
- Plan the counseling strategy.
- Establish the right atmosphere.

c. Stage 3: Conduct the Counseling Session.

- Opening the session.
- Discussing the issues.
- Developing a plan of action.
- Recording and closing the session.

d. Stage 4: Follow-Up. The *counseling process continues throughout the implementation of the plan of action*, consistent with the observed results. Leaders must consistently support their subordinates in implementing the plan of action by teaching, coaching, mentoring, or providing additional time, referrals, and other appropriate resources.

Equal Employment Opportunity

1. References.

a. AR 600-20, *Army Command Policy*, RAR 4 August 2011.

b. NGR 600-21, *Equal Opportunity Program in the Army National Guard*, 14 September 2001.

c. TAG Policy Letter #10, *Equal Opportunity (EO) Policy for the Kansas National Guard*, 8 February 2011.

2. SME: EO Advisor.

3. Department of the Army Policy.

a. It is the policy of the Department of the Army (DA), to provide equal opportunity in employment for all people, and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age disability, or reprisal.

b. Equal Employment Opportunity will be enforced by each commander or director ensuring that EEO laws, and agency policy are enforced. Commanders are personally responsible and accountable for the climate within their areas of responsibility. They must also insure that all supervisors and managers understand and meet their responsibilities in the discrimination complaint division.

4. General Information.

a. Race, Color, Religion, Sex, National Origin. Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment on the basis of race, color, religion, sex or national origin.

b. Disability. The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

c. Age. The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

d. Sex. In addition to sex discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in

payment of wages to women and men performing substantially equal in work in the same establishment.

5. NOTE: *Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal Laws.*

Evaluation Reporting System

1. Reference: AR 623-3, *Personnel Evaluation System*, 10 Aug 2007.

2. SME: G1and HRO.

3. Department of the Army Policy.

a. Army evaluation reports are assessments on how well the rated Soldier met duty requirements and adhered to the professional standards of the Army officer or noncommissioned officer corps. Performance will be evaluated by observing action, demonstrated behavior, and results from the point of view of the values, leadership framework and responsibilities identified on the evaluation forms, counseling forms, and as explained in DA PAM 623–3. Consideration will be given to the following:

(1) The relative experience of the rated officer or NCO.

(2) The efforts made by the rated officer or NCO.

(3) The results that could be reasonably expected given the time and resources available.

b. Potential evaluations will be performance-based assessments of the rated officers or NCOs of the same grade to perform in positions of greater responsibility and/or higher grades. Assessment of potential will apply to all officers and NCOs, regardless of their opportunity to be selected for higher positions or grades and ignores such factors as impending retirement or release from active duty; this assessment is continually changing and is reserved for HQDA.

4. General Information.

a. Types of Reports.

(1) *First*. The first NCOER is submitted on sergeants or above who have not been previously evaluated in the NCOER system. ARNGUS will prepare the first report for whichever of the following occurs first:

(a) Immediate reenlistment or extension.

(b) Transfer to the IRR.

(c) Transfer to another ARNGUS unit.

(d) Transfer to another RC.

(e) Required for board action.

(f) Change of rater.

(g) Annual reporting month.

(2) *Annual*. For OERs and NCOERs, an annual evaluation report is mandatory for a rated Soldier on completion of 1 calendar year of duty following the THRU date of the last OER or NCOER in the Soldier's OMPF.

(3) *Change-of-Rater*. An OER or NCOER report is mandatory when the rated Soldier ceases to serve under the immediate supervision of the rater and minimum rating qualifications have been met. A newly commissioned officer or newly appointed warrant officer will not be rated on an OER under any provisions of AR 623-3 prior to completion of an officer basic course, except for relief for cause reports.

(4) *Extended annual report*. An extended annual report can be prepared in cases when mandatory reports (for example, annual, change of duty/rater) come due while Soldiers are attending schooling (AERs counting as nonrated time on an evaluation report). This report may be submitted to alleviate the need for a mandatory report while at school. The total number of evaluated months (rating period minus non-evaluated time) will not be more than 12 months even though the rating period (from to thru dates) may be longer. Also, in these circumstances, when a mandatory report comes due while a Soldier is on TDY to attend a school, depart TDY report is also an option.

(5) *Change of duty*.

(a) An OER change of duty report is mandatory when the rated officer has a change of principal duty even though the rater stays the same. This is used for all reassignments, including PCS. No report is submitted when organizational changes merely alter the rated officer's principal duty title but do not change the type of work performed (for example, Personnel Management Staff Officer to Assistant G1).

(b) A report is mandatory when the rated officer is separated from active duty. As an exception, retirement reports of less than 1 year will be rendered at the option of the rater or senior rater when requested by the rated officer. If the rated officer is retiring or is being released to the USAR after 20 or more years of active duty, the rater will indicate in their comments on DA Form 67-9 part V, the grade and assignment for which the rated officer or warrant officer will be recalled to active duty in the event of mobilization. (See DA Pam 623-3, table 2-5.)

(c) When the rated officer is declared missing or becomes a prisoner or hostage, a report is required as of the date of the incident. Under these situations, rating chain time minimums do not apply. Evaluations will not be rendered on officers for period during which they are missing, prisoner of war or hostages.

(d) Provisions of this paragraph do not apply to NCOs.

(6) *TDY, special duty, or compassionate reassignment*. An OER or NCOER will be submitted on rated Soldiers by the rating officials in the organization from which the rated Soldiers depart when the they depart on temporary duty (TDY), special duty (SD), or temporary change of station (TCS) to perform duties not related to the rated Soldiers' primary functions in their units; and, while on TDY, SD, or TCS, they serve under a different immediate supervisor for a period of 90 or more calendar days for AGRs and 120 days for traditional guardsman.. However, this report is not required before departure on TDY for schooling (AER producing or otherwise).

(a) In cases where it cannot be determined if such duty-related TDY, SD, or TCS will last for 90 days, a report may be submitted.

(b) In cases when mandatory reports (Annual, change of duty/rater) come due while Soldiers are attending schooling (AERs counting as nonrated time on an evaluation report), this report may be submitted to alleviate the need for a mandatory report while at school. Also, in these circumstances an extended annual is an also an option (para 3–46).

(c) A report is not authorized when the rated officer or NCO on TDY, SD, or TCS is still responsible to or receiving guidance or instruction from the chain of command of the parent unit or assigned organization.

(d) An individual attached to an organization pending compassionate reassignment remains responsible to the parent unit and will not receive an evaluation report from the attached organization. A memorandum of input from the supervising officials of the attached organization to the Soldier's rating officials is mandatory (see table 3–1).

(7) *Relief for Cause*. An OER report is required when an officer or warrant officer is relieved for cause regardless of the rating period involved. Relief for cause is defined as an early release of an officer from a specific duty or assignment directed by superior authority and based on a decision that the officer has failed in their performance of duty. In this regard, duty performance will consist of the completion of assigned tasks in a competent manner and compliance at all times with the accepted professional officer standards shown in DA Form 67–9, Part IV. These standards will apply to conduct both on and off duty.

(8) *Senior Rater Option*. For DA Form 67–9 (officers) and DA Form 2166–8 (NCOs), when a change in senior rater occurs, the senior rater may direct that a report be made on any officer whom they senior rate.

(9) *Sixty-Day Option*. For DA Form 67–9 and DA Form 2166–8, when a change in senior rater occurs, the senior rater may direct that a report be made on any Soldier whom they senior rate. When an evaluation report is due within 60 calendar days of the change in senior rater, the senior rater will submit a senior rater option report to prevent that OER or NCOER being submitted without a senior rater evaluation.

(10) *Complete the record*. At the option of the rater, a report may be submitted on a rater officer who is about to be considered by a DA selection board for promotion or schooling

(for example officers completing the Senior Service College). However, the rated individual will have served for a minimum of 120 days in the same position under the same rater as of the date of the memorandum announcing the zone of consideration.

5. *Role of the Rater*.

a. Shortly after the rated Soldier assumes duties, the rater will *provide copies of the most recent rater and senior rater support forms, mission or objectives*. By doing this, the rater ensures the rated Soldier has the necessary input from the chain of command to determine and prioritize responsibilities and performance objectives properly.

b. At the beginning of the rating period, the rater will inform the rated Soldier who is in the complete rating chain and ensure the correct rating chain is recorded on DA Form 67–9–1 or DA Form 2166–8–1, as applicable. The rater will notify the rated Soldier of any applicable changes to the rating chain. The rater will use the official, published rating chain described in paragraph 2–3 and ensure that the rating chain is published and kept up to date.

c. The rater will ensure that a rated officer serving under dual supervision (para 2–22) is notified of the additional chain of supervision. An officer acting as the additional rating official in a dual supervision situation will also assume the appropriate responsibilities of the rater in developing the separate DA Form 67–9–1.

d. The *rater will conduct a face-to-face counseling with the rated Soldier within the first 30 days of the rating period*. This initial discussion will focus on duties, responsibilities, and performance objectives of the rated individual. Correspondence and telephone conversations may be used as an alternative because of geographic separation, followed by a face-to-face discussion between the rated individual and rater at the earliest opportunity. Simply requiring the rated officer to submit written performance objectives on DA Form 67–9–1 or, in the case of NCOs, the rater preparing and providing a copy of the NCO's objectives on DA Form 2166–8–1 at the beginning of the rating period without a follow-up face to face meeting is an unacceptable shortcut of this provision.

e. The rater will verify the initial face-to-face counseling by initialing on the working copy of DA Form 67–9–1 or DA Form 2166–8–1 and will forward a copy to the senior rater for approval and validation (for officers) and verification of face-to-face counseling (for NCOs).

(1) For DA Form 67–9–1, see DA Pam 623–3, chapter 2, for process and procedures. Rated officers in the rank of CPT, LT, CW2, or WO1 will use both DA Form 67–9–1a and DA Form 67–9–1 in preparing support-form objectives with the rater.

(2) For DA Form 2166–8–1, see DA Pam 623–3, chapter 3, for processes and procedures. The rater will use the checklist provided on DA Form 2166–8–1 to prepare and update the form for mandatory counseling sessions.

f. Throughout the rating period, the *rater will conduct periodic individual, follow-up face-to-face counseling* with the rated Soldier. These counseling sessions differ from the first

counseling session in that the primary focus is on the rater informing the rated individuals how well they are performing, how they can perform their duties better, and updating their duty descriptions.

(1) Quarterly counseling is mandatory for Active Army, AGR, and USAR on Active Duty Tour (ADT) for CPTs, 1LTs, WO1s and CW2s. Field-grade follow-up counseling is on an as-needed basis. As a rated officer's duty description, objectives, or focus areas change, the rater will counsel the rated individual and update the support forms throughout the rating period. Follow-up counseling for CPT/LT/CW2/WO1 ARNGUS and USAR officers will occur at least semiannually.

(2) NCOs will conduct follow-up counseling sessions quarterly for Active Army and AGR NCOs and *at least semiannually* for ARNGUS and USAR NCOs.

g. Raters are required to articulate their developmental counseling responsibilities, as major performance objectives, on their DA Form 67–9–1, Part IVb. Raters of CPTs, LTs, CW2s, and WO1s will ensure rater counseling requirements for DA Form 67–9–1a are included. In accordance with this regulation and DA Pam 623–3, chapter 3, raters of NCOs will ensure that rater counseling requirements for DA Form 2166–8–1 are included. In accordance with DA Pam 690–400, raters of DA civilians will ensure that rater counseling requirements for DA Form 7223–1 (Base System Civilian Performance Counseling Checklist and Support Form) and DA Form 7222–1 (Senior System Civilian Evaluation Report Support Form) are included.

h. The rater will review the final DA Form 67–9–1 when preparing DA Form 67–9 or final DA Form 2166–8–1 when preparing DA Form 2166–8. The rater will include the final duty description from the support form. The rater may include performance related information from the rated officer's or NCO's final support form. However, the choice of what to enter on the OER or NCOER is ultimately the rater's.

i. After the rated individual reviews and/or initials, raters will sign and date DA Form 67–9–1 or DA Form 2166–8–1 to acknowledge they reviewed it.

j. The rater will forward the final support form as follows:

(1) Officers will submit DA Form 67–9–1, along with the OER, to intermediate or senior raters to assist them in completing their section of the officer's evaluation.

(2) NCOs will submit DA Form 2166–8–1, along with the NCOER, to the senior rater to complete their section and process the evaluation.

6. *Role of the Senior Rater*. Each rated Soldier will receive a copy of the senior rater support form from the senior rater.

a. *For officers*.

(1) The senior rater will review, approve, and initial the draft DA Form 67–9–1 and, if applicable, the DA Form 67–9–1a when submitted after initial and follow-up face-to-face counseling.

(2) The senior rater will review the completed DA Form 67–9–1 and, if applicable, DA Form 67–9–1a at the time the OER is prepared. The narrative at DA Form 67–9, Part VIIb, may be based in part on the rated officer's final DA Form 67–9–1.

(3) The senior rater will ensure that DA Form 67–9–1 and, if applicable, DA Form 67–9–1a are returned to the rated officer when the completed DA Form 67–9 is forwarded to the servicing MILPO.

b. *For NCOs*.

(1) The senior rater will review, approve, and initial a draft DA Form 2166–8–1 when received after the initial and follow-up face-to-face counseling. The senior rater will also ensure compliance with Army evaluations counseling requirements.

(2) At the end of the rating period, the DA Form 2166–8–1 will be used to assist the senior rater with preparing an evaluation of the rated NCO and routed with the NCOER through the review process.

(3) The senior rater will ensure that DA Form 2166–8–1 is returned to the rated NCO when the completed DA Form 2166–8 is forwarded to the servicing MILPO.

7. Levels of Performance.

(1) *Excellence*. Exceeds standards; demonstrated by *specific examples* and *measurable results*; special and unusual; achieved by only a few; clearly better than most others.

(2) *Success*. Meets all standards. Majority of ratings are in this category; fully competitive for schooling and promotion. The goal of counseling is to bring all NCOs to this level.

(3) *Needs improvement*. Missed meeting some standard.

8. Redress and Appeals. The NCOER Redress Program consists of several elements at various levels of command. The program is both preventive and corrective in nature in that it is based upon principles structured to prevent and/or provide a remedy for alleged injustices or regulatory violations, as well as to correct them once they have occurred.

a. *Commander's Inquiry*.

(1) Alleged errors, injustices, and illegalities in a rated Soldier's evaluation report may be brought to the commander's or commandant's attention by the rated individual or anyone authorized access to the report (para 1–11). The primary purpose of a Commander's Inquiry is to

provide a greater degree of command involvement in preventing obvious injustices to the rated Soldier and correcting errors before they become a matter of permanent record. A secondary purpose is to obtain command involvement in clarifying errors or injustices after the evaluation is accepted at the MILPO. The commander's inquiry procedures will not be used to document differences of opinion among rating officials about Soldier's performance and potential. The evaluation system establishes rating chains and normally relies on the opinions of the rating officials. Rating officials should evaluate and have their opinions constitute the organization's view of the rated NCO; however, the commander may determine through the inquiry that the report has serious irregularities or errors. Examples include, but are not limited to:

(a) Impropriety designated or unqualified rating officials.

(b) Inaccurate or untrue statements.

(c) Lack of objectivity or fairness by rating officials.

(2) The inquiry will be made by a commander in the chain of command or military school commandant above the designated rating officials involved in the allegations. In headquarters and other military organizations lacking a commander or commandant, the inquiry will be conducted by the next higher official in the rating chain above the designated rating officials involved in the allegations.

b. Appeals.

(1) The rated Soldier or other interested parties who know the circumstances of a rating may appeal any report that they believe is incorrect, inaccurate, or in violation of the intent of this regulation. The results of a Commander's or Commandant's Inquiry provision under paragraph 1–11 do not constitute an appeal. They may be used, however, in support of an appeal. An appeal will be supported by substantiated evidence (see AR 623-3, para 6–11). An appeal that alleges a report is incorrect or inaccurate or unjust without usable supporting evidence will not be considered. The determination regarding adequacy of evidence may be made by NGB–ARP–C (Appeals Section); the appropriate State AG (ARNGUS) in coordination with the DCS, G–1 (DAPE–MPO–S).

(2) Before deciding to appeal, an objective analysis of the report in question should be made. The burden of proof rests with the rated Soldier. AR 623-3, paragraph 6-11, discusses the level of evidence that must be provided. The Soldier should be realistic in the assessment of whether or not to submit an appeal based on a careful review of AR 623-3. The Soldier should also seek assistance from the Staff Judge Advocate, and the Personnel Service Center personnel.

(3) Substantive appeals will be submitted within 3 years of an OER, NCOER, or AER THRU date. Failure to submit an appeal within this time may be excused only if the appellant provides exceptional justification to warrant this exception.

(4) The burden of proof rests with the appellant. Accordingly, to justify deletion or amendment of a report, the appellant will produce evidence that establishes clearly and convincingly that,

(a) the presumption of regularity will not be applied to the report under consideration, and,

(b) action is warranted to correct a material error, inaccuracy, or injustice.

Family Care Plans

1. References.

a. AR 600-20, *Army Command Policy*, 18 March 2008 (*RAR 004, 4 Aug 2011).

b. AR 600-8-24, *Officer Transfers and Discharges*, 12 April 2006, (*RAR 001, 13 September 2011).

2. SME: G-1.

3. Department of the Army Policy.

(1) The Army assists the Soldier in providing for the care of his or her family members. Mission, readiness, and deployability needs especially affect Active Army (AA), Army National Guard, and USAR single parents and dual military couples with family members. Plans must be made to ensure family members are properly and adequately cared for when the Soldier is deployed, on temporary duty (TDY), or otherwise not available due to military requirements. Army National Guard and USAR Soldiers are subject to those policies and regulations, and will implement plans during any period of absence for annual training, regularly scheduled unit training assemblies, emergency mobilization and deployment, or other type of active duty. Emergency-essential civilians who meet the criteria set forth in paragraph 5-5a of AR 600-20 are encouraged to have a Family Care Plan that follows the guidelines set forth in this regulation.

b. DA Form 5305 (Family Care Plan) is not a legal document that can change a court-mandated custodial arrangement, nor can it interfere with a natural parent's right to custody of his/her child. Its sole purpose is to document for Army purposes the plan by which Soldiers provide for the care of their Family members when military duties prevent the Soldier from doing so, such as during mobilization and deployment. It will include proof that guardians and escorts have been thoroughly briefed on the responsibilities they will assume for the sponsor/Soldier and the procedures for accessing military and civilian facilities and services on behalf of the Family members of the sponsor/Soldier. It will attest that the guardian and escort agreed to provide care and have been provided all necessary legal authority and means to do so. It will include proof that the Soldier has obtained consent to the planned designation of guardianship from all parties with a legal interest in the custody and care of the minor child, or proof that reasonable efforts have been made to obtain consent to such designation.

c. As a minimum, proof will consist of the following attachments to DA Form 5305:

(1) DA Form 5841 (Power of Attorney) or equivalent delegation of legal control (unsigned until deployment).

(2) DA Form 5840 (Certificate of Acceptance as Guardian or Escort).

(3) DD Form 1172 (Application for Uniformed Services Identification Card—DEERS Enrollment) for each family member (Note: AR–600–8–14 directs that ID cards will be issued for children under age 10 who reside with a single parent or dual military couple).

(4) DD Form 2558 (Authorization to Start, Stop, or Change an Allotment) for active duty or retired personnel, unsigned until deployment, or other proof of financial support arrangements.

(5) A letter of instruction to the guardian/escort (see DA Form 5304 (Family Care Plan Counseling Checklist)).

d. Soldiers are responsible for implementing the Family Care Plan and thus ensuring the care of their family members. When operational or security considerations prevent the Soldier from implementing the plan, it will be used by appropriate military or civilian authorities to obtain care for such family members. DA Form 5305 may be executed at any time when conditions warrant and family care is necessary due to the required military absence of the Soldier. DA Form 5304, DA Form 5305, DA Form 5840, and 5841 are available on the APD Web site.

e. Soldiers must be able to perform their military duties without interference of family responsibilities. They must be available for duty when and where the needs of the Army dictate. They must be available for worldwide deployment when and where the needs of the Army dictate.

f. The DA Form 5305-R (Family Care Plan) is the means by which Soldiers provide for the care of their family members when military duties prevent the Soldier from doing so. It will include proof that guardians and escorts--

(1) Have been thoroughly briefed on the responsibilities they are assuming.

(2) Know how to access military and civilian facilities and services on behalf of the dependent family members.

(3) Agree to provide care and have been provided all necessary legal authority and means to do so.

g. Reserve component Soldiers are subject to this regulation during periods of absence. Periods of absence include annual training, unit training assemblies, deployment and mobilization, or other types of active duty.

4. General Information. Soldiers must complete a FCP when any of the following apply:

a. Pregnant Soldiers who--

(1) Are single, divorced, widowed, separated or reside without their spouse.

(2) Are married to another service member of an Active or Reserve component of any service (Army, Air Force, Navy, Marines or Coast Guard).

b. A Soldier who has no spouse; is divorced, widowed, or separated, or is residing apart from his or her spouse; who has joint or full legal and physical custody of one or more family members under the age of 19; or who has adult family member(s) incapable of self-care regardless of age.

c. Soldiers who are divorced (not remarried) and who has liberal or extended visitation rights by court decree which would allow family members to be solely in the Soldier's care in excess of 30 consecutive days.

d. Soldiers whose spouse is incapable of self-care or is otherwise physically, mentally, or emotionally disabled so as to require special care of assistance.

e. Soldiers categorized as half of a dual-military couple of the AA or RC of any service (Army, Air Force, Navy, Marines or Coast Guard) who has joint or full legal custody of one or more family members under age 19 or who has adult family members(s) incapable of self-care regardless of age.

f. Soldiers must arrange for the care of their family members so as to be—

(1) Available for duty when and where the needs of the Army dictate.

(2) Able to perform assigned military duties without interference of family responsibilities.

g. Enlisted Soldiers will be counseled on voluntary and involuntary separation whenever parenthood interferes with military responsibilities under provision of—

(1) AR 635-200 for AA Soldiers.

(2) AR 135-178 and AR 135-91 for USAR/ARNGUS Soldiers.

h. Officers will be counseled on voluntary and involuntary separations whenever parenthood interferes with military responsibilities under provision of—

(1) AR 600-8-24 for AA Soldiers and USAR and ARNGUS officers serving on active duty or on active duty for training (ADT) for a period in excess of 90 days.

(2) AR 135-175 for ARNGUS and USAR Soldiers, except for officers serving on active duty or on ADT for a period in excess of 90 days.

(3) NGR 635-101 for ARNG Soldiers.

i. Pregnant Soldiers (who meet the criteria established in AR 600-20, paragraph 5-5b(1)) will be counseled—

(1) In the ARNG and USAR, according to AR 135-91.

(2) On costs of maternity care obtained from civilian sources and the limitations concerning maternity care in military medical facilities.

(3) Using DA Form 5304-R as soon as pregnancy is identified but not later than 90 days prior to the expected date of birth of the child. Pregnant Soldiers should receive Family Care Plan counseling at the time of pregnancy counseling to ensure the Soldier is informed of the responsibilities if she chooses to remain on active duty.

(4) That they must complete and have an approved DA Form 5305-R showing their intentions for family care not later than 60 days prior to the date of the birth of the child. DA Forms5840-R and 5841-R or other guardianship documents, DD Form 1172, DD Form 2558 will be completed and DA Form 5305-R re-certified not later than 45 days following the date of the birth of the child.

5. **Commander Responsibilities**.

a. Conduct FCP counseling. This can be delegated to an authorize representative.

b. The unit commander is the sole approving authority for DA Form 5305-R. This responsibility will not be delegated. Unit commanders must ensure that FCPs are current and updated, especially with regard to child custody or guardianship requirements.

c. The unit commander may authorize an additional 30 days (60 days total from the date of counseling) to all AA Soldiers and 60 days (90 days total from the date of counseling) to all RC Soldiers for completion, including submission and final approval of DA Form 5305-R with attendant documents.

d. Commanders must ensure that all required documents are in order, and must be satisfied that the FCP meets the requirements and appears to be workable and durable.

e. The commander should disapprove the DA Form 5305-R if the required attachments are not present unless extenuating circumstances exist.

f. The commander may consider extenuating circumstances in approving DA Form 5305-R, but must understand that the Soldier is considered non-deployable until a FCP is validated and approved.

g. The commander must adequately test the validity and durability of the FCP, to include contacting the designated guardian(s) prior to final approval or re-certification.

h. The commander will provide the Soldier 30 days from date of the first disapproval to submit additional documentation or evidence to support the FCP.

i. The commander will provide the Soldier a reasonable period of time to attempt to rework a FCP found to be deficient at the time of mobilization, processing for overseas movement, or deployment. Ordinarily, a Soldier will be afforded at least 30 days to correct efficiencies in a plan unless a shorter period is specified by the unit commander due to the urgency and/or nature of the deployment, or due to the nature of the deficiencies.

j. The commander may authorize leave for a deployed Soldier to return home when the circumstances beyond the Soldier's control preclude the designated guardian from exercising those responsibilities.

k. The commander should consider initiating a bar to reenlistment against Soldiers who fail to properly manage personal, marital, or family affairs or who fail to provide or maintain adequate FCPs.

l. Commanders should consider initiating involuntary separation proceedings against Soldiers who fail to provide and maintain adequate FCPs.

m. Commander should take action to ensure he/she is aware of other situations, which may create changes in the status of his/her Soldiers with regards to the Soldier's responsibility to support family members. These include but are not limited to the following—

(1) Death or disability of spouse.

(2) Legal separation when initial agreements have identified the Soldier as custodial parent or guardian of one or more family members.

(3) Divorce proceedings awarding joint or full custody of family members to the Soldier.

(4) Court decrees awarding visitation rights to the Soldier for more than 30 consecutive days at a time, and the Soldier has not remarried.

(5) Adoption.

(6) Assumption of foster care responsibilities.

(7) Guardianship agreement for children or adults incapable of self-care to temporarily or permanently reside with the Soldier.

(8) Extended periods of absence by the spouse for schooling, hospitalization, employment, and so forth.

(9) Expiration of current power of attorney, change in guardianship due to PCS, change of temporary care provider, and so forth.

Financial Liability Investigations of Property Loss (FLIPL)

1. References:

a. Title 41, Volume 2, Chapter 101, Part 39, Code of Federal Regulations, *Interagency Fleet Management System*, 6 June 2003.

b. DoD Financial Management Regulation Volume 12, Chapter 7, *Financial Liability for Government Property Lost*, Damaged or Destroyed, March 2007.

c. AR 11-2, *Managers' Internal Control Program*, 4 January 2010.

d. AR 710-2, *Supply Policy Below the National Level*, 28 March 2008 (*RAR 001, 09/03/2009).

e. AR 735-5, *Policies and Procedures for Property Accountability*, 28 February 2005.

f. DA PAM 735-5, *Financial Liability Officer's Guide*, 9 April 2007.

g. ARNG Unit Level Finance Procedures Manual, 1 May 2002.

h. NGB-ARL Implementation of Department of the Army Approved Changes to AR 735-5, dated 23 APR 07.

i. ALARACT, 124 2006 *Army G4 Property Accountability Guidance*, 28 June 2007.

j. JFHQ-KS SOP 735-5, *Property Accountability Policies and Procedures*, 1 February 2010.

2. SME: G-4, SJA, USPFO.

3. General Information:

a. Purpose of a FLIPL. A financial liability investigation of property loss documents the circumstances concerning the LDD (Loss, Damage, or Destruction) of Government property and serves as, or supports a voucher for adjusting the property from accountable records. It also documents a charge of financial liability assessed against an individual or entity, or provides for the relief from financial liability.

b. Soldiers and Department of the Army civilian employees may have to pay for Army property they lose or damage. Under Army Regulation (AR) 735-5, financial liability ordinarily will not exceed one month's base pay. In certain cases, however, such as the loss of personal arms or equipment, or damage to Government housing, liability may equal the full amount of the loss. The Financial Liability Investigation of Property Loss is the administrative tool used by the Army to establish personal liability.

c. A Financial Liability Investigation of Property Loss is not required in every situation where there is a loss or damage. If the loss is less than one month's base pay, the command may ask the responsible individual to sign a DD Form 362, Statement of Charges/Cash Collection Voucher. This is essentially an admission of liability for the lost or damaged property and an agreement to pay for it by the service member. The command cannot force or coerce someone to sign the statement; it must be voluntary. A FLIPL is used in situations where responsibility for the loss is in question, or where the amount to be charged is in dispute.

d. Definitions.

(1) *DD Form 200.* Financial Liability Investigation of Property Loss (FLIPL). The administrative tool used by the Army to establish liability under Army Regulation (AR) 735-5. To assess financial liability, the approving authority must find: 1) the person to be held liable had a duty/responsibility to take care of the property; 2) the person failed to carry out that duty (negligence); and 3) the person's failure led to the loss (proximate cause).

(2) *Appointing Authority*. An officer or civilian employee designated in writing by the approving authority with responsibility for appointing financial liability officers; reviewing the financial liability officer's findings and recommendations; and providing his or her concurrence/nonconcurrence to the approving authority of the financial liability officer's findings and recommendations. The appointing authority is normally under the command of, or on the staff of the approving authority.

(3) *Approving Authority.* An Army officer or Department of the Army civilian employee authorized to appoint financial liability officers and to approve financial liability investigations of property loss. An approving authority must be in the grade of lieutenant colonel or above, or be a GS–14 or above, in a supervisory position. The approving authority is normally senior to the appointing authority.

e. Mandatory Initiation of a Financial Liability Investigation of Property Loss. A financial liability investigation of property loss will be processed when—

(1) Negligence or willful misconduct is suspected as the cause, and the individual does not admit liability and refuses to make voluntary reimbursement to the Government for the full value of the loss, less depreciation.

(2) The property lost, damaged, or destroyed involves a change of accountable officer's inventory and the outgoing accountable officer made no voluntary reimbursement for the full amount of the loss to the Government.

(3) The value of the admitted LDD exceeds the individual's monthly basic pay.

(4) The value of the damages or shortages in occupied Government quarters (real property and furnishings combined) or Government furnishings in non-Government quarters exceeds the individual's monthly basic pay.

(5) The total handling loss of a specific bulk petroleum product exceeds the allowable loss for that product, and the dollar value of the total loss exceeds $500. See AR 710–2, para 2–37i.

(6) The loss or destruction involves a controlled inventory item. Investigate controlled inventory items lost or destroyed per AR 15–6. However, do not use the AR 15–6 investigation as authority to adjust property records or to assess financial liability. Process a financial liability investigation of property loss to accomplish either of these actions. When using an AR 15–6 investigation, do not request a separate investigation by a financial liability officer.

(7) The loss or destruction involves public funds or other negotiable instruments and the individual does not voluntarily reimburse the Army for the loss.

(8) Required by higher authority or other DA regulatory guidance.

(9) Directed by an inventory adjustment report (IAR) approving authority.

(10) The loss or damage involves a GSA vehicle, and the administrative actions under para 12–1c of AR 735-5 have not been taken.

(11) The loss resulted from a fire, theft or natural disaster.

(12) The loss is a recoverable item with a recoverability code of "D," "F," "H" or "L").

f. Time Segments without an Appointing Authority for Army National Guard (IAW Chapter 13, AR 735-5).

Step	Title	Days for Step	Cumulative Days
1	Investigation of Property Loss Initiation Process	45	45
2	Investigation of Property Loss Investigation and Recommendation Process	75	120
3	Investigation of Property Loss Adjudication Process	30	150
4	Notify Individual being Charged	60	
5	Provide to USPFO for Collection	1	

g. Time Segments with an Appointing Authority for Army National Guard (IAW Chapter 13, AR 735-5).

Step	Title	Days for Step	Cumulative Days
1	Investigation of Property Loss Initiation Process	45	45
2	Investigation of Property Loss Investigation and Recommendation Process	75	120

3	Investigation of Property Loss Adjudication Process	30	150
4	Notify Individual being Charged	60	
5	Provide to USPFO for Collection	1	

4. Kansas National Guard Policy.

a. Each KSARNG Soldier is tasked with proper utilization, care and safeguarding of KSARNG property to preclude loss or destruction of the same. In the event of loss or destruction, property accountability adjustment may require the initiation of a Financial Liability Investigations of Property Loss (FLIPL). AR 735-5, Policies & Procedures for Property Accountability, is the governing guidance for Financial Liability Investigations of Property Loss (FLIPL).

b. IAW AR 735-5, the ARNG will initiate and present financial liability investigations of property loss to the appointing authority or approving authority as appropriate *not later than* 45 calendar days after the date of discovering the discrepancy.

5. **Commanders Responsibility**. The Commander will ensure all Government property within his or her command is properly used and cared for, and that proper custody and safekeeping are provided. Command responsibility is inherent in command and cannot be delegated. It is evidenced by assignment to a command position at any level and includes-

a. Ensuring all Government property within his or her command is properly used and cared for, and that proper custody and safekeeping of Government property are provided. Command responsibility is inherent in command and cannot be delegated. It is evidenced by assignment to a command position at any level and includes: ensuring the security of all property of the command, whether in used or in storage.

b. Observing subordinates to ensure their activities contribute to the proper custody, care, use, and safekeeping of all property within the command.

c. Enforcing all security, safety, and accountability requirements.

d. Taking administrative or disciplinary measures when necessary.

FLAGS (Suspension of Favorable Personnel Actions)

1. Reference:

a. AR 600-8-2, *Suspension of Favorable Personnel Actions*, 23 December 2004.

b. AR 600-8, *Military Personnel Management*, 1 October 1989.

c. NGR 600-200, *Enlisted Personnel Management*, July 2009.

2. SME: G-1.

3. Department of the Army Policy.

a. The flagging process includes the physical security and maintenance of the Military Personnel Records Jacket, U.S. Army (MPRJ) (if applicable) of Soldiers not in good standing. The process depends on timely and accurate reports from commanders to initiate, transfer, and remove suspension of favorable personnel actions.

b. The Department of the Army will operate a system to guard against the accidental execution of specified favorable personnel actions for Soldiers not in good standing.

c. A flag will be initiated immediately when a Soldier's status changes from favorable to unfavorable. A flag will be removed immediately when a Soldier's status changes from unfavorable to favorable.

d. Suspension of favorable personnel actions is mandatory when an investigation (formal or informal) is initiated on a Soldier by military or civilian authorities. Flags are classified into the two categories described below, depending upon the specific action or investigation.

(1) *Non-transferable Flags*. The flag may not be transferred to another unit (except where consistent with AR 600-8-2, paragraph 1–15). The specific actions and investigations listed below require a non-transferable flag.

(a) Adverse actions.

i *Charges, restraint, or investigation.* Remove the flag when Soldier is released without charges, charges are dropped, or punishment is completed.

ii *Court-martial.* Remove the flag upon completion of punishment, to include any term of suspension. However, a flag for a Soldier on a HQDA promotion list (officer promotable to 03–06, warrant officers promotable to CW3–CW5, and enlisted Soldiers promotable to E7–E9) who is flagged for a court-martial, can only be removed by HQDA (AHRC-Alexandria-MSP-S). Forward a copy of the initial DA Form 268 along with supporting documentation to HQDA (AHRC-Alexandria-MSP-S).

iii *Non-judicial punishment.* Remove the flag upon completion of punishment, to include any term of suspension. However, a flag for a Soldier on a HQDA promotion list (officer promotable to 03–06, warrant officers promotable to CW3–CW5, and enlisted Soldiers promotable to E7–E9) who is flagged for non-judicial punishment can only be removed by HQDA (AHRC-Alexandria-MSP-S). Forward a copy of the initial DA Form 268 along with supporting documentation to HQDA (AHRC-Alexandria-MSP-S).

iv *Absent without leave (AWOL).* Remove the flag upon completion of punishment.

v *Administrative reduction.* Remove the flag on the day of reduction.

vi *Memorandums of admonition, censure, or reprimand not administered as non-judicial punishment.* Remove the flag upon completion of filing instructions. However, a flag for a Soldier on a HQDA promotion list (officer promotable to 03–06, warrant officers promotable to CW3–CW5, and enlisted Soldiers promotable to E7–E9) who is flagged for one of these memorandums can only be removed by HQDA (AHRC-Alexandria-MSP-S). Forward a copy of the initial DA Form 268 along with supporting documentation to HQDA (AHRC-Alexandria-MSP-S).

vii *AMEDD Soldiers who are not in compliance with AR 40–68.* Remove the flag (code type E) on the date of compliance.

(b) Removal from a promotion, command, or school selection list—field initiated. A flag for a Soldier on a HQDA promotion list (officer promotable to 03–06, warrant officers promotable to CW3–CW5, and enlisted Soldiers promotable to E7–E9) who is flagged for removal from command, promotion, or school list can only be removed by HQDA (AHRC-Alexandria-MSP-S). Forward a copy of the initial DA Form 268 along with supporting documentation to HQDA (AHRC-Alexandria-MSP-S).

(c) A referred officer evaluation report (OER) when on a promotion list. Remove the flag when received and accepted by HQDA.

(d) A security violation.

i *Local security violation.* Remove the flag upon direction of the commander.

ii Violation of Title 18 of the United States Code concerning sabotage, espionage, treason, sedition, or criminal subversion.

- When case is closed favorably, remove the flag upon direction of the Commander, U.S. Army Central Personnel Security Clearance Facility (CCF).
- When case is closed unfavorably, remove the flag upon direction of the Secretary of the Army.

iii Violation of Articles 94, 104, 106, 133, and 134 of the Uniform Code of Military Justice (UCMJ).Remove the flag upon direction from the Secretary of the Army.

(e) Elimination or removal from promotion, command, or school selection list—HQDA initiated. HQDA will remove the flag.

(2) *Transferable Flags*. The flag may be transferred to another unit. The specific actions and investigations listed below require a transferable flag.

(a) HQDA directed reassignment of flagged Soldier. Remove the flag according to HQDA guidance.

(b) Movement of an adverse action into the punishment phase. Remove the flag according to the rules in paragraph 1–12*a*.

(c) Failure to pass the Army Physical Fitness Test (APFT) or failure to take the APFT within the required period. Remove the flag (code E/type report) on the day the Soldier passes the APFT or at expiration term of service (ETS)/expiration of service agreement (ESA)/mandatory release date (MRD).

(d) Entry into Weight Control Program. Remove the flag (code E/type report) on the day the commander decides that the Soldier is in compliance with the program.

(e) Soldiers who are command referred to the Army Substance Abuse Program (ASAP) in accordance with AR 600–85, paragraph 5–7. Remove the flag on date of compliance (Code E type report).

(3) *Actions Prohibited by a Flag*. A flag properly imposed in accordance with this regulation prohibits the personnel actions listed below (see para 1–15 for exceptions). The Brigade S-1 will control to guard against accidental execution of—

(a) Appointment, reappointment, reenlistment, and extension.

(b) Entry on active duty (AD) or active duty for training (ADT).

(c) Reassignment.

(d) Promotion or reevaluation for promotion.

(e) Awards and decorations.

(f) Attendance at civil or military schooling.

(g) Unqualified resignation or discharge.

(h) Retirement.

(i) Advanced or excess leave.

(j) Payment of enlistment bonus (EB) or selective reenlistment bonus (SRB).

(k) Assumption of command.

(4) Processing Exceptions.

(a) *APFT.* Flags for APFT failure block promotion, reenlistment, and extension only. A flag is not initiated if the Soldier has a limiting physical profile that specifically prohibits taking the APFT.

(b) *Weight control.* Flags for weight control block only attendance at full-time civil or military schooling, promotion, awards and decorations, assumption of command, and reenlistment or extension. Soldiers attending a civil or military school on the date of the flag will not be removed from such schooling. Commanders may approve reenlistments and extensions under certain medical conditions as advised by the G-1.

(c) *Unqualified resignation, discharge, or retirement.* Flagged Soldiers may submit requests for consideration by HQDA.

(d) *Entry on AD or ADT.* Flagged ARNG and U.S. Army Reserve (USAR) Soldiers may not apply for AD or ADT. HQDA may direct involuntary AD or ADT for flagged ARNG and USAR Soldiers.

(e) *Awards and decorations.* Retirement awards and decorations for valor may be processed and presented to flagged Soldiers.

(f) Erroneous flag will be declared void and of no effect.

4. **Commander's Responsibilities**.

a. Commanders direct the flagging action when a Soldier's status changes from favorable to unfavorable. A flag action is to be removed when the Soldier's status changes from unfavorable to favorable.

b. Initiate a separate flag for each investigation, incident or action.

c. Review active flag actions monthly.

d. Consult the security manager if determination is made to suspend access to classified information.

e. Ensure the rules for transferring and removing flags are being followed.

f. Ensure Soldiers who fail the APFT or fail to meet height and weight requirements are flagged.

g. Ensure the Soldier is informed of the flag action.

Gifts

1. References:

a. DOD Directive 5500.7-R, Section 3, 2-300, Joint Ethics Regulation.

b. 5 C.F.R. 2635, Standards of ethical conduct for employees of the executive branch.

c. CFR 2635.301-304, SUBPART C: Gifts Between Employees.

2. SME: Staff Judge Advocate, Designated Agency Ethics Official ("DAEO").

3. Code of Federal Regulations and Department of Defense Policy, Sec. 2635.302 General standards.

a. Gifts to Superiors.

(1) Except as provided in this subpart below, an employee may not directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or

(2) Solicit a contribution from another employee for a gift to either his own or the other employee's official superior.

b. Gifts from employees receiving less pay. An employee may not directly or indirectly, accept a gift from an employee receiving less pay than him unless:

(1) The two employees are not in a subordinate-official superior relationship; *and*

(2) There is a personal relationship between the two employees that would justify the gift.

(3) Notwithstanding any exception provided in this subpart, an official superior shall not coerce the offering of a gift from a subordinate under any circumstances.

c. Gifts from outside sources. An employee shall not solicit or accept a gift given because of his or her official position. Neither shall an employee solicit or accept a gift from a prohibited source.

4. General Information.

a. Gifts are almost anything of monetary value. Following are some exclusions:

(1) Coffee, doughnuts and similar items of food and refreshments when offered other than as part of a meal.

(2) Greeting cards and most plaques, certificates and trophies.

(3) Prizes in contests open to the public.

(4) Commercial discounts available to the general public or to all government or military personnel.

(5) Commercial loans, pensions and similar benefits.

(6) Gifts given during traditional occasions, birthdays and holidays, with a market value of $10 or less per occasion.

(7) Items such as food and refreshments to be shared in the office among several employees.

(8) Personal hospitality provided at a residence, which is of a type and value customarily given on such occasions.

(9) Appropriate hostess gifts.

b. A *prohibited source* is any person (or organization more than half of whose members are persons) who:

(1) Seeks official action by an employee's agency.

(2) Does or seeks to do business with the employee's agency.

(3) Is regulated by the employee's agency.

(4) Is substantially affected by the employee's performance of duties.

c. Voluntary Contributions. An employee *may solicit voluntary contributions* from another employee for a group gift to the contributing employee's superior for any special, infrequent occasion in a nominal amount that shall not exceed $10.

d. Regardless of the number of employees contributing to a gift or gift on a special, infrequent occasion, a DOD employee may not accept a gift or gifts from a donating group, which includes a subordinate, if the market value exceeds an aggregate of $335 unless:

(1) The gift is appropriate for the occasion; *and*,

(2) The gift is given on a special, infrequent occasion that terminates the subordinate-official superior relationship, such as retirement, resignation, or transfer; *and*,

(3) The gift is uniquely linked to the departing employee's position or tour of duty and commemorates the same.

(4) NOTE: It is strongly urged that, even in such a case where you are talking about a "uniquely linked" gift that commemorates the "tour of duty", $335 limit will be used to determine whether it (the gift) is "appropriate for the occasion."

(5) With respect to PCS ("transfer") gifts, the requirement that the occasion "terminates the subordinate-official superior relationship" still is applicable. That means no "special occasion" gift if the employee is transferred remains in the chain of command, just at a higher level.

e. The cost of items excluded from the definition of a gift, and the cost of food, refreshments and entertainment provided to the employee and his personal guests to mark the occasion for which the gift is given shall not be included in determining whether the value of a gift or gifts exceeds the $335 aggregate limit.

f. An employee may accept the following, otherwise prohibited gifts:

(1) Gifts clearly motivated by a family relationship or personal friendship.

(2) Commercial discounts and similar benefits offered to groups in which membership is not related to government employment or in which, if membership is related to government employment, the same offer is broadly available to the public through similar groups, and certain benefits offered by professional associations or by persons who are not prohibited sources.

(3) Gifts resulting from the outside business activities of employees and their spouses.

(4) Free attendance provided by the sponsor of a widely attended gathering of mutual interest to a number of parties where the necessary determination of an agency has been made.

(5) Certain food and entertainment in foreign areas.

5. **Commander Responsibilities**.

a. Become familiar with Standards of Conduct as specified in the Joint Ethics Regulation (JER), 5500.7-R and 5 CFR, 2635.

b. Ensure that all assigned personnel are familiar with these provisions.

c. Refer questions to the Office of the Staff Judge Advocate or designated DAEO.

HIV Testing

1. References.

a. AR 600-110, *Identification, Surveillance, and Administration of Personnel Infected with Human Immunodeficiency Virus (HIV)*, 15 July 2005 (*RAR 001, 08/04/2011).

b. DoD Directive 6485.1.

c. AR 40-501, *Standards of Medical Fitness*, 14 December 2007.

2. SME: Deputy Chief of Staff, G-1, Medical Command.

3. Department of the Army Policy. HQDA medical, manpower, and personnel policies on HIV reflect current knowledge of the natural progression of HIV infection, the risks to the infected individual incident to military service, the risk of transmission of the disease to non-infected personnel, the effect of the infected personnel on Army units, and the safety of military blood supplies.

4. Testing Requirements:

a. Effective 15 July 2005, all members of the USAR and ARNG, not on active duty, will be tested for the HIV antibody every 5 years as a mandatory requirement. HIV testing will be performed as part of all periodic physical examinations, in accordance with AR 40-501, and more frequently if required by paragraphs 2-2k (1) and 2-2k (2) of this regulation.

b. Personnel ordered to AD for more than 30 days including travel time (for example, ADT, AGR, initial active duty for training (IADT), temporary tours of active duty (TTAD), and active duty for special work (ADSO) must have been tested for HIV antibodies with negative results no later than two years prior to the report date and prior to issuance of orders. If your HIV test status is not communicated through established medical channels to the orders issuing authority within the first 29 days including travel time, these orders will terminate.

5. Notification and Counseling.

a. The State surgeon will be notified of any Soldier whose initial test cycle is HIV antibody positive so that follow-up can be conducted. Initial test cycle Western Blot positive Soldiers will be individually and privately notified of results by designated medical corps officers within the States. Negative HIV test results will be mailed to Soldiers on DA Form 5668. The DA Form 5668 may be signed by the State HIV POC (or designee) in lieu of a medical authority. Spouses of confirmed HIV-infected ARNG Soldiers will be notified of the positive test.

b. Soldiers who are initial Western Blot positive will be contacted and notified of the results of the initial test. A new blood sample will be drawn and tested. If the results of the second Western Blot test are negative, a third test will be performed on a fresh specimen. If the results

of either the second or third Western Blot test are positive, the Soldier will be notified and counseled per AR 600-110, paragraph 5-8.

c. HIV-infected ARNG Soldiers, not AGR or on EAD, and their spouses will be counseled regarding the significance of a positive HIV antibody test, current medical knowledge on HIV infections, and ways to prevent transmission of the virus.

d. Counseling of ARNG Soldiers will be conducted per paragraphs 2-13 and 2-14 of this regulation.

e. HIV-infected ARNG Soldiers will be referred to civilian physicians for medical care and further counseling.

6. Assignments.

a. Persons who are HIV positive are not eligible for appointment or enlistment into the Army, ARNG, or USAR.

b. Except for those identified during the accession-testing program, Soldiers who are HIV positive and demonstrate no evidence of progressive clinical illness or immunobiological deficiency will not be involuntarily separated solely on the basis of having been confirmed HIV positive.

c. HIV-infected Soldiers, not AGR or on EAD, may prove fitness for service. ARNG HIV-infected Soldiers will have 120 days from the date they are notified of their infection to complete a medical evaluation to determine fitness per the established DOD protocol for HIV or other guidance published by OTSG.

d. HIV-infected ARNG Soldiers found to be medically unfit for duty will be separated per paragraph 5-11 of this regulation.

e. Soldiers found fit will be permitted to serve in the Selected Reserve in a non-deployable billet, if available.

f. Soldiers meeting fitness standards and placed in non-deployable billets must be reevaluated at least annually.

g. HIV positive active duty Soldiers, including AGR, will be limited to duty within the Continental United States (CONUS).

h. In order to voluntarily transfer from one RC to another, or to voluntarily transfer to the IRR, ARNG Soldiers must have been tested for HIV with negative results no longer than 5 years prior to the date of transfer. This does not apply to HIV-infected Soldiers exercising their option to voluntarily transfer to the Standby or Retired Reserve.

7. **Commander's Responsibilities**.

a. Unit commanders will ensure that all personnel in their units are tested and that HIV infection/AIDS information and education is included in unit training programs per AR 600-110, chapter 8.

b. Commanders will formally counsel Soldiers who test positive for the HIV antibody. This counseling will be conducted following the post-diagnosis preventive medicine counseling performed by medical department personnel. Commanders will use the DA Form 4856, General Counseling Form, and ensure that all topics are addressed (specific topics to be addressed are listed in Sections V, Chapter 2, AR 600-110). Commanders must ensure that completed counseling forms are maintained in a manner that protects the confidentiality of the information.

c. Accompany Soldiers identified as HIV positive during initial notification.

d. Provide support and facilitate the support network for the HIV positive Soldier during the initial notification and subsequent evaluation.

e. Protect Soldiers confirmed as HIV positive from unwarranted invasions of their privacy.

f. Maintain unit status of the HIV testing requirement.

g. Consult with the servicing SJA on the limited use provisions of this policy and other restrictions on the use of HIV information.

h. After initial notification, counsel HIV positive Soldiers in accordance with the policies specified in AR 600-110.

i. Ensure that information regarding HIV testing results is appropriately safeguarded in accordance with the policies specified in AR 600-110.

j. *Note:* Medical unit mission training requirements preclude the use of ARNG medical units to conduct HIV screening except as part of required periodic physical examinations.

8. Adverse Action. Failure to submit to HIV Testing or other medical screening or processing may result in grounds for disciplinary action, up to and including administrative separation.

Incapacitation Pay (INCAP) and Active Duty Medical Extension (ADME)

1. References.

a. AR 135-381, *Incapacitation Pay of Reserve Component Soldiers*, 27 December 2006.

b. DA PAM 135-381, *Incapacitation Pay of Reserve Component Soldiers Processing Procedures*, 22 May 2008.

2. SME: MEDCOM, G1.

3. Department of the Army Policy. Under *Section 204, Title 37 United States Code,* **Incapacitation Pay** is Compensation for Soldiers whose Line of Duty injury, illness or disease prevents them from performing their military duties or results in a loss of civilian income.

4. Compensation Requirements.

a. Soldiers of the National Guard or U.S. Army Reserve (USAR) are entitled to hospital benefits, pensions, and other compensation, similar to that for Soldiers of the Active Army for injury, illness, or disease incurred in LOD, under the following conditions prescribed by law (10 USC 1074a):

(1) While performing AD for a period of 30 days or less;

(2) While performing inactive duty training;

(3) While performing service on funeral honors duty under 10 USC 12503 or 32 USC 115.

(4) While traveling directly to or from the place at which that Soldier is to perform or has performed:

(a) Active duty for a period of 30 days or less;
(b) Inactive duty training; or
(c) Service on funeral honors duty under 10 USC 12503 or 32 USC 115.

(5) While remaining overnight immediately before the commencement of inactive duty training, or while remaining overnight, between successive periods of inactive duty training, at or in the vicinity of the site of the inactive duty training; or

(6) While remaining overnight immediately before serving on funeral honors duty under 10 USC 12503 or 32 USC 115 at or in the vicinity of the place at which the Soldier was to so serve, if the place is outside reasonable commuting distance from the Soldier's residence.

b. The Soldier must be unable to perform military duties or able to demonstrate loss of civilian income.

c. If the LOD is approved, the Soldier may be entitled to:

(1) Pay and allowances.

(2) Incentive Pay (if previously authorized).

(3) Special Pay (if previously authorized).

d. The following limitations apply:

(1) Medical and Dental Care *ONLY* for ILD injury, illness or disease (no medical benefits program).

(2) The Soldier does not accrue leave or retirement points.

(3) Other Civilian income will be deducted from the Incap entitlement (includes Department of Veterans Affairs (DVA) Compensation, Workman's Compensation (WCP), Tips, Professional Fees, and Self-employment).

e. The following civilian compensation does not impact Incap entitlements:

(1) Rents.

(2) Royalties.

(3) Retirements Pays.

(4) Dividends or Interests.

(5) Welfare Payments.

(6) Any other non-taxable Government Benefits (i.e., VA benefits).

f. Entitlements will terminate when:

(1) Returned to military duties and/or civilian employment.

(2) NILD Determination.

(3) Discharged from the service with or without benefits.

(4) Upon retirement.

(5) Death.

5. Start Date.

a. IDT. Starts the day after the IDT period (if a Saturday-Sunday drill, start INCAP period on Monday even if Soldier is unable to drill on Sunday).

b. ACTIVE DUTY. Starts the day following the last day of duty. *NOTE: AD orders ARE NOT amended to shorten the period of the order to accommodate INCAP pay*.

6. INCAP Approval Authority.

a. First six months - States/Territory Adjutant General (TAG).

b. Seven Months and beyond – Chief, National Guard Bureau (CNGB).

c. Effective 1 January 2008, all INCAP Pay requests must be submitted through the INCAP Pay Sub-Module located in the LOD module in MODS (www.mods.army.mil).

7. Classifications.

a. Tier I -Not fit for military duty/can perform civilian job.

b. Tier II - Fit for military/not fit for civilian/lost civilian wages.

8. Required documentation.

a. Completed and approved LOD.

b. DA Form 7574 (INCAP Pay Monthly Claim Form).

c. DA Form 7574 -1 (Physician's Statement).

d. DA 7574 - 2 (Soldier Acknowledges INCAP Pay).

e. DA Form 3349 (Current Physical Profile) (HRR).

f. Commander's Statement (Memorandum).

g. Current medical records.

h. Statements regarding civilian employment status.

i. Latest INCAP Review Board Minutes.

9. Appeals.

a. Must be in writing.

b. Must provide additional medical information to support appeal.

c. May appeal INCAP denials.

d. Forwarded to Pentagon G1 Office.

e. Submitted through Appeals Tab in Sub-Module located in MODS.

10. **Active Duty Medical Extension (ADME).** ADME is a voluntary Active Duty program into which a Soldier who is injured or becomes ill while in an ADT, AT IDT, and ADOS status can be placed and receives medical care through the nearest Army Medical Treatment Facility. Soldiers placed in ADME may be eligible for Community Based Health Care organization (CBHCO) placement. Consider ADME whenever medical care will foreseeable take longer than 6 months. In order to qualify for ADME, the Injury or Illness must be incapacitating and the application packet must contain a *detailed* treatment plan written by the treating/ referring physician. Application packet is the Unit's Responsibility. The HSS can assist but is not responsible for assembling and forwarding the application for ADME. Guidance is published periodically in the Warrior Transition Unit Consolidated Guidance published by The Deputy Chief of Staff, G-1, ATTN: (DAPE-MPE-IP) and can be obtained from the HSS. This program:

a. Offers full Pay and Allowances.

b. Does not require monthly packet to continue on ADME.

c. Soldier and family receive medical benefits.

d. Soldiers receive retirement points.

e. Soldiers on ADME *may* be eligible for CBHCO placement and, as such, remain at home while undergoing treatment.

f. Requires an approved LOD.

11. **Commander's Responsibilities**.

a. Ensure Soldiers understand their options and are counseled on the pros and cons of INCAP versus ADME.

b. Ensure that the unit prepares the INCAP and ADME packets in a timely manner and forwards them to the HSS for review.

c. The unit sends the ADME packet to HRC-Alexandria.

d. Remain in contact with each Soldier in the INCAP and ADME program.

e. Ensures that all Soldiers who enter the INCAP or ADME program notify the commander of any changes in their status to include extensions on ADME, separated from the ADME and returned to duty, referral to a Medical Evaluation Board (MEB), separated from the Army as a result of the Physical Evaluation Board (PEB) Findings.

f. Report changes in their Soldiers' status to the Nurse Case Manager in the Office of the State Surgeon (OTSS).

Indebtedness of Military Personnel

1. References.

a. AR 600-15, *Indebtedness of Military Personnel*, 14 March 1986.

b. Federal Fair Debt Collection Practices Act.

2. SME: Staff Judge Advocate, USPFO.

3. Applicability: AR 600-15 applies to the Army National Guard of the United States (ARNGUS) on active duty, active duty for training, or special active duty under title 10, United States Code (ISC) (30 days or more duration). AR 600-15 does not apply to members of the ARNGUS performing duty in a State status under Title 32, USC. The Fair Debt Collection Practices Act applies to all, but alleged violations are normally only pursued in civil court by complainants.

4. Fair Debt Collection Practices Act (section 1692, title 15, United States Code (15 USC 1692).

a. *Authorized Contact*. A debt collector may not contact any person other than the Soldier, his or her lawyer or legal counsel, or the creditor about any debt collection. The debt collector, however, may contact the employer if he or she has a written and signed consent from the Soldier, or a court order permitting contact. The written consent must include the debt collector's name. It is illegal for debt collectors to use another name when collecting debts.

b. *Authorization to Process Complaint*. Debt collectors who have obtained the needed written consent or court order and who have followed chapter 4 will have their debt complaints processed.

c. *Exemption*. Creditors who collect only on their own behalf are exempt from the Act.

5. Procedures governing notifying non-active duty personnel.

a. General. The military department does not control the personal affairs of non-active duty personnel. These personnel usually are in a civilian status and are not subject to military jurisdiction and discipline. Therefore, such indebtedness is a civil matter that does not involve commanders, unless legal process and procedures have been initiated, which impact the Command.

b. Verification of Status. Debt complaints against former Soldiers or others not on active duty will be sent to the Commander, U.S. Army Reserve Personnel Center (ARPERCEN), ATTN: DARP-PSE-VS.

c. NGB Actions. After ARPERCEN verifies the status, the Chief, National Guard Bureau will ensure that debt complaints are delivered to the person concerned, using military channels

for Soldiers of the Army National Guard. When the complaint cannot be delivered through military channels, it will be sent to the last known mailing address of the person by certified mail, using PS Form 3811 (Return, Receipt, Registered, Insured, and Certified Mail). It should be marked Return Receipt requested-Deliver to Addressee Only.

d. Claimant Notification. After delivery of correspondence, the responsible official will advise the claimant of the date and method of delivery

6. Department of the Army Policy.

a. Soldier Responsibilities. Soldiers are required to manage their personal affairs in a satisfactory manner and pay their debts promptly. Failure to do so makes the Soldier subject to administrative or Article 134, UCMJ, actions.

b. Creditors that comply with the provisions of AR 600-15, Chapter 4, will have their debt complaints processed by commanders.

c. Involuntary allotments may be established in the pay account of Soldiers to be paid to creditors who have obtained a judgment from court.

7. **Commander's Responsibilities**.

a. Contact the Staff Judge Advocate (SJA). The SJA can provide additional guidance on what actions to take. The SJA can also help the commander determine if the debt collector complies with the Fair Debt Collection Practices Act. Refer Soldiers to the Staff Judge Advocate or legal assistance if the Soldier feels there are legal problems with the debt.

b. Support Services. Provide financial management counseling for Soldiers that have problems in meeting valid debts. Army Community Services provides financial management counseling, seminars, and workshops in addition to consumer protection advice.

c. Title 10 Situations.

(1) Process debt complaints.

(a) Meet Criteria. Process complaints that meet the criteria in AR 600-15, Chapter 4. AR 600-15 provides guidance on returning complaints that do not comply with Chapter 4.

(b) Inform Soldier/Process Complaint IAW Regulation. Must formally inform the Soldier of the claim of indebtedness against them. AR 600-15, Chapter 2, provides detailed guidance to commanders in processing debt complaints.

(2) Adverse Actions. In accordance with AR 600-15, Chapter 3, commanders must consider administrative or punitive actions against Soldiers that:

(a) Fail to promptly resolve unpaid lawful debts, IAW Article 134 UCMJ, and;

(b) Repeatedly fail to pay their legal debts, IAW Article 134 UCMJ.

(3) Access to Classified Material. If the Soldier has access to classified information, it may be necessary to submit a report of derogatory information to the unit S2.

Leaves and Passes (Military)

1. References.

a. AR 600-8-10, *Leaves and Passes*, 15 February 2006 (*RAR 001, 08/04/2011).

b. NGR (AR) 600-5, *The Active Guard/Reserve (AGAR) Program Title 32, Full-Time National Guard Duty (FTNGD)*, 20 February 1990.

2. SME: G-1, HRO.

3. Department of the Army Policy.

a. Annual Leave Program. Unit commanders are the approval/disapproval authority for leave. The commander's leave and pass program must be designed to allow Soldiers to use their authorized leave to the maximum extent possible within mission and operational constraints. Commanders and individual Soldiers share the responsibility of planning leave around unit mission and/or operational requirements. AGR, ADOS Soldiers will utilize the automated leave program https://ftsmcs.ngb.army.mil/index.htm. A commander may disapprove a request for leave regardless of the Soldier's use or lose status or personal desires if:

(1) The leave will interfere with mission or operational requirements.

(2) The Soldier is required to remain on station due to reasons such as investigations or pending personnel actions.

b. *Emergency Leave*. Emergency leave will be granted to Soldiers only for family emergencies involving members of their household, immediate family or a sole surviving blood relative, whenever the circumstances warrant. Authorized emergency leave may be approved for reasons listed below:

(1) Pregnancy of spouse and childbirth if a severe life threatening situation is documented.

(2) The death of an immediate family member.

(3) When Soldier's presence would contribute to the welfare of a terminally ill member of the immediate family if the expected date of death were within 30 days.

(4) For a serious situation involving accident, illness, or major surgery that cannot be postponed due to the urgency of the medical condition. The situation must result in a serious family problem that will impose severe or undue hardship because of member's failure to return home on either the member, his household, or immediate family.

(5) Soldier is affected personally by a disaster (for example, hurricane, tornado, or flood) when severe or undue hardship would be encountered if the member failed to return home.

(6) *The following circumstances do not meet the criteria for Emergency Leave approval. Commanders may consider approving ordinary leave for situations described below:*

(a) Marital problems, unless a severe life threatening situation is documented.

(b) To attend court hearings to resolve financial problems.

(c) To assist in harvesting crops or participate in managing business firms.

(d) Psychoneurosis based on family separation unless the attending physician believes that a severe psychotic episode is indicated and the member's return might prevent institutionalization.

(e) To settle the estate of a deceased relative.

(f) Situations involving a grandparent (not in loco parentis), aunt, uncle, cousin, niece, or nephew (when not the only living blood relative) or for a friend, or fiancée.

c. *Special Leave Accrual*. Special leave is authorized to those military personnel deployed away from home station in support of a military operation for a continuous period of at least 120 days in an area in which the Soldier is entitled to imminent danger or hostile fire pay which prevents them from using their leave and maintaining no more than 60 days at the end of a fiscal year with a maximum of no more than 90 days. Instructions on how to request special leave is found in AR 600-8-10, Section III.

d. *Permissive TDY (PTDY*). PTDY is a no chargeable absence from duty granted at no expense to the Government to perform a semi-official activity that benefits the service and the Soldier. PTDY may be granted for the following:

(1) Career management to discuss career management and review personnel records (maximum absence authorized is 4 days).

(2) State jury service or be a witness at state criminal investigation proceedings or criminal prosecution (See AR 600-8-10, Section XVI, 5-32b).

(3) To attend civilian education programs (See AR 600-8-10, Section XVI, 5-32c).

(4) To attend meetings of associations, leagues, or councils formed by a DoD credit union provided that the Board of Directors requests the Soldier's presence.

(5) To participate in other official or semi-official programs of the Army (See AR 600-8-10, Section XVI, 5-32e).

(6) For house hunting (incident to a PCS move CONUS or OCONUS). The PTDY may not exceed 20 days CONUS or 30 days OCONUS (only one home of record/domicile).

(7) To attend meetings (scientific, professional, or technical) (See AR 600-8-10, Section XVI, 5-32g).

(8) To complete the naturalization process (See AR 600-8-10, Section XVI, 5-32h).

(9) To Soldiers stationed in CONUS to accompany a dependent patient to a designated medical facility as a non-medical attendant or to join a dependent patient when the Soldier's presence is deemed essential by a physician/hospital commander (See AR 600-8-10, Section XVI, 5-32i).

(10) To attend certain professional instruction courses (See AR 600-8-10, Section XVI, 5-32j)

(11) To participate in scouting activities (See AR 600-8-10, Section XVI, 5-32k).

(12) To participate in/provide essential support to participants in sports, recreation, or talent events (See AR 600-8-10, Section XVI, 5-32l).

(13) To accompany a dependent patient to a designated medical facility where the Soldier's presence is essential.

e. *Convalescent Leave*. Unit commanders may grant up to 30 days when Soldiers return to duty after illness or injury (up to 42 days after the birth of a child). The hospital commander is the approval authority (when hospitalized) if more than 30 days (or more than 42 if after the birth of a child). For AGRs and Soldiers on ADSO for more than 30 days, the Approval Authority is Chief Surgeon, NGB (NGB-ARS). A commander may require a Soldier to return to duty prior to the end of convalescent leave if the unit mission is required (paragraph 5-7).

4. General Information.

a. Soldiers are often erroneously charged for leave. Lack of knowledge or improper training by Battalion S1 personnel is often the cause.

b. Soldiers will be charged leave for actual days taken. If a Soldier works on the departure or return day for the majority of the normal working hours (more than one-half of the normally scheduled working hours), then that day is not charged as leave. An entry must be made in the remarks section of the DA Form 31.

c. If the Soldier returns on a non-duty day, the preceding day is the last day of chargeable leave. Soldiers engaged in shift work normally have other non-duty days. Example: A Soldier returns on Tuesday (Tuesday is his regularly scheduled non-duty day). The preceding day (Monday) is the last day of chargeable leave.

d. Definitions of leave:

(1) *Accrued leave.* This is leave that a Soldier has earned and accumulated at a rate of 2.5 days per month. Leave in excess of 60 days at the end of the fiscal year will be lost unless authorized by AR 600-8-10, paragraph 3-3.

(2) *Advanced leave.* This is leave granted to Soldiers with little or no leave balance. Basically, it's a loan of leave based on what a Soldier expects to earn during his/her current term of service.

(3) *Excess leave*. This is leave without pay, allowances, or leave accrual. It is granted only upon the Soldier's request, except as outlined in AR 600-8-10, paragraph 5-15. A Soldier on excess leave who incurs a physical disability is not entitled to physical disability pay.

e. *Passes*. Regular and special passes. Passes are issued on the basis of days instead of the number of hours to be taken. The restriction on the number of hours for passes no longer applies.

(1) *Three-Day Pass*. A three-day pass starts at the end of normal duty hours and terminates at the start of normal duty hours on the 4th day.

(a) Three-day Regular Pass. A three-day regular pass includes a holiday. A Soldier may depart on a three-day pass on Friday evening after duty hours and return in time for normal duty hours Tuesday morning.

(2) Three-day Special Pass. A Soldier may depart on a three-day pass on Monday evening after work and return in time for duty Friday morning.

(3) *Four-Day Pass*. A four-day pass starts at the end of normal duty hours and terminates at the start of normal duty hours on the 5th day.

(a) *Four-day Regular Pass*. A four-day pass must include at least two consecutive non-duty days. For example, a Soldier may depart on a four-day pass on Friday evening after duty hours and must return in time for the start of normal duty hours on Wednesday morning.

(b) *Four-day Special Pass*. A Soldier may depart on a 4-day special pass on Wednesday evening after duty hours and must return in time for normal duty hours on Monday morning.

5. **Commander's Responsibilities**.

a. Encourage all Soldiers to use their authorized leave to the maximum extent possible. Leave is beneficial to health, morale, and motivation and helps maintain efficient performance of military duties.

b. Commanders will ensure compliance with existing policies and procedures.

c. Commanders will encourage and assist Soldiers to use their entire 30 days leave each year.

d. Counsel Soldiers who refuse to take leave when the opportunity is afforded them on the command annual leave program.

e. Ensure Soldiers are charged leave only for days taken.

f. Ensure voiding, reconstruction, or correction of DA Form 31 is done properly and when required.

g. Process and verify changes affecting leave such as, sick-in-hospital or sick-in-quarters.

h. Process and be thoroughly familiar with advanced and excess leave policies. Ensure Soldiers understand the standards of each program.

i. Process emergency leave requests as quickly as possible. Be familiar with briefing requirements and travel authorizations afforded to Soldiers. This applies to Soldiers whose home of record (HOR) is overseas and to Soldiers stationed overseas traveling to stateside HOR. Remind Soldiers *that emergency leave is chargeable leave*.

j. Process request for leave in conjunction with Permanent Change of Station (PCS) or Temporary Duty (TDY). Do not grant extension requests to Soldiers who have PCS'd from your organization.

k. Process requests for leave or travel outside of the United States. Ensure Soldier is briefed on his responsibilities according to AR 600-8-10, Chapter 8.

l. Process requests for convalescent leave. Ensure supporting recommendation has been received from a physician. AR 600-8-10, Chapter 5, provides detailed guidance on medically related absences.

m. Process requests for pass. *Soldiers are not authorized leave in conjunction with a special pass.*

n. Ensure requests for permissive TDY are appropriate and authorized.

o. Denial of permissive TDY must be entered on DA Form 31.

Line of Duty Determinations (LODs)

1. Reference: AR 600-8-4, *Line of Duty Policies, Procedures and Investigations*.

2. SME: MEDCOM, G-1.

3. Department of the Army Policy. Line of duty determinations are essential for protecting the interest of both the individual concerned and the U.S. Government where service is interrupted by injury, disease, or death. The Line of Duty conducted to determine if misconduct or negligence was involved in a Soldier's disease, injury, or death. A person who becomes a casualty because of his or her intentional misconduct or willful negligence can never be said to be injured, diseased, or deceased in LOD. Such a person stands to lose substantial benefits as a consequence of his or her actions; therefore, it is critical that the decision to categorize injury, disease, or death as not in LOD only be made after following the deliberate, ordered procedures described in the regulation.

4. The purpose of the LOD is to:

   a. Protect Soldier's interest.

   b. Protect Government's interest.

   c. Document conditions for MEB/PEB processing if permanent disability results.

   d. Document "service connection" for VA benefits Incapacitation pay.

   e. Payment of authorized medical/dental bills.

   f. Authorization of civilian and military care.

5. There are two types of LODs: *Formal and Informal*.

   a. Informal LOD Required When:

(1) Injury/Disease where there is no misconduct or willful negligence. Any injury/illness requiring care AFTER the end of training period (to pay for civilian medical bills).

(2) All cases of injury, except injuries/disease of no lasting significance (e.g., simple lacerations, abrasions, mild heat injuries, bloody nose, ear aches, and uncomplicated headaches).

(3) LOD presumed "YES" without a formal investigation when there is no apparent misconduct or willful negligence (except for diseases under strange or doubtful circumstances).

(4) Informal LODs are completed for, joint injuries (hip, knee, shoulder, ankle, wrist), strains and sprains (neck, back, knee), and allergic reaction (bee sting, poison ivy, tick bite, immunizations).

b. Formal LOD Required When:

(1) Injury/Death or Disease under strange or doubtful circumstances.

(2) Injury/Death or Disease Due to misconduct or willful negligence.

(3) Injury/Death involving abuse of alcohol or other.

(4) Self-Inflicting injuries or possible suicide.

(5) Injury/Death while AWOL.

(6) Injury/Death while en route to final acceptance in the Army.

(7) Death of an ARNG Soldier while participating in authorized training/duty.

(8) Injury/Death of an ARNG Soldier while traveling to/from authorized training/duty.

(9) ARNG on active duty 30 days or less disabled due to disease.

(10) In connection with an appeal of an unfavorable determination of abuse of alcohol or other drugs.

(11) Illness, Disease or Injury that Existed Prior to Service (EPTS) (see Chapter 4, AR 6008-4).

(12) EPTS is any period between military pay/duty statuses. Includes medical conditions such as peptic ulcer disease, kidney stones, asthma, hypertension, diabetes, diverticulitis, cysts, leukemia and other cancers.

(13) When required or directed for other cases.

6. **LOD Responsibilities for Commanders**.

a. Ensure Soldiers understand their responsibility to report injuries, illness, or disease promptly.

b. Ensure higher headquarters & Case Manager is notified of the incident within 48 hours.

c. Ensure Soldiers understand the importance of the LOD process.

d. At the final formation of each training day, ask all members about unreported injuries, etc, and initiate an LOD if necessary.

e. Ensure entries are made on the Unit Training Record (DA Form 1379) for all injuries, illnesses or diseases (IIDs) which occurred or were aggravated during the training period.

f. Monitor and follow through to ensure timely disposition of each case.

7. **Unit Administrator Responsibilities**.

a. Complete LOD training.

b. Request LOD Module access (www.mods.army.mil and select the LOD module).

c. Complete HIPPA Compliancy requirements (contact the Health System Specialist or PDHRA coordinator).

d. Ensure all LOD packets are complete and accurate before entering in LOD Module.

e. Monitor LOD Module to ensure timely disposition of each case by referring to AR 600-8-4 Table 3-1, 3-2.

f. Monitor INCAP submissions.

g. Contact the Health Systems Office for special case handling.

8. **Investigating Officer (IO) Requirements**.

a. Investigating Officer (IO) is appointed for formal LODs.

b. Commissioned Officer or Warrant Officer.

c. Senior to Soldier being investigated.

d. Junior officers and Warrant officers must be supervised.

9. **IO Provides**.

a. Facts of who, what, when, where, why, and how in the LOD.

b. Supported evidential exhibits.

c. Legible medical documentation.

d. Hospital narrative summary signed by MD.

e. Discharge summary w/medical diagnosis.

f. Emergency Care and Treatment.

g. Chronological record of Medical Care (SF 600).

h. Consultation Sheet (SF 513).

i. Correct Medical diagnosis or diagnoses.

j. All exhibits.

k. Accident Report, Road Map, Photograph or sketches.

l. Hour of departure/hour of arrival/distance and travel time.

m. Active/Inactive duty orders or training schedule.

n. Medical Report.

o. Statement of witnesses and Soldier utilizing DA Form 2823 all dates, places, persons and events leading up to and connected with Injury, disease, or death.

p. Enough pertinent information and data to enable later review to be made without more information.

q. Copy of orders or training schedule/DA Form 1379.

r. The beginning and ending dates on DD Form 261, item 3 a, b, c, d, and on DA Form 2173, item 23a and b Slip (DD Form 261).

s. Written notification of adverse finding (AR 600-8-1, para 40-8 f(6).

t. Copy of LODI with supporting evidence.

u. Copy of certified mail receipt from notification.

v. A review of Soldier response prior to making a LOD finding.

w. IO LOD finding in item #10 on DD Form 261.

10. *LOD Module*. The Line of Duty (LOD) module provides a web-accessible comprehensive, user-friendly tool for use at Units, JFHQ-S, and National Guard Bureau to administer and manage LOD determinations, incapacitation pay, medical care, and safety programs. Document injuries that occur in the line of duty whether they are consider informal or need formal investigation depending on the details. Improved security is provided by the capability to digitally sign specified data elements using a Common Access Card (CAC) provided through the Army CAC/PKI program and government purchased digital signature software. The LOD

Module (Electronic Medical Management Processing System) website is: https://medchart.ngb.army.mil/lod/.

11. LOD Module Access Requirements.

a. KSARNG Network access.

b. AKO/CAC Log in access.

c. Must be a member of the LOD Chain of Command.

d. HIPAA Certification on file (completed *annually* during birth month). Training can be completed at the Military Health System website: https://mhslearn.csd.disa.mil/ilearn/en/learner/mhs/portal/mhsstaff.jsp.

e. Complete LOD Training.

(1) Thru KSARNG.

(2) At PEC, Camp Robinson, AR. PEC Training Courses. LOD/INCAP Training Incorporated into:

(a) Readiness NCO Course.

(b) HR Management Specialist.

(c) ARNG S-1 Course.

(d) OIC Course.

12. Informal LOD Checklist. This is a guide for what documentation to load into the LOD Online Module (https://medchart.ngb.army.mil/lod):

a. Complete Original DA Form 2173, Statement of Medical Examination and Duty Status.

b. All Medical Treatment Documents that pertain to this incident (Military and/or Civilian) to include x-ray report(s) or lab results (do NOT send actual films or CDs).

c. Witness Statement(s) (DA Form 2823) (if no witnesses, must have memo explaining why).

d. Soldier's Statement (DA Form 2823).

e. Soldier's Statement of Rights.

f. Soldier Briefing – INCAP-LOD.

g. Attendance (1379), AT Orders, ADSW Orders, AGR Orders, or Title 10 Orders.

h. Authorization For Disclosure of Medical or Dental Information (DD Form 2870).

13. Formal LOD Checklist.

a. DD Form 261 (Report of Investigation of Line of Duty and Misconduct Status).

b. Investigating Officer Appointment Memorandum.

c. DA Form 2173 (Statement of Medical Examination and Duty Status).

d. Soldier's Rights Warning Statement.

e. Soldier's Statement (DA Form 2823).

f. Witness Statement (DA Form 2823).

g. Medical Documentation (Civilian and Military). Include the emergency room report, admission history and physical report, procedure/operation reports, radiology and laboratory test reports, discharge narrative summary, physical therapy evaluation/ treatment reports, and all follow up care reports.

h. Copy of last two periodic physicals (SF 88, SF 93, or DA 2807, 2808) prior to date of injury, illness, or disease.

i. Copy of last two annual medical certificates prior to date of injury, illness, or disease.

j. Copy of last five army physical fitness test reports and copies of all profiles (DA Form 3349).

k. Copy of AGR, AT ADSW orders or Inactive Duty Training Schedule.

l. Police reports and applicable code sheet: if alcohol involved, provide a copy of the blood alcohol test results (motor vehicle accidents).

m. Photographs, strip maps or sketches.

n. Copy of adverse notification letter with signed certified return receipt (only for "Not In Line of Duty" findings).

o. Previous military injury. Include completed LOD (Admin, informal/ formal) and all supporting medical documentation.

p. Previous civilian injury. Include civilian medical records.

q. Formal death cases. Submit original and two copies (include death certificate and autopsy report).

r. Psychological autopsy report (Suicide death cases).

s. State Surgeon review/ opinion.

t. State legal review.

Medical Boards

1. References:

a. AR 40-3, *Medical, Dental, and Veterinary Care*, 22 February 2008(*RAR 003, 03/12/2010).

b. AR 40-501, *Standards of Medical Fitness*, 14 December 2007(*RAR 003, 08/04/2011).

c. AR 600-60, *Physical Performance Evaluation System*, 28 February 2008.

d. AR 635-40, *Physical Evaluation for Retention, Retirement, or Separation*, 8 February 2006.

e. AR 600-8-24, *Officer Transfers and Discharges*, (*RAR 003, 09/13/2011).

f. AR 135-178, *Enlisted Administrative Separations*, (*RAR 002, 09/13/2011).

2. SME: MEDCOM/Surgeon.

3. Department of the Army Policy.

a. It is the objective of the Army to maintain an effective and fit military organization with maximum use of available manpower.

b. The medical board process provides benefits for eligible Soldiers whose military service is terminated because of a service-related disability and provides prompt disability processing while ensuring that the rights and interests of the Government and the Soldier are protected.

4. General Information.

a. The MOS/Medical Review Board (MMRB) is an administrative board charged with the responsibility of evaluating a Soldier's ability or inability to physically perform their PMOS or specialty code tasks in a worldwide field environment.

b. All Soldiers receiving a permanent profile 3 or 4 (P3 or P4) must be referred to an MMRB. EXCEPTION: Soldiers with approved retirements, DA/locally imposed bars to re-enlistment, or pending administrative separations are not required to be evaluated. However, if a Soldier has sufficient time in service remaining to be eligible for reassignment, and receives assignment instructions, he/she must be referred to an MMRB.

c. MMRBs are initiated by Medical Command and are coordinated through the State Surgeon's office.

d. Commanders must furnish a commander's evaluation as part of the MMRB packet. The evaluation will address the Soldier's physical capability and impact of profile limitations. It is not the commander's job to state whether the individual is fit or not fit for duty.

e. The MMRB will make one of the following determinations for boarded individuals:

(1) Retain current MOS/specialty code with limitations.

(2) Reclassify or change in specialty.

(3) Place in probationary status pending rehabilitation, not to exceed a six-month period.

(4) Refer to PDES/MEB/PEB or RC Medical Disqualification Process.

f. Soldiers are non-deployable and will not be reassigned under the following situations:

(1) When assignment instructions have been received and the Soldier possessing a "3" or "4" permanent profile has not been evaluated by an MMRB, Soldiers will not proceed on assignment instruction until MMRB results are finalized.

(2) When the MMRB convening authority recommends probationary status, reclassification, or referral to the Army's disability system, the Soldier will remain in a non-deployable status until DA completes final action.

g. Enlisted Soldiers pending MMRB action may not re-enlist. The Soldier, if otherwise eligible, may be voluntarily extended prior to ETS until a final determination is made by the MMRB. If the Soldier is found fit or retained, re-enlistment will not be denied solely because of MMRB processing.

h. Officers pending MMRB action may apply for CVI, VI, or RA status. However, final approval will not be made until the MMRB action has been finalized.

i. The Medical Evaluation Board (MEBD) is a narrative summary documenting a Soldier's medical status and duty limitations.

j. Generally, only those cases that present problematical or controversial aspects and those in which are required by regulation will be referred to the MEBD. Some of the cases that require referral are:

(1) Soldiers with medical conditions or physical defects that are usually progressive in nature and expectations for reasonable recovery cannot be established.

(2) Soldiers whose medical fitness for return to duty is problematical or controversial.

(3) Soldiers with cases involving mental competency.

(4) Soldiers scheduled for separation under AR 635-100 and AR 635-200 when it appears that mental illness, medical condition, or physical defect is the direct cause of unfitness or unsuitability.

(5) Soldiers pending referral to the PEB.

k. Soldiers are non-deployable once they are referred to an MEBD.

l. The PEB is the final step in the medical process. This board is charged with determining the medical fitness of a Soldier, either fit or unfit for duty, and the amount of disability awarded.

m. The PEB basis fitness on the preponderance of the evidence presented. The board evaluates the Soldier's medical prognosis and performance appraisals to determine overall retention.

n. The PEB evaluation of a Soldier's performance encompasses the commander's evaluation, letters from supervisors, NCOER/OERs and personal testimony. Commanders must convey a consistent appraisal of the Soldier's performance and address discrepancies with conflicting information. They must ensure that any physical defects impacting on a Soldier's duty performance are reflected on the Soldier's efficiency report. Worldwide deployability will not serve as the sole basis for a finding of unfitness by the PEB and cannot be addressed in the commander's evaluation.

o. The PEB conducts informal and formal boards.

(1) The informal board is a review of the medical file, without the Soldier in attendance. If the Soldier agrees with the board's findings, the proceedings are finalized. If the Soldier disagrees with the findings, the proceedings are forwarded to the formal board.

(2) The formal board is a review of the medical file, with the Soldier in attendance. The Soldier has the opportunity to present his/her case directly to the board. If the Soldier agrees with the board's finding, the proceedings are finalized. If the Soldier disagrees with the finding, the proceedings are forwarded to the Army Physical Disability Appeal Board (APDAB) for final action.

p. The most time consuming actions within the medical board process are:

(1) The issuance of the permanent profile, due to prolonged temporary medical problems. Typically, a series of necessary appointments are not made concurrently causing time consuming treatment plans.

(2) The MEBD, due to the complications of processing the physician's dictation.

5. **Commander Responsibilities**.

a. Create a working relationship with the attending physician to ensure the needs of the Army and the medical needs of the Soldier are met.

b. Create a working relationship with the Physical Evaluation Board Liaison Officer (PEBLO). The PEBLO tracks all MEBD/PEB actions and suspense.

c. Create a working relationship with the HSS/MMRB representative.

d. Write a useful commander's evaluation that relays the actual daily routine of the Soldier, not to be a disclaimer of what the individual cannot perform. *The commander cannot state if the individual is fit or not fit for duty*.

Medical Readiness (PHA, PDHA)

1. References.

a. AR 40-3, *Medical, Dental and Veterinary Care*, 22 Feb 2008 (RAR 003, 3/12/2010).

b. AR 40-5, *Preventive Medicine*, 25 May 2007.

c. AR 40-66, *Medical Record Administration & Health Care Documentation*, 17 June 2008.

d. AR 40-501, *Standards of Medical Fitness*, 14 December 2007 (RAR 003, 8/4/2011).

e. AR 40-562, *Immunizations and Chemoprophylaxis*, 29 September 2006.

f. AR 220-1, *Army Unit Status Reporting and Force Registration – Consolidated Policies*, 15 April 2010.

g. AR 600-63, *Army Health Promotion*, 7 May 2007.

2. SME: State Surgeon and Deputy State Surgeon in the Office of the State Surgeon (OTSS).

3. Department of the Army Policy. The medical readiness of our Soldiers is critical to success on the battlefield. Maintaining our Human weapon System, similar to mission essential vehicles and equipment on the battlefield, will allow for predictability of personnel resources. Medically ready Soldiers are less likely to be missing from training while at home station and are less likely to be a preventable loss while deployed. Maintaining Soldier and unit medical readiness is the responsibility of every commander and leader in the Army and Army National Guard.

4. Medical Occupational Data System (MODS). The Army system that is designed to track Soldier and unit medical readiness across a spectrum of medical and dental elements. This system is fed by a variety of DoD/Army databases and by your unit to give you the most readily available and complete picture of your Soldiers' and units' Medical Readiness.

5. Medical Readiness Indicators (Fully Medically Ready or FMR). Soldiers and units are coded by medical readiness indicators. These indicators are posted in the Soldier's AKO medical readiness notices on the AKO home page. These include:

a. Dental Exam (annual).

b. Vision Screening Exam (annual).

c. Hearing Exam (annual).

d. Periodic Health Assessment or PHA (annual).

e. Deployment Limitations.

f. Deployment Labs.

g. Immunizations/Pharmacy.

h. Personal Medical Equipment.

i. Medical Warning Tags.

j. Deployment Health Assessments.

Individual Medical Readiness and Fully Medically Ready Classification System

GREEN	Fully Medically Ready	Immunizations current
		Dental Class 1 or 2
		Current med readiness labs
		No deployment limiting condition
		Current Health Assessment
		Medical Equipment Current
AMBER	Partially Medically Ready	Needs immunization
		Needs medical readiness lab
		Needs medical equipment
GRAY	Indeterminate	Health Assessment overdue
		Dental Class 4
RED	Not Medically Ready	Dental Class 3
		Deployment prohibiting condition
		Hospital inpatient or convalescing

6. *Dental Readiness*.

a. RC Soldiers are required to maintain their dental health status in either Class 1 or 2 by regular visits to their dentist (at least annual).

(1) Comprehensive Dental Exam.

(2) Bite wing X-Rays.

(3) Current Panograph (full mouth) X-Ray (no time limit; at the discretion of the dentist)

b. Address dental disease that renders the Soldier a medically non deployable (Dental Class 3 or 4) (e.g. treatment of cavities, gum disease, etc.)

c. M-Day Soldiers utilize personal Dental Insurance or Tricare Dental Program to maintain Dental readiness

d. AGR Soldiers utilize Tricare Prime or Prime Remote in maintaining Dental Readiness

e. Report dental status to the unit utilizing DD Form 2318, DoD AC/RC Forces Dental Examination, completed by their personal dentist

f. A dental team will be present during the Annual PHA event.

7. *Vision Screening*. Every year, all Soldiers will undergo Vision Screening assessment at unit level. This consists of:

a. Vision Screening IAW the Vision Screening Manual available in MEDPROS (under recent MEDPROS updates…Training Manuals).

b. Reading an eye chart at 20 feet, both eyes open, with and without eye prescription (glasses or contacts).

c. Soldiers over the age of 40 must also be tested for near vision.

d. Documenting if a Soldier has one or two pair of corrective lenses and mask inserts.

e. Obtaining a copy of the Soldier's eye prescription for entry into MEDPROS annually or as the prescription changes.

f. Unit conducts screening and reports it to the Office of the State Surgeon (OTSS).

8. *Hearing Conservation*.

a. Current hearing or Audiology screening

b. Annual for high risk occupations and Soldiers with documented H2/H3 hearing

c. Performed during the Periodic Health Assessment.

d. Must be current within one year for Deployment.

e. Soldiers who are newly identified as H2 or H3 (serial profile) on Hearing testing will be referred to an Audiologist for further evaluation.

f. Soldiers with proven H3 serial profile will complete Speech Recognition Interpretation Testing (SPRINT) *before* being referred to a Medical Board or processed for reclassification or separation.

9. *Periodic Health Assessments (PHAs).*

a. Effective 1 October 2008, the Periodic Health Assessment (PHA) replaced the Periodic Physical Examination.

b. PHA is an annual event conducted at the unit by the State Medical Detachment or by a contractor.

c. PHA events will normally include screening or testing for all Medical Readiness indicators as defined above, to include Deployment Lab work (Blood Type, HIV, DNA and G6PD).

d. Soldiers will complete the PHA survey in AKO prior to the scheduled unit PHA event.

e. A credentialed health care provider will complete the PHA survey in MODS during a face-to-face encounter with the Soldier.

f. The provider will update the Soldier's Physical Profile and issue any referrals for further evaluation by the Soldier's Primary Care Provider.

g. Soldiers under 40 will undergo Lipid screening, Fasting Blood Sugar, routine urinalysis, and a Blood Count every 5 years.

h. Soldiers reaching their 40th birthday will undergo an Over-40 Cardiovascular Screening evaluation (males will be screened for Prostate cancer and Colon Cancer) during the PHA event and every 5 years thereafter.

i. Soldiers are required to bring to the PHA event:

(1) Copy of their current eye prescription.

(2) List of current medications (prescription and over the counter).

(3) Female Soldiers must provide a copy of their current GYN exam and the results of their PAP test.

(4) Female Soldiers over the age of 40 must provide a copy of current Mammogram.

j. Any and all medical documentation related to medical treatment that occurred since the last PHA or Physical Exam, especially when the medical condition requires a physical profile (temporary or permanent).

10. *Physical Examinations*.

a. Replaced by the PHA

b. Still conducted at the State Medical Detachments for:

(1) Special Schools (Airborne, SERE, HALO, Free Fall Parachute, Ranger and Special Forces Schools.

(2) Flying Duty Medical Examinations (FDMEs).

(3) Medical Evaluation Board.

c. A physical examination is considered a PHA and will be captured as such in MEDPROS.

11. Immunizations.

a. The Routine Adult (RA) immunizations for Reserve Components for mobilization are:

(1) Tetanus Diphtheria (every 10 yrs).

(2) Hepatitis A series (2 shots at 6 months apart).

(3) Hepatitis B Series (3 shots: day 0, day 30 and day 180).

(4) Annual Influenza.

(5) Medical personnel require annual Tuberculin Tine screening.

b. Other immunizations will be administered based on the unit's ODT mission as outlines in the Travelers Guidance contained in the Centers for Disease Control (CDC) web site.

c. Soldiers, who have received any vaccinations/immunizations, must provide their unit with a copy, which must be forwarded to the OTSS for entry in MEDPROS by the MEDPROS manager. *Any Soldier who states he/she has received a required vaccination and does not have documentation will be administered the vaccine.*

12. *Medically Non-Deployable (Physical Profiling*).

a. All Physical Profiles will be entered into the Medical Non-Deployable (MND) Module in MODS.

b. Temporary and permanent profiles are issued IAW Chapter 7, AR 40-501.

c. Soldiers with medical conditions must provide the unit with a copy of their medical documentation and PCP's duty restrictions.

d. Pregnancy profiling.

(1) All female Soldiers who have been determined to be pregnant MUST notify their commander immediately and provide documentation from their provider.

(2) The unit will forward documentation to the OTSS where a Pregnancy Profile will be issued.

(3) Upon termination of the pregnancy, regardless of the reason, a Post Partum profile (usually 42 days) will be issued based on clinical documentation from the Soldier's provider.

(4) High risk pregnancies and complications surrounding delivery will require special consideration by the profiling officer based on clinical documentation and the recommendations of the treating provider.

(5) Commander and supervisors should become familiar with paragraph 7-9 and 710, AR 40-501.

e. Commanders may request access to the MND module in MODs to view temporary profiles and to complete permanent profiles.

13. Fitness for Duty Evaluations (FFDEs).

a. Whenever a Soldier can no longer perform the duties of his/her position, rank or grade due to a physical limitation, the commander may request a Fitness for Duty Evaluation or FFDE.

b. The APFT is the level of activity that may be expected from the ARNG Soldier in the normal range of duties. Soldiers who continually fail the APFT, should be referred for a FFDE

c. The FFDE can be performed as part of the PHA or the commander may refer the Soldier to be seen at the State Med Det during a Drill weekend.

d. Upon completion of the FFDE, the Soldier will be issued a profile based on the duty limitation(s) and the evaluating provider will issue recommendations:

(1) Return to Duty (RTD).

(2) Temporary profile.

(3) Permanent Profile.

(4) If any serial profile contains a numeric indicator of 3 or 4, the Soldier does not meet retention standards (except Hearing (H3) which has to be evaluated by an Audiologist before recommendations are made).

(5) Only medical conditions that are determined to have occurred in the line of duty will be referred to a MMRB.

(6) Soldiers with medical conditions that fall below retention standards and WERE NOT incurred in the Line of Duty may be offered a Non-Duty Physical Evaluation Board or processed for separation UP of the appropriate regulations (see Separations).

14. *Soldier Readiness Checks and Soldier Readiness Processing (SRC/SRP).*

a. The medical portion of the SRC and SPR is similar to the PHA event in every aspect.

b. SRC/SRP also includes Personnel, Legal, Chaplain, ESGR, and Family Readiness.

c. An SRC looks at the unit medical readiness, correcting deficiencies and collects data to provide the recourses necessary getting Soldiers fit for deployment (e.g., dental treatment of disqualifying dental conditions, etc).

d. An SRP is the final process at Home Station that validates all the Medical Readiness Indicators prior to moving the unit to the mobilization station.

e. Continuous attention to the aforementioned requirements will minimize the time correcting medical and dental deficiencies and ease in identifying Soldier who are not medically fit for deployment.

15. *Medical and Dental Records Management*.

a. All Medical and dental Records are centrally managed and maintained at the Soldier's unit.

b. Soldiers are not allowed to hold on to medical or dental records.

c. AGR Soldiers are allowed to hand carry their Medical/Dental Records. However, they will provide a copy of their Medical/Dental records to the Medical Readiness NCO for mobilization purposes.

d. Medical and dental records are the property of the US Government.

e. The information contained in these records belongs to the Soldier who may request a copy at any time.

f. All Medical and Dental Records will be scanned into the Health Readiness Record (HRR) module in MODS.

g. The Medical/Dental Records manager will make these records available to the commander during PHA events and SRC/SRP.

16. The Medical/Dental Records manager is responsible for entering all medical readiness data into MEDPROS

17. *Deployment Health Assessments*.

a. *Pre Deployment Health Assessment* (PDHA) DD Form 2795.

(1) Available through AKO.

(2) Each Soldier completes the PDHA prior to Mobilization.

(3) PDHA is reviewed as part of the HS SRP.

b. *Post Deployment Health Assessment*, DD Form 2796.

(1) Available through AKO.

(2) Each Soldier completes the PDHA prior to re-deployment to mobilization station.

(3) Post deployment Health Assessment is reviewed by a provider during the reverse SRP at mobilization station and prior to Release from Active Duty.

(4) Commanders and supervisors must ensure that their Soldiers complete this assessment honestly and fully disclose all medical conditions (injuries/illnesses) that occurred from the time they were mobilized.

c. *Post deployment Health Re-Assessment (PDHRA).*

(1) Mandatory event conducted 90-180 days following REFRAD.

(2) Available through AKO.

(3) Completed by each Soldier during the 90-180 day period following REFRAD.

(4) Reviewed by a provider during a unit PDHRA event.

(5) May be done individually in AKO and completed with a telephonic interview with a provider.

(6) This item is tracked by DA and reported to NGB and to TAGs.

(7) The PDHRA must be included as part of the first 90-180 days following REFRAD.

18. **Commander's Responsibilities**.

a. Ensure that all Soldiers under his/her command are briefed annually on what constitutes Medical Readiness.

b. Monitors the unit's MEDPROS data and Medical Readiness.

c. Schedules the unit for an annual PHA event (coordinated with higher HQs).

d. Ensures all Soldiers complete the PHA event (to include Dental, Vision and Hearing Screening) annually.

e. Monitors the units Medical Readiness Indicators and strives to achieve 90% Fully Medical Ready status as set forth by DA.

f. Ensures that Soldiers report changes in medical and dental health.

g. Ensures that medical and dental information provided by Soldiers is forwarded to the MACOM Medical Readiness NCO for capture in MEDPROS.

h. Coordinate with the MRNCO on scheduling Soldiers for FFDE as necessary.

i. Ensures Pregnant Soldiers are properly profiled.

j. Schedules the PDHRA during the 90-180 days post deployment period.

19. **Soldiers' Responsibilities**. Each ARNG Soldier is individually responsible for the maintenance of his or her medical, physical, (dental) and mental fitness. That includes correcting remedial defects, avoiding harmful habits and weight control. The maintenance of good strength and aerobic conditioning is of prime importance to the modern Soldier. The APFT is the level of activity that may be expected from the ARNG Soldier in the normal range of duties.

Mental Health Evaluations (MHEs) of Members of the Armed Forces

1. References.

a. DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces*, October 1, 1997, Certified Current as of 24 November 2003.

b. DOD Instruction 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*, August 28, 1997.

c. DOD Directive 7050.6, *Military Whistle-blower Protection*, 23 July 2007.

d. AR 40-501, *Standards of Medical Fitness*, 14 December 2007 (*RAR 003, 08/04/2011).

2. SME: Medical Detachment, Staff Judge Advocate, Inspector General.

3. Department of the Army Policy.

a. A commanding officer shall consult with a mental healthcare provider (MHCP) through the State Med CMD *before* referring a member for a Mental Health Evaluation (MHE). If available, the Soldier will be evaluated by a Behavioral Health Officer (a psychiatrist, clinical psychologist, or mater's level clinical worker). If found unfit for duty due to a mental health condition, the Soldier may be processed for separation. If a MHCP is not available at the Med CMD, the Soldier may be referred to an Active Component Medical facility for a mental health evaluation.

b. Service members have legal rights against improper referrals for Mental Health Evaluations, as set forth in Pub. L. No. 102-484 (1992), Section 546 (reference (b)), DoDD 6490.1, and DoD Instruction 6490.4 (reference (d)), and additional rights when admitted to a treatment facility for an emergency or involuntary MHE, which must be followed.

c. No person shall refer a member for a mental health evaluation as a reprisal for making or preparing lawful communication to a member of Congress, any appropriate authority in the chain of command of the member, an Inspector General (IG), or a member of a DOD audit, inspection, investigation, or law enforcement organization.

d. No person shall restrict a service member from lawfully communicating with an IG, Attorney, Member of Congress, or others about the service member's referral for mental health evaluation.

e. Violation of c & d annotated above by any person is subject to the UCMJ are punishable as a violation of Article 92, UCMJ, and violation by civilian employees are punishable under regulations governing civilian disciplinary or adverse actions.

f. Nothing in these procedures shall be construed to limit the authority of a commander to refer members for emergency mental health evaluation and/or treatment when circumstances suggest the need for such action.

4. **Commander Responsibilities, Routine Referrals**.

a. Establish a relationship with the Medical Officer (if available), the State Surgeon and the Medical Detachment Staff within the state.

b. Become familiar with the DoD Directive and DoD Instruction on Mental Health Evaluations and AR 40-501, Standards of Fitness.

c. Ensure that members are not referred for mental health evaluations as reprisal for whistle blowing.

d. Only commanders will consult with mental health professionals before referring members for mental health evaluations.

e. Follow the requirements for notification to the member before he/she attends the evaluation. This should be a written memorandum and should be personally signed and presented by the commander to the Soldier *at least one drill period* for a routine referral. The notice shall, *at a minimum*, include the following:

(1) A brief factual description of the behaviors and/or verbal expressions that caused the commander to determine a mental health evaluation is necessary.

(2) The name or names of the mental health professionals with whom the commanding officer has consulted before making the referral. If such consultation is not possible, the notice shall include reasons why.

(3) The date, time and place the MHE is scheduled and the name and rank of the MHCP who will conduct the evaluation.

(4) The positions and telephone numbers of JAG, unit chaplain, and the IG, who can provide assistance to service members who wish to question the referral.

(5) The Soldiers non-waiverable rights as listed in paragraph 1.b of DOD Directive 6490.1.

(6) The name and signature of the commanding officer.

(7) The member's signature attesting to having received the notice described in subparagraphs 1.a. (1) through (5) of DOD Directive 6490.1. If the member refuses to sign the attestation, the commander shall so indicate on the notice.

f. *Only Commanders can refer a Soldier to a Mental Health Evaluation. This cannot be delegated.*

5. **Commanders Responsibilities, Emergency Referrals**.

a. The commander's first priority will be to protect the Soldier and potential victims from harm. The commander will safely convey the Soldier to the nearest MHCP or, if unavailable, to a physician or the senior privileged non-physician provider present as soon as practical.

b. The commander will make every effort to consult an MHCP before referring or sending a Soldier for an emergency MHE. If, due to the nature of the emergency, this is not practical, the commander will forward a memorandum to the MHCP as soon as practical, documenting the circumstances and observations about the Soldier that led to the commander's decision to make the emergency referral.

c. The commander will then prepare a written memorandum for the Soldier and provide it to him/her as soon as practical. The memorandum will include, at a minimum, the same information required above in a routine referral.

d. The commander will initiate a Line of Duty Determination IAW AR 600-8-4, whenever a Soldier is referred to a non-military medical treatment facility for evaluation and treatment.

e. Commanders who adhere to the requirements spelled out in DOD Directive 6490.1 and 6490.4 are less likely to have a complaint filed against them. The bottom line – if in doubt – contact the local Inspector General or Staff Judge Advocate for advice and assistance in conducting a proper MHE referral.

f. *Only Commanders can refer a Soldier to a Mental Health Evaluation. This cannot be delegated.*

Military Uniform Wear and Appearance

1. Reference: AR 670-1, *Wear and Appearance of Army Uniforms and Insignia*, 3 February 2005.

2. SME: Commanders and senior enlisted.

3. General Information.

a. Only uniforms, accessories, and insignia prescribed in this regulation or in the common tables of allowance (CTA), or as approved by HQDA will be worn by personnel in the U.S. Army. Unless specified in AR 670-1, the commander issuing the clothing and equipment will establish wear policies for organizational clothing and equipment. No item governed by this regulation will be altered in any way that changes the basic design or the intended concept of fit as described in TM 10-227 and AR 700-84, including plating, smoothing, or removing detail features of metal items, or otherwise altering the color or appearance.

b. In accordance with Chapter 45, Section 771, Title 10, Unites states Code; no person except a member of the U.S. Army may wear the uniform, or a distinctive part of the uniform of the U.S. Army, unless otherwise authorized by law. Additionally, no person except a member of the U.S. Army may wear a uniform, any part of which is similar to a distinctive part of the U.S. Army uniform. The following uniform items are distinctive and will not be sold to or worn by unauthorized personnel:

(1) All Army headgear, when worn with insignia.

(2) Badges and tabs (identification, marksmanship, combat, and special skill).

(3) Uniform buttons (U.S. Army or Corps of Engineers).

(4) Decorations, service medals, service and training ribbons, and other awards and their appurtenances.

(5) Insignia of any design or color that the Army has adopted.

(6) *Individuals will remove all distinctive items before disposing of unserviceable uniform items*.

c. Wear of *Jewelry*. No jewelry, watch chains, or similar items, to include pens pencils, will appear exposed on uniforms (other than those described in AR 670-1, paragraph 1-14a).

(1) Wrist items. The wearing of a wristwatch, wrist identification bracelet, and a total of two rings (wedding set is considered one ring) with Army uniforms, unless prohibited by the commander for safety or health reasons. Identification bracelets are limited to the following: medical alert bracelets, MIA, POW, KIA (black or silver in color only) bracelets. Soldiers may wear only one item on each wrist. The jewelry list stated here is the only jewelry that may

appear exposed while wearing the uniform. A pen or pencil may appear exposed on the hospital duty, food service, CVC, flight uniforms, and in the pen/pencil slots on the ACU coat. (There are no stipulations on the colors of pens/pencils worn in the slots.)

(2) Body piercing. When on any Army installation or other places under Army control, Soldiers may not attach, affix, or display objects, articles, jewelry, or ornamentation to or through the skin while they are in uniform, in civilian clothes on duty, or in civilian clothes off duty (this includes earrings for male Soldiers). The term skin is not confined to external skin, but includes the tongue, lips, inside the mouth, and other surfaces of the body not readily visible.

(3) Earrings. Female Soldiers are authorized to wear prescribed earrings with the service, dress, and mess uniforms. The earrings may be screw-on, clip-on, or post-type earrings, in gold, silver, white pearl, or diamond. The earrings will not exceed 6mm or ¼ inch in diameter, and they must be unadorned and spherical. When worn, the earrings will fit snugly against the ear. Female Soldiers may wear earrings only as a matched pair, with only one earring per ear lobe. Female Soldiers are not authorized to wear earrings with any Class C (utility) uniform (BDU, hospital duty, food service, physical fitness, field, or organizational). When on duty in civilian attire, female Soldiers must comply with the specifications listed above when wearing earrings. When females are off duty, there are no restrictions on the wear of earrings.

(4) Ankle bracelets, necklaces (other than those described in AR 670-1, paragraph 1-7b), faddish devices, medallions, amulets, and personal talismans or icons are not authorized for wear in any military uniform, or in civilian clothes on duty.

(5) Soldiers are prohibited from wearing wireless Bluetooth devices and non-wireless ear pieces while wearing Army uniforms, except while operating a commercial or military vehicle (to include a motorcycle or bicycle).

d. Wear of *eyeglasses, sunglasses, and contact lens*.

(1) Eyeglasses and sunglasses. Conservative civilian prescription eyeglasses are authorized for wear with all uniforms. Conservative prescription and nonprescription sunglasses are authorized for wear when in a garrison environment, except when in formation and while indoors. Individuals may be authorized to wear sunglasses for medical reasons. Eyeglasses or sunglasses that are trendy, or have lenses or frames with initials, designs, or other adornments are not authorized for wear. Soldiers may not wear lenses with extreme or trendy colors, which include but are not limited to, red, yellow, blue, purple, bright green, or orange. Lens colors must be traditional gray, brown, or dark green shades. Personnel will not wear lenses or frames that are so large or so small that they detract from the appearance of the uniform. Personnel will not attach chains, bands, or ribbons to eyeglasses. Eyeglass restraints are authorized only when required for safety purposes. Personnel will not hang eyeglasses or eyeglass cases on the uniform, and may not let glasses hang from eyeglass restraints down the front of the uniform.

(2) Tinted or colored contact lenses are not authorized for wear with the uniform. The only exception is for opaque lenses that are prescribed medically for eye injuries. Clear lenses that have designs on them that change the contour of the iris are not authorized for wear

with the uniform. Soldiers are authorized to wear ballistic spectacle eye protection issued by the Army.

e. *Tattoos*. Tattoos or brands that are visible in Class A uniform (worn with slacks/trousers) are prohibited.

(1) Extremist tattoos or brands are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, religion, or national origin; or advocate violence or other unlawful means of depriving individual rights under the U.S. Constitution, Federal, or State law.

(2) Indecent tattoos or brands are those that are grossly offensive to modesty, decency, or propriety; shock the moral sense because of their vulgar, filthy, or disgusting nature or tendency to incite lustful thought; or tend reasonably to corrupt morals or incite libidinous thoughts.

(3) Sexist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on gender, but that may not meet the same definition of indecent.

(4) Racist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.

(5) Existing tattoos or brands on the hands that are not extremist, indecent, sexist, or racist, but are visible in the Class A uniform (worn with slacks/trousers) are authorized for current Soldiers only. This grandfather provision does not apply to Soldiers enlisting as the effective date of this regulation.

(6) Soldiers may not cover tattoos or brands in order to comply with the tattoo policy.

(7) **Commander's responsibility**. Commanders will ensure Soldiers understand the tattoo policy. For Soldiers who are not in compliance, *commanders may not order the removal of a tattoo or brand*. However, the commander must counsel Soldiers, and afford them the opportunity to seek medical advice about removal or alteration of the tattoo or brand. If Soldiers are not in compliance with the policy, and refuse to remove or alter the tattoos or brands, commanders will:

(a) Ensure the Soldier has been afforded the opportunity to seek medical advice about removal or alteration.

(b) Counsel the Soldier in writing. The counseling form will state that the Soldier's refusal to remove extremist indecent, sexist, or racist tattoos or brands anywhere on the body, or refusal to remove any type of tattoo or brand visible in the Class A uniform will result in discharge.

f. Hair and fingernail standards and grooming policies.

(1) Hair.

(a) The requirement for hair grooming standards is necessary to maintain uniformity within a military population. Many hairstyles are acceptable, as long as they are neat and conservative. It is not possible to address every acceptable hairstyle, or what constitutes eccentric or conservative grooming. Therefore, it is the responsibility of leaders at all levels to exercise good judgment in the enforcement of Army policy. All Soldiers will comply with the hair, fingernail, and grooming policies while in any military uniform or while in civilian clothes on duty.

(b) Leaders will judge the appropriateness of a particular hairstyle by the appearance of headgear when worn. Headgear will fit snugly and comfortably, without distortion or excessive gaps. Hairstyles that do not allow Soldiers to wear the headgear properly, or that interfere with the proper wear of the protective mask or other protective equipment, are prohibited.

(c) Extreme, eccentric, or trendy haircuts or hairstyles are not authorized. If Soldiers use dyes, tints, or bleaches, they must choose those that result in natural hair colors (this means colors that may be natural to any race or ethnicity of humans, not of a specific race). Colors that detract from a professional military appearance are prohibited. Therefore, Soldiers should avoid using colors that result in an extreme appearance. Applied hair colors that are prohibited include, but are not limited to, purple, blue, pink, green, orange, bright (fire-engine) red, and fluorescent or neon colors. It is the responsibility of leaders to use good judgment in determining if applied colors are acceptable, based upon the overall effect on Soldiers' appearance.

(d) Soldiers who have a texture of hair that does not part naturally may cut a part into the hair. The part will be one straight line, not slanted or curved, and will fall in the areas where the Soldier would normally part the hair. Soldiers will not cut designs into their hair or scalp.

(e) Male haircuts. The hair on top of the head must be neatly groomed. The length and bulk of the hair may not be excessive or present a ragged, unkempt, or extreme appearance. The hair must present a tapered appearance where the outline of the Soldier's hair conforms to the shape of the head, curving inward to the natural termination point at the base of the neck. When the hair is combed it will not fall over the ears or eyebrows or touch the collar, except for the closely cut hair at the back of the neck. Males are not authorized to wear braids, cornrows, or dreadlocks while in uniform or in civilian clothes on duty.

(f) Female haircuts. Females will ensure their hair is neatly groomed, that the length and bulk of the hair are not excessive, and that the hair does not present a ragged, unkempt or extreme appearance. Trendy styles that result in shaved portions of the scalp or designs cut into the hair are prohibited. Females may wear braids and cornrows as long as the braided style is conservative, the braids and cornrows lie snugly on the head. Dreadlocks are prohibited in uniform or in civilian clothes on duty. Hair will not fall over the eyebrows or

extend below the bottom edge of the collar at any time during normal activity or when standing in formation. Long hair that falls naturally below the bottom edge of the collar, to include braids, will be neatly and inconspicuously fastened or pinned, no free-hanging hair is visible. This includes styles worn with the physical fitness uniform/improved physical fitness uniform.

(2) Cosmetics.

(a) Males are prohibited from wearing cosmetics, to include nail polish.

(b) Females are authorized to wear cosmetics with all uniforms, provided they are applied conservatively and in good taste and complement the uniform. Females' cosmetics must be conservative and complement the uniform and their complexion. Eccentric, exaggerated, or trendy cosmetic styles and colors, to include makeup designed to cover tattoos, are inappropriate with the uniform and are prohibited. Permanent makeup, such as eyebrow or eyeliner, is authorized as long as the makeup conforms to the standards outlined above. Females will not wear shades of lipstick and nail polish that distinctly contrast with their complexion, that detract from the uniform, or that are extreme. Some examples of extreme colors include, but are not limited to, purple, gold, blue, black, white, bright (fire-engine) red, khaki, camouflage colors, and fluorescent colors. Soldier will not apply designs to nails or apply two-tone or multi-tone colors to nails.

(3) Fingernails. All personnel will keep fingernails clean and neatly trimmed. Males will keep nails trimmed so as not to extend beyond the fingertip. Females will not exceed a nail length of ¼ inch, as measured from the tip of the finger. Females will trim nails shorter if the commander determines that the loner length detracts from the military image, presents a safety concern, or interferes with the performance of duties.

g. Wear and appearance of the Army Combat Uniform (ACU).

(1) Branch insignia will only be worn for Chaplains (pin on or black embroidery on the digitized fabric with hook and loop branch insignia).

(2) Embroidered badges will not be worn on the ACU.

(3) The black or foliage green Extended Cold Weather Clothing System (ECWCS) fleece can be worn as an outer garment with the ACU, Battle Dress Uniform, and Desert Battle Dress Uniform, unless otherwise directed by the commander. Soldiers are not authorized to modify the black ECWCS fleece to add hook and loop pads for the Last Nametape, U.S. Army, and rank insignia.

(4) Combat, special skill and identification badges are not authorized to be worn on the ACU in field or in deployed environments.

(5) The following insignias are not authorized to be worn on the ACU: blood types, combat life savers (CLS), medic, allergies, Arabic nametapes, no known drug allergies (NKDA), no known allergies (NKA), and penicillin (PEN), etc.

(6) Black, tan, or green socks are authorized to be worn with the ACU.

(7) Boots with zippers or sneaker-type construction are not authorized to be worn with the ACU.

(8) The sleeve cuffs on the ACU coat are not authorized to be rolled inside the ACU coat. Sleeves will be worn down at all times.

(9) Soldiers will not starch the ACU under any circumstances. The use of starch, sizing, and any process that involves dry-cleaning or a steam press will adversely affect the treatments and durability of the uniform.

(10) Soldiers will not wear the ACU in off-post establishments that primarily sell alcohol. If the off-post establishment sells alcohol and food, Soldiers may not wear the ACU if their activities in the establishment center on drinking alcohol.

Non-judicial Punishment for Minor Offenses

1. References.

a. UCMJ Article 15.

b. Part V, Manual for Courts Martial;

c. AR 27-10, *Military Justice*, 3 October 2011.

d. KCMJ Article 23.

2. SME: Staff Judge Advocate.

3. Introduction.

a. Nature. Non-judicial Punishment is a disciplinary measure more serious than administrative corrective measures, but less serious than trial by court martial. Non-judicial Punishment allows commanders another means of maintaining good order and discipline in the military service.

b. Purpose. Non-judicial Punishment should be considered on an individual basis and is designed to address "minor offenses" as per AR 27-10. Commanders should consider the following: The nature of the offense, the record of the service member, the need for good order and discipline, and the effect of Non-judicial Punishment on the service member's record. Once all of the evidence has been presented, the Commander determines guilt or innocence, and if guilty, imposes appropriate punishment.

c. Commander's discretion. The decision to impose Non-judicial Punishment lies *solely* with the individual commander. No superior may direct a subordinate leader as to the action that subordinate leader should take regarding Non-judicial Punishment in any case.

d. Commander's suspension authority. Commanders may consider suspending all or part of any punishment under Article 15, particularly in case of first offenders or when significant extenuating matters are present. In extenuating circumstances, a Letter of Reprimand ("LOR") or Counseling Statement may be substituted for an Article 15.

4. Authority to Impose Non-judicial Punishment.

a. Non-judicial punishment authority is conferred upon all general, special or summary court-martial convening authorities and upon company, battery and squadron commanders or equivalent as to members of their command. The term "commander" means a commissioned or warrant officer who, by virtue of that officer's grade and assignment, exercises primary command authority over a military organization or prescribed territorial area, that under pertinent official directives, is recognized as a command. AR 27-10, para. 3-7(a)(1).

b. Article 15 authority cannot be delegated.

c. Article 15 authority can be limited by a superior commander totally or partially (e.g., over categories of personnel, offenses, or individual cases).

d. AR 27-10 permits an accused to "consult" with a JAG Officer about the nature of proposed Non-judicial Punishment; however, "consult" does not mean representation of the accused. A Soldier generally has up to 48 hours to decide to accept Non-judicial Punishment. The commander may proceed with Article 15 proceedings immediately, however, if the Soldier does not request the entire 48 hours to respond, as per AR 27-10, para 3-18.

e. The imposing Commander of the Article 15, or a successor in Command in special circumstances, may suspend, mitigate, remit or set aside punishment for appropriate reasons. Any part of a punishment may be suspended for a period of up to six months, after which it is automatically remitted *unless* it has been vacated due to subsequent misconduct within the six month period.

5. Types of Article 15.

a. *Summarized Article 15* (DA Form 2627-1). Appropriate where Soldier is enlisted *and* punishment should not exceed 14 days extra duty, 14 days restriction, oral admonition or reprimand, or any combination thereof. Approved punishments also include reduction in rank, forfeiture, fines or correctional custody.

b. *Formal Article 15* (DA Form 2627). Appropriate if Soldier is an officer, OR Punishment (for any Soldier) might exceed 14 days extra duty, 14 days restriction, oral admonition or reprimand, or any combination thereof. Approved punishments also include reduction in rank, forfeiture, fines or correctional custody.

c. *Unexcused Absence*. Appropriate for enlisted member absent from a unit training assembly, drill or annual training following a first offense in which a warning was documented. The punishment is limited to a reduction or suspended reduction of one grade. The Soldier may not refuse Non-judicial Punishment or demand trial by court-martial but may submit matters in defense, extenuation or mitigation. The Soldier, however, may request a hearing before the commander and may appeal the actual punishment imposed, as per Section 20-12-11, NMSA 1978. See also, Special Limitation on Punishment, as per Section 20-12-11 (B) (3) NMSA 1978, that restricts punishment to a reduction of one grade or a suspended reduction of one grade.

6. Appeals

a. A Soldier has five calendar days to appeal the Non-judicial Punishment to the next superior commander through the commander who imposed the punishment.

b. Options of Superior Commander on appeal: Approve Punishment, Suspend, Mitigate, Remit, or Set Aside, dependent on facts and circumstances.

7. Maximum Punishment (AR 27-10, Table 3-1 w/modifications).

Maximum Punishment	**Imposed by company grade officer**	**Imposed by field grade officers**	**Imposed by field grade and general officers**	**Imposed by general officers or GCMCA**
For enlisted members[1]- Admonition/reprimand	Yes		Yes	
AND Extra duties	14 days		45 days	
AND Restriction	14 days		60 days	
or Correctional Custody[2] (E1 through E3)	7 days		30 days	
or Restricted diet confinement (E1 through E3 attached or embarked on vessel)	3 days		4 days	
AND Reduction (E1 through E4) Reduction (E5 through E6)	One grade		One or more grades One grade in peacetime[4]	
AND Forfeiture[3]	7 days' pay		½ of 1 month's pay for 2 months	
For commissioned officers- Admonition/reprimand	Yes	Yes		Yes
AND Arrest in quarters	No	No	30 days	
Or Restriction	30 days	30 days		60 days
AND Forfeiture	No	No		½ of 1 month's pay for 2 months
Computing monthly authorized forfeitures of pay under UCMJ, Art. 15				
For forfeiture on enlisted persons-	When forfeiture is imposed by major or above-	Use the formula -	(Monthly basic pay [3,6]) divided by 2=the maximum forfeiture per month.	The amount will be rounded to the next lower whole dollar.
For forfeiture on commissioned officers-	When forfeiture is imposed by a captain or below-	Use the formula -	(Monthly basic pay [3,6]) x 7 divided by 30=the maximum forfeiture per month.	The amount will be rounded to the next lower whole dollar.
	When forfeiture is imposed by an officer with general court-martial jurisdiction or by a general officer in command-	Use the formula -	(Monthly basic pay [5]) divided by 2=the maximum authorized forfeiture per month.	The amount will be rounded to the next lower whole dollar.

Notes:
[1] Combinations of extra duties and restriction cannot exceed the maximum allowed for extra duty.

[2] Subject to limitations imposed by superior authority and presence of adequate facilities under AR 190–47. If punishment includes reduction to E–3 or below, reduction must be unsuspended.

[3] Amount of forfeiture is computed at the reduced grade, even if suspended, if reduction is part of the punishment imposed. For Reserve Component (RC) Soldiers, use monthly basic pay for the grade and time in service of an Active Army (AA) Soldier. (See para 21–9.)

[4] § 20-12-9 NMSA. Reductions in grade. In a sentence or approved non-judicial punishment which includes a reduction in enlisted grade or a suspended reduction in enlisted grade, the imposing authority need not have promotion authority to the grade from which the accused is reduced.

[5] In the case of commissioned officers and warrant officers, admonitions and reprimands given as non-judicial punishment must be administered in writing para 5c(1), part V, MCM.

[6] At the time punishment is imposed.

8. EXAMPLE

a. DA Form 2627 (Formal Article 15) - List as a violation of UCMJ and State Military Code as applicable.

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

See Notes on Reverse Before Completing Form

NAME	GRADE	SSN	UNIT	PAY (Basic & Sea/Foreign)
AGER, Robert L.	E4	000-10-0000	D Co, 1/5 Inf, Ft Blank, VA 00000	1,695.60

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: 1/
In that you did, on or about 0600 hours, 21 Sep 05, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Formation, D Co, 1/5 Inf, in front of building 15. This is in violation of Article 86, UCMJ.

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all *(matters of defense)* or why punishment should be very light *(matters of extenuation and mitigation)*. I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. 2/ If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. 1/ In deciding what you want to do you have the right to consult with legal counsel located at Room 7, Building 10, Fort Blank, VA . You now have 48 hours to decide what you want to do. 4/

DATE / TIME	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
21 Sep 05 / 0800	JAMES A. SMITH, CPT, D Co, 1/5 Inf	James A. Smith

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: *(Initial appropriate blocks, date, and sign)*
a. [ ] I demand trial by court-martial.
b. [RLA] I do not demand trial by court-martial and in the Article 15 proceedings:
(1) I request the hearing be [RLA] Open [ ] Closed. *(2)* A person to speak in my behalf [ ] Is [RLA] Is not requested.
(3) Matters in defense, mitigation, and/or extenuation: [ ] Are not presented [RLA] Will be presented in person [ ] Are attached.

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
23 Sep 05	ROBERT L. AGER, SPC	Robert L. Ager

4. In a(n) [JAS] Open [ ] Closed hearing 3/ all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: 5/ 6/
Reduction to the grade of Private First Class, (E3), suspended, to be automatically remitted if not vacated before 23 Jan 06; and forfeiture of $100.00 pay.

[NOTE: Refer to Para 3-37b(1) prior to completing item 5]

5. ~~[illegible]~~ 2/
6. You are advised of your right to appeal to the _____ within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
23 Sep 05	JAMES A. SMITH, CPT, D Co, 1/5 Inf	James A. Smith

7. *(Initial appropriate block, date, and sign)*
a. [ ] I do not appeal *b.* [RLA] I appeal and do not submit additional matters 8/ 9/ *c.* [ ] I appeal and submit additional matters 8/ 9/

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
23 Sep 05	ROBERT L. AGER, SPC	Robert L. Ager

8. I have considered the appeal and it is my opinion that: The proceedings were conducted in accordance with law and regulation and the punishments imposed were not unjust nor disproportionate to the offense committed.

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE
27 Sep 05	LEWIS H. RANE, MAJ	Lewis H. Rane

9. After consideration of all matters presented in appeal, the appeal is:
[RLA] Denied [ ] Granted as follows: 10/

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
30 SEP 05	LYMAN Z. LIPE, LTC, 1/5 INF	Lyman Z. Lipe

10. I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER
	30 Sep 05	Robert L. Ager

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/
"Paragraph 3-18(f)(1), AR 27-10 complied with."

statement by SFC Jones, dated 22 Sep 05

DA FORM 2627, AUG 84 EDITION OF NOV 82 IS OBSOLETE ORIGINAL

USAPPC V1.00

b. DA Form 2627-1 (Summarized Article 15) – List as a violation of UCMJ and State Military Code as applicable.

SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

See Notes on Reverse Before Completing Form

This form will be used only in cases involving enlisted personnel and then *ONLY* when no punishment *OTHER THAN* oral admonition or reprimand, restriction for 14 days or less, extra duties for 14 days or less, or a combination thereof has been imposed. [1]

NAME	GRADE	SSN	UNIT
HABE, ALFRED H.	E-3	111-11-1111	A Btry, 9/10th FA, 13th Inf Div, Fort Blank, VA 00000

1. On 23 June 2005, the above service member was advised that I was considering imposition of nonjudicial punishment under the provisions of Article 15, UCMJ, Summarized Proceedings, for the following misconduct: [2]

On or about 0900 hours, 21 June 2005, you were absent without authority from A Btry, 9/10th FA, 13th Inf Div, located at Fort Blank, VA and remained so absent until on or about 0800 hours, 22 June 2005, in violation of Article 86, UCMJ.

2. The member was advised that no statement was required, but that any statement made could be used against him or her in the proceeding or in a court-martial. The member was also informed of the right to demand trial by court-martial [3], the right to present matters in defense, extenuation and/or mitigation, that any matters presented would be considered by me before deciding whether to impose punishment, the type or amount of punishment, if imposed, and that no punishment would be imposed unless I was convinced beyond a reasonable doubt that the service member committed the misconduct. The service member was afforded the opportunity to take 24 hours to make a decision regarding these rights. No demand for trial by court-martial was made. After considering all matters presented, the following punishment was imposed: [4]

Oral reprimand and restriction for 14 days.

3. The member was advised of the right to appeal to the Cdr, 9/10th FA, 13th Inf Div within 5 calendar days, that an appeal made after that time could be rejected as untimely, and that the punishment was effective immediately unless otherwise stated above. The member:

[AHH] Elected immediately not to appeal [ ] Requested time to decide whether to appeal and the decision is indicated in item 4, below.[5] [6]

DATE	NAME, GRADE, AND ORGANIZATION OF IMPOSING COMMANDER	SIGNATURE
23 June 2005	RICHARD J. MOAD, CPT, A BTRY, 9/10TH FA, 13TH INF DIV	Richard J. Moad

4. *(Initial appropriate block, date, and sign)*

a. [AHH] I do not appeal b. [ ] I appeal and do not submit matters for consideration [7] c. [ ] I appeal and submit additional matters[7]

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
23 June 2005	ALFRED H. HABE, E-3	Alfred H. Habe

5. After consideration of all matters presented in appeal, the appeal is:

[ ] Denied [ ] Granted as follows: [8]

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE

6. I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER

7. ALLIED DOCUMENTS AND/OR COMMENTS [9] [10] [11]

DA FORM 2627-1, AUG 84 EDITION OF NOV 82 IS OBSOLETE USAPPC V1.00

Nonsupport of Family Members

1. References.

a. AR 608-99, *Family Support, Child Custody, and Paternity*, 29 October 2003.

b. AR 20-1, *Inspector General Activities and Procedures*, 29 November 2010.

2. SME: Staff Judge Advocate, Commanders, and Inspector General.

3. Department of the Army Policy.

a. Financial nonsupport of family members is an official matter of concern. *This is a command issue.*

b. Soldiers are required to manage their personal affairs in a manner that does not bring discredit upon himself or herself or the United States Army and the National Guard. This responsibility includes:

(1) Providing *adequate* support for their family members.

(2) Complying with all court orders.

(3) Maintaining reasonable contact with family members to ensure that their financial needs and welfare do not become official matters of concern for the Army.

(4) Conducting themselves in an honorable manner with regard to parental commitments and responsibilities.

c. Soldiers *must* provide child support and/or alimony under the following circumstances:

(1) Court orders regarding child support, alimony, and paternity.

(2) The financial support provisions of a written support agreement (i.e., separation agreements) in the absence of a court order.

(3) If there is no court order or written agreement, a married Soldier must comply with the minimum support provisions of AR 608-99, paragraph 2-6.

d. Paternity Inquiries. Soldiers will comply with the financial support provisions of court orders arising from paternity. In the absence of a court order identifying a Soldier as the father of a child, a male Soldier has no legal obligation under this regulation to provide financial support to a child alleged to have been born to him and the child's mother out of wedlock. If there is a court order establishing paternity, but not directing financial support, the Soldier will provide support as required by AR 608-99, paragraph 2–6.

e. Punitive provisions regarding financial support. Soldiers will not violate any of the following:

(1) The financial support provision of a court order.

(2) The financial support provision of a written financial support agreement in the absence of a court order.

(3) The financial support requirements of paragraph 2–6 in the absence of a written financial support agreement or a court order containing a financial support provision.

f. A Soldier cannot fall into arrears without violating this regulation. Although the collection of arrearages, due to paragraphs (1) and (2) above may be enforced in court, there is no legal means to collect arrearages based on violations of subparagraph (3) above. Nevertheless, in all cases, Soldiers should be encouraged, but not ordered, to pay arrearages. Additionally, a Soldier who falls into arrears may be punished under the provisions of Article 92 UCMJ for failing to make the support payment required by subparagraph (1), (2), or (3) above at the time that the support obligation was originally due. Punishment in such instances is based on failure to provide financial support when due, not for failure to pay arrearages.

g. Minimum support is defined as an amount of money equal to BAH at the "with dependents rate" for which the Soldier is eligible. However, a Soldier's entitlement or lack of entitlement to such allowances has no relationship to his/her obligation to provide support.

h. A Soldier seeking to make payment by allotment must make payments by alternative means until the allotment takes effect. The following are means to which to pay support:

(1) Cash.

(2) Check.

(3) Money order.

(4) Electronic fund transfer.

(5) Voluntary allotment.

(6) Involuntary allotment.

(7) Garnishment (or wage assignment).

i. Unless otherwise required by a court order or by a written financial support agreement, a financial support payment made in cash, check, or money order will be personally delivered to the individual, not later than the first day of the month following the month to which the financial support payment pertains. Soldiers making cash payments may have to prove that the payment was made and should obtain a receipt or other proof that the payments were made.

j. Unless otherwise required by a court order or by a written financial support agreement, a financial support payment by check or money order, not personally delivered in accordance with paragraph b above, will be deposited in first-class mail with proper postage affixed, addressed to the individual and postmarked not later than the first day of the month following the month to which the financial support payment pertains.

k. As an exception, a Soldier may comply with the financial support requirements of paragraph 2–6 by directly paying non-Government housing expenses on behalf of family members if the family members are residing in non-Government housing. Non-Government housing expenses are limited to—

(1) Rent (including payments to a contractor-managed housing area).

(2) The principal and interest payments due on any outstanding loan secured by a mortgage on the non-Government housing and the real property taxes and property insurance due under an escrow agreement covering the same property.

(3) Essential utilities such as gas, electricity, and water.

(4) Non-Government housing expenses do not include expenses described above for which the Soldier is not legally responsible by reason of contract, lease, or loan agreement. Authorized expenses also do not include whether or the Soldier is legally responsible for their payment.

(5) All other financial support in kind, such as payments made relating to non-Government housing expenses not included in paragraph l., automobile loans and insurance, or charge accounts, made to others on behalf of supported family members requires the written approval of the supported family members in order to be credited as indicated in paragraph k.

4. **Commander Responsibilities**.

a. Inform their Soldiers of the DA policy on support of family members.

b. Establish procedures to ensure compliance with AR 608-99.

c. Process and respond to complaints of nonsupport in accordance with AR 608-99. The company/ battery commander of the unit receiving the inquiry will inform the person making the inquiry within 14 days of its receipt that his or her inquiry has been forwarded.

d. Counsel Soldiers when nonsupport complaints are brought against them.

e. Respond to all official messages and correspondence concerning nonsupport claims.

f. Conduct inquiries into allegations of nonsupport.

g. Take appropriate action against Soldiers that fail to comply with AR 608-99 or lawful orders based on that regulation. Confer with the Staff Judge Advocate if there are any questions concerning "appropriate actions." These actions include, but are not limited to, the following:

(1) Denial of Re-enlistment.

(2) Letter of Reprimand.

(3) Administrative Separation.

(4) Recoup BAQ.

(5) Non-judicial punishment under Article 15, UCMJ.

(6) Court-Martial.

5. **Traditional Soldiers**.

a. Upon activation in a Title 10 status Traditional National Guard Soldiers can be command directed to comply with the minimum support provisions of AR 608-99, paragraph 2-6.

b. The custodial parent of a traditional Soldier's child who is not receiving child support should contact the nearest Office of Child Support Enforcement. If there is no court order or written agreement a temporary order of support should be sought. The Staff Judge Advocate can advise, but not provide representation to, service members and dependants pertaining to non-support of family members.

c. When in an IDT status a commander may direct a Soldier to pay support through involuntary garnishment or allotment when court-ordered support payments are two months behind. Procedures for involuntary garnishment and allotment are found in Title 32, Part 54 and section 584.9.

d. Commanders should review AR 608-99 and consult with Staff Judge Advocate prior to initiating any involuntary garnishment or allotment.

e. Detailed instructions for Inspectors General assisting to ensure that commander's actions meet the standard of AR 608-99 can be found in The Assistance and Investigations Guide I-3-13 through I-3-22.

Official Use of Government Vehicles

1. References:

a. AR 58-1, *Management, Acquisition, and Use of Motor Vehicles*, 10 August 2004.

b. DoD 5500-7-R, Joint Ethics Regulation

2. SME: G-4 and SJA.

3. Purpose. To summarize guidelines on the use of government transportation for official purposes.

4. Legal Foundations. Military personnel who willfully use or authorize the use of any U.S. Government-owned or -leased passenger motor vehicle (except for official purposes as authorized by 31 U.S.C. Section 1344) may be disciplined under provisions of the Uniform Code of Military Justice or other administrative procedures deemed appropriate.

a. Questions of official use must be resolved in favor of strict compliance with statute and regulation.

b. Determination of whether a specific use is for official purposes must include consideration of all pertinent factors, including whether the transportation is:

(1) Essential to successful completion of a DOD function, activity, or operation.

(2) Consistent with the purpose for which the vehicle was acquired.

c. Specific guidance includes the following:

(1) Official motor vehicle transportation requirements do not include: transportation to private social functions; personal errands or side trips for unofficial purposes; transportation of dependents or visitors without an accompanying official; or in support of non-DOD activities unless specifically approved under the provisions of Army Regulations (AR 58-1 paragraph 2-4b).

(2) Transportation may not be provided for reasons of rank, prestige, or personal convenience (AR 58-1 paragraph 2-4a).

(3) Army vehicles may not be used for transportation between home and work-place except in cases specifically approved by the Secretary of the Army (see AR 58-1, paragraph 4-3).

(4) When a non-tactical government owned vehicle is authorized for use while on TDY, the vehicle may be operated between places where the person's presence is required for official business, or between such places and temporary lodgings. In the absence of regularly scheduled public transportation, or its use is impractical, a vehicle may be operated between

places of business or lodging and eating establishments, drugstores, barber shops, places of worship, and similar places required for the comfort or health of the member, and which foster the continued efficient performance of Army business. Using a government vehicle to travel to or from commercial entertainment facilities (that is professional sports, concerts, and so forth) is not authorized (AR 58-1, paragraph 2-3i (3).

(5) Transportation may be provided to support authorized activities that the commander has determined the failure to provide such service would have an adverse effect on morale of service members, family members and DOD civilians. This service will not be provided to the exclusion of mission needs and it will not be used to generate requirements for additional non-tactical vehicles (see AR 58-1 paragraph 2-3e).

(6) Transportation is authorized for military and civilian personnel officially participating in ceremonies, field demonstrations, and parades directly related to official activities (AR 58-1, paragraph 2-3a (1)).

(7) Transportation may be provided to support DOD family advocacy programs.

(8) It is the operator's responsibility to ensure the vehicle he/she is operating has been dispatched properly by supporting Field Maintenance Shop (FMS), or vehicle manager. Out of state vehicle requests must be preapproved by Surface Maintenance Manager (SMM) or designated representative.

(9) Whenever possible, vehicle operators should use unit tactical vehicles to increase OPTEMPO usage and Class IX funding. Mileage on tactical vehicles produces OPTEMPO funding to KSARNG.

(10) State of Kansas employees must abide by Adjutant General's Department, Vehicle Usage and Travel Reimbursement Policy. State employees are not authorized usage of NTV or GSA vehicles.

5. Adjutant General's Vehicle Usage and Travel Reimbursement Policy.

a. Policy Guidelines.

(1) The Department of Administration, Division of Accounts and Reports, Information Circular No. 04-A-008 states: Effective December 1, 2003, there will no longer be a central motor pool rate, however K.A.R. 1-18-1a provides that if a mode of transportation is available and is less costly than transportation by privately owned conveyance, mileage payments for use of a privately owned vehicle are to be limited to the cost of that other mode of transportation. Therefore, if an employee wants to drive a privately owned vehicle, but a State Rental Vehicle Contract Vendor (Enterprise) vehicle or state agency vehicle is available at a lower cost, the agency can limit the reimbursement to the cost of the State Rental Vehicle Contract Vendor (Enterprise) vehicle or state agency vehicle.

(2) Program Managers are responsible and accountable for ensuring that employees who are required to travel are utilizing the most cost-effective mode of travel. In determining the most cost-effective mode of travel, the program manager shall consider the number of miles traveled, the amount of time involved in obtaining a rental car and individual work assignments and situations. When considering these variables, the most cost-effective mode of travel may not always appear to be the least expensive. The State Comptroller's Office and the Division of Emergency Management's Fiscal Office will review travel requests for accuracy and compliance. Irregularities in travel requests or authorization strategy should be immediately reported to the State Comptroller who may disallow the requested travel method. The options for travel include:

(a) Use of a state agency vehicle.

(b) Use of State Rental Vehicle Contract Vendor (Enterprise) rental vehicle.

(c) Use of privately owned vehicle (POV), employee cannot be required to use a POV.

b. Procedures.

(1) All travel must be approved in advance and in writing. Properly authorized travel protects the employee and the agency. Employee should not commence travel unless they have a fully executed travel authorization in their possession.

(2) If an employee is requesting to take a privately owned vehicle, the Program Manager shall require the employee to use the TAG Private Mileage - Rental Comparison Chart. Employees traveling on low mileage trips are encouraged, but not required, to take a privately owned vehicle. The TAG Private Mileage - Rental Comparison Chart is available on Adjutant General's Department's state server, J:/ Drive. The comparison spreadsheet may also be obtained electronically by contacting the State Comptroller's Office or the Division of Emergency Management (DEM) Fiscal Office. Office personnel will also be available for assistance in completing the comparison. To complete the comparison spreadsheet:

(a) Enter the number of days the travel period will cover. The rates are billed on a 24-hour clock with a one-hour grace period.

(b) The estimated miles per gallon of fuel for State Rental Vehicle Contract Vendor (Enterprise) vehicles are based on the class of vehicle approved for rental. To obtain this information, please refer to the "Estimated MPGs" tab in the spreadsheet. The most economical class of vehicle should be approved based on the needs of the requestor.

(c) Current market rates should be used when entering fuel price in the calculation spreadsheet. When using an agency gas card, the agency is exempt from paying Federal Excise Tax, which is currently $0.184 per gallon. This deduction is already calculated in the results on the TAG Private Mileage - Rental Comparison Chart. Agency gas cards, for use

with State Rental Vehicle Contract Vendor (Enterprise) rental cars, are available and can be checked out from the State Comptroller's Office.

(d) State Rental Vehicle Contract Vendor (Enterprise) daily rental rates are based on the class of vehicle approved for rental. To obtain this information, please refer to the "Enterprise Rental Rates" tab in the spreadsheet. The most economical class of vehicle should be approved based on the needs of the requestor.

(e) The mileage calculations should be based on the usually traveled, most direct route. The approved method of calculating in-state mileage is by using the mileage chart on the Official State Transportation Map available from the Kansas Department of Transportation. Mileage calculations completed on the following web site, will also be accepted: http://www.randmcnally.com. When entering the site, click on the "Get Directions" tab and complete with official station's address and the destination address.

(f) When comparing estimated costs of travel within Kansas, Missouri, Arkansas, Oklahoma, Nebraska, and Iowa, compare the column named "Cost – Enterprise, Unlimited Mileage Contract, 6-State Area Only" to the column named "Cost – Mileage for Privately-Owned Vehicle (POV)". Note: The Rental Comparison Chart does not calculate the additional per mile charges for Enterprise vehicles used outside the 6-State Area or for weekly rates. Please contact the respective Fiscal Office for assistance if these options apply to your planned travel.

(g) When comparing estimated costs of travel for the Limited Mileage rental option, compare the column named "Cost – Enterprise, Limited Mileage Contract, Topeka Locations Only" to the column named "Cost – Mileage for Privately-Owned Vehicle (POV)". This rental option is available only at Topeka locations and is available as a cost-effective mode of travel when it is necessary to rent a vehicle but travel is for a limited distance.

(h) Submission of a "Print Screen" of the final comparison is required when submitting the travel request.

(i) When the travel reimbursement is processed, the final reimbursement calculation may be adjusted upward based on the current market rate of fuel prices at the time of travel.

(3) When traveling to Kansas City International Airport (KCI), an Enterprise rental car can be picked up in Topeka and turned in at the Enterprise location at KCI for just the daily rate, the Drop-off charge has been waived. When returning from KCI, an Enterprise rental car can be picked up at the Enterprise location at KCI and returned to an Enterprise location in Topeka. Again the Drop-off charge has been waived but the return rental is subject to taxes, concession fees, airport access charges and other charges mandated by KCI. Choosing this option increases necessary travel time and may impact on subsistence payments and/or personnel costs. Due to the many factors that affect this mode of travel, any traveler utilizing KCI airport, may use this method but the agency will not require use of this method. If a privately owned vehicle is used, reimbursement will be at the approved rate for the allowed miles.

(4) Reimbursement for KCI parking will be limited to the cost of airport satellite parking. Reimbursement for parking at a higher rate will require a written explanation and the State Comptroller's approval.

(5) Travel reimbursement will be at the state authorized rate, if a state agency or State Rental Vehicle Contract Vendor rental vehicle is unavailable or if the Program Manager determines that using a privately owned vehicle is the most cost-effective mode of travel or the most efficient use of agency resources.

(6) Mileage logs for State Agency or leased vehicles shall be maintained by the employee to record travel on a per trip basis. All original logs and receipts will be submitted to the respective fiscal office. Irregularities in vehicle logs or missing receipts should be immediately reported to the State Comptroller.

(7) State Agency or leased vehicles should not be used for personal use. Allowances are made for employees required to travel away from their official station to obtain lodging, food and minimal other activities.

(8) All statewide contracts for maintenance and replacement tires and batteries remain in effect. Information concerning approved vendors for maintenance service, tires and batteries should be available in the vehicle logbooks. If additional assistance is needed, please contact the State Comptroller's Office. In case of an emergency, an effort should be made to contact the Program Manager or the respective fiscal office for prior approval. If prior approval is not possible, best judgment should be used and proper paperwork submitted as soon as possible.

(9) Any questions concerning the provisions of this policy can be directed to the Adjutant General's Department, State Comptroller, located at 2800 S.W. Topeka Blvd., Topeka, Kansas 66611-1287, (785) 274-1451 or DSN 720-8451.

Physical Fitness Training and Testing

1. Reference.

a. AR 350-1, *Army Training and Leader Development*, 18 December 2009 (*RAR 001, 08/04/2011).

b. AR 600-8-2, *Suspension of Favorable Personnel Actions (FLAGs)*, 23 December 2004.

c. AR 40-501, *Standards of Medical Fitness*, 14 December 2007 (*RAR 003, 08/04/2011).

d. TC 3-22.20, *Army Physical Readiness Training*, 20 August 2010.

2. SME: Command Sergeants Major.

3. Department of the Army Policy.

a. Conditioning for combat readiness is the focus of all physical fitness training. Commanders must design unit programs to take the base level fitness defined by the Army Physical Fitness Test (APFT) and raise it to meet or exceed mission related physical performance requirements.

b. The intent of the APFT is to provide a periodic assessment of a viable physical fitness program. The purpose of APFT is to give Soldiers an incentive to stay in good physical condition and to allow commanders a means of assessing the general fitness levels of their units. The APFT will not form the foundation of unit or individual fitness program.

c. Special fitness programs are described in TC 3-22.20. Special programs are appropriate for Soldiers who have difficulty meeting unit or Army standards. Such programs will not be punitive in nature but they must be designed to build up Soldiers, not tear them down. Special fitness programs may be needed for Soldiers who fail to meet Army APFT standards.

4. General Information.

a. The physical fitness training policy applies Army-wide. It includes all Soldiers, functional branches, units, and operating agencies. Physical fitness training provides a foundation for combat readiness and must be an integral part of every Soldier's life. Unit readiness begins with the physical fitness of Soldiers and the NCOs and officers who lead them.

(1) Commanders or the senior military supervisors will establish physical fitness training programs consistent with TC 3-22.20 and unit missions. Exercise periods will be conducted with sufficient intensity, frequency, and duration to maintain adequate cardio–respiratory endurance, muscular strength and endurance, flexibility, and body composition.

(2) Soldiers must meet the physical fitness standards (as measured during the Army physical fitness test (APFT) set forth in TC 3-22.20 and AR 350-1. Soldiers who are unable to

meet these standards or the mission–related physical fitness standards required of their duty assignment may be subject to administrative action.

b. Personnel in the ARNG will take part in either collective or individual physical fitness training programs year round. For AGRs, units will conduct regularly scheduled (at least three to five times per week) physical fitness training during the unit's normal duty day as determined by the commander. Commanders of ARNG units incorporate mission-focused physical fitness training into appropriate inactive duty training periods.

c. Commanders should consider conducting PT during hot periods of the day prior to deployment to facilitate acclimatization. It takes 8-14 days to acclimate to a hot, humid climate. When conducting PT in hot, humid environments trainers must adjust the intensity to fit the temperature and humidity and apply logical progression and ensure that Soldiers drink enough water. Leaders must ensure this is done without undue risk to Soldiers. During deployments units should plan for PT as mission and conditions permit. Post-deployment units should resume PT as soon as practicable and rational progress back to pre-deployment intensities over a period of 60-90 days.

d. Personnel will be excused from physical fitness training only during periods of temporary or permanent medical limitations established in accordance with AR 40–501.

e. Soldiers age 40 and over will be evaluated for coronary heart disease risk factors as part of their periodic physical examination. The medical procedures for the Cardiovascular Screening Program (CVSP) are outlined in AR 40–501. It is the Soldier's responsibility to ensure that the CVSP is conducted as close to the 40th birthday as possible and as promptly as medical facilities permit. Soldiers age 55 and above have the option of taking the APFT with alternate aerobic activity, Soldiers 55 and over are not to be considered profiled Soldier unless a current profile exists. Soldiers age 60 and above have the option of not taking the APFT; however, must have a personal fitness program approved by a physician and must remain within the Army height weight standards.

f. Commanders may administer the APFT as often as they wish; however, they must specify beforehand when the results are for record. The AGRs will take the APFT at least twice each calendar year. A minimum of 4 months will separate record tests if only 2 record tests are given. The intent is for the AGR Soldiers to take a record APFT every 6 months. Mission requirements often prevent the even spacing of record tests. Therefore, commanders are encouraged to test Soldiers for record as close to the record test window as possible. Traditional IDT Soldiers will take the APFT once per year. A minimum of eight months will separate the tests. Personnel requiring a make-up test are exempt from the eight month rule.

g. All events in a record APFT must be completed in the same day. Units will conduct APFT events in the following order: push-ups, sit-ups, and two-mile run. To be considered a record test, these events must be completed within 2 hours from the start of the push–up event until completion of the 2–mile run or alternate aerobic event (see repetition and time guidelines in TC 3-22.20 and AR 350-1).

h. Soldiers will be weighed when they take the record APFT, or at least once every six months, according to procedures outlined in AR 600-9.

i. As soon as a Soldier has been determined to be pregnant by a physician, that Soldier is exempt from regular unit PT. The Soldier can participate in Special Population PT as long as it does not violate the Soldier's profile. A pregnant Soldier will not take the APFT, whether for record or diagnostic purposes, per AR 40-501. This same regulation outlines postpartum profiles for recovery.

j. Soldiers will *not be flagged* or barred for *failing a diagnostic* APFT.

k. Test OIC/NCOIC and scorekeepers must be vigilant for signs of injury or illness before and during the APFT. Soldiers should also take it upon themselves to inform the OIC/NCOIC of any illness or injury that could or did prevent successful completion of the APFT. When identified, the Soldier's APFT will be stopped and he/she will be immediately referred for medical evaluation. An APFT stopped for this reason becomes an APFT failure and will be counted as such.

l. Soldiers in IET will be tested near the end of the course to qualify for completion of basic training, AIT, and OSUT.

m. Officer and warrant officer candidates in pre-commissioning training and commissioned and warrant officers in initial training courses, such as the officer basic course, will be tested at least once (near the end of their course) and must pass the test to graduate.

n. Record APFT scores will be annotated on a DA Form 705, APFT Scorecard. For Soldiers on a permanent profile or an extended temporary profile (more than 3 months), a record test must include an aerobic event. The only approved aerobic events are the 2–mile run, 800–yard swim, 6.2–mile bike ride (stationary or track), or the 2.5–mile walk. Soldiers on permanent profile or a temporary profile of long duration (more than 3 months) will receive point scores for only those events taken. For example, if a Soldier has a permanent profile for the 2–mile run event and score 70 points in the push–up, 85 points in the sit–up and receives a "GO" for the 2.5–mile walk, he will receive a score of 155 points in the total score column of the DA Form 705 (see FM 21–20 for APFT scoring).

o. *Soldiers who fail a record APFT for the first time or fail to take a record APFT within the required period will be flagged in accordance with AR 600–8–2.* In the event of a record test failure, commanders may allow Soldiers to retake the test as soon as the Soldier and the commander feel the Soldier is ready. Soldiers without a medical profile will be retested no later than 90 days following the initial APFT failure. The RC Soldiers not on active duty and without a medical profile will be tested no later than 180 days following the initial APFT failure.

5. **Commander Responsibilities**.

a. Establish and conduct physical fitness programs consistent with regulations, TAG's Physical Fitness Policy, and the unit's mission.

b. Become familiar with the principles, procedures, and guidelines in TC 3-22.20.

c. Inform the Soldiers prior to testing that the APFT is for record purposes.

d. Establish special programs for Soldiers that fail to meet Army and unit standards.

e. Flag Soldiers that fail their first APFT or fail to take the APFT in the required period.

f. Initiate action (separation or bar-to-re-enlistment) against Soldiers that are repetitive APFT failures.

Profiles

1. References.

a. AR 40-501, *Standards of Medical Fitness*, 14 December 2007 (*RAR 003, 08/04/2011).

b. AR 350-1, *Army Training and Leader Development*, 18 December 2009 (*RAR 001, 08/04/2011).

c. AR 600-60, Physical Performance Evaluation System 28 Feb 2008.

d. TC 3-22.20 Army Physical Readiness Training 20 Aug 2010

2. SME: Medical Command, Surgeon.

3. Department of the Army Policy.

a. Physical profiling is the Army's method of classifying a Soldier's functional ability. Every Soldier has a permanent profile. Soldiers receive their permanent physical profile at the time of enlistment, appointment or induction.

b. Temporary profiles are intended to allow Soldiers to properly recover from illness or injury. Commanders must consult with medical personnel to determine what physical training and duty requirements the profiled Soldier can perform. The intent of a profile is to assist the Soldier in fully returning to duty in the fastest, safest manner possible. *A profile does not constitute a blanket authority to miss PT or avoid normal duty.*

4. General Information - *Permanent Profile*.

a. A physical profile is made up of six factors: physical capacity, upper extremities, lower extremities, hearing and ears, eyes, and psychiatric. The letters P-U-L-H-E-S represents these factors.

b. Each factor is rated on a scale of 1 to 4. These factors represent limits to classification or assignment.

(1) 1 = no limitations.

(2) 2 = possible limitations.

(3) 3 = limitations required.

(4) 4 = drastic limits to military duties.

c. A permanent change to a Soldier's profile must be made by one of the following: physician, dentist, optometrist, podiatrist, or audiologist. Commanders of Army Medical Treatment Facilities (MTF) must designate individuals as profiling officers.

d. Designated profiling officers make changes to a Soldier's profile using DA Form 3349, Physical Profile. The profiling officer indicates duty limitations in block 3. These limitations must be legible, specific, and in lay terms. In blocks 5, 6, 7, and 9 *the profiling officer indicates what physical activities the Soldier can perform.*

e. A physical profile board (PPBD) reviews the decisions of profiling officer for the MTF commander. Once a PPBD rules on a profile, that decision is official. PPBDs review decisions in the following instances:

(1) Permanent change of profile to or from a "3" or "4".

(2) Return to duty after six months of hospitalization.

(3) A profile rating of "2" that requires significant assignment limitations.

(4) The MTF commander directs a review in controversial cases.

(5) Upon request from the unit commander.

f. The commander or profiling officer will refer Soldier's getting a new permanent "3" or "4" profile rating in one or more PULHES factors to a MOS/Medical Retention Board (MMRB) for evaluation. The MMRB determines if a Soldier can perform their duties in a worldwide field environment. The MMRB recommends one of the following to the convening authority:

(1) Retain the Soldier in PMOS or specialty code. The Soldier is returned to duty within the limits of the profile.

(2) Reclassify the Soldier. If the convening authority agrees, U.S. Personnel Command will evaluate the Soldier for reclassification.

(3) Probationary status. The MMRB will re-evaluate the Soldier at the end of the period not to exceed six months.

(4) Referral to the Army's physical disability system. In this instance, the MMRB determined that the Soldier's condition prevents further duty in any MOS or specialty. The Soldier's case is then sent to the Medical Evaluation Board (MEBD). This begins a process that will decide if the Soldier is retained or separated from the service.

5. General Information - *Temporary Profile*.

a. A Soldier should perform his normal duties to the maximum extent permitted by the profile.

b. Physical Fitness Training leaders or Unit Commanders should provide an alternate aerobic activity for Soldiers with profiles that prohibit running. TC 3-22.20, provides alternate aerobic activities.

c. Temporary profiled Soldiers do not take the APFT if their profile prohibits them from participating in any APFT event. Once the profile period ends, the *Soldier is authorized a recovery period twice the length of the profile not to exceed 90 days*, to prepare for an APFT. If a scheduled APFT occurs during the profile period, the Soldier is given a mandatory APFT date. The mandatory APFT will be given to the Soldier on the last day of the recovery period.

d. Soldiers with temporary profiles of three months or more may be administered the alternate APFT. Profiled Soldiers are given three months to prepare for the alternate test. The alternate test is outlined in TC 3-22.20.

e. Profiling of Soldiers is limited to physicians, dentists, podiatrists, audiologists, physical therapists, physician's assistants, nurse midwives, and nurse practitioners.

f. Physicians assistants, nurse midwives, and nurse practitioners may only award temporary profiles for a period of 30 days or less. A physician must confirm profiles longer than 30 days or extensions of profiles beyond 30 days, except for pregnancy.

6. **Commander Responsibilities**.

a. Ensure that all Soldiers are utilized to the fullest extent possible within the limits of their profile.

b. Coordinate with health care personnel to maintain, monitor, and improve the health and physical abilities of assigned personnel.

c. Do not violate a Soldier's profile or require a Soldier to violate his profile.

Promotions - Enlisted

1. Reference: AR 600-8-19, *Enlisted Promotions and Reductions*, 30 April 2010.

2. SME: G1, Command Sergeants Major.

3. Department of the Army Policy. The purpose of the Army's Enlisted Promotion System is to fill authorized enlisted spaces with the best-qualified Soldiers. It provides for career progression and rank that is in line with potential. It precludes promoting the Soldier who is not productive or not best qualified, thus providing an equitable system for all Soldiers.

4. General Information. There are numerous work tasks in the promotion process. These procedures can be found in the current Enlisted Promotion System (EPS) SOP. A thorough knowledge of Time in Service/Time in Grade and other requirements for each grade is necessary for commanders to make informed decisions relevant to their Soldiers. The following TIS/TIG requirements are general in nature:

a. Decentralized Advancements (PV2 SPC). Normal advancements to PV2, PFC and SPC with effective date the first day of eligibility, except for Soldiers flagged of barred from reenlistment, will be executed automatically by Advancement Eligibility Roster. The commander must annotate on the Advancement Eligibility Roster by each name whether "yes" to advance or "no" to deny advancement. When the CDR denies promotion, he or she may promote the Soldier on the next automated Enlisted Advancement Report, provided the Soldier is otherwise qualified. Eligibility is as follows:

Rank	**Requirement**	**Waiver**
PV2	6 months TIS	4 months TIS
PFC	12 months TIS 4 months TIMIG	6 months TIS 2 months TIMIG
SPC	24 months TIG 6 months TIMIG	18 months TIS 3 months TIMIG

(1) A DA Form 4187 will not be prepared for Soldiers who are automatically promoted.

(2) Soldier flagged or barred from reenlistment at the required time for automatic promotion and later recommended, require a DA Form 4187 to be promoted.

(3) Soldiers promoted prior to the automatic promotion date require submission of a DA Form 4187 requesting waiver of TIG/TIS to be promoted.

(4) Promotion to SPC requires MOSQ and availability of vacant E4 position. Position vacancy can be waived.

(5) Authority for promotion to PV2, PFC and SPC are company, troop, battery and separate detachment CDRs (including CDRs of provisional units organized per AR 220-2.) Active Army CDRs will promote Soldiers serving on active duty during IADT.

b. The following are areas in which errors are commonly found:

(1) Counseling/mentoring. Both play an important role in the promotion process. Soldiers must know what is expected of them, told what to strive for, or what areas to improve in order to achieve promotion. Counseling should be directed towards those areas in which the Soldier needs to improve to qualify for the next higher grade.

(2) Soldiers fully qualified for promotion consideration but not recommended must be counseled by their commander and allowed sufficient time to respond. Specific procedures to not recommend Soldiers are found in AR 600-8-19.

(3) Soldiers may be removed from a promotion list through either administrative removal or command initiated removal process, depending upon the reason. Procedures for removing for administrative reasons are found in AR 600-8-19, paragraph 7-43. Procedures for command-initiated removal are found in AR 600-8-19.

(4) Flagging Actions. Soldiers must be in a promotable status to be promoted. Often Soldiers continue to remain flagged after the flagging action has been finalized. Commanders must ensure that flags are removed promptly when finalized.

5. **Commander Responsibilities**.

a. Ensure Battalion S1 personnel complete required administrative actions.

b. Ensure Soldiers not recommended and fully qualified receive counseling.

c. Be thoroughly familiar with regulatory guidance on promotions.

d. Ensure that EPS briefings are conducted at least semi-annually in each unit.

e. Ensure that the EPS packets are submitted to the next higher headquarters in time to meet the suspense dates to the Board authority.

Promotions - Officers

1. References.

a. AR 135-155, *Promotion of Commissioned Officers and Warrant Officers other than General Officers*, 13 July 2004.

b. AR 611-1, *Military Occupational Classification Structure Development and Implementation*, 30 September 1997.

c. NGR 600-100, *Commissioned Officers – Federal Recognition and Related Personnel Actions*, 15 April 1994.

d. NGR 600-101, *Warrant Officers – Federal Recognition and Related Personnel Actions Implementing Draft*, 1 October 1996.

e. ARNG-HRH Policy Memo #12-044, *Rescission of NGB-ARH Policy Memo # 06-068,NGR 600-101Implementing Draft(ARNG-HRH Policy Memo #11-059) and Interim Change to NGR 600-101dated 1October 1996*, 30 May 2012.

2. SME: G1, Officer Personnel.

3. Policy. The Kansas Army National Guard's policy on Officer and Warrant Officer's promotion system is designed to maintain the integrity of the promotion system by providing for fair and equitable advancement of officers and eliminate substandard or marginal officers as early as feasible. Provide a proper promotion flow through the various grades to ensure an energetic, highly motivated Army National Guard corps with a high retention rate of top-quality officers. Promotion criteria will be based on efficiency, time in grade, demonstrated command and staff ability, military and civilian education, and potential for service in the next higher grade. Promotion will not be used as a reward for past performance. In the interim period the following stabilization and career guidance is in effect with regard to ALL officer management. This interim guidance applies to all officers regardless of status (traditional, AGR, deployed, FTNG, ADOS and ADSO).

4. Accession. Soldiers entering Officer Candidate School will be required to have 90 creditable hours towards a Baccalaureate degree. They must have completed college and be awarded a Baccalaureate or equivalent in order to receive their commission.

5. Lieutenants.

a. No Lieutenants will deploy without BOLC (phase I, II, III), as well as having completed a degree.

b. No Lieutenants will attend specialty training (Ranger, Airborne, Air Assault, Pathfinder, etc) without having completed BOLC, OBC and have completed their degree.

c. 2LTs will serve a minimum of 18 months time in grade before being considered for 1LT.

d. 1LTs will serve a minimum of 2 years time in grade before consideration for CPT. Promotion to CPT requires a degree, completion of BOLC and OBC.

e. LTs should attend the Company Pre-Command Course.

f. No officer will serve on ADSO, ADOS or FTNG duty without a degree. Exceptions to policy may be requested through existing policy to the G1 for approval by TAG.

6. Captains.

a. Combat Arms, Combat Support and Combat Service Support branch specialties must command a company. Where there is no O3 level commands (example MSC officers) these officer must command as a MAJ.

b. CPTs must complete the Captains Career Course.

c. The Company Level Pre-Command Course is recommended prior to taking command, but must be completed at the first opportunity after taking command.

d. Captains will serve a minimum of 4 years time in grade before being considered for promotion.

e. CPTs should have company command and primary staff assignments at Battalion or above level prior to being considered for promotion.

7. Majors.

a. Serve as S3, XO, SPO or Flight Operations Officer is required to be considered qualified and competitive for promotion.

b. Completion of ILE is required prior to being considered for promotion to LTC.

c. Majors will serve a minimum of 4 years time in grade before being considered for promotion to LTC.

8. Lieutenant Colonel.

a. Serve as a Battalion Commander or JFHQ Staff Director is required to be considered for eligible for promotion to COL.

b. Enrollment in a Senior Service College and completion of a Master's degree is encouraged.

c. LTCs will serve a minimum of 3 years time in grade prior to being considered for promotion to COL.

9. Promotion Criteria – Warrant Officers

a. Promotion will be based on DA MOS proponent certification, satisfactory completion or constructive credit of appropriate level of military education, time in grade, demonstrated technical and tactical competence and potential for service in the next higher grade as determined by the federal recognition board.

b. Promotion will be accomplished only when an appropriate MTOE or TDA position vacancy exists in the unit.

c. All warrant officers recommended for promotion must be fully qualified under the terms of NGR 600-101. In addition, warrant officers in the grade of CW2 to CW5 must also possess those additional requirements AR 611-112 or other documents which stipulate a requirement to be qualified in an Additional Skill Identifier (ASI), and/or Skill Qualification Identifier (SQI). For promotion from WO1 to CW2, the Warrant Officer need not be ASI or SQI qualified.

d. Warrant officers may be promoted up to the grade of CW4 without regard to the standard of grades limitations shown in TOE/MTOE/TDA/TAADS documents.

e. For promotion to CW5, a warrant officer is required to be assigned to a MTOE/TDA duty position coded as a CW5. The total number of W5 assigned in any state/territory will not exceed the cumulative number authorized within that state/territory.

f. Warrant officer time in grade and military education requirements.

GRADE		Position Vacancy Board Minimum Years In Lower Grade	Mandatory Board Maximum Years in Lower Grade	Minimum Military Education Level
From	To			
WO1	CW2	2	2	WOBC (See note 1)
CW2	CW3	5	6	(See note 1)
CW3	CW4	5	6	SWOT/WOAC (Notes 2 & 3)
CW4	CW5	N/A	(See note 4)	WOSSC (See note 5)

Notes:
[1] WO1 may be selected for promotion, however, WOBC must be completed before promotion unless pre-certified by the WO MOS proponent and WO MOS is awarded (for example, former officers and WOs). For selection to CW3, officers who possess a WO MOS other than 001A (unqualified in a WO MOS), will be considered to have completed the minimum education level.
[2] WOAC (formerly SWOT) was not a mandatory requirement for promotion until 1 January 1994.
[3] There is no RC WOAC for some MOSs. Those MOSs not having a RC WOAC will be identified in the annual selection board memorandum of instructions. When CW3s possessing these MOSs are selected, the officers must complete WOSC before promotion.
[4] Zone of consideration (TIG) is announced annually, subject to the needs of the Army.
[5] WOSSC (formerly MWOTC) is not required for selection, however, the officer must possess a position vacancy coded W5 and be a WOSC graduate before promotion.

10. Federal Recognition Boards (FRBs) Federal Recognition Boards are not administrative boards. It is a three member board and is convened under the provisions of Title 32, United States Code (USC), and National Guard Regulation NGR 600-100 or NGR 600-101, to determine whether Army National Guard officers and warrant officers applying for federal recognition in the grades of colonel and below, meet medical, moral, and professional qualifications to perform the duties of the grade and position for which examined. The federal recognition board will consider the recommendations of Commanders but is not bound by the concurrence or non-concurrence in determining whether or not to promote the officer.

11. **Commander Responsibilities**.

a. Be thoroughly familiar with regulatory guidance on promotions.

b. Eligibility (minimum time in grade) does not mean consideration for promotion.

c. Take a tough and critical stance. Screen promotion packets carefully, as if it were your own packet and promotion at stake. Leadership is tough and demanding – make sure the officer is ready.

d. Look closely at what you’re signing and thereby approving for submission to the board.

e. Make officers submit their complete packet to you for review. Scrutinize and use it as a form of developmental counseling.

Recruit Sustainment Program

1. References.

a. NGR 601-1, *Army National Guard Strength Maintenance Program*, 28 April 2006.

b. NGB Pam 601-2, *The ARNG Recruit Sustainment Program (RSP).*

c. Soldier Empowerment and Readiness (S.E.A.R) Manuals.

d. TRADOC REG 350-6, *Enlisted Initial Entry Training (IET) Policies and Administration*.

e. TRADOC PAM 600-4, *IET Handbook.*

2. SME: R&R

3. General Information.

a. All personnel involved with the RSP share the same goal: To ensure that all Warriors are properly received, integrated, trained, and MOS qualified prior to joining their units as a fully deployable asset. RSP Staff has the responsibility of ensuring Warriors are mentally prepared, administratively correct and physically fit for the rigors of IET.

b. RSP has a responsibility to the Unit Commander to ensure that there is proper information flow related to each individual Warrior that is assigned to that unit and attached to the RSP.

c. Unit Commanders have a responsibility to the Warrior to track individual progress and assign a sponsor during the battle hand off.

d. RSP will work with Unit Readiness to minimize the number of RSP Warriors on NOVAL.

e. MACOMs have a responsibility to the RSP to provide personnel and logistical support.

f. Tools for tracking progress of Warriors in the training pipeline can be accessed through the RCMS Portal (https://minuteman.ngb.army.mil). Below is a listing of applications to request and how:

(1) DSRO (Director's Strength Readiness Overview): View percentage of pipeline loss, total population in the training pipeline, BCT Ship Status, etc…

(2) VULCAN (RSP): View information such as Soldier ship roster, excess IDT, 30 days no pay, and at risk reports

(3) The above applications can be requested through the RCMS (minutemen) website (use your username and password for AKO to log into the website) under Administration (on the left hand side of the page). Click on Request Permission, once you fill out the request you are, on average, granted access within 24 hours.

4. National Guard Policy (Excerpt from NGR 601-1 Chapter 6).

a. Chapt. 6-22. Recruit Sustainment Program. The ARNG Recruit Sustainment Program (RSP) integrates Non Prior Service Soldiers into a viable, productive training program that fosters the "handshake to DMOSQ" Strength Maintenance philosophy and increases the readiness of the ARNG. The program is mandatory and tailored to the specific needs and structure of the state. The RRC owns the RSP and must fully utilize the SEAR Curriculum and the Vulcan database to meet the accreditation standards. The DSRO database provides further visibility on Training Pipeline successes. Each program focuses on developing Soldier skills through both hands-on and classroom instruction to prepare ARNG Soldiers for Basic Combat Training (BCT) and Advanced Individual Training (AIT). Integrated and interactive RRNCOs in the RSP promote lead generation from the RSP Soldiers as well as training of the ARNG recruits in lead prequalification skills.

b. Recruit Sustainment Program Tools:

(1) The RSP Operations Handbook provides states the tools needed to establish, operate, sustain, and strengthen an RSP. The handbook gives leaders the power to minimize Training Pipeline Losses (TPLs), create standardized operating procedures for RSPs, and ensure that RSP recruits excel throughout Initial Entry Training (IET).

(2) The SEAR program is the base academic portion of RSP and provides a structured program where trainees will learn basic information over a number of phases that have been configured to correspond to the phases of BCT. SEAR is a modular program comprised of Solder testimonials, footage from BCT and other multimedia content. The training material provides recruits with a better understanding of their upcoming challenge, reduces fear of the unknown, and highlights moment of truth issues that must be resolved prior to arrival at BCT. SEAR is CD-based with PowerPoint presentations and a comprehensive training outline that can be used with any laptop or desktop computer and a projector. The CDs include the presentations, instructor lesson plans, and student handouts. The ARNG authorizes duplication of SEAR disks to meet local requirements. The lectures are frequently punctuated with discussions, exercises, activities, and video scenarios to keep students engaged and learning. States should augment the SEAR curriculum with recruiting/high-adventure activities, state and unit lineage and other training to further focus the RSP indoctrination process. SEAR consists of five training phases for easy integration into existing RSP programs.

(a) Red Phase: The Soldier's first RSP drill weekend begins with the Red Phase. During Red Phase, Soldiers are in-processed, integrated and provided instruction on Army Values, chain of command, rank structure, saluting, military time, phonetic alphabet, and more. Warriors receive their Battle Book and Challenge Coin during this drill. Red Phase is usually conducted monthly to inculcate new enlistments into the RSP.

(b) White Phase: This phase varies in length but covers the period between the first drill weekend and the final drill weekend before the Soldier ships to BCT. Many topics are covered, generally falling into three main categories: the training community, military history and background, and physical readiness. This phase should be supplemented by personalized state and unit level blocks of instruction.

(c) Blue Phase: This is the final drill before shipping and covers what the Soldier should expect both at Reception Battalion and BCT.

(d) Green Phase: This phase is for Soldiers who enlisted in the Split Training Option (STO) Program and have completed Phase 1 (BCT). Green Phase Warriors may serve as student leaders while they receive additional physical readiness, leadership and BCT refresher training in preparation for Phase 2 (AIT).

(e) Gold Phase/Battle Handoff: The Soldier's first drill after successful completion of IADT is their final weekend at the RSP. Gold Phase teaches Soldiers what to expect at their unit of assignment, as well as what will be expected from them. Most importantly, it provides the Battle Hand-off from the RSP to the Soldier's new unit/sponsor.

c. VULCAN Database. VULCAN is a web-based RSP data management tool that allows the RSP to track and manage Soldiers, schedule and plan drills, manage RSP staff, track training and generate reports. User guides and training are available through the VULCAN website. This database is used by the RRC, RSP personnel, TRADOC Liaisons, IADT managers, MEPS Guidance counselors, and parent units of assignment (UOA).

Reenlistment

1. References.

a. AR 601- 1, *Army National Guard Strength Maintenance Program*, 12 October 2007 (*RAR 002, 09/06/2011)

b. AR 600-8-2, *Suspension of Favorable Personnel Actions (Flags)*, 23 December 2004.

c. AR 635-200, *Active Duty Enlisted Separations*, 6 June 2005 (*RAR 003, 09/06/2011).

d. NGR 600-200, *Enlisted Personnel Management*, July 2009.

e. AR 600-8-2, *Suspension of Favorable Personnel Actions (FLAGS)*, 23 December 2004.

f. AR 600-9, *The Army Weight Control Program*, 27 November 2006.

g. NGB-ARH Policy Memorandum 09-026, *Interim Policy Governing Extension, Immediate Reenlistment, and Bar to Reenlistment/ Immediate Reenlistment/Extension*, 13 August 2009.

2. SME: R&R, CDR's, and G-1.

3. Policy. The Department of the Army, National Guard Bureau (NGB), establishes the policies stated in this regulation. The Adjutants General of each State will develop and implement a Strength Management (SM) program in their States in accordance with this regulation to achieve their assigned end strength mission. (See Paragraph 2-2 and 2-3 for CNGB and State AG responsibilities).

4. Commander's Responsibilities.

a. Develop and implement a comprehensive SM Plan in coordination with the Recruiting and Retention Command (RRC), using NGR 601-1, state regulations and local policies, to achieve established end strength goals. Establish subordinate unit attrition management goals and implement/assign attrition/retention goals in officer evaluation support forms, officer evaluation reports, and non-commissioned officer evaluation reports to ensure accountability of the goals to these leaders.

b. Provide the personnel, administrative equipment, facilities and other resources required to support the RRC and the strength maintenance program.

c. Conduct retention and attrition training using the full spectrum retention tools available through the RRC.

d. Appoint an additional duty Unit Career Counselor to assist in SM-related matters.

e. Ensure that all incoming Soldiers are assigned a sponsor.

f. Ensure that every qualified Soldier is provided counseling on the opportunity for continued service in the ARNG or offered an alternative to separation or discharge.

g. Ensure that interviews and counseling are conducted on time and to standard to uncover and overcome challenges or obstacles to retention and to determine career opportunities for their Soldiers.

h. Ensure that every Soldier is provided the opportunity to compete for position vacancies to enhance personal and professional growth.

i. Ensure that all Soldiers are made aware of available ARNG incentives and benefits and are processed for those for which they are eligible, and that a tracking system is implemented to ensure that their benefits are received.

j. Develop and implement rehabilitative programs for unsatisfactory participants who are qualified for continued service in the ARNG in order to encourage active participation.

k. Ensure that eligible Soldiers who are unable to continue their active participation are afforded the opportunity to transfer to the Inactive National Guard (ING) IAW NGR 614-1.

l. Maintain contact with Inactive National Guard Soldiers for assimilation back into an active status within the unit.

m. Appoint an additional duty Employer Support Representative (ESR) Officer or NCO to handle Employer Support of the Guard and Reserve (ESGR) and Uniformed Services Employment and Reemployment Rights Act (USERRA) matters.

n. Use the Director's Strength Readiness Overview (DSRO) to maintain visibility of the unit's strength readiness posture. The DSRO program allows "pushing" of the data to subordinate commanders to ensure that the data is communicated down the chain of command. The data assists the leaders in identifying loss trends and Soldiers nearing ETS as well as opportunities for career counseling. Subscribe subordinate leaders to the "push" reports. The DSRO program and reports are available at www.arngdsro.com.

o. Maximize the use of Stay Guard Survey Series focused at identifying those influencers affecting Soldiers and family members' decision to continue a career in the Army National Guard.

5. Qualification of a Soldier for Reenlistment.

a. Age (Non-waiverable).

(1) A Soldier must be 18 years of age or older on the date of reenlistment and not more than 55 years old at the new ETS. Soldiers who *will have completed 20 or more years of*

active Federal Service on their 55th birthday may be reenlisted or extended to complete 20 years' active Federal service provided they meet the below listed requirements.

(2) Soldiers who *will not have completed 20 years of active Federal service* on their 55th birthday may be reenlisted or extended to complete 20 years active Federal service provided they meet the below listed requirements:

(a) The Soldier is an enlisted Soldier otherwise qualified for reenlistment, or is an Army commissioned or warrant officer released from active duty;

(b) The Soldier can complete 20 years active Federal service before his or her 60th birthday.

b. Citizenship (Non-waiverable). A Soldier must meet one of the following criteria:

(1) The Soldier is an enlisted Soldier otherwise qualified for reenlistment, or is an Army commissioned or warrant officer released from active duty.

(2) Be a U.S Citizen or be an alien who has been lawfully admitted to the United States for permanent residence.

(3) Be an American Samoan National.

(4) Be a citizen of the Federal States of Micronesia (FSM), the Republic of Palau (ROP). By presidential proclamation and a joint resolution of Congress, these citizens are authorized and have a right to enlist and serve in the U.S. Armed Forces. Soldiers from these islands may reenlist without being required to become U.S. citizens.

c. Trainability (Non-waiverable).

(1) Initial term Soldiers requesting reenlistment must possess and MOS and is extending for the same MOS.

(2) Aptitude areas scores will be used to determine reenlistment eligibility if planning an MOS change.

(3) Initial term Soldiers who did not attain the aptitude score required above may be retested on the Armed Forces Classification Test (AFCT) under AR 611-5 and DA Pam 600-8.

d. Education (Non-waiverable).

(1) Soldiers must possess a GED, high school diploma, to be eligible for reenlistment. Soldiers must also meet all educational requirements of the specific option for which reenlisting.

(2) Special training qualifications may be determined from official transcripts, or by a statement signed by the Soldier certifying that he or she has the specific school training or courses required.

e. Medical and Physical Fitness.

(1) Soldiers must meet the medical retention standards of AR 40-501, Chapter 3, or have been found physically qualified to perform in his or her PMOS, per AR 635-40. Soldiers who have been found qualified for retention by a PEB will not be denied reenlistment under this provision. Soldiers pending MMRB action per AR 600-60 will not be reenlisted until the MMRB action has been finalized; however, they may be extended for the minimum time necessary to complete the MMRB action.

(2) Soldiers must have passed their most recent APFT, within the nine-month period prior to date of reenlistment.

(a) Soldiers with permanent physical profiles, which prevent taking the APFT, are exempt from the requirements of (2) above.

(b) Soldiers with temporary physical profiles which preclude administration of an APFT, but who have passed an APFT within the preceding nine months to the date of awarding the profile, are eligible for reenlistment.

(c) Soldiers with temporary physical profiles who are not qualified for reenlistment under (b) above may be extended for not more than seven months to allow removal of the profile and administration of an APFT.

(d) Soldiers who do not meet the qualifications (2)(a), (b), or (c) above, and are unable to be administered an APFT through no fault of their own, may be granted waivers by the GCMCA or the first general officer in their chain of command.

f. Weight Control. Personnel who exceed the screening table weight at table 3–1, AR 600-9 and the body fat standard for their current age group in paragraph 3–1*c*, AR 600-9 will not be allowed to reenlist or extend their enlistment. For Soldiers who dot meet Height-Weight screening, are counseled, and are entered into a weight control program, the unit commander will initiate a mandatory bar to reenlistment or administrative separation proceeding for Soldiers who do not make satisfactory progress in the AWCP after a 6-month period and for whom no medical reasons exist to cause the overweight condition in accordance with paragraph 3-2*g*, AR 600-9. The commander or supervisor will inform the Soldier in writing that a bar to reenlistment or separation proceedings are being initiated under the following regulations: AR 135–175; AR 135–178; AR 600–8–24, chapters 4 and 5; AR 601–280; AR 635–200, chapters 5 through 15, and 18; NGR 600–5; NGR 600–101; NGR 600–200, chapter 7; or NGR 635–100. These actions will be taken unless a medical reason is found to preclude the loss of weight or there are other good causes to justify additional time in the AWCP. The individual will immediately respond to the separation consideration letter in writing. The commander or supervisor will consider the response and initiate separation action if no adequate explanation is provided, unless the individual submits an application for retirement, if eligible. For Soldiers who are otherwise physically fit and have performed their duties in a satisfactory manner, the commander exercising General Court-martial Convening Authority or the first general officer in the Soldier's

normal chain of command (whichever is in the most direct line to the Soldier) may approve the following exceptions to policy:

(1) Extension of enlistment may be authorized for personnel who meet one of the following criteria:

(a) Individuals who have a temporary medical condition that precludes loss of weight. In such cases, the type of ongoing treatment will be documented; the extension will be for the minimum time necessary to correct the condition and achieve the required weight loss.

(b) Pregnant Soldiers (except those Soldiers who have medical conditions as listed in paragraph 3–2*d*, AR 600-9) who are otherwise fully qualified for reenlistment, including those with approved waivers, but who exceed acceptable standards prescribed in this regulation, will be extended for the minimum period that will allow birth of the child, plus 6 months. A clearance from the doctor that the Soldier is medically fit to participate in a weight control program is required. Authority, which will be cited on DA Form 1695 (Oath of Extension of Enlistment), is AR 601–280, paragraph 3–3. On completion of the period of extension, the Soldier will be reevaluated under paragraph 3–2.

(2) Exceptions to policy allowing reenlistment/extension of enlistment are authorized only in cases where—

(a) Medically documented conditions (para 3–2*d*, AR 600-9) preclude attainment of required standards.

(b) Disability separation is not appropriate.

Relationships between Soldiers of Different Rank

1. References.

a. AR 600-20, *Army Command Policy*, 18 March 2008 (*RAR 004, 08/04/2011).

b. DA PAM 600-35, *Relationships between Soldiers of Different Rank*, 21 February 2000.

c. TAG Policy Letter #19, *Unprofessional Relationships*, 16 November 2005.

2. SME: Commanders and Staff Judge Advocate.

3. Department of the Army Policy. Relationships between Soldiers of different rank are prohibited if they—

a. Compromise, or appear to compromise, the integrity of supervisory authority or the chain of command.

b. Cause actual or perceived partiality or unfairness.

c. Involve, or appear to involve, the improper use of rank or position for personal gain.

d. Are, or are perceived to be, exploitative or coercive in nature.

e. Create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.

4. General Information.

a. Custom acknowledges that leadership and obedience are founded in sincere, deeply held emotional bonds of military tradition. Leaders care for their Soldiers, and Soldiers hold professional military regard for their leaders. Building these emotional ties is a mark of good leadership. Neither leaders nor service members ought to act in ways that undermine or jeopardize these important military relationships.

b. A relationship between two Soldiers having a detrimental effect on the authority of the senior service member has generally been regarded as "fraternization." Fraternization is chargeable as a violation of Article 134, UCMJ. The criminal offense of "fraternization" is different from a violation of the Army's regulatory policy regarding relationships between Soldiers of different rank.

c. Commanders have the responsibility to articulate what is improper personal conduct between military personnel of different ranks. If the commander becomes aware of a relationship that has the potential for creating an appearance of partiality or preferential treatment, counseling the Soldiers concerned is usually the most appropriate initial action. This

also generally holds true for those relationships that involve the appearance of partiality and have had no adverse impact on discipline, authority, or morale.

d. Certain types of personal relationships between officers and enlisted personnel are prohibited. Prohibited relationships include—

(1) On-going business relationships between officers and enlisted personnel. This prohibition does not apply to landlord/tenant relationships or to one-time transactions such as the sale of an automobile or house, but does apply to borrowing or lending money, commercial solicitation, and any other type of on-going financial or business relationship. Business relationships that exist at the time this policy becomes effective, and that were authorized under previously existing rules and regulations, were exempt until March 1, 2000. In the case of Army National Guard or United States Army Reserve personnel, this prohibition does not apply to relationships that exist due to their civilian occupation or employment.

(2) Dating, shared living accommodations other than those directed by operational requirements, and intimate or sexual relationships between officers and enlisted personnel. This prohibition *does not* apply to:

(a) Marriages. When evidence of fraternization between an officer and enlisted member prior to their marriage exists, their marriage does not preclude appropriate command action based on the prior fraternization. Commanders have a wide range of responses available including counseling, reprimand, order to cease, reassignment, administrative action or adverse action. Commanders must carefully consider all of the facts and circumstances in reaching a disposition that is appropriate. Generally, the commander should take the minimum action necessary to ensure that the needs of good order and discipline are satisfied.

(b) Situations in which a relationship that complies with this policy would move into non-compliance due to a change in status of one of the members (for instance, a case where two enlisted members are dating and one is subsequently commissioned or selected as a warrant officer). In relationships where one of the enlisted members has entered into a program intended to result in a change in their status from enlisted to officer, the couple must terminate the relationship permanently or marry within either one year of the actual start date of the program, before the change in status occurs, or within one year of the publication date of this regulation, whichever occurs later.

(c) Personal relationships outside of marriage between members of the National Guard or Army Reserve, when the relationship primarily exists due to civilian acquaintanceships, unless the individuals are on active duty for full-time National Guard duty. Personnel on Active Guard Reserve (AGR) are subject to UCMJ as active duty service members. Their relationship with traditional guardsmen who are not on duty status is still governed by Article 134, UCMJ at all times.

(d) Personal relationships outside of marriage between members of the Regular Army and members of the National Guard or Army Reserve when the relationship

primarily exists due to civilian association and the Reserve component member is not on active duty.

e. Trainee and Soldier relationships. Relationships between permanent party personnel and IET trainees not required by the training mission are prohibited. This prohibition applies to permanent party personnel without regard to the installation of assignment of the permanent party member or trainee.

f. Violations may be punished under Article 92, UCMJ.

5. **Commander Responsibilities**.

a. Commanders will counsel those involved or take other action, as appropriate, if relationships between Soldiers of different rank:

(1) Cause actual or perceived partiality or unfairness.

(2) Involve the improper use of rank or position for personal gain.

(3) Create an actual or clearly predictable adverse impact on discipline, authority, or morale.

b. Commanders will brief all personnel on permanent party - student relationships semiannually.

Reprisals Against Whistleblowers

1. References:

a. AR 20-1, *Inspector General Procedures and Activities*, 29 November 2010 (RAR 3 July 2012).

b. DOD Directive 7050.06, *Military Whistle-blower Protection*, 23 July 2007.

2. SME: IG and SJA.

3. Department of Defense Policy.

a. Members of the Armed Forces shall be free to make a protected communication. A protected communication involves the reporting or disclosing of information in which the military member reasonably believes evidences:

(1) A violation of law or regulation; including a law/regulation prohibiting sexual harassment or unlawful discrimination;

(2) Gross mismanagement;

(3) A gross waste of funds or other resources;

(4) An abuse of authority; or

(5) A substantial and specific danger to public health or safety.

b. No person shall restrict a member of the Armed Forces from making lawful communications to:

(1) Member of Congress;

(2) An Inspector General (IG);

(3) A member of a DoD audit, inspection, investigation, or law enforcement organization;

(4) Any person or organization in the chain of command; or

(5) Any other person designated pursuant to regulations or other established administrative procedures to receive such communications (EO, State Safety Officer, et al).

c. Members of the Armed Forces shall be free from reprisal for making or preparing to make a protected communication.

d. No person may take or threaten to take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any member of the Armed Forces for making or preparing to make a protected communication.

e. The Secretaries of the Military Departments shall issue general regulations making punishable under Article 92, Uniform Code of Military Justice (UCMJ), "Failure to Obey Order of Regulation," any violation of the prohibitions of paragraphs (b) and (d) by persons subject to the UCMJ, Chapter 47 of title 10, United States Code (U.S.C.).

f. The Heads of the DoD Components shall ensure that any violations of the prohibitions of paragraphs (b) and (d) by civilian employees under their respective jurisdictions may constitute the basis of appropriate disciplinary action under regulations governing civilian employees.

g. *No investigation is required when a member or former member of the Armed Forces submits a complaint of reprisal to authorized IG more than 60 days after the date that the member became aware of the personnel action that is the subject of the allegation.* An authorized IG receiving a complaint of reprisal submitted more than 60 days after the member became aware of the personnel action at issue may, nevertheless, consider the complaint based on compelling reasons for the delay in submission or the strength of the evidence submitted.

4. Key Definitions to DoD 7050.06.

a. *Reprisal* is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making or preparing to make a protected disclosure.

b. *Chain of Command*. For the purposes of the DoD directive, chain of command includes not only the succession of commanding officers from a superior to a subordinate through which command is exercised, but also the succession of officers, enlisted members or civilian personnel through whom administrative control is exercised, including supervision and rating of performance.

c. *Member of Congress*. In addition to a Senator or Representative, or a member of a Senator's or Representative's staff or of a congressional committee, includes any Delegate or Resident Commissioner to the Congress.

d. *Personnel action* is defined as any action taken on a member of the Armed Forces that affects, or has the potential to affect, that military member's current position or career. Such actions include a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards, or training; referral for mental health evaluations under DoD Directive 6490.1; and any other significant change in duties or responsibilities inconsistent with the military member's grade.

e. A *Whistleblower* is defined as a member of the Armed Forces who makes or prepares to make a protected communication.

5. **Commander Responsibilities**. Ensure complainants are protected from reprisal or retaliation for filing equal opportunity complaints. Should Soldiers be threatened with such an act, or should an act of reprisal occur, they must report these circumstances to the Inspector General. If the allegation of reprisal is made known to any agency authorized to receive complaints; the agency should refer the complaint to the Inspector General. It is strongly encouraged to simultaneously report such threats or acts of reprisal to the appropriate chain of command.

Rights Warning Procedures

1. References.

a. UCMJ, Article 31 (b). *Compulsory Self-Incrimination Prohibited*.

b. AR 190-30, *Military Police Investigations*, (4-13) 1 November 2005

c. DA Form 3881, Nov 1989 (*Rights Warning Procedure/Waiver Certificate*).

d. DA Form 2823, Nov 2006 (*Sworn Statement*).

2. SME: SJA or Trial Defense Counsel.

3. UCMJ Requirements.

a. No person may compel any person to incriminate himself/herself or to answer any question in which the answer may tend to incriminate him/her.

b. No person subject to the UCMJ shall interrogate, or request any statement from an accused or a person suspected of an offense without first informing him/her of the nature of the accusation and advising him/her that he/she does not have to make any statement regarding the offense of which he/she is accused or suspected, and that any statement made by him/her may be used as evidence against him/her in a trial by court-martial.

c. No person may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him/her.

d. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him/her in a trail by court-martial.

4. DA Form 3881 (Rights Warning Procedure/Waiver Certificate).

a. A rights warning procedure/waiver certificate should be used when possible. Step by step instructions for completing this form are printed on page two of the DA 3881.

b. Commanders should always carry the DA Graphics Training Aid 19-6-6 (June 1991). This wallet size card contains the verbal rights warning to be read verbatim when the DA Form 3881 is not available.

5. Example: Your supply sergeant has been seen unlawfully appropriating government property from the supply room then transporting it to an unknown location.

a. Question: When do you inform the Soldier of his rights?

b. Answer: Commander and other Soldiers are prohibited from interrogating or requesting a statement from a person who is suspected or accused of committing an offense without first providing the suspect/accused with a proper rights warning, especially if criminal wrongdoing or the UCMJ may be implicated.

Serious Incident Reports

1. References:

a. AR 190-45, *Law Enforcement Reporting*, 30 March 2007.

b. NGB Memorandum for Joint Force Headquarters – *Serious Incident Reporting*, 9 March 2006.

c. JFHQ-KS CCIR/ SIR SOP, *Commander's Critical Information Requirements/ Serious Incident Report Reporting Procedures*, 26 June 2012.

2. SME: DOMS, J3.

3. Department of the Army Policy.

a. HQDA is concerned with incidents based on its severity, potential for adverse publicity, potential consequences of the incident, whether or not the incident is reportable under other reporting systems, and the effect of the incident on readiness or the perception of readiness of the U.S. Army.

b. Submission of a Serious Incident Report (SIR) will not be delayed due to incomplete information. Additional required information will be provided in a subsequent add-on report.

4. General Information. All SIRs go through the chain of command to the Kansas Joint Operations Center (JOC). If appropriate, the JOC then directly reports them to the NGB JOC.

a. There are three types of SIR reporting formats:

(1) SIR, original submission.

(2) "Add-on" submitted to provide information not available at the time of the original report or when more pertinent information, such as results of autopsy, identification of subject, and so forth, is developed, or in response to a request for more information from HQDA.

(3) "Correction" submitted at any time to correct an error in a previous report.

b. The following are some of the incidents or events that will be reported. Refer to the aforementioned references for a more comprehensive list and the appropriate category classification:

(1) Accidents or incidents that result in death or critical injuries that could result in death.

(2) Any accident, event, or incidents that could result in adverse publicity.

(3) Serious crimes (aggravated assault; kidnapping; rape; larceny exceeding $10,000; murder or attempted murder).

(4) Lost or stolen weapons.

(5) Environmental accidents.

(6) Suicide or attempted suicide.

c. *KSNG Commander's CCIR's per JFHQ-KS SOP*.

(1) KIA of KSNG member.

(2) WIA of KSNG member.

(3) MIA or deployed or non-deployed KSNG member (disappearance/ kidnapping).

(4) Severe injury of KSNG member regardless of status.

(5) Any Class A or B accident involving KSNG personnel/ equipment. A death is Class A.

(6) Mobilization or Mobilization Alert of KSNG unit(s).

(7) Loss of any sensitive item.

(8) Any change in arming status level of KSNG forces (CONUS).

(9) Any delays in deployment/ redeployment to KSNG that may result in changes to RON locations and orders duration.

(10) Any significant political, economic, military event or disaster (natural or man-made) which might impact Kansas and could result in a request for DSCA support from the KSNG.

(11) Any acts of terrorism or credible or credible indications of imminent acts of terrorism in Kansas, Region, or CONUS.

(12) Any indications of Chemical, Biological, Radiological, Nuclear, or High-yield Explosives (CBRNE) accidents or incidents in Kansas, Mid-west region or significant attacks within CONUS.

(13) Any changes to the Homeland Security Advisory System or Force Protection levels at KSNG facilities, military installations and/or CI sites in Kansas.

(14) Loss of Command and Control communication ability.

(15) Significant changes in KSNG unit(s) mission capability, CONUS or OCONUS.

(16) Loss of any Service Member due to Suicides, Attempted Suicides and/or Suicidal Ideations.

d. SIR response reporting time requirements are:

(1) Category I (Refer to AR 190-45, chapter 8-2 for specific criteria).

(a) Telephone report to KSJOC immediately upon discovery or notification by company, battalion or MSC level.

(b) Written report to KSJOC via email within 6 hours.

(c) JOC submits written report to ARNG watch within 12 Hours.

(2) Category II (Refer to AR 190-45, chapter 8-3 for specific criteria).

(a) Written report submitted to KSJOC via email within 12 hours of discovery or notification at installation level.

(b) JOC submits written report to ARNG watch within 24 Hours.

(3) Category III (Refer to JFHQ-KS CCIR/ SIR SOP, Appendix E for specific criteria).

(a) Written report submitted to KSJOC via email within 12 hours of discovery or notification at installation level.

(b) JOC submits written report to ARNG watch within 24 Hours.

5. **Commander's Responsibilities**.

a. Commanders will ensure that his/her subordinate leaders are aware of the urgency of reporting serious incidents immediately throughout the chain of command.

b. Commanders or his/her subordinates will not delay any SIRs in an attempt to collect more information concerning the incident.

6. Serious Incident Report. SIR Reports are to be submitted to KS JOC, (785) 274-1117, ks-ksjoc@ng.army.mil. A blank SIR form can be found on the GKO portal at: https://states.gkoportal.ng.mil/states/KS/Repository/Blank%20Forms/Forms/template.dotx. The following are the required data fields:

a. CATEGORY: Indicate Category I or II or III.

b. TYPE OF INCIDENT: Indicate type of offense or incident, such as: suicide, murder, or undetermined death." If multiple offenses are involved, list in order of most serious first. Do not add terms such as "suspected" or "alleged" or attempt to couch the incident in favorable terms.

c. DATE/TIME OF INCIDENT: Enter date-time group when the incident occurred using local time. If exact time is unknown, enter "unknown" followed by a window of date-time groups in which the incident might have occurred.

d. LOCATION: Enter specific type of structure, facility, or area and exact address or location where the incident occurred; for example, on-post, off-post, troop barracks, hospital ward, arms room, building number, open field, quarters address.

e. OTHER INFORMATION:

(1) RACIAL: Yes or No.

(2) TRAINEE INVOLVEMENT: Yes or No.

f. PERSONNEL INVOLVED: List data pertaining to subject and victim. If no identified subject and victim exist, state "none". Do not list "U.S. Government" as victim.

g. SUBJECT:

(1) NAME: Last, First, Middle Names of individual.

(2) RANK OR GRADE: For military, enter proper abbreviation of rank; for civilian employee, enter category and grade, that is, "WG6, "GS11, or "GM14"; for other civilians, including family members, enter "civilian").

(3) LAST 4 OF SOCIAL SECURITY NUMBER: Enter last four digits of the individual's SSN.

(4) RACE: Use appropriate terms for AR 680-29, in other words, "white", "black", "American Indian", and so forth.

(5) SEX: Male or Female.

(6) AGE: Self-explanatory.

(7) POSITION: If military, enter duty assignment, if civilian, enter job title; if family member, enter relationship to sponsor, that is "family member-spouse." For other civilians, enter occupation.

(8) SECURITY CLEARANCE: Enter "Top Secret", "Secret", or "Confidential", or "none", as appropriate.

(9) UNIT AND STATION OF ASSIGNMENT: If military, enter the unit designation and address; if civilian employee, enter the organization name and address; if family member, enter the rank and name of service member followed by the home address; if other civilian, enter the home address.

(10) DUTY STATUS: If military, enter “on duty”, “leave” or “absent without leave (AWOL)”, as appropriate; for civilian employees, enter “on duty”, “off duty”, as appropriate. For other civilians, to include family members, enter “NA” (not applicable).

h. VICTIM (If applicable).

(1) NAME: Last, First, Middle Names of individual.

(2) RANK OR GRADE: For military, enter proper abbreviation of rank; for civilian employee, enter category and grade, that is, “WG6, “GS11, or “GM14”; for other civilians, including family members, enter “civilian”).

(3) LAST 4 OF SOCIAL SECURITY NUMBER: Enter last four digits of the individual’s SSN.

(4) RACE: Use appropriate terms for AR 680-29, in other words, “white”, “black”, “American Indian”, and so forth.

(5) SEX: Male or Female.

(6) AGE: Self-explanatory.

(7) POSITION: If military, enter duty assignment, if civilian, enter job title; if family member, enter relationship to sponsor, that is “family member-spouse.” For other civilians, enter occupation.

(8) SECURITY CLEARANCE: Enter “Top Secret”, “Secret”, or “Confidential”, or “none”, as appropriate.

(9) UNIT AND STATION OF ASSIGNMENT: If military, enter the unit designation and address; if civilian employee, enter the organization name and address; if family member, enter the rank and name of service member followed by the home address; if other civilian, enter the home address.

(10) DUTY STATUS: If military, enter “on duty”, “leave” or “absent without leave (AWOL)”, as appropriate; for civilian employees, enter “on duty”, “off duty”, as appropriate. For other civilians, to include family members, enter “NA” (not applicable).

i. SUMMARY OF INCIDENT: Provide a brief, narrative summary of the incident. Tell the who, what, where, why, and how that is basic to law enforcement reporting. Include the

information as estimated dollar loss, medical condition of victims, or disposition of offenders. Avoid jargon and trivial data that is not needed at HQDA level, such as, license numbers and colors of vehicles, or Military Police patrol designations.

j. REMARKS: Provide any additional information that helps explain the incident or comment on any impacts on the installation or actions taken because of the incident. Provide the corresponding military police report number and, if appropriate, the USACIDC report of investigation (ROI) number.

k. PUBLICITY: Note the extent and type of news media coverage anticipated, that is, "national television coverage has occurred", or "Local print media inquiries have been received". This determination is best made by the Comment public affairs office.

l. COMMANDER REPORTING: Enter rank and full name of reporting commander.

m. POINT OF CONTACT: Identify the unit-level representative who has knowledge of the incident and can provide clarification of information, if needed.

n. DOWNGRADING INSTRUCTIONS: Provide downgrading instructions for classified report or removal date of FOUO markings, as appropriate IAW AR 190-45. If there are no specific downgrading instructions, enter "None." (Note: IAW AR 25-55, SIR's will have a minimum classification of 'FOUO.')

(1) Prepared by: Name of individual completing SIR Report.

(2) Reviewed by: Name of individual who reviewed SIR before submission to JOC.

(3) DTG: Enter date and time of submission of report.

Sexual Assault Prevention and Response

1. References.

a. AR 600-20, *Army Command Policy 18 March 2008*, (*RAR 004, 08/04/2011).

b. HQDA EXORD 221-21, *Sexual Harassment/ Assault Response and Prevention Program (SHARP) Synchronization*, 23 June 2012.

2. SME: Sexual Assault Response Coordinator (SARC), Unit Victim Advocate (UVA), Chaplain and Staff Judge Advocate.

3. Department of the Army Policy.

a. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents. Sexual assault is incompatible with Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws.

b. The Army will use training, education, and awareness to minimize sexual assault; to promote the sensitive handling of victims of sexual assault; to offer victim assistance and counseling; to hold those who commit sexual assault offenses accountable; to provide confidential avenues for reporting, and to reinforce a commitment to Army values.

c. The Army will treat all victims of sexual assault with dignity, fairness, and respect.

d. The Army will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

e. This policy applies:

(1) Both on and off post and during duty and non-duty hours.

(2) To working, living, and recreational environments (including both on-and off-post housing).

4. General Information.

a. Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not

given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.

b. Sexual Assault Response Coordinators (SARC) and Unit Victim Advocates (UVA). Because of the sensitivity and complexity of working with sexual assault victims, the deployable SARC and UVA must be carefully selected. These Soldiers are likely to become involved in highly charged, emotionally stressful situations in assisting victims of sexual assault. As a result, all candidates must be properly screened and complete training in responding appropriately to victims of sexual assault. Selection criteria can be found in AR 600-20, paragraph 8-6.

c. Training. The objective of Sexual Assault Prevention and Response training is to eliminate incidences of sexual assault through a comprehensive program that focuses on awareness and prevention, education, victim advocacy, reporting, response, and follow up. There are four categories of training for the Sexual Assault Prevention and Response Program. This includes professional military education (PME) training, unit level training, pre-deployment training, and responder training.

(1) Sexual assault training is conducted for all Soldiers attending the following PME courses: initial entry training, NCOES, officer courses, warrant officer courses, commissioning courses, and drill sergeant and recruiting courses.

(2) All Soldiers will attend and participate in unit level Sexual Assault Prevention and Response training annually. Training will be scenario based, using real life situations to demonstrate the entire cycle of reporting, response, and accountability procedures. Training should be inclusive of audience and group participation. Sexual Assault Prevention and Response Program training is not an extension of sexual harassment training. Trainers should clarify the differences between harassment and assault and identify those dynamics that are unique to sexual assault. Persons conducting training must use formal training packages on the Sexual Assault Prevention and Response Program.

(3) Pre-deployment training will incorporate information on sexual assault prevention and response. As part of pre-deployment training, Soldiers will be presented with information to increase awareness of the customs of the host country and any coalition partners, in an effort to help prevent further sexual assaults outside of CONUS.

(4) Commanders will ensure service members receive sexual assault prevention and response unit refresher training during post-deployment activities.

5. **Unit Commanders Responsibility**.

a. Take immediate steps to ensure the victim's physical safety, emotional security and medical treatment needs are met and that the SARC and appropriate law enforcement/criminal investigative service are notified.

b. Ensure that the victim or his/her representative consent in writing to the release of information to nonofficial parties about the incident, and that the victim's status and privacy are protected by limiting information to "need to know" personnel.

c. Ensure that victims of sexual assault receive sensitive care and support and are not re-victimized as a result of reporting the incident.

d. Collaborate closely with the SARC, legal, medical, and chaplain offices and other service providers to provide timely, coordinated, and appropriate responses to sexual assault issues and concerns.

e. Encourage the victim to get a medical examination no matter when the incident occurred.

f. Report all incidents of sexual assault to CID in accordance with AR 195-1, Army Criminal Investigation Program, or to the proper local civilian authorities.

g. Report sexual assaults to the SARC to ensure victims have access to appropriate assistance and care from the initial time of report to completion of all required treatment.

h. Report all incidents of sexual assault to the office of the Staff Judge Advocate within 24 hours.

i. Notify the chaplain if the victim desires pastoral counseling or assistance.

j. Appoint on orders two UVAs per battalion level and equivalent units. Commanders will select qualified officers (CW2/1LT or higher), NCOs (SSG or higher), or DA civilian (GS-9 or higher) for duty as UVAs. The first colonel in the chain of command may approve appointing only one UVA for battalions whose small population may not warrant two UVAs.

k. Appoint on orders one deployable SARC at each brigade/unit of action level and higher echelon (for example, division, corps, and Army component command). Since installation SARCs are civilians/contractors and do not deploy, the deployable SARC will perform all SARC duties in theater. Commanders will select qualified officers (MAJ/CW3 or higher), NCOs (SFC or higher), or DA civilians (GS-11 or higher) for duty as deployable SARC.

l. Ensure deployable SARCs (brigade and higher) and UVAs have received required training prior to performing duties.

m. Ensure deployable SARCs and UVAs deploy with assigned units.

n. Ensure unit level Sexual Assault Prevention and Response Program training is conducted annually and documented on unit training schedules.

o. Publish contact information of SARCs, installation victim advocates, and UVAs, and provide take-away information such as telephone numbers for unit and installation points of contact, booklets, and information on available victim services.

p. Post written sexual assault policy statements and victim services resource chart on the unit bulletin boards. Statements must include an overview of the command's commitment to the Sexual Assault Prevention and Response Program; victim's rights; the definition of sexual assault; available resources to support victims; and specific statements that sexual assault is punishable under the UCMJ and other federal and local civilian laws and that sexual assault is incompatible with Army values.

q. Ensure Soldiers receive pre-deployment and post deployment training related to the prevention and response to sexual assault.

r. Include emphasis on sexual assault risks, prevention, and response at all holiday safety briefings.

s. For additional commander responsibilities see AR 600-20, paragraph 8-5 and Appendix G.

Sexual Harassment

1. References.

a. AR 600-20, *Army Command Policy*, March 18, 2008 (*RAR 003, 4 April 2010).

b. HQDA EXORD 221-21, *Sexual Harassment/ Assault Response and Prevention Program (SHARP) Synchronization*, 23 June 2012.

2. SME: Equal Employment Opportunity Officer and Staff Judge Advocate.

3. Department of the Army Policy.

a. The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment for all personnel.

b. The prevention of sexual harassment is the responsibility of every Soldier and civilian. Leaders set the standard for Soldiers and civilians to follow.

4. General Information.

a. The biggest factor contributing to improper sexual treatment is the lack of understanding of what sexual harassment is. There isn't always a clear distinction between what is and what is not sexual harassment. Opinions vary between what actions are acceptable and what actions are prohibited.

b. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when—

(1) Submission to the authority or control of another or rejecting such conduct;

(a) Is stated or implied as a term or condition of a person's job, pay, or career.

(b) Is used as a basis for career or employment decisions affecting that person.

(2) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

c. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Soldier or civilian employee is engaging in sexual harassment. Similarly, any Soldier or civilian employee

who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

5. **Commander Responsibilities**.

a. The chain of command, whether military or civilian, has the primary responsibility for developing and sustaining a healthy EO climate.

b. Promote positive programs that enhance unit cohesion, esprit and morale.

c. Communicate matters with EO significance to unit personnel and higher headquarters.

d. Correct discriminatory practices by conducting rapid, objective and impartial inquiries to resolve complaints of discrimination.

e. Encourage the surfacing of problems and prevent reprisal for those who complain and take appropriate action against those who violate Army policy.

6. Actions All Leaders and Soldiers Can Take to Prevent Sexual Harassment.

a. Understand and be knowledgeable of what sexual harassment is.

b. Acknowledge that sexual harassment exists and educate yourself and your personnel to prevent it.

c. Report sexual harassment and treat each allegation of sexual harassment with the seriousness it deserves.

d. Don’t tolerate sexual harassment and take action if you observe or hear it. Many problems can be alleviated if commanders and supervisors act on complaints in a timely, sensitive manner.

e. Realize that sexual harassment happens to both men and women.

Social Media

1. References.

a. TAG Policy Letter #34, *Guidance and Parameters for the Use of Social Media*, 29 July 2011.

b. AR 530-1, *Operations Security*, 19 April 2007.

c. *The United State Army Social Media Handbook*, June 2012.

2. SME: PAO.

3. Social Media are defined as internet sites where individuals and organizations may share information and engage in conversation with others in a public setting which include, but are not limited to, such sites as Facebook, Twitter, YouTube, and blogs.

4. Members of the Kansas National Guard may have personal social media sites, but these may not be represented as an official agency or National Guard site. For example, John Smith may have a Facebook page. However, if Private John Smith, Kansas National Guard, has a Facebook page, it may cross the line from individual citizen to an official capacity, and anything stated on this site could be construed as an official statement from the Kansas Adjutant general's Department or the Kansas National Guard.

5. Social Media Registration and Social Media Directory. Registering *organization* social media sites through the social media directory is not just encouraged, it is required. Organization social media presence can be registered at the following website: http://www.army.mil/media/socialmedia/.

6. Social Media for Leaders. Social media have improved the way we connect and communicate as a culture, but it presents some interesting dilemmas for Army leaders. Social media are about connecting, so it's only natural that Army leaders may interact and function in the same social media spaces as their subordinates. How leaders connect and interact with their subordinates online is left to their discretion, but online relationships must remain professional. When in a position of leadership, conduct online should be professional. By using social media, leaders are essentially providing a permanent record of what they say, so, if you wouldn't say it in front of a formation, don't say it online. The media watches personal accounts of Army leaders and have used posts as official statements. If a leader decides to comment on an Army issue using social media, they should be prepared to be quoted.

7. Social Media for Soldiers.

a. Soldiers are authorized to use and belong to a variety of social media platforms as long as their involvement does not violate unit policy and the Uniform Code of Military Justice.

b. Here are a few key items Soldiers should keep in mind when using social media platforms.

(1) The UCMJ applies to online interactions.

(2) OPSEC!

(3) What you say online doesn't stay online.

(4) It's important to educate your family on appropriate social media use.

c. Soldiers should *avoid offensive and inappropriate behavior that could bring discredit upon themselves and the Army.* This behavior includes posting any *defamatory, libelous, obscene, abusive, threatening, racially or ethnically hateful, or otherwise offensive or illegal information or material.*

d. Soldiers are encouraged to professionally and respectfully correct errors and misrepresentations made, by others, about the Army. Soldiers must remember however, to respond and act with their minds and not their emotions when posting content.

e. The posting or disclosure of internal Army documents or information that the Army has not officially released to the public is prohibited. This policy applies no matter how a Soldier comes into possession of a document, video or photo. A few examples of unreleased information Soldiers are prohibited from posting include information about causalities, detainees or military operations.

f. When expressing personal opinions, Soldiers should make clear that they are speaking for themselves and not on behalf of the Army. Use a disclaimer such as: "the postings on this site are my own and don't represent Army's positions or opinions."

g. Soldiers should *only discuss Army issues related to their professional expertise, personal experiences, or personal knowledge*.

8. Operations Security. Sharing what seems to be even trivial information online can be dangerous to loved ones and fellow Soldiers. When using social media, avoid mentioning rank, unit locations, deployment dates, names, equipment specifications and capabilities or anything that can give the enemy an advantage. Security items to consider:

a. Take a close look at all privacy settings. Set security options to allow visibility to "friends only."

b. Do not reveal sensitive information about yourself such as schedules and event locations.

c. Ask, "What could the wrong person do with this information?" and "Could it compromise the safety of me, my family or my unit?"

d. Geotagging is a feature that reveals your location to other people within your network. Consider turning off the GPS function of your smartphone.

e. Closely review photos before they go online. Make sure they do not give away sensitive information which could be dangerous if released.

f. Make sure to talk to family about operations security and what can and cannot be posted.

g. Videos can go viral quickly; make sure they don't give away sensitive information.

9. Social Media Risks. Social media scams are becoming commonplace online. There have been multiple reports of individuals posing as Soldiers, asking for money and duping unsuspecting social media users. It's important to protect yourself online just as you would in every other aspect of your life. Use your best judgment when online. Mistakes can put you and your family at risk. Mitigating online risk and representing the Army appropriately:

a. Check your privacy settings on all social media sites and set your security options to allow visibility to friends only.

b. Do not friend someone you do not know personally.

c. Be cautious when engaging in online conversations with strangers.

d. Never release personal financial information.

e. Use caution when tagging people in photos. Not everyone wants to be identified.

f. Review photos in which you've been tagged.

g. Use your instincts, if something doesn't seem right it likely isn't.

h. Just because someone has a profile picture, it doesn't mean the photo is of them.

10. Family Conduct. A family member's post can put a Soldier and his/her unit in danger. It could also potentially damage the Soldier's career so it's up to the unit and the individual Soldier to properly educate Army Families on appropriate social media use. Families must understand OPSEC and know what they can and cannot post. What can families post?

a. *Generalizations* about service or duty.

b. Pride and support for service, units, specialties, and service member.

c. *General* status of the location of a unit ("operating in southern Afghanistan" as opposed to "operating in the village of HajanoKali in Arghandab district in southern Afghanistan").

d. Links to published articles about the unit or service member.

e. Any other information already in the public domain (that has been *officially* released).

11. **Commander Responsibilities.**

a. Commanders at all levels are responsible for ensuring that their units, activities, or installations plan, integrate, and implement OPSEC measures to protect their command's critical information in every phase of all operations, exercises, tests, or activities.

b. Commanders at all levels are responsible for issuing orders, directives, and policies to protect their command's critical and sensitive information in order to clearly define the specific OPSEC measures that their personnel should practice.

c. Commanders will ensure all official information released to the public, to include the World Wide Web, receives an OPSEC review prior to dissemination.

d. Because the Internet is a public forum, commanders will ensure that in addition to the OPSEC officer, a public affairs officer (PAO), webmaster/Web site maintainer, and other appropriate designee(s) (for example, command counsel, freedom of information act (FOIA) officer, force protection, intelligence, and so forth.) have properly cleared information posted to the World Wide Web, unclassified intranet, or Army Knowledge Online (AKO) in areas accessible to all account types. (Possible risks must be judged and weighed against potential benefits prior to posting any Army information on the World Wide Web.

e. Ensure Soldiers clearly understand what they can and cannot post to social media.

f. Ensure Family Members of Soldiers understand what they should and should not post to social media.

g. Monitor content and conversations. Avoid just posting information on a social media presence. Monitor content posted by users to get a better understanding of what information they want/need.

Standards of Conduct

1. References:

a. DOD Directive 5500.7-R, "*Joint Ethics Regulation*."

b. AR 600-20, *Army Command Policy*, March 18, 2008 (*RAR 003, 4 April 2010).

2. SME: Staff Judge Advocate and Designated Agency Ethics Official ("DAEO").

3. Department of the Army Policy.

a. Government service or employment, as a public trust, requires Soldiers and Army civilians to act with integrity and abide by the values of the Professional Army Ethic by placing loyalty to country, state, ethical principles and law above private gain and other interests.

b. Personnel will avoid any action that might result in or reasonably be expected to create the appearance of the following:

(1) Using public office for private gain.

(2) Giving preferential treatment to any person or entity.

(3) Impeding Government efficiency or economy.

(4) Losing independence or impartiality.

(5) Making a Government decision outside official channels.

(6) Adversely affecting the confidence of the public in the integrity of the Government.

4. General Information.

a. Government facilities, property, and work assistance will be used only for official Government business. This includes, but is not limited to, stationery, stenographic services, typing assistance, duplication, computer facilities, and chauffeur services.

b. DA Personnel may not participate, on behalf of the Government, in any matter involving an organization with which they are negotiating employment.

c. "Negotiating "includes any action by DA personnel that reasonably could be construed as an indication of interest in future employment. Examples include sending letters or resumes, making telephone inquiries, or failing to clearly reject a proposal from the entity's representative regarding future employment. It is not necessary that there be any firm offer of employment.

d. There are several statutory restrictions affecting retired officer employment or activities with Government contractors and other entities dealing with the Government, commercially or otherwise. Generally, there is no prohibition on the use of general professional knowledge acquired while on active duty in connection with employment. The applicability of the specific restrictions depends on the nature of former duties, the extent of former official involvement in activities/projects affecting the potential employer, and the nature of the proposed employment.

5. **Commander Responsibilities**.

a. Ensure that DA personnel avoid situations in which their integrity or that of the U.S. Government is placed in jeopardy.

b. Brief personnel on the values of the Professional Army Ethics through OPD/NCOPD.

c. Brief personnel on Army Values (Leadership).

d. Commanders at all levels will ensure that all Army personnel that are required to file either a public or confidential financial disclosure report, contracting officers, procurement officials, and others identified by an Army ethics counselor, receive face-to-face annual ethics training as prescribed by DoD 5500.7-R.

Suspension of Access and Reporting Derogatory Information

1. References.

a. AR 380-67, *Personnel Security Program*, RAR 4 August 2011.

b. AR 381-20, *The Army Counterintelligence Program*, 26 May 2010.

c. AR 25–2, *Information Assurance*, RAR 23 March 2009.

d. CJCSI 6510.01F, Information Assurance (IA) and Support to Computer Network Defense (CND), 9 February 2011.

e. DoDD 8500.01E, *Information Assurance*, 23 April 2007.

f. JFHQ-KS Security LOI, *Suspension of Access and Reporting of Derogatory Information*, 1 September 2011.

2. SME: J-2.

3. General Information.

a. The Commander will report credible derogatory information through proper channels utilizing properly formatted reports/forms in accordance with the provisions of AR 380-67 AND AR 381-20.

b. Commander's Obligation. *Commanders must report all credible derogatory information to CCF (Central Clearance Facility), whether a person has a clearance or not*, when surfaced at the local level. Credible derogatory information is defined as that information of such nature as to constitute a possible basis for an adverse action, such as termination of federal service or a denial/revocation of security clearance.

c. After granting security clearances, the *commander is responsible for continuing close supervision and observation of the activities and behavior of personnel who have access to classified information*. Whenever a valid reason exists for believing that an individual's conduct, activities, or attitude may jeopardize security, prompt action will be taken to suspend access or revoke his security clearance and to effect his immediate reassignment to duties not requiring access to classified information. Appropriate actions under pertinent personnel regulations will be undertaken immediately.

4. *Sources of Derogatory Information*. Sources of derogatory information available to unit commanders include the following:

a. Civilian/MP/Criminal Investigation Division (CID) Reports, MP Blotter Entries.

b. Commander's Inquiries.

c. Courts Martial/Article 15s.

d. Medical Reports.

e. Psychiatric Examinations.

f. Letters of Indebtedness.

g. AWOL Reports.

h. Letters of Reprimand.

i. Drug/Alcohol related incidents.

5. *Commander's Options.* When a commander becomes aware of credible derogatory information on an individual who has a security clearance, he/she will do one of the following:

a. Suspend the individual's access to classified information, material and suspend access to all DoD computer systems and programs, conduct an inquiry or request an investigation as appropriate, complete a DA Form 5248-R and forward it to J2 Security Management Office.

b. Suspend the individual's access to classified information, material and suspend access to all DoD computer systems and programs and forward all derogatory information to the J2 Security Management Office on DA Form 5248-R with commander's recommendation. Item 11 of the DA Form 5248-R will indicate that information forwarded is in sufficient detail for determination and that no further inquiry or investigation is pending or contemplated

c. In cases where information available to the commander is insufficient to warrant suspension of access, or in borderline cases in which the propriety of suspension action is questionable, forward the derogatory information to J2 Security Management Office on DA Form 5248-R. Indicate on the Form that access has not been suspended pending final determination by CCF.

d. NOTE: If this action is taken on a military member, the J2 Security Management Office will update SIDPERS activity to enter Code "M" ("Classified Data Access Suspended") in the Field Determined Personnel Security Status item on the military member's Personnel Qualification Record.

6. *Restoration of Access.* Once access to classified information has been suspended by an individual's commander, *restoration of such access and clearance may only be approved by Commander, CCF*.

7. DA Form 5248-R (Report of Unfavorable Information for Security Determination). All reports of unfavorable information or suspension of access will be submitted on DA Form 5248-R, or in comparable message format to KS JFHQ/ J-2 Security Manager.

a. DA Form 5248-R is used to report derogatory information to CCF. Note that in Item 11 space is provided to record the nature of the derogatory information (in sufficient detail as to enable a CCF adjudicator to make a thorough and comprehensive security evaluation) and, in cases involving suspension of access, the commander's recommendation as to the resolution of the case. Detailed instructions for completion of DA Form 5248-R are contained in AR 380-67.

b. DA Forms 5248-R will be submitted to CCF in 90 day intervals if the commander has not taken a final action. An example would be the commander who is conducting an inquiry or has requested an investigation and is awaiting resolution. A DA Form 5248-R used as a Final Report is submitted at the conclusion of an investigation or inquiry and should contain the final action taken and the commander's recommendation concerning restoration of access or revocation of security clearance. DA Forms 5248-R, as Follow-Up or Final Reports, is submitted only in conjunction with selection of the first option cited above.

8. **Commander Responsibilities**.

a. Closely supervision and observe the activities and behavior of personnel who have access to classified information.

b. Report all credible derogatory information to CCF via DA Form 5248-R, whether a person has a clearance or not.

c. Follow up with the security manager on status of adjudication of Soldier's security clearance.

Weight Control Program

1. References.

a. AR 600-9, *The Army Weight Control Program*, 27 November 2006.

b. AR 600-8-2, *Suspension of Favorable Actions*, 23 December 2004.

c. NGB-ARH Policy Memorandum 09-026, *Interim Policy Governing Extension, Immediate Reenlistment, and Bar to Reenlistment/ Immediate Reenlistment/Extension*, 13 August 2009.

d. Army Directive 2012-20, *Physical Fitness and Height and Weight Requirements for Professional Military Education*, 17 September 2012.

2. SME: State Medical Detachment, G-1.

3. Department of the Army Policy.

a. Each Soldier is responsible for meeting the standards in AR 600-9. Commanders and supervisors will monitor all members of their command to ensure that they maintain proper body weight, body composition, (body fat in relation to weight) and personal appearance. At minimum, personnel will be weighed when they take the APFT or at least every 6 months. Soldiers may be weighed immediately before or after they take the APFT. Personnel exceeding the screening table weight or identified by the commander or supervisor for a special evaluation will have a determination made of percent body fat. Identification and counseling of overweight personnel are required.

b. Excessive body fat indicates a lack of personal discipline, detracts from military appearance, and may indicate a poor state of health, fitness, or stamina. Self discipline to maintain proper weight distribution and high standards of appearance are essential to every Soldier in the Army.

c. Soldiers will conform to the body fat standards in AR 600-9. Soldiers that exceed these body fat standards are considered overweight. Body fat composition will be determined for personnel--

(1) Whose body weight exceeds the Screening Table Weight in Table 3-1, AR 600-9.

(2) When the unit commander or supervisor determines that the individual's appearance suggests that body fat is excessive.

d. Routine weigh-ins will be accomplished at the unit level. Company or similar level commanders (or their designee) will accomplish percent body fat measurements in accordance with standard methods prescribed in AR 600-9, Appendix B. Individuals of the same gender will measure Soldiers. If this cannot be accomplished, a female Soldier will be present when males

measure females. Active Army and Reserve Component Soldiers exceeding body fat standards in AR 600-9, Table 3–1 (determined to be over fat), will be provided exercise guidance, dietary information or weight reduction counseling by health care personnel, and assistance in behavioral modification, as appropriate, to help them attain the requirements of the Army. Soldiers not meeting body fat standards after 1 year from date of entry into the Active Army will be entered in the Army Weight Control Program (AWCP) and flagged under the provisions of AR 600–8–2 by the unit commander. Enrollment in a weight control program starts on the day that the Soldier is informed by the unit commander that he/she has been entered in a weight control program. The weight reduction counseling may be accomplished prior to or shortly after entry into a program.

e. The required weight loss goal of 3 to 8 pounds per month is considered a safely attainable goal to enable Soldiers to lose excess body fat and meet the body fat standards described in paragraph 3–2e(1). Weigh-ins will be made by unit personnel monthly (or during unit assemblies for ARNG and USAR personnel) to measure progress. A body fat evaluation may also be done by unit personnel to assist in measuring progress. As an exception, an individual who has not made satisfactory progress after any two consecutive monthly weigh-ins may be referred by the commander or supervisor to health care personnel for evaluation or reevaluation. If health care personnel are unable to determine a medical reason for lack of weight loss—and if the individual is not in compliance with the body fat standards and still exceeds the screening table weight, the commander or supervisor will inform the individual that their progress is unsatisfactory and he/she is subject to separation. After a period of dieting and/or exercise for 6 months, Soldiers who have not made satisfactory progress and who still exceed the screening table and body fat standards will be processed as follows:

(1) If health care personnel determine that the condition is due to an underlying or associated disease process, action described in AR 600-9, paragraph 3–2d, will be taken.

(2) The unit commander will initiate a mandatory bar to reenlistment or administrative separation proceeding for Soldiers who do not make satisfactory progress in the AWCP after a 6-month period and for whom no medical reasons exist to cause the overweight condition.

f. Commanders and supervisors will remove individuals administratively from a weight control program as soon as the body fat standard is achieved.

g. If a Soldier becomes overweight within 12 months of the date of removal from the AWCP and there is no underlying or associated disease process causing the condition, that Soldier's commander will initiate separation proceedings against the Soldier.

h. Soldiers who become overweight after the 12th month but within 36 months of removal from the AWCP get 90 days to meet the standards or become subject to separation proceedings.

i. Soldiers who meet body fat standards and become pregnant will be exempt from the standards for the duration of the pregnancy plus the period of convalescent leave after termination of pregnancy.

j. Reenlistment Waiver. In accordance with NGB-ARH Policy Memorandum 09-026, Soldiers in the Army Weight Control Program who are making satisfactory progress to meet the body composition requirements of AR 600-9 may receive a waiver to reenlist (Rule K) for a period not to exceed a total of 12 months (whole months), unless waiver to extend is approved by TAG for non-deploying Soldiers. For Soldiers with at least 18 but fewer than 20 qualifying years of service for nonregular retired pay at age 60, TAGs (as delegated to MPMO) may authorize extension in whole months for the minimum time required to complete 20 qualifying years. The first Colonel (0-6) in the chain of command may approve a waiver for Soldiers assigned to units who are alerted for Mobilization and Deployment may be voluntarily extended for the minimum number of whole months and days to complete the duration of the expected mobilization, plus 90-Days or 12 months (whichever is greater) with no further extensions authorized unless the Soldier satisfactorily meets all standards of the provision cited in AR 600-9 with regard to height and weight prior to the expiration term of service based on this extension.

k. Effective on 01 November 2012, Soldiers who are flagged for failure to pass the APFT or comply with Army height and weight standards are not eligible for selection, scheduling or attendance at the Professional Military Education (PME) schools listed in Army Directive 2012-20. Any Soldier who is flagged becomes eligible for scheduling and attendance at the PME schools and courses once the flag is removed. Successful completion of the APFT and height and weight screening are mandatory for course graduation. The DA Form 1059 of Soldiers who fail to pass the APFT and/or meet height and weight standards will be annotated in block 11d "Failed to Achieve Course Standards." Soldiers who fail to achieve course standards are not eligible to enroll in any PME courses for 6 months after their dismissal. The 6 month waiting period begins on the day the DA Form 1059 is signed. Soldiers who fail to pass the APFT and/or meet height and weight standards a second time are not eligible to enroll in any PME courses for 1 year after the second failure.

4. **Commander Responsibilities**.

a. Become familiar with AR 600-9.

b. Ensure that every Soldier is weighed once every six months.

c. Ensure that every Soldier that exceeds his or her screening table weight (AR 600-9, Table 3-1) is taped to determine his or her body fat content.

d. Flag Soldiers entered in the AWCP in accordance with AR 600-8-2.

e. Provide all Soldiers with guidance and information on diet and exercise to control weight.

f. Conduct monthly weigh-ins for Soldiers in the AWCP. Body fat evaluations may also be done to assist in the measuring process.

Accident Reporting, Investigating, and Recordkeeping

1. References:

a. DODI 6055.07, *Accident Investigation, Reporting, and Record Keeping*, 3 October 2000.

b. DA Pam 385-10, *Army Safety Program*, (RAR) 19 January 2010.

c. DA Pam 385-40, *Army Accident Investigations and Reporting*, (RAR) 25 February 2010.

d. DA Pam 385-90, *Army Aviation Accident Prevention Program*, (RAR) 24 February 2010.

e. AR 385-10. *The Army Safety program*, (RAR) 4 October 2011.

f. NGR 385-10, *Army National Guard Safety Program*, 12 September 2008.

g. JFKS SOP 385-10, *Army National Guard Safety Program*, 24 February 2010.

2. SME: State Safety Officer.

3. Army National Guard Responsibilities. This guide supplements AR 385-10 and NGR 385-10 with procedures for reporting, recording, investigating and recordkeeping of all KSARNG ground/air accidents. Pre-accident notification planning is required prior to the conduct of any operation or tactical exercise. The State Safety Pre-Accident notification is located in JFKS SOP Chapter 2-8. All losses in the KSARNG affect readiness. As such, all deaths, (POV/POM, Motorcycle, ATV, etc…) regardless of duty status or cause of death, are to be reported via Serious Incident Reports (SIR). Submission of a SIR will not be delayed due to incomplete information. All pertinent information known at the time of SIR submission will be included. Additional required information will be provided in a subsequent add-on report.

4. Reportable Accidents.

a. All accidents, incidents or injuries regardless of how minor, are reportable to the immediate chain of command and State Safety Office. Commanders will ensure that all accidents are classified, reported, recorded, and investigated in accordance with procedures established in DA Pam 385-40, AR 385-10, and NGR 385-10.

b. KSARNG units/ detachments/ facilities experiencing an accident on or off a military training site will notify the State Safety manager, JFHQ-JOC, and if on a military reservation, the installation safety manager and Provost Marshall during normal duty hours. During non-duty hours, notification will be made only to the JFHQ-JOC.

c. Reportable Accidents are: IAW On/Off duty Army/civilian personnel, damage to Army property, damage to public/private property by Army operations and injury/illness/occupational exposure.

5. Pre-Accident Notification.

a. Commanders will establish and maintain formal pre-accident notification plans appropriate for their location, organization and specific type of operation or tactical exercise. Commanders will address pre-accident plans as a process of preparation of an Operations Order or establish an SOP. Pre-accident plans are prepared IAW guidance in AR 385-10.

b. Pre-Accident notification plans will at a minimum consist of three sections:

(1) Primary notification section outlining procedures and listing phone numbers for obtaining security, emergency medical and any other services, electrical power company, fire department, hazardous materials response teams, EOD, etc that may be required at the accident site.

(2) Instructions, points of contact, and phone numbers for reporting accidents through command channels to the JOC and State Safety Office.

(3) Appropriate command guidance for leadership notification of Next of Kin (NOK) if there is a casualty.

6. Accident Classifications.

a. Class "A". An Army accident in which the resulting total cost of property damage is $2,000,000 or more; an Army aircraft is destroyed, missing, or abandoned; or an injury and/or occupational illness results in a fatality or permanent total disability.

b. Class "B". An Army accident in which the resulting total cost of property damage is $500,000 or more, but less than $2,000,000; an injury and/or occupational illness results in permanent partial disability, or when 3 or more personnel are hospitalized as in-patients as the result of a single occurrence.

c. Class "C". An Army accident is which the resulting total cost of property damage is $50,000 or more, but less than $500,000. a nonfatal injury or occupational illness that causes any loss of time from work beyond the day or shift on which it occurred; or a nonfatal occupational illness that causes loss of time from work (for example, 1 work day) or disability at any time (lost time case).

d. Class "D". An Army accident in which the resulting total cost of property damage is $2,000 or more, but less than $50,000; nonfatal injuries/illness (restricted work, light duty, or profile) transfer to another job, medical treatment greater than first aid, needle stick injuries and cuts from sharps that are contaminated from another person's blood or other potentially infectious material, medical removal under medical surveillance requirements or an OSHA standard, loss of consciousness, occupational hearing loss, or a work-related tuberculosis case.

e. Class "E". An Army aviation accident in which the resulting damage cost and injury severity do not meet the criteria for a Class A-D accident ($2,000 or more damage; lost

time/restricted activity case). A Class E aviation incident is recordable when the mission (either operational or maintenance) is interrupted or not completed. Intent for flight may or may not exist. An example of a recordable Class E incident is; during maintenance operational check (MOC) the engine quits. Examples of non-recordable Class E incidents are: chip light detector illumination and the component is not replaced; mission interrupted/aborted because of weather, unless mission is cancelled; failure of Fair Wear and Tear (FWT) items found on pre- or post-flight inspection; radio failure where radio is replaced; closing a door found to be open during flight.

f. Class "F". Foreign Object Damage (FOD) aviation incident (Also known as Class F incident). Recordable incidents confined to aircraft turbine engine damage (does not include installed aircraft Auxiliary Power Units (APU) as a result of internal or external FOD, where that is the only damage. These incidents will be reported using DA Form 2397-AB; Check "F" in the Accident Classification" block.

g. Class "R". A Class R accident is defined as a non-duty loss/accident, near miss, State Active Duty, etc. The creation of a Class R accident is unique to the ARNG and expands trending ability and provides emphasis on program requirements. Class R data can be used for trend analysis for on-duty accidents totaling less than $2,000 or injuries that require first-aid only.

7. Reporting Accidents.

a. All accidents involving members and equipment of the Kansas National Guard are reportable to JFHQKS-SSM utilizing DA Form 285-AB (Abbreviated Ground Accident Report – AGAR).

b. An AGAR will be submitted with all Line of Duty (LOD) reports submitted to the KSARNG Medical Command.

c. A DA Form 285 must be initiated within 24 hours of an accident, injury/ occupational illness. A DA Form 285 must be completed for the following:

(1) All Class A, B, and C accidents plus any mishap of potential high public interest.

(2) Class D accidents requiring medical treatment greater than simple first aid, and all accidents dealing with occupational illnesses caused by repeated exposures over a period of time. Examples include cuts requiring sutures, noise-induced hearing loss, asbestos, silicosis, radiation sickness, organic solvent exposure, dermatitis, etc.

(3) Class R (off-duty) accidents. Class R (on-duty) accidents requiring first aid are used for trend analysis. DA Form 285 (AGAR) will be submitted with Line of Duty (LOD) reports to Medical Command.

d. Notify the State Safety Manager telephonically during normal duty hours for all accidents meeting the required criteria at (785) 861-3876, Cell: (785) 224-7443. After Duty Hours, contact

the JFHQ-JOC at (785) 274-1117/1128. The Accident Phone-in Checklist (Appendix A, JFKS SOP 385-10) includes:

(1) Unit/ Detachment/ Facility.

(2) Name and Rank of individual(s) involved.

(3) Location of Accident.

(4) Injuries.

(5) Date and Time of Accident.

(6) Date and Time of Report.

(7) Reported By.

(8) Point of Contact.

(9) Point of Contact Phone Number.

(10) Military Equipment Involved.

(11) Damage to Military Property.

(12) Civilian Property Involved.

(13) Civilian Property Damage.

(14) Number of ARNG Personnel Involved.

(15) Names of Civilians Involved.

(16) Names of Civilians Injured.

(17) Number of Fatalities.

(18) Summary to include who, what, when where, why, how much, etc.

8. Commander Responsibilities.

a. Ensure a pre-accident notification plan or SOP has been established prior to executing a mission.

b. Ensure IAW JFKS SOP 385-10 that accidents are reported telephonically to the State Safety Office.

c. Ensure accidents are documented and submitted IAW policy through command channels to the State Safety Office and JFKS-JOC to include telephonic notifications, AGARs, and SIRs.

d. Ensure an AGAR is included with each LOD submission.

Composite Risk Management (CRM)

1. References:

a. DA Pam 385-30, *Mishap Risk Management*, (RAR) 1 February 2010.

b. FM 5-19, Composite Risk Management (CRM), August 2006.

c. JFKS SOP 385-10, *Army National Guard Safety Program*, 24 February 2010.

2. SME: State Safety Office.

3. Army National Guard Responsibilities: This guide supplements FM 5-19. CRM is the primary decision making process designed to reduce risks. Risks are an inherent part of combat operations. Evaluating and applying stringent risk controls can effectively control them.

a. Protection of the force must be a continuous consideration in relation to the Guard's mission. Successful accident prevention programs are a by-product of command supervision. Commanders will ensure that CRM techniques are used whenever planning or conducting training exercises.

b. Elimination of inherent risks can be achieved by training personnel to systematically identify and eliminate unsafe procedures, operations, and hazardous conditions.

c. Soldiers must be motivated to stay alert, follow prescribed procedures, think safety, and operate within their own and their equipment's capability. Leaders are charged with insisting on performance to the standards that are in place.

4. CRM Definition. CRM is a logic-based management tool that uses a common sense approach to limit exposure to risk by making calculated decisions on human, materiel, and environmental factors before, during, and after every operation. It is a relatively simple decision-making process; a way of thinking through a mission or task to balance mission demands against risks and ensures that unnecessary risks are eliminated. This is a continuous process and will be updated at the end of every operation/mission to ensure the controls were effective.

5. Purpose. The purpose of CRM, as outlined in FM 5-19, is to identify operational risks and take the necessary measures to reduce or eliminate hazards associated with the task or operation. Managing risks allows units to train and operate successfully in high-risk environments and achieve realistic results without compromising safety.

6. Responsibilities. Leaders shall use the CRM process to identify known and potential risks and to develop controls that will reduce the adverse affects of these hazards.

a. TAG will ensure that written CRM procedures are developed, published, and distributed to each unit.

b. Commanders are responsible for the effective management of risks. To meet this objective, Commanders shall:

(1) Train and motivate leaders at all levels to effectively use CRM concepts IAW FM 5-19, DA Pam 385-30 (Mishap Risk Management) and State Safety SOP.

(2) Conduct a continuous proactive effort to achieve force protection objectives and minimize the loss of mission assets.

(3) Ensure that each mission is evaluated during the planning phases of development.

(4) Accept no unnecessary risks.

(5) Make risk decisions at the proper level.

(6) Accept risks only if the benefits outweigh the costs.

(7) Use the Ground Risk Assessment Tool (GRAT) found on the U.S. Army Combat Readiness/Safety center website. https://safety.army.mil/.

c. All leaders will ensure that Training Officers and NCOs and Safety Officers and NCOs at all levels will implement CRM procedures for all operational requirements. In a coordinated effort, these individuals will ensure that the following actions are accomplished:

(1) Provide program training to all assigned unit personnel.

(2) Review accident experience trends and provide an analysis as appropriate.

(3) Conduct periodic surveys to operating and training procedures. Identify deficiencies and recommend actions necessary to eliminate inherent hazards.

(4) Evaluate new doctrine for risk implications and necessary control measures.

7. Objectives. The objective of this program is to establish situational standards that effectively balance risks with operational objectives. Achieving these objectives requires:

a. Command involvement at all levels.

b. Commanders and supervisors at all levels will analyze risks.

c. Training of all KSARNG personnel in CRM and assessment procedures.

d. The establishment of a mechanism to provide leaders with feedback on the effectiveness of training programs.

e. Leaders will alert the chain of command to Moderate, High and Extremely High risk missions.

f. The establishment of acceptable risk parameters.

g. The development of procedures to change undesirable individual crew member/Soldier behavior.

h. Matching mission requirements with crew/personnel selection.

8. Program Elements. The program is based on, but not limited to the following elements or hazards:

a. Type of mission and complexity.

b. Planning and supervision.

c. Unit/crew/personnel selection.

d. Unit/crew/personnel endurance.

e. Weather.

f. Equipment.

g. Environment.

h. Training.

9. The CRM Process.

a. CRM begins with the planning phase of operational activities by clearly identifying mission requirements and establishing acceptable risk factors. The risks associated with mission operations are identified, and then weighed against the benefits to be gained.

b. When risks outweigh benefits, steps are taken to reduce those risks.

c. A tool available to leadership is the Ground Risk Assessment Tool (GRAT) found on the U.S. Army Combat Readiness/Safety center website. https://safety.army.mil/.

d. The CRM process consists of the following five steps:

(1) Identify hazards. This should be done at the earliest opportunity during the planning phase of the operation. Ask yourself what process/action or equipment that during the course of the mission is the most hazardous to your Soldiers and could get them hurt or killed.

(2) Assess hazards to determine risk. Risk factors are assigned for the various elements and a mission total is determined based on probability and severity factors.

(3) Identify Controls that either eliminate the hazard or reduce the risk. The commander must balance the risk against mission expectations. Once risk levels are determined, risk decisions are made. The appropriate person in the chain of command then briefs the mission. If it is determined that the risk for the mission is unacceptable, the commander will develop new controls or adjust existing ones that either eliminate the hazard or reduce the risk. The commander decides if controls are sufficient and acceptable and whether to accept the resulting residual risk.

(4) Implement controls. The commander/supervisor implements all controls to ensure that Force Protection objectives are achieved. Controls shall be integrated into standing operating procedures, written and verbal orders, and mission briefings.

(5) Supervise and evaluate. The commander/supervisor must then supervise the operation to ensure that the appropriate risk decision level, established controls and standards are being followed, and determine if those controls and standards are adequate. After the mission, commanders/supervisors/individuals evaluate how well the CRM process was executed and document for future operations.

10. CRM Program Development.

a. Levels of risk. Operations should be categorized according to level of risk. The Army program consists of four levels - low, moderate, high, and extremely high. These levels are used to call attention to the significance of each risk and to enable decision-making at the proper level.

b. Risk decisions. The higher the level of risk, the higher the level at which acceptance of that risk should be made. Formalized procedures should be developed that specify at what level of command a particular risk decision must be made. Commanders are required to make informed risk decision at the appropriate level. The final risk decision is made on the highest level of residual risk in column 9 of DA Form 7566, Composite Risk Management Worksheet. Use the Risk Assessment Matrix found in FM 5-19 or DA Pam 385-30 to determine the risk assessment. The overall mission risk level will be the highest residual risk. Commanders may approve the mission using the following residual risk levels:

(1) Low Risk – Company/ Battery Commanders.

(2) Moderate Risk – Battalion Commanders.

(3) High Risk – the first O6 in the chain of command.

(4) Extremely High Risk – the first general officer in the chain of command.

c. CRM cycle. The 5-step process is continuous. Step 5, supervising, will allow leaders to evaluate the effectiveness of the controls that have been put in place. The 5-step process is then worked through again, and any adjustments to the controls are made.

d. Annotate on the DA Form 7566 in block 12 if the controls were effective for that mission. If the controls were not effective then develop new controls for the next mission.

11. Commander Responsibilities.

a. Commander completes the Commanders Safety Course (CSC) prior to assuming command. CSC certificate will be placed on file in the unit safety binder.

b. Commander ensures the unit safety officer/ NCO complete the Additional Duty Safety Officer (ADSO) Course within 90 days of appointment. ADSO certificates will be placed on file in the unit safety binder.

c. Ensure DA Forms 7566 (Composite Risk Management Worksheets) are completed, signed, and briefed to all ranks prior to executing activities and safety items are included in all briefings.

d. Ensure that Risk Management control measures are assessed during the AAR process and included in all assessments and Block 12 of the CRM is completed upon completion of the event/ activity.

SECTION IV
ORGANIZATIONAL INSPECTION PROGRAM

1. Reference. AR 1-201, *Army Inspection Policy*, 4 April 2008.

2. SME: IG.

3. The Organizational Inspection Program (OIP).

a. *Inspections are a command responsibility*, and the OIP is the commander's/TAG's program to manage all inspections within the command. The OIP is a comprehensive, written plan that addresses all inspections and audits conducted by the command and its subordinate elements as well as those inspections and audits scheduled by outside agencies.

b. The purpose of the OIP is to coordinate inspections and audits into a single, cohesive program focused on command objectives.

c. Depending upon the echelon and type of organization, the OIP will comprise command inspections, staff inspections, IG inspections (including intelligence oversight inspections), Staff Assistance Visits (SAVs), audits, certifications, and external inspections.

d. An effective OIP allows a commander to use these inspections to identify, prevent, or eliminate problem areas within the command. Commanders should also use the OIP to complement and reinforce other sources of evaluation information when determining or assessing readiness.

e. The battalion (or similarly sized organization) OIP includes command inspections by the battalion commander and staff inspections or SAVs by the battalion staff. The battalion commander must add visits and inspections by higher headquarters and agencies to the OIP—especially in areas where the battalion staff lacks experience or expertise.

f. The brigade (or similarly sized organization) OIP includes command inspections, staff inspections, and SAVs. The brigade OIP can focus on units or functional areas, or both. At a minimum, the brigade OIP will include guidance on command inspections of the brigade headquarters and headquarters company (HHC), staff inspections, and SAVs.

g. The OIP at division level and above primarily involves staff inspections, SAVs, and IG inspections. The division OIP must establish guidance and a framework within which the brigade and battalions can develop their own OIPs. Command inspections at this level must include, at a minimum, command inspections of separate companies such as the division HHC. The focus of the OIP will be on the division's ability to execute effectively plans and policy. At a minimum, the OIP must verify the effectiveness of OIPs at subordinate levels, protect subordinate commanders from being over-inspected, and disseminate lessons learned throughout the command.

h. The Army National Guard OIPs will exist at all levels from battalion through state area command/regional readiness support commands. Commanders, principal staff officers, fulltime staff members, and IGs must pay particular attention to the time-distance factors and the compressed training time available in the Army National when establishing inspection policies and procedures. The OIP must strive to ensure that inspections do not consume valuable training time that could be devoted to mission-essential task list efforts.

4. Principles of Army Inspections.

a. *Purposeful.* Inspections must have a specific purpose approved by the commander and must be related to mission accomplishment, tailored to a need, relevant and responsive, performance oriented and provide feedback allowing commanders to make informed decisions.

b. *Coordinated*. Inspections will be coordinated to preclude redundancies and ensure optimal timing of the inspection to reduce training distractions on the unit. Additionally, various types of inspections will be combined when practical. Further, pertinent reports from other recent inspections will be used as a source document for subsequent inspections.

c. *Focused on Feedback*. Inspectors will provide accurate and timely feedback, both verbal and written that is focused on the *identification of root causes of problems* and *the unit's strengths and weaknesses*. The ultimate purpose of all inspections is to help commanders to correct problems.

d. *Instructive*. Teaching and training is an essential element of inspections and the overarching purpose of SAVs.

e. *Followed up*. Inspections expend valuable time and resources and are not complete unless follow up actions occur. Follow up actions can be re-inspections and/or telephonic, e-mail, or other means of communication directed by the CS to ensure CAPs are developed and implemented.

5. Basic Elements of an Inspection.

a. *Measure performance against a standard.* Inspectors determine unit compliance against a standard. Inspectors will ask follow on questions and determine *why* a unit is in non-compliance to a checklist question as a way to begin determining the *root cause* of a problem.

b. *Determine the magnitude of the problem(s).* Inspectors will stay focused on high payoff issues and not mired in trivial issues such as poorly painted bumper numbers on vehicles.

c. *Seek the root cause(s) of the problem(s).* This applies to all inspections and should be sought out to determine *why* there is an issue so that corrective action can be taken.

d. *Determine a solution.* Once the root cause is determined, long-term or far-reaching solutions will be developed. Short term "fixes" will be avoided.

e. *Assign responsibility to the appropriate individuals or agencies.* Inspectors will clearly identify issues in reports so that commanders can take appropriate corrective actions by assigning individuals and/or elements tasks to correct issues.

6. *Command Inspections.* Command inspections ensure units comply with regulations and policies and allow commanders to hold leaders at all levels accountable for this compliance. Command inspections allow the commander to determine the training, discipline, readiness, and welfare of the command and are so important that the commander must be personally involved. In addition, command inspections help commanders identify systemic problems within their units or commands and assist in the recognition of emerging trends. The *commander of the inspecting headquarters must participate* for an inspection to be a command inspection. By participating, the inspecting commander sets the overall standard for the conduct of the inspection and closely supervises and engages in the inspection.

a. *Initial Command Inspections.*

(1) A new company (or similarly sized organization) commander will receive an initial command inspection (ICI) from his or her rater. The initial command inspection for a company will occur within the first 90 days of assumption of command. In the Army National Guard of the United States and the U.S. Army Reserve, the initial command inspection for new company commanders will *occur within 180 days* of the assumption of command.

(2) Purpose. The ICI ensures that the new commander understands the unit's strengths and weaknesses in relation to higher headquarters' goals and all established standards. The ICI will appear on the training schedule and will serve to evaluate the condition of the unit. *The ICI will not, however, evaluate the commander's performance since assuming command*.

(3) Results. Only the inspected commander and that commander's rater will receive the specific results of the initial inspection. These results will serve as the basis for a goal-setting session between the incoming commander and his or her rater that will establish realistic goals to improve unit readiness. The incoming commander should receive a clear picture of the goals, standards, and priorities for the unit. These inspection results help set goals and may cause refinement in the DA (Department of the Army) Form 67–9–1 (Officer Evaluation Report Support Form). Commanders will not use the results of ICIs to compare units. IGs may also request from subordinate commands the results of ICIs (without unit attribution) for the purpose of analyzing trends.

b. *Subsequent Command Inspections (SCIs).* Subsequent command inspections (SCIs) measure progress and reinforce the goals and standards established during the initial command inspection. These inspections are often focused inspections that only look at specific areas and are not necessarily complete re-inspections of the entire unit. Commanders will conduct SCIs following all initial command inspections *and not later than one year after completion of the new commander's ICI.* In the Army National Guard of the United States and the U.S. Army Reserve, subsequent command inspections will take place, but the timing will be at the discretion of the inspecting commander.

7. *Staff Inspections*. Many of the Staff Inspections are Periodic Required Inspections. These

inspections are required by regulations to be conducted periodically (normally every 12 to 18 months) by an organization's next higher headquarters. As a minimum, the following inspections should be conducted IAW applicable regulations:

a. Command Communications Security (COMSEC) Inspection.

b. Command Supply Discipline Program (CSDP) Review.

c. Physical Security Inspection.

d. Annual Reviews of Dining Facility Records (IDT and AT) and Unannounced Cash Count.

e. Annual Safety Inspection (OSHA Compliance).

f. Intelligence Oversight Inspection (J2 reported to IG).

g. Command Maintenance Evaluation Team (COMET) Inspection.

8. Staff Assistance Visits. Each MSC and battalion level HQs should develop and conduct a program of Staff Assistance Visits to subordinate units. Staff Assistance Visits can be general or specific in focus. They are used to help subordinate units accomplish corrections and improvements, mentor junior staff members, and to provide feedback to the commander and staff.

9. **Commander's Responsibilities.**

a. Prepare. Prior to the inspection, ensure unit personnel obtain recent command inspection results to review and consolidate all appropriate regulations and policies for areas to be inspected. Work with higher HQ to understand and meet established goals and standards.

b. Schedule. Ensure the initial command inspection appears on the training schedule.

c. Follow-up. Review results. Measure progress and reinforce the established goals and standards. Schedule an SCI. Request assistance as needed.

SECTION V
INTELLIGENCE OVERSIGHT

1. References

a. AR 381-10, *U.S. Army Intelligence Activities*, 3 May 2007.

b. KSNG SOP 381-10, *Intelligence Oversight*, 18 June 2009.

c. DoD 5240-1-R, *Procedures Governing Activities of DoD Intelligence Components that Affect United States Persons*, December 1982.

d. Executive Order 12333, *United States Intelligence Activities*, 4 December 1981.

2. SME: J-2, IG.

3. General Information.

a. The Intelligence Oversight Program establishes a balance between the rights of a U.S. person and the government's legitimate need for essential information. It does this through Executive Order 12333, which ensures:

(1) Protection of a U.S. person's constitutional rights and privacy.

(2) Collection of essential authorized information by the least intrusive means.

(3) Dissemination of information is limited to lawful government purposes.

b. Intelligence activities conducted by the National Guard are governed by NGR (AR) 381-10. This regulation requires compliance with DoD 5240.1-R. This directive contains 15 procedures that allow intelligence personnel to carry out authorized missions while ensuring that all activities concerning U.S. persons are conducted in manner that protects their constitutional rights. This also applies to information collection and processing activities performed by non-intelligence personnel.

c. Specific limitations.

(1) *National Guard personnel, facilities and/or equipment assets will not be used to collect, analyze, retain, or disseminate information concerning U.S. persons.*

(2) Exceptions to this limitation are clearly defined in AR 381-10, Part 2. Additionally, National Guard linguists when translating tapes for law enforcement agencies and counterdrug personnel during the conduct of a valid counterdrug support mission. In both these situations, when the mission and/or task has been completed all information concerning U.S. persons will be turned over the supported law enforcement agency. The National Guard does not conduct Intelligence activities of its own in Counterdrug Support Program missions. National

Guard members support the criminal information analysis activities of LEAs. Criminal information comes into temporary possession of National Guard members supporting LEAs but is not retained by the National Guard.

(3) *The National Guard is not authorized to conduct independent intelligence activities*.

4. Intelligence Oversight Monitor.

a. The Primary Intelligence Oversight (I/O) Monitor for the Kansas National Guard is the J-2 Senior Intelligence Officer (SIO). The alternate I/O Monitor is subordinate (SIO) as appointed by Commanders.

b. Each major subordinate command and battalion headquarters with an S-2/G-2 section and/or any units/activities involved in intelligence activities will appoint a Primary and an Alternate I/O Monitor. I/O Monitors will be appointed on a memorandum (see figure 2-1) signed by the unit/activity commander. A copy of the appointment will be provided to the State IO Monitor ATTN: J-2 Senior Intelligence Officer.

c. Each I/O Monitor will be trained as outlined in KSNG SOP 381-10.

d. Each I/O Monitor will maintain a copy of KSNG SOP 381-10 and each of the required references listed in appendix A of the KSNG SOP 381-10 in a tabbed notebook usually referred to as the "I/O Smartbook."

5. Quarterly intelligence oversight reports. All IO Monitors will submit quarterly Intelligence Oversight training and inspections conducted during the past quarter along with any violation or questionable activities to the KSNG Inspector General with a copy to the State I/O Monitor, ATTN: J-2 Senior Intelligence Officer NLT the 5th day after the close of the quarter.

6. Compliance Inspections.

a. Compliance inspections will be conducted as part of each command's Command Inspection Program.

b. J-2/Inspector General (IG) inspectors will verify I/O appointments, training on unit training schedules, I/O Training Registers (who attended training vs. assigned personnel), and references.

7. Force Protection. Intelligence activities (resources, personnel and equipment) may not legally be directed to target or intentionally collect information on U.S. persons for force protection purposes. However, information received by intelligence activities identifying U.S. persons who are alleged to threaten the force must be passed to the threatened commander and the organization responsible for countering that threat.

8. Reporting Violations or Questionable Activities.

a. All unit personnel have a responsibility to report intelligence activities that may appear to be questionable or improper (see figure 2-4). Reports can be submitted to the following:

(1) Unit Chain of Command (Preferred method).

(2) I/O Monitors at Battalion, Major Subordinate Command, J-2 Senior Intelligence Officer, and/or State HQs (785) 274-1116.

(3) The Legal Advisor to the Adjutant General (785) 274-1024.

(4) The State Inspector General (785) 274-1022/1020/1021/1483.

(5) The NGB Inspector General (703) 607-2515.

(6) The Army Inspector General, ATTN: I/O Division (703) 697-6698.

(7) The Army General Counsel.

b. Use of the unit chain of command is the preferred reporting channel. However its use is not required. Regardless of reporting channels, *no adverse actions will be taken against any person who reports a questionable activity.*

c. When submitting a Questionable or Improper Activity Report (either in the following format or via SIR) include the following information:

(1) WHO: Who was responsible for the questionable activity?

(2) WHAT: What was the questionable activity?

(3) WHEN: Date and Time that the activity happened.

(4) WHERE: Location where the activity took place.

9. Commander Responsibilities.

a. Ensure an IO monitor is assigned via appointment memorandum.

b. Ensure IO monitors are trained IAW guidance and policy.

c. Ensure that quarterly IO Oversight reports are submitted to J-2 NLT the 5th day after the close of the quarter.

d. Ensure that IO inspections are incorporated into the overall Organizational Inspection Program (OIP).

e. Ensure that questionable activities are reported immediately.

SECTION VI –

COMMON DUTY APPOINTMENT ORDERS

1. This is a listing of Duty Appointment Orders, current as of the date of the publication, with the appropriate references that may be required by different levels of command. This list does not constitute an all encompassing list of required duty appointments, but may be used as a reference for compiling duty appointment orders. Be sure to check the appropriate reference for the applicability to your unit.

2. Areas.

a. Personnel

(1) (UNIT) Unit Prevention Leader (UPL) (KS SOP 600-85, Para 2-5).
(2) (UNIT) Armory/Facility Safety Officer/NCO (NGR 385-10, Para 1-4d(4)).
(3) (BN/UNIT) Armory Fiscal Officer and Alternate (KS SOP 210-10).
(4) (BN/UNIT) Station Funds Custodian (KS SOP 230-21).
(5) (BN/UNIT) Armory Funds Custodian (KS SOP 230-21).
(6) (BN/UNIT) Officer, NCO, Enlisted Funds Custodians (KS SOP 230-21).
(7) (BDE/BN) Enlisted Reduction Board (NGR 600-200, Para 6-45).
(8) (BDE) Equal Opportunity Advisor (NGR 600-21, Paragraph 2-2a).
(9) (BN/Unit) Equal Opportunity Representative (NGR 600-21, Paragraph 1-4i(7)).
(10) (BN/UNIT) Unit Family Program Liaison (NGR 600-12, Para 2-6c).
(11) Full-time Support Supervisor (Required when the Readiness NCO is not the senior enlisted FTUS) (NGR 600-5, paragraph1-4d).
(12) (BDE/BN/UNIT) Information Assurance Security Officer (JFHQKS SOP 25-2).
(13) (BN/UNIT) Unit Morale, Welfare and Recreation Fund Manager (AR 215-1, paragraph 5-6).
(14) BN/UNIT) Unit Historian (AR 870-5).
(15) (BN/UNIT) Human Relations/Equal Opportunity Officer and NCO (AR 600-21, Para 6-3i (12)).
(16) (BN/UNIT) Unit Postal Officer/ Alternate Unit Postal Officer (AR600-8-3).
(17) (UNIT) Retention NCO.
(18) (BDE/BN) Safety and Occupational Health Council (NGR 385-10, paragraph 1-6c).
(19) (BN/UNIT) Safety Officer and Safety NCO/Safety Assistant (AR 385-10, paragraph 2-1f (1) and NGR 385-10, paragraph 1-4f).
(20) (UNIT) Unit Public Affairs Representative (UPAR) (AR 360-1).
(21) (STATE) Medical Review Officer (MRO) (AR 600-85, paragraph 12-7).
(22) (STATE) Alcohol Drug Control Officer (ADCO) (AR 600-85, paragraph 12-7).
(23) (UNIT) Unit Postal Officer and Alternate (AR 600-8-3, paragraph 2-3a).
(24) (UNIT) Unit Mail Clerk and Alternate (AR 600-8-3, paragraph 2-3b).

b. Intelligence/Security.

(1) Classified Material Key and Lock Custodian (AR 380-5, paragraph 7-4d(1)(a)).
(2) Communications Security (COMSEC) Custodian (AR 380-40, paragraph 1-4h(1)).
(3) (STATE/BDE) Command COMSEC Inspector (AR 380-40, paragraph 1-4g(2)).
(4) Physical Security Officer (AR 190-13).
(5) Command Security Manager (AR 380-5, paragraph 1-6e).
(6) Key and Lock Custodian and Alternate (AR 190-51).
(7) Key and Lock Custodian and Alternate (AA&E) (AR 190-11).
(8) Information Assurance Security Officer (IASO) (AR 25-2, paragraph 3-2f).
(9) Information Assurance Manager (IAM) (AR 25-2, paragraph 3-2d).
(10) (STATE) Frequency Manager (AR 25-1, paragraph 2-27a(4)).
(11) (STATE) Records Manager (AR 25-1, paragraph 2-27b).
(12) (STATE) Single Installation VI Manager (AR 25-1, paragraph 2-27d).

c. Operations and Training.

(1) Marksmanship Coordinator (NGB Pam 350-7, paragraph 1-7).
(2) Mobilization Purchasing Authority (when required) (FORSCOM Regulation 500-3-3, Annex B, pg. 94).
(3) Range Control Officer/NCO (AR 385-63, paragraph 1-4r(3)(c)).
(4) (BDE/BN) Test Control Officer (AR 611-5, paragraph 2-1a).
(5) (STATE/BDE/BN) Organizational Inspection Program (OIP) Coordinator (AR 1-201).

d. Logistics

(1) Army Oil Analysis Program (AOAP) Monitor (AR 750-1, paragraph 4-36d(6))
(2) Bulk Fuel Control Officer (AR 710-2, paragraph 2-37b(1)).
(3) Calibration Coordinator (AR 750-43, paragraph 2-10a).
(4) (BN) DD Form 1544 Auditor (DA Pam 30-22, paragraph 3-30a).
(5) Dispatcher (DA Pam 738-750, paragraph 2-2b).
(6) (BDE/BN) Energy Action Officer and Assistant (AR 11-27
(7) Field Sanitation Team (FM21-10, Chapter 4).
(8) Food Service Officer and Alternate (AR 30-22, paragraph 3-19a(6)).
(9) Maintenance Officer (AR 750-1, paragraph 3-7a).
(10) Priority Designator Reviewer (DA Pam 710-2-1, paragraph 2-3a).
(11) Property Book Officer (AR 710-2, paragraph 2-5g(1)).
(12) Logistics Readiness Officer (AR 50-1, paragraph 2-20b(4)).
(13) Environmental Compliance Officer (AR 200-1, paragraph 1-32f).

SECTION VII
BULLETIN BOARD POSTING REQUIREMENTS/SUGGESTIONS.

1. This section contains a listing of required and suggested postings to unit bulletin boards, current as of the date of this publication. This list does not constitute an all encompassing list of required postings, but may be used as a reference for checking/setting up unit bulletin boards. Be sure to check for updated letters/postings prior to posting documents or posters on unit bulletin boards.

2. Areas.

a. Safety.

(1) PRELIMINARY LOSS REPORT.
(2) SAFETY OF USE MESSAGES.
(3) CDR/CSM SAFETY PHILOSOPHY (Current).
(4) The AG's ACCIDENT POLICY.
(5) The AG's SAFETY PHILOSOPHY.
(6) MINUTES OF CURRENT QUARTERLY SAFETY MEETING.
(7) COMMANDER ARMY SAFETY POLICY.
(8) SAFETY AND OCCUPATIONAL HEALTH NEWSLETTER.
(9) SAFETY BELT CAMPAIGN.
(10) TECHNICAL ADVISORY MESSAGES.

b. EO/POSH/LABOR.

(1) EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW POSTER.
(2) EMPLOYMENT AND RE-EMPLOYMENT RIGHTS ACT.
(3) ESGR REP POSTER.
(4) HUMAN RELATIONS/EO POLICY LETTER COMMANDERS SIGNATURE.
(5) NGB OFFICE OF EO AND CIVIL RIGHTS HOT LINE POSTER.
(6) EEO COUNSELORS (Current).
(7) ADDITIONAL DUTY APPOINTMENTS FOR HR/EO.
(8) UNIT EEO COMPLAINT CHANNELS.
(9) EO AND EEO REGS.
(10) ACCOUNTABILITIY FOR EEO.
(11) EO AND SH COMPLAINT PROCESS.
(12) SEXUAL HARASSMENT POSTER – NGB.
(13) NGB SEXUAL HARASSMENT PREVENTION POLICY.
(14) SEXUAL HARASSMENT POLICY LETTER COMMANDERS SIGNATURE.
(15) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING.
(16) INJURY HOT LINE POSTER.
(17) AMERICAN WITH DISABILITIES ACT POSTER.
(18) POLICY STATEMENT ON MILITARY AFFIRMATIVE ACTION.
(19) LETTER ON DRUG AND ALCOHOL ABUSE.

c. IG.

(1) RIGHT TO COMM. W/ IG (Current).
(2) IG Action Request Form (DA Form 1559).

d. Political Activities.

(1) POLITICAL ACTIVITIES.

e. Extremist Groups.

(1) NATIONAL GUARD MEMBERSHIP IN EXTREMIST GROUPS.

f. Job Announcements.

(1) AGR.
(2) TECH.

g. Policy Letters

(1) TAG (All Current).
(2) BRIGADE (All Current).
(3) BATTALION (All Current).
(4) COMPANY (All Current).
(5) ASSUMPTION OF COMMAND LETTER.

h. MISCELLANEOUS.

(1) LAUTENBERG AMENDMENT.
(2) TRAINING SCHEDULES (Current month and two months out).
(3) DRILL SCHEDULE.
(4) INDIVIDUAL RESPONSIBILITY OF NATIONAL GURD MEMBER.
(5) NCOER Rating Chain (AGR By Name – M-Day by duty position).
(6) OER Rating Chain (By Name).
(7) PROHIBITION OF ABUSE OF THE GOV'T TRAVEL CHARGE CARD.
(8) Family Medical Leave Act POSTER.
(9) TAGs Vision Statement.
(10) RECRUITING AND RETENTION POSTERs.

SECTION VIII
FREQUENTLY USED WEBSITES

Publications
Army Publications (Regulations, Forms, etc): http://www.apd.army.mil/
NGB Publications (Regulations, Forms, etc): http://www.ngbpdc.ngb.army.mil/
Army Doctrine and Training Digital Library: http://www.adtdl.army.mil
DOD Electronic Forms: http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm
FORSCOM Publications and Forms: http://www.forscom.army.mil/pubs
IRS Forms and Publications: http://www.irs.ustreas.gov
Soldiers Online-The Official Army Magazine: http://www.army.mil/publications
TRADOC Publications: http://www-tradoc.monroe.army.mil/publica.htm
US CODE, federal laws, etc: http://www.law.cornell.edu/

Organizational
Army Knowledge Online: https://www.us.army.mil
Guard Knowledge Online (GKO): https://gko.ngb.army.mil
Army: http://www.army.mil
Army Forces Command: http://www.forscom.army.mil
Army Material Command (AMC): http://www.amc.army.mil
Army National Guard (ARNG): http://www.arng.army.mil
Defense Finance and Accounting Service: http://www.dfas.mil
Department of the Army (DA): http://www.hqda.army.mil
Department of Defense (DOD): http://www.defenselink.mil
General Services Administration (GSA): http://www.gsa.gov
Human Resource Command (HRC): http://www.hrc.army.mil
Occupational Safety and Health Administration (OSHA): http://www.osha.gov
Office of Personnel Management (OPM): http://www.opm.gov
Training and Doctrine Command (TRADOC): http://www.tradoc.army.mil

Family Support
DEERS E-Mail: http://tricare.mil/DEERS/update-info.cfm (E-mail changes to Defense Enrollment Eligibility Reporting System (DEERS))
Military Assistance Program: http://dod.mil/mapsite
TAPS (Tragedy Assistance Program for Survivors, Inc.): http://taps.org (Grief support and services for survivors of military line-of-duty deaths.)
U.S. Army Community and Family Support Center Morale, Welfare, and Recreation (MWR): http://www.armymwr.com

Personnel and Medical
G1 Personnel Gateway:
https://g1arng.army.pentagon.mil/Pages/Default.aspx
Personnel Policy Guidance: Regulation for those deployed:
http://www.armyg1.army.mil/MilitaryPersonnel/ppg.asp\
Army Ribbons Order of Precedence:
http://www.tioh.hqda.pentagon.mil/awards/ribbon/OrderofPrecedence.htm

Army Records Information Management System (ARIMS): https://www.arims.army.mil/
Army Reserve Component Retirement Services: http://www.armyg1.army.mil/rso/pay.asp
Military Retirement Calculator (Active Duty):
http://www.defenselink.mil/militarypay/retirement/calc
Personnel Electronic Records Management System (iPERMS):
https://statepermsompf.hoffman.army.mil/rms/login.jsp
Army Medical Department (AMEDD): http://www.armymedicine.army.mil
Military Medical Support Office (MMSO): http://www.tricare.mil/MMSO/
MyPay: https://mypay.dfas.mil/mypay.aspx
TRICARE Info: http://www.tricare.mil/

Miscellaneous Websites
Army Training Requirements and Resources System: https://www.atrrs.army.mil/
Center for Army Lessons Learned (CALL): http://call.army.mil/
U.S. Army Combat Readiness/Safety Center: https://crc.army.mil/home/
DoD Lodging: http://www.armymwr.com/portal/travel/lodging/
Federal Voting Assistance Program: http://www.fvap.gov
Veterans Affairs (VA): http://www.va.gov

SECTION IX
USEFUL PHONE NUMBERS

Kansas National Guard Chaplain:	785-274-1514
Employer Support of the Guard & Reserve (ESGR):	785-274-1559
Enlisted Personnel	785-274-1084
EO/EEO:	785-274-1168
MFLC Child & Youth Behavioral:	785-274-1033
Government Travel Card	785-274-1205
Military Family Life Consultant (MFLC):	785-274-1571
State Family Programs Director:	785-274-1171
State Family Readiness Assistant:	785-274-1173
Family Assistance Coordinator:	785-742-5652
Inspector General:	785-274-1020/1021/1022/1483
Joint Operations Center:	785-274-1117/1128
Judge Advocate General (JAG):	785-274-1027
Military One Source:	785-274-1557
Military Pay:	785-274-1240
Officer Personnel:	785-274-1070
Personal Finance Counselor:	785-274-1016
Director of Psychological Health:	785-274-1570
Public Affairs Office:	785-274-1190/1192/1194
State Youth Program:	785-274-1491/1967
State Education Officer:	785-274-1081
Sexual Assault Response Coordinator (SARC):	785-274-1578
State Safety Office:	785-861-3876
Transitional Assistance Advisor (TAA):	785-274-1129/1188
Travel Vouchers	785-274-1205
Tricare/DEERS:	785-274-1517
Chief Workforce Support:	785-274-1183
Yellow Ribbon Team:	785-274-1211