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STATE OF NEVADA OFFICE OF THE MILITARY
OFFICE OF THE INSPECTOR GENERAL FOR NEVADA
2460 Fairview Drive
Carson City, Nevada 89701-6807

Inspector General Activities
INSPECTOR GENERAL HANDBOOK FOR ARMY LEADERS

CHAPTER 1 - Administrative Information

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This handbook was prepared by the Office of the Nevada Inspector General to assist leaders within the Nevada Army National Guard. It does not supersede or replace any Army or National Guard regulations and should be used only as a guide or quick reference tool.

CHAPTER 1. Administrative Information

1. **PURPOSE.** The purpose of this leader's guide is to assist Army leaders and commanders in properly executing their duties in accordance with Army regulations, National Guard Bureau (NGB) Regulations and Nevada Military Department (NMD) Regulations. This handbook provides leaders with information on Department of the Army (DA) Policy, as well as, NGB policy for a variety of topics. The topics presented in this handbook are those that frequently present themselves to the Inspector General
2. **REFERENCES.** Each area will list applicable references.
3. **SCOPE.** This handbook is for use by all leaders assigned to the Nevada Army National Guard.
4. **GENERAL.**
 - a. The information in Chapter 3, Focus Areas, includes references, highlights of DA, NGB and NMD policy, commanders' responsibilities and where to go for more assistance.
 - b. When using this handbook, keep in mind that it does not supersede or replace any Army, NGB or NMD regulations. As of the publication date, the information in this handbook is current however, regulations are constantly subject to change. Before taking any final action, commanders should refer to the appropriate regulation. (Refer to the USAPA Web Page for the most current and updated Department of the Army publications).
5. **USER COMMENTS.** Provide any comments on this handbook to the Nevada National Guard Office of the Inspector General.

"In no other profession are the penalties for employing untrained personnel so appalling or as irrevocable as in the military.

"- General Douglas MacArthur

CHAPTER 2. Inspector General Overview

1. The IG's Role

- a. The modern Army IG is an extension of the eyes, ears, voice, and conscience of the commander. With historical links to the Revolutionary War, the IG serves as a personal staff officer who provides the commander with a sounding board for sensitive issues, and is a trusted agent throughout the command. The IG is an honest broker and a consummate fact finder whose primary tools include **teaching, training, inspecting, assisting, and investigating**. IGs are never “off the record”. Maintaining the confidence of members of the command, impartiality toward issues being examined, and the confidentiality of issues for all parties in an action are hallmarks of IG responsibilities.
- b. IGs are a means whereby the commander checks and inculcates discipline, ethics, and standards. IGs enable the commander to get a quick response for their own and higher level interests.

2. The IG System

- a. Each IG staff section assigned to a command or any of the several States contains a commissioned officer or civilian who is designated as the command IG (only active Army commissioned officers may serve as State command IGs). The command IG leads the IG staff section and works directly for the commander or, in the case of the States, the State Adjutant General (TAG). The command IG communicates the commander's vision, intent, philosophy, and guidance to the other members of the IG staff section, who in turn execute the four IG functions within the command or State based upon this guidance.
- b. All IGs serve their commanders and their commands by performing the four IG functions—inspections, assistance, investigations, and teaching and training—for the specific purpose of enhancing the command's readiness and warfighting capability. The IGs use these functions to seek out systemic issues that adversely affect the command and the Army and then inspect those systemic issues to identify problem areas and make recommendations that directly address the causes of these problem areas. The two main concepts that bear directly upon and often characterize the execution of these four functions are the IG tenet of confidentiality and the restrictions placed on the distribution and use of IG records.
 - 1) Inspections Function- Inspections focus on identifying and solving problem areas that affect readiness Army-wide; inspections do not focus on punitive measures against leaders at any level.
 - 2) Assistance Function - Assistance is the process of receiving, inquiring into, and responding to complaints, requests for information, and requests for help presented or referred to an Inspector General. This process is used to correct problems indirectly. Inspectors General correct problems by bringing the matter to the attention of the command and letting the command do the right thing. This referral occurs at the lowest

level of command appropriate to take the corrective action and elevated only when deemed appropriate. This process assists in eliminating conditions detrimental to the morale, efficiency, or reputation of the unit and the Army.

- 3) Investigations Function - An investigation is a formal fact-finding examination into allegations, issues, or adverse conditions of a serious nature that provides the Directing Authority a sound basis for making decisions and taking action. Occasionally, IG investigations may examine systemic issues, especially when the possibility of some wrongdoing exists. IG investigations are designed to establish the facts of what happened, so that the allegation can be substantiated against an individual, or is not substantiated and a person's name is cleared of the allegation(s).
- 4) Teaching and Training Function – Embedded in all IG functions and used to promulgate knowledge of the Army's systems, policies, and procedures.

c. The IGs function within a system of Army wide IGs who cooperate and assist each other in executing these functions on behalf of their respective commands—even though they serve other commands and commanders. The effective functioning of the IG system depends on the mutual cooperation of all IGs through IG technical channels not simply within each particular command or State but throughout the Army as a whole.

d. All IGs operate within an environment consisting of the commander, the commander's staff, the commander's Soldiers, Family members, DA civilian employees, retirees, contract employees, and other civilians. These individuals represent the IG's constituency, and all IGs bolster the chain of command by performing the four IG functions in support of this constituency.

e. Although the IG is in place to address issues and allegations the IG **will not inappropriately intervene in certain issues and allegations;** unless there was a procedural error in the action listed below:

- 1) Criminal Investigations
- 2) Issues that have other means of redress or remedy such as:
 - Courts-Martial Actions
 - Non judicial Punishment
 - OERs / NCOERs
 - Type of Discharge Received
 - Pending / Requested Discharge
 - Reports of Survey
 - Relief for Cause
 - Adverse Information Filed in Records
 - Claims

3. Seven 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. What can the commander do to rectify this? He or she can bring these pointers to the attention of the Soldiers.

- 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, Congressman or local IG can help out on occasion, but they must ultimately work with the chain of command.
- c. Try all other appropriate remedies. The IG is sort of a "court of last resort". If other remedies are available they should be used first.
- d. Deal with the closest IG; it will speed up the process and get an answer sooner. The IG at Major Command, NGB or Army level cannot personally investigate each complaint. 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. That IG will then inquire into all aspects of the case and provide all the information to the IG at the higher level. This is not intended to imply that a Soldier cannot deal with an IG at any level desired. The problem may be so sensitive that the Soldier is reluctant to discuss it with anyone assigned to his or her own unit.
- e. Level with the IG; once the IG starts inquiring, he'll know soon enough 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. The IG cannot change a regulation just because it does not suit an individual. He can, however, recommend changes to regulations determined to be inappropriate or unfair.
- g. An IG is not a commander; he can only 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 can only resolve a case on the basis of provable facts. If the IG cannot find concrete proof, he cannot resolve the case in favor of the complainant. 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.

- 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 report does not go in his or her favor, it is pointless to continue.

CHAPTER 3. Information to Keep Leaders Out of Trouble

1. General Information

- a. Afford every soldier the opportunity to visit the IG should the need arise, without any consequences. AR 20-1 and AR 600-20 provides for a punitive prohibition on restricting lawful communication with an IG, member of congress, or a member of an audit, inspection, investigation, or law enforcement organization within DOD. This does not eliminate the requirement for personnel to utilize the chain of command, but if a soldier desires to communicate with an IG, let him do so on duty time.
- b. Keep in mind that IGs are impartial fact finders who are prohibited by regulation from recommending punishment and that the results of IG investigations cannot normally be used as part of further investigations or as a basis for adverse actions.
- c. Within the realm of training, the IG can provide leaders with expertise in a variety of subjects. The IG system should be thought of as a switchboard. If the subject matter expert is not in the local IG office, the IG can refer them to the subject matter expert within the command or leverage subject matter experts through IG technical channels.
- d. Anyone can bring an issue to an Army IG: Soldiers, DA civilians, family members, anonymous sources, members of the chain-of-command, - anyone.
- e. Although any issue can be brought to an IG, not all issues are IG appropriate. Therefore, the IG will determine whether the issue should be dealt with by the IG, or if another agency should deal with the issue. For example, Equal Opportunity (EO) complaints are usually referred to an EO Representative

2. Misconceptions

- a. **"During an IG investigation, any soldier involved (especially the complaint) is protected from unfavorable action until the investigation is complete."**

Wrong: The chain-of-command remains the chain-of-command. Leaders are still responsible for taking appropriate actions within their area of responsibility and their authority.

Probable source of the misconception: There are very specific and stringent prohibitions against leaders retaliating orreprising a soldier that has brought a complaint to the IG - even if that leader believes that the complaint is "bogus." This situation sometimes arises when a soldier who is in trouble with the chain of command complains to the IG, usually against the chain of command, about anticipated adverse action in an effort to block the impending adverse action. The bottom line is that ALL communication with an IG is protected by law, and talking to an IG about an issue cannot be grounds for any unfavorable action.

What this means to leaders: Proceed as you feel the situation warrants, but be prudent! Be aware that you may be required to defend your actions to prove that you are not taking the action as retaliation or reprisal for the soldier's talking to an IG. If you can clearly demonstrate the reasons for the unfavorable action (i.e. that it is for specific behavior other than the individual's communication to the IG), you should be fine. A trip to your friendly neighborhood SJA prior to taking any action is always a good idea in situations like this.

b. "A commander's 15-6 Investigation and an IG Investigation are totally separate."

Yes and No:

Yes, they are separate, based on who has access to each. Investigating officers conducting a 15-6 investigation do not have access to IG information, including IG investigations. According to regulation, access to IG investigations is restricted to IGs and the Directing Authority (TAG). AR 20-1 generally prohibits the use of IG investigations results for unfavorable (or favorable) actions. On the other hand, a commander's inquiry or AR 15-6 investigation is intended to afford an appropriate basis upon which a commander may rest his or her decision to take (or not to take) adverse personnel action.

No, they are not separate, in that they can be combined. However, it's a one-way street. An IG has full access to and can use applicable 15-6 investigations as a part of his /her IG investigation. According to the doctrine governing IG actions, IGs should include copies of any 15-6 investigations that have relevance to an IG investigation. These two separate investigations are connected through AR 20-1 para. 1-9d, which authorizes IG's to have access to all documents and other evidentiary materials needed to discharge their duties, including normally protected data. Examples include 15-6 investigations, classified documents, records of board proceedings, acquisition information, medical records, medical quality assurance records, drug and alcohol records, financial records, evaluation reports, back channel messages, security dossiers, criminal investigation reports, copies of personnel restricted fiche (R-fiche) and financial disclosure statements.

Probable source of the misconception: The misunderstanding probably stems from the differences in how the information in an investigation can be used by a commander. IG investigations may not be used for unfavorable actions (unless approved by The Inspector General or the Army, which is rare), while the results of a 15-6 investigation may be used for unfavorable actions or punishment.

What this means to leaders: Sometimes an IG will forward allegations to commanders with a recommendation that he or she initiate a 15-6 investigation. This normally means that the allegations contain misconduct that is clearly a UCMJ violation, or would likely warrant unfavorable action if the allegations prove to be true. In other cases, the IG may conduct an independent investigation into the allegations. As explained above, the IG has access to the results of any 15-6 investigation.

- c. **"If one of my soldiers makes an IG complaint that does not pan out (e.g. is not substantiated), I can discipline him/her for making a false allegation!"**

Wrong: In the first place that would probably amount to an unlawful act of reprisal. While a person who deliberately makes false allegations or statements to the IG opens themselves up to harsh disciplinary action, (including prosecution under the UCMJ or federal statute) simple non-substantiation of an allegation does not necessarily mean the complainant lied to the IG and should not trigger disciplinary action. It may mean the person was simply mistaken, misinterpreted the facts, or misunderstood someone's actions or words. Likewise, it may also mean that the IG was unable to develop sufficient evidence to establish the allegation. Keep in mind that IG's only substantiate allegations when a preponderance of credible evidence exists. Preponderance is defined as "superiority of weight," (e.g. a majority). AR 20-1 para 8-6 requires that allegations be "not substantiated" when a preponderance of credible evidence, as viewed by a reasonable person, does not exist to support the allegation. This means that in the closest of cases, a 50/50 split of the evidence results in a "not substantiated" finding.

Probable source of the misconception: Confusion over the issues of a "preponderance of credible evidence" and the protected status of communication with an IG.

What this means to leaders: Respect and protect a soldier's right to bring allegations to the IG, whether or not you agree with the validity of the allegations. An IG investigation may serve to clear a person's good name of an allegation that has' been made or it may substantiate the allegation, if there is a preponderance of credible evidence.

- d. **"The IG will open an investigation against you anytime a soldier complains about you."**

Wrong: IG's conduct investigations based on allegations that specific conduct by a specific individual has violated a specific standard. IG's analyze the validity of allegations brought to them. When IG's receive a complaint the first thing they do is conduct a preliminary analysis to ascertain the nature and grounds of the complaint, and determine whether there are issues appropriate for IG action. Preliminary analysis is not an instantaneous process. It takes time and often involves an initial inquiry to clarify the grounds of the complaint and research the appropriate standards. Standards come from many sources, including Federal state and local laws, the UCMJ, regulations, policies, and SOP's.

Probable source of the misconception: A lack of understanding of the four elements of an allegations: (1) A specific individual... (2) improperly... (3) committed an act or acts... (4) in violation of a specific standard. The part that often prevents an issue from being an allegation is (4). While a complainant thinks that another person's actions are improper, the actions do not violate a specific Army standard (standards include regulations, policies, orders, and basic ethical behavior). Another source of the misconception is a lack of understanding of the preliminary analysis that IG's conduct for all potential allegations.

What this means to leaders: Understand that **IG's don't initiate investigations just because a soldier complains about his leader.** Realize that all four elements listed above must be present for an allegation, and also be aware that IG's go through a preliminary analysis of all allegations. This preliminary analysis is also conducted for all allegations that are forwarded to commanders with a recommendation for a 15-6 investigation.

3. Focus areas. The following areas are topics that are frequently presented to the Inspector General. The information contained is designed to serve as a quick reference guide and to point leaders in the right direction...it is not intended to replace the actual governing documents and procedures applicable to each area. It is incumbent upon leaders to review the current applicable reference documents and become familiar with them prior to proceeding. If there are questions or concerns about how to proceed contact the appropriate staff section or the IG office for assistance.

ADMINISTRATIVE SEPARATIONS (CHAPTERS)

1. REFERENCES

- a. AR 635-200 with Interim Change.
- b. AR 135-178

2. DEPARTMENT OF THE ARMY POLICY.

a. There is a substantial investment in the training of persons enlisted or inducted into the Army. Commanders will ensure that adequate counseling and rehabilitative measures have been taken before initiating action to separate a soldier for one of the following reasons:

- (1) Involuntary separation due to parenthood. (Para 5-8)
- (2) Personality disorder. (Para 5-13)
- (3) Entry level performance and conduct. (Chapter 11)
- (4) Unsatisfactory performance. (Chapter 13)
- (5) Minor disciplinary infractions or a pattern of misconduct. (Para 14-12a and b)

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

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

- (1) Reason for counseling.
- (2) Warning that separation action may be initiated if the behavior continues.
- (3) The type of discharge that could result from the possible separation action and the effect of each type.

d. Each counseling session required by this paragraph **must** be recorded in writing using DA Form 4856, Developmental Counseling Form.

e. At least one of the following measures will be taken prior to initiation of separation action for one of the reasons established in 2.a. (3) through (5):

- (1) Reassigned at least once, with at least two months of duty in each unit.
Reassignment should be between at least battalion-sized units.
- (2) Permanent Change of Station.

- (a) Soldiers in the grades of PVT through CPL, with two years of service or less.
- (b) A transfer to another station that would not be detrimental to the soldier or the Army.

f. The requirement for a rehabilitation transfer may be waived by the separation authority at any time on or before the separation authority approves or disapproves the separation.

3. GENERAL INFORMATION - There are 13 different chapters (4 through 16) for separating personnel. Each has its own set of rules and procedures. For example, in separations involving misconduct (Chapter 14) or unsatisfactory performance (Chapter 13), you must provide a rehabilitative transfer unless waived by the separation authority. Some chapter actions require the use of the notification procedure in AR 635-200, Chapter 2. This explains the soldier's rights in the proceedings and is 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.

4. COMMANDER RESPONSIBILITIES

- a. Become thoroughly familiar with the regulations governing the types of separation action desired.
- b. Consult with your servicing Staff Judge Advocate (SJA) and Adjutant before initiating any separation action.
- c. Ensure that reasonable efforts towards rehabilitation have been exhausted before initiating separation proceedings.
- d. Ensure that adequate counseling has been accomplished in writing.

5. POINTS OF CONTACT

- a. S1 (Personnel Officer / Personnel Sergeant)
- b. G1 (Personnel)
- c. Staff Judge Advocate (SJA)

AWARDS (INDIVIDUAL AWARDS / DECORATIONS)

1. REFERENCES

- a. AR 600-8-22, Military Awards.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags).
- c. AR 600-8-104, Military Personnel Information Management/Records.

2. DEPARTMENT OF THE ARMY POLICY

- a. 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.
- b. Each recommendation must be entered administratively into military channels within 2 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.
- c. 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. (AR 600-8-22, paragraph 1-16)
- d. Soldiers under suspension of favorable personnel actions (flags) are not eligible to receive an award during the period of the suspension. Exceptions are listed in AR 600-8-2.
- e. Provisions on individual awards are fully detailed in AR 600-8-22.

3. 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. If the award recommendation, DA Form 638-1 (Recommendation for Award (For Other Than Valor)) of Army Achievement Medal (AAM), Army Commendation Medal (ARCOM), and Meritorious Service Medal (MSM), is disapproved, the original DA Form 638-1 must be sent for filing in the soldiers Official Military Personnel File (OMPF). If the award is downgraded, a copy of the DA Form 638-1 must be sent for filing in the soldiers OMPF.
- c. Recommendations for awards must be based on specific achievements.

- d. 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.
- e. 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.
- f. No preconditions for an award may be established nor will they be used as prizes in contests.
- g. Limiting awards to a specific number per unit (quotas) is not authorized.

4. COMMANDER RESPONSIBILITIES - Ensure implementation of the provision of AR 600-8-22.

5. POINTS OF CONTACT

- a. S1 (Personnel Officer / Personnel Sergeant)
- b. G1

BARS TO RE-ENLISTMENT (FIELD COMMANDER'S BARS)

1. REFERENCES

- a. AR 601-280, Total Army Retention Program
- b. AR 635-200, Enlisted Personnel
- c. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags)

2. DEPARTMENT OF THE ARMY POLICY

- a. Only soldiers of high moral character, personal competence, and demonstrated adaptability to military requirements will be allowed to re-enlist in the Regular Army. Soldiers should be treated under the "whole person" concept. Soldiers who cannot or don't measure up to standards, but whose separation under proper administrative procedures is not warranted at the present time, will be barred from further service.
- b. A bar to re-enlistment is not a punitive action. It puts the soldier on notice that he is not a candidate for re-enlistment and that he or she may be a candidate for separation if the current circumstances don't change.
- c. Commanders will submit a bar when a fully qualified soldier requests re-enlistment and is denied re-enlistment or extension. Commanders should be proactive and bar substandard soldiers before they are re-enlistment eligible.

3. GENERAL INFORMATION

- a. Soldiers may be barred for numerous reasons. Paragraph 8-4, AR 601-280, provides a listing of some infractions or reasons to do so, but is not all-inclusive.
- b. Waivers. Soldiers who don't qualify for re-enlistment, extension, or promotion to SGT/SSG may submit a request for a waiver. Normally, requests for waivers will be submitted only for meritorious cases. Submission of requests for waivers is detailed in paragraph 3-10, AR 601-280 and Interim Change 101 to AR 601-280.
- c. Procedures. Bar to re-enlistment procedures and the appeal and removal process are detailed in paragraph 8-5, AR 601-280.

4. COMMANDER RESPONSIBILITIES

- a. Commanders must be especially alert to the need to evaluate the advisability and desirability of affording continued military service to soldiers of the following, or similar, caliber:
 - (1) Untrainable soldiers. (AR 601-280, Para 8-4).
 - (2) Unsuitable soldiers. (AR 601-280, Para 8-4).

- (3) Single soldiers/in-service couples with dependent family members. (AR 601-280, Para 6).
- b. Commanders will initiate a bar to re-enlistment or discharge proceedings (per AR 635-200) against soldiers who—
- (1) Are enrolled in the Weight Control Program. Doesn't make satisfactory progress after a six month period and have no medical reason to cause the condition.
 - (2) Fail two consecutive APFTs. A soldier may be barred after a one-time failure.
 - (3) Are removed for cause from NCOES courses.
- c. Review (evaluate) bars to re-enlistment. Once approved, commanders will review bars at least once each 3 months after the date of approval and 30 days before the soldier's scheduled departure from the unit or removal from the service. (See DA PAM 600-8)
- (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 Re-enlistment received; not recommended for removal (date)" on soldier's DA Form 2-1.
 - (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 per AR 635-200, Para 16-4. 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 anytime removal of the bar isn't recommended. If the soldier doesn't 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. Paragraph 8-6, AR 601-280 provides further guidance.

5. POINTS OF CONTACT

- a. S1 (Personnel Officer / Personnel Sergeant) / G1 (Personnel)
- b. Legal Specialist / Staff Judge Advocate (SJA)
- c. Unit Retention NCO

FLAGS (SUSPENSION OF FAVORABLE PERSONNEL ACTIONS)

1. REFERENCES

- a. AR 608-8, Military Personnel Management.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags).
- c. DA PAM 600-8-1, Standard Installation Division Personnel System (SIDPERS) Unit Level Procedures.

2. DEPARTMENT OF THE ARMY POLICY

- a. Flag actions guard against the accidental execution of favorable personnel actions for soldiers not in good standing and support the Army's personnel life-cycle function of sustainment
- b. Mandates submission of flags when an unfavorable action or investigation (formal or informal) is started against a soldier by military or civilian authorities.
- c. Classifies flag action into two categories: non-transferable and transferable (paragraph 1-11, AR 600-8-2).
- d. Prohibits the execution of the following personnel actions. Exceptions are listed in paragraph 1-15, AR 600-8-2.
 - (1) Appointment, re-appointment, re-enlistment, and extension.
 - (2) Entry on active duty (AD) or active duty for training (ADT).
 - (3) Reassignment.
 - (4) Promotion or reevaluation for promotion.
 - (5) Awards and decorations.
 - (6) Attendance at civil or military schooling.
 - (7) Unqualified resignation or discharge.
 - (8) Retirement.
 - (9) Advanced or excess leave.
 - (10) Payment of enlistment bonus (EB) or selective re-enlistment bonus (SRB).
 - (11) Assumption of Command.
 - (12) Family member travel to an overseas command (when sponsor is overseas).

(13) Command sponsorship of family members in an overseas command (when sponsor is overseas).

3. COMMANDER 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.

4. POINTS OF CONTACT

- a. S1 (Personnel Officer / Personnel Sergeant)
- b. G1 (Personnel)
- c. Legal Specialist/Staff Judge Advocate (SJA)

LEAVE (DA 31, REQUEST AND AUTHORITY FOR LEAVE)

1. REFERENCE

- a. AR 600-8-10, Leaves and Passes.
- b. MILPER Message 99-245, R 291813Z Sep 99, Leave Approval Clarification.
- c. MILPER Message 99-247, R 291509Z Sep 99, Special Leave Accrual.

2. 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. 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.

***Note:** The following circumstances do not meet the criteria for emergency leave approval. Commanders may consider approving ordinary leave for situations described below:

- (1) Marital problems, unless a severe life threatening situation is documented.
- (2) To attend court hearings to resolve financial problems.
- (3) To assist in harvesting crops or participate in managing business firms.
- (4) 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.
- (5) To settle the estate of a deceased relative.
- (6) 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, Chapter 3.

d. Permissive TDY. PTDY is a nonchargeable 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 soldier's presence is requested by the Board of Directors.
- (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 ((See AR 600-8-10, Section XVI, 5-32f)
- (7) To attend meeting (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).

3. 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.

4. COMMANDER 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. AR 600-8-10, Chapter 5, provides detailed guidance.
- 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.

5. POINTS OF CONTACT

- a. S1 (Personnel Officer / Personnel Sergeant)
- b. G1 (Personnel)

FAMILY CARE PLANS

1. REFERENCES

- a. AR 600-20, Army Command Policy.
- b. AR 600-8-24, Officer Transfers and Discharges.

2. DEPARTMENT OF THE ARMY POLICY

- a. Family Care Plans (FCP) must be made to ensure family members are properly and adequately cared for when the soldier is deployed, TDY, or otherwise not available due to military requirements. It is the primary responsibility of the soldier to implement the FCP. It may be completed any time conditions warrant and family care is necessary due to the required absence of the soldier.
- b. 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.
- c. 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 (as defined in AR 600-20, paragraph 5-5,a2) 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.
- d. 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.

3. 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 a soldier on active duty or the reserve component of any service.
- b. Soldiers who are single, divorced, widowed, or separated or reside without their spouse and one of the following applies:

- (1) Has joint or full legal and physical custody of one or more dependents under age 18.
- (2) Has adult dependent family member(s) incapable of self-care, regardless of age.
- c. Dual-service couples of the active or reserves and one of the following applies:
 - (1) One or both has joint or full legal custody of one or more dependents under age 18.
 - (2) Has adult dependent family member(s) incapable of self-care, regardless of age.
- d. Soldier is divorced and has liberal or extended visitation rights by court decree. Applies only if the dependent is placed in the soldier's care in excess of 30 consecutive days.
- e. Soldier's spouse is incapable of self-care or is physically, mentally, or emotionally disabled and requires special care or assistance.
- f. Procedures for completing the FCP Counseling Checklist and the FCP for Continental U.S. (CONUS) and Outside CONUS (OCONUS) are detailed in AR 600-20.

4. COMMANDER RESPONSIBILITIES

- a. Conduct FCP counseling. This can be delegated.
- b. Approve FCPs. This cannot be delegated.
- c. Ensure soldiers know their responsibilities concerning FCPs.
- d. Ensure FCPs are certified annually or sooner if events dictate.
- e. Ensure soldiers on OCONUS assignment instructions or deployment notifications comply with FCP requirements.
- f. Screen soldiers during unit in-processing to determine if FCP requirements apply.
- g. Be thoroughly familiar with FCP requirements and procedures. Detailed responsibilities are listed in AR 600-20.

5. POINTS OF CONTACTS

- a. S1 (Personnel Officer / Personnel Sergeant)
- b. G1 (Personnel)
- c. Legal Specialist/Staff Judge Advocate (SJA)
- d. Chaplain
- e. State Family Programs Director (SFPD)

FAMILY ADVOCACY PROGRAM

1. REFERENCES

- a. AR 608-18, Family Advocacy Program.

2. DEPARTMENT OF THE ARMY POLICY - Prevent spouse and child abuse; protect those who are victims of abuse, treat families affected by abuse, and to assure that there are personnel who are professionally trained to intervene in abuse cases. DA policy also recognizes a commander's authority to take disciplinary or administrative action in appropriate cases.

3. GENERAL INFORMATION

- a. The Family Advocacy Program is a commander's program located within Military and Family Support Services (MFSS). The State Family Programs Director (SFPD) is appointed on orders by the TAG and coordinates the prevention, directs services, evaluation and training efforts of the Family Advocacy Program (FAP) within the State.
- b. Each unit commander should ensure that he or she is briefed on the FAP within 45 days of assuming command. The MFSS is prepared to make individual or unit level presentations designed to educate leaders and soldiers in preventing spouse and child abuse.
- c. Several programs are available through MFSS, Child Development Services, and the Chaplain office. These include Community Education Programs (designed to increase knowledge and awareness throughout the community), Commander Education Programs, and Troop Education Programs.
- d. When an incident of abuse is reported, the case manager or counselor will initiate and maintain communication with the commander. This will include: a written notification of the incident notifying the commander that a report has been made and is being investigated; written outline of the treatment plan and recommendations; reports on attendance and cooperation with the treatment plan; evaluation of the soldier's progress; and notification of the unit commander of any subsequent acts of abuse.
- e. The unit commander is responsible for notifying the case manager of any pending disciplinary or administrative action, subsequent acts of abuse, and unit activities that impact on treatment.
- f. When abuse constitutes a criminal offense as specified in AR 608-18, paragraph 3-18, the unit commander must investigate. Disposition can include no action at all, administrative measures, or trial by court-martial.
- g. Commanders should consider the recommendations of the SFPD when taking or recommending disciplinary or administrative actions against soldiers in spouse and child abuse cases which may be detrimental to a soldier's continued military career or future promotion

opportunities, or the financial or social well-being of his or her family members. AR 608-18, paragraph 4-4, discusses actions available to a commander.

4. COMMANDER RESPONSIBILITIES.

- a. Become thoroughly familiar with the process and responsibilities discussed in AR 608-18.
- b. Establish proactive education programs in concert with the MFSS and chaplain to assist all unit personnel in preventing, identifying, reporting, and treating spouse and child abuse.
- c. Become thoroughly familiar with the programs available through the MFSS.
- d. Coordinate with the SJA on applicable laws and regulations affecting current spouse and child cases. Seek SJA advice on disciplinary and administrative actions available in cases of spouse and child abuse.
- e. Communicate with the SFPD when one of their soldiers is scheduled for presentation or review.
- f. Investigate reported incidents of spouse and child abuse in accordance with AR 608-18, Chapter 3, Section III.
- g. Communicate with the case managers involved in a timely and comprehensive manner.

5. POINTS OF CONTACT

- a. State Family Programs Director
- b. Chaplain
- c. Staff Judge Advocate (SJA)

ENLISTED PROMOTION SYSTEM

1. REFERENCES

- a. AR 600-8-19, Enlisted Promotions and Reductions

2. DEPARTMENT OF THE ARMY POLICY. The objective of the Army's Enlisted Promotions System is to fill authorized enlisted vacancies with the best qualified Soldiers. Further, this system provides for career progression and rank that are in line with potential and for recognition of the best qualified Soldier, which will attract and retain the highest caliber Soldier for a career in the Army. Additionally, the system precludes promoting the Soldier who is not productive or not the best qualified, thus providing an equitable system for all Soldiers.

3. GENERAL INFORMATION. There are numerous work tasks in the promotion process. Those procedures will not be discussed in detail as they are listed in the applicable chapters of AR 600-8-19 (primarily chapter 7). Commanders must become familiar with decentralized promotion criteria (PV2-SPC) and promotion criteria (SGT-CSM) as specified in AR 600-8-19.

- a. 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.
- b. Soldiers fully qualified for promotion consideration but not recommended must be counseled by their commander and allow the Soldier sufficient time to respond. Specific procedures to not recommend Soldiers are found in AR 600-8-19, paragraph 7-33.
- c. 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, paragraph 7-44.
- d. Flagging actions. Soldiers must be in a promotable status to be promoted. Often Soldiers continue to remain flagged after the flag action has been finalized. Commanders must ensure that flags are removed immediately when finalized.
- e. Promotion boards: The state will conduct promotion boards at various times throughout the year. Promotion boards will be convened following the procedures in AR 600-8-19, chapter 7 as well as the State Memorandum of Instructions for that current board.
- f. Promotion records. Records must be maintained in accordance with AR 600-8-19, chapter 7.

4. COMMANDER RESPONSIBILITY

- a. Ensure all Soldiers are educated on the Enlisted Promotion System.
- b. Ensure required administrative actions are completed in a timely manner.

- c. Counsel Soldiers fully qualified for promotion consideration but not recommended for consideration.
- d. Be familiar with regulatory guidance on promotions.
- e. Ensure flags are removed immediately when finalized.

5. POINTS OF CONTACT

- a. S1 (Personnel Officer / Personnel Sergeant)
- b. Enlisted Management Team / G-1 (Personnel)
- c. State Command Sergeants Major

COUNSELING

1. REFERENCES

- a. AR 350-1, Army Training and Leader Development.
- b. AR 600-8-19, Enlisted Promotions and Reductions.
- c. AR 600-20, Army Command Policy.
- d. AR 623-105, Officer Evaluation Reporting System.
- e. AR 623-205, Enlisted Evaluation Reporting System.
- f. AR 635-200, Enlisted Personnel.
- g. FM 6-22 Army Leadership.

2. DEPARTMENT OF THE ARMY POLICY

- a. Commanders must ensure that soldiers clearly understand the counseling process.
- b. Provide a written record of a soldier's performance. This record is used to support personnel actions such as promotions, OER/NCOERs, and disciplinary actions (This list is not all inclusive).

3. GENERAL INFORMATION

- a. Commanders will ensure that all members of their command receive timely performance counselings. General counseling affords the soldier the opportunity to improve based on specific guidance and/or noted deficiencies.
- b. General counseling provides a written record that protects the integrity of the chain of command. It also protects the basic right of soldiers to clearly understand a supervisor's perception of their performance.
- c. Providing regular and effective performance counseling to all soldiers, not just those whose performance fails to meet unit standards, is a command responsibility. All commanders will ensure that their subordinate leaders have implemented and are maintaining an effective performance counseling program.
- d. Unit commanders will ensure that PFCs who are eligible for promotion, without waiver, but not recommended are counseled in writing. Commanders will counsel SPCs and SGTs, in writing, who is eligible for promotion, without waiver, but not recommended. Counseling will take place as follows:
 - (1) Initially when a soldier reaches the primary zone.
 - (2) Periodically thereafter at the discretion of the commander.

e. AR 623-205, paragraph 2-8A, requires a rater to conduct performance counseling for NCOs. Performance counseling will focus on duty performance and professional development throughout the rating period. Performance counseling must occur on a regular basis.

(1) Within the first 30 days of a new rating period.

(2) Within the first 30 days of promotion to Sergeant.

(3) Within the first 30 days of appointment to Corporal.

(4) Every three months during the rating period.

f. The rater must prepare and use DA Form 2166-8-1 (NCO Counseling Checklist/Record) when conducting performance counseling for each rated NCO. The form will be used, along with a working copy of the NCOER for conducting performance counseling. The DA Form 2166-8-1 is maintained by the rater until after the NCOER has been approved and submitted to the U.S. Army Enlisted Records and Evaluation Center, State Adjutant General or the Commanding General, ARPERCEN. For corporals who will not receive a record NCOER, the rater will maintain the checklist for one year.

g. The senior rater will use all available means to become familiar with the rated NCOs performance throughout the rating period, such as a periodical review of the counseling checklist to ensure that initial and quarterly counseling is being accomplished. When counseling dates are omitted, the senior rater must include a statement in Part Ve, explaining why the counseling was not accomplished.

4. COMMANDER RESPONSIBILITIES

a. Ensure that counseling is conducted on a routine basis.

b. Ensure that soldiers are counseled for performing well on specific missions or tasks.

c. Ensure that counseling is performed in a positive manner. All counseling should provide evaluation of the soldier's performance, goals for future performance, and methods to affect improvement. Leaders should use this method even when counseling a soldier for poor performance or disciplinary infractions.

5. POINTS OF CONTACT

a. State Command Sergeant's Major

b. Legal Specialist/Staff Judge Advocate (SJA)

c. Inspector General (IG)

CORRECTIVE TRAINING

1. REFERENCES.

- a. AR 600-20, Army Command Policy.
- b. NVMD Regulation 27-1
- c. FM 27-1, Legal Guide for Commanders.

2. DEPARTMENT OF THE ARMY POLICY - 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. It 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. One of the most effective nonpunitive corrective measures is extra training or instruction (including on-the-spot correction).

3. GENERAL INFORMATION

- a. The training, instructions, or correction given to a soldier to correct deficiencies must be directly related to the deficiency.
- b. Corrective measures must be oriented to improving the soldier's performance in his/her problem area and may be taken after normal duty hours.
- c. Such measures assume the nature of training or instruction, *not punishment* and should continue only until the training deficiency is overcome. An example would be having the soldier conduct a police call after duty hours in a defined area for throwing trash on the grass; not having the soldier conduct authorized or unauthorized physical exercises.

4. COMMANDER RESPONSIBILITIES

- a. Ensure that training and instruction are not used in an oppressive manner.
- b. Written counseling and non-judicial punishment under Article 15, UCMJ, will be used for soldiers who fail to respond to proper corrective training for repeated minor deficiencies.
- c. Ensure that deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the soldiers concerned.

5. POINTS OF CONTACT

- a. Staff Judge Advocate (SJA)
- b. Inspector General (IG)

MEDICAL BOARDS

1. REFERENCES

- a. AR 40-3, Medical, Dental, and Veterinary Care.
- b. AR 40-501, Standards of Medical Fitness.
- c. AR 600-60, Physical Performance Evaluation System.
- d. AR 635-40, Physical Evaluation for Retention, Retirement, or Separation.
- e. AR 600-8-24, Officer Transfers and Discharges.
- f. AR 635-200, Enlisted Personnel.
- g. DA PAM 611-21, MOS Classification and Structure (MOS Smartbook)

2. 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.

3. GENERAL INFORMATION

- a. The MOS Administrative Retention Review (MAR2) is an administrative process 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) who meet retention standards per AR 40-501, Chapter 3 must be referred to a MAR2.

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 MAR2.

c. MAR2's are initiated by the Health Systems Specialist (HSS) once a Soldier is assigned a permanent profile (P3 or P4), and referred through the medical channels. Commanders must ensure that the HSS has initiated the MAR2 process for their Soldiers.

d. Commanders must furnish a Commander's Recommendation Memorandum, Soldier's Statement Memorandum, and the Soldiers current medical documentation to the HSS prior to

Adjudication by the Director Army Personnel. There is a 45 day suspense from the Notification Letter to complete the MAR2 packet. Commanders may request one 45 day extension, if necessary, in order to submit required documentation to the HSS. 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 Director Army Personnel will make one of the following determinations for individuals:

- (1) Retain current MOS/specialty code with or without imitations.
- (2) Reclassify into new MOS.
- (3) Refer to the Army Physical Disability Evaluation System (PDES), Duty or Non-Duty Related.

f. Soldiers are non-deployable and are disqualified for assignment/training as follows:

- (1) Inter-State or Intra-State Transfers until completion of MAR2.
- (2) Ineligible for assignment orders and will be coded 999B in SIDPERS.
 - a. Code in SIDPERS will need to be corrected if retained or reclassified.
- (3) Non-deployable status until decision is rendered.
- (4) Not eligible for reenlistment until decision is rendered.
- (5) Ineligible to attend Army Training schools until process completed.
- (6) Will not be denied promotion (if already in promotable status).

g. Officers pending MAR2 action may apply for CVI or VI status. However, final approval will not be made until the MAR2 action has been finalized.

h. The Physical Disability Evaluation System (PDES) is a medical board process which documents a Soldier's medical status and will fall into one of two categories:

- (1) Non-Duty Related – Soldier does not meet retention standards of AR 40-501, Chapter 3 and their medical condition was not caused while in an active duty status. Soldiers who fall under this category and/or do not have an approved LOD will be processed under this category.
- (2) Duty-Related – Soldier does not meet retention standards of AR 40-501, Chapter 3 and their medical condition was caused while serving in an active duty status.

i. Generally, only those cases that present problematical or controversial aspects and those in which are required by regulation will be referred to the PDES. Some of the cases that require a 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 problematic 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.
- j. Soldiers are non-deployable once they are referred to the PDES.
- k. 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.
- l. 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.
- m. 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.
- n. 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.
- o. The most time consuming actions within the medical board process are:
- (1) The issuance of the permanent profile, due to prolonged temporary medical problems. Soldiers must be assigned a permanent (P3 or P4) profile in order to be processed through the PDES. Typically, a series of necessary appointments are not made concurrently causing time consuming treatment plans.

(2) The PDES, due to the complications of processing the physician's dictation.

(3) Complexity of medical condition(s)

(4) Has optimum care been reached?

4. COMMANDER RESPONSIBILITIES

- a. Ensure the MEB packet is complete and submitted to the HSS for forwarding to the appropriate Military Treatment Facility for further processing.
- b. Know the HSS at MILPO. This individual will be your primary point of contact regarding all Soldiers going through the PDES process.
- c. Know the Physical Evaluation Board Liaison Officer (PEBLO). The PEBLO tracks all MEB/PEB actions and suspense. This is your point of contact in the absence of the HSS.
- 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.

5. POINTS OF CONTACT

- a. Health System Specialist (HSS)
- b. Deputy State Surgeon
- c. State Surgeon

MENTAL HEALTH EVALUATIONS 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.
- 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", August 12, 1995.
- d. AR 40-501, Standards of Fitness.
- e. National Center for State Courts' Guidelines for Involuntary Civil Commitment, 1986.

2. DEPARTMENT OF THE ARMY POLICY

- a. A commanding officer shall consult with a mental health professional before referring a member for a mental health evaluation to be conducted on an outpatient basis.
- b. A member has certain rights when referred for a mental health evaluation and additional rights when admitted to a treatment facility for an emergency or involuntary mental health evaluation.
- 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 member from lawfully communicating with an IG, Attorney, Member of Congress, or others about the member's referral for mental health evaluation.
- e. Violation of 2c & d above by any person subject to the UCMJ are punishable as a violation of Article 92, UCMJ, and that 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.

3. COMMANDER RESPONSIBILITIES

- a. Become familiar with the DOD Directive on Mental Health Evaluations and AR 40-501, Standards of Fitness.
- b. Ensure that members are not referred for mental health evaluations as reprisal for whistle

blowing.

c. Only commanders will consult with mental health professionals before referring members for mental health evaluations.

d. Follow the requirements for notification to the member before he/she attends the evaluation. The notice shall, **at a minimum**, include the following:

(1) The date and time the mental health evaluation is scheduled.

(2) A brief factual description of the behaviors and/or verbal expressions that caused the commander to determine a mental health evaluation is necessary.

(3) The names 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.

(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 member must be provided with a copy of the rights listed in paragraph 1.b of DOD Directive 6490.1.

(6) 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.

e. Example notification memorandum

Date: _____

MEMORANDUM FOR _____, Rank: _____, SSN: _____

FROM: COMMANDING OFFICER, _____

SUBJECT: Service Member Notification of Commanding Officer Referral for Mental Health Evaluation (Non-Emergency)

1. References:

(a) DoD Directive 6490.1, "Mental Health Evaluations of Members of the Armed Forces," October 1, 1997.

(b) DoD Instruction 6490.4, "Requirements for Mental Health Evaluations of Members of the Armed Forces," August 28, 1997.

(c) Section 546 of Public Law 102-484, "National Defense Authorization Act of Fiscal Year 1993," October 1992.

(d) DoD Directive 7050.6, "Military Whistleblower Protection," August 12, 1995.

2. In accordance with references (a) through (d), this memorandum is to inform you that I am referring you for a mental health evaluation.

3. The following is a description of your behaviors and/or verbal expressions that I considered in determining the need for a mental health evaluation:

(Provide dates and a brief factual description of the Service member's actions of concern.)

4. Before making this referral, I consulted with the following mental health care provider about your recent actions: _____, Rank: _____, Position: _____ at Division Mental Health, 1st Armored Division on (date) _____. This mental health provider concurs that this evaluation is warranted and is appropriate.

5. Per references (a) and (b), you are entitled to the rights listed below:

a. The right, upon your request, to speak with an attorney who is a member of the Armed Forces or is employed by the Department of Defense who is available for the purpose of advising you of the ways in which you may seek redress should you question this referral.

b. The right to submit to your Service Inspector General or to the Inspector General of the Department of Defense (IG, DoD) for investigation of an allegation that your mental health evaluation referral was a reprisal for making or attempting to make a lawful communication to a Member of Congress; any appropriate authority in your chain of command; an IG; or a member of a DoD audit, inspection, investigation, or law enforcement organization; or in violation of (references (a)), DoD Instruction (reference (b)) and/or any applicable regulations.

c. The right to obtain a second opinion and be evaluated by a mental health care provider of your own choosing, at your own expense, if reasonably available. Such an evaluation by an independent mental health care provider shall be conducted within a reasonable period of time, usually within 10 business days, and shall not delay nor substitute for an evaluation performed by a DoD mental health care provider.

d. The right to communicate without restriction with an IG, attorney, Member of Congress, or others about your referral for a mental health evaluation. This provision does not apply to a communication that is unlawful.

e. The right, except in emergencies, to have at least 2 business days before the scheduled mental health evaluation to meet with an attorney, IG, chaplain, or other appropriate party. If I believe your situation constitutes an emergency or that your condition appears potentially harmful to your well being

and I judge that it is not in your best interest to delay your mental health evaluation for 2 business days, I shall state my reasons in writing as part of the request for the mental health evaluation.

6. You are scheduled to meet with *(mental health care provider)* _____ at _____ on *(date)* _____ at *(time)* _____.

7. The following authorities can assist you if you wish to question this referral:

- a. Military attorney: *(name, location, telephone number, and available hours)*
- b. Inspector General: *(name, location, telephone number, and available hours)*
- c. Other available resources: *(name, corps/title of chaplains or other resources available)*

Signature and Rank and Name of Commanding Officer

I have read the memorandum above and have been provided a copy.

Service member's signature: _____ Date: _____

OR

The Service member declined to sign this memorandum, which includes the Service member's Statement of Rights because *(give reason and/or quote Service member)*.

Witness's signature: _____ Date: _____

Witness's rank and name: _____ Date: _____

(Provide a copy of this memorandum to the Service member)

4. POINTS OF CONTACT

- a. State Surgeon
- b. Staff Judge Advocate (SJA)

LINE OF DUTY (LOD) AND INCAPACITATION PAY

1. REFERENCES

- a. AR 600-8-4, Line of Duty Policy, Procedures and Investigations
- b. DoDD 1241.01, Reserve Component Medical Care and Incapacitation Pay for Line of Duty Conditions
- c. AR 135-381, Incapacitation of Reserve Component Soldiers
- d. DA PAM 135-381, Incapacitation of Reserve Component Soldiers Processing Procedures

2. 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. Soldiers who are on active duty (AD) for a period of more than 30 days will not lose their entitlement to medical and dental care, even if the injury or disease is found to have been incurred not in LD and/or because of the Soldier's intentional misconduct or willful negligence, Section 1074, Title 10, United States Code (10 USC 1074). 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 LD. 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 LD only be made after following the deliberate, ordered procedures described in this regulation.

3. GENERAL INFORMATION.

- a. . 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. Line of duty investigations are conducted essentially to arrive at a determination of whether misconduct or negligence was involved in the disease, injury, or death and, if so, to what degree. Depending on the circumstances of the case, a LOD investigation may or may not be required to make this determination. Additionally, LOD's are required in order to cover any bills incurred by the disease, injury or death.
- c. Investigations can be conducted informally by the chain of command where no misconduct or negligence is indicated, or formally where an investigating officer is appointed to conduct an investigation into suspected misconduct or negligence. For circumstances that require a formal LOD investigation see AR 600-8-4, paragraph 2-3c.
- d. For procedural processes to conduct both informal or formal line of duty investigations see AR 600-8-4, chapter 3.
- e. All LOD's will be submitted electronically via the LOD module at <https://medchart.ngb.army.mil/MED-CHART/>
- f. A member of the RC incurring or aggravating any injury, illness, or disease in the line of duty is entitled to medical and dental care, incapacitation pay, and travel and transportation incident to medical and/or dental care, in accordance with 37 USC 204 and 37 USC 206. The amount of incapacitation pay for the member will be determined in accordance with DOD 7000.14-R, Volume 7A.
- g. Members authorized incapacitation pay under 37 USC 204(g) will not be allowed to attend inactive duty training (IDT) periods or to acquire retirement points for drills. However, a member may earn retirement points in order to satisfy the requirements for a qualifying year of service by completing correspondence courses.
- h. In accordance with the Joint Federal Travel Regulations, Soldiers who qualify for medical care in accordance with AR 135-381 are entitled to travel and transportation allowances for necessary travel incident to such care and return to their residence, upon discharge from treatment.
- i. A member who is unable to perform military duties because of incapacitation under the circumstance described in AR 135-381, paragraph 1-6 is entitled to full pay and allowances, including all incentive pay to which entitled, less any civilian earned income for the same

period the member receives incapacitation pay. Members able to perform military duties, but demonstrating a loss of earned income as a result of an in-the-line-of-duty incapacitation, will be compensated for lost earned civilian income. The compensation under this provision will be the lesser of the amount of demonstrated lost civilian income in the amount not to exceed military pay and allowances for which the member would be entitled if serving on active duty.

j. Payment in any particular case may not be made at the State level for more than 6 months without review of the case by the Incapacitation Review Board of the appropriate headquarters as outlined in AR 135-381, paragraph 3-6.

k. Incapacitation Review Board Procedures are outlined in DA PAM 135-381, Chapter 3.

4. COMMANDER'S RESPONSIBILITIES.

a. Become familiar with the procedures for completing line of duty investigations, both informal and formal.

b. Ensure the Statement of Medical Examinations and Duty Status, DA Form 2173, will be completed within 30 calendar days of notification of the injury, illness, or disease. Completion means that Sections I and II are completed and signed by the Physician and Commander respectively, signifying the injury, illness, or disease incurred in the line of duty.

c. Provide periodic briefings on entitlements to all assigned and attached Soldiers, especially prior to annual training (AT), field training, or deployments.

d. Ensure attendance of all users of the LOD process at trainings provided by the HSS at least annually.

e. Ensure a LOD is conducted expeditiously on injury or illness likely to result in a claim against the Government for health care, compensation, or disability benefits.

f. Properly counsel each Soldier injured or taken ill on benefits, rights, privileges, and responsibilities.

g. Provide authorized assistance to Family members of incapacitated and disabled Soldiers.

h. Ensure Incapacitation Packets are complete and submitted to the HSS in a timely manner for processing.

i. Provide written input per DA Pam 135-381, chapter 2, to the appropriate headquarters concerning the Soldier's inability to perform military duties or loss of civilian earned income.

j. Document all attendance and absences from training or duty.

5. POINTS OF CONTACT

a. Health Systems Specialist (HSS)

b. Deputy State Surgeon

c. State Surgeon

d. Staff Judge Advocate (SJA)

PHYSICAL PROFILES

1. REFERENCES

- a. AR 40-501, Standards of Medical Fitness.
- b. AR 600-6, Individual Sick Slip (DD Form 689).
- c. AR 600-60, Physical Performance Evaluation System.
- d. AR 635-40, Physical Evaluation for Retention, Retirement, or Separation.
- e. AR 350-41, Training in Units
- f TC 3-22.20 Army Physical Readiness Training.

2. 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.

3. 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 on the eProfile database during the yearly PHA, mob SRP, or at the request of the soldier or his command. 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. The commander or profiling officer will refer soldiers getting a new permanent "3" or "4" profile rating in one or more PULHES factors to a fit for duty board if the illness/injury clearly no longer meets the standards of AR 40-501. If the physical limitations are compliant with the regulation, the soldier will be referred to MAR2 for evaluation. The MAR2 determines if a soldier can perform their duties in a worldwide field environment and 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 MAR2 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 MAR2 determines 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.

4. GENERAL INFORMATION - TEMPORARY PROFILE

- a. A soldier should perform his normal duties to the maximum extent permitted by the profile.
- b. Unit Master Fitness Trainer (MFT) or commander should provide profiled soldiers with guidance on reconditioning exercises and diet for the duration of the profile.
- c. Commanders should provide an alternate aerobic activity for soldiers with profiles that prohibit running. FM 21-20, Chapter 2, provides alternate aerobic activities.
- d. 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 training period twice the length of the profile (not more than 90 days) to prepare for the 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 training period (FM 21-20, Chapter 14).

- e. 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 FM 21-20, Chapter 14.
- f. Profiling of soldiers is limited to physicians, dentists, podiatrists, audiologists, physical therapists, physician's assistants, nurse midwives, and nurse practitioners.
- g. Physicians assistants, nurse practitioners, and licensed clinical psychologists may only award temporary profiles for a period of 90 days or less. A physician must confirm profiles longer than 90 days or extensions of profiles beyond 90 days, except for pregnancy.

5. 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. Refer soldiers to a PPBD when their profile does not correctly reflect their functional ability.
- d. Do not violate a soldier's profile or require a soldier to violate his profile.
- e. Utilize the MFT to develop and monitor fitness programs to assist the soldier in recovering from their injuries.

6. POINTS OF CONTACT

- a. S1 (Personnel Officer / Personnel Sergeant)
- b. G1 (Personnel)
- c. State Surgeon

WEIGHT CONTROL PROGRAM

1. REFERENCES

- a. AR 600-9, The Army Weight Control Program.
- b. AR 600-8-2, Suspension of Favorable Actions.
- c. AR 600-8-24, Officer Transfers and Discharges.
- d. AR 635-200, Enlisted Personnel.
- e. TC 3-22.20 Army Physical Readiness Training.

2. 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.
- 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, paragraph 20c. 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 1, AR 600-9.
 - 2) When the unit commander or supervisor determines that the individual's appearance suggests that body fat is excessive.
- d. Soldiers who are overweight will be counseled by health care personnel, entered into a weight control program, and flagged in accordance with AR 600-8-2.
- e. Once a commander places a soldier in the Army Weight Control Program (AWCP), that soldier must lose from 3-8 pounds per month. This level of monthly weight loss must be met unless prevented by a medical condition.
 - 1) Soldiers who fail to make this progress for two consecutive months are subject to separation proceedings.
 - 2) Commanders will initiate a mandatory bar to re-enlistment and/or administrative separation against soldiers who fail to make satisfactory progress after being placed on the AWCP for six months.

- f. 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.
- g. 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.
- h. 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.

3. COMMANDER RESPONSIBILITIES

- a. Become familiar with AR 600-9.
- b. Ensure that every soldier is weighed at a minimum when they take the APRT or at least every six months.
- c. Ensure that every soldier that exceeds his or her screening table weight (AR 600-9, Table 1) is taped to determine his or her body fat content. Procedures for determining body fat content are located in AR 600-9, Appendix B.
- d. Have medical personnel determine if there is a medical problem causing the soldier's weight condition. AR 600-9 contains a sample memorandum to the Medical Department Activity (MEDDAC).
- e. If no medical reason exists, enter the soldier in the AWCP. This should be done in writing. AR 600-9 contains a sample memorandum.
- f. Flag soldiers entered in the AWCP in accordance with AR 600-8-2.
- g. Provide all soldiers with guidance and information on diet and exercise to control weight.
- h. Conduct monthly weigh-ins for soldiers in the AWCP. Body fat evaluations may also be done to assist in the measuring process.
- i. Remove soldiers from the AWCP once they meet the body fat content standards of AR 600-9. Do not use the screening table weight standards to remove soldiers from the AWCP.
- j. Initiate a bar to re-enlistment and/or administrative separation against soldiers that fail to make satisfactory progress in the AWCP after six months. Inform the soldier in writing.
- k. Soldiers who exceed the screening table weight but do not exceed the allowable percent body fat standards will not be subject to punitive action. Soldiers whose appearance suggests that body fat is excessive should be advised of their options to seek health care personnel for a proper dietary program or the Master Fitness Trainer for assistance in establishing a physical training program.

4. POINTS OF CONTACT.

- a. Fulltime Unit Personnel
- b. Unit Master Fitness Trainer
- c. S1 (Personnel Officer / Personnel Sergeant)
- d. G1 (Personnel)
- e. State Surgeon

PHYSICAL READINESS TRAINING AND TESTING

1. REFERENCES

- a. AR 350-1, Army Training and Leader Development
- b. AR 600-8-2, Suspension of Favorable Personnel Actions
- c. AR 40-501, Standards of Medical Fitness
- d. NGR 635-101, Efficiency and Physical Fitness Boards
- e. TC 3-22.20 Army Physical Readiness Training

2. DEPARTMENT OF THE ARMY POLICY

- a. The intent of Physical Readiness Training (PRT) program is to prepare Soldiers and units for the physical challenges of fulfilling the mission in the face of a wide range of threats, in complex operational environments, and with emerging technologies. The Army Physical Fitness Test (APFT) is designed to provide an assessment of the PRT program. Physical fitness testing is designed to ensure the maintenance of a base level of physical fitness essential for every Soldier, regardless of Army MOS or duty assignment. Commanders must ensure that physical fitness testing does not form the foundation of unit or individual PRT programs.

3. GENERAL INFORMATION

- a. The APFT provides a measure of upper and lower body muscular endurance. It is a performance test that indicates a Soldier's ability to perform physically and handle his or her own body weight. The APFT consists of push-ups, sit-ups, and a 2-mile run—done in that order—on the same day. Soldiers are allowed a minimum of 10 minutes and a maximum of 20 minutes rest between events. All three events must be completed within two hours. The test period is defined as the period of time that elapses from the start to the finish of the three events (from the first push-up performed to the last Soldier crossing the finish line of the 2-mile run event). There are no exceptions to this sequence. Results of the APFT will be recorded on DA Form 705 (Physical Fitness Test Scorecard) which will be maintained for each Soldier. This scorecard will be kept at a central location in the unit, and will be forwarded to the gaining unit upon transfer.
- b. Commanders will flag Soldiers who fail a record APFT for the first time IAW AR 600-8-2.
- c. Soldiers who fail a record APFT should be counseled in writing by the commander, and will retest no later than 180 days (M-Day) or no later than 90 days (AGR) following the initial failure. Soldiers may retest sooner if the Soldier and commander believe he/she is ready. Soldiers who fail this retest are categorized as repetitive APFT failures. Commanders will take the following actions against repetitive APFT failures:

- 1) Enlisted: Bar to reenlistment (AR 601-280), or process for separation from the service (NGR 600-200).
 - 2) Officers: Officers will be processed for withdrawal of Federal Recognition in accordance with NGR 635-101, section III, by reason of Substandard Performance of Duty as defined in NGR 635-101, paragraph 8.
- d. To the maximum extent possible, the APFT should be administered as a unit event.
 - e. Soldiers who fail to meet Army or unit standards may be placed in a special PT program. This special program should be designed to help the Soldiers overcome their particular weakness. It is not punishment. Tailor these programs according to TC 3-22.20.
 - f. Soldiers will not participate in PT that violates a current, valid physical profile. Commanders and 1SGs should consult with the physician and the Medical Support Branch to determine what training is appropriate for the Soldier. Profiles are not a blanket exemption from participating in PT.
 - g. All 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 CVSP are outlined in AR 40-501. This is the responsibility of the Soldier. Uncleared Soldiers may continue their current level of exercise during the evaluation process, including participation in unit or individual programs, but they will not be permitted to take the APFT until cleared.
 - h. M-Day Soldiers will be administered the APFT once annually. AGR Soldiers must take the APFT at least twice each year, with a minimum of four months separating record tests if two record tests are given. Commanders may administer the APFT as often as they wish; however they must indicate beforehand when the results are for record purposes. The period between record tests will not exceed 12 months. Commanders will flag Soldiers who fail to take the APFT within the required period per AR 600-8-2.
 - i. 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.
 - j. 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, chapter 7-9d(4). This same regulation outlines postpartum profiles for recovery.
 - k. Soldiers will not be flagged or barred for failing a diagnostic APFT.
 - l. 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 invalid. It will not be considered an APFT failure and does not warrant flagging action.

4. COMMANDER RESPONSIBILITIES

- a. Schedule and conduct APFTs for Soldiers in their units.
- b. Inform Soldiers prior to testing that an APFT is for record purposes.
- c. Flag Soldiers who fail their first APFT, or fail to take the APFT in the required time period.
- d. Initiate action (separation or bar to reenlistment) against Soldiers who are repetitive APFT failures.
- e. Establish and conduct physical fitness programs consistent with Army regulations and unit mission.
- f. Establish special programs for Soldiers that fail to meet Army and unit physical fitness standards.

5. POINTS OF CONTACT

- a. Fulltime Unit Personnel (Readiness/Training NCO)
- b. Unit Master Fitness Trainer
- c. G1 (Personnel)
- d. G3 (Training)

STANDARDS OF CONDUCT

1. REFERENCES.

- a. DOD Directive 5000.7, Standards of Conduct
- b. AR 600-20, Army Command Policy

2. DEPARTMENT OF THE ARMY POLICY. Department of the Army personnel must place loyalty to country, ethical principles, and law above private gain and other personal interests. The performance of their duties should be in keeping with the highest tradition of military and civilian service to the U.S. Government.

3. GENERAL INFORMATION.

- a. Department of the Army 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.
- b. Use of Government Facilities, Property, and Personnel. Government facilities, property, and work assistance will be used only for official Government business. This includes, but is not limited to, stationary, stenographic services, typing assistance, duplication, computer facilities, military vehicles, and chauffeur services.
- c. Negotiating for Employment.
 - 1) Department of the Army personnel may not participate, on behalf of the Government, in any matter involving an organization with which they are negotiating employment.
 - 2) 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.

4. COMMANDER RESPONSIBILITY. Commanders need to ensure that all personnel within their command receive annual Standards of Conduct training.

5. POINT OF CONTACT

- a. Staff Judge Advocate (SJA)

RELATIONSHIPS BETWEEN SOLDIERS OF DIFFERENT RANK

1. REFERENCES

- a. AR 600-20, Army Command Policy.
- b. DA PAM 600-35, Relationships between Soldiers of Different Rank.

2. 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.

3. GENERAL INFORMATION

- a. Custom acknowledges that leadership and obedience are founded in sincere, deeply held emotional bonds. Leaders affectionately care for their soldiers, and soldiers hold deep caring affection for their leaders. Building these emotional ties is a mark of good leadership. Neither leaders nor followers ought to act in ways that corrupt these bonds.
- 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. 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 on 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 ongoing 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, are 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 prior to March 1, 2000.

(b) Situations in which a relationship would move into non-compliance due to a change in status of one of the members (i.e. two enlisted members are married and one is subsequently commissioned or selected as a warrant officer).

(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.

(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.

d. Trainee and soldier relationships:

1) Relationships between permanent party personnel and IET trainees not required by the training mission are prohibited. This prohibition applies to permanent party officers and noncommissioned officers without regard to the installation of assignment of the permanent party member or IET trainee.

2) The above prohibition does not forbid or restrict positive instructor-student relations but precludes improper relationships such as those referred to in AR 600-20, paragraph 4-14.

4. 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.

5. POINTS OF CONTACT

- a. Staff Judge Advocate (SJA)

REPRISALS AGAINST WHISTLE BLOWERS

1. REFERENCES

- a. AR 20-1, Inspector General Procedures and Activities.
- b. DOD Directive 7050.6, Military Whistle-blower Protection.
- c. Chapter 47 and Sections 892, 1034, 1552, 1553 of Title 10, United States Code.

2. DEPARTMENT OF THE ARMY POLICY

- a. Members of the Armed Forces shall be free to make a protected communication to a member of Congress, an Inspector General, a member of a DOD audit, inspection, investigation or law enforcement organization or any person or organization (including any person or organization in the chain of command).
- b. No person shall restrict a member of the Armed Forces from making a protected communication.

3. GENERAL INFORMATION

- a. 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 a protected disclosure.
- b. A protected disclosure is a lawful communication to a member of Congress; an Inspector General; a member of a DOD audit, inspection, investigation, or law enforcement organization; or a member of the chain of command in which a military member communicates information that the member reasonably believes evidences:
 - 1) A violation of law or regulation.
 - 2) Sexual harassment or unlawful discrimination.
 - 3) Mismanagement.
 - 4) A gross waste of funds or other resources.
 - 5) An abuse of authority.
 - 6) A substantial and specific danger to public health or safety.
- c. A personnel action is any action regarding a military member that affects or has the potential to affect the military member's current position or career. Such actions include a promotion; disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards, or training; a referral for mental health evaluation; and any

other significant change in duties or responsibilities inconsistent with the military member's rank.

- d. Members of the Armed Forces shall be free from reprisal for making or preparing a protected communication.
- e. 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 making or preparing a protected communication.
- f. Any violation of 3e, above, by a person subject to Chapter 47, Title 10, U.S.C., (Uniform Code of Military Justice) is punishable as a violation of Article 92, UCMJ, Section 892. Any violation of 3e, above, by a civilian employee is punishable under regulations governing disciplinary or adverse actions.
- g. Persons making protected disclosures are protected against reprisal by the Whistleblower Protection Act of 1992. Allegations of reprisal will be reported to the DOD IG, who will determine which investigating agency will work the case. Investigations will focus on the reprisal and not the complainant.
- h. Soldiers gain two protections when they take their complaints directly to the DOD IG:
 - 1) They can request relief from the Army Board for Correction of Military Records, which must be decided in 180 days.
 - 2) They can appeal the decision to the Secretary of Defense.
- i. The burden of proof is on the supervisor/commander to prove there was no reprisal.

4. COMMANDER RESPONSIBILITIES

- a. Ensure that the leaders within his/her command understand the rights of all members of the Armed Forces to make a protected disclosure.
- b. Assume the burden of proof of any allegations of reprisals within his/her command.

5. POINTS OF CONTACT.

- a. Inspector General (IG)
- b. Staff Judge Advocate (SJA)

EQUAL OPPORTUNITY / SEXUAL HARASSMENT

1. REFERENCE

- a. AR 600-20, Army Command Policy
- b. AR 20-1, Inspector General Activities and Procedures
- c. NGR 600-21, Equal Opportunity Program in the Army National Guard
- d. NGR 600-22/ANGI 36-3, National Guard Military Discrimination Complaint System
- e. NGR 690-600, Civilian Discrimination Complaint Processing and Adjudication

2. DEPARTMENT OF THE ARMY POLICY

- a. The U.S. Army will provide equal opportunity and fair treatment for military personnel and family members without regard to race, color, gender, religion, national origin, and provide an environment free of unlawful discrimination and offensive behavior. This policy—
 - 1) Applies both on and off post, during duty and non-duty hours.
 - 2) Applies to working, living, and recreational environments (including both on and off-post housing).
 - 3) Additionally, in some circumstances, the Equal Employment Opportunity Complaint system in AR 690–600 may provide guidance.
- b. National Guard policy is to provide equal opportunity for NG military personnel or applicants for membership in the NG; provide an environment free of illegal discrimination because of race, color, religion, gender (to include sexual harassment), national origin, or reprisal resulting from individual actions taken consistent with NGR 600-22, or any other EO regulation, to resolve grievances.
- c. Soldiers will not be accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of race, color, religion, gender, or national origin. The assignment and utilization of female Soldiers is governed by Federal law. AR 600–13 prescribes policies, procedures, responsibilities, and the position coding system for female Soldiers
- d. 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. The prevention of sexual harassment is the responsibility of every Soldier and DA civilian. Leaders set the standard for

Soldiers and DA civilians to follow.

3. GENERAL INFORMATION

- a. Equal Opportunity Programs are designed to formulate, direct, and sustain a comprehensive effort to maximize human potential and to ensure fair treatment for all persons based solely on merit, fitness, and capability in support of readiness. EO philosophy is based on fairness, justice, and equity.
- b. The fair, equitable, and nondiscriminatory treatment of all members and employees of the National Guard maintains and improves morale and productivity, fosters unit cohesion and readiness, and increases the overall combat effectiveness of the Guard.
- c. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
 - 2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
 - 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- d. Sexual harassment violates acceptable standards of integrity and impartiality required of all ARNG personnel, and interferes with mission accomplishment and unit cohesion. Acts that constitute sexual harassment may also be punishable under civil and military law as criminal acts of a sexual nature and should be treated as such.
- e. Sexual harassment is not limited to the workplace, but also can occur in the work related environment and violates standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion. Such behavior by soldiers or Army civilians will not be tolerated.
- f. 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 military member or civilian employee is engaging in sexual harassment. A supervisor who fails to take corrective action when sexual harassment is reported to him or her is condoning sexual harassment.

4. COMMANDER RESPONSIBILITIES

- a. Understand and be knowledgeable of what constitutes an act of unlawful discrimination or sexual harassment.

- b. Educate yourself and your personnel on methods of prevention.
- c. Report incidents of discrimination or sexual harassment and treat each allegation of sexual harassment with the seriousness it deserves.
- d. Don't tolerate discrimination or sexual harassment and take action if you observe or hear it. Many problems could be alleviated if commanders/supervisors would act on complaints in a timely, sensitive manner.
- e. Realize that sexual harassment happens to both men and women.
- f. Be personally responsible and accountable for the EO climate within your unit.
- g. Develop and implement EO programs for your organization.
- h. Conduct a unit assessment within 180 days of assuming command, and annually thereafter.
- i. Identify unlawful discriminatory practices and act promptly to initiate corrective actions.
- j. Ensure that personnel are fully aware of procedures for obtaining redress of complaints, including those against members of the chain of command. These procedures will be in writing and will be prominently displayed where all unit members will have access to them.
- k. Conduct fact finding or inquiry whenever an allegation of discrimination is brought to your attention IAW NGR (AR) 600-22.
- l. Recognize and assess indicators of institutional and individual discrimination and implement remedies to eliminate and prevent unlawful discrimination and sexual harassment.

5. POINTS OF CONTACT

- a. State Equal Opportunity Advisor
- b. Chaplain
- c. Staff Judge Advocate (SJA)

SEXUAL ASSAULT PREVENTION AND RESPONSE

1. REFERENCES

- a. AR 600-20, Army Command Policy

2. 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).

3. 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 incidents 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.
- 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.

4. COMMANDER 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 8-5o and Appendix G.

6. POINTS OF CONTACT.

- a. Sexual Assault Response Coordinator
- b. Chaplain
- c. Staff Judge Advocate

HOMOSEXUAL CONDUCT IN THE ARMED FORCES

1. REFERENCES

- a. AR 600-20 para 4-19
- b. DoDD 1332.14 and 1332.30, change 1 dated 29 Mar 10

2. DEPARTMENT OF THE ARMY POLICY

- a. **On 22 Dec 2010, the DADT Repeal Act of 2010 became law. The Repeal Act provides that the repeal shall be effective 60 days after the President, the Secretary of Defense and the Chairman of the Joints Chiefs of Staff certify to Congress that the Armed Forces are prepared to implement repeal in a manner that is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. To that end education and training of members of the Department of Defense is underway in preparation for the implementation of Public Law 111-321.**
- b. **The exact implementation date will be widely disseminated. Until then all current policies and regulations remain in effect.**
- c. Department of the Army Policy establishes the suitability of persons to serve in the Armed Forces is based on their conduct and their ability to meet required standards of duty performance and discipline.
- d. Homosexual conduct is grounds for separation from the Armed Forces but sexual orientation is not grounds for a bar to re-enlistment or to continued service.

3. GENERAL INFORMATION

- a. Only a commander in the Soldier's chain of command in the grade of O-7 or higher is authorized to initiate fact finding inquiries involving homosexual conduct.
- b. The commander who initiated the fact finding inquiry can designate an O-5 or higher, or a civilian equivalent to conduct the inquiry.
- c. The command must have credible information from a reliable source who states he or she:
 - 1) Stated that he or she is homosexual or bisexual, or words to that effect.
 - 2) Engaged in, attempted to engage in, or solicited another to engage in homosexual acts.
 - 3) Married or attempted to marry a person known to be of the same biological sex.

4. COMMANDER RESPONSIBILITIES

- a. Commanders shall exercise sound discretion when credible information exists.
- b. Commanders or appointed inquiry officials shall not ask, and members shall not be required to reveal, their sexual orientation.
- c. Become familiar with the DOD policy concerning homosexual conduct as described in the stated references.
- d. Ensure that soldiers are informed of laws and regulations governing sexual conduct, including policies on homosexual conduct.

5. POINT OF CONTACT. Staff Judge Advocate (SJA).

GIFTS

1. REFERENCES

- a. DOD Directive 5500.7, Standards of Conduct.
- b. DOD Directive 5500.7-R, Joint Ethics Regulation.

2. DEPARTMENT OF DEFENSE POLICY. 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.

3. GENERAL INFORMATION

a. Gifts from Outside Sources.

- 1) A gift is defined as almost anything of monetary value. The following are some exclusions:
 - (a) Coffee, doughnuts, and similar items of food and refreshments when offered other than as part of a meal.
 - (b) Greeting cards and most plaques, certificates, and trophies.
 - (c) Prizes in contests open to the public.
 - (d) Commercial discounts available to the general public or to all government or military personnel.
 - (e) Commercial loans, pensions, and similar benefits.
- 2) Prohibited Source. A prohibited source is any person (or an organization-more than half of whose members are persons) who:
 - (a) Seeks official action by an employee's agency.
 - (b) Does or seeks to do business with the employee's agency.
 - (c) Is regulated by the employee's agency.
 - (d) Is substantially affected by the employee's performance of duties.
- 3) Exceptions. An employee may accept the following, otherwise prohibited gifts:
 - (a) Unsolicited gifts with a market value of \$20 or less per occasion, aggregating no more than \$50 in one calendar year from any one source.
 - (b) Gifts clearly motivated by a family relationship or personal relationship.

- (c) 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 persons who are not prohibited sources.
- (d) Gifts resulting from the outside business activities of employees and their spouses.
- (e) Free attendance provided by the sponsor of widely attended gathering of mutual interest to a number of parties where the necessary determination of agency interest has been made.
- (f) Certain gifts of food and entertainment in foreign areas.

4) Disposition of Prohibited Gifts. When an employee may not accept a gift already given, the employee should either return it or pay the donor its full market value. Subject to approval, however, perishable items may be donated to charity, destroyed, or shared within an office.

b. Gifts to Superiors

- 1) Except as provided below, an employee may not directly or indirectly give a gift to or make a donation toward a gift for an official superior; or solicit a contribution from another employee for a gift to either his own or the other employee's official superior.
- 2) An employee may not directly or indirectly accept a gift from an employee receiving less pay than himself unless:
 - (a) The two employees are not in a subordinate-official superior relationship; and there is a pre-existing personal relationship between the two employees that would justify the gift.
- 3) Exceptions. On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - (a) Items, other than cash, with an aggregate market value of \$10 or less per occasion.
 - (b) Items such as food and refreshments to be shared in the office among several employees.
 - (c) Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends.

(d) Other exceptions include special, infrequent occasions including marriage, birth of a child, adoption or termination of the subordinate/superior relationship.

4) Voluntary Contributions. An employee may solicit voluntary contributions from another employee for a group gift to the contributing employees' superior for any special, infrequent occasion in a nominal amount that shall not exceed \$10. Special, infrequent occasions include marriage, birth of a child, adoption, termination of superior/subordinate relationship, etc.

5) Regardless of the number of employees contributing to a gift or gifts on a special, infrequent occasion, a DOD employee may not accept a gift or gifts from a donating group if the market value exceeds an aggregate of \$300 unless:

(a) The gift is appropriate for the occasion,

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

(c) The gift is uniquely linked to the departing employee's position or tour of duty and commemorates the same. *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", \$300 be used to judge whether it (the gift) is "appropriate for the occasion."*

4. COMMANDER RESPONSIBILITIES

a. Become familiar with Standards of Conduct as specified in the Joint Ethics Regulation (JER) 5500.7-R and DOD Directive 5500.7.

b. Ensure all personnel are familiar with these provisions.

5. POINT OF CONTACT

a. Staff Judge Advocate (SJA)

OFFICIAL USE OF GOVERNMENT VEHICLES

1. REFERENCES

- a. AR 58-1, Management, Acquisition, and Use of Motor Vehicles.
- b. DoD 5500-7-R, Joint Ethics Regulation

2. DEPARTMENT OF THE ARMY POLICY 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.

3. GENERAL INFORMATION.

- 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.

4. COMMANDER'S RESPONSIBILITIES.

- a. Become familiar with the requirements as established in AR 58-1.
- b. Establish procedures and policy that preclude the misuse of Government vehicles.

5. POINTS OF CONTACT.

- a. G4 (Logistics)
- b. Staff Judge Advocate (SJA)

UNIT RECORD OF RESERVE TRAINING (DA FORM 1379)

1. REFERENCES.

- a. NGR 680-1, Personnel Assets Attendance and Accounting
- b. ARNG Unit Level Financial Procedures Manual

2. NATIONAL GUARD POLICY. The procedures prescribed in NGR 680-1 are considered the minimum required for the proper accounting of personnel attendance for pay or retirement point purposes. Authenticators of the prescribed forms in NGR 680-1 will exercise sufficient care to ensure complete and accurate accounting of all personnel.

3. GENERAL INFORMATION.

- a. The DA Form 1379 (US Army Reserve Components Unit Record of Reserve Training) is the form used for the accounting of personnel. This form will account for all assigned and attached Soldiers by using codes and remarks in Appendixes A through M, NGR 680-1.
- b. The unit commander is the primary person authorized to perform the duties of unit certifying officer. NGR 680-1, chapter 2-2d identifies who can sign as the certifying officer in the absence of the unit commander.
- c. The inclusive dates used when creating the DA Form 1379 will be from the day following the previous drill to the last day of the upcoming drill. These dates are entered when creating a "K" TL in AFCOS.
- d. The following attendance codes **do not** require a remark to be entered on the DA Form 1379: A, K, M, N, P, S, U.
- e. The following attendance codes **do** require a remark to be entered on the DA Form 1379: B, C, E, H, T, U, X. (See NGR 680-1 to determine remarks to enter for each code.)
- f. Other instances when a remark is required on the DA Form 1379 is when a Soldier has completed a Code K, Rescheduled Training period or has completed a Code S, Equivalent Training period. A remark is only required once a Soldier who was previously coded 'K' or 'S' and made up the training during the inclusive period. The remark is required on the DA Form 1379 that covers that inclusive period. Remarks are also required when a Soldier has completed an RMA during the inclusive period. Finally, a remark is also required for any corrections that are made to a DA Form 1379. (See NGR 680-1 for procedures to make corrections.)
- g. Supporting documents for all Rescheduled Training, Equivalent Training, RMAs and corrections must be maintained with the DA Form 1379 maintained at the unit level.

- h. The DA Form 1379 will be submitted electronically through AFCOS not later than 5 days following the completion of an IDT weekend. A hard-copy of the DA Form 1379 will be submitted to NMD-PRS to arrive not later than 6 calendar days following an IDT weekend.
- i. The DA Form 1379 must be maintained for one full year after the end of the calendar year and then forwarded to USPFO-NV on a TL (e.g. January 2010 through December 2010 records will be forwarded in January 2012).

4. COMMAND'S RESPONSIBILITY.

- a. Commanders will ensure compliance with existing policies.
- b. Commanders will verify the accuracy of the DA Form 1379. Only codes authorized in the NGR 680-1 will be used.
- c. Commanders delegating signature authority are not delegating responsibility. Commanders of organizations are responsible for the certifications of the attendance status of their command and cannot delegate this responsibility.
- d. Ensure timely submission of DA Form 1379 and supporting documents.
- e. Sign and submit a DD Form 577 (Signature Card) to USPFO-NV for DA Form 1379s. Maintain a copy of the DD Form 577 with payroll records.

5. POINTS OF CONTACT.

- a. Unit Fulltime Personnel
- b. Human Resources Office (HRO)
- c. USPFO-NV, Military Pay Branch

NON SUPPORT OF DEPENDENTS

1. REFERENCES

- a. AR 608-99, Family Support, Child Custody, and Paternity.
- b. DOD 7000-14-R, Vol 7A, Pay and Entitlements Manual.
- c. AR 20-1, Inspector General Activities and Procedures.

2. 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. This responsibility includes:
 - (1) Providing adequate support for their family members.
 - (2) Complying with all court orders.
 - (3) Maintain 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 in the absence of a court order.
 - (3) If there is no court order or written agreement, the soldier must comply what the minimum support provisions of AR 608-99, paragraph 2-6.
- d. Soldiers cannot use their military status or assignment to deny financial support to family members or to evade court orders concerning child support or custody.
- e. The provisions of AR 608-99 are intended as **interim** measures until the parties involved arrive at a mutual agreement or resolve the differences in court.
- f. Violations of the minimum support requirements of AR 608-99, paragraph 2-4, or child custody provisions of paragraph 2-5 are punishable under Article 92, UCMJ.
- g. Minimum support is defined as an amount of money equal to the BAH II 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. Soldiers that fall into arrears without legal justification or excuse are in violation of AR 608-99. The soldier will pay arrears based on court orders or written support agreements immediately. Commanders can arrange installment payments if payment or lump sum is impractical. Failure to comply with court orders or written support agreements can result in:

(1) Garnishment of the soldier’s pay account (paragraph 1-8, AR 608-99)

(2) Initiation of an involuntary allotment against the soldier’s pay account (paragraph 1-8, AR 608-99).

(3) Contempt of court proceedings.

(4) Recoupment of BAQ received by the soldier.

i. Soldiers in arrears based on minimum support requirements (no court order) should be encouraged to pay the amount in arrears. However, they **cannot** be ordered to pay this amount.

3. COMMANDER RESPONSIBILITIES

a. Inform their soldiers of the DA policy on support of family members.

b. Process and respond to complaints of nonsupport in accordance with AR 608-99, para 3-1

c. Counsel soldiers when nonsupport complaints are brought against them.

d. Respond to all official messages and correspondence concerning nonsupport claims.

e. Conduct inquiries into allegations of nonsupport.

f. 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:

(2) Letter of Reprimand.

(3) Administrative Separation from the service.

(4) Recoup BAQ.

(5) Nonjudicial Punishment under Article 15, UCMJ.

(6) Court-Martial.

4. POINTS OF CONTACT

- a. Staff Judge Advocate (SJA)
- b. Inspector General. (IG)

Commander's Checklist for Non-Support Inquiry & Responsibilities (IAW AR 608-99)

Step One: Prepare

- a. Review AR 608-99 and consult with the SJA (if necessary).

Step Two: Acknowledge Receipt

- a. Acknowledge, by letter, e-mail, or telephone call followed by a confirmatory letter, the receipt of any inquiry that contains insufficient information upon which to base a reply.
- b. Inform the soldier about the nature of the inquiry.

Step Three: Conduct Commander's Inquiry IAW AR 608-99, 3-2 & 3-3.

- a. IAW AR 608-99, para 3-2b, Before being questioned or counseled in response to an inquiry, Soldiers will be given the opportunity to complete DA Form 5459-R (Authorization to Release Information from Army Records on Non-support/Child Custody/Paternity Inquiries). DA Form 5459-R will be locally reproduced on 8 1/2- by 11- inch paper. A copy for reproduction is located at the back of AR 608-99.
- b. Provide soldier with Art 31 rights warning. (If a soldier asserts his or her right to remain silent under UCMJ, Art. 31 the commander should refrain from questioning the soldier further and consider other available evidence before taking the actions required under the regulation.)
- c. Determine if soldier has been previously counseled on obligation to provide financial support
- d. Determine if soldier understands this legal obligation
- e. Ask the soldier if they are in compliance with this obligation. Ask for proof (such as canceled checks; money orders receipts; allotment form; etc.) Even if soldier is not drawing BAH/Dep. it does not negate financial obligation. If soldier provides sufficient proof, end questioning and go to step five. (Soldier must be formally counseled even if they are in compliance with AR 608-99, send a copy to the OIG and retain a copy in the Soldier's file.)
- f. If soldier is not in compliance, or can't provide any proof, inform the soldier that they are in violation of a punitive regulation.
- g. Determine the reason for the soldier's failure to comply

- h. Refer the Soldier to see the SJA for counsel.
- i. Contact the servicing finance office to determine the correct amount of monthly support the Soldier is required to provide to his or her spouse.
- j. End questioning.

Step Four: Formally counsel the soldier IAW AR 608-99, 3-4

- a. Tell the soldier that they have a legal obligation to provide financial support and inform the Soldier of the amount he or she needs to provide.
- b. Tell the soldier how they have failed to meet or are in compliance with this obligation
- c. Tell the soldier what they must do to correct this failure or remain in compliance
- d. Give the soldier necessary orders to meet financial obligations. Give a deadline to meet the requirements and to provide positive proof if necessary.
- e. Tell the soldier the possible actions that may occur if they fail to comply and if they violate the order just given: Counseling, Admonition, Letter of reprimand, Bar to re-enlistment,) Non-judicial punishment, Court Martial.

Step Five: Prepare the response IAW AR 608-99, 3-5

- a. Each reply to an inquiry will contain the specific information required by para 3-6 thru 3-9 in AR 608-99 together with the following information:
 - 1) Name, rank, organization, postal mailing address (e-mail address) and commercial telephone number of the commander who personally counseled the soldier.
 - 2) A statement as to whether the soldier has authorized the release outside of DOD the information obtained from a system of records.
 - 3) If the soldier consents, a statement as to whether the soldier admits that he or she has an obligation to take certain action, and if so, what the nature of the action is.
 - 4) All replies to inquiries will provide information that is helpful and responsive to all the questions asked to the extent that such information is releasable pursuant to AR 608-99. Replies to inquiries from family members, or persons or agencies acting on behalf of family members, should include advice on other courses of action that may be taken in obtaining the relief on the particular subject of the inquiry.

Step Five: Respond

- a. Send a letter to the complainant within 14 days as required by AR 608-99, notifying him/her of the outcome of the inquiry and what action has been taken (if applicable).

INDEBTEDNESS OF ARMY PERSONNEL

1. REFERENCES

- a. AR 600-15, Indebtedness of Military Personnel.
- b. AR 608-1, Army Community Service Program.
- c. AR 27-3, Legal Assistance.
- d. AR 380-67, Personnel Security Program.

2. DEPARTMENT OF THE ARMY POLICY

- a. 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 punitive actions.
- b. Creditors that comply with the provisions of AR 600-15, Chapter 4, will have their debt complaints processed by commanders.
- c. Effective 1 January 1995, involuntary allotments may be established in the pay account of soldiers to be paid to creditors who have obtained a judgment from court.
- d. The Army will not act as a collection agency.

3. COMMANDER RESPONSIBILITIES

- a. Process debt complaints that meet the criteria in AR 600-15, Chapter 4. Chapter 2, AR 600-15 provides guidance on returning complaints that do not comply with Chapter 4.
- b. 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.
- c. Processing debts basically amounts to formally informing the soldier of the claim of indebtedness against them. AR 600-15, Chapter 2, provides detailed guidance to commanders in processing debt complaints.
- d. In accordance with AR 600-15, Chapter 3, consider administrative or punitive actions against soldiers that:
 - (1) Fail to promptly resolve unpaid debts.
 - (2) Repeatedly fail to pay their legal debts.
- e. If the soldier has access to classified information, it may be necessary to submit a report of derogatory information to the unit S2 (See AR 380-67 for guidance).

f. Refer soldiers to the Staff Judge Advocate or legal assistance if the soldier feels there are legal problems with the debt.

g. 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.

4. POINTS OF CONTACT

a. Staff Judge Advocate (SJA)

b. Inspector General (IG)

INITIAL COMMAND INSPECTION

1. REFERENCE

- a. AR 1-201, Army Inspection Policy.

2. DEPARTMENT OF THE ARMY POLICY

- a. Each new company commander will receive an initial command inspection from his or her rater within 90 days of assuming command.
- b. In the Army National Guard and the United States Army Reserve, the initial command inspection will occur within 180 days of the assumption of command.

3. GENERAL INFORMATION

- a. The initial command inspection will serve to evaluate the condition of the unit.
- b. The initial command inspection will not evaluate the company commander's performance since assuming command.
- c. Only the inspected company commander receives the results of the initial inspection.
- d. A discussion of the results will be conducted with the rater as a goal-setting session. The company commander should receive a clear picture of the goals, standards, and priorities for the unit.
- e. Inspection results may cause refinement in the DA Form 67-9-1 (Officer Evaluation Support Form) and DA Form 2166-8 (NCOER Counseling Forms).
- f. Subsequent command inspections of companies measure progress and reinforce the goals and standards established during the initial command inspection. Commanders will determine the frequency of subsequent command inspections.

4. COMMANDER RESPONSIBILITIES

- a. Ensure that the initial command inspection appears on the training schedule.
- b. Ensure that results of initial command inspections are not used to compare units.

5. POINTS OF CONTACT

- a. G3 (Training)
- b. Inspector General (IG)

CHAPTER 4. Frequently Used Websites

Department, Command, Agency, Organization Home Pages

Department of Defense (DOD): <http://www.defenselink.mil>

Department of the Army (DA): <http://www.hqda.army.mil>

Army: <http://www.army.mil>

Army Knowledge Online (AKO): <https://www.us.army.mil>

Army National Guard (ARNG): <http://www.arng.army.mil>

Guard Knowledge Online (GKO): <https://gko.ngb.army.mil>

Nevada National Guard: <http://www.nv.ngb.army.mil/>

Army Forces Command: <http://www.forscom.army.mil>

Training and Doctrine Command (TRADOC): <http://www.tradoc.army.mil>

Army Material Command (AMC):

<http://www.army.mil/info/organization/unitsandcommands/commandstructure/amc/>

Human Resource Command (HRC): <http://www.hrc.army.mil>

U.S. Army Combat Readiness/Safety Center: <https://crc.army.mil/home/>

Defense Finance and Accounting Service (MyPay): <http://www.dfas.mil>

General Services Administration (GSA): <http://www.gsa.gov>

Occupational Safety and Health Administration (OSHA): <http://www.osha.gov>

Office of Personnel Management (OPM): <http://www.opm.gov>

Forms, Publications, Magazines

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: <https://fcportal.forscom.army.mil/FCCS-DocMgmt/default.aspx>

IRS Forms and Publications: <http://www.irs.ustreas.gov>

Soldiers Online-The Official Army Magazine: <http://www.army.mil/publications>

U.S. Army Publications Agency (USAPA): <http://www.apd.army.mil/>

Family Support

DEERS E-Mail: <http://tricare.mil/DEERS/update-info.cfm>

(E-mail changes to Defense Enrollment Eligibility Reporting System (DEERS))

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

Army Ribbons Order of Precedence:

http://www.tioh.hqda.pentagon.mil/Awards/order_of_precedence.aspx

Army Records Information Management System (ARIMS): <https://www.arims.army.mil/>

Army Reserve Component Retirement Services: <http://www.armyg1.army.mil/rso/pay.asp>

(RC Calculator, SBP Info, misc. info)

Military Retirement Calculator (Active Duty): <http://www.defenselink.mil/militarypay/retirement/calc/>

Personnel Electronic Records Management System (iPERMS): <https://iperms.hrc.army.mil/rms/login.jsp>

S-1 Net: <https://forums.bcks.army.mil/default.aspx?id=166639>

Army Medical Department (AMEDD): <http://www.armymedicine.army.mil>

Military Medical Support Office (MMSO): <http://www.tricare.mil/MMSO/>

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/>

Federal Voting Assistance Program: <http://www.fvap.gov>

Veterans Affairs (VA): <http://www.va.gov>