



DEPARTMENTS OF THE ARMY AND AIR FORCE
JOINT FORCE HEADQUARTERS, MISSISSIPPI NATIONAL GUARD
THE ADJUTANT GENERAL'S OFFICE
POST OFFICE BOX 5027
JACKSON, MISSISSIPPI 39296-5027

JFH-MS-Z

1 August 2006

MEMORANDUM FOR Mississippi Army National Guard Leaders

SUBJECT: Junior Leader Handbook

1. The Mississippi National Guard Office of the Inspector General has assembled this handbook to assist leaders at all levels, more specifically junior leaders in carrying out their duties. This handbook addresses many of the common issues faced by junior leaders every day, and by using vignettes and the applicable references, it will provide you as a leader a useful tool as you evaluate situations and make decisions.
2. I expect you to exercise good judgment in handling these issues, consistent with the Army's long standing policies and regulations. The cornerstone of any good leader is values and ethics. I encourage you to make this a living part of your service. Do the right thing, even when no one is watching. The Army identifies its core values as: loyalty, duty, respect, selfless service, honor, integrity, and personal courage (LDRSHIP). The Army National Guard is an organization in which people do right, treat others as they should be treated, and live up to the Army Values every day.
3. This handbook provides a general summary of the rules and regulations. The use of vignettes allows the presentation of a potential problem and a possible solution. Keep in mind the solutions listed are exactly that – possible solutions. Consider them “A Way” to do something, not necessarily “The Way” to handle a situation. Every situation is different and this handbook is meant to provoke thought and point you to the appropriate regulations. If you are unsure what action is appropriate, read the regulation.
4. I trust each of you will do the right thing. Command is a privilege and a position of trust. There is no greater honor or responsibility than to be privileged to lead America's sons and daughters. You are a leader. Take care of your Soldiers. By doing so, you will improve readiness and war fighting capability.

HAROLD A. CROSS
Major General, MSNG
The Adjutant General of Mississippi



DEPARTMENTS OF THE ARMY AND AIR FORCE
JOINT FORCE HEADQUARTERS, MISSISSIPPI NATIONAL GUARD
THE ADJUTANT GENERAL'S OFFICE
POST OFFICE BOX 5027
JACKSON, MISSISSIPPI 39296-5027

JFH-MS-IG (20-1)

1 August 2006

MEMORANDUM FOR: Mississippi Army National Guard Leaders

SUBJECT: Junior Leader Handbook

1. This handbook has been prepared to assist you as a leader by providing a quick reference guide relating to problems often encountered by leaders. As I am sure you have discovered, the key to effective retention is caring for soldiers and their families. Caring for soldiers not only encompasses training and equipping them for war, but also looking out for their health and welfare. It also includes their expectation of honest, just, and equitable treatment from their chain of command.
2. All leaders must have a working understanding of Army Command Policy. It is therefore highly recommended that you scan [AR 600-20, Army Command Policy, 7 Jun 06](#). This regulation prescribes policy on basic responsibilities and the authority of command, as well as, military discipline and personal conduct. It also defines the responsibilities of noncommissioned officers and provides guidance on and responsibilities for Family Care Plans, accommodation of religious practices, relationship between soldiers of different ranks, and the Army Equal Opportunity (EO) Program.
3. This guide supplements AR 600-20 and is a reference source which considers common issues facing junior leaders. Hopefully, an accurate knowledge of the methods required to manage and resolve these issues will better prepare you to be an effective leader.
4. Although a concerted effort has been made to ensure that this handbook is accurate, some of our topics are subject to change due to new policies or updated regulations. Additional questions may be directed to the point of contact identified in each section. Recommendations and changes to this handbook should be directed to JFH-MS-IG.
5. Please take time to read this handbook and use it as a guide in **TAKING CARE OF SOLDIERS AND TAKING CARE OF YOURSELF.**

Enclosure

RONNIE G. ROGERS
Colonel, U. S. Army
Inspector General

DISCLAIMER

Information and Liability Disclaimer:

Every effort has been made to ensure the accuracy and completeness of the documents, and electronic resources provided in this handbook and on the related links. However, this office, the Mississippi Army National Guard, the US Army, or US Government, makes no warranties, expressed or implied, regarding errors or omissions and assumes no legal liability or responsibility for any misuse, damage, errors, loss, or other problems resulting from the use of information contained within. This office, the MSARNG, US Army, and US Government, cannot and does not endorse, or appear to endorse, derivative or excerpted materials, and it cannot be held liable for the content or use of products that are incorporated on any web sites. The information stated or implied in this handbook may not be construed as carrying the official sanction of the US Army or Mississippi Army National Guard or this office. The inclusion of internet links does not constitute an endorsement of their content by the Mississippi Army National Guard, the US Army, or this office. This web site is maintained to enhance public service access to the MSARNG. This is a service that is continually under development. We will make every effort to keep this site current and to correct errors brought to our attention. Please be aware that we do not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Please understand that this information and links provided is being provided freely, and that no kind of agreement or contract is created between you and the owners of this site, owners of the server, administrators, or anyone else who is in any way connected with this project subject to your claims against them directly. The Mississippi Army National Guard, US Army, or this office is not in any way responsible for the content found on the websites. You are expected to ensure that you read the official Army regulation, MSARNG regulations, or policies; and make sound decisions based upon your interpretation.

Endorsement Disclaimer:

Reference links on this web site to any specific commercial products, process, service, manufacturer, company, or trademark does not constitute its endorsement or recommendation by this office, the Mississippi Army National Guard, US Government, and US Army, other agencies or this office. When visiting our Web site, your web browser may produce pop-up advertisements. These advertisements were most likely produced by other Web sites you visited or by third-party software installed on your computer. This office, the MSARNG, the US Army, or US Government does not endorse or recommend products or services for which you may view a pop-up advertisement on your computer screen while using this site.

WHERE TO FIND PUBLICATIONS

ARMY REGULATIONS and FORMS:

United States Army Publishing Agency <http://www.usapa.army.mil>
<http://www.army.mil/usapa/index.html>

NATIONAL GUARD PUBLICATIONS:

Regulations and Forms <http://www.ngbpdcc.ngb.army.mil/arnngfiles.asp>
All States Memoranda <https://gkoportal.ngb.army.mil/C11/C12/aspm/default.aspx>

ARMY DOCTRINE PUBLICATIONS:

Reimer Digital Library <http://www.train.army.mil/>

ARMY LOGISTICS PUBLICATIONS:

Sets, Kits, and Outfits <https://weblog.logsa.army.mil/sko/index.cfm>
Technical Manuals <https://www.logsa.army.mil/etms/index.cfm>

MOBILIZATION GUIDANCE:

Personnel Policy Guidance <http://www.armyg1.army.mil/MilitaryPersonnel/ppg.asp>

MILPER MESSAGES:

<https://perscomnd04.army.mil/milpermsgns.nsf>

DOD PUBLICATIONS:

DOD Issuances <http://www.dtic.mil/whs/directives/index.html>
Joint Electronic Library http://www.dtic.mil/doctrine/s_index.html
Chairman of the Joint Chiefs of Staff http://www.dtic.mil/cjcs_directives/
Financial Management Regulation <http://www.dod.mil/comptroller/fmr/>

1ST ARMY PUBLICATIONS AND FORMS

<https://www.1anet.army.mil/login.asp>

FORSCOM PUBLICATIONS AND FORMS

<http://www.forscom.army.mil/pubs/default.htm>

GOVERNMENT PUBLICATIONS:

Joint Federal Travel Regulation <https://secureapp2.hqda.pentagon.mil/perdiem/>
Government Printing Office <http://www.gpoaccess.gov/>
Office of Government Ethics <http://www.usoge.gov/home.html>
The Federal Register (CFR etc.) <http://www.archives.gov/federal-register/index.html>

TABLE OF CONTENTS (Control Click to Link) (Control Click “Contents” to return)

CHAPTER 1: ETHICS	6
CHAPTER 2: WHAT GETS JUNIOR LEADERS IN TROUBLE?	9
CHAPTER 3: MATTERS HAVING SPECIAL PROCESSING/APPEAL PROCEDURES	12
CHAPTER 4: IG SYSTEM OVERVIEW	15
CHAPTER 5: STRENGTH MAINTENANCE	17
5.1 STRENGTH MAINTENANCE	17
5.2 COUNSELING	19
5.3 SPONSORSHIP	21
5.4 FAMILY CARE PLANS.....	23
CHAPTER 6: PAY ISSUES	24
6.1 SURE-PAY	24
6.2 NONSUPPORT.....	25
CHAPTER 7: PERSONNEL ISSUES	27
7.1 ENLISTED PROMOTION SYSTEM (EPMS)(FORMERLY SELECT TRAIN, PROMOTE, AND ASSIGN– STPA)	27
7.2 HAIRCUTS/HAIR STYLES	29
7.3 OERs/NCOERs.....	30
7.4 AWARDS	31
7.5 SEXUAL HARASSMENT COMPLAINT	33
CHAPTER 8: LEGAL ISSUES	34
8.1 BARS TO REENLISTMENT.....	34
8.2 ABSENCE WITHOUT LEAVE.....	35
8.3 ADMINISTRATIVE SEPARATIONS.....	36
8.4 SEPARATION ACTIONS.....	37
8.5 APPEALING ARTICLE 15 PUNISHMENT	43
8.6 DRUG AND ALCOHOL TESTING.....	44
8.7 NONJUDICIAL PUNISHMENT – ARTICLE 5	45
CHAPTER 9: TRAINING	46
9.1 TRAINING SCHEDULES.....	46
9.2 TRAINING AND THE ENVIRONMENT	48
9.3 RISK ASSESSMENT	50
9.4 SCHOOLS.....	52
9.5 SAFETY	53
CHAPTER 10: COMMAND SUPPLY DISCIPLINE	54
10.1 MISUSE OF GOVERNMENT PROPERTY/PERSONNEL	54
10.2 RELIEF FROM RESPONSIBILITY	55
10.3 INVENTORY PROCEDURES	58
10.4 HAND RECEIPTS	60
10.5 SHORTAGE ANNEXES AND COMPONENT LISTINGS.....	61
CHAPTER 11: MEDICAL ISSUES	62
11.1 MENTAL HEALTH REFERRALS	62
11.2 LOD DETERMINATION.....	64
11.3 HIV TESTING.....	66
11.4 ARMY WEIGHT CONTROL PROGRAM	67
APPENDIX A: REGULATION/SUBJECT REFERENCE LIST	69

CHAPTER 1: ETHICS**THE ARMY ETHIC**

DUTY	IS DOING WHAT NEEDS TO BE DONE AT THE RIGHT TIME FOR THE RIGHT REASON WITH THE RIGHT INTENTION DESPITE DIFFICULTY OR DANGER; IT IS OBEDIENCE AND DISCIPLINED PERFORMANCE.
INTEGRITY	MEANS STEADFAST ADHERENCE TO A STANDARD OF HONEST, UPRIGHTNESS, AND PARTICULARLY TO THE AVOIDANCE OF DECEPTION.
LOYALTY	TO THE NATION, TO THE ARMY, TO THE UNIT AND ITS INDIVIDUAL SOLDIERS IS ESSENTIAL.
SELFLESS SERVICE	PUTS THE WELFARE OF THE NATION, THE ARMY, SUBORDINATES, AND THE ACCOMPLISHMENT OF THE MISSION BEFORE YOUR OWN.

[\(FM 1, The Army, June 2005\)](#)

[\(FM 22-100, Army Leadership, August 1999\)](#)

1. Problem: You are a new company commander and your company has just completed the annual individual and crew served weapons qualification requirements. You did everything correctly and by the book. Even though you did your best with the time allowed, the unit will not qualify to compete for the Excellence in Training Award.
2. Background: The battalion commander has told company commanders that he expects all companies to score high enough in each event to qualify for the award. You know that the previous company commander always "adjusted" records to insure the unit qualified for awards. The old company commander is in good graces with the Battalion Commander and is currently the Battalion Assistant S-3. You know that the Battalion Commander always wants to look good and will be angry if your unit fails to qualify for the award. He also has aspirations of being a Brigade Commander and is concerned about his record. You also know that it will appear that the company is going down hill and will reflect negatively on your OER if you tell the truth. But, if you "fix the records", no one from any higher headquarters will check and the company will continue to look good. The 1SG has endorsed this sort of activity in the past and has told you this is the way things are done here. He also has aspirations of being the next Battalion CSM.
3. Possible Solution: You may be facing one of your greatest ethical dilemmas. You consider yourself to be an honest person; however, it appears your career may be on the line if you render an honest report.

a. Considerations:

Definition of Ethics

- * A system of rules or standards that guides individuals or groups to DO THE RIGHT THING.

* ETHICS IS ABOUT DOING THE RIGHT THING; Making the right choice; choosing the harder right than the easier wrong.

b. Always keep in mind that your number one priority is to prepare your unit for its wartime mission. Knowing and reporting the exact status of your unit is critical to both you and your chain of command. Identifying your unit's weaknesses is essential to planning for future training. You have a moral obligation to tell the truth about your unit's readiness. Bad news never gets better with time. There will be many instances where you will have to consider situations involving careerism, altered training and maintenance records, equipment borrowed from another unit for an inspection or "eyewash" instead of truth. If you lie or tell a half truth to make your unit look good, you may think you are doing your duty and being loyal to your boss and unit, but in fact you are being dishonest and unethical, neglecting your duty to the unit and the Army. More importantly, if your unit had to deploy for war tomorrow and you lied about your unit's readiness, you and your soldiers may pay the price in blood. Looking good versus being good leaves the Army with just another "Paper Punched" hollow unit headed for disaster. You must always resist the temptation to put self-gain, personal advantage, and self-interests ahead of what is best for your unit and the Army.

c. You must never compromise your integrity. Integrity is woven through the fabric of the professional ethic. It means being honest and upright, avoiding deception, and living the values you expect your subordinates to uphold. You may fool your boss periodically, but you will never fool your subordinates. Whether you like it or not, you are on display at all times, on and off duty. Your actions say much more than your words. Both officers and enlisted will watch you carefully and imitate your behavior. You must accept the obligation to be a worthy role model; you cannot ignore the effect your behavior has on your subordinates.

d. You should consider meeting with the Battalion commander and give him the facts to include your training assessment of the qualification period. There is probably no need to point the finger at the previous Company commander. The Battalion commander probably knows or will soon become aware of the previous commander's record. You also know that it will appear that the company is going down hill. Tell him what improvements you intend to make for the next qualification period. Explain to him that you want the unit to win awards as well as he. Everyone wants to be a winner, but you will not compromise your integrity to do so. When you win anything, it will be done fair and square. Explain to him that you firmly believe that integrity, trust, and confidence are the most important battlefield imperatives when it comes to the harsh realities of war. This is something that can't be turned on and off like a water faucet. Explain to him that your integrity means the avoidance of deception, and that you will never be deceptive to either him or your subordinates.

e. Once the Battalion commander becomes aware of your moral values and unshakeable integrity, he should give you his support, even though he might not like having less than a perfect record.

f. If you haven't already done so, you need to have a long talk or counseling session with your 1SG. Explain to him your vision on the way things are going to be done in the unit and how he fits into that vision. Tell him how your integrity and his integrity fit in to war fighting and getting the unit ready for combat. Remind him that he is the unit role model for enlisted soldiers. If he's a good Non-Commissioned Officer, he'll conform and want to do things correctly. If not, he needs to be replaced; he certainly is not worthy of being a CSM.

4. Ethics is the cornerstone of true leadership and success. One cannot lead, learn, earn respect, train, develop teamwork, or properly care for subordinates if ethical behavior is missing. Just as a child reflects a parent's values and ethics, units reflect the commander's beliefs and standards. Having the courage to do the right thing despite pressures fosters growth, mental toughness and ethical behavior in subordinates and sustains the confidence in which a society expects of its officers.

5. Examples of remarks or actions by leaders that can (and often do) precipitate ethical dilemmas for themselves and their subordinates:

- * I don't care how you get it done - just do it!
- * There is no excuse for failure!
- * Can do!
- * Zero Defects.
- * Covering up errors to look good.
- * Telling superiors what they want to hear.
- * Making reports say what your leader wants to see.
- * Setting goals that are impossible to reach (Mission without resources).
- * Loyalty up - not down.

6. Finally, tough ethical decisions do not always have happy endings. Some may praise your decision while others find fault with your logic. You may not always be rewarded for integrity and candor. The point is that you have to live with yourself. Before you gain the respect of others, you must respect yourself. You gain honor and respect by doing your duty in an ethical way. Fundamental characteristics of leaders must include the moral strength and courage necessary to make hard ethical decisions and give soldiers the will to fight and the ability to win.

CONTENTS

CHAPTER 2: WHAT GETS JUNIOR LEADERS IN TROUBLE?

1. Junior Leader's Action: As the junior leader, you do not enforce standards equally. UCMJ action is taken against a private due to chronic tardiness. An officer or NCO is verbally counseled for the same offense.

a. Probable Results:

- (1) Soldiers perceive a double standard exists.
- (2) Resentment surfaces within the unit; morale falls.
- (3) EO/IG complaints rise.

b. Discussion: This is not an easy one to handle. A good soldier who commits a minor offense should probably not be handled in the same manner as a chronic trouble maker guilty of the same offense. A formal letter of reprimand, or an adverse OER/NCOER, can be more devastating to an officer or NCO than a Summary Article 15 can be to a junior enlisted soldier. Also, it is not always appropriate to publish what specific corrective action has been taken against a senior member of the unit. Through the leader's actions, a junior leader has to develop a reputation for fairness in dealing with disciplinary problems. Soldiers expect to be treated fairly, and will not willingly accept a command climate where some individuals are protected while others are punished. Prior communication of your standards and their application to different ranks is the key to preventing this problem.

2. Junior Leader's Action: As the commander, you are told that last night while on the night exercise the 1SG was drinking while on duty. You doubt this is true and have an ARTEP to get ready for. The matter is dropped.

a. Probable Results:

- (1) Soldier presenting the allegation brings complaint to the battalion.
- (2) Battalion commander directs formal inquiry.
- (3) You lose face within your unit and credibility with your battalion commander.

b. Discussion: When you receive a credible allegation of misconduct involving a member of your unit, **you must look into it**. This doesn't mean that a formal investigation has to be conducted (though sometimes that is the appropriate course of action). As a minimum, you must conduct an inquiry into the matter raised. At the completion of your inquiry, you owe the individual making the allegation an answer. Normally this will consist of telling the soldier that you have looked into the matter and will be taking corrective action if warranted. Also, don't forget to keep your boss informed (if appropriate). Bad news doesn't get any better with age.

3. Junior Leader's Action: A soldier comes to you with a problem. The soldier's former unit has not forwarded award orders. You agree to look into the problem and get back with the soldier. You write a letter to the old unit and go on to other matters.

a. Probable Results:

- (1) The letter is not answered in a timely manner.

(2) Soldier loses faith in the ability of the junior leader to provide assistance.

(3) Soldier calls IG, gets order sent.

b. Discussion: Maintain a suspense file on when to follow-up on an ongoing action and keep the soldier informed. Do a follow-up.

4. Junior Leader's Action: A soldier has met the promotion eligibility for specialist, but you have not promoted the soldier. The soldier is not told why they were not promoted.

a. Probable Results:

(1) Soldier's performance/attitude declines.

(2) Commander's promotion policy is seen as arbitrary and unfair.

(3) Soldier feels discriminated against.

b. Discussion: Junior leaders or supervisors are required to counsel eligible soldiers not recommended for promotion. The counseling should be directed toward those areas in which the soldier needs to show improvement in order to get promoted. The soldier is still going to resent being "passed over", but the soldier still must know the basis for your decision. Explain if the soldier is promotable but no slot is available to allow the promotion.

5. Junior Leader's Action: You constantly select the same platoon to conduct high visibility missions. This platoon excels both in the field and in garrison, so it is routinely called upon when the spotlight is on the company.

a. Probable Results:

(1) Soldiers feel that you are practicing favoritism.

(2) Resentment builds against members of the "favored" platoon.

(3) Morale declines.

(4) The company does not benefit equally from training.

(5) Burnout develops within the "favored" platoon.

b. Discussion: Most junior leaders are aware of the problems associated with practicing (or appearing to practice) favoritism toward individual soldiers. However, "platoon favoritism" is even more dangerous. When the going gets tough, it's easy to turn to the best platoon and get them going. This isn't fair to that platoon or to the remainder of the company. Share the wealth, take the hits, and train all your platoons to perform to mission standards.

6. Junior Leader's Action: You receive a call from a landlord. A soldier owes the landlord two months rent.

a. Probable Results:

(1) Soldier leaves a bad impression with civilian establishment.

(2) Unpaid bills may continue to grow due to late fees.

- b. Discussion: You cannot initiate collection actions against a soldier because of private indebtedness. Creditors should be told that they can pursue collection through civil court action. When you have a soldier in this situation, you should counsel the soldier on responsibilities to pay debts. However, if the soldier disputes the validity of the debt, the creditors should be informed that a civil court judgment will be necessary.

[CONTENTS](#)

CHAPTER 3: MATTERS HAVING SPECIAL PROCESSING/APPEAL PROCEDURES

THE FOLLOWING ISSUES HAVE REDRESS AND APPEALS PROCESS' THAT MUST BE USED BY SOLDIERS INVOLVED PRIOR TO INSPECTOR GENERAL INVOLVEMENT. THE CHAIN OF COMMAND SHOULD INFORM SOLDIERS OF THE REDRESS PROCEDURES AVAILABLE PRIOR TO SENDING SOLDIERS TO THE INSPECTOR GENERAL.

1. Court-Martial Appeals:

- a. [MCM \(2005\), Manual for Courts-Martial, Part IV \(UCMJ\)](#) Articles 67, 69, 73, 74, and 76.
- b. [AR 27-10, Military Justice, 13 Jul 05](#), Chapter 14.

2. Non-Judicial Punishment:

- a. [MCM 2005, Manual for Courts-Martial](#), Part V (Non-Judicial Punishment Procedure).
- b. [AR 27-10, Military Justice, 13 Jul 05](#), Chapter 3.

3. Relief for Cause:

- a. [AR 600-20, Army Command Policy, 7 Jun 06](#), paragraph 2-17.
- b. [AR 623-3, Evaluation Reporting System, 15 May 06](#).

4. Personnel Security: [AR 380-67, Personnel Security Program, 9 Sep 88](#).**5. Officer Evaluation Report Appeals:** [AR 623-3, Evaluation Reporting System, 15 May 06](#)**6. NCOER Appeals:** [AR 623-3, Evaluation Reporting System, 15 May 06](#)**7. Reduction in Grade:**

- a. NGR 600-200, Enlisted Personnel Management, 1 Mar 97, Section 12 (prior to 1 Feb 05).
- b. [AR 600-8-19, Enlisted Promotions and Reductions, 10 Jan 06](#), Section IV (after 1 Feb 05).

8. Financial Liability Investigation/Report of Survey for Loss, Damage, or Destruction (LDD) of Government Property:

a. LDD on/after 28 Feb 05: [AR 735-5, Policies and Procedures for Property Accountability, 28 Feb 05](#), Chapter 13.

b. LDD on/after 10 Jun 02 and before 28 Feb 05

(1) [AR 735-5, Policies and Procedures for Property Accountability, 10 Jun 02](#), Chapter 13.

(2) [DA Pam 735-5, Survey Officer's Guide, 1 Mar 97](#).

c. LDD before 10 Jun 02

(1) [AR 735-5, Policies and Procedures for Property Accountability, 31 Jan 98](#), Chapter 13.

(2) [DA Pam 735-5, Survey Officer's Guide, 1 Mar 97](#).

9. Type of Discharge Received:

- a. [AR 135-178, Enlisted Administrative Separations, 29 Jul 05](#), Chapter 2 section III.
- b. NGR 600-200, Enlisted Personnel Management, 1 Mar 97, Chapter 8 section II.

10. Pending or Requested Discharge:

- a. Enlisted Personnel
 - (1) [AR 135-178, Enlisted Administrative Separations, 29 Jul 05](#).
 - (2) NGR 600-200, Enlisted Personnel Management, 1 Mar 97, 8 section II.
- b. Officer Personnel: [AR 135-175, Separation of Officers, 28 Feb 87](#), Chapters 1,2, and 4.

11. Nonsupport and Paternity Claims: [AR 608-99, Family Support, Child Custody, and Paternity, 29 Oct 03](#), Chapter 3.**12. Qualitative Retention Boards:** [AR 135-205, Enlisted Personnel Management, 14 Sep 05](#), Chapter 4.**13. Line of Duty Investigations:** [AR 600-8-4, Line of Duty Policy, Procedures, and Investigations](#), 15 Apr 04, Chapters 3 and 4.**14. Equal Opportunity:** [NGR 600-21, Equal Opportunity Program In The Army National Guard, 14 Sep 01](#).**15. Hazardous Work Conditions:**

- a. [AR 385-10, The Army Safety Program, 29 Feb 00](#), Section 4-4.
- b. [DA Pam 385-1, Small Unit Safety Officer/NCO Guide, 29 Nov 01](#).

16. Removal of Unfavorable Information: [AR 600-37, Unfavorable Information, 19 Dec 86](#), Chapter 7.**17. Alcohol and Drug Abuse Prevention and Control Program:**

- a. [AR 600-85, Army Substance Abuse Program \(ASAP\), 24 Mar 06](#), Chapter 3, paragraph 3-7; Chapter 12; Appendix E.
- b. [NGR 600-85, Drug abuse Prevention and Control, 1 Mar 1990](#).

18. Correction of Military Records:

- a. Note that the Army Board for the Correction of Military Records (ABCMR) will not consider an application until the applicant has exhausted all administrative remedies to correct the alleged error or injustice. This is a process of final appeal.
- b. [AR 15-185, Army Board for Correction of Military Records, 31 Mar 06](#)

19. Complaints of wrongdoing made by soldiers against their commander (Article 138):

- a. [AR 27-10, Military Justice, 16 Nov 05](#), Chapter 20.
- b. [MCM \(2005\), Manual for Courts-Martial](#).
- c. The procedures prescribed in this chapter are intended to ensure that an adequate official channel for redress is available to every soldier who believes the soldier's commanding officer wronged the soldier. For many adverse actions, however, there are other, more specific channels and procedures to ensure the soldier has an adequate opportunity to be heard. Those specific procedures usually are more effective and efficient for resolving such matters, and Article 138 procedures should neither substitute for nor duplicate them. Thus, a complaint is generally not appropriate under this chapter if other procedures exist that provide the soldier notice of an action, a right to rebut or a hearing, and a review by an authority superior to the officer originating the action; however, the fact that the wrong complained of could be redressed by the ABCMR (AR 15–185) or the Army Discharge Review Board (AR 15–180) does not make Article 138 inappropriate.

20. Claims:

- a. [NGR 27-20, Claims Against Or In Favor Of The United States Arising From National Guard Activities 10 Jul 89](#).
- b. If the claim is for redress of injuries to property, i.e., willful damage or wrongful taking, see [UCMJ](#), Article 139. Referral to a military lawyer for advice and assistance normally is appropriate.

CONTENTS

CHAPTER 4: IG SYSTEM OVERVIEW

1. Problem: One of your soldiers has come up with the problem to beat all problems. You can't figure out how to even begin to help. You've considered giving the IG a call, but figure that will bring unwanted attention down on you and your company.

2. Background:

a. Inspectors General (IG) are the eyes, ears, and conscience of the commander. They provide an unbiased, continuing assessment of the "climate" of the command, as well as its efficiency, readiness, and effectiveness. Inspectors General work directly for, and answer only to, their commander, or in the case of the Mississippi National Guard state IG, the Adjutant General.

(1) Detailed and Assistant IGs are officers, senior NCOs, and civilians who serve 3-year tours as full time Inspectors General. These individuals are school trained and wear IG insignia.

(2) Acting Inspectors General (AIGs) are commissioned officers who perform limited IG functions as an additional duty. They can receive any complaint but can only act on matters which are administrative in nature (such as pay problems).

b. Inspectors General perform their functions through inspections, investigations, and processing inquiries or assistance requests.

(1) IG inspections are primarily focused on systemic issues. They are oriented towards identifying problems, determining causes, and looking for solutions. Normally, IG inspections focus on issues, not units.

(2) An IG investigation is a formal examination into an allegation, report of condition, or situation pertaining to a unit or individual. It is directed in writing by the commander.

(3) Inquiries and assistance requests focus primarily on process and procedure. If an inquiry or request is not appropriate for IG action, the originator will be referred to the appropriate action staff.

c. Anyone (soldier, family member, DA civilian, retiree, or any person with problems relating to the U.S. Army/MSNG) can present a complaint to an IG.

(1) Soldiers cannot be denied access to an IG. They do not have to go through their chain of command (though we encourage them to do so), and they do not need permission to call or see an IG. This does not mean that soldiers can leave their place of duty without permission. Common sense is the bottom line.

(2) Absolutely no retribution will be taken against a soldier who submits a complaint to an IG. However, anyone who knowingly submits an untruthful statement to an IG can be charged under the Uniform Code of Military Justice (UCMJ).

d. Inspectors General can, if given the opportunity, provide a great deal of assistance to junior leaders.

(1) Throughout the world IGs are linked through a "technical channel", which is used to disseminate IG policy, procedures, guidance, and so forth. This same channel can be used by you to get information from agencies and units throughout the Army and Mississippi Army National Guard.

(2) IGs work closely with most of the agencies (Chaplain, JAG, Military Personnel, Recruiting and so forth) that exist to support soldiers and their families. If you don't know where to go for help with a problem one of your soldiers is experiencing, call the IG. They will get you started in the right direction.

(3) Do you have questions about a regulation? Call the IG. Through our technical channel, IGs talk to the proponent of the regulation and find out exactly what was intended.

(4) Inspectors General can come into your unit and conduct sensing sessions. These sessions provide the perceptions of your soldiers as to what is wrong and what is right with the unit. Sensing sessions can provide valuable insight into the feelings and thoughts of their troops (soldiers like to talk to IGs), and the soldier appreciates the opportunity to talk openly with someone outside the chain of command. The IG will provide leaders a summary of comments, trends, concerns, etc., but will not provide names or attribute comments to individuals involved in the sensing session.

e. There are matters which are not appropriate for IG involvement. The rule of thumb is, if an appeal process exists, then the IG role is limited to ensuring that the soldier is afforded the opportunity to appeal and receives due process during the appeal. IGs do not look at UCMJ actions, OER/NCOER appeals, or relief actions, unless all appeal actions have been concluded or soldiers allege that they did not receive due process. IG's are concerned with process and not with second guessing the decision makers.

3. Possible Solution: Call your IG. Understand the IG's role, and take advantage of what they have to offer. As far as the soldier will ever know, you solved his/her problem, not the IG.

4. References:

a. [AR 20-1, Inspector General Activities and Procedures, 23 May 06.](#)

b. [AR 1-201, Army Inspection Policy, 12 Jan 04.](#)

5. POC: JFH-MS-IG or Brigade IG (as applicable).

CONTENTS

CHAPTER 5: STRENGTH MAINTENANCE

5.1 STRENGTH MAINTENANCE

1. **Problem:** You recently assume command of Battery B in January, five months before annual training (AT). You become aware that your battery's retention rate is 63% and its attrition rate is 23.5%.
2. **Background:** You discover that your battery has a weak and ineffective retention program. You are aware that TAG's number one priority after safety for the Mississippi Army National Guard is strength maintenance.
3. **Possible Solution:** Have a meeting with your unit leaders, including the executive officer, platoon leaders, ISG, and platoon sergeants. Review with them the MSARNGR 601-2, Mississippi Army National Guard Strength Maintenance Program, 1 Apr 97 and any current higher headquarters guidance on Strength Maintenance. Afterwards, make the following appointments and send them to the Battalion Career Counselor's Course if slots are available:
 - a. Unit Special Emphasis Retention Officer
 - b. Additional Duty Unit Retention NCO
 - c. Unit Recruiter Aides
4. Meet with your battalion commander and full time Battalion Recruiting and Retention NCO (RRNCO). Ensure your retention program is set up appropriately. Consider the following in developing your program. These items are listed by a specific retention category, but are not all inclusive or exclusive from the other categories.

a. For Initial Entry Soldiers:

(1) Your initial entry recruits will participate in the Recruit Sustainment Program (RSP) until completion of AIT. The recruit's participation in RSP does not preclude the unit's responsibility to sponsor the soldier or maintain support of the soldier during BCT and AIT. It is strongly recommended that all members of a soldier's chain of command (commander to first line leader) contact him at least once during BCT and again during AIT.

(2) New soldiers are assigned sponsors upon their return from AIT or arrival at the unit (see Chapter 5.3 for Sponsorship Guidelines).

(3) Ensure soldiers are receiving effective "initial" career and retention counseling. This should include information on what education assistance is available and POC information to apply for educational assistance.

(4) Utilize these new returnees to ensure that training is up-to-date with what is taught in AIT, which will make it more realistic, innovative, and interesting to all soldiers.

(5) Ensure the soldier is aware when any bonuses will be paid (if applicable).

(6) Release information on the soldier's return from training to local news media.

(7) Set-up ESGR award for soldier's employer to show appreciation to/ recognize employers.

(8) Brief the soldier on the G-RAP and ESAR programs.

b. For Prior Service Enlistees and Current Soldiers:

(1) Conduct informative and effective annual records reviews.

(2) Ensure all soldiers are receiving effective career, performance, and retention counseling and that all personnel readiness goals are included on OER/NCOERs.

(3) Ensure the unit's AWOL management program is functioning properly.

(4) Eliminate "No Val" soldiers.

(5) Ensure all training is realistic, innovative, interesting and all OES/NCOES requirements are met.

- (6) Ensure Family Readiness Group is being supported and conducts family events.
 - (7) Institute an effective awards program that includes Individual Awards, ESGR Awards for employers, and recognition of soldiers and their spouses when they re-enlist/extend.
 - (8) Pursue bonus problems diligently.
 - (9) Conduct semi-annual state tuition assistance briefings.
 - (10) Schedule annually required Annual Training Benefits, retirement benefits Briefings, and ESGR briefing.
 - (11) Submit monthly hometown releases recognizing soldiers.
 - (12) Coordinate with Marketing Section of R & R BN on local TV/Radio playing more Guard public service announcements.
 - (12) Develop/sustain awareness of unit history/lineage.
 - (13) Look for community support event opportunities like the Adopt a School program.
 - (14) Have a color guard prepared to support local school events.
 - (15) Brief every soldier on G-RAP and ESAR programs.
5. These guidelines should be re-evaluated semi-annually to critique and improve their effectiveness. These guidelines are not all inclusive, and commanders should add new ideas/guidelines to support their strength maintenance program.
6. Reference:
- a. NGR 601-1, NGR, Army National Guard Strength Maintenance Program, 28 APR 06.
 - b. MSARNGR 601-2, Strength Maintenance Program, 1 Apr 97
7. POC: JFH-MS-CM-CRR Recruiting and Retention.

CONTENTS

5.2 COUNSELING

1. **Problem:** The Chief of Staff, Army said we do a lousy job of counseling, particularly performance counseling.
2. **Background:** Discussions of senior Army leaders with junior officers and NCOs, disciplinary and administrative board actions, and IG requests for assistance have indicated that we do a poor job of counseling subordinates.

All leaders are responsible for accomplishing their mission and taking care of their soldiers. One of the surest ways to do both is to set clear, reasonable standards and to be sure that soldiers understand what is expected of them. Counseling is one of the most important tools for communicating standards and enhancing understanding. All too often counseling occurs only when a soldier performs in a substandard manner. Our responsibility to counsel soldiers is much more extensive. Some of the requirements, such as for disciplinary action and OER/NCOER purposes, are regulatory requirements. Others, such as reinforcing positive performance and helping with personal problems, are moral leadership obligations.

[FM 22-100](#) identifies the focus for counseling as the growing of tomorrow's leaders. As such, it impacts significantly on the Army's future thus demanding continuing command emphasis. The consequences for failing in any of these areas could range from losing good soldiers because we did not show them how to become better soldiers to preventing the unit from getting rid of bad soldiers because we were not attentive to the counseling requirements. Leaders at all levels must understand that the counseling of subordinates is not only required by regulation, it is an attribute of the true professional.

The following circumstances/events are some examples of regulatory required counseling that is often not being conducted. Don't get caught short!

- a. Soldiers in the zone of promotion but not recommended.
 - b. Soldiers placed on the Weight Control Program (records must be flagged).
 - c. APFT failures (records must be flagged).
 - d. Performance failures leading to adverse action.
4. **Possible Solution:** Consider emphasizing the importance of all types of counseling by conducting professional development classes for your chain of command centered around the discussions in appendix c of [FM 22-100](#). Make counseling a matter of command interest in your unit, checking its status in a formalized way, and setting up a simple suspense system for counseling required by regulation and routine performance counseling. We owe it to our soldiers to tell them individually how they are progressing, not only when they "screw up", but when they are also doing a good job. It is often difficult to tell an officer, non commissioned officer, or soldier when they are not performing up to par. However, we owe our soldiers the courtesy to "look them in the eyes" and tell it like it is, good or bad. They will respect you for it if done properly. More often we fail to tell individual soldiers when they are doing something well and how to further improve.

5. Positive Counseling

Positive counseling should be mandated and conducted by the chain of command on a sustained basis. It could be done once a month, once a quarter, biannually, or as often as the commander deems necessary for the unit. Immediately following annual training is an excellent time to evaluate and counsel soldiers. Positive counseling starts with the first line supervisor and emanates up the chain of command. Squad leaders counsel squad members, platoon sergeants counsel squad leaders, platoon

leaders counsel platoon sergeants, etc. Counseling doesn't always have to be formally done but should be documented using appropriate forms. It can take place anytime during drill, such as slack periods, after drill, or after annual training. Counseling soldiers can be approached much the same way we do an AAR. Talk about what he/she is doing well and needs to sustain, and then those areas he/she needs further training or areas of improvement. Completed counseling forms should be passed up the chain of command for comments and review by each supervisor to include the ISG and company commander. Space should be allowed for each soldier to express his/her comments if they so desire. Mandatory counseling produces some of the following benefits:

- a. Lets the soldier know how they are progressing, both good and bad, and what improvements are needed.
- b. Officers and NCO's continually gain experience in counseling, solving problems, and become comfortable with the process.
- c. Soldiers become comfortable with the process and don't feel they are being singled out since everyone is being counseled.
- d. Provides a record on each soldier that can be used for future actions (promotion, reduction, etc.).
- e. Requires NCO's to write (can use one liners such as used in EER's and AAR's). The more they write the better they will get at expressing their views. Requiring NCO's to write is considered good NCO professional development.
- f. Incorporates regulatory counseling as mentioned in paragraph 2.
- g. Insures communications between the soldier and his/her supervisors and allows the chain of command to know if potential or real problems exists. Also allows junior leaders to start the problem solving process early if required.
- h. Allows leaders to better know their soldiers. Also gives junior leaders the option of taking home counseling results to review for follow-up if needed.
- i. Most important, lets the soldier know the chain of command is interested and cares about his/her training and welfare.

As General Powell said in his 1993 Graduation Speech to VMI Cadets, "Good leaders solve problems. The day you have no problems to solve you are in trouble. It means the troops think you don't care about them or can't solve their problems. At this point you are no longer leading."

4. Reference: [FM 22-100, Army Leadership, 31 Aug 99](#).

5. POC: Junior leaders and leaders at all levels.

[CONTENTS](#)

5.3 SPONSORSHIP

1. **Problem:** You are having attendance issues with new soldiers transferring into your unit as a result of the state transitioning to new force structures.
2. **Background:** You have had a rigorous training program over the last 18 months and have had little time for tasks beyond preparing and executing training. Your unit has started a reorganization that is bringing many new soldiers into your unit. Retention of current soldiers is good but you are having issues with transferring soldiers attending drill and remaining in the guard at their ETS dates.
3. **Possible Solution:** Place command emphasis on your sponsorship program. The best training program is hamstrung if there are insufficient soldiers to be trained as organic units. The following is provided as a guide to help you develop and implement your sponsorship program:
 - a. Phase I (Transferring soldier/AIT graduate assigned to unit)
 - (1) Send letter to sponsor (preferably first line leader) to ensure that he is aware of the new soldier's return from training or transfer to the unit. The letter should contain all contact information on the soldier and all information that the soldier will need to know for the next three drills. If the soldier is returning from AIT the sponsor should have been in contact with the soldier during the Recruit Sustainment Program (RSP) (See New Recruit Additional Requirements below).
 - (2) Send letter to soldier congratulating/welcoming the soldier on completion of training or transferring to the unit. This letter should contain information on the next three drill dates, report times, location of drill, uniform, who to report to, and any important upcoming training events or ceremonies, along with some unit history/lineage.
 - (3) Ensure sponsor calls soldier prior to first drill. This should not be done two days before drill but at least two weeks (if time permits due to transfer or return from training) before drill.
 - b. Phase II (First drill weekend)
 - (1) Ensure sponsor meets new soldier 15 minutes prior to first formation and starts sponsorship checklist.
 - (2) Ensure new soldier is given tour of armory facilities and meets key unit staff.
 - (3) Create a command climate and training schedule regimen that facilitates the new soldier productively meeting with Commander, 1SG, Supply SGT, and FLL (if not sponsor).
 - c. Phase III (Completion of sponsorship) (within 3 months of arrival at unit)
 - (1) New soldiers integrated.
 - (2) Sponsor and new soldier report to 1SG with completed sponsorship checklist.
 - d. New Recruit Additional Requirements
 - (1) New recruits report directly to the regional Recruit Sustainment Program (RSP) where they receive all support and direction from staff at that location. Updates on the progress of the soldier's training can be obtained from the RSP coordinator at that location.
 - (2) Unit/sponsor are encouraged maintain contact with recruits during basic and advanced individual training. This should not be voluntary, but a mandatory requirement for the chain of command (from the FLL to the CO) to all send a letter/note to the soldier during both basic training and AIT.
 - (3) Split option recruits will report directly to Recruit Sustainment Program between basic and advanced individual training periods. These soldiers should also be contacted regularly by the chain of command.
 - (4) Note that the pre-screening requirements for MEPS are now handled by the Recruit Sustainment Program training program.

e. The sponsor is critical to the success of your program providing the new soldier/recruit their first impression of the unit. A good rule of thumb is that the new soldier/recruit's attitude towards the unit and initial professionalism will be the same as the sponsor so select wisely.

4. Reference:

MSARNGR 601-2, Strength Maintenance Program, 1 Apr 97

5. POC: JFH-MS-CM-CRR Recruiting and Retention Command.

[CONTENTS](#)

5.4 FAMILY CARE PLANS

1. Problem: Your designated representative for Family Care Plan (FCP) counseling completed the annual review of 1LT Smith's FCP and presented it to you for your recertification. As part of the annual recertification requirement, your representative contacted Mr. Adams, 1LT Smith's sole long-term guardian identified in the FCP for his dependents. The only change noted was that Mr. Adams is now PFC Adams as he joined the guard, completing Initial Active Duty Training (IADT) last summer and his first Annual Training (AT) this summer. Should this effect the recertification of 1LT Smith's FCP?

2. Background: PFC Adams is in the Guard but serves in a different battalion within the Brigade. This year the entire brigade conducted AT during the same time period.

3. Possible Solution: Do not recertify 1LT Smith's FCP. Counsel 1LT Smith that he has 60 days to submit a new FCP that will ensure his dependents will be cared for in the event 1LT Smith and PFC Adams are mobilized during the same period. Give 1LT Smith a JAG POC for assistance if necessary.

a. Section 5-5 of [AR 600-20](#) provides clear guidance as to who requires a FCP and the process to establish the FCP.

b. Soldiers must arrange for the care of their dependents (to include adult family members incapable of self-care) so as to be available for duty when and where the needs of the Army dictate. Further, soldiers must be able to perform their assigned military duties without interference of family responsibilities.

c. The unit Commander must be satisfied that FCP's appear to be workable and durable.

d. In this case, the possibility of PFC Adams and 1LT Smith both being mobilized concurrently or consecutively make the plan neither workable nor durable.

e. [AR 600-20](#) envisions AT periods as tests of FCP's. Consider directing your FCP counseling representative to query all soldiers with FCP's as to whether they are utilizing their long-term guardians for care of their dependents during AT and if not, why not. In this particular instance, you would have become aware of this issue sooner.

4. References:

a. [AR 600-20, Army Command Policy, 7 Jun 06](#), Section 5-5.

b. FORSCOM REG 500-3-3, Reserve Component Unit Commanders Handbook (RCUCH), 15 Jul 99.

5. POC: JFH-MS-JAG or Brigade SJA.

[CONTENTS](#)

CHAPTER 6: PAY ISSUES**6.1 DIRECT DEPOSIT/ELECTRONIC FUNDS TRANSFER PROGRAM (SURE-PAY)**

1. **Problem:** One of your soldiers complains that he has not been getting paid and has come to you to solve the problem.
2. **Background:** SPC Jones' pay is in a hold status because he lost the account that he initially enrolled in the Direct Deposit program. SPC Jones has informed you that he cannot afford to open a new account due to his poor financial situation/history. SPC Jones therefore claims he cannot re-enroll in the Direct Deposit program.
3. **Possible Solution:**
 - a. All ARNG soldiers are required to participate in the Direct Deposit/Electronic Funds Transfer (DD/EFT) program. The only exception is due to extreme hardship, where an individual receives a temporary waiver of DD/EFT participation from their Adjutant General. Waiver authority may not be further delegated. The waiver must be reviewed every six months to determine if continuation of the waiver is warranted.
 - b. Enrolling an account in the Direct Deposit program is a requirement of the current enlistment contract. It is the soldier's responsibility to maintain an account enrolled in the Direct Deposit program. It is the soldier's responsibility to manage enrollment in the Direct Deposit program through the My Pay system (<https://mypay.dfas.mil/mypay.aspx>).
 - c. Bank of America offers free bank accounts to military members who can then enroll those accounts in the Direct Deposit program. All soldiers are eligible for these accounts regardless of their financial circumstances. Visit <http://www.bankofamerica.com/index.cfm> and follow the links for Military Banking in the Specialized Banking section.
 - d. Determine if the soldier wishes to request an exception due to hardship. Approval of such a request is unlikely given the available resources to solve the problem.
 - e. If the soldier does not submit a request for an exception, counsel the soldier on his responsibilities and the resources available to solve the problem. Should counseling prove ineffective, then the soldier may be given a formal letter of reprimand. If, after counseling and reprimand, the soldier still does not comply, they may be carried as an unsatisfactory participant or discharged from the MSARNG.
4. **References:** [NGR \(AR\) 37-104-3, Military Pay and Allowances Policy and Procedures, 24 Oct 03, Paragraph 2-22.](#)
5. **POC:** USPFOMS-Military Pay Section.

CONTENTS

6.2 NONSUPPORT

1. **Problem:** As commander, you receive a letter from the ex-spouse of one of your traditional soldiers, SSG Smith, alleging nonsupport. You contact her to determine if a court order exists directing child support.
2. **Background:** SSG Smith is a good NCO, and it has been brought to your attention that he was divorced two years ago. The information indicates that Smith's two children are staying with their mother and alleges that SSG Smith is not paying child support.
3. **Possible Solution:** Have SSG Smith report to you with any documentation of his child support requirements and payments.

If a court order exists directing child support and the soldier has proof of payment, inform the ex-spouse that you have looked into the matter and seen proof of payment so you will take no further action.

If a court order exists directing child support and the soldier has no proof of payment, counsel him on his responsibilities to provide child support and inform him that you will be referring his ex-spouse to DFAS for possible garnishment action. Inform the ex-spouse that she needs to ask the court that issued the order to forward documentation to DFAS (*see address below*) for action. DFAS will decide whether and how to garnish SSG Smith's pay.

If no court order exists, inform SSG Smith and his ex-spouse that there is no military obligation for a traditional soldier to pay child support in the absence of a court order. Inform both that should SSG Smith be placed on active duty for 30 days or more (to include mobilization or AGR orders), he would then be subject to [AR 608-99](#) and be required to provide support for his period of active duty even in the absence of a court order at rates specified in [AR 608-99](#).

Inform SSG Smith that should a court order be issued directing child support or he enters into a period of active duty either of which leads to the garnishment of his military pay, he should inform his unit and DFAS when military garnishment is no longer appropriate. This could be the revocation, amendment, or completion of the court order, exit from active duty status, or the payment of his obligation from another source.

Garnishment actions received from any court, law enforcement agency, or legal office will be annotated with the date of receipt and returned directly to the sender within 2 working days of receipt. Annotate on the garnishment action that it must be sent by the issuing agency directly to DFAS. Units and activities of the ARNG will not forward garnishment actions directly to DFAS.

Units receiving court orders (child support/alimony) requesting assignment, apportion garnishment, withholding, deductions or collections from the amounts due a soldier should advise the issuing agency to forward same certified mail to: Defense Finance and Accounting Service, DFAS-Cleveland Center, ATTN: Garnishment & Bankruptcy Branch, PO Box 998002, Cleveland, Ohio 44199-8002, Comm. Ph # 216-522-5301, DSN Ph # 580-5301.

4. **Reference:**
 - a. [AR 608-99, Family Support, Child Custody, and Paternity, 29 Oct 03.](#)
 - b. [NGR 37-104-3, Military Pay and Allowances Policy and Procedures-Army National Guard, 24 Oct 03, Paragraph 2-28.](#)

5. POC: JFH-MS-JAG or Brigade SJA (as applicable) and USPFOMS-Military Pay Section.

[CONTENTS](#)

CHAPTER 7: PERSONNEL ISSUES**7.1 ENLISTED PROMOTION SYSTEM (EPS)**

1. **Problem:** Several of your soldiers are on their respective promotion lists but are not getting selected and promoted as quickly as you think they should given the number of openings you are aware of in the grade for which they are competing.
2. **Background:** You have placed command emphasis on ensuring that all soldiers going forward for consideration by promotion boards meet the stringent requirements of paragraph 7-31, Implementation Policy, 01 Feb 2005. No packets have been returned so you cannot understand why your soldiers are being delayed in selection and promotion.
3. **Possible Solution:** Ensure that soldier qualifications for promotion consideration that can change over the life of the promotion list are managed to ensure that soldiers do not become non-selectable or non-promotable.

Some common items that can expire and make a soldier on the promotion list selectable but non-promotable include security clearances and current APFT. If your soldier will have any such items expire during the life of the promotion list, get the process underway to get new items completed before expiration of the old items.

If a soldier is flagged after being placed on a promotion list but left on the list, they are non-selectable and non-promotable until the flag is resolved. Ensure that your unit is resolving and removing flags efficiently. Soldiers get “passed over” on the promotion list because of flags the unit should have removed.

Soldiers who are considered and selected for promotion must have a remaining service obligation of 1 (E-5/E-6) to 2 (E-7/E-9) years from the date of promotion in order to be promoted. Ensure that your unit is educating soldiers as to this requirement and that failure to complete the service obligation in the National Guard will cause separation from the guard at the lower grade. This applies to transfers to the Army Reserve, Active Duty, IRR, ING, as well as retirement (NGR 600-200, paragraph 7-11).

NOTE: Other problem area trends include but are not limited to: Incomplete, unsigned, or missing NGB 4100 and 4101's (Regulation requires 3-5 NGB 4101 evaluations); counseling not being conducted to ensure soldier understands implications of selecting certain units or mileage restrictions for promotion consideration; units do not update APFT scores and Weapon Qualification scores.

4. **Reference:**
 - a. NGR 600-200, Enlisted Personnel Management, 1 Mar 1997.
 - b. Chapter 7 Implementation Policy, Enlisted Promotion and Reduction of ARNG Personnel, 1 FEB 05.
 - c. [AR 600-8-19, Enlisted Promotions and Reductions, 25 Feb 05.](#)
 - d. MSARNGR 600-200-1, Non-Commissioned Officer Promotion System, 1 Mar 2005.
 - e. [DA Personnel Planning Guidance, Chapter 13, Reserve Component Promotions](#)
5. **POC:** JFH-MS-J1 or MSC S-1.

[CONTENTS](#)

7.2 HAIRCUTS/HAIR STYLES

1. Problem: The 1SG has recommended to you that a female soldier be given an Article 15 for not taking the "corn rows" out of her hair.
2. Background: During a morning formation, the 1SG informed SPC Smith, a female soldier, to remove the corn rows from her hair. At the 1300 formation, SPC Smith was observed with corn rows still in her hair. The 1SG told her that she was going to be recommended for an Article 15.
3. Possible Solution: There are many hairstyles that are acceptable in the Army. So long as the soldier's hair is kept in a neat, clean manner, the acceptability of the style will be judged solely by the criteria listed in [AR 670-1](#), paragraph 1-8. This regulation states that extreme or fad style haircuts are not authorized. This gives commanders flexibility in determining whether a hair style is extreme or faddish. However, corn rows are specifically noted in the regulation as an acceptable *female* hair style within certain constraints (as are extensions, weaves, wigs, and hairpieces). The 1SG should be counseled as to the appropriateness of his order.

Paragraph 1-8 is comprehensive, helping leaders base decisions upon developed standards rather than personal preferences. It is always good practice to reference this section prior to confronting soldiers about haircut/style issues.
4. Reference: [AR 670-1, Wear and Appearance of Army Uniforms and Insignia, 3 Feb 05](#), Chapter 1.
5. POC: BN/BDE CSM or JFH-MS-SCSM State Command Sergeant Major.

CONTENTS

7.3 OERs/NCOERs

1. Problem: SGT McDonald, who has only been assigned to your unit for six months, confronts you about an adverse NCOER the soldier received from a previous unit.
2. Background: Upon further questioning, you discover that the soldier's rater rated her "fully capable" and that the senior rater rated her overall performance and potential for promotion as a "3" and "4" respectively. The reviewer checked the non-concurrence box. SGT McDonald states that she wants to appeal the NCOER and requests your assistance.
3. Possible Solution: As the new commander, the extent of your assistance should only be to provide information as to the appeals procedures. These are outlined in [AR 623-3](#). A soldier who perceives that an evaluation report is inaccurate or unjust in some way has the right to appeal for redress to the appropriate agency. The reviewer in this case appears not to have exercised their responsibility in that they did not attach a statement to the NCOER further explaining the situation and disparity between rater and senior rater. An appeal's success depends on the care with which the case is prepared, the line of argument presented and the strength of the evidence presented to support it. Because evaluation reports are used for personnel management decisions, it is important to the MSARNG and the NCO that an erroneous report be corrected as soon as possible. As time passes, people forget and documents and key personnel are less available. Consequently, preparation of a successful appeal becomes more difficult. The likelihood of successfully appealing a report diminishes as a rule, with the passage of time. Prompt submission is, therefore, recommended. Clear and convincing evidence must be of a strong and compelling nature, not merely proof of the possibility of administrative error or factual inaccuracy. Bottom line, the burden of proof rests with the soldier making the appeal.
4. References: [AR 623-3, Evaluation Reporting System, 15 May 06](#).
5. POC: JFH-MS-J1.

CONTENTS

7.4 AWARDS

1. **Problem:** Your Battalion Commander does not agree with a recent [DA Form 638](#) that you submitted recommending an ARCOM be awarded to SSG Hale. You firmly believe that SSG Hale's actions meet the requirement for an ARCOM to be awarded.
2. **Background:** Your Battalion Commander returned the [DA Form 638](#) with a post it note attached saying "does not meet ARCOM requirements, resubmit as an AAM." Later, when you made your case for the ARCOM in person to the Battalion Commander, he disagreed and told you to resubmit as an AAM or he would downgrade the recommendation and issue an AAM.
3. **Possible Solution:** The chain of command has a duty to ensure that the standards of [AR 600-8-22](#) for various awards are understood throughout the command; however, if you still believe that SSG Hale has met the requirements for an ARCOM, submit the original [DA Form 638](#) and inform the commander that you are aware that he has the right to recommend downgrade, but the ARCOM approval authority must process the [DA Form 638](#) and make the final decision.

Table 3-2 in [AR 600-8-22](#) identifies award approving authorities (table 3-3 in wartime). In the absence of written authority delegating approval authority from one commander to a subordinate commander, the only person who can approve, disapprove, or downgrade an award is the award approving authority of the originally recommended award. In your case, ARCOM award approval authority rests with the first commander in the rank of full Colonel in your chain of command. Your Battalion Commander with a rank of Lieutenant Colonel can only *recommend* approval, disapproval, downgrade or upgrade. Your Battalion Commander must forward the request to the next Commander in the rank of Full Colonel in the chain of command for a final decision.

Commanders and Principal HQDA Agency Officials	May award	To
Chief of Staff, U.S. Army	DSM and all lesser decorations	All U.S. Army personnel and personnel of other Services with the concurrence of their respective Service.
General	LM, MSM, ARCOM, AAM	1. U.S. Army personnel. 2. U.S. Navy, Marine Corps, and Air Force Personnel below brigadier general attached to their organizations, provided concurrence is obtained.
Lieutenant General	1. LM 2. MSM, ARCOM, AAM	1. U.S. Army personnel upon retirement or for posthumous awards only (except general grade officer). 2. U.S. Army personnel assigned and attached for duty to their command or agency.
Major General (see note 2)	MSM, ARCOM, AAM	U.S. Army personnel assigned and attached for duty to their duty to their command or agency.
Brigadier General	ARCOM, AAM	U.S. Army personnel assigned and attached for duty to their command or agency.
Colonel	ARCOM, AAM	U.S. Army personnel assigned and attached for duty to their command or agency.
Lieutenant Colonel	AAM	U.S. Army personnel assigned and attached for duty to their command.

Notes:
(applicable to tables 3-2 and 3-3):

1. CG, 8th U.S. Army, is authorized to award the Army Commendation Medal to Korean Augmentation to U.S. Army personnel for meritorious service.
2. Major Army commanders and officials of principal HQDA agencies in the grade of major general have authority to approve awards of the Legion of Merit, to retiring and deceased persons, other than general officers, assigned to their commands or agencies.
3. U.S. Army Materiel Command and U.S. Army Information Systems Command project managers in the following grades or positions are authorized to approve awards to members assigned to their projects as follows: Major Generals—MSM, ARCOM and AAM; Brigadier Generals—ARCOM and AAM; Colonels—ARCOM and AAM.

Note that if a commander chooses to recommend upgrade for an award, they can only approve the upgraded award if it is within their approval authority, if not, they must forward it up the chain of command.

4. **Reference:**

- a. [AR 600-8-22, Military Awards, 25 Feb 95.](#)
 - b. MSARNG 672-5, Mississippi Army National Guard State Awards, 17 Jan 05.
5. POC: JFH-MS-J1.

[CONTENTS](#)

7.5 SEXUAL HARASSMENT COMPLAINT

1. Problem: One of your female soldiers has filed an EO complaint, alleging sexual harassment.
2. Background: On several occasions during drill, SFC Smith has asked SPC Rosalyn Jones, a soldier in his platoon, to go on a date with him (both are traditional soldiers). SFC Smith also has the habit of resting his hand on the back of SPC Jones' neck or on her knee when standing or sitting at their work station talking with her. SPC Jones charges that she has asked SFC Smith to refrain from asking her out and from putting his hands on her. SFC Smith no longer asks SPC Jones to go on dates with him, but he persists in putting his hands on her when talking to her. Yesterday, SFC Smith counseled SPC Jones on the quality of her work. During this counseling, SFC Smith sat at SPC Jones' desk, with his hands resting on her knee. Twice SPC Jones moved her knee and each time SFC Smith placed his hand in contact with her. You, as the commander, have ensured that your unit's NCO Professional Development Program includes training in the detection and prevention of sexual harassment. Your NCOs know that it is Army policy that unit leaders should not make unnecessary physical contact with subordinates, nor ask them to go on dates.
3. Possible Solution:
 - a. Order SFC Smith to cease the alleged conduct and capture the counseling in writing.
 - b. Inform SPC Jones that she has 180 calendar days to file an informal or formal complaint from the day of the alleged incidents. Give SPC Jones an NGB Form 333 to fill out for submittal. SFC Smith's alleged behavior is in clear violation of Army and Army National Guard policy and company policy and is obviously inappropriate. It warrants immediate investigation and strong and immediate disciplinary action if true as alleged. Be prepared to invest or request assets to resolve formal requests within 60 days and informal requests within 30 days of submission.
 - c. You should contact the JAG as UCMJ action may be applicable in this situation.
4. References:
 - a. (Traditional and AGR Soldiers) [NGR 600-22, National Guard Military Discrimination Complaint System, 30 Mar 01](#), Chapters 1 and 2.
 - b. (Mobilized Soldiers) [AR 600-20, Army Command Policy, 7 Jun 06](#), Chapter 7 and Appendix E - I.
5. POC: JFH-MS-EEO Equal Opportunity Section and MSC SJA.

CONTENTS

CHAPTER 8: LEGAL ISSUES

8.1 BARS TO REENLISTMENT

1. **Problem:** A traditional soldier in your unit is constantly shirking his duties, and has been involved in numerous disciplinary infractions.
2. **Background:** The 1SG has brought the soldier to your attention on several occasions for substandard performance and conduct. Counseling was documented and has had little or no effect on the soldier's attitude and performance.
3. **Possible Solution:** As a commander, you can impose a bar to reenlistment on un-trainable or unsuitable soldiers. A bar should be initiated in a timely manner. It should be used as a tool to get the soldiers' attention, rather than as a last resort. Examples are individuals who cannot follow orders, who call in sick without medical justification, who are substandard in personal hygiene, who have not demonstrated potential for future service, etc. A bar is not a punitive action, nor does it preclude an administrative discharge at a later date. There are procedural considerations you must know. For example, do not use the bar in lieu of courts martial or non-judicial punishment. The basis for the bar must be documented and substantiated (not generalities). A soldier must be provided notice of the bar and given 30 days to prepare a statement of rebuttal. Once a bar is approved, the commander must counsel the soldier in writing and let them know of their appeal rights. After placing an approved certificate in the soldier's 201 file, the company or detachment commander should continue documenting the soldier's performance in writing. The written documentation (positive or negative) will evaluate the soldier's performance between the time the bar was imposed and the time of the first six (6) month review. Commanders need documentation available so that it can be used for the following purposes:
 - a. To support a recommendation to lift a bar once the soldier has demonstrated improvement to the point where the commander feels the soldier is worthy of retention in the MSARNG.
 - b. To support the commander's decision not to lift the bar at the time of review.
 - c. To support separation proceedings under the provisions of NGR 600-200, Enlisted Personnel Management for those soldiers whose performance warrant such action.
4. **Reference:** NGR 600-200, Enlisted Personnel Management, 1 Mar 97, Chapter 7, Section V.
5. **POC:** JFH-MS-J1 (Enlisted Actions Branch).

[CONTENTS](#)

8.2 ABSENCE WITHOUT LEAVE (AWOL)

1. Problem: A traditional soldier is absent from drill without authority.
2. Background: Soldier fails to report for formation and soldier's whereabouts are unknown.
3. Possible Solution: Report the absence and take actions outlined in the current Adjutant General AWOL Policy Memorandum; National Guard Bureau Policy Memorandum 05-047, and NGR 600-200.

a. Conduct an immediate inquiry to the soldier's whereabouts and possible reasons for the absence. Certain reasons may warrant an excused absence or justify a request for exception to the approving authority (paragraphs 4-8 and 4-13 respectively from [AR 135-91](#)).

b. At the first unexcused absence leaders will aggressively attempt to contact the soldier by telephone or personal visit. Following the second unexcused absence Commanders, after review of the affidavit of the individual who has knowledge of the circumstances of the AWOL, will use the Commander's Warrant in order to bring the soldier to drill. The Commander may want to include an expiration date/time on the Commander's Warrant to prevent the apprehension and appearance of the soldier at a non-IDT time. After apprehension, Commanders may consider punishment of the soldier. (consultation with their assigned JAG officer is recommended, for it may be that punitive action could be taken whether or not the soldier is located.) The key point for the Commander is turning around the absent soldier before he/she becomes a loss to the Mississippi National Guard.

c. AWOL soldiers will be flagged after the third unexcused absence to suspend favorable actions. After eight unexcused absences, commanders will utilize the Justice Court System.

d. Commanders will proceed in accordance with AR 135-91, paragraphs 4-9 and 4-11 if a soldier has sixteen or more unexcused absences.

e. In order to prevent a soldier who was discharged for unsatisfactory participation for AWOLs from re-enlisting at a future date, all discharges of this type may include a bar to re-enlistment. When a soldier is discharged for unsatisfactory participation for AWOL, the soldier will automatically receive an RE3 code that will prevent re-enlistment.

f. The Mississippi National Guard Commanders' Legal Guide contains AWOL checklist and examples of required documentation for AWOL processing.

4. References:

a. [AR 135-91, Service Obligations, Methods of Fulfillment, Participation Requirements and Enforcement Procedures, 1 Feb 05](#).

b. NGR 600-200, Enlisted Personnel Management, 1 Mar 97

5. POC: JFH-MS-JAG or Brigade SJA (as applicable).

CONTENTS

8.3 ADMINISTRATIVE SEPARATIONS

1. Problem: One of your traditional soldiers has received several Article 15s / Article 5s and has become a disruptive influence within the unit.
2. Background: PVT Smith has been involved in numerous minor disciplinary infractions. The soldier has not responded to [UCMJ](#) actions or to counseling. You determine that further effort is unlikely to succeed in developing the soldier satisfactorily.
3. Possible Solution: Administrative separation for misconduct may be in order. However, there are twelve (13) different chapters (4 through 16) in AR 135-178 for separating personnel. Each has its own set of rules and procedures. Before starting a "Separation" you **MUST KNOW THE PROCEDURAL RULES**. NGR 600-200 identifies a wide variety of additional administrative separations with procedural requirements. The MSARNG has made a significant investment in the training of enlisted personnel. There are regulatory requirements for counseling and rehabilitation (which must be met) prior to initiating separation action.

For example, in separations involving entry level status (Chapter 8) or unsatisfactory performance (Chapter 9), you must insure the soldier received adequate counseling and rehabilitation and failed to respond to the same before requesting discharge (paragraphs 8-2 and 9-3). At least one of these counseling sessions will tell the soldier the reason for the counseling, inform the soldier that separation action is being considered, and let the soldier know the type of discharge that may result. The regulation also requires separation counseling, in writing (paragraph 2-4) during the separation process.

Some separation actions require you to use the notification procedure in Chapter 3 of AR 135-178. This tells the soldier their rights in the preceding and is part of the due process procedure. A commander's failure to properly ensure due process IAW regulations can result in the separation being overturned upon legal review or appeal to the Army Board for Correction of Military Records (ABCMR). **BEFORE** you begin, read the regulations governing the type of separation action you want to impose. Consult with your JAG and S1. There is no substitute for knowledge.

4. Reference:
 - a. [AR 135-178, Enlisted Administrative Separations, 29 Jul 05](#).
 - b. NGR 600-200, Enlisted Personnel Management, 1 March 1997, Chapter 7.
5. POC: JFH-MS-J1 and JFH-MS-JAG Staff Judge Advocate.

[CONTENTS](#)

8.4 SEPARATION ACTIONS

The following chart includes most available separation/discharge actions. The issues are a summary of what is in the regulations. Make sure you look at the regulations for all current information.

ISSUE	REFERENCE
<p>Expiration of Service Obligation: A soldier will be discharged from the Army upon expiration of the later of the term of contractual service or the statutory MSO.</p>	<p>AR 135-178, Chapter 4</p>
<p>Selected Changes in Service Obligations: 5–2. Reduction in authorized strength of the USAR or ARNGUS 5–3. Discharge for immediate reenlistment 5–4. Discharge on enlistment in another component of the U.S. Armed Forces 5–5. Discharge on appointment as a commissioned or warrant officer 5–6. Separation of cadets on disenrollment from the Senior ROTC or an ROTC Scholarship Program 5–7. ROTC cadet early release 5–8. Discharge of a potential ROTC/SMP participant</p>	<p>AR 135-178, Chapter 5; NGR 600-200 Paragraph 8-26</p>
<p>Convenience of the Government: 6– 2. Dependency or hardship 6–3. Pregnancy 6–4. Surviving sons or daughters 6–5. Involuntary separation due to parenthood 6–6. Not medically qualified under procurement medical fitness standards 6–7. Other designated physical or mental conditions</p>	<p>AR 135-178, Chapter 6; NGR 600-200 Paragraph 8-26</p>
<p>Defective Enlistments and Reenlistments: 7–1. Minority enlistments 7–2. Erroneous enlistment, reenlistment, and extension 7–3. Defective enlistments or reenlistments 7–4. Fraudulent enlistments or reenlistments</p>	<p>AR 135-178, Chapter 7; NGR 600-200 Paragraph 8-26</p>
<p>Entry Level Performance and Conduct: A soldier may be separated under this chapter if while in an entry level status it is determined that the soldier is unqualified for further military service by reason of unsatisfactory performance or conduct (or both), as evidenced by inability, lack of reasonable effort, failure to adapt to the military environment or minor disciplinary infractions. When separation of a soldier in entry level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both), the soldier normally will be separated in accordance with this chapter. Nothing in this chapter prevents separation under another provision of this regulation when such is warranted.</p>	<p>AR 135-178, Chapter 8; NGR 600-200 Paragraph 8-26</p>

<p>Unsatisfactory Performance: A soldier may be discharged when it is determined that the soldier is unqualified for further military service by reason of unsatisfactory performance. Commanders will take action to discharge a soldier for unsatisfactory performance when it is clearly established that—in the commander’s judgment—a soldier will not develop sufficiently to participate satisfactorily in further training or become a satisfactory soldier; or the seriousness of the circumstances forming the basis for initiation of discharge proceedings is such that the soldier’s retention would have an adverse impact on military discipline, good order, and morale. There is a likelihood that the soldier will be a disruptive influence in present or future duty assignments. There is a likelihood that the circumstances forming the basis for initiation of separation proceedings will continue or recur. The ability of the soldier to perform duties effectively in the future, including potential for advancement or leadership, is unlikely.</p>	<p>AR 135-178, Chapter 9; NGR 600-200 Paragraph 8-26</p>
<p>Homosexual Conduct: Homosexual conduct is grounds for discharge from the ARNGUS under the criteria set forth in paragraph 10-3. This includes pre-service, prior-service, or current-service homosexual conduct. The term “homosexual conduct” includes homosexual acts, a statement by a soldier that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage.</p>	<p>AR 135-178, Chapter 10; NGR 600-200 Paragraph 8-26</p>
<p>Substance Abuse Rehabilitation Failure: Initiation of discharge proceedings is required in the case of a soldier who has been referred to a program of rehabilitation for personal substance abuse under the provisions of AR 600-85 and who fails through inability or refusal to participate in, cooperate in, or successfully complete the program in the following circumstances: (1) There is a lack of potential for continued military service; or (2) Long-term rehabilitation in a civilian medical facility is determined necessary. A soldier may be discharged when the commander, in consultation with an Army Substance Abuse Program official (AR 600-85), determines that further rehabilitation efforts are not practical, rendering the soldier a rehabilitation failure, and discharge is in the best interest of the Army.</p>	<p>AR 135-178, Chapter 11; NGR 600-200 Paragraph 8-26</p>

<p>Misconduct: A soldier may be discharged for misconduct when it is determined that the soldier is unqualified for further military service by reason of one or more of the following circumstances. a. <i>Minor disciplinary infractions.</i> A pattern of misconduct consisting solely of minor disciplinary infractions. b. <i>A pattern of misconduct.</i> A pattern of misconduct consisting of discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline. Discreditable conduct and conduct prejudicial to good order and discipline include conduct which violates the accepted standards of personal conduct found in the UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army. c. <i>Commission of a serious offense.</i> Commission of a serious military or civilian offense, if the specific circumstances of the offense warrant discharge and a punitive discharge would be authorized for the same or a closely related offense under the UCMJ. d. <i>Abuse of illegal drugs.</i></p>	<p>AR 135-178, Chapter 12; NGR 600-200 Paragraph 8-26</p>
<p>Unsatisfactory Participation in the Ready Reserve: A soldier is subject to discharge for unsatisfactory participation when it is determined that the soldier is unqualified for further military service because: (1) The soldier is an unsatisfactory participant as prescribed by AR 135-91, chapter 4; and (2) Attempts to have the soldier respond or comply with orders or correspondence have resulted in— (a) The soldier’s refusal to comply with orders or correspondence; or (b) A notice sent by certified mail was refused, unclaimed, or otherwise undeliverable; or (c) Verification that the soldier has failed to notify the command of a change of address and reasonable attempts to contact the soldier have failed. Discharge action may be taken when the soldier cannot be located or is absent in the hands of civil authorities in accordance with the provisions of paragraph 2-18 and chapter 3, section IV. 77 AR 135–178 • 29 July 2005</p>	<p>AR 135-178, Chapter 13; NGR 600-200 Paragraph 8-26</p>
<p>Secretarial Plenary Authority: Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the best interests of the Army. Individual cases that may be submitted to HQDA for consideration of separation under Secretarial plenary authority include those involving court and board actions that higher authority believes did not relieve the need to remove a soldier from the military. Other bases for separation under this paragraph include, but are not limited to, refusal to submit to medical care (AR 600-20), Human Immunodeficiency Virus (HIV) infection (AR 600-110), and when religious practices cannot be accommodated (AR 600–20).</p>	<p>AR 135-178, Chapter 14; NGR 600-200 Paragraph 8-26</p>

<p>Separation for Other Reasons:Non-citizens; Ministers of religion and divinity students; Attainment of maximum allowable age; Approved exemption from involuntary order to active duty; USAR dual status technician; Early discharge of soldier with a bar to reenlistment; Non-availability of member of Standby Reserve; For security reasons; Discharge from Retired Reserve; Confirmed as infected with HIV and voluntarily separating; Medically unfit for retention; Conscientious objection.</p>	<p>AR 135-178, Chapter 15; NGR 600-200 Paragraph 8-26</p>
<p>Failure to Meet Army Body Composition Standards: <i>a.</i> A soldier is subject to separation for failure to meet the Army body composition standards in accordance with AR 600-9 when it is determined the soldier is unqualified for further military service and meets all of the following conditions: (1) The soldier is not diagnosed with a medical condition that precludes participation in the Army weight control program. A soldier with a medically diagnosed condition that precludes participation in the Army weight control program will be processed through medical channels, if appropriate, or under the guidance set forth in paragraph 6-6, 6-7, or 15-1k. (2) The soldier fails to meet the Army body composition standards in accordance with AR 600-9 and the sole reason for separation is failure to meet those standards. <i>b.</i> Where no medical condition exists, initiation of separation proceedings is required for soldiers who— (1) Do not make satisfactory progress in the Army Body Composition Program (ABCP) after a period of 6 months, unless the responsible commander chooses to impose a bar to reenlistment in accordance with AR 140-111, chapter 1, or NGR 600-200, paragraph 7-20. (2) Fail to maintain Army body composition standards during the 12-month period following removal from the ABCP. <i>c.</i> Separation action under this chapter will not be initiated against a soldier who meets the criteria for separation under other provisions of this regulation. For example, a soldier who, apart from failure to meet body composition standards, is an unsatisfactory performer will be processed for separation under the provisions of chapter 9.</p>	<p>AR 135-178, Chapter 16; NGR 600-200 Paragraph 8-26</p>
<p>Dropped from the roll (DFR) of the Army: ARNGUS can be dropped from the rolls when sentenced to confinement (whether or not actually confined in a Federal or State penitentiary or correctional institution) after having been found guilty of a major offense by a civil court (sentence includes confinement of 6 months or more without regard to suspension or probation). The sentence must have become final, and the right to appeal has expired or final action on an appeal has been taken.</p>	<p>AR 630-10; NGR 600-200, Paragraph 8-5.b.</p>
<p>Participation in efforts critical to the national or community health, safety, or interest.</p>	<p>NGR 600-200, Paragraph 8-26.a.8.</p>
<p>Not selected for retention by a qualitative retention board AR 135-205, chapter 4.</p>	<p>NGR 600-200, Paragraph 8-27.a.</p>

Unit reorganization, inactivation, or relocation of a unit where there is not another unit within the State to which the soldier may be assigned. See AR 135-91, chapter 5	NGR 600-200, Paragraph 8-27.b.
Denial of clearance for enlistment of non-unit members of the USAR assigned to the Ready, the Standby Reserve, or the Retired Reserve.	NGR 600-200, Paragraph 8-27.c.
Request for discharge in lieu of a court-martial authorized to adjudge a punitive discharge. Request for discharge may be submitted after courts-martial charges, (the punishment for which under UCMJ and the MCM 1984, or the State Code, includes a bad conduct or dishonorable discharge) are preferred against the soldier, or after referral until final action by the convening authority. A soldier who is under a suspended sentence of a punitive discharge may likewise submit a request for discharge for the good of the service. The request for discharge does not prevent or suspend disciplinary proceedings.	NGR 600-200, Paragraph 8-27.d.
Moving to an area where an ARNGUS unit is not within reasonable commuting distance. See AR 135-91, chapter 5.	NGR 600-200, Paragraph 8-27.e.
Temporary overseas residence, employment, or missionary obligation. See AR 135-91, chapter 5.	NGR 600-200, Paragraph 8-27.g.
Failure to obtain required physical per AR 40-501 and NGR 40-501. Soldier will be notified in writing of the requirement to obtain a physical, and given 90 days after the letter is mailed to comply with this requirement. Commander can authorize an extension of up to 60 days for extenuating circumstances.	NGR 600-200, Paragraph 8-27.i.
Failure to obtain assignment to a unit vacancy.	NGR 600-200, Paragraph 8-27.j.
Placement on the permanent disability retired list. See AR 635-40.	NGR 600-200, Paragraph 8-27.l.
Placement on temporary disability retired list. See AR 635-40.	NGR 600-200, Paragraph 8-27.m.
Expiration of period in excess status.	NGR 600-200, Paragraph 8-27.n.
Determination by the State AG (MPMO) or CNGB (NGB-ARP-PE) that separation is in the best interest of the State or as prescribed in NGB directives.	NGR 600-200, Paragraph 8-27.o.
Graduate student in the health professions. See AR 135-9 1, chapter 5.	NGR 600-200, Paragraph 8-27.q.
Incompatible occupation (employment conflict). The soldier must submit documentation to support undue and genuine hardship or conflict caused by membership in the ARNGUS and civilian occupation. See AR 135-91, chapter 4 .	NGR 600-200, Paragraph 8-27.r.
Expiration of active status commitment in the Selected Reserve, such as at the end of 6 years of a 6x2 enlistment option.	NGR 600-200, Paragraph 8-27.s.
Failure to report for active duty when ordered. See AR 630-10.	NGR 600-200, Paragraph 8-27.t.
Discharge and transfer to the Retired Reserve for soldiers are not yet age 60.	NGR 600-200, Paragraph 8-27.u.
Failure to report to for annual Inactive National Guard muster per NGR 614-1.	NGR 600-200, Paragraph 8-27.v.
Failure to report to the gaining state upon interstate transfer.	NGR 600-200, Paragraph 8-27.w.
Failure to report after enlistment through the Reserve Components Transition Program.	NGR 600-200, Paragraph 8-27.x.
As a result of discharge from the Reserve of the Army.	NGR 600-200, Paragraph 8-27.y.

Less than honorable discharge from the Regular Army. (Discharged from Reserve of the Army and returned to state control.)	NGR 600-200, Paragraph 8-27.z.
---	--------------------------------

[CONTENTS](#)

8.5 APPEALING ARTICLE 15 PUNISHMENT

1. **Problem:** One of your soldiers immediately indicates that they want to appeal punishment under a formal Article 15. When does the punishment take effect?
2. **Background:** You have given an Article 15 and punishment it is imposed (reduction to PFC, one-half of one month's pay). NOTE: Article 15 only applies while on Active Duty Title 10.
3. **Possible Solution:** A punishment is "imposed" on the date that the commander signs the DA Form 2627. All punishments, if not suspended, take effect the date they are imposed unless the commander prescribes otherwise for one of the reasons noted in [AR 27-10](#), paragraph 3-21b (usually field duty) at the time of imposition.

Once begun, deprivation of liberty punishments (such as restriction to barracks, chapel, or place of duty) will run continuously, except where temporarily interrupted due to the fault of the soldier (AWOL, emergency leave), or the soldier is physically incapacitated, or an appeal is not acted on by the command as prescribed in [AR 27-10](#), paragraph 3-21b (within five (5) days).

If, when punishment is imposed, the soldier indicates a desire to appeal punishment, the punishment is still imposed until the appeal is reviewed by the next higher command (battalion commander). The battalion commander may approve or reduce the punishment but not increase it. All appeals will be made on [DA Form 2627](#) or [DA Form 2627-1](#) and forwarded through the company commander or successor-in-command, when applicable, to the superior authority. Action by the superior authority on appeal will be entered on Item 9, [DA Form 2627](#) or Item 5 [DA Form 2627-1](#). A superior authority will act on the appeal expeditiously.

In some cases, depending upon type of punishment (reduction from E-4 or higher, forfeiture of pay) the appeal must be referred to a JAG for advice; also, any case may be voluntarily referred by the command.

4. **References:**
 - a. [AR 27-10, Military Justice, 16 Nov 05](#), paragraph 3-21B.
 - b. [FM 27-1, Legal Guide for Commanders, 13 Jan 92](#), Section IV.
5. **POC.** JFH-MS-JAG or MSC SJA (as applicable).

CONTENTS

8.6 DRUG AND ALCOHOL TESTING

1. Problem: Drug related incidents are on the rise within the company (specifically 1st Platoon).
2. Background: When you assumed command, the unit was known for its low number of drug and alcohol related incidents. As a matter of fact, the company had not had a history of a positive urinalysis test results. Recently however, there were two D&A related incidents (suspected use, apprehension by civil authorities, and so forth) that occurred between drill by two soldiers. You have 30 allocations for a urinalysis tomorrow morning.
3. Possible Solution: Wise use of urinalysis allocations is critical.

Unit Urinalysis Inspections (UIIs) and their management play a major role in combating substance abuse in any unit. Predictability and bias must be avoided in order to have an effective and legal program.

In this example, to utilize your entire quota on 1st Platoon (or to repetitively test the same individuals without cause) could leave your program's validity in question. Also, if all of the allocations are used on 1st Platoon, that element may then feel the "pressure is off."

Note that command directed tests on individuals where probable cause exists is a viable use of the program. If an individual is targeted with no probable cause, any evidence gained from the test may be inadmissible.

4. Reference:
 - a. [AR 600-85, Army Substance Abuse Program \(ASAP\), 24 Mar 06](#), Chapter 12.
 - b. [NGR 600-85, Drug Abuse Prevention and Control, 1 Mar 90](#).
 - c. MSARNGR 600-85, Mississippi Army National Guard Substance Abuse Program, 1 Oct 03.
 - d. TAG Command Policy 04-20, Criteria for Selecting a Unit to be Drug Tested and the Process for Selecting Individuals for Drug Testing, 21 Jun 04.
5. POC: JFH-MS-JAG or MSC SJA (as applicable).

CONTENTS

8.7 NONJUDICIAL PUNISHMENT – ARTICLE 5

1. **Problem:** A traditional National Guard soldier misses a movement, is AWOL, is insubordinate to an NCO or warrant officer, fails to obey an order, or violates any of the other thirty-six (36) punitive sections listed in Sections 33-13-451 through 33-13-529 of the [Mississippi Code 1972 Annotated](#) (Supp. 1989).

2. **Background:** Any Mississippi Army or Air National Guard soldier under State orders, either on a duty status or under lawful orders to be in a duty status, who commits any of the thirty-six (36) offences mentioned above is subject to nonjudicial punishment (NJP) under Article 5, at the commanders discretion.

3. **Possible Solution:** The commanding officer, be it an officer or warrant officer in command, may initiate an Article 5 investigation and proceeding if he or she believes the soldier's actions warrant NJP. Below is a summary of the steps that must be taken if NJP is desired, your Commanders' Legal Guide and/or unit JAG officer should be consulted prior to initiating NJP under Article 5:

a. Pre-Notification of Offender

- i. Noting the severity of punishment differences between the two, decide whether a Company Grade Article 5 will suffice or if a Field Grade Article 5 would be more appropriate.
- ii. Conduct a Preliminary Investigation, the commanding officer should satisfy himself of the following:
 1. the alleged misconduct actually took place;
 2. the misconduct was one of the thirty-six offences listed above;
 3. the accused soldier committed the offence; and that
 4. Article 5 is appropriate given the offence and the offender's character and history.

b. Notification to Offender

- i. Before imposition of NJP through an Article 5, the commander must inform the soldier of his intent.
- ii. This notification must be accomplished through the use of AGO Form 202 and 202(a), referred to as Form 1, and includes:
 1. Statement of Offence – this should be both orally described to the offender and types on Form 1 in a short and crisp statement
 2. Statement of Maximum Punishment – offender must be informed of the maximum punishment possible if the Article 5 is accepted
 3. Right of Offender to Demand trial by Court-Martial – offender must be advised of his or her right to demand trial by court-martial in lieu of the Article 5, and this must be noted in the appropriate spaces provided on Form 1
 4. Right of Offender to Remain Silent – Offender must be advised of this right, and Form 1 must be updated when this is complete
 5. Right of Offender to Consult Counsel – Offender must be advised that he has the right to consult with counsel, either military, if available, or private at Offender's expense
 6. Right of Offender to Timely Reply – Offender has three (3) calendar days to reply to the notification of intent. Failure to reply must be noted on the Form 1.
- iii. Post-Notification
 1. Offender must acknowledge in writing when he or she has been informed of the commander's intent and his or her rights, and this should be noted on the Form 1.
 2. Offender may then:
 - a. Demand Court-Martial – Article 5 will be terminated;

- b. Waive Court-Martial and present no defense – proceed to punishment; or
 - c. Waive Court-Martial and present defenses – may be presented in writing or orally and the commander must consider the Offender’s pleading
 - iv. Punishment
 - 1. As noted, the punishments authorized will depend on the type of Article 5, company or field, and are listed in Section 33-13-31(2) of the Mississippi Code 1972 Annotated (Supp. 1982).
 - 2. Any punishment imposed must be listed on the Form 1 and personally announced to the offender along with the Offender’s right to appeal and appellate procedures.
 - 3. The disposition of all NJP cases must be announced to personnel in the grade of E-4 and below
 - v. Commander’s Options Post-Imposition of Punishment
 - 1. The commander’s options after imposition of punishment, detailed further in Section 33-13-31(4), should be used to realize the full effectiveness of an Article 5 action.
 - 2. Powers of Clemency – the commander may suspend, remit, mitigate, or set aside punishment as he sees fit.
 - vi. General Comments
 - 1. All actions taken from notification through the appeals process must be noted on Form 1 or its attachments.
 - 2. The above process can only be utilized when the soldier is under State orders. If an offence is committed while on Title 10 status, NJP under Article 15 of the UCMJ is proper.
4. Reference: Mississippi National Guard Commanders Legal Guide
5. POC: JFH-MS-JAG or MSC SJA (as applicable).

CONTENTS

CHAPTER 9: TRAINING

9.1 TRAINING SCHEDULES

1. Problem: You are on duty as the assistant S-3 (Training Officer) and receive a call from a line company requesting to change the dates and location of a future drill weekend as they inadvertently requested and had approved dates that fell on Fathers Day weekend. They have confirmed that training ranges are available at a different post on the new dates to support the originally scheduled training.
2. Background: You have a training schedule from the company that the Battalion Commander has approved for that weekend; however, as the drill weekend in question is well outside the 90 day lock in window. Your Battalion Commander has given you verbal approval for the change after conferring with the Brigade Commander.

3. Possible Solution: Request approval through your higher headquarters from JFH-MS-J3 for a change in IDT training dates and location.

According to [FM 7-1](#), the approval authority of a training schedule can also approve changes to the schedule. In this case battalion is the original approving authority; however, per MSARNG Training SOP, Chapters 4-9, changes 120 days or more out must be approved thru the units' chain of command and must be signed by the commander at each level to JFH-MS-J3-T. Changes less than 120 days out require the same with the exception of they must be approved by the Adjutant General.

4. Reference:

a. [FM 7-1, Battle Focused Training, 15 Sep 03.](#)

b. Current MSARNG CTG

5. POC: JFH-MS-J3-T or Higher Headquarters as applicable

CONTENTS

9.2 TRAINING AND THE ENVIRONMENT

1. **Problem:** Your unit has been instructed to participate in a Field Training Exercise (FTX). The exercise will be conducted in wooded, rolling terrain. You have been generally instructed to reduce environmental damage and to repair damages that occur. You are, however, unsure as to the environmentally correct procedures to follow during training exercises.
2. **Background:** During this FTX, your company will engage in some vehicle operations, on-road movement, off-road movement, and tactical deployment. You will perform motor vehicle maintenance. Additionally, your company will be required to set-up a perimeter defense.
3. **Possible Solution:** The company commander or his/her designated representative should sign-in with the Range Control Officer who will provide a briefing and/or written guidelines on the environmental concerns. When conducting on-road vehicle movements, avoid parking or driving vehicles on road shoulders. Threats to the natural environment occur primarily when vehicles are driven in off-road areas. The tracks left by a heavy vehicle may be deep enough to form a channel through which the flow of runoff water can lead to the creation of gullies. Heavy vehicles can also compact the soil which reduces plant growth and eventually leads to soil erosion. Forging operations should be conducted only at suitable sites for reasons previously mentioned. During tactical deployment, avoid vehicle movement through forested areas. Such movement can damage trees due to soil compaction around the root system.

The cutting of trees and bushes for use as camouflage within the training areas should only be done after consultation with Range Control. Certain species of trees may be endangered or on a restricted list. Before setting up a perimeter defense requiring excavation, you must coordinate with Range Control and/or the local Environmental Office to avoid damage to historic or archaeological sites. If you use smoke generators or CS gas as part of tactical operations, you should coordinate their use with Range Control also. These generators need to be used away from agricultural lands to prevent crop damage, and wind activity should be checked to minimize smoke dispersal to surrounding towns or highways. You must also recover field and barrier wire used during FTX. Wire left behind may eventually damage tree and plant growth, thereby endangering wildlife and interfering with forestry operations. Similarly, your personnel should not drive nails into trees to string communications wire because nails render the tree useless for lumber production.

Refueling should occur only at designated or properly prepared field fuel points. Protect ground surfaces by using drip pans. In the event of a spill, take appropriate action to stop the flow. Every vehicle should carry absorbent material to clean up spills. These materials are designed for use in the removal of POL products from the ground and the surface of the water. In the event of a spill, notify Range Control immediately.

Waste disposal also has significant environmental impact. Improper disposal of waste can result in threats to soldiers and wildlife as well as cause the contamination of soils and waterways. Substances spilled or dumped on the ground can move through the soil into underground waterways. Spills into the waterways contaminate the water directly. Place waste POL products in containers and dispose of them at designated waste POL collection points. Waste POL must not be spread on the ground, buried or dumped into sewers, ditches, or streams. Solid waste collection sites must be established, especially for food wastes. Proper handling of grey water and reject water must be planned and coordinated with Range Control. Disposal of human waste should be handled through the use of portable latrines.

The above scenario intends to provide guidelines for reducing environmental damage and also to retain the effectiveness of the training mission. Many of the considerations described relate to compliance with Federal and State Regulations such as the Resource Conservation and Recovery Act, Endangered Species Act, Clean Water Act, Safe Drinking Water Act, National Historic Preservation Act, and the Clean Air

Act. Limited space prohibits a more extensive discussion of environmental considerations in training exercises. For further information, contact the installation Environmental Office.

Remember, leaders and soldiers may be held personally liable for environmental damages in certain circumstances.

4. References:

- a. [FM 3-100.4, Environmental Considerations in Military Operations, 11 May 01.](#)
 - b. [TC 3-34.489, The Soldier and the Environment, 26 Oct 01.](#)
 - c. [MSARNGR 200-1, September 2005 located on the JFH-MS-ARE webpage.](#)
 - d. [ARNG Training Site Camp Shelby Regulations](#), Annex G – Environmental, located on the Mobilization Center Shelby website, download page.
 - e. [Camp McCain Regulations](#), Annex K, located on the Camp McCain website under information / regulation.
5. POC: Additional information may be obtained by contacting the JFH-MS- ARE.

[CONTENTS](#)

9.3 RISK ASSESSMENT

1. **Problem:** You have selected a course of action during mission planning that carries high residual risk even after implementing all of the controls at your disposal. None of the lesser residual risk courses of action will meet mission requirements. Given the importance of the mission, you are concerned but accepting of the residual risk.
2. **Background:** Most of your engineer equipment platoon volunteered for State Active Duty during Hurricane recovery and was task organized to an infantry battalion headquarters for road clearing missions. You were given an abbreviated OPORD briefing and started your mission planning. Your mission is to keep critical routes cleared for emergency service vehicles. You are the main effort of the battalion.
3. **Possible Solution:** Seek guidance from the commander's intent and acceptable risk in the OPORD or the infantry battalion's SOP to determine where the approval authority lies for high residual risk in this circumstance.

To be successful, risk management must be underwritten by the chain of command. Leaders should not expect that all missions will be accomplished with zero defects—free from errors, flaws, or less-than-perfect performance. Demanding such rigid standards leads to over supervision and paralysis; it produces timid leaders, afraid to make tough decisions in crisis and unwilling to take risks necessary for success in military operations. A zero defects mindset creates conditions that will lead inevitably, in the larger sense, to failure in battle and higher casualties. Leaders are morally bound to support a subordinate's decision to accept risks that are within their commander's intent and guidance.

Everyday as we respond to the nation's needs, we expose our soldiers to hazards in uncertain and complex environments. We do this with the full knowledge that there are inherent risks associated with any military operation. The nature of our profession will not allow for either complacency or a cavalier acceptance of risk.

One critical task for all operations is minimizing risk. Every military plan must make this a priority. It is an inherent part of every mission and a basic responsibility of commanders. Whether for training or operational deployments, commanders will issue clear risk guidance. Minimizing risk—eliminating unnecessary risk—is the responsibility of everyone in the chain of command. This responsibility runs from the highest commander, through their subordinate leaders, to the soldier.

Soldiers are responsible for executing risk controls to standard. They must continuously assess variable hazards such as fatigue, equipment serviceability, and the environment. They must take care of one another and make risk decisions consistent with the higher commander's guidance.

However, subordinates should seek the higher commander's approval to accept risks that might imperil the next higher commander's intent. In this circumstance, since you are the battalion's main effort, a high residual risk course of action could imperil the Battalion Commander's intent so additional guidance should be sought.

4. **Reference:**
 - a. [FM 100-14, Risk Management, 23 Apr 98.](#)
 - b. [NGB Form 100-14-1, ARNG Risk Management Worksheet, Jul 99.](#)
 - c. NGB Form 100-14-2, ARNG Hasty Risk Management Card, Jul 99.

d. [MSARNG Regulation 385-10, MSARNG Safety and Occupational Health Program, 1 Jan 96 \(w/Change 1, 1 May 06\)](#)

e. Notes:

(1) Always check with Installation Training Office and/or Safety Office for specific risk management guidance for scheduling and executing training on their installation.

(2) ALL OFFICERS prior to accepting a command position MUST complete the Commanders Safety Course and the Defensive Drivers Course. This is mandatory IAW the U.S. Army Combat Readiness Center and Change 1 MSARNG 385-10.

5. POC: JFH-MS-Safety Office

CONTENTS

9.4 SCHOOLS

1. **Problem:** One of your platoon sergeants, who was denied enrollment into an NCOES (Noncommissioned Officer Education System) course, returns to your unit, asking you for another chance to attend.
2. **Background:** The platoon sergeant who just made weight and tape two days prior to reporting to the course, reported in overweight. The soldier alleges the school's weight and tape measurement procedures are too strict and unfair. He has come to meet with you that day of his return from the course.
3. **Possible Solution:** First, weigh and tape this soldier immediately. Ensure that your personnel who weigh and tape soldiers are properly trained and supervised. Your personnel should err on the side of being too stringent rather than risk being lax when determining a soldier's eligibility to attend training. Take appropriate action if the soldier does not meet the Army standards.

Unless there is a tremendous discrepancy, the schoolhouse will likely say that regardless of how the soldier weighed on the test you administered, at the time and place of the school's test, the soldier did not meet the standard.

Deny future enrollment in leader development schools (PLDC, BNCOC, ANCOE, USAMC, USASMC, CCC, CAS3, ILE, Army War College) to all officers, warrant officers, and enlisted soldiers not meeting body fat composition standards. If the soldier meets the requirements it is at your discretion how to proceed. If you have a soldier who is close to exceeding the standard, consider having the soldier report shortly before travel to do a final check. If they are close to exceeding the standard at that point consider using your command authority (AR 600-20) to prevent the soldier from attending training. If you decide to prohibit soldiers that are close to exceeding the standard from attending schools, it would be wise to establish a written standard for your command that you apply impartially.

Note that failing to pass the APFT if required during an NCOES course leads to a removal for cause. In this case, per NGR 600-200, paragraph 7-22.c.(18), a bar to reenlistment must be imposed for this soldier unless separation proceedings are initiated. Additionally, per [AR 135-178](#), paragraph 9-2.e., for NCOES release for cause, initiation of separation proceedings is required, unless the responsible commander chooses to impose a bar. If the soldier is released for cause from any leader development course, the commander must choose between a bar to reenlistment or separation proceedings.

4. **References:**
 - a. [AR 600-9, the Army Weight Control Program, 10 Jun 87.](#)
 - b. [AR 135-178, Enlisted Administrative Separations, 29 Jul 05.](#)
 - c. NGR 600-200, Enlisted Personnel Management, 1 March 1997.
5. **POC:** JFH-MS-J3.

CONTENTS

9.5 SAFETY

1. Problem: PFC Jones was in a POV accident returning home from drill weekend.
2. Background: You released the company per the training schedule on Sunday afternoon. The following drill, you found out about the accident. PFC Jones seems none the worse for wear.
3. Possible Solution: Talk with PFC Jones to determine the extent of his injuries, loss of time from work, and the cost of damages resulting from the accident.

National Guard Soldiers are subject to the accident reporting requirements of AR 385-40 while en route to, performing, off-duty from (Saturday night of home station drill, etc.), or returning from a duty status (IADT, AT, ADSW, etc.).

The Army has developed a system to classify accidents according to the type and extend of damage/injury. Accident classes are used to determine the appropriate investigative and reporting procedures. Accident classes are as follows:

Class A accident — an Army accident in which the resulting total cost of property damage is \$1,000,000 or more; an Army aircraft or missile is destroyed, missing, or abandoned; or an injury and/or occupational illness results in a fatality or permanent total disability.

Class B accident — an Army accident in which the resulting total cost of property damage is \$200,000 or more, but less than \$1,000,000; an injury and/or occupational illness results in permanent partial disability, or when five or more personnel are hospitalized as inpatients as the result of a single occurrence.

Class C accident — an Army accident in which the resulting total cost of property damage is \$10,000 or more, but less than \$200,000; a nonfatal injury that causes any loss of time from work beyond the day or shift on which it occurred; or a nonfatal occupational illness that causes loss of time from work (for example, 1 work day) or disability at any time (lost time case).

Class D accident — an Army accident in which the resulting total cost of property damage is \$2,000 or more but less than \$10,000.

Note that time lost from work for National Guardsmen would include civilian lost time for the purpose of determining reporting requirements.

If PFC Jones' circumstances meets any of the above criteria, determine the reporting requirements from Table 4-1 in [DA Pam 385-40](#), Accident Notification and Reporting Requirements, and execute appropriately. Remember to initiate Line Of Duty (LOD) paperwork if required.

4. References:
 - a. [AR 385-40, Accident Reporting and Records, 1 Nov 94](#).
 - b. [DA Pam 385-40, Army Accident Investigation and Reporting, 1 Nov 94](#).
 - c. [JFH-MS-S Memorandum, Subj: Telephone Notification of Accident, 3 Nov 05](#).
5. POC: JFH-MS-Safety Office or Chain of Command Unit Safety Officer (as applicable).

CONTENTS

CHAPTER 10: COMMAND SUPPLY DISCIPLINE**10.1 MISUSE OF GOVERNMENT PROPERTY/PERSONNEL**

1. **Problem:** You want to throw a party for one of your officers. You decide to hold the party at your house, in your backyard. You also decide to use a GP medium tent and direct some of the soldiers in your unit to put up the tent.

2. **Background:** Trying to save some money you choose to use the unit's GP medium tent rather renting one locally.

3. **Possible Solution:** Consult your local legal officer and refer to the Standards of Ethical Conduct for Government Officers and Employees. The regulation states "An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes." This includes, but is not limited to, office supplies, telephone and other telecommunications equipment and services, the government mails, automated data processing capabilities, printing and reproduction facilities, government records, government vehicles, and government contracted services or personnel.

This prohibition applies where the individual either knew or should have known that the property or service in question belonged to the Government. Subsequently, preserve your career and rent the tent from commercial sources or from a local post recreation center. Additionally, ask those planning/attending the party to help you put up the tent.

4. **References:**

a. [DOD 5500.7-R, Joint Ethics Regulation \(JER\).](#)

b. [Standards of Ethical Conduct for Employees of the Executive Branch, U.S. Office of Government Ethics, codified in 5 C.F.R. Part 2635 \(1/1/02\) Edition, as amended at 67 FR 616761-61762 \(Oct. 2, 2002\).](#)

5. **POC:** JFH-MS-JAG or MSC SJA (as applicable).

CONTENTS

10.2 RELIEF FROM RESPONSIBILITY

1. **Problem:** The [AR-15-6](#) investigation into the loss of an AN/PVS-7 Night Vision Device (NVD) at your supporting FMS has been completed to your satisfaction. Your supply sergeant indicates that the [AR-15-6](#) report will suffice as a supporting document to adjust the property book.
2. **Background:** The loss of the NVD came to your attention during the cleanup and inventory of your supporting FMS after a recent flood. Your maintenance section stores its NVD's in a secure storage area in the facility. The investigator found that the loss was the result of damage to the facility during the recent flood. The investigator found that the device was swept by flood waters through a breach in a secure storage area caused by a falling tree and most likely ended up in the nearby riverbed.
3. **Possible Solution:** Initiate a Financial Liability Investigation (FLI), the process formerly known as a Report of Survey. Educate your supply sergeant on proper requirements for relief from responsibility in the event of Loss Damage or Destruction (LDD) of government property.

An [AR-15-6](#) investigation (or Commander's Inquiry) will not be used as a supporting document or voucher to adjust balances on property records or as a document to assess financial liability. The primary record for these actions is [DD Form 200](#), Financial Liability Investigation of Property Loss. Other records for property adjustments include memoranda to Central Issue Facilities (CIF), Damage Statement memoranda, [DD Form 362](#) Cash Collections, Turn In documents under certain circumstances, and abandonment orders. [AR-15-6](#) investigations will, however, be used as an attachment to [DD Form 200](#) if a [DD Form 200](#) initiates the [AR-15-6](#) or if, as in this case, the [DD Form 200](#) is required as a result of the [AR-15-6](#) investigation.

The following circumstances **do not** typically require Financial Liability Investigation ([DD Form 200](#)) (all references are to [AR 735-5, Policies and Procedures for Property Accountability, 28 Feb 05](#)). Action required to adjust property accounts listed after circumstance.

Damage to OCIE with no negligence: Submit CIF memorandum per paragraph 14-18c.

Damage to other property with no negligence: Submit damage statement memorandum per paragraph 14-18a.

Damage to or *loss* of property (except loss of controlled item) where person admits liability and amount is less than one (1) month's base pay (For M-day soldiers, one (1) month's base pay refers to the amount that would be received by the soldier if on active duty, paragraph 13-41b.(1)): execute [DD Form 362](#) per paragraph 12-3.

Bulk petroleum handling *loss* over the allowable loss and is less than \$500: Perform causative search per [AR 710-2](#), para 2-37i.

Loss of hand tools authorized to a unit or OCIE, liability is admitted, and amount of loss is less than one (1) month's base pay: Allow soldier to purchase from Self-Service Supply Center (SSSC), CIF, or clothing sales per paragraph 12-2b or execute [DD Form 362](#). Note that the USPFPO may authorize in kind replacement if items are not available for purchase.

Items *destroyed* upon the order of a medical officer due to contamination: List items on memorandum signed by commander identifying medical officer who directed destruction per paragraph 14-10.

Destruction of property determined to be unsafe because of age to include drugs, ammunition, chemicals, parachutes, and other supplies of a similar nature: Prepare turn-in documents according to [AR 710-2](#), or [AR 40-61](#) for medical commodities with supporting documentation per paragraph 14-9. Note, if required supporting documentation is not available, execute [DD Form 200](#).

- Loss of property due to abandonment during combat, contingency, or large scale field maneuvers:* memorandum signed by installation or O-6 or above commander before or after event approving abandonment of property. If commander will not approve, execute [DD Form 200](#) and/or [AR-15-6](#) investigation. (Paragraph 14-7)
- Loss of military or personal property in government laundry facility:* See paragraph 14-23.
- Accidents involving GSA vehicles* where there is no negligence or willful misconduct on the part of the army employee: Submit police report, [SF 91](#), [SF 94](#)'s and damage statement with unit commander's signature indicating appropriate statement per paragraph 14-18a. Concurrence level will depend upon dollar thresholds established by division, separate brigade, and installation commanders per paragraph 14-18a.(2). If damage statement receives non-concurrence from the financial liability investigation for property loss approving authority/designee/delegate then execute [DD Form 200](#) per paragraph 13-3a.(10).
- Loss of durable hand tools of less than \$100 per incident and no negligence or willful misconduct:* Submit memorandum for record as adjustment document per paragraph 14-19.

The following circumstances **do** require a Financial Liability Investigation ([DD Form 200](#)) (all references are to [AR 735-5, Policies and Procedures for Property Accountability, 28 Feb 05](#)). Action required to adjust property accounts listed after circumstance.

- Loss, damage or destruction of property, person admits liability, and amount is more than one (1) month's base pay:* Execute [DD Form 200](#) per paragraph 13-3a(3).
- Loss of or damage to property and negligence is suspected:* Execute [DD Form 200](#) per paragraph 13-3a(1).
- Loss of property discovered during inventory on change of accountable officers, and individual does not make voluntary reimbursement to the Government:* Execute [DD Form 200](#) per paragraph 13-3a(2).
- Loss of controlled item:* Execute [DD Form 200](#) per paragraph 13-3a(6). [AR-15-6](#) Investigation required.
- When *directed* by higher authority, DA directive, or Inventory Adjustment report approving authority: Execute [DD Form 200](#) per paragraph 13-3a(8)&(9).
- Loss of or damage to government quarters and furnishings, and the amount of the loss is more than one (1) month's base pay:* Execute [DD Form 200](#) per paragraph 13-3a(4).
- Bulk petroleum handling *loss* over the allowable loss and over \$500: Execute [DD Form 200](#) per paragraph 13-3a(5).
- Property *loss* as a result of fire, theft, or natural disaster: Execute [DD Form 200](#) per paragraph 13-3a(11).
- Loss or destruction of public funds or other negotiable instruments and the person does not voluntarily reimburse the Army for the loss:* Execute [DD Form 200](#) per paragraph 13-3(a)7.
- Loss of property with a recoverability code of D, F, H, or L:* Execute [DD Form 200](#) per paragraph 13-3a(12).
- Damage to government equipment by civilian motor vehicle and civilian is suspected of negligence or willful misconduct:* Execute [DD Form 200](#) per paragraph 14-32a.
- Accidents involving GSA vehicles* where negligence or willful misconduct is suspected: Execute [DD Form 200](#) per paragraph 13-3a.(10) with [SF 91](#),

[SF 94s](#), and police reports attached. Note that some personal insurance plans will cover a soldier member for financial liability arising out of an accident where the soldier was driving a GSA vehicle.

Accidents involving government owned (including tactical vehicles) and leased (to include GSA) vehicles: Execute [DD Form 200](#) per paragraph 14-32c. Note that paragraph 14-32c. allows the financial liability investigation for property loss approving authority to waive or reduce the financial liability of the army employee involved in the case of simple negligence.

Loss, damage, or destruction of property as a result of an aircraft accident: Execute [DD Form 200](#) and attach any collateral inspections per paragraph 14-15.

Loss or destruction of cash meal payment sheets and or collected monies: Execute [DD Form 200](#) per paragraph 14-17.

Note that damage to Army facilities (real property) is treated just like any other property when it comes to financial liability. Additionally, the amount of loss for keys lost under conditions of negligence or willful misconduct will include the replacement costs of the locking device and/or door in addition to the cost of keys and labor per paragraph 14-22.

Note that your responsibility to recover property from soldiers separating from the Army includes cases of death, desertion, or insanity as well as AWOL and absent unsatisfactory performers. Failure to recover gear in those circumstances will require execution of a [DD Form 200](#).

Don't forget to initiate an Army Ground Accident Report (AGAR) if required per [AR 385-40](#) for accidents.

4. References:

- a. [AR 735-5, Policies and Procedures for Property Accountability, 28 Feb 05.](#)

5. POC: JFH-MS-J4 or Chain of Command Logistics Officer.

CONTENTS

10.3 INVENTORY PROCEDURES

1. Problem: SGT Driver is going on 45 day TDY orders to assist with the mobilization of another unit in the brigade and will return to your unit upon completion of the mission. SGT Driver is your supply sergeant.
2. Background: You have just completed your change of command inventory and property accountability meets the standard. You are comfortable that the absence of your supply sergeant will not significantly impact property accountability.
3. Possible Solution: Appoint an interim hand receipt holder for the supply sergeant during his absence.

[AR 710-2](#) requires the appointment of an interim hand receipt holder during the extended absence of a primary hand receipt holder.

The following are common company level property inventory requirements:

- Command directed inventory in the event of forced or unlawful entry, discovery of open or unattended storage areas, and allegations of misappropriation of government property.
- Command directed inventories conducted after field training exercises to verify OCIE and equipment are on hand and serviceable (within 30 days for ARNG).
- Command directed departure and return inventory for assignment of interim hand receipt holder upon notification that a hand receipt holder will be absent for an extended period of time.
- Change of primary hand receipt holder (change of command). Inventories will be completed and all adjustment documents issued prior to the effective date of the change of command. Higher headquarters will adjust effective dates to comply with this requirement. If either incoming or outgoing commanders are not available for inventories, higher headquarters will designate in writing a disinterested officer to protect the interests of the absent officer during the inventory.
- Change of PBO inventory.
- PBO inventory/hand receipt updates (annual).
- Inventory of weapons, ammunition, and major weapons parts/subassemblies upon change of custody of arms storage facility.
- Controlled (sensitive) items (other than weapons/ammunition) physical inventory (quarterly/cyclical).
- Weapons and ammunition monthly inventory (monthly by count and quarterly by Serial/lot number).
- PLL authorized stockage level review and condition inventory (semiannual).
- OCIE inventory (100% showdown inspection) for all officers and enlisted (annual).
Commanders are not authorized to allow NCOs/Officers to sign statements ILO the actual layout. Inventory will occur during REMOB, MODRE, EDRE, or ORE if such an event is scheduled for that TY.
- Tool room/tool crib inventory (semiannual).
- Annual user inventory of all on hand property carried of the property book or hand receipts (annual/cyclical).

4. References:

- a. [AR 710-2, Supply Policy Below the National Level, 8 Jul 05](#).

- b. [AR 735-5, Policies and Procedures for Property Accountability, 28 Feb 05.](#)
- 5. POC: JFH-MS-J4 or Chain of Command Logistics Officer.

CONTENTS

10.4 HAND RECEIPTS

1. Problem: You are unable to find several items while inventorying the section equipment for which you are expected to sign.
2. Background: The individual who you are signing from is an interim hand receipt holder who is not knowledgeable about property accountability. He apparently signed for the equipment without making a full inventory of the property. He is unable to give any insight as to the whereabouts of the missing property.
3. Possible Solution: Research change documents, adjustment documents, and maintenance records. If the property cannot be accounted for, do not sign the hand receipt. Work with the Supply Sgt and Maintenance NCO as noted below to resolve the issue. If unsuccessful, notify your chain of command and Property Book Officer about the missing equipment to gain assistance in resolving the situation.

Hand receipt holders should retain all change documents (turn-ins and issues) until they are posted to their hand receipt. Upon confirmation of posting, these documents should be destroyed. Check with the supply sergeant if you feel the missing items might have been turned in and no documentation kept by the prior hand receipt holder.

Hand receipt holders should maintain records of adjustment documents (cash collection vouchers, statement of charges, financial liability investigation of property loss, administrative adjustments) until posted to their hand receipt. Check with the supply sergeant to see if the items show up on his Administrative Adjustment Report (adjustments submitted but not yet posted to the hand receipt).

Hand receipt holders should ensure that all property turned in for maintenance be recorded on a DA Form 5988-E or DA Form 2407 as appropriate. Hand receipt holders should retain a copy of such documents to maintain property accountability until the return of the property. Check with maintenance personnel or the supply sergeant if you feel the missing items might be at maintenance and the prior hand receipt holder has no documentation.

4. References:
 - a. [AR 710-2, Supply Policy Below the National Level, 8 Jul 05.](#)
 - b. [AR 735-5, Policies and Procedures for Property Accountability, 28 Feb 05.](#)
5. POC: JFH-MS-J4 or Chain of Command Logistics Officer.

CONTENTS

10.5 SHORTAGE ANNEXES AND COMPONENT LISTINGS

1. **Problem:** You are about to sign a sub-hand receipt for a Demo Set Explo Elec (demo kit) and have been given a shortage annex along with the hand receipt. What are you signing for?
2. **Background:** You have just been assigned as a combat engineer squad leader. You are inventorying the equipment you are to sign for. The information on the shortage annex given to you for the demo kit matches the shortage annex that the prior squad leader received several years ago. You do not have a component listing or TM for the demo kit.
3. **Possible Solution:** Get a copy of the component listing and check the accuracy of the shortage annex before signing the sub-hand receipt.

Sets, Kits, or Outfits (SKO); equipment having Components Of End Items (COEI); and equipment with Basic Issue Items (BII) require a Component Hand Receipt or shortage annex to indicate what items you are signing for. The CHR will list all items that are present and is the required method of assigning property accountability when available. Shortage annexes list only what is missing from the item based upon the Component Listing (CL), Supply Catalog entry (SC), or Technical Manual (TM) COEI/BII list used to create the annex.

You need to ensure that the latest CL, SC, or TM is used to create your shortage annex. The shortage annex is used to order needed parts so having the latest information will insure that your item will have all currently approved components. You also need to track changes to the CL, SC, or TM and update your shortage annex when needed. Always keep a copy of the CL, SC, or TM that you used to create a shortage annex until the shortage annex is closed out (all shortages filled) or a new shortage annex is created.

Note that sometimes items will not have CL, SC, or TM addressing what should be with an item. Sometimes you will have a simple inventory list attached to the item and sometimes you will have nothing. In these circumstances, try to find CL, SC, or TM's for the items listed on the inventory sheet or if there is no sheet, items that are present. In the example of the demo kit, initially there was no CL for the kit itself. However, CL's were available for the bags within the demo kit box. A little bit of homework up front will ensure you are properly equipped and not at risk of being held liable for losses of items you did not realize existed.

4. **References:**
 - a. [AR 710-2, Supply Policy Below the National Level, 8 Jul 05.](#)
 - b. Component listings are available at https://weblog.logsa.army.mil/sko/select_dt.cfm.
 - c. TM's are available through <https://www.logsa.army.mil/etms/index.cfm> or http://atiam.train.army.mil/soldierPortal/appmanager/soldier/start?_nfpb=true&docGroup=official&_pageLabel=rdl-servicespage
5. **POC:** JFH-MS-J4 or Chain of Command Logistics Officer.

CONTENTS

CHAPTER 11: MEDICAL ISSUES

11.1 MENTAL HEALTH REFERRALS

1. Problem: You think SGT Frank may have a mental disorder.
2. Background: SGT Frank has always appeared a bit abnormal to his peers and superiors. His disturbed perceptions, behavior, and lack of emotional control have always concerned you. After two years in command, you believe that SGT Frank has a mental disorder that significantly impairs performance of his military duties. You feel that SGT Frank is not an immediate threat to himself or others but if mobilized, his impaired performance could jeopardize the mission and soldier's safety.
3. Possible Solution: Submit a formal request to the State Surgeon requesting SGT Frank be evaluated for fitness for duty. The mental health evaluation process is paperwork intensive to protect both the soldier and commander. The State Surgeon's Office is the subject matter expert on the process. Always get them involved.

A commander may direct a soldier to undergo a medical examination when they believe that a mental condition potentially interferes with assignment to or the performance of military duties. The condition need not amount to a disability for potential treatment or separation of the soldier from service.

However, the rights and protections afforded a soldier in such circumstances are very involved so the process is handled by the State Surgeon's Office. Any questions your soldier might have should be directed to the State Surgeon's Office and/or the SJA.

Your memorandum requesting an evaluation for fitness for duty should include, if readily available, the following information:

- A brief factual description of the behaviors and/or verbal communications that led to your decision to request an evaluation for fitness for duty.
- Name, rank, years of service, and time under your command of the soldier.
- Pending and past legal actions against the soldier to include non-judicial punishment.

In an emergency circumstance where the commander, through clear and reasoned judgment, believes the soldier is an imminent danger to himself or others, the commander should take immediate steps to protect the soldier and others and then seek guidance from the State Surgeon's Office if available or a military physician within their command to decide if the soldier should be taken to a medical treatment facility for an emergency mental health evaluation. See paragraph 6.3.1. of [DODI 6490.4](#) for a general description of what might constitute "imminently dangerous."

If neither are available, the commander should take the soldier to the nearest military medical treatment facility if available and consult with a military mental healthcare provider or physician in the absence of a mental healthcare provider to decide if the soldier should be given an emergency mental health evaluation.

If no military medical treatment facility is available, the commander should utilize local Emergency Medical Services to get the soldier to medical care. In all circumstances, contact should be made with the State Surgeon's Office as soon as possible to initiate required paperwork.

The commander must ensure the safety of the soldier and their escorts when taking the soldier to a medical facility.

4. 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. [AR 600-20, Army Command Policy, 7 Jun 06.](#)
 - d. [AR 40-501, Standards of Medical Fitness, 27 Jun 06.](#)
 - e. [AR 135-178, Enlisted Administrative Separations, 29 Jul 05.](#)
5. POC: JFH-MS-J1-State Medical Officer or SJA (as applicable).

[CONTENTS](#)

11.2 LOD DETERMINATION

1. **Problem:** 2LT Butler (a traditional soldier) returned from a local Army Medical Treatment Facility (MTF) where he was treated for injuries sustained that day (on a drill weekend). 2LT Butler has returned with an [SF 600](#) Record of Medical Care that indicates a need for follow-up treatment.
2. **Background:** You requested and received permission through JFH-MS-J1-HS to send 2LT Butler to the local Army MTF or civilian hospital if no MTF in close proximity. 2LT Butler's injuries were to his right hand and the [SF 600](#) indicates that he will require further treatment before full function will return to his hand. 2LT Butler is a carpenter by civilian trade.
3. **Possible Solution:** Contact the attending physician or hospital patient administrator immediately to complete section I of a [DA Form 2173](#) to start the LOD process.

An [SF 600](#) from a military doctor is insufficient for a traditional guardsman to receive follow-up care for injuries received. A properly prepared [DA Form 2173](#) is critical to ensure that soldiers receive follow-up medical care, incapacitation pay, and disability compensation as required. The [DA Form 2173](#) also protects the Army from future fraudulent claims.

While you have 30 days to complete an informal LOD and 50 days to complete a formal LOD, completion of the LOD as soon as possible is important to support the soldier's need for follow-up treatment and incapacitation pay if required. [AR 600-8-4](#) provides guidance on which type of LOD is required and corresponding procedures.

Formal LOD Checklist:

- [DD Form 261](#) Report of Investigation Line of Duty
- Investigating Officer's Appointment Memo
- [DA Form 2173](#) Statement of Medical Examination and Duty Status
- Soldier's Rights Warning Statement
- [DA Form 2823](#) Sworn Statements for Soldier and Witnesses
- Medical Documentation (Civilian and/or Military)
- Copy or Orders or IADT Training Schedule
- Investigating Officer's Findings
- Copy of Last 2 Annual Medical Certificates Prior to Date of injury/Illness/Disease
- Copy of Last 5 Army Physical fitness Test Reports
- Copies of all [DA Form 3349](#) (Profiles)
- Psychological Autopsy Report (If Suicide Death Case)
- Police Report and Applicable Code Sheet if applicable
- Copy of Blood alcohol Test Results if applicable
- Photographs/Strip Maps or Sketches
- Copy of Adverse Notification Letter with Signed Certified Return Receipt on Non-Line Of duty Findings
- Previous Military Injury Records if applicable
- Original and 2 Copies of Death Certificate and Autopsy Report if applicable

Informal LOD Checklist:

- [DA Form 2173](#) Statement of Medical Examination and Duty Status
- [DA Form 2823](#) Sworn Statements for Soldier and Witnesses
- Medical Documentation Military and/or Civilian

Disability Counseling Statement (Fig. 2-7, [NGR \(AR\) 135-381](#))

Incapacitation Pay Checklist

Commander's Statement (Fig. 2-8, [NGR \(AR\) 135-381](#))

Soldier's Claim Form (employed/self-employed/unemployed)
(Fig. 2-3/4/5, [NGR \(AR\) 135-381](#))

Employer Statement (Fig. 2-6, [NGR \(AR\) 135-381](#))

Physician's Statement/Medical Documentation Military and/or Civilian

Copy of Disability Counseling Statement (Fig. 2-7, [NGR \(AR\) 135-381](#))

Copy of [DA Form 2173](#) and Approval Letter

*NOTE: Incapacitation pay requires a monthly re-submittal and an active duty doctor review at the six month mark to continue payments if required.

Request for Authorization for Line of Duty Injury Follow Up Care

[DA Form 2173](#) and Approval Letter on File with JFH-MS-J1-HS

Request Memorandum (Form available from JFH-MS-J1-HS)

Reserve Component Medical Cover Sheet (Form available from JFH-MS-J1-HS)

Note that your unit or Battalion medical personnel can fill out section I of the [DA Form 2173](#) if they medically process the soldier.

4. References:

a. [AR 600-8-4, Line of Duty Policy, Procedures, and Investigations, 15 Apr 04.](#)

b. [AR 135-381, Incapacitation of Reserve Component Soldiers, 29 Sep 05.](#)

c. [NGR \(AR\) 135-381, Management Of The Army National Guard Incapacitation System, 31 May 94.](#)

5. POC: JFH-MS-J1-HS

CONTENTS

11.3 HIV TESTING

1. Problem: One of your soldiers tests positive for HIV.
2. Background: Following an HIV screening for AIDS, one of your soldiers has received a positive test result. You have been contacted by JFH-MS-J1-Medical. What happens now?
3. Solution: A physician or medical officer from JFH-MS will notify you of the need to notify your soldier of the test results. You and normally the battalion S1, accompany JFH-MS medical personnel to notify the soldier. During this meeting, a second blood sample will be taken and both tests (initial and confirmatory) repeated. If the second test is negative, a third sample will be drawn and tested. A soldier is not considered positive for an antibody to HIV until two independent samples have tested positive.

Upon confirmation of samples testing positive, the soldier will meet again with the commander, physician, and JFH-MS medical personnel for notification. The soldier will be counseled on transmission of the virus and methods of prevention of transmission and referred to civilian physicians for medical care and further counseling. Per [AR 600-110](#), immediately after this notification, as the commander, you must counsel the soldier and document same in writing. **INFORMATION ABOUT THE SOLDIER'S HIV STATUS IS TO BE KEPT IN THE STRICTEST CONFIDENCE.** The commander's ([DA Form 4856](#)) and Preventive Medicine counseling forms will be signed by the soldier. If your soldier fails to follow these instructions, they may be subject to disciplinary action.

The newly diagnosed soldier will be evaluated at least annually to assess the status of their immune system. The HIV positive soldier may remain in the MSARNG but only in a non-deployable position (TDA).

Additionally, medical and dental records will be marked and the HIV positive soldier is blood donor ineligible. Company commanders will be notified of duty limitations by JFH-MS via issuance of [DA Form 3349](#). A permanent profile will be issued to establish non-deployability status. All soldiers will be routinely tested for HIV at least every 5 years.

4. Reference: [AR 600-110, Identification, Surveillance and Administration of Personnel Infected with Human Immunodeficiency Virus \(HIV\), 15 Jul 05.](#)
5. POC: JFH-MS-J1-M State Medical Officer.

CONTENTS

11.4 ARMY WEIGHT CONTROL PROGRAM

1. Problem: One of your key officers or NCOs is overweight.
2. Background: You've just had a company weigh-in, and your motor sergeant exceeds the screening table weight by three pounds. You tape measure the soldier and find that individual exceeds the body fat standard authorized. Your motor sergeant has worked many extra hours for you for the past year, and recently carried the company through a COMET inspection. You know if you enroll a soldier in the weight control program, their records will be flagged.
3. Solution: If the soldier has a profile, is pregnant, or if you feel there may be an underlying medical issue causing the weight problem, refer the soldier for a medical evaluation. Note that for reserve component soldiers, it is their responsibility to execute the medical evaluation with their own health care providers at their own expense.

If no reason for a medical evaluation exists, or the soldier's medical evaluation showed no underlying medical condition, you must enroll the soldier in the weight control program, executing required counseling and flagging.

The loss of 3-8 pounds per month is considered satisfactory progress in the program.

If the soldier has two consecutive months without showing satisfactory progress, you must either start the separation or the bar to re-enlistment process.

At six months, you must initiate the separation or the bar to re-enlistment process if the soldier has not shown overall satisfactory progress over the six month period.

If the soldier has shown satisfactory progress but does not meet the body fat standard, continue the soldier in the program for an additional six months.

If at any time the soldier meets the body fat standard, remove him from the program and remove all flags. Ensure that the soldier understands that 1) exceeding the body fat standard in the next 12 months will lead to automatic separation proceedings and 2) exceeding the body fat standard in months 13-36 after removal from the program will trigger a 90 day window to return to standard before separation/bar to re-enlistment procedures are initiated.

Separation/bar to enlistment proceedings require a medical evaluation to determine if there is an underlying medical issue causing the weight problem. Note that if an initial medical evaluation was given, it will suffice for separation/bar to re-enlistment actions. Note also that if the soldier fails to get a medical evaluation as directed, it will not preclude entry into the weight control program or separation/bar to re-enlistment actions as a result of failed participation in the program.

The commander must choose between initiating process for either separation or a bar to re-enlistment for failure to show satisfactory progress in the weight control program, exceeding body fat standards within 12 months of exiting the weight control program, or failing to return to the body fat standard within 90 days of going out of compliance within 13 to 36 months of exiting the weight control program.

Some commanders try to protect their outstanding but over-weight soldiers by counseling them and then informally monitoring their weight loss. This violates regulations, creates a double standard, damages morale, and leads to an understandable (and justified) feeling of resentment within the unit. **COMMANDERS HAVE A LOT OF DISCRETION IN MANY AREAS BUT WEIGHT CONTROL IS NOT ONE OF THOSE AREAS.**

4. Reference:

- a. [AR 600-9, The Army Weight Control Program, 10 Jun 87.](#)
- b. [AR 135-178, Enlisted Administrative Separations, 29 Jul 05.](#)
- c. NGR 600-200, Enlisted Personnel Management, 1 March 1997.

5. POC: JFH-MS-J1-M State Medical Officer.

CONTENTS

APPENDIX A: REGULATION/SUBJECT REFERENCE LIST

Note: JER=Joint Ethics Regulation
UCMJ=Uniform Code of Military Justice

SUBJECT	REFERENCE
ABSENT WITHOUT LEAVE (AWOL)	AR 630-10
ACTIVE DUTY FOR SPECIAL WORK (ADSW)	AR 135-200
ACTIVE DUTY FOR TRAINING (ADT)	AR 135-200
ACTIVE GUARD/RESERVE (AGR) PROGRAM	AR 135-18 ; NGR 600-5 ;
ADT/IDT JOINT	AR 140-1 ; NGR 350-1 ; NGR 680-1
ADULTERY	ARTICLE 134, UCMJ
AIRCRAFT, MILITARY, POLICY	AR 95-1
ALCOHOL AND DRUG ABUSE PROGRAM	AR 600-85 ; NGR 600-85
ALCOHOL, USE OF AT SOCIAL ACTIVITY	AR 600-85
ARMY DISCHARGE REVIEW BOARD (ADRB)	AR 15-180
ARMY EMERGENCY RELIEF (AER)	AR 930-4
ARTICLE 15	AR 27-10
ASSIGNMENTS/TRANSFERS ENLISTED	NGR 600-200
ASSIGNMENTS/TRANSFERS OFFICERS	NG PAM 600-3
AWARDS	AR 600-8-22 ; MSARNGR 672-5
BAR TO REENLISTMENT	NGR 600-200; AR 135-178
BOARDS, COMMUNICATIONS WITH	DODI 1320.12
BRANCH TRANSFER, OFFICER	NG PAM 600-3 ; NGR 600-100
CARDIOVASCULAR SCREENING	AR 40-501
CASUALTY ASSISTANCE	AR 600-8-1
CHANGE OF NAME/SSN/ETC.	AR 600-8-104
CLAIMS	NGR 27-20
CLOTHING, PERSONAL	AR 700-84
COMMAND	AR 600-20
COMMANDER, COMPLAINT AGAINST	ARTICLE 138, UCMJ
CONDUCT UNBECOMING AN OFFICER	ARTICLE 133, UCMJ
CONFLICT OF INTEREST	JER
CONGRESSIONAL INQUIRIES	AR 1-20
CONSCIENTIOUS OBJECTOR	AR 600-43
CONTRIBUTIONS	JER
CONTRIBUTIONS, REQUIREMENT FOR VOLUNTARY GIVING	JER ; AR 600-29
CORRECTION OF MILITARY RECORDS	AR 15-185
DERELICTION OF DUTY	ARTICLE 92, UCMJ
DISCHARGE, ENLISTED	AR 135-178 ; NGR 600-200
DISCHARGE, OFFICER	NG PAM 600-3
DISCIPLINARY CONTROL BOARDS	AR 190-24
DISCREDITABLE CONDUCT	ARTICLE 134, UCMJ
DISRESPECT TOWARDS A SUPERIOR COMMISSIONED OFFICER	ARTICLE 89, UCMJ
DRIVERS LICENSE, MILITARY	AR 600-55
DROPPED FROM ROLLS (DFR)	AR 135-178

DRUG AND ALCOHOL PROGRAM	AR 600-85 ; NGR 600-85
DUTY ROSTER	AR 220-45
DUTY STATUS, NATIONAL GUARD	NGR 350-1
ENLISTED ASSIGNMENTS	NGR 600-200
EQUAL OPPORTUNITY	NGR 600-21
EVALUATION REPORT, ENLISTED	AR 623-3
EVALUATION REPORT, OFFICER	AR 623-3
EXCEPTIONAL FAMILY MEMBER PROGRAM	AR 608-75
EXPENDITURE OF FUNDS, IMPROPER	JER
EXTENDED ACTIVE DUTY (EAD)	AR 135-210
EXTENSION/REENLISTMENT	NGR 600-200
FACILITIES, GOVERNMENT, USE OF	JER
FALSE CLAIMS	ARTICLE 132, UCMJ
FALSE CLAIMS, TDY	U.S. CODE TITLE 18, SECTION 287 AND 100 AND TITLE 31 SECTION 3729
FALSE OFFICIAL STATEMENT	ARTICLE 107, UCMJ
FAMILY MEMBER SUPPORT, CHILD CUSTODY, PATERNITY	AR 608-99
FILING	AR 25-400-2
FINANCIAL LIABILITY INVESTIGATION FOR PROPERTY LOSS	AR 735-5
FLAGGING ACTIONS	AR 600-8-2 ; NGR 600-200
FOOD SERVICE PROGRAM	AR 30-22
FREEDOM OF INFORMATION ACT (FOIA)	AR 25-55
FREQUENT FLYER MILEAGE	JER ; JFTR
FUNDRAISING AND MEMBERSHIP DRIVES	JER
GAMBLING, PROHIBITION AGAINST	JER
GIFTS, LIMITATIONS	JER
GOVERNMENT EFFICIENCY AND ECONOMY	JER
GOVERNMENT PROPERTY, SALES/LOSS/DESTRUCTION	ARTICLE 108, UCMJ
GRATUITIES	JER
HOMETOWN NEWS RELEASE PROGRAM	DA PAM 360-3
HONORARIA	JER
ID CARD, MILITARY	AR 600-8-14
IMPARTIALITY/INDEPENDENCE, LOSS OF	JER
INACTIVE DUTY FOR TRAINING (IDT)	NGR 350-1 ; NGR 680-1
INDEBTEDNESS	AR 600-15
INITIAL ACTIVE DUTY TOUR (IADT)	AR 135-200
INSPECTOR GENERAL (IG)	AR 20-1
INTEGRITY OF GOVERNMENT	JER
INVESTIGATIONS	AR 15-6
LARCENY	ARTICLE 121, UCMJ
LAWFUL GENERAL ORDERS	ARTICLE 92, UCMJ
LEAVE AND PASSES	AR 600-8-10
LEAVE IN CONJUNCTION WITH TDY	AR 600-8-10
LEAVE, EMERGENCY	AR 600-8-10
LEGAL ASSISTANCE	AR 27-3
LETTER OF REPRIMAND	AR 600-37
LINE OF DUTY INVESTIGATION (LOD)	AR 600-8-4 ; NGR(AR) 135-381

MAIL, OFFICIAL	AR 25-51
MARKSMANSHIP COMPETITION PROGRAMS	AR 350-66 ; NGR 350-66
MEDICAL EVACUATION, DEPENDENT TRAVEL	DOD 4515.13-R
MEDICAL, DENTAL, AND VETERINARY CARE	AR 40-3
MEMBERSHIP CAMPAIGNS	AR 600-20
MILITARY JUSTICE	AR 27-10
MILITARY OCCUPATIONAL SPECIALTIES	PAM 611-21
MISCONDUCT, TOLERATION OF BY LEADERS	AR 600-20
NATURALIZATION AND CITIZENSHIP	DODI 5500.14
NEPOTISM	AR 690-300
NON-TACTICAL VEHICLES, MODIFICATIONS	AR 58-1
NON-TACTICAL VEHICLES, REPAIRS	AR 58-1
OFFICER EVALUATION REPORTS	AR 623-3
OFFICIAL MILITARY PERSONNEL FILE	AR 600-8-104
ON THE JOB TRAINING (OJT)	AR 350-1
PATERNITY	AR 608-99
PAY, MILITARY	AR 37-104-4
PER DIEM COMPUTATION	JFTR
PHYSICAL FITNESS PROGRAM	AR 350-1 ; FM 21-20
PHYSICAL SECURITY	AR 190-11
PHYSICAL TRAINING	AR 350-1 ; FM 21-20
POLITICAL ACTIVITIES	JER ; AR 600-20
PREFERENTIAL TREATMENT	JER
PRIVACY ACT	AR 340-21
PRIVATE GAIN, USE OF POSITION FOR OR APPEARANCE OF	JER
PRIVATE MEETINGS, ATTENDANCE	AR 1-211
PRIVATE ORGANIZATIONS, PARTICIPATION IN	JER
PROMOTIONS	NGR 600-200, Chapter 7, (1 FEB 05); AR 600-8-19
PROPERTY ACCOUNTABILITY	AR 735-5
PUBLIC CONFIDENCE, ADVERSELY AFFECTING	JER
READINESS MANAGEMENT ASSEMBLIES (RMA)	NGR 350-1 ; NGR 680-1
RECORDS MANAGEMENT ARIMS	AR 25-400-2
RED CROSS SERVICE PROGRAM	AR 930-5
RELATIONSHIPS BETWEEN SOLDIERS	AR 600-20
RELIEF FOR CAUSE	AR 600-20 ; AR 623-3
RENTAL CARS	JFTR
REPORT OF SURVEY, NOW FLIPL	AR 735-5
REPRISALS, PROHIBITION	AR 20-1 ; DODD 7050.6
RESCHEDULED TRAINING (RST)	NGR 350-1 ; NGR 680-1
SAFETY PROGRAM	AR 385-10 ; NGR 385-10
SECURITY CLEARANCES	AR 380-67
SEPARATIONS, ENLISTED	AR 135-178
SEPARATIONS, OFFICER	AR 135-175
SERIOUS INCIDENT REPORT (SIR)	AR 190-40
SERVICE OBLIGATIONS, OFFICER	AR 135-91
SEXUAL HARASSMENT	ARTICLE 93, UCMJ ; AR 600-20
SOLE SURVIVING SON OR DAUGHTER	AR 614-200
SOLICITED SALES BY SPOUSES, PROHIBITION	JER

SOLICITED SALES, PROHIBITION	JER
SPEAKING ENGAGEMENTS	JER
SPONSORSHIP PROGRAM	MSARNGR 601-2
STANDARDS OF CONDUCT	JER ; AR 600-20
SUSPENSION OF FAVORABLE PERSONNEL ACTIONS	AR 600-8-2 ; NGR 600-200
TDY, ALLOWABLE TELEPHONE CALLS HOME	JER
TELEPHONES, LIMITATIONS OF PERSONAL USE	JER
TEMPORARY TOURS OF ACTIVE DUTY (TTAD)	AR 135-210
TRAVEL DELAYS, AUTHORIZED	JFTR
TRAVEL, DELAY IN RETURNING TO DUTY	JFTR ; AR 600-8-10
TRAVEL, DOMICILE TO DUTY	AR 58-1
TRAVEL, GOVERNMENT LIABILITY FOR RESERVISTS	AR 135-381
TRAVEL, MILEAGE TO/FROM TERMINAL	JFTR
TRAVEL, OFFICIAL POLICY	JFTR
TRAVEL, PAY FROM DOMICILE TO ADT/ADSW	NG PAM 360-5
TRAVEL, PAY FROM DOMICILE TO HOME STATION	AR 135-200
TRAVEL, SERVICE MEMBER ACCOMPANYING DEPENDANT FOR TREATMENT	JFTR
UNFAVORABLE INFORMATION	AR 600-37
UNIFORM, WEAR, AND APPEARANCE	AR 670-1
UNIT TRAINING ASSEMBLIES (UTA)	NGR 350-1 ; NGR 680-1
VEHICLE, GOVERNMENT, POLICY FOR USE	AR 58-1
WEIGHT CONTROL PROGRAM	AR 600-9

[CONTENTS](#)