

CHAPTER 10  
CORRECTIVE TRAINING.

10-1. INTRODUCTION.

a. Corrective training or instruction is one of the most effective nonpunitive disciplinary measures available to a commander. It is used when the soldier's duty performance has been deficient and the soldier would benefit from extra training. The training may be outside of normal duty hours. Corrective training may be authorized or directed by the soldier's commander, or by any NCO in the soldier's chain of command.

b. Corrective training must be directly related to an observed deficiency, and must be oriented toward improving the soldier's performance in the problem area (e.g., an order to dig and fill in holes is improper). Training is not punishment. Training may not be used in an oppressive manner to evade the procedural safeguards applicable to nonjudicial punishment under Article 15, UCMJ.

c. At the discretion of the commander, immediate supervisors of soldiers performing extra training may be required to perform supervisory or instructional tasks at the training sessions.

d. Deficiencies that have been satisfactorily corrected by training and instruction should be treated as closed incidents and should not be noted in the soldier's official records.

10-2. **EXAMPLES.** The following examples illustrate some proper corrective methods of training:

a. A soldier wearing an improper or dirty uniform may be required to attend special instruction on the proper wear of the uniform.

b. A soldier in poor physical condition may be required to take additional conditioning drills and participate in extra field and road march exercises.

c. A soldier who executes a drill poorly may be given additional drill practice.

d. A soldier who fails to properly maintain housing or work areas, or abuses property, may be required to perform additional maintenance.

e. A soldier who has unclean personal or work equipment may

FSH Pam 27-6

be required to devote additional time and effort to the cleaning of equipment, and be given special instruction in maintenance.

f. A soldier who fails to perform properly in his assigned duties may be given special formal instruction or additional on-the-job training in those duties or related skills to correct his performance.

g. A soldier who is deficient in responding to orders may be required to participate in additional drills and exercises to develop his responsiveness to orders.

h. An NCO who does not exhibit the character and leadership expected of an NCO may be required to attend NCO development training.

### 10-3. REFERENCES.

- a. AR 600-20, paragraph 4-6b.
- b. AR 27-10, paragraph 3-3c.
- c. FM 27-1, pages 7-2, and 7-3

CHAPTER 11  
ADMONITIONS AND REPRIMANDS

11-1. INTRODUCTION.

a. Admonitions and reprimands may be used by the command as a corrective tool. An admonition is a warning that repetition of the act could evoke a further, more severe response from the command. A reprimand is a censure, or "chewing-out," given to the soldier for failing to comply with established standards. Reprimands are more serious than admonitions, and should be used for more serious or repeated offenses.

b. Admonitions or reprimands may be oral or written. Oral action may be taken at the place and in the manner deemed most appropriate by the issuer. Written admonitions and reprimands are also permitted as a corrective measure, but must contain a statement that the action was imposed as an administrative remedy and not as punishment under Article 15, UCMJ.

c. Any supervisor, commander, or higher ranking soldier may orally admonish or reprimand a soldier, regardless of the soldier's rank. Commanding officers and immediate supervisors may issue written admonitions or reprimands to enlisted soldiers, but only commanders, general officers, or officers exercising general court-martial jurisdiction over the recipient may direct filing of these documents in the soldier's Unit Information File. For officers, only more senior commanding officers, officers in the rating scheme, officers exercising general court-martial jurisdiction over the recipient, or general officers have the authority to issue admonitions or reprimands and file them in the Unit Information File. Only a general officer can direct that an admonition or reprimand be filed in a soldier's OMPF.

d. "Desk drawer" admonitions and reprimands are those written, but not intended to be filed in a soldier's Unit Information File or OMPF. Written admonitions or reprimands may be filed in a soldier's Unit Information File following the procedures found in AR 600-37, Unfavorable Information. Letters filed in the Unit Information File remain there for three years, or until reassignment to another general court-martial jurisdiction, whichever occurs sooner.

e. Written admonitions and reprimands concerning misconduct of a more serious nature may be filed permanently in the soldier's OMPF if a general officer so directs.

f. Soldiers must be provided an opportunity to review any supporting evidence or statements that are the basis for the admonition or reprimand. Soldiers must have an opportunity to

include rebuttal statements, before the unfavorable action is filed in either the Unit Information File or OMPF.

**11-2. DEPARTURE FROM COMMAND PRIOR TO COMPLETION OF ACTION.**

Often a soldier, or the commander/supervisor, departs the command between the dates of misconduct and conclusion of the filing of a reprimand or an admonition. The following procedures must be followed:

a. When a soldier departs after his commander or supervisor has announced the intent to impose a reprimand, but before the reprimand has been imposed, the action may be processed to completion by the losing command. If the intent of the imposing commander/supervisor is to file the reprimand or admonition in the soldier's Unit Information File, the reprimand should be forwarded to the gaining commander, with a recommendation for filing. The final filing determination will be made by the individual's gaining commander. If the intent of the imposing commander/supervisor is to have the reprimand or admonition filed in the soldier's OMPF, forward the reprimand or admonition through the losing command to the first general officer or GCMCA for a filing determination.

b. When the reprimanding official departs after stating in writing the intent to impose a reprimand, his successor may complete appropriate action on the reprimand.

c. When misconduct is discovered after the soldier has departed, the reprimanding official may forward the information to the gaining command, or personally initiate and process the memorandum as if the former command or supervisory relationship continued. Any required review must be accomplished in the recipient's new chain of command.

**11-3. REFERENCES.**

- a. AR 27-10, paragraphs 3-3a and 3-3b.
- b. AR 600-20, paragraphs 4-7b.
- c. AR 600-37, Chapter 3.
- d. MCM, 1984, Part V.
- e. FM 27-1, page 7-1.

CHAPTER 12  
DRUG AND ALCOHOL ABUSE REHABILITATION.

12-1. RECOMMENDED ACTIONS BY COMMANDER.

a. Soldiers may be identified as possible drug or alcohol abusers in a number of ways, including voluntary self-referral to the FSH Alcohol and Drug Abuse Prevention and Control Program (ADAPCP), command identification, urinalysis, medical treatment, investigation, or apprehension. Soldiers may also be identified as alcohol abusers by health and welfare inspections involving use of breathalyzers. Commanders may also randomly select and order soldiers to take breathalyzer tests.

b. When a soldier is identified as an abuser, either voluntarily or involuntarily, the CID, Military Police Investigators (MPI), soldier's unit commander or the commander's designated representative must, at a minimum, take the following actions:

(1) Advise the soldier of his rights under Article 31,  
UCMJ

(2) Interview the soldier and inform him of the evidence indicating alcohol or drug abuse.

(3) Provide the soldier with an opportunity to submit evidence on his own behalf.

c. The strong preference is for CID and MPI to conduct the interrogation of alleged drug abusers because this avoids any allegation by the suspect of command pressure to make a statement. Further, a trained interrogator may be able to obtain sufficient information to identify other drug abusers or distributors. If the investigation is confidential, the police may also be able to use the suspect as an informant. The suspect may be willing to introduce CID undercover drug suppression personnel to the source of the abuser's drugs.

d. At the conclusion of the preliminary investigation by CID, MPI, or the commander, the soldier must be referred to ADAPCP if the commander believes there remains a possibility of alcohol or drug abuse. In all cases of positive urinalysis results or drunk driving arrests, the soldier must be referred to ADAPCP for evaluation immediately. Referral to ADAPCP does not necessarily preclude other appropriate administrative actions or action under the UCMJ. If the commander plans to initiate administrative action or UCMJ action, the commander should notify the drug

testing laboratory to preserve the urine specimen until the action is completed.

e. After ADAPCP confirmation of abuse, and as a part of the soldier's rehabilitative program, the soldier's commander may use one or more of the following administrative tools:

Deny pass or leave privileges

(2) Prohibit burning of odor-producing substances other than tobacco

(3) Order abusers, married or not, to move into the barracks.

#### 12-2. PROHIBITED ACTIONS BY COMMANDER.

a. Commanders may not use the following measures:

(1) Remove the door from a soldier's room or impose the requirement that the door be left unlocked when the room is unoccupied.

(2) Search off-post quarters or on-post family quarters, without informed consent of the soldier or possession of a valid search warrant by a civilian magistrate based on probable cause.

(3) Confiscate all of a soldier's personal property from his room or require a soldier to store his personal belongings. If, however, an item is contraband, a safety hazard, or violates applicable rules, directives or regulations, the commander may order its removal.

(4) Establish an inflexible policy that all drug or alcohol cases be handled a certain way, such as requiring reduction in grade for alcohol or drug abusers, or issuing a directive that all alcohol or drug abusers will be tried by court martial or punished under Article 15, UCMJ. Each case must be considered on its own merits, considering job performance and probability of successful rehabilitation.

(5) Promulgate an order that prohibits alcohol or drug abusers from accepting, buying or taking an item of personal property from other members of the unit.

(6) Restrict or confine to quarters an alcohol or drug abuser, except in connection with action under the UCMJ or when necessary, to assure the soldier's presence within the command.

12-3. DISCHARGE OF THE ALCOHOL OR DRUG ABUSER.

a. A soldier enrolled in ADAPCP may be discharged for alcohol or drug abuse when the commander determines:

(1) That the soldier lacks potential for future service, and further rehabilitation efforts are not practicable; or

(2) long term rehabilitation is necessary and the soldier is transferred to a civilian medical facility for rehabilitation.

b. The command must initiate separation proceeding when an enlisted soldier is declared a drug or alcohol failure under the provisions of chapter 9, AR 635-200. An officer may also be eliminated for failure to respond to rehabilitation efforts regarding an alcohol or other drug problem in a reasonable length of time, under the provisions of chapter 4, AR 600-8-24, Officer Transfer and Discharges.

12-4. REFERENCES.

- a. AR 600-85, Chapter 3, and Table 6-1
- b. AR 600-8-24, Chapter 4.
- c. AR 635-200, Chapter 9.

CHAPTER 13  
BAR TO REENLISTMENT.

13-1. INTRODUCTION.

a. It is Army policy that only soldiers of high moral character, professional competence, and demonstrated adaptability will be extended the privilege of reenlisting in the Army. Soldiers who cannot, or who do not measure up to, and maintain such standards will be barred from further service. Soldiers who are otherwise eligible, however, may not be arbitrarily denied reenlistment.

b. Soldiers against whom bar to reenlistment proceedings are initiated often have records which disclose one or more of the following deficiencies:

Late to formations, details, or assigned duties.

AWOL.

Losses of clothing and equipment.

Substandard personal appearance (overweight and hygiene

Financial irresponsibility

Recurrent Article 15 punishments

Frequent traffic violations.

"Riding" sick call without medical justification.

Late returns from pass or leave.

(10) Cannot follow orders, shirks duty, or is recalcitrant

(11) Cannot train for a job or is apathetic or disinterested.

(12) Uncooperative, cannot adapt to military life, involved in frequent difficulties with fellow soldiers.

Failure to maintain a valid family care plan

(14) Failure to manage personal, marital, or family affairs.

(15) Trouble in the civilian community, including failure to respond to requirements of the United States Magistrate's Court.

Involvement in immoral acts.

Failure to pass the Army Physical Readiness Test

Failure to qualify with weapons.

(19) Failure to achieve satisfactory progress in attaining weight and physical fitness standards.

Testing positive on a urinalysis.

c. The fact that previous disciplinary or administrative proceedings did not result in separation does not preclude the initiation of appropriate bar to reenlistment procedures.

d. Any commander in the soldier's chain of command may recommend a bar to reenlistment DA Form 4126-R, Bar to Reenlistment Certificate. This will include, if appropriate, the number and dates of court-martial, Articles 15, and all other factual and relevant information supporting the recommendation. There is no minimum number of offenses, counseling statements, or other material required to support a bar. Each case should be judged on its own merits, with the chain of command's comments over time being the main criterion. The soldier will be allowed seven days to review the recommendation, collect documents or other evidence, and prepare a rebuttal statement. The entire file, including the soldier's rebuttal, is forwarded through the soldier's chain of command to the appropriate approval authority. If the bar is approved, the soldier has seven days to appeal the decision.

**13-2. MANDATORY BAR TO REENLISTMENT.** Commanders must initiate a bar to reenlistment or initiate separation action AR 635-200, against soldiers who:

a. Fail to make satisfactory progress in the weight control program

b. fail two consecutive APFT

c. are removed for cause from NCOES courses, or

d. fail to maintain a valid family care plan

**13-3. APPROVAL AUTHORITY FOR BAR TO REENLISTMENT.** The approving authority for a bar to reenlistment must not be the same commander who initiates the bar. The approving authority for a bar is different from the approving authority for enlisted discharge actions.

**13-4. REVIEW AND REMOVAL OF BAR TO REENLISTMENT.** A bar to reenlistment may serve as an effective rehabilitative tool. A recommendation to void a bar may be submitted any time the commander feels the soldier has demonstrated his worthiness to be retained in the Army. The commander must review a bar to reenlistment at three month intervals after the date of approval or 30 days prior to the soldier's transfer or expiration of term of service (ETS), whichever occurs first. If the commander feels the bar should be lifted, the recommendation to void the bar is sent through appropriate channels to the authority which originally approved the bar. If a bar to reenlistment is reviewed twice, and the commander determines that the bar to reenlistment should not be lifted, the imposing commander must initiate separation action IAW paragraph 6-6a, AR 601-280, Army Retention Program. Ordinarily a soldier can request to be discharged pursuant to chapter 16, AR 635-200, for inability to overcome the bar at any time after a bar to reenlistment is approved. However, this option has been temporarily suspended by DA.

**13-5. REFERENCES.**

- a. AR 600-9, paragraph 22.
- b. AR 601-280, Chapter 6.
- c. AR 635-200, Chapter 16.
- d. FORSCOM Supplement 1 to AR 601-280.
- e. FM 27-1, pages 7-4 and 7-5.

## CHAPTER 14

## DEFERMENT OR WITHDRAWAL OF DISCRETIONARY BENEFITS.

## 14-1. INTRODUCTION.

a. Many of the privileges that soldiers enjoy are discretionary in nature and may be withheld to maintain good order and discipline. When it is determined that a soldier has demonstrated a lack of readiness, fitness, or responsibility for the benefit or privilege, it may be withheld. This can be a useful, corrective incentive to improve behavior. To be effective, however, the withdrawal or deferment of the privilege must have a significant relationship to the offense committed. For example, on-post driving privileges should not be revoked for abuse of commissary privileges.

b. When the soldier's commander has direct control over the abused privilege, he may simply inform the soldier that it has been summarily revoked (notification should be in writing). Examples of these privileges include pass privileges, authority to engage in off-duty employment, and the privilege of using the company day room. When a higher authority controls the activity, the unit commander should submit a memorandum through channels requesting that the privilege be revoked and stating the grounds for such actions.

c. Reference: FM 27-1, pages 7-0 and 7-1.

## 14-2. WITHDRAWAL OF PASS PRIVILEGES.

a. A pass is an authorized absence from post or place of duty, granted for a relatively short period, to provide respite from the working environment or for other specific reasons, at the end of which the soldier is actually on-post, at his place of duty, or in the location from which the soldier regularly commutes to work. Passes are not a right to which one is entitled, but a privilege to be awarded deserving soldiers by their commanders. Soldiers may be denied the privilege as a result of their conduct, to meet operational requirements, or for temporary administrative control. Denial of pass privileges merely withdraws the soldier's privilege to be absent from post or place of duty. Since the soldier has full access to facilities on the installation, denial of pass privileges is not restriction.

b. A soldier should be given written notification that his pass privileges have been revoked. Notice should include the period of revocation. During this time, the soldier may be required to sign in and out of the unit, and to provide his destination and estimated time of return.

c. A soldier whose pass privileges have been revoked may not leave the installation even during off-duty hours. Denial of pass privileges does not, however, terminate the soldier's right to receive the basic allowance for quarters (BAQ). Additional action, described in paragraph 3 of this chapter, is required to terminate BAQ.

d. References:

- (1) AR 630-5, Chapter 11.
- (2) AR 27-10, paragraph 3-3a.
- (3) MCM, 1984, RCM 304.

14-3. WITHDRAWAL OF ALLOWANCE FOR QUARTERS.

a. Soldiers without family members who are in the grade of SFC (E-7) and above, and all officers, receive BAQ instead of government quarters. This right can be denied only if the Installation/Garrison Commander determines that exercise of the election will have a significant adverse effect on:

- (1) Operational requirements,  
maintenance of unit discipline
- (3) maintenance of law and order on the installation
- (4) the ability to respond to health and safety requirements,  
protection of government property, or
- (6) any other aspect of military discipline or readiness of the command.

b. Soldiers without family members who are in the grade of SSG (E-6) and below may receive BAQ when billet space is unavailable. The soldier must request authorization to live off-post, and the request must be approved by an officer in the grade of colonel or higher in the soldier's chain of command. The officer who approved the request may withdraw authority to receive BAQ upon the recommendation of the soldier's unit commander. Approved requests must be processed through the Billeting Office, where documents required to initiate BAQ payments are prepared.

c. Soldiers with family members who reside off-post due to unavailability of sufficient family housing may receive BAQ. Should a soldier with family members be required to live on-post

due to disciplinary reasons or operational requirements, BAQ may not be terminated unless the soldier's family is provided sufficient government quarters.

d. Reference: 37 USC Section 403

#### 14-4. WITHDRAWAL OF SEPARATE RATIONS.

a. Generally, government dining facilities must be used to the fullest extent compatible with economy and efficiency. Some soldiers, however, are allowed to mess separately, and receive the basic allowance for subsistence (BAS). Basic allowance for subsistence is usually withdrawn in conjunction with withdrawal of BAQ.

b. The basic rules for withdrawal of BAS are as follows:

(1) Enlisted soldiers with family members and all officers are authorized to mess separately and receive BAS. These soldiers do not need individual authorization to receive BAS and it may not be withdrawn locally.

(2) At FSH, senior NCO's (E-7 through E-9) without family members have been authorized to receive BAS without individual approval. The Installation Commander may withdraw BAS upon the request of the soldier's unit commander.

(3) The Installation Commander has delegated authority to approve requests to mess separately by enlisted soldiers in the grades of Private (E-1) through SSG (E-6) who are without family members, to the major subordinate commands (MSCs). Commanders of those units may further delegate this authority to unit commanders. Commanders with authority to allow BAS, may withdraw BAS as well.

c. When authority to receive BAS has been withdrawn, the unit commander must notify the finance and accounting office servicing the soldier. Notification should be made on DA Form 4187, Personnel Action, IAW DA Pam 600-8, Management and Administrative Procedures, chapters 8 (Military Pay Administration) and 9 (Battalion/Unit Administration).

d References:

- (1) 37 USC Section 402.
- (2) AR 210-10, Chapter 7
- (3) DA Pam 600-8.

14-5. SUSPENSION AND REVOCATION OF ON-POST DRIVING PRIVILEGES (OTHER THAN DRIVING WHILE INTOXICATED (DWI)).

a. No one has the right to operate a privately owned vehicle (POV) on a military installation. It is a privilege that is subject to either administrative suspension or revocation for cause.

b. At FSH, the SJA or his designee has been delegated authority to restrict, suspend, or revoke installation driving privileges.

c. In most cases, the appropriate suspension authority initiates suspension or revocation actions. Commanders may, however, initiate suspension upon receipt of credible evidence that a soldier has committed an act constituting abuse of driving privileges as defined in FSH Regulation 190-5, Motor Vehicle Traffic Code. Commanders may also request suspension or revocation through the chain of command to the SJA.

d. Upon receipt of credible evidence that a soldier has abused his driving privileges, company, battalion, and brigade commanders are authorized to suspend the soldier's installation driving privileges for up to 3, 14, and 30 calendar days respectively. In those circumstances the commander should do the following:

(1) Notify the soldier, verbally and in writing, of his intent to suspend the soldiers installation driving privileges.

(2) Give the soldier the opportunity to present information on his behalf before making any suspension determination.

(3) The order suspending driving privileges will be in writing. The suspension will automatically terminate at the end of the designated suspension period if no further action is taken.

(4) A soldier may request reconsideration of a suspension to the next higher commander in the chain of command.

e. Revocation of installation driving privileges is a severe administrative measure to be exercised for serious moving offenses, or when other available corrective actions fail to produce the desired driver improvement. All revocations are for a specific period, but not less than six months.

f. When suspension or revocation is initiated by the SJA, they will provide the soldier with written notice of the proposed

action. The soldier may, within ten days of receipt of such notice, request an administrative hearing. If the soldier requests a hearing, the SJA, or his designee, hears the case and recommends whether the:

- (1) Driving privileges should be reinstated, or
- (2) driving privileges suspension or revocation should be continued.

g. Soldiers desiring to obtain restricted driving privileges may submit a memorandum to their immediate commander. The commander will in turn endorse the memorandum through their chain of command to the appropriate approving authority. Each endorsement will contain a recommendation for approval or disapproval.

h. The command is not authorized to impound a soldier's car, or confiscate a soldier's car keys, operator's permit, or proof of financial responsibility during the period of suspension.

i. References:

- (1) AR 190-5, Chapter 2.
- (2) FSH Regulation 190-5
- (3) Texas Vernon's Civil Statutes, Annotated, Article

6701h

14-6. REVOCATION OR SUSPENSION OF ON-POST DRIVING PRIVILEGES (DWI)

a. Drunk driving is a serious offense which detracts from high standards of performance, military discipline, and readiness. Such offenses also threaten the health and welfare of the military community.

b. Soldiers will have installation driving privileges suspended, and possibly revoked, for:

- (1) Lawful apprehension either on- or off-post for a drunk-driving offense.
- (2) Refusal to take a lawfully requested chemical test for blood alcohol content.
- (3) Operating a motor vehicle, either on- or off-post, with a blood alcohol content of .10 percent by volume or higher,

or in violation of the law of the jurisdiction that is being assimilated on the military installation.

c. Family members, civilian employees, and non-DOD affiliated civilians will have their installation driving privileges suspended, and possibly revoked, for:

(1) Lawful apprehension on-post for a drunk-driving offense.

(2) Refusal to take a lawfully requested chemical for blood alcohol content on-post.

(3) Operating a motor vehicle with a blood alcohol content of .10 percent by volume or higher on the installation

d. Information relating to drunk-driving offenses will be collected by the FSH PMO and provided to the appropriate SJA for processing. The following procedures describe how this information may lead to suspension and revocation of installation driving privileges.

(1) Evidence surrounding a drunk-driving offense is collected and will be examined by a reviewing officer to determine if there is enough evidence to support immediate suspension of the driver's installation driving privileges. Such evidence may include MP reports, civilian police reports, witness statements, breathalyzer results, and videotapes of the driver. The SJA, USAG, FSH, Civil/Administrative Law Division, will review evidence pertaining to civilians and for all FSH soldiers. If the reviewer finds probable cause to believe the offense occurred, the driver will be given a memorandum suspending driving privileges.

(2) Units will be contacted to bring soldiers to the appropriate SJA to receive suspension/revocation memorandums. Letters to civilians will be sent by certified mail. These memorandums/letters will describe in detail the reasons for suspension and the procedures involved to request a hearing to challenge the suspension.

(3) If a hearing is desired, the driver must complete a form attached to the letter of suspension and hand carry it or have it delivered to the appropriate SJA, Administrative Law Division. Hearings must be requested within ten days of the date the suspension letter is received by the driver.

(4) The driver will not operate a vehicle on FSH after he receives his suspension letter. If the charges are subsequently dismissed or the individual is acquitted, he or she

may request to have his or her driving privileges restored.

e. If a hearing is requested, it will be conducted at the appropriate SJA within ten working days of the date it was requested. At the hearing, the driver will be accompanied by a more senior member of his chain of command who will observe the proceedings. The driver may present any evidence on the circumstances of the arrest or apprehension in order to convince the hearing officer that the suspension should be lifted pending final resolution of the charges. The hearing officer, however, will limit his investigation to several narrow issues (e.g. including the lawfulness of the arrest or apprehension, and whether a blood alcohol test was offered and completed and its results). Based on the evidence presented, the hearing officer may:

- (1) Reinstate the individual's driving privilege
- (2) maintain the suspension or revocation, or
- (3) revoke suspended installation driving privileges, if appropriate, IAW AR 190-5.

f. Copies of the hearing officer's decision will be provided to the soldier, the FSH PMO, Administrative Branch, and the soldier's commander.

g. At some point in time, legal proceedings against a driver for the drunk-driving offense will be completed. A soldier may receive an Article 15, court-martial, trial in a civilian court, or a military or civilian administrative hearing. A civilian who commits a drunk-driving offense on-post may be tried in the Federal Magistrate's Court. Instead of, or in addition to any of those procedures mentioned above, an offender's driver's license may be suspended or revoked by the state authorities. Completion of any of these actions results in resolution of the charges against a drunk driver. Resolution of the charges may result in the following:

- (1) Acquittal. If a military or civilian driver is acquitted in court or found not guilty at Article 15 proceedings, he or she may apply in writing to the appropriate commander (ATTN: SJA) for restoration of driving privileges. A hearing will be conducted to consider restoration of driving privileges. Restoration will not be granted if the driver refused to take a lawfully requested blood alcohol test, if his license is suspended or revoked by the state, or despite the acquittal the hearing officer determines, by the preponderance of the evidence, that the individual was driving while intoxicated.

(2) Dismissal of charges, pleading to a lesser offense, and unadjudicated probation or deferral. Installation driving privileges will be reinstated in these cases only if the individual can establish at the administrative hearing that he or she was not driving while intoxicated. The burden of proof in these cases lies with the individual requesting reinstatement of his or her driving privileges.

(3) Conviction finding of guilty, loss of license. Information that a driver has been convicted in court, found guilty at Article 15 proceedings, or lost his license will be cause for revocation of installation driving privileges.

h. Restricted privileges. A soldier or civilian may apply for restricted driving privileges anytime after suspension or revocation. Restricted privileges will normally be granted only to avoid extreme hardship for the family or the individual's duty performance. Soldiers may request restricted privileges by submitting a memorandum through each level of his chain of command to the appropriate approving authority. Each level of the chain of command will include a recommendation for approval or disapproval. Civilians will address their request to the Garrison Commander (ATTN: MCGA-JA-AL).

i. Reprimand. All soldiers, SGT (E-5) and above, to include soldiers in the grade of Specialist (E-4) appointed on official orders to Corporal, convicted of a drunk-driving offense, or who refuse to take a lawfully requested blood alcohol test or who operate a vehicle with a blood alcohol content of .10 percent by volume or higher, or are in violation of the law of the jurisdiction that is being assimilated on the military installation, must receive a general officer memorandum of reprimand (MOR). All soldiers, Specialist (E-4) and below, convicted of a drunk-driving offense, or who refuse to take a lawfully requested blood alcohol test, or operate a vehicle with a blood alcohol content of .10 percent by volume or higher or are in violation of the law of the jurisdiction that is being assimilated on the military installation, may receive a general officer MOR.

j. The procedure for processing MORs is as follows:

(1) The legal specialists in Headquarters Command, USAG, and the AMEDDC&S will obtain the military or civilian police report, prepare the MOR for signature by the appropriate general officer, and forward the packet, to include the MOR on computer disk, to the Criminal Law Division, SJA, USAG, FSH. For units not subordinate to USAG or the AMEDDC&S, the unit commander should forward the police report to the Criminal Law Division, SJA, USAG, FSH, for preparation of the MOR. At Brooke Army Medical Center (BAMC), Fifth U.S. Army, 5th Recruiting Brigade, 90th Regional

Support Group, the SJA/CJA will establish their own procedures for preparing the MOR and endorsements.

(2) The SJA obtains the signature of the appropriate general officer on the MOR. The Headquarters Command Legal Specialist; AMEDDC&S Legal Specialist; or Criminal Law Division, SJA, USAG; ensures that the unit commander serves the MOR on the individual with a suspense date given for the return of the acknowledgment of receipt and rebuttal of the reprimand, if any. The MOR, supporting documentation, any response, and each commander's filing recommendations should then be sent through the chain of command to the Criminal Law Division, SJA, for final review, before decision by the appropriate general officer.

k. Reinstatement. At the end of the designated suspension, restriction or revocation period, driving privileges will be reinstated upon proof of rehabilitation through enrollment and participation in the installation ADAPCP or equivalent course. Such proof must be presented to the PMO, before driving privileges are reinstated.

l. References:

- (1) AR 190-5.
- (2) FSH Regulation 190-5

**14-7. TERMINATION OF FAMILY QUARTERS FOR MISCONDUCT.**

a. Family housing assignments may be terminated at the discretion of the eviction authority for misconduct by the occupants contrary to health, safety, or moral standards. The Commander, USAG, FSH, is the eviction authority.

b. A soldier's commander will often acquire information that appears to justify termination of quarters for misconduct. The commander may forward the information along with a recommendation to Housing Division, Directorate of Public Works (DPW), for submission to the SJA. The eviction authority may issue a warning memorandum. If the quarters are to be terminated, the soldier is given notice and allowed 30-days to vacate. The soldier may submit a request for reconsideration to the eviction authority anytime during this 30 day period. The soldier may appeal the eviction within seven days of receipt of the notice of eviction.

c. Termination of quarters is a drastic action and disruptive to the soldier and his family. Some misconduct, such as a occasional neighborhood dispute or single MP call to the quarters, may not justify termination. Other administrative action, such as counseling, admonition, or reprimand, should be considered prior to initiation of this action.

d. Reference. AR 210-50, paragraphs 3-19b and c

**14-8. OFF-DUTY EMPLOYMENT.**

a. Generally, soldiers may accept off-duty employment that is not incompatible with their performance of military duties, not discreditable to the Army, and does not create a conflict of interest, either real or apparent. There are also restrictions on soldiers engaging in commercial solicitation. Commanders may order soldiers to terminate improper off-duty employment.

b. Examples of improper off-duty employment include

(1) A soldier who works nights in a civilian job and reports for duty so tired he cannot perform military duties efficiently. This constitutes employment incompatible with performance of military duties.

(2) A soldier working with a firm that does business with the Army in an area for which the soldier is responsible or makes decisions. This constitutes a real or apparent conflict of interest.

c. References

- (1) 10 USC Section 974.
- (2) Joint Ethics Regulation (JER) DOD 5500.7-R
- (3) FM 27-1, page 10-8.

**14-9. WITHDRAWAL OF PRIVILEGES REGARDING APPROPRIATED AND NONAPPROPRIATED FUND FACILITIES.**

a. On FSH, the Garrison Commander has been delegated the authority to withdraw privileges that are open to individuals who hold valid ID cards indicating military or family member status. This also includes authority to withdraw privileges of family members based upon their abuse of privileges. Privileges that may be withheld by the Garrison Commander include use of:

Exchange services,  
Commissary,  
Check cashing,  
Morale Support Activities,  
Officer and NCO Clubs,

(6) Common membership nonappropriated fund instrumentalities,

(7) Package beverage stores, and

Theaters

b. The privilege withdrawn must have a significant relationship to the offense committed. Suspension of medical privileges is not authorized.

c. References:

- (1) AR 640-3, Chapter 4.
- (2) FM 27-1, pages 7-0 and 7-1.

#### 14-10. OFF-LIMITS FIRMS, ESTABLISHMENTS, AND AREAS.

a. The Central Texas Armed Forces Disciplinary Control Board has been established to assist commanders in eliminating off-post conditions detrimental to the health, morale, welfare, and discipline of soldiers. This board receives complaints about off-post conditions and investigates allegations. Upon recommendation of this board, the installation commander may place establishments or areas "off-limits" to soldiers.

b. Commanders may report off-post conditions to the Disciplinary Control Board relating to illegal or immoral acts, discriminatory practices, unfair commercial or consumer practices, and other undesirable conditions that adversely affect soldiers or their families. If the installation commander orders an establishment "off-limits," soldiers who subsequently are found in restricted areas may be subject to disciplinary action under the UCMJ for disobedience of a lawful general order. A list of firms, establishments, and areas currently "off-limits" in Central Texas is available through the PMO. This list should be posted on unit bulletin boards.

c. References:

- (1) AR 190-24, paragraphs 2-1, 2-4, and 2-6.
- (2) UCMJ, Article 32.

#### 14-11. BAR TO ENTRY ON INSTALLATION.

a. The Garrison Commander has the authority to bar civilians including military family members, from entry to FSH for misconduct. Once a civilian has been barred, subsequent entry onto the installation may be prosecuted in the FSH Magistrate's

FSH Pam 27-6

Court for unlawful entry. The penalty for unlawful entry is a fine of not more than \$5,000.00, imprisonment for not more than six months, or both. As a general rule, a family member barred from the installation will be allowed access to BAMC.

b. Bars are usually initiated by the Criminal Law Division, SJA, USAG, FSH, based on MP reports. Bars are often initiated based upon a characterization of service of Other Than Honorable resulting from administrative discharges. Commanders who are experiencing difficulties caused by civilians may also recommend bars for those civilians.

c. Reference: 18 USC Section 1382.

## CHAPTER 15

## ADVERSE ADMINISTRATIVE ACTIONS SHORT OF ELIMINATION

15-1. **GENERAL.** The actions outlined in this section are serious and are likely to have a permanent detrimental effect on the soldier's career. They are the most adverse administrative actions available to a commander short of elimination or UCMJ action.

## 15-2. RELIEF FOR CAUSE

a. A soldier may be relieved for cause if the chain of command determines that the soldier's personal or professional characteristics, conduct, behavior, or performance of duty warrant removal in the Army's best interest. A relief for cause will usually be preceded by formal counseling by the commander unless immediate action is needed to ensure the integrity of the organization. The ultimate factor in a decision to relieve for cause is the determination by the superior officer that he has lost confidence and trust in the soldier to be relieved.

b. All relief for cause officer evaluation reports will be reviewed by the Army officer in the chain of command senior to the individual directing the relief.

c. An evaluation report is required when a soldier is relieved for cause. The rating official directing the relief must clearly explain the reason for relief, and state that the soldier has been notified of the reason for relief.

d. Action to relieve officers from command will be taken only after obtaining written approval of the first general officer in the chain of command of the officer being relieved. Oral or written approval prepared after the relief is not adequate.

e. If relief for cause is contemplated on the basis of an informal investigation under AR 15-6, Procedures for Investigating Officers and Boards of Officers, the referral and comment procedures of that regulation must be followed prior to initiating or directing the relief. Temporary suspension from assigned duties is permitted pending completion of AR 15-6 procedural safeguards.

## f. References:

- (1) AR 600-20, paragraph 2-15.
- (2) AR 623-105, paragraph 5-18
- (3) AR 623-205, paragraph 2-10

15-3. REMOVAL OF ENLISTED SOLDIERS FROM LOCAL PROMOTION LISTS.

a. Certain enlisted soldiers must be removed from local recommended promotion lists. These soldiers include:

- (1) Those who fail to qualify, for cause, for any security clearance required for the military MOS in which recommended;
- (2) those who fail to reenlist or extend to meet the remaining service obligation required for the MOS in which recommended for promotion;
- (3) when a bar to reenlistment is approved after a soldier is put on the recommended list. (If the bar is appealed, the individual will not be removed from the list until the appeal process is completed and denied);
- (4) those who have been ordered reclassified for loss of current MOS qualification because of inefficiency or misconduct;
- (5) those who did not meet promotion criteria and were erroneously placed on the recommended list in error;
- (6) those who fail to make satisfactory progress in a weight control program within six months, and those who make satisfactory progress in a weight control program, but fail to attain the body fat standard or screening weight after 12 months in an approved program;
- 7) those reduced in grade;
- (8) those released from active duty or dropped from the rolls;
- (9) those who fail to maintain a minimum score of 550 promotion points for promotion to SSG, or 450 promotion points for promotion to SGT;
- (10) those who have been denied a waiver to reenlist;
- (11) those soldiers with more than four years of service who sign a Declination of Continued Service Statement.

b. The appropriate promotion authority may also remove a soldier's name from an approved recommended list based upon:

- (1) Recommendation of a removal board IAW paragraph 3-28c(1), AR 600-8-19, Enlisted Promotions and Reductions.

(2) Adverse action, such as a court-martial sentence (including suspended sentence), initiation of proceedings which may result in an Other Than Honorable discharge, punishment under Article 15, UCMJ, or by

(3) written request of the soldier

c. A soldier removed from a list for cause who is later exonerated will be reinstated to the current local recommended list.

d. Reference. AR 600-8-19, paragraph 3-28.

**15-4. REMOVAL OF ENLISTED SOLDIERS FROM CENTRALIZED PROMOTION LISTS.**

a. Headquarters, Department of the Army selects and recommends enlisted soldiers for promotion to the rank of SFC, Master Sergeant (MSG), and SGM. Commanders may recommend that a soldier's name be removed from a HQDA recommended list at any time. The recommendation for removal must be fully documented. Headquarters, DA will make the final decision on the removal based on results and recommendations of the HQDA Standby Advisory Board.

b. Removal from a DA recommended promotion list has long-lasting effects on the soldier. The probability for subsequent selection for promotion is extremely limited. Therefore, removal should be considered only when the circumstances clearly warrant such significant action.

c. Removal from a centralized promotion list must be initiated for those who fail to make satisfactory progress in a weight control program within six months, and those who make satisfactory progress in a weight control program, but fail to attain body fat standards or screening weight after 12 months in an approved program.

d. Note that a recommendation for removal must be sent to the soldier for response and rebuttal prior to submission to HQDA.

e. Reference. AR 600-8-19, paragraph 4-18.

**15-5. REDUCTION IN ENLISTED GRADE FOR INEFFICIENCY OR CIVIL CONVICTION.**

a. An enlisted soldier may be reduced in grade based upon conviction by civil court. A soldier sentenced by civil court

(1) To death or confinement for one year or more, which

is not suspended, must be reduced to the lowest enlisted grade

(2) To more than 30 days, but less than one year (not suspended), or more than one year and sentence is suspended, will be considered for reduction of one or more grades. If the soldier is a SGT (E-5) or above, the matter must be referred to a board.

(3) To actual confinement of 30 days or less, or suspended sentence of less than one year:

(a) May be considered for reduction of one or more grades, if Private (E-1) through Specialist (E-4).

(b) Must be considered for reduction of one or more grades, if SGT (E-5) or above.

b. An enlisted soldier in the grade of Private (E-2) and above may be reduced one grade for inefficiency after serving in a unit for at least 90 days. Inefficiency is a demonstration of characteristics which clearly shows a lack of abilities and qualities required and expected of a soldier of that grade, MOS, and experience. Acts of misconduct may be considered when determining whether a soldier should be reduced for inefficiency. This includes actions taken under the UCMJ or civil court convictions. While UCMJ proceedings are not a bar to initiation of reduction actions based on inefficiency, allegations of misconduct resulting in acquittal may not be considered. Reduction for inefficiency may not be used in lieu of Article 15 punishment, or for a single act of misconduct.

c. Reduction boards are required in all cases unless reduction is mandatory, the soldier is in the grade of E-4 or below, or the soldier waives the board in writing. This board is convened by the soldier's reduction authority within 30 days after the soldier is notified of the pending reduction action in writing. The reduction authority may extend the 30-duty day limitation for good cause. The soldier may:

Appear in person before the board

(2) have a military counsel, or civilian counsel at his own expense,

challenge any board member for cause,

(4) submit evidence on his own behalf, either documentary or through witnesses, or

(5) question or have his counsel question any witness appearing before the board.

d. Soldiers may submit written appeals to reductions for misconduct or inefficiency. Appeals must be submitted in writing within 30 duty days of the date of reduction to the:

(1) Next higher authority above the officer who reduced the soldier for grades SSG and below.

(2) First general officer in the chain of command above the reduction authority for grades SFC through Command Sergeant Major (CSM).

e. Reference. AR 600-8-19, Chapter 6 and Table 6-1

#### 15-6. REMOVAL OF OFFICERS FROM PROMOTION LISTS.

a. Army policy is that no one who has become mentally, physically, morally, or professionally disqualified after being selected for promotion may be promoted. Commanders are obligated to recommend removal of officers from promotion lists who fail to meet these standards.

b. An officer must be recommended for removal from a promotion list when the officer in a weight control program has failed to make satisfactory progress after six months, or has failed to meet body fat standards after 12 months even if satisfactory progress has been made.

c. The following procedures are used when removal from a promotion list is recommended and the case is referred to a promotion review board:

(1) The officer is notified in writing of the proposed removal action and the reason for it.

(2) The officer is given an opportunity to submit information on his/her behalf for the board to consider.

(3) The action is referred to a DA promotion review board.

(4) The board's recommendation is forwarded to the Secretary of the Army for his approval.

(5) The Secretary of the Army determines whether the recommendation for removal should be sent to the President, or his designee.

d. Reference. AR 624-100, Chapter 5

15-7. ADVERSE COMMENTS IN EVALUATION REPORTS.

a. The following restrictions apply to all evaluation reports:

(1) No reference will be made to a soldier's performance as a member of a court-martial.

(2) A soldier serving as an Equal Opportunity (EO) NCO or Officer will not be given an unfavorable evaluation solely because of the enthusiasm and zeal with which he implements the Army's Equal Opportunity Program.

(3) No reference will be made to any investigation or punitive or administrative action planned or taken against a soldier, unless such investigation or action has been processed to completion, and adjudication and final action have been taken before submitting the report to HQDA. If the soldier is absolved, no comments pertaining to the incident will be included.

(4) A soldier's voluntary participation in the ADAPCP will not be mentioned.

(5) A soldier's communications to Congress or the IG will not be the basis for any adverse comments.

(6) The volunteer activities of the soldier's spouse will not be mentioned in the Officers Evaluation Report (OER).

b. References

(1) AR 623-105, Chapters 3 & 4

(2) AR 623-205, Chapter 2.

## CHAPTER 16

## ADMINISTRATIVE ACTIONS AFFECTING MILITARY QUALIFICATIONS.

16-1. **GENERAL.** While the actions outlined in this section may have an adverse impact on a soldier, they are not inherently adverse in nature. In most of these actions, the soldier's commander is required to act when confronted with a given set of facts. The purpose of these actions is to ensure that a soldier possesses the requisite qualifications associated with his current duty position.

## 16-2. REMOVAL FROM NUCLEAR DUTY POSITIONS.

a. If there is reasonable cause to suspect that a soldier no longer meets the specified reliability standards for a nuclear duty position, he will not be retained in such a position. The soldier's qualification will be suspended or revoked immediately by the responsible commander.

(1) Possible grounds for suspension include the taking of certain prescription drugs, emotional disorientation due to death of a relative or family problems, or temporary physical injury which impairs the ability to perform nuclear duties.

(2) Possible grounds for revocation include alcohol abuse, drug abuse, negligence or delinquency in performance of duty, court-martial, non-judicial punishment, civil conviction of a serious nature, patterns of behavior which indicate contempt for the law or other duly constituted authority, any significant mental or physical condition substantiated by competent medical authority, and character traits or aberrant behavior which, in the judgment of the commander, are prejudicial to reliable performance of duties.

b. Disqualification, whether temporary or permanent, should be based on substantive evidence such as official records, medical evaluations, or competent witnesses. In making a reliability determination, the issue is not guilt or innocence, but rather whether or not a soldier should be retained in a high risk, sensitive position. Disqualification from a nuclear duty position is not to be considered by itself as an adverse action or an adverse reflection on the individual. A soldier who is disqualified may request requalification provided the cause no longer exists.

c. Reference: AR 50-5, Chapter 3

## 16-3. SUSPENSION OR REVOCATION OF SECURITY CLEARANCE.

a. Commanders must take immediate action to suspend a

soldier's access to classified information whenever credible derogatory information regarding the soldier's loyalty, credibility, or trustworthiness is received. Examples of conduct which affect security clearances are:

Criminal and immoral activities,

abuse of drugs,

excessive use of alcohol

excessive indebtedness,

(5) lengthy or repeated AWOL, or

(6) any facts indicating the soldier is subject to coercion or undue influence.

b. Immediate action by the commander must include notification of the clearance authority by the most expeditious means available. Concurrent with suspension action, an investigation will be initiated to permit expeditious restoration of access or to provide a sound basis for revocation. The soldier must be notified of the suspension, explained the basis for the action, and offered a reasonable opportunity to rebut or explain the derogatory information. Upon completion of this investigation and review of all pertinent facts, both favorable and unfavorable, the clearance authority will make a determination whether to allow the clearance to remain in effect or to revoke the clearance.

c. When a clearance is suspended under circumstances where follow-up by the reporting unit may dispel the adverse information, status reports will be submitted to the Counterintelligence and Security Division of the Directorate of Plans, Training, Mobilization and Security, (DPTMSEC), USAG, FSH, (submit reports for soldiers assigned to Medical Command (MEDCOM), BAMC, or AMEDDC&S to their respective security managers) every 30 days from the date access is suspended until resolution. Status reports will include any additional adverse information developed during the reporting period, and whether or not suspension was based on similar information. Final status reports will contain the recommendation of the commander, or chief of the section or activity, regarding reinstatement or revocation of clearance.

d. When a soldier is incarcerated by military or civil authorities as a result of a conviction for a criminal offense, or when a soldier is dropped from the rolls as a deserter, the soldier's commander must:

(1) Withdraw the security clearance, DA Form 873, Certificate of Clearance and/or Security Determination, from the soldier's Unit Information File and stamp or print across the face "Revoked by Authority of Commander, Central Clearance Facility (CCF), Deserter (Date)" or "Revoked by Authority of Commander, CCF, Incarcerated (Date)."

Forward the security clearance to the Commander, CCF.

e. References:

- (1) AR 380-67, Chapter 8
- (2) AR 604-05.
- (3) FM 27-1, page 7-4.

16-4. RECLASSIFICATION OF ENLISTED SOLDIERS' MILITARY OCCUPATIONAL SPECIALTY (MOS).

a. Unit commanders must recommend MOS reclassification of a soldier under the following circumstances:

Erroneously awarded MOS

(2) Medical (physical disability that precludes performance of duties.

(3) Disciplinary actions under the UCMJ which adversely affect the soldier's eligibility to perform in the MOS.

Loss of MOS qualification

Lack of security clearance required for the MOS

Change to pay grade not authorized for the MOS.

At the direction of CG, PERSCOM.

(8) Successful completion of schooling or on-the-job training in a new specialty as permitted by DA policy.

Promotion in a MOS other than primary

b. Unit commanders may recommend reclassification of an awarded MOS if the soldier does not efficiently perform the technical, supervisory, or other requirements of the MOS. Reclassification is prohibited; however, if during the current enlistment, the MOS involved travel funds, selection for training or use of a school quota from CG, PERSCOM, compliance with

FSH Pam 27-6

reclassification instructions from CG, PERSCOM, first term soldier, or enlistment or selective reenlistment bonuses.

c. When the basis for disqualification is for disciplinary reasons, loss of MOS qualifications, or lack of required security clearance, the commander should initiate reclassification within seven days of a determination that such a condition exists.

d. The soldier may be reclassified by the appropriate authority without the right to a reclassification board. However, reclassification authorities, at their discretion and upon request of a soldier, may allow appearance before a classification board.

e. References:

- (1) AR 600-200, paragraph 2-31
- (2) FM 27-1, pages 7-5 and 7-6