DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ARMY RESERVE
2400 ARMY PENTAGON
WASHINGTON DC 20310-2400

DAAR-JA 25 November 2024

MEMORANDUM FOR MG Deborah L. Kotulich, Deputy Chief of Army Reserve, 2400 Army Pentagon, Washington, DC 20310-2400

SUBJECT: Legal Review of the Exception to Policy (ETP) to Army Regulation (AR) 140-10, Assignments, Attachments, Details, and Transfers.

1. BLUF. Requesting a renewal to the exception to policy (ETP) to Army Regulation (AR) 140-10, para. 3-1, to allow Reserve Component (RC) Specialty Branch Officers to be authorized to voluntarily branch transfer to a basic branch without loss of service credit or change in grade from Deputy Chief of Staff (DCS), G-1 is not legally objectionable.

2. Reference. Army Regulation (AR) 140-10, Assignments, Attachments, Details, and Transfers

3. Background. On 19 December 2023, DCS, G-1 previously approved this ETP, effective 27 October 2024, and valid for 12 months. The current request is a renewal of this previous ETP. AR 140-1, para. 3-1 allows for the branch transfer of officers between basic branches only. This ETP would allow Reserve Component (RC) specialty branch Officers to voluntary branch transfer to a basic branch without loss of service credit or change in grade. Additionally, RC Specialty Branch Officers who voluntarily branch transfer will not be required to reappoint unless there is a change in grade. Further, this ETP supports talent management by creating flexibility and expands broadening opportunities to further professional development.

4. Analysis and Conclusion. DCS, G-1 is the proponent of AR 140-10 and has the authority to approve exceptions or waivers, so long as they are consistent with controlling law and regulations. The Chief of Army Reserve (CAR) has delegated authority to the DCAR to endorse Army Reserve exception to policy requests.[1] Therefore, based on the facts presented, the DCAR submitting this request on behalf of the Army Reserve to DCS, G-1 is not legally objectionable.

6. Point of contact for this legal review is the undersigned at jacob.k.newman.mil@army.mil or 703-806-7781.

NEWMAN.JACOB.KYLE.1046531082 Digitally signed by NEWMAN.JACOB.KYLE.1046531082 Date: 2024.11.25 14:57:33 -05'00'

JACOB K. NEWMAN
CPT, JA
Legal Advisor

[1] CAR DOA #23-09: Endorsement of Exception to Policy Requests to Army Regulations, 29 June 2023.

This opinion contains attorney work product, information protected under the attorney-client privilege, or information otherwise protected under Exemption 5 of the Freedom of Information Act, 5 U.S.C. § 552. Do not release this document without approval of the Staff Judge Advocate.