



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY RESERVE COMMAND
4710 KNOX STREET
FORT BRAGG NC 28310-5010

AFRC-PRP

20 Jan '18

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Processing of Involuntary Separation Actions

1. References:

a. Memorandum, HQ, USARC, AFRC-PRP, 20 May 08, subject: Processing of Involuntary Separation Actions.

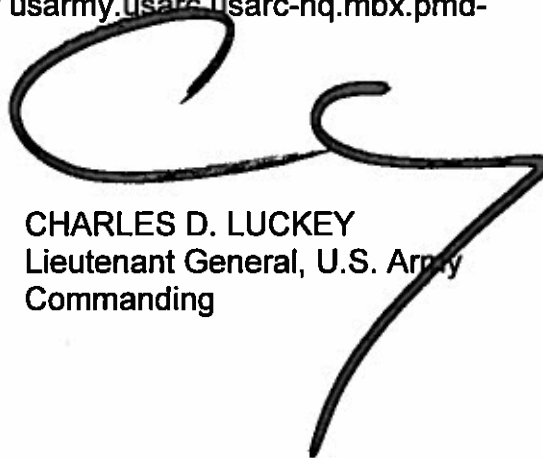
b. AR 135-178, Enlisted Administrative Separations.

c. Memorandum, HQ, USARC, AFRC-PRP, 19 Dec 14, subject: Army Reserve Troop Program Unit (TPU) Enlisted Separation Procedures.

d. USARC Operations Order 16-097, 16 Jun 16 (USAR Management of Non Participants), FRAGO 001, Annex G.

2. Reference 1a is hereby rescinded based on the release of references 1b through 1d.

3. For additional information contact Mr. David Mayo, USARC G-1, Enlisted Management Branch at (910) 570-9520 or usarmy.usarc.usarc-hq.mbx.pmd-emb@mail.mil.



CHARLES D. LUCKEY
Lieutenant General, U.S. Army
Commanding

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AFRC-PRP

SUBJECT: Processing of Involuntary Separation Actions

DISTRIBUTION (CONT)

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76 ORC

ARCD

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UAU (USARC Augmentation Unit)



**DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY RESERVE COMMAND
1401 DESHLER STREET SW
FORT MCPHERSON, GA 30330-2000**

REPLY TO
ATTENTION OF



ARRC-PRP

20 May 2003

MEMORANDUM FOR Commanders, USAR Major Subordinate Commands

SUBJECT: Processing of Involuntary Separation Actions

1. References:

- a. Memorandum, HQ USARC, AFRC-CG, 29 Jan 05, subject: Processing of Disciplinary and Adverse Administrative Actions.
- b. Memorandum, HQ USARC, AFRC-PRP, 27 Apr 07, subject: Processing of Personnel Actions and Involuntary Separation Cases.
- c. AR 135-178, Enlisted Administrative Separations, 13 Mar 07.
- d. Memorandum, HQ USARC, AFRC-PRP-E, 1 Nov 06, subject: Renewal of Delegation of Involuntary Separation Authority Under AR 135-178.
- e. AR 135-175, Separation of Officers, 28 Feb 87.

2. Effective immediately, the memoranda at references 1a and 1b are rescinded.

3. Commanders must take personal responsibility to manage involuntary separations in a deliberate, forward manner to eliminate untimely processing. The inordinate amount of time consumed in these actions has a deleterious effect on our command climate and requires every commander's personal attention.

4. After reviewing numerous involuntary separation cases, it appears there are still substantial delays in processing these actions. I am extremely concerned by the excessive amount of time spent between the alleged infraction by a Soldier and arrival of the action to the separation authority (over a year in some cases). Similar to court cases, the accused in these actions is entitled to timely due process by all concerned.

5. To ultimately reduce the processing time, you will personally review all personnel processes in an effort to reduce the number of steps not connected with command attention or regulatory and due process protections. It is imperative for commanders

Encl 1-1

ARRC-PRP-E

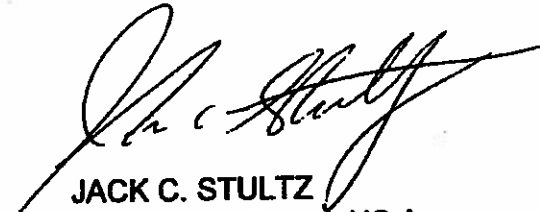
SUBJECT: Processing of Involuntary Separation Actions

at each level to take personal responsibility to ensure immediate action is taken to manage involuntary separations in a deliberate manner. You are reminded the USARC standard for processing involuntary separations, not involving a board, is 145 days from date of notice to the Soldier until completion. Cases requiring a board of officers have a standard of 270 days until completion of the action. You must strive to meet these standards.

6. It is imperative every commander dedicate themselves to the direct disposition of involuntary separations to ensure the morale and welfare of the Army Reserve are sustained. I expect each of you to provide this information, for immediate implementation and appropriate counseling, to every commander within your organization.

7. As a reminder, although paragraphs 1-11 and 1-12 of reference 1c state involuntary discharge actions for enlisted Soldiers with more than 18 but less than 20 qualifying years of service for retired pay will be sent directly to OCAR, these actions will be submitted through this Headquarters (ARRC-PRP-E) for my action prior to forwarding to HQDA.

8. For additional information, contact Mr. Tony Cavalier, Deputy Chief of Staff, G-1, Enlisted Personnel Management Branch, at (404) 464-8928 or tony.cavalier@usar.army.mil.



JACK C. STULTZ
Lieutenant General, US Army
Commanding



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

DAAR-HR

DEC 19 2011

MEMORANDUM FOR

Commanders, Army Reserve Operational, Functional, Training, and Support (OFTS) Commands

Commander, 7th Civil Support Command, Unit 23152, APO AE 09227

Commander, 9th Mission Support Command, 1557 Pass Street, Fort Shafter Flats, HI 96819-1957

SUBJECT: Army Reserve Troop Program Unit (TPU) Enlisted Involuntary Separations Procedures

- 1. References: see enclosure 1.**
- 2. This memorandum provides guidance regarding the involuntary separation of Army Reserve Enlisted Soldiers in accordance with AR 135-178.**
- 3. Commanders will initiate involuntary separation action for TPU enlisted Soldiers when any of the conditions below exist.**
 - a. Any drug or alcohol related offense described in reference 2.**
 - b. Any sexual offenses or any sentence that requires registration as a sex offender as described in reference 3.**
 - c. Any domestic violence conviction that has not been expunged or pardoned.**
 - d. When adverse information (for example, criminal conviction, General Officer Memorandum of Reprimand, referred evaluation reports for misconduct, relief for cause, or a pattern of Army Physical Fitness Test or height and weight standard failures, etc.) has been filed in the Soldier's Army Military Human Resource Record (AMHRR) in accordance with AR 600-37 (Unfavorable Information) since the last selection board reviewed the Soldier's records.**
 - e. When matters of adverse information are filed and pertain to Command Sergeants Major, commands will inform Senior Leader Development Office.**
- 4. IAW AR 135-178, paragraph 1-8, medical examinations are required for Soldiers being processed for separation under chapter 6 (paras 6-3, 6-6, and 6-7 only). In**

DAAR-HR

SUBJECT: Army Reserve Troop Program Unit (TPU) Enlisted Involuntary Separations Procedures

addition to medical examinations, a mental status evaluation is required for Soldiers being processed for separation under paragraph 6-7b. The mental status evaluation for Soldiers being processed under this chapter must have the diagnosis of personality disorder established by a psychiatrist or doctoral-level clinical psychologist with necessary and professional credentials, who is privileged to conduct mental health evaluations for Department of Defense components. The corroborated diagnosis will be forwarded for final review and confirmation by the Chief, Behavioral Health Policy and Service Directorate, Office of the Surgeon General (DASG-HSZ). Medical examinations are a mandatory requirement in some cases, prior to administrative separation, as described in paragraph 1-8e.

5. Commands will not use the Drop From the Rolls (DFR) provisions when a Soldier's conduct or performance indicates that the Soldier should be separated under another appropriate provision of the regulation and a characterization of service is warranted. A DFR action does not result in a discharge or a complete severance from all military status. Administrative convenience or desire to spare a Soldier an unfavorable characterization of service does not justify DFR procedures in lieu of other appropriate separation action.

6. In accordance with reference 1, enlisted Soldiers with over 20 qualifying years of service for retired pay at age 60 have the option of electing transfer to the Retired Reserve in lieu of involuntary separation. The request will be prepared in accordance with AR 140-10. Enclosure 6 provides specific guidance. This guidance will be incorporated into the next revision of USAR Pam 600-5.

7. You are reminded that the USARC processing standard for involuntary separation actions is 145 days from notification of the Soldier to completion of the action for cases not requiring a board. It is highly recommended that you appoint a standing board of officers to facilitate expeditious processing of all separations requiring a board.

a. The lack of timeliness of involuntary separation actions has been an ongoing issue which must be resolved. Soldiers are entitled to timely due process. The excessive amount of time spent between the alleged infraction by a Soldier and the arrival of the action to the final separation authority (over a year in most cases) is unacceptable. Therefore, you will personally review all your personnel processes seeking to reduce the number of steps not connected with regulatory guidance and due process protections, to ultimately reduce the time spent on these actions.

b. It is my understanding that in many cases it is the unit commander's failure to take immediate action to initiate separation which is causing much of the delay in processing time. You must stress to your subordinate commanders, the importance of notifying Soldiers of separation action expeditiously. The lack of timely notification is most evident in substance abuse cases, where notification is required.

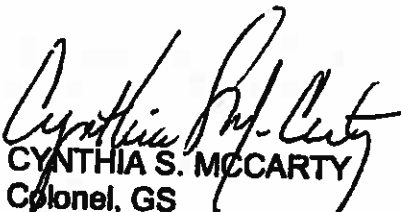
DAAR-HR

SUBJECT: Army Reserve Troop Program Unit (TPU) Enlisted Involuntary Separations Procedures

- c. If necessary, a legal review is required only at the Separation Authority level. Intermediate commanders are reminded not to delay the process to obtain an intermediate level legal review prior to providing recommendations regarding separation/retention and characterization of service. Subordinate commanders are reminded that unit personnel should not hold cases or return them based on any subordinate command's checklist. The only authorized checklists are located in USAR Pam 600-5.
8. In accordance with USAR Pam 600-5, personnel orders, other than intracommand reassignment orders, will be issued by the servicing Regional Personnel Service Center (RPSC).
- a. The RPSC is also responsible for uploading the separation order into iPERMS.
- b. The OFTS commands are responsible for uploading the Soldier's separation packet into iPERMS to include all required documentation outlined on the enlisted separations checklist and board proceedings, if applicable.
9. This memorandum remains in effect until rescinded or superseded.
10. For additional information, contact Ms. Relandra Rhone, Deputy Chief of Staff, G-1, Enlisted Personnel Management Branch, at (910) 570-8145, or usarmy.usarc.usarc-hq.mbx.pmd-emb@mail.mil.

FOR THE CHIEF OF ARMY RESERVE:

7 Encls


CYNTHIA S. MCCARTY
Colonel, GS
Army Reserve G-1

References

1. AR 135-178, Enlisted Administrative Separations, 13 Mar 07, RAR 13 Sep 11.
2. Memorandum, Secretary of the Army, 13 Mar 12, subject: Army Directive 2012-07 (Administrative Processing of Soldiers for Alcohol or Other Drug Abuse) (Encl 2).
3. Memorandum, OCAR, DAAR-HR, 24 Sep 14, subject: Initiating Separation Proceedings and Prohibiting Overseas Assignment/Deployment for Soldiers convicted of Sex Offenses (Encl 5).
4. USAR Pam 600-5, Personnel Actions Guide for Army Reserve Units, 1 Feb 10, and Update 1, 12 May 10, Update 2, 30 Dec 10, Update 3, 1 Sep 12.
5. Memorandum, Secretary of the Army, 14 Nov 11, subject: Exceptions to Policy to Expedite Removal of Unsatisfactory Participants (Encl 3).
6. Memorandum, Department of the Army, DAPE-MPE, 24 Oct 12, subject: Recommend Immediate Change to AR 135-178 (Enlisted Administrative Separations) Change Regulation Regarding Drop From Rolls (DFR) Procedures (Encl 4).
7. Memorandum, USARC, AFRC-PRP, 17 Dec 14, subject: Delegation of Separation Authority Under AR 135-178 (Encl 7).



**SECRETARY OF THE ARMY
WASHINGTON**

13 MAR 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2012-07 (Administrative Processing for Separation of Soldiers for Alcohol or Other Drug Abuse)

- 1. Abuse of alcohol or the use of illegal drugs is inconsistent with Army Values, the Warrior Ethos and the standards of performance, discipline and readiness necessary to accomplish the Army's mission. The Army Substance Abuse Program's mission is to strengthen the overall fitness and effectiveness of the Army's workforce, conserve manpower and enhance the combat readiness of Soldiers through the deterrence, prevention, education and rehabilitation of alcohol and other drug abuse.**
- 2. As outlined in the 2010 Army Health Promotion, Risk Reduction and Suicide Prevention Report, current Soldier separation policies for alcohol and drug abuse rehabilitation are not ideally suited to respond to the Army's emerging drug use, high-risk behavior and death trends. Mindful of my commitment to informed decision-making and the significant institutional interest and investment in our Soldiers, I am directing needed revisions to criteria and retention authorities for drug- and alcohol-related separations.**
- 3. The following policies shall apply to separations initiated under provisions of Army Regulation (AR) 135-175 (Separation of Officers), AR 135-178 (Enlisted Administrative Separations), AR 600-8-24 (Officer Transfers and Discharges) and AR 635-200 (Active Duty Enlisted Administrative Separations). This directive also includes revised policies pertaining to AR 600-8-2 (Suspension of Favorable Personnel Actions (Flags)) and AR 600-85 (The Army Substance Abuse Program). The bases for separation for alcohol and drug abuse and authority for retention are revised as follows:**
 - a. In addition to existing separation policies for alcohol or other drug abuse rehabilitation failures, Soldiers with a subsequent alcohol- or drug-related incident of misconduct at any time during the 12-month period following successful completion of the Army Substance Abuse Program or during the 12-month period following removal from the program, for any reason, will be processed for separation as an alcohol or drug abuse rehabilitation failure. This expanded period, however, does not prevent separation for other reasons authorized by existing administrative separation regulations (or as cited below). The term "process for separation" means that the separation action will be initiated and processed through the chain of command to the separation authority for appropriate action.**
 - b. Except for Soldiers referred to a court-martial authorized to impose a punitive discharge, commanders will process for separation all Soldiers who are:**

Encl 2

SUBJECT: Army Directive 2012-07 (Administrative Processing for Separation of Soldiers for Alcohol or Other Drug Abuse)

(1) Identified as illegal drug abusers, as defined in AR 600-85.

(2) Involved in two serious incidents of alcohol-related misconduct within a 12-month period. As defined in AR 600-85, a serious incident of alcohol-related misconduct is any offense of a civil or military nature that is punishable under the Uniform Code of Military Justice by confinement for a term exceeding 1 year.

(3) Involved in illegal trafficking, distribution, possession, use or sale of illegal drugs.

(4) Tested positive for illegal drugs a second time during his/her career.

(5) Convicted of driving while intoxicated OR driving under the influence a second time during his/her career.

c. For Soldiers who meet these separation criteria but for whom commanders support retention as an exception to existing separation policy, I exercise my authority to withhold the retention authority for enlisted Soldiers of the Active Army and U.S. Army Reserve Active Guard Reserve (AGR) to the first general officer in the chain of command with a judge advocate or legal advisor available in the following instances. This authority may not be delegated. The following guidance is provided:

(1) Noncommissioned officers (corporal and above) processed for separation as provided for in paragraph 3b(1) require a retention decision from the first general officer in the chain of command. All separation decisions (including retention in the Army) for specialist and below will remain with existing separation authorities.

(2) All enlisted Soldiers processed for separation as a result of drug or alcohol misconduct as provided for in paragraphs 3b(2) through 3b(5) require a retention decision from the first general officer in the chain of command.

(3) All separation actions on enlisted Soldiers with 18 or more years of qualifying service for retired pay will be submitted to Headquarters, Department of the Army for final decision in accordance with existing regulatory provisions.

d. The provisions in paragraphs 3c(1) and 3c(2) do not apply to enlisted Soldiers of the Army Reserve (less AGR), Army National Guard or Army National Guard of the United States because a general officer currently is the prescribed separation authority.

e. Continue to process officer separations in accordance with the provisions of AR 600-8-24 and AR 135-175.

SUBJECT: Army Directive 2012-07 (Administrative Processing for Separation of Soldiers for Alcohol or Other Drug Abuse)

f. Commanders must initiate suspension of favorable actions (flags) on all Soldiers who engage in the misconduct described in paragraphs 3a and 3b. Commanders will initiate and remove flags using the newly created adverse action codes as follows:

(1) For drug-related misconduct including, but not limited to, positive drug tests in accordance with AR 600-85, Total Army Personnel Database Code U.

(2) For alcohol-related misconduct including, but not limited to, driving under the influence, on-duty impairment due to alcohol consumption, or drunk and disorderly conduct, Total Army Personnel Database Code V.

(3) Commanders will remove the flag only when:

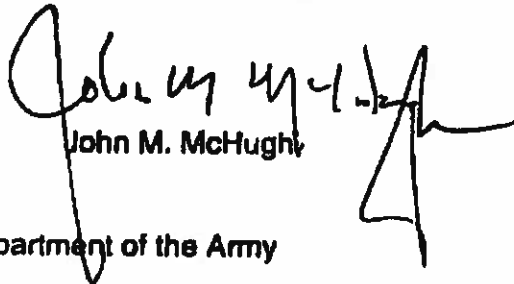
(a) the Soldier is reassigned to the transition point for separation, or

(b) the separation/retention authority (as appropriate) retains the Soldier.

g. After any positive drug test result, the supporting Alcohol and Drug Control Officer will review the Soldier's past urinalysis records in the Drug and Alcohol Management Information System to determine if the Soldier has previous positive urinalysis results. The Alcohol and Drug Control Officer will notify the Soldier's company commander, as well as the first general officer in the chain of command, of all positive urinalysis results in the Soldier's records.

4. The provisions of this directive are effective immediately. The Deputy Chief of Staff, G-1 is the proponent for this policy and will incorporate the guidance in this directive as soon as practical in AR 135-175, AR 135-178, AR 600-8-2, AR 600-8-24, AR 600-85 and AR 635-200.

5. This directive is rescinded upon publication of the last updated regulation.


John M. McHugh

DISTRIBUTION:

**Principal Officials of Headquarters, Department of the Army
Commander**

U.S. Army Forces Command

U.S. Army Training and Doctrine Command

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U.S. Army Europe

(CONT)

SUBJECT: Army Directive 2012-07 (Administrative Processing for Separation of Soldiers for Alcohol or Other Drug Abuse)

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CF:

**Commander, U.S. Army Cyber Command
Director, Office of Business Transformation
Executive Director, Army National Cemeteries Program
Director, Army National Guard**



**SECRETARY OF THE ARMY
WASHINGTON**

14 NOV 2011

MEMORANDUM THRU

~~Assistant Secretary of the Army (Manpower and Reserve Affairs), 111 Army Pentagon,~~
~~Washington, DC 20310-0300 TEL 15 NOV 2011~~
Deputy Chief of Staff G-1, 300 Army Pentagon, Washington, DC 20310-0300

FOR Chief, Army Reserve, 2400 Army Pentagon, Washington, DC 20310-2400

SUBJECT: Exceptions to Policy to Expedite Removal of Unsatisfactory Participants

1. References:

- a. AR 135-175, Separation of Officers, 28 Feb 87 (RAR 27 Apr 10).
- b. Army Regulation (AR) 135-91, Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures, 1 Feb 05.
- c. AR 140-10, Assignments, Attachments, Details, and Transfers, 15 Aug 05.
- d. AR 135-176, Enlisted Administrative Separations, 13 Mar 07 (RAR 27 Apr 10).
- e. DODI 1332.14, Enlisted Administrative Separations, 28 Aug 08.
- f. DODI 1332.30, Separation of Regular and Reserve Commissioned Officers, 11 Dec 08.
- g. Department of Defense Instruction (DODI) 1215.13, Reserve Component (RC) Member Participation Policy, 11 May 09.

2. Your request for exceptions to policy to expedite the removal of Army Reserve Unsatisfactory Participants is addressed by officer and enlisted categories as follows:

a. Officer Separations under AR 135-175.

(1) Your request for exception to paragraph 2-7a, to grant area commanders approval authority to take final action on officer involuntary separation boards and resignations in lieu of involuntary separation, is approved for a period of one year from the date of signature of this memorandum. At the end of that year, this exception will be reviewed to determine effectiveness and should be renewed. The authority to renew this delegation is delegated to the ASA (M&RA) if renewal is determined to be in the best interest of the Army.

Encl 3

SUBJECT: Exceptions to Policy to Expedite Removal of Unsatisfactory Participants

(2) Your request for exception to paragraph 2-3c for separation of probationary officers (with fewer than six years of commissioned service) without board action is approved, but is limited to cases in which the officer is recommended for discharge with a characterization of service as Honorable or General Under Honorable Conditions. Department of Defense Instructions 1215.13 and 1332.30 require a board be held in cases in which a probationary officer is recommended for discharge under other than honorable conditions. Since DODI 1332.30, Enclosure 6, provides specific guidance for separation of probationary officers not reflected in AR 135-175, you must ensure any such discharge actions also comply with the DODI. Consideration should be given to any service obligation the officer may have incurred and whether or not recoupment of any funds related to that obligation may be necessary.

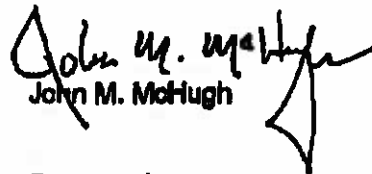
b. Enlisted Separations under AR 135-178. Your request for authority to allow enlisted Soldiers with over 20 qualifying years of service the option of transferring into the Retired Reserve rather than process through an enlisted separation board is approved. Regarding your request to allow area commanders to delegate their separation authority, paragraph 1-10b(2) currently allows area commanders to delegate authority to order separation to any subordinate general officer commander who has a Staff Judge Advocate or legal advisor.

c. Your request for exception to AR 140-10, paragraph 7-1b allowing involuntary transfers (without requests) of eligible Soldiers to the Retired Reserve when such Soldiers are subject to removal from active status for nonparticipation under paragraph 7-3.1 is denied. You will continue to transfer Soldiers eligible for the Retired Reserve to the Individual Ready Reserve until they are required to be separated in accordance with paragraph 7-31b or they elect to transfer to the Retired Reserve.

3. The intent of providing these authorities is that you separate those Soldiers who are no longer eligible for military service and retain those who have potential for future service. Please submit your plan to implement these authorities to the ASA (M&RA) for review prior to execution.

SUBJECT: Exceptions to Policy to Expedite Removal of Unsatisfactory Participants

4. The Army G-1 is directed to initiate a rapid action revisions to AR 135-175 and AR 135-178 to incorporate the authorities approved in paragraphs 2a(2) and 2b of this memorandum.


John M. McHugh

CF:
Commander, U.S. Army Human Resources Command
Commander, U.S. Army Pacific
Commander, U.S. Army Europe



**DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF G-1
300 ARMY PENTAGON
WASHINGTON, D.C. 20310-0300**

DAPE-MPE

24 OCT 2012

**MEMORANDUM FOR Office of the Chief Army Reserve, 2400 Army Pentagon,
Washington, DC 20310-2400**

**SUBJECT: Recommend Immediate Change to AR 135-178 (Enlisted Administrative
Separations) Change Regulation Regarding Drop From Rolls (DFR) Procedures.**

1. References:

**a. Memorandum, OCAR, DAAR-HR, 4 May 2012, subject Recommend Immediate
Change to AR 135-178, (Enlisted Administrative Separations) Change Regulation
Regarding Drop From Rolls (DFR) Procedures.**

b. Army Regulation 135-178, Enlisted Administrative Separation.

**c. Army Regulation 135-91, Service Obligation, Methods of Fulfillment,
Participation Requirements, and Enforcement Procedures.**

**2. Your request for changes to the DFR provision of AR 135-178, paragraph 15-9 is not
favorably considered and is returned without action. The Chief, Army Reserve has the
authority to direct and clarify to units that the DFR provision will not be used when a
Soldier's conduct or performance indicates that the Soldier should be separated under
another appropriate provision of the regulation and a characterization of service is
warranted.**

**3. A Soldier incarcerated by civil conviction, whose sentence is final, may be separated
for misconduct or civil conviction pursuant to AR 135-178, Chapter 12. Characterization
of service will be determined in accordance with the guidelines of Chapter 2, Section III,
of the regulation. Administrative convenience or a desire to spare a Soldier an
unfavorable characterization of service does not justify DFR procedures in lieu of other
appropriate separation action.**

**4. Army Reserve Soldiers who are convicted by civil authorities will be processed for
separation IAW AR 135-178, paragraph 12-2 (Conviction by Civil Court), with the
appropriate characterization of service.**

DAPE-MPE

SUBJECT: Recommend Immediate Change to AR 135-178 (Enlisted Administrative Separations) Change Regulation Regarding Drop From Rolls (DFR) Procedures.

5. My point of contact for this action is LTC Miriam Lopez. You may contact her at 703-695-7614 or DSN 225-7614 for more information or assistance.

FOR THE DEPUTY CHIEF OF STAFF, G-1:

A handwritten signature in black ink, appearing to read "Thomas C. Seamands". The signature is stylized with a large initial "T" and a long, sweeping underline.

**THOMAS C. SEAMANDS
Brigadier General, GS
Director of Military
Personnel Management**



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

DAAR-HR

24 SEP 2014

MEMORANDUM FOR

**Commanders, Army Reserve Operational, Functional, Training, and Support (OFTS)
Commands**

Commander, 7th Civil Support Command, Unit 23152, APO AE 09227

**Commander, 9th Mission Support Command, 1557 Pass Street, Fort Shafter Flats, HI
96819-1957**

**SUBJECT: Initiating Separation Proceedings and Prohibiting Overseas Assignment/
Deployment for Soldiers convicted of Sex Offenses**

1. References:

- a. MILPER Message 14-140, 19 May 14, subject: Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses (Encl 1).
- b. Memorandum, Secretary of the Army, 7 Nov 13, subject: Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses) (Encl 2).
- c. ALARACT Message 035/2014, 12 Feb 14, subject: (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses) (Encl 3).
- d. AR 135-175, Separation of Officers, 28 Feb 87/RAR 4 Aug 11.
- e. AR 135-178, Enlisted Administrative Separations, 18 Mar 14.
- f. AR 600-9, Army Body Composition Program, 28 Jun 13.
- g. AR 600-8-24, Officer Transfers and Discharges, 12 Apr 06/RAR 13 Sep 11
- h. AR 635-200, Active Duty Enlisted Administrative Separations, 6 Jun 05/RAR 6 Sep 11.

2. This memorandum provides implementing guidance regarding the assignment and involuntary separation of Army Reserve Soldiers convicted of sex offenses as outlined in reference 1a.

3. Once a Soldier has been identified as having been convicted of a sex offense that has not resulted in punitive discharge or dismissal, commanders will initiate an administrative separation action as indicated below. Commanders will also immediately initiate a suspension of favorable personnel action (FLAG) for affected Soldiers, using flag code "B" and ensuring appropriate databases are updated to reflect the flag.

Encl 5

DAAR-HR

**SUBJECT: Initiating Separation Proceedings and Prohibiting Overseas Assignment/
Deployment for Soldiers convicted of Sex Offenses**

a. Enlisted Soldiers will be processed for administrative separation in accordance with AR 135-178 or AR 635-200. If the separation authority approves retention, he or she will initiate an action for the exercise of secretarial plenary separation under AR 135-178 or AR 635-200.

b. Commissioned and Warrant Officers will be processed for administrative separation in accordance with AR 135-175 or AR 600-8-24. No further action is required if the officer or warrant officer who has been convicted of a sex offense has already been subject to an administrative separation action for the conviction and has been retained by the Secretary of the Army or his delegated approval authority.

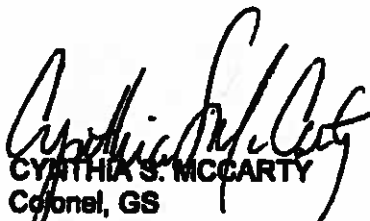
4. Commanders will ensure that Soldiers convicted of a sex offense are not assigned or deployed on a Temporary Duty (TDY), Temporary Change of Station (TCS), or Permanent Change of Duty (PCS) status to duty stations outside of the continental United States (OCONUS). The only permitted OCONUS locations are Hawaii, Alaska, the Commonwealth of Puerto Rico, or territories or possessions United States. Soldiers who have been convicted of a sex offense and are currently serving in any non-permitted OCONUS locations are ineligible for continued duty at those locations. Soldiers who are deployed to a non-permitted OCONUS location in any status (TDY/TCS) will immediately be returned to their parent organization.

5. Affected Non-Active/Guard Reserve (Non-AGR) Soldiers, whose domicile and unit of assignment are located in a non-permitted OCONUS location, may remain in that location pending separation by their current command. These Soldiers, however, will only perform inactive or Active duty service at the location of their unit of assignment, except where travel is necessary as part of the separation process.

6. For additional information or assistance with TPU officer separations, contact CW3 David E. Rose, Army Reserve G-1, Officer Management Branch, at (910) 570-8838 or usarmy.usarc.usarc-hq.mbx.pmd-omb@mail.mil. For additional information with AGR officer separations or AGR enlisted separations contact CW5 Larry Wood, Army Reserve G-1, Active Military Management Branch, at 910-570-8836, or usarmy.usarc.usarc-hq.mbx.ammb@mail.mil. For additional information with TPU enlisted separations, contact Ma Relandra Rhone, Army Reserve G-1, Enlisted Management Branch, at (910) 570-8145, or relandra.l.rhone.civ@mail.mil.

FOR THE CHIEF OF ARMY RESERVE:

3 Encls


CYNTHIA S. MCCARTY
Colonel, GS
Army Reserve G-1

**Milper Message Number
14-140**

**Proponent
AHRC-PLP**

**Title
INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS
ASSIGNMENT/DEPLOYMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES**

...Issued: [19 May 14]...

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- A. SECTION 16911, TITLE 42, UNITED STATES CODE (42 USC 16911).**
- B. THE NATIONAL GUIDELINES FOR SEX OFFENDER REGISTRATION AND NOTIFICATION, DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, 2 JULY 2008 (FEDERAL REGISTER, VOLUME 73, NUMBER 128, PAGES 38030-38070).**
- C. ARMY DIRECTIVE 2013-21 (INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS ASSIGNMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES), 07 NOVEMBER 2013.**
- D. DEPARTMENT OF DEFENSE INSTRUCTION (DODI) 1325.07, ADMINISTRATION OF MILITARY CORRECTION FACILITIES AND CLEMENCY AND PAROLE AUTHORITY, 11 MARCH 2013.**
- E. ALARACT 035/2014 (INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS ASSIGNMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES), 12 FEBRUARY 2014.**
- F. ARMY REGULATION (AR) 27-10 (MILITARY JUSTICE), 03 OCTOBER 2011.**
- G. AR 135-178, ENLISTED ADMINISTRATIVE SEPARATIONS, 13 MARCH 07, RAPID ACTION REVISION (RAR) 2, 13 SEP 2011.**
- H. AR 635-200, ACTIVE DUTY ENLISTED ADMINISTRATIVE SEPARATIONS, 6 JUNE 2006, RAR 3, 6 SEPTEMBER 2011.**
- I. AR 135-175, SEPARATION OF OFFICERS, 28 FEB 87, RAR 2, 4 AUGUST 2011.**
- J. AR 600-8-24, OFFICER TRANSFERS AND DISCHARGES, 12 APR 06, RAR 3, 13 SEPTEMBER 2011.**
- K. AR 600-8-2, SUSPENSION OF FAVORABLE PERSONNEL ACTIONS (FLAGS), 23 OCTOBER 2012.**
- L. AR 10-87, ARMY COMMANDS, ARMY SERVICE COMPONENT COMMANDS, AND DIRECT REPORTING UNITS, 4 SEPTEMBER 2007.**
- M. AR 614-30, OVERSEAS SERVICE, 30 MARCH 2010.**
- N. AR 614-100, OFFICER ASSIGNMENT POLICIES, DETAILS, AND TRANSFERS, 10 JANUARY 2006.**
- O. AR 614-200, ENLISTED ASSIGNMENTS AND UTILIZATION MANAGEMENT, 29 FEBRUARY 2009, RAR 2, 11 OCTOBER 2011.**
- 1. THIS MILPER MESSAGE IS EFFECTIVE UPON RELEASE AND WILL EXPIRE NLT 18 MAY 2016.**
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2. THE PURPOSE OF THIS MESSAGE IS TO PROVIDE GUIDANCE ON PROCEDURES TO INITIATE SEPARATION PROCEEDINGS AND PROHIBIT OVERSEAS ASSIGNMENT/DEPLOYMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES, IN ACCORDANCE WITH REFERENCE C ABOVE. REFERENCE C ABOVE ESTABLISHES ARMY POLICY PROHIBITING THE OVERSEAS ASSIGNMENT OR DEPLOYMENT OF ANY SOLDIER CONVICTED OF A SEX OFFENSE. SOLDIERS CONVICTED AND RETAINED WHO ARE SERVING IN SUCH AN AREA SHALL BE REASSIGNED OR PROCESSED FOR SEPARATION IN ACCORDANCE WITH THE GUIDANCE CONTAINED WITHIN THIS MESSAGE.

3. APPLICABILITY:

A. FOR THE PURPOSES OF THIS MESSAGE, A CONVICTION INCLUDES A PLEA OR FINDING OF GUILTY, A PLEA OF NOLO CONTENDERE, AND ALL OTHER ACTIONS TANTAMOUNT TO A FINDING OF GUILTY. THE CONVICTION QUALIFIES IF IT OCCURRED IN ANY U.S. JURISDICTION. IAW REFERENCE A, AS FURTHER EXPLAINED BY REFERENCE B, CERTAIN FOREIGN CONVICTIONS MAY ALSO BE COVERED. A CONVICTION INCLUDES A CONVICTION AT A GENERAL OR SPECIAL COURT-MARTIAL, BUT DOES NOT INCLUDE RESULTS FROM A SUMMARY COURT-MARTIAL OR NONJUDICIAL PUNISHMENT UNDER THE UNIFORMED CODE OF MILITARY JUSTICE (UCMJ), ARTICLE 15.

B. CONSISTENT WITH REFERENCES A, B, AND F, A SEX OFFENSE INCLUDES OFFENSES FROM ANY OF THESE SIX CATEGORIES: (1) OFFENSES INVOLVING A SEXUAL ACT OR SEXUAL CONTACT, AS DEFINED BY THE JURISDICTION WHERE THE CONVICTION OCCURRED; (2) CERTAIN OFFENSES AGAINST MINORS, AS DEFINED IN PARAGRAPH 7 OF REFERENCE A; (3) FEDERAL OFFENSES UNDER 18 USC, SECTION 1591, OR 18 USC CHAPTERS 109A OR 117; (4) A MILITARY OFFENSE SPECIFIED UNDER APPENDIX 4 TO ENCLOSURE 2 TO REFERENCE D; (5) ATTEMPTS AND CONSPIRACIES TO COMMIT ONE OF THE OFFENSES IN (1) THROUGH (4); OR A MILITARY OFFENSE SPECIFIED IN PARAGRAPH 24-2 OF REFERENCE F. COMMANDERS SHOULD CONSULT WITH THEIR SERVICING JUDGE ADVOCATE (SJA) FOR QUESTIONS PERTAINING TO CONVICTIONS REFERENCE C.

C. UPON DISCOVERY THAT A SOLDIER WITHIN THEIR COMMAND RECEIVED A SEX OFFENSE CONVICTION THAT DID NOT RESULT IN A PUNITIVE DISCHARGE OR DISMISSAL, COMMANDERS WILL INITIATE AN ADMINISTRATIVE SEPARATION ACTION. THIS APPLIES TO ALL PERSONNEL CURRENTLY IN THE ARMY, REGARDLESS OF WHEN THE CONVICTION FOR A SEX OFFENSE OCCURRED AND REGARDLESS OF COMPONENT OF MEMBERSHIP AND CURRENT STATUS IN THAT COMPONENT. IAW REFERENCE K, SOLDIERS PENDING INVOLUNTARY SEPARATION OR DISCHARGE MUST BE FLAGGED. THE EFFECTIVE DATE OF THE FLAG SHOULD CORRESPOND WITH THE DATE THE SOLDIER IS NOTIFIED OF AN INTENT TO SEPARATE. THE FLAG WILL BE REMOVED WHEN THE SOLDIER IS REASSIGNED TO A TRANSITION POINT, OR A DECISION TO RETAIN IS MADE BY THE SECRETARY OF THE ARMY OR HIS DESIGNEE.

(1) FOR ENLISTED PERSONNEL:

(A) COMMANDERS WILL FOLLOW THE CURRENT POLICY FOR INITIATING AN ADMINISTRATIVE SEPARATION PURSUANT TO REFERENCES G OR H, AS APPROPRIATE.

(B) IF THE SEPARATION AUTHORITY APPROVES RETENTION, HE OR SHE WILL INITIATE AN ACTION FOR THE EXERCISE OF SECRETARIAL PLENARY SEPARATION AUTHORITY UNDER PARAGRAPH 14-3 OF REFERENCE G, OR PARAGRAPH 5-3 OF REFERENCE H, AS APPROPRIATE. USE OF SECRETARIAL PLENARY AUTHORITY SHOULD ORDINARILY BE USED WHEN A SOLDIER WITH A SEX OFFENSE HAS FIRST BEEN PROCESSED FOR SEPARATION UNDER ANOTHER REGULATORY BASIS AND BEEN RETAINED.

(C) IF AN ENLISTED SOLDIER WHO HAS BEEN CONVICTED OF A SEX OFFENSE ALREADY HAS BEEN SUBJECT TO AN ADMINISTRATIVE SEPARATION UNDER REFERENCES G OR H FOR THAT CONVICTION AND HAS BEEN RETAINED, THE SEPARATION AUTHORITY WILL INITIATE SEPARATION UNDER SECRETARIAL PLENARY AUTHORITY, AS DETAILED IN PARAGRAPH 14-3 OF REFERENCE GOR PARAGRAPH 5-3 OF REFERENCE H, AS APPROPRIATE.

(2) FOR COMMISSIONED AND WARRANT OFFICERS:

(A) COMMANDERS WILL INITIATE AN ELIMINATION ACTION UNDER REFERENCES I OR J, AS APPROPRIATE.

(B) NO FURTHER ACTION IS REQUIRED IF A COMMISSIONED OR WARRANT OFFICER WHO HAS BEEN CONVICTED OF A SEX OFFENSE HAS ALREADY BEEN SUBJECT TO AN ELIMINATION ACTION FOR THAT CONVICTION AND HAS BEEN RETAINED BY THE SECRETARY OF THE ARMY OR HIS DELEGATED APPROVAL AUTHORITY. UP 10 USC 1182(D)(1), IF A BOARD OF INQUIRY DETERMINES THAT THE OFFICER HAS ESTABLISHED THAT HE OR SHE SHOULD BE RETAINED ON ACTIVE DUTY, THAT OFFICER'S CASE IS CLOSED AND THEY MAY NOT BE CONSIDERED FOR SEPARATION FOR THE SAME CONDUCT.

D. COMMANDERS WILL ENSURE THAT SOLDIERS CONVICTED OF AN OFFENSE ARE NOT ASSIGNED OR DEPLOYED ON A TEMPORARY DUTY (TDY), TEMPORARY CHANGE OF STATION (TCS), OR PERMANENT CHANGE OF STATION (PCS) STATUS TO DUTY STATIONS OUTSIDE OF THE CONTINENTAL UNITED STATES (OCONUS). THE ONLY PERMITTED OCONUS LOCATIONS ARE HAWAII, ALASKA, THE COMMONWEALTH OF PUERTO RICO, OR TERRITORIES OR POSSESSIONS OF THE UNITED STATES.

E. SOLDIERS WHO HAVE BEEN CONVICTED OF A SEX OFFENSE AND ARE CURRENTLY SERVING IN ANY NON-PERMITTED OCONUS LOCATIONS ARE INELIGIBLE FOR CONTINUED DUTY AT THOSE LOCATIONS. OVERSEAS COMMANDERS OF ARMY COMMANDS, ARMY SERVICE COMPONENT COMMANDS OR DIRECT REPORTING UNITS (AS ESTABLISHED IN REFERENCE L) WILL IDENTIFY SUCH SOLDIERS IN THEIR COMMANDS AND COORDINATE WITH THE APPLICABLE HEADQUARTERS, DEPARTMENT OF THE ARMY ASSIGNMENT AUTHORITY (E.G., COMMANDER, U.S. ARMY HUMAN RESOURCES COMMAND; THE JUDGE ADVOCATE GENERAL; OR CHIEF OF CHAPLAINS) FOR REASSIGNMENT TO THE CONTINENTAL UNITED STATES OR TO A PERMITTED OCONUS LOCATION, LISTED IN PARAGRAPH 3.D. ABOVE, AS SOON AS POSSIBLE. SOLDIERS WHO ARE DEPLOYED TO A NON-PERMITTED OCONUS LOCATION IN ANY STATUS (TDY/TCS) WILL IMMEDIATELY BE RETURNED TO THEIR PARENT ORGANIZATION. COMMAND RESPONSIBILITY TO REASSIGN OR REDEPLOY A SOLDIER TAKES PRECEDENCE OVER INITIATION OF SEPARATION ACTIONS. SOLDIERS CONVICTED OF A SEX OFFENSE WILL FIRST BE REASSIGNED OR REDEPLOYED TO CONUS OR A PERMITTED OCONUS LOCATION. THE APPLICABLE HEADQUARTERS, DEPARTMENT OF THE ARMY ASSIGNMENT AUTHORITY WILL NOTIFY THE GAINING COMMAND OF THE REQUIREMENT TO INITIATE SEPARATION OR ELIMINATION. THE RECEIVING COMMANDER WILL SUBSEQUENTLY INITIATE SEPARATION PROCEEDINGS IN ACCORDANCE WITH PARAGRAPH 3.C., ABOVE.

(1) AFFECTED SOLDIERS WHO ARE IN MILITARY CONFINEMENT FACILITIES IN ANY NON-PERMITTED OCONUS LOCATION WILL REMAIN FOR THE TERM OF THEIR CONFINEMENT. AFFECTED SOLDIERS WHO ARE CONVICTED OF A SEX OFFENSE AND SCHEDULED FOR IMMEDIATE CONFINEMENT IN A NON-PERMITTED OCONUS LOCATION MAY UNDERGO THIS CONFINEMENT AS SCHEDULED. IN EITHER OF THESE CIRCUMSTANCES, COMMANDERS WILL FOLLOW CURRENT POLICY FOR INITIATING ADMINISTRATIVE SEPARATION PROCEEDINGS, WITH THE INTENT TO COMPLETE THE SEPARATION PROCESS DURING THE PERIOD OF CONFINEMENT. IF SEPARATION CANNOT BE FINALIZED DURING THE PERIOD OF CONFINEMENT, REASSIGNMENT TAKES PRECEDENCE UPON COMPLETION OF CONFINEMENT, AS OPPOSED TO THE SOLDIER REMAINING IN THE NON-PERMITTED OCONUS LOCATION FOR

THE PURPOSE OF FINALIZING SEPARATION.

(2) AFFECTED NON-ACTIVE GUARD RESERVE (NON-AGR) SOLDIERS, WHOSE DOMICILE AND UNIT OF ASSIGNMENT ARE LOCATED IN A NON-PERMITTED OCONUS LOCATION, MAY REMAIN IN THAT LOCATION PENDING SEPARATION BY THEIR CURRENT COMMAND. THESE SOLDIERS, HOWEVER, WILL ONLY PERFORM INACTIVE OR ACTIVE DUTY SERVICE AT THE LOCATION OF THEIR UNIT OF ASSIGNMENT, EXCEPT WHERE TRAVEL IS NECESSARY AS PART OF THE SEPARATION PROCESS.

F. SOLDIERS WHOSE ASSIGNMENTS ARE MANAGED BY AHRC, HAVE BEEN CONVICTED OF AN OFFENSE REQUIRING REGISTRATION AS A SEX OFFENDER, AND DO NOT HAVE AN ADJUDGED PUNITIVE DISCHARGE ARE CODED BY AHRC WITH AN ASSIGNMENT CONSIDERATION CODE (ASCO) OF "L8" (ASSIGNMENT RESTRICTIONS FOR CONVICTED SEXUAL ASSAULT OFFENDERS). CONSISTENT WITH PARAGRAPH 3.C. ABOVE, O-5/LTC LEVEL COMMANDERS WILL REQUEST PLACEMENT OF ASCO L8 FOR THOSE SOLDIERS WHOSE ASSIGNMENTS ARE MANAGED BY AHRC. COMMANDERS' REQUESTS SHOULD FIRST BE VALIDATED BY THEIR ADVISING JUDGE ADVOCATE (JA), WHO WILL ALSO COORDINATE WITH THE OFFICE OF THE JUDGE ADVOCATE GENERAL (OTJAG), CRIMINAL LAW BRANCH TO ENSURE THAT THE SOLDIER HAS A QUALIFYING CONVICTION IAW ESTABLISHED POLICY. VALIDATED REQUESTS SHOULD BE FORWARDED BY MEMORANDUM TO THE CDR, ARMY HUMAN RESOURCES COMMAND, ATTN: AHRC-EPO-A (ENLISTED) OR AHRC-OPD-A (OFFICER), 1800 SPEARHEAD DIVISION AVENUE, FORT KNOX, KY 40122-5303. REQUESTS SHOULD INCLUDE THE SOLDIER'S FULL NAME, MOS, GRADE, APO ID, HOME OF RECORD AND MUST INDICATE SERVICING JA AND OTJAG VALIDATION. ONCE REQUEST IS RECEIVED BY HRC AN ASCO CODE L8 WILL BE APPLIED TO SOLDIER'S RECORD.

4. THIS IS A HQDA G1, HUMAN RESOURCES COMMAND, OFFICE OF ARMY RESERVE (OCAR) AND ARMY NATIONAL GUARD (ARNG) COORDINATED MESSAGE.

5. FOR ARMY USE ONLY, POINTS OF CONTACT:

A. HRC OFFICER PERSONNEL MANAGEMENT DIRECTORATE, COMMERCIAL: (502) 613-6829, USARMY.KNOX.HRC.MBX.OPMD-OPD-PCS-POLICY@MAIL.MIL

B. HRC ENLISTED PERSONNEL MANAGEMENT DIRECTORATE, COMMERCIAL: (502) 613-6852, USARMY.KNOX.HRC.MBX.EPMD-EPSAB-SO@MAIL.MIL

C. OCAR, G-1, COMMERCIAL: (703) 806-7489.

D. ARNG, PERSONNEL POLICY DIVISION, COMMERCIAL: (703) 607-0480.



**SECRETARY OF THE ARMY
WASHINGTON**

07 NOV 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses)

1. References:

- a. Title 42, United States Code, section 16911.**
- b. Army Regulation (AR) 27-10 (Military Justice), 3 October 2011.**
- c. AR 135-178 (Enlisted Administrative Separations), 13 March 2007, including Rapid Action Revision (RAR) 2 issued 13 September 2011.**
- d. AR 635-200 (Active Duty Enlisted Administrative Separations), 6 June 2005, including RAR 3 issued 6 September 2011.**
- e. AR 135-175 (Separation of Officers), 28 February 1987, including RAR 2 issued 4 August 2011.**
- f. AR 600-8-24 (Officer Transfers and Discharges), 12 April 2006, including RAR 3 issued 13 September 2011.**
- g. AR 10-87 (Army Commands, Army Service Component Commands, and Direct Reporting Units), 4 September 2007.**

2. Sex offenses are serious crimes. Notwithstanding the provisions of any other Army regulation, directive, policy or other like guidance published by any Army official or organization, this directive establishes new policy to ensure that the decision to retain any Soldier convicted of a sex offense is fully informed and in the Army's best interest. In addition, this directive establishes Army policy prohibiting the overseas assignment or reassignment of any Soldier convicted of a sex offense.

3. Commanders will initiate the administrative separation of any Soldier convicted of a sex offense, as defined by references 1a or 1b, whose conviction did not result in a punitive discharge or dismissal. This policy applies to all personnel currently in the Army, regardless of when the conviction for a sex offense occurred and regardless of component of membership and current status in that component.

SUBJECT: Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses)

a. For enlisted personnel:

(1) Commanders will follow the current policy for initiating administrative separation proceedings pursuant to references 1c or 1d, as appropriate.

(2) If the separation authority approves retention, he or she will initiate an action for the exercise of Secretarial plenary separation authority under paragraph 14-3 of reference 1c or paragraph 5-3 of reference 1d, as appropriate.

(3) If an enlisted Soldier who has been convicted of a sex offense already has been subject to an administrative separation action under references 1c or 1d for that conviction and has been retained as a result of that proceeding, the separation authority will initiate a separation action under the Secretarial plenary authority, as detailed in paragraph 3a(2) of this directive.

b. For commissioned and warrant officers:

(1) Commanders will initiate an elimination action under references 1e or 1f, as appropriate.

(2) No further action is required if a commissioned or warrant officer who has been convicted of a sex offense has already been subject to an elimination action for that conviction and has been retained.

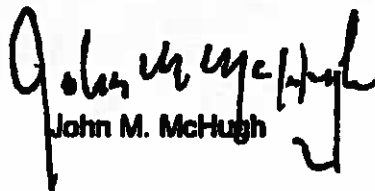
4. Commanders will ensure that Soldiers convicted of an offense covered by references 1a or 1b are not assigned or deployed on a temporary duty (TDY), temporary change of station (TCS) or permanent change of station (PCS) status to duty stations outside of the Continental United States (CONUS). The only permitted CONUS locations are Hawaii, Alaska, the Commonwealth of Puerto Rico, or Territories or possessions of the United States.

5. Soldiers currently serving in any non-permitted CONUS locations who have been convicted of an offense covered by references 1a or 1b are ineligible for continued duty at those locations. Accordingly, overseas commanders of Army Commands, Army Service Component Commands or Direct Reporting Units (as established in reference 1g) will identify such Soldiers in their commands and coordinate with the applicable Headquarters, Department of the Army Assignment Authority (Commander, U.S. Army Human Resources Command; The Judge Advocate General; or Chief of Chaplains) for reassignment to the continental United States or the permitted CONUS locations listed in paragraph 4 as soon as possible. Soldiers who are deployed to a non-permitted CONUS location in any status (TDY/TCS) will immediately be returned to their parent organization. Command responsibility to reassign or redeploy a Soldier under this policy takes precedence over initiation of separation. Accordingly, Soldiers

SUBJECT: Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses)

convicted of an offense covered by references 1a or 1b will first be reassigned or redeployed to a CONUS or permitted OCONUS location. The receiving commander will subsequently ensure the initiation of separation in accordance with paragraph 3.

6. The provisions of this directive are effective immediately. The Deputy Chief of Staff, G-1 is the proponent for this policy and, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), will publish appropriate implementing instructions as soon as possible. This directive and its implementing instructions take precedence over and cancel any conflicting guidance. They will remain in effect until relevant Army regulations are revised and published to incorporate the policies set forth herein.



John M. McHugh

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(CONT)

SUBJECT: Army Directive 2013-21 (Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses)

DISTRIBUTION: (CONT)

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***** UNCLASSIFIED/ *****

Subject: ALARACT 035/2014 - INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS ASSIGNMENT/DEPLOYMENT FOR SOLDIERS CONVICTED OF SE

Originator: /C=US/O=U.S.

GOVERNMENT/OU=DOD/OU=ARMY/OU=ORGANIZATIONS/L=CONUS/L=WASHINGTON

DC/OU=USAITA(UC)/OU=ALARACT RELEASE AUTHORITY(UC)

DTG: 122100Z Feb 14

Precedence: ROUTINE

DAC: General

To: ALARACT, AL ALARACT(UC)

UNCLASSIFIED/

THIS MESSAGE HAS BEEN TRANSMITTED BY USAITA ON BEHALF OF//DAPE-MPE//

SUBJECT: INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS ASSIGNMENT/DEPLOYMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES

1. REFERENCES.

A. DEPARTMENT OF THE ARMY DIRECTIVE 2013-21 (INITIATING SEPARATION PROCEEDINGS AND PROHIBITING OVERSEAS ASSIGNMENT FOR SOLDIERS CONVICTED OF SEX OFFENSES).

B. SECTION 16911, TITLE 42, UNITED STATES CODE (42 USC 16911).

C. THE NATIONAL GUIDELINES FOR SEX OFFENDER REGISTRATION AND NOTIFICATION, DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, 2 JULY 2008 (FEDERAL REGISTER, VOLUME 73, NUMBER 128, PAGES 38030-38070).

D. DOD INSTRUCTION (DODI) 1325.07, ADMINISTRATION OF MILITARY CORRECTIONAL FACILITIES AND CLEMENCY AND PAROLE AUTHORITY, 11 MAR 13.

E. ARMY REGULATION (AR) 27-10, MILITARY JUSTICE, 3 OCT 11.

F. AR 135-178, ENLISTED ADMINISTRATIVE SEPARATIONS, 13 MAR 07, RAPID ACTION REVISION (RAR) 2, 13 SEP 11.

G. AR 635-200, ACTIVE DUTY ENLISTED ADMINISTRATIVE SEPARATIONS, 6 JUN 05, RAR 3, 6 SEP 11.

H. AR 135-175, SEPARATION OF OFFICERS, 28 FEB 87, RAR 2, 4 AUG 11.

I. AR 600-8-24, OFFICER TRANSFERS AND DISCHARGES, 12 APR 06, RAR 3, 13 SEP 11.

J. AR 10-87, ARMY COMMANDS, ARMY SERVICE COMPONENT COMMANDS, AND DIRECT REPORTING UNITS, 4 SEP 07.

K. AR 614-30, OVERSEAS SERVICE, 30 MAR 10.

L. AR 614-100, OFFICER ASSIGNMENT POLICIES, DETAILS, AND TRANSFERS, 10 JAN 06.

ENCLOSURE

M. AR 614-200, ENLISTED ASSIGNMENTS AND UTILIZATION MANAGEMENT, 29 FEB 09, RAR 2, 11 OCT 11.

2. PURPOSE. IN ACCORDANCE WITH REFERENCE A ABOVE, THIS MESSAGE ANNOUNCES CHANGES TO ARMY POLICY.

A. SEX OFFENSES ARE SERIOUS CRIMES. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER ARMY REGULATION, DIRECTIVE, POLICY OR OTHER LIKE GUIDANCE, THIS MESSAGE CONVEYS NEW POLICY, APPROVED BY THE SECRETARY OF THE ARMY ON 7 NOVEMBER 2013, TO ENSURE THAT THE DECISION TO RETAIN ANY SOLDIER CONVICTED OF A SEX OFFENSE IS FULLY INFORMED AND IN THE ARMY'S BEST INTEREST.

B. IN ADDITION, REFERENCE 1.A. ABOVE ESTABLISHES ARMY POLICY PROHIBITING THE OVERSEAS ASSIGNMENT OR DEPLOYMENT OF ANY SOLDIER CONVICTED OF A SEX OFFENSE. SOLDIERS CONVICTED AND RETAINED WHO ARE SERVING IN SUCH AN AREA SHALL BE REASSIGNED OR PROCESSED FOR SEPARATION IN ACCORDANCE WITH PARAGRAPH 3.B AND 3.C BELOW.

3. POLICY.

A. FOR THE PURPOSES OF THIS POLICY, A CONVICTION INCLUDES A PLEA OR FINDING OF GUILTY, A PLEA OF NOLO CONTENDERE, AND ALL OTHER ACTIONS TANTAMOUNT TO A FINDING OF GUILTY. THE CONVICTION QUALIFIES UNDER THIS POLICY IF IT OCCURRED IN ANY U.S. JURISDICTION. IAW REFERENCE B, AS FURTHER EXPLAINED BY REFERENCE C, CERTAIN FOREIGN CONVICTIONS MAY ALSO BE COVERED. A CONVICTION UNDER THIS POLICY INCLUDES A CONVICTION AT A GENERAL OR SPECIAL COURT-MARTIAL, BUT DOES NOT INCLUDE RESULTS FROM A SUMMARY COURT-MARTIAL OR NONJUDICIAL PUNISHMENT UNDER THE UNIFORMED CODE OF MILITARY JUSTICE (UCMJ), ARTICLE 15.

B. CONSISTENT WITH REFERENCES 1.B, C, AND E, FOR THE PURPOSES OF THIS POLICY, A SEX OFFENSE INCLUDES OFFENSES FROM ANY OF THESE SIX CATEGORIES: (1) OFFENSES INVOLVING A SEXUAL ACT OR SEXUAL CONTACT, AS DEFINED BY THE JURISDICTION WHERE THE CONVICTION OCCURRED; (2) CERTAIN OFFENSES AGAINST MINORS, AS DEFINED IN PARAGRAPH 7 OF REFERENCE B; (3) FEDERAL OFFENSES UNDER 18 USC, SECTION 1591, OR 18 USC CHAPTERS 109A OR 117; (4) A MILITARY OFFENSE SPECIFIED UNDER APPENDIX 4 TO ENCLOSURE 2 TO REFERENCE D; (5) ATTEMPTS AND CONSPIRACIES TO COMMIT ONE OF THE OFFENSES IN (1) THROUGH (4); OR A MILITARY OFFENSE SPECIFIED IN PARAGRAPH 24-2 OF REFERENCE E. COMMANDERS SHOULD CONSULT THEIR LOCAL STAFF JUDGE ADVOCATE (SJA) FOR QUESTIONS PERTAINING TO CONVICTIONS UNDER THIS POLICY.

C. UPON DISCOVERY THAT A SOLDIER WITHIN THEIR COMMAND SUSTAINED A SEX OFFENSE CONVICTION THAT DID NOT RESULT IN A PUNITIVE DISCHARGE OR DISMISSAL, COMMANDERS WILL INITIATE AN ADMINISTRATIVE SEPARATION ACTION. THIS POLICY APPLIES TO ALL PERSONNEL CURRENTLY IN THE ARMY, REGARDLESS OF WHEN THE CONVICTION FOR A SEX OFFENSE OCCURRED AND REGARDLESS OF COMPONENT OF MEMBERSHIP AND CURRENT STATUS IN THAT COMPONENT.

(1) FOR ENLISTED PERSONNEL:

(A) COMMANDERS WILL FOLLOW THE CURRENT POLICY FOR INITIATING AN ADMINISTRATIVE SEPARATION PURSUANT TO REFERENCES 1.F. OR 1.G., AS APPROPRIATE. USE OF SECRETARIAL PLENARY AUTHORITY, PER SUBPARAGRAPH (B) BELOW, SHOULD ORDINARILY BE

USED WHEN A SOLDIER WITH A SEX OFFENSE HAS FIRST BEEN PROCESSED FOR SEPARATION UNDER ANOTHER REGULATORY BASIS AND BEEN RETAINED.

(B) IF THE SEPARATION AUTHORITY APPROVES RETENTION, HE OR SHE WILL INITIATE AN ACTION FOR THE EXERCISE OF SECRETARIAL PLENARY SEPARATION AUTHORITY UNDER PARAGRAPH 14-3, AR 135-178 OR PARAGRAPH 5-3 OF AR 635-200, AS APPROPRIATE.

(C) IF AN ENLISTED SOLDIER WHO HAS BEEN CONVICTED OF A SEX OFFENSE ALREADY HAS BEEN SUBJECT TO AN ADMINISTRATIVE SEPARATION UNDER REFERENCES 1.F. OR 1.G., FOR THAT CONVICTION AND HAS BEEN RETAINED, THE SEPARATION AUTHORITY WILL INITIATE SEPARATION UNDER THE SECRETARIAL PLENARY AUTHORITY, AS DETAILED IN PARAGRAPH 14-3, AR 135-178 OR PARAGRAPH 5-3, AR 635-200 AS APPROPRIATE.

(2) FOR COMMISSIONED AND WARRANT OFFICERS:

(A) COMMANDERS WILL INITIATE AN ELIMINATION ACTION UNDER REFERENCES 1.H. OR 1.I., AS APPROPRIATE.

(B) NO FURTHER ACTION IS REQUIRED IF A COMMISSIONED OR WARRANT OFFICER WHO HAS BEEN CONVICTED OF A SEX OFFENSE HAS ALREADY BEEN SUBJECT TO AN ELIMINATION ACTION FOR THAT CONVICTION AND HAS BEEN RETAINED. UP 10 USC 1182(D)(1), IF A BOARD OF INQUIRY DETERMINES THAT THE OFFICER HAS ESTABLISHED THAT HE OR SHE SHOULD BE RETAINED ON ACTIVE DUTY, THAT OFFICER'S CASE IS CLOSED AND THEY MAY NOT AGAIN BE CONSIDERED FOR SEPARATION FOR THE SAME CONDUCT.

D. COMMANDERS WILL ENSURE THAT SOLDIERS CONVICTED OF A SEX OFFENSE ARE NOT ASSIGNED OR DEPLOYED ON A TEMPORARY DUTY (TDY), TEMPORARY CHANGE OF STATION (TCS), OR PERMANENT CHANGE OF STATION (PCS) STATUS TO DUTY STATIONS OUTSIDE OF THE CONTINENTAL UNITED STATES (OCONUS). THE ONLY PERMITTED OCONUS LOCATIONS ARE HAWAII, ALASKA, THE COMMONWEALTH OF PUERTO RICO, OR TERRITORIES OR POSSESSIONS OF THE UNITED STATES.

E. SOLDIERS CURRENTLY SERVING IN ANY NON-PERMITTED OCONUS LOCATIONS WHO HAVE BEEN CONVICTED OF A SEX OFFENSE ARE INELIGIBLE FOR CONTINUED DUTY AT THOSE LOCATIONS. ACCORDINGLY, OVERSEAS COMMANDERS OF ARMY COMMANDS, ARMY SERVICE COMPONENT COMMANDS OR DIRECT REPORTING UNITS (AS ESTABLISHED IN REFERENCE 1.J.) WILL IDENTIFY SUCH SOLDIERS IN THEIR COMMANDS AND COORDINATE WITH THE APPLICABLE HEADQUARTERS, DEPARTMENT OF THE ARMY ASSIGNMENT AUTHORITY (E.G., COMMANDER, U.S. ARMY HUMAN RESOURCES COMMAND; THE JUDGE ADVOCATE GENERAL; OR CHIEF OF CHAPLAINS) FOR REASSIGNMENT TO THE CONTINENTAL UNITED STATES OR TO A PERMITTED OCONUS LOCATIONS, LISTED IN PARAGRAPH 3.D., ABOVE AS SOON AS POSSIBLE. SOLDIERS WHO ARE DEPLOYED TO A NON-PERMITTED OCONUS LOCATION IN ANY STATUS (TDY/TCS) WILL IMMEDIATELY BE RETURNED TO THEIR PARENT ORGANIZATION. COMMAND RESPONSIBILITY TO REASSIGN OR REDEPLOY A SOLDIER UNDER THIS POLICY TAKES PRECEDENCE OVER INITIATION OF SEPARATION. ACCORDINGLY, SOLDIERS CONVICTED OF A SEX OFFENSE WILL FIRST BE REASSIGNED OR REDEPLOYED TO CONUS OR A PERMITTED OCONUS LOCATION. THE RECEIVING COMMANDER WILL SUBSEQUENTLY ENSURE THE INITIATION OF SEPARATION IN ACCORDANCE WITH PARAGRAPH 3.C., ABOVE.

(1) AFFECTED SOLDIERS WHO ARE IN MILITARY CONFINEMENT FACILITIES IN ANY NON-PERMITTED OCONUS LOCATION WILL REMAIN FOR THE TERM OF THEIR CONFINEMENT. AFFECTED SOLDIERS WHO ARE CONVICTED OF A SEX OFFENSE AND SCHEDULED FOR IMMEDIATE

CONFINEMENT IN A NON-PERMITTED OCONUS LOCATION MAY UNDERGO THIS CONFINEMENT AS SCHEDULED. IN EITHER OF THESE CIRCUMSTANCES, COMMANDERS WILL FOLLOW CURRENT POLICY FOR INITIATING ADMINISTRATIVE SEPARATION PROCEEDINGS, WITH THE INTENT TO COMPLETE THE SEPARATION PROCESS DURING THE PERIOD OF CONFINEMENT. IF SEPARATION CANNOT BE FINALIZED DURING THE PERIOD OF CONFINEMENT, REASSIGNMENT TAKES PRECEDENCE UPON COMPLETION OF CONFINEMENT, AS OPPOSED TO THE SOLDIER REMAINING IN THE NON-PERMITTED OCONUS LOCATION FOR THE PURPOSE OF FINALIZING SEPARATION.

(2) AFFECTED NON-ACTIVE GUARD RESERVE (NON-AGR) SOLDIERS, WHOSE DOMICILE AND UNIT OF ASSIGNMENT ARE LOCATED IN A NON-PERMITTED OCONUS LOCATION, MAY REMAIN IN THAT LOCATION PENDING SEPARATION BY THEIR CURRENT COMMAND. THESE SOLDIERS, HOWEVER, WILL ONLY PERFORM INACTIVE OR ACTIVE DUTY SERVICE AT THE LOCATION OF THEIR UNIT OF ASSIGNMENT, EXCEPT WHERE TRAVEL IS NECESSARY AS PART OF THE SEPARATION PROCESS.

4. THE PROVISIONS OF THIS MESSAGE ARE EFFECTIVE IMMEDIATELY. THIS MESSAGE AND ANY IMPLEMENTING INSTRUCTIONS (E.G., MILPER MESSAGES) TAKE PRECEDENCE OVER AND SUPERSEDE ANY CONFLICTING GUIDANCE. THIS MESSAGE REMAINS IN EFFECT UNTIL ARMY REGULATIONS LISTED IN PARAGRAPH 1 ABOVE ARE REVISED AND PUBLISHED, AS APPLICABLE.

5. THE DEPUTY CHIEF OF STAFF, G-1 IS THE PROPONENT FOR ADMINISTRATIVE SEPARATIONS AND ASSIGNMENT POLICY. THE HQDA POC FOR ENLISTED SEPARATIONS IS CHIEF, PROFESSIONAL DEVELOPMENT BRANCH, (DAPE-MPE), ODCS, G-1 (DSN 225-7991, COMMERCIAL 703-695-7991), AND THE HQDA POC FOR OFFICER SEPARATIONS IS CHIEF, OFFICER CAREER POLICY BRANCH (DAPE-MPO), ODCS, G-1 (DSN 225-7277; COMMERCIAL 703-695-7277). THE HQDA POC FOR ASSIGNMENT POLICY IS CHIEF, DISTRIBUTION AND READINESS BRANCH, (DAPE-MPE), ODCS, G-1 (DSN 225-7961/7924, COMMERCIAL 703-695-7961/7924).

6. EXPIRATION DATE OF THIS MESSAGE CANNOT BE DETERMINED.

Reassignment to the Retired Reserve in Lieu of Involuntary Separation Procedures

1. Eligibility: Soldiers notified of involuntary separation action who have 20 or more qualifying years of service for retired pay.

2. Request will include the following:

a. DA Form 4651-R, Request for Reserve Component Assignment or Attachment, signed by the Soldier requesting reassignment to the Retired Reserve.

b. Separation packet to include notification memoranda and Soldier's signed election indicating Soldier desires reassignment to the Retired Reserve in lieu of involuntary separation.

c. Copy of Soldiers Notification of Eligibility to Receive Retired Pay at Age 60 (20 Year Memorandum) or ARPC Form 240 substantiating 20 qualifying years of service for retired pay.

3. Procedures.

a. Unit submits the above documentation via HRPAS to OFTS Command for General Officer approval. Any recommendations for disapproval must include sufficient justification and submitted to this headquarters for final determination by the USARC Deputy Commanding General (Operations) or (Support) on behalf of the Commander, US Army Reserve Command.

b. Once request has been approved, OFTS Command forwards the packet to RPSC via HRPAS to issue orders. The approval memorandum signed by the general officer will include the statement "I approve and direct the reassignment of SPC John Doe to the Retired Reserve in lieu of involuntary separation."

c. The RPSC will issue orders transferring the Soldier to the Retired Reserve, using the loss code of "HV" and will include the following statement in Additional Instructions "Soldier elected transfer to the Retired Reserve in lieu of involuntary separation proceedings under AR 135-178, chapter "X" (chapter in which Soldier would have been separated)". Effective date of the order will be 30 days from the date of the issuance of the order.

d. RPSC will distribute order to OFTS Command and USARC G-1, Enlisted Management Branch (EMB) via email to usarmy.usarc.usarc-hq.mbx.pmd-emb@mail.mil.

e. OFTS command will distribute orders to unit, Soldier, finance, update personnel database, and file documents, to include separation packet, in iPERMS.



**DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY RESERVE COMMAND
4710 KNOX STREET
FORT BRAGG, NC 28310-5010**

DEC 17 2014

AFRC-PRP

**MEMORANDUM FOR Commanders, Army Reserve Operational, Functional, Training,
and Support Commands**

SUBJECT: Delegation of Separation Authority Under AR 135-178

1. References:

- a. Memorandum, USARC, AFRC-PRP, 11 Dec 13, subject: Delegation of Involuntary Separation Authority Under AR 135-178.**
- b. AR 135-178, Enlisted Administrative Separations, 18 Mar 14.**
- c. AR 15-6, Procedures for Investigating Officers and Board of Officers, 2 Oct 06.**
- d. USAR Pam 600-5, Personnel Actions Guide for Army Reserve Units, 1 Feb 10, and Update 1, 12 May 10, Update 2, 30 Dec 10, Update 3, 1 Sep 12.**

2. This memorandum supersedes reference 1a.

3. Effective immediately, USARC General Officer (GO) Commanders who have a Judge Advocate or legal advisor are delegated separation authority under AR 135-178.

4. Promotable colonels (COL(P)) who are slotted in a GO Commander position are qualified GO Commanders. Commands without a qualified GO Commander will forward separation actions for final determination to the next higher headquarters with a qualified GO Commander.

5. I retain the authority to take final action on the approved board proceedings for Soldiers with at least 18 but less than 20 qualifying years of service for retired pay in accordance with AR 135-178, paragraph 1-10b(2). This retained authority includes directing retention, suspending the discharge, or forwarding the board results to Headquarters, Department of the Army in accordance with AR 135-178, paragraphs 1-11 and 1-12. All completed administrative separation board proceedings pertaining to such Soldiers will be forwarded to this Headquarters (AFRC-PRP) via memorandum, and will include a disposition recommendation by the USARC General Officer Commander.

6. The separation authority or those delegated the authority must personally appoint boards of officers, approve changes of voting members of the boards, refer Soldiers to

Encl 7

AFRC-PRP

SUBJECT: Delegation of Separation Authority Under AR 135-178

those boards, and approve the findings and recommendations. This authority may not be further delegated, with the exception that your Staff Judge Advocate (and the Deputy SJA) has the authority to:

a. Excuse individual administrative board members before the first session of the board.

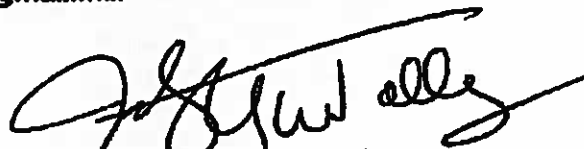
b. Appoint a recorder and legal advisor to the board.

7. Commands will not use Drop From the Rolls (DFR) provisions when a Soldier's conduct or performance indicates that the Soldier should be separated under another appropriate provision of the regulation and a characterization of service is warranted. A DFR action does not result in a discharge or a complete severance from all military status. Administrative convenience or desire to spare a Soldier an unfavorable characterization of service does not justify DFR procedures in lieu of other appropriate separation action.

8. In accordance with USAR Pam 600-5, personnel orders, other than Intracommand reassignment orders, will be issued by the servicing Regional Personnel Service Center (RPSC). Also, as the separation authority, your command is responsible for uploading the Soldier's separation packet into IPERMS to include all required documentation outlined on the enlisted separations checklist and board proceeding, if applicable.

9. This memorandum remains in effect until rescinded or superseded.

10. For additional information, contact Ms. Relandra Rhone, Deputy Chief of Staff, G-1, Enlisted Personnel Management Branch, at (910) 570-8145, or usarmy.usarc.usarc-hq.mbx.pmd-emb@mail.mil.



JEFFREY W. TALLEY
Lieutenant General, US Army
Commanding