



# Commanders Guide for Handling Substandard Soldiers



# References



- FM 6-22 Appendix B (Developmental Counseling)
- AR 600-8-22 (Suspension of Favorable Personnel Actions (Flags))
- AR 600-37 (Administrative Reprimands)
- AR 623-3 and DA PAM 623-3 (Relief for Cause)
- AR 140-11 (Bar to Reenlistment)
- AR 135-178 (Rehabilitative Transfer)
- AR 600-8-19 (Reduction for Inefficiency)
- AR 135-175 and AR 135-178 (Separation from the Army Reserves)



# Rehabilitative Tools



- Counseling**
- Suspension of Favorable Personnel Action (Flags)**
- Administrative Reprimands**
- Relief for Cause**
- Bar to Reenlistment**
- Rehabilitative Transfer**
- Reduction for Inefficiency**
- Separation from the Army Reserve**



# Rehabilitative Tools (cont'd)



- **Rehabilitative Tools should be utilized in a sequential fashion to provide the Soldier Plenty of time to reach a desired outcome:**
- **Informal Developmental Counseling**
- **Formal Developmental Counseling with any applicable flagging action**
- **Relief for Cause (based on performance)**
- **Reduction in Rank and or possible bar to Reenlistment (Enlisted Only)**
- **Separation from the Army Reserve**
- **Some instances will not allow for a sequential process depending on the severity of the infraction.**



# Developmental Counseling



**Commanders and supervisors are expected to routinely counsel all Soldiers concerning their duty performance either superior or substandard. FM 6-22 Appendix B,**

**Although Counseling sessions vary, a leader always benefits from documenting the main points of a counseling session, even the informal (i.e. talking to your Soldiers) ones. FM 6-22 Appendix B, B-57**

**Documentation serves as a ready reference for an agreed upon Plan of Action and enables the leader to make proper recommendations for Professional Development, Schools, promotions, and evaluation reports.**

**If involuntary separation is contemplated, the counseling MUST be recorded on a DA Form 4856, Developmental Counseling Form**



# Suspension of Favorable Personnel Actions (Flag)



A Flag is an “*administrative tool*” used to prevent and/or preclude:

- ✓ Execution of favorable actions
- ✓ Movement of a Soldier

A Flag (DA Form 268):

- ✓ will be initiated immediately when a Soldier’s status changes from favorable to unfavorable.
- ✓ is not to be used for *punishment* or *restriction*.
- ✓ is not the final disposition.
- ✓ will ***not*** be removed for the purpose of allowing a Soldier to PCS.
- ✓ is ***mandatory*** when an investigation is initiated by military or civilian authorities.

**Favorable personnel actions impacted by a flag:**

- ✓ Appointment, reappointment, reenlistment, or extension
- ✓ Reassignment, except flags for APFT/HT/WT failure
- ✓ Promotion
- ✓ Awards
- ✓ Attendance at military or civilian school
- ✓ Unqualified resignations, retirement, or discharge (only if adverse action)
- ✓ Payment of enlistment or selected reenlistment bonus
- ✓ Assumption of command
- ✓ Family member travel
- ✓ Command sponsorship of family members
- ✓ Advance or excess leave
- ✓ Platform instruction (USAR Soldiers flagged for weight control)



# Suspension of Favorable Personnel Actions (Flag)



## Two types of Flags:

- ✓ Transferrable: Soldier may be transferred to another unit
- ✓ Non-transferrable: Soldier may not be transferred to another unit

## Transferrable Flags:

- ✓ Failure of Army Physical Fitness Test (J)
- ✓ Entrance in Army Weight Control Program (K)
- ✓ Punishment phase (H) (when punishment does not include confinement, restraint, or geographical travel restrictions)

## Non-transferrable Flags:

- ✓ Adverse action (A)
- ✓ Involuntary separation/discharge (B)
- ✓ Removal from a selection list – Field initiated (C)
- ✓ Pending removal/consideration from a command, promotion, or school selection list – HQDA initiated (F)
- ✓ Referred OER/Relief for Cause NCOER (D)
- ✓ Security violation (E)
- ✓ Drug abuse adverse action (U)
- ✓ Alcohol abuse adverse action (V)
- ✓ Commander's investigation (L)
- ✓ Law enforcement investigation (M)
- ✓ Non-recommendation for automatic promotion (P) or (T)
- ✓ Lautenberg Amendment (X)
- ✓ Family Care plan (X)
- ✓ Credentialing (medical, chaplain, SJA) (X)
- ✓ Noncompliance with USC Title 10, Section 10206 (X)



# Suspension of Favorable Personnel Actions (Flag)



## Effective dates:

- ✓ Unless otherwise specified, the effective date will be the date the circumstance(s) requiring the flag occurred (not the date the flag was initiated)
- ✓ Remove the flag on the date the Soldier's status changes from unfavorable to favorable, circumstances requiring the flag are resolved or punishment is adjudicated
- ✓ See AR 600-8-2, Chapter 2 for specific guidance

## Flag Authority:

- ✓ Unless specified otherwise, only commanding officers, commandants, or an officer with specified authority to sign "For the Commander" may authenticate a DA Form 268
- ✓ Commander HRC will authenticate flags initiated by HQDA

## Counseling:

- ✓ Unit commander or first line leader will counsel all Soldiers in writing prior to the conclusion of the first training period following the date the flag was initiated
- ✓ Includes reason for the flag, requirements for flag removal, and action prohibited by the flag
- ✓ All Soldiers will be provided a copy of the DA Form 268 initiating and removing a flag

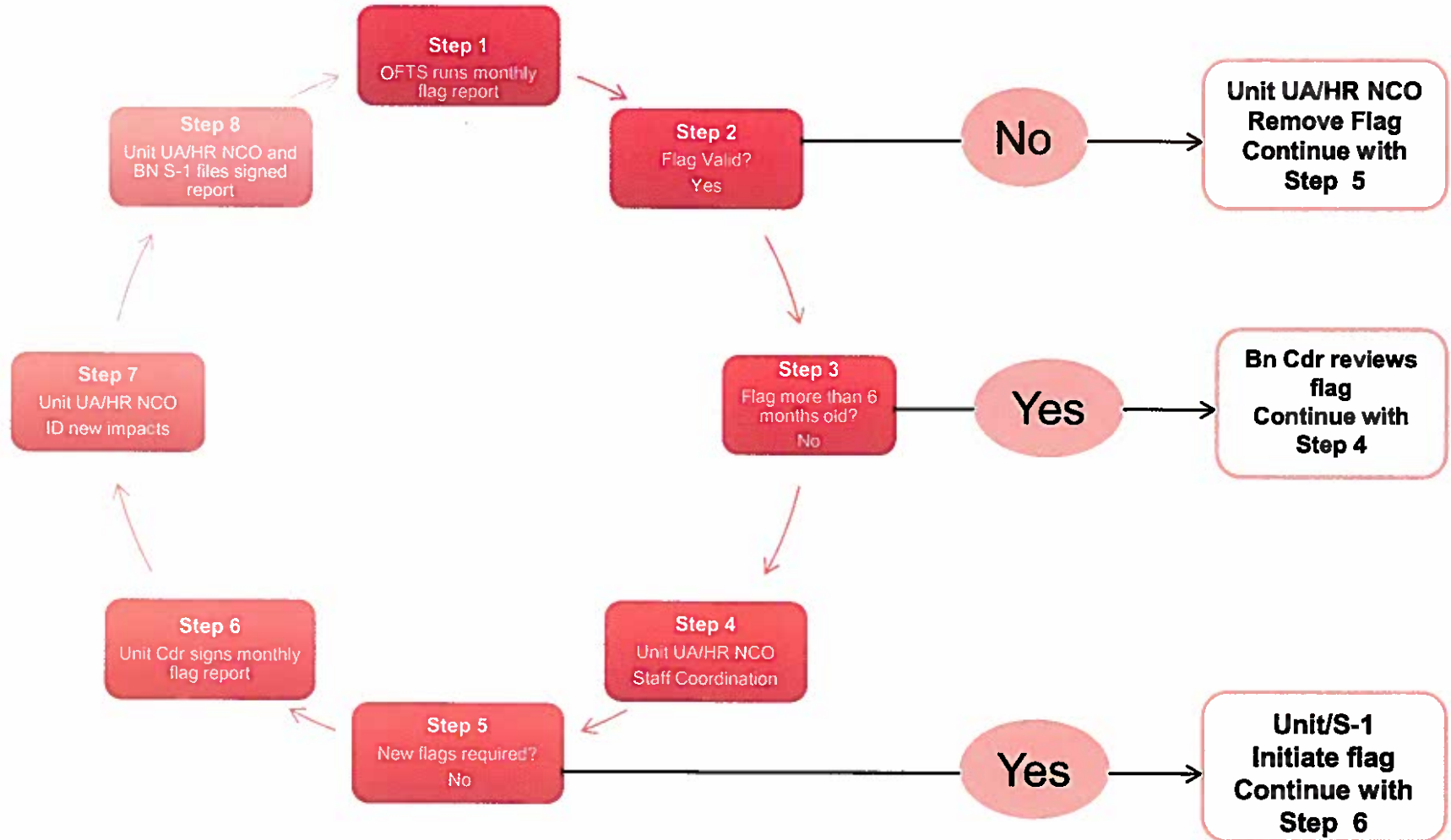
## Flag Management:

- ✓ Units will maintain DA Form 268 and supporting documents on active flags for all Soldiers within their unit
- ✓ Active flag cases will be reviewed at least monthly
- ✓ Battalion-level commanders will review and validate flags over 6 months old (policy)





# Unit Flag Management





# Administrative Reprimands



When a supervisor or commander believes that it is more likely than not that a Soldier has committed a specific act of misconduct, a unit commander or supervisor in the rating chain may issue a memorandum of admonition or reprimand.

- ✓ The commander may simply give a memorandum of admonishment to the Soldier without further action.
- ✓ If the commander or supervisor is considering filing the reprimand in the Soldier's **Official Military Personnel File (OMPF)**, the requirements and procedures specified in AR 600-37, Chapter 3 apply.

The reprimand and supporting documentation must be provided to the Soldier who must be allowed to respond in writing prior to a final decision.

The memorandum must contain a statement that the admonition or reprimand is being imposed as an administrative measure and not as nonjudicial punishment under Article 15 of the UCMJ.



# Administrative Reprimands



The Soldier may provide statements and rebuttal documents. When **MPRJ** filing is directed, statements and evidence furnished by the recipient will be attached to the letter.

When filing in the **OMPF**, the filing direction letter, signed by a General Officer or General Court martial Convening Authority (GCMCA), will state that the Soldier submitted matters on his/her behalf and that they were considered.

- ✓ If the Soldier failed to respond within the time given, indicate in the filing directive that although given the opportunity to submit matters in rebuttal, the Soldier chose not to.
- ✓ If the Soldier's acknowledgement reflects that the Soldier initially intended to submit a rebuttal, but ultimately did not, then the referral correspondence should affirmatively state that although the Soldier initially indicated an intent to submit a rebuttal, the Soldier ultimately did not submit one within the allotted time.

Filing in the **OMPF** is in the performance fiche only, not the restricted fiche. Forward any **OMPF** directed reprimands; acknowledgement; response; and filing directive to: Commander, HRC



# Relief for Cause



**If the relief is based upon the findings and recommendations of an informal AR 15-6 investigation, the referral procedures of that regulation must be complied with prior to initiating any relief for cause action, even though a relief evaluation report is referred to the recipient pursuant to AR 623-3, Evaluation Reporting System.**

**The relieving commander may temporarily suspend the Soldier from assigned duties pending consideration of the Soldier's rebuttal to the AR 15-6 investigation.**

**Soldiers who are relieved for cause may be reattached [to a unit] as directed by Commander, HRC following coordination with OCAR. Reattachment of a Noncommissioned Officer, Warrant Officer or Commissioned Officer who has been relieved to another unit will not be accomplished until the HRC Evaluation Reports Division has processed the appropriate NCOER or OER.**



# Relief for Cause



- **The removal of a rated Soldier from an assigned position based on a decision by a member of the Soldier's chain of command/supervisory chain that the Soldiers personal or professional characteristics, conduct, behavior, or performance of duty warrant their removal from the position in the best interests of the US Army.**
- **Relief actions require the completion of a "Relief for Cause" OER or NCOER.**
- **Please Note: A relieved Soldier cannot prepare or submit an evaluation report on his or her subordinates during the suspension period leading up to the relief or after the relief is final.**



# Bar to ReEnlistment



**If a bar to reenlistment is justified, it will be initiated whether or not the Soldier intends to reenlist.**

**A bar to reenlistment should not be based on generalities, approximate dates, or vague places and times. It should be specific and substantiated by official remarks made at the time of the occurrence.**

**Counseling should be provided on each occurrence and all instances made a matter of official record.**

**It is essential the individual be counseled when acts considered unworthy of a member of the USAR are performed.**



# Conditions that Warrant a BAR to Reenlistment



Bars should be considered for Soldiers in the following categories:

- ✓ **Untrainable Soldiers**
- ✓ **Unsuitable Soldiers**
- ✓ **Single Soldiers and/or in-service couples with dependent family members**

Soldiers against whom bar to reenlistment proceedings may be initiated:

- ✓ **AWOL for 1- to 24-hour periods**
- ✓ **Losses of clothing and equipment**
- ✓ **Late for formations, details, or assigned duties**
- ✓ **Substandard personal appearance**
- ✓ **Substandard personal hygiene**
- ✓ **Excessive unexcused absences BAs**
- ✓ **Cannot follow orders, takes too much time, shirks, and resists authority**
- ✓ **Cannot train for a job; apathetic; disinterested**
- ✓ **Cannot adapt to military life; uncooperative; involved in frequent difficulties with fellow Soldiers**
- ✓ **Causes trouble in the civilian community**
- ✓ **Involved in immoral acts**
- ✓ **Adverse financial transactions or recurring debts**
- ✓ **Recurrent punishments under the provisions of Article 15, UCMJ**
- ✓ **Frequent traffic violations**
- ✓ **Failure to manage personal, marital, or family affairs**
- ✓ **Behavior brings discredit upon unit or the Army**
- ✓ **Failure to achieve weapons qualification**
- ✓ **Failure to pass the APFT**
- ✓ **Failure to meet the body fat standards**
- ✓ **Slow progression resulting from pattern of marginal conduct or performance**
- ✓ **No demonstrated potential for future service based on repeated corrective counseling statements and other indicators**



# Bar to Reenlistment (inappropriate)



**A bar to reenlistment should not be initiated against an individual—**

- ✓ **Who has been assigned to a command for less than 90 days**
- ✓ **During the last 90 days before the Soldier is discharged transferred from the command, or released from active duty**
- ✓ **If initiated during this period, the commander must provide a complete explanation as to why the action was not taken earlier**
- ✓ **This explanation will be entered on DA Form 8028–R (US Army Reserve Bar to Reenlistment Certificate)**





# Rehabilitative Transfer (AGR)



**Permanent changes of station funds are limited, and, unless a commander strongly recommends a Soldier for a rehabilitative reattachment, a transfer may not be possible.**

- ✓ **Commanders or their representatives must coordinate the rehabilitative reattachment with Commander, HRC**
- ✓ **Commander, HRC will evaluate a commander's request and the complete personnel file, and then take appropriate action**
- ✓ **Rehabilitative reattachments are dependent on availability of a position commensurate with the Soldier's specialty and skill level**
- ✓ **Commanders may follow the provisions of AR 140-30, paragraph 5-9 to temporarily detail a Soldier (the location will not be greater than 50 miles) not more than 90 days, for rehabilitation purposes**



# Rehabilitative Transfer (AGR)



**Permanent changes of station funds are limited, and, unless a commander strongly recommends a Soldier for a rehabilitative reattachment, a transfer may not be possible.**

- ✓ **Commanders or their representatives must coordinate the rehabilitative reattachment with Commander, HRC**
- ✓ **Commander, HRC will evaluate a commander's request and the complete personnel file, and then take appropriate action**
- ✓ **Rehabilitative reattachments are dependent on availability of a position commensurate with the Soldier's specialty and skill level**
- ✓ **Commanders may follow the provisions of AR 140-30, paragraph 5-9 to temporarily detail a Soldier (the location will not be greater than 50 miles) not more than 90 days, for rehabilitation purposes**



# Reduction for inefficiency defined

---



**Inefficiency is a demonstration of characteristics that shows that the person cannot perform duties and responsibilities commensurate of the Soldier's current rank and MOS.**

**For the purpose of administrative reduction, inefficiency must be predicated on a pattern of acts, conduct or negligence that clearly shows the Soldier lacks the abilities and qualities normally required and expected of the Soldier's rank and experience.**

**Although CDRs may consider misconduct, including conviction by civil court, as bearing on inefficiency, misconduct alone will not be the basis for an administrative reduction under this paragraph.**



# Reduction for inefficiency (AGR)



**Governed by AR 600-8-19, chapter 10**

**Enlisted Soldiers who have served at least 90 days in the same unit may be administratively reduced one pay grade for inefficiency**

**Although promotion authority for AGR Soldiers SFC and above has not been given to local commanders, reduction authority for inefficiency has been specifically delegated to field commanders**

**Commander should establish a pattern of inefficiency, rather than identify a specific incident, when seeking a reduction in grade. (Long-standing personal debts that Soldiers have not attempted to resolve can also serve as basis for a one-grade reduction for inefficiency.)**



# Reduction for inefficiency (TPU)



**Governed by AR 600-8-19, chapter 10**

**A Soldier must have served in the same unit for at least 90 days prior to being reduced for inefficiency.**

**The CDR initiating the reduction action will present documents showing the Soldier's inefficiency to the reduction authority.**

**This may include:**

**Statements of counseling and documented attempts at rehabilitation by chain of command or supervisors.**

**Record of performance, acts, conduct, or negligence during the period concerned.**

**Correspondence from creditors, attempting to collect a debt from the Soldier.**

**Adverse correspondence from civil authorities.**



# Reduction for inefficiency (TPU)



**Documents will establish a pattern of inefficiency rather than identify a specific incident.**

**Reduction for inefficiency will not be used for the following:**

**To reduce Soldiers for actions for which they have been acquitted because of court-martial proceedings or civil proceedings.**

**In lieu of UCMJ, Article 15.**

**To reduce a Soldier for a single act of misconduct.**

**The CDR reducing the Soldier will inform him or her, in writing, of the action contemplated and the reasons.**

**The Soldier will acknowledge receipt of the memorandum by endorsement and may submit any pertinent matter in rebuttal.**

**Any matter submitted by the Soldier must be considered by the reduction board and reduction authority prior to rendering a decision.**



# Separations from the Army Reserve



**Separation of AC/AGR Soldiers is governed by AR 635-200**

- ✓ **Unsatisfactory performance (Chapter 13)**
- ✓ **Misconduct (Chapter 14)**
- ✓ **Qualitative Management Program (Chapter 19)**

**USAR TPU Enlisted Soldiers **are** governed by AR 135-178**

- ✓ **Unsatisfactory performance (Chapter 9)**
- ✓ **Misconduct (Chapter 12)**
- ✓ **Unsatisfactory participation (Chapter 13)**

**USAR TPU Officers **are** governed by AR 135-175**

- ✓ **Involuntary Separations (Chapter 2)**