

515 '67

AR 600-20
*C 8

CHANGE
No. 8

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 27 October 1965

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

AR 600-20, 3 July 1962, is changed as follows:

12. Command of installations, activities, and units.

d. Optimum length of command tours.

(Added) The optimum length of command tours must be based on the needs of the Army, stability within units, the needs for officers with command experience, and availability of personnel. Optimum command tours are established as follows:

- (1) For company grade, 18 months with a minimum of 12 months.
- (2) For field grade, 24 months with a minimum of 18 months and a permissible minimum of 12 months for Medical Corps officers.
- (3) In oversea areas where the tour length precludes such tenure of command, the command tour will coincide with the oversea tour.

46.1 Participation in public demonstrations.

(Added) Participation in picket lines or any other public demonstrations, including those pertaining to civil rights, may imply Army sanction of the cause for which the demonstration is conducted. Such participation by members of the Army, not sanctioned by competent authority, is prohibited—

- a. During the hours they are required to be present for duty.
- b. When they are in uniform.
- c. When they are on a military reservation.
- d. When they are in a foreign country.
- e. When their activities constitute a breach of law and order.
- f. When violence is reasonably likely to result.

48. Medical care. (Superseded) *a. General.* A member of the Army on active duty or active duty for training usually will be required to submit to medical care considered necessary to protect or

maintain the health of others, to preserve the member's life, or alleviate undue suffering by the member. A commanding officer may, with the concurrence of the hospital commander, order the hospitalization of any member of his command to submit to a physical examination when indicated.

b. Explanation of term. Medical care, as used in this paragraph, means preventive, diagnostic, therapeutic, and rehabilitative medical, surgical, psychiatric, and dental procedures:

c. Medical care performed with or without the member's permission. Under the following circumstances medical care may be performed with or without the member's permission:

- (1) Emergency medical care which is required to preserve the life or health of the member.
- (2) Immunization required by AR 40-562 or other Department of the Army directives (subject to any limitation stated in these directives).
- (3) Isolation and quarantine for cases of suspected or proven communicable disease, when appropriate.
- (4) Detention on closed wards when necessary to insure appropriate medical supervision or to protect the member or others from harmful acts.
- (5) Medical care related to the mental disorders of members who have been found incompetent by a medical board, or when believed to be incompetent and pending medical board action, provided life or health is not likely to be endangered by such procedures or care. These members may also be given routine medical care necessary to treat minor ailments.

⓪ *This change supersedes DA messages 544510, 17 July 1963; 979398, 24 July 1964; and 729992, 27 August 1965.

d. Refusal to submit to medical care. A member of the Army on active duty or active duty for training who refuses to submit, or whose court appointed guardian or other legal representative objects, to recommended medical care other than care prescribed in *c* above will be referred to a medical board (AR 40-3). When a member refuses to submit to recommended care because of religious beliefs, a chaplain will be appointed as a member of the board.

(1) The examining medical board's report should contain answers to the following questions:

(a) Is the proposed treatment required to relieve the incapacity and restore the individual to a duty status, and may it be expected to do so?

(b) Is the proposed treatment an established procedure that qualified and experienced physicians ordinarily would recommend and undertake?

(c) Considering the risks ordinarily associated with the proposed treatment, the member's age, and general physical condition, and his reasons for refusing treatment, is the refusal reasonable or unreasonable or, in the case of an incompetent member, is compulsory treatment warranted?

(2) In determining whether refusal of medical treatment, including surgery, is reasonable or unreasonable, the board should consider, among other things, the existing physical or mental contraindications, previous unsuccessful operations and procedures, and any special risks. Generally, the refusal of medical care may be considered as unreasonable in the absence of substantial contraindications.

(3) The report of the medical board proceedings will show the need and risk of the recommended medical care which is refused by the member. A member who is believed to be incompetent or has been so determined by a medical board will be aided by an appointed counsel who need not be legally qualified, who may appear in his behalf.

(4) The report of the medical board proceedings will show that the member was given

the opportunity to appear in person, if his condition so permitted, or that the member was afforded an opportunity to submit a written statement explaining the grounds for his refusal. Any statement submitted will be forwarded with the report.

(5) If the approved findings of the examining medical board are that the proposed medical care is necessary for the protection of the health of the member and others or to enable the member properly to perform his duties and normally will have this effect, such findings must be made known to the member and he will be afforded the opportunity to accept the prescribed medical care. If the member still persists in his refusal, the medical treatment facility commander will forward the medical board proceedings to The Surgeon General, ATTN: MEDPS, Department of the Army, Washington, D.C., 20315, for review. In those cases where the refusal to submit to the prescribed medical care is based on religious grounds, The Surgeon General will refer the medical board proceedings to the Chief of Chaplains for review prior to action. The Surgeon General will indicate his approval or disapproval of the medical board proceedings and return them to the medical treatment facility commander. If The Surgeon General approves the medical board proceedings, the member will again be afforded the opportunity to accept treatment. If the member persists in refusing the proffered medical care, the medical treatment facility commander will refer the matter (including copies of the medical board proceedings) to the appropriate ZI Army or major oversea commander. The ZI Army or major oversea commander will determine whether the member will be ordered to submit to the recommended medical care. If the ZI Army or major oversea commander orders the member to submit to treatment and the member refuses to obey, the commander may take disciplinary action in accordance with

MCM 1951 or may institute administrative action to separate the member from service (retirement, discharge, etc.).

(AGAO)

By Order of the Secretary of the Army:

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

Distribution:

To be distributed in accordance with DA Form 12-9 requirements for Military Personnel, General.
Active Army, NG, and USAR: A.

Changes in force: C 3, C 5, and C 7

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

CHANGE
No. 7

HEADQUARTERS,
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 17 October 1963

AR 600-20, 3 July 1962, is changed as follows:

23. Restrictions.

j. Partially disabled officers. (As added by C 6, 22 Jul 63) Partially disabled officers continued on active duty under the provisions of AR 616-41 will be assigned to positions in which their special qualifications make them of particular value to the service. Such officers will not be assigned to command positions unless positive determination is made by the assigning authority that the individual concerned has the medical (physical) and career potential to serve in combat situations and until the age for mandatory retirement.

26. Private indebtedness and financial obligations.

e. (As superseded by C 4, Feb 63) The provisions of *a* through *d* above, and paragraph 37 do not normally apply in the case of retired personnel not on active duty. Routine complaints of civil indebtedness or financial obligations should be replied to by a statement that any action in connection with civil indebtedness or financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that the command regrets that it cannot be of assistance in the matter. Requests for exception to policy may be forwarded to The Adjutant General, ATTN: AGPS-AC, Department of the Army, Washington, D.C. 20315, when in the opinion of the reviewing officer the complaint justifies consideration by the active military.

37. (Superseded) Support of dependents. *a. General.* Support of dependents by members of the Army involves a serious responsibility which is of direct concern to the Army. Failure on the part of a member to carry out this responsibility not only reflects adversely on the Army as a whole but is entirely inconsistent with Army standards

of honor. The Army will not be a haven or refuge for personnel who disregard or evade their obligations to their families. Members of the Army are expected to conduct their personal affairs satisfactorily. This includes the requirement that they provide adequate and continuous support for their legal dependents and comply with the terms of separation agreements and court orders. Failure to do so in any manner which tends to cast discredit on the Army is a proper subject of command consideration for punitive action or other appropriate administrative action to include elimination from the service or denial of reenlistment.

b. Entitlement to basic allowance for quarters. Since 1 January 1963, enlisted members in the grade of E-4 with over 4 years' service and in grades E-5 through E-9 have received the basic allowance for quarters with their pay, rather than through mandatory Class Q allotments to their dependents. This procedure was instituted in the belief that noncommissioned officers, together with commissioned and warrant officers, are responsible individuals who will fulfill their family support obligations without coercion. Although the allowance is paid to the member, rather than to his dependents, its purpose is to provide for the support of his dependents, and his unjust enrichment by a refusal to support his dependents will not be permitted. Cases involving alleged refusal of a member to use the basic allowance for quarters for the support of his dependents will be referred to the appropriate Finance and Accounting Officer for initiation of action to determine whether the member is entitled to that allowance.

c. Adequacy of support. What is adequate or reasonably sufficient support is a highly complex and individual matter dependent on numerous factors, and may be permanently resolved only in the civil courts. Salient factors that must be taken

*This change supersedes C 6, 22 July 1963.

into account are the pay of the member, any other private income or resources of the member and dependents, the cost of necessities and everyday living expenses, and financial obligations of the member in relation to his income. The Department of the Army does not and cannot pass judgment on these matters. It is desired that the amount of support to be provided for dependents be established by mutual understanding between the parties concerned or decided in the civil courts. The duty of a member to support his minor children, natural or adopted, of present marriage is not affected by desertion or other misconduct on the part of the wife. The obligation to support a child, or children, natural or adopted, is not affected by dissolution of the marriage through divorce, unless the judicial decree or order specifically negates the obligations of a man to support a child or children of the marriage. The fact that a divorce decree is silent relative to support of minor children, or does not mention a child or children, will not be considered as relieving the serviceman of his inherent obligation to provide support for the child or children, natural or adopted, of the marriage.

d. Court orders. The Army expects its personnel to comply with civilian court decrees. In many cases there is an outstanding and uncontested support judgment against a member, but his total income appears inadequate to satisfy the judgment and maintain himself. In such cases, he should be required to consult immediately with his Legal Assistance Officer, and receive the guidance necessary for communication with the complainant or pertinent court of law with a view toward reaching a solution acceptable to all concerned. The circumstances present at the time the support decree was promulgated may have altered considerably with the passage of time, primarily through the member's acquisition of additional family responsibilities. Thus the same facts which indicate to the commander the near-impossibility of full compliance with the court order, when brought to the attention of the court in question, or the complainant, may induce the recipient to reduce the support required to an amount more in keeping with the present ability to pay. Until the court order is actually modified by competent authority or abrogated voluntarily by the complainant, it continues in force.

e. Absence of court orders. Guidance for support payments to dependents of enlisted personnel in grade E-4 with under 4 years of service and below is contained in DA Pam. 21-47. Evaluation of equitable support for dependents of higher grade enlisted personnel in the absence of a court order or agreement is more complicated. When closely knit families are temporarily separated due to the exigencies of the service, allegations of nonsupport are seldom in evidence. At the other end of the spectrum are those families which have become disunited by a formal divorce decree which in the majority of cases contains provisions for monetary support. Generally, therefore, cases requiring action by commanders concerned are those where husband and wife are voluntarily separated. In such cases the member should furnish his legal dependents at least as much as he did prior to 1 January 1963. It must be borne in mind that, for the enlisted member in grade E-4 with over 4 years' service or higher, the \$60 or \$80 previously withheld from his pay and added to the BAQ to form the superseded Class Q allotment is no longer accomplished. Thus a member who contributes simply the amount of the current BAQ is in essence receiving a gratuitous raise in pay.

f. Command responsibilities. The best judge of the facts in each case is the immediate commander of the member concerned. He is on the site, may know the member and his problems intimately and will have the benefit of face-to-face discussion. Under the Dependents Assistance Act of 1950 wherein Class Q allotments were mandatory when dependency was proven, and the Finance Center, U.S. Army, had the authority to initiate a Class Q allowance over the objection of the service member, the role of the commander was not quite so prominent. It thus behooves commanders at all echelons to supervise the handling of these cases with the overall goal of equitable and prompt solution of each. It is particularly important that the complainant be given a complete reply, one that is courteous and factual, bereft of evasion and vague promises, and with no hint of "brushoff." Finally, command action of a monitoring nature must ensue to insure that statements, promises, etc., of the member are in fact carried out expeditiously.

g. Action by commanders. In considering appropriate measures to be taken in cases of non-

support of dependents, commanders must bear in mind that any action which will reduce the member's ability to pay may further compound the financial problem for both the member and his dependents. Since issues of support ordinarily will involve a variety of legal questions, commanders should seek the advice of an appropriate judge advocate relative to those legal issues which may be raised and with respect to any other matters about which the judge advocate may have knowledge and experience. In general, no matter how proficient a member may be in military skills, his inability to manage his personal affairs may jeopardize his value to the service. In those cases where command action in accordance with this regulation has failed to secure the cooperation of the member in supporting his dependents, con-

[AGAO]

By Order of the Secretary of the Army:

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

Distribution:

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sideration should be given to his elimination from the service through the use of appropriate procedures.

55. Enlisted personnel.

* * * *

b. Date of rank.

* * * *

- ✓ (7) (As superseded by C 6, 22 Jul 63, effective 1 February 1963) Date of rank in a grade to which restored, following successful appeal of a grade reduction, is the date held prior to reduction. See AR 22-15 when reduction was for misconduct under the provisions of Article 15, Uniform Code of Military Justice.

* * * *

EARLE G. WHEELER,
General, United States Army,
Chief of Staff.

PERSONNEL—GENERAL
ARMY COMMAND POLICY AND PROCEDURE

CHANGES

No. 6

HEADQUARTERS,
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 22 July 1963

AR 600-20, 3 July 1962, is changed as follows:

23. Restrictions.

* * * * *
f. Partially disabled officers. (Added) Partially disabled officers continued on active duty under the provisions of AR 616-41 will be assigned to positions in which their special qualifications make them of particular value to the service. Such officers will not be assigned to command positions unless positive determination is made by the assigning authority that the individual concerned has the medical (physical) and career potential to serve in combat situations and until the age for mandatory retirement.

36. Private indebtedness and financial obligations.

* * * * *
e. (As superseded by C 4, 7 Feb 63) The provisions of *a* through *d* above, and paragraph 37 do not normally apply in the case of retired personnel not on active duty. Routine complaints of civil indebtedness or financial obligations should be replied to by a statement that any action in connection

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*These changes supersede C 4, 7 February 1963.

TAGO 97A—Aug. 700-466—63

tion with civil indebtedness or financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that the command regrets that it cannot be of assistance in the matter. Requests for exception to policy may be forwarded to The Adjutant General, ATTN: AGPS-AC, Department of the Army, Washington, D.C., 20315, when in the opinion of the reviewing officer the complaint justifies consideration by the active military.

55. Enlisted personnel.

* * * * *
b. Date of rank.

* * * * *
(7) (Superseded, effective 1 February 1963) Date of rank in a grade to which restored, following successful appeal of a grade reduction, is the date held prior to reduction. See AR 22-15 when reduction was for misconduct under the provisions of Article 15, Uniform Code of Military Justice.

EARLE G. WHEELER,
General, United States Army,
Chief of Staff.

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PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

HEADQUARTERS,
DEPARTMENT OF THE ARMY
WASHINGTON 25, D.C., 14 March 1963

CHANGES

No. 5.

AR 600-20, 3 July 1962, is changed as follows:

25. **Noncommissioned officers.** The guidance in * * * noncommissioned officer MOS.

f. *Noncommissioned officer disciplinary policies.* The purpose of * * * and MCM 1951.

(7) (Superseded, effective 1 February 1963)
In the case of noncommissioned officers above the fourth enlisted pay grade, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next inferior grade.

(8) (Added, effective 1 February 1963)
When nonjudicial punishment (Art. 15, UCMJ) is imposed on a noncommissioned officer it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor or duties not customarily performed by a noncommissioned officer of the grade of the person who is to perform the extra duty.

26. Specialist.

g. (Superseded, effective 1 February 1963) In the case of Specialists above the fourth enlisted pay grade, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next inferior pay grade.

h. (Superseded, effective 1 February 1963) When nonjudicial punishment (Art. 15, UCMJ) is imposed on a Specialist it may not include correctional custody, confinement on bread and water or diminished rations, or any type of extra duty involving labor or duties not customarily performed by a Specialist of the grade of the person who is to perform the extra duty.

48. (Superseded) **Medical care.** a. *General.* A member of the Army on active duty or active duty for training usually will be required to submit to medical care considered necessary to protect or maintain the health of others, to preserve the member's life, or alleviate undue suffering by the member.

b. *Explanation of term.* Medical care, as used in this paragraph, means preventive, diagnostic, therapeutic and rehabilitative medical, surgical, psychiatric and dental procedures.

c. *Medical care performed with or without the member's permission.* Under the following circumstances medical care may be performed with or without the member's permission:

- (1) Emergency medical care which is required to preserve the life or health of the member.
- (2) Medical care that is necessary to protect the life or health of a member who is considered by a psychiatrist to be mentally incompetent.
- (3) Routine medical care for minor or temporary disabilities.
- (4) Immunization required by AR 40-562 or other Department of the Army directives (subject to any limitations stated in those directives).
- (5) Isolation and quarantine for cases of suspected or proven communicable disease, when appropriate.
- (6) Detention on closed wards when necessary to insure proper treatment or to protect the member or others from harmful acts.

d. *Elective medical procedures.*

- (1) A member of the Army on active duty or active duty for training who refuses to submit to recommended medical care, other than that listed in c above, will be referred to a medical board (AR 40-3).

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If the member's refusal to submit to the recommended medical care is based on religious grounds, a chaplain will be appointed as an additional member of the board.

(2) In surgical cases the examining medical board's report should contain answers to the following questions:

- (a) Is surgical treatment required to relieve the incapacity and restore the individual to a duty status, and may it be expected to do so?
 - (b) Is the proposed surgery an established procedure that qualified and experienced surgeons ordinarily would recommend and undertake?
 - (c) Considering the risks ordinarily associated with surgical treatment, the member's age and general physical condition, and his reasons for refusing treatment, is the refusal reasonable or unreasonable?
- (3) As a general rule, refusal of minor surgery should be considered as unreasonable in the absence of substantial contraindications. Cases of major surgery will be given most careful individual appraisal. Refusal of major operations may be reasonable or unreasonable, according to the circumstances. The age of the member, the existing physical or mental contraindication, previous unsuccessful operations, and any special risks, all should be taken into consideration.
- (4) The report of the medical board proceedings will show the need and risk of the recommended medical care which is refused by the member.
- (5) The report of the medical board proceedings will show that the member was given the opportunity to appear in person, if his condition so permitted, or that the member was afforded an opportunity to submit a written statement explaining the grounds for his refusal. Any statement submitted will be forwarded with the report.

- (6) If the approved findings of the examining medical board are that the proposed medical care is necessary for the protection of the health of the member or to enable the member properly to perform his duties and will normally have this effect, such findings must be made known to the member and he will be afforded the opportunity to accept the prescribed medical care. If the member still persists in his refusal, the medical treatment facility commander will forward the medical board proceedings to The Surgeon General, ATTN: MEDPS, Department of the Army, Washington 25, D.C., for review. In those cases where the refusal to submit to the prescribed medical care is based on religious grounds, The Surgeon General will refer the medical board proceedings to the Chief of Chaplains for review prior to action. The Surgeon General will indicate his approval or disapproval of the medical board proceedings and return them to the medical treatment facility commander. If The Surgeon General approves the medical board proceedings, the member will again be afforded the opportunity to accept treatment. If the member persists in refusing the proffered medical care, the medical treatment facility commander will refer the matter (including copies of the medical board proceedings) to the appropriate ZI army or major overseas commander. The ZI army or major overseas commander will determine whether the member will be ordered to submit to the recommended medical care. If the ZI army or major overseas commander orders the member to submit to treatment and the member refuses to obey, the commander may take disciplinary action in accordance with MCM 1951, paragraphs 169b, 171b and appendix 6c (24) and (29) or may institute administrative action to separate the member from service (retirement, discharge, etc.).

54. Warrant officers.

* * * *

b. Date of rank.

- (2) The date of rank of a retired warrant officer or a warrant officer of the Army National Guard of the United States or Army Reserve serving on active duty or active duty for training with an active Army unit is a date preceding the date of entry on active duty by a period equal to the total prior service creditable. This service will * * * the following conditions:

* * * *

55. Enlisted personnel.

* * * *

b. Date of rank.

- (6) (Effective 1 February 1963) Date of rank upon reduction for reasons other than inefficiency or failure to complete a school course is the effective date of the reduction. See AR 22-15 when reduction is for misconduct under the provisions of Article 15, Uniform Code of Military Justice.

[AGAO]

By Order of the Secretary of the Army:

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

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- (7) (Effective 1 February 1963) Date of rank upon appointment to a grade from which reduced following successful appeal of such reduction, is the date held prior to reduction. See AR 22-15 when reduction is for misconduct under the provisions of Article 15, Uniform Code of Military Justice.

- (11) The date of rank of enlisted personnel of the Army National Guard of the United States or the Army Reserve upon entrance on active duty or active duty for training will be a date preceding the date of entrance on active duty by a period equal to the total prior service creditable when computed in the same manner as prescribed for commissioned officers in paragraph 53b(2), subject to the following conditions:

- (12) (Added, effective 1 February 1963) The date of rank in a grade held as the result of any action taken under Article 15, Uniform Code of Military Justice, shall be as prescribed in AR 22-15.

EARLE G. WHEELER,
General, United States Army,
Chief of Staff.

Changes in force: C 3 and C 4

AR 600-20
C 4

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

CHANGES

No. 4

HEADQUARTERS,
DEPARTMENT OF THE ARMY
WASHINGTON 25, D.C., 7 February 1963

AR 600-20, 3 July 1962, is changed as follows:

36. Private indebtedness and financial obligations.

* * * * *

✓ e. (Superseded) The provisions of *a* through *d* above, and paragraph 37 do not normally apply in the case of retired personnel not on active duty. Routine complaints of civil indebtedness or financial obligations should be replied to by a statement that any action in connection with civil indebtedness or financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that the command regrets that it cannot be of assistance in the matter. Requests for exception to policy may be forwarded to The Adjutant General, ATTN: AGPS-AC, Department of the Army, Washington 25, D.C., when in the opinion of the reviewing officer the complaint justifies consideration by the active military.

[AGAO]

By Order of the Secretary of the Army:

EARLE G. WHEELER,
General, United States Army,
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Official:

J. C. LAMBERT,
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PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

CHANGES

No. 3

HEADQUARTERS,
DEPARTMENT OF THE ARMY
WASHINGTON 25, D.C., 28 January 1963

AR 600-20, 3 July 1962, is changed as follows:

7. Grades of rank. The following are * * * in section VI.

* * * * *			
d Enlisted personnel.			
(1) Noncommissioned officers.			
	Grade of rank	Pay grade	Title of address
(a) (As superseded by C 1, 10 Aug 62)	Sergeant Major	E-9	Sergeant Major
* * * * *			

39. Civil status of members of the Reserve Components.

b (As superseded by C 2, 20 Sep 62) Members

*These changes supersede C 2, 20 September 1962.

of the Reserve Components who are officers and employees of the United States or the District of Columbia are entitled to a leave of absence from their respective civilian employment without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises or for instruction for periods not to exceed 15 days in any calendar year, except that officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for parades or encampment under 25 Stat. 779, as amended by 35 Stat. 634.

* * * * *

53. Commissioned officers.

Examples (Superseded)

Example 1. (Officer was promoted to first lieutenant, AUS, 1 January 1954; relieved from active duty 30 June 1954; promoted to first lieutenant, USAR, 31 May 1955. Retirement year ended 14 June 1955.)

<i>Date of rank—computation items</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
(1) Active Federal service in grade:			
1 Jan 54—30 Jun 54.....	0	6	0
1 Jun 55—15 Jun 55.....	0	0	15
(2) Qualifying service for retirement and/or retirement points earned:			
*1 Jul 55—14 Jun 56..... (full credit not authorized) ..	0	1	19
*15 Jun 56—14 Jun 57..... (full credit not earned) ..	0	1	2
15 Jun 57—14 Jun 58.....	1	0	0
15 Jun 58—14 Jun 59.....	1	0	0
*15 Jun 59—24 Feb 60..... (full credit not authorized) ..	0	1	5
	2	10	11
(3) Date of entry on active duty.....	60	2	25
Less total service creditable for date of rank.....	2	10	11
Date of rank..... (14 Apr 57) ..	57	4	14

Example 2. (Officer was promoted to first lieutenant, USAR, 30 June 1958, with no prior active duty in grade; retirement year ended 29 October 1958; full retirement credit was earned up to date of entry on current tour.)

<i>Date of rank—computation items</i>	<i>Years</i>	<i>Months</i>	<i>Days</i>
(1) Active Federal service in grade:	0	0	0
(2) Qualifying service for retirement and/or retirement points earned:			
*30 Jun 58—29 Oct 58..... (full credit not authorized) ..	0	0	24
30 Oct 58—29 Oct 59.....	1	0	0
30 Oct 59—29 Oct 60.....	1	0	0
*30 Oct 60—20 Sep 61..... (full credit authorized) ..	0	10	21
	2	11	15
(3) Date of entry on active duty.....	61	9	21
Less total service creditable for date of rank.....	2	11	15
Date of rank..... (6 Oct 58) ..	58	10	6

*Note. Normally, partial retirement year periods are not creditable toward date of rank. However, individuals entering on active duty 30 June 1960 or later will be credited (if credit has been earned) with the expired portion of the retirement year in which the individual enters on current tour of active duty. Only drills, extension course credits and full-time duty days, as ACDUTRA, may be credited for full or partial retirement year periods for which insufficient retirement points were earned to establish credit under the provisions of AR 140-185, or for partial retirement year periods not creditable. Source documents for qualifying service and/or points earned are DA Forms 1333 and NGB Forms 23.

54. Warrant officers.

* * * * *

b. *Date of rank.*

* * * * *

√ (2) (Superseded) The date of rank of a retired warrant officer or a warrant officer of the Army National Guard of the United States or Army Reserve serving on active duty for training with an active Army unit is a date preceding the date of entry on active duty by a period equal to the total prior service creditable. This service will be computed in the same manner as prescribed for commissioned officers in paragraph 53b(2), subject to the following conditions:

- (a) Prior service as a warrant officer, W-1, and service as a chief warrant officer, prior to 1 October 1949, or as a chief warrant officer in pay grade W-2 thereafter, will be counted as service as a chief warrant officer, W-2.
- (b) No warrant officer service prior to 1 October 1949 will be counted as service as a chief warrant officer, W-3, or chief warrant officer, W-4. Service as a chief warrant officer in pay grade W-3 will be counted as service in this grade, and service as a chief warrant officer in pay grade W-4 will be counted as a chief warrant officer, W-4.
- (c) Service as a commissioned officer will be counted as service in the warrant officer grade in which ordered into the active military service.

(AGAO)

By Order of the Secretary of the Army:

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel, General--A.

TAGO 935A

- (d) In no event will the date of rank computed under this paragraph be earlier than 1 October 1949.
- * * * * *

55. Enlisted personnel.

* * * * *

b. *Date of rank.*

* * * * *

√ (11) (Superseded) The date of rank of enlisted personnel of the Army National Guard of the United States or the Army Reserve upon entrance on active duty will be a date preceding the date of entrance on active duty by a period equal to the total prior service creditable when computed in the same manner as prescribed for commissioned officers in paragraph 53b(2), subject to the following conditions:

- (a) Only service performed subsequent to the most recent break in service is creditable. For the purposes of this subparagraph, a period during which an individual is not a member of one of the regular components of the Armed Forces, or of the Army National Guard of the United States, or the Army Reserve, is a break in service, providing that such period is in excess of 3 months in the case of enlisted personnel or 6 months in the case of former commissioned officers and warrant officers.
- (b) Service performed prior to reduction to a pay grade lower than that in which individual enters on active duty will not be credited.

EARLE G. WHEELER,
General, United States Army,
Chief of Staff.

Changes now in force: C 2

AR 600-20

*C 2

PERSONNEL—GENERAL
ARMY COMMAND POLICY AND PROCEDURE

CHANGES
No. 2

HEADQUARTERS,
DEPARTMENT OF THE ARMY
WASHINGTON 25, D.C., 20 September 1962

AR 600-20, 3 July 1962, is changed as follows:

7. **Grades of rank.** The following are * * * in section VI.

* * * * *

d. *Enlisted personnel.*

(1) *Noncommissioned officers.*

	Grade of rank	Pay grade	Title of address
(a) (As superseded by C 1, 10 Aug 62)	Sergeant major.	E-9	Sergeant Major
* * *	* * *	* * *	* * *

39. **Civil status of members of the Reserve Components.**

* * * * *

b. (Superseded) Members of the Reserve Components who are officers and employees of the United States or the District of Columbia are entitled to a leave of absence from their respective civilian employment without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises or for instruction for periods not to exceed 15 days in any calendar year, except that officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for parades or encampment under 25 Stat. 779, as amended by 35 Stat. 634.

* * * * *

[AG 300.1 (4 Sep 62) AGAO]

BY ORDER OF THE SECRETARY OF THE ARMY:

G. H. DECKER,
General, United States Army,
Chief of Staff.

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel, General—A.

These changes supersede C 1, 10 August 1962 and rescinds DA message 311841, 1 August 1962.

TAGO 391A—Sept. 650467*—62

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PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

CHANGES

No. 1

HEADQUARTERS,
DEPARTMENT OF THE ARMY
WASHINGTON 25, D.C., 10 August 1962

AR 600-20, 3 July 1962, is changed as follows:

7. Grades of rank. The following are * * * in section VI.

* * * * *

d. Enlisted personnel.

(1) Noncommissioned officers.

Grade of rank	Pay grade	Title of address
(a) (Superseded) Sergeant major	E-9	Sergeant Major
* * *	* * *	* * *

[AG 300.1 (2 Aug. 1962) AGAO]

BY ORDER OF THE SECRETARY OF THE ARMY:

G. H. DECKER,
General, United States Army,
Chief of Staff.

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

Distribution:

Active Army, NG, and USAR: To be distributed in accordance with DA Form 12-9 requirements for DA Regulations—Military Personnel—General—"A".

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ARMY REGULATIONS

No. 600-20

HEADQUARTERS,
DEPARTMENT OF THE ARMY,
WASHINGTON-25, D.C., 3 July 1962

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

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*These regulations supersede AR 220-50, 12 April 1951; AR 220-60, 14 January 1958; AR 220-70, 14 January 1958; AR 600-10, 19 December 1958, including C 4, 2 March, 1962; AR 600-15, 14 April 1959, including C 2, 26 October 1960, and C 6, 13 February 1962; AR 600-20, 15 February 1957, including C 5, 11 August 1960; AR 600-201, 20 June 1956, including C 1, 15 March 1957; and DA message 582032, 28 November 1961.

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AR 15-3
1965

Section I. GENERAL

1. **Purpose.** These regulations establish policy and prescribe certain procedures relative to the several basic aspects of command within the Army.

2. **Elements of command.** The key factors of command covered herein are command authority and responsibility, rank and precedence, command and other channels, enlisted aspects of command, and military discipline. Additional guidance on these matters is covered by the various publications listed in DA Pam 310-3.

3. **Right to command.** Command is exercised by virtue of office and the special assignment of members of the Armed Forces holding military rank who are eligible by law to exercise command. The right to command is not limited solely by branch of service except as prescribed in these regulations. A civilian may not exercise command. However, he may be designated to exercise general supervision over an Army installation or activity under the command of a military superior.

4. **Assignment and command.** Members of the Army are assigned to stations or commands where their services are required, and are there assigned to appropriate duties by the command-

ing officer. Without orders from competent authority, a member of the Army can only assume command when eligible in accordance with these regulations.

5. **Military rank.** Military rank is the relative position or degree of precedence bestowed on military persons which marks their station and confers eligibility to exercise command or authority in the military service within the limits prescribed by law. It is divided into classes and grades as shown in paragraphs 7 and 8.

6. **How rank held or conferred.** a. Rank is generally held by virtue of office or grade in the Army, but may be conferred independently of either, as in the case of retired officers, or with respect to commissioned officers in the same grade by special assignment as provided in title 10, United States Code, section 3578.

b. Conferring honorary titles of military rank upon civilians is prohibited. Honorary titles heretofore conferred will not be withdrawn.

7. **Grades of rank.** The following are the grades of rank in the Army, in order of their precedence or relative rank. Also indicated are the grouping of grades into classes, pay grades, and title of address. Procedures for determina-

tion of precedence and date of rank are indicated in section VI.

a. Commissioned officers.

(1) *General Officers.*

Grade of rank	Pay grade	Title of address
(a) General of the Army	Special	General
(b) General	O-10	General
(c) Lieutenant general	O-9	General
(d) Major general	O-8	General
(e) Brigadier general	O-7	General

(2) *Field officers.*

Grade of rank	Pay grade	Title of address
(a) Colonel	O-6	Colonel
(b) Lieutenant colonel	O-5	Colonel
(c) Major	O-4	Major

(3) *Company officers.*

Grade of rank	Pay grade	Title of address
(a) Captain	O-3	Captain
(b) First lieutenant	O-2	Lieutenant
(c) Second lieutenant	O-1	Lieutenant

b. Warrant officers.

Grade of rank	Pay grade	Title of address
(1) Chief warrant officer, W-4.	W 4	Mister (Miss/ Mrs).
(2) Chief warrant officer, W-3	W 3	Mister (Miss/ Mrs).
(3) Chief warrant officer, W-2.	W 2	Mister (Miss/ Mrs).
(4) Warrant officer, W-1	W-1	Mister (Miss/ Mrs).

c. Cadets.

Grade of rank	Pay grade	Title of address
Cadet	Special	Mister

d. Enlisted personnel.

(1) *Noncommissioned officers.*

Grade of rank	Pay grade	Title of address
(a) Sergeant major	E-9	Sergeant
(b) First sergeant and master sergeant	E-8	Sergeant
(c) Platoon sergeant and sergeant first class and master sergeant ¹	E-7	Sergeant
(d) Staff sergeant and sergeant first class ¹	E-6	Sergeant
(e) Sergeant	E-5	Sergeant
(f) Corporal	E-4	Corporal

¹ Transitional title for those who held this grade continuously since 31 May 1953.

(2) *Specialists.*

Grade of rank	Pay grade	Title of address
(a) Specialist seven	E-7	Specialist
(b) Specialist six	E-6	Specialist
(c) Specialist five	E-5	Specialist
(d) Specialist four	E-4	Specialist

(3) *Privates.*

Grade of rank	Pay grade	Title of address
(a) Private first class	E-3	Private
(b) Private	E-2	Private
(c) Private E-1	E-1	Private

8. Comparable rank among the various services. The comparable grades of rank of the various services are as follows:

a. Commissioned officers of the Army, Navy, Air Force, and Marine Corps.

Army, Air Force, and Marine Corps	Navy
General of the Army (or Air Force)	Fleet admiral
General	Admiral
Lieutenant general	Vice admiral
Major general	Rear admiral (upper half)
Brigadier general	Rear admiral (lower half)
Colonel	Captain
Lieutenant colonel	Commander
Major	Lieutenant commander
Captain	Lieutenant
First lieutenant	Lieutenant (junior grade)
Second lieutenant	Ensign

b. Warrant officers of all services.

Chief warrant officer, W-4.
Chief warrant officer, W-3.
Chief warrant officer, W-2.
Warrant officer, W-1.

c. Cadet.

Cadet	Midshipman.
-------	-------------

d. Enlisted personnel of the Army, Navy, Air Force, and Marine Corps. The comparable rank of Army specialists shown below is in relation to other services only. Within the Army, relative rank or precedence of specialists is as indicated in paragraph 7.

<i>Pay grade</i>	<i>Army</i>	<i>Marine Corps</i>	<i>Navy</i>	<i>Air Force</i>
E-9	Sergeant major	Sergeant major Master gunnery sergeant	Master chief petty officer	Chief master sergeant
E-8	First sergeant Master sergeant	First sergeant Master sergeant	Senior chief petty officer	Senior master sergeant
E-7	Platoon sergeant Sergeant first class Master sergeant ¹ Specialist Seven	Acting master sergeant ² Gunnery sergeant	Chief petty officer	Master sergeant
E-6	Staff sergeant Sergeant first class ¹ Specialist Six	Acting gunnery sergeant ² Staff sergeant	Petty officer first class	Technical sergeant
E-5	Sergeant Specialist Five	Acting staff sergeant ² Sergeant	Petty officer second class	Staff sergeant
E-4	Corporal Specialist Four	Acting sergeant ² Corporal	Petty officer third class	Airman first class
E-3	Private first class	Acting corporal ² Lance corporal	Seaman	Airman third class
E-2	Private	Private first class	Seaman apprentice	Airman third class
E-1	Private	Private	Seaman recruit	Airman, basic

¹ Transitional title for those who held this grade continuously since 31 May 1958.

² Transitional title for those holding pay grade 31 December 1958.

9. Precedence between personnel of Army and personnel of other services serving with Army. Personnel of other services serving with the Army are on equal footing with personnel of

the Army of corresponding component, and precedence will be determined in the manner set forth in these regulations.

Section II. COMMAND AND OTHER CHANNELS

10. Chain of command. The chain of command is the most fundamental and important organizational technique used by the Army. It is the succession of commanders, superior to subordinate, through which command is exercised. This chain is also known as the command channel. It extends from the President, as Commander-in-Chief, down through the various grades of rank to the enlisted persons leading the smallest Army elements and to their men. Staff officers and administrative noncommissioned officers are not in the chain of command. A simple and direct command channel facilitates transmittal of orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. As used in these regulations, no distinction is made between the terms commander and leader as the fundamental policies of command and leadership are applicable at all echelons of the chain of command. The command channel extends upward in the same manner for matters requiring official communication from subordinate to superior. It is Army policy, as indicated in paragraph

3, that each individual in the chain of command is delegated sufficient authority to accomplish assigned tasks and responsibilities. Every commander has two basic responsibilities in the following priority: accomplishment of his mission, and the care of his personnel and property. Normally, efficient accomplishment of the mission will help to satisfy the responsibility for personnel welfare. A superior in the chain of command holds his subordinate commanders responsible for everything their command does or fails to do. Thus, in relation to his superior, a commander cannot delegate any of his responsibilities. However, in relation to his subordinates, he does subdivide his responsibility and authority and assigns portions of them to various commanders and staff members. In this way an appropriate degree of responsibility becomes inherent in each command echelon. The necessity of a commander or staff officer observing proper channels in issuing instructions or orders to subordinates must be recognized. Constant and continuous utilization of the chain of command is vital to the combat effec-

tiveness of any Army unit. Every effort must be made to acquaint all individuals with its existence and proper function.

11. Staff or technical and noncommissioned officer channels. Another important Army organizational technique for communication is the staff or technical and noncommissioned officer channels of communications. The term staff or technical channels is used to describe the vertical or horizontal channel between a staff section at one headquarters and a similar staff section at another echelon, or at a parallel headquarters. The noncommissioned officer channel originates with the commander of a major unit or installation and extends from that commander's sergeant major downward through subordinate organization sergeant major to unit first sergeants and, thence, to other noncommissioned officer and enlisted personnel of the units. These informal channels are used

primarily for the exchange of information and do not supplant the normal chain of command. The staff or technical channel is sometimes used for routing reports and instructions not involving variations from command policies and directives. The noncommissioned officer channel is often used for the accomplishment of certain routine, but important tasks and responsibilities. These include training in basic skills and attributes of a soldier; establishment and maintenance of noncommissioned officer standards; proper wearing of the uniform; appearance; and military courtesy of enlisted personnel; care of individual arms and equipment of enlisted personnel; care of living quarters of enlisted personnel; area maintenance tasks; and operation of recreational and other facilities for the primary use of enlisted personnel. Each commander defines to his staff and subordinates his policies on the use of these channels.

Section III. COMMAND POLICIES AND PROCEDURES

12. Command of installations, activities, and units. *a. Responsibility.* Command of an installation, activity, or unit of platoon size or larger is normally the responsibility of the senior regularly assigned officer present, provided he is not ineligible under paragraph 22, subject to the following limitations:

(1) Class I installations and activities and comparable overseas installations will normally be commanded by an officer of one of the following branches: Armor, Artillery, Infantry, Corps of Engineers, and Signal Corps. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed.

(2) Class II installations and activities normally will be commanded by an officer of that branch of the Department of the Army staff agency having command jurisdiction. When the senior regularly assigned officer is a member of another branch, the next higher headquarters should be informed. Command of an installation or activity under the jurisdiction of a Department of the Army agency having no specific branch affiliation will be assumed by the senior regularly assigned officer present, provided he is otherwise eligible.

(3) Army commanders or general officers with the rank of lieutenant general or above are prohibited from assuming command of Army installations. When a specific situation appears to warrant an exception to this policy, prior approval of Headquarters, Department of the Army will be obtained.

b. Announcement of assumption of command. Assumption of command will be announced by

published orders citing these regulations as authority. Oral orders will be used in the case of platoons and smaller units that do not publish written orders.

c. Installation responsibilities. When a major commander deems it advisable to relieve tactical commanders of installation responsibilities, he may issue orders designating an officer of the permanent station complement junior to the senior tactical commander as installation commander.

13. Branch immaterial commands. The senior officer regularly assigned and present for duty with logistical commands (or communications zone headquarters, sections, and areas), and similar branch immaterial commands will assume command of the organization to which assigned provided he is not ineligible under paragraphs 22 and 23.

14. Designation of junior in same grade to command. When two or more commissioned officers of the same grade who are otherwise eligible to command are on duty in the same command or organization thereof, the President may assign the command of the forces without regard to seniority of rank.

Commanders of major commands; Army groups, armies, corps, divisions, and units comparable thereto; and chiefs of services and heads of other Department of the Army staff agencies are

authorized to announce, by direction of the President, the designation of one of several officers of the same grade within a command under their jurisdiction as a commander thereof without regard to relative seniority (see par. 23a pertaining to general officers). When an officer is so designated, the following form will be employed in announcing his designation:

By direction of the President announcement is made of the appointment of _____

(Name, grade, service number, and branch of service of officer)
as commanding officer (or general) of _____

(Designation of unit)
effective _____
(Date)

The above form will be employed only in those cases where the duties of the position involved require the exercise of command and will not be used to assign a junior officer to a staff position which would require supervision and control over the activities of an officer senior in rank.

15. Death, disability, or absence of commander. *a. General.* In the event of the death, disability, or temporary absence of the commander of any element of the Army, the next senior regularly assigned commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private present for duty and not ineligible under paragraphs 22 and 23, will assume command until relieved by proper authority except as provided for in *c* below for major commanders. Assumption of command under these conditions will be announced as indicated in paragraph 12b except that orders will indicate assumption as acting commander unless proper authority has indicated that the command will be permanent.

b. Heads of Department of the Army staff agencies. In the event of the death, disability, or temporary absence of a head of a staff agency of the Department of the Army, except The Judge Advocate General, The Surgeon General, and the Chief, National Guard Bureau, the next senior officer on duty in the office of such head will, except as otherwise ordered, or required, exercise the functions of such head until relieved by proper authority. In the case of The Judge Advocate General, such functions will be exercised by the next senior officer of the Judge Advocate General's Corps present and on duty in his office. In the case of The Surgeon General, such functions will be exercised by the next senior officer of the Medi-

cal Corps present and on duty in his office. In the case of the Chief, National Guard Bureau, such functions will be exercised by the senior officer of the National Guard of the United States on duty in the Bureau (10 U.S.C. 3015).

c. Commanders of major commands. A commander of a major command may continue to discharge the functions of his command while absent from the limits thereof, provided such absence is for a short period only, he has reasonable communication with his headquarters, and his absence is not occasioned by physical disability.

16. Absence or disability of all officers of a unit. In the event of the death, disability, or absence of all officers of a unit normally commanded by a commissioned officer, the appropriate commander will assign an officer, preferably of the branch to which the unit belongs, to its command. Pending assignment and arrival of the new commander, the senior warrant officer, cadet, noncommissioned officer, specialist, or private regularly assigned to the unit will exercise temporary command. Restrictions pertaining to assumption of command prescribed in paragraphs 22 *b* and *c* and 23 *d* and *g* apply. Assumption of command will be as indicated in paragraph 15a.

17. Emergency command. In the event of emergency, the senior commissioned officer, warrant officer, cadet, noncommissioned officer, specialist, or private among troops at the scene of the emergency will exercise control or command of the military personnel present. These provisions are also applicable to troops separated from their parent units under battlefield conditions or in prisoner of war status. Restrictions pertaining to the assumption of command prescribed in paragraphs 22 *b* and *c* and 23 *d* and *g* apply. Assumption of command will be as indicated in paragraph 15a.

18. Functions of individual in temporary command. A member in temporary command will not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander. Temporary command is defined to include command assumed under conditions outlined in paragraphs 15, 16, and 17. Such commanders will be considered temporary commanders until they are designated as permanent or until they are replaced by the appropriate senior commander.

19. Responsibility of successor. A member who succeeds to any command or duty stands, in regard to his duties, in the same situation as did his predecessor. The successor will assume responsibility for all orders in force and all the public property and funds pertaining to the command.

20. Separate commands of the U.S. Army serving together. *a.* When separate commands of the U.S. Army join or do duty together, the senior regularly assigned officer of the branches listed in paragraph 12a(1) who is present for duty with the commands concerned and not ineligible under paragraphs 22 and 23 will command the forces unless otherwise directed by the President.

b. Section 317, Title 32, United States Code, provides: "When any part of the National Guard that is not in Federal service participates in an encampment, maneuver, or other exercise for instruction, together with troops in Federal service, the command of the post, air base, or other place where it is held, and of the troops in Federal service on duty there, remains with the officers in Federal service who command that place and the Federal troops on duty there, without regard to the rank of the officers of the National Guard not in Federal service who are temporarily participating in the exercise."

c. When USAR units participate in ACDUTRA or ANACDUTRA at an installation, the command of that installation remains with the officers who command the place without regard to the grade of the officers of the USAR unit who are temporarily participating in training at that location.

21. Separate commands of the several military services of the United States serving together. *a.* When separate commands of the several military services join or do duty together, or personnel of another service serve with the Army, operational control by an officer of one service over the units or members of the other services may be given—

- (1) By agreement between the services concerned, or
- (2) By assignment to command a unified command established by the Joint Chiefs of Staff.

When different commands of the Army and the

Marine Corps join or serve together, the officer highest in rank in the Army or the Marine Corps on duty there, who is otherwise eligible to command, commands all those forces unless otherwise directed by the President (10 U.S.C. 3576).

b. The commander of the forces joined will exercise operational control of the forces of each service through its responsible commander who will retain responsibility for such intraservice matters as administration, discipline, internal organization, and unit training. In general, court-martial jurisdiction by one armed force over personnel of another should be exercised only when the accused cannot be delivered to the armed force of which he is a member without manifest injury to the service. Subject to this policy, the commander of a joint command or joint task force who has authority to convene general court-martial may convene court-martial for the trial of members of another armed force when specifically empowered by the President or the Secretary of Defense to refer such cases for trial by court-martial (par. 13, MCM, 1951).

22. Ineligibility for command. *a. Command of an installation or activity.* An individual will be considered ineligible for command of an installation or activity when he is—

- (1) Quartered thereat but has his headquarters or office elsewhere.
- (2) A student at a service school or civilian institution, or undergoing individual training, instruction, or in-transit processing at an installation where he is not a part of the command complement.
- (3) Not permanently assigned, and his unit is not permanently assigned to the installation.
- (4) Assigned primarily as a permanent member of a board.
- (5) Prohibited by statute or by Army Regulations (par. 23, and AR 600-31) from assuming command.
- (6) Assigned specific duty aboard a military vessel or aircraft where his particular duty and military occupational specialty do not technically qualify him to assume the duty of ship's master or aircraft commander.

b. Suspension from rank, command, or duty. A commissioned officer may be suspended from

rank or command by sentence of a courts-martial. Suspension from rank includes suspension from command. An officer thus suspended may not exercise military command of any kind or perform any duty involving the exercise of command. A commissioned officer may also be suspended from duty. Such suspension is analogous to suspension from command and is particularly appropriate in the case of an officer assigned to a purely administrative duty not involving the exercise of military command. While suspended from rank, command, or duty, an officer is ineligible to sit as a member of a court-martial, court of inquiry, or military board, and he is deprived of privileges depending on rank, such as any priority dependent on rank in the selection of quarters. For reports required to be submitted in certain cases involving changes in status of officers resulting from courts-martial actions, see paragraph 96, Manual for Courts Martial, 1951.

c. In arrest. A person in arrest is ineligible to exercise command of any kind.

23. Restrictions. *a. Announcement of appointment.* With the exception of the Commanding General, United States Continental Army Command, commanders referred to in paragraph 14 will not exercise their authority in the assignment of general officers without prior approval of Headquarters, Department of the Army in each instance. The Commanding General, United States Continental Army Command, is authorized, during the temporary absence of the regularly assigned commander concerned, to assign general officers under his command to positions of command in accordance with paragraph 14. The authority contained in paragraph 14 will not be exercised to assign command functions to chaplains, or, unless authorized by the Secretary of the Army or his appointee (*d* below), to officers of the Army Medical Service when such assignment involves troops other than those of the Army Medical Service.

b. General Staff officers. An officer assigned to duty on or detailed to duty with the Army General Staff will not assume command of troops other than personnel on duty with the Army General Staff unless specifically directed to do so by an authority named in paragraph 14. An officer designated general staff with troops may assume command when he is the senior regularly assigned

officer of the command present for duty and not ineligible under the provisions of this paragraph and paragraph 22.

c. Officers on duty in Department of the Army staff agencies. Officers on duty in any of the staff agencies, services, and bureaus of the Department of the Army, including heads thereof and officers detailed to duty therein, will not assume command of troops other than those of the service, staff, or bureau in which they are on duty unless specifically directed to do so by competent authority.

d. Officers of the Army Medical Service. Officers of the Army Nurse Corps and the Army Medical Specialist Corps may exercise command only within their respective branches, and over persons placed under their charge. Other officers of the Army Medical Service may exercise command only within the Army Medical Service. As an exception to this general rule, officers of the Medical Service Corps may exercise command of troops that are not part of the Army Medical Service whenever authorized by the Secretary of the Army, by the commanders of major commands, army groups, armies, corps, divisions, and units comparable thereto, the chiefs of services, or heads of other Department of Army staff agencies.

e. Chaplains. A chaplain has rank without command (10 U.S.C. 3581). Although a chaplain may not exercise command, he has authority to exercise functions of operational, supervision, and control. See AR 165-15.

f. Commanding officer of troops on transports. All military personnel embarking on MSTs vessels are available for command duty, unless otherwise indicated in their travel orders or by reason of their branch of service they are not eligible to command troops. General officers will be excluded from this requirement and the designation of colonels will be at the discretion of the terminal commander. See AR 55-325.

g. Women's Army Corps officers, warrant officers, and noncommissioned officers. Commissioned officers, warrant officers, and noncommissioned officers of the Women's Army Corps may exercise command over Women's Army Corps personnel only. They may exercise such military authority over other military personnel as is necessary to carry out the duties pertaining to their assigned tasks.

h. Army Reserve unit commanders. The authority delegated under paragraph 14 will apply in the following cases when it is determined impracticable to assign the senior officer to command:

- (1) When the Reserve officer selected to command an Army Reserve unit, while in Reserve duty training status, is junior in date or rank, as computed under section VI, to other officers of the same grade assigned to that unit.

- (2) When a Reserve unit is ordered to active duty, and the assigned unit commander is junior in date of rank, as computed under section VI, to other assigned officers of the same grade.

i. Warrant officers. When assigned duties as station, unit, or detachment commander, warrant officers are vested with all powers usually exercised by commissioned officers except as indicated in AR 611-112.

Section IV. ENLISTED ASPECTS OF COMMAND

24. General policies. *a.* Except as specifically indicated, all of the policies of these regulations apply equally to all classes of military personnel as listed in paragraph 7. This section is devoted to emphasizing policies of command that are primarily or exclusively related to the enlisted grades of rank. At all echelons of command, commanders and their staffs are charged specifically with the responsibility of insuring equitable delegation of authority and responsibility, as guided by these regulations, to noncommissioned officers by their superiors, whether officer, warrant officer, or other noncommissioned officers.

b. These regulations are applicable to enlisted personnel of all components of the Army. Personnel retired and members of USAR Control Groups prior to 1 July 1955 are exempted from these regulations while in that status.

25. Noncommissioned officers. The guidance in this paragraph is amplified in AR 611-201 which describes in detail the command function of all noncommissioned officer MOS.

a. Sergeants major. This is the senior enlisted grade as indicated in paragraph 7. It is also the position title that designates the senior enlisted position on the staffs of various commanders. In keeping with the trust, confidence, responsibility, and authority bestowed upon this function, the sergeant major should be considered as a key staff member. As indicated in paragraph 11, it is from the sergeant major of a major unit or installation that the activities of the local NCO channel emanate. This channel functions orally through the sergeant major's and first sergeant's call and does not normally involve written directives.

b. First sergeant. This grade of rank and position title is second only to the sergeant major in importance, responsibility, and prestige. In the

sense that first sergeants are in direct and daily contact with sizeable numbers of other enlisted men, this position is one requiring outstanding leadership and professional competence. The first sergeant is the senior enlisted assistant to commanders of companies, batteries, and troops. It is normal for company commanders to use the noncommissioned officer channel (par. 11) for the conduct of many routine activities, particularly in garrison. Thus, in these activities, the first sergeant occupies an intermediary position between the other enlisted personnel and the officers of the company. He conducts routine company administration and company operations as directed by the company commander. He drafts company orders, reports, and other documents requiring the signature of the company commander. The functions of the first sergeant do not include responsibilities which cannot be delegated by the company commander or which properly belong to the executive officer or platoon leaders.

c. Platoon sergeant. This grade of rank and position title is also one of the key ones in the command structure of the Army. It is normal for platoon sergeants to become vital members of the chain of command under the provisions of paragraph 16. When the officer platoon leader is present, the platoon sergeant is his key assistant and advisor.

d. Section, squad, and team leaders. The importance of these positions stems from the fact that the responsibilities of these echelons of the chain of command (par. 11) are habitually exercised by noncommissioned officers. Platoon leaders hold their subordinate leaders responsible—

- (1) For personal appearance and cleanliness of their soldiers.

- (2) That all Government property issued to members of their units is properly maintained and accounted for at all times and that discrepancies are reported promptly.
- (3) That, while in a duty status, they be ready at all times to report the location and activity of all individuals of the unit. Thus as the basic reporting unit in formations, the squad is either present, or individuals absent are reported by name and not merely accounted for.
- (4) That the unit is prepared to function in its primary mission role.

c. Acting noncommissioned officers. Company, troop, battery, and separate detachment commanders may appoint acting corporals and sergeants in accordance with AR 624-200 for the purpose of filling position vacancies. Additionally, AR 624-200 provides for acting corporals, sergeants, and staff sergeants for casual groups. While so acting they will wear the insignia and have the responsibilities, authority, and privileges of the position to which appointed, except that they will not be entitled to the pay and allowances of such higher grades, and such service will not be credited as time in a higher grade for appointment or date of rank purposes.

f. Noncommissioned officer disciplinary policies. The purpose of this subparagraph is to emphasize the important status of noncommissioned officers in the maintenance of discipline in the Army. These policies should be considered together with the provisions of section V and MCM 1951.

- (1) NCO authority to apprehend, see paragraph 32, these regulations; Article 7(c) UCMJ; and paragraph 19, MCM 1951.
- (2) Noncommissioned officers may be authorized by their commanding officers, in accordance with Article 9(b), UCMJ, to order enlisted persons into arrest or confinement. Also see paragraph 21a, MCM 1951. This authority is frequently confined by commanding officers to first sergeants, charge of quarters, or other duty positions.
- (3) Noncommissioned officers do not have any authority to impose nonjudicial punishment upon other enlisted personnel under Article 15, UCMJ. However, the recommendations of noncommissioned officers

may be sought and considered by unit commanders.

- (4) As enlisted commanders of troops, certain noncommissioned officers play an extremely important role in furthering the efficiency of the company, battery, or troops. This function includes the prevention of incidents which, if they occurred, would make it necessary to resort to trial by courts-martial or imposition of nonjudicial punishment. Thus, the NCO is a key assistant to the commander in administering the minor nonpunitive (not to be confused with nonjudicial punishment) disciplinary responsibilities prescribed in paragraph 33, and in paragraph 128c, MCM 1951. See also paragraph 35b these regulations.
- (5) In taking corrective action with regard to subordinates, noncommissioned officers will be guided by, and observe, the principles set forth in paragraph 34e.
- (6) For trials of noncommissioned officers by courts-martial whose membership, as provided by Article 25(c)(1), UCMJ, includes enlisted persons, the following will apply. When it can be avoided, no member of the court-martial will be junior to the accused in rank or grade. Specialists will not, except under extraordinary circumstances, sit as members of courts-martial of noncommissioned officers. In those cases in which a specialist sits on a court-martial of a noncommissioned officer he should be in a higher pay grade than the accused.
- (7) In the case of corporals, or noncommissioned officers in higher grades, summary court-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next inferior pay grade. This restriction, so far as it applies to corporals, is in addition to those imposed in paragraph 15b and 126c(2), MCM, 1951.

g. Miscellaneous NCO responsibilities, prerogatives, and privileges. Noncommissioned officers will--

- (1) Execute orders on their own initiative and judgment within the authority delegated to them.

- (2) Be employed as training instructors to the maximum degree practicable.
- (3) Make recommendations relative to unit mission accomplishment and troop welfare. NCO recommendations have traditionally been of immeasurable assistance to their commanding officer on such matters as assignment, reassignment, promotion, privileges, discipline, training, unit funds, community affairs, and supply.
- (4) Be utilized only in supervisory roles on fatigue duty, and only as noncommissioned officers of the guard on guard duty, except in temporary situations where other grades are critically short.
- (5) Be granted such privileges as organization and installation commanders are capable of granting and consider proper to enhance the prestige of these vital enlisted troop commanders.
- (6) Be considered for assignment of quarters (noncommissioned officers with bona fide dependents) by installation commanders upon the basis of several pertinent factors under the provisions of AR 210-14. Determination of the seniority factor of applicants under AR 210-14 will be on the basis of date of rank within pay grade for all enlisted personnel under consideration.
- (7) Be afforded pass privileges in accordance with AR 630 20, which provides that no pass form will be required for staff sergeants and higher.
- (8) Be afforded the privilege of establishing and operating noncommissioned officers' open messes as adjuncts of the Army as covered in AR 230-60.
- (9) Be afforded separate rooms in barracks areas to the extent feasible under the provisions of AR 210 18.

26. Specialist. *a.* A specialist is a selected enlisted person who has been appointed under the provisions of AR 624-200 for the purpose of discharging duties that require a high degree of special skill. Specialists must have acquired proficiency in the technical or administrative aspects of their MOS field. Specialists, by virtue of their technical skill, are often called upon to exercise leadership with respect to matters related to their

specialty. Normally, their duties do not require the exercise of enlisted command of troops. Thus, while leadership proficiency is not a primary prerequisite for advancement to or within the specialist grades, qualities of leadership should be encouraged and recognized.

b. Although the duty positions of specialists are not enlisted command positions, and do not normally require exercise of leadership functions, there are exceptions. In particular, the more senior specialists will occasionally be called upon to assume command under the provisions of paragraphs 16, 17, or 31a of these regulations. Additionally, senior specialists are usually soldiers with long service and outstanding ability who contribute in considerable degree to maintenance of the high appearance and conduct standards of enlisted personnel of lesser rank.

c. Specialists Six and higher specialist grades will be exempt from guard and fatigue duty, except in unusual circumstances when their services are required for the proper execution of these duties. In these cases, they will be used only in a supervisory role except in temporary situations where other grades are critically short, but in no case over a noncommissioned officer.

d. Specialists Six and higher specialist grades will be granted, in general, the same type privileges as noncommissioned officers in the organization and installation. A type of exception that might be applied by organization or installation commanders is listed in paragraph 25g(9).

e. Specialist Five and Specialist Four may be granted such privileges as the organization and installation commanders consider proper.

f. Under no circumstances will a specialist be granted any prerogatives or privileges that would be detrimental to the prestige of a noncommissioned officer, nor will any specialist be placed in such a position that he would be required to execute orders over a noncommissioned officer in the Army. In connection with joint activities, see paragraph 8d.

g. In the case of Specialist Five and higher specialist grades, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next inferior pay grade. These restrictions are in addition to those imposed in paragraphs 15b and 126c(2), MCM 1951.

h. When punishment is imposed on a Specialist Five, or specialist in higher specialist grade pursuant to Uniform Code of Military Justice, Article 15(a) (2), it may not include any type of extra duty that could not have been imposed on a corporal or higher ranking noncommissioned officer, under the provisions of paragraph 131(b), MCM 1951. Commanding officer's nonjudicial punishment can include, for Specialist Four, any type of extra duty that would be appropriate for privates.

i. Specialists should be encouraged to advance toward noncommissioned officer skills in appropriate

MOS by undergoing on-the-job training in such duty positions. While in this status, the commander may appoint the specialist as an acting noncommissioned officer.

27. **Privates.** This class of enlisted men is, as indicated in paragraph 7d(3), the basic manpower strength and grade of the Army. While command functions do not normally pertain to privates, they should be indoctrinated in their responsibilities and in their potential for enlisted command duties. Special emphasis should be made of the guidance in paragraphs 16, 17, 18, 19, section V, and paragraph 25.

Section V. MILITARY DISCIPLINE

28. **Definition.** a. Military discipline is a state of individual and group training that creates a mental attitude resulting in correct conduct and automatic obedience to military law under all conditions. It is founded upon respect for and loyalty to properly constituted authority.

b. While military discipline is enhanced by military training, every feature of military life has its effect on military discipline. It generally is indicated in an individual or unit by smartness of appearance and action; by cleanliness and neatness of dress, equipment, and quarters; by respect for seniors; and by the prompt and cheerful execution by subordinates of both the letter and the spirit of the legal orders of their lawful superiors.

29. **Obedience to orders.** All persons in the military service are required to obey strictly and to execute promptly the lawful orders of their superiors.

30. **Military courtesy.** Courtesy among members of the Armed Forces is indispensable to discipline; respect to superiors will be extended on all occasions. See AR 632-110.

31. **Appearance and conduct.** a. Discipline is a function of command; hence, it is the responsibility of all leaders in the Army, whether they are on duty or in a leave status, to see that all military personnel present a neat and soldierly appearance, and to take action in cases of conduct prejudicial to good order and military discipline by any military personnel which may take place with their knowledge.

b. If military police are present or readily available, they will, in cases of disorder by military personnel, be called and directed to take the

necessary action to restore order. If no military police are readily available, the senior commissioned officer, warrant officer, or noncommissioned officer present will use such means and personnel as may be available to restore order.

c. On public conveyances, in the absence of military police, the person in charge of the conveyance may be requested to notify the nearest military police and arrange to have them board the conveyance and take custody of military personnel guilty of misconduct. If the misconduct is sufficiently serious, the person in charge of the conveyance will be requested to stop the conveyance at the first opportunity and turn the offender over to the local police. In all such cases, the local police will be advised to telephone collect to the nearest Army post or Army headquarters so that the accused's commanding officer may be notified and the commander of the area of responsibility in which the offense occurs may take appropriate action.

d. When an offense which endangers the reputation of the Army is committed elsewhere than on a public conveyance, civilian police may be requested to take the offender into custody when no military police are available.

e. When military police are not present, the senior commissioned officer, warrant officer, or noncommissioned officer present will obtain the name, grade, service number, organization, and station of the offender, and forward this information, together with a statement of the circumstances, to the individual's commanding officer without delay. When the offender is turned over to the civilian police, the above information will

be given to the civilian police for transmittal to the appropriate military authorities.

32. Maintenance of order. Military police, air police, and members of the Navy, Marine Corps, and Coast Guard shore patrols are authorized and directed to apprehend Armed Forces personnel who commit an offense punishable under the Uniform Code of Military Justice. Commissioned officers, warrant officers, noncommissioned officers, and petty officers of the Armed Forces are authorized and directed to quell all quarrels, frays, and disorders among persons subject to military law and to apprehend participants. Those exercising authority hereunder are enjoined to do so with judgment and tact. Personnel so apprehended will be returned to the jurisdiction of their respective services as soon as practicable. For confinement of female personnel see AR 633 45.

33. Military authority, how exercised. Military authority will be exercised with promptness, firmness, courtesy, and justice. Resort to trial by court-martial or to nonjudicial punishment under the Uniform Code of Military Justice, Article 15, will not be made for trivial offenses, except when less drastic methods of administering discipline have been tried (see par. 128c, MCM, 1951) in the case of the individual concerned without result. A private E-1, for example, who is late for formation, appears in improper uniform, or has unclean equipment may be censured, required to clean his equipment, or to take extra training or makeup training in subject(s) directly related to the training deficiency. Such action is in the nature of instruction, not punishment. Care will be exercised at all levels of command to insure that subordinate commanders understand and adhere to the principle that training will not be used as punishment. Trivial offenses which have been corrected after being brought to the attention of the individuals concerned need not be noted on their records, and will be considered as closed incidents (pars. 35b and 25f(4)).

34. Relationship of superiors toward subordinates. a. The commander will encourage among his subordinates harmonious relations coupled with a friendly spirit of competition in the performance of duty.

b. The commander's timely intervention to prevent disputes, give advice to the inexperienced, and censure conduct liable to produce dissension

in the command, or to reflect discredit upon it, is of great importance in securing and maintaining efficiency.

c. Commanders exercise command through their subordinate commanders. The commander inspires confidence in his subordinates by example, by sound and decisive action, and by his ability to overcome obstacles. He encourages strengthening of the chain of command and development of initiative, ingenuity, and boldness of execution throughout all echelons of his command. He establishes policies, prescribes missions, and sets standards for his command. By personal visits to his units and by formal or informal inspections and reports, he insures adherence to his policies, compliance with his orders, and maintenance of his standards. He employs his staff to acquire information, to prepare detailed plans, and to otherwise relieve him of details so that he may have maximum freedom of action. The degree to which he delegates responsibility and authority to his staff will vary with the commander and the level of command. He must take care, however, that the staff does not isolate him from his subordinate commanders and that the unique relationship between himself and his subordinate commanders is preserved. The commander maintains a close, direct, and personal relationship with his subordinate commanders and with his staff. He insures that a feeling of mutual respect and confidence exists between his headquarters and subordinate commands.

d. Commanders will assist in the professional development of their subordinates by such means as encouraging self-study, periodically rotating their duties, and frequently counseling them upon their performance. Normally, enlisted personnel will not be rotated to duty outside their primary MOS particularly in the case of those receiving proficiency pay.

e. Authority will impose its weight by the professional competence of leaders at all echelons rather than by the arbitrary or despotic methods of martinets. Second only to the accomplishment of their military mission, leaders are responsible for the welfare of their troops. Commissioned officers, warrant officers, and noncommissioned officers will enhance the will to fight for their country in their subordinates by instilling in them a sense of responsibility as citizens of the United

States, a sense of responsibility in conduct and behavior as service members, and a spirit of loyalty to the democratic principles on which the American way of life is based. Leaders at all echelons will impart to troops, on a continuing basis, constructive information on the necessity for and purpose of military discipline. In complying with the Uniform Code of Military Justice, Article 137, the Articles required to be explained will be presented in such a manner as to insure that enlisted personnel will be fully cognizant of the controls and obligations imposed on them by virtue of their military service. Commissioned officers, warrant officers, and noncommissioned officers will keep in close touch with personnel within their command, will take an interest in their organization life, will hear their complaints, and will endeavor on all occasions to remove those causes which make for dissatisfaction. Leaders will strive to maintain such relations of confidence and sympathy as will insure that personnel of their command will feel free to approach them for counsel and assistance, not only with regard to military and organizational matters, but with matters which may be contributing to personal or family distress or perplexity. This relationship may be gained and maintained without relaxation of the bonds of discipline and with great benefit to the service as a whole.

35. Disciplinary powers of commanding officer. *a.* See MCM, 1951.

b. In the exercise of his authority to use non-punitive measures, as explained in paragraph 128c, MCM 1951, if the individual to be administratively admonished or administratively reprimanded is no longer a member of his command, the commander concerned will forward such administrative admonition or administrative reprimand direct to the individual at his current duty station (pars. 25f(4) and 33).

36. Private indebtedness and financial obligations. *a.* The Department of the Army does not condone an attitude of irresponsibility or evasiveness by its personnel toward their private indebtedness or financial obligations. Members of the Army are expected to discharge their private indebtedness and financial obligations in an honorable manner. The Department of the Army is without legal authority directly to require a member to pay a private debt; or to divert any part

of his pay in satisfaction thereof, even though the indebtedness may have been reduced to a judgment of a civil court. The enforcement of the private obligations of persons in the military service is a matter for civil authorities. Army commanders will give careful consideration to the public relations aspect involved in private indebtedness and financial obligations, as well as to indoctrinating members of their commands in the individual's responsibility with respect to private obligations.

b. Commanding officers will not tolerate actions of irresponsibility, gross carelessness, neglect, dishonesty, or evasiveness in the private indebtedness and financial obligations of their personnel. Normally, it is not difficult to distinguish between an honest denial of an obligation and a dishonest or irresponsible evasion thereof. A claim based upon a judgment, order, or decree of a court which appears valid on its face, should ordinarily be accepted by the commanding officer as prima facie evidence of the financial obligation established thereby. Such a judgment, however, may be rebutted by other evidence, such as a conflicting decree of another civil court. If, after consideration of all factors, a commanding officer believes that a member of his command has dishonorably failed to pay his just debts, disciplinary action may be initiated (Articles 133 and 134, UCMJ and par. 213b, MCM, 1951). Whether or not disciplinary action is taken, unpaid personal indebtedness of long standing which the individual is not attempting to resolve may be handled administratively under the provisions of AR 624-200, AR 635-105, or AR 635-208.

c. Complaints of civil indebtedness or financial obligations received at any echelon of the Department of the Army superior to the immediate command of the member concerned will be forwarded through proper channels to the immediate commanding officer of such member for action as outlined in *d* below. Each communication will be acknowledged by the command receiving the complaint and the writer informed of the referral of his letter.

d. Upon receipt of a communication from any echelon of the Department of the Army superior to the immediate command of the member concerned, or directly from the complainant, con-

cerning a member's failure to satisfy his private indebtedness or financial obligations, the appropriate procedure set forth below will be followed:

- (1) If upon receipt of the communication it appears that the complainant has not made reasonable efforts to collect directly from a member, inform the complainant that action by the military authorities will be deferred until such time as it appears that the complainant has made such efforts. In questionable cases involving civil court judgments, commanders are encouraged to utilize the services of a Staff Judge Advocate prior to furnishing a reply to the complainant.
- (2) If upon receipt of the communication there appears to be evidence showing a reasonable effort to collect directly from the member, the organizational commander will discuss the matter with the member concerned. If the obligation is admitted by the member, the commanding officer will insure that reply is made promptly to the complainant indicating the member's intentions regarding payment. If the obligation or the amount is disputed or denied by the member, the commanding officer, in his discretion, may require either or both parties to submit any necessary documents or other pertinent evidence. When the commanding officer believes that the matter justifiably is controversial, he will make reply directly to the complainant advising that it is the established policy of the Department of the Army that a disputed debt is a matter to be settled by the civil courts. When complaints of a member's repeated failure to satisfy private indebtedness or financial obligations are received, the commanding officer will take appropriate followup action with a view to assisting the member in complying with previous arrangements. The complainant will be requested to address any further correspondence deemed necessary direct to the member concerned or to his commanding officer.
- (3) Complaints received after a service member has been reassigned will be forwarded

to his current organization if the latest assignment is available. Complaints received after a service member has departed on orders for oversea duty or on orders to return to CONUS, and whose current organization is not known, will be forwarded to the commanding officer of the appropriate oversea replacement station or returnee-reassignment station. All complaints in the above categories will be acknowledged and the complainant will be advised—

- (a) Of the service member's leave address when applicable.
- (b) That service member will be in a transient status for 30 to 90 days (or the approximately number of days normally required in each individual case) prior to reaching his new duty station.
- (c) That further correspondence concerning the indebtedness should be addressed to the commanding officer of the unit of the service member, if known. If the unit of the service member is not known, the complainant will be advised of the due date and the address to which correspondence should be sent in format consistent with the following examples:

Commanding Officer of
Pvt Robert E. Roe,
SN 00000000
U.S. Army Oversea Replacement
Station
Fort Lewis, Wash.
(DUE DATE: 1 Jan 196_)
or
Commanding Officer of
Pvt Robert E. Roe,
SN 00000000
U.S. Army Returnee-Reassignment
Station
Fort Hamilton, N. Y.
(DUE DATE: 1 Jan 196_)

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e. The provisions of a through d above, and paragraph 37 do not apply in the case of retired personnel not on active duty. Complaints of civil indebtedness or financial obligations should be replied to by a statement that any action in connection with civil indebtedness or financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that

the command regrets that it cannot be of assistance in the matter.

37. Support of dependents. *a.* Support of dependents by members of the Army involves a serious responsibility which is of direct concern to the Army. Any failure on the part of a member to carry out this responsibility not only reflects adversely on the Army as a whole, but is entirely inconsistent with Army standards of honor. Not every matter of this nature will involve a purely legal question, and commanders are cautioned not to consider such matters strictly from a legal standpoint. In this respect, however, commanders should seek the advice of an appropriate judge advocate to resolve any legal issues raised or any other matters in such cases about which the judge advocate may have knowledge and experience. The considerations set forth in paragraph 36 generally apply to matters involving support of dependents as well as to other financial obligations; but commanders must also be especially alert to the added factors of family hardship which will often arise in these cases, and take all necessary and reasonable measures, such as set forth in *b* below, to find an equitable and just solution to problems of support. It is to be noted in this respect that the monetary provisions of a court decree or an apportionment and allowance provided by the regulations governing basic allowance for quarters are not necessarily controlling; all factors relating to income, support needs, and additional family obligations should be considered. Irresponsibility by members in these matters will not be condoned.

b. In addition to the actions discussed in paragraph 36, the applicability or possible use of the following and similar procedures should be considered in cases of alleged insufficient support and should be brought to the attention of individuals involved as appropriate:

- (1) Reference to the local legal assistance officer pursuant to AR 608-50.
- (2) Application for class Q, class E, or other allotment pursuant to AR 37-104.
- (3) Application for dependent's identification cards (with attendant benefits including medical care) pursuant to AR 606-5.
- (4) Reference to the Army Emergency Relief (AR 910 10), American National

Red Cross (AR 940-10), or other similar local charitable organizations.

- (5) Reference of individuals involved to a Chaplain for advice and assistance concerning moral issues which may arise (AR 165-15).

38. Settlement of local accounts on change of station. To insure that organizations and individuals have properly settled their accounts, commanders will -

a. Make every effort to settle local accounts of their organizations prior to movement.

b. Institute action by mail to effect prompt settlement of organizational accounts with local firms that they are unable to settle prior to movement.

c. When considered necessary, take action under the Uniform Code of Military Justice, Articles 133 or 134, when individuals under their commands issue checks against an account with insufficient funds therein or fail to clear their personal accounts prior to departure from their stations. When information of indebtedness is received subsequent to the departure from the station of an individual, the commanding officer of the station at which personal accounts remain unsettled will take action outlined in paragraph 36d(3).

39. Civil status of members of the Reserve Components. *a.* A member of the Reserve Components, not serving on active duty, is not held or considered to be an officer or employee of the United States solely by reason of his status as such member and is not prevented from accepting employment in any civil branch of the public service, nor from receiving pay incident to such employment in addition to any pay and allowances to which he may be entitled under the laws relating to the Reserve Components. Except as specifically provided to the contrary in certain laws of the United States, a member of the Reserve Components, not serving on active duty, is not prohibited from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. There are a number of laws which impose limitations on the activities in which persons may engage after termination of active duty or employment by the United States. The underlying principle of these laws is that it is improper for an individual who has handled a matter for the Government to leave

public service and thereafter represent the other side in connection with the same or a closely related matter. (See, for example, 18 U.S.C. 284 and 22 U.S.C. 1764.)

b. Members of the Reserve Components who are officers and employees of the United States or of the District of Columbia are entitled to a leave of absence from their respective civilian employment without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises or for instruction for periods not to exceed 15 days in any one fiscal year, except that officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered to duty for parades or encampment under 25 Stat. 779, as amended by 35 Stat. 634.

c. Members of the Reserve Components, subject to the approval of the Secretary of the Army, may accept civil employment with and compensation therefor, from any foreign government or any concern which is controlled in whole or in part by a foreign government.

40. Release of Reserve personnel rosters outside the Military Establishment. a. Roster of Reserve Component personnel will not be released to Reserve association, other agencies, and individuals outside the Military Establishment. This should not be construed as preventing reasonable cooperation at the local level in such matters as, for example, suggesting the names of individual reservists to represent the Reserve Components at patriotic gatherings but rather to prevent the compilation of mailing lists by persons and organizations outside the Military Establishment.

b. To be effective, this policy must be applicable at all levels of command in the field as well as at the departmental level. Commanders at all levels will insure that those concerned are familiar with these regulations.

41. Congressional activities. a. *Communicating with a Member of Congress.* No person may restrict any member of an armed force from communication with a Member of Congress, unless the communication is unlawful or violates a regulation necessary to the security of the United States (10 U.S.C. 1034). Leaders are responsible

however, for continually advising subordinates to seek advice or assistance within the chain of command, from appropriate staff agencies, or from an inspector general if there is a complaint, and that a communication concerning a personal problem forwarded to anyone who is not in the local chain of command inevitably must be returned to the local commander for consideration before action can be taken to render assistance; also that service members should so inform members of their families.

b. *Appearance before congressional committees.* It is the policy of the Department of the Army to make the maximum information available to congressional committees as to its operations and activities, subject to the provisions of AR 380-5. When requested to appear before a committee of Congress, military personnel of the Army will effect coordination with the Chief of Legislative Liaison, Office, Secretary of the Army (or the Comptroller of the Army on matters pertaining to appropriations) for guidance or assistance.

42. Political activities. Members of the Army, while on active duty, will not use their official authority or influence for the purpose of interfering with an election or affecting the course or outcome thereof. Such persons, while on active duty, retain the right to vote, to express their opinion privately and informally on all political subjects and candidates and to become candidates for public office as permitted by these regulations. They will not be permitted to participate in any way in political management or political campaigns. The foregoing prohibition includes, among other things, activity at political conventions or on political committees, participation in political campaigns, the making of political speeches, the publication of articles, or any other public activity looking to the influencing of an election or the solicitation of votes for themselves or others. Particular attention is directed to the following statutory provisions:

It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this chapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office (5 U.S.C. 2105).

43. Election to, and performance of duties of, public office. *a.* Members of the Regular Army, while on the active list, may accept nomination for public office, provided such nomination is tendered without direct or indirect activity or solicitation on their part. They then may file such evidence of their candidacy as required by local law. Attention is directed, however, to the following statutory provisions:

Except as otherwise provided by law, no commissioned officer on the active list of the Regular Army may hold a civil office by election or appointment whether under the United States, a Territory or possession, or a State. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his appointment in the Army (10 U.S.C. 3544 (b)).

b. Members of the Army, other than the Regular component, while on active duty, may become candidates for election to public office, without the tender of nomination as provided in *a* above, and may file such evidence of their candidacy as required by local law.

c. The permission expressed in *a* and *b* above is conditional upon the following:

- (1) That the candidacy will not interfere with the performance by the individuals concerned of their duties in the Army.
- (2) That the individuals concerned, if elected, will not at any time while in active duty status act in their official capacities as holder of the office, or perform any of the duties thereof, nor, if members of the Regular Army, accept the office while they remain on the active list.

d. A member of the Army on active duty may in a proper case be discharged for the convenience of the Government under honorable conditions, retired, or released from active duty, as may be appropriate, for the purpose of performing the duties of President of the United States, or of one of the following public offices: Vice President of the United States, public officers appointed by the President of the United States, the governors and all other State officials chosen by the voters of the entire State of the several States and territories, members of the legislative bodies of the several States and territories and the judges of the courts of record of the United States and of the several States and territories and the District of Columbia. Separation from the service or from active duty, as may be appropriate, is mandatory

for any member of the Army on active duty who becomes a member of either of the legislative bodies of the United States. In such cases the following rules will apply:

- (1) If eligible for retirement, the individual concerned may be retired.
- (2) If serving on active duty as a retired Regular Army officer, he or she will be relieved from active duty.
- (3) If a member of a Reserve Component he or she will be relieved from extended active duty, but while holding such civilian office may, upon his or her request, be ordered to active duty for training for limited periods of time.
- (4) All other persons will be discharged, relieved from active duty, or permitted to resign, as appropriate.

44. Discussion of military policy. Public and private discussion of the current military policy of the United States, on appropriate occasions, by officers of the Army, in support of this policy is authorized and desirable, particularly if such discussion is intended to bring intelligently to the public notice the means employed by the Department of the Army to implement and enforce its policies.

45. Publishing of articles. The policy of the Department of Defense is that military personnel who desire to engage in public writing for personal profit are on an exact parity with civilian professional writers so far as accessible to classified current technical or operational military information is concerned. This policy covers military personnel on active duty, retired persons, and members of the Reserve Components. See AR 360-5.

46. Student Officer studies. All studies prepared as a part of their official duties by students at Army service schools will be used for official purposes only and will not be made available for publication or release in any manner which would indicate Department of the Army indorsement. This is not intended to preclude the writing of special articles on military subjects for publication provided review and clearance for publication are obtained as prescribed in AR 360-5.

47. Participation in pageants and shows for civilian entertainment. Military personnel will not participate in military pageants or shows

which are designed primarily for the entertainment of the public and which require an absence from their normal military duties for a period in excess of 14 days, without the specific approval of Headquarters, Department of the Army in each case.

48. Refusal of medical, surgical, or dental treatment. *a. General.* Persons in the military service who refuse to submit to medical or surgical (including dental) operation, treatment, or diagnostic procedures will be examined by a board of three medical officers convened by the ZI army commander or commander of a base or general hospital, or a commanding officer of any installation where there are four or more officers of the Medical Corps on duty. If, in the opinion of the board, the operation, treatment, or diagnostic procedure advised is necessary to enable such persons to properly perform their military duties and will normally have such effect, and they persist in their refusal after being notified of the findings of the Board, in appropriate lawful order form, they may be tried by court martial (see MCM 1951, par. 169b, 171b and app. 6c (24) and (29)). Whether disciplinary action is taken or not, such other action within the law and regulations as may be appropriate with a view to the person's discharge or retirement may be taken or initiated. All such cases will be referred to The Surgeon General for consideration and review before court-martial is instituted, or discharge or retirement initiated. If the refusal to submit to surgery is based on religious grounds, the case will be administered as indicated, except that the examining board will have a chaplain as an additional member, and such cases will be referred to the Chief of Chaplains as well as to The Surgeon General for review prior to action. Emergency diagnostic measures, treatment, or surgery necessary to protect the health or life of a patient may be performed without submission to the board whenever the patient has a functional or organic psychotic disorder of such severity that he is considered to be incapable of acting in his own best interest or to be a danger to himself or others. Whenever possible, a psychiatric consultation should be obtained in all such cases.

b. Immunization. Immunizations that conform to established medical practice may be administered forcibly to those refusing same,

provided no grounds for exception (par. 8, AR 40 562) are present. Appropriate commanders will make determinations in those instances where individuals object to immunization because of sincere religious beliefs and their value to the service would be negated by the psychological impact of immunization forcibly administered. The record of such determinations together with recommendation, will be forwarded through channels to The Adjutant General, ATTN: AGPO-XD, Department of the Army, Washington 25, D.C., for possible separation of the objector from the service, under rules and regulations to be determined. Within the terms of this paragraph "immunizations that conform to established medical practice" means those authorized in appropriate departmental directives.

49. Complaints or accusations against military personnel. *a.* The policies outlined below are intended to provide broad and general guidance. The Inspector General Complaint System which differs in procedure from that prescribed below is governed by the applicable provisions of AR 20-1.

b. Commanding officers of units or installations, upon receipt of written complaints or accusations against military personnel, will take the action indicated below. All complaints will be acknowledged.

- (1) *Forwarded from higher headquarters.* When final action on a complaint received from higher headquarters for investigation and report of findings is completed, the complaint accompanied by the report of investigation will be returned to the headquarters from which received. Unless higher headquarters has indicated a desire to reserve decision on the disposition of the complaint or accusation pending receipt of report of investigation, the case will be disposed of at the lowest level having authority consistent with the gravity of the case. Where higher headquarters has reserved the right of approval on the disposition of the case, the report of investigation will be returned and final action withheld pending disposition instructions. Higher headquarters will normally reserve the right of final disposition only in cases involving

complex issues or of such a nature that the commander desires, in the interest of justice and morale, to insure uniform handling throughout the command. Complaints received after a service member has been transferred and which indicate investigation is warranted by the new commanding officer, will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for overseas duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned in format indicated in paragraph 36d. The headquarters from which the complaint was received will be advised of the referral.

(2) *Received initially by units or installations.*

(a) *When warranting investigation.* The complaint will be investigated and appropriate action taken. Complaints received after a service member has been transferred and which indicate investigation is warranted by the new commanding officer, will be forwarded to the current organization of the service member if the latest assignment is available. If the service member has departed on orders for overseas duty or on orders to return to CONUS, and his current organization is not known, the complaint will be forwarded to the commanding officer of the service member concerned in the manner indicated in paragraph 36d. The complainant will be advised of the referral.

(b) *When not warranting investigation.* If in the opinion of the commanding officer the complaint is of insufficient importance to require an investigation, the statement "does not warrant investigation" will be recorded on the complaint and the initials of the commanding officer or a responsible officer designated by the commanding officer will be placed after the statement. The

complainant will be advised that a decision has been made that further action on the complaint is not warranted. Such complaints will be retained for a period of 90 days and then destroyed unless further correspondence relative to the complaint, warranting action thereon, is received.

(3) *Concerning retired personnel not on active duty.* Complaints or accusations against retired personnel not on active duty are normally outside the responsibility of the Army. Upon receipt of written complaints or accusations against such personnel, reply will be made thereto advising that such matters are outside the responsibility of the Department of the Army and should be pursued through the civil courts. As an exception, upon receipt of a complaint or an accusation of fraud against the Government, or of engaging in prohibited procurement activity affecting the Government, the matter will be forwarded to The Adjutant General, Department of the Army, for disposition, and the complainant or accuser will be advised of the referral.

c. Adverse matters concerning a service member will not be filed in an individual's record, either in the field or by The Adjutant General, except as provided in AR 640-98.

50. Armed Forces disciplinary control boards. In order to assist the responsible Army, Navy, Air Force, and Coast Guard commanders in effecting closer coordination of their respective law enforcement agencies in the reduction and repression of conditions inimical to the morals and welfare of service personnel, the Army, Navy, Treasury, and Air Force Departments have adopted a formal agreement which provides for establishment of Armed Forces Disciplinary Control Boards and prescribes their composition, duties, and functions.

51. Off limits. a. *Establishments and areas.* To assist commanders in maintaining discipline and safeguarding the health, morals, and welfare of military personnel, establishments and areas may be declared "off limits." Military personnel are prohibited from entering "off limits" establishments or areas. Within continental United

States, "off limits" signs will not be posted. Military police may be posted at entrances.

b. Coordination. Within the continental United States, ZI army commanders and Commanding General, Military District of Washington, U.S. Army, will coordinate "off limits" actions with comparable commanders of the Navy, Air Force, and Coast Guard to insure uniform application to all members of the Armed Forces.

c. Procedures. Normally, "off limits" action will be based upon the recommendation of the appropriate Armed Forces Disciplinary Control Board and by agreements among Army, Navy, Air Force, and Coast Guard commanders. Prior to such action, a letter advising of specific objectionable practices will be forwarded to the alleged offender. This letter will provide the addressee with a reasonable opportunity to determine the facts and will specify the time and place that he may present himself for a hearing on the truth or falsity of the allegations. Representatives of civilian agencies concerned with law enforcement,

health, welfare, and the safeguarding of morals may be invited to board meetings as guests or in an advisory capacity. Disciplinary control boards may be utilized to forward these letters, conduct hearings, and submit recommendations to the commander concerned. In emergencies, local commanders may temporarily declare places "off limits" to Army personnel, reporting immediately to the appropriate ZI army commander or Commanding General, Military District of Washington, U.S. Army, reasons for such action. A letter of allegations will be forwarded to the alleged offender as soon as possible. The major commander will review emergency "off limits" actions, and if approved, will take steps to insure that comparable Navy, Air Force, and Coast Guard commanders are informed. Commanders will publish periodic lists of "off limits" establishments and areas.

d. Oversea areas. "Off limits" procedures may be prescribed in oversea commands.

52. Prohibitions with respect to intoxicating liquors. See AR 210-65.

Section VI. DETERMINATION OF PRECEDENCE AND DATE OF RANK

✓ **53. Commissioned officers.** *a. Precedence or relative rank.* Title 10, United States Code, section 3571, provides the general rule for determination of precedence among all commissioned officers of the Army serving on active duty in the same grade, whether temporary or permanent. Among officers of the same grade in active military service, including retired officers on active duty, precedence or relative rank is determined, except in case of special assignment made by the President, as follows:

- (1) By date of rank.
- (2) When dates of rank are the same, by length of active Federal commissioned service in the Army.
- (3) When dates of rank and active Federal commissioned service in the Army are the same, Regular Army officers will take rank among themselves in accordance with their promotion list positions, preceding officers of the Army National Guard of the United States, Army Reserve, Army of the United States, and retired officers on active duty who will take rank among themselves according to age.

Promotion list positions for Regular Army officers are determined in accordance with title 10, United States Code, section 3574. Advice Federal commissioned service in the Army includes all time served on active duty or active duty for training as a commissioned officer in the Federal service and service performed under title 32, United States Code, sections 502-505; and for other than Regular Army officers, also includes total number of days credited in any commissioned grade for points earned in the manner prescribed in *b* (2) (*b*) below.

b. Date of rank.

- (1) The date of rank of an officer on the active list of the Regular Army is the date of rank stated in his commission or Headquarters, Department of the Army orders.
- (2) The date of rank of an officer of the Army National Guard of the United States, Army Reserve, or Army of the United States, entering on active duty or active duty for training, with an active Army unit in any grade, on or after

1 July 1955, is a date preceding the date on which the officer enters on active duty by a period equal to the total of—

- (a) One year for each qualifying year for retirement under title 10, United States Code, section 1332(a)(2) earned after 30 June 1955, while in his current Reserve grade or any higher grade. See AR 140-185 or NGR 23, as applicable, for procedure for establishing retirement years and definition of qualifying year for retirement.
- (b) For officers entering on active duty (or active duty for training) on or after 30 June 1960, the number of months and days of the retirement year during which he enters on active duty or active duty for training, provided the total number of retirement points earned in his current Reserve grade or any

higher grade during this period equals the minimum prescribed in appendix II, AR 140-185 for a portion of a qualifying year for retirement.

- (c) Periods of active Federal service in the Armed Forces of the United States, except as provided in (4) below, but including service under title 32, United States Code, sections 502-505, performed in the same grade in which ordered to active duty or active duty for training, or any higher grade, which is not credited under (a) and (b) above.
- (d) One day for each retirement point earned after 30 June 1955 while in his current Reserve grade or any higher grade for attending drills or periods of equivalent instruction, that is not credited under (a) or (b) above.

Example:

John Doe accepted appointment as second lieutenant, USAR, 28 May 1956, and entered on active duty 1 October 1956; was promoted to temporary grade of first lieutenant, AUS, 15 April 1958 with rank from 1 April 1958, relieved from active duty 30 September 1958 and promoted to first lieutenant, USAR, effective 1 October 1958. During the portion of his retirement year ending 27 May 1959 he earned 5 points for attending Reserve training assemblies and performed 15 days ACDUTRA; he earned a total of 55 retirement points for the year ending 27 May 1960, and a total of 33 points during 28 May 1960 to 28 December 1960 (7 months and 1 day) which meets the minimum prescribed for a portion of a year of qualifying service. He entered on active duty 29 December 1960.

	Year	Month	Day	Year	Month	Day
Active Federal service.....	58	9	30			
	58	4	1			
	0	5	29			
Add 1 day for inclusive dates.....			1			
	0	6	0	0	6	0
Inactive duty training (1 Oct 58-27 May 59).....			5			
Active duty for training (1 Oct 58-27 May 59).....			15			
			20			20
Qualifying svc for retirement						
(28 May 59-27 May 60).....	1	0	0			
(28 May 60-28 Dec 60).....	0	7	1			
	1	7	1	1	7	1
Total creditable service for date of rank.....				2	1	21
Date of entry on active duty or ACDUTRA.....	60	12	29			
Creditable service.....	2	1	21			
Date of rank.....	58	11	8			(8 Nov 58)

- (3) The date of rank of a retired officer upon being ordered into the active military service is the date of rank stated in Head-

quarters, Department of the Army orders placing him on active duty. Such date of rank is computed by adding to the

date of rank at time of retirement the period of time between the date of retirement and the date of return to active duty. In case of additional periods of inactive service, the date of rank will be adjusted further in accordance with the foregoing procedures.

- (4) Army officers may not credit for rank-purposes any active service in appointments to temporary grades under the act of 16 June 1936 (49 Stat. 1524; 10 U.S.C. 291c) or the act of 16 February 1942 (56 Stat. 94; see 10 U.S.C. 292a-1, note 1952 ed.) which provided for the promotion of officers assigned to duty with the Air Corps or Army Air Forces, such promotions to remain in force only during such assignments.
- (5) The date of rank of an officer promoted to a temporary grade on active duty is the date cited in the order announcing the promotion. Such dates of rank will not be adjusted to reflect prior service in the grade to which promoted or in a higher or comparable grade in any of the armed services.
- (6) For officers who are not on active duty on day prior to acceptance of Regular Army appointment, the date of rank in temporary grade if they are entitled to a temporary grade will precede the date of acceptance by the number of years, months, and days of active duty performed in the grade to which entitled or any higher grade.
- (7) The date of rank of an Army Reserve officer in a Reserve duty training status or on active duty for training with an Army Reserve unit will be the date of AUS or USAR appointment whichever is earlier, in current grade, less any period which precedes this date that the Army Reserve officer is credited with promotion service under provisions of paragraph 10, AR 135 155. For an officer who has had previous service in grade in which reappointed or in a higher grade, date of rank will be a date preceding the date of reappointment by a period equal to the service previously rendered in the same or higher grade.

54. Warrant officers. *a. Precedence or relative rank.* Among warrant officers of the same grade on active duty or active duty for training with an active Army unit, precedence or relative rank is determined as follows:

- (1) As among warrant officers on the active list of the Regular Army.
 - (a) By date of temporary or permanent rank, whichever is earlier.
 - (b) When dates of rank are the same, in accordance with their positions on the promotion list.
- (2) As among warrant officers of the Army National Guard of the United States, Army Reserve, Army of the United States, and retired warrant officers on active duty.
 - (a) By date of rank.
 - (b) When dates of rank are the same, by length of active Federal commissioned and warrant officer service, including service performed under the conditions outlined in b(2) below and service performed in the same, higher, or comparable grade not considered in establishing date of rank as described in b(3) below.
 - (c) When (a) and (b) above are the same, by length of total active Federal service.
 - (d) When (a), (b), and (c) above are the same, by age.
- (3) As among warrant officers of the Regular Army and warrant officers of the Army National Guard of the United States, Army Reserve, Army of the United States, and retired warrant officers on active duty.
 - (a) By date of temporary or permanent rank, whichever is earlier.
 - (b) When dates of rank are the same, Regular Army warrant officers will take rank among themselves as prescribed in (1) above, and non-Regular Army warrant officers and retired warrant officers will take rank as prescribed in (2) above following the junior Regular Army warrant officer with the same or greater amount of active Federal commissioned and warrant officer service.

b. Date of rank.

- (1) The date of rank of a warrant officer on the active list of the Regular Army is the date of rank stated in his warrant, promotion order, or letter of appointment.
- (2) The date of rank of a retired warrant officer or a warrant officer of the ARNGUS or Army Reserve serving on active duty or active duty for training with an active Army unit is the date of entry, except that if he previously served on such active duty in the same or a higher grade, his date of rank precedes the date of entry by the period of such active duty and service under title 32, United States Code, sections 502-505, performed in the grade in which serving or any higher grade. Drill periods and retirement points are not creditable in computing date of rank of a warrant officer. In computing prior service for this purpose, service as a warrant officer junior grade will be counted as service as a warrant officer, W-1, and service as a chief warrant officer prior to 1 October 1949, or as a chief warrant officer in pay grade W-2 thereafter, will be counted as service as a chief warrant officer, W-2. No warrant officer service prior to 1 October 1949 will be counted as service as a chief warrant officer, W-3, or chief warrant officer, W-4. Service as a chief warrant officer in pay grade W-3 will be counted as service as chief warrant officer, W-3, and service as a chief warrant officer in pay grade W-4 will be counted as service as a chief warrant officer, W-4. Service as a commissioned officer will be counted as service in the warrant officer grade in which ordered into active military service. In no event will the date of rank computed under this paragraph be earlier than 1 October 1949.
- (3) The date of rank upon appointment or promotion to a temporary warrant officer grade on active duty is the date cited in the order announcing the appointment or promotion. Such dates of rank will not be adjusted to reflect prior service in the grade to which appointed or promoted or

in a higher or comparable grade in any of the armed services.

- (4) The date of rank of an Army Reserve warrant officer in a Reserve duty training status or on active duty for training with an Army Reserve unit will be the date of AUS or USAR appointment, whichever is earlier, in current grade, less any period which precedes this date that the Army Reserve warrant officer is credited with promotion service under provisions of paragraph 5, AR 135 15S. For an Army Reserve warrant officer who has had previous service in grade in which reappointed or in a higher grade, date of rank will be a date preceding the date of reappointment by a period equal to the service previously rendered in the same or a higher grade.

55. Enlisted personnel. *a. Precedence or relative rank.* Among enlisted personnel of the same grade in active military service, including retired enlisted personnel on active duty, precedence or relative rank is determined as follows:

- (1) According to date of rank.
- (2) When dates of rank are the same, by length of active Federal service in the Army.
- (3) When (1) and (2) above are the same, by length of total active Federal service.
- (4) When the foregoing tests are not sufficient, by age.

b. Date of rank.

- (1) The date of rank in grade of an enlisted person of the Army who has not had a break in service is the date indicated in the warrant or instrument of appointment. Former first sergeants who were redesignated master sergeants on 1 September 1942 and who have had no break in service, will take rank from that date.
- (2) The date of rank upon reenlistment after a break in service not in excess of 3 months in the case of former enlisted personnel or 6 months in the case of former officers or warrant officers entitled to reenlist under title 10, United States Code, section 3528 or 3448(d), is a date preceding the date of enlistment by a period equal to the amount of service in

the same or higher grade performed subsequent to appointment to that or a higher grade. In computing date of rank upon reenlistment, no service prior to a break in service in excess of 3 months in the case of former enlisted personnel or 6 months in the case of former officers or warrant officers, nor service prior to service in a grade lower than that in which reenlisted, will be credited. The date of rank in such cases is the date of reenlistment.

- (3) Date of rank upon appointment to a grade within a higher pay grade is the date of appointment.
- (4) Date of rank upon appointment to a grade within the same pay grade is the date held in the grade from which appointment is to be effected. Dates of rank of noncommissioned officers previously appointed from specialist grades within the same pay grades will be adjusted to reflect the dates of rank held in such specialist grades.
- (5) Date of rank in the grade to which reduced for inefficiency or failure to complete a school course is the date which would be the date of rank if the individual had never attained a grade higher than that to which reduced.
- (6) Date of rank upon reduction for reasons other than inefficiency or failure to complete a school course is the effective date of the reduction.
- (7) Date of rank upon appointment to a grade from which reduced following successful appeal of such reduction, is the date held prior to reduction.
- (8) In the case of former officers or warrant officers (without prior enlisted service) who enlist within 3 months following relief from active duty from commissioned status, the date of rank will be the date on which the officer last entered on a tour of active duty, adjusted by the time intervening between date of separation as an officer and date of enlistment.
- (9) Date of rank upon initial enlistment in the Regular Army in permanent grade E-2 will be date of enlistment.

- (10) Date of rank upon permanent appointment to grades above E-2 is to be the same as temporary date of rank in the grade to which appointed. In some cases an individual will qualify for permanent appointment to a grade which he has never held on a temporary basis. In such instances his temporary date of rank will be the same as his temporary date of rank in the next higher grade.

Example: Individual served during World War II and was relieved from active duty or discharged as an E-2. He enlisted in the Army Reserve and was promoted through the intermediate ranks to E-5. He served continuously in the Army Reserve until called to active duty on 1 January 1957 in grade E-5, with date of rank 1 January 1957. He enlisted in the Regular Army on 1 January 1958 in grade E-2 and was concurrently appointed to temporary E 5 with date of rank 1 January 1957. His temporary date of rank for grades E-3 and E-4 is established as 1 January 1957.

- (11) The date of rank of enlisted personnel of the Army National Guard of the United States or the Army Reserve upon entrance on active duty will be a date preceding the date of entrance on active duty by a period equal to the amount of active Federal service and service under title 32, United States Code, sections 502-505, in the grade in which ordered or a higher grade, performed subsequent to the most recent break in service, except that no service prior to service in a grade lower than the grade held at time of entry into active military service will be credited. Drill periods and retirement points are not creditable in computing date of rank of an enlisted member. For the purposes of this subparagraph, a period during which an individual is not a member of one of the regular components of the Armed Forces, or of the Army National Guard of the United States, or the Army Reserve is a break in service, provided that such period is in excess of 3 months in the case of enlisted persons or 6 months in the case of former officers and warrant officers.

(12) *advised 0.5*

56. Rules of precedence between Foreign Service officers of Department of State and Officers of the Army. Precedence between officers of the Foreign Service and other officers of
[AG 300.1 (16 May 62) AGAO]

the United States Government is as prescribed by Executive Order 9998, 14 September 1948 (sec. II, JAAF Bul. 38, 1948; 13 F.R. 5359).

By ORDER OF THE SECRETARY OF THE ARMY:

G. H. DECKER,
General, United States Army,
Chief of Staff.

Official:

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

Distribution:

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