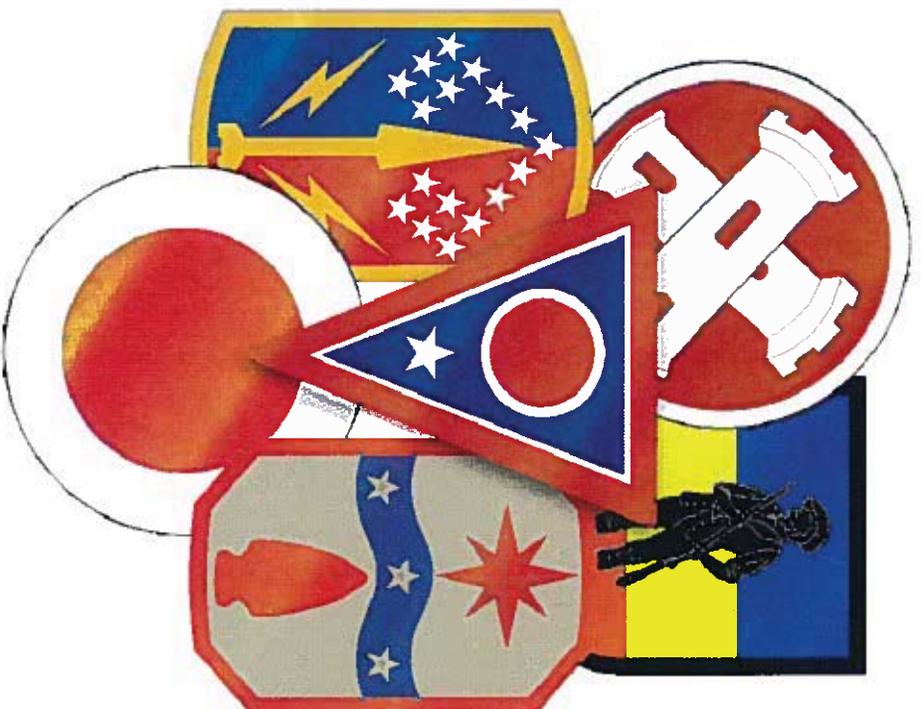


Ohio Army National Guard

Active Guard & Reserve (AGR)

Handbook



2012

“When Called - We Respond With Ready Units”

AGR Policy and Procedures Handbook

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Chapter 1: Administrative and Personnel Matters

1-1: Overview of AGR Program

This handbook is designed to help Active Guard/Reserve (AGR) Soldiers and their supervisors understand the Ohio Army National Guard AGR military program, the rules governing the management of AGR Soldiers, and the various entitlements and benefits that accrue for AGR Soldiers. As a comprehensive source of information, this handbook should be used as the “first stop” by AGR Soldiers and their supervisors. It is designed to provide essential information in easy to understand language in areas of major concern. It is expected that the information contained within this handbook will answer the great majority of questions using legal and regulatory references. Points of contact within the Human Resource Office (HRO) and the HRO organizational chart are found on the TAGNET HRO link.

The AGR section of the HRO manages the AGR program. If you are an Ohio Army National Guard AGR, then most of your routine personnel needs will be met by this office.

1-2: In-processing and Orientation

When entering the AGR program, for the first time, you must in-process. Army personnel are required to attend New Employee Orientation (NEO) Brief. The NEO brief will consist of several briefings and the collection of required information and documentation necessary to build your personnel, pay and medical files. This includes information necessary to ensure you and your dependents become eligible for medical care and other benefits. New AGR Soldiers should also receive a new unit orientation by their immediate supervisor within 30 days of reporting on initial tour.

1-3: Identification Cards

Each AGR member must have a Common Access Card (CAC). The CAC identifies you as a member of the Armed Forces, as well as the benefits and privileges for which you are eligible. A CAC is necessary to use such facilities as the commissary, Base Exchange, and to receive medical care. If your CAC is lost or stolen, report the loss immediately to the office that issued your card.

Your dependents are also eligible for a Uniformed Services Identification and Privilege Card using DD Form 1173. A key item to be accomplished during in processing is to enroll you and your dependents in the Defense Enrollment Eligibility Reporting System (DEERS). This action must be completed in order to be eligible for medical care and most other benefits. In order to expedite processing, new AGR Soldiers should bring all essential data concerning each dependent to in-processing by the new AGR Soldier.

A CAC is federal government property and its possession and use are a privilege. The CAC may be confiscated and the user prosecuted or discharged for its improper use. The CAC and the dependent cards must be surrendered once eligibility ends.

1-4: Clothing Issue/Allowance

Enlisted AGR members are expected to own a sufficient amount of uniforms upon entering the program. These uniform items are eligible for turn-in exchange at unit supply during their first six months, if a uniform becomes damaged or ruined through the performance of official duties. Thereafter, any uniform replacement is the individual's responsibility. A clothing allowance is provided to all enlisted personnel on an annual basis. The quantity and nature of uniform and equipment issued to AGR Soldiers vary according to unit and mission assignment. Those uniform clothing items which are approved for wear, but are not mandatory, are considered optional and any purchase must be at the individual's own expense.

Commissioned AGR officers are responsible for purchasing their standard uniform issue. A nominal uniform allowance can be applied for using ARPC Form 838 within six months upon entry into the AGR program, as long as no other active duty uniform allowance has been received in the prior two years. Organizational equipment and clothing items are loaned by the unit of assignment to the officer and must be turned in, at time of transfer or release from the program.

The Defense Finance and Accounting Service and the State of Ohio will hold AGR Soldiers, who have lost or misplaced equipment issued to them, financially liable for the cost of the lost items.

References: AR 700-84, AR 670-1

1-5: AGR Sponsorship Program

The sponsorship program is the best way to ensure quick and complete integration of new AGR Soldiers into the unit and AGR program. It also assists in helping the AGR Soldier's family in becoming familiar with the military and the Ohio National Guard. The sponsor is the key to a successful Sponsorship Program. The following attributes should be considered when selecting a sponsor:

- Attitude
- Knowledge about the AGR program and local community
- Should be a peer
- Knowledge of the unit and its mission
- Dependability

Reference: NGR (AR) 600-5

1-6: Dress and Appearance

One of the most important areas of military tradition is military bearing and the proper wearing of the prescribed uniform. All AGR Soldiers must maintain a high standard of dress and military appearance. This standard consists of four elements: neatness, cleanliness, safety and military image.

All AGR Soldiers are expected to have a working knowledge of grooming and uniform standards. Supervisory personnel must ensure that minor infractions, which become a pattern or habit, are corrected either through disciplinary or administrative action. At the same time, application of the standard must be even-handed and the appearance of “selective enforcement” must be avoided.

References: AR 670-1

1-7: Duty Hours

All AGR Soldiers normally work the same schedule as other full-time employees of the Ohio National Guard. The actual work hours and scheduled days off are a matter to be resolved between the individual and supervisor. Adhere to standard duty hours of 0730-1630 to support the traditional Soldiers and the FTUS workforce.

Duty hours may be increased, on little or no notice for short periods, to complete specific missions or required tasks.

Compensatory time off is not authorized to include working on UTA weekends. In those cases where compensatory time would have been appropriate, passes and leaves are encouraged. In the event of a furlough of the technician and civilian workforce, AGR Soldiers are still required to report for duty. Attendance and participation at weekend drills and other training requirements with the Soldier's unit of assignment are required. Additionally, AGR Soldiers will work duty hours as required when performing Annual Training or State Active Duty, in non-SAD status, with their assigned unit.

References: NGR (AR) 600-5, AR 600-8-10

1-8: Physical Fitness Program

Maintaining an acceptable level of physical fitness is a requirement for continued service in the AGR program. To ensure that AGR Soldiers have an adequate opportunity to achieve and maintain fitness levels, individuals are authorized up to 5 one-hour periods during official duty time during the workweek, which includes shower and cleanup time. The scheduling and nature of this physical training must be coordinated with the supervisor. Abuse of this privilege can result in its suspension or termination of workout periods by the supervisor.

All AGR Soldiers must pass the Army Physical Fitness Test (APFT) twice a year. Failure to pass the APFT is a serious matter and results in a number of adverse consequences to the individual. These include placing a "flag," DA 268, on any positive personnel actions such as promotion, awards, and attendance at schools. An AGR Soldier cannot extend their enlistment or renew their AGR tour if they do not pass their APFT. Two consecutive RECORD APFT failures, without a valid medical condition, can result in an involuntarily separation from their AGR tour immediately for unsatisfactory performance.

Any AGR Soldier with a documented medical condition or pregnant AGR Soldiers are eligible for alternate APFT programs. Coordination should be made with the unit's First Sergeant or Training NCO for participation in these programs. Unit special fitness programs are readily available for those personnel having trouble with the fitness test.

References: AR 40-501, AR 135-18, TC 3-22.20

1-9: Weight Control Program

In addition to maintaining an acceptable level of physical fitness, AGR Soldiers are also required to keep their body weight within regulatory standards. The purpose of the physical fitness and weight control programs is to maintain the efficiency, health, and well-being of the individual and to present a proper military image to the public. It is the immediate responsibility of Unit Commanders throughout the Ohio National Guard to ensure those under their command (AGR and traditional guardsmen alike) are in compliance with weight control guidelines and standards.

Army regulations have weight tables that are used as a screening device. Body Fat Measurement is the determining factor in deciding whether a Soldier is non-compliant with body weight standards. During command directed or scheduled weigh-ins, individuals are weighed, and if they exceed their allowed weight in the weight table, a body fat measurement (BFM) is taken. If this measurement determines that the individual exceeds the maximum body fat, they are then placed into the weight control program. The weight control program requires a pattern of satisfactory weight loss and then keeping the weight off for 12 months. If the Soldier is placed back on the weight control program between 12-36 months after removal, the Soldier only has 90 days to become compliant with the regulatory standards.

Personnel flagged for exceeding body fat standards are ineligible for favorable personnel actions. An AGR Soldier can not renew or extend their AGR tour if they are flagged for weight control. Continued failure to meet weight standards could also result in a full range of adverse administrative actions, to include discharge. Supervisors should carefully document a Soldier's progress in the weight control program by counseling and weigh-in results to support the appropriate action.

References: AR 600-9, AR 135-18, AGOR 600-9

1-10: Awards

Title 32 AGR Soldiers are eligible for the full range of Army awards and decorations. The criteria for awards of any decoration are contained within the cited references. Army AGR Soldiers are not eligible for the Army Reserve Components Achievement Medal.

In addition to federally recognized awards and decorations, the State of Ohio has a number of awards and decorations. All AGR Soldiers are authorized to receive and wear these awards.

References: AR 600-8-22, AGOR 600-8-22

1-11: Pregnancy of AGR Members/Family Care Plans

Female National Guard Soldiers, who are pregnant, may apply for AGR positions. Any AGR Soldier who becomes pregnant is allowed to continue performing her assigned duties as long as certain precautions and procedures, as outlined in the cited references, are followed. Upon notification of a medically certified pregnancy, the commander requests appropriate medical personnel to issue a temporary physical profile with duty limitations for the duration of the pregnancy. The Commander will complete the following:

- Advise single mothers the need to establish a Family Support Plan for care of the child should the member elect to stay in the AGR program
- Female AGR Soldiers are entitled to full medical care and assistance during the period of their pregnancy
- Dual Status married couples with children are required to have a valid family care plan

References: AR 135-91, AR 40-501

1-12: Equal Opportunity

All AGR Equal Opportunity complaints are referred to the EO-SEEM IAW ONGR 600-2.

1-13: Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is an Ohio Guard sponsored program that provides assistance for AGR Soldiers who are employees of the Ohio National Guard. This referral program provides confidential, professional assistance to help employees and their families resolve personal problems that may affect their well-being and/or job performance. The program addresses human problems such as marital difficulties,

domestic violence, financial or legal problems, emotional difficulties, or problems caused by alcohol or other drug abuse.

All AGR Soldiers can use the Confidential Referral Program. The Equal Employment Opportunity (EEO) office has a list of qualified EAP Coordinators who specialize in the assessment of personal problems. Any AGR Soldier or their supervisor can initiate a request for assistance. Either can call the Equal Employment Opportunity Office and schedule an appointment with an EAP Coordinator.

If a National Guard member, with a personal problem initiates a request for assistance, discussion of the problem is strictly confidential between the member, coordinator, and the member's supervisor/commander. When dealing with an AGR Soldier, it is important to understand that confidentiality is still a critical part of this program, however, a commander needs to know the deployment status of all their employees. There is a limited exception where confidentiality cannot be enforced. When a life-threatening situation has occurred, the supervisor will have to be informed of the individual's request for assistance.

A commander can refer an AGR Soldier to EAP when personal problems may be significantly affecting an employee's behavior or performance at work. Commander referrals can be difficult when an employee refuses to seek treatment; this is when the commander must use the firm choice referral. A firm choice referral is simply when a commander directs an AGR Soldier or traditional member to EAP. The commander must document that the poor work performance may be based upon personal problems. It is important that the commander/supervisor does not attempt to diagnose or counsel the employee, but to refer the individual to an EAP Coordinator or chaplain. Firm choice referrals must be supported with documentation to show a work-related pattern.

Chapter 2: Access and Conduct on Military Facilities

2-1: Workplace Searches

Supervisor's have the right to search most areas within a workplace without obtaining a search warrant or the permission of the individual. Within the workplace, a search can be conducted in those areas over which the government is considered to exercise control. These include such areas as offices, desks, toolboxes, and file cabinets.

Government offices are provided to employees for conducting official business. A search by a supervisor or security police to retrieve work related materials or to investigate possible violations of workplace rules is ruled by the courts not to violate a Soldier's Fourth Amendment Right against unreasonable searches and seizure. There are certain areas that individuals are considered to have an expectation of privacy within the workplace. This would include handbags, briefcases, backpacks and wall lockers secured by a personal lock. These are not generally considered part of the workplace and are generally not subject to a search, without a warrant or permission of the individual.

All AGR Soldiers assigned to secured bases are subject to having their vehicles randomly searched, as a condition of entry. Supervisors should always consult with the legal office prior to conducting a search of a work area, unless an emergency exists.

References: Postal Workers vs. USPS, 871 F. 2d 556 (6th Cir. 1989)

Chapter 3: Professional Development

3-1: General

The Ohio AGR Program provides highly qualified officer and enlisted personnel to meet support requirements for the Ohio National Guard, its projects and programs. To achieve this objective, a hiring process selects the best-qualified personnel to enter the AGR program and requires 18-month stabilization on the initial tour. Once selected, the AGR program offers opportunities for career development and upward mobility to encourage retention of quality individuals. While entry into the program of individuals who may desire only to serve an initial or occasional AGR tour often occurs, the program is structured to allow for the achievement of sufficient years of full-time duty to qualify for retirement. This guidance is not intended to raise an individual AGR member's career expectations unrealistically. It requires careful planning by the individual AGR member, who has the PRIMARY responsibility for the management of his or her own career. Each AGR Soldier must ensure their career goals are made known to their immediate supervisor. Career objectives are addressed during counseling sessions.

Reference: NGR (AR) 600-200, NGR (AR) 600-5, AR 135-18, AR 623-3

3-2: Entry into the AGR Program

For initial entry into the AGR program, an individual must satisfy certain basic qualifications in addition to any special requirements on the advertisement. Among the basic requirements of military membership a potential AGR Soldier must be physically and mentally fit, be able to serve at least five years on active duty prior to their mandatory removal date, and complete all required military education. Failure to satisfy one or more of these requirements may result in the rejection of any application.

The following steps are used to fill a vacant authorized AGR position. Prior to advertising the vacancy, the first consideration is given to excess personnel in the Priority Placement Program (PPP), second consideration is laterally assigning an onboard AGR Soldier or advertising it with a 15 day job announcement, third consideration is filling thru the Enlisted Promotion System (EPS) program. The last step is to announce a 30 day off the street announcement (see Appendix B.)

Application procedures and required forms are listed on the actual vacancy advertisement.

Reference: AR 135-18, NGR (AR) 600-5

3-3: Priority Placement Program (PPP)

The Priority Placement Program (PPP) manages over-grade Soldiers that are placed in lower graded positions due to unit reorganization. The PPP is the initial means utilized to fill vacant AGR personnel positions. The AGR Office notifies the Soldiers, in writing, of their placement on the PPP. A list of AGR Soldiers on the PPP is maintained by the HRO-M and is provided to the selecting command, when an available vacancy arises.

An AGR Soldier affected by changes in manning document requirements, end-strength and grade ceiling limitations, is retained in an excess or over-grade status for not more than one year after the effective date. Elimination or downgrade of manning document positions trigger AGR Soldiers enrollment in the PPP. These Soldiers are given priority over other Soldiers in filling vacant authorized positions. Any AGR Soldier carried in an excess or over-grade will be offered, in writing, the opportunity to fill vacant positions. If a Soldier refuses a valid offer, of a commensurate current grade and MOS, the Soldier is reduced effective the date of refusal. If the position is not commensurate with MOS, then the Soldier may accept the position and become MOSQ within 12 months or decline the offer for another potential position. Positions offered to Soldiers may not have a maximum military duty grade, which exceeds the Soldier's current grade. The PPP takes precedence over all other personnel selection processes.

AGR commissioned and warrant officers carried in excess status and not reassigned to valid manning document positions within one year after the effective dates established by NGB-ARP are separated from the AGR program.

AGR enlisted Soldiers who are in over-grade status or fail to become MOSQ one year after the effective dates established by NGB-ARP are reduced to the authorized military grade of the manning document position or are separated from the AGR program.

Reference: NGR 600-5

3-4: Lateral Reassignment/Transfer

This procedure is an optional means of filling positions within the AGR force. Commanders have the authority to transfer AGR Soldiers within their command. This reassignment is to a position equal to the individual's current military grade (unless the individual consents to a demotion.) While not an absolute requirement, an AGR is transferred to a position to which they are MOS qualified. If this is not possible, the AGR Soldier is afforded an opportunity to obtain training to reach the necessary skill level compatible with their new assignment based on funding availability. Members who fail to obtain the necessary qualification skills within a 12-month period may be reassigned or terminated from their AGR status.

All AGR Soldiers are subject to reassignment, without consent and without geographical limitations within the boundaries of Ohio, to meet the needs of the service. If the AGR Soldier refuses a reassignment, action is initiated to separate the individual from their

AGR tour. If applicable, a reassigned AGR Soldier may be eligible for permanent change of station (PCS) costs to be reimbursed at the request of the command.

Reference: NGR (AR) 600-5, AR 600-14

3-5: Enlisted Promotion System (EPS)

The Enlisted Promotion System (EPS) provides opportunities for upward mobility in assignment, rank and eligibility to attend service schools. The EPS is a viable program in filling AGR vacancies. Commanders consider all priority placement personnel and lateral moves prior to utilizing EPS. Positions filled through EPS require commanders to forward a request, through channels, to the AGR Office requesting backfill for the position. The HRO-M obtains the EPS list and contacts (in sequence order) AGR Soldiers until an individual accepts the assignment. Soldiers fully qualified for promotion are promoted IAW current MILPO policy. If a controlled grade is required, the AGR Soldier is transferred and placed on the controlled grade list. The promotion will not be effective until a controlled grade is available.

An AGR Soldier is removed from the EPS list for two (2) years if they decline an EPS promotion offer IAW MILPO EPS Guidance.

Reference: NGR 600-200, AR 600-8-19

3-6: Tour Continuation

Continuation in the AGR program is a privilege earned by demonstrated performance of assigned duties, maintenance of MOS proficiency, maintaining physical fitness, meeting retention standards, and having demonstrated potential for future promotion and or assignments of greater responsibility.

A Tour Continuation Board reviews all AGR Soldiers that have tours ending in the following year. The HRO-M publishes a FRAGO to notify Soldiers and their chain of command when to forward records to HRO-M for review. When notified, individuals review their records to ensure all information reviewed is accurate and current. Soldiers will forward missing documents through their chain of command to the HRO-M office for inclusion. Soldiers are responsible for reviewing their personnel records and ensuring they are correct. Commanders and supervisors should review regulatory requirements to ensure AGRs in their command meet all requirements for tour continuation. A copy of the request for orders for AGR extension of military service must be attached to the request for tour continuation. An AGR Soldier's expiration term of service (ETS), date must correspond with the tour end date.

Soldiers flagged for unfavorable actions **CANNOT** extend their AGR tours.

Reference: AR 135-178, NGR 600-5

3-7: Controlled Grades

In addition to other promotion requirements, individuals seeking advancement to certain senior officer and enlisted ranks must obtain a controlled grade authorization. The Ohio Army National Guard is allotted a directed number of AGR control grade authorizations. Controlled grades are O-4 to O-6 for officer, E8 and E9 for enlisted. Controlled grade requirements are available from the HRO-M.

3-8: Performance Evaluations

Officer Evaluation Reports (OERs) and Non-Commissioned Officer Evaluation Reports (NCOERs) are prepared IAW current Army regulations. Published rating schemes will include at least one AGR Soldier in the AGR Soldiers supervisory chain.

Reference: AR 623-3, DA Pamphlet 623-3

3-9: Continuing Military Education

Military Occupational Specialty Qualification (MOSQ) is a requirement for AGR tour continuation. All AGR Soldiers remain qualified in the skill level commensurate with the grade in their AGR duty position. Cross training in another MOS, when funds are available, is an important item in career development.

Attendance at the National Guard Professional Education Center (NGPEC) for your related position, i.e., Readiness NCO/NCIC, Training NCO, Supply NCO or Admin NCO is mandatory. This training is designed to enhance capabilities to perform the day-to-day requirements of most AGR duty positions.

Civilian education continues to be of significant value in the selection of personnel to fill leadership positions. Assistance is available from the Education Office at Beightler Army in Columbus at (614) 336-7275, DSN 346-7275.

3-10: Requesting Orders

Any AGR Soldier may request amendments, revocations, and corrected copies on a "Request for Orders," with a copy of the original order. Submit these requests immediately with all pertinent information included.

AGR REQUEST FOR ORDERS

TYPE OF ORDER

Initial Tour Tour renewal

PERSONNEL DATA

NAME, SSN, RANK: _____

CURRENT UNIT: _____

REPORT TO: _____

REPORTING DATE: _____

ASSIGNED TO: _____

WITH DUTY AT: _____

PERIOD (ACTIVE DUTY COMMITMENT): _____

HOR: _____

NUMBER OF DAYS LUMP SUM LEAVE PAID SINCE 10 FEB 76: _____

MTO/ETDA PARALINE NO: _____

UIC (UNIT OF ASSIGNMENT): _____

SECURITY CLEARANCE: _____

PEBD: _____

TYPE OF INCENTIVE / SPECIAL PAY: _____

Current ETS date **Must match or extend past** requested AGR tour dates

Current ETS Date: _____

NOTE: If requesting PCS to a new duty location, please complete page 2 of this form.

(SOLDIER) (Printed Name & Rank) Signature/date

(REQUESTED BY: Commander or AO Signature/date
Type name, rank, unit)

APPROVED BY: (AGR MGR name, rank) Signature/date

Chapter 4: Separations/Retirements

4-1: General

Separations from the AGR program, voluntary or involuntary, are governed by AR 135-18, NGR 600-5, NGR 600-100, NGR 600-101, NGR 600-200, and NGR 635-100. Individuals are expected to complete the period of duty specified in their AGR orders, unless separated early from AGR status.

4-2: Voluntary Separation

Personnel may request resignation from the AGR program by submitting a written request through channels to NGOH-HRO-M, at least 45 days in advance of requested separation date. The request must state the individual's intentions towards their M-day status with assigned unit. Under no circumstances will the request itself constitute termination. If approved, the AGR office will amend the AGR tour orders and issue DD Form 214. Termination of AGR status does not affect the remaining Ohio Army National Guard enlistment contract. Soldiers will continue to perform IDT drills with their unit of assignment after termination of their AGR status. Once separated from an AGR tour, an individual is ineligible for another AGR tour for a period of one year.

References: NGR 600-5

4-3: Involuntary Separation

Full-time military supervisors, at any level, may initiate a recommendation for involuntary separation LAW NGR 600-5. The recommendation is referred to the individual for rebuttal. A period of 15 days is allowed to prepare and submit a rebuttal. Commanders can approve extensions, per the request of the Soldier.

The recommendation and rebuttal are forwarded, through command channels to NGOH-HRO-M and then forwarded to the Adjutant General for a final decision. Complete all chronological NCOERs, counseling, and corrective action attempts and attach to the request. If the action warrants discharge from the Ohio Army National Guard, the administrative discharge board proceedings process is initiated independently of the AGR termination.

It is highly recommended to seek guidance from HRO-M and the JAG office when considering involuntary separation from the AGR program.

Reference: AR 135-18, AR 135-178, NGR 600-5, NGR 600-200

4-4: Mandatory Separation

Mandatory separation may occur without board action for the reasons listed below, regardless of the expiration date of current tour. Individuals should be given as much advance notice as possible.

Officers

- At Mandatory Removal Date (MRD) or Mandatory Separation Date (MSD)
- Twice non-selected for promotion by mandatory consideration board or by a Reserve officer promotion board
- Non-selection by a Selective Retention Board (SRB)

Enlisted

- At age 60
- Upon reaching Retention Control Point (RCP)
- Mandatory Separation Date (MSD)
- Non-selection by a Qualitative Retention Board (QRB)

Officer and Enlisted

- Failure to obtain, or loss of, required security clearance
- Conviction by civilian or military authorities for an offense that disqualifies the individual for retention
- Removal from Active Reserve status (i.e. transferred to Inactive Ready Reserve or does not maintain OHARNG membership)
- Failure to meet MOS qualification standards within one year
- Non-selection by the AGR tour continuation board (TCB)
- Non-selection by the Active Service Management Board (ASMB)

Reference: NGR 600-5, NGR 600-100, NGR 600-101, NGR 600-200, NGR 635-100, AR 604-10, AR 135-175

4-5: Retirement

Personnel are eligible for retirement from Active Guard/Reserve (AGR) duty upon completion of 20 years accumulated active federal service (AFS). Active federal service which includes AGR, active duty special work (ADOS), annual training (AT), initial active duty for training (IADT), active duty for training (ADT), and all other types of active service under Title 10 USC or Title 32 USC 502-505.

There are three AGR Retirements. The first is the Final Basic Pay Retirement for Soldiers with an initial entry into the Military before 8 Sep 1980. The second is the High-3 Retirement for Soldiers with an initial entry into the Military between 8 Sep 1980 and

31 Jul 1986. The third is the High-3 CSB/REDUX Retirement at 15 years for Soldiers eligible with an initial entry into the Military after 31 Jul 86.

When retiring with at least 20 years of AFS, an individual is entitled to receive an immediate annuity with all rights and privileges of Regular Retired Military, except certain VA benefits (VA disability benefits are authorized.) Individuals cannot receive retired reserve pay at age 60, if already retired from Active Duty and drawing that retirement annuity.

Upon retiring with 20 years of AFS, personnel retire at the highest grade held on active duty on the date of retirement, provided they satisfy the time in grade requirements for that rank. Eligibility for retirement at age 60 requires a "highest grade" held determination by the secretary of the respective service.

The AGR office schedules retirement physical examinations at Fort Knox, no earlier than four to six months before a Soldier's retirement date. A retirement physical is a two-phase examination that must be completed within six months of the retirement date.

Personnel also attend the Transition Assistance Program (TAP), at the Separation Transfer Point (STP) at Wright-Patterson Air Force Base, 12 to 24 months prior to retirement. Attendance by spouses is not mandatory but strongly encouraged.

Reference: AR 135-32, NGR 600-5, Retirement Services Handbook

4-6: Medical Disability/Severance Pay

An AGR Soldier separated from active duty for service related injuries or diseases may be entitled to a monthly disability payment or a lump severance pay. Eligibility rules are very specific and detailed. Individuals are fully advised of their rights or options, if they are potentially eligible for medical disability separation.

References: AR 635-40

4-7: Out-Processing Procedures- Non-Retirement

In the event of leaving the AGR program, final pay is made via Electronic Funds Transfer (EFT). This final process takes 6-8 weeks to complete. Final pay at time of separation includes all pay and allowances due, and payment for up to 60 days of unused leave.

The HRO-M office issues the DD Form 214 (Certificate of Release or Discharge from Active Duty). If separation is due to a medical disability, the transition point prepares your DD Form 214.

A Release from Active Duty (REFRAD) physical examination is not a mandatory requirement for terminating AGR status. If the Soldier has sustained major medical

problems or undergone treatment during their AGR tour, they should ensure they have an approved LOD for any accident, injury or disease for which they may have been treated.

If dental care is not obtainable, personnel must notify HRO-M, as soon as possible, so the appropriate block can be marked on your DD Form 214.

The VA hospital offers a “one time” exam within 90 days of separation, as long as your DD Form 214 reflects that dental care was not provided. The VA does not provide dental/eye care unless it is a result of a disability or service related injury. Long-term treatment for service related injury/illness is referred to the VA.

References: AR 135-178, AR 635-5, AR 635-5-1

4-8: Separation Pay

Personnel who are involuntarily separated and have served six or more years of continuous Active Federal Service (AFS) immediately preceding their separation date, may be entitled to separation pay for specific reasons IAW the DOD Pay and Entitlements Manual.

Soldiers separated from AGR tours for cause, misconduct, or unsatisfactory performance, are not entitled to separation pay as set forth in DoD Directive 1332.14.

If the individual subsequently becomes eligible for retirement pay, any separation pay received must be repaid. Deduction for repayment will be automatically taken from their retired pay. Personnel involuntarily separated from active duty for any reason are entitled to Transition Counseling and Benefits.

Reference: 10 U.S.C. 1174, AR 135-18, DoD FMR Volume 7A, Chapter 35, section 350202, DoD Directive 1332.14

REQUEST TEMPLATE FOR AGR RETIREMENT

UNIT LETTERHEAD

OFFICE SYMBOL

Date

MEMORANDUM THRU

XXXXXXXX (Unit/Battalion/Directorate)
XXXXXXXX (MSC/Brigade)

FOR Human Resources Office AGR Branch (NGOH-HRO-M), 2825 West Dublin Granville Road, Columbus, Ohio, 43235-2789

SUBJECT: Application for RETIREMENT

1. I submit this application for retirement effective _____. (Last day of a month)
 - a. NAME:
 - b. SSN: XXXX (Last 4 Digits)
 - c. HOME ADDRESS:
 - d. UNIT OF ASSIGNMENT:
 - e. RETIREMENT DATE:
 - f. CURRENT LEAVE BALANCE:
 - g. LEAVE TO ACCUMULATE:
 - h. TOTAL LEAVE DAYS:
 - i. APPROXIMATE TRANSITION LEAVE DATE:
 - j. PCS REQUESTED:
 - k. BDD PROGRAM REQUESTED:
2. Point of contact for this correspondence is the undersigned at (Phone and Email)...

AGR Soldier Signature Block

REQUEST TEMPLATE FOR AGR RESIGNATION

UNIT LETTERHEAD

OFFICE SYMBOL

Date

MEMORANDUM THRU

XXXXXXXX (Unit/Battalion/Directorate)
XXXXXXXX (MSC/Brigade)

FOR Human Resources Office AGR Branch (NGOH-HRO-M), 2825 West Dublin Granville Road, Columbus, Ohio, 43235-2789

SUBJECT: Request for **RESIGNATION** from the Active Guard Reserve (AGR) Program

1. I request to resign from the AGR Program effective

_____.

a. NAME

b. SSN: XXXX (Last 4 Digits)

c. HOME ADDRESS:

d. UNIT OF ASSIGNMENT:

e. LAST DUTY DAY:

f. PROJECTED END DATE OF AGR TOUR (including all leave):

g. DUTY STATUS UPON RESIGNATION: (Active or Traditional)

2. I understand that I am leaving active duty status and I must take or sell any accumulated leave prior to my resignation date. If I remain in an active status with the Army, I can retain my accumulated leave in my new assignment. *(Include your plan to take or sell leave as applicable)*

3. I understand that I will not be eligible to apply for another AGR tour for a period of one year after the effective date of my resignation.

4. Point of contact for this correspondence is the undersigned at *(Phone and Email)*...

AGR Soldier Signature Block

Chapter 5: Pay and Leave

5-1: Pay Process

All AGR Soldiers are paid through Defense Joint Military Pay System (DJMS) of the Defense Finance and Accounting Office, Indianapolis, IN (DFAS-IN). Pay Inquiries should be directed to the Military Pay Examiner, AGOH-HRO-M, (614) 336-7268 or DSN 346-7268.

Pay actions take place at mid-month and end-of-month. For an action to take effect on a mid-month pay, a document must be received and input three days after the first of the month. For an action to take effect for an end-of-month pay, a document must be received and input three days after mid-month. It is the option of AGR Soldiers to be paid twice a month (on the 1st and 15th depending on holidays), or once a month (on the 1st.)

5-2: Direct Deposit

Any individual entering the AGR Program must have direct deposit of pay (SURE-PAY). The AGR Soldier and the financial institution (bank, savings & loan, credit union, etc.) must complete SF 1199A (Direct Deposit Sign-up Form). The form must include signature, account number, the routing number of the financial institution, and the institution's customer service telephone number. The AGR Soldier and the Unit Admin NCO are responsible for sending the completed SF 1199A and DA Form 3685 (Jumps-ARMY Pay Election), to the AGR office prior to the tour starting date.

Reference: DFAS Regulation 37-1

5-3: Allowances and Special Incentive Pay

Base Pay depends on your grade and length of service. Additional allowances include Basic Allowance for Housing (BAH), which is dependent on your location, and Basic Allowance for Subsistence (BAS).

The amount of BAH received is based on grade, dependency status, and duty location zip code. This tax-free allowance is for offsetting a Soldier's housing and utility expenses. An AGR is authorized to live in government quarters. If government quarters are available and used, BAH is not authorized. An AGR Soldier must submit a new DA Form 5960 upon change of duty station or if there is a change in the member's dependent status. This change may affect the amount of money received for BAH. The BAH is retroactive to the effective date of personnel action. The Soldier is responsible for any difference owed, if the amount decreases.

An AGR Soldiers BAH changes to their home of record zip code when the AGR Soldier mobilizes under Title 10. When the AGR Soldier is released from Title 10 Active Duty, the BAH reverts to the duty station zip code.

The BAS is a tax-free allowance designed to defray meal and food costs incurred by the member and is the same amount whether the member has dependents or not. All AGR Soldiers need to be aware that when they attend annual training and draw meals from the unit mess, their BAS or Rations not Available Allowance (RNA) is subject to collection for that period. For enlisted personnel, BAS entitlement is a daily rate; for officers, BAS is one flat monthly rate for all commissioned grades.

Family Separation Allowance (FSA) is an entitlement to receive a tax-free Family Separation Allowance (FSA) for any period of TDY or mobilization that exceeds 30 days. The current rate is \$250 per 30-day period. Partial months (after first 30 days) are prorated by day. Individuals must submit a completed DA Form 1561, copy of TDY orders, DD Form 1351-2 and a copy of a PAID travel voucher to the AGR office to qualify for this payment.

All AGR Soldiers are eligible for special or incentive pay based upon the types of jobs they perform or the areas in which they serve. Some incentive pays are treated as tax-free and are usually paid at monthly rates.

Aviation Career Incentive Pay (ACIP) is paid to aviation officers to encourage continued service in aviation. Rates vary with years of aviation service up to a maximum dollar amount per month.

Enlisted Soldiers may qualify for flight pay if they have skills that are authorized flight pay and are performing jobs that require flying as a crewmember.

Hazardous Duty Incentive Pay (HDIP) is paid for performing certain hazardous jobs, such as parachutist or demolitions duty. A member may receive up to two HDIPs under certain conditions.

Proficiency Pay, Special Duty Assignment Pay (SDAP), Incentive Pay, and bonuses are paid to members who serve in critical skills or special assignments.

Travel Allowances are authorized to AGR Soldiers per the Joint Travel Regulations. Under certain conditions, when ordered to TDY away from a normal duty station, AGR Soldiers are authorized per diem and travel. Specific amounts are determined using the Defense Travel System (DTS) program. Vouchers must be submitted no later than five days after completion of travel.

Reference: DFAS Regulation 37-1, DTS, DOD FMR 7000.14-R, Volume 7A

5-4: Allotments

An AGR Soldier is entitled to make monthly pay allotments that are indefinite. The total allotments cannot exceed the amount of base pay and BAH after taxes and other authorized deductions. Voluntary allotments of military pay and allowances of service members in active military service are limited to discretionary and non-discretionary allotments. Allotments are made for indefinite periods.

An AGR Soldier is authorized no more than six (6) allotments. DFAS is no longer authorized to pay allotments by any method other than electronic funds transfer (EFT). All allotments to individuals and organizations, with the exception of **Child Support Enforcement Agencies**, must go to, or through, an institution with a routing number. You must submit a DD Form 2558 for the following:

- Commercial life insurance
- Payment to a dependent or relative
- Deposits to a financial institution, mutual fund company or investment firm
- Payment of car loan
- Payment to mortgage company, realtor or landlord
- Payment of a loan to repay consumer credit

Non-Discretionary Allotments:

- Support Payments
- Army Emergency Relief and American Red Cross
- Combined Federal Campaign
- Any debt owed to the local, state or federal government
- Relief organizations

Note: All non-discretionary allotment questions or issues are addressed through DFAS-Cleveland Garnishment Operations Center (1-888-332-7411). Neither the State USPFO/MILPAY nor HRO-M has the ability to start, stop or change non-discretionary allotments.

Reference: DFAS Regulation 37-1, DOD FMR 7000.14-R, Volume 7A

5-5: Pay Inquiries

The HRO-M will assist individuals with pay problems, when necessary. Most pay problems are corrected when HRO-M contacts the Military Exam Branch, USPFO for Ohio. Call the AGR Military Pay Examiner at 614-336-7268.

5-6: Life Insurance and Dependent Indemnity Compensation

All AGR Soldiers are covered under the Servicemen's Group Life Insurance (SGLI) program for \$400,000 with a \$100,000 death gratuity, unless an election is made to

participate for a lesser amount or decline insurance. Upon retirement, the SGLI may be converted to Veteran's Group Life Insurance (VGLI) within 120 days of release from active duty. If the amount of SGLI coverage is changed by law, and the individual elects less coverage or not to participate, a new VA Form SGLV 8286 must be completed.

Dependent Indemnity Compensation (DIC) is an annuity paid to survivors of AGR Soldiers if they die in the line of duty, active duty for training (ADT), or while traveling to or from ADT. If the individual has qualified for (and elected) the Survivor Benefit Plan (SBP), survivors are paid the greater of DIC or SBP. The DIC is paid to eligible survivors of totally disabled veterans.

5-7: Commonly Used Pay Documents

The following is a list of the most commonly used pay documents. Please contact the AGR Military Pay Examiner with any questions concerning their preparation.

- DA Form 3685 (JUMPS - JSS Pay Elections)
- DA Form 5960 (Authorization to Start, Stop or Change BAH)
- DA Form 4187 (Start/Recoup BAS – Enlisted/Officer)
- DA Form 4187 (Payment of Accrued Leave)
- DD Form 1561 (Statement to Substantiate Payment of Family Sep. Allowance)
- DD Form 2058 (State of Legal Residence Certificate)
- DD Form 2494 (Uniformed Services Active Duty Dependent Dental Plan (DDP) Enrollment)
- DD Form 2558 (Authorization to Start, Stop or Change an Allotment for Active duty or Retired Personnel)
- DD Form 2560 (Advance Pay) used in conjunction with a household move only
- DD Form 2660 (Statement of Claimant Req. Recertified check)
- SF Form 1199A (Direct Deposit Sign-Up Form)
- FBH Form 19-1-68 (Payment of Uniform Allowance-Officer Personnel)
- Form W-4 (Federal Taxes)

Reference: DOD 7000.14-R, JFTR Vol. 1, JTR Vol. 2, NGB Pam 600-15, AR 37-104-4

5-8: Leave and Passes

Leave and pass management (vacation/time-off) is an important function of full-time supervision. The full-time supervisor of an AGR Soldier has the responsibility to ensure the Soldier performs assigned duties, is present for duty when required, and is afforded fair and reasonable treatment (to include reasonable time-off consistent with responsibilities to the mission of the organization.)

Leave is an individual entitlement that should be pre-planned and scheduled to obtain the maximum benefit for the individual and the organization. Supervisors should make

every reasonable effort to grant leave during holiday periods, during significant family events, after major training periods, and other times as appropriate.

Reference: AR 600-8-10

5-9: Procedures and Responsibilities for Leave Administration

All AGR Soldiers must initiate an automated leave request using the Full Time Support Management Control System (FTSMCS) Leave Log located at <https://ftsmcs.ngb.army.mil/LeaveLog/>. Each AGR Soldier initially sets up an account before submitting a leave request. Supervisors approve the leave and if required, a digitally signed DA Form 31 is generated. When the Soldier returns from leave, the supervisor verifies the dates and signs the Soldier in.

Any AGR Soldier intending to travel out of country must select the "OCONUS" leave block in FTSMCS and obtain a Leave Control Number (LCN). This LCN is obtained by submitting a digitally signed DA Form 31 through the FTSMCS site. The supervisors using the FTSMCS site will forward to NGOH-HRO-M for coordination and assignment of a control number. The leave form must include the following: (1) Date of birth/place of birth; (2) Country(s) to be visited; (3) Date, point, and means of entry; (4) Purpose and length of visit; (5) Point of Contact address and telephone number; and (6) Date, point, and means of departure. Additionally, soldiers requesting OCONUS leave must contact the State J2 to obtain a country clearance briefing prior to obtaining the control number. The J2 will inform the Soldier of any special requirements (AT Level 1, SERE, etc) to certain countries.

NOTE: Space A flight dispatch, overseas military vacation and housing coordination, and some Airlines require an LCN on the leave form.

Reference: AR 600-8-10, Full Time Support Management Control System Leave Log

5-10: Convalescent Leave

Convalescent leave requires a completed signed doctor's assessment on the SF 513. The areas needed addressed are prognosis, diagnosis, limitations, and probable disposition of the Soldier's injury or illness as they pertain to an AGR's duty requirements. The SF 513 must be submitted with the leave form, through the chain of command, to the AGR office. The commander must review the prognosis, diagnosis, limitations, and probable disposition of the Soldier's injury or illness and take into consideration unit operational requirements, Soldiers past attendance record and limited duty possibilities. The commander may approve up to 30 days convalescent leave, limited duty status or full duty status depending on unit requirements. Requests for more than 30 days require approval from either National Guard Bureau Health Services (NGB-HS) or a hospital commander's approval.

Reference: AR 600-8-10

5-11: Maternity/Paternity Leave

Maternity leave can be granted for up to six weeks of convalescence for AGR Soldiers after the successful conclusion of their pregnancy. This six-week period may be extended with the recommendation and justification of the individual's doctor and approval from NGB-HS.

A married AGR Soldier is authorized up to ten consecutive days of non-chargeable leave after the birth of his child/children. This leave must be taken within 45 days after the birth of his child/children. Deployed Soldiers have 60 days after returning from deployment to utilize the ten days of paternity leave or it is lost.

Reference: AR 600-8-10, NGB-ARRH Policy Memo 09-019

5-12: Transition Leave

Transition leave is ordinary leave that may be granted in conjunction with a transition (ETS, Resignation, Retirement). Transition leave (previously referred to as terminal leave) should begin only after all out-processing activities are completed. The amount of transition leave approved will not exceed the individuals leave balance. Leave is not granted if it interferes with timely out-processing or transition requirements. Transition leave is continuous and must end on the effective date of the Soldier's separation. Leave forms are submitted prior to the start date of the transition leave. Any leave not used may be turned in for pay, upon final separation, if the total leave paid within the individual's career does not exceed 60 days.

Reference: AR 600-8-10

5-13: Passes

A special pass is provided as non-chargeable time-off, granted by the immediate full-time supervisor. A special pass will not exceed 72 hours in length. Passes should only be granted if an individual's performance or arduous duty merits approval of additional time-off. The FTSMCS DA Form 31 is used to document all passes. A special pass begins and ends at the duty location, or at the location where the Soldier normally commutes to duty. The individual must physically be at one of these locations when departing to and returning from a special pass. A special pass can be granted in conjunction with TDY. A special pass is not granted in conjunction with leave.

Reference: AR 600-8-10

5-14: Chargeable Leave

When a holiday falls within an individual's leave dates, the holiday is charged as leave. When leave begins on a holiday, or when it terminates on a holiday, it is generally not

charged as leave. Chargeable leave includes emergency, leave in conjunction with TDY or PCS, ordinary, and transition. Non-Chargeable leave includes sick-in-quarters, sick-in-hospital, convalescent, jury, maternity, paternity and mental incapacity.

Reference: AR 600-8-10

5-15: Leave Accrual

Leave accrues at a rate of two and a half days per month. Leave cannot be taken in half day or hourly increments. Current policy allows an AGR Soldier to carry no more than 75 days of accrued leave at the start of a new fiscal year (1 October). Any leave exceeding 75 days is forfeited.

Any AGR Soldier who earns leave in a combat zone is eligible to carry over more than 75 days into a new fiscal year under Special Leave Accrual provisions set forth in DoDI 1327.06.

Reference: AR 600-8-10, NGR (AR) 600-5, DoDI 1327.06

5-16: Absent Without Leave (AWOL)

Absent Without Leave (AWOL) is any period of time an individual is absent from their duty station without their supervisor's knowledge. An individual is considered AWOL when they have not reported for a period of 24 hours. Any AWOL time is counted as lost time and is measured in 24-hour increments. All pay and allowances are terminated during the AWOL period. An AWOL status constitutes sufficient reason for separation from the AGR program. Once an individual fails to report for duty for a 24-hour period, the Officer in Charge (OIC) reports the AWOL status by telephone, to HRO-M. The OIC must submit a change of duty status report on DA Form 4187 to change status from duty to AWOL, effective the beginning of the AWOL period.

Reference: AR 600-8-10

5-17: Permissive TDY

Permissive TDY is performed at no expense to the government and is not charged as leave. The activity must be semi-official in nature and beneficial for the service. The activity must not be a requirement of assigned military duties. An example is to go on a house-hunting trip because of PCS orders to a new location. Requests for Permissive TDY are submitted on the FTSMCS leave website.

Reference: AR 600-8-10

5-18: State Active Duty

State Active Duty (SAD) status is not applicable for AGR Soldiers. When a declared emergency occurs, AGRs may support a SAD operation by performing their normal

AGR functions using specific skill sets for the response effort. During national emergency responses, AGRs may perform their normal AGR duties to support their unit while it is deployed in a forward CONUS location.

Reference: Utilization of the Full-Time Force for CONUS Disaster Response, 27 Apr 09

5-19: Collection of Debts to the Government

Generally, debts owed by AGR Soldiers to the United States and its agencies may be collected involuntarily from the member's pay if voluntary methods fail. Prior to actual collection, the responsible Accounting & Finance office must provide the AGR written notice of the debt and give an opportunity to dispute the debt.

The government usually collects debt in a lump sum. Soldiers can request installment payments if the soldier is unable to pay off the debt at one time. Interest and penalty payments may accrue once payment is first demanded.

An AGR Soldier can request a waiver or remission of a debt. Specific guidance on this procedure is obtained from the AGR Soldier's commander. A waiver may be allowed where the debt or erroneous overpayment was not caused by an act of the member and a collection of the money will result in a serious financial hardship to the member.

Reference: DOD Reg. 7000-14 Ohio Revised Code 5923.10, AR 37-1

5-20: Garnishment of Pay

Recent changes in the law now allow garnishment (seizure) of the pay of federal civilian and military personnel for debts owed to outside parties. This includes debts owed to banks, credit card companies, retail establishments, and child/spousal support obligations.

In order to garnish an AGR Soldier's pay, a court order establishing the debt must exist. Under Ohio law, adequate prior written notice is given to the individual allowing them an opportunity to pay all or part of the debt prior to garnishment taking place. Additionally, no more than 25% of a person's monthly gross pay can be garnished each month. Any AGR Soldier facing possible collection action for private debts should consult with a JAG attorney for a full explanation of their rights and responsibilities.

References: 42 U.S.C. 659, 5 U.S.C. 5520, AFI 36-2906, Ohio Revised Code 2716.03
5 CFR Part 581, 32 CFR Parts 112, 113, 513, DOD FMR 7000.14-R, Volume 7A

5-21: Government Issued Credit Cards

Most AGR Soldiers are required to travel on official temporary duty and are issued government credit cards for payment of transportation, fuel for rental car, meals, lodging

and other approved expenses. Government credit cards are issued for the sole purpose of being used for government travel; they are not for personal use. Use of these cards for other than authorized purposes could result in disciplinary action.

An AGR Soldier is responsible for the charges made on their government credit card. The credit card is to defray the immediate need for cash. Upon completion of the temporary duty, the individual completes a DTS voucher for reimbursement of all expenses incurred. If the Soldier is delinquent in making payment on the card, the government may collect the debt owed directly from the Soldier's pay.

References: Travel and Transportation Reform Act of 1998

5-22: Temporary Duty (TDY)

Any AGR Soldier on travel orders are authorized temporary duty (TDY) allowances for travel performed away from their duty station. The Joint Federal Travel Regulation (JFTR) determines allowance amounts based on the availability of government quarters and rations at the TDY station and the cost of living for that area.

The Ohio National Guard issues individual government credit cards to assist those who must travel on official business. Each month, charges made during official travel are consolidated onto one statement and mailed to the individual for payment. Payment is made to the credit card company, in the full amount within 25 days of the billing date. Failure to make the full payment within 31 days results in the credit card deactivated by the credit card company. Initial application for the government credit card is submitted to NGOH-PF-CO, no later than four weeks before the card is needed. The application is submitted through the Comptroller's office or the application is unprocessed. Requests to activate/deactivate the credit cards are made through the MSC AOs/designee to NGOH-PF-CO for actual activation/deactivation. The request for activation is no later than **three** business days if the Soldier is flying or **one** business day if the Soldier is driving to the TDY location.

Advance Travel Pay is authorized on a case-by-case basis. A travel advance can be requested but is highly discouraged because of the availability of the government issued credit cards. If an individual was issued a credit card and the credit card was terminated through the fault of the individual, the individual is not authorized advance travel pay.

Claims for travel reimbursement are made through DTS using orders, lodging, and airfare receipts. This is accomplished within five days of the completion of travel. All DTS submissions are done using a government computer. Split disbursements for expenses incurred during TDY travel are made directly to the credit card company. In the event travel orders are issued but the mission is canceled, the pay office is notified as soon as possible so that the funds are unobligated. It is the individual's responsibility to stay within the local per diem rates. The individual is responsible for expense amounts over the allocated per diem rates.

Chapter 6: Medical and Dental Care

6-1: TRICARE

TRICARE is the health care program serving Uniformed Service members, retirees, and their families worldwide.

6-2: TRICARE Prime

TRICARE Prime offers the most affordable and comprehensive coverage. TRICARE Prime is available in the United States in Prime Service Areas to all beneficiaries who are not entitled to Medicare (due to age 65.) Enrollment is required to participate in TRICARE Prime.

When AGR Soldiers enroll in TRICARE Prime, they have an assigned Primary Care Manager (PCM), either at a military treatment facility (MTF) or from the TRICARE network, who provides most of their care. The PCM will refer the AGR Soldier to a specialist for care that he or she cannot provide and coordinate with your regional contractor for authorization, find a specialist in the network, and file claims on their behalf. There are certain time and distance standards for care including wait times for urgent, routine and specialty care. Other benefits include enhanced vision and preventive services and travel reimbursement for some specialty care.

Active duty service members and their families pay no enrollment fees and no out-of-pocket costs for any type of care, as long as care is received from the PCM or with a referral.

An AGR Soldier must enroll in TRICARE Prime or TRICARE Prime Remote. All other eligible beneficiaries have the option to enroll or use TRICARE Standard and Extra. TRICARE Prime offers fewer out-of-pocket costs than TRICARE Standard and Extra, but less freedom of choice for providers because the provider must be selected from the network.

An AGR Soldier has three ways to enroll into TRICARE Prime: Enroll online at the Beneficiary Web Enrollment Website, submit a *TRICARE Prime Enrollment and PCM Change Form* to your regional contractor through the mail, or visit a TRICARE Service Center to submit the *TRICARE Prime Enrollment and PCM Change Form*.

6-3: TRICARE Prime Remote

TRICARE Prime Remote (TPR) is a managed care option, similar to TRICARE Prime for active duty service members and their eligible family members who live and work in designated remote duty stations in the United States (50 miles or an hour drive time from a military treatment facility.) Enrollment is required to participate.

When an AGR Soldier enrolls in TPR, they may select a Primary Care Manager (PCM) from the TRICARE network. If a network PCM is not available, they may select any TRICARE-authorized, non-network provider as their PCM. The PCM will provide most of your care or refer them to a specialist for care he or she cannot provide. With TPR enrollment, there are time and distance standards for care including wait times for urgent, routine and specialty care. Other benefits include enhanced vision and preventive services and travel reimbursement for some specialty care.

There are no enrollment fees and no out-of-pocket costs for any type of care, as long as care is received from the PCM or with a referral. Care received without a referral is subject to point-of-service fees.

The TPR program is only available to active duty service members (which include activated National Guard/ Reserve members) and their families who live and work in designated remote locations. Active duty service members, who qualify, must enroll in TPR. Family members have the option to enroll or use TRICARE Standard and Extra. The TPR program offers fewer out-of-pocket costs than TRICARE Standard and Extra, but less freedom of choice for providers.

An AGR Soldier has three ways to enroll into TRICARE Prime Remote: Enroll online at the Beneficiary Web Enrollment Website, submit a *TRICARE Prime Enrollment and PCM Change Form* to your regional contractor through the mail, or visit a TRICARE Service Center to submit the *TRICARE Prime Enrollment and PCM Change Form*.

6-4: TRICARE Standard and Extra

TRICARE Standard and Extra is a fee-for-service plan available to all non-active duty beneficiaries throughout the United States. Enrollment is not required. Coverage is automatic, as long as your information is current in the Defense Enrollment Eligibility Reporting System (DEERS).

When using TRICARE Standard and Extra, an AGR Soldier may visit any TRICARE-authorized provider, network or non-network. Care at military treatment facilities is on a space-available basis only. They do not need a referral for any type of care but some services may require prior authorization.

The type of provider determines which option is used and how much is paid out-of-pocket. If a non-network provider is used, the AGR Soldier is using the TRICARE Standard option. If they visit a network provider, they are using the Extra option. If using the Extra option, they will pay less out-of-pocket and the provider will file the claim for you.

Costs vary depending on the military status (active duty family members vs. retirees, their families and others). After an annual deductible is met, the individual is required to pay a cost-share (or percentage).

6-5: Defense Enrollment Eligibility Reporting System (DEERS)

The Defense Enrollment Eligibility Reporting System (DEERS) is a worldwide database of military sponsors, families and others who are covered by TRICARE. The Defense Department uses DEERS to check those who are eligible for TRICARE health care benefits. The DEERS computer database helps service families by protecting the health benefits for those who are actually entitled to care. All AGR Soldiers are automatically enrolled when a CAC card is issued. AGR Soldiers must provide all supporting documents to correctly enroll their family members into TRICARE.

6-6: Active Duty Dental Program (ADDP)

United Concordia Companies, Inc., (United Concordia) administers the Department of Defense's Active Duty Dental Program (ADDP) to all eligible active duty uniformed service members. This program began August 1, 2009, and replaced the Military Medical Support Office's (MMSO) administration of service member private sector dental care.

The ADDP provides private sector dental care to ensure dental health and deployment readiness for active duty service members (ADSMS). The ADDP provides dental care to ADSMs who are unable to receive required care from a military dental treatment facility (DTF). United Concordia will coordinate an appointment for routine dental care (e.g., examinations, cleanings, fillings) within 21 calendar days of request and 28 calendar days for specialty dental care (e.g., crowns, bridges, dentures, periodontal treatment).

The ADDP provides authorized civilian dental care under two distinct components for ADSMs who are either:

- Referred from a military dental treatment facility (DTF)
- Reside and duty location are greater than 50 miles from a DTF as part of the Remote Active Duty Dental Program

6-7: TRICARE Dental Program (TDP)

The TRICARE Dental Program (TDP) is available to family members of all active duty service members. To be eligible for the TDP, the sponsor must have at least 12 months remaining on his or her service commitment at the time of enrollment.

Family members of active duty service members (ADSMS), including spouses and unmarried children (including stepchildren, adopted children, and wards) under the age of 21 are eligible for enrollment in the TDP.

Dependents may be eligible until age 23 if they are a full-time student, enrolled full-time at an accredited college or university, and the sponsor provides more than 50 percent financial support. Dependents eligibility is terminated when dependent withdraws.

A family member over age 21 may be eligible for TDP benefits if they suffered a disabling illness or disabling injury before their 21st birthday. They may be eligible if they suffered a disabling illness or disabling injury between the ages of 21 and 23 while enrolled as a full-time student the sponsor provided more than 50 percent financial support.

6-8: Mental Health Evaluations for AGR Soldiers

Commanders can request a mental health evaluation of an AGR Soldier, provided they have documentation that demonstrates the individual's poor work performance. Detailed documentation of long-term poor performance will help the clinicians at Fort Knox determine the most effective way to diagnoses and treat the military member. Emergency mental health evaluations for military members are available at Wright Patterson Air Force Base.

References: Employee Assistance Program pamphlet, TPR 792-2, 10 U.S.C. 1034, Wright Patterson Mental Health Evaluation Memorandum

6-9: Medical and Dental Resources

Below are the main resources for TRICARE and United Concordia. Please contact a TRICARE Representative with any questions.

NOTE: Healthcare forms **MUST** be submitted by the 20th of the month to be eligible for the following month.

TRICARE: 1-877-874-2273

FAX: 1-888-244-4181

<http://www.tricare.mil/>

<https://www.hnts.net/content/hnts/home/tr/bene.html>

DEERS: 1-800-538-9552

TRICARE Pharmacy Program: 1-877-363-1303

<http://www.tricare.mil/mybenefit/home/Prescriptions/PharmacyProgram>

TRICARE ACTIVE DUTY PROGRAM (AGR SOLDIERS): 1-866-984-2337

<https://secure.addp-ucci.com/ddpddw/adsm/care-remote.xhtml>

TRICARE DENTAL PROGRAM (AGR FAMILY MEMBERS ONLY): 1-888-622-2256

<http://www.tricare dentalprogram.com/ldptws/home.jsp>

Chapter 7: Discipline

7-1: Military Justice

All AGR Soldiers are considered under the jurisdiction of the Ohio Code of Military Justice (OCMJ) when they are in a Title 32 AGR status. This jurisdiction can change to the Uniform Code of Military Justice when the Soldier is placed in a Title 10 duty status for deployment, initial training, or active federal service.

All AGR Soldiers are subject to action by their military chain of command and subject to civilian criminal laws. Some offenses are violations of both civil and military laws and both authorities can take action although, as a practical matter, the Ohio Army National Guard will defer to civilian authorities. There are, however, some offenses, which are uniquely military (AWOL, insubordination, disobeying orders, etc.) in which the chain of command will take exclusive action.

If an AGR Soldier is convicted of an offense by civilian authorities, the chain of command is not prohibited from taking some form of administrative action or non-judicial punishment. This could include an Article 15; bar to re-enlistment; termination of tour and administrative discharge. The level of action is dictated by the seriousness of the underlying civilian case. If the Soldier receives a significant sentence of imprisonment, action to involuntarily separate or drop the Soldier from the rolls should commence immediately.

References: Ohio Revised Code 5924.03, ANGI 36-101, AR 600-20

7-2: Counselings, Admonishments, and Reprimands

Misconduct in the Ohio Army National Guard will not be tolerated and corrective actions will be administered at the appropriate level. Counselings, admonishments, or reprimands are suggested methods for dealing with disciplinary infractions. They can also be the result of nonjudicial punishment (Article 15) or used as an administrative measure to document the Soldier's performance.

Counselings have a specific purpose outlined in FM 6-22. It is a formal way of describing an unacceptable behavior so that the Soldier understands it. A formal counseling is a way to communicate with the Soldier that their behavior is not acceptable and to explain the possible consequences.

An admonishment is more severe than a counseling and is used to document clear violations of military standards, policies or regulations. It serves to advise the Soldier that if the misconduct is repeated, more serious consequences will occur. An admonishment can be delivered orally and included in the Soldier's file or delivered in the form of a letter.

A Letter of Reprimand is more severe than an admonishment, and used to document clear violations of military standards, policies or regulations. It can be used for more serious offenses and is generally used when other, less severe measures have failed to correct the unacceptable behavior. The reprimand is documented in writing and can be made part of the Soldier's personnel file. If the Letter of Reprimand is part of an Article 15, and a filing decision is made, the Letter of Reprimand can be later withdrawn from the Soldier's personnel file.

Prior to issuing an admonition or reprimand, coordination should be made with HRO-M and JAG.

References: UCMJ, OCMJ, AR 600-37

7-3: Administrative Discharge

An involuntary separation from the AGR program does not automatically result in a loss of military membership and position as a traditional Guardsman. An administrative discharge action is initiated. Grounds for initiating an administrative discharge action include those cited in the involuntary separation from AGR tour (i.e., unsatisfactory performance, pattern of misconduct, etc). The process for administrative discharge may require a hearing before a board of officers and is dependent on the number of years of service and the level of discharge sought. The discharge authority is the Adjutant General. Individuals, with 18 years or over of total military service, require NGB approval before a discharge is approved.

The specific procedures, basis for action and rights of the individuals are outlined in the references. Procedures differ between commissioned officers and enlisted personnel.

Reference: AR 135-178, NGR 600-5

7-4: Non-Judicial Punishment (Article 15)

One of the most important management tools available to commanders is non-judicial punishment, which is also known as Article 15. All AGR Soldiers are subject to a commander's non-judicial punishment jurisdiction. It is designed to handle minor disciplinary infractions in an expeditious, but fair manner. Once administered, the Article 15 becomes part of the individual's military personnel records.

Article 15 actions are in written form. They put the individual on notice as to the offense under the OCMJ, with which they are charged and the specific facts of the alleged misconduct. Upon receipt, an individual has a number of rights: they must be given a period of time in which to consult with a JAG; they have a right to an informal hearing with the commander prior to a final decision being made on the Article 15; the right to call witnesses and present evidence in their behalf at the hearing; and to appeal the Article 15 to the next higher level commander if they disagree with the decision. It is also the right of an AGR Soldier to refuse the Article 15 process and demand a trial by

court-martial, but an AGR Soldier should be aware that if convicted by a summary or special court-martial, this disqualifies them from further AGR service. The specific rights and procedures should be obtained from your JAG and are detailed in the references.

The type of punishments which are imposed by an Article 15 are: reprimand, reduction in grade, loss of pay, extra duty, withholding of privileges, and in limited circumstances, confinement.

References: Ohio Revised Code 5924.15, AR 27-10, AGOR 27-10, AGOR 111-1

7-5: Court Martial

The most severe form of disciplinary action that may be initiated against an AGR Soldier is to have charges drafted and referred to a court-martial. This is the military equivalent of a criminal trial and can result in loss of pay, reduction in rank, and confinement.

There are three types of court-martial: Summary, Special, and General. A Summary Court-Martial is reserved for minor offenses and can impose only light punishment. A Special Court-Martial is generally used for intermediate grade offenses and can impose more severe sentences. A General Court-Martial is reserved for the most serious offenses and can impose the maximum punishments authorized by Ohio law. A conviction by any court-martial will disqualify an individual from further AGR service.

The decision on the level a court-martial case should be heard at, is the decision of the convening authority. The convening authority ranges from, the local commander for Summary Courts-Martial to the Governor for a General Court-Martial. There are a considerable number of legal protections for an accused facing a court-martial, to include the appointment of a free defense counsel, licensed to practice in Ohio.

As a rule, only exclusive military offenses are punishable by court-martial. Examples of these are AWOL, insubordination, and disobeying orders. The OCMJ covers most criminal offenses prohibited by state law (e.g., robbery, rape, murder, etc.), but as a practical matter, an AGR Soldier charged with this type of offense is not prosecuted by court-martial but by local, state or federal courts for this type of offense. Depending upon the results of the civilian trial, the individual is subject to administrative discharge from the Ohio National Guard.

A court-martial is a serious, expensive, and time consuming action. Commanders should consult with their JAG counsel to fully explore other options before initiating.

Reference: 32 U.S.C. 326, Ohio Revised Code 5924.16, AGO PAM 27-1

7-6: Restraint/Confinement

Under limited circumstances, a commander may authorize an AGR Soldier to be placed in pre-trial confinement. This is only used when an individual is pending serious court-martial charges or is apprehended after an extended AWOL. This measure should only be taken after consulting with the JAG.

Since most Ohio National Guard facilities do not possess guardhouses, restraint or confinement must be carried out in the county jail nearest the Soldier's residence. Coordination is made with the County Sheriff of that jurisdiction and the JAG. If an AGR is confined, every attempt must be made to have his or her case reviewed by a military magistrate at the earliest possible time.

Reference: Ohio Revised Code 5924.10

7-7: Arrest by Civilian Authorities

In the event an AGR Soldier is arrested or charged by civilian authorities for committing a civilian criminal offense, a number of actions need to be taken. First, the chain-of-command should contact the civilian authorities and inform them that the individual is a full-time member of the Ohio National Guard. This enables the civil authorities to understand why you are calling. Obtain a copy of the police report if you can. Ask as to what actual charges are pending, the circumstances of the case, and the maximum punishment possible. This helps determine whether the offense is a "serious offense," for purposes of possible administrative action to discharge the individual.

If the AGR Soldier is in jail because they cannot post bail or no bail has been set, the commander can request that the AGR be released to military control. This is done in the rarest of circumstances. A commander cannot state that the Ohio National Guard or the unit guarantees the individual's presence at any court hearing or appearance. If the commander is able to meet with the individual, they should avoid questioning them at length about the charges. A commander cannot force an AGR Soldier to discuss their involvement in the civilian crime or take adverse action against the Soldier for their failure or refusal to do so. That is a matter between the individual and his civilian attorney. Advise the AGR Soldier that a JAG attorney cannot be appointed to represent them in the civilian criminal matter.

During the period that an AGR Soldier is awaiting trial, consideration is given to withholding action on promotions, performance appraisals, retention orders, and school orders. Any deployment orders are cancelled until the civilian criminal matter is resolved. If the evidence in the case appears strong enough, the command may decide to administratively discharge the Soldier prior to the case being resolved. In most cases however, such a decision should await the outcome of the criminal trial. If the AGR cannot post bail prior to the trial, it is recommended that their absence be charged as ordinary leave. If the final result is a conviction, the Soldier is charged as AWOL for any

jail time after providing them with the due process rights outlined in AR 15-6, para 1-8(c).

Reference: AR 27-10, AGOH PAM 27-10

7-8: Legal Assistance

AGR Soldiers and their dependents are entitled to receive legal assistance and advice. This service may be obtained from either the Ohio National Guard's Judge Advocates or from the legal assistance offices at Wright-Patterson AFB and the 9th Coast Guard District. . Advice on a full range of civil legal problems such as wills, domestic relations, bankruptcy, contracts and landlord-tenant is available. The extent of the legal assistance provided is left to the professional discretion and resourcing of the Judge Advocate office providing the service. Generally, Judge Advocates may not appear in civilian court or have their names appear on documents submitted to a civilian court. While they are licensed attorneys, they are prohibited from making such an appearance except in unusual circumstances. AGR Soldiers should note that the full-time Judge Advocates advise The Adjutant General and staff and that office is not funded or staffed as a legal assistance office. AGR Soldiers with legal questions not conflicting with their chain of command are free to pose them to the full-time Judge Advocates; but walk-ins are discouraged and appointments are strongly encouraged.

Trial Defense Service (TDS) Judge Advocates attached to the 371st Sustainment Brigade provide advice to and representation of AGR Soldiers on military legal problems. This includes the full range of adverse actions ranging from providing advice on a response to a memorandum of reprimand to acting as the Soldier's legal counsel in a court-martial or administrative board. Attorney-client privilege is applicable to their advice in a military setting. Since all TDS counsel are traditional Soldiers who will be answering questions from AGR Soldiers at their civilian offices, the AGR Soldier should research applicable regulations and prepare draft responses to adverse actions on applicable forms and in appropriate formats for review by their counsel. Detail of counsel does not shift the burden of response to counsel from the Soldier.

Reference: ARs 27-1, 27-3, 27-10, 27-40

Chapter 8: Benefits

8-1: Permanent Change of Station (PCS)

Permanent Change of Station (PCS) assignments are a necessary function of effective career management. The NGOH-HRO-M will consider each Soldier who is eligible for a PCS on a case-by-case basis, based on an attachment or transfer within the AGR program. To be eligible for a PCS the Soldier's household relocation is:

- Mission essential
- In the Government's best interest
- Not primarily for the Soldier's convenience
- Soldiers new residence is located closer to the duty station

All PCS moves are governed by the Joint Federal Travel Regulation (JFTR) Chapter 5. Individuals are **NOT** authorized to use the government credit card for a PCS move. More than one PCS move in a fiscal year is not authorized. Exceptions are handled on a case-by-case basis (i.e., PCS to new duty station and then PCS to school). Only one dislocation allowance may be paid in a fiscal year.

Before NGOH-HRO-M issues PCS orders, the AGR Soldier must complete a PCS Pre-Approval Checklist. This requirement is done a minimum of 45 DAYS IN ADVANCE of the move date. This checklist determines if a PCS is authorized. When the AGR manager approves the PCS request, orders are published.

When an AGR Soldier PCSs from a Primary Duty Station (PDS) to another they are eligible for the following:

- Up to three months of advance base pay (2 months prior to PCS and 1 month after PCS) that is prorated over a 12-month period for repayment. When you receive your PCS orders, you may request this by completing a DD Form 2560. You must provide special justification when requesting a proration over more than 12 months
- Dislocation Allowance (DLA)
- Either a Government Bill of Lading (GBL) or Do-It-Yourself (DITY) move
- Other basic entitlements may include temporary storage up to 90 days; mileage from old home of record (HOR) to the new duty station; authorization of more than one car; per-diem en-route (one trip only), and four days temporary lodging expense at new duty station

Everything except DLA is considered taxable income. For guidelines on taxable income contact the IRS and ask for Publication 521, which outlines what benefits are taxable and the percentage taxed. The NGOH-HRO-M office does not carry this publication.

Dislocation Allowance (DLA) is to partially reimburse for expenses incurred in relocating your household. The DLA is not authorized for a PCS move to an AGR Soldier's first duty station or their last move upon separation.

Once an AGR Soldier's PCS move is complete, the Soldier must submit a claim within one year of the effective date of PCS thru NGOH-HRO-M for processing. The following is a list of forms needed:

- DD Form 1351-2
- DD Form 1351-4
- Five (5) copies of PCS orders
- DD Form 1155 - provided by active installation
- DD Form 1299 - provided by active installation transportation office
- DD Form 2278 - provided by active installation transportation office
- Certified weight tickets (FOR DITY MOVE ONLY) secured by AGR
- Lodging receipts
- Copy of PCS travel advance voucher
- All receipts incurred (DITY MOVE)

References: AR 135-18, Chap 3-2, Joint Federal Travel Regulation (JFTR), Chap 5

ANTICIPATED DATE OF MOVE: _____

PCS MOVE PREAPPROVAL CHECKLIST

NAME: _____

SSN: _____

Old Duty Station/City/Zip Code: _____

New Duty Station/City/Zip Code: _____

Old Residence Address/City/Zip Code: _____

City/Zip Code soldier is moving to: _____

Date of soldier's last PCS Move: _____

Purpose of soldier's last PCS move: _____

TO BE COMPLETED BY SOLDIER AND ADMIN OFFICER

_____ I understand that a PCS is approved only if the move meets the following guidelines:
(Ref: JFTR Chapter 5 U5355)

1. Be mission essential
2. In the Government's best interest
3. Not primarily for the Soldier's convenience

_____ I understand that a PCS move is authorized only after REQUESTED by soldier's Admin Officer and approved by the AGR Manager.

_____ I understand that if any advance funds are used and the move is canceled, the soldier is liable to repay those funds.

_____ I request an Advance Pay (Complete DD Form 2560 and attach to the request for PCS orders).

Soldier Signature _____

Administrative Officer Signature _____

AGR Manager (Approval/Disapproval)
(Signature, Rank, Branch) _____

8-2: Unemployment Compensation

Individuals who lose their full-time employment with the Ohio National Guard may apply for and receive state unemployment compensation. Benefits are paid under the guidelines established by Ohio law. A person must work for a minimum of 180 continuous days in order to establish eligibility. An AGR Soldier terminated due to misconduct or unsatisfactory performance might not meet eligibility for payment of these benefits. An AGR Soldier who resigns or voluntarily quits their position is ineligible for benefits under Ohio law.

Time limits for applying for unemployment benefits are very short and strictly enforced. Certain appeal rights are available if your application is initially denied. Time limits on filing an appeal are also very short. The appeal procedures for unemployment compensation are completely separate from any appeal rights available through the Ohio National Guard for the loss of your position.

8-3: Dependency and Indemnity Compensation (DIC)

This benefit is authorized to the survivors of an AGR Soldier who dies in an AGR status. It is also paid to survivors of some totally disabled veterans or for death after completion of service if the death is due to a service-connected disability. DIC payments are authorized for surviving spouses (who have not remarried), with additional amounts for children under 18. There is also a provision for payments to low income parents of deceased veterans. Payments are made monthly at an equal rate for all ranks. Benefits are subject to possible offset by social security benefits.

Reference: <http://www.insurance.va.gov/miscellaneous/index.htm>

8-4: Veterans Benefits

The United States has a long and honorable history of providing monetary and other benefits to veterans of military service and to their dependents and survivors. The Department of Veterans Affairs (VA), a cabinet level department established in 1989, administers all veteran benefit programs. These benefits include medical treatment, hospital and nursing home care, disability benefits, job training assistance, vocational rehabilitation, re-employment assistance, education benefits, life insurance programs, home loan mortgage guarantees, death benefits for survivors, and burial assistance.

The laws and regulations governing eligibility and level of benefit are complex. Generally, a person must have served on active duty for a continuous period of 180 days in order to qualify for most benefits. Most benefits are also conditional on the individual being discharged under honorable conditions.

In addition to federal benefits administered by the VA, the State of Ohio has enacted a number of statutes providing various benefits and protections to those on active duty and veterans. These include civilian employment preferences, tax exemptions and

distinctive automobile tags. Ohio law also provides that municipalities may not impose a tax upon the pay of military personnel. On occasion, Ohio has also awarded a cash bonus to veterans who served during periods of armed conflict.

Reference: http://www1.va.gov/opa/publications/benefits_book.asp

Chapter 9: Security

9-1: Security Clearances

All AGR Soldiers require an Access National Agency Check and Inquiries (ANACI) or higher as part of their job. All Commissioned Officers, Warrant Officers and senior enlisted must have at least a secret level clearance. Other AGR enlisted Soldiers must obtain a security clearance required for their grade, MOS and AGR duty position on the unit manning document. If the results of a security clearance investigation are unfavorable and the individual is unable to obtain the required clearance, the supervisor should initiate termination of the AGR tour. If an AGR Soldier cannot obtain the clearance level required for their rank or MOS, supervisors should consider reassignment or reduction into a position commensurate with the AGR Soldiers rank or MOS.

Reference: AR 380-5, AR 635-18

9-2: Suspension/Revocation of Security Clearances

When a commander receives information that an AGR Soldier has committed a serious offense, a breach of security, or has behaved in a manner that indicates that the individual is a security risk, the commander must determine whether action should be taken to suspend and possibly permanently remove that individual's security clearance. Security clearance suspensions must be approved through the J2.

The commander may temporarily suspend the clearance of the individual and recover any badges, access, or classified information in their possession. Immediately document the basis for the suspension.

Generally, security clearances are suspended, and a determination made on whether to revoke when evidence indicates one or more of the following:

- Mental or emotional instability
- Excessive alcohol abuse that impairs judgment and/or performance
- Falsification or deception related to official documents
- Declaration as Conscientious Objector
- Arrest for commission of serious offense
- Repeated statements of anti-government views
- Two or more security violations in past 12 months
- Indications of excessive indebtedness or financial irresponsibility

Reference: AR 380-5, AR 604-5

9-3: Freedom of Information Act (FOIA) / Privacy Act

All AGR Soldiers, like any private citizen, have the right to access and obtain copies of government documents and records. The Freedom of Information Act (FOIA) is the law which permits access to this information. The Privacy Act is the law that serves to prevent release of information that an individual generally would not want released (e.g. medical and financial records). The Ohio National Guard generally discloses the records within its control upon request to the public except for those specifically exempted.

As a practical matter, personnel are usually interested in obtaining documents or records in which they have a direct interest. Individuals requesting their own personnel records should cite the Privacy Act as the authority. Requests for other information should cite the Freedom of Information Act. Requests do not need to follow any specific format but should:

- Be in writing and cite either the Privacy Act or FOIA
- Reasonably describe the desired record
- Include a statement that the requester is willing to pay the fees for searching and copying the records (not applicable to request for first copy of personnel records)
- Be addressed to the appropriate custodian of the records
- Upon receipt of such a request, the receiving office should immediately contact the Staff Judge Advocate Office or Freedom of Information Act Officer for processing costs, release and possible denial of release
- Strict time limits apply to the processing of these requests

Reference: 5 U.S.C. 552, 32 CFR 806

Chapter 10: Standards and Conduct

10-1: Fraternization and Professional Relationships

The Ohio National Guard does not tolerate inappropriate relationships IAW AR 600-20.

Fraternization is the specific term used to describe certain officer-enlisted relationships which are prohibited and may be prosecuted in a court-martial proceeding. What is prohibited depends upon the circumstances of each case but it is generally accepted that an officer should not become involved in a friendship or relationship with an individual subject to the officer's supervisory control and authority. These lessen the command authority structure and may create a perception of favoritism.

In addition to the legal offense of fraternization, AGR Soldiers, both officer and enlisted, should also avoid relationships which have the potential to create the appearance of partiality or preferential treatment.

Any AGR Soldier personnel with questions or concerns on this issue should contact their Judge Advocate for guidance.

Reference: AR 600-20, Ohio Revised Code 5924.133

10-2: Political Activities

In the United States, there is a long tradition of the military being politically neutral, subject to civilian control and of no military influence on the political process. While AGR Soldiers are encouraged to carry out their responsibilities as citizens, by virtue of being full-time military there are a number of restrictions on the political activity they can become involved in. Refer to Department of Defense Directive 1344.10 dated 19 February 2008 for a comprehensive list permitted and prohibited political activities for military members.

Reference: Joint Ethics Regulation DoD 5500.7-R, DoDD 1344.10

10-3: Gambling and Lotteries

Current law prohibits all AGR Soldiers from participating in gambling activities while on duty or in Guard facilities. Gambling with a subordinate is a criminal violation of the Ohio Code of Military Justice. Gambling activities, lotteries and raffles are also prohibited inside Guard installations except when conducted by a registered charitable organization. Questions should be addressed to the Staff Judge Advocate.

Reference: Charitable Fundraising Guidelines/Policy, Joint Ethics Regulation DoD 5500.7-R

10-4: Gifts to Supervisors

During the course of a tour of duty, AGR Soldiers are sometimes approached to contribute money for a going-away gift for a co-worker or superior or to mark a special event. There are a number of restrictions that have been placed upon this activity to protect an individual from being pressured into an uncomfortable situation.

No more than \$10 can be solicited or accepted from any individual for a gift for a superior. If the gift is to be given as part of a dinner, the dinner price is not to be considered as applying to the \$10 limit, but the invitation should set out the amount.

An AGR cannot accept a gift or gifts that exceed a total value of \$300, when part or all of the contributions are from a subordinate. However, the \$300 limit does not apply to gifts received after retirement.

Reference: Joint Ethics Regulation DoD 5500.7-R

10-5: Solicitation of Subordinates

If an AGR Soldier or their spouse has outside employment, they cannot solicit or make sales of their services or products to personnel who are subordinate in rank, grade, or position. This does not apply if the solicitation or sale is made in a retail establishment off-duty. The posting of an advertisement on an approved bulletin board within the workplace does not constitute a solicitation.

Reference: Joint Ethics Regulation DoD 5500.7-R

10-6: Gifts From Outside Sources

All AGR Soldiers are limited in their ability to accept gifts in their official capacity from outside sources. This is particularly true in the case of personnel who hold positions of financial accountability or have input into how contracts for goods and services are awarded. Personnel employed by the USFPO for Ohio should accept nothing from any vendor or would-be vendor. As the rules in this area are extremely complex, the Staff Judge Advocate should be consulted in most situations.

Reference: Ohio Revised Code Chapter 102, Joint Ethics Regulation DoD 5500.7-R

10-7: Off-Duty Employment

Subject to approval, AGR Soldiers may obtain off-duty employment, which does not conflict with their assigned military duties. Prior to accepting outside employment, written notice of the proposed job, nature of duties, and hours of employment must be provided to their commanding officer and permission obtained. When evaluating these requests the commander should take into account a number of considerations. The job should not interfere with nor create a conflict of interest with the individual's military duty

nor should the job create a risk of bringing discredit to the individual or the Ohio National Guard.

The outside employment must not hamper the individual's ability to perform their military duty. This would occur when the outside job entailed such hours and physical demands that the AGFR would continually report for work physically or mentally drained or create an undue risk of injury.

Any outside employment must be accomplished during regularly scheduled off-duty hours. Military time and material cannot be utilized for the purpose of the AGFR Soldier conducting their part-time job. There is some additional authority for police and firefighters.

If the proposed job creates a problem in one of these areas or during the course of the employment, and problem arises; a commander may deny or revoke permission for the part-time employment.

Reference: DoD 1344.10, Joint Ethics Regulation DoD 5500.7-R

SAMPLE REQUEST FOR PART-TIME EMPLOYMENT

DATE

FOR Commander, _____

SUBJECT: Request for authorization to obtain part-time civilian employment

NAME: _____ RANK: _____

UNIT OF ASSIGNMENT: _____

NAME OF CIVILIAN EMPLOYER: _____

POINT OF CONTACT: _____ PHONE: _____

TITLE OF POSITION TO BE HELD: _____

DESCRIPTION OF DUTIES: _____

CIVILIAN EMPLOYERS SIGNATURE: _____ DATE: _____

SOLDIER'S SIGNATURE: _____ DATE: _____

10-8: Illegal Tape Recordings

One of the most disruptive activities that can take place within the workplace is when an individual chooses to make audio or video recordings of co-workers without their consent or knowledge. As a strictly legal matter, a conversation can be recorded as long as all parties have knowledge and consent to the process. While legal, this creates an atmosphere of mistrust and intimidation when this occurs in the work environment.

It is suggested that supervisors and commanders adopt a strong policy prohibiting unauthorized tape or audio recordings of meetings or conversations. In addition to preventing an environment that is contrary to the maintenance of good order and discipline, this measure would be justified in a military setting where classified, sensitive or privileged information is frequently available. Unauthorized tape recordings, that might contain this information constitutes a potentially serious breach of security. Questions regarding issues in this area should be addressed to the Staff Judge Advocate.

Reference: 42 U.S.C. 2000, Ohio Revised Code 2933.52

Chapter 11: Miscellaneous

11-1: Substance Abuse

Drug and alcohol abuse is not tolerated in the Ohio National Guard. Commanders must be vigilant for evidence of substance abuse due to the serious impact it may have upon safety and accomplishment of the mission. All AGR Soldiers are eligible for substance abuse treatment. Contact the Prevention Treatment Officer at the G1 for current guidance.

Reference: AR 600-85

11-2: Urinalysis

AGR Soldiers are subject to random urinalysis testing IAW current drug testing policies.

Reference: NGR (AR) 600-85

11-3: Use of Steroids

Unlawful use of anabolic steroids is prohibited to all military personnel. Anabolic steroids were recently added to the Schedule III list of controlled substances and their unauthorized use is now treated the same as other controlled drugs. Urine samples obtained from AGR Soldiers are randomly tested at forensic laboratories for the presence of anabolic steroids. Samples testing positive could result in disciplinary or discharge action for the individual.

Reference: 21 U.S.C. 812 Schedule IV (e)

11-4: Supply Accountability

All AGR Soldiers are responsible and accountable for military equipment and supplies. All AGR Soldiers maintain supply accountability at all times, inventories completed and Financial Liability Inventories of Property Lost (FLIPL) or Statement of Charges are initiated prior to the transfer of supply accountability from one Soldier to another.

Losses or shortages discovered during an inventory are subject to a FLIPL. Any enlisted AGR Soldier can be assessed up to one-month total pay for losses attributable to their negligence. Accountable officers may be liable for the full amount of the Government's loss minus amounts charged to others.

Reference: AR 735-5

11-5: Unions

A member of the National Guard, serving in an AGR status may not be a member of a military union or labor organization. Regardless of its name, this would be any organization that attempts to engage in representing military personnel in connection with any grievance, complaint or changing the terms and condition of their military service. Current law prohibits this because of concern that unions may impede the military mission of the Guard and present a danger to discipline, loyalty, and obedience to the lawful orders of the chain of command. There are a number of potential criminal penalties to include fines and jail time for any AGR Soldier who joins, recruits for, or organizes a union.

An AGR Soldier can:

- Present complaints or grievances concerning military issues through the military chain of command
- Seek redress through Inspector General channels
- Contact their legislator or Member of Congress
- Voice personal views or complaints through authorized advisory councils, PAT teams, or similar committees

Any AGR Soldier who is authorized off-duty employment is not prohibited from joining a union in connection with their civilian job.

Reference: 10 U.S.C. 976, AR 600-20

11-6: Jury Duty

Under Ohio law, AGR Soldiers are not exempt from serving as a juror simply because of their AGR status. All AGR Soldiers are excused from AGR duties for jury duty or for participating as a witness on behalf of the federal, state or local government. The AGR Soldier must complete a jury duty leave request in the FTSMCS Leave Website. Excused absence is not available for an AGR Soldier attending as a witness in a private matter not involving a government agency. In those cases, use of annual leave is required.

Whenever a summons to appear in court or report to jury duty is received, it should be presented to the supervisor. The supervisor may ask that the Soldier be excused from jury duty or that it be postponed consistent with the summons; but, the final decision rests with the jury commission or the court. Upon returning to duty, the Soldier should submit documentation from the court reflecting the dates and hours of their attendance. Any fees received for jury duty or as a government witness (except for parking and transportation) should be turned in to the appropriate military payroll office.

References: AR 27-40 Comptroller General Decision B-217845, Ohio Revised Code Chapter 2313

11-7: Lawsuits Against AGR Soldiers

Any AGR Soldier can be sued for actions they take as a part of their official duties. Lawsuits are a fact of modern life, but AGR Soldiers should take comfort in the fact they usually can receive a high level of legal protection if they are sued for their official actions. The Federal Tort Claims Act (FTCA) offers personal immunity from lawsuits as well as providing free legal representation.

This protection extends to Title 32 personnel, if the act for which they are being sued was done in the course of their official duties. Certain acts such as intentional wrongdoing are not covered (for example, if you physically assaulted a civilian at a bar during off-duty hours). There are a number of other factors, which are evaluated by the command and legal channels in determining whether you are protected, but the rule is that if you were acting within the accepted range of your duties and are sued as a result, the U.S. Government will step in and provide legal representation and immunity from any money damages.

If an incident should occur, AGR Soldiers should notify their chain of command and JAG offices **IMMEDIATELY**. Like most states, Ohio has stringent time deadlines for responding to legal actions. To protect your interests as well as those of the Ohio National Guard, do not let one day pass if you receive any indication or notice of a lawsuit against yourself or the Ohio Guard.

Reference: 28 U.S.C. 2671-2679, 32 U.S.C. 502, AR 27-40, NGR 27-40

11-8 Feres Doctrine

In a decision over 40 years ago, *Feres vs. United States*, the U.S. Supreme Court ruled that a service member could not bring a lawsuit against the government or another service member for injuries that are "incident to service." The reasons given by the court were that allowing Soldiers to sue their superiors or fellow Soldiers would be adverse to military discipline and that there already existed an adequate compensation system for injured service members. This ruling has come to be known as the "Feres Doctrine." This prohibition against lawsuits extends not only to claims by individual service members, but also to their dependents, if their claims are based upon an injury to the service member. If the dependent has a claim for injury to the dependent, they can still bring legal action.

Example: SGT B is in the motor pool on duty and is struck by a government truck driven by Airman C and SGT B suffers extensive injuries. The Feres Doctrine bars SGT B from suing Airman C or the Ohio National Guard for damages. Any claim by the spouse of Sgt B for the loss of his services or for emotional distress would likewise be barred.

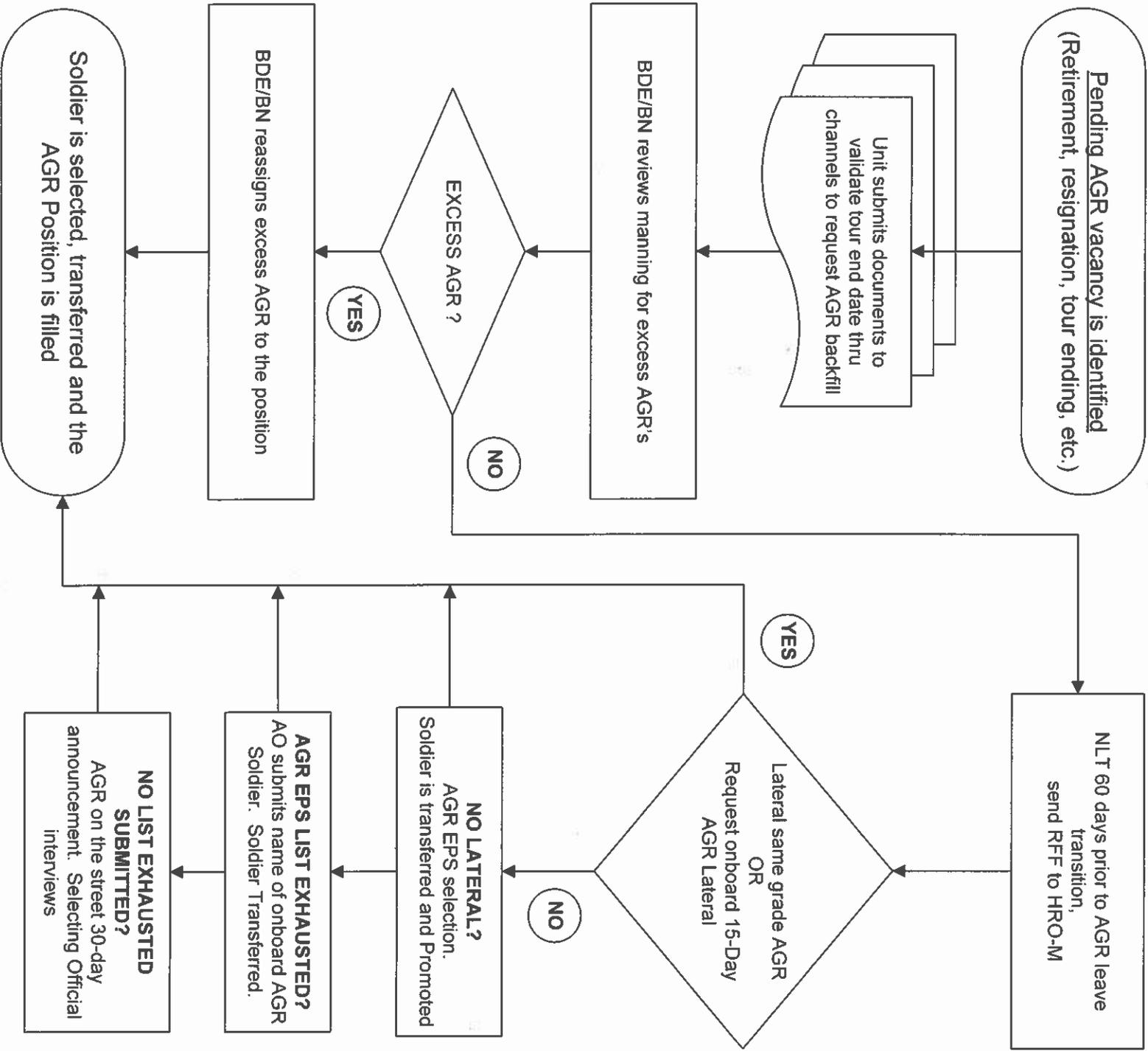
Individuals should **IMMEDIATELY NOTIFY** the Staff Judge Advocate if they or their unit receives any indication that they will or are being sued based on acts allegedly

committed during the performance of duty. Do not contact the other party or attempt to respond to the lawsuit on your own.

Reference: *Feres vs. United States*, 340 U.S. 135 (1950), *Coffman vs. State of Michigan*, 120 F. 3rd 57 (6th Cir. 1997)

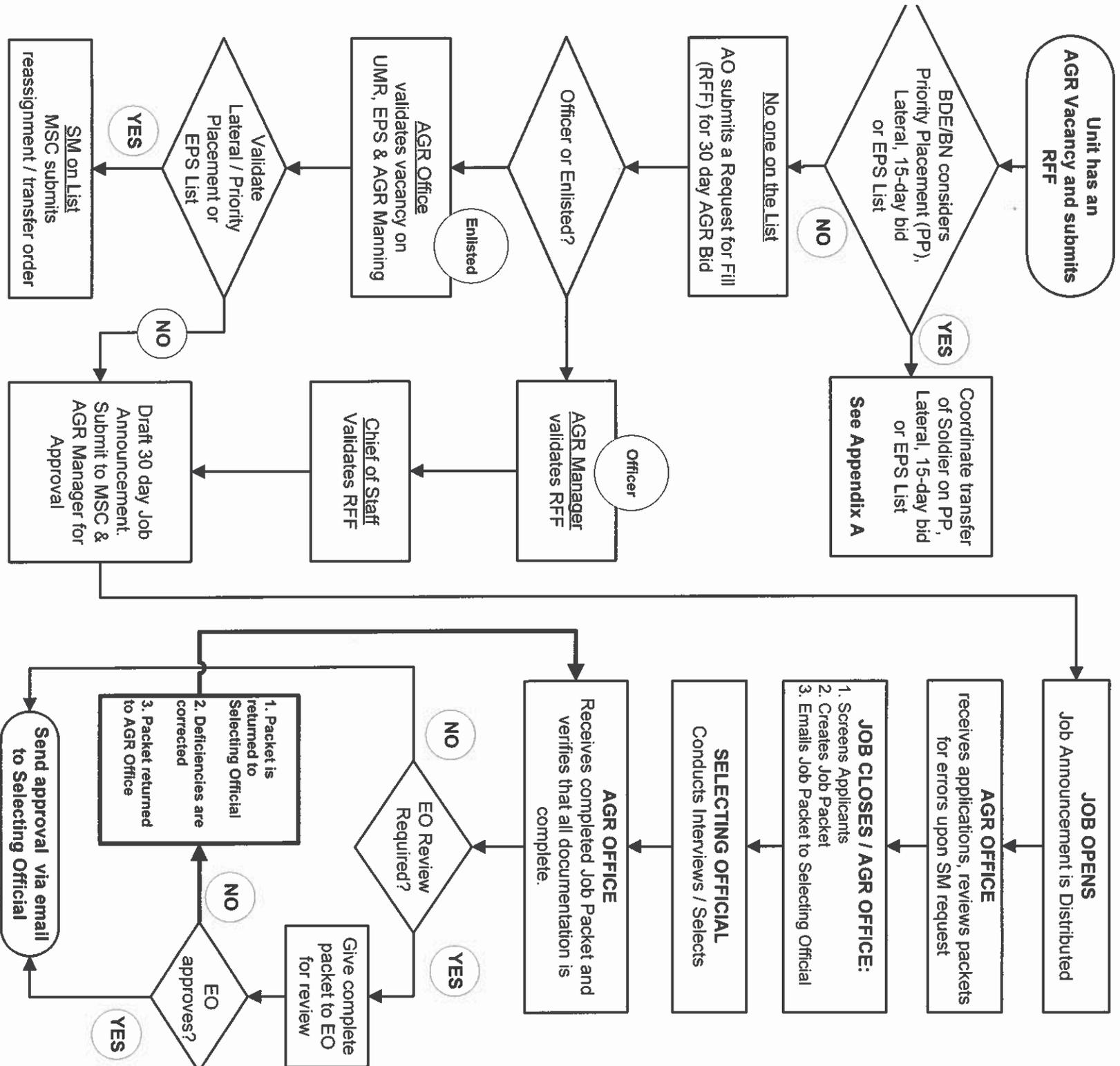
Appendix A

Backfill Pending AGR Vacancy



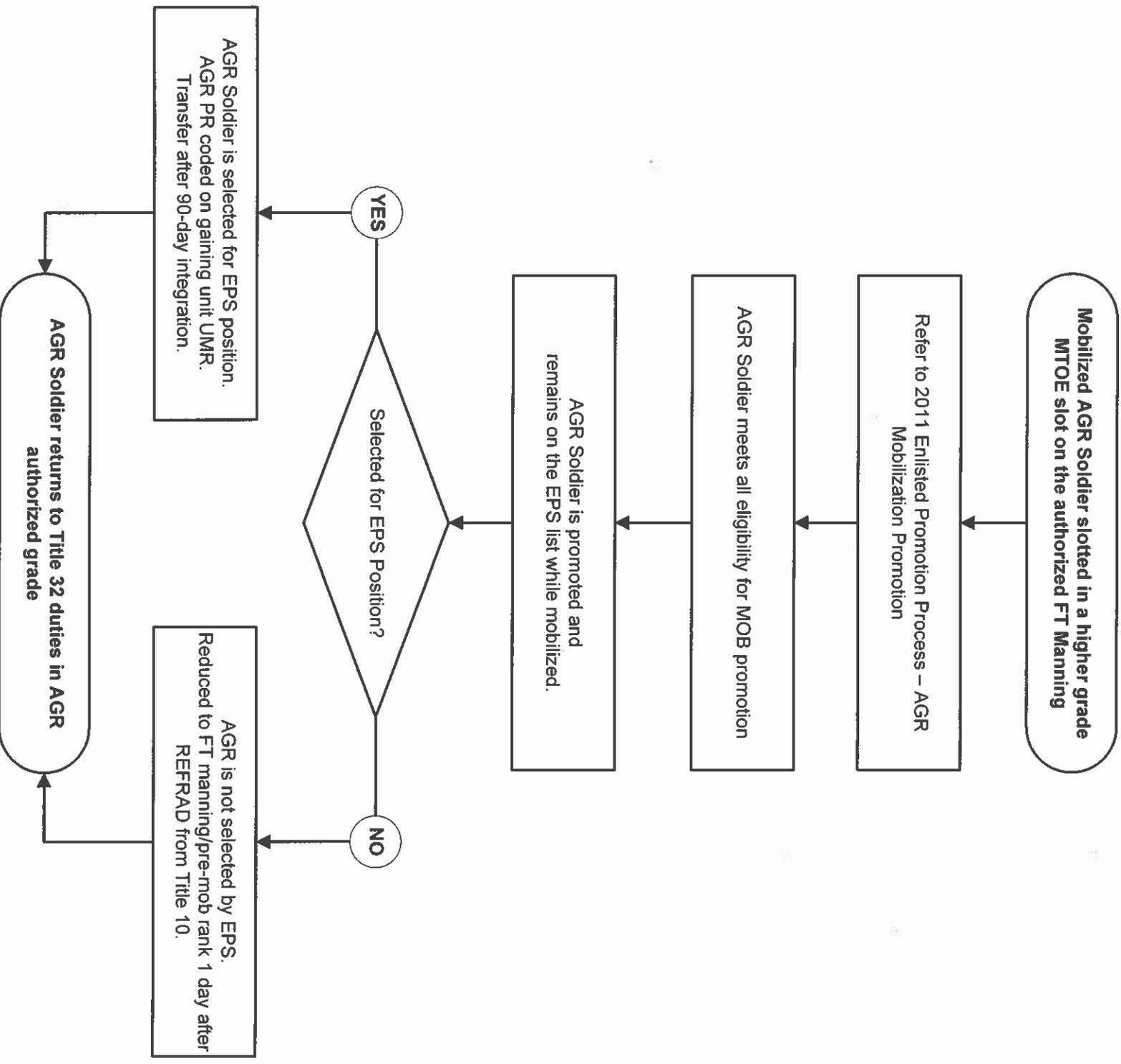
Appendix B

AGR Hiring Process



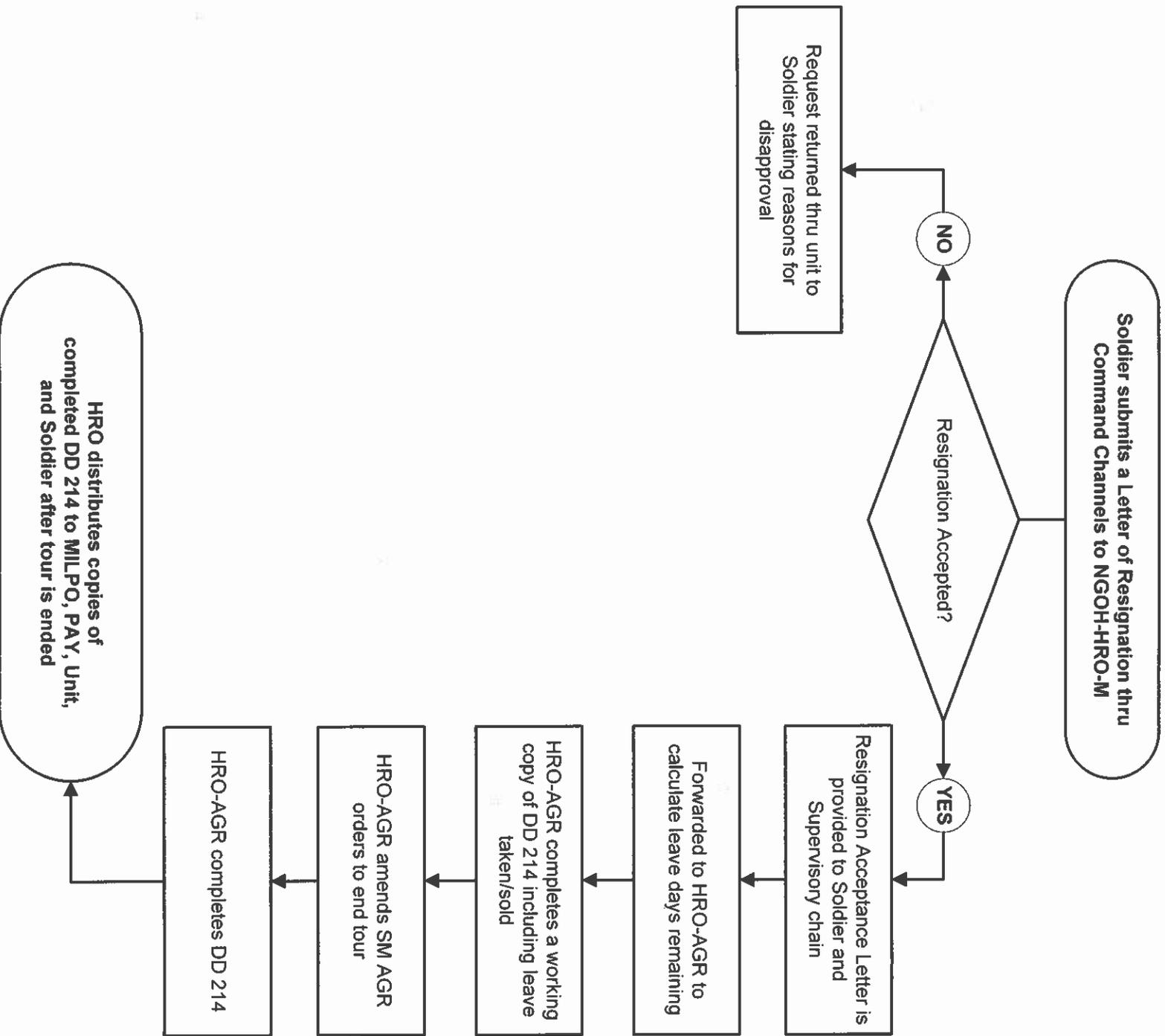
Appendix C

AGR Mobilization Promotions



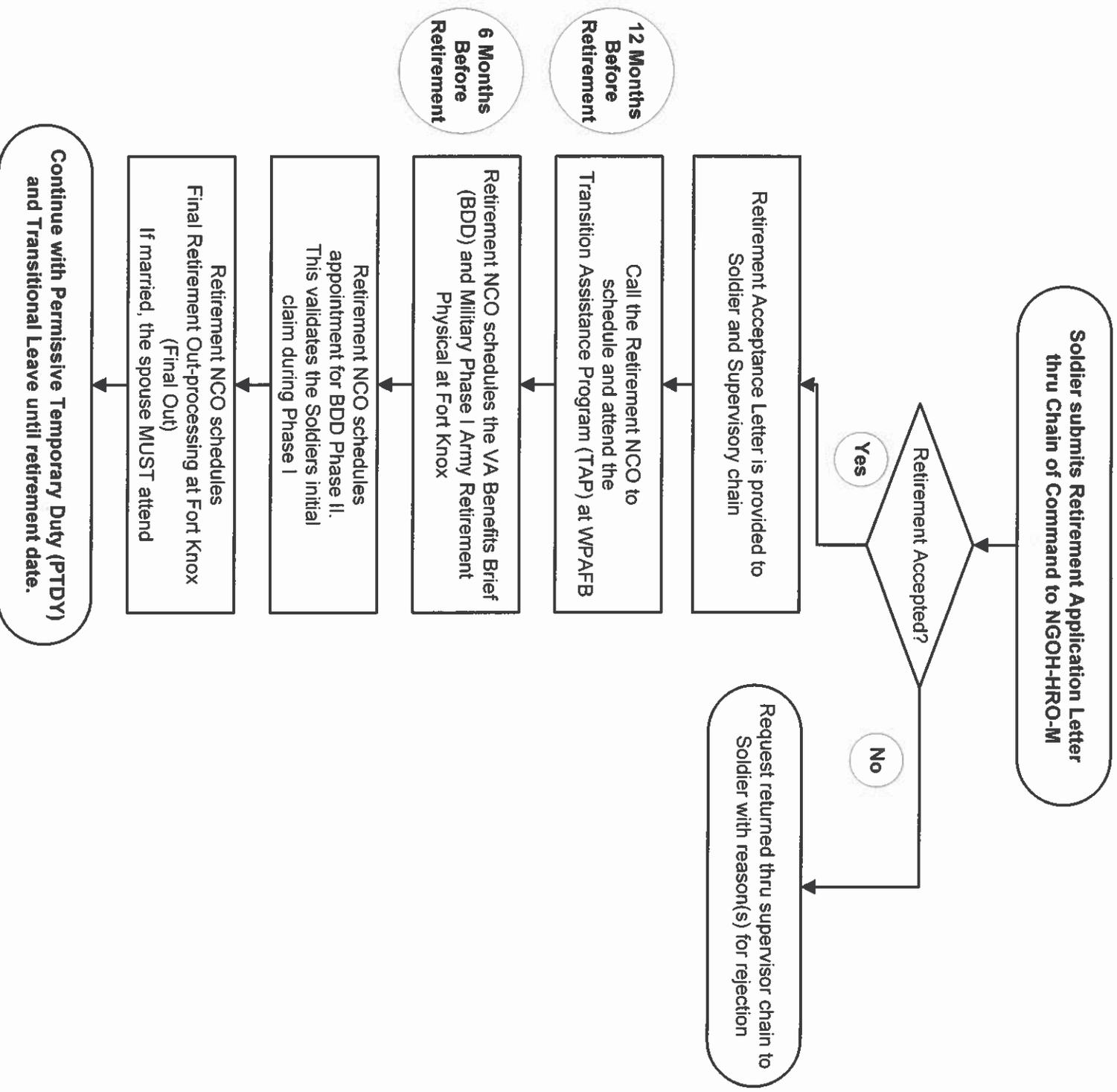
Appendix D

Voluntary Resignation



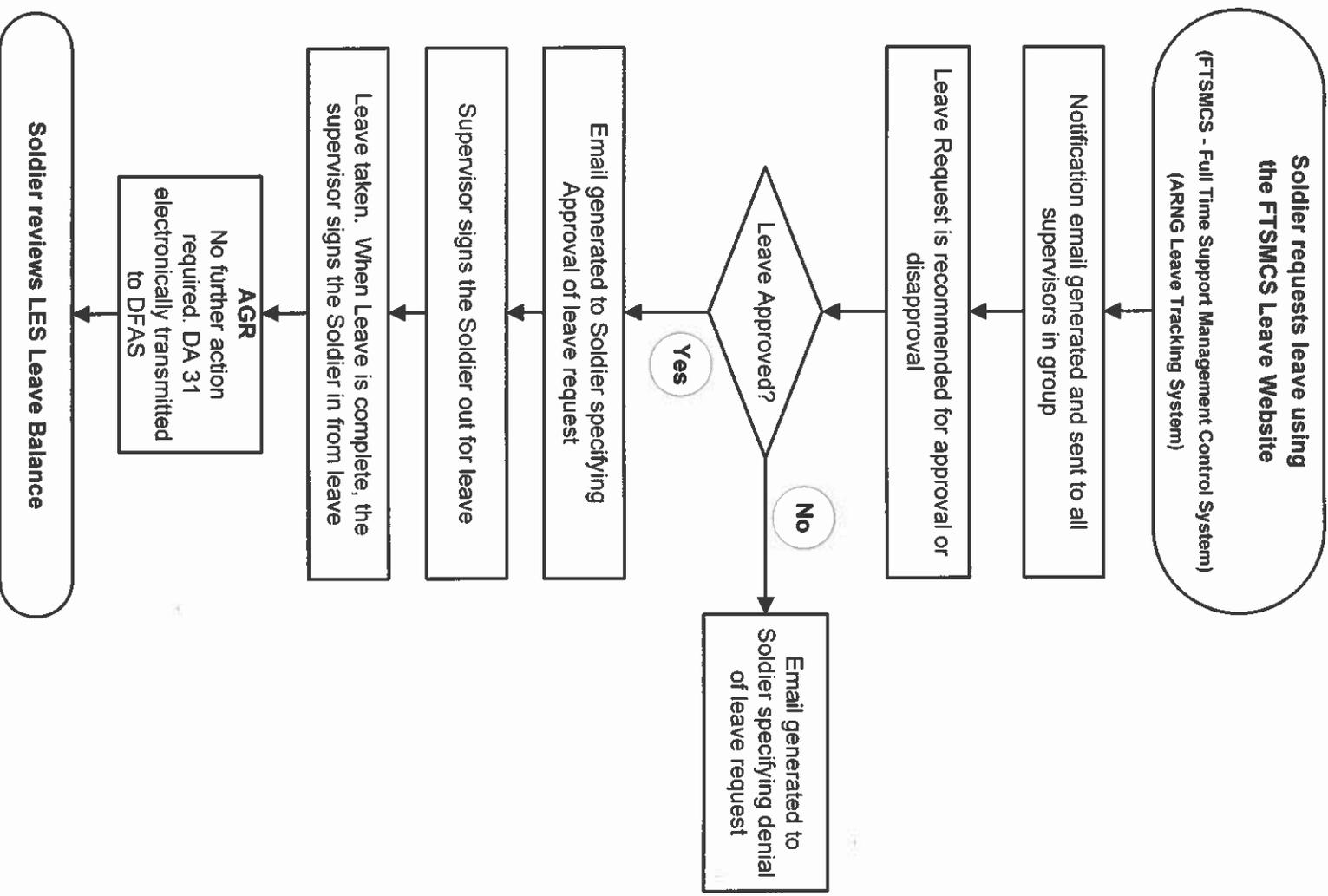
Appendix E

AGR Retirement Process



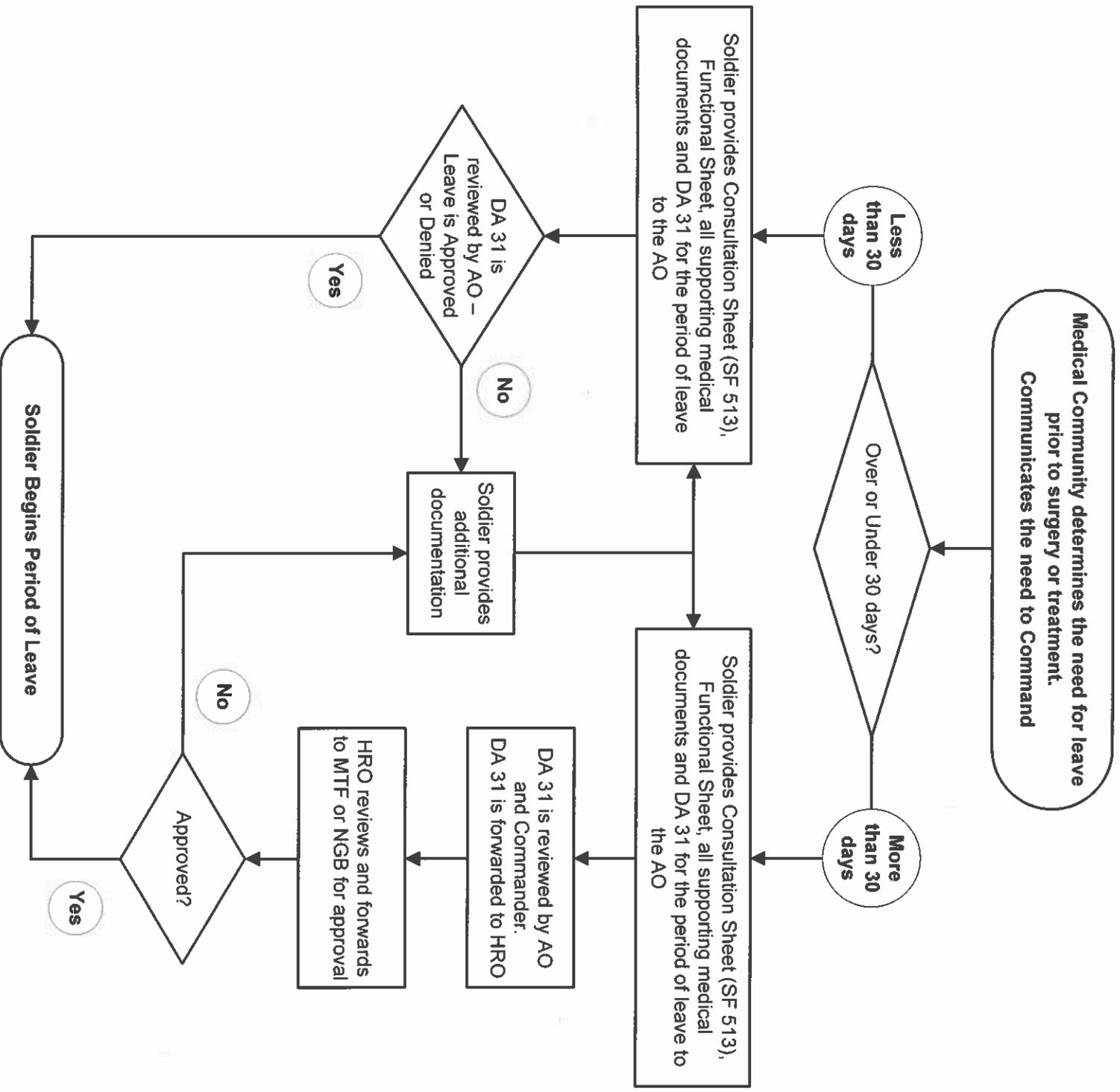
Appendix F

FTSMCS Leave Website



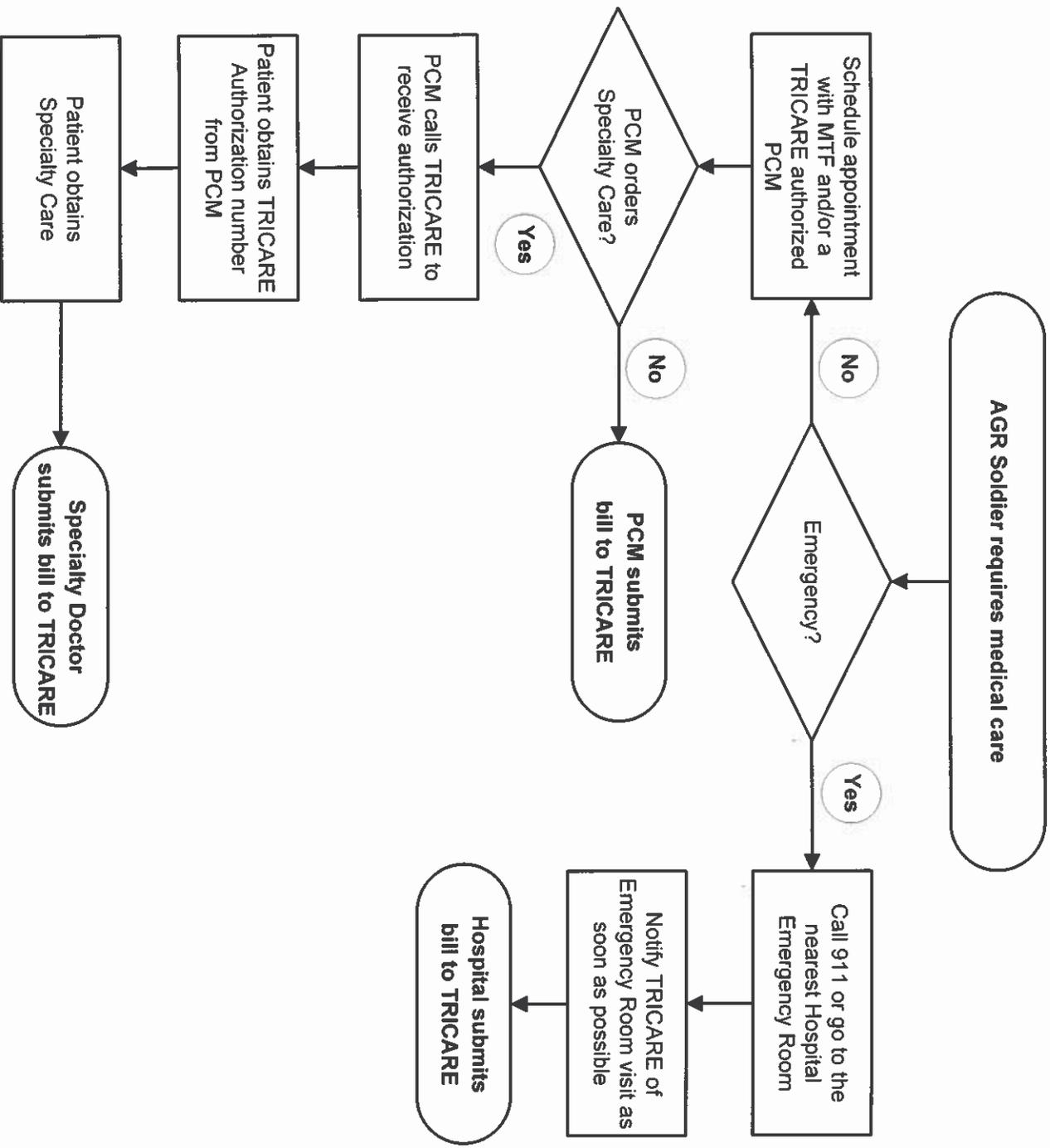
Appendix G

Convalescent Leave



Appendix H

TRICARE Process

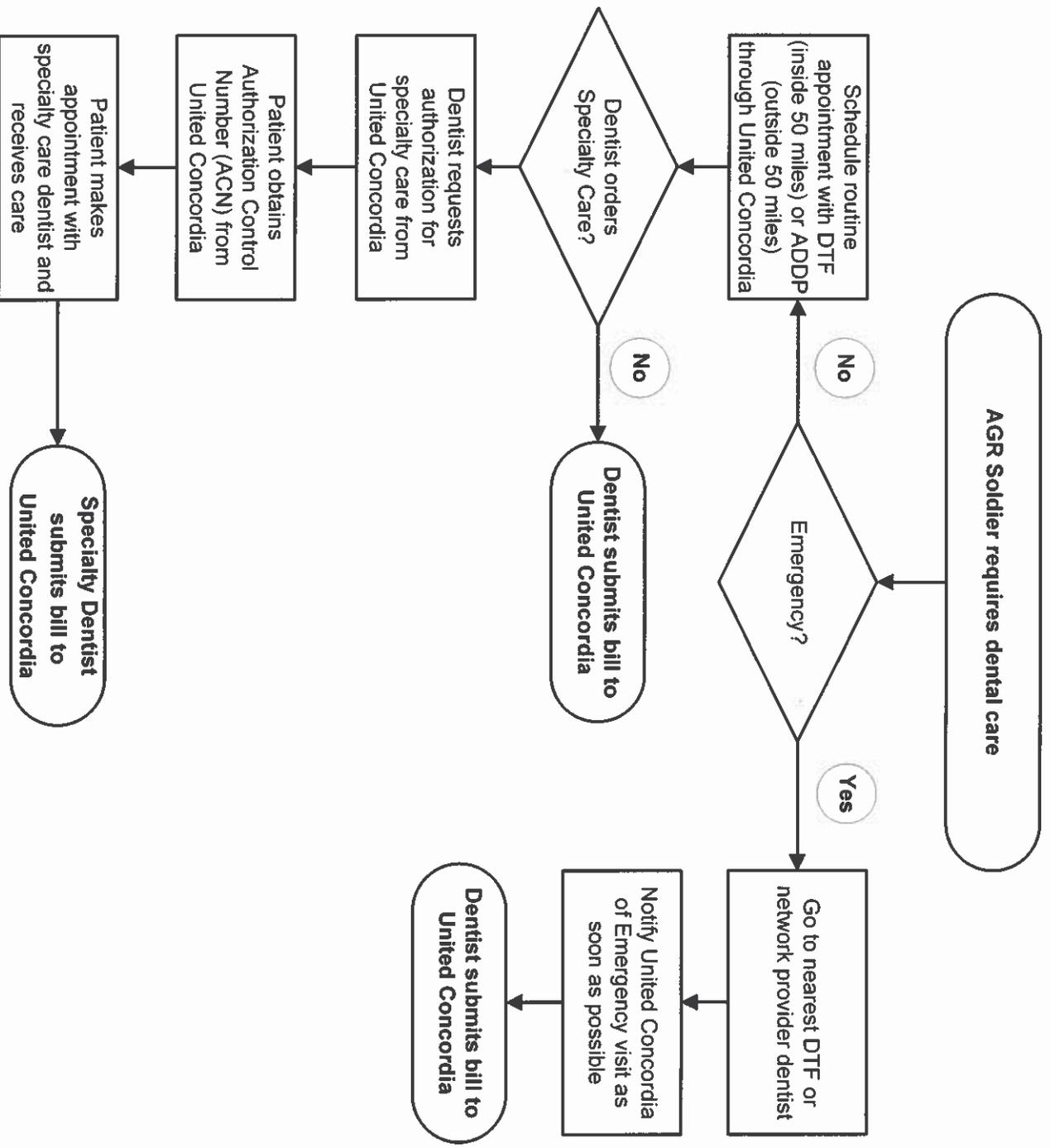


North Region TRICARE Customer Service:
1-877-874-2273

To find a Health Care Provider:
<https://www.healthnetfederalservices.com/common/home/>

Appendix I

Dental Care Process



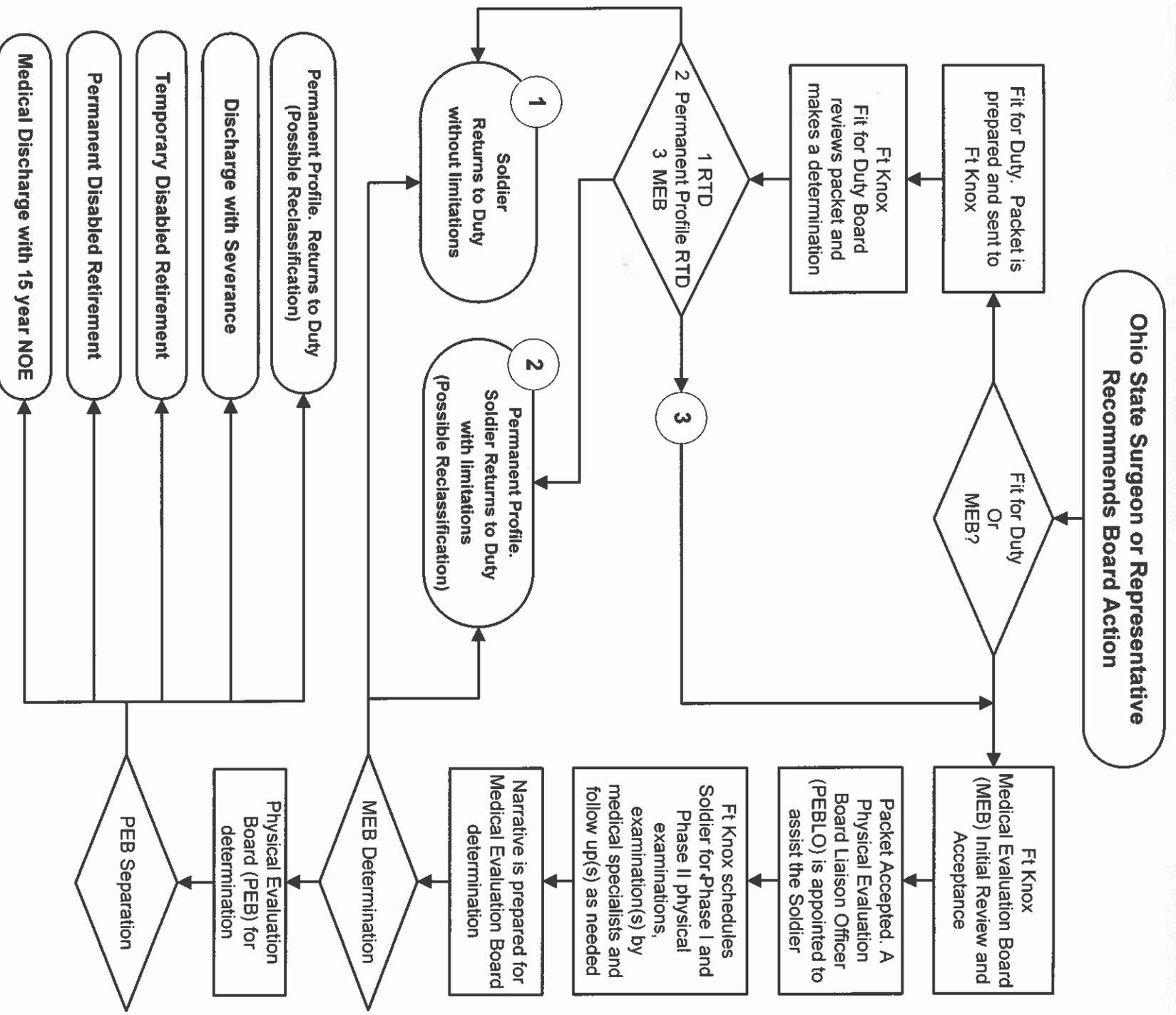
Note: Soldiers MUST use a network dentist and MUST request and receive an Appointment Control Number (ACN) prior to seeking dental care

For Appointment Control Number:

1-866-984-ADDP (2337) or www.addp-uccl.com

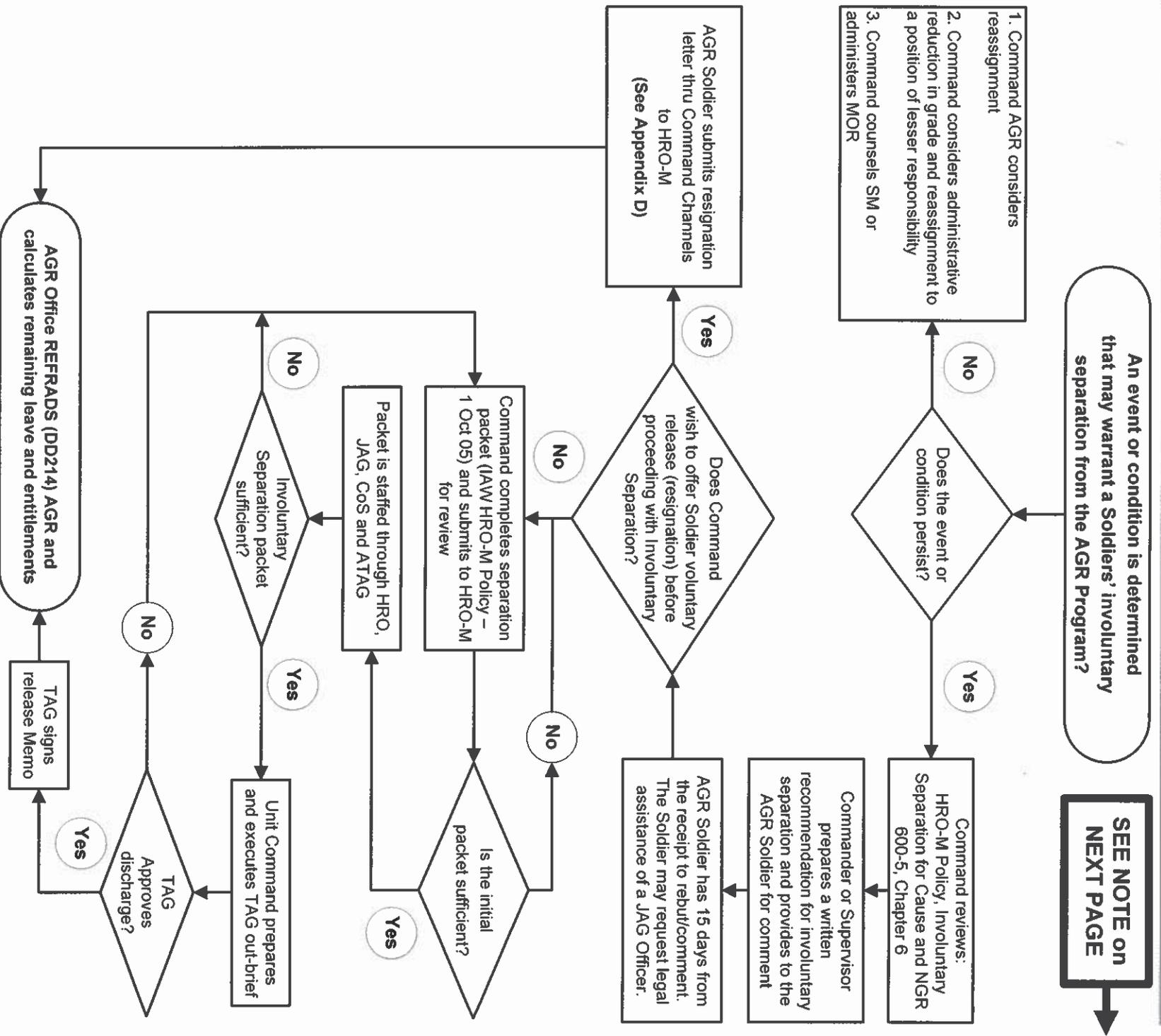
Appendix J

Medical Board Process



Appendix K

Involuntary Separation



Appendix K

NOTES: Involuntary Separation

Separation Packets must contain the following supporting documentation:

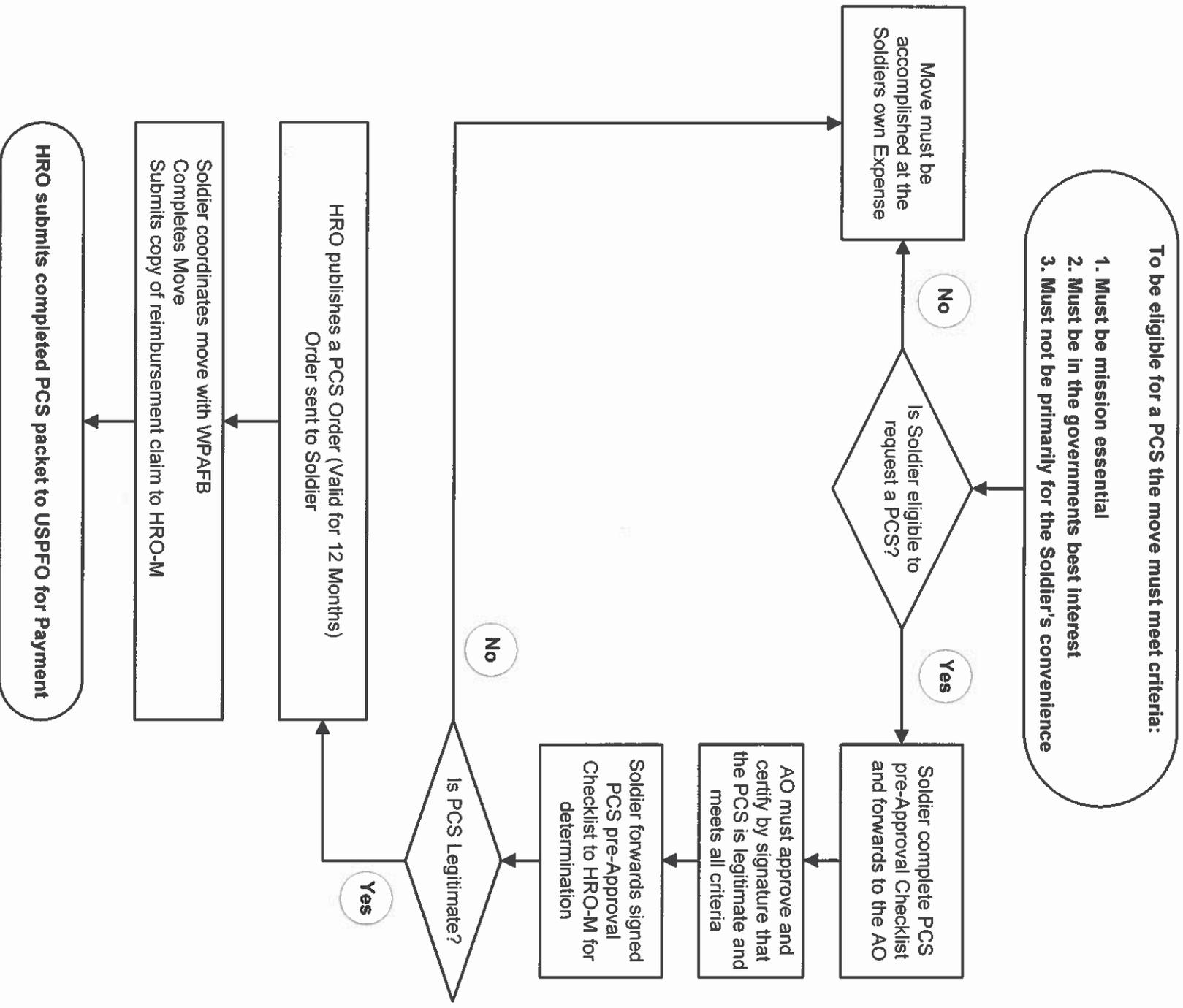
1. At minimum, quarterly counseling statements that describe pattern of inefficiency, or results for potential separation from the AGR program such as failed APFT or weight control program.
2. NCOER/OERs that reflect performance of AGR and recommendation of further service in the AGR program.
3. Memorandum(s) of Reprimand – MORs.
4. Sufficient corrective action plans documented on DA 4856 or MORs that depict command's effort to correct Soldier performance.
5. Sufficient assessment of corrective action and documented results.

Before initiating Involuntary Separation for Cause, the commander or supervisor must consider the following:

1. Seriousness of the event(s) or condition(s).
2. Consider the effect of the members' continued retention on military discipline, good order, and morale of the unit and institution.
3. What is the likelihood that the event or condition continues or recurs?
4. Will the event or condition adversely impact the unit's missions?
5. Members ability to perform full-time support duties in a reasonable manner.
6. The member's potential for further service.
7. Consider the members previous military record [See NGR 600-5, 6-5, a.(2)(f).]

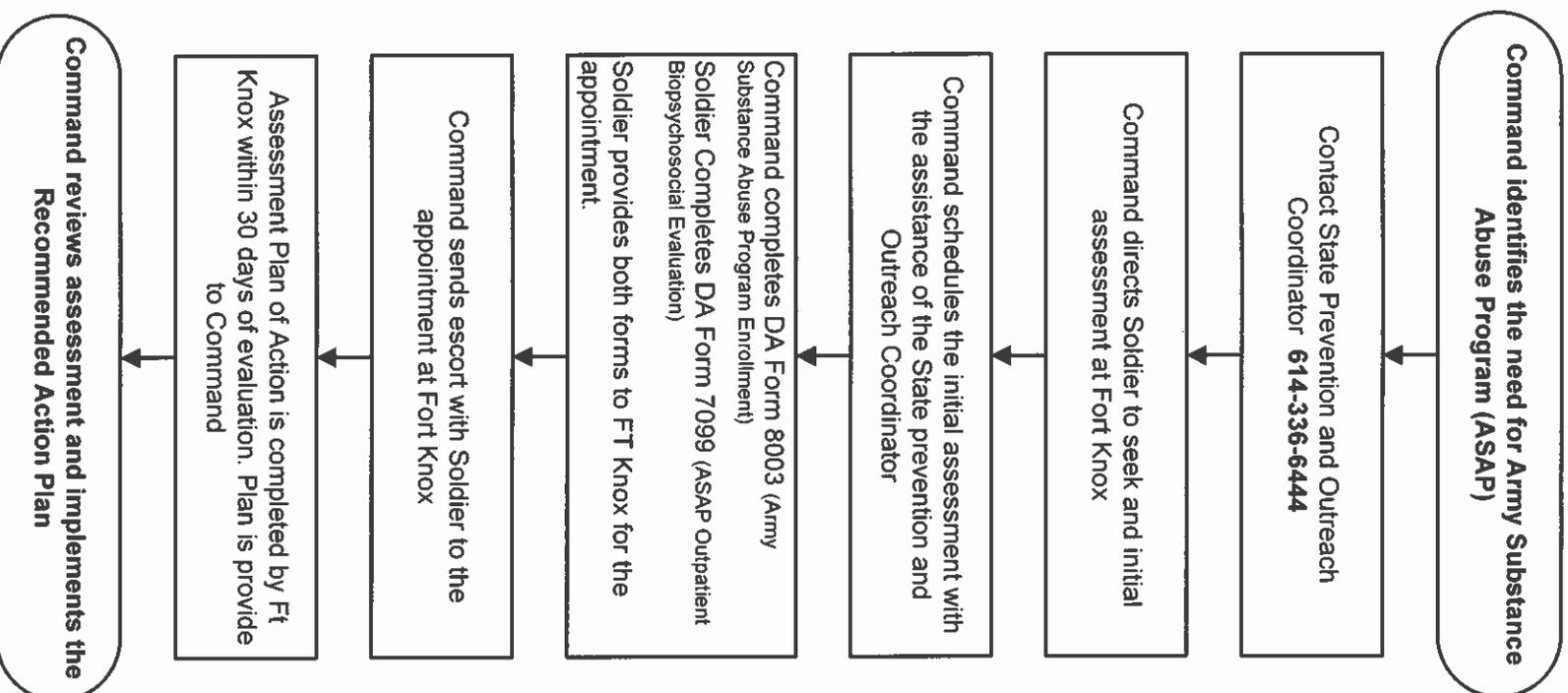
Appendix L

Requesting Permanent Change of Station (PCS)



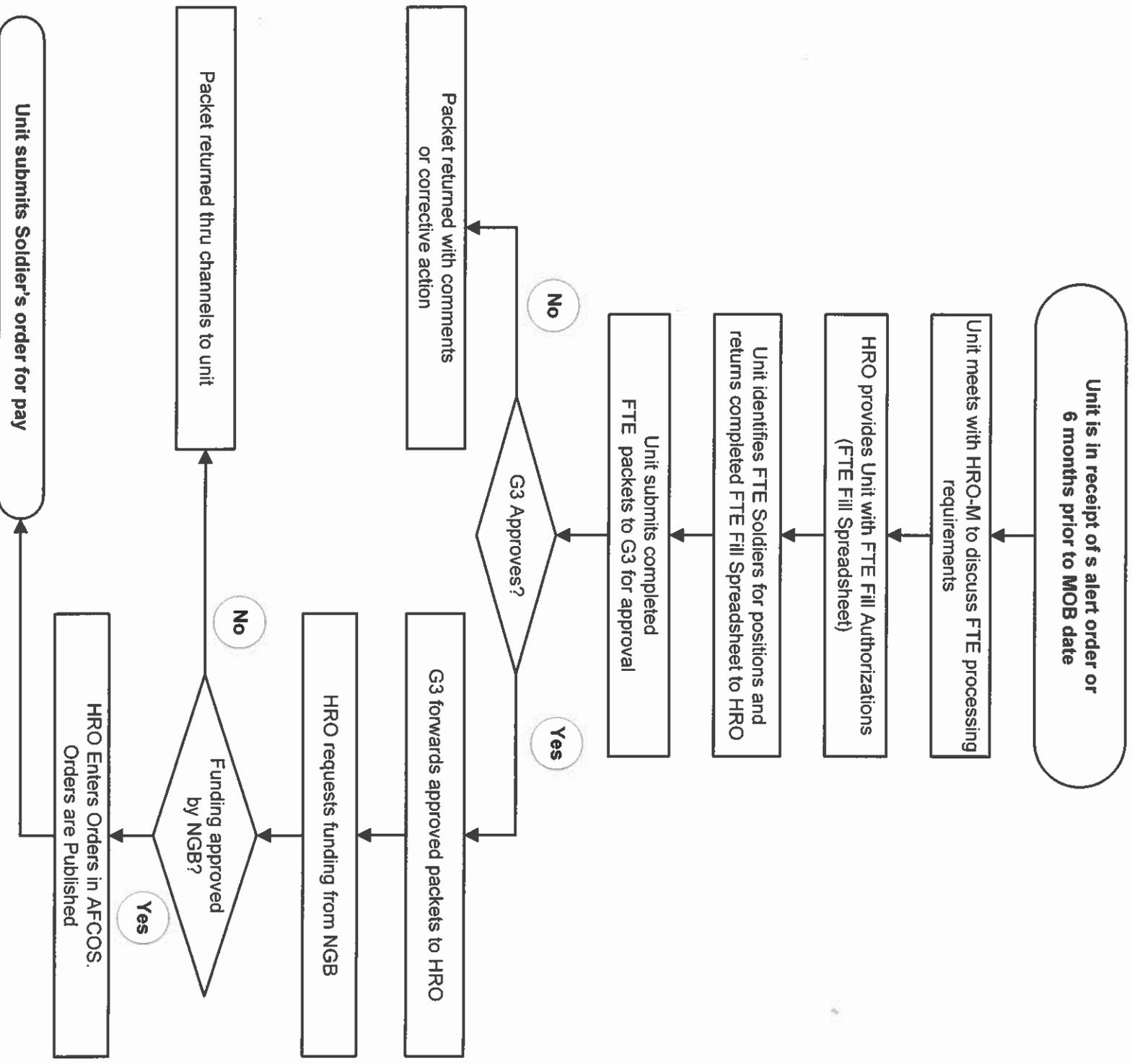
Appendix M

Army Substance Abuse Program



Appendix N

Requesting Full-Time Equivalent



Appendix O

Requesting MOB Augmentees

