SECRETARY OF THE ARMY
WASHINGTON

2 6 MAY 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2016-19 (Retaining a Quality Noncommissioned Officer Corps)

1. References:

a. Army Regulation (AR) 135-18 (The Active Guard Reserve (AGR) Program), 1 November 2004.

b. AR 135-178 (Enlisted Administrative Separations), 18 March 2014.

c. AR 140-111 (U.S. Army Reserve Reenlistment Program), 9 May 2007, Rapid Action Revision Issued 6 September 2011.

d. AR 600-8-19 (Enlisted Promotions and Reductions), 18 December 2015.

e. AR 601-280 (Army Retention Program), 1 April 2016.

f. AR 635-200 (Active Duty Enlisted Administrative Separations), 6 June 2005, Rapid Action Revision No.3 Issued 6 September 2011.

2. The policies in this directive revise the Noncommissioned Officer (NCO) Corps' developmental timelines and will ensure that the NCOs with the most potential have an avenue for continued service. By retaining those NCOs who have exhibited the highest caliber attributes expected of a professional, all-volunteer force, our professional NCO Corps will remain the "backbone" of our great Army.

3. The policies in this directive apply to Soldiers serving in the Regular Army (RA), Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS), and U.S. Army Reserve (USAR), including NCOs serving under the AGR Program.

4. The following policy changes are approved for implementation as indicated:

a. Retention Control Points (RCPs) (apply to RA and USAR/ARNGUS Soldiers serving under the AGR program in a Title 10 status). Soldiers may perform service on active duty (provided they are not barred from continued service or otherwise separated) up to the following RCPs or age 60, whichever occurs first. This includes all senior NCOs selected by a Headquarters, Department of the Army centralized promotion board convened after the date of this directive. Soldiers who were 40 years of age or older on the date of their enlistment may exceed age 60 to complete the minimum time for regular or non-regular retirement for their respective component.

Army RCPs

Grade	Total Years Active Service
Private/Private First Class	5
Corporal/Specialist (including those promotable)	8
Sergeant (including those promotable)	14
Staff Sergeant (including those promotable)	20
Sergeant First Class (including those promotable)	24
First Sergeant/Master Sergeant	26
First Sergeant/Master Sergeant (promotable)	30
Command Sergeant Major/Sergeant Major	30

Notes:

1. Active service is defined as service on active duty.
2. Command sergeants major (CSMs) and sergeants major (SGMs) (at Headquarters, Department of the Army and Army Commands) serving in nominative positions where the CSM/SGM is rated by a general officer, member of the Senior Executive Service, or equivalent, or is serving as CSM at the U.S. Army Sergeants Major Academy or as Executive Officer to the Sergeant Major of the Army are authorized to serve beyond 30 years total active service while serving in the position. The Vice Chief of Staff of the Army must approve exceptions for operational reasons. Upon leaving a position which authorizes service beyond 30 years, NCOs who have not applied for retirement will be classified using special reporting code 09U (see note 4).
3. "Promotable" refers to RA and USAR only. The ARNG AGR Title 10 program has no "promotable" status; those RCPs are established at the "nonpromotable" grade.
4. The RCP for Soldiers classified in special reporting code 09U is 9 months from the effective date of classification.

(1) Effective 1 October 2016, senior NCOs selected by a Headquarters, Department of the Army centralized promotion board that convened before the date of this directive will have an RCP based on the next table or a minimum of 12 months remaining in service, whichever is longer. The Army will complete this "rollback" of RCPs over a 3-year period.

Reduction of RCP Changes for NCOs

Soldiers' BASD	SFC & SFC(P)
1 October 1992 and earlier	26
2 October 1992 through 1 April 1994 (inclusive)	25
2 April 1994 and later	24
Soldiers' BASD	**1SG/MSG**
1 October 1989 and earlier	29
2 October 1989 through 1 October 1990 (inclusive)	28
2 October 1990 through 1 April 1992 (inclusive)	27
2 April 1992 and later	26
Soldiers' BASD	**1SG/MSG(P) & CSM/SGM**
1 October 1986 and earlier	32
2 October 1986 through 1 April 1988 (inclusive)	31
2 April 1988 and later	30

Abbreviations Used:

1SG: First Sergeant
BASD: Basic Active Service Date
CSM: Command Sergeant Major
MSG: Master Sergeant
P: Promotable
SFC: Sergeant First Class
SGM: Sergeant Major

(2) Soldiers who exceed their RCP as a result of their reduction in grade or removal from a promotion list must retire or separate from the Army no earlier than 90 days or no later than 180 days after the effective date of their reduction in grade. Soldiers with 18 or more years of active Federal service who exceed their RCP as a result of a reduction in rank may serve to meet the minimum retirement eligibility unless involuntarily separated by the Secretary of the Army or his designated representative.

b. NCO Career Status Program. Effective 1 October 2016, the Army redesignates the Indefinite Reenlistment Program (RA and USAR only) as the NCO Career Status Program. NCOs in the rank of staff sergeant and higher who are eligible for reenlistment in accordance with AR 601-280 and AR 140-111 must have more than 12 years of Federal service on the date they reenlist under the NCO Career Status Program.

c. Bar to Continued Service. Effective 1 October 2016, the Army redesignates the bar to reenlistment (RA and USAR only) as the bar to continued service. A bar to continued service places a Soldier on notice that his or her continued service may not be in the Army's best interest. Applicable to all enlisted ranks regardless of the established RCP/maximum age for each rank, a bar to continued service limits continued service to Soldiers of high moral character and personal competence.

Accordingly, Soldiers who currently serve under the NCO Career Status Program, including Soldiers transitioning from the RA to a reserve component, may be barred from continued service. Soldiers who do not overcome a bar to continued service will be separated from the Army in accordance with AR 635-200 and AR 135-178. Enclosure 1 to this directive supersedes AR 601-280, chapter 8 in its entirety and adds Appendix K. Enclosure 2 replaces selected portions of AR 140-111, chapter 1. Soldiers who are separated because of a bar, or who depart the Army with a bar in place, will have a reentry code of "3" annotated on their Department of Defense Form (DD Form) 214 (Certificate of Release or Discharge From Active Duty) or established in their permanent records. USAR Soldiers not eligible for a DD Form 214 will have a "Bar to Continued Service" annotation in the remarks section of their discharge orders. This code requires a waiver for reentry into any Army component.

d. Qualitative Management Program (RA and USAR AGR only). Effective immediately, NCOs who are not promoted to the next grade because of their failure to complete the appropriate level of NCO Education System training for the next higher grade are subject to the denial of continued service through the Qualitative Management Program process (AR 635-200, chapter 19). NCOs in the following categories are eligible for the Qualitative Management Program:

(1) NCOs in the rank of staff sergeant with 36 months time in grade who have not graduated from the Advanced Leaders Course, or

(2) NCOs in the rank of sergeant first class with 36 months time in grade who have not graduated from the Senior Leaders Course.

e. Qualitative Service Program (RA and USAR AGR only). Effective immediately, NCOs (staff sergeant and above) with 2 or more years time in grade and more than 18 months until their established RCP are eligible for the potential denial of continued service under the Qualitative Service Program (AR 635-200, chapter 16) when their primary military occupational specialty and grade are announced during the Qualitative Service Program process.

5. The Deputy Chief of Staff (DCS), G-1 is the proponent for this policy. The DCS, G-1 will issue an Armywide message to inform the force of these changes, as well as implementing guidance. The DCS, G-1 will incorporate the provisions of this directive and the implementing guidance into the next revisions of AR 140-111, AR 600-8-19, AR 601-280, and AR 635-200.

6. Any deviation from the policy in this directive must be formally requested as an exception to policy in accordance with the references. If the references do not explicitly

address exceptions to policy, requests must be addressed to the Office of the DCS, G-1; Director, Military Personnel Management (DAPE-MPE-PD); 300 Army Pentagon; Washington, DC 20310. The DCS, G-1 may further delegate his approval authority, in writing, to a division chief within the proponent agency, its direct reporting unit, or field operating agency in the grade of colonel or the civilian equivalent.

7. This directive is rescinded upon publication of the revised Army regulations.

Encls

Eric K. Fanning

DISTRIBUTION:
Principal Officials of Headquarters, Department of the Army
Commander
- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Pacific
- U.S. Army Europe
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Africa/Southern European Task Force
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Strategic Command
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigation Command
- U.S. Army Corps of Engineers
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Army Installation Management Command

Superintendent, United States Military Academy
Director, U.S. Army Acquisition Support Center
Executive Director, Arlington National Cemetery
Commander, U.S. Army Accessions Support Brigade
Commandant, U.S. Army War College
(CONT)

DISTRIBUTION: (CONT)
Commander, Second Army

CF:
Director, Army National Guard
Director of Business Transformation
Commander, Eighth Army
Commander, U.S. Army Cyber Command
Commander, U.S. Army Human Resources Command

8–1. General
This chapter prescribes policy to deny continued service to Soldiers whose immediate separation under administrative procedures is not warranted, but whose reentry into, service beyond ETS, or continued service with the Active Army is not in the best interest of the Military Service. These Soldiers are not considered eligible to reenlist or candidates for continued service in any Army component. Policies and procedures prescribed herein apply to the field commander's bar to continued service. Soldiers may not be reenlisted without the recommendation of the commander. However, if a commander wishes to disapprove a request for reenlistment or extension submitted on DA Form 3340-R by a Soldier who is fully eligible for reenlistment (according to chapter 3) without waiver, the commander must submit a bar to continued service or follow the procedures in paragraph 1-9 of this regulation. Requests for waivers of reenlistment disqualifications may be disapproved under paragraph 3-10. If otherwise qualified, Soldiers may not arbitrarily be denied reenlistment.

8–2. Standards for continued service
a. Only Soldiers of high moral character, personal competence, and demonstrated adaptability to the requirements of the professional Soldier's moral code will be authorized continued service. All Soldiers should be evaluated under the "whole person" concept, as set out in paragraph 3-7. Soldiers who cannot, or do not, measure up to such standards, but whose immediate separation under proper administrative procedures is not warranted at the present time, will be barred from further service under this chapter.
b. The bar to continued service is a punitive action. Imposition of a bar to continued service does not prevent administrative separation at a later date. The bar to continued service should be initiated before a separation or judicial and/or nonjudicial action because it is intended to put the Soldier on notice that—
(1) He or she is not a candidate for reenlistment or continued service in any Army component.
(2) He or she is a candidate for separation if the circumstances that led to the bar to continued service are not overcome. Soldiers will be advised exactly what is expected for them to overcome the bar to continued service and will be given explicit timetables to overcome the reasons for the bar.

8–3. Guidelines for using bar to continued service procedures
a. A bar to continued service may be initiated when separation action is pending in accordance with AR 635-200.
b. A bar to continued service will not be initiated solely because a Soldier refuses to reenlist.
c. A bar to continued service will not be used instead of trial by court-martial, nonjudicial punishment, or other administrative action.
d. The fact that disciplinary or administrative action not resulting in separation has been previously taken does not prevent initiation of a bar to continued service if such action is deemed appropriate. When a Soldier has had a completed chapter action and subsequently is recommended for retention, any documents used in that chapter action may be used in a subsequent bar action.
e. The fact that a Soldier may be issued an honorable or general discharge for the current period of service does not prevent initiation of a bar to continued service to deny the Soldier later service in the Army.
f. The fact that a Soldier may have served honorably for a number of years is considered in the evaluation of his or her service. However, it does not prohibit the initiation of a bar to continued service procedures if such action is deemed appropriate.
g. A bar to continued service will not be initiated for Soldiers with an approved retirement.
h. A bar to continued service may be initiated on Soldiers serving on indefinite reenlistments. Separation of these Soldiers will be accomplished IAW applicable provisions of AR 635-200 and other regulations as appropriate.

8–4. Criteria

Commanders must be especially alert to the question of whether to afford continued military service to Soldiers of the following or similar caliber:

a. Untrainable Soldiers. These Soldiers will be identified as soon as possible with a view toward eliminating them from the Service. When discharge under administrative procedures is not warranted, action will be taken under this regulation to bar the Soldier from further service with the Army. These Soldiers are often identified by failure to perform the basic tasks required of their PMOS, or loss of qualification in PMOS, and the Soldier's inability to be retrained. Additional indicators include failure to achieve individual weapons qualification, second consecutive failure of the APFT, and substandard evaluation results by the Army Education Activity. Soldiers who meet the minimum standards for their present rank but lack the potential to become a supervisor or senior technician may be deemed untrainable.

b. Unsuitable Soldiers. When possible, these Soldiers will be identified early in their military service with a view toward elimination from the Service. When administrative discharge is not warranted, action will be taken under the provisions of this chapter to bar the Soldier from further service with the Army.

c. Single Soldiers and dual-Service couples with dependent Family members. Commanders will initiate a bar to continued service against Soldiers described in paragraphs 8–4*c*(1)and (2) who have been counseled IAW AR 600-20 (see other responsibilities of command), and who do not have an approved Family care plan as described in AR 600-20 on file within 2 months after counseling. The Soldiers described who have assignment instructions to an overseas location will have bars to continued service initiated if they are unable to provide the names of guardians who will care for their Family members in CONUS in the event of evacuation from overseas. The balance of the Family care plan is completed after arrival in the overseas command.

(1) Single Soldiers are Soldiers who—

(a) Are single.

(b) Are widowed.

(c) Are divorced.

(d) Are legally separated.

(e) Are residing without their spouses.

(f) Have spouses who are incapable of self-care and who have custody of one or more minor Family members or one or more adult Family members unable to care for themselves (for example, who are handicapped or infirm).

(2) Dual-Service couples include married Army couples and Soldiers who have military spouses in another Service.

d. Soldiers against whom a bar to continued service may be initiated. Soldiers may be barred from continued service for one or a combination of the following infractions or reasons. This list provides examples of the rationale for the imposition of a bar and is not intended to be all-inclusive. Examples are—

(1) Soldier denied continued service by his or her immediate commander.

(2) Lateness to formations, details, or assigned duties.

(3) AWOL for 1- to 24-hour periods.

(4) Losses of clothing and equipment.

(5) Substandard personal appearance.

(6) Substandard personal hygiene.

(7) Continuous indebtedness, reluctance to repay, or late payments.

(8) Article 15(s).

(9) Frequent traffic violations.

(10) Excessive number of sick calls without medical justification.

(11) Lateness returning from pass or leave.

(12) Cannot follow orders, shirks responsibilities, takes too much time, or is recalcitrant.

(13) Cannot train for a job, is apathetic, or is disinterested.

(14) Cannot adapt to military life, is uncooperative, or is involved in frequent difficulties with fellow Soldiers.

(15) Fails to manage personal, marital, or Family affairs. This includes failure to respond to duty requirements because of parenthood or custody of dependents (minor or adult).

(16) Causes trouble in the civilian community.

(17) Personal behavior brings discredit upon his or her unit or the Army.

(18) Fails to achieve individual weapons qualification.

(19) Fails to pass the record APFT.

(20) Noncompetitive for promotion.

(a) Slow rank progression resulting from a pattern of marginal conduct or performance.

(b) No demonstrated potential for future service (repeated counseling statements or other indicators).

(c) No demonstrated ability to keep pace with others of the same CMF.

(d) Declines attendance at professional development courses.

(e) Not recommended for promotion by unit commander.

(f) Lack of potential to become a supervisor or senior technician.

e. Commanders must initiate a bar to continued service or separation proceedings (as applicable IAW AR 635-200) against Soldiers who meet the following criteria. Commanders are not required to initiate a bar to continued service on Soldiers who were promoted, selected in a promotable status, selected for promotion by an HQDA promotion board for sergeant first class through master sergeant, who previously overcame the reasons below before 1 March 2012, or reenlisted after the below listed incident(s) occurred. Although these reasons are mandatory to initiate, the bar may be removed IAW Appendix K when the Soldier overcomes the deficiency. The Soldier—

(1) Does not make satisfactory progress in the Army Body Composition Program (see AR 600-9).

(2) Fails two consecutive APFTs (see AR 350-1).

(3) Is removed for cause from Noncommissioned Officer Education System courses (see glossary).

(4) Lost PMOS qualification IAW DA Pam 611-21 due to the fault of the Soldier.

(5) Is denied by the commander for automatic integration onto the sergeant or staff sergeant promotion standing list IAW AR 600-8-19.

(6) Has an incident involving the use of illegal drugs or alcohol within the current enlistment and/or reenlistment period resulting in an officially filed letter of reprimand; a finding of guilty under Article 15, UCMJ; a civilian criminal conviction; or a conviction by court-martial.

(7) Has two or more separate proceedings under Article 15, UCMJ resulting in a finding of guilty by a field grade commander during the Soldier's current enlistment or period of service.

(8) Is AWOL more than 96 hours during the current enlistment and/or reenlistment period.

8–5. Separation

a. Unit commanders will initiate separation proceedings under AR 635-200 upon completion of the second 3-month review, unless a proper authority submits and approves a recommendation for removal. Initiation of separation proceedings is not required, but should be considered, for previously disapproved requests for separation.

b. Initiation of separation action is not required for Soldiers who, at the time of the second 3-month review:

(1) Have more than 18 years but less than 20 years of active Federal service. These Soldiers will be required to retire on the last day of the month when they attain retirement eligibility unless separation is authorized because of an approved sentence of a court-martial, physical disability, or HQDA IAW AR 635-200.

(2) Did not overcome the bar, but time does not permit processing the Soldiers for separation because of ETS, the Soldiers will ETS with the bar in place and be denied continued service in all Army components.

(3) Are eligible for retirement with more than 20 years of active Federal service. These Soldiers will be required to retire on the 1st day of the 7th month after the 6-month review.

c. If a Soldier is separated with a bar to continued service in place, a copy of the DA Form 4126-R (Bar to Reenlistment Certificate) will be scanned to iPERMS to be placed in the separating Soldier's Army Military Human Resource Record.

Appendix K

Bar to Continued Service Procedures

K-1. General

a. A bar to continued service should not be based on generalities, approximate dates, or vague places or times. It should be based on specific incidents substantiated by official remarks made when each event occurred. The Soldier should be counseled on each occurrence and told that all instances become a matter of official record when they perform acts considered unworthy of the Army.

b. A bar to continued service may not be approved after the Soldier has separated from active duty. A bar may not be entered in a Soldier's records after he or she has separated from active duty. Further, Soldiers may not be retained involuntarily past their normal separation to approve a bar to continued service.

K-2. Time of initiation

A Soldier's unfitness or unsuitability may show up soon after entry into the Military Service or may not develop or become apparent until after many years of service. A current commander should not be deterred from taking action against Soldiers performing in a substandard manner who may have been permitted to remain on active duty for a number of years.

a. Normally, a bar to continued service should not be initiated against a Soldier who has been assigned to a unit for less than 90 days. When a bar to continued service is initiated during this time, the commander's certificate will include an explanation of the timing of the action.

b. A bar to continued service should be initiated without regard to a Soldier's ETS or reenlistment intent. If warranted by recent incidents, a bar to continued service should be initiated regardless of a Soldier's ETS or departure date. When a bar to continued service is initiated, the DA Form 4126-R that the commander completes will include an explanation of why the action was not taken earlier. A bar to continued service may be imposed on Soldiers with an indefinite ETS date; however, Soldiers on indefinite status who, in the commander's opinion, do not merit further retention may also be referred for separation under appropriate provisions of AR 635-200.

K-3. Initiating a bar to continued service

Any commander in the Soldier's chain of command may initiate a bar to continued service. Normally, the company-, battery-, troop-, or detachment-level commander will initiate the action.

K-4. Processing a bar to continued service

A commander in the chain who believes that bar action is warranted will personally initiate a bar by completing DA Form 4126-R. On this form, the commander will summarize the basis for his or her intent to initiate bar to continued service procedures. This will include the number and dates of courts-martial, incidents of nonjudicial punishment, and all other factual and relevant data supporting the commander's recommendation.

a. The Soldier will be flagged IAW the provisions of AR 600-8-2 upon initiation of the bar, if applicable.

b. Total active service will be computed as of the date of initiation of the bar (date placed on DA Form 4126-R).

c. The commander will refer the DA Form 4126-R to the Soldier concerned and allow the Soldier to submit a statement, if he or she wants, as required by AR 600-37. The Soldier will be given a copy of the DA Form 4126-R. If requested, the Soldier will be allowed 7 days to prepare his or her comments and collect any documents or pertinent materials. The commander initiating the bar action may grant an extension on a case-by-case basis. The bar will be processed immediately when the Soldier does not want to make a statement.

d. The initiating commander will forward DA Form 4126-R, section I through the Soldier to the next commander in the normal chain of command. A copy of the enlisted record brief and any additional

supporting documentation related to the reason for the bar to continued service will accompany the DA Form 4126-R.

e. Upon receipt of the Soldier's statement, each commander (or acting commander) in the chain of command will personally endorse the DA Form 4126-R. The proper authority identified in paragraph K-5 will approve the form.

(1) Any commander in the chain of command who does not believe the bar action is warranted will disapprove the action and return it to the initiating commander.

(2) Further, any commander may elevate the authority to approve or disapprove a bar to reenlistment to his or her level, or any appropriate subordinate commander (see para 3-10*g* for example). The bar to continued service will not be forwarded to a higher authority for consideration without a recommendation for approval.

(3) The commander who initiates the DA Form 4126-R may not take final action on the bar. If the initiating authority would normally be the approving authority, the DA Form 4126-R will be forwarded to the next higher approval authority for final action.

K-5. Approving a bar to continued service

a. For Soldiers with less than 10 years of active Federal service at initiation of the bar, the bar will be personally approved by the first commander in the rank of lieutenant colonel or above in the Soldier's chain of command, or the commander exercising SPCMA, whomever is in the most direct line to the Soldier (unless it is the same commander who initiated the action). The personal signature of the approving or disapproving authority is required.

b. For Soldiers with 10 or more years of active Federal service at initiation of the bar, the approval authority is the first brigade-level commander, colonel or higher, in the Soldier's chain of command or the commander exercising GCMCA, whomever is in the most direct line to the Soldier (unless it is the same commander who initiated the action). The personal signature of the approving or disapproving authority is required (see para 1-9*a*). Soldiers who must be extended to complete 20 years of active Federal service will extend within 30 days of approval or denial of appeal (when appropriate). DA Form 1695 will cite this paragraph as the authority and "In the best interest of the Service" as the reason.

c. After a Soldier attains 18 years or more of active duty, commanders do not have the authority to prevent a Soldier's retirement by barring the Soldier from reenlistment to prevent the Soldier from attaining retirement eligibility.

d. Final approval authority for any bar to continued service must be at least one approval level higher than the initiating authority.

K-6. Appealing a bar to continued service

a. Soldiers who want to submit an appeal and who are otherwise qualified under the criteria of chapter 3, including those with approved waivers, will not be involuntarily separated while the appeal is pending. If the Soldier wants to submit an appeal, but refuses retention to allow processing of the appeal, he or she will be informed that the bar will remain in effect.

b. From the time he or she is informed that the bar was approved, the Soldier will be allowed 7 days to submit an appeal. The commander initiating the bar procedure may grant an extension on a case-by-case basis.

c. Appeals will be endorsed personally by each commander (or acting commander) in the chain of command, and approved or disapproved by the proper authorities identified in paragraphs K-6*c*(1) or (2).

(1) For Soldiers with less than 10 years of active Federal service at initiation of the bar, the approval or disapproval authority is the first colonel (brigade commander) or first general officer in the Soldier's chain of command, or the commander exercising GCMCA, whomever is in the most direct line to the Soldier. The approving or disapproving authority's personal signature is required.

(2) For Soldiers with more than 10 years of active Federal service at initiation of the bar, the first general officer in the Soldier's chain of command is the approval or disapproval authority.

d. Final approval of appeals will be at least one approval level higher than the original bar approval authority. Final disposition should be accomplished within 30 days after the Soldier submits the appeal. Commanders will counsel Soldiers in writing on the final disposition.

K-7. Reviewing a bar to continued service

a. The company, detachment, or comparable commander of the unit the Soldier is assigned to, or attached for duty and administration, will continue documented evaluation of the Soldier.

b. The proper unit commander will review approved bars to continued service at least every 3 months after the date of approval and 30 days before the Soldier's scheduled departure from the unit or separation from the Service (see DA Pam 600-8).

c. If, upon review, the commander believes the bar to continued service should remain in effect, he or she will notify the career counselor. When removal of the bar is not recommended, the Soldier should be considered for separation.

b. Upon completion of the prescribed reviews, the unit commander will inform the Soldier that the bar to continued service was reviewed and what action was taken. Whenever the bar to continued service is reviewed and not recommended for removal, the Soldier should be reevaluated for possible separation under proper administrative procedures IAW AR 635-200.

(1) Upon completion of the first 3-month review, the unit commander will use a counseling statement (DA Form 4856 (Developmental Counseling Form)) to inform the Soldier that the bar has been reviewed and will remain in effect, unless recommended for removal. The Soldier will also be notified that, upon completion of the second 3-month review, separation proceedings will be initiated unless he or she has demonstrated that the bar should be removed and the proper authority submits and approves recommendation for removal of the bar.

(2) The counseling should comply with the requirements of AR 635-200 (see general provisions). If the Soldier has not made progress, the commander should consider separation under proper administrative procedures without waiting for the next review to occur.

K-8. Removing a bar to continued service

a. Any commander in the Soldier's chain of command may recommend removal of a bar to continued service, or remove a bar to continued service, if he or she is the same or higher level of command than the commander who initially approved the bar to continued service.

b. A recommendation to remove a bar to continued service will be submitted in writing to the next commander in the chain of command. Each commander (or acting commander) in the chain of command will review and personally endorse a recommendation for removal of a bar to continued service. Any commander in the chain of command who believes removal is not justified may recommend disapproval of the recommendation and forward it to the approval authority for final determination.

c. Approval to withdraw the DA Form 4126-R will be the same authority who would approve a bar for a Soldier with the same years of service or, if the Soldier has moved to another jurisdiction, the comparable commander in that jurisdiction. However, in no case will the authority to approve the withdrawal of a bar be a lower command level than the commander who initially approved the bar.

d. If the bar is removed, flagging actions associated with the bar will be lifted IAW AR 600-8-2.

K-9. Administrative matters

a. Barred Soldiers are not eligible to PCS. An Immediate Reenlistment Prohibition Code of "9K" will be placed against the Soldier in RETAIN unless a higher code takes precedence. Career counselors must also coordinate with the unit S-1 to ensure that an assignment eligibility and availability code of "C" with a 6-month termination date is placed on the Soldier in eMILPO.

b. Separation actions initiated against some Soldiers are subject to a separation board before approval of the separation. In some instances, a separation board may recommend that the barred Soldier, recommended for separation by the chain of command, be retained. In these instances, the bar to continued service will remain in effect and reviews will be conducted at the specified 3-month intervals. In instances where a PCS is requested or warranted on such Soldiers, counselors should send all pertinent data on the Soldier via RETAIN to HRC's Retention and Reclassification Branch for resolution.

1-29. General

a. This section prescribes the procedures for denying continued service to Soldiers whose reentry into or continued service with the USAR is deemed not in the best interest of the Service. The procedures apply to the field commander's bar to reenlistment. They apply to personnel—

(1) Assigned to a TPU or an IMA of the Selected Reserve.
(2) Assigned to the IRR.
(3) Assigned to the Standby Reserve.
(4) Serving on AD in an AGR status.

b. If otherwise qualified, Soldiers may not be arbitrarily denied continued service. If a commander disapproves a request for continued service or extension by a Soldier who is fully qualified for reenlistment without a waiver, the commander must concurrently submit a bar to reenlistment. Request for waiver of a reenlistment disqualification may be disapproved under paragraph 4-3.

1-30. Policy on bars to reenlistment

a. HQDA policy extends the privilege of reenlisting only to personnel of—

(1) Professional competence.
(2) Demonstrated adaptability to the requirements of the professional Soldier's moral code.

b. Persons who do not maintain such standards but whose separation is not warranted will be barred from further service.

c. The bar to continued service is not a punitive action. Imposition of a bar to continued service does not prevent administrative separation at a later date. Normally, however, the bar to continued service should be initiated before a separation or judicial and/or nonjudicial action because it is intended to put the Soldier on notice that he or she—

(1) Is not a candidate for continued service.
(2) May be a candidate for separation if the Soldier does not overcome the circumstances that led to the bar to continued service.

d. Soldiers on indefinite continued service (see para 2-3) will not be barred from continued service but must be separated instead.

1-31. Guidelines for the use of a bar to continued service

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

b. A bar to continued service should not be based on generalities, approximate dates, or vague places and times. It should be specific and substantiated by official remarks made at the time the event occurred. Counseling should be provided for each occurrence and all instances made a matter of official record. It is essential that the individual be counseled when the individual performs acts considered unworthy of a member of the USAR. Counseling IMA personnel and members of the IRR or Standby Reserve (not on AD or Active Duty for Training (ADT)) may be done by telephone or through correspondence.

c. A bar will not be used in lieu of—

(1) Separation action under proper regulations.
(2) Trial by courts-martial.
(3) Nonjudicial punishment.
(4) Other appropriate administrative actions.

d. When it appears appropriate, a bar should be initiated even if the commander is aware that—

(1) A previous disciplinary or administrative action did not result in separation.
(2) An honorable or general discharge will be issued for the current period of service.
(3) A Soldier served honorably for a number of years.

(4) A Soldier has been permitted to remain on duty for a number of years while performing in a substandard manner.

e. Normally, a bar to continued service should not be initiated against an individual—

(1) Who has been assigned to a command for less than 90 days.

(2) During the last 90 days (30 days for an AGR Soldier) before the Soldier is discharged, transferred from the command, or Released From Active Duty (REFRAD). If initiated during this period, the commander must provide a complete explanation why the action was not taken earlier and enter this explanation on DA Form 8028-R (U.S. Army Reserve Bar to Reenlistment Certificate).

1-32. Retention for retirement eligibility

a. Retention in an active status. A Soldier assigned to the Selected or Ready Reserve or the Standby Reserve (Active Status List) is serving in an active status. Section 1176(b), Title 10, United States Code (10 USC 1176(b)) requires the retention of an enlisted Soldier selected for involuntary separation (other than for physical disability or cause), or denied continued service upon expiration of term of enlistment (other than for physical disability or cause), in an active status after completion of 18 or more years but less than 20 years of qualifying service for retired pay unless the Soldier consents to removal. A bar may be initiated against a Soldier serving in an active status who has completed 18 or more years but less than 20 years of qualifying service for retired pay. Approval authorities for such bars are identified in paragraph 1-34.

(1) The voluntary or involuntary reassignment of a Soldier between the Selected and Ready Reserve and the Standby Reserve (Active Status List) will not affect the Soldier's retention for retirement eligibility because the Soldier continues to serve in an active status. In addition, retention in an active status does not prevent release from AD in an AGR status, or reassignment from a TPU, provided the Soldier is retained in an active status.

(2) A bar to continued service intended to deny a Soldier with more than 18 years but less than 20 years of qualifying service for retired pay (para 1-33) the opportunity to attain retirement eligibility will require HQDA approval.

b. Retention on active duty. A Soldier in an AGR status is serving on AD and retention for retirement eligibility based on active service (AS) is codified in law (10 USC 12686). A bar may be initiated against an AGR Soldier who has completed at least 18 but less than 20 years of AS. Approval authorities for such bars are specified in paragraph 1-33.

(1) A Soldier who has been extended to attain retirement eligibility under the sanctuary provision remains subject to involuntary separation for cause in accordance with AR 635-200.

(2) A Soldier will not be extended for continued service on AD in an AGR status beyond the last day of the month in which he or she becomes eligible for retired pay.

1-33. Conditions warranting a bar to continued service

A Soldier's unfitness or unsuitability may show up soon after entry into the Military Service. However, traits that make a Soldier unsuitable or unfit may not develop or become apparent until after many years of service. Commanders must consider whether it is advisable to afford continued military service to unsuitable or unfit individuals. Such personnel should be identified as soon as possible with a view toward elimination from the Service. When discharge is not warranted, action should be taken to bar the Soldier from further USAR service. Bars should be considered for Soldiers in the following categories—

a. Untrainable Soldiers. These Soldiers will be identified as soon as possible with a view toward eliminating them from the Service. When discharge under administrative procedures (AR 635-200 for AGR Soldiers and AR 135-178 for all others) is not warranted, action will be taken under this regulation to bar the person from further service with the USAR. These Soldiers are often identified by failure to perform the basic tasks required of their Primary Military Occupational Specialty (PMOS), failure to qualify in a Duty Military Occupational Specialty (DMOS) in a reasonable period, failure to achieve individual weapons qualification, failure of the Army Physical Fitness Test (APFT), or elimination for cause from an NCO Education System course. Frequently, Soldiers will meet the minimum standards for their present grade, but obviously lack the potential to become the supervisor or senior technician of the future.

(1) A bar to continued service may be imposed for failure to pass the APFT. However, imposition of a bar to continued service is mandatory after a second consecutive failure if separation processing is not initiated in accordance with AR 135-178.

(2) A bar to continued service may be imposed on a Soldier participating in the Weight Control Program to meet the body fat standards in AR 600-9. However, imposition of a bar to continued service is mandatory for Soldiers who do not make satisfactory progress in the Weight Control Program after 6 months, unless the commander initiates reassignment procedures in accordance with AR 140-10 or separation proceedings in accordance with AR 135-178. (Note: Reassignment or separation proceedings will not be initiated if a Soldier is within 3 months of ETS date.)

b. Unsuitable Soldiers. These individuals may exhibit their unsuitability through interests or habits detrimental to the maintenance of good order and discipline. They may have records of habitual minor misconduct requiring corrective or disciplinary action.

c. Single Soldiers and/or in-Service couples with dependent Family members. If administrative separation proceedings are not initiated (AR 135-178 or AR 635-200), commanders will initiate bar to continued service proceedings against Soldiers described below who have been counseled and who do not have an approved Family care plan on file within 2 months after counseling. These Soldiers who have outside the Continental United States (OCONUS) assignment instructions will have a bar to continued service initiated if they are unable to provide the names of guardians who will care for their Family members in the Continental United States (CONUS) in the event of evacuation from overseas. The balance of the Family care plan is completed after arrival in the OCONUS command.

(1) A Soldier who is single, widowed, divorced, legally separated, or residing without his or her spouse. Also, a Soldier with a spouse who is incapable of self-care, or who has custody of one or more minor or adult Family members unable to care for themselves (for example, handicapped or infirm).

(2) A Soldier who has a military spouse and they have minor or adult Family members unable to care for themselves.

(3) A Soldier who fails to respond to duty requirements because of parenthood or custody of dependents (minor or adult).

d. Soldiers against whom bar to continued service proceedings may be initiated. If administrative separation proceedings are not initiated, Soldiers may be barred from continued service for one or a combination of the following infractions or reasons. This list provides examples of rationale for imposition of a bar and is not intended to be all-inclusive. Examples are—

(1) Late for formations, details, or assigned duties.
(2) Absent without leave for 1- to 24-hour periods.
(3) Has lost clothing and equipment.
(4) Has substandard personal appearance.
(5) Has substandard personal hygiene.
(6) Has excessive unexcused absences from scheduled training assemblies.
(7) Cannot follow orders, takes too much time, shirks responsibilities, or resists authority.
(8) Cannot train for a job, is apathetic, or is disinterested.
(9) Cannot adapt to military life, is uncooperative, or is involved in frequent difficulties with fellow Soldiers.
(10) Causes trouble in the civilian community.
(11) Was involved in immoral acts.
(12) Has adverse financial transactions or recurring debts.
(13) Has recurrent punishments under the provisions of UCMJ, Art. 15.
(14) Has frequent traffic violations.
(15) Fails to manage personal, marital, or Family affairs.
(16) Demonstrates personal behavior that discredits his or her unit or the Army.
(17) Fails to achieve individual weapons qualification as required.
(18) Fails to pass the APFT (see para 1-33*a*(1)).
(19) Fails to meet the body fat standards outlined in AR 600-9 (see para 1-33*a*(2)).
(20) Has slow grade progression resulting from a pattern of marginal conduct or performance.
(21) Has not demonstrated potential for future service based on repeated corrective counseling statements and other indicators.

(22) Fails to adhere to Army sexual harassment/assault response and prevention and equal opportunity requirements.

(23) Fails to demonstrate individual resilience.

(24) Is noncompetitive for future promotion.

(25) Declines attendance in professional development courses.

(26) Is not recommended for promotion by unit commander.

1-34. Procedures

a. Any commander in a Soldier's chain of command may initiate a bar to continued service. Normally, the company, battery, troop, or detachment commander the Soldier is assigned to, or in the case of a Soldier serving on AGR status, attached to, will initiate this action. A senior commander in the chain of command who believes that bar action is warranted will personally initiate the bar.

(1) Any commissioned officer in a Soldier's chain of command on a headquarters staff, agency, or activity may initiate a bar to continued service on Soldiers they have supervisory responsibility for.

(2) The chief of the appropriate Enlisted Management Division under the Enlisted Personnel Management Directorate, U.S. Army Human Resources Command may initiate a bar to continued service on Soldiers assigned to the IRR or Standby Reserve. If the division chief is not a commissioned officer, the initiating officer must be the first commissioned officer in the chain of command above the division chief.

b. The officer will personally initiate the bar using DA Form 8028-R (U.S. Army Reserve Bar to Reenlistment Certificate). The data requested on DA Form 8028-R, section I (Commander's Recommendation) will be entered as appropriate, and the initiating officer will summarize the basis for his or her intent to initiate bar to continued service procedures. This information must include all other factual and relevant data supporting the initiating officer's recommendation.

(1) Total AS will be computed as of the date of ETS or REFRAD, as appropriate, and not the date the bar certificate is prepared. Total military service will be computed as of the date of ETS and not the date the bar continued service certificate is prepared.

(2) The initiating officer will refer the certificate to the concerned Soldier for a statement on his or her own behalf, if requested, in accordance with AR 600-37. If the Soldier is serving on AGR status, he or she will have 7 days to respond. All other Soldiers will have 30 days to respond. This time will allow the Soldier to prepare his or her comments and collect any documents or materials pertinent to the case. The initiating officer may extend the 7- or 30-day period on a case-by-case basis.

(a) When a Soldier who is not serving on AGR status cannot be located or contacted, the certificate will be sent by certified mail to the Soldier's last recorded address to give the Soldier the opportunity to respond within the 30-day period. The receipt for certified mail, or any supporting evidence of attempts to effect delivery, will be attached to the DA Form 8028-R. When sent to the approval authority, the document will provide evidence of attempts to permit the Soldier's rebuttal of the intended bar.

(b) The Soldier's failure to respond within the 30-day period will be recorded. The fact that he or she did not respond, together with any other available evidence, will be attached to the recommended bar when it is sent to the approval authority.

(c) Mail that has been refused, unclaimed, or not delivered will not be used as a defense against imposition of a bar if the certificate contained the latest official mailing address the Soldier supplied.

(3) DA Form 8028-R, section I will be from the initiating officer, through the Soldier concerned, to the next commander or staff officer in the normal chain of command or supervisory chain. A copy of the Soldier's DA Form 2-1 (Personnel Qualification Record) (TPU only) or (enlisted record brief) (AGR only) will be enclosed with the certificate.

c. Upon receipt of the Soldier's comments (DA Form 8028-R, Section II, Soldier's Review) each commander, acting commander, or staff officer, as appropriate, in the chain of command will personally endorse the certificate. After proper endorsements recommending approval of a bar have been completed (DA Form 8028-R, Section III, Endorsing Official's Review), the certificate, with a copy of the Soldier's DA Form 2 (TPU) or enlisted record brief (AGR), will be sent to the appropriate approval authority identified in paragraph 1-34*e*.

(1) An endorsing officer in the chain of command who does not believe the bar action is warranted will disapprove the action and return it to the initiating officer. An endorsing officer may also recommend

a change in the severity of the bar (bar from AGR service instead of bar from USAR service). The bar to continued service will not be forwarded to a higher authority for consideration without a recommendation for approval.

(2) Any commander may delegate the authority to approve or disapprove a bar to continued service to his or her own, or any appropriate, subordinate commander.

(3) The official who initiates the bar certificate may not take final action on the bar. If the initiating authority would normally be the approval authority, the certificate will be forwarded to the next higher approval authority for final action.

d. A Soldier may not be retained involuntarily past his or her normal ETS or REFRAD date while awaiting approval of a bar to continued service. A bar to continued service may not be approved or filed under the following conditions:

(1) A bar to continued service for continuing service in an AGR status may neither be approved nor entered in the Soldier's records after the Soldier has been released from AD even if the Soldier remains in the USAR under another status.

(2) A bar to continued service for continuing service in the USAR may neither be approved nor entered in the Soldier's records after the Soldier has been discharged. However, a bar to continuing service in the USAR, initiated on an AGR Soldier having a remaining statutory or contractual USAR obligation on REFRAD, may be approved and filed after the Soldier has been REFRAD.

e. Authority to approve a bar to continued service rests with the following:

(1) For Soldiers with less than 10 years of qualifying service for retired pay (or AS) for AGR Soldiers, the bar will be personally approved by the first commander in the grade of lieutenant colonel (LTC) or above in the Soldier's chain of command, or the commander exercising Special Court-Martial Convening Authority (SPCMCA), whomever is in the most direct line to the Soldier (unless this is the same commander who initiated the action). The personal signature of the approval or disapproval authority is required.

(2) For Soldiers with 10 or more years of qualifying service for retired pay (or AS for AGR Soldiers), and who are not on indefinite continued service status, the approval authority is the first general officer in the Soldier's chain of command or the commander exercising General Court-Martial Convening Authority (GCMCA), whomever is in the most direct line to the Soldier. The personal signature of the approval or disapproval authority is required.

(3) Approval of a bar on Soldiers with 18 but less than 20 years of qualifying service for retired pay (or AS for AGR Soldiers) does not serve to deny the Soldier the opportunity to attain retirement eligibility (see 10 USC 1176). Commanders do not have the authority to deny such Soldiers from extending under the provisions of this regulation to attain retirement eligibility. Denial of voluntary retirement requires initiation of separation action in accordance with AR 135-178 or AR 635-200 as appropriate, based on a Soldier's status.

(4) Final approval authority for any bar to continued service must be at least one approval level higher than the initiating authority. A bar initiated by any commander above the company, battery, or troop level must be approved by the first general officer in the chain of command; the GCMCA; or the Commander, USAHRC, as appropriate.

f. When the proper authority has approved a bar to continued service certificate, the custodian of the Soldier's personnel records will upload a signed copy in the Soldier's official military personnel file (OMPF) where it will remain a permanent part of the file. The Soldier's DA Form 2-1 (TPU) or enlisted record brief (AGR) will be updated annotating the correct code for a bar to continued service. If the Soldier is serving on AGR status, a copy of the approved bar certificate must be sent, without delay, to the Commander, USAHRC (AHRC-ARE), 1600 Spearhead Division Avenue, Fort Knox, KY 40122.

g. A Soldier may be voluntarily REFRAD or discharged based on an approved bar to continued service under the following conditions:

(1) A Soldier who believes he or she will be unable to overcome a bar to continued service for continuing service in the USAR may apply for voluntary separation. If the Soldier is serving on AGR status, the request will be processed in accordance with AR 635-200. All other USAR Soldiers will be processed according to AR 135-178.

(2) A Soldier who believes he or she will be unable to overcome a bar to continued service for continuing service on AGR status, but who will have a remaining statutory or contractual USAR obligation

on REFRAD, may apply for immediate voluntary REFRAD. The request will be processed according to AR 635-200.

h. If all appropriate officials agree, a Soldier who will have less than 6 months to ETS or REFRAD from the date the bar is approved may be extended for rehabilitative purposes up to, but not beyond, 6 months from the bar approval date (see table 3-1, rule X). If the Soldier does not meet continued service criteria, required waivers must be approved before the extension is accomplished. As an exception to this regulation, the final approval authority for these extensions is the approval authority of the bar to continued service. The reason cited will be "In the best interest of the Service." This extension action may be taken when the bar is initiated, but not later than 30 days before ETS or REFRAD.

1-35. Appeals

A Soldier who is otherwise qualified for continued service, including approved waivers, and who wants to submit an appeal will not be involuntarily discharged while the appeal is pending. However, an AGR Soldier barred from continuing service in the USAR who will have a remaining statutory or contractual USAR obligation on REFRAD may be REFRAD while an appeal is pending.

a. If a Soldier wants to submit an appeal but refuses retention to allow processing of the appeal, he or she will be informed that the bar to continued service will remain in effect.

b. From the time he or she is informed that a bar to continued service was approved, a Soldier serving on AGR status will be allowed 7 days to submit an appeal. All other USAR Soldiers will be allowed 30 days to submit an appeal. The official initiating the bar procedure may grant an extension of the 7- or 30-day periods on a case-by-case basis.

c. Appeals will be endorsed personally by each commander or acting commander in the chain of command and approved or disapproved by the proper authorities (identified in paragraphs 1-35*c*(1) and (2)). Final approval of appeals will be at least one approval level higher.

(1) For Soldiers with less than 10 years of qualifying service for retired pay or AS at ETS, the approval or disapproval authority is the first general officer in the Soldier's normal chain of command, or the commander exercising GCMCA, whomever is in the most direct line to the Soldier. The personal signature of the approval or disapproval authority is required.

(2) For Soldiers with more than 10 years of qualifying service for retired pay (or AS for AGR Soldiers) at ETS, the approval and/or disapproval authority is the Commander, USAHRC. Unless the appropriate commander specifically directs otherwise, appeals will not be sent through major or area commanders en route to USAHRC.

(3) Bars to continued service the CAR has approved under this regulation (para 1-32) may not be appealed.

1-36. Procedures for reviewing a bar to continued service

If the commander believes the bar should be removed, he or she will send the recommendation to the approval authority.

1-37. Review and disposition of imposed bars to continued service

a. After placing an approved bar to continued service in a Soldier's OMPF, the company, detachment, or comparable commander of the unit the Soldier is assigned to, or attached for duty and administration to, will continue documented evaluation of the Soldier. The proper unit commander will review approved bars to continued service in 3-month intervals and 30 days before the Soldier's scheduled departure from the unit, REFRAD, or discharge from the USAR for TPU or IMA Soldiers. Periodic reviews of bars imposed on Soldiers assigned to the IRR or Standby Reserve (Active Status List) are not required. However, the appropriate division chief in USAHRC, Enlisted Personnel Management Directorate may review such bars on a case-by-case basis.

(1) If, upon review, the commander believes the bar to continued service should remain in effect, the commander will notify the custodian of the Soldier's personnel records who will enter the following remark on DA Form 4856: "Bar to continued service reviewed; not recommended for removal (date)." When removal of a bar is not recommended, the Soldier will be considered for REFRAD, discharge, or reassignment to the IRR, as appropriate, under pertinent administrative procedures.

(2) The Soldier's unit commander may submit a recommendation to remove a bar to continued service at any time by if he or she believes the Soldier has proven worthy of retention in the USAR or on AGR status.

(a) Each commander (or acting commander) in the Soldier's attached or assigned chain of command will personally endorse recommendations for removal of a bar to continued service. Any commander in the Soldier's chain of command who does not believe the bar should be removed will disapprove the request and return it to the initiating unit without further action.

(b) Approval to withdraw the certificate will be the same authority who would approve a bar for a Soldier with the same years of service or, if the Soldier has moved to another jurisdiction, the comparable commander in that jurisdiction. However, under no circumstances will the authority to approve the withdrawal of a bar be a lower command level than the commander who initially approved the bar.

(c) When the appropriate commander approves the removal of a bar to continued service, the approved recommendation withdrawing the bar will be maintained in the appropriate unit file. The Soldier's DA Form 2-1 (TPU only) or enlisted record brief (AGR only) will be updated and the personnel coding for a bar to continued service will be removed.

b. Upon completion of the prescribed reviews, the unit commander will inform the Soldier that the bar to continued service was reviewed and what action was taken.

c. Any time a bar to continued service is reviewed and not recommended for removal, the Soldier will be reevaluated for possible REFRAD, discharge, or reassignment to the IRR, as appropriate, under pertinent administrative procedures. Upon completion of the first 6-month review, the unit commander will use a counseling statement (DA Form 4856 (Developmental Counseling Form)) to inform the Soldier that the bar has been reviewed and will remain in effect unless recommended for removal. The Soldier will also be informed that, upon completion of the second 6-month review, proceedings will be initiated leading to REFRAD, discharge, or reassignment to the IRR, as appropriate, unless the Soldier has demonstrated that the bar should be removed. The counseling should comply with the requirements of AR 135-178 or AR 635-200, as appropriate. In the event the Soldier has made no progress, the commander will consider REFRAD, discharge, or reassignment to the IRR under the pertinent administrative procedures outlined in AR 135-178, AR 140-10, or AR 635-200, as applicable, without waiting for the next review to occur.

1-38. Release from active duty, discharge, or reassignment to the Individual Ready Reserve

a. Unit commanders will initiate proceedings to REFRAD, discharge, or reassign a Soldier with an approved bar to continued service upon completion of the second 6-month review unless a recommendation to remove the bar is submitted.

(1) The commander will initiate proceedings to discharge a TPU or IMA Soldier from the USAR under AR 135-178 or other appropriate chapters in the regulation.

(2) When discharge under AR 135-178 is not appropriate, the involuntary reassignment of a TPU or IMA Soldier to the IRR will be in accordance with AR 140-10.

(3) The commander of a Soldier serving on AGR status and attached for duty and administration will initiate proceedings to REFRAD or discharge the Soldier in accordance with the imposed provisions of the bar to continued service certificate and AR 635-200.

b. Here are the guidelines for proceedings under this paragraph:

(1) A TPU or IMA Soldier who has 18 years of qualifying service for retired pay, or more than 20 years of qualifying service for retired pay, at ETS can be reassigned to the IRR while under an imposed bar to continued service. This will occur if the ETS of the Soldier with 18 years but less than 20 years of qualifying service for retired pay has been extended under table 3-1, rule K (see para 1-31*a*).

(2) Initiation of discharge proceedings against a Soldier serving on AGR status who, at the time of the second 6-month review, has 18 years of AS and will have 20 or more years of AS at ETS is not required. However, the Soldier will be required to retire on the last day of the month in which he or she becomes eligible for retirement under 10 USC 3914, notwithstanding his or her ETS.