ATZK-JAA 5 March 2002

FACT SHEET - #5

SUBJECT: Bars to Reenlistment

1. PURPOSE. To provide commanders guidance on the imposition of bars to reenlistment.

2. FACTS.

a. Only soldiers of high moral character, competence, and demonstrated professionalism should be reenlisted. All others should be denied reenlistment under the provisions of AR 601-280 (3/31/99). Commanders should not wait until formal administrative, nonjudicial, or judicial action to bar substandard soldiers. Untrainable or unsuitable soldiers should be barred well before a pattern or serious incident of misconduct occurs. Bars to reenlistment will not be used instead of, but rather in addition to, trial by courts- martial, nonjudicial actions, or other administrative actions. AR 601-280, para 8-4d, lists 21 reasons soldiers should be barred.

b. That a substandard soldier has been allowed to remain on active duty for a number of years should not stop a current commander from initiating a bar. However, absent a serious incident of misconduct, a soldier who has been assigned to his unit for less than 90 days should not be barred. In addition, bars should not be initiated during the last 30 days before a soldier's ETS, unless the infraction occurs or is discovered or substantiated during this period. Bars should be based upon fact, rather than vague generalities.

c. Bar approval authority depends upon years of active federal service. Bars for soldiers with less than 10 years of service must be approved by the first commander in the rank of LTC or above. The approval authority must be at least one level above the commander who initiated the bar. Bars initiated above the company or battery level must be approved at the general officer level. For soldiers with 10 or more years of active Federal Service at date of bar initiation, the approval authority is the first general officer in the soldier's chain of command.

d. Soldiers must be given 7 days from notification of the bar to submit an appeal. Appeals must be endorsed by each commander in the chain of command and forwarded to either the general officer level (soldiers with less than 10 years service) or CDR, PERSCOM (soldiers with 10 or more years of service).

e. Approved bars will be reviewed by the unit commander at least every 3 months and 30 days before the soldier's scheduled departure from the unit or separation from the Army.

3. POC is the Administrative Law Division at 4-7414/4668.

VINCENT C. NEALEY
Chief, Administrative Law Division