

## Staying in the Army Gets Tougher

by CPT Aaron Lancaster

*Editor's Note: Kermit was right: "it isn't easy being green." And with the recent announcement of the Secretary of the Army's "Army Retention Initiative," it just got a lot harder to stay green. Commanders and Soldiers alike need to familiarize themselves with the new rules of the retention game. CPT Aaron Lancaster, a 21st TSC Trial Counsel based in Stuttgart, explains the provisions, and the impact, of the new initiative. Brace yourselves for a lot more bars to reenlistment...*



Effective 1 March 2012, the Secretary of the Army's Directive 2012-03 (Army Retention Initiative) went into effect. This directive will impact the future force of the Army by focusing on retention and reenlistment. No longer will Soldiers be eligible for automatic reenlistment. Specifically, the Directive enumerates criteria for determining whether a particular Soldier will be qualified for reenlistment and mandates initiation of bars to reenlistment for various types of misconduct. The Secretary's Directive was issued to ensure that only the best qualified Soldiers with the greatest potential for future service are allowed to continue serving within the Army's ranks. The Directive is broken into three parts: reenlistment qualifications, bars to reenlistment, and reenlistment objectives.

The section on reenlistment qualifications expands upon the Army Retention Program and applies to all non-commissioned officers (NCO) in the rank of Staff Sergeant and above. These NCOs will now be considered unqualified for reenlistment if their Official Military Personnel File (OMPF) contains any of the following: a Relief-for-Cause Noncommissioned Officer Evaluation Report (NCOER); a "No" listed in Part IV (Army Values/Attributes/Skills/Actions) of any NCOER; a senior rater rating of 4 (fair) or 5 (poor) in Part V – Overall Performance and Potential of any NCOER; or a Service School Academic Evaluation Report indicating a failure in any NCO Education System course. For reenlistment purposes, it is irrelevant when one of the four was placed in the NCO's OMPF. Simply having one of these in their OMPF will make the NCO unqualified to reenlist. The only exception to these criteria would be a waiver from the Commander of the United States Army Human Resources Command. This change will not impact NCOs currently serving on an indefinite reenlistment contract.

The Directive also expands situations in which Commanders are required to initiate bars to reenlistment upon their Soldiers. Bars to reenlistment are designed for Soldiers whose immediate separation under administrative procedures is not warranted, but whose reentry into or service beyond their current contract with the Active Army is not in the best interest of the military service. Previously, Commanders were required to initiate a bar to reenlistment on any Soldier who failed to make satisfactory progress in the Army

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Weight Control Program or who failed two consecutive APFTs. The new Directive adds five additional reasons for which Commanders will be required to initiate a bar to reenlistment. These include barring Soldiers who, starting 1 March 2012, lose their primary military occupational specialty (MOS) qualification due to the fault of the Soldier as well as Soldiers who are denied Command List Integration for promotion by the unit commander. In addition, a bar to reenlistment will be placed on any Soldier who, during their current enlistment/reenlistment period: 1) has an incident involving the use of illegal drugs or alcohol which results in the Soldier receiving an officially filed letter of reprimand, a finding of guilty under Article 15 of the Uniform Code of Military Justice (UCMJ), a civilian criminal conviction, or a conviction by court martial; 2) has two or more separate proceedings under Article 15, UCMJ, resulting in a finding of guilty by a field grade commander; or 3) is absent without leave for more than 96 hours. This change will have no effect upon Soldiers currently serving on an indefinite reenlistment contract.

For Soldiers in Europe, the requirement for a bar to reenlistment for alcohol misconduct will likely have the greatest effect. A General Officer Reprimand is required to be issued to any Soldier caught drinking and driving with a blood alcohol content of .05% or higher. If this letter of reprimand is placed in the Soldier's OMPF, the Commander will be required to place a bar to reenlistment upon the Soldier. In addition, Soldiers who become disorderly or involved in a fight at a fest or a local bar and are found guilty under Article 15, UCMJ, will also be required to have a bar to reenlistment placed upon them. Either of these could have the effect of ending the Soldier's military career.

Bars to reenlistments placed under the new Directive will remain in effect and be treated the same as all other bars to reenlistment issued under the Army Retention Program. Among others, these requirements direct the initiation of separation of Soldiers upon completion of the second 3-month review if the bar is not removed.

Finally, the Directive discusses general reenlistment objectives to assist Commanders in better determining which Soldiers will be allowed to reenlist and which Soldiers will not. Commanders have been instructed that they should use the "Whole Soldier" concept, which includes the consideration of Soldier attributes, competencies, leadership potential, adherence to standards, duty performance, and evaluations that demonstrate the ability of a particular Soldier to serve in any MOS prior to making any determination that a Soldier will be allowed to reenlist. Under this approach, some fully qualified Soldiers may be denied reenlistment.

***Contact the Kaiserslautern Legal Services Center's Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848 if you have questions about these how the "Army Retention Initiative" could impact you. Legal Assistance Attorneys can assist Soldiers in responding to bars to reenlistment. For more serious matters that could result in punishment under Article 15, UCMJ, or worse, consult with a Trial Defense Service Attorney. The Kaiserslautern Trial Defense Service Office is also located in the Kaiserslautern Legal Services Center, and can be reached at DSN 483-8397 or Civilian 0631-411-8397.***