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1. USARC Delegation Memo To 81st RD



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY RESERVE COMMAND
4710 KNOX STREET
FORT BRAGG, NC 28310-5010

AFRC-CG

MAY 23 2022

MEMORANDUM FOR

Commanding General, 81st Readiness Division, 81 Wildcat Way building 1525, Columbia, SC
29207-6833

Commander, 1st Mission Support Command, 353 Citizen-Soldier Way, Fort Buchanan, Puerto
Rico 00934-4602

SUBJECT: Delegation of Authority to Commanding General, 81st Readiness Division, to act on
Behalf of the 1st Mission Support Command for All Matters Requiring Consideration and/or
Ratification by a General Officer

1. References.

- a. Army Regulation (AR) 600-37 (Unfavorable Information, 2 Oct 20)
- b. Army Regulation 135-175 (Separation of Officers, 30 Mar 20)
- c. Army Regulation 135-178 (Enlisted Administrative Separations, 7 Nov 17)
- d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations, 28 Jun 21)
- e. Army Regulation 600-8-24 (Officer Transfers and Discharges, 8 Feb 20)
- f. Uniform Code of Military Justice (UCMJ, 2019)
- g. Army Regulation 623-3 (Evaluation Reporting System, 14 Jun 19)
- h. Army Regulation 15-6 (Procedures for Administrative Investigations and Boards of Officers, 1 Apr 16)

2. Currently, the 1st Mission Support Command (1st MSC) does not have an assigned Commanding General Officer authorized to approve or disapprove legal actions emerging from the 1st MSC, which by regulation require the ratification or consideration of a General Officer to dispose of the legal action. In accordance with RCM 306, UCMJ, as General Court-Martial Convening Authority, I may delegate certain disposition authorities or retain the authority to withhold authority in individual cases, types of cases, or generally. Therefore and effective immediately, I delegate to the Commanding General (CG), 81st Readiness Division, all authorities listed below in this memorandum.

- a. Administrative Separation Boards. I delegate authority to the CG, 81st Readiness Division (RD) to initiate and convene show cause boards for officers per AR 135-175

AFRC-CG

SUBJECT: Delegation of Authority to Commanding General, 81st Readiness Division, to act on Behalf of 1st Mission Support Command for All Matters Requiring Consideration and/or Ratification by a General Officer

and AR 600-8-24 and convene enlisted separation boards per AR 135-178 and AR 635-200, on behalf of the 1st MSC. After approval of board findings, those packets will continue routing to this headquarters, for either final disposition or recommendation as to disposition, as prescribed by regulation.


b. Enlisted Separation Actions. I delegate authority to the CG, 81st RD, to approve or disapprove administrative separation actions involving enlisted Soldiers assigned to the 1st MSC or its subordinate units, which require ratification by a General Officer as part of the final disposition.

c. Permanent Filing of Reprimands. In accordance with AR 600-37, paragraph 3-5b, I delegate authority to the CG, 81st RD, to consider non-punitive administrative memoranda of reprimand, admonition, or censure, which may be considered for a potential permanent filing of the reprimand in the Army Military Human Resource Records (AMHRR) of all military personnel assigned to the 1st MSC and its subordinate units.

d. Other Administrative Actions. I delegate authority to the CG, 81st RD to consider all other administrative legal actions involving the 1st MSC and its subordinate units personnel, which require by regulation the consideration or ratification of a General Officer for final disposition of the action. These actions include, but are not limited to, initial disposition authority for violations of Article 120 of the UCMJ, necessary FLIPL authorities, relief for cause, and any other legal or administrative actions within the 1st MSC requiring decision or ratification by a General Officer to dispose or processing of the legal action as mandated by regulation.

3. This is a temporary delegation of authority limited to decision and ratification actions of the CG of 81st RD as it pertains to the specific delegation authority and does not create any other relationship between the 1st MSC's staff and 81st RD's staff. This delegation of authority is effective the date of this memorandum and will be rescinded upon the date a General Officer assumes command over the 1st MSC.

4. The point of contact for this memorandum is MAJ James Woodruff at (910) 570-8127 or james.a.woodruff8.mil@army.mil.


JODY J. DANIELS
Lieutenant General, U.S. Army
Commanding

CF:
SJA, USARC
SJA, USAR 81st RD
SJA, 1st MSC

2. ARB, PQR, SHARP

- ARB & PQR can be obtained by the Unit S1.

(Mr. Santos provides an ARB or PQR attached with the Notification of Positive Results and Drug Test History.)

MEMORANDUM FOR SEPARTION AUTHORITY

SUBJECT: Administrative Separation of **SPC SOLDIER NAME****Section I. (If being completed by the Soldier)**

I _____, acknowledge that I am being considered for administrative separation from the service and state the following:

- a. _____ I **was not** a victim of sexual assault for which an unrestricted report was filed within the past 24 months. (stop here and sign) or
- b. _____ I **was** a victim of sexual assault for which an unrestricted report was filed within the past 24 months. (if you answered affirmative then initial either c. or d.)
- c. _____ I **do not** believe that this separation action is a direct or indirect result of the sexual assault itself or of filing the unrestricted report.
- d. _____ I **do** believe that this separation action is a direct or indirect result of the sexual assault itself or of filing the unrestricted report.

Section II. (If being completed by the Commander)

As the Commander of the above mentioned Soldier, I state to the best of my knowledge, that the Soldier is being considered for administrative separation and:

- a. _____ The Soldier **was not** a victim of sexual assault for which an unrestricted report was filed within the past 24 months. (stop here and sign) **or**
- b. _____ The Soldier **was** a victim of sexual assault for which an unrestricted report was filed within the past 24 months. (If you answered affirmatively then initial **either** c. or d.)
- c. _____ This separation **is not** a direct or indirect result of the sexual assault itself or of filing the unrestricted report.
- d. _____ This separation is a direct or indirect result of the sexual assault itself or of filing the unrestricted report.

(Soldier's signature required only if he or she completes Section I.)

Soldier's signature

Commander's signature

Soldier's printed name

Commander's printed name

3. Flag (DA Form 268),
Counseling Statement (DA
Form 4856)

REPORT TO SUSPEND FAVORABLE PERSONNEL ACTIONS (Flag)

For use of this form, see AR 600-8-2; the proponent agency is DCS, G-1.

SECTION I - ADMINISTRATIVE DATA

1. NAME (<i>Last, First, MI</i>)		2. SSN	3. RANK
4. <input type="checkbox"/> On active duty <input type="checkbox"/> Not on active duty <input type="checkbox"/> On ADT			5. ETS/ESA/MRD
6. UNIT ASSIGNED AND ARMY COMMAND			7. STATION (<i>Geographical location</i>)
8. HR OFFICE CONTROLLING FLAGGING ACTION AND TELEPHONE NUMBER			
9. THIS ACTION IS TO: <input checked="" type="checkbox"/> Initiate a Flag (<i>Sections II and IV only</i>) <input type="checkbox"/> Remove a Flag (<i>Sections III and IV only</i>)			

SECTION II - INITIATE A FLAG

10. ☒ A FLAG IS INITIATED, EFFECTIVE _____ FOR THE FOLLOWING REASON:

<u>NON-TRANSFERABLE</u>	<u>TRANSFERABLE</u>
<input type="checkbox"/> Adverse Action (A)	<input type="checkbox"/> APFT Failure (J)
<input type="checkbox"/> Involuntary Separation - field initiated (B)	<input type="checkbox"/> Army Body Composition Program (K)
<input type="checkbox"/> Removal from Selection List - field initiated (C)	<input type="checkbox"/> Punishment Phase (H)
<input type="checkbox"/> Referred OER/Relief for Cause NCOER (D)	
<input type="checkbox"/> Security Violation (E)	_____ Date punishment completed
<input type="checkbox"/> HQDA use only - Delay of or removal from Selection List (F)	
<input type="checkbox"/> Commander's Investigation (L)	
<input type="checkbox"/> Law Enforcement Investigation (M)	
<input type="checkbox"/> Deny Auto Promotion (P) (T)	
<input checked="" type="checkbox"/> Drug Abuse Adverse Action (U)	
<input type="checkbox"/> Alcohol Abuse Adverse Action (V)	
<input type="checkbox"/> HQDA use only - Involuntary Separation (W)	
<input type="checkbox"/> Other (X) _____	
Reason	

SECTION III - REMOVE A FLAG

11. ☐ A Flag (Code _____) IS REMOVED, EFFECTIVE _____, FOR THE FOLLOWING REASON:

<input type="checkbox"/> Case Closed Favorably (C)	<input type="checkbox"/> Erroneous (Z)
<input type="checkbox"/> Case Closed Unfavorably (D)	<input type="checkbox"/> Other Final Action (E)

SECTION IV - AUTHENTICATION

DISTRIBUTION		
1 - Unit Commander 1 - S-1/MPD	1 - Soldier 1 - Commander, gaining unit (<i>transfer Flag only</i>)	1 - HRC (<i>only if Soldier is on a HQDA selection list</i>)
NAME, RANK, TITLE, AND ORGANIZATION	SIGNATURE	DATE

DEVELOPMENTAL COUNSELING FORM

For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI)	Rank/Grade	Date of Counseling
Organization	Name and Title of Counselor	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)

EVENT ORIENTED

The purpose of this counseling is to inform you that you tested positive for _____, an illicit drug on _____ (collection date).

Additionally, you are also hereby notified of potential opportunities to attend rehabilitative programs if necessary. Lastly, this counseling notifies you of mandatory adverse administrative actions in light of your positive test result for a controlled substance. Adverse administrative actions include, imposition of an administrative flag IAW AR 600-8-2 (suspension of favorable personnel actions), notification to DoD Consolidated Adjudications (DoD CAF), which may have a negative impact on your eligibility for a security clearance, notification to federal law enforcement and mandatory involuntary divestiture of any personally owned firearms and ammunition IAW 18 USC 922(g)(2), and mandatory initiation of administrative separation / elimination proceedings IAW:

AR 135-178 (TPU Enlisted)

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

1. This counseling statement has been furnished to you, not as a punitive measure under the provisions of article 15, UCMJ, but as an administrative measure.
2. IAW AR 600-85, para. 16-11b, this counseling session constitutes your referral to an appropriate substance use disorder clinic (SUDCC) for an assessment to determine if you have an abuse or dependence issue. A Substance Abuse Professional will determine an appropriate level of care for you, such as:
 - a. attendance to only a substance abuse prevention educational class
 - b. enrollment into a substance abuse treatment/rehabilitation program, which may include attendance of substance abuse prevention educational class.
3. Substance abuse assessment and treatment options:
 - a. If you are AC, AGR, or on Active-duty status, I will refer you to the closest SUDCC or military installation using DA Form 8003.
 - b. If you are TPU, you may access care at your own expense at a licensed state treatment facility within 30 days of this counseling. Contact the Nurse Case Managers at the Readiness Divisions who can assist you in finding appropriate treatment:
 - i) 81st POC is Donna Brunetti at 803-751-9547 and email: donna.m.brunetti.ctr@mail.mil
4. Additional treatment options include:
 - a. the Veterans Administration at www.va.gov (if eligible);
 - b. State Dept of Health and Community Human Services care, dial 211 (United Way) within the state you are seeking services;
 - c. Substance Abuse and Mental Health Administration at 1-800-662-4357 or 877-726-4727; or
 - d. You can search for a treatment agency via the Internet at <http://www.findtreatment.samhsa.gov/>
5. IAW AR 600-85, para 16-8a(3) administrative separation must be initiated and processed to the separation authority for decision on any Soldier with a positive drug test that could not have resulted from legitimate medical use of a drug. Accordingly, separation / elimination proceedings are being initiated IAW the Army regulation identified above. You will be flagged IAW AR 600-8-2 and all favorable personnel actions suspended while your adverse administrative action is pending. Additionally, notice to DoD CAF will be made via DA Form 5248-R and an incident report entered in the Joint Personnel Adjudication System (JPAS), potentially resulting in an adverse impact to your security clearance eligibility. Lastly, IAW 18 USC 922(g)(3), divestiture of any personally owned firearms or ammunition for one (1) year from the date the drug offense was discovered (positive urinalysis) is mandatory. A copy of Army EXORD 240-18 as well as a Frequently Asked Questions (FAQ) handout about this mandatory divestiture as required by 18 USC 922(g)(3) is attached to this counseling. Soldiers who possess, purchase, or transfer firearms and ammunition in violation of 18 USC 922 may be committing a federal criminal felony offense. NOTE: Illicit positive test results are reported by Army Reserve Headquarters - Fort Bragg to federal law enforcement authorities for entry into criminal reporting databases to include the FBI's National Instant Criminal Background Check System (NICS).
6. If separated from military service due to your illicit drug use, a characterization of Honorable may entitle you to benefits through the Veteran's administration. You will need to consult with the VA regarding any medical, educational, GI Bill or other benefits that may be available to you. If you receive a General (Under Honorable Conditions) Discharge, it could result in the possible loss of some or all Veterans Benefits and substantial prejudice in obtaining civilian employment. An Other Than Honorable Discharge may make you ineligible for Federal & State benefits available to veterans of military service. In addition, if you have contributed money to the Montgomery G.I. Bill and you are released with a less than Honorable Discharge, you will not be eligible to receive money for educational purposes and any money already contributed for educational purposes is nonrefundable and may be forfeited.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (*other than rehabilitative transfers*) , separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action *(Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)*

1. Administrative separation proceedings are being initiated under the appropriate Army regulation identified in Part II above. You may request that a USAR Trial Defense Services (TDS) attorney be appointed to you to provide legal guidance and counsel by using the attached request form.

2. You will be referred for evaluation to SUDCC (AGR/MOB) or a community-based, certified program at no cost to the Government (TPU), which may be a program directed by civilian judicial authorities, if applicable, or one located through a resource directory provided to Soldier. **FAILURE TO COOPERATE CONSTITUTES GROUNDS FOR SEPARATION.** (OPTIONAL: Soldier will also attend Alcoholics Anonymous/Narcotics Anonymous or similar recovery program meetings & show proof of attendance as authorized by AR 600-85, para 8-19.) Soldier may request referral for substance abuse treatment. This will not affect any pending legal action, but is for the Soldier's benefit. **A REQUEST FOR TREATMENT MAY BE MADE WITHOUT ADMITTING TO A SPECIFIC INCIDENT.**

3. You are required to comply with 18 USC 922(g)(3) by personally divesting yourself of any personally owned weapons and/or ammunition. A mandatory notice required by EXORD 240-18 is attached and serves as presumptive notice of your obligation to comply with the provisions of 18 USC 922.

4. If you seek civilian treatment, you must sign a Release of Information treatment form, which allows the treatment facility to share information with me and/or my designee. Additionally, you will provide me a copy of the Release of Information from the treatment facility. This will enable me to discuss your assessment, treatment option(s) and progress. Furthermore, you must request that the initial assessment and outcome is documented on the DA Form 4465 (Patient Intake/Screening Record), which provides me documented evidence of the encounter. This will aid in the development of an effective treatment plan (regimen), such as establishing monthly rehabilitation drug testing under the RO Test Basis Code. Lastly, you must request that the counseling personnel provide quarterly (every 90 days) of written documentation on the DA Form 4466 (Patient Progress Report) to update me and/or my designee of your progress until to you successfully complete the program.

5. You will remain a satisfactory participant by attending all regularly schedule Battle Training Assemblies (BTA) and Annual Training (AT) / Extended Combat Training (ECT) and by maintaining compliance with all mandatory readiness indicators (PHA, dental readiness, APFT, height/weight, etc.)

ATTACHMENTS: EXORD 240-18 NOTIFICATION TO SOLDIERS AFFECTED BY 18..
HQDA EXORD 240-18 Annex A - Frequently Asked Questions (FAQ)
USAR Trial Defense Services (TDS) Request Form
18 USC 922(g)(3) Acknowledgment

Session Closing: *(The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)*

Individual counseled: ☐ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____ Date: _____

Leader Responsibilities: *(Leader's responsibilities in implementing the plan of action.)*

Signature of Counselor: _____ Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: *(Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)*

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

4. HQ, 1st MSC Recommendation

- When the DDR Packet is completed, the SJA Office will present it to the 1st MSC CG with a Legal Review for the CG's recommendation.

5. BDE CDR

Recommendation



DEPARTMENT OF THE ARMY

HEADQUARTERS, XXXRD COMBAT SUSTAINMENT SUPPORT BATTALION
ARMED FORCES RESERVE CENTER
315 DOUBLE EAGLE AVENUE
FORT BUCHANAN, PR 00934

AFRC-CPR-RNS

11 March 2023

MEMORANDUM FOR Commander, XXXth Regional Support Command, Fort Buchanan, Puerto Rico 00934

SUBJECT: Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, RANK, LAST FIRST M, XXX-XX-Last 4 SSN, UNIT ADDRESS, Fort Buchanan, PR 00934

1. I have reviewed the enclosed Separation packet on RANK LAST FIRST M, UNIT ADDRESS, Fort Buchanan, PR 00934.

2. After careful consideration of all matters, I recommend the Soldier be:

___ Separated from the United States Army Reserve.

___ Transferred into the IRR. The Soldier is a mobilization asset.

___ Separated from the United States Army Reserve. However, the separation will be suspended for _____ months.

___ Retained in the United States Army Reserve. ***If selected***, provide justification:

3. In the event of separation, I recommend that this Soldier's service be described as:

___ Honorable

___ General (under Honorable Conditions)

___ Other Than Honorable Conditions

BDE CDR

LTC, LG

Commanding

6. Battalion CDR Recommendation



DEPARTMENT OF THE ARMY
HEADQUARTERS, XXXRD COMBAT SUSTAINMENT SUPPORT BATTALION
ARMED FORCES RESERVE CENTER
315 DOUBLE EAGLE AVENUE
FORT BUCHANAN, PR 00934

AFRC-CPR-RNS

DATE

MEMORANDUM FOR Commander, XXXth Regional Support Command, Fort Buchanan, Puerto Rico 00934

SUBJECT: Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, RANK LAST FIRST M, XXX-XX-LAST 4 SSN, UNIT ADDRESS, Fort Buchanan, Puerto Rico 00934.

1. I have reviewed the enclosed Separation packet on RANK LAST FIRST M, XXX-XX-LAST 4 SSN, UNIT ADDRESS, Fort Buchanan, Puerto Rico 00934.

2. After careful consideration of all matters, I recommend the Soldier be:

___ Separated from the United States Army Reserve.

___ Transferred into the IRR. The Soldier is a mobilization asset.

___ Separated from the United States Army Reserve. However, the separation will be suspended for _____ months.

___ Retained in the United States Army Reserve.

3. In the event of separation, I recommend that this Soldier's service be described as:

___ Honorable

___ General (under Honorable Conditions)

4. This Soldier **has** / **has not** filed an unrestricted report of sexual assault within 24 months of initiation of this separation action. **If responded in the affirmative, answer the questions below.**

a. The separation **does not** appear to be in retaliation for the Soldier filing an unrestricted report of sexual assault.

b. The separation **does not** involve a medical condition that is related to the sexual assault, to include Post Traumatic Stress Disorder (PTSD).

c. The separation is in the best interest of **(the Army) (the Soldier) (both)**.

AFRC-CPR-RNS

SUBJECT: Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs,
RANK LAST FIRST M, XXX-XX-LAST 4 SSN, UNIT ADDRESS, Fort Buchanan, Puerto
Rico 00934.

d. The status of the case against the alleged offender is **closed**, and the
separation of the Soldier/victim **will not** affect disposition or prosecution of the case.

BN CDR

LTC, LG

Commanding

7. Commander's Report



DEPARTMENT OF THE ARMY
390th TRANSPORTATION COMPANY SEAPORT OPERATIONS
BLDG 2297 BARNES ROAD
CEIBA, PUERTO RICO 00735-3390

AFCR-CPR-RNTB

Date:

MEMORANDUM FOR Commander, 346th Transportation Battalion, Ceiba, Puerto Rico 00735.

SUBJECT: Commander's Report – Proposed Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, 390th Transportation Company (SEAPORT OPS), Ceiba, PR, 00735.**

1. Under the provisions of AR 135-178, Chapter 11-1d, I have notified **SPC SOLDIER NAME** of these proceedings and the characterization of service I have recommended. The reasons for my recommendations are as follows: tested positive for an illegal drug.

a. I recommend the Soldier be:

☐ Transferred into the IRR. I certify that the Soldier is a mobilization asset because all the following apply:

- The Soldier has completed basic training and advanced individual training.
- The Soldier has been awarded a military occupational specialty (MOS).
- The Soldier has three or more months remaining on his/her statutory or contractual Reserve obligation.
- The Soldier's service should be uncharacterized (if appropriate) or characterized as honorable or general (under honorable conditions).
- The Soldier possesses the potential for useful service if ordered to active duty under conditions of full mobilization. (Give due consideration to all pertinent factors, including the positive motivation that a full mobilization may have on the Soldier; and the probable maturing effect of the passage of time especially in the case of young Soldiers.)

☐ Separated from the United States Army Reserve. Abused of illegal drugs degrades unit readiness and violates Army standards of behavior. This Soldier breached (**his/her**) obligations to the Army and should no longer remain in a position of special trust and responsibility.

☐ Separated from the United States Army Reserve. However, the separation be suspended for _____ months.

SUBJECT: Commander's Report – Proposed Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR, 00735.**

☐ Retained in the United States Army Reserve. A justification memorandum is attached.

b. In the event of separation, I recommend the following characterization of service:

☐ Under other than honorable conditions: The Soldier's pattern of behavior (acts or omissions) constitutes a significant departure from the conduct expected of Soldiers. During the current term of service, the Soldier engaged in aggravating behavior related to (his/her) abuse of illegal drugs. The Soldier (select all that apply):

☐ Made false official statements.

☐ Failed to obey orders or regulations.

☐ Prejudiced good order and discipline.

☐ Shirked or avoided important or hazardous duties.

☐ Was disrespectful or contemptuous toward leader(s).

☐ Altered, concealed, removed, mutilated, obliterated or destroyed official records.

☐ _____.

☐ General (under honorable conditions): The Soldier's service has been honest and faithful. The Soldier's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. The Soldier's abuse of illegal drugs and related behavior are significant aspects of the Soldier's conduct that outweigh the positive aspect(s) of the Soldier's military record.

☐ Honorable: The quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate.

☐ Uncharacterized: (Use only if Soldier is in Entry Level Status per AR 135-178, Glossary).

2. Soldier information:

a. Rank/Name/ SSN: **SPC SOLDIER NAME, XXX-XX-1234**

b. Current reported home address **(from contact information as per PQR)**

SUBJECT: Commander's Report – Proposed Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR, 00735.**

- c. Date of birth: **DD MONTH YYYY**
- d. Date of enlistment/reenlistment: **YYMMDD**
- e. Length of term for which enlisted: **# years**
- f. Date that contractual or statutory military service obligation (whichever is later) will expire:
- g. Retirement year ending (RYE) date: **See DA Form 5016 (enclosed).**
- h. Total years of qualifying service for retired pay at age 60 accrued by the last RYE date: **See DA Form 5016 (enclosed).**
- i. Aptitude area scores and DMOS:
 - (1) General Technical:
 - (2) Clerical Admin:
 - (3) Combat:
 - (4) Electrical:
 - (5) Field Artillery:
 - (6) Motor Mechanical:
 - (7) Food Operations:
 - (8) Surv and Commo:
 - (9) Technical:
 - (10) General Maintenance:
 - (11) DMOS:
- j. SMOS and AMOS (if any): **See enclosed Enlisted Record Brief (ERB)**
- k. ☐ I have complied with all the counseling and rehabilitation requirements of U.S. Army Reserve Regulation 140-6, US Army Reserve (USAR) Retention and Transition (RT) Program.
- l. Record of trials by court-martial: N/A
- m. Record of other disciplinary action, including non-judicial punishment (include offenses, findings, and sentence):
- n. Report of mental status evaluation or psychiatric report **(is) (is not)** attached, if applicable
- o. Report of medical examination **(is) (is not)** attached, if applicable:
- p. Whether there is a record of time lost; if so, whether due to absence without leave, confinement, or other reasons:
- q. Note favorable communications or recommendations for the Soldier:
- r. Make note of any citations and awards:

SUBJECT: Commander's Report – Proposed Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR, 00735.**

s. Other information considered pertinent:

t. Incentive benefits received by the Soldier (see AR 135-7):

<input type="checkbox"/> Bonus	Terminated on:	Recoupment:
<input type="checkbox"/> Loan Repayment	Terminated on:	Recoupment:
<input type="checkbox"/> Educational Assistance	Terminated on:	Recoupment:

u. Soldier's response to separation notification: (Select one)

- (1) ☐ Soldier completed and returned response form (enclosed).
- (2) ☐ Soldier failed or refused to respond within 30 calendar days.

3. This Soldier **(has) (has not)** filed an unrestricted report of sexual assault within 24 months of initiation of this separation action. **(if "has" is selected, answer a - d below)**

a. The separation **(does) (does not)** appear to be in retaliation for the Soldier filing an unrestricted report of sexual assault

b. The separation **(does) (does not)** involve a medical condition that is related to the sexual assault, to include Post Traumatic Stress Disorder (PTSD).

c. The separation is in the best interest of **(the Army) (the Soldier) (both)**.

d. The status of the case against the alleged offender is **(open) (closed)**, and the separation of the Soldier/victim **(will) (will not)** affect disposition or prosecution of the case.

4. Memoranda of notification and acknowledgment are attached as enclosures.

2 Encls
DA 5016
ERB

Commander's Signature Block
CPT, AG, USAR
Commanding

8. Notice for Separation



DEPARTMENT OF THE ARMY
390th TRANSPORTATION COMPANY SEAPORT OPERATIONS
BLDG 2297 BARNES ROAD
CEIBA, PUERTO RICO 00735-3390

Suspense date 45
days if mailed and
30 days if served in
person.

AFCR-CPR-RNTB

S:
Date:

MEMORANDUM FOR SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation
Company (SEAPORT OPS), Ceiba, PR 00735

SUBJECT: Notification for Separation Under AR 135-178, Chapter 11-1d, Abuse of
Illegal Drugs, SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company
(SEAPORT OPS), Ceiba, PR 00735

1. Under the provisions of AR 135-178, Chapter 11-1d, I am initiating action to separate
you from the U.S. Army Reserve for Abuse of Illegal Drugs. The reasons for my
proposed action are: tested positive for an illegal drug must state the name of the
substance and the amount.

Full data from the Notification Results for Urinalysis testing;
must state the substance name and amount.

2. I am recommending that your service be characterized as (INITIAL OPTION):

- () Honorable.
- () General under honorable conditions.
- () Other Than Honorable Conditions. (OTH)
- () Uncharacterized. (only if in entry-level status)

3. My recommendation and your reply will be submitted to the Commander, HQ, 1st
MSC, who is the separation authority and will make the final decision in your case.

4. The intermediate Commander(s), if any, and the separation authority are not bound
by my recommendation as to characterization of service. The separation authority may
direct that your service be characterized as honorable, general (under honorable
conditions), other than honorable conditions or you may receive an entry-level
separation (uncharacterized) if in an entry-level status. The separation authority,
however, may not direct the issuance of a type of discharge or characterization of
service less favorable than that recommended by an administrative board should you
request a hearing before such a board.

5. If my recommendation is approved, the proposed separation could result in
discharge from the Reserve of the Army; transfer or reassignment from your US Army

SUBJECT: Notification for Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR 00735.**

Reserve unit to the Individual Ready Reserve; or your release from the custody and control of the Army.

6. You have **30/45** days to exercise the following rights:

a. You have the right to consult with an appointed military counsel, and/or with a civilian counsel at your own expense. If you desire counsel for consultation, you should request the appointment of military counsel, or retain civilian counsel, before indicating your election of rights on the enclosed memorandum. You may submit a request for appointed military counsel through your command or to the usarmy.pentagon.hqda-otjag.mbx.tds-usar-requestforcounsel@mail.mil, subject: "Request for Counsel".

b. You may submit written statements for the separation authority to consider in making determinations about this proceeding.

c. You have the right to obtain copies of documents that will be sent to the separation authority in support of the proposed separation (classified documents will be summarized).

d. You have the right to request a hearing before an administrative separation board:

(1) If you have six or more years of total military service (in the active and reserve components, including service in the Delayed Entry Program) on the date of this notification; or

(2) When an under other than honorable conditions characterization of service is contemplated.

e. If you request a hearing before an administrative board, you have the right to representation by an appointed military counsel and/or by civilian counsel at your own expense.

f. Except as explained in paragraph 6 below, you may waive the rights listed above in paragraphs 6a, 6b, 6c, 6d and 6e in writing, and you may withdraw any such waiver at any time before the date the separation authority orders, directs, or approves your separation.

g. If you have the right to request a hearing before an administrative board, you may submit a conditional waiver of that right (except as explained in paragraph 7 below) contingent on receiving a more favorable characterization of service than contemplated by the command.

SUBJECT: Notification for Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR 00735.**

7. Waivers of the rights to an administrative board hearing and to representation by counsel at the hearing will not be accepted if you have completed 18, but less than 20, years of qualifying service for retired pay. Soldiers meeting these qualifications will not be involuntarily separated without the approval of the Secretary of the Army or his designated representative.

8. You must complete the enclosed Acknowledgment of Receipt, Election of Rights and Conditional Waiver of Separation Notice response to this notification and deliver it to me (or mail it to my unit address) within **30/45** calendar days of the date you receive a copy of this notification memorandum. Any conditional waiver, statements or other documents you want the separation authority to consider must also reach me within **30/45** calendar days of the date you receive a copy of this notification memorandum, unless you request and receive an extension for good cause shown. Unless an extension is granted, failure to respond in writing within **30/45** calendar days of your receipt of a copy of this notification memorandum will constitute a waiver of your rights described in paragraphs 6a, 6b, 6c, 6d and 6e above.

9. Acknowledge your receipt of a copy of this notification memorandum by dating and signing the acknowledgment below my signature block.

7 Encls
DA Form 4856
DA Form 4465
DA Form 4466
18 USC 922 (g) (3)
EXORD 240-18
HQDA EXORD 240-18 Annex A
Request for Army Reserve Trial Defense Service Attorney

Commander's Signature Block
MAJ, AG, USAR
Commanding

On _____ (date) I received this notification of separation that my commander has initiated proceedings to separate me from the U.S Army Reserve

(Print Soldiers Name) / Signature

9. Acknowledgement of Receipt, Election of Rights,



DEPARTMENT OF THE ARMY
390th TRANSPORTATION COMPANY SEAPORT OPERATIONS
BLDG 2297 BARNES ROAD
CEIBA, PUERTO RICO 00735-3390

The Suspense date
45 days if mailed & 30
days if served in
person.

AFCR-CPR-RNTB

S:
Date:

MEMORANDUM FOR Commander, **390th Transportation Company (SEAPORT OPS),**
Ceiba, PR 00735

SUBJECT: Acknowledgment of Receipt of Separation Notice, Chapter 11-1d, Abuse of
Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company**
(SEAPORT OPS), Ceiba, PR 00735

Soldier types date notification is received.

After the word dated, type here the
date the notification was prepared

1. On _____, I received the Notification of Separation Proceedings Under
AR 135-178 dated **DATE**. I understand that I may expect to encounter substantial
prejudice in civilian life if my service is characterized as general (under honorable
conditions) or under other than honorable conditions. I further understand that, if I am
discharged under other than honorable conditions, I will be automatically reduced to the
lowest enlisted grade and I may be ineligible for many or all benefits as a veteran under
both Federal and State laws.

2. Before completing this response, I understand that I have the right to consult with an
appointed military counsel for consultation, and/or with a civilian counsel at my own
expense. **(Soldier must initial only one of the following two options)**

a. _____ I have exercised my right and I have consulted with counsel in preparing
this response to the notification memorandum. I have been advised by my consulting
counsel of the basis and effects of the contemplated action to separate me under **AR**
135-178, Chapter 11, Misconduct, of the rights available to me; and the effect of any
action taken by me in waiving my rights. Consulting counsel has confirmed this by
signing the witness statement at the end of this memorandum.

b. _____ I hereby waive my right to consult with an appointed counsel, with a
military counsel of my own choice, or with a civilian counsel at my own expense.

3. I understand that I have the right to obtain copies of documents that will be sent to
the separation authority in support of the proposed separation. **(Soldier must initial**
only one of the following two options)

a. _____ I hereby request copies of the documents.

b. _____ I hereby waive my right to obtain copies of documents.

SUBJECT: Acknowledgment of Receipt of Separation Notice, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR 00735**

4. I understand that I have the right to submit written statements and documents for the separation authority to consider in making determinations about this proceeding.

(Soldier must initial only one of the following two options)

a. _____ Written statements and/or documents are submitted herewith and attached as enclosures.

b. _____ I hereby waive my right to submit written statements and documents for the separation authority to consider in making determinations about this proceeding.

5. I understand that I have the right to request a hearing before an administrative board if one or both of the following criteria are applicable. **(Soldier will initial both criteria)**

a. _____ If I had six or more years of total military service (in the active and reserve components, including service in the Delayed Entry Program) on the date of the notification in this proceeding.

b. _____ When an under other than honorable conditions characterization of service is contemplated.

6. I make the following election after having been advised of my right to submit a conditional waiver of my right to request that an administrative board consider my case. I understand that the separation authority may decline to accept any conditional waiver.

(Soldier must initial only one of the following three options)

a. _____ I hereby request a hearing before a board.

b. _____ I hereby waive my right to request a hearing before a board.

c. _____ I hereby waive my right to request a hearing before a board, on the condition that my service will be characterized upon separation as: **(Soldier must initial only one of the following two options)**

(1) _____ Honorable.

(2) _____ General (under honorable conditions).

7. If I exercised my right to request a hearing in the preceding paragraph, then I make the following election(s). **(Soldier will initial either option a or b, and may also initial option c)**

a. _____ I request the appointment of a military counsel for representation.

SUBJECT: Acknowledgment of Receipt of Separation Notice, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR 00735**

b. _____ I waive my right to a military counsel for representation.

c. _____ I have retained, or will retain, a civilian counsel for representation.

8. I understand that waivers of the rights to an administrative board hearing and to representation by counsel at the hearing will not be accepted if I have completed 18, but less than 20, years of qualifying service for retired pay.

9. I understand that I have the right, until the date the separation authority orders, directs, or approves my separation, to withdraw any waiver of my rights. If I had the right to request a board hearing and waived that right, I can withdraw the waiver and request a hearing.

10. I understand that my willful failure to appear before the administrative separation board will constitute a waiver of my rights to personal appearance before the board. I understand that if I am in civil confinement, the proceedings will be conducted in my absence.

11. I understand that there is no automatic upgrading or review by any government agency of any characterization of service that is less than honorable. After discharge, I may apply to the Army Discharge Review Board or the Army Board for Correction of Military Records if I wish review of my characterization of service. I realize that the act of consideration by either board does not imply that my characterization of service will be upgraded.

12. Sexual Assault Prevention and Response: **(Soldier will initial either option a or b)**

a. _____ I was not a victim of sexual assault for which an unrestricted report was filed within the past 24 months.

b. _____ I was a victim of sexual assault for which an unrestricted report was filed within the past 24 months. (Soldier will initial only one of the following two options)

(1) _____ I do not believe that the separation is a direct or indirect result of any such sexual assault or unrestricted report.

(2) _____ I do believe that the separation is a direct or indirect result of any such sexual assault or unrestricted report.

13. I have retained a copy of the notification memorandum and this memorandum. I submit the following statement of understanding:

SUBJECT: Acknowledgment of Receipt of Separation Notice, Chapter 11-1d, Abuse of
Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company**
(SEAPORT OPS), Ceiba, PR 00735

UNDERSTANDING: I have read and understand each of the statements above and understand that they are intended to constitute all promises whatsoever concerning my waiver options. Any other promise, representation, or commitment made to me in connection with my separation is written below in my own handwriting or is hereby waived. **(If none, write "NONE")**.

DATE SIGNED: _____

(Signature)
SOLDIER NAME
SPC, USAR
Respondent

Having been advised by me of the basis for **his/her** contemplated separation and its effects, the rights available to **him/her**, the right to waive of his/her rights, **SPC SOLDIER NAME**, personally made the choices indicated in the foregoing statement.

DATE SIGNED: _____

Signed Name of Consulting Counsel

Printed Name _____
Rank, Branch _____
Duty Position _____

This signature block is for the
Soldiers Legal Counsel



DEPARTMENT OF THE ARMY
390th TRANSPORTATION COMPANY SEAPORT OPERATIONS
BLDG 2297 BARNES ROAD
CEIBA, PUERTO RICO 00735-3390

The Suspense date
45 days if mailed & 30
days if served in
person.

AFCR-CPR-RNTB

S:
Date:

MEMORANDUM FOR Commander, **390th Transportation Company (SEAPORT OPS),**
Ceiba, PR, 00735.

SUBJECT: Election of Rights Regarding Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, **SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR, 00735.**

1. I have been advised by my consulting counsel of the basis for the contemplated action to separate me for Abuse of Illegal Drugs under AR 135-178, Chapter 11-1d and its effects; of the rights available to me; and of the effect of any action taken by me in waiving my rights. (I understand that if I have 6 years of total active and reserve military service at the time of separation or I have been notified that I am subject to a characterization of service under other than honorable conditions, under AR 135-178, Chapter 11-1d, I am entitled to have my case considered by an administrative separation board.) **OR** (I understand that if I have less than 6 years of total active and reserve service at the time of separation, I am not entitled to have my case heard by an administrative separation board unless I am being considered under other than honorable conditions.)
2. I **(request) (waive)** consideration of my case by an administrative separation board.
3. I have been advised of my right to submit a conditional waiver of my right to have my case considered by an administrative separation board.
4. I **(request) (waive)** personal appearance before an administrative separation board.
5. Statements in my own behalf **(are) (are not)** submitted here with **(Encl_____)**.
6. I **(request) (waive)** consulting counsel and representation by military counsel and/or civilian counsel at no expense to the Government.
7. I understand that my willful failure to appear before the administrative separation board by absenting myself without leave will constitute a waiver of my rights to personal appearance before the board.
8. I understand that I may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to me. I further understand that

SUBJECT: Election of Rights Regarding Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR, 00735.

as the result of issuance of a discharge under other than honorable conditions I may be ineligible for many or all benefits as a veteran under both Federal and State laws and that I may expect to encounter substantial prejudice in civilian life. I understand that if I

receive a discharge/character of service that is less than honorable, I may make application to the Army Discharge Review Board or the Army Board for Correction of Military Records for upgrading; however, I realize that an act of consideration by either board does not imply that my discharge will be upgraded.

9. I understand that I may, until the date the separation authority orders, directs, or approves my separation, withdraw this waiver and request that an administration separation board hear my case.

10. I **(have) (have not)** filed an unrestricted report of sexual assault within 24 months of initiation of the separation action.

11. (To be answered only if the Soldier answered the previous question affirmatively) I **(do) (do not)** believe that this separation action is a direct or indirect result of the sexual assault itself or of the filing of the unrestricted report.

12. I have retained a copy of this statement.

DATE SIGNED: _____

(Signature)

SOLDIER NAME
SPC, USAR
Respondent

Having been advised by me of the basis for his/her contemplated separation and its effects, the rights available to him/her, the right to waive his/her rights, SPC SOLDIER NAME personally made the choices indicated in the foregoing statement.

DATE SIGNED: _____

(Signature)

Printed Name: _____

Rank, Branch: _____

Duty Position: _____

This signature block is for the
Soldiers Legal Counsel

SUBJECT: Election of Rights Regarding Separation Under AR 135-178, Chapter 11-1d, Abuse of Illegal Drugs, SPC SOLDIER NAME, XXX-XX-1234, 390th Transportation Company (SEAPORT OPS), Ceiba, PR, 00735.

(OPTIONAL WAIVER TO CONSULT COUNSEL)

Before completing my election of rights, I was afforded the opportunity to consult with appointed counsel for consultation, or military counsel my own choice, if they are reasonably available; or civilian counsel at my own expense. I choose to decline the opportunity.

DATE SIGNED: _____
(Signature)

SOLDIER NAME
SPC, USAR
Respondent

10. Soldier Written Statements

- If the Soldier opts to present statements on his own behalf; They will be enclosed on the DDR Packet under the SM's signed Acknowledgment and Election of Rights.

11. ADCO Notification for Commander Drug Positive Results

- Document will be provided by Mr. Santos with the Drug Tests History Results when the SM tests positive.

12. Law Enforcement Report

- If necessary, the SJA Office will request this document from CID and include it in the DDR Packet.

13. Admin Documents

- Report of Unfavorable Information for Security Determination (DA Form 5248)
- Chronological Statement of Retirement Points (DA Form 5016)
- DD214 (Provided by Unit S1.)
- TL History (Provided by Unit S1.)
- U Test History Timeline (Document will be attached with Mr. Santo's Notification of Positive Test Results.)

REPORT OF UNFAVORABLE INFORMATION FOR SECURITY DETERMINATION

For use of this form see AR 190-56; the proponent agency is ODCSOPS

1. REPORTING COMMANDER		2. SUPPORTING SPECIAL SECURITY OFFICE (Sensitive Compartmented Information Only)	
3. UNIT IDENTIFICATION CODE		4. SOCIAL SECURITY NUMBER	
5a. NAME (Last, first, MI)		5b. ALIASES (Former/Maiden name)	
6a. DATE OF BIRTH (Year, month, day)	6b. PLACE OF BIRTH (State or Country)	7a. RANK	7b. STATUS (see Item 16)
8a. CURRENT CLEARANCE	8b. SCI (Check appropriate box) <input type="checkbox"/> YES <input type="checkbox"/> NO	8c. DATE GRANTED	8d. DATE/TYPE OF INVESTIGATION
9. TYPE OF REPORT (Check appropriate box) <input type="checkbox"/> INITIAL <input type="checkbox"/> FOLLOW-UP <input type="checkbox"/> FINAL			
10. UNIT ACTION TAKEN (Check appropriate box) <input type="checkbox"/> SCI ACCESS SUSPENDED <input type="checkbox"/> COLLATERAL ACCESS SUSPENDED (873 Forwarded) <input type="checkbox"/> ACCESS NOT SUSPENDED			
11. BASIS OF REPORT a. OFFENSE/ALLEGATION			
b. ACTION TAKEN			
c. CDR'S RECOMMENDATION			
12. INCLOSURES			
13. DATE (YYYYMMDD)	14. TYPED NAME, GRADE, TITLE, AND AUTOVON NO.	15. SIGNATURE OF SECURITY MANAGER/AUTHORIZED OFFICIAL	
16. A - AAFES C - DA CIVILIAN (DAC) E - ACTIVE ENLISTED/OCS F - NAF G - ACTIVE GENERAL OFFICER I - INACTIVE USAR OTHER (Explain)		J - DAC AND ACTIVE USAR K - DAC AND INACTIVE USAR L - DAC AND ARNG M - DAC AND DOD AFFILIATION N - ARNG O - ACTIVE OFFICER R - ACTIVE USAR S - SUMMER HIRE T - CIVILIAN CONTRACTOR W - ACTIVE WARRANT OFFICER X - RED CROSS Z - ROTC CADET	

DATE
30OCT2019

DATA REQUIRED BY THE PRIVACY ACT OF 1974

DISCLOSURE: Voluntary. However, failure to furnish information may result in denial of retirement.

NAME		ADDRESS					DOB	CURRENT GRADE			PEBD
								SGT			
BEGINNING DATE YR MO DAY (1)	ENDING DATE YR MO DAY (2)	MILITARY PERSONNEL CLASS (3)	STATUS OR COMPONENT (4)	INACTIVE DUTY POINTS (5)	EXTENSION COURSE POINTS (6)	MEMBER- SHIP POINTS (7)	ACTIVE DUTY POINTS (8)	QUALIFYING FOR RETIREMENT YRS MO DAYS (9)			TOTAL POINTS CREDITABLE (10)
20180120	20190119	ENL	AGR	000	000	15	0365	01	00	00	0365
20170120	20180119	ENL	AGR	000	000	15	0365	01	00	00	0365
20160120	20170119	ENL	AGR	000	000	15	0366	01	00	00	0366
20150120	20160119	ENL	AGR	000	000	15	0365	01	00	00	0365
20140530	20150119	ENL	AGR	000	000	10	0235	00	07	21	0235
20140120	20140529	ENL	USAR	000	000	05	0130	00	04	10	0130
20130120	20140119	ENL	USAR	025	000	15	0234	01	00	00	0274
20120120	20130119	ENL	USAR	018	000	15	0206	01	00	00	0239
NOTHING FOLLOWS											
TOTAL				43	0	105	2266	07	00	01	2339