



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
JOINT FORCES HEADQUARTERS KANSAS
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4 August 2006

JFHQ-KS-J1/HRO

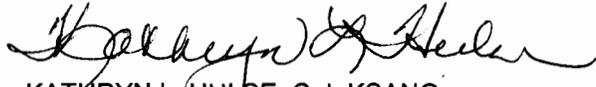
MEMORANDUM FOR See Distribution

SUBJECT: Procedures for Involuntary Separation from the AGR Program - ARNG

1. Reference AR 135-18 and NGR 600-5, paragraph 6-5, Separation for cause and procedures. This paragraph contains the guidelines for actions that must be taken in order to ensure we afford our soldiers their legal rights in a fair and open manner, while supporting the best interests of the agency. This organization has made a huge investment on each soldier. Not only do we have a moral obligation to the soldier, but to the organization as well. Involuntary separation from the AGR program must be the last course of action; only utilized after corrective procedures have been exhausted. The Adjutant General will review all separations under this provision and is the final decision-making authority.
2. Guidelines for Involuntary separation vary with each individual case. Depending upon the seriousness of the situation, documentation must adequately reflect in detail the considerations and conditions the supervisor used in determining that the soldier should be separated from the AGR Program. The supervisor will consider and address the following questions:
 - a. The seriousness of the events and the effect of the person's retention on military discipline, good order and morale.
 - b. The likelihood that the conditions will continue or reoccur.
 - c. The impact upon accomplishment of the unit mission.
 - d. The member's ability to perform his FTM duties and potential for further service.
 - e. The member's overall military record, including all counseling records, ratings (NCOER/OER), and letters of reprimand. The soldier's contributions and military awards must also be considered and addressed, along with the possibility of reassigning the soldier.
 - f. The member is allowed due process throughout the process including when required: documented written counseling, objective investigation of the event or events and timely consultation/counseling.
3. Following this evaluation, if Involuntary Separation is recommended, a memorandum will be given to the soldier advising him of the intent to separate from the AGR Program. This memorandum will explain in detail the reasons and events for the recommendation and must include all documentation that supports the recommendation. In the memorandum, you must give the soldier the name of a Kansas National Guard JAG officer to assist in preparing a rebuttal to the recommendation to separate. LTC Woolpert, legal advisor to the Adjutant General, should be contacted for assignment of a JAG officer. The soldier will be given a minimum of fifteen (15) days to respond with the rebuttal. These fifteen (15) days may be extended for extenuating circumstances. Extensions will be based on the reasons provided and the ability of the assigned JAG to accommodate the extension.
4. The soldier may be offered the opportunity to resign from the AGR Program, but will not be coerced or forced to resign.

5. Supervisors may not force or coerce the Soldier to take personal leave. The Soldier may request and be granted ordinary leave. There is no "administrative" leave status for AGR Soldiers. If the situation warrants removal from duties or moving a Soldier to another site, the supervisor must ensure resources are available to continue the mission and ensure funds are available to cover costs incurred as a result of relocation.
6. The supervisor will consider all the evidence in the rebuttal and make his recommendations through the chain of command for their review and recommendations. The package will then be sent to the Human Resources Officer for final review prior to submitting the package to the Adjutant General for final decision.
7. Once the decision is made the Adjutant General to separate or retain the soldier, the unit's Administrative Officer will notify the soldier of the decision in person. If separated, the soldier will normally be provided a minimum of ninety (90) days transition time from his active duty status except for termination for misconduct. In some instances, the soldier may be eligible for separation pay. Once involuntarily separated from the AGR Program, the soldier is not eligible for reentry at a later date.
8. This memorandum is not intended to either encourage or discourage supervisors from taking this action. It is simply an explanation of the process that is required by regulation. However, supervisors should carefully consider the impact on the soldier and the unit prior to taking this action. Any questions may be directed to the undersigned at (785) 274-1181 or Lt Col Steve Rexer, (785) 274-1167.

FOR THE ADJUTANT GENERAL


KATHRYN L. HULSE, Col, KSANG
Human Resources Officer

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