

ARMY REGULATION

No. 600-31

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 2 April 1973

PERSONNEL—GENERAL

**SUSPENSION OF FAVORABLE PERSONNEL ACTIONS FOR MILITARY PERSONNEL IN NATIONAL SECURITY CASES AND OTHER INVESTIGATIONS OR PROCEEDINGS**

Effective 15 May 1973

*This is a complete revision of AR 600-31. Major changes are summarized as follows: the term "flagging action" is changed to "suspension of favorable personnel action"; clarifies policy for personnel under suspension of favorable personnel action as regards leave and Rest and Recuperation programs; revises reporting procedures for grades E-5 and below when favorable personnel action is suspended because Article 15 is initiated in nonsecurity cases; permits reassignment of certain individuals under suspension, who are not under restraint, without prior US Army Military Personnel Center (MILPERCEN) approval. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army staff agencies and major Army commands will furnish one copy of each to HQDA (DACP-PAP) Hoffman Bldg II, Alexandria VA 22332; other commands will furnish one copy of each to the next higher headquarters.*

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**1. Purpose.** This regulation prescribes procedures for suspending favorable personnel actions to include, but not limited to the following:

- a. Appointment, reappointment, enlistment, and reenlistment.
- b. Entry on active duty, active duty for training for any purpose, including recall of retired or reserve component personnel, unless otherwise directed by MILPERCEN.
- c. Reassignment, except as authorized herein.
- d. Promotion.
- e. Awards, decorations, or commendations.
- f. Attendance at service schools, civilian schools or institutions under military service educational or training programs.

g. Unqualified resignation or discharge except as provided by paragraph 3b(4).

h. Release from active duty, except as provided by section XIX, chapter 3, AR 635-100, and paragraph 3b(4).

i. Retirement, except as provided by paragraph 3b(4).

j. Request for excess leave, except as provided by paragraph 3b(3).

**2. Scope.** This regulation applies to all military members of the Army irrespective of service component (including active, inactive, and retired).

**3. Suspension of favorable personnel action.**

a. Favorable personnel actions will be suspended in the case of a military member—

- (1) To whom provisions of AR 604-10 apply.

*This regulation supersedes AR 600-31, 29 June 1970; and DA messages AGPO 221624Z Jan 71 (U), subject: Interim Change to AR 600-31; AGPO 161651Z Jun 71 (U), subject: Interim Change to AR 600-31; and DAAG-PS-S 30 Dec 71 (U), subject: Interim Change to AR 600-31.*

(2) Against whom action is initiated which may result in dismissal, discharge, courts-martial, disciplinary action, or elimination.

(3) Against whom an investigation is initiated concerning credible allegations or incidents which reflect unfavorably upon his character or integrity.

(4) Under charges or restraint by civilian authorities.

(5) Absent without leave.

(6) Whose commander and/or career manager within MILPERCEN or other HQDA agencies has recommended removal of his name from a recommended promotion list.

*b.* No favorable personnel action will be taken on an individual other than—

(1) Reassignments authorized by paragraph 5*b.*

(2) Ordinary and emergency leave as authorized by AR 630-5, and Rest and Recuperation (R&R) programs (within commands where R&R programs are in effect). These programs are not considered as favorable personnel actions, and will not be denied on the basis of suspension of favorable personnel action alone.

(3) Request for excess leave as provided by paragraph 5-2*d*(3), AR 630-5.

(4) Requests for unqualified resignation, discharge, release from active duty, or retirement. Although considered favorable personnel actions, they will be considered on an individual basis, under appropriate regulations. Cases will be acted upon by MILPERCEN or career managers in other HQDA agencies based on the field commander's recommendation and the particular circumstances of the case.

**4. Responsibilities of commanders.** The suspension of favorable personnel actions has a serious effect on the morale and, possibly, the military careers of the individuals concerned. Commanders must insure that a suspension of favorable personnel action is initiated only when any of the criteria in paragraph 3*a* apply. Additionally, commanders will establish controls within their commands to insure that—

*a.* Knowledge of suspension is disseminated only on a need-to-know basis.

*b.* Suspension is promptly lifted when reasons for suspension no longer exist.

*c.* DA Form 268 (Report for Suspension of Favorable Personnel Actions) and correspondence and references pertaining directly thereto are

removed from personnel files and all sources of control are destroyed when cases are closed.

*d.* Any favorable personnel action taken is not in contravention of this regulation.

*e.* Reports required pursuant to appendix A or appendix B are properly submitted.

**5. Disposition of personnel.** *a.* This regulation does not constitute authority to retain personnel beyond expiration of term of service except as indicated in (2) or (3) below. Requests for disposition instructions regarding personnel whose separation is impending will be forwarded by air-mail through major commanders, if appropriate, to HQDA (DAPC-PAS) Hoffman Bldg II, Alexandria, VA 22332.

(1) In cases reported under appendix B, disposition instructions will be requested at least 90 days prior to the individual's expiration of term of service. Major commanders will comply with the provisions of AR 604-10.

(2) In cases of commissioned officers and warrant officers, who are under suspension of favorable personnel action under appendix A, disposition instructions will be requested at least 60 days prior to the individual's expiration of term of service, except for those to whom the provision of paragraph 3-12, AR 635-100 apply.

(3) In case of enlisted personnel who are under suspension of favorable personnel action under appendix A, the provisions of section II, chapter 2, AR 635-200 will apply.

*b.* Reassignment.

(1) Personnel on active duty or active duty for training who are under suspension of favorable personnel actions will not be reassigned without prior approval of MILPERCEN unless such reassignment is made—

(*a.*) Within an installation by the installation commander.

(*b.*) Of enlisted personnel within a major oversea command by the major commander.

(*c.*) Of enlisted personnel returned to duty through USA Personnel Control Facilities in CONUS.

(*d.*) Of enlisted personnel when suspension of favorable personnel action remains in effect due to an incident for which the member is undergoing punishment imposed by a court-martial, and no restraint is imposed; or at such time as restraint portion of a sentence or punishment is terminated.

(e) Of desertion cases as specified in AR 630-10.

(2) Requests for authority to reassign officers who are under suspension of favorable personnel action under circumstances other than described in (1) above, will be forwarded together with justification for such reassignment to HQDA (DAPC-OPC (Career Branch or Colonel's Division)) as appropriate, with the following exceptions—

(a) Army Medical Department-HQDA (DASG-PTS) Washington, DC 20314.

(b) Chaplain-HQDA (DACH-PEA) Washington, DC 20315.

(c) Judge Advocate General's Corps-HQDA (DAJA-PT) Washington, DC 20310.

(3) Requests for authority to reassign enlisted personnel who are under suspension of favorable personnel actions, under circumstances other than described in (1) above, will be forwarded together with justification for such reassignment to HQDA (DAPC-EPC-A) Hoffman Bldg I, Alexandria, VA 22331.

**c. Transfer of control.**

(1) Upon reassignment of an individual under suspension, control of the suspension will be transferred to the gaining commander, except as provided in paragraph 6c.

(2) The losing commander will—

(a) Notify the gaining commander by air-mail, including name, grade, and SSN of individual; the authority for reassignment; and estimated time of arrival.

(b) Forward the complete suspension file and any report of investigation to the gaining commander, except when transfer does not remove individual from jurisdiction of the commander controlling the suspension action and/or investigation. In those cases where the losing commander retains control of investigation, a copy of the report of investigation and all subsequent progress reports will be forwarded to the gaining commander. *The individual on whom suspension of favorable personnel action is pending will not be permitted to handcarry the suspension file or the report of investigation to the gaining commander.*

(c) In those cases involving officers, warrant officers, and those enlisted personnel who have Reserve commissions or who are under suspension for security reasons, an information copy will be

forwarded to HQDA (DAPC-PAP) Hoffman Bldg II, Alexandria, VA 22332.

(3) The gaining commander will—

(a) Assume control of the suspension action.

(b) Furnish the agencies in his chain of command copies of the suspension action (if these agencies are different from those of the losing command).

(c) Submit reports as required by this regulation. Transfer of suspension action does not interrupt the reporting requirements.

(4) In case of personnel assigned to a transfer activity or returned from overseas for discharge or relief from active duty, the suspension action will be transferred in accordance with (2) and (3) above and will not be closed until separation is final.

**6. Removal of suspension of favorable personnel action.** *a.* Suspension of favorable personnel action will not be removed (except as indicated in *c* below) while an individual is undergoing punishment imposed under Article 15, UCMJ, or sentence of court-martial, or during the term of any suspension of punishment imposed (AR 27-10).

(1) An individual is considered to be undergoing punishment with respect to forfeiture or detention of pay imposed by sentence of a court-martial or under Article 15, UCMJ, until the day following the last day of period of forfeiture or detention of pay specified in the sentence as finally approved.

(2) In computing the period of forfeiture or detention of pay, periods of unauthorized absence (computed in accordance with Department of Defense Military Pay and Allowances Entitlements Manual (DODPM)) which occur during this period will be excluded.

*b.* Commanders may remove suspension actions initiated under the provisions of paragraph 3a(4) after disposition by civil authorities, if the member is not in confinement. In cases where the individual is found guilty by civil authorities, or action is taken which is tantamount to a finding of guilty, commanders are cautioned to avoid lapses of suspension of favorable personnel actions if follow-on action as provided by paragraph 3a applies.

*c.* In cases where the termination of a suspension of a favorable action is contingent solely upon collection of forfeitures imposed by a court-martial or Article 15, UCMJ, losing commanders

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may remove the suspension when the individual is being transferred on permanent change of station orders and the suspension would expire during the period the individual is en route to the new station.

*d.* Removal will be accomplished when a case is closed in accordance with AR 604-10 or other security regulations or directives. For those cases forwarded to Department of the Army under the provisions of paragraph 4-4*a*, and *b*(4), AR 604-10 the major commander may remove the suspension 30 days after the case is forwarded to the Commander, US Army Intelligence Command, ATTN: IGPSG-L, Fort Holabird, MD 21219, unless advised by the US Army Intelligence Command that further investigation is required before a determination may be made, or that an individual is recommended for elimination when the major commander recommended retention. When suspension is removed in accordance with the foregoing, the following applies:

(1) The proviso annotation placed on the individual's records during preinduction processing will remain in effect until final determination has been made at Department of the Army level.

(2) Upon reassignment prior to receipt of final determination, the major commander will forward all pertinent information to the gaining commander.

**7. Reports.** *a.* Suspension actions, including the removal of suspension actions will be reported on DA form 268 in accordance with appendix A (other than security cases) or appendix B (security cases).

*b.* Separate reports will be submitted on each suspension action. For example, an individual may be involved in an incident under investigation and, before closing of the suspension, becomes involved in another incident.

*c.* These reports are exempt from reports control under the provisions of paragraph 7-2*b*, AR 335-15.

*d.* Distribution of reports will be the same as the initial report or as changed by transfer of suspension control.

*e.* The commander or Department of the Army agency which has control of the suspension of favorable personnel action will exercise particular care to ascertain that the interim and final reports are submitted timely. These reports are required for completion of suspension control files and to protect the rights of individuals in personnel actions. When interim or final reports are not received within a reasonable period of time from the due date, the commander or agency controlling the suspension will initiate follow-up actions to determine the status of the case.

**8. Responsibility.** *a.* In other than security cases, the commander or Department of the Army agency having knowledge of information or initiating action under paragraph 3*a*(2), (3), (4), (5), or (6) will establish or cause to establish the suspension of favorable personnel action, and maintain control until the case is closed or transferred to another commander under paragraph 5*c*.

*b.* In security cases, major commanders are responsible for establishing procedures for submission and control of suspension reports for all members of the US Army on whom suspension action has been initiated under AR 604-10 or under other security regulations or directives. (A loss or compromise of a classified document which requires investigation under AR 380-5 *does not* fall in this category unless activities described in paragraphs 18 and 19, AR 381-130 are involved.)

**9. Classification.** *a.* Reports submitted on other than security cases will not be classified unless defense information involved requires classification under AR 380-5. Marking FOR OFFICIAL USE ONLY under AR 340-16 is authorized if deemed necessary by control commander.

*b.* Reports submitted on security cases will be marked FOR OFFICIAL USE ONLY under AR 340-16 unless classified defense information is involved, in which case, they will be classified as required by AR 380-5.

## APPENDIX A

## DISTRIBUTION OF DA FORM 268 (Other Than Security Cases)

If member is—	Forward copy to— (Notes 1, 2 and 3)	Remarks/special instructions
Enlisted personnel (E-5 and below) who do not hold reserve appointments.	Custodian of DA Form 201... ----	File as top document in the DA Form 201. If suspension is imposed because of Article 15 punishment, no further distribution is required.
	General court-martial jurisdiction... --	Establish local procedures to insure proper reporting, control, and prompt closing of cases.
—If enlisted personnel are also subjects of CID Reports of Investigation.	Commander, US Army Intelligence Command, ATTN: ICIRR-E, Fort Holabird MD 21219.	Forward copies of initial and final reports only. In cases closed unfavorably, copy of final report will include one copy of record of punishment under Article 15, UCMJ, one copy of court-martial order, and/or one copy of separation orders.
Enlisted personnel in all pay grades who possess MOSC 00J (Open Mess NCO), or who are assigned to open messes, MOSC 96 (General Intelligence) and MOSC 97 (Special Intelligence).	HQDA (DAPC-PAP) Hoffman Bldg II Alexandria, VA 22332.	
Commissioned officers and warrant officers including those of the reserve components serving in an enlisted status and those NCOs (E-6, E-7, E-8) whose names appear in a zone of consideration or recommended list for promotion under the DA Centralized Promotion System, and those NCOs in grade E-9.	HQDA (DAPC-PAP) Hoffman Bldg II Alexandria VA 22332 (Original and 2 copies).	In cases closed unfavorably, the final report will include copies of final actions taken, to include one copy of the separation orders, two copies of court-martial orders, and original and first copy of the record of punishment imposed under Article 15, UCMJ.
	Appropriate major commander.....	
	Commander of unit to which member is assigned.	File as top document in DA Form 201.
	General court-martial authority.....	
—Army National Guard of the United States personnel not on active duty.	Chief, National Guard Bureau, Wash DC 20310.	
	State adjutant of the state in which individual's home of record is located (AR 635-5).	

See footnotes at end of table.

If member is--	Forward copy to-- (Notes 1, 2 and 3)	Remarks/special instructions
--US Army Reserve personnel not on active duty.	<p>Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St Louis MO 63132.</p> <p>Commander of appropriate area command for reservists assigned to a unit or control group.</p>	<p>If officer is released from active duty while under investigation or elimination action wherein such action will continue, suspension control will be transferred to this commander who will submit interim and final reports when due.</p>

*Notes:*

1. First interim report must be submitted not later than 60 days after date of initial report.
2. Subsequent interim report must be submitted every 60 days following first interim report, except where individual is serving a sentence or is under a suspended sentence or in a case pending appellate review, board action, or review of board action in HQDA. Subsequent interim reports for these particular cases will be submitted when there is a change in the status of the case and/or the individual concerned. The first or subsequent interim report will contain a statement in section II, DA Form 268, clearly identifying the specific type of case, anticipated date next interim or final report will be submitted, current status of case, reason for delay, and anticipated date of completion.
3. Final report will be submitted by the commander having current control of the suspension action. Reports and copies of corrective action within the meaning of paragraph 128c MCM 1969 (reprimands, admonitions and censures) which do not conform with the provisions of paragraph 2-4, AR 600-37, will not be included with final reports. Court-martial cases undergoing appellate review will not be closed until completion of such review. In cases of absentees dropped from the rolls of an organization as absent in desertion under AR 630-10, a copy of the closing DA Form 268 will be filed as the top document in the Field File Section of the member's DA Form 201, unless security classification requires other filing, in which case appropriate cross-reference will be made.



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APPENDIX B

DISTRIBUTION OF DA FORM 268 (Security Cases)

If member is--	Forward copy to-- (Notes 1, 2 and 3)	Remarks/special instructions
Any individual on whom suspension of favorable personnel action is initiated for security reasons.	<p>HQDA (DAPC-PAP) Hoffman Bldg II Alexandria, VA 22332 (Original and 2 copies).</p> <p>Commander, US Army Intelligence Command, ATTN: ICPSG-L, Fort Holabird, MD 21219.</p> <p>Commander, US Army Intelligence Command, ATTN: ICDI-SI, Fort Holabird, MD 21219.</p> <p>Commander of unit to which the member is assigned.</p> <p>Appropriate general court-martial authority.</p>	Because of the nature of a complaint-type investigation (AR 381-130), this copy will not be filed in the member's DA Form 201.
--Army National Guard of the United States personnel not on active duty.	<p>Chief, National Guard Bureau, WASH DC 20310.</p> <p>State adjutant general of the State in which individual's home of record is located (AR 635-5).</p>	
--US Army Reserve personnel not on active duty and assigned to a unit.	Commander of the appropriate area command (AR 140-1).	
--US Army Reserve officers assigned to USAR Control Group (Officer Active Duty Obligor).	Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132.	

Notes:

1. First interim report must be submitted not later than 60 days after date of initial report.
2. Subsequent interim report must be submitted every 60 days following first interim report. Current status of case, reason for delay, and expected date of completion will be shown on each interim report.
3. Final report will be submitted by the major commander having current control of the suspension action.

The proponent agency of this regulation is the US Army Military Personnel Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAPC-PAP) Hoffman Bldg II, Alexandria, VA 22332.

By Order of the Secretary of the Army:

OREIGHTON W. ABRAMS  
*General, United States Army*  
*Chief of Staff*

Official:

VERNE L. BOWERS  
*Major General, United States Army*  
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**DISTRIBUTION:**

*Active Army, NG and USAR:* To be distributed in accordance with DA Form 12-9 requirement for Personnel, General—A. (Qty Rqr Block No. 434)

