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HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 3 November 1966

PERSONNEL—GENERAL

FLAG CONTROL PROCEDURES FOR MILITARY PERSONNEL IN NATIONAL SECURITY CASES AND OTHER INVESTIGATIONS OR PROCEEDINGS

AR 600-31, 22 September 1964, is changed as follows:

✓ Page 3. Paragraph 9 is superseded as follows:

9. **Control.** Major commanders are responsible for submission and control of flagging actions instituted under this section.

Page 4. Paragraph 10a (2) and (3) are superseded as follows:

✓ (2) One copy to Chief, U.S. Army Personnel Security Group, Fort Holabird, Md. 21219.

✓ (3) One copy to CGUSAINTC, ATTN: DCSOPS, Post Office Box 398, Fort Holabird, Md. 21219.

[AGPO]

By Order of the Secretary of the Army:

L. D. K. JOHNSON,
*General, United States Army,
Chief of Staff.*

Official:

KENNETH G. WICKHAM,
*Major General, United States Army,
The Adjutant General.*

Distribution:

Active Army, NG and USAR: To be distributed in accordance with DA Form 12-9 requirements for Military Personnel Procedures, Officer and Enlisted—A.

○ *This change supersedes paragraph 2, DA message 783431, 23 September 1966.

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PERSONNEL—GENERAL

FLAG CONTROL PROCEDURES FOR MILITARY PERSONNEL IN NATIONAL SECURITY CASES AND OTHER INVESTIGATIONS OR PROCEEDINGS

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Section I. GENERAL

1. Purpose. This regulation prescribes procedures for suspending favorable personnel actions in the case of a member or prospective member of the United States Army while under investigation or implicated in matters of a derogatory nature.

2. Definitions. *a. Flagging action.* Controls initiated to suspend favorable personnel actions in the case of a member or prospective member of the United States Army.

b. Favorable personnel actions. Favorable personnel actions include but are not limited to the following:

- (1) Appointment, reappointment, enlistment, reenlistment, and induction.
- (2) Entry on active duty, active duty for training or annual active duty for training for any purpose, including recall or retired or Reserve component personnel, unless otherwise directed by Headquarters, Department of the Army.
- (3) Reassignment, except as authorized herein.

- (4) Promotion.
- (5) Awards, decorations, or commendations.
- (6) Attendance at service schools, or civilian schools or institutions under military service educational or training programs.
- (7) Unqualified resignation, discharge, or release from active duty.
- (8) Retirement.
- (9) Continuance on an Army retired list.

3. Scope. This regulation applies to all military members of the Army irrespective of component (including active, inactive, and retired) and to prospective members of the United States Army.

4. Responsibilities of commanders. Flagging actions have a serious effect on the morale, and possibly the military careers of the individuals concerned. Such action will be taken only, if after careful consideration of all the factors involved, it is determined that flagging action is necessary to protect the interests of the Government. Com-

*This regulation supersedes AR 600-31, 12 August 1959, including C 2, 20 November 1962 and DA message 952206, 20 January 1964.

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manders, therefore, will institute rigid controls to insure that—

a. Knowledge of individual flagging actions is disseminated on a need-to-know basis.

b. Individual cases are processed expeditiously and with due regard for the interests of the service and the rights of the individual.

c. Flagging action controls are promptly removed when cases are closed.

d. 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.

5. Initiation of flagging action. *a.* Immediate flagging action will be initiated in the case of—

- (1) A military or prospective military member to whom provisions of AR 604-10 apply.
- (2) A military member against whom action is initiated which may result in dismissal, discharge, courts-martial, disciplinary action, or elimination.
- (3) A military member absent without leave, under charges or restraint by civilian authorities, or against whom an investigation is initiated concerning allegations or incidents reflecting unfavorably upon his character or integrity.
- (4) An officer whose commander has recommended removal of his name from a list of officers recommended for promotion.

b. Except for reassignments authorized by paragraph 6, no favorable personnel action will be taken on flagged personnel without prior approval or direction from Headquarters, Department of the Army. Request for approval of favorable personnel actions will be forwarded to The Adjutant General, ATTN: AGPO-SEF, Department of the Army, Washington, D.C., 20315.

6. Disposition of flagged personnel. *a.* *Flagged personnel whose discharge or release from active duty is impending.* These regulations do not constitute authority to retain personnel beyond expiration of term of service. In other than courts-martial cases, and except as indicated in (4) below, requests for disposition instructions regarding flagged personnel whose discharge or release from active duty is impending will be forwarded by electrical means through major commanders to The Adjutant General, as follows:

- (1) In cases reported under section II, disposition instructions will be requested from The Adjutant General, ATTN: AGPO-SEF, at least 90 days prior to the individual's expiration of term of service. In addition, major commanders will comply with the provisions of AR 604-10.
- (2) In cases of commissioned officers and warrant officers reported under section III, disposition instructions will be requested from The Adjutant General, ATTN: AGPO-SEF, at least 60 days prior to individual's expiration of term of service.
- (3) In cases of enlisted personnel who hold appointments as commissioned officers or warrant officers in the Reserve components reported under section III, disposition instructions will be requested from The Adjutant General, ATTN: AGPO-XD, at least 60 days prior to individual's expiration of term of service.
- (4) In cases of enlisted personnel not holding appointments as commissioned officers or warrant officers in the Reserve components who are flagged under section III, the provisions of paragraph 14, AR 635-200 will apply.

b. Reassignment.

- (1) Individuals on active duty under flagging action will not be reassigned without prior approval of Headquarters, Department of the Army, except as provided in AR 604-10, AR 614-30; AR 40-3, during the term of suspension of punishment imposed under Article 15, and, when cogent reasons exist as follows:
 - (a) *Within an installation.* By installation or organization commander.
 - (b) *Within a major command.* By the major commander—enlisted personnel only.
- (2) Requests for reassignment requiring approval of Headquarters, Department of the Army, will be forwarded to The Adjutant General, ATTN: AGPO-SEF.
- (3) Upon approval of reassignment by the appropriate authority—
 - (a) The losing commander will—
 1. Notify the gaining commander by electrically transmitted message, with information copy to The Adju-

tant General, ATTN: AGPO-SEF, in cases reported to that office under section II or III. This notification will include name, grade, service number of person concerned, the authority for the reassignment, estimated time of arrival, and whether flagging control is transferred.

2. Transfer control of the flagging action and forward the report of investigation to the gaining commander, unless the reassignment is within the command and the control commander remains unchanged.

(b) The gaining commander will--

1. Assume control of the flagging action, if it is transferred to him.

2. Render reports as required by this regulation. Transfer of flagging action does not interrupt the reporting requirements. Thus, date of initiation of the case remains unchanged and interim reports will be submitted as though transfer had not taken place.

(4) In cases of flagged personnel assigned to medical holding detachments or reassigned from one to another such detachment under AR 614-60.

(a) Flag control will be transferred to the hospital commander, except in cases under section II, which will be transferred to the major commander of the area in which the hospital facilities are geographically located. The losing commander will forward the report of investigation and/or all available evi-

dence and pertinent facts to the gaining commander.

(b) The provisions of (3)(a)1 above are not applicable on initial assignment to a medical holding detachment if the individual is a patient at time of such assignment. The losing commander will, however, notify The Adjutant General, ATTN: AGPO-SEF, of the assignment and transfer of the flagging action, in cases reportable to Headquarters, Department of the Army. This notification will be by electrical message and will include name, grade, service number of person concerned, authority for the assignment, and designation of the detachment.

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

7. Reports. a. Flagging actions, including the removal of flagging actions, will be reported on DA Form 268 (Report for Suspension of Favorable Personnel Actions), except for reports required to be transmitted by electrical priority message.

b. Separate reports will be rendered on each flagging action. For example, an individual may be flagged for an incident under investigation and before close of this flag becomes involved in another incident.

c. These reports are exempt from reports control under the provisions of paragraph 39h, AR 335-15.

Section II. CONTROL OF MILITARY PERSONNEL SECURITY CASES

8. Application. This section applies to all members and prospective members of the United States Army against whom action is initiated under AR 604-10 or for whom flagging action is required under other security regulations or directives.

9. Control. Commanders of the six numbered armies in the United States, the Military District of Washington, U.S. Army, and major oversea commands function as control offices under AR

381-130 and are responsible for control and submission of flagging actions under this section.

10. Reports. Registrants and applicants whose entry into military service is held in abeyance will be reported in accordance with d below. Reports of suspension of favorable personnel actions required by AR 604-10 and this section in other cases will be made as prescribed in a, b, and c below.

a. *Initial report.* Immediately upon receipt of credible derogatory information within the pur-

view of AR 604-10, or when required by other security regulations or directives, an initial report will be transmitted by priority electrical message to The Adjutant General, ATTN: AGPO-SEF. Reference to this section and this regulation, and items 1 through 12, DA Form 268, will be included. The Chief, Industrial and Personnel Security Group, Fort Holabird, Baltimore 19, Md., will be included as an information addressee. Concurrently with above, DA Form 268 will be initiated and distributed as follows:

- (1) Original and two copies to The Adjutant General, ATTN: AGPO-SEF.
- (2) ~~One copy to Chief, Industrial and Personnel Security Group, Fort Holabird, Md.~~
- (3) ~~One copy to Commanding General, United States Army Air Defense Command; Commanding General, United States Army Combat Developments Command; or Commanding General, United States Army Materiel Command, for personnel assigned to those commands.~~
- (4) One copy to the commanding officer of the unit to which the member is assigned, if on active duty. Because of the nature of complaint-type investigation (AR 381-130) this copy will not be filed in the Field 201 File Section of the member's DA Form 201. Commanders are responsible, however, for establishment of procedures insuring control of these cases.
- (5) One copy to the appropriate general courts-martial authority.
- (6) For Army National Guard of the United States personnel not on active duty—
 - (a) One copy to the Chief, National Guard Bureau, Washington, D.C., 20310.
 - (b) One copy to the State adjutant general of the State in which individual's home of record is located. See AR 635-5.
- (7) For United States Army Reserve personnel not on active duty—
 - (a) One copy to the appropriate commanding General, United States Army Corps, for members of the Ready Reserve.
 - (b) One copy to Commanding Officer, United States Army Records Center, for members of the Retired and Stand-by Reserve.

b. *Interim reports.* Pending completion of a case, interim reports will be forwarded on DA Form 268 as follows:

- (1) *First interim report.* Not later than 60 days after date of initial report.
- (2) *Second interim report.* Not later than 120 days after date of first interim report.
- (3) *Subsequent interim reports.* Every 30th day following second interim report.

Distribution of interim reports will be the same as the first DA Form 268 report, unless it is changed because of transfer of flag control. Current status of case, reason for delay, and expected date of completion will be shown on each interim report.

c. *Final report.* The major commander having current control of the flagging action is responsible for removal of such action. Removal will be accomplished when a case is closed in accordance with AR 604-10, or other security regulation or directives. Distribution of this report will be the same as the initial report or as changed by transfer of flag control.

d. *Special reports.* Procedures indicated below apply to applicants for appointment/reappointment, or enlistment/reenlistment and registrants whose entry into service is held in abeyance for security reasons under AR 604-10.

- (1) Immediately upon determination to hold entry into service in abeyance, an initial report of such action will be submitted to The Adjutant General, ATTN: AGPO-SEF. This report will be made by priority electrical message and will include only individual's name, date, and place of birth, selective service number, former service number and grade, if applicable, and basis for action.
- (2) DA Form 268 will not be initiated unless an investigation is opened.
- (3) If a case is not closed and an investigation is not opened, an interim status report will be made by electrical message on the 60th day from date of the initial report, and every 30 days thereafter until the case is closed or an investigation is opened.
- (4) When a case is closed favorably without an investigation, an electrical priority message report will be made indicating

the individual has been determined acceptable and date of induction or other entry into service. If delay occurs between acceptance and entry into service, the report of acceptance will be followed by report of entry.

- (5) In cases wherein an investigation is opened, DA Form 268 will be submitted immediately and distributed as required by *a* above. Item 1, 2, 3, 5 (selective service or service number, or both), and

12 through 18, as applicable, will be completed. "Preinduction Case" or "Applicant Case" as appropriate, will be entered in capital letters and underscored in item 17. Subsequent reports will be submitted as required by *b* and *c* above.

11. Classification. Reports submitted under this section will be marked "FOR OFFICIAL USE ONLY" under AR 345-15, unless classified defense information is involved. In latter case, they will be classified as required by AR 380-5.

Section III. CONTROL OF OTHER THAN SECURITY CASES

12. Application. This section applies to commissioned officers and warrant officers of all components on active duty, not on active duty, in retired status, and to all enlisted persons, when suspension of favorable personnel actions is required under paragraph 5*a* (2), (3), or (4).

13. Control. The commander having knowledge of information or initiating action within the scope of paragraph 5*a* (2), (3), or (4) will establish required flagging action and maintain control until the case is closed or transferred to another commander under paragraph 6.

14. Reports. *a.* In cases of commissioned officers and warrant officers, including those of the Reserve components serving in enlisted status, flagging actions required by this section will be reported to Headquarters, Department of the Army, as prescribed in *c* below.

b. In cases of enlisted persons who do not hold appointments as commissioned officers or warrant officers in the Reserve components, flagging actions will be reported to officers exercising general courts-martial jurisdiction over the individuals. These cases will not be reported to Headquarters, Department of the Army.

- (1) In such cases involving minor violations, general courts-martial authorities may decentralize submission of these reports to commanders authorized to take final action on such violations.
- (2) General courts-martial authorities will establish local procedures to insure proper reporting and control and prompt closing of these cases.
- (3) The provisions of *c*(3)(*g*) below apply in cases of absentees dropped from the rolls of an organization as absent in desertion under AR 630-10.

- (4) DA Form 268 will be used in reporting these cases.

c. In cases indicated in *a* above, reports will be made as follows:

- (1) *Initial report.* Immediately upon initiation of action or receipt of information within the purview of paragraph 5*a* (2), (3), or (4), an initial report will be transmitted by priority electrical message to The Adjutant General, ATTN: AGPO-SEF. Reference to this section and this regulation, and items 1 through 12 and 16, DA Form 268, will be included. Concurrently with above, DA Form 268 will be initiated and distributed as follows:
 - (a) Original and two copies to The Adjutant General, ATTN: AGPO-SEF.
 - (b) One copy to the appropriate major commander.
 - (c) One copy to the commander of the unit to which the member is assigned. This copy will be filed as the top document in the Field 201 File Section of the member's DA Form 201, unless the security classification requires other filing in which case appropriate cross reference will be made.
 - (d) One copy to the appropriate general courts-martial authority.
 - (e) For Army National Guard of the United States personnel not on active duty—
 1. One copy to Chief, National Guard Bureau, Washington, D.C., 20310.
 2. One copy to the State adjutant general of the State in which individual's home of record is located. See AR 635-5.

(f) For United States Army Reserve personnel not on active duty—

1. One copy to the appropriate Commanding General, United States Army Corps, for members of the Ready Reserve.

One copy to Commanding Officer, United States Army Records Center, for members of the Retired and Standby Reserve.

(2) *Interim reports.* Pending completion of a case, interim reports will be forwarded on DA Form 268 as follows:

(a) *First interim report.* Not later than 60 days after date of initial report.

(b) *Second interim report.* Not later than 120 days after date of first interim report.

(c) *Subsequent interim reports.* Every 30th day following second interim report.

Distribution of interim reports will be the same as the first DA Form 268, unless it is changed because of transfer of flag control. Current status of case, reason for delay, and expected date of completion will be shown on each interim report.

(3) *Final report.*

(a) The commander having current control of the flagging action is responsible for removal of such action. Distribution of this report will be the same as the initial report or as changed by transfer of flag control.

(b) In cases closed unfavorably, copies of final actions taken will be forwarded to The Adjutant General, ATTN: AGPO-SEF, with the final DA Form 268 as follows:

1. One copy of separation orders, except those included in orders issued by Headquarters, Department of the Army.

2. Two copies of court-martial orders.

3. Original and 1st copy of the record of punishment imposed under Article 15, UCMJ.

(c) In commissioned officer and warrant officer cases, reports and copies of corrective action within the meaning of

paragraph 128c, MCM 1951, will not be included with final reports.

(d) Flagging action will not be removed while an individual is undergoing punishment imposed under Article 15 or sentence of courts-martial, or during the term of any suspension of punishment imposed. An individual is considered to be undergoing punishment with respect to any forfeiture or detention of pay as follows:

1. When forfeiture or detention of pay has been imposed by sentence of court-martial, until the day following the last day of the period of forfeiture or detention of pay specified in the sentence of the court as finally approved, if all other portions of the sentence have been completely executed. In computing the period of forfeiture or detention of pay, periods of unauthorized absence (computed in accordance with AR 37-104) which occur during such period will be excluded.

2. When a forfeiture or detention of pay has been imposed under Article 15—

(a) *When the forfeiture or detention is to be applied for not more than 1 month,* only during the remainder of the month in which the punishment of forfeiture or detention was imposed or in which the suspension thereof was vacated.

(b) *When the forfeiture or detention is to be applied for more than 1 month,* only during the number of months for which the forfeiture or detention is to be applied, counting as the first month the remainder of the month in which the punishment of forfeiture or detention was imposed or in which the suspension thereof was vacated, the other months following consecutively without interruption.

(e) Courts-martial cases undergoing appellate review will not be closed until completion of such review. In cases of Reserve component officers released



from active duty pending completion of appellate review, the current flagging control commander will transfer control to the Commanding General, United States Army Corps in whose area the officer's home of record is located. The new flagging control commander will submit interim and final reports when due.

(f) In cases of Reserve component officers released from active duty while under elimination action wherein such action will continue after release, such cases will not be closed until completion of the elimination action. On release from active duty of such officers, the current flagging control commander will transfer control to the Commanding General, United States Army Corps

in whose area the officer's home of record is located. The new flagging control officer will submit interim and final reports when due.

(g) 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 201 File Section of the member's DA Form 201 unless security classification requires other filing in which case appropriate cross reference will be made.

15. Classification. Reports submitted under this section will not be classified, unless defense information involved requires classification under AR 380-5. Marking under AR 345-15, "FOR OFFICIAL USE ONLY," is authorized if determined necessary by control commander.

[AGPO]

By Order of the Secretary of the Army:

HAROLD K. JOHNSON,
General, United States Army,
Chief of Staff.

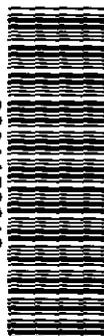
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