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ARMY REGULATION
No. 600-31

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., 27 July 1967

PERSONNEL—GENERAL

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

SECTION		Paragraph	Page
I.	GENERAL		
	Purpose.....	1	1
	Definitions.....	2	1
	Scope.....	3	1
	Responsibilities of commanders.....	4	2
	Initiation of flagging action.....	5	2
	Disposition of flagged personnel.....	6	2
	Reports.....	7	3
II.	CONTROL OF MILITARY PERSONNEL SECURITY CASES		
	Application.....	8	3
	Control.....	9	3
	Reports.....	10	3
	Classification.....	11	4
III.	CONTROL OF OTHER THAN SECURITY CASES		
	Application.....	12	4
	Control.....	13	4
	Reports.....	14	5
	Classification.....	15	7

Section I. GENERAL

1. Purpose. This regulation prescribes procedures for suspending favorable personnel actions in the case of a 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 of the United States Army.

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

- (1) Appointment, reappointment, enlistment, and reenlistment.
- (2) Entry on active duty, active duty for training, or annual active duty for training for any purpose, including recall of 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). Personnel seeking entry into the Army in any status who are not members of the Army are not included in the scope of flagging actions contained in this regulation; however, responsible officials will establish local controls to insure that any adverse information is resolved before permitting the individual to be enlisted, appointed, or inducted into the Army.

This regulation supersedes AR 600-31, 22 September 1964, including C 1, 3 November 1966 and DA message 733957, 27 September 1965.

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4. Responsibilities of commanders. Flagging actions have a serious effect on the morale and possibly the military careers of the individuals concerned. Commanders will insure that flagging action is initiated only when any of the criterion in paragraph 5 is met. Additionally, commanders will establish rigid controls within their commands 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 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 against whom an investigation is initiated concerning allegations or incidents which reflect unfavorably upon his character or integrity.
- (4) A military member under charges or restraint by civilian authorities.
- (5) A military member absent without leave.
- (6) An officer whose commander has recommended removal of his name from a list of officers recommended for promotion.
- (7) An officer whose career branch chief at Headquarters, Department of the Army 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.* This regulation does 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-SS, 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 section II, chapter 2, AR 635-200 will apply.

b. Reassignment.

- (1) Personnel on active duty or active duty for training who are under flagging action will not be reassigned without prior approval of Headquarters, Department of the Army, unless such reassignment is made
 - (*a.*) Within an installation by the installation commander; or
 - (*b.*) Of enlisted personnel within a major command by the major commander; or

- (c) As provided in AR 40-3, AR 604-10, or AR 614-30; or
 - (d) When flagging action remains in effect due to an incident for which the member is undergoing punishment imposed by a court-martial or under Article 15, UCMJ, and no restraint is imposed; or at such time as restraint portion of a sentence or punishment is terminated.
- (2) Requests for authority to reassign personnel who are under flagging action under circumstances other than as described in (1) above will be forwarded to The Adjutant General, ATTN: AGPO-SEF, together with justification for such reassignment.
- (3) Upon reassignment of an individual under flagging action, the control of the flagging action will be transferred to the gaining commander.
- (a) The losing commander will—
1. Notify the gaining commander by electrical message with information copy to The Adjutant General, ATTN: AGPO-SEF. The notification will include name, grade, and service number of individual; the authority for reassignment; and estimated time of arrival.
 2. Forward the complete flagging file and any report of investigation to the gaining commander, except when transfer does not remove individual from jurisdiction of the commander controlling the flagging action and/or investigation. In those cases where the losing commander retains control of investigation, copy of Report of Investigation and

all subsequent progress reports will be forwarded to the gaining commander. *The flagged individual will not be permitted to hand-carry the flagging file or the Report of Investigation to the gaining commander.*

- (b) The gaining commander will—
1. Assume control of the flagging action.
 2. Furnish the agencies in his chain of command copies of the flagging action (if these agencies are different from those of the losing command).
 3. 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 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 submitted 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 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. (A loss or compromise of a classified document which requires investigation under AR 380-5 would not require flagging action under this section unless activities of the type described in paragraphs 18 and 19, AR 381-

130 are involved. Instead, flagging action under section III would be appropriate.)

9. Control. Commanders having custody of the personnel records of the member concerned are responsible for the initiation, control, and closing of flagging actions under this section.

10. Reports. *a. Initial report.* Immediately upon receipt of credible derogatory information within the purview 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, U.S. Army Personnel Security Group, Fort Holabird, Md., will be included as an information addressee. Concurrently with the dispatch of the message, DA Form 268 will be completed and distributed as follows:

- (1) Original and two copies to The Adjutant General, ATTN: AGPO-SEF.
- (2) One copy to the major commander.
- (3) One copy to Chief, U.S. Army Personnel Security Group, Fort Holabird, Md. 21219.
- (4) One copy to Commanding General, U.S. Army Intelligence Command, ATTN: DCSOPS, Post Office Box 398, Fort Holabird, Md. 21219.
- (5) One copy retained by the commander of the unit to which the member is assigned. 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 (Military Personnel Records Jacket, U.S. Army). Commanders are responsible, however, for establishment of procedures insuring control of these cases.
- (6) One copy to the appropriate general courts-martial authority.
- (7) For Army National Guard of the United States personnel not on active duty one copy to—
 - (a) The Chief, National Guard Bureau, Washington, D.C. 20310.
 - (b) The State adjutant general of the State in which individual's home of record is located. See AR 635-5.

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 5a(2), (3), (4), (5), or (6).

(8) For U.S. Army Reserve personnel not on active duty, one copy to—

- (a) Commanding general of the appropriate U.S. Army Corps for reservists assigned to a unit under the jurisdiction of a U.S. Army Corps.
- (b) Commanding general of the appropriate oversea area command for reservists assigned to a unit under the jurisdiction of such command (AR 140-1).

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 regulations or directives. Distribution of this report will be the same as the initial report or as changed by transfer of flag control.

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.

13. Control. The commander having knowledge of information or initiating action within the scope of paragraph 5a(2), (3), (4), (5), or (6) will establish required flagging action and maintain control until the case is closed or transferred to another commander under the provisions of 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), (4), (5), or (6), 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 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, one copy to—
 1. Commanding Officer, U.S. Army Administration Center, ATTN: AGAC-P, 9700 Page Boulevard, St. Louis, Mo. 63132.
 2. Commanding general of the appropriate U.S. Army Corps for reservists assigned to a U.S. Army Corps.
 3. Commanding general of the appropriate oversea area command for reservists assigned to a unit or control group under the jurisdiction of such command.
- (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, except where individual is serving sentence or under suspended sentence to include punishment under Article 15, UCMJ, or in cases pending appellate review, board action, or review of board action in Headquarters, Department of the Army. Subsequent interim reports for these particular cases will be submitted when there is a change in status of case and/or individual concerned. The first, second, or a subsequent interim report will con-

tain a statement in section II, DA Form 268, clearly identifying the specific type of case and anticipated date next interim or final report will be submitted. Another interim or final report must be submitted within 10 days of this anticipated date. Distribution of interim report 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 follow-

ing 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 reviews 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 Officer, U.S. Army Administration Center, St. Louis, Mo., who will then 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



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AR 600-31

flagging control commander will transfer control to the Commanding Officer, U.S. Army Administration Center, St. Louis, Mo., who will then 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 File Sec-

[AGFO]

By Order of the Secretary of the Army:

Official:

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

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

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