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S/S 2 Apr 73

*AR 600-31

ARMY REGULATION
No. 600-31

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 29 June 1970

PERSONNEL—GENERAL

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

Effective 15 August 1970

This revision amends regulation to insure the proper routing of communications for elements of the U. S. Army Intelligence Command, adds administrative reduction as a reason for flagging action, and provides for removal of flagging action where the termination is contingent solely upon collection of forfeitures, when the individual is being transferred on permanent change of station orders, and the flagging action would expire during the period the individual is in transit to the new station. 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 The Adjutant General, ATTN: AGPO; other commands will furnish one copy of each to the next higher headquarters.

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Section I. GENERAL

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

2. Explanation of terms. *a. Flagging action.* Controls initiated to suspend favorable personnel actions in the case of a member of the U.S. 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.

*This regulation supersedes AR 600-31, 16 May 1969.

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(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.

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 criteria 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 credible 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 at Headquarters, Department of the Army has recommended removal of his name from a list of officers recommended for promotion.

(8) A noncommissioned officer whose commander has recommended removal of his name from a list of noncommissioned officers recommended for promotion under the Department of the Army Centralized Enlisted Promotion System.

(9) A military member against whom administrative reduction under the provisions of AR 600-200 has been taken.

b. Except for reassignments authorized by paragraph 6, no other favorable personnel action will be taken on flagged officer 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, DC 20314. Requests for favorable personnel action on enlisted personnel reported in accordance with *a*(8) above will be forwarded to the Chief of Personnel Operations, ATTN: EPPMS, Department of the Army, Washington, DC 20310.

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 court-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 (except that when MINIMIZE is imposed, airmail will be used) 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 the 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 overseas command by the major commander; or

(c) As provided in AR 40-3, AR 604-10, or AR 614-30.

(2) Requests for authority to reassign officers who are under flagging action under circumstances other than described in (1) above will be forwarded together with justification for such reassignment to the Chief of Personnel Operations, ATTN: OPD—(Career Branch or Colonel's Division) as appropriate, with the following exceptions—

(a) Army Medical Department—The Surgeon General, ATTN: MEDPT-S, Department of the Army, Washington, DC 20314.

(b) Chaplains—Chief of Chaplains, ATTN: CHPE, Department of the Army, Washington, DC 20315.

(c) Judge Advocate General's Corps—The Judge Advocate General, ATTN: JAGC, Department of the Army, Washington, DC 20310.

(3) Requests for authority to reassign enlisted personnel who are under flagging action under circumstances other than described in (1)

above will be forwarded together with justification for such reassignment to the Chief of Personnel Operations as follows:

(a) In grades E-7, E-8, E-9 and all grades of personnel identified as Special Category, Intelligence, Enlisted Aides, and NCO Logistics Personnel should be forwarded to Chief of Personnel Operations, ATTN: EPADS, Department of the Army, Washington, DC 20310

(b) In grades E-1 through E-6 should be forwarded to Chief of Personnel Operations, ATTN: EPADR, Department of the Army, Washington, DC 20310.

c. Transfer of flagging action.

(1) Upon reassignment of an individual under flagging action, the control of the flagging action will be transferred to the gaining commander, except as provided in paragraph 15c.

(2) The losing commander will—

(a) Notify the gaining commander by electrical message (except that where MINIMIZE is imposed, airmail will be used). Information copy will be forwarded to The Adjutant General, ATTN: AGPO-SEF, only in those cases involving officers, warrant officers and those enlisted personnel who have Reserve commissions or who are flagged for security reasons. The notification will include name, grade, and SSAN of individual; the authority for reassignment; and estimated time of arrival.

(b) 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.*

(3) The gaining commander will—

(a) Assume control of the flagging action.

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

(c) Submit reports as required by this regulation. Transfer of flagging action does not inter-

rupt 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 case 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 (except that where MINIMIZE is imposed, airmail will be used). When report is submitted by message, followup by DA Form 268 is required.

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 7-2*h*, AR 335-15.

Section II. CONTROL OF MILITARY PERSONNEL SECURITY CASES

8. Application. This section applies to all members of the U.S. 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 sec III would be appropriate.)

9. Control. Major commanders are responsible for submission and control of flagging actions instituted 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 (except that where MINIMIZE is imposed, airmail will be used) 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 Commanding General, U.S. Army Intelligence Command, ATTN: ICPSG-L, Fort Holabird, MD 21219 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 Chief of Personnel Operations, ATTN: EPPMS, Department of the Army, Washington, DC 20310, in those cases in-

volving noncommissioned officers whose names appear in a zone of consideration or recommended list for promotion under Department of the Army Centralized Enlisted Promotion Program.

(3) One copy to Commanding General, U.S. Army Intelligence Command, ATTN: ICPSG-L, Fort Holabird, MD 21219.

(4) One copy to Commanding General, U.S. Army Intelligence Command, ATTN: ICDI-SI, Fort Holabird, MD 21219.

(5) One copy to 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). Major 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*) Chief, National Guard Bureau, Washington, DC 20310.

(*b*) The State adjutant general of the State in which individual's home of record is located. See AR 635-5.

(8) For U.S. Army Reserve personnel not on active duty and assigned to a unit, one copy to the commander of the appropriate area command (AR 140-1).

(9) For USAR officers assigned to USAR Control Group (Officer Active Duty Obligor) Fort Benjamin Harrison, IN 46249, one copy to

the Commanding Officer, U.S. Army Reserve Components Personnel Center, ATTN: RCPO, Fort Benjamin Harrison, IN 46249.

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 340-16 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, warrant officers, and enlisted persons of all components on active duty, not on active duty, and in retired status, when suspension of favorable personnel actions is required under paragraph 5a (2), (3), (4), (5), (6), (7), or (8).

13. Control. The commander having knowledge of information or initiating action within the scope of paragraph 5a (2), (3), (4), (5), (6), (7), or (8), 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.* Cases of enlisted persons who do not hold appointments as commissioned officers or warrant officers in the Reserve will not be reported to Headquarters, Department of the Army except as provided in *b* below. Flagging actions for these persons required by this section will be reported on DA Form 268 and distributed as follows:

(1) One copy to commander of the unit to which the member is assigned or attached.

(2) One 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.

(3) One copy to each intermediate commander up to and including the general court-martial jurisdiction. The general court-martial authorities will establish local procedures to insure proper reporting and control and prompt closing of these cases, and in cases involving minor viola-

tions, may decentralize submission of these reports to commanders authorized to take final action on such violations.

(4) In cases of enlisted personnel who are subjects of CID Reports of Investigation, one copy of the initial and final reports will be forwarded to the Commanding General, U.S. Army Intelligence Command, ATTN: ICIRR-E, Fort Holabird, MD 21219. In cases closed unfavorably, final reports of action will include one copy of the record of punishment under Article 15, UCMJ, one copy of court-martial orders, and/or one copy of separation orders.

(5) The provisions of *e* below apply in cases of absentees dropped from the rolls of an organization as absent in desertion under AR 630-10.

b. In cases of commissioned officers and warrant officers, including those of the Reserve components serving in enlisted status and those noncommissioned officers whose names appear in a zone of consideration or recommended list for promotion under the Department of the Army Centralized Enlisted Promotion System, flagging actions required by this section will be reported as follows:

(1) *Initial report.* Immediately upon initiation of action or receipt of information within the purview of paragraph 5a(2), (3), (4), (5), (6), or (7), an initial report will be transmitted by priority electrical message (except that where MINIMIZE is imposed, airmail will be used) to The Adjutant General, ATTN: AGPO-SEF. For personnel within the purview of paragraph

5a(8) an initial report will be transmitted by priority electrical message (except that where MINIMIZE is imposed, airmail will be used) to the Chief of Personnel Operations, ATTN: EPPMS, Department of the Army, Washington, DC 20310. Reference to this section and this regulation and items 1 through 12 and 16, DA Form 268, will be included. The Commanding General, U.S. Army Intelligence Command, ATTN: ICPSG-L, Fort Holabird, MD 21219, will be included as an information addressee. 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, except for those in (b) below.

(b) One copy to the Chief of Personnel Operations, ATTN: EPPMS, Department of the Army, Washington, DC 20310, in those cases involving noncommissioned officers whose names appear in a zone of consideration or recommended list for promotion under the Department of the Army Centralized Enlisted Promotion System.

(c) One copy to the appropriate major commander.

(d) 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.

(e) One copy to the appropriate general court-martial authority.

(f) One copy to Commanding General, U.S. Army Intelligence Command, ATTN: ICPSG-L, Fort Holabird, MD 21219.

(g) For Army National Guard of the United States personnel not on active duty, one copy to Chief, National Guard Bureau, Washington, DC 20310, and one copy to the State adjutant general of the State in which individual's home of record is located. See AR 635-5.

(h) For U.S. Army Reserve personnel not on active duty, one copy to Commanding Officer, U.S. Army Administration Center, 9700 Page Boulevard, St. Louis, MO 63132, and one copy to commanding general of the appropriate area command for reservists assigned to a unit or control group under jurisdiction of the area commander.

(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 contain 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) For individuals who are subjects of criminal investigations, one copy to Commanding General, U.S. Army Intelligence Command, ATTN: ICIRR-E, Fort Holabird, MD 21219 (final report only). In cases closed unfavorably, final report of action will include one copy of the record of punishment under Article 15, UCMJ, one copy of court-martial orders, and/or one copy of separation orders.

(c) 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: One copy of separation orders, except those included in orders issued by Headquarters, Department of the Army; two copies of court-martial orders; and original and



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

(d) In commissioned officer and warrant officer cases, reports and copies of corrective action within the meaning of paragraph 128c, MCM 1968, will not be included with final reports.

c. 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, 9700 Page Boulevard, St. Louis, MO 63132, who will then submit interim and final reports when due.

d. 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 Officer, U.S. Army Administration Center, 9700 Page Boulevard, St. Louis, MO 63132, who will then submit interim and final reports when due.

e. 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.

15. Removal of flagging action. a. Flagging action will be removed when the individual is undergoing punishment under Article 15 or during a suspension of such punishment imposed, when the commander has indicated that the nonjudicial punishment will be administered in a manner that will preclude its consideration in a possible promotion or other favorable action (see AR 27-10). Except as indicated above, flagging action will not be removed while an individual is undergoing punishment imposed under Article 15, UCMJ, 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 Department of Defense Pay and Allowance Entitlements Manual (DODPM)) 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.

b. Commanders may remove flagging actions initiated under the provisions of paragraph 5a(4) after disposition by civil authorities, if the member is not in confinement.

c. In cases where the termination of a flag is contingent solely upon collection of forfeitures imposed by a court-martial or Article 15, UCMJ, losing commanders may remove the flag when the individual is being transferred on permanent change of station orders and the flagging action would expire during the period the individual is en route to the new station.

16. Classification. Reports submitted under this section will not be classified, unless defense information involved requires classification under AR 380-5. Marking under AR 340-16 "FOR OFFICIAL USE ONLY," is authorized if determined necessary by control commander.

The proponent agency of this regulation is The Adjutant General's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) to The Adjutant General, ATTN: AGPO, Department of the Army, Washington, DC 20314.

By Order of the Secretary of the Army:

Official:

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

W. C. WESTMORELAND,
*General, United States Army,
Chief of Staff.*

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