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ARMY REGULATION

No. 601-114

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 1 October 1971

**PERSONNEL PROCUREMENT
THE JUDGE ADVOCATE GENERAL'S EXCESS LEAVE PROGRAM**

Effective 15 November 1971

This revision establishes a requirement for USAR officers to be in, or willing to accept, voluntary-indefinite status before entering the Excess Leave Program; places the responsibility for forwarding LSAT scores to OTJAG on the applicant; requires that the LSAT be taken prior to the time the selection board meets to select excess leave applicants; amends service agreements to provide to specify that time spent in on-the-job training is included in computing a "year of excess leave"; separates the service agreement for Distinguished Military Graduates from that of active duty officers; establishes a deadline for the submission of applications; clarifies administrative responsibilities for pay and personnel actions regarding excess leave officers; and specifically excludes time spent in judicial clerkships following graduation from consideration as satisfying service obligations incurred as a result of the Excess Leave Program or otherwise. Local supplementation of this regulation is prohibited, except upon approval of the Office of The Judge Advocate General.

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1. Purpose. This program permits a limited number of commissioned officers, both RA and USAR, and distinguished military graduates of ROTC to enter on excess leave (without pay and allowances) for approximately 3½ years, with detail to JAGC, for the purpose of obtaining a legal education with a view toward appointment in the Judge Advocate General's Corps, Regular Army, upon attainment of a law degree and admission to the bar.

2. Eligibility requirements. *a.* Active duty Army commissioned officers should—

(1) Have graduated from an accredited college or university with a baccalaureate degree or equivalent.

(2) Have not more than 7 years' active commissioned Federal service as of the beginning of the academic year for which application is made.

The maximum years of service may be exceeded by one year if the applicant has completed one year of study at a law school approved by the American Bar Association.

(3) Not be serving in a grade higher than captain as of the beginning of the academic year for which application is made.

(4) Have completed at least 2 years of service after graduation if a graduate of the United States Military Academy.

(5) If a USAR officer, be serving in a voluntary indefinite status or be willing to accept voluntary indefinite status.

b. Distinguished military students must meet the eligibility requirements set forth in AR 601-107 and should have attained an academic standing in the upper half of their class.

*This regulation supersedes AR 601-114, 17 December 1970

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3. Legal aptitude test. All applicants must take a law school admission test. The Law School Admission Test, prepared and administered by the Educational Testing Service, Box 944, Princeton, NJ 08540, has been selected for this purpose. It is the responsibility of each officer and distinguished military student who applies for this program to take the test. Arrangements for taking the test will be made by applicant with the Testing Service. An information bulletin may be obtained from the Testing Service explaining the examination and procedures in detail, including the test locations and dates the test may be taken. The test will be taken at the applicant's expense, without cost to the Government. Each applicant will forward a copy of his test score to HQDA (DAJA-PT) Washington, DC 20310. Results must be available to the selection board convened on or about 1 February each year at the Office of The Judge Advocate General.

4. Procedure. *a.* Active duty commissioned officers desiring consideration under this program will initiate a request for excess leave with detail to JAGC, in accordance with this regulation and AR 614-100. Application will be submitted on DA Form 2496 (Disposition Form), through command channels (with a carbon or Xerox copy forwarded directly to HQDA (DAJA-PT) Washington, DC 20310) to the Chief of Personnel Operations, ATTN: (appropriate career branch), Department of the Army, Washington, DC 20315, with the following:

(1) Transcript of the record of all education obtained at college level or higher. Such transcript, if possible, should show the class standing of the applicant.

(2) Statement as to legal study completed and legal experience, in both civilian and military life.

(3) If on oversea service, date of expected return to the United States.

(4) Reason for requesting detail.

(5) Statement listing the law schools to which application has been made. (Application should not be delayed awaiting final acceptance by a law school.)

(6) Two recent photographs, head and shoulders type, 3 x 5 inches, with name and social security number on the reverse.

(7) Law School Admission Test score if available or date that Law School Admission Test

will be taken. (Application should not be delayed awaiting results.)

(8) A statement as follows:

In consideration of being allowed to complete my legal education, I agree that, upon its successful completion, I will make due and reasonable application for admission to practice before the highest court of a State or a District Court of the United States. I further agree, upon graduation from law school and admission to practice, to accept an appointment in the Judge Advocate General's Corps, Regular Army, if tendered. I further agree to serve on active duty for a period of at least three years, plus an additional six months for each year of excess leave (to include duty time performing on-the-job training), or major portion thereof. I understand that any service obligation incurred as a result of participating in the excess leave program does not begin to run until the date I am admitted to practice before the highest court of a State or a District Court of the United States or, in the case of termination from the excess leave program prior to admission to practice, the date my participation is terminated. I understand that my excess leave status will be terminated if I am unable to enter law school or if I fail to maintain acceptable grades or abandon the study of law, and that in any event periods spent in an excess leave status are not considered in the satisfaction of any service obligation I have by reason of my initial Army appointment. I also understand that should my detail to the Judge Advocate General's Corps as a participant in the program be terminated for any reason (including but not limited to voluntary withdrawal and termination by the Judge Advocate General for the convenience of the Government) prior to my reappointment in the Judge Advocate General's Corps, Regular Army, I will incur an additional service obligation in my basic branch of not less than two years, plus an additional six months for each year of excess leave or major portion thereof.

(9) The OPD Career Branch, in turn, will refer the application, with appropriate comments, to HQDA (DAJA-PT) Washington, DC 20310 recommending approval or disapproval.

b. Distinguished military students will submit their application for appointment in the Regular Army (DA Form 61) in accordance with AR 601-107 and will submit the following information:

(1) A request for excess leave under the provisions of this regulation.

(2) Information as set forth in *a* (1), (2), (4), (5), (6), and (7) above.

(3) A service agreement as follows. This statement will be submitted in lieu of that required by paragraph 15b, AR 601-107.

In consideration of being allowed to complete my legal education, I agree that, upon its successful completion, I will make due and reasonable application for admission to practice before the highest court of a State or a District Court of the United States. I further agree, upon graduation from law school and admission to practice, to accept an appointment in the Judge Advocate General's Corps, Regular Army, if tendered. I further agree to serve on active duty for a period of at least three years, plus an additional six months for each year of excess leave (to include duty time performing on-the-job training) or major portion thereof. I understand that any service obligation incurred as a result of participating in the excess leave program does not begin to run until the date I am admitted to practice before the highest court of a State or a District Court of the United States or, in the case of termination from the excess leave program prior to admission to practice, the date my participation is terminated. I understand that my excess leave status will be terminated if I am unable to enter law school or if I fail to maintain acceptable grades or abandon the study of law, and that in any event periods spent in an excess leave status are not considered in the satisfaction of any service obligation I have by reason of my initial Army appointment.

c. Completed applications should be received at the office of The Judge Advocate General by 1 January each year to be processed for submission to the selection board which will convene on or about 1 February each year. Applications received after the board has adjourned will not be considered.

5. Appointment of distinguished military graduates in Regular Army. Distinguished military graduates accepted under this program will be appointed in one of the basic branches of the Regular Army, with detail to JAGC, upon attainment of a baccalaureate degree and designation as a distinguished military graduate, if appropriate, and will be carried in an excess leave status except when performing on-the-job training as indicated in paragraph 6a. The excess leave program is separate from the JAGC-DMG program announced in AR 601-107 which remains in effect.

6. Assignments. a. Assignments during the period officer is attending law school and while awaiting appointment in the Judge Advocate General's Corps, Regular Army, will be as directed by Headquarters, Department of the Army. Officers will attend law school on a nonaccelerated and nondecelerated basis, unless an exception is made by The Judge Advocate General in an individual case, and will perform on-the-job training (OJT) with JAGC activities when school is not in session. This

training is mandatory during the summer vacation period and is authorized for periods as short as 7 days when law school is not in session. All participants will, at the termination of each OJT period, notify HQDA (DAJA-PT) Washington, DC 20310, in writing, of the exact duration of the period of training. On-the-job training is not considered in satisfaction of any service obligation incurred as a result of participation in the excess leave program, or incurred by reason of an officer's initial Army appointment.

b. Officers will be assigned to the Student Detachment of a major command headquarters with station at an Army installation within that command which is as near as possible to the law school of attendance. All assignment orders will state specifically the purpose of the assignment.

c. The Veterans Administration has ruled that excess leave officers who have served on active duty for a period of more than 2 years are qualified for educational benefits. Participants in the program must apply separately for this tuition assistance. Time spent in the excess leave program does not satisfy the 2-year eligibility requirement.

7. Action by major commanders. a. All major commanders are responsible for the implementation of this program.

b. Upon receipt of notification from Headquarters, Department of the Army, that applicant has been tentatively selected for appointment in the Judge Advocate General's Corps, Regular Army, and has been granted excess leave to attend law school, the major commander having jurisdiction over the applicant will—

(1) Tender Regular Army appointment to distinguished military graduates in basic branch.

(2) Issue assignment orders as directed by Headquarters, Department of the Army.

c. The files of applicants for whom jurisdiction is transferred will be referred expeditiously by the losing major commander to the gaining major commander. Letter of transmittal will contain a summary of processing actions completed and any instructions from Headquarters, Department of the Army, as to further processing of applicant.

d. A copy of each order will be furnished to HQDA (DAJA-PT) Washington, DC 20310.

8. Transcript report. After each semester of each academic year, it is the responsibility of each officer in the program to forward a report reflecting the

grades received in each course directly to HQDA (DAJA-PT) Washington, DC 20310. At the end of each academic year, each officer must obtain and forward to HQDA (DAJA-PT) Washington, DC 20310 an official school report reflecting the grades received for the entire academic year. The report will be dispatched at the earliest possible date. Upon graduation, a consolidated transcript of all law school work, with notation on same of the law degree conferred, will also be forwarded without delay. Such transcript should show the class standing of the student.

9. Maintenance of records. Until his excess leave is terminated, the officer's 201 file and finance packet will be maintained by the CONUS Army student detachment to which he is assigned. Each officer's medical and dental records will be maintained by the appropriate staff agency at the OJT site during periods of training. The officer will retain these latter records during periods when he is attending law school.

10. Appointment in the Judge Advocate General's Corps, Regular Army. Final appointment in the Judge Advocate General's Corps will be made after the officer graduates from law school and becomes a member of the bar. Until such appointment, an officer will remain assigned to the basic branch in which originally appointed but will remain detailed to JAGC until appointment in JAGC, RA, is effected or until detail is terminated by proper authority. An officer who holds a Regular Army appointment in a basic branch of the Regular Army in the grade of first lieutenant or higher will be appointed in the same grade in the Judge Advocate General's Corps, Regular Army, and credited for purposes of determining position on the promotion list, seniority, and eligibility for promotion, with the service with which he was credited for such purposes on the day preceding the day of his appointment in the Judge

Advocate General's Corps, Regular Army. An officer serving in the grade of second lieutenant, Regular Army, in a basic branch will be appointed in the grade of first lieutenant, Judge Advocate General's Corps, Regular Army, and credited for the purpose of determining his position on the promotion list, seniority, and eligibility for promotion with his active commissioned service in the Army performed after 6 December 1941, after becoming 21 years of age prior to his appointment in the Judge Advocate General's Corps, Regular Army, plus such additional service authorized by title 10, United States Code, section 3287(a)(2)(A), as is necessary to credit him with a total of 3 years' promotion list service on the day of his appointment in the Judge Advocate General's Corps, Regular Army.

11. Special assignments. On rare occasions officers may be detailed by Department of the Army to special assignments under title 10, United States Code, sections 3012c and 4301. Periods spent in such assignments following graduation from law school will not be considered in satisfaction of any service obligation incurred as a result of participation in the excess leave program, or incurred by reason of an officer's initial Army appointment. In such cases, satisfaction of the service obligation contained in paragraph 4a(8) or 4b(3) of this regulation shall not begin until the officer is available for assignment to normal judge advocate duties, prior admission to practice notwithstanding.

12. Direct communication. Officers who contemplate applying for this program and those hereafter selected are authorized to correspond informally and directly with HQDA (DAJA-PT) Washington, DC 20310 at any time.

13. Publicity. The provisions of this regulation will be given the widest possible publicity among ROTC students and active duty Army officers.

The proponent agency of this regulation is the Office of the Judge Advocate General. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications) direct to HQDA (DAJA-PT) Washington, DC 20310.

By Order of the Secretary of the Army:

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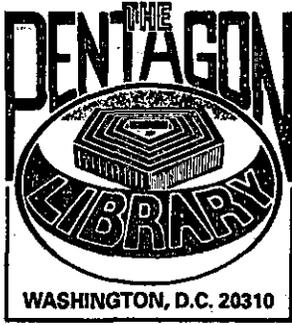
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