



SECRETARY OF THE ARMY
WASHINGTON

10 SEP 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2021-29 (Reduction in Grade for Enlisted Soldiers Pending Administrative Discharge for Misconduct)

1. References.

- a. Army Regulation (AR) 135–178 (Enlisted Administrative Separations), 7 November 2017
- b. AR 140–10 (Assignments, Attachments, Details, and Transfers), 25 April 2018
- c. AR 600–8–19 (Enlisted Promotions and Reductions), 16 May 2019
- d. AR 635–200 (Active Duty Enlisted Administrative Separations), 19 December 2016

2. Purpose. This directive announces a change in policy whereby the Secretary of the Army (SECARMY) or other designee, as approved in writing, can reduce the grade of an enlisted Soldier who has completed 20 or more years of Federal service creditable toward retirement, and is pending administrative separation for misconduct, before approval of the Soldier's retirement.

3. Applicability. This directive applies to enlisted Soldiers of the Regular Army, Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS), and United States Army Reserve (USAR), as specified in paragraphs 4b and 4c. Nothing in this directive will be construed to limit the authority of commanders to enforce standards and maintain good order and discipline by means of all applicable provisions of the Uniform Code of Military Justice.

4. Policy. Effective immediately, an enlisted Soldier who has completed 20 or more years of Federal service creditable toward retirement, and who is pending an administrative separation for misconduct, may be reduced in grade before SECARMY (or SECARMY's designee) approval of the Soldier's retirement under chapter 12 of AR 635–200 or transfer to the Retired Reserve under AR 140–10. The reduction may be either voluntary or involuntary and may be a reduction to any grade equal to or higher than the grade that the SECARMY (or SECARMY's designee) determines is the highest grade in which the Soldier has served satisfactorily. The reduction by the SECARMY (or SECARMY's designee) is final and may not be appealed. This reduction

SUBJECT: Army Directive 2021-29 (Reduction in Grade for Enlisted Soldiers Pending Administrative Discharge for Misconduct)

is considered an administrative action for the purposes of Title 10, U.S. Code, section 1407.

a. **Definition of Misconduct.** Soldiers are expected to maintain and uphold the highest standards throughout their career. Misconduct is detrimental to good order and discipline in the Army and will not be tolerated at any point in a Soldier's career. For the purposes of this directive, misconduct is defined as any offense for which a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial. A pending administrative separation for misconduct is one initiated under AR 635–200, chapter 14, or AR 135–178, chapter 11; or under the Secretarial plenary authority in AR 635–200 or AR 135–178 when the underlying basis for separation is misconduct.

b. **Voluntary Request To Be Reduced.** This paragraph applies to Regular Army, USAR, and ARNG/ARNGUS enlisted Soldiers who have completed 20 or more years of active Federal service creditable toward retirement and who are pending a decision by the SECARMY (or SECARMY's designee) on their administrative separation action for misconduct. Such Soldiers who elect to apply for retirement under AR 635–200, chapter 12, may also elect to submit a written request to the SECARMY to be allowed to retire, but at a lower grade.

(1) The rank reduction request and the separate request for retirement will be submitted through at least the first general officer in the chain of command to the Commander, U.S. Army Human Resources Command, via email, for forwarding to the proper authority:

(a) addressee: Commander, U.S. Army Human Resources Command (AHRC–EPF–M), 1600 Spearhead Division Avenue, Fort Knox, KY 40122-5204

(b) email: usarmy.knox.hrc.mbx.epmd-retirement-separations@mail.mil

(2) The Soldier's signed request for reduction in grade will state—

(a) "I have been counseled on this request and make it voluntarily."

(b) "I understand my rights and request to be retired at a lower grade."

(c) "The SECARMY or SECARMY's approved designee may retire me at the grade of [specify the minimum grade requested at retirement] or higher."

SUBJECT: Army Directive 2021-29 (Reduction in Grade for Enlisted Soldiers Pending Administrative Discharge for Misconduct)

(d) “I understand that the SECARMY or SECARMY’s approved designee may disapprove the request and retire me at a lower grade than the one requested.” (Such action may be taken pursuant to paragraph 4c of this directive.)

(e) “I understand the adverse nature of the grade reduction and the possible consequences on my retirement.”

c. Involuntary Reduction.

(1) This paragraph applies to Regular Army, USAR, and ARNG/ARNGUS enlisted Soldiers who are pending a decision by the SECARMY (or SECARMY’s designee) on their administrative separation action for misconduct and who have completed 20 or more years of active Federal service creditable toward retirement, but have not requested to be retired at a lower grade or whose voluntary request to be retired at a lower grade (pursuant to paragraph 4b of this directive) is disapproved.

(2) This paragraph also applies to USAR and ARNG/ARNGUS enlisted Soldiers who have completed 20 or more years of qualified service creditable toward a non-regular retirement and are pending administrative separation where the separation authority recommends a reduction in rank. With the exception of administrative separation actions initiated under the Secretarial plenary authority, the SECARMY (or SECARMY’s designee) will act only on the rank reduction determination. The separation authority in these cases remains the same. Separation authorities may forward recommendations for reduction in rank through the Chief of Army Reserve (CAR) (for USAR Troop Program Unit Soldiers); Director, Army National Guard (for ARNG unit Soldiers); or Commander, U.S. Army Human Resources Command (for USAR non-unit Soldiers). Recommendations not favorably considered by the CAR; Director, Army National Guard; or Commander, U.S. Army Human Resources Command may be returned without action to separation authorities. All others will be forwarded with a recommendation for processing by the Army Deputy Chief of Staff (DCS), G-1 (DAPE-MPE-IP), 300 Army Pentagon, Washington, DC 20310-0300.

(3) Any Soldier described in paragraph 4c of this directive who elects to apply for retirement under AR 635–200, chapter 12, or to transfer to the Retired Reserve under AR 140–10, may be involuntarily reduced in grade by the SECARMY (or SECARMY’s designee) before approval of the Soldier’s retirement request or request to transfer to the Retired Reserve. Before an involuntary grade reduction, the Soldier will have an opportunity to respond to written notice of the proposed reduction, which will include all of the following information:

(a) the allegation(s) on which the proposed reduction in grade is based

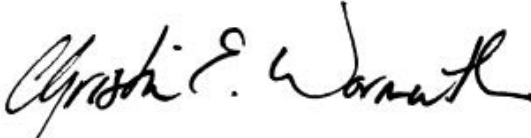
SUBJECT: Army Directive 2021-29 (Reduction in Grade for Enlisted Soldiers Pending Administrative Discharge for Misconduct)

- (b) the impact of such a reduction on continued military service
 - (c) notification that the SECARMY (or SECARMY's designee) has determined that the Soldier has committed misconduct in the current and/or lower grade(s)
 - (d) notification that the proposed action could result in the Soldier being reduced to any grade equal to or higher than the last grade satisfactorily served
 - (e) notification that the Soldier has the right to request military counsel within a reasonable time
 - (f) notification that the Soldier has the right to consult with civilian counsel at the Soldier's own expense, within a reasonable time
 - (g) notification that the Soldier has the right to submit matters to refute the allegations or matters in extenuation or mitigation
- (4) The Soldier will be afforded the following rights:
- (a) the right to consult with military counsel within a reasonable time
 - (b) the right to consult with civilian counsel at the Soldier's own expense, within a reasonable time
 - (c) the right to submit matters to refute the allegations or matters in extenuation or mitigation
- (5) Soldiers serving on active duty pursuant to Title 10, United States Code, will be given no fewer than 10 duty days to respond. All other Soldiers will be given no fewer than 30 calendar days to respond.

5. Proponent. The DCS, G-1 is the proponent for this policy and, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), will publish appropriate implementing instructions as soon as possible. This directive and its implementing instructions take precedence over and cancel any conflicting guidance. The DCS, G-1 will coordinate with the proponents of the listed references to ensure the provisions of this directive are incorporated into all regulations within 2 years of the date of this directive.

SUBJECT: Army Directive 2021-29 (Reduction in Grade for Enlisted Soldiers Pending Administrative Discharge for Misconduct)

6. Duration. This directive is rescinded on publication of the revised regulations.



Christine E. Wormuth

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