



SECRETARY OF THE ARMY
WASHINGTON

30 JUL 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2018-12 (New Policy Regarding Waivers for Appointment and Enlistment Applicants)

1. References. A list of references and the Department of Defense (DoD) Instruction (DoDI) 6130.03 definition of a medical waiver are in enclosure 1.
2. Purpose. This directive provides new guidance on waivers for appointment and enlistment. In addition, this directive supersedes provisions in Army regulations and previous Army G-1 waiver guidance, which control medical and misconduct waiver authorities for applicants requesting enlistment, reenlistment, appointment, or accession.
3. Medical Waivers. Any applicant who does not meet the physical and medical accession, enlistment, and reenlistment standards for the conditions or diagnoses in paragraphs 3a or 3b may be considered for a waiver. Unless otherwise stated in this document, the medical waiver authority for the conditions identified is the Deputy Chief of Staff, G-1 Director of Military Personnel Management (DMPM). Any waivers submitted for these identified medical conditions will come through the appropriate service medical waiver review authority (SMWRA), who will provide a recommendation, to the DMPM for decision. Guidance to the SMWRA is in paragraph 6. The standard for approval of a medical waiver will be a determination that appointment, enlistment, reenlistment, or induction is in the best interests of the Army based on a holistic review of the applicant's potential for service.
 - a. Psychiatric and Behavioral Health Conditions. Any applicant with a verified current diagnosis or history of any of the following disorders: mood disorders; personality disorder; disorders with psychotic features; drug or alcohol abuse or dependence; drug overdose; or any suicide attempt, or suicide gesture or ideation (except in instances that involve self-mutilation and meet the criteria of paragraph 6c) is disqualified unless a waiver is approved. Applicants who were previously denied accession to any branch of the military for behavioral health conditions also are disqualified unless a waiver is approved.
 - b. Applicants With a Previous Medical Separation or Discharge. Any applicant who was separated or discharged from any component of the Armed Forces for any medical reason, with or without disability requires a waiver before enlistment, appointment, or induction.

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4. Conduct Waivers. A conduct waiver is required when the final finding of a court or of another adjudicating authority is a conviction or other adverse adjudication of any of the following: one major misconduct offense, two misconduct offenses, or a pattern of misconduct. Army policy with respect to all conduct waivers not referenced in this directive remains unchanged. For all waiver requests, the applicant must display sufficient mitigating circumstances that clearly justify approving the waiver.

a. Waiver authorities and consideration for misconduct offenses identified in enclosures 2 and 3 are withheld to “the Recruiting Battalion Commander or State Adjutant General for the Army National Guard (ARNG), unless otherwise noted in this directive. Any single misconduct offense listed in enclosure 3 that results in a court sentence of a fine of \$500 or more or any confinement will be withheld to the DMPM.

b. The waiver authority for any single offense identified in enclosure 4 is withheld to the DMPM. This includes a positive drug or alcohol test at the Military Entrance Processing Station (MEPS). Any other drug-related incident not involving a medical diagnosis will be treated as misconduct in accordance with this paragraph.

c. Any applicant with a State or Federal conviction, or a finding of guilty in a juvenile adjudication, for a felony crime of rape, sexual abuse, sexual assault, incest, any other sexual offense, or when the disposition requires the person to register as a sex offender, will not be considered for a waiver. Any applicant with a conviction qualifying under sections 922(d)(9) and 922(g)(9) of Title 18, United States Code, will not be granted a waiver for entrance into military service.

d. Applicants with prior military service who were separated or discharged from any branch of military service for conduct identified as misconduct in the enclosures, require an enlistment, appointment, or induction waiver from the DMPM. Requests will be submitted through the appropriate waiver authority identified in Army Regulation (AR) 135-100, paragraph 1-8; AR 601-100, paragraph 1-13; and AR 601-210, paragraph 4-7, who will provide a recommendation on approval or disapproval to the DMPM.

5. Education and Trainability for Applicants Requiring Waivers. All applicants considered for appointment, enlistment, or induction in the Regular Army (RA), ARNG, and U.S. Army Reserve (USAR) who require waivers for conditions set forth in paragraph 3, or conduct listed in enclosures 3 and 4, must still meet the education standards in AR 601-100, paragraph 1-10 and AR 601-210, paragraph 2-7. These applicants must also meet the trainability standard in AR 601-210, paragraph 2-8. As an exception to AR 601-210, paragraph 2-8, these applicants must achieve a test score category of I-III A (TSC I-III A).

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6. Guidance to Medical Waiver Review Authorities

a. All applicants considered for appointment, enlistment, or induction in the RA, ARNG, and USAR must meet the five standards in DoDI 6130.03, paragraphs 1.2.c.(1)–(5). Disqualifying conditions listed in section 5 of the DoDI do not meet medical standards by virtue of a current diagnosis or for which the applicant has a verified past medical history.

b. For conditions in DoDI 6130.03, paragraph 5.28 not identified in paragraph 3, the SMWRA may grant an accessions waiver if the SMWRA determines the disqualifying condition identified by the DoD Medical Examination Review Board or the MEPS Chief Medical Officer is not supported by available medical evidence, does not represent current or active diagnoses, and meets accession standards.

c. Pursuant to DoDI 6130.03, paragraph 5.28n, a history of self-mutilation does not meet medical standards. A waiver is authorized only when the suspected disqualifying condition is not supported by available medical evidence, does not represent current or active diagnoses, and meets accession standards. SMWRAs are authorized to approve these waivers if the applicant meets all the following criteria because the applicant will be deemed to have no current active diagnosis:

(1) A single episode before age 14 years and no incident within the 5 years before application.

(2) No evidence of any disqualifying behavioral health condition on psychiatric evaluation (ordered by the MEPS Chief Medical Officer).

(3) Evidence of adequate coping with stressful situations.

7. Inspector General Review. The Inspector General will annually review waivers granted to any enlistment or appointment applicant, with an emphasis on those waivers covered by this directive, to determine compliance with references e–g and this directive. The Inspector General will report the findings and make recommendations to the Secretary of the Army and Chief of Staff, Army on how to improve the waiver process.

8. Applicability. The provisions of this directive are effective immediately and apply to the RA, ARNG, and USAR.

9. Proponent. The Army Deputy Chief of Staff, G-1 is the proponent for this policy and is directed to initiate a revision to the pertinent Army regulations to incorporate the

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provisions of this directive. This directive is rescinded upon publication of the final revised regulation(s).

10. Point of Contact. Direct any questions to the Deputy Assistant Secretary of the Army (Military Personnel and Quality of Life), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).



Mark T. Esper

Encls

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REFERENCES

- a. Department of Defense Instruction (DoDI) 1304.26 (Qualification Standards for Enlistment, Appointment, and Induction), 23 March 2015, Incorporating Change 2, 11 April 2017.
- b. DoDI 1304.32 (Military Services Recruiting Related Reports), 26 March 2013, Incorporating Change 1, Effective 31 March 2017.
- c. DoDI 6130.03 (Medical Standards for Appointment, Enlistment, or Induction in the Military Services), 6 May 2018.
- d. DODI 6400.06 (Domestic Abuse Involving DoD Military and Certain Affiliated Personnel), August 21, 2007, Incorporating Change 4, May 26, 2017.
- e. Army Regulation (AR) 40-501 (Standards of Medical Fitness), 14 June 2017.
- f. AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army), 1 September 1994.
- g. AR 140-50 (Officer Candidate School, Army Reserve), 15 October 1999.
- h. AR 145-1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training), 22 July 1996.
- i. AR 210-26 (United States Military Academy), 9 December 2009.
- j. AR 601-100 (Appointment of Commissioned and Warrant Officers in the Regular Army), 21 November 2006.
- k. AR 601-210 (Regular Army and Reserve Components Enlistment Program), 31 August 2016.
- l. Title 18, United States Code, section 922.

Definition of a Medical Waiver (from DODI 6130.03):

A formal request to consider the suitability for service of an applicant who, because of current or past medical conditions, does not meet medical standards. Upon the completion of a thorough review, the applicant may be considered for a waiver. The applicant must have displayed sufficient mitigating circumstances/provided medical

documentation that clearly justify waiver consideration. The Secretaries of the Military Departments may delegate the final approval authority for all waivers.

TRAFFIC OFFENSES	
OFFENSE CODE	OFFENSE TITLE
100	Bicycle ordinance violation.
101	Blocking or retarding traffic.
102	Contempt of court for minor traffic offenses.
103	Crossing yellow line; driving left of center.
104	Disobeying traffic lights, signs, or signals.
105	Driving on shoulder.
106	Driving uninsured vehicle.
107	Driving with blocked vision and/or tinted window.
108	Driving with expired plates or without plates.
109	Driving with suspended or revoked license.
110	Driving without license.
111	Driving without registration or with improper registration.
112	Driving wrong way on one-way street.
113	Failure to appear for traffic violations.
114	Failure to comply with officer's directive.
115	Failure to have vehicle under control.
116	Failure to signal.
117	Failure to stop or yield to pedestrian.
118	Failure to submit report after accident.
119	Failure to yield right-of-way.
120	Faulty equipment such as defective exhaust, horn, lights, mirror, muffler, signal device, steering device, tail pipe, or windshield wipers.
121	Following too closely.
122	Hitchhiking.
123	Improper backing such as backing into intersection or highway, backing on expressway, or backing over crosswalk.
124	Improper blowing of horn.
125	Improper passing such as passing on right, passing in no-passing zone, passing stopped school bus, or passing pedestrian in crosswalk.
126	Improper turn.
127	Invalid or unofficial inspection sticker or failure to display inspection sticker.
128	Jaywalking.
129	Leaving key in ignition.
130	Leaving scene of accident (when not considered hit and run).
131	License plates improperly displayed or not displayed.
132	Operating overloaded vehicle.
133	Racing, dragging, or contest for speed.
134	Reckless, careless, or imprudent driving (considered a traffic offense when the fine is less than \$300 and there is no confinement). Court costs are not part of a fine.
135	Reserved for future use.
136	Seat belt and/or child restraint violation.
137	Skateboard, roller skate, or inline skate violation.
138	Speeding.
139	Spilling load on highway.
140	Spinning wheels, improper start, zigzagging, or weaving in traffic.
141	Violation of noise control ordinance.
142	Other traffic offenses not specifically listed.
143	Reserved for future use.
144	Reserved for future use.

NON-TRAFFIC OFFENSES	
OFFENSE CODE	OFFENSE TITLE
200	Altered driver's license or identification.
201	Assault (simple assault with fine or restitution of \$500 or less and no confinement).
202	Carrying concealed weapon (other than firearm); possession of brass knuckles.
203	Check, worthless, making or uttering, with intent to defraud or deceive (less than \$500).
204	Committing a nuisance.
205	Conspiring to commit misdemeanor.
206	Curfew violation.
207	Damaging road signs.
208	Discharging firearm through carelessness or within municipal limits.
209	Disobeying summons; failure to appear (other than traffic).
210	Disorderly conduct; creating disturbance; boisterous conduct.
211	Disturbing the peace.
212	Drinking alcoholic beverages on public transportation.
213	Drunk in public.
214	Dumping refuse near highway.
215	Failure to appear, contempt of court (all offenses except felony proceedings).
216	Failure to appear, contempt of court (felony proceedings).
217	Failure to stop and render aid after accident.
218	Fare and/or toll evasion.
219	Harassment, menacing, or stalking.
220	Illegal betting or gambling; operating illegal handbook, raffle, lottery, or punchboard; cockfighting.
221	Indecent exposure.
222	Indecent, insulting, or obscene language communicated directly or by telephone to another person.
223	Jumping turnstile (to include those States that adjudicate jumping a turnstile as petty larceny).
224	Juvenile adjudications such as beyond parental control, incorrigible, runaway, truant, or wayward.
225	Killing a domestic animal.
226	Littering.
227	Loitering.
228	Malicious mischief (fine or restitution of \$500 or less and no confinement).
229	Pandering.
230	Poaching.
231	Purchase, possession, or consumption of alcoholic beverages or tobacco products by minor.
232	Removing property from public grounds.
233	Removing property under lien.
234	Robbing an orchard.
235	Shooting from highway.
236	Throwing glass or other material in roadway.
237	Trespass (non-criminal or simple).
238	Unlawful assembly.
239	Unlawful manufacture, sale, possession, or consumption of liquor in public place.
240	Unlawful use of long-distance telephone calling card.
241	Using or wearing unlawful emblem and/or identification.
242	Vagrancy.
243	Vandalism (fine or restitution of \$500 or less and no confinement).
244	Violation of fireworks laws.

NON-TRAFFIC OFFENSES	
OFFENSE CODE	OFFENSE TITLE
245	Violation of fish and game laws.
246	Violation of leash laws.
247	Violation of probation.
248	Other non-traffic offenses not specifically listed.
249	Reserved for future use.

MISCONDUCT OFFENSES	
OFFENSE CODE	OFFENSE TITLE
300	Aggravated assault, fighting, or battery (more than \$500 fine or restitution or confinement).
301	Carrying of weapon on school grounds (other than firearm).
303	Contributing to delinquency of minor.
304	Crimes against the family (non-payment of court-ordered child support and/or alimony).
305	Criminal mischief (more than \$500 fine or restitution or confinement).
306	Criminal trespass.
307	Desecration of grave.
309	Driving while drugged or intoxicated; driving while ability impaired; permitting driving under the influence.
310	Illegal or fraudulent use of a credit card or bank card (value less than \$500).
311	Larceny or conversion (value less than \$500).
312	Leaving scene of an accident or hit and run.
313	Looting.
314	Mailbox destruction.
318	Reckless, careless, or imprudent driving (considered a misdemeanor when the fine is \$300 or more or when confinement is imposed; otherwise, considered a minor traffic offense).
319	Reckless endangerment.
323	Throwing rocks on a highway; throwing missiles at sporting events; throwing objects at vehicles.
324	Unauthorized use or taking of a vehicle or conveyance from family member; joy riding.
326	Unlawful entry.
327	Use of telephone, Internet, or other electronic means to abuse, annoy, harass, threaten, or torment another.
328	Vandalism (more than \$500 fine or restitution or confinement).
330	Other misconduct offenses not specifically listed.
331	Reserved for future use.
332	Reserved for future use.

SERIOUS MISCONDUCT AND MAJOR MISCONDUCT OFFENSES	
OFFENSE CODE	OFFENSE TITLE
302	Concealment of or failure to report a felony.
308	Domestic battery and/or violence not considered covered by section 922 of Title 18, U.S.C. (Reference (I)), referred to in this issuance as the "Lautenberg Amendment."
315	Mailing of obscene or indecent matter (including e-mail).
316	Possession of marijuana or drug paraphernalia.
317	Prostitution or solicitation for prostitution.
320	Resisting arrest or eluding police.
321	Selling or leasing weapons.
325	Unlawful carrying of firearms or carrying concealed firearm.
329	Willfully discharging firearm so as to endanger life; shooting in public.
400	Aggravated assault; assault with dangerous weapon; maiming.
401	Arson.
402	Attempt to commit a felony.
403	Breaking and entering with intent to commit a felony.
404	Bribery.
405	Burglary.
406	Carjacking.
407	Carnal knowledge of a child.
408	Carrying of weapon on school grounds (firearm).
409	Check, worthless, making or uttering, with intent to defraud or deceive (over \$500).
410	Child abuse.
411	Child pornography.
412	Conspiring to commit a felony.
413	Criminal libel.
414	Domestic battery and/or violence as defined in the Lautenberg Amendment. (Waiver not authorized if applicant was convicted of this offense.)
415	Embezzlement.
416	Extortion.
417	Forgery, knowingly uttering or passing forged instrument (except for altered identification)
418	Grand larceny or larceny (value of \$500 or more).
419	Grand theft auto.
420	Hate crimes.
421	Illegal and/or fraudulent use of a credit card, bank card, or automated card (value of \$500 or more).
422	Indecent acts or liberties with a child; molestation.
423	Indecent assault.
424	Kidnapping or abduction.
425	Mail matter; abstracting, destroying, obstructing, opening, secreting, stealing, or taking (not including the destruction of mailboxes).
426	Manslaughter.
427	Murder.
428	Narcotics or habit-forming drugs, wrongful possession or use (not including marijuana).
429	Negligent or vehicular homicide.
430	Perjury or subornation of perjury.
431	Possession or intent to use materials in a manner to make a bomb or explosive device to cause bodily harm or destruction of property.
432	Public record; altering, concealing, destroying, mutilating, obligation, or removing.

SERIOUS MISCONDUCT AND MAJOR MISCONDUCT OFFENSES	
OFFENSE CODE	OFFENSE TITLE
433	Rape, sexual abuse, sexual assault, criminal sexual abuse, incest, or other sex crimes. (See section 2.h.(3) of enclosure 3 of this instruction; waivers for these offenses are not authorized.)
434	Riot.
435	Robbery (including armed).
436	Sale, distribution, or trafficking of cannabis (marijuana) or any other controlled substance (including intent).
437	Sodomy (only when it is nonconsensual or involves a minor).
438	Stolen property, knowingly received (value of \$500 or more).
439	Terrorist threats (including bomb threats).
440	Violation of civil rights.
441	Other major misconduct offenses not specifically listed.
442	Misconduct for criminal drug use, possession, or drug paraphernalia, to include marijuana
443	Positive drug and alcohol test at the Military Entrance Processing Station.
444	Positive drug and alcohol test for prior service personnel
445	Reserved for future use