



SECRETARY OF THE ARMY
WASHINGTON

18 JUL 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

1. References:

- a. Title 10, U.S. Code, section 3583.
- b. Department of Defense (DoD) Instruction 1320.04 (Military Officer Actions Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel and Readiness Approval or Senate Confirmation), January 3, 2014.
- c. Army Regulation (AR) 600-8-24 (Officer Transfers and Discharges), 12 April 2006, Including Rapid Action Revision No. 3 Issued 13 September 2011.
- d. AR 600-8-29 (Officer Promotions), 25 February 2005.
- e. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers), 13 July 2004.
- f. Memorandum, Under Secretary of Defense (Personnel and Readiness), January 9, 2015, subject: Processing Appointments of Officers Pending Investigation or Adjudication of Adverse Information.

2. Purpose. This directive revises procedures for screening and reviewing adverse and reportable information for promotion and Federal recognition to the grades of colonel and below to ensure that the Army complies with governing law and policy, as outlined in Title 10, U.S. Code, section 3583 (reference 1a) and DoD Instruction 1320.04 (reference 1b). This directive also adds or revises related policies for the promotion and separation of Army officers.

3. Definitions

- a. Adverse information is defined in reference 1b. When considering a Secretary of Defense appointment to the next higher grade, the Secretary of the Army may exempt adverse information considered during an earlier Secretary of Defense appointment to the next higher grade.

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

b. Reportable information is defined in reference 1b. The Director of the Army Staff will manage reportable information, including information that is not defined as adverse, but is information the Senate Armed Services Committee or any Member of the Senate requests to be reported, and credible information related to an individual's involvement or affiliation with a significant event that is widely known to Members of Congress and that calls into question the integrity of DoD. Information of special interest to the Office of the Secretary of Defense or the Secretary of the Army will be treated as reportable information.

c. A post-board screening is defined as a review of official records to ascertain any adverse and reportable information concerning an officer recommended for promotion to the next higher grade. A post-board screening will include, but is not limited to, information filed at U.S. Army Criminal Investigation Command, the Department of the Army Inspector General, and the restricted portion of the Army Military Human Resource Record. The Director of Military Personnel Management is responsible for initiating a post-board screening.

4. Revisions to Regulations. Effective immediately, the guidance for screening and reviewing adverse and reportable information for promotion and Federal recognition to the grades of colonel and below is revised as follows:

a. AR 600-8-24. Revise paragraph 5-11a to read:

An ADL officer not recommended for promotion to the grade of 1LT or CW2 (AR 600-8-29, chap 3) will be separated not later than 180 calendar days after the Promotion Review Authority denies promotion. If the Secretary of the Army (or designee) disapproves an ADL officer's promotion to the grade of 1LT or CW2, the officer will be separated not later than 180 calendar days after disapproval. An officer within 2 years of retirement is excluded.

b. AR 600-8-29

(1) Revise paragraph 1-13b to read: An officer not qualified for promotion to 1LT or CW2.

(2) Revise paragraph 1-13b(1), the first sentence to read:

A 2LT or WO1 found not qualified for promotion by the promotion approval authority (LTC or higher commander, including

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

commanders frocked to LTC) will be retained for 6 months after the officer's original promotion eligibility date.

- (3) Revise paragraph 1-13b(2) to read:

If a 2LT or WO1 is found not qualified for promotion at their promotion eligibility date but later found qualified for promotion within the 6-month retention period, the officer's DOR and effective date of promotion will be the date the President or designee approves the appointment. If the President or designee previously approved the appointment, the DOR will be the date the promotion approval authority found the officer qualified for promotion.

- (4) Revise paragraph 1-13b(3) to read:

A 2LT or WO1 who has not been promoted at the end of the 6-month abeyance period will be processed for separation under the provisions of AR 600-8-24, paragraph 5-11.

- (5) Delete paragraph 1-13c and renumber paragraph 1-13d as paragraph 1-13c.

- (6) Revise paragraph 1-15a to read:

A post-board screening initiated by the Director of Military Personnel Management (DMPM) will be conducted on officers selected for promotion to CPT through COL and CW3 through CW5 before the results of the promotion selection board are forwarded to the Secretary of the Army. A post-board screening will include, but is not limited to, a review of information in official files maintained by U.S. Army Criminal Investigation Command, the Department of the Army Inspector General (DAIG), the restricted portion of the Army Military Human Resource Record, and a query for suspension of favorable personnel actions (flag). A board convened at HQDA will review any derogatory information from the post-board screening and advise the DCS, G-1 or designee (normally the DMPM) whether the information is substantiated, relevant, and might reasonably and materially affect a promotion recommendation. An officer with adverse or reportable information that might reasonably and materially affect a promotion recommendation may not meet exemplary conduct requirements for promotion and may be recommended for a delay

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

in promotion and referred to a promotion review board as prescribed in chapter 8. An officer who is pending investigation into potential adverse information may not meet exemplary conduct requirements for promotion and will be recommended for a delay in promotion until the matter is resolved.

(7) Add a new sentence at the beginning of paragraph 3-5:

A screening and review process, similar to the post-board screening detailed in paragraph 1-15, will be conducted for all 1LT/CW2 promotion nominations. The DMPM will initiate the screening and review process. The DCS, G-1 or designee (normally the DMPM) may refer any derogatory information to the promotion review authority (PRA) (usually the general court-martial convening authority) for further review before a 1LT/CW2 promotion nomination proceeds. The DMPM or higher level authority retains the authority to refer a 2LT/WO1 to a promotion review board in cases where circumstances warrant such a referral (see chapter 8).

(8) Revise paragraph 3-5c(2) to read:

The PRA (normally the general court-martial convening authority) will make a recommendation on cases HQDA referred for further review or take final action on cases for which the promotion approval authority has recommended against promotion.

(9) Revise paragraph 3-5c(3) to read:

Initiation of separation action as a result of a denial for promotion to 1LT/CW2 may be held in abeyance for 6 months. At the end of the 6-month period, the PRA must determine whether the officer should be recommended for promotion. If the approval authority recommends the promotion of the officer during the abeyance period, the officer's nomination will continue to be processed in accordance with this chapter. If an officer is recommended for promotion and the promotion is approved, the officer's DOR and effective date of promotion will be the date the President or designee approves the appointment.

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

(10) Revise paragraph 3-5c(4) to read:

Officers not recommended for promotion to 1LT/CW2 as a result of actions by the Secretary of the Army (or designee) or the PRA will be discharged in accordance with AR 600-8-24, paragraph 5-11.

(11) Revise paragraph 5-5g by deleting the second sentence and adding the following sentences:

These officers will be separated not later than 180 days after their declination is approved. Officers who fail to complete their educational requirements or service obligations as a result of voluntarily declining promotion may be subject to recoupment actions.

(12) Revise paragraph 8-2d, the first sentence to read:

For officers selected for promotion to the grades of CPT through COL and CW3 through CW5, HQDA will conduct a post-board screening that will include, but is not limited to, a review of information in official files maintained by U.S. Army Criminal Investigation Command, DAIG, the restricted portion of the Army Military Human Resource Record, and a query for suspension of favorable personnel actions (flag).

c. AR 135-155

(1) Add the following sentences at the beginning of paragraph 3-18a(10):

A post-board screening initiated by the DMPM will be conducted on officers selected for promotion to CPT through COL and CW3 through CW5 before the results of the promotion selection board are forwarded to the Secretary of the Army. A post-board screening will include, but is not limited to, a review of information in official files maintained by U.S. Army Criminal Investigation Command, the Department of the Army Inspector General, the restricted portion of the Army Military Human Resource Record, and a query for suspension of favorable personnel actions (flag). A board convened at HQDA will review any derogatory information from the post-board screening and advise the DCS, G-1 or

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

designee (normally the DMPM) whether the information is substantiated, relevant, and might reasonably and materially affect a promotion recommendation. An officer with adverse or reportable information that might reasonably and materially affect a promotion recommendation may not meet exemplary conduct requirements for promotion and may be recommended for a delay in promotion and referred to a promotion review board. An officer who is pending investigation into potential adverse information may not meet exemplary conduct requirements for promotion and will be recommended for a delay in promotion until the matter is resolved.

- (2) Add the following sentences at the beginning of paragraph 4-31a:

A screening and review process, similar to the post-board screening detailed in paragraph 3-18, will be conducted for all USAR 1LT/CW2 promotion nominations. The DMPM will initiate the screening and review process. The DCS, G-1 or designee (normally the DMPM) may refer any derogatory information to the area commander (for unit officers and overseas residents) or CDR, HRC (for all others) for further review before the promotion nomination proceeds. The DMPM or higher level authority retains the authority to refer a USAR 2LT/WO1 to a promotion review board when circumstances warrant such a referral.

- (3) Revise paragraph 4-31b by deleting the eighth sentence and adding the following sentences:

If an officer is disqualified for promotion and later determined qualified, the officer's DOR and effective date of promotion will be the date the President or designee approves the appointment. If the President or designee previously approved the appointment, the DOR will be the date the officer is found qualified for promotion.

- (4) Revise paragraph 4-31c by deleting the last sentence and adding the following sentences:

If a WO is disqualified for promotion and later determined qualified, the WO's DOR and effective date of promotion will be the date the President or designee approves the appointment. If the President or designee previously approved the appointment, the DOR will be

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

the date the officer is found qualified for promotion. The WO must be retained on the RASL for a minimum of 6 months after the date the officer would have been promoted had the officer been found qualified. At the end of this 6-month period, a determination will be made whether the officer will be discharged or retained in an active status. If the officer is to be discharged, the discharge will be in accordance with AR 135-175.

5. The post-board screening and review procedures detailed in the directive also apply to Army National Guard Federal recognition actions submitted to HQDA. The DMPM will screen the Guard's Federal recognition actions for adverse and reportable information. An officer who has adverse or reportable information that might reasonably and materially affect a recommendation for Federal recognition may not meet exemplary conduct requirements. Accordingly, the DMPM may refer the derogatory information to the Chief, National Guard Bureau (NGB) for review before the Federal recognition action proceeds. The Chief, NGB (for Title 10) or the appropriate State adjutant general (for Title 32) will review adverse and reportable information using procedures similar to those outlined in AR 600-8-29, chapter 8. The Federal recognition of an officer who is pending an investigation into potential adverse information may not meet exemplary conduct requirements and will be returned without action to the Chief, NGB until the matter is resolved.

6. The provisions of this directive are effective immediately. The DCS, G-1 is the proponent for this policy and will establish internal procedures to govern the screening and review processes this directive mandates.

7. Additionally, the DCS, G-1, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs) and the Chief, NGB, will ensure that the provisions of this directive are incorporated into the next revision of AR 135-155, AR 600-8-24, AR 600-8-29, and National Guard Regulations 600-100 and 600-101 as soon as practicable.



Eric K. Fanning

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army
(CONT)

SUBJECT: Army Directive 2016-26 (Screening Requirements for Adverse and Reportable Information for Promotion and Federal Recognition to Colonel and Below)

DISTRIBUTION: (CONT)

Commander

- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Pacific
- U.S. Army Europe
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Africa/Southern European Task Force
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Strategic Command
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigation Command
- U.S. Army Corps of Engineers
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Army Installation Management Command

Superintendent, United States Military Academy

Director, U.S. Army Acquisition Support Center

Executive Director, Arlington National Cemetery

Commander, U.S. Army Accessions Support Brigade

Commandant, U.S. Army War College

Commander, Second Army

CF:

Director, Army National Guard

Director of Business Transformation

Commander, Eighth Army

Commander, U.S. Army Cyber Command