

Chapter 21 Military Justice Within the Reserve Components

Section I General

21-1. Purpose

a. This chapter prescribes policies and procedures for implementing title VIII, National Defense Authorization Act for Fiscal Year 1987 (Military Justice Amendments of 1987) and R.C.M. 202(a) (Persons Subject to the Code), 204 (Jurisdiction over Certain Reserve Component Personnel), 707(a)(3) and (c)(8) (Speedy Trial), and 1003(c) (Punishments), in the RC.

b. The above referenced amendments to the UCMJ and the MCM apply to offenses committed on or after 12 March 1987. Active Component commanders may exercise this jurisdiction accordingly. As a matter of policy, RC commanders could not impose punishment under Article 15 or convene SCM until 1 July 1988.

c. The provisions of this chapter supplement the policies and procedures pertaining to the administration of military justice set out in other parts of this regulation, including the training requirements of paragraph 18-4.

21-2. Policy

a. USAR soldiers will be subject to the UCMJ whenever they are in a title 10, United States Code, duty status. Examples of such duty status are active duty (AD); active duty for training (ADT); annual training (AT); Active Guard/Reserve (AGR) duty; inactive duty training (IDT). IDT normally consists of weekend drills by troop program units, but may also include any training authorized by appropriate authority. For examples of IDT, see AR 140-1, paragraphs 3-4, 3-11, 3-12, 3-14, 3-14.1, and 3-30. Jurisdiction continues during periods such as lunch breaks between unit training assemblies or drills on the same day and may continue overnight in situations such as an overnight bivouac.

b. ARNG soldiers will be subject to the UCMJ when in Federal service as Army National Guard of the United States (ARNGUS) under title 10, USC, and when otherwise called into Federal service. ARNG soldiers are not subject to the UCMJ while in State service under title 32, USC.

c. RC commanders must be in a title 10 duty status (b above) whenever they take action such as offering or imposing nonjudicial punishment, preferral or referral of court-martial charges, conducting open hearings under Article 15, or vacating suspended sentences under Article 15. However, RC commanders may forward charges (R.C.M. 401c(2)(A)), initiate or forward requests for involuntary active duty (R.C.M. 707c(8)), or act on Article 15 appeals (chap 3, sec VI) anytime, even when not in a title 10 duty status.

d. Costs associated with disciplining RC soldiers will normally be paid from Reserve Personnel, Army (RPA), appropriations. However, costs associated with disciplining RC soldiers in accordance with paragraphs 21-3 and 21-4 below will be paid from Military Personnel, Army (MPA), appropriations.

Section II Involuntary Active Duty and Extension on Active Duty

21-3. Involuntary active duty

a. Reserve Component soldiers who are not serving on AD and who are made the subject of proceedings under Article 15, or court-martial, or of cases allegedly committed while serving in a title 10 duty status (paras 21-2 and 21-3) are subject to AD, as provided in this regulation, by the appropriate GCMCA for purposes of:

- (1) Investigation pursuant to Article 32, UCMJ.
- (2) Trial by court-martial.
- (3) Article 15, UCMJ, proceedings.

b. Involuntary AD is authorized for any of the purposes set out in a(1) through a(3) above but is not authorized for the sole purpose of placing an RC soldier in pretrial confinement. After involuntary activation approved by the SA or the Secretary's designated representative, an RC soldier may be ordered into pretrial confinement under R.C.M. 305 and pursuant to the procedures in chapter 5, section III, and c below.

c. Only AR GCMCAs are authorized to order involuntary AD of RC soldiers for the purposes in a above. The SA or the Secretary's designated representative must approve any involuntary AD order before a RC soldier may be ordered into pretrial confinement or restriction (to include pretrial confinement or restriction) during an other than normal IDT or AD period. (See Discussion, R.C.M. 204(b)(2).)

(1) Requests for involuntary AD will be forwarded through command channels including the appropriate State adjutant general or MOSARC commander or Commander, U.S. Army Reserve Personnel Center. For units located outside of the OCONUS, requests will be forwarded through command channels including Commander, WESTCOM,

023344

USARSO, USARJ, EUSA, or USAREUR, as appropriate. Requests should include a copy of the charge sheet and a summary of the evidence supporting the charges. Prior to preferral of charges in such cases, commanders will consult with supporting RC and AA SJA personnel.

(2) The State adjutant general or commanders designated in c(1) above will forward requests for involuntary AD to the appropriate AA GCMCA designated at appendix E of this regulation.

(3) AA GCMCAs will forward requests for SA approval of involuntary AD to the Criminal Law Division (DAJA-CL), HQDA, The Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209 for processing to obtain approval from the SA or the Secretary's designee. The AA GCMCA will also immediately inform the MUSARC and continental U.S. Army (CONUSA) commanders and the U.S. Forces Command commander, or the State adjutant general and Chief, National Guard Bureau, of the initiation of UCMJ actions against RC soldiers. HQDA (DAJA-CL) will notify the forwarding AA GCMCA of SA or Secretary designee action on the request.

d. RC soldiers must be on AD prior to arraignment at a general or SPCM (R.C.M. 204(b)(1)) or prior to being placed in pretrial confinement (R.C.M. 305).

21-4. Extending RC soldiers on AD

a. ~~The requirements for AA GCMCA activation and/or Secretarial approval in paragraph 21-3 above do not apply to RC soldiers on AD. RC soldiers serving on AD, ADT, or AT in a title 10 duty status may be extended on AD involuntarily so long as action with a view toward prosecution is taken before the expiration of the AD, ADT, or AT period (AR 635-200, para 1-24). Any such extensions must be completed pursuant to the provisions of AR 135-200, chapter 7.~~

b. An RC soldier who is suspected of or accused of an additional offense after being ordered to AD for any of the purposes in paragraph 21-3a above may be retained on AD pursuant to R.C.M. 202(c)(1).

21-5. Preservation of jurisdiction and punishment

a. RC soldiers remain subject to UCMJ jurisdiction for offenses committed while serving in a title 10 duty status (para 21-2) notwithstanding termination of a period of such duty, ~~provided they have not been discharged from all further military service (R.C.M. 204(b)(2)).~~

b. All lawful punishments remaining unserved when RC soldiers are released from AD, ADT, AT, or IDT, including any uncollected forfeitures of pay, are carried over to subsequent periods of AD, ADT, AT or IDT. However, an RC soldier may not be held beyond the end of a normal period of IDT for trial, or service of any punishment, nor may IDT be scheduled solely for the purpose of UCMJ action (R.C.M. 204(b)(2)). Involuntary activation pursuant to paragraph 21-3a above is authorized only in accordance with the procedures set out in paragraph 21-3c above.

Section III

Nonjudicial Punishment (Article 15) and Courts-Martial

21-6. Nonjudicial punishment (Article 15)

a. The provisions of chapter 3 of this regulation that are not otherwise inconsistent with this chapter are applicable to the administration of nonjudicial punishment in the RC. In particular, commanders are reminded of the policy in paragraph 3-2 of this regulation that nonpunitive or administrative remedies should be exhausted before resorting to nonjudicial punishment.

b. RC soldiers may receive nonjudicial punishment pursuant to Article 15, UCMJ, while serving in a title 10 status on AD, ADT, AT, or IDT. RC soldiers may be punished pursuant to Article 15 while serving on IDT provided that the proceedings are conducted and any punishment administered is served during normal IDT periods (see Discussion, R.C.M. 204(b)(2)). Prior to taking such actions, RC commanders should consult with their supporting RC or AA staff or command judge advocate.

c. Either RC or AA commanders may punish RC enlisted soldiers of their commands (para 3-8).

d. Unless further restricted by higher authority (para 3-7c), punishment for RC officers is reserved to the AA or RC GCMCA to whose command the RC officer is assigned or attached for disciplinary purposes or to commanding generals in the RC officer's chain-of-command.

21-7. Summary courts-martial

a. RC soldiers may be tried by SCM while serving in a title 10 status on AD, ADT, AT, or IDT. Reserve Component soldiers may be tried by SCM while serving on IDT provided that the trial is conducted and punishment is served during normal IDT periods (see Discussion, R.C.M. 204(b)(2)).

b. Either RC or ACSM convening authorities may refer charges against RC soldiers to trial by SCM. An RC SCM convening authority may refer charges to SCM while on IDT. However, Article 25, UCMJ requires that the summary court officer must be on AD at the time of trial.

c. MUSARC commanders should attach all soldiers without an intermediate commander authorized nonjudicial

punishment or SCM authority under Articles 15 and 24, UCMJ, to an appropriate subordinate commander for such purposes.

21-8. Special and general courts-martial

a. RC soldiers may be tried by SPCM or GCM only while serving on AD. Orders to involuntary AD must be approved by the SA or the Secretary's designee before an RC soldier may be sentenced to confinement or otherwise deprived of liberty.

b. Ordinarily, only an active duty convening authority may refer charges against a Reserve Component soldier to a SPCM or GCM. Such courts-martial will normally be conducted at the installation of the supporting active duty GCMCA as designated at appendix E of this regulation or based upon an agreement of the active duty GCMCA with the general officer in command of the RC unit. As a matter of policy, authority to convene GCM or SPCM is withdrawn, except as provided below, for USARC officers qualified as GCMCA or SPCMCA under Articles 22(a)(5) and 23(a)(3) and 23(a)(6) but not those specifically designated under UCMJ Articles 22(a)(8), 23(a)(7) (Secretarial designation) or those designated as an exception to policy by The Judge Advocate General or designee.

c. All commanders of USAR Regional Support Commands (RSC) with full-time judge advocates available have the authority to convene special courts-martial for members of their organizations and all units that report to them. Any USAR units that do not report to a RSC may convene special courts-martial when they have access to a full-time judge advocate.

21-9. Forfeitures

a. Consistent with DOD 7000.14-R, volume 7A, chapter 48, paragraph 4813, forfeitures imposed on RC soldiers pursuant to Article 15 or court-martial will be calculated in whole dollar amounts. Forfeitures are calculated by converting the stated amount of forfeiture to a percentage using the base pay for an Active Army soldier of the same grade and time in service on the date the forfeiture sentence is approved. Apply the resulting percentage to the soldier's pay for every period of duty the soldier actually performs during the stated time period of the forfeiture. For example—

(1) A soldier (SPC or CPL) over 2 years of service (for pay purposes) receives a sentence (either nonjudicial punishment or court-martial sentence) that includes a forfeiture of \$200 a month for 2 months (\$400).

(2) Determine the soldier's monthly rate of base pay. In this example, it is \$912.60.

(3) Convert the original forfeiture to a percentage: $200/912.60 = 21.92$ percent.

(4) For each period of duty performed during the stated period of the sentence, collect 21.92 percent of the soldier's pay from the soldier's active duty and inactive duty training pay.

b. The forfeiture sentence is satisfied by collecting from the pay the soldier receives for periods of duty the soldier performs during the stated period of forfeiture. If a soldier performs duty without forfeiture collections, the amount of forfeitures not collected becomes an amount due the U.S.

c. The forfeiture sentence is satisfied by collection from pay for duty performed only during the stated period of forfeiture (for example, forfeitures are imposed for 2 months, then collections may only be made for 2 months, with the 2-month period beginning on the date the forfeitures are imposed). If a soldier performs no duty, or the soldier's pay is insufficient to satisfy the forfeiture in full during the stated period of the forfeiture, no further collection action is authorized.

d. This paragraph applies only when the RC soldier receives forfeitures from a court-martial or from nonjudicial punishment and the forfeitures are carried over to subsequent periods of IDT or ADT. If the RC soldier receives forfeitures from a court-martial or from nonjudicial punishment in an AD status and does not revert to an inactive duty status during the execution of the punishment, then forfeitures are to be based upon the base pay for an Active Army soldier of the same grade and time in service.

21-10. Reporting requirements and court-martial orders

a. AA SJAs will report those disciplinary actions that result solely from expanded RC jurisdiction as a separate category on DA Form 3169. This will be accomplished by adding a parenthetical number to the numbers already entered in blocks 1a (Summarized and Formal columns), 5a, 6a (Total Tried and Total Convicted columns only), and 14 (Total chap 10s column only) of the DA Form 3169. The parenthetical number will reflect the total number of actions that result from expanded jurisdiction over RC soldiers under the Military Justice Amendments of 1987 for each category reported. For example, block 5a would contain two numbers: the number for the combined total of soldiers punished and the parenthetical number representing that portion of the total that resulted from expanded jurisdiction under the Military Justice Amendments of 1987, for example, 236 (17). (Do not include in the parenthetical disciplinary actions taken against Active/Guard Reserve soldiers or other RC soldiers whose disciplinary actions were not dependent on expanded jurisdiction under the Military Justice Amendments of 1987.)

b. For RC units located within the CONUS, MUSARC SJAs will collect and forward disciplinary statistics to their respective CONUSA SJAs and to the supporting AA GCMCA's SJA.

c. In addition to the distribution required by paragraph 12-7 of this regulation, copies of all special and general

023346

court-martial promulgating orders will be forwarded to the accused's unit of assignment, appropriate MUSARC and CONUSA commanders, and commander USARPAC, USARSO, USARJ, EUSA, or USAREUR, as appropriate.

Section IV

Support Personnel and Responsibilities

21-11. Support personnel

a. The SJA of the AA command designated to support an RC command will supervise prosecutions of RC soldiers, including coordinating requirements for advice and personnel support. RC JAs may be used when feasible. AA JAs may also be used. When a supporting AA SJA decides to use an RC JA, the SJA will inform the RC JA's immediate commander of that decision. If a question arises as to the feasibility of using a particular RC JA assigned within CONUS, the CONUSA commander will decide whether use of the RC JA is feasible. If a question arises as to the feasibility of using a particular RC JA assigned OCONUS, Commander USARPAC, USARSO, USARJ, EUSA, or USAREUR, as appropriate, will decide whether use of the RC JA is feasible.

b. The USATDS office servicing the AA command will detail either AA or RC defense counsel in accordance with guidelines established by the Chief, USATDS.

c. The senior military judge designated to support the AA GCM jurisdiction supporting the RC command will detail AA or RC military judges in accordance with guidelines established by the Chief, U.S. Army Trial Judiciary.

21-12. Support responsibilities AA GCMCAs

~~MCUs assigned in accordance with appendix 4 of this regulation to support RC commands will order RC soldiers to AD for the purposes set out in paragraph 21-3c(2) of this regulation except when approval of the SA or the Secretary's designee is required. The orders will cite 10 USC 802(d) for authority.~~

b. Forward requests for involuntary active duty orders requiring approval of the SA pursuant to paragraph 21-3c(2) of this regulation to HQDA (DAJA-CL) for processing.

~~Specify the allocation of personnel, funds, and other resources to support the administration of military justice in the supported RC command.~~

d. Inform the MUSARC or adjutant general and CONUSA commanders, as appropriate, of RC UCMJ actions involving RC soldiers assigned to RC units located in CONUS.

e. Inform Commander, USARPAC, USARSO, USARJ, EUSA or USAREUR, as appropriate, of RC UCMJ actions involving RC soldiers assigned to RC units located OCONUS.

f. When appropriate, order pretrial confinement for RC soldiers in accordance with R.C.M. 305 following involuntary active duty approved by the SA or the Secretary's designee.

~~g. Make appropriate disposition of charges against RC soldiers including referral to court-martial, imposition of punishment under Article 15 of the Uniform Code of Military Justice, or administrative measures.~~

h. Arrange for orders placing RC soldiers on AD for duty as witnesses, counsel, military judges, court members, or other personnel of the court-martial.

21-13. Multiple component units

a. Commensurate with their positions and subject to restrictions found elsewhere in this regulation, Active Army (AA) and USAR officers will exercise UCMJ authority (that is, nonjudicial punishment and courts-martial) over AA and USAR soldiers assigned to their multiple component units (MCUs).

b. Authority and responsibility for military discipline over ARNG soldiers not in Federal status rests with each State. Every ARNG element will have a designated State chain of command for purposes of military justice. Non-ARNGUS MCU commanders will forward recommendations for disciplinary actions pertaining to ARNG soldiers to the designated ARNG commander from the State of the respective ARNG element. The ARNGUS MCU commanders whose MCU includes ARNG elements from outside their own State, will forward recommendations for disciplinary actions pertaining to such ARNG soldiers to the designated ARNG commander from the State of that element.

c. For AA and USAR soldiers assigned to a MCU with an ARNGUS commander, the AA and USAR will attach these soldiers on orders for purposes of UCMJ to the nearest appropriate AA or USAR command. The ARNGUS unit commander will forward recommendations for disciplinary actions pertaining to USAR or AA soldiers to the designated USAR or AA commander.

023347

Chapter 7 Involuntary Active Duty and Active Duty for Training for Administrative of the Uniform Code of Military Justice

Section I General

7-1. General

a. AR 27-10, chapter 21, section II pertains to the involuntary extension or order to active duty of ARNGUS and USAR personnel for administration of the Uniform Code of Military Justice (UCMJ).

b. This chapter provides guidance to commanders in implementing AR 27-10 for ARNGUS and USAR soldiers who commit offenses punishable under UCMJ while on active duty in a Federal status.

7-2. Scope

a. This chapter applies exclusively to ARNGUS and USAR soldiers who are charged with offenses allegedly committed while on the following types of duty.

(1) Active duty. This includes but is not limited to—

(a) Active duty for special work (ADSW).

(b) Temporary tours of active duty (TTAD).

(2) Active duty for training. This includes but is not limited to—

(a) Initial active duty for training (IADT).

(b) Active duty for training (ADT).

(c) Annual training (AT).

(3) Inactive duty training (IDT) (USAR only).

b. These procedures apply to ARNGUS soldiers only when serving under authority of 10 USC. The majority of duty performed by ARNGUS soldiers involves participation in required drills, field exercises, professional development training, and full-time manning of units. This duty is ordinarily performed in an inactive duty or Full-time National Guard Duty (FTNGD) status under Title 32, United States Code (32 USC). While on 32 USC duty, soldiers are not subject to the provisions of UCMJ, but are subject to State authority. (The order to duty will identify whether the ARNGUS soldier is performing duty under Title 10 or Title 32, USC.)

c. For USAR soldiers, Title 10 duty status includes required drills, field exercises, professional development training, etc.

Section II Retention on Active Duty or Active Duty for Training

7-3. Retention on AD or ADT while on self-terminating orders

This section covers retention of ARNGUS and USAR soldiers on AD or ADT beyond the expiration date of their self-terminating orders (AR 27-10, para 21-4). Self-terminating orders are those which, by their own terms, purport to terminate on the specified effective date and return the soldier to the place where he or she entered on duty. For the purposes of this chapter, self-terminating orders cover periods of ADT, IADT, AT, ADSW, and TTAD.

7-4. Reason for retention

ARNGUS and USAR soldiers may be retained involuntarily on AD or ADT for the purpose of completing an investigation initiated with a view to trial by court-martial up to the date of completion of the disciplinary action. When this occurs, the order issuing authority will extend the order before the termination date, or by taking action to comply with AR 635-200, paragraph 1-24 or AR 600-8-24, paragraph as applicable, and Manual for Courts-Martial 1984, Rule for Courts-Martial 202(c). Before taking retention action, the commander of the installation where the soldier is performing duty should coordinate with his or her staff judge advocate. On receipt of notification of intent to retain a soldier, the order issuing authority will issue an amendatory order extending the expiration date of the original order.

7-5. Orders

Soldiers retained on AD or ADT by the extension of an order are entitled to pay and allowances. While on extended orders, the soldier continues to be subject to military law for additional offenses which he or she may commit. The soldier will remain or be attached to an Active Army unit until completion of the disciplinary action.

023348

7-6. Disposition of soldiers following court adjournment

One of the following actions will take place following court adjournment:

a. If the soldier is found not guilty, or no sentence to restriction, hard labor without confinement or confinement is adjudged, or the charges are dismissed and no further UCMJ proceedings are permitted or contemplated, the soldier will be released from AD or ADT and returned to previous Reserve status.

b. If a sentence to confinement is adjudged—

(1) The AT, ADSW, TTAD, IADT, or ADT order will be terminated by the order issuing authority effective the day prior to the soldier's order to AD for purposes of serving a sentence to confinement.

(2) The appropriate Active Army general court-martial convening authority (GCMCA) will issue an involuntary AD order per AR 3-10, appendix A, order format 155 and assign the soldier to the appropriate Active Army installation.

(3) Court-martial promulgating orders will be issued per AR 27-10.

(4) Confinement will be served according to AR 190-47.

c. If a sentence to restriction or hard labor without confinement is adjudged, the soldier will be retained on active duty at the appropriate Active Army installation until completion of the sentence, or returned to his previous Reserve status to complete the sentence, if practical.

Section III

Order to Active Duty for Administration of Uniform Code of Military Justice

7-7. Involuntary order to active duty

a. An ARNGUS or USAR soldier not serving on AD or ADT may be involuntarily ordered to AD as provided in AR 27-10, chapter 21, section II for the purposes stated in paragraph 7-8.

b. The soldier may be involuntarily ordered to AD for offenses allegedly committed while he or she was in Federal duty status. This includes all AD or ADT under title 10, U.S. Code (10 USC) as well as inactive duty training (IDT) authorized by appropriate authority.

c. Prior to referral of charges and order to AD, commanders will consult with their supporting staff judge advocate personnel.

7-8. Purpose

a. Soldiers may be involuntarily ordered to AD for one of the purposes listed below:

(1) Investigation pursuant to Article 32, UCMJ;

(2) Trial by courts-martial; or

(3) Article 15, UCMJ, proceedings.

b. Activation for the sole purpose of pretrial confinement is not authorized.

7-9. Involuntary active duty orders

a. The appropriate Active Army GCMCA will issue an involuntary AD order per AR 310-10 and assign the soldier to the appropriate Active Army installation.

b. The order will cite section 802(d), title 10, U.S. Code as the authority.

c. Request for involuntary order to AD will be initiated per AR 27-10, chapter 21, section II. State adjutants general will discharge ARNGUS soldiers from their ARNGUS status, but not their Reserve of the Army status, under the provisions of NGR 600-200, effective the day prior to the reporting date specified in the AD orders.

d. The Secretary of the Army or his designee must approve the involuntary active duty order before an ARNGUS or USAR soldier may be confined or deprived of liberty (to include pre-trial confinement or restriction). Procedures for obtaining secretarial approval are contained in AR 27-10, chapter 21, section II.

e. The following outlines procedures for delivery of orders:

(1) The AD order will be forwarded to the commander having jurisdiction over the soldier being ordered to involuntary AD.

(a) The order will be delivered in person by the unit commander or his or her representative when practicable. A statement indicating delivery and receipt by the soldier will be signed by the soldier and filed in the soldier's MPRJ.

(b) CG, ARPERCEN may request assistance from area commanders for delivery of orders to soldiers of the IRR. Lateral coordination will also be accomplished between area commanders, as required.

(c) If the order cannot be delivered by personal contact, the order will be sent by Certified Mail, Restricted Delivery, with return receipt requested. The individual who mails the orders will prepare a sworn affidavit of service by mail in the format shown in figure 7-1.

(d) The delivery of the order will be coordinated with the General Court Martial Convening Authority for the installation to which the soldier is ordered to AD.

(2) One of the following will be filed in the soldier's MPRJ:

(a) A statement indicating personal delivery and receipt of the orders by the soldier, or

023349

(b) A sworn affidavit of service by mail (fig 7-1) and—

1. A post office receipt confirming delivery, or

2. The returned unopened envelope indicating orders were not delivered. Undeliverable mail will be compared with the latest address of record to ensure that it was correctly addressed. When an envelope is marked 'not at this address' the commander or his or her designated representative will submit a statement to show that the address to which the orders were mailed was, in fact, the latest address furnished by the soldier.

(3) Provided orders were mailed to the latest address, absence of proof of delivery does not change the fact that the soldier was properly ordered to AD.

7-10. Failure to report for AD

When a soldier fails to report, the commander of the installation to which the soldier has been ordered to report for AD will take appropriate action under AR 630-10.

7-11. Disposition of soldiers following court adjournment

One of the following actions will take place following court adjournment:

a. If the soldier is found not guilty; or a sentence to confinement, restriction, or hard labor without confinement is not adjudged, or the charges are dismissed and no further UCMJ proceedings are permitted or contemplated, the soldier will be released from AD and returned to USAR control unless earlier discharged.

b. If a sentence to confinement is adjudged—

(1) Court-martial promulgating orders will be issued per AR 27-10.

(2) Confinement will be served according to AR 190-47.

7-12. UCMJ Jurisdiction

This chapter governs only the issuance of orders pursuant to exercise of UCMJ jurisdiction over USAR and ARNGUS soldiers. Nothing in this chapter is intended to restrict or limit the proper exercise of such jurisdiction. Should any conflict arise between the application of this chapter and the provision of AR 27-10; the Manual for Courts-Martial, United States, 1984; or the Uniform Code of Military Justice, the provisions of these references will control over any contrary provision of this chapter.

M

023350

Affidavit of Service by Mail

(State)

(County)

(John T. Claghorn,) being duly sworn, deposes and says:

I am the (Job Title, e.g. Personnel Officer) of (Unit).

On the (Day) (Month) (Year), I mailed the original orders, a true copy of which is attached hereto, via Certified mail, Restricted Deliver, return receipt requested, to (Name of soldier on order) at (Most recent address of soldier) that being the last know address given to the (Unit) as the one at which official mail would be received by or forwarded to him or her, by depositing the same in an official depository of the U.S. Postal Service at (Location of Postal Facility) in a sealed U.S. postage-and-fees prepaid envelope addressed to him/her at said address.

(Signature and Rank of Affiant)

Sworn and subscribed before me this (Day) (Month) (Year).

(Signature and Rank of Officer Administering Oath)

Attachment

Copy of orders

The affidavit together with the receipt showing the certified mail receipt number will be forwarded to the area command, or State adjutant general for insertion in the soldier's MPRJ as an action pending document.

Figure 7-1. Affidavit of Service by Mail

Chapter 8 Disposition of Individual Soldiers on Active Duty (AT, IADT, ADT, and ADSW) at time of Mobilization

8-1. Purpose

a. This chapter provides direction for the immediate disposition of ARNGUS and USAR soldiers who are serving on tours of duty under this regulation at time of mobilization.

b. For the purposes of this chapter, the term "mobilization" includes the 200K callup, selected mobilization, partial mobilization, full mobilization, or total mobilization.

c. Personnel administrative action procedures effective on mobilization are prescribed by AR 680-1 (Unit Strength Accounting and Reporting), DA Pam 600-8 (Military Personnel Office Management and Administrative Procedures), and DA Pam 600-41 (Military Personnel Managers Mobilization Handbook).

8-2. Responsibility

At time of mobilization, commanders of installations where AT, ADT, IADT, and ADSW are being performed, will ensure that soldiers under their administrative jurisdiction while on tour are processed according to this chapter.

8-3. ARNGUS and USAR unit personnel on AT, ADT, IADT, and ADSW

a. ARNGUS soldiers will be federalized with their ARNGUS units of assignment regardless of their training tour status. Soldiers who cannot return to their ARNGUS units before deployment from the mobilization station will be issued new assignment instructions according to Active Army assignment policies in effect at that time.

b. Each USAR soldier assigned to an RC unit will report for mobilization with that unit unless the soldier is serving on a tour with another organization. If the tour cannot be terminated early (e.g., soldier is in BT/AIT or OBC) and the unit deploys before the end of the tour, the soldier will remain in place and be accessioned into active duty status at the

023351