

USAREC Regulation 601-45

Personnel Procurement

Recruiting Improprieties Policies and Procedures

**Headquarters
United States Army Recruiting Command
1307 3rd Avenue
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Personnel Procurement

Recruiting Improprieties Policies and Procedures



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History. This publishes a revision to USAREC Reg 601-45, which is effective 30 July 2009.

Summary. This regulation prescribes policies and responsibilities for reporting, processing, investigating, and disposing of allegations of recruiting improprieties within the U.S. Army Recruiting Command. A substantiated recruiting impropriety by any individual within the U.S. Army Recruiting Command may subject Soldiers to adverse administrative action or disciplinary action under the Uniform Code of Military Justice and Civilian employees to disciplinary action or adverse action under Federal laws

and regulations.

Applicability. This regulation applies to and is binding on all military and Civilian members of the U.S. Army Recruiting Command. Exceptions to nonstatutory provisions may be made by Headquarters, U.S. Army Recruiting Command or Headquarters, Department of the Army. In cases of conflict between this regulation and any other command regulation setting forth procedures for the reporting, processing, or disposition of allegations of recruiting improprieties, this regulation will take precedence. Except as otherwise prohibited by law, Department of Defense, or Department of the Army this regulation applies to U.S. Army Reserve personnel on active duty and to Army National Guard personnel performing recruiting duties within the U.S. Army Recruiting Command. This regulation applies to enlistments as well as appointments of commissioned and warrant officers.

Proponent and exception authority. The proponent of this regulation is the Re-

cruiting Standards Directorate. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Army management control process. This regulation contains management control provisions in accordance with AR 11-2, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation is prohibited.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQ USAREC, ATTN: RCRS, 1307 3rd Avenue, Fort Knox, KY 40121-2725.

Distribution. This publication is available in electronic media only and is intended for command distribution levels A and Y.

*This regulation supersedes USAREC Regulation 601-45, dated 5 October 2001, including all changes.

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Glossary

Chapter 1 General

1-1. Purpose

This regulation prescribes U.S. Army Recruiting Command (USAREC) policies and responsibilities for reporting, processing, investigating, and disposing of allegations of recruiting improprieties (RIs) within USAREC.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Policy

a. Elimination of RIs and correction of systemic deficiencies are a primary goal of every level of command within USAREC. The keys to achieving this goal are good management of recruiting resources, vigorous and thorough investigations of allegations of RIs, aggressive monitoring of all investigations, and continuing education and supervision of the recruiting force to assure only thorough, honest, and ethical recruiting practices are employed in USAREC.

b. Regardless of any other disciplinary action which may be taken, RIs committed by a USAREC Soldier may subject that Soldier to disciplinary actions including, but not limited to, administrative action such as involuntary reassignment, separation, suspension or removal from recruiting duties, termination of special duty assignment pay (SDAP), and withdrawal of the recruiting military occupational specialty code (MOSC). RIs committed by a USAREC Civilian employee may subject that person to appropriate administrative actions as provided by Office of Personnel Management regulations. RIs committed by civilian contract recruiting personnel may subject that person to appropriate reassignment, rehabilitation, and/or punishment as deemed appropriate by the contractor's parent company. The foregoing actions may be taken regardless of past recruiting and production performance records.

c. Apart from any determination of RI, USAREC commanders should consider whether the evidence of other wrongdoing or dereliction of duties on the part of a Soldier warrants Uniform Code of Military Justice (UCMJ) action, suspension from recruiting duties, withdrawal of the recruiting MOSC, or other adverse personnel action.

1-5. Responsibilities

a. Director of Recruiting Standards is responsible for:

(1) Developing, implementing, and monitoring compliance with enlistment standards policies and procedures contained in this regulation.

(2) Screening RI allegations reported to Headquarters, U.S. Army Recruiting Command (HQ USAREC) to assure the maximum possible clarification is obtained prior to referring the allegation to a subordinate headquarters for investigation.

(3) Training battalion executive officers (XOs) concerning investigative techniques.

(4) Coordinating the investigative efforts between USAREC and the U.S. Army Criminal Investigation Command (USACIDC) and acting as the USAREC clearinghouse for USACIDC reports of investigation (ROIs) when allegations of criminal misconduct are reported to HQ USAREC.

(5) Monitoring the recruiting process by analyzing RI and suspected impropriety (SI) trends.

(6) Reviewing ROIs for investigative sufficiency and, if necessary, returning investigations for further investigation.

(7) Administratively processing ROIs related to RI allegations.

b. Staff Judge Advocate (SJA) is responsible for:

(1) Technical supervision of the brigade judge advocates (BJAs) and civilian attorneys in their review of ROIs related to RI allegations.

(2) Providing legal advice to HQ USAREC and subordinate commanders on matters related to the investigation and disposition of RI allegations.

(3) Processing of substantiated and questionable cases to the Commanding General (CG) for action, when warranted. This responsibility includes, but is not limited to, providing advice on the adequacy of investigations, sufficiency of evidence, and appropriateness of recommended disposition.

c. USAREC commanders are responsible for implementing appropriate procedures to assure compliance with this regulation. Additionally, USAREC commanders should act to minimize the occurrences of recruiting processing errors, assure swift and appropriate disposition of those personnel involved in alleged RIs, and to remedy deficiencies in recruiting practices within their commands.

d. All personnel assigned to USAREC will carry and adhere to USAREC Form 1261 (USAREC Recruiting Ethics/ Integrity Card).

e. All allegations of RIs or suspected RIs must be reported to the chain of command or to HQ USAREC, Recruiting Standards Directorate, at DSN 536-0106 or toll free 1-800-223-3735, extension, 60106.

1-6. Delegations of authority

a. Authority to temporarily suspend personnel from recruiting duty status is delegated to the Deputy Commanding General (DCG), USAREC; brigade commanders or acting brigade commanders; and to battalion commanders or acting battalion commanders (in the grade of major or above).

b. Delegations of authority do not relieve commanders or persons to whom authority is delegated of their responsibilities under this regulation, other directives, and/or policies.

1-7. Clarification

For the purposes of this regulation:

a. Brigade commander includes the U.S. Army Medical Recruiting Brigade and the U.S. Army Special Missions Brigade. Battalion commander includes medical recruiting battalion commanders. Battalion XO also includes medical recruiting battalion XOs.

b. The term “enlist” also includes commission or appointment of any individual. Further definition may be found in the glossary under the term “enlistment.”

Chapter 2

RIs

2-1. Purpose

This chapter defines and gives examples of RIs. It applies to all military and Civilian employees assigned, attached, or detailed to USAREC. Failure to comply with this chapter may subject Soldiers to adverse administrative action or disciplinary action under the UCMJ and Civilian employees to disciplinary action or adverse action under Federal laws and regulations.

2-2. RIs defined

a. RIs include any of the following:

(1) Acts or omissions in violation of law or regulation with the intent to access a Future Officer (FO) or enlist a person in the Future Soldier Training Program (FSTP) not qualified for military service or whom the recruiter believes is unqualified for military service.

(2) Acts or omissions in violation of law or regulation with the intent to grant a person a specific option, MOSC, educational benefit, bonus, or other benefit for which an applicant is ineligible or whom the recruiter does not believe is eligible.

(3) Grossly negligent acts or omissions in violation of law, regulation, or policy resulting in a fraudulent, erroneous, or defective enlistment or officer accession, reporting to active duty (AD), or transfer of an unqualified person.

(4) Absent evidence of an innocent purpose intentional violations of any specific prohibition identified in paragraph 2-3, whether or not any processing, officer accession, or enlistment occurred.

b. For the purpose of this chapter:

(1) Gross negligence is defined as a reckless, wanton, or deliberate disregard for the foreseeable results of a particular act or omission. Gross negligence is a higher degree of carelessness than simple negligence, which is the absence of due care that a prudent person would have used under similar circumstances.

(2) The term recruiter as used in this chapter refers to all military and Civilian personnel involved in the recruiting process.

2-3. Specific prohibitions

The following specific prohibitions are listed:

a. Criminal involvement.

(1) Recruiters are prohibited from interfering with the civilian criminal process. Recruiters will not allow persons who have an unpaid fine or are pending charges (including unfiled charges known to the recruiter) to enter the FSTP or access FOs until all such restrictions are removed. Likewise, recruiters will not allow individuals who are confined in any

criminal justice facility, on probation, parole, or similar status to enter the FSTP or access FOs until all such restrictions are removed. Recruiters are further prohibited from participating in the release of individuals from such restrictions, whether by paying fines, appearing in court with applicants, testifying for applicants, or interceding on behalf of these individuals in any manner.

(2) Applicants are required to disclose all prior and pending law violations, whether civilian or military. Recruiters are prohibited from concealing, assisting in the concealment, or advising an applicant to conceal any disqualifying information.

Note 1: No RI investigation is required for applicants who (1) Admit to nondisqualifying law violations during military entrance processing station processing to enter the FSTP or access FOs; and (2) State they did not inform their recruiter of the offense. The nondisqualifying information will be entered on the appropriate forms, and the applicant may continue to process providing he or she is otherwise qualified. Additionally, the guidance counselor will determine whether or not the applicant informed his or her recruiter about the law violations. The senior guidance counselor will notify the XO if there is an allegation of a recruiter counseling an applicant to conceal nondisqualifying information.

Note 2: The above pertains only to RI investigations and the RI investigative process. Recruiting personnel must adhere to the processing and eligibility requirements contained in AR 601-210, USAREC Reg 601-56, USAREC Reg 601-96, USAREC Reg 601-37, USAREC Reg 601-108, and other applicable regulations and/or policy guidance to ensure only qualified applicants are allowed to process, enter the FSTP, or access FOs. Failure to follow these regulations may dictate the need for a misconduct inquiry or investigation.

b. False documents.

(1) Recruiters will not falsify, assist in falsifying, knowingly use any false documents and/or information, or intentionally omit any material information pertaining to an applicant's qualification for enlistment, officer accession, option, bonus, benefit, or referral credit for promotion. This prohibition includes any physical or electronic records or entries made or used during enlistment and/or officer accession processing. It also includes the use of any documents bearing forged or unauthorized signatures.

(2) Recruiters will not possess any blank documents which could be used to determine eligibility of an applicant.

c. Presigned forms and false certifications.

(1) Recruiters will not presign, nor have an applicant presign, any form that results in the attempted processing, processing, officer accession, or enlistment of anyone other than the actual applicant (for example, a presigned USMEPCOM Form 680-3A-E (Request for Examination) used by an imposter ("ringer") to take the Armed Services Vocational Aptitude Battery (ASVAB) for an applicant would violate this prohibition).

(2) Recruiters will not sign or have an applicant sign or initial a request to transfer the applicant from the Individual Ready Reserve (IRR) to a troop program unit (TPU).

(3) Recruiters will not sign on behalf of any Department of the Army personnel who are required to sign an enlistment or officer accession document unless permission was expressly granted and the document clearly indicated that the recruiter signed in a representative capacity.

d. Recruiters will not knowingly allow persons to take the ASVAB who are not eligible to test, and are prohibited from possessing or providing applicants, by any means, any qualification test material, version of the ASVAB, or locally-produced test or testing aid.

e. Medical.

(1) Recruiters are prohibited from concealing, assisting in the concealment, or advising an applicant to conceal any relevant medical information, whether or not disqualifying.

(2) Recruiters are also prohibited from giving or advising applicants to use any pharmaceutical product, medicine, medication, or remedy, whether controlled, prescribed, or sold over the counter for the purpose of meeting enlistment or commissioning eligibility.

f. Dependents. Recruiters will not recommend, encourage, or materially assist any person in the transfer of custody of their minor children for the purpose of meeting eligibility. Informing applicants that they may apply for or be permitted to regain custody of their children during their first enlistment or term of service is also prohibited. This does not prevent recruiters from informing such applicants of the basis for the Army's policy and explaining eligibility requirements in accordance with AR 601-210.

g. Prior service (PS).

(1) Recruiters will not conceal or assist in the concealment of an applicant's PS.

(2) Recruiters are prohibited from accessing an applicant into the U.S. Army Reserve (USAR) for the purpose of qualifying that person for accession into the Regular Army (RA) as PS.

(3) Recruiters will not knowingly process an applicant into the USAR who is being processed for accession into the RA or vice versa.

(4) Recruiters will not process an IRR to a TPU without the individual's consent, whether or not eligible.

h. Misrepresentation and coercion.

(1) Recruiters will not knowingly mislead or misinform a prospect or applicant regarding any aspect of processing, entitlements, benefits, or other aspects of the Army to entice a prospect or applicant to access or enlist into either the RA or USAR, or transfer to a TPU. This includes “conditional” enlistments in which an applicant enlists based on a recruiter’s assurance that the applicant’s prospects for selection for another program will improve. Other examples include, but are not limited to, false promises of cash bonus, Army College Fund, Student Loan Repayment Program, regaining custody of dependent children prior to completion of first term of enlistment, overseas assignments, or a specific station of choice.

(2) Recruiters will not threaten, coerce, or intimidate any person for the purpose of inducing a Future Soldier (FS) or FO to report to AD. This includes misrepresenting the likelihood of being apprehended and/or ordered to AD. It also includes obstructing an FS from being separated from the FSTP or an FO from accessing. Although recruiters may properly attempt to “resell” an FS or FO, they will not unreasonably delay the process of an FS’s or FO’s request for separation.

(3) Recruiters will not induce, attempt to induce, or assist an FS or FO to fail to report to AD or active duty for training after taking the Oath of Enlistment or Oath of Office and/or receiving orders to AD or active duty for training.

i. Recruiters are prohibited from assisting any recruiting personnel in the commission of any RI and from tampering with witnesses or interfering with the investigation of an RI.

j. Imposters (ringers). A “ringer” is defined as someone who serves as an imposter for the actual applicant for the purpose of satisfying the applicant’s qualifications for entry into the Army. The use of ringers is prohibited.

(1) Recruiters will not use a ringer to take a physical examination for the actual applicant.

(2) Recruiters will not use a ringer to take the ASVAB examination for the actual applicant.

Chapter 3

Processing and Investigation of Allegations of RIs

Section I

Processing of Allegations

3-1. General

This chapter prescribes USAREC procedures for the reporting, processing, investigation, and disposition of RI allegations (see flowchart at fig 3-1). Deviations from these procedures may be made only with the specific approval of HQ USAREC, Recruiting Standards Directorate. Reports associated with the processing of allegations are exempt from information requirements in accordance with AR 335-15.

3-2. Allegation and SI definitions and reporting requirements

a. RI allegations may come from any source and be either verbal or written that a USAREC member violated paragraph 2-2 or 2-3 of this regulation. Alleged RIs will be investigated using informal investigation procedures in accordance with AR 15-6 and USAREC Pam 27-65. Where the allegation appears to be clearly frivolous or without substance, HQ USAREC, Director of Recruiting Standards, may approve a request to conduct a commander’s inquiry in lieu of an informal investigation. If no impropriety is substantiated by the inquiry, the battalion commander may close the case and forward the report of inquiry through command channels to HQ USAREC. The Recruiting Standards Directorate should be contacted in questionable situations for guidance.

b. SIs are defined as questionable situations in which an RI is possible based on circumstantial or documentary evidence. For example: An increase of 20 or more points on an ASVAB retest, drug and alcohol testing loss, existing prior to service separations of enlistees reflected on the Training Base Attrition Report, any separation which is a result of fraudulent entry, unreported PS confirmation from the Defense Manpower Data Center, or officer separation which is a result of fraudulent entry constitute SIs.

c. All RI allegations and SIs will be reported to the battalion XO within 3 working days of discovery. The battalion will have 1 working day to report RI allegations to HQ USAREC, Recruiting Standards Directorate, via e-mail addressed to Improperities. The reporting format at figure 3-2 will be used. Liaison personnel will report RI allegations within 1 working day via USAREC Form 315 (Report of Alleged or Suspected Recruiting Impropriety) to HQ USAREC, Recruiting Standards Directorate. Additionally, the Recruiting Standards Directorate will report allegations of civilian contractor recruiter impropriety to the appropriate office of the civilian contractor management and to the USAREC program manager with oversight of contract recruiters via e-mail.

d. The XO will maintain a log reflecting the current status of each RI investigation using USAREC Form 737 (Recruiting Impropriety Investigation Log) (see fig 3-3) and commander's inquiry into SIs using USAREC Form 737-A (Suspected Impropriety Inquiry Log) (see fig 3-4).

e. Battalion commanders will evaluate each alleged RI and SI to determine whether any immediate action should be taken regarding the applicant or enlistee involved (for example, FS or FO separation, renegotiation, notify a TPU, etcetera). Should action be required, the battalion will contact the appropriate authorities.

3-3. Processing by HQ USAREC, Recruiting Standards Directorate

Upon receipt of an alleged RI or SI from any source, HQ USAREC, Recruiting Standards Directorate, will take the following actions:

a. Review the allegation and any supporting documentation to determine whether all necessary preinvestigative information has been provided and determine the necessity for an investigation. When necessary the Director of Recruiting Standards will forward the preinvestigative packet to the appropriate brigade with a copy furnished to the battalion. Coordination will be made with the USAREC Office of the Staff Judge Advocate (OSJA) in questionable situations.

b. When an RI investigation is warranted, a case file will be opened. When opening a case file, a case number and suspense date will be assigned via e-mail or memorandum to the brigade with a copy furnished to the battalion.

Section II

Initiation of the Investigative Process

3-4. Responsibility for appointing investigating officers

a. Upon receipt of an alleged impropriety, the battalion commander will appoint an investigating officer (IO) to investigate the RI allegation. All investigations of alleged RIs will be conducted in accordance with AR 15-6 and USAREC Pam 27-65.

b. The battalion XO has the primary staff responsibility for RI allegations and investigations at battalion level. The XO will maintain a log reflecting the current status of each RI investigation (see fig 3-3).

c. Only commissioned officers will be appointed as IOs for RI investigations. Noncommissioned officers (NCOs) in the rank of master sergeant and above, civilian investigators, and senior NCOs, sergeants first class and above assigned to the Recruiting Standards Directorate, may be appointed only as assistant IOs in the conduct of RI investigations. NCOs in the rank of master sergeant and above or civilian investigators assigned to the Recruiting Standards Directorate may be appointed IOs in the conduct of commanders' inquiries.

d. The battalion commander and XO will ensure trained and experienced IOs are appointed to conduct RI investigations. After assignment to USAREC, battalion XOs at the earliest opportunity will attend a "train the trainer" course hosted periodically by HQ USAREC. XOs will then be responsible for the training of battalion officers and NCOs (master sergeants and sergeants major) in the conduct of RI investigations and commanders' inquiries. Each officer appointed as an IO will, at a minimum, have received IO training from their XO. There is no minimum time requirement for an officer to be in USAREC to be assigned as an IO. However, the XO should review the complexity of the case to determine if an assistant IO (master sergeant or above who has completed IO training) should be appointed to help with the investigation.

e. Investigations and commanders' inquiries usually should not be conducted by the company commander of recruiting personnel allegedly involved in the matter.

f. At the request of a subordinate commander or on his or her own volition, the CG, USAREC, may appoint an IO to conduct an informal RI investigation. These investigations will also be conducted in accordance with the provisions of AR 15-6 and USAREC Pam 27-65. HQ USAREC, Recruiting Standards Directorate Civilian employees and senior NCOs, sergeants first class and above, may be appointed and detailed to assist the IO. These Civilians and NCOs are authorized to administer oaths in taking sworn statements during the conduct of their duties.

3-5. Suspension of favorable personnel actions (flagging)

a. Listed below are the requirements to suspend favorable personnel actions before initiating RI investigations.

(1) In accordance with AR 600-8-2, paragraph 1-11, the battalion commander must immediately flag the Soldier under investigation.

(2) Battalion commanders must ensure that every Soldier with an open RI investigation is flagged and that every Soldier who receives a USAREC Form 713-1 (Notification and Rebuttal of Adverse Action) remains flagged. There is no requirement to suspend a recruiter who receives a USAREC Form 713-1.

b. Removing the flag.

(1) Unless in conflict with CG Policy B-8, a battalion commander may remove the flag when the investigation is closed and punishment is complete. However, under AR 600-8-2, paragraph 1-12a, a flag for a Soldier on a Headquarters, Department of the Army (HQDA) promotion list (officers promotable O3 to O6, warrant officers promotable to CW3 to CW5, and enlisted Soldiers promotable to E7 to E9) who is flagged for nonjudicial punishment or court-martial can only be removed by HQDA (AHRC-Alexandria-MSP-S). Forward a copy of the initial DA Form 268 (Report to Suspend Favorable Personnel Actions (Flag)) along with supporting documentation to HQDA (AHRC-Alexandria-MSP-S).

(2) Investigations forwarded to the CG for action are not complete until they are closed by HQ USAREC; the flag may only be removed after the investigation is closed and punishment is complete. However, under AR 600-8-2, paragraph 1-12a, a flag for a Soldier on a HQDA promotion list (officers promotable to O3 to O6, warrant officers promotable to CW3 to CW5, and enlisted Soldiers promotable to E7 to E9) who is flagged for nonjudicial punishment or court-martial can only be removed by HQDA (AHRC-Alexandria-MSP-S). Forward a copy of the initial DA Form 268 along with supporting documentation to HQDA (AHRC-Alexandria-MSP-S).

c. The above procedures apply to military personnel only. Adverse action against a Civilian employee will be taken in accordance with appropriate Office of Personnel Management regulations.

d. Recruiters are not required to be flagged during a commander's inquiry into an SI.

3-6. Investigating and inquiry officer responsibilities

a. The IO will refer to the following to ensure the investigations are timely, thorough, and properly assembled:

(1) Read carefully all material in the file.

(2) Review all documents in the preenlistment or commissioning and/or enlistment or commission packet on the applicant and include a copy in the investigation. Include officer procurement or IRR to TPU transfer packets, if appropriate.

(3) Read and be familiar with USAREC Pam 27-65.

(4) Provide a Privacy Act statement to each applicant whose contract or accession is in question and to those recruiting personnel, other military personnel, or Civilian employees whose conduct is at issue.

(5) In RI cases take face-to-face sworn statements from all witnesses possible. Inability to obtain face-to-face sworn statements will be explained in detail. IOs having trouble locating witnesses should contact the Recruiting Standards Directorate for assistance.

(6) Execute DA Form 3881 (Rights Warning Procedure/Waiver Certificate) properly for suspects, suspicion of a witness for dereliction in performance of duty, or other misconduct.

(7) Obtain all pertinent documents and information, to include, but not limited to the applicant's or enlistee's Guidance Counselor Redesign and Army Recruiting Information Support System electronic files. For officers, obtain and review all pertinent documents and information utilizing the Direct Commissioning and Accessions System.

(8) Immediately report to the appointing authority or BJA any suspicion the IO has of misconduct by anyone senior in rank to the IO.

(9) Promptly and thoroughly investigate all allegations.

(10) Document all findings.

(11) Provide specific findings and indicate whether the case is substantiated or unsubstantiated. Provide appropriate recommendations based upon the findings. Ensure substantiated cases are proven by a preponderance of evidence.

(12) Refer to USAREC Pam 27-65 for proper assembly of the investigation.

(13) Provide the completed, properly assembled investigation to the appointing authority by the suspense date.

b. SIs may be investigated using a commander's inquiry instead of informal investigation procedures. Since there is no prescribed format for a commander's inquiry, a memorandum to the appointing authority documenting actions taken by the inquiry officer, identifying the personnel interviewed, enlistment or commission documents examined, and providing recommendations to the appointing authority. Telephonic interviews are acceptable for commanders' inquiries. Conversation records, enlistment or commission documents, or other correspondence need not be attached to the inquiry unless the inquiry officer believes it necessary to clarify or justify his or her report.

(1) A commander's inquiry into possible suitability matches is not necessary under the purview of this regulation. The guidance in USAREC Reg 601-56 and USAREC Reg 601-96 will be followed.

(2) USAREC Reg 601-96 and published message guidance establishes who must interview applicants in confirmed suitability match situations. The interviewer will document the results of the interview in writing (for example, memorandum of conversation), and follow appropriate directives in continuing to process the applicant. If the applicant states he or she informed his or her recruiter about any unlisted law violation, the situation will be reported to HQ USAREC, Recruiting Standards Directorate, and an investigation will be initiated. If the applicant indicates that he or she did not

inform his or her recruiter, no further action under this regulation is required.

c. At brigade and battalion level, NCOs in the rank of master sergeant and above or civilian investigators assigned to HQ USAREC, Recruiting Standards Directorate, may be appointed to conduct commanders' inquiries into SIs. These NCOs must complete IO training prior to being appointed to such duties.

3-7. Battalion and brigade processing

a. For the purposes of this regulation, the following definitions of "accessed" apply:

- (1) Nonprior service (NPS) (RA) - When the individual ships.
- (2) NPS (USAR) - When the individual is sworn in.
- (3) Days of service NPS - When the individual ships.
- (4) PS (RA) - When the individual ships.
- (5) PS (USAR) - When the individual is sworn in.

b. The BJA or attorney-advisor will conduct a legal review of all RI cases.

c. ROIs will be processed as follows:

(1) Brigade commanders have 50 calendar days from the time an allegation is surfaced until the complete ROI is mailed to HQ USAREC. Due to some RIs requiring a more extensive investigation and others not as much, the brigade must maintain an overall average of 50 days for all investigations.

(2) All RI cases will be forwarded with the battalion commander's recommendation to the brigade commander. Brigade commanders are authorized to substantiate or unsubstantiate an RI and to take disciplinary actions as they deem appropriate in all RI cases subject to AR 601-1 and CG Policy B-8. Brigade commanders will obtain legal advice from their assigned BJA prior to making a decision on any RI investigation and will notify the battalion commander of their decision. Battalion commanders will refer substantiated cases to the appropriate recruiting personnel for acknowledgment and rebuttal using USAREC Form 713-1 (see fig 3-5 and e below). The Soldier's rebuttal matters, if any, and the battalion commander's recommendation on disposition will then be forwarded to the brigade commander for final action. After the brigade commander takes final action, he or she will notify the battalion commander, who will, in turn, notify the recruiting personnel. The brigade commander may return final action disposition authority to the battalion commander as appropriate. The brigade commander will then forward the case file with all associated documents to HQ USAREC, ATTN: RCRS, 1307 3rd Avenue, Fort Knox, KY 40121-2725, for review and Criminal Investigation Division (CID) review prior to filing.

(3) If the brigade commander desires to recommend a final action beyond his or her scope of authority (general officer letter of reprimand, court-martial, or relief), the case file will be forwarded with recommendations to HQ USAREC, ATTN: RCRS, for further processing.

(4) In substantiated RI investigations against civilian contractor personnel, after the brigade commander has reviewed and provided recommendations, HQ USAREC, Recruiting Standards Directorate, will forward a copy of the cases involving civilian contractors to the office of the applicable civilian contract management and to the USAREC program manager with oversight of contract recruiters before closing. The office of the applicable civilian company will have 7 calendar days to provide recommendations. Any input and/or recommendations from the civilian contractor should be sent to HQ USAREC, ATTN: RCRS. In those cases that have both civilian contractor and military recruiter involvement, the brigade will take action or make recommendations per (2) and (3) above on military members before forwarding to USAREC.

(5) The CG retains relief authority over recruiting personnel involved in substantiated RI investigations in accordance with AR 601-1. The CG is the only officer who can reinstate suspended recruiters to recruiting duty.

d. In all substantiated cases, battalion and brigade commanders should consider if suspension from recruiting duties is warranted. Battalion commanders, acting battalion commanders in the rank of major, and brigade commanders are authorized to suspend recruiting personnel within their respective commands. Since reinstatement can only be directed by a USAREC general officer, and SDAP cannot be paid retroactively, suspension is normally appropriate when the commander intends to recommend relief from recruiting duty or some comparable adverse action.

(1) Termination of SDAP is effective on the date of suspension. Commanders must ensure that suspension is warranted based on the facts that are known at the time suspension is directed.

(2) Recruiters must be notified in writing of the suspension, provided with a copy of the supporting documentation, and provided the opportunity to submit matters in rebuttal. Normally suspension is directed after completion of the ROI using USAREC Form 713-1. If suspension is directed prior to completion of an investigation, the notice and rebuttal opportunity concerning the suspension must be provided.

(3) Suspended recruiters will not continue to perform recruiting duties. If a Soldier is assigned to duty at any location outside of his or her local travel area, no matter for how short a time, a DD Form 1610 (Request and Authorization for TDY

Travel of DOD Personnel) must be issued prior to the reassignment being effected.

e. When a commander determines an RI is substantiated, he or she will obtain a rebuttal or acknowledgment from the Soldier in all cases, regardless of whether relief, reclassification, and reassignment from USAREC is considered appropriate.

(1) USAREC Form 713-1 (fig 3-5) will be used to serve the investigation on the Soldier. The Soldier will be given a copy of the case file. He or she will be given 10 calendar days to review the file and submit rebuttal matters to the battalion commander. Extension of this time period may be granted by the battalion commander for good cause. To ensure all available evidence was reviewed by the Soldier, the rebuttal must be dated.

(2) After the Soldier has been given the opportunity to submit rebuttal matters, the battalion commander will forward the original copy of the case file (USAREC Form 713-1 with enclosures) to the brigade commander with the battalion commander's recommendations. Commanders will ensure that cases are forwarded promptly, including those without the Soldier's rebuttal, unless good cause is demonstrated and approved.

(3) RI cases will be kept on file for 2 years at the battalion headquarters and for 3 years at HQ USAREC, Recruiting Standards Directorate.

f. Brigade and battalion commanders have flagging and suspension authority. Unless they are the final deciding authority for an investigation, commanders will refrain from taking any other adverse administrative or disciplinary action without coordination with the BJA or HQ USAREC, Recruiting Standards Directorate, until the case has been finalized at the appropriate command level.

g. SIs will be processed as follows:

(1) Based upon the commander's inquiry, if the battalion commander determines there is no allegation, the battalion commander may close the case. However, if an allegation is discovered or there is any evidence indicating an RI occurred, the allegation must be reported to HQ USAREC, Recruiting Standards Directorate, and processed using informal investigation procedures. In short, battalion commanders may only close a commander's inquiry if there is no credible evidence that any impropriety occurred or that an allegation was made.

(2) A memorandum for record of commander's inquiries will be kept on file for 2 years at battalion headquarters. HQ USAREC, Recruiting Standards Directorate, will inspect commanders' inquiries during regular battalion inspections.

3-8. Request for investigation by USACIDC

a. Alleged and suspected RIs normally will be investigated by USAREC in accordance with the Memorandum of Understanding between USAREC and USACIDC (see app B). HQ USAREC, Recruiting Standards Directorate, is responsible for ensuring all reports of misconduct within USACIDC's investigative jurisdiction are properly reported to the USACIDC liaison officer.

b. When an offense listed in AR 195-2, appendix B, is linked to an alleged or suspected RI, USACIDC investigative assistance will be requested by the appointing authority. Offenses detected by the IO during the course of the investigation will be reported to the appointing authority who will coordinate with the servicing USACIDC office. The IO will continue with his or her investigation and will not delay the report to the appointing authority pending the conclusion of the CID investigation. Battalion commanders will monitor the progress of the CID investigation and maintain close liaison with the agent-in-charge. The agent should be asked to furnish statements of witnesses and other relevant evidence as it is obtained. The conclusions expressed by the USACIDC agent in his or her final ROI are not binding on commanders who have the authority to initiate UCMJ or adverse personnel actions against the subjects of a CID investigation. Hence, commanders who obtain sufficient evidence from USACIDC, in advance of the completion of the final ROI, can proceed to dispose of the matter being investigated. Problems with USACIDC investigations should normally be coordinated with the BJA.

3-9. HQ USAREC, Recruiting Standards Directorate review

a. The Recruiting Standards Directorate will review all cases for administrative and investigative thoroughness prior to CID review and filing.

b. In those substantiated cases where the brigade has recommended a final action beyond the scope of his or her authority, Recruiting Standards Directorate will forward the case file with recommendation(s) to the SJA for further processing.

c. If the Recruiting Standards Directorate determines that a finding or recommendation is erroneous and that corrective action by the CG or brigade commander may be warranted, the Recruiting Standards Directorate will return the case to the brigade commander for further processing.

3-10. SJA review

In those cases where HQ USAREC, Recruiting Standards Directorate, recommends corrective action or the brigade

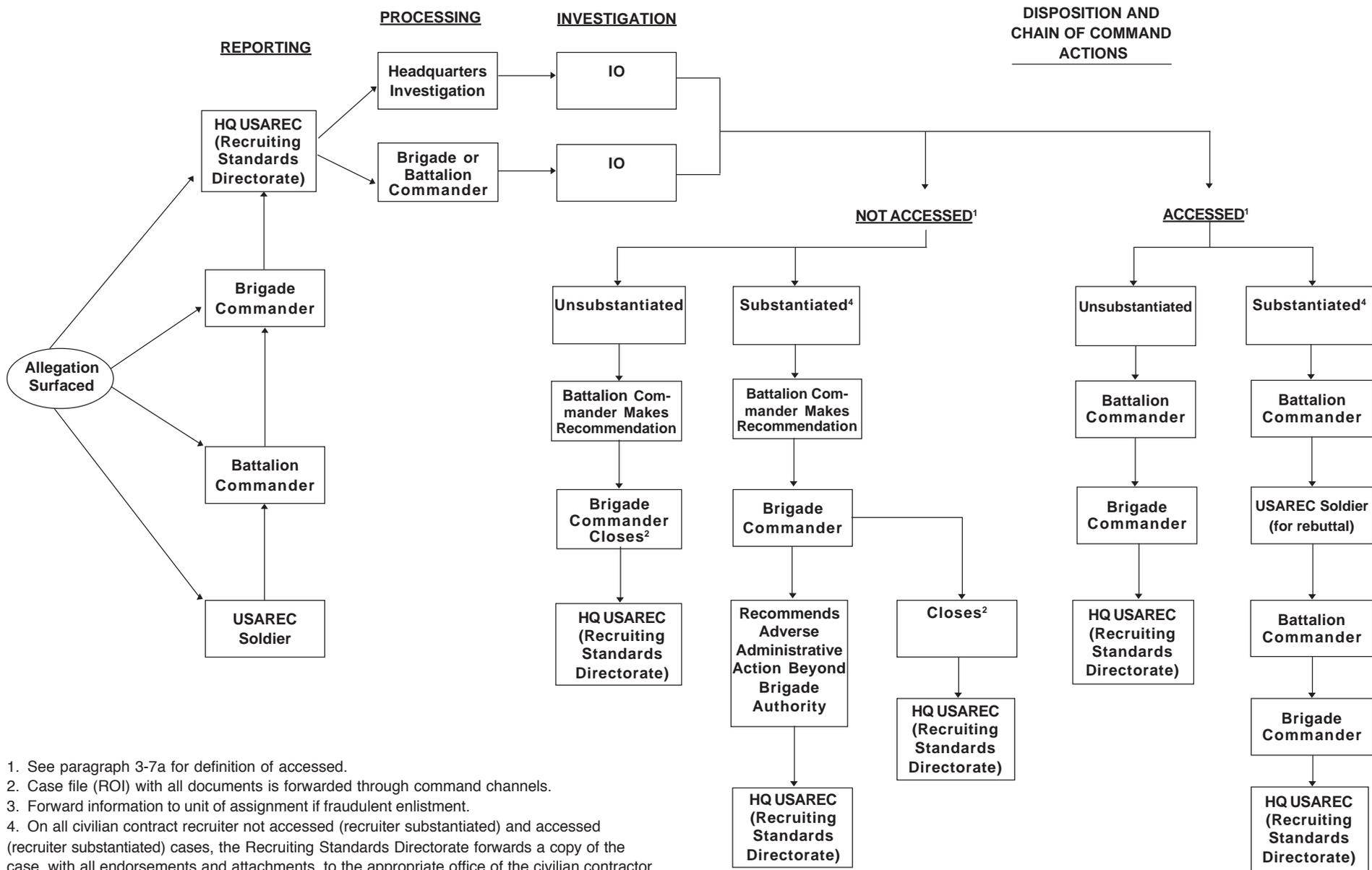
commander has recommended a final action beyond his or her scope of authority, the OSJA will review the case for legal sufficiency. Based upon the review, the SJA will prepare the file and brief the CG on the chain of command's recommendation and prepare the CG's decision for action.

3-11. Final action by HQ USAREC approving authority

- a. The CG will take action in cases when the brigade commander has determined the case to be substantiated and recommended a final action beyond the scope of the brigade commander's authority and in cases where the Recruiting Standards Directorate and the SJA recommend corrective action by the CG. The CG may impose the full range of adverse administrative personnel or UCMJ action as appropriate or return the action to the brigade commander for disposition.
- b. The DCG may not take any action concerning substantiated cases without authority of the CG.

3-12. Final disposition of substantiated cases

- a. OSJA will provide the Recruiting Standards Directorate with a memorandum of the CG's decision. In relief cases and those involving general officer letters, OSJA will prepare and forward appropriate correspondence through command channels to the personnel involved. In relief cases SJA will indicate whether there is probable cause to title any personnel in a CID ROI.
- b. The Recruiting Standards Directorate will send written notification to the brigade after the decision indicating final action and direct that the Soldier(s) involved be notified through the chain of command. In relief cases, the Director of Recruiting Standards, will provide the Assistant Chief of Staff, G1, appropriate documentation for action. The Recruiting Standards Directorate will notify CID, as required, for titling of those Soldier(s) in a CID ROI. Upon receipt of the titling correspondence, the Recruiting Standards Directorate will notify the Soldier through the chain of command that he or she has been titled and his or her name filed in the Crime Records Directorate, USACIDC.
- c. When a USAREC Soldier is relieved from recruiting duties for an RI, appropriate action will be taken by the Assistant Chief of Staff, G1, to withdraw the recruiting MOSC or additional skill identifier and all incentive recruiting awards.



1. See paragraph 3-7a for definition of accessed.
2. Case file (ROI) with all documents is forwarded through command channels.
3. Forward information to unit of assignment if fraudulent enlistment.
4. On all civilian contract recruiter not accessed (recruiter substantiated) and accessed (recruiter substantiated) cases, the Recruiting Standards Directorate forwards a copy of the case, with all endorsements and attachments, to the appropriate office of the civilian contractor management and the USAREC program manager (contract recruiting operations), before final closing.

Figure 3-1. The USAREC investigative process

TO: Improperities
cc: Appropriate BJA
Subject: Report of Alleged RI

The following information is furnished in accordance with USAREC Reg 601-45, paragraph 3-2:

- a. Name, Grade, and SSN of USAREC personnel involved.
- b. Battalion, company, and recruiting station involved (including recruiting station identification).
- c. Date, time, and place of occurrence of alleged RI.
- d. Date alleged incident was first reported to company commander or to battalion headquarters personnel.
- e. Source of allegation (e.g., telephone call, letter, personal interview).
- f. Name, address, and telephone number (if available) of person making the allegation.
- g. Name, address (military or civilian), telephone number (if available), SSN of applicant or enlistee, and whether processed for RA, USAR, AMEDD, OCS, or WOFT.
- h. Has the applicant accessed.
- i. Brief description of the allegation.
- j. Current duty status of USAREC member against whom the allegations are made (e.g., recruiter, GC, station commander, company first sergeant, company commander and whether they are RA, USAR, or civilian recruiter).
- k. Remarks.

/s/
XO or Commander's Signature Block

Figure 3-2. RI report format via e-mail

RECRUITING IMPROPRIETY INVESTIGATION LOG

(For use of this form see USAREC Reg 601-45)

RECRUITING BATTALION:						RECRUITING BRIGADE:				FISCAL YEAR:		
Louisville						8th				2009		
CASE #	RCTR'S NAME/RANK/SSN	APPLICANT'S NAME/SSN	RSID	TYPE ALLEG (1)	DATE INITIATED	BN CDR SUSPENSE	BDE SUSPENSE	DATE FWD TO BDE	INV OFF RANK/NAME	DATE CLOSED	FINAL/CG ACTION (2)	REMARKS/FILE
941	Smith, SFC 123-45-6789	Jones 987-65-4321	8a9b	CPR	1 Jun 09	15 Jun 09	25 Jun 09	30 Jun 09	MAJ Green	01 Jul 09	R3	Good investigation and timely.
↑	↑	↑	↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
					Enter day, month, and year due date to battalion commander.						Enter R3.	Enter general comments.
					Enter day, month, and year.					Enter day, month, and year when the case was closed.		
				Enter the abbreviated type allegation.					Enter abbreviated rank with last name of the investigating officer.			
		Enter recruiting station identification.										
	Enter applicant's last name and SSN.							Enter day, month, and year the investigation was forwarded to USAREC.				
	Enter recruiter's last name, rank, and social security number (SSN).						Enter day, month, and year due date to brigade.					
	Enter assigned USAREC case number.											
(1) CMI = CONCEALED MEDICAL INFORMATION COD = CONCEALMENT OF DEPENDENTS COER = COERCION CPR = CONCEALED POLICE RECORD CPS = CONCEALED PRIOR SERVICE ELO = ELOPEMENT				FOD = FALSIFICATION OF DOCUMENTS FP = FALSE PROMISE ITRI = ILLEGAL TESTING/RINGER NQFE = NOT QUALIFIED FOR ENLISTMENT/OPTION OTH = OTHER PC = PARENTAL CONSENT				(2) 1 = UNSUBSTANTIATED RECRUITING IMPROPRIETY 2 = SUBSTANTIATED RECRUITING IMPROPRIETY 3 = RECRUITER ERROR R3= RELIEF, RECLASSIFICATION, AND REASSIGNMENT				

USAREC Form 737, Rev 1 Feb 2004

PREVIOUS EDITIONS ARE OBSOLETE

V2.10

Figure 3-3. Sample of a completed USAREC Form 737

SUSPECTED IMPROPRIETY INQUIRY LOG

(For use of this form see USAREC Reg 601-45)

RECRUITING BATTALION: Louisville				RECRUITING BRIGADE: 8th				FISCAL YEAR: 2009	
CASE NUMBER	RCTR'S NAME/RANK/SSN	APPLICANT'S NAME/SSN	RSID	TYPE SI (1)	DATE INITIATED	RCTG BN CDR SUSPENSE	INV OFF RANK/NAME	DATE CLOSED	REMARKS/FILE
942	Brown, SSG 333-33-3333	Miller 555-55-5555	8a9b	CPR	1 Jun 09	15 Jun 09	MAJ Black	1 Jul 09	COD not verified. Good inquiry.
↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
				Enter the abbreviated type SI.					Enter general comments.
								Enter day, month, and year when the case was closed.	
			Enter recruiting station identification.						
		Enter applicant's last name and SSN.					Enter abbreviated rank with last name of the investigating officer.		
	Enter recruiter's last name, rank, and SSN.					Enter day, month, and year due date to battalion commander.			
Enter assigned battalion case number.					Enter day, month, and year.				

- | | | |
|---|----------------------------------|--|
| (1) CMI = CONCEALED MEDICAL INFORMATION | CPS = CONCEALED PRIOR SERVICE | ITRI = ILLEGAL TESTING/RINGER |
| COD = CONCEALMENT OF DEPENDENTS | ELO = ELOPEMENT | NQFE = NOT QUALIFIED FOR ENLISTMENT/OPTION |
| COER = COERCION | FOD = FALSIFICATION OF DOCUMENTS | OTH = OTHER |
| CPR = CONCEALED POLICE RECORD | FP = FALSE PROMISE | PC = PARENTAL CONSENT |

Figure 3-4. Sample of a completed USAREC Form 737-A

Appendix A References

Section I Required Publications

AR 15-6

Procedures for Investigating Officers and Boards of Officers. (Cited in paras 3-2a, 3-4a, and 3-4f.)

AR 600-8-2

Suspension of Favorable Personnel Actions (Flags). (Cited in paras 3-5a(1), 3-5b(1), and 3-5b(2).)

AR 601-1

Assignment of Enlisted Personnel to the U.S. Army Recruiting Command. (Cited in paras 3-7c(2) and 3-7c(5).)

AR 601-210

Active and Reserve Components Enlistment Program. (Cited in paras 2-3a and 2-3f.)

UCMJ

Uniform Code of Military Justice. (Cited in paras 1-4c, 2-1, 3-8b, and 3-11a.)

USAREC Reg 601-37

Army Medical Recruiting Program. (Cited in para 2-3a.)

USAREC Reg 601-56

Waiver, Future Soldier Program Separation, and Void Enlistment Processing Procedures. (Cited in paras 2-3a and 3-6b(1).)

USAREC Reg 601-96

Guidance Counselor Procedures. (Cited in paras 2-3a, 3-6b(1), and 3-6b(2).)

USAREC Reg 601-108

Army Chaplain Recruiting Program. (Cited in para 2-3a.)

USAREC Pam 27-65

Procedural Guide for the United States Army Recruiting Command Investigating Officer. (Cited in paras 3-2a, 3-4a, 3-4f, 3-6a(3), and 3-6a(12).)

Section II Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

AR 195-2

Criminal Investigation Activities.

AR 335-15

Management Information Control System.

Section III Prescribed Forms

USAREC Form 713-1

Notification and Rebuttal of Adverse Action. (Prescribed in paras 3-5b, 3-7c(2), 3-7d(2), 3-7e(1), and 3-7e(2).)

USAREC Form 737

Recruiting Impropriety Investigation Log. (Prescribed in para 3-2d.)

USAREC Form 737-A

Suspected Impropriety Inquiry Log. (Prescribed in para 3-2d.)

USAREC Form 1261

USAREC Recruiting Ethics/Integrity Card. (Prescribed in para 1-5d.)

**Section IV
Referenced Forms**

DA Form 268

Report to Suspend Favorable Personnel Actions (Flag).

DA Form 3881

Rights Warning Procedure/Waiver Certificate.

DD Form 4

Enlistment/Reenlistment Document - Armed Forces of the United States.

DD Form 1610

Request and Authorization for TDY Travel of DOD Personnel.

USAREC Form 315

Report of Alleged or Suspected Recruiting Impropriety.

USMEPCOM Form 680-3A-E

Request for Examination.

**Appendix B
Memorandum of Understanding**

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
AND
U.S. ARMY RECRUITING COMMAND

SUBJECT: Investigative Support to U.S. Army Recruiting Command (USAREC)

1. Purpose: This agreement defines a system of mutual cooperation between U.S. Army Recruiting Command (USAREC) and U.S. Army Criminal Investigation Command (USACIDC), prescribing necessary actions by both commands to ensure maximum effectiveness in providing criminal investigative support to USAREC.

2. References:

- a. Army Regulation (AR) 195-2 (Criminal investigation Activities, 30 Oct 84).
- b. USAREC Regulation (UR) 601-45 (Recruiting Improprieties Policies and Procedures, 30 Sep 96).
- c. CID Regulation (CIDR) 195-1 (Criminal Investigation Operational Procedures, 1 Jan 00).
- d. Department of Defense Instruction (DoDI) 5505.7 (Titling and Indexing of Subjects of Criminal Investigations in the Department of Defense, 14 May 92).
- e. AR 15-6 (Procedure for Investigating Officers and Boards of Officers, 30 Sep 96).
- f. AR 601-1 (Assignment of Enlisted Personnel to the U.S. Army Recruiting Command, 2 Mar 92).

SUBJECT: Investigative Support to U.S. Army Recruiting Command (USAREC)

3. Definitions, as applicable to this MOU:

a. Recruiting improprieties are acts or omissions that involve the recruiting process, usually a violation of Article 84, 92, 107, or other articles of the Uniform Code of Military Justice (UCMJ), and are more fully defined in the glossary of UR 601-45 as:

(1) Acts or omissions in violation of law or regulation with the intent to enlist a person not qualified for enlistment or whom the recruiter believes is unqualified for enlistment.

(2) Acts or omissions in violation of law or regulation with the intent to grant a person a specific option, MOSC, education benefit, bonus, or other enlistment benefit for which an applicant is ineligible or whom the recruiter does not believe is eligible.

(3) Grossly negligent acts or omissions in violation of law, regulation, or policy resulting in a fraudulent, erroneous, or defective enlistment or reporting to AD or transfer of an unqualified person.

(4) Absent evidence of an innocent purpose, intentional violations of any specific prohibition identified in UR 601-45, paragraph 2-3 (specific prohibitions), whether or not any processing or enlistment occurred.

b. Other criminal offense: A violation of one of the articles of the UCMJ listed in appendix B of reference a, except those violated as part of a recruiting impropriety.

c. USAREC personnel: Civilian and military personnel currently or formerly assigned, attached or detailed to USAREC.

d. USACIDC ROI: A report of investigation prepared by a USACIDC unit in accordance with CID Regulation 195-1.

e. USAREC ROI: A report of investigation prepared by USAREC in accordance with procedures outlined in UR 601-45 and/or AR 15-6.

4. Problem: USACIDC and USAREC need to establish a procedure whereby USAREC is allowed to investigate recruiting impropriety cases, which are unique to USAREC and which otherwise would be investigated by USACIDC, while ensuring that the USACIDC provides necessary investigative support and is promptly notified of alleged criminal offenses.

5. Scope: This MOU applies to all elements of USACIDC and USAREC.

6. USACIDC responsibilities:

a. Any USACIDC unit receiving criminal complaints against USAREC personnel will take the following actions:

(1) Initiate a sequence number action.

(2) If the only apparent offense(s) consists of recruiting improprieties, dispatch a message, by any convenient means, describing the substance of the allegation and the sequence number to the USAREC LNO, 280th MP Detachment (CID), 3d MP Group (CID), USACIDC, Fort Knox, KY 40121-5580. The sequence number action will be maintained in an open status until instructions are provided by the CID USAREC Liaison Officer (LNO) or higher headquarters to either complete the sequence number action or initiate a USACIDC ROI.

(3) For other serious criminal offenses for which the USACIDC has investigative responsibility, conduct a formal USACIDC investigation. The CID USAREC LNO will be included as an information addressee on each report of investigation (ROI) submitted in accordance with reference c.

(4) Prior to the preparation of the final USACIDC ROI, coordinate with the appropriate USAREC brigade judge advocate (BJA). This requirement is in addition to the requirement for coordination with the local staff judge advocate (SJA).

(5) If any offense(s) appears to fall within the investigative responsibility of the provost marshal's office (PMO), advise the reporting party of the requirement to report the allegations to the appropriate PMO.

b. Upon receipt of notification from a USACIDC unit pursuant to paragraph 6a(2), the CID USAREC LNO will:

(1) Initiate a sequence number action.

(2) Brief appropriate USAREC points of contact, to include the appropriate BJA.

(3) Determine, in coordination with USAREC, whether USAREC should investigate the allegation or whether a USACIDC investigation is appropriate.

SUBJECT: Investigative Support to U.S. Army Recruiting Command (USAREC)

(4) Brief the originating USACIDC unit, within five business days, to either complete its sequence number action or initiate a USACIDC ROI.

c. When an investigation conducted solely by USAREC results in the relief of a recruiter for commission of a recruiting impropriety in accordance with UR 601-45 and AR 601-01, the CID USAREC LNO will:

(1) Obtain a copy of the USAREC ROI.

(2) Review the completed USAREC ROI to determine whether it reflects a thorough development of facts and whether there are indications of other serious criminal offenses.

(3) If the review of the USAREC ROI identifies a requirement for a USACIDC investigation of other serious criminal offenses, initiate a USACIDC ROI or, if appropriate, forward the USAREC ROI to the USACIDC office having investigative responsibility for the area where the additional criminal offense(s) took place or where the suspect(s) reside and request that office to initiate a USACIDC ROI.

(4) If the review of the USAREC ROI does not reveal a need for additional investigation by the USACIDC, initiate and prepare an Initial/Final USACIDC ROI. The Initial/Final USACIDC ROI should be prepared in Collateral ROI format and will include a copy of the USAREC ROI as an attached exhibit. The decision to list USAREC personnel as ROI subject(s) for a recruiting impropriety will be based upon credible information standards and in compliance with DoDI 5505.7.

(5) Provide a copy of the USACIDC ROI to HQ, USAREC, ATTN: RCRO-RI. Since action taken against subject(s) will already be reported in the USAREC ROI, the use of DA Form 4833, Commander's Report of Disciplinary or Administrative Action should not be necessary. The results of the action taken will be reported in the USACIDC ROI.

(6) If the review of a USAREC ROI does not reveal any other serious criminal offense, but does address offense(s) within PMO investigative responsibility, coordinate with the local PMO and pass on the information for action as deemed appropriate.

d. Upon receipt of notification from USAREC of allegations of other serious criminal offenses committed by USAREC personnel, the CID USAREC LNO will:

(1) Initiate a sequence number action.

(2) Forward the information to the appropriate USACIDC unit by memorandum of transmittal for initiation of a USACIDC ROI.

(3) Monitor the progress of USACIDC investigations of USAREC personnel which have been in an open status more than 90 days and respond to inquiries from USAREC pertaining to those investigations.

e. The USACIDC unit conducting the investigation will strive to complete these investigations within 90 days.

7. USAREC responsibilities:

a. USAREC will normally investigate recruiting impropriety cases, as defined in paragraph 3a of this MOU.

b. Refer, within five business days, to USACIDC evidence of other serious criminal offenses, including those of-fenses discovered during the course of a USAREC inquiry. This requirement includes notifying USACIDC of off-post incidents, even if civilian law enforcement authorities are conducting an investigation.

c. Initiate and maintain an adequate "chain of custody" for all evidence collected during a USAREC inquiry.

d. USAREC will strive to complete recruiting impropriety investigations within 50 days.

8. Support: The USACIDC recognizes the need for expeditious resolution of its investigations involving allegations of criminal offenses by USAREC personnel and will continue to give priority to these cases. It is recognized that the scope of an investigation influences the length of time required for completion.

a. The CG, USAREC, or his designee, including the USAREC SJA, USAREC Deputy SJA, USAREC Brigade Judge Advocates (BJA), and USAREC Chief of Recruiting Improprieties and Investigation Office, may request USACIDC investigative support or that USACIDC assume the active investigation of offenses cited in paragraph 3a above, when warranted, in the interests of effective law enforcement.

b. The USAREC officials identified in 8a above may request U.S. Army Criminal Investigation Laboratory (USACIL) and/or polygraph support for investigations being conducted by USAREC. Recruiting improprieties sometimes involve the use or creation of false, forged, or fraudulent documents such as diplomas, school transcripts, etc. Forged and

SUBJECT: Investigative Support to U.S. Army Recruiting Command (USAREC)

fraudulent documents are also often created when an imposter (“ringer”) is used to take the Armed Services Vocational Aptitude Battery (ASVAB) for an enlistment prospect. In these types of cases USACIDC support is needed for the expert examination of the questioned documents. Requests for USACIL support to examine documents should be made as early in the recruiting improprieties investigation as possible, in order to ensure the timely completion of the investigation. USAREC will provide evidence to be examined by USACIL to the CID USAREC LNO or nearest USACIDC unit for submission to the USACIL.

c. The USACIDC may assume investigative responsibility for the investigation of any offense or allegation addressed in this MOU, when warranted, in the interest of effective law enforcement, or other reason(s) deemed appropriate under the circumstances. Assumption of investigative responsibility by USACIDC will normally not preclude USAREC from conducting a collateral investigation into the same matter(s), provided that the collateral investigation does not adversely affect the investigative process of the USACIDC investigation.

9. USACIDC ROI distribution:

a. Action commander’s distribution of USACIDC ROIs will be forwarded through the appropriate USAREC recruiting brigade commander to the appropriate recruiting battalion commander.

b. When necessary, a DA Form 4833 (Commander’s Report of Disciplinary or Administrative Action) will be completed by the battalion commander and forwarded through the appropriate recruiting brigade commander to the USACIDC unit requiring the information.

c. Copies of all USACIDC ROIs (initial, status, and final) will also be sent to the CID USAREC LNO for forwarding to HQ, USAREC, ATTN: RCSJA.

10. Effective date: This MOU is effective 30 days from the date of signature and may be terminated by mutual consent of these signatories. On the effective date, this MOU supersedes the current MOU.

/signed/
DONALD J. RYDER
Brigadier General, USA
Commanding General, USACIDC

14 Aug 2001

/signed/
DENNIS D. CAVIN
Major General, USA
Commanding General, USAREC

23 Jul 2001

Glossary

Section I Abbreviations

AD

active duty

ASVAB

Armed Services Vocational Aptitude Battery

BJA

brigade judge advocate

CG

Commanding General

CID

Criminal Investigation Division

DCG

deputy commanding general

FO

Future Officer

FS

Future Soldier

FSTP

Future Soldier Training Program

HQDA

Headquarters, Department of the Army

HQUSAREC

Headquarters, U.S. Army Recruiting Command

IO

investigating officer

IRR

Individual Ready Reserve

MOSC

military occupational specialty code

NCO

noncommissioned officer

NPS

nonprior service

OSJA

Office of the Staff Judge Advocate

PS
prior service

RA
Regular Army

RI
recruiting impropriety

ROI
report of investigation

SDAP
special duty assignment pay

SI
suspected impropriety

SJA
Staff Judge Advocate

SSN
social security number

TPU
troop program unit

USACIDC
U.S. Army Criminal Investigation Command

USAR
U.S. Army Reserve

USAREC
U.S. Army Recruiting Command

XO
executive officer

Section II

Terms

adverse personnel actions

Unfavorable personnel actions including, but not limited to, removal from recruiting duties, withdrawal of recruiting MOSC or additional skill identifier code, and/or letter of reprimand.

allegation

Information from any source that a USAREC member violated this regulation. Allegations can be expressed or implied based on oral or written statements which need not be signed or sworn. RIs also can be inferred based on documentary evidence.

applicant

A person who has begun processing for enlistment or IRR transfer into the RA or any other USAR Component of the Army.

appointing authority

USAREC commanders at the battalion level or higher, USAREC DCG, and USAREC Chief of Staff, are authorized to appoint informal investigations concerning allegations of RIs and other matters within their areas of responsibility. Only USAREC CG, DCG, or Chief of Staff may authorize a headquarters investigation.

approval authority

The CG, USAREC, or when empowered to act for the CG, DCG USAREC.

eligibility

Qualification for enlistment or appointment as a warrant or commissioned officer.

elopement

Failure of an FSTP shipper to report to AD by consciously going absent without leave.

enlistee

A person who has taken the Oath of Enlistment into the FSTP, RA, any USAR Component of the Army and signed applicable portions of DD Form 4 (Enlistment/Reenlistment Document - Armed Forces of the United States), or who has signed a request to transfer to a TPU.

enlistment

A voluntary contract (DD Form 4) for military service entered into between an individual and the Army which results in changing the status of the individual person from that of a civilian to that of a member of the military (RA or USAR).

Note: For the purpose of this regulation, "enlistment" includes entry into the FSTP, original enlistment in a TPU (with or without delay or split training), in the RA or appointment in the RA, USAR, Officer Candidate School, Warrant Officer Flight Training, or Army Medical Department AD or USAR. This includes transfers from the IRR to a TPU. Thus, the rules of this regulation apply both to all matters pertaining to enlistment in the FSTP and to all matters pertaining to the subsequent enlistment in the RA.

gross negligence

A negligent act or omission accompanied by a reckless, deliberate, or wanton disregard for the foreseeable consequences of that act or omission.

headquarters investigation team

The group of commissioned officers selected by the Chief of Staff, for training as USAREC IOs and for detail to investigative duties when allegations of RIs warrant an HQ USAREC investigation. Civilian employees and senior NCOs, sergeants first class through sergeants major, may be appointed as members of a headquarters investigative team. Only the USAREC CG, DCG, or Chief of Staff may authorize a headquarters investigation.

qualification test material

Actual or illustrative questions and/or answers to any version of the test, or any other test administered to applicants for enlistment to determine test score qualification for enlistment; any component of these tests which would reveal actual questions and/or answers; and copies, written extracts, or crib sheets of test questions, answers, or any component of these tests which would reveal actual questions and answers.

prospect

An individual who has indicated interest in an enlistment to a recruiter directly or indirectly through face-to-face or telephonic communication or by Lead Evaluation and Distribution System, centers of influence, FSTP referrals, and/or hometown recruiter aides.

recruiting impropriety

- Acts or omissions in violation of law or regulation with the intent to access an FO or enlist a person in the FSTP not qualified for military service or whom the recruiter believes is unqualified for military service.
- Acts or omissions in violation of law or regulation with the intent to grant a person a specific option, MOSC, educational benefit, bonus, or other benefit for which an applicant is ineligible or whom the recruiter does not believe is eligible.
- Grossly negligent acts or omissions in violation of law, regulation, or policy resulting in a fraudulent, erroneous, or

defective enlistment or officer accession or reporting to AD or transfer of an unqualified person.

- Absent evidence of an innocent purpose intentional violations of any specific prohibition identified in paragraph 2-3, whether or not any processing, officer accession or enlistment occurred.

reinstatement

The restoration to recruiting duty status, along with a restoration of eligibility for SDAP.

Reserve Officers' Training Corps Referral Program

A program whereby all elements of USAREC provide personal data on qualified applicants to Army Reserve Officers' Training Corps elements.

ringer

An impostor who takes the ASVAB or physical examination for an actual applicant in order to qualify the actual applicant for enlistment.

special duty assignment pay

A monthly monetary incentive that is paid to enlisted personnel who qualify for and serve in designated special duty assignments. It is used for designated personnel who have extremely demanding duties that require an extraordinary effort for satisfactory performance or an unusual degree of responsibilities.

suspected impropriety

Questionable situations in which an RI is possible based on circumstantial or documentary evidence.

suspension

An exclusion from recruiting duty status for an indefinite period of time for the best interests of the Army. The recruiter is transferred from all duties involving contact with prospects and/or applicants for enlistments.

USAREC member

Any Soldier or Civilian employee of the U.S. Government assigned, attached, detailed, employed, or performing temporary duty within USAREC.

USAREC

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