



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
NATIONAL GUARD BUREAU  
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NGB-ARH

08 JUL 2005

MEMORANDUM FOR The Military Personnel Management Officers of All States, Puerto Rico, The Virgin Islands, Guam, and The District of Columbia

SUBJECT: Procedures dealing with Soldiers with Unexcused Absences and/or Classified as Unsatisfactory Participants (NGB-ARH Policy Memo 05-047)

1. References:

- a. AR 135-91, Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures, 1 Feb 05.
- b. AR 135-175, Separation of Officers, 28 Feb 1987.
- c. AR 135-178, Enlisted Administrative Separations, 26 Mar 04.
- d. Paragraph 8-5, NGR 600-200, Enlisted Personnel Management, 1 Mar 97.
- e. Paragraph 8-27f, NGR 600-200, Enlisted Personnel Management, 1 Mar 97.
- f. NGR 635-100, Termination of Appointment and Withdrawal of Federal Recognition, 8 Sep 78.
- g. NGB-ARH Policy Memorandum 05-037, Absent without leave (AWOL) / Dropped from the Rolls (DFR) for Deployed Soldiers.

2. Purpose. Provide all States, Territories and The District of Columbia with the procedures when dealing with Soldiers who have accrued unexcused absences and/or have been declared an Unsatisfactory Participant.

3. Unit commanders will follow procedures listed in a through c below. They will ensure that required documentary evidence is contained in the MPRJ except as authorized in c, below.

- a. Notice of unexcused absence. The prescribed letter of instruction for an Unexcused Absence, with the format as prescribed in figure 4-1 of AR 135-91, will be delivered to the Soldier. Delivery will be either in person or by U.S. mail. If U.S. mail is used in lieu of delivery in person, the notice will be mailed during or immediately following the unit training assembly (UTA) or multiple unit training assemblies (MUTA) from which the Soldier is/was absent. Soldier will be notified upon the fourth unexcused absence with in a 12-month period and after each succeeding unexcused absence up to and including the ninth

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absence in that 12-month period which results in the determination of unsatisfactory participation. One letter will cover all unexcused absences from a MUTA. The first notification commencing with the fourth absence will be sent by certified mail, return receipt requested. The remaining notification will be sent by first class mail.

b. Documentary evidence. Whether notices required by a, above, are delivered in person or sent by U.S. mail, a copy of each notice and the following, as appropriate, will be placed in the Soldier's MPRJ.

(1) When the notices are personally delivered, the Soldier's signature will be obtained on the file copy as acknowledgment of receipt.

(2) When certified mail is used, a copy of the notice and either a post office receipt confirming delivery or the returned unopened envelope showing the notice was not delivered, will be filed. Mail refused, unclaimed, or other wise not delivered may not be used as a defense against unexcused absences when notices were correctly addressed.

(3) When first class mail is used, a copy of the notice and the envelope showing the notice was sent to the Soldier's most recent mailing address, will be filed. Also, for each such notice, the individual mailing the notice will prepare an "affidavit of service by mail" in accordance with the format prescribed in figure 4-7 of AR 135-91. Mail sent to the mailing address on file as provided by the Soldier, which is refused, unclaimed, or otherwise not delivered may not be used as a defense against unexcused absences when notices were correctly addressed to the address on file provided by the Soldier.

(4) The commander's statement showing his or her decision as to whether the reason preventing the Soldier from attending the training assembly resulted in a declaration of unsatisfactory participation was valid or an emergency will be filed. The facts or circumstances on which the decision is based will be included in the statement.

4. Unexcused absence from annual training. Soldiers are unsatisfactory participants if, without proper authority, they fail to attend or complete the entire period of active duty.

5. Unexcused absence from Active Duty.

a. The unit commander will determine if the Soldier was notified in enough time to comply with orders, the termination date, and whether there were compelling or emergency reasons for being absent.

b. Actions to be taken against a Soldier absent without leave (AWOL) during the Active Duty period will be at the discretion of the commander. It will be based on the number of

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days absent and the Soldier's attendance and manner of performance during the regular inactive duty training year. A Soldier who is present on the reporting and ending dates of AT orders who was AWOL for 1 or more days during the active duty period may be:

(a) Declared an unsatisfactory participant and subject to reassignment/transfer to the IRR or processed for discharge under the provisions of the appropriate reference cited in paragraph 1 of this memorandum.

(b) Retained on active duty for punitive action under paragraph 10, Manual of Courts Martial/State Code of Military Justice.

(c) Administered nonjudicial punishment per UCMJ, Article 15.

6. Unauthorized absence from initial entry. Action will be taken per AR 630-10 and the UCMJ if an officer or enlisted ARNG Soldier fails to comply with orders and/or is AWOL after reporting for duty.

7. Soldiers who are AWOL and Dropped for the Rolls from active duty will fall under the procedures outlined in NGB-ARH Policy Memo # 05-037.

8. Points of contact are MAJ Donna McDermott at (703) 607-3302, DSN: 327-3302, email: donna.mcdermott@ngb.army.mil or MSG Donald Kiefer at (703) 607-5350, DSN: 327-5350, email: donald.kiefer@ngb.army.mil.



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