



DEPARTMENT OF THE ARMY
NONCOMMISSIONED OFFICER ACADEMY
US ARMY SOLDIER SUPPORT INSTITUTE
10000 HAMPTON PARKWAY
FORT JACKSON, SC 29207-7050

ATSG-NC

6 June 2018

MEMORANDUM FOR NCO Academy Cadre and Student-NCOs

SUBJECT: NCO Academy Policy Memorandum #36 - Student-NCO Disenrollments, Dismissals, Removals, and Appeal Process

1. References:

- a. AR 350-1, Army Training and Leader Development, 10 December 2017.
- b. SSI Regulation 350-11, Student-NCO Enrollments and Disenrollments.

2. This memorandum establishes routine procedures for dismissal requirements, administration, and right to appeal for Student-NCOs attending the Advanced and Senior Leader Courses (ALC/SLC) for their respective MOS.

3. General. Student-NCOs must be afforded the opportunity to appeal the dismissal and rebut the DA Form 1059 (Service School Academic Evaluation Report) in accordance with AR 350-1, paragraph 3-15e(1). Student-NCOs who elect to appeal the dismissal or removal will remain actively enrolled in the course pending the disposition of the appeal (AR 350-1, paragraph 3-15e(5)). As an exception to this policy, Soldiers who are a disruption to the normal day-to-day operation of the course will be released immediately. Soldiers dismissed for failure to meet course prerequisites will be disenrolled without prejudice or a DA Form 1059. A DA Form 1059 must be prepared for all other dismissals in accordance with AR 623-3, paragraph 3-27a. Appeal procedures will be conducted in accordance with AR 350-1, paragraph 3-15e(4). Student-NCOs with an active pending appeal will not be granted an opportunity to take any academic tests until their current appeal has been approved. This measure is implemented to mitigate the likelihood of having more than one appeal pending on any individual Student-NCOs.

4. Disenrollment and Dismissals (Types).

a. Administrative Disenrollment: Administrative release from NCOA is reviewed by the Deputy Commandant on a case-by-case basis and is determined by the Commandant based on the Deputy Commandant's recommendations. Reasons for release include compassionate transfer, emergencies, unit recall, or other reasons beyond the control of the Student-NCO. The Student-NCO is eligible to return to the

ATSG-NC

SUBJECT: NCO Academy Policy Memorandum #36 - Student Disenrollment, Dismissals, Removals, and Appeal Process

course as soon as the situation is resolved. Administrative releases are not adverse in nature. Released Student-NCOs may return to the course as soon as the situation is resolved.

b. Medical Disenrollment: Medical release is a type of administrative release and is reviewed by the Deputy Commandant on a case-by-case basis. The Commandant determines the release based on the recommendation of the Deputy Commandant. Reasons for a medical release include injury or illness resulting in unreasonable delay and/or loss of training time, or being prohibited from participating in any required training. Medical releases are not adverse in nature. Released Student-NCOs may return to the course as soon as the condition is resolved.

c. Academic Dismissal: Academic release is based upon failure to achieve a GO on any performance evaluation within two attempts. Academic releases are considered adverse IAW AR 600-8-19, paragraph 3-27c(11). Soldiers failing the required Noncommissioned Officer Professional Development System (NCOPDS) course for cause or academic reason will be removed from the promotion standing list. Student-NCOs released for academic reasons are not allowed to return to any NCOPDS course for a period of six months. Student-NCOs released for academic reasons receive an AER with adverse comments.

d. Disciplinary Dismissal: Disciplinary releases are reviewed by the Deputy Commandant on a case-by-case basis and are considered adverse in nature. The Commandant will determine release from the course based on the recommendation of the Deputy Commandant. Student-NCOs released for disciplinary reasons are not allowed to return to any NCOPDS course for a period of six months. Additionally, Soldiers eliminated for cause may be barred from reenlistment, receive non-judicial punishment, or be reclassified (Ref AR 350-1, paragraph 3-15f(1)). Finally, the Soldier is removed from the promotion standing list (Ref AR 600-8-19, paragraph 3-27c(11)) and receives an AER with adverse comments. Disciplinary releases are appropriate when a Student-NCO's personal conduct is such that continuance in the course is not appropriate and may include (but is not limited to):

- (1) Violations of Academy policies or Army regulations.
- (2) Lack of self-discipline or motivation.
- (3) Conviction under the provisions of the Uniform Code of Military Justice (UCMJ) or conviction in civilian court (except for minor traffic violations).
- (4) Violations of the Student-NCO's Honor Code System.

ATSG-NC

SUBJECT: NCO Academy Policy Memorandum #36 - Student Disenrollment, Dismissals, Removals, and Appeal Process

- (5) Any conduct unbecoming of a Noncommissioned Officer.
- (6) Absent from appointed place of duty, i.e. formation/classes etc.
- (7) A Student-NCO receiving excessive spot reports or adverse counseling (three or more) is considered a habitual offender and is recommended for release from the course.
- (8) Any unsafe action that endangers self or another Student-NCO, resulting in an injury or illness and/or loss of training time.
- (9) Creating or contributing to an unhealthy classroom climate.
- (10) SHARP or EO policy violations.
- (11) Inappropriate and unprofessional verbal comments.
- (12) Any actions that brings discredit to the NCO Academy, NCO Corps, or the Army.
- (13) DWI/DUI or reckless driving, including speeding.
- (14) Any alcohol-related incident, either on or off-post.
- (15) Fighting (Assault/Verbal or Physical).
- (16) Use of illegal substances or use of another person's prescription.
- (17) Shoplifting/theft.
- (18) Trainee abuse.
- (19) Disrespect to any Cadre member or fellow Student-NCOs.
- (20) CID/MP Investigations.
- (21) Lying (false statements –written or verbal falsifying government records).
- (22) Cheating; includes copying test questions and/or answers into your personal notes and passing them on to other Student-NCOs.

ATSG-NC

SUBJECT: NCO Academy Policy Memorandum #36 - Student Disenrollment, Dismissals, Removals, and Appeal Process

5. Removals. In accordance with AR 350-1, paragraph 3-13 (c) and (d), the following criteria applies for removals in cases where students fail two APFTs or two Height and Weight screenings. An appeal in this matter is not authorized by AR 350-1, para 3-13. In fact, AR 350-1, paragraph 3-13 clearly notates the requirement that a Soldier pass an APFT or Height and Weight screening while attending a school such as the NCO Academy. This paragraph requires the removal of students who fail two APFTs or two Height and Weight screenings and does not allow for an appeal. Nevertheless, as an inherent practice, but most importantly in order to protect the command, the academy will continue to seek legal review to further endorse regulatory sufficiency of dismissals.

a. APFT: Successful completion of the APFT is mandatory for course graduation. Soldiers attending the identified PME schools and courses will be administered an initial APFT.

(1) One APFT retest is allowed; it will be administered no earlier than seven days and no later than 24 days after the initial failure of the APFT.

(2) Soldiers who subsequently fail to meet the physical fitness standards will be removed from the course.

b. Height and Weight: Soldiers attending military schools and institutional training courses, in either a PCS or TDY status, which require preparation of a DA Form 1059 will be administered height and weight screening as a mandatory course requirement.

(1) One re-screening is allowed. It will be administered no earlier than seven days and no later than 24 days after the initial failure to meet body composition standards.

(2) Soldiers who subsequently fail to meet the body composition standards of AR 600-9 will be removed from the course.

c. The referred DA Form 1059 and DA Form 647-1 (Personnel Register) will be provided to the Student-NCO prior to removal. The DA Form 1059 will be annotated in block 11d "Failed to Achieve Course Standards" and include comments in block 14 explaining the reason why the Student-NCO was removed from the course.

6. Responsibilities.

a. NCOA Commandant:

ATSG-NC

SUBJECT: NCO Academy Policy Memorandum #36 - Student Disenrollment, Dismissals, Removals, and Appeal Process

(1) Ensure dismissal and removal procedures are identified for each course conducted by the NCO Academy.

(2) Ensure that all Student-NCOs are thoroughly briefed regarding procedures for dismissal and removal.

(3) Develop efficient procedures for the review, execution, processing, and filing of appeal actions with the S1.

(4) Assist the Deputy Commandant, NCOA First Sergeant (1SG) and the Senior Small Group Leaders (SSGLs) with the development of proper procedures for Student-NCO dismissals and removals.

(5) Dismiss and remove Student-NCOs in accordance with established regulatory guidance.

(6) Remain neutral and detached from the circumstances, making the best decision for the Army. Each case must be individually considered in the context of a consistent disciplinary philosophy, while making fair and just decisions only after considering all documentation.

(7) Serve as the final Appellate once an appeal is submitted and returned from legal review.

b. Deputy Commandant:

(1) Notify Student-NCO of the final disposition once recommended for dismissal or removal.

(2) Ensure that all Student-NCOs are thoroughly briefed on their right to appeal.

(3) Serve as the disposition authority for all dismissals and removals.

c. First Sergeant:

(1) Notify Soldier of the dismissal and removal recommendation.

(2) Brief Student-NCOs on their right to appeal.

(3) Serve as the secondary dismissal or removal recommender.

ATSG-NC

SUBJECT: NCO Academy Policy Memorandum #36 - Student Disenrollment, Dismissals, Removals, and Appeal Process

d. Senior Small Group Leader:

(1) Notify Student-NCO of the dismissal or removal recommendation.

(2) Prepare and review dismissal or removal documents for disposition within 2 hours of dismissal or removal notification.

e. Small Group Leader:

(1) Counsel Student-NCOs on their status for not meeting the expected standard.

(2) Close out Student-NCO's folder once dismissed or removed.

f. Staff Judge Advocate (SJA):

(1) Thoroughly review all Student-NCO dismissal or removal documents, ensuring adherence to all doctrinal regulations.

(2) Provide written feedback to the Commandant regarding legal sufficiency of the dismissal or removal decision within 10 duty days of receipt.

7. Dismissal Procedures covered under AR 350-1, paragraph 3-15 (d) and (e).

a. The following procedures apply in cases where dismissal is considered for motivational, disciplinary, or academic reasons:

(1) Must be documented to sustain elimination.

(2) The 1SG will notify the Student-NCO in writing of the proposed action, the basis for the action, the consequences of disenrollment, and the right to appeal. The 1SG will advise the Student-NCO that any appeal must be submitted within 7 duty days after receipt of the written notification of the dismissal action. Appeals will be submitted to the Commandant. Student-NCOs will be counseled regarding their deficiency on a DA Form 4856.

(3) Student-NCOs will acknowledge by endorsement within 2 duty days receipt of the written notification of dismissal action. The endorsement must indicate whether or not the Student-NCO intends to appeal the dismissal action. The written notification must advise the Student-NCO of the right to appeal within 7 duty days to the Commandant.

ATSG-NC

SUBJECT: NCO Academy Policy Memorandum #36 - Student Disenrollment, Dismissals, Removals, and Appeal Process

(4) The Deputy Commandant will notify the Student-NCOs of their disenrollment status, verify the Student-NCOs are fully aware of their right to appeal and what that process entails.

(5) Student-NCOs will be provided time to draft and finalize their appeal but will not exceed the provided timeline. Student-NCOs who appeal will remain actively enrolled pending appeal disposition. However, Student-NCOs with an active pending appeal will not be granted an opportunity to take any academic tests until their current appeal has been approved. This measure is implemented to mitigate the likelihood of having more than one appeal pending on any individual Student-NCO.

(6) The appeal will be reviewed by legal prior to the Commandant's appeal decision. The installation Staff Judge Advocate (SJA) has a total of 10 duty days allocated to review the Student-NCO's file, counselings, dismissal paperwork, appeal memo and NCOA rebuttal. Once legal reviews the packet, they will return it to NCOA with a written statement regarding legal sufficiency and recommendations.

(7) The Commandant will review SJA findings and consider all documentation with the intention of making a fair and just decision that is best for the Army, while ensuring each case is individually considered in the context of a consistent disciplinary philosophy. Upon final decision, the Student-NCO will be notified by the Commandant. A written appeal memo with the Commandant's final decision and the Student-NCO's acknowledgement will be emailed to the appropriate Brigade CSM.

(8) The referred DA Form 1059 and DA Form 647-1 will be provided to the Student-NCO prior to dismissal. The DA Form 1059 will be annotated in block 11d "Failed to Achieve Course Standards" and include comments in block 14 explaining the reason why the Student-NCO was dismissed from the course.


b. Formal or informal investigations: Situations requiring any type of informal or formal investigation will result in withholding DA Forms 1059 for all involved Student-NCOs until completion of investigation. Any findings associated within the parameters of non-academy disciplinary dismissals may result on referred DA Form 1059, with block 11d reflecting "Failed to Achieve Course Standards" and comments in block 14 explaining the reason why the Student-NCO was dismissed from the course. If a referred DA Form 1059 is needed, the NCO Academy will submit all supporting documentation to the Student-NCO's brigade leadership; providing a reasonable suspense for the NCO in question to submit a rebuttal prior to making final decision.

ATSG-NC

SUBJECT: NCO Academy Policy Memorandum #36 - Student Disenrollment, Dismissals, Removals, and Appeal Process

8. The NCO Academy Commandant is the proponent for the NCO Academy Student Disenrollments, Dismissals, Removals, and Appeals process. As the Commandant, I am committed to ensuring good order and discipline is maintained within the NCO Academy. Also, I am devoted to remain neutral and detached from the circumstances, making the best decision for the Army. Each case must be individually considered in the context of a consistent disciplinary philosophy, while making a fair and just decision only after considering all documentation.

9. The point of contact for this memorandum is the undersigned at commercial (803) 751-3010.


CHANTELY. SENA-DIAZ
CSM, USA
Commandant