

## ANNEX D: TYPE I AND TYPE II REPORTS OF UNFAVORABLE INFORMATION OR OFFENSES

TYPE I REPORTS: SUBSTANTIATED REPORTS OF UNFAVORABLE INFORMATION, OFFENSES, OR DISQUALIFYING CONDITIONS RESULTING IN MANDATORY PERMANENT DISQUALIFICATION FOR APPOINTMENT OR RETENTION AS A SARC, SHARP VA, RECRUITER, DRILL SERGEANT OR AIT PLATOON SERGEANT (UNLESS OTHERWISE SPECIFIED). CRIMINAL ACTIVITY OR CRIMINAL OFFENSES INVOLVING:

### SEXUAL HARASSMENT

1. SEXUAL ASSAULT (ARTICLE 80, 120, AND 125)
2. FAMILY MEMBER OR CHILD ABUSE
3. PANDERING
4. PORNOGRAPHY (EXCEPT ARTICLE 92 VIOLATIONS)
5. INCEST
6. PROSTITUTION
7. BESTIALITY
8. SEXUAL ACTIVITY WITH A SUBORDINATE OR FRATERNIZATION
9. MULTIPLE INSTANCES OF DRUG ABUSE (USE, POSSESSION) TO INCLUDE PRESCRIPTION MEDICATION AND SYNTHETIC DRUGS, OVER A SOLDIERS CAREER.

TYPE IIA REPORTS: SUBSTANTIATED REPORTS OF UNFAVORABLE INFORMATION OR OFFENSES THAT MAY BE WAIVED AFTER CONSIDERATION BY A DEPARTMENT OF THE ARMY SUITABILITY BOARD.

1. ANY COURT-MARTIAL CONVICTION IN A SOLDIER'S CAREER (INCLUDING SISTER SERVICES)
2. CONDUCT IN VIOLATION OF ARMY'S POLICY REGARDING PARTICIPATION IN EXTREMIST ORGANIZATIONS OR ACTIVITIES
3. INITIAL ENLISTMENT WAIVERS FOR DEROGATORY INFORMATION RELATED TO AN OFFENSE LISTED IN TYPE I

TYPE IIB REPORTS: SUBSTANTIATED REPORTS OF UNFAVORABLE INFORMATION OR OFFENSES THAT HAVE OCCURRED (AS INDICATED), OR OTHER DISQUALIFYING CONDITIONS. **THESE MAY BE WAIVED BY THE GENERAL COURT MARTIAL CONVENING AUTHORITY FOR THE UNIT.** IN ALL INSTANCES, IF THE REMOVAL AUTHORITY ELECTS TO WAIVE AN OFFENSE, THE REMOVAL AUTHORITY WILL PREPARE AND SIGN A MEMORANDUM FOR RECORD ARTICULATING THE RATIONALE FOR THE WAIVER AND WHY THE INDIVIDUAL IS STILL THE BEST SUITED TO SERVE IN THAT POSITION.

1. SINGLE INSTANCE INVOLVING DRUG ABUSE (USE, POSSESSION) TO INCLUDE PRESCRIPTION MEDICATION AND SYNTHETIC DRUGS OVER A SOLDIER'S CAREER
2. CRIMINAL OFFENSE RELATED TO ADULTERY (IN THE PAST 5 YEARS)
3. CRIMINAL OFFENSE RELATED TO STALKING (IN THE PAST 5 YEARS)

4. ADVERSELY ADJUDICATED ACTION INVOLVING LARCENY/THEFT/ FRAUD/BURGLARY (IN THE PAST 5 YEARS)
5. ANY RELIEF FOR CAUSE NCOER OR OER
6. PREVIOUS SEPARATION FROM ANY SERVICE FOR ANY TYPE I OR TYPE IIA OFFENSES
7. INITIAL ENLISTMENT WAIVERS FOR DEROGATORY INFORMATION (NOT RELATED TO AN OFFENSE LISTED IN TYPE I)
8. REVOKED, DENIED OR SUSPENDED SECURITY CLEARANCE OR FAILURE TO ATTAIN OR MAINTAIN A FAVORABLE NACLIC INVESTIGATION (IN THE PAST 5 YEARS)
9. ANY SUBSTANTIATED ALCOHOL RELATED INCIDENT TO INCLUDE BUT NOT LIMITED TO OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OR WHILE ABILITY IS IMPAIRED (IN THE PAST 5 YEARS)
10. MINOR ASSAULT NOT LISTED IN ABOVE (IN THE PAST 5 YEARS)
11. MISDEMEANOR LEVEL TRAFFIC OFFENSES (E.G., RECKLESS DRIVING) (IN THE PAST 5 YEARS)
12. LETTERS OR MEMORANDA OF REPRIMAND FOR OFFENSES OTHER THAN THOSE OFFENSES LISTED ABOVE (IN THE PAST 5 YEARS)
13. PREVIOUS REDUCTION IN RANK OR REMOVAL FROM PROMOTION LIST
14. A NO ON ANY ARMY VALUES BLOCK ON NCOER OR OER (IN CURRENT GRADE)
15. LINE OF DUTY OR MISCONDUCT REPORTS OF INVESTIGATION FOR OFFENSES OTHER THAN THOSE OFFENSES LISTED ABOVE IN TIER ONE (IN THE PAST 5 YEARS)

#### ADMIN REPORTS.

1. SOLDIERS WHO ARE FLAGGED, BARRED TO REENLIST, OR CODED WITH ANY ADMINISTRATIVE INFORMATION INDICATING LEGAL INVESTIGATION IS UNDERWAY ARE PROHIBITED FROM INITIAL APPOINTMENT OR SERVICE IN A POSITION OF TRUST UNTIL THE FLAG, BAR OR CODE IS REMOVED.
2. SOLDIERS SERVING IN A POSITION OF TRUST WILL BE SUSPENDED FROM DUTIES UNTIL FINAL ADJUDICATION OF THE FLAG/BAR/CODE IS RESOLVED.
3. SOLDIERS PENDING DETERMINATION BY A MEB/PEB/MAR2 PROCESS ARE NOT OTHERWISE ELIGIBLE FOR APPOINTMENT AS A SARC/VA UNLESS FOUND FIT FOR CONTINUED DUTY.
4. APPOINTING AUTHORITIES MUST IMMEDIATELY SUSPEND SOLDIERS SERVING IN POSITIONS OF TRUST WHERE THERE IS CREDIBLE EVIDENCE OF TYPE I OR TYPE IIA OFFENSES. SUSPENSION MAY BE LIFTED IF NOT SUBSTANTIATED.