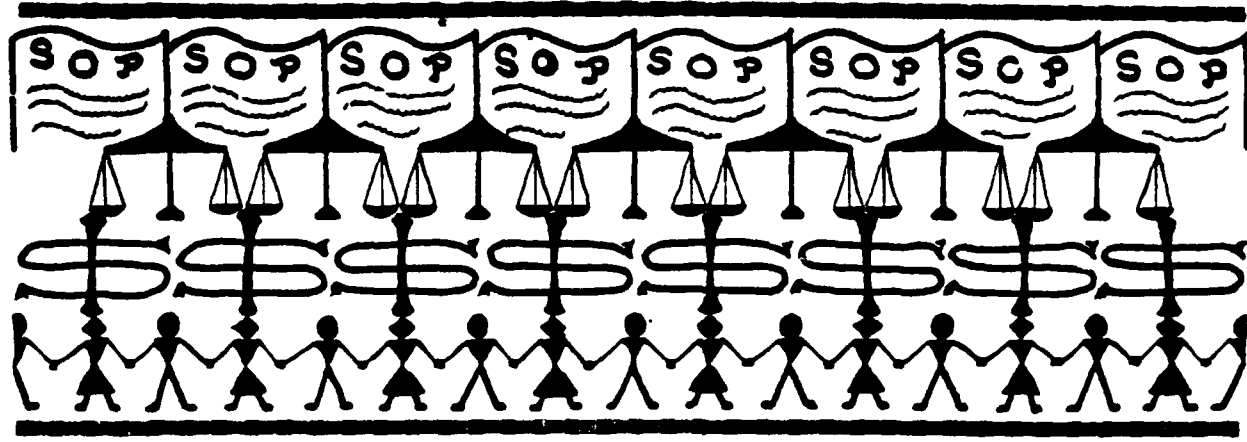


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**THE STAFF JUDGE
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HANDBOOK**

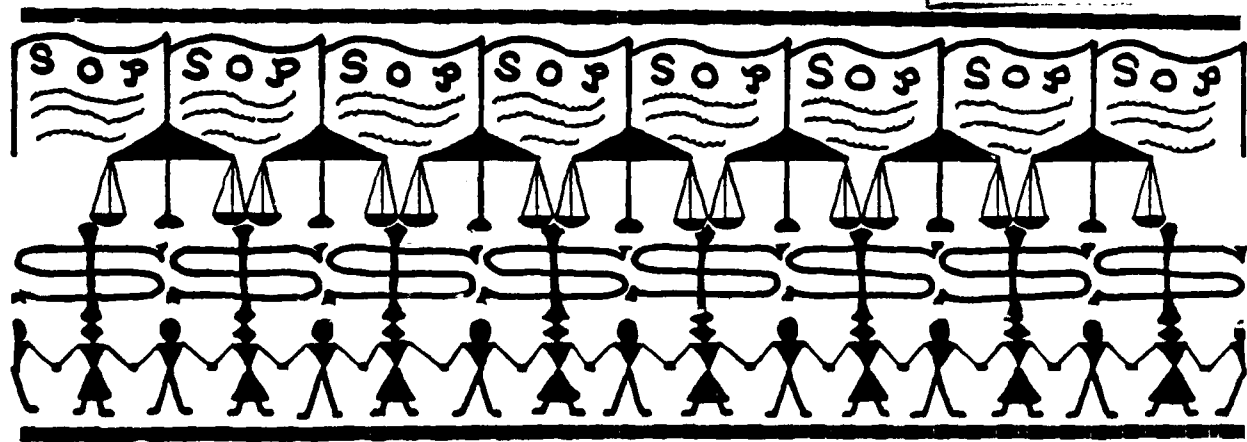
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**Administrative & Civil Law Division
The Judge Advocate General's School,
U.S. Army
Charlottesville, Virginia**

JANUARY 1988

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PREFACE

This compilation of materials on management is designed to provide students of The Judge Advocate General's School with the sources that should be consulted in fulfilling the role of manager in a military legal office.

The Handbook is arranged under the areas of responsibility for which the military law office manager is held accountable. The first chapter contains a sample Standing Operating Procedure with appropriate annexes for a staff judge advocate office. This material will prove helpful as a guide by which to establish sound office administration. The second chapter discusses the problems encountered in delivering legal services and highlights through examples from actual experience how the judge advocate office might better serve its clients. In the third chapter the subject of budgeting is explored and a method is suggested by which the manager is able to better develop substantiation for office financial requirements. The fourth chapter, through the use of programmed instruction, discusses how the manpower needs of the judge advocate office are established. The materials in this Handbook are not all inclusive, nor do they apply in all situations.

Programmed instruction in this Handbook was adapted from similar programs prepared by the U.S. Army Quartermaster School, Fort Lee, Virginia. (A.G.)

This Handbook does not purport to promulgate Department of the Army policy or to be in any sense directory. The organization and development of materials are the work product of the members of The Judge Advocate General's School faculty and do not necessarily reflect the views of The Judge Advocate General or any government agency.

Users are requested to provide comments and/or recommended changes and/or deletions to this text. Comments should be addressed to Commandant, TJAGSA, ATTN: JAGS-ADA, Charlottesville, Virginia 22903-1781.

CHAPTER I

OFFICE ADMINISTRATION

A. Sample Standing Operating Procedure*

OFFICE OF THE STAFF JUDGE ADVOCATE

[Command]

[Location]

[Date]

SUBJECT: Standing Operating Procedure (SOP) for the Office of the Staff Judge Advocate

TO: All Personnel Performing Duties with the Office of the Staff Judge Advocate

The Staff Judge Advocate Office Standing Operating Procedure (SOP) is published for the information and guidance of those concerned.

[Signature block of SJA]

1 Encl

* The mission of the command will dictate the specific provisions of any SOP. To this extent this SOP is incomplete as applied to a particular staff judge advocate office. Specific job descriptions and OER rating schemes are not included; nor are flow charts presented.

STANDING OPERATING PROCEDURE (SOP)

OFFICE OF THE STAFF JUDGE ADVOCATE

[Command]

[Location]

I. GENERAL.

A. Purpose. This Standing Operating Procedure (SOP) is the basic guide for the intra-office operation and functioning of the Staff Judge Advocate Office, [command and location].

B. Scope. This SOP prescribes the organization of the office, the general policies of the Staff Judge Advocate (SJA), and the responsibilities and duties of each division within the office.

C. Exceptions. All personnel assigned to or performing duty with the office will read and follow the provisions and contents of this SOP. Deviations from this SOP must be approved by the SJA or the Deputy (DSJA).

II. MISSION.

The SJA [command and location] has staff responsibility for the administration of military justice and furnishing legal advice and services to the Commanding General [insert command], the staff, commanders, and personnel of all subordinate units and commands, whether assigned or attached. He is also responsible for claims activities and legal assistance to eligible personnel. The Office of the SJA is organized to assist in the discharge of these responsibilities.

III. ORGANIZATION AND FUNCTIONS.

The basic organization of this office is shown in Annex A. Job descriptions and OER/EER rating schemes are at Annexes B and C, respectively.

IV. GENERAL OPERATING INSTRUCTIONS.

A. Duty hours. The normal office hours for members of this office will be []. An on-call officer will be designated during nonoffice hours. See Annex D.

B. Work level. The chief of each division is responsible for keeping the work of that division on a current basis. Normally, no division should have a backlog greater than seven days unfinished work. Necessary temporary personnel reallocations between divisions will be made by the DSJA.

C. Briefing of inspectors or staff visitors. Persons coming to this office as staff visitors will be greeted with the proper courtesies and taken immediately to the SJA. Normally, the SJA will give a brief general orientation of the office and its relation with this headquarters and then escort the visitor on a tour of the office.

D. Security. The Chief, Administrative Division, is designated as office Security Manager and will maintain the office security plan (Annex E). This plan will provide for security of classified material, including procedures for destruction and/or evacuation of records. Priority in evacuation will be given to classified documents, then to court-martial records and claims against the Government which have not been processed.

E. Publicity. No member of this office will prepare a written statement for publication or permit themselves to be quoted on official matters without authorization by the SJA. Members of the press, radio, or television who request statements or other information should be referred to the (Command) Public Affairs Officer. The SJA should be notified immediately.

F. Policy files. The Chief, Administrative Division will maintain a compilation of current policies applicable to the operations of this office. This file will be readily available and limited to the policy publications required for frequent reference.

G. Policy decisions. Division chiefs are responsible for the operation of their divisions within the framework of announced policies. Where there is no established policy, or where otherwise required to do so, the division chief should coordinate with the DSJA before taking action in a particular case. Routine matters, falling within previously defined policy guidance, need not be referred to the DSJA. Matters requiring the advice or research facilities of higher headquarters will be referred by an appropriate letter signed by the SJA. When a matter is referred directly to The Judge Advocate General, an information copy of the letter will be prepared and furnished to the [next superior staff judge advocate].

H. Command and staff relationships.

1. Commanding General and command group. Matters requiring the personal attention of the CG or another member of the command group (ADC, C/S, DPC, DIC) will be referred to the SJA.

2. Other staff sections. Matters requiring approval of or coordination with the chief of another staff section will be routed through the DSJA. Matters of preliminary coordination with other staff sections may be accomplished informally by members of this office.

3. Subordinate units. Matters requiring the personal attention of commanders of subordinate units will be routed through the DSJA. Routine matters may be conducted through divisions of this office or through Trial Counsel, as appropriate.

4. Deputy Staff Judge Advocate. The DSJA is the principal assistant to the SJA and acts for the SJA during his absence. The DSJA has primary responsibility for implementing the policies of the office as announced by the SJA. The actions and orders of the DSJA will be considered by members of this office to be the actions and orders of the SJA.

5. Division chiefs. Chiefs of each division have complete responsibility for operation of their divisions within established policies. Chiefs will keep the SJA and DSJA informed of all significant actions in their division. Generally, members of a division will discuss official matters with the SJA only after first obtaining clearance from the division chief concerned.

6. Trial Defense Service. A memorandum of understanding with Trial Defense Service (TDS) concerning support and responsibilities is at Annex F.

I. Opinions. 1. General. Requests for legal opinions, legal advice, information, comment, or concurrence ordinarily reach this office by one of the following means:

- a. Disposition Form
- b. Memo Routing Slip
- c. Request for Specific Action
- d. Indorsement
- e. Memorandum
- f. Letter
- g. Staff Study
- h. Oral Requests

The Officer assigned responsibility for the necessary action must make the initial decision as to the medium to use in making the reply. In selecting this medium, they will be guided by the provisions of [pertinent staff memoranda of the headquarters], AR 340-15, the nature of the problem, and this SOP.

2. Staff action. The action officer will obtain the necessary information, perform the required legal research, and prepare a draft response for the division chief or for the SJA as appropriate.

3. Requests for opinions. All requests for legal opinions will be in writing, except as noted below.

a. Informal oral opinions may be given to persons outside the office if the matter involved is routine and is adequately covered in command directives, regulations, or opinions of this office.

b. If a request is an emergency or is received from the command group, the officer accepting the request will reduce it to writing. The requesting agency then will be advised that because the question is not of a routine nature, the answer will be furnished in writing after research has been conducted. If an emergency exists or the request is from the command group, an oral opinion will be given, if possible. However, sufficient notes will be made to identify the person requesting the opinion, the nature of the question(s) asked, the reply given, the name of the person giving the reply, and the time and date. These notes will be retained and appropriately filed.

4. Written opinions. Opinions or comments prepared as a disposition form, comment, memorandum, indorsement, or letter, which do not contain a complete statement of the facts, origin and nature of the request, or legal rationale, will be supported by a memorandum for record prepared by the action officer and filed with the file copy of the action. If the question presented is relatively simple or routine, a brief note containing the information necessary to identify the origin of the request and the subject matter may be added to the retained copy. If a complete memorandum concerning a particular matter has been prepared for a division chief or for the SJA, a memorandum for record or a note for the file need not be prepared.

J. Staff visits. Efficient operation is only possible when the problems of subordinate units are fully understood. The SJA (and) (or) DSJA will make periodic visits to subordinate units. Trial counsel supporting each SPCM jurisdiction will visit their supported commanders on a regular basis. Trial counsel should offer to provide the officers and/or noncommissioned officers of each battalion a brief presentation on some facet of legal support or legal issue quarterly. This may be accomplished informally at battalion officer/NCO calls or by formal presentation.

K. Files and records. The master functional files plan will be maintained by the Chief, Administrative Division in accordance with pertinent regulations and Annex G to this SOP. Each division chief is responsible for the maintenance of his division's file plan. Revisions will be coordinated with the Chief, Administration Division.

L. Required reports. A list of required reports to be submitted by this office is at Annex H.

M. Awards.

1. References:

- a. AR 672-5-1.
- b. [Local command guidance.]

2. With each change of rater OER/EER, each rater will submit written input for a potential award with the OER/EER to the administrative officer. If the rated person does not merit any award, written input reflecting this fact will be submitted.

3. When military office personnel are within 90 days of their DEROS or ETS, they will be considered for an award (MSM, ARCOM, AAM, certificate, letter of appreciation, or other). Evaluation will be based on current performance and input previously submitted IAW ¶ 2 above. If subordinates are deserving of one of these awards, supervisors will submit a draft recommendation to the SJA at least 75 days prior to departure so that the presentation may be made before they leave. If no award is deemed appropriate, that determination should be made known to the Administrative Officer.

4. Recommendations on DA Form 638 will be forwarded to the Administrative Division with all documentation required by references for review, signature by the SJA, and forwarding.

N. Office Courtesy and Appearance.

1. The OSJA is a service organization and personnel will usually not seek SJA assistance unless they need help for legal problems. Accordingly, personnel seeking assistance will be treated in a courteous and pleasant manner.

2. Appearance of OSJA personnel is also important. It is everyone's responsibility to present their best appearance to project a professional image. Uniforms and clothing should be neat, clean, and orderly; haircuts and moustaches within regulation; and personal hygiene kept to the highest standards. All personnel will be physically fit and will maintain proper weight control (see Annex I).

3. The SJA office should always look presentable and professional. Although office furniture may be old, a good image can be presented by keeping desks and files straight and promptly reporting broken equipment for repair to the Administrative Division.

4. Telephone courtesy is important and conveys a professional image of the OSJA. In accordance with regulations, the telephone must be answered to include the statement, "This is not a secure line." The proper manner to be used by personnel in this office when they answer the telephone is, "Office of the Staff Judge Advocate (or SJA), this is not a secure line. (Rank—Last Name), May I help you?"

O. The DSJA will coordinate the Mobilization Augmentee Program IAW Annex J.

P. Limitation on the Private Practice of Law. Personnel may not engage in the private practice of law without the prior written approval of the Judge Advocate General of the Army (§ 6d, AR 27-1). Requests to engage in the private practice of law will be processed through the SJA.

Q. Litigation. Any notice of litigation involving the United States will be promptly brought to the attention of the DSJA who will assign responsibility for the processing of the case IAW AR 27-40.

V. ADMINISTRATIVE DIVISION.

A. Responsibilities.

1. General.

- a. Operate the office message center.
- b. Maintain suspense files.
- c. Requisition, receive, distribute, and control all property and office supplies.
- d. Maintain office files.
- e. Maintain reference publication files.
- f. Maintain law library records and books.
- g. Coordinate central word processing center.

h. Review all incoming and outgoing correspondence, messages, reports, and communications for administrative correctness.

i. Publish all TDY and travel orders.

j. Develop and monitor the office Command Operating Budget.

k. Publish SOPs, policy statements, office rosters, and rating schemes for the office.

l. Coordinate and control all enlisted legal clerk assignments, training, and the administration of the Skill Qualification Test within the command.

m. Coordinate with local CPO office on civilian personnel matters.

n. Coordinate the timely submission of OERs, EERs, performance evaluations, and award recommendations.

2. The Chief, Administrative Division is the:

a. Library Accountable Officer.

b. Assistant Adjutant General for military justice correspondence.

c. Office Property Accountable Officer.

d. Office Security Manager.

e. Records Management Officer.

f. Reports Control Officer.

g. Energy Conservation Officer.

h. Mail Control Officer.

B. Correspondence. 1. General policies. The following general policies will guide the processing of correspondence in this office.

a. The Administrative Division will maintain a log of action correspondence received. This log will indicate the division or the person handling the matter and its present status. A separate functional action log will be maintained by the Administrative Law and Criminal Law Divisions.

b. A routine suspense of 7 calendar days will be established for each action unless a shorter suspense is required.

c. The Administrative Division will insure that all correspondence leaving the office is in proper form, in sufficient copies, and that records retained in the office are sufficient to ascertain the subject matter and general content of the action.

2. Incoming correspondence.

a. For a detailed explanation of processing incoming correspondence, see Annex K.

b. Priority items. All priority items, including correspondence from the command group and Congressional correspondence, will be given to the Chief, Administrative Division, who will hand carry them to the DSJA or SJA for assignment or disposition.

c. Suspense items. The Administrative Division will maintain a "tickler" file on all action correspondence bearing a suspense date and will take necessary action to see that a final or interim reply is made by the suspense date or that an extension of the suspense is arranged.

d. Classified material. All classified documents brought into the office will be brought to the attention of the Chief, Administrative Division or Chief Legal Clerk for instructions on handling and disposition. No classified material will be stored in the SJA office overnight.

3. Outgoing correspondence. For a detailed explanation of processing outgoing correspondence, to include signature authority, see Annex L.

a. Preparation. Division chiefs are responsible for the expeditious dispatch of correspondence originating in their divisions.

b. Office symbols. Correspondence originating in the office will bear the symbol of the office: [insert symbol assigned to the office].

C. Library. For detailed information on the processing and maintenance of accountability records of library materials, see AR 27-5 and Annex M.

D. Files and records. For detailed information concerning the responsibility of the Administrative Division for maintenance of files and records, see Annex G.

E. Property and supplies. The Administrative Division is responsible for maintaining adequate supplies and property within the office.

F. Word Processing Center. See Annex N for detailed procedure.

VL. CRIMINAL LAW DIVISION.

A. Responsibilities. The Criminal Law Division is responsible for—

1. General supervision of military justice within the command.

2. Processing of court-martial cases.

3. Reviewing trials by special and summary courts-martial in units over which this command exercises general court-martial jurisdiction.

4. Advising commanders on military justice matters.

5. Maintaining liaison with courts and boards sections of subordinate units. This includes a monthly conference of courts and boards personnel to discuss recurring problems, regulatory changes, and other matters of interest.

6. Preparing verbatim records of trial by BCD special and general courts-martial.

7. Processing Article 15 proceedings over which the CG has reserved authority.

8. Providing appropriate training in military justice matters for supported units.

9. Preparing required reports relating to military justice.

B. Military Justice operations. For detailed information concerning the responsibility for and processing of military justice actions, see Annex O.

VII. ADMINISTRATIVE LAW DIVISION.

A. Responsibilities.

1. General. Requests for legal opinions concerning the interpretation and application of laws, statutes, regulations, and other directives affecting the administration of personnel and operations of this command will be routed through the Chief, Administrative Law Division for action. Reports of investigation (other than criminal reports of investigation) also will be routed to the Chief, Administrative Law Division for action. Opinions rendered will be signed by the SJA or for the SJA by the Chief, Administrative Law Division, as appropriate. General responsibilities of the Division include, but are not limited to:

a. To provide legal advice regarding the exercise of command and military personnel management.

b. To analyze and render legal advice and opinions concerning the interpretation and application of laws, regulations, statutes, and directives relating to the US Army, generally, and to its members, to include questions pertaining to appointment, enlistment, compensation, conduct, efficiency, promotion, retirement, separation, status, administration, and authorized activities.

c. To review for legal sufficiency the proceedings of boards of officers and investigating officers, conscientious objector applications, constitutions and by-laws of private organizations, proposed directives and publications, reports of survey, appeals for relief from pecuniary liability, inter-service support agreements, and related matters.

d. To examine for legal sufficiency all administrative discharges and other administrative actions taken by the command. Prepare legal opinions on the legality and advisability of contemplated actions by the command.

e. To provide legal review of unfavorable personnel actions, to include letters of reprimand and letters of admonishment.

f. To advise the Commanding General and prepare necessary correspondence for resolution of complaints under Article 138, UCMJ.

g. To review congressional inquiries and provide legal advice concerning appropriateness of proposed replies.

h. To advise on and process requests for release of information under the Freedom of Information Act and Privacy Act.

i. To provide advice and training on Law of War and Geneva Conventions matters where no International Law Division exists.

2. Chief, Administrative Law Division. The Chief, Administrative Law Division has the overall responsibility for the operation of the Administrative Law Division. The opinions furnished by the Division will be researched and prepared by the Chief in a timely fashion. The Chief is the primary source of legal opinions and policy statements of the Office of the SJA. As a result, administrative law opinions must be written in a sound and timely fashion. A form book of routine Administrative Law actions will be kept current and available for reference in the Administrative Law Division.

3. The Administrative Law Division also provides the command with the following legal services:

a. Contract Law Advisor:

(1) Is responsible for informing the contracting officers in writing whether an action is legally sufficient or, if not legally sufficient, the corrections required. Army Defense Acquisition Regulations Supplement (ADARS), ¶ 1-451, sets forth mandatory legal review for appropriated and nonappropriated fund acquisitions. [MACOM and local regulations may impose other mandatory reviews.]

(2) Must specifically review actions for compliance with applicable laws, directives and regulations including the obligation of funds and other fiscal matters. The review is not only limited to legal sufficiency but also includes the proper exercise of business judgment.

b. Deputy Standards of Conduct Counselor:

(1) Performs the necessary review of Financial Disclosure Reports, resolves conflicts of interest, and forwards those documents to higher headquarters.

(2) Supervises the command Standards of Conduct Orientation Program.

c. Labor Counselor - Provides legal advice and support to the command Civilian Personnel Officer in matters affecting labor-management relations.

d. Environmental Law Advisor - Provides legal advice and support to the command Directorate of Engineering and Housing in matters having environmental impact.

e. Magistrate's Court Prosecutor - Reviews cases concerning the on-post commission of minor offenses by civilians and traffic offenses by military personnel and civilians and prosecutes cases before a United States Magistrate.

B. Policies. The paramount considerations of the Administrative Law Division shall be -

1. To safeguard the interests of the United States.
2. To insure that the substantive and procedural rights of individuals are given full recognition and are not prejudiced in administrative proceedings.
3. To insure all command actions received are properly reviewed for legally sufficiency in accordance with law and regulation. Whenever possible, legally permissible solutions to command problems will be developed and suggested.

C. Files and records. The Administrative Law Division will maintain policy and precedent files IAW Appendix 2 to Annex G.

VIII. CLAIMS DIVISION.

A. Responsibilities.

1. General. The Chief, Claims Division is responsible for the supervision and administration of claims activities, for the training and instruction of claims personnel and the continuing inspection of their activities, for the implementation of claims policies promulgated by this headquarters and higher authority, and for the preparation and submission of the Individual Claims Data Reports (DA Form 3). Reports of claims officers will be examined for completeness after receipt by the Claims Division. Those reports found to be deficient will be returned to the claims officer for corrective action. Duties of Claims Division personnel are described at Annex P.

2. Risk Management. The Chief, Claims Division is responsible for OSJA participation in the Risk Management Program IAW AR 27-20, AR 40-66, and USARCS Bulletin 1-79. OSJA participation in this program will be comprehensive and aggressive with a view toward identifying, reporting, and investigating potentially compensable incidents and implementing corrective action to eliminate potential risk situations.

B. Authority. All actions and procedures used by this office will be based solely on AR 27-20 and the US Army Claims Service Bulletins. All personnel working in any facet of the claims operations will have a

complete copy of AR 27-20 (with all changes) and the entire set of USARCS Bulletins. All claims personnel will read AR 27-20 and the USARCS Bulletins (giving particular emphasis to Chapters 3 and 11 of AR 27-20) and ask questions of their immediate claims supervisor when any section/concept is unclear.

C. Records. Records will be maintained by the Claims Division in accordance with AR 27-20, and AR 340-18.

D. Reports. Reports will be prepared and submitted in accordance with AR 27-20 and as required by higher authority.

E. Liaison. Claims personnel will maintain close rapport with the Medical Treatment Facility, Military Police, Transportation Office, and Property Disposal Office.

F. Processing Claims. Claims will be reviewed, logged, processed, adjudicated, paid, and forwarded in accordance with AR 27-20.

G. Paying Authority.

- | | |
|--------------------------------|--|
| 1. Claims Judge Advocate | up to \$1,500 (CH 3 and CH 11)
\$1,000 (CH 5) |
| 2. Deputy Staff Judge Advocate | up to \$2,500 (CH 3 and CH 11)
\$1,000 (CH 5) |
| 3. Staff Judge Advocate | up to \$25,000 (CH 11)
\$5,000 (CH 3)
\$1,000 (CH 5) |

Approval authority for Nonappropriated Fund Claims (CH 12) is the same as for CH 11 and CH 3 claims.

H. Settlement Authority. The Chief, US Army Claims Service, has delegated Settlement Authority for CH 11 claims regardless of the amount involved, and for CH 3 claims presented for \$2,500 or less to the SJA. The SJA is not allowed to delegate disapproval authority.

I. Police Investigative Reports. Copies of all Military Police Reports, blotter entires, and CID reports, sent to the OSJA will be routed through the Claims Division. The following will be filed:

1. Traffic accident (Government property and/or personnel involved.
2. Larcenies.

3. Vandalism, and similar incidents involving potential claims against the Government.

IX. LEGAL ASSISTANCE DIVISION.

A. Purpose and Scope. The mission of the Legal Assistance Division is to provide professional legal services to eligible personnel (¶ 1-8, AR 27-3). The office provides assistance with personal legal problems of a civil nature. It does not advise clients in criminal matters or military administrative matters. The Legal Assistance Division collects data for monthly statistical reports furnished to the SJA.

B. Responsibilities. The functions of the division are:

1. To provide professional legal advice on matters including, but not limited to, family law, consumer affairs and contracts, torts, probate and real property.

2. To counsel clients in estate planning, draft and execute wills, codicils and other testamentary instruments.

3. To counsel clients in matters of family law and, as necessary, draft and execute separation agreements or property settlements.

4. To refer clients in fee-producing cases and cases requiring judicial action to civilian members of the bar IAW ¶ 2-3b(6)(b), AR 27-3.

5. To maintain an active liaison with the civilian bar and other Army or government administrative offices in order to facilitate resolution of administrative problems.

6. To assist servicemembers in filing Soldiers and Sailors Civil Relief Act petitions in civil actions where they do not have an opportunity to present their defenses.

7. To provide training and assistance to Survivor Assistance Officers.

8. To provide tax assistance and training UP the Voluntary Income Tax Assistance (VITA) program including annual training of unit tax officers and ACS volunteers and to supply tax forms for the installation, as needed.

9. To establish and run a preventive law program for the

command.

10. To coordinate the civilian lawyer referral program with proper officials and members of the [insert name] Bar Association.

11. To provide Legal Assistance in support of units preparing or training for deployment.

C. Records and reports.

1. A record will be kept of the legal assistance cases that are processed. Such records (DA Forms 2465) will be maintained for purposes of rendering reports on the volume of cases handled during each year.

2. The Legal Assistance Division will prepare a quarterly report for statistical purposes. The format of DA Form 2466 (now obsolete) may be used. Compiling the statistics on a quarterly basis will enable the SJA to provide such information to the CG when needed.

D. Legal Assistance Operations. For detailed information concerning daily operations of the Legal Assistance Office, see Annex Q.

X. INTERNATIONAL LAW DIVISION.

Note: Some SJA offices will not have an International Law Division. Those which do will be specifically tailored depending upon the command's mission. General considerations for developing that portion of the SOP concerning the International Law Division are found in Annex R.

ANNEX A
Organizational Chart
(Not Published)

ANNEX B

Job Descriptions

(Not Published)

ANNEX C

OER and EER Rating Schemes

[Sample rating schemes are not published because they will vary significantly between installations. Such rating schemes should definitely be included in any OSJA SOP.]

ANNEX D

On-Call Attorneys

1. One attorney and one EM will serve as on-call personnel for the SJA Office. The tour of duty will be for one week, beginning on Friday at 1630 and ending the next Friday at 1630. The on-call duty is a non-duty hour function only. The functions of the on-call attorney are as follows:

- (a) Alert Notification
- (b) Incoming TWX requiring SJA notification
- (c) Notification of aircraft accidents
- (d) Inquiries from law enforcement personnel*
- (e) Inquiries from commanders/SGM/1SG regarding courts-martial, law enforcement, searches, or related matters*
- (f) Inquiries from the command group and staff
- (g) Emergency legal assistance **
- (h) Provide legal advice and assistance to the Staff Duty Officer as required.

2. The function of the on-call EM is to provide clerical support to the on-call attorney, as required.

3. On-call officers will be provided a pager and must remain available by telephone or through the pager. If the on-call officer will be at a different phone or at a location where he can be paged, the SDO should be notified (telephone No. ____). If the on-call officer makes arrangements for another SJA attorney to take his place, the SDO should be informed of the substitute's name and number.

* Criminal law questions may be referred to the brigade Trial Counsel.

** On call attorney will be provided with a roster of legal assistance attorneys to contact for bona-fide legal assistance emergencies after duty hours. No further dissemination of the legal assistance roster should be made.

4. On-call duty rosters will be maintained and published by the Chief, Administrative Division.

ANNEX E

Safeguarding Classified Material

1. References:

- a. DOD Directive 5200.1-R
- b. AR 380-5
- c. AR 380-XX (as necessary)
- d. [Pertinent command directives]

2. Policy.

a. Security requires the constant effort of each and every member of the office. It should be clearly understood that administrative efficiency is subordinated to the requirement to safeguard classified material. All persons will be held responsible for their own violations of security. This responsibility will not be delegated.

b. The appropriate security clearance of personnel in the office will be obtained as expeditiously as possible. Pending clearances, uncleared persons will be limited to duties involving use of unclassified material. The person assigning work requiring access to classified material will ascertain the exact clearance of persons to whom work is assigned. The Chief, Administrative Division will maintain a current list of security clearances.

c. Access to classified material will be on a strict "need-to-know" basis.

d. Material originating in this office may be classified only in accordance with the references in paragraph 1, above.

3. The Chief, Administrative Division, is designated as Security Manager for the SJA office. The Security Manager will insure that classified material is processed, transferred, stored, and protected in accordance with the references in paragraph 1, above, and will insure that all office personnel are familiar with those references.

ANNEX F

**Memorandum of Understanding
with Trial Defense Service**

[MOU should include administrative support provided to TDS and outline representational duties and responsibilities of TDS vice Legal Assistance.]

ANNEX G

Files and Records

1. Files.

a. The functional file system will be used by this office in filing correspondence (See AR 340-18).

b. Files maintained in this office are divided into five major groups:

(1) Classified files. Administrative files, logs, dockets, and indices of classified materials (if appropriate).

(2) Unclassified files.

(a) Policy files (opinions and other useful matter which are precedential in nature, and which are required for greater periods than allowed under disposition standards for general administrative files).

(b) Active files (general administrative files of the current calendar year).

(c) Inactive files (general administrative files of the preceding calendar year).

(d) General court-martial files (stripped files of cases which are retained as temporary files).

(e) Special and summary court-martial files (records held during current and preceding calendar year).

3. Claims files. Administrative, control, and report files for current and preceding calendar year.

4. Legal assistance files. Administrative and case files for the current and preceding calendar year.

5. Library files. Library supply administrative files, voucher files, and shelf-list cards.

c. Files maintenance. Material will be held in accordance with the section files plan that is maintained by the Chief, Administrative Division. This file plan will be kept current at all times. All correspondence will be indexed before filing.

2. Records control. Emphasis is placed on timely cut-off and
- inactivation of current files and reduction of inactive files by retirement and disposal in accordance with the provisions of AR 340-18.

ANNEX H
Preparation of Reports

1. Types of reports.

a. General.

(1) This office is required to prepare and submit a total of [number] periodic reports. [number] of the reports are submitted monthly; [number] are submitted quarterly; [number] are submitted semi-annually; and [number] are submitted annually.

(2) The review of reports and their submission at appropriate times is the responsibility of the Administrative Division.

(3) No report will be made by this office unless a reports control symbol (RCS) is assigned by this or higher headquarters.

b. Periodic reports. The following periodic reports are submitted:

<u>Title</u>	<u>Type</u>	<u>Agency</u>
Administrative claims (DA Form 3)	each claim	U.S. Army Claims Service, OTJAG, Fort Meade, Md.
Reports of summary and special court- martial cases	Quarterly	OTJAG

c. Other reports. This office is required to prepare [number] reports on an as-needed basis. They are—

(1) [Etc.]

d. Periodic report received by this office: Daily Report of Confinement (DD Form 506).

2. Processing reports. a. General.

(1) All reports prepared by this office will be reviewed by the SJA prior to dispatch.

(2) All reports submitted will be prepared in the format indicated by the requiring directive and will be prepared in sufficient numbers to retain at least one copy of the report and all inclosures for the files of the office.

b. Filing reports.

(1) The Chief, Administrative Division is responsible for insuring that no report is dispatched from this office until a file copy has been detached from the material being forwarded.

(2) All retained copies of reports will be filed in the current files of this office. As each report is filed, the file will be checked to ascertain that a preceding report for the proper period is in the file before the file is returned to the file cabinet.

c. Check list. When the preparation of an individual report is complicated, the Chief, Administrative Division will prepare a check list containing pertinent data to be considered in the preparation of the report. The Chief will maintain these check lists which will be available at all times to those persons responsible for the preparation of reports.

ANNEX I

Physical Fitness and Weight Control

1. All personnel will maintain a minimum standard of fitness and meet body fat standards as specified in AR 600-9.
2. Fitness will be tested by a PT test semi-annually. As a part of the PT program, all personnel will participate in the office PT Program. PT formation is held at 0630 hours, every Monday, Wednesday and Friday. Everyone must make the formation. Individuals with medical profiles will participate in a physical program that will take their profiles into consideration. Unless excused by the SJA, officer personnel may be excused from this formation only by the DSJA, and enlisted personnel may be excused only by the Chief, Administrative Division. Those personnel who are not excused, but who are too sick to participate in PT, must make the formation and then proceed to sick call.
3. Division chiefs are responsible for ensuring that their military personnel are weighed in at least semi-annually in conjunction with the PT test. Those personnel exceeding the maximum allowable weight found in the screening table will be processed IAW AR 600-9.

ANNEX J

Mobilization Augmentee Program

1. References.

- a. AR 10-73.
- b. AR 140-145.
- c. AR 140-185.
- d. TJAG Letter, dated 14 Oct 1981 (Subject: Training of JAGC MOBDES Officers).

2. Concept.

a. Individual Mobilization Augmentees (IMAs) are members of the Individual Ready Reserve (IRR). ¶ 6c(3), AR 10-73 requires that The Judge Advocate General's School, U.S. Army (TJAGSA), approve all assignments of IMAs in the JAGC. This authority is exercised by the Reserve Affairs Department, TJAGSA, in coordination with the Commander, U.S. Army Reserve Personnel Center in St. Louis, Missouri (ARPERCEN).

b. IMA positions are included in the Mobilization TDA prepared by the Operations (G-3) office of the active component organization. In determining the appropriate number of JAGC IMA positions to include in a Mobilization TDA, close coordination among the local SJA, G-1, and G-3 is desirable. Local SJA's may request an increase or decrease in their Mobilization TDA through their G-3.

c. IMAs are assigned to deployable, as well as garrison units.

3. Obtaining IMA's.

a. Both the JAGC Personnel Management Officer (PMO) at ARPERCEN, and the Reserve Affairs Department, TJAGSA maintain a current listing of vacant JAGC IMA positions. Any JAGC USAR officer or warrant officer desiring to obtain an IMA position should contact either office.

b. The IMA vacancy rate has been high in recent years. Sources of new IMAs include new appointees, officers coming out of the Troop Unit program or another control group, and officers coming off active duty. It is essential that SJAs counsel every desirable officer leaving active duty

about seeking an IMA position. At a minimum the SJA should have the officer contact the JAGC PMO at ARPERCEN before separation. Accepting the IMA position will not interfere later with the officer obtaining a more active participation in the Troop Unit Program, should that opportunity become available.

4. Utilizing IMAs.

a. IMAs are entitled to two weeks annual training (AT) each year. This training normally will be performed with the assigned IMA's organization. However, if funding constraints do not permit the IMA to attend both additional schooling and AT, the IMA organization may permit the IMA to attend professional development schooling in lieu of AT.

b. Training is scheduled by the IMA organization in coordination with the IMA. The organization will forward a request for AT orders to ARPERCEN not later than 60 days prior to the reporting date, but before 31 March each year.

c. IMAs receive maximum training benefit in the duties normally associated with their assigned position. IMAs should not be used in other duties solely for the convenience of this office. The form of training will be based on the officer's prior experience, level of expertise, and the discretion of the SJA. Early coordination between the IMA and his supervisor will be accomplished prior to each AT period so that each knows what to expect.

d. An OER must be prepared on the IMA officer at the conclusion of his AT.

e. IMAs may be permitted by their IMA organization to earn retirement points throughout the year by performing inactive duty for training (IDT). An example of IDT is an assigned project for an IMA to complete at home. Retirement points will be reported IAW AR 140-185.

5. Termination of IMA Assignment.

a. Termination of an IMA's assignment may be accomplished for the reasons stated in ¶ 3-5, AR 140-145. SJAs and other active component JAGC officers charged with supervising IMAs should familiarize themselves with that regulation.

b. Coordination with the Reserve Affairs Department, TJAGSA will be accomplished whenever it appears that termination of an IMA's assignment may be desirable.

ANNEX K

Incoming Material

1. Receipt and distribution.

- a. All incoming material is delivered to the office Message Center.
- b. Upon receipt, the material is examined and distributed as follows:
 - (1) To Chief, Administrative Division—
 - (a) General court-martial charges.
 - (b) Articles 15.
 - (c) Classified material.
 - (d) Printed matter.
 - (e) Congressional correspondence (will immediately be brought to the attention of the SJA).
 - (2) To Chief, Criminal Law Division—
 - (a) Criminal Investigation Reports.
 - (b) Officer offense reports.
 - (c) Confinement reports.
 - (3) To officer concerned—
 - (a) Electronic messages.
 - (b) Depositions.
 - (c) Interrogatories.
 - (d) Correspondence pertaining to courts-martial.
 - (4) To Claims Examiner—
 - (a) Claims and claims correspondence.

- (b)
- (5) To Legal Assistance Officer—
 - (a) Legal assistance correspondence.
 - (b)
- (6) To Chief, International Law Division—
 - (a)
 - (b)
- (7) Contract Law Advisor—
 - (a)
 - (b)
- (8) To Library Clerk—
 - (a) Library material.
 - (b)
- (9) To Chief Legal Clerk—
 - (a) Action correspondence (para. 2, below).
 - (b) Records of trial for summary and special courts-martial (for logging and administrative check prior to legal review).

2. Action correspondence.

a. Action correspondence is material which requires a reply or other action by this office other than the material described in paragraph 1b(1) through (9). All requests originating outside this office for administrative law opinions come within this category.

b. The Chief Legal Clerk separates the action material from the other material upon receipt in the message center. Action material is processed in the following manner:

- (1) All material will be date stamped on the back of the first page, envelope, or cover as appropriate.

(2) Entry is made in the Mail and Document Register (DA Form 455), showing a control or log number, date, description, originating agency and section or officer routed to for action.

(3) A DA Form 2445 (Correspondence Control Record) is attached to the action correspondence, which indicates the action officer, control or log number and suspense date if applicable. The DA Form 2445 will remain attached to the action correspondence until action is completed, and the correspondence is returned to the Chief, Administrative Division.

(4) A copy of the DA Form 2445 will be filed according to suspense date. The file should be checked each morning to determine which suspense items are due out.

(5) At the time of dispatch an entry in the remarks section of DA Form 455 will be made indicating date of dispatch and appropriate agency to which item was sent.

(6) Normally, material received in the office is routed to the various divisions in accordance with this SOP. Division chiefs will keep the SJA informed of unusual items.

(a) Action material is delivered to the appropriate division chief who designates an officer to prepare the action or reply.

(b) Routine material, such as regulations, circulars, and general orders, as well as copies of all opinions generated within the section, are circulated by means of reading files.

(c) Other materials of special interest, such as criminal reports of investigation, incident reports, daily prisoner reports, military police blotter reports, etc., are delivered to the Criminal Law Division.

ANNEX L

Outgoing Material

1. Correspondence.

a. Responsibility. The Chief, Administrative Division, is responsible for supervising the preparation of correspondence. The Chief Legal Clerk will exercise such supervision when the Chief, Administrative Division is absent. Prior to dispatch, all correspondence will be checked to insure that it is in proper format, that it is signed, and that all inclosures, if any, are properly listed and attached. All outgoing material will be expeditiously processed.

b. Preparation. All correspondence prepared in this office will conform to the instructions contained in AR 340-15 and [insert any pertinent command directive or staff memorandum].

(1) Action officers are responsible for correct format and style of correspondence prepared by them, including inclosures and assembly.

(2) Clerical and stenographic work will be maintained at a high level, and final copy will be completed without apparent erasures or strikeovers. Correspondence prepared in final form will be proofread by the preparing stenographer or typist before return to the action officer.

(3) Persons performing clerical duties will maintain an informal file of sample correspondence for each type of correspondence frequently used in their duties. This sample file will be kept current IAW changes to AR 340-15 and local command directives.

(4) Action officers will examine the material assigned to them and determine whether any of the correspondence contained therein is available for retention in the section files. If not, they will dictate or draft a memorandum for record (or note for retained copy), stating the source, date, legal proposition involved, research conducted, and conclusions reached, for filing with the section reply.

2. Signature Authority.

a. Except as noted in c below, the SJA will sign all correspondence and actions that are dispatched to:

(1) OTJAG or higher headquarters,

(2) The Commanding General or command group,

(3) Principal staff officers and the heads of Directorates (this does not include assistant staff officers), or

(4) Brigade-level commanders.

Additionally, the SJA will sign all Congressional correspondence, all nonroutine matters referred by division chiefs through the DSJA, and all nonconcurrences to higher headquarters or the command group.

b. Division chiefs are delegated the authority to sign routine correspondence within their respective areas of responsibility. The Chief, Administrative Division will sign as Assistant Adjutant General for military justice matters on which the Commanding General has acted.

c. (1) As an exception to a(2) above, the Chief Administrative Law Division is delegated the authority to concur in all routine administrative actions (e.g. - administrative eliminations, bar letters, housing termination letters) directed to the Commanding General or the command group. Nonconcurrences and correspondence prepared by the division (e.g. - fact sheets, decision DFs) will be signed by the SJA.

(2) As an exception to a(4) above, the Chief, Criminal Law Division and Trial Counsel are delegated authority to sign routine correspondence to their respective convening authorities.

d. The format for signatures by division chiefs in their representative capacity is at ¶ C-5c, Appendix C, AR 340-15.

e. Questions concerning unclear signature authority will be resolved by the DSJA.

3. Dispatch. a. Material for dispatch will be routed to the Chief Legal Clerk. The Clerk will complete the appropriate sections on DA Form 455. At this time a check is made for correct format, signature, date, and proper listing and attachment of all inclosures. The "SJA file copy," memorandum for record (or note for retained copy), if any, and DA Form 2445 are detached and placed in the Chief, Administrative Division's file box for indexing. Material for dispatch is then placed in the outgoing box.

b. Material addressed to the Commanding General or command group, and congressional correspondence will be hand-carried. Other material will be hand-carried when appropriate.

ANNEX M

Library Shelving Code

Each shelf should be labeled with the code number and general topic.

100 - FEDERAL STATUTES AND REGULATIONS

- 101 U.S. Code; U.S. Code Annotated
- 102 U.S. Code Cong. & Admin. News
- 103 CFR/Federal Register
- 104 DOD Directives; JTR; DOD Military Pay Allowances and Entitlements
- 105 Army Regulations
- 106 Major Command/local directives
- 107 General Orders

200 - FEDERAL CASE LAW

- 201 Supreme Court Reporters (U.S.; S.Ct.; L.Ed.; L.Ed. 2d)
- 202 Federal Reporters (F. Supp; Fed; F.2d)
- 203 Military Reporters (C.M.R.; M.J.)
- 204 Federal Digests

300 - STATE CODES/CASE LAW

- 301 State statutes
- 302 Municipal ordinances
- 303 State/regional reporters
- 304 State/regional digests

400 - GENERAL REFERENCES (SETS)

- 401 ALR/ALR2d/ALR3d/ALR4th/ALR Fed.
- 402 Dicennial Digest
- 403 CJS, Am Jur 2d

500 - MILITARY REFERENCES

- 501 DA Pamphlets
- 502 DA Circulars
- 503 FMs/TMs/etc.

600 - SPECIAL REFERENCES (SETS)

- 601 Comp. Gen. Decisions
- 602 Contract Law Reporter
- 603 Environmental Law Reporter
- 604 [Etc.]

700 - PERIODICALS

- 701 JALS
- 702 Army Lawyer
- 703 Military Law Review; Navy JAG Journal, etc.
- 704 Law reviews (alphabetical)

800 - GENERAL

- 801 Hornbooks
- 802 Other general reference material

ANNEX N

SJA Automation Security SOP

1. Reference: AR 380-380, 8 Mar 85, Automation Security.
2. Applicability: This SOP is applicable to all personnel performing duties with the Office of the Staff Judge Advocate and Division Legal Center and any other branches thereof which possess/use word processing and/or automated data processing equipment in the conduct of business or the use and storage of recorded media for such equipment.
3. Responsibilities:
 - a. Automation security is the responsibility of all supervisors and persons having access to automation hardware, media and printed materials. The Legal Administrator, Office of the Staff Judge Advocate, will be appointed the Automatic Data Processing Systems Security Officer (ADPSSO). The ADPSSO will:
 - (1) Ensure the organization's Automation Security Program is structured and implemented in accordance with published regulations and this SOP.
 - (2) Ensure that the system is properly accredited, reaccredited if required and prepare and submit documentation to the appropriate authority to support periodic accreditation reviews as appropriate or as specified in the current system accreditation documentation.
 - (3) Initiate an informal or preliminary investigation if a violation of security as defined in current regulations or this SOP should occur.
 - (4) Prepare and maintain access rosters to specifically identify individuals authorized to use the system.
 - (5) Maintain a current inventory of all magnetic media containing sensitive information. Inventories will be conducted at least weekly or more frequently if deemed appropriate.
 - (6) Ensure that ADPE Operators are held personally responsible for insuring these procedures are followed during system use.
 - b. Each branch chief having ADP/WP equipment in their branch is designated the terminal area security officer (TASO) for their branch. TASO will ensure that all personnel in their branch understand and comply

with this SOP. TASO responsibilities are set forth in AR 380-380, paragraph 1-4(1).

4. Policies:

a. ADP/WP equipment used by branches of this office will not be used to process classified material under any circumstances.

b. ADP/WP equipment and media (diskettes) will, when not in use, be secured in a manner which will safeguard against unauthorized access or removal from the using activity. Access to secured ADP/WP equipment will be granted only to persons with an official need to utilize the equipment or media. Following are minimal conditions of security.

(1) ADP/WP equipment: must be secured in a limited access area within the activity, with at least one authorized person present at all times when the activity is not secured with a reliable locking device.

(a) Keys to the facility will be maintained in a key depository, access to which will be controlled in accordance with AR 190-51, Appendix C. DA Forms 4413R will be used for key control purposes.

(b) At no time will the systems be left unattended while operational.

(c) All visitors to the facility (computer operational area) will be challenged and escorted as necessary to preclude unauthorized access to any sensitive information.

(d) All personnel will be instructed on handling telephonic bomb threats. (See FM 19-30, Appendix D).

(e) The system will be protected at all times with a surge protector.

(f) Good housekeeping will be practiced at all times. Excess paper products and flammables will not be stored in the facility.

(g) Smoking, eating or drinking of any beverage is prohibited in the immediate vicinity of the system.

(h) The system will be kept as free of dust and other such contaminants as is possible.

(i) Any diskette or cartridge used for sensitive processing will be considered and treated as sensitive material. Erasing or deleting files, or re-formatting diskettes or cartridges is not an accepted method for declassifying or clearing magnetic media.

(j) Privacy Act information will be treated and handled as required by AR 380-380, Appendix J and AR 340-21 and will be marked with the caveat "FOUO."

(k) A journal or system utilization log will be maintained by each section. Minimum information will include a table of contents or directory listing for each diskette.

(l) The system will not be connected to any external communications link unless specifically authorized in the accreditation document.

(m) All government owned or leased software will be secured in a locked container after duty hours. Government owned or leased software will not be removed from the workplace or used on privately owned computers.

(n) Privately owned software may not be used on the system unless approved by the ADPSSO in consultation with the Installation Systems Security Manager. PRIVATELY OWNED SOFTWARE WILL NOT BE USED TO PROCESS CLASSIFIED INFORMATION.

(2) ADP/WP software and media: must be secured as in paragraph 4b(1) above, unless maintained in a central files area, in which event these items will be locked in a locking file or storage cabinet. Handling and storage of magnetic media will be in accordance with manufacturers guidance and system user guides.

(3) A daily security check will be performed by the TASO or his/her designated representative. The security check will consist of a survey of the office for any equipment, software or media which is on desks or otherwise unsecured; and a visual check of the locking devices securing the building and/or area in which the equipment is maintain. The security check will be recorded on Standard Form 701, which will be maintained in a readily visible location outside the security area for the ADP/WP equipment. This form will be cut off at the end of each month and will be forwarded to the ADPSSO (Legal Administrator) for review and filing.

(4) The CPU and all peripherals will be powered down after all periods of sensitive processing. At close of business each day, all Zenith Computers will be powered down after shipping the heads (see vendor's instruction).

c. If it appears that ADP/WP equipment or media has been tampered with by unauthorized persons, or that any such item is missing, the facts will be reported immediately to the ADPSSO.

d. ADP/WP equipment which is to be used for processing classified materials or communicating with another computer or terminal, requires separate independent accreditation before beginning operation. Contact the SJA ADPSSO for information.

e. Accountability of hardware, software and media. Each operator will maintain accountability for all hardware, software and media under his/her control.

f. Disposing of waste. Paper products containing FOUO, Privacy Act, or attorney-client material will be shredded. This includes drafts, carbon copies, and carbon paper.

g. Telecommunications. Telecommunication is the use of a computer to communicate with another computer, either through several computers being interconnected (a local area network), using a computer to communicate with a remote computer (over phone lines via a modem), or a combination of the two. When necessary, user IDs and passwords will be provided by the ADPSSO.

5. Repair and maintenance. Should the system fail and require repair, the Information Systems Command Help Desk will be called.

ANNEX O

Criminal Law Division SOP

1. General policies. a. Expedition. Fairness to an accused requires that military justice matters be disposed of as expeditiously as possible. However, denying the accused any substantial right is never justified. The standard in each instance must be that the case is being processed as rapidly as circumstances permit.

b. Policy matters. If matters fall within established division policy, division personnel will conduct their day-to-day operations without reference to the Chief, Criminal Law Division. Matters which do not fall within established policy or appear to merit an exception thereto, should be referred to the Chief, Criminal Law Division, for necessary action.

c. Publicity. Requests by the media for information concerning trials, or any other matters, will be referred to the [command] Public Affairs Officer, and the SJA will be notified.

2. Processing of BCD special and general court-martial charges.

a. Before trial.

(1) The Chief Legal Clerk, Criminal Law Division, will—

(a) Receive charges and accompanying papers in quintuplicate before any Article 32 Investigation has been conducted.

(b) Enter name and organization of accused, and date charges received in general court-martial log.

(c) Enter the case on the active cases wall charts.

(d) Prepare a visible index file card. This card is entered in the visible index file maintained by the Chief Legal Clerk, Criminal Law Division, and located in the Criminal Law Division. The cards will be separated into categories corresponding to the status of the case.

(e) The original copy of the charge sheet and attached papers will be transmitted to the Chief, Criminal Law Division. Any deficiency in format or composition will be noted.

(f) The Chief, Criminal Law Division, will examine the file and prepare recommendations for the SJA.

(g) The SJA will determine whether an Article 32 Investigation is warranted. If so, the SJA will return the file with his recommendations to the commanders concerned who will forward it back to the Chief, Criminal Law Division, upon completion of the investigation.

(2) Pretrial advice.

(a) The SJA, upon receipt of the recommendations of the Chief, Criminal Law Division, will examine the charges, the report of the Article 32 Investigation, and allied papers.

(b) If the SJA concludes that trial by general court-martial is appropriate, the file will be returned to the Chief, Criminal Law Division, who will draft the pretrial advice to be submitted to the Commander. In the case of charges recommended for a BCD special, the Chief, Criminal Law Division will prepare briefing notes for the SJA, but a pretrial advice is unnecessary.

(c) If corrective action is necessary it will be accomplished informally, if possible, by the Chief Legal Clerk, Criminal Law Division, or the trial counsel. When more formal corrective action is required, a draft indorsement returning the file to the initiating unit for appropriate action will be prepared and submitted to the SJA for approval.

(d) If the SJA disagrees with the recommended action of the unit concerned, the matter will be informally discussed by the SJA and the subordinate commander prior to any submission of the charges to the convening authority for decision. If the subordinate commander so requests, the charges and allied papers may be returned with indorsement. In such an instance one complete copy of the charges and allied papers will be retained in the section together with a memorandum of record reflecting the action taken, the reasons therefor, and the coordination effected with the subordinate command.

(3) Reference to trial.

(a) If a new court must be appointed, the SJA or the Chief, Criminal Law Division will determine the desired composition of the court [numbers and grades] after which the Chief Legal Clerk, Criminal Law Division, will request the Adjutant General [or the Deputy Chief of Staff, Personnel; the Director of Personnel; the Assistant Chief of Staff, G-1] to furnish names of officers and enlisted personnel available for appointment. The list of prospective members for the court will be submitted personally by the SJA to the convening authority for selection. The SJA will insure that the preparer of the list and the convening authority select court members in accordance with the criteria set out in Article 25, UCMJ. A memorandum for record reflecting selection of the panel will be prepared and then signed by the SJA.

(b) Following preparation of the pretrial advice, the SJA will discuss the case personally with the convening authority who will indicate approval by signature (or initials) on the advice and that referral of the charges to trial by general court-martial is directed; or, in the case of a BCD special court-martial, that the charges are referred to trial by special court-martial authorized to adjudge a bad conduct discharge.

(c) The SJA should include in the pretrial advice a recommendation to the convening authority concerning which military judge, trial counsel, defense counsel, and court members should be detailed to the court-martial. The SJA must insure that the convening authority personally selects the military judge, trial counsel, defense counsel, and court members for each court-martial.

(d) Following the foregoing action, the file will be returned to the Chief, Criminal Law Division, who will:

1. Make amendments to the charges and specifications as directed by the convening authority.

2. Have the indorsement referring the charges to trial and the order prepared.

3. Furnish original copy of charges, order and all allied papers to trial counsel.

4. Have the charges served on the accused immediately following referral. The charge sheet will be annotated to indicate the date of service and by whom service was accomplished.

5. Furnish a duplicate copy of the charges and all allied papers to defense counsel.

6. Insure necessary entries on log card index files and the active cases wall chart are made.

(4) Trial counsel. In addition to performing the duties prescribed in the Manual for Courts-Martial, 1969 (Rev.), and DA Pamphlets 27-9 and 27-10, trial counsel will:

(a) Prepare and promptly furnish a copy of the order and charges and specifications to the military judge.

(b) Take action to retain material witnesses or arrange for their depositions if examination of the file indicates that these witnesses may not be available at the trial.

(c) Insure that appropriate flagging action (DA Form 268) has been or is being accomplished by the immediate commander of the accused.

(d) Determine members who will be present for trial. The trial counsel has no authority to excuse members of the court from attendance at a trial. Trial counsel will take the requests, with the reasons for excusal, to the SJA who will discuss such requests with the convening authority. Members will be excused only for good cause and only by the convening authority.

(e) Insure unit makes all necessary arrangements for the accused.

(f) Furnish a findings worksheet and a sentence worksheet to the military judge.

(g) Make appropriate discovery of evidence to the defense counsel.

b. Duties during trial. The duties of trial counsel are covered in chapters IX-XIII, Manual for Courts-Martial, 1969 (Rev.), and DA Pamphlets 27-9 and 27-10.

c. Duties after trial.

(1) Trial counsel. Perform such other duties as are provided in the Manual for Courts-Martial, 1969 (Rev.), and DA Pamphlet 27-10.

(2) Court reporters. Prepare verbatim or summarized record of trial, as appropriate, in required number of copies and transmit the record of trial to the Chief, Criminal Law Division.

(3) The Chief Legal Clerk, Criminal Law Division.

(a) Record the date the record was received from the court reporter in the docket and on the wall chart.

(b) Check the record for administrative completeness.

(c) Take necessary action to have the original record of trial and necessary number of copies authenticated.

(d) Serve an authenticated copy of the record of trial on the accused or, if the accused has departed the command, mail a copy, return receipt requested.

(e) Furnish a copy of the record of trial to the Chief, Criminal Law Division, for study and preparation of draft review. After the post-trial review has been signed by the SJA, serve a copy of the review on the defense counsel.

(f) Insure a copy of the authenticated record of trial is made available to the defense counsel for use in preparation of the response to the post-trial review.

(g) Prepare and deliver draft court-martial orders to the Chief, Criminal Law Division, for approval and initialing.

(h) Deliver the orders to the Chief, Administrative Division for signature.

(i) Distribute the published court-martial orders.

(j) Attach the original post-trial review to the original record of trial, and one copy of the post-trial review to each copy of the record of trial.

(k) Forward one copy of the post-trial review to the commander of the confinement facility to which the accused has been transferred.

(l) In all cases in which a punitive discharge or dismissal or confinement for one year or more has been approved in the action of the convening authority, forward the original and two copies of the record of trial to The Judge Advocate General. Copies of the record including the one furnished to the accused will be as complete as the original in all respects except for items of real evidence. Appropriate photographs and/or descriptions may be utilized in copies of the record with respect to items of real evidence. After 30 days have elapsed and there is nothing to indicate receipt of a record of trial forwarded to The Judge Advocate General, an inquiry by electrical transmission will be made to verify receipt or non-receipt.

(4) Reviewer. Prepare draft post trial review for signature of the SJA and a draft action for the Commander's signature.

(5) Staff Judge Advocate.

(1) Examine draft review and action, make any necessary changes, and then return to reviewer for preparation in final form.

(2) Deliver the review and action in final form with the original record of trial and any defense comments or rebuttal to the convening authority for consideration, approval, and signature on the action.

(3) Return the record of trial, action and review to the Chief, Criminal Law Division, after approval and signature by the convening authority.

d. Appellate matters.

(1) Upon receipt of the action copy of a Court of Military Review decision, the Chief Legal Clerk, Criminal Law Division, will determine the availability of the accused for service of the decision. If the accused has been transferred, the Court of Military Review decision will be forwarded to the officer exercising general court-martial jurisdiction over the accused, reference being made in the indorsement to the Court of Military Review decision and the orders effecting transfer of the accused. A copy of the indorsement will be furnished to The Judge Advocate General.

(2) If the accused is in this command, the decision of the Court of Military Review will be served by the officer who represented accused at trial, otherwise by an appointed defense counsel.

(3) The following procedure will be followed if the accused is absent without leave, and consequently cannot be personally served with the decision of the Court of Military Review:

(a) A certificate of attempted service will be executed in duplicate by the officer attempting service, showing the date and place service was attempted and that service was precluded since the accused was absent without leave. The certificate will be supplemented by authenticated personnel action document or confinement report, in duplicate, showing the escape or other absence without leave. The certificates and extract copies will be forwarded to the Office of The Judge Advocate General, together with two copies of the Court of Military Review decision.

(b) If the accused returns to military control at the proper station within the 30-day appeal period, a copy of the decision will be served on the accused. If the accused is returned to military control elsewhere, a copy of the decision will be transmitted to the appropriate station for service, with a request that the originating station be notified of the service and also of any petition or waiver executed by the accused. In either case, the notification to the accused of the right to appeal should be modified to limit the appeal period to 30 days from the date of attempted service. The accused's receipt for a copy of the decision will be forwarded to the Office of The Judge Advocate General.

(c) If at the end of the 30-day appeal period, the accused has not returned to military control or has returned to military

control and has failed to petition for a grant of review, action will be taken in the same manner as though the accused had been served personally on the date of attempted service. In the absence of official notification at the proper station, it may be presumed the accused has not returned to military control elsewhere. If the accused returns to military control prior to the expiration of the 30-day appeal period, it is advisable that the supplementary order be dated 30 days after the date of actual service.

(4) When requested by the accused, appointed defense counsel will assist in the preparation and submission of a petition to the Court of Military Appeals.

(5) If the publication of a supplemental court-martial order is required, the Chief Legal Clerk, Criminal Law Division, will prepare a draft of such an order and deliver it to the Chief, Criminal Law Division, for approval and initialing, prior to its delivery to the Chief, Administrative Division for signature and for publication.

3. Special and summary court-martial administration. a. Functions of Criminal Law Division.

(1) Review of special and summary courts-martial records.

(2) Accomplishment of necessary corrective action.

(3) Maintenance of statistics on trials by special and summary courts-martial. These statistics will be prepared by the Chief Legal Clerk, Criminal Law Division.

(4) Advice and assistance to subordinate units on military justice problems and training.

(5) Liaison with and training of unit courts and boards personnel in military justice matters.

b. Review of records.

(1) Special courts-martial.

(a) Each case will be entered in numerical order on the Special Court-Martial Docket by the Chief Legal Clerk, Criminal Law Division. Separate sheets will be maintained for each jurisdiction.

(b) Records are reviewed in accordance with Article 65(c), Uniform Code of Military Justice, and paragraph 94, Manual for Courts-Martial, 1969 (Rev.). Questions of law or prejudicial errors requiring corrective action will be brought first to the attention of the Chief, Criminal Law Division.

(c) If the record is returned to the convening authority for appropriate action, a letter will accompany the record with brief and precise instructions as to the action required.

(d) Corrective action to reduce an excessive sentence or to disapprove a portion of the findings, with or without a reduction in the sentence, ordinarily will be accomplished by publication of an appropriate court-martial order of this headquarters. In all such cases involving corrective action the approval of the SJA will be obtained. The SJA will determine whether the matter will be brought informally to the attention of the subordinate commander prior to the publication of the court-martial order.

(e) During the course of review, if it is determined in any case to be in the interest of justice to set aside, in whole or in part, the findings of guilty and the sentence and restore all rights, privileges and property thereby affected or to suspend or mitigate any part or amount of the unexecuted portion of the sentence, an appropriate court-martial order will be prepared and submitted to the SJA for approval. The SJA or the Chief, Criminal Law Division will informally notify the subordinate command of the action to be taken and the reasons therefor.

(f) If the record after legal review is held to be correct in law and fact, an appropriate notation, signed and dated by the reviewing officer, will be placed on the front cover of the record and the promulgating orders.

(g) Stamped copies of the special court-martial orders will be distributed in accordance with Chapter 12, AR 27-10.

(h) Records of trial of special courts-martial will be distributed in accordance with Chapter 4, AR 27-10.

(2) Summary courts-martial.

(a) Each case is entered on the Summary Court-Martial Docket by the Chief, Legal Clerk, Criminal Law Division, in numerical order. Separate sheets will be maintained for each jurisdiction.

(b) Legal review and corrective action, if any, of summary court-martial cases is accomplished in the same manner as that outlined above for special courts-martial. A written waiver of the accused's rights to counsel and trial by higher level courts-martial must be present.

(c) Stamped copies of summary courts-martial will be distributed in accordance with Chapter 12, AR 27-10.

(d) Records of trial of summary courts-martial will be distributed in accordance with Chapter 4, AR 27-10.

c. Inquiries from subordinate units. Inquires and requests from subordinate units for advice and assistance in military justice matters will ordinarily be sent to the Criminal Law Division for action. If these matters are serious, require establishment of new policy, or involve pretrial confinement, they will be referred by the Chief, Criminal Law Division, to the SJA for decision.

d. Returning matters to subordinate units.

(1) Corrective actions and issuance of orders will be accomplished by this office except for rehearings, proceedings in revision, or corrective actions which must be taken by a convening authority.

(2) If due to considerations of clemency, a legal special or summary court-martial sentence should be reduced, suspended, or mitigated, the matter will be brought informally to the attention of the SJA by the Chief, Criminal Law Division. The SJA will decide either to personally coordinate with the convening authority on an informal basis with respect to clemency, to direct the Chief, Criminal Law Division to so coordinate, or to address a letter bearing on the case to the convening authority.

e. Supervision of pending disciplinary actions.

(1) The Criminal Law Division will review all reports of criminal investigation and serious incidents received. This division will offer appropriate advice to unit commanders in determining disposition of these cases.

(2) All officers of the Criminal Law Division in their dealings with subordinate commands will stress that the initiation of disciplinary action is the responsibility of the commander and that delay until receipt of a final military police investigation is not justified if sufficient information is otherwise available to the commander.

(3) Requests for advice from subordinate commanders will be answered promptly and with due regard for uniformity of treatment within the command. Advice given on cases will be recorded on a cover sheet added to the report of investigation pertinent to the case. The SJA will be kept informed of all cases involving officers and other sensitive cases likely to result in general court-martial or substantial publicity.

f. Miscellaneous duties. Officers of the division may act as recorders for administrative boards.

4. Nonjudicial punishment. a. Recommendations of subordinate commanders for the imposition of punishment under Article 15 by the Commander and appeals from the imposition of Article 15 punishment (see Manual for Courts-Martial, 1969 (Rev.)), are processed by the Criminal Law Division. The Criminal Law Division will also process cases in which recommendations for trial by court-martial are inappropriate and where imposition of nonjudicial punishment by the Commander or by a subordinate commander is indicated.

b. Processing.

(1) Upon receipt by the Administrative Division of a request for imposition of nonjudicial punishment, the name and unit of the person concerned and date of receipt will be entered in the Article 15 log. Appeals from nonjudicial punishment are required to be made on items 7 through 10, DA Form 2627. Subsequent entries will be made in the log to reflect each procedural step in the processing.

(2) Insure that the DA Form 2627 contains a written explanation and acknowledgements of counsel and procedural rights.

(3) Deliver the file to the Chief, Criminal Law Division, who will advise the SJA.

(4) Upon SJA approval of the course of action to recommend to the Commander, the Chief, Criminal Law Division, will prepare a disposition form for the SJA's approval and signature and attach it to the file submitted by the subordinate commander. The proposed letter of intent, or indorsement, will be included as a lettered tab to the file. Action by the Commander on appeals from nonjudicial punishment will be recorded on DA Form 2627.

(5) After obtaining the Commander's decision the case will be further processed as follows:

(a) If the Commander approves of recommended proceedings under Article 15, the letter of intent will be hand-delivered to Chief, Administrative Division for signature and hand-carried to the commander of the person concerned, who shall personally serve the letter of intent on the person concerned.

(b) If the recommendation is disapproved, or the decision of the Commander is a final decision or an appeal from punishment previously imposed, the file will be returned through channels by an appropriate command indorsement signed by Chief, Administrative Division.

(c) If trial by court-martial is directed rather than the imposition of Article 15, the case will be processed accordingly.

(d) Upon return of the file indicating that nonjudicial punishment will be accepted, the file will be delivered to the Chief, Criminal Law Division, who will prepare an appropriate disposition form. The DF will inform the Commander whether the person has requested a hearing and will request an appointment.

(e) Upon approval of the DF and signature by the SJA, the file will be submitted to the Commander for decision. Following a decision, the file will be returned to the Chief Legal Clerk, Criminal Law Division, who will have it hand-carried through channels to the person concerned.

(f) Upon completion of a hearing, if any, and notification of punishment by the Commander, the file will be returned to the Chief, Criminal Law Division, who will complete the notification of punishment and have it hand-carried through channels to the person punished.

(g) Upon return of correspondence indicating that the person appeals the punishment or requests clemency, the file will be delivered to the Chief, Criminal Law Division, who will prepare an appropriate DF for approval and signature by the SJA, together with a proposed indorsement for the approval of the Commander. Following a decision, the file will be returned to the Chief Legal Clerk, Criminal Law Division, who will have it hand-carried through channels to the person concerned.

(h) Upon return of the correspondence indicating no appeal in the case, the Chief Legal Clerk, Criminal Law Division, will ascertain that terms of the punishment have been or will be fulfilled, will check the file for completeness, and will forward it in accordance with Chapter 3, AR 27-10.

c. Advice to subordinate commanders on Article 15 appeals will be recorded on DA Form 2627. [Supplemental communication with the commander by the officer rendering the advice is authorized.] The DA Form 2627 will then be returned by indorsement to the subordinate commander.

d. Supervision of nonjudicial punishment. Any case of apparent unjust nonjudicial punishment in the command will be brought to the attention of the Chief, Criminal Law Division. If the Chief concurs, or if there is doubt in the matter, the case will be brought to the attention of the SJA. The Chief, Criminal Law Division, is responsible for supervisory

review to insure generally that nonjudicial punishment is used in appropriate cases rather than trial by court-martial.

ANNEX P

Legal Assistance Division SOP

1. Purpose. The Army Legal Assistance Program (ALAP) is implemented under the guidelines of AR 27-3 to provide advice and assistance to members of the Armed Forces and, when resources are available, to other eligible individuals regarding their personal legal affairs. Because personal legal difficulties may contribute to a state of low morale and inefficiency and may result in problems requiring disciplinary action, prompt assistance in resolving these difficulties is an effective preventive measure. The ALAP supports the DA policy to assure adequate support to families in order to promote well being, to develop a sense of community, and to strengthen the mutually reinforcing bonds between the Army and its families.

2. Responsibilities.

a. The Chief, Legal Assistance Division (LAD) is directly responsible for implementation of the ALAP under the provisions of AR 27-3. All legal assistance officers (LAOs) will provide advice and assistance concerning personal legal problems to eligible personnel in the priority stated in ¶ 1-8, AR 27-3.

b. Normally legal assistance will be rendered only at the legal assistance office. Legal assistance will be provided at times scheduled or otherwise published. If necessary, other officers, including the DSJA and SJA, will assist in providing legal assistance. If an emergency would preclude scheduled officer(s) from providing legal assistance, the Chief, Legal Assistance will be notified immediately and will designate another attorney(s) to provide the legal assistance.

c. Support personnel will render all assistance to LAOs as set forth in this SOP and as otherwise directed. Client confidences will be maintained absolutely in all cases subject to direction of the LAO.

3. Functions.

a. Nature of Advice. In dealing with clients, LAOs act in an individual capacity and not as representatives of the Department of the Army or the U.S. Government. The opinions and views which LAOs present to third parties regarding client's legal problems should be represented as those of the LAO concerned (see paragraph 3b). Each attorney is individually responsible for maintaining his or her professional qualifications in good order and for complying with the Model Code of Professional Responsibility. Representation of a client will be limited to acting as legal advisor and consultant. Private income-producing business

activities of clients are outside the scope of the ALAP. LAOs will neither render advice nor prepare documents for business ventures. LAOs may, however, advise and assist clients regarding the lease or rental of personal residences which are being leased incident to the client's service.

b. Interviews. (1) Appointments. Legal assistance interviews are generally arranged on an appointment basis. Clerks ordinarily will make initial appointments on a 20 minute per appointment basis, 8 per day, from the hours of 1000 to 1100 and 1320 to 1500. Follow up appointments of additional duration will be scheduled at the direction of the LAO concerned. Dependents and civilian employees should be scheduled in the morning whenever possible. Except when specifically requested by the client for his convenience, appointments are not to be scheduled more than three working days ahead.

(2) Emergencies. Special arrangements will be made to deal with emergency situations as they arise. If a client indicates on the phone that their inquiry is of an emergency nature, an attorney should speak with them before they are told to come in on a walk-in basis. Common emergencies are: Summons or court order requiring immediate response, marital separation for immediate return of dependents to the United States, and personal finance, debt or other legal dispute arising shortly before ETS/PCS.

(3) Telephonic Inquiries. General information may be given over the telephone. Legal advice will not be provided over the telephone. This policy assures that LAOs are provided all pertinent information.

c. No-Show Policy. Clients should be informed that failure to keep an appointment without calling ahead to cancel interferes with the best use of attorney time and delays or deprives other deserving personnel from receiving legal assistance. One failure to show will not preclude the client from receiving help, and that individual may call the office for another appointment. A second failure to appear without valid reason will put the client on a standby basis behind scheduled appointments and walk-ins the next time he wishes to obtain legal assistance. Exceptions will be made for valid emergencies. A servicemember's ISG or CO will be informed when the servicemember misses a second appointment.

d. Referrals. When appropriate, LAOs may find it necessary to refer clients to civilian counsel for resolution of their legal problems. When it is necessary to refer a client to a local civilian attorney, the client will first be referred to a local lawyer referral service. If there is no local lawyer referral system, the client may be given the names of recommended attorneys in the area. LAOs will scrupulously avoid favoritism or appearance of favoritism by referring clients to an unreasonably limited number of civilian attorneys. Estimates should not be made of the fee a civilian attorney may charge. In the event a client inquires about the cost

involved, it should be suggested that the client make this topic one of the first items to be discussed with the civilian attorney to eliminate uncertainty and to avoid later misunderstandings.

e. Preventive Law. In addition to resolving personal legal problems once they arise, the Chief, LAD will organize a preventive law program (§ 2-7, AR 27-3) designed to enable individuals to avoid legal difficulties.

(1) The attorneys of LAD will prepare and publish in the community newspaper a monthly article providing information on a legal assistance subject. The Chief, LAD will provide copies of all articles to the DSJA and SJA prior to their publication.

(2) An annual tax conference will be organized for the period of 15 January - 15 February to prepare unit tax advisors to process the less complex tax problems that can be expected to arise in their commands.

(3) In addition, the Chief, LAD will pursue other means reasonably available to publicize the services offered by the legal assistance office and to educate servicemembers and their families about their legal rights and privileges.

4. Activities of the Legal Assistance Officer.

a. Appearance in Court. LAOs will not represent legal assistance clients before any civil court. Assistance in preparing documents for pro se representation may be given. Correspondence to a civil court on behalf of a client, for example in regard to the Soldiers' and Sailors' Civil Relief Act, will clearly indicate that the LAO is not acting as the client's attorney and is not entering an appearance in court on the client's behalf.

b. Correspondence for Clients. LAOs are permitted to sign correspondence on behalf of their clients. When so doing, the correspondence will contain language indicating that the letter reflects the attorney's personal judgment as a member of the legal profession and is not the view of the U.S. Army. The language recommended in § 2-3a(2), AR 27-3 may be used to accomplish this purpose. Requests for rulings and interpretations from State and Federal agencies will be submitted through the SJA. The LAO is authorized to correspond with or personally contact local offices of Federal and State governmental agencies.

c. Claims against the United States. Under the provisions of 18 U.S.C. § 205, officers and employees of the U.S. Government are precluded, except in the proper discharge of official duty, from acting as an agent, attorney, or otherwise aiding or assisting in the prosecution of any claim against the United States. LAOs will not assist or otherwise participate in the presentment of any claim for money or property from the United States other than in accordance with their official duty and within

specific guidelines as set forth in ¶ 2-4b(2),(3) of AR 27-3. LAOs will also be aware of the limitations set out in 18 U.S.C. § 201 et seq., dealing with conflict of interest.

d. Drafting Instructions. LAOs will not draft deeds of trust, real estate mortgages or deeds, partnership agreements, or articles of incorporation.

e. Indebtedness. LAOs will neither act as a collecting agent nor assist in defeating the fair collection of any just debt or obligation. While primary responsibility for debt counseling is the unit commander's, LAOs may discuss legal liability for a debt or legal remedies or defenses to collection of a debt with clients. In many instances, LAOs may be called upon to counsel personnel on the Army policy regarding indebtedness. It is preferable that clients handle correspondence themselves; however, there is no objection to LAOs preparing such correspondence. When appropriate, LAOs may advise clients on filing for individual bankruptcy.

f. Domestic Relations. LAOs should not consider themselves qualified as a marriage counselors by either experience or training, and should restrict their advice to the legal aspects of the problems presented.

(1) Persons desiring counseling on nonlegal aspects of domestic relations should be referred to a chaplain, social services counselor, or others as appropriate. To this end, LAOs will establish and maintain a good working relationship with those offices.

(2) LAOs may assist in the preparation of formal separation agreements and advise clients on the proper jurisdiction in which to file for divorce. Careful explanation of the effects of a separation agreement under all foreseeable situations is required. Representation of both parties in a domestic relations case by LAOs of this office is prohibited. Care will be taken to insure that the second party to seek assistance regarding the same matter is referred to other military or civilian counsel in accordance with ¶ 2-3b, AR 27-3.

g. Personal Tax Returns. Although in most cases personnel can obtain assistance from unit tax advisors in the preparation of individual tax returns, LAOs may be called upon for advice with more complex problems. LAOs may aid clients in completing personal income tax forms. LAOs are specifically prohibited, however, from signing as the paid preparer of a tax form.

h. Matters Involving Adverse Personnel Actions against Servicemembers.

(1) In their capacities as LAOs, officers may not receive confidences related to criminal investigations or disciplinary proceedings

such as Articles 15, courts-martial, or appellate procedures. LAOs must be particularly careful as the matters on which their advice is sought are wide-ranging. The dichotomy may be difficult to recognize. Informal advice from an attorney to a layman is nonexistent. It is the policy of the SJA that no attorney, unless assigned defense functions in accordance with appropriate directives or a specific tasking, should establish an attorney-client relationship or seek to advise servicemembers on any military adverse administrative personnel actions or criminal matters. Exceptions may be made by the SJA or DSJA on a case-by-case basis when Trial Defense Service (TDS) services are not reasonably available. When a criminal matter or adverse administrative personnel action is recognized, the client will be referred immediately to a TDS defense counsel.

(2) Clients having problems in the following areas will be referred to TDS:

(a) Nonjudicial punishment administered pursuant to Article 15, UCMJ.

(b) Investigations conducted pursuant to Article 32, UCMJ.

(c) Courts-Martial.

(d) Reduction for inefficiency boards, UP AR 600-200.

(e) Officer Elimination Boards, UP AR 635-100.

(f) Enlisted Elimination Boards, UP AR 635-200.

(g) Reports of Survey, UP AR 735-11, which have clear potential for resulting in adverse administrative action in addition to a finding of pecuniary liability. LAO will coordinate with TDS in preparing appeals on such Reports of Survey.

(h) Other matters in which the potential client would be advised by an investigator of rights UP Article 31, UCMJ or the fifth amendment.

i. Prohibition on Use of Confidential Information. LAOs who obtain information from a client regarding any matter which later becomes an issue in any proceeding, investigation, hearing or court-martial which might result in an action which is adverse to the interests of that client, shall not participate in, or take any action on behalf of the Government with regard to such proceedings, investigation, hearing or court-martial.

j. Private Practice. LAOs may not engage in the private practice of law while assigned as LAOs without the express permission of The Judge Advocate General of the Army.

k. Gifts. Neither LAOs nor their family members will accept, directly or indirectly, gifts, loans, gratuities, or other favors from any person which would tend to indicate that such favor is connected with the performance of official duty. This prohibition applies not only to persons provided legal assistance, but also to any persons who may be directly or indirectly interested in the performance of the LAOs official duty.

l. Military Administrative Matters. Problems encountered from military housing to Army pay are not legal assistance matters. For those not referred to TDS, the LAO may refer the person to the chain of command or proper Government agency or inform the SJA if the matter appears to involve an erroneous action by a Government agency. For any actions in which counsel is authorized under Army regulations but TDS service is not available, the LAO may render advice. Obtain guidance through the Chief, LAD, DSJA, and SJA.

5. Office Procedures.

a. Scheduling Interviews. Appointments are required for personnel seeking legal assistance. However, when legitimate emergency circumstances exist, a client will be scheduled for the earliest possible time or will be seen on a "walk-in" basis. Before instructing a client to come in, it should be determined that an attorney will be available. In scheduling the appointment, the nature of the problem and a telephone number at which the client may be contacted should be recoded in the appointment book. The following codes will be used by the receptionist to indicate the general nature of the problem.

FL - Family Law

PFP - Personnel Finance/Property

WE - Wills & Estates

T - Taxation

O - Other

b. Powers of Attorney. Appointments will generally not be necessary in order to obtain a power of attorney. However, persons who wish to confer a general power of attorney are to be counseled by an attorney as to the full implications and potential hazards of conferring such powers. Service members should be advised that most powers of attorney (other than the general or blank special tailored to a specific legal problem) can be obtained from their legal clerk and notarized by the unit adjutant when necessary.

c. Notary Documents and Duties. Various notary documents are to be filed in the lower right hand drawer of the reception desk, i.e., Bills of Sale, General Power of Attorney, Medical Power of Attorney, Special Power of Attorney, etc.

d. General Instructions for the Legal Clerk/Receptionist.

(1) The job of clerk/receptionist (C/R) is most demanding and important. The duties of C/R must be performed in a professional, courteous manner. There is a continuous need for someone to answer the telephone and receive clients in the office during the normal duty day and the C/Rs presence is mandatory unless specifically excused by the Chief, LAD or other competent authority and a replacement is provided. The phone is to be answered in a polite, helpful manner. Rude or difficult callers or walk-in clients will be referred to a LAO.

(a) The C/R must first determine eligibility for legal assistance. (When the client comes in for legal assistance, request to see ID if the client is not in uniform.)

(b) Next the C/R must determine the purpose of the visit and whether the individual needs to see a LAO. The C/R should solicit only such information as is necessary to determine the general nature of the problem.

(c) Frequently, persons calling the LAO will be referred to another military or civilian office. Before scheduling an appointment, the C/R should make certain that the caller has made contact, as appropriate, with TDS, finance, travel, housing, AG, IG, ACS, their chain of command for military administrative matters, etc. Unless the C/R has seen the client's specific problems presented before, referral must be approved by a LAO before that action is taken.

(d) If the client needs to schedule an appointment, the C/R should check to see if the client has been seen previously by an attorney in the office. If so, the appointment should be made with that attorney, whenever feasible. If the current inquiry relates to the same matter for which the client was seen before, the client will be scheduled with the same attorney.

(e) Routine initial appointments are to be scheduled at 20 minute intervals.

(f) When a client arrives for an initial appointment, he should fill in the first three lines of DA Form 2465, the Legal Assistance Interview Record. When completed, the card is to be returned to the

C/R. The C/R will insure that the client is given the privacy act advisement portion of the DA Form 2465. The C/R will then notify the appropriate attorney that the client is waiting. Clients will normally be seen in order of appointment.

(g) On subsequent visits, the C/R should pull and annotate the DA Form 2465.

(h) Attorneys generally will not be interrupted by phone calls or notarial duties when they are interviewing a client.

(i) At No Time Shall the Clerical Staff Give or Attempt to Give Legal Advice.

(j) The C/R will type correspondence, forms and documents drafted or requested by the LAOs when the word processing center is unable to do so. Two copies of each letter should be made, one to be furnished to the client and the other to be retained as a file copy. The C/R will properly maintain the file system, will provide informational materials and forms to persons requesting them, and will be responsible for scheduling appointments and maintaining an accurate count of the number of individuals serviced for scheduled appointments, walk-ins and legal documents. All legal documents rendered will be recorded. The C/R is responsible for updating and posting changes to legal resource materials within the section and for maintaining an adequate quantity of all supplies and forms used. Orders for needed supplies and forms should be placed with the office NCOIC.

(k) The C/R is responsible for delivering letters and other papers deposited in the out-box to the proper location by mail or distribution.

(2) The Chief, LAD or senior LAO present shall have supervisory responsibility for the clerical staff.

e. Maintenance of Legal Assistance Records.

(1) The Legal Assistance Interview Record (DA Form 2465) and information thereon is to be regarded as confidential and protected under the attorney-client privilege.

(2) Files are accessible only as authorized in ¶ 2-8a(3), AR 27-3. These files are not subject to inspections and are not transferred to any records holding area.

(3) Files are maintained in the "current" files area for one year then moved to the "inactive" file for one year.

6. Reports (Statistics).

a. An annual statistical report of activities covering the period 1 January through 31 December, will be prepared. This report will be submitted to the SJA within 7 working days following the end of the period covered.

b. To facilitate preparation of the annual report and to assist in office management, a monthly report will be prepared by the 5th calendar day of the next month. Statistics will be kept and reports rendered using an appropriate statistical format.

c. Statistics, to include the number of all legal documents prepared by the C/R or attorneys will be recorded daily, at the close of business. "Legal documents" include all powers of attorney, bills of sale, affidavits, and any other document requiring notarization by an LAO.

d. Completed legal assistance questionnaires will be forwarded through the DSJA to the SJA by the Chief, LAD on a biweekly basis by COB Tuesdays.

7. Standards For Producing Documents. Wills, separation agreements, simple contracts, and other legal documents will be prepared by LAOs. These documents should be drafted by the attorney at or shortly after the initial interview when all pertinent information has been obtained from the client. The draft should then be sent to word processing for preparation. Clients will be informed by the C/R or LAO of the time needed to complete the document(s). Standards are: wills, 3 days; separation agreements, 5 days. Clients should be instructed to call the office before returning to see if the document is ready and the LAO will be available to review and notarize it. Will clients should be encouraged to bring three witnesses with them to facilitate execution of their wills. All clients should be encouraged to execute their legal documents from 0900 to 1000 and 1500 to 1600 hours to avoid interfering with scheduled appointments.

8. Emergency Deployments and Mobilizations. Personnel of the command are subject, on short notice, to world-wide deployment to meet national defense requirements. These deployments require a great deal of legal assistance planning and processing. The LAD is responsible for providing support to units preparing or training for deployment in the form of preparation of wills, powers of attorney, and other needed legal documents. The LAD will provide unit training on the legal problems presented by deployment and available alternatives to meet those problems.

9. Standards for Rendering Services. LAOs should only extend services in areas where they have or can and will acquire the necessary expertise. As obtaining the required expertise can be time consuming and thus preclude the rendering of more routine assistance to worthy clients, the attorney should exercise care in determining whether to undertake representation rather than referring the client to a civilian counsel.

ANNEX Q

International Law Division*

1. General Considerations.

a. The volume of work in the international law area varies from one command to the next. Obviously, in peacetime, a command based outside the U.S. will incur more problems involving expertise in international law than its U.S. based counterpart. This truism often causes a nonappreciation of the relevance of international law to the military wherever located.

b. International law is that law governing the relations of states. As such, the consequences of an action involving principles of international law may stretch far beyond the local command. This principal of magnification should be kept in mind when working on any international law action. International law is made a part of our law by both the Constitution and Supreme Court decisions.

2. International Law in Peacetime.

a. The Army is a highly mobile organization. A unit may be based in Louisiana one day and in Korea the next. Therefore, the SJA office must be aware of the effect that such changes of location have on the law applicable in the command. In peacetime, most U.S. based SJA offices will not have an international law section. This function might be performed by any officer; however, as in other areas of the law, the SJA would be ultimately responsible.

b. The SJA must insure that the personnel of the legal assistance section recognize issues of international law. Many servicemembers have spouses of foreign nationality—each of the spouses can raise a myriad of legal problems all involving international law. Servicemembers and their dependents may become embroiled in civil litigation involving foreign nationals or states. Such litigation involves questions of international law.

c. The SJA must insure the Criminal Law and Administrative Law Divisions understand how their functions may be influenced by international law. A status of forces agreement may restrict or expand criminal jurisdiction under the UCMJ. In the administrative law area, many requirements placed on the Army by regulation may be seriously hampered

* This Annex is not intended to be an International Law SOP. Rather it presents considerations for developing an office International Law SOP.

when the unit is moved overseas. Again, the applicable SOFA must be checked. In the absence of a SOFA, the commander, acting with the assistance of the SJA, may have to obtain the authority to negotiate an agreement to provide for the needs of his command. The requirements of the Case Act (1 U.S.C. § 1126), AR 550-51 and local supplements must be complied with.

d. Another area of the law with international law implications is that of claims. Claims either by or against foreign nationals or governments may involve international law. Claims officers must be trained to recognize international law issues which may arise in claims.

3. International Law in Wartime.

a. All too often judge advocates feel that the law of war has no relevance in time of peace. In fact, the law of war places certain requirements on the Army even in time of peace. The SJA office is often involved in the execution of these requirements.

b. One major part of the SJA's law of war function in peacetime deals with training in the law of war. Army Regulation 350-216 sets out the requirements for law of war training. That regulation requires that TRADOC provide formal instruction in the law of war. Consequently, the SJA office on a training post will normally be required to provide this instruction. The SJA must insure that the officers tasked with presenting the instruction do so in a positive manner and that the instructor has sufficient knowledge of the subject to present an informative class. Non-TRADOC SJA's also have a peacetime law of war function. AR 350-216 states that all members of the Army will have a "practical working knowledge" of the law of war. This practical working knowledge involves more than mere classroom instruction. The SJA, in conjunction with the G-3 (operations), works to integrate practical law of war scenarios in the training exercises of the unit.

c. Beyond training, the SJA also has another law of war function in peacetime. The SJA must be available to advise the commander on the law of war. This advice may include the review of operations plans. OPLANS should be reviewed to insure compliance with the law of war.

d. In time of war, the law of war colors every aspect of the law. The law of war may well become the most important part of the SJA's function. Violations of the law of war can affect the will of the enemy, and our own government, to continue the fight. The SJA is responsible for overseeing the investigation and trial of war crimes whether committed by U.S. or enemy personnel. The necessity for insuring compliance of OPLANS with the law of war is increased in time of war. The SJA must insure that commanders and their troops know the essentials of the law of war and how the law of war affects combat operations.

B. SAMPLE LEGAL CENTER SOP

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STANDARD OPERATING PROCEDURE: DIVISION LEGAL CENTER

-1. CONCEPT. The Division Legal Center has been organized to provide speedy, administratively correct, support to commanders in the area of court-martial, administrative eliminations, and nonjudicial punishment.

-2. ORGANIZATION. The Division Legal Center is composed of a consolidation of all legal clerks assigned to the _____ Division with exception of those assigned to OSJA, _____ Division. The Legal Center is organized into three sections: Court-Martial, Eliminations, and Article 15's.

-3. RESPONSIBILITIES.

a. Noncommissioned Officer-in-Charge. THE NCOIC's responsibilities include but are not limited to:

- (1) Exercising overall supervision of Legal Center.
- (2) Performing quality control.
- (3) Maintaining, controlling, and accounting for all property and self-service supplies.
- (4) Assuring the cleanliness and maintenance of the Legal Center.
- (5) Detailing personnel to various sections and assigning duties.
- (6) Supervising all training programs.
- (7) Establishing office policies with the concurrence of the Division Staff Judge Advocate Office.
- (8) Coordinating with the Staff Judge Advocate Office on all matters concerning the operation of the Legal Center.

-4. OPERATIONS. Internal procedures for each section are outlined in the below listed appendixes:

- a. Court: Martial Section: See Appendix A.
- b. Eliminations Section: See Appendix B.
- c. Article 15's Section: See Appendix C.

-5. PERSONNEL POLICIES. The following policies will be adhered to by all personnel in Division Legal Center:

a. Appearance. The duty uniform will normally be the battle dress uniform. The Class A uniform will be worn on the last working day of each month (payday), and when required at courts-martial or board proceedings. Hair,

(DIVISION LEGAL CENTER)

mustaches, jewelry, etc., will be in accordance with Department of the Army standards outlined in AR 670-1. Personnel are required to present a good military appearance at all times.

b. Military Courtesy. Military courtesy will be practiced at all times in the Legal Center.

c. Telephone Courtesy. Telephones will be answered, "Division Legal Center, (rank and name) speaking, Sir." This should be given in a clear, slow voice, so the caller understands who has answered the telephone. All callers may be requested to identify themselves. When a requested person is not available, assistance should be offered or the caller asked to leave a message. All messages should be written down immediately and placed on the called individual's desk.

d. Education. The Division does not allow on-duty education other than official military schools. Personnel are encouraged to take college courses during their off-duty time.

e. Leaves. Leaves will be requested through the section chief and NCOIC as far in advance as practicable. Final approval authority for leaves is the individual's unit commander. Only verified emergencies have priority over duty requirements. No more than fifty percent of the personnel in each section will be on leave at any time except in unusual circumstances.

f. Time Off. Section chiefs will control time off for personnel in their sections. The NCOIC will be notified in advance whenever any person is to be given time off. Section chiefs will clear their own absences with the NCOIC prior to departing the legal center.

g. Duty Hours. Normal duty hours for the Division Legal Center are 0730 to 1630 hours.

h. Physical Training. PT for personnel will be conducted each Monday, Wednesday, and Friday at 0600 hours in conjunction with HHC, 9th ID PT formations. All personnel are responsible for their own physical fitness and must obtain a passing score on their PT test, and meet the Army Regulation as to height and weight.

i. Required Training. All personnel will take required weapons and NBC training with their own units. All other training will be conducted within the Legal Center. Units are to coordinate all training requirements with the NCOIC.

j. Promotions. All deserving personnel meeting promotion requirements will be recommended for promotion by their immediate supervisor. Promotions will be initiated informally by the section chief to the NCOIC, who will submit a written request to the appropriate unit.

(DIVISION LEGAL CENTER)

k. EER's. Each person will be furnished a rating scheme indicating his/her rater, indorser, and reviewer.

l. OJT. Personnel will, to maximum extent possible, be cross-trained within the Legal Center. The NCOIC is responsible for maintaining all records pertaining to OJT.

m. Sick Call. Individuals desiring to go on sick call may obtain a sick slip from their section chief or the NCOIC.

-6. Administration.

a. Reports:

(1) Weekly Status Reports. The Courts-Martial Section will prepare weekly reports reflecting the status of all current cases. This report will be furnished to the SJA office by 1200 hours, the 1st work day of each week.

(2) Monthly and Quarterly Statistical Reports. Article 15's and Eliminations Sections will prepare monthly and quarterly statistical reports and submit them to the NCOIC prior to the third working day of each new reporting period.

(3) Monthly and Quarterly Statistical Reports. The NCOIC prepares and forwards these reports to Administrative Branch, OSJA on the third working day of the new reporting period.

b. Military Personnel Records Jackets (MPRJ-201 Files). An access roster containing the names of all personnel authorized to sign for records will be submitted to AG Records Branch by the NCOIC.

c. Publications and Blank Forms. These will be ordered by the NCOIC. Sections may request publications and blank forms on an informal basis.

d. Files.

(1) All files within the Legal Center will be filed IAW AR 340-2.

(2) Each section will maintain its own files.

-7. General.

a. Requests for self-service items will be submitted on an informal basis to the NCOIC.

b. Each section chief is responsible for security of his/her section. The last person leaving the Legal Center will insure that all windows and doors are locked, typewriters are turned off, that the drapes are closed, and that the coffee pot is unplugged.

(DIVISION LEGAL CENTER)

c. Office Machines. Typewriters and tape recorders will not be removed from the Legal Center without the approval of the NCOIC. The copy machine will be used for official purposes only.

d. Telephones. Telephones are for the official business only. Under no circumstances will collect calls be accepted unless approved by the NCOIC.

3 Encl
as

LTC, JA
Staff Judge Advocate

DISTRIBUTION:
Ea Cdr

(COURTS-MARTIAL SECTION)

(DIVISION LEGAL CENTER)

1. CONCEPT. The Court-Martial Section will provide commanders with court-martial charge sheets and allied papers as quickly and efficiently as possible.

2. ORGANIZATION. The Court-Martial Section is organized with a section chief and as many legal clerks as there are available for assignment.

3. RESPONSIBILITIES.

a. The section chief is responsible for the overall operation of the section. His/her specific duties include but are not limited to:

(1) Exercising overall management of the section. This includes the assigning of cases, detailing of reporters to courts and hearings, and approving absences from the section during duty hours, with the concurrence of the NCOIC, Division Legal Center.

(2) Performing quality control. The section chief will review all incoming documents, requests, and drafts to insure that all necessary information and evidence for the processing of court-martial charges is present.

(3) Assuring proper utilization and maintenance of office equipment and other resources in his/her section.

(4) Insuring that all pretrial and post-trial processing forms are accurate and current.

(5) Assuring that the Courts-Martial Status Report is accurate and that it is submitted to the NCOIC in timely fashion.

(6) Directly supervising new personnel to insure they are properly and quickly trained.

b. The legal clerks prepare court-martial packets under the supervision of the section chief. Each section member will assist in the training of new personnel.

4. ACTIONS PRIOR TO PREFERRAL.

a. When it becomes known that an offense has been committed, the trial counsel or section should coordinate with the commander of the accused to obtain the facts and circumstances surrounding the case. Trial Counsel will inform the section chief of all on-going cases.

b. Court-martial charges will be drafted pursuant to instructions furnished by the jurisdiction's trial counsel. The section chief will assign the charges to one of the members of the section for preparation.

c. In preparing the court-martial packet, the assigned clerk will:

(1) Use the MPRJ to determine personal data for the DD Form 458. If discrepancies are discovered among the personnel documents, the section chief will be contacted for resolution.

(2) Check with the Article 15 Section to insure that all current Article 15's are in the MPRJ.

(3) Obtain derogatory information from the Enlisted Records Center, Fort Benjamin Harrison, Indiana, if necessary.

(4) Prepare one copy of DD Form 458 in accordance with AR 27-10 and the Manual for Courts-Martial, 1984.

a. There will be no errors on the charge sheet.

b. Flapping of charges will not be allowed except in unusual circumstances.

(5) Prepare the unit commander's letter of transmittal.

(6) Prepare the battalion commander's endorsement.

(7) Prepare the brigade commander's endorsement.

(8) Make seven photocopies of the accused's DA Form 2A, 2-1 and 2-2, when appropriate; bars to reenlistment; and letters of reprimand or admonition. In cases involving AWOL, copy 3 of DA Form 4187, Personnel Action, placing the accused in an AWOL status and returning the accused to duty status will be obtained along with certificates from the unit.

(9) Prepare two manila folders, labeled in accordance with AR 340-2.

(10) Assemble the following material in one folder:

a. One copy of the brigade commander's endorsement.

b. One copy of the battalion commander's endorsement.

c. One copy of the unit commander's letter of transmittal.

d. One copy of the charge sheet.

e. One photocopy of all documentary evidence.

f. One photocopy of any DA Forms 2627's pertaining to the accused.

g. One photocopy of any bars to reenlistment or letter of reprimand/admonition.

h. One photocopy of the accused's DA Form 2A, 2-1 and 2-2 (if applicable).

(11) Assemble all other material into nine complete packets, completely collated, and placed in another folder. The draft of the charges should also be inside the folder.

(12) Make three photocopies of page one of the charge sheet. Send one of the photocopied charge sheet to the Trial Counsel and Defense Counsel. Retain the third copy in the office file.

(13) Give both packets, the photocopied charge sheets, and the MPRJ of the accused to the section chief for review before charges are preferred.

5. ACTIONS IN CASES INVOLVING PRETRIAL CONFINEMENT. Cases involving pretrial confinement will be processed in the same manne as normal cases, with the following exceptions:

a. A DD Form 497 (Confinement Order) will be prepared in two copies for the signature of the commander of the accused, to include wording on the back of the order.

b. A DA Form 5112-R (Checklist for Pretrial Confinement) will be prepared. The commanding officer of the accused must provide a statement explaining why the accused should be detained in pretrial confinement.

c. A second manila folder will be prepared, and labeled as follows:

MILITARY MAGISTRATE'S PCKET, (name, rank, SSAN, and unit of the accused). This folder will contain the following:

(1) The original copy of the DA Form 5112-R.

(2) A copy of DD Form 458.

(3) A copy of the letter from the company commander informing the accused of pretrial confinement and his rights.

(4) A photocopy of all documentary evidence.

(5) A photocopy of all documents extracted for the MPRJ.

d. The military magistrate's packet and the folder for the commander of the accused will be given to the commander. The commander must complete the preferral portion of the charge sheets in both folders and take the magistrate's packet to IDF. NOTE: Preferred charges and the entire magistrate's packet must reach the magistrate not later than 72 hours after the accused is placed in pretrial confinement.

6. ACTIONS UPON RETURN OF THE PACKET TO THE LEGAL CENTER. Upon return of the court-martial packet, the section chief will:

a. Note the date of return and the date of preferral on the court-martial log (located in the section chief's office).

b. Insure that all correspondence is dated and that it contains all necessary signatures.

c. Give to the legal clerk for assembling.

7. ACTIONS WHEN THE CASE HAS BEEN REFERRED TO A SUMMARY COURT-MARTIAL. If the case has been referred to a summary court-martial, the section chief will:

a. Contact the battalion level command which referred the case to a SCM or the SPCMCA for assignment of a summary court officer, once the name is obtained, give the packet to one of the legal clerks assigned to the court-martial section.

b. The clerk will refer the case to trial on the back of the charge sheet. (An order number will not be needed in most cases).

c. Prepare the DD Form 2329, SCM ROT; the HFL Form 3016, Report of Result of Trial; and a DD Form 497, Confinement Order.

d. Serve the accused a copy of the charges and complete the service portion of the charge sheets, signing for the SCO. At that time the accused will be sent to Trial Defense Service for signature on the DA Form 5111-R.

e. Assemble a packet containing all the original documents, the DD Form 2329, HFL Form 3016, and the DD Form 497, and forward it to the summary court officer.

f. Assemble a packet containing copies of all the documents and forward it to the Trial Defense Service office.

g. Assemble an office file packet containing a copy of all the documents and place in the office files.

h. Upon completion of the trial, the section chief will check the HFL Form 3016, Report of Result of Trial. Special care will be exercised to place the name of the Summary Court Officer and the race and sex of the accused on the HFL Form 3016. After the HFL Form 3016 has been signed, the section chief will make six photocopies of it. The section chief will then send the original HFL Form 3016 to the SCMCA and will file one photocopy at the Legal Center. One copy will be sent to the Criminal Law Branch, for action IAW paragraph 5 of SOP entitled "Instructions to the Accused, Report of Result of Trial, and Confinement." The remaining copies will be distributed as required.

i. The section chief will insure that all documents are retrieved from the Summary Court Officer at the conclusion of trial. The section chief will then have an original and two copies of the record of trial prepared for signature by the summary court officer as the authenticating official.

j. Once the record of trial has been authenticated, the section chief will insure that the accused is furnished a "copy" of the authenticated record.

k. Upon completion of the service, and the mandatory seven-day waiting period, the section chief will have the assigned clerk prepare the action for the convening authority's signature on page 2 of the DD Form 2329.

l. Once the action has been signed, the record of trial and 15 copies of the DD Form 2329 will then be forwarded to the Criminal Law Branch, Office of the Staff Judge Advocate, for supervisory review and permanent filing of the original record of trial.

m. Upon completion of the supervisory review, the Division Criminal Law Branch will return copies of the stamped promulgating order for reproduction and distribution in accordance with AR 27-10.

8. ACTIONS WHEN THE CASE HAS BEEN REFERRED TO A REGULAR SPECIAL COURT-MARTIAL. If the case has been referred to a regular special court-martial, the assigned clerk or section chief will:

a. Type up convening order and complete the referral portion of the charge sheet(s).

b. Serve the accused a copy of the charges and complete the service portion of the charge sheet(s), signing for trial counsel.

c. Assemble a packet containing the original of all the documents and forward it to the trial counsel.

d. Assemble a packet containing copies of all the documents and forward it to the Trial Defense Service office.

e. Assemble the remaining documents into packets to be maintained until trial in the office file.

f. One day prior to the trial, the assigned clerk will insure that he/she has in his/her possession:

- (1) A complete case file.
- (2) The accused's MPRJ, if requested by the trial counsel.
- (3) A properly functioning tape recorder.
- (4) Sufficient blank tapes to record the trial.
- (5) Legal pads or steno notebooks.
- (6) Writing instruments.
- (7) If applicable, a packet for each member of the court containing the convening order and any amending orders, a photocopy of the charges and specifications, blank paper, two panel-member question sheets, two pencils per member, findings worksheet, (prior coordination with the trial counsel should be made in preparation of the findings worksheet and sentence worksheet).
- (8) A DD Form 497, "Confinement Order," prepared as completely as possible in original and one copy for the signature of the trial counsel.
- (9) A HFL Form 3016, "Report of Result of Trial," prepared as completely as possible in original only for the signature of the trial counsel.
- (10) The primary responsibility for notification of the court members and witnesses, when required, will reside with the appropriate trial counsel.
- (11) During the conduct of the trial, the assigned clerk will take comprehensive notes, insure that all exhibits are marked, and maintain an exhibit log. At the termination of the trial, all exhibits and charge sheets will be retrieved from the military judge, trial counsel, and court members.
- (12) The assigned clerk will prepare the record of trial in three copies. As a general rule, records of trial will be prepared for initial review within forty-eight hours of the conclusion of the trial. If completion of the record within forty-eight hours requires working at night or on weekends or holidays, it is expected that this will be done. Adequate compensatory time will be granted, if possible. Upon completion of the record of trial, it will be reviewed by the section chief. After review by the section chief, the clerk will prepare a DD Form 494 and an errata sheet and attach

them to the original record of trial. The original record of trial will then be sent to the trial counsel for his review. At the same time that the original record is sent to the trial counsel, a copy of it will be sent to the defense counsel for his examination.

(13) Upon authentication of the record of trial, the section chief will insure the accused's copy of the record is served. If the accused has been transferred to the USARB, the section chief will insure the record, along with the original of the receipt of record, a cover letter, and a self-addressed envelope, is mailed to the proper address by certified mail and that the certificate in lieu of receipt is inserted in the record of trial. The clerk will prepare the action and the promulgating order. A copy of the record of trial, the action, and the promulgating order will be given to the convening authority 20 days after trial date or sooner, if waived by the accused or defense counsel. Upon return of the signed action and promulgating order, complete the chronology and assemble the record. Fifteen copies of the promulgating order will be included in the record. The clerk will complete the DD Form 494, seeking guidance from the section chief for any entries of which he is unsure. After the chronology and the DD Form 494 have been signed by the convening authority's representative, the assembled original record of trial will be forwarded to the Chief, Criminal Law Branch, for legal sufficiency review and permanent filing. The clerk will also assure that the copy of the record furnished to the defense counsel is returned to the Legal Center and filed there, and that the authentication page evidencing the defense counsel's examination of the record is placed in the original record of trial at the earliest possible time.

9. ACTIONS WHEN THE CASE HAS BEEN FORWARDED WITH A RECOMMENDATION FOR A BCD SPECIAL COURT-MARTIAL. If the case has been returned from Battalion with a recommendation for trial by special court-martial empowered to adjudge a bad-conduct discharge, the assigned clerk or section chief will assemble the case into seven separate packets. Assembling will be as follows:

a. The original packet will be placed on the right hand side in a separate folder with the original charge sheet on the left hand side. This folder will be addressed to the assigned trial counsel.

b. A separate folder (photocopy) will be prepared in like fashion and marked TDS.

c. A third folder will be prepared containing four copies of all documents and charge sheets and will be assembled in the same manner as the original packet. All three folders will then be forwarded to the Senior Legal Clerk, Criminal Law Branch.

d. A fourth folder containing one copy of the charge sheets and documents, along with the drafted specifications, for filing at the Division Legal Center. This file copy will be destroyed after the action has been completed or charges withdrawn.

10. ACTIONS WHEN THE CASE HAS BEEN FORWARDED WITH A RECOMMENDATION FOR A GENERAL COURT-MARTIAL. If the case is to be forwarded with a recommendation for trial by general court-martial, the assigned clerk or section chief will:

a. Obtain the name of the investigating officer (IO) appointed IAW Article 32, UCMJ, from the appropriate SPCMCA.

b. Prepare an endorsement appointing the IO, and prepare three additional packets, one each for the IO, TC, and DC.

c. The assigned clerk will act as recorder at the investigation, unless a reporter (PMOS 71E) is detailed. Normally, reports of investigation will be processed as expeditiously as are records of trial; that is, they should be completed within forty-eight hours.

d. After the report has been signed by the IO, the clerk will prepare an endorsement for the signature of the SPCMCA and will assemble the case into complete packets. All packets will be distributed in the same manner as indicated in paragraph 9 above.

(ELIMINATIONS SECTION)

(DIVISION LEGAL CENTER)

1. CONCEPT. The Eliminations Section will provide commanders with administrative eliminations as quickly and efficiently as possible.

2. ORGANIZATION. The Eliminations Section is organized with a section chief and as many clerks as there are available for assignment.

3. RESPONSIBILITIES.

a. The section chief will be responsible for the overall operation of the section. His/her specific duties include but are not limited to:

(1) Initiating elimination actions upon receipt of proper documentation provided by a commander, and assigning the action to a legal clerk.

(2) Presenting all elimination actions to the proper authority for recommendation, endorsement and approval.

(3) Monitoring all actions to insure timeliness of processing.

(4) Maintaining the current status of all actions being processed.

(5) Performing quality control on all elimination actions prior to dispatch from the section.

(6) Training the clerks assigned in the section.

(7) Requesting service member's MPRJ from AG Records Branch.

(8) Coordinating with the Article 15's Section and the Courts-Martial Section to insure that the service member has no other actions pending against him.

(9) Assuring proper utilization and maintenance of office equipment and other resources in his/her section.

b. The legal clerks prepare elimination actions under the supervision of the section chief.

4. INABILITY TO PERFORM PRESCRIBED DUTIES DUE TO PARENTHOOD.

a. Reference: Paragraph 5-8, AR 635-200.

b. Justification for discharge:

(1) Inability to perform prescribed duties.

(2) Repeated absences.

(3) Nonavailability for worldwide assignment as a result of parenthood.

c. The discharge awarded the individual will be either a General or Honorable discharge. Commanders who are special court-martial convening authorities are authorized to order separation or release from active duty.

d. The separation packet will be prepared containing the following items:

(1) The packet must contain at least one (recent) counseling statement (DA Form 4856-R, conducted IAW para 3, AR 350-21), this counseling will be given by a responsible person and given to the service member for his/her deficiencies and shown that the service member was given a reasonable time to overcome those deficiencies.

(2) DA Form 2627, if applicable.

(3) DA Form 2A, 2-1, and 2-2, if applicable.

(4) Notification of proposed separation.

(5) Acknowledgement of proposed separation.

(6) Unit commander's recommendation for separation.

(7) Battalion commander's recommendation for separation.

(8) Brigade commander's approval of separation (discharge).

(9) Brigade commander's approval of separation (transfer to IRR).

5. PERSONALITY DISORDER.

a. Reference: Paragraph 5-13, AR 635-200.

b. Justifications for discharge:

(1) Disorder interferes with assignment.

(2) Condition is a deeply ingrained, maladaptive pattern of behavior of long duration which interferes with the member's ability to perform duty.

(3) Disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.

c. The diagnosis will have been as established by a physician trained in psychiatry and psychiatric diagnosis. The discharge awarded the individual will either be a General or Honorable Discharge. Commanders who are special court-martial convening authorities are authorized to order separation.

d. The separation packet will be prepared containing the following items:

(1) The packet must contain at least one (recent) counseling statement (DA Form 4856-R, conducted IAW para 3, AR 350-21), this counseling will be given by a responsible person and given to the service member for his or her deficiencies and shown that the service member was given a reasonable time to overcome those deficiencies.

(2) DA Form 2627, if applicable.

(3) DA Form 2A, 2-1, and 2-2, if applicable.

(4) Mental Evaluation (DA Form 3822-R, by a psychiatrist).

(5) Notification of proposed separation.

(6) Acknowledgment of proposed separation.

(7) Unit commander's recommendation for separation.

(8) Battalion commander's recommendation.

(9) Brigade commander's approval of separation.

6. CONCEALMENT OF ARREST RECORD.

a. Reference: Paragraph 5-14, AR 635-200.

b. Justification for discharge: Concealment of an arrest record (not followed by a conviction by a civil court and not reflecting charges pending at the time of enlistment) for a felony (juvenile/adult) offense based on false statements made in enlistment documents regarding the existence of an arrest record. AR 601-201 contains a list of offenses considered to be felonies.

c. An investigation into the circumstances is required. Bona fide evidence must be obtained from the appropriate law enforcement agency (i.e. DD Form 1584) (DOD National Agency Check Request) (ENTNAC), rap sheet, listing incidents of arrest. ENTNAC is completed on each individual shortly after entrance into the Army, and DA Form 3286 (Statement for Enlistment). The discharge awarded the individual will be either a General or Honorable Discharge. Commanders who are special court-martial convening authorities are authorized to order separation.

d. The separation packet will be prepared containing the following items:

(1) DA Form 2627, if applicable.

(2) DA Form 2A, 2-1, and 2-2, if applicable.

(3) DA Form 4856-R, if applicable.

(4) Documentation of an arrest record from a bona fide law enforcement agency.

(5) Notification of proposed separation.

(6) Acknowledgement of proposed separation.

(7) Unit commander's recommendation for separation.

(8) Battalion commander's recommendation for separation.

(9) Brigade commander's approval of separation.

7. FAILURE TO MEET ARMY WEIGHT CONTROL STANDARDS.

a. Reference: Paragraph 5-15, AR 635-200.

b. Justification for discharge: Members who fail to meet the weight control standards in AR 600-9 may be separated per this paragraph when such condition is the sole basis for separation.

c. The discharge awarded the individual will be honorable. Commanders in grade O-5 or higher are authorized to order separation.

d. The packet will be prepared containing the following items:

(1) The packet must contain the correspondence placing the individual on the weight control program up to and including that correspondence indicating the individual has been re-examined and still exceeds weight control standards.

(2) DA Form 2A, 2-1, and 2-2, if applicable.

(3) Physical Exam.

(4) Mental Status Exam.

(5) DA Form 2627, if applicable.

(6) Notification of proposed separation.

(7) Acknowledgement of proposed separation.

(8) Unit commander's recommendation for separation.

(9) Battalion commander's approval for separation (discharge/transferred to the IRR).

8. ERRONEOUS ENLISTMENTS, OR REENLISTMENTS OR EXTENSIONS.

a. Reference: Paragraph 7-15, AR 635-200.

b. Justification for discharge:

(1) Enlistment would not have occurred had the relevant facts been known by the government or had appropriate directives been followed.

(2) Enlistment was not the result of fraudulent conduct on the part of the member.

(3) SM failed to meet requirements for enlistment (AR 601-210).

c. The discharge awarded the individual will be Honorable. Commanders who are special court-martial convening authorities are authorized to order separation on release from active duty.

d. The separation packet will be prepared containing the following items:

(1) Facts relating to and circumstances surrounding the enlistment. The desire of the SM regarding retention or separation, and specific recommendations for retention or separation by each commander in the chain of command.

(2) DA Form 2627, if applicable.

(3) DA Form 2A, 2-1, and 2-2, if applicable.

(4) Notification of proposed separation.

(5) Acknowledgement of proposed separation.

9. FRAUDULENT ENTRY.

a. Reference: Paragraph 7-17, AR 635-200.

b. Justification for discharge:

(1) Concealment of prior service.

(2) Concealment of true citizenship status.

(3) Concealment of conviction by civil court.

(4) Concealment of record as a juvenile offender.

(5) Concealment of medical defects.

(6) Concealment of absence without leave or desertion from prior service from one of the other services.

(7) Concealment of absence without leave or desertion from prior service from the US Army.

(8) Procedure when DA Form 3835 (Notice of Unauthorized Absence from US Army) has been circulated.

(9) Concealment of preservice homosexuality.

(10) Misrepresentation of intent with regard to legal custody of children.

(11) Concealment of other disqualifications.

c. Commanders must verify the existence and true nature of the apparently disqualifying information (AR 601-210 or AR 601-280). The discharge awarded the individual is usually Under Other Than Honorable Conditions approved only by the Division Commander. General, or Honorable may be awarded also by commanders who are special court-martial convening authorities.

d. The separation packet will be prepared containing the following items:

- (1) DA Form 2627, if applicable.
- (2) DA Form 2A, 2-1, and 2-2, if applicable.
- (3) Documentation showing fraudulent entry.
- (4) Notification of proposed separation.
- (5) Acknowledgement of proposed separation.
- (6) Unit commander's recommendation for separation.
- (7) Battalion commander's recommendation for separation.
- (8) Brigade commander's approval or recommendation for separation.

10. ALCOHOL OR OTHER DRUG ABUSE.

a. Reference: Paragraph 9, AR 635-200.

b. Justification for discharge:

- (1) Service member has been enrolled in ADAPCP.

(2) Inability or refusal to participate in, cooperate in, or successfully complete such a program.

c. The discharge awarded the individual will be either a General or Honorable discharge. Commanders in grade 05 or higher are authorized to order separation.

d. The separation packet will be prepared containing the following items:

- (1) DA Form 2627, if applicable.
- (2) DA Form 2A, 2-1, and 2-2, if applicable.
- (3) DA Form 4856-R, if applicable.
- (4) Summary of ADAPCP rehabilitative efforts (HFL Form 241).
- (5) Physical Examination (SF Forms 88 and 93).
- (6) Notification of proposed separation.
- (7) Acknowledgement of proposed separation.
- (8) Unit commander's recommendation for separation.
- (9) Battalion commander's recommendation for separation.

11. ENTRY LEVEL STATUS PERFORMANCE AND CONDUCT (TRAINEE DISCHARGE PROGRAM)

a. Reference: Chapter 11, AR 635-200.

b. Justification for discharge:

- (1) Inability.
- (2) Lack of reasonable effort.
- (3) Failure to adapt to the military environment.

c. The discharge awarded the individual will be Entry Level Separation (uncharacterized). Commanders in grade 05 or higher are authorized to order separation. SM will have completed no more than 180 days on current enlistment prior to the date of the initiation of separation action.

d. The separation packet will be prepared containing the following items:

(1) The packet must contain at least one (recent) counseling statement (DA Form 4856-R, conducted IAW para 3, AR 350-21), this counseling will be given by a responsible person and given to the service member for his/her deficiencies and show that the service member was given a reasonable time to overcome those deficiencies.

(2) DA Form 2627, if applicable.

(3) DA Form 2A, 2-1, and 2-2, if applicable.

(4) Physical Examination (SF Forms 88 and 93), if applicable.

(5) Mental Evaluation (DA Form 3822-R), if applicable.

(6) Notification of proposed separation.

(7) Acknowledgement of proposed separation.

(8) Unit commander's recommendation for separation.

(9) Battalion commander's approval for separation (discharge/transferred to the IRR).

12. UNSATISFACTORY PERFORMANCE.

a. Reference: Chapter 13, AR 635-200.

b. Justifications for discharge:

(1) Service member will not develop sufficiently to participate satisfactorily in further training and/or become a satisfactory soldier.

(2) The seriousness of the circumstances is such that the member's retention would have an adverse impact on military discipline, good order, and morale.

(3) Service member will be a disruptive influence in present or future duty assignments.

(4) The circumstances forming the basis for separation proceedings will continue or recur.

(5) The ability of the member to perform duties effectively in the future, including potential for advancement or leadership, is unlikely.

c. The discharge awarded the individual will be either a General or Honorable discharge. Commanders in grade O5 or higher are authorized to order separation.

d. The separation packet will be prepared containing the following items:

(1) The packet must contain at least one (recent) counseling statement (DA Form 4856-R, conducted IAW para 3, AR 350-21), this counseling will be given by a responsible person and given to the service member for his/her deficiencies and shown that the service member was given a reasonable time to overcome those deficiencies.

(2) DA Form 2627, if applicable.

(3) DA Form 2A, 2-1, and 2-2, if applicable.

(4) Physical Examination (SF Forms 88 and 93).

(5) Mental Evaluation (DA Form 3822-R).

(6) Notification of proposed separation.

(7) Acknowledgement of proposed separation.

(8) Unit commander's recommendation for separation.

(9) Battalion commander's approval for separation (discharge/transferred to the IRR).

13. MISCONDUCT.

a. Reference: Chapter 14, AR 635-200.

b. Justifications for discharge:

(1) Conviction by Civil Court.

(2) Minor Disciplinary Infractions.

(3) A Pattern of Misconduct.

(4) Commission of a Serious Offense.

c. The discharge awarded the individual is usually Under Other Than Honorable Conditions approved only by the Division Commander. General or Honorable discharge may be awarded by commanders who are special court-martial convening authorities (for 2 and 3 above). Proving the SM was not notified that he/she could receive an Under Other Than Honorable Discharge Certificate (OUTH). Division Commander is the approval authority for 1 above. When requesting a separation for civil conviction, commanders will reduce the service member to the lowest enlisted grade prior to request. This is completed IAW AR 600-200.

d. The separation packet will be prepared containing the following items:

(1) The packet must contain at least one (recent) counseling statement (DA Form 4856-R, conducted IAW para 3, 350-21, for 2 and 3 above), this counseling will be given by a responsible person and given to the service member for his/her deficiencies and shown that the service member was given a reasonable time to overcome those deficiencies.

(2) DA Form 2627, if applicable.

(3) DA Form 2A, 2-1, and 2-2, if applicable.

(4) Mental Evaluation (DA Form 3822-R, for 1, 2, and 3 above).

(5) Physical Examination (SF Forms 88 and 93).

(6) Notification of proposed separation.

(7) Acknowledgement of proposed separation.

(8) Unit commander's recommendation for separation.

(9) Battalion commander's recommendation for separation.

(10) Brigade commander's recommendation or approval for separation.

14. HOMOSEXUALITY.

a. Reference: Chapter 15, AR 635-200.

b. Justification for discharge:

(1) Service member has engaged in, attempted to engage in, or solicited another to engage in homosexual acts.

(2) Service member has stated that he or she is a homosexual or bisexual.

(3) Service member has married or attempted to marry a person known to be of the same biological sex.

c. The discharge awarded the individual will be either Under Other Than Honorable Conditions, General or Honorable Conditions, in which case, the Division Commander will be the approval authority.

d. The separation packet will be prepared containing the following items:

(1) DA Form 2627, if applicable.

- (2) DA Form 2A, 2-1, and 2-2, if applicable.
- (3) DA Form 4856-R, if applicable.
- (4) Mental Evaluation (DA Form 3822-R).
- (5) Documentation showing the basis for separation.
- (6) Notification of proposed separation.
- (7) Unit commander's recommendation for separation.
- (8) Battalion commander's recommendation for separation.
- (9) Brigade commander's recommendation or approval for separation.

16. BOARD ACTIONS

a. Applies to service members with 6 or more years total active and/or reserve service, or when Under Other Than Honorable Discharge is warranted.

b. When a service member requests appearance before a board of officers, coordination will be made to select the board members and defense counsel. Board members will not come from the respondent's assigned battalion.

c. The following documents will be prepared:

- (1) Letter of appointment of a board of officers.
- (2) Letter of notification of a board of officers.
- (3) Letter acknowledging receipt of the above documents, to be signed by the respondent.
- (4) DF requesting appointment of defense counsel.
- (5) Letter of Referral of Respondent to include appointing of defense counsel.

d. The proceedings will be appended to the original packet and forwarded to board members and convening authority for review and signature. When separation is ordered by the separation authority, the proceedings will be filed at the Division Legal Center.

17. INITIAL AND FINAL FLAGS will be prepared on all Chapter 13's, 14's and 15's. The Elimination Section Chief will have eliminations hand-carried to the AG Elimination Section for clearance papers and orders.

- (1) DA Form 2627, if applicable.
- (2) DA Form 2A, 2-1, and 2-2, if applicable.
- (3) DA Form 4856-R, if applicable.
- (4) Summary of ADAPCP rehabilitative efforts (HFL Form 241).
- (5) Physical Examination (SF Forms 88 and 93).
- (6) Notification of proposed separation.
- (7) Acknowledgement of proposed separation.
- (8) Unit commander's recommendation for separation.
- (9) Battalion commander's approval of separation.

1. CONCEPT. The Article 15 Section assists commanders in the administration of nonjudicial punishment by providing them with Article 15's as quickly and efficiently as possible.

2. ORGANIZATION. The Article 15 Section is organized with a section chief and as many clerks as there are available for assignment.

3. RESPONSIBILITIES.

a. The section chief is responsible for the overall operation of the section. His/her duties include but are not limited to:

(1) Exercising overall management of personnel detailed to the Article 15 Section, to include assignment of duties and approval of absences from the section with the concurrence of the NCOIC, Division Legal Center.

(2) Insuring that all Article 15 actions are expeditiously processed.

(3) Reviewing incoming distribution to determine the adequacy of information provided and necessary actions.

(4) Performing quality control on all work prior to dispatch to insure legal sufficiency and administrative accuracy.

(5) Insuring that distribution is made in a timely manner.

(6) Insuring that the Article 15 logbook is properly maintained and is accurate.

(7) Directly supervising new personnel to insure they are properly and quickly trained.

(8) Assuring proper utilization and maintenance of section equipment and other resources.

b. Legal clerks take telephonic or written requests and prepare Article 15 actions under the supervision of the section chief.

4. OPERATIONS.

a. The legal clerks will not give advice to commanders on legal issues within the purview of the lawyers of the Judge Advocate General's Corps.

b. Requests for Nonjudicial Punishment.

(1) Requests will be submitted in person, telephonically, or in writing by the commander or first sergeant of the accused only. The receiving clerk will insure that all pertinent information is provided, if not requests will not be accepted.

(2) A Record of Proceedings Under Article 15, UCMJ (DA Form 2627) will be prepared for each request.

(3) Incomplete requests will not be held. Either the unit will be called to provide the required information immediately, or the request will be returned to the unit for completion of the form if the information cannot be obtained telephonically.

(4) All requests relating to a urinalysis will be received in writing only. They will be accompanied by the lab report and chain of custody documents.

(5) All supplementary actions will be requested in the same manner as the original Article 15. In the case of vacating a suspension the date/time and misconduct that is causing the vacation will be provided.

c. Processing of Requests by the Legal Clerk.

(1) All requests will be completed on a "first-come, first-served" basis.

(2) The section chief or NCOIC will approve requests for immediate attention to or completion of a specific action out-of-turn. Every attempt will be made to handle all actions as expeditiously as possible.

(3) Drafting specifications.

a. Specifications will conform to the model specifications contained in the Manual for Courts-Martial, 1984.

b. Legal clerks may draft specifications when prima facie evidence makes it clear a specific Article of the UCMJ has been violated.

c. Legal clerks will consult the section chief or NCOIC for drafting unusual or complicated specifications.

(4) The legal clerk will type the DA Form 2627. The clerk will place the appropriate racial reporting code in the lower center of block 11 of the form and his/her initials and the date the DA Form 2627 was prepared will be placed in the upper right hand corner. The preparation control number will be placed in the upper left hand corner of the form.

(5) The Article 15 packet will consist of a legal size manila folder containing the following:

a. The DA Form 2627 and any continuation sheets.

b. A current enlisted pay scale.

c. A sheet listing permissible punishments, punishment formats, and an explanation of filing procedures for Article 15's reflecting only minor punishment.

d. After assembly of the packet, the section chief will review it for neatness, administrative correctness, and legal sufficiency. The section chief or other designated member of the section will log the packet out and will place the packet in the appropriate unit's distribution box for pick-up by the unit.

e. All Article 15's relating to urinalysis testing will be reviewed by the trial counsel prior to being placed in unit distribution box.

f. Article 15 packets are usually returned to the Legal Center by courier. Normally, one of two dispositions will be made:

(1) If the service member has exercised his right to demand trial by court-martial, the Article 15 will be logged and give to the Courts-Martial Section Chief.

(2) If the service member accepts punishment under Article 15, the packet will be reviewed for completeness, logged in, and distributed IAW AR 27-10.

g. Appeals and Final Action. Once punishment is imposed, one of the following actions will occur:

(1) If the service member indicated that he does not wish to appeal the punishment, the clerk will:

- a. Insure the DA Form 2627 is completed correctly.
- b. Make appropriate entries on the Article 15 log.
- c. Log the proceedings on the Monthly Article 15 Statistical Report.
- d. Make distribution in accordance with AR 27-20.

(2) When the service member indicated the desire to appeal the punishment, the clerk will take the following actions:

a. Copy four of DA Form 2627 will be marked "APPEAL PENDING" in the upper right hand margin and sent to Finance if the punishment includes an unsuspended reduction, or unsuspended forfeiture of pay.

b. The packet will be logged and forwarded to the Office of the Staff Judge Advocate for review and determination of legal sufficiency when the punishment imposed includes one or more of the following:

- (1) Reduction from pay grade E4 and above.

- (2) Forfeiture of more than seven days pay.
- (3) Extra duties for more than fourteen days.
- (4) Restriction for more than fourteen days.
- (5) Correctional custody for more than seven days.

(3) After the SJA has reviewed the packet it will be logged and forwarded to the appropriate appellate authority.

a. Appointments with appellate authorities and the presence of persons requested by the appellant or the appellate authority are the responsibility of the imposing commander.

b. When an appeal action is complete, the packet will be returned to the Legal Center and the following actions will occur:

(1) Insure the DA Form 2627 is correct in accordance with AR 27-10.

(2) Make appropriate entries on the Article 15 log.

(3) Log the proceedings on the Monthly Article 15 Statistical Report.

(4) Make distribution in accordance with AR 27-10.

(4) Distribution of all completed Article 15's will be done at least four times each week IAW 27-10. The clerk making distribution will insure that there are sufficient copies of the DA Form 2627, continuation sheets and matters submitted on appeal (if applicable) to make complete distribution.

5. ADMINISTRATION.

a. Immediate preparation of Article 15 actions will be discouraged. This service will be performed only at the discretion of the section chief or NCOIC and will be performed only under the most extraordinary of circumstances.

b. Quality control, accuracy, and record keeping will not be sacrificed for speed simply to satisfy the request of a customer.

c. Article 15 packets which are returned for additional charges or to correct an error based on incorrect information supplied by the unit will be handled in the normal manner.

d. Article 15 packets returned because of Legal Center errors will receive immediate attention.

e. Should it appear during the review of an Article 15 that a punishment not permitted by the UCMJ and AR 27-10 has been imposed, or that the punishment was imposed in an incorrect format, the section chief will be notified. The section chief will coordinate with the commander imposing the punishment, type the correct punishment on the Article 15, and send it back to the commander for his initialing of the corrected punishment.

f. Investigation of Article 15 actions will be limited to determining the pertinent personal data and to soliciting sufficient data to establish the offenses.

C. SAMPLE MANAGEMENT FORMS

DISPOSITION FORM

For use of this form, see AR 340-15, the proponent agency is TAGO.

REFERENCE OR OFFICE SYMBOL

SUBJECT

AFZF-JA

Weekly Significant Actions Report, 15 - 21 Dec

CoS

FROM SJA

DATE 22 Dec

CMT 1
/jc/3421

During the past week, the Office of the Staff Judge Advocate, , conducted the following activities:

a. Legal Assistance Branch:

(1) Advised 139 clients on various personal legal problems (33 appointments were made, 3 failed to appear).

(2) Prepared 31 wills.

(3) Performed 102 notarizations.

(4) Prepared 102 Powers of Attorney.

(5) PR Bond - added 8; dropped 7. Total on bond - 64.

(6) Reported the departure of 4 military probationers to the Bell County Adult Probation Office; none were reported to Coryell County.

(7) On 14 Dec , CPT M and SFC Y travelled to Austin to meet with IRS representatives and to obtain instructional materials for the 1984 Fort Hood Income Tax Program.

(8) On 16 Dec 8 ; CPT M chaired a meeting of Legal Assistance Branch Chiefs. CPT R from 1CD SJA and CPT B of 2AD SJA participated. Information of concern to Legal Assistance at Fort Hood was exchanged, including wills, new lemon law concerning new cars in Texas, and auto liability insurance.

b. Administrative Law Branch:

(1) Prepared 1 legal opinion in answer to staff requests for assistance.

(2) Prepared 3 statements of concurrence on Decision Papers staffed through the SJA.

(3) Reviewed for legal sufficiency:

(a) 5 government contract actions.

(b) 5 reports of survey.

(c) 2 recommendations for elimination.

(d) 1 line of duty determination.

(e) 1 warrant of arrest review.

(f) 7 letters of reprimand.

(4) On 16 Dec 8 , CPT taught a class on Geneva-Hague Convention to approximately 400 enlisted personnel of the 169th Maintenance Battalion.

(5) Magistrate Court Actions:

(a) Completed 566 post clearance reviews.

(b) Arraigned 52 military and 8 civilians with 78 total violations. Seven military and nine civilians failed to appear before the Magistrate. Military no-show rate was 11%.

c. Claims Branch:

(1) A total of 67 claimants were seen by the Claims Office, 6 appointments failed to appear.

AFZF-JA

SUBJECT: Weekly Significant Actions Report, 15 - 21 Dec

22 Dec

(2) A total of 82 new claims were received by the Claims Office, the most important of which were:

- (a) 48 household goods claims.
- (b) 7 holdbaggage claims.
- (c) 2 losses in quarters, barracks, or other authorized places.
- (d) 2 auto shipment claims.
- (e) 4 auto vandalism claims.
- (f) 1 nonappropriated fund claim.

(3) Completed 62 claims, resulting in payment of \$31,476.09, the most important of which were:

- | | |
|--|------------------|
| (a) 40 household goods claims. | Paid \$26,927.29 |
| (b) 4 holdbaggage claims. | Paid \$1,283.35 |
| (c) 2 losses in quarters, barracks,
or other authorized places. | Paid \$176.34 |
| (d) 2 auto shipment claims. | Paid \$714.90 |
| (e) 3 auto vandalism claims. | Paid \$411.57 |
| (f) 1 nonappropriated fund claim. | Paid \$593.27 |

d. Criminal Law Branch:

- (1) Reviewed 1 Article 15 Appeal for legal sufficiency.
- (2) Processed 1 request for discharge UP Chapter 10, AR 635-200.
- (3) Tried 1 Special Court-Martial.

e. On 16 Dec 8, MAJ T , Chief, Criminal Law Branch, and MAJ H , Chief, Administrative Law Branch, taught a class on various military justice subjects to 17 students in the Command and General Staff Officers Course conducted by the 4162d USA R School from Austin, Texas.

Colonel, JAGC
Staff Judge Advocate

DATE 11 Jan 8

EXPENDITURES FOR FISCAL YEAR 198

CATEGORY OF EXPENSED	III CORPS SJA			
CIVILIAN PAY	\$298,049.26			
CONTRACTS	\$ 9,890.18			
SUPPLIES & EQUIPMENT	\$ 52,817.97			
ADMIN TDY SCHOOLS, ETC.	\$ 10,502.35			
TOTAL:	\$371,260.35			
WITNESS FEES	III CORPS	1CD	2AD	TOTAL:
	\$9,923.70	\$23,479.00	\$27,274.80	\$60,686.60

OBLIGATIONS/EXPENDITURES FOR FY 8

CATEGORY OF EXPENSES	III CORPS SJA			
CIVILIAN PAY	\$110,348.53			
CONTRACTS	\$ 10,519.35			
SUPPLIES & EQUIPMENT	\$ 7,924.61			
ADMIN TDY SCHOOK, ETC.	\$ 2,026.58			
TOTAL:	\$130,819.07			
WITNESS FEES	MJSO	MJNG	MJQO	TOTAL:
	III CORPS	1CD	2AD	
	\$2,893.34	\$1,748.60	\$537.25	\$5,179.19

ADMINISTRATIVE LAW OPINIONS AND ADVICE REPORT

MONTH OF December 198

ANSWERING CORRESP.	
	5
AR 600-50 ACTIONS	
	0
G3 ACTIONS	
	0
CLASSES	
	1
ADMIN DISCHARGES	
	8
CA PROGRAM ACTIONS	
	0
OTHER PERSONNEL ACTIONS	
	30
CONSCIENTIOUS OBJECTOR	
	0
INSTALL MGMT & PROPERTY PROBLEMS	
	19
LABOR LAW ACTIONS	
	0
LINE OF DUTY INVEST.	
	17
EEO	
	0
NONAPPR FUNDS	
	0
PRIVATE ORGANIZATIONS	
	2
CONTR. ACTIONS	
	25
PRIVACY ACT/FOIA	
	0
RELEASE TO CIVIL AUTH.	
	0
RPT OF INVESTIGATION	
	6
PECUNIARY LIABILITY	
	51
PRE-ADOPTIVE CARE	
	2
PRESS INQUIRIES	
	2
ALL OTHER ACTIONS	
	1
CPO ACTIONS	
	2
TOTAL	
	171

110 CTD:

- CASE STATUS REPORT -

As of: 11 Oct 8

NAME	UNIT	OFFENSE(S)	RESTRAINT	PREFERRAL	ART. 32	SKNA	ROCD	SJA	REFERRAL	SERVICE	TRIAL	TC/DC	STATUS
GCt:													
Smythe	D Troop 2/10	134x3	None	1 Jul	(35) 15 Aug IO MAJ Harrell	(51) 31 Aug (52) 1 Sep			(92)	()	()	()	McPherson/ Resignation Cork Fwd to DA-23 Sep
Frieden	B, 14th EN	134	None	11 Aug	(20) 31 Aug IO MAJ Collins	(28) 8 Sep (28) 8 Sep			(61)	()	()	()	McPherson/ Pending Advice & Psy Schutz/White Eval Continues
Davis W.	HHC, 7th CAB	134x2 90x3, 91x3	PTC: 23 Sep	23 Sep	(18) 3, 4 & 11 Oct IO MAJ Bisset								McPherson/ Cook Art 32 Continues
BCD-SPON:													
Marsh, J.	USARCF	ADD'L 91x2, 134 86x3, 92	None	9 Sep () 18 Aug		13 Sep 13 Sep (11) (12) 29 Aug 30 Aug			(29)	(30)	(R) (55) McPherson/ delay & CH10 denied		Pending Trial w/ def 29 Sep 19-29 Sep
Foster, L.	USARCF	86x2	PTC: 23 Sep	23 Sep	(3) 26 Sep	(4) 27 Sep			(18)				McPherson/ White Pending CH 10
Giovannoni, P.	A/14th Eng	86x12, 91x2	PTC: 28 Sep	28 Sep	(1) 29 Sep	(2) 30 Sep			(11)				McPherson/ CH 10 App 7 Oct
SPOM:													
Moffat, R.	B/2/10 Cav	86, 134	REST: 7 Oct PTC: 28 Sep-7 Oct	28 Sep		(2) 28 Sep 30 Sep				(2)	(D) (13) McPherson/ 20 Oct Cork		Pending Trial

() = Elapsed Time

PRETRIAL CONFINEMENT:

- CASE STATUS REPORT -

As of: 11 Oct 8

<u>NAME</u>	<u>UNIT</u>	<u>OFFENSE(S)</u>	<u>INITIAL DATE OF CONFINEMENT</u>	<u>30 DAY DF</u>	<u>TC/DC</u>	<u>TRIAL</u>	<u>STATUS</u>
Dortch, J.	571st MP Co	86, 134	8 Sep	23 Sep	Beazley/Pocker	(D) 6 Oct	Trial - 6 Oct
Belton, P.	D/1/51st	123ax4	12 Sep	23 Sep	Kain/Pocker		Pending Referral on Adm'l Chgs
Harris, C.	590 S&S	90, 128x3, 134x6	20 Sep	7 Oct	Beazley/Allen	(R) 18 Oct	Pending Advice
Davis, W.	HVC, 7th CAB	90x3, 91x3, 134x2	23 Sep	7 Oct	McPherson/Cork		Pending Art 32 Cont Insurance
Foster, L.	USAPCF	86x2	23 Sep	7 Oct	McPherson/White		Pending CH 10
Lindley, M.	C/3/32d	90, 86	27 Sep	7 Oct	Anderson/White	(R) 18 Oct	Pending Trial
Giovannoni, P. A/14 Eng		86x12, 91x2	28 Sep	7 Oct	McPherson/		CH 10 App 7 Oct
Moffat, L.	B/2/10 Cav	86, 134	28 Sep	N/A	McPherson/Cork		Released - 7 Oct 83

() = Elapsed Time

Post-Trial Confinement:

- CASE STATUS REPORT -

As of: 11 Oct 6

<u>NAME</u>	<u>UNIT</u>	<u>DC</u>	<u>TRIAL DATE</u>	<u>SENTENCE</u>	<u>DATE OF CONFINEMENT</u>	<u>STATUS</u>
567-02-9673 McNeese, B.	B/13th Eng	Saunders	16 Dec	TF, CHLx18mos & Red to E1	16 Dec	Released - 5 Oct
062-58-3650 Melendez, M	B/6/80th	Pocker Hatcher	11 Mar	DO, TF & CHLx1yr	11 Mar	Serving Sentence
136-56-3648 Cato, J.	B/13th Eng	Allen	23 Mar	BCD, FFS300x8mos & CHLx8mos	23 Mar	To be released - 13 Oct
558-47-7917 Gilbert, J.	629th Med	Saunders	29 Mar	DD, FFS500x5mos, CHLx5yrs & Red to E1	29 Mar	Trsf to USDB- 29 Sep
437-78-8666 Spears, A.	Trans Co/CDBC	Panetta	465 Apr	DD, TF, CHLx45yrs, Red to E1 (Deal: BCD, CHLx3mos)	5 Apr	Trsf to USDB- 29 Sep
372-70-1846 Potonto	8th CSH	Schutz	15 Apr	DD, TF, CHLx5yrs, Red to E1	15 Apr	Serving Sentence
241-08-3854 Hinton, F.	Suc/1/79th	Bernstein	5 May	DD, TF, CHLx1yr, Red to E1	5 May	Serving Sentence
294-62-2284 Brown	C/14th Eng	Pocker	10 May	BCD, TF, CHLx6mos, Red to E-1	10 May	Released - 7 Oct
416-88-1519 Tarver, M.	B/2/9th	Meyer	12 May	BCD, FFS375x18mos, CHLx18mos, Red to E-1	12 May	Serving Sentence
277-52-1333 Hatcher, E.	A/DLI	Meyer	17 May	BCD, FFS500x10mos, CHLx10mos, Red to E-1	17 May	Serving Sentence
062-60-2186 Davis, R.	HHC/2/32d	Schutz	6 Jul	BCD, TF, CHLx1yr	6 Jul	Serving Sentence
053-50-0899 Esparza, D.	CSC/3/17th	Cork	7 Jul	BCD, TF, CHLx1yr, Red to E-1	7 Jul	Serving Sentence
575-68-9373 Palo, H.	B/2/31st	Zezula	8 Jul	BCD, FFS382x4mos, CHLx4mos, Red to E-1	8 Jul	Serving Sentence

() = Elapsed Time

POST-TRIAL ACTION:

- CASE STATUS REPORT -

As of: 11 Oct 8
SJA
AUTHENT.
FWD TO
CNR/FILE/STATUS

NAME UNIT TRIAL DATE R/T REC MJ SJA DC AUTHENT. TO SPOM-CA TO DC FROM DC FOR ACTION ACTION

CCN:

Inman, E.	A/127th Sig	16-19 May	(36)	(66)	(78)	Isaacson	Bernstein (80)	(106)	(144)	(148)	Pending SJA Authen
			(45)	(64)	(71)		28 Jul 23 Aug	(71)	(81)	(85)	
Cole, R.	CSC/3/17th	15 & 18 Jul	1 Sep	20 Sep	27 Sep	Schutz	27 Sep 30 Sep	(37)	(43)	(63)	Pending SJA Authen
			(13)	(21)	(36)			(37)	(43)	(63)	Pending Action
Cavazos, P.	A/2/32d	1 & 2 Aug	15 Aug	23 Aug	7 Sep	Allen	8 Sep 14 Sep				Pending PTR
			(30)	(47)	(67)						
Kendrick, B.	A/1/79th	9 & 10 Aug	9 Sep	21 Sep		Schutz		(34)	(49)	(56)	Pending PTR
			(21)	(28)	(34)			(34)	(49)	(56)	
Salgado, S.	A/2/32d	12 Aug	2 Sep	9 Sep	15 Sep	Meyer	15 Sep 30 Sep				Pending SJA Authen
			(33)	(40)	(51)						
Price, W.	HMC, USAG	23 Aug	22 Sep	29 Sep		Meyer/Yost					Pending PTR
			(33)	(38)	(52)						
Thompson, R.	B/1/79th	31 Aug & 1 Sep	22 Sep	27 Sep		Allen					Pending PTR
			(36)	(42)	(57)						
Brownlow, D.	AR/Co C/ESC	16 Aug	20 Sep	26 Sep		Allen					Pending PTR
			(1)	(5)	(8)						
Rice, L.	A/7th S&T	21 Sep	22 Sep	26 Sep	29 Sep	Pocker	4 Oct 4 Oct	(13)	(13)	(14)	Fwd to JALS-CC - 7 Oct
									N/A	5 Oct	

BCD-SPOM:

Tallant	HMB, DIVARTY	19 Jul	(27)	(38)	(50)		(50)	(58)	(65)	(70)	Fwd to JALS-CC
			15 Aug	26 Aug	7 Sep						
			(28)	(30)	(38)						
Casner, C.	C, 7th CAB	29 Aug	27 Sep	29 Sep	7 Oct	White	7 Oct				Pending DC Review
			(1)	(1)				(1)	(5)		
Dortch, J.	571st MP Co	6 Oct	7 Oct	7 Oct	N/A	Pocker	7 Oct				Pending DC Review

SPOM:

None

() = Elapsed Time

CHAPTER 2

Department of the Army Staffing Guide for U.S. Army Garrisons, Programmed Instruction.

a. How to Use This Programmed Instruction.

This paragraph is a programmed text which explains in detail how to use Department of Army Staffing Guides. We will give you information in segments and ask you to participate by answering questions or filling in blanks.

Each segment in the program contains a piece of information we want you to learn. After you complete a segment, turn the page as directed and you will find the correct answer to each question. Fill in all blanks and answer all questions.

As you go through this program, take your time and work at your own pace. Any writing or computations which you wish to do may be done in this handbook.

Turn the page.

b. Introduction.

Have you ever thought how complicated and inefficient it would be for a carpenter building a house to be deprived of the use of his level or rule, or for an accountant preparing a profit and loss statement to be without a calculator? These devices are basic tools of the carpenter and the accountant—they help to get the job done more easily and efficiently. In the same respect, the manpower survey officer also has available to him a device or aid which he uses as a guide in surveying activities and installations. It is called a staffing guide. A staffing guide may not be as specific or exact as the carpenter's rule or the accountant's calculator, but it does give us a starting point for arriving at manpower requirements.

Although you may never be a manpower survey officer, you may at some time be in charge of an activity being surveyed. Therefore, it is important for you to understand the principles of staffing guides and to know how to use them. It is equally important that you become aware of their limitations, because they are not infallible; nor are they applicable to all organizations.

Read the next page.

From page 2-2.

Staffing guides are just that. They are guides which provide information concerning personnel allowances required to perform given workloads. They are designed for units garrisoned in the United States and operating under Tables of Distribution and Allowances (TDA). Because all installations and activities differ from others in some ways, staffing guides should be used only as points of departure. Whenever there are variations from the personnel allowance standards presented in the staffing guide, they must be explained and justified.

Staffing guides are appropriate for which one of the following units?

- a. 3RD ARMORED DIVISION
- b. XVIII AIRBORNE CORPS, FORT BRAGG, NORTH CAROLINA
- c. HEADQUARTERS, SPECIAL TROOPS, FORT ORD, CALIFORNIA

If you selected "a," turn to page 2-4.

If you selected "b," turn to page 2-12.

If you selected "c," turn to page 2-17.

From page 2-3.

Nd 3rd Armored Division, Germany, is a TOE unit.

Go back to page 2-3, read the paragraph, and take another crack at it.

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Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-41.1: Office of the Staff Judge Advocate

Work Performed. Advises the command on all legal matters. Supervises the administration of military justice, legal assistance, claims and administrative law. Provides legal advice on litigation involving the Department of the Army and furnishes assistance to the United States Attorney. Supervises the training of Reserve Component legal personnel. Reviews contingency and mobilization plans. Maintains liaison with the local bar and civilian courts. Insures the continuing legal education and training of the staff. Supervises programing, budgeting, manpower management and other army command management systems functions. Formulates plans and policies pertaining to legal activities.

		Population (Thousands)*				Under 20	Over 20		
Yardstick		Manpower requirement**				3	3		
Line	Military positions				Position delineation	Number of positions		Civilian positions	
	Title	BR	Code	Grade				Title	Code
1	STAFF JUDGE ADVOCATE.	JA	55A	COL	M		1		
2	JUDGE ADVOCATE.	JA	55A	LTC	M	1	1		
3	JUDGE ADVOCATE.	JA	55A	MAJ	M	1	—		
4	SECRETARY STENO.		71C20	E5	C	1	1	CLERK STENO.	GS-0312
								SECRETARY STENO.	GS-0318

* Check mark indicates categories that will be used to determine population.

 \leq TDA Military \leq TOE \leq Trainees \leq Students \leq Civilian Employees \leq Dependents on post \leq Others under command or legal
jurisdiction

**Staffing table indicates typical manpower requirements for this function. Manpower survey teams should insure that recommendations for the second officer position are fully supported by existing workload, deputy or assistant positions should not be provided unless the conditions discussed in Chapter 5 of AR 570-4 are met.

Note 1. Appropriate grade for officer position will be determined by reference to standards of grade authorization contained in AR 611-101.

Note 2. At type A and type B installations, consolidation of the corps or division and garrison Staff Judge advocate functions will be complete to form a single organization. Corps or division personnel must be utilized to the maximum extent possible in the consolidated operation and will be reported as "other personnel" in manpower surveys.

Pertinent Publications. AR 27-1; AR 27-4; AR 210-10 and AR 600-20.

From page 2-17

Webster's New Collegiate Dictionary says that a yardstick is a test or criterion by which something intangible is measured. Staffing guides have yardsticks like these, to measure the number of people necessary to accomplish the mission of an element of an activity. These yardsticks are found in the form of staffing tables, an example of which appears at left.

A staffing table such as this provides specific guidance for determining the appropriate number and kinds of personnel for performing the various functions of each element within an organization. For the purpose of this instruction, we will use the staffing guide for U.S. Army Garrisons at continental United States military installations (DA Pam 570-551).*

Go to page 2-11.

*Due to the fact that staffing guides are under constant revision, the tables used in this text are for illustrative purposes only. Although changes are continuously being made in organizational structure and individual staffing tables, the principles for using staffing guides remain the same. In actual application, the most recent staffing guide, with all current changes, should always be used.

From page 2-27

Sorry, but 13 is too many. Be sure your arithmetic is correct and use the proper interval rate.

Go back to page 2-27 and do it again.

(THIS PAGE NOT USED)

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-41.1: Office of the Staff Judge Advocate

Work Performed. Advises the command on all legal matters. Supervises the administration of military justice, legal assistance, claims and administrative law. Provides legal advice on litigation involving the Department of the Army and furnishes assistance to the United States Attorney. Supervises the training of Reserve Component legal personnel. Reviews contingency and mobilization plans. Maintains liaison with the local bar and civilian courts. Insures the continuing legal education and training of the staff. Supervises programing, budgeting, manpower management and other army command management systems functions. Formulates plans and policies pertaining to legal activities.

		Population (Thousands)*				Under 20	Over 20		
Yardstick		Manpower requirement**				3	3		
Line	Military positions				Position delineation	Number of positions		Civilian positions	
	Title	BR	Code	Grade				Title	Code
1	STAFF JUDGE ADVOCATE.....	JA	55A	COL	M		1		
2	JUDGE ADVOCATE.....	JA	55A	LTC	M	1	1		
3	JUDGE ADVOCATE.....	JA	55A	MAJ	M	1	—		
4	SECRETARY STENO.....		71C20	E5	C	1	1	CLERK STENO..... SECRETARY STENO.....	GS-0312 GS-0318

* Check mark indicates categories that will be used to determine population.

\leq TDA Military
 \leq TOE
 \leq Trainees

\leq Students
 \leq Civilian Employees
 \leq Dependents on post

\leq Others under command or legal
jurisdiction

**Staffing table indicates typical manpower requirements for this function. Manpower survey teams should insure that recommendations for the second officer position are fully supported by existing workload, deputy or assistant positions should not be provided unless the conditions discussed in Chapter 5 of AR 570-4 are met.

Note 1. Appropriate grade for officer position will be determined by reference to standards of grade authorization contained in AR 611-101.

Note 2. At type A and type B installations, consolidation of the corps or division and garrison Staff Judge advocate functions will be complete to form a single organization. Corps or division personnel must be utilized to the maximum extent possible in the consolidated operation and will be reported as "other personnel" in manpower surveys.

Pertinent Publications. AR 27-1; AR 27-4; AR 210-10 and AR 600-20.

From page 2-7

You will notice that the table has a code number at the top. The first three numbers are taken from the pamphlet number, and serve as a prefix which identifies it as a part of a garrison activity. The remainder of the code establishes the relative location of the function—whether it is at an equal level with, part of, or subordinate to, other functions.

Major functional areas are identified by a number group ending in 0, such as 551-50 for the Inspector General, or 551-200 for the Directorate of Personnel and Community Activities (DPCA).

Subordinate functional areas within the major functional area are numbered sequentially within the number group. The following, taken from the DPCA section, Adjutant General Division, of DA Pam 570-551 (U.S. Army Garrison) serves as an illustration.

551-220 551 indicates that the code is from DA Pam 570-551. 220 indicates that we are referring to a major element because it ends in 0.

551-224 224 indicates a subfunction of 220.
(Consolidated Military
Personnel Activities Branch)

551-224.6 224.6 indicates a subfunction of 224.
(Sidpers Interface
Section)

551-224.61 224.61 indicates a subfunction of 224.6.
(Sidpers Headquarters
Element)

551-224.62 224.62 indicates another subfunction of 224.6
(Sidpers Input/ at the same level as 224.61.
Output Control)

The code number identifying a staffing table is referred to as a yardstick code.

Turn to page 2-15, please.

From page 2-3

Sorry, XVIIIth Airborne Corps, Fort Bragg, is a TOE unit located in CONUS.

Go back to page 2-3 and try again.

(THIS PAGE NOT USED)

★ Table 551-47: Judge Advocate without General Court-Martial Jurisdiction—Continued

Applicable at Type A ≤ B ≤ C ≤ D installations

Work Performed. Same as the work performed for tables 551-41.1 through 551-46, excluding work resulting from general courts-martial.

		Population *			600	2300	5000	7800			
Yardstick		Manpower requirement			3	7	10	12			
		Interval rate			.0024	.0011	.0007				
Line	Military positions				Position delineation	Number of positions				Civilian positions	
	Title	BR	Code	Grade						Title	Code
1	JUDGE ADVOCATE.	JA	55A	MAJ	M	1	1	1	1	ATTORNEY PARALEGAL SPEC LEGAL CLERK. CLAIMS CLERK. LEGAL CLERK. CLAIMS CLERK. LEGAL CLERK. CLERK TYPIST CLAIMS CLERK. LEGAL CLERK. CLERK TYPIST CLERK STE- NOGRAPHER CLAIMS CLERK.	GS-0905
2	JUDGE ADVOCATE.	JA	55A	CPT	C	—	2	3	4		GS-0950
3	SR LEGAL CLERK.		71D40	E7	C	—	—	1	1		GS-0986
4	LEGAL CLERK.		71D30	E6	C	1	1	1	1		GS-0998
5	LEGAL CLERK.		71D20	E5	C	—	1	1	1		GS-0986
6	LEGAL CLERK.		71D10	E4	C	1	1	1	2		GS-0998
7	STENOGRAPHER ...		71C10	E4	C	—	1	1	1		GS-0986
8	ASST LEGAL CLERK.		71D10	E3	C	—	—	1	1		GS-0322

* Check mark indicates categories that will be used to determine population.

≤ TDA Military

≤ TOE (Non-Divisional)

≤ Trainees

≤ Students

≤ Civilian employees

≤ Dependents on post

≤ Others under command or legal jurisdiction

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series.

Note 2. Increase over yardstick may be necessary at garrisons which function also as apprehendee centers.

Pertinent Publication. AR 27-1.

From page 2-11

The table on page 2-14 refers to:

- a. A major element.
- b. A major division of a major element.
- c. A subfunction of a major division.

If you selected "a," turn to page 2-30.

If you selected "b," turn to page 2-42.

If you selected "c," turn to page 2-16.

From page 2-15

No. If the table were to represent a subfunction of a major division, it would have a decimal point followed by a number. (Remember Sidpers Interface Section - 224.6?)

Turn back to page 2-15 and select another answer.

From page 2-3

Very fine. Headquarters, Special Troops, Fort Ord is a unit operating under a Table of Distribution and Allowances garrisoned in the United States. Therefore it would be an appropriate activity for using staffing guides.

Now go to page 2-7.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-46: Claims

Work Performed. Processes and investigates claims or potential claims for or against the United States and processes third party claims, including those arising from activities of the Army, Department of Defense, nonappropriated funds, and Army National Guard personnel while engaged in duty or training. Provides information and forms to potential claimants and processes claims submitted by military and civilian personnel for personal injury, death, and loss of, or damage to, household goods and other personal property. Prepares claims against carriers, insurers, warehousemen and other third parties. Processes medical malpractice cases against the United States. Makes final adjudication of claims or prepares recommendation and forwards to higher headquarters. Prepares reports, including litigation reports concerning suits in favor of or against the United States arising from the operation of the Army and its agencies, Medical Care Recovery Act litigation, the Federal Tort Claims Act, and other Federal Statutes. Assists the US Attorney, as required. Reports operational statistical and budget data along with other financial information to the United States Army Claims Service.

Yardstick	Claims processed		75	150	300
	Manpower requirement		4	7	12
	Interval rate .....		.04		.03

Line	Military positions				Position delineation	Number of positions			Civilian positions	
	Title	BR	Code	Grade					Title	Code
1	CHIEF CLAIMS	JA	55A	MAJ	M	1	1	1	ATTORNEY	GS-0905
2	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	2	PARALEGAL SPEC	GS-0950
3	SR LEGAL CLERK	NC	71D40	E7	C	—	—	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
4	LEGAL CLERK		71D30	E6	C	1	1	2	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992
5	LEGAL CLERK		71D20	E5	C	—	1	1	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992
6	LEGAL CLERK		71D10	E4	C	1	1	2	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992
7	CLERK-TYPIST		71L10	E4	C	1	1	2	CLERK-TYPIST	GS-0322
8	LEGAL CLERK		71D10	E3	C	—	1	1	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series. Factors such as organization placement and grade of the Senior NCO in the Staff Judge Advocate must be considered.

Note 2. If an installation Staff Judge Advocate is the Area Claims Authority IAW AR 27-20 an additional Judge Advocate may be required if justified by local appraisal.

Pertinent Publications. AR 27-20, AR 27-40 and DA Pam 27-162.

From page 2-42

The next thing you will find in a staffing table is the yardstick itself. The yardstick is made up of specified levels of monthly output, expressed in units of work appropriate to the activity, and the number of personnel normally required to accomplish those levels of output. Take a look at the table at the left, and prepare yourself to answer a question about it.

How many personnel are normally required to accomplish a workload of 150 claims processed on this table?

4 7 11

If you said "4," turn to page 2-20.

If you said "7," turn to page 2-23.

If you said "11," stop and do it over.

From page 2-19

You didn't read the correct column.

Go back and read it again and select another answer.

From page 2-33

Right again! You used the interval rate of .03 and multiplied it by the number of units in excess of 300. That told you that you would need 4 people for that number, and when you coupled it with the 12 you would need for the first 300—you came up with 16 people.

Now, on to page 2-37.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-46: Claims

Work Performed. Processes and investigates claims or potential claims for or against the United States and processes third party claims, including those arising from activities of the Army, Department of Defense, nonappropriated funds, and Army National Guard personnel while engaged in duty or training. Provides information and forms to potential claimants and processes claims submitted by military and civilian personnel for personal injury, death, and loss of, or damage to, household goods and other personal property. Prepares claims against carriers, insurers, warehousemen and other third parties. Processes medical malpractice cases against the United States. Makes final adjudication of claims or prepares recommendation and forwards to higher headquarters. Prepares reports, including litigation reports concerning suits in favor of or against the United States arising from the operation of the Army and its agencies, Medical Care Recovery Act litigation, the Federal Tort Claims Act, and other Federal Statutes. Assists the US Attorney, as required. Reports operational statistical and budget data along with other financial information to the United States Army Claims Service.

Yardstick	Claims processed				75	150	300
	Manpower requirement				4	7	12
	Interval rate .....				.04	.03	

Line	Military positions				Position delineation	Number of positions			Civilian positions	
	Title	BR	Code	Grade					Title	Code
1	CHIEF CLAIMS	JA	55A	MAJ	M	1	1	1	ATTORNEY	GS-0905
2	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	2	PARALEGAL SPEC ..	GS-0950
3	SR LEGAL CLERK	NC	71D40	E7	C	—	—	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
4	LEGAL CLERK		71D30	E6	C	1	1	2	CLAIMS CLERK	GS-0998
5	LEGAL CLERK		71D20	E5	C	—	1	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
6	LEGAL CLERK		71D10	E4	C	1	1	2	CLAIMS CLERK	GS-0998
7	CLERK-TYPIST		71L10	E4	C	1	1	2	LOSS/DAMAGE CLAIMS EXAM	GS-0992
8	LEGAL CLERK		71D10	E3	C	—	1	1	CLERK-TYPIST	GS-0322
									CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series. Factors such as organization placement and grade of the Senior NCO in the Staff Judge Advocate must be considered.

Note 2. If an installation Staff Judge Advocate is the Area Claims Authority IAW AR 27-20 an additional Judge Advocate may be required if justified by local appraisal.

Pertinent Publications. AR 27-20, AR 27-40 and DA Pam 27-162.

From page 2-28

Immediately below the portion of the table that gives the yardstick, you will find something called an interval rate. The interval rate tells you what portion of a person you will need to accomplish one or more work units. This is used to compute the number of people that you will need if your workload does not happen to coincide with the specified workloads given in the yardstick. Using the table at the left, let's suppose that the staff judge advocate had a monthly workload of 110 claims processed. That figure doesn't appear in the table, so we will have to compute the number of people required using the interval rate.

The workload of 110 claims processed lies between 75 and 150 claims processed. The interval rate for this interval is .04. Apply the interval rate to the increment of workload above the lower yardstick workload level. We know that for 75 of those 110 claims completed, we will need 4 people. To determine the number we need for the remaining 35, we simply multiply that figure by the interval rate, thusly:

$$35 \times .04 = 1.4 \text{ persons}$$

We needed 4 people to process 75 claims, and 1.4 persons to process the additional 35 claims, which means that we need 5 all told to take care of our 110 work units. The final figure is rounded to the nearest whole number, with decimals less than 0.5 being dropped.

Let's go to page 2-27 and try a question, using the staffing table found there.

From page 2-27

You are doing fine. At the rate you are going, you will be a manpower survey officer yet. You figured correctly that you would need 7 people for the first 150 claims processed. The remaining 100 claims, when multiplied by the interval rate of .03 would require an additional 3 people. Adding the numbers of people gave you 10.

Now go on to page 2-33.

(THIS PAGE NOT USED)

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-46: Claims

Work Performed. Processes and investigates claims or potential claims for or against the United States and processes third party claims, including those arising from activities of the Army, Department of Defense, nonappropriated funds, and Army National Guard personnel while engaged in duty or training. Provides information and forms to potential claimants and processes claims submitted by military and civilian personnel for personal injury, death, and loss of, or damage to, household goods and other personal property. Prepares claims against carriers, insurers, warehousemen and other third parties. Processes medical malpractice cases against the United States. Makes final adjudication of claims or prepares recommendation and forwards to higher headquarters. Prepares reports, including litigation reports concerning suits in favor of or against the United States arising from the operation of the Army and its agencies, Medical Care Recovery Act litigation, the Federal Tort Claims Act, and other Federal Statutes. Assists the US Attorney, as required. Reports operational statistical and budget data along with other financial information to the United States Army Claims Service.

Yardstick	Claims processed	75	150	300
	Manpower requirement	4	7	12
	Interval rate .....	.04		.03

Line	Military positions				Position delineation	Number of positions			Civilian positions	
	Title	BR	Code	Grade					Title	Code
1	CHIEF CLAIMS	JA	55A	MAJ	M	1	1	1	ATTORNEY	GS-0905
2	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	2	PARALEGAL SPEC ..	GS-0950
3	SR LEGAL CLERK	NC	71D40	E7	C	—	—	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
4	LEGAL CLERK		71D30	E6	C	1	1	2	CLAIMS CLERK	GS-0998
5	LEGAL CLERK		71D20	E5	C	—	1	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
6	LEGAL CLERK		71D10	E4	C	1	1	2	CLAIMS CLERK	GS-0998
7	CLERK-TYPIST		71L10	E4	C	1	1	2	LOSS/DAMAGE CLAIMS EXAM	GS-0992
8	LEGAL CLERK		71D10	E3	C	—	1	1	CLERK-TYPIST	GS-0322
									CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series. Factors such as organization placement and grade of the Senior NCO in the Staff Judge Advocate must be considered.

Note 2. If an installation Staff Judge Advocate is the Area Claims Authority IAW AR 27-20 an additional Judge Advocate may be required if justified by local appraisal.

Pertinent Publications. AR 27-20, AR 27-40 and DA Pam 27-162.

From page 2-23

Suppose your claims section processed 250 claims in the course of a month. Using the table on the opposite page, how many people would you need to accomplish this workload?

12

10

13

If you selected "12," turn to page 2-34.

If you selected "10," turn to page 2-24.

If you selected "13," turn to page 2-8.

From page 2-19

Absolutely! All one has to do is find the workload figure, and read the personnel figure immediately below it.

Now go to page 2-23.

From page 2-33

Your workers are going to gripe plenty when they have to come in on Saturdays to finish the job.

Go back to page 2-33 and see if you can't justify a few more people.

From page 2-15

No. If the table dealt with a major element, it would have ended in 0.

Go back to page 2-15 and try again.

(THIS PAGE NOT USED)

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-46: Claims

Work Performed. Processes and investigates claims or potential claims for or against the United States and processes third party claims, including those arising from activities of the Army, Department of Defense, nonappropriated funds, and Army National Guard personnel while engaged in duty or training. Provides information and forms to potential claimants and processes claims submitted by military and civilian personnel for personal injury, death, and loss of, or damage to, household goods and other personal property. Prepares claims against carriers, insurers, warehousemen and other third parties. Processes medical malpractice cases against the United States. Makes final adjudication of claims or prepares recommendation and forwards to higher headquarters. Prepares reports, including litigation reports concerning suits in favor of or against the United States arising from the operation of the Army and its agencies, Medical Care Recovery Act litigation, the Federal Tort Claims Act, and other Federal Statutes. Assists the US Attorney, as required. Reports operational statistical and budget data along with other financial information to the United States Army Claims Service.

Yardstick	Claims processed	75	150	300
	Manpower requirement	4	7	12
	Interval rate .....	.04		.03

Line	Military positions				Position delineation	Number of positions			Civilian positions	
	Title	BR	Code	Grade					Title	Code
1	CHIEF CLAIMS	JA	55A	MAJ	M	1	1	1	ATTORNEY	GS-0905
2	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	2	PARALEGAL SPEC	GS-0950
3	SR LEGAL CLERK	NC	71D40	E7	C	—	—	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
4	LEGAL CLERK .....	....	71D30	E6	C	1	1	2	CLAIMS CLERK	GS-0998
5	LEGAL CLERK .....	....	71D20	E5	C	—	1	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
6	LEGAL CLERK .....	....	71D10	E4	C	1	1	2	CLAIMS CLERK	GS-0998
7	CLERK-TYPIST .....	....	71L10	E4	C	1	1	2	LOSS/DAMAGE CLAIMS EXAM	GS-0992
8	LEGAL CLERK .....	....	71D10	E3	C	—	1	1	CLERK-TYPIST	GS-0322
									CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series. Factors such as organization placement and grade of the Senior NCO in the Staff Judge Advocate must be considered.

Note 2. If an installation Staff Judge Advocate is the Area Claims Authority IAW AR 27-20 an additional Judge Advocate may be required if justified by local appraisal.

Pertinent Publications. AR 27-20, AR 27-40 and DA Pam 27-162.

From page 2-24

That was pretty easy, wasn't it? But suppose that your workload, instead of falling in the interval between two specified amounts, exceeds the highest one. What happens then?

For workloads falling below the lowest workload level or above the highest workload level shown, manpower requirements will usually be determined by local appraisal on the assumption that the workload represents an abnormal situation. However, extrapolation balanced by judgment may be used as one means of determining requirements at such workload levels.

Again using yardstick 551-46 (opposite page), assume that your workload for a month is 425 claims processed. This is much greater than the largest workload shown on the table, which is 300. In order to solve this, merely subtract the largest specified workload from your workload, just as you did before. You know you will need 12 people for the first 300 work units. To find out how many you will need for the remaining 125, use the interval rate given for the highest levels on the table. Now, do it.

How many people will you need for 425 work units?

19 13 16

If you selected "19," turn to page 2-50.

If you selected "13," turn to page 2-29.

If you selected "16," turn to page 2-21.

From page 2-27

You have the right idea, but your arithmetic is a little off. You will not need 12 people.

Go back to page 2-27 and try the computation again.

From page 2-55

You read well if you said that your positions and manpower requirements increase where the SJA delivers legal services to a Personnel Control Facility requiring increased military justice, administrative law, claims and legal assistance support.

Now please go to page 2-59.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-46: Claims

Work Performed. Processes and investigates claims or potential claims for or against the United States and processes third party claims, including those arising from activities of the Army, Department of Defense, nonappropriated funds, and Army National Guard personnel while engaged in duty or training. Provides information and forms to potential claimants and processes claims submitted by military and civilian personnel for personal injury, death, and loss of, or damage to, household goods and other personal property. Prepares claims against carriers, insurers, warehousemen and other third parties. Processes medical malpractice cases against the United States. Makes final adjudication of claims or prepares recommendation and forwards to higher headquarters. Prepares reports, including litigation reports concerning suits in favor of or against the United States arising from the operation of the Army and its agencies, Medical Care Recovery Act litigation, the Federal Tort Claims Act, and other Federal Statutes. Assists the US Attorney, as required. Reports operational statistical and budget data along with other financial information to the United States Army Claims Service.

Yardstick	Claims processed		75	150	300
	Manpower requirement		4	7	12
	Interval rate .....		.04		.03

Line	Military positions				Position delineation	Number of positions			Civilian positions	
	Title	BR	Code	Grade					Title	Code
1	CHIEF CLAIMS	JA	55A	MAJ	M	1	1	1	ATTORNEY	GS-0905
2	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	2	PARALEGAL SPEC	GS-0950
3	SR LEGAL CLERK	NC	71D40	E7	C	—	—	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
4	LEGAL CLERK .....	....	71D30	E6	C	1	1	2	CLAIMS CLERK	GS-0998
5	LEGAL CLERK .....	....	71D20	E5	C	—	1	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
6	LEGAL CLERK .....	....	71D10	E4	C	1	1	2	CLAIMS CLERK	GS-0998
7	CLERK-TYPIST .....	....	71L10	E4	C	1	1	2	LOSS/DAMAGE CLAIMS EXAM	GS-0992
8	LEGAL CLERK .....	....	71D10	E3	C	—	1	1	CLERK-TYPIST	GS-0322
									CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series. Factors such as organization placement and grade of the Senior NCO in the Staff Judge Advocate must be considered.

Note 2. If an installation Staff Judge Advocate is the Area Claims Authority IAW AR 27-20 an additional Judge Advocate may be required if justified by local appraisal.

Pertinent Publications. AR 27-20, AR 27-40 and DA Pam 27-162.

From page 2-21

There is one more workload level that we have to examine. What do we do if your workload is below the lowest level specified in the staffing table? Well, we do almost the same thing that we just finished doing, with one exception. Let's see how it works.

Again, using the same yardstick (see facing page), assume that the actual workload is 55 claims processed per month. If we need 4 people to process 75 claims, we can see that we will need something less than that to process only 55 claims. So we subtract our 55 from the specified 75 and multiply the difference by the nearest interval rate. We then subtract that figure from the number of people we would have needed for 55 processed claims, because we need that amount less for our smaller load.

It looks something like this:

$$75 - 55 = 20 \text{ fewer work units}$$

$$20 \times .04 = .8 \text{ fewer person}$$

$$4 - .8 = 3.2 \text{ total people needed}$$

We really only need about 3 1/5 people for this workload, but since we can't divide a person in pieces, we round off to the nearest whole person which is 3. The thing to remember is that when your workload is less than the lowest level specified in the table, you have to work backwards, and subtract the number of people you don't need from the lowest specified personnel level. Take a look at page 2-41.

From page 2-49

If you said "a," you get an "F." C does not mean the position must be filled by a civilian. Read page 2-49 one more time and try again.

From page 2-41

Right on the nose. Since you are supporting 3,000 fewer personnel than the lowest specified work level, you will need 2.34 less people. Rounded off and subtracted, that means 4 is the magic number.

Go to page 2-45.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-43: Criminal Law

Work Performed. Directs the administration of criminal justice within the command and on a geographical basis as required. Prepares legal opinions and guidance on criminal law and promulgates command criminal law directives. Provides trial counsel for all general and special courts-martial, and acts as liaison with Trial Defense Service for providing defense counsel as required for courts and boards. Advises the provost marshal and US Army Criminal Investigation Command. Advises commanders regarding the imposition of, and action on appeal from, punishment imposed pursuant to Article 15, UCMJ. Prepares pretrial advice and posttrial review for all general courts-martial and Bad Conduct Discharge (BCD) special court martial when required and is responsible for the timely submission of counsel briefs; records of trial; and court-martial orders. Advises the SJA and commanders concerning requests for individual defense counsel, application for deferment of posttrial confinement, and defense motions and requests. Reviews records of inferior courts-martial for legal sufficiency. Monitors performance of installation legal clerks and courts and boards personnel in criminal law and administrative matters. Advises the commander on pretrial and posttrial confinement, and the command clemency program. Provides legal advice regarding offenses triable under the Assimilative Crimes Act (18 USC 13), and other Federal laws. Prepares necessary trial documents for the United States Magistrate Court and prosecutes cases before the United States Magistrate, when authorized. Coordinates criminal law matters with appropriate civilian authorities. Drafts replies to congressional and similar inquiries regarding criminal law matters. Conducts instruction in military justice. Maintains criminal law records and statistics to insure accurate and timely submission of recurring and one time reports as required by higher headquarters.

Yardstick*

Line	Military positions				Position designation	Civilian positions	
	Title	BR	Code	Grade		Title	Code
1	CHIEF CRIMINAL LAW.....	JA	55A	LTC	M		
2	CHIEF TRIAL COUNSEL.....	JA	55A	MAJ	M		
3	TRIAL COUNSEL.....	JA	55A	CPT	M		
4	CHIEF LEGAL CLERK.....	NC	71D50	E8	C	LEGAL TECH.....	GS-0986
						PARALEGAL SP.....	GS-0950
5	SR LEGAL CLERK.....	NC	71D40	E7	C	LEGAL TECH.....	GS-0986
						PARALEGAL SP.....	GS-0950
6	COURT REPORTER.....	....	71E30	E8	C	CLOSED MIC REPORTER.....	GS-0319
						SHORTHAND REPORTER.....	GS-0312
7	LEGAL CLERK.....	....	71D30	E8	C	LEGAL CLERK.....	GS-0986
8	ASST COURT REPORTER.....	....	71E20	E5	C	CLOSED MIC REPORTER.....	GS-0319
						SHORTHAND REPORTER.....	GS-0312
9	LEGAL CLERK.....	....	71D10	E4	C	LEGAL CLERK.....	GS-0986

*Manpower requirement will be determined by local appraisal. Positions shown above indicate the type of personnel which may be required. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorizations contained in AR 611 series. Factors such as organizational placement and grades of the Senior NCO in Staff Judge Advocate activities must be considered.

Note 1. When authorized by HQDA, a MOS 71E Chief Court Reporter may be substituted for MOS 71D. If this change is made, remaining Court Reporter and Legal Clerk positions will be graded in accordance with standards of grade authorizations in AR 611-201.

Note 2. Workload data in terms of number of cases tried/reviewed should be recorded separately in Schedule X for the following: general courts-martial, Bad Conduct Discharge (BCD) and regular special courts-martial, Article 15's reviewed, and administrative discharges. Man-hours required to advise investigators and commanders concerning search and seizure, non-judicial punishment and proffering of courts-martial charges should be maintained. Manhours required to support U.S. Magistrate functions will also be separately identified.

- Pertinent Publications. Manual for Courts-Martial Uniform Code of Military Justice, and AR 27-10.

From page 2-37

Besides claims processed, work units may be measured in terms of the size of the population the activity supports, or some other appropriate unit of measurement.

As you can see from the table on the left, our yardstick no longer deals with work units. As noted by the asterisk, the manpower requirement is now determined by local appraisal. This local appraisal can be accomplished in a variety of ways; for example, the old yardstick codes based on military population could help. Lets take an example:

Yardstick Code	Mil. Population			
551-42	(Thousands)	7	25	40
	Manpower Req.	6	20	30
	Interval Rate	.78	.67	

If your military population is 4,000, how many people should you need to operate the section?

4 5 9

If you say "4," turn to page 2-39.

If you say "5," turn to page 2-43.

If you say "9," turn to page 2-57.

From page 2-15

Excellent! A major division of a major element is indicated by a number ending in other than 0.

Now turn to page 2-19.

From page 2-41

Somebody has got it pretty soft. You'll probably find him asleep at his desk. Do some more arithmetic on page 2-41 and see if you can't get rid of him.

★ Table 551-47: Judge Advocate without General Court-Martial Jurisdiction—Continued

Applicable at Type A ≤ B ≤ C ≤ D ≤ installations

Work Performed. Same as the work performed for tables 551-41.1 through 551-46, excluding work resulting from general courts-martial.

Yardstick		Population *				600	2300	5000	7800		
		Manpower requirement				3	7	10	12		
		Interval rate				.0024		.0011	.0007		
Line	Military positions				Position delineation	Number of positions				Civilian positions	
	Title	BR	Code	Grade						Title	Code
1	JUDGE ADVOCATE.....	JA	55A	MAJ	M	1	1	1	1	ATTORNEY PARALEGAL SPEC LEGAL CLERK..... CLAIMS CLERK..... LEGAL CLERK..... CLAIMS CLERK..... LEGAL CLERK..... CLERK TYPIST CLAIMS CLERK..... LEGAL CLERK..... CLERK TYPIST CLERK STE-NOGRAPHER CLAIMS CLERK..... LEGAL CLERK..... CLERK TYPIST	GS-0905
2	JUDGE ADVOCATE.....	JA	55A	CPT	C	—	2	3	4		GS-0950
3	SR LEGAL CLERK.....		71D40	E7	C	—	—	1	1		GS-0986
4	LEGAL CLERK.....		71D30	E6	C	1	1	1	1		GS-0998
5	LEGAL CLERK.....		71D20	E5	C	—	1	1	1		GS-0986
6	LEGAL CLERK.....		71D10	E4	C	1	1	1	2		GS-0322
7	STENOGRAPHER ...		71C10	E4	C	—	1	1	1		GS-0998
8	ASST LEGAL CLERK.....		71D10	E3	C	—	—	1	1		GS-0312
											GS-0986
											GS-0322

* Check mark indicates categories that will be used to determine population.

≤ TDA Military
≤ TOE (Non-Divisional)
≤ Trainees

≤ Students
≤ Civilian employees
≤ Dependents on post

≤ Others under command or legal jurisdiction

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series.

Note 2. Increase over yardstick may be necessary at garrisons which function also as apprehendee centers.

Pertinent Publication. AR 27-1.

From page 2-39

Let's take a look at some of the other things we can find in a staffing table. Immediately below the interval rate, there are several columns devoted to the composition of your work force. You will see that duty positions, branch, MOS's, and grades are given to let you know how you could expect to organize the people you need. For the moment, skip the column entitled Position Delineation. We'll come back to it shortly. The next column is headed Number of Positions, and tells us how the people we have will be distributed by grade, MOS, and duty title. To determine this distribution, place your finger on one of the manpower requirement yardstick blocks. Now move your finger downward until it has entered one of the subcolumns under Number of Positions. Keep going until you find a number in that column. Wherever you find a number, read directly to the left to determine authorized position title, branch, MOS, and grade of your personnel. If you refer to table 551-47 on page 2-44 of this chapter, you can answer this question:

If all legal clerks authorized are assigned to a JA office for which a manpower requirement of 10 exists, what will be the highest authorized rank?

E-6

E-7

E-5

If you said "E-6," turn to page 2-46.

If you said "E-7," turn to page 2-58.

If you said "E-5," turn to page 2-51.

From page 2-45

Hold it You read the wrong column.

Go back to page 2-45 and take another look.

(THIS PAGE NOT USED)

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-41.1: Office of the Staff Judge Advocate

Work Performed. Advises the command on all legal matters. Supervises the administration of military justice, legal assistance, claims and administrative law. Provides legal advice on litigation involving the Department of the Army and furnishes assistance to the United States Attorney. Supervises the training of Reserve Component legal personnel. Reviews contingency and mobilization plans. Maintains liaison with the local bar and civilian courts. Insures the continuing legal education and training of the staff. Supervises programing, budgeting, manpower management and other army command management systems functions. Formulates plans and policies pertaining to legal activities.

		Population (Thousands)*				Under 20	Over 20		
Yardstick		Manpower requirement**				3	3		
Line	Military positions				Position delineation	Number of positions		Civilian positions	
	Title	BR	Code	Grade				Title	Code
1	STAFF JUDGE ADVOCATE.	JA	55A	COL	M		1		
2	JUDGE ADVOCATE.	JA	55A	LTC	M	1	1		
3	JUDGE ADVOCATE.	JA	55A	MAJ	M	1	—		
4	SECRETARY STENO.		71C20	E5	C	1	1	CLERK STENO. SECRETARY STENO.	GS-0312 GS-0318

* Check mark indicates categories that will be used to determine population.

\leq TDA Military
 \leq TOE
 \leq Trainees

\leq Students
 \leq Civilian Employees
 \leq Dependents on post

\leq Others under command or legal
jurisdiction

**Staffing table indicates typical manpower requirements for this function. Manpower survey teams should insure that recommendations for the second officer position are fully supported by existing workload, deputy or assistant positions should not be provided unless the conditions discussed in Chapter 5 of AR 570-4 are met.

Note 1. Appropriate grade for officer position will be determined by reference to standards of grade authorization contained in AR 611-101.

Note 2. At type A and type B installations, consolidation of the corps or division and garrison Staff Judge advocate functions will be complete to form a single organization. Corps or division personnel must be utilized to the maximum extent possible in the consolidated operation and will be reported as "other personnel" in manpower surveys.

Pertinent Publications. AR 27-1; AR 27-4; AR 210-10 and AR 600-20.

From page 2-58

Now let's go back to the column we skipped. It is entitled Position Delineation. In this column the code letter M (Military) or C (Civilian) indicates the type of personnel which should be utilized in each position. Although a position is delineated for military or civilian occupancy, the requirements of the CONUS rotation base, training requirements, or availability of civilian skills at required locations may require utilization other than that indicated. See AR 570-4 for more detailed information.

In Table 551-41.1 (at left), what is the meaning of the position delineation of the Secretary Steno position listed on line 4?

- a. C, which means the position must be filled with a civilian, or left unfilled until a civilian is hired.
- b. C, which means the position should normally be filled with a civilian.
- c. M, which means the position should normally be filled with military personnel.

If you selected "a," go to page 2-38.

If you selected "b," go to page 2-52.

If you selected "c," go to page 2-56.

From page 2-33

Not so good. You must remember to use the interval rate for the highest listed workload, rather than the interval rate for that level which corresponds to your excess amount only.

Go back to page 2-33 and try again.

From page 2-45

If you put an E-5 here, you have downgraded the Senior Legal Clerk's position. Go back and take another look at those columns on page 2-44.

From page 2-49

Right! C means the position should be filled with a civilian.

On to page 2-55.

(THIS PAGE NOT USED)

1 August 1981

C 10, Pam 570-551

★ Table 551-47: Judge Advocate without General Court-Martial Jurisdiction—Continued

Applicable at Type A ≤ B ≤ C ≤ D ≤ installations

Work Performed. Same as the work performed for tables 551-41.1 through 551-46, excluding work resulting from general courts-martial.

Yardstick		Population *				600	2300	5000	7800		
		Manpower requirement				3	7	10	12		
		Interval rate				.0024	.0011	.0007			
Line	Military positions				Position delineation	Number of positions				Civilian positions	
	Title	BR	Code	Grade						Title	Code
1	JUDGE ADVOCATE.....	JA	55A	MAJ	M	1	1	1	1	ATTORNEY..... PARALEGAL SPEC.....	GS-0905
2	JUDGE ADVOCATE.....	JA	55A	CPT	C	—	2	3	4		GS-0950
3	SR LEGAL CLERK.....		71D40	E7	C	—	—	1	1	LEGAL CLERK.....	GS-0986
4	LEGAL CLERK.....		71D30	E6	C	1	1	1	1	CLAIMS CLERK.....	GS-0998
5	LEGAL CLERK.....		71D20	E5	C	—	1	1	1	LEGAL CLERK.....	GS-0986
6	LEGAL CLERK.....		71D10	E4	C	1	1	1	2	CLERK TYPIST.....	GS-0322
7	STENOGRAPHER...		71C10	E4	C	—	1	1	1	CLAIMS CLERK.....	GS-0998
8	ASST LEGAL CLERK.....		71D10	E3	C	—	—	1	1	CLERK STE-NOGRAPHER.....	GS-0312
										CLAIMS CLERK.....	GS-0998
										LEGAL CLERK.....	GS-0986
										CLERK TYPIST.....	GS-0322

* Check mark indicates categories that will be used to determine population.

≤ TDA Military

≤ TOE (Non-Divisional)

≤ Trainees

≤ Students

≤ Civilian employees

≤ Dependents on post

≤ Others under command or legal jurisdiction

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series.

Note 2. Increase over yardstick may be necessary at garrisons which function also as apprehendee centers.

Pertinent Publication. AR 27-1.

From page 2-52

Take a look at the block entitled Civilian Positions on the right of the table at left. Here we find the job title and Civil Service Code for civilian positions which are comparable.

Now we get a look at one of the most important parts of the table: footnotes. Nearly every table has one or more footnotes, and they are especially important because they give information which may change your entire approach to staffing your section.

In the table at the left, what does the footnote tell us about the work units? Write your answer here _____.

Now turn to page 2-35.

From page 2-49

No - you must have read the wrong line.

Go back to page 2-49 and check those codes again.

From page 2-41

Nine is more than you needed for the lowest specified workload, and yours is even lower than that. You must have added when you should have subtracted. Go back to page 2-41 and try it again.

From page 2-45

Very good. An E-7 he will be.

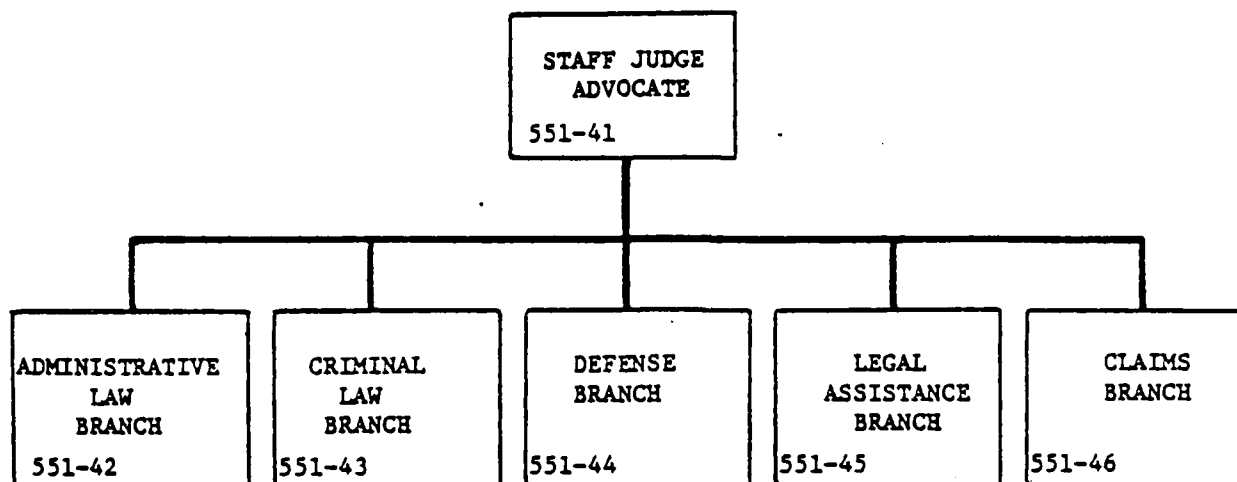
Now proceed to page 2-49.

From page 2-35

At the top of every staffing table you will find a few lines describing the work performed. These few lines can be a big help to you when you start to do your staffing job, because they will tell you what type of work is performed by a section portrayed in the table. If it happens to match your section closely, your troubles are nearly over, because you will be able to follow the guide closely. If, however, your section differs from the one in the staffing table, you can use the table as a starting point and modify it to meet your needs.

You may wish to review pages 2-60 to 2-68, to see some sample staffing guides. Although these are current as of the date of this publication, they are intended as examples only.

END OF PROBLEM TEXT.



*The title is Staff Judge Advocate when the installation commander has general court-martial jurisdiction. The title is Judge Advocate when the installation commander does *not* have general court-martial jurisdiction. Judge Advocate function is depicted in table 551-47.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-41.1: Office of the Staff Judge Advocate

Work Performed. Advises the command on all legal matters. Supervises the administration of military justice, legal assistance, claims and administrative law. Provides legal advice on litigation involving the Department of the Army and furnishes assistance to the United States Attorney. Supervises the training of Reserve Component legal personnel. Reviews contingency and mobilization plans. Maintains liaison with the local bar and civilian courts. Insures the continuing legal education and training of the staff. Supervises programing, budgeting, manpower management and other army command management systems functions. Formulates plans and policies pertaining to legal activities.

		Population (Thousands)*				Under 20	Over 20		
Yardstick		Manpower requirement**				3	3		
Line	Military positions				Position delineation	Number of positions		Civilian positions	
	Title	BR	Code	Grade				Title	Code
1	STAFF JUDGE ADVOCATE.	JA	55A	COL	M		1		
2	JUDGE ADVOCATE.	JA	55A	LTC	M	1	1		
3	JUDGE ADVOCATE.	JA	55A	MAJ	M	1	—		
4	SECRETARY STENO. ....	....	71C20	E5	C	1	1	CLERK STENO.	GS-0312
								SECRETARY STENO.	GS-0318

* Check mark indicates categories that will be used to determine population.

\leq TDA Military
 \leq TOE
 \leq Trainees

\leq Students
 \leq Civilian Employees
 \leq Dependents on post

\leq Others under command or legal
jurisdiction

** Staffing table indicates typical manpower requirements for this function. Manpower survey teams should insure that recommendations for the second officer position are fully supported by existing workload, deputy or assistant positions should not be provided unless the conditions discussed in Chapter 5 of AR 570-4 are met.

Note 1. Appropriate grade for officer position will be determined by reference to standards of grade authorization contained in AR 611-101.

Note 2. At type A and type B installations, consolidation of the corps or division and garrison Staff Judge advocate functions will be complete to form a single organization. Corps or division personnel must be utilized to the maximum extent possible in the consolidated operation and will be reported as "other personnel" in manpower surveys.

Pertinent Publications. AR 27-1; AR 27-4; AR 210-10 and AR 600-20.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A ≤ B ≤ C ≤ D ≤ installations

★ Table 551-41.2: Administration

Work Performed. Performs administrative control of correspondence and furnishes guidance in the interpretation of administrative directives and procedures. Prepares court-martial convening orders and assures accuracy of and authenticates court-martial promulgating orders. Processes military and civilian personnel matters. Provides administrative and logistical support to military judges and defense counsel assigned to the US Army Legal Services Agency with duty station at the installation and to all other legal personnel TDY at the installation. Performs general office services; operates official mail desk; maintains Army and law library; controls central files and classified documents; processes requests for travel and transportation; obtains reproduction, printing and telecommunication services; procures, stores, issues and handles supplies and equipment; and prepares administrative reports. Exercises technical supervision and training of all installation legal clerks. Provides input for programming, budgeting and other command management systems functions. Coordinates with appropriate authority the initial and subsequent assignments of all 71D/71E personnel.

Yardstick	Strength of Staff Judge Advocate*					15	30	45	60		
	Manpower requirement					2	4	6	7		
	Interval rate . . . . .						.133	.133	.066		
Line	Military positions					Number of positions				Civilian positions	
	Title	BR	Code	Grade	Position delineation					Title	Code
1	LEGAL ADMIN TECH.		713A	WO	M	—	1	1	1		
2	CHIEF LEGAL CLERK.	NC	71D50	E9	M	—	—	1	1		
3	CHIEF LEGAL CLERK.	NC	71D50	E8	M	—	1	—	—		
4	CHIEF LEGAL CLERK.	NC	71D40	E7	M	1	—	—	—		
5	LEGAL CLERK.		71D30	E6	C	—	—	1	1	LEGAL CLERK.	GS-0986
6	LEGAL CLERK.		71D20	E5	C	—	—	1	1	LEGAL CLERK.	GS-0986
7	LEGAL CLERK.		71D10	E4	C	—	1	1	1	LEGAL CLERK.	GS-0986
8	LEGAL CLERK.		71D10	E3	C	—	—	—	1	LEGAL CLERK.	GS-0986
9	CLERK-TYPIST		71B20	E4	C	1	1	1	1	CLERK TYPIST	GS-0322

*Total manpower requirements allowed under staffing tables 551-41.1 and 551-42 through 551-46 to include US Army Judiciary Military Judges and defense counsel assigned to US Army Legal Services Agency and attached to installation for support.

Note 1. Appropriate grade distribution for military positions will be determined by reference to standards to grade authorization contained in AR 611-201. Factors such as organizational placement of the Senior NCO in the Staff Judge Advocate Activity must be considered.

Note 2. Additional manpower may be required to support US Army judiciary defense counsel and military judges. See table 551-44.

Note 3. Manpower requirement to support an existing word processing center will be determined by local appraisal.

Pertinent Publications. AR 1-115; AR 27-10; AR 27-20; AR 27-40; AR 380-5.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A ≤ B ≤ C ≤ D ≤ installations

★ Table 551-42: Administrative Law

Work Performed. Provides legal advice on the duties, functions and authority of command. Interprets laws, regulations and directives governing personnel administration, security, law enforcement, legislative jurisdiction, plans, training, contracting and other installation management functions to include the Occupational Safety and Health Act, the Anti-Deficiency Act, the Freedom of Information Act and Privacy Act, labor relations, fiscal statutes, equal employment opportunity directives and environmental policy and programs. Provides legal advice with respect to boards of officers, reports of investigation, reports of survey, line of duty investigations, Article 15 complaints, conscientious objector cases and administrative elimination proceedings. Reviews for legal sufficiency appropriated and nonappropriated fund solicitations, contract appeals, disputed claims and advises on funding contracting procedures and requirements to include commercial industrial type activities (CITA). Furnishes Labor Counselor to the installation civilian personnel office. Reviews statements of financial interest and employment and counsels individuals regarding conflicts of interest, standards of conduct and ethics in government. Coordinates and prepares legal briefs concerning litigation pertaining to the Army and furnishes assistance to the United States Attorney in local litigation matters. Conducts Law of War, Geneva Convention and Civil Disturbance Training. Implements and coordinates mobilization planning for Reserve Component personnel, where appropriate, and reviews installation contingency plans for legal correctness.

Yardstick*

Line	Military positions				Position delineation	Civilian positions	
	Title	BR	Code	Grade		Title	Code
1	CHIEF ADMIN LAW.....	JA	55A	MAJ/ CPT	M		
2	JUDGE ADVOCATE.....	JA	55A	CPT	C	ATTORNEY ADVISER.....	GS-0905
3	LEGAL CLERK.....	....	71D20	E5	C	LEGAL CLERK.....	GS-0955
4	CLERK-TYPIST.....	....	71L10	E4	C	CLERK-STENO.....	GS-0312
						CLERK-TYPIST.....	GS-0322

*Manpower requirement will be determined by local appraisal. Positions shown above indicate the type of personnel which may be required. Appropriate grade distribution for military positions will be determined by reference to SGA contained in AR 611-201.

Note. To assist in future revisions of this table, workload data in terms of processed actions per month should be recorded in schedule X. A processed action is any action which relates to an attorney's work product whether rendered orally or in writing and is subsequently logged or recorded. Manhours spent on contract review should be separately identified.

Pertinent Publications. DA Pams 27-21 and 27-153.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-43: Criminal Law

Work Performed. Directs the administration of criminal justice within the command and on a geographical basis as required. Prepares legal opinions and guidance on criminal law and promulgates command criminal law directives. Provides trial counsel for all general and special courts-martial, and acts as liaison with Trial Defense Service for providing defense counsel as required for courts and boards. Advises the provost marshal and US Army Criminal Investigation Command. Advises commanders regarding the imposition of, and action on appeal from, punishment imposed pursuant to Article 15, UCMJ. Prepares pretrial advice and posttrial review for all general courts-martial and Bad Conduct Discharge (BCD) special court martial when required and is responsible for the timely submission of counsel briefs; records of trial; and court-martial orders. Advises the SJA and commanders concerning requests for individual defense counsel, application for deferment of posttrial confinement, and defense motions and requests. Reviews records of inferior courts-martial for legal sufficiency. Monitors performance of installation legal clerks and courts and boards personnel in criminal law and administrative matters. Advises the commander on pretrial and posttrial confinement, and the command clemency program. Provides legal advice regarding offenses triable under the Assimilative Crimes Act (18 USC 13), and other Federal laws. Prepares necessary trial documents for the United States Magistrate Court and prosecutes cases before the United States Magistrate, when authorized. Coordinates criminal law matters with appropriate civilian authorities. Drafts replies to congressional and similar inquiries regarding criminal law matters. Conducts instruction in military justice. Maintains criminal law records and statistics to insure accurate and timely submission of recurring and one time reports as required by higher headquarters.

Yardstick*

Line	Military positions				Position delineation	Civilian positions	
	Title	BR	Code	Grade		Title	Code
1	CHIEF CRIMINAL LAW.....	JA	55A	LTC	M		
2	CHIEF TRIAL COUNSEL.....	JA	55A	MAJ	M		
3	TRIAL COUNSEL.....	JA	55A	CPT	M		
4	CHIEF LEGAL CLERK.....	NC	71D50	E8	C	LEGAL TECH.....	GS-0986
						PARALEGAL SP.....	GS-0950
5	SR LEGAL CLERK.....	NC	71D40	E7	C	LEGAL TECH.....	GS-0986
						PARALEGAL SP.....	GS-0950
6	COURT REPORTER.....	....	71E30	E6	C	CLOSED MIC REPORTER.....	GS-0319
						SHORTHAND REPORTER.....	GS-0312
7	LEGAL CLERK.....	....	71D30	E6	C	LEGAL CLERK.....	GS-0986
8	ASST COURT REPORTER.....	....	71E20	E5	C	CLOSED MIC REPORTER.....	GS-0319
						SHORTHAND REPORTER.....	GS-0312
9	LEGAL CLERK.....	....	71D10	E4	C	LEGAL CLERK.....	GS-0986

*Manpower requirement will be determined by local appraisal. Positions shown above indicate the type of personnel which may be required. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorizations contained in AR 611 series. Factors such as organizational placement and grades of the Senior NCO in Staff Judge Advocate activities must be considered.

Note 1. When authorized by HQDA, a MOS 71E Chief Court Reporter may be substituted for MOS 71D. If this change is made, remaining Court Reporter and Legal Clerk positions will be graded in accordance with standards of grade authorizations in AR 611-201.

Note 2. Workload data in terms of number of cases tried/reviewed should be recorded separately in Schedule X for the following: general courts-martial, Bad Conduct Discharge (BCD) and regular special courts-martial, Article 15's reviewed, and administrative discharges. Man-hours required to advise investigators and commanders concerning search and seizure, non-judicial punishment and proffering of courts-martial charges should be maintained. Manhours required to support U.S. Magistrate functions will also be separately identified.

- Pertinent Publications. Manual for Courts-Martial Uniform Code of Military Justice, and AR 27-10.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A ≤ B ≤ C ≤ D ≤ installations

★ Table 551-44: Defense

Work Performed. Supports defense attorneys assigned to the US Army Trial Defense Service, US Army Legal Services Agency in legal representation and advice for all service members within jurisdiction of the installation commander. Investigates cases, interviews witnesses and prepares witness statements as directed by defense counsel. Prepares motions, requests, and memoranda of law and appeal documents as directed.

Yardstick*

Line	Military positions				Position delineation	Civilian positions	
	Title	BR	Code	Grade		Title	Code
1	CHIEF LEGAL CLK	NC	71D50	E8	C	LEGAL TECHNICIAN	GS-0986
2	CHIEF LEGAL CLK	NC	71D40	E7	C	PARALEGAL SP	GS-0950
3	LEGAL CLERK .....	....	71D30	E6	C	LEGAL TECHNICIAN	GS-0986
4	LEGAL CLERK .....	....	71D20	E5	C	PARALEGAL SP	GS-0950
5	LEGAL CLERK .....	....	71D10	E4	C	PARALEGAL SP	GS-0950
						LEGAL CLERK	GS-0986
						CLERK-STENO	GS-0312
						CLERK-TYPIST	GS-0322
						LEGAL CLERK	GS-0986
						CLERK-STENO	GS-0312
						CLERK-TYPIST	GS-0322

*Manpower requirement will be determined by local appraisal. Positions shown above indicate the type of personnel which may be required. Appropriate grades for enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series. Factors such as organizational placement of the Senior NCO in the Staff Judge Advocate Activity must be considered.

Note 1. Workload data in terms of number of cases tried/reviewed should be recorded separately in Schedule X for the following: general courts-martial, Bad Conduct Discharge (BCD), and regular special courts-martial, summary courts-martial, Article 15. UCMJ counselling, Article 32, UCMJ investigations, other investigations as required and clients interviewed.

Pertinent Publications. Manual for Courts-Martial, AR 15-6, AR 27-10, AR 27-17 and AR 735-11.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-45: Legal Assistance

Work Performed. Renders legal assistance and advice to active duty, retired military, their dependents and other authorized persons. Prepares legal documents and instruments. Conducts preventive law and income tax programs. Provides notarial services. Establishes and maintains liaison with local civilian attorneys, courts, and professional organizations. Maintains legal assistance records and statistics.

Yardstick		Clients				150	300	600	1200		
		Manpower requirement				2	4	7	12		
		Interval rate .....				.013		.010	.008		
Line	Military positions					Number of positions				Civilian positions	
	Title	BR	Code	Grade	Position delineation					Title	Code
1	CHIEF LEGAL ASSISTANCE	JA	55A	LTC/MAJ	M	1	1	1	1		
2	JUDGE ADVOCATE	JA	55A	MAJ	M	—	—	—	1		
3	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	3	6	ATTORNEY ADVISER	GS-0905
4	LEGAL CLERK .....	....	71D30	E6	C	—	1	1	1	LEGAL CLERK	GS-0986
5	LEGAL CLERK .....	....	71D20	E5	C	1	—	1	1	CLERK-STENO.	GS-0312
6	LEGAL CLERK .....	....	71D10	E4	C	—	1	1	1	CLERK-TYPIST	GS-0322
7	LEGAL CLERK .....	....	71D10	E3	C	—	—	—	1	CLERK-TYPIST	GS-0322

Note 1. Workload data consisting of number of persons assisted (broken out by active duty, retired and dependents) and the type of assistance rendered during each of the previous 12 months will be recorded in the Schedule X.

Note 2. Additional functions such as readiness exercises, preparation for overseas movements and expanded legal assistance program may necessitate an increase in requirements.

Pertinent Publications: AR 608-50 and DA Pam 27-12.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-46: Claims

Work Performed. Processes and investigates claims or potential claims for or against the United States and processes third party claims, including those arising from activities of the Army, Department of Defense, nonappropriated funds, and Army National Guard personnel while engaged in duty or training. Provides information and forms to potential claimants and processes claims submitted by military and civilian personnel for personal injury, death, and loss of, or damage to, household goods and other personal property. Prepares claims against carriers, insurers, warehousemen and other third parties. Processes medical malpractice cases against the United States. Makes final adjudication of claims or prepares recommendation and forwards to higher headquarters. Prepares reports, including litigation reports concerning suits in favor of or against the United States arising from the operation of the Army and its agencies, Medical Care Recovery Act litigation, the Federal Tort Claims Act, and other Federal Statutes. Assists the US Attorney, as required. Reports operational statistical and budget data along with other financial information to the United States Army Claims Service.

Yardstick	Claims processed	75	150	300
	Manpower requirement	4	7	12
	Interval rate .....	.04		.03

Line	Military positions				Position delineation	Number of positions			Civilian positions	
	Title	BR	Code	Grade					Title	Code
1	CHIEF CLAIMS	JA	55A	MAJ	M	1	1	1	ATTORNEY	GS-0905
2	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	2	PARALEGAL SPEC ..	GS-0950
3	SR LEGAL CLERK	NC	71D40	E7	C	—	—	1	LOSS/DAMAGE CLAIMS EXAM	GS-0992
4	LEGAL CLERK		71D30	E6	C	1	1	2	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992
5	LEGAL CLERK		71D20	E5	C	—	1	1	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992
6	LEGAL CLERK		71D10	E4	C	1	1	2	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992
7	CLERK-TYPIST		71L10	E4	C	1	1	2	CLERK-TYPIST	GS-0322
8	LEGAL CLERK		71D10	E3	C	—	1	1	CLAIMS CLERK	GS-0998
									LOSS/DAMAGE CLAIMS EXAM	GS-0992

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series. Factors such as organization placement and grade of the Senior NCO in the Staff Judge Advocate must be considered.

Note 2. If an installation Staff Judge Advocate is the Area Claims Authority IAW AR 27-20 an additional Judge Advocate may be required if justified by local appraisal.

Pertinent Publications. AR 27-20, AR 27-40 and DA Pam 27-162.

★ Table 551-47: Judge Advocate without General Court-Martial Jurisdiction—Continued

Applicable at Type A ≤ B ≤ C ≤ D ≤ installations

Work Performed. Same as the work performed for tables 551-41.1 through 551-46, excluding work resulting from general courts-martial.

		Population*			600	2300	5000	7800			
Yardstick		Manpower requirement			3	7	10	12			
		Interval rate			.0024	.0011	.0007				
Line	Military positions				Position delineation	Number of positions				Civilian positions	
	Title	BR	Code	Grade						Title	Code
1	JUDGE ADVOCATE.....	JA	55A	MAJ	M	1	1	1	1	{ ATTORNEY PARALEGAL SPEC }	GS-0905
2	JUDGE ADVOCATE.....	JA	55A	CPT	C	—	2	3	4		GS-0950
3	SR LEGAL CLERK.....		71D40	E7	C	—	—	1	1	LEGAL CLERK.....	GS-0986
4	LEGAL CLERK.....		71D30	E6	C	1	1	1	1	CLAIMS CLERK.....	GS-0998
5	LEGAL CLERK.....		71D20	E5	C	—	1	1	1	LEGAL CLERK.....	GS-0986
6	LEGAL CLERK.....		71D10	E4	C	1	1	1	2	CLERK TYPIST CLAIMS CLERK.....	GS-0322 GS-0998
7	STENOGRAPHER...		71C10	E4	C	—	1	1	1	LEGAL CLERK..... CLERK TYPIST CLERK STE- NOGRAPHER.....	GS-0986 GS-0322 GS-0312
8	ASST LEGAL CLERK.....		71D10	E3	C	—	—	1	1	CLAIMS CLERK..... LEGAL CLERK..... CLERK TYPIST }	GS-0998 GS-0986 GS-0322

*Check mark indicates categories that will be used to determine population.

≤ TDA Military
 ≤ TOE (Non-Divisional)
 ≤ Trainees

≤ Students
 ≤ Civilian employees
 ≤ Dependents on post

≤ Others under command or legal
 jurisdiction

Note 1. Appropriate grades for officer and enlisted positions will be determined by reference to standards of grade authorization contained in AR 611 series.

Note 2. Increase over yardstick may be necessary at garrisons which function also as apprehendee centers.

Pertinent Publication: AR 27-1.

CHAPTER 3

SCHEDULE X, PROGRAMMED INSTRUCTION.

a. How to Use This Programmed Instruction.

This section is a programmed text which explains in detail how to prepare the Schedule X - Manpower and Workload Data, DA Form 140-4. We will give you information in segments and ask you to participate by answering questions, filling in blanks, or filling in parts of a Schedule X form.

Each segment in the program contains a piece of information we want you to learn. After you complete a segment, turn the page and you will find the correct answer to each question. Fill in all blanks and answer all questions.

As you go through this program, take your time and work at your own pace. Any writing of computations which you wish to do may be done in the Handbook.

b. Introduction.

The Manpower Utilization Survey Report - Schedule X - Manpower and Workload Data, DA Form 140-4, is usually called Schedule X. This is the name we will use throughout this text.

Schedules X are used during manpower utilization surveys to justify the number of personnel employed in Army activities organized under tables of distribution and allowances (TDA's). The same form may be used to get the TDA increased or decreased.

A TDA is a table which prescribes the organizational structure, personnel and equipment authorization of a military unit for which there is no table of organizational and equipment (TOE). Normally this is the document which sets out the organization for an installation. A table of organization and equipment (TOE) is a table which prescribes the normal mission, organizational structure and personnel and equipment requirements for a unit. It is the document which normally prescribes the organization for line units, i.e., company, battalion, division. The TOE of a unit is not altered by a Schedule X.

As a commander or manager, you will be required to prepare Schedules X, a function which will make you responsible for justifying the jobs of the people who work under your supervision. It will also be your responsibility to accomplish the work of the activity with the personnel assigned to you. You will be called on to examine Schedules X prepared by others and to find any errors the forms may contain. These requirements make it important for you to know how to prepare a Schedule X correctly. Inaccurate preparation of this form may result in the loss of jobs for people you need to perform your mission.

To help you learn how to prepare Schedules X, we will use excerpts from Department of the Army Pamphlet 570-551, Staffing Guide for U.S. Army Garrisons. You have already learned how to use it (Reference Army Staffing Guides Programmed Instruction).

The Schedule X - Manpower Workload Data (DA Form 140-4) is designed for use in manpower utilization surveys. The form is used only for activities organized under tables of distribution and allowances (TDA's).

Now lets see what you have learned so far. Strike out the incorrect answer.

Schedules X may/may not be used for activities organized under tables of organization and equipment (TOE's).

ANSWER: May not. Schedules X are not used for TOE units.

Recorded on Schedule X are the —

number and types of personnel employed and, performance
data, showing how personnel are used.

Next page, please.

Fill in the correct answer.

Because Schedules X are used to record the _____ and types of personnel and the _____ data showing how the personnel are used, DA Form 140-4 may be used by TDA activities or their commanding officers to —

1. get an increase or a decrease in a TDA.
2. justify the personnel employed in an activity.

Next page, please.

ANSWER: You should have written number, performance for the last question.

We will go through the actual preparation of a Schedule X, and you will see how it can be used to _____ the personnel in an activity or to get an _____ or a _____ in a TDA.

Go to page 3-9, please.

(THIS PAGE NOT USED)

MANPOWER SURVEY REPORT - SCHEDULE X - MANPOWER AND WORKLOAD DATA For use of this form, see AR 570-4, the proponent agency is the Office of the Assistant Chief of Staff for Force Development.		REPORTS CONTROL SYMBOL CSFOR-76	
MAJOR STAFF ELEMENT	DIVISION	BRANCH	SECTION OR UNIT
DESCRIPTION OF WORK PERFORMED		SHEET NO.	LINE NO.

ANSWER: If you got these correctly you're doing extremely well.

justify

increase, decrease

Staffing guides are valuable to manpower survey teams because they serve as guides to the numbers and types of personnel authorized for most activities similar to those being surveyed.

Staffing guides cannot be applied to all activities on an arbitrary basis. Missions differ, and functions are diversified or combined. There are even some activities which do not conform to any staffing guide and must be appraised on a local basis.

The data in staffing guides help the commander and/or manager of an activity to justify personnel. He should try to do as well as the guide or better than the guide in setting up his activity.

On page 3-8 is the heading at the top of a Schedule X. Fill it in for the Legal Assistance Division of the Office of the Staff Judge Advocate.

The survey team takes care of sheet and line numbers.

After you have accomplished this, turn to the next page.

MANPOWER SURVEY REPORT - SCHEDULE X - MANPOWER AND WORKLOAD DATA				REPORT IS CONTINUED, SYMBOL (CSFOM 7A)	
For use of this form, see AR 570-4, the component agency is the Office of the Assistant Chief of Staff for Force Development.					
MAJOR STAFF ELEMENT	DIVISION	BRANCH	SITUATION ON UNIT	SHEET NO.	TOTAL NO.
Staff Judge Advocate	Legal Assistance	--	--		
DESCRIPTION OF WORK PERFORMED					

ANSWER: Your entries should look like those shown on page 3-10.

So much for that, now lets move on.

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-45: Legal Assistance

Work Performed. Renders legal assistance and advice to active duty, retired military, their dependents and other authorized persons. Prepares legal documents and instruments. Conducts preventive law and income tax programs. Provides notarial services. Establishes and maintains liaison with local civilian attorneys, courts, and professional organizations. Maintains legal assistance records and statistics.

Yardstick	Clients					150	300	600	1200		
	Manpower requirement					2	4	7	12		
	Interval rate .....					.013	.010	.008			
Line	Military positions					Number of positions				Civilian positions	
	Title	BR	Code	Grade	Position delineation					Title	Code
1	CHIEF LEGAL ASSISTANCE	JA	55A	LTC/MAJ	M	1	1	1	1	ATTORNEY ADVISER..... GS-0905 LEGAL CLERK..... GS-0986 CLERK-STENO..... GS-0312 CLERK-TYPIST..... GS-0322 CLERK-TYPIST..... GS-0322 CLERK-TYPIST..... GS-0322	
2	JUDGE ADVOCATE	JA	55A	MAJ	M	—	—	—	1		
3	JUDGE ADVOCATE	JA	55A	CPT	C	—	1	3	6		
4	LEGAL CLERK.....	....	71D30	E6	C	—	1	1	1		
5	LEGAL CLERK.....	....	71D20	E5	C	1	—	1	1		
6	LEGAL CLERK.....	....	71D10	E4	C	—	1	1	1		
7	LEGAL CLERK.....	....	71D10	E3	C	—	—	—	1		

Note 1. Workload data consisting of number of persons assisted (broken out by active duty, retired and dependents) and the type of assistance rendered during each of the previous 12 months will be recorded in the Schedule X.

Note 2. Additional functions such as readiness exercises, preparation for overseas movements and expanded legal assistance program may necessitate an increase in requirements.

Pertinent Publications: AR 608-50 and DA Pam 27-12.

On page 3-12 is the staffing table for the Legal Assistance Division from DA Pam 570-551, Staffing Guide for U.S. Army Garrisons.

When you are making an entry in the "Description of Work Performed" block you must use a yardstick number if the work performed is covered in a staffing guide. Add a statement to cover any differences in activity functions. This statement should include additional work performed or any work included in the staffing table statement which your activity does not perform.

In the "Description of Work Performed" block, enter the statement, "Same as that indicated in Yardstick _____." Copy the yardstick number from the staffing table on page 3-12. (number)

If the work performed in your activity is not covered in a staffing guide, you would write a brief statement describing the work performed in the activity.

Easy isn't it? Turn to page 3-14.

ANSWER: If you didn't get 551-45 you are trying too hard. Look below the title of the table on page 3-12.

You are now reviewing the Schedule X for the Legal Assistance Division. The Division provides expanded legal assistance in local courts to qualified personnel and has assisted in preparing several units for overseas movement.

What statement, if any, would you add to the yardstick number in the "Description of Work Performed" block?

After you have written your answer go to page 3-16.

(THIS PAGE NOT USED)

MANPOWER SURVEY REPORT - SCHEDULE X - MANPOWER AND WORKLOAD DATA				REPORTS CONTINUED SYMBOL CSFOR-76	
For use of this form, see AR 570-4; the proponent agency is the Office of the Assistant Chief of Staff for Force Development.					
MAJOR STAFF ELEMENT	DIVISION	BRANCH	SECTION OR UNIT	SHEET NO.	LINE NO.
Staff Judge Advocate	Legal Assistance				
DESCRIPTION OF WORK PERFORMED					
Same as indicated in yardstick 551-45. Provides expanded legal assistance in local courts to eligible personnel and assists in preparing units for overseas movement.					
YARDSTICK CODE					
WORK UNIT					

If you will look at page 3-16 you will see that an additional statement was included because the provision of expanded legal assistance and the preparation of units for overseas movement are not included in the "normal" work performed by the Legal Assistance Division as described in table 551-45.

In the lower right corner of the "Description of Work Performed" block, you must also enter the Army Management Structure code under which the activity is reported. AMS codes are listed in the AR 37-100 series. The code entry for this activity is AMS CODE 9090.H000.1200. Make this entry in the "Description of Work Performed" block.

Now enter the yardstick code in the block on page 3-16. The work unit, which must be filled in next, is listed on the top line of the staffing table. Turn back to page 3-12 and find the work unit. Enter it in the proper block.

MANPOWER SURVEY REPORT - SCHEDULE X - MANPOWER AND WORKLOAD DATA				REPORTS CONTROL SYMBOL CSFUR-76	
For use of this form, see AR 570-4, the proponent agency is the Office of the Assistant Chief of Staff for Force Development.					
MAJOR STAFF ELEMENT	DIVISION	BRANCH	SECTION OR UNIT	SUB I.T. NO.	LINE NO.
Staff Judge Advocate	Legal Assistance	--	--		
DESCRIPTION OF WORK PERFORMED					
Same as indicated in yardstick 551-45. Provides expanded legal assistance in local courts to eligible personnel and assists in preparing units for overseas movement.					
AMS CODE 9090.H000.1200					
YARDSTICK CODE					
551-45					
WORK UNIT					
Clients					

ANSWER: Your entries should look like those shown on the opposite page
(3-18).

Shall we go on?

The number of clients is the work unit for the Legal Assistance Division.

Some other examples of work units are processed actions, population, and claims processed.

Go to the next page.

If the alinement of functions in an activity differs from that in the staffing guide, an organization chart of the activity surveyed may be included as supplementary information. If you have an activity for which a yardstick is not provided, you should enter in the Yardstick Code block, "Local Appraisal".

Next page, please.

If no yardstick covers the functions of any activity under your supervision, you write _____ in the "Yardstick Code" block.

Turn to page 3-25, please.

(THIS PAGE NOT USED)

[illegible]

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ANSWER: You got the answer to that one didn't you? Local Appraisal is used when there is no yardstick available.

"Section B - Performance Data" is shown on page 3-24. The figures entered in this section are totals taken from cost accounting (time) sheets or other performance records kept in the activity. The required figures are normally available in the activity; so it is not necessary to keep data especially for manpower surveys. However, you should check and see that individual time utilization sheets are kept in your activity, particularly for military personnel.

The commander/manager fills in all the data in this section, including line 3 if the survey team wants this information for comparison with yardstick allowances. if there is no applicable yardstick for an activity, line 3 must always be completed.

Data for the 12 months preceding the date of the survey is used. A minimum of three months data is acceptable for a newly organized activity.

Now we have another question for you to answer, turn the page.

It is not necessary to keep special records for manpower surveys because the figures entered in "Section B - Performance Data" come from _____ sheets kept in the activity.

Turn to page 3-29, please.

(THIS PAGE NOT USED)

SECTION B - PERFORMANCE DATA						
YEAR AND MONTH 19 ____ a	MANPOWER				WORKLOAD	
	AVG STR b	TOTAL MAN- HOURS WORKED c	HRS OP IN MO d	EQUV MAN- MONTHS (c ÷ d) e	NO. OF WORK UNITS f	W/L PER PERSON (f ÷ e) g
DEC	9		152			
JAN	9		168			
FEB	9		152			
MAR	8		160			
APR	7		160			
MAY	7		160			
JUN	7		168			
JUL	8		168			
AUG	9		168			
SEP	9		168			
OCT	8		168			
NOV	8		160			
1. WORKLOAD USED AS BASIS OF APPRAISAL						
2. AVERAGE PRODUCTIVITY						
3. MANPOWER ALLOWANCE						
SURVEY WORKLOAD (1) () = _____ × 1.11 = _____						
AVG PRODUCTIVITY (2) () = _____						

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ANSWER: You goofed if you didn't say cost accounting or time sheets.
They provide the information for Section B - Performance Data.

In Column B, "Average Strength," the commander lists the average number of people used in the activity during each month. When we discuss Section A later, you will see how "other" manpower can increase your average strength per month.

Average strengths should be expressed in whole numbers. When you have less than 0.5, drop the fraction. Fractions of 0.5 or larger should be converted to the next higher whole number.

Turn to page 3-30.

In what form should average strengths in Section B be expressed?

Turn to page 3-33, please.

(THIS PAGE NOT USED)

SECTION B - PERFORMANCE DATA						
YEAR AND MONTH 19 <u> </u>	MANPOWER				WORKLOAD	
	AVG STR b	TOTAL MAN- HOURS WORKED c	HRS OP IN MO d	EQUIV MAN- MONTHS (c ÷ d) e	NO. OF WORK UNITS f	W/L PER PERSON (f ÷ e) g
DEC	9	1429	152	9.4	1180	
JAN	9	1529	168	9.1	1118	
FEB	9	1612	152	10.6	1123	
MAR	8	1620	160	10.1	1095	
APR	7	1479	160	9.2	1135	
MAY	7	1312	160	8.2	1026	
JUN	7	1478	168	8.8	1098	
JUL	8	1546	168	9.2	1180	
AUG	9	1831	168	10.9	1124	
SEP	9	1815	168	10.8	1112	
OCT	8	1580	168		1083	
NOV	8	1616	160		1146	
1. WORKLOAD USED AS BASIS OF APPRAISAL						
2. AVERAGE PRODUCTIVITY						
3. MANPOWER ALLOWANCE						
$\frac{\text{SURVEY WORKLOAD (1)} (\text{ })}{\text{AVG PRODUCTIVITY (2)} (\text{ })} = \text{ } \times 1.11 = \text{ } $						

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ANSWER: The answer to page 3-30 is in whole numbers.

You get the information for columns c, d, and f from activity records. You find the equivalent man-months in column e by dividing total man-hours worked (column c) by the number of hours operated during the month (column d).

We've left the months of October and November in the "Equivalent Man-Months" column blank on page 3-32. Find the values for these two months. Carry each number out to two decimal places and round it to the nearest one decimal place. If you get 0.5 or more, increase it; if you get 0.4 or less, drop it.

To see how you did, turn the page.

SECTION B - PERFORMANCE DATA						
YEAR AND MONTH 19 <u> </u>	MANPOWER				WORKLOAD	
	AVG STR b	TOTAL MAN- HOURS WORKED c	HRS OP IN MO d	EQUIV MAN- MONTHS (c ÷ d) e	NO. OF WORK UNITS f	W/L PER PERSON (f ÷ e) g
DEC	9	1429	152	9.4	1180	126
JAN	9	1529	168	9.1	1118	123
FEB	9	1612	152	10.6	1123	106
MAR	8	1620	160	10.1	1095	108
APR	7	1479	160	9.2	1135	123
MAY	7	1312	160	8.2	1026	125
JUN	7	1478	168	8.8	1098	125
JUL	8	1546	168	9.2	1180	128
AUG	9	1831	168	10.9	1124	103
SEP	9	1815	168	10.8	1112	103
OCT	8	1580	168	9.4	1083	
NOV	8	1616	160	10.1	1146	
1. WORKLOAD USED AS BASIS OF APPRAISAL						
2. AVERAGE PRODUCTIVITY						
3. MANPOWER ALLOWANCE						
SURVEY WORKLOAD (1) (<u> </u>) ÷ <u> </u> = 1.11 = <u> </u> AVG PRODUCTIVITY (2) (<u> </u>)						

DA FORM 1 NOV 73 140-4

ANSWER: If you didn't get 9.4 and 10.1 man-months for October and November respectively, your arithmetic is a little off. Try again.

Now look at the column headed "No. of Work Units" (column f) on page 3-34. In the case of the Legal Assistance Division, these figures represent the number of clients assisted per month. To get the "Work-load Per Person" (column g), you divide the work units by the "Equivalent Man-Months" (column e). We've left two of these again for you to complete. Round your answer to the nearest whole number.

SECTION B - PERFORMANCE DATA						
YEAR AND MONTH 19 <u> </u> a	MANPOWER				WORKLOAD	
	AVG STR b	TOTAL MAN- HOURS WORKED c	HRS OP IN MO d	EQUIV MAN- MONTHS (c ÷ d) e	NO. OF WORK UNITS f	W/L PER PERSON (f ÷ e) g
DEC	9	1429	152	9.4	1180	126
JAN	9	1529	168	9.1	1118	123
FEB	9	1612	152	10.6	1123	106
MAR	8	1620	160	10.1	1095	108
APR	7	1479	160	9.2	1135	123
MAY	7	1312	160	8.2	1026	125
JUN	7	1478	168	8.8	1098	125
JUL	8	1546	168	9.2	1180	128
AUG	9	1831	168	10.9	1124	103
SEP	9	1815	168	10.8	1112	103
OCT	8	1580	168	9.4	1083	115
NOV	8	1616	160	10.1	1146	113
1. WORKLOAD USED AS BASIS OF APPRAISAL					1118	
2. AVERAGE PRODUCTIVITY						117
3. MANPOWER ALLOWANCE						
$\frac{\text{SURVEY WORKLOAD (1) (1118)}}{\text{AVG PRODUCTIVITY (2) (117)}} = \frac{9.6}{1.11} = 10.7 \text{ or } 11$						

DA FORM 1 NOV 73 140-4

ANSWER: Your workload per person should have been October 115,
November 113.

Look at line 1, "Workload Used as Basis of Appraisal." Here the supervisor used the figure 1118. He used 117 as the "Average Productivity" on line 2. These two figures may be an average of the entries in columns f and g, or they may be based on the workload expected in the future.

Line 3, "Manpower Allowance" is used to make adjustments for absences of personnel from duty. Military personnel may be performing special duties, or on TDY. When these conditions are extreme enough to lower productivity substantially, the 1.11 figure may be raised.

Turn to the next page.

Lets consider this manpower allowance again. Assume that the personnel in the Legal Assistance Division are frequently away from their jobs because of temporary duty, military training, guard, etc.

Check the letter beside the action you should take to compensate for these absences.

I would ask the manpower survey team to:

1. decrease the 1.11 figure in line 3, Section B.
2. increase the 1.11 figure in line 3, Section B.
3. add another typist to the section.

Turn to page 3-41, please.

(THIS PAGE NOT USED)

MANPOWER SURVEY REPORT - SCHEDULE X - MANPOWER AND WORKLOAD DATA										REPORTS CONTROL SYMBOL CSFOR-76		
MAJOR STAFF ELEMENT			DIVISION		BRANCH		SECTION OR UNIT		SHEET NO.		LINE NO.	
DESCRIPTION OF WORK PERFORMED												
SECTION A - SUMMARY OF MANPOWER												
YARDSTICK CODE	OFF		WO	ENL	US CIV	NON-US CIV	TOTAL MAN-POWER SUBS TO ALLOC		OTHER MANPOWER		TOTALS	
	a		b	c	d	e	f		g h		i	
WORK UNIT	1. ALLOCATION		2. ACTUAL STRENGTH		3. RECM BY CO		4. RECM BY SURVEY TEAM					
YARDSTICK ALLOWANCE COMPUTATION												

ANSWER: Congratulations if you chose 2. It is correct because it would increase your manpower allowance.

On page 3-40 is "Section A - Summary of Manpower." The information you should enter in most of these columns is obvious from the headings. However, an explanation of two headings might be helpful to you.

"Other Manpower" (columns g and h) is used to record members of TOE units, contract personnel, or employees paid with nonappropriated funds who perform activity functions. Additional examples of "other" personnel are listed in DA Pam 570-4, Manpower Procedures Handbook.

Go to the next page.

Lets make sure you understand columns g and h. Assume we are dealing with an activity which sometimes needs forklift trucks to move equipment. Because this activity does not need them at all times, no forklifts are assigned to it. It uses members of TOE units and their equipment when forklifts are required for the activity.

Check the column in which you would list these TOE personnel.

1. Column c, Enlisted.
2. Column g, Other Manpower, US.

Turn to page 3-45, please.

(THIS PAGE NOT USED)

YAROSTICK CODE		SECTION A - SUMMARY OF MANPOWER									
		OFF	WO	ENL	US CIV	NON-US CIV	TOTAL MAN-POWER SUBJ TO ALLOC	OTHER MANPOWER		TOTALS	
		a	b	c	d	e	f	US g	NON-US h	i	
1. ALLOCATION											
2. ACTUAL STRENGTH											
3. RECM BY CO											
4. RECM BY SURVEY TEAM											
YAROSTICK ALLOWANCE COMPUTATION											

ANSWER: If you checked column g you are on the beam. Since these men are from TOE units, column c is not appropriate. It pertains only to TDA personnel.

Look at lines 1 through 4 on the left side of Section A on page 3-44.

Line 1. Allocation is used to record the number and kinds of people authorized by manpower voucher and shown in the TDA.

Line 2. Actual Strength is used to record the number and kinds of people employed on the survey date.

Line 3. Recm by CO is used to record the number and kinds of people recommended by the Commanding Officer/Manager.

Line 4. Recm by Survey Team is used by the survey team to record its recommendations on the number and kinds of personnel needed in the surveyed activity.

Turn to page 3-46, please.

It's time to see how well you understand Section A. Check the number beside the correct answer.

Line 1 Allocation is used to record the number and kinds of personnel—

1. authorized by the staffing guide.
2. authorized by manpower voucher and shown in the TDA.

To see how well you did, turn to page 3-49.

(THIS PAGE NOT USED)

SECTION A - SUMMARY OF MANPOWER									
	OFF	WO	ENL	US CIV	NON-US CIV	TOTAL MAN-POWER SUBJ TO ALLOC	OTHER MANPOWER		TOTALS
							US	NON-US	
	a	b	c	d	e	f	g	h	i
1. ALLOCATION									
2. ACTUAL STRENGTH									
3. RECM BY CO									
4. RECM BY SURVEY TEAM									

ANSWER: Authorized by manpower voucher and shown in the TDA is the correct answer. Staffing guides are guides and do not authorize manpower levels. Not difficult is it? You have done an outstanding job to this point so let us continue.

Entries in the "Other Manpower" column are recorded in man-month equivalents. DA Staffing Guides have established 168 man-hours as the equivalent of one man working a month.

Therefore, you would record one man in the "Other Manpower" columns for every 168 man-hours of "other" manpower you have used in your activity.

To page 3-50, please.

Here's an example of how this works. Assume that your TDA activity has an agreement with a TOE unit to furnish ten enlisted men three workdays each week. You would figure the equivalent man-hours this way.

10 individuals X 8 hrs/day = 80 hrs/day

80 hrs/day X 12 work days = 960 man-hours/month (3 days X 4 weeks)

168	$\frac{5.7}{960.0}$	or 6 man-month equivalents
	$\frac{840}{1200}$	
	$\frac{1176}{24}$	

You would record 6 in the "Other Manpower" column, in Section A and also include equivalent man-months in the Average Strength (column b) of "Section B - Performance Data." In this example, you would increase your average strength for each month by 6.

Go to page 3-51.

Now, you try to do it. Assume you had 6 individuals from TOE units for 4 days each week, for 4 weeks, what number should you enter in column g, Section A, "Other Manpower"? Use the space below for your work.

You would also increase the average strength in "Section B - Performance Data" by .
(number)

Did you "max" this one? The next page will tell you.

ANSWER: You should have entered 5 in column g, Section A, "Other Manpower".

6 individuals X 8 hrs/day = 48 hrs/day

48 hrs/day X 16 work days = 768 man-hours/month
(4 days X 4 wks)

168 $\frac{4.5}{768.0}$ or 5 man-month equivalents

You should have also entered 5 in the "Average Strength" column of "Section B - Performance Data".

Turn to page 3-55.

(THIS PAGE NOT USED)

SECTION A - SUMMARY OF MANPOWER									
	OFF a	WO b	ENL c	US CIV d	NON-US CIV e	TOTAL MAN- POWER SUBJ TO ALLOC f	OTHER MANPOWER		TOTALS i
							US g	NON-US h	
1. ALLOCATION									
2. ACTUAL STRENGTH									
3. RECM BY CO									
4. RECM BY SURVEY TEAM									

Your table of distribution and allowances shows 4 officers, 4 enlisted and 1 civilian for the division. Enter 4 in column a, 4 in column c and 1 in column d.

Your actual strength on the date of the manpower utilization survey is 4 officers, 3 enlisted and 1 civilian. Enter this number in the same columns on line 2.

As the supervisor of this activity you believe that two more officers are needed to perform the functions of the division. Enter this number in the appropriate columns of line 3.

Leave line 4 blank for the present.

On to page 3-57.

SECTION A - SUMMARY OF MANPOWER									
	OFF a	WO b	ENL c	US CIV d	NON-US CIV e	TOTAL MAN- POWER SUBJ TO ALLOC	OTHER MANPOWER		TOTALS f
							US g	NON-US h	
1. ALLOCATION	4		4	1		9			9
2. ACTUAL STRENGTH	4		3	1		8			8
3. RECM BY CO	6		4	1		11			11
4. RECM BY SURVEY TEAM									

The correct entries are shown on page 3-56. If you missed this one, you didn't read correctly. Go back to page 3-55 and read it again.

SECTION A - SUMMARY OF MANPOWER									
	OFF a	WO b	ENL c	US CIV d	NON-US CIV e	TOTAL MANPOWER SUBJ TO ALLOC f	OTHER MANPOWER		TOTALS j
							US g	NON-US h	
1. ALLOCATION									
2. ACTUAL STRENGTH									
3. RECM BY CO									
4. RECM BY SURVEY TEAM									

Assume you are the Chief, 6th Region Army Board for Correction of Military Records organized under a TDA which shows 3 officers, 1 warrant officer, and 14 enlisted men. The workforce is at the authorized level on the date of the manpower utilization survey. You believe the activity would operate more effectively with the addition of 2 civilian clerk typists to prepare and maintain the records required by regulations.

Make the proper entries on lines, 1, 2, and 3 in "Section A - Summary of Manpower" on page 3-58, and then turn to page 3-61.

SECTION A - SUMMARY OF MANPOWER									
	OFF a	WO b	ENL c	US CIV d	NON-US CIV e	TOTAL MAN- POWER SUBJ TO ALLOC f	OTHER MANPOWER		TOTALS i
							US g	NON-US h	
1. ALLOCATION	3	1	14			18			18
2. ACTUAL STRENGTH	3	1	14			18			18
3. RECM BY CO	3	1	14	2		20			20
4. RECM BY SURVEY TEAM									

If your entries agree with those on page 3-60, you hit it right on the nose.

Pretty easy wasn't it?

Turn to page 3-63, please.

"Section C - Manpower," shown on page 3-62 is used to record the number of personnel authorized and actually being used in the activity by rank or grade, with their job titles.

The staffing guide may help you here. However, in most cases, not all job titles will be the same.

The entries shown on page 3-62 are those for the Legal Assistance Division.

Turn to page 3-65.

[illegible]

SAMPLE

Lets try this once more. Assume that you have an Administrative Law Division under your supervision.

Your authorized strength consists of:

1 Chief Administrative Law	MAJ
3 Assistant SJA's	CPT
1 Clerk-Typist	E-5
1 Secretary-Steno	GS-5

The activity is up to strength except that captains fill all of the officer positions and the clerk-typist is an E-3.

Enter this information in the appropriate columns on page 3-64.'

Turn to page 3-67, please.

[illegible]

AMS CODE:

TOA PARA:

That wasn't hard, was it?

Your entries should look like those on page 3-66.

Now that we have mastered Section C, we must move on, turn to page 3-69.

YARDSTICK ALLOWANCE COMPUTATION

SECTION B - PERFORMANCE DATA

YEAR AND MONTH 19 <u> </u> a	MANPOWER				WORKLOAD	
	AVG STR b	TOTAL MAN- HOURS WORKED c	HRS OP IN MO d	EQUIV MAN- MONTHS (c + d) e	NO. OF WORK UNITS f	W/L PER PERSON (f + e) g
DEC	9	1429	152	9.4	1180	126
JAN	9	1529	168	9.1	1118	123
FEB	9	1612	152	10.6	1123	106
MAR	8	1620	160	10.1	1095	108
APR	7	1479	160	9.2	1135	123
MAY	7	1312	160	8.2	1026	125
JUN	7	1478	168	8.8	1098	125
JUL	8	1546	168	9.2	1180	128
AUG	9	1831	168	10.9	1124	103
SEP	9	1815	168	10.8	1112	103
OCT	8	1580	168	9.4	1083	115
NOV	8	1616	160	10.1	1146	113
1. WORKLOAD USED AS BASIS OF APPRAISAL					1118	
2. AVERAGE PRODUCTIVITY						117
3. MANPOWER ALLOWANCE						
$\frac{\text{SURVEY WORKLOAD (1) (1118)}}{\text{AVG PRODUCTIVITY (2) (117)}} = \frac{9.6}{1.11} = 10.7 \text{ or } 11$						

DA FORM 1 NOV 73 140-4

Let's get back to the Legal Assistance Division. As noted earlier, the legal assistance workload is measured by clients. We will now examine the Yardstick Allowance Computation block of the Schedule X.

This Yardstick Allowance Computation block is intended to compare item 3, Section B, Manpower Allowance with the Yardstick Code manpower requirements as found in DA Pam 570-551, Staffing Guides for U.S. Army Garrisons. Remember the yardstick for the Legal Assistance Division is on page 3-12.

For example, in our example, the number of clients assisted is given as 1118. To determine the manpower requirement the Yardstick Allowance Computation would be completed as follows.

7 (manpower requirement for 600 clients assisted per month) + 518 (difference between the total number of clients actually assisted per month and 600 clients) X .008 (interval rate) = 11 (manpower requirement)

The actual entry in the Yardstick Computation Allowance is shown:

$$7 + (518 \times .008) = 11$$

Turn to page 3-71, please.

1 August 1981

Section IV. STAFF JUDGE ADVOCATE—Continued

Applicable at Type A \leq B \leq C \leq D \leq installations

★ Table 551-46: Claims

Work Performed. Processes and investigates claims or potential claims for or against the United States and processes third party claims, including those arising from activities of the Army, Department of Defense, nonappropriated funds, and Army National Guard personnel while engaged in duty or training. Provides information and forms to potential claimants and processes claims submitted by military and civilian personnel for personal injury, death, and loss of, or damage to, household goods and other personal property. Prepares claims against carriers, insurers, warehousemen and other third parties. Processes medical malpractice cases against the United States. Makes final adjudication of claims or prepares recommendation and forwards to higher headquarters. Prepares reports, including litigation reports concerning suits in favor of or against the United States arising from the operation of the Army and its agencies, Medical Care Recovery Act litigation, the Federal Tort Claims Act, and other Federal Statutes. Assists the US Attorney, as required. Reports operational statistical and budget data along with other financial information to the United States Army Claims Service.

Yardstick	Claims processed	75	150	300
	Manpower requirement	4	7	12
	Interval rate .....	.04		.03

1. WORKLOAD USED AS BASIS OF APPRAISAL	180
2. AVERAGE PRODUCTIVITY	24.9
3. MANPOWER ALLOWANCE	
$\frac{\text{SURVEY WORKLOAD (1) } (180)}{\text{AVG PRODUCTIVITY (2) } (24.9)} = \frac{7.2}{1.11} = 7.99 \text{ or } 8$	

Let's look at the Claims Section. Using the staffing guide scale and Section B of the Schedule X, on page 3-70, here is the formula to find personnel allowances when they fall between values on the staffing guide scale:

Number of personnel at lower level

plus

(Section's work units minus work units for lower level on staffing guide)

multiplied by

the interval rate

Now substitute values in the formula:

$$7 + [(180* - 150) \times .03] =$$

$$7 + [30 \times .03] =$$

$$7 + [.9] = 7.9 \text{ or } 8$$

Your entry in the "Yardstick Allowance Computation" block should be:

$$7 + [(180 - 150) \times .03] = 7.9 \text{ or } 8$$

* From line 1, "Section B - Performance Data"

Next page, please.

Suppose we try the "Yardstick Allowance Computation" once more using different values and the same yardstick (page 3-70). Assume that the number of work units used as a basis of appraisal was 210. Find the personnel allowance for the activity. Use the space below for your figures.

Turn to page 3-75.

(THIS PAGE NOT USED)

SECTION A - SUMMARY OF MANPOWER

SECTION A - SUMMARY OF MANPOWER									
	OFF a	WO b	ENL c	US CIV d	NON-US CIV e	TOTAL MAN- POWER SUBJ TO ALLOC f	OTHER MANPOWER		TOTALS i
							US g	NON-US h	
1. ALLOCATION	4		4	1		9			9
2. ACTUAL STRENGTH	4		3	1		8			8
3. RECM BY CO	6		4	1		11			11
4. RECM BY SURVEY TEAM	6		4	1		11			11

SECTION C - MANPOWER

[illegible]

ANSWER: Here's the correct answer to page 3-72.

$$7 + [(210 - 150) \times .03] =$$

$$7 + [(60) \times .03] =$$

$$7 + 1.8 = 8.8 = 9 \text{ (Values of 0.5 or more are rounded off to the next higher number, below 0.5 are dropped.)}$$

When the manpower survey team completes its study of an activity, the team's personnel recommendations are listed on line 4, Section A.

Go to page 3-76.

"Section D - Specific Remarks," on the back of Schedule X, is most important to the activity commanding officer or manager. It provides the commander with a space for specific justification of his personnel needs. The commanding officer is responsible for using his personnel efficiently, and it is up to him to justify the personnel authorized and the personnel used or recommended in excess of the yardstick allowance. Comments in block 1 should be brief and to the point. They should include local factors that affect personnel needs, adequacy of the yardstick for the local situation, and any other information required to justify and measure manpower needs. Quoting workload and performance data is the best way to justify the personnel required.

Always keep in mind that it is necessary for you to know an organization and the type of people it needs before you can write a realistic justification of its personnel requirements. In the case of our Legal Assistance Division you would want to emphasize the personnel needs of the expanded legal assistance program and of the preparation of units for overseas movement.

Neither of these activities are taken into account in the Yardstick Allowance.

You're almost finished, next page please.

If you do not have enough space in block 1 of Section D to supply all necessary information, you should use continuation sheets. These sheets should be plain bond paper, typed and alined to correspond to the Schedule X form. Continuation sheets are not divided like the original of Section D. The commanding officer and the survey team use separate sheets.

Well, that's about all there is to a Schedule X. It's not so difficult is it? There is just one thing left for us to do now and that's take a look at the completed Schedule X for the Legal Assistance Division on the next page.

MANPOWER SURVEY REPORT - SCHEDULE X - MANPOWER AND WORKLOAD DATA										REPORTS CONTROL SYMBOL CSFOR-76	
For use of this form, see AR 570-4; the proponent agency is the Office of the Assistant Chief of Staff for Force Development.				DIVISION		BRANCH		SECTION OR UNIT		SHEET NO.	
MAJOR STAFF ELEMENT Staff Judge Advocate				Legal Assistance		---		---		LINE NO	
DESCRIPTION OF WORK PERFORMED Same as indicated in yardstick 551-45. Provides expanded legal assistance in local courts to eligible personnel and assists in preparing units for overseas movement.											
AMS CODE 9090.H000.1200											
SECTION A - SUMMARY OF MANPOWER											
YARDSTICK CODE		551-45									
WORK UNIT		OFF		WO		ENL		US CIV		NON-US CIV	
Clients		4		4		3		1		8	
1. ALLOCATION		4		4		4		1		9	
2. ACTUAL STRENGTH		4		4		3		1		8	
3. RECM BY CO		6		6		4		1		11	
4. RECM BY SURVEY TEAM		6		6		4		1		11	
SECTION C - MANPOWER											
YARDSTICK ALLOWANCE COMPUTATION		7 + (518 x .008) = 11.1 or 11		ALLOC STR		RANK OR GRADE		ACTUAL STR		RANK OR GRADE	
7 + (518 x .008) = 11.1 or 11		1		MAJ		1		1		CPT	
Chief, Legal Assistance		3		CPT		3		3		CPT	
Judge Advocate		1		E-6		1		1		E-6	
Senior Legal Clerk		1		E-5		-		-		-	
Legal Clerk		1		E-4		1		1		E-3	
Legal Clerk		1		E-3		1		1		E-2	
Clerk-Typist		1		GS-3		1		1		GS-3	
SECTION B - PERFORMANCE DATA											
YEAR AND MONTH		TOTAL MAN- HOURS WORKED		HRS OP IN MO		EQUIV MAN- MONTHS (c + d)		NO. OF WORK UNITS		W/L PER PERSON (f + g)	
DEC		9 1429		152		9.4		1180		126	
JAN		9 1529		168		9.1		1118		123	
FEB		9 1612		152		10.6		1123		106	
MAR		8 1620		160		10.1		1095		108	
APR		7 1479		160		9.2		1135		123	
MAY		7 1312		160		8.2		1026		125	
JUN		7 1478		168		8.8		1098		125	
JUL		8 1546		168		9.2		1180		128	
AUG		9 1831		168		10.9		1124		103	
SEP		9 1815		168		10.8		1112		103	
OCT		8 1580		168		9.4		1083		115	
NOV		8 1616		160		10.1		1146		113	
1. WORKLOAD USED AS BASIS OF APPRAISAL		1118		1118		117		117		117	
2. AVERAGE PRODUCTIVITY		1118		1118		117		117		117	
3. MANPOWER ALLOWANCE		1118		1118		117		117		117	
SURVEY WORKLOAD (1) (1118) = 9.6		1118		1118		117		117		117	
AVG PRODUCTIVITY (2) (117)		117		117		117		117		117	
10.7 or 11		10.7		10.7		10.7		10.7		10.7	
AMS CODE:		9090.H000.1200		9090.H000.1200		9090.H000.1200		9090.H000.1200		9090.H000.1200	
YOA PARA:		YOA PARA:		YOA PARA:		YOA PARA:		YOA PARA:		YOA PARA:	

4.2 Manpower Survey Report Forms.

DATE OF REPORT	DATA AS OF	STATION AND ADDRESS (include ZIP Code)	YDA DESIGNATION	REPORTS CONTROL SYMBOL CSFOR-76
<p>ACTIVITY</p> <h2>MANPOWER SURVEY REPORT</h2> <p>For use of this form, see AR 570-4; the proponent agency is the Office of the Assistant Chief of Staff for Force Development.</p> <p>COMPOSITION OF THE REPORT</p> <p>DA Form 140 - GENERAL FORM (serves as cover sheet)</p> <p>DA Form 140-1 - REMARKS</p> <p>DA Form 140-2 - SCHEDULE A - MANPOWER INVENTORY</p> <p>DA Form 140-3 - SCHEDULE T - IDENTIFICATION OF OTHER MANPOWER</p> <p>DA Form 140-4 - SCHEDULE X - MANPOWER AND WORKLOAD DATA</p> <p>DA Form 140-5 - SCHEDULE A - MANPOWER INVENTORY (Continuation Sheet)</p>				
<p>NOTE:</p> <p>This report is prescribed by AR 570-4, Manpower and Equipment Control - Manpower Management. Examples and detailed instructions for the preparation of this report are contained in DA Pamphlet 570-4, Manpower Procedures Handbook.</p>				
MAJOR COMMAND	TYPED NAME AND GRADE OF SURVEY TEAM CHIEF		SIGNATURE OF SURVEY TEAM CHIEF	

SAMPLE

THE VARIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

DA FORM 140

CSFOR-76

(THIS PAGE NOT USED)

MANPOWER SURVEY REPORT - REMARKS For use of this form, see AR 570-4; the proponent agency is Office of the Assistant Chief of Staff for Force Development.		1. SHEET NO.	2. LINE NO.	REPORTS CONTROL SYMBOL CSFOR-76
3. CHECK APPLICABLE BLOCK: <input type="checkbox"/> SURVEY TEAM GENERAL REMARKS (complete item 4, only, and file after Commander's General Remarks.) <input type="checkbox"/> COMMANDER GENERAL REMARKS (complete item 4, only, and file after Coversheet, DA Form 140.) <input type="checkbox"/> SURVEY TEAM SPECIFIC REMARKS (If this block is checked, complete items 1, 2, and 4 and file with Schedule X.)				
4. REMARKS: (If more space is required, continue on plain paper 10 1/2" x 8")				

SAMPLE

FOR EXAMPLES AND INSTRUCTIONS, SEE APPENDIX D, DA PAMPHLET 570-4

DA FORM 140-1

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

U.S. GPO. 1974-840-642/8623

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MANPOWER SURVEY REPORT - SCHEDULE T - IDENTIFICATION OF OTHER MANPOWER For use of this form, see AR 570-4, the proponent agency is Office of the Assistant Chief of Staff for Force Development.				Sheet _____ of _____ Sheets		REPORTS CONTROL SYMBOL CSFOR-76								
REFERENCE		SOURCE OF OTHER MANPOWER BY UNIT OR TYPE	MANPOWER USED				RECOMMENDED BY SURVEY TEAM				TOTAL P			
L I N E N O.	SHEET b		LINE c	MILITARY		CIVILIAN		MILITARY		CIVILIAN				
			OFF u	WO f	ENL g	US h	NON- US i	TOTAL j	OFF k	WO l	ENL m	US n	NON- US o	
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18														18
TOTALS														SAMPLE

FOR EXAMPLES AND INSTRUCTIONS, SEE DA PAMPHLET 570-4.

REPLACES DA FORM 140-3, 1 NOV 66, WHICH IS OBSOLETE.

DA FORM 140-3

(THIS PAGE NOT USED)

REPORTS CONTROL SYMBOL
CSFOR-76

For use of this form, see AR 570-4. The proponent agency is the Office of the Assistant Chief of Staff for Force Development.

MAJOR STAFF ELEMENT	DIVISION	BRANCH	SECTION OR UNIT	SHEET NO.	LINE NO.
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DESCRIPTION OF WORK PERFORMED	DATE	TIME	INITIALS
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SECTION A - SUMMARY OF MANPOWER

	OFF a	WO b	ENL c	US CIV d	NON-US CIV e	TOTAL MAN- POWER SUBJ TO ALLOC f	OTHER MANPOWER US g NON-US h	TOTALS i
1. ALLOCATION								
2. ACTUAL STRENGTH								
3. RECM BY CO								
4. RECM BY SURVEY TEAM								

YARDSTICK ALLOWANCE COMPUTATION

SECTION C - MANPOWER

[illegible]

SAMPLE

TOA PARA:

AMS CODE:

3. MANPOWER ALLOWANCE

$$\frac{\text{SURVEY WORKLOAD (1)}}{\text{AVG PRODUCTIVITY (2)}} = \frac{\quad}{\quad} = \quad \text{or } 0.00 =$$

SECTION D - SPECIFIC REMARKS

COMMANDER

THIS COPY IS NOT FOR THE RECORD

MANPOWER SURVEY REPORT - SCHEDULE A - MANPOWER INVENTORY - Continuation Sheet For use of this form, see AR 570-4; the proponent agency is Office of the Assistant Chief of Staff for Force Development.										Sheet <u> </u> of <u> </u> Sheets		REPORTS CONTROL SYMBOL CSFDR-76		
MANPOWER RECAPITULATION										MANPOWER RECOMMENDED BY SURVEY TEAM				
SUBJECT TO ALLOCATION										SUBJECT TO ALLOCATION				
MILITARY										MILITARY				
CIVILIAN										CIVILIAN				
OTHER										OTHER				
TOTAL										TOTAL				
L I N E NO.										L I N E NO.				
SECTION B - ORGANIZATIONAL SEGMENT														
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CHECKLISTS FOR MANPOWER SURVEY TEAMS.

A. GENERAL

1. Examine the Mission and Functions.

a. When and why was the branch or separate office established?

b. Establish the mission and functions in directives from higher authority if possible. Where not possible, determine internal authority.

c. Is mission statement clear and free from ambiguous terms? If not, have activity clarify it, eliminating or explaining technical jargon.

d. Are there special missions, projects, or functions being performed which are not established in basic mission or functions? (related to paragraph 1b)

e. Are any of the function statements so ambiguous or incomplete as to limit clear understanding and study? If so, get the facts and clarify.

f. Is every function necessary for mission accomplishment, i.e., can every function be traced directly to mission statement? If not, question validity of function and need for the work.

g. Could any function being performed by the activity be performed as well or better in the field or in another activity? If so, is it practicable to transfer function? Should it be done by assigning the function to the field activity or by moving the activity to the field? Will it be necessary to transfer billets? Will it be necessary to transfer personnel?

h. Determine whether the reason for function accomplishment still exists, even though no directive has cancelled it.

i. Is each function specifically assigned for accomplishment? If not, what can be done to improve functional assignments?

j. Are any functions assigned to more than one organizational unit at the same level? If so, investigate thoroughly for duplication of effort in tasks, sub-functions, or entire functions.

k. Has an effort been made to see whether combining, changing, or splitting up of functions and assignments would save manhours or provide greater accuracy?

l. Are any functions required but not being performed? If so, question whether it is a valid function; should it be eliminated on paper, if possible, as well as in fact.

2. Examine Organization Charts and Tables of Distribution.
Ask such questions as:

a. Is the organization structure simple; are there too many small units and subgroups leading to over-review, wasted effort, and delay?

b. Does the organization structure appear to be an effective one for accomplishing the work?

c. When was the branch or office last reorganized? What was the reason? Does the supervisor or branch head think the present organization is better?

d. Was the organization structure planned, or did it just happen?

e. Can any organizational element be eliminated? If so, which? How? With what effect?

f. Does each supervisor have ONLY the number of personnel reporting to him directly that he can effectively coordinate and direct? (Usual number is 3 to 7, but will vary with nature of work, distance involved in supervision.)

g. Does any member of the activity report to more than one supervisor? If so, why?

h. Is the person responsible for accomplishing the work delegated sufficient authority to perform it adequately—authority should be delegated as far down to the command line as practicable and should always accompany responsibility.

i. Does each employee know to whom he reports and who reports to him?

j. Is "who does what" absolutely clear—avoid duplication and overlapping.

k. Are there enough people in each section to justify its existence as a separate unit? If not, should any of them be combined to minimize or eliminate over-organization?

l. Does the branch head believe his organization structure should be improved? Or does he think it is quite adequate in terms of using manpower and money to full advantage?

m. Is supervision adequate? Do supervisors know what is going on?

n. Check evidence of dual supervision, i.e., military and civilian supervisors who supervise the same personnel at the same level.

o. Is there evidence of informal organization other than the approved one?

3. Workload—Ask such questions as:

a. Are workload records kept? Are they revealing when analyzed?

b. Is there a backlog? How old is it? What causes it? Can it be postponed without bad effects? What is being done to eliminate it? Estimated manhours or days to remove it.

c. Distinguish between essential work and desirable work. Is it based on directive from higher authority?

d. Try to distinguish between what people really do and what they say they do.

e. Is all the work produced by lower echelons actually required and used by higher echelons?

f. Is any sizable portion of work sporadic or seasonal? When does it occur? How long does it last? Can it be performed by shifting personnel of division or department temporarily?

g. Is workload trend up or down? If trend is up, can anything be done to level it off? If down, how soon can billets be released?

h. Does there appear to be a feeling that things are done (or not done) in a particular way only "because it's always been that way?"

i. How much manual processing is being performed that should properly be done on machines, e.g., machine accounting, or bookkeeping machines, to save manpower?

j. What effort is being made to simplify work and eliminate unnecessary steps? Are the Work Simplification techniques used?

k. When operations or requirements change, are they reviewed to see whether improvements are possible?

l. Are there any improvements that were supposed to have been made, but on which no action has been taken? What are they? Are they still feasible?

m. Could any operations being performed be combined with others to save steps?

n. Is there an overlap of workload being performed by this branch and by any other organization?

o. Is any part of the workload more properly a responsibility of another organization?

p. Have realistic quantity standards been set when standards are feasible? Are they being met?

q. Is the quality standard higher than use justifies? Are there excessive reviews? Does this add to workload unnecessarily? Are pen corrections made when feasible to avoid retyping?

r. Are errors a cause of excessive workload? If so, what causes them? Can they be eliminated at source?

s. Has overtime been worked to meet deadlines or to finish routine work? Would better planning and scheduling eliminate need for overtime work?

4. Personnel Utilization—Ask such questions as:

a. Is staffing based on workload—or vice versa through self-generated projects which attempt to justify a staff larger than

required for accomplishing essential work?

b. Is the branch head able to demonstrate a need for the authorized staffing?

c. Is each officer position of the branch fully justified?

d. Are personnel held during slack time in anticipation of increased future workloads?

e. Is there a plan for shifting employees among jobs when peak or slack workload conditions arise?

f. Does the organization have military personnel in civilian-type billets, or vice versa?

g. Are there obvious idleness, congregating, and empty desks?

h. Are messenger runs made by least expensive personnel?

i. Are poor supervision, lack of available skills, or cushioning against manpower cuts leading to overstaffing?

j. Can supervisors account for every absentee?

k. If possible, check on quantitative basis productivity of branch and/or of selected individuals.

l. Do higher skilled personnel perform higher skilled work?

m. Does existing centralization obtain greatest use of and benefit from specialization of personnel?

n. Can typing pools be used effectively to assist in accomplishing peak loads and be moved as required?

o. Is job dilution practiced on hard-to-fill positions wherever practicable, so that specially skilled employees can be used mainly on work requiring their particular abilities and highest skills?

p. Are standard methods and procedures down in writing? If not, should they be to make better use of manhours?

q. Does physical layout keep waste motions to a minimum?

r. Do personnel assigned to the various operations within the branch appear to be interested in their work? If not, does it appear to reduce the productivity of the activity?

5. Questions to be asked workers at interview.

a. Are your abilities and skills being fully utilized, e.g., if you are a stenographer, are you getting sufficient dictation? If a typist, sufficient typing?

b. Do you have sufficient work to keep you busy?

c. Is your workload heavier than you can handle?

d. Do you feel that any of the work you do can be simplified or eliminated? Do you know if your work duplicates the work of anybody else inside or outside of your immediate office?

e. Are you being supervised by more than one person? Is this causing confusion or affecting office operations?

f. Have you ever submitted a Beneficial Suggestion to improve or simplify the work in your office?

6. Correspondence and Records—Ask such questions as:

a. Is unclassified correspondence and other material unnecessarily logged or otherwise controlled?

b. Is there a clear policy for the assignment of correspondence for action?

c. What echelons scan correspondence prior to arrival at action level? Is there unnecessary delay?

d. Are form letters or form paragraphs used wherever possible? If not, can they be used to reduce workload?

e. Who signs correspondence? Should it be signed at that level? Would it save manhours if it were signed at a different level?

f. Are non-essential file copies being retained?

g. Are records and other reference material kept in such a way as to permit looking up information with a minimum loss of time?

7. Factors to Bear in Mind During Manpower Survey.

a. Survey team members will be required to make a report on the branch being surveyed, with findings and recommendations. The following factors will assist team members to arrive at recommendations.

(1) Eliminate or curtail low priority or unnecessary functions and work processes.

(2) Re-direct efforts of individuals and organizational elements from non-productive to productive work.

(3) Combine or re-arrange work processes or functions to make more effective organization and operations.

(4) Decentralize to field commands any responsibilities appropriate for performance at that level.

(5) Recommend revised manning of the organization, assuming acceptance of other recommendations.

b. All recommendations should be backed up by objective, factual data, or opinions of those workers or supervisors primarily concerned. Statements of fact must be irrefutable.

B. TYPE OF ELEMENT. SECTION LEVEL. Office of the Chief.

1. Is there an authorization for a Deputy and Executive?

2. If so, what are the specific duties performed by each?

3. How much time is spent away from the office in travel (days per month) by: Chief? Executive? Deputy?

4. Is a civilian assistant retained in the Office of the Chief for sake of continuity?

5. Are his duties different from those of the military?
6. Who reviews papers and work?
7. Are deadlines usually met?
8. What solution can you suggest to reduce or eliminate the backlog or solve the deadline problem other than by an increase in personnel?
9. Is there a standing operation procedure?

Clerical Assistance

1. Does the steno-typist have any other duties (such as time and attendance reports, sick leave, etc.)?
2. If more than one steno-typist is authorized, list the specific duties of each and justification for more than one?
3. What is the ratio of action officers per steno-typist in the section as a whole?

ADMINISTRATIVE BRANCH OR OFFICE. Office of the Chief.

1. Are civilians fully utilized in this type of function?
2. Are warrant officers or civilians fully utilized in the support of such administrative function as—

Top Secret Control?
 Message Center (to include central files and library)?
 Supply?
 Drafting?

Message Center

1. Can the operation be measured by a yardstick?
2. What kind of messenger service is furnished—

To the Division?
 Within the Division?
 (No. of pick-ups and deliveries?)
 (Time for each trip?)
 (No. of messengers employed?)

3. Is there excessive logging in and out of papers?

Top Secret Control

Is the workload fairly constant during the day or is there a peak workload the first thing in the morning and the last thing in the afternoon?

Controls Files and Library

Are these functions near each other to reduce the number of supervisors?

Drafting Room

1. Is there authority for or necessity for a drafting room?
2. Does a sampling of the work or backlog indicate proper utilization of personnel (making charts, graphs, overlays, etc.) or is most of the time spent in making nameplates and miscellaneous signs?

Reproduction Copying

Is this branch authorized personnel and equipment for this function, or has it been centralized in the AG Section?

Supply Room

1. Local appraisal—considerations:
 - a. Requisition cycle
 - b. Line items stocked, stored and issued
 - c. Hours of operation
 - d. Expendable and nonexpendable
 - e. Accounts processed (M/R)

BRANCH LEVEL

1. Who reviews work on papers?
2. Does the authorization provide for a military and civilian Chief of the Branch?
3. What is the trend of workload in the past six months?

Increasing?
Decreasing?
Status?
Percent of change?

4. Is there a backlog of work? How large? When have steps been taken other than overtime to reduce the backlog?

5. What solution can you suggest to reduce the backlog without personnel?

6. What overtime was worked during the past six months (manhours per month)?

7. Is the backlog or deadline problem urgent?

8. Do you have any continuing or unusual problem, i.e., organizational or procedural? Describe.

9. Does sick leave present a problem?

10. Time required for military training? (Hours per week per man?)

11. Have the Branch Chief account for each individual authorized to include:

- a. Regular duties?
- b. Periodic duties?
- c. Occasional duties?

12. Are you satisfied with what you have been told? Do you feel that it is necessary to see any of the operations, reports, files, cases, backlog, etc.?

DIVISION LEVEL. Office of the Chief.

1. Does the authorization provide for a Division Executive?

2. Does the Division Executive have responsibility for supervision over a branch or group of branches within the Division in addition to his administrative duties?

3. Does the authorization provide for a key civilian in the Office of the Chief for sake of continuity?

4. How do his duties differ from those of the military executive officer?

5. Is there complete justification for both?
6. How much time is spent away from the office in travel (days per month) by: Division Chief? Executive? Administrative Assistant?
7. Does the authorization provide for a special projects officer? Why?
8. Could the work performed by this officer be distributed among the operating section?
9. Does the authorization provide for a Management Officer? Why?
10. Who reviews papers?

Clerical Assistance

1. What is the ratio of steno-typist to action officers in the Office of the Chief?

Each Branch

The Division as a whole

2. Does the steno-typist in the Office of the Chief perform other duties? Time required for each function?

C. DIVISION ADMINISTRATION

1. Are the following functions centralized—
Travel Orders?
Travel Vouchers?
Transportation requests?
Leave Orders?

How many people are authorized?
2. Does the Division provide messenger service to the branches?

Deliveries per day?
Time required per delivery?
Number of messengers?

CHAPTER 4

BUDGETING FOR LEGAL SERVICES

I STAFF JUDGE ADVOCATE BUDGET FORMULATION AND FORMS.

Each installation has its own method of developing its budget. The forms used in this section suggest one way in which the staff judge advocate can organize his justification for his financial needs.

Command Operating Budget

A procedure common to most budgetary exercises at the installation is the budget cycle, basic to developing the Command Operating Budget or Installation Operating Budget, Budget Execution Review (BER), and subsequent updates. Generally, the steps are as follows:

(1) Receipt of Budget and Manpower Guidance (BMG) by the installation commander from the major Army commands, dissemination is made to directorates by the Comptroller with administrative guidance.

(2) Major activity chiefs or directors (MAD) determine changes required to BMG and feedback to the Comptroller for preparation of a draft installation budget.

(3) Draft Command Operating Budget (COB) is considered by Program and Budget Advisory Committee (PBAC) which is similar to a board of directors. Usually this committee is composed of the functional staff. PBAC makes recommendations to the Commanding Officer.

(4) After approval by the Commanding Officer (CO), COB is furnished to the major activity director (MAD) who, in turn, provides guidance to those activities under his command.

(5) Activities' schedules of requirements are reviewed by MAD who makes changes, as necessary, considering his overall requirements for his area of command.

(6) MAD submits their segments to the Comptroller who drafts the installation or Command Operation Budget.

(7) PBAC considers draft and makes recommendations to the Commander.

(8) Commander approves and submits to the Major Army Command, which after similar actions, submits to the Department of the Army, who then uses these budgets to request funds from Congress.

(9) Execution of the installation budget normally begins with the receipt of the Approved Operating Budget (AOB) or Funding Authorization document (FAD) at the end of the FY from the major command. This is usually the second AOB or FAD for upcoming FY as one was received and used earlier to prepare the COB. In instances where the Appropriations Act has not been passed by the Congress, operations continue based on a Joint or Continuing Resolution of Congress; usually at the approximate rate for the same period for the previous year, less any major one-time expenditures.

Preparing the Staff Judge Advocate Budget

The budget serves as a justification for the money needed by a staff judge advocate to accomplish his mission. Some of the uses of the budget are the following:

(1) Tool for planning. Budgeting forces the staff judge advocate to state the job which has to be done (mission) and the resources necessary to perform it.

(2) A yardstick to measure results. A budget provides a means by which the staff judge advocate can compare actual accomplishments with planned accomplishments and draw conclusions as to the effectiveness of the organization.

(3) A means to obtain planned results. A budget allows the staff judge advocate to establish objectives and standards and to monitor progress of subordinates in accomplishing these goals.

The staff judge advocate budget is formulated by increments—that is, adjustments are made to last year's budget based on mission changes, changes in requirements, routine replacement of equipment, etc. Any new activity or item must be justified based on need.

Budget Formulation

There are four steps in the budget formulation process:

(1) Determine funded requirements. This step consists of analyzing the activities in last year's budget and comparing those activities with anticipated requirements in the coming fiscal year. If there is no substantial change in mission, requirements should be about the same for both years. Activities are then listed in order of priority with any mandatory budget floors or mandatory expenditures listed first. Each item on the list, in turn, is then funded until the amount of money contained in the guidance from the major activity chief is exhausted.

(2) Determine unfunded requirements. Anything left on the list of priorities will then be unfunded requirements. Usually these will be new requirements but, in some cases, may result from a cut in funds. These items, with costs, are reported to the major activity Chief, with full justification and/or impact statements as unfunded requirements.

(3) Prepare a decrement list. A decrement list is a listing of those funded requirements to be eliminated if the amount projected in the program budget guidance document is reduced. Usually the program

document will include guidance as to how much of a reduction may occur. A decrement list is constructed by listing the activities and cost in the order in which reductions will be made based on those activities which are least critical to the office mission.

(4) Budget evaluation. Once the budget has been drafted, it should carefully be evaluated by the staff judge advocate. The budget must conform to the guidance which was given by the major activity head in terms of ceilings, floors, or other guidance. Additionally, items submitted by each section of the SJA office should conform to the guidance given by the staff judge advocate. Funding for each element of expense should be adequate and must not violate laws or regulations. Figures should be checked for accuracy in both calculations and procedures. Input from each subactivity of the staff judge advocate activity should be scrutinized to assure that each expense is justified and provides adequate resources for mission accomplishment. The staff judge advocate should satisfy himself that the budget for his activity is factual, accurate, and adequate before submission to the major activity head.

Note. The following pages in paragraph 3.1 include a series of forms followed by explanations on how the forms might be used in formulating the staff judge advocate budget. These forms were designed for use in Operation Real World, a legal services management case study that is conducted in management courses at The Judge Advocate General's School. The forms should also be useful to all staff judge advocate offices in formulating their budgets.

FY 19 _____

PROJECTED EXPENSES AND WORKLOAD SHEET
SECTION I REQUIREMENTS

AMS Code _____

Activity Title _____

ELEMENT OF EXPENSE	PERIOD		PERIOD		PERIOD		FY TOTAL
	\$		\$		\$		
1000 PERSONNEL SERVICES & EXPENSES							
1110 Personnel Compensation GS	()		()		()		()
1120 Personnel Compensation WB	()		()		()		()
1210 Personnel Benefits GS	()		()		()		()
1220 Personnel Benefits WB	()		()		()		()
2100 TRAVEL & TRANSP OF PERSONS							
2200 TRANSPORTATION OF THINGS							
2300 RENTS, COFD, UTILITIES							
2310 Rents	()		()		()		()
2320 Communications	()		()		()		()
2330 Purchased Utilities	()		()		()		()
2500 OTHER CONTRACTUAL SERVICES							
2511 Purchased Equip Maintenance	()		()		()		()
2572 Other Purchased Services	()		()		()		()
2600 SUPPLIES & MATERIALS							
2610 Supplies Except POL/ADP/IED	()		()		()		()
2620 Acft POL	()		()		()		()
2640 Other POL	()		()		()		()
2650 ADP Supplies	()		()		()		()
2660 Medical Supplies	()		()		()		()
2670 Aviation Supplies	()		()		()		()
2700 SERVICE CHARGE FUNCTION							
2770 Real Prop & Util Rent Equip	()		()		()		()
3100 EQUIPMENT							
3110 Capital Equip-Except MED/ADP	()		()		()		()
3140 Capital Equip-Medical	()		()		()		()
9900 ALL OTHER NOT SHOWN							
TOTAL REQUIREMENTS	\$		\$		\$		\$
(Specify)							

SECTION II WORKLOAD

Form B-1

GS AUTHORIZED _____
GS ACTUAL _____

WB AUTHORIZED _____
WB ACTUAL _____

SECTION III MANPOWER
TEP HIRE AUTHORIZED _____
TEP HIRE ACTUAL _____

SECTION IV FINANCING

DIRECT FUNDS	FUND		REIMBURSEMENTS		TOTAL FUNDS	
	PERIOD	\$	PERIOD	\$	PERIOD	\$
ELEMENT OF EXPENSE						
1000 FY REQUIREMENTS						
FY FINANCED						
2100 FY REQUIREMENTS						
FY FINANCED						
2200 FY REQUIREMENTS						
FY FINANCED						
2300 FY REQUIREMENTS						
FY FINANCED						
2500 FY REQUIREMENTS						
FY FINANCED						
2600 FY REQUIREMENTS						
FY FINANCED						
2700 FY REQUIREMENTS						
FY FINANCED						
3100 FY REQUIREMENTS						
FY FINANCED						
3000 FY REQUIREMENTS						
FY FINANCED						
FY TOTALS						
1. REQUIREMENTS						
2. FINANCED						
3. UNFINANCED						

PROJECTED EXPENSES AND WORKLOAD SHEET
(Form B-1)

1. Purpose. This workload sheet is used to itemize dollar requirements for a given activity after Forms B-3 through B-9 have been prepared.

2. Preparation.

a. Section I. This deals only with requirements by quarter, and for the entire FY, by Element of Expense (EOE).

(1) First determine the proper EOE for a given item by calculating the subelements of expense. Enter the amount in parenthesis by quarter and FY total for that subelement. The sum of all subelements are aggregated on the EOE line, e.g.,

	<u>1st Qtr</u>	<u>2d Qtr</u>	<u>3d Qtr</u>	<u>4th Qtr</u>	<u>FY</u>
1000 Personnel					
Services &					
Expenses	\$11,000	\$11,000	\$11,000	\$11,000	\$44,000
1110 Personnel					
Compensation	(\$10,000)	(\$10,000)	(\$10,000)	(\$10,000)	(\$40,000)
1210 Personnel					
Benefits	(\$ 1,000)	(\$ 1,000)	(\$ 1,000)	(\$ 1,000)	(\$ 4,000)

This procedure is followed for each applicable EOE.

(2) Total requirements are shown for all EOE by quarter and fiscal year on the line designated TOTAL REQUIREMENTS.

b. Section II. On the lines provided enter, "See SJA statistical workload."

c. Section III. In this section civilian strengths are shown for the Staff Judge Advocate Office. For each authorized line two (2) figures will be shown separated by a dash-. The first figure will indicate beginning FY strength and the latter, the FY year end strength. In all categories of actual strength, figures will indicate "filled" positions.

d. Section IV. This section provides a summary of the financial plan and status for the Staff Judge Advocate Office.

(1) The upper portion indicates the status of funding based on MACOM tentative guidance, or AOB. Direct funds are the total allocated for the FY. Reimbursements, by category, are also the totals for the FY. (Reimbursements are not to be considered for purposes of this problem.) Total funds are the sum of the amounts of Direct Funds and Reimbursements.

(2) The remaining portion of the section deals with current requirements and the dollar amount of that requirement financed by EOE, by quarter and the FY total. Dollar figures are "rolled up" to the basic EOE level as opposed to the detailed breakout in Section I. These figures are obtained from the forms used to itemize each expense (B-3 through B-9).

(3) At the bottom of the form is a Recap—lines 1, 2, and 3.

(a) Line 1, Requirements. This is the sum of all FY EOE Requirement lines above.

(b) Line 2, Financed. This is the sum of all FY EOE Financed lines above. The FY total (right hand column) should be identical with the amount shown in the Total Funds block at the top of Section IV.

(c) Line 3, Unfinanced. The dollar amount shown in this line is the difference between the sums of lines 1 and 2 above. In those cases where the financed position is greater than requirements, the figure in line 3 will be prefixed with a +. This indicates monies excess to currently projected needs/requirements.

The following forms are used to determine individual items of expense within the office budget. These forms will be utilized before Form B-1 is filled out, and the figures appearing on Form B-1 are taken from these additional forms. Several of the individual items involve fixed expenses, for example, civilian personnel costs. The Staff Judge Advocate has no control over these. Therefore, non-fixed expenses, such as the schedule of travel, must be balanced against other non-fixed expenses to keep the office budget within established guidelines.

FY _____ COMMAND OPERATING BUDGET

CIVILIAN PERSONNEL DATA

POSITION	GRADE AND STEP	BASE PAY	BENEFITS	AMS BUDGET ACCOUNT CODE

FORM B-3

SCHEDULE OF CIVILIAN PERSONNEL DATA
(FORM B-3)

1. Purpose. This form provides a detailed breakout of costs associated with element of expense 1000, Civilian Personnel Data, and is used as a backup for the COB. Pay raises for the FY will not be programmed (assuming that pay raises will be automatically added by the budget officer).

2. Preparation.

- a. Position. Enter the job title.
- b. Grade and Step. Enter the grade and step on the General Schedule.
- c. Base pay. Enter the base pay from the General Schedule (Page 3-12).
- d. Benefits. Calculate as 10% of base pay.
- e. AMS Budget Account Code: Enter the AMS Code for the activity for which the employees work. .N1000 is the code for all activities of the Office of the SJA.

Salaries for General Schedule Employees

Schedule 1 - THE GENERAL SCHEDULE

	1	2	3	4	5	6	7	8	9	10
GS-1	\$ 8,342	\$ 8,620	\$ 8,898	\$ 9,175	\$ 9,453	\$ 9,615	\$ 9,890	\$10,165	\$10,178	\$10,435
2	9,381	9,603	9,913	10,178	10,292	10,595	10,898	11,201	11,504	11,807
3	10,235	10,575	10,917	11,258	11,599	11,940	12,281	12,622	12,963	13,304
4	11,490	11,873	12,256	12,639	13,022	13,405	13,788	14,171	14,554	14,937
5	12,854	13,282	13,710	14,138	14,566	14,994	15,422	15,850	16,278	16,706
6	14,328	14,806	15,284	15,762	16,240	16,718	17,196	17,674	18,152	18,630
7	15,922	16,453	16,984	17,515	18,046	18,577	19,108	19,639	20,170	20,701
8	17,634	18,222	18,810	19,398	19,986	20,574	21,162	21,750	22,338	22,926
9	19,477	20,126	20,775	21,424	22,073	22,722	23,371	24,020	24,669	25,318
10	21,449	22,164	22,879	23,594	24,309	25,024	25,739	26,454	27,169	27,884
11	23,566	24,352	25,138	25,924	26,710	27,496	28,282	29,068	29,854	30,640
12	28,245	29,187	30,129	31,071	32,013	32,955	33,897	34,839	35,781	36,723
13	33,586	34,706	35,826	36,946	38,066	39,185	40,306	41,426	42,546	43,666
14	39,689	41,017	42,345	43,673	44,981	46,304	47,627	48,950	50,273	51,596
15	46,685	48,241	49,797	51,353	52,909	54,465	56,021	57,577	59,133	60,689
16	54,755	56,580	58,405	60,230	62,055	63,880	65,705	67,530	69,355	
17	64,142	66,280	68,418	70,556	72,694					
18	75,177									

NOTE: Notwithstanding the salary rates shown, the maximum rate of basic pay legally payable to employees under this schedule may not exceed the rate payable for level V of the Executive Schedule, currently \$50,112.50.

PLEASE TURN THIS PAGE FOR THE NEXT FORM

FY _____ COMMAND OPERATING BUDGET
SCHEDULE OF TRAVEL

DESCRIPTION/PURPOSE	DATES	NUMBER PER TRIP	COST	AMS BUDGET ACCOUNT CODE	PRIORITY CATEGORY

Form B-4

SCHEDULE OF TRAVEL
(FORM B-4)

1. Purpose. This form provides a detailed breakout of costs associated with element of expense 2100, Travel and Transportation of Persons. It is used as a backup to the Command Operation Budget. All TDY, including witness expenses, will be included on this schedule.

2. Preparation.

a. Description and Purpose: Enter a brief description and purpose of the trip/travel (e.g., JAG Conference—annual update for SJA).

b. Dates: Self-explanatory.

c. Number Per Trip: All office personnel expected to go on each TDY Trip are listed. Witness expenses are lumped together on one line, and the number of witnesses is estimated.

d. Cost: Total cost of the trip/travel.

e. AMS Budget Account Code: Enter the AMS code for the activity requesting the travel, e.g., .N1000 (Office of SJA).

f. Priority Category: Staff Judge Advocate assigns his relative mission priority of each trip.

FY _____ COMMAND OPERATING BUDGET
SCHEDULE OF CONTRACTS

PERIOD OF THE CONTRACT	PURPOSE OF CONTRACT	NIS BUDGET ACCOUNT CODE	AMOUNT	PRIORITY CATEGORY

SCHEDULE OF CONTRACTS
(FORM B-5)

1. Purpose. This form provides a detailed breakout of costs associated with elements of expense 2500. Other Contractual Services, and is used as a backup for the COB.
2. Preparation.
 - a. Period of the Contract: Self-explanatory.
 - b. Purpose of Contract: A general description of the purpose/scope and a statement whether it has a 30-day Termination clause.
 - c. AMS Budget Account Code: Enter the AMS code for the activity requesting the contract; e.g., .N1000 (Office of SJA).
 - d. Amount: Self-explanatory.
 - e. Priority Category: The Staff Judge Advocate assigns his relative mission priority for each contract.

FY COMBAND OPERATING BUDGET
 SCHEDULE OF SUPPLIES AND MATERIALS
 (UNIT COST OF \$200 AND BELOW)

DESCRIPTION AND PURPOSE	AMS BUDGET ACCOUNT CODE	QTY	UNIT COST	TOTAL COST	PRIORITY CATEGORY

SCHEDULE OF SUPPLIES AND MATERIALS
(FORM B-6)

1. Purpose: This form provides a detailed breakout of costs associated with element of expense 2600, Supplies and Equipment, and is used as a backup for the COB.
2. Preparation. This form is used for those items with a unit cost of \$200 and below.
 - a. Description and Purpose: General description of the item and use.
 - b. AMS Budget Account Code: Enter the AMS code for the activity requesting the supply/materials; *e.g.*, .N1000 (Office of the SJA).
 - c. Quantity: Self-explanatory.
 - d. Unit Cost: Self-explanatory.
 - e. Total Cost: Self-explanatory.
 - f. Priority Category: The Staff Judge Advocate assigns his relative mission priority for each line item requested.

FY _____ COMMAND OPERATING BUDGET
SCHEDULE OF EQUIPMENT

ITEM DESCRIPTION	PURPOSE/USE	QTY	UNIT COST	TOTAL COST	AMS BUDGET ACCOUNT CODE	PRIORITY CATEGORY

SCHEDULE OF EQUIPMENT
(FORM B-7)

1. Purpose. This form provides a detailed breakout of costs associated with element of expense 3100, Equipment, and is used as a backup for the COB.

2. Preparation.

a. *Item Description.* Enter a brief description, *e.g.*, Typewriter, electric, 15"; Desk, double ped; or Collator, high speed.

b. Purpose/Use: Self-explanatory.

c. Quantity: Self-explanatory.

d. Unit Cost: Self-explanatory.

e. Total Cost: Self-explanatory.

f. AMS Budget Account Code: Enter the AMS code for the activity requesting the equipment; *e.g.*, N1000 Office of the SJA).

g. Priority Category: The staff judge advocate assigns his relative mission priority for each item of equipment requested.

UNFINANCED REQUIREMENTS		Agency Fort	Activity Code	Appropriation Budget Year	Amount
Priority	AMS Account	Project Description			

UNFINANCED REQUIREMENTS
(FORM B-9)

1. Purpose. The purpose of this form is to provide detailed information at all levels of command on the status of unfinanced requirements and their impact on mission accomplishment.

2. Preparation.

a. General. The form will be prepared for the staff judge advocate office only if it has unfinanced requirements.

b. Heading.

(1) Activity Code. The AMS Program/Subprogram Code; e.g., .N1000 (SJA Office).

(2) Appropriation. OMA.

(3) Budget Year. Self-explanatory.

c. Body.

(1) Column definitions.

(a) Priority. In this block, the relative order of each project is listed by the SJA. Each project requires a separate Form B-9.

(b) AMS Account. Same as Activity Code.

(c) Project Description. As listed. (A general description of the unfinanced activities/operations.)

(d) Amount. Total for all requirements.

d. Entries by Group and Narrative.

(1) General. Unfinanced requirements will be placed into one of two GROUPS. Grouping of unfinanced requirements, within the guidelines shown below, is initially determined by activity chiefs, realigned as required by major activity chiefs, and then by the installation Program and Budget Advisory Committee. Similar actions are taken in the recapitulation and assignment of priorities within each group of unfinanced requirements.

(a) Group I—Essential Requirements (Hard Core). Defined as fixed or semifixed costs of such importance that they must be financed to insure basic continuation of a function or performance of mission. These requirements must be justified fully in clear, concise terms.

(b) Group II—Requirements to Meet Prescribed Standards. These are necessary to finance all functions at authorized levels and meet objectives contained in higher headquarters Operating Program. Identify directives which require action and specify the adverse impact which will result from failure to finance the requirement.

(2) More than one group can be included in a proposed budget, but the use of both groups by a Program/Subprogram Director is not required. Groups should be listed, however, in the order shown in 2d(1)(a) above; i.e., Group I first, if any; then Group II, if any.

(3) Once the grouping has been determined, each item is listed in order of priority for that group. Following the last line entry, a paragraph addressing that group will be entered in narrative style. This paragraph will include as a minimum the following:

(a) Explanation of this requirement; e.g., what is needed, why, and estimated costs.

(b) Specific actions necessary to accomplish the office mission if the requirement is not financed.

(c) Impact of proposed actions; e.g., what will happen, what will not be done and who will it affect. Also, the paragraph will specify what services will be deleted if the requirement is not funded.

(d) Dates funds must be made available; e.g., lead time to preclude cessation of service, cancellation of trips, or prevent movement to substandard facility.

TURN PAGE FOR NEXT FORM

FY _____ COMMAND OPERATING BUDGET
 DECREMENT LIST

PERCENTAGE	EXPLANATION OF IMPACT
10% Decrement	
20% Decrement	

FORM B-10

DECREMENT LIST
(FORM B-10)

1. Purpose. The purpose of this form is to establish an order in which items contained in the budget will be deleted, in whole or in part, if the amounts originally forecast for the year are reduced.

2. Preparation.

a. General. This form will be prepared if the Program and Budget Advisory Committee (PBAC) directs each installation activity to do so. The decrement list contains only funded items to be eliminated if the amount forecast in the program budget guidance document is reduced. Usually the program document will include directions as to what reduction percentages will be included in the decrement list.

b. To prepare the decrement list, the Staff Judge Advocate must determine what items in his budget will be eliminated if specified percentages of the budget are reduced. The Explanation of Impact statement is particularly important because it may lead the command to reduce the allocations to other staff sections if cuts become necessary. The impact statement must be factual and specific.

II. OFFICE MANAGEMENT.

This section discusses the importance of the staff judge advocate being thoroughly knowledgeable of the budgeting procedures that must be followed to insure that the office receives the funds necessary to satisfactorily accomplish the office mission.

a. General. Management of non-personnel factors in a legal office is as important to office efficiency as any management technique. A staff judge advocate who does not have funds available, whose office is short of supplies and whose work area and court room are inadequate cannot expect mission accomplishment. This Chapter provides a staff judge advocate with a description of budgeting procedures for requisitioning of supplies and equipment; library management, construction and maintenance principles, and assistance in managing these factors. Citations and compilations of appropriate periodicals and publications are included as references.

b. Fiscal management. Just as manpower and personnel management is vital to the execution of the mission, fiscal management, that is budgeting, planning, and expenditure of allocated funds, will impact on mission accomplishment.

Budgeting in the Army is a highly complex system. Usually the comptroller at an installation will have overall staff responsibility for preparing the installation operating budget and obtaining the commander's approval. However, the staff judge advocate must insure that his necessary operating costs are included in the Installation Operating Budget.

Early in each calendar year, the Comptroller or G-1 (Director of Personnel) should direct the staff judge advocate to submit proposed fiscal expenditures for the coming fiscal year. Usually, the staff judge advocate will be concerned with "temporary duty travel" (TDY), including per diem and travel expenses for witnesses; "consumable supplies," "equipment," and "other services," a category in each Installation Operating Budget which would include estimates for contractual services, such as court reporting and transcribing.

Estimating temporary duty travel can be accomplished most accurately by projecting a list of trips for each quarter, to include the number of personnel required to perform the travel, the places to be visited, the means of transportation, the length and purpose of the visit and the applicable per diem rate. The categories of travel typical of a staff judge advocate office, are: travel in connection with the investigation and trial of courts-martial; claims investigations; training of subordinate units located away from the installation; training of officers and other members of the office at TJAGSA or other schools of continuing legal education; conferences of judge advocates; and travel of witnesses for courts-martial.

Preparation of this schedule must include a review of past fiscal years' travel together with an estimation of additional travel based upon increased workload.

An acceptable method for estimating consumable supply requirements is to obtain a list of supplies needed by the section chiefs or subactivities which is then priced out by reference to the self-service supply account record, maintained by the warrant officer or senior legal clerk in TDA units or by the supply personnel of the Headquarters Company or Troop Command. This figure is then compared against historical records, and a forecast is made to include increased workload. There is normally a close relationship between the workload and the usage of consumable supplies.

Equipment requirements can best be estimated by reference to the equipment replacement schedule usually maintained by the technical service supply officer or inventory manager. This schedule will reflect the normal life of equipment. However, the staff judge advocate should maintain his own equipment life schedule for management purposes. New equipment must be budgeted by reference to TDA or TOE/MTOE equipment authorization and Federal Supply Schedules (FSS), which will list authorized equipment. Should an item of equipment be approved where justification was made to obtain a non-FSS item (see paragraph 15-3, infra), the sales price of the seller should be stated in the budget estimate.

Contractual services performed in the staff judge advocate's office should be included in an estimated budget in the category "other services." While contractual custodial services will normally be included in the installation's engineer's estimated budget, such services as contractual court reporting and transcribing must be estimated in this category. (See para 6-4g, supra.) An acceptable method for estimating requirements is to use the historical costs, making provisions for rising costs and adding any new one-time or recurring requirements.

Per diem and travel funds for witnesses and similar funds for courts and boards activities at Personnel Control Facilities (PCF) and special court-martial convening authorities are budgetary items that prove troublesome. A staff judge advocate must guard against the PCF and special court-martial convening authorities estimating expenditures too low. If they later come to the general court-martial convening authority for funds, those available to accomplish the staff judge advocate's mission will be depleted too soon.

It is vital that the staff judge advocate monitor expenditures to insure that all necessary missions and functions continue smoothly throughout the entire fiscal year. The deputy or some other officer should be delegated the authority for day-to-day monitoring of fund expenditure.

Often a command will have made available to it so-called "end of year funds." These funds are provided by higher headquarters after it has surveyed excess funds at subordinate commands and a proposed redistribution plan has been prepared. Items submitted for budgeting which had not been approved can often be obtained using these "end of year funds." A staff judge advocate is well advised to be alert to the availability of these funds and have the necessary paperwork prepared for specific projects, supplies or equipment that are needed.

c. Supplies and equipment. Having obtained fiscal approval for supplies and equipment, a staff judge advocate must then ensure that appropriate requisitioning and purchasing are accomplished.

In each office the senior legal clerk or warrant officer should be designated as office supply custodian, responsible for monitoring needs for office supplies and maintaining the Self-Service Supply Account record. Each time consumable supplies are obtained (a "sale" was made) the record is debited thereby reflecting a running balance in the account.

In many commands the self-service account is maintained by the supply section in the Headquarters Company, Administration Company, Troop Command or similar organization. However, because a staff judge advocate office uses such large quantities of consumable supplies (e.g., legal pads, bond paper, pencils, etc.) the staff judge advocate should arrange for the opening of an office account with the supply officer.

As to non-expendable equipment, a staff judge advocate must ensure accurate accountability. Generally an officer must be appointed as hand-receipt holder for all non-expendable equipment. The staff judge advocate must ensure that a complete and thorough inventory is conducted periodically and upon change of the command's property book officer or the office's designated hand receipt holder. Should any loss or damaged

equipment be discovered, immediate initiation of a DA Form 200 or a Report of Survey pursuant to AR 735-11 is required.

Replacement of equipment or acquisition of new equipment needed must be requisitioned or locally purchased. Usually non-expendable equipment may be obtained only when authorized by TDA or TOE/MTOE and funds have been budgeted and approved. Equipment models, styles and types are available in the Federal Supply Schedules (FSS) maintained by the technical supply personnel in the command. These personnel will assist the staff judge advocate or his representative in accomplishing the necessary paperwork to requisition the desired equipment. Where the equipment listed in the Federal Supply Schedules (FSS) is not satisfactory or there is no such equipment listed, the technical supply personnel will assist in the preparation of the necessary justification for acquisition from non-governmental sources. Such justification cannot be mere generalities but must detail the specific reasons why the particular equipment listed in the Federal Supply Schedule will not satisfy the need. (See para. 3.4, Handbook, for a sample justification memorandum.)

d. Construction and maintenance. Due to changes in mission and volume of legal services, the staff judge advocate must continually reevaluate his need for office improvement, space allocation and major alterations. Any major construction requires early planning and budgeting. Court room improvements usually fall within this category requiring specific budgetary approval. It is therefore important that a staff judge advocate maintain close liaison with the installation engineer to ensure necessary projects are included in the Installation Operating Budget. Another source of funding is the "end of year funds." Up-to-date construction plans and estimates are vital for use of these funds to enable adequate procurement time.

While there is no standard model for a legal office or a court room, a staff judge advocate should keep abreast of the various legal periodicals published by lawyers service organizations and fraternal organizations for discussions and plans for these projects.

Further, the commander who is convinced of the need for lawyers to have a neat and pleasant office and a court room which meets the requirements of judicial decorum, will lend assistance in obtaining needed funding and construction. Frequently Department of Army letters and publications will contain exhortations and statements of requirements in this respect. A staff judge advocate must keep alert for these materials and become a salesman for his office and court room improvement.

Maintenance and custodial services are usually provided by the installation engineer. A staff judge advocate should insist on proper and

timely maintenance and repair. Where these services are provided by contractors, the staff judge advocate should familiarize himself with the requirements of the contract, meet and know the government inspector and work closely with him in insuring that standards of cleanliness and maintenance are maintained. Although these matters seem petty in contrast with legal affairs, a staff judge advocate will find that his subordinates' efficiency and motivation will be proportionate to the neatness and pleasantness of the work area.

III. THE INSTALLATION FISCAL PROCESS.

The following material has been included to provide an additional general description of the installation fiscal process.

The first part (pages 4-35 to 3-43) is an extract from a Command and General Staff College management text. The extract provides a general description of the budget process and some of the key individuals involved in the process.

The second part (pages 4-45 to 4-78) is an extract of an accounting text from The Finance School, Fort Benjamin Harrison. This extract provides information on the Defense Management System, the Army Fund Distribution System, and the Fiscal Code used in the Army Management Structure.

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PART I - EXTRACT FROM
US ARMY COMMAND AND GENERAL STAFF COLLEGE
MANAGEMENT TEXT

CHAPTER 6

MACOM/Installation Resource Management

1. GENERAL

The President is required by law to submit a proposed Federal budget to Congress annually. This is accomplished in January for the fiscal year (FY) which begins the following 1 October. The various Federal Departments, Agencies, Bureaus, etc., provide information to the Office of Management and Budget (OMB), who in turn assists the President in preparing the final budget request. The Department of Defense has a major role in the formulation of the annual budget request and uses the PPBS to translate resource requirements into dollars. Department of the Army provides input to DOD by extracting the Army's portion of the approved FYDP and estimating the cost of required resources.

2. PROGRAM BUDGET GUIDANCE (PBG)

a. Program budget guidance is generated at Headquarters, DA, as a means of insuring that the Army responsibilities spelled out in the FYDP are passed down to its several major commands and agencies. It is through this guidance that DA spells out for each major Army command (MACOM) and agency precisely what will be required and what limitations are to be imposed. Based on this guidance, the 5-year programs of major commands and agencies are updated, and budget estimates for the budget year are generated. This document includes general information for a 2-year time frame (current and budget years) unless MACOM has submitted a program and analysis review (PAAR), then the PBG also contains the third year and has two major objectives:

(1) Provides the basis for planning, programming, and budgeting for all assigned missions, objectives, and workloads.

(2) Provides higher headquarters approval for the utilization of all assigned resources for a specific period of time.

b. The PBG provided by DA to MACOM's

and agencies, is an extract from the Army portion of the FYDP of those resources that have been contemplated for allocation to each command or agency involved and contains statements of the goals and workloads that such resources are designed to support. The guidance is based on the following concepts:

(1) MACOM/agency 5-year programs, written in terms of appropriations, budget programs, and elements of expense, are detailed statements of the planned application of the resources anticipated (based on DA guidance) to accomplish assigned missions, goals, and workloads of the command for a 5-year period.

(2) PBG does not constitute authority to obligate funds. Rather, it is guidance to which recipients respond with their budget estimate and finally their command operating budget (COB). This guidance document from Headquarters, DA, is formally updated three times a year.

(3) Each successive headquarters translates the guidance it receives from above into expanded guidance, called Budget and Manpower Guidance, for its subordinate commands. This action carries guidance from Headquarters, DA, down to the operating levels where, in response, the COB are generated.

3. ARMY STAFF BUDGET RESPONSIBILITIES

a. Appropriation directors are responsible for providing guidance and direction to and coordination among the directors of major programs, subprograms, and functional programs relative to their respective appropriations.

b. Subprogram directors are responsible for the development, justification, presentation, and defense of budget requirements of their subprograms and will provide summary data for consolidation at major program level.

c. Major program directors will consolidate subprogram portions into major program totals and required displays.

d. The *Select Committee* will review, coordinate, act, or recommend action on all matters relating to programing, budgeting, and the use of Army financial resources. The committee consists of Director of the Army Staff (DOA) (Chairman); Deputy Chief of Staff for Operations and Plans (DCSOPS); Deputy Chief of Staff for Personnel (DCSPER); Deputy Chief of Staff for Logistics (DCSLOG); Comptroller of the Army (COA); Deputy Chief of Staff for Research Development and Acquisition (DCSRDA); and Assistant Chief of Staff for Intelligence (ACSI). It is supported by the—

(1) Program Guidance Review Committee, which develops proposed program guidance, reviews and analyzes Army *programing* actions in the planning, programing and budgeting system (PPBS) cycle, and makes recommendations to the select committee.

(2) Budget Review Committee which reviews and analyzes Army *budgeting* actions in the PPB cycle, prepares budget analyses, and makes recommendations to the Select Committee.

e. The program budget guidance system is the framework for the preparation and dissemination of balanced, consistent, and timely program and budget guidance for MACOM's and separate operating agencies of DA. It is a single controlling system incorporating the guidance developed by the Army staff agencies for MACOM's and separate operating agencies to develop their respective operating programs and budgets. The system provides—

(1) A single document that consolidates major essential mission and resource guidance.

(2) A means by which major imbalances or inconsistencies between mission assignments and resource allocation can be detected.

(3) Guidance at key prescribed intervals to permit timely response by MACOM's and separate operating agencies.

f. As a minimum, program and budget guidance will include missions, readiness goals, force structure, priorities for allocation of resources, planned manpower authorization, projected personnel distribution, procurement and distribution of major items of equipment, major approved construction by specific locations, and funds expected to be available with restrictions governing their use. Additional data upon which MACOM's can base planning, programing, and budgeting for their assigned missions will be included.

4. THE BASIS OF THE ANNUAL ARMY BUDGET ESTIMATE

The annual Army budget estimate, which is submitted to DOD on or about 1 October each year, is staff developed at Headquarters, DA. The budget estimate is based on the currently approved Army portion of the FYDP as amended by proposed changes to the program. It is DA policy to request a command operating budget (COB) from each MACOM, such as TRADOC, to provide those in command an opportunity to state the impact of the proposed level of expense and resource authorizations on their mission capabilities. The COB provides commanders an opportunity to point out imbalances in the advance budget plans that adversely affect their commands. The COB also provides an opportunity to state those operational requirements that will be unfinanced within the advance budget plans.

The MACOM COB is forwarded to DA about 1 June by each MACOM and agency based on the program and budget guidance received from DA.

5. THE COMMAND OPERATING BUDGET (INSTALLATION)

a. The command operating budget (COB) is the field commander's detailed estimate of resource requirements for the approaching fiscal year. It represents an updating of the

COB. Headquarters, DA, will advise field commands of their approved operating budgets through four interrelated actions:

- (1) June update of program and budget guidance.
- (2) Issuance by DA of the resource guidance.
- (3) Issuance of authorization document.
- (4) COB markup.

b. Missions are assigned and resources are allocated to the installation commander in the command operating program of higher headquarters. the allocation is expressed in terms of the *Army Management Structure (Fiscal Code)*, AR 37-100 and AR 37-100-FY. Within this broad framework, the installation commander develops a more detailed description of activities to be performed during the year. When approved, the COB becomes the plan of action for executers of the program, for the program, and for activity directors.

c. The COB is a command, agency, or installation plan of action for a specific fiscal year covering the activities for which it is responsible. The basic purpose of the COB is to—

- (1) Record in one place the activities to be conducted for a given year and the resources for their support. These are the activities necessary to achieve objectives assigned by higher authority based ultimately on guidance extracted from the Army portion of the FYDP.

- (2) Identify that portion of the budget to be accomplished by each subordinate element in terms of objectives, policies, priorities, and resource availability.

- (3) Establish a basis against which accomplishments and resource utilization can be measured.

d. Each command, agency, and in-

stallation in the Army Establishment prepares an annual COB covering operations for which it receives funds. These COB's are prepared in sufficient detail to identify—

- (1) What has to be done.
- (2) When it must be done.
- (3) What resources are available.

Changes in program and budget guidance are required when the budget as presented by the President to Congress differs from that originally displayed in the COB's. The original program and budget estimates prepared by commands and agencies provide a fairly reliable base for the development of operating programs. Subsequent changes will normally require refinements rather than major changes.

6. THE ARMY MANAGEMENT STRUCTURE

a. The Army management structure (AMS) is the Army management decision structure and fiscal code. In conjunction with the Office of the Secretary of Defense (OSD) Five Year Defense Program (FYDP) structure, it provides the mechanism for communication among the elements of the planning, programing, and budgeting system.

b. The AMS is the Army's single integrated management decision structure that—

- (1) Implements and reflects the organization and command structure of the Army.

- (2) Implements and reflects the appropriation structure and the program/budget organizational responsibilities of the Army.

- (3) Provides a uniform listing of the activities of the Army with standard terminology, definitions, and activity interrelationships that can be expanded or contracted as organizational requirements dictate.

- (4) Establishes the official accounting

codes and terminology for use in classifying financial and budgetary transactions in accordance with the provisions of applicable laws.

(5) Identifies the activities for which manpower utilization, performance, obligation, and cost information will be reported in accordance with other Army regulations and directives.

(6) Assigns and defines activity performance factors required for integrated review, analysis, and budgetary aspects of management at Headquarters, DA, and for reporting to OSD.

c. The AMS covers the whole of the Army's activities, which include—

(1) Forces, force-related resource programs, and the directly related parts of their derivative program activities (e.g., training (force requirements), equipment (procurement of equipment and missiles, Army items for force units), supply distribution (force-related supplies), and maintenance (rebuild of force-related equipment)).

(2) The balance of the derivative programs and the other activities of the Army and other-than-Army customer requirements having a substantial direct or indirect demand upon Army resources (e.g., medical, supply, and procurement management; facilities (base operations); command administration and control; and those other requirements assigned to the Army).

(3) Capital and investment activities (e.g., research and development by project and construction and equipment capital requirements by line item).

7. ELEMENTS OF EXPENSE

a. The element of expense identifies the nature of the service, article, or other item involved in a particular account. It currently is represented by a four-digit code. The origin for this code is the Office of Management and Budget supplemented by the DOD/DA staff to provide additional management information.

b. A list of all elements of expense and a

definition of each can be found in AR 37-100. The most common element of expense subdivisions, and the ones used in this chapter are:

EOE 1100, Personnel Compensation, comprises compensation for personal services, excluding amounts withheld for personnel benefits. Primarily identification is with base, overtime, and differential pays as contrasted with benefits.

EOE 1200, Personnel Benefits, comprises cash allowances incident to employment and payment to other funds for the benefit of civilian employees and military personnel.

EOE 1400, Military Personnel Expense, accounts for the cost of all Active Forces military personnel computed at standard rates.

EOE 2100, Travel and Transportation of Persons, includes transportation of Government employees, their per diem allowances while in an authorized travel status, and other expenses incident to travel that are to be paid by the Government.

EOE 2300, Rent, Communications, and Utilities, comprises charges for rents and communication and utility services.

EOE 2500, Other Contractual Services, comprises all contractual services not otherwise classified; i.e., storage and maintenance of vehicles, stenographic services, and nontemporary storage of household goods.

EOE 2600, Supplies and Materials, includes the cost of supplies and materials, such as repair parts and other technical supplies consumed in the operation and maintenance of equipment, etc.

EOE 3100, Equipment, comprises personal property of a more or less durable nature; that is, it may be expected to have a period of service of a year or more after being put into use without material impairment of its physical condition.

8. OTHER CONSIDERATIONS

The budget is the financial expression of approved plans and programs. The budget process goes beyond the formulation stage, which was the principal subject of this presentation. Following the formulation and approval of the annual operating budget, DA moves into the execution phase. This includes development and maintenance of operating budgets at all organizations down to and including installations; the preparation and processing of apportionment requests; execution of programs and operating budgets; the allocation and allotment of fund authorizations; the obligation and expenditure of appropriated funds; and the related fiscal and progress reporting.

9. INSTALLATION BUDGET FORMULATION

At the installation level, we are concerned with a budget cycle divided into two phases: formulation phase and execution phase.

The budget cycle for operation and maintenance, Army, appropriation, which finances most of the day-to-day operating costs of the Army, actually starts 18 months ahead of the target budget year (BY). Most installations do not become formally involved in the actual budget until approximately 6 to 8 months before the beginning of the target BY. As soon as the annual Army budget estimate has been finalized (following joint DOD/Office of Management and Budget (OMB) hearings on the Army budget estimate), DA revises its guidance by sending to all of its MACOM's revised program budget guidance (PBG) in January (about 9 months before the target BY). Based on this revised guidance, each subordinate command makes necessary changes in its local plans and programs.

On receipt of the budget and manpower guidance document at the installation in April—6 months prior to the BY—it is sent to the comptroller, who is the primary staff officer charged with financial management responsibility. After briefing the installation commander and adding the commander's desires, the comptroller breaks down the guidance into terms and segments that are

meaningful at the installation level. He then distributes guidance with a minimum of delay to the major activity chiefs.

The comptroller develops a time-phased schedule of actions necessary for the completion of the installation budget. This is similar to a suspense-date calendar.

To facilitate and coordinate the preparation of program/budgets, the staff forms a Program Budget Advisory Committee (PBAC) that serves as a top management advisory group to the commander. The Chief of Staff is normally the chairman. Other members are the principal staff officers responsible for the functional areas of personnel, operations, and logistics and other representatives as desired by the commander. The committee considers all aspects of the internal management of the command. Each member insures that his area of staff responsibility is accorded full consideration by the committee. The use of financial data—that is, expressions of resource requirements in dollar terms—permits comparison of total inputs using a common unit of measure. The goals and requirements of individual areas are coordinated and molded into overall goals and requirements for the command. The recommendations of the PBAC represent the consensus of the top management officials of the command. The comptroller presents the draft BMG to the PBAC along with any unresolved differences that could not be settled by staff coordination.

The PBAC has six essential functions:

1. The interpretation of BMG from higher authority and integration of the local commander's guidance.
2. The development of a plan for preparation of a proposed program/budget that will effectively and efficiently accomplish the command's mission.
3. The application of judgment and experience to specific program areas.
4. The achievement of reasonable balance and coordination between proposed missions, activities, and resources assigned to subordinate commands and agencies.

5. The presentation of a staff-coordinated proposed command operating budget (COB) to the commander.

6. Review of the reports of program/budget execution and preparation of recommended revisions to the operating program/budget based on the results of operations.

The principal members of the PBAC are assisted by their subordinates who function as junior or working PBAC. Representation in this group is expanded to include at least one representative of each category within each functional area. For example, within the logistic functional area, it would include representatives from supply, maintenance, and base services. The program/budget officer from the comptroller's office also participates as a working member. Much of the detailed work for the senior PBAC is done by the junior PBAC prior to the senior PBAC's being convened. The junior PBAC works up detailed alternative courses of action for consideration of the senior PBAC.

The action agencies receiving appropriate portions of the BMG are the major activity program directors. The specific determinations of what is a major activity depends on the installation and its mission. However, the primary staff officers are normally designated program directors for activities falling in their areas of primary staff responsibility. Major activities usually follow the breakdown of the Army management structure.

The director for some programs is evident. For example, the Central Supply and Maintenance Program is obviously the responsibility of the Director of Industrial Operations (DIO), and Guard and Reserve Forces Program would belong to the Director of Plans and Training. At the installation level, organization more clearly reflects the functional management requirements and does not clearly address the program as a whole. The installation has subdivided the programs by functional area responsibilities. The name coined for the subdivisions is "key accounts." One rule that must be followed in this subdivision is that the data collected for the accounts must be identifiable to insure that

when this data is combined with data concerning other key elements in the program, it does not lose its identity with the major programs that it supports.

Guidance is analyzed by the program directors and then passed down to the activity chiefs who report to them. The activity chiefs analyze their guidance and pass appropriate guidance down to the subactivity chiefs who report to them. For example, the DIO is the program director for .C0000 (maintenance of materiel). Under him there are normally activity chiefs and subactivity chiefs.

When the guidance finally gets down to the activity/subactivity chief, it is translated into budget requirements. This is the turnaround point. The detailed budget segments are prepared by subactivity chiefs, reviewed and consolidated by activity chiefs, again reviewed and consolidated by program directors until the draft installation COB is consolidated by the comptroller. Requirements are justified by the use of performance factors (PF) listed for budget codes in the Army management structure.

The basic program/budget document prepared at the installation is the activity budget schedule reflecting, within cost guidance, dollar requirements for resources by type (element of expense), manpower by man-years and type, and work output in terms of PF's. Data is projected for each quarter of the fiscal year. The same three types of data are provided for unfinanced requirements; that is, the workload considered essential for mission accomplishment and its associated resource requirements that cannot be performed within the cost guidance received. The activity budget schedule establishes a standard cost per unit of output, composed of labor, supply equipment, and other cost, at the programed level of output.

The activity budget schedule is normally supported by schedules of temporary duty travel, supply requirements, contracts, and unfinanced requirements and a narrative statement by the activity manager. When automatic reimbursements are expected to be earned by the activity, a list of sources and anticipated amounts is also prepared.

Activity budget schedules are reviewed by functional category managers. Particular attention is paid to the balance of unfinanced requirements of activities having similar priorities. When balance has been achieved among activities of the same functional category, the functional category managers, acting now as the working PBAC, propose adjustments in activity cost ceilings to achieve balance installationwide among all functional categories and activities.

The PBAC will review and make necessary modifications to the draft COB before submitting it to the commander with its recommendations. Those items that the installation feels are necessary for the accomplishment of its mission, but cannot afford within the dollar guidance received from higher headquarters, are included in the COB as unfinanced requirements. Unfinanced requirements are listed in order of priority with justification and impact statements supporting the installations request for additional funds.

The installation COB is a plan of action for a specific fiscal year. It has a threefold purpose:

1. Record activities to be conducted and resources needed for the installation's support.
2. Identify action to be accomplished by each subordinate element.
3. Establish basis to measure accomplishment and resource consumption.

Of special interest in the COB is Section I, Commander's Narrative Analysis. In this section, the commander is provided the opportunity of defending his views on the adequacy or inadequacy of his COB which has been developed in response to guidance received from his parent headquarters.

After review and approval, the COB is submitted to the MACOM which reviews all COB's submitted to determine consistency with guidance, magnitude, and type of resources requested and also the urgency of unfinanced requirements.

MACOM COB are reviewed, adjusted, and consolidated at Headquarters, DA, and form the basis of the Army's annual apportionment request which is submitted through DOD to OMB.

10. BUDGET EXECUTION

The installation budget execution phase begins on 1 October with receipt of the Funds Authorization Document (FAD) and marked up COB indicating the action taken. The markup of the installation COB at this point reflects all changes to the installation's COB resulting from budget reviews at all levels of the DOD, OMB, and the Congress. As such, it represents the approved installation plan of execution for the BY.

The approved budget establishes annual limitations and/or objectives to include the amount of expense or obligations that may be incurred for a specific program (or other classification) for the BY.

The installation marked up COB and the FAD for the first quarter of the fiscal year are sent to the comptroller for action. The comptroller reviews and analyzes these documents, determines adjustments required, and informs program directors concerned of pertinent adjustments. Through the coordinated efforts of the comptroller and the working PBAC, the installation program is updated. The comptroller sends the original of the FAD to the finance and accounting office. Authority to obligate the Government comes to the installation in the form of an FAD. This authority is provided on a quarterly basis.

If the magnitude of the changes warrants, the PBAC meets to review the revised installation program for balance in resources, levels, and workloads. When satisfied with the plan of operation, the PBAC recommends that the plan be approved by the installation commander. The commander either approves the recommended program or directs that changes be made. After final approval, the program is returned to the installation comptroller. Upon receipt, the comptroller finalizes, publishes, and distributes the approved installation operating program which serves as the overall plan of operations for the fiscal year.

It should be recognized that installations must deal with one or more parent or MACOM with respect to budget matters. For example, the commander of a TRADOC installation will deal with TRADOC on matters concerning base operations and mission funding for activities under the command of TRADOC. For budget matters related to installation activities under the command of another major headquarters, the installation commander deals directly with that headquarters. Mission funding for FORSCOM activities is coordinated with Headquarters, FORSCOM. Mission funding for the installation's medical department activity (MEDDAC) comes from the United States Army Health Services Command (HSC).

The budget execution review (BER) is the midyear review report and provides the basis for funding adjustments by higher headquarters during the latter half of the current fiscal year. In preparing the BER, program and activity directors should carefully review all resource requirements to insure that estimates are accurate and that the unfinanced requirements are completely justified and time phased in such a way as to insure that no mission-essential activities are hampered by the lack of resources.

Data for the first half of the year include—

1. Actual data (experience) on expenses incurred and performance (workloads) ac-

complished for the first 3 months; i.e., 1 October through 31 December.

2. Cumulative projected data for the first 6 months that include the first 3 months of actual data plus 3 months (1 January through 31 March) of projections of the expense to be incurred and the performance (workload) to be accomplished.

3. Cumulative projected data for the entire fiscal year. The last half estimated data are included in the cumulative projections or expenses to be incurred and performance to be accomplished for the entire fiscal year.

Segments of the BER are submitted similar to sections of the COB; they are reviewed, analyzed, and consolidated by activity chiefs and program directors, and, finally, the draft installation BER is composed of five sections. Section I, Commander's Narrative Analysis, is the one in which the installation commander informs higher headquarters of major problems involved in performing assigned missions, programs, and workloads within existing resources. It is the highlight feature of the BER on which all reviews are finally focused for decision and action. It is developed under the "management-by-exception" concept and oriented to facilitate the budget execution, management, review, and analysis processes at each succeeding level of command. See section IV, chapter 2, AR 1-1, for a more detailed explanation of the Army budgeting system.

PART II - EXTRACT
ACCOUNTING FOR MILITARY COMPTROLLERS

ST 14-790

DATED OCTOBER 1980

PREPARED BY

THE FINANCE SCHOOL
UNITED STATES ARMY INSTITUTE OF
PERSONNEL AND RESOURCE MANAGEMENT

SECTION III - THE ARMY'S MANAGEMENT SYSTEM

3-8. THE DEPARTMENT OF DEFENSE MANAGEMENT PROCESS.

a. Background. Title IV of the National Security Act of 1947 directs the Comptroller of the Department of Defense to establish principles, policies, and procedures relating to budgeting, accounting, reporting, auditing, and the expenditure and collection of funds. The principal foundations for the current DOD management process were laid by this law and the Budget and Accounting Procedures Act of 1950.

b. The Management Cycle. The management process of the Department of Defense includes programing, budgeting, management of investment items, management of operations, accounting, reporting, and auditing. These activities comprise the cycle which Department of Defense management goes through in conducting its business.

(1) Programing is a decisionmaking process in which goals, objectives, and standards are established, alternatives are defined, resource requirements are estimated, the best alternative is selected, and activities are scheduled. A program specifies what is to be done, by whom, when, and how much it is expected to cost.

(2) Budgeting is the formulation of detailed projections of resource requirements expressed in financial terms by activity and type of resource. It includes obtaining and allocating funds to achieve optimum balance among competing requirements.

(3) Management of investments is accomplished by administering the acquisition and use of goods and services which represent major end items.

(4) Management of operations is accomplished by administering the acquisition of consumable resources and their consumption in the execution of assigned missions.

(5) Accounting is the measuring of results and status, usually in financial terms, for both organizational units and functional areas.

(6) Reporting is the transmitting of financial and nonfinancial information on status and results of operations and investments to appropriate levels of management.

(7) Auditing is reviewing the accuracy of reported results and judging the adequacy of, and compliance with, established resource control policies and procedures.

c. The Resource Management System (RMS). As part of a continuing program to improve management techniques, the Office of the Secretary of Defense (OSD) has set forth a recent series of changes in programing, budgeting, and accounting for uniform adoption throughout the Department of Defense. These changes, and the procedures necessary to achieve the desired results, are referred to as the Resource Management System.

3-9. ARMY MANAGEMENT CONCEPTS.

a. The basic management concept in the peacetime Army is to assign a commander a mission, provide him with the necessary resources to carry out this mission, and hold him accountable for the judicious use of these resources and the proper execution of this mission. The Army management system embodies the concept that assignment, planning, and direction of missions must be integrated with resources consumed to achieve sound management practices.

b. This concept can be traced to the concept of tactical operations in the Army. In a tactical operation, the administrative and logistical responsibilities in support of an attack order are always those of the commander who issues the order. In a peacetime Army, the same commander must: (1) report on the results of operations; (2) account for personnel, supplies, and equipment; and (3) project requirements for the next period in terms of missions to be performed.

c. During the last two decades the Army has built a series of management systems to meet specific needs. The most significant of these has been the Army Command Management System (ACMS) which provides the structural framework for all other systems, and relates programing, budgeting, accounting, and reporting at each echelon throughout the Army. Its effectiveness depends upon the prompt availability of accounting data in a form that will assist commanders in planning, executing, and evaluating operations and investments. This is made possible by the Army Management Structure, which establishes unique codes identifying every Army mission, activity, and type of unit.

3-10. OBJECTIVES OF RMS. The general objectives of this system with regard to the Army are as follows:

- a. To provide a method for matching operating programs and budgets with resource requirements throughout the planning, directing, and controlling phases of the operating program.
- b. To provide a means for relating utilization of resources to the management of the operating programs and budgets and the major activities of the Army.
- c. To provide the basis for relating systematic planning, management, and review of resource utilization to workloads at each level of command.
- d. To provide information at each level of command for consideration in adjusting operating programs and budgets.
- e. To provide a means for relating expenses of major activities of the Army to funds required for operation.
- f. To provide a basis for and assistance in the development of expense based budgets.

SECTION IV - THE DOD PROGRAMING SYSTEM

3-14. GENERAL.

a. Significant Aspects. The DOD programing system was established in the Department of Defense to facilitate the use of cost/effectiveness analysis in decisionmaking and provide a rational means of assigning resources to different missions of the Defense Establishment. The significant aspects of the DOD programing system can be summarized in six points:

(1) The program is formal. It is written and itemized into 10 major groupings of the more than 1,100 program elements. It is prepared for at least a 5-year period into the future.

(2) It is a comprehensive program. It gives the estimated full cost of the entire department for each year of a 5-year period.

(3) It is specific. It lists money, personnel, and equipment, which are inputs to operations. Whenever possible, it also lists outputs.

(4) The program reflects decisions already made. Every figure in the program reflects the future consequences, over the next 5 years, of management decisions.

(5) The program is the dominant tool used in Department of Defense management. It is the primary system around which planning and control devices revolve and is the nucleus for the whole management process.

(6) A procedure is provided for continuously incorporating changes to the program whenever decisions are made.

b. Long-Range Planning. Department of Defense programs cover a 5-year period in order to provide a better basis for making management decisions having long-range effects. The result is the DOD Five Year Defense Program (FYDP), which implements the DOD Programing System. It is based upon (and is the sum of) each of the separate military service programs submitted by the services for DOD approval. The separate services' programs are submitted to DOD on a time schedule and in a format prescribed by that office. FYDP represents the tying together of all facets of the US defense effort in a manner relating national security objectives to resources, and resources to cost.

c. FYDP Primary Programs. The major programs developed by DOD under FYDP are listed below. Each is an interrelated group of program elements considered together because they either support each other or are close substitutes for each other, and they are organized essentially on a mission-oriented basis. There are 10 major programs (an 11th, Base Operations, and a 12th, Repair Maintenance Activities, are administered at DA level):

Program 1 - Strategic Forces.

Program 2 - General Purpose Forces.

Program 3 - Intelligence, Communications, and Other Activities.

Program 4 - Mobility Forces.

Program 5 - Guard and Reserve Forces.

Program 6 - Research and Development.

Program 7 - Central Supply and Maintenance.

Program 8 - Training, Medical, and Other Personnel Activities.

Program 9 - Administration and Associated Activities.

Program 10 - Support of Other Nations.

3-15. PROGRAM DEFINITIONS.

a. Program 1 - Strategic Forces--Consists of three major subdivisions, strategic offensive, strategic defense, and civil defense. It includes command organizations associated with these forces. The United States Army Air Defense Command (USARADCOM) is part of this program.

b. Program 2 - General Purpose Forces--Consists of force oriented program elements other than those in Program 1, including the command organization associated with these forces, the logistics organizations organic to these forces, and the related logistics and support units which are deployed or deployable as constituent parts of military or naval forces and field organizations. These are the forces upon which we will rely to fight local or limited wars or theater engagements in general war. For the Army, this is the largest program, and it includes approximately 65 percent of the Army's personnel and dollar resources.

c. Program 3 - Intelligence, Communications and Other Activities--Consists of mission and activities directly related to combat forces, but not a part of any of the forces listed in Programs 1 or 2 on which independent decisions can be made. It includes resources for primarily national or centrally directed Department of Defense objectives for intelligence and security; communications; specialized missions such as weather, aerospace rescue/recovery, and oceanography. The Army Communications Command (USACC) and the Army's Cryptologic Activities are contained in this program.

d. Program 4 - Mobility Forces--Consists of airlift, sealift, and other transportation organizations both industrially funded and nonindustrially funded. It includes command, logistics and support units organic to these organizations. The Army has no elements funded under Program 4.

e. Program 5 - Guard and Reserve Forces--Consists of National Guard and Reserve training units. Elements are arranged in program order to facilitate the relating of the Guard and Reserve training forces to the active forces.

f. Program 6 - Research and Development--Consists of all research and development activities which are not related to items which have been approved for procurement and deployment. The cost of research and development related to operational systems appears in appropriate elements in other programs.

g. Program 7 - Central Supply and Maintenance--Consists of supply and maintenance that is not organic to other program elements. It includes nondeployable supply depots and maintenance depots, both industrially funded and nonindustrially funded.

h. Program 8 - Training, Medical, and Other Personnel Activities--Consists of training, medical, and other activities associated with personnel, excluding training specifically identified with another program element. It also excludes housing, subsistence, medical, recreational, and similar costs that are organic to another program element (such as base operations).

i. Program 9 - Administration and Associated Activities--Consists of resources for the administrative support of departmental and major administrative headquarters, field commands, and administrative activities (not elsewhere accounted for), construction support activities, and miscellaneous activities.

j. Program 10 - Support of Other Nations--Consists of elements identified to the MAP and AID Programs and those resources assigned to elements related to or supporting the Military Assistance Program.

CHAPTER 4

THE ARMY MANAGEMENT STRUCTURE (FISCAL CODE)

SECTION I - INTRODUCTION

4-1. GENERAL. Chapter 4 deals with the use of the Army Management Structure (Fiscal Code) in conjunction with normal installation accounting transactions and does not attempt to discuss the numerous exceptions and special requirements which frequently arise when using the fiscal code regulations. The discussion within this chapter will relate back to the DOD program system discussed in chapter 3. Students who desire more depth in fiscal code procedures and policies should complete the Fiscal Code Subcourse 752 available through the US Army Institute of Professional Development.

4-2. DEFINITION AND PURPOSE OF FISCAL CODE.

a. Definition. Fiscal code is a system designed to describe Federal Government financial transactions through the use of a series of alphabetical and numerical symbols commonly referred to as an accounting classification. Within the Army, fiscal code is also referred to as the Army Management Structure (AMS).

b. Purpose. The use of accounting classifications rather than words and phrases in recording financial transactions saves both time and space. This system also precludes the misinterpretation of data through the use of standard transaction definitions and facilitates the mechanization of financial records and reports.

c. Categories. The two major categories of financial transactions which are represented by accounting classifications are: (1) obligations and disbursements (expenditures) and (2) collections. Sections II through IV of this chapter discuss the three most common expenditure accounting classifications, while sections V through VIII describe the most commonly used collection accounting classifications.

d. Objectives. The Army Management Structure (Fiscal Code) provides a uniform listing of the activities of the Army identifying each activity with a specific code number. The main objective of the Army Management System (Fiscal Code) is to provide a single structural framework for use at all levels of command in examining and discussing financial actions of a particular activity.

e. Fiscal Code Information. The activity codes referred to in the above paragraph are found in the AR 37-100 series: The Army Management Structure (Fiscal Code) regulations. A basic description of these regulations is given at the end of this chapter.

f. Army Management Structure Code (AMS Code). The installation budgets for work to be accomplished and the funds necessary to accomplish this work at the major activity, activity, and subactivity level. It is therefore necessary to provide the managers at all these levels with expense data applicable to their area so that they may be adequately equipped to properly manage their respective organizations. To identify these expenses to their respective activity, the Army Management Structure assigns each of these activities a particular identification number. This identification number is called the AMS code. It is an 11-digit number that identifies expense information applicable to the various levels of management.

SECTION II - SPECIFIC ALLOTMENT (EXPENDITURE)
ACCOUNTING CLASSIFICATION

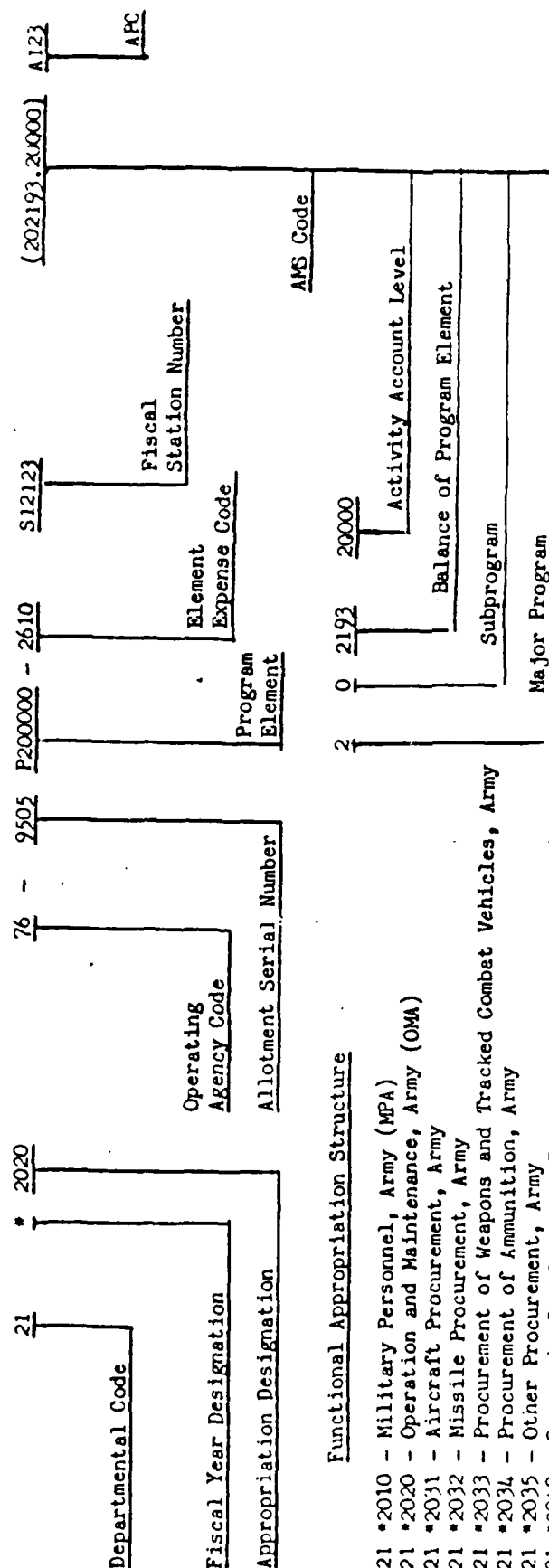
4-3. SPECIFIC ALLOTMENT (FINANCIAL RESOURCE AUTHORIZATION). A specific allotment is an allotment of funds or financial resource authorization (OMA only) issued to an Army installation or activity by a general operating agency to support the performance of assigned missions. Detailed accounting records for the allotment or financial resource authorization are maintained by the receiving installation. A specific allotment (expenditure) accounting classification is illustrated in figure 6 and summarized below:

	<u>Example</u>
a. Appropriation symbol	21*2020
b. Allotment number	76-9505
c. Account classification	P200000-2611
d. Fiscal station number	S12123
e. AMS code	202193.20000
f. APC	A123

4-4. APPROPRIATION SYMBOL (21*2020). This 7-digit symbol contains four items of information:

a. Departmental Code (21). The first two digits of this symbol identify the department of the Federal Government responsible for administering the appropriation. A complete list of departmental codes is contained in the "Transfer Appropriations" chapter of the current AR 37-100-XX (substitute the current fiscal year for the "XX"). Frequently used departmental codes include:

SPECIFIC ALLOTMENT (EXPENDITURE) ACCOUNTING CLASSIFICATION



Functional Appropriation Structure

- 21 *2010 - Military Personnel, Army (MPA)
- 21 *2020 - Operation and Maintenance, Army (OMA)
- 21 *2031 - Aircraft Procurement, Army
- 21 *2032 - Missile Procurement, Army
- 21 *2033 - Procurement of Weapons and Tracked Combat Vehicles, Army
- 21 *2034 - Procurement of Ammunition, Army
- 21 *2035 - Other Procurement, Army
- 21 *2040 - Research, Development, Test and Evaluation, Army (RDTE)
- 21 *2050 - Military Construction, Army (MCA)
- 21 *2060 - National Guard Personnel, Army (NGPA)
- 21 *2065 - Operation and Maintenance, Army National Guard (OMANG)
- 21 *2070 - Reserve Personnel, Army (RPA)
- 21 *2080 - Operation and Maintenance, Army Reserve (OMAR)
- 21 X2085 - Military Construction, Army National Guard (MCANG)

Figure 6

- (1) 17 - Department of the Navy.
- (2) 19 - Department of State.
- (3) 21 - Department of the Army.
- (4) 57 - Department of the Air Force.
- (5) 75 - Department of Health, Education, and Welfare.
- (6) 97 - Department of Defense.

b. Fiscal Year (*). The third digit of this symbol indicates the fiscal year in which the annual appropriation is available for obligation. In this example, an asterisk is used instead of the last number of the current fiscal year. As an example, in FY 1979 transaction the digit 9 would be used to represent the fiscal year.

c. Basic Appropriation Symbol (2020). The final four-digit series of numbers in the appropriation symbol indicates the Treasury fund group (see para e, below) to which this transaction applies and also identifies the specific functional appropriation (see para f, below) from which the disbursement will be made.

d. Treasury Fund Groups. Each accounting transaction in the Federal Government is related to a particular fund group, of which there are six major expenditure account categories and three major receipt account categories. Expenditure account and receipt account symbols are assigned by the Treasury Department to indicate the fund group to which the transaction applies. The expenditure fund groups are:

(1) General (0000 - 3899). Used for normal operations of the Government.

(2) Management (3900 - 3999). Used to account for the operation of intra-Governmental activities which are financed by more than one appropriation.

(3) Revolving (4000 - 4999). Used to finance revenue-producing or self-financing activities of the Government.

(4) Special (5000 - 5999). Used for disbursements and collections as prescribed by law.

(5) Deposit (6000 - 6999). Used for receipts held in suspense temporarily and for disbursements and collections made by the Government in the capacity of a banker or holding agent for others.

(6) Trust (7000 - 9999). Used for disbursements and collections made in compliance with an agreement or statute.

e. Functional Appropriations. An appropriation is an authorization by an Act of Congress to make payments out of the Treasury for specified purposes. The funds made available to the Department of the Army are in the form of appropriations to support certain functions of the Army and are therefore referred to as functional appropriations. The Treasury Department assigns designations to each appropriation within a particular Treasury fund group. For example, the basic appropriation symbol "2020" represents the Operation and Maintenance, Army appropriation within the General (0000-3899) Treasury fund group. The designations for the primary DA functional appropriations within the General (0000-3899) Treasury fund group are:

- (1) 2010 - Military Personnel, Army (MPA).
- (2) 2020 - Operation and Maintenance, Army (OMA).
- (3) 2031/5 - Procurement, Army Series.
- (4) 2040 - Research, Development, Test, and Evaluation, Army (RDTE).
- (5) 2050 - Military Construction, Army (MCA).
- (6) 2060 - National Guard Personnel, Army (NGPA).
- (7) 2065 - Operation and Maintenance, Army National Guard (OMANG).
- (8) 2070 - Reserve Personnel, Army (RPA).
- (9) 2080 - Operation and Maintenance, Army Reserve (OMAR).
- (10) 2085 - Military Construction, Army National Guard (MCANG).

4-5. ALLOTMENT NUMBER (76-9505). The second distinct part of the expenditure accounting classification is the allotment number which identifies a specific allotment issued to an installation, normally a group of six digits (i.e., XX-XXXX), and contains two items of information:

a. Operating Agency Code (76). The first two digits of the allotment number comprise a code which identifies the operating agency which issued the specific allotment to the installation. In this example the code "76" identifies the operating agency FORSCOM. A list of operating agency codes is contained in AR 37-100 under "Operating Agencies and Accounting Offices."

b. Allotment Serial Number (9505). The four-digit series of numbers following the hyphen in the allotment number represents a control number known as the allotment serial number which is assigned by the operating agency to each specific allotment of funds which it issues to an

installation or activity. Allotment serial numbers for specific allotments will always contain four digits between 1000 and 9999, inclusive. Specific allotment serial numbers are not published in the Army Fiscal Code series of regulations. Each funding document for a specific allotment will contain a serial number assigned to that allotment upon issuance by the general operating agency.

4-6. ACCOUNT CLASSIFICATION (P200000-2611); (P1100). The account classification is the third distinct part of the expenditure accounting classification.

a. Program Element (P200000). Program elements are used by OMA, OMAR, and RDTE appropriations. It consists of a six-digit symbol preceded by the letter "P." The first digit (2) represents the major program (under the 5-year defense program there are 10 major programs which can be found in AR 37-100-XX, Chapters 5, 7, and 12). The second digit (0) is the same as the second digit of the old budget program and is referred to as the subprogram. The remaining four digits are called the balance of the activity "0000."

b. Project Account Number (Example P1100). For all other appropriations, the third part of the accounting classification is referred to as the project account number. The example used above refers to Military Personnel, Army appropriation. It will consist of the letter "P" followed by four digits. The first two digits of the project account number identify the budget program. Reporting levels within the budget program vary depending on the amount of detail required. The third digit following the "P" identifies the project account (i.e., specific activity) within the budget program, while the fourth digit identifies a subproject account (a particular function within the specific activity). Thus a figure other than "0" in the third and fourth digit of the project account number indicates the reporting level within the budget program series:

<u>Project Account Number</u>	<u>Reporting Level</u>
P <u>1</u> 100	Budget program series
P1 <u>1</u> 10	Project account
P11 <u>1</u> 8	Subproject account

c. Element of Expense (2611). The second part of the account classification is the four-digit element of expense. The element of expense identifies the nature of the service, article, or other item involved in the particular transaction. In this example "2610" indicates that some type of consumable supply other than POL or medical has been purchased.

d. Specific Elements of Expense. Within the major element of expense categories there are additional subdivisions. The second digit of the element of expense indicates a specific type of service, article or other item within the broad expense category (i.e., EOE 1100 series indicates that the type of personnel service involved is compensation for direct-hire US civilians). In some cases the third and fourth digit of the element of expense is also used for a further subdivision as in the example of EOE 2610 cited above. A list of all elements of expense and a definition of each can be found in AR 37-100 listed under "Elements of Expense." The most common element of expense subdivisions are:

- (1) 1100 Series - Personnel Compensation.
- (2) 1200 Series - Personnel Benefits.
- (3) 1400 Series - Military Personnel Expenses.
- (4) 2100 Series - Travel and Transportation of Persons.
- (5) 2200 Series - Transportation of Things.
- (6) 2300 Series - Rent, Communications, and Utilities.
- (7) 2400 Series - Printing and Reproduction.
- (8) 2500 Series - Other Contractual Services.
- (9) 2600 Series - Supplies and Materials.
- (10) 2700 Series - Service Charge Function.
- (11) 3100 Series - Equipment.
- (12) 4100 Series - Grants and Fixed Charges.

4-7. FISCAL STATION NUMBER (S12123). This six-digit series, starting with an "S" followed by five figures, is the fourth distinct part of the specific allotment accounting classification. This number identifies the fiscal station responsible for maintaining the allotment of funds which is being affected by this transaction and is referred to as a specific fiscal station number. In this example "S12123" identifies the fiscal station at the hypothetical installation, Fort Finance. There are three items of information that may be contained within the fiscal station number:

a. State, Continent, or Mobile Unit Designation (S12). The first two digits following the "S" provide information concerning the location of the fiscal station. Numbers between 01 and 49 represent the specific State within CONUS in which the fiscal station is located. For example, 01 indicates a station in Alabama, 12 indicates a station in Indiana, and 49 indicates stations located in Washington, DC; if the two digits are in the 80 series, the activity is a mobile or tactical unit, normally a division finance office or finance section. These mobile or tactical units may be located either in CONUS or overseas. If the number is in the 90 series, it indicates a station overseas, and the digit following the "9" indicates the continent the activity is located on. As an example, all fiscal station numbers beginning with "S91" indicate activities located in Europe.

b. Installation or Activity Designation (123). The final three digits in the fiscal station number identify the specific installation or activity. In this example "123" identifies Fort Finance.

c. A listing of fiscal station numbers may be found in the US Army Finance and Accounting Center publication, subject: Disbursing and Fiscal Station Numbers Directory.

5-4. PERFORMANCE BUDGETS.

a. As previously discussed, the recommendations made by the first Hoover Commission led in 1949 to the amendment of the National Security Act to require the use of a "performance" budget by DOD. This legislation was intended to provide the Congress with the projected costs of major defense programs, rather than merely a statement of funds required.

b. The first "performance" budget was submitted to Congress in 1952. The design of the appropriation structure for the newly introduced "major programs" evolved along a functional basis, best illustrated by the substructure of the "operation and maintenance" appropriation which includes: operating forces, training activities, central supply activities, etc. Other major programs encompassing personnel; research, development, test and evaluation; materiel; and military construction functions also were identifiable in the appropriation structure. The influence of this functional emphasis was felt both in the role and functions of the Army Staff. It also influenced the development of the Army Program System and related management processes. The functional appropriations now available to the Army are discussed in the next paragraph.

5-5. ARMY APPROPRIATIONS USED AT INSTALLATIONS. The primary source of the Army's funds is the annual Department of Defense Appropriations Act. This Act contains most appropriations which are used to finance Army operations. As a result of primarily centralized control, most of the financial management of resources consumed at the installation is accomplished at higher command levels; however, installations are required to report all expenses incurred. The appropriations required to finance installations operations include:

a. Military Personnel, Army (MPA). This 1-year appropriation provides for the pay and allowances, individual clothing, subsistence, and permanent change of station travel of active military personnel, interest on deposits, gratuities, and other miscellaneous personnel requirements such as apprehension of deserters. Generally, this appropriation is administered at the DA level; however, installations are required to report any obligations incurred which are chargeable to it.

b. Operation and Maintenance, Army (OMA). This 1-year appropriation provides funds for the operation and maintenance of all organizational equipment and facilities of the Army to include procurement of operating supplies, production of training aids, operation of service-wide activities, expenses of courts and boards, and pay of civilian personnel. A high percentage of dollar resources available to pay the day-to-day cost of installation operations is contained in this appropriation. Authority to obligate funds expires on 30 September of each fiscal year.

c. Procurement Appropriations, Army (APA). There are five continuing (multi-year) appropriations which provide funds for procurement, manufacture, and conversion of major items of combat and supporting equipment including ammunition, aircraft, missile systems, weapons, and combat

air support vehicles. These funds are used almost entirely by the Army wholesale logistics system and the items procured are issued as unfunded items to the installations and units. The basis of issue is contained in appropriate authorization documents such as tables of organization and equipment, class IV projects (for APA-procured fixed plant communications equipment), or tables of allowances.

d. Research, Development, Test and Evaluation, Army (RDTE). This continuing (multi-year) appropriation provides funds for conduct and support of research and development efforts to include basic research; theoretical, feasibility, and design studies; scientific experiments; system engineering; weapon systems analysis; development engineering; and fabrication of experimental models and prototypes; and field evaluation and testing. Generally, these funds are budgeted for and justified on an individual project or task basis except those under the heading "Program-Wide Management and Support." Program-Wide Management and Support costs are those required for local operation; management and maintenance of research and development facilities; and research, development, test, and evaluation administration.

e. Military Construction, Army (MCA). This continuing (multi-year) appropriation provides funds for construction planning, preliminary and final design, real estate acquisition, and construction or major modification of all Army facilities regardless of their intended use. To obtain funds for military construction, the installation must submit and justify completely its construction requirements, through command channels, to DA for inclusion in the DA Military Construction, Army budget submission to DOD, OMB, and Congress. Each construction project requires specific Congressional authorization and appropriation approval. Generally, MCA funds are allotted to a district engineer who is responsible for real estate transactions and military construction within a specified geographical area. To a limited degree, MCA funds for minor construction or for modification of structures may be allotted to the installation commander.

f. Family Housing Management Account (FHMA). The Family Housing Management Account is the method used to finance family housing support activities in the military services. This is a DOD appropriation and the Army's needs are met through normal programming, budgeting, and fund distribution procedures. Each fiscal year, installation commanders are required to prepare a command operating budget reflecting their requirements for the operation and maintenance of military family housing.

g. National Guard Personnel, Army (NGPA) and Reserve Personnel, Army (RPA). These appropriations are similar to the MPA appropriation except that they pertain to Army National Guard and Reserve personnel not on extended active duty.

h. Operation and Maintenance, Army Reserve (OMAR) and Operation and Maintenance, Army National Guard (OMANG). Among other things, these appropriations are used to finance unit training and supplies and equipment for the Army Reserve and National Guard.

i. National Board for the Promotion of Rifle Practice, Army. This appropriation is used to support national and international rifle matches to include the construction and maintenance of rifle ranges.

5-6. THE DOD PLANNING PROGRAMING AND BUDGETING SYSTEM (PPBS). The DOD PPBS constitutes the primary formal management system for the Department of Defense. The PPBS system is an internal system. However useful it is in managing DOD resources or defending the defense budget, the PPBS remains internal. How defense needs fare among other competing claims results from interaction with OMB and Congress in the Federal budget system.

a. Planning. Planning defines military objectives and devises the strategy to implement Presidential guidance and at the same time creates the requirement for forces. As such, planning underlies the Secretary of Defense guidance and provides the basis for force development and program formulation.

b. Programing. Programing translates planning into a comprehensive and balanced allocation of projected forces, manpower, material, and funds for a 5-year period (8 years for force structure). This takes place within specified constraints based on OSD evaluation of realistic resource availability. Programing is the critical bridge between planning and budgeting.

c. Budgeting. Budgeting expresses resource requirements as needed, manpower and dollars categorized by congressional appropriation, giving emphasis to the 1st year of the approved 5-year program. Obtaining the funds necessary to carry out approved plans and programs through the Federal budget system constitutes a primary function of the Army budget. In addition, the Army budget promotes efficient program management and effective financial control during the execution phase.

d. In order to close the loop on the Planning Programing and Budgeting System the final step is the accounting for and expenditure reporting of funds that have been obtained through the Federal Budget process. This formal documentation is of utmost importance in discharging the DOD stewardship of public funds.

SECTION III - FUND DISTRIBUTION

5-7. BASIC CONCEPT OF FUND DISTRIBUTION. The distribution of funds is a documented action which makes funds available in a stated amount to a specified organization for incurring obligations and expenditures for specific purposes. Such distribution of funds creates a formal subdivision of funds.

Any formal subdivision of an appropriation earmarks the portion that is to be used by an organization for a specific purpose and limits the amount that may be obligated and expended for that purpose. Such subdivisions facilitate control over appropriated funds and reporting of violations of Section 3679, Revised Statutes. A formal subdivision consists of two elements: organizational subdivision and purpose subdivision. The organizational subdivision is the delegation of obligation authority to the various levels of administrator command; e.g., from the Department of the Army to the operating agency and then to the installation. This distribution involves the issuance of obligation authority. The subdivision indicates the purpose for which the funds can be used in terms of activity accounts established in the Army Management Structure (Fiscal Code).

5-8. FUND DISTRIBUTION POLICIES WITHIN DA.

a. Minimum of Fund Subdivision. It is DA's intent to hold to a minimum the number of formal subdivisions of funds at all levels of administration. This policy normally results in keeping the issuance of allotments for each appropriation to an installation at a minimum. The objective is to finance each operating unit at the highest practicable level. A fund subdivision is a segment of an appropriation or fund created by a funding action. It is an administrative means of controlling obligations within an agency.

b. Control of Obligations in Broad Categories. Control of obligation and expense authority by the installation commander is exercised to the maximum extent possible through the use of budgetary allowance targets. Such allowances are stated in as broad as feasible categories. It is not desirable to place limitations on individual items, such as payrolls, purchase requests, and travel orders.

c. All Fund Authorizations Must be Made in Writing. All fund authorizations and limitations, including adjustments thereto, are made in writing at all levels of command. Verbal or telephonic authorizations are not recognized except in exceptional circumstances (those jeopardizing the health and/or safety of individuals within the command). If exceptional circumstances do exist, then verbal authorizations are considered as valid pending receipt of a confirming written authorization. An authorization or limitation issued by wire (telegram) is considered an authorization or limitation pending receipt of a written document.

5-9. FUND DISTRIBUTION DOCUMENTS. The funding document used to distribute funds to the various levels within the Department of the Army is the Funding Authorization Document (FAD). This document includes information relating to the funds provided by Department of Defense Programs (used by DOD for planning purposes) and by the functional appropriation used by

5-10. DISTRIBUTION OF FUNDS.

a. Phases of the Fiscal Process. The Army's budgetary and fiscal process has four main phases: request for funds, receipt of funds, distribution and control of funds, and obligation and expense accounting for use of funds. This chapter is concerned with the distribution and control of funds. Distribution and control of appropriated funds refers to the budgetary and fiscal process used by DA in authorizing responsible officials to incur obligations and expenses against financial resource authorizations established by Congress. It does not refer to the distribution and control of actual currency.

b. Flow of Funds. Funds are made available to the using activities through a process of subdivision by the various echelons of command beginning with congressional appropriation and ending at the using activities in the form of a FAD. This process is known as the "Flow of Funds," and is graphically represented in figure 8.

5-11. APPROPRIATION.

a. Definition. An appropriation is an authorization by an Act of Congress to make payments out of the Treasury for specified purposes.

b. DA Appropriations. All DA appropriations, except Military Construction, Army (MCA) are contained in the DOD Appropriations Act. Even though an appropriation act has been passed, DA must wait for apportionment and subapportionment of these appropriated funds before authorizing obligations against these funds.

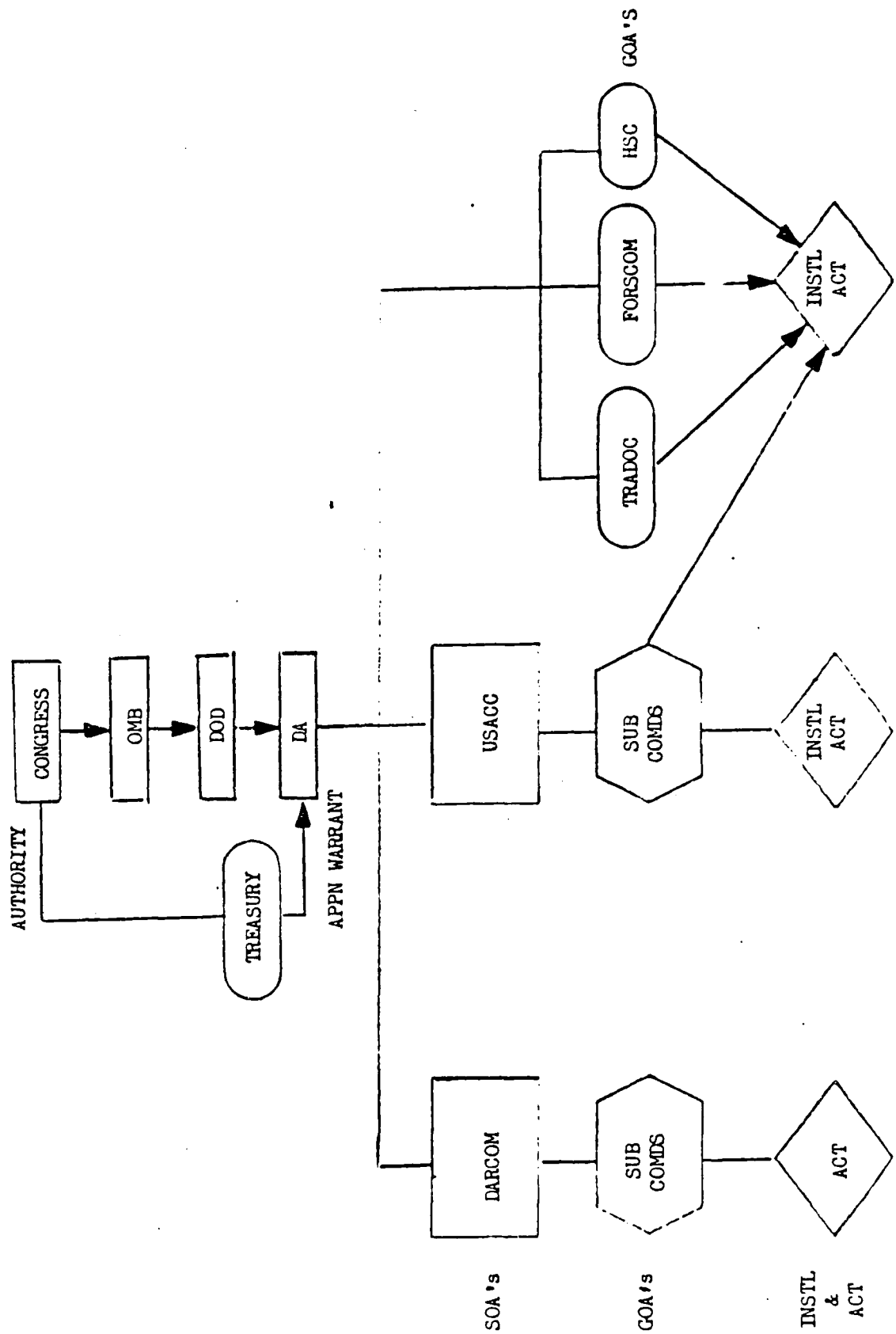
c. Identification. After the appropriation act has been passed by Congress and signed by the President, the Treasury Department assigns symbols and titles to identify each appropriation. These symbols and titles, together with subsidiary account classifications established by DA, are contained in AR 37-100-XX. Chapter 4 contains a discussion of these symbols and titles.

5-12. APPORTIONMENT.

a. Definition. An apportionment is a determination by the Director of OMB of the amount of obligations which may be incurred during a specified period of time under an appropriation.

b. Apportionment Requests. Not later than 15 days after the passage of the DOD Appropriations Act, the Office of the Comptroller of the Army forwards an apportionment request through DOD to OMB. By law, OMB has 30 days after passage of the Act to take action on the initial apportionment request. The Comptroller of the Army in conjunction with the Army Staff reviews command operating budgets, operating budget summaries, and other supporting data to develop the justification data for the apportionment request.

FLOW OF FUNDS



c. Apportionment Process. The Director of OMB is responsible for determining the amount of funds that a Government agency may obligate against an appropriation. OMB may apportion the entire amount of the appropriation or a portion of it as is deemed necessary to conform to the overall budget program of the President for the current fiscal year. In the apportionment action OMB states the amount available for obligation and the time period or category for which available. Funds required by an agency to finance operations for which reimbursement is anticipated must also be apportioned by OMB before such funds can be made available to the servicing agency.

d. Quarterly Requirements. Normally, an apportionment is for a single quarter's requirements. Unobligated balances remain available for use in succeeding quarters of the same fiscal year.

5-13. SUBAPPORTIONMENT. DOD provides guidance to the OMB as to amounts to be apportioned to the Departments of the Army, Navy, and Air Force. For instructional purposes, the term applied to this action is referred to as a subapportionment. This process is also known as the DOD Release of Funds.

5-14. ALLOCATION. After the apportionments have been approved by OMB and a subapportionment is made to DA by DOD, the Office of the Comptroller of the Army (COA) allocates funds to the special operating agencies (SOA) and to those general operating agencies (GOA) funded directly by Headquarters, DA. This allocation makes funds available within a prescribed amount and is normally made quarterly and in the budgetary terms specified in the subapportionment document. For OMA, OMAR, and ROTE funds, the subapportionment document is in FYDP terms.

5-15. SUBALLOCATION. Special operating agencies receiving allocations from DA suballocate funds to operating agencies under their command jurisdiction.

5-16. ALLOTMENT.

a. Issuance of Allotments. Upon receipt of an allocation from DA or suballocation from an SOA, general operating agencies issue obligation authority to their installations through issuance of specific allotments. The total of allotments issued by a GOA to installations must not exceed the amount of allocations or suballocations received by the GOA and must be for the time period. Ordinarily, allotments are issued on a quarterly basis and are cumulative for succeeding quarters of the year. Figure 9 illustrates that an installation may receive more than one allotment, originating from different sources.

b. Open Allotments. Open allotments are established by an operating agency at Headquarters, DA, when it is determined that specific allotments would be impractical for installations to administer. An open

COMMAND FUNDING
EXAMPLE

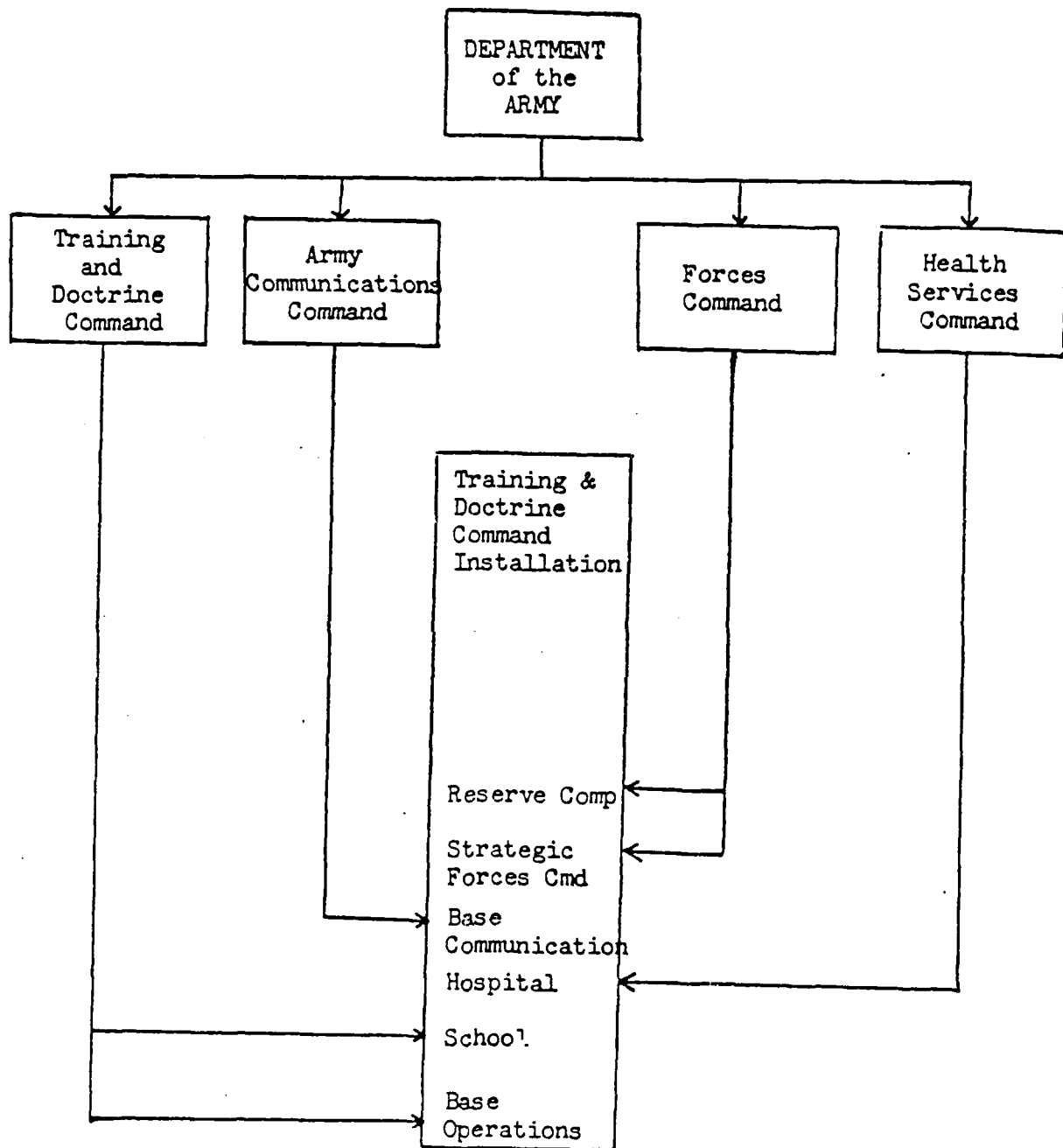


Figure 9

allotment is established for a specific purpose and in a specific amount, and may be established only with the approval of the Comptroller of the Army (see Chapter 4, Sections III and IV, for a discussion of open allotments).

c. Suballotments. Generally, suballotments are used for financing continuing requirements in subordinate elements of the same command that receives an allotment. Suballotments are highly discouraged for use with OMA funds. A suballotment is used only if reimbursement methods do not apply.

5-17. AUTHORITY TO OBLIGATE PENDING RECEIPT OF APPROPRIATED FUNDS.

a. Delayed Passage of the Appropriations Act. Although the flow of funds theoretically provides adequate time to distribute appropriations down from Congress, such is not the case in actual practice. When the Congressional hearings are not completed by the end of September and no appropriation act has been passed, provisions must be made for the continuity of Government operations. The following actions are taken to allow for essential operations pending the ability of DA to allocate funds.

(1) Congressional Action. When it is apparent that the appropriations act will not become law by 1 October, a Joint Resolution by Congress is passed to authorize obligations to be incurred pending passage of the act.

(2) Secretary of Defense. Based upon the authority granted by the Joint Resolution, the Office, Secretary of Defense, issues a directive to provide for the essential military and civil functions of DOD pending final enactment of the appropriation act and the subsequent apportionment of funds for the fiscal year.

(3) Department of the Army. In the event of a delay in the enactment or implementation of an appropriation act, DA is granted authority by DOD to obligate pending receipt of the subapportionment. Subsequently, DA will grant to commanders, through normal funding channels, authority to obligate within limitations imposed by Congress, OMB, DOD, and COA.

b. Interim Authority. This interim authority to incur obligation for essential operations within DA is accomplished by authorizing obligations based on:

- (1) One-twelfth of the previous year's appropriation.
- (2) Minimum essential basis.
- (3) Flat percentage.

(4) The amount entered by the House of Representatives in the bill.

(5) Exact dollar figures.

(6) Program element amounts or as otherwise directed.

c. Subsequent Authorization. Each funding echelon must absorb the cumulative obligations incurred under the interim authority within the authority subsequently documented on a fund authorization document.

SECTION V

INSTALLATION PROGRAM FUNDS AND THE FUNDING AUTHORIZATION DOCUMENT

5-25. ELEMENTS OF INSTALLATION PROGRAM FUNDS. Installation program funds (financial resource authorizations) which are controlled by the installation FAO to prevent overexpenditure or overobligation, are those funds for which the installation programs and budgets. Financial resource authorizations are received from the command operating agency on the installation's funding authorization document (FAD). Installation financial resource authorizations contained on the FAD are broken down into three major types of spending authority (figure 10):

a. Direct Obligation Authority. Authority required by the installation to perform its mission and provide base operations services over a specified period of time. This authority in specific amount is received on the FAD and becomes immediately available for obligation.

b. Funded Reimbursement Authority. This authority in specific amount is received on the FAD but is not immediately available for obligation. This authority becomes available for obligation and disbursement for the operation of specified activities at the installation only after certain conditions are met. Installation appropriation reimbursements are discussed in detail in chapter 8.

c. Automatic Reimbursement Authority. Authority to engage in automatic reimbursement transactions is received on the FAD and, thus, not in any specific amount. The installation "creates" these funds to temporarily finance the sale of supplies or services to individuals or activities that ultimately reimburse the installation. Immediate obligation of this authority is not allowed unless a specific order is received. See Chapter 8 for a thorough discussion on the automatic reimbursement program.

5-26. PURPOSE. The funding authorization document is the installation's approved financial plan for incurring expenses and the source of financial resources as outlined in 5-25.

TYPES OF FINANCIAL AUTHORIZATIONS

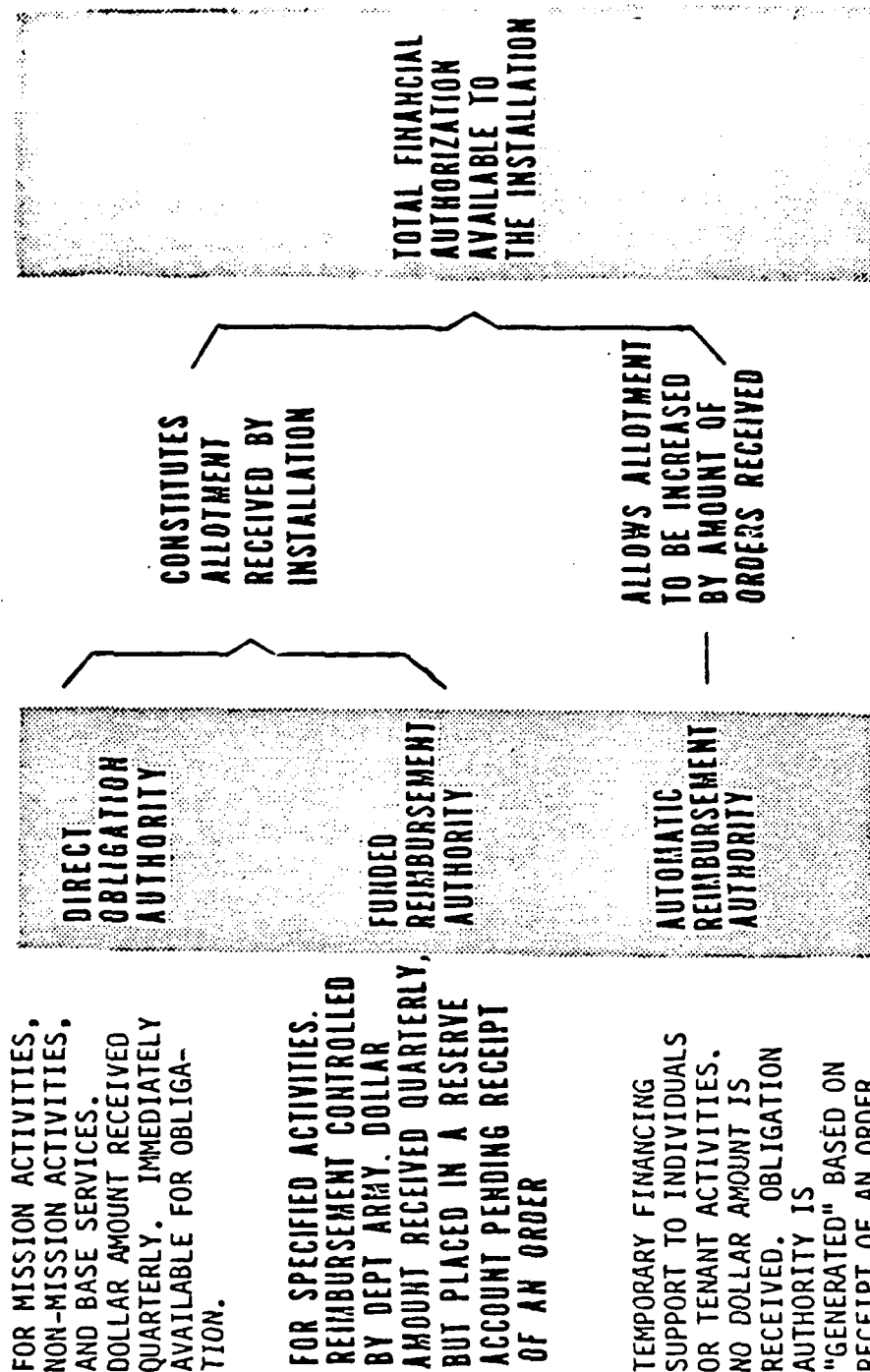


Figure 10.

5-27. DISCUSSION.

a. The FAD is the vehicle by which the general operating agency makes its allotment of funds to the installation.

b. An example of the funding authorization document is shown at figure 11. The top of the document shows necessary administrative data, and basically includes who issued and who received the FAD. It contains elements which are essential for the proper functioning of the Army Management Structure as discussed in chapter 4. For example, the FAD identifies the operating agency (76) and the allotment serial number (9505) assigned by the operating agency. We also know the FAD is for the operation and maintenance fund for the Army for the current fiscal year. At this point, using information learned from Chapter 4, we may start to construct an accounting classification showing:

- | | |
|--------------------------|---------|
| (1) Appropriation Symbol | 21*2020 |
| (2) Allotment Number | 76-9505 |

c. Section A - General. This section identifies by appropriation (e.g., 2020 - Operation and Maintenance, Army; 2040 - Research, Development, Test, and Evaluation, Army; or 0700 - Family Housing Management Account) the total annual funding program plus the quarterly limitations. In CONUS, the terms "selected resources" and "undelivered orders" are used interchangeably. Undelivered orders are those orders (obligations) placed by an activity for goods or services which have not yet been received. The "change in selected resources" is the difference between the balance of undelivered orders at the beginning of an accounting period (fiscal year) and the balance of undelivered orders at the end of the accounting period.

d. Section B - Operation and Maintenance, Army. This segment of the FAD is concerned with the annual operating budget for the Operation and Maintenance, Army appropriation (2020) by the Five Year Defense Programs. Total Direct Obligation Authority and Funded Reimbursement Authority is identified for this appropriation.

e. Section C - Operations and Maintenance, Army Reserve. Funding received for the operation and maintenance of reserve activities (2020 appropriation) will be identified by total Direct Obligation Authority and Funded Reimbursement Authority for the annual operating budget by major program. Block 15, for appropriations issued in Section A, B, or C, identifies how much of the annual operating budget is available for the quarter. Normally, this document will be used to issue only one allotment.

f. Section D - Operation and Maintenance. This section will identify financial limitations or guidance placed on the funding received in the areas of Maintenance of Real Property Floor, Base Operations Support, Contingencies limitations, and Automatic Data Processing limitations.

FUNDING AUTHORIZATION DOCUMENT				
For use of this form, see AR 37-20; the proponent agency is OCOA.				
1. ISSUED BY CDR, FORSCOM Atlanta, GA 30300		2. ISSUED TO (Operating Agency or Installation) CMR, Ft Finance ATTN: ARCSA-PB Indianapolis, IN 46000		
3. SERVICE SERIAL NUMBER	4. ADVISE NUMBER 36	5. OPERATING AGENCY CODE 76	6. ALLOT OR SUBALLOT SERIAL NO 2017	
7. STATION NUMBER 12123	8. CHANGE NUMBER Initial Document	9. EFFECTIVE DATE 1 Oct 7**	10. DATE ISSUED 20 Sep 7**	
SECTION A - GENERAL				
11. APPROPRIATION OR FUND SYMBOL PROGRAM OR PROJECT NUMBER	12. ANNUAL FUNDING PROGRAM		13. CHECK APPLICABLE BOX	
	INCREASE OR (DECREASE) <small>a</small>	REVISED NET AMOUNT <small>b</small>	INCREASE OR (DECREASE) <small>a</small>	REVISED NET AMOUNT <small>b</small>
21*2020	13,144,880	13,144,880	3,771,549	3,771,549
Change in Selected Resources		INCREASE	DECREASE	REVISED NET
SECTION B - OPERATION AND MAINTENANCE, ARMY				
14. PRIMARY PROGRAM	INCREASE OR (DECREASE)		REVISED NET AMOUNT	
SUB-PROGRAM				
Program 1 - Safeguard	\$		\$	a/
Program 2 - General Purpose Forces	\$	10,869,080	\$	10,869,080
Program 3 - Communications	\$		\$	a/
Program 3 - Intelligence	\$		\$	a/
Program 3 - Other	\$		\$	a/
Program 7 - Central Supply	\$	111,900	\$	111,900
Program 7 - Maintenance	\$		\$	a/
Program 8 - Medical	\$		\$	a/
Program 8 - Other	\$	1,800,000	\$	1,200,000
Program 8 - Training	\$		\$	a/
Program 9 - Adm & Associated Activities	\$	327,400	\$	327,400
Program 10 - Support of Allied Nations	\$		\$	a/
TOTAL DIRECT OBLIGATION PROGRAM	\$	13,108,380	\$	13,108,380
FUNDED REIMBURSEMENTS	\$	36,500	\$	36,500
SECTION C - OPERATION AND MAINTENANCE, ARMY RESERVE				
Program 1 - Mission Forces	\$		\$	a/
Program 2 - Depot Maintenance	\$		\$	a/
Program 3 - Other Support	\$		\$	a/
TOTAL DIRECT OBLIGATION PROGRAM	\$		\$	a/
FUNDED REIMBURSEMENT	\$		\$	c/
15. FUND ALLOCATIONS <u>21*2020</u>				
APPROP SYMBOL	1ST QUARTER	2D QUARTER	3RD QUARTER	4TH QUARTER
TOTAL	\$ 3,771,549	\$	\$	\$
Direct	\$ 3,758,949	\$	\$	\$
Funded Reimb.	\$ 12,000	\$	\$	\$

DA FORM 1 SEP 76 **1323**

REPLACES EDITION OF 1 MAY 61, WHICH IS OBSOLETE.
Figure 11

SECTION D OPERATION AND MAINTENANCE <u>21*2020</u>			
OTHER ITEMS		INCREASE OR (DECREASE)	REVISED NET AMOUNT
		\$	\$
		\$	\$
Base Operation Support		\$ 7,672,700	\$ 7,672,700 <i>d/</i>
Contingencies			
BY Budget Program	Limit		<i>b/</i>
P—	.012	500	500 <i>b/</i>
P—			<i>b/</i>
P—			<i>b/</i>
P—			<i>b/</i>
P—			<i>b/</i>
ADP Limitation TOTAL		906,500	906,500
P—	2 Training	906,500	906,500
P—			
P—			
P—			
P—			
P—			

NOTES:

a/ These amounts are limitations and will not be exceeded without the approval of the next higher authority. Major program totals are subject to the provisions of AR 37-20.

b/ This cumulative direct obligation amount constitutes a limitation subject to the provisions of AR 37-20.

c/ This annual funded reimbursable obligation amount is a limitation subject to the provisions of AR 37-20 and is available only in an amount equal to the order received and established or the total annual obligations incurred against funded reimbursable orders, whichever is less.

d/ This amount is the base operations direct obligations included in the program and appropriation totals.

e/ These cumulative quarterly obligations as increased by automatic reimbursable orders received constitute limitations subject to the provisions of AR 37-20.

REMARKS

Initial AFP based on FAPABS update 15 Sep 7**

FY 7* OMA Statutory MRPF is established at \$2,406,700

FY 7* OMA Travel Target established at \$760,300. This Target is an administrative ceiling, therefore, not subject to RS 3679, as revised.

<p>NAME AND TITLE OF APPROVING OFFICER</p> <p>I. M. WOODSTOCK, COL, GS</p> <p>F&A DIVISION</p>	<p>SIGNATURE</p> <p><i>I. M. Woodstock</i></p>
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Figure 11 (cont'd)

DISPOSITION FORM

FOR TRAINING PURPOSES ONLY

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

REFERENCE OR OFFICE SYMBOL

SUBJECT

ARCSA-PB

Fund Authorization Document

TO

FAO

FROM

Comptroller

DATE

24 Sep 7**

CMT 1

1. Forwarded herewith is the initial FY 7* Fund Authorization Document received from FORSCOM.

2. Current Quarter 197* OMA Obligation Authority.

DIRECT

PROGRAM

200000
720000
840000
950000

OMA OBLIGATION AUTHORITY

2,939,759
59,400
610,200
149,590
3,758,949

FUNDED

200000

12,600

3,771,549

3. Automatic Reimbursement Program (Cumulative).

Program

200000
720000
840000

1st Qtr

170,000
78,000
5,000
253,000

2d Qtr

300,000
131,000
10,000
441,000

3d Qtr

440,000
184,000
15,000
639,000

4th Qtr

565,000
237,000
20,000
822,000

4. FY 197* OMA Obligation Authority.

DIRECT

PROGRAM

200000
720000
840000
950000

OMA OBLIGATION AUTHORITY

10,869,080
111,900
1,800,000
327,400
13,108,380

FUNDED

200000

36,500
13,144,880

1 Incl
as

Mervin M. Draw
MERVIN M. DRAW
LTC, GS
Comptroller

FIGURE 11 (Contd)

DA FORM 2496

REPLACES DD FORM 2496, EXISTING SUPPLIES OF WHICH WILL BE
ISSUED AND USED UNTIL 10 65 UNLESS SOONER EXHAUSTED.

DISPOSITION FORM

For use of this form, see AR 340-15, the proponent agency is TAGCEN.

REFERENCE OR OFFICE SYMBOL

ARGSA-PB

SUBJECT

Distribution of Funding Targets

TO SEE DISTRIBUTION

FROM Comptroller

DATE 24 Sep 7**

CMT 1

Reference Fort Finance Reg 37-4, funding targets are herewith issued to reflect FORSCOM OMA funding document, dated 1 Oct 7**, Change Number Initial, and Advice Number 36.

ANNUAL FUNDING PROGRAM

PROGRAM DIRECTOR	200000	720000	840000	950000	TOTAL OMA
Direct					
DPCA	1,253,000			327,400	1,580,400
DIO		111,900			111,900
OFAE	3,900,700				3,900,700
G3/DPT	3,196,380				3,196,380
COMPT	932,580				932,580
OMEDA			1,800,000		1,800,000
DIV SIG	1,586,420				1,586,420
Tot Dir Oblg	10,869,080	111,900	1,800,000	327,400	13,108,380
Funded Reimb					
DIO	36,500				36,500
Tot Funded Reimb	36,500				36,500

QUARTERLY ALLOTMENT

PROGRAM DIRECTOR	1st QTR	2d QTR	3d QTR	4th QTR
Direct				
DPCA	553,349			
DIO	59,400			
OFAE	995,000			
G3/DPT	825,000			
COMPT	156,000			
OMEDA	610,200			
DIV SIG	560,000			
Tot Dir Oblg	3,758,949			
Funded Reimb				
DIO	12,600			
Tot Funded Reimb	12,600			

The dollar amounts stated herein constitute targets and serve as administrative limitations, and, thus, in themselves are not subject to provisions of AR 37-20. Any action that results in exceeding the target without prior approval of this office and causes the command fund limitation to be exceeded, is basis for naming the Program Director responsible for a violation of Section 3679, Revised Statutes.

Mervin M. Draw
 MERVIN M. DRAW
 LTC, GS
 Comptroller

FIGURE 12

DA FORM 2496

REPLACES DD FORM 26, WHICH IS OBSOLETE.

☆ U. S. G.

6/137

INPUT TARGETS/CEILINGS INTO STANFINS

TO THRU	FAO PROG & BUD DIV, COMPT	FROM	DPCA	DATE	26 Sep 7**
T/A (CC1-2) (CC3)	CORR BLOCK NO (CC4-6) (CC10)	FY (CC31-34) (CC41-44)	APC (CC49)	OBL DATA (CC50-63) (Cr"X" CC80)	ANNUAL PROGRAM (CC71-80) (Cr"X" CC80)
AE	*	1010	DA01	1	653,000.00
AE	*	1010	DA10	1	380,000.00
AE	*	1010	DA25	1	220,000.00
AE	*	1010	DA60	1	327,400.00
	*	1010		2	
AR	*	1010	DA01	1	210,580.00
AR	*	1010	DA10	1	100,000.00
AR	*	1010	DA25	1	93,179.00
AR	*	1010	DA60	1	149,590.00

NOTE:

TYPED NAME, GRADE & SIGNATURE OF PROGRAM DIRECTOR	TYPED NAME, GRADE & SIGNATURE OF BUDGET OFFICER
A. G. Sheld, LTC	P. F. Authdale, MAJ

FIGURE 13

g. In terms of an Army Management Structure accounting classification we can basically summarize the FAD as follows:

21*2020 76-9505 P200000-XXXX S12123

In long form this states: Certain expenses (EOE XXXX) were incurred by Fort Finance (S12123) with authority made available through an allotment from Forces Command-FORSCOM (76-9505); the use of the allotment was authorized by an appropriation law enacted by Congress to meet needs of Operation and Maintenance (2020), Army (21) during the current fiscal year (*).

h. As defined, direct obligation authority is used to finance direct mission and base operation requirements and is immediately available for obligation. Allotments are issued quarterly from the operating agency to the installation/activity. The purpose therefore of the FAD is to tell Fort Finance how much of its annual funding program is available each quarter. These quarterly amounts are cumulative. The installation comptroller will then divide the quarterly allocation among the various FYDP programs (see figure 11). The installation comptroller will then forward this disposition form, plus the funding documents, to the FAO for recording into the accounting records.

i. Under the currently accepted practice of decentralized fund control, the program directorates and the activities as well become the ultimate recipients and users of funds received on the FAD. In such an arrangement, the fund control process is made practicable through the issuance of funding targets (see 5-21) to the program directorates/activities by the comptroller. A localized FAD is the medium used to distribute these targets which the directorates/activities should not exceed in terms of incurring obligations. Figure 12 illustrates an example of a localized FAD. For effective control of the activity's/directorate's financial resources, the individual targets are further broken down and assigned against the 11-digit AMS codes which are translatable to APCs under STANFINS as referenced in chapter 4. A sample worksheet containing the breakout of the target, as shown in figure 13, is the basis for the FAO to load individual target amounts by AMS codes/APC's into STANFINS as a fund control feature. (Refer to appendix B for an overview of STANFINS and an explanation of APCs or accounting processing codes.)