

AGR Curtailment and Other Actions



**Fact Sheet Prepared by the
Texas State Defense Counsel**

INTRODUCTION

Air National Guard Instruction 36-101 is the primary guidance in reference to the Air National Guard Air Guard Reserve (AGR) Program. There are many different personnel options available to a Commander to manage the AGR program, which include: Involuntary AGR Curtailment, Voluntary AGR Curtailment, Involuntary Release, Involuntary Discharge, Mandatory, Mandatory Separations, Voluntary Reassignment, Management Directed Reassignments, and Details.

Involuntary AGR Curtailment

The involuntary AGR curtailment is a severe employment action which could result in the member losing their fulltime employment within the AGR program. Prior to initiating an AGR Involuntary Curtailment, commanders must use all quality force tools available (Referral OPR/EPR, LORs, Section/Article 15s) to rehabilitate the member. However, once a commander makes the decision to curtail an individual's orders the process is fairly quick.

- The commander will notify the Airman in writing of the proposed action.
- The member, after acknowledging receipt of the commander notification, may submit a written statement within 7 calendar days.
- The member's statement and the commander's recommendation will be forwarded through the appropriate chain of command to the State HRO.
- The TAG will review recommendations for involuntary curtailment and will make the final determination. TAG may order a command directed investigation (CDI) IAW AFI 90-301, *Inspector General Complaints Resolution*.
- If the TAG elects to curtail an individual's AGR assignment, the HRO will notify the Airman of an approved curtailment and the Airman's reconsideration rights.
- Requests for reconsideration may only be submitted if significant new information is obtained. Curtailment action will continue while pending reconsideration. If a written request for reconsideration is not filed, reconsideration rights will be waived.
 - Reconsideration memorandums, along with any supporting documentation, shall be submitted directly to HRO for staffing to TAG.
 - Airmen must notify HRO in writing of their intent for reconsideration within 7 calendar days of receipt of notification memorandum.
 - Reconsideration packages must be received by HRO within 21 calendar days of receipt of notification memorandum.

- HRO will notify the Airman of the reconsideration outcome and notify the Airman's chain of command of any further processing requirements, such as bringing them back on the rolls.

Other Force Management Options in the AGR Program

Involuntary Release (ANGI 36-101, para 8.6): Mission realignments, total force initiatives, Base Realignment and Closure (BRAC), end-strength limitations or other force management actions may require involuntary release of an AGR prior to the AGR tour end-date. HRO will manage the involuntary release process and Airmen will be notified of all actions and requirements associated with this release.

Involuntary Discharge (ANGI 36-101, para 8.7): Commanders may seek to initiate involuntary discharge action for officer and enlisted members IAW AFI 36-3209.

Mandatory Separation (ANGI 36-101, para 8.8): Officers when they reach their mandatory separation date (MSD); age 60 for enlisted members (unless in sanctuary); the loss of required security clearance; civilian or military conviction for a disqualifying offense IAW AFI 36-3209; twice deferred officers; and an AGR's failure to meet Air Force Specialty (AFS) Qualifications standards.

Voluntary Reassignment (ANGI 36-101, para 6.8): An AGR may request to be voluntarily reassigned when the new position is at least the same grade as the military member or the member agrees to a voluntary demotion; the assignment does not lead to an over grade, excess, or a promotion beyond the highest AGR grade identified for the current position when advertised and hired. If approved the member's AGR orders must be amended and if assigned to a new position the individual should remain in that position for a minimum of 24 months (though the TAG may waive this requirement).

Management Directed Reassignment (MDR) (Involuntary)(ANGI 36-101, para 6.8): With state HRO concurrence, commanders may elect a lateral Management Directed Reassignment of an AGR Airman without advertising the position and without the Airman's consent. Commanders will leverage the MDR program to effectively integrate personnel force development goals, operational requirements, and career management objectives that sustain and support unit/wing/State requirements. AGRs should serve at least 24 months in their present position to be considered for a MDR. MDRs with less than 24 months in current assignment require waiver approval by TAG. AGRs Airmen who decline a MDR will be released from the AGR program no earlier than 120 days after the date they decline.

Detail (ANGI 36-101, para 6.10:) Details are one time, short term assignments designed to meet an emergent need. AGR Airmen detailed outside their AFSC will not be detailed for more than 120 days within a four year period. Consecutive or —back to back details are prohibited. All details must be coordinated with and monitored by the State Human Resources Office (HRO) AGR Manager.

SOME CLOSING COMMENTS ...

Being served notice of AGR curtailment is by its nature a serious employment action and you should seek legal counsel to advise you of your rights and discuss your case.

**If you have further questions, you should call the Texas State Defense Counsel at
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