



## Texas Military Department

# INSTRUCTION

Number TMDI 5145.01

APR 23 2019

NGTX-GC

SUBJECT: Command Discipline Program / Status of Forces

References: See below.

1. PURPOSE. This instruction establishes Texas Military Department (TMD) command procedures in executing, maintaining, and reporting proposed actions and punitive actions taken under the authority of the Texas Code of Military Justice (TCMJ) and administrative regulations.

2. APPLICABILITY AND SCOPE. This policy applies to the Texas Army National Guard (TXARNG), Texas Air National Guard (TXANG), and the Texas State Guard (TXSG).

3. POLICY.

a. The General Counsel is charged with overseeing the Texas Military Department Command Discipline/Status of Forces misconduct reporting program.

b. TXARNG, TXANG, and TXSG commanders will maintain an active discipline program. Command discipline is a tool for commanders at all levels to maintain readiness by implementing prompt action to correct offenses within their formation.

c. This policy should not be interpreted as establishing punishment parameters in executing command discipline. Every commander has absolute discretion to execute command discipline within their command without interference from higher headquarters commanders.

d. Command discipline should be executed at the lowest level when possible. A higher headquarters commander may reserve command authority to exercise command discipline over a particular case or over certain categories of offenders or offenses. Commanders are prohibited from establishing set punishment guidelines within their command.

e. A commander should use non-punitive measures to the fullest extent before resorting to punitive action. Use of administrative or non-judicial punishment is proper in all cases involving offenses in which non-punitive measures are considered inadequate or inappropriate. Prompt action is essential for administrative or non-judicial punishment

to have the proper corrective effect.

f. Updated Record of Proceedings Under Section 15 (TMD Form 10, FEB 2019), TCMJ, is the only authorized form for recording non-judicial punishment proceedings. All other previous forms are discontinued from use and not authorized.

#### 4. DEFINITIONS.

#### 5. RESPONSIBILITIES.

##### a. Brigade/Wing/State Guard Commanders.

(1) Foster a command climate that focuses on command discipline and prompt execution of adverse actions.

(2) Brigade commanders will designate bulletin board space at each armory or drill location for posting of Chapter 432.015 record of proceedings. Wing commanders are encouraged to post proceedings in a similar manner.

(3) Ensure Brigade/Wing Judge Advocates are engaged in the command discipline program.

##### b. Brigade/Wing/State Guard Judge Advocates.

(1) Collects all reportable information and submits it through their senior Judge Advocate to the Office of the General Counsel.

(2) Provides advice, guidance, and training to commanders within their Brigades/Wings on implementing a command discipline/status of forces program.

##### c. Office of the General Counsel.

(1) Creates standard reporting procedures and format for distribution.

(2) Provides Brigade, Wing, and State Guard Judge Advocates standards and format for reporting misconduct.

(3) Forwards reports of AGR misconduct to AGR services.

(4) Forwards reports of Technician misconduct to the Human Resource Office (HRO).

(5) Forwards consolidated reports of misconduct to PAO for publishing.

d. Human Resource Office.

(1) Verify and consider whether Soldiers and Airmen seeking entry into the Technician Program previously served as an AGR and the reasons for leaving the AGR Program.

(2) Collects all reportable information and submits it through HRO Director to the General Counsel.

e. AGR Services / AGR Supervisors.

(1) Verify all Soldiers seeking entry into the AGR Program are not disqualified under National Guard Regulation (NGR) 600-5, Table 2-1 or ANGI 36-101. For Airmen disqualifications, refer to ANGI 36-101.

(2) Prior to continuation in the AGR Program, verify that all current Soldiers are not disqualified under NGR 600-5, Table 2-2. For Airmen disqualifications, refer to ANGI 36-101.

(3) At any point, either initial tour or in a careerist status, ensure NGR 600-5, Table 2-2, is enforced against Soldiers across the force and waivers are submitted to the appropriate level. For Airmen actions, refer to ANGI 36-101.

(4) Assure Soldier AGRs not granted a waiver are administratively separated from the AGR Program. For Airmen actions, refer to ANGI 36-101.

(5) Verify and consider whether Soldiers and Airmen seeking entry into the AGR Program previously served as Technicians and the reasons for leaving the Technician Program.

(6) Collects all reportable information and submits it through the HRO Director to the General Counsel.

f. State Public Affairs Office.

(1) Print for publication summaries of reported misconduct.


(2) Develop and execute a social media plan that widely distributes reported misconduct summaries.

6. INFORMATION REQUIREMENTS. NA.

7. RELEASABILITY. Unlimited.

8. EFFECTIVE DATE. This issuance is effective immediately and will expire two years from the date of publication unless sooner rescinded or superseded.

9. POINT OF CONTACT. Point of contact for this policy is the General Counsel at (512) 782-5057.

  
TRACY R. NORRIS  
Major General, TXARNG  
Adjutant General

DISTRIBUTION:

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## References.

- a. Texas Government Code, Chapter 432, Texas Code of Military Justice
- b. AGTX 600-100, Administrative Discharge of Officers and Warrant Officers, 1 March 2004
- c. NGR 600-5, The Active Guard Reserve (AGR) Program Title 32, Full Time National Guard (FTNGD) Management, 21 September 2015
- d. AR 600-37, Unfavorable Information, 10 April 2018
- e. AR 135-178, Enlisted Administrative Separations, 7 November 2017
- f. Air Force Instruction, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, 36-3209 (14 April 2005)
- g. Air Force Instruction, *Unfavorable Information File (UIF) Program*, 36-2907 (26 November 2014)
- h. Air National Guard Instruction, *Air National Guard Active Guard Reserve (AGR) Program*, 36-101 (3 June 2010)
- i. Technician Personnel Regulation 752, Discipline and Adverse Action, 27 August 2010