



Texas Military Department

DIRECTIVE

Number 1300.04
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NGTX-GC

SUBJECT: Withholding Authority to Initiate Involuntary Removal from the Active Guard Reserve (AGR) Program for Violations of State and Federal Criminal Laws

1. PURPOSE. Commanders have the primary responsibility to maintain good order and discipline. Involuntary release from AGR service is a mechanism for The Adjutant General to ensure the effective administration, operation, and training of the Texas National Guard. This directive establishes Texas National Guard policy on withholding and delegation of authority to initiate the separation of Soldiers and Airmen from the AGR Program for violations of State and/or Federal criminal laws.

2. REFERENCES.

a. Army Regulation (AR) 135-18, The Active Guard Reserve Program (AGR), 11 October 2019.

b. Air National Guard Instruction (ANGI) 36-101, The Active Guard Reserve (AGR) Program, 3 June 2010, certified as current 14 August 2014.

c. National Guard Regulation (NGR) 600-5, The Active Guard Reserve (AGR) Program Title 32, Full Time National Guard (FTNGD) Management, 21 September 2015.

3. APPLICABILITY AND SCOPE. This policy applies to all Commands of the Texas Army National Guard and the Texas Air National Guard.

4. POLICY. Withholding of Initiation of Involuntary Separation: I withhold subordinate Commander authorities to involuntarily separate/curtail Soldiers and Airmen from the AGR Program as follows:

a. I withhold authority to initiate involuntary separation/curtailment from the AGR Program for misconduct related to violations of State and/or Federal criminal laws. For Army National Guard members, I delegate this authority to the Deputy Adjutant General-Army. For Air National Guard members, I delegate this authority to the Deputy Adjutant General-Air.

b. 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 formation without interference from superior commanders.

c. This issuance does not limit a Commander's ability to initiate involuntary separation/curtailment on Soldiers or Airmen within his/her respective command for reasons under the references in paragraph 2. Commanders and supervisors should initiate involuntary separation/curtailment from the AGR Program for substandard duty performance or where persistent inefficiencies hinder the administration, operation, or training of the National Guard or for any other reason permitted by regulation.

5. DEFINITIONS. None.

6. RESPONSIBILITIES.

a. Deputies Adjutant General.

(1) Determine whether to initiate an involuntary AGR separation/curtailment action.

(2) When appropriate, notify the Soldier or Airmen of the proposed involuntary separation/curtailment.

(3) Forward recommendations for separation/curtailment or retention, the Soldier's or Airmen's rebuttal, and associated information to the J1 for The Adjutant General's final review and decision.

b. Commanders.

(1) Immediately notify the J1 once AGR Soldiers or Airmen are arrested or are under investigation for any crimes under Federal, State of Texas, or other state laws.

(2) At the time of notification, provide a recommendation to The Adjutant General on whether a Soldier or Airmen should be retained or involuntarily separated/curtailed from the AGR Program. A commander's failure to provide a recommendation will not delay the Deputies Adjutant Generals' recommendations to retain or separate/curtail a member.

c. J1.

(1) Obtain any court, law enforcement or other relevant documents related to the criminal misconduct. Seek assistance from the Office of the General Counsel as necessary.

(2) Prepare notification to initiate separation/curtailment action to include the Deputy Adjutant General-Army's or Deputy Adjutant General-Air's recommendation for involuntary separation/curtailment from or retention to the AGR Program.


(3) Forward complete AGR separation/curtailment or retention action to The Adjutant General for final consideration.

7. INFORMATION REQUIREMENTS. NA.

8. RELEASABILITY. Unlimited.

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

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


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Adjutant General

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