



# REDUCTION BOARDS

## AUTHORITY

AR 600-8-19, Enlisted Promotions and Reductions, 16 May 2019, para. 10-1 is the authority for conducting Reductions of Enlisted Personnel. IAW Table 10-1, Company Commanders may reduce CPL and below; Battalion Commanders may reduce SSG and below; and, Brigade Commanders are required to reduce SGM and below.

## BASIS FOR REDUCTION

There are two different bases for administratively reducing a Soldier. The first reason you can reduce a Soldier is for a civilian conviction (Either NCO, or Junior Enlisted). The second reason you can reduce a Soldier (NCO Only) is for inefficiency.

## CIVILIAN CONVICTION

Soldiers (of all ranks) may be reduced by one or more pay grades due to a civilian conviction. There are essentially three tiers of badness that dictate what action the Command should/can take IAW AR 600-8-19, tbl 10-2.

(1) Conviction of an offense resulting in a sentence of death or confinement for more than one-year (unsuspended) results in the Soldier (any rank) being reduced to PVT (E-1) without referral to a Reduction Board.

(2) Conviction of an offense resulting in a sentence of 30 days confinement through up to one year of confinement – OR the Soldier receives a Suspended Sentence of 1 Year or more.

- SGT (E-5) and above may be reduced one rank without a Reduction Board, or more than one grade with one.
- CPL (E-4) and SPC may be reduced one grade without a Reduction Board, or more than one grade with one.
- PFC (E-3) may be reduced more than one grade without a Reduction Board.

(3) Conviction of any offense less serious than 30 days confinement.

- SGT (E-5) must be referred to a reduction board.
- CPL (E-4) and SPC may be reduced one grade without a Reduction Board, or more than one rank with one.
- PFC (E-3) may be reduced more than one grade without a Reduction Board.

## WHAT IS THIS GOOD FOR

Throughout the Brigade there are numerous DUIs that result in a GOMOR, but no outward manifestation of action taken. An Administrative Reduction for Civil Conviction (Whether that ends up being a conviction for DUI or a conviction for Reckless Driving) can help you maintain Good Order and Discipline.

## INEFFICIENCY

NCOs may be reduced by **one** grade for showing a pattern of inefficiency IAW AR 600-8-19, para. 10-5. A single instance of negligence, or substandard performance is **not enough** to administratively reduce a Soldier. Reduction for inefficiency is appropriate when, “evidence clearly shows that the Soldier lacks the abilities and qualities normally required and expected of the Soldier’s rank and experience.” Reduction for Inefficiency requires a Reduction Board.

## NOTICE WITHOUT A BOARD

The responsible Commander will notify the Soldier of their intent to reduce them via written memorandum, and apprise them of the fact that they have 30 days to appeal the decision IAW AR 600-8-19, para. 10-11. At this time, the Soldier will be served with any documentary evidence, or records of conviction that form the basis of the action.

Reduction action for CPL/SPC without a board must take place within 30 days of receipt of the conviction documentation forming the basis for reduction IAW AR 600-8-19, para. 10-1c(1). This can be extended for a total of 60 days for “good cause” IAW para. 10-1c(2).



# REDUCTION BOARDS CONTINUED



## NOTICE FOR A BOARD

The responsible Commander will notify the Soldier of their intent to reduce them via written memorandum. IAW AR 600-8-19, para. 10-2, this memorandum **must** be signed by the appropriate Commander with actual authority to reduce the Soldier (i.e. A Company Commander may not sign the memorandum for a SGT, because they are not the appropriate reduction authority).

The memorandum will state that the Board will not take place any earlier than 15 duty days (no counting holidays, DONSA's, and weekends) from the day that the Soldier acknowledged (or refused to sign), and no later than 30 duty days from the date the Soldier was provided notice, IAW AR 600-8-19, paras. 10-7 and 10-8.

At the time the Soldier is provided notice they should be provided all documentary evidence that the Board will consider (counseling packet, NCOERs, records of conviction and police reports (if applicable), etc.). Notice is **not effective** unless the Soldier is provided the evidence against them at the same time.

## BOARD COMPOSITION

IAW AR 600-8-19, para. 10-7a, Board Members will be appointed by the reduction authority in writing.

IAW AR 600-8-19, para. 10-7b, the Board will consist of at least three members, with one Officer being mandatory on the board. The remaining Board Members may all be enlisted, but must be senior (by rank, or date of grade) to the respondent, IAW AR 600-8-19, para. 10-7b(1).

At least one Board Member will be the same gender as the respondent (para. 10-7b(5)), and in the case of a board for inefficiency, at least one member must be "thoroughly familiar with the Soldier's field of specialization" (para. 10-7b(2)).

The Board must be composed of personnel who are

Unbiased and who have no personal knowledge of the case. The Board Members should be chosen based upon their maturity and judgment (paras. 10-7b(1), b(4), and b(8)). Finally, if the respondent is a member of a minority group, (s)he may request, in writing, one Board Member to also be a minority. The member who fills that role *should be*, but is not required to be, the same minority group as the respondent (para. 10-7b(6)).

## BOARD PROCEDURE

Evidence will be presented by a Board Recorder appointed by the Reduction Authority. The Recorder *should* be an Officer, and will present evidence of the Board concerning the performance of the Soldier concerned. That same Officer will arrange for witnesses to be called by the Board President, and will ensure the witness list is given to the respondent in a timely manner prior to the Board. Additionally, the Officer will ensure that the Board has the opportunity to examine relevant counselings, criminal records, records of conviction, and any other relevant matter before the board. The Defense and/or respondent will have the ability to object to evidence, cross-examine witnesses following direct examination by the recorder, and to be present throughout the proceedings. Following the Recorder's direct examination, and the Defense's Cross Examination, Board Members are allowed to ask any relevant remaining questions at that time.

Following the Government's close of their case the defense and/or respondent will be allowed to call witnesses regarding the Soldier's character, efficiency, or Soldiering, etc.. The Government and Board will be allowed to cross examine these witnesses as appropriate. The respondent is not required to make a personal statement or offer testimony during the course of their case, and this decision will not be held against them.

The Board President may allow both the Government and Defense and/or Respondent to make a "closing statement."

# REDUCTION BOARDS

## CONTINUED



### BOARD DELIBERATIONS

At the end of all evidence taking, and after both the Recorder and Defense and/or Respondent have closed their cases the Board will excuse the Recorder and all other parties not sitting on the Board.

At this time, the Board Members will discuss the case and make the ultimate recommendation as to whether the Soldier will be either (1) Retained in Rank, (2) Reduced in Rank, or (3) Reassigned in Rank. If the Soldier is promotable, the Board will further recommend whether the Soldier be removed from an HQDA or Recommended List.

A simple majority of the Board will determine the outcome of the Board's determinations and final recommendations to the Reduction Authority. The Board's findings and recommendations will be recorded in a MFR, and all matters submitted to the Board will be furnished to the Reduction Authority.

Following deliberations, the Soldier will be called back in, along with all other necessary parties. The Soldier will be informed of the Board's recommendation, and will be released to his/her Command.

### ACTION BY REDUCTION AUTHORITY

Upon receipt of the Board's recommendations and the accompanying packet, the Reduction Authority will make the final determination as to whether a Soldier is reduced, and if reduced, by how many grades (when appropriate). IAW AR 600-8-19, para. 10-8n, the Reduction Authority may not increase the severity or a reduction; however, the reduction authority may take action that benefits the Soldier (i.e. Reduction to SSG instead of Reduction to SGT).

As a matter of clemency, the Reduction Authority may suspend the reduction for up to 6 months. Any suspended action should be documented in writing, and a copy served upon the Soldier.

Following the Reduction Authority's final determination, (s)he will cause the Soldier affected to be notified. If the Reduction Authority took adverse action (s)he will notify the Soldier of their right to appeal.

Regardless of whether the Soldier appeals, or not, the reduction is effective immediately without regard for any appeal procedures IAW AR 600-8-19, para. 10-8o.

If the Board recommended removal from an HQDA Promotion list, the Reduction Authority will forward the Boards findings and recommendations to the next higher echelon with his/her recommendations. After receiving recommendations from the Chain of Command, the packet will ultimately be forwarded to the GCMCA, who will ultimately approve or disapprove the recommendation, and forward that information to the Commanding General, HRC.

### APPEALS

After receiving notice of the Reduction Authority's action, the affected Soldier has 30 duty days to submit an appeal. That appeal will be forwarded to the next higher echelon in the Chain of Command.

### RESTORATION OF RANK

If the Appellate Authority completely restores a Soldier's rank, the DOR will be the same as the Soldier's original DOR prior to his/her reduction. (para. 10-12)

If the Appellate authority grants a partial appeal (i.e. restoration of rank from SGT, back to SSG, but not all the way back to SFC), the DOR will be the same as the date of the order directing restoration of rank.

### FINAL ACTION ON REDUCTIONS

Any action taken by the appeal authority will be reduced to writing and uploaded to the Soldier's AMHRR. Any reductions for CPL/SPC will be annotated on a 4187, and uploaded to the Soldier's AMHRR, any reductions for SGT and above will be published in orders