

SUBCHAPTER F—PERSONNEL

PART 571—RECRUITING AND ENLISTMENTS

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AUTHORITY: Section 3012, 70A Stat. 157; 10 U.S.C. 3012.

SOURCE: 44 FR 9745, Feb. 15, 1979, unless otherwise noted.

§ 571.1 General.

(a) *Purpose.* This part gives the qualifications for men and women enlisting or reenlisting in the Regular Army (RA). The procedures simplify and standardize the processing of applicants through the recruiting service. The applicant's ability to meet all requirements or exceptions will determine eligibility. This includes obtaining prescribed waivers.

(b) *Definitions.* The following definitions apply to this part:

(1) *Enlistment.* The first voluntary enrollment in the Regular Army as an enlisted member.

(2) *Reenlistment.* The second or subsequent voluntary enrollment in the Regular Army as an enlisted member.

(3) *United States Army.* The Regular Army, Army of the United States (AUS), Army National Guard (ARNG) of the United States, and the United States Army Reserve (USAR).

(4) *Regular Army (RA).* The permanent Army, which is a major component of the United States Army, as used in this part distinguishes it from the other major components.

(5) *Prior Service (PS).* One or more days of completed active duty in a regular component or of extended active duty in a Reserve component of any of the Armed Forces, in the Army National Guard or Army Reserve programs of active duty for training pursuant to the Reserve Forces Act of 1955; in the Reserve Enlistment Program of 1963; or in similar programs of any of the Army Forces. Short periods of active duty for training in any other pro-

grams will not meet prior service requirements in this part.

(6) *Non-Prior Service (NPS).* No previous service in any of the Armed Forces of the United States, or previous service without completion of 1 or more days of active duty or active duty for training as given in paragraph (b)(5) of this section.

(7) *Within 3 months of separation.* The 3 month's period when an individual must reenlist to be eligible for certain benefits. This period begins on the day following separation and ends with the date of the month, 3 months later, that corresponds to the separation date. When there is no corresponding date in the 3rd month, the terminating date will be the last day of that month. For example, an individual separated on 31 January has a terminating date of 30 April.

(8) *Major commanders.* The following have commanding generals, United States Army Forces Command (FORSCOM); United States Army Training and Doctrine Command (TRADOC); US Army Military District of Washington (MDW); US Army Materiel Development and Readiness Command (DARCOM); US Army Intelligence and Security Command (INSCOM); US Army Communications Command (ACCOM); US Army Criminal Investigation Command (CIDC); US Army Health Services Command (HSC); Military Traffic Management Command (MTMC); Commander in Chief, US Army Europe and Seventh Army (CINCUSAREUR); Eighth US Army; and US Army Japan (USAJ).

(9) *Dependent.* The term "dependent" means:

(i) A spouse. This does not include a common law spouse unless so judged by a civil court.

(ii) Any unmarried natural (legitimate or illegitimate) or adopted child of the applicant if the child is under 18 year of age, whether or not the applicant has custody of the child, and regardless of who has guardianship of the child. If the applicant's child has been adopted by another person (Final adoption decree issued and effective)

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then the child is not the applicant's dependent. The term "natural child" includes any illegitimate child claimed by the applicant to be his/her child or judged to be his/her child by court order.

(iii) Stepchild of the applicant who resides with the applicant if the stepchild is under 18 years of age.

(iv) Any other person who is dependent on the applicant for over one-half of his/her support.

(10) *Applicant without a spouse.* An applicant who is unmarried, is divorced, is legally separated, whose spouse is deceased; has deserted applicant, is incarcerated, is not residing permanently with applicant, or applicant has sole custody of the dependent(s).

(c) *Delayed Entry Program (DEP).* The Commanding General, United States Army Recruiting Command (USAREC) is authorized by 10 U.S.C. 5-11a to organize and administer DEP. Applicants enlisted in DEP are assigned to the United States Army Reserve (USAR) Control Group (Delayed Entry). Only qualified applicants who agree to subsequently enlist in the Regular Army may enlist in DEP.

§571.2 Basic qualifications for enlistment.

(a) *Age requirements.* (1) Non-prior service. Applicants must be 17 to 34 years old, inclusive.

(2) Prior service. Applicants must be 17 to 34 years old. If 35 or older but less than 55 years, they will qualify if they:

(i) Have a minimum of 3 years honorable active service in any one of the Armed Forces, with at least 1 or more days of Army service.

(ii) Be not less than 35 years old plus the number of completed years of prior honorable active military service.

(3) Exceptions. Applicants will be exempt from the above age requirements if they can qualify for retirement by age 60, are not 55 or older with 20 or more years of active service, and if they are:

(i) Honorably discharged active duty commissioned or warrant officers who enlist within 6 months after their separation date or who were awarded the Medal of Honor, Silver Star, or the Distinguished Service Cross.

(ii) Enlisted members who separate from the Regular Army with an honorable or general discharge and reenlist within 3 months after separation date.

(4) Parental consent. The written consent of parents or legal guardian is required for applicants under 18 years of age.

(b) *Citizenship requirements.* The applicant must be:

(1) A citizen of the United States, or

(2) An alien who has been lawfully admitted to the United States as a permanent resident, or

(3) A National of the United States (Citizen of Puerto Rico, Guam, American Samoa or the Virgin Islands).

(c) *Trainability requirements.* (1) Non-prior service. For enlistment in mental group category I-III applicants must have a high school diploma (HSD) or General Education Development (GED) Certificate. HSD or GED scores must be 90 or above in one or more aptitude areas in Armed Services Vocational Aptitude Battery (ASVAB) tests. Mental group IV requires two. Non-high-school graduates (NHSG) in mental group I-IIIA require two. Applicants must meet all other criteria for the option they wish to select. (See §571.2(c)(3).)

(2) Prior service. Applicants must meet the mental requirements in paragraph (c)(3) of this section, or qualify for exemption from these requirements through:

(i) Award of the Medal of Honor.

(ii) Award of the Distinguished Service Cross, Navy Cross, or Silver Star Medal, with less than 20 years of active military service.

(iii) Partially disabling combat-wounds with less than 20 years of active military service.

(3) Mental categories and eligibility for enlistment.

Applicant	Age	Education level ¹	Mental category ²	Enlistment eligibility ³		Remarks
				DEP	RA	
NPS—male	17	HSG	I-IVB	Yes	Yes	10th grade minimum unless over 22 years old, then 11th grade minimum.
		GED	I-III A	Yes	No	
		GED	III B-IV	Yes	No	
NPS—male	18 or older.	HSG	I-IVB	Yes	Yes	10th grade minimum unless over 22 years old, then 11th grade minimum.
		GED	I-III B	Yes	Yes	
		GED	IV	No	No	
NPS—female	HSG	WST 50 or higher ..	Yes	Yes	Eligible for RA if graduates.
Prior service—male	HSG	I-III B and three aptitude scores of 90 or higher.	Yes	Yes	If female is a member of USAR/ ARNG prior to RA enlistment, a minimum Womens Selection Test (WST) score of 50 is required in addition to 3 aptitude scores of 90 or higher.
		GED		Yes	Yes	
Prior service—female	NHSG	Three aptitude scores of 90 or higher.	No	No.	
		HSG		Yes	Yes	
		GED	Yes	Yes		
		NHSG	No	No		

¹ Education definitions:
a. High school graduate (HSG). An applicant who has graduated from an accredited high school with a diploma, a certificate of graduation, or statement of completion.
b. General Education Development (GED) equivalency. An applicant who has evidence of completion of the high school level GED equivalency.
c. Non-high school graduate (NHSG) and high school senior (HSSR). Self explanatory.
² CAT I 93-100, CAT II 65-92, CAT III A 50-64, CAT III B 31-49, CAT IV A 21-30, CAT IV B 16-20.
³ Applicants must meet the additional prerequisites for training in the selected military occupational specialty (MOS) as indicated by the option and REQUEST System.

(d) *Education requirement.* (1) Applicants must meet the following educational requirements of the specific enlistment option.

(i) Female applicants must be high school graduates.

(ii) Male applicants, 17-22 years of age, must have successfully completed the 10th grade or equivalent. Males, 23 or older at time of entry on active duty, must have successfully completed the 11th grade or equivalent.

(iii) Aliens or applicants completing high school requirements in foreign countries must take the GED or have obtained an evaluation in accordance with table 2-5, note 5d, AR 601-210 to be considered a high school graduate for enlistment purposes.

(iv) Minimum education requirements, in a foreign country, given in paragraph (d)(1)(iii) of this section are the same in the United States.

(2) Prior service applicant must either:

(i) Possess a diploma or certificate of graduation from high school; or

(ii) Present documentation of successful completion of high school level or higher GED equivalency.

(e) *Physical requirements.* (1) The applicant must:

(i) Meet the enlistment physical fitness standards given in chapter 2, AR 40-501.

(ii) Meet any additional requirement of the specific enlistment option.

(iii) Request a waiver if the AFEES medical examining officer decides an exception to medical standards is appropriate.

(2) Prior service applicants must meet the weight standards in appendix A, AR 600-9 and

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(i) The retention medical fitness standards in chapter 3, AR 40-501, if applicant enlists within 6 months of RA separation.

(ii) The enlistment medical fitness standards in chapter 2, AR 40-501 (except the weight standards of paragraph 2-22, AR 40-501) if applicants enlist 6 months from the last RA separation date, or if applicants last separated from another service or component and meets the weight tables in appendix A, AR 600-9.

(iii) The retention medical fitness standards in chapter 3, AR 40-501 if applicant is an active member of USAR/ ARNG unit and meets the weight tables at appendix A, AR 600-9.

(iv) Any additional requirements for the specific enlistment option.

(f) *Dependent criteria.* (1) The applicant may have only three dependents (see paragraphs (f)(1) and (iii) of this section).

(i) An applicant without a spouse who has one or more dependents under 18 years of age is disqualified, except as noted in paragraphs (f)(1) (ii) and (iii) of this section. No waiver is authorized.

(ii) An applicant may be enlisted when dependent children are in the custody of the other parent by court order, and the applicant is not required to provide child support. No waiver is required.

(iii) An applicant, required to pay child support for no more than 2 dependents under 18 years of age when dependents are in the other parent's custody by court order, may enlist without waiver.

(iv) In meritorious cases, an applicant with a spouse may request waiver of paragraph (f)(1) of this section.

(v) Husband and wife teams who have one or more dependents under 18 years of age are disqualified. No waiver is authorized.

(vi) An applicant with a spouse on active duty with any Service who has 1 or more dependents under 18 years of age is disqualified.

(2) Prior service. Same as non-prior service for pay grades E-1 through E-3. If eligible for pay grade E-4 or higher, may enlist without regard to number and ages of dependents. However, the provisions of paragraphs (f) (i), (ii),

(iii), (v), and (vi) of this part for applicants without prior service apply.

§ 571.3 Waivable enlistment criteria including civil offenses.

(a) *Waivers of enlistment eligibility criteria*—(1) *General.* This section gives the procedures for initiating and processing requests for waiver to meet the basic qualifications for enlistment.

(2) *All waiver authority.* The Commander, U.S. Army Enlistment Eligibility Activity (USAEAA) may act for the Commanding General, U.S. Army Military Personnel Center (MILPERCEN) to process, approve and disapprove waivers for enlistment.

(3) *Waiver disapproval authority.* The responsibility for deciding if a waiver request warrants favorable consideration rests at all levels.

(4) *Validity period.* Unless otherwise stated in the waiver document, waivers are valid for 6 months.

(5) *Waiver approval authorities—eligibility criteria.*

If disqualification is—	Then approval authority is—
(i) Medical: Non-prior service.	CG, USAREC
Prior service	CG, MILPERCEN
(ii) Underweight or overweight (+ or - 5 lbs.): Non-prior service.	AFEES Senior Medical Officer
Prior service.	None. Prior service applicants enlisting in DEP or active Army must meet the AR 600-9 weight standards. No waivers are authorized.
(iii) Dependents	CG, MILPERCEN
(iv) AWOL: Lost time 1-15 days.	CDR, District Recruiting Command (DRC)
Lost time over 15 days.	CG, MILPERCEN
(v) Previous discharge for dependency or hardship.	CG, MILPERCEN
(vi) Last separated from any of the Armed Forces on the basis of being a sole surviving person and family member or applying for enlistment for the first time.	CG, USAREC

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If disqualification is—	Then approval authority is—
(vii) Previous conscientious objectors who are no longer conscientious objectors: Non-prior service. Prior service	CG, USAREC CG, MILPERCEN CG, MILPERCEN
(viii) Received one or more convictions by military courts-martial during last period of active service or was discharged with disqualifications (e.g., unsuitability, conviction by civil court, resignation for good of Service, misconduct, fraudulent enlistment, or bar to reenlistment).	
(ix) Desires to enlist as conscientious objector: Non-prior service. Prior service	CG, USAREC CG, MILPERCEN CG, MILPERCEN
(x) Was denied reenlistment at time of last separation from active Service under Qualitative Screening Process unless ineligible for enlistment.	
(xi) Discharged under the Trainee Discharge program or Expeditious Discharge program.	CG, MILPERCEN
(xii) Primary Military Occupational Specialty (PMOS) Evaluation Score below 70.	CG, MILPERCEN

If disqualification is—	Then approval authority is—
(xiii) Persons whose DD Form 214 (Report of Separation from Active Duty) contains no PMOS evaluation score.	CG, MILPERCEN (Year Group Management)
(xiv) Persons enrolled in the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) at time of last separation from active duty.	CG, MILPERCEN

(b) *Civil offenses—(1) Moral standards.* Moral standards for enlistment deal generally with the acceptability of persons with records of court convictions or adverse juvenile judgments. The standards screen out persons who may become serious disciplinary cases and who could bring harm to a military mission.

(2) *Waiver approval authorities—civil offenses.*

If the offense is—	Then approval authority is—
(i) Minor traffic offenses.	CDR, Recruiting Area
(ii) Minor non-traffic offenses.	CDR, Recruiting Area
(iii) Misdemeanors.	CDR, DRC
(iv) Juvenile felonies.	CG, USAREC
(v) Adult felonies.	CG, MILPERCEN
(vi) Civil restraint of unconditional suspended sentence or unconditional.	CDRs in lines (i) through (v) for the offenses involved

(c) *Rules governing processing of moral waivers.* (1) Individuals require a misdemeanor waiver if arrested, cited, charged, or held and allowed to plead guilty to a lesser offense or to plead guilty to criminal possession of stolen property (value \$100 or less). An arrest or questioning with no preferral of charges does not require a waiver. When charges are dismissed without

determination of guilt no waiver is required. A waiver is not authorized if a criminal or juvenile court charge is pending or if such a charge was dismissed or dropped at any stage of the court proceedings on condition that the offender enlist in a military service.

(2) To ensure equal treatment of all persons applying for RA enlistment, notwithstanding the wide variance in State statutes, the following guidance is furnished:

(i) *Expunging of the record.* Some states have procedures for (subsequent) "expunging of the record," dismissal of charges, or pardon (upon evidence of rehabilitation of the offender). Such action has the effect of extinguishing the "initial conviction" or "adverse juvenile adjudication." Under the State law, the applicant then has no record of conviction or adverse juvenile decision. Despite the legal effect of this action, a waiver is required to authorize the RA enlistment of such an applicant. The record is also required to be revealed.

(ii) *Juvenile and youthful offenses.* To determine eligibility for RA enlistment, a juvenile or youthful offense is defined as one committed by the applicant under the age that the individual could enlist in the RA without parental consent. Offenses committed below the age of 18 are considered juvenile or youthful offenses regardless of disposition of civil authorities. For example, a juvenile felony is one committed by an applicant under 18, whether or not the result is a civil court conviction or adverse juvenile judgements. On the other hand, an adult felony is one committed by an applicant when 18 years old or older regardless of what type of court makes the decision.

(iii) *Civil court conviction.* This term means the decision of guilty by a court (or a jury) based either on the case's merits, or on the defendant's guilty plea or nolo contendere, regardless of—

(A) Whether sentence was then imposed, withheld, or suspended, or

(B) Subsequent proceedings deleted an initial decision of guilt from court records, based on evidence of rehabilitation or completion of a satisfactory probationary period. Examples of subsequent proceedings in adult offender

cases include pardon; expungement; reopening of the case to change the original finding of guilty or nolo contendere, to not guilty, dismissing the charge, amnesty, and setting aside the conviction. These subsequent proceedings merely recognize rehabilitation, they do not alter the fact that the offender committed the criminal act.

(iv) *Adverse juvenile judgements.* This term—

(A) Means that a judge or a jury in a juvenile court proceedings determined that the juvenile was guilty of or committed the alleged acts, that the decision was based either on the complaint's merits or on the juvenile's admission of guilt or plea of guilty; and that the decision was recorded in the court records.

(B) Applies, whether or not sentence was then imposed, withheld, or suspended; and regardless of subsequent proceedings to delete an initial determination of guilt from court records, based on rehabilitation or satisfactory probation or supervision. Examples of subsequent proceedings in juvenile courts include expungement; record sealing; reopening the case to change the original findings of guilty or delinquency, or the plea of guilty or admission of the truth of the allegation, to not guilty; and dismissal of the original petition and setting aside the decision of delinquency. These subsequent proceedings merely recognize rehabilitation. They do not alter the fact that the juvenile committed the act for which he or she was judged.

(C) Includes judgement as a juvenile delinquent, wayward minor, youthful offender, delinquent child or juvenile offender, and declaration of the juvenile as a ward of the court. The term does not include the judgement of the juvenile as dependent, neglected, or abandoned.

(v) *Unconditional suspended sentence and supervised unconditional probation.* These terms mean a suspended sentence or probationary status imposed by a court that places no condition upon the individual—

(A) Concerning individual's freedom of movement.

(B) Requiring the payment of damages. (If paid, this requirement is no bar to waiver consideration.)

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(C) Requiring periodic reporting to an officer of the court (including a probation officer).

(D) Involving supervision by an officer of the court (including a probation officer). For example, a sentence suspended on sole condition that the offender must not commit a like offense in the next 12 months does not bar waiver consideration.

(vi) *For prior service personnel.* Although the applicant must reveal all offenses committed, only those require a waiver that are committed during and/or subsequent to the last period of honorable service, and/or those not previously revealed. For Reserve Component personnel of any Service, waivers are required for all offenses shown that require a waiver, whether or not a waiver was authorized for entry into the Reserve Component. Waivers granted to enter the Reserve Components are not valid for Regular Army enlistment.

(d) *Waiting period.* The waiting period following release from civil restraint gives the individual an opportunity to demonstrate a satisfactory adjustment and the Army a basis to judge the applicant's rehabilitation before enlistment.

(e) *Required investigations.* If the applicant does or does not admit a record (to include arrests, charges, juvenile court judgments, and convictions), and the enlisting agency has reason to believe a record exists, enlistment action will be held in abeyance pending an investigation.

(f) *Civil restraint.* (1) If all civil restraint is ended and there is substantial evidence of rehabilitation as a law-abiding member of a civil community, the applicant may be processed for enlistment.

(2) Recruiting personnel will not help directly or indirectly in the release of an individual from a pending charge so that he or she may enlist in the Army as an alternative to further prosecution or further juvenile court proceedings. Equally important, recruiting personnel will in no way contribute, either tacitly or expressly, to the false notion that the Army condones such a practice. Persons subject to a pending charge are not eligible for enlistment. Therefore, they are not eli-

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gible for preenlistment processing to determine their mental and medical eligibility.

(g) *Restrictions on help.* Recruitment personnel will not help in any way to secure the release of individuals from any type of civil restraint so that these individuals may enlist or start reenlistment processing. The term "civil restraint" includes confinement, probation, parole, and suspended sentence. Persons under civil restraint that makes them ineligible for enlistment are not eligible for preenlistment processing to determine their mental and medical eligibility for enlistment.

§ 571.4 Periods of enlistment.

Enlistments are authorized for periods of 2, 3, 4, 5, or 6 years. The enlistee's option determines the number of years.

§ 571.5 Enlistment options.

Personnel who enlist in the Regular Army for 2 or more years are authorized certain initial assignment choices. They must meet the criteria given in AR 601-210. Also, a valid Army requirement must exist for the skill under which enlisted.

PART 574—UNITED STATES SOLDIERS' AND AIRMEN'S HOME

Sec.

574.1 Statutory authority.

574.2 Home benefits.

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574.4 Persons ineligible for admission to the Home.

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574.6 User fee assessment of members of the Home.

AUTHORITY: R.S. 4815, as amended; 24 U.S.C. 41.

SOURCE: 44 FR 10981, Feb. 26, 1979, unless otherwise noted.

§ 574.1 Statutory authority.

The basic statutory authority for establishment of the United States Soldiers' and Airmen's Home is contained in the Act of March 3, 1851 (9 Stat. 595), and the Act of March 3, 1883 (22 Stat. 564).