

#### § 571.4

(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

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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).

## Department of the Army, DoD

## §574.5

### §574.2 Home benefits.

The United States Soldiers' and Airmen's Home provides a home and other benefits authorized by law for its members. Some of the important Home benefits are as follows:

- (a) Suitable living quarters.
- (b) Subsistence.
- (c) Medical, dental, and hospital care.
- (d) Complete recreation program.
- (e) Laundry and drycleaning service.

### §574.3 Persons eligible for admission to the Home.

(a) The following persons are eligible for admission to the United States Soldiers' and Airmen's Home, except as indicated in §574.4:

(1) First Category—Every soldier, airman, or warrant officer, male or female, of the Army or Air Force of the United States, who has—

(i) Had some service as an enlisted member or warrant officer in the Regular Army or Regular Air Force; and

(ii) Served honestly and faithfully for 20 years or more. In computing the necessary 20 years' time, all active service as an enlisted member or as a warrant officer in the Army or Air Force, whether in the regular or Reserve components, will be credited. Service in the Navy or the Marine Corps or service as a commissioned officer cannot be credited.

(2) Second Category—Every soldier, airman, or warrant officer, male or female, of the Army or Air Force of the United States, whether in the regular or Reserve components, who has—

(i) Had some service as an enlisted member or warrant officer in the Regular Army or Regular Air Force and

(ii) Become incapable of earning a livelihood because of the disease, an injury, or wounds incurred in the military service of the United States, in line of duty, and not as a result of his/her own misconduct.

(3) Third Category—Every soldier, airman, or warrant officer, male or female, of the Army or Air Force of the United States, whether in the Regular or Reserve components, who—

(i) Has served on active duty as an enlisted member or warrant officer in the Army or Air Force during any war;

(ii) Has had some service as an enlisted member or warrant officer in the

Regular Army or Regular Air Force; and

(iii) Is by reason of wounds, sickness, old age or other disability, unable to earn a livelihood.

(b) A requirement in each category is the performance of some service in the Regular Army or Regular Air Force and the terminating of active service in an enlisted or warrant officer status. Any enlisted person or warrant officer who served as a volunteer in the Spanish American War or who served with an organization of the Regular Army during World War I will be considered as having had some service in the Regular Army.

(c) Admission to the United States Soldiers' and Airmen's Home is granted by authority of the Board of Commissioners. Individuals who are admitted to the Home will be officially designated as members. Whenever the Home's facilities become limited to the extent that it appears that all eligible applicants cannot be accommodated, a system of priorities authorized by the Board of Commissioners will be administered by the Governor of the Home. The objective of this system will be to grant admission to the most deserving individuals.

### §574.4 Persons ineligible for admission to the Home.

Admission to the Home cannot be granted to any person who was convicted of a felony or other disgraceful or infamous crime of a civil nature after entering the service of the United States; or to any deserter, mutineer, or habitual drunkard unless there is sufficient proof of subsequent honorable service, good conduct, and reformation of character to satisfy the Board of Commissioners.

### §574.5 Applications for admission.

Applications for admission to the United States Soldiers' and Airmen's Home and information concerning eligibility requirements may be obtained by writing directly to the Board of Commissioners, United States Soldiers' and Airmen's Home, Washington, DC 20317. The Board of Commissioners will issue letters authorizing admission to those individuals whose applications are approved.

**§ 574.6**

**§ 574.6 User fee assessment of members of the Home.**

The Board of Commissioners of the United States Soldiers' and Airmen's Home will collect from members of the Home a fee which may be used solely for the operation of the Home. The amount of the fee will be determined by the Board of Commissioners on the basis of financial needs of the Home and the ability of the members to pay, but in no case may the fee collected in any month, in the case of any member, exceed an amount equal to 25 percent of the monthly—

(a) Military retired pay paid to such member;

(b) Civil Service annuity paid to such member where such annuity is based in part on years of military service;

(c) Disability compensation or pension paid to such member by the Veterans' Administration; or

(d) Military retired pay and disability compensation or pension where such member is receiving both retired pay and disability compensation or pension.

**PART 575—ADMISSION TO THE UNITED STATES MILITARY ACADEMY**

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575.1 Military Academy.

575.2 Admission; general.

575.3 Appointments; sources of nominations.

575.4 [Reserved]

575.5 Entrance requirements.

575.6 Catalogue, United States Military Academy.

AUTHORITY: Secs. 3012, 4331, 70A Stat. 157, 238; 10 U.S.C. 3012, 4331-4355.

SOURCE: 44 FR 11781, Mar. 2, 1979, unless otherwise noted.

**§ 575.1 Military Academy.**

(a) *Organization and administration.*

(1) The United States Military Academy is under the general direction and supervision of the Department of the Army. The Secretary of the Army has designated the Chief of Staff of the Army as the officer in direct charge of all matters pertaining to West Point.

(2) The immediate government and military command of the Academy and the military post at West Point are vested in the Superintendent. In the

absence of the Superintendent, the Deputy Superintendent, if present for duty, shall have such government and command. The Dean of the Academic Board has charge of the faculty and all academic work, and acts as representative of the academic departments and as adviser on academic matters to the Superintendent. The Commandant of Cadets is in charge of the administration and training of the Corps of Cadets and is also head of the Department of Tactics.

(b) *Mission.* The mission of the United States Military Academy is to educate, train, and motivate the Corps of Cadets so that each graduate shall have the character, leadership, and other attributes essential to progressive and continuing development throughout a career of exemplary service to the Nation as an officer of the Regular Army.

(c) *Courses of instruction.* Courses include academic education and military training. In accomplishing its mission, the Military Academy strives to develop in each cadet the following traits:

(1) The knowledge, skill, intellectual curiosity, discipline, and motivation provided by a sound education in the arts and sciences requisite for continued professional and intellectual growth.

(2) A highly developed sense of personal honor and professional ethics.

(3) Professional and personal commitment to the responsibilities of an officer for soldiers.

(4) Selflessness.

(5) The willing acceptance of responsibility for personal actions and the actions of subordinates.

(6) The initiative and good judgment to take appropriate action in the absence of instructions or supervision.

(7) Physical and moral courage.

(8) The physical strength, endurance, and conditioning habits required of a soldier.

**§ 575.2 Admission; general.**

(a) In one major respect, the requirements for admission to the United States Military Academy differ from the normal requirements for admission to a civilian college or university; each candidate must obtain an official nomination to the Academy. The young