



DEPARTMENT OF THE ARMY  
HEADQUARTERS, FORT DRUM  
FORT DRUM NEW YORK 13602-5000

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Memorandum Number 6, Administrative Actions for Impaired Operation of Motor Vehicle Incidents

1. References.

- a. Manual for Courts-Martial, 2019 *as amended*.
- b. AR 190-5, Motor Vehicle Traffic Supervision, 22 May 2006.
- c. AR 600-8-19, Enlisted Promotions and Reductions, 16 May 2019.
- d. AR 600-20, Army Command Policy, 6 November 2014.
- e. AR 600-85, Army Substance Abuse Program, 28 November 16.
- f. AR 601-280, Army Retention Program, 16 October 2019.
- g. AR 623-3, Evaluation Reporting System, 14 June 2019.
- h. AR 635-200, Active Duty Enlisted Separations, 19 December 2016.
- i. New York State Vehicle and Traffic Law, §§1192-1199 (2018), *as amended*.

2. Supplementation and Supersession. This policy supplements the initiation of separation requirements described in Army Regulation 600-85, dated 28 Nov 16. This policy supersedes and replaces Policy Memorandum Number 6, Administrative Actions for Impaired Operation of Motor Vehicle Incidents, dated 25 June 2019.

3. Applicability. This policy applies to all Soldiers assigned or attached to 10th Mountain Division (Light Infantry), Fort Drum, or under the jurisdiction of the Fort Drum General Court-Martial Convening Authority.

4. Policy. To reduce the incidence of Soldiers driving while impaired, I require commanders to consider a full range of administrative measures when a Soldier commits one of the offenses described in paragraph 5 below. These measure include, but are not limited to, general officer memorandums of reprimand (GOMORs), enlisted

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reduction boards, administrative separations, reliefs for cause, referred evaluation reports, and bars to continued service.

5. Administrative Separation. Commanders will immediately impose a DA FORM 268 (Report to Suspend Favorable Personnel Actions (FLAG)) and initiate administrative separation proceedings within two working days after notice that a Soldier has been involved in one of the below-referenced incidents. The initiation of separation action is required for all Soldiers who are:

a. Charged with, suspected of, or convicted of one or more DUI, DWI, or DWAI, occurring on or off the installation. This includes any instance of intoxicated or impaired driving that could reasonable charged under Article 113, UCMJ, or New York State Vehicle and Traffic Law §§1192 – 1199; and any instance of failure to abide by an implied consent law of any state or county; or

b. Involved in two incidents of alcohol-related misconduct in a 12-month period, punishable under the UCMJ by confinement for six months or more.

6. Commanders are expected to continue to exercise independent discretion in recommending or determining whether a Soldier should be retained or separated from military service. However, each administrative separation action must be initiated, completed, and forwarded by the subordinate commanders to the appropriate separation authority for action without delay.

7. GOMOR. The Commanding General, Fort Drum or his designee will issue GOMORs to all Soldiers for any single instance of misconduct described in paragraph 5a.

8. Enlisted Reductions. Commanders will initiate administrative grade reductions for Soldiers in the grade of E-7 and below who are convicted by a civil court of any one of the offences listed in paragraph 5 above. For enlisted Soldiers with such convictions in the Grade of E-8, commands will forward recommendations regarding administrative rank reductions to me for referral to a rank reduction board, if the rank reduction is not automatic. See AR 600-8-19, Table 10-2.

9. Relief for Cause. Senior Raters will suspend all Soldiers in the grade of E-5 and above from command and leadership positions for committing any one of the offenses listed in paragraph 5 above, with a view toward final relief. Corporals will immediately be laterally returned to Specialist and removed from any leadership position.

10. Evaluations. Senior Rater will note occurrences of any single instance of the offenses listed in paragraph 5, above, in OERs and NCOERs.

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11. Commanders will ensure all Soldiers identified under this policy are properly enrolled in the Substance Use Disorder Clinical Care (formerly ASAP) and provided with all applicable rehabilitative tools.

12. All Soldiers and civilians suspected of Driving While Intoxicated (DWI) and/or related offenses while on Fort Drum will be referred for prosecution to U.S. Magistrate's Court. Those individuals who have a prior New York State conviction for a violation of NYVTL §§1192 occurring within the previous 10 years will be referred for felony prosecution to the Jefferson County District Attorney's Office.

13. The Magistrate Court will continue to prosecute all misdemeanor-level crimes including civilian traffic violations for those arrested on Fort Drum. This agreement has no effect on the prosecution of DWI and related offenses committed by Soldiers while off of Fort Drum. Local civilian authorities have jurisdiction over off-post offenses and are responsible for their prosecution.

14. If there is a distinct military interest and the offender is a Soldier, the military may request jurisdiction to prosecute the offense under the Uniform Code of Military Justice (UCMJ). The request will be granted in only specific cases as states do not recognize convictions under the UCMJ, and, thus, it will not result in the loss of state driving privileges nor appear on the offender's driving record.

15. Requests for exceptions to this policy or requests to issue non-judicial punishment must be forwarded in writing to me through the Staff Judge Advocate, 10th Mountain Division (Light Infantry).



BRIAN J. MENNES  
Major General, USA  
Commanding

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