

DEPARTMENT OF THE ARMY
Headquarters, United States Army Training Center and Fort Jackson
Fort Jackson, South Carolina 29207

REGULATION
NUMBER 210-5

15 August 2003

Government Quarters
Involuntary Termination of Government Quarters

1. PURPOSE. To provide guidance and to outline responsibilities for responding to reports of misconduct or other inappropriate behavior in government quarters; to provide local procedures for involuntary termination of government quarters under the provisions of AR 210-50. For purposes of this regulation, the term "government quarters" includes unaccompanied officer housing, unaccompanied NCO housing, family quarters, the grounds adjacent to family quarters, and the common areas of family housing areas on Fort Jackson. In this regulation, the term "sponsor" includes occupants of unaccompanied housing and the civilian employee or soldier who is responsible for a particular set of family quarters.

2. RESPONSIBILITIES. The Garrison Commander (GC) is the responsible official on this installation to ensure that good order and a wholesome environment are maintained in government quarters. The Provost Marshal (PM) and the Director of Logistics & Engineering (DLE) are responsible for reporting misconduct or inappropriate behavior in government quarters when such actions are brought to their attention in any manner. To this end,

a. The PM will provide to the GC:

(1) A copy of each day's MP blotter,

(2) A copy of any MP journal entry relating to violations of criminal statutes and/or Army, TRADOC, or Fort Jackson regulations, and

(3) A copy of any Criminal Investigation Division (CID) report of investigation, or any other type of report dealing with any incident of disruption to the peace, health, safety, or good order of government quarters.

b. The DLE will report any incidents which are disruptive to the peace, health, safety, or good order of government quarters which come to his attention through sources other than law enforcement agencies (LEA), such as from area coordinators, commanders, or area mayors.

This regulation supersedes FJ Circular 210-50, dated 1 March 2001.

3. DISPOSITION OF REPORTS. When information of incidents, acts or a continuing course of conduct which are, or have the potential to be, disruptive to the peace, health, safety, or good order of government quarters come to the attention of the GC, he may:

a. Request further information from the reporting source, such as a final or interim MP or CID report;

b. Decide that no action is warranted because the disruptive nature of the acts or incidents or course of conduct is slight, or there is no reasonable likelihood of the recurrence or continuance of such;

c. Take any of the actions in paragraph 5 below (in an appropriate case involving misconduct by a civilian or guest, a bar action should also be initiated);

d. In unusual cases, direct an AR 15-6 Investigation into complex or significant factual circumstances, or where an examination of a system or process would be helpful to a resolution of the matter; or

e. In cases of exceptionally complex factual disputes where the appropriate reporting activity fails to provide an understandable version of the facts for the GC to decide, refer cases to the Installation Hearing Officer (IHO) in the office of the Staff Judge Advocate (SJA), who will make findings of fact and recommendations for appropriate action to the GC, in accordance with FJ Reg 210-1. Cases involving juvenile misconduct in a family housing area should be referred directly to the IHO by the PM. In juvenile misconduct cases the IHO may recommend termination from government quarters to the GC.

4. INCIDENTS DATABASE. In cases where the GC takes any action in accordance with paragraphs 3 or 5, the case should be logged into a Government Quarters Incidents database, which will be maintained in the Housing Division (HD), Directorate of Logistics & Engineering (DLE), or elsewhere within DLE as the DLE may direct.

5. ACTIONS OF THE GC. Once the GC believes that he has sufficient information in a particular case he may take one or more of the following actions:

a. Decide that no action is necessary, and close the case;

b. Forward the case file to the sponsor's unit commander for action deemed appropriate by the unit commander;

c. Issue a warning memorandum to the sponsor and/or family member determined to have engaged in conduct which detracts from the peace, health, safety, or good order of government quarters. The warning memorandum should state that further incidents will likely result in involuntary termination of government quarters or, in the case of a family member or guest, a bar from the installation (except for any statutory entitlements). In cases of domestic violence, the sponsor and/or family member should be cautioned that failure to participate in good faith in a family counseling program approved by the Chief, Social Work Services, Moncrief Army

Community Hospital, may indicate that there is a substantial likelihood of repeated incidents of domestic violence. Sample warning memorandum at Appendix A;

d. Direct the initiation of an action to involuntarily terminate government quarters when it appears that no other course of action will restore and maintain peace, health, safety, or good order in government quarters.

6. PROCESSING ACTIONS TO INVOLUNTARILY TERMINATE GOVERNMENT QUARTERS. The preparation and processing of actions to involuntarily terminate government quarters, upon direction by the GC, is the responsibility of the Chief, HD, DLE, or such other agency within DLE as the DLE may direct. Actions to terminate government quarters will normally be initiated for misuse of quarters which results in a serious threat to peace, health, or safety; serious misconduct such as robbery, burglary, homicide, rape, child sexual abuse, aggravated assaults, illegal use or possession of weapons, any drug offenses; or when a soldier, family member, or guest is involved in minor misconduct or inappropriate behavior which has resulted in receipt of a prior warning memorandum from the GC.

a. An action to terminate government quarters is commenced by the Chief, HD, DLE, serving upon the concerned sponsor a memorandum bearing the signature block of the GC, stating the basis for the proposed termination action and giving the sponsor the opportunity to submit rebuttal or comments. The sponsor will be afforded three duty days to submit a rebuttal or other comments to the Chief, HD. Sample memorandum at Appendix B.

b. Upon receipt of the rebuttal or other comments from the sponsor, or at the end of three duty days if no matters have been received from the sponsor, the Chief, HD, DLE, will coordinate the proposed action to terminate government quarters and sponsor's rebuttal (if any) with the LEA and SJA. The brigade and battalion commanders of the sponsor will be provided an information copy of the action and may provide any comments to the Chief, HD, DLE, which he deems appropriate.

c. Time is of the essence in actions to involuntarily terminate quarters. All coordinations and comments will be returned to the Chief, HD, DLE within seven duty days of their receipt.

d. The DLE will forward completed actions to terminate government quarters to the GC for decision. If the GC determines, after considering any matters submitted by the sponsor and any coordination comments or comments from the sponsor's chain of command, that termination of government quarters is warranted, he will endorse the proposed termination of government quarters (sample at Appendix C). The endorsement will be hand carried to the brigade and battalion commanders of the sponsor with instructions that the endorsement should be promptly delivered to the sponsor, who will acknowledge receipt of the endorsement in writing. Unless the GC directs otherwise, the sponsor must effect the eviction within 30 days after receiving the endorsement.

7. COMPLIANCE WITH EVICTION NOTICES. A notice of termination of quarters is a directive with which a sponsor who is subject to the Uniform Code of Military Justice (UCMJ) must comply. Failure of the sponsor to comply, or to make a good-faith effort to ensure compliance of family members or guests, may subject the sponsor to prosecution under the UCMJ, or to administrative disciplinary actions. The sponsor's chain of command is responsible for ensuring compliance with the notice to terminate government quarters. The sponsor's battalion commander will notify the GC when the notice to terminate government quarters has been complied with and the person or persons residing there have vacated government quarters.

/signed/
DAVID W. BARNO
Major General, USA
Commanding

OFFICIAL:
/signed/
PATRICIA KELLY
Chief, Information Services
Support Branch

Distribution: C&S

APPENDIX A

ATZJ-GC

DATE

MEMORANDUM FOR (SPONSOR' S NAME, RANK, SSN, UNIT OF ASSIGNMENT
AND GOVERNMENT QUARTERS' ADDRESS)

SUBJECT: Warning Memorandum to Family Housing Occupant

1. This is a Warning Memorandum issued to you under the provisions of FJ Regulation 210-5.
2. I have determined that you or your spouse or a member of your family or a guest), (name of individual whose misbehavior is at issue), have engaged in conduct which detracts from the peace, health, safety, or good order of government quarters. Specifically, that on or about (time and date of events) at (quarters location) (include a brief description of the misbehavior at issue).
3. Any further incidents of misbehavior by you (or your spouse or a member of your family or a guest) will likely result in the involuntary termination of your family housing or a bar to entry onto the Fort Jackson military installation being imposed in accordance with law and regulations. [NOTE: If DOMESTIC VIOLENCE is involved, add: You should immediately begin a good faith effort to participate in an appropriate family counseling program approved by the Chief, Social Work Services, MACH, in order to reduce the likelihood of future incidents of domestic violence and its potential consequence of eviction from government quarters.]
4. You are directed to sign and date this memorandum below and return it to my office. You may retain the copy furnished.

Garrison Commander

I acknowledge receipt of a copy of this Warning Memorandum on (date).

(soldier's signature)

APPENDIX B

GARRISON COMMANDER LETTERHEAD

ATZJ-GC

DATE

MEMORANDUM FOR (SPONSOR'S NAME, RANK, SSN, UNIT OF ASSIGNMENT AND GOVERNMENT QUARTERS' ADDRESS)

SUBJECT: Proposed Involuntary Termination of Family Housing/ Government Quarters; Quarters (No. and Address)

1. I am considering whether to order involuntary termination of your (family housing/government quarters). The basis for the involuntary termination would be that on or about (time and date of events) at (quarters location) (include a brief description of the misbehavior at issue).
2. If I determine that your (Family housing/government quarters) are to be terminated, you must vacate the (family housing/ government quarters) you presently occupy (immediately/within 30 days after you receive my final decision).
3. You have three duty days to submit a written rebuttal or other comments to the Chief, Housing Division, concerning this proposed involuntary termination. I will fully consider your response if it is submitted on time and you will be advised of my decision by endorsement.
4. You are directed to sign and date this memorandum below and return it to my office. You may retain the copy furnished.

Garrison Commander

I acknowledge receipt of a copy of this memorandum on (date)

(soldier's signature)

APPENDIX C

ATZJ-GC

(DATE)

FOR (SPONSOR'S NAME, RANK, SSN, UNIT OF ASSIGNMENT AND GOVERNMENT QUARTERS' ADDRESS

SUBJECT: Proposed Involuntary Termination of Family Housing/ Government Quarters (No. and Address)

1. Having fully considered the matter and any rebuttal or comments submitted, I have determined that you will / will not (strike one) be terminated from your (family housing/government quarters) in accordance with this endorsement and the basic correspondence.
2. The involuntary termination will be effected (immediately/ within 30 days after you receive this endorsement).

Garrison Commander

I acknowledge receipt of a copy of this memorandum on (date)

(soldier's signature)