



Bar to Re-Enlistment



Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

If a Soldier engages in an act of misconduct, or is simply not performing to the standard expected of Soldiers, his or her commander has the authority to issue a “Bar to Re-enlistment” under Army Regulation 601-280 (Army Retention Program), chapter 8. Soldiers that cannot perform their duties in accordance with standards are referred to as “untrainable” Soldiers. Soldiers that commit acts of misconduct may be considered “unsuitable” Soldiers. Army Regulations also permit Bars, if a Soldier commits specific acts, listed in AR 601-280, paragraph 8-4d such as two consecutive APFT failures, substandard appearance, substandard hygiene, lateness returning from pass, and so forth. Bars will also be initiated for Soldiers being chaptered out of the Army under AR 600-235.

Q: What is the purpose of a Bar to Reenlistment?

A: A Bar is a way for a Commander to say to a Soldier, “You’re not doing what is right. Whether I take any action to remove you from the Army, or not, you’re probably not a person who should remain in the U.S. Army, any further than your current contract.” However, a Bar is intended to be a “rehabilitative” tool; it is not a procedure that should be used to punish someone. A Soldier should be counseled on what he has done wrong, what he needs to do to ‘get right’, and then given an opportunity to overcome the bar.

Q: What are the procedures for a Bar to Reenlistment?

A: A commander will initiate a Bar on a Soldier by filing a DA Form 4126-R. The Soldier will also be flagged at the same time under AR 600-8-2. The DA Form 4126-R should be provided to the Soldier, and the Soldier should be counseled by the commander, verbally and in writing, using a DA Form 4856 counseling statement. The Soldier has seven (7) days to submit any response or rebuttal. If you believe the Bar has been wrongfully given to you, you should submit a response or rebuttal.

The commander will review the Bar to Reenlistment at the three month mark to determine whether the bar should be lifted (Soldier has improved) or left in place (improvement still needed). If the commander does not lift the bar at the three month mark, he will review it again three months later.

Q: What are the consequences of a Bar to Reenlistment?

A: You will not be permitted to re-enlist and you will be ineligible for any selective

reenlistment bonuses (SRBs) being offered by the Army. If you have less than three years remaining in your contract, you would also be ineligible to PCS to overseas assignments that would last for three years.

Failure to overcome a bar to reenlistment may be grounds for involuntary separation from the Army. If the Bar remains in place at the first three month review, the Commander should counsel and advise the Soldier that if he fails the second review, he may be processed for involuntary separation from the Army.

Q: Are there grounds to appeal or fight a Bar to Reenlistment?

A: Yes. If the Bar was based on improper grounds or if the procedures were not followed, the Soldier can file a statement listing his reasons for objecting to it at the initial implementation of the Bar. If the Soldier has less than 10 years active Federal service at the date of the bar initiation, the approval or disapproval authority is the first colonel (brigade commander) or first general officer in the Soldier's chain of command or the commander exercising GCMCA, whichever is in the most direct line to the Soldier. If the Soldier has more than 10 years active Federal service at the date of the bar initiation, and the Soldier is not on indefinite status, the approval or disapproval authority is the first General Officer in the Soldier's chain of command. A Soldier may also file a written objection if the Bar is not lifted after he has met all requirements of the initial bar.

For further information, contact the Legal Assistance Office, Stuttgart Law Center, DSN 421-4152; Civ 0711-729-4152 or make an appointment at www.stuttgartcitizen.com/appointments.