

# Bar to Reenlistment

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A bar to reenlistment is the administrative tool commanders use to deny reenlistment to Soldiers they believe may be substandard. Army Regulation (AR) 601-280 sets forth policies and procedures for the Army's retention and reenlistment program, and authorizes bars for Soldiers whose immediate separation is not warranted, but whose reenlistment is not in the best interest of the Army.

Honorable service (the absence of misconduct) does not prevent a bar to reenlistment.

What should I do if I am informed of the initiation of a bar to reenlistment against me?

Contact the Legal Assistance Office to arrange an attorney consultation. You can receive help not only with preparing an initial rebuttal but, in the event a bar is approved, with preparing an appeal.

Start to gather appropriate information in your case. This may include statements or letters from individuals who can help dispute the underlying facts and basis of the Bar. It can also include any official or written material you possess which can help contest the Bar to Reenlistment.

## What are the criteria for imposing a local bar to reenlistment?

In accordance with AR 601-280, bars are appropriate for Soldiers who: 1) are untrainable; 2) are unsuitable; or 3) do not have an acceptable family care plan (absence of a family care plan).

1) "Untrainable" simply means the Soldier has, despite repeated attempts, failed to meet minimum professional standards. Examples include inability to perform basic tasks associated with their MOS, repeated failure of the Army Physical Fitness Test, or repeated failure to qualify with an assigned weapon.

2) "Unsuitability" differs in that the focus is more on attitude and motivation. The focus is on whether the Soldier presents proper military bearing and whether the Soldier refuses, or is otherwise unable, to adapt to the military lifestyle. Questionable off-duty conduct not amounting to misconduct may justify a bar on this ground.

3) "Absence of a family care plan" applies to single Soldiers with dependent family members, or dual military couples with dependents. These Soldiers, if they are unable to craft an acceptable family care plan, may be subject to a bar.

## What is the procedure?

Any commander in a Soldier's chain of command may initiate a local bar. A bar is initiated using DA Form 4126-R. Once the bar is initiated, the commander will present it to the soldier. The Soldier then has 7 days to submit a rebuttal statement. If the commander determines the bar is still warranted, it will be forwarded up the chain of command for approval or disapproval.

# Bar to reenlistment, cont.

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For Soldiers **with less than 10 years of active Federal service**, the first commander in the rank of Lieutenant Colonel (usually the battalion-level commander) will approve, or disapprove, the bar. For Soldiers **with 10 or more years of active Federal service**, the approval authority is the first General Officer in the Soldier's chain of command, or the commander with authority to convene a general court-martial over the Soldier, whichever is most direct to the Soldier. Any of these higher level commanders may disapprove the proposed bar.

An approved bar is placed in the Soldier's local personnel file. The commander must review the approved bar at the end of 3 months, if not before, and decide whether to remove or continue it. Once approved, only the approving commander or a higher commander may remove the bar. If the bar continues, the continued bar will be reviewed a second time at the end of another 3 months. If at that time the bar is not removed, the command will initiate involuntary separation proceedings.

Can I appeal a decision to approve a bar to reenlistment against me?

Yes. Soldiers may appeal approved bars. Separation proceedings will be halted pending final action on the appeal. For Soldiers with less than 10 years active Federal service, the appeal authority is the first General Officer in the Soldier's chain of command or the commander exercising general court-martial jurisdiction over the Soldier, whichever is most direct. For Soldiers with 10 or more years of active Federal service, the appeal authority is the Commanding General, HRC-Alexandria. Appeals should rebut the allegation(s) of 1) untrainability, 2) unsuitability, or 3) absence of a family care plan. The focus should be on presenting the picture of a Soldier who is motivated, hard working, and otherwise committed to being a professional Soldier. It is critical to show that the Soldier wants to stay in the Army, and that it is in the best interests of the Army to have the Soldier stay. Professionalism and commitment to excellence are the standard. The Soldier's appeal should focus on what the Soldier has done to excel and to overcome the alleged deficiencies which prompted the bar.

*Contact your Legal Assistance Office to schedule an appointment to consult with a Judge Advocate. The sooner you do this, the more time your lawyer will have to help you.*