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JFHQ-WV-TAG

16 January 2008

MEMORANDUM FOR MG Francis D. Vavala, President, AGAUS

SUBJECT: Active Guard and Reserve (AGR) Life Cycle Management Boards 2008

1. References:

a. National Guard Regulation (NGR) 635-102, Officers and Warrant Officers Selective Retention, 1 July 1988.

b. Memorandum: NGB-ARH, Subject: Interim Guidance on the Proposed Career Life Cycle Management (LCM) Program to Manage AGR Officers to Mandatory Removal Date (MRD) (ARH Policy Memo #06-015) 09 February 2006

c. Memorandum: NGB-ARH, Subject: Calendar Years 2008 (CY08) Officer and Warrant Officer Selective Retention Board (SRB) (NGB-ARH Policy Memo #07-038) 06 December 2007

d. Memorandum: NGB-ARH, Subject: Memorandum of Instruction (MOI) for Active Guard Reserve (AGR) Life Cycle Management Boards DRAFT

e. Memorandum: ASA-RA, Subject: Implementing Guidance for the Army National Guard (ARNG) Active Guard Reserve (AGR) Life Cycle Management (LCM) (Not Dated)

f. Memorandum: NGB-ARH, Subject: Memorandum of Instructions – Calendar Year 2008 Army National Guard (ARNG) Active Guard Reserve (AGR) Active Service Management (ASM) Boards (Not Dated)

g. Email: Subject: Life Cycle Management Issues, 15 January 2008

2. The Adjutants General must be able to manage and to shape the force of our officers within a timetable which allows us to meet the continued high demands and OPTEMPO we currently face. We do this on behalf of the Governors who are charged by the U.S. Constitution to:

“..., reserve[e] to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.”

3. In addition by State Constitution, the Adjutants General must be able to individually manage this force, with the consent and oversight of each governor, while still maintaining a sense of “equity” and autonomy in our Full Time Support Force. For instance, in West Virginia, the WV Constitution states: “...the governor is authorized to organize, reorganize or disband any unit, headquarters or staff therein, to increase or decrease the number of officers...and the strength of the national guard or any unit thereof...” This is the same force, which is understaffed and expected to operate as an Operational Force instead of a Strategic Reserve for which it was originally staffed and resourced.
4. The proposed policy (para 1.d) does not meet this constitutional mandate or the current operational needs of the national guard for the states. The policy here considered has major flaws evident after thoughtful review. These are: 1) delayed time-frames for AGR’s separation, 2) loss of state autonomy in the Board processing, and 3) rules for board membership.
5. The Adjutants General have to support the FTS requirements with a multitude of resources which vary from Military Technicians, AGRs, State Employees, Federal Contractors, and State Contractors. Each of these has their own independent regulations, rules and policies creating varying differences in treatment, which we consistently have to negotiate to create a harmonious team for mission operation. These alone are enough of a challenge without having the additional burden imposed by this new policy which not only adds inconsistencies to our state and federal constitutional missions usurping inherent state power, but which also creates disparate treatment among our soldiers. For instance, in accordance with this new policy, a Military Technician Member of the FTS, who is not retained by the SRB, would be separated from the Military thus losing the ability to maintain dual status. This would result in separation from Technician Employment in a 90-120 day window. The AGR Officer going thru the LCM process would not be separated until the 9-12 month window.
6. I recommend that, because of this inequitable treatment, we have the same standard by conducting a single board for all Title 32 Officers. I understand that there is a requirement to address the Title 10 officers at NGB, but that policy does not need to apply to the States. The simple fact is that we need to hold the Selective Retention Board for all officers. We can say that they are two separate boards and we can say the AGRs are not separated by the LCM/ASM board. However, how many officers are not going to accept retirement, after being separated from AGR status by the LCM board? We are saying on one hand that we want to make sure they have time to find other employment by giving them 9 to 12 months before separation from the program then turning around and saying we are not separating them from the Guard. We need to stay with the SRB and not let the ability for the AGR to stay until MRD to change how we manage our total force. This is the opportunity for equity in our force, let’s not make it more difficult with a cumbersome process.
7. The second flaw, as indicated, is the loss of state autonomy. As currently written, the process goes from the Board President directly to ARH. I then presume it continues thru the DARNG to the CNGB. While the latest memo does not address how the board is appointed, previous draft

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memos and the ASA M&RA memo referenced above shows that the TAG appoints the board. The TAG creates the Selection Objective for the board. However, his only option then, according to a previous draft policy and an email from NGB-ARH, would be to concur or non-concur that the board had met the Selection Objective. This would require another board, which I will discuss in paragraphs below. What this does is create a policy where the TAG is to pick Selection Objective Criteria which "target" personnel instead of being able to target a group such as in the SRB process. For instance, if you are a small state, with 3 or 4 O6 positions, then why play a "deceptive game" by saying this is the Selection Objective, knowing full well you have a small number within a particular area. TAGs should not be placed in position to have any appearance such as this. If we have the process thru SRB then we would be dealing with a larger group. Again, I understand the purpose of managing control grades, but we should not use a process such as this that creates inequities.

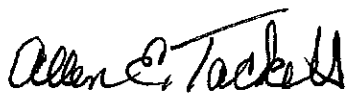
8. I recommend that the TAG have the final approving authority for all Title 32 officers to include AGRs through a single board system.

9. The next flaw, I want to discuss, involves the board composition. The board members are to be rotated so that they do not sit on consecutive boards in consecutive years. This creates an issue for small and medium states being able to meet the requirements of the board composition. This would only be increased, if the policy stays in effect that only allows the TAG to non-concur with the board results then conduct another board with different members.

10. I recommend that the Chief of Staff and the Assistant Adjutant General be allowed to set on consecutive boards thru a single board process.

11. In summary, I want to emphasize that we need to have a single board for all Title 32 Officers under the authority of The Adjutants General.

12. The point of contact for this correspondence is the undersigned at DSN: 623-6318 or CML: 304-561-6318.


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