



FORT SILL LEGAL ASSISTANCE



SUSPENSION OF FAVORABLE PERSONNEL ACTIONS “FLAGS”

A Flag is an administrative tool that prevents a Soldier from receiving certain favorable actions while in an unfavorable status (not in good standing).

For example, a Flagged Soldier may not reenlist, be reassigned (PCS), be promoted, receive military awards and decorations, enroll in military schools, or use tuition assistance benefits, as well as other prohibitions.

Can I PCS if I am Flagged?

Flags may prevent Soldiers from PCSing to his or her next duty station. Flags that prevent PCS moves are called “nontransferable.” Flags that do not prevent PCS moves are called “transferrable.”

What kinds of Flags are nontransferable?

Some Flags will prevent a Soldier’s PCS. These Flags are known as “nontransferable flags.” These Flags include, but are not limited to:

Adverse Actions

Commanders must Flag Soldiers for adverse actions including: Article 15, UCMJ, or civilian criminal proceedings; inefficiency or misconduct; initiation of non-punitive action; and AWOL status.

Commander’s Investigation

Commanders must initiate a Flag when a Soldier is a suspect or subject of an ongoing investigation or board. The term “investigation” is to be interpreted broadly to include any action that may result in disciplinary action or other loss to the Soldier’s rank, pay, or privileges.

The initiation of a DD Form 200 (Financial Liability Investigation of Property Loss), in and of itself, will **not** result in the initiation of a Flag (AR 735-5).

Law Enforcement Investigation

Commanders must Flag Soldiers identified as possible subjects or suspects by the USACIDC (or Service equivalent), military police, or civilian law enforcement during the course of an investigation.

Involuntary Separation or Discharge

Soldiers pending involuntary separation or discharge must be flagged.

Pending “Relief for Cause” or “Referred” Evaluations

Commanders must Flag Soldiers pending a “Relief for Cause” or “Referred” evaluation.

Security Clearance

A Soldier will be flagged when the Department of Defense Consolidated Adjudications Facility (DOD CAF) denies or revokes the Soldier's security clearance, in accordance with AR 380-67, which is required for his or her continued service or by his or her military operational specialty in accordance with AR 614-200.

Drug Abuse Adverse Action

Commanders must initiate a Flag based on adverse action resulting from a drug abuse-related incident.

Alcohol Abuse Adverse Action

Commanders must initiate a Flag based on adverse action resulting from an alcohol abuse-related incident.

Denial of Automatic Promotion

Commanders must Flag Soldiers who are denied automatic promotion.

Lautenberg Amendment

Soldiers with a qualifying conviction under the Domestic Violence Amendment to the Gun Control Act of 1968 must be flagged.

No Approved Family Care Plan

Soldiers who fail to provide and maintain an adequate Family care plan must be flagged.

What kind of Flags are transferable?

Flags that will allow PCS, but will remain with the Soldier at their gaining unit include:

Punishment Phase

Commanders must initiate a Flag when disciplinary actions are in the punishment phase that does not include confinement, restraint, or geographical travel restrictions (for example, Article 15 extra duty).

Army Physical of Combat Fitness Test Failure

Commanders must initiate a Flag when a Soldier fails a record ACFT or when, through the Soldier's fault as determined by the commander, the Soldier fails to take the ACFT within the time prescribed by existing regulations, or when directed by the commanding officer.

Noncompliance with Army Body Composition Program

The effective date of the Flag is the date that the Soldier was found to be in noncompliance with AR 600-9. The use of certain medication to treat an underlying medical disorder or the inability to perform all aerobic events may contribute to weight gain but are not considered sufficient justification for noncompliance with AR 600-9 and the Soldier will be flagged. Soldiers will not be exempt because of chronic medical conditions unless an exception to enrollment

in the ABCP is granted by the DCS, G-1. In the case of a pregnant Soldier, if a physician determines that the Soldier became pregnant prior to being entered into the ABCP, the commander will close the Flag. If the Flag was initiated before pregnancy (as determined by her physician) the Flag will remain in effect until the Soldier complies with AR 600-9.

Will I know if I am Flagged?

Yes, the Flagging authority, unit Commander, or first line supervisor will counsel all Soldiers in writing upon initiation of any Flag within three working days, unless counseling will interfere with an ongoing investigation.

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This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.