



DEPARTMENT OF THE ARMY

United States Trial Defense Service
Fort Rucker Field Office
5700 Novosel St, Room 345
Fort Rucker, AL 36362



REDUCTION IN GRADE FOR MISCONDUCT

A. General Comments: Although reduction for misconduct may occur as a result of Article 15, UCMJ, or court-martial action, these matters are outside the scope of this publication. However, administrative reduction for misconduct is appropriate based upon civil convictions or adjudication as a juvenile offender. Questions concerning what constitutes a conviction, e.g., a Plea of Nolo Contendere, are dependent on state law, and should be directed to the Office of the Staff Judge Advocate, Administrative and Civil Law Division.

B. Grounds:

1. A Soldier convicted by civil court (domestic or foreign) or adjudged a juvenile offender by civil court (domestic or foreign) will be reduced or considered for reduction according to Table 6-1, AR 600-8-19.
2. On receipt of documents establishing a sentence (imposed or vacation of a suspended sentence) or a finding of guilty with sentence to be established at a later date, commanders must act according to Table 6-1, AR 600-8-19.
3. A Soldier may be reduced even though an appeal is pending or has been filed.
4. Soldiers in the rank of E-7 and above may not be reduced in grade under this provision.

C. Procedural Consideration: The reduction authority for these actions is the same as for reduction for inefficiency. If the board is required, a Soldier has the same right to personal appearance and counsel. A reduction board, if required, will be convened within 30 duty days after receipt of documentary evidence and before separation or retention is considered unless the Soldier waives this requirement in writing (Paragraph 6-3c(3), AR 600-8-19). Appeals are permitted to correct an erroneous reduction under rule 1 or table 6-1 or on equitable grounds for reduction under rule 1 or rules 2-3. Appeals must be filed in writing within 30 days of the date of reduction or unless the reduction authority extends the 30 day limitation for good cause. Appeal authorities are the next higher authority above the reduction authority for SSG and below. For rules governing date of rank, see AR 600-8-19, paragraph 6-10f.

D. Reference:

AR 600-8-19, Enlisted Promotions and Reductions, Chapter 6 and Table 6-1.

For further information contact the Trial Defense Service at 334-255-3919.

