MEMORANDUM FOR Army National Guard (ARNG) Recruiting and Retention Force (RRF)

SUBJECT: SMOM 20-054, Waivers for Appointment and Enlistment

1. References. See enclosure 1.

2. Effective immediately, this policy supersedes reference a. Reference b and c are hereby rescinded. Enclosure 1 includes all references for this message.

3. All waiver and exception to policy submissions must contain strong meritorious consideration (i.e. what has the applicant done since the offense which merits consideration for approval). Additional factors to consider are time since the offense, additional charges since the offense, AFQT score, education level, volunteer work, professional and character references, and steady employment.

4. Medical Waivers. Any applicant who does not meet the physical and medical accession, enlistment, and reenlistment standards for the conditions or diagnoses in subparagraph a below may be considered for a waiver. Unless otherwise stated in this document, the medical waiver authority for the conditions identified is the Deputy Chief of Staff, G-1 Director of Military Personnel Management (DMPM). Requests for waivers will be submitted through the Service Medical Waiver Review Authority, who will provide a recommendation to the DMPM for decision.

   a. Psychiatric and Behavioral Health Conditions. Any applicant with a verified current diagnosis or history of any of the following disorders are disqualified unless a waiver is approved: mood disorders; personality disorder; disorders with psychotic features; substance abuse or use disorders; drug overdose; suicide attempt, or self-directed violence that meets the criteria in enclosure 1, d, paragraph 6d (except in instances that involve self-mutilation) is disqualified unless a waiver is approved. Applicants who were previously denied accession to any branch of the military for behavioral health conditions are also disqualified unless a waiver is approved. When applicants have a MEPS directed behavioral health evaluation completed, it must be annotated on DA Form 3822.

   b. Applicants with a previous medical separation or discharge will be processed as outlined in Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) and the current Accession Options Criteria.
c. Applicants granted a medical waiver will be advised at time of enlistment or appointment that Soldiers who enter the Army National Guard with a medical waiver for a preexisting medical condition and who are subsequently determined unfit because of the condition will not be entitled to disability, separation, or retired pay unless military service permanently aggravated the condition.

d. Applicants with a previously disapproved medical waiver may not be resubmitted for waiver consideration unless the original condition has changed.

5. Enlisted Conduct Waivers. Conduct waivers are returned to the approval authority reflected in AR 601-210. Waivers for applicants with a qualifying conviction or adverse disposition for one major misconduct (level 400 in AR 601-210, Table 4-4) offense is withheld to DMPM. Applicants who require waiver consideration where DMPM is the approval must have a valid physical from the Military Entrance Processing Station (with negative DAT results) and test in the mental category of IIIB or higher (CATIIIB – I).

   a. Applicants will not be considered for a waiver if they have a State or Federal conviction or a finding of guilty in a juvenile adjudication for a felony crime of rape, sexual abuse, sexual assault, incest, or any other sexual offense for which a felony charge is levied, or if they are required to register as sex offenders. Applicants with a conviction qualifying under Title 18, United States Code, sections 922(g)(9), will not be granted a waiver for entrance into military service.

   b. Applicants who are subject of civilian court conviction or adverse disposition for more than one major misconduct (felony) offense is not eligible for waiver consideration.

   c. The approval authority for applicants with any two of the following offenses is the Director, Army National Guard: driving under the influence/driving while impaired, possession of marijuana or paraphernalia, or positive drug and alcohol test. Waiver will not be considered until at least 2 years from the date of the last offense or date of positive drug and alcohol test, unless other waiting periods apply.

   d. Previously disapproved conduct waivers may not be resubmitted for 6 months from date of disapproval.

   e. Positive Drug and Alcohol Test (DAT) at Military Entrance Processing Station. The approval authority is the State Adjutant General. Waivers may not be considered until after a 90-day waiting period and receipt of negative DAT results from the MEPS.

   f. Applicants who require waiver consideration for possession of marijuana or drug paraphernalia, to include on school grounds must have negative DAT results obtained prior to approval of waiver.
6. **Administrative Waivers.** Applicants discharged/separated with a narrative reason of misconduct will incur a 2 year waiting period from date of discharge prior to requesting a waiver. The following rules apply to specifying narrative reasons related to misconduct discharges.

   a. Misconduct (drug or alcohol abuse or rehab failure): No waiver authorized.
   
   b. Misconduct (sexual offense): No waiver authorized.
   
   c. Misconduct (serious offense): DMPM level.
   
   d. Misconduct (nothing specified or any not listed above): NGB level.

7. **Appointment Conduct Waivers.** Conduct waivers for current ARNG Soldiers requesting appointment as an officer or warrant officer and all applicants applying for appointment as AMEDD, JAG, and Chaplain who require a conduct waiver as outlined in Army Directive 2020-09, NGR 600-100 and NGR 600-101, are not authorized to be appointed without approval for the conduct waiver.

   a. Conduct and administrative waivers for applicants with a qualifying conviction or adverse disposition for one major misconduct (level 400 in AR 601-210, Table 4-4) offense is withheld to DMPM. DMPM waivers will be submitted to Officer Accessions (HRR-AC-O) through eTracker with the following case codes. Officer Case code: OB-CIVCONV and Warrant Officer Case code: WO-MWVR.

   b. Conduct waivers where the approval authorities is at the State level (TAG) do not require Officer Accessions (HRR-AC-O) review.

   c. HRR Forms (Enclosure 5) for officer or warrant officer applicants that require a waiver from DMPM will be loaded into eTracker as one (1) PDF packet.

8. Applicants who were previously disapproved under the guidelines of reference 1a are ineligible for enlistment unless approval is granted by ARNG-HRR. These exceptions may be considered after 90 days from the disapproval date, unless a longer waiting period is specified in paragraph 5d.

9. This guidance is effective the date of this memorandum and remains valid until rescinded or revoked by this office.

10. Point of contact for this action SFC Javoris Smiley, (703) 604-8367, javoris.b.smiley.mil@mail.mil.
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11. Point of contact for AMEDD, JAG or Chaplain waivers is MAJ Troy Forston, (703) 604-4205, troy.d.forston.mil@mail.mil.

12. Point of contact for Warrant Officer waivers is CW4 Jennifer Fotinos, (703) 607-2927, jennifer.d.fotinos.mil@mail.mil.

13. Point of contact for Basic Branch Officer waivers is MAJ Jason Boothe, (703) 607-9634, jason.s.boothe.mil@mail.mil.

5 Encls
1. References
2. Update to Table 4-1
3. Update to Table 4-2
4. Documents for Waiver
5. HRR Forms