



## NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE  
ARLINGTON VA 22204-1382

ARNG-HRR

3 March 2017

MEMORANDUM FOR NG J1 RRF (All-Entire RRF)

SUBJECT: SMOM 17-026, NGB Waiver Appeals Process

1. References:

- a. AR 601-210
- b. AR 40-501

2. The purpose of this message is to establish procedures for submitting appeals for NGB conduct, administrative and medical waivers.

3. Waivers for enlistment require that a meritorious case exists to warrant an exception to the standards established in AR 601-210. The Army National Guard will adhere to requirements as contained in AR 601-210, para 4-22 (Non-waiverable medical, conduct, and administrative disqualifications) and 4-23 (Non waiverable disqualifying separations or discharges). Applicants who do not meet established enlistment standards are not eligible for enlistment unless a waiver is authorized. The burden is on the applicant to prove to waiver authorities that he or she has overcome his or her disqualifications for enlistment and that his or her acceptance would be in the best interests of the Army. Waiver authorities will apply the 'whole person' concept when considering waiver applications.

4. Conduct and Administrative. Once an NGB conduct or administrative waiver has been disapproved by the approving authority, it may not be resubmitted for 6 months from the date of disapproval. If the Recruiting and Retention Commander (RRC) feels there is a meritorious reason for an exception to the waiting period; submit the following:

- a. New TAG endorsement (may not be delegated) requesting an appeal.
- b. Disapproved workflow.
- c. Memorandum from RRC explaining justification for meritorious consideration.
- d. New documents related to the meritorious case.

5. Medical. Once a medical waiver has been disapproved it may not be resubmitted unless the original condition has changed. If there have been additional medical findings

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or changes since the disapproval the RRC may submit an appeal that meets the following criteria:

a. Includes all documentation used for disqualification as well as physician documentation that exhibits the condition no longer exists or has significantly changed to meet the medical standard for accession.

b. Addresses applicant's physical abilities. No appeal will be accepted due to additional documentation attesting to academic performance, attendance or acceptance by ROTC or a commissioning source, or character references. This documentation should be in the original submission only.

c. No appeals will be accepted based on a new MOS. Any MOS change that might allow accession is given consideration on the initial submission.

d. Documentation that is older than the date of the physical examination will not be considered. All physician documentation to be considered for an appeal must be current.

6. All appeals will be sent using the original submission source. Medical waiver appeals will be sent to ARNG-CSG using MATS and conduct or administrative waivers will be sent to ARNG-HRR through GCRc. Comments block must state NGB waiver appeal.

7. Requests received by personnel at higher headquarters are normally for more serious offenses than those for which waiver authority has been delegated to a lower level; in all determinations for waiver of enlistment eligibility requirements, a detached, objective viewpoint is necessary to assure that meritorious cases warrant the exception to enlistment standards.

8. The point of contact for this message is SFC Nsilo Samuels at [nsilo.k.samuels.mil@mail.mil](mailto:nsilo.k.samuels.mil@mail.mil)/ 703-607-0944 for conduct and administrative waivers and LTC Craig Dean at [craig.e.dean.mil@mail.mil](mailto:craig.e.dean.mil@mail.mil)/703-601-7922 for medical.



MONIE R. ULIS  
COL, IN  
Chief, Strength Maintenance Division  
Army National Guard