

Declassified E.O. 12356 Section 3.3/NND No. 785015

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10000/101/244

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785015

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DUTY TOURS & STATUS
MAY 1944

AG 210.45/563-P
(12 May 44)
Hq, NATCUSA, APO 534, 28 May 1944.

1st Ind.

HVR/bt

TO: All Concerned.

1. Individual recommendations will be furnished this headquarters, through channels, at the earliest practicable date, on officers recommended for removal from the active list of the Regular Army under the provisions of Public Law 190-77th Congress.

2. Information to be included in recommendations:

a. Total active commissioned service in the Regular Army to include date of recommendation, and total service counted for pay purposes under existing laws.

b. Permanent Regular Army grade with date of commission therein.

c. Detailed statement showing reason for recommendation including complete description of all duties assigned during period upon which recommendation is based, with manner of performance of each and dates, and all other pertinent information which will enable this headquarters to render a decision.

d. Statement showing that AR 605-230 is not applicable.

3. Reports to accompany each recommendation:

a. A certified true complete copy of WD, AGO, Form 566-1. The officer will be permitted to view this copy and to state whether he considers the report complete as to his record of service, and, if not, to append a list of discrepancies.

4. No action will be taken by subordinate headquarters to permit the officer to voluntarily resign, retire, or to submit statements by himself or others in rebuttal to recommendation. Action in these connections will be taken subsequently by this headquarters.

5. Each commander to whom recommendations are forwarded will, provided he personally knows the officer being recommended for removal from the active list or knows of his performance of duties or other circumstances upon which recommendation is based, personally state his opinions as to the officer's general value to the service.

6. Attached is a copy of paragraph 2162a Supplement II to The Military Laws of The United States, which embodies Public Law 190-77th Congress

By command of Lieutenant General DEVER:

Distribution: "X"

1 Incl: Incls 1, 2, & 3 - w/d
Added: Incl 4, cy. par. 2162a Supl.
II to Milit. Laws of U.S.

H. V. Roberts
H. V. 48615, 5
Colonel, AGO,
Adjutant General

785015

C O P Y

ACK/mmo/2441

WAR DEPARTMENT
The Adjutant General's Office
Washington

AG 210.45 (24 Apr 44)FC-L-A

12 May 1944

SUBJECT: Application of Public Law 190 - 77th Congress.

TO: Commanding General,
USAF, North African Theater of Operations,
A.P.O. 534, c/o Postmaster,
New York, New York.

1. The following procedure is prescribed to effect removal from the active list of the Regular Army of officers whose performance of duty, or general efficiency, is such as to warrant action under the provisions of Public Law 190 - 77th Congress, but whose record is not such as to warrant initiation of action under the provisions of AR 605-230, Reclassification.

2. Determination as to initiation of action under this letter will be made by the appropriate one of the following: Commanding General, Army Ground Forces; Commanding General, Army Air Forces; Commanding General, Army Service Forces; Commanding General, Defense Command; Commanding General, Overseas Theater or Department. Decision to initiate action should be based upon a long record of mediocre performance of duty, or general efficiency, which, compared to other officers of the same grade and length of service, is such as to warrant the action.

3. When the appropriate one of the above Commanding Generals decides that action under this letter should be initiated against an officer under his jurisdiction, he will take action or cause an appropriate subordinate commander to take action as follows:

a. The officer concerned will be notified by letter substantially as indicated below:

- (1) Officers with less than 7 years completed service, Inclosure No. 1.
- (2) Officers with 7 years and less than 15 years completed service, Inclosure No. 2.
- (3) Officer with 15 years or more completed service, Inclosure No. 3.

C O P Y

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C O P Y

b. Upon receipt of statement in reply to the above indicated letter the following action will be taken:

- (1) Commanders within the continental United States will forward the complete correspondence to The Adjutant General.
- (2) Commanders outside the continental United States will retain the correspondence and report the facts by radio to The Adjutant General.

c. Further action in each case will be as directed by the War Department. A Board of officers to hear such cases will not be convened until instructions relative thereto are issued by the War Department.

By order of the Secretary of War:

/s/ Robert H. Dunlop,
ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

3 Incls.:
Form Ltrs.

C O P Y

2162a. Discharge or retirement of officers.--That during the time of the national emergency announced by the President on May 27, 1941, the Secretary of War, for such causes and under such regulations as he may prescribe, may remove any officer from the active list of the Regular Army: Provided, That such removal be made from among officers whose performance of duty, or general efficiency, compared with other officers of the same grade and length of service, is such as to warrant such action, or whose retention on the active list is not justified for other good and sufficient reasons appearing to the satisfaction of the Secretary of War: Provided further, That each officer so removed from the active list shall have been recommended for removal by a board of not less than five general officers convened for this purpose by the Secretary of War: Provided further, That such officer is allowed a hearing before said board. The action of the Secretary of War in removing an officer from the active list shall be final and conclusive. Officers removed from the active list who have less than seven completed years of commissioned service at the time of removal shall be honorably discharged. Officers removed from the active list, who have seven or more completed years of commissioned service at the time of removal shall be retired with retirement pay computed as follows: Any officer so retired who has over thirty years' service or any officer so retired who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall be retired with annual pay equal to 75 per centum of his active duty annual pay at the time of his retirement; any other officer so retired shall be retired with annual pay equal to $2\frac{1}{2}$ per centum of his active duty annual pay at the time of his retirement, multiplied by a number equal to the number of complete years of his service counted for pay purposes under existing laws not in excess of thirty years. All officers retired under the provisions of this section shall be placed on the unlimited retired list. Sec. 3, act of July 29, 1941 (55 Stat. 603).

ACC-DIST

EXEC-OFFS (EST-BR)

G-1 (A)

2675 REGT (2)

785015

AG 210.45/563-P
(12 May 44)
Hq, MATCUSA, APO 534, 28 May 1944.

1st Ind.

Hq. ACC

HR/E

Exec Offr (at Bi)

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By command of Lieutenant General DEVER:

Distribution: "X"

1 Incl: Incls 1, 2, & 3 - w/d
Added: Incl 4, cy. par. 2162a Supl.
II to Milit. Laws of U.S.

Hq. ACC 4886
G. V. ROBERTS,
Colonel, AGO,
Adjutant General

C O P Y

OK/mmc/2441

WAR DEPARTMENT
The Adjutant General's Office
Washington

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C O P Y

486

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2675 REGT (2)
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Declassified E.O. 12356 Section 3.3/NND No.

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LNF-Dis. Mod. 16

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