

Letters of Counseling, Admonishment, and Reprimands (LOCARS)

This information is not to be substituted for legal advice, contact the Military Justice Section at 801-777-7441 or contact your unit First Sergeant for additional questions and clarifications.

REFERENCE: DAFI 36-2907, dated 14 OCTOBER 2022

PURPOSE

Adverse administrative actions are intended to improve, correct, and instruct subordinates who violate DAF standard on or off duty. These actions while they are disciplinary in nature, they are not punitive actions.

- Punitive actions are defined as any action that involves an imposed punishment by the Commander of the member.

All General officers, commanders, first sergeants, supervisors (military or civilian), and other individuals in the member's administrative or operational chain of command can issue administrative actions. This includes issuing administrative counseling, admonishment, and reprimands to Air Reserve Component (ARC) Airmen who commit an offense while in civilian status.

- Standard of Proof for adverse administrative actions is a "preponderance of the evidence." This merely means that it is more likely than not that a fact exists.

LEVELS OF PROGRESSIVE DISCIPLINE

There are several different levels of progressive discipline. Listed below in order increasing severity are the various types of discipline. Commanders should speak with Military Justice prior to initiating a discipline.

1. Verbal Counseling and Records of Individual Counseling (RIC)
 - a. Record of Individual Counseling, DAF Form 174, is used to document a verbal counseling session, either positive or negative and is the least severe form of written administrative actions.
2. Letter of Counseling (LOC)
 - a. This is a form of corrective action appropriate for correcting habits or shortcomings not necessarily criminal or illegal, but can impact the work center.
3. Letter of Admonishment (LOA)
 - a. These are more severe than a RIC and LOC. It could be used to document a first offense or address behaviors not corrected through counseling. Do not use it when a reprimand is more appropriate.
4. Letter of Reprimand (LOR)
 - a. Administrative censure for violation of standards which is more severe than a RIC, LOC, and LOA and indicates a stronger degree of official censure. It may also be issued when other, less severe methods have failed to correct behavior.
5. Unfavorable Information File (UIF)

- a. This is an official record on a person that documents administrative, judicial, and nonjudicial actions.

ADMINISTERING ADVERSE ACTIONS

A written LOC, LOA, or LOR must state the following:

1. What the member did or failed to do (citing a UCMJ article is not required),
2. What improvement is expected,
3. How long the member has to acknowledge the action, and,
4. The member submits a response and indicate that the response will become part of the record.

Include and list all attachments and documents that serve, in part or in whole, as the basis for the actions. These attachments may include but are not limited to, relevant statements, portions of investigations and reports.

REPORTING OF DEMOGRAPHIC INFORMATION ON ADVERSE ADMINISTRATIVE ACTIONS

IAW DAFI 36-2907, paragraph 5.1, upon receipt of the finalized action, the issuer's immediate commander receives the finalized action, the commander will review and provide the rank, age, gender, race, and ethnicity of both the issuer and the recipient as it is listed in their official DAF record for demographic tracking requirements. As well as the type of administrative action issued, number of prior administrative actions received, underlying offense(s), final administrative action.

The legal office provides a tracking website on a quarterly basis for the First Sergeants to access and report this information.

REMOVAL OF LOCAR FROM PIF OR UIF

How can a LOCAR be removed from my or my subordinate's Personnel Information File (PIF)?

1. FOR ENLISTED: IAW DAFI 36-2907, documents contained in a PIF or a UIF may be rescinded by a member equal to or senior in grade to the initial imposing authority, either by request of the member or their own initiative.
 - a. For example, if an E-7 issues a LOR to a subordinate E-3, the E-3 petitions the squadron commander to rescind the LOR
2. FOR OFFICERS: IAW DAFI 36-2907, the member's current wing commander or current commander's on G-Series Orders in the current chain of command and equal or senior in grade to the initial imposing authority, may rescind only RICs and standalone LOCs
 - a. A LOCAR can only be rescinded when:
 - i. New evidence shows that the member did not commit the act that lead to the admin action
 - ii. If the issuing authority issues the admin action in a way that violated the member's due process rights, or
 - iii. If the appropriate authority determines more or less severe action is warranted.