



SECRETARY OF THE ARMY
WASHINGTON

20 AUG 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2020-09 (Appointment and Enlistment Waivers)

1. References. See enclosure.

2. Purpose. This directive supersedes Army Directive 2018-12 (New Policy Regarding Waivers for Appointment and Enlistment Applicants) and revises Army policy and procedures for medical and misconduct waivers for applicants requesting enlistment, reenlistment, appointment, or accession.

3. Responsibilities.

a. The Chief, National Guard Bureau will ensure that the provisions of this directive are implemented by State adjutants general. State adjutants general are the approval authority for conduct waivers for Army National Guard applicants for enlistment or appointment with non-traffic offenses and misconduct offenses (other than major misconduct).

b. The Deputy Chief of Staff (DCS), G-1 Director of Military Personnel Management (DMPM) is the approval authority for medical waivers for psychiatric and behavior health conditions identified in paragraph 4a of this directive and for all major misconduct waivers.

c. Service medical waiver review authorities (SMWRAs) are delegated medical waiver review authorities for accessions through the DCS, G-1. SMWRA delegations are codified in Army Regulation 40-501 (reference 1i). SMWRAs are the waiver authorities for learning, psychiatric, and behavioral disorders identified in Department of Defense (DoD) Instruction 6130.03 (reference 1e), except those identified in paragraph 4a of this directive. SMWRAs review and recommend dispositions to the DMPM for all other accession medical waiver requests.

d. Recruiting battalion commanders are the approval authority for conduct waivers for applicants for enlistment or appointment to the Regular Army and the U.S. Army Reserve with non-traffic offenses and misconduct offenses (other than major misconduct).

4. Medical Waivers. Applicants who do not meet the physical and medical accession, enlistment, and reenlistment standards for the conditions or diagnoses described in paragraph 4a may be considered for a waiver. Requests for waiver will be submitted

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through the appropriate SMWRA, who will provide a recommendation to the DMPM for decision. Approval of medical waivers must ensure that appointment, enlistment, reenlistment, or induction is in the best interest of the Army based on a holistic review of the applicant's potential for service.

a. Psychiatric and Behavioral Health Conditions. Applicants with a verified current or historical diagnosis of any of the following disorders are disqualified unless a waiver is approved: mood disorder, personality disorder, disorder with psychotic features, substance abuse or use disorders, drug overdose, suicide attempt, or self-directed violence that meets the criteria in paragraph 6d (except in instances that involve self-mutilation). Applicants who were previously denied accession to any branch of the military for behavioral health conditions are disqualified unless a waiver is approved.

b. Applicants granted a medical waiver will be advised at time of enlistment or appointment that, pursuant to DoD Instruction 1332.18 (reference 1d), Soldiers who enter the Army 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.

5. Conduct Waivers. A conduct waiver is required when a court has convicted or imposed another type of adverse disposition (such as community service) for offenses identified in the enclosed references. Applicants must provide sufficient details of mitigating circumstances that clearly justify approval of the waiver.

a. Only the DMPM may authorize a waiver for major misconduct offenses. Major misconduct is a term used in this directive to identify felony-level offenses as determined by local, State, or Federal law, and includes those offenses enumerated in DoD Instruction 1304.26 (reference 1b).

b. Applicants will not be considered for a waiver if they have a State or Federal conviction or a finding of guilt 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(d)(9) and 922(g)(9), will not be granted a waiver for entrance into military service.

c. Applicants with prior military service who were separated or discharged from any branch of military service for what this directive considers as major misconduct require an enlistment, appointment, or induction waiver from the DMPM. Requests will be submitted through the appropriate waiver authority identified in the enclosed references, who will recommend approval or disapproval to the DMPM.

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6. Procedures.

a. A request for a medical waiver is a formal request to consider the suitability for service of an applicant who, because of current or past medical conditions, does not meet medical standards. At the completion of a thorough review, the applicant may be considered for a waiver. The applicant must have displayed sufficient mitigating circumstances/provided medical documentation that clearly justify waiver consideration.

b. All applicants considered for appointment, enlistment, or induction in the Regular Army, Army National Guard/Army National Guard of the United States, or U.S. Army Reserve must meet the five medical standards listed in DoD Instruction 6130.03 (reference 1e). The disqualifying conditions listed in reference 1e are those that do not meet medical standards by virtue of a current diagnosis or a verified past medical diagnosis (as documented by a licensed healthcare professional). This directive does not apply to medical standards for the appointment, enlistment, or accession of applicants with a history of gender dysphoria or medical treatment associated with gender transition. These accession standards are prescribed in separate policy (see reference 1g).

c. For learning, psychiatric, and behavioral disorders listed in reference 1e that are not identified in paragraph 4 of this directive, the SMWRA may grant an accessions waiver if the disqualifying condition identified by the DoD Medical Examination Review Board or the Military Entrance Processing Station (MEPS) Chief Medical Officer does not represent a current diagnosis and meets accession standards.

d. Pursuant to reference 1e, a history of self-mutilation does not meet medical standards. A waiver for self-directed violence (other than self-mutilation) is authorized only when the disqualifying condition is not supported by available medical evidence, does not represent a current diagnosis, and meets accession standards. SMWRAs are authorized to approve a waiver if the applicant meets all of the following criteria because the applicant will be deemed to have no current diagnosis:

(1) a single episode before age 14 and no incident during the 5 years preceding application

(2) no evidence of any disqualifying behavioral health condition on psychiatric evaluation (ordered by the MEPS Chief Medical Officer or DoD Medical Examination Board examiner)

(3) evidence of adequate coping with stressful situations

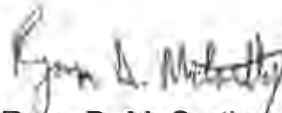
7. Applicability. This directive applies to the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.

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8. Proponent. The DCS, G-1 is the proponent for this policy, responsible for incorporating the provisions of this directive into relevant Army regulations within 2 years.

9. Duration. This directive is rescinded on publication of the revised regulations.

Encl



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REFERENCES

- a. Title 18, United States Code, section 922
- b. Department of Defense Instruction 1304.26 (Qualification Standards for Enlistment, Appointment, and Induction), 23 March 2015, incorporating Change 3, 26 October 2018
- c. Department of Defense Instruction 1304.32 (Military Services Recruiting Related Reports), 26 March 2013, incorporating Change 1, effective 31 March 2017
- d. Department of Defense Instruction 1332.18 (Disability Evaluation System (DES)), 5 August 2014, incorporating Change 1, 17 May 2018
- e. Department of Defense Instruction 6130.03 (Medical Standards for Appointment, Enlistment, or Induction into the Military Services), 6 May 2018
- f. Department of Defense Instruction 6400.06 (Domestic Abuse Involving DoD Military and Certain Affiliated Personnel), 21 August 2007, incorporating Change 4, 26 May 2017
- g. Directive-type Memorandum-19-004 (Military Service by Transgender Person and Persons with Gender Dysphoria), 12 March 2019, incorporating Change 1, 17 March 2020
- h. Army Directive 2018-12 (New Policy Regarding Waivers for Appointment and Enlistment Applicants), 30 July 2018 (superseded)
- i. Army Regulation 40–501 (Standards of Medical Fitness), 27 June 2019
- j. Army Regulation 135–100 (Appointment of Commissioned and Warrant Officers of the Army), 1 September 1994
- k. Army Regulation 140–50 (Officer Candidate School, Army Reserve), 15 October 1999
- l. Army Regulation 145–1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training), 22 July 1996, Rapid Action Revision, 6 September 2011
- m. Army Regulation 150–1 (United States Military Academy: Organization, Administration, and Operation), 5 March 2019
- n. Army Regulation 601–100 (Appointment of Commissioned and Warrant Officers in the Regular Army), 21 November 2006
- o. Army Regulation 601–210 (Regular Army and Reserve Components Enlistment Program), 31 August 2016

Enclosure