

**Puerto Rico State Guard
Regulation 624-100**

Separation for Cause, Personnel Action

Procedures for Separation of the Puerto Rico State Guard Command

**Headquarters
Puerto Rico State Guard
Guaynabo PR 00678
4 December 2024**

UNCLASSIFIED

SUMMARY of CHANGE

Puerto Rico State Guard Regulation 624-100
Procedures for Separation of the Puerto Rico State Guard Command.

This is a new Regulation, dated 4 December 2024—

o This Regulation will be used for separation of the Puerto Rico State Guard Command. Notwithstanding, nothing in this Regulation shall limit the authority of the Commander in Chief and The Adjutant General of Puerto Rico to use PRSG 624-100 for separation of the military forces.

o This regulation does not preclude the use of any other statute, regulation or document that provides for a similar remedy.

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Effective 4 December 2024

Separation for Cause, Personnel Action

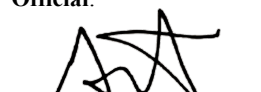
Procedures for Separation of the Puerto Rico State Guard Command

By Order of the Adjutant General of Puerto Rico National Guard



MIGUEL A. MENDEZ
Major General, PRNG
The Adjutant General

Official:



EDRICK N. RAMIREZ
Brigadier General, PRSG
Commanding General

Summary. This Regulation establishes the procedures for separation of the Puerto Rico State Guard Command.

Applicability. This regulation applies to all components of the Puerto Rico State Guard Command.

Proponent and Exception Authority. The proponent of this regulation is the Commanding General and J1, Puerto Rico State Guard Command JFHQ. The proponent has the sole authority to approve exceptions to this regulation that is consistent with laws and regulations.

Supplementation. Supplementation of this regulation on procedures for separation of the Puerto Rico State Guard Command outside of the authority dictated by this regulation is prohibited without

prior approval from the Puerto Rico State Guard Command Commanding General, through the J1 ATTN: Tabonuco #2 GAM Tower Guaynabo, Puerto Rico 00968. 1-787-731-3633 Ext. 1464.

Suggested Improvements. Users are invited to send comments and suggested improvements concerning this regulation on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly through the J1, PRSG available at email: regulations@prsg.us and mail Tabonuco #2 GAM Tower Guaynabo, Puerto Rico 00968 1-787-731-3633 Ext.1464.

Distribution. This regulation is available in electronic media only and is intended for Puerto Rico State Guard Command. See also official webpage; <http://www.prsg.us>

History. This regulation provides guidance about separation of the Puerto Rico State Guard Command not established by other PRSG Regulations. It is based on the PRNG 635-100 adapted to the policies of the Puerto Rico State Guard Command.

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Chapter 1

Introduction

Section I General

1-1. Purpose

This regulation covers the process of separation for cause for different levels. Establishes criteria for characterization of service of individuals separated under the dispositions of this regulation.

1-2. References

See Appendix A.

1-3. Applicability

This regulation applies to all members of the Puerto Rico State Guard Command, Commissioned Officers, Warrant Officers, and Enlisted personnel while acting under the dispositions of Title 25 of the Laws of Puerto Rico Annotated, 25 L.P.R.A. § 2931 et. seq., or in conjunction with any applicable statute, regulation or Executive Order.

1-4. Authority

This regulation is promulgated under the authority of the Puerto Rico Military Code Century XXI, Law Number 88 of August 8 of 2023, 25 L.P.R.A. Articles 1.02(jj), 2.09(f) and (r), 2.20(b), 4.02 and 5.02. and according with the regulations, instructions, directives, and policies adopted by the Adjutant General of Puerto Rico who delegated the authority to the Commanding General of Puerto Rico State Guard Command.

1-5. Explanation of Abbreviations and Terms

See the glossary.

1-6. Responsibilities

Responsibilities are in section II.

1-7. Commanding General (CG), Puerto Rico State Guard Command

a. The Commanding General of the Puerto Rico State Guard Command will review the recommendation for separation and make a final determination. (See Chapter 3-1.)

1-8. Chief Administration Officer (CAO)

a. The Chief Administration Officer (CAO) will process the request for separation submitted in accordance with this regulation as directed by the Commanding General. (See Chapter 3-2.)

1-9. Commanders

a. The Commanders of the Puerto Rico State Guard Command will initiate separation action under the disposition of this regulation. (See Chapter 3-3.)

1-10. Chief Judge Advocate Office (CJA)

a. Will provide legal advice to the Commanding General (CG), the Chief Administration Officer (CAO), while any PRSG JAG Officer may provide legal advice to the Commanders, Commissioned Officers, and supervisors regarding the implementation of this regulation. (See Chapter 3-4.)

1-11. Judge Advocate General (JAG)

a. Will provide legal advice to the MACOM Commanders, Battalions and Squadron Commanders level regarding the implementation of this regulation. (See Chapter 3-5.)

1-12. The Adjutant General of Puerto Rico (TAG-PR)

a. The Adjutant General of Puerto Rico (TAG) is the highest appellate authority in this process. (See Chapter 3-6.)

Chapter 2

Introduction.

a. The service members of the Puerto Rico State Guard Command may be involuntarily separated from the Puerto Rico State Guard Command following the provisions and procedures established in this regulation. The Commanding General of the Puerto Rico State Guard shall review all for separation under this regulation and shall make the final determination. This authority shall not be delegated. The Commanding General as the approving authority, may not initiate separation actions under this regulation. |

2-1. Procedure for involuntary separation.

Section a. Counselling or a letter of reprimand will be initiated by a Commander or supervisor when a member's degree of efficiency, manner of performance of duty, conduct, or the commission of any derogatory act makes such action appropriate. Normally, counseling statement(s) or a letter of reprimand will be documented in the member's Electronic Military Records (EMR) before initiating involuntary against a member of the Puerto Rico State Guard Command, unless the reason for release would not require such action. Individuals being counseled will verify acknowledgment of counseling session(s).

Section b. When deciding whether to initiate procedures for involuntary separation, the following factors may be considered but do not limit any other factors to be considered:

- (1) The seriousness of the events or conditions that form the basis for initiation 'of separation proceedings. Also, consider the effect of the member's continued retention on military discipline, available personnel, good order, and morale.
- (2) The duration of the events or the likelihood that the events or conditions will continue or recur.
- (3) Whether the actions of the members resulted or are likely to result in an adverse impact on the accomplishment of the unit mission.
- (4) The member's ability to perform his assigned duties in a reasonable and/or timely manner.
- (5) The member's potential for further service.
- (6) The member's military record. This includes past contributions to the Military Forces of Puerto Rico, assignments, awards decorations, evaluations, ratings, letters of commendation, letters of reprimand or admonition, counseling records, records of nonjudicial punishment, and records of involvement with civilian authorities; as well as any other matter deemed relevant by the separation authority.
- (7) Possibility of reassigning members.
- (8) Whether the moral conduct, ability, or general of the member is contrary to or constitutes a risk to the good, interest or discipline of the Military Forces of Puerto Rico.

Section c. Involuntary separations for cause recommendations will be made by the commander or first line supervisor of the member. This commander or supervisor will refer the written recommendation for involuntary separation to the member for comments. The member may be flagged until the end of the procedure at the sole discretion of the Commander. It is the sole responsibility of the member to have their postal and email addresses updated.

Section d. The member will be given thirty (30) days from receipt to submit a written rebuttal statement or comments to the Commander or supervisor who initiated the action.

- (1) If the member is an enlisted man or woman, upon receipt of the rebuttal statement, the Commander or supervisor will forward it through Command channels to the Commanding General. The first Commander's recommendation will constitute the report and determination by an Investigating Officer (IO) required by Article 2.20 of the Puerto Rico Military Code, Century XXI, 25 L.P.R.A.
- (2) If the member is a Commissioned Officer or Warrant Officer, upon receipt of the rebuttal statement, the Commander or supervisor will forward it to an investigation board composed of three Commissioned Officers from the Military Forces of Puerto Rico, with a superior rank, in so far as possible, then the Officer in question. The board will analyze the case and submit a recommendation, through channels, to the Commanding General.
- (3) The recommendations made under the dispositions of paragraphs (1) and (2) above will reach the Commanding General office not later than 30 days after the receipt of the rebuttal statement, unless the board of investigation finds cause for further hearings or receipt of additional evidence.

Section e. The member may be given the opportunity but will not be required to request voluntary release in lieu of involuntary separation. Members pending involuntary separation under this paragraph will be advised of and provided assistance, if they request, of a Judge Advocate General Officer (JAG) in preparing rebuttals. If JAG Officer assistance is not reasonably available, the thirty (30) day Provision in Paragraph *(d)* may be waived by the Commanding General.

Section f. Reasons for involuntary separation under this regulation include, but are not limited to the following:

- (1) Positive result in a urinalysis test for chemical substances or refusal to submit to such a test. Use of illegal or illicit drugs, substances, and/or abuse alcohol.
- (2) Inappropriate professional and personal conduct, as defined in the Military Justice Code of Puerto Rico.
- (3) Loss of professional qualifications required for the performance of assigned duties.
- (4) Substandard duty performance, including, but not limited to excessive absences.
- (5) Incurr in discrimination, retaliation, reprisal, prohibited displays of affection; or making derogatory comments and/or acts regarding race, color, religion, sex, national origin, disability, or age or sexual orientation or acts of expressed sentiments of racism, sexism, or prejudice.
- (6) Failure to attain and maintain physical fitness and weight standards (the member is a participant of a corrective program, or a directive was given, and the member has not complied with it). Member becomes permanently undeployable.
- (7) Service member shows a pattern of disregard for authority and/or orders.
- (8) Member provides false or incomplete information, statements, or documentation or makes a misrepresentation or conceals them or tries to induce to error. This provision takes effect as soon as the member initiates the process to become a member of the Puerto Rico Military Forces.
- (9) Violation or attempt to violate any applicable statute, regulation, letter or circular that may provide the separation of a member as a remedy for such conduct.
- (10) Separation is recommended by a properly appointed investigation or board of officers.
- (11) Any other action, conduct, omission and/or negligence that warrants the separation of the member as a remedy.
- (12) Committing fraud with public or private funds, or any fraud as defined by federal or state laws.
- (13) Forgery of documents, identification, signatures, or any type of falsification.
- (14) Committing theft of military equipment, private property, or any other type of theft.

2-2. Immunity for Official Acts

Any member of the Military Forces of Puerto Rico who acts as appointing authority, investigates or is a board of Officers' member or decides or counsels or acts upon information gathered or reviews or takes any action under this regulation may be entitled to the immunity, representation, benefits and/or coverage granted by Act. No. 104, June 29, 1955, as amended.

Chapter 3 Responsibilities

3-1. The Commanding General (CG)

- (1) Will review the recommendation for separation and make a final determination.
- (2) Appoint the Board required by law as stated in paragraph *d.* 2 of this regulation.

3-2. Chief Administrative Officer (CAO)

- (1) The CAO will process the request for separation submitted in accordance with this regulation as directed by the Commanding General.
- (2) Upon the Commanding General decision, the CAO will notify, through channels, the Commander at the initial level of the action taken.
- (3) The CAO will prepare the required documentation for the separation of the individual from the Military Forces of Puerto Rico and will notify the member of the final determination or the acceptance of its voluntary release request stating that the decision can be appealed per Chapter 4 of this regulation. Characterization of service will be honorable unless otherwise directed by other applicable regulations. The Reenlistment code in the event of the member's separation was due to a voluntary release request or the service was characterized as honorable will be RE-3 (Need of a waiver to reenlist that can only be granted by the Commanding General).

3-3. Commanders

- (1) The Commanders will immediately initiate separation action under the disposition of this regulation upon learning that any of the reasons stated in paragraph *f. 2* exist.
- (2) The Commander at the initial level will prepare the documentation required by paragraph *c.2* above and will forward it through the chain of command to the Commanding General.
- (3) Commanders at intermediate levels will receive the documentation from the first-level Commanders and endorse it favorably or unfavorably and explain the reason for the recommendation.

3-4. Chief Judge Advocate (CJA)

- (1) Will provide legal advice to the Commanding General and Chief Administration Officer (CAO) regarding the implementation of this regulation.

3-5. Judge Advocate General (JAG)

- (1) Will provide legal advice to the MACOM, Battalions and Squadrons Commanders level regarding the implementation of this regulation.
- (2) Will coordinate legal assistance for those members who request it under the dispositions of this regulation. The assigned JAG will be from another MACOM.

3-6. The Adjutant General of Puerto Rico (TAG-PR)

- (1) The Adjutant General of Puerto Rico (TAG-PR) is the highest appellate authority in this process.

Chapter 4 Appeals

4.1. Appeals

- (1) The Puerto Rico State Guard Command member who is separated from the active service can appeal the separation decision with the Adjutant General of Puerto Rico, the highest appellate authority in this process.

- (2) The appeal shall be in writing and sent in original and copy to the office of Puerto Rico National Guard, Staff Judge Advocate (SJA). The appeal shall include a copy of the complete file of the separation process. The appeal shall also be notified to have the following information:

(a) Cover page:

- (1) Titled In Re separation of member name
- (2) Summary of the process
- (3) Brief explanation of the reason for the appeal and any alleged error(s) in the final determination
- (4) Applicable statutes and regulations index
- (5) Supporting authorities and documents index

(b) Appeal shall be in writing of no more than twenty (20) letter size pages (*the number of pages only counts toward the appeal memo*) at 1.5 space, with a black font size of 12 or larger and the following layout indents top and bottom 1 inch, left side 1.5 inches, and right side of 1 inch. The appeal shall be ordered in the following manner with the following order, appeal cover page with the matter, caption, see (a) (1) and contact information regarding the parties, see items (2) and (3) of this paragraph, index, *appeal memo (containing a summary of the facts and process, jurisdiction statement, the reason for the appeal and/or alleged errors, discussion of the errors and applicable statutes, conclusion and requested remedy, notification statement and signature by the member)*, index of supporting documents in chronological order and its supporting documents in the same order.

- (3) Two (2) copies of the appeal shall also be sent to the PRSG Chief Judge Advocate and the CAO no later than twenty-four (24) hours after filing the appeal as prescribed in item number (2) of this paragraph.

4.2 Notification and Timeframe

(1) The member of the Puerto Rico State Guard Command who is separated from the service can appeal the separation decision within thirty (30) calendar days of receiving the notification of the final separation or the acceptance of the voluntary release request per **Paragraph 3-2(3)** of this regulation. The notification shall be made by personal courier or certified letter with the return receipt requested.

(2) The Office of Puerto Rico National Guard, Staff Judge Advocate (SJA) shall notify the TAG-PR decision to the member within thirty (30) calendar days unless it is notified to the member that an additional (30) calendar days period is needed.

Appendix A

Reference

- a.* AR 25-50 Preparing and Managing Correspondence.
- b.* PRNG Regulation 635-100, Officers Retention Review Board.
- c.* PRSG Regulation 20-1, Puerto Rico State Guard Complaint Management System.
- d.* PRSG Regulation 600-10, Personnel and Administrative Procedures.
- e.* Puerto Rico Military Code Century XXI, Law Number 88 of August 8 of 2023.

Appendix B

Definitions

Commander –Members in command of a unit. That means command time is an actual assignment and performance as a commander of a Company, Flight, Squadron, Battalion, Group, Wing, Brigade, Regiment, or Major Subordinate Command.

First and intermediate-level commanders, and supervisors- are the members to be separated immediate chain of command. Supervisors are the enlisted and non-commissioned officers with command authority over the member, first level are the officers with command authority over the member that are not the Major Command Commanding Officer.

Puerto Rico State Guard Command - is a component of the Military Forces of Puerto Rico under the authority Title 25 of the Laws of Puerto Rico Annotated, 25 L.P.R.A. § 2931 et. Seq.

The Commanding General - is the Commanding General of the Puerto Rico National Guard of the State Guard Command

Glossary

Section I Abbreviations

CAO

Chief Administration Officer

CG

Commanding General

CJA

Chief Judge Advocate

EMR

Electronic Military Record

J1

The Personnel Officer

JAG

Judge Advocate General

JFHQ

Joint Forces Headquarters

MACOM

Major Subordinate Command

IO

Investigating Officer

PRNG

Puerto Rico National Guard

PRSG

Puerto Rico State Guard Command

RE-0

Re-Entry Code

SJA

Staff Judge Advocate

TAG

The Adjutant General of Puerto Rico

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