**PENNSYLVANIA ARMY NATIONAL GUARD SUBSTANCE ABUSE PROGRAM**

**Applicability.** The regulation applies to all members of the Pennsylvania Army National Guard

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1. PURPOSE. The purpose of this regulation is to provide standardized procedures in substance abuse prevention, testing, positive packet processing and rehabilitation in accordance with the following regulations:

   a. AR 600-85 – Army Substance Abuse Program (ASAP)
   b. NGR 600-85 – Drug Abuse Prevention and Control
   c. DOD Directive 1011.1 - Military Personnel Drug Abuse Testing Program

1-1. TAG Substance Abuse Policy. Substance abuse will not be tolerated in the Pennsylvania Army National Guard. It is mandatory that all members suspected of having illegal drugs or determined to use illegal drugs are immediately and expeditiously processed for separation. "Processed for separation" means that discharge action will be initiated and processed through the chain of command to the separation authority for appropriate action, IAW AR 135-178. Action to process for separation is not optional. The Adjutant General of Pennsylvania (TAG) retains separation authority and will convene an administrative separation board when commanders seek to separate a member with a characterization of “Other than Honorable” service. In preparation for administrative separation boards, commanders shall provide a report of the service member's status to the separation board in accordance with the applicable service regulations, instruction or directives. These reports provide information pertaining to the misconduct, commander's recommendation as well as the service member's military service history. The separation board will use this information to determine separation or retention recommendation for TAG approval. The administrative board will consider each case on its individual merits. Administrative Boards make determinations using a "preponderance of the evidence" standard. If a board determines that substance abuse has been substantiated, a recommendation of discharge will normally follow. Retention will only occur when it is in the best interest of the Pennsylvania Army National Guard.

Any Soldier may voluntarily disclose evidence of substance abuse, personal drug use, or possession and alcohol abuse to the unit commander or first sergeant. Commanders will grant limited protection for any member who reveals this information with the intention of entering treatment. This member will be referred for screening and be required to complete rehabilitation. Rehabilitation will be accomplished at the member's expense (unless in an active duty status). Failure to adequately participate in or successfully complete rehabilitation will result in the member being processed for separation for substance abuse (i.e. misconduct). Members are subject to future drug testing in accordance with current regulatory guidance.

The Pennsylvania Army National Guard will maintain high personnel readiness in order to meet its community, state, and federal obligations. To accomplish such an important mission, we will be drug free. Substance abuse is not compatible with membership in the Pennsylvania Army National Guard.

1-2. Objectives. The Pennsylvania National Guard Substance Abuse Program’s mission is to strengthen the overall fitness and effectiveness of the workforce, conserve manpower, and enhance the combat readiness of Soldiers. The following are the objectives of the PAARNG Substance Abuse Program (ASAP):

   a. Increase individual fitness and overall unit readiness.
b. Provide services which are proactive and responsive to the needs of the workforce and emphasize alcohol and other drug abuse deterrence, prevention, education, and rehabilitation.

c. Implement alcohol and other drug risk reduction and prevention strategies that respond to potential problems before they jeopardize readiness, productivity, and careers.

d. Restore to duty those substance-impaired Soldiers who have the potential for continued military service.

e. Provide effective alcohol and other drug abuse prevention and education at all levels of command, and encourage commanders to provide alcohol and drug-free leisure activities.

f. Ensure all personnel assigned to ASAP staff are appropriately trained and experienced to accomplish their missions.

g. Achieve maximum productivity and reduce absenteeism and attrition among members by reducing the effects of the abuse of alcohol and other drugs.

h. Improve readiness by extending services to the Soldiers and Family members.

2. RESPONSIBILITY.

2-1. TAG. The Adjutant General will:

   a. Provide program management and operational supervision of the PAARNG.

   b. Ensure that state policies and standards are clearly understood and adhered to by all PAARNG members.

   c. Designate a Joint Substance Abuse Prevention Officer (JSAPO) on appointment orders.

   d. Designate a state Medical Review Officer (MRO) on appointment orders.

   e. Designate a Joint Substance Abuse Prevention Coordinator (JSAPC) on appointment orders.

   f. Designate a Prevention Coordinator (PC) on appointment orders.

   g. Direct the establishment of an Alcohol and Drug Interdiction Council (ADIC).

2-2. Joint Substance Abuse Program Officer. The JSAPO will:

   a. As an additional duty, act as the principal staff officer for coordinating and managing the ASAP for The Adjutant General.

   b. Ensure that the state Counterdrug Coordinator is informed of all ASAP issues.

   c. Coordinate PAARNG activities in substance abuse prevention, education, training, ID, referral, follow-up, and program evaluation.
d. Manage and allocate drug-testing quotas within the state in accordance with the policies and priorities established by the NGB and The Adjutant General.

e. Ensure all ASAP personnel involved in the collection or processing of urinalysis specimens are trained and certified on the procedures established in the Drug Testing SOP, and that personnel who train unit prevention leaders (UPLs) in their collection duties are certified in accordance with AR 600-85.

f. Provide periodic program evaluation to the Adjutant General and required reports to the NGB.

g. Maintain the state ASAP records and reports in accordance with AR 25–400–2 and state regulations.

h. Identify state certified, community-based alcohol and other drug referral, counseling, and rehabilitation services and ensure that this information is made available to unit commanders for use in the referral process.

i. Serve as a member of the ADIC.

j. Ensure all mobilizing company-size or larger units arrive at the mobilization station with two trained and certified UPLs and enough drug testing supplies to test 100 percent of the unit strength.

k. Ensure that the temporary storage area for urinalysis specimens meets the requirements of AR 600-85.

l. Ensure MROs receive test results requiring review within 5 working days of their being posted on the FTDTL Web portal.

m. Ensure that MRO determinations about the legitimate use of prescription drugs by Soldiers are entered in DAMIS within 5 working days of receiving them from the MRO.

n. Ensure that the MRO is trained and certified for their duties in accordance with USAMEDCOM requirements.

o. Attend and complete an NGB-approved ASAP training course within 12 months of appointment.

2-3. Joint Substance Abuse Program Coordinator. The JSAPC will:

a. Be certified by the DA Drug Test Coordinator Certification Course if they receive custody of any Soldiers’ urinalysis specimens. The same requirement applies to anyone at the state level who receives custody of Soldiers’ urinalysis specimens, regardless of duty title.

b. Be an E–5 or above and be appointed in writing to serve as the JSAPC by The Adjutant General.
c. Complete the NGB–J3–CDO–D Substance Abuse Section Substance Abuse Program Officer/Substance Abuse Program Coordinator Course within 12 months of appointment.

d. Perform day-to-day management of the Joint Substance Abuse Program (JSAP) to include management of substance abuse funds.

e. Provide periodic program evaluation to the JSAPO and required reports to the NGB.

f. Prepare random, mandatory testing and other test rosters, as necessary, for use in conducting urinalysis collections.

g. Receive the state’s drug test results from the FTDTL Web portal.

h. Coordinate the positive result notification process through the appropriate offices, ensuring that Soldiers’ personal information is protected from inadvertent disclosure until it reaches the Soldier’s Commander.

i. Order Commanders’ drug testing reports as needed.

j. Submit requests to the FTDTL for specimens to be retained for longer than 1 year, as needed.

k. Provide technical support for the Alcohol Drug Abuse Program (ADAP).

l. Receive specimens from all collection sites and conduct quality control inspections of urine specimens prior to forwarding them to the FTDTL for testing. The JSAPC will not alter specimens to correct discrepancies, but may use a certificate of correction (PAARNG Drug testing SOP, Annex K) to correct the discrepancies if possible.

m. Staff requests for retests of specimens, when requested, in accordance with Drug Testing SOP.

n. Ensure the JSAP is conducted according to proper procedures in a professional, controlled and unbiased manner.

o. Prepare and conduct certification training for UPLs that meet NGB standards.

p. Provide periodic staff assistance visits to units.

q. Order and maintain administrative and testing supplies.

r. At the discretion of the JSAPO, be the state JSAP liaison to the NGB–J3–CD SA section.

s. Maintain the state’s drug testing records, files, policy guidance, and correspondence in accordance with AR 25–400–2 and Privacy Act guidelines.

t. Coordinate with the JSAPO on JSAP reports and tracking issues.

u. Update the state’s action plan to reduce discrepancies every month that the state’s fatal discrepancy rate is over 1 percent.
v. Maintain an updated list of state-certified drug counseling and rehabilitation facilities.

2-4. **Prevention, Treatment and Outreach Coordinator (PC).**

a. The Adjutant General or designee will appoint a State Substance Abuse Program Prevention Coordinator (PC) to oversee the Prevention Treatment & Outreach (PT&O) program for Soldiers and their families.

b. The PCs will be trained as directed by NGB-J3-CDO-SA Section Chief.

c. The PT&O program will provide prevention education and treatment resources to military members. It will also provide outreach and community resources to military families.

d. Promote PT&O services using marketing, networking, and consulting strategies.

e. Instruct Team Readiness, A National Guard Bureau program to improve communication skills, positive coping methods, promote teamwork, and provide resources to those who need help.

f. Access resources and services for Soldiers and provide outreach to military families.

g. Increase communication and awareness of substance abuse policy between Soldiers and leadership.

h. Liaison between leadership of Guard Units and Soldiers for support in substance abuse referrals, treatment, and compliance.

i. Oversee the UPL prevention training program.

2-5. **Medical Review Officer (MRO).** The MRO will:

a. Be appointed on orders by the The Adjutant General.

b. In accordance with MEDCOM Regulation 40–51, be eligible to serve as MRO and be trained and certified to perform MRO duties by USAMEDCCOM within the first 6 months of duty assignment.

c. Determine if positive drug results reported by the FTDTL could have resulted from the legal use of a prescription drug for medical reasons and/or for drugs administered during surgical or dental procedures. The MRO will make the determination and notify the JSAPC within 30 days of receiving the positive result to review.

d. If necessary, coordinate with the unit commander, who will offer the Soldier the opportunity to furnish medical evidence in the form of a medical prescription and/or statement from the Soldier’s physician or dentist documenting the drug prescribed or given, date of medical or dental procedure which required prescribed drugs, and the medical reason for its use. The documentation will be marked “For Official Use Only - Personal in Nature” and will be forwarded to the MRO for evaluation. Unit commanders will not initiate an adverse action against the Soldier until the MRO had rendered an evaluation.
2-6. **Judge Advocate General.** The Judge Advocate General will:

a. Provide legal aid to Soldiers suspected of using illegal drugs.

b. Advise Commanders, the JSAPO, the JSAPC, UPLs, and other officials and agencies on the legal aspects of the drug testing program.

c. Upon request, review the state urinalysis collection SOP for legal sufficiency.

2-7. **Unit Commander.** The unit commander will:

a. Have overall responsibility for the urinalysis testing program, including the selection and training of personnel to conduct the urinalysis collection process.

b. Ensure that all Soldiers receive a minimum of 2 hours of alcohol and drug abuse training per year in accordance with AR 600-85.

c. Appoint an officer or NCO (E–5 or above) on orders as UPL and alternate UPL, who must be certified through the JSAPC UPL training.

d. Document that all newly assigned Soldiers are briefed on ASAP policies and services within 30 days of arrival.

e. Order selected Soldiers to take urinalysis test at unit briefing. See APPENDIX A.

f. Maintain ASAP elements while deployed, to the maximum extent possible.

g. Foster a positive command climate that discourages alcohol and drug abuse and is supportive of those who need assistance from the ASAP for problems related to alcohol and other drug abuse. Support substance abuse prevention campaigns and alcohol-free activities in the unit and on the installation.

h. Immediately report all offenses involving the illegal possession, sale, or trafficking in drugs or drug paraphernalia to the Provost Marshall and JSAPO for investigation or referral to the USACIDC.

i. Ensure that Soldiers promptly provide medical evidence for legitimate use of a prescribed drug to the MRO when requested.

j. Consult with the JSAPO for all drug and alcohol-related offenses.

k. Refer any Soldier to the ASAP for evaluation within 30 days of notification that the Soldier received a positive urinalysis for illicit drug use.

l. Assist the UPL in the development of a Unit Substance Abuse Program SOP and sign it at least annually.

m. Ensure that the Unit Risk Inventory (URI) is administered to all Soldiers at least 30 days before an operational deployment and the Reintegration Unit Risk Inventory (R–URI) is
administered to all Soldiers between 90 and 180 days after returning from an operational deployment.

2-8. Unit Prevention Leaders (UPL). Unit prevention leader (UPL) certification is crucial to the Army’s DTP and unit substance abuse prevention efforts. All UPLs must receive the same standardized curriculum and be certified to perform their duties.

a. Qualifications

(1) Be an officer, warrant officer or non-commissioned officer (E–5 or above).

(2) Be designated on appointment orders by the unit commander.

(3) Possess unimpeachable moral character.

(4) Not be currently enrolled in the ASAP Rehabilitation Program.

(5) Not be under investigation for legal, administrative, or substance abuse-related offenses or have had a drug or alcohol-related incident within the last 3 years. Soldiers that have previously been enrolled in the ASAP for counseling or were referred to ADAPT for education should not be considered as potential UPLs for at least 36 months after release from counseling or completion of ADAP.

(6) Commanders should request a local review of the UPL candidate’s medical, personnel, and criminal records and a background check by the ASAP for past drug or alcohol treatment or positive urinalysis tests. The commander will make the final decision to appoint the candidate based on all the information received.

b. Be appointed on orders by their company or equivalent commander.

c. Be trained and certified through the JSAPC UPL Certification Training Program.

d. In coordination with the company commander, design and implement the Company Substance Abuse Program SOP and prevention plan.

e. In coordination with the PC, deliver informed prevention education and training to all Soldiers assigned to the unit.

f. Assist in briefing of all new unit personnel regarding ASAP policies and services.

g. Inform the commander of the status of the ASAP and of trends in alcohol and other drug abuse in the company.

h. Develop command support for prevention activities by establishing an open, honest, and trusting relationship with the unit commander and subordinate leaders.

i. Advise and assist unit leaders on all matters pertaining to ASAP.

j. Advise the commander if any Soldier attempting to contaminate a specimen or otherwise attempting to avoid proper procedures.
k. Brief unit members on scheduled tests. See APPENDIX B


a. Will be an officer, warrant officer or NCO (E-5 or above).

b. May be an E-4 if approved by the Counterdrug office in writing prior to testing.

c. Will receive a briefing of their duties from the UPL prior to conducting urinalysis testing. See APPENDIX C.

d. Directly observes the Soldier voiding from the body into the collection bottle.

e. Ensures the chain of custody is not broken.

f. Advises the UPL of any Soldier attempting to contaminate a specimen or otherwise attempting to avoid proper procedures.

g. Will only observe Soldiers of the same gender.

h. Will only observe one (1) Soldier at a time.

i. Will sign the ledger to verify the Soldier has complied with the proper collection process, the Soldier was directly observed providing the sample, and eye contact with the specimen was maintained until it was sealed and placed into the collection box.

3. SUBSTANCE ABUSE PREVENTION.

3-1. Introduction. To provide prevention training, outreach to military families, and treatment resources to military members in an effort to increase military discipline, individual performance, and combat readiness.

3-2. Objective. Reduce substance abuse that affects morale, unit performance, safety and readiness. Minimize the negative consequences of substance abuse on the individual, family, and military unit. Provide comprehensive education and treatment referrals to individuals who experience problems attributed to substance abuse. Assist Soldiers with the transition from deployments to civilian life.

3-3. Unit Requirements. Ensure all Soldiers are provided substance abuse prevention education services at a minimum of 2 hours annually. Substance abuse training can be conducted by the commander, UPL, Prevention Coordinator, or any civilian/military guest speaker. e.g., police officer, EMT, social worker, etc. Training will be documented using a sign-in sheet to record attendance, topic, and training length.

3-4. Resources. Military One Source (militaryonesource.com), SAMHSA (samhsa.gov), Army Portal (www.army.mil/ako), and ACSAP (https://acsap.army.mil). The POC for assistance in Soldier substance abuse referrals and resources regarding treatment is the Prevention Coordinator at Counterdrug (pto@counterdrug.org or 717-861-9313).
4. URINALYSIS TESTING.

4-1. Introduction. In order to maintain high personnel readiness the Pennsylvania Army National Guard requires all of its members to be drug free. This is accomplished through education, prevention and aggressive drug testing.

4-2. Yearly testing requirements. As part of the National Guard Substance Abuse Prevention Program, each unit will meet the following annual drug testing requirements:

   a. All units will test at a minimum rate of 10% per month or 25% quarterly based on the available strength as reported by NGB J1.

   b. At least 50% of this testing must be collected through random, unannounced testing. Commanders may supplement random testing with Commander directed, probable cause, consent and medical tests. Limited use of unit sweeps is encouraged to maintain the integrity of the testing process.

4-3. Mandatory test groups.

   a. Soldiers performing duties in the following MOS’s are required to submit a urinalysis specimen a minimum of once in each fiscal year unless they are detailed to duties outside their MOS or are assigned as instructors or to battalion or higher staffs for the entire fiscal year.

   (1) 21M Firefighter
   (2) 31B MP
   (3) 31D CID Special Agent
   (4) 31E Corrections Specialist
   (5) 68D Operating Room Specialist
   (6) 68E Dental Specialist
   (7) 68K Medical Laboratory Specialist
   (8) 68P Radiology Specialist
   (9) 68Q Pharmacy Specialist
   (10) 68W Healthcare Specialist
   (11) 68X Mental Health Specialist
   (12) 92R Parachute Rigger
   (13) All Officers in the Medical Corps, Dental Corps, Medical Specialist Corps, Nurse Corps, or Medical Service Corps with a primary Area of Concentration of 67E, 67F, 67G, 71E, 62C, 73A, or 73B

   b. Mandatory 100% yearly testing is required for ARNG aviation personnel (identified as personnel who require an annual flight physical) and Counterdrug personnel.

   c. The ARNG Active Guard and Reserve (AGR) will test at a rate equal to 100% of the AGR available strength.

   d. Mandatory testing will count toward the unit’s ARNG annual quotas.

   e. Personnel in mandatory testing groups and AGR personnel are not exempt from additional testing as part of the ongoing random testing conducted during the year.

   f. Commanders at all levels must see the need to maintain a force that is drug free and mission ready. Command emphasis and accountability are key factors in maintaining safety and morale.

   g. The point of contact is the JSAPC (717-861-2282)
5. POSITIVE PACKET PROCEDURES.

5-1. Introduction. It is mandatory that all members suspected using illegal drugs be immediately and expeditiously processed for separation. This section provides policy guidance and highlights procedures to be utilized for processing Soldiers for separation due to misconduct in the abuse of illegal drugs.

5-2. Packet documents. The initial notification of a positive drug test will be sent by the Counterdrug office – Joint Substance Abuse Program (CD-JSAP) to the unit commander. This notification packet will contain the following documents:1

- a. Electronic copy of DD Form 2624
- b. Commander’s counseling form
- c. DD Form 2870
- d. D & A Service
- e. Notification of Separation Proceedings
- f. Soldier’s Response by Endorsement to Notification of Separation Proceedings
- g. Privacy Act Statement
- h. Affidavit of Service by Mail
- i. Affidavit of Service by Personal Delivery
- j. Commanding Officer’s Report
- k. Sexual Assault Memo
- l. Copy of completed DA Form 268
- m. TED Form 170

5-3. Procedures. Actions to be taken by unit commander.

- a. The commander will conduct an interview with the accused. Confidentiality will be maintained in accordance with military regulations and the Privacy Act.
  
  (1) Explain to the Soldier the purpose of the interview.
  
  (2) Advise the Soldier of his rights. DA Form 3881 (Rights Warning Procedure) will be used for this purpose.
  
  (3) Use DA Form 2823 (Sworn Statement) when needed.
  
  (4) Document all conversations and counseling to include acknowledgement by the Soldier. DA Form 4856 (Developmental Counseling Form) will be used. Ensure the Soldier initials and signs the DA Form 4856. If the Soldier does not agree with the content of the counseling, ensure that he or she explains the reason for the disagreement on the DA Form 4856.

  (5) Inform the Soldier of the Adjutant General’s substance abuse policy as outlined in para 1-1. Explain the “Limited Use Policy” set forth in Chapter 6, AR 600-85.

1 For officers, forms e, f and g will not be delivered to the Unit. Generally, removal of federal recognition proceedings will occur instead of separation for this type of misconduct. Under the removal of federal recognition procedures, the matter is forwarded to First Army, which then notifies the Soldier of the pending adverse action.
(6) Inform the Soldier of the evidence obtained from the testing. (Electronic copy of DD Form 2624)

(7) The Soldier will turn in all clothing and equipment and the Unit will complete a TED Form 170. The equipment will be secured at the unit pending resolution of the separation proceeding. Because the Soldier may attend IDT/AT pending resolution of the subsequent separation proceeding, the commander may elect to allow the Soldier to retain a set of ACUs in order to perform duty in uniform. Should the Soldier eventually be separated and discharged, the commander must ensure that the Soldier return any ACUs.

(8) Refer the Soldier to an approved rehabilitation/counseling facility and request authorization for the disclosure of medical information or a consent statement that allows the rehabilitation personnel to share necessary rehabilitation information with the unit commander or designee, as applicable. *The Soldier must be informed of these policies and his ability to seek treatment. However, it will not delay initiation of the separation proceedings. Should the Soldier seek rehabilitation, which may be a factor regarding the decision of retention or characterization of service, it will not “excuse” a Soldier from being processed for separation.

b. Notify the Soldier of the administrative actions that will be taken due to the positive test results.

(1) A “Flagging Action” will be submitted and any favorable personnel actions will be suspended pending resolution of the case. DA Form 268 (Report to Suspend Favorable Personnel Actions) will be completed by CDO-JSAP and forwarded to MILPO.

(2) Access to sensitive items and access to sensitive information will be suspended pending resolution of the case. DA Form 5248-R (Report of Unfavorable Information) will be completed and mailed to MP-SVC-SC.

(3) It is at the commander’s discretion if the Soldier, in his duty position, is a risk to his fellow Soldiers and the commander may reassign him to another duty position until after resolution of the case.

c. Notify the Soldier that separation action to remove him from the Pennsylvania National Guard is being initiated. ²

(1) Serve the Soldier with the recommendation for discharge (Notification of Separation Proceedings UP AR 135-178, Figure 3-4; Soldier’s Response by Endorsement to Notification of Separation Proceedings UP AR 135-178, Figure 3-5. Document the manner and date of service on an Affidavit of Service, indicating what precise documents were given to the Soldier UP AR 135-178, Figure 1-1. Generally, personal delivery while the Soldier is at IDT is preferred. If not practical, deliver the above, along with all enclosures, to the Soldier’s last known address via certified mail, return receipt requested. Retain the signed green postal receipt as evidence of service and attach it to the Affidavit of Service, or the original, returned envelope if delivery was not made.

² For officers, service of official notification of the initiation of proceedings to remove federal recognition is effectuated by First Army.
(2) Advise the Soldier that Defense Counsel may be provided. Give the phone number the Soldier may call to speak to counsel (for the 28th ID, call the Office of the Staff Judge Advocate at 717-346-7603), which is provided in the original memorandum from CD-JSAP.

d. PAARNG Soldiers identified as illegal drug users will be counseled by the Unit Commander for enrollment in the PAARNG Alcohol and Substance Abuse Program (ASAP). The ASAP is guided through the Prevention Coordinator, who will be notified when the Soldier requests enrollment in ASAP.

(1) Advise the Soldier that rehabilitation will be at his or her own expense. Provide names and locations of community-based rehabilitation centers that are available.

(2) Inform the Soldier that drill attendance is authorized and required until further notice is received.

(3) Further procedures will be determined from decisions made by the Soldier. Follow the procedures below that fit the actions taken by the Soldier.

(4) Contact your legal advisor and inform of situation and action taken and coordinate all further action with your Judge Advocate.

(5) The unit commander must personally sign the Notification of Separation Proceedings UP AR 135-178, Figure 3-4, the Sex Assault Victim Certification Memorandum UP AR 600-20, and the Commanding Officer’s Report UP AR 135-178, Figure 3-3. All commanders at each level in the chain must personally endorse the flag and Commanding Officer’s Report UP AR 135-178, Figure 3-3.

(6) All commanders within the Soldier’s chain of command should include a separate memorandum explaining his or her concurrence or non-concurrence with the unit’s recommendation regarding separation or retention, and characterization of service.

e. Actions taken by Soldier.3

(1) Soldier may either elect/waive his rights; to a board proceeding, to consult with Defense counsel, to obtain the documents and evidence used as evidence in the matter, to submit statements, to be represented by Defense Counsel at a board proceeding, and the right to appear at the board proceeding with a civilian attorney, hired at the Soldier’s own expense.

(a) Obtain waiver of rights in writing. (Soldier’s Response by Endorsement to Notification of Separation Proceedings UP AR 135-178, Figure 3-5)

(b) If the Soldier has more than 18 but less than 20 years for retirement pay, waiver of rights will not be accepted. The Soldier’s case must be considered by an Administrative Separation Board.

(2) Soldier elects to make a statement on his own behalf.

3 For officers, communication regarding proceedings to remove federal recognition will occur between the Soldier and the appropriate point of contact at First Army.
(a) Advise the Soldier that he has 30 days to submit statements in writing (from himself, from others on his behalf, or both) or other supporting documents to the unit commander. Additional days may be granted by the commander if justified.

(b) The commander will forward the request for discharge, with all supporting documents and enclosures, through channels to CD-JSAP. Units within the 28th Infantry Division will forward the requests through command channels to the 28th ID Office of the Staff Judge Advocate, ATTN: Chief, Criminal Law, Harrisburg Military Post, 14th and Calder Streets, Harrisburg, PA 17003.

(c) Advise the Soldier that drill attendance is authorized and required until further notice.

(d) Advise the Soldier that appearance before the Separation Authority is not authorized unless directed by the Separation Authority.

(3) Soldier with 6 or more years of creditable service or being considered for an Under “Other Than Honorable (OTH)” characterization of service must be afforded the opportunity to appear before an administrative separation board of qualified officers, unless waived by the Soldier.

(a) In all other cases where and OTH characterization is recommended, the Soldier must request a personal appearance before the Board. (Soldier’s Response by Endorsement to Notification of Separation Proceedings UP AR 135-178, Figure 3-5)

(b) Convening Authority will make a request for a litigation packet to CD-JSAP. For separation actions within the 28th Infantry Division, requests for litigation packets will be made solely by 28th ID Office of the Staff Judge Advocate, Chief, Criminal Law.

(c) Commander will forward request for discharge, with all supporting documents (to include the Commanding Officer’s Report UP AR 135-178, Figure 3-3; the Sex Assault Victim Certification Memorandum UP AR 600-20; properly drafted and completed Notification of Separation Proceedings UP AR 135-178, Figure 3-4; properly drafted and completed Soldier’s Response by Endorsement to Notification of Separation Proceedings UP AR 135-178, Figure 3-5; a properly drafted and completed Affidavit of Service (personal or by mail) and accompanying evidence of original, signed green postal receipt or returned envelope; and all other documents originally forwarded to the unit from CD-JSAP) through channels to CD-JSAP. Units within the 28th Infantry Division will forward the requests through command channels to the 28th ID Office of the Staff Judge Advocate, ATTN: Chief, Criminal Law, Harrisburg Military Post, 14th and Calder Streets, Harrisburg, PA 17003.

(d) Advise the Soldier that drill attendance is authorized and required until further notice.

NOTE: Soldier will submit the Soldier’s Response by Endorsement to Notification of Separation Proceedings UP AR 135-178, Figure 3-5, and the Privacy Act Statement. The Soldier will make sure his choice of procedure is clear.
(4) Unit requests separation of Soldier, and seeks a characterization of service of Under “Other Than Honorable” Conditions (OTH). In this case, the Soldier is entitled to a board, regardless of rank. The command will properly explain which characterization it seeks at each level of command, on the Commanding Officer’s Report and any other accompanying memoranda. The Unit must also ensure it correctly informs the Soldier of the characterization sought in the Notification of Separation Proceedings UP AR 135-178, Figure 3-4, so that the Soldier may make an informed decision.

f. Request for Soldier to be retained.4

(1) All Soldiers must be processed for administrative separation, but commanders are given discretion to recommend, at each command channel, that the Soldier ultimately be separated or retained despite the misconduct.

(2) If a commander recommends that a Soldier should be retained instead of separated, a separate memorandum must be submitted to the separation authority which clearly articulates a reasonable rationale for the recommendation.

(3) Rehabilitation process:

(a) If Soldier elects, must be screened/evaluated in a rehabilitation program within 30 days of command counseling. A consent statement will be signed by the Soldier to allow the commander and the Prevention Coordinator access to necessary treatment information.

(b) Enrollment refusal into the ASAP constitutes initiation of separation action without consideration of retention or suspension of administrative separation.

(c) Failure to be evaluated within 30 days of command counseling, refusal to sign consent statements, or request for written monthly updates will result in administrative separation process.

(d) When requirements are successfully completed as required by ASAP, commanders may submit a retention request for the rehabilitated Soldier with supporting documentation.

(4) The decision to recommend retention should be based upon an overall evaluation of the Soldier’s potential. Factors to consider include, but are not limited to, the following:

(a) Soldier’s past record of performance after review of the entire military record.

(b) The type of drug used.

(c) The level of nanograms per milliliter detected.

(d) Rehabilitation potential or likelihood of continuance or recurrence of drug use.

4 For officers, if retention is sought, the command at each level will prepare a memorandum which explains the rationale for retention, using the same factors outlined in paragraph 4(d)(3) below. Those memoranda will be forwarded to through channels to First Army, along with the materials originally forwarded to the Unit from CD-JSAP.
(e) Any evidentiary issues with the conduct of testing procedures.

(f) Evidence of past drug use and whether there is an indication that drug use may have occurred in order to avoid further service or deployment.

(g) Impact on Unit cohesion.

(h) Soldier’s ability to maintain his current Military Occupation Specialty.

(i) Soldier’s drug rehabilitation efforts.

(5) Each commander in the Soldier’s chain of command will review the matter and determine whether to concur or non-concur with any recommendation made by a subordinate commander.

(6) Finally, The Adjutant General of Pennsylvania, as the separation authority for the Pennsylvania Army National Guard, will make the ultimate determination regarding the retention or separation of a Soldier or suspension of the separation action.

6. ALCOHOL.

6-1. General.

   a. The consumption of alcohol is a personal decision made by individuals. Individuals who choose not to consume alcoholic beverages shall be supported in their decisions. Individuals who choose to consume alcoholic beverages must do so lawfully and responsibly. Responsible use is the application of self-imposed limitations of time, place and quantity when consuming alcoholic beverages.

   b. Responsible drinking is defined as drinking in a way that does not adversely affect an individual’s ability to fulfill their obligations and does not negatively impact the individual’s job performance, health, or well-being or the good order and discipline in a Unit or organization.

6-2. Policy.

   a. Alcohol abuse and resulting misconduct will not be condoned. On-duty impairment due to alcohol consumption will not be tolerated. Impairment of Soldiers is defined as having blood alcohol content equal to or greater than .05 grams of alcohol per 100 milliliters of blood.

   b. There will be no alcohol consumption during duty hours unless specifically authorized by the first General Officer with in the soldiers’ chain of command.

   c. Underage drinking is prohibited. Army policy governing the minimum age for dispensing, purchasing, consuming, and possessing alcoholic beverages is found in AR 215–1, chapter 10. Any underage Soldier using alcoholic beverages will be referred to the ASAP for screening within 5 working days except when permitted by AR 215–1, paragraph 10–1f.

   d. Soldiers should never permit alcohol to:
(1) Impair rational and full exercise of a Soldier’s mental and physical faculties while on duty.

(2) Reduce their dependability and/or reliability.

(3) Bring discredit upon any Soldier and/or the Army as a whole.

(4) Result in behavior that is in violation of this regulation and/or the UCMJ.

e. Commanders will promote personal responsibility and informed decision making and will ensure that subordinates are educated about alcohol abuse, signs and symptoms of abuse, intervention techniques, and alcohol’s effects on the individual, family members, and the Army’s readiness. Leaders will integrate installation, unit, and individual alcohol prevention strategies and publicize the fact that abuse of alcohol will not be tolerated.

f. Unit commanders who identify Soldiers who have abused alcohol must refer them within 5 working days for screening, education/training, and/or rehabilitation, as necessary.

g. Commanders may use unannounced unit inspections and fitness for duty testing for alcohol with non-evidentiary, DOT-approved alcohol testing devices to:

(1) Promote military fitness, good order, and discipline.

(2) Promote safety.

(3) Increase awareness of the effects of alcohol consumption on duty performance, health, and safety.

(4) Deter alcohol abuse.

(5) Assist in the early identification and referral to the ASAP of Soldiers at high risk.

h. Unit commanders/supervisors will confront suspected alcohol abusers, regardless of rank or grade, with the specifics of their behavior, inadequate performance, or unacceptable conduct.

i. Self-referral does not absolve an individual from accountability for alcohol-related misconduct.

j. To remain in the Army, all Soldiers who are identified as alcohol abusers must successfully complete an ASAP education and/or rehabilitation program. Soldiers who fail to be rehabilitated will be considered for separation under the provisions of AR 635–200, chapter 9 and AR 600–8–24, chapter 4.

k. Rehabilitation failure requires initiation of separation proceedings.
6-3. Deglamorization.

a. It is Army policy to maintain a workplace free from alcohol. Alcohol will not become the purpose for, or the focus of, any social activity. At all levels alcohol will not be glamorized or made the center of attention at any military function (Refer AR 215–1, chapter 10 for guidance concerning the use, possession, sale, and transportation of alcoholic beverages on military installations).

b. Personal responsibility must be emphasized at all events. Activities and events that encourage Soldiers to consume alcohol irresponsibly are strictly prohibited. All official events will have an adequate supply of non-alcoholic beverages available for those who abstain from drinking. Regardless of the event, all Soldiers are responsible for their own decisions and actions.

7. Rehabilitation.

7-1. Introduction. This section provides policy guidance and procedures for referring ARNG Soldiers for rehabilitation due to Misconduct, Abuse of Illegal Drugs. The goal of the PANG ASAP rehabilitation program is to return rehabilitated Soldiers to full effective duty as early as possible.

7-2. Policy. Unit Commanders will refer all PNG Soldiers identified by a positive report for illegal drug use to the ASAP rehabilitation program using the following procedures.

7-3. Procedures.

a. When Soldiers are identified involuntarily due to a positive urinalysis or voluntarily through self-referral as possible drug users, the commander or designated representative will promptly:

   (1) Counsel and advise Soldiers of their rights under Article 31, UCMJ and explain the “Limited Use Policy” addressed in section II, chapter 6, AR 600-85.

   (2) Refer Soldiers to community-based counseling and rehabilitation services using DA Form 4856 (General Counseling Form). The unit commander must provide Soldiers with a list of State-certified and/or approved treatment agencies that are within a reasonable commuting distance of the Soldier’s residences. Soldiers must be advised that:

      (a) They must be screened/evaluated within 30 days of the command counseling session.

      (b) They are responsible for all costs incurred in any referral/rehabilitation program. Soldiers should be encouraged to explore available treatment options. (For example, a sliding fee based on income, use of health insurance, Medicaid, etc.)

      (c) The Soldier must sign a consent statement that allows treatment personnel to share necessary treatment information with the unit commander and the PNG Prevention Coordinator. Soldiers must request that treatment personnel provide monthly updates in writing to the unit commander and the Prevention Coordinator. Soldiers may refuse to sign the consent statement. However, these Soldiers may be deemed not participating sufficiently in rehabilitation.
Refusal to sign may result in their being processed for administrative separation for rehabilitation failure.

(d) Failure to participate in and successfully complete the State or ASAP counseling and treatment program or the refusal to sign the consent to release information will result in consideration for separation under AR 135-175 or AR 135-178.

b. Soldiers on IDT or other AD of 30 days or more will use active component ASAP services while in an AD status or until treatment is completed. When a Soldier is detoxified at Army expense, an appropriate line of duty determination will be made in accordance with chapter 4, AR 600-85.

c. The point of contact is the Prevention Coordinator (717-861-9313).
The proponent agency of this regulation is the Office of the Adjutant General of Pennsylvania. Users are invited to send comments and suggested improvements to The Adjutant General of Pennsylvania, Department of Military and Veterans Affairs, ATTN: CDO-JSAP, Annville, PA 17003-5002

BY ORDER OF THE GOVERNOR:

OFFICIAL: JESSICA L. WRIGHT MG, PAARNG The Adjutant General

TIMOTHY J. HILTY COL, GS, PAARNG Chief of Staff

DISTRIBUTION: E1 K
Commander’s Briefing

- Today our Unit will be conducting a drug urinalysis test for substance abuse.
- There is no probable cause or reasonable suspicion that anyone in the Unit is using or abusing drugs or controlled substance.
- The personnel to be tested today were selected at random by computer.
- All samples collected will be tested for five drugs: marijuana (THC), cocaine, opiates, amphetamines, and a fifth drug tested on a rotational basis that includes LSD, PCP and barbiturates.
- Testing procedures outlined in the PAARNG’s Drug Testing SOP will be followed.
- All Soldiers must be aware that all verbal orders connected with the testing are lawful and are to be followed as such.
- I am ordering everyone who was randomly selected for this test to submit a urine specimen IAW AR 600-85.
- A refusal to comply with orders relating to this test subjects the Soldier to punitive or administrative action under AR 600-85, AR 135-18, AR 135-135, AR 135-178, AR 635-10 NGR 600-200, NGR 600-5 and the appropriate State Military Code.
- DOES ANYONE HAVE ANY QUESTIONS?
- The following Soldiers will report to the holding area and remain there until they submit a urine specimen:
- The Unit Prevention Leader (UPL) will now provide you with details about the drug testing procedures that you used today.
Unit Briefing by UPL

- You have three major responsibilities during the drug test:
  1. Provide a specimen.
  2. Ensure chain of custody is maintained at all times.
  3. Keep the specimen bottle in full sight at all times.

- You will be provided a clear plastic bottle (for females, a collection cup to submit a urine specimen).

- Each bottle will have a label with today’s date affixed to it that identifies you by your SSN. **NOTE: Do not fill a bottle that does not have a label affixed to it with the correct date and SSN.**

- Collection of the specimen will be conducted using direct observation in full view of an observer. Do not go to the control table until you feel that you are ready to provide at least 45 ml of urine (approximately half of the bottle). If you are unable to provide a specimen or an adequate quantity of urine, you will be held in a holding area until you able to provide the quantity needed. You will be provided an adequate amount of liquid to help you facilitate the urinalysis. You will not be released from duty today until you have provided a proper specimen.

- Your tasks include:
  1. Provide your military ID card. If you do not have a military ID card, you may use a valid driver’s license or other picture ID. If you do not have a picture ID, the 1SG or designee will verify your SSN from the DA Form 1379. You will verify that there are no errors on your ID.

  2. Verifying that your SSN, full name and date are correct on the DD 2624, the Unit Urinalysis Ledger and the bottle label.

  3. Indicating on the Unit Urinalysis Ledger in the REMARKS column (column 12) any prescription medication taken within the last two weeks or if you have had any dental procedures within the last 72 hours. If none, indicate **none**.

  4. Documenting that all information is correct by signing your payroll signature on the Unit Urinalysis Ledger and **initialing** the specimen bottle label.

- **Do you have any questions?**

- Any questions you have about the directed test which concerns me, the observer, or another designated person will be taken directly to the Unit Commander.

APPENDIX B
MEMORANDUM FOR RECORD

Unit ________________________________

SUBJECT: Responsibilities of Observers during Drug Testing

General:
1. Observers are a critical link in the process of collecting urine specimens to be tested for substance abuse. Instances have occurred in the past where observers did not follow proper collection procedures and positive drug tests were not usable in legal and/or administrative actions. In order to prevent similar occurrences in the future, the observer will read and sign this Memorandum for Record.
2. The testing procedures do not violate a Soldier's Fourth or Fifth Amendment rights, nor does the observation procedure violate the right of privacy. A refusal to produce a specimen is a violation of a direct order and may result in the Soldier being processed for separation.
3. The results of tests may be used in legal proceedings and, consequently, the urine sample may be considered as evidence. A valid chain of custody is mandatory for a successful prosecution. As an observer, you may be asked to provide testimony at legal or administrative proceedings. You may be subject to UCMJ or administrative action if it is discovered that the specimen was altered in any way while it was under your control.

Criteria for Observers:
1. Be in the rank of NCO (sergeant/E-5) or above.
2. Be of the same gender as the Soldier being tested.
3. Possess sufficient maturity and integrity to preserve the dignity of the Soldier being observed.
4. Not be currently enrolled in the ASAP Rehabilitation Program or currently under investigation for any substance abuse-related offenses.

As outlined in AR 600-85, an observer must follow protocol during urinalysis collection procedures.

Once assigned to a specific Soldier:
1. Observer controls the urine collection process at all times.
2. Maintains visual contact with the bottle at all times.
3. Ensures that the specimen provided is not contaminated or altered.
4. Directly observes the Soldier (one Soldier at a time per observer) voiding urine into the specimen bottle.
5. Supervises the Soldier tightly capping the bottle.
6. Ensures the bottle is not reopened after the cap is tightened.
7. Escorts Soldier back to the processing station/table with bottle in full view of the Soldier.
8. Observes the UPL placing tamper resistant tape over the top of the bottle and down across the label, not to cover any printed information.
9. The UPL initials the label on the bottle as verification that direct observation was maintained while the Soldier provided the specimen.

OBSERVER AFFIDAVIT: I have read and understand this document. I will comply with the responsibilities as stated above and will report anything out of the ordinary immediately to the UPL or Commander.

Observer's Printed Name
Date
Observer's Signature

UPL’s Printed Name
Date
UPL’s Signature

APPENDIX C