



# 11<sup>th</sup> ABN DIV IG Quarterly Update

## Volume 24-4, 12 March 2024

### Soldiers Protected Health Information (PHI) or Medical Profile Viewing

The Army supports the chain of command's need to access a Soldier's health information to ensure that proper mission is executed to the maximum extent possible and consistent with the laws and regulations.

In accordance with (IAW) Army Directive 2020-13, military and DoD Manual 6025.18, military and civilian treatment facilities may use and disclose PHI without the consent of the Soldier for activities deemed necessary by the Commander or the unit command representative as designated by the unit Commander.

Commander have the authority to designate individuals by name (i.e., XO's, CSM, 1SG, PL's, PSG, SQD LDRs), in writing, who are authorized view PHI from the MTF for Soldiers under their authority.

From with-in the DoD, members can receive information when it pertains to making the determination of a Soldiers fitness for specific mission, assignment for duties, etc. **AR 40-66, para 2-4.**

Commander will not override a profile given by a medical provider, however, can make the deployability determination of a Soldier with-in their command. As well, the Medical Provider will not make the deployability determinations **AR 40-502, Para 1-7.**

Command Teams will employ individual in their unit that further prevents injury or illness as prescribed by the Soldiers physical profile. The Profiling Officer will identify the physical limitations and annotate the limitations on the DA Form 3349, e-profile, **AR 40-502, Para. 3-1.**

In close coordination, the Commander and Profiling Officer will communicate the duty limiting conditions found on the DA Form 3349 and will not incorporate a mandatory recovery period prior to taking a record ACFT.

Profiles will have specific functional limitations written in lay terms (i.e., run at own pace/distance, no lifting more than 40lbs). Terms like "no field duty" or "no overseas duty" are not proper recommendations. **DA PAM 40-502, para 4-1, a. & b.**

### Non-Judicial Punishment versus Non-Punitive Corrective training

General military authority is prompt, firm and fair and should be formed to correct a deficiency when a violation is observed. Commanders should consider the use of nonpunitive measure prior to imposing non-judicial punishment.

Nonpunitive corrective measures are the primary means for teaching the proper standards of conduct or performance and are not considered a form of punishment, nor is it required as a first step to correct the problem area. **AR 600-20, para 4-6, a.**

One of the most effective nonpunitive corrective measures is extra training or instruction. For example, if Soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain their Government housing area properly, they must correct the deficiency in a timely manner. If Soldiers have training deficiencies, they will be required to take extra training or instruction in subjects related to the shortcoming.

- The training or instruction given to a Soldier to correct deficiencies must be appropriately tailored to curing the deficiency. Brief physical exercises are an acceptable form of corrective training for minor acts of indiscipline (for example, requiring the Soldier to do ten push-ups for arriving late to formation), so long as it does not violate the Army's policies prohibiting hazing, bullying, and unlawful punishment.
- Corrective measures may be taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use it is part of the inherent powers of command. Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards inherent to the imposition of nonjudicial punishment.

A commander should fully use nonpunitive measures to further the efficiency of the command before resorting to non-judicial punishment. The use of NJP is proper in all cases involving minor offenses in which nonpunitive measures are considered inadequate or inappropriate. If NJP will not be sufficient to meet the interests of good order and discipline, more stringent measures should be taken. Prompt action is essential for NJP to have the proper corrective effect. **AR 27-10, para 3-2.**

NJP is imposed to correct misconduct in violation of the UCMJ. Such conduct may result from intentional disregard of, or failure to comply with, prescribed standards of military conduct. Misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instructions, sloppy habits, immaturity, difficulty in adjusting to disciplined military life, and similar deficiencies may warrant NJP in cases where nonpunitive measures are insufficient. **AR 27-10, para 3-3.**

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## AER Campaign

Since March 1942, AER has provided Soldiers and their dependents with assistance and emergency aid in the form of loans, grants, and scholarships.

Funds for this program come from various sources, including the annual campaign (as authorized by Army Regulation 600-29).

The AER annual campaign is the responsibility of the senior commander/senior command sergeant major (in coordination with garrison commander/garrison sergeant major).

Commanders should continuously inform and encourage their Soldiers to use AER when they have a valid financial need.

The following “Do’s and Don’ts” will help command teams understand how they can best support the AER annual campaign while remaining within regulatory limits.

### WILL DO:

- Establish an officer/NCO installation campaign coordination team (comprised of a field-grade officer and senior NCO).
- Ensure the Campaign Coordination Team coordinates directly with the ACS staff and the AER team during campaign season.
- Every company-level unit will appoint an AER campaign representative (SSG or above) who will work with the installation’s campaign coordination team.
- Endorse/publicize the campaign through usual campaign activities, memorandums, digital platforms or other communication.
- Provide Soldiers the opportunity to make **voluntary** donations. (use of a ‘thermometer’ graph is appropriate to show progress of the entire installation goal (if established) or the installation’s total contribution.)
- Follow up on solicitations where the individual asked to delay or defer decision.
- Keep appropriate awards as commendation for exceptional performance in the organization and administration of a campaign.
- Recognize exceptional performance in organization of a campaign or administration (e.g., letter of commendation).
- Provide an after-action report regarding their AER campaign.

### WILL NOT DO:

- Conduct this campaign in conjunction with another campaign (e.g., CFC).
- Solicit Soldiers under your direct supervision (e.g., a platoon sergeant will inform their platoon about AER assistance but cannot solicit donations from their platoon).
- Tell individuals they are the only one, or one of a small number of people, preventing the achievement of an installation’s goal.
- Keep lists of non-contributors for any purpose.
- Initiate awards or rewards for individual solicitors, or grant special privileges, favors, or entitlements as inducement to contribute.

**AER is the only non-profit organization that command teams *can and should* openly endorse.**

### References/Resources

#### Protected Health Information (PHI)

- Army Directive 2020-13, (Disclosure of Protected Health Information to Unit Command Officials) 26 October 2020
- Army Regulation 40-66, Chapter 2 (Medical Record Administration and Healthcare) 17 June 2008, Revised 04 January 2010
- Army Regulation 40-502, Chapter 1 & 3, (Medical Readiness) 27 June 2019
- Department of the Army Pamphlet 40-502, Chapter 3 & 4, (Medical Readiness Procedures) 27 June 2019

#### Non-Judicial Punishment/ Non-Punitive Corrective Training

- Army Regulation 600-20, (Army Command Policy), 24 July 2020
- Army Regulation 27-10, (Military Justice), 20 November 2020

#### Army Emergency relief Campaign

AR 600-29 (Fund-Raising within the Department of the Army)

AR 930-4 (Service Organizations-Army Emergency Relief)

<https://www.armyemergencyrelief.org>

