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NGMD-TAG

13 October 2015

MEMORANDUM FOR Commanders of the Maryland Army and Air National Guard

SUBJECT: (MDNG Policy #15-NGMD-AG-SJA-001) Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) Reporting and Processing Requirements - TAG Policy Memorandum

1. Purpose. To inform Maryland National Guard commanders of their responsibilities in reporting and processing Soldiers and Airmen arrested for DUI/DWI and alcohol related misconduct under their command.
2. References.
 - a. Army Regulation 190-5, Motor Vehicle Traffic Supervision, 22 May 2006
 - b. Air Force Instruction 31-218 (IP), Motor Vehicle Traffic Supervision, 22 May 2006
 - c. Army Regulation 600-37, Unfavorable Information, 19 December 1986
 - d. Air Force Instruction 36-2907, Unfavorable Information File (UIF) Program, 26 November 2014
 - e. Army Regulation 600-85, The Army Substance Abuse Program, 2 December 2009
 - f. Air Force Instruction 44-121, Alcohol and Drug Abuse Treatment Prevention and Treatment (ADAPT) Program, 8 July 2014
 - g. Army Regulation 135-178, Army National Guard and Army Reserve Enlisted Administrative Separations, 18 March 2014
 - h. Army Regulation 135-175, Army National Guard and Army Reserve Separation of Officers, 4 August 2011
 - i. Air Force Instruction 36-3209, Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members, 14 April 2005

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3. Applicability. This policy applies to all command elements of the Maryland National Guard.

4. Intent. To ensure Maryland National Guard command personnel understand the rules and regulations pertaining to Soldiers and Airmen who are arrested and/or convicted of DUI/DWI and other alcohol related misconduct.

5. Policy.

a. It is Maryland National Guard and Department of Defense policy that the abuse of alcohol by military personnel is incompatible with readiness, the maintenance of high standards of performance, and military discipline.

b. Soldiers and Airmen must report any arrest, charge, or conviction for DUI or DWI within 48 hours after it occurs.

c. Commanders are required to immediately report any arrest or conviction involving Soldiers or Airmen serving in their chain of command to the MDNG Office of the Staff Judge Advocate within 48 hours.

d. A General Officer Memorandum of Reprimand (GOMOR) will be issued to any Soldier and Airmen who has:

(1) Been convicted by military authorities (administrative or punitive action) or by a civilian court for an alcohol and/or drug related driving offense, whether committed on or off a military installation;

(2) Driven or been in physical control of a motor vehicle when their Blood Alcohol Content (BAC) is in violation of the law of the State involved; or

(3) Driven or been in physical control of a motor vehicle, either on or off an installation, when lawfully conducted chemical tests reflect the presence of illegal drugs.

e. In the event of subsequent alcohol related misconduct with 48 months of the first offense, Soldiers or Airmen will be processed for separation. Alcohol related misconduct includes but is not limited to DWI/DUI, on duty impairment due to alcohol consumption, or drunk and disorderly conduct.

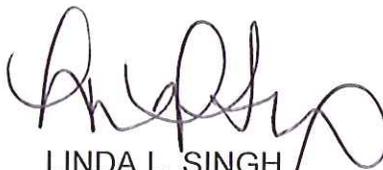
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f. Soldiers and Airman who commit alcohol related misconduct must be directed to be screened by the service appropriate substance abuse program.

6. Nothing in this policy limits the authority of commanders to take Military justice, Non-Judicial Punishment, or appropriate administrative action against Soldiers or Airmen who commit DWI/DUIs or other alcohol related misconduct.

7. Questions concerning this policy should be directed to the MDNG Office of the Staff Judge Advocate at (410) 576-6085.



LINDA L. SINGH
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