

**BY ORDER OF THE
CHIEF, NATIONAL GUARD BUREAU**

**AIR NATIONAL GUARD INSTRUCTION
36-2503**



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Personnel

**ADMINISTRATIVE DEMOTION OF
AIRMEN**

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This instruction provides guidelines and establishes policy for administrative demotion of Air National Guard (ANG) enlisted members. This instruction implements Air Force Policy Directive (AFPD) 36-25, *Military Promotion and Demotion*. This instruction applies to all ANG enlisted members in the grades Airman (E-2) through Chief Master Sergeant (E-9). This instruction requires the collection of information that is subject to the Privacy Act of 1974, Privacy System of Records Notice F036 AF PC C, Military Personnel Records System applies. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through the appropriate functional's chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/gcss-af61a/afirms/afirms>.

SUMMARY OF CHANGES

References to the Fitness Program within ANGI 36-2503 are changed from ANGI 10-248 Air National Guard Fitness Program to AFI 36-2905, *Fitness Program*.

Section A— General Instruction

1. Purpose.

1.1. **Do not** use administrative demotions when it is more appropriate to take actions specified under the applicable state military code or the Uniform Code of Military Justice (UCMJ), when applicable.

1.2. **Do not** demote airmen who have separated. An administrative demotion action cannot be initiated unless the reason for the action occurred during the current enlistment (including extensions). **EXCEPTION:** The facts and circumstances were not known by the commander until after reenlistment. If the commander has sufficient reason to initiate the demotion action, consider the entire military record in deciding whether demotion is appropriate.

1.3. When appropriate, airmen will be given an opportunity to overcome their deficiencies before demotion action is initiated. Commanders will maintain supporting documentation of all rehabilitation and probationary actions.

1.4. Suspended demotions are not authorized under this instruction. Once demoted, that action reflects the member's appropriate grade and may not be suspended conditioned on future conduct.

2. Who Can Demote. The unit commander may recommend the demotion of an enlisted ANG member under his command.

2.1. The authority to demote enlisted ANG members as Reserves of the Air Force is vested in The Adjutant General (TAG) of the State according to the policies and procedures stated herein. TAG will exercise demotion authority for enlisted members serving in the ranks of Master Sergeant (MSgt), Senior Master Sergeant (SMSgt), and Chief Master Sergeant (CMSgt). This authority may be delegated to the Assistant Adjutant General (AAG) for Air.

2.1.1. Demotion authority for enlisted ANG members serving in the ranks of Technical Sergeant (TSgt) and below may be further delegated to the Wing/ Group/ Base commander or the commander of a geographically separated unit (GSU), and may not be further delegated.

2.2. The authority to demote enlisted Statutory Tour members serving on extended active duty (Title 10 United States Code (USC) 12310) with the National Guard Bureau (NGB) will be the Director, Air National Guard, with the concurrence of the appropriate State TAG.

2.3. Depending on an ANG enlisted members military status, a member reduced in grade by court martial, judicial or non-judicial punishment under the UCMJ or State Military Code, is demoted to the same grade as a Reserve of the Air Force in the Air National Guard of the United States (ANGUS).

2.4. Other than demotion under paragraphs 3.1., 3.2., 3.4., 3.5., 3.8., and 3.9., to authorize demotion of an enlisted ANG member, the demotion authority must be convinced by a preponderance of the evidence that such action is warranted. The demotion authority may consider all matters in the case that, in their judgment, have probative value and need not be influenced by the possibility that some of those matters may not be admissible in a judicial proceeding.

Section B— Reasons for Involuntary Demotion

3. Specific Authorities

3.1. Failure to Complete Training:

3.1.1. Promotions in accordance with ANGI 36-2502, *Promotion of Airmen, Air National Guard*, paragraph 3.3 Enlisted ANG members attending the Flight Screening Program (FSP), the ANG Academy of Military Science (AMS), or the Air Force Reserve Officer Training Course (AFROTC), who fail to complete such training for any reason will be demoted to the last grade satisfactorily held.

3.1.2. Airmen promoted under Retraining Promotion Program (RPP) in accordance with ANGI 36-2502, must qualify for the new Air Force Specialty Code (AFSC) within the time limits specified by the commander or be demoted to the last grade satisfactorily held.

3.1.3. Airmen promoted to grade E-3 while on initial active duty for training (IADT) must qualify for the AFSC within the time limits specified or be demoted to the last grade satisfactorily held.

3.2. Failure to Attain Grade/ Skill Relationship:

3.2.1. Demote an airman who fails to qualify, within the time limits specified by the commander, for the award of the AFSC that corresponds to the grade in which enlisted. Demote the airmen to the highest grade that corresponds to the skill level awarded at the time of enlistment.

3.2.2. Reclassification to a lower skill level. Demote airmen to the highest possible grade allowed for the skills they have if, under Air Force Instruction (AFI) 36-2101, *Classifying Military Personnel (Officers and Airmen)*, Chapter 4, their Air Force Specialty is downgraded for substandard performance. As the effective date of demotion, use the date on which their skill level was downgraded.

3.3. Unsatisfactory Participation. For demotion purposes only, unsatisfactory participation is defined as having six or more unexcused absences from scheduled unit training assembly [UTA] periods [4 hours per UTA period] in any continuous 12-month period.

3.3.1. After six unexcused absences, the commander may send the airman a certified memorandum (see Attachment 4), return receipt requested, stressing the seriousness of the situation and advising that demotion action is being initiated.

3.3.2. The demotion will be effected as soon as practicable after the airman has been given the opportunity to exercise his or her rights as defined in the memorandum advising of the intent to demote. Pending demotion actions will be completed prior to the administrative separation of Airman.

3.4. Active Guard Reserve (AGR) Priority Placement Program Position Declination. In accordance with (IAW) ANGI 36-101, *The Active Guard/Reserve (AGR) Program*, an overgrade full-time military duty member who declines a position offered under the priority placement program must be reduced in grade to that authorized by his or her Unit Manpower Document (UMD) no later than 30 days after declination position. Orders effecting this reduction will contain the statement “without prejudice.”

3.5. Overgrade Assignment Expiration. When an authorized period of overgrade assignment expires in accordance with ANGI 36-2101, *Assignments Within the Air National Guard*, and

no other assignment option is available, the airman must be demoted. Orders effecting this demotion will contain the statement “without prejudice”.

3.6. Failure to Fulfill Responsibilities. An airman may be demoted if he or she fails to fulfill responsibilities prescribed in AFI 36-2618, *The Enlisted Force Structure*.

3.6.1. Substandard (Unsatisfactory) Performance.

3.6.2. Failure to perform assigned duties properly.

3.6.3. A progressively downward trend in performance. Failure to make the effort necessary to meet ANG standards of conduct and duty performance.

3.6.4. Standards. Failure to maintain standards of dress and personal appearance (other than Fitness Program) or military deportment see AFI 36-2903, *Dress and Personal Appearance of Personnel*.

3.6.5. Personal Finances. Irresponsibility in the management of personal finances.

3.7. Fitness Program. Airmen may be demoted for failing to maintain or demonstrate the ability and willingness to attain standards according to AFI 36-2905, *Fitness Program*.

3.7.1. Commanders must exercise discretion in selecting responsive action(s) towards airmen who fail to attain or maintain fitness program requirements as listed in AFI 36-2905.

3.7.2. Refer to AFI 36-2905, Attachment 19, for administrative and personnel actions for Airmen who fail to maintain fitness standards. If demotion is the selected response, commanders should consult with their local Staff Judge Advocate (SJA).

Section C—Reasons for Voluntary Demotion. (The procedures prescribed in paragraph 8 are not applicable.)

3.8. Voluntary Change of Assignment. A voluntary change of assignment to a UMD position which has a lower grade authorization than that currently held by the airman will result in demotion to the lower UMD grade. Demotions IAW this paragraph are affected by the publication of demotion orders by appropriate authority. Orders affecting voluntary demotions will contain the phrase “without prejudice.” There will be no waivers or exceptions to this policy.

3.8.1. Demotion to a lower grade resulting from a voluntary change of assignment. An airman must acknowledge in writing that the lower military grade (state specific grade) is accepted. The demotion will not preclude subsequent promotion under ANGI 36-2502.

3.9. The maximum tour length for full-time personnel serving as a first sergeant is outlined in ANGI 36-2101, *Assignments Within the Air National Guard*. Upon completion of the tour as a first sergeant, the member must be reassigned to a compatible military position. When such a reassignment (either prior to or at the completion of the maximum tour) results in a demotion, that demotion will be considered voluntary. The demotion order will cite this paragraph as the authority for the demotion. Orders effecting voluntary demotions will contain the phrase “without prejudice.” If such reassignment is based on substandard performance, demotion would then be effected under Section B of this instruction.

*Section D—Demotion Process***4. Notifying Airman of Impending Action.** (See Attachment 3 and 4)

4.1. After consulting with the servicing Staff Judge Advocate (SJA), the immediate commander will inform the airman in writing to the airman's last known address, either by personal delivery (with written receipt acknowledged) or by certified mail (return receipt requested), of the intent to recommend demotion, or to demote if the unit commander is also the demotion authority. If the airman does not acknowledge receipt within the specified time or if the memorandum is returned as undeliverable, the unit commander may proceed to process the demotion action. The memorandum will contain (see Attachment 3 and 4) the following information:

4.1.1. Specific reasons for the proposed action and applicable paragraphs of this instruction.

4.1.2. A complete summary of the supporting facts.

4.1.3. Instructions that the airman will acknowledge (in writing) the notification memorandum within five calendar days of receipt by certified mail or immediately upon receipt if personally delivered by the commander or his designated representative. (See Attachment 5.)

4.1.4. Instructions that the airman will either concur or nonconcur, in writing, with the proposed action no later than the end-of-day roll call following the second UTA (4-hour period) after acknowledgment of the memorandum.

4.1.5. An explanation that the airman may consult with counsel before electing to concur or non-concur with a recommendation for demotion. Counsel will be provided by the SJA, appointed by the airman's immediate commander, and identified by name in the initial notification memorandum. Counsel may also assist in preparing a written response by the individual if the member so elects. Expenses incurred in connection with the appearance or assistance of civilian counsel on behalf of the airman are the responsibility of the airman and will not be paid by the government. Airmen being considered for demotion will be offered representation by counsel who is either:

4.1.5.1. A military lawyer (within the meaning of article 27(b)(1) of the UCMJ or designated Judge Advocate (JA) under Title 10 USC 8067(g), different from the military counsel advising the commander, if available; or

4.1.5.2. If a military lawyer is not available, a disinterested officer from the unit other than the airman's unit. This officer must, in the commander's judgment, possess the knowledge and judgment necessary to provide comprehensive and accurate advice to the airman on the procedures and alternate courses of action available. If possible, the officer should be well versed in personnel matters.

4.2. If the airman non-concurs with the proposed demotion action then he must decide whether or not to submit documentation on his or her behalf. If the decision is to submit documentation, it must be received within 20 calendar days after the date the airman responds indicating his or her decision to non-concur with the demotion action.

4.3. An explanation that the airman may request a personal interview with the immediate commander. If the airman chooses to make an oral presentation, counsel may be present during the interview.

4.4. Explanation that a lack of response will be construed as concurrence by the individual. Failure to respond will be construed as a waiver to both the right to appear before the airman's immediate commander and representation by counsel.

4.5. An explanation that the airman, if eligible, may request resignation or retirement IAW AFI 36-3209, *Separation Procedures for Air National Guard and Air Force Reserve Members*, in lieu of demotion at any time before publication of demotion orders. Obligor or airmen who have incurred service commitments are not eligible to resign or retire.

5. Action by the Immediate Commander After Receipt of Airman's Reply or if the Airman Fails to Respond to the Notification of Intent to Demote. (See Table 1.)

5.1. If the airman concurs with the demotion action or fails to respond to the notification of intent to demote, and if the immediate commander is the demotion authority, the commander will obtain a legal review of the case file from the servicing SJA.

5.1.1. If it is determined that the case file is legally sufficient for demotion the immediate commander will proceed with the demotion action.

5.1.2. If the immediate commander is not the demotion authority, forward the package and demotion recommendation through channels to the appropriate demotion authority.

5.1.3. If the airman non-concurs with the demotion action and submits matters on his or her behalf, or requests a personal interview, or both, the immediate commander will consider all matters presented by the airman.

5.2. An immediate commander who is also the demotion authority will consider each and all of the matters presented and then:

5.2.1. Terminate the demotion action; or

5.2.2. Request SJA review for legal sufficiency prior to effecting the demotion. If the SJA determines there is legal sufficiency to support a finding for demotion, the immediate commander may proceed with the demotion action. If the case lacks legal sufficiency, it will be terminated and the airman advised in writing by certified mail or by personal delivery.

5.3. An immediate commander who is not the demotion authority will consider each and all of the matters presented and then:

5.3.1. Terminate the demotion action, or

5.3.2. Prepare a written summary of that personal interview (if any), include that summary in the case file, and forward the case file to the demotion authority with an appropriate recommendation. The immediate commander will immediately notify the airman in writing by certified mail or by personal delivery of the decision to continue processing the demotion action or to terminate it.

Table 1. Commander’s Action Upon Receipt of Airman’s Reply

R U L E	If commander determines airman should	and commander is the demotion authority	then commander
1.	not be demoted	yes	notifies the airman in writing of decision, thus closing the case.
2.		no	indorses case through channels to the demotion authority.
3.	be demoted	yes	acts IAW paragraph 5.
4.		no	indorses correspondence through channels to the demotion authority recommending lower grade that commander believes appropriate for the airman’s skill and abilities.

6. Action by the Demotion Authority Who is Not the Airman’s Immediate Commander:

6.1. The demotion authority will obtain a legal review from the servicing SJA before rendering a final decision on the immediate commander’s demotion recommendation.

6.2. The demotion authority will notify the airman and servicing Force Support Squadron(FSS) in writing of the decision to concur or non-concur with the immediate commander’s demotion recommendation. The FSS will then notify the airman of the decision by indorsement through the airman’s immediate commander.

7. Announcing and Revoking Demotions:

7.1. Demotions are announced in special orders published by the appropriate headquarters in IAW ANGI 33-101, *Air National Guard Administrative Orders*. The effective date for the demotion is the date specified by the demotion authority.

7.2. Demotion orders may be revoked only with the approval of TAG when it has been determined that the order was published without the proper authority. Revocation orders are published in accordance with ANGI 33-101.

7.3. Instructions regarding voluntary demotions are found in Section C.

8. Notifying the Airman of an Approved Demotion Action. The demotion authority (who is not the airman’s immediate commander) will notify the airman’s immediate commander in writing through the FSS of the decision to effect the demotion. The airman’s commander will then notify the airman in writing by certified mail or personal delivery of the decision. A copy of the demotion order will be included with the notification. If the immediate commander is not available, the next higher commander in the chain of command (up to and including the demotion authority) will notify the airman.

9. Grades to Which Airman May be Reduced.

Table 2. Grades to Which Airmen May be Demoted

RULE	If airman is	then demotion will be to a grade no lower than
1	E-4 or higher	E-2
2	E-3	E-1

9.1. A reduction of three or more grades should only be used in an extraordinarily unique case when there appears to be no reasonable hope that the airman will again exhibit the proficiency, leadership, or fitness previously possessed. In this case, commanders may consider separation or discharge action under AFI 36-3209.

9.2. Date of Rank DOR will be determined in accordance with Attachment 2.

HARRY M. WYATT III, Lieutenant General,
 USAF
 Director, Air National Guard

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFI 36-2101, *Classifying Military Personnel (Officer and Enlisted)*, 7 March 2006

AFI 36-2618, *The Enlisted Force Structure*, 27 February 2009

AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel*, 2 August 2006

AFI 36-3203, *Service Retirements*, 7 October 2009

AFI 36-3209, *Separation Procedures for Air National Guard and Air Force Reserve Members*, 14 April 2005

AFPD 36-25, *Military Promotion and Demotion*, 21 June 1993

ANGI 10-248, *The Air National Guard Fitness Program*, 9 April 2004

ANGI 36-101, *The Active Guard/Reserve (AGR) Program*, 3 May 2002

ANGI 36-2502, *Promotion of Airmen, Air National Guard*, 25 August 2000

ANGI 36-2101, *Assignments Within the Air National Guard*, 11 June 2004

ANGI 33-101, *Air National Guard Administrative Orders*, 1 March 2007

Title 10 United State Code, *Armed Forces*, 5 January 2009

Title 32 United State Code, *National Guard*, 8 January 2008

Title 44 United State Code, *Public Printing and Documents*, 8 January 2008

Uniform Code of Military Justice Article 27(b)(1), *Detail of Trial Counsel and Defense Counsel*, 8 February 1949

Abbreviations or Acronyms

AAG—Assistant Adjutant General

AFI—Air Force Instruction

AFROTC—Air Force Officer Training Course

AFSC—Air Force Specialty Code

AGR—Active Guard Reserve

AMS—Academy of Military Science

ANG—Air National Guard

ANGUS—Air National Guard of the United States

BFM—Body Fat Measurement

CC—Commander

DOR—Date of Rank

FSP—Flight Screening Program
FSS—Force Support Squadron
GSU—Geographically Separated Unit
IADT—Initial Active Duty for Training
IAW—In Accordance With
JA—Judge Advocate
NGB—National Guard Bureau
RPP—Retraining Promotion Program
SJA—Staff Judge Advocate
TAG—The Adjutant General
UCMJ—Uniformed Code of Military Justice
UMD—Unit Manpower Document
USAF—United States Air Force
USC—United States Code
UTA—Unit Training Assembly
E-6—(TSgt) Technical Sergeant
E-7—(MSgt) Master Sergeant
E-8—(SMSgt) Senior Master Sergeant
E-9—(CMSgt) Chief Master Sergeant

Attachment 2

NOTIFICATION AND DATE OF RANK ADJUSTMENT REQUIREMENTS

R U L E	If the demotion is to be effected under paragraph	The airman's commander must formally advise the airman of the recommendation to demote IAW paragraph 4., this instruction.	and if affected, the airman's DOR is the date of the order	and if affected, the airman's DOR is adjusted (see Note 1 and 2)
1.	3.1.	Yes		X
2.	3.2.	Yes		X
3.	3.3.	Yes	X	
4.	3.4.	No		X
5.	3.5.	No		X
6.	3.6.	Yes	X	
7.	3.7.	Yes	X	
8.	3.8.	No		X
9.	3.9.	No		X

Attachment 3**SAMPLE NOTIFICATION MEMORANDUM -- DEMOTION ACTION WITHOUT PREJUDICE**

A3.1. Commander may use this attachment to make notification if required under the Table in Attachment 2 in paragraphs 3.4., 3.5., 3.8., and 3.9.

(Appropriate Letterhead)

Date

MEMORANDUM FOR (Individual Concerned)

FROM: CC/(Unit Designation, Unit Address)

SUBJECT: Notification of Intention to Demote (Without Prejudice)

1. You are hereby advised that under the provisions of ANGI 36-2503, *Administrative Demotion of Airmen*, paragraph ____, I intend to recommend to the Commander (Organization and Station of demoting authority) that you be demoted to the grade of ____ (or) I intend to demote you to the grade of _____. This demotion action is not to be interpreted as derogatory in nature. This demotion action is without prejudice.
2. The specific reason for this proposed action follows.
3. Documents that support this action are available for your review should you desire.
4. I direct that upon receipt of this memorandum you acknowledge such receipt on the attached prepared indorsement within five calendar days. I will also interpret any failure to meet this suspense date as concurrence with my demotion recommendation. You must also decide whether you concur or nonconcur with the proposed demotion. When you have made your decision, initial the appropriate paragraph on the enclosed indorsement accordingly. You may defer making a decision to concur or nonconcur until the next scheduled UTA on ____ when you may consult with legal counsel as is your right. However, if you seek counsel, your decision to concur or nonconcur must be received by me no later than the end-of-day roll call following the second UTA (4 hour period) on _____.
5. Upon receipt of your acknowledgment or expiration of your suspense to respond this demotion action will continue until complete. Time frame for completion is within 30 calendar days from receipt or suspense expiration date.

Unit Commander Signature Block

Attachments:

1. Receipt Indorsement
2. Privacy Act Statement

Attachment 4**SAMPLE NOTIFICATION MEMORANDUM -- DEMOTION ACTION WITH
PREJUDICE**

A4.1. This attachment applies to the following reasons for demotion paragraphs 3.1, 3.2., 3.3., 3.6., and 3.7 that a result of an involuntary action.

(Appropriate Letterhead)

Date

MEMORANDUM FOR (Individual Concerned)

FROM: CC/(Unit Designation), Unit Address

SUBJECT: Notification of Involuntary Demotion Action

1. You are hereby advised that under the provisions of ANGI 36-2503, *Administrative Demotion of Airmen*, paragraph _____, I intend to recommend to the Commander (Organization and Station of demoting authority) that you be demoted to the grade of _____ (or) I intend to demote you to the grade of _____.
2. The specific reason for this proposed action follows:
3. Documents that support this action are available for your review should you desire.
4. I direct that upon receipt of this memorandum you acknowledge such receipt on the attached prepared indorsement within five calendar days. I will also interpret any failure to meet this suspense date as concurrence with my demotion recommendation. You must also decide whether you concur or nonconcur with the proposed demotion. When you have made your decision, initial the appropriate paragraph on the enclosed indorsement accordingly. You may defer making a decision to concur or nonconcur until the next scheduled UTA on _____ when you may consult with legal counsel as is your right. However, if you seek counsel, your decision to concur or nonconcur must be received by me no later than the end-of-day roll call following the second UTA (4 hour period) on _____.
5. If you concur with the proposed demotion, you will be notified in writing of the demotion authority's decision. If there is no response from you, I am authorized to process your case as if you had concurred. If you nonconcur with the proposed demotion, you may present statements on your own behalf. Written statements to support your position will be submitted within 20 calendar days after you respond indicating your decision. If you desire to present oral statements, your request to do so will accompany the nonoccurrence, and a personal interview with me will be scheduled. You may seek military or civilian legal counsel (civilian counsel will be at your own expense) in preparing your oral or written presentation, and counsel may be present during the personal interview. If travel to the personal interview is required, all costs of your civilian counsel will be at your own expense.

6. (Use one of the following if applicable.) (You are eligible to resign under the provisions of AFI 36-3209, *Separation Procedures of Air National Guard and Air Force Reserve Members*, in lieu of demotion action and may do so at any time before publication of a demotion order.) Or (You are eligible to retire under the provisions of AFI 36-3203, *Service Retirements*, in lieu of demotion action and may do so at any time before the publication of a demotion order.)
Unit Commander Signature

Attachments:

1. Receipt Indorsement
2. Privacy Act Statement

Attachment 5

INDORSEMENT AND PRIVACY ACT STATEMENT

A5.1. Sample Indorsement of Airman's Reply. 1st Ind,

(Individual concerned)

MEMORANDUM FOR CC/(Unit Designation)

1. The paragraph I have initialed below signifies my intent in this matter.
2. Receipt acknowledged; I concur with the proposed demotion action. _____ (Initials)
3. Receipt acknowledged. I intend to exercise my right to legal counsel at the next scheduled UTA on _____. My decision to concur/ nonconcur with this demotion action will then be delivered to your office no later than the end-of-day roll call on Saturday. If I decide to nonconcur with the demotion action, in my written response I will advise you whether or not I will provide documentation on my behalf. I further understand that such documentation must be submitted to you within 20 days after the next UTA or it will not be considered. If I fail to return this indorsement within five calendar days, you may interpret such failure to respond as concurrence with the demotion action. _____ (Initials)

Airman's Signature Block

A5.2. Privacy Act Statement. AUTHORITY: 10 U.S.C. 8013, Secretary of the Air Force**PRINCIPLE PURPOSE:** To provide you the opportunity to submit information on your behalf or show cause why your demotion is inappropriate.**ROUTINE USE:** Information submitted by you will become part of the case file and be used by the demotion authority in the resolution of your case. This information will also be provided to your counselor or interview officer, as appropriate, and reviewed by authorized personnel who have a need to know for official use. A case file of the demotion action (if demotion is approved) will be filed in your Master Personnel Records Group.**DISCLOSURE OF PERSONAL INFORMATION IS VOLUNTARY:** Failure to provide information precludes the demotion authority from considering the same on your behalf.