

- (2) TSC-II (AFQT 65-92).
- (3) TSC-III A (AFQT 50-64).
- (4) TSC-III B (AFQT 31-49).
- (5) TSC-IV A (AFQT 16-30).
- (6) TSC-IV B (AFQT 10-15) not currently accepted (except 09L).
- (7) TSC-V (AFQT 0-9) not eligible to enlist (except 09L).

2-9. Physical

a. Applicant is eligible for enlistment if he or she meets procurement physical fitness standards of AR 40-501 and added requirements of specific option for which enlisting. Glossary NPS that have not been awarded an MOS must meet procurement physical fitness standards of AR 40-501.

b. Waivers may be requested for medical defects, provided applicant is not under the care of a physician or taking medication for the defect.

c. Waivers are not authorized for confirmed positive results for the presence of human immunodeficiency virus (HIV) or antibody (AR 40-501).

d. Applicant will be tested for the presence of alcohol and drugs. Applicants who refuse to submit to drug or alcohol testing will be denied further processing and enlistment (no waiver authorized).

- (1) Applicant is eligible if drug and alcohol tests are negative.
- (2) Applicant is authorized enlistment in the DEP/delayed status/DTP or ARNG pending drug test results, except that applicants who previously tested positive for drugs require a waiver.
- (3) Applicants will be advised that they will be discharged if they test positive (laboratory confirmed) for drugs.

2-10. Dependents

a. An applicant meets dependency requirements if he or she is—

- (1) Without a spouse and with no dependents.
- (2) Married and, in addition to the spouse, has two or fewer dependents.
- (3) Without a spouse and does not have custody of dependents.
- (4) Without a spouse and required to pay child support for two or fewer dependents by court order.

b. An applicant does not meet dependency requirements if—

(1) The applicant is married and, in addition to the spouse, has three dependents under the age of 18. The recruiting battalion commander may consider waiver for RA/USAR applicants or The Adjutant General (TAG) for ARNG applicants.

(2) The applicant is married, has four or more dependents under the age of 18 or three or more dependents under the age of 18 and wife is expecting an additional dependent due to pregnancy. Waivers may be considered by the CG, USAREC for RA/USAR applicants and respective State TAG for ARNG applicants.

(3) The applicant is married and in addition to spouse has two dependents under the age of 18 and wife is expecting additional children. Waivers may be considered by the recruiting battalion commander for RA/USAR applicants and respective State TAG for ARNG applicants.

(4) Applicants are processing as a husband and wife team and have one, two, or three dependents under the age of 18. Waivers may be considered by the recruiting battalion commander for RA/USAR applicants and respective State TAG for ARNG applicants.

(5) Applicants are processing as a husband and wife team and have four or more dependents under the age of 18. Waivers may be considered by the CG, USAREC for RA/USAR applicants and respective State TAG for ARNG applicants.

(6) The applicant has a spouse who is currently on AD or a member of a RC (excluding IRR) of the U.S. Armed Forces and has a dependent less than the age of 18. One Servicemember must have completed IADT. Waivers may be considered by the recruiting battalion commander for RA/USAR applicants and respective State TAG for ARNG applicants.

(7) The applicant is without a spouse and has custody of at least one dependent under the age of 18. (Waiver will not be considered for RA.) For TC, waivers may be considered by CG, USAREC for USAR, and by respective State TAG for ARNG applicants.

(8) The applicant is without a spouse and is required by court order to pay child support for three dependents. Waivers may be considered by the recruiting battalion commander for RA/USAR applicants and respective State TAG for ARNG applicants.

(9) The applicant is without a spouse and is required by court order to pay child support for four or more dependents. Waivers may be considered by the CG, USAREC for RA/USAR applicants and respective State TAG for ARNG applicants.

(10) The applicant is married and required by court order to pay child support for one or more dependents from

previous marriage or relationship for a total of three dependents under the age of 18. Waivers may be considered by the recruiting battalion commander for RA/USAR applicants and respective State TAG for ARNG applicants.

(11) The applicant is married and required by court order to pay child support for one or more dependents from previous marriage or relationship and, when added to dependents of current marriage, in addition to the spouse, has four or more dependents. Waivers may be considered by the CG, USAREC for RA/USAR applicants and respective State TAG for ARNG applicants.

(12) The applicant is without a spouse and has custody of three or less dependents under the age of 18 and is accessing into a RC. Waivers may be considered by the recruiting battalion commander for RA/USAR applicants and respective State TAG for ARNG applicants.

(13) The applicant is without a spouse and has custody of four or more dependents under the age of 18 and is accessing into a RC. Waivers may be considered by the CG, USAREC for RA/USAR applicants and respective State TAG for ARNG applicants.

c. The definitions of dependent, spouse, and children are for qualifications and criteria to enlist. These definitions are not for the purpose of determination of pay or allowances, basic allowance for housing, medical, or other benefits. Appropriate authority for determination of benefits is contained in other applicable regulation pertaining to finance and accounting, issuance of ID cards, and privileges.

(1) An applicant is considered to be “without a spouse” if—

(a) A civil court has not recognized common law marriage.

(b) A spouse is incarcerated.

(c) A spouse is deceased.

(d) A spouse has deserted the applicant.

(e) A spouse is legally or by mutual consent separated from the applicant.

(f) The applicant or spouse has filed for divorce.

(2) For the purpose of this regulation and enlistment, the term “dependent” includes—

(a) A spouse.

(b) An unmarried, adopted, or stepchild under the age of 18 living with the applicant.

(c) An unmarried natural child of the applicant under the age of 18.

(d) Any person living with the applicant who is, by law or in fact, dependent upon the applicant for support; or not living with the applicant and dependent upon the applicant for over 1/2 of their support.

(e) Any person for whom the applicant is responsible for his or her financial or custodial care.

(3) Joint physical custody versus child support—

(a) When a joint custody agreement or order requires joint physical custody by an applicant without a spouse, the applicant is not eligible for enlistment. Visitation or joint decision rights with the respect to education, medical procedures, or other parental decisions, other than actual physical custody, are not considered as requiring joint physical custody. However, if a mandatory period of residence is required, then joint physical custody exists and the applicant is not eligible to enlist. Mandatory physical custody does not include negotiable periods of visitation or voluntary agreement to have custody for short periods that are negotiable and compatible with military service.

(b) If a court order allows modification of custody by written agreement of the parents, and if the other parent assumes full physical custody pursuant to written agreement, the applicant is qualified for enlistment.

(c) Questionable cases will be resolved by referral, with respect to RA/USAR enlistments, through the chain of command to a USAREC judge advocate, and with respect to the ARNG, to the respective State Judge Advocate.

d. The U.S. Army recognizes that some persons for personal reasons have given up custody of a child or children. For this reason, the following rules have been provided so a determination can be made for enlistment purposes. It is not the intent or desire of the U.S. Army to require any person to relinquish custody of his or her children to qualify for enlistment. Under no circumstances will any Army representative advise, imply, or assist an applicant with regard to surrender of custody for the purpose of enlistment. Applicants will be advised that they do not meet the dependent criteria of this regulation and that the Army’s mission and unit readiness are not consistent with being a sole parent. Persons who are sole parents would be placed in positions, as any other Soldier, where they are required at times to work long or unusual hours, to be available for worldwide assignment, and to be prepared for mobilization, all of which would create conflicting duties between children and military requirements for the sole parent.

(1) If an applicant is without a spouse and, prior to application for enlistment, the child or children have been placed in the custody or guardianship of the other parent or another adult by court order or by written custody agreement between parents that is valid under State law, and the applicant is not required to pay support for more than three dependents, then the applicant is eligible to process for enlistment. The court order or custody agreement must clearly indicate that the applicant does not have physical custody of any child. In cases of court order or custody agreements that require “involvement” such as medical or education decisions but do not require physical custody of the child(ren), then the additional requirements or involvement should not be considered for eligibility unless such conditions require a mandatory custody period that cannot be fulfilled due to military service. Guardianship documents must very clearly indicate that the guardian has full physical custody and not just a guardianship right or oversight role. The bottom line

issue is actual physical custody of the child(ren). Questionable cases will be resolved by referral to a USAREC or ARNG staff judge advocate.

(2) Those applicants who at time of enlistment indicate they have a child or children in the custody of the other parent or another adult will be advised and required to acknowledge by certification that their intent at time of enlistment was not to enter into the Army, USAR, or ARNG with the express intention of regaining custody after enlistment. Applicants will be required to execute a DA Form 3286 (Statements for Enlistment). All applicants will be advised that if they regain custody during their term of enlistment, they are in violation of the stated intent of their DD Form 4 with annexes. They will (unless they can show cause, such as death or incapacity of the person who has custody) be processed for separation (involuntary) for fraudulent enlistment pursuant to AR 635-200.

(3) Applicants who are not married at the time of enlistment but have a child out of wedlock and, under State law, a mutually agreed upon contract between the two natural parents is sufficient to transfer custody and control of any children, then it will be acceptable for enlistment purposes. Applicants will be advised that they are being accepted for enlistment based on the eligibility status of being a single parent without custody. All applicants must complete a DA Form 3286 at time of entry into the DEP/DTP or ARNG. Consult with brigade judge advocate/USAREC Plans and Policies, or equivalent personnel in the ARNG, on questionable cases. In all cases where custody has not been clearly established, the burden of proof is with the applicant. The applicant will not be processed until the custody issue has been resolved.

e. Documents used to verify eligibility include the following:

(1) Marital status—

(a) Marriage certificate.

(b) Divorce decree.

(c) Legal separation decree.

(d) Annulment decree.

(e) Civil action document (divorce pending).

(f) Death certificate (widowed).

(2) Dependents under the age of 18—

(a) Birth certificate.

(b) FS Form 240.

(c) Certified or notarized copy of court order of adoption.

(d) Certified or notarized copy of court order proceeding equivalent to adoption that terminated all parental rights and obligations.

(3) To show if dependent has been placed in custody of other parent or another adult and whether or not applicant is required to pay (by court order) child support, one of the following is used:

(a) Divorce decree.

(b) Court order.

(c) Separation order.

(d) Written custody agreement between parents recognized by State law.

(4) For dependent parent, affidavits establishing dependency.

f. Questionable cases must be reviewed by a USAREC or ARNG judge advocate.

2-11. Conduct and administrative criteria

Applicants may be eligible for enlistment with or without waiver as indicated in each case. Applicants may have a waiting period, as cited in paragraph 4-32, if they have been subject to parole, probation, or incarceration (see chap 4).

a. Applicant interview. Recruiter will interview applicant on any records of arrest, charges, juvenile court adjudications, traffic violations, probation periods, and dismissed or pending charges or convictions, including those that have been expunged or sealed. No applicants will be allowed to enlist or ship without a signed DD Form 369 (Police Record Check) in their enlistment packet that authorizes police record checks, in case this action is required during processing at the MEPS or the reception battalion. Guidance counselors (USAREC/ARNG), upon receipt of a records check that lists a law violation(s) not previously disclosed, will initiate match proceedings in accordance with paragraph 4-2f. Recruiters will then be notified if they are required to run police record checks. If an applicant claims to have a charge of minor nontraffic or higher offense, then police record checks using DD Form 369 will be run for the city, county, and state where the applicant has lived, worked, and attended school for the past 3 years. Police record checks using DD Form 369 are also required to be run in the city, county, and state where the applicant claims to have been charged with a minor nontraffic or higher offense, regardless of how long ago the charge occurred.

(1) *Use of DD Form 369.* This form will be used to record information obtained in police records check. Recruiter will provide self-addressed official mail envelopes to minimize work for police authorities. Mailing police records checks to a foreign law enforcement agency is not authorized.

(2) *Pending charges.* If applicant is subject to pending charge(s) that would not require a waiver if found guilty, Armed Services Vocation Aptitude Battery (ASVAB) testing is authorized. If applicant is subject to pending charge(s)