



DEPARTMENT OF THE ARMY
JOINT FORCES HEADQUARTERS WEST VIRGINIA
1703 COONSKIN DRIVE
CHARLESTON, WEST VIRGINIA 25311-1026

FILED

18 June 2018

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Director of the Joint Staff

OFFICE OF THE ATTORNEY GENERAL
STATE OF WEST VIRGINIA

Honorable Mac Warner
Secretary of State
State of West Virginia
Charleston, West Virginia 25305

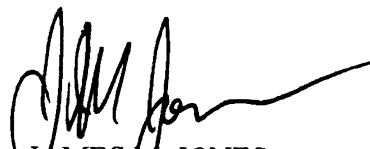
Dear Mr. Warner:

Per Executive Order 3-18, Regulatory Review, The Adjutant General's Department of West Virginia has reviewed all filed rules. The Adjutant General hereby rescinds 45 West Virginia Military Regulations, effective 18 June 2018. These rules shall be immediately repealed from the legislative rules list. Please see enclosed list of rescinded rules, which lists each rule and reasons for actions by this agency.

Should you have questions or concerns regarding this correspondence, please contact LTC Dena M. Lentz at Commercial 304-561-6350 or email at dena.m.lentz.mil@mail.mil.

Acknowledgement of receipt of these changes is requested.

Sincerely,



JAMES M. JONES
COL, GS, WVARNG
Director, Joint Staff

Enclosure
As stated

**Adjutant General's Department
Rules for Rescission
Effective 18 June 2018**

Adjutant General	<u>141-56</u>	WVMR (Army) 340-21, Privacy Act Program for West Virginia Army National Guard (no previous versions on record)	6/1/1981	Obsolete; does not impact state budget or any other policies. Revision is not appropriate inasmuch replacement would be necessary. If replacement is contemplated or desired, recommend repeal until a replacement is drafted at a date TBD. However, note the obsolete WVMR (Army) 340-21, if replaced, would be duplicative of current authorities-a fact militating in favor of repeal. Any concerns over State specific requirements or specific mandates on Command Authority may be alternatively accomplished through internal policy memorandums. Specifically, the following observations are made: 1) The WVMR (ARMY) 340-21 (1980) with change 1 (1 June 1981) implements The privacy Act of 1974. 2) The following authorities cited in the 1980 regulation are now obsolete and superseded: AR 340-17 and AR 340-21. 3) The following Department of the Army (DA) forms cited in the 1980 regulation are now obsolete: DA Form 2496, DA Form 4368-R, and DA Form 4410-R. 4) The Department of Defense (DD) Form 2005 (1 FEB 76) was revised in June 2016. 5) All references to health related records have been substantially changed by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (Pub. L. 104-191). 6) The WVMR (ARMY) 340-21 has been superseded by several other regulations and directives made applicable to both the Army and Air National Guard: AR 25-22 The Army Privacy Program (22 December 2016); AFI 33-332 The Air Force Privacy Act Program (8 November 2000); AFDP 33-3 Air Force Information Management (21 June 2016); DoDD 5400.11 Privacy Act Program; DoD 5400.11R Privacy Act Program
Adjutant General	<u>141-41</u>	WVMR (ARMY) 310-2, AGO Blank Forms Management (superseded Publication of same nomenclature/name, dated 9/25/1987; other versions dated 8/15/1987, 10/1/1980, 5/1/1975)	8/18/1997	First, this was filed with the Camp Dawson Billiting Policy in front of it, which is in the incorrect CSR and has been since been superseded by CSR 141-47. Would recommend correcting that issue (if it will be archived) and then repealing this CSR altogether as it is outdated (referenced AR 1-27 is obsolete) and does not impact state budget or other policies in any way. Also, this program is covered by Federal guidelines, to include: Information Management Publishing and Printing regulations outlined in DoD guidance and DA Pam 25-40. Because this Publication is specific to the WVARNG, the information therein will be modified/updated and published locally in an Administrative SOP/WV PAM, effective date To Be Determined (TBD). The Administrative SOP/WV PAM will subsume CSR 141-17/WVMR (ARMY) 340-5, CSR 141-41/WVMR (ARMY) 310-2, CSR 141-52/WVMR (ARMY) 310-4, CSR 141-78/WVMR (ARMY) 310-3, CSR 141-66/WVMR (ARMY) 340-3, and CSR 141-82/WVMR (ARMY) 310-5.
Adjutant General	<u>141-43</u>	WVMR (ARMY) 608-1, Verification of 20 Years Satisfactory Federal Service for Retired Pay and Submission of Survivor Benefit Plan Election Form (superseded version dated 1/10/1981; no other versions on record)	11/6/1990	Outdated, not been used by this agency in years, does not impact state budget or other policies in any way. Also, this program is covered by multiple Federal, National Guard Bureau, and Agency Guidelines, to include: AR 600-8-7, Retirement Services Program (verified that it applies to all Army, to include ARNG); NGR 680-2, Automated Retirement Points Accounting Management (RPAM). No need for additional guidance at the State level via CSR or Regulation.
Adjutant General	<u>141-45</u>	WVMR (ARMY) 415-10, Construction, Maintenance and Repair (superseded WVMR (ARMY) 415-10, Camp Dawson Development, dated 8/1/1979 and the WVARNG Construction and Facilities Board, dated 10/9/1969; other version dated 8 Apr 2005 (never filed))	6/1/1981	Outdated and obsolete; does not impact state budget or other policies in any way. The program is covered by Federal guidelines, to include: AR 15-1, Army Training and Leader Development, dated 29 May 2015; AR 220-1, Army Unit Status Reporting and Force Registration - Consolidated Policies, dated 15 April 2010; NGR 415-10, Army National Guard Facilities Construction, dated 25 July 2003; NGR 415-5, Army National Guard Military Construction Program Development and Execution, dated 6 March 2015; NGB Pam 420-10, Construction and Facilities Management Office Procedures, dated 18 July 2003; NG Pam 210-20, Real Property Development Planning Procedures for the Army National Guard, dated 5 October 2007; Memo, Appointment of the WVARNG Real Property Planning Board, dated 15 November 2017; WV State Code; and WV Purchasing Division Procedures Handbook, dated 01 July 2016.
Adjutant General	<u>141-46</u>	WVMR (ARMY) 611-2, Personnel Selection and Classification - Individual Training Evaluation Program - ITEP (superseded Publication of same nomenclature/name, dated 6/1/1981; other version dated 1/8/1974)	10/15/1990	Outdated and obsolete; does not impact state budget or other policies in any way. As indicated, ITEP covered the Skills Qualification Test (SQT) and the Common Task Test (CTT) programs. These two programs no longer exist as the SQT was abandoned by the Army in 1990 and the CTT testing requirement went away in the early 2000s. The listed references of AR 350-37, dated 29 January 1986 and DA Pam 350-37, dated 15 December 1984 no longer exist. The new reference that covers Army Training and individual training is AR 350-1, dated 10 December 2017. Per AR 350-1 individual training is now recorded and managed in the Digital Training Management System (DTMS). The last listed reference of NGR 600-200 has no relevance to ITEP. Based on the removal of SQT and CTT programs as well as the implementation of DTMS covered in AR 350-1, I see no further need for this in WVMR 611-2 and no need for revised guidance as it's already covered in AR 350-1.
Adjutant General	<u>141-47</u>	WVMR (ARMY) 210-3, Camp Dawson Billiting Policy (superseded Publication of same nomenclature/name; other versions dated 1/1/2002 (not filed), 1/21/1998 (not filed), 11/1/1989, 2/1/1988, 1/5/1987, 2/1/1982).	11/3/1997	This document is obsolete. NGR 5-3-1 has replaced NGR 210-50, which was what the document was based on. Also, the program can be managed solely by NGR 5-3-1, with specific/updating information managed on the Camp Dawson website. A joint policy or local post policy can also be established. Also, recommended that the economical impact of Camp Dawson is added to the website, as to mitigate questions concerning the lodging rates at CD.
Adjutant General	<u>141-49</u>	WVMR (ARMY) 27-1, WVMR (AIR) 111-10, Military Justice (superseded by Publications of same nomenclature/name, dated 11/3/2010)	7/27/1987	Rescinded by Rule 141-49, dated 11/3/2010; needs to be archived
Adjutant General	<u>141-50</u>	WVMR (ARMY) 40-14, Medical Services Radiation Safety (superseded Publication of same nomenclature/name, dated 10/1/1982)	6/15/1989	Outdated, not been used by this agency in years, does not impact state budget (federally funded) or other policies in any way. Also, this program is covered by multiple Federal, National Guard Bureau, and Agency Guidelines, to include: AR 385-10, The Army Safety Program; DA PAM 385-10, Army Safety Program; DA PAM 385-24, The Army Radiation Safety Program; NGR 385-24, Army National Guard Radiation Safety Program. Each State Adjutant General is directed to establish written policies and procedures to ensure compliance.
Adjutant General	<u>141-51</u>	WVMR (ARMY) 37-20 / WVMR (AIR) 177-3, Financial Administration - Administration and Control of Funds (superseded version dated 2/22/1983; prior version dated 1/2/1969)	4/10/1986	Outdated, does not impact state budget or other policies in any way. Program is covered by Federal guidelines, to include: DFAS 37-1. There is no need for a local regulation or policy.
Adjutant General	<u>141-52</u>	WVMR (ARMY) 310-4, Office Symbols (superseded Publication of the same nomenclature/name, dated 2/9/1990; other versions dated 2/15/1989, 4/4/1987, 8/5/1985, 2/22/1983, 5/1/1982, 10/29/1976)	2/24/1993	Outdated, does not impact state budget or other policies in any way. Also, this program is covered by Federal guidelines, to include: AR 25-59, Office Symbols; Army Addresses and Office Symbols Online Database (https://www.arims.army.mil/aao/welcome.aspx). Local Administrative SOP/WV PAM will be developed to subsume CSR 141-17/WVMR (ARMY) 340-5, CSR 141-41/WVMR (ARMY) 310-2, CSR 141-52/WVMR (ARMY) 310-4, CSR 141-78/WVMR (ARMY) 310-3, CSR 141-66/WVMR (ARMY) 340-3, and CSR 141-82/WVMR (ARMY) 310-5.
Adjutant General	<u>141-54</u>	WVMR (ARMY) 600-55, Personnel - Driver/Operator, Selection, Training, Testing and Licensing (supersedes WVMR (ARMY) 350-55, dated 3/15/1983 and Change 1, dated 3/15/1986; other versions dated 5/1/99 (not filed), 11/1/1996, 1/16/1990 (not filed))	1/6/1987	This document is obsolete. All Army, to include the ARNG, Driver/Operator Programs are managed by AR 600-55, dated 1 March 2017. All other listed regulations within CSR 141-54/WVMR (ARMY) 600-55 are obsolete and no longer available.
Adjutant General	<u>141-56</u>	WVMR (ARMY) 10-1, Organizations and Functions - State Area Command West Virginia (supersedes Publication of same nomenclature/name, dated 3/9/1987; other versions dated 2/19/1986, 1/10/1986, 4/1/1983, 2/19/1980, 1/27/1980, 1/10/1980, 4/1/1975, 11/1/1972)	8/1/1990	Outdated organizational structure and duty descriptions, does not impact state budget or other policies in any way. Additionally, having this stored on a public website is a prudent practice. The information in this publication has been captured in WV Pam 10-1, Mission, Organization, and Functions of the Joint Forces Headquarters - West Virginia and the West Virginia National Guard, dated 1 February 2011; this document combines the Air and Army National Guard of West Virginia under the Joint Forces Headquarters.