

**DEPARTMENT OF THE ARMY
UNITED STATES ARMY MANEUVER CENTER OF EXCELLENCE
1 KARKER STREET
FORT BENNING, GEORGIA 31905-5000**

**MCoE Regulation
Number 210-5**

22 February 2012

**Installations
GARRISON REGULATION**

History. This revision changes the U.S. Army Infantry Center (USAIC) to the U.S. Army Maneuver Center of Excellence (MCoE).

Summary. This regulation is a complete revision of the 6 August 1998 edition. It establishes policy and procedures for responding to misconduct by family members of active duty military personnel, retired military personnel, and Civilian personnel authorized access to Fort Benning if such family members are not in the Armed Forces and have not attained the age of 18 years. It also identifies the requirements for military personnel and their family members, who reside on Fort Benning, of registering privately owned firearms and the requirements of carrying the registration card on their person when carrying their firearm.

Applicability. This regulation applies to all military personnel, their dependents and all Civilians who perform duties, reside, utilize facilities, and/or enter and travel on this installation. Matters of conduct and discipline, stated herein, pertinent to occupants of government quarters, are equally applicable to occupants of Battle Park Homes.

Supplementation. Supplementation of this regulation is prohibited without prior approval from the Commander, MCoE, Attention: IMBE-ZA, Fort Benning, Georgia.

Suggested improvements. The proponent of this regulation is the Garrison Commander (GC). Send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through channels to the Commander, MCoE, Attention: IMBE-ZA, Fort Benning, Georgia 31905-5000.

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Chapter 1 Introduction

1-1. Purpose.

This regulation provides references and sets policies and guidance, directive in nature, pertinent to this installation.

1-2. References.

Appendix A contains required and related publications and referenced forms.

1-3. Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. General.

This regulation references a number of Army Regulations and Policy Statements. These references should be reviewed to ensure there have been no changes since the regulation was published. **It is the reader's responsibility to ensure the guidance is current and still in effect.**

1-5. Punitive nature material.

This regulation contains paragraphs that are punitive in nature. Individuals who are subject to the Uniform Code of Military Justice (UCMJ) who violate these paragraphs are subject to administrative or judicial action under Article 92, UCMJ. The paragraphs that are punitive in nature are 3-4, 3-7, 3-9, 3-10, 3-11, and chapter 5 in its entirety.

Chapter 2 Responsibilities

2-1. Commanders, Directors, Activity Chiefs, and Supervisors.

Commanders, Directors, Activity Chiefs, and Supervisors will ensure that this regulation is brought to the attention of all personnel within their command, directorate, or activity within fourteen (14) working days following date of reporting for duty.

2-2. Personnel.

All persons referred to in paragraph 2-1 above will become familiar with this regulation and understand and comply with the applicable provisions. Each military member is charged with the responsibility of ensuring that members of their Family, their guests, or employees abide by applicable provisions of this regulation.

2-3. Specific responsibilities.

Specific responsibilities are contained in chapters relative to the subject.

Chapter 3 Curfew, Conduct, Civilian Attire, Noise, & Demonstrations

Section I Curfew, Quiet Hours, Anti-Loitering, and Supervision of Children

3-1. General.

Parents are responsible for the welfare and safety of children in the military community. Based on the fact that each child is unique in their development as far as maturity level, the minimum community standard for parents to follow is specified in the following paragraphs. Under no circumstances may these guidelines be reduced. Parents are still required to assess their children and, if necessary, raise the age limits.

3-2. Curfew.

a. All dependents or sponsored guests under the age of 16 years will be required to obey the curfew. All dependents/guests under the age of 16 are required to be in quarters between 2100 and 0600 Sunday through Thursday, and 2200 - 0600 on Friday, Saturday, Holidays and non-school nights unless accompanied by a parent or guardian.

b. Dependents and sponsored guests under the age of 16 may travel, on or off post, between their quarters and social events, work,

youth services events, community events, and school functions, with the consent of the sponsor or guardian after curfew hours without being in violation of this policy.

c. Dependents and sponsored guests found in violation of this curfew policy will be taken to their quarters and turned over to their sponsor. If the guest's sponsor declines to accept responsibility for the juvenile guest, the guest will be transported to the MP station and their parent or guardian will be called to come and pick them up. First time juvenile curfew offenders will be issued a Juvenile Misconduct letter and an information Military Police report will be generated. Second time offenders will be taken to the MP station where a second juvenile misconduct letter will be issued and their sponsor will be required to pick up and escort the juvenile back to their quarters. Subsequent curfew violations will result in the offender being referred to the Installation Hearing Officer and may result in the violator being referred to Juvenile Misconduct Action Authority (JMAA) and may be used as the basis for exclusion from Fort Benning.

3-3. Quiet Hours.

Quiet hours will be observed between 2200 and 0800 Sunday through Thursday, and between 0001 and 0800 on Friday and Saturday. Outside of established quiet hours, residents are required to control the volume of stereos, televisions, and musical devices within their home so that they do not disturb the residents of other homes.

3-4. Loitering.

a. Whenever an installation official observes a person in a public place whom he reasonably believes to be involved in improper conduct or becoming a public nuisance, he may order all such persons to disperse and remove themselves from the area. Any person who does not promptly obey such an order is in violation of this section.

b. As used in this section:

(1) "Loiter" means to remain in any one place with no apparent purpose.

(2) "Improper conduct/public nuisance" means any activity in violation of this regulation.

(3) "Public place" means the public way and any other location open to the public.

3-5. Supervision of children/home alone.

a. "Parent," as used herein, is defined as the father or mother of a child related by blood, a father or mother by marriage (stepparent), a father or mother of an adopted child (adoptive parent), a guardian, or other person charged with a parent's rights, duties, and responsibilities.

b. "Child," as used herein, is defined as an unmarried person under the age of 18 who is eligible for care through a DoD medical treatment program and for whom a parent, guardian, foster parent, caregiver, employee of a residential facility, or any staff person providing out-of-home care is legally responsible. The term *child* means a biological child, adopted child, stepchild, foster child, or ward. The term also includes an individual of any age who is incapable of self-support because of a mental or physical incapacity and for whom care in a military medical treatment program is authorized.

c. **Children 8 and under:** A child 8 years old or younger must not be left unattended inside quarters or alone in a vehicle. Children aged 4 to 6 may play outside within immediate access and sight of a supervising adult who knows the child's location.

d. **Children 9-12:** A child 9 through 12 years of age, based on level of maturity, may be left unattended or home alone for brief (no more than 2 hours) periods of time. Children aged 9 to 12 may play outside unattended within access of a supervising adult who knows the child's general location.

e. **Children 13 and older:** A child 13 years of age and older may be left unattended or home alone up to 12 hours.

f. **Babysitting:** A child 13 years of age and older, at an adequate level of maturity, may serve as a babysitter, as authorized by the parent, for up to 12 hours. A child younger than 13 years of age who exhibits strong maturity skills and has participated in an installation sponsored course on babysitting may serve as a babysitter, as authorized by the parent, for reasonable periods of time.

g. **School Travel:** Parents will take reasonable measures to supervise and safeguard children walking to and from school and awaiting school busses. Generally, children below second grade should be attended while walking to and from school or awaiting a school bus.

h. These guidelines are basic requirements for all persons on Fort Benning, Georgia. The level of supervision required in a given case may vary depending on such factors as maturity of special needs of the child. However, failure by parents to provide adequate supervision to their children may be subject to criminal prosecution under federal or state statutes, in administrative actions, to include exclusion from the installation, in action by a State agency, or in disciplinary action under the Uniform Code of Military Justice.

i. It is recognized the contractor operating Fort Benning Family Housing might impose different requirements upon residents, but the guidelines set out herein are those that will be enforced by Fort Benning authorities.

Section II Conduct, Civilian Attire, and Loud Music

3-6. Conduct of Family members, guests, and domestics.

Individuals who live in the village of Benning are responsible for the conduct of all members of their Family, their guests, and domestic employees while occupying said home. Unbecoming conduct, failure to live in harmony with neighbors or failure to comply with policies concerning police and maintenance of their assigned home will result in the exclusion from Fort Benning.

3-7. Prohibitions against profanity and obscene language.

The use of obscene, vulgar, or profane language in any public area on the Fort Benning military reservation is prohibited. Language is obscene, vulgar, or profane when, under circumstances and manner in which such utterance was made, it would clearly offend a reasonable person's sense of decency. Music or other recorded media played with obscene, vulgar, or profane language will not be tolerated.

3-8. Civilian attire.

Civilian attire worn by personnel will be in good taste and repair, appropriate to the occasion, and worn as the manufacturer intended. Shirts, pants, or shorts, and footwear will be worn in and around all public places. Male personnel may remove shirts in yards of quarters while sunbathing, or at installation swimming pools. See MCoE Regulation 600-5 (Civilian Clothing Standards.)

3-9. Playing of hand-carried radios and electronic sound devices.

a. Playing of hand-carried radios and electronic sound devices in any Post Exchange facility, Army commissary, installation Movie Theater, or military bus is prohibited, unless such devices are equipped with earphones or headphones and are being used for private listening.

b. Playing of radios and electronic sound devices which emit sound outside the passenger/driver compartment at a volume audible to a person with normal hearing at a distance of 15 feet from the motor vehicle on any public street, public parking area, or private driveway on the Fort Benning military reservation is prohibited.

c. The wearing of earphones or headphones for private listening while on a roadway on the installation is prohibited.

d. Music in Fort Benning residential communities will be played at a level not to disturb neighbors.

Section III Demonstrations and Similar Activities

3-10. General.

Picketing, demonstrations, sit-ins, protest marches, political speeches, and similar activities which could interfere with or prevent the orderly accomplishment of the installation's mission, or which present a clear danger to the loyalty, discipline, or morale of the troops are prohibited and will not be conducted on this installation.

3-11. Participation of Military personnel in demonstrations, non-military parades, and picket lines.

a. Reference: AR 600-20.

b. Well-established policy in the Armed Forces provides that all its members will regardless of race, religion, color, or national origin, receive fair, impartial, and equal opportunity and treatment. This policy has been reaffirmed and emphasized by the Department of Defense.

c. The principle of maintenance of order and discipline within the command, so as to achieve maximum readiness for military operations and avoidance of identification with controversial issues and activities not falling within the purview of the U.S. Army is established as overall guidance. Accordingly, military personnel on this installation may not participate in demonstrations of any type under the following circumstances.

- (1) During hours when they are required to be present for duty.
- (2) When they are on a military reservation.
- (3) When they are in uniform.
- (4) When they are in a foreign country.
- (5) When their activities constitute a breach of law and order.
- (6) When violence is likely to result.

d. Any exception to this policy must be authorized in writing by the Commanding General.

e. Each newly assigned member will have this regulation brought to his or her attention immediately upon assignment.

3-12. Advertising on Post.

a. **Commercial advertising.** Commercial advertising on post for any off-post business, activity, or organization is prohibited. This includes posters, flyers, business cards, brochures, etc. This prohibition is not applicable to commercial firms advertising in the Bayonet or DFMWR publications and other marketing media (website, digital signs, and so forth).

b. **Advertising for off-post businesses.** It shall be the policy of this headquarters that no units, activity, organization, or private associations located on the Fort Benning military reservation will solicit advertising contributions or other type fund contributions from merchants and/or individuals in the Columbus-Phenix City area without the written consent of the Installation Commander. The DFMWR is responsible for coordination of all requests for solicitation of this nature and can be reached at 706-545-1511.

Chapter 4 Housing

4-1. Flowers, shrubs, trees, and gardens.

a. **Removal of wild flowers, shrubs, and vines.** Wild flowers, shrubs, and vines within view from roads, trails, or within sensitive area signs on the reservation will not be picked, cut, or uprooted. Other plants or plant parts may be collected in small quantities to be used for personal use only; however, no protected or rare plants (as indicated by the Natural Resources Management Branch (NRMB), Environmental Management Division, DPW) may be collected without proper authori-

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zation from NRMB and then must be used for either scientific or educational purposes that will provide a benefit to Fort Benning. No commercial collecting of plants or plant parts (pine straw, pine cones, berries, and so forth) is allowed.*

b. Removal of trees or shrubs. No shrubs or trees in the vicinity of quarters or other buildings will be removed or transplanted without the approval and supervision of the DPW. The removal of plants from the grounds of unoccupied quarters is prohibited.

c. Tree cutting. Cutting of trees on the reservation is prohibited without prior approval of this headquarters. All requests for tree cutting will be submitted in duplicate to Directorate of Public Works (DPW) on DA Form 4283, along with FB Form 144-R (Environmental Consideration Record) giving justification for the request and specifying the exact area involved.

d. Vegetable gardens for housing residents. Residents must comply with Property Manager's Resident Responsibility Guide with regard to gardens and yards.

e. Vegetable gardens for units. Military Units desiring to establish common use vegetable gardens for unit members will request approval from DPW. Requests will be signed by the Unit Commander and include a schematic drawing which shows the gardens size and location.

4-2. Pet control.

a. Reference: AR 40-905 and MCoE 40-905.

b. General. Families are allowed no more than three (3) pets per home unless an exception to policy is approved by the Garrison Commander.

c. Aggressive Dogs. The following pure bred and crosses between the listed dog breeds will not be allowed on the installation, except in Veterinary Services: Pit Bulls and Pit Bull Mixes. No animal shall be allowed to snap, growl, snarl, jump on, or otherwise threaten persons without provocation. Aggressive animals which cause unprovoked harm to any person or animal, or are involved in two provoked bite/scratch incidents may be immediately removed from post by authority of the Installation Veterinarian upon a determination that the animal has created a public health concern. These cases will be forwarded to the Garrison Commander through the Installation Hearing Officer for action pertaining to the exclusion of the pet involved, the loss of pet ownership privileges, and/or the exclusion of the owner from the Fort Benning military reservation.

d. Wild, exotic, or livestock animals are not allowed in family housing areas, and additional pets are not allowed without permission from the Garrison Commander.

e. Care of Pets. Owners will properly register, immunize, and control their pets. Owners will provide humane care, sanitary facilities, and proper treatment of their pets. Each pet kept outside must have adequate and humane housing for said animal. The area around the pet housing must be kept clean of fecal matter and excess food particles. Overhead cover must be provided to protect the pet from the weather. Owners are responsible for their pet's feces and will police their lawns and yards, and pick up their pet's feces when walking them. Pets being walked outside must be on a short leash and at the heel around others. Pets are prohibited from playgrounds, youth sports fields, school grounds, or at any gathering that includes persons other than the owner's Family and personally invited guests of the owner and his/her Family. The owner **must** take a pet that bites someone to the installation Veterinarian for examination and quarantine. Owners will prevent pets from being a nuisance, and will not allow their pets to stray. "Pet Owners should always have a container to clean up and dispose of feces in their possession when walking dog(s)."

f. Removal of dead, decaying animals. All sponsors who live on Fort Benning are responsible for the removal of domestic animals, such as, cats, dogs, or non-domestic animals (such as, squirrels/armadillos) that are dead within their area of police responsibility. If the pet owners are away for extended periods (such as, TDY or

deployed) it is the responsibility of the Property Manager for removal of the carcass. The removal of dead animals, both domestic and non-domestic, from common areas will belong to the unit that is responsible for that area. Only deceased domestic animals may be cremated at the installation veterinary clinic, where they will dispose of the carcass for a fee. All non-domestic animals found in common areas or on highways shall be taken to the nearest wood line by the unit responsible for that area.

g. Violations. The Garrison Commander will notify through the sponsor's commander violations of this chapter. Violations can result in pet owners losing pet ownership privileges while residing on this installation. Cases involving pets are primarily handled by the Staff Judge Advocate, in close coordination with the Provost Marshal, the Community Life Office, and the Garrison Commander.

4-3. Car repair in Family Housing.

All car maintenance or repair on Fort Benning must be done at the Auto Skills Center. No car maintenance or repairs are allowed in Family housing areas according to the Village of Benning lease and other policies and procedures set forth by the FBFC LLC.

4-4. Securing Quarters.

All entrances to include accessible windows in living quarters will be secured while residents are asleep or gone from the living quarters. All garage doors will be secured when resident is not physically with in visual site of the garage, **garages will not be left unattended with the door open.**

4-5. Securing privately owned vehicles (quarters).

All vehicles will be secured by locking doors and winding windows completely closed when the vehicle is not occupied. **Vehicles with remote ignition capabilities for pre-engine warm up will be permitted provided vehicle is secure.**

Chapter 5 Public Safety

Section I Weapons, Ammunition, and Explosives

5-1. Weapons Policy.

The installation weapons policy is outlined in MCoE Regulation 190-11, Physical Security of Privately Owned Arms, Ammunition, and Explosives.

Section II Vehicles, Cell Phones, Motorcycles, Skateboarding, Inline Skates, and Bicycles

5-2. Vehicle traffic laws.

a. Reference AR 385-10, AR 190-5 and MCoE Reg 190-5.

b. General.

The traffic laws of the State of Georgia and the State of Alabama apply on to respective lands of the Fort Benning military reservation (see Title 18, United States Code, Section 13 and Department of Defense Directive 5525.4). All persons who drive a motor vehicle on Fort Benning are responsible for complying with State Laws.

5-3. Cell Phone Use and Driver Distractions.

a. Auditory Related Driver Distractions:

(1) All vehicle operators driving on Fort Benning; military service members and reserve component members on active federal service driving on Fort Benning; and all vehicle operators driving government owned or leased vehicles on Fort Benning; are prohibited from using cellular phones while driving unless the vehicle is safely parked or unless they are using a hands-free device. The wearing of any other portable headphones, earphones, or other listening devices (except for hands-free cellular phones and hearing protection devices

required to operate specific equipment) by all vehicle operators, as identified above, is also prohibited.

(2) A hands-free cellular phone device is a mobile cellular phone device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile cellular phone device, by which the user may use the mobile cellular phone device without the use of either hand, whether or not either hand is initially necessary to activate, deactivate, or initiate the hands-free function of such mobile cellular phone device. Other than the headset for hands-free cellular phone device use, this definition specifically does not include headphones, ear-phones, or other listening devices.

(3) This regulation does not preclude a passenger in a motor vehicle from using a cell phone or portable headphones, earphones, or other listening devices.

b. The use of wireless communication devices for valid emergency purposes and for law enforcement, medical treatment, or for fire response duties are the only authorized exceptions to this regulation.

c. Operators must give their full attention to driving the vehicle. Operators should avoid such distractions as eating, drinking, putting on makeup, operating radios, CD players, global positioning equipment, and so forth. This should only be done when the vehicle is safely parked.

d. Drivers are prohibited from allowing pets to ride in the drivers lap during the movement and operation of the motor vehicle.

5-4. Restraint Systems.

The wearing of safety belts (lap and shoulder, as provided) in government or privately owned or leased vehicles is mandatory for all personnel operating or riding in such vehicles on Fort Benning or its satellite facilities. Exempted from this requirement are military designed, tactical motor vehicles that are not equipped with restraining devices and privately owned vehicles manufactured before 1 January 1964. Restraint systems/seat belts will --

a. Be worn by all operators and passengers of government vehicles on and off the installation.

b. Be worn by all Civilian personnel (Family member, guests, and visitors) driving or riding in a POV on Fort Benning.

c. Be worn by all service members driving or riding in a POV whether on or off the installation.

d. Child passenger restraining systems (child safety seat) must be used for children under 7 years old in passenger automobiles, vans, or pickup trucks.

(1) Children under 7 years old and taller than 4'9" are exempt from the child safety seat requirement, but must use a lap and shoulder belt.

(2) Children under 7 years old and shorter than 4'9" not in a seat based on their weight or height

(3) Vehicles exempt from having to use child safety seats: Taxicab, public transit vehicles, school busses/vans.

e. Child restraint seats should be used in the rear seat unless the rear seat is inappropriate for correctly restraining a child in a safety seat or all other appropriate rear seating positions are occupied by children.

5-5. Pickup trucks.

Riding as a passenger in the uncovered bed of a pickup truck anywhere on Fort Benning is prohibited. For the purpose of this rule, the operator of the vehicle (and senior occupant in the case of a military vehicle) and the passenger(s) riding in the uncovered bed shall be deemed to have violated this prohibition.

5-6. Speed restrictions.

No person shall drive a motor vehicle at a speed greater than is reasonable and prudent under the prevailing conditions without due regard to the actual and potential hazards. The following speed limitations have been established for vehicles operating on the installation:

a. 25 miles per hour (mph), except as specified below or posted otherwise.

b. 15 mph in school zones, housing areas and construction sites, unless posted otherwise.

c. 10 mph when approaching or passing a formation of soldiers or passing joggers during morning physical training (PT) hours.

d. 10 mph when departing through installation access gates, unless posted otherwise.

e. 5 mph when traveling through an access control gate.

f. 5 mph within all parking lots.

g. Vehicles must be driven so as not to impede the reasonable flow of traffic. Hazardous conditions would, of course, require a reduction in speed.

5-7. Operation Slow Down (OSD). Speeds are reduced to 15 mph in the areas listed below at the times indicated for units and individuals to conduct physical training. Reduced speeds for OSD do not apply on weekends or holidays.

Sand Hill 0530 - 0700 MON - FRI

Main Post 0600 - 0730 MON - FRI

Harmony Church 0530 - 0730 MON - FRI

Kelley Hill 0625 - 0730 MON - FRI

* Kelley Hill is closed to all vehicular traffic except for emergency vehicles from 0625-0730, MON – FRI.

5-8. Running/PT Information

a. Main Post: The speed limit on Main Post will be 15 mph during Operation Slow Down which is from 0600 - 0730, Monday through Friday. Reduced speeds do not apply on weekends or holidays. When passing formations, drivers will reduce their speed to 10 mph. The only exception to those speeds will be for the roads listed below, wherein all physical fitness training and foot marches (both unit and individual) is prohibited at all times, and vehicle speed limits will remain as posted.

(1) 10th Mountain Division Road.

(2) Dixie Road, except the portion from Sightseeing Road (Sandy Patch) to the airfield.

(3) Sightseeing road from Dixie Road to Sunshine Road.

(4) Sunshine Road from the Access Control Point to Sightseeing Road.

(5) Lumpkin Road from Dixie Road to Custer Road.

(6) Custer Road from Benning Road to Eisenhower Exchange.

(7) Lawson Army Airfield in its entirety to include runways and taxiways

(8) Marne Road (Except Kelley Hill)

(9) Benning Road

(10) Sigerfoos Road

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(11) In addition, 82d Airborne Division Road from Sunshine Road to Bradshaw. Road will be closed to vehicular traffic from 0600 - 0730, Monday through Friday, for use by formations and individual runners. All unit runs will be completed by 0730.

b. Harmony Church: Physical fitness training (both unit and individual) may be conducted between 0530-0730, Monday through Friday from the intersection of 8th Division Road and Russell Road to the intersection of 8th Division Road and Jamestown Road;

Cusseta Road from 8th Div Road to the intersection with Crosbie Road and all interior roads between Jamestown Road and Cusseta Road.

Speed limit during this time will be reduced to 15 mph and 10 mph when passing troop formation. Reduced speeds do not apply on weekends or holidays.

The only exception to those speeds will be for the roads listed below, wherein all physical fitness training and foot marches (both unit and individual) is prohibited at all times, and vehicle speed limits will remain as posted

- (1) 1st Division Road
- (2) 8th Division Road
- (3) Wood Road
- (4) Jamestown Road

c. Kelley Hill: Closed to all vehicular traffic (Except Emergency Response Vehicles) from 0625 - 0730.

d. Sand Hill: The speed limit on Sand Hill cantonment area, which consists of the area bounded by and including the intersections of 2d Infantry Division Road, 3d Infantry Division Road, 2d Armored Division Road, Old Cusseta Highway, Wildcat Road and Moyer Road, will be 15 mph during the hours of 0530 - 0700, Monday through Friday. Reduced speeds do not apply on weekends or holidays. When passing formations, drivers will reduce their speed to 10 mph. The only exception to those speeds will be for the roads listed below, wherein all physical fitness training and foot marches (both unit and individual) is prohibited at all times, and vehicle speed limits will remain as posted.

- (1) 2d Street
- (2) 3d Infantry Division Road
- (3) Wildcat Road north of 2d Armored Division Road

e. Formations will not utilize more than one traffic lane and to include anyone running to the left of the formation. Road guards will wear reflective vests and be posted 25 meters to the front and rear of the formation.

During limit visibility road guards will carry flashlights. Units will ensure an NCO is designated as the straggler control NCO to ensure their safety and accountability.

f. Individual runners or walkers are required to utilize sidewalks when available. If no sidewalks are available, individual runners or walkers will run or walk as near as practical to an outside edge of the roadway, and will run or walk facing oncoming traffic. They must wear reflective vest or waist belts and high visibility clothing, and are prohibited from wearing headphones.

g. Running or walking is prohibited during periods of extreme limited visibility or unsafe roadway conditions, such as extreme rain or fog.

h. Running, walking and foot marches are prohibited on roadways where the speed limit is greater than 25 mph.

i. Physical Training in housing areas is prohibited.

j. Individual runners or walkers will yield the right of way to all approaching vehicles.

5-9. Parking.

a. General.

All parking on Fort Benning is governed by MCoE Regulation 190-5 and enforced by the Military Police. Requests for exception to policy, or additional authorizations for prohibited, restricted or reserved parking will be forwarded through Provost Marshal to the Garrison Commander for approval. If approved, the approval will be submitted along with a work order to DPW for implementation of proper markings and/or signage.

b. Housing area parking.

(1) Personnel residing in the Villages of Benning family housing must abide by their lease and any other policies and procedures prescribed by the FBFC LLC regarding the parking of vehicles within the housing communities violators are subject to ticketing and/or towing.

(2) Residents are responsible for informing visitors of the proper place to park their vehicle.

(3) Do not park motorcycles or other small engines with internal combustion engines on porches or adjacent to wooden structures due to the fire hazard posed by the gasoline tank.

c. Securing privately owned vehicles (public facilities)

(1) All vehicles will be secured by locking doors and winding windows completely closed when the vehicle is not occupied.

(2) Vehicles will not be left running without a licensed occupant inside.

(3) Vehicles with remote ignition capabilities for pre-engine warm up will be permitted **provided vehicle is secure.**

5-10. Motorcycles and Motor Scooters

a. Prior to operating any motorcycle, Soldiers, Government Civilian employees, family members and long term contract employee's (more than 120 days) that work, train or reside on Fort Benning will successfully complete an appropriate MSF-based BRC course or DUSD (I&E)-endorsed, State-approved curriculum for motorcycle operator's safety training. Training can be found at: <https://apps.imcom.army.mil/AIRS/default.aspx>

b. All military personnel, government Civilian employees, Family members, and long-term contract employees (more than 120 days) that work, train, or reside on Fort Benning or its subordinate installations must meet the following requirements to operate a motorcycle/moped on post:

(1) Properly licensed to operate a motorcycle.

(2) Complete the Motorcycle Safety Foundation (MSF) Basic Course (Operators must carry their MSF card when operating a motorcycle) (Only required for military personnel).

(3) Operators and passengers will wear the following required motorcycle safety equipment:

(a) Properly fastened, Department of Transportation (DOT) approved helmet, Federal Motor Vehicle Safety Standard No. 218 certified helmet, or Snell Standard M2005 helmet.

(b) Proper eye protection (shatter resistant glasses, goggles, or face shield).

(c) Full fingered gloves.

(d) Long pants.

(e) Long sleeve shirt or jacket.

(f) Leather boots or sturdy over the ankle boots.

(g) Motorcycle jackets and pants constructed of abrasion-resistant materials such as leather, Kevlar®, or COdura® and containing impact-absorbing padding are strongly encouraged.

(h) Riders are encouraged to select PPE that incorporates fluorescent colors and retro-reflective material.

(i) Passengers must be 13 years of age or older.

c. Motorcycles must have lights on when being operated.

d. Motorcycle operators not in compliance with the policy described in this regulation will be denied entry onto Fort Benning.

e. Motorcycle operators, not in compliance with this policy when operating a motorcycle inside post boundaries, will be cited.

f. Visitors operating motorcycles are required to meet the above requirements with the exception of the MSF Basic Course.

g. Operators of these vehicles will not carry any other person unless it is equipped with an additional seat and foot pegs for that purpose.

h. Soldiers are required to obtain a Company Commander's (or higher) approval to operate a motorcycle.

i. Privately owned off-road vehicles (ORV), all-terrain vehicles (ATV) of any type (3 or 4 wheeled), electric assisted bicycles, and scooters are prohibited on Fort Benning. The use of the above pieces of equipment in conjunction with official duties must be approved through the Garrison Commander's office. Golf cart usage is restricted to the golf course; golf carts are prohibited from being operated on any roadways. Exceptions to the above prohibitions may be requested through the Garrison Commander's office. Individuals granted an exception to policy must operate the equipment in accordance with state and installation motor vehicle regulations.

j. Upon completion of in-processing and your BRC, Soldiers must obtain a MCoE Motorcycle ID badge from the MCoE Safety Office. Appointments can be made by calling 706-545-8275.

k. Soldiers must bring their drivers license with motorcycle endorsement and their up to date MSF card showing either the BRC, ERC, BRC2, or MSRC or a combination of MSRC and BRC2 or ERC if the operator owns a sport bike and an other than sport bike.

l. All Motorcycles, Mopeds, and Motorbikes that are not secured inside a garage or other facility will be locked by either the internal handle bar locking mechanism or a chain lock when not in the visual site of the operator.

m. Motorcycles, Mopeds, and Motorbikes will not be left running without a licensed operator with in visual site.

5-11. Progressive Motorcycle Program.

a. The Army Progressive Motorcycle Program is designed to consistently keep motorcycle operator training current and sustain or enhance rider skills. The program consists of the following courses: Basic Rider course (BRC), Experience Rider Course (ERC), Military Sport Bike Rider Course (MSRC), and Motorcycle Refresher Training (MRT).

b. Based on the type of motorcycle(s) owned and operated, Soldiers complete either ERC (other than sport bikes) or the MSRC (sport bikes only) within 12 months of completing the Basic Rider Course (BRC).

c. Soldiers are required to take motorcycle sustainment training every three years (ERC or MSRC) following the completion of the ERC or the MSRC and cannot be waived.

d. The MRT will be provided for any Soldier owning a motor cycle and returning from a deployment greater than 180 days. The MRT will

be conducted prior to any Soldier operating his or her motorcycle with the exception of riding to the training site or location. The MRT will be conducted on the individual's own motorcycle to confirm ability to safely handle their motorcycle verses taking training on a smaller size/cc training motorcycle. Training will be provided through the Army through the Army traffic Safety Training Program contractor or may be conducted at the unit level using the USACR/SC MRT DVD, which is available on request from the MCoE Safety Office. Training can be found at <https://apps.imcom.army.mil/AIRS/default.aspx>

5-12. Bicycles.

a. Bicycle Operator Requirements.

(1) Bicyclists are required to obey the same rules of the road as a motorized vehicle. For example, they must stop at all "STOP" signs.

(2) No bicycle shall carry more passengers at one time than the number for which it was designed and equipped.

(3) Adult bicyclists will ride on the roadway (vice the sidewalk) of two-way traffic roadways, as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle.

(4) Juvenile bicyclists may ride on any available sidewalk.

(5) Bicyclists will ride single file when vehicle traffic is present. They may not ride more than two abreast.

(6) Bicyclists will not carry any package or bundle that prevents the operator from safely operating the bicycle.

(7) Bicyclists operating upon a sidewalk will yield the right of way to a pedestrian.

(8) Bicyclists will not attach themselves to any vehicle being operated on the roadway.

(9) No bicycle shall be parked upon a street or sidewalk.

(10) No bicycle shall be parked against a building in such a way as to obstruct pedestrian or vehicular traffic.

(11) Headphones, earphones, and cell phones are prohibited while riding a bike.

b. Bicycle Equipment Requirements.

(1) All bicyclists are required to wear an American National Standard Institution (ANSI-Z) or Snell Memorial Foundation bicycle helmet.

(2) Every bicycle shall be equipped with a brake that enables the operator to make the braked wheel skid on dry, level, clean pavement.

(3) All bicycles will be equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.

(4) Children under the age of four must use special safety seats when being carried as a passenger on a bicycle.

(5) During the hours of limited visibility, riders must wear reflective clothing/vests, have a white headlight visible from 300 feet, and reflectors mounted front and rear.

5-13. Non-Motorized and Toy Wheeled Vehicles.

a. Basic Rules for Other Non-Motorized and Toy Wheeled Vehicles.

(1) Skateboards, roller skates, in-line skates, sleds, scooters, razors, and other non-motorized toy vehicles, (excluding bicycles) may be operated on the sidewalks.

Table 5-1. Posted speed limits (Referenced in para 5-12)

AREA	LIMIT
Unless otherwise specified	25 mph
Family housing areas	15 mph
School zones (time as posted)	
Service drives and alleyways	
When passing troops in formation	10 mph
Parking lots	5 mph

Table 5-2. Reduced speed areas for Operation Slow down
(Referenced in para 5-13)

AREA	TIME	DAYS
Sand Hill	0530-0700	Mon thru Fri
Main Post	0600-0730	Mon thru Fri
Harmony Church	0530-0730	Mon thru Fri
Kelley Hill*	0625-0730	Mon thru Fri
Kelley Hill is closed to all vehicular traffic (except emergency vehicles)	0625-0730	Mon, Tues, Wed and Fri
Reduced speeds do not apply on weekends or holidays.		

(2) Use of headphones or earphones is prohibited when skating on roadways.

(3) Requirements include keeping to the right of the road with the flow of traffic, keeping in a single file, obeying traffic signals, signs, and devices to include posted speed limits.

(4) Skateboarding, roller-skating, in-line-skating and operating sleds, scooters, razors, and other non-motorized toy vehicles is prohibited from sundown to sunup.

(5) Skateboarding, roller-skating, and in-line-skating is prohibited on any roadway where the posted speed limits exceed 25 miles per hour. The following roadways are off limits at all times.

- (a) 10th Mountain Division Road.
- (b) Dixie Road.
- (c) Sightseeing Road from Dixie Road to Sunshine Road.
- (d) Lumpkin Road from Dixie Road to Custer Road.
- (e) Custer Road.
- (f) Marne Road.

b. Basic Equipment for Other Non-Motorized and Toy Wheeled Vehicles.

(1) All individuals operating scooters, razors, and other non-motorized toy vehicles must wear an ANSI-Z or Snell Memorial Foundation bicycle helmet.

(2) Skateboards, roller-skaters, and in-line skaters must wear an approved helmet. Wear of elbow pads, kneepads and a reflective vest is highly recommended.

**Section III
Miscellaneous**

5-14. Alcoholic beverages and beer.

a. General. The sale, possession and consumption of alcoholic beverages and beer on this installation are governed by the provisions of AR 215-1, Chapter 10.

b. Consumption of Alcoholic Beverages. Consumption of alcoholic beverages by military personnel on duty is prohibited except where specifically authorized, in accordance with MCoE Regulation 210-65.

c. Purchase, Possession, Consumption of Alcoholic Beverages. All personnel at Fort Benning must be 21 years of age in order to purchase, possess, and/or consume alcoholic beverages on Fort Benning. This is the law of the states of Georgia and Alabama. Positive proof of age will be determined prior to sales. Bona-fide guests may purchase alcoholic beverages by the drink if they meet the Fort Benning age requirement, but may not purchase in bulk.

d. Prohibitions Against Alcohol. The following are prohibitions against alcohol on Fort Benning:

(1) The consumption of alcoholic beverages in all public areas on the Fort Benning military reservation, unless otherwise authorized or designated by the Commanding General, is prohibited except as allowed herein. This prohibition does not apply to facilities authorized by law, regulation, the installation commander, or his delegate to sell alcoholic beverages for on-premises consumption. Such facilities include Food, Beverage and Entertainment (FB&E), which includes military clubs, authorized concessionaires, concerts, golf, bowling, Uchee Creek, Destin Recreation Area, Afterhours Community Center, Overhang Club, Gator Lounge, special events (Dinner Theaters, 4th of July Celebration, Oktoberfest) and authorized exchange outlets such as cafeterias and snack bars. Residential houses and the surrounding yards are excluded from this prohibition.

(2) Battalion commanders and above may authorize alcoholic beverages for unit parties, functions, and picnics. The authorized commander is responsible for the conduct of all individuals attending such functions and for ensuring that persons under the age of 21 do not drink alcohol.

(3) Battalion commanders and above may request through DFMWR to the Garrison Commander the authority to provide alcoholic beverages to underage Soldiers to foster camaraderie and friendship in a military environment on infrequent, non-routine military occasions when the entire unit, as a group, marks a uniquely military occasion. In order for underage Soldiers to drink alcohol at one of these occasions, the event must be held on the installation and commanders are responsible to ensure appropriate controls are in place to prevent endangering Soldiers and the surrounding community.

(4) The use or consumption of alcoholic beverages in a boat or the passenger/driver compartment of any motor vehicle is prohibited. It is prohibited to transport or possess any alcoholic beverages in a boat or the passenger/driver compartments of any motor vehicle when manufacturer's seal has been broken or the bottle, can, or keg has otherwise been opened. MCoE Regulation 190-5 and applicable state laws prohibit operating a boat or driving while intoxicated and is punishable under Article 111 of the UCMJ.

5-15. Fireworks.

The introduction, possession, and use of fireworks is prohibited on the Fort Benning Reservation except for authorized military training and for public demonstrations approved by this headquarters.

5-16. Hunting and fishing.

MCoE Regulation 200-3 provides information, guidance, and prescribes general policies and procedures concerning hunting and fishing on the Fort Benning Military Reservation.

5-17. Restricted areas.

a. All personnel, except fire fighters and military police, in the official performance of duty, and such others as may be authorized in writing by proper authority, are forbidden access to any building, area or activity designated as a RESTRICTED AREA.

b. The Commander, Maneuver Center of Excellence, has designated the following as RESTRICTED AREAS:

- (1) All weapons and ammunition storage areas.
- (2) All air traffic control facilities.
- (3) All telephone exchanges.
- (4) All crypto facilities
- (5) All data processing activities assigned a sensitivity level of "Critically Sensitive," "Highly Sensitive" or "Sensitive."
- (6) Designated vaults, rooms, or alarmed areas used for the storage of classified documents and/or material.
- (7) Other areas so designated which are used primarily in the conduct of classified or sensitive projects/instructions that require restricted access or control of movement as safeguards or protective measures.

5-18. Fire Protection Fire Alarms and Mass Notification Systems.

Only authorized contractors and certified fire protection personnel are allowed to maintain, install, and calibrate fire alarm and suppression/detection systems in Fort Benning facilities. Anyone tampering with Fire Protection and Safety equipment to include fire alarm, suppression/detection systems, mass notification systems, and fire alarm control panels will be responsible for all damages and costs associated with repairs/installation and final testing for the facility. In the event of any question pertaining to fire protection systems, please call the work order telephone number (706) 545-2135.

5-19. Mechanical and boiler rooms. Storage is prohibited within mechanical and/or boiler rooms. Unauthorized equipment and flammable/hazard materials in mechanical and boiler rooms are a safety hazard and will be removed at owner's expense.

5-20. Driving on sidewalks and grass areas. Motorized vehicles are not permitted on sidewalks and grass areas. Exceptions to policy are provided in the event of an emergency such public safety, fire, and life threatening situations.

5-21. Service of Civil Process.

Requests for service of a State court's civil process to individuals on the installation will be directed to the Military Police Activity. Military Police personnel will notify the individual to be served that he/she must appear at the Military Police station. If the individual declines to accept service, the requesting party will be permitted to serve the process per applicable State law, subject to reasonable restrictions imposed by the commander.

5-22. Repossessions.

a. General. Requests pertaining to the repossession of vehicles located on the installation will be directed to the Military Police Activity.

b. Requests without a Court Order. When a request for assistance in the voluntary repossession (no court order) is provided, assuming the vehicle owner is willing to voluntarily turn in the vehicle, repossession will occur at the Military Police station. It is the duty of the repossessing agency to make contact with the vehicle owner and arrange for the repossession.

c. Requests with a Court Order. When a request for assistance in the repossession of vehicles and a court order is provided, the Military Police will direct the individual to the Office of the Staff Judge Advocate, Administrative and Civil Law Division. A legal officer will review the court order and notify the Military Police as to its legal sufficiency. Upon approval by the legal officer, the Military Police will make

every attempt to assist the requesting individual in obtaining the vehicle specified in the court order.

5-23. Trash, Rubbish, and debris.

Removal of trash, rubbish, and debris is unauthorized in any location on the installation unless one or more of the following conditions are met:

1. You are responsible for the removal of trash, rubbish, and debris in that area, such as, a unit detail can remove trash, rubbish, and debris from their unit area of responsibility for the resident of quarters can remove trash, rubbish, and debris from their area.
2. You are working for a trash, rubbish, or debris removal company that has been contracted/employed by the installation or privatized housing to remove said items and you are on duty in the performance of that job.
3. You are Law Enforcement personnel performing official duties.
4. You have written permission to remove trash, rubbish, or debris from the person responsible for that area.

Chapter 6 Hearing Officer Procedures

Section I General Provisions

6-1. Purpose and Scope.

a. This Chapter establishes procedures to ensure the timely, fair, and efficient administrative resolution of allegations of misconduct relating to abuse of installation privileges and the good order of the installation.

b. This Chapter establishes the position of Installation Hearing Officer (Hearing Officer) with the responsibility to consider all cases referred to him or her, to make findings of fact, and to take action, or recommend appropriate action based thereon.

6-2. Definitions.

a. Installation Hearing Officer (Hearing Officer). A person appointed in writing by the Staff Judge Advocate to serve as a Hearing Officer. Those eligible to serve as Hearing Officer are as follows:

- (1) Any field grade officer;
- (2) Any Judge Advocate General Corps Officer in the rank of Captain or higher;
- (3) Any Department of the Army Civilian attorney or Civilian as appointed by the Staff Judge Advocate.

b. Final Decision. The determination as to the facts or an appropriate administrative disciplinary measure in a case, which is not subject to appeal or further review.

c. Initial Decision. The determination as to the facts or an appropriate administrative disciplinary measure in a case, which is subject to appeal or further review.

d. Review/Appeal Authority. The authority that reviews the Initial Decision of the Hearing Officer and renders a Final Decision.

e. Appropriate Case. An appropriate case for referral to the Hearing Officer is any case in which there is an alleged violation of any applicable federal or state law, or of any applicable Department of Defense, Army, TRADOC, FORSCOM, or Fort Benning Regulation or policy, for which the Referral Authority believes **administrative** action pertaining to some installation privilege may be warranted. A case is appropriate for referral to the Hearing Officer if, when allegations are deemed to be correct, the administrative action taken would include (but not necessarily be limited to) exclusion from the installation, com-

munity service or restitution in juvenile cases, or suspension or revocation of installation privileges (such as the privilege to drive a privately owned vehicle, operate a government owned vehicle, hunt, fish, cash checks, occupy government quarters, register a firearm, or patronize the PX, commissary, or morale, welfare, and recreation facilities).

f. Referral Authority. An agency or official authorized by this regulation to refer appropriate cases to a Hearing Officer for review. Referral Authorities include, but are not limited to, the Garrison Commander, the Director of Emergency Services (DES), the DFMWR, the Director of Public Works (DPW), the Commissary Officer, the Army Air Force Exchange Service (AAFES) Manager, the Director of Operations and Training (DOT), Veterinary Services, Commander, Martin Army Community Hospital (MACH), and unit commanders at any level.

g. Temporary Exclusion Order. A temporary letter issued by DES which may result in the imposition of a bar/exclusion at a later date.

h. Exclusion/Bar Letter. An order not to reenter issued by the Installation Commander upon final decision and in accordance with section 1382, Title 18, United States Code. Reentry for any purpose after having been removed or after being ordered not to reenter may result in prosecution. An exclusion letter represents a final decision and is therefore not subject to appeal.

Table 6-1. Offense and Period of Exclusion.
(Referenced in paragraph 6-2)

Offense	Period of Exclusion
Aggravated Assault	Permanent
Assault (Simple Battery)	5 Years
Burglary	Permanent
Communication of a Threat	5 Years
Criminal Trespass	5 Years/Permanent
Disorderly Conduct	5 Years
Distro or Sale of Controlled Substances	Permanent
DUI	5 Years
Forgery	5 Years
Intentional Damage to Military Property	Permanent
Intentional Damage to Personal Property	5 Years
Larceny or Wrongful Appropriation	5 Years
Murder or Manslaughter	Permanent
Rape or Sexual Assault	Permanent
Robbery	Permanent
Shoplifting	5 Years
Uttering a Worthless Check	5 Years

Note: The above table is only a guide and the penalties imposed may be more or less severe depending on the specific circumstances of the case. For those incidents not listed above, a period of exclusion will be recommended by the Hearing Officer.

**Section II
Hearing Procedures**

6-3. Hearing Procedures Applicable in All Cases.

a. Hearings conducted under this regulation will be informal. Neither the Military Rules of Evidence nor the provisions of AR 15-6 will apply.

b. This regulation does not create or expand any substantive or procedural rights which do not otherwise exist in any case or class of cases.

c. Hearings pursuant to this regulation are intended only to afford an affected person the opportunity to present any matters to the Hearing Officer before the Hearing Officer renders either an Initial Decision or a Final Decision. The Hearing Officer may receive and consider any evidence bearing upon the case from any source and by any means not precluded by law or regulation. Unless precluded from doing so by some other law or regulation, when a hearing is requested, the Hearing Officer will permit the affected person to examine and comment upon all evidence in the case at the time of the hearing.

d. Within three (3) duty days after learning of misconduct, or receiving from the CID or any other law enforcement agency any type of report of an on post incident in the following categories of cases, the DES is tasked to provide a complete report of the case to the Hearing Officer by forwarding a legible copy of all relevant documents to the Staff Judge Advocate, ATTN: Installation Hearing Officer. The report must include all prior offenses pertaining to the affected individual.

(1) All juvenile misconduct occurring on Fort Benning (NOTE: In cases involving misconduct of juveniles, the Hearing Officer has the authority to refer the matter to the JMAA or to take jurisdiction over the matter and dispose of it in accordance with the procedures set forth here.)

(2) Cases involving violations of hunting and fishing regulations on Fort Benning;

(3) Cases of driving while intoxicated (DWI), driving while under the influence of drugs or alcohol (DUI), or refusal to take or complete a lawfully requested chemical test to determine the alcohol or drug content of the blood. These cases will be reported regardless of whether they occurred on-post or off-post.

(4) Any case resulting in the DES issuing a temporary exclusion order.

e. All other referral authorities will refer appropriate cases to the Hearing Officer within three duty days after learning of misconduct that forms the basis of the referral. Notification shall include providing sufficient evidence upon which the Hearing Officer may issue an ejection order or take such other action as appropriate.

f. When notification of suspension or revocation of privileges is required by this regulation, it shall be made in person or through certified mail return receipt requested.

g. Individuals desiring to appear before the Hearing Officer must submit a written request for continued access to the installation and a copy of their notification letter or exclusion/bar letter as part of their appeal.

h. During a hearing, the subject of the pending action may present any evidence and/or witnesses relevant to the case. The subject may be represented by counsel at no expense to the government.

6-4. Request For Hearing.

a. Individuals having any of the privileges addressed in this chapter suspended or revoked, or who have been notified of pending action to do so, will be afforded the opportunity to present their appeal to the Hearing Officer at an administrative hearing after scheduling an appointment. The Hearing Officer may be contacted in person at the OSJA, Building 5; by mail addressed to OSJA, ATTN: ATZB-JAH, Fort Benning, GA 31905-5066; or by telephone at (706) 545-3285.

b. Hearings must be requested, in writing, within seven (7) working days from the date of notification of the suspension or revocation of the privilege. Failure to make such a written request to the Hearing Officer within the time allotted shall be deemed a waiver of this right. Notwithstanding an untimely request, the Hearing Officer may, in his or her discretion, grant the affected person a hearing upon a showing that, for good cause, it was not practicable for the affected person to make a timely request.

c. When an affected person is given reasonable notice of the time and place for a hearing and fails to appear or present evidence, the Hearing Officer may make a decision or recommendation based upon the information and evidence available.

Table 6-2. Hearing Procedures (Referenced in para 6-3)

Misconduct	Referral Agency	Initial Decision			Final Decision
Exclusions	DES /GC /SJA	HO	DSJA	SJA	IC
Traffic	DES /GC /SJA	HO	DSJA	SJA	IC
PX/ Commissary	DES /GC /SJA	HO	DSJA	SJA	GC
Hunting and Fishing	DES /GC /SJA	HO	DSJA		GC
Pet Control	DES /GC /SJA /VCO	HO	DSJA		GC

DES = Director of Emergency Services
 IC = Installation Commander
 GC = Garrison Commander
 SJA = Staff Judge Advocate
 HO = Hearing Officer
 DSJA = Deputy Staff Judge Advocate
 VCO = Veterinary Services Officer

6-5. Sanctions and Grievances.

a. In addition to the sanctions which may be imposed under this or other regulations, the Hearing Officer may recommend to the proper authorities any other administrative action which may be appropriate in a particular case.

b. A federal Civilian employee whose conditions of employment are adversely affected by the Hearing Officer's decision may grieve that decision under the appropriate grievance procedures specified in his or her terms of employment.

**Section III
Exclusions**

6-6. General.

a. In accordance with Title 18, U.S. Code, § 1382, and DA Pam 27-21, Administrative and Civil Law Handbook, Paragraph 2-15, the Installation Commander may exclude an individual from the installation for cause. Violation of this exclusion constitutes criminal trespass under 18 U.S.C. § 1382, and is punishable by both fine and imprisonment.

b. In an exclusion case, only the Installation Commander may make the final decision.

6-7. Notification.

a. For cases involving individuals detained or apprehended, the DES will provide notification in the form of a temporary exclusion order.

b. For cases not involving detention or apprehension, the Hearing Officer will mail a notification letter in the form of a show cause letter to the subject informing him or her of pending exclusion.

6-8. Requesting a Hearing.

In the event of unusual and compelling circumstances, the Installation Commander may direct exclusion from the installation without conducting a hearing.

6-9. Penalties

a. Following the hearing, the Hearing Officer will prepare a recommendation to be forwarded through the Staff Judge Advocate to the Installation Commander for Final Decision. The Hearing Officer will consider, as a guide only, the exclusion periods listed in table 6-1.

b. The Hearing Officer will notify the subject, in writing, of the Installation Commander's decision as soon as practicable after it is rendered. The notice will be delivered in person or via certified mail.

c. If permanent exclusion is ordered, an individual may request reconsideration no earlier than six (6) months from the date the order is issued. When requesting reconsideration, all reasons why access to Fort Benning is needed must be addressed. Appeals to temporary exclusion orders may be filed, in writing, with the Administrative and Civil Law Division, Office of the Staff Judge Advocate, ATTN: ATZB-JAA, Fort Benning, GA 31905-5066.

**Section IV
Driving Privileges**

6-10. General.

The Installation Commander (or his designee), as described in AR 190-5 and MCoE Regulation 190-5, may administratively revoke or suspend installation driving privileges.

6-11. Notification.

a. For cases involving individuals detained or apprehended, the DES will provide notification of the suspension of driving privileges in the form of a suspension letter which is valid for the period of time indicated in the letter.

b. For cases not involving detention or apprehension (traffic points accumulation), the DES will notify the individual's command, requesting the individual to report for issuance of the suspension letter.

c. In cases involving off-post DUI/DWI offenses, the procedures in paragraph b above, apply.

6-12. Restricted Driving Privileges.

a. Restricted driving privileges may be granted to preclude adverse military mission impact, severe family hardship, or detrimental effect on ongoing or contemplated alcohol or drug rehabilitation treatment involving the affected individual.

b. The Installation Commander is the approval authority for all requests for restricted driving privileges.

c. Restricted driving privileges will not be granted for persons whose driver's license are under suspension or revocation by a State or Federal court or administrative agency.

d. Restricted driving privileges are designed to be limited in scope, and have not been created to allow an individual to drive freely on post.

e. Individuals requesting restricted driving privileges must possess a valid state driver license and have completed or be enrolled in the Fort Benning Advanced Driver's Education Class. Military Personnel must also have been enrolled in the ASAP program.

f. Restricted driving privileges may be requested anytime during an individual's suspension or revocation, provided they comply with paragraph e. above.

g. Restricted driving privileges may be requested by contacting the Installation Hearing Officer. A hearing will be conducted to determine if

MCoE Regulation 210-5

the individual meets the basic criteria for restricted driving privileges. The individual will provide the Hearing Officer with a copy of the suspension or revocation notice and a written request for restricted driving privileges. The written request will indicate the following:

(1) The circumstances of the incident(s), to include the nature of the offense, date and time of each offense, the outcome of all related court proceedings, the amount of fines paid for each offense, any administrative actions taken as a result of driving violations, and the blood alcohol level reading, if applicable.

(2) The reason(s) why the restricted driving privileges are being requested.

(3) The specific route(s) which the subject is requesting to drive, to include street names and building numbers of the specific destinations.

(4) The date on which the ASAP program was completed, if applicable.

(5) The requesting individual must sign and date the request.

(6) Military personnel must also include in their written request, a detailed memorandum, with Company, Battery, or Troop Commander's recommendation of approval, and endorsements from their Battalion or Brigade Commanders (equivalent).

(7) Civilian personnel employed on Fort Benning requesting such privileges must include recommendations from their first and second line supervisors.

h. Following the administrative hearing, the Installation Hearing officer will prepare a recommendation to be forwarded through the Staff Judge Advocate to the Installation Commander or his designee. All revocations and suspensions will remain in effect pending the subject receipt of the Installation Commanders decision.

i. If granted, the conditions and terms of the restricted driving privileges will be specified in writing and provided to the individual concerned. For military and Civilian personnel employed on Fort Benning, all decisions will be forwarded through the subject's chain of command. Individuals granted restricted driving privileges are required to maintain a copy of the memorandum granting said privileges in their possession while operating a motor vehicle on the installation.

j. Copies of all approved restricted driving privileges will be provided to DES.

k. Restricted driving privileges are subject to termination upon any further misconduct or any violation of the terms specified in the decision letter.

Section V Suspension of PX/Commissary Privileges

6-13. General.

In accordance with AR 60-20, Section 2-15, and AR 30-19, Section 4-20, personnel charged or convicted of shoplifting or other abuses, to include intentional presentations of dishonored checks or employee pilferage, occurring at either an AAFES or Commissary facility, will be denied access to all AAFES or Commissary facilities, respectively, for a minimum period of six (6) months.

6-14. Notification.

Notification of suspension will be provided, in writing, by the DES, to the individual concerned at the time of their apprehension in the form of a suspension letter. At that time, the DES will also serve the individual concerned with ID card confiscation orders.

6-15. Hearing Procedures.

See Section 2, above. A copy of all final decisions relating to commissary suspensions will be forwarded to the commissary manager in accordance with AR 30-19.

Section VI Hunting and Fishing Privileges

6-16. General.

Under the provisions of MCoE Regulation 200-3, persons authorized to hunt or fish on Fort Benning may have their privileges suspended or revoked for violating any of the installation hunting and fishing guidelines, rules and regulations issued by the Georgia (or Alabama, as applicable) Department of Natural Resources or rules and regulations (as applicable) issued by the United States Fish and Wildlife Service.

6-17. Notification.

Persons in violation of MCoE Regulation 200-3 will receive written notice of the suspension or revocation of their hunting and fishing privileges from the DES at the time of their apprehension.

6-18. **Hearing Procedures.** See Section II, above.

Section VII Pet Ownership Privileges and Control

6-19. Exclusion of Pet(s).

a. In accordance with MCoE Regulation 40-905 and this regulation, the Garrison Commander may order the removal of a pet from the installation. Violation of this exclusion may subject the individuals concerned to the loss of pet ownership privileges and may result in the loss of on-post housing privileges for repeated or serious violations.

b. A pet may be removed from post if it presents a public nuisance or health concern. Public nuisance includes, but is not limited to, incidents of neglect or abuse, loss of owner control such as a stray impoundment, or minor provoked bites. Public health concerns include, but are not limited to, unprovoked animal bites and multiple stray impoundments of owned animals.

c. Vet Services will maintain a file on all pets/animals evaluated following the issuance of a pet removal order for the Hearing Officer's future use, if necessary. Such files will be forwarded within three (3) days of the Hearing Officer's request. All files will comment, when applicable, on the circumstances concerning the bite, to include whether the bite was unprovoked or due to an animal's naturally aggressive disposition. In abuse/neglect cases, files will include specific information regarding the animal's condition during evaluation.

6-20. Revocation of Pet Ownership Privileges.

a. In accordance with MCoE Regulation 40-905, Pet and Animal Disease Control, the Garrison Commander may order the revocation of installation pet ownership privileges. Violation of this order may subject the individuals concerned to loss of on-post housing privileges.

b. An owner not complying with MCoE Regulation 40-905 or otherwise not properly caring for their pet is subject to the loss of on-post pet ownership privileges. Improper care includes, but is not limited to, repeated stray impoundments, commercially breeding/raising pets on post, not registering or maintaining registration on a pet, not testing and treating for parasites, not properly immunizing a pet, breaking home quarantine, and not treating diagnosed communicable diseases.

6-21. Notification.

a. The individual may be issued a pet removal order requiring immediate removal of an animal if the Veterinary Corps Officer (VCO) has declared the incident concerning the animal involves a public health concern. This order will give the individual concerned notice that:

(1) the animal must be removed immediately, and

(2) that he or she may request a hearing within seven (7) working days of receipt of the order. Final action by the Garrison Commander will be delayed pending hearing or a waiver thereof. Pet removal orders may only be issued by the VCO or by the DES, with prior approval by the VCO.

b. The individual concerned may be issued notice of pending action by the Garrison Commander. Either the VCO or DES may issue this notice in cases where a privately owned animal has created a public nuisance. Individuals will be given an opportunity for a hearing, and the animal will be allowed to remain on post pending a final decision by the Garrison Commander.

6-22. Hearing Procedures.

See Section 2, above. The Hearing Officer will notify the subject, in writing, of the Garrison Commander's final decision as soon as practicable after it is rendered. The notice will be delivered in person or via certified mail. Soldiers may pick up the decision in person from the Hearing Officer or receive it through chain of command distribution.

Chapter 7

Juvenile Misconduct Action Authority (JMAA)

Section I

Responsibilities

7-1 General.

a. The Garrison Commander (GC) will appoint the Juvenile Misconduct Action Authority (JMAA) and an Assistant Juvenile Misconduct Action Authority (AJMAA). The GC serves as Appellate Authority for decisions of the JMAA. Upon request of the JMAA, the GC may appoint an Investigating Officer (IO) in serious or complex cases.

b. The JMAA will hear all cases of juvenile misconduct on Fort Benning which are referred to him/her by the Installation Hearing Officer. The JMAA will make a finding of responsibility and recommend or take appropriate administrative actions. The authority to act as JMAA may not be further delegated.

c. The AJMAA will assist the JMAA administratively and is responsible for receiving reports, maintaining records, and monitoring the status of juvenile misconduct incidents. If required, the JMAA may direct the AJMAA to interview interested parties and collect evidence on juvenile misconduct incidents. Judge advocates, military police personnel, and counselors will not be assigned as AJMAA's.

d. The Director of Emergency Services will designate a representative to present evidence of juvenile misconduct on Fort Benning to the JMAA.

e. The Staff Judge Advocate will designate an advisor to the JMAA. The advisor will provide guidance to the JMAA and review appeals prior to Appellate Authority action.

f. Separate and apart from the JMAA, Fort Benning Schools (FBS) officials will be responsible for taking appropriate administrative action regarding student disciplinary problems that occur at schools, during school activities, or while using FBS-run school buses.

g. Sponsors will make every effort to prevent misconduct by their family members. Sponsors are expected to cooperate fully with the JMAA, to encourage family members who commit misconduct to demonstrate that they should be permitted to retain access to Fort Benning, and to use recommended services (for example, counseling, consultation with school officials, parent effectiveness training) to encourage family members to act responsibly. In all instances herein in which responsibilities or rights are given to the sponsor, those responsibilities or rights shall accrue to the custodial parent if the sponsor is not present at Fort Benning.

h. Commanders at all levels will support JMAA actions. If the sponsor's commander refuses to cooperate with the JMAA, the JMAA will refer the matter to the next higher commander in the chain of command.

7-2. Policy.

a. The CG has the authority to revoke or suspend installation privileges, including the privilege to access the post exchange, other installation facilities, and the installation itself. The authority to revoke exchange privileges and access to recreation centers and the Youth Activities Center for juveniles only is hereby delegated to the JMAA.

b. Incidents of misconduct will be resolved as quickly as possible. The JMAA will conduct hearings twice each month at which time he or she will determine the appropriate administrative actions for the misconduct.

7-3. Juvenile Misconduct Action Authority (JMAA) initial options.

a. All persons with information about juvenile misconduct on the installation will report the misconduct promptly to the Installation Hearing Officer. If, after reviewing the file, the Installation Hearing Officer determines the file is appropriate for consideration by the JMAA, the Installation Hearing Officer will immediately refer the matter to the JMAA.

b. Upon receipt of the notification of misconduct, the JMAA may immediately suspend any logistic support privileges to prevent further misconduct pending final review.

c. After reviewing the available facts, the JMAA may:

(1) Take no action.

(2) Impose minor administrative sanctions (oral counseling or letter of warning). This option is appropriate when facts are established or undisputed and remedial action apparent. No prior notice or hearing is required. The JMAA will notify the offender (and parent/sponsor) of the minor administrative sanction(s) imposed.

(3) Conduct (with AJMAA assistance) a preliminary inquiry to gather facts if circumstances of incident unclear.

(4) Seek GC appointment of an Investigating Officer (IO) for serious or complex cases. An IO may employ AR 15-6 informal procedures; such investigations are not formal investigations under the provisions of AR 15-6. An IO will present written findings and recommendations to the JMAA.

7-4. Actions following preliminary inquiry or IO investigation.

a. Upon completion of preliminary inquiry or receipt of IO report, the JMAA may:

(1) Take no action.

(2) Impose minor administrative sanctions (see paragraph 4-3.4 c (2) above).

(3) Where minor administrative sanctions are insufficient, notify the sponsor of the allegation, the right to be confronted with the evidence against the juvenile, the right to present evidence on his/her own behalf (including witnesses), and the date of the hearing. Notification may be in writing or oral. If notification is oral, the JMAA will speak directly to the sponsor (or custodial parent, if the sponsor is not present at Fort Benning) and will confirm notification by a memorandum for record.

(a) Participation in this program is voluntary. If the sponsor does not consent, alternate administrative action may be taken by the Installation Hearing Officer, or the case may be referred to Muscogee or Chattahoochee County Juvenile Court.

(b) The juvenile and sponsor may waive the right to a hearing and agree to submit to such administrative actions as the JMAA imposes.

(c) At the hearing, the evidence against the juvenile will be presented to the JMAA and the juvenile and his/her sponsor. The juvenile and his/her sponsor may testify and present evidence, in the

MCoE Regulation 210-5

form of written statements or witnesses, for the JMAA's consideration. The juvenile may not be represented by an attorney.

(d) Attendance at the hearing will be limited to the JMAA, juvenile and sponsor or parent, DES representative, and relevant witnesses. The Community Life Officer and Staff Judge Advocate's representative may observe.

(e) The JMAA will announce his/her decision at the conclusion of the hearing. The decision will be reduced to writing and a copy provided to the sponsor and his/her unit commander or supervisor. The decision will inform the juvenile and sponsor of their opportunity to submit a written appeal to the Appellate Authority within seven calendar days of receipt of the decision. Appeals will be sent through the JMAA to the Appellate Authority for action. Administrative actions, other than revocation or suspension of exchange privileges, will be stayed pending action on the appeal.

b. When an activity other than the JMAA is responsible for effecting an administrative action (for example, the Installation Hearing Officer for termination of assignment to quarters), the JMAA will notify that activity and recommend actions. If that activity decides the actions recommended by the JMAA are inappropriate, the JMAA will refer the matter to the GC for decision.

c. The JMAA may suspend one or more administrative actions, with the exception of revocation of exchange privileges, on the condition of good behavior by the offender. The JMAA also may suspend actions pending successful completion of community service. Suspensions of actions should not ordinarily exceed one year.

d. Legal review is not required before the JMAA announces his/her decision. The JMAA should seek legal advice when an offender files an appeal and in complex cases.

e. The JMAA will maintain records of actions taken for acts of misconduct. The records will be maintained for three years from the date the JMAA notifies the juvenile of actions taken or the date of action on an appeal, whichever is later.

7-5. General guidance in selecting administrative actions.

The JMAA will consider the following factors when selecting appropriate actions for misconduct:

a. Seriousness of the misconduct.

b. **Relationship of the action to the offense.** For example, exchange privileges should not be suspended for vandalizing a school.

c. **Offender's prior record.** Stronger action is warranted against persons who have been involved in misconduct previously.

d. **Age and maturity of the offender.** The JMAA should handle theft committed by a 10-year-old child differently than theft committed by a teenager.

e. **Compensation to victims.** The JMAA will consider actions taken by the offender to rectify the effects of the misconduct. The JMAA cannot force offenders or their sponsors to compensate victims for loss or damage; however, restitution by offenders for damaged property, including Government property, is one indication of a willingness to live responsibly in the community in the future. Compensation to victims need not be monetary. In determining appropriate sanctions, the JMAA may consider any type of compensation acceptable to the victim (for example, errand running, lawn mowing)

7-6. Administrative actions.

The JMAA may use, among others, the following administrative actions to respond to juvenile misconduct:

a. **Counseling.** The JMAA may counsel an offender and his sponsor about the misconduct.

b. **Referral.** The JMAA may refer the offender and/or parents to an appropriate social service.

c. **Letter of warning.** The JMAA may issue a letter of warning to the offender and his sponsor. The letter will be sent through the sponsor's commander or supervisor. If the letter of warning is issued without a hearing, the offender and sponsor may respond in writing within three calendar days, and a copy of the response will be maintained with the letter of warning in the JMAA files.

d. **Letter of restriction.** The JMAA may issue a letter limiting the offender's travel or presence on the installation, absent parental accompaniment, to certain areas and/or certain times.

e. **Suspension or revocation of privileges.** The JMAA may suspend or terminate an offender's or sponsor's privileges. Such privileges include, but are not limited to, the following:

(1) **Army and Air Force Exchange Service operating facilities.** In cases of shoplifting, exchange privileges must be suspended for a minimum period of 6 months. On appeal, the Appellate Authority may reinstate exchange privileges for cogent and compelling reasons (AR 60-20, paragraph 2-15).

(2) **Commissary.** Commissary privileges may be suspended for an appropriate period of time if those privileges are abused.

(3) **Family and Morale, Welfare and Recreation Activities.** Offenders may be denied the privilege of participating in an MWR activity if it is in the best interest of the activity, the community, or the U.S. Army. The misconduct need not involve abuse of the particular morale support activity. The JMAA will ensure that any such activities are notified of the suspension.

f. **Exclusion.** The Commanding General may exclude offenders and sponsors from the installation. The JMAA's recommendations in this regard will be forwarded to the Installation Hearing Officer at the Office of the Staff Judge Advocate for action. The JMAA must be aware that exclusion may have incidental effects, including denying a person access to exchange, commissary, or other locations where privileges have not been abused and making a person ineligible for future employment on the installation. Offenders may not be barred from access to medical treatment facilities.

g. **Probation.** The JMAA may place the offender on probation for a period of up to one year. The sponsor will provide monthly progress updates to the JMAA, including information as to the offender's conduct and school performance.

h. **Community Supervision Programs.** Community supervision programs are effective means to determine if an offender is willing to be a responsible community member. Community supervision programs should be tailored to the offense and the offender. Examples include requiring the offender to:

(1) Periodically report to the JMAA or an appropriate designee;

(2) Receive periodic home visits from the JMAA or designee;

(3) Remain at home during specified hours of the day;

(4) Perform services in the community. Those services may not involve services that are currently or normally covered by appropriated fund positions or contracts. Community service placements will be coordinated with the activity where the offender is to work prior to the offender's placement.

Parents will supervise juveniles in community supervision programs. The sponsor will periodically certify the juvenile's satisfactory progress in the program. If community service is performed, its completion will be certified by the sponsor and will also be certified by a representative of the activity where performed.

Appendix A References

Section I Required and related publications

Title 18, United States Code
Section 1382

Army Publications

AR 15-6, Procedures for Investigating Officers and Boards of Officers
AR 40-905, Veterinary Health Services
AR 190-5, Motor Vehicle Traffic Supervision
AR 190-11, Physical Security of Arms, Ammunition and Explosives
AR 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties
AR 215-1, Morale, Welfare and Recreation Programs and Non-appropriated Fund Instrumentalities
AR 215-8, Army and Air Force Exchange Service Operations
AR 385-10, The Army Safety Program
AR 600-20, Army Command Policy
AR 608-10, Child Development Services
AR 608-18, The Army Family Advocacy Program

DOD Publications

DOD Directive 5525.4

MCoE Publications

MCoE Regulation 190-5, Vehicle Traffic Regulation
MCoE Regulation 200-3, Hunting and Fishing Regulation
MCoE Regulation 210-65, Sales and Consumption of Alcoholic Beverages
MCoE Regulation 600-5, Civilian Clothing Standards

DoDI Publications

DoDI 1330.17, Armed Forces Commissary Operations

Section II Referenced forms

DA Form 4283, Facilities Engineering Work Request

FB Form 144-R, Environmental Consideration Record

Glossary

Section I Abbreviations

AAFES

Army and Air Force Exchange Service

ADAPCP

Alcohol and Drug Prevention and Control Program

AJMAA

Assistant Juvenile Misconduct Action Authority

AR

Army Regulation

ATV

All-Terrain Vehicle

BOQ

Bachelor Officer Quarters

DeCA

Defense Commissary Agency

DES

Directorate of Emergency Services

DFMWR

Directorate of Family Morale, Welfare and Recreation

DOT

Directorate of Operations and Training

DPW

Directorate of Public Works

FBS

Fort Benning Schools

FORSCOM

U.S. Army Forces Command

GC

Garrison Commander

HO

Hearing Officer

IO

Investigating Officer

JMAA

Juvenile Misconduct Action Authority

NRMB

Natural Rescues Management Branch

ORV

Off-Road Vehicle

OSD

Operation Slow Down

PMO

Provost Marshal Office

SEBQ

Senior Enlisted Bachelor Quarter

TDY

Temporary Duty

TRADOC

U.S. Army Training Command

UCMJ

Uniform Code of Military Justice

MCoE

Maneuver Center of Excellence

VCO

Veterinary Corps Officer

Section II

Terms

(There are no terms)

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