

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

Fort Benning Regulation
Number 210-5

3 March 2025

Installations
GARRISON REGULATION

FOR THE COMMANDER:

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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 22 February 2012 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, U.S. Army Garrison, ATTN: AMIM-BEG-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, U.S. Garrison, ATTN: AMIM-BEG-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. Persons not subject to UCMJ may be excluded from the installation under paragraph 6-5 of this regulation. The paragraphs that are punitive in nature are: 3-2, 3-3, 3-4, 3-5, 3-7, 3-8 3-9, 3-10, 3-11, 4-2 (e) – (f) 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 this regulation is provided to and acknowledged by 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, modify the age limits minimums/maximums to make them more stringent.

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 (step-parent), 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 8 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. Children age 8 and below will be accompanied by parent/guardian while walking to and from school or awaiting a school bus.

h. These guidelines are basic minimum 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 the 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 on Fort 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 their 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.

a. 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.

b. Shirts, pants or shorts, and footwear will be worn in public.

c. Items which are specifically prohibited in on-post facilities include:

- (1) Underwear when worn as an outer garment.
- (2) Mesh or "see through" shirts that expose bare skin of the upper torso. Upper garments that do not cover the upper torso; inappropriate garments include those that have a large cut-out under the arms.
- (3) Bare feet except at swimming pools and shower rooms or when sunbathing.
- (4) Modified items of military clothing or mixed military and civilian clothing in accordance with AR 670-1.
- (5) Physical Training (PT) uniform (Army issue), except at gymnasiums.
- (6) Clothing which is disreputable or in extreme disrepair.
- (7) At no time will any person conduct physical training on Fort Benning without an appropriate athletic shirt. This applies to Soldiers (Active, reserve and retired), Family members, Civilian personnel and authorized guests.

Male personnel in the yards of quarters or when using the 5 post swimming pools may remove shirts.

- (8) Clothing with offensive/profane language or symbols.

3-9. Playing of hand-carried radios & 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 driving 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, DoD Directive 1344.10.

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

c. The principle of maintenance of good 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 or assigned to 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.

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 DFMWR publications and other marketing media (website, digital signs and so forth.)

b. Advertising for and fundraising from 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 types of 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 706-545-2448. The DFMWR Fundraising Coordinator is located at the Support Management Division, BLDG 85, 6850 Barron Ave, Fort Benning, GA from 0800 to 1700.

Chapter 4

Privatized Housing

4-1. **General.** In 2006, the United States Army partnered with a Residential Communities Initiative (RCI) Partner under the provisions of the Military Housing Privatization Initiative Act of 1996, in order to provide Service Members and their families, and other eligible tenants, quality Housing and Housing Services at Fort Benning. As of August 2021, The Michaels Organization (TMO) is the Managing Member. The public/private venture between TMO and the Army at Fort Benning is called Fort Benning Family Communities, LLC (FBFC). The property management company is referred to as The Villages at Fort Benning (henceforth referred to as The Villages). The Garrison's Directorate of Public Works has a Housing Division (also referred to as the Military Housing Office (MHO)) which acts in coordination with the Garrison Commander on behalf of the government to assess, advise, and assist the RCI Partner's efforts to provide quality housing and housing services. This chapter provides basic guidance to residents regarding their responsibilities as residents of Fort Benning Privatized Housing. It is not intended to be comprehensive or to replace the resident's lease or The Villages' Resident Responsibility Guide (RRG), but to provide additional/amplifying guidance, clarity, and emphasis on community standards for select topics in the midst of several different authoritative forms of guidance from various stakeholder agencies.

4-2. Pet Control.

a. References: AR 40-905 (Veterinary Health Services) and MCOE 40-905, DoDI 1300.27 (Guidance on the Use of Service Dogs by Service Members, 7 Jan 2016), HQDA Policy (Pet Policy for Privatized Housing Under the Army's RCI Privatization Program (5 January 2009)), The Villages at Fort Benning Lease (August 2021), and The Villages at Fort Benning Resident and Responsibilities Guide (August 2021)

b. General. Families are allowed no more than two (2) "leashed" pets per home unless an exception to policy is submitted to The Villages and approved by the Garrison Commander or his designated representative. For purposes of this policy/regulation, the term "leashed" pets refers to cats and dogs. There is no formal limitation on the number or type of "caged pets" or animals, except as noted in paragraphs 4-2c and d.

c. Aggressive/Dangerous or Potentially Aggressive/Dangerous Dog Breeds. For purposes of this regulation, aggressive/dangerous or potentially aggressive/dangerous breeds of dogs are defined as Pit Bulls (American Staffordshire Bull Terriers or English Staffordshire Bull Terriers), Rottweilers, Doberman Pinschers, Chows, and wolf hybrids. This prohibition also extends to other dogs that demonstrate a propensity for dominant or aggressive/dangerous behavior as indicated by any of the following types of conduct:

- (1) Unprovoked barking, growling, or snarling when people are present.
- (2) Aggressively running along fence lines when people are present.
- (3) Biting or scratching people, or attacking other pets.
- (4) Escaping confinement or restriction to chase people.

The above-mentioned breeds are only allowed on the installation to travel to and from a veterinary services appointment at the Fort Benning Veterinary Center, BLDG 265, and must be muzzled at all times while on the installation. No animal shall be allowed to snap, growl, snarl, jump on or otherwise threaten persons without provocation. Upon a determination that an animal has created a public health concern, the Garrison Commander, in consultation with the installation Veterinarian, has the authority to immediately order an aggressive animal from post when the animal has caused unprovoked harm to any person or animal, or are involved in two provoked bite/scratch incidents. 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. Prohibited Animals – Wild, Exotic, or Livestock Animals. Wild, exotic or livestock animals are not allowed in family housing areas. Such animals include, but are not limited to horses, reptiles, rodents (other than hamsters and guinea pigs), ferrets, hedgehogs, skunks, rats, raccoons, squirrels, pot-bellied pigs, monkeys, arachnids, or any farm animal.

e. Service and Therapy Dogs. A Service Dog is any dog trained and certified to assist and meet the needs of its disabled handler. A Service dog can be any breed or size as long as it is properly trained and certified. Service members and other residents are advised to be wary of organizations which will offer to certify their dog as a Service Dog without appropriate medical need and documentation, and appropriate training. A Therapy dog is any dog that is trained to meet the needs of others such as in a nursing home, hospital, schools, and a variety of other settings. There are dogs that do multiple jobs as both service dog and therapy dog. Service dogs are protected under the Federal Americans with Disabilities Act and may accompany their handler in every public environment. Some of those areas are restaurants, grocery stores, medical facilities, official buildings and courts. Therapy dogs do not have the same access rights that service dogs do. Of note, the Americans with Disabilities Act applies to DoD only by policy, and DoDI 1300.27 (Guidance on the Use of Service Dogs by Service members), 7 Jan 2016, states in section 3.b, that Military Departments retain authority over installation access, control, and domiciling for all animals other than service dogs. The Garrison will not approve restricted breed animals in Housing which are not properly trained and certified as Service Dogs. Therapy Dogs and Emotional Support Animals do not constitute specific exceptions.

f. Registration of Pets. Owners have 30 days from the time of occupying an on-post home or acquiring a pet to register the pet with both the Fort Benning Veterinary Center and the Villages at Benning even if they seek a civilian veterinary care. ALL animals residing on post must properly register, immunize, administer year round antiparasitic, and control their pets. The Villages at Fort Benning requires a \$250 deposit for each leashed pet.

g. Care of Pets. Owners will properly care for and control their pets. Owners will immunize their pets in accordance with Fort Benning Veterinarian Center guidance (state law or federal law). 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. 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).

h. Conduct of Pets/Aggressive Dogs. No animal shall be allowed to snap, growl, snarl, jump on or otherwise threaten persons without reasonable provocation. Dog owners must demonstrate an ability to control their dog and prevent such threatening behaviors. Dog owners must take a pet that bites someone to the installation Veterinarian for examination and quarantine within 24 hours, or an otherwise reasonable timeframe. Aggressive animals which cause unprovoked or substantive 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 or Garrison Commander 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.

i. 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 a squirrels/armadillos) that are dead within the property boundaries associated with their residence. 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 of a non-domestic animal. The removal of dead animals, both domestic and non-domestic, from common areas will belong to the property management company or organization/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 organization or unit responsible for that area.

j. Fostering Pets. The Fort Benning Stray Animal Facility is always looking for families to foster pets. Residents are permitted to foster pets for a short period, 2-4 weeks (not to exceed 30 days) in order to assess whether the pet is right for their family. Residents will not foster pets for a period beyond four weeks without adopting them and assuming resident responsibilities as a pet owner, including proper registration and registration fees.

k. Abandonment of Pets. Fort Benning residents are expected to be responsible pet owners. They will not abandon their pets during their residence here, or in preparation for their arrival or departure. If a resident chooses to – or is directed to – give up their pet, they will take the pet to another person or facility authorized and able to accept the pet. The Fort Benning Stray Animal Facility is available to accept pets from leaseholders.

l. Violations. Violations of guidelines in this chapter 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 or Installation Hearing Officer, in close coordination with the Provost Marshal, the Housing Office, and the Garrison Commander.

4-3. Home-Based Businesses. Home-Based Businesses are subject to the approval of the Garrison Commander.

a. Office of Primary Responsibility. The Garrison's Office of Primary Responsibility for Home Based Businesses is Army Community Service. Information about Home Based Businesses can be found at <https://Benning.armymwr.com/programs/private->

[organization-and-commercial-solicitation.](#)

b. Application process. Residents will initiate a Home-Based Business application with the Army Community Service. As part of the application process, the resident will staff the application with select installation agencies to gain their input for consideration by the Garrison Commander in his decision-making process. One of these agencies is the Military Housing Office. The Military Housing Office will work with the resident to gain information about the proposed business, and to assess and mitigate the possible risks or impacts to the Community, or to the housing infrastructure and services provided by the Villages. The Military Housing Office will submit a recommendation to the Garrison Commander on behalf of The Villages and the Military Housing Office collectively.

c. Violations. Leaseholders who operate a Home-Based Business without the approval of The Villages and the Garrison Commander are subject to removal from the installation or other administrative action.

4-4. Pools, Hot Tubs, and Spas.

a. Guidelines. In accordance with The Villages' Resident Responsibility Guide, pools deeper than eighteen (18) inches are prohibited. Small wading hard plastic pools no deeper than eighteen (18) inches and no larger than eight (8) feet in diameter are permitted. An adult (18 years or older) must be present to supervise pool use. Pools must be immediately drained when not in use. Pools are not to be utilized in the front of the residence; instead, they must be placed in the back of the residence or on the side of the residence if there is no backyard. Hot tubs and spas are not permitted.

4-5. Vehicles in Family Housing.

a. 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.

b. 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 the vehicle is secure.

c. No obscene stickers or decals displayed on vehicles or in housing area to maintain good order and discipline.

4-6. 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.

4-7. Flowers, shrubs, trees and gardens.

a. Removal of wildflowers, shrubs, and vines. Wildflowers, shrubs, and vines within view from roads, trails or within the areas of signs on Ft Benning will not be picked, cut, or uprooted by residents. 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 Rescues Management Branch (NRMB), Environmental Management Division, DPW) may be collected without proper authorization 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, pinecones, 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 Villages or DPW. The removal of plants from the grounds of unoccupied quarters by residents 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 FM 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.

4-8. Exceptions to Policy. Residents may request Exceptions to Policy in this chapter by submitting the request to their Community Management Office. The Villages Community Management Office will forward requests for exceptions to policy to the Military Housing Office with appropriate recommendations and comments, where the Chief of Housing will make decisions within the scope of his/her authority or forward to the Garrison Commander with recommendations for decision.

4-9. Violations. Residents who violate these guidelines are subject to possible administrative action, or removal from the installation by the Garrison Commander.

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 Moore 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; 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, ear-phones, 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 vehicle computer systems and audio systems, 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: Taxis, public transit vehicles, school buses/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.

h.

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.

- a. Sand Hill 0530 – 0700 MON - FRI
- b. Main Post 0600- 0730 MON - FRI
- c. Harmony Church 0530 - 0730 MON – FRI
- d. Kelley Hill 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) are prohibited at all times, and vehicle speed limits will remain as posted.

- (1) 10th Mountain Division Road.
- (2) Ralph Puckett Parkway, except the portion from Sightseeing Road (Sandy Patch) to the airfield.
- (3) Sightseeing Road from Ralph Puckett Parkway to Sunshine Road.
- (4) Sunshine Road from the Access Control Point to Sightseeing Road.
- (5) Lumpkin Road from Ralph Puckett Parkway 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 Kelly Hill)
- (9) Benning Road
- (10) Sigerfoos Road

(11) In addition, 82nd 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 limits 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. Sand Hill: The speed limit on Sand Hill cantonment area, which consists of the area bounded by and including the intersections of 2nd Infantry Division Road, 3rd Infantry Division Road, 2nd 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 week- ends 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) 2nd Street
- (2) 3rd Infantry Division Road
- (3) Wildcat Road north of 2nd Armored Division Road

d. Formations will not utilize more than one traffic lane 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 limited visibility road guards will carry flashlights. Units will ensure an NCO is designated as the straggler control NCO to ensure their safety and accountability.

e. 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 high visibility clothing and are prohibited from wearing headphones.

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

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

h. Organized Physical Training in housing areas is prohibited.

i. 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 Fort Benning 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 the 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 vehicles 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.

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
Reduced speeds do not apply on weekends or holidays.		

Section III Miscellaneous

5-14. Alcoholic beverages and beer.

a. General. The sale, possession and consumption of alcoholic beverages and beer on this installation is 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 Fort Benning Regulation 210-65. 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.

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

(1) The consumption of alcoholic beverages in all public areas on Fort Benning, 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 Army Recreation Area, 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) 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. Fort Benning 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. Smoking at Outdoor Public Areas.

a. General. To protect the public's health and welfare by reducing exposure of secondhand smoke in outdoor public places.

b. Smoking. Of any kind to include e-cigarettes is prohibited within 50 feet of any public gathering, parade field, dog park, playground, athletic field/court track and pavilion.

5-16. 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.

5-17. Hunting and fishing.

Fort Benning Regulation 200-1 provides information, guidance, and prescribes general policies and procedures concerning hunting and fishing on the Fort Benning Military Reservation.

5-18. 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 Fort Benning Commander 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.

5-19. 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.

5-20. 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.

5-21. 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.

5-22 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.

5-23. Repossessions.

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

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.

5-24. Trash, Rubbish and Debris.

a. The 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) Persons are responsible for the removal of trash, rubbish and debris in that area, e.g., 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) Persons 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) Law Enforcement personnel performing official duties. Persons having written permission to remove trash, rubbish or debris from the person responsible for that area.

b. Dumping of trash, garbage, refuse, and personal or government property at unapproved locations is prohibited.

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, community 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 DMWR, the Directorate of Public Works (DPW), the Commissary Officer, the Army Air Force Exchange Services (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.

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 2839; 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.

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 Fort Benning 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 are not 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.

Table 6-1. Periods of Exclusion (Referenced in para 6-1)

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.

g. Restricted driving privileges may be requested by contacting the Installation Hearing Officer. A hearing will be conducted to determine if 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, 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 their 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 Commander's 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 Fort Benning 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 Fort Benning 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****6-20. Exclusion of Pet(s).**

a. In accordance with Fort Benning Regulation 40-905 and this regulation, the Garrison Commander, in consultation with the Fort Moore Veterinary Services OIC, will review requests for exclusion of pets from post, and/or loss of Pet ownership privileges. 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.

6-21. Revocation of Pet Ownership Privileges.

a. In accordance with Fort Benning 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 Fort Benning Regulation 40-905 or otherwise not properly caring for their pet is subject to the loss of on-post pet ownership privileges and could be held responsible for veterinary costs. 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.

6-22. 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.

6-23. 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.

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

Misconduct	Referral Agency	Initial Decision			Final Decision
Exclusions	DES /GC	HO	DSJA	SJA	IC
	/SJA				
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

Chapter 7

Juvenile Misconduct Action Authority (JMAA)

Section I

Responsibilities

7-1 General.

a. The 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 is 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 a preliminary inquiry or receipt of an 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 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.

- 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 215-8, paragraph 7-6e).
 - (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

Fort Benning Publications

Fort Benning Regulation 190-5, Vehicle Traffic Regulation

Fort Benning Regulation 200-3, Hunting and Fishing Regulation

Fort Benning Regulation 210-65, Sales and Consumption of Alcoholic Beverages

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**AAFES**

Army and Air Force Exchange Service

ASAP

Army Substance Abuse 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

FBFC, LLC

Fort Benning Family Communities, LLC.

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

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