

UNIFORMS

Issue of Uniform Items for Deployment

You asked whether the Air Force may authorize issue of two sets of the Airman Battle Uniform (ABU), rather than four, to Air Force active duty personnel who will deploy 1 Oct 10 and whether units will be required to stop issuing ABUs to deployers when the ABU becomes mandatory for wear on 1 Oct 11. In our opinion, reducing the uniform issue now would be a legal and prudent policy; eliminating the ABU issue next year will be necessary, though the Air Force could seek OSD(P&R) approval to continue issuing ABUs to enlisted personnel.

Currently, the ABU is an optional wear item throughout the Air Force. But ABUs are directed for wear in the CENTCOM AOR, and AFCENT reporting instructions (1 May 10) require four sets. Your correspondence indicates current practice is to issue four sets to all deployers. Recent enlistees have been issued ABUs at Basic Military Training (BMT). The enlisted clothing allowance was increased beginning in October 2007 to cover the phase in to ABUs. AFPC msg (7 Feb 07).

Typically, uniform items may be divided into the categories of mandatory, optional, and organizational. Mandatory clothing items are issued to enlisted personnel in the first uniform clothing allowance and must be maintained by each Air Force member. AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel* (2006); AFI 36-2914, *Uniform Clothing Items* (1994). Enlisted members receive cash replacement allowances to update or replace uniform items; the allowances are based on the current list of mandatory items and the estimated wear life. DoDI 1338.18, paragraph 3.1 – 3.3, 5.7-5.7.9; DoD 7000.14-R, *Financial Management Regulation*, Vol. 7A, Ch. 29, AFI 36-301, *Clothing Allowances for Air Force Personnel* (2007). Officers receive only an initial allowance for required uniforms, per 37 U.S.C. § 415. Optional clothing items are non-mandatory items approved for wear by all Air Force personnel. AFI 36-2903; AFI 36-2914. Organizational clothing items are required to meet unique functional or work requirements are issued in-kind to an individual on loan and remain the property of the organization. AFI 36-2903, paragraph 3.1; AFI 36-2914; DoDI 1338.18, *Armed Forces Clothing Monetary Allowance Procedures*, paragraph 3.7, 5.8 (1998).

The Air Force phased in the ABU as a hybrid of a mandatory clothing item, optional clothing item and organizational clothing item, as it replaces both the mandatory battle dress uniform (BDU) and the strictly organizational desert camouflage uniform (DCU). AFPC msg (7 Feb 07). As a phased in mandatory item, it is issued at BMT. As an optional/organizational item, it is issued under the authority of AFB 65-601v1, *Budget Guidance and Procedures*, paragraph 10.55.7 (2005):

Uniform Clothing Issued as Individual Equipment. Installations will use their organizational O&M-type funds to obtain required special uniforms (e.g., desert BDUs, flight suits, and other TA 016 uniforms which are not included as regularly issued uniforms which are paid by individuals from clothing allowance), as directed by their commanders or other competent authority. These uniforms

and the matching stripes and accouterments are “optional items directed wear.” The cost of any associated rank insignia, name tapes, and accouterments, as well as sewing on of these items on these uniforms, as required, may also be provided from organizational O&M-type funds at the discretion of the commander. This is applicable to officers and enlisted and under the commander’s authority to “[p]rovide at no cost to officers, optional items directed for wear” AFI 36-2903, Table 1.1.

To reduce and eventually eliminate the issue of what has been treated as an organizational clothing item or an optional item directed for wear. AF/A1 need only make the item mandatory. We see no legal impediment to mandating personal responsibility for two sets during FY11 before the full phase in as a mandatory item (four sets) in FY12. Implementation of the reduced issue policy would be, in effect, a change to the mandatory wear date for deploying personnel, requiring them to maintain two sets of ABUs in advance of deployment. It appears that all enlisted personnel have either received ABUs at BMT or have received a clothing replacement allowance for sufficient time, and specifically increased for that purpose, to purchase ABUs. This makes the proposed change consistent with the past Air Force practice of not requiring enlisted personnel to purchase uniforms unless they have received a clothing allowance to cover the cost. It would be appropriate to announce the new policy in an official uniform message, as it is a change from the 7 Sep 07 message on ABU wear which says “Mandatory wear date for the ABU is Nov 2011 . . . Wear of the ABU . . . cannot be mandated during this transition period.”

We further recommend that the policy limit issue of ABUs for deployment to only those personnel who have not previously received sufficient ABUs. The current practice of issuing four sets of ABUs to every officer and enlisted member for every deployment – regardless of prior issues of ABUs, and without requiring any ABUs to be returned to the organization – simply invites waste. It is also inconsistent with the *USAF Supply Manual* direction that clothing sales store purchases with Government funds “are not to be used to circumvent an airman’s responsibility to maintain his/her uniforms under the monetary allowance system (AFI 36-3014) or an officer’s responsibility to purchase necessary uniforms to ensure maintenance of proper dress and appearance.” AFMAN 23-110, vol. 1, pt. 3, paragraph 2.53.4.6.1.1. Issued items, even if deemed nonreturnable, remain Government property and should not be disposed of or accumulated for personal benefit. Therefore, officers and enlisted personnel who have received prior deployment issues should have retained serviceable ABUs for later use. Enlisted members who were issued ABUs as mandatory clothing items (at BMT) should also continue to treat the ABU as a mandatory item not eligible for supplement through organizational O&M funding, except in the unlikely event they subsequently chose to purchase and maintain BDUs instead.

Once the ABU becomes a mandatory clothing item in FY12, there will be no authority to issue it to officers as an organizational clothing item or as an optional item directed to wear. The Air Force could seek USD(P&R) approval per DoDI 1338.18 to continue issuing ABUs to enlisted personnel who deploy, as DoD has broad discretion to furnish uniform items to enlisted personnel under authority of 37 U.S.C. § 418. DoDI 1338.18, paragraph 5.1.2 also provides a process to depart from the clothing monetary allowance system if, for example, a Service implements an issue-in-kind system for units in a combat area.

Finally, you note that ABUs may be subject to excessive wear and tear during a deployment. If so, the average effect may be considered in adjusting the wear life of the items and thus the clothing replacement allowance, per DoDI 1338.18, paragraph 5.7.5. (This would not, however, assist the most junior airmen who might wear out their ABUs during deployments while receiving the lower initial clothing replacement allowance during their first years of service.) Furthermore, if a personal uniform (not issued for the deployment) is damaged incident to service (other than normal wear and tear), the owner may submit a claim for reimbursement pursuant to AFI 51-502, *Personnel and Government Recovery Claims* (1997). See DoDI 1338.18, paragraph 5.1.7.

OpJAGAF 2010/6 20 May 2010