

Appointment to and Assumption of Command

This opinion responds to a request for a legal opinion on whether an officer can be appointed to command a squadron and, simultaneously, be appointed as the Group Section Commander of the Group (of which that squadron is a part).

Air Force Units and Non-Units

First, we should distinguish a unit from a non-unit. A unit is a military organization constituted by HQ USAF or, for provisional units only, designated by a MAJCOM, FOA, or DRU.¹ Normally, a unit having military members has an officer designated as its commander. A non-unit is defined as an organizational entity that is not constituted by HQ USAF as a unit.² Examples of non-units include squadron sections, detachments, named activities, operating locations, commanders support staff, and an Air Force Element (unless designated to function as a unit).³ Furthermore, AFI 38-101 allows for section commanders in other types of Air Force units, such as Groups.⁴

As a non-unit, a section is responsible for the administrative control of all members assigned to a unit and is created by appointing a section commander on special orders.⁵ A detachment is a part of a unit that is separated geographically from its parent unit for purposes of filling a need for command or supervision, or to facilitate unit movement.⁶ Because sections and detachments are not units, their commanders do not have unit-specific or unit-unique command authorities.⁷ Instead an officer in command of a non-unit exercises *only those command authorities delegated by the superior unit commander and such authorities are exercised on behalf of the superior unit commander*.⁸

An Air Force Element is a non-unit nomenclature used to account for manpower authorizations and to identify Air Force personnel on duty with organizations outside the Air Force, such as defense agencies, defense field activities and Air National Guard units not in federal service.⁹ An element may function as a unit if designated by competent authority, an eligible officer either assumes command or is appointed to command, and Air Force members are assigned or attached to the Air Force Element.¹⁰ Though also non-units, Air Force Elements are different than sections and detachments in that the Senior Air Force Officer (SAFO) of a unified command, combined task force, or Activity Outside the Air Force is a commander for purposes of imposing nonjudicial punishment on Air Force members assigned to that organization even if the Air Force Element has

¹ AFI 38-101, *Air Force Organization*, 2.1.2.

² AFI 38-101, para. 2.1.3.

³ AFI 38-101, para. 2.1.3.1.

⁴ See AFI 38-101, paragraph 2.1.3.1.4. (stating that “[s]ection commanders at other organizational levels may use a term reflecting their unit level, e.g., Group Section Commander, etc.”).

⁵ AFI 38-101, para. 2.1.3.1.4.

⁶ AFI 38-101, para. 4.3.3.1.1.

⁷ AFI 38-101, para. 2.1.3.1.2.; AFI 51-604, *Appointment to and Assumption of Command*, para. 8.2.1.

⁸ *Id.* (emphasis added).

⁹ AFI 38-101, para. 2.1.3.1.6.

¹⁰ *Id.*

not been formally designated as a unit and the SAFO has not formally been appointed to command.¹¹ If designated to function as a unit by the appropriate designating officer, then an Air Force Element may be divided into sections and an Air Force Element section commander appointed to each section.¹² Appropriate designating officers include the SAFO, MAJCOM commanders, and the Commander, Air Force District of Washington.¹³

Eligibility to Command

Command is exercised by virtue of office and the special assignment of commissioned officers holding certain military grades and who are eligible to exercise command over those Air Force units (and some non-units) as authorized by AFI 38-101, paragraphs 2.1 and 2.2 to have a commander.¹⁴ Those non-units identified in AFI 38-101 as being authorized to have a commander are Air Force Elements, sections, and detachments.

An officer assigned to a subordinate unit is eligible to command all superior units (to include command of a parent unit that directly administers subordinate units, detachments, or operating locations) of which the subordinate unit is a component, except as limited by law, AFI 51-604, or if the officer has otherwise been declared ineligible to command.¹⁵

Commanders may delegate administrative duties or authority to members of their staff or subordinate commanders as needed.¹⁶ However, delegating duties incident to the discharge of responsibilities does not relieve the commander of the responsibility to exercise command supervision. Likewise, although commanders may delegate authority to accomplish aspects of the mission, they may not absolve themselves of the responsibility for attaining the mission.

When a detachment or section commander, principal assistant, or other staff officer exercises non-judicial punishment (Article 15) authority delegated to him/her by a superior commander, the officer is exercising the authority of the superior commander.¹⁷

Furthermore, an officer assigned to a detachment is not eligible to assume command of the parent unit if doing so would require that officer to function as an installation commander at the location of the parent unit. However, a superior authority may appoint an eligible officer at a detachment to command the parent unit, and as a consequence, the installation.¹⁸

Analysis

According to AFI 38-101, the Squadron and the Maintenance Group are both Air Force units. According to the same AFI, sections are non-units. Therefore, in order to answer whether an officer can be appointed to command a squadron and, simultaneously, be appointed as the Group Section

¹¹ AFI 51-604, para. 5.4.

¹² AFI 38-101, para. 4.3.3.5.2.

¹³ AFI 38-101, para. 4.3.3.5.1.

¹⁴ AFI 51-604, para. 3.1.

¹⁵ AFI 51-604, para. 3.6.2.

¹⁶ AFI 51-604, para. 11.7.1.

¹⁷ AFI 51-604, para. 11.7.3.

¹⁸ AFI 51-604, para. 3.6.6.14.

Commander of the Group of which that squadron is a part, we must answer whether an officer can be appointed to command a unit and a non-unit simultaneously.

In the example above, the officer who is appointed as the commander of a Squadron, a unit, was also appointed to command a non-unit, as the Group Section Commander. Nothing in statute, AFI 51-604 or AFI 38-101 prohibits these two appointments simultaneously. It must be noted, however, that because sections are considered non-units, an officer appointed to command exercises only those command authorities delegated by and on the behalf of the superior unit commander.¹⁹

Of note, in the situation where a commander is going to command two units, AFI 51-604 provides that the officer will be assigned to one unit and attached “for purposes of command” to the other unit. More specifically, attachment “for purposes of command” may occur when an officer is directed to command two different units, only one to which s/he is formally assigned.²⁰ The AFI states that, in these situations, “for purposes of command” should be designated on the orders attaching the officer to the superior component authority’s unit. In the situation here, where an officer is both commanding a squadron and a section within the group under which that squadron falls, no such designation on the orders is necessary. This is because the officer is already assigned to the Group and, in accordance with AFI 51-604, is eligible to command all superior units of which the subordinate unit is a component, except as limited by law, AFI 51-064 officer has otherwise been declared ineligible to command.²¹

In closing, an officer may command a unit and a non-unit simultaneously as long as s/he meets the criteria within AFI 51-604. Though non-units, Air Force Elements (specifically, those not designated to function as units), sections and detachments are authorized to have a commander. In these situations, the superior commander shall document the appointment using Block 9 on the AF Form 35 for section commanders and Block 10 on the AF Form 35 for detachment or element commanders.

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¹⁹ AFI 51-604, para. 8.2.

²⁰ AFI 51-604, para. 3.6.1.

²¹ AFI 51-604, para. 3.6.2.