



SECRETARY OF THE ARMY
WASHINGTON

13 Oct 2010

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Delegation of Authority – Position Coverage Determination, Maximum Entry Age Waivers, Reentry Waivers, and Mandatory Age Separation Waivers for Civilian Air Traffic Controllers (ATCs)

1. References:

a. Department of Defense Instruction (DoDI) 1400.25, Volume 331, dated April 6, 2009, subject: DoD Civilian Personnel Management System: Civilian Air Traffic Controllers (ATCs).

b. Secretary of the Army Memorandum, dated March 1, 2006, subject: Delegation of Authority for Age Waivers for Air Traffic Controllers Mandatory Separation (hereby rescinded).

2. I hereby delegate to the Assistant Secretary of the Army (Manpower and Reserve Affairs) the authorities necessary to employ civilian air traffic controllers (ATCs). Specifically, the authorities to determine the ATC position(s) to approve position coverage determinations, maximum entry age waivers and reentry age waivers (as implemented by DoDI 1400.25-V331.5.a, V331.5.b. and V331.5.c., respectively, for civilian ATCs) and mandatory age separation waivers in accordance with section 8335(a) and 8425(a), Title 5, U.S. Code, as implemented by DoDI 1400.25-V331.5.d, for civilian ATCs up to the age of 61. These authorities will be exercised in accordance with referenced Instruction.

3. Unless expressly prohibited or restricted by law, directive, regulation, or policy, or as set forth herein, you may re-delegate the authority to approve maximum entry age waivers, reentry waivers and mandatory age separation waivers to other Department of the Army officials, but you shall retain authority to determine the ATC positions for special retirement coverage under CSRS and FERS. Should you elect to re-delegate these authorities, you will remain cognizant of and accountable for all actions taken in the exercise of this authority by those who have been delegated this authority at any level. You may further restrict or condition your

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delegate's exercise of same. A re-delegation of authority shall not be effective unless it is in writing, signed by you, and has been determined not to be legally objectionable upon review by the Office of the Army General Counsel. No re-delegation shall take effect until a record copy of same has been provided to the Office of the Administrative Assistant for archiving. I will hold you responsible for any and all actions taken pursuant to this delegation or any re-delegation thereof. Should conditions warrant, you will suspend the use of and/or rescind further delegation of the authority, as appropriate.

4. Although not a limitation on your authority to act in my behalf, in those cases specified above where your proposed decision represents a change in precedent or policy; is of significant White House, Congressional, Department, or public interest; or has been, or should be, of interest or concern to me, for any reason, you will brief me prior to the decision unless the exigencies of the situation preclude such action. Continue my practice of coordination with the Office of the Army General Counsel.

5. This delegation is effective immediately and expires September 30, 2013, unless earlier revoked or superseded.

/original signed/
John M. McHugh

CF:
General Counsel