



CRIME AND PUNISHMENT

VOLUME I, ISSUE 6

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NONJUDICIAL PUNISHMENT

ARTICLE 15 ACTIONS

During **March 2016**, JBSA commanders administered 21 nonjudicial punishment actions under Article 15 of the UCMJ. The punishments imposed reflect the commander's determination of an appropriate punishment after considering the circumstances of the offense and the offender's record. A "suspended" punishment does not take effect unless the offender engages in additional misconduct or fails to satisfy the conditions of the suspension. The suspension period usually lasts for six months unless a lesser amount is specified. Administrative discharge may also be an option for commanders after the conclusion of an Article 15, depending on the circumstances. The following are some of the NJP actions that closed out in March. Decisions regarding discharge are not included.

Use of I, II, or III controlled substances (D-Amphetamine) – An Airman Basic tested positive for D-Amphetamine without a prescription. The member received forfeiture of \$783.00 pay per month for two months and a reprimand.

Wrongful use of marijuana – A Senior Airman tested positive for marijuana. The member received reduction to Airman First Class, suspended forfeitures of \$1,041.00 pay per month for two months and a reprimand

Wrongful use of Marijuana – An Airman in technical training, tested positive for Marijuana during a random urinalysis. The member received forfei-

tures of \$783 pay per month for two months, 45 days restriction, 45 days extra duty, and a reprimand.

Wrongful appropriation \$500.00 or less; Conduct unbecoming – A Major was observed concealing a makeup brush in a pocket of her ABU and exiting the store without rendering payment. The member received forfeiture of \$3,763.00 pay per month for two months with one month suspended and a reprimand.

Larceny – An Airman in technical training, placed an Abreva pump in his pocket and left the Ft Lee Post Exchange without rendering payment. The member received forfeitures of \$160 pay per month for two months with one month suspended, and a reprimand.

Larceny – An Airman in technical training, noticed a vending machine was left open and placed several items to include candy and food in his backpack, without rendering payment. The member received suspended forfeitures of \$250 pay per month for two months and a reprimand.

Dereliction of Duty: Willful & Providing Alcohol to a Minor – An Airman in technical training, unlawfully possessed and consumed alcohol in the dormitory, and also distributed alcohol to a minor. The member received a suspended reduction in grade to Airman, forfeiture of \$878 pay per month for two months, and a reprimand.

Dereliction of Duty: Willful – An Airman in technical training, unlawfully

consumed alcohol. The member received a reduction to the grade of Airman, suspended forfeitures of \$878 pay per month for two months, and a reprimand.

False official statement – An Airman Basic provided an 1168 stating she and a male student were about to kiss when an MTL walked into the game room. However, video surveillance showed the male student standing up to turn the lights off and they both began to kiss for several minutes. The member received forfeiture of \$365.00 pay, 14 days restriction, and a reprimand.

Military Justice POCs

JBSA Lackland (37 TRW, 59 MDW and LAK Mission Partners)

(671-2007)

Capt Wade Tucker (Courts)

Capt Matthew Blyth (NJP)

Karen Dreitzler

JBSA Fort Sam Houston (502 ABW and FSH/CB Mission Partners)

(221-2032)

Capt Enisa Dervisevic

TSgt Andrea Simmonds

JBSA Randolph (12 FTW and RND Mission Partners)

(652-9673)

Capt Eliot Peace

SSgt Nelly Hensley

After Hours On-Call JAG—295-0064

Urinalysis Inspection, Re-inspection, and AWOL

In order to ensure safety, security, military fitness, readiness, and good order and discipline in the United States Air Force, military members are required to submit to periodic urinalysis inspections. **The JBSA installation commander has ordered an extension of our normal inspection program to require additional inspections when a member fails a urinalysis inspection and when a member has been absent without leave for more than 8 hours.**

If a member tests positive through a urinalysis test for any illegal or controlled (not prescribed) drug, then the member is automatically ordered to be re-inspected. The member will continue to be inspected through urinalysis until the member passes the inspection (tests negative).

Why do we do this? Obviously, it is important that military members not be under the influence of illegal or controlled drugs (without a prescription). We ask military members to perform all types of jobs. Fixing aircraft, monitoring computer systems, overseeing finances, patrolling our installations, managing civilian and military manpower, rescuing downed pilots, as well as hundreds of other duties are critical to the completion of our Air Force mission. Regardless of the mission being performed, we must ensure that members are not under the influence of illegal drugs or unauthorized prescription medication. The Air Force has a need to continue to inspect individual members who test positive until they test negative and are fit for all duty.

The Air Force has similar concerns regarding members who have gone AWOL (Absence Without Leave). When a member goes AWOL and returns, the Air Force need to ensure the member is 100% fit for duty to perform any mission assigned. The commander wants to make sure that the member is inspected and can meet the requirements of the mission without placing that mission or the mission others in jeopardy.

While AWOL ranges from being absent for an appointment to being gone for 30 days and being apprehended by law enforcement, the focus of the commander's letter is on members who are absent for more than 8 hours. The letter applies to all member who exceed the time period, regardless of the circumstances surrounding the unauthorized absence.

It is important to note that this letter doesn't mean commanders are prohibited from seeking urinalysis for other reasons through different means. A commanders can always seek a search authorization for urine from a member when they believe there is probable cause that a crime was committed (such as using drugs). These searches (not inspections) can authorized by a military magistrate and the evidence can be used at a court-martial.

Additionally, a commander can still order a urinalysis of a member even without probable cause (called a "command directed urinalysis"). In this case, the member must still provide urine but the results generally can't be used for a court-martial or to characterize discharge.

COURTS-MARTIAL AT JBSA IN MARCH 2016

US v. SrA Fernandez, AFLCMC, JBSA-Lackland, Texas, was tried by a special court-martial consisting of a military judge on 25 Mar 16 at JBSA-Lackland, Texas. SrA Fernandez pled and was found guilty of one specification of Wrongful Use of Methamphetamine in violation of Article 112a, UCMJ. The military judge sentenced SrA Fernandez to 30 days confinement, reduction to E-1 and a Bad Conduct Discharge.

US v. Lt Col Hale, 33 NWS, JBSA-Lackland, Texas, was tried by a general court-martial consisting of officer members on 5 Mar 16 at JBSA-Lackland, Texas. Lt Col Hale was found guilty of one specification of false official statement (filing a false travel voucher) in violation of Article 107, UCMJ, four specifications of attempted larceny, in violation of Article 80, UCMJ, and four specifications of larceny of military property over \$500, in violation of Article 121, UCMJ. The court members sentenced Lt Col Hale to forfeitures of all pay and allowances, one month confinement and to be dismissed from the Air Force.

After sentencing, members can request clemency. In some cases, this can change the outcome of their case and/or sentence to something less severe. Acquittals are final results. All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/docket/index.asp>.