



CRIME AND PUNISHMENT

VOLUME I, ISSUE 7

MAY 2016

NONJUDICIAL PUNISHMENT

ARTICLE 15 ACTIONS

During April 2016, JBSA commanders administered 16 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 April.

Failure to go – A Staff Sergeant failed to report to work at his appointed time on several occasions. The member received a reduction in grade to Senior Airman, suspended forfeitures of \$1,241 pay per month for two months, and a reprimand.

Dereliction of Duty: Willful - Misuse of Government Travel Card; False Official Statement – A Senior Airman willfully failed to limit the use of their government travel card to authorized official travel. Additionally, the Airman made a false official statement regarding the use of her government travel card. The member received a 6 month suspended reduction to Airman First Class, forfeitures of \$1,041.00 pay, and a reprimand.

Failure to Go & False Official Statement x 4 – A Senior Airman failed to report to work on several occasions; she explained these absences with lies about being diagnosed with oral cancer and having surgery to remove cysts. The member received a reduction in grade to Airman, suspended forfeitures of \$878 pay per month for two months, and a reprimand.

Misbehavior of a sentinel - An Airman First Class, abandoned his post while on duty. Punishment consisted of a reduction to the grade of Airman, 10 days extra duty, and a reprimand.

Provoking Speech – An Airman in technical training, continuously provoked another Airmen to hit her which resulted in a physical altercation. The member received forfeitures of \$724 pay per month for two months, 30 days restriction, and a reprimand.

AWOL & Dereliction of Duty: Willful – An Airman First Class in technical training, failed to report for several days upon returning from another base. He also traveled excessively within a 24-hour period, contrary to his 29b. The member received a suspended reduction in grade to Airman, forfeitures of \$184, and a reprimand.

Dereliction of Duty: Willful – An Airman distributed highlighted, testable material to another student. The member received suspended forfeitures of \$409 pay, 7 days restriction, 7 days extra duty, and a reprimand.

Underage Drinking & Dereliction of Duty: Willful – An Airman Basic in technical training, unlawfully possessed and consumed alcohol while under the age of 21. The member received forfeitures of \$783 pay per month for two months, 30 days restriction, and a reprimand.

Underage Drinking – An Airman First Class in technical training, unlawfully possessed and consumed alcohol while under the age of 21. The member received a reduction to Airman, suspended forfeitures of \$878 pay, 30 days extra duty, 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

Article 15 Processing

One of the biggest tools that commanders have for preserving good order and discipline within their units is the process of non-judicial punishment (NJP), commonly called an Article 15. NJP allows a commander who suspects someone of misconduct to quickly and properly address the issue and get that member back to standards and the unit back to focusing on the mission.

Offer – After an incident has occurred or misconduct has been uncovered, commanders coordinate with their local legal office (JA) to determine if NJP is the right avenue. If so, then JA drafts up an AF Form 3070 and the commander offers this option to the member.

Acceptance – After three duty days, the member comes back with a response and either 1) accepts the NJP forum and presents his/her case to the commander, or 2) turns down the NJP. If a member turns down the Article 15, typically the case will then move to a court-martial forum, but that is also at the discretion of the commander. When a member accepts the forum, he/she may present all matters to the commander, after consulting with an ADC, to give their side of the story.

Determination—The commander listens to the presentation by the member and/or reviews any written statement by the member. He or she also reviews the evidence. The commander determines whether the member is guilty or not guilty of the allegations in the NJP.

Punishment – If a commander finds the member committed an offense, then he or she will determine a proper punishment.

Appeal— After the member receives that punishment, he or she has 5 calendar days to decide to appeal the decisions to the commander and the next highest commander.

Q & A:

Q: Why do people turn down an NJP?

A: A member may want their case heard by a judge or jury rather than having their commander serve as the judge or jury. Also, in court, the government must prove a member is guilty beyond a reasonable doubt—a very high standard.

Q: Can someone be court-martialed for the same offense as they received an Art 15 for?

A: Yes. It is rare. If this happens, the NJP punishment served is deducted from any court-martial punishment given.

Q: I lost a stripe at NJP. Can my commander give it back?

A: Yes. Within 4 months, your commander could mitigate (change) your reduction in rank to a forfeiture of pay. He or she could also change it to a suspended reduction in rank. This would give you your stripe back, but would put you on a probation period.

Q: Can I present witnesses during my NJP hearing with my commander? Can the ADC be there?

A: A member can present witnesses and can have the ADC at the oral presentation with the commander.

Q: Can I be put in jail as punishment for an Article 15?

A: No. There was something similar called “correctional custody,” but it is not available in the Air Force right now.

COURTS-MARTIAL AT JBSA IN APRIL 2016

US v. A1C Davis, 344 TRS, JBSA-Lackland, was tried by a summary court-martial consisting of a summary court-martial officer (acting as a judge) on 21 Apr 16 at JBSA-Lackland, Texas. A1C Davis pled and was found guilty of one specification of damaging government property in violation of Article 108, UCMJ, one specification of assault, in violation of Article 128, UCMJ and one specification of drunk and disorderly conduct, in violation of Article 134, UCMJ. The summary court martial officer sentenced A1C Davis to confinement for 10 days, restriction to JBSA-Lackland for 40 days, forfeiture of \$1,044.00 pay for one month and reduction to E-1.

US v. AB Hooker, 342d TRS, JBSA-Lackland, was tried by a special court-martial consisting of officer members on 25 Mar 16 at JBSA-Lackland, Texas. AB Hooker pled and was found guilty of one specification of Wrongful Use of Cocaine in violation of Article 112a, UCMJ. The members sentenced AB Hooker to 6 months confinement, forfeiture of \$1,044.00 pay per month for six months and a reprimand.

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>.