



# CRIME AND PUNISHMENT

VOLUME II, ISSUE 3

MARCH 2017

## NONJUDICIAL PUNISHMENT

### ARTICLE 15 ACTIONS

During the month of February 2017, JBSA Commanders administered 17 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. The following are some of the NJP actions that closed out in the month of February.

**Indecent Conduct** - An Airman First Class in technical training recorded a sexual encounter without the other party's consent and then showed the recording to other Airmen. The member received a reduction to Airman Basic, 10 days extra duty, 10 days restriction to base, and a reprimand.

**Disrespect to an Officer and Disrespect to an NCO** - A Master Sergeant used profane and disrespectful language toward a Captain and a Senior Master Sergeant while being verbally counseled. The member received a suspended re-

duction to Technical Sergeant, forfeitures of \$1,886.00 pay per month for two months and a reprimand.

**Dereliction of Duty** - A Senior Airman accessed a member's medical information without authorization. The member received a suspended reduction to Airman First Class, 30 days extra duty, and a reprimand.

**Larceny** - An Airman First Class in technical training conspired with another person to steal from the BX. The member received a reduction to Airman with a suspended reduction to Airman Basic and a reprimand.

**Failure to go and False Official Statements** - A Technical Sergeant failed to show up to work and lied about his whereabouts on multiple occasions. The member received forfeiture of \$1,886.00 pay and a reprimand.

**Wrongful Use of Marijuana** - An Airman First Class tested positive for marijuana during an urinalysis. The member received a reduction to the grade of Airman, suspended forfeitures of \$896.00 pay per month for two months, and a reprimand.

**Dereliction of Duty** - A Staff Sergeant failed to refrain from using his government travel card for unauthorized purposes. The member received a suspended reduction to Senior Airman, forfeitures of

\$1,216.00 pay per month for two months, and a reprimand.

**Attempted Solicitation** - A Staff Sergeant attempted to wrongfully procure a sexual act from an undercover San Antonio Police Officer in exchange of forty dollars. The member received a reduction to the grade of Senior Airman, forfeitures of \$1,267.00 pay per month for two months with one month suspended, and a reprimand.

### Military Justice POCs

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

(671-2007)

*Capt Will Wright (Courts)*

*TSgt Jovanni Hill (Courts)*

*Ms. Karen Dreitzler (Courts)*

*Capt Rob Waldrup (NJP)*

*SSgt Stephen Williams (NJP)*

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

(221-2032)

*Capt Lauren McCormick (Courts)*

*Capt Gabriel Bush (NJP)*

*Amn Savannah Perez*

**JBSA Randolph (12 FTW and RND Mission Partners)**

(652-9673)

*Capt James Dawkins*

*SSgt Margo Walker*

# Administrative Demotions

An administrative demotion is a quality force management tool commanders have to help ensure a quality enlisted force. Administrative demotions are intended to place Airmen at a rank commensurate with their skill level and ability. They are not intended to be punitive, nor should they be used as a replacement for more appropriate action under the UCMJ.

## Demotion and Appellate Authorities

### Demotion Authority:

- E-7 and below: Group commander (or equivalent level commander)
- E-8 and E-9: MAJCOM/CC, FOA/CC, or DRU/CC (unless delegated to the CV, CS, MP, DP, or NAF/CC). For Reserve members, AFRC/CC is the demotion authority for E-8 and E-9 although this may be delegated to NAF commanders.

Appellate Authority: Next level commander above the demotion authority commander

### **Basis for a Demotion Includes:**

- Elimination from training
- Failure to maintain or attain the appropriate skill/grade level
- Failure to fulfill non-commissioned officer (NCO) responsibilities, as defined in AFI 36-2618, *The Enlisted Force Structure*

- Failure to keep fit
- Failure to perform
- Not participating in reserve training, per AFI 36-2254, Vol 1, *Reserve Personnel Participation*

The basis for the demotion must have occurred in the current enlistment **unless** the commander does not become aware of the facts and circumstances until the subsequent enlistment. In cases where demotion actions may be appropriate, members should be given the opportunity to overcome their deficiencies prior to the initiation of action.

### **“Demotable” Grades**

- E-2 may be demoted to E-1
- E-3 may be demoted to E-2
- E-4 through E-9 may be demoted to E-3; however, a demotion of three or more grades is only appropriate when no reasonable hope exists that the member will ever show the proficiency, leadership, or fitness that earned the initial promotion

**High Year Tenure (HYT) Implications from Administrative Demotions:** Administrative demotions may trigger mandatory HYT separations from the service. When a member is demoted, the member assumes the HYT restrictions of that grade and will be separated within 120 days of the effective date of demotion.

## COURT-MARTIALS AT JBSA IN FEBRUARY 2017

**US v SrA JM**, 502 LRS, JBSA-Fort Sam Houston, was tried by a special court-martial consisting of a military judge sitting alone from 13 - 15 February 2017 at JBSA-Randolph. Pursuant to his own pleas, the military judge found SrA JM guilty of four specifications of Failure to Go in violation of Article 86, UCMJ, one specification of Failure to Obey a Lawful Order in violation of Article 92, UCMJ, and one specification of Wrongful Use of Cocaine in violation of Article 112a, UCMJ. The military judge sentenced SrA JM to nine months confinement.

**US v TSgt AL**, 59 MLRS, JBSA-Lackland, was tried by a general court-martial consisting of officer and enlisted members from 15 - 25 February 2017 at JBSA-Lackland. The officer and enlisted members found TSgt AL guilty of three specifications of Dereliction of Duty in violation of Article 92, UCMJ, one specification of Sexual Assault in violation of Article 120, UCMJ, two specifications of Adultery in violation of Article 134, UCMJ, one specification of Assault in violation of Article 128, UCMJ and two specifications of Providing Alcohol to a Minor in violation of Article 134, UCMJ. TSgt AL was sentenced to a reduction to E-3, to forfeit \$450.00, one month of hard labor without confinement, three months confinement and a dishonorable discharge.

**After sentencing, members can request clemency. In some cases, this can change the outcome of their case and/or sentence. All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/About-Us/Docket>.**