



JUSTICE CHRONICLES

Region Legal Service Office Southwest

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COMMAND CITIZENSHIP PROGRAM

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NAVADMIN 113/08 directs all commanding officers to appoint a Command Citizenship Representative (CCR) to ensure foreign born service members are aware of their naturalization benefits and provide hands-on assistance to service members applying for U.S. citizenship. NAVADMINs 049/00, 123/01 and 251/04 also address appointment of a CCR. The appointment of an enthusiastic and devoted CCR is essential to a successful command naturalization program. A CCR must attend CCR training and be familiar with the “U.S. Navy Guide to Naturalization Applications Based upon Qualifying Military Service.” CCRs will learn how to help an applicant through the citizenship process, including screening service members to ensure they are not already U.S. citizens under the Child Citizenship Act of 2000, preparing DOD (fingerprint) Referral Forms, referring applicants to U.S. Citizenship and Immigration Services (USCIS) Application Service Centers, coordinating completion of Certification of Military or Naval Service with Personnel Support Activities, Detachments and Personnel Offices, preparing command cover letters, submitting citizenship applications and accompanying forms to USCIS, and maintaining command citizenship files. It is preferable that a CCR has the authority to sign cover letters by direction of the Commanding Officer and be a senior enlisted member or an officer with 18 months or more time remaining at the command when appointed. Region Legal Service Office Southwest (RLSO SW) oversees the naturalization program for Navy Region Southwest and conducts quarterly CCR training opportunities for new CCRs. Designated naturalization coordinators are available to assist commands with CCR training information, and inquiries. POCS are: RLSO SW: Ms. Vicki Alba, (619) 556-6322; RLSO SW DET CHINA LAKE: Ms. Jamie Pristas, (760) 939-5630; RLSO SW DET LEMOORE: Ms. Annette Monroe, (559) 998-3349; RLSO SW FIELD OFFICE, NAVAL BASE POINT LOMA AND NAF EL CENTRO: LT Scott, (619) 556-7190; RLSO SW BRANCH OFFICE, NAS FALLON: LN1 Donna Duncan, (775) 426-3160; RLSO SW DET NAVAL BASE VENTURA COUNTY: Mr. Jason Bendinelli, (805) 982-4535; and RLSO SW DET MONTEREY LN1 Laura Bernhardt, (831) 656-2506. RLSO SW also maintains a master roster of over 400 CCRs in the Navy Region

Southwest area of responsibility. The roster is used to make referrals to CCRs, schedule CCRs for training, and notify CCRs of immigration and naturalization updates that effect service members and family members. It is imperative that new CCRs provide their name, telephone number, and email address to RLSO SW POC, Ms. Vicki Alba at (619) 556-2788 or at vicki.alba@navy.mil. Ultimately, the goal as a CCR is to provide excellent, comprehensive naturalization assistance for virtually all non-citizen service members within their command benefiting not only service members, but Navy mission readiness.

**JUDGE ADVOCATE ADVICE TO COMMANDERS PRIOR TO
SEXUAL ASSAULT & SEXUAL HARASSMENT DISPOSITION**

Ref: OPNAVINST 3100.6J dtd 22 Dec 09
COMUSFLTFORCOM Norfolk VA msg 110735Z Jul 10

***OPNAV Instruction & JAG
Advice to Commanders***

OPNAVINST 3100.6J directs commands to send all OPREP-3 reports to PLAD COMUSFLTFORCOM Norfolk, VA. NO EXCEPTIONS. All reports will be sent to USFF, TYCOM, appropriate administrative and operational commanders, CNO, and other addrees per the instruction. All USFF commands shall include COMUSFLTFORCOM Norfolk VA as an info addree on all OPREP-3 reports, even when chopped OPCON to a numbered Fleet. Unless appropriate as otherwise directed, all OPREP-3 reports shall be transmitted as unclassified messages.

Reports are to be submitted upon notification by any manner, but not limited to verbal or written communication via personnel from DoD, law enforcement, or other Federal or State agencies. Do not delay reports to gather additional information. Updates, as required, and final reports will be submitted for each initial report.

Reports are required on incidents involving death or serious injury and all allegations of significant misconduct, to include: murder, rape, forcible sodomy, aggravated sexual assault, armed robbery, aggravated assault, assault with a deadly weapon, kidnapping, carjacking, burglary of an occupied dwelling, suicides and suicide attempts. At least an OPREP-3 unit sitrep is required to report allegations of lesser misconduct, to include: domestic violence or abuse, child abuse or neglect, child sexual abuse, indecent assault, assault with intent to commit rape or forcible sodomy, sexual harassment, DUI or DWI (include blood alcohol content in report when known), suicide related behavior, equal opportunity incidents, unlawful discrimination, hazing, drug possession, drug use, distribution of drugs, drug manufacturing, possession of drug paraphernalia, assault, arrest, violent crime on or by a sailor, and illegal possession of a weapon.

Commanders are additionally required to consult a Judge Advocate in any alleged sexual assault or sexual harassment case under the new guidance. The final OPREP-3 sexual assault report shall include the name, command, and contact information of the Judge Advocate consulted.

Results of Trial

RESULTS OF TRIAL

Navy E-6 with 13 years and 11 months of service, sentenced as follows, Bad Conduct Discharge, 62 months of confinement and reduction-in-rate to E-1 for larceny of more than \$500.00, sexual advances, and made fraudulent claims against the government. This court was held on 14 April 2010.

Navy E-4 with 4 years and 4 months of service, sentenced to 40 days confinement, and reduction-in-rate to E-3, for possession of a controlled substance and for unauthorized absence. This court was held on 16 April 2010.

Navy E-4 with 4 years and 7 months of service, sentenced to six months confinement, forfeitures of \$964.00 a month for six months, and reduction-in-rate to E-1 for fraternization and wrongful use and possession of a controlled substance. This court was held on 21 April 2010.

Navy E-1 with 1 year and 8 months of service, sentenced as follows, Bad Conduct Discharge, 125 days confinement, forfeitures of \$350.00 a month for four months for fraternization, adultery, false official statements, and larceny. This court was held on 28 April 2010.

Navy E-2 with 3 years and 4 months of service, sentenced as follows, Bad Conduct Discharge, 10 months confinement, forfeitures of \$500.00, fine of \$500.00, and reduction-in-rate to E-1, for unauthorized absence, wrongful possession of a controlled substance, wrongful use of a controlled substance, intent to sell a controlled substance, larceny, and identity theft. This court was held on 29 April 2010.

Navy E-7 with 19 years and 6 months of service, sentenced to 90 days confinement, reduction-in-rate to E-5, and 60 days restriction, for unauthorized absence. This court was held on 6 May 2010.

Navy E-7 with 16 years of service, sentenced to 45 days confinement and reduction-in-rate to E-6, for assault and battery. This court was held on 5 May 2010.

Navy E-4 with 4 years of service, sentenced as follows, Bad Conduct Discharge, 345 days confinement, forfeitures of \$800.00 a month for 11 months, and reduction-in-rate to E-1, for larceny of about \$37,497.63 from the U.S. Government in the form of Basic Allowance for Housing, Cost of living Allowance, and Family Separation Allowance; unlawful marriage; and false official statements. This court was held on 18 May 2010.

Navy E-4 with 3 years and 4 months of service, sentenced as follows, Bad Conduct Discharge, 3 years confinement, forfeiture of all pay allowances, and reduction-in-rate to E-1, for possession, receipt, and distribution of Child Pornography. This Court was held on 21 May 2010.

Navy E-1 with 1 year and 1 month of service, sentenced as follows, Bad Conduct Discharge and 60 days confinement, for wrongful use of cocaine and marijuana. This court was held on 24 May 2010.

Navy E-7 with over 21 years and 8 months of service, sentenced as follows, Bad Conduct Discharge, 78 months confinement, a fine of \$20,000, reduction-in-rate to E-1 and an additional 24 months confinement if fine is not paid, for conspiracy, wrongful use of Government equipment and funds, dereliction of duty, fraternization, false official statements, larceny of Military Property in the form of U.S. Currency in amounts totaling greater than \$1,000.00, wrongful receipt of Military Property in the form of U.S. Currency in an amount greater than \$500, and solicitation. This court was held on 27 May 2010.

Navy E-6 with 20 years and 9 months of service, sentenced as follows, Bad Conduct Discharge, 40 months confinement and reduction-in-rate to E-1, for wrongful use of government equipment, and receipt, possession, and distribution of child pornography. This court was held on 1 June 2010.

Navy E-2 with 1 year and 1 month of service, sentenced to 200 days confinement and reduction-in-rate to E-1, for wrongful use of controlled substances. This court was held on 1 June 2010.

Navy E-2 with 3 years and 4 months of service, sentenced as follows, Bad Conduct Discharge, 10 months confinement, forfeiture of \$500.00 per month for 10 months, a fine of \$500.00, and reduction-in-rate to E-1, for unauthorized absence, resisting arrest, wrongful possession of controlled substances with intent to distribute, wrongful use of controlled substances, larceny of over \$500.00, stealing and wrongful possession of identification documents, and fraud. This court was held on 7 June 2010.

Navy E-2 with 1 year of service, sentenced as follows, Bad Conduct Discharge, 74 days confinement, and reduction-in-rate to E-1, for unauthorized absence, violation of a lawful general regulation, and possession and use of controlled substances. This court was held on 8 June 2010.

Navy E-2 with 1 year of service, sentenced as follows, Bad Conduct Discharge, 9 months confinement, and reduction-in-rate to E-1, for unauthorized absence, violation of a lawful general regulation, and wrongful possession, use, and distribution of controlled substances. This court was held on 9 June 2010.

Navy E-4 with 9 years and 3 months of service, sentenced as follows, Bad Conduct Discharge, 18 months confinement, forfeiture of all pay and allowances, and reduction-in-rate to E-1, for indecent conduct, engaging in a sexual act, sexual contact, committing sodomy, and wrongful sexual intercourse, with a child under the age of 16. This court was held on 9 June 2010.

Navy E-6 with 13 years and 11 months of service, sentenced as follows, Bad

Conduct Discharge, 62 months confinement, and reduction-in-rate to E-1, for conspiracy, violation of a lawful general order in the form of sexual harassment, wrongful use of government equipment, and dereliction of duty, false official statements, larceny of U.S. Government property in the form of currency in amounts exceeding \$500.00, fraud, wrongful receipt of U.S. currency in an amount exceeding \$500.00, and solicitation. This court was held on 15 June 2010.

Navy O-1 with 1 year and 5 months of service, sentenced as follows, Dismissal, 9 months confinement, and total forfeitures, for wrongful use of a controlled substance, larceny of military property, and fraternization. This court was held on 17 June 2010.

Navy E-7 with 14 years and 5 months of service sentenced to 89 days confinement, forfeiture of \$1696.00 per month for 2 months, reduction-in-rate to E-6, and 45 days restriction for fraternization and false official statements, this court was held on 22 July 2010.

Navy E-4 with 2 years and 4 months of service, was found not guilty of all charges, this court was held on 15 July 2010.

Navy E-5 with 8 years and 7 months of service, sentenced as follows, Bad Conduct Discharge, reduction-in-rate to E-1, and 11 months confinement for larceny and false official statements. This court was held on 29 July 2010.

Navy E-2 with 1 year and 9 months of service, sentenced as follows, Bad Conduct Discharge, reduction-in-rate to E-1, and 9 months confinement for unauthorized absence, possession of drug paraphernalia, and possession and use of schedule I and II controlled substances. This court was held on 10 August 2010.

Navy E-7 with 18 years and 3 months of service sentenced to reduction-in-rate to E-4, forfeiture of \$1,500 per month for 3 months, and 3 months confinement for fraternization and failure to obey a lawful general order. This court was held on 13 August 2010.

Navy E-5 with 5 years and 2 months of service sentenced as follows, Dishonorable Discharge, reduction-in-rate to E-1, and 42 years confinement for wrongful sexual contact of a minor under the age of 12, indecent conduct in the presence of a minor under the age of 12, sodomy with a child under 12 years, wrongful possession of child pornography, wrongful sexual acts with a child under the age of 12, indecent language to a minor under the age of 16, wrongful sexually explicit conduct with a minor under the age of 16. This court was held on 13 August 2010.

Navy O-3 with 20 years of service sentenced to a reprimand, forfeiture of \$3000 per month for 2 months, and 60 days confinement for false official statements and violation of a lawful general order. This court was held on 12 August 2010.

Navy E-7 with 22 years and 2 months of service sentenced to reduction-in-rate to E-5, forfeiture of \$1,500 a month for 9 months, and 9 months confinement for larceny and false official statements. This court was held on 5 August 2010.

Navy E-3 with 2 years and 10 months of service, sentenced as follows, Bad Conduct Discharge, reduction-in-rate to E-1, and 38 months confinement for failure to obey a lawful general regulation, assault with a loaded firearm, wrongful discharge of a firearm, assault consummated by battery, and communicating a threat. This court was held on 8 September 2010.

Navy E-4 with 2 years and 10 months of service sentenced to reduction-in-rate to E-3 and 60 days of restriction for violation of a lawful order, and communicating threats. This court was held on 16 September 2010.

Navy E-6 with 13 years and 1 month of service sentenced to reduction-in-rate to E-3 and 6 months confinement for dereliction of duty and violation of a lawful general order. This court was held on 17 September 2010.

Navy E-4 with 8 years and 5 months of service sentenced as follows, Bad Conduct Discharge and 6 months confinement for unauthorized absence. This court was held on 17 September 2010.

Navy E-1 with 2 years and 10 months of service, sentenced as follows, Dishonorable Discharge, forfeiture of all pay and allowances, and 5 years confinement for conspiracy to commit larceny, bank fraud and identity theft, larceny, bank fraud, identity theft, breaking and entering, false endorsement of checks, wrongful possession, use and transfer of stolen identification documents, attempted bank fraud, false representation, and wrongful possession of a schedule I controlled substance. This court was held on 28 September 2010.

Navy E-3 with 3 years of service sentenced as follows, Bad Conduct Discharge, reduction-in-rate to E-1, total forfeiture of all pay and allowances, and 18 months confinement for sexual assault by forceful oral sodomy. This court was held on 13 October 2010.

Navy E-5 with 8 years and 4 months of service sentenced to reduction-in-rate to E-3, forfeiture of \$1000 per month for 3 months, and 90 confinement for wrongful receipt of government property, wrongful appropriation of government property, and solicitation. This court was held on 7 October 2010.

Navy E-6 with 10 years and 2 months of service sentenced to reduction-in-rate to E-1, 13 months confinement, and a Bad Conduct Discharge for sexual assault by forced sodomy. This court was held on 12 October 2010.

Navy E-5 with 8 years and 3 months of service sentenced to reduction-in-rate to E-1, 7 years confinement, and a Dishonorable Discharge for receipt and possession of child pornography. This court was held on 15 October 2010.

*Officer Board of
Inquiry Results*

Navy E-5 with 7 years and 7 months of service sentenced to reduction-in-rate to E-4 and 120 days confinement for failure to obey a lawful order. This court was held on 21 October 2010.

Navy E-7 with 18 years and 3 months of service sentenced to reduction-in-rate to E-4, forfeiture of \$1,500 per month for 3 months, and 3 months confinement for fraternization and failure to obey a lawful general order. This court was held on 22 October 2010.

Navy E-4 with 3 years and 3 months of service sentenced to reduction-in-rate to E-1, forfeiture of all pay and allowances, 5 years confinement, and a Dishonorable Discharge, for wrongful sexual contact. This court was held on 25 October 2010.

OFFICER BOARD OF INQUIRY RESULTS

Navy 0-3 was ordered to show cause for retention due to PFA failure. Board members found that the evidence submitted did not warrant separation. The board was held on 14 June 2010.

Navy 0-3 was ordered to show cause for retention due to PFA failure. Board members found that the evidence submitted did not warrant separation. The board was held on 22 July 2010.

Navy 0-3 was ordered to show cause for retention due to misconduct: sexual harassment, sexual assault, fraternization, adultery and conduct unbecoming. Board members found that the officer had committed misconduct and further recommended the member be separated with an Other Than Honorable discharge. The Board was held on 6 August 2010.

Navy 0-3 was ordered to show cause for retention due to conduct unbecoming. Board members found that the officer had not committed misconduct. The Board was held on 28 September 2010.

Navy 0-3 was ordered to show cause for retention due to dereliction of duty. Board members found that the officer had not committed misconduct. The Board was held on 28 September 2010.

Navy 0-1E was ordered to show cause for retention due to misconduct: failure to obey a lawful order. The board further found that the evidence submitted did not warrant separation. The Board was held on 14 October 2010.

Navy 0-4 was ordered to show cause for retention due to misconduct: false official statement, theft, conduct unbecoming. Board members found the

***Waterfront Training
Outreach***

officer had not committed misconduct. The Board was held on 20 October 2010.

WATERFRONT TRAINING OUTREACH

When: Thursday, October 28, 1200-1300
Thursday, November 25, 1200-1300
Thursday, December 30, 1200-1300

Where: 32nd street (wet side), Waterfront Recreation Center (near Pier 2, across the street from the Base Theater). Blue and Gold room.

What: The HOTTEST legal topics of the day!

JAGs will also be available to answer your questions in any other legal areas of concern.

In addition, we are always looking for input on issues the Fleet sees and on which you would like additional training.

For planning purposes, we ask that Legal Officers RSVP if they wish to attend. Thank you for your support.

RSVP to LT Mario Correa at mario.correa@navy.mil or LT Kirby at tracy.kirby@navy.mil.

TOPICS FOR FUTURE ISSUES

If you have a topic you'd like to see discussed in the next newsletter, please forward your request to: jessica.miller2@navy.mil.