

MIDLANT Legal Compass

Guiding Warfighters through Legal and Ethical Waters

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The primary mission of Region Legal Service Office Mid-Atlantic (RLSO MIDLANT) is to provide prosecution, command services, and legal assistance support to eligible commands and persons in support of Fleet operational readiness.

The *MIDLANT Legal Compass* is a periodic newsletter published by the RLSO MIDLANT Command Services Department.

Basic Legal Information for Command TRIADs and individual Sailors.

This edition of the Legal Compass discusses policy relating to service member and civilian DoD employee involvement in partisan political activities, newly released guidance on administrative processing for sailors who have been diagnosed with PTSD, updates to the MILPERSMAN provision governing the appropriate separation authority for victims of sexual assault, the ethical concerns that accompany fundraising, social media standards of conduct, and the hours for Hampton Roads area legal assistance offices.

As always, we end with our Courts-Martial and Board of Inquiry results. This gives you a snapshot of the cases that were completed this quarter and their disposition. For questions about these cases, please contact either the trial department or the SJA to Commander, Navy Region Mid-Atlantic (CNRMA).

If there are ever topics you are interested in us covering or seeking additional information about, please contact our Legal Compass Editor, the Command Services Department Head, LCDR Erik Carlson.

Very Respectfully,

/S/

Lawrence D. Hill, Jr.

CAPT, JAGC, USN

Commanding Officer, RLSO MIDLANT



Don't Be That Guy or Gal: Successfully Navigating the Political Season

Command Services Department, RLSO Midlant
(This article is being republished due to popular demand and the upcoming Presidential Election)

We've all seen it on TV – a political campaign rally with a candidate for office giving a passionate speech on this issue or that issue – and there, prominently behind him or her, a well-placed member of the military, in uniform, rising and falling on every word. In order to avoid your sailor or marine getting themselves in that position, please see below a question/answer section on military involvement in partisan political activities – if you have any questions, please contact your nearest servicing command Staff Judge Advocate – AND REMEMBER, VOTE!

Q: What is the DoD policy regarding political activities by members of the Armed Forces and civilian federal employees?

DoD has a longstanding policy of encouraging military personnel and civilian federal employees to carry out the obligations of citizenship. However, active duty members will not engage in partisan political activities and all military personnel will avoid the inference that their political activities imply or appear to imply DoD sponsorship, approval, or endorsement of a political candidate, campaign or cause.

Q: What political activities can a service member participate in and which ones are prohibited?

Certain political activities are permitted, such as voting and making a personal monetary donation. However, active duty members will not engage in partisan political activities, and all military personnel will avoid the inference that their political activities imply or appear to imply DoD sponsorship, approval or endorsement of a political candidate, campaign or cause. Examples of political activities that are prohibited include campaigning for a candidate, soliciting contributions/engaging in partisan fundraising activities, serving as an officer of a partisan club, speaking before a partisan gathering, marching in a partisan parade, and wearing the uniform to a partisan event. Active-duty members may, however, express their personal opinions on political candidates and issues, make monetary contributions to a political campaign or organization, and attend political events as a spectator when not in uniform. For a complete list of permissible and prohibited activities, please consult DoD Directive 1344.10, Political Activities by Members of the Armed Forces.

Q: What about federal civilian employees?

With regard to civilian employees at DoD, there are two sets of restrictions for three groups of employees. Most GS scale employees fall into the less restricted category. Less restricted employees while in their personal capacities may volunteer with a political campaign or political organization. Examples of permitted volunteer activities include: organizing political rallies and meetings, making phone calls on behalf of a candidate, serving as a delegate to a party convention, and working for a political party to get out the vote on Election Day. These employees are, however, prohibited from soliciting or receiving political contributions. No civilian employee may EVER engage in political activity while on duty or in a Federal building. This means that employees may not send or forward political emails, post political messages to their Facebook page or engage in political tweeting while in a Federal building (including when off duty), even if the employee is using his/her personal smartphone, tablet, or computer. Employees should never use government equipment when engaging in political activities.

Examples of political activities that are prohibited for active duty service members include campaigning for a candidate, soliciting contributions/engaging in partisan fundraising activities, serving as an officer of a partisan club, speaking before a partisan gathering, marching in a partisan parade, and wearing the uniform to a partisan event.

Dual Processing: How Post Traumatic Stress Disorder and Traumatic Brain Injuries Impact Administrative Separation Boards

Command Services Department, RLSO Midlant

When a sailor is being put through an involuntary Administrative Separation Board (ADSEP) for any reason, mandatory or otherwise, and there is a question as to whether or not Post Traumatic Stress Disorder (PTSD), a Traumatic Brain Injury (TBI), or another condition ratable on the Veterans Affairs Schedule for Rating Disabilities (VARSD) may be involved, the case must be referred into the Disability Evaluation System (DES). Once in DES an appropriately privileged military healthcare provider can determine whether or not the respondent's medical condition contributed to a basis for which the member is being separated.

DES will run concurrent with the ADESP board making the processing of this sailor dual. MILPERSMAN section 1910-704(8)(b) states that for PTSD and TBI cases the ultimate Separating Authority (SA) will be Chief of Naval Personnel (CHNAVPERS). The impact of CHNAVPERS as the SA becomes apparent when the ADSEP and DES disagree. For example, if the ADSEP finishes (before or after DES has finished) and finds that regardless of any mental illness or medical condition a sailor's conduct still warrants an Other Than Honorable (OTH) discharge, but DES and the medical professional find that PTSD or a TBI have contributed to that sailor's behavior, CHNAVPERS can overrule the board and re-categorize that sailor's discharge.

For other conditions ratable on VARSD, the ultimate SA will be the first General Officer/Flag Officer (GO/FO) for final determination on separation and categorization of service per Assistant Secretary of the Navy Manpower and Reserve Affairs Memo on Disability Evaluation System Dual Processing.

For further questions on Dual Processing, please contact your servicing SJA or the Command Services Department at RLSO MIDLANT.

Separating Victims of Sexual Assault: Changes to MILSPERMAN 1910-704

Command Services Department, RLSO Midlant

Military Personnel Manual (MILPERSMAN) 1910-704(2)(b) determines the appropriate Separating Authority (SA) in certain situations. The previous version had made a deliberate change by withholding SA to Commander, Navy Personnel Command (COMNAVPERSCOM) for active-duty members that are alleged victims of sexual assault and being processed for involuntary separation. The previous decision to have these cases elevated to COMNAVPERSCOM was an attempt to prevent retribution by Commands against those who sought to report sexual abuse, assault, and harassment by fellow service members.

On 10 March 2016, this section in MILPERSMAN 1910-704 was updated again. Now, if the involuntary separation of an active-duty alleged victim of sexual assault is set to occur *within one year* of the *final disposition* of the *initial* sexual assault case, the SA will be the first Flag Officer in the Sailor's Chain of Command. This new guidance ensures sufficient oversight of subordinate commander decisions involving victims of sexual assault while providing a more localized and timely approval authority. For questions about this new policy, contact your assigned SJA or a member of RLSO's Command Services Department.

When separating a sailor with PTSD or other ratable conditions, ensure the sailor receives the appropriate referral to the Disability Evaluation System.

Under new guidance, if the involuntary separation of an active duty alleged victim of sexual assault is set to occur within one year of the final disposition of the initial sexual assault case, the SA will be the first Flag Officer in the Sailor's Chain of Command.

Fundraising Ethics: Inside and Outside the Federal Workplace

Command Services Department, RLSO Midlant

Naval Commands very frequently support fundraising, whether it is an MWR bake sale, CPO 365 taco sale, annual contributions to the Combined Federal Campaign, or a charity auction to benefit a scholarship foundation. What legally allows us to sell items, solicit money, or charge cost of admission to benefit a specific non-profit organization? Fundamental to these questions associated with fundraising in the Navy are DoD Ethics directives, which state in relevant part: “employees shall not solicit or accept any gift or other item from a prohibited source; employees shall put forth honest effort in the performance of their duties; employees shall not use public office for private gain; employees shall act impartially and not give preferential treatment to any private organization or individual; employees shall protect and conserve Federal property and shall not use it for other than authorized activities.”

Although these principles seem intuitive, when it comes to fundraising, understanding all of the overlapping and unrelated regulations can become a headache. As commanders, the questions that need to be asked at a minimum are: What is being solicited?; Who is the solicitation for?; Where will the solicitation occur?; Who is being solicited? What type of Non-federal entity is involved?; and What support is being requested? In order to answer these questions it is important to draw a distinction between fundraising inside or outside the federal workplace and whether funds are collected in an official or personal capacity.

In the federal workplace and in an official capacity, the Combined Federal Campaign (CFC) is the only means by which solicitation of government employees is authorized. CFC is a special program within the DoD; the goal is to consolidate charitable solicitations in one campaign in order to minimize disruption in the workplace. CFC solicitations are limited to the annual CFC campaign period and while solicitation on behalf of the CFC is permissible, commands must be careful to ensure their actions don't amount to overt or implied coercion to participate in CFC, as the decision to donate is personal and purely voluntary. Command endorsement, kick-off events to build support for CFC and fundraising events are allowed. However the following are examples of coercion and not permissible: setting individual monetary goals; setting a command goal of 100% participation; and, publishing lists of non-contributors. In addition to the CFC, permissible official endorsement of fundraising activities also includes support to emergency or disaster relief operations (authorized by OPM and SECNAV), fundraising for the Navy and Marine Corps Relief Society (NMCRS) which is governed by SECNAVINST 5340.7, and “by our own, among our own, for our own” (BOOFOO) organizations such as a Chief Petty Officers Association or Spouse's Club. Command endorsement of BOOFOO fundraising is allowed and is typically defined as organizations where those solicited are eligible to receive proceeds. “By our own” and “for our own” refer to active-duty and family members in the command. NMCRS is a special organization type of BOOFOO as the only DON-related military relief agency approved for workplace fundraising and official endorsement.

In the federal workplace, the Combined Federal Campaign is the only means by which solicitation of government employees is authorized.

Commands should not be involved in day to day management of NMCRS chapters and command endorsements are not allowed for events soliciting outside active-duty and retired Navy and Marine Corps personnel. Beyond these clearly stated instances, employees may only engage in fundraising as part of official duties when authorized specifically by law or regulation. Fundraising in the federal workplace in a personal capacity is not allowed.

Outside the federal workplace and in an official capacity, support of charitable Non-Federal Entities (NFE) is permitted when personnel are official speakers (but not actively participating). More specifically, when they are speaking about their official duties, the forum is appropriate for dissemination of this information, the employee does not request donations or support for the NFE, the employee does not endorse the NFE or its activities, and finally the speech is not the primary draw to the fundraiser. Further, attendance at an NFE fundraiser in an official capacity (not as an official speaker) is allowed specifically when the individual is not serving as an honorary chairperson, not sitting at the head table, not standing in a receiving line, or not allowing one's attendance to be used to promote the fundraiser. Outside the federal workplace but still on base (for instance, at an on base theater or auditorium), the DoD may provide on a limited basis the use of facilities or equipment as logistical support for NFE charitable fundraisers. This support may be provided given it does not interfere with performance of official duties, does not detract from readiness, DoD community relations or interests are served by the support, the event is appropriate to associate with the DoD, the event is of interest and benefit to the local community, the DoD component command is able and willing to provide the same support to comparable events sponsored by other similar NFEs, the use is not restricted by other statutes, and finally only in situations when no admission fee beyond what covers reasonable costs of the event is charged for the portion of the event supported by DoD.

Government employees may engage in unofficial fundraising as long as they are outside the workplace and are acting exclusively outside the scope of their official positions.

When outside the federal workplace and operating in a personal capacity, employees may engage in fundraising as long as they act exclusively outside the scope of their official positions. This means they must not solicit from subordinates or DoD contractors. Their efforts must not imply DoD endorsement, meaning they should not use their official title or position; however, use of rank and branch are permissible provided the context doesn't imply DoD endorsement. They must avoid representing interests to the federal government on behalf of the NFE. Finally, they may not use government resources. In some instances, employees may fundraise aboard federal installations, for example in common areas or personal quarters outside work spaces and with installation command permission.

Finally, the last topic addressed is "non-fundraising activities" such as collections for gifts in kind (i.e. good, clothing, toys, etc) in the workplace. Official DoD Programs such as Feds Feed Families is an OPM-approved program to collect food for local charities. Due to its official status, members may endorse this program in an official capacity and food may be collected in the workplace. Alternatively, while commands may not endorse or solicit subordinates or contractors on behalf of NFEs, they are permitted to place a box in public parts of the building to collect gifts in kind as logistical support. Finally, money collections for flowers or cash intended for a command member (when collecting for an individual and not on behalf of a charitable organization) is not considered fundraising and is not prohibited.

The ethics of fundraising can become extremely complicated, so please always contact your designated ethics advisor when confronted with these questions.

Social Media Standards of Conduct

Command Services Department, RLSO Midlant

NAVADMIN 129/15 adopted standards of conduct for social media use in line with those published by the Office of Government Ethics under 5 C.F.R. part 2635. These standards govern the use of social media sites both in the workplace and at home.

Use of Personal Social Media Account while on Duty

Unless use of personal social media accounts is somehow related to official duties, they should not be accessed while on duty. Official time is to be used in an honest effort to perform official duties. Additionally, government property is only to be used to perform official duties, unless use for other purposes has been authorized.

Moreover, a supervisor may not ask or order a subordinate to access or manage a supervisor's account nor may a supervisor have a subordinate create content for the supervisor's account.

Reference to Government Title of Position & Appearance of Official Sanction

Often the question arises of whether employees may use their official title on their social media account. Although identifying one's title or position in an area of an account designated for biographical information is allowed, use of one's official title, position, or authority for personal gain or in a manner that gives an impression that the government endorses or sanctions one's activities on social media is illegal.

Factors that might create an impermissible appearance of government endorsement or sanction include:

- Claiming to act on behalf of the government
- Reference to government connection in support of a statement
- Prominently featuring a government agency's name, seal, or uniform
- Referencing one's title or position in areas other than those designated for biographical info
- Holding a highly visible position such as a senior official or political position or being authorized to speak for the government
- Other circumstances than the ones listed could also create an impermissible impression

Posting a disclaimer that states the government does not endorse a post is a good way to avoid creating the appearance of government endorsement. This is highly encouraged to reduce confusion that might otherwise arise.

Recommending and Endorsing Others on Social Media

Employees are allowed to recommend/endorse the skills of others on sites such as LinkedIn as long as they do so in their personal capacity. However, they may only include their title or position with the endorsement if the site automatically includes that information whenever a recommendation is made. Affirmatively choosing to include a reference to title, position, or employer in a recommendation is prohibited unless the person making the recommendation has personal knowledge of the individual from working with him or is recommending him for federal employment.

Use of one's official title, position, or authority for personal gain or in a manner that gives an impression that the government endorses or sanctions one's activities on social media is illegal.

Seeking Employment through Social Media

When seeking employment on social media, federal employees are required to disqualify themselves from participation in any particular matter that will have an effect on the financial interests of a person with whom they are seeking a job.

Posting a resume on a social media website does not constitute seeking employment; neither does receiving an unsolicited job offer. However, a government employee who responds to an unsolicited job offer with anything other than a rejection or reaches out to an employer concerning future employment qualifies as seeking employment.

Disclosing Non-Public Information

Classifications regarding the disclosure of information such as “classified” or “confidential” apply the same when using social media. Government employees may not disclose non-public information to further their private interests or the private interests of others.

Employees may share information that is already publicly available, but may not accept compensation for statements or communications on social media that relate to their official duties.

Personal Fundraising

Employees may use personal social media accounts to fundraise for non-profit charitable organizations in a personal capacity as long as they do not personally solicit funds from a subordinate or known prohibited source. A general fundraising request posted on social media does not equate to a personal solicitation. This is true even if the employee and subordinate are “connected” or if the subordinate responds to the general request. Employees may not, however, respond to inquiries from subordinates regarding the fundraising request. Furthermore, an employee may not specifically reference, link to, or otherwise target a subordinate or known prohibited source when fundraising over social media.

In addition, employees cannot use their official title, position or authority as a means of furthering the fundraising effort.

Official Social Media Accounts

Official Federal Agency social media accounts are to be used only for official purposes and in line with policies established by the respective Command.

LEGAL ASSISTANCE

HOURS AT RLSO MIDLANT, HAMPTON ROADS

Legal Assistance: If one of your sailors needs personal legal advice (i.e. family law, consumer law, estate planning (wills), powers of attorney, or landlord/tenant disputes) NOT including criminal defense counsel support, direct them to the Legal Assistance Department onboard Naval Station Norfolk, located in Building A-50, 9620 Maryland Ave., Suite 100. Below are LA Department’s new hours of operation:

- Monday, Tuesday & Thursday: from 0745-1145, 1300-1530
- Wednesday: 0900-1145, 1300-1530
- Friday: 0900-1200

WILLS/FAMILY LAW

- Walk in services for wills and family law are offered for active-duty and active-duty dependents at the hours listed above. We will see retirees for family law services on a walk-in basis. Retiree wills are handled by appointment only at 757-433-2230.
- All services are offered on a first come, first serve basis. Services are offered with limited availability per day, based on attorney numbers.
- PRIORITY IS GIVEN TO ACTIVE-DUTY MEMBERS WHO ARE DEPLOYING WITHIN 30 DAYS.

All services are offered on a first come, first serve basis. If you would like to schedule an appointment, please call 757-433-2230. Appointment Line hours are 1000-1300 on MONDAYS ONLY

APPOINTMENTS

- If you would like to schedule an appointment, please call 757-433-2230. Appointment Line hours are 1000-1300 on MONDAYS ONLY. Appointments cannot be made in-person inside our office.

BUILDING 3370, JEB LITTLE CREEK-FORT STORY

- Powers of attorney & notary services are offered Monday-Thursday from 0800-1145 and 1300-1530.
- Limited appointments are available on Tuesdays. Call 757-433-2230 for an appointment. Walk-ins for attorney services are available Monday, Wednesday, and Thursday from 0900 1530.

BUILDING 320, NAVAL AIR STATION OCEANA

- Powers of attorney & notary services are offered Monday-Thursday from 0800-1145 and 1300-1530.
- Call 757-433-2230 if you would like to schedule an appointment. Walk-ins for family law and wills are available Monday-Thursday from 0900-1530.

For more information on locations and services offered, please visit our website at www.jag.navy.mil, go to the "Legal Services" tab, and click on "Legal Assistance." Then scroll down to select RLSO MIDLANT.

Command Services: Attorneys in the Command Services Department provide legal advice and support to commands and command representatives (i.e. legal officers) that do not have an assigned Staff Judge Advocate (SJA). Covered areas include investigations, NJPs and other disciplinary proceedings, administrative separation boards, and limited ethics support. To speak with an attorney in Norfolk's Command Services Department, please call 757-444-1266.

If your command is located in the Northeast AOR, please see the complete listing of SJAs on page 10.

***RLSO MIDLANT Adjudged Court-Martial Sentences
April – June 2016*****General Courts-Martial**

At a General Court-Martial in Norfolk, Virginia, an E-5 and an E-4 were tried, jointly, for sexual assault. On 14 April 2016, the panel of members returned a verdict of not guilty for both Sailors.

At a General Court-Martial in Norfolk, Virginia, an E-4 was tried for abusive sexual contact and sexual assault. On 29 April, the panel of members returned a verdict of guilty to all charges and sentenced him to a Dishonorable Discharge, reduction in rank to paygrade E-1, total forfeitures of pay and allowances, and confinement for 6 months.

At a General Court-Martial in Norfolk, Virginia, an O-3, USN, was tried for abusive sexual contact. On 9 May 2016, the panel of members returned a verdict of not guilty.

At a General Court-Martial in Norfolk, Virginia, an E-4 pled guilty pursuant to a pretrial agreement to sexual assault. On 19 May 2016, the military judge sentenced him to a Dishonorable Discharge, reduction in rank to paygrade E-1, and 42 months confinement. Pursuant to the pretrial agreement, confinement greater than 18 months will be suspended and remitted. The suspended confinement may be served if the Service Member violates the terms of the pretrial agreement.

At a General Court-Martial in Norfolk, Virginia, an E-6, USN, was tried for sexual assault. On 20 May 2016, the panel of members returned a verdict of not guilty.

At a General Court-Martial in Norfolk, Virginia, an E-6 pled guilty pursuant to a pretrial agreement to aggravated assault of a child. On 20 May 2016, the military judge sentenced him to a Bad Conduct Discharge, reduction in rank to paygrade E-1, and 28 months confinement. The pretrial agreement had no effect on his sentence.

At a General Court-Martial in Groton, Connecticut, an E-5 pled guilty pursuant to a pretrial agreement to viewing, possessing, possessing with the intent to distribute, and distributing child pornography. On 24 May 2016, the military judge sentenced him to a Bad Conduct Discharge, reduction in rank to paygrade E1, and 18 months confinement. The pretrial agreement had no effect on his sentence.

At a General Court-Martial in Norfolk, Virginia, an E-4 pled guilty pursuant to a pretrial agreement to making a false official statement, indecent exposure, and communicating a threat. On 26 May 2016, the military judge sentenced him to reduction in rank to paygrade E-1 and 9 months confinement. The pretrial agreement had no effect on his sentence.

At a General Court-Martial in Norfolk, Virginia, an E-5 was found not guilty of attempted murder by reason of lack of mental responsibility. On 31 May 2016, the military judge ruled that continued confinement in a treatment facility may be appropriate. Commander, Navy Region Mid-Atlantic remanded him to the custody of the Attorney General for treatment.

At a General Court-Martial in Norfolk, Virginia, an E-5 pled guilty pursuant to a pretrial agreement to possession, use, distribution and introduction onto a military installation of anabolic steroids, a schedule III controlled substance and conspiracy to export steroids from the United States. On 3 June 2016, the military judge sentenced him to a Bad Conduct Discharge, reduction in rank to paygrade E-1, and 6 months confinement. Pursuant to the pretrial agreement, confinement greater than 3 months will be suspended and remitted. The suspended confinement may be served if the Service Member violates the terms of the pretrial agreement.

At a General Court-Martial in Norfolk, Virginia, an E-5 pled guilty pursuant to a pretrial agreement, to false official statement, sexual assault, and assault and battery. On 23 June 2016, the military judge sentenced him to a Dishonorable Discharge, reduction in rank to paygrade E-1, and 8 years confinement. The pretrial agreement had no effect on his sentence.

Special Courts-Martial

At a Special Court-Martial in Norfolk, Virginia, an E-4 pled guilty pursuant to a pretrial agreement to absence without leave and making a false official statement. On 12 April 2016, the military judge sentenced him to reduction in rank to paygrade E-3 and confinement for 10 months. Pursuant to the pretrial agreement, confinement greater than 120 days will be suspended. The suspended confinement may be ordered executed if the service member violates the terms of the pretrial agreement.

At a Special Court-Martial in Norfolk, Virginia, an E-5 pled guilty pursuant to a pretrial agreement, to conspiracy to commit larceny, larceny, and wrongful use of a controlled substance. On 12 May 2016, the military judge sentenced her to a Bad Conduct Discharge, reduction in rank to paygrade E-3, and 8 months confinement. Pursuant to the pretrial agreement, confinement greater than 6 months will be suspended and remitted. The suspended confinement may be served if the Service Member violates the terms of the pretrial agreement.

At a Special Court-Martial in Norfolk, Virginia, an E-2 pled guilty pursuant to a pretrial agreement to absence without leave, disobeying a petty officer, wrongful use of a controlled substance, and assault and battery. On 25 May 2016, the military judge sentenced him to a Bad Conduct Discharge and 45 days confinement. The pretrial agreement had no effect on his sentence.

At a Special Court-Martial in Norfolk, Virginia, an E-5 pled guilty pursuant to a pretrial agreement to indecent exposure. On 26 May 2016, the military judge sentenced him to 10 days confinement. The pretrial agreement had no effect on his sentence.

At a Special Court-Martial in Norfolk, Virginia, an E-3 pled guilty pursuant to a pretrial agreement to conspiracy to distribute a controlled substance and the wrongful use and distribution of a controlled substances. On 2 June 2016, the military judge sentenced him to a Bad Conduct Discharge, reduction in rank to paygrade E-1, forfeiture of \$1,000 per month for 12 months, and 12 months confinement. Pursuant to the pretrial agreement, confinement greater than 7 months will be suspended and remitted. The suspended confinement may be served if the Service Member violates the terms of the pretrial agreement.

At a Special Court-Martial in Norfolk, Virginia, an E-6 pled guilty without a pre-trial agreement to desertion with an intent to remain away permanently, terminated by apprehension. On 9 June 2016, the military judge sentenced him to a \$4,000 fine, to be reduced in rank to paygrade E-5, and to be confined for 89 days. The military judge awarded him 86 days of credit for pre-trial confinement.

At a Special Court-Martial in Norfolk, Virginia, an E-5 pled guilty pursuant to a pretrial agreement to violation of a lawful general regulation, false official statement, larceny, and making a worthless check. On 13 June 2016, the military judge sentenced him to a Bad Conduct Discharge, reduction in rank to paygrade E-1, a \$10,000 fine (enforceable by 6 months of contingent confinement), and 6 months confinement. Pursuant to the pretrial agreement, the Bad Conduct Discharge is disapproved.

***RLSO MIDLANT Board of Inquiry (BOI) Results
April – June 2016***

During a BOI held on 01 April 2016 an O-3, USN, was ordered to show cause for retention due to misconduct under Articles 81, 92, 92, 134 and 133 and Substandard Performance of Duty. The BOI found that the member did commit misconduct. The BOI recommended that the member be separated with an Honorable characterization of service.

During a BOI held on 08 April 2016 an O-3, USN, was ordered to show cause for retention due to misconduct under Articles 81, 92, 92, 134 and 133 and Substandard Performance of Duty. The BOI found that the member did commit misconduct. The BOI recommended that the member be retained.

During a BOI held on 07 April 2016 an O-4, USN, was ordered to show cause for retention due to misconduct under Article 107 and Substandard Performance of Duty. The BOI found that the member did commit misconduct. The BOI recommended that the member be separated with a General (Under Honorable Conditions) characterization of service.

During a BOI held on 19 April 2016 an O-6, USN, was ordered to show cause for retention due to misconduct under Articles 107 and 133 and Substandard Performance of Duty. The BOI found that the member did commit misconduct. The board recommended that the member be separated with a General (Under Honorable Conditions) characterization of service. The BOI recommended the retirement pay grade of O-6.

During a BOI held on 25 April 2016 an O-3, USN, was ordered to show cause for retention due to misconduct under Article 134 and Substandard Performance of Duty. The BOI found that the member did commit misconduct. The BOI recommended that the member be separated with an Other than Honorable characterization of service.

During a BOI held on 09 May 2016 an O-3, USN, was ordered to show cause for retention due to misconduct under Articles 92, 133, and 134 and Substandard Performance of Duty. The BOI found that the member did commit misconduct. The BOI recommended that the member be separated with an Honorable characterization of service.

During a BOI held on 16 June 2016 an O-5, USN, was ordered to show cause for retention due to misconduct under Article 107 and Substandard Performance of Duty. The BOI found that the member did commit misconduct. The BOI recommended that the member be retained.

RLSO MIDLANT
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RLSO Mid-Atlantic welcomes suggestions for articles and recommendations for improvement. For additions to the RLSO Legal Compass distribution list or to make suggestions or recommendations, please email: erik.a.carlson1@navy.mil

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