

MIDLANT Legal Compass

Guiding Warfighters through Legal and Ethical Waters

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What's New in 2014?

As we begin the New Year, this issue will highlight a couple of important initiatives that have been implemented in recent months. First, this issue includes an introduction to the Victim Legal Counsel Program (VLCP), the newest SAPR initiative designed to assist victims through the military justice system. The VLCP assigns a JAG to represent victims of sexual assault in the Navy. Please spread the word about the VLCP. It is a key tool in the fight to remove sexual assault from the Navy.

This issue also highlights the addition of synthetic cannabinoid ("spice") testing to the regular drug testing urinalysis program. The article will explain how that changes when and how a positive urinalysis for spice can be used in disciplinary or administrative proceedings against sailors.

As 2014 begins, we also want to ensure that commands and legal officers are fully aware of the services available to them. So we have also included updated information about each department at RLSO MIDLANT along with hours of operation and contact information.

To start the year off on the right foot the last few articles deal with issues frequently addressed by commands and legal officers. The articles are designed as quick reference guides on these subjects. But as always, the Legal Compass is not meant as a substitute to seeking legal advice. You can use these articles as references, but please do not hesitate to reach out to us at RLSO MIDLANT, or a Staff Judge Advocate in your chain or command, when the tough questions present themselves.

Very Respectfully,
/S/
D.G. Wilson
CAPT, JAGC, USN
Commanding Officer, RLSO MIDLANT

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.



Victims' Legal Counsel Program (VLCP): An Introduction to the Newest Initiative Aimed at Assisting Sexual Assault Victims

CDR Colleen Shook, Officer-in-Charge, Victims' Legal Counsel Program Mid-Atlantic

The Navy Victims' Legal Counsel Program (VLCP) Mid-Atlantic has been established to assist victims of sexual assault throughout Navy Region Mid-Atlantic. CDR Colleen Shook, JAGC, USN reported to Naval Station Norfolk in November and is serving as the Officer in Charge and supervising Victims' Legal Counsel (VLC) for VLCP MIDLANT. CDR Jeff McCray, JAGC, USNR, is serving as the VLC for Naval Air Station Oceana. LT Kathryn DeAngelo, JAGC, USN has reported to Norfolk to serve as a VLC, and LCDR Mary Murphy, JAGC, USN will be reporting soon as the final VLC assigned to Naval Station Norfolk. LT Drew Schaffer, JAGC, USN has reported to Naval Submarine Base Groton as its VLC. These five VLCs will support sexual assault victims throughout our region.

In August 2013, the Secretary of Defense (SECDEF) released a memorandum on Sexual Assault Prevention and Response (SAPR) outlining several new initiatives designed to strengthen the SAPR program. One of these new initiatives is the VLC Program, created to provide dedicated legal support to military and dependent victims of sexual assault. The Navy, together with our sister services, is actively combating sexual assault in an effort to completely eliminate it from our ranks, hold offenders accountable, and provide compassionate and coordinated support to sexual assault victims. The VLCP was codified into law by the 2014 National Defense Authorization Act, requiring that all victims of sexual assault be offered the option of receiving assistance from a VLC.

VLCs form an attorney-client relationship with eligible victims and provide legal services that are connected to the sexual assault. VLCs advise victims of their legal rights and help protect those rights through the investigative and military justice processes. Under the Crime Victims' Rights Act (18 U.S.C. § 3771), victims have the following rights: to be treated with fairness and respect for victim's dignity and privacy; to be reasonably protected from the accused; to be notified of court proceedings; to receive restitution as available; to attend public court sessions; to confer with the attorney for the government; and to be informed about case disposition (conviction, sentencing, imprisonment and release). VLCs can also represent victims in military court-martial proceedings as well as advocate on victims' behalf to investigators, commanders, and prosecutors. VLCs work closely with Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs) to ensure victims have the resources and support they need.

Eligible victims are active duty service members, reservists assaulted during active service or mobilization, adult dependents, and some overseas DON civilians. We cannot represent minors or child sexual abuse victims. Offenses covered are rape, sodomy, sexual assault, wrongful sexual contact, and attempts to commit any of these.

VLCs can represent victims at court proceedings in which the victim has standing and interests. In LRM vs. Kastenberg, No. 13-5006 (CAAF, July 18, 2013), the Court held that the position of the victim as a nonparty did not preclude the limited standing to be heard in pretrial hearings

VLCs advise victims of their legal rights and help protect those rights through the investigative and military justice processes.

under Military Rules of Evidence (MREs) 412 and 513. The holder of these privileges (a victim) who is represented by counsel (VLC) has the reasonable opportunity to attend and be heard in evidentiary hearings, subject to reasonable limitations and the Military Judge retains appropriate discretion under Rules for Courts-Martial (RCM) 801.

What are the benefits of having VLCs in the sexual assault process? Many victims speak of feeling lost in the legal system and their lack of understanding and control is re-victimizing. Victims may not understand their rights, their case, or the court system, and they may need additional help sorting through the Navy administrative channels to get the help or relief they need. Multiple interviews with different attorneys/agencies may re-victimize the victims. While SARCs and VAs are extremely knowledgeable about resources available, judge advocate VLCs are uniquely suited to explain the military justice process from report, through investigation, charges, and ultimately, trial.

Both trial and defense counsel will see benefits to having a VLC involved in a sexual assault case. VLCs can concentrate on victim issues without being involved in the prosecution of the case. VLCs can explain administrative decisions, judicial rulings, and “do not prosecute” decisions by either the trial counsel or the convening authority. VLCs can discuss victims’ support of certain pre-trial agreement (PTA) provisions, and make a recommendation to the convening authority supporting a PTA. VLCs have direct access to the victim and can facilitate contact and interviews.

Once a VLC has been retained, both trial and defense counsel need to contact the VLC before they can interview a victim. Our Rules of Professional Responsibility prohibit communications with “any person, whether or not a party to formal proceeding, who is represented by counsel concerning the matter in question” unless that counsel consents. See JAGINST 5803.1D (May 2012), Rule 4.2.

There are a total of 30 VLCs assigned to Navy installations worldwide, covering nine Navy Regions (Naval District Washington, MIDLANT, Southeast, Midwest, Southwest, Northwest, Hawaii, Japan, and EURAFSWA).

If you have any questions about VLCP MIDLANT, or have a victim that may be in need of VLC services, please contact CDR Shook or CDR McCray directly.

CDR Shook is co-located with the SARCs/VAs at 1221 Bellinger Blvd, Bldg U-111, Naval Station Norfolk, and can be reached at (757) 445-6472 or colleen.shook@navy.mil. LT DeAngelo can be reached at (757) 445-5359 or kathryn.deangelo@navy.mil

CDR McCray at NAS Oceana can be reached at (757) 433-3457 or jeffrey.mccray@navy.mil.

LT Schaffer at Naval Submarine Base Groton can be reached at (860) 694-2334 or drew.schaffer@navy.mil.

Spice Testing: Recent Changes Allow Commands to Hold Sailors Accountable

LT Jennifer Smith, Command Services Department, RLSO MIDLANT

On October 25, 2013, the Under Secretary of Defense issued a memorandum announcing that synthetic cannabinoids ("spice") would be added to the Drug Demand Reduction Program drug testing panel. Subsequently, NAVADMIN 334/13 was released on December 30, 2013, providing guidance on the implementation of this testing.

As the Navy continues to combat the use of illegal substances by sailors, the addition of spice to the list of drugs tested by the Naval Drug Screening Laboratories (NDSLs) eases the restrictions that have existed on how positive tests for spice can be used. Prior to these changes, spice testing in the Navy was governed by NAVADMIN 082/12 and required commands to seek quotas from OPNAV 135. However, for this OPNAV program, the NDSL contracted out the actual testing of these specimens to civilian contracting labs. For that reason, commands could not pursue disciplinary or adverse administrative actions based solely on positive results.

Since spice will now be tested at NDSLs as part of the normal course of drug testing, commands can proceed with non-judicial punishment (NJP) or court-martial for violations of Article 112a of the Uniform Code of Military Justice and/or administrative separation under MILPERSMAN 1910-146 based solely on a positive urinalysis for spice that was conducted at a Navy lab.

For Legal Officers, this means that charge sheets for NJP or court-martial should no longer charge spice use as an Article 92 violation but instead Article 112a. For administrative separation processing notification the basis for separation will be MILPERSMAN 1910-146 (Separation by Reason of Misconduct – Drug Abuse) instead of 1910-142 (Separation by Reason of Misconduct – Commission of a Serious Offense).

Despite the commencement of spice testing at NDSLs, the prior OPNAV spice program will continue until NDSLs become fully operational in testing spice. Currently, NDSLs will not test all specimens for spice. Additionally, NDSLs will only test for first-generation spice compounds.

Therefore, commands may still request quotas for command-directed and probable cause samples to be tested for spice. This will ensure that all command-directed and probable cause samples will be tested for spice. NCIS will still be able to send investigative samples to the Armed Forces Medical Examiner System (AFMES) which tests for a greater number of spice compounds than the NDSLs. When receiving positive urinalysis results under this program, the previously-mentioned restrictions continue to exist.

Therefore, when responding to a positive spice result, commands must ensure they accurately identify under which program the specimen was obtained and where it was tested in order to correctly proceed with actions against a servicemember. Hopefully, once NDSLs become fully operational with spice testing, the OPNAV program will be unnecessary. In the meantime, these current changes provide commands with a greater ability not only to deter synthetic drug use in the Navy but also to hold servicemembers accountable.

Administrative Separation Processing for Physical or Mental Conditions

LT Benita Stentiford, Command Services Department, RLSO MIDLANT

MILPERSMAN 1910-120 lays out the procedures for separating enlisted personnel for physical or mental conditions. The article states that such separations are for physical or behavioral conditions that impair a member's performance, but do not amount to a physical disability. The latter are covered under Medical Evaluation Board procedures.

Separations under physical or mental conditions can be initiated by the command or by the member. This article will only cover command-initiated separations. In this case, a command can either be directed to separate a member for physical or mental conditions or it can start its own processing. For example, if a member has gone through the full Physical Evaluation Board process, ultimately, PERS may direct a command to separate the member because of medical reasons, such as a physical or mental condition as defined under MILPERSMAN 1910-120. Or, if a command sends a member to a medical facility for a command-directed Mental Health Evaluation, and the medical provider provides documentation supporting separation due to a physical or mental condition, then the command can initiate the separation process.

In either case, the command must ensure several steps are taken before the member is processed for separation. First, the command must have medical documentation from a medical officer supporting the separation. Second, the command must formally notify the member with NAVPERS 1070/613 Administrative Remarks (Page 13), documenting the member's performance deficiencies related to the physical or behavioral conditions and advising the member of medical resources that may assist the member's retention. The Commanding Officer must give the member a "reasonable time" to overcome those deficiencies. The Page 13, an example of which is found in MILPERSMAN 1910-120, should let the member know that they are being counseled for their medical condition and that they are being given the counseling so that they can undertake the recommended corrective action, if any, in order to be retained in the Navy.

Once the "reasonable time" has passed, the member may be processed for separation under MILPERSMAN 1910-120. As with all enlisted separations, if a member has more than 6 years of service, the command must notify the member using the Administrative Board Procedure form under MILPERSMAN 1910-300. If the member has less than 6 years of service, the Notification Procedure can be used. MILPERSMAN 1910-120 provides that the characterization of service should be Honorable, unless Entry Level Separation (ELS) or General is warranted.

The Administrative separation package should include the Page 13, the Administrative notification, the Letter of Transmittal, and medical documentation from a medical officer supporting separation. The package should also include the message from PERS directing separation, if applicable.

Members rarely elect boards in these types of separation, but should an administrative board be required, the board cannot disregard or change the approved diagnosis of a medical officer. Members, can, however, introduce evidence as to the impact that such a diagnosis may have on their potential for productive future naval service.

Administrative Separation Processing for Personality Disorder(s)

LT Benita Stentiford, Command Services Department, RLSO MIDLANT

MILPERSMAN 1910-122 covers the procedures for separating enlisted personnel for personality disorder(s). Members can be processed for separation under this article based on a clinical diagnosis of a personality disorder when the disorder is so severe that the member's ability to function effectively in the Navy and the impairment interferes with the member's performance of duty. As with MILPERSMAN 1910-120, a member must receive a Page 13 before he or she can be separated under 1910-122.

It is important to note that separation processing under this Article can only be done based on a diagnosis of personality disorder by a psychiatrist or PhD-level psychologist utilizing Diagnostic and Statistical Manual of Mental Disorders and following Navy procedures. Furthermore, separation for personality disorder is not appropriate nor should it be pursued when separation is warranted on the basis of unsatisfactory performance or misconduct. Service-members who have deployed in a hostile fire/imminent danger war zone area diagnosed with Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) may not be separated based on a personality disorder.

As always, if you ever have any questions or concerns about processing a member for separation under these or any other articles, please contact the Command Services Department of the Regional Legal Service Office Mid-Atlantic.

NJP Best Practices

LT Benita Stentiford, Command Services Department, RLSO MIDLANT

"Non-judicial punishment (NJP) is a leadership tool providing military commanders a prompt and essential means of maintaining good order and discipline." Commanding Officers and some Officers in Charge are granted the authority to impose NJP, or CO's Mast, on enlisted personnel as well as officers by Article 15 of the Uniform Code of Military Justice (UCMJ) and are subject to Part V of the Manual for Courts-Martial and the Judge Advocate General Manual paragraphs 0106-0108 and 0124.

Most commands do not have a Staff Judge Advocate and therefore rely on command Legal Officers and Legal Yeoman to prepare NJP cases and to handle the post-NJP process. The Command Services Department receives numerous calls about NJP preparation and administration. Below are some best practices when conducting NJP:

- Establish and utilize a preliminary inquiry system of investigation and report chits (treat every case like it could go to court-martial; after all, Sailors not attached to a ship can refuse NJP).
- When writing charges on the Report Chit (Report and Disposition of Offense(s), NAVPERS 1626/7), make sure to use the sample specifications found in the UCMJ. Try not to deviate from these sample specifications.

- Make sure that the member facing NJP has an adequate amount of time to see a lawyer in determining whether to accept NJP or not. Members attached to ships do not have this right, since meeting with the lawyer is strictly to determine if the member will accept NJP or not. For shore commands, failure to comply with these *Booker* rights prevents the NJP from being used in aggravation at a court-martial.
- Establish and utilize a Disciplinary Review Board (DRB) prior to Executive Officer's Inquiry (XOI).
- Use DRB and XOI to effectively inquire into the circumstances of the case, get testimony of witnesses, and ultimately eliminate any surprises that could come up at NJP.
- When the member who is facing NJP reviews the evidence, have them initial each page and give enough time for them to review it. But remember, they are NOT entitled to a copy of the investigation.
- Have CO use and stick to the script, including going over the member's rights and advising the member of the charges.
- Have someone take notes at the NJP to document what happens. This is helpful in the case of an appeal.
- NJP service record entries should be as specific as possible. Have a tracker to follow-up with PSD to get copies back.
- Post-Mast, issue a Page 13 if the command does not plan on initiating administrative separation processing for the member. This is important for processing for administrative separation under MILPERSMAN 1910-140, Separation by Reason of Misconduct – Pattern of Misconduct. If the command has a Page 13 after a second Mast indicating that the command intends to retain the member in the Navy, administrative separation processing is inappropriate.
- Keep an accurate and complete Unit Punishment Book. There is no requirement for a separate electronic log, but this is helpful for data collection and reporting.

Update to RLSO MIDLANT's Services – Make Sure You Know Which Department You or Your Sailor Needs!

Legal Assistance: If your sailors are in need of personal advice services, you should direct them to the Legal Assistance Department. For example, do they need a will? Are they going through a divorce and need general advice? Are they in a dispute with their landlord?

As a practice tip, don't forget that legal officers should not be assisting Sailors with their personal legal issues. Legal officers support the Command and then the Commanding Officer. In other words, it could be a conflict of interest to provide support to both the Commanding Officer and sailors.

If one of your sailors needs legal advice, 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 hours of operation:

Powers of Attorney and Notary Services Walk-ins:

Mon – Thurs, 0800-1600

Will Walk-ins:

Mon, 0800-1100 & 1300-1530

IA/Deployer Wills:

Tues, 1300-1600

Family Law:

Tues 0740-1100 &

Thurs 1230-1530

Appointments for all other legal issues:

Made through the appointment line (757-341-4491)

Mon – Thurs, 0800-1530

If your command is deploying, the Legal Assistance Department can send attorneys to your command to do will intakes and executions on-site. If you would like to organize a will workshop in the Hampton Roads area, please contact LT Latham Hudson at 757-341-4489. If your command wants a JAG to present a pre-deployment brief, please contact LTJG Lindsay McCarl at 757-341-4489.

If your sailor requires legal assistance in the Northeast AOR, please contact the Legal Assistance office at the respective detachment office for their hours of operation:

Groton: (860) 694-3741

Newport: (401) 841-3766

Earle: (732) 866-2066

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 ethics. 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 11.

Trial Department: If your command requires assistance from the Trial Department regarding an upcoming or possible courts-martial, please contact LNC Miles (LCPO) at 757-341-4516.

Additional contact information for RLSO MIDLANT and directions to the various offices can be found on the command homepage:

http://www.jag.navy.mil/legal_services/rlso/rlso_mid_atlantic.htm

When Do My Sailors Have to Report an Arrest or Conviction and What Can I Do if They Don't? A Refresher on Self-Reporting Requirements

LT Jennifer Smith, Command Services Department, RLSO MIDLANT

Self-reporting requirements continue to be a hot topic for legal officers. Commanding officers want to ensure accountability for offenses. When a state or federal court is also pursuing charges, however, legal officers need to know the limitations on when commands can also take action. These questions usually surround DUI cases. However, it is important to remember that the rules discussed in this article apply any time a command is trying to discipline a member for conduct that a state or federal court is also pursuing.

• **IF** a servicemember does **NOT** self-report, but a command finds out about the DUI from an independent source (e.g. the police call the command) or inadvertent disclosure (e.g. a servicemember tells a friend who informs the chain of command), **THEN:**

- **Before** the servicemember is convicted in state or federal court, the command:
 - o Can bring the servicemember to NJP for violation of Article 111 (Drunk Driving)
 - o Can bring the servicemember to NJP for violation of Article 92 (Orders violation of paragraph 510.6 of the SORM for not reporting an arrest)
- **After** the servicemember is convicted in **state** court, the command:
 - o Can bring the servicemember to NJP for violation of Article 111 **ONLY** if the command receives GCMCA approval
 - o Can bring the servicemember to NJP for violation of Article 92 (Orders violation of Navy Reg. 1137 for failure to report a conviction)
- **After** the servicemember is convicted in **federal** court, the command:
 - o **CANNOT** bring the servicemember to NJP for violation of Article 111
 - o Can bring the servicemember to NJP for violation of Article 92 (Orders violation of Navy Reg. 1137 for failure to report conviction)

• **IF** a servicemember self-reports, but the command (1) learns about the self-report from an independent source or inadvertent disclosure; (2) the command would have inevitably discovered the DUI (e.g. the command regularly contacts the police to obtain arrest information); or (3) after the self-report, the command administers an Article 31(b) warning and the servicemember waives the rights and makes an incriminating statement about the DUI:

- The command **CANNOT** bring the servicemember to NJP for violation of Article 92
- **Before** the servicemember is convicted in state or federal court, the command:
 - o Can bring the servicemember to NJP for violation of Article 111
- **After** the servicemember has been convicted in **state** court, the command
 - o Can bring the servicemember to NJP for violation of Article 111 **ONLY** if the command receives GCMCA approval
- **After** the servicemember has been convicted in **federal** court, the command
 - o **CANNOT** bring the servicemember to NJP for violation of Article 111

• **IF** a servicemember self-reports but the command cannot/does not learn any further incriminating information about the DUI, the command **CANNOT** bring the servicemember to NJP for violation of Article 111 or 92

- The command can take other administrative measures (e.g. administrative separation), if applicable.

MIDLANT Adjudged Court-Martial Sentences from October – December 2013

General Courts-Martial

At a General Court-Martial in Groton, CT, an E-5, USN, pled guilty to attempting to create child pornography, distribution of child pornography, and possession of child pornography. On 2 October 2013, the military judge sentenced him to a Dishonorable Discharge, reduction in rank to E-1, and 15 years confinement.

At a General Court-Martial in Norfolk, VA, an E-6, USN pled guilty to violation of a lawful general order, assault consummated by a battery, and communicating indecent language. He pled not guilty to abusive sexual, but guilty to the lesser included offense of assault consummated by a battery. After providency, the military judge dismissed the indecent language charge. On 3 October 2013, the military judge sentenced him to 70 days confinement and reduction to E-4.

At a General Court-Martial in Groton, CT, an E-6, pled guilty to rape of a child, sexual assault of a child, sodomy of a child, possession and creation of child pornography, enticement and attempted enticement of a child to create child pornography, indecent acts, sexual assault of a child, indecent exposure, indecent language communicated to a child and false official statement. On 22 October 2013, the military judge sentenced him to a Dishonorable Discharge, reduction in rank to E-1, and 70 years confinement.

At a General Court-Martial in Norfolk, VA, an E-7, USN, pled guilty to three specifications of false official statement and one specification of larceny of military property at a value greater than \$500. On 6 November 2013, a panel of members sentenced him to a fine of \$10,000, reduction in rank to E-5, and 45 days confinement.

At a General Court-Martial in Norfolk, VA, an E-4 was tried for abusive sexual contact. On 14 November 2013, the panel of members returned a verdict of not guilty.

At a General Court-Martial in Norfolk, VA, an E-3 pled guilty to assault consummated by a battery. On 21 November 2013, the military judge sentenced him to a Bad Conduct Discharge, forfeiture of all pay and allowances, reduction in rank to E-1, and 5 months confinement.

At a General Court-Martial in Norfolk, VA, an E-5, USN, pled guilty to abusive sexual contact and attempted abusive sexual contact. On 5 December 2013, the military judge sentenced him to a Bad Conduct Discharge and 24 months confinement.

At a General Court-Martial in Norfolk, VA, an E-5, USMC, was tried for rape by force, forcible sodomy, and adultery. On 6 December 2013, the military judge returned a verdict of guilty on all charges, and sentenced him to a Dishonorable Discharge and 90 months confinement.

At a General Court-Martial in Norfolk, VA, an E-4, USN, was tried for rape, sexual assault and unlawful entry. On 12 December 2013, the panel of members returned a verdict of not guilty.

At a General Court-Martial in Norfolk, VA, an E6, USN, was tried for possession of child pornography. On 19 December 2013, the panel of members returned a verdict of guilty and sentenced him to a Bad Conduct Discharge and 18 months confinement.

Special Courts-Martial

At a Special Court-Martial in Norfolk, VA, an E-2, USN, pled guilty to wrongful use of a controlled substance, larceny of military property of a value greater than \$500, and wrongful communication of a threat. On 1 November 2013, the military judge sentenced him to a Bad Conduct Discharge, to pay a fine of \$850, and to be confined for 5 months.

At a Special Court-Martial in Norfolk, VA, an E-7, USN, pled guilty to fraternization. On 4 November 2013, the military judge sentenced him to reduction in rank to E-5 and 30 days confinement.

At a Special Court-Martial in Norfolk, VA, an E-7, USN, pled guilty to sexual harassment and assault upon a petty officer. On 5 November 2013, the military judge sentenced him to reduction in rank to E-4, 35 days restriction, and 14 days confinement.

At a Special Court-Martial in Norfolk, VA, an E-2, USMC, pled guilty to wrongful use of over-the-counter medication, wrongful use of a controlled substance, failure to go to his appointed place of duty, and breaking restriction. On 7 November 2013, the military judge sentenced him to a Bad Conduct Discharge, forfeiture of \$1000 per month for 3 months, reduction in rank to E-1, and 90 days confinement.

At a Special Court-Martial in Norfolk, VA, an E-1, USMC, pled guilty to wrongful use of a controlled substance, and breaking restriction. On 7 November 2013, the military judge sentenced him to a Bad Conduct Discharge, forfeiture of \$1000 per month for 2 months, and 120 days confinement.

At a Special Court-Martial in Norfolk, VA, an E-7, USN, pled guilty to sexual harassment and assault consummated by a battery. On 14 November 2013, the military judge sentenced him to reduction in rank to E-6, hard labor without confinement for 14 days, and confinement for 30 days.

At a Special Court-Martial in Norfolk, VA, an E-4, USN, was tried for abusive sexual contact. On 14 November 2013, the panel of members returned a verdict of not guilty.

At a Special Court-Martial in Norfolk, VA, an E-5, USN, pled guilty to sexual harassment and assault consummated by a battery. On 3 December 2013, the military judge sentenced him to a Bad Conduct Discharge and 75 days confinement.

At a Special Court-Martial in Norfolk, VA, an E-4, USN, pled guilty to two specifications of assault consummated by a battery. On 19 December 2013, the military judge sentenced him to reduction in rank to E-1 and 60 days confinement.

MIDLANT Board of Inquiry Results

During a board held on 1 October 2013, an O6, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 133 (Conduct Unbecoming a Naval Officer) and the member had not failed to conform to prescribed standards of military deportment. The board recommended that the member be retained on active duty.

During a board held on 17 December 2013, an O5, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 92 (Failure to obey order or regulation); UCMJ Article 133 (Conduct Unbecoming a Naval Officer); and that the member had failed to conform to prescribed standards of military deportment. The board recommended that the member be separated with an Honorable characterization of service.

During a board held on 10 December 2013, an O5, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 133 (Conduct Unbecoming a Naval Officer) and the member had not failed to conform to prescribed standards of military deportment. The board recommended that the member be retained on active duty.

RLSO MIDLANT
COMMAND SERVICES TEAM

HAMPTON ROADS AOR

RLSO Command Services Department
757-444-1266

Post-Trial Processing Division
757-341-4568

NAVSTA Norfolk SJA
757-444-1266

NAS Oceana / Dam Neck Annex SJA
757-433-2946

JEB Little Creek-Fort Story SJA
757-462-7224

Naval Weapons Station Yorktown SJA
757-445-5973

NSA Hampton Roads SJA
757-322-3065

TPU NORFOLK SJA
757-445-0715
757- 444-1340

NORTHEAST AOR

RLSO MIDLANT DET Groton
860-694-3309

NSB New London SJA
860-694-4739

NAVSTA Newport/NSY Portsmouth SJA
401-841-2609

NWS Earle/NSA Lakehurst/NSA Mechanicsburg/NSA Philadelphia SJA
732-323-5108

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

Region Legal Service Office Mid-Atlantic
9620 Maryland Avenue
Suite 201
Norfolk, VA 23511

