

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.



Taking Care of Commands and Sailors During Times of Financial Prudence

Taking Care of Commands and Sailors During Times of Financial Prudence is the theme for this edition of the Region Legal Service Office Mid-Atlantic (RLSO MIDLANT) Legal Compass. The JAG Corps is committed to supporting the Fleet by providing information and guidance to empower commands to properly enforce new initiatives and changes to existing policies and regulations. In this time of increased financial scrutiny, it is vital that commands understand their new obligations and are given the resources to better advise and protect their sailors from personal indiscretions and financial exploitation. This newsletter emphasizes these new developments, while also providing relevant legal assistance information that is specific to our sailors here in the Mid-Atlantic Region. We hope that this newsletter improves your understanding of these developments and enhances your ability to lead and support your sailors.

I hope the Legal Compass has been educational and informative over the last two years. As I look back over my tour as Commanding Officer, RLSO MIDLANT I am astounded by how much has changed within the legal realm while the basics have remained the same. NJPs, Administrative Separations and investigations always stand out as things commands and legal officers are eager to learn more about while there are constantly new challenges facing commands as the legal landscape with sexual assault, Spice and repeal of the Defense of Marriage Act is constantly evolving.

As I move on to my next assignment, I know my replacement, CAPT Dave Wilson, will continue to push out timely information through his Command Services team. It has been a pleasure serving with all the commands in this AOR. I wish you all continued success in navigating through the legal issues we face in today's Navy.

Very Respectfully,
/S/
D.E. Stich
CAPT, JAGC, USN
Commanding Officer, RLSO MIDLANT

Registration Information for the Senior Officer Course

The Naval Justice School has released the schedule for the Senior Officer Course for FY 2014 conducted in Newport, Rhode Island. The Senior Officer Course increases awareness for current legal issues and promotes efficiency in handling legal matters. The course is required for all Navy Captains (O-6) en route to O-6 commands. Commanding Officers, Executive Officers, and Officers-in-Charge are encouraged to attend at their earliest opportunity.

Course registration is no longer by email, but can be made via the Enterprise Naval Training Reservation System (ENTRS) at <https://main.prod.cetars.training.navy.mil/cetars/main.cac>. For questions or assistance with ENTRTS, please call (850) 452-1001, option 1.

The schedule for FY 2014 is below:

15-17 OCT 13	5-7 MAY 14
12-14 NOV 13	27-29 MAY 14
16-18 DEC 13	16-18 JUN 14
21-23 JAN 14	30 JUN-2 JUL 14
18-20 FEB 14	2-4 SEP 14
10-12 MAR 14	22-24 SEP 14
31 MAR-2 APR 14	

SECDEF: Don't Look a 501(c)(3), (19), and (27) Gift Horse in The Mouth

LTJG Zach Dembo, Command Services Department, RLSO MIDLANT

On 16 May 2013, the Secretary of Defense issued a memorandum waiving a portion of the ethics regulations' ban for some enlisted service members on gifts valued over \$20 from outside sources.

At this point, you're no doubt wondering: is that golden driver I received from a shady government contractor now allowable? Generally, 5 C.F.R. §2635 still prohibits Federal employees from soliciting or accepting gifts from a prohibited source or given because of the employee's official position. Prohibited sources include any entity or person seeking official action, doing business or seeking to do business with, or who is regulated by the employee's agency. A gift is anything of monetary value, which could include an item or a service.

There are some exceptions to the general prohibition that allow service members to accept items from a prohibited source. First, some items are deemed non-gifts under the current regulation. Non-gifts are defined to include refreshments that are not a meal (coffee and doughnuts), widely available discounts to all military (regardless of rank), prizes won in random drawings or contests open to the public, and items for which fair market value is paid. Additionally, the regulation provides exceptions under which actual gifts may nonetheless be accepted from a prohibited source.

Generally, 5 C.F.R. §2635 still prohibits Federal employees from soliciting or accepting gifts from a prohibited source or given because of the employee's official position.

E-6 and below may accept gifts in excess of \$20 from charitable and veterans' service tax exempt organizations.

Gifts may be accepted from a prohibited source if they are worth \$20 or less, as long as the total value of gifts accepted from the source is less than \$50 for the calendar year. Gifts also may be accepted if they are given based on a personal relationship or consist of free attendance at a widely attended gathering and attendance is deemed within the interest of the command. The ethics regulations also contain additional exceptions for what can be accepted, but you must always be sure acceptance creates no appearance of impropriety.

After the Secretary of Defense's waiver, these gift rules have changed for National Guard and service members E-6 and below. As of 16 May 2013, E-6 and below may accept gifts in excess of \$20 from charitable and veterans' service tax exempt organizations as defined in 26 U.S.C. §§501(c)(3), (19) and (23). These gifts may not be in the form of cash and must be unsolicited. The gifts must also not be intended to influence the member in the performance of his/her official duties or be an improper supplementation of salary. The memo delineates no fair market value limit for gifts that a member qualifying for the waiver may accept from the tax-exempt organization. However, if you have an extravagant gift and are concerned if you should accept it, you should contact an Ethics Counselor for an official ethics opinion. This new waiver will be incorporated into the next version of the Joint Ethics Regulation (Department of Defense Directive 5500.7-R).

For any gift questions, contact your local RLSO MIDLANT Command Services attorney for guidance and advice.

Sequestration Hits Command Coins

LTJG Alaric Piette, Command Services Department, RLSO MIDLANT

No new command coins or other items for presentation (such as plaques, ball caps, etc.) may be bought with Appropriated Funds (APF).

Command coins, also known as Challenge Coins, are one of the military's most widely known traditions. What began as a practice among elite units has been adopted by the Navy as a whole and is subject to funding regulations. On 15 May 2013, NAVADMIN 128/13 was published, updating the Appropriated Fund (APF) command coin rules. In accordance with that NAVADMIN, no new command coins or other items for presentation (such as plaques, ball caps, etc.) may be bought with Appropriated Funds (APF).

Command coins, plaques, and ball caps previously purchased with APF and already in the command's possession may still be distributed based on the following guidelines. Command Coins purchased with APF must be awarded to Department of Defense employees for specific meritorious performance. The presentation of a command coin for meritorious performance should mirror other award presentations, including a record of the recipient and the award.

The regulations still permit command coins to be purchased with Official Representation Funds (ORF) or personal funds, subject to certain restrictions. In accordance with SECNAVINST 7042.7K, ORF may be used to purchase mementos that have a command or official theme. Coins having a command or official theme qualify as appropriate mementos on which to expend ORF. However, coins purchased with ORF can only be given to certain specific recipients.

Generally, a command may offer mementos not exceeding \$350 to foreign dignitaries or to other prominent citizens who do not work for the DoD. A command also may offer mementos not exceeding \$50 to prominent visiting DoD officials.

Additionally, command coins may be purchased with private or personal funds. Coins given as gifts, tokens of appreciation, recognition of routine performance of duty, or to instill unit pride are not awards. Coins used this way cannot be purchased with APF, but rather should be purchased using private funds. There are no restrictions on the use of privately bought coins. In using these funds, a commander is not bound by the restrictions discussed above (other than that of good taste).

A command may offer mementos not exceeding \$350 to foreign dignitaries or to other prominent citizens who do not work for the DoD.

Primer on ADDs: Is It as Easy as 1, 2, 3?

LT Jason Meyer, Command Services Department, RLSO MIDLANT

Perhaps the use of hand-held Alcohol Detection Devices (ADD) is slightly more complicated than counting to three, but here are a few rules that must be followed when implementing this new program.

1. The ADD results cannot be used at NJP or ADSEP.

OPNAV Instruction 5350.8 states clearly that ADDs shall not be used for disciplinary or administrative separation procedures. It is important to remember that you do not need a BAC reading in order to impose NJP on someone for an alcohol-related offense. The ADD's intended purpose is to promote safety, provide education, increase awareness, and promote the responsible use of alcohol.

The ADD results cannot be used at NJP or ADSEP.

2. The ADD should not be used to target alleged offenders.

The ADD should be used randomly, as part of a larger plan. These random plans can include sub-unit sweeps, duty section sweeps, command sweeps, or random sampling of sailors in a duty status. An order from the CO to undergo an ADD inspection is a lawful order, the refusal of which may serve as a basis for disciplinary or administrative action.

3. If you improperly use an ADD, you may still have options.

Even if you improperly target an individual sailor suspected of an alcohol-related offense, you may still be able to take that sailor to NJP if there is independent evidence that the sailor committed the offense. When in doubt, contact a Command Services attorney at your local RLSO MIDLANT office about your options and how to proceed.

If a search authorization is provided, it is important for the command to provide necessary personnel to establish chain of custody to preserve the admissibility of the evidence.

If the command is looking to take disciplinary action against the member for alcohol or drug use then a search authorization should be ordered and not a fitness for duty exam.

Is Your Service Member “Fit For Duty?”

LT Sharlena Williams, Trial Department, RLSO MIDLANT

A sailor shows up for duty and you notice that he or she smells of alcohol and looks disheveled, so what do you do?

BUMEDINST 6120.20C authorizes a competence for duty examination to determine if a person’s mental or physical faculties are so far impaired by drugs, alcohol, or adverse reactions to medications that he or she cannot safely and efficiently perform his or her duties. This applies to both active duty and civilian employees.

So how does a competence for duty examination happen?

First, the NAVMED 6120/1 form should be completed by someone authorized to order a fitness for duty examination at your command. Second, the service member is escorted to medical where a medical officer will conduct an examination of the individual to determine if he or she is fit for duty. The results of this examination may not be used for disciplinary purposes.

My CO wants the service member’s blood drawn or for him or her to give a urine sample. Can I ask the medical officer to do so?

In theory, yes, you can ask the medical officer to get a sample from the individual. The bigger question is “must the medical officer do so”? The answer is NO; in fact, medical officers are discouraged from doing so. Clinical observation alone is sufficient for a medical officer to render an opinion as to competency. If the medical officer determines that a blood draw or urinalysis is necessary to determine competency then he or she may order a sample be given. The results of this test, whether blood or urine, CANNOT be used for disciplinary purposes against the member. If the individual objects, the medical officer will promptly relay that information to the person who authorized the examination but WILL NOT use force to obtain a sample.

But what if my command has a search authorization, then can the individual be made to provide a sample?

Yes. Even if the individual objects, the medical officer can take a sample against his or her will provided there is no threat to the safety of the individual or medical officer. If a search authorization is provided, it is important for the command to provide necessary personnel to establish chain of custody to preserve the admissibility of the evidence. If the command is looking to take disciplinary action against the member for alcohol or drug use then a search authorization should be ordered and not a fitness for duty examination.

Important Take- Aways

1. Competency for duty examinations can be authorized for active duty as well as civilian employees.
2. Without a search authorization, the medical officer determines if a blood draw or urinalysis is necessary.
3. NAVMED 6120/1 form is the only form that can be used for competency for duty examinations.
4. For more information see BUMEDINST 6120.20C or consult with your local RLSO MIDLANT Command Services attorney.

Defense Support of Civil Authorities

LTJG Sean Geary, Command Services Department, RLSO MIDLANT

With the upcoming hurricane season and the threat of such natural forces throughout the Mid-Atlantic region, a basic understanding of the interaction between military and civil authorities regarding how to weather potential natural disasters has become even more pressing. Because most military installations share a border with state and civil authorities, the question of who can act is typically at the forefront when dealing with disaster relief. The body of law dealing with how the military can interact with civilian authorities is known as “Defense Support of Civil Authorities” or DSCA.

DSCA and its limits are rooted in the U.S. Constitution. With regard to Federal assistance with civil authorities, the primary check is the Tenth Amendment to the Constitution: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.” Among the many powers retained by the states is the police power. Police power is the responsibility to preserve the public order, health, comfort, safety, welfare, and prosperity of the residents of the State. Pursuant to its police power, each State has primary responsibility to prepare for and respond to disasters and emergencies within its borders. Generally speaking, the executive branch of the Federal government cannot assist with the execution of these police powers unless requested by the State.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Stafford Act) permits the Federal Government to provide assistance to civil authorities in certain limited circumstances that do not violate the Tenth Amendment. The Stafford Act applies when: 1) civil authorities are overwhelmed by a disaster or an emergency; 2) in order to save lives, alleviate human suffering, mitigate great property damage; and 3) to protect the health and safety of the population. However, in order for the Federal assistance to be permitted the state executive must actively request assistance. There are two methods in which the state governor can request assistance: 1) a Major Disaster Declaration or 2) an Emergency Declaration.

A major disaster declaration is made pursuant to section 401 of the Stafford Act. It is granted in response to a request from a governor for assistance with a natural catastrophe or any catastrophe as a result of a fire, flood, or explosion. An emergency declaration is made in response to a request from a Governor for assistance with any occasion where Federal assistance is needed to save lives, protect property, public health and safety, and lessen the threat of a catastrophe. However, even with the Stafford Act, the Federal government is still restricted with regard to the Posse Comitatus Act (PCA).

PCA proscribes that “whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.” The act thereby restricts participation by the Federal government in normal police activity such as arrest, investigation, and searches and seizures. The act is extended to the Navy and Marine Corps, while still exempting the Coast Guard.

Pursuant to its police power, each State has primary responsibility to prepare for and respond to disasters and emergencies within its borders. Generally speaking, the executive branch of the Federal government cannot assist with the execution of these police powers unless requested by the state.

What this all means is that in the case of a natural disaster, the Federal government, through the US military, is able to provide assistance to the state, but can do so in a limited circumstance: only upon request. The request must be made in accordance with the Stafford Act and the activity provided must not violate the PCA.

A hurricane would likely fit the description of either a major disaster or an emergency declaration because the assistance sought would potentially be from a flood or to save lives or property. Once this request is made the Federal government, through the executive, could provide assistance under the act.

Thus, as hurricane season rears its ugly head and the eastern seaboard prepares for the inevitable assault of rain, wind, and flooding, our Navy installations should prepare to protect ourselves and provide support for our local populations if necessary and requested. With the Stafford Act as our guide, we can help weather the storm.

Beware of (Bird) Dog!

LT Andrea Leahy, Deputy Staff Judge Advocate, CNRMA/Civil Law Department, RLSO
MIDLANT

Bird dogging occurs when an automobile dealership hires an unlicensed person to solicit business and provides that person compensation in any form. Bird dogging is prohibited by Virginia law. Service members hired to bird dog generally troll their commands, targeting new recruits who have little knowledge about purchasing a vehicle. Frequently, young service members fall victim to bird dogging by shipmates or superiors they thought they could trust. When these Sailors are betrayed, it can be devastating to command morale and good order and discipline, especially because victims of bird dogging are generally lured into high-stakes financial transactions. Often times, they are pressured to purchase vehicles for significantly more than market value with exorbitant interest rates, and the vehicles they purchase tend to be lemons, requiring costly repairs. In many cases, victims of bird dogging do not even have drivers' licenses.

When an automobile dealership employs a service member to bird dog in Virginia, the dealership is soliciting that member to conduct criminal activity that could subject the member to up to 12 months in jail and a \$2,500 fine. Such a dealership is also soliciting and advertising on base without authorization.

It is important for commands to get the word out about bird dogging. Sailors need to be warned that they will be punished for engaging in this unlawful practice. Junior Sailors should be trained on how to avoid falling victim to bird dogging tactics. They should also be offered resources to assist them in car buying, such as Fleet and Family Support Center car-buying classes. When a Sailor does fall victim to bird dogging or other unscrupulous automobile dealership practices, the Sailor should be directed to a local Legal Assistance attorney as soon as possible. Legal Assistance attorneys can sometimes undo automobile purchases in cases that involve bird dogging, fraud, or other unlawful activities. Bird dogging cases should be reported to the Armed Forces Disciplinary Control Board either through Legal Assistance or by calling 757-322-2934 to get a copy of the Board's intake form.

*Service members
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generally troll
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little knowledge
about purchasing a
vehicle.*

Substantiated complaints can result in car dealerships that employ unscrupulous business practices being placed off limits to service members.

Specifically, Va. Code Ann. § 46.2-1537 states:

It shall be unlawful for any motor vehicle dealer or salesperson licensed under this chapter, directly or indirectly, to solicit the sale of a motor vehicle through a pecuniarily interested person, or to pay, or cause to be paid, any commission or compensation in any form whatsoever to any person in connection with the sale of a motor vehicle, unless the person is duly licensed as a salesperson employed by the dealer. It shall also be unlawful for any motor vehicle dealer to compensate, in any form whatsoever, any person acting in the capacity of a salesperson as defined in § 46.2-1500 unless that person is licensed as required by this chapter.

Virginia Divorce Basics: A User's Guide

LT Simone Harbas, Legal Assistance Department, RLSO MIDLANT

Who can file for divorce in Virginia?

You or your spouse can file for divorce in Virginia if you have been stationed in Virginia for at least 6 months BEFORE filing for divorce, AND you have grounds, or a “reason” for divorce. In many cases, the military couple may still retain their residency in another state, and filing in that state may be an alternate option.

What grounds are there for getting a divorce?

Virginia law lists several basic grounds for divorce. Some require that you and your spouse go through a separation or waiting period before you can file for divorce; others require some act such as abuse or adultery.

The most common grounds for divorce that do not require a separation period are: 1) adultery, 2) physical cruelty, and 3) your spouse's conviction of a felony AND a sentence of more than one year in prison. The most common reasons that require a waiting period of one year are: 1) desertion and 2) constructive desertion.

These reasons for divorce require strong evidence or “proof” that must be presented in front of a civilian judge. It is best that you hire a civilian lawyer to represent you in court; this can be VERY COSTLY, and can take a VERY LONG TIME!

You or your spouse can file for divorce in Virginia if you have been stationed in Virginia for at least 6 months BEFORE filing for divorce, AND you have grounds, or a “reason” for divorce.

There is no such thing as a “legal separation” in Virginia; separation is simply defined as not living together and intending to be separate for a continuous, uninterrupted period.

Your spouse cannot prevent you from getting a divorce in Virginia.

What other options are there?

A simple, uncontested "no fault" divorce requires a one year period of separation before you file for divorce, but does not require that you prove a “reason” why you want a divorce.

What if we agree on everything and do not have minor children?

If you have no minor children then a limited exception allows a divorce after six months of separation. To qualify, you and your spouse must agree, in a signed written document (called a marital or property settlement agreement, on ALL of your property and debt settlement issues. There is no such thing as a "legal separation" in Virginia; separation is simply defined as not living together and intending to be separate for a continuous, uninterrupted period.

What are the steps to get a divorce?

Each county and city court in Virginia has its own rules and regulations about how to file for divorce. While many of the basic documents and steps are the same, you should check your local court’s website before you begin.

First, you must write your Bill of Complaint for divorce, and file it with the court, along with a filing fee. These papers must be drafted in proper legal format before the court will accept them. There are no court produced forms at the courthouse to “fill out” to file for a divorce; everything must be produced by you or your lawyer.

Second, the divorce papers are legally delivered (“served”) to your spouse. Once your spouse has received the divorce papers, they are given an opportunity to respond.

Third, if the case is uncontested, evidence is taken by a deposition, sometimes in front of a judge in court, or sometimes by affidavit. You will need the assistance of a third person who can act as a witness in court. This person must be 18 years old or older and have personal knowledge about the basic facts about your marriage and separation. If the case is contested, i.e. you or your spouse is listing a “reason” for the divorce, then a hearing date must be scheduled and the evidence will be presented in front of a judge.

Fourth, the deposition, any other evidence, a proposed Final Decree of Divorce, and other papers required by your local court are sent to the judge for review.

Fifth, if everything is in order, the judge signs the Final Decree of Divorce.

Can my spouse prevent me from getting a divorce?

Your spouse cannot prevent you from getting a divorce in Virginia. Your spouse can, however, delay the divorce by disputing the grounds for the divorce (i.e. the “reason” for the divorce), property issues, custody, child support, alimony, or marital debts.

Can I file for a divorce without a lawyer?

Yes, but it is not recommended. You may lose custody of your children, income, property, or other rights if you do not know the law. Procedures are complicated and the judge may refuse to hear your case if everything is not filed correctly and worded properly. The clerks of court who work at the courthouses are not allowed to assist with the drafting of any divorce papers and are not allowed to give legal advice.

Beware of websites advertising kits for divorces, these forms often do not meet the court's specific requirements, which means you could spend quite a bit of money only to have your request for divorce rejected by the judge. Additionally, many of these forms will not discuss specific matters that are unique to military families.

Will the Navy provide me with a lawyer for my case?

Unfortunately, no, divorce is a state civil matter, not a military or Federal matter; therefore, you will need a civilian lawyer in the city or county where you intend to file your divorce case. Navy attorneys can give you general advice about separation and divorce procedures and advise you on how to find a lawyer who can represent you but cannot draft the required documents for you nor can they represent you in court.

How do I find a lawyer?

Call the Virginia Lawyer Referral Service at Nationwide Toll-Free Number: (800) 552-7977. Your call will be answered by a referral specialist who will ask for your name, address, a daytime phone number, and a brief description of your problem, and you will be provided with the name and telephone number of a local lawyer. If you are successfully referred to a lawyer, you will be entitled to consult with him or her for up to one-half hour for a fee of \$35. If your problem requires additional time and work, you will be responsible for any additional legal fees. The lawyer you consult will discuss his or her fees and the cost of any future services.

How do I find a lawyer?

Call the Virginia Lawyer Referral Service at Nationwide Toll-Free Number: (800) 552-7977

2013 Region Mid-Atlantic Auto Fraud Symposium

Ms. Debra P. Parker, Legal Assistance Department, RLSO MIDLANT

Region Legal Service Office Mid-Atlantic is hosting the 2013 Mid-Atlantic Auto Fraud Symposium on July 24, 2013, at the Fleet & Family Support Center, Building SDA, Room 131/5 located on Hampton Blvd. (behind Navy Federal Credit Union). The Symposium will run from 0900 to 1205, with registration starting at 0830. Attached is the registration form for this symposium.

The Auto Fraud Symposium will feature speakers from the Virginia Independent Automobile Dealers Association, the Virginia Attorney General's Office, and the National Association of Consumer Advocates.

If you would like to attend, submit the attached registration as soon as possible but no later than 22 July 2013.

The target audience for this symposium is attorneys, command financial specialists, financial counselors, and command leadership. It is important to understand the rights and issues one faces when dealing with complex consumer transactions. Our goal is to empower the individual and command by providing information on the law and by providing resources to address those instances where merchants fail to follow the law. Attendees will be provided an update on state and federal law, guidance on practice and procedure, and tactical and practical direction on resolving the problems presented by consumer transactions. The symposium will also provide an opportunity to network with other service providers and to create partnerships to address and resolve our client's problems.

This is a high value, no cost symposium. If you would like to attend, submit the attached registration no later than 22 July 2013. If you have any questions, please contact Ms. Debra Parker at (757) 341-4492 or email her at debra.parker@navy.mil.

Help Defense Service Office Serve You Better

LT John Butler, Defense Service Office Southeast

Walk-in hours are Monday through Thursday from 0800-1000.

Do you have a Service member that is being administratively separated? If so, Defense Service Office Southeast requires commands to provide a written request for counsel letter, the letter of notification, evidence and all supporting documentation regarding the administrative separation and the member's work or personal email address and cellular phone number. Generally within two working days of receiving those documents, a counsel will be assigned and they will contact the service member. You may contact LNC Stewart via phone at 757-341-4467 or email at rasha.stewart@navy.mil if you have additional questions. You also can email the administrative separation package to us at DefenseServiceOfficeSE@navy.mil. Our walk-in hours are Monday through Thursday from 0800-1000. Should you have additional questions you may contact our Front Desk Receptionist Mrs. Catherine Reap at 757-341-4469 or email her at catherine.reap@navy.mil.

MIDLANT Court-Martial Report April-June 2013

Navy E3 with 2 years, 6 months of service sentenced to confinement for 2 months and a bad conduct discharge for unauthorized absence, violating a lawful general order by committing sexual harassment, wrongful use of marijuana and assault on another service member.

Navy E6 with 8 years, 1 month of service sentenced to confinement for 120 days and a bad conduct discharge for committing sexual contact upon another service member.

Navy E6 with 10 years, 4 months of service reduced to the pay grade of E5 for violating a general order by wrongfully engaging in hazing.

Navy E4 with 4 years, 4 months of service sentenced to confinement for 8 months and a bad conduct discharge for committing an assault upon another service member.

Navy E6 with 12 years, 4 months of service sentenced to confinement for 3 years and a bad conduct discharge for engaging in a sexual act with a child who had attained the age of 12 years, but not yet the age of 16 years and committing sodomy with a child who had attained the age of 12 years but was under the age of 16 years.

Navy E4 with 3 years of service sentenced to confinement for 75 days and a bad conduct discharge for violating a lawful general regulation regarding spice use and stealing military property of a value of approximately \$3,000.00.

Navy E4 with 2 years, 9 months of service sentenced to confinement for 120 days for violating a lawful general regulation regarding spice use and possession.

Navy E5 with 5 years, 6 months of service sentenced to confinement for 2 months, fined \$5,000.00 and a bad conduct discharge for making a false official statement with the intent to deceive and stealing military property of a value of about \$31,701.06.

Navy E7 with 21 years, 1 month of service sentenced to confinement for 1 year, reduced to the pay grade of E-1 and a bad conduct discharge for attempt to communicate indecent language to a person who was believed to be under the age of 16 years from 13 Dec 2011 – 9 Jan 2012.

Navy E4 with 3 years, 3 months of service sentenced to confinement for 2 months, reduced to pay grade of E-1 and a bad conduct discharge for selling military property without authority of a value of about \$6,000.

Navy E5 with 13 years, 11 months of service sentenced to confinement for 5 months and reduced to the pay grade of E-3 for conspiring with civilians to commit an offense on divers occasions and stealing property of the Navy Exchange of a value of more than \$500.00.

Navy E6 with 9 years, 3 months of service sentenced to confinement for 5 months, reduced to the pay grade of E-3 and a bad conduct discharge for selling military property of a value of about \$25,776.00.

Navy E4 with 4 years, 6 months of service sentenced to confinement for 1 month, reduced to the pay grade of E-2 and a bad conduct discharge for dereliction of duty and willfully damaging military property in the sum of \$18,000.00.

Navy E4 with 4 years, 7 months of service sentenced to confinement for 5 months, reduced to the pay grade of E-1 and a bad conduct discharge for unauthorized absence, signing an official record with the intent to deceive and stealing \$3,158.20.

Navy E5 with 7 years, 2 days of service was acquitted of all charges and specifications for violation of an lawful order and committing an assault upon another service member.

Navy E4 with 6 years, 11 months of service was acquitted of all charges and specifications for making an official statement with intent to deceive and engaging in sexual contact with another service member who was substantially incapable of declining participation.
