

MIDLANT Legal Compass

Guiding Warfighters through Legal and Ethical Waters

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Basic Legal Information for Command TRIADs and individual sailors.

This edition of the Legal Compass discusses holiday ethics guidance; general information regarding military involvement with the political process as the 2016 election season begins; PFA policy changes; and the dangers of new and electronic forms of smoking. For the most up-to-date guidance and advice, contact your local RLSO MIDLANT Command Services Office.

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 results. For questions about these cases, please contact the trial department and SJA, Commander Navy Region Mid-Atlantic (CNRMA), respectively.

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

Very Respectfully,
/S/
Lawrence D. Hill, Jr.
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.



Holiday Ethics Guidance

By LCDR Adam Yost, JAGC, USN

The holiday season is traditionally a time of parties, receptions, and exchanging gifts. However, the Standards of Conduct still apply! To ensure you do not unwittingly violate the standards, a brief summary of the applicable rules are set out below. If you have any questions, please contact your command's ethics counselor (JAG assigned to the first Flag in your Chain of Command).

I. GIFTS

General Rule: Federal personnel may not accept gifts offered because of their official positions or offered by a “**prohibited source.**” A prohibited source is anyone who:

- Seeks official action by the employee's agency;
- Does business or seeks to do business with the employee's agency;
- Conducts activities regulated by the employee's agency;
- Has interests that may be substantially affected by the employee's performance of duty; or
- Is an organization composed of members described above

Gifts Defined: Gifts include most items of value; examples are free attendance at dinners and other meals, receptions, sporting events, and similar widely attended gatherings.

Gifts and Gift Exchanges Between Supervisor and Subordinate: Supervisors may **not** accept gifts from subordinates or Federal personnel who receive less pay.

- Exception #1: On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, supervisors may accept gifts (other than cash) valued at **\$10 or less** from a subordinate.
- Exception #2: Supervisors may accept food and refreshments shared in the office and may share in the expenses of an office party.
- Exception #3: If a subordinate is invited to a social event at the supervisor's residence, the subordinate may give the supervisor a hospitality gift of the type and value customarily given on such an occasion.

Gifts and Gift Exchanges Between Peers and Coworkers: There are no legal restrictions on gifts given to peers or subordinates, however, common sense (and good taste) should apply.

Gifts and Gift Exchanges That Include Contractor Personnel:

1. Gifts from contractors: may never exceed \$20.
2. Gifts to contractors: Check with the contractor, since many contractors have codes of ethics that are similar to Federal rules and therefore may preclude the acceptance of gifts.

II. PARTIES, OPEN HOUSES, RECEPTIONS

Parties, Open-Houses, and Receptions Hosted by Non-Prohibited Sources: Federal personnel may attend social events sponsored by non-prohibited sources if none of the guests are charged admission (e.g. most holiday receptions and open-houses).

Parties, Open-Houses, and Receptions Hosted by Prohibited Sources Including

Contractors: The general rule is that Federal personnel may not accept gifts from prohibited sources, including contractors and contractor personnel.

- Exception #1: Federal personnel may accept gifts (other than cash) not exceeding \$20, as long as the total amount of gifts accepted by an employee from that source does not exceed \$50 for the year.

General Rule:
Federal personnel may not accept gifts offered because of their official positions or offered by a “prohibited source.”

Remember: Federal personnel may not accept a gift from an outside source, even where one of the exceptions applies, if the gift was solicited or is given in return for being influenced in the performance of an official act (this is called a bribe).

- Exception #2: Federal personnel may accept gifts that are based on a bona fide personal relationship. (Such personal gifts are actually paid for by the friend/contractor employee rather than the contractor.)
- Exception #3: Federal personnel may generally attend an open-house or reception, and accept any gift of refreshments if the ethics official determines that the event is a widely attended gathering (WAG), and the employee's supervisor determines that it is in the agency's interest that the employee attends.
- Exception #4: Federal personnel may accept invitations that are open to the public, all Government employees, or all military personnel.
- Exception #5: Federal personnel may accept invitations offered to a group or class that is not related to Government employment. (For example, if the building owner where your office is located throws a reception for all of the tenants of the building.)
- Exception #6: Refreshments consisting of soft drinks, coffee, pastries, or similar refreshments not constituting a meal may be accepted since they are not considered to be a gift.
- Exception #7: Gifts based on a spouse's outside business or employment relationship may be accepted. For example, a Federal employee's spouse works at ABC. The Federal employee may accompany the spouse to the ABC employee's holiday party since the invitation is to the spouse as an ABC employee, and not to the Federal employee because of his or her position.

Remember: Federal personnel may not accept a gift from an outside source, even where one of the exceptions applies, if the gift was solicited or is given in return for being influenced in the performance of an official act (this is called a bribe).

Parties, Open-Houses, and Receptions Hosted by Other Federal Personnel:

1. Invitation from your subordinate: You may accept personal hospitality at the residence of a subordinate that is customarily provided on the occasion.
2. Invitations from your boss or a co-worker: No restrictions. Enjoy!

III. OTHER IMPORTANT INFO

1. You may not solicit outside sources for contributions for your holiday party. This includes funds, food, and items.

NOTE: If a command CPOA or FPOA is planning a command holiday party, they are a specific non-federal entity that has special status (BOOFOO – by our own, for our own, among our own) – this affords them some unique benefits, including the potential for command endorsement and limited logistical support to fundraising efforts on base (subject to the installation CO's approval), i.e. bake sale in command spaces advertised via government email. On the other hand, if your CPOA would like to fundraise outside the military community, your NFE will have to give up its BOOFOO status for the holiday party. This means that anyone fundraising for the party will have to do so in her personal capacity and will not be able to imply DoD endorsement in any way. Also, the command cannot endorse this event.

2. Generally office parties are unofficial events; therefore, no appropriated funds may be used

3. Beware that door prizes or drawings could involve gambling, which would require compliance with state statutes and Federal regulations. DoD regulations prohibit gambling in the Pentagon and on Federal property or while in a duty status. GSA regulations ban gambling in GSA-owned or controlled buildings. Contact an SJA to discuss this limitation.

4. You may not use appropriated funds to purchase and send Greeting cards.

5. As a general rule, participation at holiday social events is personal, not official, and therefore use of government vehicles to/from such events would not be authorized.

IV. EXAMPLES (INCLUDING CONTRACTOR INVOLVEMENT)

1. **Office Party (non-duty time):** Your office is having a holiday party during the non-duty lunch hour or after work and asks each person attending to pay \$5 to cover refreshments and to bring a pot luck dish or dessert. Contractor employees may attend, pay \$5, and bring food because these contributions are not considered to be gifts, but a fair share contribution to the refreshments. Remember, contributions must be voluntary, so soliciting must be done with care to ensure there is no pressure. Also, ensure this is non-duty time for the contractor employees as well.

2. **Office Party (duty time):** What about a party that cuts into duty hours? The Government usually may not reimburse a contractor for its employees' morale and welfare expenses. The contractor has to decide whether to let its employees attend and forego payment for their time, or insist that they continue to work. If contractor employees are allowed to attend, the contractor must also decide whether it would pay its employees for that time, even though the Government would not reimburse it. The contractor does not have to pay its employees for that time. Consult the contracting officer and ethics counselor before inviting contractor employees to a function during their duty hours.

3. **Gift to Supervisor:** Your office wants to give the office supervisor a gift. However, you can't solicit other employees for contributions to a group gift. (Group gifts are permitted only for special, infrequent events such as retirements.) As for contractor employees, you can't ask them to contribute anything, as it is considered soliciting a gift from a prohibited source. Even if contractor employees volunteer to contribute cash, it may not be accepted because the \$20 exception does not apply to cash.

4. **Exchange of Gifts:** Your office, including the contractor employees, wants to exchange gifts at the party. If gifts are chosen at random or traded, there are no monetary limits because the purchaser of the gift does not know who will eventually receive it. Gift exchanges in which employees purchase gifts for other employees whose names they drew at random are more troublesome. Where contractor personnel are involved, a \$20 limit applies. Where an employee may buy a gift for a superior, the \$10 limit is prudent.

5. **Private Parties (Federal Personnel):** One of your Government co-workers is having a party at his house and has invited office personnel, including the contractor employees. Providing food and refreshments to a contractor employee does not violate Government ethics rules. The contractor employees may want to check with their contractor's rules before accepting (since many contractors have similar ethics rules). If the contractor employee brings a hospitality gift, it may not exceed \$20.

6. **Private Parties (Contractor Employee):** If a contractor employee is having a personal party and invites Government personnel, normally Government personnel may attend since the contractor is not paying for the event.

7. **Private Parties (Contractor-sponsored):** If the contractor is sponsoring an employee's party or open-house, and you are invited by the contractor (or an employee of the contractor), you may not attend unless one of the exceptions applies. (i.e. average cost per guest < \$20 (but remember, no buydowns), bona fide pre-existing personal relationship, event qualifies as a Widely Attended Gathering (WAG) – contact ethics attorney or JAG). Government personnel who desire to take a gift to show their appreciation for the hospitality should consult with the contractor employee to determine if he or she may accept such a gift in accordance with the contractor's rules of ethics.

V. BEST PRACTICE

Always contact your command's Staff Judge Advocate for advice when dealing with Ethics issues, particularly during the holiday season!

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

By LCDR Adam Yost, JAGC, USN

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 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. .

New Physical Fitness Assessment (PFA) Policy Overview

By LT Charity S. Barr, JAGC, USN

On 3 August 2015, CNO released NAVADMIN 178/15, which made a number of substantial changes to the Physical Fitness Assessment (PFA) policy. The sweeping changes to the PFA policy were released within just three months of SECNAV's speech at the Naval Academy, in which he lamented the fact that last year more people were separated due to PFA failure than drug use.

The most ground-breaking changes of the policy were in regards to Administrative Separations (ADSEP) due to PFA failures. Effective immediately, a Sailor who is subject to an approved or pending ADSEP due to PFA failures, who has not yet been separated, shall be offered the opportunity to be retained. To take advantage of this policy change, a Sailor must notify his or her Commanding Officer, be medically cleared to participate in the Physical Readiness Test (PRT), and pass either a mock or the official PRT before 1 Dec 2015. This means that even if a Sailor fails the Body Composition Assessment (BCA) portion of the PFA, as long as that sailor passes the PRT, the Sailor will not receive a failure for Cycle 2 of 2015. If, however, the Sailor does not pass either a mock or official PRT by 1 Dec 2015, the Sailor will be subject to the current ADSEP standard and will be processed if the sailor has failed three PFA's within the most recent four-year period.

Another substantial shift in the ADSEP policy occurs after the New Year. On 1 January 2016, all PFA failures in the most recent three year period will be reset to one failure. A Cycle 2, 2015 BCA failure will not count as a carry-over failure, but a PRT failure incurred in Cycle 2, 2015 will count as a carry-over failure. Beginning again with Cycle 1 of 2016, if a Sailor fails either the BCA or the PRT, the Sailor will receive a PFA failure. ADSEP processing will start after two failures within in the most recent three year period, instead of the current standard of three failures within the most recent four years. For those Sailors who are already pending ADSEP, many commands are utilizing a page 13 (NAVPERS 1070/613 form) to document the Sailor's understanding of the new policy and his or her decision to take advantage of the policy or to continue with ADSEP processing.

Beginning with Cycle 2 of 2015, the policy adds an extra method for calculating a Sailor's Body Composition Assessment (BCA), giving Sailors a total of three opportunities to pass the BCA portion of the PFA. First, a Sailor will be screened to see if he or she meets the maximum weight for height categories currently in effect in OPNAVINST 6110.1J. If the Sailor exceeds the maximum weight allowed for his or her height, gender, and age then the new method of calculating BCA, currently in use by the Air Force, will be applied. A single site abdominal circumference measurement or a "waist-only tape test" will be performed and if the Sailor's measurements are less than or equal to 39.0 inches for males or 35.5 inches for females, the Sailor will pass the BCA. If a Sailor's measurement exceeds the abdominal circumference limits, then the Sailor will be subjected to the more familiar body circumference measurement, where measurements are taken of the hips (females only), neck, and waist to determine whether the Sailor is under the DoD maximum body fat percentage for their height, gender, and age. Although a Sailor will not receive a failure in Cycle 2 of 2015 for exceeding current BCA standards, the Sailor will be enrolled in the Fitness Enhancement Program (FEP) and in nutritional counseling. Enrollment in FEP will now mean a mock PFA every 30 days.

Finally, in an effort to promote year round fitness, the new policy enables Commanding Officers to conduct PFA spot checks of the whole command at any time. PFA spot check failures will not count for ADSEP purposes, but will result in FEP enrollment. Other changes on the horizon include revamping Navy nutrition programs, wearable-fitness device studies, and fitness awards for exemplary performance on the PRT. For very recently released guidance on Physical Readiness Program Policy Changes (specifically those affecting Enlisted Personnel), commands should also refer to NAVADMIN 232/15, released via Navy message R071159Z OCT 15. If you have any questions regarding this or any other policy change, do not hesitate to contact a RLSO MIDLANT Command Services attorney.

Twenty-First Century Smoke

By LTJG Ashley Belyea, JAGC, USN

Gone may be the days of “joints” and “bongs.” Sailors today increasingly encounter cannabis in oil form, in devices called “e-cigs” and “vape pens.” This technological innovation in drug use raises issues for good order and discipline and the health and safety of Sailors. This article will identify the new technology, examine its use for THC, explore the problems raised, and identify legal implications. Just as “Spice” challenged the Navy’s zero-tolerance policy on drug use, “e-cigs” and “vape pens” make using THC easier – and easier to hide.

Over the last decade, “smoke free” has become a catchword in public health campaigns and a reality in most stores, public restaurants, and transportation. In response, electronic cigarettes (“e-cigs”) and vaporizer (“vape”) pens were designed and marketed to cigarette smokers who wanted to smoke discreetly and avoid the tar in cigarettes.

Technology. Over the last decade, “smoke free” has become a catchword in public health campaigns and a reality in most stores, public restaurants, and transportation. In response, electronic cigarettes (“e-cigs”) and vaporizer (“vape”) pens were designed and marketed to cigarette smokers who wanted to smoke discreetly and avoid the tar in cigarettes. These devices surged in popularity in 2013, with the industry crossing the \$1 billion mark.

Hand-held and battery-powered, e-cigs heat liquid nicotine until it is vaporized and can be inhaled. Liquid nicotine is sold in either cartridges or vials and inserted into the e-cig by the user. Flavors include chocolate, apple, vanilla, Coca-Cola, and “Marl-boro” for those who want a familiar cigarette taste.

Until now, e-cig manufacturers and users have largely operated in a regulatory vacuum. Stores sprang up selling these devices and they are widely available on the internet. There is no oversight of production or quality control, raising concerns that toxin levels may vary widely from one nicotine vial or cartridge to the next.

Using e-cigs for THC oil. When heated properly, the cannabis plant can be distilled into oil. Historically, this oil has been baked into foods. With the advent of e-cigs, however, it can now be inhaled.

THC oil (called, among other things, “hash oil,” “cannabis oil,” and “marijuana oil”) is now marketed for e-cigs, sold in cartridges and in vials. The tell-tale smell of burning cannabis is almost impossible to detect and is often masked by the smell of flavors such as “strawberry” and “chocolate.”

In this form, the THC concentration is very high – reaching 80 and 90 percent. Cannabis in plant form has a THC concentration of only 20 percent. Typically, THC oil is diluted before used in an e-cig, but the concentration levels can vary significantly and are not readily discernible to a user.

Problems. THC oil in e-cigs raises a host of problems, much like those of “spice.” Limited regulations and online ordering of THC oil make it easier for Sailors who use cannabis to obtain and ingest THC without getting caught.

THC oil for e-cigs can be ordered online and shipped discreetly to anywhere in the United States. Because it is potent, Sailors need only a small volume to get the same effect. And because it is odorless, they are less likely to be caught.

A sailor who ingests THC from a borrowed e-cig faces not only legal and professional risks, but health risks as well. Because the concentration levels can be significantly higher with THC oil in an e-cig, a sailor can receive dangerously high levels of THC very quickly – and if using a laced e-cig at a party or bar, a Sailor may have no idea how concentrated the dose is.

Legal implications. Some Sailors have attempted to claim “innocent ingestion” after knowingly using an e-cig with THC oil and testing positive at urinalysis. While this defense may occasionally work at an Administrative Board, its efficacy can be defused through public awareness.

It is much harder for a Sailor to claim “innocent ingestion” when they have been warned that e-cigs can easily be laced with THC oil, instructed always to ask before using someone else’s e-cig, and ordered only to use an e-cig from someone they trust. Sailors seeking to claim innocent ingestion would then have to overcome an argument of “willful ignorance,” and produce evidence that their ingestion was innocent (e.g. someone admitting to lacing the e-cig and lying to the sailor about it).

Public awareness also serves the invaluable function of alerting sailors to the health risks posed by THC oil in e-cigs.

A sailor who ingests THC from a borrowed e-cig faces not only legal and professional risks, but health risks as well.

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.

RLSO MIDLANT Adjudged Court-Martial Sentences April – May 2015

General Courts-Martial

In Norfolk, Virginia, on 24 July 2015, an E-5, USN, was found not guilty of sexual assault and assault consummated by a battery.

In Norfolk, Virginia, on 6 August 2015, an E-4, USN, pled guilty pursuant to a pretrial agreement to sexual assault. The military judge sentenced him to be discharged with a Dishonorable Discharge, forfeiture of all pay and allowances, reduction in rank to paygrade E-1, and confinement for 15 months. Pursuant to the pretrial agreement, the Dishonorable Discharge was commuted to a Bad Conduct Discharge and confinement greater than 14 months was suspended.

In Norfolk, Virginia, on 20 August 2015, an E-5, USN, was tried for carnal knowledge, rape of a child, aggravated sexual abuse of a child, aggravated sexual assault of a child, and indecent acts with a child. A panel of members returned a verdict of not guilty.

In Groton, Connecticut, on 26 August 2015, an E-5, USN, pled guilty pursuant to a pretrial agreement to larceny of government property, and receipt and possession, with intent to distribute child pornography. The military judge sentenced him to be discharged with a Bad Conduct Discharge, total forfeitures, reduction in rank to paygrade E-1, and confinement for 39 months. Pursuant to the pretrial agreement, confinement greater than 27 months was suspended.

In Groton, Connecticut, on 27 August 2015, an E-4, USN, pled guilty pursuant to a pretrial agreement to receipt and possession, with intent to distribute, child pornography. The military judge sentenced him to be discharged with a Dishonorable Discharge, total forfeitures, reduction in rank to paygrade E-1, and confinement for 3 years. Pursuant to the pretrial agreement, confinement greater than 30 months was suspended.

In Norfolk, Virginia, on 27 August 2015, an E-2, USN, pled guilty pursuant to a pretrial agreement to violation of a lawful general order, assault consummated by a battery, and unlawful entry. The military judge sentenced him to be discharged with a Bad Conduct Discharge and confinement for 4 months. Pursuant to the pretrial agreement his punitive discharge was suspended.

Special Courts-Martial

In Norfolk, Virginia, on 16 July 2015, an E-4, USN, pled guilty to unauthorized absence, failure to obey a lawful order, and wrongful use of a controlled substance. The military judge sentenced reduction in rank to paygrade E-1, a bad conduct discharge, and confinement for 4 months.

In Norfolk, Virginia, on 29 July 2015, an E-6, USN, was found guilty of wrongful use of a controlled substance. A panel of members sentenced a reprimand, reduction in rank to paygrade E-1, forfeitures of 2/3 pay per month for a period of four months, and confinement for 4 months.

In Norfolk, Virginia, on 5 August 2015, an E-3, USN, pled guilty pursuant to a pretrial agreement to assault and battery and violating a lawful general order. The military judge sentenced him to forfeitures of \$300 pay per month for a period of three months, reduction in rank to paygrade E-2, and confinement for 89 days. Pursuant to the pretrial agreement, confinement greater than 60 days was suspended.

In Norfolk, Virginia, on 6 August 2015, an E-2, USN, pled guilty pursuant to a pretrial agreement to violating a lawful order. The military judge sentenced him to forfeitures of \$250 pay per month for a period of two months and confinement for 60 days. Pursuant to the pretrial agreement, confinement greater than 45 days was suspended.

In Norfolk, Virginia, on 10 August 2015, an E-4, USN, pled guilty pursuant to a pretrial agreement to possession of child pornography. The military judge sentenced him to be discharged with a Bad Conduct Discharge, forfeitures of 2/3 pay per month for a period 12 months, reduction in rank to paygrade E-1, and confinement for 12 months. The pretrial agreement had no effect on his sentence.

In Norfolk, on 12 August 2015, an E-8, USN, pled guilty pursuant to a pretrial agreement to violating a lawful general order. The military judge sentenced him to reduction in rank to paygrade E-6. The pretrial agreement had no effect on his sentence.

In Norfolk, Virginia, on 17 August 2015, an E-3 USN, pled guilty pursuant to a pretrial agreement to violating a lawful order, false official statement, wrongful use of a controlled substance, and assault consummated by battery. The military judge sentenced him to be discharged with a Bad Conduct Discharge and confinement for 6 months. Pursuant to the pretrial agreement, confinement greater than 5 months was suspended.

In Norfolk, Virginia, on 21 August 2015, an E-3, USN, pled guilty pursuant to a pretrial agreement to wrongful use of a controlled substance and to wrongfully introducing a controlled substance onto a vessel. The military judge sentenced him to confinement for 5 months. The pretrial agreement had no effect on his sentence.

In Norfolk, Virginia, on 21 August 2015, and E-8, USN, was tried for abusive sexual contact and for violating a lawful general order. A panel of members returned a verdict of not guilty.

In Norfolk, Virginia, on 28 August 2015, an E-2, USN, pled guilty pursuant to a pretrial agreement to conspiracy and larceny. The military judge sentenced him to be discharged with a Bad Conduct Discharge, to forfeitures of 2/3 pay per month for a period of 12 months, reduction in rank to paygrade E-1, and confinement for 12 months. Pursuant to the pretrial agreement, confinement greater than 6 months was suspended.

In Norfolk, Virginia, on 24 September 2015, an E-2, USN, pled guilty pursuant to a pretrial agreement to larceny and conspiracy. The military judge sentenced him to forfeitures of \$300 pay per month for a period of three months, reduction in rank to paygrade E-2, and confinement for 89 days. Pursuant to the pretrial agreement, confinement greater than 60 days was suspended.

*RLSO MIDLANT Board of Inquiry Results
July – September 2015*

During a board held on 9 July 2015, an O-3, USN, was ordered to show cause for retention due to misconduct under Articles 92 and 133. The board found that the member did commit misconduct and found that the member failed to conform to prescribed standards of military department. The board recommended the member be separated with an Other Than Honorable Characterization of service.

During a board held on 16 July 2015, an O-6, USN, was ordered to show cause for retention due to misconduct under Articles 107, 133, and 134. The board found that the member did commit misconduct and found that the member failed to conform to prescribed standards of military department. The board recommended the member be separated with a General Under Honorable Characterization of service. The board recommended the member be retired in the paygrade of O-6.

During a board held on 29 July 2015, an O-2, USN, was ordered to show cause for retention due to misconduct under Articles 92 (2 specifications), 133, and 134. The board found that the member did commit misconduct under Article 92 (2 specifications) and found that the member failed to conform to prescribed standards of military department. The board found the member did not commit misconduct under Articles 133 and 134. The board recommended the member be separated with a General Under Honorable Characterization of service.

During a board held on 15 September 2015, an O-3, USN, was ordered to show cause for retention due to misconduct under Articles 92, 107, and 133 (2 specifications). The board found that the member did commit misconduct and found that the member failed to conform to prescribed standards of military department. The board recommended the member be separated with a General Under Honorable Characterization of service.

During a board held on 17 September 2015, an O-3, USN, was ordered to show cause for retention due to misconduct under Articles 92 (9 specifications), 133, and 134 (10 specifications). The board found that the member did commit misconduct under Articles 92 (6 specifications) and 134 (10 specifications). The board found the member did not commit misconduct under Article 92 (3 specifications) and found that the member did not fail to conform to prescribed standards of military department. The board recommended the member be separated with a General Under Honorable Characterization of service.

During a board held on 30 September 2015, an O-3, USN, was ordered to show cause for retention due to misconduct under Articles 92 and 134 (2 specifications). The board found that the member did commit misconduct under Article 134 (1 specification) and found that the member failed to conform to prescribed standards of military department. The board found the member did not commit misconduct under Articles 92 and 134 (1 specification). The board recommended the member be retained.

RLSO MIDLANT
COMMAND SERVICES TEAM

HAMPTON ROADS AOR

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- [LCDR Adam Yost](#) (DH)
- [LCDR Dayton Krigbaum](#) (Asst DH)
- [LT Ben Haight](#)
- [LT Andrea Bertucci](#)
- [LT Kevin Peck](#)
- [LT Francesla Sequeira](#)
- [LT Dan Rosinski](#)
- [LTJG Jake Honigman](#)

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- [LT Matthew Sonn](#) (Command Services detachment DH, NSA, Saratoga Springs SJA)
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