

# THE COUNSELOR

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## *Political Activity Guidance*

### POLITICAL ACTIVITY GUIDANCE

During the election cycle, all DoD personnel—military and civilian—should be aware of the various limitations to political participation.

**Civilian Employees:** Per the Hatch Act (5 U.S.C. § 7321–7326), civilian employees (except members of the SES, who are subject to more restrictive rules), 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 employees may engage in political activities, such as posting political messages on Facebook, while on-duty or in a Federal building, even if the employees are using their personal smartphone, tablet, or computer. Employees should never use government equipment when engaging in political activities.

**Military Members:** Per DoD Directive 1344.10, active duty personnel may not engage in partisan political activities and all military personnel should avoid the inference that their political activities imply or appear to imply DoD sponsorship, approval, or endorsement of a political candidate, campaign, or cause. Members on active duty may not campaign for a candidate, engage in partisan fundraising activities, serve as an officer of a partisan club, or speak before a partisan gathering. Active duty members may express their personal opinions on political candidates and issues when off-duty, make monetary contributions to a political campaign or organization, and attend political events as a spectator when not in uniform.

**Social Media:** Civilian and military personnel may generally express their personal views on public issues or political candidates via social media platforms, such as Facebook, Twitter, or personal blogs. For instance, civilian and military personnel may “follow,” “friend,” or “like” a political party or candidate, and post links or “share” comments from a political party or candidate Facebook page or twitter account. If personnel are identified as DoD employees on a social media site, the post must clearly and prominently state that the views expressed are those of the individual only and not of the Department of Defense.

*(Political Activity Guidance continued on Page 2)*

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## POLITICAL ACTIVITY GUIDANCE (CONTINUED FROM PAGE 1)

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### ***Political Activity Guidance (continued)***

Service members must be careful not to comment, post, or link to material that violates the Uniform Code of Military Justice (UCMJ) or a Service regulation. Examples include showing contempt for public officials, releasing sensitive information, or posting unprofessional material that is prejudicial to good order and discipline.

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## BARMENT AUTHORITY

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### ***Barment Authority***

Region Installation Commanding Officers (ICOs) are authorized to issue an order barring any individual who threatens security, good order, or discipline of the installation or facility. The barment order may extend to any installation or facility under the control of the ICO, regardless of whether the individual's offending conduct occurred on that installation or facility.

ICOs are also responsible for denying installation access for registered sex offenders. SECNAV Policy Memo of 7 October 2008, OPNAVINST 1752.3, and CNICINST 1752.1 provide that, to the maximum extent permitted by law or otherwise waived by competent authority, sex offenders are to be identified and prohibited from accessing Navy installations and facilities and shall not occupy Navy owned, leased or PPV housing. Barment orders, however, must be narrowly tailored to meet those objectives. For example, CNICINST 1752.1 provides that a civilian employee who is identified as a sex offender may be barred from all areas of the installation except for his/her workplace.

Consultation with a Staff Judge Advocate or General Counsel is strongly recommended before issuing a barment order and is required before issuing a sex offender barment order. Additionally, coordination with the relevant human resources department is recommended for all barments involving civilian personnel.

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## SPECIAL POWER OF ATTORNEY FORMS NOW AVAILABLE ONLINE

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### ***Special Power of Attorney Forms Now Available Online***

Powers of Attorney are a key component of legal readiness. They enable spouses, family, and trusted individuals to act on another's behalf and manage affairs while servicemembers are deployed. Effective immediately, all personnel can now draft these documents themselves. Service members, retirees, reservists and dependents can complete Special Power of Attorney forms online, print them out, and take the unsigned forms to ANY authorized notary for signature and execution.

Visit: [http://www.jag.navy.mil/legal\\_services/SPOA.htm](http://www.jag.navy.mil/legal_services/SPOA.htm). Please read the information and instructions as this will assist in filling out the form and will ensure that you draft the right power of attorney for your needs.

This site will provide a filled in power of attorney that must not be signed until in front of a notary public. Authorized notaries include: Legal Officers, personnel at your installation legal assistance office, and any non-military-affiliated civilian state licensed notaries; i.e. banks or other notary public locations. Please keep in mind that the Navy no longer provides standard General Powers of Attorney. If you are seeking a Power of Attorney for the purchasing, selling, or refinancing of a property, you will still need to stop by your nearest legal assistance office.

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***Results of Trial,  
3rd Quarter 2016***

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## **RESULTS OF TRIAL, 3RD QUARTER 2016**

Navy MCSN was sentenced to be confined for 2 years, reduction in rank to E-1, and a bad conduct discharge after pleading guilty to two specifications of sexual abuse of a child. The court was held on 8 June 2016.

Navy CAPT was sentenced to be confined for 3 years and a dismissal after pleading guilty to two specifications of an indecent act and four specifications of indecent visual recording. The court was held on 17 June 2016.

Navy HM3 was sentenced to be confined for 100 days and a reduction in rank to E-1 after pleading guilty to one specification of sexual assault and one specification of battery upon a child under the age of 16. The court was held on 19 May 2016.

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***So Your Sailor is  
UA...***

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## **SO YOUR SAILOR IS UA...**

Liberty has expired and your Sailor did not show up for work. The Sailor did not submit a leave chit and no one has heard from him. The Sailor's absence is unauthorized.

The steps the command must take from this point forward depend on the length of time the Sailor has been absent. Specifically, the command has responsibilities upon the Sailor's initial absence, at 5 days, 30 days, 120 days, and when and if the Sailor returns.

In addition, the command must initiate appropriate disciplinary and administrative separation action. Absence without leave and desertion are both offenses under the UCMJ and punishable by court-martial. An individual may also be declared a deserter under the MILPERSMAN, which is administrative. Additionally, commands may look to any other applicable basis for administrative separation under the MILPERSMAN 1910 series. Although a Sailor may be separated while in an unauthorized absence (UA) status, it is important to note that: (1) the Sailor must acknowledge receipt and sign the notification letter; and (2) only an Under Other Than Honorable (OTH) discharge is authorized if the member is not in jail.

The command's basic responsibilities when a sailor is absent without leave or has deserted are outlined in the attached guide.

## So Your Sailor is UA...

Liberty has expired and your Sailor is not at work. The Sailor did not submit a leave chit and no one has heard from him. The Sailor's absence is unauthorized.

The steps the command must take from this point forward depend on the information available and the length of time the Sailor has been absent. The command's basic responsibilities when a sailor is UA or has deserted are outlined below.

Upon **initial absence**, the command should: (1) list the Sailor on the 0808 U.S. Navy Regulations daily absentee report and send it to the servicing personnel support detachment (PSD); (2) inspect the Sailor's local living quarters for clues; (3) ask others about the Sailor's whereabouts; (4) contact local hospitals and law enforcement agencies; (5) check PSD for withdrawal of funds; (6) investigate for long-distance transportation arrangements; and (7) inquire about visits to religious and counseling services.

After 24 hours, provide the information to PSD for preparation and distribution of the NAVPERS 1070/606.

At **5 days**, notify the Sailor's next of kin (NOK) using the letter template in MILPERSMAN 1600-040 and send a copy to the regional chaplain in the NOK's geographical area. The disbursing office will stop all allotments. Gather and inventory the Sailor's personal effects and complete a NAVSUP 29. Notify PSD to update the Sailor's Page 6.

At **30 days**, or if the member showed an intent to desert, prepare a DD 553 and submit it to the Navy Absentee Collection and Information Center (NACIC), and follow the steps in MILPERSMAN 1600-060. NACIC will change the accounting status to Deserter ACC 109.

At **120 days**: (1) complete close-out evaluation and fitness report in accordance with BUPERSINST 16010.10D; (2) forward all of the deserter's personnel, medical, and dental records to NACIC, along with the 1070/606, 1070/613, NAVSUP 29, and DD 553; (3) dispose of personnel effects in accordance with NAVSUP P-485 and P-490 and send to the Fleet and Industrial Supply Center Norfolk; and (4) handle any on board ATM monies per NAVSUP P-490. NACIC will transfer the Sailor to a deserter UIC upon receipt of the records.

### Sailor Returns

The command also has specific responsibilities upon the **return** of a Sailor. Instructions for apprehension and transportation of deserters are outlined in MILPERSMAN 1600-020 and 1600-030.

Command responsibilities will vary based on the length of the UA and/or deserter status. If the Sailor returns after **less than 24 hours**, complete a NAVPERS 1070/613 (page 13) Administrative Remarks entry and submit it to the Sailor's official military personnel file (OMPF).

If the Sailor returns **after 24 hours**, direct the servicing personnel detachment/office to complete a NAVPERS 1070/606 (Record of UA).

If the Sailor returns **after the NOK letter** has been sent, notify the NOK of the return via letter and forward to the regional chaplain originally notified.

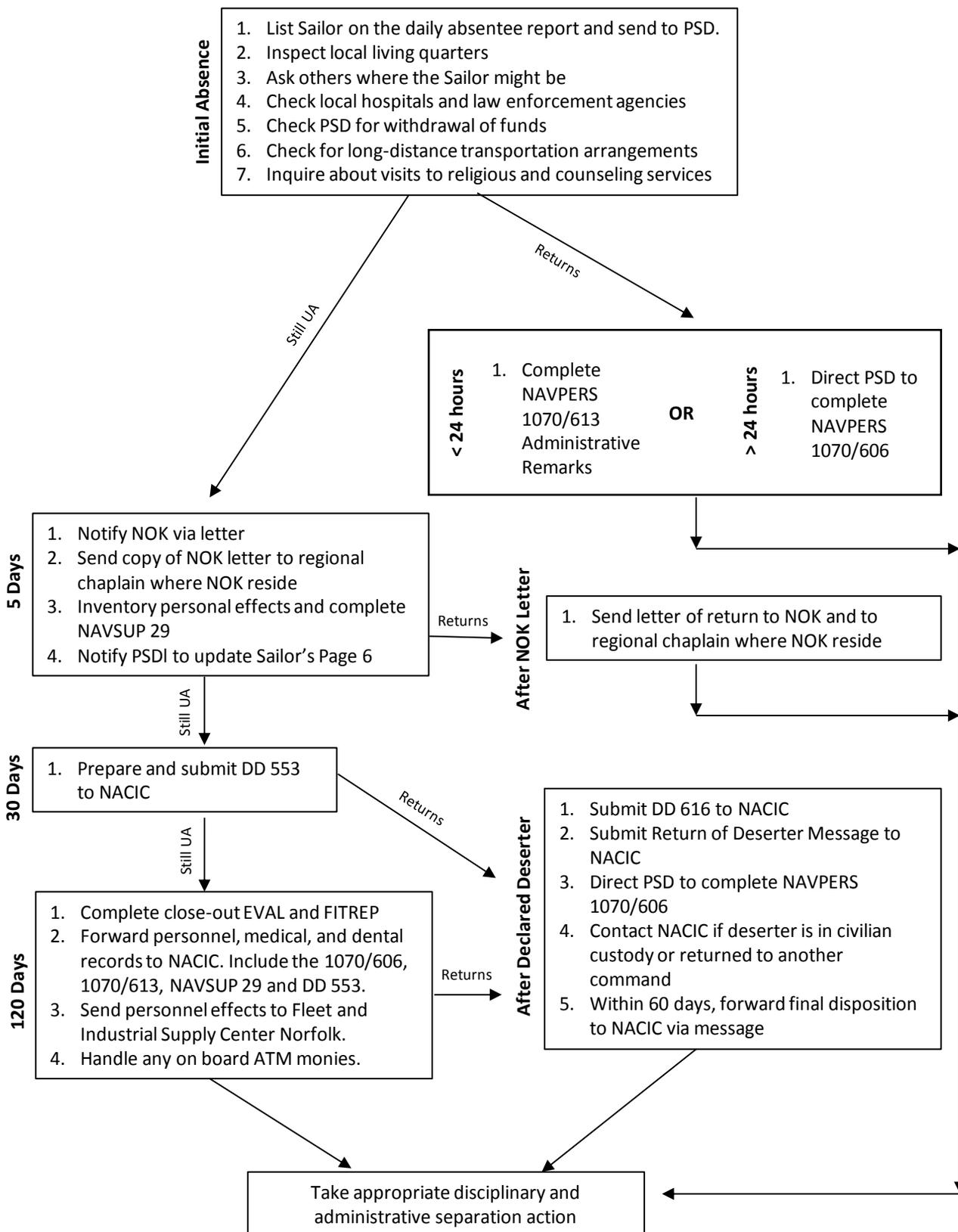
If the Sailors returns **after being declared a deserter**, follow MILPERSMAN 1600-070 and: (1) submit a DD 616 and Return of Deserter Message to NACIC; (2) direct completion of NAVPERS 1070/060; (3) contact NACIC to coordinate pick up of a deserter from civilian authorities or other military commands; (4) within 60 days of return, forward the final disposition (nonjudicial punishment, court-martial, etc.) to NACIC via message.

In addition, the command is responsible for following MILPERSMAN 1600-100 and adding any lost time to the member's end of active obligated service (EAOS).

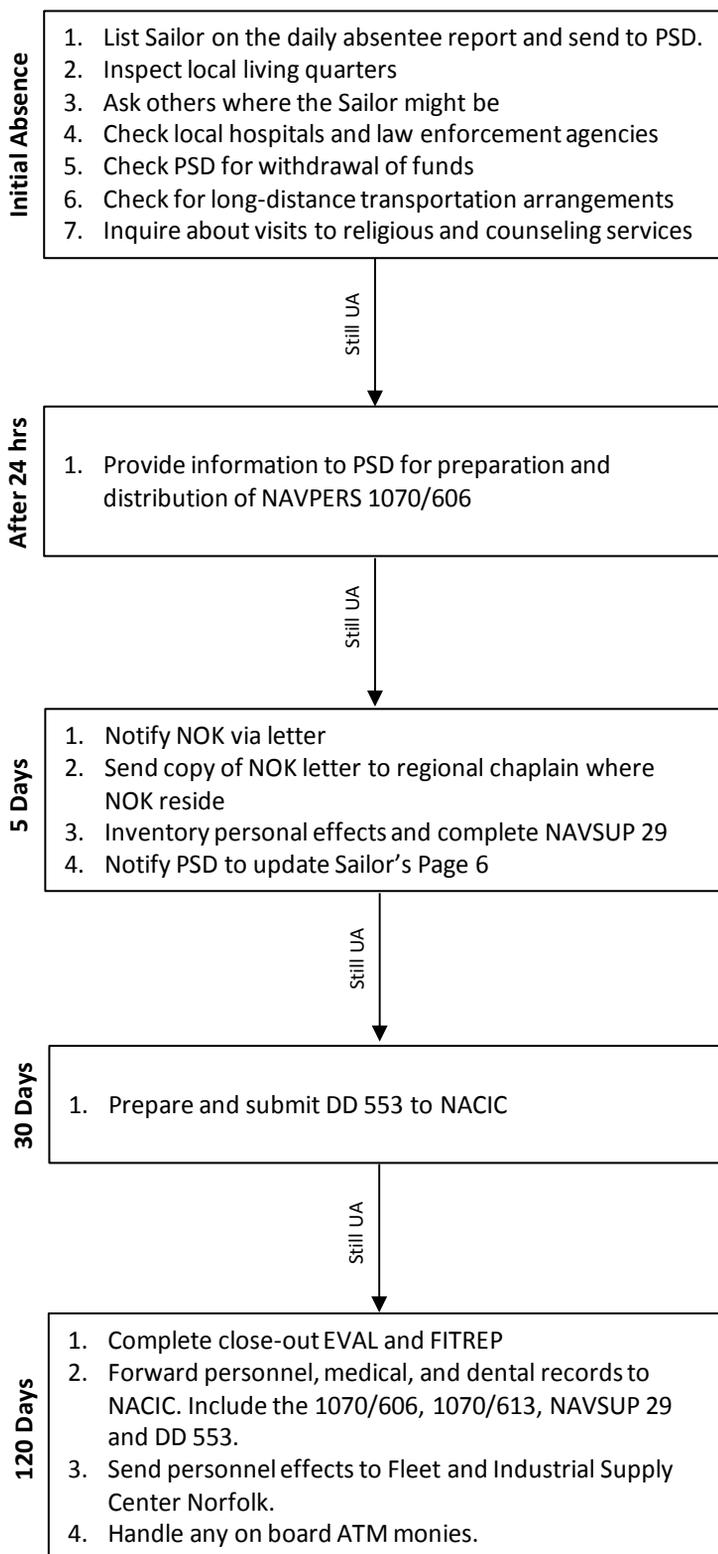
Finally, the command must initiate appropriate disciplinary and administrative separation action. Absence without leave and desertion are both offenses under the UCMJ and punishable by court-martial. Desertion under the UCMJ is criminal whereas being declared a deserter under the MILPERSMAN is administrative. Another option is administrative separation based on any applicable basis under the MILPERSMAN 1910 series. Although a Sailor may be separated while UA, it is important to note that: (1) the Sailor must acknowledge receipt and sign the notification letter; and (2) only an Under Other Than Honorable (OTH) discharge is authorized if the member is not in jail.

*\*This article is a guide. Always read the applicable regulations. Procedures for units that are decommissioning, deployed, or overseas are outlined in the MILPERSMAN.*

# Command Responsibilities for Unauthorized Absences



# Command Responsibilities When Sailor is Absent



# Command Responsibilities When Absentee/Deserter Returns

