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THE COUNSELOR

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NEW REQUIREMENT FOR MILITARY PROTECTIVE ORDERS

New Requirement for Military Protective Orders

Pursuant to 10 USC 1567a, when a Military Protective Order (MPO) is (1) issued against a member of the armed forces and (2) any party to the MPO resides off installation at any time during the duration of the MPO, the commander of the military installation must notify the appropriate civilian law enforcement authorities of: (1) the issuance of the MPO, and (2) the individuals involved in the MPO.

On 26 June 2014, the Under Secretary of Defense issued an implementing policy memorandum requiring military commanders, through their installation law enforcement agency, to place active MPOs in the National Crime Information Center (NCIC) Protective Order File (POF) for the duration of the MPO. This requirement, as indicated in the memorandum, establishes an effective means for military commanders to communicate MPO information to all civilian law enforcement authorities, thereby ensuring compliance with 10 USC 1567a. Procedures for installation law enforcement personnel entering, updating, and terminating MPOs in the NCIC POF can be found in the Under Secretary of Defense memorandum dated 26 June 2014.

NEW SERIES OF ARTICLES FOCUSING ON MENTAL HEALTH CONCERNS IN THE WORKPLACE

New Series of Articles Focusing on Mental Health Concerns in the Workplace

This is the first in a series of articles focusing on mental health concerns in the workplace. This series will address how a supervisor should proceed when a subordinate displays behavior that is disruptive or concerning in the workplace. There are two major categories of actionable behavior. An individual either (1) makes a direct threat of violence or (2) behaves in a way that causes concern and disrupts one's ability to do his or her job, but is not immediately threatening.

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In the event of a direct threat of violence, three steps should be followed.

(1) The first step is to immediately call security.
(2) Determine whether the circumstances of the threat are such that the emergency room should be involved. If so, contact the emergency room.
(3) Finally, once the individual and all affected parties have been secured and there are no lingering threats of danger, document and report the event.

The appropriate procedures for documenting and the proper channels for reporting depend on the whether the person is a service member, civilian employee, or contract employee. The next article in this series will explain how to document properly and with whom a report should be filed.

Subsequent articles in this series will delve into the proper action a supervisor must take when an individual demonstrates concerning behavior which is disruptive, but is not immediately threatening. This series will also include a guest author's advice on how to deal with difficult employees, tactful ways to deliver bad news to employees, and the warning signs of potential mental instability.

GOVERNMENT TRAVEL CARDS: MISUSE & CONSEQUENCES

Government Travel Cards: Misuse & Consequences

The Government Travel Charge Card Program (GTCC) provides a convenient method to pay for expenses associated with official travel. But government travel card misuse and abuse can result in severe consequences. These can include suspension or revocation of a security clearance, counseling, admonishment, reprimand, nonjudicial punishment, court-martial, and administrative separation.

Background

DoD policy is that the government travel card should be used to pay for all official travel expenses while on TAD. The use of a government travel card is a three-step process: (i) seeking approval for the trip; (ii) using the card; and (iii) the filing of paperwork afterwards. The government travel card system is done in conjunction with Citi Bank. Travelers, as well as commands, should familiarize themselves with how to use the claims process. A helpful first stop is http://www.defensetravel.dod.mil/site/govtravelcard.cfm. Travel itself is managed via the Defense Travel System (DTS) at http://www.defensetravel.osd.mil./

Where problems arise…

An Under Secretary of Defense memo, OUSD Memo: 06-10-03, provides guidelines for the misuse of government travel cards by military personnel. Personal use is prohibited, including making charges while not actually on travel orders or using the card for unauthorized expenses or purchases. This includes claiming travel expenses for someone else. These are violations of Article 92 of the Uniform Code of Military

Justice (UCMJ) for violating Department of Defense Instruction 7000.14-R, Financial Management Regulation, Volume 9, Chapter 3. The instruction is updated often and the latest version can be found at http://comptroller.defense.gov/fmr.

Another violation is filing a false claim, which takes place when a travel voucher is presented for repayment, but contains false or doctored claims – often to cover up misuse or to make a claim for something not actually charged. This is a violation of Article 132 of the UCMJ which covers frauds against the United States. Of course a single purchase can result in liability under **both** Article 92 and Article 132 – when the card is swiped and when the false paperwork is presented.

Other potential liabilities include violations of the Joint Ethics Regulations, as well as dereliction of duty – particularly if one is in a supervisory role. As a word of caution, it is incumbent on supervisors to keep accurate records, perform audits as required, and keep up-to-date on travel card training.

In terms of potential confinement, a single Article 92 violation could result in up to two years confinement, while an Article 132 violation could result in up to five years confinement. Dereliction of duty could result in up to three or six months confinement, depending on whether the action was negligent or willful. Of course, a fraud that covered multiple aspects of this, or multiple frauds – potentially one for each and every transaction – could result in significantly higher confinement periods.

Many who commit travel card fraud are exposed by reports from Citi Bank on suspicious uses of a card or from routine audits. Banks and auditors have become very astute at detecting this fraud. In addition, investigations can be and are conducted by commands when there are any allegations.

Travel card abuse is in a sense simple to show: it is all right there in the financial records. Finding out whether someone is actually traveling or not is also relatively straightforward using ID swipe card records, login data, command calendars, etc. Facebook and other social media can often make this even clearer.

Conclusion

Bottom line – travel card abuse is easy to detect and can lead to severe consequences. When in doubt about potential expenses or claims, consult the online guidance, your command, or your Ethics Officer.

RESULTS OF TRIAL 3RD QUARTER 2014

Results of Trial 3rd Quarter 2014

Navy E-2 with 1 year of service was sentenced to be reduced to the pay grade of E-1, to be confined for 14 months, to receive a bad conduct discharge and to forfeit all pay and allowances after being convicted of assault consummated by a battery. This court was held on 16 April 2014.

Navy E-6 with 23 years of service was sentenced to 60 day confinement and 29 days restriction and to a reprimand after being convicted of assault consummated by a battery. This court was held on 24 April 2014.

Navy E-2 with 1 year of service was sentenced to be reduced to the pay grade of E-1, to be confined for 6 months and to receive a bad conduct discharge after being convicted of conspiracy. This court was held on 21 May 2014.

Navy E-6 with 19 years of service was sentenced to 89 days confinement and reduction to the pay grade of E-1 after being convicted of attempt to commit abusive sexual contact, aggravated assault with a dangerous weapon, and assault consummated by a battery. This court was held on 9 June 2014.

OFFICER BOARD OF INQUIRY RESULTS 3RD QUARTER 2014

Officer Board of Inquiry Results 3rd Quarter 2014

Navy O-6 was ordered to show cause for retention due to misconduct and substandard performance of duty: conduct unbecoming an officer and a gentleman, adultery, and failure to conform to prescribed standards of military deportment. The Board recommended retirement at the pay grade of O-5. This Board of Inquiry was held on 21 April 2014.

Navy Reserve O-4 was ordered to show cause for retention due to misconduct and substandard performance of duty: assault, conduct unbecoming an officer and a gentleman, drunk and disorderly and failure to conform to prescribed standards of military deportment. The Board recommended separation. This Board of Inquiry was held on 2 June 2014.

Navy O-6 was ordered to show cause for retention due to misconduct and substandard performance of duty: drunken or reckless operation of a vehicle and failure to conform to prescribed standards of military deportment. The Board recommended retention. This Board of Inquiry was held on 17 June 2014.