



# Shakey's Law Corner

An Andersen Air Force Base Legal Office Publication

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## STATUS OF JUSTICE

### Nonjudicial Punishments September—October 2023

Andersen AFB commanders administered 3 Nonjudicial Punishment actions under Article 15 of the Uniform Code of Military Justice (UCMJ) for the following offenses:

**Failure to Go to Place of Duty** - A SrA reported to work one hour and 35 minutes late within weeks of receiving an Article 15 for other misconduct. The SrA received a reduction to A1C and a reprimand.

**Failure to Obey General Regulation & Wrongful Use of Marijuana** - An A1C wrongfully used Marijuana and synthetic Marijuana (THC-8). The A1C received a suspended reduction to the grade of E-1 and a reprimand. This conduct also triggered a mandatory discharge.

**Failure to Obey General Regulation** - An A1C wrongfully used synthetic marijuana (THC-8). The A1C received a suspended reduction to the grade of E-1, 45 days restriction to AAFB, and a reprimand. This conduct also triggered a mandatory discharge.

### Administrative Discharges September—October 2023

Andersen AFB commanders processed 3 Enlisted administrative discharges.

**Notification Discharges: 1**  
Sexual Assault basis with an Under Honorable Conditions (General) characterization following an Article 15

**Board Waiver Discharges: 2**  
Drug Abuse basis with an Under Other Than Honorable Conditions characterization

Sexual Assault with an Under Other Than Honorable Conditions characterization

### Courts-Martial Cases September—October 2023

*Where can I see upcoming trials?*  
» DAF Public Docket:

<https://legalassistance.law.af.mil/AMJAMS/PublicDocket/docket.html>

Air Force Legal Assistance Web Site



Air Force Smooth Move Web Site



Air Force Claims Service Center



## Operations Law Information

### Andersen AFB and U.S. INDOPACOM Legal Offices Activate Joint Counter-Lawfare Cell

The [U.S. INDOPACOM Office of the Staff Judge Advocate](#) partnered with Staff Judge Advocates and Paralegals from Andersen Air Force Base, Pacific Air Forces, and Australia to field-test a Joint Counter-Lawfare Cell (CLAW) from 26 October to 1 November 2023. The purpose of the CLAW was to partner with Joint Forces and allies, identify behavior by adversaries that challenges a free and open Indo-Pacific, publish products (e.g., Tactical Aids) that analyze and illuminate emerging legal issues across the theater, and establish a 24/7 contingency response legal support center that can provide analysis and guidance to emerging issues in real time.

Andersen AFB personnel integrated with INDOPACOM staff to identify and analyze unlawful activity by People's Republic of China (PRC) perpetuated by the PRC's "[three warfares](#)" concept (psychological, public opinion, and *legal warfare*). The CLAW examined the recently released [2023 Report on the Military and Security Developments Involving the People's Republic of China](#) and wrote multiple TACAIDs for distribution to embassies and DoD organizations across the theater. By aligning legal narratives, countering unlawful activities, and upholding the rules-based international order, the CLAW Cell emerges as a pivotal force in promoting US and regional partner interests. If you are operating in the theater and witness escalations in unconventional domains, or if you otherwise identify problematic conduct by foreign adversaries, please reach out to the legal office as your observations might be used to help the international community shed light on irresponsible, unprofessional, or unlawful behavior.

### Holiday Guidance on Ethics Rules

The holiday season is traditionally a time of parties, receptions, and gift exchanges. However, ethics rules still apply! To help you avoid an inadvertent ethics violation, below are few common holiday situations that may implicate ethics rules.

**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 potluck dish or dessert. Contractor employees may attend, pay \$5, and bring food because these contributions are not considered to be gifts or solicitation of gifts, but rather merely an attendee contributing their fair share of the costs of the event that they are attending. Remember, contributions must be voluntary, so announcements must be done carefully to ensure there is no pressure or appearance of pressure. Be sure to verify that the time contractor-employees spend at the party does not get billed to the Government.

**Office Party (duty time):** What about a party that cuts into duty hours? In addition to the rules in the example above regarding solicitation and contributions by Federal employees, generally, the Government may not reimburse a contractor for morale and welfare expenses. The contractor must decide whether to let its employees attend and forego payment for their time, or direct that they continue to work. Consult the contracting officer and Ethics Counselor before inviting contractor-employees to a function during their duty hours.

**Exchange of Gifts:** Your colleagues, including contractor-employees, want to exchange gifts at the office holiday party. Gift exchanges in which employees purchase gifts for other employees whose names they drew at random may create situations where a subordinate is purchasing a gift for a superior. If contractor personnel participate in the gift exchange, a \$20 limit applies. Where an employee may buy a gift for a superior, a \$10 limit applies. The best practice when organizing the gift exchange is to tell participants to limit gifts to non-cash items with a value of \$10 or less. There are two other exceptions to the general rule that supervisors may **not** accept gifts from subordinates or Federal personnel who receive less pay. First, supervisors may accept food and refreshments shared in the office and may share in the expenses of an office party. Second, when a supervisor invites a subordinate to a social event at the supervisor's residence, the subordinate may give the supervisor a hospitality gift (such as a bottle of wine for a dinner event) of the type and value customarily given on such an occasion.



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#### Hours of Operation

Monday & Tuesday	0900-1600
Wednesday	1200-1600
Thursday	1000-1600
Friday	0900-1600
Closed Weekends, Holidays, & PACAF Family Days	



### VICTIMS' COUNSEL

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