



Shakey's Law Corner

An Andersen Air Force Base Legal Office Publication

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STATUS OF JUSTICE

Nonjudicial Punishments July-August 2023

Andersen AFB commanders administered 4 Nonjudicial Punishment actions under Article 15 of the Uniform Code of Military Justice (UCMJ) for the following offenses:

Abusive Sexual Contact & Assault, Consummated by Battery (36 FSS) - An A1C touched an Airman on the buttocks. The A1C touched another airman on their waist and a third airman on their torso without permission. The A1C received a reduction to AB, forfeiture of \$958 pay for two months, and a reprimand. This conduct also triggered a mandatory discharge.

Dereliction of Duty (Willful) & Assault, Consummated by Battery (36 EAMXS) - A TSgt unlawfully struck two people during a fight off-base. The TSgt was also derelict in their duty by failing to highlight and correct the behaviors of junior airmen who were also involved in the fight. The TSgt received a suspended reduction to the grade of E-5, forfeiture of \$1,829 pay per month for two months, 45 days extra duty, and a reprimand.

Dereliction of Duty (willful) & Larceny of Military Property – More Than \$1,000 (734 AMS) - A SSgt failed to report that they were divorced, resulting in accrual of BAH they were no longer entitled to receive. The SSgt received a reduction to the grade of E-4, suspended forfeiture of \$1,519 pay per month for two months, and a reprimand.

Assault, Consummated by Battery (4 RS) - A TSgt unlawfully struck and kicked a civilian during an off-base fight. The TSgt received a suspended reduction to the grade E-5, forfeiture of \$1,711 pay per month for two months, 45 days extra duty, and a reprimand.

Administrative Discharges July-August 2023

Andersen AFB commanders processed 3 Enlisted administrative discharges.

Notification Cases: 2

1. Entry Level Separation
2. Failure to meet minimum fitness standards (Honorable Characterization)

Board Waiver Cases: 1

3. Misconduct: Drug Abuse (Under Other Than Honorable Conditions (UOTHC))

Courts-Martial Cases July-August 2023

US v. A1C John H. McKinney IV (36 CRS)
A1C McKinney was convicted at a summary court-martial for driving under the influence with a BAC of 0.197 g/ml* and disobeying orders given to him from the 36th Security Forces Squadron Defenders. He was sentenced to 21 days in confinement, reduction to E-1, and restrictions to Andersen Air Force Base for 18 days.

*The legal BAC limit is 0.08 g/ml

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



Preventive Law Information

Beware of Vaping Unknown Substances!

by Lt Col Tom Bucci

In spite of growing concerns about its health impacts, vaping continues to grow in popularity in the US and within the military population. Vaping is essentially the use of electronic cigarettes and various types of personal vaporizer devices to ingest nicotine. It was initially believed that vaping might be relatively safer than cigarette smoking, but new concerns about vaping's impacts to the lungs have emerged. There is an even greater potential danger to vaping, particularly when borrowing the devices of others: the unintended use of illegal drugs. Recently, we have observed several cases of airmen testing positive for illegal substances after a random urinalysis, and then claiming to have accidentally ingested the illegal substance from a friend's borrowed vaping device. Vaping devices can easily be used to ingest marijuana and other banned substances. The use of recreational and/or medicinal marijuana, the use of certain natural or synthetic derivatives of tetrahydrocannabinol (THC) - the active ingredient in marijuana - such as THC Delta-8 and Delta-9, and the use of cannabidiol (CBD) is now legal for citizens of many states and territories (including Guam). However, all of these substances remain unlawful for use by military members and federal civil service employees.

If you borrow the vape without *knowing* the contents of that vape, you could land in serious trouble! A claim of ignorance as to the contents of that vape is unlikely to save your career unless you self-report immediately. Worse still, vapes may contain other, more hazardous substances, such as methamphetamine. There have even been incidents of fentanyl in vape devices, an opioid that can be deadly even in small doses. The safest advice is never to borrow a vape, because you do not know what is in it. If you choose to vape, use a device you purchased yourself and that has been in your sole possession.

Another common and dangerous misconception is that because a given substance is synthetic (man-made), it must somehow be legal or "safer" to use. This is not the case. Delta-8 THC is a cannabinoid that occurs naturally in the marijuana plant, but only in very low concentrations. The Delta-8 you may find listed as an ingredient in products for sale is a semi-synthetic derivative produced by a process that greatly concentrates it. (Delta-9 THC, by comparison, occurs naturally in the marijuana plant in high concentrations, so there is no reason to make a "synthetic" version.) This means that the Delta-8 appearing in products for sale can be quite potent and dangerous. The bottom line is, you can't rely upon labels, online information, friends, or in-store associates claiming that just because a product is "synthetic" (or, "all natural", for that matter...) it is necessarily safe or legal. The DoD does test for Delta-8 in urinalysis screening - in fact, it is one of the most commonly found drugs in military drug testing. A related issue is supplement safety. It is a good practice to avoid ingesting unknown ingredients contained in sports supplements and other over-the-counter nutrition products by carefully consulting the ingredient list. A helpful, general resource is the Operation Supplement Safety website, on which you can look up questionable ingredients and quickly learn whether they appear on the DoD list of banned supplements. See: [DoD Prohibited Dietary Supplement Ingredients \(www.opss.org\)](http://www.opss.org).

Social Media and Electronic Communication (Personal Use)

By MSgt Brian Redfern

Social media has become an integral part of many of our daily lives. While Airmen enjoy the right to free speech under the First Amendment, as a condition of being members of the Armed Forces some speech may be further restricted than that of the general public. Here, we discuss some of the limitations as they apply to Air Force member communications on social media.

When expressing personal opinions on social media sites where individuals can be identified as a members of the Air Force, Airmen should make clear that they are speaking for themselves and not on behalf of the Air Force. While servicemembers may generally use their rank and service even when acting in their personal capacity, they should not do so in situations where the context may imply official sanction or endorsement of their personal opinions.

Airmen must avoid offensive and/or inappropriate behavior on social networking platforms and other forms of communication that could bring discredit upon the Air Force or that would otherwise be harmful to good order and discipline. Airmen must be careful to avoid any online commentary which might tend to degrade morale, good order, and discipline of any members or units in the U.S. Armed Forces, or that would degrade the public's trust and confidence in the Air Force. Generally speaking, if it would be improper to say it in person, or improper to say it in front of your squadron commander, it's probably not appropriate for social media either.

Airmen should also recognize that social network "friends" may potentially constitute relationships that could affect determinations in background investigations and periodic reinvestigations associated with security clearances. If Airmen violate federal or state laws and regulations and policies through inappropriate personal online activity, or any other form of communication, they may also be subject to disciplinary action.



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Thursday & Friday	0900-1600
Closed Weekends, Holidays, & PACAF Family Days	



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