



# Shakey's Law Corner

An Andersen Air Force Base Legal Office Publication

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## STATUS OF JUSTICE

### Nonjudicial Punishments November—December 2023

Andersen AFB commanders administered **5** 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** - An A1C repeatedly reported late to work and physical fitness formations. The A1C received a reduction to the grade of E-2, restriction to base for 60 days, and a reprimand.

**Failure to Obey General Regulation** - A SrA was caught wrongfully using synthetic Marijuana (THC-8) as the result of a random urinalysis drug test. The SrA received a reduction to the grade of E-3, suspended forfeitures of one half month's pay for two months, and a reprimand. This conduct also triggered a mandatory discharge.

**Failure to Obey General Regulation** - An Amn was caught wrongfully using synthetic marijuana (THC-8) as the result of a random urinalysis drug test. The Amn received a reduction to the grade of E-1 and a reprimand. This conduct also triggered a mandatory discharge.

**Drunk on Duty and Drunk Driving**- An A1C reported to his work center noticeably intoxicated and smelling of alcohol. After testing, it was determined the A1C had a breath alcohol level of 0.223, nearly three times the legal driving limit. The A1C received a reduction to the grade of E-1, suspended forfeitures of one half month's pay for 2 months, and a reprimand.

**Assault and Drunk and Disorderly** - A SSgt was involved in an off-base altercation where the SSgt assaulted another member of his unit and caused damage to a neighbor's fence after striking it with a car. The SSgt received a reduction to the grade of E-4, suspended forfeitures of one half month's pay for two months, and a reprimand.

### Administrative Discharges November—December 2023

Andersen AFB commanders processed **4** Enlisted administrative discharges.

#### Notification Discharges: **3**

Drug Abuse (2): Two Airmen were separated with an **Under Honorable Conditions (General)** characterization, both following Article 15 punishments.

Commission of serious offense (1): An Airman was separated with a **General** service characterization following his conviction at a Special Court-Martial for assaulting another member of his unit.

#### Board Waiver Discharges: **1**

Commission of a serious offense (1): An Airman was separated with an **Under Other Than Honorable Conditions** characterization after his Summary Court-Martial conviction for Driving Under the Influence of alcohol.

### Courts-Martial Cases November—December 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



## Preventive Law Information

### Driving While Intoxicated

Andersen Air Force Base has seen an increase in driving while impaired (DWI) cases in recent months. DWI (a.k.a. DUI), is a violation of both the Uniform Code of Military Justice (UCMJ), Article 113, "drunken or reckless operation of a vehicle" and Guam Territorial Law. Under Guam law, 9 GCA § 92102, it is unlawful for a person to drive a motor vehicle with 1) a blood or breath alcohol concentrate (BAC) of 0.08 percent; 2) having a BAC of 0.04 percent under the age of 21; or 3) to drive under the influence of alcohol or drugs where one's "physical or mental abilities are impaired to such a degree that he or she no longer has the ability to drive a motor vehicle with the characteristics of a sober person of ordinary prudence" whether BAC is at .08 (or .04) or something less.

The penalties for DWI can be severe. Under Guam law, a first offense for DWI requires 1) a term of incarceration of not less than 48 hours and not more than one year, 2) a minimum fine of \$1000, and 3) suspension of the offender's driving license for 6 months. This doesn't even account for attorney's fees (which can quickly exceed \$5K) and increased car insurance costs (which can rocket up 50% or more). There are more severe penalties in DWI cases leading to bodily injuries of others, which can garner up to three years in prison. A DWI causing the death of another can lead to 8 years in prison in Guam.

On the Air Force side, a DWI frequently ends careers. In 2023, Andersen Air Force Base Airmen were caught driving under the influence of alcohol 12 times. These cases resulted in administrative discharges, rank reductions, forfeitures in pay, letters of reprimand, and several other restrictions. Even for those who were not immediately discharged, many were demoted and now face High Year Tenure or may not be able to re-enlist. They also lost their base driving privileges for a year. In all of these cases, the Airmen deeply regretted their decision to get behind a wheel and put themselves and others at risk. Unfortunately, that regret will likely persist for those whose careers never recover.

Please plan ahead if you intend to drink and make sure you have a way to get home safely. There are many options including calling a taxi, Airmen Against Drunk Driving (AADD), a sober friend, someone from your unit, or just getting a hotel for the night. It's true that some of these options come with a cost, but that cost pales in comparison to losing your career...or a life.

### Political Activities for DAF Personnel

With the 2024 election season already underway, all DAF military and civilian personnel should be mindful of the various limitations that exist when it comes to participation in political activity, particularly during an election year. Political activity is generally defined as an activity directed toward the success or failure of a political party, a candidate for a partisan political office, or a partisan political group. The two relevant references that reflect policy on political activities are DoDI 1344.10, *Political Activities by Members of the Armed Forces*, and DAFI 51-508, *Political Activities, Free Speech, and Freedom of Assembly*. DAF Civilians are additionally governed by the Hatch Act. However, below is a quick summary of some key rules and guidance.

DAF personnel are generally permitted to: 1) register to vote, vote, and express a personal opinion on political candidates and issues (but not as representatives of the DAF or DoD); 2) promote and encourage others to exercise their voting rights (but not use official authority or influence to solicit votes for specific candidates or parties); 3) join a partisan or nonpartisan political club and attend its meetings when not in uniform, but not in any official capacity nor listed as a sponsor; 4) attend partisan and nonpartisan political fundraising activities, meetings, rallies, debates, conventions, or activities as a spectator when not in uniform and when no inference or appearance of DoD endorsement can reasonably be drawn; 5) write a letter to the editor of a newspaper (same applies for social media, blogs, etc.) expressing the member's personal views concerning public issues or political candidates. If the letter does or could identify the individual as a DAF member, the letter must clearly state that the views expressed are those of the individual only and not those of the DAF or DoD; and 6) display a standard size (not large) political bumper sticker on the member's private vehicle.

DAF personnel are prohibited from: (1) using their official authority or influence for the purpose of interfering with or affecting the result of an election; (2) knowingly, personally soliciting, accepting or receiving a political contribution from any person; (3) running for the nomination or as a candidate for election to a partisan political office; (4) participating in political activity while on-duty; and (5) engaging in political activity while wearing a uniform or official insignia identifying the office or position of the DoD employee.

If you have questions about whether specific activity is permissible during this election year, please reach out to the legal office.



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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	



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