



Shakey's Law Corner

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STATUS OF JUSTICE

Nonjudicial Punishments January - February 2024

Andersen AFB commanders administered 7 Nonjudicial Punishment actions under Article 15 of the Uniform Code of Military Justice (UCMJ) for the following offenses:

Failure to Go and Underage Drinking - An A1C failed to go to work and drank underage. For this misconduct, the A1C received a reduction to E-1 and restriction to base for 60 days.

Underage Drinking and Drunk Driving - An Amn drank underage and drove drunk. For this misconduct, the Amn received a reduction to E-1, suspended forfeiture of \$1,008 for 2 months, 60 days restriction to base, and a reprimand.

Failure to Go, Excess Alcohol Consumption, and Soliciting a Person for Sex - A SSgt consumed excessive amounts of alcohol prior to duty at a TDY location and failed to go to their assigned shift. The SSgt also solicited a prostitute for sex. The SSgt received a suspended reduction to E-4 and a reprimand.

Drunk Driving - A SSgt drove drunk and crashed their vehicle. The SSgt had a blood alcohol level of 0.299 g/ml. The SSgt received a reduction to E-4, 30 days extra duty, and a reprimand.

Failure to Go and Excess Alcohol Consumption - A MSgt consumed excessive amounts of alcohol prior to duty at a TDY location and failed to go to their assigned shift. The MSgt received a reduction to E-6 and a reprimand.

Providing Alcohol to a Minor, Expired Registration, False Statements, and Sexual Acts with a Child - An A1C provided alcohol to 3 minors and engaged in sexual acts with a minor under the age of 16. The A1C then lied to an agent with the Air Force Office of Special Investigations. Additionally, the A1C failed to register their vehicle for several months while driving it. The A1C received a reduction to E-1, restriction to base for 60 days, and a reprimand.

Failure to Register Guests On-Base, Underage Drinking, and Wrongful Recording without Consent - An Amn failed to register 2 civilian on-base guests and drank underage. The Amn also indecently recorded someone while they were naked without their consent. The Amn received a reduction to E-1, suspended forfeiture of \$1,008.00 pay per month for 2 months, restriction to base for 15 days, 15 days suspended restriction to base, 15 days extra duty, and a reprimand.

Administrative Discharges January - February 2024

Andersen AFB commanders processed 4 Enlisted administrative discharges.

Notification Discharges: 4
Drug Abuse (2): Two Airmen were separated with an **Under Honorable Conditions (General)** characterization, both following Article 15 punishments.

Commission of a Serious Offense (2): Two Airmen were separated with an **Under Honorable Conditions (General)** characterization, one following Article 15 punishment and the other following a civilian DUI conviction and outstanding arrest warrant for another DUI offense.

Courts-Martial Cases January - February 2024

US v. SrA Hannah M. Massett (36 SFS)
SrA Massett was convicted at a summary court-martial for driving under the influence with a BAC of 0.270 g/ml and assaulting a 36th Security Forces Squadron Defender. She was sentenced to 30 days confinement, reduction to E-3, and suspended forfeiture of \$1,780.

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

General Order #1

Brigadier General Thomas B. Palenske, 36 WG/CC, is dedicated to enhancing safety, morale, and upholding good order and discipline at Andersen Air Force Base. On 5 January 2024, General Palenske signed and published General Order #1, which prohibits, among other things, the abandonment of vehicles and pets.

For designated sponsors, it is strongly recommended to include General Order #1 and information concerning Guam pet ownership/transportation expenses in newcomers' briefings, sponsor materials, or any other correspondence with incoming PCS-ers. Relocating with pets, especially to and from Guam, can result in substantial costs; therefore, it is essential for individuals to understand the legal and financial responsibilities associated with pet ownership in such circumstances. If unable to fulfill these obligations, individuals are encouraged to explore alternative arrangements such as surrendering pets to shelters, entrusting them to friends, or refraining from acquiring pets or bringing pets to Guam if unable to adequately provide for their needs. According to the *JTR, par 050107*, effective 1 Jan 2024, members are eligible for PCS-related expenses reimbursement up to \$2,000, for one animal for an OCONUS PCS.

When it comes to vehicle ownership on Guam, it is understandable that many personnel purchase used, inexpensive vehicles (aka "Guam Bombs") that they do not anticipate taking with them when they leave. That being said, abandoning them is not the solution; nor is it legal on Andersen AFB. Alternative options include donating them to a junkyard, marking them for sale at the Navy or Andersen Lemon Lot, selling them to a dealership, listing them for sale on one of the many Facebook buy-and-sell pages, or simply giving them away with a transfer of ownership. Intentional abandonment of your vehicle on any military installation is illegal and the potential consequences for doing so are listed in DoDM 4160.21 Vol 4. ***"Personnel must be knowledgeable of the consequences associated with intentional abandonment, such as: (a) Reimbursing the U.S. Government for incurred costs. (b) Repossession by lien holder. (c) Garnishment of pay. (d) Withholding income tax refunds for indebtedness to the U. S. Government. (e) Violation of articles in the Uniform Code of Military Justice."***

By adhering to these guidelines and understanding the associated responsibilities, individuals can contribute to the safety, morale, and discipline of the base community while ensuring compliance with legal and ethical standards. Failure to comply may result in criminal prosecution, nonjudicial punishment, and/or notification to gaining commands.

Service Members Civil Relief Act

As personnel undergo PCS moves to and from Guam, understanding and leveraging the protections provided by the Servicemembers Civil Relief Act (SCRA) can significantly ease the transition process. By utilizing these safeguards, servicemembers can navigate contractual obligations with confidence, ensuring a smooth relocation experience while focusing on their mission readiness and responsibilities.

Various circumstances may require servicemembers to terminate contracts or agreements such as rental leases, phone and internet plans, gym memberships, etc. The SCRA provides legal protections and benefits to active duty servicemembers, activated reservists, and members of the National Guard on federal orders or Title 32 state orders lasting more than 30 days. To be considered under the SCRA, the lease, contract, or agreement you're trying to terminate or freeze must be signed by the servicemember or on their behalf with a power of attorney. Qualifying situations for lease termination under the SCRA include entering active duty, PCS orders, and deployment orders exceeding 90 days. Servicemembers seeking to break a lease under the SCRA must submit a written request along with a copy of their orders. The earliest termination date for a lease is 30 days after the next regularly scheduled payment is due.

Furthermore, the SCRA typically allows for the cancellation or suspension of contracts, including phone and internet plans or gym memberships, without early termination fees or other penalties when the servicemember's military service affects their ability to utilize the contracted services.

Beyond rental leases, phone and internet plans, and gym memberships, the SCRA extends protections to various other contracts, including car leases, insurance policies, and more. Servicemembers are encouraged to familiarize themselves with the specific provisions of the SCRA to ensure compliance and maximize the benefits afforded.

For further assistance or guidance regarding SCRA protections and PCS-related contractual matters, servicemembers are encouraged to reach out to 36 WG/JA, where our dedicated professionals stand ready to provide support and ensure servicemembers' rights are upheld throughout their military moves.



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