



# Shakey's Law Corner

An Andersen Air Force Base Legal Office Publication

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## STATUS OF JUSTICE

### Nonjudicial Punishments March - April 2024

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

**Assault** - A male Airman assaulted a female Airman in his unit in the parking lot of a bar off base. He picked her body up and slammed in on a car trunk and also punched her in the face. For this misconduct, the Airman received a reduction to E-1, suspended forfeiture of \$1,008.00 for two months, 45 days restriction to base, 45 days extra duty, and a reprimand.

**Underage Drinking/Drunk Driving** - An A1C drank underage and drove while drunk. For this misconduct, the A1C received a reduction to E-2, suspended forfeiture of \$1,130 for two months, 60 days restriction to base, and a reprimand.

**Violation of a Lawful Order** - An A1C knowingly consumed THC-8. For this misconduct the A1C received a reduction to E-2, suspended forfeiture of \$1,130.00 for two months, 60 days restriction to base, and a reprimand.

**Underage Drinking/Drunk and Disorderly Conduct** - An A1C drank underage and was drunk and disorderly, bringing discredit upon the armed forces. For this misconduct, the A1C received suspended forfeiture of \$1,263.00 for two months, 30 days restriction to base, and a reprimand.

**Drunk Driving** - An A1C drove drunk on base. For this misconduct the A1C received a reduction to E-2, suspended forfeiture of \$1,130.00 for two months, 15 days restriction to base, and a reprimand.

**Passenger DUI** - An A1C was a passenger of a drunk driver in Okinawa, Japan, which is a criminal offense in Japan when you know the driver is intoxicated. For this misconduct the A1C received a suspended reduction to E-2, Forfeiture of \$1,130 for two months, 15 days restriction to base, and a reprimand.

**Destruction of Property/Obstruction of Justice** - An A1C slashed the vehicle tires of two other Airmen. The A1C then obstructed justice by reaching out to the Airmen and asking them to help cover up his crimes (they refused). It wouldn't have mattered though because he had cut himself while slashing the tires and left blood all over the crime scene. For this misconduct, the A1C received a reduction to E-2, suspended forfeiture of \$1,130.00, and a reprimand.

### Administrative Discharges March - April 2024

Andersen AFB commanders processed 4 Enlisted administrative discharges.

#### Notification Discharges: 2

**Minor Disciplinary Infractions:** Airman was separated with an **Under Honorable Conditions (General)** characterization, following Article 15 punishment.

**Sexual Assault:** Airman was separated with an **Under Honorable Condition (General)** characterization, following an LOR.

#### Board Waiver Discharges: 2

**Commission of a Serious Offense: Sexual Misconduct (2):** Two Airmen were separated with an **Under Other Than Honorable Conditions (UOTHC)** service characterizations, both following Article 15 punishments for related sexual crimes against a 15-year-old and a 16-year-old Guam resident.

### Courts-Martial Cases March - April 2024

Andersen AFB did not hold any trials during this time period.

*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

## Fundraising on Andersen AFB

As summer approaches, many unit booster clubs are ramping up fundraising efforts. To ensure these events are successful, it is crucial for booster clubs to be familiar with fundraising rules and to plan ahead.

First, make sure you submit your fundraiser request **at least two weeks** in advance. Most requests have to be routed through multiple reviewers and often require the requestor to submit additional information. Even before submitting though, ensure your organization's constitution, bylaws, and insurance waiver/policy are all current. Remember, constitutions and bylaws require renewal every two years, while the insurance waiver/policy must be updated annually.

Fundraising activities come with specific restrictions. Members of Private Organizations (POs) are prohibited from participating in fundraising while on duty, in uniform, or at the workplace. Further, POs are not allowed to conduct games of chance, lotteries, raffles, or other gambling-type activities, except those permitted by AFI 34-223, para. 10.20 (which allows certain raffles when they have been properly permitted by the Government of Guam). Advertising is only permitted after the fundraiser is routed through the PO office, legal office, and is approved by 36 FSS/CC. A copy of the requested advertisement must be submitted with the fundraising request packet for approval. Additionally, the use of official DoD or unit seals, title, duty email, official letterhead, and duty phone numbers are strictly prohibited.

All fundraising requests must be routed through the private organization monitors at FSS: [36FSS.FSWP.AAFBPrivateOrg@us.af.mil](mailto:36FSS.FSWP.AAFBPrivateOrg@us.af.mil). Ensure the request form has the necessary signatures from required agencies to avoid delays. For events involving food preparation or handling, public health must sign off on the request. If the fundraiser poses any safety risks, Wing Safety's approval is required. Fundraisers held at specific facilities must have the facility manager's signature, and events associated with AAFES need AAFES approval. During CFC or AFAF fundraising periods, a CFC or AFAF POC must also sign off on the request. Failure to obtain the proper signatures will result in the request being returned. For the use of the base name or organizational unit name on items such as patches, T-shirts, or advertisement methods, private organizations must secure written approval from the 36 MSG/CC via the private organization monitors. This approval must be obtained before submitting the fundraiser request to prevent it from being returned. By adhering to these guidelines, Private Organizations at Andersen AFB can look forward to a successful fundraising season.

## Divorce Guidance for Military Members Stationed in Guam

Divorce can be stressful, but understanding the process and utilizing available resources can help alleviate some of the strain. Our legal office provides an extensive pamphlet on Guam divorce laws and offers legal assistance to answer questions you may have about your divorce. To receive legal assistance, you must not have already retained an attorney and understand that our attorneys can only answer questions; they cannot represent you in court or draft documents.

To file for divorce in Guam, either you or your spouse must have resided on the island for at least seven days in the case of an uncontested divorce (meaning the couple agrees on all aspects of property/family dissolution) or 90 days in the case of a contested divorce (meaning the couple disagrees on one or more issues of property/family dissolution). Guam allows for no-fault divorces, which means you can file based on irreconcilable differences or living separately for six months. Divorce petitions are filed at the Superior Court of Guam. You can obtain the necessary forms from the court's website at (<http://www.guamcourts.org/Forms/images/SRLFormDraftUncontestedDivorce.pdf>) or (<http://www.guamselfhelp.org/>) or visit the courthouse (120 W O'Brien Dr, Hagåtña, 96910, Guam). If your divorce is contested or involves children, we recommend you seek civilian counsel to represent you. Once you file, the process can take several months, depending on the complexity of your case and whether it is contested. Ensure you comply with all court deadlines and provide required documentation promptly to avoid delays. After filing, the court will hold hearings to decide whether to grant the divorce and resolve issues like child support and property distribution. When the court decides to grant the divorce, the judge will enter an interlocutory (temporary) divorce decree. The interlocutory decree stays in effect until the judge enters the final divorce decree. Guam law requires the judge wait six months before entering the final decree, but a judge can waive the waiting period if you can show a good reason for doing so. You should keep in mind that your divorce is not "final" until you receive the final decree.

Until the divorce is finalized, military members must continue to provide financial support to their spouses as mandated by military regulations, unless a judge states otherwise. DAFI 36-2906, chapter 4, lays out the minimal requirements for support. This includes housing, basic living expenses, and maintaining healthcare coverage. Consult with your command if you have any questions about your specific support obligations. Once your divorce is final, it's crucial to update your marital status at MPF and finance. This ensures you receive the correct entitlements and prevents overpayments that will have to be paid back. As always, visit the legal office to seek personalized advice.



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### Andersen AFB Legal Office Contact Information

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### VICTIMS' COUNSEL

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