



DEPARTMENT OF THE ARMY
US ARMY COMBINED ARMS SUPPORT COMMAND AND FORT LEE
2221 ADAMS AVENUE
FORT LEE, VIRGINIA 23801

CASCOM POLICY 21-14

JUL -9 2021

ATCL-CG (100)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Withholding and Reservation of Authority to Dispose of Misconduct

1. References. Army Regulation (AR) 600-20, Army Command Policy.
2. Applicability. This policy applies to all Soldiers under the General Court-Martial Convening Authority (GCMA) jurisdiction of the United States Army Combined Arms Support Command (CASCOM) and Fort Lee.
3. Authority to Convene Courts-Martial: The authority to convene or refer cases to special or general courts-martial is withheld to the Commanding General (CG), CASCOM.
4. Administrative Separations and Eliminations.
 - a. The authority to appoint standing administrative separation boards to consider enlisted separations IAW AR 635-200, and standing Boards of Inquiry to consider officer eliminations IAW AR 600-8-24, is reserved to the CG, CASCOM.
 - b. This policy does not restrict any General Officer Show Cause Authority (GOSCA) from either initiating or approving the results of an officer Board of Inquiry IAW AR 600-8-24. It also does not restrict any subordinate GCMCA from approving any enlisted administrative separation IAW AR 635-200.
 - c. Subordinate commanders initiating administrative enlisted separations or officer eliminations which require the conduct of an administrative separation board or a Board of Inquiry may either refer such cases to standing boards appointed by the CG, CASCOM, or may appoint ad hoc boards to consider cases on an individual basis after consulting with their legal advisor.
5. Senior Leader Misconduct.
 - a. The authority to dispose of any misconduct by commissioned officers in the grade of O-4 or above, warrant officers in the grade of W-3 or above, and noncommissioned officers (NCO) in the grade of E-9 is reserved to the CG, CASCOM. Upon written request, this authority may be returned to subordinate commanders on a case-by-case basis for good cause.

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b. The authority to dispose of any misconduct by commissioned officers in the grade of O-3 and below, warrant officers in the grade of W-2 and below, and NCOs in the grade of E-8, to include frocked E-7's, is reserved to the first GCMCA in the senior leader's chain. This authority may be returned to subordinate commanders on a case-by-case basis for good cause at the discretion of the relevant GCMCA.

c. All alleged offenses recognized under the Uniform Code of Military Justice (UCMJ) or captured by a civilian criminal statute involving senior leaders withheld under this policy will be reported, by email, through command channels to the relevant GCMCA to whom jurisdiction is reserved and to the Staff Judge Advocate (SJA) within 12 hours after the offense comes to the attention of the chain of command. The report will briefly describe the identity of the individual concerned, the offense alleged to have been committed, any potential victims, unit impact, and interim measures taken by the command. If the complete facts are unavailable at the time of initial report, an interim report will be made which provides additional information. A final report must be submitted to relevant GCMCA and the SJA as soon as possible.

d. Allegations of minor misconduct are excluded from this reporting requirement. Minor misconduct includes traffic violations other than driving while intoxicated or impaired. Additionally, minor military infractions such as failure to report and minor dereliction of duties need not be reported. The SJA will resolve any questions concerning whether an allegation is reportable.

e. The reservations in paragraphs 4a and 4b, above, include the authority to take adverse administrative action (i.e., issue reprimands, initiate separation/elimination, relieve for cause) and impose non-judicial punishment. It also includes the authority to determine that no disciplinary or adverse action is appropriate.

f. This policy does not preclude subordinate commanders or leaders from initiating investigations of potential offenses that fall within their purview, issuing referred evaluation reports, or taking appropriate interim measures such as suspending favorable actions ("flagging"), reviewing security clearance access, reporting of derogatory information, suspending individuals from a specific duty or position, or conducting interim counseling. Nothing in this memorandum will be construed as a limitation upon the duty of a subordinate commander to make independent recommendations regarding appropriate case disposition.

6. Sexual Assault Cases. In accordance with Secretary of Defense Memorandum, Withholding Initial Disposition Authority Under the UCMJ in Certain Sexual Assault Cases, dated 20 April 2012, the authority to initially dispose of certain sexual assault cases (rape, sexual assault, forcible sodomy, and the attempts to commit these offenses) is withheld to Special Court-Martial Convening Authorities (SPCMCA) in the rank of O-6 or above. Additionally, the authority to initially dispose of all other sexual conduct in violation of Article 120, UCMJ, is withheld to the SPCMCA level. The

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authority to initially dispose includes the authority to determine that no disciplinary or other adverse action is appropriate.

7. Collateral Misconduct in Sexual Offense Cases.

a. The authority to dispose of an alleged victim's collateral misconduct in certain sexual offense cases (qualifying offenses include the alleged offenses of rape, sexual assault, forcible sodomy, and all attempts to commit such offenses in violation of Articles 80, 120, and 125 of the UCMJ) is withheld to the SPCMCA level. This includes the authority to determine no disciplinary or other adverse action is appropriate.

b. Managing the disposition of alleged collateral misconduct may include deferring disciplinary action against an alleged victim until after the final disposition of the sexual assault case.

8. Certain Prohibited Relationships involving Trainers and Trainees: The authority to initially dispose of all allegations of prohibited relationships between trainers and trainees that violate Article 93a, UCMJ; AR 600-20, para. 4-15(a); Training Regulation 350-6, para. 2-5; Department of Defense Instruction 1304.33, Encl. 3, para. 1(a), is withheld to the SPCMCA level. This withholding of disposition authority does not extend to cases involving prohibited relationships between trainees or those not involving trainees. The authority to dispose includes the authority to determine that no disciplinary or other adverse action is appropriate. This authority may not be further delegated to subordinate commanders.

9. This policy supersedes CASCOM Policy 19-17, Withholding and Reservation of Authority to Dispose Misconduct Policy, dated 29 October 2019. It is effective upon the date of signature and remains in effect until suspended or rescinded in writing.

10. Point of contact for this memorandum is the Chief, Military Justice Division, Office of the Staff Judge Advocate, at 804-765-1537.

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Major General, U.S. Army
Commanding

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