

Department of the Army
U.S. Army Combined Arms Support Command
Fort Gregg-Adams, Virginia 23801

*USACASCOM Supplement to AR 27-10

1 March 2024

SUMMARY OF CHANGES:

USACASCOM Supplement to AR 27-10

This is a minor revision, dated 1 March 2024—

- o Amends the CG's withholding policy it applies to temporary suspensions as outlined in paragraph 1-6(c)(2) and Appendix A.
- o Makes administrative changes throughout.

**Legal Services
MILITARY JUSTICE**

Purpose and Scope. This regulation supplements AR 27-10, Military Justice, 20 November 2020, to provide guidance and establish responsibilities and procedures for the administration of military justice and adverse administration action under the General Courts-Martial (GCM) jurisdiction of the CG, CASCOM. This supplement supersedes the USACASCOM & Fort Gregg-Adams Supplement 1to AR 27-10, dated 14 February 2024.

Applicability. This regulation applies to all personnel assigned or attached to CASCOM, and any other personnel on Fort Gregg-Adams for any reason.

Supplementation. The CG, CASCOM is the approval authority for any changes to this regulation. Proposed revisions may be submitted to the Office of the Staff Judge Advocate (OSJA), ATTN: Military Justice, Bldg 8135, 701 27th Street Fort Gregg-Adams, VA 23801-2707.

AR 27-10, 20 November 2020, is supplemented as follows:

Page 1, Chapter 1, paragraph 1-1. Purpose. Add subparagraphs a and b.

a. The policies and limitations herein are not intended to impose procedural prerequisites on courts-martial or non-judicial punishment proceedings and are not intended to confer rights upon any accused. Failure to adhere to the provisions of this supplement will not confer any benefit upon an individual Soldier. The provisions of this supplement shall continue to remain applicable despite changes in page and paragraph numbers in the basic regulation.

b. Leaders at all levels are expected to provide their honest and independent recommendation on how to address misconduct. Nothing in this regulation should be interpreted to mean that allegations must be disposed of in a particular manner, that predetermined types or amounts of punishments are appropriate, or that a particular adverse action is required in all cases.

Page 1, Chapter 1, paragraph 1-4. Responsibilities. Add subparagraphs e, f, and g.

e. The CASCOM Staff Judge Advocate (SJA) has overall responsibility and authority for the assignment, Military Occupational Specialty-related training, management, education, professional development, duty location, and utilization of all legal personnel assigned or attached to any organization located on Fort Gregg-Adams. This applies to all judge advocates (27A), civilian attorneys, legal administrators (270A), paralegal specialists and Noncommissioned Officers (NCO) (27D), court reporters (27DC5), civilian legal assistants, and civilian legal technicians regardless of unit of assignment.

f. The CASCOM Command Paralegal NCO has overall responsibility and authority for the MOS-related training, management, education, professional development, duty location, and proper utilization of all paralegal specialists and NCOs (27D), and court reporters (27DC5) regardless of unit of assignment.

g. In order to prevent potential conflicts of interest or delays in the processing of legal actions, paralegal specialists and NCOs, judge advocate warrant officers, and judge advocate officers will not be assigned duties inconsistent with their military occupational specialty without the approval of the SJA. For the same reasons, absent approval from the SJA, these personnel are exempt from all unit detail rosters. Direct requests for exceptions to this policy through the Deputy Staff Judge Advocate (DSJA) for the SJA.

Page 1, Chapter 1. Introduction. Add paragraph 1-6.

1-6. General Policies.

a. It is the policy of this command that disciplinary action be taken at the lowest level of command appropriate for maintaining discipline, mission accomplishment, the needs of society, the rights of the accused, and the ends of justice.

b. **CG, CASCOM Withholding Policy.** The CG, CASCOM withholds authority from subordinate commanders the authority to convene courts-martial of any type, to appoint standing administrative separation boards, to appoint standing officer elimination boards, and to dispose of Senior Leader Misconduct. See Appendix A.

c. Investigations, Temporary Suspensions, and Non-Adverse Administrative Actions.

1. Authority to Initiate Investigations. For those cases withheld by the CG, CASCOM as outlined in Appendix A, the authority to initiate investigations is withheld to no lower than the Summary Court Martial Convening Authority (SCMCA).

2. Authority to Approve Investigations. For cases covered in Appendix A, paragraph 5a, the authority to approve, disapprove, or modify findings and recommendations in reports of investigation is withheld by the CG, CASCOM. For those cases covered in Appendix A, paragraph 5b, the authority to approve, disapprove, or modify findings and recommendations in reports of investigation is reserved to the first GCMCA in the chain of command.

2. Temporary Suspensions. The authority to direct a temporary suspension from duty of senior leaders as defined by Appendix A, or any Commander, Command Sergeant-Major, or First Sergeant is withheld to the CG, CASCOM.

3. Other Administrative Actions. This regulation is not intended to cover other administrative actions such as suspension of favorable personnel actions, conducting interim counseling, referred evaluation reports, reviewing security clearance access, reporting of derogatory information, or other actions as authorized by law.

d. **Disposition.** When the authority to dispose of certain cases is withheld, the investigating officer will forward the investigation and allied documents through the appointing authority prior to obtaining a legal review. The appointing authority or the first O6 in the chain of command may request disposition authority.

e. No commander or leader may punish a Soldier prior to the completion of judicial or nonjudicial proceedings. A Soldier or group of Soldiers who have or may have committed misconduct will not be unlawfully singled-out, such as segregated into a different section or platoon or quarters absent operational necessity. Making “administrative procedures easier” is not an operational necessity. This can have the appearance of corrective measures that are not related to the alleged offense, the appearance of punishment outside those authorized by Article 15, UCMJ, or the appearance of pretrial punishment and could have an adverse effect on the outcome of the proceeding. Commanders will consult with their military justice advisor prior to contemplating any such action.

ADD 1-7. Authority to issues search authorizations of privatized housing units located on Fort Gregg-Adams.

a. The CG, CASCOM, the Fort Gregg-Adams Garrison Commander, military magistrates, and military judges are the only persons authorized to order a search of a privatized family housing unit located on Fort Gregg-Adams.

b. Commanders can, after consulting with their military justice advisor may authorize searches of buildings, including barracks facilities, in areas the commander controls.

Page 2, Chapter 2, paragraph 2-4. Grants of immunity. Add subparagraph e.

e. **Immunity.** The authority to issue grants or promises of immunity (see Rule for Courts-Martial 704, Manual for Courts-Martial, 2024) is limited to the CG, CASCOM. No subordinate commander will solicit evidence or information during investigation of any offense under the UCMJ in exchange for any promise not to prosecute or promise inducement of favorable consideration on sentencing. Any request for a grant of immunity will be forwarded by the SPCMCA or a subordinate GCMCA to the Chief of Military Justice, Office of the Staff Judge Advocate, Fort Gregg-Adams, Virginia.

Page 6, Paragraph 3-7. Who may impose nonjudicial punishment. Add subparagraph e.

e. For the purpose of imposing nonjudicial punishment, the following commanders, in addition to the unit(s) that are naturally aligned within their command, will have Field Grade Article 15 authority for the units listed in the table below:

FIELD GRADE AUTHORITY	APPLICABLE UNIT(S)
CDR, U.S. Army Garrison, Fort Gregg-Adams	217th MP Det; HHC, CASCOM; Army Futures Concept Center, Research and Analysis Center
CDR, 266th QM Bn	54TH QM Co
CDR, ASU Support Bn	Fort Gregg-Adams NCOA
CDR, 71st Transportation Bn*	508th TTD; 510th TDD (JBLE); E Co (JBLE); 489th Det., and 1097 th Det.

Page 8, Chapter 3, paragraph 3-14. Preliminary inquiry. Add subparagraph c.

c. When initiating an investigation of alleged misconduct, the unit commander will promptly initiate a suspension of favorable action IAW AR 600-8-2. If the most probable course of action will result in the accused being retained for court martial beyond the accused's ETS date, which includes Reserve Component Soldiers in Title 10 status, the unit commander will immediately notify the unit's military justice advisor. The subject's chain of command will act pursuant to AR 27-10, paragraphs 20-3 and 20-4, and AR 135-200, chapter 7, in order to extend the Soldier in excess of 30 days beyond the ETS date.

Page 10, paragraph 3-18c. Right to counsel. Add the following.

No commander or any other person shall prevent or discourage a Soldier from speaking with legal counsel. Should a Soldier elect to exercise the right to counsel, the commander will ensure that the Soldier's attorney is provided copies of the relevant DA Form 2627 and all evidence upon which the allegation is based. Access to such information is essential to the counsel advising the Soldier and supports the swift administration of justice. Failure to provide such information may result in an unnecessary delay of proceedings or could otherwise jeopardize the administration of justice.

Page 13, paragraph 3-19b(8). Format for punishment. Add the following.

Item 6 of DA Form 2627 will be left blank and returned to the servicing Legal NCO/Specialist/Assistant after the imposition of punishment, so that they may enter the properly formatted information into item 6.

Page 25, Chapter 4, paragraph 4-2. Policy. Add the following.

Soldiers who commit offenses off the installation or in areas where the State of Virginia exercises exclusive jurisdiction will generally be prosecuted by civilian authorities and will not be punished under the UCMJ unless state authorities decline to prosecute. Commanders seeking to initiate UCMJ action against Soldiers for offenses committed off-post will coordinate with their legal advisor to ensure compliance with the regulatory provisions of AR 27-10, chapter 4.

Page 25, Chapter 4. Disciplinary proceedings subsequent to exercise of jurisdiction by civilian authorities. Add paragraph 4-4.

4-4. Civilian Confinement.

a. Commanders at all levels will take an active interest in the return of confined Soldiers to military control. When Soldiers are available for release to their unit, the commander will ensure that custody is taken immediately.

b. When a Soldier is placed in civilian confinement within 50 miles of his or her unit, the unit commander or a commissioned officer representative will visit the Soldier within 48 hours after receiving notification of confinement. Thereafter, a representative of the commander will visit the Soldier at least once every 30 days. The commander's representative for subsequent visits must be at a minimum an E6 and must be senior in grade to the confined Soldier.

c. If a Soldier is in civilian confinement more than 50 miles from his or her unit and it is not practical to visit the confinement facility, the unit commander will initiate communication with the Soldier by telephone within 48 hours after receiving notification of the confinement, and thereafter in the same manner at least once every 30 days.

d. Commanders will immediately report the confinement of members of their commands by civilian authorities to their legal advisor and to the Fort Gregg-Adams Provost Marshal's Office. This report will include the Soldier's unit, place of confinement, charge(s) on which the Soldier is being held, and status of the civilian case.

Page 26, Chapter 5, paragraph 5-4. Courts-martial personal jurisdiction. Add subparagraphs a (1), (2), (3), and (4).

a. (1) **GCMCA Jurisdiction.** The GCMCA jurisdiction of CG, CASCOM includes the exercise of GCMCA authority over all Soldiers assigned to, attached to, or working at any organization located on Fort Gregg-Adams. Subject to the withholding policy herein, the commanders of units marked with a *** in Appendix B will exercise General Courts-Martial (GCM) jurisdiction over all Soldiers assigned or attached to those units for UCMJ or related purposes and over any subordinate SPCMCA.

(a) For purposes of this supplement, GCMCA disciplinary authority is the power to convene a general court-martial, responsibility for the general administration of military justice, attachment for original and appellate proceedings under UCMJ Article 15, and the taking of those adverse administrative actions that require action by an officer exercising GCMCA. The CG CASCOM withholds authority from subordinate GCMCAs to convene a GCM. All other authority exercised by those commanders as GCMCAs is retained, except for that specifically withheld by this supplement.

(2) **Special Courts-Martial Jurisdiction.** The commanders of units marked with a ** in Appendix B will exercise Special Courts-Martial (SPCM) jurisdiction over all Soldiers assigned or attached to those units for UCMJ or related purposes and over any other unit where their subordinate commander exercises Summary Court Martial Convening Authority (SCM).

(a) All authority exercised by those commanders as SPCMCA is retained, except for that specifically withheld by this supplement.

(3) **Summary Courts-Martial Jurisdiction.** The commanders of units marked with an * in Appendix B will exercise Summary Courts-Martial Convening Authority (SCMCA) jurisdiction over all Soldiers assigned or attached to those units for UCMJ or related purposes:

(a) In addition to exercising Summary Court-Martial Convening Authority (SCMCA) over the units that are naturally aligned within their command, the following Commanders will exercise SCMCA over the units listed below.

SUMMARY COURT-MARTIAL AUTHORITY	APPLICABLE UNIT(S)
CDR, 832nd OD Bn	HHC, 59th OD BDE
CDR, 266th QM Bn	HHC, 23rd QM BDE and 54TH QM Co
CDR, ASU Support Bn	Fort Gregg-Adams NCOA
CDR, 71st Transportation Bn*	508th TTD; 510th TDD (JBLE); E Co (JBLE); 489th Det., and 1097th Det.

(4) The commander, HHC, CASCOM will exercise company grade UCMJ authority over all personnel located at Fort Gregg-Adams not already accounted for in the jurisdictions listed in this supplement. The commander, US Army Garrison Fort Gregg-Adams will exercise field grade UCMJ authority over the same personnel.

Page 32, paragraph 5-12. Preparation of members of a special or general court-martial.

Add subparagraph a.

a. Prior to a court-martial, the accused's unit commander will appoint two escorts and two bailiffs to support the trial. The escorts must be senior to the accused and must not be witnesses in the case. The bailiffs must be senior NCOs, senior to the accused, and cannot act as an escort, or guard for the accused. The escorts and bailiffs will report to the OSJA, Criminal Law Division, Military Justice Ops NCO no later than two weeks prior to trial for instruction.

Page 34, Chapter 5, paragraph 5-25 Authorization for payment of transportation expenses and allowances to civilian witnesses appearing before UCMJ, Article 32 preliminary hearings. Add subparagraph d.

d. Pursuant to AR 27-10, para. 5-25(a) & (b), I delegate the CASCOM SJA the authority to determine whether a witness testifies in person, by video teleconference, by telephone, or by similar means of remote testimony and, if in-person testimony is determined to be necessary, to approve payment of transportation expenses and allowances to civilian witnesses appearing before Article 32, UCMJ.

Page 34, Chapter 5, paragraph 5-21. Pretrial confinement. Add subparagraphs. e, f, g, h, and i.

e. Prior to ordering a Soldier into pretrial confinement (PTC), commanders will consult with their military justice advisor, comply with the provisions of Rule for Court Martial (R.C.M.) 305, and receive concurrence from the CASCOM SJA.

f. With the support of their military justice advisor, the commander ordering pretrial confinement will coordinate with the Naval Consolidated Brig Chesapeake (NAVCONBRIG) to

determine if space is available and to ensure NAVCOMBRIG policies are followed prior to sending a Soldier to confinement.

g. A commander who places an accused in the status of arrest in quarters or restriction in any form pending charges will immediately notify their military justice advisor. The notification will include: (1) the date the restriction was imposed; and (2) the conditions of the restriction.

h. Any type of revocation of pass privileges, restriction, or arrest in quarters imposed by a commander will be in writing, and will describe the restriction in detail, along with dates imposed.

i. **Soldiers in pretrial confinement.** Commanders will maintain contact with Soldiers in pretrial confinement to ensure their safety, welfare, and morale. Commanders will comply with confinement facility requirements or the following, whichever is more stringent:

(1) Company Commanders will personally visit Soldiers ordered to pretrial confinement during the first 7 days of confinement. Thereafter, at least once every 30 days, commanders or a unit representative will visit the Soldier. A commander's representative for subsequent visits must be at a minimum an E6 and must also be senior in grade to the confined Soldier.

(2) Company Commanders with Soldiers in a civilian pre-trial confinement facility more than 100 miles from Fort Gregg-Adams, will contact their Soldier telephonically at least once during the first 7 days of confinement. Thereafter, at least once every 30 days, commanders or a unit representative will contact the Soldier. A commander's representative for subsequent visits must be at a minimum an E6 and must also be senior in grade to the confined Soldier.

Page 35, Chapter 5, paragraph 5-22. Preparation of charge sheet and effect of preferral of charges. Add subparagraph c.

c. All charges entered on DD Form 458 shall be reviewed by a military justice advisor and approved by the Chief of Military Justice before the commander prefers charges against any accused.

Page 35, paragraph 5-24. Forwarding of charges and requests for pretrial delay. Add subparagraphs d and e.

d. A preliminary hearing convened pursuant to Article 32(b), UCMJ takes precedence over all other duties and the appointed officer will be temporarily relieved of all duties that interfere with prompt completion of the hearing. Unless a delay is approved, the preliminary hearing will begin within 10 days of appointment. The preliminary hearing officer may approve requests for delay up to 10 days. Requests for delay beyond 10 days will be submitted in writing to the convening authority. All defense requests for delay will be in writing.

e. Immediately after being appointed, Article 32 preliminary hearing officers and Summary Courts-Martial officers, will contact the Fort Gregg-Adams OSJA, Administrative Law Division to coordinate an information briefing with the legal advisor.

Page 46, Chapter 5, paragraph 5-49. Convening authority clemency action. Add subparagraph h.

h. The authority to sign the order directing post-trial confinement of a Soldier pursuant to a court-martial is delegated to military justice advisors, trial counsel, the Chief of Military Justice, the Legal Administrator, the DSJA, or the SJA. The authority to sign orders promulgating convening authority action is delegated to the SJA, DSJA, Chief of Military Justice, and the Legal Administrator.

Page 74, Chapter 11. Form and Distribution of Court-Martial Orders. Add paragraph 11-6.

11-6. Delegation of Signature Authority. Under the provisions of AR 27-10, authority is delegated to the SJA, DSJA, Chief of Military Justice, Legal Administrator, and the Command Paralegal NCO to sign Court-Martial Orders, DD Form 494 (Court-Martial Data Sheet), and related documents implementing CG, CASCOM decisions relating to courts-martial and other UCMJ actions.

Page 107, paragraph 20-4. Extending Reserve Component (RC) Soldiers on active duty. Add subparagraph c.

c. Reserve Component Soldiers may not be extended on active duty for the purpose of initiating or completing adverse administrative action or non-judicial punishment. If an RC Soldier's orders provide a termination date stating, "until complete," the term "until complete" means graduation from their respective course.

Page 112, Chapter 23, paragraph 23-5. Misdemeanors. Add subparagraph g, and h.

g. **Traffic Offenses.** Soldiers committing traffic offenses on Fort Gregg-Adams and in areas of concurrent jurisdiction (i.e., State Routes 36, 630, 144, and 109 where they cross the installation) will be issued a U.S. District Court Violation Notice (DD Form 1805) and the case will normally be resolved in U.S. Federal District Court by a Special Assistant United States Attorney (SAUSA). Commanders may request the authority to dispose of on-post traffic offenses committed by their Soldiers. Such requests will be submitted through their military justice advisor to the Special Assistant US Attorney (SAUSA). In no case will misconduct be adjudicated in both U.S. Federal District Court, and through the military justice process. This does not preclude adverse administrative actions (e.g., loss of on-post driving privileges, reprimands, administrative separation, etc.).

Page 130, Chapter 30. Other Administrative Matters. Add Chapter 30.

Chapter 30. Other Administrative Matters

a. **Appointment as Investigation Officers.** Individuals appointed as investigating officers will contact the OSJA, Administrative Law Department for advice concerning their duties within 24 hours after appointment.

b. **Board Member Excusals.** Pursuant to AR 15-6, para. 7-2, the SJA is delegated authority to excuse individual members of officer and enlisted separation boards appointed by GCMCA or General Officer Show Cause Authority (GOSCA) before the first session of the board is convened.

c. **Permanent Bars.** Enlisted Soldiers separated IAW AR 635-200, chapter 10 (discharge in lieu of court-martial) and chapter 14 (separation for misconduct) will be permanently barred from Fort Gregg-Adams. SPCMCAs will inform the Soldier by letter personally delivered to them at the time of their discharge.

d. Legal Assistants.

(1) Legal assistants provide legal support to organizations that otherwise lack legal assets. Legal assistants work under the technical supervision of the Chief, Military Justice or designee and the administrative supervision of the employing organization. Legal assistants receive and process all matters relating to the administration of military justice for all levels within their organization, including but not limited to, administrative separations, nonjudicial punishment, courts-martial, and any other matters as directed by the Chief, Military Justice.

(2) The SJA is responsible for the efficient, effective, and ethical delivery of legal services across Fort Gregg-Adams. The SJA must ensure legal assistants are adequately trained to perform their duties with appropriate legal supervision to avoid the unauthorized practice of law. To ensure this, the Chief, Military Justice will—

(a) Require attendance at pertinent professional development events and request attendance at appropriate organization meetings/functions.

(b) Coordinate with the legal assistant's rating chain to provide input regarding legal service performance and offer suggestions for the employee's individual development plan.

(c) Review that portion of the employee's position description related to the delivery of legal services to ensure that it accurately reflects the limited duties appropriate for the position.

(d) The SJA has the authority to temporarily disqualify legal assistants from providing legal support if the SJA finds a lack of competence in the performance of the legal duties, or if the individual has engaged in the unauthorized practice of law, pending resolution through appropriate regulatory procedures.

(3) Organizations employing legal assistants on Fort Gregg-Adams will coordinate with the OSJA on all legal assistant hiring actions and will ensure at least one member of the OSJA is a member of all hiring boards involving Legal Assistants.

These changes remain in effect, except where indicated, until rescinded or further modified.

Encls

1. Appx A, Withholding Policy

2. Appx B, UCMJ Jurisdiction



MICHELLE K. DONAHUE

Major General, USA

Commanding

Withholding and Reservation of Authority to Dispose of Misconduct

1. References.

- a. Chapter 47 of Title 10, United States Code (Uniform Code of Military Justice (UCMJ)); 10 U.S.C. 801 - 946.
- b. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020.
- c. AR 635-200, Active Duty Enlisted Administrative Separation, 28 June 2021.
- d. AR 600-8-24, Officer Transfers and Discharges, 8 February 2020.
- e. Army Directive (AD) 2022-13, Reforms to Counter Sexual Harassment/Sexual Assault in the Army, dated 22 September 2022
- f. AD 2023-03 (Army Adverse Information Program), 22 February 2023.
- g. TRADOC Regulation (TR) 350-6, Enlisted Initial Entry Training Policies and Administration, 8 December 2022.

2. Applicability. This policy applies to all Soldiers under the General Court-Martial Convening Authority (GCMCA) jurisdiction of the United States Army Combined Arms Support Command (CASCOM) and Fort Gregg-Adams.

3. Authority to Convene Courts-Martial: The authority to convene or refer cases to a court martial of any type is withheld by the Commanding General (CG), CASCOM.

4. 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 withheld by 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 requiring 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 CW-3 or above, and noncommissioned

officers (NCO) in the grade of E-9 is withheld by the CG, CASCOM. Additionally, the authority to temporarily suspend any Commander, Command Sergeant-Major, or First Sergeant, is withheld to the CG, CASCOM. Upon written request, this authority may be returned to subordinate commanders on a case-by-case basis.

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 CW-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 chain of command. This authority may be returned to subordinate commanders on a case-by-case basis at the discretion of the applicable GCMCA. Requests for delegation must be submitted in writing to the applicable GCMCA through the military justice advisor.

c. Except for minor offenses, allegations of offenses under the Uniform Code of Military Justice (UCMJ) or under civilian criminal statute involving senior leaders will be reported, by email, through command channels to the applicable GCMCA within 24 hours after the chain of command becomes aware of the allegation. The report will identify the individual concerned, the alleged offense, 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 applicable GCMCA as soon as possible.

d. Allegations of minor misconduct are excluded from the reporting requirement in paragraph 5c. 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 Staff Judge Advocate (SJA) will resolve any questions concerning whether an allegation is reportable.

e. The reservations in paragraphs 5a and 5b, above, include the authority to take adverse administrative action (i.e., issue reprimands/admonitions, initiate separation/elimination, relieve for cause), impose non-judicial punishment, and the authority to determine that no action is required.

f. The authority to initiate investigations for cases covered in paragraphs 5a and 5b above is withheld to no lower than the Summary Court Martial Convening Authority (SCMCA). The authority to approve, disapprove, or modify findings and recommendations in reports of investigation for cases covered in paragraph 5a is reserved to the CG, CASCOM. The authority to approve, disapprove, or modify findings and recommendations in reports of investigation for cases covered in paragraph 5b is reserved to the first GCMCA in the chain of command. The authority to direct a temporary suspension from duty for cases not covered in paragraphs 5a and 5b above is withheld to no lower than the Special Court Martial Convening Authority (SPCMCA). This regulation is not intended to address other related administrative action including but not limited to: suspension of favorable personnel actions, counseling, referred evaluation reports, reviewing security clearance access, and reporting of derogatory information.

g. Following the completion of an investigation, when the authority to dispose of certain cases is withheld, the investigating officer will forward the investigation and allied documents through the appointing authority prior to obtaining a legal review. The appointing authority or the first O6 in the chain of command may request disposition authority. 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.

7. Covered Offenses. Effective 28 December 2023, the Office of the Special Trial Council has exclusive authority over covered offenses, known and related offenses to: 1) refer charges to Special Court-Martial (SPCM) or General Court-Martial (GCM); 2) withdraw and dismiss charges, and 3) enter into plea agreements.

a. Covered offenses include: an offense under Article 117a (wrongful broadcast), 118 (murder), 119 (manslaughter), 119a (death or injury of an unborn child), 120 (rape and sexual assault), 120a (deposit of obscene matter in the mail), 120b (sexual assault of a child), 120c (other sexual misconduct), 125 (kidnapping), 128b (domestic violence), 130 (stalking), 132 (retaliation), 134 (child pornography), and 134 (formal substantiated sexual harassment; after 1 Jan 25).

b. Known Offense are any offense or charge alleged to have been committed by the suspect of the covered offense.

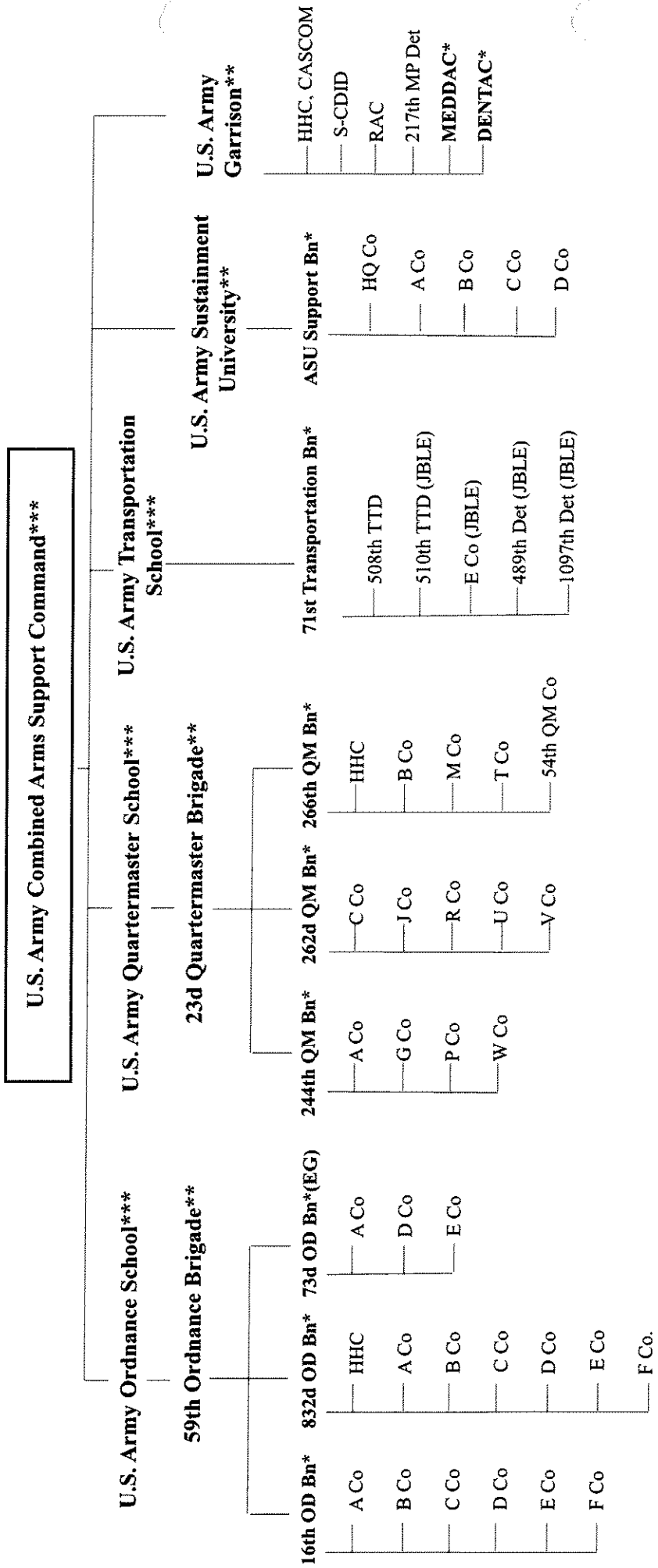
c. Related Offense are any reported offense or charge related to a covered offense, whether alleged to have been committed by the suspect of the covered offense or by anyone else subject to the UCMJ.

8. Sexual Harassment. In accordance with Army Directive (AD) 2022-13, commanders will initiate involuntary administrative separation proceedings for all Soldiers against whom there is a substantiated complaint of sexual harassment unless the first O-6 commander in the Soldiers chain of command determines the harassment to be minor, or the Soldier is otherwise punitively discharged or dismissed from the Army as part of a court-martial sentence.

9. 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. 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.

10. Army Adverse Information Policy (AAIP). IAW Army Directive 2023-03 (Army Adverse Information Program), substantiated adverse findings from administrative investigations must be filed in the AAIP database for all officers in the grade of O-1 and above. Accordingly, the authority to direct the submission into AAIP shall be consistent with this withholding policy.

APPENDIX B - UCMJ Jurisdiction



Abbreviations:
 EG: Eglin Air Force Base, Florida
 JBLE: Joint Base Langley Eustis, Virginia
 TTD: Transportation Training Detachment
 S-CDIC - Sustainment Capabilities Development Integration Directorate
 RAC - Research and Analysis Center

GCMCA***
 SPCMCA**
 SCMCA*