



UNITED STATES  
AIR FORCE ACADEMY

# MILITARY JUSTICE TRANSPARENCY BULLETIN

April 2024 — MAY 2024

*Approved by the Staff Judge Advocate*

The information in this bulletin is intended to provide USAFA personnel a concise summary of discipline across USAFA and should not be interpreted as directing commanders or supervisors to take any particular action in future cases, as all cases are unique. This edition covers cases completed in April and May 2024. The bulletin will be published bi-monthly and specifically include all disciplinary actions involving allegations of sexual misconduct in accordance with new DAF guidance. This information will also be accessible on at <https://www.usafa.edu/transparency-bulletin/>

Due to Privacy Act protections, names are only included for courts-martial resulting in a guilty verdict, since courts are public hearings.

If you have questions or suggestions for improvement, please direct them to your chain of command.

Sincerely,

Colonel Christopher Morgan  
USAF Academy Staff Judge Advocate

# TRAINING

## Message from the Area Defense Counsel Office

### Who is the Area Defense Counsel?

Area Defense Counsel (ADC) are selectively staffed JAGs who represent Cadets, Airmen and Guardians in courts-martial, discharge actions, investigations and administrative actions. Our office is separate and independent from the Legal Office so that we can zealously advocate for the best interest of our clients. At USAFA, there are typically three people who make up the ADC office, 2 attorneys and 1 paralegal, to serve the base including Cadets, Active Duty, and the Prep School. In addition to representing members at USAFA, we also take clients from around the world when the local ADCs are unable to do so or need additional support.

### Why is the ADC important?

Being accused of misconduct, whether low level or serious, is an extremely stressful event. Even when innocent, members are told not to disclose the investigation to others and often feel a lot of shame around the mere fact that they were accused. This creates a very isolating situation. In addition to feeling isolated, it is usually a person's first brush with the often times overwhelming and confusing legal system. As an ADC, not only do we advocate for our client and ensure their rights are upheld, but we are also there to support and guide members through the process from start to finish. For Airmen and Guardians, especially Cadets, knowing that someone with experience is in their corner, supporting them through the most difficult time in their life, can be the difference between succumbing to the pressure or emerging from the hardship with lessons learned and an eye towards the future.

No Airman or Guardian should face an investigation or allegation of misconduct alone and they do not have to. The ADC office is here to help.

Our number is 719-333-2481 and our Org. box is Mail.ADC@us.af.mil.

# COURTS-MARTIAL RESULTS

*No courts-martial occurred between February and March 2024*

## DISCHARGE BOARD RESULTS

*Although many discharges/disenrollments may occur via written notification and response, in some cases a discharge board is warranted. The additional due process measures of a board is required in cases involving non-probationary officers, NCOs, Airmen with > 6 years of service, or when seeking a service characterization of Under Other Than Honorable (UOTH). A UOTH characterization is reserved for serious misconduct and typically results in a loss of most military/VA benefits. A Board of Inquiry/Discharge Board provides additional procedural standards, to include an impartial panel (similar to a jury), a neutral legal advisor, and the presence of counsel for the government, victim, and respondent.*

*There were no discharge boards in April and May of 2024*

## UPCOMING COURTS-MARTIAL

*As a reminder, an accused is innocent of all charges unless and until proven guilty beyond a reasonable doubt. All courts-martial are held in the USAFA Courtroom (2nd Floor, Harmon Hall) and are open to the public. If the courtroom is full, individuals may view the proceeding from an overflow room.*

CASE NAME	CHARGES	DATE
<i>United States v. AFC E.S.</i>	<i>Article 120 , Sexual Assault &amp; Abusive Sexual Contact</i>	<i>21 October 2024</i>
<i>For more information about upcoming cases across the Air Force, visit the AF JAG Corps Public Docket: <a href="https://legalassistance.law.af.mil/AMJAMS/PublicDocket/docket.html">https://legalassistance.law.af.mil/AMJAMS/PublicDocket/docket.html</a></i>		

# NONJUDICIAL PUNISHMENT

*Nonjudicial punishment (NJP) is a tool through which a commander offers an accused the opportunity to have their case decided by the commander or to demand a trial by court-martial. If the individual chooses to accept the NJP, it is not an admission of guilt, but rather a decision to have the commander decide guilt and, if appropriate, punishment. The punishment options in NJP are more limited than at a court-martial and depend on the rank of the commander and the accused. For cadets and officers, punishment is limited to forfeiture of pay, reprimand, and restriction. For enlisted, punishment may also include reduction in rank and/or extra duty. Punishments may also be suspended, which essentially acts as a probationary period in which the punishment will be removed after a period of time if the individual complies with the terms of the suspension.*

**Abusive Sexual Contact :** An enlisted member received nonjudicial punishment for attempting to have another member touch his penis with an intent to gratify his sexual desire and touching the breasts of two separate female members and the buttocks of one female member without their consent. The punishment consisted of a reduction to the grade of Staff Sergeant and a reprimand. The discharge action related to this NJP has not yet finalized.

**Failure to Obey a Lawful General Regulation:** A cadet received nonjudicial punishment for using THC8. The punishment consisted of a restriction to USAFA for 30 days and a reprimand.

**Dereliction of Duty:** An enlisted member received nonjudicial for failing to treat subordinates with dignity and respect, failing to refrain from engaging in an unprofessional relationship, made a false official statement, and abusing authority. The punishment consisted of a reduction to the grade of Technical Sergeant and a reprimand.

- \* Disenrollment/discharge action may be initiated following completion of NJP process. Those actions will be reflected in the next section (Discharges/Disenrollments), but may not appear until the next report.

# DISCHARGE / DISENROLLMENTS

*Airmen and cadets are subject to disenrollment/discharge if they engage in conduct inconsistent with military service. As an analogy to the civilian sector, these decisions are the equivalent of an employer terminating an employee or in the case of cadets, a university removing a student. For non-committed and non-prior enlisted cadets, a disenrollment decision automatically results in discharge from the military. For committed cadets, after disenrollment the SECAF determines whether the cadet will serve their commitment via enlisted service, monetary recoupment, ROTC, or whether the service commitment is waived. As of the date of this bulletin, the approximate rate for monetary recoupment is \$55,000 per year of attendance at USAFA. All individuals discharged from the military will receive a service characterization of either Entry Level (< 180 days), Honorable, Under Honorable Conditions (General) or Under Other than Honorable Conditions (UOTHC). Cadets also receive a rating between 1 and 5, which is used to determine whether they should be considered for other commissioning programs. The rating system is as follows:*

**1** – Highly recommend; **2** – Recommend as average; **3** – Should not be considered w/o weighing needs of the service against reasons for disenrollment; **4** – physical/medical; **5** – Definitely not recommend; **6** - Entry Level/Cadet not at Academy long enough for another rating.

## Misconduct

**Alcohol Misconduct/Driving While Intoxicated:** A Cadet was disenrolled for storing alcohol on the USAF Academy installation in their privately owned vehicle and for operating a motor vehicle while drunk. The Cadet was disenrolled with an Honorable discharge characterization, rating of 3 and has an ADSC. The Superintendent recommended to SECAF that the member be allowed to participate in the Mentorship, Reevaluation, and Reappointment (MRR) Program.

**Multiple Instances of Misconduct:** A Cadet Resigned in Lieu of (RILO) Involuntary Disenrollment for engaging in acts of hazing against lower-class cadets, engaging in sexually explicit conversations during squadron activities, and for having made inappropriate racial and gender orientation comments at a squadron function. The Cadet was discharged with a General discharge characterization and rating of 5. The Member has an ADSC and the Superintendent recommended monetary reimbursement to the government for educational costs.

**Driving While Intoxicated:** A Cadet was disenrolled for driving under the influence of alcohol. The Cadet was discharged with an Honorable discharge characterization, rating of 3 and has an ADSC. The Superintendent recommended to SECAF that the member be allowed to participate in the MRR Program.

**Serious Misconduct:** A Cadet Resigned in Lieu of (RILO) Involuntary Disenrollment for misconduct including the destruction of property and unlawful entry. The Cadet was discharged with a General discharge characterization, rating of 5 and has an ADSC. The Superintendent recommended to SECAF that the member be ordered to monetarily reimburse the govt for cost of their Academy education.

**Honor Violation:** A cadet was disenrolled for cheating. The Cadet was disenrolled with an Honorable discharge characterization, rating of 3 and did not have an ADSC.

**Fraud:** An Enlisted member was discharged under DAFI 36-3211, paragraph 7.41, for a civilian conviction. The member was charged by civilian law enforcement with identity theft for fraudulent use of a credit card. The member was discharged from the Air Force with an Under Honorable Conditions (General) service characterization.

**False Official Statement/Absent from Place of Duty:** A Cadet was disenrolled for being absent from their place of duty as a and for making a false statement to their leadership. The Cadet was disenrolled with an Honorable discharge, rating of 5 and has an ADSC. The Superintendent recommended to SECAF that the member be ordered to monetarily reimburse the govt for cost of their Academy education

**Multiple Instances of Misconduct:** A Cadet was disenrolled for failure to obey a lawful general regulation by wrongfully using Delta-8-tetrahydrocannabinol (THC8) and Delta-9-tetrahydrocannabinol (THC9), dereliction of duty, and for making a false official statement. The Cadet was disenrolled with a General discharge, rating of 5 and has an ADSC. The Superintendent recommended to SECAF that member be ordered to monetarily reimburse the govt for cost of their Academy education.

# SEXUAL MISCONDUCT RESULTS

*In accordance with DAFI 51-201, Administration of Military Justice, all legal offices are required to publish the results of disciplinary actions taken in response to allegations of sexual misconduct, to include sexual assault and sexual harassment. The following summary includes only UCMJ or Adverse Administrative Actions taken for allegations of sexual misconduct during this period.*

*The results are also accessible at:  
<https://www.usafa.edu/transparency-bulletin/>*

DISCLAIMER: The information provided is to foster transparency and promote deterrence amongst Airmen and Guardians. It should not be misconstrued as a mechanism to count cases of sexual misconduct, because it could result in double counting data.

## **Results of Courts-Martial:** N/A

**Nonjudicial Punishment:** An enlisted member received nonjudicial punishment for attempting to have another member touch his penis with an intent to gratify his sexual desire and touching the breasts of two separate female members and the buttocks of one female member without their consent. The punishment consisted of a reduction to the grade of Staff Sergeant and a reprimand. The discharge action related to this NJP has not yet finalized.

## **Administrative Actions:** N/A