



UNITED STATES
AIR FORCE ACADEMY

MILITARY JUSTICE TRANSPARENCY BULLETIN

December 2024 — January 2025

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 December 2024 and January 2025. 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 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 / TRENDS

On January 17, 2025, the Department of Defense implemented Change 3 to DoDI 1020.03, "Harassment Prevention and Response in the Armed Forces," introducing significant updates to how formal complaints of sexual harassment are handled. Under this change, commanders are now required to initiate involuntary separation proceedings for any Service Member against whom a formal complaint of sexual harassment is substantiated. Retention may still be an option if the member is offered, and agrees to participate in, corrective action as an alternative to separation. Corrective action is limited by specific criteria. According to Paragraph 4.4.d.(4)(b) of DoDI 1020.03, corrective action cannot be used in cases involving attempted or actual quid pro quo sexual harassment or if the offender holds a superior-subordinate relationship with the complainant.

As this policy was recently implemented, specific processes for handling these cases under Air Force regulations are still under development. Further clarification is expected as the Air Force develops its implementation guidance, and commanders should carefully evaluate any such relationships to determine whether this standard applies. Commanders and supervisors should consult their legal offices to ensure compliance with the updated guidance. Commanders and supervisors are encouraged to review DoDI 1020.03, Change 3, for a deeper understanding of these new requirements.

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>	Article 80, Attempted Abusive Sexual Contact, Article 120, Sexual Assault and Abusive Sexual Contact, and Article 128, Assault	Trial: 3-14 Mar 2025
<i>For more information about upcoming cases across the Air Force, visit the AF JAG Corps Public Docket: https://legalassistance.law.af.mil/AMJAMS/PublicDocket/docket.html</i>		

COURTS-MARTIAL RESULTS

United States v. Airmen Basic Dylan Fife: On 10 December 2024, a general court-martial was convened, at which AB Fife pled guilty to one charge of Article 128b, UCMJ, domestic violence, and two charges of Article 92, UCMJ, indecent conduct by showing sexually explicit videos of an intimate partner without that partner's consent and one charge of Article 134, UCMJ, for extramarital sexual conduct.

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 (UOTHC). An UOTHC 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.

One board of inquiry (BOI) for sexual assault, providing alcohol to a minor and making a false official statement was held in December of 2024. The BOI determined that the servicemember did not commit the offenses of sexual assault under the preponderance of the evidence standard. The BOI did determine that the servicemember committed the offense of providing alcohol to a minor and making a false official statement, by a preponderance of the evidence; however, the BOI found that these offenses did not form a basis for discharge and the cadet was retained.

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.

Failure to go to Appointment Place of Duty: A cadet received nonjudicial punishment for failing to go to their appointed place of duty on divers occasions by missing their scheduled classes. The punishment consisted of restriction to the limits of the Air Force Academy for 30 days, and a reprimand.

Dereliction of Duty, False Official Statement, and Conduct Unbecoming an Officer: A cadet received nonjudicial punishment for dereliction of duty based on failing to visually account for cadets, false official statement for making a false statement to cover up the failure to visually account for cadets and then conduct unbecoming an officer by pressuring other cadets to go along with their false official statement. The punishment consisted of forfeiture of \$669.00 pay per month for two months, with one month of that forfeiture suspended for six months, restriction to the limits of the Air Force Academy for 30 days, and a reprimand.

Failure to Obey a Lawful General Order or Regulation, Wrongful use of THC: A cadet received nonjudicial punishment for unlawfully failing to follow a lawful general order by wrongfully using delta-9 THC. The punishment consisted of restriction to the limits of the Air Force Academy for 30 days, and a reprimand.

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Failure to Go to Appointed Place of Duty, Dereliction of Duty, Incapacitation for Duty and Conduct Unbecoming an Officer: A cadet received nonjudicial punishment for unlawfully failing to go to their appointed place of duty, dereliction of duty by failing to refrain from drinking alcohol and vaping while in the dormitory, being incapacitated for the proper performance of their duties and conduct unbecoming an officer by disrespectfully claiming a day of bedrest without approval. The punishment consisted of restriction to the limits of the Air Force Academy for 30 days, and a reprimand.

Wrongful Use of THC and Insubordinate Conduct: An enlisted member received nonjudicial punishment for wrongfully using THC on divers occasions and verbally threatening a non-commissioned officer. The punishment consisted of reduction to the grade of Airman First Class, a suspended forfeiture of \$1340.00 pay per month for two months, and a reprimand.

False Official Statement: An enlisted member received nonjudicial punishment for making false official statements on divers occasions. The punishment consisted of reduction to the grade of Airman First Class suspended for 6 months, 10 days extra duty, 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 due to the time of completion of those actions.

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. 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.*

As of the date of this bulletin, the approximate rate for monetary recoupment is \$55,000 per year of attendance at USAFA.

Academic Deficiency: No Academic Deficiency disenrollments this period.

Physical Fitness: No Physical Fitness disenrollments this period.

Misconduct:

Sexual assault, Minor Disciplinary Infractions: 1 enlisted service member was discharged for sexual assault and other minor disciplinary infractions. The service member was discharged with a General discharge characterization.

Absent Without Leave/Conduct and Aptitude Probation Violations: 1 cadet resigned in lieu of (RILO) disenrollment for being absent without leave from USAFA for approximately 24 days and violating the terms of their conduct and aptitude probation on 7 occasions. The cadet was discharged with a General discharge characterization with a rating of 5, with a recommendation for monetary recoupment.

Consuming Alcohol as a Minor/False Official Statement: 1 cadet resigned in lieu of (RILO) disenrollment for consuming alcohol under the legal age of 21 years old and making a false official statement when questioned concerning that offense. The cadet was discharged with a General discharge characterization and a rating of 5, with no ADSC.

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:

United States v. Airmen Basic Dylan Fife: On 10 December 2024, a general court-martial was convened, at which AB Fife pled guilty to one charge of Article 128b, UCMJ, domestic violence, and two charges of Article 92, UCMJ, indecent conduct by showing sexually explicit videos of an intimate partner without that partner's consent and one charge of Article 134, UCMJ, for extramarital sexual conduct. AB Fife was sentenced to 17 months of confinement. He also received a bad conduct discharge and a reprimand.

Nonjudicial Punishment: N/A

Administrative Actions:

Sexual assault, Minor Disciplinary Infractions: 1 enlisted service member was discharged for sexual assault and other minor disciplinary infractions. The service member was discharged with a General discharge characterization.