



UNITED STATES  
AIR FORCE ACADEMY

**MILITARY JUSTICE  
TRANSPARENCY BULLETIN**

FEBRUARY 2024 — MARCH 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 February and March 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 / TRENDS

Recently there were changes to the reporting and investigative process for sexual harassment complaints within the Department of Defense and Air Force wide. It is the policy of the United States Government, the Department of Defense, and the Air Force not to condone or tolerate unlawful discrimination or harassment of any kind, DAFI 36-2710. There are two definitions of sexual harassment: (1) criminal offenses under Art. 134, UCMJ and (2) non-criminal offenses defined in DoDI 1020.03. What is important for individuals to know is all of the previous reporting options for initially reporting sexual harassment are still available. Formal and Informal complaints can still be brought forward to the Equal Opportunity Office for further processing. Further, Restricted and Unrestricted reporting can be made to SAPR outside of, or as an alternative to, the Formal and Informal complaint process. If a Formal complaint of sexual harassment is made, the allegations will now usually be investigated by either Security Forces (for non-criminal sexual harassment) or AFOSI (for criminal sexual harassment).

## 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 120 , Sexual Assault & Abusive Sexual Contact	13-20 May 2024
<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>		

# 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 (UOTHC). A 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 was held in February 2024 for an allegation that a servicemember committed a penetrative sexual assault against another servicemember while at USAFA, without the other servicemember's consent. The BOI determined that the servicemember committed the offense under the preponderance of the evidence standard, and discharge with a General discharge service characterization from the United States Air Force was recommended for further processing.

# 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.*

**Indecent Recording and Distribution:** A Cadet received nonjudicial punishment for unlawfully recording and distributing an indecent video of other individuals. The punishment consisted of a restriction to USAFA for 30 days, forfeiture of \$669.00 for 1 month, and a reprimand.

**Failure to Obey a Lawful General Order or Regulation:** A Cadet received nonjudicial punishment for failing to refrain from using THC-8. The punishment consisted of a restriction to USAFA for 30 days and a reprimand.

**Dereliction of Duty:** An enlisted member received nonjudicial punishment for providing alcohol to a minor. The punishment consisted of a reduction to the grade of Airman, forfeiture of \$1,130.00 for 2 months, 15 days extra duty, and a reprimand.

**Suspended Punishment Vacation:** An enlisted member who previously received nonjudicial punishment with suspended punishment for failing to report to their place of duty had their suspended punishment vacated due to new misconduct. The punishment that was now enforced consisted of reduction in rank to Airman Basic.

\* 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. 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:** 6 Cadets were disenrolled due to academic deficiencies. 3 Cadets were disenrolled with an Honorable discharge characterization and rating of 3, one of which had an ADSC and the USAFA/CC recommended that the member be allowed to participate in the Mentorship, Reevaluation and Reappointment Program. 1 Cadet was disenrolled with an Honorable discharge characterization and rating of 2. 1 Cadet was disenrolled with a General discharge characterization and rating of 5. 1 Cadet was an international student, for whom no discharge was applicable; they received a rating of 2.

**Physical Fitness:** No Physical Fitness disenrollments this period.

## **Misconduct:**

**Honor Code Violation:** A Cadet was disenrolled for cheating in violation of the honor code. The Cadet was disenrolled with an Honorable discharge characterization, rating of 3 and has an ADSC.

**Drug Use:** A Cadet was disenrolled for wrongful use of cocaine. The Cadet was discharged with a General discharge characterization and rating of 5. The Member has an ADSC and the USAFA/CC recommended monetary reimbursement to the government for educational costs.

**Providing Alcohol to a Minor:** A Cadet was disenrolled for providing alcohol to minor cadets. The Cadet was discharged with an Honorable discharge characterization and rating of 3.

**Aptitude Probation Failure:** 1 Cadet was disenrolled for failure to meet the terms of their aptitude and probation, specifically continuing to fail to adapt to the military. The Cadet was discharged with an Honorable discharge characterization and rating of 5.

# 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:** N/A

**Administrative Actions:** A board of inquiry (BOI) for sexual assault was held in February 2024 for an allegation that a servicemember committed a penetrative sexual assault against another servicemember while at USAFA, without the other servicemember's consent. The BOI determined that the servicemember committed the offense under the preponderance of the evidence standard, and discharge from the United States Air Force with a General service characterization was recommended for further processing.