



UNITED STATES
AIR FORCE ACADEMY

MILITARY JUSTICE TRANSPARENCY BULLETIN

JUNE 2024 — JULY 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 June and July 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 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

It's crucial for USAFA personnel to understand the distinctions between disciplinary actions and separation actions, and the command discretion involved in processing them. Misconduct can lead to various consequences, with disciplinary actions and separation actions addressing different considerations.

Adverse Administrative Actions, such as Letters of Counseling, Admonishment, or Reprimand (LOCAR), and Nonjudicial Punishment (NJP), deal with immediate conduct and performance issues. These formal reprimands or corrective measures address misconduct directly and are designed to assist Airmen and Guardians in developing skills, attitudes, and behaviors that are consistent with DAF standards. DAFI 36-2907.

Separation actions, like Letters of Notification (LON) for cadets, or Boards of Inquiry (BOI) or enlisted discharge boards for qualifying officers, cadets, and enlisted members, address an individual's suitability for continued military service. These actions focus on whether an individual's conduct or performance merits retention or separation. They are not punitive or rehabilitative in nature. Although separation boards commonly occur in military courtrooms, they are not military justice actions, but administrative proceedings.

These actions can be applied independently or together. For instance, a member might receive NJP for misconduct and later face a LON or BOI for separation. Commanders exercise discretion in choosing the appropriate response, ensuring tailored actions that address both individual behavior and Air Force needs.

Understanding these processes is key to maintaining good order and discipline and supporting the Air Force mission.

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	Trial: 17-21 Oct 2024
<i>United States v. AMN D.F.</i>	Article 117a, Wrongfully Broadcast or Distribution of Intimate Visual Images, Abusive Sexual Contact, Assault and Domestic Violence	Motions: 13-14 Aug 2024 Trial: 18-22 Nov 2024
<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

No courts-martial occurred during June and July 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). 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.

No discharge boards or Boards of Inquiry occurred during June and July 2024.

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 Obey a Lawful General Order or Regulation, Larceny and Wrongful

Appropriation: A Cadet received nonjudicial punishment for unlawfully failing to follow cadet sign-out procedures and, while off base, engaging in shoplifting from a local retail store. The punishment consisted of a restriction to USAFA for 30 days, and a reprimand.

Failure to Go, Dereliction of Duty: An enlisted member received nonjudicial for failing to go, on diverse occasions, to their appointed place of duty. Member was also derelict in their duties by failing to keep their dorm room clean. The punishment consisted of a reduction to the grade of Airman Basic, and a reprimand.

False Official Statement: An enlisted member received nonjudicial punishment for knowingly making a false official statement by signing an official statement containing information which that member knew to be false. The punishment consisted of a suspended reduction to the grade of Airman First Class, 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: 5 cadets were disenrolled due to academic deficiencies. 2 Cadets were disenrolled with an Honorable discharge characterization and rating of 2, neither of which had an ADSC. 2 Cadets were disenrolled with an Honorable discharge characterization and rating of 3, with no ADSC. 1 Cadet was disenrolled with a Honorable discharge characterization and rating of 3 with an ADSC; USAFA/CC recommended that cadet be ordered to enlisted active duty for a period of two years.

Physical Fitness: No Physical Fitness disenrollments this period.

Misconduct:

Minor Disciplinary Infractions: A member was discharged after receiving four Letters of Counseling and five Letters of Reprimand in their three years of service, covering numerous minor infractions. The member was discharged from the Air Force with an Under Honorable Conditions (General) service characterization.

Honor Code Violation: 2 Cadets were disenrolled for honor violations. One cadet was disenrolled for lying, with intent to deceive, in violation of the honor code. One cadet was disenrolled for cheating, with intent to gain an unfair advantage on a graded review. Both cadets were disenrolled with an Honorable discharge characterization with a rating of 3. Both cadets had an ADSC and the USAFA/CC recommended that each cadet be allowed to participate in the Mentorship, Reevaluation, and Reappointment (MRR) program.

Drug Use/Minor Disciplinary Infractions: A member was discharged for drug use and minor disciplinary infractions. Aside from the drug use, member also received two Letters of Counseling and three Letters of Reprimand in their two years of service. The member was discharged from the Air Force with an Under Honorable Conditions (General) service characterization.

Privacy Violation and Assault: A Cadet was disenrolled for wrongful filming in a private area without consent and assault. The Cadet was discharged with an Honorable discharge characterization and rating of 5. The Cadet has an ADSC and the USAFA/CC recommended monetary reimbursement to the government for educational costs.

Driving under the Influence/Careless Driving: A Cadet was disenrolled for driving under the influence of alcohol and careless driving. The Cadet was discharged with an Honorable discharge characterization and rating of 3. The Cadet has an ADSC and the USAFA/CC recommended monetary reimbursement to the government for educational costs.

Aptitude Probation Failure: 1 Cadet was disenrolled for failure to meet the terms of their aptitude and probation, specifically failing to meet mandatory probation requirements and making several inappropriate comments to fellow cadets. The Cadet was discharged with an Honorable discharge characterization and rating of 3 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: N/A

Nonjudicial Punishment: N/A

Administrative Actions: N/A