



UNITED STATES  
AIR FORCE ACADEMY

# MILITARY JUSTICE TRANSPARENCY BULLETIN

October 2024 — November 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 October and November 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

## Message from the Victims' Counsel Office

Who is the Victims' Counsel? Victims' Counsel (VC) are handpicked JAGs who represent Cadets, Airmen and Guardians through the military justice process, specifically in investigations, courts-martial, discharge actions, and certain administrative actions. Our office is separate and independent from the Legal Office so that we can zealously advocate for our clients' expressed interest. At USAFA, we have two attorneys and a paralegal. Together we 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 VCs are unable to do so or need additional support.

Why is the VC important? The VC represents victims of sexual assault and domestic violence. The VC also provides one-time consultation services for situations that do not fit the traditional eligibility criteria, including consultations for sexual harassment. As a victim of a serious crime, navigating the military justice process can be confusing and overwhelming. A primary part of the VC's job is guiding victims through all facets of the military justice process. A VC will sit in on interviews with law enforcement, will handle communication with the legal office and the Office of the Special Trial Counsel (OSTC), and will be present for any hearings that arise out of the alleged offense. A VC's job is to protect victims' rights under Article 6b of the Uniform Code of Military Justice. No Airman or Guardian should face an investigation alone, and they don't have to. The VC office is here to help. To contact us, please call 719-333-7277. You can also reach out to the Sexual Assault Prevention and Response (SAPR) office crisis line at 719-333-7272, or the Family Advocacy (FAP) Victim Advocate crisis line at 855-336-7833.

## 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. AMN D.F.</i>	Article 117a, Wrongfully Broadcast or Distribution of Intimate Visual Images, Abusive Sexual Contact, Assault and Domestic Violence	Trial: 16 Dec 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 during October and November 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.*

One board of inquiry (BOI) for sexual assault, providing alcohol to a minor and making a false official statement was held in October and November 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 offenses 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 servicemember 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 Obey a Lawful General Order or Regulation, False Official Statement:**

An enlisted member received nonjudicial punishment for unlawfully failing to follow an order to not discuss an ongoing investigation, and when confronted by AFOSI about whether they had violated the order, the enlisted member knowingly made a false official statement of denial. The punishment consisted of a suspended reduction to the grade of Airman, a forfeiture of \$1,130.00 pay for one month, and a reprimand.

**Dereliction of Duty:** A cadet received nonjudicial punishment for dereliction of duty based on drinking underage, maintaining a personal vehicle while on academic probation and engaging in an inappropriate relationship. The punishment consisted of restriction to the limits of the Air Force Academy for 21 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-8 THC. The punishment consisted of restriction to the limits of the Air Force Academy for 30 days, and a reprimand.

**Assault and Battery:** A cadet received nonjudicial punishment for touching another cadet without their consent. The punishment consisted of a restriction to the limits of the Air Force Academy for 21 days, and a reprimand.

**Failure to Obey a Lawful General Order or Regulation, Failing to Verify Identification:** An enlisted member had a previous suspended punishment vacated for failing to properly verify identification for installation access. The vacated portion of the punishment consisted of a forfeiture of \$1,130.00 pay for two months.

**Assault and Battery:** An enlisted member received nonjudicial punishment for striking another member with his hand. The punishment consisted of restriction to the limits of the Air Force Academy for 3 days, 3 days extra duty and a reprimand.

**Dereliction of Duty and Disobeying a Lawful Order:** An enlisted member received nonjudicial punishment for failing to refrain from using inappropriate language in workplace conversations and for failing to follow a direct order to not discuss on ongoing investigation. The punishment consisted of a suspended reduction to the grade of Airman First Class, forfeiture of \$1340.00 pay for one month, and a reprimand.

**Assault and Battery:** An enlisted member received nonjudicial punishment for unlawfully placing his hands on another person's neck and choking them, without their consent. The punishment consisted of reduction to the grade of Senior Airman, a suspended forfeiture of \$1598.00 pay per month for two months, 45 days extra duty, and a reprimand.

**Dereliction of Duty, Failing to Wear Proper Uniform:** An enlisted member received nonjudicial punishment for failing to wear the correction uniform of the day and not wearing the correct rank. The punishment consisted of a suspended forfeiture of \$2,038.00 pay per month for two months, 21 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:**

**Failure to Obey Lawful General Order:** 1 cadet was disenrolled for wrongfully using Delta-8 THC. The cadet was discharged with a General discharge characterization with a rating of 3, with an ADSC.

**Unlawful Operating a Vehicle while Intoxicated:** 1 cadet was disenrolled for wrongful operating a motor vehicle while under the influence of alcohol. The cadet was discharged with an Honorable discharge characterization with a rating of 3, with an ADSC.

**Honor violation:** 1 cadet was disenrolled for violating the Honor Code by lying. The cadet was discharged with an Honorable discharge characterization and a rating of 3.

# 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