



DEPARTMENT OF THE ARMY  
U.S. ARMY MILITARY DISTRICT OF WASHINGTON  
102 3RD AVENUE, BLDG 39, SUITE 2  
FORT LESLEY J. MCNAIR, DC 20319

ANCG

OCT 22 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter – Withholding and Notification of Misconduct – Memorandum #5

1. REFERENCES:

- a. Manual for Courts-Martial, United States (2012 Edition).
- b. AR 27-10, Military Justice, 3 Oct 11.
- c. AR 190-5, Motor Vehicle Traffic Supervision, 22 May 06.
- d. AR 600-37, Unfavorable Information, 19 Dec 86.
- e. AD 2014-19, Implementation of Section 1744 of the National Defense Authorization Act for Fiscal Year 2014.
- f. National Defense Authorization Act for Fiscal Year 2014, Public Law 113-66.

2. PURPOSE: To provide the U.S. Army Military District of Washington (USAMDW) Commander's policy on withholding disposition authority for officer, warrant officer, and senior noncommissioned officer misconduct and investigations, notification of misconduct and investigations, and administrative action against intoxicated drivers.

3. HISTORY: Policy Letter – Withholding and Notification of Misconduct – Memorandum #5, dated 7 March 2014, is rescinded as of the effective date of this policy letter.

4. POLICY:

- a. Withholding and Notification Requirements.

(1) Senior leader misconduct. Pursuant to Rule for Court-Martial (R.C.M.) 306, the authority to dispose of UCMJ offenses allegedly committed by commissioned officers, warrant officers, sergeants major, first sergeants in the grade of E-8, master sergeants and Soldiers serving as SHARP representatives assigned exclusively to the general courts-martial jurisdiction of this command, as delineated by the attached memorandum (including amendments as applicable), is withheld to my level. This withholding is not applicable to senior leaders assigned to units aligned under other General Court-Martial Convening Authorities (GCMCAs) within the USAMDW jurisdiction scheme.

(2) Subordinate Commanders do not have the authority to impose non-judicial punishment for UCMJ offenses allegedly committed by senior leaders (defined as a commissioned officer, warrant officer, sergeant major, first sergeant in the grade of E-8, or master sergeant) or any Soldier serving as a SHARP representative unless such authority has been returned.

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(3) Notification. Commanders, directors, and supervisors will immediately (NLT 72 hours from receipt of information) report incidents or allegations meeting the below criteria through Command channels to the Commander, USAMDW, with a copy provided to the USAMDW SJA. Reports will include name, rank, gender, unit, duty assignment, brief description of the incident, including all relevant facts and circumstances surrounding the alleged offenses, and current status of the case. This policy does include personnel aligned under other General Court-Martial Convening Authorities (GMCAs) within the USAMDW jurisdiction scheme.

(a) Any report or investigation of misconduct alleged to have been committed by a commissioned officer, warrant officer, sergeant major, first sergeant in the grade of E-8, master sergeant, or any Soldier serving as a SHARP representative.

(b) Any report or investigation of misconduct involving child pornography or violation of Article 120 or Article 125, UCMJ, including attempts of such offenses.

(c) Any report or investigation of misconduct that has actual or expected media interest.

b. Administrative actions against intoxicated drivers. Reprimands for Soldiers aligned under this GCMCA who are cited for, convicted of, or reported to have engaged in an intoxicated driving offense, as defined in para 2-7 of reference c, will be issued at my level. Commanders do not have the authority to exercise UCMJ action, to include non-judicial punishment (Article 15), for DUI and DWI committed on post. This policy does not affect the initiation or imposition of other administrative sanctions for DUI and DWI offenses, such as suspension and revocation of installation driving privileges, bars to reenlistment, administrative reductions, and separation for misconduct. This requirement does not apply to Soldiers aligned under the court-martial convening authority of another General Officer capable of issuing reprimands in accordance with para 2-7 of reference c. Commanders will coordinate with their servicing legal offices to ensure compliance with the processing requirements outlined in the Enclosure.

5. PROPONENT: Office of the Staff Judge Advocate (OSJA), ANJA. The point of contact is the Chief of Military Justice, OSJA, USAMDW, at 202-685-4903.

Encl



BRADLEY A. BECKER  
MG, US Army  
Commanding

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## Processing Requirements for GOMORs

1. **PURPOSE:** To outline processing requirements for General Officer Memorandums of Reprimand (GOMORs) required by AR 190-5.
2. **DELEGATION:** Authority to modify or amend this Enclosure is specifically delegated to the Staff Judge Advocate (SJA) for the U.S. Army Military District of Washington, but may not be further delegated.
3. **PROPONENT:** Office of the Staff Judge Advocate (OSJA), ANJA.
4. **POLICY:** Commanders will coordinate with their servicing legal offices to ensure that the following documents or reports are provided to OSJA, USAMDW for processing GOMORs under AR 190-5.
  - a. The following documents are required:
    - i. Officer Record Brief, Enlisted Record Brief, or 2-1.
    - ii. DA Form 268 (Flag).
    - iii. Arrest report with blood alcohol concentration documentation; or record of civilian conviction with blood alcohol concentration.
    - iv. Briefing sheet (obtain from OSJA, USAMDW).
  - b. After the GOMOR has been issued, Commanders will coordinate with their servicing legal office to ensure that the Soldier is properly notified and given the opportunity to consult with legal counsel. After such opportunity has been provided as required by the GOMOR and AR 600-37, Commanders will provide their recommendations for the filing determination. Chain of command transmittals will be provided by OSJA, USAMDW.
5. **POINT OF CONTACT:** Chief of Military Justice, OSJA, USAMDW at 202-685-4903.