

IG Bulletin



APRIL 2017

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Inspector General Observations

By LTC Gregory S. Vinciguerra, Command Inspector General

In the IG Office, we use statistical analysis to assist in seeing developing trends in our formations and community in order to help our leaders understand potential problem areas. Being able to see potential areas needing attention allows commands to judiciously dedicate resources, and that includes time, to get after issues. Though the IG Office has four functions, it predominantly assists Soldiers, civilian work force and family members with issues.

Two of the most common assistance cases the IG Office receives are Financial Non Support of Family members and Sexual misconduct (Adultery/Fraternization). These two issues have a commonality; the lack of understanding what the term 'legal separation' means and how it effects financial obligations and personal conduct.

When people refer to being "legally separated" they are gen-

erally referring to either having signed a formal separation agreement with their spouse or that a state court has issued an order of separation. A formal separation agreement is a written contract between husband and wife resolving significant legal issues such as property, financial support, child custody, etc. These agreements can be drafted by a civilian attorney or a military Staff Judge Advocate (SJA) from on post.

When an assistance case of non-support comes to the IG Office, the IG will contact the Battery leadership. The case that gives leaders the most trouble are those Soldiers who are separated from their spouse (without any form of separation agreement) and no longer receiving BAH. AR 608-99 discusses the Army policy on financial support of family members, paternity and child custody. In chapter 2-6d; in the absence of a

court order or written agreement, such as a separation agreement, BAH II WITH rate by rank is used to calculate a Soldier's required financial obligation to support. Paragraph 3-6 begins covering the Commander's responsibilities in addressing financial nonsupport inquiries. Leaders must be clear in their presentation to the Soldier of what the requirements are, what constitutes a violation, the expectation to rectify violations and the consequences of failing to fix shortfalls or failing to maintain support until another form of agreement has been established.

Over the course of the past six months, the IG Office has received an increasing number of adultery cases. At first blush, we were left scratching our heads as to what was causing this spike of Soldiers violating Article 134 of the UCMJ- which makes the act of adultery a crime. We eventu-

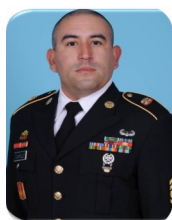


ally found the answer, and it again has to deal with understanding what separation means in the Army. In almost every adultery case we received, the Soldier in question was or claimed to be separated from their spouse. So, if a Soldier is legally separated, does that mean he/she can go out dating before a divorce has been granted? There's no short answer to this question except to say, until you are legally divorced, dating while being separated has the potential to lead to violating Article 134.

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IPFU Standards

By SFC Eric P. Castillo, Assistant Inspector General



As spring time approaches, the black beanie, gloves, and improved physical fitness uniform (IPFU) jacket and pants will be placed at the back of the closet until needed again next winter time.

Spring time means more female Soldiers with long length hair will be utilizing the authorized pony tail for physical training whether in the IPFU or utility uniform. Long length hair is hair that extends beyond the bottom edge of the collar. Long length hair per AR 670-1, para 3-2a(3)(j), may be worn in a pony tail during physical training. One single pony tail may be centered on the back of the head when within the scope of physical training. Female Soldiers must secure their hair using a

plain device and of a color close to the hair color or clear. When physical training is conducted in the utility uniform, long hair can be placed in a pony tail unless a helmet is worn.

So what does this mean? This means upon arriving to formation for physical training in the morning or afternoon a Soldier's long length hair can be let down into a pony tail. This does not mean someone can walk up to formation with hair already in a pony tail. This standard also applies for conducting physical training at any of the gyms while wearing the IPFU. After checking into the gym, a Soldier could place their hair in a pony tail for the duration of their physical training and secure it once they are complete. Remember, it is only authorized within the scope of physical training. Once physical training is complete, long length hair must be

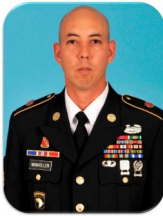
secured as prescribed in AR 670-1, para 3-2a(3)(a) through (k).

Some Soldiers and Leaders misconstrue this information as being able to wear long length hair in a pony tail as long as they are in the IPFU no matter where they are. For example, it is wrong for a Soldier to show up to a scheduled appointment in the IPFU and have their hair in a pony tail. If a Soldier has an appointment requiring them to be in the IPFU, they must secure their hair as stated earlier since it is not authorized outside of conducting physical training. The only exception to this pony tail standard is if it poses a safety hazard during physical training and will then be worn in an authorized secured fashion.

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Courtesy Checks

By SFC Mark L. Monhollen, Assistant Inspector General



As Leaders, it is our responsibility to ensure that the mission is accomplished and more importantly, that we take care of our Soldiers. What does it mean by “take care of our Soldiers?” This means that it is our duty to make certain that our Soldiers are mentally and physically ready for any task given to them. This includes the safety, readiness, health and welfare of not only our Soldiers, but their families as well. A way leaders can check on Soldiers is by conducting courtesy checks, health & welfare inspections, and leader in-home visits in accordance with Fort Sill Commanding General Policy 16-15, Courtesy Checks, Health and Welfare Inspections and Leader In-Home Visits.

Recently, our office has had calls regarding the policy on leaders visiting their Soldiers’ quarters, whether in the barracks, on-post, or off-post. CG Policy memo enables Leaders to use this as a guide for determining when Leaders need to engage with their subordinates/and or family members. This policy dictates that all commanders, leaders, directors, and assigned units will conduct regular courtesy checks, health and welfare inspections, and leader in-home visits in order to evaluate and confirm the safety and welfare of Soldiers and their families. Brigade level commanders will delegate this to subordinate leaders who will at a minimum, conduct checks quarterly, health and welfare inspections at least every six months, and leader in-home visits as needed. What exactly is the difference between these? A courtesy check is defined as an informal call or visit to a Soldier and/or family members. This is usually done where the

Soldier resides. The main intent is to check on the Soldier and/or family. A health and welfare inspections is defined as an examination, under the direction and control of a commander, of the whole or part of a unit, organization, or installation conducted as an incident of command. This primary reason is to establish whether the health and welfare of Soldiers is affected by the security, military fitness, and good order and discipline of that organization. Usually this applies only to Soldiers and property under military control. Leader in-home visit is defined as an engagement between a leader and a military family at their residence, which is considered more formal than a courtesy check. The purpose is to enter the home with an amplified command visibility of possible issues that have recently occurred or possible health, safety, and welfare concerns inside the residence. Remember, this is only voluntarily of the family member to respect their privacy. Consent must be given; however, it is not necessary for inspecting military property, i.e. motor pools, barracks, offices, etc. There is no longer government housing. Corvias lease agreements explicitly grant military authority to inspect the residence. Enclosure two of the policy letter shows best practices when conducting any type of visit. Few Soldiers may think they are being singled out, however, each Soldier’s situation may be different. Leaders must ensure every Soldier is properly cared for at all time.



Observations Cont.

There are three legal criteria, or elements, to adultery under UCMJ: #1 that sexual intercourse did occur between a Soldier and another person; #2 one of the sexual partners was married to someone else at the time; #3 that the relationship was to the prejudice of good order and discipline to or brought discredit to the Armed Forces. The first two elements are relatively straightforward however the third is where Soldiers need to realize they are rolling the dice when engaging in relationships before being divorced. Though commanders are advised to take into consideration if Soldiers are ‘legally separated’ when considering whether the third element is satisfied. It also offers additional items to consider, such as rank and position of the parties, impact on the unit, potential misuse of government time and resources as well as what other UCMJ violations accompanied the adulterous act.

The bottom line is that when a Soldier engages in a new sexual relationship while still married, regardless of whether legally separated or not, they have the potential to violate and be liable under UCMJ or other administrative action. The only sure fire way for Soldiers to avoid exposing themselves to potential problems is to wait until they are granted a final decree of divorce. If you have questions about your particular circumstance, feel free to contact the IG or SJA office for further explanation.

IPFU Cont.

Within the Army, we as Soldiers and Leaders must ensure the proper wear of uniforms and the appearance of our personnel at all times to guarantee we all present a high level of professionalism across the force. It is everyone’s responsibility to enforce standards and make corrections when warranted.

Upcoming Inspections

DATE	Inspecting Agency	Units Affected	Inspection Topic
May 1-12	FCOE IG	FCOE, 428, 434, 75, 30, USAG-FS	TASP Re-inspection
May 17-18	TRADOC IG	428, 434, 30, USAG-FS	Soldier 2020
Jun 5-16	FCOE IG	FCOE, 428, 434, 75, 30, 31, USAG-FS	Promotion Re-inspection
Aug 7-18	FCOE IG	TBP	AVAP



Congratulations on your retirement SFC Donlow. We wish you the best of luck in your future!



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Inspector General Mission

The Office of the Inspector General provides assistance, teaches and trains, and conducts inspections and investigations as directed by the Commanding General for and throughout the United States Army Fires Center of Excellence and Fort Sill in order to assist commanders in achieving disciplined and combat-ready units and to maintain the operational effectiveness of the command.

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