

Department of the Army  
Headquarters  
U.S. Army Fires Center of Excellence and Fort Sill  
Fort Sill, Oklahoma 73503  
31 May 2019

Fort Sill Supplement 1 to AR 27-10\*

Legal Services  
MILITARY JUSTICE

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**History.** This is a major revision.

**Summary.** This regulation supplements Interim Army Regulation 27-10, Military Justice. The provisions of this supplement do not confer any benefit upon an individual Soldier accused of an offense. Timeliness and metrics referenced herein do not create any legal basis for relief for any accused or grounds for objection if not met.

**Applicability.** This regulation applies to all organizations, units, detachments, and personnel assigned or attached to the USAFCoEFS for Uniform Code of Military Justice (UCMJ) jurisdiction and administrative actions.

**Proponent and Exception Authority.** The proponent of this regulation supplement is the Staff Judge Advocate (SJA). All requests for exceptions or waivers to this publication will be staffed through the SJA to the Commander, U.S. Army Fires Center of Excellence and Fort Sill, Oklahoma, ATTN: ATZR-JB, Fort Sill, Oklahoma 73503.

**Supplementation.** Further supplementation of this regulation by subordinate commanders is prohibited, unless expressly granted in this supplement.

**Suggested Improvements.** Users are invited to send comments and suggest improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to: Staff Judge Advocate, U.S. Army Fires Center of Excellence and Fort Sill, Oklahoma 73503.



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Major General, USA  
Commanding

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\* This publication supersedes all previous Fort Sill supplements to AR 27-10.

Interim AR 27-10, dated 1 January 2019, is supplemented, as follows:

## **Chapter 1**

### **Introduction**

#### **1—1. Purpose.**

Add the following:

The purpose of this supplement is to provide guidance and establish responsibilities for the administration of military justice for the general courts-martial jurisdiction of the Commander, U.S. Army Fires Center of Excellence and Fort Sill, Oklahoma (USAFCoEFS). The policies and limitations herein are not intended to impose jurisdictional requirements or procedural prerequisites on court-martial or nonjudicial punishment proceedings, and are not intended to confer rights upon any accused.

#### **1—4. Responsibilities.**

Add the following:

d. The Office of the Staff Judge Advocate (OSJA) is the consolidated legal center for the USAFCoEFS. Brigade legal offices on Fort Sill are separately located, but the personnel assigned to those offices fall within the technical supervision of the OSJA. The USAFCoEFS Staff Judge Advocate (SJA) has primary responsibility for the assignment, place of duty, MOS-related training, technical supervision, management, education, professional development, and proper utilization of all legal personnel assigned to USAFCoEFS. This applies to all:

- judge advocates (27A),
- legal administrators (270A),
- paralegal specialists/NCOs (27D),
- court reporters (27DC5),
- civilian paralegals,
- civilian legal assistants,
- legal paraprofessionals, and
- human resource professionals performing legal functions as determined by the SJA.

Commanders remain responsible for the good order and discipline, accountability, safety and welfare of these personnel under their command.

e. In accordance with AR 27-1, unless approved by a Supervisory JA or the Chief Paralegal NCO in the technical chain of supervision, paralegal specialists/NCOs, civilian legal paraprofessionals, court reporters, legal administrators, and judge advocates will perform only professional paralegal duties for which they are trained. They should not perform duties such as CQ, range detail, casualty assistance officer, guard duty, or any other duties that would interfere with their primary legal duties.

f. In accordance with AR 27-1, the rating scheme for all 27D Paralegal NCO's will be in accordance with AR 623-3 and will include a Judge Advocate in the rating chain. In addition, all civilian legal paraprofessionals assigned outside of the servicing legal office will also have a Judge Advocate in the rating chain to ensure they perform their legal services related duties competently and with appropriate legal office supervision to avoid the unauthorized practice of law.

g. Battalion paralegal specialists/NCOs assigned to FORSCOM brigades will be assigned to their respective Battalions and attached to the Brigade Headquarters for all functions to include, but not limited to, physical training, daily duties, and for administrative and UCMJ purposes. These paralegals will act under the direction and supervision of the Brigade Judge Advocate, Trial Counsel, and Paralegal NCO, and their duties are expressly restricted to those of a legal nature (to include adverse administrative actions). Under no circumstances, shall a unit have non-legal personnel review or approve legal actions, including adverse administrative actions, before those actions are reviewed and approved by the paralegal's trial counsel or paralegal NCO (see Field Manual 1-04, Legal Support to the Operational Army, para. 4-15).

h. Brigade Judge Advocates (BJA) are assigned to FORSCOM brigades and serve as members of the Brigade Commanders' personal and special staffs, with a direct line of communication to the commanders. The SJA will provide technical guidance to the BJA; however, supervision of the BJA's routine, day-to-day duties will be determined by the Brigade Commander. The BJA will, unless otherwise agreed upon, be rated by the SJA and senior rated by the Brigade Commander in accordance with The Judge Advocate General Policy Memorandum 17-07 (1 Dec 2017).

i. In order to foster effective training and ensure consistency in the quality of legal services, the primary place of duty for Trial Counsel will be the OSJA's Military Justice section IAW TJAG Policy Memo 17-07 (1 Dec 2017). The Chief of Military Justice and Senior Trial Counsel will supervise and provide technical guidance to the Trial Counsel directly. Trial Counsel will participate to the fullest extent possible, consistent with their Trial Counsel responsibilities, in all scheduled brigade training (including exercises), LPDs, and operational missions. Unless otherwise agreed, the Trial Counsel will be rated by the BJA, intermediate rated by the Brigade Executive Officer or Deputy Commander, and senior rated by the SJA in accordance with The Judge Advocate General Policy Memorandum 17-07 (1 Dec 2017).

j. During deployments, a brigade legal section frequently requires augmentation to meet its mission requirements. Requests for augmentation will be made as soon as the requirement is identified, usually during the pre-deployment planning process. If augmented, the brigade legal section may include an additional judge advocate, usually a captain. This captain's duties include, but are not limited to, operational law, administrative law, and legal assistance support to the brigade. When augmented by a third judge advocate, the brigade legal section can avoid ethical conflicts when providing client services and administrative law support. For example, during client services, rules of professional responsibility prevent the same judge advocate from advising both the commander and a Soldier regarding the same adverse action. Additionally, a judge advocate is needed to serve as an advisor to an AR 15-6 investigating officer. When

deployed, duties of the brigade legal section may include foreign claims and detention operations. Ultimately, the Brigade Judge Advocate determines the duties and responsibilities of the third judge advocate in light of mission requirements (see Field Manual 1-04, Legal Support to the Operational Army, para. 4-8).

#### **1—5. General Policies.**

Add the following:

a. All commanders and their representatives are advised to maintain direct communication with the Office of the Staff Judge Advocate and their Brigade Judge Advocate. Before commanders initiate disciplinary action, to include administrative corrective action, they should consult with the unit's servicing judge advocate to ensure the contemplated action is legal, in proper form, and substantiated by the evidence.

b. It is the intent of this command that appropriate disciplinary action be taken at the lowest level consistent with law and military policy to maintain good order and discipline, the accomplishment of the mission, and in the interests of justice in each case. To achieve these goals, commanders must be proactive, detail-oriented, and situationally-aware of the myriad factors and circumstances that serve as warning signs of dangerous, risky, or self-destructive behavior across the full spectrum of a Soldier's daily life, both at home and on duty. Brigade Commanders are highly encouraged to develop cross-disciplinary working groups or staff cells that focus on risk-reduction or risk-mitigation policies and activities, including subject matter experts from the brigade's legal section, the Command Financial Advisor, surgeon or physician assistant, Behavioral Health Officer, chaplain, safety officer, and Equal Opportunity Advisor, and with routine command guidance from the Commander, Deputy Commander, and Command Sergeant Major. With a goal of prevention and "early warning," these working groups or cells can regularly collaborate to identify trends and design programs that holistically address recurring undesirable behaviors that typically manifest as, or evolve into, self-destructive or illegal conduct (such as drinking under age or while driving, fraternization, poor financial management, or family and relationship challenges). Commanders are encouraged to consult with their servicing judge advocates to design and implement such risk-reduction strategies, periodically assess their contributions, and to share their findings and recommendations with other units on Fort Sill.

c. Commanders must immediately inform the Commanding General, USAFCoEFS, in accordance with USAFCoEFS Regulation 1-8, Reporting Procedures (1 Oct 2017), and their respective Brigade Judge Advocate, Trial Counsel, Deputy SJA, SJA, or Chief of Military Justice regarding any serious incidents. Serious incidents are any incidents that may be of concern to the Commander, USAFCoEFS, based on their severity, potential for negative publicity, and the potential consequences of the event. These incidents can pertain to service members, family members, civilian employees, and anyone assigned, attached, or residing at Fort Sill. When in doubt, consult with the unit's servicing judge advocate.

d. Commanders must report any credible information that suggests misconduct or an offense has been committed by an officer, warrant officer, or senior NCO (E-9), including any NCO regardless of grade filling the position of 1SG or CSM, within their command. Such

behavior shall be construed as potential “senior leader misconduct” and this reporting requirement is consistent with the Commanding General’s withholding policy, as outlined in paragraph 3 below. Misconduct is conduct that could constitute a violation of the Uniform Code of Military Justice (UCMJ) or other criminal statute, or could result in adverse administrative action. Commanders should err on the side of caution and report serious incidents and senior leader misconduct quickly. When in doubt whether there is “credible information” to trigger this reporting requirement, consult the unit’s servicing judge advocate as soon as practicable under the circumstances. At a minimum, be prepared to initiate an informal commander’s inquiry or investigation under AR 15-6, unless a law enforcement investigation has been initiated or is reasonably likely to be initiated.

e. Bars from the Installation. Appendix B to this supplement describes the policy for issuing a “bar from post” letter to Soldiers who are administratively separated from the U.S. Army under AR 635-200, Chapter 10 or 14, or receive a punitive discharge following a court-martial conviction.

f. Commanders, Leaders and Directors of all Fort Sill tenant and assigned units and organizations will conduct regular Courtesy Checks, Health and Welfare Inspections, and Leader In-Home Visits, as appropriate, in order to assess and ensure the safety, welfare, and discipline of our Soldiers, Families, and property. Brigade-level Commanders will ensure that subordinate leaders conduct Courtesy Checks quarterly, Health and Welfare Inspections at least semi-annually, and Leader In-Home Visits as needed. These missions will be planned and conducted according to the definitions and best practice protocols outlined in the enclosures. For a list of definitions and more specific details describing policy and guidance, please see Commanding General Policy Memorandum 18-13 (18 Jan 2018).

g. IAW AR 635-200, para. 1-33b: In circumstances where a Soldier has been referred by a medical provider to the MEB process and UCMJ proceedings have not started, adverse administrative separation action under Chapter 14, AR 635-200, may be initiated by the chain-of-command and processed simultaneously. However, if the MEB results in a recommendation to send the Soldier into the PEB process, the GCMCA (here, the Commanding General of USAFCoEFS) must, prior to the approval of the administrative separation, address (a) whether the medical or mental condition is the direct or substantial contributing cause of the conduct forming the basis for the administrative separation or (b) whether other circumstances in the individual case warrant disability processing in lieu of administrative separation based on misconduct. In such cases, the OSJA will coordinate with the Medical Treatment Facility leadership to designate an independent medical provider to review both the MEB findings and its supporting documents and the administrative separation packet. The review will follow the process outlined in the Memorandum in Appendix C to this Supplement.

## **Chapter 2**

### **Investigation and Prosecution of Crimes with Concurrent Jurisdiction**

#### **2—4. Grants of Immunity.**

Add the following:

e. The authority to issue grants or promises of immunity pursuant to Rule for Courts-Martial (R.C.M.) 704 is limited to the General Court-Martial Convening Authority (GCMCA), USAFCoEFS. No subordinate commander will solicit evidence or information during investigation of any offense under the UCMJ in exchange for any promise not to prosecute, or promise or inducement of favorable consideration on sentence. Any request for a grant of immunity will be forwarded by the Special Court-Martial Convening Authority's (SPCMCA) servicing judge advocate to the Chief of Military Justice, OSJA, USAFCoEFS for processing to the GCMCA.

## **Chapter 3 Nonjudicial Punishment**

### **Section I Applicable Policies (para 1, part V, MCM, 2019)**

#### **3—2. Use of Nonjudicial Punishment.** Add the following:

##### d. On-Post Traffic Offenses.

(1) Traffic offenses occurring on Fort Sill Military Reservation will be disposed of in the United States Magistrate Court and prosecuted by a judge advocate serving as a Special Assistant U.S. Attorney. The Commanding General, USAFCoEFS, has the authority to impose nonjudicial punishment for on-post traffic offenses in privately-owned vehicles. This authority is withheld from subordinate commanders, unless otherwise delegated as detailed below.

(2) Commanders who wish to impose nonjudicial punishment or prefer court-martial charges for on-post traffic offenses will submit a written request for an exception to policy, prior to the accused's arraignment in U.S. Magistrate Court, through SJA, ATTN: Military Justice, to Commander, USAFCoEFS. Approval of these requests is at the discretion of Commanding General, USAFCoEFS. This exception to policy is not needed, and commanders are free to impose nonjudicial punishment, when the on-post traffic offense results in the issuance of a DD Form 1408 (Armed Forces Traffic Ticket) and the violation is not referred to the relevant federal U.S. Magistrate Court. See 32 C.F.R. 634.32. DD Form 1408 tickets are issued to operators of government vehicles for all traffic violations on the installation, as well as for operating a POV for violations that are specific to Fort Sill. Commanders and Civilian Supervisors are the deciding authority on DD Form 1408, not a Federal Magistrate. Traffic points from DD Form 1408 are assessed by your commander, commander of the military family member's sponsor, or civilian supervisor and may result in suspended driving privileges on Fort Sill, or other adverse action taken against a service-member under the Uniform Code of Military Justice.

(3) In the event that a Soldier commits on-post traffic offense while on deployment R&R Leave, the Trial Counsel assigned to advise that Soldier's SPCMCA shall coordinate with the Special Assistant U.S. Attorney at USAFCoEFS to dispose of the matter as appropriate under the circumstances in U.S. Federal Magistrate Court in Lawton, Oklahoma. The Trial Counsel shall

notify the Soldier's deployed chain-of-command and rear-detachment leadership as soon as possible after receiving the initial notice of the offense.

## Section II

### Authority (para 2, part V, MCM, 2019)

#### 3—7d. Limitation of Exercise of Disciplinary Authority by Subordinates.

Add the following:

(1) Authority to impose punishment or take any disciplinary action (including adverse administrative actions) on commissioned officers, warrant officers, and non-commissioned officers in the grade of E-9 is reserved to the Commanding General, exercising General Court-Martial Convening Authority (GCMCA), of USAFCoEFS. Additionally, authority to dispose of any offense committed by a non-commissioned officer assigned to, or performing, the duties of First Sergeant (1SG) or Command Sergeant Major (CSM), regardless of grade, is likewise reserved to the Commanding General under this provision.

A. The Special Court-Martial Convening Authority (SPCMCA), typically the Brigade Commander, must inform the GCMCA and USAFCoEFS SJA via email within 24 hours of receiving any allegation of suspected misconduct committed by commissioned officers, warrant officers, or non-commissioned officers in the grade of E-9, or non-commissioned officer assigned to, or performing, the duties of First Sergeant (1SG) or Command Sergeant Major (CSM), regardless of grade. Email notification shall include the Soldier's full name, rank, a brief description of the allegation, the measures being taken by the immediate commander, and, if possible, the type of investigation(s) likely to be started (e.g., safety, AR 15-6, LoD, CID, local law enforcement). This notification is in addition to, not in lieu of, a Serious Incident Report (SIR) submitted through standard reporting procedure.

B. Upon completing the investigation or inquiry, and consultation with the servicing judge advocate, the SPCMCA will submit a recommendation for appropriate disposition through the OSJA to the GCMCA. The recommendation will include the following: the investigative file or information concerning the alleged misconduct; the Officer Record Brief (ORB) or Enlisted Record Brief (ERB); a FLAG for adverse action; record of previous disciplinary action, if any; and if warranted, a request for release of authority to dispose of the offense.

C. "Disciplinary action" is defined as administrative, nonjudicial, or judicial action of a punitive nature, including, but not limited to, memoranda of reprimand, relief for cause, Article 15 nonjudicial punishment, and courts-martial. Developmental counseling and letters of concern are specifically excluded from this requirement.

(2) For sexual misconduct offenses in violation of Article 93a, Article 120, Article 120a, Article 120b, Article 120c, Article 125, or Article 134 (including the possession, distribution, or production of child pornography), UCMJ, or any attempts of any of these offenses, the SPCMCA in the grade of O-6 reserves initial disposition authority. This means the O-6 has the "right of first refusal" to initiate adverse action. This does not preclude a battery commander from taking

appropriate and timely administrative measures, such as counseling and issuing a FLAG, or from preferring charges under the UCMJ.

A. This withholding applies to all other alleged misconduct arising from or related to the same incident, including any potential collateral misconduct by the purported victim. Any disposition decision must be made after review of all investigative materials and consultation with the SPCMCA's servicing judge advocate. Subordinate commanders may make recommendations as to disposition to the O-6 SPCMCA and may only take action on such offenses when the SPCMCA delegates the case back to their level in writing.

B. Collateral misconduct by the victim of a sexual assault is one of the most significant barriers to reporting assault because of the victim's fear of punishment. Some reported sexual assaults involve circumstances where the victim may have engaged in some form of misconduct (e.g., underage drinking or other related alcohol offenses, adultery, fraternization, or other violations of certain regulations or orders). Commanders shall have discretion to defer action on alleged collateral misconduct by the sexual assault victims (and shall not be penalized for such a deferral decision), until final disposition of the sexual assault case, taking into account the trauma to the victim and responding appropriately so as to encourage reporting of sexual assault and continued victim cooperation, while also bearing in mind any potential speedy trial and statute of limitations concerns. Under no circumstances shall a commander offer or suggest to an alleged sexual assault victim that his or her cooperation and participation as a victim or witness may or will affect a future disposition decision for that alleged victim's suspected collateral misconduct.

C. Authority to impose punishment or take any disciplinary action in cases of alleged misconduct committed by *victims* of sexual misconduct offenses (including Article 93a, Article 120, Article 120a, Article 120b, Article 120c, or Article 125, UCMJ, offenses, or any attempts of any of these offenses) who have filed an unrestricted report is reserved to the O-6 (unless the alleged victim is subject to the withholding policy in para. 3-7d(1) above). This reservation only applies when the victim's alleged misconduct arises from or relates to the alleged sexual assault (e.g., underage drinking, violation of barracks visitation policies or other lawful orders, adultery, fraternization, etc.).

D. In addition to immediately contacting CID, all commanders may take the following immediate actions in response to an unrestricted sexual misconduct report: process victim requests for expedited transfer in accordance with Army Directive 2011-19; provide for victim support; issue military protective orders; approve search authorizations; provide investigative coordination; and order pretrial restraint. Commanders will consult with their servicing trial counsel before, during, and after taking such actions.

E. IAW Directive-Type Memorandum (DTM) 14-007 – "Sexual Assault Incident Response Oversight (SAIRO) Report," immediate commanders, assisted by the unit SARC, will prepare a Sexual Assault Incident Response Oversight (SAIRO) report within eight (8) calendar days of the unrestricted report of an adult sexual assault involving a victim or subject who is a service member. The SAIRO report will be prepared in accordance with Army Directive 2015-10 and will include input from:

- the Sexual Assault Response Coordinator (SARC),
- U.S. Army Criminal Investigation Command,
- legal, medical, and any other appropriate agencies.

The SAIRO report will be provided to the garrison commander, the first officer in the grade of O-6 and the first general officer in the *victim's* chain of command (if the victim is a service member), the first officer in the grade of O-6 and the first general officer in the *subject's* chain of command (if the subject is a service member), and/or the next higher commander if the first officer in the grade of O-6 or first general officer in the chain of command designated to receive the SAIRO report is the alleged subject. The SAIRO report will not include the victim's personally identifiable information (PII), photographs of the victim, or additional incident information that could reasonably lead to personal identification of the victim or subject. There is no follow-up report required. The SAIRO report is a one-time reporting requirement.

<b>Victim and Subject identity</b>	<b>Who submits the SAIRO?</b>
Victim in Unit A; Subject in Unit B	Victim's immediate Commander
Subject is a civilian	Victim's immediate Commander
Victim is a civilian and Subject is Service-member	Subject's immediate Commander

IAW Directive-Type Memorandum (DTM) 14-007, filing the SAIRO report will not delay the immediate operational reporting of serious incidents through operational reporting channels. Therefore, commanders of FORSCOM units on Fort Sill must submit the SAIRO report IAW these procedures through Fort Sill's Chain-of-Command, but shall also send appropriate and required SIRs through their operational chain-of-command.

**3—7e.**

Add the following:

Notwithstanding the abovementioned limitations on the exercise of disciplinary authority, subordinate commanders are encouraged to request releases for jurisdiction when they feel the situation warrants such a request. All requests for release of jurisdiction from the GCMCA should be made through the USAFCoEFS SJA to the Commander, USAFCoEFS. Subordinate commanders are still required to conduct proper investigations as the circumstances require and report senior leader misconduct as it arises.

### **Section III Procedure**

#### **3—12. Statute of Limitations.**

Add the following to the end of the paragraph:

Nonjudicial punishment “imposition” under this Chapter means the *date* on which the Commander notifies the Soldier that he or she is considering whether to punish the Soldier under Article 15, UCMJ, as listed *before* Paragraph 3 on DA Form 2627.

#### **3—14. Preliminary Inquiry.**

Add the following:

c. When investigating an allegation of improper or illegal behavior by any Soldier, the immediate commander will promptly initiate a suspension of favorable personnel actions (“FLAG”) in accordance with AR 600-8-2. If the flagging action will result in the Soldier being retained beyond the Soldier’s ETS date, the immediate commander will notify the unit’s servicing judge advocate to determine whether the Soldier can be extended beyond his or her ETS date.

#### **3—17. Formal Proceedings.**

Add the following:

c. All offenses entered on DA Form 2627 will be reviewed by a judge advocate before the Soldier is notified of the commander’s intent to dispose of the matter under the provisions of Article 15, UCMJ.

#### **3—18c. Right to Counsel.**

Add the following to the end of subparagraph c:

1. No commander or any other person shall prevent or discourage a Soldier from consulting with legal counsel, whether that counsel is civilian or military assigned from the Trial Defense Service or is Special Victim Counsel. A Soldier must be given adequate time to consult with counsel, usually a minimum of 48 hours from notice of intent to pursue non-judicial punishment under Article 15, UCMJ, or after the preferral of charges, regardless of training or other duty imposed by the Soldier’s chain-of-command.

2. If a Soldier elects to consult with legal counsel, the commander shall ensure that the Soldier is provided a copy of the relevant DA Form 2627 and copies of all existing statements or documentary evidence upon which the allegation is based. If those documents contain PHI or PII of other individuals, the command shall coordinate with the servicing judge advocate to redact this information on the copies given to the Soldier.

### **3—30. Who May Act on Appeal.**

Add the following:

f. The Commanding General of USAFCoEFS, as the GCMCA, retains authority to act on an appeal of an Article 15 nonjudicial punishment imposed by a subordinate SPCMCA (typically the Brigade Commander).

## **Chapter 4**

### **Disciplinary Proceedings Subsequent to Exercise of Jurisdiction by Civilian Authorities**

#### **4—2. Policy.**

Add the following:

a. Soldiers who have been tried in a federal court of the United States will not be subject to the UCMJ for the same offense. Soldiers who have been tried in a State court generally will not be subject to the UCMJ for the same offense. Commanders desiring to pursue UCMJ action for an offense being prosecuted in a civilian court must coordinate through their servicing judge advocate with the USAFCoEFS OSJA Military Justice section.

b. Prior to preferral of court-martial charges for misconduct that occurred off-post (in any civilian jurisdiction), the servicing Trial Counsel and Chief of Military Justice will coordinate with local jurisdiction law enforcement organizations and/or U.S. Attorneys/district attorneys to determine whether the appropriate non-military authorities will exercise jurisdiction in the matter. If the service-member is prosecuted in a civilian jurisdiction, the servicing trial counsel shall act as a liaison between the chain-of-command and the relevant prosecutor and will keep the chain-of-command apprised of the case's procedural status to the fullest extent possible. Any request or offer for a release of jurisdiction made by civilian authorities to military authorities will be detailed in writing to the Special Agent-in-Charge of the Fort Sill CID office and the Office of the Staff Judge Advocate.

## **Chapter 5**

### **Procedures for Courts-Martial**

#### **5—2. Secretarial Designation of Convening Authorities.**

Add the following:

e. Appendix A to this supplement lists all the units and their respective UCMJ alignment under the GCMCA of Commanding General, USAFCoEFS. The CG, USAFCoEFS, is the authority for the administrative transfer of UCMJ jurisdictional authority across Special Court-Martial Convening Authorities. Therefore, deploying Special Courts-Martial Convening Authorities desiring to relinquish jurisdiction over subordinate commands remaining at Fort Sill will coordinate with the OSJA, which will arrange for the transfer of such authority across Special Court-Martial Convening Authorities.

f. Rear Provisional Units.

(1) Because most deploying units will leave behind pending courts-martial and administrative separation cases, it is critical to efficient, fair good order and discipline that rear Commanders have the proper authority to exercise military justice seamlessly.

(2) Unless a rear provisional unit is properly established in accordance with AR 220-5, a unit's "rear detachment" will not have authority to administer actions or dispose of offenses under the UCMJ. The FORSCOM commander has withheld authority to create provisional units for all FORSCOM commands. Units deploying outside the continental United States will contact the OSJA Military Justice section for coordination regarding the establishment of rear provisional units no later than 90 days prior to that unit's deployment.

(3) Unless otherwise designated, upon establishment of a rear provisional unit, all rear detachment personnel will fall under their respective Headquarters Company/Troop/Battery, within their Rear Provisional Brigade for the purposes of UCMJ and administrative actions.

g. Provisional Units.

(1) To create a Provisional unit for a TRADOC organization, the Commanding General of USAFCoEFS must request this designation from Commanding General, TRADOC, IAW AR 220-5, para. 2-5a. Such a request, per AR 27-10, para. 5-2a(2), and Articles 22, 23, and 24 of the UCMJ, must be in order to maintain continuity of operations and the proper administration of military justice within the chain-of-command. If granted, provisional status shall not exceed two years.

**5—5. Detailing of Counsel and Reporters.**

Add the following:

d. In accordance with The Judge Advocate General Policy Memorandum 17-05 (1 Dec 2017), the special victim prosecutor (SVP) supporting the USAFCoEFS will be assigned to assist for misconduct offenses in violation of Article 120, Article 120a, Article 120b, Article 120c, Article 125, Article 134 (child pornography), all family violence cases, or cases involving attempts to commit any of these offenses. The SVP is part of an Army-wide effort to enhance the investigation and disposition process for allegations of sexual assault and domestic violence, and aiding in this effort is the SVP's primary duty. The SVP is not a legal advisor to any chain-of-command, to include the command investigating, preferring, or referring charges against a member of that command. To the maximum extent possible, the SVP will communicate through the servicing Trial Counsel and Chief of Military Justice.

**5—14. Reports of offenses.**

Add the following:

c. Any commander who receives a report of sexual misconduct offenses in violation of Article 93a,, Article 117a, Article 120, Article 120a, Article 120b, Article 120c, or Article 125, UCMJ, or any attempts of any of these offenses (regardless of the commander's assessment of credibility), will immediately refer this report to the supporting Trial Counsel and to the military criminal investigation organization with investigative responsibility over the offense (as

specified in AR 195-2, Appendix B). Commanders will not conduct an AR 15-6 investigation or a R.C.M. 303 preliminary inquiry prior to referring the report to the appropriate military criminal investigation organization or during the pendency of any criminal investigation. This rule does not prohibit a command-initiated investigation or inquiry into collateral misconduct or disciplinary, safety, morale, command climate, or other issues that are raised by the initial report. Proper and timely coordination between the command and the law enforcement investigatory is crucial under these circumstances, and commanders should consult with their servicing judge advocate prior to beginning any such concurrent investigation or inquiry.

d. A Soldier pending an investigation with a view toward trial by court-martial who is within thirty days of his or her ETS date will have his or her ETS date extended by thirty days in accordance with AR 635-200, paragraph 1-22. After this initial thirty day extension by the Brigade Commander, the supporting Trial Counsel will coordinate with the OSJA, Military Justice section, to process an additional extension by the GCMCA, USAFCoEFS, as needed, IAW AR 635-200, para. 1-22*b*.

#### **5—21. Pretrial Confinement.**

Add the following:

e. No person subject to the general court-martial jurisdiction of the Commander, USAFCoEFS may be placed into pretrial confinement without the concurrence of the Chief of Military Justice, Deputy Staff Judge Advocate, or Staff Judge Advocate. This coordination will be accomplished by the servicing Trial Counsel. A Soldier charged with an “offense normally tried by a summary court-martial” or normally disposed of with nonjudicial punishment “shall not ordinarily be placed in confinement” (see Article 10, UCMJ, and R.C.M. 305(d)). Therefore, pretrial confinement will usually not be approved where the commander has a view toward disposition of the charge(s) with less than a special court-martial.

f. Commanders ordering pretrial confinement in accordance with R.C.M. 305 will provide the servicing Trial Counsel with all evidence of the alleged offenses. The servicing Trial Counsel will provide assistance and guidance to the commander on pretrial confinement procedures and will assist the commander in completing the required pretrial confinement documents, including a DA Form 5112, Checklist for Pretrial Confinement.

g. Commanders are responsible for the safety, welfare, and morale of any Soldier under their command who is in pretrial confinement. Accordingly, commanders must maintain contact with Soldiers in pretrial confinement (see Misc. Pub 27-8, *2015 Commander’s Legal Handbook*, at 14, available at

[https://www.jagcnet.army.mil/Sites/jagc.nsf/0/EE26CE7A9678A67A85257E1300563559/\\$File/Commanders%20Legal%20HB%202015%20C1.pdf](https://www.jagcnet.army.mil/Sites/jagc.nsf/0/EE26CE7A9678A67A85257E1300563559/$File/Commanders%20Legal%20HB%202015%20C1.pdf)).

(1) Military Confinement. Company/Troop/Battery Commanders must personally visit Soldiers placed in military pretrial confinement during the first thirty days of confinement. A member of the chain of command (Commanders, First Sergeants, Executive Officers, or other members of the chain of command or supervision) must personally visit the Soldier at least once

per month thereafter. Commanders should contact the Soldier by telephone at least once per month for the entire period of pretrial confinement.

(2) Civilian (local) Confinement. Company/Troop/Battery Commanders with Soldiers in local, civilian pretrial confinement (anywhere within 150 miles of Fort Sill) must visit the Soldier at least once during the first thirty days of confinement. Thereafter, a member of the chain of command (Commanders, First Sergeants or Executive Officers, or other members of the chain of command or supervision) must telephonically contact the Soldier at least once per month.

(3) Civilian (nonlocal) Confinement. Company/Troop/Battery Commanders with Soldiers in nonlocal civilian pretrial confinement (more than 150 miles from Fort Sill) should telephonically contact the Soldier at least once during the first thirty days of confinement. A member of the chain of command (Commanders, First Sergeants, or Executive Officers, or other members of the chain of command or supervision) must continue to telephonically contact the Soldier at least once per month thereafter.

h. Commanders imposing any type of pretrial restraint in accordance with R.C.M. 304 (including conditions on liberty or other “restrictions”) must coordinate with their servicing Trial Counsel before taking such action. Imposition of any pretrial restraint, restrictions, or conditions on liberty will be in writing and commanders should deliver a copy of that writing to the servicing Trial Counsel within 24 hours.

#### **5—24. Forwarding of Charges and Requests for Pretrial Delay .**

Add the following:

d. If it appears that trial by general court-martial is warranted, the SPCMCA over the accused will appoint, in writing, a qualified officer to conduct a preliminary hearing under the provisions of Article 32, UCMJ, and R.C.M. 405. The appointed officer, whenever practicable, will be a judge advocate equal to or greater in grade to the counsel representing the parties in the case.

e. When the appointment of a judge advocate as the preliminary hearing officer is not practicable, or in exceptional circumstances in which the interest of justice warrants, the convening authority directing the hearing may detail an impartial commissioned officer, who is not the accuser and who is equal to or greater in grade to the counsel representing the parties in the case, as the preliminary hearing officer. If the preliminary hearing officer is not a judge advocate, an impartial judge advocate will be available to provide legal advice to the preliminary hearing officer. The preliminary hearing officer must contact the Administrative Law Division of the OSJA for advice concerning his or her duties within 24 hours after appointment.

f. If it appears that trial by general court-martial is warranted in any case involving sexual misconduct offenses in violation of Article 120, Article 120b, Article 120c, or Article 125, UCMJ, or any attempts of any of these offenses, the Article 32, UCMJ preliminary hearing officer must be a judge advocate. (See DA Pam. 27-17, para. 1-4(a), superseding Army Directive 2015-09).

g. When an officer is designated to conduct an Article 32 preliminary hearing, the hearing is his or her principal duty until it is completed. The OSJA will be responsible for designating judge advocates to serve as preliminary hearing officers, but the convening authority will maintain the authority to appoint the preliminary hearing officer for each case. When appointing preliminary hearing officers, commanders should ensure that the appointed officer is available and able to complete the hearing as expeditiously as possible.

**5—29. Referrals to Special Courts-Martial.**

Add the following:

d. The authority to refer cases to a special court-martial empowered to adjudge a Bad-Conduct Discharge is withheld by the GCMCA.

**5—31. Preliminary Procedure for Courts-Martial:**

Add the following:

c. Excusal of Members. Panel members desiring temporary or permanent excusal from court-martial duty must request excusal from the Commanding General, USAFCoEFS. All requests must indicate the inclusive dates and reason for the request, including the panel member's role in the training exercise or TDY, if applicable. Individual requests for excusal should be forwarded in writing at least 2 weeks prior to the requested excusal start date to the Commanding General, through the Office of the Staff Judge Advocate, military justice section. Use of electronic means to forward requests is encouraged. Emergency requests for excusals will be made directly to the Chief, Military Justice, OSJA.

d. Unit Support for Courts-Martial.

(1) Bailiff. The accused's Company/Troop/Battery commander will provide a bailiff for each day that the trial is in session and for all Article 39(a) sessions. Bailiffs will not be witnesses to the court-martial, or a unit escort or guard for the accused. A bailiff should neither have an interest in the case nor a close association with the accused or a victim of a charged offense. In cases of an enlisted accused, the bailiff will ordinarily be a NCO senior to the accused. In cases of an officer accused, the bailiff will ordinarily be an officer senior to the accused, if reasonably available. If not reasonably available, the bailiff will be a NCO in the grade of E-7 or above. Trial Counsel will brief the bailiff as to their duties in accordance with Appendix C of the Rules of Practice Before Army Courts-Martial.

(2) Escorts. The accused's Company/Troop/Battery commander is responsible for ensuring that the accused is present at all court-martial proceedings (including arraignments and Article 39a sessions). The commander will provide two escorts (E-5 or above and senior in grade to the accused), a licensed driver, and a dispatched non-tactical government vehicle for all court-martial proceedings. At least one escort will be in the courtroom during all court-martial proceedings; at no time will shackles or any other restraint devices be brought into the courtroom. If confinement is imposed, escorts will be responsible for transporting the accused to the temporary holding cell and the assigned confinement facility at the end of court-martial proceedings.

(3) Personal Property of the Accused. The accused's Company/Troop/Battery commander is responsible for ensuring that the accused has received a copy of the confinement packing list and has all items required by the confinement facility in the event confinement is ordered. The accused's commander is also responsible for ensuring that the accused's other personal property is inventoried and secured during any period of confinement.

(4) Uniform and Meals. The accused's Company/Troop/Battery commander is responsible for ensuring that the accused is at all court-martial proceedings (including arraignments and Article 39a sessions) on time and in the appropriate uniform. Commanders should seek guidance from the Trial Counsel regarding uniform requirements. The accused's commander is also responsible for ensuring that arrangements are made for the accused's meals during any court proceedings.

#### **5 – 40. Statement of Trial Results for special and general courts-martial referred on or after 1 January 2019**

Add the following:

d. The authority to sign the DD Form 2707 Confinement Order directing post-trial confinement of a Soldier pursuant to a court-martial is delegated to a Summary Court-Martial Officer, Trial Counsel, Brigade Judge Advocate, Senior Trial Counsel, Chief of Military Justice, Deputy Staff Judge Advocate (DSJA), or SJA. Only the Senior Trial Counsel, Chief of Military Justice, DSJA, or SJA may conduct the required legal review and approval in block 8 of the DD Form 2707.

#### **5—42. Assignment of Soldiers based on Court-Martial Action.**

Add the following:

e. When the sentence includes a punitive discharge or dismissal but no sentence to confinement, prior to reassigning accountability to the USAPCF, the Soldier will be processed for voluntary excess leave pending appellate review in accordance with AR 600-8-10, para. 5-21. If the Soldier declines voluntary excess leave processing, the orders reassigning accountability will require the physical reporting of the Soldier to the PCF (including reporting date and travel funding cite). Personnel accountability for Soldiers on voluntary and involuntary excess leave pending appellate review belongs to the Commander, USAPCF, based on the discretion of the Commander, USAPCF.

f. Administrative reassignment of personnel will **NOT** affect the authority of the convening authority who referred the case to take action on the findings and sentence.

g. All documents reflecting a change in the Soldier's duty status or unit assignment, including voluntary or involuntary excess leave documents, will be included with the allied papers in the record of trial.

h. All adverse administrative or legal actions involving Soldiers assigned to the USAPCF and requiring visibility by, recommendation from, or approval of, the Garrison Commander (as

SPCMCA) or Commanding General, USAFCoEFS (as the GCMCA), will receive a legal review from the OSJA prior to approval.

i. Upon the return of a Soldier to the administrative control of the USAPCF, who has been identified as AWOL and/or in Deserter Status, shall be interviewed at the earliest possible convenience by law enforcement investigators assigned to the Fort Sill DES or CID. The Commander, USAPCF, or his/her designee shall arrange the interview. Under no circumstances, shall the USAPCF cause the returning Soldier to provide possibly incriminating statements (orally or in writing) regarding their alleged AWOL, Desertion, or other suspected criminal conduct without first advising that Soldier of their rights under Article 31, UCMJ. See DA Form 3881 ("Rights Warning Procedure/Waiver Certificate").

g. To properly advise the Garrison Commander on his or her discretionary authority to approve a Request for Discharge in Lieu of Court-Martial under AR 635-200, Chapter 10, (delegated by the Commanding General, USAFCoEFS) for Soldiers assigned to the USAPCF, the following actions are required:

(1) If a Request for a Chapter 10 action is generated at the USAPCF, that Request must receive a legal review by the servicing judge advocate (Trial Counsel) before representatives of the Command escort that Soldier to the local Trial Defense Service for counsel. With the assistance of DES or CID, this review will help ensure that no other misconduct (before, during, or after the AWOL/Desertion) is unaccounted for by the chain-of-command, and that the circumstances of that AWOL/Desertion (including the amount of time) are properly considered and weighed by the Chain-of-Command, per R.C.M. 306, before approving the Request.

(2) If, before the Garrison Commander approves such a Request, credible evidence of other misconduct surfaces for which a trial by at least a special court-martial may be warranted, the trial counsel will advise the Commander of the USAPCF, and will notify Trial Defense Counsel.

(3) Any "Chapter 10" Request made pursuant to the Commanding General's delegation to the Garrison Commander for certain AWOL cases must include records or statements from relevant witnesses indicating that the Soldier went from Present for Duty (PDY) to AWOL (and from AWOL to DFR if applicable) (for example, DA Form 4187). Other records that may be required—depending on the nature of that case—include the Soldier's enlistment contract, DA Form 61 (an officer candidate's pre-commissioning Application for Appointment), Enlisted or Officer Record Brief, DA Form 31 (Request for Leave), and/or properly sworn statements from the Soldier's former Chain-of-Command detailing the date, circumstances, and unit from which the Soldier allegedly left without proper authorization.

#### **5—44. Convening Authority Clemency Action.**

Add the following:

e. The authority to sign the DD Form 2707 Confinement Order directing post-trial confinement of a Soldier pursuant to a court-martial is delegated to the Trial Counsel, Brigade Judge Advocate, Senior Trial Counsel, Chief of Military Justice, Deputy Staff Judge Advocate

(DSJA), or SJA. The Senior Trial Counsel, Chief of Military Justice, DSJA, or SJA may conduct the required legal review and approval in block 8 of the DD Form 2707.

## **Chapter 17**

### **Victim and Witness Assistance**

#### **17—12. Medical, Financial, Legal, and Social Services.**

Add the following:

d. Commanders at all levels must be aware that all victims of Article 120, Article 120a, Article 120b, Article 120c, and Article 125 offenses who are otherwise entitled to legal assistance under 10 U.S.C. § 1044 are entitled to receive advice and representation from a Special Victim Counsel (SVC). The SVC may accompany victims at military justice proceedings and during military investigations and prosecutions, and they may provide advice to victims about their participation and testimony in military justice proceedings. The SVC's professional duty is to their client and not to the SJA or the client's chain-of-command. See The Judge Advocate General Policy Memorandum 14-01 (1 Nov 2013).

## **Chapter 19**

### **Complaints Pursuant to UCMJ, Article 138**

#### **19—9. Action by the Person Receiving the Complaint.**

Add the following:

d. Any commissioned officer who receives an Article 138, UCMJ, complaint after the service-member has unsuccessfully requested redress from his or her commanding officer, shall contact the Administrative Law Division of the OSJA within 24 hours to receive a brief on the proper actions and procedures to respond to the complaint.

## **Chapter 20**

### **Military Justice in the Reserve Components**

#### **20-4. Extending Reserve Component Soldiers on Active Duty.**

Add the following:

c. National Guard and Reserve Component Soldiers serving on AD, ADT, AT, IDT or IADT in Title 10 status may be extended on AD involuntarily only if there is a view towards Courts-Martial (i.e., contemplated action is a preferral of charges at the Special or General Courts-Martial level) that is taken before the expiration of the AD, ADT, AT, IDT, or IADT period. All administrative measures and non-judicial punishment will be completed before the expiration of the AD, ADT, AT, IDT, or IADT period; a Soldier may not be extended on AD to initiate or complete adverse administrative action or non-judicial punishment. For National Guard and Reserve Component Soldiers whose order's termination date state "until complete," until complete means graduation from their respective course.

**Appendix A**

Fires Center of Excellence and Fort Sill UCMJ Jurisdictional Alignment (subject to revisions based on anticipated TRADOC-directed realignment of FCOE and deployment of FORSCOM units from Fort Sill)

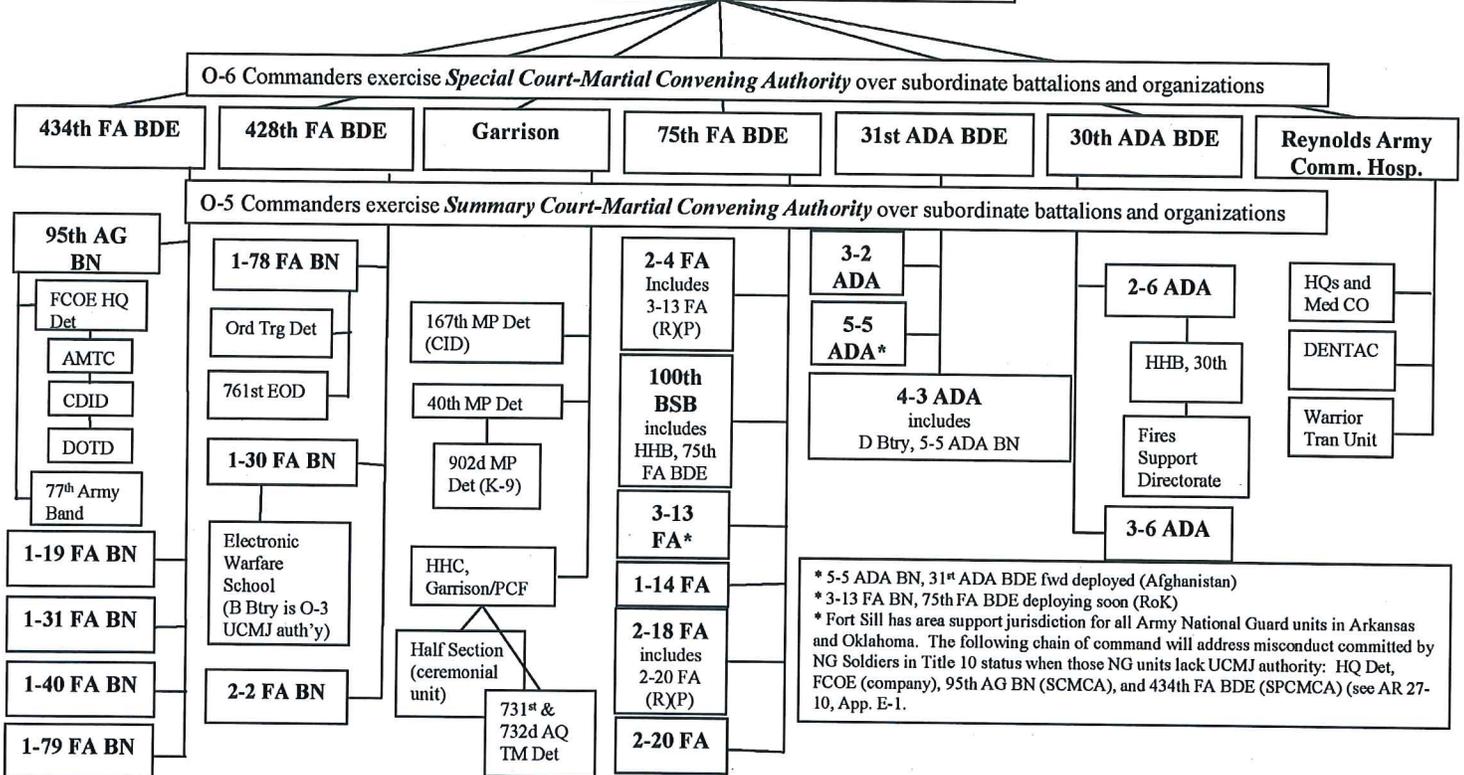


**UCMJ Jurisdiction of Fires Center of Excellence and Fort Sill Assigned and Tenant Units**



As of 15 March 2019

**Commander USAFCoEFS**  
**General Court-Martial Convening Authority (GCMCA)**



**FOR OFFICIAL USE ONLY**

**Note: UCMJ alignment subject to revision; for latest version, contact the Office of the Staff Judge Advocate, Chief of Military Justice, at 580-442-3900.**

## **Appendix B**

### **Bars from Installation Policy**

1. **PURPOSE:** to propose a system for implementing bars to this Installation, under 18 U.S.C. 182, 50 U.S.C. 797, 32 C.F.R. 809.a.5, Department of Defense Instruction 5200.8, and AR 190-45, para. 2-4a., for former Soldiers adversely discharged from the Service while stationed at Fort Sill.

2. **PROCESS:** Each time Soldier is adversely discharged or separated from the Service while assigned to Fort Sill, the Soldier's O-6 Commander shall consider whether a "bar" from the installation is warranted under the circumstances. The affected population includes those discharged from the Army by a court-martial, acceptance of a discharge under AR 635-200, Ch. 10 (discharge in lieu of court martial), and those administratively separated under AR 635-200, with a Ch. 14 (separation for misconduct).

a. **Initiation of a bar to post request:** All punitive discharges resulting from a court-martial conviction (Dismissal, Dishonorable Discharge, Bad-Conduct Discharge) will trigger initiation of a bar from Post. The Fort Sill OSJA will administer this action and submit to the Garrison Commander for signature approval. Similarly, when the Military Justice section processes an approved Ch. 10 request, a bar to post request will be initiated. The bar request would be packaged with the action as an additional item for the signature of the decision-making authority (the Brigade Commander for a Ch. 14 misconduct chapter). Whenever a brigade level legal team finalizes a Ch. 14-12c separation, it also will initiate a bar request. The bar request will be packaged with the action as an additional item for the signature of the decision-making authority. When a brigade commander recommends that no bar from the installation be imposed in a given case, the Staff Judge Advocate will notify the Commanding General, FCoEFS.

b. **Review of the bars to post request:** The bar request will be reviewed for legal sufficiency by the servicing trial counsel before being sent to the Garrison Commander for approval. The standard of review is whether the bar from the installation is, under the circumstances, arbitrary, discriminatory, or unpredictable. The bar must be based on reasonable grounds and be judiciously applied. The connection in time between the offense and the date of the bar request, the severity of the offense, and the potential impact on the ability maintain orderly administration of the installation, and the good order and safety of personnel on Fort Sill and all other military installations are considerations under this standard of review.

c. **A discharge or separation of less than Honorable:** Chapter 14-12c separations for serious misconduct normally authorizes a discharge characterization of General (under honorable conditions) or Under Other than Honorable Conditions and will usually merit a bar because of the nature of the underlying misconduct and the need to protect Fort Sill from the negative influence or actions of former Soldiers who were separated for bad conduct. Other common types of separations for conditions unrelated to misconduct, such as height/weight or APFT failure, pregnancy or family care plans, would normally not justify a bar from the installation.

d. **A discharge or separation of Honorable:** Separation under Honorable conditions

would indicate the Soldier is not a threat to Fort Sill. However, there are times when a bar to post is appropriate. These may include former Soldiers who were separated under the MEB/PEB process but were also being considered for a Ch. 14 separation.

e. Final determination by the Garrison Commander: Following a case-by-case legal review, the Trial Counsel will forward the request, along with a recommendation, to the Garrison Commander for final determination. If the bar request is approved by the Garrison Commander, the Garrison Commander's office will forward the bar to the Fort Sill office the Provost Marshal for implementation. The Provost Marshal will maintain this bar in routine record-keeping of all personnel barred or expelled from the installation.

MEMORANDUM FOR RECORD

SUBJECT: Independent Medical Assessments under AR 635-200, para. 1-33b

1. PURPOSE. This memorandum revises the MFR, subject: Independent Medical Assessments under AR 635-200, dated 15 April 2016. In addition to outlining coordination procedures between the Office of the Staff Judge Advocate (OSJA) and the Reynolds Army Community Hospital (RACH), para. 2c. adds the requirement to include an in-person consultation between the provider responsible for the IMA and the subject Soldier. The Commanding General of the Fires Center of Excellence and Fort Sill has authorized this coordination under circumstances warranting an independent medical assessment when Soldiers facing adverse administrative separation may also be referred to a Physical Evaluation Board.

2. PROCESS.

a. When a unit initiates administrative separation procedures against a Soldier for misconduct under AR 635-200, Chapter 14, that Soldier normally undergoes a medical and mental evaluation prior to separation. If that separation evaluation, or any prior medical evaluation, determines that the Soldier does not meet medical retention standards, the Soldier will be referred to a Medical Evaluation Board (MEB), per AR 635-200, para. 1-33b. Administrative separation processing, to include convening and holding an administrative separation board, may continue while the MEB process occurs. However, the Separation Authority will not make a final determination or approval of the separation action until the MEB evaluation is complete.

b. Upon the completion of the MEB, its findings are forwarded to the Separation Authority and the Soldier's chain of command. The MEB evaluation may recommend referral of the Soldier to a Physical Evaluation Board (PEB). If the MEB makes this recommendation, the OSJA requests an "independent medical assessment," prior to the referral to a PEB, in order to ensure that the separation authority has sufficient information on which to make a fully-informed decision about whether adverse administrative action and its consequences are appropriate.

c. Under these circumstances, the OSJA will forward by email the administrative separation packet of supporting documentation to the RACH Deputy Commander for Administration and Deputy Commander for Clinical Services, and the RACH Executive Officer and will inform the Soldier's chain of command. RACH will assign one medical officer (in the grade of O-3 or higher) or other health care provider to conduct an independent medical assessment within five business days. The medical officer or other health care provider will possess appropriate professional credentials (for example, a licensed physician or psychiatrist, or doctoral-level clinical psychologist or social worker). This assessment *should* be completed within five

business days from that officer's receipt of the file, and *will include an in-person consultation with the subject Soldier*. If RACH has more than one such assessment on-going or cannot schedule an appointment to meet with the Soldier within those five days, the OSJA and RACH Deputy Commander for Administration will coordinate a reasonable timeline for completion and review of the assessment.

3. SCOPE OF THE INDEPENDENT MEDICAL ASSESSMENT. Under AR 635-200, para 1-33b.(1), the scope of the independent medical assessment is limited to the following: *does a preponderance of the evidence suggest that the Soldier's medical condition is the direct or substantial contributing cause of the conduct that led to the recommendation for administrative elimination?* Alternatively, do other circumstances of the individual case warrant disability processing instead of further processing for administrative separation? That assessment is not intended to be an independent fact-finding investigation, a legal conclusion, or an inquiry into the quality of treatment or care the Soldier has received. It is not intended to be a second medical or mental evaluation of the Soldier in question.

4. RESULTS. The medical officer or health care provider assigned to conduct the independent medical assessment will forward, in writing, his or her assessment in MFR format to the Chief of Military Justice, Fort Sill OSJA. The OSJA shall provide that MFR to the Soldier (through his or her defense counsel). The Soldier is permitted seven calendar days to submit a reply, comment, or rebuttal to the MFR, at their discretion. Any reply will be sent directly to the OSJA.

5. SEPARATION AUTHORITY. Upon receipt of the independent medical assessment and any rebuttal matters, reply, or comment the Soldier provides, the OSJA will forward the administrative separation packet, the MEB findings and recommendation, the independent assessment, and the Soldier's rebuttal or comments (if any) to the appropriate Separation Authority for a decision.

6. None of the coordination procedures, policies, or activities outlined in paragraphs 2, 3, 4, or 5 above create any additional rights or confer any benefits on any individual Soldier. Timelines outlined by, and medical assessments made in accordance with, this memorandum do not create any legal basis for relief, grounds for objection, or invalidate any decision made by the appropriate command or separation authority.

7. The point of contact for this legal review is the Chief, Military Justice, at 580-442-1765.

//original signed//  
DARCY J. DRAYTON  
MAJ, JA  
Chief, Military Justice