



Phantom Justice: January 2023



CG-Level Separations

A SPC was separated under Chapter 14-12c with a General discharge for domestic violence.

A SPC was separated under Chapter 14-12b with a General discharge for a pattern of being late, absent and leaving place of duty, disrespect and disobeying orders.

A SFC was retained by an Administrative Separation Board, following its consideration under Chapter 14-12c, of sexual assault.

A 2LT was recommended for elimination for the wrongful use of an illegal drug.

A CPT was recommended for elimination for counterproductive leadership and failing to promote a positive command climate.

Courts-Martial

On 18 January 2023, at a general court-martial convened at Fort Hood, Texas, PFC Hector A. Banegas, Jr., United States Army, was convicted by a military judge, pursuant to his pleas, of four specifications of domestic violence in violation of Article 128b, UCMJ. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 90 days, and to be discharged from the service with a bad-conduct discharge. The sentence was consistent with the terms of a plea agreement.

On 11 January 2023, at a general court-martial convened at Fort Hood, Texas, CPT Travis Swan, United States Army, was convicted by military judge, pursuant to his pleas, of eight specifications of sexual assault of a child, two specifications of sexual abuse of a child, and one specification of indecent recording in violation of Articles 120b and 120c, UCMJ. The military judge sentenced the accused to be confined for 25 years and to be discharged from the service with a dismissal. As part of an offer to plead guilty, a pretrial agreement limited confinement to 18 years.

III Corps Military Justice Actions:

- DUI GOMORs: 5
- MISCONDUCT GOMORs: 2
- Article 15s: 43
- DV Administrative Separations: 1
- Sex Crimes Administrative Separations: 1
- Sex Crimes Courts-Martial: 1
- Total Courts-Martial: 2

NOTE: Soldiers being separated administratively may receive one of three characterizations of service: Honorable, General, or Other Than Honorable (OTH). Anything less than an Honorable discharge may result in the loss of certain benefits and negatively affect employment and educational opportunities. References to "Chapter 14-12c" are to specific provisions within Army Regulation 635-200, Active Duty Enlisted Administrative Separations, related to separation for commission of a serious offense.

NOTE: Cases involving Soldiers accused of committing sexual assault or sexual contact offenses may be disposed of through the administrative separation process for a number of reasons. For example, survivors sometimes prefer the administrative separation process over participating in a court-martial.

NOTE: Officer eliminations are approved at Human Resources Command, whereas enlisted separations are approved at the local installation.

NOTE: A Chapter 10 is an administrative separation in lieu of trial by court martial.