



# Phantom Justice: February 2022



## Misconduct Separations

- A PV2 was separated under Chapter 14-12c with an OTH discharge for conspiracy to transport undocumented aliens, illegal drug use, and disrespect.
- A PFC was separated under Chapter 14-12c(2) with a General discharge for illegal drug use.
- Following an Administrative Separation Board's recommendation, a SGT was separated under Chapter 14-12c with an Honorable discharge for disobeying GO #1, a weapons violation, and a DWI.
- A SFC was retained following initiation of a Chapter 14-12c(2) for illegal drug use as part of a plea agreement with the government.
- A CW2 was recommended for elimination with an Honorable characterization of service for exceeding Army Body Composition standards.

## Courts-Martial

On 16 February 2022, at a general court-martial convened at Fort Hood, Texas, Specialist Noah Fernandez, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of sexual assault in violation of Article 120, UCMJ; and one specification of indecent recording in violation of Article 120c, UCMJ. The accused was found guilty of both specifications. The military judge sentenced the accused to be reduced to the grade of E-1, to be confined for 27 months, and to be discharged from the service with a dishonorable discharge. The sentence was consistent with the terms of a plea agreement.

### III Corps Military Justice Actions:

- DUI GOMORs: 1
- MISCONDUCT GOMORs: 4
- Article 15s: 83
- DV Administrative Separations: 0
- Sex Crimes Administrative Separations: 0
- Sex Crimes Courts-Martial: 1
- Total Courts-Martial: 1

*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.*