



**DEPARTMENT OF THE ARMY**  
3RD INFANTRY DIVISION SUSTAINMENT BRIGADE  
2015 GULICK AVENUE BLDG 728A  
FORT STEWART GA 31314

AFZP-VS-CDR

9 June 2021

**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT:** Brigade Policy Letter Number 15 – Withholding of Uniform Code of Military Justice (UCMJ) and Adverse Administrative Action Authority

1. **PURPOSE:** To maintain visibility and accountability over all junior and senior leader misconduct. This policy sets forth dispositional withholding authority and required notification procedures. Additionally, this policy directs coordination and planning by command teams regarding planning for appropriate remedial measures for Soldiers who are subject to investigation or are otherwise being considered for adverse action. The intent of this policy is to ensure open communication between leaders at echelon. Subordinate Commanders are expected to take initiative within their authority and also to ensure thorough planning on the GOA regarding our leaders under investigation or pending adverse action.
2. **APPLICABILITY:** This policy applies to all Active Army (AC), Army National Guard (ARNG) and the U.S. Army Reserves (USAR) Soldiers assigned and/ or attached to the 3DSB (hereafter this Command). This policy applies to all allegations reported after issuance.
3. **NO CHANGE TO OTHER REPORTING REQUIREMENTS.** This policy does not alter any previously existing reporting requirements including but not limited to sexual assault, senior leader misconduct IAW CG Command Policy Letter No. 3, S!Rs, CCIRs, Army Directive 2020-16 (absent-known AWOL) reporting, EO or SHARP allegations, 4833s, or otherwise mandatory reports. Reporting in compliance with other policy is unchanged and still required. All allegations of misconduct regarding E-8 and up must be reported through the chain of command to the CG.
4. **NCO ALLEGATIONS OF MISCONDUCT REQUIRE NOTIFICATION:** All Battalion Commanders in this Command shall inform the Commander 3DSB and Brigade Judge Advocate (BJA) in writing, of all allegations of misconduct perpetrated by any Noncommissioned Officer in the grade of E-7 and above. Additionally, all Company Commanders in this Command shall inform their respective Battalion Commander and BJA of all allegations of misconduct perpetrated by any NCO in the grade of E-5, E-6, or E-7. This policy does not include minor traffic offenses not resulting in an arrest, or those that do not require the suspension or revocation of driving privileges or six-point assessment IAW Chapter 5, AR 190-5 (Motor Vehicle Traffic Supervision).

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Notification should occur as soon as possible and shall not be delayed pending completion of any investigations or informal inquiries initiated by a subordinate Commander. Notification of the allegations must occur no later than 3 days after receiving the allegation against the NCO.

5. ADVERSE ACTION/UCMJ: Pursuant to this Policy Memorandum, authority to dispose of allegations of misconduct committed by Noncommissioned Officers in the grade of E-5 and E-6 is withheld to the respective Battalion Commander in accordance with R.C.M 306(a) and 401(c). I withhold the authority to dispose of allegations of misconduct for NCOs in the grade of E-7. The CG has withheld authority on all SM in the grade of E-8 and up. Consult CG Policy No. 3 for additional information regarding senior leader withholding and reporting requirements. This Policy does not apply to developmental or otherwise minor transgressions, however, minor transgressions should be construed narrowly. If there is a question if a report is required, I expect Commanders to report in compliance with this Policy.

a. The report to the higher Commander shall include a factual summary of the allegations; initial actions taken (flag, MPO, suspension of clearance, suspension from position, etc.), the proposed way forward, and the plan for the SM while adverse actions are pending.

b. After any inquiry or investigation is complete, subordinate Commanders may request authority to dispose of the misconduct. The request must be in writing (e-mail) to the appropriate Commander and cc the BJA. If the request is to the Commander 3DSB for an E-7, the Company Commander must submit the request through the Battalion Commander and CSM.

6. RELIEF FOR CAUSE: I withhold the authority to take final action approving the relief for cause of any NCO in the grade of E-7. The authority to take final action approving relief for cause of NCOs in the grade of E-5 or E-6 is withheld to the respective Battalion Commander. Soldiers in the grade of E-8 and up require CG approval for final relief and may only be suspended with my approval. Otherwise, Commanders may temporarily suspend NCOs, however they must report the suspension and basis in writing to the Commander with authority to approve the relief for cause within 24 hours.

7. DRUG ABUSE: Authority to dispose of cases involving drug abuse (use, possession, production, or distribution) is withheld to the respective Battalion Commander regardless of the Soldier's rank, unless the authority to dispose of the misconduct is withheld at a higher authority. All Company Commanders will notify the Battalion Commander of any drug offenses, including positive test results, possession, distribution, or sale. Battalion Commanders are authorized to release jurisdiction to the Company after they have been notified of the allegation. Company Commanders also must initiate separation as mandated by AR 600-85, paragraphs 10-4 and 10-6.10.

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8. Company Commanders should have their complete separation packet submitted to 3088 Legal office email box within 30 days of learning of the illegal drug abuse.

9. AWOL: Authority to dispose of cases involving AWOL in excess of 6 days is withheld to the respective Battalion Commander regardless of rank, unless the authority to dispose of the misconduct is withheld at a higher authority. All Company Commanders will notify the Battalion Commander of any AWOLs that exceed 6 days. Battalion Commanders are authorized to release jurisdiction to the Company after they have been notified of the allegation, unless the authority to dispose of the misconduct is withheld at a higher authority.

10. DOMESTIC VIOLENCE: Authority to dispose of cases involving domestic violence is withheld to the respective. Battalion Commander regardless of rank, unless the authority to dispose of the misconduct is withheld at a higher authority. All Company Commanders Will notify the Battalion Commander of any allegations of domestic violence. Battalion Commanders are authorized to release jurisdiction to the Company after they have been notified of the allegation, unless the authority to dispose of the misconduct is withheld at a higher authority.

11. PROVIDER LEADERS HUDDLE: All allegations and reports that require reporting to a higher commander under this policy require a "Provider Leaders Huddle" meeting between the subordinate command team and the command team with the disposition authority. The exception to this requirement is that drugs, AWOL in excess of 6 days, and domestic violence committed by a junior Soldier do not require a PLH. In CG senior leader reporting E-8 and up cases, the PLH meeting will be with the CDR 3DSB. The subordinate command team will meet with the Command team with approval authority without the subject present. I owe you guidance and insight on how to most effectively navigate through the challenging need to discipline our junior leaders, The PLH serves to provide you this guidance. I expect each Commander to make their own informed decisions within the authority granted. Prior to directing a subordinate Command take a specific course of action, superior Command teams should consult with the BJA.

a. The purpose of this meeting is to ensure we as leaders are taking a holistic approach to good order and discipline. The meeting will consist of a discussion on all potential options and way forward for the leader facing allegations/adverse action. Topics of discussion at the PLH will include counseling, reprimands, rehabilitative training, suspension, adverse evaluations, flags, behavioral health, and separation or UCMJ as appropriate. Company Command teams should request a meeting with the superior commander and Command CSM within 7 days of the report. Company Command teams .will present a projected COA considering both the best interest of the Provider Brigade and the well-being of the involved leader. I expect subordinate Command teams to seize the initiative and request the authority to deal with many of these matters.

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b. Prior to executing the PLH, the Commander with the withholding authority will consult with the BJA to discuss mandatory adverse actions, remedial actions, while also considering judicial temperament. Superior Commanders will discuss with the BJA how to frame the PLH in a manner that will avoid unlawful command influence. To that end, PLH meetings will be driven by the subordinate Commc1nd team rather than the superior Command team.

12. Proponent: The point of contact for this action is the Brigade Judge Advocate at 912-767-8985.



DAVID P. KEY  
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Commanding

DISTRIBUTION:

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