



DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNITED STATES ARMY 20TH CBRNE COMMAND  
(CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, EXPLOSIVES)  
6573 HAVRE DE GRACE STREET, BUILDING 5016  
ABERDEEN PROVING GROUND, MD 21005-5201

JUN 09 2020

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: 20th CBRNE Command Policy Letter No. 9, Administration of Non-Judicial Proceedings, Administrative Actions, and Limitations of Authority

1. References.

- a. Manual for Courts-Martial, 2016.
- b. Army Regulations (AR) 27-10 (Legal Services: Military Justice), 11 May 2016.
- c. AR 600-37 (Unfavorable Information), 10 April 2018 (Rapid Action Revision, 1 October 2018).

2. Withholding Based on Rank.

a. The authority to initiate proceedings under the provisions of Article 15, Uniform Code of Military Justice (UCMJ), non-punitive reprimands or admonitions, relief actions, and any negative action (punitive or administrative) is withheld for all senior leaders.

b. A "senior leader," as contemplated by this policy, is any E-8 (including E-7s acting in a 1SG capacity) and higher, which includes all E-9s, Warrant Officers, and Officers.

c. Commanders may request disposition authority over a senior leader by submitting a written request to the undersigned (email is sufficient) through the Command Judge Advocate (CJA).

3. Senior Leader Misconduct Reporting.

a. When a commander receives a report of misconduct involving a senior leader, the commander will expeditiously forward a report (in addition to the Serious Incident Report (SIR)) to the Commanding General (CG) through intermediate commanders and the CJA.

b. The report will contain:

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(1) the underlying facts, and any supporting evidence available (police report, witness statements, etc.),

(2) the Officer or Enlisted Record Brief,

(3) a statement that the service-member's records have been flagged in accordance with (IAW) AR 600-8-2,

(4) a brief synopsis of any previous misconduct by the accused,

(5) the commander's plan for the safety of the victim (if applicable), along with any requests for assistance,

(6) a copy of the Senior Commander's (SC) reporting requirement (i.e. OPORD, policy, Commander's Critical Information Report/SIR criteria, etc.), and

(7) the unit's plan to notify the SC.

c. The unit legal team will provide biweekly updates to the CJA until final disposition.

4. Withholding based on misconduct.

a. The authority to dispose of offensive involving firearms, domestic assault, child abuse, and alcohol-related driving offenses is withheld to officers exercising special court-martial convening authority (SPCMCA).

b. Commanders may request disposition authority over a withheld offense by submitting a written request to the SPCMCA (email is sufficient) through their servicing trial counsel and the CJA.

5. Requests for General Officer Disposition. Commanders may request punitive (i.e. General Officer Article 15) or administrative action (i.e. Relief for Cause, Reprimand, etc.) by the undersigned for any case by submitting a written request (email is sufficient) through the CJA.

6. Article 15 Administration.

a. Commanders of EOD Units are authorized to exercise original and appellate jurisdiction under Article 15, Uniform Code of Military Justice, appropriate to their positions and rank. For this purpose, EOD Companies are attached to EOD Battalions;

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EOD Battalions are attached to Ordnance Groups; and Ordnance Groups are attached to the 20th CBRNE Command.

b. In the interest of justice, action should be taken as soon as practicable after the commander determines non-judicial punishment is appropriate. Absent exceptional circumstances, commanders should take action within seven (7) duty days from the first reading. This suggested time period for action conveys no right to the Soldier for failure to meet the time standard.

c. No commander or any other person shall prevent or discourage a Soldier from consulting with counsel. All commanders will ensure every Soldier is physically transported to Trial Defense Services (TDS) for legal consultation. A Soldier may waive the opportunity to speak with counsel but said waiver will only come from TDS. Moreover, the command will ensure the Soldier is provided a copy of the relevant DA Form 2627, and copies of all statements and evidence upon which the allegations are based prior to meeting with TDS. Failure to provide the Soldier (and counsel) such information will result in unnecessary delay attributable to the command.

7. Article 15 Appeals.

a. Commanders imposing non-judicial punishment under the provision of Article 15, UCMJ, will forward appeals through the CJA by memorandum with a recommendation concerning the disposition of the appeal and a supporting rationale.

b. The memorandum will state whether the commander has considered the substance of the appeal and may rebut, if appropriate, any allegations made by the Soldier in the appeal. However, commanders will not introduce new matters in the memorandum.

8. I delegate the authority to approve extensions of up to 14 calendar days for appeals, rebuttals and responses to adverse actions to the 20th CBRNE Command Judge Advocate and Deputy Command Judge Advocate. Extension of up to 30 days may be granted by the Chief of Staff.

9. This policy may overlap with Senior Commander and/or installation withhold policies that addresses the same rank or type of misconduct. Subordinate commanders should coordinate with both their local trial counsel and the Command Judge Advocate, 20th CBRNE in all cases that fall under additional withhold policies.

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10. Supersession. This policy supersedes and replaces 20th CBRNE Command Policy Letter No. 9, Administration of Non-Judicial Proceedings, Administrative Actions and Limitations of Authority, dated 13 November 2018.

11. Expiration. This policy will remain in effect until superseded or rescinded by the undersigned, a successor in command, or a higher commander.

12. The point of contact for this policy is the 20th CBRNE Command Judge Advocate, at commercial (410) 306-2743 or DSN 458-2743.



ANTONIO V. MUNERA  
Brigadier General, USA  
Commanding

DISTRIBUTION:

COMMANDER, HHC, 20TH CBRNE COMMAND  
COMMANDER, 48TH CHEMICAL BRIGADE  
COMMANDER, 52D ORDNANCE GROUP (EOD)  
COMMANDER, 71ST ORDNANCE GROUP (EOD)  
COMMANDER, 1ST AREA MEDICAL LABORATORY  
COMMANDER, CONSEQUENCE MANAGEMENT UNIT (USAR)  
DIRECTOR, CBRNE ANALYTICAL AND REMEDIATION ACTIVITY (CARA)  
HQ STAFF, 20TH CBRNE COMMAND