



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 8TH ARMY  
UNIT #15236  
APO AP 96205-5236

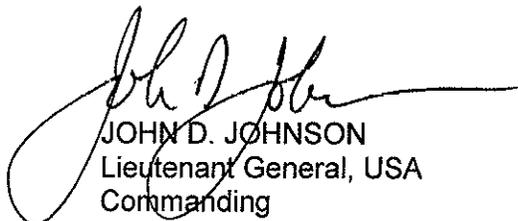
EACG

27 APR 2011

MEMORANDUM FOR All 8th Army Assigned Soldiers and Civilians

SUBJECT: 8th Army Command Policy Letter #22 - Limitation on Exercise of Authority in Fatality Cases

1. Reference. Manual for Courts-Martial, United States, 2008 Edition.
2. Purpose. To withhold authority to dispose of offenses involving any fatality to a General Court-Martial Convening Authority (GCMCA). This policy applies to all offenses caused by the alleged acts of a Soldier assigned or attached to a unit in the Republic of Korea.
3. Background. Rule for Courts-Martial 306(a) permits superior commanders to withhold from subordinate commanders the authority to dispose of offenses in individual cases, types of cases, or generally.
4. Discussion.
  - a. Authority to dispose of offenses involving any fatality is withheld to the appropriate GCMCA. In each case involving a fatality, I direct subordinate commanders to ensure that a thorough investigation is completed and documented, and that the case is forwarded through their servicing Staff Judge Advocate to their GCMCA. The chain of command will make recommendations as to final disposition. The GCMCA will make the final determination on disposition, which may include returning the case to a subordinate commander.
  - b. In cases where the Republic of Korea has primary jurisdiction under the Status of Forces Agreement, final action will not be taken until all Status of Forces requirements have been accomplished.
  - c. This policy does not withhold authority to prefer charges in accordance with Rule for Courts-Martial 307.
  - d. This policy applies to cases currently under investigation, pending, or contemplated. It will remain in effect until formally rescinded.
5. Proponent. The 8th Army Staff Judge Advocate is the proponent for this policy. The POC can be contacted at commercial 011-822-7918-4464 or DSN 315-738-4464.

  
JOHN D. JOHNSON  
Lieutenant General, USA  
Commanding