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

REPLY TO
ATTENTION OF:

EACG

09 DEC. 2013

MEMORANDUM FOR All Eighth Army Assigned Soldiers and Civilians

SUBJECT: Eighth Army Command Policy Letter #15, Withholding Authority to Dispose of Certain Cases

1. References:

a. Manual for Courts-Martial, United States, 2012 Edition.

b. Army Regulation 27-10, Military Justice, 3 October 2011.

c. Army in Korea Regulation 27-10, Legal Services, Military Justice, 16 March 2012.

2. Purpose. To ensure those cases involving officers, warrant officers, and Soldiers in the grade of E8 and above, assigned or attached to the General Court-Martial jurisdiction of the Commanding General, Eighth Army are disposed of at my level.

3. Background. Rule for Courts-Martial 306(a) permits superior commanders to withhold from subordinate commanders the authority to determine initial disposition of offenses in individual cases, types of cases, or generally. Army Regulation 27-10, paragraph 3-7d, authorizes commanders having authority under Uniform Code of Military Justice (UCMJ), Article 15, to limit or withhold the exercise of such authority by subordinate commanders.

4. Discussion.

a. Authority to make final disposition of cases of misconduct committed by officers, warrant officers, and Soldiers in the grade of E8 and above, assigned or attached to the General Court-Martial Convening Authority (GCMCA) of Eighth Army, as described in reference c, is withheld from all subordinate commanders. This reservation includes the authority to issue reprimands, relieve for cause, administer non-judicial punishment under Article 15, Uniform Code of Military Justice, and convene courts-martial.

b. All subordinate commanders within the Eighth Army GCMCA jurisdiction as described in reference c will provide an electronic mail notification to me (with a courtesy copy to the Eighth Army Staff Judge Advocate) within 24 hours of any credible allegations of misconduct involving officer, warrant officer, and Soldier in the Grade of E8 and above assigned or attached to the Eighth Army GCMCA.

c. All subordinate commanders within the Eighth Army GCMCA jurisdiction as described in reference c will ensure that a thorough investigation into the misconduct is completed, and that the case is forwarded through the Eighth Army Staff Judge Advocate to me with recommendations as to final disposition. Once a case is submitted, I will make the final determination of whether I will handle it personally or whether I will release jurisdiction to a subordinate commander.

d. This policy does not withhold authority of any level of commander to prefer charges in accordance with Rule for Courts-Martial 307.

e. This policy applies to cases currently under investigation, pending, or contemplated. It rescinds Eighth Army Command Policy Letter #14 – Limitations on Exercise of Authority and will remain in effect until formally rescinded.

5. Proponent. The Eighth Army Staff Judge Advocate is the proponent for this policy. Contact the proponent at commercial 011-822-7918-4464 or DSN 315-738-4464.

BERNARD S. CHAMPOUX
Lieutenant General, USA
Commanding