



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 69TH AIR DEFENSE ARTILLERY BRIGADE
32D ARMY AIR AND MISSILE DEFENSE COMMAND
56012 TEDESCO WAY
FORT HOOD, TEXAS 76544

AFVL-LBC

Date: 6 February 2014

MEMORANDUM FOR RECORD

SUBJECT: Policy Letter #6, Withholding Disposition of Authority

1. REFERENCES.

- a. Rules for Courts-Martial 306(a) and 401, Manual for Courts-Martial (2012 edition).
- b. AR 600-20 (Army Command Policy), 18 March 2008 (RAR 20 September 2012).
- c. III Corps and Fort Hood Regulation 27-10 (Military Justice), 10 November 2008.
- d. Secretary of Defense Policy Memorandum, "Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases," 20 April 2012.

2. PURPOSE. To withhold authority to determine disposition of allegations of misconduct and/or disposition of charges and specifications over senior Non-Commissioned Officers and all offenses that fall under Articles 120, 120(a), 120(b), and 120(c) of the UCMJ. To notify 69th ADA BDE Soldiers and leaders of those offenses for which the Commanding General, III Corps and Fort Hood, has reserved to my level.

3. APPLICABILITY. Headquarters, 69th Air Defense Artillery Brigade and all units assigned or attached.

4. POLICY.

a. I hereby withhold authority to determine the disposition of all cases concerning misconduct or alleged misconduct involving personnel in the grade of E-7. Subordinate commanders may request that I return the authority, on a case-by-case basis, to their level for disposition.

b. I hereby withhold authority to determine the disposition of all cases involving misconduct or alleged misconduct involving rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, stalking, and any other offenses that fall under Articles 120, 120(a), 120(b), and 120(c) of the UCMJ, and all attempts to commit such offenses, in violation of Article 80 of the UCMJ. Additionally, this withholding applies to all other alleged offenses arising from or relating to the same

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incident(s), whether committed by the alleged perpetrator or the alleged victim of the rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, stalking, or the attempts thereof.

c. The Commanding General, III Corps and Fort Hood has reserved disposition of domestic violence related offenses to me. Subordinate commanders may request that I return the authority, on a case-by-case basis, to their level for disposition.

d. The Commanding General, III Corps and Fort Hood has reserved disposition of all weapons related offenses to me. Subordinate commanders may request that I return the authority, on a case-by-case basis, to their level for disposition.

e. The Commanding General, III Corps and Fort Hood has reserved disposition of all offenses involving Desertion, in violation of Article 85 of the UCMJ, and Absent without Leave (AWOL) for periods greater than thirty days, in violation of Article 86 of the UCMJ, to me. No further delegation has been authorized.

5. NOTIFICATION. Unit commanders will report, through their chain of command, all instances of misconduct or alleged misconduct described in paragraph four of this policy letter, to the Brigade Commander, Brigade Command Sergeant Major, Brigade Deputy Commander, and Brigade Judge Advocate within 24 hours of receipt of information.

6. Nothing in this policy letter prohibits me from exercising my command authority to withhold, or pull to my level, other instances of misconduct.

7. This policy remains in effect until superseded or rescinded.

8. The point of contact for this memorandum is CPT Chris Sexton, Brigade Trial Counsel, at christopher.s.sexton8.mil@mail.mil.



BRIAN W. GIBSON
COL, AD
Commanding