



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>RD</sup> CHEMICAL BRIGADE  
495 IOWA AVE  
FORT LEONARD WOOD, MO 65473-8958

ATSN-CBZ

OCT 28 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy 20, Limitation on Exercise of Authority

1. REFERENCES:

- a. Manual for Courts-Martial, United States, 2008 Edition.
- b. Army Regulation 600-20, Army Command Policy, 27 April 2010.
- c. Fort Leonard Wood Regulation 525-3, Installation Command Reporting, 11 August 2011.

2. PURPOSE: To establish policy for reporting and disposing of allegations of misconduct, including sexual misconduct.

3. POLICY AND PROCEDURES:

a. As the commander of 3<sup>rd</sup> Chemical Brigade, Fort Leonard Wood, Missouri, and pursuant to Rule for Courts-Martial 306(a), I withhold from subordinate commanders authority to dispose of allegations of misconduct committed by noncommissioned officers (NCOs) in the grades of Sergeant (E-5) and Staff Sergeant (E-6). This reservation of authority includes referral of charges to court-martial; the imposition of nonjudicial punishment; issuance of memoranda of reprimand; the initiation of other adverse administrative actions, including elimination and separation actions, and the decision to take no disciplinary action. This reservation of authority does not apply to developmental counseling conducted in the ordinary course of professional development.

(1) Subordinate commanders will report to me via e-mail thru command channels the general nature of allegations against the individuals described above within 24 hours of allegation with copy furnished to the 3d Chemical Brigade Command Sergeant Major. These reporting requirements do not apply to minor transgressions for which developmental counseling is appropriate. If there is any doubt whether an allegation of misconduct should be reported, commanders will consult with their servicing trial counsel. Allegations of sexual assault shall not be considered minor transgressions. Allegations of sexual assault committed by NCOs in the grades of E5/E6 and above shall be reported IAW with the provisions of this paragraph.

(2) For misconduct other than minor transgressions, commanders will ensure that a thorough investigation is completed and documented, and that the case, including the Officer/Enlisted Record Brief, is forwarded to me through the Military Justice Division of the Office of the Staff Judge Advocate (OSJA). The chain of command will make recommendations as to final disposition.

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(3) Once a case is submitted, I will make the final determination whether to handle the case at my level or whether to refer the case back to a subordinate commander for disposition. A subordinate commander may request to have final disposition authority returned to him or her. Such requests will be routed through the Military Justice Division of OSJA, will be in writing, and will articulate the justification for the return.

b. Allegations of Sexual Assault. Pursuant to AR 600-20, paragraph 8-5(m)(5)

(1) When an allegation of sexual assault is made against a Soldier in the grade of E-6 and below, the matter shall be reported to the Soldier's brigade-level commander and to the servicing trial counsel.

(2) I withhold authority to dispose of cases that result from allegations of sexual assault. Any commander so authorized to dispose of cases involving allegations of sexual assault may do so only after receiving advice from a trial counsel. As with any case, a disposition decision involving an allegation of sexual assault is subject to review by higher level commanders as appropriate. Nothing in this paragraph shall be interpreted by subordinate commanders to mean that allegations must be disposed of in a particular manner, that predetermined types or amounts of punishments are appropriate, or that adverse action is required in all cases or in a particular case.

(3) For purposes of this command policy, "sexual assault" is defined as conduct or acts that violate Uniform Code of Military Justice (UCMJ), Articles 120 or 125, or that constitute assault with intent to commit rape or sodomy in violation of UCMJ, Article 134.

c. I also withhold authority to take disciplinary action on NCOs in the grades of E-5/E-6. After considering reports of misconduct, battalion-level commanders may delegate action authority to subordinate commanders on a case-by-case basis.

d. This policy applies to actions currently under investigation. This policy does not withhold authority to prefer charges in accordance with Rule for Courts-Martial 307.

e. Commanders are reminded of additional reporting requirements contained in FLW Regulation 525-3.

4. SUPERSESSION. This command policy is in effect until superseded or rescinded.

5. PROPONENT. The proponent of this command policy is the 3<sup>rd</sup> CM Bde Legal at 596-0630.

  
J.R. DRUSHAL  
COL, CM  
COMMANDING

DISTRIBUTION:  
All Battalions, Companies,  
Directorates, and Personnel Staff