



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON YONGSAN
UNIT #15333
APO AP 96205-5333

IMYN-ES

2 August 2012

US ARMY GARRISON YONGSAN POLICY LETTER 5-3

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Issuance of Driving Privileges Suspension Letter – Driving Under the Influence

1. **REFERENCE:** USFK Regulation 190-1, Motor Vehicle Traffic Supervision. 1 March 2010.
2. **PURPOSE:** To establish procedures for issuance of suspension letters to personnel suspected of driving under the influence (DUI) of intoxicating alcohol or drugs.
3. **APPLICABILITY:** This memorandum applies to US Army Garrison Yongsan (USAG Y) Law Enforcement Personnel.
4. **GENERAL:** The following steps will be accomplished when a suspected individual is issued a Driving Privileges Suspension letter.
 - a. Military Police Desk Sergeant Responsibilities:
 - (1) Ensure all necessary forms are completed correctly.
 - (2) Ensure the letter is returned with all supporting documents to the MP Station.
 - (3) Issue the letter to the subject in front of his/her Chain of Command, (E-7 or above/ one grade higher than subject), and annotate this on the DD Form 2408 in the remarks column. Civilians will be issued the letter prior to being released.
 - (4) Annotate issuance of a suspension letter in the Action Column of the blotter.
 - (5) A copy of the suspension letter is attached to the case. Follow-up revocation action will be administered by the USAG Y Directorate of Emergency Services after the case has been adjudicated.
 - (6) Both USFK Form 134EK (USFK Motor Vehicle Operator's Permit) and OF 346 (U.S. Government Motor Vehicle Operator's Identification Card) driver's licenses are confiscated from the subject. Both driver's licenses will then be turned over to the USAG Y Directorate of Emergency Services.

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(7) Ensure the USAG Y Vehicle Registration Office (VRO)/Pass and ID Office is notified of the suspension information.

b. The USAG Y VRO/Pass and ID Office will:

(1) Input the suspension information into the Biometric Identification System (BIDS).

(2) Ensure the USAG Y Driver's Testing Office is notified of the suspension information.

c. The USAG Y Driver's Testing Office will ensure the suspension information is inputted into their records/database as applicable.


7. When a suspension is implemented, it will be peninsula-wide, for both on- and off-post, and will include POV and Military driving privileges. The suspension will include all installations on the peninsula and driving privileges will be reinstated only by the authority that suspended the privileges.

8. *If the results of the portable breathalyzer test (PBT) or Legal Blood Alcohol Test (LBAT) is above .100% BAC, driving privileges will NOT be reinstated by this command. This is not negotiable and any reinstatement requests will not be accepted by the USAG Y Emergency Services Office.*

9. Attached at enclosure 1 is a sample Driving Privileges Suspension Letter.

Encl
Sample Letter

DISTRIBUTION:
A


MICHAEL E. MASLEY
COL, AG
Commanding

IMYN-ES

Subject: Issuance of Driving Privileges Suspension Letter – Driving Under the Influence
Enclosure 1

SAMPLE:

MEMORANDUM THRU _____

FOR _____

SUBJECT: Suspension of Driving Privileges

1. You have been cited for driving under the influence of intoxicating liquor or drugs, or for wrongfully refusing to submit to a blood alcohol content determination. Under the provisions of United States Forces Korea Regulation 190-1, Motor Vehicle Traffic Supervision dated 27 April 2005, paragraph 11(b)(2), all on- and off-post driving privileges are immediately suspended, to include your Privately Owned Vehicle (POV) and Military driving privileges. Your USFK Form 134 EK (USFK Motor Vehicle Operator's Permit), and your OF 346 (U.S. Government Motor Vehicle Operator's Identification Card) are confiscated.

2. To have your driving privileges temporarily reinstated, in whole or in part, you may request an administrative hearing. You must request this hearing, if desired, within 10 days of receipt of this memorandum. The request will be in writing to the Commander, US Army Garrison-Yongsan and delivered to the Directorate of Emergency Services, USAG Y, Building 4305, Room 105, South Post, Yongsan Garrison. The Revocation Authority will make a determination whether to revoke or reinstate your driving privileges based on the available evidence. An administrative hearing, if requested, will cover only pertinent matters including whether:

a. The detaining law enforcement official had reasonable grounds to believe you were driving or in control of a motor vehicle while under the influence of intoxicating liquor or drugs.

b. You were lawfully requested to submit to a blood alcohol content test and were informed of the consequences of refusing to take or complete the test.

c. You refused to submit to a blood alcohol content test, submitted to the test and the result was 0.05 percent or higher blood alcohol content, the result indicated the presence of other drugs, or the result indicated a violation of ROK law for an off-post apprehension.

d. The testing methods were valid and reliable and the results accurately evaluated.

3. All personnel, including military personnel, have the right to be represented by counsel at their own expense. You also have the right to present evidence and witnesses at no expense to the government. DoD civilian employees have the right to have a personal representative at the administrative hearing.

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Enclosure 1 (Continued)

4. This suspension will become a revocation upon conviction, imposition of non-judicial punishment (for military personnel), an administrative determination that you committed the offense of driving under the influence of intoxicating liquor or drugs, or that you wrongfully refused to submit to a blood alcohol content determination.

5. You will be notified, in writing, of the revocation. Additionally, you are warned that the revocation of your driving privileges for no less than five (5) years will be imposed if you are found driving a vehicle either on post or off post while your driving privileges are suspended or revoked. Any questions concerning this suspension should be directed to the USAG Y Directorate of Emergency Services at DSN 738-4361/4414.

MICHAEL E. MASLEY
COL, AG
Commanding

PRINTED NAME OF PERSON ISSUING MEMORANDUM: _____

SIGNATURE: _____

DATE: _____

RECEIVED BY: _____
(Signature)

PRINT NAME: _____