

## **Fraternization**

### **CPT Laurence Purdy, XVIII Airborne Corps LAO**

CPT X sees SGT Y across the dance floor. They are in different commands and do not work together. He draws up close, drink in hand to offer her...

Army Regulation 600-20, paragraphs 4-14 and 4-15 (punishable under Article 92, Uniform Code of Military Justice), and Article 134, UCMJ, define three categories of prohibited relationships. The first is unprofessional relationships between service members of different ranks. Such relationships are illegal if they have, appear to have, or clearly will have an “adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.” An example would be an NCO and one of his Soldiers hanging out by themselves –just as friends – in a way that leads other Soldiers to perceive favoritism.

The second category is dating or other inappropriate conduct between officers (including warrant officers) and enlisted soldiers. “Fraternization” as a legal term (Article 134) refers to the commissioned or warrant officer’s inappropriate conduct in relation to an enlisted member, but AR 600-20 applies to the enlisted member as well. Even if CPT X and SGT Y are in different units, installations, or branches of service, they may not date, live together, lend money, or gamble. Landlord-tenant and home or car seller-buyer relationships are permitted. Interestingly, the officer and enlisted member may be married, but marriage does not prevent their respective commands from punishing them for illegal premarital activity. If one member of an enlisted couple enters a commissioning or warrant office selection program, the couple has one year to marry or break up. Finally, the third category encompasses relationships between initial entry trainees and permanent party personnel and between recruiters and potential or actual recruits.

These prohibitions apply to both the lower- and higher-ranking parties and apply even if the parties are not in the same unit, provided the conduct in question falls within the above-described parameters. The prohibitions are gender-neutral. Command responses may range from informal counseling to court-martial and will likely, but not necessarily, be more severe for the senior member. If punished by a court-martial, either party could face a dishonorable discharge or dismissal, forfeiture of all pay and allowances, and up to two years’ confinement.

If you are facing an adverse administrative action (GOMOR, bad NCOER/OER, etc) for an unprofessional relationship, please see a Legal Assistance attorney. If you are facing dismissal, a “chapter,” or criminal action, see a Trial Defense Service attorney. Commanders and Army leaders should consult their servicing brigade/group judge advocate or trial counsel for guidance regarding suspected fraternization or inappropriate relationships.

As a final note, if you find yourself having to ask whether your conduct (texting? sharing rides to work?) violates Army law or regulation...it probably does, and someone will probably find out about it. Be professional in all your work relationships and know the left and right limits. Before you jeopardize your career over an attractive, but off-limits, service member, remember what The Marvelletes told us back in 1964: “There’s too many fish in the sea.”

You can also contact the XVIII Airborne Corps Legal Assistance Office at 910-396-0396 or 6113. The office is located on the first floor of the soldier support center in Wing D and is open Monday, Tuesday, and Friday from 0900-1630, on Wednesday from 1300-1630, and on Thursday from 0730-1630. For more information please visit our website at <http://www.bragg.army.mil/directorates/osja/Pages/LegalAssistance.aspx>