



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 13<sup>TH</sup> SUSTAINMENT COMMAND (EXPEDITIONARY)  
BUILDING 39009, SUPPORT AVENUE  
FORT HOOD, TEXAS 76544

**COMMAND POLICY  
NUMBER 14**

AFVG-CG

8 FEB 11

MEMORANDUM FOR SEE DISTRIBUTION

**SUBJECT:** Withholding of Authority to Dispose of Misconduct Involving Senior Noncommissioned Officers

1. REFERENCES:

- a. Manual for Courts-Martial, United States, Rule for Courts-Martial 306, 2008 Edition
- b. Army Regulation 27-10, Military Justice, paragraph 3-7, 16 November 2005
- c. III Corps and Fort Hood Command Policy, SJA-02, 25 October 2006

2. PURPOSE: To reinforce the policies and standards

3. APPLICABILITY: Headquarters, 13<sup>th</sup> Sustainment Command (Expeditionary) and all subordinate units, assigned or attached.

4. BACKGROUND: Allegations of misconduct against senior leaders are serious and sensitive matters and they impact the entire unit.

5. PROPONENT: The proponent for this policy is the 13<sup>th</sup> ESC Staff Judge Advocate

6. POLICY:

a. I am withholding disposition of all offenses allegedly committed by Noncommissioned Officers in the rank of Sergeant First Class and above pursuant to Rule for Courts-Martial 306. Allegations of misconduct allegedly committed by commissioned officers, warrant officers, or sergeants major continues to be withheld by the Commander, III Corps and Fort Hood, in accordance with III Corps and Fort Hood Command Policy SJA-02. Subordinate commanders may request the authority, on a case-by-case basis, to dispose of misconduct allegedly committed by senior noncommissioned officers.

b. Brigade Commanders will provide a report defining known parts of the allegations to the Commander, 13<sup>th</sup> Sustainment Command (Expeditionary) no later than 24 hours from receipt of information that a senior noncommissioned officer allegedly committed misconduct. Copies of the report will also be forwarded to the Command Sergeant Major and Staff Judge Advocate, 13<sup>th</sup> ESC.

c. For Commanders requesting disposition, the memorandum should address:

- (1) Accused's service record, family situation, and mitigating or extenuating circumstances.

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(2) Victims and potential concerns with disposition recommendations.

(3) Recommendations for disposition. Give me your independent recommendations for an appropriate disposition (e.g.-Article 15, General Officer memorandum of reprimand, courts-martial, release to subordinate commander, or no action, etc).

7. EXPIRATION: This policy supersedes Command Policy Memorandum 20, dated 1 May 2008 and remains in effect until superseded or rescinded.



TERENCE J. HILDNER  
BG, USA  
Commanding

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