



KAISERSLAUTERN LEGAL INFORMER

READY FOR TAX SEASON?

by **Steve Smith**

January is fast approaching, and our attorneys and paralegals are busy gearing up for the 2016 tax season. I am pleased to be able to report that IMCOM provided funds again this year that will enable us to hire civilian tax preparers as in past years, so we can continue to run the kind of robust tax assistance program our tax clients have come to expect and rely upon. USAREUR and 21st TSC TASKORDs have been published requiring various units in our footprint to detail Special Duty Soldiers to work in our tax centers. The IRS is sending instructors to Europe to teach Volunteer Income Tax Assistance (VITA) classes in January, and we will supplement those classes with advanced tax training seminars as we have in years past.

One big change that will impact taxpayers in the Kaiserslautern Military Community is the closure of the Landstuhl Tax Assistance Center, which has been located in Building 3701 at Landstuhl Regional Medical Center since 2006. Building 3701 will undergo an \$8 million renovation beginning this winter and will house a new dental clinic when the dust settles. Last year, more than 1,400 taxpayers patronized the Landstuhl Tax Assistance Center. We are actively searching for a new location on or near Landstuhl so we can continue to provide tax assistance to the medical community at LRMC and to taxpayers who live and work in the western part of the KMC.

The IRS is still finalizing Form 1040 and its instructions, but some changes that will impact taxpayers in 2016 have already been announced. Taxpayers who take the foreign earned income exclusion for tax year 2015 will be able to exclude up to \$100,800 from U.S. taxation, but they will no longer qualify for the additional child tax credit. The deadline for Stateside taxpayers to file their tax returns and pay any tax they owe has been pushed back to Monday, April 18, 2016, because Friday the 15th is a federal holiday (Emancipation Day) in Washington, DC. The overseas filing deadline is Wednesday, June 15, 2016. Taxpayers who owe tax must pay it by April 18th to avoid interest and penalties, even if they are not yet ready to file their tax return.

Watch for more information on changes that will affect taxpayers and 2015 tax returns in the Winter edition of this newsletter. We look forward to serving you during the 2016 filing season!

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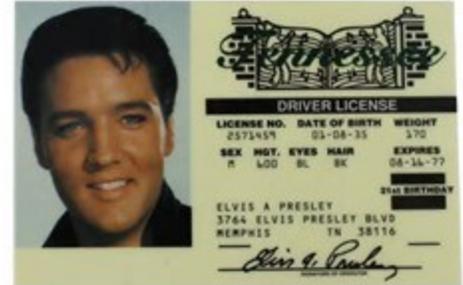


*United States Army
Judge Advocate
General's Corps -
America's Oldest
Law Firm*

Requirement for Valid United States Driver's Licenses Clarified

by Pete Masterton

In January 2015, the Stars and Stripes reported that German police were not accepting driver's licenses issued by the U.S. Army Europe ("U.S. Forces Certificate of License") unless the driver also possessed a valid and current license issued in the United States. A series of articles reported that U.S. personnel who had expired U.S. driver's licenses could be stopped and fined by German authorities. For many U.S. personnel, especially those stationed in Germany for a long period of time, this new requirement posed a huge problem. Fortunately, German officials reversed themselves several months later. This past March, Germany confirmed that it will honor the U.S. Forces Certificate of License, even if the underlying U.S. license upon which it is based has since expired. However, the controversy served as a warning to keep critical documents, like driver's licenses, up-to-date.



The NATO Status of Forces Agreement and the German Supplementary Agreement permit U.S. Forces to issue driver's licenses to its personnel. Before you can be issued a U.S. Forces Certificate of License, you must present a valid current driver's license from any sovereign country or any state or territory of the United States. Once the U.S. Forces Certificate of License is issued, however, you may continue to operate privately owned vehicles in Germany even after your underlying U.S. driver's license has expired. This may be important, because some states make it difficult or impossible to update a driver's license by mail; sometimes the only option is to return to the United States to renew the license in person.

If your U.S. driver's license has expired, you may not be able to drive when you return to the United States. A U.S. Forces Certificate of License issued in Germany is NOT valid outside of Germany. While some states have short grace-periods for renewal of an expired license, it is best to check with the state that issued your license before returning to the United States. For further information on renewal of U.S. driver's licenses, go to <http://www.dmv.org/military-drivers>.

If you are stationed in Germany and your U.S. driver's license has expired, you will also be unable to drive in European countries outside of Germany. To drive in other European countries, you must have a valid non-expired U.S. driver's license and a valid international driver's license. Ordinarily, international driver's licenses must be issued by the country of residence. For U.S. personnel, this means such licenses should be obtained in the United States. However, the German State of Rhineland-Pfalz has agreed to issue German international driver's licenses to U.S. military personnel and their dependents stationed in Rheinland-Pfalz, as an exception to this rule.

If you plan to travel outside of Germany, you should also become familiar with the traffic and equipment laws in the countries you plan to travel through. Some countries require you to drive with the vehicle's headlights on all the time; some countries require one warning vest for each seat in the vehicle; some countries require a full set of replacement light bulbs for the vehicle. You also need to ensure that you carry all of the required documentation. This includes passports for the driver and all passengers and proper orders or leave documents. Although a 1991 treaty eliminated the need to carry a green insurance card within the European Union, this is still a requirement under Army in Europe Regulation 190-1. In addition, many foreign countries outside the EU still require the green insurance card.

If you have specific questions about your situation, contact the Kaiserslautern Legal Services Center's Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.

21st TSC Office of the SJA Conducts Legal Training in KMC

The 21st TSC Office of the Staff Judge Advocate conducted legal training at the Ramstein Officers' Club on December 10th and 11th. Attended by more than 130 military and civilian attorneys and paralegals who work in our six law centers in Kaiserslautern, Baumholder, Stuttgart, Mons (Belgium), and Schinnen (The Netherlands), this marked the first time in six years that all members of the OSJA staff were able to meet in one place. The 21st TSC Commanding General, MG Duane A. Gamble, was the keynote speaker. Attendees emerged from this training and team-building event with a much better understanding of what the 21st TSC brings to the fight and what drives each of our branch offices. A Dining-In hosted by the Staff Judge Advocate also enhanced esprit de corps.



KAISERSLAUTERN LEGAL SERVICES CENTER

**Building 3210
Kleber Kaserne**

Legal Assistance 483-8848
Tax Assistance 483-8848
Claims 483-8855/8856
International Affairs 483-8859/8854
Trial Defense Service 483-8397
[Civilian: 0631-411-XXXX]

OFFICE OF THE STAFF JUDGE ADVOCATE

**Building 3004
Panzer Kaserne**

Administrative Law 484-8043
Criminal Law 484-7419
[Civilian: 0631-413-XXXX]



We're On the Web!

Current and back editions of this newsletter and articles we've published on legal assistance topics are posted on the 21st TSC OSJA website at:

<http://www.eur.army.mil/21TSC/sja/LegalAssist/LegalAssistance.asp>

Claims articles, information papers, brochures, and related information is posted at:

<http://www.eur.army.mil/21TSC/SJA/Claims/Claims.asp>

The "KLI" is also posted on milBook and shared with legal assistance and claims practitioners Army-wide.

The Legal Pitfalls of Social Networking

A German attorney explains the many risks involved...

by Holger Blug

Social networking has become commonplace, but many users remain blissfully ignorant of the many risks and pitfalls it entails. The internet is not a legal vacuum. You are not invisible when you go online. What you don't know can hurt you.

When you join a social network, you have to disclose a lot of personal and private information. By doing so, you make yourself vulnerable. There is a good chance strangers will try to gather information about you and use it to harass you or even plan criminal acts. Hence, you should know and use the tools

which every social network provides to protect your privacy. Most of the privacy settings need to be adjusted by you, as the basic settings of social networks usually do not include sufficient pre-installed protections. Think twice before you post information about your new flat screen television and then tell your Facebook friends that you will be on vacation for the next two weeks. Burglars might take this as an invitation to break into your house while you're away.

Be careful what you post. Employers routinely search the internet and social networks for background information on job applicants and employees. Posting photos of you and your barely-dressed drunken friends partying could seriously complicate your job search or your chances for promotion. Employees have been fired for making derogatory remarks about supervisors and coworkers on social networks.

Also, be careful when you post photos or video clips showing other individuals without first obtaining their permission, as this could be considered a violation of their privacy rights and could easily lead to lawsuits or even criminal investigations. Photos or videos produced by someone else are often protected by copyright and cannot be used without the authorization of the copyright holder. Even choosing a cartoon character for your profile picture is most likely a copyright infringement, and could result in the copyright holder seeking a cease-and-desist order and claiming financial compensation.

Publishing insults, slanderous statements, and incorrect facts on social networks is not allowed and can also lead to lawsuits and criminal consequences if the authorities find out or someone reports you to the police. Even if you are not the author of the insulting or hostile comment, you can be held accountable for hitting the "LIKE" button, signaling your concurrence.

Once you post something, it is almost impossible to delete it from cyberspace. It takes on a life of its own and can have serious legal repercussions. Americans stationed in Germany are subject to German law, and German courts do not interpret freedom of speech as broadly as American courts do. So be prudent when posting, especially when talking about other individuals or controversial subjects. Loose lips sink more than ships.

To make an appointment with a German legal assistance attorney, contact the Kaiserslautern Legal Services Center's Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.



Do Not Register at Your Local Town Hall ***A German attorney explains how registering can backfire...***

by Joerg Modellmog

“Thou shalt not register with the local town hall” is a commandment derived from Article 6 of the German Supplementary Agreement to the NATO Status of Forces Agreement. Only the U.S. Forces have the right to keep records on their personnel with NATO SOFA status or share such information with German authorities.

Adherence to this commandment needs to be reiterated as it trumps the German Federal Registration Act (“*Bundesmeldegesetz*,” or *BMG*). As of November 1, 2015, a change in German law now requires landlords for any new leases to issue the tenant a so-called “Move-in/Move-out Confirmation” (“*Einzugs-/Auszugsbestätigung*”) for registration purposes or be hit with a fine of up to €1,000. Don’t be surprised if your landlord hands you such a letter and tells you that you need go down to the *Rathaus* to register. You should disregard such advice, and point out to your landlord that under Article 6 of the Supplementary Agreement, you are exempt from such registration requirements.



Registering at the local Town Hall can have serious repercussions, including, but not limited to:

(1) German registration records are electronically shared with the German institution, formerly called “GEZ” (“*Gebühreneinzugszentrale*”) and rechristened “AZDBS” (“*ARD, ZDF, Deutschlandradio – Beitragsservice*”) in 2013, that collects charges for public broadcasting. This triggers a TV and radio tax. If you receive such an assessment from AZDBS, our International Affairs Office staff (located in Room 124 of the Kaiserslautern Legal Services Center) can provide you with a letter confirming that you are exempt from having to pay TV and radio taxes under Article 60, paragraph 5(b) of the Supplementary Agreement.

(2) German registration records are also shared with the Federal Office for Taxation, which triggers issuance of German tax ID numbers. The local Finance Office may start wondering about your source of income if they notice that no German tax return was filed for a particular tax ID number. Should you receive a letter from the German Finance Office, make an appointment to see a German legal assistance attorney right away.

(3) The Alien Registration Office may also probe into your situation, to find out why a foreigner is registered at the Town Hall but does not appear in their legal alien records. This could only be straightened out by invoking the protections of Articles 6 and 7 of the Supplementary Agreement.

(4) An even more serious problem could arise if you are a GS employee or service member thinking about retiring and taking a NAF job or getting technical expert/analytical support status accreditation (TESA/ASSA) under Articles 73 or 72 of the Supplementary Agreement. These jobs are by definition not available to those who have become ordinary residents of Germany, for which local registration is seen as a strong indicator.

Your local town hall has no incentive to oppose a registration request or turn you away because the State pays each and every county a community fiscal adjustment payment (“*kommunaler Finanzausgleich*”) based on its number of registered inhabitants (§29, LFAG). However, another contributing factor influencing that payment is the number of NATO SOFA personnel reported to be present by the U.S. Forces (§11, paragraph 4, LFAG). Consequently, if you were to register, the county/city might very well receive a double benefit.

So stand your ground and don’t give up your treaty-based right not to register. If you registered by mistake and experience any of the problems discussed above, make an appointment to see a German legal assistance attorney by calling the Kaiserslautern Legal Services Center’s Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.

Giving Away A Dependency Exemption

An experienced tax attorney explains the potential costs involved...

by Mark Christensen

Sometimes parents who do not file a joint tax return share the dependency of a child. A custodial parent may release the dependency exemption to the non-custodial parent, a process letting the non-custodial parent claim the child on a tax return. The custodial parent releases the exemption claim using [IRS Form 8332](#) for the current or future tax years. The custodial parent uses the same form to revoke the release.



There are significant financial consequences associated with releasing a dependency exemption, whether done by agreement or court order. Claiming a child as a dependency exemption affects taxable income, eligibility for the Child Tax Credit and Earned Income Tax Credit, and eligibility for the Child and Dependent Care Expenses credit.

8332 Form (Rev. January 2010) Department of the Treasury Internal Revenue Service	Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent	OMB No. 1545-0074 Attachment Sequence No. 115
Name of noncustodial parent		Noncustodial parent's social security number (SSN) ▶
▶ Attach a separate form for each child.		
Part I Release of Claim to Exemption for Current Year		
I agree not to claim an exemption for _____ Name of child		
for the tax year 20 ____.		
Signature of custodial parent releasing claim to exemption	Custodial parent's SSN	Date
Note. If you choose not to claim an exemption for this child for future tax years, also complete Part II.		

First, taxable income. For 2015 each exemption will reduce taxable income by \$4,000. A reduction in taxable income reduces tax liability. For taxpayers in the 10% tax bracket, losing the exemption costs them \$400. If in the 15% or 25% tax bracket, the lost exemption

costs them \$600 or \$1,000. Taxpayers in higher tax brackets lose even more money by releasing the dependency exemption.

Eligibility for the Child Tax Credit is based on custody and claiming the dependency exemption. If a custodial parent releases the dependency exemption for a child under 17, the custodial parent gives up the \$1,000 Child Tax Credit. A non-custodial parent cannot claim the Child Tax Credit. The \$1,000 credit is simply lost when the custodial parent releases the exemption.

The Earned Income Credit is available only if the child lived with the taxpayer for more than half the year. Even if a custodial parent releases the exemption to a non-custodial parent, the non-custodial parent is not eligible for the Earned Income Credit unless the child lived with that parent for more than half the year. The custodial parent can release the dependency exemption and still claim the Earned Income Credit.

Finally, a custodial parent can claim child and dependent care expenses on IRS Form 2441 even if the custodial parent releases the dependency exemption. The non-custodial parent cannot claim child care expenses.

We will begin preparing 2015 tax returns in late January. Contact us if you have questions about dependency exemptions or other tax issues, and take advantage of the Army's free tax preparation services for your federal and state income tax returns. It's a valuable service; use it or lose it!

Aggressive Debt Collection Practices

Service members take heart; the CFPB has your back...

by CPT Lauren Teel

Soldiers have an obligation to pay their undisputed debts. If you have such a debt and are behind on your payments, you may be worried about the debt and its effects upon your financial choices and security clearance, but your debt collector is forbidden from using it to run (or to ruin) your life. Federal law imposes certain constraints on how debt collectors may operate.



Debt collectors may contact you in an attempt to collect a debt you allegedly owe, but they may not exaggerate, deceive you, or threaten to contact your chain of command. They cannot discuss the debt with third parties or publicly embarrass or harass you. Additionally, failure to pay your debt in and of itself is unlikely to result in action under the Uniform Code of Military Justice, demotion, loss of promotion, discharge, denial of re-enlistment, or reassignment, especially if you dispute the debt's validity.

Debt collectors cannot immediately take your pay. To garnish your wages involuntarily, the debt collector would first need to sue you and obtain a court order mandating payment. The debt collector would then need to submit that court order to the Defense Finance and Accounting Service before your pay could be garnished. Unless you have been sued, there is no imminent danger of loss of pay. Additionally, debt collectors cannot threaten to sue you without intending to actually take such action.

If you have been aggressively contacted to pay a debt, know you're not alone. The Consumer Financial Protection Bureau (CFPB) has your back. This fall, the CFPB filed an administrative order for illegal debt collection practices against an auto lender specializing in loans to service members to buy vehicles. The order requires the lender, Security National Automotive Acceptance Company (SNAAC), to refund or credit about \$2.28 million to service members and other consumers who were allegedly harmed, and to pay a penalty of \$1 million. A separate court order bans SNAAC from using aggressive tactics, such as exaggeration, deception, and threats to contact commanding officers, to coerce service members into making payments.

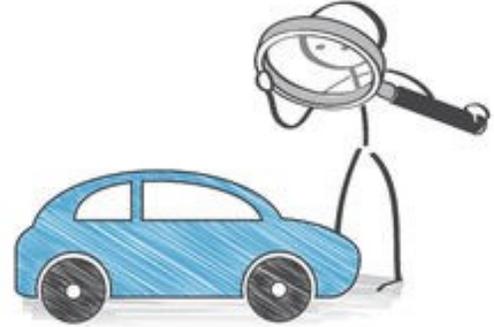
SNAAC is an Ohio-based auto finance company that operates in more than two dozen states and specializes in lending to service members. It lends money primarily to active duty and former service members to buy used motor vehicles. The CFPB alleged in their lawsuit that when consumers defaulted on their loans, SNAAC used aggressive collection tactics that took advantage of service members' special obligations to remain current on their debts. Both current and former service members encountered trouble with the company if they missed or were late on their debt payments. Once service members defaulted, they were subjected to repeated threats to contact their chain of command. In many other instances, the company exaggerated the consequences of not paying. Thousands of individuals were victims of the company's aggressive tactics. If you believe you have been adversely impacted by SNAAC or another lender's practices, you should make an appointment to discuss your situation with a Legal Assistance Attorney. More information is available at www.consumerfinance.gov.

***To make an appointment, call the Kaiserslautern Legal Services Center's
Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.***

Note All POV Damage at Time of Pick-Up **A claims attorney explains the importance of prompt reporting...**

by CPT Wayne Janoe

If you just arrived in Germany and haven't yet picked up your privately owned vehicle (POV) shipped at Government expense, we're glad this edition of our newsletter has reached you in time. If you are a sponsor or leader of incoming personnel, or know someone who is making an overseas move, be sure to share this article with them. This guidance also applies to those shipping their POV back to the U.S.



POVs are sometimes damaged during shipment, and there are important considerations you should keep in mind to ensure that you don't wind up having to foot the repair bill yourself. Every so often we must give claimants the bad news that they can't be compensated because they did not specifically note shipment damage when they picked up their POV, as required by the governing claims regulation.

You must note all new damage to your vehicle at pick-up.

You are required to note all new damage on the Vehicle Inspection and Shipping Form (VISF) when you pick up your POV at the Vehicle Processing Center (VPC). This means that it is on you to notice the damage; do not expect the carrier to draw your attention to it. Obvious external damage that is not noted at time of pick-up may not be payable, so make sure to **inspect your POV very carefully** and report your findings on the form. If you could not reasonably be expected to notice the damage at the VPC (e.g., undercarriage damage or scratches that were not visible before you washed your vehicle), **immediately** go back to the VPC to report the damage within a few hours of pick-up. The regulatory presumption is that if damage was not noted at the time of delivery, it did not happen in transit. Most denials of POV shipment claims result from the claimant's failure to promptly wash and inspect the vehicle and return to the VPC within a few hours of pick-up to report the newly-discovered damage. While we know POV pick-up can take place during a hectic time, you may be out of luck if you wait too long to report shipment damage.

Take these steps to maximize the chances your claim will be paid:

- ⇒ Take photos of your vehicle before you ship it to show its "pre-existing" condition.
- ⇒ Pick up your POV in the morning or early afternoon. If you are unable to return to the VPC before it closes, it will be more difficult to prove that the damage did not occur after you departed the VPC.
- ⇒ Thoroughly inspect the inside and outside of your vehicle prior to departing the VPC.
- ⇒ Turn on and test all operating systems, such as wipers, air conditioners, heaters, radios, electric windows, and electric seats, during this inspection. Report anything that is amiss.
- ⇒ Wash your vehicle just after pick-up and check for external damage that was not visible before.
- ⇒ Be alert for any operating problems during the first few miles on the road and return to the VPC **immediately** if you notice something wrong with your vehicle.
- ⇒ **Contact your local Claims Office if you have any problems or questions. The Kaiserslautern Claims Office can be reached at DSN 483-8855/8856 or Civilian 0631-411-8855/8856.**

Basic Allowance for Housing Fraud on the Rise

by CPT Jennifer Bromm

The Office of the Staff Judge Advocate has recently seen an increase in Basic Allowance for Housing (BAH) fraud cases in our footprint. BAH fraud can lead to adverse action and financial penalties. It can also lead to criminal prosecution in the military justice system. It is important to know what the rules are for BAH entitlements, and ensure that service members are collecting the right entitlements and not trying to game the system.

Many of the BAH fraud cases seen in this area are the result of unaccompanied tours in which service members have their

family members listed as residing back in the states. When this happens, the service member collects not only Overseas Housing Allowance (OHA), or lives on-post here in Germany, but also receives BAH and even the CONUS Cost of Living Allowance (COLA) for the location where their dependents reside. The purpose of this entitlement is to house and provide for the family that is residing back in the U.S. or elsewhere.

The most common BAH fraud scenario involves service members receiving both OHA and BAH, while claiming their dependents reside in the U.S. The dependents' location is often listed as New York or California, where the BAH and CONUS COLA rates are much higher, when in fact the dependents are residing here in Germany, making the service member ineligible for payments based on the dependents' residing at an alternate location.

While dependents can, and are encouraged to, visit their service member overseas, the visits must clearly be a bona fide social visit in accordance with the Chapter 10 of the Joint Travel Regulation (JTR), and not exceed 90 days. The JTR states not only that the visit must be less than 90 days, but that the facts must clearly show the dependents are only visiting temporarily and NOT changing residences. If a dependent arrives, gets a driver's license and car, enrolls in Tricare here, and installation access control records show they are on U.S. installations every day, those facts would not indicate a bona fide social visit and would constitute a violation of the JTR. The service member would be required to repay the government for the BAH they should not have received, and could also be criminally prosecuted. Punishments a court-martial can adjudge for BAH fraud include a reprimand, a fine, reduction in grade, restriction for two months, hard labor without confinement, 10 years' confinement, total forfeitures, and a dishonorable discharge.

If you suspect someone is committing BAH fraud, you can report your concerns to your supporting Trial Counsel or local CID office for investigation. BAH fraud is a serious crime, and the odds are that the offender ultimately will be caught.

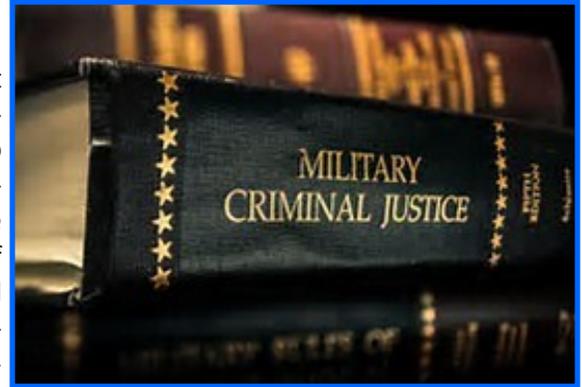


2015 21st TSC Court-Martial Results

The year in review; criminal acts have serious consequences...

by CPT A.J. Browell

- ⇒ On January 8, 2015, at a general court-martial convened at Kaiserslautern, Germany, SPC Brigham M. Mabini, United States Army, was convicted by a military judge, pursuant to his plea, of one specification of false official statement in violation of Article 107, UCMJ, and contrary to his plea, of one specification of simple assault. The accused was acquitted of one specification of assault consummated by a battery and one specification of reckless endangerment in violation of Articles 128 and 134, UCMJ. The military judge sentenced the accused to be confined for 10 months.
- ⇒ On March 11, 2015, at a general court-martial convened at Kaiserslautern, Germany, SSG Jamie S. Dowse, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of conspiracy to commit arson and one specification of burning with intent to defraud in violation of Articles 81 and 134, UCMJ. The military judge sentenced the accused to be confined for 13 months and to be discharged with a bad conduct discharge. As part of an offer to plead guilty, a pretrial agreement limited confinement to 10 months.
- ⇒ On March 26, 2015, at a general court-martial convened at Kaiserslautern, Germany, SGT Thomas L. Humburd, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of abusive sexual contact with a child, two specifications of sexual abuse of a child, and one specification of child endangerment in violation of Articles 120, 120b, and 134, UCMJ. The military judge sentenced the accused to be confined for 7 years and to be discharged with a dishonorable discharge.
- ⇒ On April 30, 2015, at a general court-martial convened at Kaiserslautern, Germany, SGT Raymond L. Moore, United States Army, was convicted by a military panel composed of officer and enlisted members, contrary to his pleas, of one specification of assault consummated by a battery, two specifications of communicating a threat, and one specification of violating a lawful general order in violation of Articles 128, 134, and 92, UCMJ. The accused was acquitted of one specification of drunken operation of a vehicle and two specifications of obstructing justice in violation of Articles 111 and 134, UCMJ. The members sentenced accused to be reprimanded, reduced to the grade of E-3, to forfeit \$2,000 pay per month for 3 months, to be restricted for 60 days to the limits of the company area and barracks, and to perform hard labor without confinement for 90 days.
- ⇒ On May 14, 2015, at a general court-martial convened at Kaiserslautern, Germany, SSG Nicholas A. Cole, United States Army, was convicted by a military panel composed of officer and enlisted members, contrary to his plea, of one specification of adultery in violation of Article 134, UCMJ. The accused was acquitted of two specifications of sexual assault in violation of Article 120, UCMJ. The members sentenced the accused to be reprimanded, reduced to the grade of E-3, to forfeit \$1,000 pay per month for 3 months, and to perform hard labor without confinement for 45 days.
- ⇒ On May 28, 2015, at a general court-martial convened at Kaiserslautern, Germany, SFC Erik S. Mauff, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of abusive sexual contact with a child and six specifications of sexual abuse of a child in violation of Articles 120 and 120b, UCMJ. The military judge sentenced the accused to be confined for 8 years and to be discharged from the service with a dishonorable discharge. As part of an offer to plead guilty, a pretrial agreement limited confinement to 7 years.



[continued on page 11...]

2015 Court-Martial Results (continued)

- ⇒ On June 16, 2015, at a general court-martial convened at Kaiserslautern, Germany, CPT Marion A. Alston, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of false official statement and one specification of wrongful use of a controlled substance in violation of Articles 107 and 112a, UCMJ. The military judge sentenced the accused to total forfeiture of all pay and allowances, to be confined for 6 months, and to be dismissed from the service. As part of an offer to plead guilty, a pretrial agreement limited confinement to 30 days.
- ⇒ On June 23, 2015, at a special court-martial convened at Kaiserslautern, Germany, PV2 Christopher A. Nelstuen, United States Army, was convicted by a military judge, pursuant to his pleas, of three specifications of disrespect toward a superior noncommissioned officer, two specifications of violation of a lawful order, one specification of resisting apprehension, one specification of assault consummated by a battery, one specification of assault upon a sentinel, two specifications of assault upon a person in the execution of law enforcement duties, and one specification of drunk and disorderly in violation of Articles 91, 92, 95, 128, and 134, UCMJ. The military judge sentenced the accused to be discharged with a bad conduct discharge.
- ⇒ On July 1, 2015, at a general court-martial convened at Kaiserslautern, Germany, PV1 Andrew M. Viera, United States Army, was convicted by a military panel composed of officer and enlisted members, contrary to his pleas, of one specification of robbery and one specification of dishonorably failing to pay a just debt in violation of Articles 122 and 134, UCMJ. The accused was acquitted of sexual assault and larceny in violation of Article 120 and 121, UCMJ. The members sentenced the accused to forfeit \$1,546 pay per month for 6 months, to be confined for 6 months, and to be discharged with a bad conduct discharge.
- ⇒ On July 17, 2015, at a general court-martial convened at Kaiserslautern, Germany, CW4 Scott D. Ricks, United States Army, was convicted by a military panel composed of officer members, contrary to his pleas, of three specifications of false official statement, one specification of wrongful appropriation, and one specification of larceny in violation of Articles 107 and 121, UCMJ. The accused was acquitted of one specification of false official statement and one specification of larceny in violation of Articles 107 and 121, UCMJ. The members sentenced the accused to be reprimanded, to forfeit \$2,000 pay per month for 5 months and to be confined for 3 months.
- ⇒ On August 21, 2015, at a general court-martial convened at Kaiserslautern, Germany, SFC Leron D. Delaney, United States Army, was convicted by a military panel composed of officer and enlisted members, contrary to his plea, of one specification of assault consummated by a battery in violation of Article 128, UCMJ. The accused was acquitted of one specification of sexual assault in violation of Article 120, UCMJ. The members sentenced the accused to be reprimanded and to forfeit \$1,000 pay per month for 2 months.
- ⇒ On August 28, 2015, at a general court-martial convened at Kaiserslautern, Germany, SGT Windell M. Reeder, United States Army, was convicted by a military panel of officer and enlisted members, contrary to his pleas, of one specification of failure to obey a lawful general regulation and one specification of wrongfully altering an official pass in violation of Articles 92 and 134, UCMJ. The accused was acquitted of one specification of sexual assault in violation of Article 120, UCMJ. The members sentenced the accused to be reprimanded, reduced to the grade of E-1, and to be confined for 30 days.
- ⇒ On September 1, 2015, at a general court-martial convened at Wiesbaden, Germany, SFC Francisco Galvan, United States Army, was convicted by a military judge, pursuant to his pleas, of three specifications of aggravated sexual assault of a child, one specification of taking indecent liberties with a child, and one specification of producing child pornography in violation of Articles 120 and 134, UCMJ. The military judge sentenced the accused to be confined for 16 years and to be discharged from the service with a dishonorable discharge.

[continued on page 12...]

2015 Court-Martial Results (continued)

- ⇒ On September 23, 2015, at a general court-martial convened at Kaiserslautern, Germany, PFC Daehyok Kwon, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of false official statement, one specification of abusive sexual contact, and three specifications of sexual assault in violation of Articles 107 and 120, UCMJ. The military judge sentenced the accused to be confined for 30 months, and to be discharged from the service with a dishonorable discharge.
- ⇒ On October 2, 2015, at a general court-martial convened at Kaiserslautern, Germany, SGT Alistair T. Roberts, United States Army, was convicted by a military panel composed of officer and enlisted members, contrary to his pleas, of one specification of rape, one specification of abusive sexual contact, two specifications of aggravated assault, one specification of aggravated assault with a dangerous weapon, two specifications of assault consummated by battery upon a child, one specification of assault consummated by battery, two specifications of communicating a threat, one specification of adultery, and one specification of breaking restriction in violation of Article 120, 128, and 134. The accused was acquitted of one specification of rape, one specification of aggravated assault, and one specification of patronizing a prostitute in violation of Article 120, 128, and 134. The members sentenced the accused to be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 2 years, and to be discharged from the service with a bad conduct discharge.
- ⇒ On October 23, 2015, at a general court-martial convened at Stuttgart, Germany, a Sergeant was acquitted by a military panel composed of officer and enlisted members of one specification of abusive sexual contact and two specifications of sexual assault in violation of Article 120, UCMJ.
- ⇒ On October 29, 2015, at a general court-martial convened at Wiesbaden, Germany, SSG Michael Horton was convicted by a military judge, contrary to his pleas, of one specification of indecent recording and one specification of forcible sodomy, in violation of Articles 120c and 125, UCMJ; the accused was convicted by a military judge, pursuant to his pleas, of four specifications of false official statement and two specifications of larceny, in violation of Articles 107 and 121, UCMJ. The military judge sentenced the accused to 30 months confinement and reduction to E-1; the accused will be discharged from the service with a dishonorable discharge by operation of law. As part of an offer to plead guilty, a pretrial agreement limited confinement to 24 months.
- ⇒ On November 6, 2015, at a general court-martial convened at Wiesbaden, Germany, SGT Eric F. Kelly, United States Army, was convicted by a military panel composed of officer and enlisted members, contrary to his pleas, of one specification of abusive sexual contact and one specification of sexual assault in violation of Article 120, UCMJ. The members sentenced the accused to total forfeitures, reduction to the grade of E-1, to be confined for 1 year, and a dishonorable discharge.
- ⇒ On November 25, 2015, at a special court-martial convened at Kaiserslautern, Germany, SSG Tyrone E. Stanley, United States Army, was convicted by a military judge, pursuant to his pleas, of one specification of false official statement and one specification of indecent language communicated to another in violation of Articles 107 and 134, UCMJ. The military judge sentenced the accused to be confined for 4 months and to be discharged from the service with a bad conduct discharge.



The Ethics Corner...

by Robert Vedra

**POLITICAL ACTIVITY
& SOCIAL MEDIA**

The 2016 election cycle has already begun, and the country is beginning to look ahead to elections that are now less than a year away. Numerous campaigns are already underway, trying to convince the public to vote for their candidate. Although federal employees are allowed to hold political opinions and vote for the candidate of their choice just as they would be able to in any other job, they are also subject to certain restrictions not relevant to the private sector.

The Hatch Act, which applies to federal employees, is intended to ensure that the federal government remains above the political fray and at the service of all Americans, regardless of their political persuasion. It restricts, both in and out of the federal workplace, employees' political activities—defined as any activity directed at the success or failure of a political party, partisan political group, or candidate. As a general rule, federal employees may not engage in political activity while on duty or in the workplace, engage in political activity in an official capacity at any time, or solicit or receive political contributions for any candidate or political party at any time. Although the Hatch Act does not apply to service members, DoD Directive 1344.10 applies many similar restrictions to their activities in political matters.

This article is not intended to be a thorough recap of the Hatch Act or DoD Directive 1344.10, which have both been in force for years. Employees or service members with specific questions can ask their ethics counselor, find Hatch Act information online from the U.S. Office of Special Counsel (OSC) at <https://osc.gov/Pages/HatchAct.aspx>, or read up on DoD Directive 1344.10 at <http://www.dtic.mil/whs/directives/corres/pdf/134410p.pdf>. Rather, this article is meant to highlight OSC's publication of guidelines regarding federal employees' use of social media and e-mail with regard to political activities.

Recognizing that e-mail and social media have become part of the social fabric in America, the OSC recently released guidelines meant to apply the Hatch Act to these communication platforms. Published in "Frequently Asked Questions" (FAQs) format, the guidelines address seventeen specific questions intended to help federal employees stay out of trouble with respect to their online activities in the political arena. For example, question #1 asks, "May a federal employee engage in political activity on Facebook or Twitter?" The OSC answers, "Yes, federal employees may express their opinions about a partisan group or candidate in a partisan race (e.g., post, 'like,' 'share,' 'tweet,' 'retweet'), but there are a few limitations." These limitations include engaging in political activity via Facebook or Twitter while on duty or in the workplace, referring to one's official title or position at any time while engaging in political activity, suggesting or asking anyone to make political contributions at any time, linking to a candidate's or partisan group's contribution page, or "liking," "sharing," or "retweeting" a solicitation from a candidate or partisan group, including an invitation to a political fundraising event. Federal employees may, however, include their official title or position on their social media profile, and they may accept invitations to political fundraising events for a candidate or partisan group that they receive on Facebook or Twitter.

To review the answers to all seventeen FAQs, go to <https://osc.gov/Pages/The-Hatch-Act-Frequently-Asked-Questions-on-Federal-Employees-and-the-Use-of-Social-Media-and-Email.aspx>. Although the FAQs are aimed at federal employees, it may be helpful for service members to read through them in conjunction with DoD Directive 1344.10. The Department of Defense has not published a similar guide for service members, and reading the FAQs from the OSC can help them understand how the restrictions in the DoD Directive might be applied to their social media and e-mail use.



German and American attorneys and paralegals who work in the field of international law for USAREUR and USAFE attended a one-day training symposium on November 7th in the Kaiserslautern Legal Services Center's Warren J. Argue Courtroom, where they received updates from subject matter experts and networked.

Directions to Kleber Kaserne: From Vogelweh, Ramstein, or Landstuhl take the A6 direction Mannheim. On your right you will see a large store called Möbel Martin. Make sure you are in the right lane as you take the Kaiserslautern Ost Ausfahrt (exit). Turn right as you leave the exit ramp and drive downhill until you reach a stop light. Proceed straight ahead at the intersection and follow the priority road as it curves to the right behind the Real store. Enter Kleber Kaserne by the east gate. Turn right after passing the clinic. Drive north until you reach an intersection with 4 stop signs. Bldg. 3210 sits to the left of that intersection. Parking on Kleber Kaserne is difficult—allow a few extra minutes to circulate until you find an open spot. Enter Bldg. 3210 from the door on the east end of the building (see photo of Bldg. 3210 on page 3).

