**HEADQUARTERS, UNITED STATES FORCES KOREA**
UNIT #15237
APO AP 96205-5237

REPLY TO
ATTENTION OF:

FKCC

17 OCT 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Forces Korea (USFK) Command Policy Letter #4, Required Consultation on Disciplinary Measures in Cases of Fraud, Waste, Abuse, and Corruption

1. This policy supersedes USFK Command Policy Letter #39, Required Consultation on Disciplinary Measures in Cases of Fraud, Waste, Abuse, and Corruption, dated 25 August 2008. This policy remains in effect until rescinded or superseded.

2. Reference:

a. Department of Defense (DoD) 5500.7-R, Joint Ethics Regulation (JER).

b. Uniform Code of Military Justice (UCMJ).

3. This policy applies to all USFK commanders, managers, and supervisors.

4. To ensure that all personnel protect and conserve Government property and not use it for other than authorized activities, abide by applicable laws, and place ethical principles above private gain, appropriate disciplinary measures are required to combat fraud, waste, abuse, and corruption.

5. The following consultation requirements will ensure that USFK commanders, managers, and supervisors receive the expert advice needed to make appropriate decisions regarding disciplinary measures in cases of fraud, waste, abuse, and corruption.

a. *Fraud, Waste, Abuse, and Corruption Cases Involving Military Members.* Commanders, managers, and supervisors must consult with their servicing judge advocate to determine appropriate action under the UCMJ and consider adverse administrative measures in case of fraud, waste, abuse, and corruption in which a military member is involved.

b. *Fraud, Waste, Abuse, and Corruption Cases Involving Civilian Employees.* Commanders, managers, and supervisors must consult with their servicing civilian personnel office and labor counselor to determine appropriate action. While removal from government employment of an individual found to have engaged in fraud, waste, abuse, or corruption may not be appropriate in every case, it must be considered. Any decision *not* to remove must be adequately supported by mitigating circumstances.

c. *Fraud, Waste, Abuse, and Corruption Cases Involving Invited and Local Contractors and Technical Representatives.* Commanders, managers, and supervisors must consult with the Contracting Officer Representative, Contracting Officer, the Responsible Officer for the Sponsoring Agency, and servicing judge advocate to determine appropriate action in cases of fraud, waste, abuse, or corruption. The Contractor must be informed of the situation and the probable results of failure to take appropriate action with regard to the individual contractor employee alleged to be involved in the fraud, waste, abuse, or corruption.

d. *Fraud, Waste, Abuse, and Corruption Cases Involving Family Members.* Commanders, managers, and supervisors of personnel with family members in Korea must consult with their servicing judge advocate to determine appropriate action in cases of fraud, waste, abuse, or corruption in which a family member is involved.

6. Persons subject to the UCMJ who fail to comply with the provisions of this policy are subject to punishment under the UCMJ, as well as to adverse administrative action and other adverse action authorized by applicable laws or regulations. Persons not subject to the UCMJ who fail to comply with the provisions of this policy may be subject to adverse administrative sanctions, including, but not limited to, revocation of privileges as authorized by applicable laws and regulations.

7. Questions regarding this policy should be referred to the Administrative Law Division, Office of the Judge Advocate, 723-7092. To make a report of fraud, waste, abuse, or corruption, personnel may contact the Fraud, Waste, and Abuse Hotline at 738-7867.

JAMES D. THURMAN
General, U.S. Army
Commander

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