

Headquarters
United States Forces Korea
Unit #15237
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United States Forces Korea
Regulation 600-52

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Personnel – General

CIVILIAN/FAMILY MEMBER OVERSEAS MISCONDUCT

***This regulation supersedes USFK Regulation 600-52, dated 27 February 2012.**

FOR THE COMMANDING GENERAL:

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Summary. This regulation establishes the positions of the Civilian Misconduct Action Authority (CMAA), the Civilian Misconduct Officer (CMO), and prescribes policy and procedures for taking appropriate administrative action in response to overseas misconduct by non-military persons (civilian employees, retirees, family members and members of households) who receive Individual Logistic Support (ILS). Chapter 1 provides general guidance. Chapter 2 prescribes administrative and investigative procedures. Chapter 3 defines the types of administrative actions available to the CMAA.

Summary of Change. This revision provides a periodic update with minor changes.

Applicability. This regulation applies to all United States Forces Korea (USFK) and USFK major subordinate and tenant commands (USFK Regulation (Reg) 10-2, Installation Management and Base Operations) personnel and their family members, as defined in the glossary and

- a. Persons who are not on active military duty but who receive ILS from USFK.

b. Civilian personnel who are permitted to use USFK facilities, regardless of command sponsorship status. Persons subject to this regulation (affiliated personnel) include, but are not limited to the following:

- (1) Family members of U.S. Service members.
- (2) Members of households of U.S. Service members.
- (3) U.S. military retirees and their family members.
- (4) Employees of Government invited contractors and their family members.

c. Appropriated and Nonappropriated fund Department of Defense (DoD) civilian employees, their family members, and members of their households.

d. Military, civilian, and other persons who sponsor family members for logistic support when the family member is involved in misconduct offenses.

e. Other regulations and international agreements may establish policy and procedures for responding to incidents of misconduct by:

(1) Government consular and diplomatic (U.S. Embassy) personnel and their family members.

(2) Allied forces Service members and their family members.

(3) Non-Government consular and diplomatic personnel and their family members eligible to receive ILS from the USFK.

Supplementation. Further supplements to this regulation by subordinate commands are prohibited unless prior approval is obtained from USFK J1 (FKJ1-11), Unit #15237, APO AP 96205-5237, DSN: (315)723-5632 or pacom.yongsan.usfk.mbx.j11-workflow@mail.mil.

Forms. USFK forms are available at <http://www.usfk.mil>.

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System (ARIMS) website at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is USFK J1 (FKJ1-12). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to USFK J1 (FKJ1-12), Unit #15237, APO AP 96205-5237, DSN: (315)723-5632 or Email: pacom.yongsan.usfk.mbx.j11-workflow@mail.mil.

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CONTENTS

Chapter 1

Introduction, page 1

- 1-1. Purpose
- 1-2. References
- 1-3. Explanation of Abbreviations and Terms
- 1-4. Responsibilities
- 1-5. Relations with The Korean Community
- 1-6. Civilian Misconduct
- 1-7. Central Point of Contact (POC)
- 1-8. Policy

Chapter 2

Administrative and Investigative Procedures, page 5

- 2-1. Reporting Misconduct
- 2-2. Actions upon Receiving Reports of Misconduct
- 2-3. Preliminary Inquiry
- 2-4. Administrative Procedures
- 2-5. Civilian Misconduct Review Board (CMRB)
- 2-6. General Guidance on Selecting Administrative Actions
- 2-7. Additional General Guidance

Chapter 3

Administrative Actions Available to the Civilian Misconduct Action Authority (CMAA), page 10

- 3-1. Administrative Sanctions
- 3-2. Administrative Actions that May Be Used
- 3-3. Community Service Programs
- 3-4. Other Administrative Actions

Appendixes, page 16

- A. References
- B. Suggested Administrative Sanctions
- C. Sample Juvenile Civilian Misconduct Administrative Sanctions Matrix

Glossary, page 26

Chapter 1

Introduction

1-1. Purpose

This regulation establishes policy and procedures for taking appropriate administrative action in response to misconduct by non-military persons who receive Individual Logistic Support (ILS) from United States Forces Korea (USFK).

a. Establishes policy and procedures for responding to misconduct by persons (excluding active duty military personnel) eligible to receive ILS from the U.S. Forces and by persons seeking access to U.S. military installations.

b. Provides guidance on administrative procedures and actions to take in response to civilian misconduct.

c. Establishes administrative actions to safeguard the resources, facilities, and welfare of U.S. Forces communities in Korea.

d. Does not prescribe criminal justice procedures. Host nation has criminal jurisdiction over civilians during peacetime.

1-2. References

Required and related publications are listed in [Appendix A](#).

1-3. Explanation of Abbreviations and Terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. Individual. Each individual is responsible for ensuring that he/she complies with legal and community standards of personal conduct.

b. Sponsor. Each sponsor is responsible for ensuring that his/her family members are aware of and comply with legal and community standards of personal conduct and will make every effort to prevent misconduct by family members.

c. Commanders. Area Commanders are responsible for the operation and administration of Civilian Misconduct Offices and/or Civilian Misconduct Review Boards (CMRB). They are also responsible for imposing administrative sanctions against civilians who fail to comply with legal and community standards of personal conduct. These commanders may, at their discretion -

(1) Appoint a permanent central point of contact (POC) - e.g., Civilian Misconduct Officer (CMO) - that screens cases and recommends to the Area Commander an appropriate disposition, including whether to refer the matter to a Civilian Misconduct Review Board (CMRB).

(2) Appoint a Civilian Misconduct Review Board (CMRB) to assist in accomplishing these responsibilities. Logistics may prohibit timely formation of a CMRB.

(3) Develop an alternate method for accomplishing these responsibilities. All alternative methods must have the concurrence of the servicing Judge Advocate prior to implementation.

(4) Area commanders will serve as the Civilian Misconduct Action Authority (CMAA) for their geographic areas of responsibility. In exercising this authority, CMAAs will -

(a) Not delegate or designate their CMAA.

(b) Investigate and respond to incidents of civilian misconduct that occur within their geographic area of responsibility.

(c) Appoint a Civilian Misconduct Officer (CMO). The CMO will be an administrative assistant to the CMAA and will be responsible for managing the civilian misconduct program, receiving reports of misconduct, coordinating with Department of Defense Dependents Schools (DoDDS) and other community services and agencies on civilian misconduct matters. The CMO will advise the CMAA on civilian misconduct actions, making recommendations to the CMAA on civilian misconduct actions, preparing documentation of civilian misconduct actions and proposed actions and monitoring the status of civilian misconduct incidents. The CMAA may direct the CMO to conduct necessary interviews and collect evidence on civilian misconduct incidents.

Note: Judge advocates (JAs), including civilian attorneys, and military police that perform law-enforcement duties on the installation, personnel whose duties include counseling individuals on rights or benefits and counselors (for example, Community Service staff, Inspector General personnel) will not be assigned as CMOs.

(5) Ensure CMOs prepare and maintain a tracking system and case folder for each case.

(6) On receipt of requests in paragraph 1-5c(4), the Office of Judicial Administration (OJA) will assess the request, and send the request to the appropriate approval authority (e.g., the Eighth Army Commander for all Army Garrisons, Commander Naval Forces Korea (CNFK), Commander

for Navy installations, 7th Air Forces (AF) Commander for AF installations, and Marine Forces Korea (MARFORK) Commander for Marine installations) who will approve or deny the request and return the action to the OJA. The OJA will inform the Garrison/Installation Commander of the approval authority's decision. If approved, the redesignation will remain in effect until the Garrison/Installation Commander reinstates CMAA responsibility to himself/herself in writing.

d. Department of Defense Dependents Schools (DoDDS). In appropriate cases DoDDS officials will notify the CMAA of suspensions and expulsions from school and report criminal offenses to the CMAA and local provost marshal (PM). In appropriate circumstances, DoDDS officials will cooperate with Garrison/Installation Commanders to inspect for and remove contraband from DoDDS facilities.

e. Law-enforcement officials will ensure -

(1) Investigations of offenses committed by civilians are thorough.

(2) CMOs receive law-enforcement blotters or other notices of incidents of misconduct by civilians to help them administer the CMAA program.

f. All personnel will -

(1) Comply with all applicable laws, regulations, and policies, including, but not limited to, those issues by USFK Installation or Garrison commanders, and other military, school, or host-nation authorities.

(2) Present proper identification when requested by military or civilian police, commissioned officers, or noncommissioned officers in the rank of sergeant first class or higher, who are enforcing order, discipline, or security affecting the U.S. Forces, civilian components, or family members.

g. Staff judge advocates (SJAs) and command JAs will - Provide legal advice and assistance to help CMAAs develop administrative procedures for operating a civilian misconduct action program.

1-5. Relations with The Korean Community

a. USFK personnel and their family members are required by the United States - Republic of Korea (US-ROK) Status of Forces Agreement (SOFA) "to respect the law of the Republic of Korea and to abstain from any activity inconsistent with the spirit of the Agreement." Ensuring respect for Korean law and the Korean community is an important part of the individual and sponsor's responsibility.

b. Civilians are not immune from Korean legal jurisdiction. Under the US-ROK SOFA, the ROK Government may waive jurisdiction over criminal offenses committed by civilians or dependents, and has generally done so in the past. However, it has retained jurisdiction in serious cases, and exercise of that jurisdiction may result in apprehension, trial, and confinement of offenders. In cases involving civil liability, there is no provision for waiver of Korean jurisdiction.

1-6. Civilian Misconduct

a. Civilian employee (DoD employees) misconduct will be initially handled according to guidelines contained within applicable service directives, after coordination with the servicing

civilian personnel office. In all cases where this regulation and applicable service directives conflict, the guidance found in applicable service directives takes priority over the guidelines contained within this regulation.

b. The Garrison/Installation Commander will handle invited contractor/technical representative and their family member(s) misconduct after coordinating with the USFK Assistant Chief of Staff, Acquisition Management. This will ensure that the U.S. Government's legal obligations to the contractor are met and that the contract will not be adversely affected.

c. The Garrison/Installation Commander will handle all family member misconduct cases. However, the sponsor's unit commander may engage in counseling and referral to appropriate agencies to resolve any domestic situation that may have an adverse impact on the sponsor. The unit commander will provide the Garrison/Installation Commander information on what actions the unit commander has taken. The Garrison/Installation Commander will make the final disposition in all cases. Such action may be taken in conjunction with or separately from the actions of the Korean Government, as long as it does not interfere with their possible actions.

1-7. Central Point of Contact (POC)

a. The central POC is that person or office, (*Civilian Misconduct Officer*), designated by the Garrison/Installation Commander to initiate notification to the civilian member or sponsor of the family member committing the misconduct, review pertinent facts, and recommend a course of action (including referring the case to a Civilian Misconduct Review Board) to the Garrison/Installation Commander or his designated representative.

b. Garrison/Installation Commanders will develop procedures that have received the concurrence of their servicing Judge Advocate that will ensure that the civilian member or sponsor is notified promptly of the intended administrative action, given the opportunity (usually three working days after notification) to submit any matters in rebuttal or mitigation, and notified promptly of the Garrison/Installation Commander's decision.

c. The central POC will screen each case and recommend an appropriate disposition to the Garrison/Installation Commander.

1-8. Policy

Revocation/suspension of individual logistical support privileges and barment from an installation will be processed in accordance with USFK Reg 60-1 (Ration Control Policy – Access to Duty-Free Goods), USFK Reg 190-7 (Installation Access Control) and USFK Reg 190-1 (Motor Vehicle Traffic Supervision).

a. CMAA programs will be more effective when procedures and sanctions are applied consistently.

(1) [Appendix B](#) provides guidance to help CMAAs and CMOs select and effectively use administrative procedures for their programs. Failure to follow the guidance in Appendix B does not constitute grounds for appealing or seeking reconsideration of the CMAA's action or recommendation.

(2) Incidents of misconduct will be resolved as quickly and informally as possible. Commanders will process actions quickly, thoroughly, and fairly. The investigative procedures in this regulation will help the CMAA establish facts and determine appropriate administrative actions (Paragraph 2-6). Only the CMAA will determine which procedures to use and which actions to

take.

b. Prosecution by host-nation authorities does not prevent, and should not delay, the Area commander from taking appropriate administrative action. However, when a violation of host-nation law is involved, no civilian may be given early return to the United States before host-nation authorities give permission through the local SJA or country representative.

c. The CMAA of the garrison where an alleged offender receives ILS has primary jurisdiction in civilian misconduct cases.

(1) When misconduct occurs within the geographic area of responsibility of an Area commander who does not have primary jurisdiction that CMAA will immediately refer the matter directly to the CMAA who has primary jurisdiction, but will direct the local CMO to assist with local evidence gathering and liaison with local investigators. Prompt coordination of misconduct cases and accountability in CMAA records are critical to force protection.

(2) The CMAA with primary jurisdiction will inform the referring CMAA of actions taken against an offender, through CMAA channels, within 10 days after the action is taken, regardless of any pending appeals. The CMAA with primary jurisdiction may waive jurisdiction on request by and concurrence from a CMAA who does not have primary jurisdiction but in whose area the misconduct occurred.

(3) The determination of primary jurisdiction in connection with ILS should be based on where the subject or his/her sponsor is employed, and not where he/she resides.

Chapter 2 Administrative and Investigative Procedures

2-1. Reporting Misconduct

Local law-enforcement officials, school officials, facilities managers, commanders, supervisors of civilian personnel, and anyone else who has information about misconduct by U.S. civilians will report the misconduct to the CMO. Military justice officials or administrative separation authorities will, in appropriate cases, notify the appropriate CMO of actions taken against military personnel.

a. The CMO will immediately -

(1) Report matters of misconduct to the CMAA.

(2) Notify the local SJA of the following:

(a) The Civilian Misconduct Officer (CMO) will coordinate and process DA Form 4833 (Commander's Report of Disciplinary or Administrative Action) with DA Form 3975 (Military Policy Report).

(b) Document actions taken against identified offenders (DA form 4833/AF IMT 1058 or AF Form 3070A) within 45 days of receipt by the installation commander. If the commander cannot complete the DA Form 4833 within 45 days, a written memorandum is required to explain the circumstances.

(c) The DA Form 4833 will indicate actions taken as follows:

- Action taken (for example, judicial, nonjudicial, or administrative). In the event

the commander takes action against the offender for an offense other than the one listed on the DA Form 3975, the revised charge or offense will be specified in the REMARKS section of the DA Form 4833.

- Sentence, punishment, or administrative action imposed.
 - Should the commander take no action, the DA Form 4833 must be annotated to reflect that fact.
- b. Report the disposition of offenses investigated by law enforcement agencies.
 - c. Coordinate with local SJA for legal review.

2-2. Actions upon Receiving Reports of Misconduct

After reviewing the available facts on a reported incident, the CMAA may -

- a. Notify the offender (sponsor or parents, if the offender is a family member) of the intended administrative actions. This procedure is appropriate when pertinent facts are established to substantiate that the offender committed the misconduct.
- b. Conduct a preliminary inquiry. This action is appropriate when the circumstances of the incident are unclear or the administrative action is not apparent.
- c. Appoint an Investigating Officer (IO). This action may be appropriate because of the seriousness of the offense, the complexity of the case, the need for recommendations for appropriate sanctions, or other unique circumstances.
- d. Take no action when information indicates that no misconduct occurred, offenders cannot be identified, or that administrative action is not warranted.

2-3. Preliminary Inquiry

- a. The CMAA may collect, or direct the CMO to collect, more information (for example, collect documentary evidence; interview witnesses, sponsors, or persons reported to have committed misconduct) about the reported misconduct when the initial report does not clearly establish the facts.
- b. The CMAA or CMO may consult interested parties (for example, supervisors, sponsors, school officials, medical and mental-health personnel, persons in the sponsor's chain of command) regarding appropriateness of administrative actions that are being considered.
- c. With information developed from the preliminary inquiry, the CMAA may do one or more of the following:
 - (1) Appoint an IO.
 - (2) Notify the offender (and sponsor or parents, if the offender is a family member) of intended administrative actions when pertinent facts are established to substantiate that the offender committed the misconduct.
 - (3) Take no action when the preliminary inquiry establishes that no misconduct occurred, no offenders are identified, or that no administrative sanctions are warranted.

2-4. Administrative Procedures

a. Action by the CMAA. Based on the reported facts of the incident, a preliminary inquiry, or an IO report, the CMAA may -

- (1) Decide to take no action.
- (2) Determine that minor administrative action is appropriate.
- (3) Determine that adverse administrative action is appropriate.

b. Minor Administrative Action. Minor administrative actions are verbal counseling (Paragraph 3-2a) and letters of warning (Paragraph 3-2b).

- (1) No notice is necessary before a minor administrative action is taken.
- (2) Requests by the offender, sponsor, or parents to examine the case file will be reviewed evaluated in accordance with principles of the Freedom of Information Act, Privacy Act, and applicable DoD and service regulations. Commanders should consult with their servicing SJA when evaluating such requests.
- (3) The offender's commander or supervisor. In addition to considering appropriate disciplinary action against an employee, the commander or supervisor will evaluate whether or not the offender has or requires a security clearance and will evaluate whether adverse administrative action needs to be reported to the appropriate security-clearance-review authorities.
- (4) The offender's sponsor or parents if the offender is a family member.
- (5) The sponsor's commander or supervisor if the offender is a family member.
- (6) The USFK Access Control Officer when the action is a USFK bar memorandum. The CMO will make the appropriate entries in Defense Biometric Identification System (DBIDS). Bar memorandums and attachments may be sent by mail or fax and the CMAA should contact the USFK Access Control Officer for alternate means of submitting bar memorandums, including expedited electronic submissions to current e-mail addresses.
- (7) The security clearance office of the offender's military unit if the offender is a Reservist who performs inactive duty training (IDT) or active duty for training (ADT).

c. Referral to Another CMAA or Commander for Action. The CMAA of the Garrison or Installation where the civilian receives logistic support has primary jurisdiction in civilian misconduct cases. See [Appendix C](#) for sample juvenile misconduct administrative sanctions.

d. Suspension of Administrative Action. The CMAA may suspend one or more administrative actions on the condition of good behavior by the offender. The CMAA also may suspend administrative actions pending successful completion of a community supervision program. Suspensions of administrative actions ordinarily should not exceed 1 year.

- (1) The CMAA will add to the file any response appropriate to the matters raised on appeal.

(2) The CMAA may delay the effective date of administrative sanctions pending an appeal.

(3) CMAAs who are Garrison or Installation commanders have the authority to impose bars from entry according to USFK Reg 190-7.

e. Legal Review. Legal review is not required before the CMAA notifies offenders of intended adverse administrative actions or recommendations. The CMAA should, however, seek legal advice in the following situations:

(1) When an offender appeals an adverse administrative action.

(2) In complex cases.

(3) USFK Reg 190-7 requires a written legal review in all barment actions.

f. Host-Nation Judicial or Administrative Proceedings. A CMAA may take action against an offender even when host-nation judicial or administrative authorities are taking action against the offender.

g. Records of Misconduct Actions. The CMAA will maintain records of actions taken for acts of misconduct. The records will be maintained for 3 years after the date the CMAA notifies the offender of actions taken or the date of action on an appeal, whichever is later.

2-5. Civilian Misconduct Review Board (CMRB)

a. Functions.

(1) The CMRB will review such cases of alleged civilian misconduct as are referred to it by the Garrison/Installation Commander. The board will review each case IAW procedures established by each Garrison/Installation Commander and provide nonbinding findings and recommendations to assist the Garrison/Installation Commander in making a disposition of referred cases. Logistics may prohibit timely formation of a CMRB.

(2) Recommendations of the board should be considered as appropriate alternatives to administrative sanctions. These may include community based programs offering training, restitution, rehabilitation, constructive work projects, special counseling and a firm program directed at encouraging sponsor supervision, care and responsibility.

(3) In serious cases where alternatives such as those suggested above are not appropriate and the continued presence of the member in the command would be contrary to the best interests of the community, an embarrassment to the U.S. Government, or detrimental to good order, morale, or discipline. The CMRB can recommend returning an individual to CONUS because of unsuitability to the overseas environment.

b. Composition. The CMRB, if convened, will be composed of the following individuals:

(1) Deputy Garrison Commander or designated representative - President.

(2) Senior Enlisted Advisor of the installation (required when the sponsor is an enlisted Service member).

(3) Social worker.

(4) Recorder (nonvoting member).

(5) Others as determined appropriate on a case-by-case basis (e.g., representative from sponsor's unit or local provost marshal office, school officials, health care professional, chaplain, family life center representative, and so on).

(6) A Judge Advocate will be on call for the Board President, as needed, but is not required to be a member of the board.

c. Proceedings.

(1) The proceedings of a CMRB are informal, nonadversarial and administrative, not criminal in nature.

(2) Garrison/Installation Commanders will, in coordination with their servicing Judge Advocate, develop board proceedings to be utilized by the CMRB.

(3) The sponsor must attend the hearing with his/her dependent. In juvenile cases, the Sponsor's spouse will be encouraged to attend.

(4) The record and files of the CMRB will be considered privileged and will be provided the full protection from unauthorized disclosure as required by the Privacy Act of 1974.

2-6. General Guidance on Selecting Administrative Actions

The CMAA will consider the following factors when selecting appropriate actions for civilian misconduct:

a. Seriousness of the misconduct.

b. Relationship of the sanction to the offense. The administrative action imposed should bear a rational relationship to the offense committed (for example, suspension of driving privileges for misconduct involving a privately owned vehicle (POV), but not for shoplifting at an Army and Air Force Exchange Service (AAFES)).

c. Offender's prior record. The CMAA should consider taking stronger action against persons who have previously been involved in misconduct.

d. Age and maturity of the offender. The CMAA should handle vandalism committed by a 10-year-old child differently than vandalism committed by a teenager or an adult.

e. Restitution to victims. The CMAA will consider actions the offender has taken to resolve the effects of his or her misconduct. The CMAA cannot force offenders (or their military or civilian sponsors) to compensate victims for loss or damage. However, restitution by offenders for damaged property (including Government property) is one indication of a willingness to live responsibly in the community in the future.

2-7. Additional General Guidance

a. Guidelines for CMAAs and CMOs. The below provides guidance for the CMO on selecting and effectively using administrative procedures to handle civilian misconduct cases.

This paragraph also provides guidance on using administrative sanctions available to the CMAA.

b. Establishing CMAA Programs And Procedures.

(1) The basic regulation provides CMAAs a great deal of flexibility in structuring their individual programs. With the help of the servicing judge advocate (JA), CMAAs should evaluate their community needs and organize their individual programs accordingly.

(2) When the person is not affiliated with the military or civilian workforce, the administrative due-process procedures in paragraph 2-4, do not apply. For example, when the offender is not an employee of the U.S. Forces, a U.S. Forces family member, or a contractor employee, the CMAA may bar the person from the Area or Installation (when the offense warrants such action) without advance notice and without allowing an opportunity to respond or appeal.

c. Additional Guidance for Selecting Appropriate Administrative Actions (Sanctions).

(1) The basic regulation, paragraph 3-2, describes the factors that the CMAA should consider when determining which administrative actions are appropriate in response to a civilian's misconduct.

(2) [Appendix B](#) provides suggested administrative actions to help CMAAs select an appropriate administrative action for particular acts of misconduct.

(3) Appendix B does not include every act of misconduct. When an act of misconduct is committed that is not listed in Appendix B, the CMAA may determine an appropriate administrative action by comparing the misconduct with other acts of similar misconduct listed.

(4) A particular adverse administrative action is not mandatory solely because of its being listed in Appendix B. Selecting an appropriate administrative action requires balancing the relevant factors in each case. For example, even for acts of misconduct for which early return of family members or curtailment of tour is not listed for a first offense, early return or curtailment for a first offense may be appropriate for an aggravated offense or multiple offenses.

(5) In determining the appropriate administrative action for a later act of misconduct, the CMAA should consider how much time has passed since the previous offense or offenses in relation to the most recent act of misconduct.

(a) Previous acts of misconduct may form the basis for proposing more severe administrative action. Although counseling and letters of warning are not considered adverse administrative actions, they may be considered when determining an appropriate administrative action for a later act of misconduct.

(b) Aggravating factors that the CMAA intends to consider (for example, previous acts of misconduct or the severity of the current misconduct) should be included in the notice of the proposed administrative action provided to the offender. The offender should have an opportunity to respond to those factors.

(c) The CMAA also should consider the offender's willingness to take part in a community service program voluntarily when determining the appropriate administrative action or penalty. The CMAA may allow the offender to perform community service in place of imposing an administrative sanction or penalty.

Chapter 3

Administrative Actions Available to the Civilian Misconduct Action Authority (CMAA)

3-1. Administrative Sanctions (see [Appendix B](#) for a list of suggested administrative sanctions)

a. When selecting appropriate administrative sanctions, the following applies:

(1) The misconduct should be evaluated in terms of the individual's prior record, the seriousness of the misconduct, the availability of community agencies to support any corrective action, and the sanctions used in like cases.

(2) The sanctions imposed should bear a relationship to the misconduct (such as referral to a smoking cessation class for youths found smoking in or near public facilities).

b. Some examples of administrative sanctions applicable to cases involving civilian misconduct are indicated below. This list is not all-inclusive but is intended as a reference guide.

(1) The sponsor may be counseled about the conduct of the family member.

(2) A letter of warning may be issued.

(3) Revocation of privileges (commissary, exchange and recreation services).

(4) The member's privately owned vehicle operator's license may be suspended, revoked, or disapproved in accordance with (IAW) USFK Reg 190-1.

(5) Members may be barred from the military installation IAW USFK Reg 190-7. However, they are still generally entitled to medical and dental care. In addition, if the civilian is employed on-post, the bar may have to be tailored to permit travel to and from the work place.

(6) The member's ration control privileges may be withdrawn IAW USFK Reg 60-1.

(7) Termination of government quarters (AR 420-1, Army Facilities Management).

(8) Early return of military family members to the continental U.S. (CONUS) may be accomplished as follows:

(a) The sponsor may be encouraged to request early return of his/her family members to the U.S. when the return would best serve the interest of the military community (AR 55-46, Travel Overseas).

(b) In aggravated cases, family members may be offered early return transportation. They may be requested to return to the U.S. if their continued presence in the ROK is prejudicial to good order and discipline or is embarrassing to the Government.

(c) Under extreme circumstances, consideration may be given to curtailing the overseas tour of the military sponsor.

(d) Prior to affecting such return to CONUS, contact must be made with the USFK Judge Advocate to ensure that the ROK Government has waived jurisdiction under the US-ROK SOFA, if the misconduct is in violation of Korean criminal statutes.

(e) When a family member is notified of early return of family member plans, the commander of the sponsor will ensure that the family member is informed that if the family member refuses to depart per the scheduled early return date, the ROK Government may be notified and requested to revoke the visa of the family member and the family member may have to fund his or her own transportation from the ROK since he or she did not use the transportation offered by the U.S. Government.

(9) Performance of community service. Community service may only be performed if the individual voluntarily agrees to this option. If so, the individual must be processed through the Army Community Service volunteer office (or service component equivalent) for processing as a registered volunteer.

c. Garrison/Installation Commanders may request US-ROK SOFA status/logistic privilege revocation for dependents of invited contractors/technical representatives from the USFK Assistant Chief of Staff, Acquisition Management should the misconduct/pattern of misconduct warrant such revocation (IAW USFK Reg 700-19).

d. Any request for revocation of a civilian's visa (excluding Invited Contractors and Technical Representatives) will be appropriately documented and forwarded to the Commander, USFK, ATTN: Judge Advocate, Unit #15237, APO AP 96205-5237.

3-2. Administrative Actions that May Be Used

The CMAA may take any of the following administrative actions in response to misconduct by anyone subject to this regulation. Other actions, such as disqualification of teenage offenders from participation in the Summer Hire Program, may be taken by the CMAA when appropriate and coordinated according to controlling regulations, policy, and procedures.

a. Counseling. The CMAA may counsel an offender about the misconduct. If the offender is a family member or member of a household, the parents or sponsor will be notified of the pending counseling and will be given a reasonable opportunity to be present.

b. Letter of Warning. The CMAA may issue a letter of warning to the offender. The offender, sponsor or parents may respond in writing within 3 workdays. If the offender is -

(1) A family member or a member of a household, the letter should be sent through the sponsor's commander or supervisor. A copy of the letter will be provided to the sponsor.

(2) An adult civilian employee, the letter should be sent through his or her supervisor. This channel of notification applies to Appropriated Fund (APF) employees, Nonappropriated Fund (NAF) employees, and local national employees.

(3) An employee of a Government contractor, the letter should be sent through the contracting officer and the contracting officer's representative (COR).

c. Notification of U.S. Hiring Authorities. The CMAA should notify appropriate hiring authorities (for example, Civilian Personnel Advisory Center (CPAC)/Civilian Personnel Office (CPO) personnel, Government contractors) of misconduct that could affect a future applicant's employment qualifications. If the offender is already employed, the CMAA will also advise the servicing CPAC, the employee's supervisor, contracting officer, or COR, as appropriate.

d. Suspension or Revocation of Logistic Support Privileges. The CMAA may take action to suspend or terminate an offender's logistic support privileges. In appropriate instances, the CMAA will forward requests that impose certain actions to the responsible authority. Privileges the CMAA may take action to suspend or terminate include, but are not limited to, the following:

(1) AAFES Facilities. AAFES-facility privileges may be suspended for appropriate periods when facility privileges are abused. AAFES-facility privileges will be suspended for a minimum period of 6 months for shoplifting or for knowingly presenting a bad check ([AR 215-8](#), Army and Air Force Exchange Service Operations).

(2) Commissary. Commissary privileges may be suspended for an appropriate period of time if those privileges are abused ([DoDI 1330.17](#), Armed Services Commissary Operations).

(3) Morale, Welfare, and Recreation (MWR) Activities. Offenders may be denied the privilege of participating in an MWR activity if the absence of the offender is in the best interest of the activity, the community, or the U.S. Army ([AR 215-1](#), Military MWR Programs & NAF Instrumentalities). The misconduct need not involve abuse of MWR activities.

(4) U.S. Club Privileges. U.S. clubs are MWR activities. Club privileges may be denied if denying access to the club is in the best interest of the activity, the community, or USFK. The misconduct need not involve or occur in a club.

(5) Check Cashing. Check-cashing privileges may be suspended if they are abused. Specific check-cashing policy is in the appropriate regulations for the various community activities.

(6) Government Housing Facility. Assignment to Government housing may be terminated if a sponsor or family member is involved in illegal use of the housing facility or in misconduct that is contrary to the safety, health, or morale on the installation. The misconduct need not occur in or involve abuse of the housing facility.

(7) Ration Control/Class Six Privileges. Ration control and class six privileges may be suspended if abused (USFK Reg 60-1).

(8) U.S. Forces Driving Privileges. U.S. Forces privately owned vehicle (POV) driving privileges may be suspended or revoked if abused according to USFK Regulation 190-1 (Motor Vehicle Traffic Supervision). U.S. Forces certificates of license and license plates will be disposed of according to USFK Regulation 190-1 (Motor Vehicle Traffic Supervision). Persons placed on a USFK bar lose their eligibility for a U.S. Forces POV registration at 0001 hours the day after the bar is issued. Offenders are also ineligible for a registration translation to acquire registration with Korean authorities.

e. Early Return of Family Members. Under the provisions of the Joint Travel Regulations, volume 2, CMAAs will consider early return of family members or other civilian offenders to the U.S. when other administrative measures are not expected to be effective.

(1) CMAAs will ask sponsors to request early return of the offender to the United States.

(2) If the sponsor does not request early return of the offender, the Garrison/Installation commander or other commander in the rank of colonel (O-6) or above who has been appointed according to this regulation (Paragraph 1-5c) may authorize early return without the sponsor's request.

(3) If early return of a family member or other civilian to the U.S. is anticipated and a violation of host-nation law is involved, the SJA will notify the appropriate host-nation judicial authorities. In these cases, the offender will not be returned to the U.S. without host-nation approval.

(4) When early return is authorized and the offender refuses to depart, or departs and returns to the Korea region, the CMAA may initiate action to revoke ILS (other than medical care). Bars from entry to installations and facilities will also be considered. Termination of Government family housing may be appropriate in certain cases.

f. Curtailment of Tour. In appropriate cases, the CMAA may request a curtailment of an overseas tour of a military sponsor (e.g., AR 614-30, Overseas Service). The request must be sent to the personnel service support office/unit for approval. Similar actions against civilian sponsors should be coordinated with the servicing CPAC/CPO and the SJA.

g. Removal From Host Country. Only host-nation authorities may remove offenders involuntarily from a host country. This action should be reserved for cases in which other actions, including early return of family members and curtailment of tour, have been determined not to be effective or appropriate. The CMAA will send requests and a complete justification for the action through the Garrison/Installation Commander and the commander exercising General Court-Martial Convening Authority (GCMCA) to the OJA. The JA servicing the GCMCA will review requests for removal before sending them to the OJA.

3-3. Community Service Programs

a. Community service programs offer effective ways to determine whether or not an offender is willing to be a responsible community member. Community service programs should be tailored to the offense and to the offender. Examples include offering the offender an opportunity to:

(1) Periodically report personally to the CMO, Community Service Officer or an appropriate designee.

(2) Receive periodic home visits from the CMO, Community Service Officer or an appropriate designee.

(3) Remain at home during specified hours of the day.

(4) Perform voluntary services in the community. Those services may not involve services that are currently or normally covered by APF positions.

(5) Make payments to or perform services for victims affected by the misconduct to reimburse them for damage or loss.

(6) Attend and participate in social welfare services, medical, community education or counseling programs intended to identify, diagnose, or treat underlying social or physical disorders that affect an individual's behavior. Examples are anger-management training, alcohol or substance abuse programs, and parenting skills training.

b. The offender (sponsor or parents if the offender is a juvenile) must consent in writing to any community service. The agreement should specify what will constitute satisfactory compliance

with the program (for example, regular attendance at weekly meetings; bi-weekly reporting to a community supervision officer, obtaining a set number of hours worked, etc) and successful completion of the program. When deciding other appropriate action to take against the offender, the CMAA should consider failure to consent to or unsatisfactory participation in a community service program.

c. The CMAA will designate a soldier or civilian (for example, local military police juvenile officer) to supervise persons participating in community service programs. The CMO, Community Service Officer, etc. will make periodic reports (verbally or in writing) to the CMAA about the offender's participation in the program.

3-4. Other Administrative Actions

Examples of actions that may be taken only in coordination with other activities include the following:

a. Adverse Personnel Action Against Employees by U.S. Authorities. Supervisors may take adverse personnel actions from reprimand through removal against APF and NAF employees when such action would promote the efficiency of the service (e.g., Code of Federal Regulations, NAF Personnel Policy). Adverse personnel actions may be appropriate for off-duty conduct when the conduct relates to the employee's performance of official duties. Offenses affecting employment include conduct that shows a personal characteristic incompatible with the employee's position (for example, an act that puts an individual's credibility in question or impairs necessary public trust in the employee).

(1) Supervisors will consult with their local CPAC/CPO and SJA labor counselors for guidance.

(2) Supervisors of employees removed from Federal service for misconduct must report removals to their CMAA. The CMAA, with advice from the servicing SJA, will determine whether a bar from entry should be implemented.

b. Suspension or Expulsion From DoDDS. DoDDS principals may suspend students for 10 days or less for misconduct occurring at school or during school activities (DoD 1342.6-M, Para C1.4.6.7). The DoDDS Korea Superintendent is the decision authority for suspensions of more than 10 days and expulsions. The CMAA must coordinate with DoDDS officials when misconduct warrants DoDDS suspension or expulsion.

c. Overstamping Identification Cards. Identification cards will not be overstamped in Korea. Overstamping an Identification card will invalidate the card.

Appendix A References

Section I. Required Publications

[AR 15-6](#), Procedures for Investigating Officers and Boards of Officers.

[AR 25-55](#), The Department of the Army Freedom of Information Act Program.

[AR 55-46](#), Travel Overseas.

[AR 215-1](#), Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities.

[AR 215-3](#), Nonappropriated Funds Personnel Policy.

[AR 215-8](#), Army and Air Force Exchange Service Operations.

[AR 600-8-14](#), Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel.

[AR 614-30](#), Overseas Service.

Code of Federal Regulations, Title 5, parts 352, 715, and 752.

[DoD 1342.6-M](#), Administrative and Logistic Responsibilities for DoD Dependents Schools.

[Joint Travel Regulations, Volume 2](#), Department of Defense Civilian Personnel.

MILPERCOMINST 4650.2A, Navy Passenger Transportation Manual (PTM).

U.S.-ROK Status of Forces Agreement ([SOFA](#)).

[USFK Reg 190-1](#), Motor Vehicle Traffic Supervision.

[USFK Reg 190-7](#), Installation Access Control.

[USFK Reg 60-1](#), Ration Control Policy – Access to Duty-Free Goods.

[USFK Reg 700-19](#), The Invited Contractor and Technical Representative Program.

Section II. Related Publications

[AFI 40-301](#), Family Advocacy.

[USFK Reg 1-44](#), Criminal Jurisdiction Under Article XXII, Status of Forces Agreement.

[USFK Reg 10-2](#), Installation Management and Base Operations.

[USFK Reg 27-5](#), Individual Conduct and Appearance.

[USFK Reg 190-50](#), Law Enforcement Procedures in Korea.

[USFK Reg 643-2](#), Transfers of Duty-Free Items.

Section III. Prescribed Forms

There is no entries in this field.

Section IV. Referenced Forms

[AF IMT 1058](#), Unfavorable Information File Action.

[AF Form 3070A](#), Record of Nonjudicial Punishment Proceedings.

DA Form 3975 ([Pages 1-2](#)), ([Page 3](#)) & ([Page 4-5](#)), Military Policy Report.

[DA Form 4833](#), Commander's Report of Disciplinary or Administrative Action.

**Appendix B
Suggested Administrative Sanctions**

| Offense | Nature of Offense | First Offense | Second Offense | Third Offense | Remarks |
|------------------------|--|--|---|---|--|
| 1. Fighting or Assault | Creating a disturbance. | Counseling or letter of warning to suspension of privileges for up to 60 days. | Letter of warning to suspension of privileges for up to 60 days. | Suspension of privileges for 6 months to early return of family members or tour curtailment. | More severe administrative action may be appropriate based on the seriousness of the disturbance. |
| | Threatening or attempting to inflict bodily harm without injury. | Letter of warning to suspension of privileges for up to 60 days. | Suspension of privileges for up to 60 days to early return of family members or tour curtailment. | Suspension or revocation of privileges to early return of family members or tour curtailment. | |
| | Hitting, pushing or other acts against another without injury. | Letter of warning to suspension of privileges for up to 60 days. | Suspension of privileges for up to 60 days to early return of family members or tour curtailment. | Early return of family members or curtailment of tour. | More severe administrative action may be taken based on such factors as provocation and status of victim. |
| | Hitting, pushing or other acts against another causing injury. | Letter of warning to early return of family members to tour curtailment. | Early return of family members to tour curtailment. | | More severe administrative action may be taken based on such factors as provocation, extent of injuries, and status of victim. |

Note: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case. This table is intended merely as a guide to what sanctions, if any are imposed, are available.

| Offense | Nature of Offense | First Offense | Second Offense | Third Offense | Remarks |
|---|---|--|---|---|--|
| 2. Truancy | Unexcused absence from school by child. | Counseling or letter of warning. | Letter of warning to suspension of privileges for up to 30 days. | Suspension of privileges for up to 60 days to early return of family members. | School system has primary jurisdiction unless coupled with an infraction that occurs during school hours. |
| 3. Insubordination | Refusal to obey orders, community or school rules, defiance of military police, Korean police, or commander's Authority. | Counseling or letter of warning to early return or family members. | Suspension of privileges for up to 30 days to early return of family members. | Early return of family members. | Revocation of all logistic support privileges may be appropriate when family members refuse to leave. |
| 4. Unauthorized use of alcohol or drugs | Unauthorized possession or transfer of alcoholic beverages or drugs while on Government property or in a Government housing area. | Letter of warning to suspension of privileges for 30 days. | Suspension of privileges for up to 6 months. | Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment. | More severe administrative action may be appropriate when aggravating factors are present (for example, giving alcohol or drugs to a child under the age of 16). |

Note: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case. This table is intended merely as a guide to what sanctions, if any are imposed, are available.

| Offense | Nature of Offense | First Offense | Second Offense | Third Offense | Remarks |
|---|--|---|---|---|--|
| 4. Unauthorized use of alcohol or drugs | Unauthorized use of alcoholic beverages or drugs. | Letter of warning to suspension of privileges for up to 60 days. | Suspension of privileges for up to 6 months. | Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members. | |
| 5. Drunk and disorderly conduct | Drunk and creating a disturbance on Government property or in a Government housing area. | Letter of warning to suspension of privileges for up to 60 days. | Suspension of privileges for up to 1 year. | Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment. | |
| 6. Child neglect | Failure to properly care for a child in violation of law, regulation, or policy. | Counseling or letter of warning to suspension of privileges for up to 6 months. | Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment. | | Early return of family members or tour curtailment may be appropriate for a first offense when the child's life or health is Endangered. |
| 7. Arson | Intentionally setting fire to a building, structure, or property of another. | Letter of warning to early return of family members or tour curtailment. | | | If arson is in Government quarters, termination of quarters may be appropriate for a first offense. |

Note: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case. This table is intended merely as a guide to what sanctions, if any are imposed, are available.

| Offense | Nature of Offense | First Offense | Second Offense | Third Offense | Remarks |
|--|--|--|---|---|---|
| 8. Damage to property | Intentional or willful damage to private or Government property. | Suspension of privileges for up to 6 months. | Suspension of privileges for up to 1 year. | Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment. | Appropriate administrative action depends on such factors as value of the property, amount of damage, and age of offender. |
| 9. Misuse of ration card, purchase, or postal privileges | Violation of USFK Reg 60-1, governing the use of ration cards, purchase privileges, and postal services. | Letter of warning to suspension of privileges for up to 6 months. | Suspension of privileges for up to 1 year. | Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment. | More severe administrative action may be appropriate when evidence shows misuse was for profit. |
| 10. Vehicle and traffic violations | Moving and parking violations within areas subject to U.S. Forces jurisdiction. | Letter of warning to proposed suspension of driving privileges under USFK Reg 190-1. | Proposed suspension of driving privileges under USFK Reg 190-1. | Proposed Suspension of driving privileges to early return of family members. | If appropriate suspension or revocation authority declines to take action, CMAA should consider bar from entry or early return of family members. |

Note: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case. This table is intended merely as a guide to what sanctions, if any are imposed, are available.

| Offense | Nature of Offense | First Offense | Second Offense | Third Offense | Remarks |
|------------------------------|--|--|--|---|--|
| 11. Drunk or drugged driving | Driving any vehicle while under the influence of alcohol or drugs. | Proposed suspension of driving privileges under USFK Reg 190-1 mandatory suspension. | Proposed revocation under USFK Reg 190-1. | | Second offense within 5 years requires mandatory revocation for 5 years. |
| 12. Shoplifting | | Suspension of privileges for up to 6 months. | Suspension of privileges for up to 1 year. | Revocation of privileges to early return of family members or tour curtailment. | AAFES privileges must be suspended for at least 6 months Under AR 215-8, para 6-6e, and AR 600-8-14, Para 1.11. Indefinite suspension for third offense is authorized. |
| 13. Receipt of stolen goods | Knowingly receiving, possessing , or purchasing stolen property. | Letter of warning to early return of family members or tour curtailment. | | | |

Note: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case. This table is intended merely as a guide to what sanctions, if any are imposed, are available.

| Offense | Nature of Offense | First Offense | Second Offense | Third Offense | Remarks |
|---|---|--|--|---------------|---------|
| 14. Unauthorized use or possession of a controlled substance | Introduction of controlled substance To Government property or housing area for personal use | Suspension of privileges for up to 30 days to early return of family members or tour curtailment | Early return of family members or tour curtailment | | |
| | Introduction of controlled substance to Government property or housing area in amounts sufficient for distribution on Government property or in a Government housing area | Early return of family members or tour curtailment | | | |
| 15. Trespassing | Normally an offense involving a nonaffiliated person | Bar to entry | | | |
| <p>Note: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case. This table is intended merely as a guide to what sanctions, if any are imposed, are available.</p> | | | | | |

Appendix C
Sample Juvenile Civilian Misconduct Administrative Sanctions Matrix

| OFFENSE/INCIDENT | # | ADMINISTRATIVE SANCTIONS |
|---|-----------------|---|
| Assault | 1 st | 50 Hrs Community Service+ ASACS* Referral+ 2-1000 Word Essays |
| | 2 nd | 100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay |
| | 3 rd | Installation Bar / Early Return of Dependents to CONU.S. |
| Arson/Fire Safety Device Activation | 1 st | 100 Hrs Community Service + ASACS Referral |
| | 2 nd | Installation Bar / Early Return of Dependents to CONU.S. |
| Bomb Threat | 1 st | Installation Bar / Early Return of Dependents to CONU.S. |
| Curfew Violation | 1 st | 50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essays |
| | 2 nd | 100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay |
| | 3 rd | 200 Hrs Community Service + ASACS Referral Or Installation Bar / Early Return of Dependents to CONUS |
| Damage Of Gov't/ Private Property | 1 st | 50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essay |
| | 2 nd | 100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay |
| | 3 rd | Installation Bar / Early Return of Dependents to CONUS |
| Driving Without License | 1 st | 50 Hrs Community Service + ASACS Referral |
| | 2 nd | 100 Hrs Community Service + ASACS Referral |
| | 3 rd | 200 Hrs Community Service + ASACS Referral Or Installation Bar / Early Return of Dependents to CONUS |
| Drug Related Offense | 1 st | 100 Hrs Community Service + ASACS Referral + Limited Area Bar |
| | 2 nd | Installation Bar / Early Return of Dependents to CONUS |
| Drug Sale/Transfer | 1 st | Installation Bar / Early Return of Dependents to CONUS |
| Juvenile Misconduct (Miscellaneous) | 1 st | 50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essays |
| | 2 nd | 100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay |
| | 3 rd | 200 Hrs Community Service + ASACS Referral or Installation Bar / Early Return of Dependents to CONUS |
| Official Document Sale Transfer (ID/RCP/Passport) | 1 st | 100 Hrs Community Service + ASACS Referral + Limited Area Bar or Installation Bar / Early Return of Dependents to CONUS |

| OFFENSE/INCIDENT | # | ADMINISTRATIVE SANCTIONS |
|-------------------------------|-----------------|--|
| Shoplifting (On/Off Post) | 1 st | 50 Hrs Community Service + 6 MOS RCP Suspension + ASACS Referral+ 2-1000 Word Essays |
| | 2 nd | 100 Hrs Community Service + 12 MOS RCP Suspension + ASACS Referral+ 1-2500 Word Essay |
| | 3 rd | 200 Hrs Community Service + 24 MOS RCP Suspension + ASACS Referral Or Installation Bar / Early Return of Dependents to CONUS |
| Trespassing | 1 st | 50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essay |
| | 2 nd | 100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay |
| | 3 rd | Installation Bar / Early Return of Dependents to CONUS |
| Truancy | 1 st | 50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essay |
| | 2 nd | 100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay |
| | 3 rd | 200 Hrs Community Service + ASACS Referral Or Installation Bar / Early Return of Dependents to CONUS |
| Underage Drinking | 1 st | 50 Hrs Community Service + ASACS Referral |
| | 2 nd | 100 Hrs Community Service + ASACS Referral |
| | 3 rd | 200 Hrs Community Service + ASACS Referral Or Installation Bar / Early Return of Dependents to CONUS |
| Violation Off Limits Areas | 1 st | 50 Hrs Community Service + ASACS Referral |
| | 2 nd | 100 Hrs Community Service + ASACS Referral |
| | 3 rd | 200 Hrs Community Service + ASACS Referral Or Installation Bar / Early Return of Dependents to CONUS |

Note: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case. This table is intended merely as a guide to what sanctions, if any are imposed, are available.

*ASACS = Adolescent Substance Abuse Counseling Service.

Glossary

Section I. Abbreviations

| | |
|---------|---|
| ACS | Army Community Service |
| APF | Appropriated Fund |
| ASACS | Adolescent Substance Abuse Counseling Service |
| CMAA | Civilian Misconduct Action Authority |
| CMAS | Civilian Misconduct Action Specialist |
| CMO | Civilian Misconduct Officer |
| CMRO | Civilian Misconduct Reviewing Official |
| COR | Contracting Officer's Representative |
| CPAC | Civilian Personnel Advisory Center |
| DoD | Department of Defense |
| DoDDS | Department of Defense Dependents Schools |
| GCMCA | General Court-Martial Convening Authority |
| HQ USFK | Headquarters United States Forces Korea |
| ILS | Individual Logistic Support |
| IO | Investigating Officer |
| LA | Legal Advisor |
| LO | Law and Order |
| MCSC | Misconduct Community Services Coordinator |
| NAF | Nonappropriated Fund |
| PM | Provost Marshal |
| ROK | Republic of Korea |
| SOFA | Status of Forces Agreement |

Section II. Terms

Administrative Sanctions. Administrative actions (such as referral to counseling or barring access to an installation) imposed in an effort to correct the behavior or conduct of the individual committing a violation of a rule, regulation or law. See [Appendix C](#) for sample juvenile civilian misconduct administrative sanctions.

Appellate. Of, relating to, or recognizing appeals.

Area Commanders. This term is equivalent for all U.S. installations in Korea for all services.

Civilian Member. The civilian component as defined by Article I (DoD civilians, Technical Representatives, Family Member, etc.) and Article XV (Invited Contractors) U.S.-ROK SOFA. This term also includes U.S. civilians employed by the Joint United States Military Affairs Group-Korea (JUSMAG-K), retired U.S. military personnel and widows/widowers of U.S. personnel entitled to use USFK facilities.

Civilian Misconduct. Any violation of existing rules, regulations or laws (ROK or U.S.).

Civilian Misconduct Action Authority. The officer (usually the Garrison/Installation Commander) responsible for determining and taking action in response to civilian misconduct.

Due Process. A course of formal proceedings carried out regularly and according to established rules and principles.

Family Member. Dependents of a member of USFK covered by the U.S.-ROK SOFA, dependents of military/civilian members assigned to JUSMAG-K, as well as the dependents of other "civilian members" as defined above. The lawful spouse, legitimate children, legitimized children, adopted children, stepchildren, and unmarried students up to 23 years old who are attending an accredited institution of higher learning full-time and whose sponsors are military members or DoD civilian employees.

Individual Logistic Support. Support that includes, but is not limited to, use of commissaries and use of Army and Air Force Exchange Service facilities.

Legal Advisor. Normally, the servicing judge advocate in host nations other than Korea. The legal advisor provides services similar to those of the legal liaison authority at the request of the U.S. country representative for the host nation.

Legal Liaison Authority. The point of contact, (normally the servicing judge advocate), for the U.S. Forces response in cases involving foreign criminal jurisdiction. The legal liaison authority is the sole point of contact with host-nation judicial and prison counterparts.

Member of Household. A close-blood or marriage-connected relative who resides in the household of a military or civilian sponsor and who either is financially dependent on or, for reasons of poor health or advanced age, is supported by the sponsor. Sponsors for members of household must be active-duty soldiers or DoD civilian personnel performing duty at U.S. Forces installations.

Members of USFK. Members of USFK, the civilian component as defined by Article I, U.S.-ROK SOFA and employees of an invited contractor, employed by, or under the control of, USFK. The term also includes military members assigned to and U.S. civilians employed by the JUSMAG-K,

retired U.S. military personnel and widows/widowers of U.S. personnel entitled to use USFK facilities.

Misconduct. Conduct or behavior by persons subject to this regulation that violates or is inconsistent with the standards of host-nation laws; the United States Code; or the rules, regulations, and other directives of military authorities. Also included are disorderly conduct; conduct prejudicial to good order, discipline, or accomplishment of the mission; truancy; and conduct contrary to directions of persons exercising police authority of a commander.

Offender. A person who is found to have engaged in misconduct as defined in this regulation.

Primary Jurisdiction. Jurisdiction of the commander of the area in which the civilian is housed. In the absence of housing support to a civilian, the commander of the area in which the civilian is employed will have primary jurisdiction. In the absence of either of the above two forms of support, primary jurisdiction will be determined by the garrison commander of the area in which the misconduct occurred. For installations that do not have garrison commanders, the Garrison/Installation Commander has primary jurisdiction.

Sponsor. A service member, a DoD civilian, or other person authorized individual logistic support according to the terms of his or her employment (for example, contractor personnel) whose family members are eligible to receive individual logistic support at a U.S. Forces installation.

Service Component. A branch of the U.S. Armed Forces (for example, U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marine Corps).