



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JAPAN
UNIT 45005
APO AP 96343-5005

APAJ-CG

19 January 2023

COMMAND POLICY MEMORANDUM 23-2

SUBJECT: Administration and Processing of Certain Uniform Code of Military Justice (UCMJ) Matters within U.S. Army Japan (UCMJ Withholding Policy)

1. Applicability. This policy supersedes Command Policy Memorandum 21-13 (8 July 2021) and applies to all Soldiers assigned, attached, or otherwise subject to the General Court-Martial Convening Authority (GCMCA) of the Commanding General, United States Army Japan (USARJ). Tenant units with different technical command lines shall follow this policy unless an exception is granted after coordination with the Office of the Staff Judge Advocate (OSJA).

2. Definitions.

a. Senior Leaders: All commissioned officers, warrant officers, and non-commissioned officers (NCO) in the grade of E-8 and above, to include any NCO serving as a First Sergeant.

b. Disposition: Any final disciplinary or administrative action to include closing out administrative inquiries and investigations as the approving authority. A decision to take no action is a disposition.

3. Notification Requirements.

a. Special Court-Martial Convening Authorities (SPCMCAs) will report any allegation of misconduct committed by Senior Leaders as soon as practicable, but no later than 24 hours after learning of the allegation. The report will include the SPCMCA's plan of action to manage the situation and support to victims and the accused as appropriate.

b. SPCMCAs must notify me before suspending, and/or permanently relieving from duties any Senior Leaders.

c. SPCMCAs will notify me in accordance with 3a and 3b above via e-mail, copying the Chief of Staff, Deputy Commander, and Staff Judge Advocate.

APAJ-CG

SUBJECT: Administration and Processing of Certain Uniform Code of Military Justice (UCMJ) Matters within U.S. Army Japan (UCMJ Withholding Policy)

4. Withholdings.

a. I withhold disposition authority of all allegations involving Senior Leaders. SPCMCAs retain authority conduct inquiries and investigations of Senior Leaders under provisions of AR 15-6. Upon completion of any inquiry or investigation of a Senior Leader, the SPCMCA will forward the investigation to me to close as approval authority, along with a recommendation as to disposition.

b. Withholdings to SPCMCAs. Subject to paragraph 4a above, only SPCMCAs may dispose of allegations of misconduct committed by a Soldier in the grade of E-7 and all allegations of domestic violence. SPCMCAs in the grade of O-6 are the initial disposition authority for all Article 120 offenses and attempts to commit any of those offenses. Collateral misconduct committed by victims of Article 120 offenses are also withheld to SPCMCAs. This authority cannot be further delegated.

c. Withholdings to SCMCAs. Subject to paragraphs 4a and 4b above, only SCMCAs may dispose of allegations of drug related misconduct. This authority cannot be further delegated.

d. I withhold authority to convene all Special Courts-Martial.

5. Release of Disposition Authority.

a. SPCMCAs may request disposition authority by email to me and the Staff Judge Advocate.

b. I will consider each request and make my decision on a case-by-case basis. Cases returned to SPCMCAs will be disposed of at their independent discretion.

6. Timely Processing of Military Justice actions.

a. Reprimands will be served on respondents within 48 hours. SPCMCAs will submit their chain of command recommendations to the Chief of Military Justice within 10 days from the time rebuttal matters are received or they will be processed as is.

b. All chains of command are encouraged to use electronic means to ensure the timely processing of military justice actions in coordination with their legal advisor.

c. I delegate to the Staff Judge Advocate or in his absence, the Deputy Staff Judge Advocate, authority to act on extension requests for routine military justice actions.

APAJ-CG

SUBJECT: Administration and Processing of Certain Uniform Code of Military Justice (UCMJ) Matters within U.S. Army Japan (UCMJ Withholding Policy)

7. Pretrial confinement and restraint. Any commander may order a Soldier into pretrial confinement. Prior to doing so, the commander must coordinate with the Chief of Military Justice or the Deputy Staff Judge Advocate to obtain the approval of the SPCMCA and the Staff Judge Advocate. I withhold authority to order any form of pretrial restraint of Senior Leaders unless released to the SPCMCA.

8. Commanders at all levels are reminded that under the provisions of RCM 306(a), no superior authority, including the undersigned, can direct or influence them to choose a particular disposition or recommendation for offenses of which disposition has not been withheld. Nothing in this policy prevents commanders at any level from exercising their independent discretion to prefer charges to a court-martial.

9. The point of contact for this policy is the Chief of Military Justice, USARJ at 315-262-3028.



JB VOWELL
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Commanding