



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, 46<sup>TH</sup> ENGINEER BATTALION**  
**8113 MISSISSIPPI AVENUE**  
**FORT POLK, LOUISIANA 71459-5446**

AFZX-HC-EN

20 January 2015

MEMORANDUM FOR All Personnel, 46<sup>th</sup> Engineer Battalion, Fort Polk, LA 71459

SUBJECT: Command Policy Memorandum #2- Military Withholding of Authority

1. References:

- a. Manual for Courts-Martial, United States, 2012 Edition, Rule for Court-Martial 306.
- b. Army regulation 27-10, Military Justice, 16 November 2005, paragraph 3-7d.

2. Applicability. This policy is applicable to all U.S. military personnel assigned, attached, or under the operational control of the 46th Engineer Battalion and fall within my Summary Court Martial jurisdiction.

3. Policy:

a. Reservation of Article 15 Authority: The JRTC and Fort Polk CG, withholds the authority to dispose of misconduct committed by all commissioned and warrant officers, as well as all Master Sergeants (E8) and above. The Commander, 1<sup>st</sup> MEB withholds authority to dispose of misconduct committed by any Staff Sergeant (E6) and Sergeant First Class (E7).

b. Pursuant to Rule for Courts-Marital 306, I withhold the authority to take action under provision of the UCMJ for the following offenses:

- (1) Drug related.
- (2) Alcohol related.
- (3) Sexual Assault.
- (4) Domestic abuse or violence, including child abuse.
- (5) Misconduct committed by a Sergeant (E5).

c. Company commanders may request, in writing (e-mail is sufficient) a release of

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such authority back to their level. My personal approval of any such request will be expressly communicated by myself in writing and is required before a company commander may take any action.

4. Reporting:

a. Company commanders will report to me, all relevant facts, known evidence supporting those facts, and circumstances surrounding any allegation of an offence involving:

(1) Incidents involving any Sergeant (E5).

(2) Equal Opportunity.

(3) Sexual harassment or other offenses of a sexual nature that may be made against any Soldier.

(4) Any incident involving arrest or blotter report.

5. Subordinate commanders are expected to present for consideration to the Battalion Commander their independent recommendations and intentions for disposition of charges involving their Soldiers.

**“STEEL SPIKE!”**



WILLIAM B. MOEN  
LTC, EN  
Commanding