

**Legal Service
MILITARY JUSTICE**

History. This publication is a complete revision. Previous supplements have been rescinded.

Summary. This supplement prescribes policies and procedures for the submission of appeals of non-judicial punishment to the Commanding General (CG), United States Army Forces Command (FORSCOM), the establishment of general court-martial convening authority over non-deploying units and Soldiers, and the reporting of serious incidents.

Applicability. This supplement is applicable to all commands and Soldiers assigned to, attached to, or otherwise under the command and control of, FORSCOM, to include Active Component (AC) units and, when ordered to active duty, United States Army Reserve (USAR) and Army National Guard units.

Supplementation. Further supplementation consistent with the substance of this supplement is authorized. Such supplementation requires prior coordination with the FORSCOM, Staff Judge Advocate (AFCG-JA-ML), 1777 Hardee Avenue, SW., Fort McPherson, GA 30330-1062.

Interim Changes. Changes to this supplement are not official unless authenticated by Commander, US Army Forces Command, DCS, G-6, 1777 Hardee Avenue, SW., Fort McPherson, GA 30330-1062.

Proponent. The proponent for this supplement is the Staff Judge Advocate, Military Law Division (AFCG-JA-ML), 1777 Hardee Avenue, SW., Fort McPherson, GA 30330-1062.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, FORSCOM (AFCG-JA-ML), 1777 Hardee Avenue, SW., Fort McPherson, GA 30330-1062.

Restrictions. Approved for public release; distribution unlimited. Local reproduction is authorized.

FOR THE COMMANDER:

OFFICIAL:



DAVID E. DODD
Colonel, GS
Deputy Chief of Staff, G-6

JOSEPH F. PETERSON
Lieutenant General, USA
Deputy Commanding General/
Chief of Staff

Distribution: Distribution is intended for command levels A, B, C, D, and E.

Copies Furnished: HQ FORSCOM (AFCl-PR) (record copy)

Army Regulation 27-10, dated 16 November 2005, is supplemented as follows:

Page 15, Paragraph 3-30b. Add the following text after the first sentence:

For appeals of non-judicial punishment imposed by commanders of commands reporting directly to FORSCOM (for example, First Army, corps, divisions, and training centers), the authority "next superior" is the CG, FORSCOM, or his designee. See FORSCOM Execution Order (EXORD), FORSCOM Modular Force Command and Control (C2) Implementation Strategy, dated 6 September 2006, as amended.

*** FORSCOM Supplements 1, 2, and 3 to AR 27-10 were all rescinded in 1996. This is the first re-issuance of any supplement to AR 27-10. Subordinate units' supplements that pre-date this supplement are still valid to the extent that they do not conflict with the provisions of this supplement.**

Page 16, Paragraph 3-32. Add the following text after the last sentence:

When forwarding an appeal of non-judicial punishment to the CG, FORSCOM, for action IAW paragraph 3-33, the imposing commander or successor in command shall ensure that the documents listed below are included:

a. DA Form 2627, with all allied papers (originals). Item 6 will state "CG, FORSCOM". Items 8 and 9, DA Form 2627, will not be completed by the imposing command.

b. Any materials submitted by the appellant (originals).

c. A memorandum from the commander who imposed the punishment (or his successor in command) to the CG, FORSCOM (original). It will state whether, after reconsideration, the imposing commander (or his successor in command) granted the appellant any relief. It will contain the imposing commander's recommendation and rationale concerning the disposition of the appeal. The imposing commander (or his successor in command) will personally sign the memorandum.

d. A current Record Brief of the appellant (copy).

e. The report of investigation or other evidence supporting the charge(s) (copy).

f. Any assumption of command memoranda (copies).

Page 27, Paragraph 5-2a. Add the following text:

(3) *Deployment.* When a FORSCOM commander exercising general court-martial convening authority (GCMCA) is alerted for deployment, the deploying commander's staff judge advocate (SJA) will initiate planning to ensure the continuity of legal support to non-deploying commands and Soldiers. A critical aspect of this planning will be the arrangements for the exercise of GCMCA. In recommending a course of action to accomplish this, the SJA will identify the officer who will exercise GCMCA and the capacity in which he will exercise it (for example, as commander of an Installation designated by the Secretary as a GCMCA). The SJA shall keep the SJA, FORSCOM, fully and currently informed on the recommended course of action and alternatives. In exercise of his responsibility for the general administration of military justice throughout FORSCOM and as superior GCMCA to commands assigned or attached to FORSCOM, the CG, FORSCOM, has reserved the authority to approve the successor GCMCA. Consequently, the commander of the deploying unit shall forward his recommendation and rationale to the Commanding General, FORSCOM, either as part of the deployment orders process or as a separate action.

Page 30, Paragraph 5-13. Add the following text:

c. This paragraph governs the use of technical channels for reporting certain categories of incidents.

(1) SJAs of commands assigned to, attached to, or otherwise under the command and control of FORSCOM, shall inform the Office of the SJA, FORSCOM, of incidents listed below occurring within their commands.

(a) Allegations of serious misconduct punishable under the Uniform Code of Military Justice (UCMJ) committed by officers in the grade of O-5 and above, by warrant officers in the grade of CW4 and above, and by Soldiers in the grade of E-8 and above.

(b) Allegations of serious misconduct punishable under federal or state laws committed by DA civilians in the grade of GS/GM-14 and above (or National Security Personnel System equivalent) and by contractor personnel.

(c) Allegations of misconduct of any nature committed by members of the Army Judge Advocate General Legal Service (see AR 27-1, paragraph 4-1).

(d) Any capital referral of a case to a general court-martial.

(e) Events likely to generate media interest, such as incidents or cases involving treason, mutiny, sedition, sabotage, aiding the enemy, terrorism, or espionage; war crimes, violations of international law or rules of engagement, and similar offenses; racial incidents; gang attacks or activities; crimes involving death, aggravated assault or physical harm upon another person; actions involving abuse of rank or authority; and significant personal injury or maneuver claims.

(f) Significant contract issues, such as potential litigation or protests involving contracts over \$500,000; irregular procurements over \$25,000; Anti-Deficiency Act violations; any contract-related or environmental-related action that may interfere with mobilization, training, and deployment activities; and items involving Congressional, Department of Defense, or HQDA interest.

(g) Demonstrations, rallies, or protests outside or on installations where FORSCOM commands or Soldiers are located.

(h) Civil litigation or criminal actions (including the administrative imposition of fines) against Soldiers or DA civilians arising out of the performance of their official duties.

(i) Any other matter which may have significant media and/or high visibility interest.

(2) Notification shall be made by telephone or electronic mail to the Chief, Military Law Division, Civil Law Division, or Executive Officer, as appropriate. Matters of potential interest to the Command Group, FORSCOM, shall be reported directly to the SJA, FORSCOM, or, in his absence, to the Executive Officer. After the initial report and until completion of the action, SJAs will provide full and timely status reports to the Office of the SJA, FORSCOM.

Page 163, Glossary, Section II, Terms. Add the following text after the last entry:

Staff Judge Advocate.

An officer of the Judge Advocate General's Corps assigned as prescribed in the UCMJ, Article 6a (10 USC 806(a)), as JA on the staff of a commander

empowered to convene GCMs will be the Staff Judge Advocate of the command. For purposes of this supplement, includes the JA advising the commander of a command reporting directly to FORSCOM even if the commander is not a GCMCA.