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Law

**MISAWA CONDUCT ADJUDICATION
PROGRAM (MCAP)**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFD 51-9, *Civil Law for Individuals*. It establishes the Misawa Conduct Adjudication Program (MCAP) to address civilian and family member misconduct. The Air Force must provide safe and secure living and working conditions for its members and their families. The MCAP is intended to provide standardized services and procedures for dealing with both juvenile and adult civilian misconduct on Misawa Air Base (AB). This instruction applies to all military dependents and civilians subject to the Status of Forces Agreement (SOFA), regardless of service affiliation, who are stationed at, reside on, or work at Misawa AB. Department of Defense (DoD) civilian employees may be subject to disciplinary or adverse actions under appropriate guidance.

SUMMARY OF REVISIONS

This document is substantially revised and must be completely reviewed. It supersedes 35 FWI 51-901, *Family Member and Civilian Misconduct*, and establishes the MCAP. The program includes both adult and minor dependent misconduct, misconduct committed by contractor employees who are provided logistic support privileges, and off-duty misconduct committed by civilian employees. In addition, the program increases the importance of creating a partnership with the sponsor and command in determining the appropriate response to misconduct.

1. General.	3
2. MCAP Management and Responsibilities.	3
3. MCAP Procedures.	4
4. Possible Punishments.	5
5. Community Service Program (CSP):	6
6. Access to Incident Reports.	7
7. Appeals.	7

Attachment 1— GLOSSARY OF REFERENCE AND SUPPORTING INFORMATION	9
Attachment 2— MISCONDUCT PUNISHMENT MATRIX	11
Attachment 3— CHILD DEPENDANT	15
Attachment 4— ADULT DEPENDANT	16
Attachment 5— MISCONDUCT DECISION NOTIFICATION	17
Attachment 6— DEBARMENT RECOMMENDATION	18
Attachment 7— DEBARMENT ORDER	19
Attachment 8— SUSPENDED DEBARMENT ORDER	21
Attachment 9— APPEAL MEMORANDUM	23
Attachment 10— APPEAL DECISION MEMORANDUM	24

1. General.

1.1. The SOFA governs jurisdiction of all criminal offenses committed in Japan by family members of Armed Forces personnel, DoD employees, and contractors provided logistic support privileges. Additionally, acts of misconduct by family members and DoD civilians are subject to administrative sanctions under the provisions of this instruction, and applicable disciplinary or adverse action guidelines, regardless of any action taken by Japanese authorities. Failure of Japanese authorities to pursue jurisdiction against dependents of service members, DoD civilian employees, and contractors provided logistic support privileges does not preclude action under this instruction. Those individuals working on base but not receiving logistic support privileges may have their base pass privileges restricted and/or revoked or be recommended for debarment when the misconduct is substantiated by the preponderance of evidence.

1.2. The MCAP is the direct responsibility of the 35th Mission Support Group Commander (35 MSG/CC). 35 MSG/CC delegates management and oversight of the program to 35 MSG Deputy Commander (35 MSG/CD). 35 MSG/CC may also designate in writing an alternate to serve in place of 35 MSG/CD for a specific time or case. The MCAP objectives are to:

1.2.1. Maintain good order and discipline in the Misawa AB community.

1.2.2. Participate with the Youth Center, Department of Defense Dependents Schools (DoDDS) and other community organizations to identify proactive means to reduce instances of civilian and family member misconduct that adversely impact the community.

1.2.3. Protect the well being of all personnel residing on Misawa AB.

1.2.4. Screen all acts of civilian misconduct.

1.2.5. Prevent further misconduct through aggressive preventive program action.

1.2.6. Whenever possible, effectively use base resources to provide individuals and families with the best possible referral and assistance services.

1.3. Misconduct refers to the following:

1.3.1. Conduct committed by dependents, off duty DoD employees, and contractors provided logistic support that violates laws of the United States or Japan.

1.3.2. Violations of DoD, Air Force, Pacific Air Forces (PACAF), United States Forces Japan (USFJ), Fifth Air Force (5 AF), or 35th Fighter Wing (35 FW) instructions and policies relating to dependent or civilian conduct.

1.3.3. Any conduct that negatively impacts good order and discipline in the Misawa AB community to include misconduct committed on or off base.

1.4. As a military community overseas, it is essential to maintain good order and discipline and protect the welfare of the Misawa Community. By focusing on a strong partnership with the sponsor, chain of command, and base activities, the MCAP can best use the resources available to tailor administrative or rehabilitation actions to the individual, and provide the necessary counseling services to prevent future misconduct.

2. MCAP Management and Responsibilities.

- 2.1. 35th Fighter Wing Commander (35 FW/CC). 35 FW/CC is the sole authority for debarment of individuals from Misawa AB and for reentry of previously barred individuals onto Misawa AB.
- 2.2. 35 FW/CV. On occasion, acts as appellate authority.
- 2.3. 35 MSG/CC. 35 MSG/CC directs activities of the MCAP to achieve the objectives stated above. On occasion, acts as appellate authority.
- 2.4. 35 MSG/CD. 35 MSG/CD serves as the Civilian Misconduct Authority (CMA) and is responsible for the management and oversight of the program, to include making all findings of fact, directing all adverse administrative sanctions and chairing formal reviews.
- 2.5. MCAP Manager. The MCAP Manager is an individual from the 35th Fighter Wing Legal Office (35 FW/JA) under the supervision of a judge advocate. The MCAP Manager, reporting to the CMA, is responsible for the daily administration of the MCAP. The MCAP Manager serves as the primary advisor, point of contact, and administrative manager for the program. The MCAP Manager provides the CMA guidance and advice on the application of this instruction and any other applicable statutes or regulations. The MCAP Manager assembles and maintains all case files for 5 years. The MCAP Manager ensures information about the consequences of civilian misconduct is distributed at base newcomer briefings and is adequately publicized through other appropriate methods. The MCAP Manager also briefs DoDDS junior high and high school students at the beginning of the school year concerning the consequences of misconduct and ensures each student receives a copy of the possible sanctions for specific misconduct ([Attachment 1](#)).
- 2.6. Unit Commanders and First Sergeants. Ensure sponsors comply with the guidelines outlined in this instruction, partner with the MCAP and base service agencies to develop the appropriate response for misconduct, and monitor completion of the required actions.

3. MCAP Procedures.

- 3.1. The MCAP Manager will review the daily Security Forces blotter to screen for any acts of dependent or civilian misconduct and obtain appropriate incident reports. The MCAP Manager will establish and maintain a case file on all alleged offenders involved in misconduct.
 - 3.1.1. Within 5 duty days of an incident the MCAP Manager will coordinate with the alleged offender and sponsor's unit of assignment (commander, first sergeant, and/or supervisor). The MCAP Manager will inform the sponsor/offender of his/her option to draft a response package or proposed punishment and its supporting rationale for consideration by the CMA ([Attachment 2](#) or 3).
 - 3.1.1.1. If the sponsor/offender elects to draft a response or proposed punishment it will be completed in official Air Force memorandum format and provided to the MCAP Manager no later than 3 duty days after the date he/she receives Input Option Memorandum ([Attachment 2](#) or 3).
 - 3.1.2. Within 7 duty days of the incident the MCAP Manager will make inquiries regarding the alleged offender to adjudicate the case and to provide the CMA with sufficient information to make an informed decision regarding the misconduct issue. The inquiries will include a DoDDS disciplinary record check and may involve coordination with other helping agencies on base.
 - 3.1.3. Within 14 duty days of the incident the MCAP Manager will provide the CMA with a complete case file including an SFS incident report, any other witness statements, DoDDS disciplinary

records, any punishment recommendation or response from the sponsor/offender, and all other information deemed necessary to make an informed disposition decision. After considering all evidence concerning the alleged misconduct and the best interests of Misawa AB, the CMA will:

3.1.3.1. Determine whether the civilian committed the offense using a preponderance of the evidence standard.

3.1.3.2. If the CMA determines there is insufficient evidence to support the allegation, the case will be closed and no further action will be taken.

3.1.3.2.1. In assessing the allegation the CMA may rely solely on hearsay evidence (to include Security Forces reports), which are determined to be inherently reliable. The CMA may also order the appearance of any military witness.

3.1.3.3. If the CMA determines the civilian committed the offense the CMA will determine the appropriate response to the misconduct issue based upon the punishment matrix (**Attachment 1**).

3.1.3.4. The CMA will complete a decision notification form (**Attachment 4**). The MCAP Manager will ensure delivery of the completed form to the sponsor and obtain a copy signed by the sponsor for inclusion in the case file.

3.1.3.5. The CMA may determine a personal meeting with the offender and sponsor is appropriate. If desired by the CMA, the MCAP Manager will schedule the meeting within 3 duty days and direct the sponsor to formally report with the offender. The CMA will determine the appropriate attire of both the sponsor and offender. The CMA will provide the sponsor with a copy of the decision notification memorandum at the meeting.

3.1.4. If an individual was the victim of civilian misconduct, the MCAP Manager will inform the victim that action has been taken against the offender. The MCAP Manager will not tell the victim what specific punishment was imposed.

3.1.5. All time standards identified in this instruction are intended as guidelines. Failing to meet any specific time standards creates no substantive rights for the offender.

4. Possible Punishments.

4.1. Corrective actions available to the CMA may include, but are not limited to, one or more of the following:

4.1.1. No action.

4.1.2. Oral counseling.

4.1.3. Issuance of a formal letter of admonishment or warning.

4.1.4. Requirement that the civilian submit an essay on a subject selected by the CMA, specifying that the essay shall meet or exceed a minimum number of words or pages.

4.1.5. Requirement that the civilian (accompanied by sponsor) personally make a formal apology to the victim.

4.1.6. Requirement that the civilian (supervised by sponsor) hand out information sheets to passersby for a specified time at a specified location (for example 3 hours in front of the Base Exchange).

- 4.1.7. Referral of the civilian offender and/or sponsor to an appropriate agency for counseling.
 - 4.1.8. Placement of certain base areas (Beach, Playgrounds, etc.) or base functions (Base Exchange, Theater, Bowling Alley, etc.) off-limits to the civilian offender.
 - 4.1.9. Imposition of a curfew.
 - 4.1.10. Restriction to the civilian's on-base residence for a certain period of time, except for travel to and from school, (church, job, etc.) or during the time the civilian is complying with any other corrective action imposed under this instruction.
 - 4.1.11. Referral of the civilian offender to base community service for a specified number of hours of work or until a specified project is completed.
 - 4.1.12. Direct the civilian and/or sponsor to provide restitution for stolen, damaged, or destroyed property.
 - 4.1.12.1. Failure to make restitution may be viewed as an aggravating factor when the misconduct case is assessed, and may be considered in administering more severe sanctions or recommendation for debarment.
 - 4.1.13. Suspension or revocation of base privileges.
 - 4.1.14. Suspension of base driving privileges.
 - 4.1.15. Termination of military family housing.
 - 4.1.16. Any other corrective action the CMA determines is appropriate under the circumstances.
- 4.2. Only 35 FW/CC has the authority to debar an individual from base. If debarment or suspended debarment is determined to be the most appropriate punishment, the CMA forwards a recommendation requesting debarment or suspended debarment (**Attachment 5**) and a proposed debarment letter (**Attachment 6**) or suspended debarment letter (**Attachment 7**) to 35 FW/CC through 35 FW/JA. The MCAP will notify the unit/sponsor that a debarment or suspended debarment is being processed for action.
- 4.2.1. Generally, debarment should be recommended only as a last resort. However, it may also be appropriate if the civilian offender fails to comply with any prior CMA directed sanctions.
 - 4.2.2. If 35 FW/CC orders debarment or suspended debarment the MCAP Manager places a copy in the case file and ensures the sponsor also receives a copy of the order.
 - 4.2.2.1. The MCAP Manager will also ensure a copy of the completed debarment or suspended debarment package is delivered to 35 SFS/SFAR.
 - 4.2.3. In certain cases, at the discretion of the CMA, the sponsor may be afforded the opportunity to submit an early return of dependent(s) (ERD) application in lieu of the debarment recommendation. If ERD is approved and the offender later returns to Misawa AB, the case will automatically be reconsidered for debarment.

5. Community Service Program (CSP):

- 5.1. The CMA is responsible for designating appropriate CSP tasks and work sites. Unit commanders and first sergeants may suggest/request CSP tasks and work sites.

5.1.1. Community service may commonly consist of painting, janitorial work, shoveling snow, litter collection, or general lawn/garden work, which will be coordinated between the 35 SVS/CCF and the MCAP Manager. 35 SVS/CCF will ensure adequate supervision is available during CSP tasks.

5.2. The MCAP Manager, through the first sergeant or unit representative, will monitor and ensure individual compliance with CSP enrollment. The number of hours of community service is based on the seriousness of the misconduct and considerations of any previous pattern of misconduct (repeat offenders).

5.3. Parental supervision may be mandated by the CMA as a condition for enrollment in the CSP for minors.

6. Access to Incident Reports.

6.1. The MCAP Manager and CMA are not authorized to release police reports or reports of investigation to the alleged offender or the sponsor. Information may be summarized by the MCAP Manager or CMA when meeting with the alleged offender and/or sponsor.

6.2. Individuals requesting copies of incident reports can obtain a redacted copy through the Freedom of Information Act (FOIA) process.

7. Appeals.

7.1. The sponsor/offender may appeal the CMA decision based on extraordinary circumstances.

7.1.1. Extraordinary circumstances include previously unknown facts or changed circumstances which, had they been known at the time of the CMA's original decision, would have likely led to a different result.

7.2. Appeals will be submitted in writing using the attached format ([Attachment 8](#)).

7.2.1. The sponsor's squadron commander must favorably endorse the appeal before it will be considered by the CMA.

7.3. Submit the written appeal to the CMA who made the original decision. If that person is no longer the CMA, the written appeal will be submitted to the current CMA.

7.3.1. The CMA will review the written appeal and take one of two actions using the attached format ([Attachment 9](#)):

7.3.1.1. The CMA may grant the appeal in full.

7.3.1.2. The CMA may deny the appeal.

7.3.1.2.1. If the CMA denies the appeal, the entire package will be forwarded to 35 MSG/CC for final decision. If 35 MSG/CC was the original CMA, the appeal will be forwarded to 35 FW/CC. The appeal will be considered based only on the written materials. However, the appeal authority may request a personal appearance by the offender. The offender does not have a right to a personal hearing on appeal. The appeal decision is final.

7.4. Any punishment originally imposed will not be suspended pending an appeal.

DANA T. ATKINS, Brig Gen, USAF
Commander

Attachment 1**GLOSSARY OF REFERENCE AND SUPPORTING INFORMATION*****References***

AFI 32-6001, *Family Housing Management*, 26 April 1994

AFI 31-209, *Air Force Resource Protection Program*, 10 November 1994

AFI 36-3020, *Family Member Travel*, 10 June 1994

AFI 36-2110, *Assignments*, 1 February 2000

AFI 36-2906, *Personal Financial Responsibility*, 1 January 1998

AFH 32-6009, *Housing Handbook*, 1 June 1996

DoDD 5200.8, *Security of DoD Installations and Resources*, 25 April 1991

DoDD 1342.6, *Department of Defense Dependent Schools (DoDDS)*, 13 October 1992 thru Ch 1, 5 August 1994, DA&M

Abbreviations and Acronyms

AB—Air Base

AF— Air Force

CC— Commander

CCF—First Sergeant

CD— Deputy Commander

CMA— Civilian Misconduct Authority

CSP—Community Service Program

DoD—Department of Defense

DoDDS—Department of Defense Dependents Schools

ERD— Early Return of Dependents

FOIA—Freedom of Information Act

FW—Fighter Wing

JA—Judge Advocate

MCAP— Misawa Conduct Adjudication Program

MSG— Mission Support Group

PACAF—Pacific Air Forces

SFS— Security Forces Squadron

SOFA—Status of Forces Agreement

SVS—Services Squadron

USFJ—United States Forces Japan

Attachment 2

MISCONDUCT PUNISHMENT MATRIX

MISCONDUCT PUNISHMENT MATRIX										
OFFENSE TYPES	3 Month AAFES Susp	1 Year AAFES Susp	Permanent AAFES Susp	25/50/75/ 100 Hours Community Service	Restricted from Services 30/60/90 days	Pass out Flyers in front of BX	Apology and Restitution	Loss of Drivers License for XX days	Susp Debarment	Debarment
Juvenile Larceny/Shoplifting On-Base										
1st Offense	X			25						
2nd Offense			X	50		X			X	
3rd Offense										X
Juvenile Larceny/Shoplifting Off-Base										
1st Offense	X			25			X			
2nd Offense			X	50		X	X		X	
3rd Offense										X
Adult Larceny/Shoplifting On-Base										
1st Offense	X			50			X		X	
2nd Offense			X	75		X	X			X
3rd Offense										
Adult Larceny/Shoplifting Off-Base										
1st Offense	X			50			X		X	
2nd Offense			X	75		X	X			X
3rd Offense										
Juvenile Violation of AAFES Suspension										
1st Offense		X		50		X				
2nd Offense			X	75		X				
3rd Offense									X	

OFFENSE TYPES	3Month AAFES Susp	1Year AAFES Susp	Permanent AAFES Susp	25/50/75/ 100 Hours Community Service	Restricted from Services 30/60/90 days	Pass out Flyers in front of BX	Apology and Restitution	Loss of Drivers License for XX days	Susp Debarment	Debarment
Adult Violation of AAFES Suspension										
1st Offense		X		50		X				
2nd Offense			X	75		X			X	
3rd Offense										X
Juvenile Assault On/Off-Base										
1st Offense					60					
2nd Offense					90				X	
3rd Offense										X
Adult Assault On/Off-Base										
1st Offense					60				X	
2nd Offense					90					X
3rd Offense										
Juvenile Damage to Property										
1st Offense					30		X			
2nd Offense					60		X		X	
3rd Offense										X
Adult Damage to Property										
1st Offense					60		X		X	
2nd Offense					90		X			X
3rd Offense										
Underage Drinking On/Off-Base										
1st Offense					60			X		
2nd Offense					90			X	X	
3rd Offense										X

OFFENSE TYPES	3 Month AAFES Susp	1 Year AAFES Susp	Permanent AAFES Susp	25/50/75/ 100 Hours Community Service	Restricted from Services 30/60/90 days	Pass out Flyers in front of BX	Apology and Restitution	Loss of Drivers License for XX days	Susp Debarment	Debarment
Juvenile Curfew Violation										
1st Offense					30					
2nd Offense					60				X	
3rd Offense										X
Juvenile Provoking Speeches & Gestures										
1st Offense					30					
2nd Offense					60				X	
3rd Offense										X
Adult Provoking Speeches & Gestures										
1st Offense					60				X	
2nd Offense					90					X
3rd Offense										
Possession of BB Gun										
1st Offense					30					
2nd Offense					60				X	
3rd Offense										X
Harassment										
1st Offense				25						
2nd Offense				50						
3rd Offense				75						
Indecent Acts										
1st Offense				25					X	
2nd Offense										X
3rd Offense										

OFFENSE TYPES	3 Month AAFES Susp	1 Year AAFES Susp	Permanent AAFES Susp	25/50/75/ 100 Hours Community Service	Restricted from Services 30/60/90 days	Pass out Flyers in front of BX	Apology and Restitution	Loss of Drivers License for XX days	Susp Debarment	Debarment
Malicious Mischief										
1st Offense				25						
2nd Offense				50						
3rd Offense				75						
Arson										
1st Offense										X
Auto Theft										
1st Offense										X
Bomb Threat										
1st Offense										X
Drug Use/Possession										
1st Offense										X
Runaway										
1st Offense	Counseling									
2nd Offense										
3rd Offense										
NOTE: The punishments indicated on this matrix are completely subject to the discretion of the Civilian Misconduct Authority and serve only as general guidelines.										

Attachment 3**CHILD DEPENDANT**

(Date)

MEMORANDUM FOR (SPONSOR'S RANK & NAME)

FROM: Civilian Misconduct Authority

SUBJECT: Civilian Misconduct Input Options

1. Your dependent, (offender's name), is alleged to have been involved in (identify offense). Upon completion of the investigation and assembly of (offender's name) case file I will be assessing his/her guilt. If I determine (offender's name) is guilty I will also be selecting the appropriate punishment.
2. This memorandum is to inform you of (offender's name)'s option to provide me with input before I make a final determination in the case. You are advised that (he/she) may draft a written response explaining to me why the allegations are not true or provide a statement in mitigation of the offense. If (offender's name) elects to respond it must be completed in official Air Force memorandum format and provided to (MCAP Manager's name) no later than (date and time).
3. You are further advised that (offender's name) has an appointment to meet with me at (date and time and location). If you desire to have any witnesses present other than your dependent and yourself, you must notify (MCAP Manager's name) when you provide your written response. You will include their name and a brief description as to what they have to say. If I determine the witness is relevant, you will be so notified. If you need to reschedule, notify (MCAP Manager's name) as soon as possible.

NAME, Col, USAF
Civilian Misconduct Authority

cc:
(Dependent's Sponser's First Sergeant)

1st Ind, Sponsor

MEMORANDUM FOR CIVILIAN MISCONDUCT AUTHORITY

I acknowledge receipt of this memorandum and understand my options as the sponsor of an alleged civilian offender. I recognize that failure to sign this notification will not impede any action taken against my dependent.

 Signature of Sponsor

Date

Attachment 4**ADULT DEPENDANT**

(Date)

MEMORANDUM FOR (DEPENDENT'S NAME)

FROM: Civilian Misconduct Authority

SUBJECT: Civilian Misconduct Input Options

1. It is alleged that you were involved in (identify offense). Upon completion of the investigation and assembly of your case file I will be assessing your guilt. If I find that you committed the offense, I will also be selecting the appropriate punishment.
2. This memorandum is to inform you of your option to provide me with input before I make a final determination in the case. You are advised that you may draft a written response explaining to me why the allegations are not true or provide a statement in mitigation of the offense. If you elect to respond it must be completed in official Air Force memorandum format and provided to (MCAP Manager's name) no later than (date and time).
3. You are further advised that you have an appointment to meet with me at (date and time and location). If you desire to have any witnesses present, you must notify (MCAP Manager's name) when you provide your written response. You will include their name and a brief description as to what they have to say. If I determine the witness is relevant, you will be so notified. If you need to reschedule, notify (MCAP Manager's name) as soon as possible. Failure to report for this meeting will be considered when I determine the appropriate punishment.

NAME, Col, USAF
Civilian Misconduct Authority

cc:
(Dependent's Sponser's First Sergeant)

1st Ind, Dependant

MEMORANDUM FOR CIVILIAN MISCONDUCT AUTHORITY

I acknowledge receipt of this memorandum and understand my options as the sponsor of an alleged civilian offender. I recognize that failure to sign this notification will not impede any action taken against my dependent.

 Signature of Dependent

Date

Attachment 5

MISCONDUCT DECISION NOTIFICATION

MISCONDUCT DECISION NOTIFICATION			
I. PERSONAL INFORMATION			
OFFENDER (Last, First, Middle Initial)		JUVENILE OR ADULT	
	DATE OF BIRTH	LOCAL ADDRESS AND BOX NUMBER	
SPONSOR (Last, First, Middle Initial)	ORGANIZATION	GRADE	SPONSOR'S SOCIAL SECURITY NUMBER
DESCRIPTION OF OFFENSE LOCATION (on/off base)		OFFENSE TYPE & NUMBER (1, 2, 3)	VICTIM NAME (if any)
II. PUNISHMENT IMPOSED			
PUNISHMENT Circle punishment(s) selected and write details under special requirements.	PRIVILEGE SUSPENSION <input type="checkbox"/> -3 MONTHS (AAFES) <input type="checkbox"/> -1 YEAR (AAFES) <input type="checkbox"/> -PERMANENT (AAFES) <input type="checkbox"/> -30 60 90 120 DAYS (SERVICES) <input type="checkbox"/> -30 60 90 120 DAYS (DRIVING)	COMMUNITY SERVICE <input type="checkbox"/> -25 50 75 100 HOURS <input type="checkbox"/> -WITH GUARDIAN <input type="checkbox"/> -WITHOUT GUARDIAN <input type="checkbox"/> -PASS OUT FLYERS AF AAFES <input type="checkbox"/> -ENTRANCE <input type="checkbox"/> -APOLOGY <input type="checkbox"/> -RESTITUTION	MISAWA AB BARMENT RECOMMENDATION <input type="checkbox"/> -SUSPENDE DEBARMENT <input type="checkbox"/> -DEBARMENT
	III. AUTHORIZATION Sanction imposed in accordance with 35 FWI 51-901.		
NAME, Col, USAF MISAWA AB CIVILIAN MISCONDUCT AUTHORITY		Signature of Sponsor (if applicable)	
IV. SPECIAL REQUIREMENTS			
Specific details of the punishment the offender will be completing.			
Remarks			
NAME, GRADE, AND TITLE OF SPONSOR'S UNIT REPRESENTATIVE		UNIT REPRESENTATIVE'S SIGNATURE	DATE
V. PRIVACY ACT STATEMENT			
AUTHORITY: 10 U.S.C. 8013, Secretary of the Air Force; 10 U.S.C. 164, Commanders of Combatant Commands; Air Force Instruction 51-604, Appointment to and Assumption of Command; inherent authority of commanders to investigate matters or incidents under their jurisdiction or command.			
PRINCIPLE PURPOSES: Used to record information and details of Command action and/or criminal activity and provide information to appropriate individuals within DoD organizations to ensure that proper legal and administrative action is taken.			
ROUTINE USES: See Purpose.			
DISCLOSURE: For Official Use Only.			

Attachment 6**DEBARMENT RECOMMENDATION**

(Date)

MEMORANDUM FOR 35 FW/CC

FROM: Civilian Misconduct Authority

SUBJECT: (Suspended) Debarment Recommendation – (Offender's Name)

1. In accordance with 35 FWI 51-901, I am recommending (offender's name) for (suspended) debarment from Misawa Air Base. (Offender's name) is sponsored on Misawa Air Base by (sponsor's rank and name) of the (sponsor's unit).
2. (Offender's name's) behavior shows he/she does not respect the privileges afforded to law-abiding citizens. His/Her misconduct includes (brief statement of offenses).
3. I recommend that you sign the attached (suspended) debarment letter.

NAME, Col, USAF

Civilian Misconduct Authority

Attachment 7**DEBARMENT ORDER**

(Date)

MEMORANDUM FOR (SPONSOR'S RANK & NAME)

FROM: 35 FW/CC
 UNIT 5009
 APO AP 96319-5009

SUBJECT: Order Not to Re-enter Misawa Air Base, Japan (Debarment Letter)

1. The Misawa Air Base Civilian Misconduct Authority has forwarded to me a recommendation that (offender's name), your (offender's relationship to sponsor), be debarred from further entry onto Misawa Air Base, Japan. Pursuant to 35 FWI 51-901 the Civilian Misconduct Authority found that (offender's name) had committed the following acts of misconduct:

a. (Offense Date): (Offense type)(Offense location)

b. (Offense Date): (Offense type)(Offense location)

2. These incident(s) demonstrate that (offender's name) poses a threat to the safety and well being of the Misawa Air Base community as well as to the maintenance of good order and discipline on the installation.

3. Entry onto Misawa Air Base is a privilege, not a right. Given the serious nature of the offense(s), (offender's name) has forfeited this privilege. I have determined that his/her behavior does not adhere to base standards, and hereby debar (offender's name) from the installation for an indefinite period. The only exception to this order is that he/she may come onto the installation for medical care at the base hospital (and to attend classes at _____). In order to enter Misawa Air Base, (offender's name) must be escorted by you at all times, check in at the main gate, and travel directly to and from the hospital (and _____ school).

4. You are further informed that should (offender's name) re-enter or be found within the limits of Misawa Air Base in violation of this order, he/she is subject to apprehension and detention by military authorities. Note that Article 2 of "Keiji Tokubetsu Ho" (Law of Special Measures concerning criminal cases to implement the agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States Armed Forces in Japan), Law Number 138, 7 May 1952, as amended, states:

Offenses of Trespassing on Facilities or Areas

Article 2. . . "any person who, without due cause, enters any place, the entrance of which is prohibited, or does not leave any place, when requested, within facilities or areas (defined in para 3 of this letter) shall be sentenced to penal servitude for not more than one year or a fine."

- 5. This order will remain in effect indefinitely unless otherwise revoked in writing by me or my successor as Commander, 35th Fighter Wing, Misawa Air Base, Japan. If you desire reconsideration or modification of this order, you may present your justification to me, in writing, through the Commander, 35th Mission Support Group.
- 6. You will acknowledge receipt of this debarment letter with your signature below.

NAME, RANK, USAF
 Commander
 Misawa Air Base Installation and 35th Fighter Wing

cc:
 (Sponsor's Unit Commander)

1st Ind, (Sponsor's name) and (Offender's name)

MEMORANDUM FOR 35 FW/JA

I hereby acknowledge receipt of this action at _____ hours this _____ day of _____ (year).

 (Offender's name)

 (Sponsor's name), RANK, USAF
 (Sponsor's unit)

Attachment 8**SUSPENDED DEBARMENT ORDER**

(Date)

MEMORANDUM FOR (SPONSOR'S RANK & NAME)

FROM: 35 FW/CC
UNIT 5009
APO AP 96319-5009

SUBJECT: Suspended Order Not to Re-enter Misawa Air Base, Japan (Suspended Debarment Letter)

1. The Misawa Air Base Civilian Misconduct Authority has forwarded to me a recommendation that (offender's name), your (offender's relationship to sponsor), be debarred from further entry onto Misawa Air Base, Japan with enforcement suspended. Pursuant to 35 FWI 51-901 the Civilian Misconduct Authority found that (offender's name) had committed the following acts of misconduct:

c. (Offense Date): (Offense type)(Offense location)

d. (Offense Date): (Offense type)(Offense location)

2. These incident(s) demonstrate that (offender's name) poses a threat to the safety and well being of the Misawa Air Base community as well as to the maintenance of good order and discipline on the installation.

3. Entry onto Misawa Air Base is a privilege, not a right. Given the serious nature of the offense(s), (offender's name) is very close to forfeiting this privilege. However, I have decided to give (offender's name) another opportunity to abide by base standards, and hereby suspend his/her debarment from the installation for an indefinite period.

4. You are further informed that should your (offender's relationship to sponsor) be involved in *any* further infraction of the law he/she will immediately lose his/her base privileges and be officially debarred from Misawa AB, Japan. In other words, (offender's name) is on probation from this point forward and should be on his/her best behavior at all times.

5. This order will remain in effect indefinitely unless otherwise revoked in writing by me or my successor as Commander, 35th Fighter Wing, Misawa Air Base, Japan. If you desire reconsideration or modification of this order, you may present your justification to me, in writing, through the Commander, 35th Mission Support Group.

6. You will acknowledge receipt of this suspended debarment letter with your signature below.

NAME, RANK, USAF
Commander
Misawa Air Base Installation and 35th Fighter Wing

cc:
(Sponsor's Unit Commander)

1st Ind, (Sponsor's name) and (Offender's name)

MEMORANDUM FOR 35 FW/JA

I hereby acknowledge receipt of this action at _____ hours this _____ day of _____ (year).

(Offender's name)

(Sponsor's name), RANK, USAF
(Sponsor's unit)

Attachment 9

APPEAL MEMORANDUM

(Date)

MEMORANDUM FOR CIVILIAN MISCONDUCT AUTHORITY

FROM: Sponsor/Offender

SUBJECT: Appeal from Civilian Misconduct Punishment

1. I respectfully appeal from the punishment imposed on (date). The facts that I believe constitute an extraordinary circumstance are as follows:
2. I do / do not request an additional personal appearance.

NAME, Rank, USAF

Attachments:

1st Ind, (Offender's Commander's Name)

MEMORANDUM FOR CIVILIAN MISCONDUCT AUTHORITY

I have reviewed the submitted appeal by _____ and find that the basis for appeal meet the conditions outlined in 35 FWI 51-90, paragraph **7.1.1**. I respectfully request you grant the appeal.

NAME, Rank, USAF
Commander

Attachment 10**APPEAL DECISION MEMORANDUM**

(Date)

MEMORANDUM FOR (SPONSOR'S NAME AND RANK)

FROM: Civilian Misconduct Authority

SUBJECT: Final Decision on Appeal from Civilian Misconduct Imposed (Your Memo, dated)

In accordance with 35 FWI 51-901, paragraph **7.3.1.1.**, I hereby grant your appeal. Accordingly, the punishment imposed on (DATE) is changed to (INSERT NEW PUNISHMENT).

or

In accordance with 35 FWI 51-901, paragraph **7.3.1.2.**, and after having reviewed your submitted matters, I hereby deny your appeal.

NAME, Col, USAF

1st Ind, (35 MSG/CC or 35 FW/CV)

MEMORANDUM FOR (OFFENDER'S SPONSOR)

In accordance with 35 FWI 51-901, paragraph **7.3.1.2.1.**, I hereby grant your appeal. Accordingly, the punishment imposed on (DATE) is changed to (INSERT NEW PUNISHMENT).

or

In accordance with 35 FWI 51-901, paragraph **7.3.1.2.1.**, and after having reviewed your submitted matters, I hereby deny your appeal.

NAME, Col, USAF
Commander