

**BY ORDER OF THE  
39TH AIR BASE WING COMMANDER  
(USAFE)**

**INCIRLIK AIR BASE INSTRUCTION 51-907**

**12 MAY 2014**



**Law**

**FAMILY MEMBER MISCONDUCT BOARD  
(FMMB)**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements Air Force Policy Directive 51-9, *Civil Law For Individuals*, and provides guidance on establishing policies and procedures governing instances of family member misconduct for Incirlik Air Base and all its geographically separated units. This publication applies to all 39 Air Base Wing personnel, the Air National Guard (ANG) and the Air Force Reserve Command (AFRC) units and their dependents. This instruction is affected by the Privacy Act of 1974. Records generated by this instruction are authorized by 10 U.S.C. 8012. Failure to comply with the mandatory provisions of paragraphs 2.5.2 and 4.3.5 by military personnel is a violation of Article 92, Uniform Code of Military Justice (UCMJ). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records* and disposed of in accordance with the Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/gcss-af61a/afirms/afirms/>.

**SUMMARY OF CHANGES**

The below changes to INCIRLIKABI51-907 are effective immediately. 1. Minor administrative corrections.

**1. Policy.** Acts of misconduct committed by family members threaten the security and safety of persons and property on Incirlik Air Base and its geographically separated units. Family members who engage in misconduct shall appear before the Family Member Misconduct Board (FMMB) at the direction of the 39th Air Base Wing Commander (39 ABW/CC) or his designee, the 39th Mission Support Group Deputy Commander (39 MSG/CD). While the FMMB is not a substitute for discipline under civilian employment regulations, the Board may, depending on the circumstances, hear cases involving civilian employees and/or contractors. Actions undertaken by the 39 ABW/CC and the FMMB will be directed toward ensuring good order and discipline and, when possible, rehabilitating the offender.

**2. Responsibilities.**

2.1. 39 ABW/CC. The 39th Air Base Wing Commander (39 ABW/CC) is ultimately responsible for ensuring good order and discipline at Incirlik Air Base and its geographically separated units. As such, the 39 ABW/CC may regulate the conduct of all active duty service members, retired members, Department of Defense (DoD) civilian employees, contractor personnel, and their family members who are assigned to, reside on or have access to Incirlik Air Base and its geographically separated units. 39 ABW/CC has delegated the authority to convene the FMMB to handle family member misconduct cases to the 39 MSG/CD.

2.2. 39 MSG/CD. The 39th Mission Support Group Deputy Commander (39 MSG/CD) is designated to act as the primary base magistrate and the chairman of the FMMB by the 39 ABW/CC. If the 39 MSG/CD is unavailable or unable to act as the chairman of the FMMB, the 39 ABW/CC can designate an acting chairman for a specific FMMB hearing.

2.3. 39 ABW/JA. The 39th Air Base Wing Legal Office (39 ABW/JA) is responsible for providing administrative support and legal counsel to the 39 MSG/CD and the FMMB. As part of this responsibility, 39 ABW/JA will maintain all FMMB records for a period of three (3) years.

2.4. Department of Defense Dependent Schools (DoDDS) Officials. The Area Superintendent and other school officials have primary responsibility to deal with routine disciplinary problems that arise at or relate to school or school activities, to include school bus discipline. Individual school principals are primarily responsible for sanctioning students who are involved in misconduct, and for making determinations regarding suspension or expulsion from school. The 39 ABW/CC and the FMMB, however, may also initiate corrective action, as consistent with this instruction, in cases of serious or repeated behaviors of misconduct where action is necessary to ensure the security of Incirlik Air Base and its geographically separated units or to preserve good order and discipline within the same.

2.5. Sponsors. Military members, federal employees, and contractors are accountable for the conduct of family members or individuals they sponsor in Turkey.

2.5.1. Sponsors must know the location and activities of minor dependents to ensure appropriate supervision, safety and wellbeing. They must also ensure family members know and understand the established standards of conduct in the Incirlik community.

2.5.2. Sponsors shall cooperate with base authorities, DoDDS administrators and faculty, and host-nation officials. They will also participate in rehabilitative treatment programs and comply with administrative sanctions, as directed. Failure to do so may be grounds for administrative or disciplinary action under the Uniform Code of Military Justice

(UCMJ) for military members. Violations by civilian employees may result in administrative disciplinary action.

### **3. The Family Member Misconduct Board (FMMB).**

3.1. Purpose. The purpose of the FMMB is to provide a method and framework for resolving cases of family member misconduct arising on or involving a dependent of any person stationed, working, or who utilizes facilities at Incirlik Air Base or its geographically separated units.

3.2. Policy. The recommendations of the FMMB for corrective action shall promote the protection of life and property at Incirlik Air Base and its geographically separated units, the rehabilitation of the offender, the preservation of good order and discipline and the deterrence of the offender and others from engaging in acts of misconduct.

3.3. Administrative Hearing. The FMMB is not a judicial hearing. As such, alleged offenders are not entitled to have legal counsel present during the hearing. Military attorneys from 39 ABW/JA or the Office of the Area Defense Counsel (ADC) are not available to assist alleged offenders in preparing for hearings. Individuals may, however, retain civilian counsel at their own expense to assist in their preparation but there is no requirement for the 39 MSG/CD to allow civilian counsel to personally attend the hearing.

3.4. Composition. The FMMB is composed of the following persons or their designated representative:

#### **3.4.1. Voting Members:**

3.4.1.1. Mission Support Group Deputy Commander, 39 MSG/CD, Chairman.

3.4.1.2. Staff Judge Advocate, Legal Advisor.

3.4.1.3. Security Forces Commander. The Air Force Office of Special Investigations Detachment Commander (AFOSI) or his designee may take the place of the Security Forces Commander in cases involving an AFOSI investigation.

3.4.1.4. Senior Enlisted Advisor, in cases involving enlisted personnel.

3.4.1.5. Mental Health.

#### **3.4.2. Nonvoting Members:**

3.4.2.1. Sponsor's Squadron Commander.

3.4.2.2. Sponsor's First Sergeant.

3.4.2.3. School Principal for juveniles.

3.4.2.4. Additional representatives as deemed appropriate by the 39 MSG/CD or Legal Advisor.

### **4. Procedures.**

#### **4.1. Reporting Misconduct.**

4.1.1. The 39th Security Forces Squadron (39 SFS) or AFOSI normally investigate cases of serious misconduct. All reports of investigation disclosing misconduct committed by family members will be forwarded to 39 ABW/JA and 39 MSG/CD. 39 ABW/JA will

make a recommendation to 39 MSG/CD on whether or not to refer the case to the FMMB.

4.1.2. Minor cases of misconduct are reported to 39 SFS through the law enforcement desk and are documented in the daily blotter. 39 ABW/JA shall review all daily blotter entries involving family member misconduct and forward them for disposition to the 39 MSG/CD as appropriate.

4.1.3. Unit commanders and interested staff agency chiefs may report incidents of misconduct to 39 ABW/JA or 39 MSG/CD for consideration of a board hearing.

4.2. Disposition of Misconduct Cases. 39 MSG/CD may take any of the following actions when deciding how to dispose of a misconduct case:

4.2.1. Refer the case to the sponsor's immediate commander for appropriate action.

4.2.2. Impose any corrective actions, including those contained in this instruction, that are within his or her discretionary authority.

4.2.3. Refer the case to the FMMB.

4.2.4. Recommend that 39 ABW/CC take corrective action. In no way is the scope of authority of 39 ABW/CC limited by a decision not to convene a FMMB.

4.2.5. Take any other action appropriate to the circumstances of the case.

4.3. Convening the FMMB.

4.3.1. The FMMB will meet at the direction of 39 ABW/CC or 39 MSG/CD to hear misconduct cases and provide recommendations on corrective action.

4.3.2. 39 MSG/CD may decide to convene all members of the FMMB or only selected members to review any case but all voting members must be present if the FMMB is administering punishment.

4.3.3. No member of the FMMB will sit in judgment on a case involving their own family member.

4.3.4. The FMMB will be convened in writing by the Chairman or his/her designee.

4.3.5. 39 ABW/JA will notify the family member's sponsor of the time and date of the hearing. Attendance is mandatory for active duty sponsors and the family member, unless the sponsor is on temporary duty (TDY) elsewhere or deployed. If the sponsor is unavailable, he or she may request the 39 MSG/CD to permit someone else to attend the FMMB in their place. A non-sponsoring parent may also attend a FMMB convened for his or her child. Failure of the military sponsor to attend is punishable under Article 92 of the UCMJ. Sponsors who are civilian employees who fail to attend are subject to administrative disciplinary action.

4.3.6. The FMMB will conduct the hearing even if the sponsor and/or the family member fail to attend. The FMMB may consider the refusal of the family member to appear as a matter in deciding upon its recommendation.

4.3.7. Requests for a delay of the FMMB hearing must be timely. The request may only be for 10 calendar days from the scheduled date of the FMMB hearing. All delay

requests shall be delivered to 39 MSG/CD or his/her designee. 39 MSG/CD is the decision authority for all requests for delays of a scheduled hearing. Delays will be granted only in extraordinary cases, or when the sponsor is TDY or otherwise unavailable and will become available within 10 calendar days.

#### 4.4. FMMB Hearings.

4.4.1. 39 ABW/JA will collect all relevant evidence and provide copies to FMMB members and the family member's sponsor prior to the scheduled hearing.

4.4.2. 39 MSG/CD or the acting Chairman convening the hearing shall ensure a thorough development of the facts. Formal rules of evidence will not apply as this is an administrative hearing. The Legal Advisor will determine what evidence is relevant and advise the FMMB on what evidence it should consider when reaching its decision.

4.4.3. The Chairman may permit the family member or sponsor to call witnesses or to submit written statements so long as the request is reasonable and will not detract from the purpose of the hearing. The Chairman will consult with the Legal Advisor before making his or her decision.

4.4.4. FMMB hearings are closed to all persons except those designated by 39 MSG/CD or the acting Chairman convening the hearing.

4.4.5. The FMMB shall solicit and consider what actions the sponsor has already taken to punish or rehabilitate a minor family member but it is not bound by the sponsor's action. The Board may also solicit and consider the sponsor's recommendation for corrective action.

4.4.6. The FMMB may consider the sponsor's response to the misconduct when determining the appropriate disposition of the family member's case.

4.4.7. After all evidence is presented, the Board shall excuse all nonmembers from the hearing room. The FMMB will then determine the appropriate corrective action. Nonvoting members may make recommendations, but the FMMB does not have to adhere to them. When the voting members of the FMMB fail to reach a consensus, the final decision for corrective action rests with the 39 MSG/CD or acting Chairman.

4.4.8. The Chairman will devise informal procedures to ensure that all members of the FMMB are heard in the deliberations and the consensus of the entire Board is reflected in the recommendation.

### 5. Corrective Action.

5.1. The FMMB may recommend any one or more of the following corrective actions (this list is not exhaustive):

5.1.1. An oral or written admonition or reprimand of the family member, the sponsor, or both.

5.1.2. Referral of the family member (and, if applicable, the family member's sponsor) to the Chaplain, Mental Health, or other base services as appropriate.

5.1.3. Withdrawal of specific privileges, such as base exchange, commissary, youth center, pool, fitness center, and bowling alley. This list is not exhaustive.

5.1.4. Restriction from entering certain areas of the base.

5.1.5. A curfew.

5.1.6. Suspension or revocation of drivers' license and/or base driving privileges in cases of misconduct involving the use of a motor vehicle.

5.1.7. Restitution for damages or injury caused by the family member, including physical labor to repair damage.

5.1.8. Community service. 39 MSG/CD can adjudge up to 60 hours of community service without prior coordination and approval from 39 ABW/CC. Parents of minor children who receive community service must supervise their child in person for the duration of the community service, unless otherwise stated by the FMFB. Parents will not be allowed to drop off their child and leave. 39 MSG/CD must approve the community service performed.

5.1.9. Recommend 39 ABW/CC impose a restriction from base, except for medical and dental care. Medical and dental care are entitlements and may not be withdrawn.

5.1.10. Tasks such as writing essays or book reports that must be presented to a group of peers or the victim.

5.1.11. Return the family member to the Continental United States (CONUS) under the Early Return of Dependents (ERD) program.

5.1.12. Curtailment of sponsor's overseas tour. This is appropriate in cases where the sponsor does not cooperate, where circumstances prevent the expeditious early return of the family member, where rehabilitative measures have failed or where unusual hardship to the family will result from separation of one or more of its members from the sponsor. Such action will be considered to be in the best interest of the government.

## 5.2. Nature of Corrective Action.

5.2.1. The nature of the corrective action imposed should be evaluated in light of such factors as the individual's age and prior disciplinary record, seriousness of the misconduct, deliberateness of the misconduct, defiance of authority, discourteous conduct, influencing others involvement in misconduct, the presence or absence of adult/parental guidance and discipline, sanctions administered in like cases, adverse impact on Air Force or base community, the availability of base agencies to support any corrective actions or to rehabilitate the offender, the impact of the misconduct on the victim and the rehabilitative potential of the offender.

5.2.2. The FMFB should also consider favorable factors such as genuine regret for the act(s) committed, the possibility of a misunderstanding, enticements or provocations that may have caused the act(s), service to community, cooperative behavior, and record of achievements.

**6. Decision.** The FMFB shall have up to three (3) duty days to decide on corrective action. The corrective action will be imposed as soon as the decision is announced or upon the sponsor's receipt of the corrective action if the corrective action was not announced during the FMFB hearing. All decisions shall be made in writing. 39 ABW/JA will deliver the Chairman's decision to the sponsor, who will acknowledge receipt. If the FMFB announces the corrective

action at the FMMB hearing, then the FMMB shall deliver the written decision to the sponsor no later than three (3) duty days after the hearing.

**7. Appeals.** A family member who receives corrective action from the FMMB and/or the family member's sponsor may appeal the FMMB's decision if the corrective action was not imposed by 39 ABW/CC. This paragraph does not apply to corrective actions that grant an appellate right distinct from the FMMB process.

7.1. Appeals shall be made in writing to 39 ABW/CC no later than five (5) calendar days after the written decision is received by the sponsor. The sponsor must indorse the appeal. 39 MSG/CD may grant an extension for good cause.

7.2. 39 ABW/CC is not required to permit personal appearances by either the sponsor or the family member.

7.3. 39 ABW/CC will make a final decision after considering the recommendation of the FMMB and the family member's response. 39 ABW/CC's decision is final and not subject to further appeal. Notice of 39 ABW/CC's decision will be served on the sponsor, who will acknowledge receipt.

**8. Execution of Corrective Actions.**

8.1. Copies of the FMMB's decision will be forwarded to the relevant agencies involved. In the event community service, restitution, or referral to other agencies is recommended by the FMMB, the sponsor and family member will be required to consent. If consent is refused, 39 ABW/CC will reconsider the matter, taking the refusal into account.

8.2. Agencies to which the family members are referred are responsible for reporting their progress to the Chairman who imposed the corrective action. The Chairman may make a recommendation to 39 ABW/CC for additional corrective action without re-convening the FMMB if the agency determines the family member is not making satisfactory progress.

8.3. Failure to complete any corrective action imposed by the FMMB within the time specified may result in a referral to the FMMB.

8.4. The sponsor's squadron must supervise/execute all corrective actions imposed by the FMMB and inform the Chairman or his/her designee when the corrective actions have been completed.

CRAIG D. WILLS, Colonel, USAF  
Commander

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

AFPD 51-9. *Civil Law for Individuals*, 5 November 1993

AFMAN 33-363, *Management of Records*, 1 March 2008

***Prescribed Forms***

No Forms Prescribed

***Adopted Forms***

AF Form 847, *Recommendation for Change of Publication*, 22 September 2009

***Abbreviations and Acronyms***

**39 ABW/CC**—39th Air Base Wing Commander

**39 ABW/JA**—39th Air Base Wing Legal Office

**39 MSG/CD**—39th Mission Support Group Deputy Commander

**39 SFS**—39th Security Forces Squadron

**ADC**—Area Defense Counsel

**AFOSI**—Air Force Office of Special Investigations

**AFRIMS**—Air Force Records Information Management System

**CONUS**—Continental United States

**DoD**—Department of Defense

**DoDDS**—Department of Defense Dependent Schools

**ERD**—Early Return of Dependents

**FMFB**—Family Member Misconduct Board

**OPR**—Office of Primary Responsibility

**RDS**—Records Disposition Schedule

**TDY**—Temporary Duty

**UCMJ**—Uniform Code of Military Justice

***Terms***

**Family Member**— Any person who is entitled to installation access by virtue of his or her blood, marital or other legal affiliation with an active duty service member, reserve or guard, retired member, DoD civilian employee, or civilian contractor.

**Family Member Misconduct Board**— A board established at Incirlik Air Base to evaluate cases of family member misconduct.

**Minor**— A person who has not yet attained the age of 18 years at the time of the misconduct.

**Misconduct**— Any act or omission that violates a written rule, instruction, policy, base directive, Air Force directive, federal statute or local law, or that otherwise disrupts the good order of the installation or threatens the security and safety of persons assigned to Incirlik Air Base and its geographically separated units and/or their dependents.

**Retiree**— Any individual retired from the U.S. Armed Forces regardless of the branch of service.

**Sponsor**— Any active duty service member, retired member, DoD civilian employee, or civilian contractor from whom a family member derives their status.