

**BY ORDER OF THE COMMANDER
RAF LAKENHEATH (USAFE)**

**LAKENHEATH INSTRUCTION
51-901**



16 DECEMBER 2015

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Law

**CIVILIAN AND FAMILY MISCONDUCT
PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Certified by: 48 MSG/CC
(Col Michael A. Zrostlik)

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This instruction implements Air Force Policy Directive (AFPD) 51-9, *Civil Law for Individuals*. This instruction establishes a program for dealing with civilian misconduct (to include family member misconduct) on RAF Lakenheath and RAF Feltwell. It applies to all active duty service members, Department of Defense (DoD) civilian employees, contractor personnel, and any personnel or their family members who are otherwise eligible to use facilities within the RAF Lakenheath or RAF Feltwell jurisdiction. 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*, prescribed by AFI 11-215, USAF Flight Manuals Program; route AF Form 847s from the field through appropriate functional chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). This publication may not be supplemented.

This instruction is affected by the Privacy Act of 1974. Records generated by this regulation are authorized by 10 U.S.C. §8012. Paragraph 4.3.4. is directive in nature and failure to adhere to the standards set out in this instruction can form the basis for adverse action under the Uniform Code of Military Justice (UCMJ). An example would be a dereliction of duty offense under Article 92.

Chapter 1—PROCEDURAL GUIDANCE	3
1.1. Procedural Guidance.	3
Chapter 2—ROLES AND RESPONSIBILITIES	4
2.1. Roles and Responsibilities.	4
Chapter 3—JURISDICTION	6
3.1. Jurisdiction.	6
Chapter 4—PROCEDURES	7
4.1. Procedures.	7
Chapter 5—GENERAL GUIDANCE ON SELECTING ADVERSE ADMINISTRATIVE ACTIONS	11
5.1. General Guidance on Selecting Adverse Administrative Actions.	11
Chapter 6—ADMINISTRATIVE ACTIONS AVAILABLE TO CFMMB	12
6.1. Administrative Actions Available to CFMMB.	12
Chapter 7—APPEALS	14
7.1. Appeals.	14
Attachment 1—GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION	15
Attachment 2—SAMPLE NOTIFICATION LETTER OF CFMMB PROCEEDINGS	17
Attachment 3—SAMPLE SCRIPT FOR CFMMB PROCEEDINGS	18
Attachment 4—SAMPLE NOTICE OF CFMMB DECISION	22

Chapter 1

PROCEDURAL GUIDANCE

1.1. Procedural Guidance. Acts of misconduct committed by civilians threaten the security and safety of persons and property on RAF Lakenheath and RAF Feltwell. Misconduct adversely affects host nation relations, our community's quality of life, and negatively reflects on the individual, the family, and the entire military community. Civilians (to include family members) who engage in misconduct shall appear before the Civilian and Family Member Misconduct Board (CFMMB) at the direction of the 48th Fighter Wing Commander (48 FW/CC), whose authority to convene the board is hereby delegated to the 48th Mission Support Group Deputy Director (48 MSG/DD). While the CFMMB 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. All actions taken by the CFMMB will seek to ensure good order and discipline on our installations, and, when possible, rehabilitate the offender.

Chapter 2

ROLES AND RESPONSIBILITIES

2.1. Roles and Responsibilities.

2.1.1. 48th Fighter Wing Commander (48 FW/CC). 48 FW/CC is ultimately responsible for ensuring good order and discipline at RAF Lakenheath and RAF Feltwell. As such, 48 FW/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 RAF Lakenheath and RAF Feltwell. 48 FW/CC has delegated the authority to convene the CFMMB to handle civilian misconduct cases to 48 MSG/CD. 48 FW/CC retains discretionary authority to remain involved as either the action authority or appeal authority in cases he or she believes is appropriate.

2.1.2. 48th Mission Support Group Commander (48 MSG/CC). Ensures the Civilian and Family Misconduct Program is properly administered. Serves as the appellate authority in cases where appeals are authorized. 48 MSG/CC retains discretionary authority to remain involved as either the action authority or appeal authority in cases he or she believes is appropriate.

2.1.3. 48th Mission Support Group Deputy Director (48 MSG/DD). Is the action officer for all allegations of civilian misconduct on RAF Lakenheath and RAF Feltwell. 48 MSG/DD is directly responsible for ensuring that all civilian misconduct is disposed of in an appropriate manner in line with the policy interests outlined in Paragraph 1.1. of this instruction. 48 MSG/DD also chairs the CFMMB when convened. More specifically, 48 MSG/DD will be responsible for:

2.1.3.1. Managing the Civilian and Family Misconduct Program.

2.1.3.2. Receiving all reports of civilian misconduct by civilians.

2.1.3.3. Coordinating with the 48th School Liaison Officer (48 MSG/CCL) for support from Department of Defense Schools-Europe Officials (DoDDS-E) (part of the DoDEA) when involving Department of Defense Education Activity (DoDEA) students.

2.1.3.4. Monitoring the status of other criminal civilian misconduct incidents.

2.1.3.5. Oversee the administration of any sanctions, conditions, or prohibitions imposed by the CFMMB.

2.1.4. 48th Security Forces Squadron (48 SFS). Is the administrative assistant to 48 MSG/DD and is responsible for:

2.1.4.1. Receiving reports or notices of criminal misconduct by civilian members.

2.1.4.2. Advising and making recommendations as to disposition of civilian misconduct to 48 MSG/DD.

2.1.4.3. Maintaining records of criminal misconduct by civilians IAW AFI 31-120, *Security Forces Systems and Administration*, dated 1 April 2015.

2.1.4.4. Monitoring the status of criminal civilian misconduct incidents.

2.1.4.5. 48 MSG/DD may direct 48 SFS to conduct and document necessary interviews and collect evidence on criminal civilian misconduct incidents.

2.1.4.5.1. 48 SFS shall ensure that criminal offenses committed by civilians are thorough and accurately reported, with the appropriate nature of the violation cited in any resulting report. Violations of applicable Air Force Instructions or Host Nation (HN) law should be cited. While the Uniform Code of Military Justice (UCMJ) does not apply to civilians reference to the criminal article of the UCMJ may be cited as an indication of criminal activity.

2.1.4.5.2. Ensure any evidence collected in a civilian misconduct case be kept for all relevant appeals.

2.1.4.6. The Commander 48th Security Forces Squadron (48 SFS/CC) will appoint a primary and alternate member to the CFMMB.

2.1.5. Staff Judge Advocate (SJA). The SJA shall:

2.1.5.1. Provide technical assistance to help 48 MSG/DD in carrying out disposition responsibilities and his or her role as chair of the CFMMB.

2.1.5.2. Appoint a primary and alternate member to the CFMMB.

2.1.6. 48th Medical Group Family Advocacy Officer(48 MDG/FAO). Shall appoint a primary and alternate member to the CFMMB.

2.1.7. DoDDS-E Officials. DoDDS-E Isles District Superintendent of Schools and other administrators officials will take appropriate internal administrative action to address student, teacher, and staff disciplinary problems that occur at schools, during school activities, or while using DoDEA run school buses. DoDEA officials will notify the 48 MSG/CCL of suspensions and expulsions from school and report criminal offenses to 48 SFS. The principal of a school shall notify the installation commander or designee of any acts that may violate local laws or pose a threat to the safety and security of the installation. (DoDEA Regulation 2051.1E3.6). The 48 MSG/CCL will act as the primary liaison between DoDEA officials and 48 MSG/DD. 48 MSG/CCL will sit as a member of the CFMMB.

2.1.8. Sponsors. A sponsor is responsible for the actions of his or her family member(s) and will provide guidance and ensure appropriate behavior of his or her family member(s). The sponsor is also responsible for ensuring that both adult and minor family member(s) are aware of the standards of conduct they are expected to maintain. The sponsor shall cooperate fully with the installation commander and his designee (48 MSG/DD), school officials, and HN officials in their efforts to promote harmony and good order in the community. These efforts include participation in rehabilitative measures and compliance with administrative sanctions when directed. A sponsor's response to a family member's misconduct will be considered in determining the appropriate disposition of the family member's case.

Chapter 3

JURISDICTION

3.1. Jurisdiction.

3.1.1. Host Nation (HN) Jurisdiction. In peacetime, HN authorities have exclusive jurisdiction over U.S. civilians in the host country. 48 MSG/DD may request local HN authorities waive criminal jurisdiction over individuals when 48 MSG/DD believes suitable corrective administrative action is available. 48 MSG/DD will make requests through the local British Liaison Officer.

3.1.2. Prosecution by HN Authorities. Prosecution by HN authorities does not prevent and should not delay 48 MSG/DD from taking appropriate administrative action. However, when a violation of HN law is involved, the offender may not be granted early return to the United States before HN authorities give permission through the local British Liaison Officer. Furthermore, any administrative action that could affect HN prosecution (such as barment actions, which may induce a subject to leave the jurisdiction) must be coordinated with the local British Liaison Officer.

3.1.3. Employees of the United States Government. Special provisions apply to civilians who are employed by the United States Government or its instrumentalities either from appropriated or non-appropriated funds. Given these special provisions, 48 MSG/DD should consult with the appropriate civilian personnel officer or staff judge advocate prior to taking any adverse administrative action against a civilian employee under this instruction.

Chapter 4

PROCEDURES

4.1. Procedures.

4.1.1. Reporting Misconduct

4.1.1.1. Any allegation of civilian misconduct, unless such misconduct occurred solely within the workplace by a civilian employee and is not a criminal offense, shall be referred to 48 SFS. Upon receipt or discovery of an allegation of civilian misconduct, 48 SFS shall notify 48 MSG/DD, unless the incident is solely a traffic infraction governed by LAKENHEATH Instruction 31-102, *Motor Vehicle/Traffic Supervision*, dated 24 April 2014, and the traffic infraction did not result in an injury or fatality. This initial notification should take place within 24 hours of receipt of the allegation. Notice in the form of the 48 SFS Blotter constitutes sufficient initial notification.

4.1.1.2. 48 SFS shall compile all evidence gathered pursuant to an investigation of civilian misconduct into a civilian misconduct report. The civilian misconduct report should contain any statements, photographs, biographical information, sponsor information, or any other relevant evidence that would prove or disprove the allegation of civilian misconduct. The civilian misconduct report shall be forwarded, along with a recommended disposition, to 48 MSG/DD for action and the 48th Fighter Wing Base Legal Office (48 FW/JA) for legal review. The civilian misconduct report shall be produced and sent to 48 MSG/DD and 48 FW/JA within seven (7) calendar days unless granted an extension by 48 MSG/DD.

4.1.1.3. Upon receipt of a civilian misconduct report, 48 FW/JA will conduct a legal review and make a recommended disposition to 48 MSG/DD. This recommendation shall be done within three (3) duty days of receipt unless granted an extension by 48 MSG/DD.

4.1.2. Disposition of Civilian Misconduct Reports

4.1.2.1. Upon receipt of a civilian misconduct report and legal review, 48 MSG/DD shall dispose of the allegation, unless disposition of the matter has been withheld by higher authority.

4.1.2.2. Options for Disposition. 48 MSG/DD has the following options for disposing of an allegation of civilian misconduct:

4.1.2.2.1. No action.

4.1.2.2.2. Refer the civilian misconduct report to the sponsor's immediate commander for appropriate action.

4.1.2.2.3. Refer the civilian misconduct report to the CFMMB and convene a hearing of the CFMMB.

4.1.2.2.4. Forward the civilian misconduct report with recommendations for corrective action to 48 FW/CC or 48 MSG/CC such as an Early Return of Dependent (ERD) or base barment.

4.1.2.3. Unavailability of 48 MSG/DD. If the 48 MSG/DD is unavailable the disposition authority is 48 MSG/CD. In the absence of 48 MSG/DD or 48 MSG/CD the 48 MSG/CC is the disposition authority. Finally, the 48 FW/CC is the disposition authority in the absence of all the aforementioned parties.

4.1.3. Procedures for Convening the CFMMB.

4.1.3.1. The CFMMB shall be convened to hear the matters referred before it by direction of the 48 MSG/DD or a higher competent authority.

4.1.3.2. Composition of the CFMMB. The CFMMB will be composed of the following voting and nonvoting members:

4.1.3.2.1. Voting Members.

4.1.3.2.1.1. 48 MSG/DD.

4.1.3.2.1.2. 48 FW/JA Legal Advisor.

4.1.3.2.1.3. Senior enlisted advisor (48 FW/CCC) or their designee, in cases involving enlisted personnel.

4.1.3.2.1.4. Family Advocacy Officer

4.1.3.2.1.5. 48 MSG/CCL in cases involving DoDEA students.

4.1.3.2.1.6. Civilian Personnel Office, in cases involving civilian employees of The United States. NAF Human Resources Office, in cases involving civilian employees of the NAFI.

4.1.3.2.2. Nonvoting Members.

4.1.3.2.2.1. 48 SFS

4.1.3.2.2.2. Sponsor's First Sergeant, in cases involving enlisted personnel.

4.1.3.2.2.3. Sponsor's Squadron Commander, in cases involving officer personnel.

4.1.3.2.2.4. Additional representatives as deemed appropriate by 48 MSG/DD.

4.1.3.3. Notice to the Sponsor/Respondent. Upon referral of a case to the CFMMB, Mission Support Group Executive Officer (48 MSG/CCE), or a designee of 48 MSG/DD, shall produce a notification memorandum to the sponsor and alleged offender that the alleged incident will be heard by the CFMMB. The notice shall contain the time and place of the hearing; the nature of the alleged misconduct; the right to present evidence to the board, the right to cross-examine any witnesses produced by the CFMMB, the right to appear before the board, provide the electronic location to review this instruction (i.e. e-publishing), and have attached the civilian misconduct report with appropriate redactions of information protected by the Privacy Act of 1974. The notice shall be provided to the sponsor/respondent at least three (3) duty days before the CFMMB convenes. In cases with a minor below the age of 18, the notice should be served only on the sponsor of the minor. A sample notification letter is provided at Attachment 2.

4.1.3.4. Attendance by Active Duty Member Sponsors. Upon timely receipt of notice of a CFMMB hearing concerning an active duty member's dependents, the active duty

member shall appear in service dress at the CFMMB, unless excused by 48 MSG/DD. This provision is punitive and failure to appear may constitute a violation of Article 92, UCMJ.

4.1.3.5. No member of the CFMMB will act as a voting member of the CFMMB in a case involving their own family member.

4.1.3.6. Failure to appear at the CFMMB will not prevent the CFMMB from proceeding forward in hearing the case. The CFMMB may consider the refusal of the civilian to appear as a matter in deciding upon its findings and adverse action determinations.

4.1.4. Procedures for Conducting the CFMMB.

4.1.4.1. Administrative Hearing. The CFMMB is not a judicial hearing. As such, respondents are not entitled to have legal counsel present during the hearing. Military attorneys from 48 FW/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 48 MSG/DD to allow civilian counsel to personally attend the hearing.

4.1.4.2. Rules of Evidence/Rights of Respondent. No formal rules of evidence apply to CFMMB proceedings. The use of hearsay evidence, so long as the source is considered reliable, is allowed. 48 MSG/DD is the ultimate authority for determining the admissibility of any evidence before the CFMMB. The respondent and sponsor may present evidence to the board, cross-examine any witnesses produced by the board, and be present for all board proceedings except for deliberation on findings and determination of any adverse administrative actions during which the respondent and sponsor shall not be present.

4.1.4.3. Standard of Proof. The CFMMB shall apply the preponderance of the evidence standard in determining whether or not an allegation is substantiated.

4.1.4.4. Hearing Procedure. The hearing should be conducted IAW the script provided at Attachment 3. Summarized notes of the hearing should be taken by 48th Mission Support Group Executive Officer (48 MSG/CCE).

4.1.4.5. Voting. All voting should be done without the nonvoting members, the sponsor, or the respondent present.

4.1.4.5.1. Voting on substantiation of the allegation. At the conclusion of the presentation of evidence, the CFMMB shall first make a finding as to whether or not the allegation(s) is substantiated. This shall be done by the chairman (48 MSG/DD) calling for a show of hands of all voting members who believe the allegation was substantiated. At least two-thirds of the members must find the allegation is substantiated to make a finding that the allegation is substantiated.

4.1.4.5.2. Determining an Appropriate Adverse Administrative Action. If the CFMMB finds an allegation was substantiated, the CFMMB then should consider what, if any, adverse administrative actions should be imposed on the respondent. A voting member of the CFMMB shall propose an appropriate adverse administrative action(s) to the board (See Chapter 5 for Guidance on Selecting Adverse Administrative Actions and Chapter 6 on Adverse Administrative Actions available

to the CFMMB). The CFMMB will then vote on the proposed action by the chairman (48 MSG/DD) calling for a show of hands of all voting members who approve the proposed adverse administrative action. At least two-thirds of the members must approve of the proposed adverse administrative action to impose that adverse administrative action.

4.1.4.6. Notification to Sponsor/Respondent. Once the CFMMB has made a finding on the allegation and determined an appropriate adverse administrative action (if required) the chairman (48 MSG/DD) shall orally notify the sponsor and the respondent of the outcome and that a formal letter on the outcome will follow with the appeal procedures for the CFMMB's decision.

4.1.4.7. Decision Letter. Within seven (7) duty days a formal notification letter of the finding(s) of the CFMMB and, if imposed, all adverse administrative actions the CFMMB imposed shall be sent to the respondent and the sponsor. A copy of the letter will be sent to the sponsor's immediate commander, first sergeant, or supervisor and 48th Security Forces Squadron Reports and Analysis (48 SFS/S5R). 48 SFS/S5R will file a copy with the civilian misconduct report. A sample decision letter is provided at Attachment 4.

4.1.5. Execution of CFMMB imposed adverse administrative actions. Any adverse administrative actions imposed by the CFMMB will take effect upon receipt of the formal notification letter by the sponsor and respondent.

4.1.5.1. 48 MSG/DD will be responsible for seeing that CFMMB adverse administrative actions are executed. 48 MSG/DD may respond to failures to comply with CFMMB adverse administrative actions by imposing other adverse administrative actions on his own; make recommendations to impose other adverse administrative actions to superior authorities (such as an ERD or Base Barment); or reconvene the CFMMB to consider the failure to comply.

4.1.5.2. The sponsor's squadron or appropriate unit shall also monitor all corrective actions imposed by the CFMMB and inform 48 MSG/DD if the adverse administrative actions have or have not been completed.

Chapter 5

GENERAL GUIDANCE ON SELECTING ADVERSE ADMINISTRATIVE ACTIONS

5.1. General Guidance on Selecting Adverse Administrative Actions. The CFMMB and 48 MSG/DD shall consider the following factors when disposing or acting upon allegations of civilian misconduct or determining an appropriate adverse administrative action:

5.1.1. Seriousness of the Misconduct.

5.1.2. Relationship of the Sanction to the Offense. The administrative action imposed should bear a rational relationship to the offense committed.

5.1.3. The Respondent's Prior Record. The CFMMB or 48 MSG/DD should take progressively stronger action against persons who have previously been involved in misconduct.

5.1.4. Age of Maturity of the Offender.

5.1.5. Compensation of Victims. The CFMMB or 48 MSG/DD should consider actions the respondent has taken to rectify the effects of his or her misconduct. No lawful authority exists for the United States Air Force to force civilians to compensate victims for loss or damage.

Chapter 6

ADMINISTRATIVE ACTIONS AVAILABLE TO CFMMB

6.1. Administrative Actions Available to CFMMB. The CFMMB may consider the imposition of the following administrative actions in response to a substantiated finding of misconduct from a CFMMB hearing:

6.1.1. No action.

6.1.2. An oral or written admonishment or reprimand of the family member, the sponsor, or both.

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

6.1.4. Withdrawal of specific privileges, such as base exchange, Commissary, youth center, fitness center, and bowling alley. This list is not exhaustive. For guidance on imposing revocations to AAFES and Commissary facilities, see AFI 34-211(I), *Army and Air Force Exchange Service Operations*, dated 30 July 2008. AFI 34-211(I) may impose mandatory revocation periods upon a substantiated finding of shoplifting from an AAFES or DECA facility. **Note:** 48 MSG/CC may have to concur in the withdrawal of privileges in order to be enforceable under AFI 34-211(I).

6.1.5. Restriction from entering certain areas of the base.

6.1.6. A curfew.

6.1.7. Suspension or revocation of driver's license and/or base driving privileges in cases of misconduct involving the use of a motor vehicle. For guidance on imposing revocations of base driving privileges, see AFI 31-218(I), *Motor Vehicle Traffic Supervision*, dated 22 May 2006, specifically Chapter 2, paragraph 2-4; AFMAN 31-116, *Air Force Motor Vehicle Traffic Supervision*, dated 9 May 2012; and LAKENHEATH 31-102, *Motor Vehicle/Traffic Supervision*, dated 24 April 2014. **Note:** 48 MSG/CC may have to concur in the withdrawal of privileges in order to be enforceable under AFI 31-218(I).

6.1.8. Community Service. The CFMMB can adjudge up to 60 hours of community service without prior coordination and approval from 48 FW/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 CFMMB. Parents will not be allowed to drop off their child and leave. 48 MSG/DD must approve the community service performed.

6.1.9. Tasks such as writing essays or book reports that must be presented to a group of peers or victims. This may include the writing of a letter of apology to a victim.

6.1.10. Recommend return of the family to the Continental United States (CONUS) under the ERD program.

6.1.11. Recommend curtailment of the 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.

6.1.12. Recommend removal of rights to procure on-base housing. The housing office (48 CES/CEIHH) should be consulted prior to making this recommendation.

6.1.13. Recommend Barment. Barment from a base installation should be an option of last resort and only imposed when there is a clear threat to good order and discipline on the installation that cannot be mitigated by other means.

Chapter 7

APPEALS

7.1. Appeals. Appeal of CFMMB determination. A sponsor or alleged offender may appeal the findings or the imposition of an adverse administrative action by the CFMMB. This paragraph does not apply to corrective actions that grant an appellate right distinct from the CFMMB process.

7.1.1. Appeals shall be made in writing to 48 MSG/CC, or 48 FW/CC if the 48 MSG/CC convened the original CFMMB or is unavailable, no later than five (5) calendar days after receipt of the decision letter. The sponsor must indorse the appeal. 48 MSG/CC may grant an extension for good cause shown.

7.1.2. Filing of an appeal will not suspend the execution of an adverse administrative action imposed by the CFMMB.

7.1.3. 48 MSG/CC is not required to permit personal appearances by either the sponsor or the civilian dependent.

7.1.4. 48 MSG/CC shall make a final decision after considering the decision of the CFMMB and any appeal materials submitted with the request for appeal. 48 MSG/CC's decision is final and is the sole appellate right under this regulation for review of CFMMB decision. Notice of 48 MSG/CC's decision will be served via an official memorandum on the sponsor, who will acknowledge receipt. A copy of the decision letter will also be sent to 48 SFS/S5R for filing with the civilian misconduct report.

ROBERT G. NOVOTNY, Colonel, USAF
Commander, 48th Fighter Wing

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

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

AFI 11-215, *USAF Flight Manuals Program (FMP)*, 22 December 2008

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

DoDEA Regulation 2051.1, *Disciplinary Rules and Procedures*, 23 March 2012

AFI 31-120, *Security Forces Systems and Administration*, 1 April 2015

AFI 34-211(I), *Army and Air Force Exchange Service General Policies*, 30 July 2008

AFI 31-218(I), *Motor Vehicle Traffic Supervision*, 22 June 2006

LAKENHEATH31-102, *Motor Vehicle/Traffic Supervision*, 24 April 2014

AFMAN 31-116, *Air Force Motor Vehicle Traffic Supervision*, dated 9 May 2012

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AFPD—Air Force Policy Directive

AFI—Air Force Instruction

AFMAN—Air Force Manual

DoD—Department of Defense

CFMMB—Civilian and Family Member Misconduct Board

DODDS—E—Department of Defense Schools Europe

DODEA—Department of Defense Education Agency

SJA—Staff Judge Advocate

HN—Host Nation

ERD—Early Return of Dependent

ADC—Area Defense Counsel

AAFES—Armed Forces Exchange Service

DECA—Defense Commissary Agency

UCMJ—Uniformed Code of Military Justice

CONUS—Continental United States

48 FW/CC—Commander, 48th Fighter Wing

48 MSG/CC—Commander, 48th Mission Support Group

48 MSG/CD—Deputy Commander, 48th Mission Support Group

48 MSG/DD—Deputy Director, 48th Mission Support Group

48 MSG/CCE—Executive Officer, 48th Mission Support Group

48 MDG/FAO—Family Advocacy Officer, 48th Medical Group

48 SFS/CC—Commander, 48th Security Forces Squadron

48 MSG/CCL—School Liaison Officer, 48th Mission Support Group

48 FW/CCC—Command Chief, 48th Fighter Wing

48 SFS—48th Security Forces Squadron

48 CES/CEIHHJ—Housing Office, 48th Civil Engineering Squadron

48 SFS/S5R—Reports and Analysis, 48th Security Forces Squadron

48 FW/JA—Office of the Staff Judge Advocate, 48th Fighter Wing

Terms

Civilian and Family Member Misconduct Board—Board established by 48 MSG/DD to hear cases of family member or civilian misconduct and determine appropriate adverse administrative actions if necessary.

Civilian Misconduct Report—Report compiled by 48 SFS which contains all statements, photographs, and biographical information for an allegation(s) of civilian misconduct. This report should substantially mirror a SFMIS Report or ROI.

Respondent—Civilian who is responding to an allegation of misconduct made against them.

Adverse Administrative Action—A set of disciplinary actions available to the CFMMB for imposition to deter future civilian misconduct and rehabilitate the respondent. Some adverse administrative actions will require the concurrence of 48 MSG/CC or 48 FW/CC. See Chapter 6 for more information.

Attachment 2

SAMPLE NOTIFICATION LETTER OF CFMMB PROCEEDINGS

Figure 2.1. Sample Notification Letter of CFMMB Proceedings.



DEPARTMENT OF THE AIR FORCE
48TH MISSION SUPPORT GROUP (USAF)

Insert Date

MEMORANDUM FOR Mr. John A. Doe

FROM: 48 MSG/DD

SUBJECT: Notice of Civilian and Family Member Misconduct Board (CFMMB) Hearing

1. On or about *insert date of offense*, you [*or your dependent*] was alleged to have committed the following offense: *list either the UCMJ or analogous civilian or regulatory offense*. IAW Lakenheath Instruction 51-901, *Civilian and Family Member Misconduct Program*, I hereby provide you notice of a CFMMB hearing scheduled for *date/time of hearing*. The hearing will take place at Building *insert building number and description of building*.

2. IAW LAKI 51-901, paragraph 4.3.3. you have the following rights: to present evidence, to cross-examine any witnesses produced by the CFMMB; to appear before the board; and to have at least three duty days notice prior to the hearing. You are free to seek legal counsel from a civilian lawyer at your own expense. The CFMMB is not a judicial hearing and you are not entitled to have counsel present with you at the hearing without the approval of 48 MSG/DD. The hearing will be conducted IAW LAKI 51-901. A copy of the publication can be found at www.e-Publishing.af.mil.

3. [*For ACTIVE DUTY SPONSORS insert this paragraph*] Active duty members are required to attend an FMFB proceeding concerning their sponsors. Active duty members will appear before the FMFB in service dress. Failure to attend may result in punitive action for example under Article 92, UCMJ.

3/4. If you have any questions, please direct them to my POC for FMFB matters 48 MSG/CCE, *insert name/contact information*.

X

ORDER A. DISCIPLINE, GS-13, USAF
 Deputy Director

Attachment 3**SAMPLE SCRIPT FOR CFMMB PROCEEDINGS**

CFMMB Chairman (CHAIR): This hearing of the Civilian and Family Member Misconduct Board will come to order. This hearing is convened under the provisions of LAKENHEATH Instruction 51-901. The hearing is convened on *insert date*, pursuant to the notification letter dated *insert date*. The three duty day period has expired/not expired and has been waived.

CHAIR: The following persons are present: *introduce each member of the CFMMB to the respondent/sponsor.*

CHAIR: Would the sponsor please introduce themselves and their dependent (If a civilian without a sponsor: Would the respondent please introduce themselves).

CHAIR: Thank you. This board is convened to determine whether the respondent, *insert name of respondent*, (the dependent of: *insert name of sponsor*), has committed an offense against the good order and discipline of this installation; specifically whether: *list out the allegations in the notification letter*. If found to have committed an offense, this board will also determine what, if any, adverse administrative actions should be imposed for the offense or what, if any, recommendations for adverse administrative actions should be made either to 48 MSG/CC or 48 FW/CC. I will now tell you your rights during this proceeding.

CHAIR: First, you have the right to be present for all of the proceedings of this board with the exception of deliberation by the board on whether you committed the offense and if so what, if any, adverse administrative actions should be imposed. Second, you have the right to present evidence to this board. Any evidence you present, must be found by me to be reasonably reliable evidence in order to be considered by the board. Third, you have the right to cross-examine any witness produced by the board.

CHAIR: Do you understand these rights you have before this board?

RESPONDENT: Yes/No

If no, ask for clarification on the confusion and address appropriately until the respondent understands their rights before the board.

CHAIR: Thank you. The board has received the following civilian misconduct report from 48 SFS. The board intends to consider the following evidence: *List each piece of evidence the board intends to consider.*

CHAIR: Does the respondent (or sponsor) object to any of the evidence the board intends to consider. Before objecting, I would remind you the only relevant objection would be that the evidence is unreliable.

RESPONDENT/SPONSOR: *Lists objections if any.*

If the respondent has any objections the chair should consider the objections and make a ruling on whether the board will consider that piece of evidence. The ruling of the chair on the evidence is final.

CHAIR: We will now move on to the witness portion of the proceeding. The board has the following witnesses it will call: *List all witnesses.* (The board has no witnesses).

The chairman should then proceed to call each witness. The chairman or the legal advisor should conduct the direct questioning of the witness. The chairman should then offer the respondent the right to cross-examine the witness. Finally, the other members of the board should be offered the opportunity to ask questions.

CHAIR: The board would now offer the respondent (and sponsor) the opportunity to present any evidence to the board. Please note this could include an unsworn statement to the board.

Respondent then should present their evidence to the board. The chairman shall accept any evidence he deems is reasonably reliable presented by the respondent for consideration by the board on findings or on imposition of an adverse administrative action.

CHAIR: *(At the conclusion of the respondent's presentation of evidence)* This concludes the presentation of evidence. The board will now close the hearing for deliberation on findings and if the findings are substantiated, possible imposition of an adverse administrative action. At this time, I would request the sponsor and respondent leave the room for our closed door deliberations.

Once all non-voting members of the board have left.

CHAIR: Members of the board, IAW AFI 51-901 paragraph 4.4.4.1, the first obligation of this board is to make a finding on whether the allegations against the respondent are substantiated or unsubstantiated. The concurrence of at least two-thirds of the board members present is required to find an allegation substantiated. I will now open the floor for deliberation on the evidence presented and whether it substantiated or unsubstantiated the allegation.

The Chairman should allow a full and free discussion of the evidence and its merits in proving or disproving the allegation.

CHAIR: At this time, I will call for a vote. All those who believe the allegation was substantiated, meaning proven, please raise your hand.

The Chairman should then count the hands. Two-thirds of the board members hands raised means the allegation is substantiated.

CHAIR: By a count of hands the allegation is substantiated/unsubstantiated.

If unsubstantiated re-open the proceedings to the respondent/sponsor and say the following:

CHAIR: After consideration of the evidence, the board has found the allegation unsubstantiated. You will receive in the next several days' written confirmation of this finding. We thank you for your time and appearance before this board today. This hearing is closed.

If substantiated then proceed with the following:

CHAIR: Members of the board we will now consider what, if any, adverse administrative actions to take after finding an allegation substantiated. I would refer you to Chapter 5 of LAKI 51-901 for things you should consider in deciding on imposition of an adverse administrative action and Chapter 6 of LAKI 51-901 for the options before this board for imposition of an adverse administrative action. The process will proceed by a member of the board proposing an adverse administrative action or no action. I will then call for a vote on that proposed action. When at least two-thirds of the members present concur with the proposal it will then become the decision of the board. I open the floor for deliberation on imposition of an adverse administrative action.

Members of the board deliberate on possible proposals for an adverse administrative action. Once a proposal has been put forward to the chairman, the chairman will call for a vote on the proposal. If at least two-thirds of the members concur, then that is the proposal of the board. If less than two-thirds of the board members concur in the proposal, then the board continues to deliberate until a proposal has reached a two-thirds concurrence.

After deliberation, re-open the hearing and allow the respondent and sponsor to return to the hearing.

CHAIR: *Insert name of respondent and sponsor, this board in closed deliberations has found you have committed the following allegation(s): list allegation that received a substantiated finding. Based on that finding the board has decided to impose the following adverse administrative actions: list adverse administrative actions the board imposed and if barment, ERD, or suspension of AAFES Privileges ensure those are represented as recommendations to the appropriate action authority (MSG/CC for AAFES Privileges/ERDs; FW/CC for barments).*

CHAIR: This decision will be transmitted to you (and your sponsor) in a formal memorandum in the next several days. Any tolling of time or execution of the imposed adverse administrative action will begin upon your receipt of the formal decision memorandum. You have the right to appeal the decision of this board to 48 MSG/CC. You must submit this appeal in writing no later than five (5) calendar days after receiving the decision letter. Please note that filing an appeal does not suspend the imposed adverse administrative actions and you will be expected to comply with them until such time as your appeal has been granted.

CHAIR: Do you understand the process for carrying out the adverse administrative action and your appeal rights?

RESPONDENT/SPONSOR: Yes/No.

If no, then work through the questions with the respondent/sponsor until they understand their rights.

CHAIR: We thank you for your time and appearance before this board today. This hearing is closed.

Attachment 4

SAMPLE NOTICE OF CFMMB DECISION

Figure 4.1. Sample Notice of CFMMB Decision.



DEPARTMENT OF THE AIR FORCE
48TH MISSION SUPPORT GROUP (USAF)

Insert Date

MEMORANDUM FOR Mr. John A. Doe

FROM: 48 MSG/DD

SUBJECT: Decision of Family Member Misconduct Board (CFMMB)

1. On or about *insert date of hearing*, the CFMMB met and heard evidence concerning your alleged misconduct: *cite the same allegation as the notice letter*. The CFMMB has concluded the following: *the allegation was substantiated or the allegation was unsubstantiated*.
2. [*If unsubstantiated use this paragraph*] This letter constitutes the final action in this matter and the matter is closed.
2. [*If substantiated use this paragraph*] The CFMMB has decided to impose the following adverse administrative actions: *list the adverse administrative actions imposed by the CFMMB*. These adverse administrative actions take effect upon receipt by you of this letter. If you have any questions on the execution of these adverse administrative actions you should refer them to the POC listed below or your unit first sergeant. Failure to comply with these adverse administrative actions can result in a re-hearing by the CFMMB or recommendations for early return of dependent (ERD) or base barment.
3. If you are unsatisfied with this result, you may appeal this matter to the 48 MSG/CC. Appeals must be submitted in writing no later than five (5) calendar days after receipt of this memorandum. 48 MSG/DD may grant an extension for good cause shown. Please direct all appeals to 48 MSG/CCE at the contact below.
4. If you have any questions, please direct them to my POC for CFMMB matters 48 MSG/CCE, *insert name/contact information*.

X

ORDER A. DISCIPLINE, GS-13, USAF
 Deputy Director