



MCCHORD'S LEGAL "EASE"

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Mental Health Evals: *What Every Airman Should Know*

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Commanders or supervisors who have concerns that a member under their command is suffering from a legitimate mental health problem that may affect that member's ability to carry out the mission, can refer the member to the mental health clinic for a mental health evaluation (MHE).

Commanders make referrals for a variety of reasons, including when an Airman:

- ◆ Attempts or threatens to cause serious injury to self or others;
- ◆ Has a significant decrease in duty performance; and/or
- ◆ Displays behavioral changes, such as ex-

cessive anger, depression, or isolation

Referrals for mental health care may be voluntary recommendations by a commander or commander-directed. A commander-directed MHE has the same status as any other military order.

When there is an imminent safety concern (i.e., danger to self or others), commanders will make an emergency referral to a mental health provider.

No one may refer a service member for a MHE to prevent an Airman from lawfully communicating with an IG, attorney, member of Congress, or other person about the



Airman's referral for a MHE, nor can anyone refer an Airman for a MHE as reprisal for making such a lawful communication. Illegal referrals are punishable under Article 92 of the UCMJ.

Airmen notified that they are under investigation or suspected of an offense under the UCMJ who may present a risk of suicide may be referred for a MHE and possible placement in the Limited Privilege Suicide Prevention Program.

Meet the New SJA and Deputy SJA!



Lt Col Blake Williams
Staff Judge Advocate

Lt Col Williams is a career prosecutor with extensive criminal litigation experience. He has served in the USAF for over 13 years. Lt Col Williams just PCS'd from 3d Air Force, Ramstein Air Base, Germany, where he was the Deputy SJA. He oversaw the administration of all military justice actions for 10 USAF Wings in Europe and one in Africa, which encompassed over 30,000 Airmen.



Maj David Blomgren
Deputy Staff Judge Advocate

Maj Blomgren has served in the USAF for over 8 years. He just PCS'd from JB Andrews, MD, where he was the Medical Law Attorney for the Claims & Tort Litigation Division of the HQ AF Legal Operations Agency. He was responsible for investigating and adjudicating medical malpractice claims. Earlier in his career, he was a Deployed Trial Attorney and Liaison in the Central Criminal Court of Iraq.



Even though popular apps like "Pokémon Go!" promote adventuring to new areas, be mindful of businesses on the off-limits establishments list!



"...any crimes you commit while chasing Pokémon can get you into trouble under the Uniform Code of Military Justice!"

Can I Go There?: Off-Limits Establishments

After a long duty day, the only thing that is going through your mind is getting home to get some well-deserved rest. As you hop into your vehicle and start driving home, you pass the main gate and realize that your gas tank is running on fumes. Conveniently, there is a Texaco gas station right off base for you to fill up and grab a snack for the commute home. While pulling into a gas station may seem like part of everyday life, you just unknowingly entered an off-limits establishment.

The DoD maintains a joint regulation regarding off-limits establishments which it distributes via service specific regulations. In the Air Force, AFI 31-213 regulates the establishment of off-limits

areas and is a command function that is used to maintain good order and discipline, health, morale, safety, and welfare of service personnel. Places of business may appear to look normal and legitimate; however, the closest military installation may or may not list them as off-limits due to illegal and/or unsafe activities.

In this case, the Texaco gas station located right outside McChord Field on Bridgeport Way has previously been known as a site for illegal drug activities and other crimes.

At Joint Base Lewis-McChord, there are 130 banned establishments within the Western Washington-Oregon Area. Most of these locations are smoke shops due to the legalization of recrea-

tional marijuana in 2012, but there are also bars, food markets, and even gyms listed. A majority of the shops outside the main gate are listed on JBLM's off-limits list. Since 2014, McChord Field has tried and convicted two Airmen for using steroids that came from an off-limits gym.

Please remain vigilant and aware of places that could be off-limits. Being at an off-limit establishment is considered a violation of a general order and can be punishable under Article 92 of the Uniform Code of Military Justice. For a complete updated listing, please refer to your leadership, or find the listing at:

<https://eim.amc.af.mil/org/62ja/default.aspx>

No, Pikachu, No!

If you haven't been keeping up with the technological world, you might have been wondering why people are huddled over their phones while walking around in random places. *Spoiler alert:* there's a new app called "Pokémon Go!" For some of us, this nostalgia hits us right at our core, and while fun and active, great power can come with great responsibility.

Here are some important tips to keep in mind:

- ◆ Engage in safe game play! You want to ensure you're not running into intersections

or the flight line to catch Jigglypuff. It has been reported that some criminals have actually been using the app to find their next victims. They do this by tracking down where Pokémon are located and waiting until a potential victim shows up.

- ◆ Do NOT trespass, break into secured areas, or into someone's home to catch your prized Pokémon.

It is essential that users read the Terms of Service. From a legal standpoint, these are binding and you can be held accountable.

Accepting the terms of service means that you agree to be liable for any injuries, violations, etc. that result from your use of the app.

Moreover, any crimes you commit while chasing Pokémon can get you into trouble under the Uniform Code of Military Justice!



Driving Under the Influence: *How it Can Affect Your On-Base Driving Privileges*



“...if active duty military members...or any other person with installation driving privileges gets a DUI, regardless of the geographic location of the DUI, immediate suspension of those privileges is authorized!”

Did you know that if active duty military members, family members, retired members, civilian personnel, or any other person with installation driving privileges get a DUI, regardless of the geographic location of the DUI, immediate suspension of those privileges is authorized?!

Suspension will happen immediately, pending resolution, in the following circumstances:

- ◆ Refusal to comply with a lawfully requested chemical test or Standard Field Sobriety Test to determine the presence of alcohol/drugs;
- ◆ Operating a vehicle with a blood alcohol content (BAC) of 0.08 percent or higher, or in violation of the law of the jurisdiction being used on base;
- ◆ Operating a vehicle with a BAC between 0.05 percent and 0.08 percent in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension solely on the basis of the BAC level; and/or
- ◆ Where there's an arrest report or other official documentation of the circumstances of an apprehension for intoxicated driving.

Your license can be revoked if:

- ◆ You are lawfully apprehended under the suspicion of DUI and you refuse to submit to a test to measure the alco-

hol content in the blood, or detect the presence of any other drug as required by the law of the jurisdiction or installation traffic code; and/or

- ◆ You have a conviction, nonjudicial punishment, or a military or civilian action resulting in the suspension or revocation of your driver's license for intoxicated driving.

Upon notification of intoxicated driving, the member's privileges are suspended until the Installation Commander (or designee) has made a decision. The member may, within 14 calendar days of the notice, request an administrative hearing regarding the suspension. If the Commander (or designee) has not made a decision by the end of 14 calendar days after the hearing, full driving privileges will be restored until the accused is notified of a decision.

If your license has been revoked: bring your revocation and documentation of the incident to the ADLAW office, located on the 1st floor of Bldg 2027B on the corner of Pendleton and 8th on Lewis Main.



Got a Traffic Citation On-Base?: *Off-Base Consequences*

Have you received a traffic citation at a previous base, and only received discipline from your supervisor? Usually, traffic violation offenders receive an *Armed Forces Traffic Ticket* (DD Form 1408) which goes in your PIF, and discipline is up to the Commander, First Sergeant, or Supervisor. However, due to joint basing, offenders at JBLM receive a *United States District Court Violation Notice* (DD Form 1805). This is a federal district court citation issued to all offenders with installation driving privileges, regard-

less of their status as a military member or dependent. It comes with a fine—oftentimes, a hefty one!—which is paid through the court or online. In addition, it will *still* go into your PIF, and you may be disciplined by your Commander, First Sergeant, or Supervisor!

TIPS: Do NOT ignore these citations. Make sure you keep your mailing addresses current. You may lose your driving privileges if you do not show up in court and/or do not pay your ticket!



DID YOU KNOW...



Emoticons: Just Say No



Believe it or not, AFH 33-337, *The Tongue and Quill*, contains guidance on the proper use of emotional icons (“emoticons”). According to the AFH, emoticons can be useful in conveying “a sense of emotion that would be evident if the message were delivered face to face.” While emoticons can be a useful resource, they should not be used because “[s]ome of

them are more clever than clear.” In fact, the AFH opines that much of your audience may only be familiar with the “smiling face.” In any case, use of emoticons should be restricted to personal communications only. :-)



Traveling in Uniform



When traveling on commercial air in an official capacity within CONUS, wear of your service dress, blues, or ABUs is optional, but not required. You may *not* travel in your flight duty uniform. If you travel in civilian clothing, your clothes must be neat, clean, and warm enough for in-flight operations. You may not wear:

patched or frayed clothing; tank tops; short shorts or skirts; bathing suits; or garments with lewd words or drawings. When traveling on commercial air in an official capacity OCONUS, first consult the DoD foreign clearance guide. See AFI 36-2903, para. 1.3, for more information.



McChord Field Office of the Staff Judge Advocate

100 Col Joe Jackson Blvd, Suite 3031
JBLM, WA 98438
(253) 982-6305

The Office of the SJA *only* provides legal assistance (Wills & Powers of Attorney) for personnel departing on contingency operations on short notice who cannot be seen by the satellite or the Fort Lewis Legal Assistance Office.

Mon/Wed: 0730-1630
Tu/Thurs/Fri: 0730-1500

McChord Field Satellite Legal Assistance Office

100 Col Joe Jackson Blvd, Suite 1082
JBLM, WA 98438
(253) 982-5513

Legal assistance is available to authorized DoD ID cardholders, by appointment only, to discuss personal civil legal matters, such as wills and estate planning, domestic relations, landlord/tenant issues, & consumer affairs. Attorneys *cannot* discuss criminal law issues, nor provide advice over the telephone.

Walk-in notary services & Powers of Attorney are available M-F, 0800-1600. Call to schedule an appointment for other matters.

Online Legal Assistance

<https://aflegalassistance.law.af.mil>