

## MIL USA FORSCOM

From: MIL USA  
Sent: Friday, August 14, 2009 6:29 PM  
To:

Subject: Courts-Martial and Chapter 10s (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Criminales,

How frustrating it is when a Soldier is pending an MEB and at the same time pending a CH 14 that we would need to take all the way up to the CG for approval, and the Soldier continues to use drugs, doesn't show up to work, gets in trouble all the time, etc. Despite the back-to-back Article 15s and SCMs, the Soldier continues to do whatever he wants and believes himself untouchable just because he is pending an MEB/PEB. Have you ever dealt with that situation?

If you are dealing with these kinds of cases, our DSJA recommends that you seriously consider preferring charges and offering CH 10s to get the Soldiers out quickly. I concur. I think that is a reasonable remedy that not too many TCs and Commanders are aware of. I think it is time to start teaching these kinds of Soldiers a lesson. Now, you have to make sure that the offense(s) would qualify for a CH 10. Read paragraph 10-1a. Just because a Soldier is pending a court-martial does not necessarily qualify the accused to a CH 10. It has to be an offense punishable with a punitive discharge, plus other limitations. Again, it is all in paragraph 10-1a of AR 635-200. Read it.

If you have any questions, please let me know.

v/r

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