

Legal Blotter

1 January 2020 – 1 October 2020

Nevada National Guard Office of the Staff Judge Advocate
(NVNG-SJA)

Removal from Full Time National Guard Duty:

Rank: E8

Unit: NVARNG

Offense: Sex Assault substantiated by National Guard Office of Complex Investigations. The E8 sexually assaulted an E3 during training exercises while sharing a vehicle. The E8 and the E3 both slept in the vehicle at night, and that is when the E8 solicited unwanted touching from the E3.

Learning Point: NCO's should not put themselves into situations like this where a junior Soldier and a senior NCO shared a confined space to sleep. NCO's should also maintain professionalism at all times and not discuss personal relationships or any other inappropriate topics with junior Soldiers, regardless of sex. NCO's must set the example for junior Soldiers.

Rank: E8

Unit: NVANG

Offense: The NCO posted offensive, racist material to his social media page. The NCO made comments supporting the racist statements allegedly made by an African-American Korean War veteran.

Learning Point: Everyone must comply with the TAG's Social Media Policy. Nothing inhibits a Guardsman's ability to post something to his/her social media page, but that does not mean that the NVNG cannot take action against offensive/inappropriate social media conduct. Guardsmen, especially senior NCO's and officers, must be cognizant of their actions on social media, especially when friends with subordinates on social media platforms. All Guardsmen also must be careful about the source of something he/she posts on social media.

Rank: E7

Unit: NVANG

Offense: Conduct Prejudicial to Good Order and Discipline, specifically inappropriate relationship between an E7 and an E4.

Learning Point: Inappropriate relationships are prohibited under NRS 412 because of the impact on good order and discipline in the unit. Guardsmen are at work to work and focusing on a relationship can negatively affect unit performance. Unit performance can be impacted by the two Guardsmen in a relationship as well as the uncomfortable situation that other Guardsmen are put into when they have to deal with the negative impacts of an inappropriate relationship at work.

Rank: E7

Unit: Mission Support Group

Offense: DUI.

Learning Point: The NVNG has a zero tolerance policy on DUI's. Severe consequences can result for even a first-time offense.

Involuntary Discharges

Trends: AWOL and drug use will likely lead to a discharge.

Rank: E6
Unit: 1864th TC
Offense: Drug-related Offense

Rank: E3
Unit: 1864th TC
Offense: Drug-related Offense

Rank: E2
Unit: 1864th TC
Offense: AWOL

Rank: E6
Unit: 100th QM
Offense: AWOL

Rank: E4
Unit: 100th QM
Offense: AWOL

Rank: E5
Unit: STB
Offense: Drug-related Offense

Rank: 2 X E5
Unit: 240th EN
Offense: (1 X Drug-related; 1 X AWOL)

Rank: E4
Unit: 240th
Offense: AWOL

Rank: 3 X E3
Unit: 240th EN
Offense: AWOL

Rank: E2
Unit: 240th EN
Offense: AWOL

Rank: E2
Unit: 593rd TC
Offense: Drug-related Offense

Rank: E4
Unit: 72nd MP
Offense: Drug-related Offense

Rank: E2
Unit: LRS
Offense: Social Media Misuse

Rank: E3
Unit: 152 Intel Squadron
Offense: AWOL/Insubordination

Rank: E3
Unit: Student Flight
Offense: Drug-related Offense

Rank: E4
Unit: 150TH
Offense: Alcohol/Criminal Conduct

Rank: E3
Unit: 150TH
Offense: AWOL

Rank: E3
Unit: 757 Rear Det
Offense: AWOL

Rank: E3
Unit: 1859TH
Offense: Criminal Conduct

Rank: O2
Unit: 1859TH
Offense: Personal Conduct

Rank: E5
Unit: 1859TH
Offense: Criminal Conduct

Rank: E4
Unit: 1859TH
Offense: Personal Conduct

Rank: E4
Unit: 609TH
Offense: Criminal Conduct

Rank: E3
Unit: 609TH
Offense: AWOL

Rank: E4
Unit: 609TH
Offense: Criminal Conduct

Rank: E4
Unit: Bravo, 422d
Offense: Security Clearance

Rank: E5
Unit: Charlie, 422d
Offense: Erroneous Enlistment

Rank: E2
Unit: Bravo, 422d/training pipeline
Offense: Drug Involvement

ARTICLE 15:

Rank: E5
Unit: 422 Signal
Offense: False Official Statement
Punishment: Reduced from E5 to E4.

Title 5 & Technician Actions:

Series/Grade: WG10, WG 11

Offense: Conduct Unbecoming. Technicians sent inappropriate text messages of a sexual nature to another member of the NVNG. An investigation was conducted and determined that a violation of Equal Opportunity policy occurred.

Action: Suspension

Learning Point: Members of the NVNG must be careful about sending text messages that may offend someone else. The perception of the recipient is what must be considered before sending a text message. Text messages and social media postings do not go away and serve as great evidence during an investigation. A suspension of a technician stays in a technician's permanent record. In this case, something that the sender thought was a joke will now stay in the permanent record of both senders.

Series/Grade: GS07
Offense: Misuse of Government Property
Action: Probationary Removal

Series/Grade: GS11
Offense: Failure to Observe Written Regulation
Action: Letter of Reprimand

Series/Grade: GS12
Offense: Conduct Unbecoming
Action: Last Rights Agreement Accepted

Series/Grade: GS12
Offense: Probationary
Action: Removal

Series/Grade: WG10 X 2
Offense: Failure to Follow Procedure

Action: Letter of Reprimand

Series/Grade: WG10

Offense: Failure to Report to Work

Action: Proposed 3-day Suspension

Series/Grade: WG11

Offense: Failure to Follow Instructions X 2

Action: Proposed 5-day Suspension then Last Rights Agreement Accepted

Series/Grade: WG13

Offense: Failure to Report to Work

Action: Letter of Reprimand

Series/Grade: WG13

Offense: Tardiness

Action: Letter of Reprimand