



# THE MILLRIND

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## What To Do If Your Travel Plans Have Been Impacted By COVID-19?



By: LT John Casper, NAS Sigonella

Many service members have had their travel plans impacted by COVID-19. Some have had to cancel their trips only to find out that they are not entitled to a refund. Here are some tools to figure out if you are entitled to a refund:

**READ THE FINE PRINT:** Every time you book a hotel room, purchase airplane tickets, or book a tour, you are entering into a contract with that company or vendor. Read the fine print of your confirmation email to see if there is a cancellation clause. Some cancellation clauses allow for a consumer to get out of the contract for “force majeure” or natural catastrophes. If not a refund, you may still be entitled to a credit.

**CHECK FOR AN UPDATED CANCELLATION POLICY:** Many companies are updating their cancellation policies during this pandemic. While the initial cancellation policy might not entitle you to a refund, you may find that the company’s new cancellation policy will allow you to get your money back.

**ASK YOUR COMMAND FOR ASSISTANCE:** Commands may be able to provide a letter stating you are not allowed to travel due to COVID-19. While companies are not legally obliged to give you a refund based solely off of the command letter, a letter along with the company’s cancellation policy could secure you a refund.

**KNOW YOUR RIGHTS:** Many countries have strong consumer protection laws and regulations, especially in regards to cancelled/delayed flights. While the contract between you and the company might not allow for a refund or a cancellation, you might find that a country’s consumer rights regulations provide you with relief. For flights within the European Union see: [https://europa.eu/youreurope/citizens/travel/passenger-rights/air/index\\_en.htm](https://europa.eu/youreurope/citizens/travel/passenger-rights/air/index_en.htm)

**PURCHASE TRAVEL INSURANCE:** For future travel plans, you may want to consider purchasing travel insurance. As with any other contract, it is important to read the fine print. Not all travel insurance plans are made equal! Ensure that the plan will cover you for different circumstances such as work obligations, medical reasons, travel bans, and natural disasters.

**SEEK OUT LEGAL HELP:** If you believe that you may be a victim of a scam or that a company is not acting in good faith, then reach out to the nearest legal assistance office. A legal assistance attorney might be able to help you negotiate a solution.

# AROUND THE AOR: IMMIGRATION



## ITALY



*What immigration documents do US personnel need while in country?*

- When arriving in Italy, all dependents listed on a Service Member's orders and GS employees must obtain a Sojourner's Permit; active-duty Service Members are exempt.

*What does the Sojourner's Permit entitle US personnel to/not to?*

- The permit allows individuals to legally remain in Italy. The permit does not allow personnel, including dependents, to work off-base on the Italian economy.

*How long is the Sojourner's Permit valid for?*

- The permit is valid for the duration of the member's orders, for a maximum of 2-3 years depending on location.

*How do I apply for a Sojourner's Permit?*

- Italian law requires that incoming personnel apply within 8 days of arrival, so the initial application is completed during Area Indoctrination (AO). You will need to bring a copy of the member's orders, an official (no-fee) passport with a Missione Visa in it, and 2 passport photos with you to AO. There, you will be provided with the RLSO application form to fill out as well. Requirements may vary depending on location.



## GREECE



*What immigration documents do US personnel need while in country?*

- When arriving in Greece, all Service Members, dependents listed on the Service Member's orders, and GS employees must obtain an Alien ID card. Greek nationals (including dependents) are not eligible for an Alien ID card.

*What does the Alien ID card entitle US personnel to/not to?*

- The Alien ID allows individuals to legally remain in Greece. It is required to be shown at airport customs when travelling in and out of Greece. The Alien ID does not allow personnel, including dependents, to work off-base on the Greek economy. Dependents who want to work off-base must apply for a Greek work permit, Greek tax ID, and follow local laws.

*How long is the Alien ID valid for?*

- The Alien ID is valid for the duration of the member's orders (must be renewed on a yearly basis).

*How do I apply for the Alien ID?*

- Bring a copy of the member's orders and original passport/military ID to the NSA Souda Bay legal office. Non-military members must complete an eligibility questionnaire as well.



## BAHRAIN



*What immigration documents do US personnel need while in country?*

- When arriving in Bahrain, all Service Members, dependents listed on the Service Member's orders, and GS employees must obtain a residence permit, commonly referred to as a "visa."

*What does the visa entitle US personnel to/not to?*

- The visa allows individuals to legally remain in Bahrain. However, it is not a work visa. Bahrain's labor laws prohibit Navy-sponsored residents from working off-base. Dependents may only work on NSA Bahrain and could face fines or deportation for violating Bahrain's labor law.

*How long is the visa valid for?*

- The visa is valid for the duration of the member's orders.

*How do I apply for a visa?*

- The form is located at: <https://www.npra.gov.bh/mcms-store/controls/form.aspx>. Individuals must print the form in **color**. Do not sign the form. Bring the form; a copy of the member's orders; original passport/military ID; and a copy of the passport/military ID to the NSA Bahrain immigration office.



## SPAIN:



*What immigration documents do US personnel need while in country?*

- When arriving in Spain, all Service Members, dependents listed on the Service Member's orders, and GS employees will have their orders stamped and be issued a Tarjeta Especial de Identificacion (TEI) card.

*What does the TEI card entitle US personnel to/not to?*

- The TEI card allows individuals to legally remain in Spain. The TEI card does not allow personnel, including dependents, to work off-base on the Spanish economy. Dependents who want to work off-base must apply for a Spanish work permit (Visado de Residencia y Trabajo) through the Spanish Consulate.

*How long is the TEI card valid for?*

- The TEI card is valid for the duration of the member's orders.

*How do I apply for a TEI card?*

- There is no application process. TEI cards will automatically be issued upon arrival.



## UK



*What immigration documents do US personnel need while in country?*

- Service members and their dependents do not require immigration documents to reside in the UK, but the UK RLSO Detachment can coordinate "exempt vignettes" for family members' passports upon arrival. Civilians and their dependents must obtain an Entry Clearance visa prior to entering the UK.

*Are dependents authorized to work in the UK?*

- Dependents are allowed to work in the UK but must first be issued a National Insurance number.

**FEATURE:**  
Victim's Legal  
Counsel

## Communication is Key to Supporting Victims

By: LT Michael Johnson, VLC EURAFSWA

A majority of sexual assault victims report feeling a lack of support from their leadership, and almost two-thirds of victims report experiencing a behavior in line with retaliation. As a former Staff Judge Advocate, these numbers did not reflect my experiences advising Navy commands. Every commanding officer I met handled allegations seriously, and did everything in his or her power to protect victims' rights. As a VLC, I have discovered there is a significant gap between the best intentions of a command and the subjective, but reasonable, perceptions of victims. It is a truism that "you cannot please all of the people all of the time," but commands can easily avoid many negative situations with increased communication and comprehension.

### **COMMUNICATION: VICTIMS WANT TO BE HEARD**

Making an unrestricted report of a sexual assault is often emotionally draining and not without some degree of hesitation. Some reasons that assaults go unreported include: not wanting people to know, feelings of shame, worrying about reactions from peers and coworkers, and concerns about the process being fair. Those who do make a report often have these same worries. Victims in this mindset are quick to latch on to small details that seem to validate their fears, so if a command makes any move that could be perceived as unsupportive or retaliatory, that is likely how a victim will interpret it. This typically occurs despite the best of intentions. Data shows that most negative experiences resulting from command actions "appear to be mistakes made at the senior enlisted or junior officer level intended to assist the victim." Examples of this include actions like:

**CAUTION! - CAUTION! - CAUTION! - CAUTION! - CAUTION!**

**Well-Intentioned Actions That Can Feel Retaliatory:**

- ⇒ Changing work schedules so that the victim avoids the offender;
- ⇒ Assigning a victim a mandatory escort for "safety and comfort";
- ⇒ Taking duties away from a victim to "give them time to take care of themselves"; or,
- ⇒ Pre-planning an expedited transfer *before* a victim has requested or indicated interest in one.

**CAUTION! - CAUTION! - CAUTION! - CAUTION! - CAUTION!**

These well-intentioned actions, which in some cases may in fact be appreciated by a victim, can also be perceived as negative and even retaliatory. The constant in each case was: the commands failed to communicate with the victim before taking a "helpful" action. How different would it be in each of these situations if, prior to taking action, the command sat down with a victim and said "do you think this idea that we have would be helpful to you?" Or, "this is the reason we are considering this. Do you have any questions or concerns?" In the FY18 Department of Defense Annual Report on Sexual Assault in the Military, the Navy embraces this idea, noting "[t]he key to avoiding these kinds of mistakes is to communicate with the victim." Although "more communication" may seem like an over-simplified lawyer response, it is almost certainly the most effective answer for resolving problems between victims and their commands.

## Communication cont.

### **COMPREHENSION: VICTIMS WANT TO UNDERSTAND THE PROCESS**

Many commands mistakenly believe that a victim's only concern is the speed of their case disposition and, more importantly, the disposition. While these factors are often important to a victim, the assumption that victims only care about the end result can have the consequence of frustrating and alienating the victim throughout the rest of the process. Understanding what is going on and why, can help a victim accept the process and the outcome. This will, overtime, cause the perception of the process to align more closely with the actions taken by the command throughout the process.

The process is rarely quick. As of 2018, the average length of time from an unrestricted report being made to the conclusion of an investigation in the Navy was 107 days. Following the conclusion of an investigation, the average length of time for a command to receive legal advice on how to proceed with the case was 48 days. For cases that were disposed of at court-martial, the average total length of time a victim spent waiting for an outcome was 450 days. Since approximately 75% of Navy victims are E1-E4, most of their time in the Navy is consumed by the report and disposition of their sexual assault case. These statistics underscore how important it is for victims to understand the process that will mark an early majority of their career.

One of the primary jobs we have as VLC is to educate our clients on the military justice and administrative process. If a victim is represented by a VLC, you can be certain that VLC is doing their best to make the process clear and straightforward. However, as sexual assault cases are typically complex, inevitably there will be the unexpected, delays, and even missteps along the way. In the absence of communication, when those delays or missteps occur, victims may fill in their knowledge gaps with rumor and speculation.

To avoid speculation and confusion on the part of the victim, if appropriate, commands are encouraged to provide details regarding the status of the victim's case, such as what steps have been taken and what steps will be taken in the future. This information can be vital to ensuring a victim has confidence and understanding in the legal system. As always, commands should utilize their Staff Judge Advocate to determine what information can be shared without damaging the integrity of the legal process.

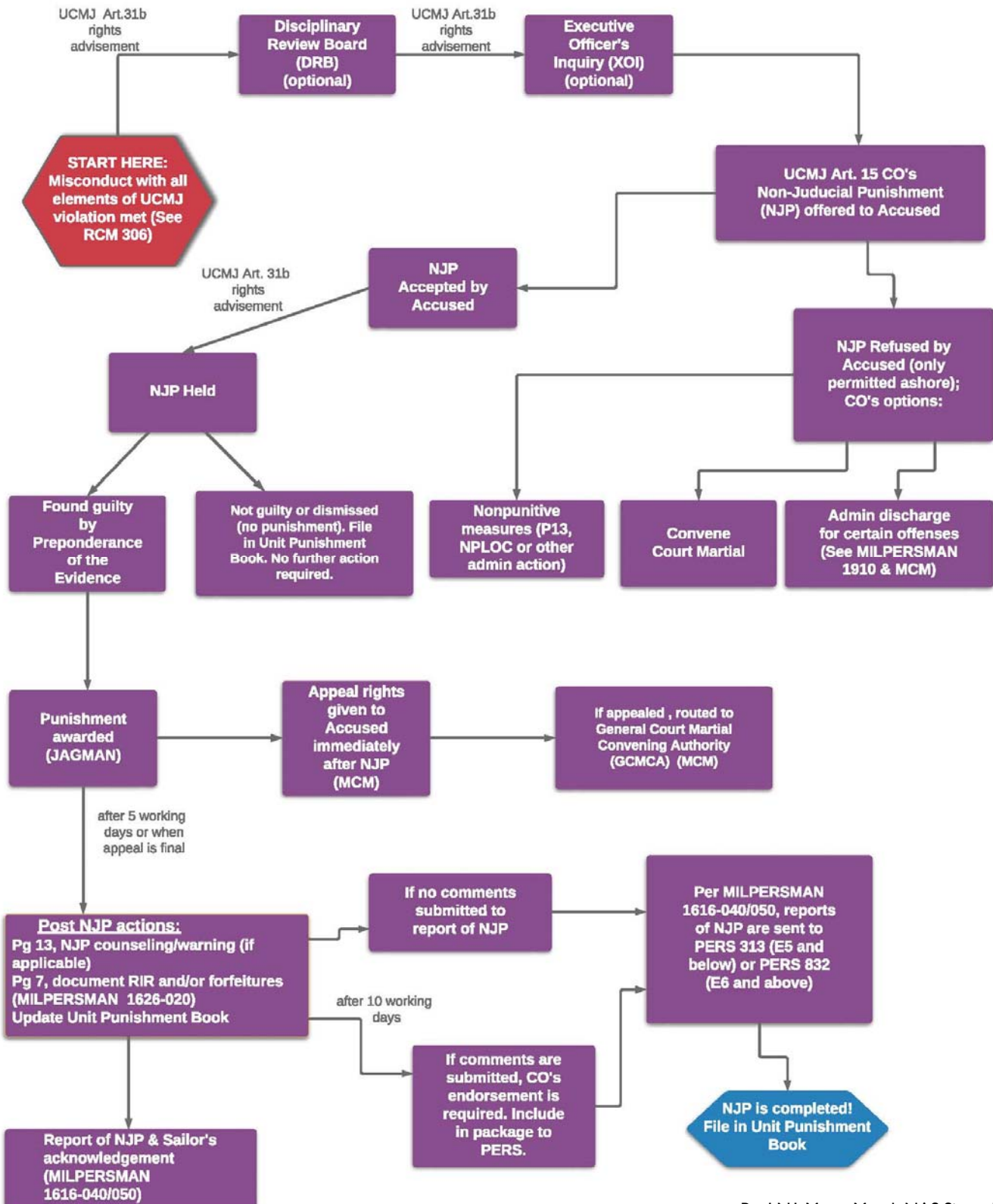
The assumption that victims only care about the end result can have the consequence of frustrating and alienating the victim throughout the rest of the process.

### **CONCLUSION**

We operate in an era that is marked by teleconferences and e-mail as a primary means of communication. Now, more than ever, it is worth remembering the importance of keeping an open dialogue with the actual people involved in these processes. This is especially important for victims of violence and/or sexual crimes. Congress can legislate new rights for victims and the DoD can develop myriad new policies, but true faith in the system is preserved and maintained by the commands on the front lines by directly communicating with the various parties.

### THE LIFE of a NON-JUDICIAL PUNISHMENT CASE (Applicable to ENLISTED/ASHORE)

(as of 25 March 2020)



# Dependent Misconduct—What Can the Command Do?

By: Ms. Tiziana Orso and LT Kyle Doherty-Peters, RLSO Naples

Addressing misconduct by military personnel is a routine task for most commands. Resolving civilian dependent misconduct, however, is one of the unique challenges of operating in an overseas location and requires a different set of administrative tools.

Commands play an important role in maintaining good order and discipline on the installation (and off). This is particularly critical for installation commanders whose responsibilities not only include preserving discipline on the installation, but also coordinating with local law enforcement and safeguarding host nation relations.

The Department of Justice (DoJ) is the agency with jurisdiction to prosecute civilians for crimes committed OCONUS. However, the DoJ typically only prosecutes the most serious crimes, thus placing a heavier burden on the command and local installation to address less serious offenses. For cases not involving criminal prosecution, there are a wide array of administrative tools available to commanders to preserve good order and discipline.

## COMMAND ADMINISTRATIVE TOOLS

- ◆ **Early Return of Dependents (ERD).** The strongest tool a commander has is to withdraw command sponsorship of dependents and return them to the United States. Per MILSPERMAN I 300-306, ERD is used when a condition arises that is beyond local resources. In practice, ERDs are often used when a dependent has committed a serious crime or repeatedly committed minor offenses in the host nation.
- ◆ **Revoke Off-Base Housing.** Living off-base is not a right when stationed OCONUS. A Commanding Officer has authority to place reasonable restrictions on liberty and, if necessary, may revoke a service member's ability to live off-base. This remedy is often used when personnel or their dependents have aggravated host nation law enforcement or where greater command supervision is needed (such as following child neglect allegations).

## INSTALLATION ADMINISTRATIVE TOOLS

While direct command engagement is the most useful tool for addressing dependent misconduct, your local installation commander also has a wide array of administrative tools at his/her disposal.

- ◆ **Warning Letters.** One of the most common administrative remedies for dependent misconduct is a warning letter issued by the installation commander. Warning letters are very basic, but give notice to individuals regarding consequences if their misconduct continues. Warning letters are often issued for minor infractions such as causing disturbances, indecent behavior, feeding feral animals, and failure to follow base policy.



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**Dependent cont.**

- ◆ **Protective Orders.** Installation commanders can issue protective orders against civilians, much like a Military Protective Order, that are enforceable by installation security personnel. Protective orders are generally used for shorter durations in order to de-escalate a situation or to give the sponsoring command time to resolve internal administrative issues, such as ERD.
- ◆ **Limited Barment.** Limited installation barment orders are, as the name suggests, limited in scope and duration. Limited barments are often used to prevent further instances of theft from the NEX or to prevent an individual from entering a base housing area or specific building.
- ◆ **Installation Barment.** Full installation barment orders are generally issued following a serious offense (such as a sex offense, drug possession, or security threat) or repeated warnings. Installations must balance employment rights and access to installation services when issuing these barment orders. In instances when a barment would result in premature employment termination, the barment may be tailored to allow entry onto the installation during work hours. Similarly, to facilitate access to medical services, a barment order may require an escort and notice to enter the installation.
- ◆ **Eviction from Base Housing.** Serious or recurring violations of the base housing policy may result in eviction from base housing. This is most frequently used following serious criminal allegations such as sex offenses, child pornography, or drug possession. In serious cases, an installation may prefer to recommend ERD instead of moving a family into the economy which may risk damaging host nation relations.
- ◆ **Withdrawal of Privileges.** Shoplifting from the Navy Exchange and Commissary is one of the most frequent crimes committed on Navy installations. Theft from these agencies generally results in loss of shopping privileges and a form of limited barment.



If you have questions about these or other administrative remedies to address dependent misconduct, reach out to your servicing RLSO EURAFSWA legal office.

