

# LEGAL GUIDE FOR SOLDIERS

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# Preface

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This manual introduces you to the military legal office—the office of the staff judge advocate. It also discusses the law as it affects you as a soldier in the United States Army.

Law in the Army does not deal with only crimes and punishments. In fact, only a few soldiers will ever undergo court-martial or appear before a disciplinary board. You might want to know about your right to take a job while off duty or to attend a political rally, however. You may need help with state or federal income tax returns, wish to be repaid for personal property damage while on duty, wish to have a will or power of attorney written, or wish to have some legal papers explained. This manual addresses many such questions.

This manual will not make you an expert in the law, and you should not use it to be your own lawyer. It does, however, address various areas of law so that you can recognize whether you have a problem and in what cases you should discuss it with an attorney at the staff judge advocate's office.

The proponent of this publication is The Judge Advocate General's School, US Army. Send comments and recommendations on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commandant, The Judge Advocate General's School, US Army, ATTN: JAGS-ADA, Charlottesville, Virginia 22903-1781.

**Unless this publication states otherwise, masculine nouns and pronouns do not refer exclusively to men.**

# Restrictions, Responsibilities, and Rights

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## CHAPTER 1

Service in the armed forces carries with it a responsibility to the government and the American people that occasionally restricts your private and public activities. This chapter discusses how regulations restrict your freedom of action. It also presents ways to avoid conflicts between your personal interests and your responsibility to the Army and discusses your responsibilities as a citizen. Finally, it discusses the benefits that you have by virtue of military service, to include free legal advice under the Legal Assistance Program. Thus, this chapter deals with restrictions and responsibilities in the conduct of your personal affairs and your rights as a member of the military.

### RESTRICTIONS

The following paragraphs address restrictions on your private activities.

#### SELLING TO OTHER SOLDIERS

You may work as a salesclerk in a retail store. Otherwise, you may not sell goods or services to other soldiers who are junior to you in grade, on or off post, in or out of uniform, and on or off duty. The sale of goods and services includes but is not limited to the sale of insurance, stocks, mutual funds, and real estate. However, you may sell your own personal property or home on a one-time basis to a junior soldier.

#### WORKING WHILE OFF DUTY

Off-duty employment, or moonlighting, is permissible if it does not interfere with official duties, does not bring discredit upon the Army, and does not violate basic ethical considerations.

For example, if you work late at a civilian job and then report for duty so tired that you cannot perform well, your job interferes with

official duty. Working for a bookie is an example of an off-duty job that could discredit the Army. You must obtain written permission from your commander to work off duty for nonappropriated-fund activities on the installation. Examples of such activities include the post exchange, officers club, noncommissioned officers club, enlisted club, bowling alley, library, and rod-and-gun club. You may not work off post in areas where jobs are generally scarce and where your employment would deprive local civilians with the same job skills. Also, you may not accept employment with a civilian employer after the employer becomes involved in a strike. However, if you are already on the payroll when a strike begins, you may usually continue working.

### SOLICITING GIFTS

You may not accept gifts from junior military or civilian personnel unless the gifts meet the following criteria:

- They are given voluntarily.
- They are worth \$180 or less and have sentimental value to the recipient.
- They are given on a special occasion such as a marriage, illness, reassignment, or retirement.

### ACCEPTING GRATUITIES

You may not accept gratuities from businessmen and private companies that either do or seek to do business with the Army or the Department of Defense. Exceptions include unsolicited advertising and promotional items that have a retail value of less than \$10.

### USING GOVERNMENT PROPERTY AND PERSONNEL

You may use government property only for official business. If you are going to school during off-duty time, for example, you may not use Army paper or an Army typewriter to prepare