

GOUYUU JUSTICE



剛勇 VALOR AND POWER



Office of the Brigade Judge Advocate
38th Air Defense Artillery Brigade

Volume 1, January-March 2021

Welcome to the GouYuu Justice newsletter! GouYuu translates to Valor and Power, which is part of our brigade's motto. As the first 38th Air Defense Artillery Office of the Brigade Judge Advocate, it is our objective to build instruments that better assist us in serving our community. Our goal with this publication is to provide legal information that will be timely, relevant, and responsive. Initially our goal will be to produce this publication quarterly. Please assist us by providing legal questions and inquiries. We look forward to hearing for you!

Monthly Training

We are happy to be able to extend legal training opportunities to all members of the 38th Air Defense Artillery Brigade.

It is our intent to provide training for leaders like military justice and ethics. For action officers, topics like criminal and administrative investigations. For everyone, military justice for Soldiers, Law of War and Rules of Engagement, and

basic legal assistance.

Currently we are working to schedule this training at times that allow availability for all of our units across the Indo-Pacific Region.

We enthusiastically welcome feedback, requests for specific legal training, and ongoing interaction as we develop training modules to meet the requirements of Pacific Guardian Brigade.

Tax Preparation Service Options

If your local installation offers tax preparation services for Tax Year 2020 (TY 20), chances are it will be subject to an Annual Gross Income (AGI) limit. Camp Zama, for example, is \$60,000. Fortunately there are some alternate and potentially free options online. If you have questions during your tax preparation, please feel free to contact our legal office for direction.

For questions on eligibility, please contact the
Camp Zama Tax Support Office at:
DSN 263-1040/3396
email: usarmy.zama.usarpac.mbx.tax@mail.mil



The 38th Air Defense Artillery Brigade Legal Team currently consists of three members: the Brigade Judge Advocate MAJ Greg Costello (right); Trial Counsel CPT Thomas Edmonds (center), and NCOIC SSG Jonathan Paredes (left). CPT Edmonds and SSG Paredes work primarily in the consolidated Law Office at U.S. Army Japan Headquarters Building 101, Camp Zama, Japan. Please see page 2 for all points of contact.

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Potential Alternate Tax Preparation Service Options:

IRS Free File (AGI limits apply):
<https://www.irs.gov/filing/free-file-do-your-federal-taxes-for-free>

Military OneSource:
<https://www.militaryonesource.mil/financial-legal/tax-resource-center/tax-services-benefits>



SOFA Corner: Japan Government Jurisdiction

The US-Japan Status of Forces Agreement (SOFA) considers criminal jurisdiction.

In cases where criminal conduct violates only Japanese law, not US law, Japan has exclusive jurisdiction, and vice versa. However, what happens when criminal conduct violates both the laws of the US and Japan?

Primary right of jurisdiction: US has primary jurisdiction in offenses solely against the property or security of the US, offenses solely against the person or property of another member of the USAFs, or the civilian component or of a dependent; and offenses arising out of any act or omission done in the performance of official duty.

Otherwise, Japan has primary jurisdiction. The party with primary jurisdiction may decide not to exercise jurisdiction, and the party with primary jurisdiction will sympathetically consider requests to waive jurisdiction.

Next month: What happens if the government of Japan has primary jurisdiction over the alleged criminal conduct and Japanese law enforcement arrests you?

COVID-19 Vaccinations

As of 14 Jan 21, the Food and Drug Administration (FDA) has not fully approved any vaccines, but has issued Emergency Use Authorization (EUA) for two (2) vaccines. Both EUA vaccines require fact sheets for recipients which state "it is your choice to receive or not receive the vaccine."

With the EUA restricting the EUA vaccines to optional, and no additional measures by the Secretary of Defense, the EUA vaccines are optional for Soldiers and family members and commanders will not institute restrictive force health protection measures that may be perceived as incentivizing or coercing consent to receiving the vaccine, unless such measures are informed by the advice of medical experts.

While it is possible at some point commanders may exempt vaccinated Soldiers from certain health protection measures, that decision will be based on the informed advice of medical experts and not in order to incentivize the receiving of vaccines.



COL Matthew W. Dalton, 38th Air Defense Artillery Brigade commander, receives his second dose of the Moderna (COVID-19) vaccine at Camp Zama, Japan Feb. 2. (U.S. Army photo by Sgt. Raquel Birk)

Regulation Updates

A number of major revisions to Army Regulation that affect you were released in 2020.

AR 25-50, Preparing and Managing Correspondence, 10 Oct 20, Major Revision with formatting changes to all Army correspondence.

AR 27-10, Military Justice, 20 Nov 20, Major Revision with the change log detailing over 150 updates and taking up nine pages.

AR 600-20, Army Command Policy, 27 Jul 20, Major Revision, contains significant updates on Army EO and SHARP policies.

Other notable regulations updates include Army Leaves and Passes, Unfavorable Information, and Officer Promotions, Officer Transfers and Discharges, The Army Substance Abuse Program, and Family Support Child Custody and Parentage.

In order to ensure our organization is kept up to date we are planning to offer training throughout the year at times to be determined.

Upcoming Training

Sexual Harassment: Changes under AR 600-20

Annual Fraternalization: Changes under AR 600-20

MJ Soldier Briefing: Changes under AR 27-10

MJ Leader Briefing: Changes under AR 27-10 Law of Armed Conflict

Financial Liability Investigations of Property Loss (FLIPL)

Contracting Officer Representative Basics in Japan

Points of Contact

38th ADA Bde Office of the BJA

DSN: (315) 262-9380

Comm: 046-407-9380

USARJ Office of the SJA

DSN: 262-4041

Comm: 046-407-7328