

**FACT SHEET**

SUBJECT: Enforceability of Command Policies

1. PURPOSE. To outline what is required to make a written command policy enforceable under the Uniform Code of Military Justice (UCMJ).

2. FACTS.

a. Article 92, UCMJ makes punishable a soldier's violation of a lawful written order, for example, a company commander's policy memorandum.

b. The written order must be issued by a member of the chain of command and must be made known to the soldier.

c. An order is lawful if it relates to military duty, which includes all activities reasonably necessary to accomplish a military mission, or safeguards or promotes the morale and discipline of a unit, and if it is directly related to the maintenance of good order. An order must not unduly interfere with a soldier's private rights or personal affairs.

d. Only provisions that specifically direct soldiers to do or not do things are enforceable. Provisions that merely give general guidelines or advice for conducting military functions are not enforceable as orders.

e. A commander who intends to enforce the specific directives contained in a policy memorandum should insert near the beginning of the memorandum the following paragraph:

Enforceability. Violations of paragraphs... through... are separately punishable as violations of a lawful order under Article 92, UCMJ. (Replace blanks with appropriate numbers designating provisions that contain specific directives.)

3. POC is the Administrative Law Division at 4-7414/4668.

VINCENT C. NEALEY  
Chief, Administrative Law Division