

FACT SHEET

SUBJECT: Duty-Related Misconduct Involving Alcohol

1. PURPOSE. To assist commanders in dealing with a soldier who is under the influence of alcohol during duty hours.

2. FACTS.

a. The unit commander must discharge three separate responsibilities when told that a soldier has reported for duty with a smell of alcohol on his/her breath:

(1) Obtain evidence for any disciplinary action deemed necessary to deter this soldier and other soldiers from similar misconduct.

(2) Identify, screen, and start the rehabilitation of soldiers with drinking problems, and thus strengthen the Army by restoring healthy soldiers to its ranks.

(3) Minimize harm to operations and protect Army interests by taking administrative and other command actions in response to a soldier's substandard performance (the administrative responsibility).

b. Evidence of on-duty alcohol consumption that is not subject to the ADAPCP limited use policy may provide the basis for prosecution under Article 92 of the UCMJ.

c. Article 92 enforces AR 600-85, para 1-10b, and thus authorizes punishment of a soldier on duty who has a blood alcohol level of .05% or above so long as the soldier knew or reasonably should have known prior to consuming alcohol that he/she had duties to perform.

d. POC is your unit trial counsel.

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