

## Exam Cheating Sinks Conn. Submariners

By Greg T. Rinckey

A new front has emerged in the military's fight against exam cheaters. This time it involves a Navy submarine, and there are indications the cheating might not be an isolated incident, according to an Associated Press report

After finding an answer key in a junior officer's e-mail last November, the Navy launched an investigation into cheating aboard the USS Memphis. The Associated Press obtained a copy of the investigation's report, which stated Sailors received via e-mail the answers to qualification exams, took tests without the supervision of proctors, and even openly sought answer keys from officers. As a result, the Navy punished 13 crew members. Of those, only three were allowed to return to the 33-year-old submarine for its final mission.

Citing unnamed former submarine officers, the Associated Press said cheating among the nation's fleet of 70 submarines is pervasive, though the Navy denied that claim. The article did not specify what charges the Navy brought against the cheaters, though it mentioned that a commanding officer was fired and several crewmembers were reassigned, discharged, or are awaiting possible dismissal.

Officers accused of cheating are usually charged with conduct unbecoming of an officer and gentleman in violation of Article 133 of the Uniform Code of Military Justice

. Additionally, cheaters could also face a charge of failure to obey an order or regulation in violation of Article 92 or conspiracy in violation of Article 81.

Service members accused of cheating on qualification exams or promotion tests often find themselves in a difficult situation. Accusations of cheating can be he said/she said affairs. In such situations, accused cheaters can challenge the credibility of witnesses, as an Air Force captain did in U.S. v. Francisque before the U.S. Air Force Court of Criminal Appeals. The captain pointed out discrepancies in the testimony of two witnesses. The captain's attorney also argued that evidence regarding the fact that the captain was near-sighted and he was not wearing his glasses during the test should have been presented at the initial court-martial. However, none of this was sufficient for the AFCCA to overturn the trial court's verdict.

Service members should contact a military law attorney who could provide effective legal representation.

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