

Service Members' Rules of Engagement for Valentine's Day

By Lisa M. Windsor

It's said that love blossoms even in times of war. For the past decade, service members have had to celebrate Valentine's Day while wars waged in Iraq and Afghanistan. Now with U.S. forces having been withdrawn from Iraq and thousands of troops being pulled out of Afghanistan, many will be able to nurture love this Valentine's Day in more peaceful environments.

However, service members can get much worse than a broken heart if they engage in romantic relationships with other military personnel. Here are some tips for service members struck by Cupid's arrow and head over heels for someone else in uniform.

Tully Rinckey's Valentine's Day Tips

Activity

UCMJ Article

Offense

Love Tip

Dating a superior or subordinate service member

Failure to obey a lawful order or regulation

Make sure you know your branch's stance on dating others in the service, particularly its position on superior/subordinate relationships. The following publication details each branch's fraternization and dating policies:

Army Regulation 600-20

OPNAVINST 5370.2C

U.S. Navy Regulation 1165

Marine Corps Manual 1100.4

Air Force Instruction 36-2909

Fraternization

Cheating

Conduct unbecoming of an officer and a gentleman

The military does not care if you or someone with whom you are having an affair is legally separated. If either one or both of you are married – but not to each other – and you are sleeping with each other then you are committing adultery.

Don't move in with your lover if either one of you is married to someone else. The military deems two people living together "as husband and wife," when in fact they are not married to each other but they present themselves as such, as wrongful cohabitation.

It is not uncommon for charges of adultery – or even fraternization – to be consolidated into a charge of conduct unbecoming of an officer.

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Adultery

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Wrongful cohabitation

Public displays of affection

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Indecent acts with another

Stick to making love behind closed – preferably locked – doors and in privacy. To commit this offense, you'd have to engage in indecent sexual activities that are grossly vulgar, obscene, and repugnant to most people.

This sexual conduct must be "open and notorious." Fooling around – even under covers – while other people are around or when there is the possibility of someone walking in on you could be deemed open and notorious, according to the U.S. Court of Appeals for the Armed Forces.

Love can make people do crazy things. In some cases, they may be illegal things, especially in the military. The Uniform Code of Military Justice features several laws exclusive to the military that prohibit certain types of relationships or sexual activities. Service members charged with any of these crimes of love should immediately contact a military law attorney.

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. To schedule a meeting with one of Tully Rinckey PLLC's experienced military law attorneys call 202-787-1900.

