



SUFFOLK ACADEMY OF LAW
The Educational Arm of the Suffolk County Bar Association
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REPRESENTING A SERVICEMEMBER AND VETERANS: National Defense Authorization Act

FACULTY

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Chad Lennon, Esq. – Senior Associate Attorney at Tully Rinckey, PLLC

Mr. Lennon works in the Military Law, National Security Law, and Federal Employment Law Practice Groups. Mr. Lennon is currently a Major in the Marine Corps reserves and co-chair of the Committee on Military and Veteran Affairs with the Suffolk County Bar Association and Officer with the Academy of Law. He was previously the Director of the Veterans and Servicemembers' Rights' Clinic at Touro Law Center. Prior to that position he was an Assistant District Attorney who was the Prosecutor in the Veterans Treatment Courts in Central Islip and Southampton. Chad is a Purple Heart Recipient and is actively involved in numerous non-profits focused on Military and Veterans Affairs.

FY23 NDAA UPDATES

CHAD H LENNON

SENIOR ASSOCIATE

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AGENDA

- SBP Open Enrollment
- Covid Vaccine Mandate Terminated
- Military Justice
- Titling
- Inspector General Investigations
- Other Items

SBP OPEN ENROLLMENT

- Open until January 1, 2024
- DFAS still working the process. Policy, forms, etc.
- Effective first day of month after election
- Premium backpay from 1st day would have been eligible

COVID VACCINE MANDATE

- Requires the Secretary of Defense to rescind the mandate that members of the Armed Forces be vaccinated against COVID-19
- No guidance for those already separated (i.e. General discharge)
- Contractor requirement is temporarily suspended

MILITARY JUSTICE

- Additional covered offenses to those over which the Office of Special Trial Counsel will exercise authority, requiring the President to amend the Manual for Courts-Martial to ensure that residual prosecutorial and judicial duties with respect to covered offenses are transferred to an appropriate entity, and requiring comprehensive reporting from the Department regarding implementation of last year's reforms. Sec 531
- Amends Article 66 to authorize judicial review of any conviction by court martial, regardless of the sentence imposed
- Amends Article 69 to clarify the scope of review in general and special court-martial cases reviewed by a Judge Advocate General
- Amends Article 25 to require the randomized selection of personnel for service as panel members on courts-martial under regulations prescribed by the President

TITLING

- Notify any service member who was subject of investigation, crime investigated for, and how member may seek removal
- Member may not be removed if endanger a witness or victim, disclose intelligence, and/or compromise any ongoing investigation
 - Very generalized, no specifics
- FY21 NDAA provided guidance to agencies about removing titling actions

MANDATORY IG INVESTIGATIONS SEC 543

- Alleging that there was a violation of DOD policy relating to the investigation, processing, or other administrative treatment of a report sexual assault, sexual harassment, or domestic violence, and
- does not include a complaint alleging an actual act of sexual harassment, sexual assault, or domestic violence.
- May withdraw complaint if complaint is referred to chain of command within 10 days
 - Ensure notification given to complainant

MISC ITEMS

- Authorizes a servicemember whose sole dependent dies to continue to receive basic allowance for housing at the "with dependents" rate for a period up to 365 days after the death of the dependent
- Congress authorized a 4.6 percent pay raise, highest pay raise in the past 20 years
- Establish Cold Case Unit in Army, already one in NCIS and AFOSI
- Report coming about potential changes to Marijuana based offense
 - Could effectually be a change for those discharged based on marijuana charge

QUESTIONS

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