From: (b)(6)
To: (b)(6)
Cc: (b)(6)

Subject: RE: TDY Students - Off Base Lodging
Date: Wednesday, October 14, 2015 12:14:52 PM

(b)(6)

BLUF: (b)(6) can mandate students utilize gov't lodging if available.

A commander has discretion to issue any lawful order, such as mandating students utilize gov't lodging if available. An order is considered lawful when:
1. it is issued by a competent authority;
2. the order is properly communicated; and
3. there is a nexus between the order and the military duty (includes all activities reasonably necessary to accomplish a military mission, or safeguard or promote the morale, discipline, and usefulness of members of a command)

An order is presumed to be lawful until challenged by a servicemember

In this case, (b)(6) is a competent authority. As the installation commander, he has authority to issue such a mandate. The order will have to be clearly communicated, preferably through a local OI, guidance memo, or placed on members orders. If through a local OI or guidance memo, it should be placed on the AF e-pubs site so anyone can access it. With regard to the third factor, (b)(6) will have to articulate a military nexus for the order, i.e. need to keep RPA students together for training purposes, save gov't money, etc.

If a military member decides to violate the order, i.e. be housed downtown, from a finance perspective, they will still be reimbursed but limited to the gov't qtrs. lodging reimbursement cost. From a disciplinary perspective, it will be up to the squadron commander how they decide to handle the violation of the lawful order.

Let me know if you have further questions.

R,
(b)(6)

(b)(6)
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