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5800  
20 Jul 09

From: AEAA Aaron Alexis, USN  
To: Commander, Navy Region Southeast  
Via: Commanding Officer, VR 46

Subj: APPEAL FROM NONJUDICIAL PUNISHMENT ICO AEAN AARON ALEXIS,  
USN

Ref: (a) Art. 15(e), UCMJ  
(b) Art V, par. 4, par 7, MCM 2005  
(c) My ltr dtd 15 July 2009  
(d) MILPERSMAN 1910-140

1. In accordance with references (a) and (b), the following appeal of non-judicial punishment is hereby very respectfully submitted.
2. On 15 July 2009, at Captain's Mast held at Fleet Logistics Support Squadron Four Six onboard Naval Air Station Joint Reserve Base Forth Worth, Texas I was awarded the following punishment:  
  
Reduction in paygrade to E-2;
3. The charge against me was violation of the Uniform Code of Military Justice, Article 134, in that I violated a lawful general order, by consuming alcohol at the stock yards and upon leaping from stairs/garage fractured my right foot, directly violated U.S. Navy Regulation, OPNAVINST 5350.4d.
4. Reference (c) was an appeal of NJP previously submitted by me. Since my mast was held on 12 July and I am within the 5 working day window to submit an appeal, I hereby respectfully request to revoke reference (c) and substitute the following appeal in its place.
5. I am writing this appeal because I feel that the punishment was unjust and disproportionate to the offenses for the following reasons:
  - a. The offense against me at Captain's Mast failed to state an offense. Although titled as a violation of Article 134, the language of the specification more closely resembled a violation of Article 92. Even assuming that the specification meant to plead violation of Article 92, it still fails to state an offense pursuant to reference (a).
  - b. Further, a review of OPNAVINST 5350.4d does not reveal a basis for the charge against me. At its best, the specification alleges simple negligence. However, on its face, the specification alleges that I violated OPNAVINST 5350.4d by a) drinking alcohol, and b) jumping from a set

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of stairs, neither of which is prohibited by the instruction.

- c. Finally, I understand that the command intends to initiate administrative separation processing against me pursuant to reference (d). Given that the basis for this most recent captain's mast fails to state an offense, I believe it would be unjust to allow the conviction at Captain's Mast to stand and thereby form the basis for administrative separation.

6. While I recognize that personal responsibility is required in the Navy, I believe that my actions, while ill advised, were not criminal. I strongly desire to stay in the United States Navy, and therefore request that my non-judicial punishment be set aside.

AEAA AARON ALEXIS, USN