



# Dragon Legal Digest

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## Off-Duty Employment (ODE)

**BOTTOM LINE UP FRONT (BLUF):** Your PRIMARY DUTY is to the Air Force; ODE applications must be approved by your commander; and remember—ODE is a privilege, not a right.

ODE may be a means for you to make some extra money, to hone a skill or to gain additional work experience. However, an ODE opportunity is not unlimited—restrictions apply and you must know them before you start ODE!

**First:** All parties seeking ODE **must** complete an AF IMT 3902. This document ensures that you comply with DOD 5500.7-R, the *Joint Ethics Regulation*. The AF IMT 3902 states that ODE cannot (among other things):

- (1) Bring discredit on the Air Force, Defense Department or U.S. government
- (2) Interfere with or be incompatible with your government duties
- (3) Require absence during normal military duty hours
- (4) Endanger your health or safety
- (5) Require action at any time as a sales agent for the purpose of personal commercial solicitation of military personnel junior in rank or grade (this includes insurance!)
- (6) Involve working for a firm or other entity that is engaged, or is endeavoring to engage, in business transactions of any sort with an agency of the DOD.

**Second:** The AF IMT 3902 passes through your direct supervisor, judge advocate and the approving authority (typically your squadron commander). You **cannot** start your ODE before it routes through this entire chain and is approved by the approving authority. **Make sure you allow time for your ODE application to route!**

**Third:** Healthcare personnel have additional ODE restrictions IAW AFI 44-102, *Medical Care Management*, para. 2.27. Allow additional time for your ODE application to process!

**BOTTOM LINE:** Your PRIMARY DUTY is to the military — ODE is a privilege, not a right, and the Air Force always comes first!

## What Counts as Drunk Driving?

When a person chooses to drink and drive, terrible things can happen. Most people envision drunk driving as an inebriated person swerving down the road. However, you could be charged with drunk driving without ever putting your foot on the gas pedal. Below are two important facts for your awareness to keep you and others safe and out of trouble.

**Fact #1:** When your blood alcohol content (BAC) or breath alcohol content (BrAC) is above 0.08%, the law presumes that you are officially too intoxicated to be operating a vehicle. **However, if you display signs of impairment you could be convicted of drunk driving with a BAC/BrAC LOWER than 0.08%.**

**Fact #2:** Your vehicle does **not** need to be moving in order for you to be drunk “driving.” Under Mississippi law, you can be convicted if you are “operating” the vehicle, which includes sitting behind the wheel with the motor running, in control of the vehicle. Under the UCMJ, you can be convicted even without the engine running—even leaning on the steering wheel while you’re drunk can earn you a conviction under Article 111! For example, if you wisely choose not to drive drunk, but instead unwisely fall asleep behind the wheel in a parking garage, you could be convicted of drunk driving.

**BOTTOM LINE:** Avoid putting yourself in a compromising situation! **ALWAYS** have a plan if you decide to go out drinking. **ALWAYS** have a designated driver in your group. **ALWAYS** look out for your wingman!



## CONTACT US



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