

XX October 2021

MEMORANDUM For (CID, MPs, SPs, NCIS, OSI, etc.)

SUBJECT: Violation of the Uniform Code of Military Justice – Article 107 “False Official Statement

1. Per the UCMJ Article 107, I am making a complaint against XXXXXXXX for the crime of False Official Statement. The elements of this Article include: “Any person subject to this chapter who, with intent to deceive; (1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or (2) makes any other false official statement knowing it to be false; shall be punished as a court-martial may direct.”

2. The Elements of this offense include:

- (a) That the accused signed a certain official document or made a certain official statement;
- (b) That the document or statement was false in certain particulars;
- (c) That the accused knew it to be false at the time of signing it or making it; and
- (d) That the false document or statement was made with the intent to deceive.

3. On or about XX October 2021, at approximately XXXX (time), at (location), I was provided a Developmental Counseling Form (DA Form 4856, AF Form 174, Navy Page 13, etc.), by (name of CDR):

- (a) CDR XXXX signed the official Form and presented such document to me;
- (b) This official Form was false in certain particulars, namely I was ordered to get vaccinated against COVID-19 and CDR XXXX knew that there was no “fully licensed vaccine” as required per the SECDEF memo dated 24 August 2021, available, making this order impossible and unlawful;
- (c) CDR XXXX knew that certain elements/statements in this Form were false at the time of signing it; and,
- (d) CDR XXXX created and signed this false document and made such false statement with the intent to deceive.

4. I, XXXXXXXX, therefore request that the (insert investigating agency) investigate this crime.

5. I am also forwarding this memorandum up through my chain of command for further action against CDR XXXXXXXX. This memorandum will also be followed by an Article 138 inquiry per (cite applicable service reg. e.g. AR 27-10, AFI 51-505, JAGMAN, Chapter III, para 0306b).

Signature Block

Encls.

DA Form 4856 dtd XX Oct. 2021

SECDEF Memo dtd 24 Aug. 2021

\* Note: the key is to be able to show a false statement and deception. If the counseling says you are ordered to get the vaccine, then you have it. If it says you are ordered to get a fully licensed or fully approved vaccine then you have to ask, is Comirnaty available. If not, and the commander knows it is not available, then he/she has made a false statement. If the commander does not know, then tell him or her, "Well, it is imperative that I know since the SECDEF memo clearly said a fully licensed vaccine. Are you ordering me to get a vaccine that is not fully licensed? If yes, please state that in the counseling."