



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY GARRISON-YONGSAN
UNIT #15333
APO AP 96205-5333

IMYN-ES

29 JUL 2014

UNITED STATES ARMY GARRISON-YONGSAN (USAG-Y) POLICY LETTER 5-9

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Ration Control Violations and Black Marketing

1. **REFERENCE:**

a. United States Forces Korea (USFK) Regulation 60-1, Ration Control – Access To Duty Free Goods, 02 August 2013.

b. USFK Regulation 643-2, Transactions between SOFA Personnel and Personnel Not Entitled Duty Free Import Privileges in the ROK, 03 July 2014.

2. **PURPOSE:** To establish standard procedures and policies within USAG-Y concerning ration control violations and black marketing.

3. **APPLICABILITY:** This policy memorandum applies to all personnel allowed on military installations within USAG-Y.

4. **GENERAL:**

a. Under the provisions of the ROK-U.S. Status of Forces Agreement (SOFA), authorized members of the USAG-Y Community are entitled to purchase items without paying Korean taxes. In exchange for this privilege members of the Community are obligated to prevent transfer of duty free articles to individuals who are not allowed to purchase them.

b. Specific prohibitions include:

(1) Selling Defense Commissary Agency (DeCA); Army and Air Force Exchange Services (AAFES); or Morale, Welfare, and Recreation (MWR) products to individuals not authorized to purchase them.

(2) Giving a gift valued at more than \$50.00 to persons not authorized to receive

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duty-free privileges.

(3) Giving alcohol or subsistence items (food) and gifts to persons not authorized duty free privileges.

(4) Violating shelf limits or making multiple purchases to avoid shelf limits (race tracking).

(5) Purchasing duty-free goods in excess of personal needs.

c. Exceptions are limited, but do exist, depending on how long an item has been in Korea, its serviceability, its value, and the reason for transfer. The Administrative Law section, USAG-Y, at DSN 738-6847/6841, is available to discuss these exceptions prior to transfer.

d. The Commissary will set and post limits by store as necessary.

e. AAFES will follow standard limits in all outlets. The following standard shelf limits apply to AAFES outlets throughout USAG-Y. An exception to these standard shelf limits, unless otherwise restricted by the USAG-Y Commander may be approved by the on-duty sales facility manager.

(1) Two cases of beer per family per day, but not to exceed eight (8) cases a month – regardless of where purchased.

(2) One of each type of electrical appliance per family per day e.g., one toaster, one iron, etc.

(3) Three of all other items per family per day.

f. Administrative sanctions may be imposed for a violation of the prohibitions listed above, exceeding the established shelf limits, or violating USFK Regulation 60-1.

g. USFK Regulation 60-1 requires a mandatory revocation of commissary and post exchange privileges where a violation of the following occurs:

(1) Unauthorized purchase of more than 50 percent in excess of the authorized monthly quantity (e.g., limit is four (4) units of alcohol, and purchase exceeds six (6) units). A unit consists of 1.5 liters or less; anything over that is considered two (2) units.

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(2) Use, attempted use, or wrongful possession of a counterfeit, fraudulent, or forged identification card or Ration Control Plate (RCP). This includes use, attempted use, or possession of an identification card or RCP previously reported lost or stolen by anyone.

(3) Conviction by court-martial or civilian authorities (including ROK authorities) for the wrongful transfer of duty free goods. The payment of a fine to ROK customs authorities will be construed as a civilian conviction.

(4) Voluntary admission to, or clear and convincing evidence of, the wrongful transfer or the intention to wrongfully transfer duty free goods for the purpose of producing income (i.e., black marketing).

(5) Voluntary admission to a second wrongful transfer of duty free goods of any value.

(6) Failure to show proof of proper disposition of controlled items in accordance with (IAW) USFK Regulation 643-1 or USFK Regulation 643-2.

(7) Sale, gift, loan, or other transfer of an identification card, RCP, or temporary privilege card to an unauthorized user.

(8) Refusal to participate in a controlled item inventory as ordered.

(9) Bribery of, payment of gratuities to, or conspiracy with USFK Commissary; Post Exchange, or MWR employees, or to otherwise violate this policy.

(10) Failure to provide explanation to law enforcement officials upon their reasonable suspicion that the purchaser/possessor is involved in the above offenses.

h. In addition to mandatory sanctions, the Garrison Commander may impose additional administrative sanctions to include, but not limited to, revocation of post driving privileges, bar from USAG-Y Military sites, termination of command sponsorship, or involuntary curtailment of overseas tour. These administrative sanctions are separate and in addition to any Uniform Code of Military Justice (UCMJ) actions a Soldiers chain of command may initiate.

i. Ration control cards will be seized as evidence when a suspected ration control violation occurs. The suspect is issued an order to show cause letter, signed by the Directorate of Emergency Services. An administrative hearing is conducted and a determination is made concerning which sanctions, if any, will be imposed.

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j. A hearing conducted by the Directorate of Emergency Services USAG-Y will normally occur within seven days of the reported violation if requested.

k. All subordinate and tenant units will post this Policy on unit bulletin boards and establish a program to brief newly assigned personnel (both Military and Civilian) on the ration control system and the contents of this Policy within 15 days after arrival.



MARIA P. COFF
COL, LG
Commanding

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