

Stipulation of Fact

UNITED STATES)

)

v.)

) STIPULATION OF FACT

MICHAEL G. NEW)

SPC, US Army)

xxx-xx-xxxx

)

HHC, 1st Bde, 3d ID)

APO AE 09226) DATE: 9 January 1996

It is hereby stipulated by and between Trial Counsel and Defense

Counsel, with the express consent of the accused, SPC Michael G.

New, xxx-xx-xxxx

, HHC, 1st Bde, 3d ID, that the following facts

are true and susceptible of proof:

1. The United Nations insignia and accouterments--to wit:

Field Cap (UN Blue), and Cloth Shoulder Patch (UN)--that SPC New

was ordered (by LTC Stephen R. Layfield on 2 Oct 95, and CPT Roger

Palateer on 4 Oct 95) to wear on his U.S. Army battle dress

uniform (BDU) while deployed in Task Force Able Sentry, are

not

available for purchase, and

cannot

be purchased, at Military

Clothing Sales.

2. The other United Nations insignia and accouterments--to

wit: Beret (UN Blue), Armlet (Olive Drab), and Scarf (UN Blue)--

at one time issued to SPC New (again for wear on his U.S. Army

battle dress uniform (BDU) while deployed in Task Force Able

Sentry) are also

not

available for purchase, and

cannot

be

purchased, at Military Clothing Sales.

3. Additionally, the Metal Hat Badge (UN) that, although not part of his initial U.N. issue, would have been issued to SPC New at Camp Able Sentry, in Macedonia, is also

not

available for

purchase, and

cannot

be purchased, at Military Clothing Sales.

4. The United Nations insignia and accouterments--to wit:

Beret (UN Blue), Field Cap (UN Blue), Scarf (UN Blue), Armlet (Olive Drab), Cloth Shoulder Patch (UN), Metal Hat Badge (UN), and

in particular the design of the Cloth Shoulder Patch (UN)

that SPC

New was ordered (by LTC Layfield and CPT Palateer) to wear on his shoulder--has

not

been approved by the Director of the Institute

of Heraldry, U.S. Army, as required and mandated under the provisions of paragraphs 27-16a and b of Army Regulation 670-1, "Wear and Appearance of Army Uniforms and Insignia."

5. The United Nations insignia and accouterments--to wit:

Beret (UN Blue), Field Cap (UN Blue), Scarf (UN Blue), Armlet (Olive Drab), Cloth Shoulder Patch (UN), Metal Hat Badge (UN), and

the design of the Cloth Shoulder Patch (UN)

--are

not

prescribed

or listed in the Common Table of Allowance (i.e., CTA 5900).

6. Neither the Department of Defense nor the Department of the Army have specifically authorized by written regulation - Both the

Department of Defense and Department of the Army have not authorized, either formally or informally, the United Nations insignia and accouterments--to wit: Beret (UN Blue), Field Cap (UN Blue), Scarf (UN Blue), Armlet (Olive Drab), Cloth Shoulder Patch (UN), Metal Hat Badge (UN), and the design of the Cloth Shoulder Patch (UN).

7. The United Nations uniform consists of all of the following items (insignia and accouterments, etc.), or combinations thereof:

- a. Beret (UN Blue);
- b. Field Cap (UN Blue);
- c. Metal Hat Badge (UN Blue);
- d. Cloth Shoulder Patch (UN);
- e. Armlet (Olive Drab);
- f. Scarf (UN Blue);
- g. "UN Peace-keeping force" identification card.

8. That the UN items listed in the preceding paragraph, except for the Metal Hat Badge (UN Blue), were issued to SPC New for the purpose of augmenting his U.S. Army battle dress uniform (BDU); that the Metal Hat Badge (UN Blue) would have been issued to SPC New at Camp Able Sentry in Macedonia for the same purpose; and, that SPC New would have been made to wear or carry these items on his U.S. Army battle dress uniform (BDU) while under Task Force Able Sentry.

9. That on arrival to Camp Able Sentry, the soldiers of 1-15 In, to include SPC New had he deployed with them, were issued the "UN Peace-keeping force" identification card; and that, according to the Aide Memoire, the "UN Peace-keeping force" identification card is the only identity document required in the area of operation.

TIMOTHY W. LUCAS MICHAEL G. NEW TONY RAIMUNDO
MAJ, JA SPC, USA MAJ, JA

Trial Counsel Accused Senior Defense Counsel

Date: 24 JAN 96 Date: 24 JAN 96 Date: 24 JAN 96