

RECORD OF PROCEEDINGS UNDER ARTICLE 15, ACMJ

For use of this form, see SMDR 27-10; the proponent agency is ALNG-OSJA

NAME	GRADE	SSN	UNIT & LOCATION	MONTHLY BASE PAY
------	-------	-----	-----------------	------------------

1. I am considering whether you should be punished under Article 15, ACMJ, for the following misconduct:

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (*matters of defense*) why punishment should be very light (*matters of extenuation and mitigation*). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. In deciding what you want to do you have the right to consult with legal counsel located at _____.

You now have 48 hours to decide what you want to do.

NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE	DATE
--	-----------	------

3. Having been afforded the opportunity to consult with counsel and understanding my rights listed above and on page three of this form, my decisions are as follows (*Initial appropriate blocks, date, and sign*):

In the Article 15 proceedings:

- a. I do not have a right to trial by court-martial:
- (1) I request the hearing be: Open Closed
- (2) A person to speak in my behalf: Is requested Is not requested
- (3) Matters in defense, extenuation, and/or mitigation:
- Are not presented Are attached Be presented in person

NAME AND GRADE OF SERVICE MEMBER	SIGNATURE	DATE
----------------------------------	-----------	------

4a. In a(n) Open Closed hearing, having considered all matters presented, I hereby make the following finding:

Guilty of All Specifications Guilty of Some Specifications Not Guilty of All Specifications
(line out Not Guilty Specifications) *(line out all Specifications and sign below).*

Based on my findings, I impose the punishments that are officially recorded in Item 6 of this form.

4b. I direct the original AGO Form 2627 be filed in the:

- Performance section of the OMPF Restricted section of the OMPF NA as soldier was an E-4 or below at start of proceedings

4c. You are advised of your right to appeal to the next superior authority: _____ within 45 days.

An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated in Item 6.

NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE	DATE
--	-----------	------

5. (*Initial appropriate block, date, and sign*)

- I do not appeal I appeal and do not submit additional matters I appeal and submit additional matters

NAME AND RANK OF SERVICE MEMBER	SIGNATURE	DATE
---------------------------------	-----------	------

NAME (<i>Last, First, MI</i>)	GRADE	SSN	UNIT & LOCATION
---------------------------------	-------	-----	-----------------

6. The following punishment is imposed:

7. I have considered the appeal and it is my opinion that:

NAME, RANK, AND ORGANIZATION OF REVIEWING JUDGE ADVOCATE	SIGNATURE	DATE
--	-----------	------

8. After consideration of all matters presented in the appeal, the appeal is:

Denied
 Granted as follows:

NAME, RANK, AND ORGANIZATION OF COMMANDER	SIGNATURE	DATE
---	-----------	------

9. I have seen the action taken on my appeal.

NAME AND RANK OF SERVICE MEMBER	SIGNATURE	DATE
---------------------------------	-----------	------

10. Allied Documents and/or Comments:

ARTICLE 15 RIGHTS, MAXIMUM PUNISHMENTS, AND FILING

Article 15, ACMJ, is a federal law that permits commanding officers to conduct non-judicial proceedings for minor offenses. A Service member may not refuse Article 15 proceedings and demand trial by court-martial, unless attached to or embarked on a vessel unless a Commander intends to impose deprivation of liberty. A Commander may ordinarily allow the Service member 48 hours to make elections as provided in paragraph 2 (matters in defense, matters in extenuation and matters in mitigation), i.e., it may be more appropriate for AT or ADOS status, but in an IDT status it may be appropriate to allow at a minimum the next drill period for the Service member to submit matters. A Commander may find a Service member guilty of an offense at an Article 15 proceeding only after being convinced beyond a reasonable doubt that the Service member is guilty. Regarding time to file an appeal to the next higher authority: the Commander should consider the status the service member is in when determining how much time is reasonable for the service member to file their appeal, i.e. if the service member is in an AT, SAD or on other orders status it may not be necessary to wait 45 days for the service member to file their appeal (2 days may be a reasonable amount of time). The amount of time the commander gives should be reasonable under the circumstances and appropriate with the status the service member is in.

SOLDIERS HAVE THE FOLLOWING RIGHTS AT AN ARTICLE 15 PROCEEDING:

- a. To request an open or closed hearing.
- b. To request a person to speak on his or her behalf.
- c. To invoke his or her rights under Article 31(b), ACMJ, to remain silent and to not make any statement regarding the offense(s) for which the Article 15 hearing is held. If the Soldier makes a statement, that statement may be used as evidence in a later trial by court-martial.
- d. To present matters in defense, extenuation, or mitigation.
- e. To discuss the Article 15 and its proceedings with an attorney in private before making these elections.
- f. To appeal the findings and punishment to the next superior authority.

MAXIMUM PUNISHMENTS UNDER A FORMAL ARTICLE 15 FOR ENLISTED SOLDIERS IF IMPOSED BY:

A Company Grade Officer:

An oral or written reprimand, restriction for 8 days, extra duty for 8 days, one day shall equal one calendar day reduction of one grade (if the Soldier is in the grade of E-4 or below), and forfeiture of 8 days' pay, for the purposes of pay, one day shall equal one active duty military pay day .

A Field Grade or General Officer:

An oral or written reprimand, restriction for 14 days, extra duty for 14 days, one day shall equal one calendar day. reduction of one grade if the Soldier is in the grade of E-4 or below, and if imposed by a Commander of a unit authorized a Commander in the grade of O-5 or higher, the soldier may be reduced to the grade of E-2 if the soldier is within the promotion authority of the commander. Forfeiture of 12 days pay, for the purposes of pay, one day shall equal one active duty military pay day.

MAXIMUM PUNISHMENTS UNDER ARTICLE 15 FOR COMMISSIONED & WARRANT OFFICERS IF IMPOSED BY:

A Company Grade Officer or Field Grade Officer (This is withheld to the authority of the TAG; refer matters to the ALNG-OSJA):

THE FILING OF ARTICLE 15 FORMS & REVIEW BY DA CAREER MANAGERS AND SELECTION BOARDS:

If a Commander finds a Soldier in the rank of Sergeant (E-5) or above guilty of one or more offenses at an Article 15 proceeding and imposes punishment, the Commander must file the Article 15 form in either the Soldier's Official Military Personnel File (OMPF) performance or restricted fiche. MOS/specialty career managers and DA Selection Boards routinely use the OMPF performance fiche. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without the approval of the Commander, HRC or selection board proponent. If the Soldier is in the grade of E-4 or below at the start of an Article 15 proceeding and punishment is imposed, the form will be maintained locally and no filing in the OMPF, either in the performance or the restricted fiche, is authorized. SMDR 27-10, Chapter 3 provides detailed rules governing requests to transfer an Article 15 from a Soldier's performance fiche to his or her restricted fiche.

THE NEED TO IMPROVE STANDARDS OF PERFORMANCE AND CONDUCT:

Soldiers found guilty at an Article 15 proceeding are considered to be on notice that they must improve their conduct and performance. An Article 15 may form the basis, either in whole or in part, for an administrative separation action that results in a less than honorable discharge. Soldiers are strongly encouraged to exhibit the behavior necessary to receive an Honorable Discharge. If not, one or more of the following situations may occur:

- a. A Soldier separated with less than an honorable discharge may be barred from ever enlisting again, may encounter problems securing civilian employment, and may forfeit the many benefits generally associated with an Honorable Discharge.
- b. The Soldier should be aware that the likelihood of upgrading a less than honorable discharge, while possible, is unlikely.

ARTICLE 15 PUNISHMENT WORKSHEET

Soldier's Data: _____

Imposing Commander: _____ Type of Article 15: _____

The following maximum allowable punishment may be imposed:

Reduction:

Forfeiture:

Deprivation of Liberty Punishments*:

Extra Duty:

Restriction:

Reprimand: May be an oral or written reprimand. *(Must be in writing if an officer.)*

Any punishment may be suspended for up to 6 months. *If the commander intends to deprive the soldier of liberty (only for restriction) the soldier has a right to turn down punishment under Article 15 (except when extra duty or reprimand is imposed).

Reduction to the Grade of: _____ If suspended, then *(suspended for _____ days) or (reduction below the Grade of _____ suspended for _____ days/months).*

Forfeiture of _____ pay per month for *(one month) (two months) (suspend _____ of the forfeiture for the number of months selected for a period of _____ days/months).*

Extra duty for _____ days, *(suspended for _____ days/months).*

Restriction for _____ days, *(suspended for _____ days/months).*

(Normal limits are Company area, Dining/Medical Facility, Place of Worship, and Place of Duty.)

Reprimand _____ *(Oral _____) (Written _____).*

(Reprimands for enlisted Soldiers may be oral or written and oral is typically appropriate. Reprimands of commissioned or warrant officers must be in writing.)

Date Punishment Imposed: _____

Commander's Initials: _____

RECORD OF PROCEEDINGS UNDER ARTICLE 15, ACMJ
Continuation Sheet

Item 1, Continued: