

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is OTJAG-CL.

NAME	GRADE	DoD ID No.	UNIT AND LOCATION	MONTHLY BASE PAY
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1. I am considering whether you should be punished under Article 15, UCMJ, 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 or at a trial by court-martial. 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 by a preponderance of the evidence 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*) or 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. If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. 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
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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*):

a. I demand trial by court-martial.

b. I do not demand trial by court-martial and in the Article 15 proceedings:

(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 Will be presented in person

NAME AND GRADE OF SERVICE MEMBER	SIGNATURE	DATE
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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 (*line out Not Guilty Specifications*). Not Guilty of All 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 DA Form 2627 be filed in the:

Performance section of the AMHRR (*required for sex-related offense, regardless of grade*) Restricted section of the AMHRR 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 five (5) calendar 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
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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
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NAME	GRADE	DoD ID No.	UNIT AND LOCATION
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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
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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
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9. I have seen the action taken on my appeal.

NAME AND RANK OF SERVICE MEMBER	SIGNATURE	DATE
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10. Allied Documents and/or Comments:

ARTICLE 15 RIGHTS, MAXIMUM PUNISHMENTS, AND FILING

Article 15, UCMJ, is a federal law that permits commanding officers to conduct non-judicial proceedings for minor offenses. A Soldier may refuse Article 15 proceedings and demand trial by court-martial, unless attached to or embarked on a vessel. A Commander may find a Soldier guilty of an offense at an Article 15 proceeding only after being convinced by a preponderance of the evidence that the Soldier is guilty.

SOLDIERS HAVE THE FOLLOWING RIGHTS AT AN ARTICLE 15 PROCEEDING:

- a. To refuse Article 15 proceedings and demand trial by court-martial. If the Soldier is attached to or embarked on a vessel, he or she is not permitted to refuse Article 15 proceedings. If a Soldier demands trial by court-martial, the trial could be a Summary, Special, or General Court-Martial. A Soldier may object to trial by Summary Court-Martial. At a Special or General Court-Martial, a Soldier is entitled to be represented by qualified military defense counsel, or by civilian counsel at no expense to the government.
- b. To request an open or closed hearing.
- c. To request a person to speak on his or her behalf.
- d. To invoke his or her rights under Article 31(b), UCMJ, 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.
- e. To present matters in defense, extenuation, or mitigation.
- f. To discuss the Article 15 and its proceedings with an attorney in private before making these elections.
- g. 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 14 days, extra duty for 14 days, correctional custody for 7 days (if the Soldier is in the grade of E-3 or below and if a correctional custody facility is available), reduction of one grade (if the Soldier is in the grade of E-4 or below), and forfeiture of 7 days' pay. The amount of the forfeiture is computed at the reduced grade, even if suspended, if reduction is part of the punishment imposed.

A Field Grade or General Officer: An oral or written reprimand, restriction for 60 days, extra duty for 45 days, correctional custody for 30 days (if the Soldier is in the grade of E-3 or below and if a correctional custody facility is available), reduction of one or more grades (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), reduction of one grade if the Soldier is in the grade of E-5 or E-6, and forfeiture of ½ of one month's pay for two months. The amount of the forfeiture is computed at the reduced grade, even if suspended, if reduction is part of the punishment imposed. When restriction is combined with extra duty, the maximum period of restriction is 45 days.

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

A Company Grade Officer or Field Grade Officer: A written reprimand and restriction for 30 days. *Note: The authority of company and field grade officers to impose Article 15 punishment on fellow officers is typically withheld by the General Court-Martial Convening Authority (GCMCA). Check with the command's Staff Judge Advocate before attempting to take action.*

A General Officer or GCMCA: A written reprimand, arrest in quarters for 30 days, restriction for 60 days, and forfeiture of ½ of one month's pay for two months.

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

If a Commander finds a Soldier guilty of a sex-related offense at an Article 15 proceeding and imposes punishment, the Commander must file the Article 15 form in the performance portion of the Soldier's Army Military Human Resource Record (AMHRR). This requirement applies to Soldiers in all components, regardless of grade. If a Commander finds a Soldier in the rank of Sergeant (E-5) or above guilty of one or more offenses, not including a sex-related offense, at an Article 15 proceeding and imposes punishment, the Commander must file the Article 15 form in either the Soldier's AMHRR performance or restricted folder. MOS/specialty career managers and DA Selection Boards routinely use the AMHRR performance folder. The AMHRR restricted folder 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 for an offense other than a sex-related offense, the form will be maintained locally and no filing in the AMHRR, either in the performance or the restricted folder, is authorized. AR 27-10, Chapter 3 provides detailed rules governing requests to transfer an Article 15 from a Soldier's performance folder to his or her restricted folder.

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. The Soldier may be separated with a General Discharge under Honorable Conditions or with an Other Than Honorable Discharge.
- b. 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.
- c. The Soldier should be aware that the likelihood of upgrading a less than honorable discharge, while possible, is unlikely.

ARTICLE 15 PUNISHMENT WORKSHEET

(Generated by MJOnline)

Soldier's Data: _____ , _____

Imposing Commander: _____ , _____

Type of Article 15: _____

The following maximum allowable punishment may be imposed:

Reduction: _____

Forfeiture: _____

Deprivation of Liberty Punishments:

Correctional Custody: Maximum of 30 days. **Note:** This punishment may be imposed only if a CCF is available. Only Soldiers in grades E-1 to E3 can be placed in a CCF. May not be combined with Extra Duty or Restriction.

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.

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)*.

Correctional Custody for _____ days, *(suspended for _____ 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, UCMJ
Continuation Sheet

Item 1, Continued: