Legal Services

Nonjudicial Punishment

Joint Force Headquarters-Alaska
Alaska National Guard
1 December 2016
By Order of the Governor:

LAUREL J. HUMMEL,
Brigadier General, AKNG
The Adjutant General

**History.** This regulation is the first implementation of specific regulatory guidance on Nonjudicial Punishment in the State of Alaska.

**Summary.** This Joint Force Regulation is effective until rescinded or superseded and constitutes official Alaska National Guard (AKNG) policy and guidance for the processing of Nonjudicial Punishment actions under Alaska Statutes 26.05.300-900. This is a significant change and should be reviewed in its entirety.

**Applicability.** This regulation applies to the organized militia of Alaska to include the Alaska National Guard (Army and Air), the Alaska State Defense Forces, and the Alaska Naval Militia, including those in State Military status under Title 32, U.S.C., or pursuant to the law of the State of Alaska. It does not apply to Alaska National Guard members on active Federal military duty under Title 10 U.S.C. (Armed Forces). This regulation applies throughout the state of Alaska; it applies to all said members of the state military forces, except when in active federal service under Title 10 U.S.C. or when members of the state military forces are outside the state of Alaska and not in active status.

**Proponent and Exception Authority.** The proponent of this regulation is the State Judge Advocate (NGAK-JA).

The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations.

The proponent may delegate this approval authority, in writing, to a subordinate commander. Units may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the component’s senior legal officer.

All waiver requests will be endorsed by the commander or senior leader of the requesting unit and forwarded through higher headquarters to the policy proponent.

**Supplementation.** This regulation cannot be supplemented, unless specified herein, and forms cannot be established without the proponent's approval.

**Suggested Improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to NGAK-JA, P.O. Box 5800, Joint Base Elmendorf-Richardson, AK 99505.

**Distribution.** This publication is available on the Alaska National Guard’s AK Portal.
Appendixes

A. References and Glossary

B. Record of Nonjudicial Punishment Proceedings for the Army Guard

C. Record of Nonjudicial Punishment Proceedings for the Air Guard

D. Nonjudicial Punishment Proceedings Script
Chapter 1
Purpose and References

1-1. Purpose
The purpose of this regulation is to establish the Alaska organized militia (Alaska National Guard (AKNG), Alaska State Defense Force, Alaska Naval Militia) provisions, procedures, punishments, and appeals for Nonjudicial Punishment (NJP). NJP permits commanders to discipline troops without a court-martial. The receipt of NJP does not constitute a criminal conviction, but is placed in the service record of the member receiving NJP, consistent with service regulations.

1-2. References and Forms
Required and related publications are listed in Appendix A. Required forms are attached as appendices B (for use by Army Guard) and C (for use by Air Guard). Components will use forms prescribed by their service component regulations, as adopted by the Alaska National Guard.

1-3. Explanation of abbreviations and terms
Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Incorporation of Federal Regulations. The federal Manual for Courts-Martial, and the federal regulations governing a component’s nonjudicial punishment, are hereby adopted as part of this regulation and shall govern and be applicable to the extent that they are not inconsistent with or provided in the Alaska Code of Military Justice (ACMJ), this regulation, or other regulations adopted by the Governor or the Adjutant General for the governing of the militia. For purposes of this regulation the Alaska State Defense Force shall be considered as a component of the Alaska Army National Guard.

Chapter 2
Nonjudicial Punishment (NJP) General Provisions

2-1. Nature
NJP is a disciplinary measure more serious than nonpunitive administrative measures such as admonition or reprimand but less serious than court-martial or trial by a criminal court of competent jurisdiction. NJP is corrective by nature; the primary goal of NJP is deterrence with the aim of maintaining good order and discipline and rehabilitation of the offending Service Member.

2-2. Purpose
NJP provides commanders (as defined in Section 3-1 below) with an essential and prompt means of maintaining good order and discipline. NJP is proper in cases involving offenses in which nonpunitive administrative measures are considered inadequate or inappropriate. NJP may be imposed to
   a. Correct, educate, and reform offenders whom the imposing commander determines cannot benefit from less stringent measures.
   b. Preserve a Service Member’s record of service from unnecessary stigma by court-martial conviction.
   c. Further military efficiency by disposing of offenses in a manner requiring less resources than trial by court-martial.

2-3. Responsibility
   a. The component Staff Judge Advocate is responsible for the overall supervision and administration of the NJP program within each component of the organized militia. The servicing Judge Advocate is responsible for advising commanders regarding the administration of NJP cases.
b. Commanders are responsible for good order and discipline in their units. Generally, discipline can be maintained through effective leadership including, when necessary, administrative corrective measures. NJP is ordinarily appropriate when administrative corrective measures are inadequate due to the nature of the offense or the record of the Service Member, unless it is clear that only court-martial or trial by a criminal court of competent jurisdiction will meet the needs of justice and discipline. NJP shall be considered on an individual basis.

2-4. Discretion
A commander who is considering misconduct for disposition under NJP will exercise personal discretion in evaluating each case, both as to whether NJP is appropriate and as to the nature and amount of punishment that is needed, subject to limitation explained in Chapter 4. A superior commander may send or return a case to a subordinate for appropriate disposition if necessary and within the jurisdiction of the subordinate.

2-5. Unlawful Command Influence
No superior commander may direct that a subordinate commander impose NJP in a particular case, nor may a superior commander issue regulations, orders, or "guides" that suggest to subordinate commanders that certain categories of minor offenses be disposed of by NJP instead of by a judicial proceeding or other administrative corrective measures, or that predetermined kinds or amounts of punishments be imposed for certain classification of offenses that the subordinate considers appropriate for disposition by NJP.

2-6. Minor Offenses
Nonjudicial punishment may be imposed for acts or omissions that are minor offenses under the punitive articles of the ACMJ. Whether an offense is minor depends on several factors: the nature of the offense and the circumstances surrounding its commission; the offender’s age, rank, duty assignment, record and experience; and the maximum sentence imposable for the offense if tried by general court-martial. The decision whether an offense is “minor” is a matter of discretion for the commander imposing NJP, but NJP for an offense other than a minor offense (even though thought by the commander to be minor) is not a bar to trial by court-martial for the same offense. However, the accused may show at trial that NJP was imposed, and if the accused does so, this fact must be considered in determining an appropriate sentence.

2-7. Reservation of Authority
A superior commander may reserve the right to exercise ACMJ authority over a particular case or over certain categories of offenders or offenses.

2-8. Reference to a Superior
NJP should be administered at the lowest level of command commensurate with the needs of discipline after considering the nature and circumstances of the offense, as well as age, previous record, maturity, and experience of the offender. If a commander determines that his or her authority is insufficient to impose a proper punishment, the case may be referred to an appropriate superior. The same procedure will be followed if the authority has been reserved.
2-9. Offenses Defined
NJP may be imposed for acts or omissions that are offenses under the punitive articles of the ACMJ. NJP is not a bar to disposing of a case through a criminal proceeding in a court of competent jurisdiction for the same offense.

2-10. Description of Offense
Commanders should consult with their servicing Judge Advocate in deciding whether to initiate NJP. The servicing Judge Advocate will advise the commander and assist with properly describing each offense to state a violation of the ACMJ. Commanders will use the Record of NJP Proceedings (Appendix B, Army; Appendix C, Air) to document NJP from initial presentation through the appeal process.

2-11. Limitations
a. Double punishment prohibited. When NJP has been imposed for an offense, punishment may not again be imposed for the same offense under the provisions of this regulation.
   b. Increase in punishment prohibited. Once NJP has been imposed, punishment may not be increased, upon appeal or otherwise.
   c. Multiple punishments prohibited. When a commander determines that NJP is appropriate for a particular Service Member, all known offenses determined to be appropriate for disposition by NJP and ready to be considered at that time, including all such offenses arising from a single incident or course of conduct, shall ordinarily be considered together, and not made the basis for separate punishments under NJP.
   d. Statute of limitations. The time limit within which a commander can initiate an NJP shall be two years from the date an offense is disclosed, discovered, or reasonably should have been discovered.

2-12. Other Measures
NJP is imposed to correct misconduct in violation of the ACMJ as a result of intentional disregard for, or failure to comply with prescribed standards of military conduct. Nonpunitive measures deal with misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instructions, sloppy habits, immaturity, difficulty in adjusting to disciplined military life, and similar deficiencies. Nonpunitive measures do not constitute punishment. Nonpunitive measures include: denial of pass or privileges, counseling, administrative reduction, administrative reprimand and admonitions, extra training, or bar to reenlistment, consistent with service regulations. NJP does not preclude a separate administrative separation action or other administrative measures.

2-13. Effect of Procedural Errors
Failure to comply with any of the procedural provisions of this regulation shall not invalidate a punishment imposed under NJP, unless the error materially prejudiced a substantial right of the Service Member on whom the punishment was imposed.

Chapter 3
Procedures

3-1. Authority to Impose
Any officer commanding a squadron, flight, group, detachment, battery, company, battalion, regiment, brigade, wing, division, the commanders Army and Air, and The Adjutant General may impose NJP upon certain members of his/her command. "Commander" shall mean a commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization and includes the senior officer responsible for a joint headquarters.
3-2. Required Notice and Response
If, after a preliminary inquiry the commander determines that disposition by NJP proceedings is appropriate, the commander shall cause the Service Member to be notified using the Record of NJP Proceedings (Appendix B, Army; Appendix C, Air). The notice shall be served consistent with service regulations. At a minimum, it will include:

a. A statement that the commander is considering the imposition of NJP,

b. A statement describing the alleged offenses,

c. A brief summary of the information upon which the allegations are based, or a statement that the member may, upon request, examine available statements and evidence,

d. A statement of the rights that will be accorded to the Service Member,

e. A statement of the maximum punishment which the commander may impose by NJP,

f. The time frame in which the member must respond (normally six UTA’s, or one calendar month, whichever is greater, after initial service of the NJP) unless a delay is requested in writing and granted by the commander. Should military counsel be reasonably unavailable to consult with the Service Member, an extension must be granted,

g. Commanders shall use the Proposed Script, Appendix D, to ensure proper notice is given. The commander may modify the script to fit the particular circumstances of the case.

3-3. Additional Rights of Service Member
The following rights are printed on the NJP record form and should be read to, and initialed by, the Service Member when the NJP record is initially provided to the member. These include the right:

a. To remain silent, and that matters submitted by the Service Member or counsel may be used against the member in any court-martial or court of criminal law in accordance with UCMJ Article 31(b).

b. To consult with a lawyer before making any decisions. A military defense counsel will be made available to advise the Service Member free of charge. The Service Member may retain civilian counsel at the Service Member's own expense.

c. To examine the information to include documentary and physical evidence upon which the allegations are based.

d. To present matters in defense, extenuation, and mitigation, by personal presentation and in writing to the commander.

e. To be accompanied by a spokesperson provided or arranged for by the member. Such spokesperson is not entitled to travel or similar expenses, and the proceedings need not be delayed to permit the presence of a spokesperson. The spokesperson may speak for the Service Member, but may not question witnesses except as the commander may allow as a matter of discretion.

f. To request of the commander to have witnesses present during the Service Member's personal presentation to the commander, including those adverse to the Service Member, if their testimony or statements are relevant and if they are reasonably available as determined by the commander. For purposes of this subparagraph, a witness is not reasonably available if the witness requires reimbursement for any cost incurred in appearing, cannot appear without unduly delaying the proceedings, or if a military witness cannot be excused from his/her duties. Alternatives to testimony, such as character statements, should be considered, particularly when a witness is not reasonably available.

g. To have the personal presentation open to the public if the Service Member requests unless the commander determines that the proceeding should be closed for good cause, such as military
exigencies, or privacy or security interests; however, nothing in this subparagraph requires special arrangements to be made to facilitate access to the proceeding.

h. If the service member waives personal appearance before the commander, the Service Member may still submit written matters for consideration by the commander so long as the matters are submitted according to the rules stated herein.

i. If the commander imposes punishment, the Service Member has six UTA’s (for a traditional Guard member), or one calendar month (for a traditional Guard member or an AGR member), whichever is greater, to decide whether to appeal the findings and/or punishment to the next superior commander. (See Chapter 5) The Service Member has the right to consult with a lawyer before deciding whether to appeal and to be assisted in their appeal. A Service Member may present additional written matters in their appeal. This appeal to the next superior commander is the Service Member’s only formal appeal of right.

j. Commanders shall use the Proposed Script, Appendix D, to ensure proper notice is given. The commander may modify the script to fit the particular circumstances of the case.

3-4. Personal Appearance
Before NJP may be imposed, the Service Member shall be entitled to appear personally before the commander, except when appearance is prevented by the unavailability of the commander or by extraordinary circumstances. In either case the Service Member shall be entitled to appear before a person designated by the commander who shall prepare a written summary of any proceedings and forward the summary along with any written matter submitted by the Service Member to the commander.

3-5. Evidence
The Military Rules of Evidence, other than with respect to privileges, do not apply at NJP proceedings. Any relevant matter may be considered by the commander and offered by the Service Member.

3-6. Standard and Burden of Proof
a. The standard of proof that applies in all phases of NJP shall be that established in regulation by the relevant service component.

b. The Government has the burden of proof in all phases of NJP.

3-7. Commander's Decision
After considering all relevant matters presented, the commander will do one of the following:

a. Conclude that the Service Member did not commit the offense/s alleged, inform the member, and terminate the proceedings.

b. Conclude that the Service Member committed one or more of the offenses alleged. Inform the Service Member of this finding and the NJP to be imposed. Inform the Service Member of the right to appeal (see Chapter 5).

c. Conclude that the Service Member committed one or more of the offenses, and that a disciplinary action other than NJP is appropriate.

Chapter 4
Punishments

4-1. Maximum Punishments
a. Any commanding officer may impose upon enlisted members of the officer’s command —
(1) an admonition or warning;
(2) a reprimand;
(3) the withholding of privileges for not more than six (6) calendar months which need not be consecutive;
(4) the forfeiture of pay of not more than seven (7) days’ pay for an AGR member, or 1 UTA’s pay for a traditional Guard member;
(5) a fine of not more than seven (7) days’ pay for an AGR member, or 1 UTA’s pay for a traditional Guard member;
(6) a reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction, but the officer imposing the reduction need not have actual authority to promote the member on whom the reduction is imposed;
(7) extra duties, including fatigue or other duties, for not more than fourteen (14) days for an AGR member, or 2 UTA’s for a traditional Guard member, which need not be consecutive; but to be completed within 90 days of the date punishment was imposed; and
(8) restriction to certain specified limits, with or without suspension from duty, for not more than fourteen (14) days for an AGR member or 2 UTA’s for a traditional Guard member, which need not be consecutive; but to be completed within 90 days of the date punishment was imposed.

b. Any commanding officer of the grade of major or above may impose upon enlisted members in the officer’s command—
(1) any punishment authorized in subsections (a)(1), (2), and (3);
(2) the forfeiture of not more than one-half (1/2) of one (1) month’s pay per month for two (2) months for an AGR member, or 4 UTA’s pay for a traditional Guard member;
(3) a fine of not more than one (1) month’s pay for AGR member, or 4 UTA’s pay for a traditional Guard member;
(4) a reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction, but the officer imposing the reduction need not have actual authority to promote the member on whom the reduction is imposed and an enlisted member in a pay grade above E-4 may not be reduced more than two (2) pay grades;
(5) extra duties, including fatigue or other duties, for not more than forty-five (45) days for an AGR member or 6 UTA’s for a traditional Guard member, which need not be consecutive; but to be completed within 120 days of the date punishment was imposed; and
(6) restriction to certain specified limits, with or without suspension from duty, for not more than sixty (60) days for an AGR member or 8 UTA’s for a traditional Guard member, which need not be consecutive; but to be completed within 90 days of the date punishment was imposed.

c. Any commanding officer may, in addition to or in lieu of admonition or reprimand, impose upon officers of the command the following disciplinary punishment for offenses without the intervention of a court-martial:
(1) Restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days for AGR members or 4 UTA’s for traditional Guard members; but to be completed within 90 days of the date punishment was imposed.

d. The Governor, The Adjutant General, an officer exercising general court-martial convening authority, or an officer of a general or flag rank in command may impose —
(1) upon officers of the officer’s command —
   (A) any punishment authorized in subsections (b)(1), (2), (3), and (6); and
   (B) arrest in quarters for not more than thirty (30) days which need not be consecutive; but to be completed within 90 days of the date punishment was imposed.
(2) upon enlisted members of the officer’s command — any punishment authorized in subsection (b).

e. Whenever any of those punishments are combined to run consecutively, the total length of the combined punishment cannot exceed the authorized duration of the longest punishment in the combination, and there must be an apportionment of punishments so that no single punishment in the
combination exceeds its authorized length under this article.

f. A traditional Guard member in a full-time status for more than 30 days, including TDY status, may be subject to the same punishments as an AGR member, so long as the full-time status is long enough to cover the days adjudged in the punishment (including fines or withholding of pay), and so long as the conduct occurred while the member was in a full-time status. Orders will not be issued or extended merely for a Service Member to complete NJP punishment.

4-2. Nature of Punishment

a. Admonition and Reprimand: Admonition and reprimand are two forms of censure intended to express adverse reflection upon or criticism of a person's conduct. A reprimand is a more severe form of censure than an admonition. When imposed as NJP, the admonition or reprimand is considered to be punitive, unlike a non-punitive admonition. In the case of commissioned officers and warrant officers, admonitions and reprimands given as NJP must be administered in writing. In other cases, they may be administered either orally or in writing.

b. Restriction: Restriction is the least severe form of deprivation of liberty. Restriction involves moral rather than physical restraint. The severity of this type of restraint depends on its duration and the geographical limits specified when the punishment is imposed. A person undergoing restriction may be required to report to a designated place at specified times if reasonably necessary to ensure that the punishment is being properly executed. Orders will not be issued or extended merely for a Service Member to complete restriction. Unless otherwise specified by the commander, a person under restriction may be required to perform any military duty. The commander shall coordinate with his/her servicing Judge Advocate to assure the appropriateness of duties associated with this paragraph.

c. Withholding of Privileges: Withholding of privileges refers to the temporary withholding of privileges enjoyed as a result of the Service Member’s status as a military member.

d. Fine: This monetary punishment shall be calculated based on what the Service Member’s base pay will be after NJP has been imposed (thus, after any potential reduction in rank), and will not include additional compensation or allowances such as basic allowance for housing.

e. Forfeiture: A punishment wherein a portion of the Service Member’s future base pay is deducted from the Service Member’s pay.

f. Reduction in Grade: Reduction to the next lower grade is appropriate for Service Members whose misconduct demonstrates a lack of judgment and maturity that is inconsistent with their current rank and grade.

4-3. Collection of Fines and Forfeiture

If a fine or forfeiture is imposed in accordance with this regulation, they may collected in this manner:

a. For a fine, the Service Member must present a cashier’s check or money order payable to the "State of Alaska."

b. For a forfeiture, the Service Member's unit pay administrator may deduct the amount due from the Service Member's paycheck after instructed to do so by the commander, following the imposition of the NJP.

c. A fine must be paid by the Service Member within 30 days after imposition of NJP and the time for appeal is either waived or passes, or before their following drill period, whichever is greater.

4-4. Consultation Required

Commanders must consult the servicing judge advocate before taking action to vacate, suspend, mitigate, remit, or set aside a previously imposed punishment. A commander may take such action upon his or her own initiative or upon a request from the Service Member.
4-5. Suspension of Punishment
   a. Commanders may consider suspending all or part of any punishment selected under NJP, particularly in the case of first offenders or when significant extenuating or mitigating matters are present. The possibility of suspension provides an incentive to the offender and gives an opportunity to the commander to evaluate the offender during the period of suspension.
   b. The authority who imposes NJP, or a successor in command over the person punished, may, as allowed by this regulation, suspend any part or amount of the unexecuted punishment imposed and may suspend a reduction in grade whether or not executed, subject to the following rules, all of which must be memorialized in writing and state with specificity:
      (1) An executed punishment of reduction in grade may be suspended only within a period of four months after the date of execution.
      (2) Suspension of a punishment may not be for a period greater than six months from the date of the suspension, the expiration of the current enlistment or term of service of the Service Member involved automatically terminates the period of suspension.
      (3) Unless the suspension is sooner vacated, suspended portions of the punishment are remitted, without further action, upon the termination of the period of suspension.
      (4) Unless otherwise stated, an action suspending a punishment includes a condition that the Service Member not violate any criminal laws or the ACMJ. The commander may specify in writing additional conditions of the suspension.
      (5) A suspension may be vacated by the commander who imposed the NJP or the successor in command. Vacation of suspension may be based only on a violation of the conditions of suspension which occurs within the period of suspension. Before a suspension may be vacated, the Service Member ordinarily shall be notified and given an opportunity to respond. Although a hearing is not required to vacate a suspension, the Service Member should, unless impracticable, be given an opportunity to appear before the officer authorized to vacate suspension of the punishment to present any matters in defense, extenuation, or mitigation of the violation on which the vacation action is to be based.
      (6) Vacation of a suspended NJP is not itself NJP and additional action to impose NJP for additional misconduct upon which the vacation action is based is not precluded.

4-6. Mitigation of Punishment
   a. Mitigation is a reduction in either the quantity or quality of a punishment, its general nature remaining the same. Mitigation is appropriate when the offender's later good conduct merits a reduction in the punishment, or when it is determined that the punishment imposed was disproportionate.
   b. The commander who imposes NJP or a successor in command may mitigate any part or amount of the unexecuted portion of the punishment imposed.

4-7. Remission of Punishment
   a. Remission is an action whereby any portion of the unexecuted punishment is cancelled. Remission is appropriate under the same circumstances as mitigation.
   b. The commander who imposes NJP or a successor in command may remit any part or amount of the unexecuted portion of the punishment imposed.
   c. The expiration of the current enlistment or term of service of the Service Member automatically remits any unexecuted punishment imposed under NJP.
4-8. Setting Aside Punishment
   a. Setting aside is an action whereby the punishment or any part or amount thereof, whether executed or unexecuted, is set aside and any property, privileges, or rights affected by the portion of the punishment set aside are restored. A reduction in grade that is set aside shall result in restoration of the Service Member's original date of rank.

   b. The commander who imposed punishment, the commander who imposes NJP, or a successor in command may set aside punishment.

   c. The power to set aside punishments and restore property, privileges, or rights affected by the executed portion of a punishment should ordinarily be exercised only when the authority considering the case believes that, under all circumstances of the case, the punishment has resulted in clear injustice.

   d. The power to set aside an executed punishment should ordinarily be exercised only within a reasonable time after the punishment has been executed.

Chapter 5
Appeals

5-1. General
Any Service Member punished under NJP who considers the Findings or Punishment to be unjust or disproportionate to the offense may appeal through the proper channels to the next superior authority.

5-2. Format of Appeal
Appeals shall be submitted in writing to the commander imposing NJP and must include the appellant's explanation for why the punishment is unjust or disproportionate. Unless the commander imposing the NJP grants the relief requested in the appeal, that commander must or forward the appeal to the next superior authority.

5-3. Time Limit
The Service Member shall submit an appeal within six UTAs (traditional Guard member) or one calendar month (AGR), whichever is greater, from the date of imposition of punishment, or the right to appeal shall be waived in the absence of good cause shown. A Service Member who has appealed may be required to undergo any punishment imposed while the appeal is pending except that, if action is not taken on the appeal within six UTA’s or one calendar month, whichever is greater, after the appeal was submitted, and if the Service Member so requests, any unexecuted punishment involving restraint or extra duty shall be stayed until action on the appeal is taken.

5-4. Legal Review
Before acting on the appeal, the Appeal Authority (the next higher commander in the chain of command) shall refer the case to the Staff Judge Advocate for review and comment. When the case is referred, the Staff Judge Advocate is not limited to an examination of any written matter comprising the record of proceedings and may make any inquiries and examine any additional matter deemed necessary in order to properly advise the Appeal Authority.

5-5. Action by Superior Authority
   a. In general. In acting on an appeal, the Appeal Authority may exercise the same power with respect to the findings and punishment imposed as may be exercised under NJP by the officer who imposed the punishment. The Appeal Authority may take such action even if no appeal has been filed.

   b. Matters considered. When reviewing the action of an officer who imposed NJP, the Appeal
Authority may consider the record of the proceedings, any matters submitted by the Service Member, any matters considered during the legal review, if any, and any other matters the Appeal Authority deems appropriate.

   c. Additional proceedings. If the Appeal Authority sets aside a NJP due to a procedural error, that authority may authorize additional proceedings under NJP to be conducted by the commander who imposed the NJP, or a successor in command, for the same offenses involved in the original proceedings. Any punishment imposed as a result of these additional proceedings may be no more severe than the punishment originally imposed.

   d. Notification. Upon completion of action by the Appeal Authority, the Service Member upon whom punishment was imposed shall be promptly notified in writing by the Appeal Authority of the result.

5-6. Filing Determination
A commander’s decision to file a record of NJP in the Service Member’s permanent record is an important decision. The commander shall follow the federal regulations of the Service Member’s component before making such a determination.
Appendix A
References and Glossary

References

Alaska Statutes 26.05.300 – AS 26.05.900
AFI 51-202
AR 27-10
Title 10, United States Code, Section 815
Article 15, Commanding Officer’s Nonjudicial Punishment
Title 32, United States Code
National Guard

Glossary

AGR – Active Guard and Reserve
TDY – Temporary Duty
UCMJ – Uniform Code of Military Justice
UTA – A Service Member’s normally scheduled Unit Training Assembly
Appendix B
Record of Nonjudicial Punishment for the Army Guard

See DA Form 2627, RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ
RECORD OF PROCEEDINGS UNDER ARTICLE 15, ACMJ

For use of this form, see JFHQ Reg A-15 & AR 27-10; the proponent agency is AKNG JAG & OTJAG-CL.

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

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 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 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) or why punishment should be very light (matter 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

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

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 AKNG 2627 be filed in the:
     Performance section of the OMPF Restricted section of the OMPF N/A 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 6(UTAS) or one month. 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 GRADE OF SERVICE MEMBER SIGNATURE DATE

AKNG FORM 2627, AUG 2016
6. The following punishment is imposed:

<table>
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<tr>
<th>NAME</th>
<th>GRADE</th>
<th>SSN</th>
<th>UNIT &amp; LOCATION</th>
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7. I have considered the appeal and it is my opinion that:

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<tr>
<th>NAME, GRADE, AND ORGANIZATION OF COMMANDER OF REVIEWING JUDGE ADVOCATE</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
</table>

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

- [ ] Denied
- [ ] Granted as follows:

<table>
<thead>
<tr>
<th>NAME, GRADE, AND ORGANIZATION OF COMMANDER</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
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</table>

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

<table>
<thead>
<tr>
<th>NAME AND GRADE OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
</table>

10. Allied Documents and/or Comments:
ARTICLE 15 RIGHTS, MAXIMUM PUNISHMENTS, AND FILING

Article 15, UCMJ is synonymous with Non-judicial Punishment under Alaska Statute 26.05.380. 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 beyond a reasonable doubt 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 of 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, withholding of privileges for six (6) calendar months, forfeiture of 7 days’ pay for AGR members or 1 UTA’s pay for M-day, a fine of 7 days’ pay for AGR members or 1 UTA’s for M-day, reduction of one grade (if the grade from which demoted is within the promotion authority of the officer imposing the reduction), extra duties for 14 days for AGR members or 2 UTA’s for M-day, and restriction for 14 days for AGR members or 2 UTA’s for M-day. 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, General Officer, or GCMCA: An oral or written reprimand, forfeiture of one-half (1/2) of one (1) month’s pay per month for two (2) months for AGR members or 4 UTA’s pay for M-day, a fine of one (1) month’s pay for AGR members or 4 UTA’s for M-day, reduction to lowest or any intermediate grade (if the grade from which demoted is within the promotion authority of the officer imposing the reduction), and an enlisted member in a pay grade above E-4 may not be reduced more than two (2) pay grades, extra duties for 45 days for AGR members or 6 UTA’s for M-day, and restriction for 60 days for AGR members or 8 UTA’s for M-day.

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

A Company Grade Officer or Field Grade Officer: An oral or written reprimand and restriction for 30 days for AGR members or 4 UTA’s for M-day.

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: An oral or written reprimand, forfeiture of one-half (1/2) of one (1) month’s pay per month for two (2) months for AGR members or 4 UTA’s pay for M-day, a fine of one (1) month’s pay for AGR members or 4 UTA’s for M-day, restriction for 60 days for AGR members or 8 UTA’s for M-day, and arrest in quarters for 30 days.

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 (E5) 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 E4 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. AR 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. The Soldier may be separated with a General Discharge under Honorable Conditions or with an Other Than Honorable Discharge.

b. The Soldier may be removed from the AGR Program with a less than honorable discharge.

c. 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.

d. 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 or your servicing Paralegal)

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:

Extra Duty:

Restriction:

Reprimand: May be oral or written reprimand. (Must be written 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).

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

Reprimand (Oral) (Written).

Date Punishment Imposed: ________________   Commander's Initials: ________
Item 1, Continued:
Appendix C
Record of Nonjudicial Punishment for the Air Guard

See AF 3070, RECORD OF NONJUDICIAL PUNISHMENT PROCEEDINGS
1. Offer of Nonjudicial Punishment.
   a. (Commander initials one block):
      (1) I am considering whether I should punish you under Article 15, Uniform Code of Military Justice (UCMJ).
      (2) I am considering whether I should recommend that you be punished under Article 15, UCMJ. (See Note 1)
   b. Your alleged misconduct is in violation of the punitive Article(s) of the UCMJ as listed in item 14.
   c. You have the rights listed on Page 3 under "Rights of Member," including the right to consult a lawyer before making any decision, and to have a lawyer assist you throughout the proceedings. You have an appointment scheduled with the Area Defense Counsel, in building ________, (phone) ____________, at ____________ (time), ____________ (date). ADC consultation is not mandatory and if you choose not to consult Defense Counsel, you should cancel the scheduled appointment.
   d. If you accept nonjudicial punishment proceedings and are found to have committed one or more of the offenses alleged, the maximum punishment the commander taking action may impose on you is listed on Page 3.
   e. You will notify me of your decision by __________ (time), __________ (date) unless I grant you an extension of time. (See Note 2)

NAME/RANK/ORGANIZATION OF COMMANDER: ____________________________________________
SIGNATURE: ____________________________ DATE: ____________

2. Service.

NAME/RANK/ORGANIZATION PERSON SERVING MEMBER: ______________________________________
SIGNATURE: ____________________________ TIME SERVED: ____________________________ DATE SERVED: ____________

3. Member's Acknowledgement and Elections.  I understand the rights listed on Page 3 of this form and acknowledge the recoupment statement on Page 3.
   (Member initials one block on each line)
   a. I have consulted a lawyer.
   b. I waive my right to court-martial and accept nonjudicial punishment proceedings.
   c. I have attached a written presentation.
   d. I request a personal appearance before you and that it be public.

NAME/RANK OF SERVICE MEMBER: ____________________________________________
SIGNATURE: ____________________________ TIME: ____________________________ DATE: ____________

4. Commander's Decision.
   a. I have considered the evidence, including any matters you have presented, and find that: (Commander initials all appropriate blocks)
      (1) Nonjudicial punishment is not appropriate or you did not commit the offense(s) alleged. I hereby terminate these proceedings.
      (2) You committed one or more of the offenses alleged. I lined out and initialed the offense(s), if any, for which I determined nonjudicial punishment is not appropriate or which you did not commit. I hereby impose punishment as listed in item 14.
   b. Reductions in grade, forfeitures in pay, and suspensions of any punishment are effective immediately. All other punishments take effect when you are notified of the punishment, unless otherwise stated.
   c. You must notify me by __________ (time), __________ (date) whether you appeal, unless I grant you an extension of time. You are entitled to advice of counsel in making this decision. You must notify me of your appeal decision and submit any matters you wish considered within the time provided or your right to appeal is waived. Any documents supporting your appeal must be submitted at the same time you make your appeal decision. Your decision not to appeal is final. (See Note 4)

NAME/RANK/ORGANIZATION OF COMMANDER: ____________________________________________
SIGNATURE: ____________________________ DATE: ____________

5. Member's Acknowledgement. I acknowledge receipt of the punishment and my right to appeal.

NAME/RANK OF SERVICE MEMBER: ____________________________________________
SIGNATURE: ____________________________ TIME: ____________________________ DATE: ____________

AF FORM 3070A, 20150409 (EF-V1) PREVIOUS EDITIONS ARE OBSOLETE PAGE 1
6. Member's Appeal Decision. (Member initials one block) Member's decision ends the time limit to appeal.
   a. I do not appeal.
   b. I appeal and submit matters in writing.
   c. I appeal and do not submit matters in writing.

<table>
<thead>
<tr>
<th>NAME/RANK OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>TIME</th>
<th>DATE</th>
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</table>

7. Commander Action on Appeal. (Commander initials one block) After considering all matters in your appeal,
I hereby deny your appeal; grant your appeal; grant your appeal in part, as shown in item 14. (See Note 5)

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION OF COMMANDER</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

8. Appellate Authority Action on Appeal. (Appellate authority initials one block) After considering all matters presented in your appeal,
I hereby deny your appeal; grant your appeal; grant your appeal in part, as shown in item 14.

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION OF APPELLATE AUTHORITY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

9. Unfavorable Information File (UIF) Action. (Commander initials one block)
This action will be filed in your UIF; will not be filed in your UIF. (See Note 6)

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<tr>
<th>NAME/RANK OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

10. Member's Acknowledgement. I have been informed of the UIF decision. I have seen the action taken on any appeal.

<table>
<thead>
<tr>
<th>NAME/RANK OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

11. Servicing SJA Legal Review. Record is legally sufficient and the action is final.

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<tr>
<th>NAME/RANK/ORGANIZATION OF REVIEWING ATTORNEY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

12. MPF and AFO Distribution. Copy received by MPF on __________ and AFO on __________.
   (date/initials) (date/initials)

<table>
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<th>NAME/RANK/ORGANIZATION OF REVIEWING ATTORNEY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

13. GCMCA SJA Administrative Supervisory Review. Record is in compliance with AFI 51-202 and Part V, MCM.

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<tr>
<th>NAME/RANK/ORGANIZATION OF REVIEWING ATTORNEY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

14. (See Note 7)

<table>
<thead>
<tr>
<th>SERVICE MEMBER'S LAST NAME &amp; SSN:</th>
<th>DATE OF COMMANDER'S OFFER:</th>
</tr>
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</table>
RIGHTS OF MEMBER

1. You have all the rights specified in Article 15 of the Uniform Code of Military Justice (UCMJ), in part V of the Manual for Courts-Martial (MCM) and in Air Force Instruction (AFI) 51-202, Nonjudicial Punishment. These rights are summarized below:

   a. You have the right to consult a lawyer before making any decisions, and a lawyer may assist you throughout the proceedings. A military defense counsel is available to advise you, free of charge, or you may retain civilian counsel at your own expense.

   b. You have the right (1) to accept nonjudicial proceedings under Article 15, UCMJ, in which case your commander (or the commander to whom this action is sent) will decide whether you committed the alleged offense, or (2) to demand trial by court-martial which requires proof of guilt beyond a reasonable doubt. You have 3 duty days to make this decision, unless you request an extension of time and the commander grants the extension. Your acceptance of nonjudicial punishment proceedings is not an admission that you committed the alleged misconduct. The commander will make that decision only after you present your evidence or statement in defense, if you choose to do so.

   c. If you demand trial by court-martial, charges could be referred for trial by a special or general court-martial. You have a right to be represented by counsel at a court-martial. You have additional rights at a trial by court-martial which you should ask your lawyer to explain.

   d. You have the right to examine the evidence against you before you make any decisions. Your lawyer may assist you in making a statement and/or obtaining evidence in your defense, and for use in exculpation and mitigation.

   e. If you accept nonjudicial punishment proceedings, you have the right (1) to make a full oral and/or written presentation to the commander (or a designee, in some cases) who will decide your punishment, (2) to present witnesses who are reasonably available, and (3) to be accompanied by someone to speak on your behalf. You may request the proceeding be open or closed to the public, but the commander makes the decision.

   f. You do not have to make any oral or written statement regarding the offense(s) of which you are accused and any statement made may be used as evidence against you in a later proceeding. See Article 31b, UCMJ.

2. If the commander imposes punishment, you have 5 calendar days to appeal to the next superior commander. You have the right to consult with a lawyer before deciding whether to appeal and to assist you in your appeal. In your appeal, you may present additional written matters.

Note 1: If a personal appearance is made to someone other than the commander who will impose punishment, that person sends, by separate endorsement, a summary of the appearance and copies of all documents presented, to the imposing commander.

Note 2: The date and time in item 1e must be a minimum of 3 duty days (including weekends and holidays if normally scheduled duty days for the member) from the date and time the member is notified in item 2.

Note 3: The initiating commander may direct a subordinate, senior to the member, when practicable, to notify and serve the member. The person serving the member, whether the commander or subordinate, signs and annotates the date and time of service.

Note 4: The date and time in item 4c must be a minimum of 5 calendar days from the date and time the member is notified in item 5.

Note 5: If the imposing commander grants less than the full relief requested, the commander must forward the appeal to the appellate authority through the servicing Staff Judge Advocate. See AFI 51-202, paragraph 4.6, for further guidance.

Note 6: See AFI 36-2907, Unfavorable Information File (UIF) Program, for further guidance.

Note 7: A continuation page may be used if necessary. Identify the information by the item number.

MAXIMUM PERMISSIBLE PUNISHMENTS

1. If the commander imposing punishment is:

   a. Lieutenant Colonel or above: Forfeiture of one-half month’s pay per month for two months, 60 days restriction, 45 days extra duty, 30 days correctional custody, a reprimand, and reduction of one grade; E-4 and below may be reduced to E-1.

   b. Major: Forfeiture of one-half month’s pay per month for two months, 60 days restriction, 45 days extra duty, 30 days correctional custody, a reprimand, and reduction of one grade for E-5; E-4 and below may be reduced to E-1.

   c. Lieutenant or Captain: Forfeiture of 7 days pay, 14 days restriction, 14 days extra duty, 7 days correctional custody, a reprimand, and reduction of one grade for E-5 and below only.

2. Restriction and extra duties may be combined to run concurrently, but the combination may not exceed the maximum imposable for extra duties. Correctional custody may not be imposed in combination with restriction or extra duties. If reduction is imposed, forfeiture of pay is based on the grade to which the member was reduced, even if the reduction was suspended. See Part V, MCM, for additional guidance.

STATEMENT OF UNDERSTANDING REGARDING RECoupMENT OF EDUCATION ASSISTANCE, SPECIAL PAY, OR BONUSES

I understand that the Air Force may be entitled to recoup a portion of education assistance, special pay, or bonus money which I received, if any, if I separate before completing the period of active duty I agreed to serve. I understand this recoupment applies regardless whether I voluntarily separate or I am involuntarily discharged. I further understand: (1) the recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to me, as the unserved portion of active duty bears to the total period of active duty I agreed to serve; and (2) that if I dispute that I am indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.
# RECORD OF NONJUDICIAL PUNISHMENT PROCEEDINGS (TSgt thru CMSgt)

TO (Name, Rank, Organization, SSN, and Major Command of Service Member)  

## 1. Offer of Nonjudicial Punishment.
- **a.** (Commander initials one block):
  1. I am considering whether I should punish you under Article 15, Uniform Code of Military Justice (UCMJ).
  2. I am considering whether I should recommend that you be punished under Article 15, UCMJ. (See Note 1)
- **b.** Your alleged misconduct is in violation of the punitive Article(s) of the UCMJ as listed in item 16.
- **c.** You have the rights listed on Page 3 under "Rights of Member," including the right to consult a lawyer before making any decision, and to have a lawyer assist you throughout the proceedings. You have an appointment scheduled with the Area Defense Counsel, in bldg _______________________, at ______________ (time), ______________ (date). ADC consultation is not mandatory and if you choose not to consult Defense Counsel, you should cancel the scheduled appointment.
- **d.** If you accept nonjudicial punishment proceedings and are found to have committed one or more of the offenses alleged, the maximum punishment the commander taking action may impose on you is listed on Page 3.
- **e.** You will notify me of your decision by ______________ (time), ______________ (date) unless I grant you an extension of time. (See Note 2)

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<tr>
<th>NAME/RANK/ORGANIZATION OF COMMANDER</th>
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<th>DATE</th>
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## 2. Service.

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION PERSON SERVING MEMBER (See Note 3)</th>
<th>SIGNATURE</th>
<th>TIME SERVED</th>
<th>DATE SERVED</th>
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</thead>
</table>

## 3. Member’s Acknowledgement and Elections.

I understand the rights listed on Page 3 of this form and acknowledge the recoupment statement on Page 3. (Member initials one block on each line)

- **a.** I have consulted a lawyer.
- **b.** I waive my right to court-martial and accept nonjudicial punishment proceedings.
- **c.** I have attached a written presentation.
- **d.** I request a personal appearance before you and that it be public.

<table>
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<tr>
<th>NAME/RANK OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>TIME</th>
<th>DATE</th>
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</table>

## 4. Commander’s Decision.

- **a.** I have considered the evidence, including any matters you have presented, and find that: (Commander initials all appropriate blocks)
  1. Nonjudicial punishment is not appropriate or you did not commit the offense(s) alleged. I hereby terminate these proceedings.
  2. You committed one or more of the offenses alleged. I found out and initiated the offense(s), if any, for which I determined nonjudicial punishment is not appropriate or which you did not commit. I hereby impose punishment as listed in item 16.
  3. I will consider placing this record of nonjudicial punishment in your Senior NCO Selection Folder (SNCOSF) or forwarding it to a senior review authority who will make the final decision. You may submit a statement of rebuttal, mitigation, or circumstances to be considered. You have until ____________ (5 calendar days from receipt) to submit matters for my consideration. (See Note 4)
- **b.** Reductions in grade, forfeitures in pay, and suspensions of any punishment are effective immediately. All other punishments take effect when you are notified of the punishment, unless otherwise stated.
- **c.** You must notify me by ______________ (time), ______________ (date) whether you appeal, unless I grant you an extension of time.

You are entitled to advice of counsel in making this decision. You must notify me of your appeal decision and submit any matters you wish considered within the time provided or your right to appeal is waived. Any documents supporting your appeal must be submitted at the same time you make your appeal decision. A decision not to appeal is final. (See Note 5)

<table>
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<tr>
<th>NAME/RANK/ORGANIZATION OF COMMANDER</th>
<th>SIGNATURE</th>
<th>DATE</th>
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## 5. Member’s Acknowledgement.

I acknowledge receipt of the punishment, my right to appeal, and the SNCO Selection Folder notification.

<table>
<thead>
<tr>
<th>NAME/RANK OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>TIME</th>
<th>DATE</th>
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</table>

PREVIOUS EDITIONS ARE OBSOLETE
6. Member's Elections on Appeal and Senior Noncommissioned Officer Selection Folder Notification. Member’s decision ends the time limit to appeal and to submit matters on SNCO Selection Folder (SNCSOF).
   a. I do not appeal.
   b. I appeal and submit matters in writing.
   c. I appeal and do not submit matters in writing.

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<thead>
<tr>
<th>NAME/RANK OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>TIME</th>
<th>DATE</th>
</tr>
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</table>

7. Commander Action on Appeal.
   After considering all matters presented in your appeal, I hereby
   a. deny your appeal;  
   b. grant your appeal;
   c. grant your appeal in part, as shown in Item 16. 

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION OF COMMANDER</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

8. Appellate Authority Action on Appeal.
   After considering all matters presented in your appeal, I hereby
   a. deny your appeal;  
   b. grant your appeal;
   c. grant your appeal in part, as shown in Item 16.

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION OF APPELLATE AUTHORITY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

9. Commander Action on Senior NCO Selection Folder.
   After considering all matters you have presented, I have determined this action will be filed in your Senior NCO Selection Folder; will not be filed in your Senior NCO Selection Folder; and will be forwarded to ___ for review.

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION OF REVIEWING AUTHORITY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

10. Reviewing Authority Action on Senior NCO Selection Folder.
    I have determined this action will be filed in your Senior NCO Selection Folder; will not be filed in your Senior NCO Selection Folder.

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<tr>
<th>NAME/RANK/ORGANIZATION OF REVIEWING AUTHORITY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

    This action will be filed in the Member's UIF; will not be filed in the Member's UIF. (See Note 7)

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<tr>
<th>NAME/RANK/ORGANIZATION OF REVIEWING ATTORNEY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

12. Member's Acknowledgement.
    I have been informed of the UIF and SNCSOF decisions. I have seen the action taken on any appeal.

<table>
<thead>
<tr>
<th>NAME/RANK OF SERVICE MEMBER</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
</table>

13. Servicing SJA Legal Review.
    Record is legally sufficient and the action is final.

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION OF REVIEWING ATTORNEY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

14. MPF and AFO Distribution.
    Copy received by MPF on __________ and AFO on __________.

<table>
<thead>
<tr>
<th>(date/initials)</th>
<th>(date/initials)</th>
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</table>

15. GCMCA SJA Administrative Supervisory Review.
    Record is in compliance with AFI 51-202 and Part V, MCM.

<table>
<thead>
<tr>
<th>NAME/RANK/ORGANIZATION OF REVIEWING ATTORNEY</th>
<th>SIGNATURE</th>
<th>DATE</th>
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</table>

16. (See Note 8)
RIGHTS OF MEMBER

1. You have all the rights specified in Article 15 of the Uniform Code of Military Justice (UCMJ), in part V of the Manual for Courts-Martial (MCM) and in Air Force Instruction (AFI) 51-202, Nonjudicial Punishment. These rights are summarized below:
   a. You have the right to consult a lawyer before making any decisions, and a lawyer may assist you throughout the proceedings. A military defense counsel is available to advise you, free of charge, or you may retain civilian counsel at your own expense.
   b. You have the right (1) to accept nonjudicial proceedings under Article 15, UCMJ, in which case your commander (or the commander to whom this action is sent) will decide whether you committed the alleged offense, or (2) to demand trial by court-martial which requires proof of guilt beyond a reasonable doubt. You have 3 duty days to make this decision, unless you request an extension of time and the commander grants the extension. Your acceptance of nonjudicial punishment proceedings is not an admission that you committed the alleged misconduct. The commander will make that decision only after you present your evidence or statement in defense, if you choose to do so.
   c. If you demand trial by court-martial, charges could be referred for trial by a special or general court-martial. You have a right to be represented by counsel at a court-martial. You have additional rights at a trial by court-martial which you should ask your lawyer to explain.
   d. You have the right to examine the evidence against you before you make any decisions. Your lawyer may assist you in making a statement and/or obtaining evidence in your defense, and for use in extenuation and mitigation.
   e. If you accept nonjudicial punishment proceedings, you have the right (1) to make a full oral and/or written presentation to the commander (or a designee, in some cases) who will decide your punishment, (2) to present witnesses who are reasonably available, and (3) to be accompanied by someone to speak on your behalf. You may request the proceeding be open or closed to the public, but the commander makes the decision.
   f. You do not have to make any oral or written statement regarding the offense(s) of which you are accused and any statement made may be used as evidence against you in a later proceeding. See Article 31b, UCMJ.

2. If the commander imposes punishment, you have 5 calendar days to appeal to the next superior commander. You have the right to consult with a lawyer before deciding whether to appeal and to assist you in your appeal. In your appeal, you may present additional written matters.

Note 1: If a personal appearance is made to someone other than the commander who will impose punishment, that person sends, by separate indorsement, a summary of the appearance and copies of all documents presented, to the imposing commander.

Note 2: The date and time in item 1e must be a minimum of 3 duty days (including weekends and holidays if normally scheduled duty days for the member) from the date and time the member is notified in item 2.

Note 3: The initiating commander may direct a subordinate, senior to the member, when practicable, to notify and serve the member. The person serving the member, whether the commander or subordinate, signs and annotates the date and time of service.

Note 4: See AFI 36-2608, Military Personnel Records System, for further guidance concerning filing the Record of Nonjudicial Punishment in the appropriate selection record.

Note 5: The date and time in item 4c must be a minimum of 5 calendar days from the date and time the member is notified in item 5.

Note 6: If the imposing commander grants less than the full relief requested, the commander must forward the appeal to the appellate authority through the servicing Staff Judge Advocate. See AFI 51-202, paragraph 4.6, for further guidance.

Note 7: See AFI 36-2907, Unfavorable Information File (UIF) Program, for further guidance.

Note 8: A continuation page may be used if necessary. Identify the information by the item number.

MAXIMUM PERMISSIBLE PUNISHMENTS

1. If the commander imposing punishment is a:
   a. Lieutenant Colonel or above: Forfeiture of one-half month's pay per month for two months, 60 days restriction, 45 days extra duty, 30 days correctional custody, a reprimand, and reduction of one grade; E-8 and E-9 may be reduced one grade only by a commander who has promotion authority to those grades.
   b. Major: Forfeiture of one-half month's pay per month for two months, 60 days restriction, 45 days extra duty, 30 days correctional custody, a reprimand, and reduction of one grade for E-6. A Major may not impose NJP on an E-8 or E-9.
   c. Lieutenant or Captain: Forfeiture of 7 days pay, 14 days restriction, 14 days extra duty, 7 days correctional custody, and a reprimand. A Lieutenant or Captain may not impose NJP on an E-8 or E-9.

2. Restriction and extra duties may be combined to run concurrently, but the combination may not exceed the maximum imposable for extra duties. Correctional custody may not be imposed in combination with restriction or extra duties. If reduction is imposed, forfeiture of pay is based on the grade to which the member was reduced, even if the reduction was suspended. See Part V, MCM, for additional guidance.

STATEMENT OF UNDERSTANDING REGARDING RECOVERY OF EDUCATION ASSISTANCE, SPECIAL PAY, OR BONUSES

I understand that the Air Force may be entitled to recoup a portion of education assistance, special pay, or bonus money which I received, if any, if I separate before completing the period of active duty I agreed to serve. I understand this recoupment applies regardless whether I voluntarily separate or I am involuntarily discharged. I further understand: (1) the recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to me, as the unserved portion of active duty bears to the total period of active duty I agreed to serve; and (2) that if I dispute that I am indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.
1. Offer of Nonjudicial Punishment.
   a. (Commander initials one block):
      (1) I am considering whether I should punish you under Article 15, Uniform Code of Military Justice (UCMJ).
      (2) I am considering whether I should recommend that
          punish you under Article 15, UCMJ. (See Note 1)
   b. Your alleged misconduct is in violation of the punitive Article(s) of the UCMJ as listed in item 14.
   c. You have the rights listed on Page 3 under "Rights of Member", including the right to consult a lawyer before making any decision, and to have a lawyer assist you throughout the proceedings. You have an appointment scheduled with __________________________, the Area Defense Counsel, in bldg __________________________, at __________________________(time), on __________________________(date), the commander taking action may impose on you is listed on Page 3.
   d. If you accept nonjudicial punishment proceedings and are found to have committed one or more of the offenses alleged, the maximum punishment the commander taking action may impose on you is listed on Page 3.
   e. You will notify me of your decision by __________________________(time), __________________________(date) unless I grant you an extension of time.
      (See Note 2)

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2. Service.

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<tr>
<th>NAME/GRADE/ORGANIZATION PERSON SERVING MEMBER (See Note 3)</th>
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3. Member's Acknowledgement and Elections. I understand the rights listed on Page 3 of this form and acknowledge the recoupment statement on Page 3. (Member initials one block on each line)
   a. I have consulted a lawyer. I have not consulted a lawyer.
   b. I waive my right to court-martial and accept nonjudicial punishment proceedings.
   c. I have attached a written presentation. I have not attached a written presentation.
   d. I request a personal appearance before you and that it be public. I do not request a personal appearance before you.

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4. Commander's Decision.
   a. I have considered the evidence, including any matters you have presented, and find that: (Commander initials all appropriate blocks)
      (1) Nonjudicial punishment is not appropriate or you did not commit the offense(s) alleged. I hereby terminate these proceedings.
      (2) You committed one or more of the offenses alleged. I lined out and initialed the offense(s), if any, for which I determined nonjudicial punishment is not appropriate or which you did not commit. I hereby impose punishment as listed in item 14.
      (3) I will consider placing this record of nonjudicial punishment in your Officer Selection Record or forwarding it to a senior review authority who will make the final decision. You may submit a statement of rebuttal, mitigation, or circumstances to be considered. You have until [5 duty days from receipt] to submit matters for my consideration. (See Note 4)
   b. Forfeitures in pay, and suspensions of any punishment are effective immediately. All other punishments take effect when you are notified of the punishment, unless otherwise stated.
   c. You must notify me by __________________________(time), __________________________(date) whether you appeal, unless I grant you an extension of time. You are entitled to advice of counsel in making this decision. You must notify me of your appeal decision and submit any matters you wish considered within the time provided or your right to appeal is waived. Any documents supporting your appeal must be submitted at the same time you make your appeal decision. A decision not to appeal is final. (See Note 5)

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5. Member's Acknowledgement. I acknowledge receipt of the punishment, my right to appeal, and the SDR Notification.

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6. Member's Appeal Decision. *(Member initials one block)* Member's decision ends the time limit to appeal.
   a. [ ] I do not appeal.
   b. [ ] I appeal and submit matters in writing.
   c. [ ] I appeal and do not submit matters in writing.

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7. Commander Action on Appeal. *(Commander initials one block)* After considering all matters presented in your appeal, I hereby
   [ ] deny your appeal;  [ ] grant your appeal, as shown in item 14. *(See Note 8)*

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8. Appellate Authority Action on Appeal. *(Appellate authority initials one block)* After considering all matters presented in your appeal, I hereby
   [ ] deny your appeal;  [ ] grant your appeal, as shown in item 14.

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<tr>
<th>NAME/GRADE/ORGANIZATION OF APPELLATE AUTHORITY</th>
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9. Commander Action on Officer Selection Record and Unfavorable Information File (UIF) *(Commander initials all appropriate blocks)* After
   considering all matters you have presented, I have determined this action [ ] will be filed in your Officer Selection Record;  [ ] will not be filed in your Officer Selection Record;  [ ] will be forwarded to ________________ for review. This action will be filed in your UIF. *(See Note 7)*

10. Member's Acknowledgement I have been informed of the UIF and OSR decisions. I have seen the action taken on any appeal.

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11. Servicing SJA Legal Review. Record is legally sufficient and the action is final.

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12. MPF and AFO Distribution. Copy received by MPF on ________________________ and AFO on ________________________
    *(date/initials)  *(date/initials)*

13. GCMCA SJA Administrative Supervisory Review. Record is in compliance with AFI 51-202 and Part V, MCM.

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<tr>
<th>NAME/GRADE/ORGANIZATION OF REVIEWING ATTORNEY</th>
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14. *(See Note 6)*

SERVICE MEMBER'S LAST NAME & SSN:  

DATE OF COMMANDER'S OFFER:  

AF FORM 3070C 20070307  

PREVIOUS EDITIONS ARE OBSOLETE.  

Page 2 of 3
RIGHTS OF MEMBER

1. You have all the rights specified in Article 15 of the Uniform Code of Military Justice (UCMJ), in part V of the Manual for Courts-Martial (MCM) and in Air Force Instruction (AFI) 51-202, Nonjudicial Punishment. These rights are summarized below:
   a. You have the right to consult a lawyer before making any decisions, and a lawyer may assist you throughout the proceedings. A military defense counsel is available to advise you, free of charge, or you may retain civilian counsel at your own expense.
   b. You have the right (1) to accept nonjudicial proceedings under Article 15, UCMJ, in which case your commander (or the commander to whom this action is sent) will decide whether you committed the alleged offense, or (2) to demand trial by court-martial which requires proof of guilt beyond a reasonable doubt. You have 3 duty days to make this decision, unless you request an extension of time and the commander grants the extension. Your acceptance of nonjudicial punishment proceedings is not an admission that you committed this alleged misconduct. The commander will make that decision only after you present your evidence or statement in defense, if you choose to do so.
   c. If you demand trial by court-martial, charges could be referred for trial by summary, special or general court-martial. You have a right to be represented by counsel at a court-martial. You may not be tried by summary court-martial over your objection. You have additional rights at a trial by court-martial which you should ask your lawyer to explain.
   d. You have the right to examine the evidence against you before you make any decisions. Your lawyer may assist you in making a statement and/or obtaining evidence in your defense, and for use in extermination and mitigation.
   e. If you accept nonjudicial punishment proceedings, you have the right (1) to make a full oral and/or written presentation to the commander (or a designee, in some cases) who will decide your punishment, (2) to present witnesses who are reasonably available, and (3) to be accompanied by someone to speak on your behalf. You may request the proceeding be open or closed to the public, but the commander makes the decision.
   f. You do not have to make any oral or written statement regarding the offense(s) of which you are accused and any statement made may be used as evidence against you in a later proceeding. See Article 31b, UCMJ.

2. If the commander imposes punishment, you have 3 calendar days of appeal to the next superior commander. You have the right to consult with a lawyer before deciding whether to appeal and to assist you in your appeal. In your appeal, you may present additional written matters.

Note 1: If a personal appearance is made to someone other than the commander who will impose punishment, that person sends, by separate indorsement, a summary of the appearance and copies of all documents presented, to the imposing commander.

Note 2: The date and time in item 1c must be a minimum of 3 duty days (including weekends and holidays if normally scheduled duty days for the member) from the date and time the member is notified in item 2.

Note 3: The initiating commander may direct a subordinate, senior to the member, when practicable, to notify and serve the member. The person serving the member, whether the commanding or subordinate, signs and annotates the date and time of service.

Note 4: See AFI 36-2608, Military Personnel Records System, for further guidance concerning filing the Record of Nonjudicial Punishment in the appropriate selection record.

Note 5: The date and time in item 4c must be a minimum of 5 calendar days from the date and time the number is notified in item 5.

Note 6: If the imposing commander grants less than the full relief requested, the commander must forward the appeal to the appellate authority through the servicing Staff Judge Advocate. See AFI 51-202, paragraph 4.6, for further guidance.

Note 7: Nonjudicial punishment action is mandatory UIF entry for officers. See AFI 36-2907, Unfavorable Information File (UIF) Program, for further guidance.

Note 8: A continuation page may be used if necessary. Identify the information by the item number.

MAXIMUM PERMISSIBLE PUNISHMENTS

1. If the commander imposing punishment is a:
   a. General Officer or General Court-Martial Convening Authority and you are an Officer: Forfeiture of one-half month’s pay per month for two months, 60 days restriction, 30 days arrest in quarters, and a reprimand.
   b. Colonel and you are an officer: 30 days restriction and a reprimand.

STATEMENT OF UNDERSTANDING REGARDING RECOUPMENT OF EDUCATION ASSISTANCE, SPECIAL PAY, OR BONUSES

I understand that the Air Force may be entitled to recoup a portion of education assistance, special pay, or bonus money which I received, if any, if I separate before completing the period of active duty I agreed to serve. I understand this recoupment applies regardless whether I voluntarily separate or I am involuntarily discharged. I further understand: (1) the recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to me, as the unserved portion of active duty bears to the total period of active duty I agreed to serve; and (2) that if I dispute that I am indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of indebtedness.
Appendix D
Nonjudicial Punishment Proceedings Script

Appendix terms defined
CDR: Any Commander authorized to perform an Article 15 reading.
SM: Service Member who is receiving the Article 15.
NOTIFICATION
(INITIAL HEARING)

CDR: As your commander, I have disciplinary powers under the Nonjudicial Punishment Regulation authorized by Alaska Statute 26.05.380. I have received a report that you violated the Alaska Code of Military Justice, and I am considering imposing nonjudicial punishment. This is not a formal trial like a court-martial. As a record of these proceedings I will use AKNG 2627/AF 3070.

Note: Hand Service Member the form.

CDR: I am considering whether you should be punished for the following misconduct:

   a. Violation of alpha...
   b. Violation of bravo...

CDR: Do you understand the offense(s) you are reported to have committed?

SM: Yes/No

CDR: You have certain rights in this proceeding. These rights are:

   a. The right to refuse Article 15 proceedings and demand trial by court-martial. If you demand a trial by court-martial, the trial could be a Summary, Special, or General Court-Martial. You may object to trial by Summary Court-Martial. At a Special or General Court-Martial, you are entitled to be represented by a qualified military defense counsel, or by civilian counsel at no expense to the government. Note: If the Soldier is attached to or embarked on a vessel, he or she is not permitted to refuse Article 15 proceedings.
   b. The right to request an open of closed hearing.
   c. The right to request a person to speak on your behalf.
   d. The right to invoke your 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 you make a statement, that statement may be used as evidence in a later trial by court-martial.
   e. The right to present matters in defense, extenuation, or mitigation.
   f. The right to discuss the Article 15 and its proceedings with an attorney in private before making these elections.
   g. The right to appeal the findings and punishment to the next superior authority.

CDR: Do you have any questions about your rights in these proceedings?

SM: Yes/No.

CDR will now give general guidance concerning applicable rules for the hearing.

CDR: The following information is provided to assist you in making a decision on this proceeding:

If you demand a court-martial these proceedings will stop. I then will have to decide whether to initiate court-martial proceedings against you. If you were to be tried by court-martial for the offense(s) alleged against you, you could be tried by summary court-martial, special court-martial, or general court-martial. If you were to be tried by special or general court-martial you would be able to be represented by a military lawyer appointed at no expense to you or by a civilian lawyer of your choosing at no expense to the Government. However, unlike a nonjudicial punishment proceeding, if found guilty at court-martial you may receive a sentence of confinement or punitive discharge.
If you do not demand trial by court-martial, you must then decide whether you want to present witnesses or submit other evidence in defense, extenuation, and/or mitigation. Your decision not to demand trial by court-martial will not be considered as an admission that you committed the offense(s); you can still submit evidence on your behalf.

Evidence in defense are facts showing that you did not commit the offense(s). Even if you cannot present any evidence in defense, you can still present evidence in extenuation or mitigation. Evidence in extenuation are circumstances surrounding the offense showing that the offense was not very serious. Evidence in mitigation are facts about you showing that you are a good Service Member and that you deserve light punishment.

You can make a statement and request to have a spokesperson appear with you and speak on your behalf. I will interview any available witnesses and consider any evidence you think I should examine.

Finally, you must decide whether you wish to request that the proceedings be open or closed to the public.

CDR: Do you understand what you must do?

SM: Yes/No.

CDR: If you do not demand trial by court-martial and after you have presented your evidence, I am convinced that you committed the offense, I could then punish you. The maximum punishment I could impose on you would be: ___________________________. You should compare this punishment with the punishment you could receive in a court-martial.

Note: If the Service Member requests to be informed of the maximum court-martial sentence you may state the following:

CDR: The maximum sentence you could receive in a court-martial is (sentence) for the offense(s).

CDR: You have a right to talk to an attorney before you make your decisions. A military lawyer whom you can talk to free of charge is located at __________________________. Would you like to talk to an attorney before you make your decisions?

SM: Yes/No.

CDR: You now have _____ calendar days (# of UTA’s) to think about what you should do in this case. You may advise me of your decision at any time within that period. If you do not make a timely demand for trial or if you refuse to sign that part of the form indicating your decision on these matters, I can continue with these nonjudicial punishment proceedings even without your consent.

CDR: Do you have any questions for me before you are dismissed?

SM: Yes/No.

CDR: You are dismissed.
HEARING
(SECOND HEARING)

CDR: Do you demand trial by court-martial?

SM: Yes/No.

*If Service Member says: YES*
CDR: Please initial, sign, and date the appropriate boxes on the form. Because you have demanded trial by court-martial, these proceedings will stop. I now must decide whether to initiate court-martial proceedings against you. I will notify you when I have reached a decision. You are dismissed.

*OR*
*If Service Member says: NO*
CDR: An open hearing means that the proceeding is open to the public. If the hearing is closed, only you, designated Service Members of the chain of command, available witnesses, a spokesperson, if designated, and I, will be present. Do you request an open hearing?

SM: Yes/No.

CDR: Do you wish to be accompanied by a spokesperson?

SM: Yes/No.

CDR: Please initial the appropriate blocks indicating your decisions. Do you want to submit any evidence showing that you did not commit the offense(s), or explaining why you committed the offense(s), or any other information about yourself that you would like me to know?

SM: Yes/No.

CDR: Do you wish to have any witnesses testify, including those who would testify about your good past military record or character?

SM: Yes/No.

CDR: Now initial the appropriate block indicating your decision, and sign and date the form in the space provided under that item. You are dismissed.

*Note: Commander considers the evidence.*

ANNOUNCEMENT OF FINDING(S)

CDR: I have considered all the evidence and hereby make the following finding: *(Announce Finding.)*

IMPOSITION OF PUNISHMENT(S)

CDR: Based on my findings, I impose the following punishments that are officially recorded on this form. *(Announce Punishment.)*

*Note: After you have imposed punishment, complete the form and write in the punishments imposed in the appropriate block of the form.*

*Note: You must now make a filing decision. Check appropriate box on the form.*
APPELLATE ADVICE

CDR: Have you read the punishment I have just imposed on you?

SM: Yes/No.

CDR: I will now point out what rights of appeal you have with regards to this punishment. You have the right to appeal the punishment(s) imposed to (title and organization of next superior authority). You can appeal if you believe that you should not have been punished at all, or that the punishment is too severe. Any appeal should be submitted within ______ calendar days (# of UTA’s). An appeal submitted after that time may be rejected. Even if you appeal, the punishment is effective today (unless the imposing commander sets another date). Once you submit your appeal, it must be acted upon by (title and organization of next superior) within ______ calendar days (# of UTA’s), excluding the day of submission. Otherwise, any punishment involving deprivation of liberty (restriction or extra duty), at your request, will be interrupted pending the decision on the appeal.

CDR: Do you understand your right to appeal?

SM: Yes/No.

CDR: Do you wish to speak with a lawyer, such as a Judge Advocate, before deciding whether or not you want to appeal?

SM: Yes/No.

CDR: Do you desire to appeal?

SM: Yes/No.

If Service Member says: NO

CDR: If you do not want to appeal, initial appropriate block and sign the form. You will be dismissed.

If Service Member says: YES

CDR: Do you want to submit any additional matters to be considered in an appeal?

SM: Yes/No.

If Service Member says: NO

CDR: Initial the appropriate block and sign the form. I will notify you when I learn what action has been taken on your appeal. You are dismissed.

If Service Member says: YES

CDR: If you have these additional materials with you, provide them to me now. Complete the item regarding election of appellate rights, and I will send the form and the additional matters you submit to (title and organization of next superior authority). Remember that the punishment will not be delayed. If you intend to appeal and do not have the additional matters with you, you may submit those additional materials to me by (specify later date) and I will give them to (title and organization of next superior authority).

You are dismissed.
TO: Bill Walker  
Governor

FROM: Laurie Hummel  
Commissioner

DATE: August 18, 2016

SUBJECT: HB 126 Nonjudicial Punishment Regulation

In accordance with Alaska Statute 26.05.380, I request your approval of the attached Alaska National Guard Nonjudicial Punishment Regulation. This regulation complies with HB 126 (Alaska Code of Military Justice). The Office of Law has reviewed the regulation and has no objections. The regulation complies as close as practicable to the regulations of the Army and Air Force of the United States for nonjudicial punishment.

Bill Walker

Approve

11/18/16

Date

Disapprove