

Article 15

Nonjudicial punishment proceedings are known by different terms among the services. In the U.S. Army and U.S. Air Force it is referred to as Article 15; in the Marine Corps it is called office hours; the U.S. Navy and U.S. Coast Guard call nonjudicial punishment captain's mast or admiral's mast. No matter what it is called, it is a difficult and confusing time for any service member. Nonjudicial punishment in the United States military is a form of military discipline authorized by Article 15 of the Uniform Code of Military Justice. The receipt of nonjudicial punishment does not constitute a criminal conviction. Depending on the level from which the punishment was authorized it will be a mark on your service record temporarily or permanently. Because it is included in your service record, it is a public record. A service member can be denied a commission if there is a nonjudicial punishment on their record. The process for a nonjudicial punishment is governed by Part V of the Manual for Courts-Martial and by each service branch's regulations. Procedure

A service member must be notified, prior to the nonjudicial punishment hearing, by the commander of the commander's intention to impose nonjudicial punishment, the nature of the misconduct alleged, supporting evidence and a statement of the accused's rights under the UCMJ. All service members, except those embarked or attached to a vessel, have a right to refuse nonjudicial punishment and request a court-martial. If the accused does not accept the nonjudicial punishment, the nonjudicial punishment hearing will be terminated and a decision will be made as whether to proceed with a court-martial. If the service member accepts nonjudicial punishment, the accused, or a representative (who may be anyone including a civilian attorney, an NCO, or anyone else that you wish to have on your behalf and who is willing to help you), may attend the hearing to present evidence. The commander must consider any information offered during the hearing, and must be personally convinced that the member committed misconduct before imposing punishment. The commanding officer in charge must decide that the accused committed the offense(s) by a preponderance of the evidence. Punishments

Maximum penalties depend on the rank of the accused and that of the officer imposing punishment. Disciplinary Process For Officers Accused of Misconduct:

If the officer imposing punishment holds General Court Martial authority, or a commanding officer of the grade O-7 or greater:

Arrest in quarters: not more than 30 days.

Restriction to limits: not more than 60 days.

Forfeiture of pay: not more than ½ of one month's pay per month for two months.

Admonition or reprimand.

By Commanding Officers of the grades O-4 to O-6:

Restriction to limits: not more than 30 days.

Admonition or reprimand.

By Commanding Officers of the grades O-1 to O-3

Restriction to limits: not more than 15 days.

Admonition or reprimand.

By Officers in Charge

No nonjudicial punishment authority over Officers.

For Enlisted Members Accused of Misconduct: Field Grade officers (O-4 to O-6) may impose:

Restriction to specific limits (normally place of duty, barracks, place of worship, mess hall, and medical facilities) for not more than 60 days

Extra duties, including fatigue or other duties, for not more than 45 days

Restriction with extra duties for not more than 45 days

Correctional Custody for not more than 30 days (only if accused is in the grades E-3 and below)

Forfeiture of one half of base pay for two months

Reduction by one (NCO below E-6 in USMC or E-7 otherwise) or more grades.

Confinement on diminished rations or bread and water for not more than 3 days (USN and USMC E-3 and below only, and only when embarked on a vessel)

Admonition or reprimand, either written or verbal.

Company Grade officers (O-3 or below) and commissioned OIC may impose:

Restriction to specific limits (normally work, barracks, place of worship, mess hall, and medical facilities) for not more than 14 days

Extra duties, including fatigue or other duties, for not more than 14 days

Restriction with extra duties for not more than 14 days

Correctional Custody for not more than 7 days (only if accused is in the grades E-3 and below)

Forfeiture of 7 days pay

Reduction by one grade, if original rank in promotion authority of imposing officer. Not imposable on E-6 or above for USMC, or E-7 or above for other services

Confinement on diminished rations or bread and water for not more than 3 days (USN and USMC E-3 and below only, and only when embarked on a vessel)

Admonition or reprimand, either written or verbal.

Appeal

An appeal is available for the service member after the disposition of a nonjudicial punishment. The service member has 5 days to appeal the decision after its rendering. There are three grounds for appeal: There was not enough evidence to find the service member guilty.

The punishment imposed was too severe for the offense.

The commander did not follow the law or regulations during the nonjudicial punishment proceedings.

The appeal authority may set aside the punishment, decrease its severity, or deny the appeal, but may not increase the severity of the punishment. Knowing your rights and responsibilities can make a large difference in the outcome of any non-judicial punishment proceeding. If you are facing non-judicial punishment call one of our attorneys at the service members law firm of Tully Rinckey PLLC at 703-525-4700. Our military attorneys are ready and waiting to aggressively defend you during your greatest time of legal need.

Contact us during normal business hours via Skype

. Click on the image above to schedule a time to speak with an attorney.