

**RECORD OF NONJUDICIAL PUNISHMENT PROCEEDINGS <sup>1</sup>**

For use of this form, see DMAIL Reg 27-1/DMAIL ANG Reg 111-9; the proponent agency is JAG

NAME, GRADE, SSN, AND ORGANIZATION OF SERVICE MEMBER

1. I am considering whether you should be given nonjudicial punishment for the following alleged misconduct: <sup>2</sup>

2. You have the rights listed on the reverse side. Legal counsel is available to further explain these rights to you and help you decide what to do. You may contact:

3. You may elect to have these nonjudicial punishment proceedings conducted by me or by the next superior commander \_\_\_\_\_. If you elect proceedings before the next superior commander, be advised that he/she is authorized to impose a greater maximum punishment than I am authorized to impose. <sup>3</sup>

4. You will notify me of your decision by \_\_\_\_\_, \_\_\_\_\_, unless I grant you an extension. <sup>4</sup>  
 (Time) (Date)

DATE	NAME, GRADE AND ORGANIZATION OF COMMANDER	SIGNATURE
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5. I understand the rights listed on the reverse side. <sup>5</sup>

- I \_\_\_\_\_ have \_\_\_\_\_ have not consulted a lawyer. My decisions are:
- a. \_\_\_\_\_ I elect to have these proceedings conducted by the next superior commander.
  - b. \_\_\_\_\_ I elect to have these proceedings conducted by you.
  - c. (1) I \_\_\_\_\_ do \_\_\_\_\_ do not request a personal appearance.
  - (2) I \_\_\_\_\_ have \_\_\_\_\_ have not attached a written presentation.

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
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6. I have considered any matters you presented in defense, mitigation, or extenuation, and find that you did commit one or more of the offenses alleged. I hereby impose the following punishment: <sup>6,7,8</sup>

7. This punishment is effective immediately unless otherwise stated. You have the right to appeal this punishment, but the punishment will not be stayed pending action on your appeal.

DATE	NAME, GRADE AND ORGANIZATION OF COMMANDER	SIGNATURE
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8. a. \_\_\_\_\_ I do not appeal                      b. \_\_\_\_\_ I appeal and will not submit additional matters  
 c. \_\_\_\_\_ I appeal and will submit additional matters in writing within 10 days.

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
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9. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE
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10. After consideration of all matters presented in your appeal, I have decided that your appeal is: <sup>9,10</sup>  
 \_\_\_\_\_ Denied                      \_\_\_\_\_ Granted as follows:

DATE	NAME, GRADE AND ORGANIZATION OF APPELLATE AUTHORITY	SIGNATURE
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11. I have seen the action taken on my appeal.	DATE	MEMBER'S SIGNATURE
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12. Allied documents and/or comments:

#### NOTES

(See DMAIL Reg 27-1/DMAIL ANG Reg 111-9 for references to Appendices and paragraphs)

1. If additional space is needed, use 8 1/2" x 11" bond sheets, and identify the block expanded by the block number.
2. Insert a concise statement of each offense using the formats in Appendix F. If the space provided in block 1 is insufficient for all the offenses considered, state them in full in a "List of Offenses" appended as Attachment 1.
3. See Table of Maximum Punishments, Appendix D.
4. The commander should give a reasonable period of time considering the complexity of the case and the availability of counsel and potential witnesses. See paragraph 3-4a(4).
5. The member will indicate his or her decisions by initialing the block in front of the option chosen. The member will sign at the bottom of block 5.
6. Offenses determined not to have been committed will be lined out and initialed by the commander. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
7. See Format of Nonjudicial Punishments, Appendix C. Forfeitures of pay will be stated in whole days. If punishment includes a written admonition or reprimand, it will be attached to this form and listed in block 12.
8. Immediately after being informed of the punishment, the member will elect whether or not to appeal by initialing the block in front of the option chosen. The member will then sign at the bottom of block 8. If the member appeals, then this form, all written evidence considered by the imposing commander, any written matters submitted by the member on appeal, and the commander's rebuttal, if any, will be forwarded to the appellate authority. In block 12, indicate the number of pages attached as follows: "Allied documents on appeal consist of \_\_\_\_ pages."
9. Before acting on an appeal, it must be referred to the Staff Judge Advocate for a legal opinion as required by paragraph 3-7d.
10. The appellate authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated. Applicable portions of the following format may be used: "The punishment(s) of \_\_\_\_\_ imposed on (date of punishment) (is) (are) (suspended and will be automatically remitted if not vacated before (date)) (mitigated to \_\_\_\_\_) (remitted) (set aside, and all rights, privileges, and property affected restored)."

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#### RIGHTS

1. In making your decisions regarding nonjudicial punishment, you are entitled to be provided with a brief summary of the information upon which the allegations of misconduct are based or you may request that you or your counsel examine the available statements and evidence.
2. During these nonjudicial punishment proceedings, you are entitled to make a full presentation of your case in writing or in person or both, and your presentation may include matters in defense, mitigation, and/or extenuation. You are entitled to consult with military counsel, and you do not have to give any information or say anything about the offense(s) alleged. If you do decide to give information or say anything, it may be used against you in this action or in any other proceedings.
  - a. If you elect a personal presentation, you may appear before the imposing commander. You are entitled at the hearing to be informed orally or in writing of the evidence against you. You may also be allowed to examine any documents or physical objects on which the commander intends to rely in deciding whether to impose nonjudicial punishment or how much punishment to impose. At a personal appearance: (1) you may present relevant witnesses who are reasonably available and can be presented without legal process (that is, without subpoena or payment of witness fees); (2) you may present other evidence; and (3) you may be accompanied by a person to speak on your behalf; however, there is no requirement that a lawyer be made available to accompany you.
  - b. If you make either a written presentation or personal appearance, the final decisions as to whether to impose nonjudicial punishment and the amount of punishment will be decided only after the imposing commander considers the matters you present.