



# **ARTICLE 15 GUIDE & CHECKLIST**

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## **Article 15 Guide Overview**

Article 15, UCMJ, as contained in the *Manual for Courts-Martial* (2000 edition) (hereinafter MCM), and AFI 51-202, establish the procedures by which nonjudicial punishment is implemented in the United States Air Force. Nonjudicial punishment provides commanders with a prompt and effective means to correct misconduct and thereby maintain good order and discipline. Nonjudicial punishment is designed to promote positive behavior in those members involved in minor (as defined in MCM, Part V, paragraph 1(d)(3)(e)) disciplinary infractions, without carrying the stigma of a court-martial conviction. When an Article 15 is employed swiftly and fairly, it can be one of the commander's most useful tools for maintaining discipline. Paragraphs 1-10 detail the use of nonjudicial punishment from service through appeal. (Included is a useful checklist to aid in the processing of an Article 15.)

Determining what is a minor infraction may be difficult to discern. It would depend on the surrounding circumstances of the alleged offense. For example, an assault could easily warrant a general court-martial. We strongly advise you to consult with the Office of the Staff Judge Advocate as to what would be considered a minor offense.

This Article 15 Guide is intended to aid in the administration of nonjudicial punishment at the base level. This guide is not intended to replace any of the governing directives cited above and it should be used in conjunction with the MCM and AFI. The guide is not intended to be a substitute for the legal advice available from the military justice section of your local base legal office or the specific policy of your individual NAF or MAJCOM. However, if used properly, and in conjunction with the MCM and AFI 51-202, this guide will serve as a reliable reference for general information regarding nonjudicial punishment (NJP) and as a useful tool for addressing unique situations beyond the experience of many local offices. This guide is intended for use by legal office personnel, first sergeants and commanders. Disseminate this product, as you deem necessary. If you have any questions about the information provided in this guide and checklist, do not hesitate to contact the Military Justice section (275-6232) for clarification.

### **1. THE OFFENSE**

The most important step in processing every Article 15 action is the prompt and thorough identification of the facts of every alleged incident. This includes the who, what, where, when, and how of each case. Preservation of key evidence is extremely important at the early stages of any investigation. Information regarding an offense may come to your attention from the Security Forces, OSI, and/or local law enforcement agencies as result of official investigations. Additionally, information may come from non-law enforcement sources such as supervisors, co-workers, or other personnel. While the level of proof is not "beyond a reasonable doubt," this standard is usually applied when looking at the evidence, since the member can request a trial by court-martial. If so, then the "beyond a reasonable doubt" standard will apply.

### **2. COORDINATION WITH THE BASE LEGAL OFFICE (IMPORTANT!)**

After you obtain information and facts concerning an alleged offense, coordinate with the Military Justice section. Legal personnel will need to review copies of all documentation and evidence associated with the alleged offense. The legal office will discuss options available to the commander and make a recommendation. A recommendation may include the need for additional investigation and/or evidence. The commander has the final authority on whether an Article 15 is appropriate. If it is determined that the misconduct warrants an Article 15, he/she will provide our office with an AMJAMS RIP and the base legal office will draft the specifications of the offense(s) and prepare the AF Form 3070, Record of Nonjudicial Punishment.

### **3. SERVICE OF THE ARTICLE 15**

**3.1 Timeliness.** Timeliness is an important factor in the offering of NJP. AFI 51-202, para. 3.2, states that commanders should offer NJP within **10** days (calendar, not duty days) of the Case-Ready Date (“case-ready date” is defined at AFI 51-202, attachment 5), or be able to explain why this was not appropriate. AFI 51-202, para. 3.3.1, directs that **90%** of all NJP actions be offered within 10 days and para. 3.3.2 also requires that **80%** of all NJP actions be completed within **20** days from the date of offer to the date of the servicing SJA’s review. However, striving to meet processing metrics should never infringe upon the due process rights of a member. Nor should the fact that the NJP cannot be offered within the prescribed time frame be used as a basis to forgo NJP action. Commanders should fully evaluate all of the evidence before offering NJP.

**3.2 Serving the Member.** Service of NJP upon a member is completed when the member is informed of the offense(s) alleged and his/her rights associated with the Article 15. Specifically, the member is informed of his/her rights as enumerated on page two of the AF Form 3070. Additionally, the member is informed of the maximum punishment authorized should he/she accept the Article 15.

**3.2.1 The Commander.** The commander offering the Article 15 is required to sign in the block under item 4 on the AF Form 3070 where it indicates “name/rank/organization of commander.” If the individual who actually serves the member is different than the commander who offered the Article 15, this individual should also sign in the block indicating “name of person serving member.”

**3.2.2 Action by a Superior Commander.** If a subordinate commander is recommending that a superior commander punish a member under Article 15 (by completing block 1b on the AF Form 3070), then the member’s submissions should be made to that superior authority. In cases where the member cannot appear before the superior commander, due to distance or unavailability, then the subordinate commander serves the member and receives the member’s presentation, if any. The subordinate commander must then prepare a memo for the superior commander summarizing the presentation. AFI 51-202, para.3.13, provides that except under extraordinary circumstances or when the imposing commander is unavailable, a member is entitled to personally appear before the imposing commander to present appropriate matters.

**3.2.3 Changing Commanders.** If commanders are changed before the NJP proceeding is complete, the member must be informed of the change **and** be given another opportunity to accept NJP or demand trial by court-martial (*See* AFI 51-202, para. 3.10). This procedure also applies if there is a change of superior commanders. Attachment 1 is a sample written notification memorandum.

**3.2.4 The Member's Rights.** The individual serving the NJP upon the member should read him/her the rights as enumerated on page 2 of the AF Form 3070. The member is entitled to receive a copy of the AF Form 3070 and all of the evidence used against him/her. Consult the base legal office before releasing any evidence to ensure compliance with the Privacy Act and to protect law enforcement informants and/or witnesses.

## 4. ELECTION OF RIGHTS

**4.1 Forum Choice.** After the member is served an Article 15, he/she has 3 duty days, (the member's normal duty days which may include Saturdays and Sundays) to decide whether to accept the Article 15 or demand trial by court-martial. This election must be indicated in writing in the appropriate blocks under item 5 of the AF Form 3070 (the member must initial all 5 decisions and sign and date). If the commander receives a timely written request, the 3 day period to respond may be extended for a reasonable time in the commander's discretion.

**4.2 Court-Martial.** If the member elects trial by court-martial, contact the Military Justice section immediately. In the event the Article 15 is turned-down, the commander should be prepared to prefer court-martial charges against the member unless the commander is convinced an offense punishable under the UCMJ did not occur. It should be the rare occurrence where a turned-down Article 15 does not result in the preferral of court-martial charges. Remember that the court-martial charges preferred against the member are in no way limited by the specifications listed in the Article 15. The commander may prefer all or only some of the offenses charged in the Article 15 or additional charges, if supported by the evidence.

**4.3 Accepting the Article 15.** The member's decision to accept NJP must be indicated in the appropriate block under item 5 of the AF Form 3070. Accepting an Article 15 **is not** an admission of guilt, but rather a forum choice. Once NJP is accepted, the member has the right to present matters to the commander either orally, in writing, or both. The member has the right to request that his/her presentation to the commander be public. The member's counsel can participate in the presentation and witnesses can be called. A commander has the right to have an attorney from the base legal office present if he/she chooses. Ensure that the member initials next to the appropriate decisions and signs in the space provided in block 5 of the AF Form 3070. Before speaking to a member about any suspected offense, always advise the member of his/her Article 31(b) rights (this applies during an Article 15 presentation as well). Attachment 2 is a commander's guide to the personal presentation.

## 5. COMMANDER'S DECISION

Because acceptance of an Article 15 is not an admission of guilt, the commander must determine whether or not the member committed any or all of the offenses charged. The commander must indicate this decision in item 6 of the AF Form 3070. The commander can only reach this decision after weighing all of the evidence, including evidence presented by the member or his counsel in extenuation or mitigation. While no specific standard of proof applies to any phase of the NJP proceedings, the commander should recognize that the member is entitled to demand trial by court-martial, in which case proof beyond a reasonable doubt by competent evidence is a prerequisite to conviction and punishment. A commander must consider whether such proof is available before initiating the Article 15 or deciding upon a member's guilt (*See* AFI 51-202, para. 3.4). A commander may also withdraw an Article 15 after it has been offered if he/she determines that an offense did not occur, or a lesser form of punishment is warranted. (Consult with your servicing legal office before withdrawing an Article 15).

## **6. IMPOSING PUNISHMENT**

**6.1 Imposition.** Imposition of punishment is a command decision and cannot be delegated. Further, unless it is impractical due to military exigencies, commanders may not proceed with punishment until after consultation with the servicing Staff Judge Advocate (SJA) (*See* AFI 51-202, para. 5.1). The servicing legal office normally will type the commander's punishment decision on page 3 of the AF Form 3070 (*See* Tab 1 for a sample of the wording for various punishments). The commander must sign in the block provided under item 4 on the AF Form 3070, inform the member of the punishment being imposed and of his/her appeal rights, and have the member acknowledge receipt of the action on line 5.

**6.2 Limitations.** Punishment limitations exist with respect to both the grade of the member and the grade of the commander imposing the punishment. Page 2 of the AF Form 3070 lists maximum punishments. Additionally, Tables 1 and 2 in AFI 51-202 set forth punishment limitations. Unsuspended reduction in grade along with forfeiture of pay should be reserved for the most serious offenses (or repeat offenders). Restriction and extra duties may be combined to run concurrently, but the combination may not exceed the maximum possible for extra duties (additionally, extra duty and restriction must run consecutively beginning on the date punishment is imposed). Only a colonel or above can impose an Article 15 on an officer. (*See* MCM, Part V, para. 5). Attachment 3 lists these limitations in a table format for enlisted and officer members.

## **7. WITHDRAWING AN ARTICLE 15 ACTION**

**7.1 Before Member Accepts Article 15.** If, at any point after initiating an Article 15 action but before acceptance by the member, the commander decides that an Article 15 action is unwarranted or inappropriate, it may be withdrawn. *The Adverse Actions section of the legal office should be consulted before the action is withdrawn.*

**7.2 After Member Accepts Article 15.** If the commander withdraws an Article 15 action, the member must be notified. If the commander determines the member is not guilty after the member has accepted the Article 15 action, the commander must initial Block 4a or 4b of the AF Form 3070 and sign in the appropriate block. The entire package must be forwarded to the legal office, as the aborted offer to impose punishment must be added to the legal office database for statistical purposes.

## **8. APPEALS**

**8.1 In General.** Any member punished under Article 15, UCMJ, who considers the punishment unjust or disproportionate has the right to appeal to the next superior authority. If the imposing commander is a squadron commander or a squadron section commander, the appellate authority is the group commander; if the imposing commander is a group commander, the appellate authority is the wing commander, etc. (See AFI 51-202, para. 7, for further discussion of “next superior authority”). If the imposing commander grants the appeal **in full**, there is no need to forward the appeal to the superior authority. If the imposing commander does not grant the appeal in full, the appeal is forwarded to the servicing legal office, with a memorandum from the commander indicating why the appeal was denied and a summary of the member’s presentation, if any. (Atch 4). The legal office can assist the commander in drafting this memorandum, if he or she prefers. Including this memorandum, the servicing legal office will accomplish a written legal review before forwarding the appeal to the appellate authority. The member must indicate his decision regarding appeal in item 6 of the AF Form 3070.

**8.2 Procedure.** All appeals must be in writing and should include the basis for the appeal. The member is not entitled to a personal appearance on appeal. A member has **5 calendar** days from the date punishment is imposed to appeal. Failure to appeal within the 5 days constitutes waiver of appeal rights. For good cause, a commander may extend the 5-day period.

**8.2.1 Punishment.** Punishment is not stayed during the appeal unless action is not taken on the appeal within 5 days after the appeal was submitted and the member requests then any unexecuted punishment involving restraint or extra duty shall be stayed until action on the appeal is taken (See MCM, Part V, para. 7(d)).

**8.2.2 Appellate Action.** After considering all matters submitted by the member, the imposing commander, and the written legal review, the appellate authority indicates his/her action on the appeal by completing item 8 on the AF Form 3070. An appellate authority may deny, approve, or partially approve an appeal. Any relief granted by the appellate authority is effective as of the date punishment was imposed.

## **9. UNFAVORABLE INFORMATION FILES**

The commander who imposed the punishment must decide whether the Article 15 will be placed in the member’s Unfavorable Information File (UIF) by completing item 9 on the AF Form 3070. The member acknowledges this decision by completing item 10. The UIF serves as

a centrally located depository of official unfavorable information to which a commander and others may refer for use in management decisions concerning a member's career (*See* AFI 36-2907, Chapter 1). Some Article 15 punishments require mandatory UIF entries. For example, Article 15 punishments that exceed 1 month (this includes suspended punishments that exceed 1 month) and all officer Article 15s are mandatory UIF entries; (*See* AFI 36-2907, Chapter 1, paras. 1.3.1 & 1.3.2, Table 2.1, 2.2). An Article 15 remains in a UIF for a period not to exceed two years. When placing an Article 15 in a UIF, a Form 1058 does not have to be accomplished. (*See* AFI 36-2907 para. 1.3.1).

## **10. OFFICER/SENIOR NCO SELECTION RECORD ENTRIES**

**10.1 In General.** If the member being punished is an officer or a senior NCO (E-7 through E-9), the commander must decide whether or not to place a copy of the action in the member's Selection Record. Senior NCO Article 15 actions may be placed in the Senior NCO Selection Record. Actions against officers may be placed in the HQ USAF Selection Record and the Officer Command Selection Record. (AFI 36-2608, *Military Personnel Records Systems*.)

**10.2 Decision Not to File:** If the commander decides not to file the record in the Selection Record, the commander signs a letter to that effect and forwards it to the legal office with the entire Article 15 action. Attachment 5 is a sample of such a memorandum.

**10.3 Decision to File:** If the commander makes a preliminary decision that the punishment should be filed in the Selection Record, the commander must notify the member of that intent upon imposing punishment. (Atch 6). The member must acknowledge receipt and indicate to the commander whether he or she wishes to submit a statement. After reviewing the member's statement, if any, the commander determines if filing is still appropriate. If the commander decides not to file the document, he simply prepares the same letter referred to in paragraph 9.2 above. (Atch 5). If the commander decides that the action should be filed, a letter is prepared for the reviewing authority. (Atch 7). The reviewing authority then evaluates the facts and makes the final filing decision. (Atch 8).

## **11. DISPOSITION OF THE COMPLETED ARTICLE 15**

The completed Article 15 and all supporting evidence should be returned to your servicing base legal office for filing. Consult AFI 51-202, Section 6C, para. 6.10 through 6.12, for guidance on the disposition of original Article 15s.

## **12. SUPPLEMENTARY ACTIONS**

**12.1 Suspensions.** The NJP authority imposing punishment may, at any time (subject to the limitations listed below), suspend any part or amount of the unexecuted punishment. Suspension is often warranted for the first-time offender, or when there are persuasive extenuating circumstances. A suspension can be conditioned upon the member's further good behavior, or

restitution of the victim; however, the conditions cannot amount to additional punishment (i.e. extra duties). Also, the conditions need not be related to the NJP rescinded.

**12.1.1 Executed Punishments.** An executed punishment of a reduction in grade or forfeiture of pay may be suspended only within a period of **4** months after the date of execution (See MCM, Part V, para. 6(a)).

**12.1.2 Time Limits.** Suspension of punishment may not be for a period longer than **6** months from the date of the suspension. Six months may be longer than 180 days (e.g. 1 July to 31 December).

**12.2 Vacation.** Any NJP authority or competent commander may vacate a suspension. Vacation of the suspension may be based upon a violation of the conditions of the suspension. Before a suspension can be vacated, the member shall be notified and given an opportunity to respond. Vacation is not itself NJP and additional action to impose NJP for an offense under the Code upon which the vacation action was based is not precluded thereby.

**12.3 Mitigation.** Mitigation is a reduction in either the quality or quantity of a punishment. The general nature of the punishment must not change as a result of the mitigation. 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.

**10.2.1 Limitations.** The NJP authority may, at any time, mitigate unexecuted portions of the punishment. Reduction in grade, whether executed or not, may be mitigated to forfeitures, but only within **4** months of the execution (See MCM, Part V, para. 6(b)).

**10.2.2 Specific Instances.** When mitigating arrest in quarters to restriction; correctional custody to restriction, extra duties, or both; or extra duties to restriction, the mitigated punishment may not be for a greater period than the punishment mitigated. Forfeitures in pay cannot be mitigated to suspended reduction in grade. Restraints on liberty, such as correctional custody, cannot be mitigated to forfeitures.

**12.4 Remission.** Remission is an action whereby any portion of the unexecuted portion of the punishment is canceled. Remission 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. The expiration of the current enlistment or term of service of the offender automatically remits any unexecuted punishment imposed under Article 15.

**12.5 Set Aside.** Set aside is an action whereby the punishment or any part or amount thereof, whether executed or unexecuted, is set aside and the property, privileges, or rights affected by the portion of the punishment set aside are restored. Set aside is **not** a rehabilitation tool like suspension or mitigation and should only be used to correct a clear injustice. Commanders should not routinely set aside punishments. Set aside should be reserved for the unusual case where there is a question concerning the guilt of the member or in those rare cases where it is in the best interests of the Air Force. Absent unusual circumstances, a set aside should be exercised within **4** months of the date the punishment was executed.

**Attachment 1**

***NOTIFICATION OF CHANGE OF COMMANDER  
(Sample)***

MEMORANDUM FOR (Rank/Name of Member)

FROM: (Unit Commander)

SUBJECT: Change of Commander for Nonjudicial Punishment Proceedings

1. On (date Article 15 was offered by previous commander), my predecessor in command notified you of (his/her) intent to impose nonjudicial punishment under Article 15, UCMJ, upon you for the offense(s) of \_\_\_\_\_. This is to inform you that, as the successor in command, I will be the commander who decides whether to impose the punishment, and if so, its terms.

2. On (date member returned and elected to accept nonjudicial punishment and waived right to court-martial), you chose to accept nonjudicial punishment for this offense (these offenses) and to waive your right to trial by court-martial. I am hereby giving you the opportunity once again to decide whether you will accept nonjudicial punishment proceedings or demand trial by court-martial. Indicate your choice below.

3. Acknowledge receipt of this letter by signing the endorsement below and returning this document within 3 duty days.

(Unit Commander's Name), (Rank), USAF  
Commander

1<sup>st</sup> Ind, Change of Commander for Nonjudicial Punishment Proceedings (date of original memorandum), (Member Rank/Name)

TO: (Unit)/CC

1. I acknowledge receipt of the above-referenced memorandum at \_\_\_\_\_ hours on \_\_\_\_\_ (date).

[NOTE: If member already made his/her elections in Item 3 of AF Form 3070, add the following:]

In accordance with paragraph 2 above, my initials reflect my elections below:

- a.  I have consulted a lawyer.  I have not consulted a lawyer.
- b.  I demand trial by court-martial.  I waive my right to demand trial by court-martial and accept nonjudicial punishment proceedings under Article 15, UCMJ.
- c.  I have attached a written presentation.  I have not attached a written presentation.
- d.  I request to make a personal appearance and that it not be public.  
 I do not request to make a personal appearance before you. .

MEMBER'S NAME, RANK, USAF

## Attachment 2

### *COMMANDER'S GUIDE TO PERSONAL APPEARANCES*

1. A personal appearance is an opportunity for a member to present matters orally (and in writing if the member desires) to the commander initiating nonjudicial punishment proceedings, or in certain cases, to the commander's designee.
2. A personal appearance is NOT an adversarial proceeding.
3. No evidence on behalf of the government should be presented at the personal appearance. The government evidence should be provided to the member before the appearance. This is necessary to preserve the character of the personal appearance, which is designed exclusively to give the member the opportunity to present matters.
4. A personal appearance is not the proper time for the commander to counsel the member. Counseling at this time would compromise the character of the personal appearance. Counseling at the time of imposition of punishment, or later, is more appropriate.
5. Confrontations should be avoided. Confrontations will also compromise the character of the presentation.
6. Personal appearances should be scheduled promptly after the member's acceptance of nonjudicial punishment proceedings and the member's request for an appearance.
7. The commander attending the personal appearance should consider telephone interviews with distant witnesses as part of the personal appearance.
8. There is no right to a personal appearance on appeal. All matters on appeal must be submitted in writing to the immediate commander.
9. A commander can only determine whether to impose nonjudicial punishment, and, if so, how much punishment to impose, after considering matters which the member presents in defense, extenuation, or mitigation.

**Attachment 3**

**TABLE OF PERMISSIBLE PUNISHMENTS**

**Enlisted Punishments**

| PUNISHMENT               | IMPOSED BY LT OR CAPT                  | IMPOSED BY MAJOR                                  | IMPOSED BY SPCMCA, COL OR LT COL                  | IMPOSED BY GCMCA OR GENERAL OFFICER                                                                               |
|--------------------------|----------------------------------------|---------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Additional Restriction   | May not impose NJP upon CMSgt or SMSgt | May not impose NJP upon CMSgt or SMSgt            | May not impose NJP upon CMSgt or SMSgt            | None                                                                                                              |
| Correctional Custody     | Up to 7 days                           | Up to 30 days                                     | Up to 30 days                                     | Up to 30 days                                                                                                     |
| Reduction                | E2-E5 One grade                        | E2-E4 (Amn) to E1<br>E5-E6 (NCO) One Grade        | E2-E4 (Amn) to E1<br>E5-E7 (NCO) One Grade        | E2-E4 (Amn) to E1<br>E5-E7 (NCO) One Grade<br>E8-E9 One grade if commander has promotion authority to that grade. |
| Forfeiture (See Note 2)  | Up to 7 days pay                       | Up to ½ of one month's pay per month for 2 months | Up to ½ of one month's pay per month for 2 months | Up to ½ of one month's pay per month for 2 months                                                                 |
| Reprimand                | Yes                                    | Yes                                               | Yes                                               | Yes                                                                                                               |
| Restriction (See Note 1) | Up to 14 days                          | Up to 60 days                                     | Up to 60 days                                     | Up to 60 days                                                                                                     |
| Extra Duties             | Up to 14 days                          | Up to 45 days                                     | Up to 45 days                                     | Up to 45 days                                                                                                     |

**NOTES:**

1. Restriction and extra duties may be combined to run concurrently, but the total may not exceed the maximum imposable for extra duties. Thus, extra duties for 45 days and restriction for 45 days may be imposed, provided they run concurrently.
2. If reduction is imposed, forfeiture of pay is based upon the grade to which the member was reduced, even if the reduction was suspended.

**Officer Punishments**

| PUNISHMENT                                        | IMPOSED BY SPCMCA, COL, OR LT COL  | IMPOSED BY GCMCA OR GENERAL OFFICER               |
|---------------------------------------------------|------------------------------------|---------------------------------------------------|
| Correctional Custody<br>Reduction<br>Extra Duties | May not be imposed upon an Officer | May not be imposed upon an Officer                |
| Forfeiture                                        | No                                 | Up to ½ of one month's pay per month for 2 months |
| Reprimand                                         | Yes                                | Yes                                               |
| Arrest in Quarters                                | No                                 | Up to 30 days                                     |
| Restriction                                       | Up to 30 days                      | Up to 60 days                                     |

**NOTES:**

1. Major and below may not impose NJP on an officer.
2. Only MAJCOM Commander, unified CINC, equivalent, or higher may impose NJP on general officers.
3. See MCM, part V, paragraph 5d for further limitations on combinations of punishments.

**Attachment 4**

***COMMANDER'S EXPLANATION OF DENIAL OF APPEAL  
(Sample)***

MEMORANDUM FOR (Next Superior Authority)

FROM: (Imposing Commander)

SUBJECT: Article 15 Appeal, (Member's Name), (Member's SSN)

1. On (date Article offered by imposing commander), I offered (Member's Name, if a hard bust was imposed refer to member at lower rank) an Article 15 for (describe offenses), in violation of Articles (list Article numbers), respectively, of the Uniform Code of Military Justice (UCMJ).
2. (Member's Name), presented written matters to me on (date). In his presentation (state what member submitted in his response). (Member's Name) asked that I consider (describe what member would like considered on his behalf before punishment is imposed).
3. On (date commander imposed punishment), after considering (his oral presentation) (the written matters he submitted), I determined that he committed the alleged offense and I imposed the following punishment: (list the punishment imposed).
4. On (date member decided to appeal), (Member's Name) appealed the portion of the punishment that called for (describe what he is appealing). Before imposing punishment on (Member's Name), I considered (describe what was considered before imposing punishment, *i.e.* his military record, his financial status, the severity of the committed offense, and the need to maintain good order and discipline).
5. After reviewing the case file and all of the matters (Member's Name) submitted, I reaffirm my original decision, deny his appeal, and forward the file to you for final decision.

(Imposing Commander), (Rank), USAF  
Commander

**Attachment 5**

***COMMANDER'S DECISION NOT  
TO FILE IN OFFICER/SNCO SELECTION RECORD  
(Sample)***

MEMORANDUM FOR (See List of Addresses Below)

FROM: (Appropriate 3 line address and ZIP + 4)

SUBJECT: Decision Not to File Record of Article 15 in Appropriate Selection Record (AFI 36-3208)

The attached record on nonjudicial punishment imposed on (grade, name, SSN of Individual) will not be filed in the (Officer HQ USAF Selection Record/Officer Command Selection Record)(Senior NCO Selection Record).

(Typed name, grade, USAF)  
(Title)

Attachment:  
Record of Article 15 Punishment

cc:  
Individual Concerned w/o Atch  
MPF/Career Enhancement w/o Atch

**NOTE:** This memorandum, although addressed to the Master Personnel Record Custodian to preclude unnecessary endorsements, must be sent to the servicing SJA for further processing as indicated in paragraph 2.5.1.5 of AFI 36-2608.

**ADDRESS FOR SELECTION FOLDER MEMORANDUMS**

Send Selection Letter (Except Reservists) for:

|                                |                                                                                                                               |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Officers (Lt Col and below) to | HQ AFPC/DPPBR1<br>550 C Street West, Suite 5<br>Randolph AFB, TX 78150-4707<br>ATTN: Custodian of Master<br>Personnel Records |
| CMSgt (or Selectees) to        | HQ AFPC/DPMRC<br>550 C Street West, Suite 30<br>Randolph AFB TX 78150-4732                                                    |

|                                                      |                                                                                                                                |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| SMSgt and MSgt to                                    | HQ AFPC/DPPBR2<br>550 C, Street West, Suite 5<br>Randolph AFB, TX 78150-4707<br>ATTN: Custodian of Master<br>Personnel Records |
| TSgt and below (reduced from senior<br>NCO grade) to | HQ AFPC/DPMDOM1<br>550 C Street West, Suite 21<br>Randolph AFB TX 78150-4723                                                   |

(See AFI 36-2608, para 2.5.10 for general officers, colonels, and non-AD reservists.)

**Attachment 6**

**COMMANDER'S DECISION  
TO FILE IN OFFICER/SNCO SELECTION RECORD  
(Sample)**

MEMORANDUM FOR (Individual Concerned—Grade, Name, SSN)

FROM: (Appropriate 3 line address and ZIP + 4)

SUBJECT: Notification of Intent to File Record of Article 15 in Appropriate Selection Record (AFI 36-2608)

1. On (date of Article 15) I imposed nonjudicial punishment on you. I intend to place the record of this punishment in your (Officer HQ USAF Selection Record and Officer Command Selection Record) (Senior NCO Selection Record). You may submit a statement of rebuttal, mitigation, or circumstances to be considered in the evaluation of this matter.

2. You will acknowledge receipt by endorsement hereon within 3 workdays, and include any statement you wish to make in that endorsement.

*(Omit paragraph 3 if GCMCA or higher-level commander (AFI 36-2608, paras 2.5.2.2 and 2.5.2.5) signs memorandum)*

3. If, after evaluating your reply, I am still convinced that the Article 15 should be filed, I will send it to a senior review authority that will make the final decision. Otherwise, I will tell the appropriate records custodian not to file the Article 15 in your selection record.

4. You will be notified of the final decision.

(Commander imposing Article 15 punishment)  
(Title)

cc:

MPF/Career Enhancement w/o Atch

1<sup>st</sup> Ind to Notification of Intent to File Record of Article 15 in Appropriate Selection Record  
(AFI 36-2608) dated (Date of Letter)

TO: (Commander imposing Article 15 punishment)

1. Receipt acknowledged.
2. I have/have not attached correspondence for you to consider in evaluating this matter.

(Signature of individual)  
(Typed name, grade, USAF)

**Attachment 7**

***COMMANDER'S NOTIFICATION TO REVIEW AUTHORITY  
OF INTENT TO FILE ARTICLE 15 IN  
OFFICER/SNCO SELECTION RECORD  
(Sample)***

MEMORANDUM FOR (Review Authority Office Symbol)

FROM: (Appropriate 3 line address and ZIP + 4)

SUBJECT: Notification of Intent to File Record of Article 15 in Appropriate Selection Record (AFI 36-3208)

I have determined that the record of Article 15 punishment imposed on (grade and name of individual concerned) by me on (date of Article 15) should be filed in the (Officer HQ USAF Selection Record and Command Officer Selection Record)(Senior NCO Selection Record). The case is sent to you for the final decision.

(Rationale may be provided if desired.)

(Commander imposing Article 15 punishment)  
(Title)

Attachments:

1. Record of Article 15 Punishment
2. Notification of Intent to Individual  
(With any attachments submitted by individual)

cc:

Individual w/o Atch

MPF/Career Enhancement w/o Atch

**Attachment 8**

|                                                    |
|----------------------------------------------------|
| <b>NONJUDICIAL PUNISHMENT PROCESSING CHECKLIST</b> |
|----------------------------------------------------|

REFERENCES: MCM, Part V, and AFI 51-202, 1 July 2002

MEMBER'S NAME \_\_\_\_\_ RANK \_\_\_\_\_ UNIT \_\_\_\_\_

INITIATING CC'S RANK/NAME: \_\_\_\_\_

IMPOSING CC'S RANK/NAME: \_\_\_\_\_

UNIT REP POC: \_\_\_\_\_ Duty Phone: \_\_\_\_\_

*Unit representative completes all sections except Sections B, H & J. The Legal Office paralegal responsible for the case completes Sections B, H, & J, and reviews all sections completed by unit. The paralegal supervisor reviews Sections B, H & J. The JA column is for the reviewer to initial that the item reviewed was done correctly.*

| NONJUDICIAL PUNISHMENT PROCESSING CHECKLIST                                                                                                                                                    | Yes | No | N/A | JA |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|----|
| <b>Section A (Unit). Initiating Offer of Nonjudicial Punishment</b>                                                                                                                            |     |    |     |    |
| 1. Has member committed an offense punishable under the UCMJ?<br><i>Describe (e.g., Art. 121, Larceny of watch):</i>                                                                           |     |    |     |    |
| 2. Was a RIP ordered?                                                                                                                                                                          |     |    |     |    |
| 3. Is there evidence which supports each element of the offense (e.g., sworn confession, witness statements, appointment logs, MFRs)?<br><i>Questions? Contact legal office.</i>               |     |    |     |    |
| 4. Are the member and the imposing commander available for 20 days to complete the process? <i>Recommended to ensure the NJP process is not delayed.</i>                                       |     |    |     |    |
| 5. Is the commander signing items 1 & 4 of the AF Form 3070 on G-series orders or otherwise authorized to initiate and/or impose NJP?                                                          |     |    |     |    |
| 6. Was the member's PIF, UIF, RIP and evidence supporting the offense hand carried to the legal office?<br><i>Date provided to legal office: _____</i>                                         |     |    |     |    |
| <b>Section B (Legal). Preparing Offer of Nonjudicial Punishment</b>                                                                                                                            |     |    |     |    |
| 1. Are the member's name, grade, SSN, organization and MAJCOM correct on AF Form 3070? <i>Compare AF Form 3070 with RIP printout and ensure FULL name is correct (e.g., Jr., II, III), SSN</i> |     |    |     |    |

|                                                                                                                                    |  |  |  |  |
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| <i>matches, grade is accurate, and unit of assignment is correct. The legal office is responsible for AMJAMS inputs.</i>           |  |  |  |  |
| 2. Are the punitive articles and their specifications listed in item 14 of the AF Form 3070 as a continuation of item 1b?          |  |  |  |  |
| 3. Does the specification describe the alleged UCMJ offense? (MCM, Part V, para 4(a)(2))                                           |  |  |  |  |
| 4. Does item 1c on the AF Form 3070 correctly identify the location and phone number of the servicing area defense counsel office? |  |  |  |  |

|                                                                                                                                                                                                                                                                                                                                                         |  |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| 5. Is the appropriate commander initiating NJP proceedings? (AFI 51-202, paras 2.2 and 3.7)                                                                                                                                                                                                                                                             |  |  |  |  |
| 6. Is the appropriate commander imposing NJP? (AFI 51-202, paras 2.2, Tables 3.1 and 3.2; and MAJCOM policy letters)                                                                                                                                                                                                                                    |  |  |  |  |
| 7. Will NJP be imposed for any offenses committed more than 2 years before the date of imposition? <i>If yes, a signed waiver, attached to the AF Form 3070, may be required.</i> (AFI 51-202, para 3.13.4)                                                                                                                                             |  |  |  |  |
| 8. Is the NJP proceeding ready to be offered to the member? <i>AFI 51-201 metric is to offer NJP within 10 days of the case-ready date. Case-Ready Date: _____.</i>                                                                                                                                                                                     |  |  |  |  |
| <b>Section C (Unit). Offer and Service of Nonjudicial Punishment</b>                                                                                                                                                                                                                                                                                    |  |  |  |  |
| 1. Was the nonjudicial punishment paperwork picked up from the legal office? <i>Date picked up from legal office: _____</i>                                                                                                                                                                                                                             |  |  |  |  |
| 2. Did the commander initial item 1.a(1) or 1.a(2)?                                                                                                                                                                                                                                                                                                     |  |  |  |  |
| 3. If item 1.a(2) was initialed, is the commander imposing punishment identified?                                                                                                                                                                                                                                                                       |  |  |  |  |
| 4. Did the commander sign and date the offer of NJP in item 1 of the AF Form 3070?                                                                                                                                                                                                                                                                      |  |  |  |  |
| 5. Did the person (commander or directed subordinate) serving the member sign and annotate the time/date of service in item 2?                                                                                                                                                                                                                          |  |  |  |  |
| 6. Is the notification time/date in item 1.e at least 3 duty days from the service time/date in item 2? (AFI 51-202, para 3.12)                                                                                                                                                                                                                         |  |  |  |  |
| 7. Was a copy of the AF Form 3070 and any attachments (e.g, continuation page) provided to the member? (AFI 51-202, para 3.9.1)                                                                                                                                                                                                                         |  |  |  |  |
| 8. Was a copy of page 1 of the AF Form 3070 faxed or hand-carried to the legal office following service on the member for input into AMJAMS? <i>See AFI 51-202, para 1.5, for additional reporting requirements for 0-6 selects and above. Legal office person who received it: _____</i>                                                               |  |  |  |  |
| <b>Section D (Unit). Member's Acknowledgement &amp; Elections</b>                                                                                                                                                                                                                                                                                       |  |  |  |  |
| <b>1. Did the member initial one block in items 3.a, 3.b, 3.c, and 3.d?</b>                                                                                                                                                                                                                                                                             |  |  |  |  |
| 2. Did the member sign and annotate the time/date signed in item 3?                                                                                                                                                                                                                                                                                     |  |  |  |  |
| 3. Did the member demand trial by court-martial in item 3.b?<br><i>If yes, stop and call legal office. If no, continue.</i>                                                                                                                                                                                                                             |  |  |  |  |
| 4. If the member indicated a written presentation was submitted, is it included in the Article 15 package?                                                                                                                                                                                                                                              |  |  |  |  |
| 5. Was the time/date in item 3 prior to, or the same as, the time/date in item 1.e of the AF Form 3070? <i>If no, ensure the member's written request for an extension to make his NJP elections and the commander's indorsement is included in the Article 15 package. The commander may grant an extension for good cause (AFI 51-202, para 3.12)</i> |  |  |  |  |

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| 6. Was the legal office notified with the date the member accepted NJP proceedings? <i>Person notified:</i> _____ |  |  |  |  |
|-------------------------------------------------------------------------------------------------------------------|--|--|--|--|

|                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| G<br>R<br>E<br>E<br>N                                                                                                           | <b>Section E (Unit). Commander's Decision &amp; Member's Acknowledgement</b>                                                                                                                                                                                                                                                                                                                                                         |  |  |  |
|                                                                                                                                 | 1. Is there a change in the imposing commander since the member was offered NJP proceedings, but before the commander's decision? <i>If yes, the commander must: 1) withdraw the AF Form 3070 and initiate a new 3070 OR 2) notify and get acknowledgement from the member about the change in writing, including three duty days to change his/her elections, and attach to AF Form 3070. (AFI 51-202, para 3.10.1, and atch 4)</i> |  |  |  |
|                                                                                                                                 | 2. Did the member make a personal appearance to someone other than the commander who will impose punishment? <i>If yes, that person sends, by separate indorsement, a summary of the appearance and copies of all documents presented, to the imposing commander. (AFI 51-202, para 3.13)</i>                                                                                                                                        |  |  |  |
|                                                                                                                                 | 2. Did the commander initial one block in item 4.a of the AF Form 3070? <i>If item 4.a(1) was initialed, the commander signs and dates item 4, and returns the NJP package to the legal office. If item 4.a(2) was initialed, continue processing.</i>                                                                                                                                                                               |  |  |  |
|                                                                                                                                 | 3. Did the commander coordinate his or her NJP decision with the legal office? <i>The legal office is responsible for AMJAMS inputs, reviewing the punishment for legal sufficiency, and typing the punishment in item 14 of the AF Form 3070 as a continuation of item 4.a(2).</i>                                                                                                                                                  |  |  |  |
|                                                                                                                                 | 4. Is the punishment within prescribed limits for the grade of the member and commander imposing punishment? (AFI 51-202, para 5.4, and Tables 1 and 2)                                                                                                                                                                                                                                                                              |  |  |  |
|                                                                                                                                 | <b>5. If FORFEITURES will be imposed:</b>                                                                                                                                                                                                                                                                                                                                                                                            |  |  |  |
|                                                                                                                                 | 5a. Are the forfeitures expressed in whole dollar amounts?                                                                                                                                                                                                                                                                                                                                                                           |  |  |  |
|                                                                                                                                 | 5b. If the member has been reduced, are the forfeitures calculated at the lower grade (even if the reduction is suspended)?                                                                                                                                                                                                                                                                                                          |  |  |  |
|                                                                                                                                 | <b>6. If punishment will be SUSPENDED:</b>                                                                                                                                                                                                                                                                                                                                                                                           |  |  |  |
|                                                                                                                                 | 6a. Is the period of suspension 6 months (less one calendar day) or less from the date punishment is imposed?                                                                                                                                                                                                                                                                                                                        |  |  |  |
|                                                                                                                                 | 6b. Is the last date of the suspension period specified?                                                                                                                                                                                                                                                                                                                                                                             |  |  |  |
|                                                                                                                                 | 6c. Is the suspension period within the expected ETS ( <i>see RIP</i> )?                                                                                                                                                                                                                                                                                                                                                             |  |  |  |
|                                                                                                                                 | <b>7. If the member will be REDUCED in grade:</b>                                                                                                                                                                                                                                                                                                                                                                                    |  |  |  |
| 7a. Is the new date of rank (DOR) shown in the punishment?                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
| 7b. Is the new DOR the date the punishment is imposed?                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
| <b>8. Are any of the following prohibited punishment combinations in the proposed punishment (if so, they must be removed):</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
| 8a. Arrest in quarters with restriction?                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
| 8b. Correctional custody with restriction or extra duties?                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
| 8c. Restriction with extra duties for more than 14 days (company grade CCs) or 45 days (field grade CCs or higher)?             |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
| 9. Is the punishment stated in the proper form in item 14 as a continuation of item 4.a(2)? (AFI 51-202, atch 3)                |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |

GREEN TEMPLATE

|                                                                                                                                                                                                                                                                         |  |  |  |  |
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| 10. Did the commander write the time/date in item 4.c providing the accused at least 5 calendar days for his or her appeal decision? (AFI 51-202, para 4.5.2) <b>Ensure the 5 days will be from the date/time that the member will sign item 5 of the AF Form 3070.</b> |  |  |  |  |
| 11. Did the commander sign and date item 4?                                                                                                                                                                                                                             |  |  |  |  |
| 12. Did the member sign and annotate the time/date signed in item 5 on the AF Form 3070?                                                                                                                                                                                |  |  |  |  |
| 13. Is the notification time/date in item 4.c at least 5 calendar days from the acknowledgement time/date in item 5? <b>If not, the member and commander should make a pen and ink change to correct.</b>                                                               |  |  |  |  |

**Section F (Unit). Member's Appeal Decision**

|                                                                                                                                                                                                                                                                  |  |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| 1. Is there a change in (imposing) commander after imposition of punishment but before the appeal decision is made? <b>If yes, the member must be notified and acknowledge the change in writing as an attachment to AF Form 3070.</b> (AFI 51-202, para 3.10.2) |  |  |  |  |
| 2. Did the member initial one block in item 6 of the AF Form 3070?                                                                                                                                                                                               |  |  |  |  |
| 3. Did the member sign and annotate the time/date signed in item 6 of the AF Form 3070?                                                                                                                                                                          |  |  |  |  |
| 4. Did the member appeal? <b>If no, skip to Section I, otherwise continue processing. Member's decision ends the time limit to appeal and to submit matters.</b>                                                                                                 |  |  |  |  |
| 5. Did the member change his/her mind and decide not to appeal (prior to imposing commander's action on appeal)? <b>If yes, skip to Section H. Pen and ink changes are required to reflect the member's decision not to appeal.</b> (AFI 51-202, para 4.5.3.3)   |  |  |  |  |
| <i>Note: If action is not taken on appeal within 5 days, and the member so requests, any unexecuted punishment involving restraint or extra duty shall be stayed until action. (MCM, Part V, para 7.d)</i>                                                       |  |  |  |  |

**Section G (Unit). Commander's Action on Appeal.**

|                                                                                                                                                                                                                                                                                                                                                               |  |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| 1. Did the <u>commander imposing punishment</u> consider the member's matters submitted on appeal and indicate his/her appeal decision by initialing one block in item 7 and signing and dating the AF Form 3070? (AFI 51-202, para 4.6.2)                                                                                                                    |  |  |  |  |
| 2. If the imposing commander granted the appeal in full or in part, is the relief correctly expressed in terms of suspension, mitigation, remission, or set aside in item 14 as a continuation of item 7? (MCM, Part V, para 6; AFI 51-202, para 4.6.1) <b>Imposing commander coordinates with legal office to insert relief granted in the AF Form 3070.</b> |  |  |  |  |
| 3. Did the imposing commander grant <u>full relief</u> ? (AFI 51-202, para 4.6.2) <b>If yes, skip to Section I.</b>                                                                                                                                                                                                                                           |  |  |  |  |
| 4. If the imposing commander did not grant full relief, was the member's appeal forwarded to the appellate authority through the servicing SJA? (AFI 51-202, para 4.6.1)                                                                                                                                                                                      |  |  |  |  |

RED TEMPLATE

PURPLE TEMPLATE

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |  |
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| P<br>U<br>R<br>P<br>L<br>E           | <b>Section H (Legal). Appellate Authority's Action on Appeal.</b>                                                                                                                                                                                                                                                                                                                                                                               |  |  |  |
|                                      | 1. Does the imposing commander's forwarding indorsement include written comments addressing any contentions raised by the member; whether the member has served any portion of the punishment; a written summary of the member's oral presentation, if any; and all written materials considered in imposing punishment? <b>Commander may also state punishment rationale and recommendation for action on appeal.</b> (AFI 51-202, para 4.6.3) |  |  |  |
|                                      | 2. Is the appropriate commander—the immediate Air Force commander superior to the officer imposing punishment—considering the appeal? (AFI 51-202, para 4.2) <b>Appeals from punishment imposed by squadron section commanders go to the squadron commander's superior commander, not the squadron commander.</b> (AFI 51-202, para 4.2.3)                                                                                                      |  |  |  |
|                                      | 3. Did the appellate authority indicate his/her appeal decision by initialing one block in item 8 and signing and dating the AF Form 3070? (AFI 51-202, para 4.7)                                                                                                                                                                                                                                                                               |  |  |  |
| T<br>E<br>M<br>P<br>L<br>A<br>T<br>E | 4. If the appeal is granted in full or in part, is relief correctly expressed in terms of suspension, mitigation, remission, or set aside in item 14 as a continuation of item 8? (MCM, Part V, para 6; AFI 51-202, para 4.7) <b>Appellate authority coordinates with legal office to insert relief granted in the AF Form 3070.</b>                                                                                                            |  |  |  |
|                                      | <b>Section I (Unit). Selection Record Determination, UIF Action and Member's Acknowledgement</b>                                                                                                                                                                                                                                                                                                                                                |  |  |  |
|                                      | 1. If the member is a commissioned officer or senior NCO (MSgt or above), did the commander decide whether to file the NJP record in the member's selection record? (AFI 51-202, paras 4.8 and 6.8; AFI 36-2608) <b>Commander's final decision memorandum and any related correspondence are forwarded with the original AF Form 3070.</b>                                                                                                      |  |  |  |
|                                      | 2. Did the commander indicate his/her UIF decision by initialing one block in item 9 and signing and dating AF Form 3070? (Mandatory when punishment/period of suspension cannot be completed within 30 days.) (AFI 51-202, para 6.4.2. See AFI 36-2907, Table 2.2, for additional rules)                                                                                                                                                       |  |  |  |
| P<br>U<br>R<br>P<br>L<br>E           | 3. Did the member sign and date his/her acknowledgement of the action taken on any appeal and the decision concerning the UIF entry in item 10 of the AF Form 3070?                                                                                                                                                                                                                                                                             |  |  |  |
|                                      | 4. Did the member and the commander initial all corrections accomplished on the AF Form 3070 (e.g., correction of dates, names, decisions)?                                                                                                                                                                                                                                                                                                     |  |  |  |
|                                      | 5. Was the Article 15 package including the original nonjudicial punishment and all attachments hand-carried to the legal office (e.g., change of commander letter, evidence, written presentations, RIP and selection folder letters)? <b>Documents provided to:</b> _____                                                                                                                                                                     |  |  |  |

| <b>Section J (Legal). Legal and Administrative Matters</b>                                                                                                                                                                                                                                                                            |  |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| 1. Are the attachments, if any, attached and properly identified on the first page (top right hand corner) of AF Form 3070?                                                                                                                                                                                                           |  |  |  |  |
| 2. Is the member's SSN and date of the commander's offer properly recorded on the bottom of page 3 of the AF Form 3070?                                                                                                                                                                                                               |  |  |  |  |
| 3. Are all the requisite paragraphs, spaces, and blocks accomplished on the AF Form 3070?                                                                                                                                                                                                                                             |  |  |  |  |
| 4. Are all dates within the AF Form 3070 in the appropriate chronological order?                                                                                                                                                                                                                                                      |  |  |  |  |
| 5. Did the reviewing attorney sign and date item 11, finding the NJP proceedings legally sufficient? <b><i>AFI 51-201 metric is the completion of all NJP actions, date offered through SJA review, within 20 days.</i></b>                                                                                                           |  |  |  |  |
| 6. <del>Were</del> Was 1 copy of the AF Form 3070 and an AF Form 1373 sent to the MPF and did the sender initial and date item 12 of the AF Form 3070 when receipt verified? (AFI 51-202, para 6.5.1.4)                                                                                                                               |  |  |  |  |
| 7. Were 2 copies of the AF Form 3070 and an AF Form 1373 sent to the AFO and did the sender initial and date item 12 of the AF Form 3070 when receipt verified? (AFI 51-202, para 6.5.1.2)                                                                                                                                            |  |  |  |  |
| 8. Did the Chief, Military Justice, or NCOIC, Military Justice, review the AMJAMS inputs for accuracy and to ensure all AMJAMS inputs were completed?                                                                                                                                                                                 |  |  |  |  |
| 8a. Are names in AMJAMS free of punctuation marks, e.g., SMITH JOHN DOE (no periods or commas)?                                                                                                                                                                                                                                       |  |  |  |  |
| 8b. Does/Do the AMJAMS specification code(s) ("spec code") properly reflect the offense(s) listed in the AF Form 3070?                                                                                                                                                                                                                |  |  |  |  |
| 8c. Are all the dates in AMJAMS correct (e.g., Date of Rank, TAFMSD)?                                                                                                                                                                                                                                                                 |  |  |  |  |
| 9. If the member is a commissioned officer or senior NCO (MSgt or above), does the file contain documentation concerning the imposing commander's decision whether to place the NJP record in the member's selection folder? <b><i>See AFI 51-202, para 1.5, for additional reporting requirements for 0-6 selects and above.</i></b> |  |  |  |  |
| 10. If the member is a senior NCO (MSgt or above) and the imposing commander decided the NJP record should be placed in the selection folder, was this decision reviewed by the next higher commander in the chain of command? (AFI 36-2608, para 2.5.2)                                                                              |  |  |  |  |
| 11. Was the record forwarded to the GCM SJA? (AFI 51-202, para 6.5.1.5) <b><i>The standard for GCM review is 10 days from the date the base forwarded the NJP package. Therefore, it is imperative NJP packages are not batched for forwarding or delayed in any way.</i></b>                                                         |  |  |  |  |

**\*\*NOTE: ARTICLE 15 FOLDER MUST BE RETURNED TO MILITARY JUSTICE NLT 1 DAY AFTER SECTION I IS COMPLETED.\*\* BE SURE TO INCLUDE THE FOLLOWING DOCUMENTS: Original AF FM 3070; if applicable, change of command letter, member's written presentation, delay letters/memos, officer/SNCO selection letter.**

## Attachment 9

### COMPLETION OF AF FORM 3070 AND PROCEDURE

#### FORM:

(<http://www.e-publishing.af.mil/formfiles/af/af3070/af3070.pdf>)

**Item (TO):** Military Justice will fill in the member's name, rank, organization, SSN, and major command.

**Item (1):** The commander will initial 1a(1) or 1a(2). If the commander chooses 1a(2), then he/she will fill in the name of who is to proceed with the offer of nonjudicial punishment. Military Justice will fill in the Defense Counsel's information under 1c. The commander will fill in the time and date in which the member's response to the offer is due under 1e. The member has **3 duty days** to respond to the offer of nonjudicial punishment. Military Justice will fill in the commander's name, rank, and organization. The commander will sign and date.

**Item (2):** Military Justice will fill in the appropriate commander serving the member with nonjudicial punishment. The commander serving the nonjudicial punishment on the member will sign and fill in the time and the date.

**Item (3):** The member's decision to accept or decline nonjudicial punishment proceedings will be annotated here. The member will initial the appropriate blocks that apply to him/her. If the member requests trial by court-martial, notify Military Justice **immediately**. Do not discuss the offense with the member or allow them to argue their case. The member will initial one block under each section a, b, c, and d. Military Justice will fill in the member's name/rank. Military Justice will require an AMJAMS RIP to complete this information, ordered from the member's orderly room. The member will sign and date once the decisions are made. If the member refuses to acknowledge the nonjudicial punishment procedure and refuses to sign and date, then the commander must annotate the member's decision anywhere in block 3 by initialing and writing "Member refused to sign." The member's failure to respond is deemed an acceptance of nonjudicial punishment.

**Item (4):** The commander will initial either 4a(1) or 4a(2). Military Justice will fill in the commander's name, rank, and organization. Under AFI 51-202, the decision for appropriate punishment **must be discussed with the servicing SJA** (or a deputy or assistant SJA) before imposing punishment. See page 2 of the AF Form 3070 for the maximum permissible punishments. If there is more than one offense and the commander determines that the member DID NOT commit all of the offenses, then the commander initials block 4a(1). If the commander chooses 4a(2), then he/she must fill in the time and date in which the member's decision to appeal or not is due. The commander will sign and date at the time punishment is imposed (or when nonjudicial punishment is terminated). The member should be highly encouraged to contact the Area Defense Counsel (ADC) to obtain legal advice. There is no legal requirement that the member consult legal counsel. The member may also retain civilian counsel

at his/her own expense. *Military Justice will complete the punishment in which the commander has deemed necessary on page 3 and either email the punishment page to the commander or have someone from the commander's support staff come pick it up at our office.*

**Item (5):** Military Justice will fill in the member's name, but will not fill in the member's rank as the punishment deemed appropriate by the commander may change the member's rank. The member must acknowledge the punishment at the same time by signing and filling in the time and the date. If the member refuses to acknowledge the punishment given by the commander and refuses to sign and date, then the commander must annotate the member's decision anywhere in block 5 by initialing and writing "Member refused to sign." The member's failure to acknowledge the punishment is deemed an acceptance of the punishment.

**Item (6):** The member has **5 calendar days** in order to make a decision and initial either a, b, or c. Military Justice will fill in the member's name, but not fill in the member's rank as the punishment deemed appropriate by the commander may change the member's rank. If the member initials (a), then the member will sign and fill in the time and the date. If the member initials (b), then the member will submit his/her matters in writing to the commander, sign, and fill in the time and the date. If the member initials (c), then the member must sign and fill in the time and the date. **ALL PUNISHMENTS ARE EFFECTIVE IMMEDIATELY**, unless the commander indicates otherwise. Punishments are not stayed pending appeal, unless no action is taken upon an appeal within five calendar days after the appeal was submitted.

**Item (7):** If the member decides to appeal the punishment or a portion of the punishment, Military Justice will fill in the commander's name, rank, and organization. The commander will make a decision, initial the appropriate block, then sign and date. **ONCE THE IMMEDIATE COMMANDER MAKES A DECISION, THE APPEAL PACKAGE MUST BE FORWARDED TO MILITARY JUSTICE FOR A LEGAL ANALYSIS PRIOR TO SENDING IT TO THE APPELLATE AUTHORITY.**

**Items (8):** Military Justice will fill in the appellate level commander's name, rank, and organization. The appellate commander will make a decision whether to grant the appeal in full, in part, or deny the appeal in full. The appellate authority will then initial the appropriate block, then sign and date.

**Item (9):** Punishments, whether suspended or unsuspended, in excess of 30 days are a mandatory Unfavorable Information File (UIF) (see AFI 36-2907, para 1.3.1). A hard bust is considered less than 30 days. If the member is an officer or senior Noncommissioned Officer, the commander must decide at the time either the member decides not to appeal the punishment or the appeal process is completed whether the record of nonjudicial punishment will be filed in the member's appropriate selection record. For further guidance in this area, refer to AFI 36-2608, paragraph 2.5. The commander will make a decision whether to file the action in the member's Unfavorable Information File (UIF) by initialing one of the appropriate blocks, then sign and date.

**Item (10):** The member must acknowledge the commander's decision whether to file the action in the member's UIF by signing and dating. If the member refuses to acknowledge the UIF

decision and refuses to sign and date, then the commander will annotate the member's decision anywhere in block 9 by initialing and writing "Member refused to sign." The member's failure to acknowledge this action by the commander is deemed an acceptance of the action taken.

**Item (11):** Military Justice will fill in the legal reviewing authority. Once the Article 15 has been reviewed and is sufficient, the attorney from Military Justice will sign and date.

**Item (12):** Military Justice will date and initial and then send one copy to MPF (Separations) and two copies to AFO (Finance) for processing.

**Item (13):** The General Court Martial Convening Authority Staff Judge Advocate's Office will fill in the name, rank and organization of the reviewing authority then they will review the original Article 15 for legal sufficiency. Once the record is sufficient, they will sign and date and send the original Article 15 forward to higher headquarters.