

When made

- Appeal must be made within a reasonable time after imposition of punishment, usually 5 days for formal and summarized proceedings.

Actions on appeal

- Imposing commander may decide to mitigate, remit, suspend, or set aside punishment.
- If imposing commander modifies punishment, offender may withdraw or continue appeal.
- If imposing commander does not modify punishment (or if punishment is modified and offender continues appeal), appeal is forwarded to the next higher commander.
- Action on appeal must be completed within 5 days (formal) or 3 days (summarized) of submission of appeal.

Who acts on appeal⁶

- Unless withdrawn, it must be acted upon by authority superior to the officer imposing the punishment or successor in command.⁷

Results

- Offender advised of results through channels.

⁶Commander imposing punishment and superior commanders may modify punishment even without appeal. AR 27-10, para. 3-35.

⁷Commander considering appeal must obtain advice of a judge advocate where punishment imposed exceeds any of the following: arrest in quarters or correctional custody for 7 days; forfeiture of 7 days pay; reduction from grade of E-3; or extra duty or restriction for 14 days. Advice may be obtained in any case.

MAXIMUM AUTHORIZED PUNISHMENTS

Formal Proceedings--Enlisted Personnel

Punishments	Company Grade Commanders	Field Grade Commanders
Restriction	14 days	60 days
Extra duty ⁸	14 days	45 days
Correctional custody (E-3 and below)	7 days	30 days
Forfeiture of pay ⁹	7 days	1/2 of 1 mo pay per mo for 2 mos
Reduction in grade ¹⁰	E-4 or below, one grade	E-4 or below, one or more grades; E-5, E-6, one grade
Admonition or reprimand	Yes	Yes

⁸Combination of extra duties and restriction cannot exceed the maximum allowed for extra duty.

⁹Amount of forfeiture is computed at the reduced grade, even if suspended.

¹⁰To reduce, commander must have promotion authority to grade from which reduced.

Summarized Proceedings--Enlisted Personnel

Punishments	All Commanders
Restriction	14 days
Extra duty	14 days
Oral admonition or reprimand	Yes

MAXIMUM AUTHORIZED PUNISHMENTS

Formal Proceedings--Officers & Warrant Officers

Punishments	All Commanders	GCM Authority or GO in Command
Restriction with or without suspension from duty	30 days	60 days
Arrest in quarters	No	30 days
Forfeiture of pay	No	1/2 of 1 mo pay per mo for 2 mos
Admonition or Reprimand ¹¹	Yes	Yes

¹¹In the case of commissioned and warrant officers, admonitions and reprimands given as nonjudicial punishment must be in writing. AR 27-10, para. 3-19b(9)(d).

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Army Rules For Imposing Nonjudicial Punishment for Minor Offenses (Art 15, UCMJ)

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Army Rules For Imposing Nonjudicial Punishment for Minor Offenses (Art 15, UCMJ)

Purposes of nonjudicial punishment¹

- Correct, educate, and reform offenders.
- Preserve an offender's record of service from the unnecessary stigma of a court-martial.
- Further military efficiency by disposing of minor infractions in a manner requiring less time and personnel than a court-martial.

Who may impose

- Any commander, including a warrant officer in command.²

Upon whom

- A member of the commander's unit who has committed a minor offense³ and who has not demanded trial by court-

¹Before resorting to nonjudicial punishment, a commander should use nonpunitive measures to the fullest extent to further the efficiency of the command. AR 27-10, para. 3-1.

²Commanders who are authorized to exercise GCM jurisdiction and commanding generals may delegate their Article 15 powers to one deputy or assistant commander, or to the chief of staff, if the chief of staff is a general officer.

³Many factors must be considered in determining whether an offense is minor. The rule of thumb is that an offense is minor if the maximum authorized punishment for the offense does not include either a dishonorable discharge or confinement for more than one year. This is only a guideline. AR 27-10, para. 3-9.

martial.⁴

Consultation with judge advocate

- Commanders can consult with their supporting judge advocate at any time during the Art 15 process.

Immediate commander determines whether

- A minor offense has been committed.
- Nonjudicial punishment is appropriate.
- Summarized or formal proceedings should be used.
- To refer the matter to the next superior commander. If commander decides to refer the matter, no recommendation of the nature or extent of the punishment to be imposed will be made. AR 27-10, para. 3-5.

In formal proceedings, commander⁵ advises the suspect of

- Intent to use formal proceedings.
- Right to remain silent.
- Right to demand trial by court-martial.
- Right to submit matters in defense, extenuation, and mitigation.
- Right to have a spokesperson and to request an open hearing and witnesses.
- Right to consult legal counsel.

⁴Personnel attached to or embarked on a vessel may not demand trial by court-martial in lieu of nonjudicial punishment.

⁵The imposing commander may authorize an officer or NCO (SFC or above) to deliver the DA Form 2627 or 2627-1 and inform the soldier of these rights, provided such person is senior to the soldier being notified.

- Maximum punishment imposable under formal proceedings.

- Reasonable period of time in which to reply to notification. In summarized proceedings, commander⁵ advises the suspect of

- Intent to use summarized proceedings.
- Right to remain silent.
- Right to demand trial by court-martial.
- Right to call witnesses, examine evidence, and submit matters in defense, extenuation, and mitigation.
- Maximum punishment imposable under summarized proceedings.

- Reasonable period of time in which to reply to notification.

If suspect demands trial, commander

- Terminates Art 15 proceedings.
- Decides whether to prefer charges after consulting with a judge advocate.

If suspect makes no demand for trial and

- The decision period expires, the commander can continue the proceedings.
- Submits matters in defense, extenuation, and mitigation, commander considers such matters before deciding whether to impose punishment.

In determining the result of Art 15 proceedings

- If commander decides suspect is not guilty or there is a valid reason for not imposing punishment, commander terminates the proceedings.
- If commander decides suspect is guilty and punishment is

appropriate, commander imposes punishment.

- In selecting an appropriate punishment, commander should consider the totality of the circumstances and weigh the desirability of suspending all or a part of the punishment.

How imposed

- The commander records the proceedings on DA Form 2627 (Formal Proceedings) or DA Form 2627-1 (Summarized Proceedings). AR 27-10, App. B, contains a suggested guide for conducting the proceedings.

When imposing punishment, commander advises suspect of

- Exact punishment imposed.
- Right to appeal and the commander who will consider the appeal.
- Period of time in which to appeal.

After imposition

- Commander decides whether to announce punishment. AR 27-10, para. 3-22.
- Commander enforces or modifies punishment.

Appeals

How an appeal is made

- Offender appeals in writing on DA Form 2627 or DA Form 2627-1.
- Offender may submit documents supporting appeal and/or request a personal appearance with the appellate authority.