

RECORD OF NONJUDICIAL PUNISHMENT PROCEEDINGS (Officer) - Air National Guard Only

TO (Name, Grade, Organization, SSN, and Major Command of Service Member)	ATCH(S)
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1. Offer of Nonjudicial Punishment.

a. (Commander initials one block):

(1) I am considering whether I should punish you under Article 15, Uniform Code of Military Justice (UCMJ).

(2) I am considering whether I should recommend that _____
punish you under Article 15, UCMJ. (See Note 1)

b. Your alleged misconduct is in violation of the punitive article(s) of the UCMJ as listed in item 15.

c. You have the rights listed on Page 3 under "Rights of Member," including the right to consult a lawyer before making any decision, and to have a lawyer assist you throughout the proceedings. You have an appointment scheduled with the Area Defense Counsel (ADC), _____ (phone), at _____ (time), _____ (date). ADC consultation is not mandatory and if you choose not to consult the ADC, you should cancel the scheduled appointment.

d. If you accept nonjudicial punishment proceedings and are found to have committed one or more of the offenses alleged, the maximum punishment the commander taking action may impose on you is listed on Page 3.

e. You will notify me of your decision by _____ (time), _____ (date) unless I grant you an extension of time. (See Note 2)

NAME/GRADE/ORGANIZATION OF COMMANDER	SIGNATURE	DATE
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2. Service.

NAME/GRADE/ORGANIZATION PERSON SERVING MEMBER (See Note 3)	SIGNATURE	TIME SERVED	DATE SERVED
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3. Member's Acknowledgement and Elections. I understand the rights listed on Page 3 of this form and acknowledge the recoupment statement on Page 3. (Member initials one block on each line)

a. I have consulted a lawyer. I have not consulted a lawyer.

b. I waive my right to court-martial and accept nonjudicial punishment proceedings. I demand trial by court-martial in lieu of nonjudicial punishment.

c. I have attached a written presentation. I have not attached a written presentation.

d. I request a personal appearance before you and that it not be public. I request a personal appearance before you and that it be public. I do not request a personal appearance before you.

NAME/GRADE OF SERVICE MEMBER	SIGNATURE	TIME	DATE
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4. Commander's Decision.

a. I have considered the evidence, including any matters you have presented, and find that: (Commander initials all appropriate blocks)

(1) Nonjudicial punishment is not appropriate or you did not commit the offense(s) alleged. I hereby terminate these proceedings.

(2) You committed one or more of the offenses alleged. I lined out and initialed the offense(s), if any, for which I determined nonjudicial punishment is not appropriate or which you did not commit. I hereby impose punishment as listed in item 15.

b. Forfeitures in pay, and suspensions of any punishment are effective immediately. All other punishments take effect when you are notified of the punishment, unless otherwise stated.

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

NAME/GRADE/ORGANIZATION OF COMMANDER	SIGNATURE	DATE
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5. Member's Acknowledgement. I acknowledge receipt of the punishment, my right to appeal, and the OSR notification.

NAME/GRADE OF SERVICE MEMBER	SIGNATURE	TIME	DATE
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6. Member's Elections on Appeal. (*Member initials one block in each column*) Member's decision ends the time limit to appeal.

- a. I do not appeal.
- b. I appeal and submit matters in writing.
- c. I appeal and do not submit matters in writing.

NAME/GRADE OF SERVICE MEMBER	SIGNATURE	TIME	DATE
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7. Commander Action on Appeal. (*Commander initials one block*) After considering all matters presented in your appeal, I hereby deny your appeal; grant your appeal; grant your appeal in part, as shown in item 14. (*See Note 6*)

NAME/GRADE/ORGANIZATION OF COMMANDER	SIGNATURE	DATE
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8. Appellate Authority Action on Appeal. (*Appellate authority initials one block*) After considering all matters presented in your appeal, I hereby deny your appeal; grant your appeal; grant your appeal in part, as shown in item 14.

NAME/GRADE/ORGANIZATION OF APPELLATE AUTHORITY	SIGNATURE	DATE
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9. Commander Notification of UIF Action. This action will be filed in your UIF. (*See Note 7*)

10. Member's Acknowledgement. I have seen the action taken on any appeal.

NAME/GRADE OF SERVICE MEMBER	SIGNATURE	DATE
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11. Servicing SJA Legal Review. Record is legally sufficient and the action is final.

NAME/GRADE/ORGANIZATION OF REVIEWING ATTORNEY	SIGNATURE	DATE
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12. MPF and AFO Distribution. Copy received by MPF on _____ and AFO on _____.
(date/initials) (date/initials)

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

NAME/GRADE/ORGANIZATION OF REVIEWING ATTORNEY	SIGNATURE	DATE
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14. (*See Note 8*)

SERVICE MEMBER'S LAST NAME & SSN:	DATE OF COMMANDER'S OFFER:
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RIGHTS OF MEMBER

1. You have all the rights specified in Article 15 of the Uniform Code of Military Justice (UCMJ), in part V of the Manual for Courts-Martial (MCM) and in Air Force Instruction (AFI) 51-202, *Nonjudicial Punishment*. These rights are summarized below:
 - a. You have the right to consult a lawyer before making any decisions, and a lawyer may assist you throughout the proceedings. A military defense counsel is available to advise you, free of charge, or you may retain civilian counsel at your own expense.
 - b. You have the right (1) to accept nonjudicial proceedings under Article 15, UCMJ, in which case your commander (or the commander to whom this action is sent) will decide whether you committed the alleged offense, or (2) to demand trial by court-martial which requires proof of guilt beyond a reasonable doubt. You have 3 duty days to make this decision, unless you request an extension of time and the commander grants the extension. Your acceptance of nonjudicial punishment proceedings is not an admission that you committed the alleged misconduct. The commander will make that decision only after you present your evidence or statement in defense, if you choose to do so.
 - c. If you demand trial by court-martial, charges could be referred for trial by a special or general court-martial. You have a right to be represented by counsel at a court-martial. You have additional rights at a trial by court-martial which you should ask your lawyer to explain.
 - d. You have the right to examine the evidence against you before you make any decisions. Your lawyer may assist you in making a statement and/or obtaining evidence in your defense, and for use in extenuation and mitigation.
 - e. If you accept nonjudicial punishment proceedings, you have the right (1) to make a full oral and/or written presentation to the commander (or a designee, in some cases) who will decide your punishment, (2) to present witnesses who are reasonably available, and (3) to be accompanied by someone to speak on your behalf. You may request the proceeding be open or closed to the public, but the commander makes the decision.
 - f. You do not have to make any oral or written statement regarding the offense(s) of which you are accused and any statement made may be used as evidence against you in a later proceeding. See Article 31b, UCMJ.
2. If the commander imposes punishment, you have 5 calendar days to appeal to the next superior commander. You have the right to consult with a lawyer before deciding whether to appeal and to assist you in your appeal. In your appeal, you may present additional written matters.

- Note 1:** If a personal appearance is made to someone other than the commander who will impose punishment, that person sends, by separate indorsement, a summary of the appearance and copies of all documents presented, to the imposing commander.
- Note 2:** The date and time in item 1e must be a minimum of 3 duty days (including weekends and holidays if normally scheduled duty days for the member) from the date and time the member is notified in item 2.
- Note 3:** The initiating commander may direct a subordinate, senior to the member, when practicable, to notify and serve the member. The person serving the member, whether the commander or subordinate, signs and annotates the date and time of service.
- Note 4:** See AFI 36-2608, *Military Personnel Records System*, for further guidance concerning filing the Record of Nonjudicial Punishment in the appropriate selection record.
- Note 5:** The date and time in item 4b must be a minimum of 5 calendar days from the date and time the member is notified in item 5.
- Note 6:** If the imposing commander grants less than the full relief requested, the commander must forward the appeal to the appellate authority through the servicing Staff Judge Advocate. See AFI 51-202, paragraph 4.6, for further guidance.
- Note 7:** Nonjudicial punishment action is a mandatory UIF entry for officers. See AFI 36-2907, *Unfavorable Information File (UIF) Program*, for further guidance.
- Note 8:** A continuation page may be used if necessary. Identify the information by the item number.

MAXIMUM PERMISSIBLE PUNISHMENTS

If the commander imposing punishment is a:

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

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

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

14. continued (See Note 8)

SERVICE MEMBER'S LAST NAME & SSN:

DATE OF COMMANDER'S OFFER: