ARTICLE 15 FACT SHEET
provided by
The United States Army Trial Defense Service

This fact sheet contains detailed answers to common questions concerning Article 15s, sometimes called non-judicial punishment. This fact sheet is not intended as a substitute for speaking with a defense attorney. Any soldier who is read a company or field grade Article 15 has an absolute right to consult with a defense attorney before deciding whether to accept the Article 15.

What is an Article 15 and why is it sometimes called non-judicial punishment?

The authority for commanders to give an Article 15 is found in what is called Article 15 of the Uniform Code of Military Justice. An Article 15 is considered non-judicial punishment, meaning that it is not considered a judicial proceeding. Non-judicial punishment is a military justice option available to commanders. It permits commanders to resolve allegations of minor misconduct against a soldier without resorting to higher forms of discipline, such as a court-martial. The decision to impose an Article 15 is completely the commander's. A soldier may, however, refuse to accept the Article 15 and instead demand trial by court-martial.

If I agree to accept the Article 15, am I admitting guilt?

No, you are only agreeing to let your commander decide whether you are guilty and, if guilty, what punishment you should receive. If you plead not guilty, your commander must listen to your side of the case. You may present your own case or have a non-lawyer act as your spokesman. You can present witnesses or other evidence (such as statements, police reports, pictures, and diagrams) on your behalf to help explain your side of the story. You may also present evidence regarding your duty performance, reputation for truthfulness or honesty, and other facts that indicate you are not guilty or deserving of a light sentence.

Why should I accept the Article 15 rather than demand trial by court-

martial?

Possible maximum punishments at an Article 15 are much lower than what a court-martial could adjudge. For example, you cannot be sentenced to confinement at an Article 15 hearing. Also, even if found guilty at an Article 15 hearing, you still have no federal conviction with a court-martial conviction. Additionally, most Article 15s (especially first time Article 15s for minor offenses) won't affect your ability to remain in the Army. Court-martial convictions can result in discharge, either by a punitive discharge adjudged by the court or administrative discharge after the court-martial.

What are the different types of Article 15s and what are the maximum punishments?

There are three types of Article 15s:

1. Summarized. Any company grade commander may administer this type of Article 15. Soldiers who are read a summarized Article 15 are not entitled to consult with a defense attorney. They may, however, turn down the Article 15 and demand trial by court-martial. The maximum punishment authorized at a summarized Article 15 is any combination of:

a. *extra duty for 14 days;
b. restriction for 14 days;
c. oral reprimand or admonition.

2. Company Grade. Any company grade commander may administer this type of Article 15. The maximum punishment authorized at a company grade Article 15 is any combination of:

a. *extra duty for 14 days;
b. restriction for 14 days;
c. oral reprimand or admonition;
d. forfeiture of seven days base pay;
e. E-4 & below only, reduction one pay grade.

3. Field Grade. A commander in the rank of major or above may administer this type of Article 15. The maximum punishment authorized at a field grade Article 15 is:

a. *extra duty for 45 days
b. restriction for 60 days (maximum of 45 days if combined with extra duty)
c. oral reprimand or admonition

d. forfeiture of one-half base pay per month for two months
e. E-4 and below, reduction to E-1
f. E-5 & E-6 only, reduction one pay grade.

***PURSUANT TO FORT SILL SUPPLEMENT TO 10 AR 27-10:** "Time Limits on Performance of Extra Duty. Limit the punishment of extra duty imposed upon soldiers of this command to the following periods of time, **as a maximum**.

1. Personnel with normal duty hours.
   a. Duty Days - Retreat to **2200.**
   b. Nonduty Days - Reveille to **2200, except for normal meals and periods of worship**.

2. Shift Personnel.
   a. Duty Days - not more than 5 hours following termination of a shift or preceding the shift.
   b. Nonduty Days - Reveille to **2200, except for normal meals and periods of worship**."

If I am found guilty at the Article 15, when does the punishment begin?

Usually the punishment begins immediately, even if you appeal the Article 15. The commander may, delay starting the punishment under certain circumstances (leave, illness, AWOL, field exercise).

What is suspended punishment?

Your commander may suspend any or all punishment for a period not to exceed six months. If the punishment is suspended, it does not take affect. You are, in essence, on "probation" for the suspension period. As long as you do not engage in any misconduct, the suspended punishment will not take affect. However, if you engage in misconduct of any kind, the commander can withdraw (vacate) the suspension and the original punishment takes effect. You do not have a right to contest or appeal the vacation of the suspension. Furthermore, the violation action will not preclude further judicial or nonjudicial punishment for the same misconduct.

Can I appeal the decision my commander makes at the Article 15 proceeding?

If you are found guilty during an Article 15 hearing, you have the right to appeal to the next higher commander. For example, if the imposing commander is your company commander, the appellate authority is usually the battalion commander. The appeal must be submitted within five days of your hearing. There are three grounds for appeal: (1) there was not enough evidence to find you guilty; (2) the punishment imposed was too severe; or (3) the commander did not follow proper procedures. The commander considering your appeal can overturn a finding of guilty, lessen the punishment or keep the

punishment the same. The commander acting on your appeal cannot make your punishment more severe.

How do I appeal?

You appeal by checking the appropriate block on Line 7 of DA Form 2627 immediately after your imposing commander announces your punishment. He will ask you whether you want to appeal. If you wish to appeal, it is recommended that you check Block 7(c), which states "I appeal and submit additional matters." If you are not sure if you want to appeal, we recommend you go ahead and check the "I appeal" block. You appear in person before the commander who will consider your appeal. Appeals are normally made in writing, stating the reasons for the appeal and why relief should be given. If you need assistance preparing an appeal, contact the Trial Defense Service.

Will a finding of guilty at an Article 15 hearing be filed in my military records?

A finding of guilty at an Article 15 hearing will be filed in your military records; however, the rules vary depending on your rank.

If you are in the grade of E4 and below, the Article 15 will be filed locally in non-judicial punishment files. The Article 15 will be destroyed two years from the date of imposition or upon your PCS/ETS, whichever occurs first.

If you are in the grade of E-5 or above, the imposing commander will determine whether the Article 15 will be filed in either the restricted or performance fiche of your Official Military Personnel File (OMPF). Article 15s filed in your OMPF will likely have adverse affects on your future military career. Consult the Trial Defense Service for more details regarding the career ramifications of this important filing determination.

Where can I get additional information about Article 15s?

The Article 15 process is discussed in detail in Part V of the Manual for Courts-Martial and in Chapter 3 of AR 27-10. These materials are available for review at the Trial Defense Service.

For further information contact the Trial Defense Service at Comm: (580) 442-3123/2223 DSN: 639- XXXX.