



## ARTICLE 15 FACT SHEET

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 an 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 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, confinement ordered by Article 15 has a maximum of 8 days. Confinement ordered by a General Court-Martial has a maximum of 200 days. Also, if found guilty at an Article 15 hearing, you do not have a federal conviction, unlike 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 maximum punishments?**

- 1) Reduction one rank
- 2) Fine of 2/3 one month's basic pay (for the month in which the offense occurred)

- 3) Confinement for up to 8 days
- 4) Admonition or Reprimand
- 5) Extra Duty for 7 duty days
- 6) Restriction for 7 duty days

### **What is suspended punishment?**

Your commander may suspend any or all punishment for a period not to exceed one year. If the punishment is suspended, it does not take effect. 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 effect. However, if you engage in misconduct, 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 9 of MDI Form 190-E 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 9 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. 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 Article 15 will be removed from your record after two years.