

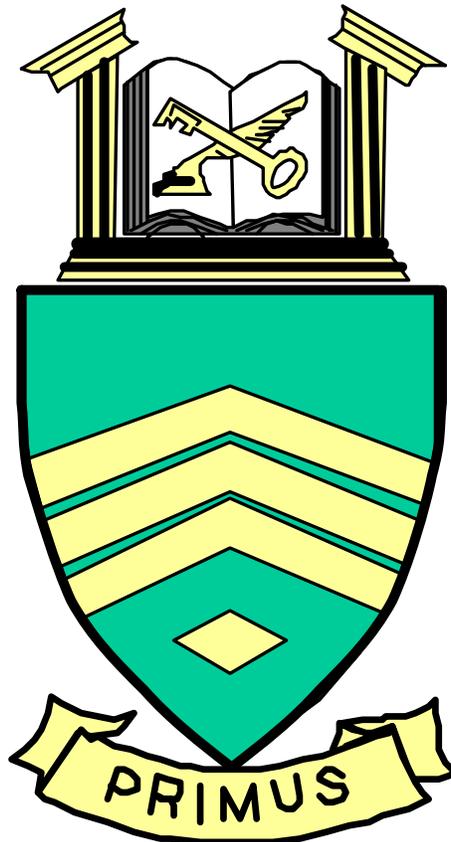
U.S. ARMY SERGEANTS MAJOR ACADEMY (FSC-TATS)

L675

OCT 03

ARTICLE 15

STUDENT HANDOUT



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HANDOUTS FOR LESSON 1: L675 version 1

**This Appendix
Contains**

This Appendix contains the items listed in this table--

Title/Synopsis	Pages
SH-1, Advance Sheet	SH-1-1
SH-2, Student Notes	SH-2-1

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Student Handout 1

Advance Sheet

Lesson Hours This lesson is a 2-hour small group presentation.

Overview This lesson covers your duties as a first sergeant in assisting the commander by recommending punishment for various types of misconduct within the unit.

Learning Objectives Terminal Learning Objective (TLO).

Action:	Determine the correct use of nonjudicial and nonpunitive disciplinary actions.
Conditions:	As a first sergeant, in a classroom environment, given AR 27-10, AR 600-20, Manual for Courts-Martial (MCM) and student handouts.
Standards:	Determined the correct use of nonjudicial and nonpunitive disciplinary actions and pass the written examination with a score of 70 percent or better, IAW AR 27-10, AR 600-20, and the MCM.

Enabling Learning Objectives (ELOs).

- ELO A** Identify nonpunitive measures.
 - ELO B** Identify the scope and procedures for nonjudicial punishment.
 - ELO C** Identify actions taken under Article 15.
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Assignment The student assignments for this lesson are:

- Read AR 27-10, Military Justice, chapter 3.
 - Read MCM, Part V.
 - Read AR 600-20, Army Command Policy.
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Additional Subject Area Resources None

Bring to Class

- All reference materials required for completion of this lesson.
- Writing materials.

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PRACTICAL EXERCISE SHEET PE-1

Title	ARTICLE 15		
Lesson Number/Title	L675 version 1 / Article 15 (FSC RESIDENT)		
Introduction	This practical exercise will help you understand how to conduct Article 15 proceedings.		
Motivator	As the first sergeant in your company, battery, or troop, you are responsible for the conduct of Article 15 proceedings. Your commander will have limited experience in these proceedings and will rely on your knowledge. This PE gives you the opportunity to practice these skills using the knowledge gained during this lesson.		
Learning Step/Activity	<p>NOTE: The instructor should inform the students of the following Learning Step/Activity requirements. (ELO C.1)</p> <p>At the completion of this lesson, you [the student] will:</p> <table border="1"><tr><td>Action:</td><td>Notify soldier</td></tr></table>	Action:	Notify soldier
Action:	Notify soldier		
Safety Requirements	None		
Risk Assessment Level	Low		
Environmental Considerations	None		
Evaluation	You will determine how well the PE went during the post-PE discussion with the instructor and observers.		
Instructional Lead-In	None		
Resource Requirements	<p>Instructor Materials:</p> <ul style="list-style-type: none">• TSP. <p>Student Materials:</p> <ul style="list-style-type: none">• Pen or pencil and writing paper.• All reference material issued for this lesson.		

**Special
Instructions**

Allow students time to discuss the procedures for notification of nonjudicial punishment in accordance with AR 27-10, Appendix B. Select two students in each class, one to be the first sergeant and the other to be a soldier receiving notification of Article 15 proceedings. Have the remaining soldiers act as observers to the proceedings. Give each participant the appropriate supporting documents (PE-1-3/6 & 7 for the first sergeant, PE-1-4 for the soldier receiving the Article 15, and PE-1-5 for the observers). Instruct the classes that they have 10 minutes to complete the role-playing exercise.

NOTE: At the completion of the role-playing, reassemble the classes and have the observers provide feedback using their student notes and AR 27-10, Appendix B. Answer all questions on PE-1-5 to guide students through the review of PE-1.

Procedures

ARTICLE 15 RECIPIENT ROLE-PLAYING INSTRUCTIONS

(For Use with Practical Exercise 1)

You are the first sergeant for Company D, 1st Bn, 5th Infantry, Fort Blank, VA. CPT Smith, your commander, authorized you to deliver a DA Form 2627 to SPC Robert L. Ager. The student playing the role of SPC Ager will have a copy of the DA Form 2627 at the beginning of the exercise.

Requirements:

- a. Use the DA Form 2627 (PE-1-8) as the basis for this practical exercise.
- b. Modify the notification procedures found in Appendix B, AR 27-10 to perform the notification procedure.
- c. Use AR 27-10 and part IV of the Manual for Courts-Martial (MCM) as necessary during the notification procedure (PE-1-6&7).
- d. Do not omit any steps in the notification process.

ARTICLE 15 RECIPIENT ROLE-PLAYING INSTRUCTIONS

(For Use with Practical Exercise 1)

You are SPC Robert L. Ager; a soldier assigned to Company D, 1st Bn, 5th Infantry, Fort Blank, VA. CPT Smith, your commander, authorized your first sergeant to deliver a DA Form 2627 to you.

Requirements:

- a. Use the DA Form 2627 (PE-1-8) as the basis for this practical exercise.
- b. During the reading of the Article 15, the first sergeant will tell you to read items 1 and 2 of the DA Form 2627. Choose one of the following options:
 - (1) When the first sergeant asks if you understand item #1 reply, "No."
 - (2) When the first sergeant asks if you understand item #2 reply, "No."
- c. Do not demand court-martial.
- d. You may choose any option regarding an open hearing, spokesperson, or witnesses.

ARTICLE 15 RECIPIENT ROLE-PLAYING INSTRUCTIONS

(For Use with Practical Exercise 1)

You will observe SPC Robert L. Ager receiving a DA Form 2627 from his first sergeant.

1. Requirements:

- a. Use DA Form 2627 (PE-1-8) as the basis for this practical exercise.
- b. Follow along with the notification procedures found in Appendix B, AR 27-10 during the notification procedure role-play.

2. Points to make note of during the practical exercise:

- a. Did the first sergeant modify all "I's" in the suggested notification proceedings to "the commander" or "CPT Smith?"
- b. Did the first sergeant explain items that SPC Ager did not understand?
- c. Did the first sergeant inform SPC Ager of the maximum punishment that CPT Smith could impose? (Ref: Table 3-1, AR 27-10.)
- d. Did the first sergeant inform SPC Ager the maximum punishment he could receive in a court-martial? (Ref: MCM, Appendix 12.)
- e. Did the first sergeant read all 10 steps in the notification process?

4.10 10. Article 86--Absence without leave

4.10.5 e. Maximum punishment.

1. *Failing to go to, or going from, the appointed place of duty.* Confinement for 1 month and forfeiture of two-thirds pay per month for 1 month.

2. *Absence from unit, organization, or other place of duty.*

(a) For not more than 3 days. Confinement for 1 month and forfeiture of two-thirds pay per month for 1 month.

(b) For more than 3 days but not more than 30 days. Confinement for 6 months and forfeiture of two-thirds pay per month for 6 months.

(c) For more than 30 days. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(d) For more than 30 days and terminated by apprehension. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 18 months.

3. *From guard or watch.* Confinement for 3 months and forfeiture of two-thirds pay per month for 3 months.

4. *From guard or watch with intent to abandon.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

5. *With intent to avoid maneuvers or field exercises.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

Army Regulation 27-10
Military Justice
20 August 1999

Table 3-1
Maximum Punishment

A. Maximum Punishment for Enlisted Members

Punishment

Admonition/Reprimand
and
14 Days Extra Duty
and
14 Days Restriction
and
One Grade Reduction
and
Forfeiture of 7 Days Pay

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10, the proponent agency is TJAG.

See Notes on Reverse Before Completing Form

NAME AGER, Robert	GRADE E4	SSN 000-00-0000	UNIT Co D, 1/5 Inf, Ft Blank, VA	PAY (Basic & Sea/Foreign) 830.40
<p>1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/} on or about 0600 hours, 5 Sep 97, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Formation, Co D, 1/5 Inf, in front of Building 13. This is in violation of Article 86, UCMJ</p> <p>2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (<i>matters of defense</i>) or why punishment should be very light (<i>matters of extenuation and mitigation</i>). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. ^{2/} If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. ^{3/} In deciding what you want to do you have the right to consult with legal counsel located at _____ . You now have 48 hours to decide what you want to do. ^{4/}</p>				
DATE TIME	NAME, GRADE, AND ORGANIZATION OF COMMANDER JAMES A. SMITH, CPT, Co D, 1/5 Inf			SIGNATURE
<p>3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (<i>Initial appropriate blocks, date, and sign</i>)</p> <p>a. <input type="checkbox"/> I demand trial by court-martial.</p> <p>b. <input type="checkbox"/> I do not demand trial by court-martial and in the Article 15 proceedings:</p> <p>(1) I request the hearing be <input type="checkbox"/> Open <input type="checkbox"/> Closed. (2) A person to speak in my behalf <input type="checkbox"/> Is <input type="checkbox"/> Is not requested.</p> <p>(3) Matters in defense, mitigation, and/or extenuation: <input type="checkbox"/> Are not presented <input type="checkbox"/> Will be presented in person <input type="checkbox"/> Are attached.</p>				
DATE	NAME AND GRADE OF SERVICE MEMBER ROBERT L. AGER, SPC			SIGNATURE
<p>4. In a(n) <input type="checkbox"/> Open <input type="checkbox"/> Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/ 8/}</p> <p>5. I direct the original DA Form 2627 be filed in the <input type="checkbox"/> Performance fiche <input type="checkbox"/> Restricted fiche of the OMPF. ^{2/}</p> <p>6. You are advised of your right to appeal to the _____ within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.</p>				
DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER			SIGNATURE
<p>7. (<i>Initial appropriate block, date, and sign</i>)</p> <p>a. <input type="checkbox"/> I do not appeal b. <input type="checkbox"/> I appeal and do not submit additional matters ^{8/ 9/} c. <input type="checkbox"/> I appeal and submit additional matters ^{8/ 9/}</p>				
DATE	NAME AND GRADE OF SERVICE MEMBER			SIGNATURE
<p>8. I have considered the appeal and it is my opinion that:</p>				
DATE	NAME AND GRADE OF JUDGE ADVOCATE			SIGNATURE
<p>9. After consideration of all matters presented in appeal, the appeal is: <input type="checkbox"/> Denied <input type="checkbox"/> Granted as follows: ^{10/}</p>				
DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER			SIGNATURE
10. I have seen the action taken on my appeal.		DATE	SIGNATURE OF SERVICE MEMBER	
<p>11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/}</p>				

DA FORM 2627, AUG 84

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