



TRIAL DEFENSE SERVICE FACT SHEET Section 15



This fact sheet contains detailed answers to common questions concerning Section 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 Section 15 has an absolute right to consult with a defense attorney before deciding what actions to take in response to the Section 15.

1. What is a Section 15 and why is it sometimes called non-judicial punishment?

The authority for commanders to give a Section 15 is found in Chapter 432 of the Texas Government Code (Texas Code of Military Justice (TCMJ)). A Section 15 is considered non-judicial punishment because it is not a judicial proceeding. Non-judicial punishment is a military justice option available to commanders that permits them to resolve allegations of misconduct without resorting to higher forms of discipline, such as a court-martial. The decision to impose a Section 15 is completely the commander's. A Soldier may not refuse a Section and demand trial by court-martial (see Sec. 432.015(a) of the TCMJ).

2. Actions to take after being read a Section 15

Should you disagree with the charges against you or believe there are mitigating circumstances that justify your actions, you have the right to submit a response or rebuttal to the Commander. 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 any other facts that indicate you are not guilty or that you are deserving of a lighter sentence.

3. Maximum Punishments

There are two types of Section 15s: Company Grade or Field Grade, both of which are explained below.

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

- (1) a reprimand
- (2) a fine equal to an amount that is not more than seven days' pay; and
- (3) a reduction to the next inferior pay grade

b. Field Grade- any commanding officer of the grade O-4 or above may impose on enlisted members in the officer's command:

- (1) a reprimand
- (2) a fine equal to an amount that is not more than seven days' pay; and
- (3) a reduction to the lowest or any intermediate pay grade, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades.

****TAG may have policy that further restricts maximum punishment (currently JFTF P14-01)****

4. If I am found guilty of the Section 15, when does punishment begin?

Usually the punishment begins immediately, even if you appeal the Section 15. However, the commander may delay starting the punishment under certain circumstances (leave, illness, AWOL, field exercise, etc.). Your commander may also suspend any or all punishment for a period not to exceed six months. If the punishment IS suspended, it does not take effect. You are then placed, in essence, on “probation” for the suspension period. As long as you do not engage in any misconduct in that time, the suspended punishment will not take effect. If you were to engage in misconduct, the commander may 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. Further, the violation action will not be precluded from further judicial or non-judicial punishment.

5. Can I appeal the decision my commander makes at the Section 15 proceeding?

If you are found guilty during the Section 15 hearing, you have the right to appeal to the next higher commander. The appeal must be submitted within five days of your hearing. There are three grounds for appeal:

- a. there was not enough evidence to find you guilty
- b. the punishment imposed was too severe
- c. the commander did not follow proper procedures in the matter

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. To appeal, you would need check block “C” on Line 6 of the JFTX Form 10 (Section 15) immediately after your imposing commander announces your punishment. He will ask you whether you want to appeal.

** For any additional questions, call the TDS office at (512) 782-6069. If calling during non-duty hours or nobody is able to pick up the call, leave a detailed voicemail and you will be contacted back as soon as possible.