

RECORD OF PROCEEDINGS UNDER SECTION 15, TCMJ

For use of this form, see notes on Page 3; the proponent of this form is NGTX-GC.

NAME	GRADE	SSN	UNIT & LOCATION	BASE PAY

1. I am considering whether you should be punished under Section 15, TCMJ, for the following misconduct:

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding. You do not have a right to trial by court-martial in lieu of non-judicial punishment imposed under TCMJ Section 15. You have several rights in this Section 15 proceeding. First, I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced 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 should not be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. In deciding what you want to do you have the right to consult with legal counsel at Trial Defense Services at 512-782-6069. **You have three duty days to reply with any matters of defense, extenuation, or mitigation.**
You will report back to me on: _____

NAME, GRADE, AND ORGANIZATION OF IMPOSING COMMANDER	SIGNATURE	DATE
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To be completed by the accused prior to starting the second Reading:

3. Having been afforded the opportunity to consult with counsel and understanding my rights listed above, my decisions are as follows
(Initial appropriate blocks, date, and sign):

- a. I request the hearing be: Open Closed
- b. A person to speak in my behalf: Is requested Is not requested
- c. Matters in defense, extenuation, and/or mitigation: Are not presented Are attached Will be presented in person

NAME AND GRADE OF SERVICE MEMBER	SIGNATURE	DATE
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Sections 4a through 4d are to be filled out by the imposing commander at conclusion of the second Reading:

4a. In a (n) Open Closed hearing, having considered all matters presented, I hereby make the following finding:
 Guilty of All Specifications, Guilty of Some Specifications Not Guilty of All Specifications
(line out Not Guilty Specifications). (line out all Specifications and sign below).

To be completed by the imposing Commander at the conclusion of second Reading:

4b. Based on my findings, the following punishment is imposed:

To be completed by imposing commander when accused is member of Texas Army National Guard. * Report action to Brigade Judge Advocate.

4c-1. I direct that the TMD Form 10 be filed in the:
 Performance section of the OMPF Restricted section of the OMPF NA as Soldier was an E-4 or below at the start of proceedings.

To be completed by imposing commander when accused is member of Texas Air National Guard. * Report action to Wing Staff Judge Advocate.

4c-2. I direct the following Unfavorable Information File (UIF) Action:
 This action will be filed in your UIF; will not be filed in your UIF.

4d. You are advised of your right to appeal to the next superior authority: _____ within **15 calendar days**.

An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated in Item 6.

NAME, GRADE, AND ORGANIZATION OF IMPOSING COMMANDER	SIGNATURE	DATE
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To be completed by the accused at the second Reading only if punishment is imposed:

5. *(Initial appropriate block, date, and sign)*

- I do not appeal I appeal and do not submit additional matters I appeal and submit additional matters

NAME AND RANK OF SERVICE MEMBER	SIGNATURE	DATE
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NAME (Last, First, MI)	GRADE	SSN	UNIT & LOCATION
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To be completed by the servicing judge advocate. * Ensure action is reported to Brigade / Wing Staff Judge Advocate.

6. I have considered the appeal and it is my opinion that:

NAME, RANK, AND ORGANIZATION OF REVIEWING JUDGE ADVOCATE	SIGNATURE	DATE
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To be completed by the appellate commander.

7. After consideration of all matters presented in the appeal, the appeal is:

Denied Granted as follows:

NAME, RANK, AND ORGANIZATION OF APPELLATE COMMANDER	SIGNATURE	DATE
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8. I have seen the action taken on my appeal.

NAME AND RANK OF SERVICE MEMBER	SIGNATURE	DATE
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9. Allied Documents and/or Comments:

TCMJ SECTION 15 RIGHTS, MAXIMUM PUNISHMENTS, AND FILING

Section 15, TCMJ, is a state law that permits commanding officers to conduct non-judicial proceedings for minor offenses. A Service member has no right to trial by court-martial in lieu of non-judicial punishment imposed under this section. A Commander may find a Service member guilty of an offense at a Section 15 proceeding only after being convinced by a preponderance of the evidence that the Service member is guilty.

SERVICE MEMBERS HAVE THE FOLLOWING RIGHTS AT A SECTION 15 PROCEEDING:

- a. To request an open or closed hearing.
- b. To request a person to speak on his or her behalf.
- c. To invoke his or her rights under Article 31(b), UCMJ, to remain silent and to not make any statement regarding the offense(s) for which the Section 15 hearing is held. If the Service member makes a statement, that statement may be used as evidence in the Section 15 proceeding.
- d. To present matters in defense, extenuation, or mitigation.
- e. To discuss the Section 15 and its proceedings with an attorney in private before making these elections.
- f. To appeal the findings and punishment to the next superior authority.

MAXIMUM PUNISHMENTS UNDER SECTION 15 FOR ENLISTED SERVICE MEMBERS:

Any commanding officer may impose on enlisted members (E1-E4) 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 next inferior pay grade.

Per Texas Military Department Directive 1030.04:

The Adjutant General has withheld authority to dispose of all alleged acts of misconduct by a non-commissioned officer in the grades of E5 and E6, and delegated this authority to the first Battalion or Squadron Commander in the Soldier or Airman's chain of command.

The Adjutant General has withheld authority to dispose of all alleged acts of misconduct committed by a senior non-commissioned officer in the grades of E7 to E9, and delegated this authority to the first Brigade or Wing Commander in the Soldier or Airman's chain of command.

In addition, the Adjutant General limits the authority to reduce a Soldier or Airman to an inferior pay grade by the table below:

Grades	O2 Commander or above	O4 Commander or above	O6 Commander or above
E1-E4	Reduction of one Grade	Any Reduction	Any Reduction
E5-E6	No Reduction	Reduction one Grade	Reduction of two Grades
E7-E9	No Reduction	No Reduction	Reduction of two Grades

MAXIMUM PUNISHMENTS UNDER SECTION 15 FOR COMMISSIONED & WARRANT OFFICERS:

The governor, the adjutant general, an officer exercising general court-martial convening authority, or a general officer in command may impose: (1) a reprimand; and (2) a fine equal to an amount that is not more than one month's pay.

THE FILING OF SECTION 15 FORMS:

For additional guidance for filing Section 15 forms for Soldiers, see AR 27-10. If a Commander finds a Soldier in the rank of Sergeant (E-5) or above guilty of one or more offenses at a Section 15 proceeding and imposes punishment, the Commander must file the Section 15 form in either the Soldier's Official Military Personnel File (OMPF) performance or restricted file. If the Soldier is in the grade of E-4 or below at the start of a Section 15 proceeding and punishment is imposed, the form will be maintained locally and no filing in the OMPF, neither in the performance nor the restricted file, is authorized. **NOTE: All Section 15 actions, regardless of whether punishment is imposed, must be reported to the Brigade Judge Advocate.**

For additional guidance for filing Section 15 forms for Airmen, see AFI 36-2907, Unfavorable Information File (UIF) Program.

NOTE: All Section 15 actions, regardless of whether punishment is imposed, must be reported to the Wing Staff Judge Advocate.

THE NEED TO IMPROVE STANDARDS OF PERFORMANCE AND CONDUCT:

Service members found guilty at a Section 15 proceeding are considered to be on notice that they must improve their conduct and performance. A Section 15 may form the basis, either in whole or in part, for an administrative separation action that results in a less than honorable discharge. Service members are strongly encouraged to exhibit the behavior necessary to receive an Honorable Discharge. If not, one or more of the following situations may occur:

- a. The Service member may be separated with a general discharge under honorable conditions or with an other than honorable discharge.
- b. A Service member separated with less than an honorable discharge may be barred from ever enlisting again, may encounter problems securing civilian employment, and may forfeit the many benefits generally associated with an honorable discharge.
- c. The Service member should be aware that the likelihood of upgrading a less than honorable discharge, while possible, is unlikely.

RECORD OF PROCEEDINGS UNDER SECTION 15, TCMJ

Continuation Sheet

Item 1, Continued: