



TRIAL DEFENSE SERVICE
FORT KNOX FIELD OFFICE
FORT KNOX, KENTUCKY 40121

WHAT YOU SHOULD KNOW ABOUT ARTICLE 15s
Governing Regulation: AR 27-10

1. When offered an Article 15, you are faced with one basic decision: accept or turn down the Article 15.

a. Accept the Article 15 -

If you decide to accept the Article 15, it does not necessarily mean you are admitting you are guilty of the charged offense(s). You have, however, decided to dispose of the charge(s) at that level.

b. Turn down the Article 15 -

It is highly recommended that you speak personally with a Trial Defense Counsel before you turn down an Article 15.

If you turn down the Article 15, the commander will then decide whether to drop the case or forward it for court-martial action. The commander will then make a recommendation as to what level of court-martial your case should be referred.

2. If you accept the Article 15, you have to prepare for your Article 15 hearing. This is your opportunity to explain your side of the story and present evidence of your innocence or good duty performance to your commander. For summarized proceedings, you have 24 hours from the time the Article 15 is read to prepare for the hearing. For company or field grade proceedings, you have a minimum of 48 hours. You may request an extension for good cause.

3. There are three levels of Article 15. Below is a list of the three levels with the maximum punishment for each.

a. Summarized.

- (1) 14 days extra duty
- (2) 14 days restriction
- (3) Oral reprimand or admonition

b. Company grade.

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- (1) 14 days restriction
- (2) 14 days extra duty
- (3) Forfeiture of 7 days pay for one month
- (4) Reduction in grade: E-4 or below - one pay grade
E-5 and above - none
- (5) 7 days correctional custody - E-3 or below (only where CCF exists)
- (6) Admonition or reprimand

c. Field grade.

- (1) 60 days restriction*
 - (2) 45 days extra duty
 - (3) Forfeiture of 1/2 monthly pay for 2 months.
 - (4) Reduction in grade
E-4 or below - to E-1
E-5 or E-6 - one pay grade only
E-7 or above - none
 - (5) 30 days correctional custody - E-3 or below
(only where CCF exists)
 - (6) Admonition or reprimand
- *if extra duty and restriction are imposed, the total may not exceed the maximum allowed for extra duty.

4. After your Article 15, your commander will decide, based upon the evidence and character statements you present, whether to continue with the Article 15, and if so, what punishment you should receive. After punishment is imposed, you have three choices:

a. I do not appeal. Your Article 15 is not forwarded to the next higher commander. You accept the Article 15 and the amount of punishment imposed.

b. I appeal and do not submit additional matters. Your Article 15 is forwarded to the next higher commander to review the evidence submitted in writing at the Article 15 hearing and consider the amount of punishment; however, you do not submit a written appeal with it.

c. I appeal and submit additional matters. **This is the preferred choice if you feel you are innocent or if you want to write a statement/appeal to be considered by the next higher commander.** Submit any supporting evidence including proof of innocence, written statements from supervisors, etc. about your good duty performance, along with your own written statement/appeal for the next high commander's consideration.

(1) Your punishment begins immediately unless other specified by the commander (delayed due to field exercises, medical emergency, etc.). A delay in punishment should not exceed 30 days.

(2) You have five (5) days from the date punishment is imposed to submit

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your appeal (including weekend days). REMEMBER: You have the right to one appeal only, so make it good!

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(3) Your appeal should be acted on within 5 calendar days (excluding the date of submission). If it has not, and if you request, those punishments which are a deprivation of your liberty (extra duty and restriction), will be interrupted pending the outcome of your appeal.

5. Facts to Remember About Article 15s:

a. Minor defects in the charge or on the Article 15 form (misspelling, wrong time, date, or place, etc.) do not invalidate the Article 15. If you refuse the Article 15, the government is not bound by the specific language on the Article 15. The prosecutor will surely notice any error and correct it before trial.

b. Generally an Article 15 may not be given for an offense which occurred more than two (2) years prior to the date punishment is imposed.

c. The fact that another soldier also involved in the same offense is not being punished does not mean that you cannot be.

d. When you appeal your Article 15 punishment, the punishment cannot be increased.

e. Article 15 filing is not appealable. Below is an outline of the automatic procedures for filing.

(1) For soldiers E-4 and below (prior to punishment), the original will be filed locally in the unit nonjudicial punishment files. It will then be destroyed after two (2) years or upon your transfer to another general court-martial convening authority (whichever occurs first).

(2) For soldiers E-5 and above (prior to punishment), the commander decides the level of filing (either performance or restricted fiche). That recommendation is not appealable. If there is already one (1) Article 15 in the restricted fiche which was received when you held the rank of E-5 or higher (prior to punishment), the Article 15 will be placed in the performance fiche automatically.

SEE A DEFENSE ATTORNEY. If you have questions, speak with a Trial Defense Counsel before you make a decision.