

# RECORD OF PROCEEDINGS UNDER NON-JUDICIAL PUNISHMENT, MILITARY CODE OF ARKANSAS (MCA)

For use of this form, see NGAR 27-10; the proponent agency is NGAR-TAG.

NAME and GRADE	TIME IN SERVICE	DOD ID	UNIT & LOCATION	MONTHLY BASE PAY
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1. I am considering whether you should be punished under Nonjudicial Punishment (NJP), MCA, 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 or at a trial by court-martial. You have several rights under this NJP 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 (*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. If you do not want me to dispose of this report of misconduct under NJP, you have the right to request trial by court-martial instead. In deciding what you want to do you have the right to consult with legal counsel located at **Camp Joseph T. Robinson, Building 6301, (main number) 501-487-7524 or 501-212-5646**. You now have 48 hours to decide what you want to do.

NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE	DATE
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3. Having been afforded the opportunity to consult with counsel and understanding my rights listed above and on page three of this form, my decisions are as follows (*Initial appropriate blocks, date, and sign*):

a. I request trial by court-martial.

b. I do not request trial by court-martial and in the NJP proceedings:

(1) I request the hearing be:  Open  Closed

(2) A person to speak in my behalf:  Is requested  Is not requested

(3) 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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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*)

Based on my findings, I impose the punishments that are officially recorded in Item 6 of this form.

4b. I direct the original NGAR Form 2627 be filed in the:

Performance section of the AMHRR  Restricted section of the AMHRR  NA as soldier was an E-4 or below at start of proceedings

4c. You are advised of your right to appeal to the next superior authority: \_\_\_\_\_ within five (5) 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 COMMANDER	SIGNATURE	DATE
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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	DOD ID	UNIT & LOCATION
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6. The following punishment is imposed: *(In the event the Commander imposes a reduction in rank and a fine, the fine shall be computed based on the reduced rank, even if the reduction is suspended.)*

7. I have reviewed this matter for legal sufficiently, and considered the appeal if applicable, it is my opinion that:

**NO PUNISHMENT UNDER NONJUDICIAL PUNISHMENT MAY BE IMPOSED UNLESS REVIEWED BY A JUDGE ADVOCATE**

NAME, RANK, AND ORGANIZATION OF REVIEWING JUDGE ADVOCATE	SIGNATURE	DATE
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8. After consideration of all matters presented in the appeal, the appeal is:

Denied     Granted as follows:

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

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

## NONJUDICIAL PUNISHMENT (MCA) RIGHTS, MAXIMUM PUNISHMENTS, AND FILING

Nonjudicial Punishment (NJP), MCA, is authorized under state law and permits commanding officers to conduct non-judicial proceedings for minor offenses. A Soldier may request but not demand trial by court-martial. A Commander may find a Soldier guilty of an offense at an NJP proceeding only after being convinced beyond a reasonable doubt that the Soldier is guilty.

### **SOLDIERS HAVE THE FOLLOWING RIGHTS AT AN NJP PROCEEDING UNDER THE MCA:**

- a. Where confinement has been excluded as a punishment option by the commander imposing nonjudicial punishment under the MCA, an accused may request, but not demand, trial by court-martial in lieu of nonjudicial punishment. If a court-martial is requested, it will be noted on the NGAR Form 2627-1. The imposing commander may either:
  - i. Decide to take no further action to impose nonjudicial punishment for that offense, unless the Servicemember's request is voluntarily withdrawn.
  - ii. Refer the matter to the next higher level commander by forwarding the NGAR 2627-1, and all allied documents. After reviewing the entire file, the next higher level commander will:
    - (1) Instruct the lower level imposing commander to take no further action to impose nonjudicial punishment for that offense, unless the Servicemember's request is voluntarily withdrawn;
    - (2) Refer the matter back down to the lower level imposing commander to continue with the nonjudicial punishment proceedings; or
    - (3) Assume jurisdiction over the action under the MCA.
- b. To request an open or closed hearing.
- c. To request a person to speak on his or her behalf.
- d. To invoke his or her rights to remain silent and to not make any statement regarding the offense(s) for which the NJP hearing is held. If the Soldier makes a statement, that statement may be used as evidence in a later trial by court-martial.
- e. To present matters in defense, extenuation, or mitigation.
- f. To discuss the NJP and its proceedings with an attorney in private before making these elections.
- g. To appeal the findings and punishment to the next superior authority.

### **MAXIMUM PUNISHMENTS UNDER A NJP FOR ENLISTED SOLDIERS IF IMPOSED BY:**

Company Grade Commanders: In addition to or in lieu of admonition or reprimand, may impose not more than two (2) of the following punishments on enlisted persons of his or her command: 1. Withhold Privileges for not more than two (2) consecutive weeks; 2. Restriction, with or without duty, for not more than two (2) consecutive weeks; 3. Extra Duty for not more than two (2) consecutive weeks and two (2) hours per day, holidays included; 4. Rank reduction to the next inferior grade for members in the pay grade of E-4 or below; or 5. Fine or forfeiture in an amount that does not exceed seven (7) days base pay.

Field Grade Commanders: In addition to or in lieu of admonition or reprimand, may impose not more than two (2) of the following punishments on enlisted persons in his or her command: 1. Withhold Privileges for not more than two (2) consecutive weeks; 2. Restriction, with or without duty, for not more than two (2) consecutive weeks; 3. Extra Duty for not more than two (2) consecutive weeks and two (2) hours per day, holidays included; 4. Rank reduction to the next inferior grade for members in the pay grade of E-6 or below; or 5. Fine or a forfeiture in an amount that does not exceed fifteen (15) days base pay.

General Officer Commanders: In addition to or in lieu of admonition or reprimand, may impose not more than two (2) of the following punishments on enlisted persons in his or her command: 1. Withhold Privileges for not more than two (2) consecutive weeks; 2. Restriction, with or without duty, for not more than two (2) consecutive weeks; 3. Extra Duty for not more than two (2) consecutive weeks and two (2) hours per day, holidays included; 4. Rank reduction to the next inferior grade for members in the pay grade of E-7 or below; 5. Fine or a forfeiture in an amount that does not exceed thirty (30) days base pay.

### **MAXIMUM PUNISHMENTS UNDER NJP FOR COMMISSIONED & WARRANT OFFICERS IF IMPOSED BY:**

A General Officer or GCMCA: In addition to or in lieu of admonition or reprimand, may impose not more than two (2) of the following punishments on commissioned officers or warrant officers in his or her command: 1. Withhold Privileges for not more than two (2) consecutive weeks; 2. Restriction, with or without duty, for not more than two (2) consecutive weeks; or 3. Fine or a forfeiture in an amount that does not exceed thirty (30) days base pay.

### **THE FILING OF NJP FORMS & REVIEW BY DA CAREER MANAGERS AND SELECTION BOARDS:**

If a Commander finds a Soldier in the rank of Sergeant (E-5) or above guilty of one or more offenses at an NJP proceeding and imposes punishment, the Commander must file the NJP form in either the Soldier's Army Military Human Resource Record (AMHRR) performance or restricted portion. MOS/specialty career managers and DA Selection Boards routinely use the AMHRR performance portion. The AMHRR restricted portion is not given to MOS/specialty career managers or DA selection boards without the approval of the Commander, HRC or selection board proponent. If the Soldier is in the grade of E-4 or below at the start of an NJP proceeding and punishment is imposed, the form will be maintained locally and no filing in the AMHRR, either in the performance or the restricted portion is authorized. AR 27-10, Chapter 3 provides detailed rules governing requests to transfer an NJP from a Soldier's performance portion to his or her restricted portion.

### **THE NEED TO IMPROVE STANDARDS OF PERFORMANCE AND CONDUCT:**

Soldiers found guilty at an NJP proceeding are considered to be on notice that they must improve their conduct and performance. An NJP may form the basis, either in whole or in part, for an administrative separation action that results in a less than honorable discharge. Soldiers 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 Soldier may be separated with a General Discharge under Honorable Conditions or with an Other Than Honorable Discharge.
- b. A Soldier 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 Soldier should be aware that the likelihood of upgrading a less than honorable discharge, while possible, is unlikely.

**RECORD OF PROCEEDINGS UNDER NON-JUDICIAL PUNISHMENT, MILITARY CODE OF ARKANSAS (MCA)**  
**Continuation Sheet**

**Item 1, Continued:**