

DEPARTMENT OF DEFENSE
HEADQUARTERS, UNITED STATES MILITARY ENTRANCE PROCESSING COMMAND
2834 GREEN BAY ROAD, NORTH CHICAGO, ILLINOIS 60064-3091

USMEPCOM Regulation
No. 27-1

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Legal Services
MILITARY JUSTICE AND LEGAL SERVICES

FOR THE COMMANDER:

J. Cunningham
Deputy Commander/Chief of Staff

DISTRIBUTION:
A (Electronic only publication)

Executive Summary. This regulation prescribes policies, procedures, and responsibilities for exercising criminal jurisdiction and for obtaining legal service support.

Applicability. This regulation applies to United States Military Entrance Processing Command (USMEPCOM) personnel.

Supplementation. Supplementation of this regulation is prohibited without prior approval from Headquarters, United States Military Entrance Processing Command (HQ USMEPCOM), Attn: Office of the Staff Judge Advocate, 2834 Green Bay Road, North Chicago, IL 60064-3091.

Suggested improvements. The proponent agency of this regulation is HQ USMEPCOM. Users may send comments and suggested improvements on [Department of the Army \(DA\) Form 2028](#), Recommended Changes to Publications and Blank Forms, or by memorandum, directly to HQ USMEPCOM, ATTN: Office of the Staff Judge Advocate, 2834 Green Bay Road, North Chicago, IL 60064-3091.

Internal control process. This regulation does not contain internal control provisions.

*This regulation supersedes USMEPCOM Regulation 27-1, 10 October 2016.

Summary of Changes

USMEPCOM Regulation 27-1 Military Justice and Legal Services

Major revisions have been made to this regulation and are formatted in **red text**; Information that is obsolete and will be deleted is formatted in **red text** with **strikethrough**. It is highly recommended that this regulation be reviewed in its entirety to have a clear understanding of all revisions. .

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Chapter 1 Introduction

1-1. Purpose

This regulation prescribes policy, procedures, and responsibilities for exercising criminal jurisdiction and for obtaining legal services support.

1-2. References

See [Appendix A](#).

1-3. Explanation of abbreviations and terms

See [Glossary](#).

1-4. Responsibilities

Sector Commanders will—

- a. Discharge the duties contained within this regulation fairly and expeditiously.
- b. Ensure Sector Contact Representatives do not provide or perform legal work unless expressly authorized to do so either under this regulation or signed authorization from the Staff Judge Advocate. Contact Representatives are authorized to administer the Sector Financial Disclosure Management (FDM) program under the supervision of the MEPCOM Staff Judge Advocate Paralegal who operates under the supervision of the Deputy Command Legal Counsel.

Commanders will—

- a. Discharge the duties contained within this regulation fairly and expeditiously. Each case of alleged misconduct will be handled on an individual basis, taking into consideration all relevant facts including the seriousness of the offense, the alleged offender's prior disciplinary record, duty performance, and the adverse impact of the offense on unit morale and discipline.
- b. Notify HQ USMEPCOM Office of the Staff Judge Advocate (OSJA) and the respective Sector Commander within 24 hours of the incident whenever they learn that an officer or an enlisted service member in the pay grade of E-8 or above may have engaged in misconduct for which disciplinary action could be warranted. This requirement exists independent of any requirement contained in other directives to report misconduct committed by USMEPCOM service members through command and headquarters channels. **This regulation is punitive. Failure to comply with this regulation may lead to disciplinary action under the Uniform Code of Military Justice (UCMJ) or AR 690-700, Chapter 751, Table 1-1: Table of Penalties for Various Offenses, as appropriate."**

1-5. Authority

a. USMEPCOM is a Department of Defense (DoD) command with its own General Court-Martial Convening Authority (GCMCA) per SECDEF Memorandum dated 15 May 2002. **Sector Commanders are designated Special Court-Martial Convening Authorities (SPCMCA) per SECDEF Memorandum dated 23 July 2002.** USMEPCOM has a resource relationship with the Department of the Army (DA) as the detailed executive agent for USMEPCOM. The Military Entrance Processing Stations (MEPS) do not have legal staffs. **All legal support and legal advice for MEPS is provided by the USMEPCOM OSJA. MEPS Commanders are not authorized to seek legal advice from other legal offices/agencies.** Commanders are not authorized to take any disciplinary or adverse administrative action against a service member without contacting the OSJA Trial Counsel.

b. Pursuant to [Rules for Courts-Martial \(RCM\)](#), 201(e)(2)(B), Manual for Courts-Martial, the Secretary of Defense may authorize the exercise of court-martial jurisdiction by one service over the personnel of another service in a joint command.

c. Pursuant to Article 24, [Uniform Code of Military Justice \(UCMJ\)](#) and the [RCM 1302\(a\)](#), USMEPCOM Battalion Commanders have summary court-martial convening authority (SCMCA). Battalion Commanders may take any action otherwise authorized by virtue of being a SCMCA, unless otherwise withheld by a Superior Commander. The authority to take disciplinary action, either punitive or administrative under the UCMJ, in any case of misconduct involving an officer or enlisted person in the rank of E-8 or above, is reserved to the Commander, USMEPCOM. Commanders will notify OSJA through the chain of command within 24 hours of learning of allegations of misconduct involving an officer or enlisted person in the rank of E-8 or above. In specific cases, Commanders wishing to dispose of such offenses at their level may request authority to take disciplinary action by coordinating with OSJA to obtain approval from the USMEPCOM Commander.

d. SCMCA is withheld from MEPS Commanders who are not Battalion Commanders, regardless of their rank or the service of the accused.

e. The authority to take either punitive or administrative disciplinary action under the UCMJ, in any case involving an enlisted rank of E7 or above, sexual assault, domestic violence (as defined by MRE, Rule b, or a violation of [USMEPCOM Regulation \(UMR\) 600-22](#), Personal Relationships, is reserved to Sector Commanders. Battalion Commanders will notify Sector Commanders and OSJA within 24 hours of learning of allegations of sexual assault, domestic violence **as defined in the Glossary** or a violation of [UMR 600-22](#). Battalion or MEPS Commanders wishing to dispose of such offenses at their level may request authority to act in specific cases by coordinating with OSJA to obtain approval from their Sector Commander.

Chapter 2

Legal Services

2-1. General

Commanders and their staff obtain legal support by contacting OSJA. OSJA will either provide direct assistance or, in cases where it may be necessary to do so, coordinate assistance from a supporting installation.

2-2. Legal Assistance

Legal service support (i.e. legal assistance) for individual service members, family members, retirees and other eligible clients (as defined in [AR 27-3](#), The Army Legal Assistance program, paragraph 2-5) is generally provided by the nearest military installation pursuant to service regulations and Inter-Service Support Agreements. The nearest legal services office may be found by using the legal services locator at <http://legalassistance.law.af.mil/content/locator.php>. Eligible clients may also contact OSJA who may assist in locating other available resources. OSJA does provide limited legal assistance services in the form of powers of attorney and notary services for eligible clients. Personnel requiring these services should contact OSJA for further information.

2-3. Criminal law and administrative disciplinary actions

Court-martial jurisdiction for USMEPCOM military personnel. Active duty service members are subject to the UCMJ at all times and may be punished under the UCMJ for offenses they commit whether on or off-duty. Service members are also subject to the laws of the state, county, and other jurisdictions in which they reside and commit a criminal offense. Sector or Battalion Commanders will not take a UCMJ action against a service member if civilian authorities have already prosecuted or intend to prosecute the individual for the same misconduct without coordination with the OSJA and approval by the Commander, USMEPCOM.

a. Initiation of court-martial charges. Any person subject to the UCMJ may prefer charges against any other service member for violation of UCMJ offenses. The formal accuser (i.e., the service member who signs a [DD Form 458](#), Charge Sheet, need not be a service member of the same service as the accused. Any charges preferred against any USMEPCOM service member must be promptly forwarded to the immediate Commander of the accused for disposition in accordance with [RCM 401](#). Preparation and Preferral of the Charge Sheet will be done by OSJA. **The completed DD Form 458 will be retained IAW appropriate regulatory guidance as to the manner used (e.g. courts martial records, desertion packets, etc.).**

b. Imposition of Non-Judicial Punishment (NJP). NJP (Article 15, UCMJ) may be administered by a MEPS Commander on any service member of their command regardless of the branch of service of the subordinate. When conducting NJP proceedings, MEPS Commanders must follow the regulations of the disciplined service member's armed service (for Soldiers, [AR 27-10](#), Military Justice, chapter 3; for Airmen, [Air Force Instruction \(AFI\) 51-202](#), Non-Judicial Punishment, chapter 3; for Sailors and Marines, [Judge Advocate General Instruction \(Navy and Marine Corps\) \(JAGINST\) 5800.7E](#), Manual of the Judge Advocate General, [JAGMAN](#), chapter 1; for Coast Guard personnel, [United States Coast Guard Commandant Instruction \(COMDTINST\) M5810.1E](#), Military Justice Manual, Chapter 2). Tables for NJP punishment limits for all services can be found in the [Appendices](#) at the end of this UMR. Commanders will consult with OSJA prior to initiating NJP to ensure proper compliance with service-specific rules and procedures. Completed NJP records will be filed IAW the governing service's regulation(s) when filed in the service member's official performance records. NJP records that are not to be filed in the service member's official performance records will be retained under Record Number 27-10f/1000A, "Non-Judicial Punishments". Keep in office file for 2 years from the date of imposition of punishment, or until service member is transferred to another GCMCA or separated, whichever occurs sooner, and then destroyed (see Appendix [A, Section III](#)).

c. Superior authority who acts on appeals of NJP. The next Superior Commander in the USMEPCOM chain of command authorized to act on appeals of NJP is determined by the branch of service of the member.

(1) For Army and Air Force personnel, the appeal is to the next superior Commanding Officer (CO) in the USMEPCOM chain of command, regardless of the Commander's branch of service.

(2) For Marine Corps personnel, the appeal will be to the U.S. Marine Corps general officer in command geographically nearest the imposing Commander, regardless of the Commander's branch of service in accordance with [JAGINST 5800.7E](#), Paragraph 0117(c)(2).

(3) For Navy personnel, the appeal will be to the nearest Navy Region Commander, or to a subordinate GCMCA designated by the Region Commander for this purpose in accordance with [JAGINST 5800.7E](#), para 0117(c)(1).

(4) For Coast Guard personnel, the appeal will be the first Coast Guard flag officer in the service member's chain of command, or the Assistant Commandant for Human Resources (CG-1) if there is no Coast Guard flag officer in the chain of command in accordance with [COMDTINST M5810.1F, Paragraph 2.T](#).

d. Administrative actions. Except for the limitations in Paragraphs 1-5, Commanders in USMEPCOM have a wide range of options of administrative actions they may take against service members of their command pursuant to [RCM 306\(c\)\(2\)](#). These include, but are not limited to: reprimands; admonitions; and censures (oral or written); extra military training; administrative withholding of privileges; or any combination of the foregoing. These actions may be taken without regard to the branch of service of the imposing Commander or the person being disciplined; however, the respective regulatory requirements of the branch of service of the disciplined service member must be followed. For example, the filing of adverse documents in personnel records is governed by the regulations of the disciplined member's service. Administrative actions not filed in the service member's official performance records will be retained under Record Number 600-37b/600A, "Memoranda of Reprimand, Admonition, and/or Censure". Keep in office file for duration of time specified in the memoranda, not to exceed 3 years, or upon transfer or separation of member, then destroy (see [Appendix A, Section III](#)).

2-4. Claims

a. Claims filed by non-DoD personnel. Claims against the United States submitted by non-DoD personnel will be made using [Standard Form \(SF\) 95](#), Claim for Damage, Injury, or Death, and forwarded to the U.S. Army Claims Service, Fort Meade, MD by the claimant for processing. Regardless of the armed service of the member of the command whose actions prompted the claim, the claim is still forwarded to the U.S. Army Claims Service. For example, if a Navy yeoman drives a MEPS van into a civilian automobile, the civilian still submits the claim to the U.S. Army Claims Service.

b. Claims filed by members of USMEPCOM. Claims against the United States by USMEPCOM service members (personnel claims) are submitted to the claims office of the service to which the claimant belongs. Personnel claims (e.g., loss or damage to household goods) are paid from funds appropriated for each service for its own members.

c. Claims filed by applicants. Claims against the United States submitted by applicants for illnesses and injuries will be made using SF 95, Claim for Damage, Injury, or Death, and forwarded to the Area U.S. Army Claims Service Office for processing.

(1) The CMO, ACOMO, or FB-CMO will determine if emergency treatment is necessary for illnesses and injuries that occur at the MEPS. USMEPCOM is not authorized to pay for the emergency care of acute illnesses and injuries that occur at the MEPS, contracted consultant's offices, or contract lodging facilities. Applicant must file a claim with the nearest United States Army Area Claims Office ([ACO](#)) (Linked document on MEJA SPEAR Page). MEPS personnel must be careful to not tell applicants or their family members that

USMEPCOM will cover the applicant's medical expenses. MEPS personnel will only provide life-sustaining emergency procedures until emergency medical service (EMS) arrives.

(2) If the applicant is at another facility for a consultation, the contracted consultant will determine if emergency treatment is necessary for illness and injuries that occur at their facilities. The contracted consultant will arrange for appropriate transportation to a nearby treatment facility, if the illness or injury took place in their facility.

(3) The MEPS staff member will arrange for appropriate transportation to a nearby treatment facility and inform the respective Recruiting Service liaison of the applicant's disposition. The CMO, ACMO, or FB-CMO may also contact the emergency room physician to provide details of the illness or injury, if appropriate.

(4) The Army is responsible for processing DoD claims, including those filed by applicants, pursuant to [DoD Directive 5515.9](#), Settlement of Tort Claims, April 19, 2004. The Army established AR 27-20, Claims, to implement its single service claims responsibility on behalf of DoD.

(5) Under the [Federal Tort Claims Act](#) (FTCA), the United States is liable in the same manner and to the same extent as a private individual under like circumstances in accordance with the law of the place where the act or omission giving rise to the tort occurred ([28 U.S.C. §§ 2673 and 2674](#)). This means that liability must rest on the existence of a tort cognizable under state law, hereinafter referred to as a state tort. A finding of state tort liability requires the litigating attorney to prove the elements of duty, breach of duty, causation, and damages as interpreted by Federal case law.

(6) To be payable, a claim against the United States must be filed no later than two (2) years from the date of accrual, as determined by Federal law. The accrual date is the date on which the claimant is aware of the injury and its cause. The claimant is not required to know of the negligent or wrongful nature of the act or omission giving rise to the claim. The date of filing is the date of receipt by the appropriate Federal agency, not the date of mailing.

(7) Applicants who suffer an illnesses or injury at a MEPS will be provided information on how to file a federal tort claim consistent with [Applicant Injury Filing Procedures](#) (Linked document on MEJA SPEAR Page).

(8) The applicant will be advised to submit the following to the [ACO](#) (Linked document on MEJA SPEAR Page):

- (a) [SF 95](#) (Claim for Damage, Injury, or Death) (Linked document on MEJA SPEAR Page).
- (b) Emergency room physician's notes;
- (c) Any pertinent ER visit medical records; and
- (d) All bills relating to the incident

(9) Applicants should also be informed that if they have medical insurance, they may file a claim with their insurance company.

(10) The MEPS Commander will appoint a Unit Claims Officer (UCO) consistent with [DA Pam 27-162, Claims Procedures](#), Paragraph 2-3c, who will conduct investigations consistent with AR 27-20, Claims, and DA Pam 27-162. ([UCO Sample Appointment Letter](#))([Unit Claims Officer Guide](#)) (Linked document on MEJA SPEAR Page).

(11) The UCO will submit a station advisory report (STAR) IAW USMEPCOM Regulation 380-1, USMEPCOM Security Program, using the station advisory reporting network (STARNET) with their contact

information. The UCO will also submit a potentially compensable event report [DA Form 1208](#) to the USMEPCOM OSJA and the local ACO.

Note: The Recruiting Services are responsible for transportation of the applicant after discharge from the hospital.

(12) Regarding entitlement to certain medical benefits through the Department of Veterans Affairs (VA), Title 38 U.S.C. Section 106(b) establishes certain service to be “active duty” including:

“Any person- (1) who has applied for enlistment or enrollment in the active military, naval, or air service and has been provisionally accepted and directed or ordered to report to a place for final acceptance into such service . . . ; and who has suffered an injury or contracted a disease in line of duty while enroute to or from, or at, a place for final acceptance or entry upon active duty, will, for the purposes of chapters 11, 13, 19, 21, 31, and 39 of this title, and for purposes of determining service-connection of a disability under Chapter 17 of this title, be considered to have been on active duty and to have incurred such disability in the active military, naval, or air service.”

(13) With limited exceptions, only veterans are eligible for VA health care benefits pursuant to 38 U.S.C. Chapter 17. "Veteran" is defined in 38 U.S.C. § 101(2) as a person who served on active duty and who was discharged or released therefrom under conditions other than dishonorable." Section 106(b) does not establish an individual's eligibility for VA medical care. It simply provides that certain individuals may be deemed to have been on active duty for purposes of determining service-connection of a disability for purposes of receiving VA medical care. Thus when an individual applies to VA for VA medical care, VA must determine whether the individual is a veteran and meets the other eligibility requirements to receive VA health care benefits. The law governing the VA health care system further limits VA's authority to pay for veterans' care in private facilities that VA did not authorize in advance. See 38 U.S.C. § 1725, § 1728. Individuals who believe that they meet the requirements in Paragraphs (1), (2), or (3) of 38 U.S.C. § 106(b) should seek to obtain care in the VA health care system. Upon applying for VA medical care, VA officials will make the determinations necessary regarding the individual's eligibility for VA medical care.

d. Completed SF 95 will be retained under RN 27-20g/1000A, “Tort and Affirmative Claims”. After final payment, expiration of appeal period, or litigation is complete (whichever is applicable), keep in office file until no longer needed for business, not to exceed 6 years, then destroy (see Appendix [A, Section III](#)).

2-5. Litigation

a. Actions against the Government. Legal actions filed against any USMEPCOM member (i.e., military, civilian, or contracted employee) arising out of their official activities will be referred to the OSJA. Commander will notify the OSJA within 24 hours of notice of litigation and immediately send a copy of the document(s) in the case to the OSJA.

b. Private litigation. USMEPCOM personnel eligible to receive legal assistance who are involved in legal actions concerning their private activities may seek initial advice from the nearest legal assistance office.

c. Civilian jury duty.

(1) Active duty service members must fulfill their civic responsibility by serving on state and local juries, so long as doing so does not interfere with military duties. In accordance with [Title 10, U.S. Code, Section 982 \(10 U.S.C. 982\)](#), active duty personnel may be exempt from serving on juries if their jury duty would unreasonably interfere with the performance of their military duties or adversely affect the readiness of the member's unit, command, or activity. Commanders exercising SPCMCA, or above, have authority to determine if a service member summoned for jury duty is exempt from serving on a state or local jury.

(2) Members who receive a summons for jury duty should promptly inform their unit Commander, who will forward a copy of the summons to their Sector Commander. If the Sector Commander determines the member is exempt, they will notify the summoning state or local officials in writing on the service member's behalf, citing [10 U.S.C. 982](#) as authority. If the Sector Commander determines that the service member is not exempt, the unit will provide the service member with permissive temporary duty orders for the period of their jury service.

(3) All fees paid to service members for jury service are payable to the U.S. Treasury, less any costs incurred during the performance of jury duty (i.e. transportation costs and parking fees). Service members should contact their servicing Finance Office for further information about returning fees received from jury duty.

d. Subpoenas and other legal process documents. This paragraph pertains to any document, other than a request under the Freedom of Information Act or Privacy Act, requesting witnesses, documents, or official information for litigation purposes. Litigation includes civil cases, criminal proceedings, private litigation, and litigation in which the United States has an interest. Requests, or legal process documents, include subpoenas for records or testimony, notices of depositions, and interview requests.

The SJA is the deciding official for determining whether official information may be released in response to a legal process document. Official information includes all information that is in the custody and control of the DoD, that relates to information in the custody and control of the Department, or was acquired by DoD personnel as part of their official duties or because of their official status within the Department, regardless of when or where acquired.

e. Personnel who receive a legal process document which requests release of official information will promptly notify their chain of command and forward the document, by fax or email, to the SJA within 24 hours of receipt. The SJA will respond to the requester and coordinate any further action concerning the request. USMEPCOM personnel should not release any information requested in the legal process documents or any official information unless specifically authorized to do so by the USMEPCOM Staff Judge Advocate or designee. Garnishments. Federal law authorizes the pay of federal civilian employees to be garnished for

2-6. Investigations

Who may appoint/approve. Any Commander, Special Personal, or Principal Staff Officer in the rank of O-6 (An O-5 may appoint if assigned to a slot authorized a O-6) or above within USMEPCOM may appoint an investigation in accordance with [Army Regulation 15-6, Procedures for Administrative Investigations and Boards of Officers, 1 April 2016](#), or [RCM 303](#). As used in this paragraph, principal staff officers include individuals assigned to the following positions Chief of Staff/Deputy Commanding Officer, Executive Officer, J-1, J-3, J-4, J-5, J-6, J-7 and J-8. In addition, a civilian supervisor permanently assigned to a position graded as a General Schedule (GS)-14 (or equivalent) or above, who is assigned as the head of an agency, activity, division, or directorate may appoint an investigation in accordance with [AR 15-6](#). Appointing authorities will normally act as approving authority. Prior to appointing any investigation or inquiry, the appointing authority will confer with OSJA.

a. Legal advice and review. All investigating officers within USMEPCOM will contact OSJA to receive legal advice prior to starting an investigation under [AR 15-6](#) or [RCM 303](#). All investigations appointed pursuant to [AR 15-6](#), will be reviewed for legal sufficiency prior to action by the approving authority.

b. Records custodian. OSJA is designated as records custodian for all investigations appointed by Battalion Commanders and above, to include Directors and Special Staff Officers. Investigating officers will ensure OSJA receives an electronic copy of the complete investigation. Upon acceptance of the appointing authority, completed investigations, except in the case of an investigation or board that contains adverse information regarding a field-grade officer or a high-profile case, the approval authority will keep the original and a digital copy of the final report of proceedings on file for a period of not less than 5 years, will under Record Number 15-6b1/800B, "Investigative Case Files". (see Appendix [A, Section III](#)).

Chapter 3 Logistical Support

3-1. General

a. Logistical support for the Judge Advocate Legal Services (JALS) includes adequate personnel, facilities, supplies, and equipment necessary to carry out its mission and functions in the most professional, efficient, and effective manner possible. (See AR 5–9 and AR 405– 70). Minimum logistical support will include—

(1) Sufficient private work space for attorneys, and when required, for support staff that ensures freedom from unnecessary distractions and provides for client confidentiality and privacy. Privacy is essential for attorneys and legal support staff who deal with individual clients.

(2) Locking file cabinets will be provided to ensure the privacy of records. Computer hardware and software used to maintain client records will also be restricted to authorized personnel only. (See Rule 1.6 (Confidentiality of Information) of the Army Rules of Professional Conduct for Lawyers (AR 27–26)).

(3) Sufficient attorneys and qualified administrative, paralegal, and clerical support personnel to accomplish workload.

(4) Computers for each assigned JA, paralegal, and LA; software, peripherals, networking, telecommunication equipment, to include maintenance and supplies for computer hardware and software, and training for personnel.

(5) Standard legal office equipment, such as copiers, telephones, digital senders, digital dictation systems, court reporting equipment and software, and courtroom presentation equipment.

(6) Access to digital libraries, including general research material and legal services for specialized topics, and adequate funding and resources for essential access to computer automated legal research capabilities.

(7) Adequate funding for Continuing Legal Education (CLE) for all assigned and attached attorneys, sufficient to satisfy CLE requirements of each attorney’s primary jurisdiction of bar membership. Provide funding for additional specialty or assignment training for attorneys and support staff.

(8) Cellular telephones and similar devices as determined by the SJA to support legal mission requirements.

(9) Adequate transportation support.

Appendix A

References

Section I

Publications referenced in or related to this regulation

AFI 51-202

Non-Judicial Punishment (March 2015)

AR 5-9

Area Support Responsibilities (October 1998)

AR 15-6

Procedures for Investigating Officers and Boards Officers (April 2016)

AR 27-1

Judge Advocate Legal Services (January 2017)

AR 27-3

The Army Legal Assistance Program (February 1996)

AR 27-10

Military Justice (May 2016)

AR 27-20

Claims (February 2008)

AR 27-40

Litigation (September 1994)

AR 601-270/AFR 33-7/MCO P1100.75A

Military Entrance Processing Station (MEPS) (March 2007)

DA Pam 27-162

Claims Procedures (March 2008)

Manual for Courts-Martial, United States Navy JAGINST 5800.7E

Manual of the Judge Advocate General (JAGMAN) (June 2012)

UMR 600-22

Personal Relationships (March 2012)

United States Code

Title 28 (June 1948); Title 10 (November 1986)

USCG COMDTINST M5810.1F

Military Justice Manual (March 2018)

Section II

Forms referenced in or related to this regulation

AF Form 3070A

Record of Non-Judicial Punishment Proceedings (AB thru TSgt) (April 2015)

AF Form 3070B

Record of Non-Judicial Punishment Proceedings (MSgt thru CMSgt) (April 2015)

CG-4910

Report of Offense and Disposition (February 2005)

DA Form 2627

Record of Proceedings under Article 15, UCMJ (October 2011)

DD Form 458

Charge Sheet (January 2000)

NAVPERS 1626/7

Report and Disposition of Offenses (December 1988)

SF 95

Claim for Damage, Injury, or Death (February 2007)

Section III

Recordkeeping Requirements

RN 15-6b1/800B: "Investigative Case Files"

PA: A0027-1DAJA

Keep in office file for 5 years, then destroy.

(Referenced in Paragraph 2-5c)

RN 27-10f/1000A: "Non-Judicial Punishments"

PA: A0027-1DAJA

Keep in office file for 2 years from the date of imposition of punishment, or until service member is transferred or separated, then destroy.

(Referenced in Paragraph 2-2c)

RN 27-20g/1000A: "Tort and Affirmative Claims (SF 95)"

PA: A0027-20bDAJA

After final payment, expiration of appeal period, or litigation is complete (whichever is applicable), keep in office file until no longer needed for business, not to exceed 6 years, then destroy.

(Referenced in Paragraph 2-3d)

RN 600-37b/600A: "Memoranda of Reprimand, Admonition, and/or Censure"

PA: A0027-1DAJA; A600-8-104AHRC

Keep in office file for duration of time specified in the memoranda, not to exceed 3 years, or upon transfer or separation of member, then destroy.

(Referenced in Paragraph 2-2e)

**Appendix B
Army Non-Judicial Punishment Limits**

Army NJP Limits Table	Summarized	On Officers By		On Enlisted By	
		CO who is NOT a General Officer or a GCMCA	CO who is a General Officer or a GCMCA	CO who is O-3 or below (or any OIC)	CO who is O-4 or above
Admonition/Reprimand <i>plus</i> one or more of the following	Oral	Written	Written	Oral or Written	Oral or Written
Confinement on Bread & Water if attached to or embarked in a vessel (1)				3 days	4 days
Correctional Custody				7 days	30 days
Arrest in Quarters (3)			30 days		
Restriction to limits with or without suspension of duty	14 days	30 days	60 days	14 days	60 days
Extra Duties (4)	14 days			14 days	45 days
Forfeiture (5)			1/2 per 2 months	7 days pay (6)	1/2 per 2 months
Reduction in grade (7)				One pay grade	To the lowest enlisted grade (8, 9)
Right to Counsel?	None	Yes	Yes	Yes	Yes
Record of NJP	DA Form 2727-1	DA Form 2627		DA Form 2627	
Filing of NJP Record	Local File (2 year max)	OMPF Performance or restricted		OMPF Performance or restricted	
NOTES:					
1 - Impossible only on E-3 and below. (AR 27-10, para. 3-19b(2)) Cannot be combined with Correctional Custody, Extra Duty or Restriction.					
2 - Not available for E-4 and above unless unsuspended reduction to below E-4 is imposed. (AR 27-10 para. 3-19b(1)) Cannot combine with Extra Duty or Restriction.					
3 - Arrest in Quarters cannot be combined with Restriction.					
4 - Restriction and Extra Duty may be combined to run concurrently (not to exceed maximum allowed for Extra Duty).					
5 - Forfeiture applies to the grade to which reduced even if reduction is suspended.					
6 - Must be within one month (i.e. forfeiture must cover a month period, and cannot be divided into multiple months).					
7 - Promotions to E-7, E-8, E-9 are done at DA level, therefore, no commander has reduction authority. (AR 600-8-19, para. 1-9(c), 3-1(b) and 4-1(a) respectively)					
8 - If within the promotion authority of the officer imposing the reduction. For example O-4 commanders (not serving in a O-5 billet) do not have the authority to promote to E-5 or E-6 under AR 600-8-19, therefore cannot reduce from those ranks.					
9 - Grades E-5 and above may not be reduced more than one grade. May be reduced to two grades by the "Secretary" concerned in time of war or national emergency. (MCM pt. V, para. 5b(2)(B)(iv))					
10 - See MCM, Part V, paragraph 5d for further limitations on combinations of punishments.					

**Appendix C
Navy and Marine Corps Non-Judicial Punishment Limits**

Navy/Marine Corps NJP Limits Table	Summarized	On Officers By			On Enlisted By	
		CO who is O-3 or below	CO who is O-4 or above	CO who is a General or Flag Rank	CO who is O-3 or below (or any OIC)	CO who is O-4 or above
Admonition/Reprimand (1) <i>plus</i> one or more of the following	N/A	Written	Written	Written	Oral or Written	Oral or Written
Confinement on Bread & Water if attached to or embarked in a vessel (2)	N/A				3 days	3 days
Correctional Custody (3)	N/A				7 days	30 days
Arrest in Quarters	N/A			30 days		
Restriction to limits with or without suspension of duty	N/A	15 days (4)	30 days	60 days	14 days	60 days
Extra Duties (5)	N/A				14 days	45 days
Forfeiture (6)	N/A			1/2 per 2 months	7 days pay	1/2 per 2 months
Reduction in rate (7)	N/A				One pay grade	One pay grade
Right to Counsel? (8)	N/A	Limited	Limited	Limited	Limited	Limited
Record of NJP	N/A	JAGMAN Appendix A-1-d (NAVPERS 1626/7, UPB 5812)				
Filing of NJP Record	N/A	Service-record entries on Page 13 (Navy) or Page 12 (Marine Corps) (9)				
NOTES:						
1 - JAGMAN 0114c.						
2 - Only for E-3 and below (includes unsuspended reduction to below E-4). (JAGMAN 0111b)						
3 - Only for E-3 and below (unless unsuspended reduction to below E-4 is imposed). (JAGMAN 0111b)						
4 - JAGMAN 0111a						
5 - "Normally" limited to 2 hours per day; Shall not be performed on Sunday; "Guard duty shall not be assigned as punishment." (JAGMAN 0111d)						
6 - Forfeiture applies to the grade to which reduced even if reduction is suspended.						
7 - No reduction from pay grade E-7 or above in the Navy. No reduction from pay grade E-6 or above in the Marine Corps. (JAGMAN 0111e)						
8 - See JAGMAN 109a and 109d(2). Together these sections provide the following: "There is no right for an accused to consult with counsel prior to nonjudicial punishment;" however, if an accused is given the opportunity, such advice is limited to an explanation of the legal ramifications involved in the right to refuse [NJP].						
9 - Only if JAGMAN Appendix A-1-d is used or SM was represented by a lawyer at the hearing. (JAGMAN 0109E)						
10 - See MCM, Part V, paragraph 5d for further limitations on combinations of punishments.						

**Appendix D
Air Force Non-Judicial Punishment limits**

Air Force NJP Limits Table	Summarized	On Officers By			On Enlisted By		
		CO who is O-5 or below	CO who is O-6	General Officer or GCMCA	CO who is O-3 or below (1)	CO who is O-4 (1)	CO who is O-5
Admonition/Reprimand <i>plus</i> one or more of the following	N/A	None	Written	Written	Written	Written	Written
Confinement on Bread & Water if attached to or embarked in a vessel	N/A				Not Authorized	Not Authorized	Not Authorized
Correctional Custody	N/A				7 days	30 days	30 days
Arrest in Quarters	N/A			30 days			
Restriction to limits with or without suspension of duty	N/A	None	30 days	60 days	14 days	60 days	60 days
Extra Duties (2)	N/A				14 days	45 days	45 days
Forfeiture (3,4)	N/A			1/2 per 2 months	7 days pay	1/2 per 2 months	1/2 per 2 months
Reduction in grade	N/A				One pay grade (5)	See Notes (4, 7)	See Notes (7, 8, 9)
Right to Counsel? (8)	N/A	N/A	Yes	Yes	Yes	Yes	Yes
Record of NJP	N/A	Air Force Form 3070					
Filing of NJP Record	N/A	Filing in Selection records in possible (Officer or SNCO) (10)					
NOTES:							
1 - May not impose NJP on CMSgt or SMSgt.							
2 - Restriction and Extra Duty may be combined to run concurrently (not to exceed maximum allowed for Extra Duty).							
3 - "Commanders should impose an unsuspended reduction in grade, along with forfeiture of pay, only when the maximum exercise of Article 15 authority is warranted. (e.g. repeat offender, most serious offenses, past rehabilitative efforts have failed, or recalcitrant offender)." (AFI 51-202, par. 5.4.2)							
4 - Forfeiture applies to the grade to which reduced even if reduction is suspended.							
5 - SSgt and below.							
6 - TSgt, SSgt - one grade. SrA and below - to lowest enlisted grade.							
7 - Grades E-5 and above may not be reduced more than one grade. (May be increased to two grades by the "Secretary concerned" in time of war or national emergency." (MCM pt. V, par. 5b(2)(B)(iv))							
8 - MSgt, TSgt, SSgt - one grade. SrA and below - to lowest enlisted grade.							
9 - CMSgt, SMSgt - one grade if imposing officer is MAJCOM commander, combatant, or commander to whom promotion authority has been delegated.							
10 - Must serve offender with a notification of intent letter when imposing punishment. (LAW AFI 36-2608, Military Personnel Records System) (AFI 51-202 par. 4.8)							
11 - See MCM, Part V, paragraph 5d for further limitations on combinations of punishments.							

**Appendix E
Coast Guard Non-Judicial Punishment limits**

Coast Guard NJP Limits Table	Summarized	On Officers By			On Enlisted By	
		CO who is O-3 or below	CO who is O-4 or above	Flag Officer	CO who is O-3 or below	CO who is O-4 or above
Admonition/Reprimand <i>plus</i> one or more of the following	N/A	Written or Oral	Written or Oral	Written or Oral	Written	Written
Confinement on Bread & Water if attached to or embarked in a vessel	N/A				Not Authorized	Not Authorized
Correctional Custody (2, 5)	N/A				7 days	30 days
Arrest in Quarters (1)	N/A			30 days		
Restriction to limits with or without suspension of duty (3, 5)	N/A	15 days	30 days	60 days	14 days	60 days (3)
Extra Duties (2)	N/A				14 days	45 days
Forfeiture	N/A			1/2 per 2 months	7 days pay	1/2 per 2 months
Reduction in grade	N/A				One pay grade (7)	One pay grade (7)
Right to Counsel? (8)	N/A	Yes	Yes	Yes	Yes	Yes
Record of NJP	N/A	CG-4910				
Filing of NJP Record	N/A	Filed in records using Court Memorandum Form CG-3304				
NOTES:						
1 - Arrest in Quarters may not be imposed in combination with Restriction.						
2 - Correctional Custody may not be imposed in combination with Restriction or Extra Duty. It shall not be imposed upon E-4 and above.						
3 - Restriction and extra duties may be combined to run concurrently or consecutively but cannot exceed the maximum that may be imposed for extra duties.						
4 - Extra duties may only be imposed on E-6 and below.						
5 - Arrest in Quarters, Correctional Custody, and Restriction may not be imposed on a reservist during inactive duty training or involuntary active duty training.						
6 - The following are not authorized punishments: Detention of Pay and Confinement on bread and water.						
7 - Only one grade authorized for E-6 and below.						
8 - See MCM, Part V, paragraph 5d for further limitations on combinations of punishments.						

Appendix F Glossary

Section I Abbreviations

AFI

Air Force Instruction

AR

Army regulation

CG

Coast Guard

CO

Commanding Officer

DA

Department of the Army

DD Form

Defense Department Form

DoD

Department of Defense

GCMCA

General Court-Martial Convening Authority

HQ USMEPCOM

Headquarters, United States Military Entrance Processing Command

JAGINST

Judge Advocate General Instruction

JAGMAN

Judge Advocate Manual

MCM

Manual for Courts-Martial

MEPS

Military Entrance Processing Station

NCO

Noncommissioned Officer

NJP

Non-Judicial Punishment

OIC
Officer in Charge

OMPF
Official Military Personnel File

RCM
Rules for Courts-Martial

SPCMCA
Special Court-Martial Convening Authority

SCMCA
Summary Court-Martial Convening Authority

UCMJ
Uniform Code of Military Justice

USCG COMDTINST
United States Coast Guard Commandant Instruction

USMEPCOM
United States Military Entrance Processing Command

Section II Terms

Prefer
To initiate or swear criminal charges against a person who is subject to the Uniform Code of Military Justice.

Sexual Assault
Intentional sexual contact is characterized by use of force, physical threat or abuse of authority, or where the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy, indecent assault, or attempts to commit these acts. Sexual assault includes all sex related offenses which is defines as all other sexual acts in violation of the Uniform Code of Military Justice, to include indecent acts with another.