

HEADING

SSIC
Code
Date

From: Commanding General/Officer
To: (Officer concerned)

Subj: NOTIFICATION OF INTENT TO IMPOSE NONJUDICIAL PUNISHMENT
(NJP)

Ref: (a) Paragraph 4d, Part V, MCM, 1984

Encl: (1) Copy of record of formal fact-finding body

1. You are hereby informed that I intend to impose NJP on you based upon the information contained in the enclosure.

2. Under the reference, an Article 15, UCMJ hearing need not be conducted in your case. The enclosure is the record of the formal fact-finding body in which you were accorded the rights of a party respecting the charge(s) against you.

3. You are advised that the offense(s) for which you will receive nonjudicial punishment is/are: (List offense(s) and respective UCMJ articles violated).

4. You are advised that under the reference, you have the following rights with regard to the proposed NJP:

a. Unless attached to or embarked in a vessel, the right to refuse NJP.

b. The right to submit, in writing, any matter in defense, extenuation, or mitigation, for consideration by me in determining whether you committed the offense in question and, if so, an appropriate punishment.

c. The right to appeal the NJP to the next superior authority, if you consider it unjust or disproportionate to the offense. Such an appeal must be made within a reasonable time following the imposition of NJP. In the absence of unusual circumstances, an appeal made more than 5 days following imposition of NJP may be considered as not having been made within a reasonable time. Such an appeal must be in writing and should include your reasons for

Subj: NOTIFICATION OF INTENT TO IMPOSE NONJUDICIAL PUNISHMENT
(NJP)

regarding the NJP as unjust or disproportionate. You may be required to undergo NJP imposed while your appeal is pending, except that if action is not taken on the appeal 5 days after the appeal was submitted, and you so request, any unexecuted punishment involving restraint shall be stayed until action on the appeal is taken.

5. You are further advised that a report of this NJP will be made to CMC and that you may be subject to involuntary separation proceedings directed by CMC. If you are voluntarily or involuntarily separated before you complete an active duty service requirement incurred because you received advanced education assistance (USNA, ROTC, FLEP, etc.), you may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement.

6. You will indicate, by return endorsement hereon, your understanding of the foregoing and return it within 5 working days.

Signature

HEADING

(Date)

FIRST ENDORSEMENT on

From: (Officer concerned)

To: Commanding General/Officer

Subj: NOTIFICATION OF INTENT TO IMPOSE NONJUDICIAL PUNISHMENT
(NJP)

Ref: (b) SECNAVINST 1920.6A

1. I hereby acknowledge my understanding of the advice stated above and my right to demand trial by court-martial in lieu of nonjudicial punishment. I do not desire to demand trial by court-martial and am willing to accept punishment under Article 15, UCMJ. I understand that action under reference (b) is not precluded by my acceptance of NJP.

(Signature of accused)

(Date)

(Witness, typed or printed name)

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From: Commanding General/Officer
To: (Officer concerned)

Subj: NOTIFICATION OF ARTICLE 15, UCMJ, HEARING

Ref: (a) Paragraph 4, Part V, MCM, 1984
(b) SECNAVINST 1920.6A

1. You are hereby notified that it is my intention to conduct an Article 15, UCMJ, hearing in accordance with reference (a). Prior to that hearing, you are advised of the following:

a. That you are accused of: (include a statement describing the alleged offenses--including the article(s) of the UCMJ).

b. That you may, upon request, examine available statements and evidence upon which the allegations are based.

c. That you have the right not to make any statement concerning this/these offense(s).

d. That any statement you do make may be used against you during these proceedings or in trial by court-martial or in administrative separation proceedings under reference (b).

e. That you may consult with a lawyer, either a civilian lawyer retained by you at your own expense, or a judge advocate at no expense to you, if one is reasonably available.

f. That you will receive a hearing at which you will be accorded the following rights:

(1) To be present before the officer conducting the hearing or, if you waive such personal appearance, to submit written matters for consideration;

(2) To be advised of the offense(s) of which you are suspected;

(3) That you will not be compelled to make any statement regarding the offense(s) charged and that any statement you do make can be used against you;

Subj: NOTIFICATION OF ARTICLE 15, UCMJ, HEARING

(4) To be present during the presentation of all information against you, including the testimony of witnesses present and the receipt of written statements. Copies of any statements will be furnished to you;

(5) To have made available to you for inspection all items of information in the nature of physical or documentary evidence to be considered by the officer conducting the hearing;

(6) To present to the officer conducting the proceedings appropriate matters in mitigation, extenuation or defense of the alleged charge(s). Matters in mitigation do not constitute a defense but do reduce the degree of culpability. Such matter might include a fine military record, either previous or subsequent to the alleged offenses. Matters in extenuation are matters which render an offense less aggravated or reprehensible than it would otherwise be, but such matters do not also constitute a defense. A matter offered in defense is offered as a reason in law or in fact why you should not be found guilty of the charges alleged;

(7) To be accompanied at the hearing by a personal representative to speak on your behalf. The command has no obligation to provide such a personal representative. It is your own obligation to obtain and arrange for the presence of such a personal representative if you wish one. The personal representative need not be a lawyer; and

(8) To have the proceeding open to the public unless good cause for closing the proceeding can be shown or unless the punishment to be imposed will not exceed restriction for 14 days and an oral reprimand.

2. You are further advised that if NJP is imposed, you have the right to appeal to the next superior authority within 5 working days, if you consider the punishment unjust or disproportionate to the offense(s) for which it is imposed.

3. Unless attached to or embarked in a vessel, you have a right to refuse NJP.

4. You will indicate, by return endorsement hereon, your understanding of the foregoing and return it within 5 working days.

Signature

HEADING

(Date)

FIRST ENDORSEMENT on

From: (Officer concerned)
To: Commanding General/Officer

Subj: NOTIFICATION OF ARTICLE 15, UCMJ HEARING

1. I hereby acknowledge my understanding of the advice stated above and my right to demand trial by court-martial in lieu of nonjudicial punishment; I do not desire to demand trial by court-martial and am willing to accept punishment under Article 15, UCMJ. Prior to making this decision, I have had the opportunity to consult with a lawyer.

(Signature of accused)

(Date)

(Witness, typed or printed name)

SSIC
Code
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From: [Officer Concerned]
To: [NJP Authority]

Subj: ACKNOWLEDGMENT OF NONJUDICIAL PUNISHMENT APPEAL RIGHTS

Ref: (a) SECNAVINST 1920.6A
(b) MCO 1900.16E

1. I [Grade First Name MI Last Name SSN/MOS USMC(R)], assigned or attached to [unit], have been informed of the following facts concerning my right of appeal as a result of [NJP authority] nonjudicial punishment held on [date NJP imposed].

2. My appeal must be submitted within a reasonable time. Five days after the punishment is imposed is normally considered a reasonable time in the absence of unusual circumstances. Any appeal submitted thereafter may be rejected as not timely. If there are unusual circumstances which I believe will make it extremely difficult or not practical to submit an appeal within the 5 day period, I should immediately advise the officer imposing punishment of such circumstances, and request an appropriate extension of time in which to file my appeal.

a. The appeal must be in writing.

b. There are only two grounds for appeal; that is:

(1) The punishment was unjust;

(2) The punishment was disproportionate to the offense for which it was imposed.

3. I understand that, if I submit an appeal, it must be referred to a military lawyer for consideration and advice before action is taken on the appeal.

4. _____ I intend to appeal the imposition of NJP.

_____ I do not intend to appeal the imposition of NJP.

Subj: ACKNOWLEDGMENT OF NONJUDICIAL PUNISHMENT APPEAL RIGHTS

[If a BOI will be recommended, add the following language]:
5. I have been notified of my right to submit a request for
[resignation][retirement] in lieu of administrative separation
processing.

_____ I desire to submit a request for resignation/
retirement in lieu of administrative separation processing in
accordance with references (a) and (b).

_____ I do not desire to submit a request for resignation/
retirement in lieu of administrative separation processing.

[signature] [date]

[witness signature] [date]

HEADING

SSIC
Code
Date

From: [Officer Imposing NJP]
To: Commandant of the Marine Corps (JAM)

Subj: REPORT OF NONJUDICIAL PUNISHMENT IN THE CASE OF (GRADE,
FULL NAME, SSN, MOS) (REPORT CONTROL SYMBOL EXEMPT)

Ref: (a) MCO P5800.8 (LEGADMINMAN)
(b) Manual for Courts-Martial, United States, 1984 (MCM)
(c) JAGINST 5800.7 (JAGMAN)
(d) Uniform Code of Military Justice (UCMJ)
(e) SECNAVINST 1920.6A
(f) MCO P1900.16E (MARCORSEPMAN)

Encl: (1) Preliminary inquiry/formal fact-finding body report
[Include, at a minimum, items listed in paragraph
4004.3, LEGADMINMAN]
(2) Record of NJP hearing
(3) Acknowledgment of advance education assistance
reimbursement requirement
(4) Resignation request

1. The subject report is submitted per paragraph 4003 of reference
(a).

2. On [date], following the applicable provisions of references
(b), (c), and (d), nonjudicial punishment was imposed by the
undersigned on [grade name]. The charges and disposition thereof
are as follows:

<u>Charge(s)</u>	<u>Plea</u>	<u>Finding</u>	<u>Appeal/Status</u>
Article ____	[G/NG]	[G/NG]	[Yes/Denied]

3. [Grade name] voluntarily accepted NJP and the following
punishment was imposed: [set forth punishment imposed].

4. The circumstances giving rise to the imposition of nonjudicial
punishment in this case are: [Provide concise, even-handed
explanation of the offense(s), including significant matters in
aggravation and extenuation and mitigation.]

Subj: REPORT OF NONJUDICIAL PUNISHMENT IN THE CASE OF (GRADE,
FULL NAME, SSN, MOS) (REPORT CONTROL SYMBOL EXEMPT)

5. A record of the NJP hearing conducted in accordance with paragraph 4, part V of reference (b) is contained in enclosure (2). The accused was present at the hearing, was accorded all rights including the right to consult with a lawyer. [Grade name] officer indicated acceptance of the imposition of nonjudicial punishment and did not desire to demand trial by court-martial. Nonjudicial punishment was imposed in accordance with section 0110 of reference (c), and Article 15 of reference (d). All requirements of paragraph 4, Part V of reference (b) have been satisfied.

5. [Grade name] has been accorded the opportunity to read the report of nonjudicial punishment in this case and [did/did not] desire to exercise the right to appeal the punishment. [Grade name] has made a statement, enclosure (), and [does/does not] desire to exercise the right to appeal the punishment.

6. I [do/do not] recommend that [grade name] be required to show cause for retention in the Marine Corps at a Board of Inquiry.

[Add the following, as appropriate]:

7. [Grade name] has been advised of the reimbursement requirement for advanced education assistance. [Grade name's] acknowledgment of this requirement is provided as enclosure (3). I do/do not recommend that the reimbursement requirement be waived in this case. [See paragraph 4007.]

8. [Grade, name] has submitted a request for resignation/retirement in lieu of administrative separation processing in accordance with references (e) and (f). I recommend approval/disapproval.]

[Signature]

ACKNOWLEDGMENT OF ADVANCE EDUCATION ASSISTANCE REIMBURSEMENT
REQUIREMENT

I understand that, if I am voluntarily or involuntarily separated before I complete an active duty service requirement incurred because I received advanced education assistance (USNA, ROTC, FLEP, etc.), I may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement.

Signature

Date

