

CHAPTER 49

NONJUDICIAL PUNISHMENT4901 AUTHORITY

Under authority of Article 15, Uniform Code of Military Justice (UCMJ) (10 U.S.C. 815), (reference (i)) authorized commanders may impose nonjudicial punishment for minor offenses without resorting to courts-martial.

4902 AUTHORIZED PUNISHMENTS AFFECTING PAY

Nonjudicial punishments which affect pay are forfeiture of pay, reduction in grade, or combinations of these. Except as provided in this chapter, provisions of chapter 48, this part, relating to forfeiture of pay and reduction in grade by courts-martial also apply when such penalties are imposed as nonjudicial punishment.

4903 LIMITATIONS

490301. Maximum Forfeiture of Pay. The maximum forfeiture of pay which may be imposed under Article 15, UCMJ (reference (i)), is outlined in the Manual for Courts-Martial, United States 1984, part V and appendix 2, section 815 (reference (cj)).

490302. Concurrent Court-Martial and Nonjudicial Forfeitures. When nonjudicial forfeitures run concurrently with partial court-martial forfeitures which are subject to the two-thirds limitation, the maximum total amount collectible is two-thirds of the pay subject to forfeiture.

490303. Reduction in Grade. When punishment includes both reduction in grade, whether or not suspended, and forfeiture of pay, the forfeiture is based on the grade to which reduced.

4904 SUSPENSION, REMISSION, AND MITIGATION

See table 49-1.

4905 EXECUTION OF PUNISHMENT DURING APPEAL PROCEDURES

A member who incurs nonjudicial punishment considered unjust or out of proportion to the offense may, through proper channels, appeal to the next higher authority. The member may be required to undergo the adjudged punishment pending determination of the appeal. (Air Force: See AFR 111-9 (reference (ck))).

4906 EFFECTIVE DATES

Forfeitures and reduction in grade, if unsuspended, are effective on the date the commander imposes the punishment. (For Navy and Marine Corps members, however, nonjudicial forfeitures do not run concurrently. If such forfeiture is imposed while a prior forfeiture is still in effect, it will not commence until the prior forfeiture is completed.) Pay accrued by a member before the imposition of the punishment is not subject to forfeiture. When a forfeiture of pay is suspended, the suspension takes effect on the date of the action. When a member is restored to a higher grade by suspension of a reduction, the member is entitled to pay of the higher grade from the date of suspension only. If, however, a reduction or forfeiture is set aside and all rights, privileges, and property affected by it are restored, the member is entitled to pay as though the reduction had never been imposed. When the suspension of a punishment is vacated the effective date for pay purposes is the date of the vacation.

★4907 DISPOSITION OF FORFEITURES COLLECTED BY NONJUDICIAL PUNISHMENT

Disposition of forfeitures as a result of non-judicial punishment is treated the same as those as a result of court-martial action. Refer to section 4812 for disposition policies/procedures.

SUSPENSION, REMISSION, SETTING ASIDE, AND MITIGATION OF NONJUDICIAL PUNISHMENT				
R U L E	A	B	C	D
		When nonjudicial punishment is	and the punishment has	the officer imposing the punishment, or the successor in command, may suspend the punishment probationally
1	reduction in grade	not been executed (note 2)	at any time	remit or set the reduction aside, or mitigate it to a forfeiture (note 1).
2	forfeiture of pay			remit or set the forfeiture aside (in whole or in part) or mitigate it to lesser forfeiture.
3	reduction in grade	been executed	only within 4 months after imposition	set the punishment aside in whole or in part or mitigate it to forfeiture (note 1 and 3).
4	forfeiture			set the punishment aside in whole or in part (note 3).

NOTES:

1. If mitigated, the amount of forfeiture or detention may not be greater than the amount that could have been imposed initially by the officer who imposed the reduction in grade.
2. An uncollected forfeiture of pay is considered to be unexecuted during the period for which it was imposed. Upon

the expiration of the forfeiture period all unsuspended forfeitures, whether or not collected, are fully executed, but see section 4906.

3. Usually, this is done within 4 months after the punishment has been executed.

Table 49-1. Suspension, Remission, Setting Aside, and Mitigation of Nonjudicial Punishment