

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](#) 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 (reference (cj)) and appendix 2, section 815 (reference (i)).

490302. Concurrent Courts-Martial and Nonjudicial Forfeitures. When nonjudicial forfeitures run concurrently with partial courts-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 only from the date of suspension. 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 courts-martial action. Refer to [Chapter 48](#), section 4812 for disposition policies/procedures.