

VOLUME 7A, CHAPTER 49: “NON-JUDICIAL PUNISHMENT”

SUMMARY OF MAJOR CHANGES

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2014** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
4901	Inserted “Purpose” and “Authoritative Guidance” paragraphs.	Addition

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CHAPTER 49

NON-JUDICIAL PUNISHMENT

4901 GENERAL

*490101. Purpose

This chapter prescribes the effect, and limitations of non-judicial punishment on a members' pay.

*490102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

4902 AUTHORIZED PUNISHMENTS AFFECTING PAY

Non-judicial punishments which affect pay are forfeiture of pay, reduction in grade, or a combination 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 non-judicial punishment.

4903 LIMITATIONS

490301. Maximum Forfeiture of Pay

The maximum forfeiture of pay which may be imposed under Article 15, UCMJ, is outlined in the [Manual for Courts-Martial \(MCM\), United States \(2012 Edition\), part V and Title 10, United States Code \(U.S.C.\), section 815.](#)

490302. Concurrent Courts-Martial and Non-Judicial Forfeiture of Pay

When non-judicial forfeitures of pay run concurrently with partial courts-martial forfeitures of pay which are subject to the two-third's limitation, the maximum total amount collectible is two-thirds of the pay subject to forfeiture.

490303. Reduction in Grade

When punishment includes both a reduction in grade, whether or not suspended, and a forfeiture of pay, the forfeiture of pay 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 non-judicial 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.

4906 EFFECTIVE DATES

Forfeitures of pay and reductions in grade, if unsuspended, are effective on the date the commander imposes the punishment. (For Navy and Marine Corps members, however, non-judicial forfeitures of pay do not run concurrently. If a forfeiture of pay is imposed by a non-judicial punishment while a prior forfeiture of pay is still in effect, it will not commence until the prior forfeiture of pay 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 in grade, the member is entitled to pay of the higher grade only from the date of suspension. If, however, a reduction in grade or forfeiture of pay is set aside and all rights, privileges, and property affected by it are restored, then the member is entitled to pay as though the reduction in grade 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 OF PAY COLLECTED BY NON-JUDICIAL PUNISHMENT

Disposition of pay forfeited as a result of a non-judicial punishment is treated similar to pay forfeited by court-martial action. Refer to Chapter 48, section 4811 for disposition policies.

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

R U J U L E	A	B	C	D
	When non-judicial punishment is	and the punishment has	then the officer imposing the punishment, or the successor in command, may suspend the punishment probationally	or
1	reduction in grade	not been executed	at any time	remit or set the reduction in grade aside, or mitigate it to a forfeiture of pay (note 2).
2	forfeiture of pay	not been executed (note 1)		remit or set the forfeiture of pay aside (in whole or in part), or mitigate it to lesser forfeiture of pay.
3	reduction in grade	been executed	only within 4 months after execution	set the reduction in grade aside in whole or in part, or mitigate it to forfeiture of pay (note 2 and 3).
4	forfeiture of pay			set the forfeiture of pay aside (in whole or in part) (note 3).

NOTES:

1. 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 of pay, whether or not collected, are fully executed.
2. If mitigated, the amount of forfeiture of pay may not be greater than the amount that could have been imposed initially by the officer who imposed the reduction in grade, and the mitigation must be accomplished within 4 months of the date of execution.
3. Usually, executed punishments are set aside within 4 months after the punishment has been executed.

BIBLIOGRAPHY

CHAPTER 49 – NON-JUDICIAL PUNISHMENT

4901 – GENERAL

10 U.S.C. § 815

4902 – AUTHORIZED PUNISHMENTS AFFECTING PAY

10 U.S.C. § 815

4903 – LIMITATIONS

10 U.S.C. § 815

4904 – SUSPENSION, REMISSION, AND MITIGATION

10 U.S.C. § 815

4905 – EXECUTION OF PUNISHMENT DURING APPEAL PROCEDURES

10 U.S.C. § 815

4906 – EFFECTIVE DATES

10 U.S.C. § 815

MCM, United States (2012 Edition), part V

4907 – DISPOSITION OF FORFEITURES OF PAY COLLECTED BY NON-JUDICIAL PUNISHMENT

10 U.S.C. § 2772

Table 49-1

MCM, United States (2012 Edition), part V, paragraph 6

10 U.S.C. § 815