

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 2016** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
490302	Removed paragraph due to insufficient support.	Deletion
490303	Renamed and updated previous paragraph 490303 to reflect current policy on forfeitures of pay and renumbered to 490302.	Revision
Table 49-1 Note 2	Inserted note to update current policy and renumbered subsequent notes.	Addition
Table 49-1 Note 4	Updated to reflect current policy.	Revision
Bibliography	Updated references.	Revision

Table of Contents

4901 GENERAL 3

 490101. Purpose 3

 490102. Authoritative Guidance 3

4902 AUTHORIZED PUNISHMENTS AFFECTING PAY 3

4903 LIMITATIONS 3

 490301. Maximum Forfeiture of Pay 3

 *490302. Forfeiture of Pay 3

4904 SUSPENSION, REMISSION, SET ASIDE, AND MITIGATION 3

4905 EXECUTION OF PUNISHMENT DURING APPEAL PROCEDURES 4

4906 EFFECTIVE DATES 4

4907 DISPOSITION OF FORFEITURES OF PAY COLLECTED BY NON-JUDICIAL
PUNISHMENT 4

*Table 49-1. Suspension, Remission, Setting Aside, and Mitigation of Non-Judicial Punishment
..... 5

*BIBLIOGRAPHY 6

CHAPTER 49

NON-JUDICIAL PUNISHMENT

4901 GENERAL

490101. Purpose

This chapter describes the impact and limitations of non-judicial punishment on a member's 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, Uniform Code of Military Justice, is outlined in the Manual for Courts-Martial (MCM), United States (2016 Edition), Part V and Title 10, United States Code (U.S.C.), section 815.

***490302. Forfeiture of Pay**

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. **The amount to be forfeited must be expressed in whole dollar amounts only and not in a number of day's pay or fractions of monthly pay. If the forfeiture is to be applied for more than 1 month, the amount to be forfeited per month and the number of months should be stated. Forfeiture of pay may not extend to any pay accrued before the date of its imposition.**

4904 SUSPENSION, REMISSION, **SET ASIDE**, AND MITIGATION

See Table 49-1.

4905 EXECUTION OF PUNISHMENT DURING APPEAL PROCEDURES

A member who incurs non-judicial punishment [that the member](#) considers 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	forfeiture of pay	not been executed (note 1)	at any time	remit or set the forfeiture of pay aside (in whole or in part), or mitigate it to lesser forfeiture of pay (note 2).
2	reduction in grade	not been executed		remit or set the reduction in grade aside, or mitigate it to a forfeiture of pay (note 2 and 3).
3	forfeiture of pay	been executed	only within 4 months after execution	set the forfeiture of pay aside (in whole or in part) (note 4).
4	reduction in grade			set the reduction in grade aside in whole or in part, or mitigate it to forfeiture of pay (note 3 and 4).

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. The unexecuted portion of a forfeiture or reduction in grade can be remitted at any time.
3. 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.
- *4. The power to set aside an executed punishment should ordinarily be exercised only within a reasonable time after the punishment has been executed. Four months is a reasonable time in the absence of unusual circumstances.

*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

* 490303 MCM, United States (2016 Edition), Part V

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 (2016 Edition), Part V

* Army Regulation 27-10, Chapter 3, section IV,
paragraph 3-21* Navy Judge Advocate General Instruction 5800.7F,
Part B, section 0113* Air Force Instruction 51-202, Chapter 3, section 3C,
paragraph 3.184907 – DISPOSITION OF FORFEITURES OF PAY COLLECTED BY NON-JUDICIAL
PUNISHMENT

10 U.S.C. § 2772

Table 49-1

MCM, United States (2016 Edition), Part V, paragraph 6

10 U.S.C. § 815

* Notes 3 and 4 MCM, United States (2016 Edition), Part V