

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For instructions of this form, see AR 27-10; the proponent agency is the AG.

See Notes on Reverse Before Completing Form

NAME [REDACTED] (b)(6)z	GRADE E3	SSN [REDACTED] (b)(6)z	UNIT A Co, 588 th EN, 2d Bde, 4ID(M)	PAY (Basic & Sea/Foreign) \$1,356.90
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I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/}
 That you, did, at or near Ba' Qubah, Iraq, on or about 22 Nov 03, unlawfully strike [REDACTED] on the back of the head with an open hand. This is in violation of Article 128, UCMJ. (b)(6)4

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. ^{2/} If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. ^{3/} In deciding what you want to do you have the right to consult with legal counsel located at TDS, Tikrit, Iraq, DNVT 534-0135. You now have 48 hours to decide what you want to do. ^{4/}

DATE 15 Dec 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] LTC, 588 EN, 2d Bde, 4ID(M)
TIME 1723	[REDACTED]

3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (Initial appropriate blocks, date, and sign)
 a. I demand trial by court-martial.
 b. I do not demand trial by court-martial and in the Article 15 proceedings:

(1) I request the hearing be Open Closed. (2) A person to speak in my behalf I do not request.
 (3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Attached.

DATE 22 Dec 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED] PFC	SIGNATURE [REDACTED]
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4. In a(n) Open Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/} *Extra Duty for 45 days, suspended, to be automatically remitted if not vacated before 22 MAR 03.*

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPPF. ^{7/}
 6. You are advised of your right to appeal to the CDR, 4ID (M) within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE 27 Dec 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] LTC, 588 EN, 2d Bde, 4ID(M)
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7. (Initial appropriate block, date, and sign)
 a. I do not appeal. b. I appeal and do not submit additional matters ^{8/9/} c. I appeal and submit additional matters ^{8/9/}

DATE 28 Dec 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGER ADVOCATE	SIGNATURE
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9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ^{10/}

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
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I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER
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ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/}
 1. DA FORM 3881 4. DA FORM 268
 2. DA FORM 2823 (3) 5. ERB
 3. PHOTOS (5)

020486

except as noted (b)(6)z

REPORT OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For a complete explanation of this form, see AR 27-10; the proponent agency is the JAG.

See Notes on Reverse Before Completing Form

NAME [REDACTED]	GRADE E3	SSN [REDACTED]	UNIT A Co, 588 th EN, 2d Bde, 4ID(M)	PAY (Basic & Sea/Fore.) \$1,356.90
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/}
 That you, did, at or near Ba'Qubah, Iraq, on or about 22 Nov 03, unlawfully strike [REDACTED] on the back of the head with your foot. This is in violation of Article 128, UCMJ.

(b)(6)4

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. ^{2/} If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. ^{3/} In deciding what you want to do you have the right to consult with legal counsel located at TDS, Tikrit, Iraq, DNVT 534-0135. You now have 48 hours to decide what you want to do. ^{4/}

DATE 15 Dec 2003	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] LTC, 588 EN, 2d Bde, 4ID(M)
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3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (Initial appropriate blocks, date, and sign)
 a. I demand trial by court-martial.
 b. I do not demand trial by court-martial and in the Article 15 proceedings:
 (1) I request the hearing be Open Closed (2) A person to speak in my behalf Is not requested.
 (3) Matters in defense, mitigation, and/or extenuation: are not presented will be presented in person Attached.

DATE 22 Dec 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED] PFC
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4. In a(n) Open Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/} *Forfeiture of \$500 pay and extra duty for 30 days, both suspended, to be automatically remitted if not vacated before 1 Mar 03.*

b(7)(2)

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{7/}
 6. You are advised of your right to appeal to the CDR, 4ID (M) within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE 22 Dec '03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] LTC, 588 EN, 2d Bde, 4ID(M)
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7. (Initial appropriate block, date, and sign)
 a. do not appeal b. I appeal and do not submit additional matters ^{8/9/} c. I appeal and submit additional matters ^{8/9/}

DATE 22 Dec 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]
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8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGER ADVOCATE	SIGNATURE
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9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ^{10/}

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
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I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER
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ALLIED DOCUMENTS AND/OR COMMENTS ^{11/ 12/ 13/}
 1. DA FORM 3881 4. DA FORM 268
 2. DA FORM 2823 (3) 5. ERB
 3. PHOTOS (3)

020487

except as noted all (b)(6)2