

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

NAME

GRADE

SSN

UNIT

C Co, 2/14 IN

PAY (Basic & Sea/Foreign)

\$1,356.90

In considering whether you should be punished under Article 15, UCMJ, for the following misconduct:

In that on or about 30 October 2003, you were attached and under the tactical and operational control of 1st Battalion, 5th Special Forces Group, at or near Ar Ramadi, Iraq, were cruel toward and committed maltreatment against a detainee named [REDACTED] by striking a this individual at least three times. This is in violation of Article 93 of the UCMJ.

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. 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. If you do not want me to decide what you want to do you have the right to consult with legal counsel located at VIA telephone [REDACTED]. You now have 48 hours to decide what you want to do.

DATE
TIME

NAME, GRADE, AND ORGANIZATION OF COMMANDER
[REDACTED], CO 1 Bt. 5th SF Group

SIGNATURE

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 ☐ is not requested.

(3) Matters in defense, mitigation, and/or extenuation: ☐ Are not presented ☐ Will be presented in person ☐ Are attached.

DATE

NAME AND GRADE OF SERVICE MEMBER
[REDACTED], E4

SIGNATURE

4. In a(n) ☐ Open ☐ Closed hearing all matters presented in defense, mitigation, and/or extenuation, having been considered, the punishment is imposed: ☒ ☐

5. I direct the original DA Form 2627 be filed in the ☐ Performance fiche ☐ Restricted fiche of the OMPP. ☒ N/A

6. You are advised of your right to appeal to the Cdr, 4/31 IN within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE

NAME, GRADE, AND ORGANIZATION OF COMMANDER
[REDACTED], 1st Battalion, 5th SF Group

SIGNATURE

7. (Initial appropriate block, date, and sign)

a. ☐ I do not appeal

b. ☐ I appeal and do not submit additional matters ☒

c. ☐ I appeal and submit additional matters ☒

DATE

NAME AND GRADE OF SERVICE MEMBER
[REDACTED]

SIGNATURE

8. I have considered the appeal and it is my opinion that:

DATE

NAME AND GRADE OF JUDGE ADVOCATE

SIGNATURE

9. After consideration of all matters presented in appeal, the appeal is:

☐ Denied ☐ Granted as follows: ☒

DATE

NAME, GRADE, AND ORGANIZATION OF COMMANDER

SIGNATURE

10. I have seen the action taken on my appeal.

DATE

SIGNATURE OF SERVICE MEMBER

ALLIED DOCUMENTS AND/OR COMMENTS ☒ ☒
Form 4856X4

C/M

DA FORM 2627, AUG 84 (EG)

EDITION OF NOV 82 IS OBSOLETE

ORIGINAL

SECRET//NOFORN

Formica Report - Annex 123

NOTES

- 1/ Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (Part IV, MCM). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.
- 2/ Inform the member of the maximum punishment which may be imposed under Article 15.
- 3/ Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that as SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be lined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.
- 4/ Give the member copy 3 of this form.
- 5/ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
- 6/ Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (date). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.
- 7/ The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.
- 8/ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- 9/ Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (See Article 15a(1) to (7), UCMJ.)
- 10/ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.
- 11/ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of _____ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain board headed "Continuation Sheet 1", etc.
- 12/ Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (para 3-38, AR 27-10) will be recorded on DA Form 2627-2.

Suspension, Mitigation, Remission, or Setting Aside

(DATE)

On (date), the punishment(s) of

imposed on

(date of punishment) (was) (were) (suspended and will be automatically remitted if not vacated before (date))
(mitigated to) (set aside, and all rights, privileges, and property affected restored) (by my order) (by order of) (the officer who imposed the punishment) (the successor in command to the imposing commander) (as superior authority).
(Typed name, grade, and organization of commander) (s)

- 13/ Racial/ethnic identifiers will be placed in Item 11 (Chapter 15, AR 27-10).

Reverse of DA Form 2627, Aug 84

DA FORM 2627, PERTAINING TO [REDACTED] C Co.
2/14th IN, APO AE 09335

b(6)

SECRET/NOFORN

Formica Report - Annex 123

MAJ MNC-I EFFECTS SJA

From: [REDACTED] CPT SJA (Marie.Anderson@drum.army.mil)
Sent: Friday, July 09, 2004 22:48
To: [REDACTED] @vcmain.hq.c5.army.mil
Cc: [REDACTED] LTC SJA; [REDACTED] MAJ SJA
Subject: RE: RFA

b(6)

Sir,
[REDACTED] 1st Battalion 5th Special Forces Group, commander imposed a FG Art 15 against [REDACTED]. He was reduced one rank, forfeited pay, and was placed on extra duty for 45 days. Although I do not have a copy of the Article 15, the I spoke to the C, 2-14 IN Cdr who recalls this case and the punishment imposed.
V/r,
CPT [REDACTED]

b(6)

-----Original Message-----

From: [REDACTED] @vcmain.hq.c5.army.mil (mailto:[REDACTED]@vcmain.hq.c5.army.mil)
Sent: Friday, July 09, 2004 8:49 AM
To: [REDACTED]@drum.army.mil
Subject: RFA

b(6)

Thanks for the assistance on this matter. If you get something today, please shoot it to me. A definitive "no action was taken" is just as good as a message saying "_____ was done."

b(6)

[REDACTED]
Multi-National Corps Iraq
Force Field Artillery and Effects Judge Advocate
Camp Victory, Iraq
DSN [REDACTED]

~~SECRET//NOFORN~~

7/10/2004

Formica Report - Annex 123