



DEPARTMENT OF THE ARMY

United States Trial Defense Service
Fort Rucker Field Office
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ARTICLE 15 APPEAL INFORMATION

This fact sheet contains information concerning Article 15 appeals. This fact sheet is for informational purposes only; it is not intended to constitute legal advice and is not a substitute for speaking with a defense attorney. For further information contact the Trial Defense Service at 334-255-3919

Any Soldier punished under Article 15, UCMJ, who considers the punishment unjust or disproportionate has the right to appeal to the next superior authority. If the imposing commander is a Company Commander, the appellate authority is the Battalion Commander; if the imposing commander is a Battalion Commander, the appellate authority is the Brigade Commander, etc. (*See* AR 27-10, 3-30(b), for further discussion of “next superior authority.”)

Procedure: The Soldier must indicate his decision regarding appeal in block 5 of the DA Form 2627. If the Soldier elects not to appeal at the time the punishment is imposed, the appeal may be rejected, even if it is received within the 5 day time limit.

All appeals must be in writing and should include the basis for the appeal. The Soldier is not entitled to a personal appearance on appeal, although he may request one. Appeals must be made within **5** calendar days (not duty days) from the date punishment is imposed. Appeals not submitted within the 5 days could be rejected as “untimely.” For good cause, a commander may extend the 5-day period.

Punishment Pending Appeal: Punishment is not stayed during the appeal unless action is not taken on the appeal within 5 days after the appeal was submitted. Upon request by the Soldier, any unexecuted punishment involving restriction or extra duty shall be stayed until action on the appeal is taken (*See* MCM, Part V, para. 7(d)).

Grounds for Appeal: There are two main reasons for appealing an Article 15:

1. The Soldier feels he is not guilty of the specification(s) or
2. He feels the punishment imposed was unjust or excessive, or that a certain punishment should be mitigated (reduced) or suspended

Preparing an Appeal: An appeal can be forwarded to the appellate authority with or without additional matters attached. If a personal statement is submitted, it should state the basis for the appeal. Statements of support, such as letters from supervisor attesting to character, can be submitted as well as any additional evidence. The appeal statement should include the following 3 main points:

1. Statement that you are appealing and the reason(s) why.
2. The result you are seeking (reduction/suspension of punishment, etc).
3. The reason(s) your request should be granted.

Not Guilty Appeal: When you appeal because you believe yourself to be not guilty, you should include any witness statements, police or MP reports, or anything else you feel may be helpful in proving your innocence. You may also wish to address the severity of the punishment because even if the appellate authority does not grant your appeal of the findings, he may still act on and possibly reduce the punishment.

Excessive Punishment Appeal: An appeal based on excessive punishment should include reasonable alternatives to the punishment imposed. For example, if you were reduced in rank, you could ask that the reduction be suspended to give you a chance to prove yourself. If you feel the forfeiture of pay may lead to financial hardship, provide documentation to prove this fact.

If you submit an appeal statement, it should also include an acknowledgement of the appellate authority’s fair and impartial judgment on your appeal action.

More Information: The Article 15 appeal process is discussed in detail in Part V of the Manual for Courts-Martial and in Chapter 3 of AR 27-10. These materials are available for review at the Trial Defense Service, or online @ <http://www.apd.army.mil/>

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