

Ucmj report sample

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Non judicial punishment, popularly known as NPJ is a tool that is available for military leadership personnel for the purposes of maintaining law and order. NPJ is permitted under article 15 of the UMCJ and is governed by both part 5 of the manual for courts-martial and service regulations (staff, 2014). NPJ is most common among the military services and as such there is a procedure for imposing it on an officer. Prior to imposing an NPJ, the offender must be notified of his crime, the supporting evidence behind the accusation and must be notified that the commanding officer is intent on imposing the NPJ. Under the NPJ the military commander is unrestrained by law except for the laws that are imposed by the manual for courts martial (staff, 2014). For instance, it is not mandatory for the defendant to have legal representation. On the other hand, a courts martial is an actual legal proceeding but the only difference being that it is for actual military personnel. In a court-martial, unlike an NPJ, the case has to have a judge for the proceedings and a jury of the defendant's peers can be selected. In this case the jury of the defendant's peers has to be other military personnel of the same skill and rank (Usmilitary. about. com, 2014).

Article 86 is one that provides military personnel who have gone absent without leave. More specifically, any member of the armed forces who without permission fails to go to his place of duty at the allocated time, leaves his place of duty and/or secludes himself from his unit, organization or his place of duty will be punished as deemed fit by a court martial. For article 86 to be implemented, several recommendations must be adhered to. First, if the officer leaves his place of duty, a higher ranking officer must have appointed the place of duty, the defendant must have known of the place

and time of his or her duty and the accused without authority failed to go to his or her place of duty.

For article 86 to be implemented on an officer who has left his place of duty; first, there must have been a higher ranking officer who set the time and place for the officer to report at the place of duty. The accused must have known of the time and place and finally, the accused must have left the place without permission. The same measures apply for if the officer absented himself from his place unit without permission (Usmilitary. about. com, 2014).

For article 86 to be implemented on a person who has abandoned watch or guard detail the following elements must be adhered to. First, the accused must a member of the watch or guard duty. Second, the accused absented him or her without permission and third the absenteeism was intentional. If the accused absented him or herself from partaking in field maneuvers and exercises, article 86 must be implemented under the following elements. First, the accused absented him or herself. Second, the absenteeism must have been without permission. Third, the absence was for an interlude of time. Fourth, the accused must have known that the absence was during the field maneuvers and exercises and finally, the accused must have intended to avoid all or part of the field maneuvers and exercises.

Article 92 addresses failure to obey order or regulation. More specifically, a person who; first, fails to obey military order or regulation (military lawyers, 2014). Second, a person who with prior knowledge of an order or regulation which is his mandate to obey fails to comply. Third a member of the military personnel who has neglected of his of his duties will be subject to the

punishment that is deemed fit by a military court. For the article to be implemented, the following elements must be adhered to (military lawyers, 2014). First, the accused must have failed to obey general order or regulation that had already been implemented. Second, the accused had the mandate to obey this order or regulation and third, the accused failed in this mandate.

For article 92 to be implemented to a member who has failed to obey other lawful order, the following elements must be adhered to; first, the accused must be a member of the military, second, the member must have had prior knowledge of the order or regulation, third, the accused was mandated to obey the regulation and finally, the accused failed to obey the regulation (Usmilitary. about. com, 2014).

For the article to be implemented for a person who has neglected his duties, the person must have had duties to begin with. The accused must have been aware fully or fairly of the duties and finally, the accused was knowingly derelict his duties through negligence.

Implementation of non-judicial punishments on the military officers is numerous and none of them are positive. For instance, implementation of a judicial punishment on an officer's conduct would mean that the officer is not eligible for Good Conduct (military lawyers, 2014). Another consequence of the imposition of an NJP on an officer is that the officer cannot be eligible for advancement if the implementation was within the past year. More than two implementations on a single officer means that the officer is not eligible for overseas assignments.

References

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