

HEADQUARTERS UTAH NATIONAL GUARD  
Office of The Adjutant General  
Post Office Box 1776  
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UTNG Regulation 27-10  
Air Division Regulation 35-2

1 October 2000

Personnel-General

NON-JUDICIAL PUNISHMENT

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\* This regulation supersedes UTNG Reg 27-10, dtd 1 November 1995



Personnel-General

NON-JUDICIAL PUNISHMENT

1. **PURPOSE.** This regulation provides detailed instruction for the imposition of non-judicial punishment for minor offenses upon military personnel subject to the provisions of Title 39 Utah Code Annotated (1953, as amended).
2. **REFERENCES.**
  - a. Title 39 Utah Code Annotated (1953, as amended).
  - b. AR 27-10 and AFR 111-9.
3. **GENERAL.** In the Utah National Guard, not in federal service, a commanding officer may impose non-judicial punishment for minor offenses upon military personnel of his or her command who are not in federal service. "Not in federal service" as used herein means training, Active Duty for Training (ADT), or Active Guard/Reserve (AGR) under 32 USC 502, 503, 504, 505, when called or ordered to active duty in State Service by the Governor of Utah, or when serving in the Utah State Defense Force.
4. **OFFENSES PUNISHABLE BY NON-JUDICIAL PUNISHMENT.** The individual to be punished must have committed an offense in violation of those military offenses as specified under the Utah Code of Military Justice. The offense committed must also be of a minor nature for non-judicial punishment to be appropriate. Examples of minor offenses are: Disobedience of orders, non-attendance at drills, assemblies, parades, reviews or encampments, neglect or non-performance of lawful duties, or conduct prejudicial to good order and military discipline. This is not a hard and fast rule, however, and due regard should be given to all circumstances surrounding the commission of an offense and the personal history of the offender.
5. **PERSONS WHO MAY BE PUNISHED BY NON-JUDICIAL PUNISHMENT.** A commanding officer may impose non-judicial punishment upon commissioned officers, warrant officers, and other military personnel of the command who are members of the Utah National Guard or Utah State Defense Force, and who are not in federal service at the time of the offense. This includes attached and assigned personnel.
6. **WHO MAY IMPOSE NON-JUDICIAL PUNISHMENT.** Non-judicial punishment may be imposed by any commanding officer, including a warrant officer in command, provided that a superior commander has not restricted or withheld the authority to impose punishment on certain categories of military personnel or offenses. For example, general officers in command may reserve to themselves the authority to impose non-judicial punishment on officers under their command. The company commander or officer in command may not delegate the authority to impose non-judicial punishment. In no case shall an NCO impose non-judicial punishment.

Maximum punishments are set forth in Appendix B.

7. **FORWARDING PUNISHMENT.** If any commander does not feel his punishment authority is adequate for the offense, he may forward the case to the next higher commander and request that the higher commander exercise his or her authority under the provisions of this Non-Judicial Punishment Regulation. The officer cannot recommend any particular punishment for the offender to receive. In an appropriate case, an officer may return a case to a lower level for disposition at that level. In no case can a superior officer direct that a subordinate commander take action under this Non-Judicial Punishment Regulation or dictate the type of punishment to be administered. Any reference to a period of restriction or extra duties is not intended to grant authority to bring a member on active duty for the sole purpose of serving restrictions or extra duty.

8. **PROCEDURE.**

a. The procedures and guide to be followed are the general procedures as outlined in the Utah Rules for Military Court, Utah Code of Military Justice (UtCMJ), and the Utah National Guard Non-judicial Punishment Checklist as set forth in Appendix C.

b. The commander must conduct an investigation with all deliberate speed.

c. Before taking action under Utah National Guard regulation, the commanding officer must satisfy himself that:

(1) the alleged misconduct took place;

(2) the misconduct constitutes an offense under Title 39, Utah Code

Annotated;

(3) the accused committed the offense; and

(4) a non-judicial punishment proceeding is appropriate to the offense in view of the soldier's past record.

9. **LEGAL ADVICE.** The commander should consult with the servicing Staff Judge Advocate (SJA) to determine whether an offense has been committed that would be appropriate for non-judicial punishment.

10. **NOTICE OF INTENT TO IMPOSE NON-JUDICIAL PUNISHMENT.**

a. **Statement of offenses.** The commander must notify the service member of the intent to impose non-judicial punishment. This notification must be in writing and should include a brief statement of the offense(s) charged. It should be stated in terms that the service

member will understand.

b. Right to Refuse. The commander must inform the service member of the right to refuse non-judicial punishment and to demand trial by military court.

c. Right to Appeal. The commander must inform the service member of the right to appeal as set forth in paragraph 13b below.

#### 11. ACKNOWLEDGMENT AND RIGHTS OF THE OFFENDER.

a. Right to Present Case. The service member must be informed of the right to fully present a case in the presence of the commander including the right to call witnesses; the right to present evidence; the right to be accompanied by a person to speak on his behalf; and the right to have proceedings open to the public if requested by the accused.

b. Right to Counsel. The service member must be informed of the right to consult with a judge advocate or private attorney (at no cost to the government) concerning the non-judicial punishment proceeding. The member must be informed of the location of the nearest available judge advocate. A reasonable time will be given for this purpose including time off from duty if necessary. The service member shall sign an Acknowledgment of Right to Counsel Warning. This form will be prepared by the unit according to the format outlined in Appendix A. The service member may also waive the right to consult with counsel as outlined in Appendix A.

c. Time Limitations. The service member must be given reasonable time to consult with a judge advocate or private attorney. When notification is given at one drill, the time between that drill and the next regularly scheduled drill is considered to be reasonable time. To reduce delays, when the service member expresses a desire to consult with a judge advocate, the commanding officer should arrange for an interview with a judge advocate from a separate major command. Counsel is available from the office of the State Judge Advocate.

#### 12. IMPOSITION OF PUNISHMENT.

a. Maximum Punishments. Paragraph 7 and Paragraph 8, above, outline the procedures for evaluating sufficient punishment. Appendix B outlines the maximum allowable punishment authorized in a non-judicial punishment proceeding. A field grade commander may impose greater punishment than a company grade commander; however, a field grade non-judicial punishment may not be administered for misconduct previously punished by company grade non-judicial punishment. Forfeiture of pay may never be combined with detention of pay. Any forfeiture of pay, when combined with a reduction in grade, must be based upon the grade to which the offender is reduced and not upon his original grade.

b. Informing the Offender. The officer imposing punishment, at the time of

imposition, will personally announce the punishment to the offender. At this time, the officer imposing punishment may explain any factors considered in arriving at the announced punishment and shall explain the offender's right to appeal.

c. Filing UTNG Form 2627. For personnel in the grade E-4 and below (prior to punishment) who have three or fewer years of active and reserve service, (excluding time in the delayed entry program) as of the date punishment is imposed, the original will be filed locally in unit non-judicial punishment files. Such locally filed originals will be destroyed at the end of 2 years from the date of imposition of punishment. For these individuals, the imposing commander should annotate item 5 of UTNG Form 2627 as "Not Applicable (N/A)." For all other personnel, the decision to file the original UTNG Form 2627 on the performance fiche or the restricted fiche in the OMPF will be determined by the imposing commander at the time punishment is imposed. The filing decision of the imposing commander is final and will be indicated in item 5, UTNG Form 2627. When the imposing commander makes a decision regarding the filing, the imposing commander should consider the following:

(1) The performance fiche is that portion of the OMPF that is routinely used by career managers and selection boards for assignment, promotion, and school selection.

(2) The restricted fiche is that portion of the OMPF that contains information not viewed by career managers or selection boards without express written approval by the Chief, National Guard Bureau (CNGB) or CNGB delegate, or the DA selection board proponent.

13. RESPONSIBILITIES AFTER IMPOSITION. The full effectiveness of non-judicial punishment cannot be realized unless the commander is aware of the power of clemency and the responsibilities in the event that the service member decides to appeal.

a. Clemency. A commander imposing punishment under non-judicial punishment has the power to suspend, remit, mitigate or set aside that punishment if warranted by the circumstances of the case. These powers give the commander an effective means of rehabilitating the offender which are often more valuable than the mere power to punish.

(1) Suspension. When a punishment is suspended, the punishment is held in abeyance, or not put into effect, for a specified period of time. This results in a probationary period which permits the service member to demonstrate good conduct and efficiency. It provides an incentive to stay out of trouble. The unexecuted portion of and punishment may be suspended for a reasonable time not to exceed six months. Regulations permit a reduction in grade to be suspended any time within four months after it has been imposed: i.e., even if the punishment has already been executed. For example, if a service member is reduced from E-3 to E-2 in January and performs well after non-judicial punishment, the reduction may be suspended any time prior to May. Suspension should be considered in all cases, but it is most effective in the case of the offender who is undergoing a first offense with military justice. The commander has an opportunity to rehabilitate a member who might otherwise become a continuing

disciplinary problem. The commander should bear in mind that no favorable personnel actions may be taken during the period of suspension. If during the period of probation the service member commits additional acts of misconduct, the suspension may be vacated (terminated) and the original punishment put into effect.

(2) Mitigation. The severity of the punishment may be reduced by mitigation. This is appropriate when the service member has demonstrated by subsequent good conduct that a decrease in punishment is merited. For example, a forfeiture of pay may change to a detention of pay.

(3) Remission. Remission is the cancellation of the unserved portion of the punishment.

(4) Setting Aside. The commander may set aside an action taken under non-judicial punishment when it is clear that an injustice has occurred. All rights and privileges are restored. This type of action would be necessary, for instance, in a case where new evidence or information indicates that the service member was innocent.

b. Appeals. Every service member who receives non-judicial punishment has the right to appeal the punishment. While an appeal is pending, the service member may be required to undergo the punishment imposed. For this reason, the appeal should be handled promptly. Punishments other than reduction in grade and forfeiture or detention of pay will not take effect until action has been completed on the appeal. Upon appeal by the offender from the punishment imposed under non-judicial punishment, the next superior commander may approve or reduce but not increase the punishment imposed by the subordinate commander. In the event the next superior commander approves or reduces the punishment imposed, the offender may appeal from that approval or reduction to the Adjutant General of the State of Utah who may approve, reduce or take other clemency action but not increase the punishment imposed.

(1) Action by Officer Imposing Punishment. Appeals should be submitted within a reasonable time after the imposition of punishment. Except in unusual circumstances, 15 days is considered a reasonable time. The accused is entitled to submit written statements dealing with the offense or with the propriety of the punishment. The commander should consider these statements and, if warranted, modify the punishment imposed. If additional action such as suspension, mitigation or remission is taken, the commander should then ask the service member if he or she wishes to voluntarily withdraw the appeal. If the service member refuses, or if the commander takes no modification action, the appeal must then be forwarded to the next higher commander. If forwarding is necessary, the commander should insure that the member receives whatever assistance may be needed including the preparation of any written statements the member wishes to be considered by the appellate authority.

(2) Forwarding the Appeal. The commander should complete the necessary portions of the non-judicial punishment form and make any comment considered necessary to

rebut a statement made by the service member. The file will be forwarded to the immediate superior who is responsible for taking action on the appeal.

c. **Publication of Results.** In order to be effective, our system of military justice must function properly, as well as appear to function properly. The commander may announce the disposition of all cases involving non-judicial punishment of personnel in the grade of E-5 and below, including action taken on previously imposed non-judicial punishments. This may be done orally at a routine unit formation and, in any case, may also be done in writing by posting a form notice on the unit bulletin board or other locations where routine notices are placed. This announcement must be left in place for 30 days following the imposition of punishment. In all cases, any announcement of non-judicial punishment disposition is discretionary. Impact on unit morale and the impairment to the leadership effectiveness of the individual concerned must be considered in determining whether a public announcement should be made.

#### 14. EXECUTION AND COLLECTION OF FINES.

a. Any fine imposed under this regulation shall be automatically withheld from the proceeds of the soldier's next military pay period. The officer imposing the fine should make payment of the fine a condition of any suspended sentence and require that payment be made prior to the expiration of the suspension period. The USP&FO for Utah, Pay Section, shall take steps necessary to withhold the fine. If the fine is not paid, despite attempts by USP&FO for Utah, Pay Section, to withhold the fine, the officer imposing the fine should vacate the suspension and execute the punishment originally imposed.

b. In the event the soldier no longer earns military pay from which USP&FO for Utah, Pay Section, can withhold, or for any other reason, the fine is not paid, or there was no suspended punishment for which payment was a condition, the officer may impose additional non-judicial punishment for a violation of section 39-6-106, Utah Code Annotated, or forward the UTNG 2627 to the State Staff Judge Advocate with a recommendation that the fine be collected through means used to enforce unpaid fines or debts payable to the State of Utah.

c. Pursuant to section 39-1-56, Utah Code Annotated, all fines paid or withheld will be remitted to the General Fund of the State of Utah.

#### 15. DISPOSITION OF UTNGFORM 2627. See paragraph 3-37, AR 27-10.

APPENDIX A

FORMAT

ACKNOWLEDGMENT OF RIGHTS

1. I have been advised and informed of my right to refuse non-judicial punishment and to demand trial by military court.
2. I have been advised and informed of my right to appeal as set forth in Utah National Guard Regulation 27-10, paragraph 13b.
3. I have been advised and informed of my right to fully present a case in the presence of the commander including the right to call witnesses; the right to present evidence; the right to be accompanied by a person to speak on my behalf; and the right to have proceedings open to the public at my request.
4. I have been advised and informed of my right to talk to a judge advocate or private attorney concerning a pending non-judicial punishment proceeding against me under UTNG 27-10. I have been further informed that private counsel will be at my expense and at no cost to the government. I desire to have military counsel appointed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Service Member

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

FORMAT

WAIVER OF RIGHT TO COUNSEL WARNING

I have been advised and informed of my right to talk to a judge advocate or private attorney concerning a pending non-judicial punishment proceeding against me under UTNG 27-10. I have been further informed that private counsel will be at my expense and at no cost to the government. I waive my right to consult with counsel.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Service Member

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

APPENDIX B

TABLE OF MAXIMUM ALLOWABLE PUNISHMENTS

1. Imposed by Governor, Adjutant General, General or Colonel as Commander.
  - a. Upon officers of the command:
    - (1) a fine or forfeiture of not more than one half of one month's pay per month for three months, or \$200.00, whichever is greater;
    - (2) restriction to specific limited areas, with or without suspension from duty, for not more than 60 consecutive days; or
    - (3) detention of not more than one-half of one month's pay pr month for three months, or \$200.00, whichever is greater.
  - b. Upon other military personnel of his command:
    - (1) fine or forfeiture of not more than one-half of one month's pay per month for two months or \$200.00, whichever if greater;
    - (2) reduction of one or more pay grades if the grade from which demoted is within the promotion authority of the officer imposing the reduction;
    - (3) extra duties, including fatigue or other duties, for not more than 60 consecutive days;
    - (4) restriction to specific limited areas, with or without suspension from, for not more than 60 consecutive days; or
    - (5) detention of not more than one-half of one month's pay per month for two months or \$200.00, whichever is greater.
2. Imposed by Lieutenant Colonel or Major.
  - a. Upon any member of the command:
    - (1) fine or forfeiture of not more than one-half of one month's pay per month for two months or \$150.00, whichever is greater;
    - (2) reduction of no more than two pay grades, if the grade from which demoted is within the promotion authority of the officer imposing the reduction. But the grade

of an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

(3) extra duties, including fatigue or other duties, for not more than 45 consecutive days;

(4) restriction to specific limited areas, with or without suspension of duty, for not more than 45 consecutive days; or

(5) detention of not more than one-half of one month's pay per month for two months, or \$150.00, whichever is greater.

3. Imposed by Company Grade Officer.

a. Upon any member of the command:

(1) fine or forfeiture of not more than one-half of one month's pay for one month, or \$50.00, whichever is greater;

(2) extra duties, including fatigue or other duties, for not more than 30 consecutive days; or

(3) restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days.

(4) reduction of one pay grade if the grade from which demoted is within the promotion authority of the officer imposing the reduction.

**APPENDIX C**

**UTAH NATIONAL GUARD  
NON-JUDICIAL PUNISHMENT CHECKLIST**

1. REFERENCE.
  - a. UTNG Regulation 27-10.
  - b. Title 32, United States Code.
  
2. PURPOSE. This checklist is designed to help commanding officers ensure that all steps in the non-judicial punishment procedure are met. A commander is expected to refer to the annotated portions of Utah Code, Section 39-6, UTNG 27-10 and UTNG Form 2627, all of which are found in the "Manual for Military Courts: Utah National Guard."
  
3. EXCEPTIONS. Pursuant to TAG policy and UTNG Reg 25-1a, military discipline for drug abuse violations, certain communications systems security violations and pornography violations, this checklist may not apply.
  
4. CHECKLIST. Follow this checklist in order.
  - a. \_\_\_ Do you have jurisdiction over the soldier in question?
    - (1)\_\_\_ Is the accused a member of the UTNG or Utah State Defense Force, and attached or assigned to your command? *UTNG Reg 27-10, para 5.*
    - (2)\_\_\_ Was the accused not in federal service at the time of the offense. *UTNG Reg 27-10, para 5.*

\*\*\* If yes to the above questions, continue. If no, then report violation to soldier's commander.
  - b. \_\_\_ Before taking action under Utah National Guard regulation, the commanding officer must satisfy himself that:
    - (1)\_\_\_ the alleged misconduct took place;
    - (2)\_\_\_ Does a violation of the Utah Code of Military Justice (UtCMJ) exist? (one or more of the punitive articles, UCA 39-6-66 to 39-6-106) A legal specialist can conduct this research for you. *UTNG Reg 27-10, para 8;*
    - (3)\_\_\_ the accused committed the offense; and

(4)\_\_\_ a non-judicial punishment proceeding is appropriate to the offense in view of the soldier's past record. *UTNG Reg 27-10, para 4.*

\*\*\* These considerations are to be determined during the preliminary investigation. The investigation must be conducted with all deliberate speed. *UTNG Reg 27-10, para 8.*

\*\*\* Check with a JA to verify a violation of the UtCMJ. *UTNG Reg 27-10, para 9.*

c. \_\_\_ Whenever possible, you should get documentary evidence (witness statements [DA Form 2823], military police report, civilian police report, etc.) to support each violation. (Note: DA Form 2823 does not require that an officer be a witness.)

d. \_\_\_ Have NJP Form (UTNG Form 2627) prepared and returned to you (e.g. by a clerk or legal specialist).

e. \_\_\_ Decide on punishment to be imposed.

\_\_\_ Verify that punishment is lawful. A legal specialist can do this for you. *See UTNG 27-10, paras 7, 8, 12, and Appendix B.*

f. \_\_\_ Notify the service member of the intent to impose non-judicial punishment. *UTNG Reg 27-10, para 10.a.*

(1)\_\_\_ Notification must be in writing. *UTNG Reg 27-10, para 10.a.*

(2)\_\_\_ Written notification should include a brief statement of the offense(s) charged. *UTNG Reg 27-10, para 10.a.*

(3)\_\_\_ Written notification should be stated in terms that the service member can understand. *UTNG Reg 27-10, para 10.a.*

(4)\_\_\_ Inform the service member of the right to refuse non-judicial punishment and demand trial by military court. *UTNG Reg 27-10, para 10.b.*

(5)\_\_\_ Inform the service member of the right to appeal as set forth in UTNG Reg 27-10, para 13.b. *UTNG Reg 27-10, para 10.c.*

g. \_\_\_ Acknowledgment and Rights of the Offender. *UTNG Reg 27-10, para 11.*

(1)\_\_\_ Right to Present Case. Inform the service member of the right to fully present a case in the presence of the commander including:

- (a)\_\_\_ the right to call witnesses;
- (b)\_\_\_ the right to present evidence;
- (c)\_\_\_ the right to be accompanied by someone to speak on his behalf;
- (d)\_\_\_ the right to have proceedings open to the public if requested by the accused. *UTNG Reg 27-10, para 11.a.*

(2)\_\_\_ Right to Counsel. Inform the service member of the right to consult with a judge advocate or private attorney concerning the non-judicial punishment proceeding.

- (a)\_\_\_ Inform the member of the location of the nearest available JA.  
\_\_\_ Give reasonable time for this purpose including time off from duty if necessary.

- (b)\_\_\_ Private counsel may be obtained at no cost to the government.  
\_\_\_ The service member shall sign an Acknowledgment of Right to Counsel Warning. (Form will be prepared by the unit according to the format outlined in UTNG Reg 27-10, Appendix A.)  
\_\_\_ The service member may also waive the right to consult with counsel as outlined in Appendix A.

*UTNG Reg 27-10, para 11.b.*

(3)\_\_\_ Time Limitations. The service member must be given reasonable time to consult with a JA or private attorney.

- (a)\_\_\_ When notification is given at one drill, the time between that drill and the next regularly scheduled drill is considered to be reasonable time.

- (b)\_\_\_ To reduce delays, arrange for an interview with a JA from a separate major command when the service member expresses a desire to consult with a JA.  
\_\_\_ Coordination with the office of the State Judge Advocate is available.

*UTNG Reg 27-10, para 11.c.*

h. \_\_\_ Forwarding Punishment. If any commander feels his punishment authority is not adequate for the offense, he may forward the case to the next higher commander and request that the higher commander exercise his/her authority under UTNG Reg 27-10, Non-Judicial Punishment.

- (1)\_\_\_ In forwarding the case, the officer **cannot** recommend any particular

punishment for the offender.

- (2)\_\_\_ An officer may return a case to a lower level for disposition at that level in an appropriate case.

\_\_\_ **In no case** can a superior officer direct that a subordinate commander take action under this Non-judicial Punishment Regulation or dictate the type of punishment to be administered.

- (3)\_\_\_ Reference to a period of restriction or extra duties is not intended to grant authority to bring a member on active duty for the sole purpose of serving restrictions or extra duty.

*UTNG Reg 27-10, para 7.*

- i. \_\_\_ Imposition of Punishment. Maximum Punishments. *See UTNG Reg 27-10, paras 7, 8, Appendix B.*

- (1)\_\_\_ Forfeiture of pay may never be combined with detention of pay.  
*UTNG Reg 27-10, para 12.*

- (2)\_\_\_ Any forfeiture of pay, when combined with pay reduction in grade, must be based upon the grade to which the offender is reduced and not upon his original grade. *UTNG Reg 27-10, para 12.*

- j. \_\_\_ Informing the Offender. The officer imposing punishment, at the time of imposition, will personally announce the punishment to the offender. At this time, the officer imposing punishment:

- (1)\_\_\_ may explain any factors considered in arriving at the announced punishment; and

- (2)\_\_\_ **must** explain the offender's right to appeal. *See UTNG Reg 27-10 paras 10.c. and 13.b for details of offender's right to appeal. UTNG Reg 27-10, para 12.b.*

- k. \_\_\_ File UTNG Form 2627, Record of proceedings Under UCA 39-6-14, UCMJ.  
*UTNG Reg 27-10, para 12.c.*

- (1)\_\_\_ For personnel in the grade of E-4 and below (prior to punishment) who have three years or less of active and reserve service (excluding time in the delayed entry program) as of the date imposed, **the original will be filed locally in unit non-judicial punishment files.**

- (a)\_\_\_ Such locally filed originals will be destroyed at the end of 2 years from the date of imposition of punishment.

(b)\_\_\_ Annotate item 5 of UTNG Form 2627 as "Not Applicable (N/A)."

(2)\_\_\_ For all other personnel, the imposing commander will determine at the time that punishment is imposed whether to file the original UTNG Form 2627 on the performance fiche or the restricted fiche in the OMPF.

(a)\_\_\_ Indicate the filing decision in item 5, UTNG Form 2627. The filing decision of the imposing commander is final.

(b)\_\_\_ In making a decision regarding the filing, consider the following:  
\_\_\_ The performance fiche is that portion of the OMPF that is routinely used by career managers and selection boards for the purpose of assignment, promotion, and school selection.

*UTNG Reg 27-10, para 12.c.(1).*

\_\_\_ The restricted fiche is that portion of the OMPF that contains information not viewed by career managers or selection boards without express written approval by the Chief, National Guard Bureau (CNGB) or CNGB delegate, or the DA selection board proponent. *UTNG Reg 27-10, para 12.c.(2).*

*UTNG Reg 27-10, para 12.c.*

1.\_\_\_ Responsibilities after Imposition. Be aware of the power of clemency and the responsibilities in the event that the service member decides to appeal. *See UTNG Reg 27-10, para 13.a. and 13.b.*

\_\_\_ Publication of Results. Announcement of non-judicial punishment disposition is discretionary. Consider the impact on unit morale and the impairment to the leadership effectiveness of the individual concerned in determining whether a public announcement should be made.

\_\_\_ The commander may announce the disposition of all cases involving non-judicial punishment of personnel in the grade of E-5 and below, including action taken on previously imposed non-judicial punishments.

- \_\_\_\_\_ This may be done orally at a routine unit formation; and
- \_\_\_\_\_ may also be done in writing by posting a form notice on the unit bulletin board or other location where routine notices are placed. This announcement must be left in a place for 30 days following the imposition of punishment.

*UTNG Reg 27-10, para 13.c.*

- m.\_\_\_\_\_ Execution and Collection of Fines. Any fine imposed shall be payable immediately or withheld by USP&FO for Utah, Pay Section.
- (1)\_\_\_\_\_ Payment of the fine should be a condition of any suspended sentence and require that payment be made prior to the expiration of the suspension period. *UTNG Reg 27-10, para 14.a.*
  - (2)\_\_\_\_\_ If the fine is not paid or withheld by USP&FO for Utah, Pay Section, the officer imposing the fine should vacate the suspension and execute the punishment originally imposed. *UTNG Reg 27-10, para 14.a.*
  - (3)\_\_\_\_\_ In the event that the fine remains unpaid, or there was no suspended punishment for which payment was a condition, the officer may:
    - (a)\_\_\_\_\_ impose additional non-judicial punishment for a violation of UCA Section 39-6-106; or
    - (b)\_\_\_\_\_ forward the completed UTNG Form 2627 to the State Staff Judge Advocate with a recommendation that the fine be collected through means used to enforce unpaid fines or debts payable to the State of Utah.  
*UTNG Reg 27-10, para 14.b.*
  - (4)\_\_\_\_\_ All fines collected or withheld from pay will be remitted to the General Fund of the State of Utah. *UCA 39-1-56, UTNG Reg 27-10, para 14.c.*

<p>The proponent of this regulation is UTNG-JA. Users are invited to make suggestions for improvement directly to the proponent.</p>
--

FOR THE COMMANDER-IN-CHIEF:

OFFICIAL

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Brigadier General, Utah NG  
The Adjutant General

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