

RECORD OF NONJUDICIAL PUNISHMENT PROCEEDINGS			ATCH(S)
TO (Name, Rank, Organization, SSN, and Major Command of Service Member) JAMES R. MAJEWSKI, A1C, 733RD AIR MOBILITY SQUADRON, [REDACTED]		THRU RECEIVED BY: <u>CSM</u> ON THIS DATE: <u>11 Oct 01</u>	
1. Commander checks one: ☒ a. I am considering whether I should punish you under Article 15, Uniform Code of Military Justice (UCMJ), or ☐ b. I am considering whether I should recommend that _____ punish you under Article 15, Uniform Code of Military Justice (UCMJ). (See Note 1.) c. Your alleged misconduct is in violation of UCMJ, <u>111</u> , <u>N/A</u> , <u>N/A</u> as listed on Page 3 as Item 1c. (See Note 2.)			
2. You have the rights listed on Page 2 of this form. A military lawyer is available to explain these rights to you and help you decide what to do. You may contact the following military defense counsel: <u>Captain Johnson</u> who is located at <u>Building 1460</u> , telephone number [REDACTED]			
3. If you accept nonjudicial punishment proceedings and are found to have committed one or more of the offenses alleged, the maximum punishment which could be imposed upon you is listed on Page 2 in paragraph <u>2b</u> , under "Maximum Permissible Punishments."			
4. You will notify me of your decision by <u>1545</u> (Hours), <u>24 Sep 01</u> (Date) unless I grant you an extension of time.			
NAME/RANK/ORGANIZATION OF COMMANDER [REDACTED] Col, 733 AMS	SIGNATURE [REDACTED]	DATE <u>19 Sep 01</u>	
NAME OF PERSON SERVING MEMBER	SIGNATURE [REDACTED]	DATE MEMBER SERVED <u>19 Sep 01</u>	TIME MEMBER SERVED <u>1545</u>
5. I understand the rights listed on Page 2 of this form and acknowledge any statement regarding recoupment of benefits that may be inserted on Page 3 as Item 5. (Member initials appropriate block(s):			
☒ I have consulted a lawyer. ☐ I have not consulted a lawyer. My decisions are: ☐ I demand trial by court-martial. ☒ I waive my right to court-martial and accept nonjudicial proceedings under Article 15, UCMJ. Administrative Supervisory Review Complete ☒ I request to make a personal appearance before you. ☐ I do not request to make a personal appearance before you. [REDACTED] ☐ I do desire that it be public. Signature ☒ I do not desire that it be public. ☒ I have attached a written presentation. ☐ I have not attached a written presentation.			
NAME/RANK OF SERVICE MEMBER JAMES R. MAJEWSKI, A1C	SIGNATURE [REDACTED]	DATE <u>24 Sep 01</u>	
6. I have considered any matters you presented in defense, mitigation, or extenuation, and find that: ☐ a. Nonjudicial punishment is not appropriate. I hereby terminate these proceedings. ☐ b. You did not commit the offense(s) alleged. I hereby terminate these proceedings. ☒ c. You committed one or more of the offenses alleged. I lined out and initialed the offense(s) which I determined you did not commit. I hereby impose punishment as listed on Page 3 in Item 6c. (See Note 2)			
7. This punishment is effective immediately unless otherwise stated.			
8. You must notify me by <u>1200</u> (Hours), <u>30 Sep 01</u> (Date), whether you will appeal, unless I grant you an extension of time. You are entitled to advice of counsel in making this decision. You must notify me of your decision by that time or your right to appeal is waived. If you elect to appeal, I must also have received all documentation you want to submit by then. A decision not to appeal is final. (See Note 3.)			
NAME/RANK/ORGANIZATION OF COMMANDER [REDACTED] Col, 733 AMS	SIGNATURE [REDACTED]	DATE <u>25 Sep 01</u>	
MEMBER'S SIGNATURE		DATE	
9. I acknowledge receipt of this action and of my rights to appeal.		<u>25 Sep 01</u>	
I appeal.			
I will submit matters in writing.			
I will not submit matters in writing.			
I hereby withdraw my decision to appeal.			
I do not wish to appeal.		<u>30 Sep 01</u>	

10. After considering all matters presented in your appeal I hereby ☐ grant your appeal, ☐ deny your appeal, as shown on Page 3 as Item 10. (See Note 2.)

NAME/RANK/ORGANIZATION OF APPELLATE AUTHORITY	SIGNATURE	DATE
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11. This action ☒ will be filed, or ☐ will not be filed in member's Unfavorable Information File (UIF).

NAME/RANK/ORGANIZATION OF COMMANDER	SIGNATURE	DATE
[REDACTED] Col, 733 AMS	[REDACTED]	1 Oct 01

12. I was informed of the decision whether to file this record in an UIF. I have seen the action taken on any appeal.	MEMBER'S SIGNATURE	DATE
	[REDACTED]	1 Oct 01

13. Record found legally sufficient. Copy received by MPF on 2 Oct 01 and AFO on 2 Oct 01.
(Date) (Date)

NAME/RANK/ORGANIZATION OF JUDGE ADVOCATE	SIGNATURE	DATE
[REDACTED] Capt, 18 WG/JA	[REDACTED]	1 Oct 01

Note 1. If a personal presentation is made to someone other than the commander who will impose punishment, the person who receives the presentation sends, by separate indorsement, a summary of the presentation and copies of all documents presented, to the commander who will decide the case.

Note 2. Items 1c, 6c, and 10 may be placed together on one attachment page.

Note 3. For appeals, the commander sends, by indorsement, all documents considered by the commander and submitted by the member, to the appellate authority through the Staff Judge Advocate. The indorsement may state the commander's rationale for imposing punishment and a recommendation for action on the appeal.

RIGHTS OF MEMBER

1. You have all the rights specified in Article 15 of the Uniform Code of Military Justice (UCMJ), in Part V of the Manual for Courts-Martial (MCM), and in Air Force Instruction (AFI) 51-202. These rights are summarized below:

a. You have the right to consult a lawyer before making any decisions, and to assist you throughout the proceedings. A military defense counsel is available to advise you, free of charge, or you may retain civilian counsel at your own expense.

b. You have the right (1) to accept nonjudicial proceedings under Article 15, UCMJ, in which case your commander (or the commander to whom this action is sent) will decide whether you committed the alleged misconduct, or (2) to demand trial by court-martial which requires proof of guilt beyond a reasonable doubt. You have 3 duty days (72 hours) to make this decision, unless you request an extension of time and the commander grants the extension. (You have additional rights at a trial by court-martial which you should ask your attorney to explain.) Your acceptance of nonjudicial proceedings is not an admission that you committed the alleged misconduct. The commander will make that decision only after you present your evidence or statement in defense, if any.

c. You have the right to examine the evidence against you before you make any decisions. Your attorney will also assist you in making a statement and/or obtaining evidence in your defense, and for use in extenuation and mitigation.

d. If you accept nonjudicial proceedings, you have the right (1) to make a full oral and/or written presentation to the commander who will decide your punishment (or a designee, in some cases), (2) to say nothing at all (according to Article 31, UCMJ), (3) to present witnesses who are reasonably available, and (4) to be accompanied by someone to speak on your behalf. You are not entitled to have a lawyer accompany you. You may request the proceeding be open to the public. The commander may open the proceeding over your objection. You should consult with your attorney because your statements may be used against you in a later proceeding.

2. If the commander imposes punishment, you have 5 days to decide whether to appeal the punishment to the next superior commander. You have the right to consult a lawyer before deciding whether to appeal and to assist you in your appeal. In your appeal, you may present additional matters.

MAXIMUM PERMISSIBLE PUNISHMENTS

If the commander imposing punishment is a:

1. General Court-Martial Convening Authority or General Officer and you are:

a. An officer: Forfeiture of one-half month's pay per month for two months, 60 days restriction, 30 days arrest in quarters, and a reprimand.

b. Enlisted: Forfeiture of one-half month's pay per month for two months, 60 days restriction, 45 days extra duty, 30 days correctional custody, a reprimand, and reduction of one grade; E-4 (SrA) and below may be reduced to E-1; E-8 and E-9 may be reduced one grade only by a commander who has promotion authority to those grades.

2. Special Court-Martial Convening Authority, Colonel, or Lieutenant Colonel, and you are:

a. An officer: 30 days restriction and a reprimand.

b. Enlisted: Same as paragraph 1b. above.

3. Major and you are in grade E-1 through E-7: Forfeiture of one-half month's pay per month for two months, 60 days restriction, 45 days extra duty, 30 days correctional custody, a reprimand, and reduction of one grade for E-4 (Sgt) to E-6; E-4 (SrA) and below may be reduced to E-1.

4. Company grade officer, and you are in grade E-1 through E-7: Forfeiture of 7 days pay, 14 days restriction, 14 days extra duty, 7 days correctional custody, a reprimand, and reduction of one grade for E-5 and below only.

Note: Restriction and extra duties may be combined to run concurrently, but the total may not exceed the maximum imposable or extra duties. If reduction is imposed, forfeiture of pay is based on the grade to which the member was reduced, even if the reduction was suspended.

RECORD OF NONJUDICIAL PUNISHMENT PROCEEDINGS

TO (Name, Rank, Organization, SSN, and Major Command of Service Member)

JAMES R. MAJEWSKI, A1C, 733RD AIR MOBILITY SQUADRON, [REDACTED]
AMC

Enter responses to Items 1c, 6c, and 10 below. (Please identify each response by Item number.)

Item 1c (continued)

Violation of the UCMJ, Article 111

You did, at Kadena Air Base, Okinawa, Japan, on or about 8 September 2001, at Kadena Air Base, gate 2, physically control a vehicle, to wit: a passenger car, while drunk.

Item 5 (continued)

NOTICE OF RECOUPMENT OF EDUCATIONAL BENEFITS

**STATEMENT OF UNDERSTANDING REGARDING
RECOUPMENT OF EDUCATION ASSISTANCE, SPECIAL PAY, OR BONUSES**

I understand the Air Force is entitled to recoup a portion of education assistance, special pay, or bonus money which I received, if any, if I separate before completing the period of active duty I agreed to serve. I understand this recoupment applies regardless whether I voluntarily separate or I am involuntarily discharged for misconduct. I further understand: (1) Recoupment will apply regardless of the basis for involuntary discharge, if the reason for separation is not homosexual conduct (in which case, additional rules apply); (2) The recoupment in all other cases is an amount that bears the same ratio to the total amount or cost provided to me, as the unserved portion of active duty bears to the total period of active duty I agree to serve; (3) That if I dispute that I am indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

Item 6c (continued)

Reduction to the grade of Airman Basic, but that portion of the punishment in excess of reduction to the grade of Airman is suspended until 24 March 2002, after which time it will be remitted without further action, unless sooner vacated. Your new date of rank as Airman is 25 September 2001. 30 days extra duty and a reprimand.

You are hereby reprimanded.

Knowingly operating a passenger vehicle while under the influence of alcohol is a serious offense. Drunken drivers have caused serious injuries and even death to themselves and others. As a member of the Air Force it is your duty not to only uphold the law but to enforce it as well. When you decided to get behind the wheel of a vehicle after indulging in intoxicating liquor you brought discredit upon yourself, 733rd Air Mobility Squadron, and the Air force. I expect you have learned from this incident and further misconduct by you of any type will not be tolerated.

DATE OF COMMANDER'S OFFER

19 Sep 01