

SUGGESTED MAST SCRIPTS FOR CONDUCTING A HEARING PURSUANT TO ARTICLE 15, UCMJ

This enclosure contains instructions and *two* suggested scripts for use in conducting mast pursuant to Article 15, UCMJ. The following brief description will assist a mast authority determine how to best use this enclosure and if one of the provided scripts is desirable.

- A. The first section (Section A, page 3) describes the format of both scripts.
- B. The second section (Section B, pages 4-17) is a detailed script with most events that may occur at mast described together with a proposed method of handling them. This script is 14 pages long.
- C. The third section (Section C, pages 18-25) is an abbreviated script without most of the discussion and explanation contained in the first script. Many of the less common occurrences at mast are not mentioned. In all other respects it is identical to that material contained in Section B and likely represents the most common proceeding experienced in the Coast Guard. This script should be familiar to users of previous versions of this manual and is 8 pages long.
- D. The last section (Section D, pages 26-27) contains the table of maximum punishments and limitations reproduced from Chapter 1 of this manual.

Following the suggested script is not required for valid action under Article 15, UCMJ; however, ensuring the member's rights are provided and preserved is required. The script is intended to assist the mast authority to accomplish that goal and answer the majority of questions and issues that may arise during a proceeding leading up to the awarding of punishment pursuant to Article 15, UCMJ. The mast authority may amend and stylize the provided script as necessary, or follow a different process to meet the unit's need for good order and discipline to the extent the member's rights under law (Articles 15 and 31b, UCMJ), Presidential Order (Part V, MCM), and regulations of the Judge Advocate General of the Coast Guard and Chief Counsel (Chapter 1, MJM), are followed.

Similarly, there is no one "correct way" to conduct a mast hearing. Mast has been successfully conducted in a variety of locations (*i.e.*, wardroom, cabin, office, quarterdeck, flight deck), with a wide range of attendees (from a small hearing consisting of Commanding Officer, member, and mast representative to a larger assembly including all the participants noted in the provided script with the entire crew in attendance), and with differing levels of formality (dress uniform, uniform of the day; green or blue table cloth; Master-at-Arms or Executive Officer participating as indicated; etc.). The mast authority should require a proceeding that ensures that the conduct of mast pursuant to Article 15, UCMJ contributes to the achievement of good order and discipline at the unit.

MAST SCRIPT CONVENTIONS

A. General: This is a suggested procedure, presented in script form, for conducting a mast proceeding under Article 15, UCMJ. It may be copied or printed and amended as necessary for each mast. Section 1.D contains a detailed discussion of the procedure.

1. TYPEFACE CONVENTIONS.

- a. **SECTION LABELS AND NAVIGATION POINTS ARE INDICATED BY BOLD CAPITALS.**
- b. *Instructions, including navigation directions based on elections made during the proceedings, are in italic type. Significant decision points are enclosed in a box with additional directions.*
- c. The script that the mast authority should read aloud and responses from other mast participants are designated by plain type.
- d. Optional sections and information that may change from one proceeding to another, are enclosed in brackets (“[“, “]”).
- e. **Double underlined** text designates a speaker; **Single Underlined** text indicates the mast authority may wish to insert an individual’s name.
- f. Items noted in paragraph A.2., below, and again at the appropriate points in the script, are preceded by a “” and indicate matters that should be considered prior to mast.

2. PRIOR TO THE MAST : The mast authority should ensure the following items are completed prior to the mast hearing to avoid delay (items preceded by an asterisk (*) may be performed by the Executive Officer or designee):

- Review PIO Report, Form CG-4910, and all statements and information attached to the PIO Report; *Ensure administrative data (bottom front of Form CG-4910) is complete and correct (required in order to award forfeitures in dollar amounts, as required).
- Review the elements for each alleged offense (*see*, Part IV, MCM). *It may be helpful to copy, or make a list, of the elements of each offense and, in some cases the lesser-included offenses, to refer to during the mast proceeding.
- Review the member’s PDR. *Tab significant items for reference during the mast.
- *Ensure member completed appropriate waiver and rights acknowledgment (encl. (3a)/(3b), (4a)/(4b)).
- *Ensure member and mast representative had the opportunity to examine the PIO report, documents, statements, etc., the mast authority will consider at the hearing.
- *Ask the member or mast representative if he or she wants witnesses called or specific information presented at the proceeding; arrange to have witness(es) or information available or, if not essential to the determination of the case and gaining their presence would otherwise unduly delay the mast, decide to proceed without them.
- *Have copies of the MJM and MCM available as references during the mast hearing.
- *Determine the necessary personnel required for the hearing and confirm they will be available to attend the mast. At a minimum, the member and his or her representative must be present [*but see*, subparagraph 1.D.1.b.]. If the member chose a spokesperson, he or she should be allowed to attend the proceeding if it does not unduly delay scheduling the mast. The mast party may, in the mast authority’s discretion, include the Executive Officer, Command Chief, the member’s Department Head and/or Division Officer/Chief, Master-At-Arms, Recorder, member, member’s mast representative (or spokesperson), the Preliminary Inquiry Officer, and witnesses.

B. DETAILED MAST SCRIPT**1. OPENING STATEMENT OF THE MAST AUTHORITY
(COMMANDER, COMMANDING OFFICER, OR OFFICER-IN-CHARGE)**

Mast Authority: *Advice member of his or her rights and the mast procedure.*

- [Member], this is a nonjudicial proceeding under Article 15 of the Uniform Code of Military Justice. As a preliminary matter, I will advise you about the procedure I shall follow in considering the report of misconduct made against you.
- First, I will inform you of the offense(s) for which you have been placed on report, and the name of the individual who placed you on report.
- Second, I will ask you if you admit or do not admit the allegation(s).
 - If you admit the allegation(s), I do not need any additional information to find that you have committed the offense(s). Additionally, anything you say may be used against you in this proceeding, at any other administrative proceeding, or in a trial by court-martial. Before I impose punishment, you will be given the opportunity to present matters in extenuation or mitigation, as will be more fully explained later.
 - You are under no obligation to admit the allegation(s). If you do not admit the allegation(s), I may not impose punishment unless I find, based on a preponderance of the evidence, that you committed the alleged offense(s). I will review and receive information to allow me to make a decision in your case. I will call each of the available witnesses with relevant information and question them in your presence to determine the facts of the alleged misconduct. After I have finished reviewing the information or questioning a particular witness, I will give you [and your mast representative] an opportunity to comment on the information or question the witness.
- After I have questioned all of the available witnesses, I will ask if you desire to have other persons called to be questioned. If those persons are reasonably available and you can explain why their statements are important to a full and fair hearing, I will call those persons to appear for questioning.
- After all the witnesses have been heard, I will dismiss any alleged offenses that I determine are unsupported by a preponderance of the evidence. If I find that you did not commit any offenses, the mast will end. If I find that your commission of any of the alleged offenses is supported by a preponderance of the evidence, the mast may continue.
- After all the available evidence has been received I will give you an opportunity to make a statement about the allegations, the witnesses, or the evidence.

You may also present information that might defend or justify your actions. You may make a statement [or your representative/spokesperson may make a statement for you].

- I want to make it very clear that you are not required to make any statement at all. You have the right to remain absolutely silent, and make no comments whatsoever about this matter.
 - If you remain silent, I shall not consider your silence as an admission of anything, and will not consider your silence against you in any way.
 - On the other hand, if you make a statement, I may consider anything you say in determining whether or not to impose nonjudicial punishment. Anything you say may also be used against you in other administrative proceedings, or in a trial by court-martial.
- After we have finished with all of the witnesses and you have had an opportunity to make a statement, I will allow you to present information in extenuation to explain the circumstances surrounding the offenses, or in mitigation to persuade me to impose less punishment than I might otherwise award. I will then decide whether to dismiss your case, impose nonjudicial punishment, or refer your case for trial by court-martial. I may also consider other administrative actions authorized by Coast Guard regulations.
- I want to once again impress upon you that this hearing will be full and fair. I want to be sure that I know all the facts and circumstances about this report made against you. Therefore, I encourage you [and your mast representative] to ask questions of the available witnesses and let me know if you want me to obtain additional documents or call witnesses who are not present to speak on your behalf. Do you have any questions at this time?

Member: (Reply).

The mast authority should answer any questions presented by the member or the member's mast representative/spokesperson.

If the member is attached to or embarked in a vessel, skip to paragraph 3.

2. **RIGHT TO DEMAND TRIAL BY COURT-MARTIAL.** *[Use this section if member is not attached to or embarked in a vessel; otherwise go to paragraph 3.]*

Note: *If the member has not been informed of his or her rights and consented in writing to NJP, the mast authority might consider recessing the proceeding and having enclosure (3a) or (3b), as appropriate, completed. While the forms are not required for valid action under Article 15, UCMJ, documenting these elections in writing is preferred, especially if the member waives the right to consult with an attorney.*

Mast Authority might state the following: [Executive Officer], enclosure [(3a) or (3b)] is not complete and I desire these elections to be made in writing. I will recess these proceedings until you can have the elections made in writing [including providing consultation with an attorney or law specialist]. Take charge, and dismiss the mast party.

Mast Authority:

- [Member], because you are not attached to or embarked in a vessel, you have the right to demand trial by court-martial. I have before me an ACKNOWLEDGMENT OF RIGHTS form indicating you were given an opportunity to consult with an attorney or law specialist, that you do not demand trial by court-martial, and, therefore, you consent to have your case disposed of by nonjudicial punishment. [Member], is this your signature on the form indicating you do not demand trial by court-martial and accept having your case decided by me under Article 15, UCMJ?

Member: Yes.

Mast Authority: [Member], do you agree to have your case disposed of at nonjudicial punishment?

Member: Yes. *[Proceed to paragraph 3, below.] or...*
No. *[Continue with paragraph 2A or 2,B below.]*

*Note: Paragraph 4.b(2), Part V, MCM, indicates “If the service member does not demand trial by court-martial within a **reasonable time** after notice [of intent to hold mast] the [mast authority] may proceed [with mast].” It is a matter of discretion for the mast authority to proceed under Article 15, UCMJ if, at the hearing, the member initiates a demand for court-martial but had not done so earlier when provided a reasonable opportunity. The mast authority should consider if the member had reasonable time before mast, and after consultation with an attorney, to demand trial by court-martial. If in doubt as to the ability to proceed with mast, the mast authority should recess the hearing and contact the servicing legal office.*

*If the mast authority **decides not to proceed with mast**, continue with the following:*

2A. Mast Authority: Because you demand trial by court-martial, and therefore refuse nonjudicial punishment, I now must decide whether to [commence/recommend] court-martial proceedings against you. I will notify you when I have made a decision. This proceeding is closed. [Executive Officer], dismiss the mast party and take charge of the file and evidence.

Or...

*If the mast authority **decides to proceed with mast**, continue with the following:*

2B. Mast Authority: [Member], after careful consideration [and consultation with the Staff Judge Advocate], I have decided to proceed with this mast and will not honor your late demand for trial by court-martial. You were given a reasonable time to demand trial by court-martial after you were informed a mast was being considered. You were advised of the report of offense(s) against you on _____ 20(__); you were advised of the opportunity to discuss your election with an attorney on _____ 20(__); and you discussed your elections with an attorney on _____ 20(__). However, you did not demand trial by court-martial until today. The President has proscribed at paragraph 4.b(2), Part V, MCM: “If the servicemember does not demand trial by court-martial within a reasonable time after notice of intent to hold mast the mast authority may proceed with mast.” I find that you did not demand trial by court-martial within a reasonable time. Therefore, I will proceed with this hearing.

3. INFORMING THE MEMBER OF THE REPORTED OFFENSE AND DOCUMENTATION

Mast Authority: [Member], I have before me a report sheet charging you with the following offense(s):

- [Read allegations from Form CG-4910].
- You were placed on report by _____.
- The following persons are listed as witnesses: _____, _____, _____, and _____.
- This report of misconduct was investigated by _____, who recommended: [read PIO comments/recommendations from CG-4910; it is not necessary to read the complete investigation aloud].
- Have you [and your Mast Representative/Spokesperson] had a chance to examine the Report of Offense, the information contained with that report, and report of the Preliminary Inquiry Officer?

Member: Yes. *Or...*

No. [See instructions below.]

If the member was not afforded an adequate opportunity to examine the file, the Mast Authority should review the file and note the relevant information at this time or recess the proceedings until the member has had an adequate opportunity to do so.

Mast Authority might state the following:

- Contained in this file is a copy of the ship's log for _____ 20(____) indicating _____; _____'s statement dated _____ 20____ indicating _____; _____'s statement dated _____ 20____ indicating _____; and _____. Do you have any questions about these materials?

Or...

- [Executive Officer], I will recess these proceedings to allow [Member and his/her mast representative/spokesperson] a reasonable opportunity to review the materials before me. Advise me when we are ready to proceed. Take charge, and dismiss the mast party.

Mast Authority: Do you have additional documentation to present for my consideration?

Member: (Reply).

Mast Authority: [Member], do you have any questions about the exact nature and details of the report of offense(s) that has been made against you?

Member: (Reply). *The mast authority should answer any questions presented by the member or the member's mast representative/spokesperson.*

4. RIGHT TO ASSISTANCE OF A MAST REPRESENTATIVE OR SPOKESPERSON

Mast Authority: You have the right to the assistance of a mast representative or spokesperson at this proceeding. The Report of Offense and Disposition (Form CG-4910) indicates you [were assigned/desired] _____ as your [mast representative or spokesperson], and [he or she] is present. Is that correct?

Member: Yes.

Mast Authority: [Mast Representative/Spokesperson], you are encouraged to assist [Member] throughout this proceeding to ensure I am aware of all relevant information required to making a full and fair determination in this matter. You may ask me questions at any point in these proceedings if anything is unclear. ***For a Spokesperson only...*** As [Member's] Spokesperson you are not permitted to question witnesses inasmuch as these proceedings are not adversarial. ***Optional for Spokesperson only...*** However, I will permit you to submit questions to me to ask on [Member's] behalf if you believe there are additional matters I should inquire into. Do you understand the nature of these proceedings and your role?

Mast Representative or Spokesperson: Yes. *Answer any questions presented.*

If the member declined assistance and a mast representative was not appointed:

Mast Authority: The front of the Report of Offense and Disposition (Form CG-4910) indicates you declined the assistance of a mast representative. Is that correct?

Member: Yes. *If the member now desires a mast representative, one may be appointed if it will not unduly delay the proceedings. If the member desires a spokesperson, the member must demonstrate he or she is immediately available or, presumptively, the proceedings will be unduly delayed and may proceed without limitation. The member is entitled to a mast representative or spokesperson, but not both.*

If the member's spokesperson could not attend and the mast authority desires to continue the mast in the spokesperson's absence, use one of the following...

Mast Authority: I understand you desired [Spokesperson] to attend as your spokesperson. You were given sufficient notice of the scheduling of this proceeding to arrange for your spokesperson to attend. Therefore, I am not required to delay this hearing, and will continue the mast without a spokesperson. **Or...**

Mast Authority: I understand you desired [Spokesperson] to attend as your spokesperson. I find you were not given sufficient notice of the scheduling of this proceeding to arrange for your spokesperson to attend. I intend to proceed with this hearing. However, because your spokesperson is not present, I may impose a maximum punishment of 14 days extra duty, 14 days restriction, and an oral reprimand if I determine you committed [this/these] offense[s]. Do you understand?

Member: Yes. *Answer any questions that may be presented.*

5. INQUIRY OF MEMBER.

Mast Authority: Do you choose to admit or to not admit any, or all, of the allegations made against you? Before you answer, you are reminded that your decision to not admit the allegations will not be considered against you. If you admit the allegations, I may find that you committed the offenses without hearing any further information. Further, your admission may be used against you if this matter is referred to trial by court-martial or other administrative proceedings.

Member: [Reply].

- *If the member **admits all allegations** of misconduct, skip to paragraph 9.*
- *If the member **does not admit all allegations** of misconduct, continue with paragraph 6 for any offenses not admitted.*

6. EXAMINATION OF WITNESSES BY MAST AUTHORITY

Repeat paragraphs 6 & 7 for each witness.

- The mast authority should call each witness and question the witness about the allegations of misconduct that the member did not admit. Witnesses may be, but are not required to be, called one at a time and questioned outside the presence of other witnesses. **Mast is not an adversarial proceeding, and the mast authority should not act as prosecutor. The mast authority should seek information both favorable to, and against, the member.** The focus of the questions should be to obtain sufficient information to determine whether or not the member committed the misconduct. The need for, and number of, witnesses required to be questioned is a matter within the discretion of the mast authority in view of the documentary information available and the nature of the statements as they are obtained.*

Mast Authority: [Master-at-Arms], bring in [Witness].

Witnesses may be questioned under oath, but an oath is not required. The following oath may be used and administered either by the Mast Authority or Master-at-Arms:

Mast Authority or Master-at-Arms: “Raise your right hand. Do you [swear or affirm] that the evidence you shall give in this matter shall be the truth, the whole truth, and nothing but the truth [, so help you God]?”

Mast Authority: [Witness], are you aware of _____?
Tell me what you know about this matter. *Questioning follows.*

Witness: Reply.

7. **EXAMINATION OF WITNESS(ES) BY THE MEMBER.** *After questioning each witness, the mast authority should ask the member and/or mast representative if they have any questions for the witness. Note: A spokesperson may not question witnesses except as the mast authority may allow as a matter of discretion.*

Mast Authority: [Member], do you [or your mast representative] have additional questions you would like to ask this witness? If you do, you may proceed. If you prefer, you may propose questions you would like the witness to answer to me and I will ask those questions on your behalf.

Member: (Reply/Questioning).

Call next witness and repeat paragraphs 6 & 7, to this point, for each witness. After all scheduled witnesses have been questioned, proceed as follows:

Mast Authority: [Member], are there any other witnesses whom you would like me to call for questioning?

Member: No. *Proceed to paragraph 8. Or...*

Yes (& identifies witness(es)). *See instructions/suggestions below.*

- *Requested witnesses with relevant information and reasonably available should be called. Civilian witnesses may appear voluntarily but can not be forced to attend. It is not necessary to call witnesses to repeat information already presented; the Mast Authority might ask:*

Mast Authority: [Member], if [witness] were called and questioned about the offense(s), what do you believe [he or she] would tell me?

And, either 7A or 7B, below....

- 7A.** *If the Mast Authority accepts the member's response as an accurate statement of the witness' information, the Mast Authority might state:*

Mast Authority: I believe it is likely that witness(es) would tell me what you just said. Therefore, in making my decision, I will consider as true what you just told me, and I will not call [that/those] witness(es).

Or...

- 7B.** *If the Mast Authority decides additional witnesses are needed, they should be called forward; mast should be recessed as necessary to arrange for the witnesses not immediately available. The Mast Authority might state:*

Mast Authority: [Executive Officer], I will recess these proceedings until [_____ hours to/such time as you can] obtain the presence of [witness(es)]. Advise me when [the witness(es) have been notified/we are ready to proceed]. Take charge and dismiss the mast party.

If there are no further witnesses, proceed to paragraph 8.

8. DISMISSING UNSUPPORTED ALLEGATIONS

*To impose punishment for an alleged offense, each element of one or more offenses must be established by a preponderance of the evidence (i.e., the facts must demonstrate **it is more likely than not that each element exists**). For some offenses, the member may be found to have committed a lesser-included offense, or an offense entirely different than indicated on Form 4910. Part IV of the MCM lists lesser-included offenses, if any, for each offense. After the Mast Authority has reviewed the evidence and witnesses, he or she should dismiss any allegations that are not established by a preponderance of the evidence. **If there are no remaining indications of misconduct** the mast should be closed:*

Mast Authority: [Member], I find there is insufficient evidence to indicate that you committed the alleged misconduct. These allegations are dismissed. [Executive Officer], see that the proper entry is made in the [ship's/unit's] log. Take charge of, and dismiss the mast party.

***Note:** The dismissal at this point is only in cases where there was no offense. If one or more offense(s) was/were committed, the mast authority may wish to proceed with the script through paragraph 16 even if no punishment will be awarded.*

9. OPPORTUNITY FOR MEMBER'S STATEMENT

Mast Authority: [Member], I have reviewed the documentation and heard from the witnesses. Before I make a decision in this matter, I will give you an opportunity to make a statement and tell me your side of the story. But, before you respond....

- Let me remind you again, that you are not required to make any statement. You have the right to remain silent, and make no comment about this matter. If you remain silent, I shall not consider your silence as an admission of anything, and will not count your silence against you in any way.
- On the other hand, if you make a statement, I may consider everything you say in determining whether or not to award punishment to you. Anything you say may also be used in a court-martial or other administrative proceeding.

Do you [or your mast representative/spokesperson] desire to make a statement?

Member: No, *or* makes statement.

10. RESOLVING DISCREPANCIES OR INCONSISTENCIES

If necessary, the mast authority may recall, or call additional, witness(es), or ask for additional documentation, to resolve discrepancies raised by the member's statement.

11. EXTENUATION AND MITIGATION

Mast Authority: [Member], at this time, you have an opportunity to present information in extenuation or mitigation. You are reminded you are not required to make any statement. Extenuating information tends to explain the circumstances surrounding the commission of the offense(s). Mitigating information might convince me to impose less punishment than I might otherwise award. Do you wish to make a statement or present other information in extenuation or mitigation, or do you want me to call any witnesses in extenuation or mitigation?

Member: No, *or makes statement/request.*

12. CONSIDERATION OF PRIOR DOCUMENTED PERFORMANCE

*The mast authority should **examine and comment on the member's service record** and may consider the member's prior performance, both positive and negative, as shown by prior court-martial convictions, prior appearances at mast, awards, marks, and Form CG-3307 ("page 7") entries. The member may be questioned about any entry.*

13. COMMENTS BY THE EXECUTIVE OFFICER, DEPARTMENT HEAD, DIVISION OFFICER/CHIEF, OR COMMAND CHIEF

The mast authority customarily asks the department head and executive officer for comments on the member's conduct and performance of duty before announcing findings and punishment. The mast authority may ask the command chief, the member's division officer/chief, etc., for comments as desired. Only the Executive Officer, when invited, would make a specific punishment recommendation(s) in those rare cases when it is deemed necessary because determining the appropriate punishment is the sole responsibility of the mast authority.

Mast Authority: Before I decide how to dispose of this case, I will ask for comments from the executive officer, your department head, [division officer/chief, command chief, etc].

[Division Officer/Chief], as [Member's] division officer/chief, do you have any comments about [Member's] performance of duty or the alleged offenses that would help me to determine an appropriate punishment?

Division Officer/Chief: (Reply). *Note: the division officer/chief should not, unless requested, provide a specific punishment recommendation.*

[Department Head] as [Member's] department head, do you have any comments about [Member's] performance of duty or the alleged offenses that would help me to determine an appropriate punishment?

Department Head: (Reply). *Note: the department head should not, unless requested, provide a specific punishment recommendation.*

- [Command Chief] as [Member's] command chief, do you have any comments about [Member's] performance of duty or the alleged offenses that would help me to determine an appropriate punishment?

Command Chief: (Reply). *Note: the command chief should not, unless requested, provide a specific punishment recommendation.*

- [Executive Officer] as this command and [Member's] executive officer, do you have any comments about [Member's] performance of duty or the alleged offenses that would help me to determine an appropriate punishment?

Executive Officer: (Reply).

14. FINDINGS

The mast authority may adjourn or recess the mast to consider the evidence and determine if any offenses were committed, whether or not to award punishment, and the appropriate punishment. Because mast is not a trial, the mast authority should not announce "guilty" or "not guilty" findings. While a determination that a criminal offense was committed is an essential precursor to awarding punishment under Article 15, UCMJ, it is not, as in a court-martial, a determination that has its own significance. A determination at mast that an offense was committed without awarding punishment is not NJP under Article 15, UCMJ.

Similarly, it is not normally appropriate to announce "findings" before this point in the hearing because it may be information presented in extenuation, mitigation, or by a member of the chain of command that will convince the mast authority to not award punishment under Article 15, UCMJ. Waiting to this point in the hearing to announce findings provides the greatest amount of flexibility to the mast authority.

If the mast authority determines, based on a preponderance of the evidence, that the member committed one or more offenses, the Mast Authority should announce:

Mast Authority: [Member], Based on the information before me, I find that you have committed the offense(s) of: _____, _____, _____, _____.
[State offenses in layman's terms (e.g., "You stole ____"; "You disobeyed ____'s order"; "You smoked marijuana with ____")].

See paragraph 16 for dismissal with a warning.

15. VACATION OF EARLIER SUSPENDED PUNISHMENT**Notes:**

- *If the member is subject to suspended punishment under an approved court-martial sentence, the Mast Authority should contact his or her Staff Judge Advocate for guidance on vacating the suspension **before** imposing non-judicial punishment. See RCM 1109, MCM. The Mast Authority should also contact the SJA for guidance if a court-martial sentence has not yet been approved, but part of the sentence would be suspended in accordance with a Pre-trial Agreement.*
- *If the member is subject to suspended punishment(s) from a prior NJP, the suspension may be vacated and the suspended punishment imposed if:*
 - (1) *The period of suspension has not expired (e.g., not more than 3 months has passed if the prior punishment was suspended for 3 months);*
 - (2) *The Mast Authority is the individual, successor in command, or superior officer in command of the authority who imposed or approved the suspended punishment;*
 - (3) *The Mast Authority has authority to impose punishment equal to that which is to be vacated (e.g., an O-3 CO may not vacate the suspension of 60 days restriction because an O-3 may award a maximum of only 14 days restriction);*
 - (4) *The Mast Authority determines that the member committed an offense under the UCMJ during the period of suspension; and*
 - (5) *The Mast Authority determines that vacation of the suspended punishment is appropriate.*
- *Vacation of the suspension and reinstatement of the suspended punishment should be announced before new punishment is imposed. For example: if the member was previously reduced from E-4 to E-3 but the reduction was suspended; vacation of the suspension immediately makes the member an E-3. If an additional reduction is imposed as new punishment, the member would be reduced from E-3 to E-2. If the suspension is not vacated before the new punishment is imposed, the member would be reduced from E-4 to E-3. If the mast authority desires to vacate a prior suspension, he or she should announce:*

Mast Authority: [Member], because I have found that you committed [an] offense[es] under the UCMJ, as a separate matter from the present mast hearing, I am vacating the suspension of [state specifically the portion, or all, of the prior suspended punishment] awarded and suspended on _____ 20(__). That punishment commences immediately.

Note: *Offense(es) may be dismissed, or dismissed with a warning and no further punishment awarded even if one or more offenses were determined to have been committed and a prior suspended punishment was vacated.*

16. DISMISSAL WITH A WARNING

Mast Authority: [Member], although I am convinced that you committed [an offense/these offenses/the offense of _____], I have decided that I will not impose nonjudicial punishment because _____. However, I warn you that if you appear before me at mast again and I determine that you have committed an offense, you will not get off so easily. [Executive Officer], take charge of, and dismiss, the mast party.

17. REFERRAL TO COURT-MARTIAL

Mast Authority: [Member], I consider the offense(s) you have committed too serious to be handled at mast. Therefore, I will not award nonjudicial punishment and:

If Mast Authority is a court-martial convening authority: I will consider referring this matter for trial by court-martial.

If Mast Authority is not a court-martial convening authority: I will consider forwarding the allegations to _____, my superior, with a recommendation that you be charged and tried at court-martial. You will remain in a duty status and be notified if the charges are preferred and referred for trial by court-martial.

18. IMPOSITION OF NONJUDICIAL PUNISHMENT

The Table of Maximum Punishments is located in paragraph 1.E.1. The types of punishment and punishment limitations are contained in paragraph 1.E.2. Both references are reproduced at the end of this enclosure. Any, or all, punishment awarded may be suspended now, or at a later time.

Mast Authority: [Master-At-Arms, call [Member] to attention]. [Member], I impose the following punishment... [e.g., *I order you restricted to the limits of this ship for a period of ten days without suspension of duty; such restriction will commence upon [our return to homeport] [our arrival at the next port of call] on, or about, [date]. In addition, you are ordered to perform two hours extra duty per day for ten days. I order you to be reduced one pay-grade to E-2, but the reduction in pay-grade shall be suspended for a period of 3 months.*] **Note:** Restriction in excess of 45 day is not permitted when any extra duties are awarded.

The mast authority should indicate the disposition and any punishment awarded in the appropriate section of Form CG-4910. This may be accomplished at this point or following dismissal of the mast party.

19. MEMBER'S RIGHT TO APPEAL THE IMPOSITION OF NONJUDICIAL PUNISHMENT

Mast Authority: [Member], [At ease.] Because I have imposed nonjudicial punishment, I must inform you of your right to appeal. If you consider the punishment I have awarded unjust, or disproportionate to the offense, you may appeal in writing to _____ [*insert name of first superior officer with an assigned legal officer*], my superior. Your appeal must be in writing and must be forwarded through the chain of command. Any appeal that you wish to make must be made within 5 days from today. If you desire to make an appeal, see the executive officer, your department head, or division officer/chief, or any other individual whom you would like to have consult with you and help you in preparing your appeal. Your right to appeal will be waived if you do not submit it within 5 days.

If restraint or extra duties are awarded as a part of the punishment, the member must also be advised as follows:

Mast Authority: The punishment awarded involving [Restraint and/or Extra Duties] is not automatically deferred by filing an appeal. If your appeal is not acted upon by my superior within 5 days of when you submit your appeal to me, you may request that the unserved portions of the restraint or extra duties be deferred until after the action is completed. I shall grant such a request, but remember, you must request it.

Mast Authority: [Member], Do you understand your rights to appeal?

Member: (Reply). *Note: Explain the right to appeal until the member understands.*

20. CONCLUSION OF MAST

Mast Authority: This mast proceeding is concluded. [Executive Officer], see that the proper entry is made in the [ship's/unit's] log. Take charge of, and dismiss the mast party.

Normally, the Executive Officer will call the mast party to attention and, after the mast authority has departed the space, dismiss all personnel.

C. ABBREVIATED MAST SCRIPT WITH MINIMUM EXPLANATION**1. OPENING STATEMENT OF THE MAST AUTHORITY
(COMMANDER, COMMANDING OFFICER, OR OFFICER-IN-CHARGE)****Mast Authority:**

- [Member], this is a nonjudicial proceeding under Article 15 of the Uniform Code of Military Justice. As a preliminary matter, I will advise you about the procedure I shall follow in considering the report of misconduct made against you.
- First, I will inform you of the offense(s) for which you have been placed on report, and the name of the individual who placed you on report.
- Second, I will ask you if you admit or do not admit the allegation(s).
 - If you admit the allegation(s), I do not need any additional information to find that you have committed the offense(s). Additionally, anything you say may be used against you in this proceeding, at any other administrative proceeding, or in a trial by court-martial. Before I impose punishment, you will be given the opportunity to present matters in extenuation or mitigation, as will be more fully explained later.
 - You are under no obligation to admit the allegation(s). If you do not admit the allegation(s), I may not impose punishment unless I find, based on a preponderance of the evidence, that you committed the alleged offense(s). I will review and receive information to allow me to make a decision in your case. I will call each of the available witnesses with relevant information and question them in your presence to determine the facts of the alleged misconduct. After I have finished reviewing the information or questioning a particular witness, I will give you [and your mast representative] an opportunity to comment on the information or question the witness.
- After I have questioned all of the available witnesses, I will ask if you desire to have other persons called to be questioned. If those persons are reasonably available and you can explain why their statements are important to a full and fair hearing, I will call those persons to appear for questioning.
- After all the witnesses have been heard, I will dismiss any alleged offenses that I determine are unsupported by a preponderance of the evidence. If I find that you did not commit any offenses, the mast will end. If I find that your commission of any of the alleged offenses is supported by a preponderance of the evidence, the mast may continue.
- After all the available evidence has been received I will give you an opportunity to make a statement about the allegations, the witnesses, or the evidence.

You may also present information that might defend or justify your actions. You may make a statement [or your representative/spokesperson may make a statement for you].

- I want to make it very clear that you are not required to make any statement at all. You have the right to remain absolutely silent, and make no comments whatsoever about this matter.
 - If you remain silent, I shall not consider your silence as an admission of anything, and will not consider your silence against you in any way.
 - On the other hand, if you make a statement, I may consider anything you say in determining whether or not to impose nonjudicial punishment. Anything you say may also be used against you in other administrative proceedings, or in a trial by court-martial.
- After we have finished with all of the witnesses and you have had an opportunity to make a statement, I will allow you to present information in extenuation to explain the circumstances surrounding the offenses, or in mitigation to persuade me to impose less punishment than I might otherwise award. I will then decide whether to dismiss your case, impose nonjudicial punishment, or refer your case for trial by court-martial. I may also consider other administrative actions authorized by Coast Guard regulations. Again, you are not required to make any statement.
- I want to once again impress upon you that this hearing will be full and fair. I want to be sure that I know all the facts and circumstances about this report made against you. Therefore, I encourage you [and your mast representative] to ask questions of the available witnesses and let me know if you want me to obtain additional documents or call witnesses who are not present to speak on your behalf. Do you have any questions at this time?

Member: (Reply).

2. **RIGHT TO DEMAND TRIAL BY COURT-MARTIAL.** *[Use this section if member is not attached to or embarked in a vessel; otherwise go to paragraph 3.]*

Mast Authority:

- [**Member**], because you are not attached to or embarked in a vessel, you have the right to demand trial by court-martial. I have before me an ACKNOWLEDGMENT OF RIGHTS form indicating you were given an opportunity to consult with an attorney or law specialist, that you do not demand trial by court-martial, and, therefore, you consent to have your case disposed of by nonjudicial punishment. [**Member**], is this your signature on the form indicating you do not demand trial by court-martial and accept having your case decided by me under Article 15, UCMJ?

Member: Yes.

Mast Authority: [Member], do you agree to have your case disposed of at nonjudicial punishment?

Member: Yes.

3. INFORMING THE MEMBER OF THE REPORTED OFFENSE AND DOCUMENTATION

Mast Authority: [Member], I have before me a report sheet charging you with the following offense(s):

- [Read allegations from Form CG-4910].
- You were placed on report by _____.
- The following persons are listed as witnesses: _____, _____, _____, and _____.
- This report of misconduct was investigated by _____, who recommended: [read PIO comments/recommendations from CG-4910; it is not necessary to read the complete investigation aloud].
- Have you [and your Mast Representative/Spokesperson] had a chance to examine the Report of Offense, the information contained with that report, and report of the Preliminary Inquiry Officer?

Member: Yes. *Or...*

No. [See instructions below.]

Mast Authority should review the file and might state the following:

- Contained in this file is a copy of the ship's log for _____ 20(____) indicating _____; _____'s statement dated _____ 20____ indicating _____; _____'s statement dated _____ 20____ indicating _____; and _____. Do you have any questions about these materials?

Mast Authority: Do you have additional documentation to present for my consideration?

Member: (Reply).

Mast Authority: [Member], do you have any questions about the exact nature and details of the report of offense(s) that has been made against you?

Member: (Reply).

4. RIGHT TO ASSISTANCE OF A MAST REPRESENTATIVE

Mast Authority: You have the right to the assistance of a mast representative or spokesperson at this proceeding. The Report of Offense and Disposition (Form CG-4910) indicates you [desired/were assigned _____ as your mast rep-

representative or spokesperson, and he/she is present. *or* declined a mast representative.] Is that correct?

Member: Yes. *If declined a mast representative or spokesperson go to paragraph 5.*

Mast Authority: [Mast Representative/Spokesperson], you are encouraged to assist [Member] throughout this proceeding to ensure I am aware of all relevant information required to making a full and fair determination in this matter. You may ask me questions at any point in these proceedings if anything is unclear. *For a Spokesperson only...* As [Member's] Spokesperson you are not permitted to question witnesses inasmuch as these proceedings are not adversarial. *Optional for Spokesperson only...* However, I will permit you to submit questions to me to ask on [Member's] behalf if you believe there are additional matters I should inquire into. Do you understand the nature of these proceedings and your role?

Mast Representative or Spokesperson: Yes.

5. INQUIRY OF MEMBER.

Mast Authority: Do you choose to admit or to not admit any, or all, of the allegations made against you? Before you answer, you are reminded that your decision to not admit the allegations will not be considered against you. If you admit the allegations, I may find that you committed the offenses without hearing any further information. Further, your admission may be used against you if this matter is referred to trial by court-martial or other administrative proceedings.

Member: [Reply].

- | |
|--|
| <ul style="list-style-type: none"> • <i>If the member admits all allegations of misconduct, skip to paragraph 9.</i> • <i>If the member does not admit all allegations proceed with paragraph 6.</i> |
|--|

6. EXAMINATION OF WITNESSES BY MAST AUTHORITY

Repeat paragraphs 6 & 7 for each witness.

Mast Authority: [Master-at-Arms], bring in [Witness].

Mast Authority: [Witness], are you aware of _____?

Tell me what you know about this matter. *Questioning follows.*

Witness: Reply.

7. EXAMINATION OF WITNESS(ES) BY THE MEMBER. *Note: A spokesperson may not question witnesses except as the mast authority allows.*

Mast Authority: [Member], do you [or your mast representative] have additional questions you would like to ask this witness? If you do, you may proceed. If you prefer, you may propose questions to me and I will ask those questions on your behalf.

Member: (Reply/Questioning).

Call next witness and repeat paragraphs 6 & 7, to this point, for each witness

.After all scheduled witnesses have been questioned, proceed as follows:

Mast Authority: [Member], are there any other witnesses whom you would like me to call for questioning?

Member: No. *Proceed to paragraph 8. Or...*

Yes (& identifies witness(es)). Identified witnesses with relevant information and reasonably available should be called. It is not necessary to call witnesses to repeat information already presented.

8. DISMISSING UNSUPPORTED ALLEGATIONS

Mast Authority: [Member], I find there is insufficient evidence to indicate that you committed the alleged misconduct. These allegations are dismissed. [Executive Officer], take charge and dismiss the mast party.

9. OPPORTUNITY FOR MEMBER'S STATEMENT

Mast Authority: [Member], I have reviewed the documentation and heard from the witnesses. Before I make a decision in this matter, I will give you an opportunity to make a statement and tell me your side of the story. But, before you respond....

- Let me remind you again, that you are not required to make any statement. You have the right to remain silent, and make no comment about this matter. If you remain silent, I shall not consider your silence as an admission of anything, and will not count your silence against you in any way.
- On the other hand, if you make a statement, I may consider everything you say in determining whether or not to award punishment to you. Anything you say may also be used in a court-martial or other administrative proceeding.

Do you [or your mast representative/spokesperson] desire to make a statement?

Member: (No, or makes statement).

10. RESOLVING DISCREPANCIES OR INCONSISTENCIES. *If necessary, the mast authority may recall, or call additional, witness(es), or ask for additional documentation, to resolve discrepancies raised by the member's statement.*

11. EXTENUATION AND MITIGATION

Mast Authority: [Member], you are again reminded you are not required to make any statement. Extenuating information tends to explain the circumstances surrounding the commission of the offense(s). Mitigating information might convince me to impose less punishment than I might otherwise award. Do you wish to make a statement or present other information in extenuation or mitigation, or do you want me to call any witnesses in extenuation or mitigation?

Member: No (or makes statement/request).

12. **CONSIDERATION OF PRIOR DOCUMENTED PERFORMANCE.** *The mast authority should examine and comment on the member's service record and may consider the member's prior performance, both positive and negative.*
13. **COMMENTS BY THE EXECUTIVE OFFICER, DEPARTMENT HEAD, DIVISION OFFICER/CHIEF, OR COMMAND CHIEF**

Mast Authority: Before I decide how to dispose of this case, I will ask for comments from the executive officer, [your department head, division officer/chief, *and/or* command chief, etc].

- [Department Head *or* Division Officer/Chief], as [Member's] department head *or* division officer/chief, do you have any comments about [Member's] performance of duty or the offenses that would help me to determine an appropriate punishment?

Department Head *and/or* Division Officer/Chief: (Reply).

- [Executive Officer *and/or* Command Chief] as this command and [Member's] [executive officer *or* Command Chief], do you have any comments about [Member's] performance of duty or the offenses that would help me to determine an appropriate punishment?

Executive Officer *and/or* Command Chief: (Reply).

14. FINDINGS

If the mast authority determines, based on a preponderance of the evidence, that the member committed one or more offenses, the Mast Authority should announce:

Mast Authority: [Member], Based on the information before me, I find that you have committed the offense(s) of: _____, _____, _____, _____.
[State offenses in layman's terms (e.g., "You stole ____"; "You disobeyed ____'s order"; "You smoked marijuana with ____")].

15. **VACATION OF EARLIER SUSPENDED PUNISHMENT.** *If there is a prior suspended punishment the mast authorities determines is appropriate to vacate:*

Mast Authority: [Member], because I have found that you committed [an] offense[es] under the UCMJ, as a separate matter from the present mast hearing, I am vacating the suspension of [state specifically the portion, or all, of the prior suspended punishment] awarded and suspended on _____ 20(__). That punishment commences immediately.

16. DISMISSAL WITH A WARNING

Mast Authority: [Member], although I am convinced that you committed [an offense/these offenses], I have decided that I will not impose nonjudicial punishment because _____. However, I warn you that if you appear before me at mast again and I determine that you have committed an offense, you will not get off so easily. [Executive Officer], take charge of, and dismiss, the mast party.

17. REFERRAL TO COURT-MARTIAL

Mast Authority: [Member], I consider the offense(s) you have committed too serious to be handled at mast. Therefore, I will not award nonjudicial punishment and:

If Mast Authority is a court-martial convening authority: I will consider referring this matter for trial by court-martial.

If Mast Authority is not a court-martial convening authority: I will forward the allegations to _____, my superior, with a recommendation that you be charged and tried at court-martial. You will remain in a duty status and be notified if the charges are preferred and referred for trial by court-martial.

18. IMPOSITION OF NONJUDICIAL PUNISHMENT. *The Table of Maximum Punishments and punishment limitations are reproduced at the end of this enclosure. Any punishment awarded may be suspended now, or at a later time.*

Mast Authority: [Master-At-Arms, call [Member] to attention]. [Member], I impose the following punishment.... [e.g., *I order you restricted to the limits of this ship for a period of ten days without suspension of duty; such restriction will commence upon [our return to homeport] [our arrival at the next port of call] on, or about, [date]. In addition, you are ordered to perform two hours extra duty per day for ten days. I order you to be reduced one pay-grade to E-2, but the reduction in pay-grade shall be suspended for a period of 3 months.*] **Note:** *Restriction in excess of 45 day is not permitted when any extra duties are awarded.*

- The mast authority should indicate the disposition and any punishment awarded in the appropriate section of Form CG-4910. This may be accomplished at this point or following dismissal of the mast party.***

19. MEMBER'S RIGHT TO APPEAL THE IMPOSITION OF NONJUDICIAL PUNISHMENT

Mast Authority: [Member], [At ease.] Because I have imposed nonjudicial punishment, I must inform you of your right to appeal. If you consider the punishment I have awarded unjust, or disproportionate to the offense, you may appeal in writing to _____ [insert name of first superior officer with an assigned legal officer], my superior. Your appeal must be in writing and must be forwarded through the chain of command. Any appeal that you wish to make must be made within 5 days from today. If you desire to make an appeal, see the executive officer, your department head, or division officer/chief, or any other individual whom you would like to have consult with you and help you in preparing your appeal. Your right to appeal will be waived if you do not submit it within 5 days.

If restraint or extra duties are awarded as a part of the punishment, the member must also be advised as follows:

Mast Authority: The punishment awarded involving [Restraint and/or Extra Duties] is not automatically deferred by filing an appeal. If your appeal is not acted upon by my superior within 5 days of when you submit your appeal to me, you may request that the unserved portions of the restraint or extra duties be deferred until after the action is completed. I shall grant such a request, but remember, you must request it.

Mast Authority: [Member], Do you understand your rights to appeal?

Member: (Reply).

20. CONCLUSION OF MAST

Mast Authority: This mast proceeding is concluded. [Executive Officer], see that the proper entry is made in the [ship's/unit's] log. Take charge of, and dismiss the mast party.

D. MAXIMUM PUNISHMENTS

TABLE OF MAXIMUM PUNISHMENT FOR OFFICERS AND WARRANT OFFICERS

Subject to the limitations in subparagraph 1.E.1.d., the following table depicts the maximum punishments that may be awarded at mast to an officer or warrant officer:

Punishment Type	Maximum Punishment(s) Imposed Upon an Officer or Warrant Officer When Imposed By a...		
	Flag Officer	LCDR (O-4) or Above	LT (O-3) or Below
Admonition or Reprimand <i>See, (1), below.</i>	Yes	Yes	Yes
Arrest in Quarters <i>See, (5), below.</i>	30 days	No	No
Restriction	60 days	30 days	15 days
Forfeiture of Pay	1/2 of 1 month pay per month for 2 mos (stated in whole \$ amts)	No	No

TABLE OF MAXIMUM PUNISHMENT FOR ENLISTED PERSONNEL

Subject to the limitations in subparagraph 1.E.1.d., the following table depicts the maximum punishments that may be awarded at mast to an enlisted member:

Punishment Type	Maximum Punishment(s) Imposed Upon an Enlisted Member When Imposed By a(n)...		
	LCDR (O-4) or Above	LT (O-3) or Below	Enlisted Officer in Charge
Admonition or Reprimand (E-3 & below only)	Yes	Yes	No
Correctional Custody <i>See, (2) & (5), below.</i>	30 days	7 days	No
Restriction <i>See, (3) & (5), below.</i>	60 days (max 45 days if w/ extra duties)	14 days	14 days
Extra Duties (E-6 & below only) <i>See, (3) & (4), below.</i>	45 days	14 days	14 days
Forfeiture of Pay	1/2 of 1 month pay per month for 2 mos (stated in whole \$ amts)	7 days pay (stated in whole \$ amts)	3 days pay (stated in whole \$ amts)
Reduction in Pay Grade (E-6 & below only)	Yes	Yes	No

LIMITATIONS AND PROHIBITIONS ON PUNISHMENTS

All authorized maximum punishments list in preceding tables may be imposed in a single mast with the following exceptions:

- (1) Arrest in quarters may not be imposed in combination with restriction;
- (2) Correctional custody may not be imposed in combination with restriction or extra duties. It shall not be imposed upon members in pay grade E-4 and above unless an unsuspended reduction to E-3 is imposed.
- (3) Restriction and extra duties may be combined to run concurrently or consecutively. **When both extra duty and restriction are awarded at the same mast, however, they form a new “combined” punishment that cannot exceed the maximum that may be imposed for extra duties.**
- (4) Extra duties may only be imposed on members of the grade of E-6 and below; and,
- (5) Arrest in quarters, Correctional Custody, and Restriction may not be imposed on a reservist at NJP awarded during inactive duty training or involuntary active duty.
- (6) **The following are not authorized nonjudicial punishments in the Coast Guard:**
 - (a) Detention of pay is not listed in Part V, MCM and is not an authorized punishment; and,
 - (b) Confinement on bread and water (or diminished rations) is listed in Part V, MCM, but is not an authorized punishment in the Coast Guard.

