|  |  |
| --- | --- |
| Commandant  United States Coast Guard | 2703 Martin Luther King Ave SE  Washington, DC 20593-7213  Staff Symbol: CG-LMJ  Phone: (202) 372-38XX    5812  [DATE] |

**MEMORANDUM**

From: [MEMBER, EMPLID, USCG] Reply to

Attn of:

To: [NJP APPEAL AUTHORITY]

Thru: [COMMANDING OFFICER/OFFICER IN CHARGE]

Subj: [TEMPLATE] APPEAL OF IMPOSITION OF NONJUDICIAL PUNISHMENT

|  |  |
| --- | --- |
| Ref: | 1. Article 15, UCMJ 2. Military Justice Manual, COMDTINST M5810.1G |

1. In accordance with paragraph (e), reference (a), and Section 2.U. of reference (b), I appeal the nonjudicial punishment imposed upon me on [DATE] by [NJP AUTHORITY].
2. **Summary of Proceedings**. On [DATE], I was punished under Article 15, UCMJ for: (a) [REASON PLACED ON REPORT], in violation of Article[s] [###], UCMJ; and (b) [REASON PLACED ON REPORT], in violation of Article (###), UCMJ. On [DATE], I was awarded the following punishment: [PUNISHMENT AWARDED].
3. **Basis for Appeal**. The nonjudicial punishment awarded was, under the circumstances, [UNJUST and/or DISPROPORTIONATE] to the acts of misconduct that I allegedly committed. [EXPLAIN FULLY WHY THE PUNISHMENT AWARDED WAS UNJUST AND/OR DISPROPORTIONATE TO THE ACTS OF MISCONDUCT].
4. **Action Requested**. Based on the foregoing, I respectfully request the punishment awarded at the subject mast be [SET ASIDE or REDUCED IN THE FOLLOWING MANNER]: [REQUEST FOR RELIEF; BE SPECIFIC].

[MEMBER]

5812

[DATE]

FIRST ENDORSEMENT ON [MEMBER’S] LTR 5812 DTD [DATE]

From: [COMMANDING OFFICER/OFFICER-IN-CHARGE]

To: [NJP APPEAL AUTHORITY]

Subj: APPEAL OF IMPOSITION OF NONJUDICIAL PUNISHMENT

1. I have reviewed [MEMBER’S] appeal of the punishment I awarded on [DATE], as well as my action in that case, and recommend the appeal be denied.
2. **Proceedings**. After [MEMBER] was placed on report on [DATE], I directed [PRELIMINARY INVESTIGATING OFFICER] to conduct an inquiry into the matter. The [PRELIMINARY OFFICER’S] report was submitted on [DATE] recommending nonjudicial punishment. I held mast pursuant to reference (a) on [DATE] [using the script prescribed in Subsection 2.K.10. of reference (b)]. I had before me witness statements, excerpts from the unit log, and [MEMBER’S] service record. I heard statements from [WITNESS #1, WITNESS #2, ETC.]. Comments were provided by [MEMBER’S] [DIVISION OFFICER/CHIEF, DEPARTMENT HEAD, COMMAND CHIEF, AND EXECUTIVE OFFICER] regarding [MEMBER’S] performance and attitude as well as [MEMBER’S] prior disciplinary record. [MEMBER] and [HIS/HER REPRESENTATIVE or SPOKESPERSON] actively participated in the proceedings and [both] made statements regarding the matter.
3. **Statement of Facts.** On the basis of the documentation and written and oral evidence, I resolved the disputed issues and found as follows:

a. [LIST FINDINGS THAT SUPPORT THE DISCIPLINARY ACTION.]

b. ….

1. **Punishment Awarded.** On the basis of my resolution of the facts I awarded the following punishment:

a. [LIST PUNISHMENT AWARDED.]

b.

1. **Reasons for Recommendation**: In determining an appropriate punishment I considered the following factors:
2. **Prior Offenses and Information in Aggravation**. This is [MEMBER’S] [FIRST, SECOND, ETC.] confrontation with the military justice system since enlisting in the Coast Guard on [DATE]. The following describe [HIS/HER] prior offense[s] and punishment[s] imposed:

(1) [DESCRIBE PRIOR OFFENSE(S) AND PUNISHMENT(S).]

(2) ….

1. **Other Information**. [DISCUSS OTHER INFORMATION PRESENTED IN AGGRAVATION, INCLUDING PRIOR ADMINISTRATIVE ACTION, E.G., EMI, COUNSELING, ETC.] [DISCUSS ANY ADDITIONAL REASONS WHY THE PUNISHMENT IN THIS CASE IS NOT UNJUST, NOR DISPROPORTIONATE, TO THE MISCONDUCT; E.G., EFFECT OF THE MISCONDUCT UPON UNIT OR UNIT PERSONNEL.]
2. **Information Provided in Extenuation and Mitigation**. [DISCUSS EFFECT GIVEN TO INFORMATION PRESENTED, IF ANY, IN EXTENUATION OR MITIGATION.]

#

Copy: [MEMBER] w/ encls

Encl: (1) Copy of NJP Report (CG-4910) dtd [DATE] regarding [MEMBER]

(2) Report of Preliminary Inquiry Officer

(3) Copy of Unit Log dtd [DATE]

(4) Copy of [WITNESS #1] Statement

(5) Copy of [WITNESS #2] Statement

(6) Copy of relevant portions of [MEMBER’S] Service Record

(7) [ETC.]