

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by _____
(Appointing authority)

on _____ *(Date)* *(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*

SECTION II - SESSIONS

The *(investigation) (board)* commenced at _____ at _____
(Place) *(Time)*

on _____ *(Date)* *(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)* The following persons *(members, respondents, counsel)* were present: *(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

The following persons *(members, respondents, counsel)* were absent: *(Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The *(investigating officer) (board)* finished gathering/hearing evidence at _____ on _____
(Time) *(Date)*

and completed findings and recommendations at _____ on _____
(Time) *(Date)*

SECTION III - CHECKLIST FOR PROCEEDINGS

| A. COMPLETE IN ALL CASES | | YES | NO ¹ | NA ² |
|--------------------------|---|-----|-----------------|-----------------|
| 1 | Inclosures <i>(para 3-15, AR 15-6)</i> Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i> | | | |
| | a. The letter of appointment or a summary of oral appointment data? | | | |
| | b. Copy of notice to respondent, if any? <i>(See item 9, below)</i> | | | |
| | c. Other correspondence with respondent or counsel, if any? | | | |
| | d. All other written communications to or from the appointing authority? | | | |
| | e. Privacy Act Statements <i>(Certificate, if statement provided orally)?</i> | | | |
| | f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i> | | | |
| | g. Information as to sessions of a formal board not included on page 1 of this report? | | | |
| | h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board? | | | |

FOOTNOTES: ¹ Explain all negative answers on an attached sheet.

² Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

| | | YES | NO ¹ | NA ² |
|--|--|-----|-----------------|-----------------|
| 2 | Exhibits (<i>para 3-16, AR 15-6</i>) | | | |
| | a. Are all items offered (<i>whether or not received</i>) or considered as evidence individually numbered or lettered as exhibits and attached to this report? | | | |
| | b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? | | | |
| | c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? | | | |
| | d. Are copies, descriptions, or depictions (<i>if substituted for real or documentary evidence</i>) properly authenticated and is the location of the original evidence indicated? | | | |
| | e. Are descriptions or diagrams included of locations visited by the investigating officer or board (<i>para 3-6b, AR 15-6</i>)? | | | |
| | f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record? | | | |
| | g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (<i>para 3-16d, AR 15-6</i>)? | | | |
| 3 | Was a quorum present when the board voted on findings and recommendations (<i>paras 4-1 and 5-2b, AR 15-6</i>)? | | | |
| B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (<i>Chapter 5, AR 15-6</i>) | | | | |
| 4 | At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (<i>para 5-3b, AR 15-6</i>)? | | | |
| 5 | Was a quorum present at every session of the board (<i>para 5-2b, AR 15-6</i>)? | | | |
| 6 | Was each absence of any member properly excused (<i>para 5-2a, AR 15-6</i>)? | | | |
| 7 | Were members, witnesses, reporter, and interpreter sworn, if required (<i>para 3-1, AR 15-6</i>)? | | | |
| 8 | If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (<i>para 5-2d, AR 15-6</i>)? | | | |
| C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (<i>Section II, Chapter 5, AR 15-6</i>) | | | | |
| 9 | Notice to respondents (<i>para 5-5, AR 15-6</i>): | | | |
| | a. Is the method and date of delivery to the respondent indicated on each letter of notification? | | | |
| | b. Was the date of delivery at least five working days prior to the first session of the board? | | | |
| | c. Does each letter of notification indicate – | | | |
| | (1) the date, hour, and place of the first session of the board concerning that respondent? | | | |
| | (2) the matter to be investigated, including specific allegations against the respondent, if any? | | | |
| | (3) the respondent's rights with regard to counsel? | | | |
| | (4) the name and address of each witness expected to be called by the recorder? | | | |
| | (5) the respondent's rights to be present, present evidence, and call witnesses? | | | |
| | d. Was the respondent provided a copy of all unclassified documents in the case file? | | | |
| | e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? | | | |
| 10 | If any respondent was designated after the proceedings began (<i>or otherwise was absent during part of the proceedings</i>): | | | |
| | a. Was he properly notified (<i>para 5-5, AR 15-6</i>)? | | | |
| | b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (<i>para 5-4c, AR 15-6</i>)? | | | |
| 11 | Counsel (<i>para 5-6, AR 15-6</i>): | | | |
| | a. Was each respondent represented by counsel? | | | |
| | Name and business address of counsel: | | | |
| | (<i>If counsel is a lawyer, check here <input type="checkbox"/> </i>) | | | |
| | b. Was respondent's counsel present at all open sessions of the board relating to that respondent? | | | |
| | c. If military counsel was requested but not made available, is a copy (<i>or, if oral, a summary</i>) of the request and the action taken on it included in the report (<i>para 5-6b, AR 15-6</i>)? | | | |
| 12 | If the respondent challenged the legal advisor or any voting member for lack of impartiality (<i>para 5-7, AR 15-6</i>): | | | |
| | a. Was the challenge properly denied and by the appropriate officer? | | | |
| | b. Did each member successfully challenged cease to participate in the proceedings? | | | |
| 13 | Was the respondent given an opportunity to (<i>para 5-8a, AR 15-6</i>): | | | |
| | a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent? | | | |
| | b. Examine and object to the introduction of real and documentary evidence, including written statements? | | | |
| | c. Object to the testimony of witnesses and cross-examine witnesses other than his own? | | | |
| | d. Call witnesses and otherwise introduce evidence? | | | |
| | e. Testify as a witness? | | | |
| | f. Make or have his counsel make a final statement or argument (<i>para 5-9, AR 15-6</i>)? | | | |
| 14 | If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (<i>para 5-8b, AR 15-6</i>)? | | | |
| 15 | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (<i>para 5-11, AR 15-6</i>)? | | | |
| FOOTNOTES: ¹ Explain all negative answers on an attached sheet. ² Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board. | | | | |

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends: