

**BY ORDER OF THE COMMANDER,
436TH AIRLIFT WING**



**DOVER AIR FORCE BASE
INSTRUCTION 51-201**

8 DECEMBER 2003

Law

**COURT/DISCHARGE PANEL MEMBER
NOMINATION PROCESS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: 436 AW/JAM (SSgt Vilmarys Crossen)

Certified by: 436 AW/SJA
(Lt Col Donna Marie Verchio)

Pages: 4

Distribution: F

This instruction implements AFD 51-2, *Administration of Military Justice*, and outlines the procedures for submitting quarterly court/discharge panel member nomination lists. Members are made available for courts-martial and discharge boards convened by the commanders of the 436th Airlift Wing and 18th Air Force. This publication does not apply to the US Air Force Reserve or Air National Guard units or members. This instruction requires collecting and maintaining information protected by the Privacy Act of 1974, authorized by 10 U.S.C. 8013 and E.O. 9397. Privacy Act Systems Notice "F011 AFA – Locator, Registration and Postal Directory Files" applies.

1. General Responsibilities: No later than 15th of March, June, September and December each year, the following commanders will submit a member nomination list consisting of officer and enlisted personnel available for court-martial or discharge board duty for the following quarter to Military Justice Section (436 AW/JAM, 200 Eagle Way, Dover AFB, DE):

- 1.1. 436 AW STAFF
- 1.2. 436 OG/CC
- 1.3. 436 MXG/CC
- 1.4. 436 MSG/CC
- 1.5. 436 MDG/CC

2. Responsibilities of the Nominating Commanders:

- 2.1. The Air Force relies on commanders to nominate their best officers and enlisted members for this duty. The Manual for Courts-Martial (MCM) requires the selection of board members, based on their qualifications "by reason of their age, education, training, experience, length of service and judicial

temperament.” Commanders should take these factors into consideration when nominating potential court members.

2.2. Commanders will submit the following to the 436 AW/JAM by the 15th of March, June, September and December of each year.

2.2.1. An electronic nomination list consisting of ten percent of their assigned officer personnel and three enlisted personnel.

2.2.2. An electronic personal data sheet (DAFB Form 452, Court/Board Member Data Sheet) for each individual member nominated.

2.3. Each member is nominated for the three-month period following the submission of nominations. For example, the list submitted by 15 March nominates members for the months of April, May and June.

2.4. The nomination list must consist of a representative sample of the entire officer and enlisted membership of each unit. The list must contain at least one officer in the rank of colonel, one officer in the rank of lieutenant colonel, two officers in the rank of major, and two officers in the ranks of captain or lieutenant. Enlisted nominees should include one nominee from the senior enlisted ranks (master sergeant – chief master sergeant), one nominee from the middle enlisted ranks (staff sergeant – technical sergeant) and one nominee from the junior enlisted ranks (airman basic – senior airman).

2.4.1. If a group/unit is unable to adequately support the required number or rank distribution of nominees, the group or unit commander must submit a written memorandum to the 436 AW/CC detailing why he/she is unable to comply and the steps taken to ensure a full roster of nominees will be submitted in the following quarter.

2.4.2. Commanders will ensure the nomination list is e-mailed to the noncommissioned officer in charge (NCOIC) of Military Justice and the officer in charge (OIC) of Military Justice. A sample of the format will be e-mailed with the tasking document each quarter from the NCOIC of Military Justice. Commanders are encouraged to appoint point of contacts (POC) to comply with this requirement.

2.5. An individual personal data sheet will be completed and submitted to the NCOIC of Military Justice, 436 AW/JAM, for each member nominated. Nominees type their information directly on the electronic version of the personal data sheet provided with the tasking document each quarter from the NCOIC of Military Justice. This will simplify updates to the individual personal data sheet as members may be nominated for more than one quarter each year. The nominee can either keep the personal data sheet in their computer to update later or e-mail it to the NCOIC of Military Justice who will incorporate it into a database for future updates. (Nominated members should contact their unit POC or the Military Justice Section to obtain an electronic personal data sheet.)

2.6. In addition, the commander will not submit personnel whom they know:

2.6.1. Will be on temporary duty (TDY) for more than 45 days of the 3-month period.

2.6.2. Will separate or have a permanent change of station (PCS) during the 3-month period.

2.6.3. Have a disciplinary record that demonstrates that “by reason of their age, education, training, experience, length of service and judicial temperament” the nominated member is not the best nominee for service as a court member.

2.7. The commander will make every effort to ensure those chosen as potential court or board members are available to serve. Should a potential court or board member be unable to serve, the member's commander will:

2.7.1. Obtain a written excusal request from the member which he/she will review and forward to the appropriate convening authority through 436 AW/JA.

2.7.2. Submit the names of two possible replacement members for each member to be replaced. The replacement members must be of similar grade and be eligible and available to serve on the pending court or board. Replacement members can also be selected from the current nomination list available through unit representative.

2.8. Commanders must be aware that even if an individual is selected for a specific quarter, it is possible that they may be required to serve beyond that quarter. This happens if the military judge for any reason delays the trial date. The NCOIC of Military Justice will promptly inform all selected members of any change in date.

3. Responsibilities of the Nominated Member:

3.1. Nominated members will complete and submit a personal data sheet to the NCOIC of Military Justice, 436 AW/JAM, for each quarter they are nominated. Nominees type their information directly on the electronic version provided. This will simplify updates to the individual personal data sheet as members may be nominated for more than one quarter each year. The nominee can either keep the personal data sheet in their computer to update later or e-mail it to the NCOIC of Military Justice who will incorporate it into a database for future updates. Nominated members should contact their unit POC or contact the Military Justice section to obtain the personal data sheet.

3.2. The personal data sheet must list the leave and TDY schedule for the three-month period for which the member is being nominated. For example, nominees on the list due by 15 March must list their leave and TDY schedule for the months of April, May and June. After submission of the individual personal data sheet, the member is responsible for updating his or her leave and TDY schedule as soon as such absences are projected with the Military Justice Section to avoid being selected for court or discharge board duty that conflicts with the member's schedule.

3.3. If a member has a schedule conflict with a court-martial or discharge board panel, the member must make every effort to resolve the conflict so that he/she may perform this important duty. If the member is unsuccessful, the member must immediately notify 436 AW/JA and his/her commander in writing to request excusal from the court or board duty.

4. Responsibilities of the 436th Airlift Wing Law Center, Military Justice Section:

4.1. The Military Justice Section will e-mail each responsible commander, listed in paragraph 1. of this instruction, a reminder of the quarterly submission requirement no later than 15 days prior to the due date. Attached to the notice will be a personal data sheet and nomination listing format in electronic format.

4.2. When preparing panels, the Military Justice Section will not submit names of potential court or board members who have provided advanced notice of conflicting TDY or leave scheduled to the convening authority for consideration.

4.3. When the convening authority has selected court or board members, the NCOIC of Military Justice Section will e-mail the selected members information on the court or board.

JOHN I. PRAY, JR., Colonel, USAF
Commander, 436th Airlift Wing