

**REQUEST FOR AUTHORITY
TO DISPOSE OF RECORDS**

66 items (See Instructions on Reverse)
TO: GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

LEAVE BLANK	
DATE RECEIVED OCT 28 1976	JOB NO. NC 1-AFC 77-20
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "with-drawn" in column 10.	
2-16-77 <i>James E. O'Kill</i> (Date) acting Archivist of the United States	

1. FROM (AGENCY OR ESTABLISHMENT)
DEPARTMENT OF THE AIR FORCE

2. MAJOR SUBDIVISION
DIRECTORATE OF ADMINISTRATION

3. MINOR SUBDIVISION
DOCUMENTATION SYSTEMS DIVISION

4. NAME OF PERSON WITH WHOM TO CONFER
PRESTON B. SPEED

5. TEL. EXT.
756-2384

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 14 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

26 OCT 1976

Herbert G. Seiger

**HERBERT G. SEIGER, Chief
Documentation Systems Division
Directorate of Administration**

Date (Signature of Agency Representative) (Title)

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>MILITARY JUSTICE RECORDS (Table 111-1) (Applicable Air Force-wide)</p> <p>The purpose of this submission is to revise disposition criteria for military justice records. Military justice records include documents pertaining to military justice administration, nonjudicial punishment, court-martial jurisdiction, and trial by court-martial, including pretrial, trial and post-trial procedure, decisions on review, and technical instructions for counsel, military judges and others participating in trials. Our proposed decision logic table includes numerous revisions to the descriptive and disposition criteria for existing series (rules 1 thru 36) and adds several new series including documents created under the Automated Military Justice Analysis and Management System (AMJAMS).</p> <p>Several series in our proposed decision logic table reflect the administrative history and organization of the military justice program, contain records of trial with continuing legal significance, and provide statistical summaries of military justice activities. The following series are proposed for permanent retention:</p> <p>a) <u>General Court-Martial Records and Special</u></p>	NN 170-33	

*The attached items for volume and arrangement statements.
Sent to agency - NCW-WNRC - 2/18/77*

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p><u>Court-Martial Records Involving a Bad Conduct Discharge (rule 2).</u> This series constitutes the trial records for the most serious offenses prosecuted under the Uniform Code of Military Justice. Convictions generally result in incarceration, or equivalent punitive measures, which significantly affects the continuing rights of the individuals concerned. Congress has not established a statute of limitations for appellate review and such review can be brought by the heirs of a convicted party which generally precludes establishing specific retention standards based on actuarial standards or other criteria. In addition, the in-depth treatment of events reflected in the trial record can often provide insights into the key events of larger historical processes. Related records include Court-Martial Orders (rule 32.1), which contain data on charges and specifications, pleas, findings, and sentences, and promulgate the results of trial and actions by convening and reviewing authorities, and Court-Martial Registers and Indices (rule 14), our finding aids related to trials.</p> <p>b) <u>Statistical Summaries of Court-Martial and Article 15 Activities.</u> During 1975, Court-Martial Activity Reports and Logs (rules 15.1, 18, and 29.1) were functionally replaced by a new computerized statistical reporting system, AMJAMS. Summary statistical data on military justice activities is now provided in the documents described in rule 50. Military justice activities are often the subject of Congressional and public inquiries. Consequently, the data content of these records is periodically revised to reflect the demographic variables of contemporary social concern, e.g., where the inquiries of the 1960's concerned the treatment of ethnic and minority groups, the public interest of the 1970's is directed to the treatment of women.</p> <p>c) <u>Court-Martial Jurisdiction (rule 16).</u> Our court-martial jurisdiction records are accumulated incident to the granting and exercise of general, special, and summary court-martial jurisdiction. The documents generally</p>		

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>concern jurisdictional purview and authorities to convene court-martials.</p> <p>d) <u>Executed Punitive Discharges and Federal and State Court Convictions (rule 60)</u>. These reports provide summary statistical data on Air Force members tried in state and federal courts. The data reflects the jurisdictional purview of military and civilian courts and constitute important program records.</p> <p>A retention period of 30 years is proposed for our special court-martial records not involving a bad conduct discharge (rule 7). Under 10 U.S.C. 869, as amended by P.L. 90-632, the Judge Advocate General is authorized to vacate or modify the findings or sentence, or both, in whole or in part, in any court-martial case which has been finally reviewed, but which has not been finally reviewed by a Court of Military Review, because of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or offense, or error prejudicial to the substantial rights of the accused. There is no statute of limitations for the submission of applications for review, but a retention period of 30 years is now considered adequate to meet the needs of justice. A similar retention period is adequate for records of punishment imposed under 10 U.S.C. 815 (rule 15).</p> <p>The retention periods specified for other series in this submission are adequate for our current needs. Abbreviations used are as follows: GCM for general court-martial, SPCM for special court-martial, UCMJ for Uniform Code of Military Justice, AMJAMS for automated Military Analysis and Management System, APDS for Advanced Personnel Data System, and AMJ STG for Automated Military Justice Strength.</p>		

APPRAISAL REPORT
Disposition Schedule NCl-AFU-77-20

Approved for Disposal:

The items for which disposal authority is requested are disposable because they do not have sufficient value for purposes of historical or other research, functional documentation, or the protection of individual rights to warrant permanent retention by the Federal Government.

Approved for Permanent Retention:

Rules 14, 15.1, 16, 18, 29.1, 32.1, 50 and 60 are approved for permanent retention because they document essential functions and programs of the military justice system of the Department of the Air Force. These records will be offered to NARS as specified in this schedule.

Withdrawn:

By agreement of Air Force and NARS, rules 2 and 7 are withdrawn. The current disposition instructions for rule 7 remain in effect until a revision is approved by NARS.

Appraiser: Peter N. Laugesen 2/7/77
PETER N. LAUGESSEN Date

Approval Recommended: Thomas W. Wadlow 2/8/77
THOMAS W. WADLOW Date
Director
Records Disposition Division

Approval Recommended: Robert Wolfe 2/15/77
for MEYER H. FISBEIN Date
Director
Military Archives Division

* lil. Military Justice. This table covers documents pertaining to military justice administration, nonjudicial punishment, court-martial jurisdiction, and trial by court-martial, including pretrial, trial and post-trial procedure, decisions on review, and technical instructions for counsel, military judges and others participating in trials.

TABLE 111-1

MILITARY JUSTICE RECORDS

R U L E	A If documents are or pertain to	B consisting of	C which are	D then
1	military justice administration	correspondence, memoranda, statistical reports and summaries, summaries of activity, narrative reports, instructions, briefs, and other documents relating to military justice not covered under general correspondence and legal opinions		*destroy after 2 years, or when purpose has been served, which- ever is later.
2	all general court- martial records, and special court-martial records involving a bad conduct discharge	* charge sheets and other documents accompanying charges when referred for trial, chronology and court- martial data sheets, record of trial proper, court-martial orders, decisions on review, and other related and allied papers	*originals at HQ USAF/ GAJ (note 1) *duplicate and tripli- cate copies on cases where appeal to US Court of Military Appeals (USCMA) <u>is not</u> filed	retire as permanent. <i>Withdrawn per agency request</i> destroy 30 days after completion of appellate review.
4			*duplicate and triplicate copies on cases where appeal to USCMA <u>is</u> filed	destroy after final action by USCMA.
5			* accused's copy	deliver to accused (note 2).
6			*all copies other than in rules 2, 3, 4 and 5	destroy 1 year after receipt of notice of completion of appellate review.
7	special court-martial records not involving a bad conduct discharge		originals (note 3)	destroy 30 years after final review. <i>Withdrawn per agency request</i>
8			accused's copy	deliver to accused (note 2).
9			all copies other than in rules 7 and 8	destroy one year after final review.

TABLE 111-1 (Continued)

R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	then
10	* summary court-martial records		originals in Master Personnel and triplicates in Field Record Group	see table 35-1
11			duplicate copies	destroy after 2 years.
12			accused's copy	deliver to accused (note 2).
13			all copies other than in rules 10, 11 and 12	destroy 1 year after final review.
14	court-martial registers and/or card index	devices for control of cases which are to be tried or which have been tried by summary, special or general courts-martial	at HQ USAF/JAJM	<i>retire as permanent. Offer to NARS in 5-yr. increments when 50 years old.</i>
15			at other than HQ USAF/JAJM	destroy after 3 years.
15.1	court-martial log (requirement eliminated 2 Jun 1975)	statistical data	at SPCM jurisdictional level (including GCM authority exercising SPCM jurisdiction), and pertaining to cases upon which GCM action was completed prior to 1 Jul 1974)	retain in accumulating office 3 years, then forward HQ USAF/JAJM for c and retirement & <i>Offer to NARS when 15 yrs. old.</i>
15.2			* at SPCM jurisdictional level (including GCM authority exercising SPCM jurisdiction), and pertaining to cases upon which GCM action was completed after 30 Jun 1974	* destroy.

TABLE 111-1 (Continued)

R U L E	A If documents are or pertain to	B consisting of	C which are	D then
16	court-martial juris- diction	documents accumulated inci- dent to the granting and exercise of general, special and summary court-martial jurisdiction (note 4)		retire as permanent (note 5). <i>offer to NARS when 15 yrs. old.</i>
17		card records reflecting active and inactive general court-martial jurisdiction of various commands		destroy when purpose has been served.
18	court-martial and Art- icle 15 activities reports (requirement eliminated following report for 1st Qtr of CY 1975)	consolidated annual reports prepared by HQ USAF/JAJM from quarterly reports received from major commands	* at HQ USAF/JAJM	retire as permanent. <i>offer to NARS when 15 yrs. old.</i>
19			* at other than HQ USAF/ JAJM	* destroy after 3 years, or when no longer needed for reference whichever is later.
20		individual and consolidated quarterly reports prepared by major command and sub- ordinate court-martial jurisdictions	* at HQ USAF/JAJM	* destroy after 5 years, or when no longer needed for reference, whichever is later.
21			* at other than HQ USAF/ JAJM	* destroy after 3 years, or when no longer needed for reference, whichever is later.

TABLE 111-1 (Continued)

R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	then
22	writ of habeas corpus	the complaint, the answer filed by the Government, copy of court decision, correspondence with US Attorney, and other related matters accumulated as the result of a complaint by the person released on a writ of habeas corpus	at HQ USAF/JAJM, and the person has been court-martialed	they become part of the original record of trial.
23			at HQ USAF/JAJM, and the person was not tried by court-martial	hold for five years after case is closed; retire to WNRC; destroy after 15 additional years.
24			at other than HQ USAF/JAJM	destroy after 2 years.
25	records of punishment imposed under Art 15, UCMJ	forms, correspondence, and summarized records of oral punishment, including separate appeals and actions that suspend, mitigate, remit, or set aside punishment	originals at HQ USAF or AFMPC	destroy 30 years after final review.
26			copies at CBPOs	dispose of under AFR 35-44 and table 35-5, as appropriate.
27			copies at staff judge advocate offices	destroy after 1 year, or when they have served their purpose, whichever is later.
28	written materials considered as a basis for imposition of punishments under Art 15, UCMJ	investigative reports, statements, summaries of expected testimony, documentary evidence, etc.	retained by organization imposing punishment, or in the case of appeal, the organization taking final action on the appeal	
29	RESERVED			

TABLE 111-1 (Continued)

R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	then
221	Article 15 log (requirement eliminated 2 Jun 1975)	statistical data	* at SPCM jurisdictional level (including GCM authority exercising SPCM jurisdiction), and pertain to cases upon which GCM action was completed prior to 1 Jul 1974)	* retain in accumulating office 3 years, then forward to HQ USA JAJM for consolidation and retirement as permanent. <i>Offer to NARS when 15 yrs. old.</i>
222			* at SPCM jurisdictional level (including GCM authority exercising SPCM jurisdiction), and pertain to cases upon which GCM action was completed after 30 Jun 1974	* destroy.
30	records of proceeding to vacate suspension of sentence of court-martial	proceedings to vacate suspension of sentence, comparable forms, correspondence, and other related papers	originals (note 6)	they become part of the original record of trial.
31			all copies other than in rule 30	destroy one year after action on proceedings.
32	court-martial orders	orders promulgating the results of trial by general or special court-martial, supplemental orders and final decision based on action by higher authorities	copies furnished HQ USAF/JAJ, and not included in the record of trial or in personnel files	* destroy after 15 years
32.1			record copies maintained in annual blocks by issuing activity	retire as permanent. <i>Offer to NARS when 50 yrs. old.</i>
33			all copies other than rules 32 and 32.1	destroy 1 year after date of order.

TABLE 111-1 (Continued)

R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	then
34	court reporter's records	court-reporter's recordings and notes from which verbatim or summarized records of trial or investigations have been prepared	for trials by special court-martial resulting in conviction and not involving a bad conduct discharge	destroy 6 months after date of trial.
35			for trials by special court-martial resulting in conviction and involving approved bad conduct discharge and for Art 32 investigations and general courts-martial trials resulting in approved convictions	*destroy 1 year after date of trial or 60 days after after conclusion of appellate review, whichever is later.
5			for Art 32 investigations not resulting in referral of charges to trial and trials resulting in acquittals or in which the sentence is disapproved and charges are dismissed	destroy after action of the authority accomplishing these results.

TABLE 111-1 (Continued)

R U L E	A If documents are or pertain to	B consisting of	C which are	D then
* 37	petitions for new trial under Art 73, UCMJ	final action on petition	originals	they become part of the original record of trial.
* 38			accused's copy	deliver to accused (note 2).
* 39			all copies other than rules 37 and 38	destroy 2 years after final action on petition
* 40		petition, affidavits, briefs, correspondence and other related papers	originals	they become part of the original record of trial.
* 41			all copies other than in rule 40	destroy 2 years after final action on the petition.
* 42	applications for relief under Art 69, UCMJ	final action on application	originals	they become part of the original record of trial.
* 43			accused's copy	deliver to accused. (note 2).
* 44			copy at HQ USAF/JAJM	retain in HQ USAF/JAJM for 5 years, then retire to WNRC; destroy after 10 additional years.
* 45			all copies other than in rules 42, 43 and 44	destroy after 2 years.
* 46		application, documentary or other evidence submitted therewith, briefs, corres- pondence and other related papers	originals	retain in HQ USAF/JAJM for 5 years, then retire to WNRC; destroy after 10 additional years.
* 47			all copies other than in rule 46	destroy after 2 years.

TABLE 111-1 (Continued)

R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	then
* 48	Automated Military Justice Analysis and Management System (AMJAMS) monthly output products/reports	statistical data relating to court-martial and Article 15 activities	reports with as of date for months of January through November	destroy after 3 years, or when no longer needed for reference, whichever is sooner.
* 49			report with as of date for month of December	destroy after 5 years, or when no longer needed for reference, whichever is later.
* 50	AMJAMS quarterly and annual output products/reports		at HQ USAF/JAJ	retire as permanent. <i>offer to NARS when 15 yrs old.</i>
* 51			at other than HQ USAF/JAJ	destroy after 5 years, or when no longer needed for reference, whichever is later.
* 52	AMJAMS source/input forms and computerized records	data on Art 15 punishments		destroy after 1 year.
* 53		data on cases where court-martial charges are preferred	at HQ USAF/JAJM	
* 54			at staff judge advocate offices on cases that resulted in trial by court-martial	destroy after 2 years.
* 55			at staff judge advocate offices on all other cases	destroy after 1 year.
* 56		keypunch transaction cards and magnetic tape files		destroy after 6 weekly update cycles or when purpose has been served.

TABLE III-1 (Continued)

R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	then
* 57	Report Individual Person (RIP) produced as result of AMJAMS/ADPS interface	personal background and military history information		attach to file copy of AMJAMS source documents pertaining to case and dispose of in accordance with rules 52-55, this table, as appropriate.
* 58	strength reports, including DF3IRE AMJ SIG produced as result of AMJAMS/ADPS interface	military justice jurisdictional strength data		destroy after 1 year.
* 59	AMJAMS edit listings	computer printout listing case inputs, strength inputs, and errors		destroy after 1 year, or when no longer needed for reference, whichever is sooner.
* 60	executed punitive discharges and federal and state court felony convictions reports	consolidated semiannual reports prepared by HQ USAF/JAJM from semiannual reports received from major commands	at HQ USAF/JAJM	retire as permanent. <i>offer to NARS when 15 yrs. old.</i>
* 61			at other than HQ USAF/JAJM	destroy after 3 years, or when no longer needed for reference, whichever is later.
* 62		individual and consolidated semiannual reports prepared by major commands and subordinate court-martial jurisdictions	at HQ USAF/JAJM	destroy after 5 years, or when no longer needed for reference, whichever is later.
* 63			at other than HQ USAF/JAJM	destroy after 3 years, or when no longer needed for reference, whichever is later.

NOTES:

- * 1. Regardless of action taken on the case after appellate review, all original records of trial by general court-martial and by special court-martial in which the sentence, as approved by the commander exercising general court-martial jurisdiction, includes a bad conduct discharge, whether or not suspended, are forwarded to HQ USAF/JAJM.
2. If a copy of the record cannot be delivered to the accused for any reason, attach the copy prepared for him to the original record and explain the reason for nondelivery.
- * 3. These records are filed at the general court-martial jurisdiction for 2 years, then forwarded to WARC, WASH DC 20409.
4. Commanders who come within the purview of the Uniform Code of Military Justice (UCMJ), Article 22 (a) (5), need no special authorization, but must have concurrence of HQ USAF. Commanders who come within the purview of the UCMJ, Articles 22(a)(6), 23(a)(7) and 24(a)(4) are designated by the Secretary of the Air Force, and are announced in GA-series special orders, Department of the Air Force.
5. Those jurisdiction authorities reflected in a joint tenancy agreement have the same disposition as the joint tenancy agreement.
- * 6. In general court-martial cases in which any portion of the sentence has been suspended, and in special court-martial cases in which an approved bad conduct discharge has been suspended, forward any report or proceedings to vacate a suspension to HQ USAF/JAJM for filing with the original record of trial. For special courts-martial not involving a bad conduct discharge, and summary courts-martial, file the report with the original record.