

**REQUEST FOR AUTHORITY
TO DISPOSE OF RECORDS**

2 items

(See Instructions on Reverse)

TO: GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)

DEPARTMENT OF THE ARMY

2. MAJOR SUBDIVISION

The Adjutant General Center

3. MINOR SUBDIVISION

Records Management Division

4. NAME OF PERSON WITH WHOM TO CONFER

John Roach

5. TEL. EXT.

693-1938

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

LEAVE BLANK	
DATE RECEIVED MAR 22 1976	JOB NO. NC1-AU-76-19
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.	
4-15-76 (Date)	<i>James B. Rhoads</i> Archivist of the United States

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 1 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

3/15/76
Date

S. J. Pamrenze
S. J. PAMRENZE

(Signature of Agency Representative)

Chief, Records Management Division

(Title)

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
1	<u>Petitions Under Article 73, UCMJ, (404-09)</u> Documents relating to petitions for new trial in general, special, or summary court-martial cases. Included are petitions, memorandum opinion, records of TJAG action, court-martial orders, and similar or related papers. Arranged by calendar year and by serial number thereunder. Destroy 10 years after final action.		
2.	<u>Applications Under Article 69, UCMJ, (404-08)</u> Documents relating to applications for relief from conviction by general court-martial (not reviewable under Article 66), special court-martial (not reviewable under Article 66), or summary court-martial. Included are applications, memorandum opinion, records of TJAG action, court-martial orders, and similar or related papers. Arranged by calendar year and by serial number thereunder. Destroy 10 years after final action.		

Copy to Agency 4-19-76 CR

Background Information

These documents accumulate in the Examination and New Trials Division, US Army Judiciary, US Legal Services Agency, a field activity of the Office of the Judge Advocate General (TJAG). Volume of files on hand approximates 24 linear feet with annual accumulation of 10 linear feet, equally divided between the files described in items 1 and 2. Although the two files are similar, it is believed there is enough distinction to warrant separate files series. Proponent has stated his belief that a retention period of 10 years after completion of action on the petitions and applications is sufficient to satisfy any legal or administrative need.

404 COURT-MARTIAL FILES

These files relate to development of procedures for and the administration of military justice, and the trial by court-martial of military personnel subject to the court-martial jurisdiction of the Army.

<i>File No.</i>	<i>Description</i>	<i>Disposition</i>
404-01	Court-martial operating policy files. Record copies of policy books and standing operating procedures relating to the conduct of general, special, and summary courts-martial.	Permanent. Retire on supersession, obsolescence or discontinuance.
404-02	General court-martial files. Trial records of general courts-martial, military commissions, and courts of inquiry. They originate at the various court-martial jurisdictions in the continental United States and oversea commands. Included are original records of the trial which are forwarded to The Judge Advocate General as prescribed in the Manual for Courts-Martial, United States, 1969; copies of charge sheets and related papers; reviews by staff judge advocates; court-martial orders; decisions of appellate agencies; and similar papers retained by the court-martial jurisdiction.	TJAGO: Permanent. Retire 2 years after completion of appellate processing. Office of Staff Judge Advocate of general court-martial jurisdiction: Destroy retained copy of record of trial and related papers upon notification of completion of final action in OTJAG, except when case has been forwarded to Court of Military Appeals for action <i>and</i> accused has been retained in the general court-martial jurisdiction, destruction will be accomplished upon notification of final action by Court of Military Appeals. Prior to destruction, the staff judge advocate review, court-martial orders, and decisions of appellate agencies will be withdrawn and retained in CFA for 3 years and then destroyed.
404-03	Special court-martial files (BCD). Trial records of special courts-martial involving bad conduct discharges, whether or not suspended, which have been approved by the officer exercising general court-martial jurisdiction over the command. Included are original records of the trial which are forwarded to The Judge Advocate General as prescribed in the Manual for Courts-Martial, United States, 1969; copies of charge sheets and related papers; reviews by staff judge advocates; court-martial orders; decisions of appellate agencies; and similar papers retained by court-martial jurisdictions and convening authorities.	TJAGO: Permanent. Retire 2 years after completion of appellate processing. Office of Staff Judge Advocate of general court-martial jurisdiction and special court-martial convening authorities: Destroy retained copy of record of trial and related papers upon notification of completion of final action in OTJAG, except when case has been forwarded to Court of Military Appeals for action <i>and</i> accused has been retained in the general court-martial jurisdiction, destruction will be accomplished upon notification of final action by Military Court of Appeals. Prior to destruction, the staff judge advocate review, court-martial orders, and decisions of appellate agencies will be withdrawn and retained in CFA for 3 years and then destroyed.
404-04	Special court-martial files. Trial records of special courts-martial, but exclusive of special courts-martial involving bad conduct discharges referred to in file No. 404-03. Included are individual case files of the formal record of trial, including special court-martial records, attachments thereto, reports of action taken, and similar papers retained by the officer exercising immediate general court-martial jurisdiction over the command, as provided in paragraphs 91b(2) and 94(b), MCM 1969. Also included are copies of charge sheets and related papers, correspondence from the	★ Office of the Staff Judge Advocate of the general court-martial jurisdiction: Destroy 10 years after final action by supervisory authority. The appropriate records center for retirement of these files is the National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118. Office of special court-martial convening authority: Destroy 1 year after notice of final action by the supervisory authority.

File No.	Description	Disposition
	officer exercising immediate general court-martial jurisdiction over the command, court-martial orders (the originals of which have been transferred to the officer exercising general court-martial jurisdiction), and similar papers retained by special court-martial convening authorities.	
404-05	<p>Summary court-martial files. Trial records of summary courts-martial. Included are individual case files of the formal record of the trial, including the summary court-martial records, attachments thereto, and reports of action taken.</p> <p>★<i>Note.</i> For disposition of copies of records of trial by summary courts-martial with notations of action taken by supervisory authority, see chapter 2, AR 27-10 and for disposition of copies retained in unit files pursuant to paragraph 91c, MCM 1969, see AR 640-10 (field 201 files, temporary documents).</p>	<p>★Office of the Staff Judge Advocate of the general court-martial jurisdiction: Destroy 10 years after final action by supervisory authority. The appropriate records center for retirement of these files is the National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118.</p> <p>Office of summary court-martial convening authority: Destroy 1 year after notice of final action by the supervisory authority.</p>
404-06	<p>Court-martial locator files. Documents used as locator aids or controls to court-martial cases which are to be tried or which have been tried by summary, special, or general court-martial. Included are index cards, registers or similar papers.</p>	<p>TJAGO: Permanent. Retire when no longer needed for current operations.</p> <p>Other offices: Destroy after 3 years or 3 years after completion of the court-martial case to which they pertain, as applicable. Retain in CFA.</p>
404-07	<p>Court-martial statistical files. Documents relating to the preparation and compilation of statistical data on cases processed by military courts. Included are reports of summary and special court-martial cases prepared by staff judge advocates at general court-martial jurisdictions (based on records of trial by summary and special courts-martial received from convening authorities), related statistical data prepared by TJAGO, and similar papers.</p>	<p>TJAGO: Permanent.</p> <p>Offices of staff judge advocates at general court-martial jurisdictions: Destroy after 5 years. Retain in CFA.</p> <p>Other offices: Destroy after 1 year.</p>