

**REQUEST FOR AUTHORITY  
TO DISPOSE OF RECORDS**

*(See Instructions on Reverse)*

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DATE RECEIVED <b>JAN 15 1973</b>	JOB NO. <b>GT-173-125</b>
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disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.	
Date <b>2-8-73</b>	<i>James B. Rhoads</i> Archivist of the United States

**TO: GENERAL SERVICES ADMINISTRATION,  
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, D.C. 20408**

1. FROM (AGENCY OR ESTABLISHMENT)  
**DEPARTMENT OF THE AIR FORCE, HQ USAF**
2. MAJOR SUBDIVISION  
**DIRECTORATE OF ADMINISTRATION**
3. MINOR SUBDIVISION  
**DOCUMENTATION SYSTEMS DIVISION**
4. NAME OF PERSON WITH WHOM TO CONFER  
**E. F. VILLIARD**
5. TEL. EXT.  
**11/29239**
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 1 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

**11 JAN 1973**      *R. E. Reilly*      **R. E. REILLY, Chief**  
(Date)      (Signature of Agency Representative)      Documentation Management Branch  
Directorate of Administration  
(Title)

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p align="center"><b>MILITARY JUSTICE RECORDS (111-1)</b> (Applicable Air Force-wide)</p> <p>The two proposed changes will reduce the retention period of court-martial orders furnished the Judge Advocate General, HQ USAF, for reference purposes, from "destroy after 10 years" to "destroy after 3 years"; it will also change the disposition of the copies maintained in annual blocks by the issuing activities from "retire after 3 years to Washington National Records Center as permanent" to "destroy after 3 years."</p> <p><b>JUSTIFICATION:</b></p> <p>Experience at both the issuing activity level and at HQ USAF/JA has indicated that, for reference purposes, use of these sets of court-martial orders drops off markedly after 3 years. Further, it has been determined that the copies maintained in annual blocks by the issuing activities does not need to be retired because there is a copy in the individual's master personnel record; there is also a copy filed with the original record of trial. A draft copy of this proposed revision to AFM 12-50, table 111-1, rules 32 and 32.1, is attached.</p>	NN170-33	

TABLE 111-1 (Continued)				
R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	then
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 a part of the original record of trial.
31			all copies other than in rule 30	destroy 1 year after action on proceedings.
32	court-martial orders	orders promulgating the result of trial by general or special court, and final decision based on review by higher authorities	copies furnished HQ USAF/JA, and not included in the record of trial or in personnel files	★ destroy after 3 years. <b>DISPOSAL APPROVED</b>
32.1			★ copies maintained in annual blocks by issuing activity	★ destroy after 3 years <b>DISPOSAL NOT APPROVED</b>
33			all copies other than rules 32 and 32.1	destroy 1 year after date of order.
34 ★	court-reporter's records	court-reporter's recordings and notes	materials from which verbatim or summarized court-martial records of trial have been prepared	destroy 1 year after review of the case is completed and proceedings are final under UCMJ, Article 76, and MCM 1969 (rev) paras 82a and 83b.

10-374

- Notes: 1. Regardless of action taken on the case after appellate review, all original records of trials by general court-martial and all original records of trials 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/JAE
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 WNRC, WASH DC 20409 for filing as permanent records.
4. Commanders who come within the purview of the Uniform Code of Military Justice, Article 22(a)(5), need no special authorization, but

- must have concurrence of HQ USAF. Commanders who come within the purview of the Uniform Code of Military Justice, 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 authorizations 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/JAEA 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.

**111. Military Justice.** This table covers documents pertaining to trial by courts-martial, including pretrial, trial, and post-trial procedures, and decisions on review, technical instructions for counsel, and law officers participating in trials.

**TABLE 111-1**

**MILITARY JUSTICE RECORDS**

R U L E	A	B	C	D
	If documents are or pertain to	consisting of	which are	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, whichever is sooner.
2	all general court-martial records, and special court-martial records involving a bad conduct discharge	originals (note 1)	at HQ USAF/JA	retire as permanent.
3		duplicate and triplicate copies	on cases where an appeal is <i>not</i> filed	destroy 30 days after completion of appellate review.
4			on cases where an appeal is filed	destroy after final action by US Court of Military Appeals.
5		accused's copy		deliver to accused (note 2).
6		all copies other than in rules 2, 3, 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	chronology sheets, court-martial data sheets, court-martial orders, charge sheets, and other documents accompanying charges when referred for trial, records of former trials, record of trial proper, and briefs of counsel	originals (note 3)	retire as permanent.
8			accused's copy	deliver to accused (note 2).
9			all copies other than in rules 7 and 8	destroy 1 year after final review.

10-371

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 courts-martial	record of trial, and any related orders published after the trial	originals in Master Personnel and triplicates in Field Records 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	retire as permanent.
15			at other than HQ USAF/JAJM	destroy after 3 years.
15.1 ★		court-martial logs		3 years after action of convening authority, forward to HQ USAF/JAJM for consolidation and retirement as permanent.
16	court-martial jurisdiction	documents accumulated incident to the granting and exercise of general, special, and summary court-martial jurisdiction (note 4)		retire as permanent (note 5).
17		card records reflecting active and inactive general court-martial jurisdiction of various commands		destroy when purpose has been served.
18	court-martial and Article 15 activities reports	consolidated annual reports prepared by HQ USAF (AFJAGA) from quarterly reports received from commands exercising general courts-martial jurisdiction	at HQ USAF/JAEA	retire as permanent.
19			at other than HQ USAF/JAEA	destroy after receipt of next annual report.
20		individual and consolidated quarterly reports prepared by	at HQ USAF/JAEA	destroy after 10 years, or when no longer needed for

10-372

10-373

		major and subordinate court-martial jurisdiction		reference, whichever is later.
21			at other than HQ USAF/JAEA	destroy 1 year after preparation date.
22	writ of habeas corpus	the complaint, the answer filed by 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 a part of the original record of trial.
23			at HQ USAF/JAJM, and the person was not tried by court-martial	hold for 5 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 Article 15, UCMJ	correspondence records of nonjudicial punishment proceedings, including separate appeals and actions that suspend, mitigate, remit, or set aside punishment	originals of officer records	retire as permanent per instructions in AFR 111-9.
26			all copies of officer records other than in rule 25	dispose of under AFM 35-14 and table 35-5, as appropriate.
27			originals of enlisted member records	retire as permanent per instructions in AFR 111-9.
28			summarized records of enlisted members	dispose of under AFM 35-14 and table 35-5, as appropriate.
29			all copies of enlisted member records other than in rule 27	
29.1 ★	logs of actions taken under Article 15, UCMJ	Article 15 logs	at other than HQ USAF/JAJM	3 years after punishment indorsement, forward to HQ USAF/JAJM for consolidation and retirement as permanent.

February 7, 1973

Mr. R. E. Reilly, Chief  
Documentation Management Branch  
Directorate of Administration  
Department of the Air Force, HQ USAF  
5510 Columbia Pike  
Washington, D.C. 20330

Dear Mr. Reilly:

Enclosed is your copy of the completed SF-115, Job No. NN-173-125, relating to the disposal of court-martial orders. As Mr. Bolton has informed Mr. Villiard we could not approve the disposal of Item 32.1, Table 111-1.

We have been informed by staff members of our Military Archives Division that they can frequently answer questions from this file without the delay of having to refer searchers to the locations where the court-martial and personnel case files are kept.

We intend, in the near future, to initiate studies of both the personnel and the court-martial case files to determine if criteria can be established to select the few that should be retained permanently. If such criteria can be applied, we hope that the remainder can be disposed of after their legal and administrative values cease.

Sincerely,

~~MEYER H. FISHBEIN~~  
MEYER H. FISHBEIN  
Director  
Records Appraisal Division

Enclosure

cc:  
Official File - NNA  
Day File - NNA  
R. Bolton - NNA  
NNM

RRBolton:jwg

MEMO FOR RECORD: Disposal of Air Force Court-Martial Orders, NN-173-125

In addition to the copies of orders filed in the court-martial case file and in the individual's personnel file, sets of these orders are maintained by the Air Force Judge Advocate (AFJA) and by the issuing activities. The set kept by the AFJA has been scheduled for destruction after 10 years. The sets kept by the issuing activities were retired to the Washington National Records Center after 3 years as permanent. The AF now is seeking authority to dispose of these orders after 3 years.

Dr. Deutrich (see attached note) objects to the disposal of the sets of orders which are maintained by the issuing activities. Both she and Dr. Ryan state that these sets are valuable for reference service as inquiries can often be answered without having to go to the court-martial or individual personnel case files. A study has been initiated to appraise the archival values of individual personnel files and a like study should be made of court-martial case files. Until these studies are completed the orders of the issuing activities should be retained. The request to shorten the retention period of those kept by the AFJA should be approved.

The study of the general and special court-martial case files now considered by the services as permanent should develop criteria to select the few that should be permanently retained and determine a realistic period for retention of the remainder. Bulletin No. 340, Supplement 3, issued by the Administrative Office of the United States Courts contains a schedule for records relating to criminal cases tried in U.S. District Courts. This may help the staff member who is assigned the preparation of the study.