

## **BOARD GUIDE (SCRIPT)**

### **(For a Chief Petty Officer Incompetency Reduction Board)**

#### **General Guidance:**

The Board President and the Recorder help direct the proceedings by giving verbal signals at certain times during the administrative board hearing. These signals not only maintain order within the hearing venue, but also assist the Reporter and the Board in developing an accurate summarized record of the hearing. This is of importance to future reviewers of the board report, who do not have the benefit of having been present at the hearing. Basic signals are discussed below.

#### **Opening/Reconvening a Hearing:**

To signal the start (opening) or resumption (reconvening) of a hearing, the Board President should make the following announcement before the hearing proceeds:

*This administrative board hearing will now come to order. Please be seated. The record will show that the hearing was called to order at [TIME] hours on [DATE and YEAR] and is being held at [PLACE].*

*If you have not done so already, please turn off all pagers and cell phones or set them to silent mode at this time. I would also like to remind you that, pursuant to Articles 5.B.2. and 5.B.3. of the Enlisted Personnel Administrative Boards Manual, the video recording of board proceedings is strictly prohibited, and audio recording by the Board or Respondent is not permitted during any recess or adjournment in the proceedings or during the closed deliberations of the Board.*

Recessing/Adjourning a Hearing:

A board takes a “recess” when it stops its proceedings for a period of time and will reconvene the same day in the same location. A board “adjourns” when it stops its proceedings for a period of time and will reconvene in a different location or on a later date. To signal a recess or adjournment, the Board President should make the following announcement, indicating when the board will reconvene:

*The time is now [TIME] hours. This administrative board will \_\_\_\_ (recess) \_\_\_\_ (adjourn) until [TIME, DATE, and YEAR]. (If at a different location, add the location [PLACE/ROOM].)*

*(If applicable – Any audio recording of the proceedings shall cease at this time.)*

Persons not Present:

The Recorder shall assist the Board President in tracking the participants involved with the hearing by confirming that they are all in the proper place when a board is opened or reconvened. When all hearing participants are in their proper place upon reconvening, the Recorder should state the following for the record:

*All persons who were present when the hearing \_\_\_\_ (recessed) \_\_\_\_ (adjourned) are present. No person required to be present is absent.*

If any person required to be present is absent, his or her absence and the reason for it should be noted by the Reporter in the Summarized Hearing Record, an example of which is included as Appendix 5-2 in the Enlisted Personnel Administrative Boards Manual.

Absence/Substitution of a Board Member: Unless a majority of the board members is present, no business other than a recess or adjournment shall be conducted. In the absence of a board member, the Board may proceed with its investigation only if authorized and directed to do so by the Convening Authority. If it appears that a board member(s) will be absent for more than a short period of time and/or the absence reduces the Board to less than a majority of the total membership, the Board President shall notify the Convening Authority who may appoint a substitute board member(s). Any substitute board members appointed shall examine the record of the proceedings conducted prior to sitting as a board member, and accomplishment of that review shall be noted in the Summarized Hearing Record. After reviewing the record, each substituted board member shall participate fully in the subsequent proceedings of the Board, its deliberations, and its findings of fact, opinions, and recommendations. (See Article 5.B.6. of the Enlisted Personnel Administrative Boards Manual.)

**Script:**

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**Discussion**

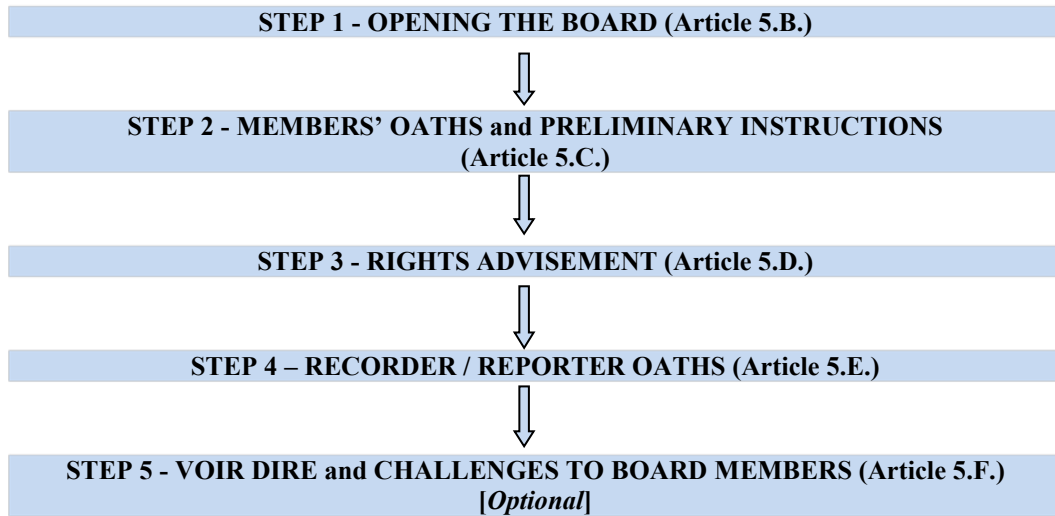
The text in the “Discussion” boxes in this Board Guide is provided to aid the user and should not be read aloud during a hearing.

Unless otherwise specified, citations to articles and appendices within this Board Guide are to the Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series).

In this script, the Board President indicates that he/she makes all rulings on any objections. If the Convening Authority has appointed a Legal Advisor as a non-voting member of the Board, those rulings shall be made by the Legal Advisor. (See Articles 3.E.2.c. and 6.B.4.)

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# **PHASE ONE – THE HEARING (GETTING STARTED)**



**STEP 1  
OPENING THE BOARD  
(See Article 5.B.)**

BOARD  
PRESIDENT

This administrative board hearing will now come to order. Please be seated. The record will show that the hearing was called to order at \_\_\_\_\_ hours on \_\_\_\_\_ and is being held at \_\_\_\_\_.

If you have not done so already, please turn off all pagers and cell phones or set them to silent mode at this time. I would also like to remind you all that, pursuant to Articles 5.B.2. and 5.B.3. of the Enlisted Personnel Administrative Boards Manual, video recording of board proceedings is strictly prohibited, and audio recording by the Board or the Respondent is not permitted during any recess or adjournment in the proceedings or during the closed deliberations of the Board.

RECORDER

This Board is convened by order of the \_\_\_\_\_(Commanding Officer) \_\_\_\_\_(Commander) of \_\_\_\_\_, dated \_\_\_\_\_, (*if applicable*, as amended on \_\_\_\_\_), which has been provided to each board member, the Respondent, and (*if applicable*) Counsel for the Respondent.

The Respondent, \_\_\_\_\_, and the following persons named in the convening order are present:

Board President:

Member of the Board:

Member of the Board:

Recorder:

*(If applicable)*

Counsel for the Respondent :

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**Discussion**

Do not identify the Reporter unless he/she has been appointed by the Convening Authority, or the Legal Advisor unless he/she has been appointed by the Convening Authority as a non-voting member of the Board.

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RECORDER

Reporter:

Legal Advisor:

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**Discussion**

Missing Persons: The Recorder should identify anyone named in the convening order that is not present and explain for the record whether that person was excused and, if known, why he/she is missing.

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RECORDER

\_\_\_\_\_ No person named in the convening order is absent.

*Or*

\_\_\_\_\_ The following person(s) named in the convening order (is) (are) absent, \_\_\_\_\_(having been excused) \_\_\_\_\_(not having been excused) by the Convening Authority: **[PROVIDE EXPLANATION FOR ABSENCES]**.

BOARD  
PRESIDENT

This administrative board is convened to consider the case of \_\_\_\_\_, who is being considered for reduction in rate for incompetency for the following reason(s):

due to:

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**Discussion**

The Board President should pause to ensure that the applicable portions, generally paragraphs 1 and 2, of the Summarized Hearing Record have been completed. See Article 2.C. for more information regarding the Convening Authority’s Notice to Respondent of Intent to Take Administrative Action.

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BOARD  
PRESIDENT

All persons expecting to be called as witnesses in this hearing shall withdraw from the hearing room.

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**Discussion**

The Board President should pause until all witnesses have withdrawn from the hearing room before proceeding with Step 2.

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**STEP 2**  
**MEMBERS' OATHS and PRELIMINARY INSTRUCTIONS**  
**(See Article 5.C.)**

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**Discussion**

The Recorder should swear-in the members of the Board. Persons being sworn should stand and raise their right hand.

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Oaths

RECORDER

\_\_\_\_\_ has been appointed and designated as the Board President in this proceeding and will now be sworn-in. Do you swear or affirm that you will faithfully perform the duties of Board President to this Board?

BOARD  
PRESIDENT

I do.

RECORDER

\_\_\_\_\_ and \_\_\_\_\_ have been appointed members of the Board in this proceeding and will now be sworn-in. Do you swear or affirm that you will faithfully perform the duties of members to this Board?

MEMBERS

I do.



Preliminary Instructions

I will now read aloud the preliminary instructions for this hearing so that every participant at this hearing will understand the purpose of the hearing, the duties of this Board, and the way I will direct these proceedings.

There is a single, overarching question that the Board shall answer and, regarding which, must formulate opinions and a determination or recommendation.

Specifically, the purpose of this hearing and this Board’s duty is to consider the evidence presented at this hearing, and to determine whether the preponderance of that evidence proves that is unqualified by reason of incompetency to perform the duties of \_\_\_\_ (his) \_\_\_\_ (her) rate and should therefore be reduced in rate, or is not unqualified by reason of incompetency to perform the duties of \_\_\_\_ (his) \_\_\_\_ (her) rate.

The term “preponderance of the evidence” means that the evidence offered by the Recorder must “more likely than not” support the basis or bases for reducing the Respondent in rate for incompetency. It is less strict than the “beyond a reasonable doubt” standard applied in criminal proceedings.

BOARD  
PRESIDENT

BOARD  
PRESIDENT

You might wonder why this Board is required to consider the evidence presented at this hearing and formulate, as I stated, a determination or recommendation on the fundamental question of whether or not the Respondent is unqualified by reason of incompetency. The reason is that while a board's report, along with its Findings of Fact, Opinions, and Determination/Recommendation, is an important part of the Coast Guard's process for deciding whether to reduce a Chief Petty Officer in rate for incompetence, the Board is not the only decision-maker in that process. If the Board determines that \_\_\_\_\_ is not unqualified by reason of incompetency, and the Board's report is reviewed and found to be legally sufficient by the Staff Judge Advocate, then the Board's determination is binding and the Convening Authority shall terminate this administrative board process. However, if the Board determines that the Respondent is unqualified by reason of incompetency, the final reviewing authority is the Commander of the Coast Guard Personnel Service Center (CG PSC), located in Arlington, Virginia. CG PSC is responsible for enforcing policy that is in the best interests of the entire Coast Guard and for ensuring the consistent application of military personnel policy across the Service. Consequently, CG PSC is authorized to make independent findings based on the evidence contained in the record compiled at this hearing. While the Board may reach its own conclusion that \_\_\_\_\_ is unqualified, it must be mindful that the final reviewing authority may reach a different conclusion, that the Respondent is not unqualified. After reviewing this Board's report, the final reviewing authority may agree in whole, in part, or not at all with our Findings of Fact, Opinions, and Determination/Recommendation.

Thus, as with every board, we have two important responsibilities today – first, to develop a thorough record of the evidence presented at this hearing, and, second, to analyze that evidence and make a sound determination/recommendation for action by the Convening Authority or consideration by the final reviewing authority.

BOARD  
PRESIDENT

The fact that an administrative board has been convened, and has been referred to this Board, does not permit any inference that \_\_\_\_ (he) \_\_\_\_ (she) is unqualified by reason of incompetency to perform the duties of \_\_\_\_ (his) \_\_\_\_ (her) rate.

This Board will base its conclusions and make its determination/recommendation solely on the evidence and testimony presented during this hearing, an administrative board's guiding principles, and other applicable Coast Guard policy and U.S. law.

BOARD  
PRESIDENT

Our conclusions and determination/recommendation must be made based on a review of all of the evidence and testimony. Therefore, we will refrain from considering or discussing this case among ourselves outside of the Board's formal deliberations, and we will keep open minds until all of the evidence has been presented, we have reviewed applicable Coast Guard policy and U.S. law, and the hearing has closed for our private deliberations.

The final determination as to the weight of the evidence and the credibility of the witnesses in this hearing rests upon the Board members. It is our responsibility to determine the believability of the witnesses brought before this Board. In performing this duty, we will consider each witness's ability to observe and accurately remember relevant facts; we also will consider each witness's sincerity and conduct before this Board and his or her friendships, prejudices, and character for truthfulness.

The Recorder and the Respondent will each have an opportunity to question all of the witnesses. When they have finished questioning a witness, the Board may ask questions if one or more of its members feels there are additional substantial questions that should be asked. The Board members shall bear in mind that their questions cannot attempt to aid either the Recorder's or the Respondent's case. Both the Recorder and the Respondent, or Respondent's counsel, are entitled to object to any question posed to a witness. I, the Board President, have final authority to rule on any objection.

**STEP 3  
RIGHTS ADVISEMENT  
(See Article 5.D.)**

**BOARD  
PRESIDENT**

\_\_\_\_\_, you were notified by the Convening Authority by memo dated \_\_\_\_\_ of the matters that caused the Convening Authority to initiate administrative action to reduce you in rate for incompetency. You acknowledged the Convening Authority’s notice by endorsement on \_\_\_\_\_.

On \_\_\_\_\_, you chose to appear before an administrative board, in addition to notifying the Convening Authority of your other elections concerning your rights as a respondent.

Upon being appointed as Board President, I informed you of the date, time, and location of this hearing by memo dated \_\_\_\_\_, in which I also encouraged you to become thoroughly familiar with your rights as explained in the Enlisted Personnel Administrative Boards Manual. One of those rights is the right to be represented by counsel.

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**Discussion**

Among the rights previously exercised by the Respondent was the right to be represented, if at all, by either a military or civilian lawyer. At this point in the hearing, it should be apparent whether the Respondent has counsel present. If it appears that the Respondent is not represented by counsel, skip ahead in this Board Guide to the next “Discussion” box.

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**BOARD  
PRESIDENT**

Who is representing the Respondent at this hearing?

**RESPONDENT’S  
COUNSEL**

\_\_\_\_\_(Sir) \_\_\_\_\_(Ma’am), I represent the Respondent. My name is \_\_\_\_\_ and I \_\_\_\_\_(am) \_\_\_\_\_(am not) qualified under Article 27(b) of the [UCMJ](#).

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**Discussion**

If the Respondent is represented by civilian counsel: The Board President should inquire into the counsel's qualifications, *e.g.*, where the counsel is a member of the bar, whether the counsel is licensed to practice law in that state, and what is the highest court of that state to which the counsel has been admitted to practice.

If the Respondent is represented by counsel, whether military or civilian, skip ahead in this Board Guide to the next "Discussion" box.

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**BOARD  
PRESIDENT**

It appears that you are not represented by counsel. Do you plan to be represented by counsel at this hearing?

**RESPONDENT**

\_\_\_\_(Yes) \_\_\_\_ (No), \_\_\_\_ (Sir) \_\_\_\_ (Ma'am).

BOARD  
PRESIDENT

You previously were informed about, and acknowledged and made an election concerning, the following rights to representation:

- You have the right to be represented by a lawyer.
- If you choose to be represented by a military lawyer, the Coast Guard will appoint one for you who is qualified under Article 27(b) of the [UCMJ](#) at no expense to you.
- You also may retain a civilian lawyer at your own expense.
- If you elect to be represented by a civilian lawyer, then you are not entitled to also be represented by a military lawyer.
- If you choose to be represented by a lawyer, he or she will be presumed to act and speak for you, and you will be bound by the actions of that person.

Did you understand those rights and do you still want to waive your right to a lawyer at this hearing?

RESPONDENT

\_\_\_\_(Yes) \_\_\_\_ (No), \_\_\_\_ (Sir) \_\_\_\_ (Ma'am). I understand my rights to representation, including my right to civilian or military counsel, and I \_\_\_\_ (do) \_\_\_\_ (do not) waive my right to counsel at this hearing.

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**Discussion**

Board President Responsibilities: If the Respondent waived his/her right to military counsel, or hired civilian counsel not qualified under Article 27(b) of the [UCMJ](#), the Board President should engage in a discussion with the Respondent and his/her counsel to ensure that he/she understands his/her right to have military counsel and that he/she has knowingly waived that right. This discussion should be noted in the Summarized Hearing Record.

If the Respondent is not represented by counsel, but indicates that he/she does not waive the right to counsel, the Board President shall consult with the Legal Advisor, and the Convening Authority if necessary, recessing the hearing as appropriate, before proceeding further.

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BOARD  
PRESIDENT

In my notice scheduling this hearing, I encouraged you to become familiar with your rights as detailed in the Enlisted Personnel Administrative Boards Manual. Those rights include:

- During this hearing, you may question and challenge for cause the members of this Board.
- During this hearing, you may examine and object to evidence before it is considered by this Board.
- During this hearing, you may object to the testimony of witnesses, and you may cross-examine witnesses.
- During this hearing, you may introduce material and non-cumulative evidence, including witnesses whom you produce at your own expense.
- You have the right to be present at this hearing, but:
  - Your right to be present during board proceedings does not apply if you knowingly absent yourself from these proceedings at any time, or if you are unable to be present because you are confined by civilian or military authorities.
  - If you knowingly absent yourself from this hearing, this board may proceed without you, but with your counsel acting on your behalf.

BOARD  
PRESIDENT

- If you are confined by civilian or military authorities, you have no right to attend this hearing or appear personally before the Board, but you may exercise all of your other rights through your lawyer.
- Also, if your conduct during this hearing becomes disruptive to the proceedings, you will forfeit your right to continue to be present, and this Board may proceed without you, but with your counsel acting on your behalf.
- You have the right to testify or refuse to testify under oath as a witness.
  - If you choose to testify under oath, you will be subject to questioning by the Recorder and the Board on all matters within the board's scope of inquiry.
- You have the right to make an unsworn statement, either in writing or by speaking directly to the Board, to not be subject to questioning by the Recorder or the Board about your unsworn statement, and to have your unsworn statement included in the record of the proceedings.
- You have the right to make an opening statement and an argument at the conclusion of the presentation of evidence.
- You have the right to be advised of your rights under the Privacy Act of 1974.

- You have the right to be advised of your right against self-incrimination, the right to make no statement regarding a charged or suspected offense, and the right to warnings regarding these matters prior to interrogation as provided by Article 31, [UCMJ](#).

Your previous acknowledgements of your rights and exercise of your rights will formally be introduced into the record of this hearing and will be used in the completion of the Board's report.

, there are some additional procedural rules in connection with this hearing that I will explain to you now.

BOARD  
PRESIDENT

First, these proceedings are administrative in nature, and the Board is not bound by formal rules of evidence. The Board may consider information that might not be admissible at a court-martial. Also, you should be aware that the Board's decisions will be based upon a preponderance of the evidence.

Second, if you or your counsel has any objection to any matters introduced at this hearing, or to any part of this hearing including procedural matters, you or your counsel may state your objection and the reasons for it. I shall make final rulings on all matters of procedure and evidence. If you are dissatisfied with the Board's action on your objection and if you wish to maintain an objection after I have ruled on it, then at the conclusion of this hearing you may put your objection in writing and submit it as an exhibit for the record.

Finally, I remind you that in order to protect your rights, you or your counsel must object promptly so that we can correct errors without unduly disrupting the proceedings.

, do you have any questions concerning your rights or the procedures before this Board?

RESPONDENT \_\_\_\_ (Yes) \_\_\_\_ (No), \_\_\_\_ (Sir) \_\_\_\_ (Ma'am). **[Questions, if any.]**

BOARD  
PRESIDENT

\_\_\_\_, do you understand your rights and the procedures before this Board?

RESPONDENT \_\_\_\_ (Yes) \_\_\_\_ (No), \_\_\_\_ (Sir) \_\_\_\_ (Ma'am).

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**Discussion**

If the Respondent indicates that he/she understands the rights, then proceed. If not, address the Respondent's questions and make sure that this discussion is noted in the Summarized Hearing Record.

The Board President should pause to ensure that the applicable portions, generally paragraphs 3 and 4, of the Summarized Hearing Record have been completed.

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**STEP 4**  
**RECORDER / REPORTER OATHS**  
**(See Article 5.E.)**

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**Discussion**

The Board President swears-in the Recorder, Reporter, and, if assigned, Interpreter. Persons being sworn should stand and raise their right hand.

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BOARD  
PRESIDENT

\_\_\_\_\_ has been named as the Recorder for this proceeding and will now be sworn-in. Do you swear or affirm that you will faithfully perform the duties of Recorder to this Board?

RECORDER

I do.

BOARD  
PRESIDENT

\_\_\_\_\_ has been named Reporter for this proceeding and will now be sworn-in. Do you swear or affirm that you will faithfully perform the duties of Reporter to this Board?

REPORTER

I do.

BOARD  
PRESIDENT

*(If applicable)*  
\_\_\_\_\_ has been named Interpreter to this proceeding and will now be sworn-in. Do you affirm that you will faithfully perform the duties of Interpreter to this Board?

INTERPRETER

I do.

RECORDER

Let the record reflect that this Board is properly convened and constituted.

RECORDER

I have been detailed to the Board as the non-voting Recorder to the Board. I \_\_\_\_\_(am) \_\_\_\_\_(am not) a law specialist qualified under Article 27(b), [UCMJ](#).

**STEP 5**  
**VOIR DIRE and CHALLENGES TO BOARD MEMBERS**  
**[Optional]**  
**(See Article 5.F.)**

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**Discussion**

Step 5 is optional in that the Recorder and the Respondent, or his/her Counsel, may choose to not question or challenge any members of the Board (i.e., waive voir dire). The questions below will determine whether voir dire is waived; if it is waived, the Board President should pause to ensure that the applicable portions, generally paragraphs 5 through 7, of the Summarized Hearing Record have been completed and then skip ahead in this Board Guide to Step 6.

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**BOARD  
PRESIDENT**

Does the Respondent or the Recorder wish to question any member of this Board in relation to any matter which may constitute a ground for challenge for cause?

**RESPONDENT  
or COUNSEL**

The Respondent \_\_\_\_ (has) \_\_\_\_ (has no) questions. *(If applicable, the Respondent or his/her Counsel asks questions.)*

**RECORDER**

The Recorder \_\_\_\_ (has) \_\_\_\_ (has no) questions. *(If applicable, the Recorder asks questions.)*

**BOARD  
PRESIDENT**

Does the Respondent or the Recorder have a challenge for cause against any voting member of this Board?

**RESPONDENT  
or COUNSEL**

The Respondent \_\_\_\_ (does) \_\_\_\_ (does not). *(See the following "Discussion" box.)*

**RECORDER**

The Recorder \_\_\_\_ (does) \_\_\_\_ (does not). *(See the following "Discussion" box.)*

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**Discussion**

Grounds for challenge must show that a challenged member cannot render a fair and impartial decision. Either party may present evidence to show why a board member should not sit on the Board, and may examine a member about his/her fitness for the position of Board President or Board Member. Such examination may be under oath at the Respondent's discretion. If requested, the Recorder shall administer the following oath:

"Do you swear or affirm that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth?"

Challenges should be in writing. The Board does not decide the issue; instead, it reports the facts to the Convening Authority who must determine if the member should continue to sit on the Board. The Convening Authority, upon being informed of the circumstances of the challenge and the recommendation of the other members, may appoint a substitute for the challenged member. The new member becomes subject to voir dire in the same manner as the earlier members.

Written challenges and the Convening Authority's responses shall be included as exhibits in the Summarized Hearing Record. At this point, the Board President should pause to ensure that the applicable portions, generally paragraphs 5 through 7, of the Summarized Hearing Record have been completed.

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## **PHASE TWO – THE HEARING (PRESENTING THE CASE)**

**STEP 6 - INTRODUCING DOCUMENTS AND PHYSICAL EVIDENCE INTO THE RECORD (Article 6.B.)**



**STEP 7 - OPENING STATEMENTS [Optional] (Article 6.C.)**



**STEP 8 - PRESENTING WITNESSES [Optional] (Article 6.D.)**



**STEP 9 - RESPONDENT'S UNSWORN STATEMENT [Optional] (Article 6.E.)**



**STEP 10 - CLOSING ARGUMENTS [Optional] (Article 6.F.)**



**STEP 11 - COMPLETING THE SUMMARIZED HEARING RECORD (Article 6.G.)**



**STEP 6  
INTRODUCING DOCUMENTS AND PHYSICAL EVIDENCE INTO  
THE RECORD  
(See Article 6.B.)**

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**Discussion**

The Board President, Recorder, and Respondent (or Counsel) should read aloud a description of each item of evidence being submitted into the record for consideration by the Board.

The Reporter and Recorder should assist all parties in the assignment of exhibit numbers to the evidence presented. The Reporter should complete paragraph 8 (Exhibits) of the Summarized Hearing Record as each item of evidence is entered into the record, including the Board President’s rulings on objections to the consideration of any evidence.

Pre-hearing matters are those matters decided by the Convening Authority or members of the Board prior to the hearing. At a minimum, these include the documents listed in Article 6.B.2.b. The Board President enters these documents into the record, as well as any documentation of explanations provided, objections made, and rulings rendered since the hearing was opened and called to order.

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**BOARD  
PRESIDENT**

The following pre-hearing matters (*if applicable* – and documents created since this hearing was called to order) shall be made a part of the record at this time:

**BOARD  
PRESIDENT**

[NAME, TITLE, and/or DESCRIPTION OF DOCUMENT], consisting of [# of pages] pages, is entered into the record as Exhibit # [Exhibit #]. Does the Respondent or the Recorder have any objection to this exhibit or it being considered by the Board?

**RESPONDENT  
or COUNSEL**

\_\_\_(No.) \_\_\_(Yes, I object to Exhibit # [Exhibit #] because [REASON].)

**RECORDER**

\_\_\_(No.) \_\_\_(Yes, I object to Exhibit # [Exhibit #] because [REASON].)

BOARD  
PRESIDENT

*(After asking questions, if necessary, in order to fully understand the objection(s), and considering the objection(s)):*

I have considered your objection(s), and your objection(s) (is) (are) (sustained) (overruled). The exhibit (will) (will not) be considered by the Board. Your objection(s) and my ruling will be noted for the record. Do the other board members wish to discuss the ruling further?

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**Discussion**

If any board member indicates an interest in discussing the ruling, the Board shall recess for deliberations on the issue. Board deliberations shall be conducted away from the presence of the other hearing participants. At the conclusion of the deliberations, the Board will reconvene, and the Board President shall state for the record any change in his/her ruling.

Repeat the above sequence as needed for each additional item of pre-hearing matter entered into the record.

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BOARD  
PRESIDENT

There are no additional pre-hearing matters to be entered into the record.

Does the Recorder have any relevant evidence to submit for consideration by this Board?

RECORDER

\_\_\_\_(No.) \_\_\_\_ (Yes, I would like to enter **[NAME, TITLE, and/or DESCRIPTION OF DOCUMENT, PHOTOGRAPH, or PRINTED IMAGE OF PHYSICAL EVIDENCE]**, consisting of **[# of pages]** pages, into the record as Exhibit # **[Exhibit #]** for the Board’s consideration. A copy of this evidence has been previously provided or made available to the Respondent. I again show the exhibit to the Respondent for \_\_\_\_ (his) \_\_\_\_ (her) inspection.

BOARD  
PRESIDENT

\_\_\_\_, do you have any objection to this exhibit or it being considered by the Board?

RESPONDENT  
or COUNSEL

\_\_\_\_(No.) \_\_\_\_ (Yes, I object to Exhibit # [Exhibit #] because [REASON].)

BOARD  
PRESIDENT

*(After asking questions, if necessary, in order to fully understand the objection, and considering the objection):*

I have considered your objection, and your objection is (sustained) (overruled). The exhibit (will) (will not) be considered by the Board. Your objection and my ruling will be noted for the record. Do the other board members wish to discuss the ruling further?

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**Discussion**

If any board member indicates an interest in discussing the ruling, the Board shall recess for deliberations on the issue. Board deliberations shall be conducted away from the presence of the other hearing participants. At the conclusion of the deliberations, the Board will reconvene, and the Board President shall state for the record any change in his/her ruling.

Repeat the above sequence as needed for each additional item of evidence presented by the Recorder.

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RECORDER

I have no further evidence to present.

The following witness(es) will be called to testify before this Board. The witness(es) (was) (were) previously disclosed to the Respondent along with a brief summary of the expected testimony.

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**Discussion**

The Recorder may verbally list the witness(es). If the witness(es) and their order of appearance are on a written list, that document may be made an exhibit in the same manner as done above for the presentation of evidence in lieu of verbally listing the witness(es).

Whether done verbally by the Recorder or through the submission of a written list, the Reporter should also document all proposed witnesses in paragraph 9 (Witnesses) of the Summarized Hearing Record.

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BOARD  
PRESIDENT

Does the Respondent have any objections to the witness(es) who will testify before this Board (*if applicable*, or their order of presentation)?

RESPONDENT  
or COUNSEL

\_\_\_\_(No.) \_\_\_\_ (Yes, I object to **[WITNESS NAME(S) and, if military, RATE/RANK]** testifying before the Board because **[REASON]**.)

BOARD  
PRESIDENT

*(After asking questions, if necessary, in order to fully understand the objection(s), and considering the objection(s)):*

I have considered your objection(s), and your objection(s) (is) (are) (sustained) (overruled). The following witness(es), **[WITNESS NAME(S) and, if military, RATE/RANK]**, (will) (will not) be allowed to testify before the Board. *(If any witnesses will not be allowed to testify – However, a summary of expected testimony for a witness who will not be heard by the Board, or a written statement from that witness, may be submitted and shall be made a part of the record. The summary or written statement shall be submitted before the close of the hearing.)* Your objection(s) and my ruling will be noted for the record. Do the other board members wish to discuss the ruling further?

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**Discussion**

If any board member indicates an interest in discussing the ruling, the Board shall recess for deliberations on the issue. Board deliberations shall be conducted away from the presence of the other hearing participants. At the conclusion of the deliberations, the Board will reconvene, and the Board President shall state for the record any change in his/her ruling.

---

RECORDER

I have no further witnesses to present.

BOARD  
PRESIDENT

, do you have any relevant evidence to submit for consideration by this Board?

RESPONDENT  
or COUNSEL

\_\_\_\_(No.) \_\_\_\_ (Yes, I would like to enter [NAME, TITLE, and/or DESCRIPTION OF DOCUMENT, PHOTOGRAPH, or PRINTED IMAGE OF PHYSICAL EVIDENCE], consisting of [# of pages] pages, into the record as Exhibit # [Exhibit #] for the Board’s consideration. A copy of this evidence has been previously provided or made available to the Recorder. I again show the exhibit to the Recorder for \_\_\_\_ (his) \_\_\_\_ (her) inspection.

BOARD  
PRESIDENT

\_\_\_\_, do you have any objection to this exhibit or it being considered by the Board?

RECORDER

\_\_\_\_(No.) \_\_\_\_ (Yes, I object to Exhibit # [Exhibit #] because [REASON].)

BOARD  
PRESIDENT

*(After asking questions, if necessary, in order to fully understand the objection, and considering the objection):*

I have considered your objection, and your objection is (sustained) (overruled). The exhibit (will) (will not) be considered by the Board. Your objection and my ruling will be noted for the record. Do the other board members wish to discuss the ruling further?

---

**Discussion**

If any board member indicates an interest in discussing the ruling, the Board shall recess for deliberations on the issue. Board deliberations shall be conducted away from the presence of the other hearing participants. At the conclusion of the deliberations, the Board will reconvene, and the Board President shall state for the record any change in his/her ruling.

Repeat the above sequence as needed for each additional item of evidence presented by the Respondent.

---

RESPONDENT  
or COUNSEL

I have no further evidence to present.

RESPONDENT  
or COUNSEL

The following witness(es) will be called to testify before this Board. The witness(es) (was) (were) previously disclosed to the Recorder along with a brief summary of the expected testimony.

---

**Discussion**

The Respondent may verbally list the witness(es). If the witness(es) and their order of appearance are on a written list, that document may be made an exhibit in the same manner as done above for the presentation of evidence in lieu of verbally listing the witness(es).

Whether done verbally by the Respondent or through the submission of a written list, the Reporter should also document all proposed witnesses in paragraph 9 (Witnesses) of the Summarized Hearing Record.

---

BOARD  
PRESIDENT

Does the Recorder have any objections to the witness(es) who will testify before this Board (*if applicable*, or their order of presentation)?

RECORDER

\_\_\_(No.) \_\_\_(Yes, I object to **[WITNESS NAME(S) and, if military, RATE/RANK]** testifying before the Board because **[REASON].**)

BOARD  
PRESIDENT

*(After asking questions, if necessary, in order to fully understand the objection(s), and considering the objection(s)):*

I have considered your objection(s), and your objection(s) (is) (are) (sustained) (overruled). The following witness(es), **[WITNESS NAME(S) and, if military, RATE/RANK]**, (will) (will not) be allowed to testify before the Board. *(If any witnesses will not be allowed to testify – However, a summary of expected testimony for a witness who will not be heard by the Board, or a written statement from that witness, may be submitted and shall be made a part of the record. The summary or written statement shall be submitted before the close of the hearing.)* Your objection(s) and my ruling will be noted for the record. Do the other board members wish to discuss the ruling further?

---

**Discussion**

If any board member indicates an interest in discussing the ruling, the Board shall recess for deliberations on the issue. Board deliberations shall be conducted away from the presence of the other hearing participants. At the conclusion of the deliberations, the Board will reconvene, and the Board President shall state for the record any change in his/her ruling.

---

RESPONDENT  
or COUNSEL

I have no further witnesses to present.

BOARD  
PRESIDENT

Does the Recorder have any comments or additions to any of the foregoing matters?

RECORDER

\_\_\_\_(No.) \_\_\_\_ (Yes – [COMMENTS/ADDITIONS].)

BOARD  
PRESIDENT

Does the Respondent have any comments or additions to any of the foregoing matters?

RESPONDENT  
or COUNSEL

\_\_\_\_(No.) \_\_\_\_ (Yes – [COMMENTS/ADDITIONS].)

---

**Discussion**

Recess/Adjournment: At this point, after all evidence has been submitted, and before opening statements have begun, it is an opportune time for the Board to take a recess, or to adjourn as appropriate, in order to review the exhibits. If the Board does so, the Board members should not discuss the evidence or deliberate with each other during the recess/adjournment.

At a minimum, the Board President should pause to ensure that the applicable portions, generally paragraph 8 and the applicable portions of paragraph 9, of the Summarized Hearing Record have been completed.

---

**STEP 7**  
**OPENING STATEMENTS**  
*[Optional]*  
**(See Article 6.C.)**

---

**Discussion**

Step 7 is optional in that the Recorder and Respondent are not required to make opening statements.

The Respondent, or his/her Counsel, may make an opening statement immediately following the Recorder's opening statement or defer exercising this right until after the Recorder has finished presenting witnesses and prior to presenting his/her own witnesses.

If written copies of opening statements are submitted, they shall be made a part of the record.

---

**BOARD  
PRESIDENT**

Is the Recorder ready to present \_\_\_\_ (his) \_\_\_\_ (her) case in this matter?

**RECORDER**

The Recorder is ready to proceed.

**BOARD  
PRESIDENT**

\_\_\_\_, you have already indicated an understanding of your rights at these proceedings. Are you (*if applicable* - and your counsel) ready to proceed?

**RESPONDENT  
or COUNSEL**

Yes, \_\_\_\_ (Sir) \_\_\_\_ (Ma'am).

**BOARD  
PRESIDENT**

The Board will now permit opening statements. Does the Recorder wish to make an opening statement?

**RECORDER**

\_\_\_\_ (Yes.) \_\_\_\_ (No.)

**BOARD  
PRESIDENT**

*(If the Recorder does wish to make an opening statement):*  
\_\_\_\_, please proceed with your opening statement.



RECORDER [OPENING STATEMENT].

BOARD  
PRESIDENT

Does the Respondent wish to make an opening statement at this time or reserve it until later?

RESPONDENT  
or COUNSEL

\_\_\_\_ (The Respondent will make an opening statement at this time.)

\_\_\_\_ (The Respondent reserves the right to make an opening statement until after the Recorder has presented witnesses.)

\_\_\_\_ (The Respondent will not make an opening statement.)

BOARD  
PRESIDENT

*(If the Respondent does wish to make an opening statement at this time):*

\_\_\_\_, please proceed with your opening statement.

RESPONDENT  
or COUNSEL

[OPENING STATEMENT].

**STEP 8**  
**PRESENTING WITNESSES**  
*[Optional]*  
**(See Article 6.D.)**

---

**Discussion**

Step 8 is optional in that the Recorder and Respondent are not required to present witnesses.

Remote Witness Testimony: Before permitting the questioning of a witness giving testimony by telephone or video conference, the Board President should inquire to ensure that the witness is in a place appropriate to give testimony, free from distraction and without the influence of others.

Witness Testimony Summary Memorandum: In accordance with Article 6.D.2., prior to dismissing a witness the Board President shall ensure that the witness's testimony has been summarized and certified as accurate. This shall be done on a Witness Testimony Summary Memorandum (See Appendix 6-2), or similar document that includes the same information, that shall be made a part of the record.

Article 31(b), UCMJ: If, before or during the examination of a witness subject to the UCMJ, the witness is suspected of committing an offense under the UCMJ, the Board President shall give the rights warning to that witness after first consulting with the Legal Advisor.

The rights warning is:

**BOARD PRESIDENT: [WITNESS'S NAME and RANK/RATE],** (the evidence) (your statement) (testimony) creates a suspicion that you may have committed the following offense(s): \_\_\_\_\_. I will now advise you of your rights before you are asked any (more) questions.

You have the right to remain silent. You do not have to answer any questions at all.

Before you decide whether or not to answer questions, you may consult with a lawyer.

If you decide to consult with a lawyer, I will stop this questioning until you have been able to do so. You may consult with a military lawyer without cost to you, or you may consult with a civilian lawyer at your own expense.

If you decide to answer questions, anything you say may be used as evidence against you in any court-martial, non-judicial proceeding, administrative proceeding, or civilian court.

If the questioning continues, you may stop it at any time by refusing to answer further questions or by requesting to consult with a lawyer.

You have the right to have a retained civilian lawyer (at your own expense), an appointed military lawyer, or both present during any further questioning. Do you understand these rights as I have read them to you?

WITNESS: (Yes.) (No. – **[rights are explained as necessary]**)

BOARD PRESIDENT: Do you wish to speak with counsel?

WITNESS: (Yes. – **[arrangements are made by and/or for the witness to speak with counsel]**) (No.)

BOARD PRESIDENT: Do you want to continue questioning?

WITNESS: (Yes.) (No.)

---

**BOARD  
PRESIDENT**

The Recorder may call the first witness.

**RECORDER**

The first witness is **[WITNESS’S NAME and, if military, RANK/RATE]**.

**RECORDER**

**[WITNESS’S NAME and, if military, RANK/RATE]**, do you swear or affirm that the testimony you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth?

**WITNESS**

I do.

**RECORDER**

Please be seated. Would you please state for the record your name and  
\_\_\_\_\_(if military – rank/rate, duty station, and branch of the armed forces)  
\_\_\_\_\_(if civilian - address)?

---

**Discussion**

Civilian Witnesses: The address of the witness should be omitted in appropriate cases, as when it might endanger the witness.

---

**RECORDER**

**[Continues with Questions].**

- RECORDER** I have no further questions at this time.
- BOARD PRESIDENT** Does the Respondent have any questions for this witness?
- RESPONDENT or COUNSEL** \_\_\_\_ (No.) \_\_\_\_ (Yes. - **[Continues with Questions]**)
- BOARD PRESIDENT** **[Continues with Questions]**
- BOARD PRESIDENT** Does any other member of the Board have any questions?
- BOARD MEMBER(S)** \_\_\_\_ (No.) \_\_\_\_ (Yes. - **[Continues with Questions]**)
- BOARD PRESIDENT** Does the witness have any comments or additions to make relating to this investigation or your own testimony?
- WITNESS** \_\_\_\_ (No.) \_\_\_\_ (Yes. - **[Comments or Additions]**)

---

**Discussion**

The Board President should pause to ensure that the witness's testimony has been summarized and certified as accurate for entry into the record.

---

- BOARD PRESIDENT** **[WITNESS'S NAME and, if military, RANK/RATE]**, thank you. You are (temporarily) excused. As long as this hearing continues, do not discuss your testimony or your knowledge of this proceeding with anyone except the Recorder or the Respondent (*if applicable* - or the Counsel for the Respondent). If anyone else tries to talk to you about the case, stop their questioning and report the matter to one of the persons I just mentioned or to me. Do you understand these instructions?
- WITNESS** \_\_\_\_ (Yes.) \_\_\_\_ (No. - **[instructions are explained as necessary]**)

BOARD  
PRESIDENT

You may be excused.  
The Recorder may call the next witness.

---

**Discussion**

Repeat the above procedures for each witness.

---

RECORDER

I have no further witnesses to present at this time.

---

**Discussion**

The Respondent or his/her Counsel may make an opening statement at this point if one was not made previously.

---

BOARD  
PRESIDENT

The Respondent may call the first witness.

---

**Discussion**

The Respondent is not required to testify under oath and submit to questions from the Recorder and the Board. However, if the Respondent elects to testify and/or is called as a witness by his/her Counsel, the Board President shall first remind the Respondent of his/her rights.

Skip ahead to the next "Discussion" box for all other witnesses called by the Respondent.

---

, you have already indicated your understanding of your rights in this proceeding, but I would like to reiterate your right to testify or refuse to testify under oath.

BOARD  
PRESIDENT

If you elect to testify, you may be examined by the Recorder and this Board on any matter considered relevant to these proceedings, regardless of whether or not you testify to these matters when questioned by your Counsel. You cannot, however, be compelled to answer questions concerning an offense of which you are a suspect or with which you are charged, and you may refuse to answer any question by invoking your Article 31 rights of the [UCMJ](#).

Your decision not to testify under oath and submit to questioning will not be considered in any manner against you. Whether you testify under oath or not, you will later be given the opportunity to make an unsworn statement, and to submit a written copy of an unsworn statement. Your decision not to testify or make an unsworn statement will also not be considered against you by the Board.

Do you understand these rights?

RESPONDENT \_\_\_\_ (Yes.) \_\_\_\_ (No. – **[rights are explained as necessary]**)

BOARD  
PRESIDENT

, do you wish to testify under oath?

RESPONDENT \_\_\_\_ (Yes.) \_\_\_\_ (No.)

---

**Discussion**

The presentation of, and questioning of, a witness for the Respondent – including the Respondent if he/she elects to testify after the rights advisement above – is done as follows.

---

RESPONDENT  
or COUNSEL

The first witness is **[WITNESS’S NAME and, if military, RANK/RATE]**.

RECORDER

[WITNESS'S NAME and, if military, RANK/RATE], do you swear or affirm that the testimony you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth?

WITNESS

I do.

RECORDER

Please be seated. Would you please state for the record your name and  
\_\_\_\_ (if military – rank/rate, duty station, and branch of the armed forces)  
\_\_\_\_ (if civilian - address)?

---

**Discussion**

Civilian Witnesses: The address of the witness should be omitted in appropriate cases, as when it might endanger the witness.

---

RESPONDENT  
or COUNSEL

[Continues with Questions].

RESPONDENT  
or COUNSEL

I have no further questions at this time.

BOARD  
PRESIDENT

Does the Recorder have any questions for this witness?

RECORDER

\_\_\_\_(No.) \_\_\_\_ (Yes. - [Continues with Questions])

BOARD  
PRESIDENT

[Continues with Questions]

BOARD  
PRESIDENT

Does any other member of the Board have any questions?

BOARD  
MEMBER(S)

\_\_\_\_(No.) \_\_\_\_ (Yes. - [Continues with Questions])

BOARD  
PRESIDENT

Does the witness have any comments or additions to make relating to this investigation or your own testimony?

WITNESS \_\_\_\_\_(No.) \_\_\_\_\_(Yes. - **[Comments or Additions]**)

---

**Discussion**

The Board President should pause to ensure that the witness's testimony has been summarized and certified as accurate for entry into the record.

---

BOARD  
PRESIDENT

**[WITNESS'S NAME and, if military, RANK/RATE]**, thank you. You are (temporarily) excused. As long as this hearing continues, do not discuss your testimony or your knowledge of this proceeding with anyone except the Recorder or the Respondent (or the Counsel for the Respondent). If anyone else tries to talk to you about the case, stop their questioning and report the matter to one of the persons I just mentioned or to me. Do you understand these instructions?

WITNESS \_\_\_\_\_(Yes.) \_\_\_\_\_(No. - **[instructions are explained as necessary]**)

BOARD  
PRESIDENT

You may be excused.

BOARD  
PRESIDENT

The Respondent may call the next witness.

---

**Discussion**

Repeat the above procedures for each witness.

---

RESPONDENT  
or COUNSEL

I have no further witnesses to present at this time.



---

**Discussion**

The Board President may direct the Recorder to recall any witness who has previously testified for further questioning, or to secure additional witnesses (See Article 6.D.11.). If a witness who has previously testified under oath is recalled, the Board President shall remind the witness that he or she is still under oath. The procedures above should be repeated for any witness called or recalled by the Board.

When there are no further witnesses to be examined, the Recorder may introduce evidence to rebut the matters brought out in the Respondent's case. The Respondent may then introduce evidence in sur-rebuttal to the Recorder's rebuttal evidence.

---

BOARD  
PRESIDENT

Does the Recorder have any evidence to present in rebuttal?

RECORDER

\_\_\_\_(No.) \_\_\_\_ (Yes. - [**Rebuttal**])

BOARD  
PRESIDENT

*(If the Recorder presented evidence in rebuttal:)*  
Does the Respondent have any evidence to present in sur-rebuttal?

RESPONDENT  
or COUNSEL

\_\_\_\_(No.) \_\_\_\_ (Yes. - [**Sur-rebuttal**])

BOARD  
PRESIDENT

Does the Respondent or Recorder have anything further to present to this Board?

RECORDER

\_\_\_\_(No.) \_\_\_\_ (Yes. - [**presents further evidence**])

RESPONDENT  
or COUNSEL

\_\_\_\_(No.) \_\_\_\_ (Yes. - [**presents further evidence**])

**STEP 9**  
**RESPONDENT’S UNSWORN STATEMENT**  
*[Optional]*  
**(See Article 6.E.)**

---

**Discussion**

Step 9 is optional in that the Respondent is not required to make an unsworn statement, just as he/she was not required to testify in Step 8. The Respondent may, however, make an unsworn statement even if he/she did previously testify under oath.

If the Respondent submits a written copy of the unsworn statement, it shall be made a part of the record.

---

\_\_\_\_\_, you have already indicated your understanding of your rights in this proceeding, and elected \_\_\_\_ (to testify) \_\_\_\_ (not to testify) under oath. I would now like to remind you of your rights to make an unsworn statement and to submit a written copy of an unsworn statement.

BOARD  
PRESIDENT

You may make an unsworn statement, oral or written, to the Board (*if represented by Counsel* - either personally or through your Counsel). You may or may not submit to questioning on your unsworn statement. Unless you state that you submit to questioning on your unsworn statement, no questions will be asked. If you do submit to questioning, the questions shall be directly related to your unsworn statement. Whether you consent to be questioned or not, evidence may be introduced to rebut anything contained in your statement.

Also, you may choose not to give an unsworn statement. If you so choose, the Board will not consider it against you in any way.

Do you understand these rights?

RESPONDENT

\_\_\_\_ (Yes.) \_\_\_\_ (No. – **[rights are explained as necessary]**)

BOARD  
PRESIDENT

, do you wish to make an unsworn statement?

RESPONDENT

\_\_\_\_(Yes.) \_\_\_\_ (No.)  
*(If “no”, skip ahead to the “Discussion” box at the end of Step 9.)*

BOARD  
PRESIDENT

, you may begin.

RESPONDENT  
or COUNSEL

**[Makes unsworn statement and/or submits written copy of unsworn statement.]**

BOARD  
PRESIDENT

, do you waive your right to not be cross-examined on your unsworn statement? In other words, do you consent to having the Recorder and the Board ask you questions directly related to your unsworn statement?

RESPONDENT

\_\_\_\_(Yes.) \_\_\_\_ (No.)  
*(If “no”, skip ahead to the next “Discussion” box.)*

RECORDER

**[Asks questions.]**

BOARD  
PRESIDENT

**[Asks questions.]**

BOARD  
MEMBERS

**[Ask questions.]**

---

**Discussion**

The Recorder is permitted to introduce evidence to rebut anything in the Respondent’s unsworn statement.

---

BOARD  
PRESIDENT

Does the Recorder wish to introduce any evidence to rebut the Respondent's unsworn statement?

RECORDER

\_\_\_\_(No.) \_\_\_\_ (Yes. – **[presents evidence]**)

---

**Discussion**

Stop and Assess: Before moving to Step 10, the Board, the Recorder, and the Respondent and/or Respondent's Counsel should stop and assess how the hearing has progressed. These participants should determine whether all appropriate evidence (documents, physical evidence [if any], and witnesses) needed for a full and fair hearing have been presented, and all relevant statements and arguments have been made.

The Board President should also pause to ensure that the applicable portions, generally paragraphs 9 and 10 and any additions to the listing of exhibits in paragraph 8, of the Summarized Hearing Record have been completed.

If the Board President determines that it may be necessary, he/she should consider a brief recess to allow the Recorder and Respondent to prepare for closing arguments.

Only then should the Board proceed to Step 10.

---

**STEP 10  
CLOSING ARGUMENTS  
[Optional]  
(See Article 6.F.)**

---

**Discussion**

Step 10 is optional in that the Recorder and Respondent are not required to make closing arguments.

If written copies of closing arguments are submitted, they shall be made a part of the record.

---

**BOARD  
PRESIDENT**

There being no other evidence to present, you may make your closing arguments. In addition, if you submit a written copy of your closing argument, it shall be made a part of the record. If either the Respondent or the Recorder has proposed findings for this Board to consider, you may submit them at this time.

**BOARD  
PRESIDENT**

\_\_\_\_\_, if you are prepared to do so, do you wish to make a closing argument?

**RESPONDENT  
or COUNSEL**

Thank you. \_\_\_\_ (No.) \_\_\_\_ (Yes. – [CLOSING ARGUMENT])

**BOARD  
PRESIDENT**

\_\_\_\_\_, if you are prepared to do so, do you wish to make a closing argument?

**RECORDER**

Thank you. \_\_\_\_ (No.) \_\_\_\_ (Yes. – [CLOSING ARGUMENT])

**BOARD  
PRESIDENT**

Are there any further matters for this Board? *(If the Recorder and/or Respondent indicate “yes”, Please advise me what matters still need to be resolved.)*

---

**Discussion**

Unresolved matters, particularly those pertaining to evidence or witness testimony, should be resolved at this time.

---

**STEP 11**  
**COMPLETING THE SUMMARIZED HEARING RECORD**  
**(See Article 6.G.)**

---

**Discussion**

The Board President shall recess the hearing at this point to ensure that the Summarized Hearing Record is complete. This is accomplished with the assistance of the other Board members, the Recorder, and the Reporter, and in consultation with the Respondent and/or Counsel.

This process shall involve verifying that all exhibits – including the evidence presented, certified summaries of witness testimony, and any other matter that the Enlisted Personnel Administrative Boards Manual or this Board Guide indicates shall be made a part of the record – are properly marked and have been listed in the Summarized Hearing Record as exhibits. The Board should be confident that the record is sufficiently accurate to be useful and informative to any reviewer.

If the Board President paused throughout the hearing to ensure that applicable portions of the Summarized Hearing Record had been completed, as discussed in previous “Discussion” boxes, this should not be a very time-consuming step.

When this has been accomplished, with the exception of noting the date and time that the hearing is closed at the end of this Step 11, the Summarized Hearing Record is ready for signature by the Board. The Board President should then reconvene the hearing.

---

, the Board has ensured that the Summarized Hearing Record is complete, and we will sign the record to certify it as complete immediately after I close this hearing. I will soon close the hearing, and the proceedings of the Board will continue in private deliberations. Only the three voting members of the Board will be present and will participate in the deliberations. However, at my discretion, the Reporter, , may be present to assist in the preparation of our report.

BOARD  
PRESIDENT

As we deliberate, the Board will consider the evidence, including relevant arguments, presented at this hearing in light of the preliminary instructions that were read aloud at the beginning of the hearing. Those instructions described the Board’s essential duty which, to summarize, is to do the following:

To consider the evidence presented at this hearing, and to determine whether the preponderance of that evidence proves that is unqualified by reason of incompetency to perform the duties of \_\_\_\_ (his) \_\_\_\_ (her) rate and should therefore be reduced in rate, or is not unqualified by reason of incompetency to perform the duties of \_\_\_\_ (his) \_\_\_\_ (her) rate.

BOARD  
PRESIDENT

The Board is also mindful that the fact an administrative board was convened in the case of \_\_\_\_\_ does not permit us to automatically conclude that \_\_\_\_ (he) \_\_\_\_ (she) is unqualified by reason of incompetency to perform the duties of \_\_\_\_ (his) \_\_\_\_ (her) rate.

The Board's responsibility is to base its conclusions and make its determination/recommendation solely on the evidence, testimony, and arguments presented during this hearing, on the guiding principles for administrative boards, and on other applicable policy and law. The Board understands the importance of its obligation to confine ourselves to the facts made part of the record of the hearing.

The following procedural rules apply to the Board's deliberations and must be observed. The influence of superiority in rank shall not be employed in any manner in an attempt to control the independence of Board members in the exercise of each member's personal judgment. The Board's deliberations should include a full and free discussion of all of the relevant evidence and arguments that have been presented. In addition to being a participant, I will also act as the moderator during the Board's discussions. I will establish an outline for the discussions, which may be organized based on the order of evidence presented, a chronological timeline of findings of fact, or any other method that best suits the characteristics of the matter before the Board.



**BOARD  
PRESIDENT**

After the Board has completed its deliberations, the members will vote on our findings of fact, opinions, and recommendations, and the Board will prepare its written report. I will organize and lead the voting process, choosing the method in which voting is conducted – for example, show-of-hands or written ballot. In instances where a Board member disagrees with the majority – for example, a 2-to-1 vote – that Board member shall append a minority report to the record. The minority report shall identify the part or parts of the majority report with which the non-concurring member disagrees, as well as the basis for his or her disagreement. The minority report may also include additional findings of fact, opinions, or recommendations.

---

**Discussion**

The Board's report, including any minority report, will be written and signed by the Board at the end of its deliberations. The Board President will then notify the Respondent and/or Respondent's Counsel and the Recorder of the results of the administrative board as reflected in the Board's report, and will provide a copy of the complete report, which includes the Summarized Hearing Record, to the Respondent and/or Counsel. At this point of the hearing, the Board President should explain this process and arrange the method(s) by which the notification will be made and the copy of the report will be delivered.

---

BOARD  
PRESIDENT

I will notify the Respondent, (*if applicable*, Respondent’s Counsel), and the Recorder of the results of this administrative board proceeding when they have been determined by the Board. I expect that deliberations and the completion of the Board’s report, including any minority report, will require no more than three calendar days to accomplish. While I do not expect that it will be necessary, if, for some reason, additional time will be needed, I am required to report the circumstances to the Convening Authority and provide an explanation for the delay in the report.

,  
,  
, I will contact you to inform you of the board results by the most convenient and reliable method, which may be in person, by telephone, or via email. (*If the Respondent is represented by Counsel* – I will notify the Respondent and \_\_\_\_ (his) \_\_\_\_ (her) Counsel at the same time and by the same means.) Therefore, please ensure that the Board has your updated contact information before departing at the end of the hearing, and indicate any preferred method of notification as well as any days and times when you may not be available.

---

**Discussion**

The Board President may indicate in the script above the method, if known, that he/she intends to use for the notification. He/she may also choose to engage the Recorder and Respondent in a “negotiation” over how and when the notification will be made.

---

I will also provide the Respondent (*if applicable*, and Respondent's Counsel) with copy of the Board's completed report, which includes the Summarized Hearing Record. Please let me know whether you prefer a paper copy or an electronic copy of the report.

Before I submit the report to the Convening Authority, you may take up to seven calendar days to review and comment on the report. I may grant additional time for good cause. You may use the review and comment period to do any of the following:

1. To preserve any objections you made before or during the hearing. Any objections you wish to preserve should be made in writing.
2. To submit written rebuttal comments refuting any of the Board's report, including its findings of fact, opinions, and/or recommendations. Any rebuttal comments must be made in writing.
3. To submit a statement of no objection. If you have no corrections to note, objections to preserve, or rebuttal comments to make, you are required to submit a short statement to that effect.

*(If applicable, i.e., if the Respondent has been recording the audio of the proceedings –*

4. To submit a complete, verbatim, and unedited transcript of the board proceedings.)

Any written objections, rebuttal comments, or statement of no objection that you submit will be appended to the report as a post-hearing exhibit when I forward the report to the Convening Authority.

BOARD  
PRESIDENT

BOARD  
PRESIDENT

The failure to provide any of the items just mentioned within the review and comment period will be considered as a waiver of your right to object or comment on the results of your administrative board hearing. I will note the failure in my memo forwarding the report to the Convening Authority.

Do you have any questions?

RESPONDENT  
or COUNSEL

\_\_\_\_(No) \_\_\_\_ (Yes), \_\_\_\_ (Sir) \_\_\_\_ (Ma'am). **[RESOLVE ANY QUESTIONS.]**

BOARD  
PRESIDENT

Are there any other matters that should be considered before I close this proceeding?

RECORDER

\_\_\_\_(No) \_\_\_\_ (Yes), \_\_\_\_ (Sir) \_\_\_\_ (Ma'am). **[RESOLVE ANY QUESTIONS.]**

RESPONDENT  
or COUNSEL

\_\_\_\_(No) \_\_\_\_ (Yes), \_\_\_\_ (Sir) \_\_\_\_ (Ma'am). **[RESOLVE ANY QUESTIONS.]**

BOARD  
PRESIDENT

\_\_\_\_, there being no other issues to resolve, this administrative board hearing is closed at \_\_\_\_ hours on \_\_\_\_ . The Board will now adjourn to deliberate and write its report. You and all other participants, including the witnesses, are directed to return to your normal duties.

*(If applicable – Any audio recording of the proceedings shall cease at this time.)*

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**Discussion**

The Board President should ensure that the date/time the hearing was closed is noted in paragraph 12 of the Summarized Hearing Record. This should complete the Summarized Hearing Record which shall then be signed by all members of the Board.

The Board should either withdraw to a separate, closed (private) space for deliberations, or remain in the hearing room if suitable and available. It is advisable that the Board review Article 7.B. together prior to beginning its deliberations.

Only voting members of the Board may be present during and participate in the Board's deliberations. However, at the discretion of the Board President, the Reporter may be present to assist the Board as a scrivener in the preparation of its report.

A Legal Advisor assigned by the Staff Judge Advocate is not a member of the Board, and consequently shall not be present during or participate in deliberations. A Legal Advisor appointed by the Convening Authority is a non-voting member of the Board, and similarly shall not be present during or participate in deliberations. However, the Board may consult with the Legal Advisor regarding procedural issues.

In accordance with Articles 1.1.2.c. and 3.A.2., the primary duty of the Board members remains to complete the Board report within three calendar days and prior to resuming their normal duties.

In notifying the Respondent and/or Counsel and the Recorder of the board results, the Board President need not announce all of the Board's findings of fact, opinions, and recommendations, or what may be included in a minority report. Rather, the Board President must only announce the results relative to the questions the Board was required to answer.

Even though the Board members may return to their normal duties after the report is completed, and the proceedings of the Board essentially conclude when the Board President delivers the record of the proceeding to the Convening Authority (See Article 8.B.1.), the Board remains in effect until the board proceedings are terminated by proper authority or until CG PSC takes final action on the case (See Article 7.D.).

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