

SPECIAL ORDER INITIATING DISCIPLINARY ACTION

Special Order No. _____ Date: _____

Headquarters, VFW Post No. (or Department) _____

To: <Insert Accused Name & Address>

Please be advised that a disciplinary action has been initiated against you pursuant to Article IX of the Bylaws and Manual of Procedure of the Veterans of Foreign Wars of the United States. Attached to this order is a copy of the Charges and Specifications (Form DA-2), Materials Relied Upon, Request for Hearing (DA-6), Request for Summary Disposition (DA-8).

Pursuant to Article IX of the Bylaws and Manual of Procedure, you are advised that you may request a Disciplinary Hearing or a Summary Disposition. To request a Disciplinary Hearing or Summary Disposition, you must notify:

<Insert Name of Commander (Initiating Officer) & Address>

in writing, within fifteen (15) days of the date that this order was received by registered or certified mail or either personally delivered to you. If not using the attached forms DA-6 or DA-8, the notification must specifically state that a Disciplinary Hearing or Summary Disposition is requested and sent via **Registered or Certified Mail**. Upon mutual written consent of the initiating officer or designated initiating member and the accused, delivery of documents, including the initiating documents may be electronic. If you do not request a Disciplinary Hearing or Summary Disposition within the time stated, the initiating officer may order penalties pursuant to Section 903(d) of the National Bylaws.

Copies of Article IX of the National Bylaws and Manual of Procedure as well as the Guide to Conducting Disciplinary Actions may be obtained electronically behind the member login at VFW.org or by request made to the National Headquarters.

By order of _____
Commander (Initiating Officer)

Post Name & Post No. (or Department)

Official:

Adjutant

CHARGES AND SPECIFICATIONS

Charge 1: _____

Specification 1: _____

Specification 2: _____

Charge 2: _____

Specification 1: _____

Specification 2: _____

On my oath or affirmation as a member of the Veterans of Foreign Wars of the United States, I declare that I have a reasonable belief that the above-described act or acts have been committed.

Initiating Officer (Name & Signature) Date

Official:

Adjutant (Name & Signature) Date

(If additional Charges and Specifications are required, continue on a separate page and attach to this form.)

**ORDER APPOINTING A DISCIPLINARY HEARING
PANEL AND SPECIAL ORDER**

Special Order No. _____ Date: _____

Headquarters, VFW Post No. (or Department): _____

In Accordance with the provision of section 903 of the National Bylaws and Manual of Procedure, the following Disciplinary Panel is hereby assigned:

DETAIL FOR THE PANEL

Comrade _____ of Post No. _____
Comrade _____ of Post No. _____
Comrade _____ of Post No. _____
Comrade _____ of Post No. _____
Comrade _____ of Post No. _____
Comrade _____ of Post No. _____
Comrade _____ of Post No. _____
Comrade _____ of Post No. _____
Comrade _____ of Post No. _____ President of Panel

The following have been identified as participants in the hearing:

Comrade _____ of Post No. _____, Prosecutor
Comrade _____ of Post No. _____, Defense Counsel

The Disciplinary Hearing Panel shall convene at _____
_____ on _____, 20____,

or as soon after this date as practicable for the purpose of trying such person or persons as may be properly brought before it, including: _____

By order of: _____
Commander (as appropriate)

Post Name & Post No. (or District or Department as appropriate)

Official: _____
Adjutant

FINDINGS AND SENTENCE

The panel was closed (or adjourned for the purpose of taking a ballot) and reported back as follows:

On all Charges and Specifications: _____
(Guilty or Not Guilty)

OR

On Charge 1, Specification 1: _____

On Charge____, Specification_____

On Charge____, Specification_____

On Charge____, Specification_____

On Charge____, Specification_____

On Charge____, Specification_____

On Charge____, Specification_____

On Charge____, Specification_____

On Charge____, Specification_____

The panel imposed the following sentence:_____

Prosecutor (Name & Signature

President of the Panel (Name & Signature)

Date

Accused or counsel (Name & Signature if present)

Note: In the event the accused is not present, a copy of the Findings and Sentence shall be mailed to the accused last known address within seven (7) days after the hearing.

FORM OF RECORD OF DISCIPLINARY ACTION

Proceedings of a Disciplinary Hearing Panel convened at _____
_____ on _____, 20____, pursuant to an order issued by

PRESENT

Comrade _____ of Post No. _____, President of Panel
Comrade _____ of Post No. _____, Prosecutor
Comrade _____ of Post No. _____, Defense Counsel
Comrade _____ of Post No. _____, Panel Member
Comrade _____ of Post No. _____, Panel Member
Comrade _____ of Post No. _____, Panel Member
Comrade _____ of Post No. _____, Panel Member
Comrade _____ of Post No. _____, Panel Member
Comrade _____ of Post No. _____, Panel Member
Comrade _____ of Post No. _____, Panel Member

ABSENT

Comrade _____ of Post No. _____, _____
Comrade _____ of Post No. _____, _____
Comrade _____ of Post No. _____, _____

The accused received notice of the Charges and Specifications in accordance with Section 903(b) and requested a hearing. Yes ___ No ___

The following panel members were challenged (for cause) and excused:

Such challenges were sustained as to panel member(s):

Challenges for cause were made by the defense to panel member(s):

Such challenges were sustained as to panel member(s):

Accused (or Defense Counsel) stated that he had no objection to trial by any member remaining on the panel. Yes___No___

The members of the panel were sworn. Yes___No___

The Charges and Specifications were read to the accused, or the accused stated that he had read the charges and he responded as follows (PLEAS):

To all Charges and Specifications: _____

OR

On Charge 1, Specification 1: _____

On Charge_____, Specification:_____

On Charge_____, Specification:_____

On Charge_____, Specification:_____

On Charge_____, Specification:_____

On Charge_____, Specification:_____

On Charge_____, Specification:_____

The following witnesses testified: _____

The following documents were used in evidence: _____

The defense was given full opportunity to examine each witness? Yes__No__

The rights of the accused, as a witness, were explained? Yes_No___

An argument was made by the Defense Counsel on behalf of the accused? Yes__No___

The accused took the witness stand in own defense? Yes_No___

The accused was present at the trial? Yes___No___

President of the Panel Name & Signature

NOTIFICATION OF PENALTY (NO HEARING/SUMMARY DISPOSITION REQUESTED)

(Insert Date)

(Accused Name), Member
VFW Post XXXX
Address 1
City, State, Zip

*Certified Mail Return Receipt Requested
No.*

Comrade (Accused Name):

Special Order No. XXXX initiated an Article IX Disciplinary Action against you. The order, along with the required copies of the Charges and Specifications (Form DA-2), Materials Relied Upon, Request for Hearing (DA-6), Request for Summary Disposition (DA-8) were sent to you certified mail, return receipt requested pursuant to Section 903 of the VFW Manual of Procedure. You were advised that you may request a Disciplinary Hearing or Summary Disposition; you failed to do so.

As such, and in accordance with Section 903 of the National Bylaws, In the event that the accused member does not properly request a Disciplinary Hearing or Summary Disposition within fifteen (15) days or, prior to the expiration of the fifteen (15) day period, advises the Commander or the designated member initiating the action that a Disciplinary Hearing or Summary Disposition is not desired, the Commander or the designated member initiating the charges, may take such action as is deemed appropriate including the ordering of any penalties pursuant to Section 903(d) of the National Bylaws.

Therefore, I have ordered with concurrence of the Post the penalty of (state penalty; if desired you may add the reason for your penalty, but it is not required.)

Pursuant to Section 903(d) of the National Bylaws, this order is not subject to appeal.

By order of:

Commander (date)

Post No.

Official:

Adjutant (date)

cc:

Department Adjutant

NOTIFICATION OF PENALTY (NO HEARING/SUMMARY DISPOSITION REQUESTED)

(Insert Date)

(Accused Name), Member
VFW Post XXXX
Address 1
City, State, Zip

*Certified Mail Return Receipt Requested
No.*

Comrade (Accused Name):

Special Order No. XXXX initiated an Article IX Disciplinary Action against you. The order, along with the required copies of the Charges and Specifications (Form DA-2), Materials Relied Upon, Request for Hearing (DA-6), Request for Summary Disposition (DA-8) were sent to you certified mail, return receipt requested pursuant to Section 903 of the VFW Manual of Procedure. You were advised that you may request a Disciplinary Hearing or Summary Disposition; you failed to do so.

As such, and in accordance with Section 903 of the National Bylaws, In the event that the accused member does not properly request a Disciplinary Hearing or Summary Disposition within fifteen (15) days or, prior to the expiration of the fifteen (15) day period, advises the Commander or the designated member initiating the action that a Disciplinary Hearing or Summary Disposition is not desired, the Commander or the designated member initiating the charges, may take such action as is deemed appropriate including the ordering of any penalties pursuant to Section 903(d) of the National Bylaws.

Therefore, I have ordered with concurrence of the Department Council of Administration the penalty of (state penalty; if desired you may add the reason for your penalty, but it is not required.)

Pursuant to Section 903(d) of the National Bylaws, this order is not subject to appeal.

By order of: _____
Commander (date)

Department

Official: _____
Adjutant (date)

cc:
Adjutant General

REQUEST FOR SUMMARY DISPOSITION

I have received Special Order No. _____ dated _____ with attached charges and specifications, indicating that a disciplinary action has been initiated.

As a result of this action, I request a summary disposition in accordance with Section 903 of the National Bylaws and Manual of Procedure. I understand under this procedure I cannot contest that the facts alleged in the Charges and Specifications, but request an assessment of the penalty by a Panel of members of the National Council of Administration independent of the initiating officer or designated initiating member.

Accused Name & Signature

Date

Note: This request is to be mailed, registered or certified mail, and must be received within fifteen (15) days by the initiating authority listed on the Special Order (Form DA-1).