

SPECIAL ORDER INITIATING DISCIPLINARY ACTION

Special Order No. _____ Date: _____

Headquarters, VFW Post No. (or Department) _____

To:

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), signed incident report, the investigative report, and Request for Hearing (DA-6).

Pursuant to Article IX of the Bylaws and Manual of Procedure, you are advised that you may request a Disciplinary Hearing by using the attached form DA-6, Request for Hearing. To request a hearing, you must notify:

in writing, within fifteen (15) days of the date that this order and the Charges and Specifications attached to this order were received by registered or certified mail or either personally delivered to you. If not using Form DA-6, the notification must specifically state that a Disciplinary Hearing is requested and mailed via **Registered or Certified Mail**. If you do not request a Disciplinary Hearing within the time stated, disciplinary penalties may be imposed without a hearing. Those penalties may include termination or suspension of membership and relief from office.

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 his 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 member(s) 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 they 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 they had read the charges and 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

REQUEST FOR HEARING

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 hearing in accordance with Section 903 of the National Bylaws and Manual of Procedure.

Accused Name & Signature

Date

Note: This request must be mailed, via Registered or Certified Mail, within fifteen (15) days of receipt of the Special Order (Form DA-1), to the person listed on the Special Order (Form DA-1).

Notification of Penalty (No Hearing 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), signed incident report, the investigative report, and Request for Hearing (DA-6) 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 by using the form DA-6, Request for Hearing; you failed to do so.

As such, and in accordance with Section 903 of the VFW Bylaws, In the event that the accused member does not properly request a Disciplinary Hearing 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 hearing 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 prescribed in Section 907.

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.)

With respect to appeals from the imposition of penalties where no hearing was properly requested, you shall be entitled to appeal only the severity of the penalty and not the commission of the offense. You must do so within thirty (30) days from the date of this order and mailed, certified mail, return receipt requested to:

<Department Commander's Name and Address>

All appeals must meet the requisites of Section 904 of the VFW Manual of Procedure.

By order of: _____
Commander (date)

Post No.

Official: _____
Adjutant (date)

cc:
Department Adjutant

NOTIFICATION OF PENALTY (NO HEARING 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), signed incident report, the investigative report, and Request for Hearing (DA-6) 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 by using the form DA-6, Request for Hearing; you failed to do so.

As such, and in accordance with Section 903 of the VFW Bylaws, In the event that the accused member does not properly request a Disciplinary Hearing 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 hearing 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 prescribed in Section 907.

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

With respect to appeals from the imposition of penalties where no hearing was properly requested, you shall be entitled to appeal only the severity of the penalty and not the commission of the offense. You must do so within thirty (30) days from the date of this order and mailed, certified mail, return receipt requested to:

Commander-in-Chief
VFW National Headquarters
406 W. 34th Street
Kansas City, MO 64111

All appeals must meet the requisites of Section 904 of the VFW Manual of Procedure.

By order of: _____
Commander (date)

Department
Official: _____
Adjutant (date)

cc:
Adjutant General