**Section 400.515 Forwarding and Disposition of Charges**

a) Only persons authorized to convene courts-martial or to administer nonjudicial punishment under Subpart K may dispose of charges. A superior competent authority may withhold the authority of a subordinate to dispose of charges in individual cases, types of cases, or generally.

b) When a commander with authority to dispose of charges receives charges, that commander shall promptly determine what disposition will be made in the interest of justice and discipline, unless the authority to do so has been limited or withheld by superior competent authority. A commander may dispose of charges by dismissing any or all of them, forwarding any or all of them to another commander for disposition, or referring any or all of them to a court-martial the commander is empowered to convene.

c) *When a person is held for trial by general court-martial, the commanding officer shall, within 15 days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the person exercising general court-martial jurisdiction. If that is not practicable, the commanding officer shall report in writing to that person the reasons for delay*. (Code Section 33)

d) When charges are forwarded to a superior commander for disposition, the forwarding commander shall make a personal recommendation as to disposition. If the forwarding commander is disqualified from acting as convening authority in the case, the basis for the disqualification shall be noted.

e) Disposition by Summary Court-Martial Convening Authority. When in receipt of charges, a commander exercising summary court-martial jurisdiction may:

1) Dismiss any charges;

2) Forward charges (or, after dismissing charges, the matter) to a subordinate commander for disposition;

3) Forward any charges to a superior commander for disposition;

4) Refer charges to a summary court-martial for trial.

f) Disposition by Special Court-Martial Convening Authority. When in receipt of charges, a commander exercising special court-martial jurisdiction may:

1) Dismiss any charges;

2) Forward charges (or, after dismissing charges, the matter) to a subordinate commander for disposition;

3) Forward any charges to a superior commander for disposition;

4) Refer charges to a summary court-martial for trial; or

5) Unless otherwise directed by competent authority, direct a pretrial investigation under Code Section 32 and, if appropriate, refer any charges to a special court-martial for trial or forward the report of investigation with the charges to a superior commander for disposition.