### 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

 FORM DA-1

##### 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.)

FORM DA-2

### 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

FORM DA-3

### 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 DA-4

##### 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):

Page 1 of 2 FORM DA-5

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

 Page 2 of 2 FORM DA-5

**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 is to 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).

FORM DA-6

**NOTIFICATION OF PENALTY (NO HEARING/SUMMARY DISPOSITION REQUESTED)**

(Insert Date)

(Accused Name), Member *Certified Mail Return Receipt Requested*

VFW Post XXXX *No.*

Address 1

City, State, ZIP

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

FORM DA-7 (Post)

**NOTIFICATION OF PENALTY (NO HEARING/SUMMARY DISPOSITION REQUESTED)**

 (Insert Date)

(Accused Name), Member *Certified Mail Return Receipt Requested*

VFW Post XXXX *No.*

Address 1

City, State, ZIP

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

FORM DA-7 (Department)

**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 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)

FORM DA-8