

**DRAFT CBL AMENDMENT-15**

**SUBJECT:** To update Appendix C of the National Bylaws

**SOURCE:** Department of Florida

**WHEREAS,** AMVETS National Bylaws, Appendix B, Section 9 provides any member whose membership is suspended or forfeited the ability to appeal to the next higher level; and

**WHEREAS,** AMVETS National Bylaws, Appendix C identifies the process of appeal; and

**WHEREAS,** there are no timeframes identified for specific actions other than the requirement for a member to submit the Notice of Appeal within 15 days of the imposition of the penalty; and

**WHEREAS,** the reference stated for the note (Adopted Pursuant to Article II, Section 2(c) of AMVETS National Bylaws) no longer exists; now therefore be it

**RESOLVED,** that the National Bylaws, Appendix C be rewritten to read:

*Appendix C: Procedures National Grievance Committee*

**UNIFORM CODE OF PROCEDURE FOR THE NATIONAL GRIEVANCE COMMITTEE**

(Adopted Pursuant to Article II, Section 2 of AMVETS National Bylaws)

**REFERENCE:**

- 1) NATIONAL CONSTITUTION – ARTICLE XII; DISCIPLINE
- 2) BY-LAWS – ARTICLE V: DISCIPLINE OF POST AND POST MEMBERS, and;
- 3) Appendix C, Section 1: UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER

**Section 1: UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER**

A member who files an appeal is referred to as an appellant. The appellant must file a Notice of Appeal within 15 days after the imposition of the penalty to the Executive Director of AMVETS National Headquarters, 4647 Forbes Blvd., Lanham, Maryland 20706. The notice must include the specific grounds on which the appeal is predicated. These grounds typically include errors following the Constitution and Bylaws, procedural errors, or due process.

Attached to the Notice of Appeal must be the name of witnesses that will be present, the order that they are to be called, notarized statements of witnesses that will not be in attendance and any other evidence or documents properly numbered.

Appeals not submitted with a post mark within the established time period or not properly prepared in accordance with the reference above will not be considered.

Within 30 days of receipt of a Notice of Appeal the National Executive Director will notify the Department, the appellant and the duly appointed National Grievance Committee of receipt of the appeal and the grounds for the appeal. A National Grievance Committee meeting will be scheduled to hear said appeal at the next regularly scheduled National Executive Committee meeting that is at least 30 days from the date of mailing. The Department, appellant and grievance committee will be notified by mail of the time, date and location of the meeting.

This is not a hearing, only consideration of the statements of the appellant, the appellee (Department Judge Advocate), witnesses, record of the notarized depositions and written evidence presented to the Grievance Committee.

The appellant may be represented by counsel at all stages of the appeal process and may cross-examine all witnesses presented against him.

The Department Judge Advocate shall provide the facts refuting the grounds for the appeal as stated in the Notice of Appeal. The attendance of a court reporter shall be allowed at no charge to the appellant.

The presiding officer of the Grievance Committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings at that level.

The National Judge Advocate shall decide all questions as to the relevancy of evidence and the regularity of the proceedings at the National Executive Committee.

The accuser and the appellant may call witnesses and present evidence. Notarized depositions may be submitted. The accuser, the appellant or their appointed representatives may make opening and closing remarks not to exceed 10 minutes each. Witness statements will not exceed 10 minutes with 10 minutes allowed for cross-examination.

The Department Judge Advocate shall present opening remarks first and closing remarks last.

Each party to the appeal shall have the right to recall witnesses and re-direct questions to witnesses.

At the conclusion of closing remarks the chairman shall close the hearing. A vote shall be taken to determine if (1) the charges and punishment on appeal shall be upheld, (2) The charges are upheld and punishment reduced or (3) charges and punishment are not upheld. A two-thirds vote of the committee shall be required to sustain the charges and punishment on appeal.

The Grievance Committee is a subcommittee of the National Executive Committee and will report its findings to the National Executive Committee. Under this procedure, the National Executive Committee can ratify the Grievance Committee decision, decline to impose any penalty or reduce the penalty. The National Executive Committee cannot increase the penalty. If the Grievance Committee has found the accused not guilty the National Executive Committee cannot impose a penalty.

The decision of an appellate body shall be binding and final.

The National Executive Director shall notify the appellant and Department in writing of the results of the appeal within 15 days of the National Executive Committee's decision.

### **COMMITTEE RECOMMENDATIONS**

Constitution & Bylaws:             ADOPT             AMEND             REJECT             NONE  
**Floor Action:**                     ADOPTED         ADOPTED         REJECTED         TABLED  
*(as amended)*