

You are here: [Home](#) / [Services](#) / [Boards and Commissions](#) / Fact Sheet

Fact Sheet

Board: Military Appeals Commission

Board identification number: 517

Department: MILITARY AND VETERANS' AFFAIRS

Authority: AS 26.05.640

Status: Active

Sunset date:

Requirements: Legislative Confirmation

Prohibitions: The governor may remove a commissioner from office for cause including incompetence, neglect of duty, or misconduct in office.

Term: No defined term

Chair: Commission appoints

Description: The commission consists of three members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. A member shall be a resident of this state and

(1) be licensed to practice law

(A) in this state and be a member in good standing of the Alaska Bar Association;

(B) in another state and be a member in good standing of the bar of that state; or

(C) as a member of the bar of a federal court;

(2) have engaged in the active practice of law for at least five years;

(3) be a former commissioned officer in the armed forces of the United States or the reserve components, or in the militia of a state; and

(4) have at least five years' experience as an officer in the judge advocate general's corps of the armed forces of the United States or the militia of the state.

(d) Except as provided in AS 39.05.080 (4), an appointee selected to fill a vacancy shall hold office for the unexpired term of the member whose vacancy is filled. A vacancy in the commission does not impair the authority of a quorum of members to exercise the powers and perform the duties of the commission.

(e) A member may be reappointed if the reappointment complies with this section.

The governor may appoint an alternate member, who will serve temporarily in cases where a Military Appeals Commission member is removed or otherwise unavailable to perform the duties of a commission member. The alternate member must be confirmed by a majority of the members of the legislature in joint session and otherwise meet the qualifications specified in (c) of this section.

Function: After exhausting all remedies available under the code of military justice, a party may file a petition for review in the Alaska supreme court from a final decision of the Military Appeals Commission that upholds a conviction and sentence imposed by a general or special court-martial for an offense under this chapter.

The commission has

(1) jurisdiction to hear appeals from courts-martial by the

(A) state in accordance with AS 26.05.615 ; and

(B) accused regarding sentences, punishments, clearly erroneous findings, and matters of law; and

(2) the discretion to remand those cases to a competent court-martial.

Special facts: There are no terms for appointees. Appointees serve until they resign or are removed for cause.

Compensation: Standard Travel and Per Diem

Meetings: When needed

For further information and to reach individual members, contact:

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