

(2) *Applicability and use of Table of Equivalent Punishments.* The Table of Maximum Punishments, which lists the maximum punishment in terms of confinement or forfeiture, or both, contains no reference to lesser forms of punishment, such as hard labor without confinement, restriction to limits, or detention of pay, which are appropriate for many minor offenses. In the case of enlisted members, the court in its discretion may substitute at the following rates other punishments for those listed in the table:

Table of Equivalent Punishments

Confinement on bread and water or diminished rations*	Confinement at hard labor	Hard labor without confinement	Restriction to limits	Forfeiture	Detention
½ day-----	1 day-----	1½ days----	2 days-----	1 day's pay	1½ day's pay

*Maximum authorized is 3 days (12b).

The foregoing table may be used in a variety of ways to determine substitute punishments. Thus, if an enlisted member is convicted of an offense for which the maximum forfeiture is two-thirds of one month's pay, the court may substitute other punishments, at the above indicated rates, for all or part of the 20 days' forfeiture. For example, it may impose forfeiture of 10 days' pay and for the remaining 10 days' forfeiture it may substitute 10 days' confinement, or 15 days' hard labor without confinement, or 20 days' restriction. Similarly, if the authorized punishment for an offense is confinement at hard labor for one month and forfeiture of two-thirds of one month's pay, the court may, for example, by substitution adjudge hard labor without confinement for 15 days (1½ for 1), restriction to limits for 40 days (2 for 1), and forfeiture of two-thirds pay for one month. However, in making substitutions the court must observe the limitations on its jurisdiction and on particular types of punishment. For instance, the two examples given above would not be applicable in a trial by summary court-martial of an enlisted member above the fourth enlisted pay grade, as confinement or hard labor without confinement cannot be adjudged (16b). Also, if the authorized punishment for an offense is confinement at hard labor for one month and forfeiture of two-thirds pay for one month, a summary court-martial could not adjudge additional forfeitures in lieu of any part of the confinement, since it has no jurisdiction to adjudge a forfeiture of more than two-thirds of one month's pay. Similarly, if the authorized punishment for an offense is confinement at hard labor for two months and forfeiture of two-thirds pay per month for two months, no court can substitute restriction to the limits for all of the confinement (that is, 2 x 60, or 120 days) since in no event may restriction be imposed in excess of two months (60 days). Since confinement and restriction are both forms of deprivation of liberty, only one of these two punishments may be imposed in the maximum amount in any one sentence—an apportionment must be made if it is desired to adjudge both forms of punishment in one and the same sentence (16b). Substituted punishments are of importance chiefly in cases of minor offenses. By